



ON THE RECORD

The Newsletter of the U.S. Attorney's Office, Western District of Tennessee

May 2013

Vol. I, Issue 2



Remembering the Fallen

Fayette County Sheriff's Department Deputies Honor Officers Killed in the Line of Duty

A Message from the U.S. Attorney

In this quarterly edition of *On the Record*, we give you just a glimpse of the work that we are doing on behalf of the United States, both in the courtroom and throughout the community.

As you know, due to sequestration measures and budget cuts the federal government, in particular the Department of Justice, is experiencing challenging

fiscal times. Although we are being asked to do more with less, I am extremely proud of what our office has been able to accomplish despite limited resources. We continue to work in an efficient and effective manner to not only maintain but enhance the level of service we provide to the more than 1.5 million citizens of the Western District of Tennessee.

And I am particularly proud of the Assistant United States Attorneys and support staff in this district for their steadfast dedication to our mission of enforcing federal laws, defending our nation's interests in court, protecting the innocent, and seeking justice. Together with our law enforcement and agency partners, we consistently perform this work at the highest level. As the information in this newsletter demonstrates, the members of our office are true public servants who hold the responsibility and privilege of representing the United States in the highest regard.

We will continue to answer the call of service. Please feel free to call on me or my staff if we can be of any assistance to you or your agency.

Edward L. Stanton III
United States Attorney



Retiring University of Memphis President Shirley Raines spoke to the employees of the USAO as part of Women's History Month. Dr. Raines shared her personal story and highlighted some of the many accomplishments of her tenure including the new downtown facilities for the Cecil C. Humphreys School of Law.

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Mission Statement

The mission of the United States Attorney's Office for the Western District of Tennessee is to enforce compliance with federal law, act as legal representation of all federal agencies within the District, and provide public safety within the District through equal and fair administration of justice.

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Criminal Appeals Cases Yield Important Rulings

Warrantless Search, Child Pornography, Gun Possession Impacted



KEVIN RITZ

Our office continues to litigate a large number of criminal appeals. Criminal Appellate Chief Kevin Ritz manages our office's appellate advocacy in criminal cases, which involves written briefs and oral arguments before the U.S. Court of Appeals for the Sixth Circuit.

As of the end of May, AUSAs in our district have filed 42 briefs in criminal appeals this year, in addition to various motions to dismiss and other substantive pleadings. We have also had several oral arguments before the Sixth Circuit in Cincinnati and are currently scheduling moot courts to prepare for three more arguments in mid-June.

Arguments being raised by defendants on appeal are wide-ranging, from pretrial/suppression issues, to trial issues, to sentencing issues. Often, a single appeal will present many diverse claims. Appellate practice can be time-consuming, but it is a crucial element of our representation of the interests of the United States. At times the United States also brings appeals of its own.

Recently, the Sixth Circuit has issued favorable decisions in several of our appeals. For example, in *United States v. Daws*, the Court upheld the warrantless search of the defendant's home, based on exigent circumstances. Due in part to the defendant's repeated threats to



In observance of the Department of Justice's Asian American and Pacific Islander Heritage Month, Ron Wong, past President of the Greater Memphis Asian American Pacific Islander Task Force spoke to the USAO staff in May to discuss his heritage as well as the growing Asian American and Pacific Islander Community in Memphis.

the victims while brandishing a firearm, the safety of the public was at risk. Thus, the officers justifiably conducted a protective sweep of the residence to secure the firearm. AUSA Jim Powell handled the case at the trial level and on appeal.

Also, in *United States v. Clingman*, a jury in our district convicted the defendant of transportation of child pornography. On appeal, the Court rejected the defendant's challenges to the evidence introduced at trial and also affirmed the defendant's 20-year prison sentence. AUSAs Deb Ireland and Dan Newsom handled the case in the trial court, and Deb Ireland successfully litigated the appeal.

Finally, in mid-May the Solicitor General of the United States filed for a petition of certiorari from the Supreme Court in a case out of our district. In its September 2012 opinion in *United States v. Castleman*, the Sixth Circuit affirmed the dismissal of an indictment charging the defendant with possessing a firearm after being convicted of a misdemeanor crime of domestic violence. As is set out in the cert petition, it is the government's position that the Sixth Circuit's opinion is incorrect and deepens two distinct circuit splits on important issues of law. It is anticipated that the Supreme Court will rule on the petition for cert later in the year.



