



## DISTRICT OF NEVADA UNITED STATES ATTORNEY'S OFFICE DISTRICT ACCOMPLISHMENTS 2011



### *From The Desk of U.S. Attorney Daniel G. Bogden*

Dear Friends, Law Enforcement Partners, and Members of the Court Family, It has been my great honor to serve as United States Attorney for the District of Nevada, and to lead a group of dedicated professionals who are determined to make a difference in our communities, state and country. The intent of this newsletter is to summarize the outstanding achievements of our United States Attorney's Office during 2011. As demonstrated by the many successes listed here, our employees have worked very hard in 2011, and we are continuing to do our important work in 2012. I would like to personally thank our staff, law enforcement and community colleagues, and members of the court family for contributing to these accomplishments.

### **LAS VEGAS UNITED STATES ATTORNEY'S OFFICE TO MOVE INTO NEW BUILDING "THE FEDERAL JUSTICE TOWER"**

On Monday, November 22, 2011, city and federal officials gathered in the empty parking lot on the southeast corner of Clark Street and Las Vegas Boulevard in downtown Las Vegas to mark the groundbreaking of "The Federal Justice Tower," a new federal office building that will house the U.S. Attorney's Office and U.S. Immigration and Customs Enforcement. The ceremony included a presentation of colors by the Homeland Security Investigations Ceremonial Honor Guard and speeches by U.S. Attorney Bogden, Las Vegas Mayor Carolyn Goodman, City Councilman Bob Coffin, GSA Regional Administrator Ruth Cox, and Homeland Security Investigations Deputy Associate Director Peter Edge. The new building will be located directly across the street from the Lloyd George Federal Courthouse where we do much of our work, and is a win/win situation for our office, the Department of Homeland Security, and for Las Vegas. In addition to the building's convenient location for our employees, the building will be a show piece for this portion of Las Vegas Boulevard, and will substantially upgrade the area and bring some 300 construction jobs to downtown. The new building will be constructed by SDA Inc., which will rent it to the federal agencies. It will be 11-stories high and have 129,000 square feet of office space, and is expected to be completed by the summer of 2013.



## **NEVADA AUSA RECEIVES NATIONAL DIRECTOR'S AWARD**

On December 9, 2011, Assistant United States Attorney (AUSA) Sue Fahami received a "Director's Award" from the Department of Justice for her superior work with Nevada's Native American community and for her efforts to build and sustain healthy and safe native communities. AUSA Fahami was one of 163 members of the Department of Justice recognized by Attorney General Eric Holder and the Executive Office for U.S. Attorneys at the 28<sup>th</sup> annual Director's Awards Ceremony held in Washington, D.C.

## **ATTORNEY GENERAL HOLDER VISITS LAS VEGAS USAO**

In April, we had a surprise visit from U.S. Attorney General Holder, who discussed the U.S. Department of Justice's mission and priorities with us, and we were also able to share many of our significant accomplishments with him. AG Holder also recognized that AUSAs work on some of the most challenging cases and complex issues in government, and stated that we have been able to successfully respond to growing demands with decreasing resources.

## **NEW AND RETIRING**

The year 2011 saw the addition of several new AUSAs to the District. AUSAs Christina Silva and Justin Pingel joined the Las Vegas office in January and June, respectively. SAUSA Brandon Jaroch also joined the Las Vegas office in June, and is serving a two-year detail. We had to say farewell to veteran prosecutor Ray Rukstele who retired in March, and we also saw the retirement of Magistrate Judge Leavitt, who was the Chief Assistant United States Attorney in our office for three years and an organized crime/strike force prosecutor for six years. Judge Leavitt brought integrity and fairness to the bench and court, and he will be dearly missed.

## **DOJ GRANTS TO NEVADA**

During 2011, there were 340 active Department of Justice grants in Nevada, totaling approximately \$190 million. Most of the grants are provided through the Department of Justice's Office of Justice Programs which works in partnership with the local communities to identify the most pressing crime-related challenges confronting the justice system. Five of Nevada's tribes received over \$3.5 million of these grant monies in 2011 to be used to enhance law enforcement practices and sustain crime prevention and intervention efforts in eight purpose areas: public safety and community policing; methamphetamine enforcement; justice systems and alcohol and substance abuse; corrections and correctional alternatives; violence against women; elder abuse; juvenile justice; and tribal youth programs.

