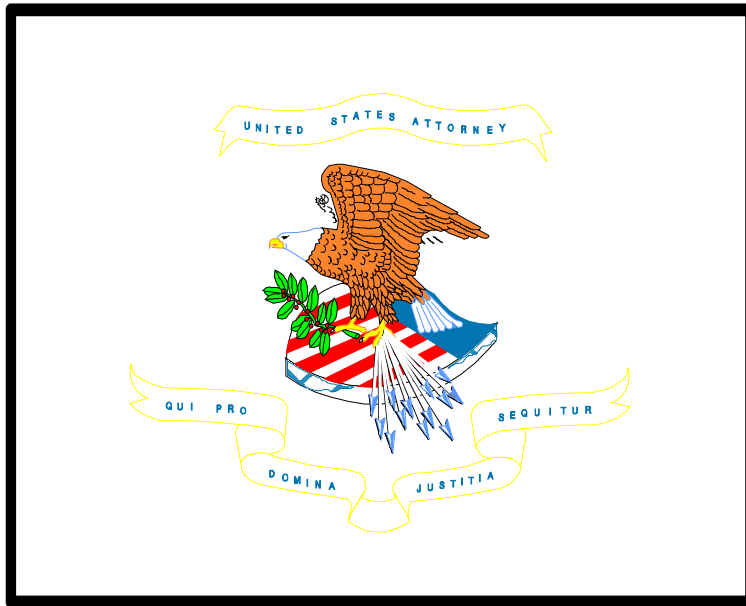




# UNITED STATES ATTORNEYS' ANNUAL STATISTICAL REPORT

## FISCAL YEAR 2005



*The United States Attorney  
is the representative not of an ordinary party to a controversy,  
but of a sovereignty whose obligation to govern impartially is  
as compelling as its obligation to govern at all;  
and whose interest, therefore, in a criminal prosecution is not that  
it shall win a case, but that justice shall be done.  
As such, he is in a peculiar and very definite sense the  
servant of the law, the twofold aim of which  
is that guilt shall not escape or innocence suffer.  
He may prosecute with earnestness and vigor -- indeed, he should do so.  
But, while he may strike hard blows,  
he is not at liberty to strike foul ones.  
It is as much his duty to refrain from improper methods  
calculated to produce a wrongful conviction as it is to  
use every legitimate means to bring about a just one.*

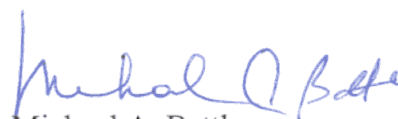
Quoted from the Statement of Mr. Justice Sutherland in  
Berger v. United States, 295 U.S. 88 (1935)



The Executive Office for United States Attorneys (EOUSA) provides management oversight and administrative support to the United States Attorneys' offices. EOUSA coordinates services such as the information technology required to ensure that the United States Attorneys' offices have a standardized computer network and personal computers that are compatible and are updated to keep pace with current technology. Other areas include operational support for the Attorney General's Advisory Committee of United States Attorneys, facilities and financial management, legal counsel, personnel, security, and training. EOUSA, through the National Advocacy Center, also provides the United States Attorneys' offices with extensive legal training for Assistant United States Attorneys and support staff.

As an integral part of their prosecution and litigation efforts, the United States Attorneys report to EOUSA information on the criminal and civil matters, cases, and appeals that they handle. A centralized computer database containing this information is maintained by EOUSA. The charts and tables presented in this report reflect a statistical summary of the matters and cases handled by the United States Attorneys. These charts and tables, however, cannot and do not reflect the quality and complexity of the criminal prosecutions and civil litigation conducted by the offices. Additionally, the statistics are woefully inadequate in presenting a realistic picture of the time, effort, and skill required to prosecute and litigate the cases. Some examples of cases handled during the year are included in the text to illustrate caseload composition and, more importantly, the successful efforts of the many men and women who work in the United States Attorneys' offices. Finally, the significant liaison work performed by the United States Attorneys' offices with federal, state, and local law enforcement entities on initiatives, such as Project Safe Neighborhoods, as well as with victims of crime, local communities, schools, and other organizations, cannot be quantified. Since the role of the United States Attorneys is to see "that justice shall be done," (Berger v. United States, 295 U.S. 88 (1935)), the true and comprehensive accomplishments of the United States Attorneys cannot be tabulated statistically.

I hope that you will find the United States Attorneys' Annual Statistical Report to be both interesting and useful. The report provides a concise, yet compelling, sampling of the accomplishments of the United States Attorneys during Fiscal Year 2005. The women and men of the United States Attorneys' offices did a commendable job during the year. It is a great privilege for me to share this information with you and to congratulate the United States Attorneys, Assistant United States Attorneys, and their staffs for such a successful year.



Michael A. Battle  
Director





### **WHITE COLLAR CRIME**

- 5,473 cases filed against 7,822 defendants—case filings down 6 percent
- 5,429 cases against 7,775 defendants terminated—case terminations down 7 percent
- 6,981 defendants convicted
- 90 percent conviction rate
- 60 percent of convicted defendants sentenced to prison
- 23 percent of prison sentences greater than 3 years
- 9 percent of prison sentences greater than 5 years

### **ASSET FORFEITURE LITIGATION**

- Asset forfeiture counts filed in 3,800 criminal cases—up less than 1 percent
- A total of 2,251 civil asset forfeiture actions filed—up 1 percent
- Estimated recoveries of \$459,079,898 in forfeited cash and property—up 18 percent

### **OVERALL CIVIL LITIGATION**

- 78,155 cases filed or responded to—up less than 1 percent
- 78,154 cases terminated—case terminations up 2 percent
- 26,289 judgments, or 75 percent, were in favor of the United States
- 15,349 settlements—20 percent of all cases terminated

### **AFFIRMATIVE CIVIL LITIGATION**

- 7,888 cases filed—case filings up 5 percent
- 7,991 cases terminated—case terminations up 5 percent
- 5,132 judgments, or 98 percent, were in favor of the United States
- 979 settlements—12 percent of all cases terminated

### **AFFIRMATIVE CIVIL ENFORCEMENT**

- 1,944 cases filed—case filings up 7 percent
- 1,645 cases terminated—case terminations up 2 percent
- 386 judgments, or 89 percent, were in favor of the United States
- 466 settlements—28 percent of all cases terminated

### **DEFENSIVE CIVIL LITIGATION**

- 53,744 cases responded to—up 4 percent
- 53,492 cases terminated—case terminations up 5 percent
- 20,093 judgments, or 70 percent, were in favor of the United States
- 2,756 settlements—5 percent of all cases terminated

**CIVIL LITIGATION WHERE THE UNITED STATES IS OTHERWISE DESIGNATED**

- 16,523 cases filed or responded to—down 10 percent
- 16,671 cases terminated—down 10 percent
- 1,064 judgments, or 94 percent, were in favor of the United States
- 11,614 settlements—70 percent of all cases terminated

**CRIMINAL AND CIVIL APPEALS**

- 16,378 appeals filed—up 25 percent
- 11,007 criminal appeals filed—up 23 percent
- 5,371 civil appeals filed—up 27 percent
- 75 percent of all criminal appeals terminated in favor of the United States
- 76 percent of all civil appeals terminated in favor of the United States
- 8,254 post-sentencing motions filed by incarcerated defendants—up 48 percent

*\*Fiscal Year 2005 data does not include data for the month of September 2005 for the Eastern District of Louisiana due to Hurricane Katrina.*



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- ▶ administrative management direction and oversight;
- ▶ operational support; and
- ▶ coordination with other components of the Department and other federal agencies.

These responsibilities include certain legal, budgetary, administrative, and personnel services, as well as continuing legal education.

## **Sound Management**

Ensuring professionalism, excellence, accountability, and integrity in the management and conduct of programs was a strategic goal of the Department for Fiscal Year 2005. The Executive Office for United States Attorneys worked diligently with the United States Attorneys during the fiscal year to implement management initiatives with this strategic goal in mind, while also introducing and maintaining sound management practices to aid in accomplishing the Department's mission.

## **Integrity and Professionalism**

The Executive Office for United States Attorneys is responsible for the coordination, development and maintenance of policy and procedural guidance relevant to the work of the United States Attorneys' offices. In Fiscal Year 2005, the Executive Office for United States Attorneys continued to work with the Attorney General's Advisory Committee of United States Attorneys and the Administrative Officers Working Group to ensure compliance with a strong internal controls program. The Executive Office for United States Attorneys also kept internal control materials accessible using available information technology resources, which provided employees easy access to the information to assist them in performing their duties.