U.S. Attorney Ed Stanton met with nearly 20 police chiefs and law enforcement members from across the 25th Judicial District. From left, Ripley Police Chief Jerry Temple, USA Stanton, Mumfords Police Chief Jim Harger, and Atoka Police Chief Jessie Poole. The meeting was hosted by Chief Poole and is part of the USAO's commitment to improving communication and collaboration between federal, state and local law enforcement agencies.

Order In the Court

USAO leads Courtroom Testimony Training Class for Law Enforcement

Law enforcement professionals work hard to stop criminals and keep our communities safe. But working on the street is only half the battle. What is just as important is what happens after the arrest is made. That's why in April, the U.S. Attorney's Office conducted a two-day training session designed to prepare officers to give testimony in federal court. Twenty-six officers, investigators and deputies from 11 different local law enforcement agencies attended the training held in Jackson at the Federal Courthouse.

"The economy has been hard on everyone, including police departments and sheriff's departments, so whenever possible we provide necessary training at no cost to local law enforcement officers," said Michelle Kimbril-Parks, First Assistant United States Attorney. Parks, along with Jackson Office Branch Chief Victor Ivy, organized the training and recruited AUSAs from both Jackson and Memphis to assist.

"It's vital that law enforcement has the knowledge and understanding to not only make the arrest, but also to document the facts as they observe them and then be able to testify effectively about these facts before a jury," said Ivy. "Otherwise, we wind up with a lot of effort wasted and everyone frustrated."

The first day was devoted to specific issues facing officers, including an overview of federal violent crime laws and federal agency contacts; properly navigating federal search and seizure laws; and guidance on case documentation and report preparation, specifically what



Chester County Sheriff's Deputy Celinda Davidson listens intently to questions from AUSA Jim Powell during mock courtroom testimony.

is needed for case evaluation, rules of discovery, and trial preparation.

The officers watched a brief video of a simulated traffic stop and were then required to write a report based on the events presented. The following day, each officer brought the report back and had to testify in a mock courtroom setting as to the facts of their report. The officers faced direct and cross-examination and were critiqued as to their effectiveness. Response from the officers about this exercise was universally positive.

"I've never had to testify in front of a jury, so for me, this experience was invaluable," said Deputy Scott Hunter of the Haywood County Sheriff's Department. "The suggestions they offered following my testimony let me know what I was doing well and gave me areas I can work to improve."



AUSA Victor Ivy (standing) instructs officers on the proper procedures for conducting warrantless searches during the USAO hosted Courtroom Testimony Training. The two-day class was conducted at the Federal Courthouse in Jackson, TN.



Department of Justice

United States Attorney Edward L. Stanton III
Western District of Tennessee

As Seen in the News...

March 27, 2013 – Op Ed Column in *The Commercial Appeal*



By Edward L. Stanton III
Special to *Newsday*

Gun violence is an issue of great significance, both nationally and locally. As our elected leaders discuss strategies to address the problem, I want to highlight the continued success of the Project Safe Neighborhoods program in West Tennessee.

Launched nationwide in 2002, Project Safe Neighborhoods brings together federal, state and local law enforcement agencies, federal and state prosecutors and community partners to reduce gun crime. In particular, the program seeks to increase prosecution of violent criminals and criminal organizations through aggressive enforcement of federal firearms laws.

A cornerstone of my office's gun violence reduction strategy is the systematic review of every arrest within Shelby County in which a firearm, bullet or casing has been seized. Although time intensive, this process allows us to target

offenders for prosecution in the federal courts. Federal firearms laws are often tougher than

correspond and frequent include maximum sentences. Courts are more likely to sentence repeat offenders to prison.

This means violent offenders stay behind bars longer—cases are not closed until they have served at least 1,500 days in prison.

In addition, Project Safe Neighborhoods provides the opportunity to pursue prosecution of those who would usually receive a state court, in order to avoid federal prosecution.

These "above range"

general gun laws to deter gun crime in our community. Intervention and prevention are also mainstays of our Project Safe Neighborhoods

agencies and offices. On a daily basis, police officers and sheriff's deputies work alongside federal ATF agents. Prosecutors and law enforcement officers

demonstrate how effective these partnerships can be.