## **NEW PUBLIC WEBSITE UNVEILED FOR U.S. ATTORNEY OFFICES NATIONWIDE**

A new website is now available for U.S. Attorney Offices. The new design is based on templates developed by the Department's Office of Public Affairs, and is intended to update the look and feel of the website, incorporate Department of Justice branding and common elements from Justice.gov, and improve the functionality of the website. The website can be accessed at the following link: <http://www.justice.gov/usao/>.

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## CRIMINAL DIVISION STATISTICS

The Criminal Division had a very busy and productive year, as indicated by the below statistics.

There were 548 criminal cases filed against 701 defendants.

Thirty-five percent (35%) of the cases filed were violent crime-related; 23% were immigration-related; 18% were drug cases; 11% were white collar crime, and the rest fell into categories such as theft, government regulatory offenses, organized crime, Indian Country offenses, and official corruption.

There were 23 felony trials.

The conviction rate, which includes guilty pleas and trials, was 95% .

Eighty-three percent (83%) of the defendants convicted were sentenced to prison, with 29% of those serving sentences of three to five years in prison and 22% serving more than five years in prison.

## CRIMINAL CASES OF SIGNIFICANCE

The office prosecuted many significant and successful criminal cases in 2011. Below are just a few highlights.

***USA v. Richard Young*** (Global One Group) - In December 2011, Richard Young, of Lewistown, Montana, was sentenced to 25 years in prison for stealing more than \$16 million from approximately 1,400 victims through an online investment fraud scheme. Following a two-week trial, a jury convicted Young in March 2011 of conspiracy, wire fraud, money laundering, and securities fraud. Young also had to forfeit a bank account containing approximately \$500,000, a towing company, and four houses in Lewistown, Montana.

***USA v. Francisco Garcia et al.***—In late 2011, four Las Vegas men pleaded guilty to unlawfully obtaining over \$4 million of unemployment benefits from the State of Nevada and the federal government. The men recruited undocumented persons to help them commit the fraud which involved almost 600 unemployment claims. The men were sentenced to prison terms of between 15 months and three years in 2012 and forfeited a number of homes they purchased in Las Vegas with proceeds from the crimes.

***USA v. Connie Farris***—In March 2011, Connie Farris, former owner of Global Express Capital, was sentenced to 12 years in prison and ordered to pay more than \$31 million in restitution for her jury trial convictions in a massive mail fraud scheme that victimized hundreds of investors. The scheme involved investors who gave her millions of dollars for loans they thought were secured by real estate in Nevada, California and Utah.

***USA v. Steven Grimm et al.***— In December 2011, following a 37-day jury trial, former Las Vegas real estate broker Eve Mazzarella, her husband, Steven Grimm and Melissa Beecroft, of Las Vegas, were convicted of conspiracy, bank fraud, mail fraud, and wire fraud, for their involvement in a mortgage fraud scheme that caused over \$24 million in losses to federally-insured banks. Eight other defendants also charged in the scheme, pleaded guilty before trial. The fraud involved over 200 properties with a total purchase price of over \$107 million.

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## CRIMINAL CASES OF SIGNIFICANCE

***USA v. Richard Charette***—In May 2011, Richard Charette was sentenced to 33 months in prison for pleading guilty to a violation of the Health Insurance Portability and Accountability act of 1996 (HIPAA), for conspiring with a Las Vegas hospital emergency room manager to steal patient information which was sold to local defense attorneys.

***USA v. Nicholas Bickle***—In October 2011, following a three-week jury trial, Navy Seal Nicholas Bickle, of San Diego, was convicted of conspiracy, dealing in firearms without a license; possession and transfer of machineguns; possession, concealment, sale and disposition of stolen firearms; receiving, concealing and retaining property of the United States; and transportation by and distribution of explosives to a non-licensee. Bickle and three co-conspirators unlawfully sold machineguns and other weapons, some of which bore the markings or symbols of the Iraqi military forces, that Bickle possessed when he returned from Iraq.