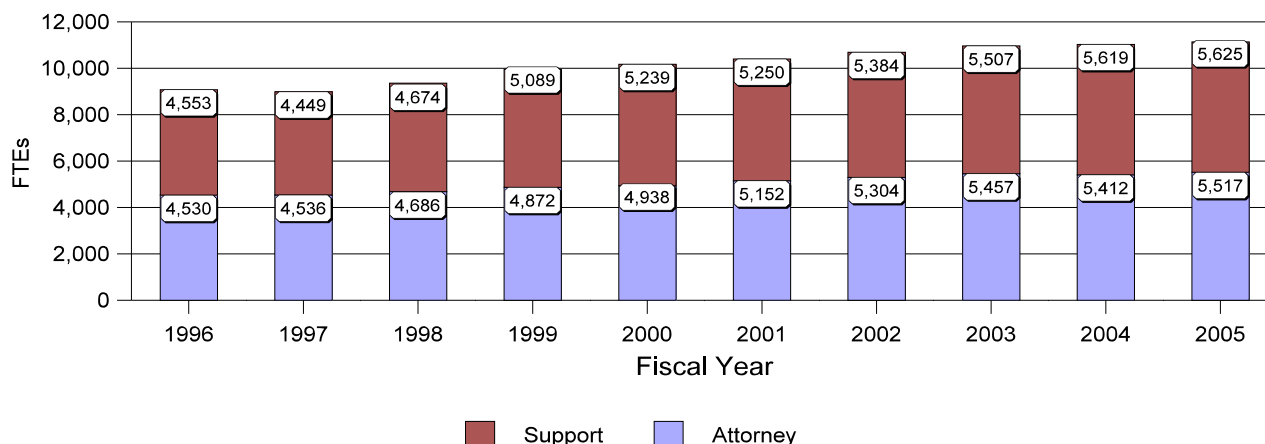
## **Human Resources**

### **Staffing**

The United States Attorneys' offices varied in size during Fiscal Year 2005 from 11.89 Assistant United States Attorney positions allocated in the District of Guam to 354.89 in the District of Columbia. In the District of Columbia, the United States Attorney's office also bears responsibility for the prosecution of local crimes in the District of Columbia Superior Court. The staffing levels in the United States Attorneys' offices nationwide equaled 5,517 full time equivalent (FTE) attorneys and 5,625 FTE support employees. See Overview Chart 1 below. During Fiscal Year 2005, the United States Attorneys' appropriation supported existing personnel only.

## OVERVIEW CHART 1 -- Full Time Equivalent (FTE) Personnel

Fiscal Years 1996 - 2005



Assistant United States Attorneys constituted 58 percent of all Department attorneys and about 71 percent of those Department attorneys with prosecution or litigation responsibilities. Most new Assistant United States Attorneys have prior litigation experience with a prosecuting attorney's office, a law firm, or another government agency. In addition to their prior legal experience, Assistant United States Attorneys nationwide have an average of 11 years of experience in United States Attorneys' offices.

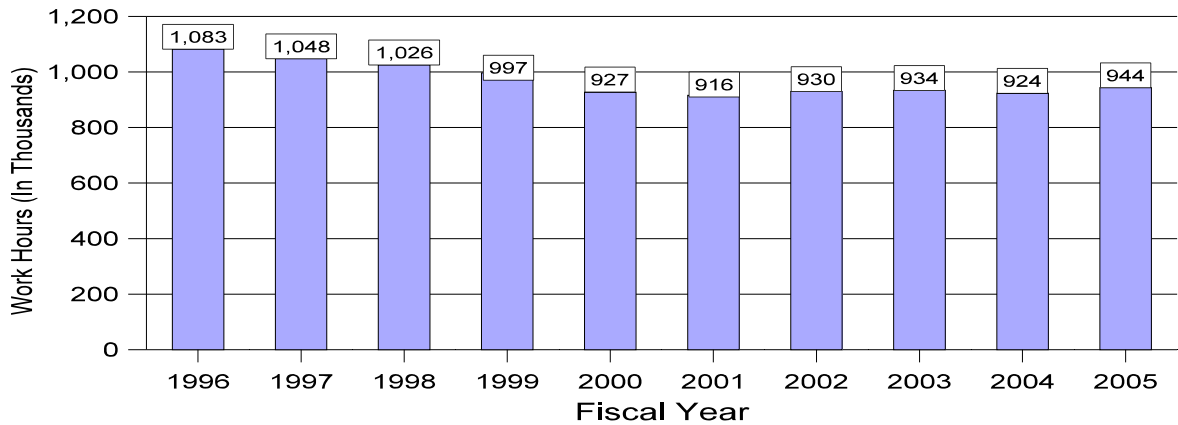
While the civil caseload is larger numerically, about 78 percent of attorney personnel were devoted to criminal prosecutions and 22 percent to civil litigation during Fiscal Year 2005. Ninety-four percent of all attorney work hours spent in United States District Courts were devoted to criminal prosecutions and 6 percent to civil litigation. See Table 9.

During Fiscal Year 2005, a total of 944,166 attorney work hours were devoted to court-related activity. This represents an increase of 19,845, or 2 percent, in the number of court-related work hours when compared to Fiscal Year 2004. See Overview Chart 2 below, and Table 9. Increases were again seen in United States District Courts for criminal work hours in Fiscal Year 2005. The number of work hours devoted to United States Magistrate Courts decreased 1 percent when compared with the prior year, but still reflects an increased workload handled in United States Magistrate Courts over the past several years.

Of the total court-related work hours, Assistant United States Attorneys spent 505,963 hours, or 54 percent, of their time in court. Sixty-six percent of their time in court was spent on criminal cases in United States District Courts, 22 percent in United States Magistrate Courts, 4 percent on civil cases in United States District Courts, and 5 percent on special hearings. The remaining 3 percent of the time was spent in the United States Courts of Appeals, United States Bankruptcy Courts, and in state courts. Of the other 438,203, or 46 percent, of the work hours, 24 percent was spent on grand jury proceedings, 18 percent on court-related travel time, and 58 percent on witness preparation.

**Overview Chart 2 -- Court Related Attorney Work Hours**

Fiscal Year 1996 - 2005



### **Training**

The Office of Legal Education (OLE) of the Executive Office for United States Attorneys, in cooperation with the National District Attorneys Association (NDAA) and the Executive Office for United States Trustees (EOUST), conducts courses and seminars at the National Advocacy Center (NAC). During the fiscal year, OLE conducted training for 15,714 people. Of those 15,714 people, 10,153 were trained live by OLE and another 5,561 people were trained in courses co-sponsored by OLE in United States Attorneys' offices around the country. An additional 1,199 students were trained via videotape provided by OLE's lending library. Approximately 84 percent of the students attending OLE's 175 courses were Department of Justice employees, while the remaining 16 percent were employees in legal positions within various departments of the government. In addition to OLE's students, NDAA and EOUST conducted a combined total of 54 courses for approximately 3,000 students during the fiscal year.

Approximately 2,672 of the participants receiving OLE training at the NAC in Fiscal Year 2005 attended courses in the topical areas covered in the 2005 Strategic Plan. Those courses were as follows:

Anti-Terrorism	2 courses	246 participants
Gun Violence Reduction	1 course	71 participants
Drug Enforcement	8 courses	569 participants
Corporate Fraud	5 courses	466 participants
Sound Management	29 courses	1,198 participants

The schedule of courses is determined according to annual prosecutive priorities and the maintenance of sound management. These courses are conducted for Assistant United States Attorneys and legal support personnel in United States Attorneys' offices and the Department of Justice, as well as legal personnel in other federal agencies.



The Justice Television Network (JTN) continued to increase the number and the variety of programs broadcast during Fiscal Year 2005, supplementing the on-site training and providing a training alternative for cancelled courses. JTN provided pre-recorded and live broadcasts of on-site training an average of 24 hours per week for viewers who were unable to attend live classes. Total programming for Fiscal Year 2005 was 2,140 hours, an increase of 41 hours from the previous year, which included 1,836 different program offerings, 415 of which had never been aired on JTN. These new programs included 113 live shows, 28 of which offered Continuing Legal Education (CLE) credits, with at least 1 Ethics CLE program offered each month. OLE and JTN produced 1,393 of the 2,140 hours of programming, while the remaining programs were produced by other components of the Department of Justice, other federal agencies, or were acquired through outside vendors. Of the 2,140 hours of programming, 807.25 hours of broadcasting were dedicated to the Department's Strategic Plan goals:

- Anti-Terrorism (212.5 hours)
- Gun Violence Reduction (84.5 hours)
- Drug Enforcement (94.75 hours)
- Civil Rights Enforcement (28 hours)
- Corporate Fraud (95.5 hours)
- Sound Management (292 hours)

In addition to providing numerous training opportunities, JTN also broadcasted several important Department of Justice events. These events included 19 live events from the Department of Justice Main Building such as news conferences by the Attorney General, the Deputy Attorney General, and other key officials in the Department, as well as the 2005 Director's Awards Ceremony and the ceremony commemorating Dr. Martin Luther King, Jr.

OLE continues to find creative ways to fulfill its mission to provide the best possible training to its students in all potential learning environments. With the addition of two fully automated computer labs and a high-technology courtroom located in the Information Technology Education Center, OLE is better able to provide training in the emerging areas of cybercrime, internet fraud, international telemarketing, and courtroom technology. For those who are unable to travel to the NAC, OLE continues to increase CLE broadcasts on JTN which can be viewed from the desktop of every networked personal computer user in the United States Attorneys' offices via IPTV. Additionally, work was completed on JUSTLearn in Fiscal Year 2005, OLE's online registration system which was deployed to the United States Attorneys' offices. This system automated the manner in which OLE conducts business with its clients and has enhanced training by making OLE more responsive, more accessible, and more effective.

