

# U.S. Attorney's Office Southern District of Illinois

A. Courtney Cox, U.S. Attorney

November 2008



## A Message from the U.S. Attorney

### OUR CIVIL DIVISION

Our office is made up of two important Divisions: Criminal and Civil. While the Criminal Division usually receives most of the public and media attention, the Civil Division is equally important to our representation of the United States.

The United States Attorney's Office for the Southern District of Illinois has eight Assistant United States Attorneys (AUSAs), one paralegal, and seven legal assistants working in its Civil Division. The Chief of our Civil Division is Chris Moore. The Civil Division is located at our offices in Fairview Heights.

Pursuant to statute, the Civil Division's responsibilities include:

- (1) the prosecution and defense of civil cases in which the United States is a party; and
- (2) the collection of debts owed the Federal government which are administratively uncollectible.

The Civil Division's litigation responsibilities include many areas on behalf of the United States, its departments, agencies, and employees. Examples include civil fraud prosecutions (especially health care fraud cases), medical malpractice defense, civil and criminal asset forfeiture, employment law, constitutional

rights cases, administrative agency review cases, bankruptcy, commercial litigation, civil environmental prosecutions and defense, immigration law, civil tax prosecutions and defense, social security disability cases, and tort defense.

The Civil Division is currently addressing an increasing number of medical malpractice claims arising from military hospitals, veterans hospitals, and other federally-supported health care facilities. The Civil Division has also been on the leading edge in filing civil and criminal complex asset forfeiture actions against the interests of national and international money launderers, drug cartels, organized crime organizations, and white-collar criminals.

The Civil Division works closely with the Department of Justice's Civil Rights Division in the investigation and prosecution of violations of federal civil rights. Through the work of the "Financial Litigation Unit" (FLU), the Civil Division is responsible for the collection of fines, forfeitures, restitution awards and other penalties. In the most recent fiscal year ending September 30, 2008, the FLU recovered \$32,277,178 for the United States.

*A. Courtney Cox*

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### Link to our website:

<http://www.usdoj.gov/usao/ils/index.html>

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## LECC Activities in November

November 12, 2008: Meeting with the Madison County Chiefs

November 19, 2008: Tri County Fraud Coalition Program at the Four Points in Fairview Heights, Illinois

November 19, 2008: Illinois Drug Enforcement Officers Association Training in Caseyville, Illinois



On November 5, 2008, LECC Coordinator Ron Shownes taught a program on Instructor Development at the in Carbondale Police Department for the Southern Illinois Criminal Justice Training Program.



## Upcoming LECC Activities

December 16, 2008: The LECC is teaching an Enforcement Officers Flying Armed Class in Mount Vernon, Illinois.

January 7, 2009: The LECC is teaching an Enforcement Officers Flying Armed Class at Logan College in Carterville, Illinois.

January 19-22, 2009: The LECC is making two presentations at the National Law Center for Children and Families Annual Conference on Networking and Learning Styles.

## Internet Safety Education In Our Schools

The Illinois legislature has amended the School Code to require that, beginning with the 2009-10 school year, each school district must add internet safety to its curriculum, to be taught at least one time each school year for grade 3 and above. The State Board of Education is required to develop a model curriculum for educating children regarding online safety and to provide to each school district educational materials for parents regarding child online safety.

Schools receiving e-Rate discounts on their telecommunications services and internet access soon will have to educate their students about online safety, sexual predators, and cyber bullying, thanks to federal legislation passed in both the Senate and the House.

The Broadband Data Improvement Act (S.1492), sponsored by Senate Commerce Committee Chairman Daniel Inouye, D-Hawaii, requires the Federal Trade Commission to carry out a national

public awareness program focused on educating children how to use the internet in safe and responsible ways. The legislation also establishes an "Online Safety and Technology Working Group" charged with evaluating online safety education efforts, parental control technologies, filtering and blocking software, and more.



### AWARDS AND ACCOMPLISHMENTS

#### KORTE RECOGNIZED FOR CONTRIBUTION TO "CATS" WORKING GROUP

Legal Assistant Carmalee Korte, of our Fairview Heights Office, recently completed a year-long tenure on the USDOJ CATS Working Group. CATS is an acronym for "Consolidated Asset Tracking System," which is a vital component of the national Asset Forfeiture Program. CATS facilitates the sharing of data among the investigative agencies, the USAOs, and the United States Marshals Service. It is the main source of statistical information used to measure the success of the Asset Forfeiture Program. Carmalee provided essential assistance in the training of CATS users and the successful integration of the assets of the Bureau of Alcohol, Tobacco, Firearms and Explosives into CATS. As a result of her valuable service, Carmalee received a special award and recognition from the Executive Office for United States Attorneys. Congratulations to Carmalee for this well-deserved award.



**MOORE TO RECEIVE SSA DEPUTY COMMISSIONER'S CITATION**

Congratulations to J. Christopher Moore, Chief of the Civil Division. Chris was recently advised that he has been selected to receive a Deputy Commissioner's Citation from the Social Security Administration (SSA) for his "superior contributions, dedication, and perseverance in achieving a victory in a lawsuit against the Social

Security Administration."

In August of 2003, Hans Evers, M.D., a contractor who provided medical consultation for the SSA in Chicago, was terminated following an angry confrontation with his SSA team leader. Evers later unsuccessfully bid on several other contracts with the SSA. Evers pursued administrative claims, and failing that, he sued the SSA and seven individuals, claiming violation of constitutional due process rights.

Among other items, Evers sought \$2.7 million in damages, reversal of his contract termination, and attorney's fees. The district court granted a defense motion to dismiss most of the suit, and the remaining allegations were tried, resulting in dismissal of the remnants of the original suit. Five years after the termination, the Court of Appeals for the Seventh Circuit affirmed both dismissals. Evers has now filed a request for rehearing and for *en banc* review.