***USA v. Kevin McAuliffe***—In October 2011, McAuliffe, a Roman Catholic priest in Las Vegas, pleaded guilty to fraud for the theft of \$650,000 from St. Elizabeth Ann Seton Church in Las Vegas over an eight-year period. McAuliffe was sentenced in January 2012 to 37 months in prison. McAuliffe, who had access to church bank accounts and cash and was responsible for submitting church accounting records and paying an annual assessment to the Las Vegas Diocese, admitted that he stole \$650,000 from the church by taking cash from the gift shop, the votive candle collection, the missions and novenas fund, and the general bank account.

***USA v. James Han et al.***—In October 2011, five Los Angeles-area men, were sentenced to prison terms between 51 and 71 months for conspiring to commit home invasion robberies in Las Vegas. One of the defendants bragged to undercover investigators, that he had several “crews” who assisted him and that they had committed more than 100 home invasion robberies.

***USA v. Darryl Walizer***—In June 2011, Darryl Walizer of Las Vegas, was sentenced to 37 years in prison and lifetime supervised release for coercing and enticing a minor over the internet and committing a felony sex offense when he was required to register as a sex offender. Walizer had two prior convictions for solicitation of a juvenile in Virginia and importuning in Ohio.

***USA v. Samuel Davis***—In October 2011, Samuel Davis, of Council, Idaho, and a member of an anti-government movement known as the “Sovereign Movement,” was sentenced to almost five years in prison for his guilty plea to conspiracy and money laundering charges. From about March 2008 to March 2009, Davis laundered approximately \$1.3 million of monies for FBI undercover agents. Davis was told by the undercover agents that the monies were proceeds of a bank fraud scheme, specifically from the theft and forgery of stolen official bank checks. A co-defendant Shawn Rice, of Seligman, Arizona is pending trial.

***USA v. David Smith***—In August 2011, David Smith, of Bullhead City, Arizona, was sentenced to 15 months in prison and ordered to pay approximately \$10,000 in restitution and complete 50 hours of community service for defacing petroglyphs and rock art panels in Grapevine Canyon in the Lake Mead National Recreation Area. Smith used a fully automatic paint-ball gun and oil-based pellets to shoot at the art work, which is located in an area inhabited and used by Native Americans for over 1,000 years.

## **PROGRAM DEVELOPMENTS & HIGHLIGHTS**

### **Mortgage Fraud**

Since the inception of our mortgage fraud program in the spring of 2008, and through the end of February 2012, about 200 persons have been charged with federal mortgage fraud crimes in Nevada. Over 140 of those individuals were convicted, and most are in prison. The rest are pending trial. Cases of note include a Las Vegas real estate broker and her husband who were convicted of obtaining fraudulent loans for over 200 properties causing over \$24 million in losses to the banks; an investment company owner who led a group of conspirators that fraudulently obtained mortgage loans for 17 homes in Las Vegas and Henderson, causing more than \$20 million in losses; and a Las Vegas man charged in April with defrauding distressed homeowners in Las Vegas who were attempting to refinance or adjust their home mortgages. For the first several years of this program, most of the investigations and prosecutions centered around loan origination fraud. During the last two years, because of the residential housing and mortgage loan crisis, the fraudsters have moved into other areas, such as refinance and foreclosure rescue fraud, and we have begun to prosecute some of those cases.

### **Health Care Fraud**

The District's health care fraud program was very busy during 2011, and we filed criminal health care fraud charges against eight individuals. Cases of note include a sleep clinic operator in Las Vegas who was sentenced in December 2011 to 27 months in prison for defrauding Medicare; a Henderson pediatrician, who was charged in October 2011 with participating in a scheme to defraud investors and chronically ill patients through the use of experimental stem cell implant procedures that were not approved by the FDA and would not benefit the patients. Additionally, the District filed three civil health care fraud complaints, and a number of out of court settlements were reached with doctors to resolve civil allegations of health care fraud, including several doctors who each paid the government over \$1 million.