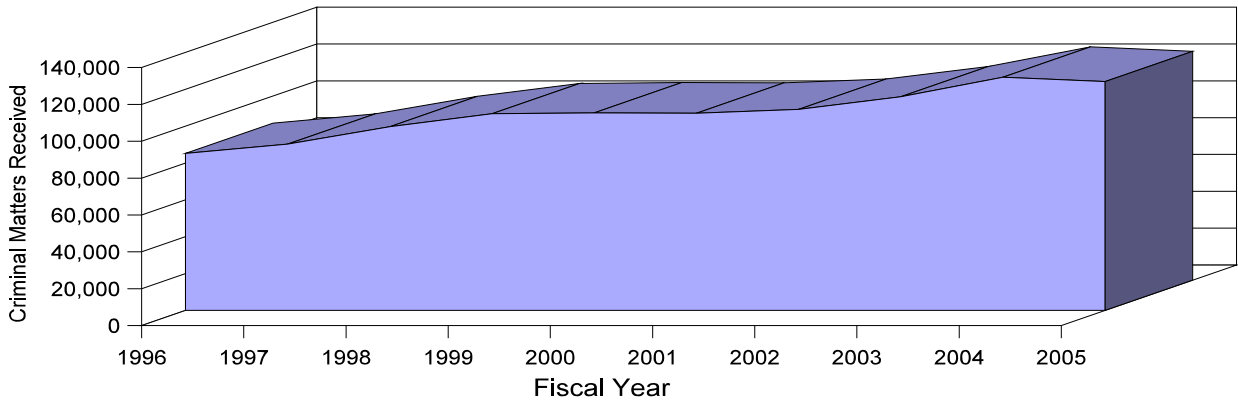


agencies, when compared to the prior year. See Criminal Chart 1 below. Matters received includes immediate declinations in addition to later declinations and filings initiated in any court.

[D]

**CRIMINAL CHART 1 -- Criminal Matters Received**

Fiscal Years 1996 - 2005

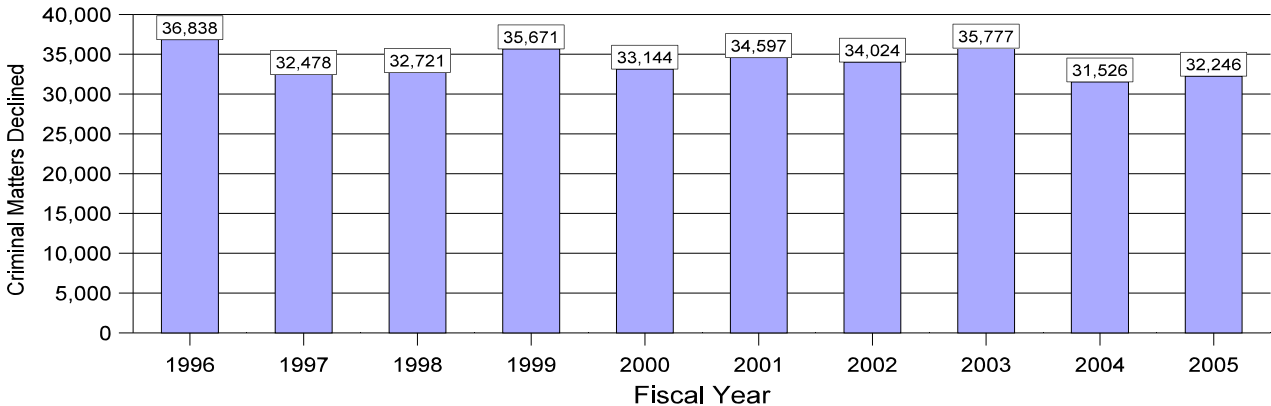


The offices reviewed and immediately or later declined a total of 32,246 criminal matters during the year. See Criminal Chart 2 below, and Tables 14 and 15. As reflected on Tables 14 and 15, the reasons most commonly reported for the declination of these matters included weak or insufficient evidence, lack of criminal intent, suspect to be prosecuted by another authority or on other charges, agency request, and office policy.

[D]

**CRIMINAL CHART 2 -- Criminal Matters Declined**

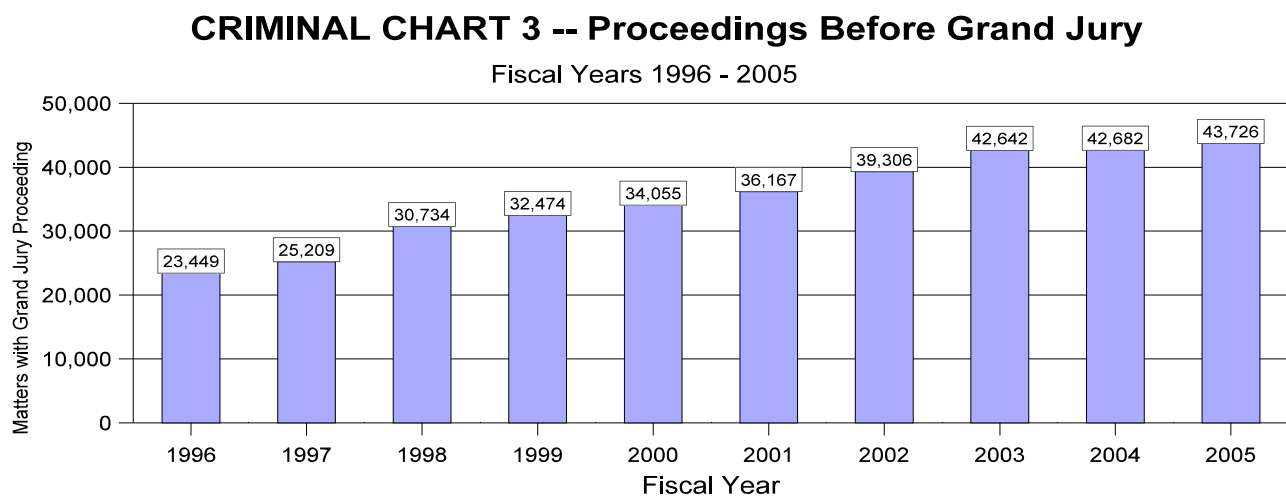
Fiscal Years 1996 - 2005



As of the end of Fiscal Year 2005, a total of 74,390 criminal matters were pending, an increase of 1,648, or 2 percent, when compared to the prior year. Of these, 8,626, or 12 percent, were matters where the defendant was a fugitive, was in a Pre-trial Diversion Program, was in a mental institution, or was unknown. See Table 10. Of all pending matters, 49,052, or 66 percent, had been pending for 24 months or less, and 57,890, or 78 percent, for 36 months or less, as of the end of the fiscal year.

The grand jury, a body of 16 to 23 citizens, functions to determine whether there is probable cause to believe that a person has committed a criminal offense. An Assistant United States Attorney's responsibility is to advise the grand jury on the law and to present evidence for the grand jury's consideration. The grand jurors decide whether to return an indictment. In instances where more information is required, the grand jury can issue subpoenas in order to obtain additional evidence. The United States Attorneys' offices handled a total of 43,726 criminal matters during Fiscal Year 2005 in which grand jury proceedings were conducted, representing a 2 percent increase over the previous year. Criminal Chart 3 below reflects the number of matters in which grand jury proceedings were conducted over the past 10 years.

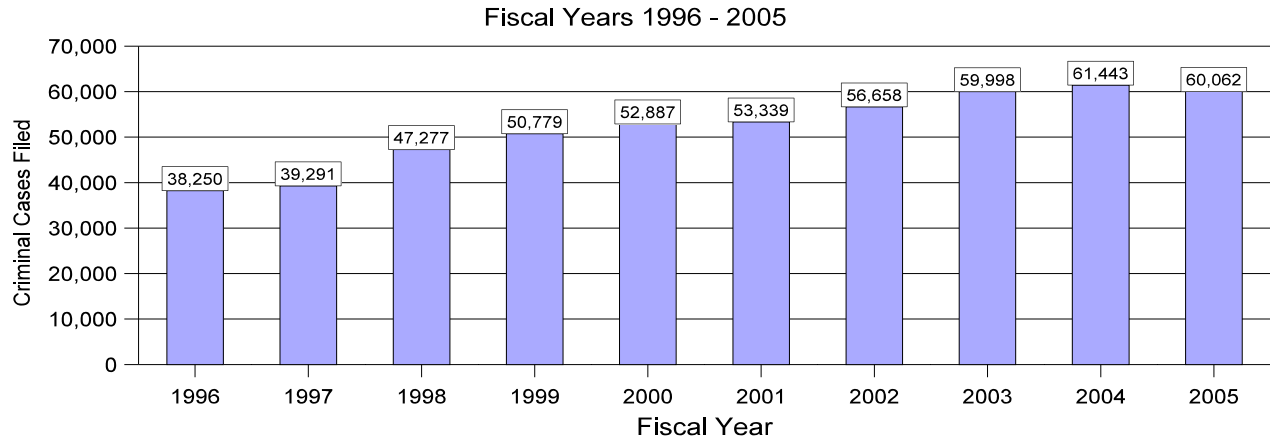
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During Fiscal Year 2005, the United States Attorneys' offices filed 60,062 criminal cases against 82,778 defendants in United States District Courts. See Criminal Chart 4 below, and Table 1. This represents a 2 percent decrease in the number of cases filed and a 1 percent decrease in the number of defendants filed when compared with the prior year.