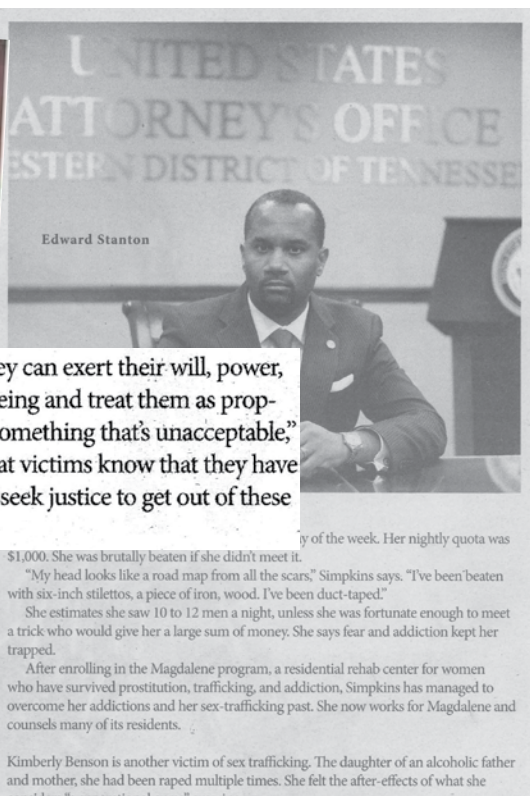
Last fall, federal agents, local law enforcement and federal and state prosecutors teamed up to secure significant federal prison

time for Christopher Tomlinson for being a felon in possession of a firearm. Memphis Police Department officers investigated Tomlinson for making threats to a woman who was expecting his child, and they found him in the middle of a residential neighborhood shouldering a rifle at another woman's house. Tomlinson faces up to 10 years in prison.

These prosecutions are just a few examples of the successes of the Project Safe Neighborhoods program. The bottom line is that thanks to the prosecutors on my staff and the dedicated efforts of our Project Safe Neighborhoods partners, our streets and communities are safer.

My office will continue to work closely with state prosecutors and law enforcement partners to reduce gun violence through vigorous enforcement of federal firearms laws.

Edward L. Stanton III of Memphis is United States Attorney for the Western District of



"For someone to think that they can exert their will, power, dominion over another human being and treat them as property, solely for financial profit, is something that's unacceptable," Stanton says. "I want to ensure that victims know that they have a place where they can come and seek justice to get out of these situations." ■

of the week. Her nightly quota was \$1,000. She was brutally beaten if she didn't meet it. "My head looks like a road map from all the scars," Simpkins says. "I've been beaten with six-inch stilettoes, a piece of iron, wood. I've been duct-taped." She estimates she saw 10 to 12 men a night, unless she was fortunate enough to meet a trick who would give her a large sum of money. She says fear and addiction kept her trapped. After enrolling in the Magdalene program, a residential rehab center for women who have survived prostitution, trafficking, and addiction, Simpkins has managed to overcome her addictions and her sex-trafficking past. She now works for Magdalene and counsels many of its residents. Kimberly Benson is another victim of sex trafficking. The daughter of an alcoholic father and mother, she had been raped multiple times. She felt the after-effects of what she considers "a generational curse" growing up.

IRS Employees Indicted in Benefits Fraud Scheme

More than \$250k of Improper Benefit Payments Alleged

On April 17, 2013, United States Attorney Edward L. Stanton III and Shelby County District Attorney General Amy Weirich announced that 24 current and former employees of the Internal Revenue Service have been charged for crimes relating to fraudulently obtaining more than \$250,000 in government benefits.

Thirteen of the current and former IRS employees have been charged federally with making false statements to obtain unemployment insurance payments, food stamps, welfare, and housing vouchers. All 13, individually charged in separate indictments, are alleged to have falsely stated that they were unemployed while applying for or recertifying those government benefits.

“According to the allegations in the indictment, while these IRS employees were supposed to be serving the public, they were instead brazenly stealing from law-abiding American taxpayers,” said U.S. Attorney Edward L. Stanton III. “These charges demonstrate our unwavering resolve to work with our law enforcement partners and hold accountable anyone who fraudulently obtains government benefits and violates the public’s trust.”

The 13 IRS employees charged are Angela Allison, 37; Jessica Davis, 35; Serina Gaither, 37; Lillian Hamilton, 36; Teresa Jenkins, 46; Joanne Johnson, 46; Angela Scales, 28; Dorothy Simmons, 35; Mary Weeks, 61; Evonna Yarbrough, 42, all of Memphis; Gale Baker, 54, of Cordova, TN; Shari House, 45, of Jackson, TN; and Talaria Mitchell, 35, of Southaven, MS. Each has been charged with multiple counts of false statements, in violation of Section 1001 of Title 18 of the United States Code. A conviction under that statute can result in up to five years in prison.