**LANCIAULT RECOGNIZED FOR 40 YEARS OF FEDERAL SERVICE**

Maria Lanciault was recently recognized for 40 years of valuable service to the Federal government. She has served as a Legal Assistant in the Criminal Division in our Fairview Heights office since December 1992. Maria began working for the Federal government on October 14, 1968, as secretary to the Director of the Cardiac Catheterization Lab at the VA Hospital on Grand Avenue in St. Louis, Missouri. She married on July 19, 1969. At that time her husband was stationed at Fort Walters, Texas, where she worked with the Chaplain on the Army base. In November 1970 she and her husband returned to this area upon his discharge from the Army. She began working for the National Labor Relations Board in January 1971 as a clerk stenographer and later served as secretary to the Director. She recently stated, "I haven't had many jobs in the 40 years I've worked, but this by far is the best job. I still really like coming to work, and that's why I still do it." Thank you, Maria, for all of your service to our country.



**NORWOOD NAMED DISTINGUISHED LECTURER**

Criminal Chief George Norwood was recently named the 2008 Distinguished Lecturer by the Kaskaskia College Foundation Teachers and Coaches Entrepreneurship Program. On October 21, 2008, George delivered a lecture on “The Value of Public Service” at Kaskaskia College in Centralia, Illinois. George has served as an AUSA in our office for over ten years. He was named Criminal Chief in August 2008.

**FORMER USA HESS PRESENTED WITH USAO AWARD**

On September 17, 2008, the United States Attorney’s Distinguished Service Award was presented to former United States Attorney Frederick J. Hess. United States Attorney Cox presented the award in recognition of Rick’s valuable service as the United States Attorney for 11 years, during which time the office was greatly expanded.

Rick was appointed United States Attorney for the Southern District of Illinois in April 1982. He left in June 1993 for private practice in association with the law firm of Lewis, Rice & Fingersh in Belleville. Rick served earlier in the USAO, having been appointed as an AUSA in 1971, serving for two years as the First AUSA, and later as the Acting United States Attorney for the Eastern District of Illinois in 1977 (which later became the Southern District of Illinois).

Rick appointed 18 of the AUSAs still working in the USAO, over half the lawyers in the office. He appointed eight of the current support staff. In all, Rick is still responsible for hiring almost 1/3 of the entire office as it exists today.



## RECENT NOTEWORTHY CASES

### COCAINE AND MARIJUANA

On October 7, 2008, [ODIS ROBINSON](#), age 27, of Alton, Illinois, pled guilty in the United States District Court in East St. Louis, Illinois, to possession with intent to distribute and conspiracy to distribute cocaine and marijuana. At **ROBINSON's** plea hearing, he admitted that between January 2004 and June 2005, he was involved with various individuals in a conspiracy to obtain and sell cocaine and marijuana in the St. Louis metropolitan area. **ROBINSON** purchased approximately two kilograms of cocaine and 653 kilograms of marijuana during the time frame of the conspiracy. During the course of the investigation, agents also seized approximately \$13,000 in drug proceeds from **ROBINSON**.

Sentencing is set for January 12, 2009. **ROBINSON** faces penalties of from five to 40 years in prison, followed by a term of supervised release of at least four years, and a fine of not more than \$2 million. Investigation in support of the prosecution was conducted by the Drug Enforcement Administration.

The case was prosecuted by Assistant United States Attorney Daniel T. Kapsak.

On October 8, 2008, [LOWELL THOMAS LAKIN](#), age 68, formerly of East Alton, was sentenced in the United States District Court in East St. Louis, Illinois. **LAKIN** previously pled guilty to maintaining a place for the use and distribution of cocaine; possession with intent to distribute cocaine; and distribution of cocaine to a person under age 21.

**LAKIN** was sentenced to 72 months' imprisonment and ordered to be placed on supervised release for a period of six years following his

release. **LAKIN** was fined \$148,800 (constituting a \$20,000 fine plus the addition of an estimated \$128,800 incarceration and supervision costs), ordered to forfeit \$325,000 (the value of the East Alton residence that was used as a drug house), and ordered to pay \$300 in special assessments.

**LAKIN** was also ordered to pay special restitution in the amount of \$180,000, which was ordered to be distributed to the Madison County Children's Advocacy Center in the amount of \$40,000; the St. Clair County Children's Advocacy Center in the amount of \$40,000; the Don Bosco Children's Center in the amount of \$40,000; the Children's Home and Aid Society in Granite City in the amount of \$40,000; and the Belleville Society of St. Vincent de Paul in the amount of \$20,000.

The Investigation was conducted by the Federal Bureau of Investigation.

The case was prosecuted by Assistant United States Attorneys Stephen Clark and Kevin Burke.

On October 7, 2008, [ISAAC C. GARNER](#), a/k/a "Ike," age 31, of Carbondale, Illinois, was indicted by a federal grand jury sitting in Benton, Illinois, in a one-count indictment charging him with distribution of crack cocaine. The violation is alleged to have taken place on May 27, 2008, in Jackson County.

The offense carries a penalty of up to 20 years' imprisonment, a fine of up to \$1 million, and a term of three years' supervised release. **GARNER** is being detained pending an October 14, 2008, bond hearing.

The investigation was conducted by the Drug Enforcement Administration, Southern Illi-

## Recent Noteworthy Cases, continued

nois Enforcement Group, and the Carbondale Police Department.

The case is assigned to Assistant United States Attorney Amanda A. Robertson for prosecution.

On October 22, 2008, a federal jury in East St. Louis, Illinois, convicted [KENNETH THOMAS](#), a/k/a "Vamp," age 50, of East St. Louis, Illinois, on one count of conspiracy to distribute over five kilograms of cocaine and marijuana and one count of possession with intent to distribute over five grams of cocaine base, commonly referred to as "crack" cocaine. Upon sentencing, **THOMAS** faces a mandatory minimum sentence of ten years and a maximum of life, a fine of up to \$4 million and at least five years' supervised release on the conspiracy to distribute cocaine and marijuana charge and faces five to 40 years' imprisonment, a fine of up to \$2 million, and at least four years' supervised release. Sentencing is scheduled for January 26, 2009.

The investigation was conducted under the auspices of the Organized Crime Drug Enforcement Task Force. The Drug Enforcement Administration led the investigation.

The case was handled by Assistant United States Attorney Ranley R. Killian.

On November 3, 2008, [ERIC MURPHY](#), age 32, of St. Louis, Missouri, was sentenced in the United States District Court in East St. Louis, Illinois. **MURPHY**, who on July 18, 2008, had pled guilty to a one-count indictment charging him with conspiracy to distribute and possession with intent to distribute cocaine, was sentenced to 102 months' imprisonment, ordered to pay a

mandatory special assessment of \$100, fined \$500, and placed on five years of supervised release.