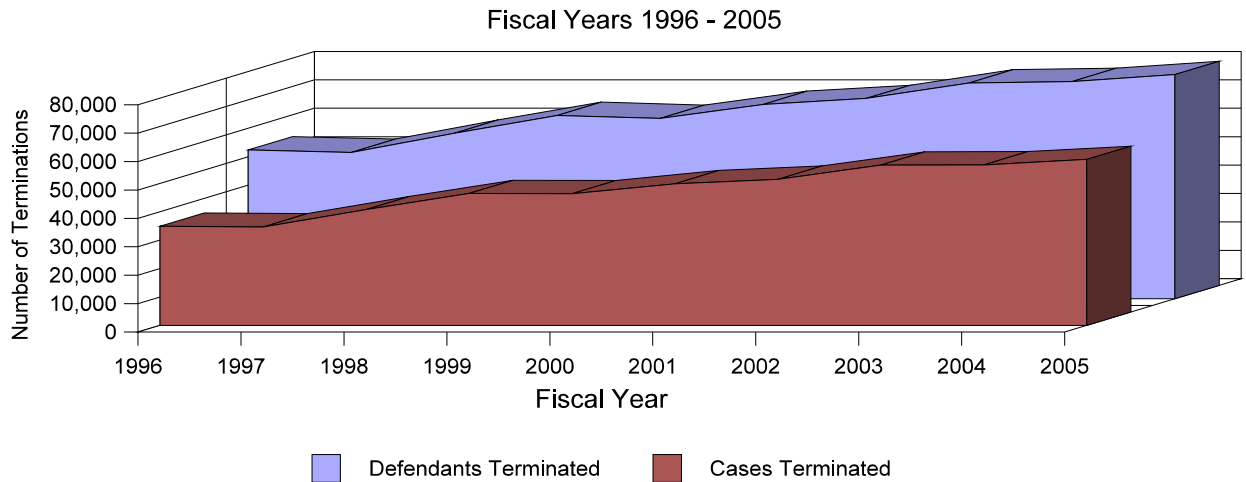
See Criminal Chart 12 for a display of criminal cases filed by program category, or case type, for Fiscal Years 2004 and 2005. Criminal Charts 4 through 12 do not include United States Magistrate Court or appellate cases.

## CRIMINAL CHART 4 -- Criminal Cases Filed



A total of 58,397 cases against 78,916 defendants were also terminated during Fiscal Year 2005, representing a 3 percent increase in the number of cases terminated, and a 3 percent increase in the number of defendants terminated, when compared to the prior year. See Criminal Chart 5 below.

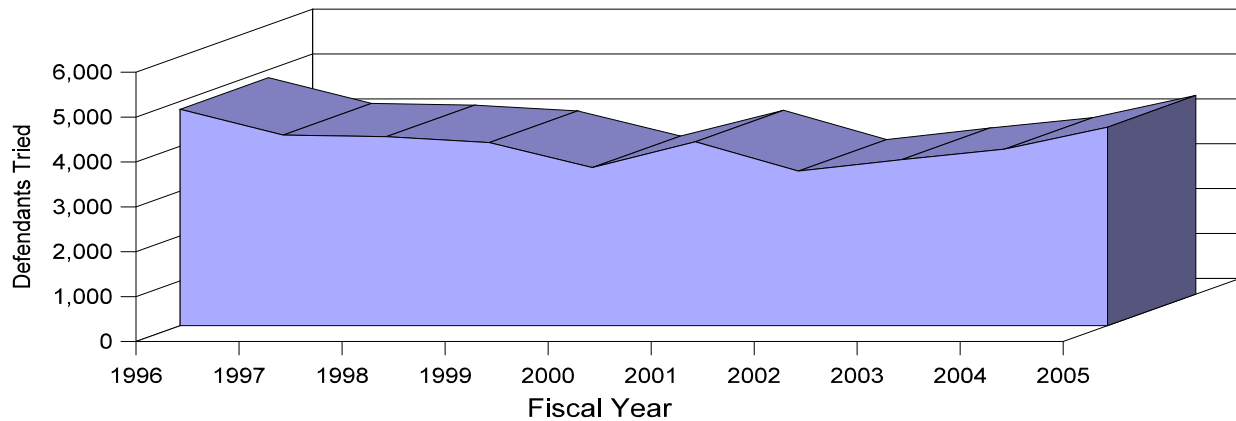
## CRIMINAL CHART 5 -- Criminal Cases and Defendants Terminated



A total of 4,426, or 6 percent, of the terminated defendants were disposed of by trial. This represents a 13 percent increase in the number of defendants disposed of by trial when compared with the prior year. See Criminal Chart 6 below, and Table 2.

## CRIMINAL CHART 6 -- Criminal Defendants Disposed of By Trial

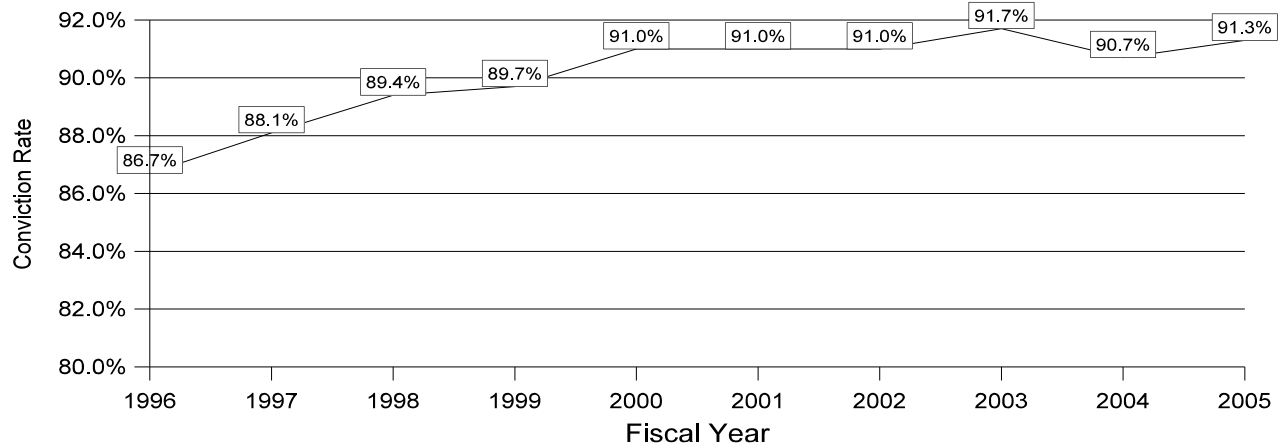
Fiscal Years 1996 - 2005



Of the 78,916 defendants terminated during Fiscal Year 2005, 72,019, or 91 percent, either pled guilty or were found guilty. See Criminal Chart 7 below, and Table 3. The rate of conviction continues to remain over 90 percent, as it has since Fiscal Year 2000.

## CRIMINAL CHART 7 -- Conviction Rate

Fiscal Years 1996 - 2005

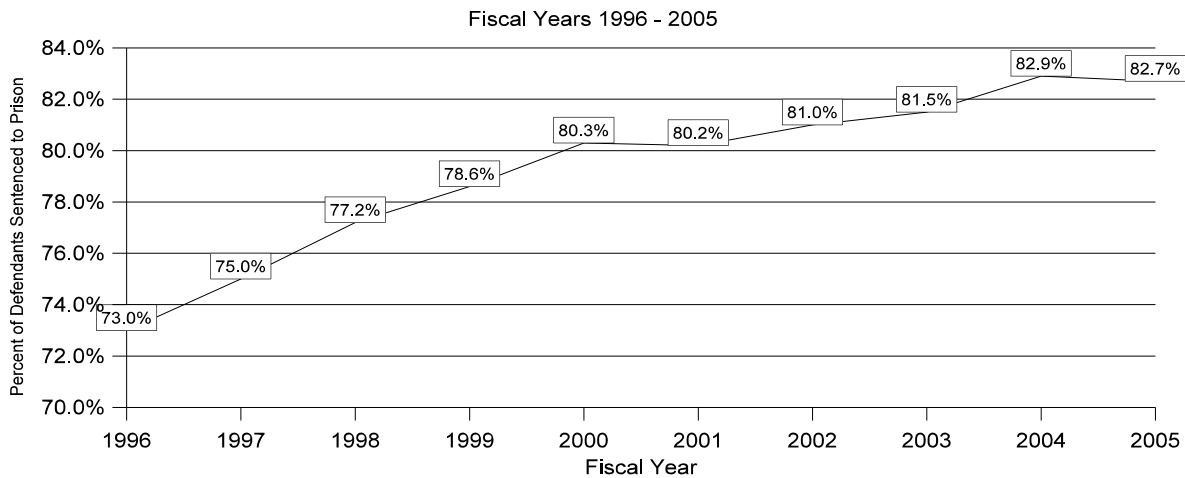


During Fiscal Year 2005, a total of 68,237, or 95 percent, of all convicted defendants pled guilty prior to or during trial. This represents no change in the percentage of convicted defendants who pled guilty when compared to the prior year.