The charges resulted from cooperation between numerous federal and state agencies. In addition to the U.S. Attorney’s Office and the Shelby County District Attorney General’s Office, the investigation involved the U.S. Department of Treasury Inspector General for Tax Administration; the U.S. Department of Labor Office of Inspector

General, Office of Labor Racketeering and Fraud Investigations; the U.S. Department of Agriculture Office of Inspector General; the U.S. Department of Housing and Urban Development Office of Inspector General; the United State Marshals Service; the Tennessee Department of Labor and Workforce Development; the Tennessee Department of Human Services; the Shelby County Sheriff’s Office; and the Memphis Housing Authority.

Eleven other former and current IRS employees were charged by the District Attorney General’s Office with theft of property over \$1,000, a class D felony. They are Raya Banks, 47; Clara Cannon, 61; Alma Childers, 64; Cathryn Fair, 50; Robert Graves, 60; Mechell Hampton, 35; Nicole Nickson, 39; Diane Malone, 56; Myra Thompson, 32; Katina Thurman, 39; and Pamela Williams, 47, all of Memphis.

“The taxes that we pay are supposed to support our nation and assist individuals in need, not free-loaders who are gaming the system,” said District Attorney General Amy Weirich. “Taxpayers can take comfort in knowing that we take these matters seriously and that we will prosecute these individuals to the fullest extent possible.”

The charges and allegations contained in the indictment are merely accusations, and the defendant is considered innocent unless and until proven guilty.



Close to 100 people attended the eighth annual Garden of Lights Crime Victims Memorial Reception at the Memphis Botanic Gardens. From left: Deputy Chief of Police Jim Harvey, Shelby County Sheriff Bill Oldham, Shelby County Mayor Mark Luttrell, Shelby County District Attorney General Amy Weirich, Memorial Co-organizer Stevie Moore, Circuit Judge James F. Russell, and U.S. Attorney Edward L. Stanton III.

Jackson Man Indicted for Hate Crime

Baker Allegedly Defaced Torah at Jackson Hotel

A federal grand jury in Memphis returned a one-count indictment May 15, 2013, charging Justin Shawn Baker, 25, of Jackson, TN, with violating the civil rights of students and faculty of the Margolin Hebrew Academy.

The indictment alleges that on or about January 12, 2013, Baker defaced a Torah and religious prayer books, which the students and faculty of Memphis' Margolin Hebrew Academy were using for a worship service conducted at the Doubletree Hotel in Jackson.

"Freedom to practice one's religion without prejudice is one of the bedrock principles upon which our nation was founded," said Edward L. Stanton III, United States Attorney for the Western District of Tennessee. "Criminal acts such as those alleged in the indictment represent an attack upon the rights that generations of Americans have fought and died to ensure and protect. Our dedicated civil rights unit will continue to protect and defend the rights of our citizens through vigorous enforcement of federal law."

This case was investigated by the FBI and is being prosecuted by Executive Assistant U.S. Attorney Lar-



U.S. Attorney Edward L. Stanton III speaks with Rabbi Abraham Cooper, Associate Dean of the Simon Weisenthal Center in Los Angeles following "Hatred and Holy Books: A Community Response to the Torah Vandalism in Jackson, Tennessee" held at Baron Hirsch Synagogue in Memphis.

ry Laurenzi and AUSA Jonathan Skrmetti of the U.S. Attorney's Office for the Western District of Tennessee and Trial Attorney Douglas Kern of the Civil Rights Division's Criminal Section.

The charges and allegations contained in the indictment are merely accusations, and the defendant is considered innocent unless and until proven guilty.



U.S. Attorney Edward L. Stanton III was the featured speaker for the Shelby County Division of Corrections Recruit Graduation Ceremony. Pictured above, along with U.S. Attorney Stanton and Shelby County Detention Center Director James E. Coleman are the members of Recruit Class 53 and their instructors.

Fighting Sex Trafficking with Knowledge

AUSAs Discuss Federal Prosecution of Sex Traffickers at U of M Symposium

On March 22, 2013, Assistant U.S. Attorneys Steve Parker and Jonathan Skrmetti of the office's Civil Rights Unit addressed the issue of domestic sex trafficking at the University of Memphis's annual Law Review Symposium. Parker and Skrmetti talked about the psychological dynamics between pimps and their victims as well as the scope of the sex trafficking law.