**MURPHY**, at his July 18, 2008 plea, admitted that from September 30, 2007, to October 2, 2007, he had conspired with others to distribute a total of approximately seven kilograms of cocaine in the southern Illinois area.

The investigation was conducted under the auspices of the Organized Crime Drug Enforcement Task Force. The Drug Enforcement Administration led the investigation.

The case was handled by Assistant United States Attorney Ranley R. Killian.

On November 4, 2008, [STEVEN A. WOOLEY](#), age 23; **HORATIO J. WATSON**, age 25; and **TRAVIS L. WOOLEY**, a/k/a "T-Low," age 21, all of Carbondale, Illinois, were indicted by a federal grand jury sitting in Benton, Illinois, in a one-count indictment charging them with conspiracy to distribute crack cocaine. The violation took place between August 2006 and August 2008, in Jackson County.

The offense carries a penalty of five-40 years' imprisonment, a fine of up to \$2 million, and a term of four years' supervised release.

The investigation was conducted by the Jackson County Sheriff's Office, Murphysboro Police Department, Illinois State Police, Southern Illinois Enforcement Group, Carbondale Police Department, and the Drug Enforcement Administration.

The case is assigned to Assistant United States Attorney Amanda A. Robertson for prosecution.

## Recent Noteworthy Cases, continued

### ESCAPE

On October 7, 2008, [DEVANT T. GETER](#), age 35, of 10582 Chelmsford Street, Cincinnati, Ohio, was indicted by a federal grand jury sitting in Benton, Illinois, in a one-count indictment charging him with knowingly escaping from custody at the federal prison camp at Marion, Illinois. He left the prison camp, which is a minimum security penal institution, on September 13, 2008, and has not returned.

Upon conviction, **GETER** faces a sentence of up to five years' imprisonment and a \$250,000 fine in addition to the sentences that have already been imposed. **GETER** was serving sentences for distribution of more than 500 grams of cocaine, possession of firearms by a convicted felon and a revocation of his supervised release on a conspiracy to distribute cocaine charge, all of which were imposed in the United States District Court in Cincinnati, Ohio.

Anyone with information relating to the whereabouts of **GETER** may call the United States Marshal Service at 618-439-6442.

Assistant United States Attorney Michael C. Carr is handling the prosecution.

### METHAMPHETAMINE/FIREARMS

[JEREMY R. MCGILL](#), age 23, of Mt. Carmel, Illinois, pled guilty on October 9, 2008, in the United States District Court in East St. Louis, Illinois, to an indictment charging him with one count of possessing with intent to distribute methamphetamine. **MCGILL** was charged with that offense by a federal grand jury on August 5, 2008. The indictment alleged that the offense occurred on October 5, 2007.

Sentencing was set for January 9, 2009, at

10:30 a.m. at the United States District Court-house in East St. Louis. **MCGILL** faces up to 20 years' imprisonment, a fine of up to \$1 million, and a term of supervised release of three years to life to follow his incarceration.

**MCGILL's** bond was revoked following his guilty plea, and he was remanded to the custody of the United States Marshal pending sentencing.

The investigation into the case was conducted by the United States Postal Inspection Service.

The case is being prosecuted by Assistant United States Attorney James M. Cutchin.

On October 24, 2008, [RICHARD M. DALTON](#), age 37, of Dowell, Illinois, was sentenced in the United States District Court in East St. Louis, Illinois. **DALTON**, who had previously pled guilty to a two-count indictment charging him with conspiracy to distribute methamphetamine and unlawful possession of a firearm by a felon, was sentenced to 188 months' imprisonment, five years' supervised release, and was fined \$600. One co-defendant was previously sentenced to 135 months for his involvement in the methamphetamine conspiracy.

Evidence supporting the guilty pleas and sentencing established that between October 2005 and February 20, 2007, **DALTON** and others were obtaining multi-pound amounts of methamphetamine from Texas. The methamphetamine was then distributed in Memphis, Tennessee, and in Union and Jackson Counties in the Southern District of Illinois. During a December 31, 2006, search of **DALTON's** Dowell, Illinois, residence, officers located a firearm and drug paraphernalia.

## Recent Noteworthy Cases, continued

The investigation in this case was conducted by the Jackson County Sheriff's Office; Union County Sheriff's Office; Murphysboro Police Department; Bureau of Alcohol, Tobacco, Firearms and Explosives; United States Marshal Service; and Drug Enforcement Administration pursuant to those agencies' participation in the Project Safe Neighborhoods Initiative. The Texas Department of Public Safety also assisted in the investigation.

The case was assigned to Assistant United States Attorney Amanda A. Robertson for prosecution.

On October 24, 2008, [AMY J. STANTON](#), age 34, of Golconda, Illinois, was sentenced in the United States District Court in East St. Louis, Illinois. **STANTON**, who had previously pled guilty to a one-count indictment charging her with conspiracy to manufacture methamphetamine, was sentenced to 42 months' imprisonment, three years' supervised release, and was fined \$350. A co-defendant has pled guilty and is awaiting sentencing.

Evidence supporting the guilty plea and sentencing established that between at least January 2007, and March 13, 2008, **STANTON** and others were supplying pseudoephedrine pills to others to be used in the manufacture of methamphetamine in Union County, Illinois.

The investigation in this case was conducted by the Union County Sheriff's Office, Jackson County Sheriff's Office, Illinois State Police, and Drug Enforcement Administration pursuant to their participation in the Project Safe Neighborhoods Initiative for the Southern District of Illinois.

The case is assigned to Assistant United States Attorney Amanda A. Robertson for prosecution.

On October 21, 2008, [GREGORY L. ROWE](#), age 39, of Murphysboro, Illinois, was indicted by a federal grand jury sitting in East St. Louis, Illinois, in a one-count indictment charging him with unlawful possession of a firearm by a felon. The violation is alleged to have taken place on July 9, 2008, in Jackson County.

The offense carries a penalty of up to ten years' imprisonment, a fine of up to \$250,000, and a term of three years' supervised release. **ROWE** made his initial appearance on the charge on October 24, 2008, and was ordered held without bond pending a December 15, 2008, jury trial.