### **Prescription Drug Trafficking**

Due to sky-rocketing statistics concerning the abuse and unlawful sale of prescription drugs, in 2011 we initiated a prescription drug initiative/strategy in the District of Nevada to combat the problem. The initiative includes education, drug tracking/monitoring, disposal, and enforcement components. We co-hosted a pharmaceutical drug summit in October for law enforcement, treatment and prevention professionals, hotel security chiefs and others, to raise awareness of the misuse and abuse of prescription drugs. From an enforcement standpoint, we are working aggressively with federal, state and local law enforcement to attack the problem. A large part of our effort has included the targeting and investigation of local physicians and pharmacists who are writing and selling prescriptions that are not being issued for a legitimate medical purpose or in the usual course of professional practice. Over the last two years, we have filed federal charges against approximately 70 individuals, including four doctors and a pharmacist, for unlawfully distributing highly addictive prescription painkillers. Our federal and local law enforcement partners are working tirelessly to shut down these dangerous pill mills and pharmacist co-conspirators.

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## **PROGRAM DEVELOPMENTS & HIGHLIGHTS**

### Other Drug Trafficking

In 2011, there were 184 persons charged in Nevada with drug offenses, of which 36 involved methamphetamine and 20 involved prescription drugs. Eleven defendants were convicted and sentenced for unlawfully distributing marijuana in Las Vegas through the operation of purported medical marijuana businesses, which are not recognized under Nevada law. The defendants included marijuana activist Pierre Werner, also known as Dr. Reefer, who was sentenced in November to 41 months in prison, and John Youngblood, of Los Angeles, owner of “The Happiness Consultants,” who was sentenced in October to 21 months in prison. Other businesses named in the cases included, THC, the Nevada Compassionate Center, LV Fingerprinting, and Organic Relief.

### Child Exploitation

Project Safe Childhood (PSC) is a DOJ program that aims to combat the proliferation of technology-facilitated sexual exploitation crimes against children. Project Safe Childhood Plus includes the investigation and prosecution of persons for other crimes that exploit and harm children, such as sexual abuse of a minor, selling or buying children, sex offender registration crimes, and many others. During 2011, 53 persons were charged with federal PSC offenses in Nevada, and 72 new investigations of such crimes were opened. Almost all of these persons charged were convicted and sentenced to more than five years in prison. Cases of note include a man from Austin, Texas, who was sentenced in May 2011 to 10 years in prison for soliciting minors for sex on Craigslist.com; a Reno man who was sentenced in September to 14 years in prison for transporting two minors across state lines with the intent that the minors engage in prostitution; a man from Stagecoach, Nevada, who founded a non-profit organization to help handicapped children and was sentenced in October to 15 years in prison for producing child pornography and sharing it over the internet; and a Henderson man who was charged in 2011 and has since pleaded guilty to kidnapping, carjacking, and child pornography charges for kidnapping a 7-year-old girl and forcing a Las Vegas cab driver at knife point to drive him and the girl to California.

### Identity Fraud/Theft & Other Financial Fraud Crimes

During 2011, federal charges were brought against 19 persons for federal identity fraud or identity theft crimes in Nevada, and 14 persons were convicted during 2011 of identity fraud or identity theft crimes. An additional 54 defendants were charged in 2011 with other financial fraud crimes, including bankruptcy fraud, consumer fraud, investment fraud, bank fraud, and securities fraud. Identity theft cases of note include two Long Beach, California men who were sentenced in June to five years in prison for defrauding banks and merchants in Nevada of over \$5 million by using unauthorized credit cards, false identification documents and counterfeit checks, and the case of seven men who were convicted and sentenced to prison terms for stealing identities and using counterfeit credit or debit cards to withdraw money at ATMs and to defraud businesses in Las Vegas of over \$600,000. Other financial fraud cases of note include a former Clark County man who stole more than \$26 million through mining and real estate investment scams and was sentenced in March to more than six years in federal prison and ordered to pay his victims \$23.5 million in restitution; a Reno man who worked as the Chief Financial Officer for an international door lock company and was sentenced to seven years in prison for embezzling over \$2 million from the company; and an Incline Village man who was sentenced to over 12 years in prison for defrauding 250 persons of \$1.5 million in an internet fraud scheme involving high-end appliances.