"Seventy percent of domestic sex trafficking victims were sexually abused between the ages of three and 14," said Parker. "The majority of victims come from a dysfunctional family environment and many are recruited by pimps after running away from home. Pimps look for victims who have already been victimized and are vulnerable."

Pimps have developed techniques to identify girls with self-esteem issues they can exploit. Parker recounted one pimp who would approach girls at bus stations and diners and tell them they had pretty eyes. If a girl looked him in the eye and said "thank you," the pimp would move on to the next target. But if the girl said "no I don't" and looked away, the pimp knew that she might be susceptible to his manipulation.

The pair also described the violence inherent in the sex trafficking cases prosecuted by our office.

They played a recorded phone call in which a pimp complained to one of his victims that he beat her so vigorously that he threw his back out. Other pimps prosecuted in this district have burned victims with irons or cigarettes, beaten victims with a variety of objects including pipes, belts, and a padlock, and tattooed victims with a brand to mark them as the pimp's property.

Skrmetti discussed the federal sex trafficking statutes and showed that they are powerful tools for federal prosecutors.

"The Trafficking Victims Protection Act allows our office to prosecute anyone who causes a juvenile to engage in a commercial sex act or who uses force, fraud, or coercion to cause anyone to engage in a commercial sex act," said Skrmetti. "Anyone who benefits from such a commercial sex act can also be prosecuted."

U.S. Attorney Edward L. Stanton III established the Civil Rights Unit shortly after his appointment by President Obama and has made civil rights enforcement a top priority in Western Tennessee. Our U.S. Attorney's Office is one of the most aggressive in the country in prosecuting sex trafficking.



U.S. Attorney Edward L. Stanton III (right) meeting last month with the members of the Editorial Board of the Jackson Sun. During the meeting, Stanton explained the priorities of the office, shared information about ongoing initiatives, and explained how federal prosecutions can help remove "the worst of the worst" offenders in a community. In addition to his meeting with the Sun, Stanton also met with the Editorial Board of The Commercial Appeal in Memphis.

Making the Grade

Diverse Group of Students bring Talents and Skills to the USAO

Four students from different colleges and universities with uniquely different backgrounds are lending their skills and abilities to the U.S. Attorney's office through a challenging internship program.

Katrina Vincent is a senior at the University of Memphis (U of M) majoring in Computer Science with a Spanish minor. Her ultimate career goals are to work in cyber security software development. "I feel that the U.S. Attorney's office



DOROTHY GRAHAM

is a great place for me to start learning," said Vincent. "In this field, you have to continue learning even after you have earned your degree. It is an ever-changing industry and one can quickly become obsolete without keeping up with training."

Vincent says she appreciates the opportunity to work in the office and is glad to have been placed where her skill set can be utilized and her knowledge can continue to grow.

Dorothy Graham is a sophomore at Southwest Tennessee Community College, majoring in Social Work. Graham is an honors graduate from Raleigh Egypt High School, who has tutored Memphis City School

elementary students to assist with improving their Reading and English TCAP scores.

"I chose to work here because I wanted to try a different work area, and learn more about the justice system," said Graham. "I have had the chance to engage with different individuals, work with filing different governmental cases, and view the Criminal Justice area as a whole different perspective."

Following her graduation from Southwest, Graham plans to attend the University of Memphis with a major in Social Work, minor in Mathematics, and concentration in Human Service, and ultimately start a career in Social Work.

Senior **Christopher Xa** is a native of Memphis. Coming from a long line of entrepreneurs, Xa hopes one day to be president of his own corporation. He co-founded the U of M's Asian-American Student Association, and is the son of Vietnamese immigrants.

After graduating with a double major in Business Economics and Management, Xa plans to pursue a Masters and Doctorate degree in Economics.

"My role here at the USAO is to assist with administrative duties and work closely with the budget," said Xa. "I have learned how to communicate effectively within an office environment, as well as



KATRINA VINCENT

gained insight into the importance of government procedures."

Alvin Jerome Gibbs, Jr. graduated from Whitehaven High School where he played football and ran track.

Gibbs is working toward a degree in Criminal Justice at the U of M and one day hopes to help people by working in law enforcement for an agency like the FBI, U.S. Marshals or the CIA.

"I have received a vast amount of knowledge and experience working here," said Gibbs. This job has been a great first job, and it's always very helpful to have something impressive to put on my resume."