The investigation which developed evidence in support of this indictment was conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives, Jackson County Sheriff's Office, and Murphysboro Police Department pursuant to those agencies' participation in the Project Safe Neighborhoods Initiative.

The case is assigned to Assistant United States Attorney Amanda A. Robertson for prosecution.

On October 23, 2008, in the United States District Court in East St. Louis, Illinois, [THOMAS E. WILKERSON](#), age 47, of Shobonier, Illinois; **DAVID M. FICKES**, age 40, of Effingham, Illinois; **BILLY D. YORK**, age 50, of Vandalia, Illinois; and **WESLEY DEAN CONNER**, age 44, of Vandalia, Illinois, each pled guilty to count 1 of a superseding indictment charging them with conspiracy to

## Recent Noteworthy Cases, continued

manufacture, distribute and possess with intent to distribute 500 grams or more of methamphetamine. The statutory penalty applicable to **WILKERSON and FICKES** is not less than 20 years' imprisonment up to life imprisonment, up to an \$8 million fine, and a term of supervised release of not less than ten years. The statutory penalty applicable to **YORK** is not less than ten years' imprisonment up to life imprisonment, up to a \$4 million fine, and a term of supervised release of not less than five years. The statutory penalty applicable to **CONNER** is not less than five years' imprisonment up to 40 years' imprisonment, up to a \$2 million fine, and a term of supervised release of not less than four years. **THOMAS E. WILKERSON** also pled guilty to count 2 of the indictment which charged him with possession of products with the intent to manufacture methamphetamine, the offense occurring on November 5, 2006, in Fayette County. Count 2 carries a statutory penalty of not more than 20 years' imprisonment, up to a \$250,000 fine, or both, and a term of supervised release of not more than three years. Sentencing is scheduled for all defendants for February 20, 2009, beginning at 9 a.m.

According to the superseding indictment and to other court documents, the conspiracy operated in and around Fayette, Clinton, and Madison Counties, and elsewhere in the Southern District of Illinois, from approximately May 2004 through November 2006.

This investigation into methamphetamine manufacturing activity was primarily conducted by the Drug Enforcement Administration and the Fayette County Sheriff's Office, and was conducted in cooperation with Fayette County State's Attorney, Stephen Friedel. The investigation was conducted as part of the Project Safe Neighborhoods DRAGUN Team Initiative, a coop-

erative effort of local, state and federal law enforcement, and state and federal prosecuting authorities, aimed at ridding communities of illegal drugs and guns.

The case is being prosecuted by Assistant United States Attorney Kit Morrissey.

On October 24, 2008, in the United States District Court in East St. Louis, Illinois, [DONALD R. SCHULTZ](#), age 52, of Vandalia, Illinois, and **DAVID M. MURRAY**, age 55, of Ramsey, Illinois, each pled guilty to a superseding indictment charging them with conspiracy to manufacture, distribute and possess with intent to distribute 500 grams or more of methamphetamine. The statutory penalty applicable to **SCHULTZ** and **MURRAY** is not less than ten years' and up to life imprisonment, up to a \$4 million fine, and a term of supervised release of not less than five years. Sentencing is scheduled for both defendants on February 20, 2009, at 9 a.m. Nine co-defendants have previously pled guilty and been sentenced in this case.

According to the superseding indictment and to other court documents, the conspiracy operated in and around Fayette, Clinton, and Madison Counties, and elsewhere in the Southern District of Illinois, from approximately May 2004 through November 2006.

This investigation into methamphetamine manufacturing activity was primarily conducted by the Drug Enforcement Administration and the Fayette County Sheriff's Office, and was conducted in cooperation with Fayette County State's Attorney, Stephen Friedel. The investigation was conducted as part of the Project Safe Neighborhoods DRAGUN Team Initiative, a cooperative effort of local, state and federal law en-

## Recent Noteworthy Cases, continued

forcement, and state and federal prosecuting authorities, aimed at ridding communities of illegal drugs and guns.

The case is being prosecuted by Assistant United States Attorney Kit Morrissey.

On October 30, 2008, [ADAM R. WALKER](#), age 24, of Herrin, Illinois, was sentenced in the United States District Court in Benton, Illinois. WALKER, who had previously pled guilty to a one-count indictment charging him with unlawful possession of a firearm by a felon, was sentenced to 42 months' imprisonment, three years' supervised release, and was fined \$300.

The violation took place on April 18, 2008, in Williamson County, Illinois. The investigation was conducted by the Herrin Police Department, Williamson County Sheriff's Office, Jackson County Sheriff's Office, and Bureau of Alcohol, Tobacco, Firearms, and Explosives pursuant to their participation in the Project Safe Neighborhoods Initiative for the Southern District of Illinois.

The case was assigned to Assistant United States Attorney Amanda A. Robertson for prosecution.

On October 31, 2008, [CARL J. GRIFFITH](#), a/k/a "C.J.," age 26, of Carbondale, Illinois, was sentenced in the United States District Court in East St. Louis, Illinois. GRIFFITH, who had previously pled guilty to a one-count indictment charging him with conspiracy to manufacture methamphetamine, was sentenced to 247 months' imprisonment, eight years' supervised release, and was fined \$400.

Evidence supporting the guilty plea and

sentencing established that between at least February 2005, and June 2007, **GRIFFITH** and others were manufacturing methamphetamine in Jackson, Williamson, and Franklin Counties. One co-defendant has pled guilty and is awaiting sentencing for his involvement in the methamphetamine conspiracy.

The investigation was conducted by the Jackson County Sheriff's Office, Union County Sheriff's Office, Murphysboro Police Department, and Drug Enforcement Administration pursuant to their participation in the Project Safe Neighborhoods initiative in the Southern District of Illinois.

The case was assigned to Assistant United States Attorney Amanda A. Robertson for prosecution.

### WIRE FRAUD

On October 10, 2008, [MICHAEL EDWARD DOTSON](#), age 44, of Las Vegas, Nevada, entered a plea of guilty to an 11-count indictment charging him with one count of conspiracy to commit wire fraud. **DOTSON** also agreed to a criminal forfeiture, as alleged in the indictment. The violation took place between January 1, 2003, and January 2008, in the Southern District of Illinois and elsewhere. Sentencing is scheduled on January 16, 2009, at 10:30 a.m.