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## **PROGRAM DEVELOPMENTS & HIGHLIGHTS**

### **Project Safe Neighborhoods (PSN)/Violent Crime/Gangs**

PSN is the DOJ program committed to reducing gun and gang crime in America. During 2011, 130 persons were charged with federal gun crimes such as felon in possession and use of a firearm during a drug trafficking or violent crime offense. Fifty more individuals were charged with other violent and gang-related crimes. Almost all of these defendants were convicted and sentenced to three or more years in prison. Cases of note include two men who were convicted of committing multiple armed robberies of Las Vegas businesses over a three-day period in 2010; a lead defendant in a case who was sentenced to more than 17 years in prison for organizing a violent robbery of a non-existent cocaine stash house; and a Henderson man sentenced to almost 15 years in prison for robbing two banks, two restaurants, a gas station, a video store, and a Starbucks Coffee store in Henderson during 2010.

### **Southwest Border Enforcement**

In 2011, we charged 125 persons in Nevada with immigration crimes, including unlawful reentry by a deported alien and harboring aliens. In 2011, 157 persons were convicted of immigration crimes and over 130 sentenced to prison.

### **Anti-Terrorism Advisory Council**

In October 2001, the Attorney General directed U.S. Attorney Offices to form Anti-Terrorism Task Forces, now known as Anti-Terrorism Advisory Councils or ATACs. ATACs are designed to promote better information sharing among federal, state, and local agencies and to help prevent future terrorist attacks—see <http://neonn.org/>. In addition to the Executive Office of the President and the federal court system, the U.S. Attorney's Office is the primary outlet for federal agencies to combine efforts to prosecute criminal cases and assist in federal civil cases. ATACs ensure that an official appointed by the President, and confirmed by the U.S. Senate, directly oversees day-to-day counterterrorism efforts in each judicial district throughout the United States and its territories. Each federal judicial district is staffed with an Intelligence Research Specialist, who works closely with Joint Terrorism Task Forces (JTTFs), led by the FBI and DHS. ATACs have become a major component in the information sharing effort, specifically reaching out to the broader first responder community for a more holistic approach to prevention. ATACs, together with JTTFs and the DHS, work each day to foster better cooperation and coordination between traditional law enforcement and other members of the first responder community.

### **Re-Entry Court - Nevada CLEAR Court**

Beginning in 2010, the United States Attorney's Office in Reno joined a project to plan and initiate an offender re-entry program for the U.S. District Court in Nevada. Led by United States Magistrate Judge Valerie Cooke, and in partnership with the Federal Public Defender's Office and the United States Probation Office, our fledgling re-entry court program, "Court Led Efforts At Recovery" or "CLEAR Court," officially began in May 2011 with three participants. Since May 2011, several new participants have been added to the program. On April 4, 2012, two out of six participants successfully graduated from CLEAR Court. Efforts have already begun to expand CLEAR Court and our re-entry Court efforts to southern Nevada to cover the entire district.

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## PROGRAM DEVELOPMENTS & HIGHLIGHTS

### Indian Country

In 2011, we opened 39 Indian Country matters that included 45 defendants. Our outreach program in Indian Country was very active during 2011. In sum, U.S. Attorney Bogden along with members of the U.S. Attorney's Office visited all 26 of Nevada's federally recognized tribes in 2010 and 2011. During September 2011 as part of our outreach efforts, U.S. Attorney Bogden, two assistant U.S. Attorneys and several special agents from the BIA, DEA and FBI conducted a tribal consultation and travel tour to northern Nevada tribal lands, traveling 1,350 miles in three days and visiting 15 tribes/reservations. These outreach efforts also included the first Multi-Disciplinary Team meeting for Indian Country focusing on child abuse and domestic violence cases and a number of training presentations throughout the state on the Tribal Law and Order Act, the Archaeological Resources and Protection Act, Federal Criminal Prosecutions in Indian Country and numerous sessions on federal jurisdiction in Indian Country.

We also had our 15th Annual Statewide Native American Conference from July 26 to July 28, 2011, in Reno. This year's theme was "Working Together For Hope, Healing and Justice," and we brought together victim service providers, tribal members and law enforcement to discuss victimization on Nevada Indian lands and to develop community partnerships.