Of the 72,019 defendants who either pled guilty or were found guilty during the fiscal year, 59,575, or 83 percent, received prison sentences. This represents a notable increase over Fiscal Year 1996, when 73 percent of guilty defendants were sentenced to prison. The most notable increase in the percentage of guilty defendants who were sentenced to prison occurred in the immigration program category, which increased from 77 percent in Fiscal Year 1996 to 85 percent in Fiscal Year 2005. A total of 230 guilty defendants received sentences of life in prison during Fiscal Year 2005. See Criminal Charts 8 and 9 below.

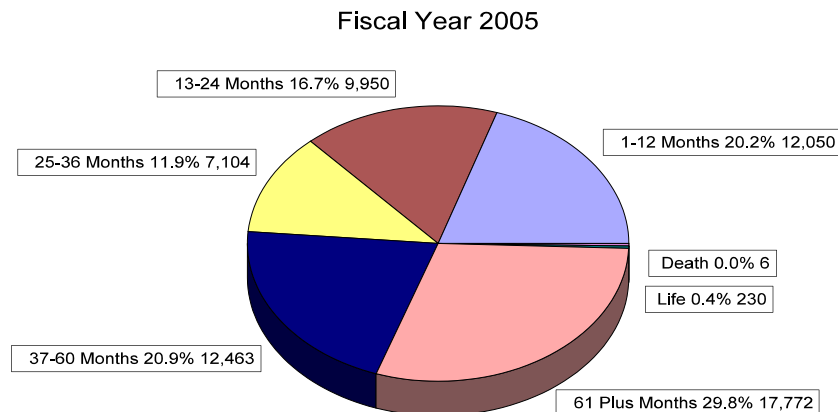
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**CRIMINAL CHART 8 -- Percentage of Guilty Defendants Sentenced to Prison**



[D]

**CRIMINAL CHART 9 -- Length of Sentence for Defendants Sentenced to Prison**

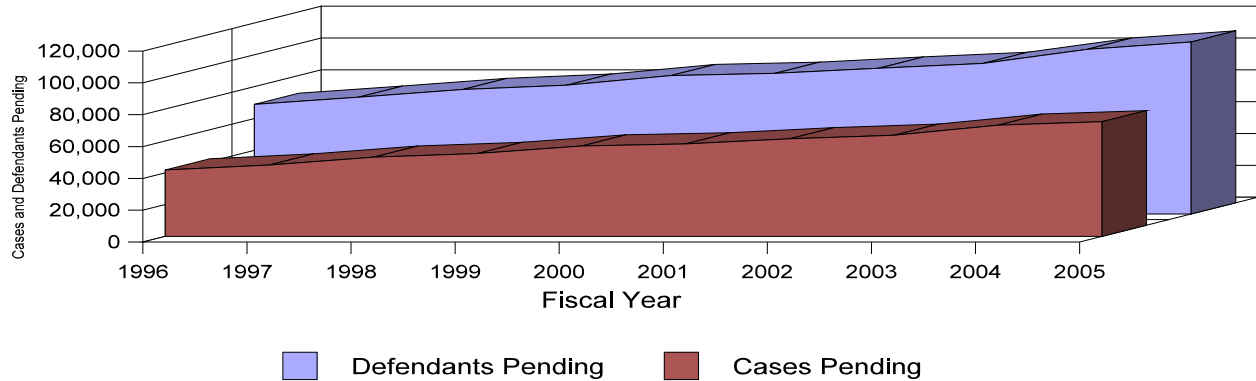


As of the end of Fiscal Year 2005, 72,066 criminal cases against 108,045 defendants were pending. This represents an increase of 3 percent in the number of cases pending and 4 percent in the number of defendants pending, when compared to the prior year. See Criminal Chart 10 below, and Table 1.

[D]

### CRIMINAL CHART 10 -- Criminal Cases and Defendants Pending

Fiscal Years 1996 - 2005

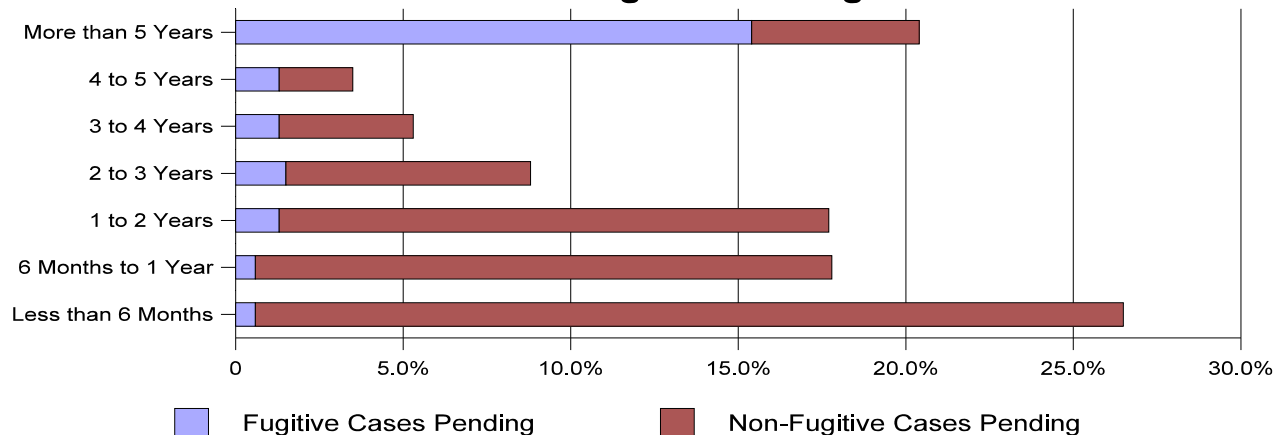


Of the 72,066 pending criminal cases, 44,644, or 62 percent, had been pending for 24 months or less, and 51,010, or 71 percent, had been pending for 36 months or less. See Table 11. In 22 percent of pending cases the defendant was a fugitive, was in a mental institution, or was in a Pre-trial Diversion Program. See Chart 11.

See Criminal Chart 13 below for a display of pending criminal cases by program category, or case type, as of the end of Fiscal Years 2004 and 2005. Criminal Chart 13 does not include cases pending in United States Magistrate Court or pending appellate cases.

[D]

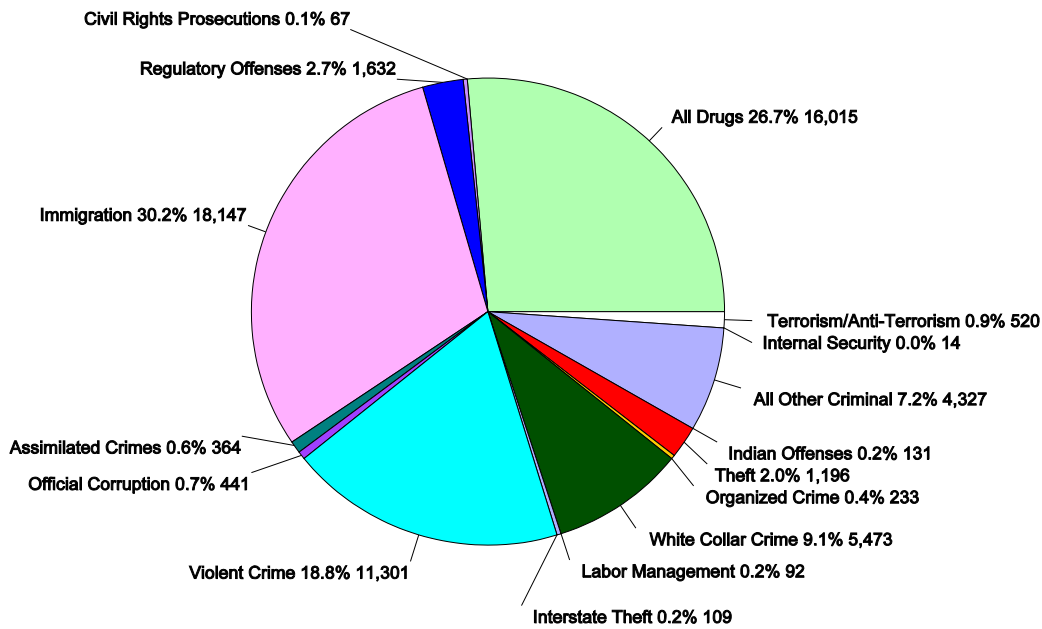
### CRIMINAL CHART 11 -- Age of Pending Criminal Cases