ALVIN GIBBS, JR. AND CHRISTOPHER XA

Teaming Up to Protect Rural Citizens

USA Stanton, General Dunavant announce more federal drug prosecutions

On April 3, 2013, six people from Tipton and Lauderdale counties were indicted by a federal grand jury on a range of federal drug offenses, announced U.S. Attorney Edward L. Stanton III and District Attorney General Mike Dunavant of the 25th Judicial District.

“When we announced this collaboration between federal and state prosecutors last year, I made a promise to the citizens of West Tennessee that drug traffickers will be held accountable and face stiff and severe consequences for their criminal conduct,” said U.S. Attorney Stanton. “The federal indictments we are announcing today are a clear reminder that we are remaining true to that promise and vigilant in keeping our communities safe.”

“With these latest federal indictments, the citizens of Fayette, Lauderdale, and Tipton counties are seeing the tangible results from my decision to assign Jennifer Gillis as a special federal prosecutor,” said General Dunavant. “This office and our law enforcement partners in each county will use every resource at our disposal to remove drug felons from our communities and bring them to justice.”

Those indicted from Lauderdale County are Richard DeWalt, 29, of Gates, TN; and Brandy Wallace, 35, of Halls, TN. Dewalt is charged with one count of possession of dihydrocodeinone, a Schedule III substance, with intent to distribute and he faces up to 10 years in prison and a fine up to \$500,000 if convicted. Wallace is charged with one count of possession of less than 50 grams of methamphetamine with intent to distribute. If convicted, she faces a sentence of up to 20 years and a fine of up to \$1,000,000. These cases were investigated by Investigators James Jones, Kevin Cates, and Kenneth Richardson of the Lauderdale County Sheriff's Department.

Those indicted from Tipton County are: Anthony Alston, 34, of Covington, TN; Leonard Hunter, 40, of Burlison, TN; John McPeak, 33, of Drummonds, TN; and Tedrick Mason, 30, of Covington, TN. Alston is charged with two counts of cocaine possession with intent to distribute. If convicted, he faces a sentence of up to 20 years, and a fine of up



Mike Dunavant (right), District Attorney General for the 25th District explains the effectiveness of the collaborative effort between federal, state, and local law enforcement in fighting drug crime in his district. From left: SAUSA Jennifer Gillis and U.S. Attorney Edward L. Stanton III.

to \$1,000,000. Hunter is charged with one count of possession of chemicals/equipment/materials used to manufacture methamphetamine; one count of maintaining a residence for the purpose of manufacturing methamphetamine; and one count of possession of methamphetamine. If convicted on all counts he faces as much as 31 years in prison and fines totalling more than \$750,000.

McPeak is charged with one count of possession of chemicals/equipment/materials used to manufacture methamphetamine; one count of maintaining a residence for the purpose of manufacturing methamphetamine; and one count of manufacture of methamphetamine. If convicted on all counts he faces as much as 50 years in prison and fines totalling \$1.75 million. Mason is charged with two counts of possession of cocaine with intent to distribute. If convicted, Mason could receive up to 20 years in prison and a fine of up to \$1,000,000.

These four cases were investigated by Investigators Brandon Williams, Michael Green, and Brent Chunn of the Tipton County Sheriff's Department. All cases are being prosecuted for the government by Special Assistant United States Attorney Jennifer Gillis.

The charges and allegations contained in the indictment are merely accusations, and the defendant is considered innocent unless and until proven guilty.

ON THE RECORD

In the Community

City of Memphis Law Student Career Day, MLK Wreath Ceremony, and more



AUSAs Keenan Carter (left) and Dan Newsom (second from right) talk to law students during a job fair organized by the City of Memphis.



First Assistant U.S. Attorney Michelle-Kimbril Parks and AUSA Jonathan Skrmetti participated in Career Day at Dexter Elementary School in Cordova.



The U.S. Attorney's Office participated in a ceremony sponsored by the Memphis Child Advocacy Center to raise awareness about child abuse. Members of the Memphis Police Department Color Guard raise the memorial flag as part of the ceremony.



U.S. Attorney Edward L. Stanton III joined members of Alpha Phi Alpha Fraternity in a wreath-laying ceremony at the National Civil Rights Museum on the 45th anniversary of the assassination of Dr. Martin Luther King, Jr. Dr. King was a member of Alpha Phi Alpha Fraternity, which was the first intercollegiate Greek fraternity established for African-Americans.

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The Parting Shot



USAO Victim-Witness Coordinator Maureen Arvin (right) has retired after nearly 40 years of service to the federal government. U.S. Attorney Edward L. Stanton III presented Arvin with an award symbolizing her work to assist victims.