**MICHAEL EDWARD DOTSON** had previously been indicted for causing wire transfers to be made from the Southern District of Illinois and elsewhere. Victims were told that **MICHAEL EDWARD DOTSON** needed money in order to recover gold and that they would receive a return on their investment.

Counts one through ten each carries a sentence of up to 20 years' imprisonment or a fine of \$250,000, or both. Count 11 seeks to for-

## Recent Noteworthy Cases, continued

feit \$1,400,000.

Information for the indictment was obtained in an investigation conducted by the United States Postal Inspection Service.

The case was prosecuted by Assistant United States Attorneys Jennifer Hudson and Bruce Reppert.

### BANK ROBBERY

On October 10, 2008, [RODNEY MESSIC](#), age 56, of Evansville, Indiana, was sentenced in the United States District Court in Benton, Illinois. **MESSIC**, who had previously pled guilty to two counts of armed bank robbery and two counts of brandishing a firearm during a crime of violence, was sentenced to 499 months' imprisonment and five years' supervised release. **MESSIC** was also ordered to pay \$49,298 in restitution and a \$400 assessment.

The factual basis submitted at the time of **MESSIC's** guilty plea established that, on July 20, 2006, **MESSIC** and two co-defendants robbed the First Neighbor Bank in Casey, Illinois. On August 23, 2006, **MESSIC** and his co-defendants robbed the Elkhaville State Bank in Elkhaville, Illinois. **MESSIC** and a co-defendant were armed during the robberies, and during the Elkhaville robbery, a bank employee was struck with a firearm. The co-defendants have pled guilty and are awaiting sentencing.

The investigation was conducted by the Jackson County Sheriff's Office; Murphysboro Police Department; Federal Bureau of Investigation; Casey Police Department; Clark County Sheriff's Office; Bureau of Alcohol, Tobacco, Firearms, and Explosives; and the United States Marshal Service pursuant to their participation in the Project Safe Neighborhoods Initiative. The Owensboro, Kentucky, Police Department and

McCracken County Sheriff's Department also participated in the investigation.

The case is being prosecuted by Assistant United States Attorney Amanda A. Robertson.

### CIVIL RIGHTS

On October 15, 2008, [JOSEPH L. BROWN](#), age 25, of Pontiac, Illinois, pled guilty to a three-count indictment charging conspiracy to interfere with the federally protected housing rights of African-American victims on the basis of race (Count 1); threatening the use of force to interfere with another's housing rights on the basis of race (Count 2); and making a false statement to a federal law enforcement officer (Count 3).

On October 31, 2008, [WILLIAM BOWEN](#), age 25, of St. Louis, Missouri, was sentenced in the United States District Court in East St. Louis, Illinois, for conspiracy to interfere with the federally-protected housing rights of African-American victims (Count 1) and interfering with African-American victims because of their occupation of a dwelling through the threatened use of force (Count 2). **BOWEN** pled guilty to the offenses on July 22, 2008. **BOWEN** was sentenced to 25 months of imprisonment on Count 1, and 12 months of imprisonment on Count 2, to run concurrently, and three years' supervised release. In addition, he was fined \$200 and ordered to pay a \$125 special assessment. Under federal law, parole has been abolished, meaning that **BOWEN** will be required to serve at least 85 percent of his sentence before he can be released.

The violations occurred on March 29, 2003, in Collinsville, Illinois, when the defendants conspired with each other to frighten and intimidate several individuals, two of whom were Afri-

## Recent Noteworthy Cases, continued

can-American, by spray painting racial threats and epithets on the exterior of the individuals' home. The defendants wanted to scare the victims into moving out of the neighborhood on Art Street where the victims and the defendants both lived. Before the vandalism occurred, **BROWN** had tried to organize **BOWEN** and other young people into forming a racial group or gang. **BROWN** told the others that he was angry that African-Americans were living on the same street where he lived and that a white woman lived there with the African-Americans. When interviewed about the incident by the FBI on January 22, 2008, **BROWN** lied by claiming not to know anything about the racial vandalism committed in March 2003. **BROWN** also lied by claiming that he was not involved in the incident and that he did not know anyone who might have been involved in the incident.

The offense charged against **BROWN** in Count 1 carries with it a penalty of a term of imprisonment of up to ten years, a fine of not more than \$250,000, or both, and a term of supervised release of not more than three years. The offense charged in Count 2 carries with it a penalty of a term of imprisonment of up to one year, a fine of not more than \$100,000, or both, and a term of supervised release of not more than one year. The offense charged in Count 3 carries with it a penalty of a term of imprisonment of up to five years, a fine of not more than \$250,000, or both, and a term of supervised release of not more than three years. Sentencing is scheduled for February 13, 2009, in East St. Louis, Illinois.

The investigation was conducted by the Federal Bureau of Investigation.

The cases were handled by Deputy Chief Bobbi Bernstein and Trial Attorney Kevonne Small of the Civil Rights Division of the Depart-

ment of Justice and Assistant United States Attorney Angela Scott.

### TAX EVASION

**KAY FLOARKE**, age 52, of Waterloo, Illinois, pled guilty to the offense of tax evasion on October 24, 2008.

The offense carries a maximum possible punishment of up to five years' imprisonment, a fine of up to \$250,000, three years' supervised release, and costs of prosecution. Sentencing is scheduled for March 6, 2009.

According to the stipulation of facts filed at the time of the plea, **KAY FLOARKE** was employed as the office manager for an insurance company and embezzled income from 2002 through 2006. **FLOARKE** failed to disclose her embezzled income on her federal income tax returns. Additionally she admitted that as office manager, she prepared false W-2 earnings statements which concealed her embezzled income. **FLOARKE** admitted that she embezzled a total of \$122,771, and as part of the plea she has agreed to make restitution. Additionally, **FLOARKE** admitted that the total tax loss from her conduct is \$40,688, and she will be ordered to pay restitution to the Internal Revenue Service for her tax loss.

The investigation was conducted by the Internal Revenue Service, Office of Criminal Investigations.

The case is being prosecuted by Assistant United States Attorney Norman R. Smith.