Adding to our successes in Indian Country in 2011, 15 students from the four Nevada tribes were selected to join 150 young men and women from across the country for the week-long 2011 National Intertribal Youth Summit held in Santa Fe, New Mexico, in July. DOJ grants totaling \$3.6 million were awarded to five tribes in Nevada to enhance law enforcement practices and sustain crime prevention and interdiction efforts.

And, as mentioned on our cover page, in December, AUSA Sue Fahami was recognized for her outstanding work in Nevada's Indian Country, and was one of only two AUSAs in the country who received an Executive Office for U.S. Attorney's Director's Award for Superior Performance in Indian Country.



## CIVIL DIVISION CASE FILINGS & INVESTIGATIONS

The Civil Division had a remarkable year in 2011. Despite the budgetary restrictions, the hiring freeze and the unfilled attorney positions Civil Division staff and attorneys successfully handled a wide variety of civil defensive cases, recovered millions of dollars in health care fraud cases, forfeited millions of dollars worth of assets, and collected millions of dollars owed on criminal judgments.

Our Civil Division statistics indicate that we opened 497 civil cases and investigations. Approximately 1/2 of these cases were defensive cases in which the office represented federal agencies that have been sued. During CY 2011, a large number of these civil defensive cases were resolved in favor of the government based on pre-trial motions.

## CIVIL CASES OF SIGNIFICANCE

**Settlement With Lam's Pharmacy**—On February 1, 2012, COFII Corp., d/b/a Lam's Pharmacy in Las Vegas agreed to pay the United States \$1 million and surrender its DEA registration, based on allegations and an investigation by the DEA that violated civil provisions of the Controlled Substances Act. This was the largest civil settlement of its kind against a non-chain or non-institutional pharmacy in the United States.

**Regatta Bay v. United States**—This is a multi-million dollar tort case in which the plaintiff alleged that the U.S. Department of Housing and Urban Development ("HUD") had wrongfully foreclosed on a multi-family housing complex resulting in millions of dollars of damage. The District Court dismissed the case prior to trial.

**Settlement with Dr. Chopra** - Effective December 21, 2011, Las Vegas neurologist Gobinder S. Chopra, M.D., agreed to pay approximately \$1 million to the United States to resolve allegations that between August 1, 2004, to May 31, 2010, he made improper billings to Medicare by billing critical-care codes for non-critical-care services.

**Settlement with Dr. Kozmary** - Las Vegas pain management doctor Steven Kozmary, M.D., agreed to pay approximately \$1 million to the United States to resolve to resolve allegations that between July 1, 2007, and December 31, 2010, he improperly billed Medicare, TRICARE, and the Federal Employee Health Benefits Program for services.

## MONETARY RECOVERIES

The Nevada U.S. Attorney's Office collected \$85 million in 2011 related to criminal and civil actions. Of this amount, \$2 million was collected in criminal actions and \$83 million was collected in civil actions. Additionally, the office collected \$3.5 million in criminal and civil forfeitures. The monies come from the collection of civil and criminal debts owed to the United States, such as restitution, fines, court assessments, and from the forfeiture of assets.

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## APPELLATE DIVISION STATISTICS

Nine Circuit Briefs Filed:	102
Ninth Circuit Dispositions:	107 (104 favorable; 3 adverse)
Published Decisions:	12 (all favorable)
Cases Argued in Ninth Circuit:	28

## APPELLATE DECISIONS OF SIGNIFICANCE

It was a strong year for the district in terms of appellate decisions, as the Ninth Circuit Court of Appeals handed the office a number of significant appellate victories.

In *United States v. Jermaine Smith*, 2/3/11 (Ninth Cir. Published Opinion), the court affirmed the district court's denial of a motion to suppress a firearm recovered from the defendant's person, holding that a momentary hesitation in response to an officer's request to stop before running like mad, is not a "seizure" requiring reasonable suspicion.