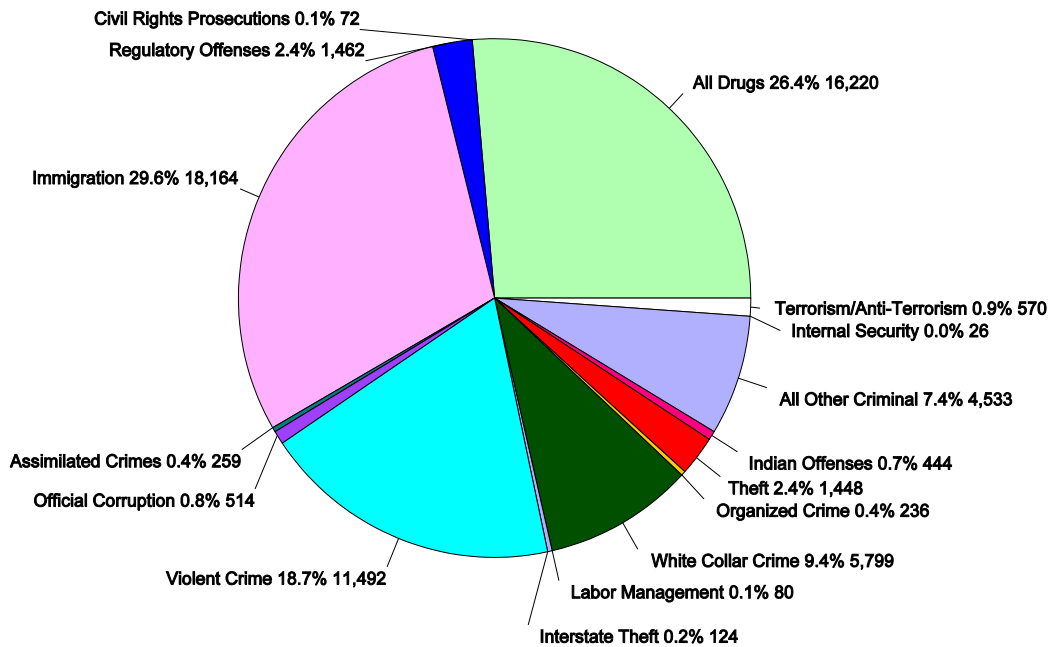
## CRIMINAL CHART 12 -- Criminal Cases Filed by Program Category

Fiscal Year 2005 -- Total Cases Filed 60,062



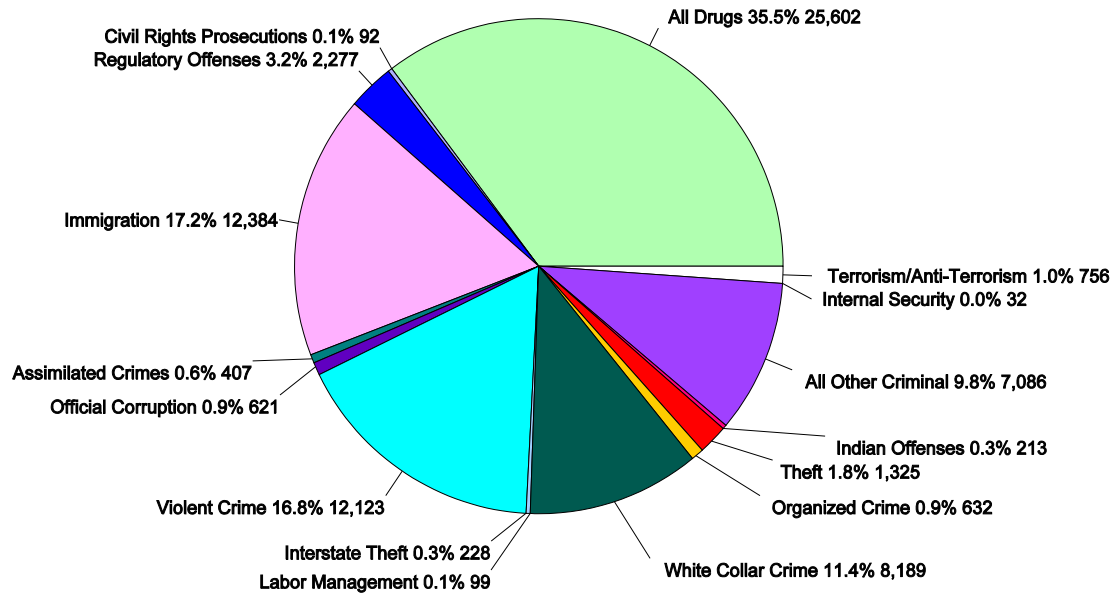
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Fiscal Year 2004 -- Total Cases Filed 61,443



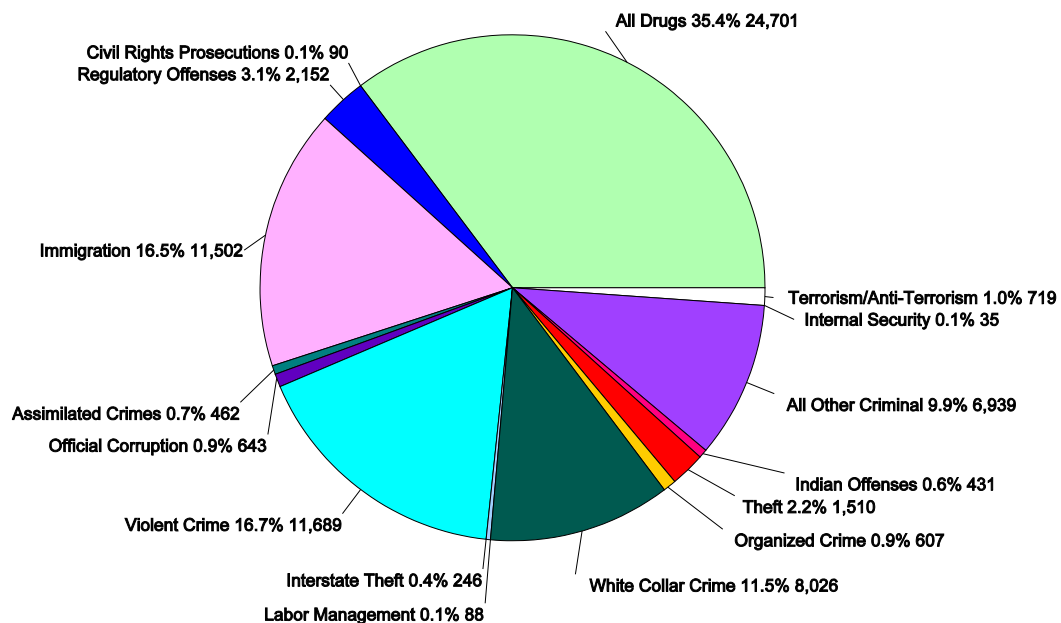
## CRIMINAL CHART 13 -- Criminal Cases Pending by Program Category

Fiscal Year 2005 -- Total Cases Pending 72,066



[D]

Fiscal Year 2004 -- Total Cases Pending 69,840



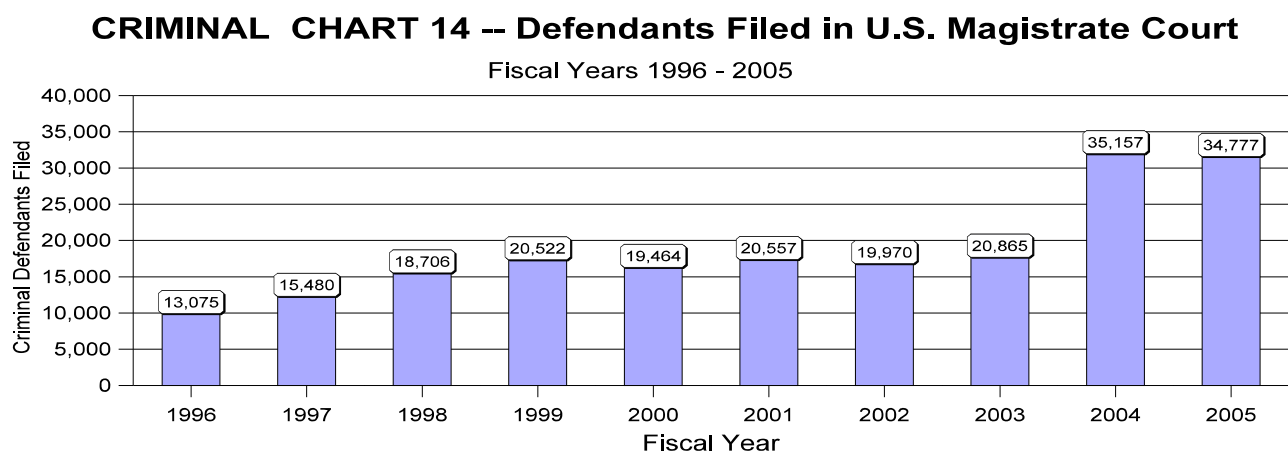
## United States Magistrate Court

In addition to those criminal cases filed in the United States District Courts, the United States Attorneys also handle a considerable criminal caseload which is filed in the United States Magistrate Courts. Congress created the judicial office of Federal Magistrate in 1968. The United States District Judges in each district appoint Magistrate judges, who discharge many of the ancillary duties of the United States District Judges. The utilization of Magistrate judges varies from district to district in response to local conditions and changing caseloads.