### CHILD EXPLOITATION/PORNOGRAPHY

**LOUISE HELEN MASULLA**, age 32, of New Athens, Illinois; **TABITHA D. ROBINSON**, age 32,

## Recent Noteworthy Cases, continued

of Midlothian, Illinois; and **WILLIAM M. MILLIGAN**, age 27, of Bloomington, Indiana, were charged in a criminal complaint filed October 27, 2008, in the United States District Court with child exploitation offenses. **MASULLA, ROBINSON, and MILLIGAN** were charged with conspiracy to produce child pornography and with conspiracy to transport minors with intent to engage in criminal sexual activity. In addition, **MASULLA** was charged with aggravated sexual abuse and transportation of child pornography. **MILLIGAN** was also charged with receipt of child pornography.

The offense of conspiracy to produce child pornography carries a penalty of from 15 years up to 30 years. The conspiracy to transport minors with intent to engage in criminal sexual activity offense carries a penalty of from ten years to life. Aggravated sexual abuse carries a penalty of 30 years up to life. The offense of transportation and receipt of child pornography are charges carrying a penalty of from five to 20 years. The offenses also carry a term of supervised release of from five years to life.

The violations are alleged to have occurred between July 22, 2008, and August 10, 2008, in Madison County, Illinois, and elsewhere. The affidavit to the complaint indicates that the investigation began as a result of a report made to the Alton, Illinois, Police Department regarding criminal sexual conduct involving a child and activities occurring in internet chat rooms. The complaint alleges that **MASULLA, ROBINSON, and MILLIGAN** were involved in a sexual encounter in an Indiana hotel room with victims of the age of eleven and three and that photographs of the sexual activity were taken.

FBI Special Agent in Charge, Karen E. Spangenberg, emphasized, "This investigation is

a prime example of why it is crucial for law enforcement agencies to engage in proactive, multi-agency investigations. The Cyber Crimes Task Force facilitates a productive working relationship among all agencies who are working together everyday, sharing resources and expertise, to combat the exploitation of children. The FBI and its law enforcement partners will not hesitate to use all available investigative techniques and technology to identify and capture those who abuse children."

According to United States Attorney Cox, "The U.S. Attorney's Office is committed to the protection of children from those who abuse and exploit them. In this cause, we value the work and dedication of the FBI through its Cyber Crimes Task Force, and the many law enforcement agencies who assist and participate in this important work. Our message to child predators is this: if you exploit children, we will find you and we will prosecute you."

The investigation and prosecution of this case are part of Project Safe Childhood, in which the United States Attorney's Office, in conjunction with federal and state law enforcement authorities, is actively investigating and prosecuting individuals who produce, distribute, or possess child pornography.

The evidence supporting the charges contained in the criminal complaint was obtained in an investigation conducted by the Springfield, Chicago, and Indianapolis offices of the FBI; the Alton Police Department; the Illinois State Police; and the Cook County Sheriff's Police Department. The United States Attorney's Office for the Southern District of Indiana assisted in the investigation of **MILLIGAN**.

The case is assigned to Assistant United States Attorney Suzanne M. Garrison for prose-

## Recent Noteworthy Cases, continued

cution.

On October 31, 2008, [CHARLES WAYNE JOHNS](#), age 38, of West Frankfort, Illinois, was sentenced in the United States District Court in East St. Louis, Illinois, to 144 months' imprisonment for distributing and possessing child pornography. **JOHNS** had previously pled guilty on July 21, 2008, to an indictment charging him with one count of distributing child pornography and one count of possessing child pornography. The indictment alleged that the offenses occurred on May 17, 2007, and May 26, 2007, respectively.

Evidence presented to support **JOHNS'** guilty plea and sentence showed that an investigator monitored **JOHN'S** use of an internet peer-to-peer file sharing network to receive and distribute photographs and videos depicting pornographic images of young children. A search warrant was subsequently executed at **JOHNS'** residence where law enforcement agents recovered **JOHNS'** computer and other media which contained numerous child pornography files.

In addition to the term of imprisonment, **JOHNS** was ordered to pay the United States fines and special assessments totaling \$600 and was placed on a term of supervised release of five years to follow his incarceration. Under federal law, parole has been abolished meaning that **JOHNS** will be required to serve at least 85 percent of his sentence. **JOHNS** was remanded to the custody of the United States Marshal pending his designation to a Federal Bureau of Prisons facility.

The investigation in this case was conducted by the Federal Bureau of Investigation Southern Illinois Cyber Crimes Task Force, the Illinois Attorney General's Office Crimes Against Children Task Force, and a number of state and local law enforcement agencies.

This case is part of Project Safe Childhood, in which the United States Attorney's Office, in conjunction with federal and state law enforcement authorities, is actively investigating and prosecuting individuals who produce, distribute, or possess child pornography.

The case was prosecuted by Assistant United States Attorney James M. Cutchin.

On October 31, 2008, [BRUCE E. WALKER](#), age 49, of Belleville, Illinois, was sentenced to serve a 48-month term of imprisonment following his conviction for possession of child pornography. **WALKER** has been in custody since he entered a guilty plea on November 30, 2007.

The violation was alleged to have occurred on February 28, 2007, in St. Clair County, Illinois. At the time of the offense, **WALKER** was a Senior Master Sergeant in the United States Air Force. Following release from imprisonment, **WALKER** will be on supervised release for ten years. He will also be required to register as a sex offender.

The case was investigated by the Federal Bureau of Investigation's Metro-East Cyber Crime and Analysis Task Force and the Illinois Attorney General's Internet Crimes Against Children Task Force. Task force members participating in the investigation included the Belleville Police Department, the Illinois Department of Corrections, and the Alton Police Department.

The case was prosecuted by Assistant United States Attorney Suzanne M. Garrison.

### TAX AND IMMIGRATION

On October 29, 2008, [DUO CHEN](#), age 37,

## Recent Noteworthy Cases, continued

and **JUSTIN QIU**, age 37, both of Herrin, Illinois, entered guilty pleas in federal court in Benton, Illinois, to an information charging them with tax and immigration offenses.

According to a factual stipulation filed at the time of the plea, **DUO CHEN** owned and operated Kew Gardens Chinese restaurant located in Herrin, Illinois. **CHEN** skimmed significant amounts of funds from Kew Gardens for his personal use and failed to report the income on his personal tax returns. **CHEN** maintained a "black book" which documented the cash skim during the time period of November 2002 through January 2006. The investigation started in January 2006, when a manager **CHEN** employed at Kew Gardens stole the black book and attempted to extort monies from **CHEN** in exchange for the return of the book.