In *United States v. Rahman*, 7/5/11 (Ninth Cir. Published Opinion), the court agreed that the defendant's appeal waiver in his plea agreement meant that he could not appeal any motions related to his conviction, holding that general waivers of the right to appeal cover all appeals, even an appeal from the denial of a motion to withdraw a guilty plea, and the record contained no evidence suggesting that the defendant's waiver was made involuntarily.

In *United States v. Fitch*, 9/23/11 (Ninth Cir. Published Opinion), the court affirmed the conviction and 262-month sentence on fraud convictions which included a finding that the defendant murdered his wife as a means to commit the crimes. The court held that the district court has the power to sentence a defendant based upon facts not found by a jury up to the statutory maximum, and the defendant has no right to a jury determination of the facts that the judge deems relevant.

*United States v. Newman* and *United States v. Tedesco*, 10/28/11 (Ninth Cir. Published Opinion). The government succeeded in its appeal of two consolidated cases, one bank robbery and one mortgage fraud, where the defendants pled guilty subjecting themselves to criminal forfeiture, but the district court eliminated the forfeiture or reduced it to a trivial amount. The panel held that when a defendant is found guilty of a qualifying crime and criminal forfeiture is charged, that forfeiture is mandatory, limited only by the due process and excessive fines clauses, which were not at issue in these cases. Defendants also can be subject to both restitution (to make the victim whole) and criminal forfeiture (to punish the defendant).

In *United States v. Williams*, 10/27/11 (Ninth Cir. Published Opinion), the court affirmed the defendant's conviction for advertising child pornography for distribution, holding that a defendant can be convicted under 18 U.S.C. Section 2251(d)(1)(A), which criminalizes various acts arising from the advertising of child pornography, even if he did not personally produce the pornography.

## USAO STAFF 2011

Below is a list of USAO staff that made all of our significant achievements a reality in 2011.

Adam Flake	Darlene Ruckard	Kelly Muranaka	Rob Ellman
Alan Heintz	Debbie Salas	Kim Bush	Rob MacDonald
Alexandra McWhorter	Debbie Waite	Kimberly Frayn	Robert Bork
Amber Craig	Doriayn Olivarra	Kishan Nair	Roger Wenthe
An Nguyen	Elaine Woolery	Kitty Smith	Roger Yang
Andrew Duncan	Elizabeth Baechler	Kristian Falcon	Ron Rachow
Angel Beltran	Elizabeth Olson	Mary Ann King	Russ Marsh
Aristides Caytuero	Elizabeth Pantner	Mary Booker	Sarah Griswold
Aylin Alexander	Ellenrose Jarmolowich	Megan Rachow	Sarah Lauer-Overby
Bert Labrador	Eric Johnson	Melissa Taylor	Seth Mecum
Blaine Welsh	Eunice Jones	Michael Chu	Sharon Stenstadvold
Brad Giles	Glenda Newby	Michael Humphreys	Sherry Engelhardt
Brandon Jaroch	Gregg Addington	Michael Large	Sophia Thomason
Brian Pugh	Gregg Damm	Michael West	Steve Myhre
Brian Sullivan	Heidi Skillin	Mireya Black	Sue Fahami
Burt Carle	Henry Enriquez	Nadia Janjua-Ahmed	Sue Knight
Camille Damm	Holly Vance	Nancy Koppe	Terri Jamison
Carla Higginbotham	Jackie Peltier	Natalie Collins	Terrie Murray
Carlos Gonzalez	James Keller	Nicholas Clayton	Tim Vasquez
Carol Farago	Jaye Willis	Nicholas Dickinson	William Foley
Christie Sequeira	Jean Umland	Nicole Reitz	William Reed
Christina Brown	Jessica Finley	Norma Vizcarra	
Crane Pomerantz	Jessica Helm	Pam Martin	
Cristina Silva	Joannie Silvershield	Pamela Mrenak	
D.J. Kartes	Johanna Mallari	Pat Walsh	
Dan Hollingsworth	Judy Farmer	Patricia Allen	
Dan Schiess	Judy Godfrey	Patrick Rose	
Dana Chrystall	Justin Pingel	Peter Levitt	
Daniel Bogden	Kate Newman	Phillip Smith	
Darlene Beltran	Kathleen Bliss	Ray Rukstele	



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