Magistrate judges are authorized by statute to perform a variety of judicial duties as assigned by the United States District Courts, including misdemeanor trials, conducting preliminary hearings, and entering rulings or recommended dispositions on pretrial motions. Spurred by the Civil Justice Reform Act of 1990, expanding caseloads, and tightening fiscal constraints, the United States District Courts continue to find new, innovative ways to use Magistrate judges. The flexibility of the Magistrate judge system was further enhanced in 1996 by the Federal Courts Improvement Act which abolished, for certain petty offenses, the requirement that defendants consent to adjudication by a Magistrate judge and allowed defendants in other misdemeanor cases to give their consent orally. In order to meet the dictates of the Speedy Trial Act, courts are referring an increasing number of motions, hearings, and conferences in felony cases to Magistrate judges.

In addition to those cases filed and handled in United States District Courts, the United States Attorneys filed criminal cases against an additional 34,777 defendants in United States Magistrate Courts during Fiscal Year 2005. This represents a decrease of 1 percent when compared to the prior year. See Criminal Chart 14 below, and Table 1. A total of 29,653 defendants were also terminated during the year, which represents a decrease of 4 percent when compared with Fiscal Year 2004. See Criminal Chart 15 below. As of the end of Fiscal Year 2005, criminal cases against 23,075 defendants were pending in United States Magistrate Courts, an increase of 7 percent when compared with the number of defendants pending at the end of Fiscal Year 2004. See Table 1. Petty offenses handled in United States Magistrate Courts are not included in this data.

[D]

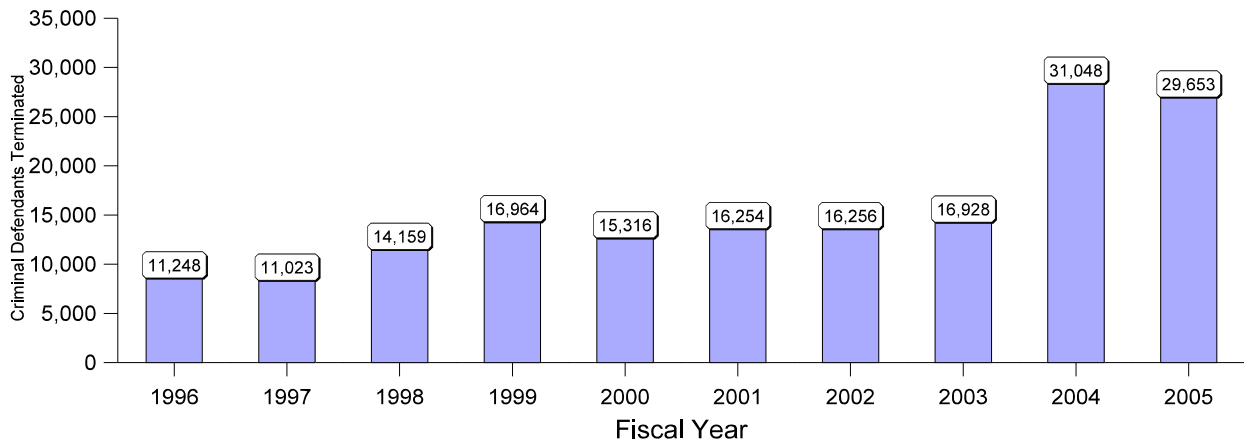


[D]

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**CRIMINAL CHART 15 -- Defendants Terminated in U.S. Magistrate Court**

Fiscal Years 1996 - 2005



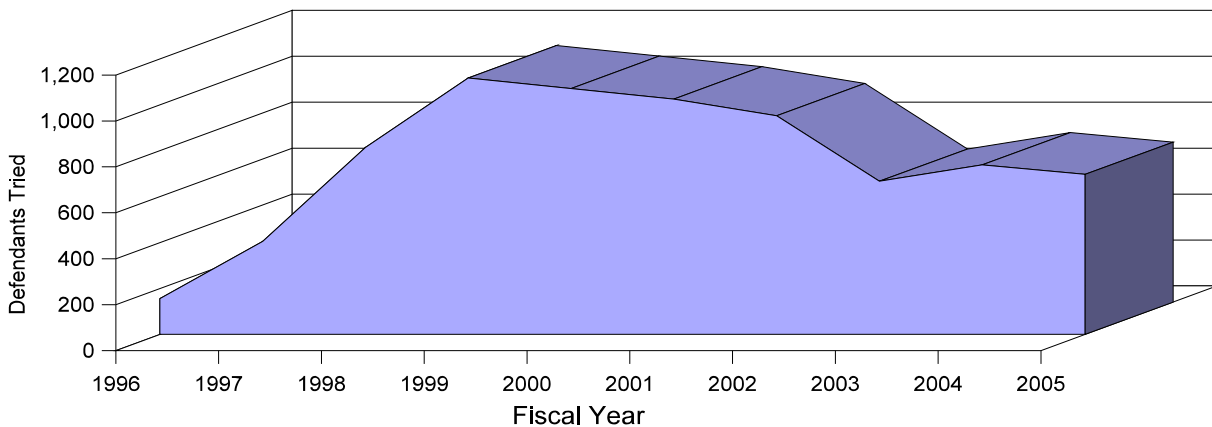
Of the defendants terminated in United States Magistrate Courts during Fiscal Year 2005, 697, or 2 percent, were terminated after a court or jury trial. See Criminal Chart 16 below, and Table 2A. This represents a decrease of 41 defendants disposed of by trial, or 6 percent, when compared to the prior year.

[D]

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**CRIMINAL CHART 16 -- Defendants Disposed of By Trial in U.S. Magistrate Court**

Fiscal Years 1996 - 2005



## District of Columbia Superior Court

As noted earlier, the United States Attorney's office for the District of Columbia also bears responsibility for the prosecution of criminal cases in the District of Columbia Superior Court. The Superior Court Division of the United States Attorney's office handles the prosecution of criminal violations of the District of Columbia Code committed by adults and juveniles charged as adults. The vast majority of these cases are presented to the United States Attorney's office as arrests by local agencies. The Superior Court Division is comprised of 7 litigation sections: the Misdemeanor Trial Section; the Community Prosecution/Intake Section; the Grand Jury Section; the Felony Trial Section; the Sex Offense/Domestic Violence Section; the Major Crimes Section; and the Homicide Section.

While violent crime and weapon offenses continued to be the primary focus of the Superior Court Division, the workload reflected cases brought as a result of a variety of initiatives including: Community Prosecution, Project Safe Neighborhoods, Human Trafficking Initiative, Community Court, Drug Court, and a number of domestic violence programs. Problem solving, rather than mere case processing, also continued to be a goal. The high number of dismissals in misdemeanor cases reflected the growing trend towards the use of alternative dispositions (mediation, diversion, community service, etc.) in lower level, quality of life offenses.

The following data details the Superior Court Division's caseload during Fiscal Year 2005. This data is not included in the other charts and tables contained in this report.

	Arrests Reviewed		Cases Presented (Papered)		Cases Declined (No-Papered)		Cases Terminated	
	Number	Percent of Total	Number	Percent of Total Presented	Number	Percent of Total Presented	Number	Percent of Total Presented
Felony	7,705	30.3%	6,074	78.8%	1,631	21.2%	5,386	69.9%
Misdemeanor	17,764	69.7%	13,464	75.8%	4,300	24.2%	10,959	61.7%
Total	25,469	100.0%	19,538	76.7%	5,931	23.3%	16,345	64.2%

Cases Disposed of by Jury Trials							
	Number of Trials	Number Guilty	Percent Guilty	Number Not Guilty	Percent Not Guilty	Number of Mistrials	Percent of Mistrials
Felony	365	261	71.5%	92	25.2%	12	3.3%
Misdemeanor	29	17	58.6%	12	41.4%	0	0.0%
Total	394	278	70.6%	104	26.4%	12	3.0%

Cases Disposed of by Court Trials							
	Number of Trials	Number Guilty	Percent Guilty	Number Not Guilty	Percent Not Guilty	Number of Mistrials	Percent of Mistrials
Felony	117	93	79.5%	24	20.5%	0	0.0%
Misdemeanor	1,082	791	73.1%	291	26.9%	0	0.0%
Total	1,199	884	73.7%	315	26.3%	0	0.0%

	Case Disposition	
	Number of Guilty Pleas	Number of Dismissals
Felony	3,560	1,707
Misdemeanor	5,752	6,564
Total	9,312	8,271

	Convictions	
	Number of Convictions	Conviction Rate
Felony	3,914	72.7%
Misdemeanor	6,560	59.9%
Total	10,474	64.1%

## **Fiscal Year 2005 Strategic Goals**

In carrying out their criminal prosecution responsibilities, the United States Attorneys are guided by the law enforcement and special prosecution priorities of the Attorney General. These areas are set forth in the Department's Strategic Plan and Performance Report. The Fiscal Year 2005 prosecution priorities are addressed separately below.