Following his arrest, the manager also told authorities that **CHEN** knowingly employed illegal aliens and that **CHEN** provided housing for them at various locations. Knowing that the manager was an illegal alien, **CHEN** harbored the manager by providing him housing and utilities, representing partial payment of the manager's wages.

**CHEN** shared in the ownership of "Wok N' Roll," a buffet-style restaurant in Marion, Illinois, with his brother-in-law, **JUSTIN QIU**.

From approximately March 2004, through April 2006, **CHEN** and **QIU** conspired to defraud the United States by evading taxes. **CHEN** and **QIU** had an agreement that they would skim large sums of cash obtained from the operation of Wok N' Roll, while concealing the receipt of that cash from the IRS and their accountants. **CHEN** and **QIU** also agreed to conceal the correct dollar total of sales or gross receipts from their accountant and the IRS. **CHEN** and

**QIU** recorded the correct dollar total of sales and gross receipts in handwritten journals and met with each other at the end of the month for the purpose of diverting cash to themselves. For the tax years 2004 and 2005, **CHEN** and **QIU** caused others to prepare and file false tax returns with the IRS on behalf of Southern Grill, Inc.

Between March 2004 and January 2006, **CHEN** and **QIU** conspired to harbor illegal aliens. Representing partial compensation for their employment, **CHEN** and **QIU** harbored these illegal aliens, paying their utilities and often arranging for their transportation to Wok N' Roll for work.

Sentencing has been set for January 29, 2009. The federal investigation began following a lead provided by the Herrin Police Department. The investigation was conducted by the IRS; Immigration and Customs Enforcement; and the Department of Labor, Office of Inspector General.

The case is being prosecuted by Assistant United States Attorney Suzanne M. Garrison.

### PHARMACY BURGLARIES/DRUG DISTRIBUTION

A federal trial jury on October 29, 2008, convicted two West Virginia men on charges of (1) conspiracy to commit pharmacy burglaries and (2) conspiracy to distribute controlled substances. The jury also found, in special verdicts, that four deaths resulted from the activities related to the drug distribution conspiracy.

[REX I. HATFIELD](#), age 52, and his brother, **EVERLY K. HATFIELD**, age 48, both residents of Oceana, West Virginia, were convicted in the United States District Court in East St. Louis, Illinois, following a three and one-half week jury trial. Over 100 witnesses testified for the gov-

## Recent Noteworthy Cases, continued

ernment during the trial.

According to the testimony of multiple witnesses, the Hatfields led a group which committed approximately 85 pharmacy burglaries in ten states, including a dozen burglaries in Southern Illinois and at least five in Missouri. Among these were pharmacies in Flora, Eldorado, Fairfield, Mattoon, Metropolis, and Carmi, Illinois, and in St. Charles, Crestwood, Seneca, and St. Joseph, Missouri.

Multiple witnesses testified at trial that the Hatfields and their associates stole pain pills such as oxycontin, morphine patches (fentanyl) and other controlled substances valued in excess of \$500,000 between 1998 and 2004.

The evidence suggested that the Hatfields transported the stolen pharmaceuticals back to West Virginia and Virginia, where the drugs were sold to drug dealers working for the Hatfields.

The jury returned special verdict forms which found the Hatfields' activities resulted in the drug overdose deaths of Deborah Smith in Honaker, Virginia, in 2001; Mark Honaker in Lebanon, Virginia, in 2000; Carol Walker in Glen Fork, West Virginia, in 2002; and Jimmy Dishmon (the Hatfields' brother-in-law) in Oceana, West Virginia, in 2003.

According to multiple witnesses who testified at trial, the Hatfields suspected Smith and Walker of being police informants. Walker died just a week before she was scheduled to testify against Everly Hatfield on a West Virginia state felony charge of distribution of oxycontin. According to eyewitnesses, the Hatfields had bragged after Smith and Walker died, claiming that they had prevented Smith and Walker from testifying against them.

The jury also returned a special verdict

form holding the Hatfields responsible for causing life-threatening drug-related injuries to Richard Ward on October 18, 2003, in Glen White, West Virginia. Witnesses testified that the Hatfields believed Ward was about to testify against them concerning a pharmacy burglary that the Hatfields and Ward had committed in Princeton, West Virginia. According to eyewitnesses, when Ward collapsed and stopped breathing after a drug injection, Everly Hatfield stated, "Let him die. Don't revive him."

Because four deaths resulted from their drug distribution activities, the defendants face a possible term of life imprisonment at their sentence hearings, which are scheduled for January 30, 2009.

The four-year investigation which resulted in the conviction of the Hatfields was conducted by the Drug Enforcement Administration; the Bureau of Alcohol, Tobacco, Firearms and Explosives; the Madison County, Illinois Sheriff's Department; the Oceana, West Virginia Police Department; and the Russell County, Virginia Sheriff's Department.

The case was prosecuted by Assistant United States Attorneys Robert L. Garrison and Nicole E. Gorovsky.

### IDENTITY THEFT AND RELATED CHARGES

On October 30, 2008, [JASON DAVID LINGO](#), age 29, of Granite City, Illinois, was sentenced to serve an 84-month term of imprisonment following his convictions for possession of unauthorized access devices, mail fraud, and aggravated identity theft. Under federal law, parole has been abolished meaning that **LINGO** will be required to serve at least 85 percent of his sentence. Following release from imprisonment,

## Recent Noteworthy Cases, continued

**LINGO** will be on supervised release for three years. He was also ordered to pay \$3,612.31 in restitution.

**LINGO** pled guilty to the charges on April 11, 2008. The offenses occurred in Madison County, and elsewhere, during the time period of November 2006 through December 2006. The investigation began based on a citizen's complaint after **LINGO** was observed using a public computer terminal to order merchandise over the internet in a manner which was suspicious to the observer.

Subsequent investigation revealed that **LINGO** would do internet searches to find online fraud forums and web sites that discussed illegal methods for obtaining cash fast. **LINGO** would illegally purchase credit card information via e-mail and would use it to purchase electronics and other merchandise over the internet, which **LINGO** would then sell or pawn.

**LINGO** purchased 131 credit card account numbers in October and November of 2007, with many having high lines of credit. The information purchased by **LINGO** included customer names, telephone numbers, email addresses, addresses, credit card numbers, card verification codes, and expiration dates. In some instances, the customer data profile also included a password.

According to FBI Special Agent in Charge Karen Spangenberg, "Identity theft has evolved into a serious and pervasive threat to consumers and the financial industry. Financial institutions lose billions of dollars each year to identity theft and consumers lose time and money while trying to undo the harm caused to their credit records. The FBI commends the work of the Collinsville Police Department, as well as all of the agencies who devote resources and contribute to the suc-

cess of the Cyber Crimes Task Force."

**LINGO** twice failed to appear for his sentencing hearing in Benton, Illinois. He was a fugitive from August 18, 2008, until last week.

The investigation was conducted by the Federal Bureau of Investigation's Metro East Cyber Crime Task Force, which includes members of the Collinsville Police Department who are deputized as Special Federal Officers.

The case was prosecuted by Assistant United States Attorney Suzanne M. Garrison.

### ECSTASY

On November 3, 2008, [CONYELL TAYLOR](#), age 32, of St. Louis, Missouri, was sentenced in the United States District Court in East St. Louis, Illinois. **TAYLOR**, who on July 24, 2008, had pled guilty to a one-count indictment charging him with conspiracy to distribute, and possession with intent to distribute MDMA (Ecstasy), was sentenced to 70 months' imprisonment, ordered to pay a mandatory special assessment of \$100, fined \$500, and placed on five years of supervised release.

**TAYLOR**, at his July 24, 2008 plea, admitted to conspiring to distribute 10,400 MDMA (Ecstasy) pills between April 24, 2007, and June 27, 2007.

The investigation was conducted under the auspices of the Organized Crime Drug Enforcement Task Force. The Drug Enforcement Administration led the investigation.

The case was handled by Assistant United States Attorney Ranley R. Killian.

## KEY DATES IN NOVEMBER

- 1 Christian: All Saints Day
- 1950— U.S.: Two Puerto Rican Nationalist Party members attempt to assassinate President Truman
- 2 2000— Colombia: ELN releases remaining 21 hostages kidnapped from Cali on September 17, 1990
- 4 2001— Israel: U.S. citizen killed in shooting attack on bus in Jerusalem; assailant killed and 35 wounded; PIJ claims responsibility
- 1979— Iran: U.S. Embassy in Tehran seized, 66 taken hostage
- U.S.: Presidential elections
- 6 2001— Spain: ETA car bomb during rush hour in Madrid injures 100
- 7 1985— Colombia: More than 100 die in M-19 seizure of Supreme Court building
- 8 1987— United Kingdom: Thirteen killed by PIRA bomb during Remembrance Day celebration
- 9 2005— Jordan: Three near-simultaneous bomb attacks against Western hotels in Amman kill more than 50, injure 110; al-Qa'ida in Iraq claims responsibility
- 2003— Saudi Arabia: Eighteen killed, 122 injured in bomb attack on residential compound in Riyadh; no claim of responsibility but al-Qa'ida suspected
- 10 2000— Spain: Five suspected ETA members of Vizcaya Commando arrested in Bilbao
- U.S.: United States Marine Corps Birthday
- 11 2000— Kuwait: Seven arrested in crackdown on groups planning to bomb U.S. military targets
- U.S.: Veterans Day
- 12 2003— Iraq: Italian Carabinieri barracks bombed, killing four Iraqi citizens; no claim of responsibility
- 1997— Pakistan: Four U.S. citizens and one Pakistani driver killed in Karachi ambush
- 13 1995— Saudi Arabia: Car bomb at U.S. military advisors' facility in Riyadh kills seven, wounds more than 60; Saudis with ties to Bin Ladin arrested
- 14 2002— U.S.: Mir Amal Kansi executed for 1993 murder of two CIA employees
- 15 1983— Greece: U.S. Navy Captain George Tsantes killed in Athens, 17 November responsible;
- Islamic: Birthday of 'Ali (Shia)
- 17 1997— Egypt: Al-Gama'at al-Islamiyya attack at Temple of Hatshepsut in Luxor leaves 71 dead
- 1973— Greece: Student uprising quashed by riot police, killing 34 and wounding 800; 17 November takes its name from this incident
- 18 2000— Philippines: Bomb explodes in Carmen, killing one and wounding two; grenade wounds three more in Isulan; MILF suspected
- 19 1995— Pakistan: Egyptian Embassy in Islamabad bombed by EIJ
- 20 2003—Turkey: Vehicle explodes in front of British Consulate General, killing 30 and wounding 450; al-Qa'ida claims responsibility
- 2000—Gaza: Roadside bomb targeting Israeli school bus kills two and wounds ten; HAMAS responsible
- 21 2002—Lebanon: Female U.S. citizen shot as she enters church-run facility in Sidon; 'Asbat al-Ansar suspected
- 2000—Sri Lanka: LTTE starts "Heroes Week" with grenade attack on army patrol, killing two civilians and wounding two
- 22 1979—Pakistan: False rumors of U.S. takeover of Grand Mosque in Mecca, Saudi Arabia, fuel Islamic militants' attack on U.S. Embassy in Islamabad
- Lebanon Independence Day
- 23 1996—Comoros Islands: Hijacked Ethiopian plane crashes killing 127, including one American
- 1985—Greece: Egyptian plane hijacked to Malta; 60 killed during attempted rescue; ANO responsible
- 24 2000—India: Gunman kills six Hindu, four Sikh bus passengers; LT blamed
- 25 1984—Portugal: U.S. Embassy hit by four mortar rounds; 25 April Movement responsible
- 26 2000—Israel: Hizballah bomb attack kills one soldier and wounds two others near Shab'a Farms area
- 27 U.S.: Thanksgiving Day
- 28 2002—Kenya: Three suicide bombers drive vehicle into front of Paradise Hotel in Mombasa, killing 15 and wounding 40; al-Qa'ida and other groups claim responsibility
- 2000—India: Sixteen killed, 25 wounded in widespread terrorist incidents in Jammu and Kashmir; Hizb-ul-Mujahedin claims responsibility
- 29 1987—Korean Airlines Flight 858 blown up over Andaman Sea near Burma by two North Korean agents; all 115 passengers killed
- 30 1989—Germany: Alfred Herrhausen, head of Deutsche Bank AG, assassinated; Red Army Faction suspected