### **Terrorism**

The prevention of terrorist attacks and the prosecution of the war on terrorism remain the top priorities of the Department of Justice. The Anti-Terrorism Advisory Councils (ATACs), formed shortly after September 11, 2001, continue to further the Department's three-pronged approach to protecting America from the threat of terrorism by: focusing on the prevention of terrorist acts; investigating threats and incidents; and prosecuting those accused of committing crimes by terrorist means. The ATACs remain a valuable addition to the law enforcement community and have made important contributions toward achieving the Department's goals of preventing terrorism and promoting national security. The ATACs are credited with helping to strengthen the Department's infrastructure devoted to counterterrorism, and assisting in the development of a national network of representatives from federal, state, and local agencies, and private industry. The ATACs continue to work closely with the FBI's Joint Terrorism Task Forces (JTTFs) who retain primary operational responsibility for terrorism investigations.

The ATACs held their annual training conference at the National Advocacy Center (NAC) in Columbia, South Carolina, in March of 2005. The National Conference provided an opportunity for all 93 ATAC Coordinators to come together to receive updated policy and guidance information on terrorism matters, as well as to share innovative practices with one another. Attorneys from the Department's Counterterrorism Section participated in the conference by helping to develop the agenda, presenting several of the sessions, and facilitating breakout sessions. The ATAC Coordinators continue to work closely with the Counterterrorism Section Regional Coordinators, who assist in coordinating, monitoring, and prosecuting many of the counterterrorism cases handled in the United States Attorneys' offices. In January of 2005, guidance was developed to assist in effective coordination of terrorism cases by providing information on when United States Attorneys' offices should notify, consult, and obtain approvals from the Department when prosecuting certain cases.

During Fiscal Year 2005, the United States Attorneys filed a total of 520 terrorism and anti-terrorism cases against 698 defendants. This includes international and domestic terrorism, terrorism-related financing, and terrorism-related hoaxes, as well as anti-terrorism cases, that is, those cases brought to prevent or disrupt potential or actual terrorist threats where the offense conduct is not obviously a federal crime of terrorism. A total of 565 cases against 661 defendants were also terminated in Fiscal Year 2005.

Examples of successful terrorism or anti-terrorism prosecutions handled by the United States Attorneys during Fiscal Year 2005 include the following:

In the **Northern District of Georgia** and **Northern District of Alabama**, a defendant pled guilty to charges related to deadly bombings in Birmingham, Alabama, and in the Atlanta area, including the bombing at the 1996 Olympics. He was sentenced to life in prison. The defendant provided the government with information about 250 pounds of explosives that he had hidden in the western part of North Carolina. As a result of the defendant's information, the government was able to locate and safely detonate the explosives.

In the **District of New Jersey**, a British national was convicted on charges of attempting to sell shoulder-fired missiles to what he thought was a terrorist group intent on shooting down United States airliners. The defendant was arrested following an undercover sting operation involving agents from several countries. The defendant was sentenced to 47 years in prison.

In the **Eastern District of New York**, 2 defendants were convicted, one a Yemeni cleric, on charges of providing and conspiring to provide material support and resources to al-Qaeda and Hamas. The defendants were sentenced to 75 years in prison and 45 years in prison, respectively.

In the **Northern District of New York**, a defendant was convicted on charges of participating in a conspiracy to unlawfully send money to Iraq, in violation of United States sanctions, and money laundering. The defendant was sentenced to 22 years in prison.

In the **Eastern District of Virginia**, a defendant was convicted on all 10 charges brought against him in connection with the "Virginia Jihad" case. The defendant, a spiritual leader at a mosque in Northern Virginia, encouraged other individuals at a meeting to go to Pakistan to receive military training from Lashkar-e-Taibi, a designated foreign terrorist group, in order to fight United States troops in Afghanistan. The defendant was sentenced to life in prison.

## **Firearms**

The United States Attorneys had successes in Fiscal Year 2005 consistent with the Administration's goal to reduce and eliminate firearms-related criminal conduct and violent crime. On May 14, 2001, the President and the Attorney General, along with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATFE), announced Project Safe Neighborhoods (PSN): America's Network Against Gun Violence. PSN focuses on a collaborative effort between all law enforcement organizations and community and faith-based groups to build or enhance effective gun crime reduction programs. PSN consists of 5 essential elements: partnership; strategic planning; training; community outreach and public awareness; and accountability. United States Attorneys in each of the federal judicial districts work side by side with local law enforcement and other officials



to tailor the PSN strategy to fit the unique gun crime problem in their district. Although programs may differ among individual districts, the 5 essential elements are met through heightened coordination and increased resources among federal, state, and local agencies to target gun crime.

During Fiscal Year 2005, PSN Task Forces and United States Attorneys' offices across the nation continued to vigorously enforce gun laws to prevent and deter gun crime. Their efforts resulted in 13,062 defendants charged under 18 U.S.C. 922 or 924, and 10,841 cases filed. When compared with the prior year, this represents a 1 percent increase in the number of defendants filed. The cases filed in Fiscal Year 2005 represent a 73 percent increase when compared with Fiscal Year 2000, the year that collaborative efforts began under PSN. The 13,062 defendants filed in Fiscal Year 2005 included not only those charged in cases that were handled by the United States Attorneys' offices as purely firearms cases, but also defendants charged with firearms offenses in any other criminal case, such as narcotics cases, organized crime cases, violent crime in Indian Country cases, or other violent crime cases such as bank robberies.

Criminals convicted of violating gun laws continue to receive substantial punishment for their crimes. During Fiscal Year 2005, 91 percent of all defendants who were terminated were convicted, representing the highest conviction rate over the last several years. Of the convicted defendants, 10,894, or 94 percent, were sentenced to prison. Of the defendants sentenced to prison, 8,002, or 74 percent, were sentenced to terms of 3 years or more in prison, and 5,651, or 52 percent, were sentenced to terms of 5 or more years in prison, including 112 life sentences. Life sentences increased 9 percent from the previous year and 75 percent when compared with Fiscal Year 2002. This is one indicator that the United States Attorneys and PSN Task Forces are appropriately prosecuting extremely violent criminals.

Examples of successful firearms prosecutions handled by the United States Attorneys during Fiscal Year 2005 include:

In the **Southern District of Mississippi**, a police officer arrested a man on a misdemeanor warrant. After finding crystal methamphetamine in the defendant's hand and a pistol in his pocket, the Police Department referred the case to the United States Attorney's office for federal prosecution. The defendant, who had a criminal history which qualified him as an "Armed Career Criminal" under the federal Sentencing Guidelines, pled guilty to being a felon in possession of a firearm and was sentenced to 16 years and 3 months in prison.

In the **Eastern District of Missouri**, a man was charged with committing a homicide in the St. Louis area. An informant alerted police to the defendant's location. When police attempted to arrest the defendant, he pulled a handgun from his waistband and confronted officers with the firearm in his hand. The defendant then dropped the handgun and was apprehended and arrested after a short foot chase. At the time he was arrested, the defendant had been convicted of at least 3 felony

offenses that involved either a crime of violence or a drug trafficking offense. The defendant pled guilty in federal court to being a felon in possession of a firearm. As a result of his status as an “Armed Career Criminal,” he was sentenced to 15 years and 8 months in prison.

In the **Eastern District of Pennsylvania**, the PSN task force in Philadelphia launched a multi-agency investigation that resulted in the prosecution and conviction of 37 defendants for their participation in the Courtney Carter organization. The Carter gang ran a violent drug trafficking enterprise and used firearms to facilitate their illegal activities. The defendants were sentenced to prison terms ranging from 24 years to life in prison.

In the **Western District of Texas**, a man was sentenced to life in prison and fined \$1,000 for being a convicted felon in possession of a firearm. The defendant was involved in a domestic disturbance with his girlfriend and her roommate. Just as the roommate opened the door, the defendant stuck his arm inside the residence and fired four shots from a .22 caliber revolver. Prevented from entering the residence, he went to the bedroom window, broke the glass, and pointed the gun at his girlfriend. Ultimately, the girlfriend convinced the defendant to drop the gun, which was later recovered by County Sheriff’s Deputies when they arrived at the scene. The defendant has 14 prior convictions on various charges including burglary, robbery and arson.

## **Narcotics Prosecutions**

To help achieve the Department’s strategic goal of enforcing federal criminal laws related to drug enforcement, the United States Attorneys’ objectives are twofold. First, they seek to reduce the threat, trafficking, and related violence of illegal drugs by identifying, disrupting, and dismantling drug trafficking organizations. Second, they aim to break the cycle of drugs and violence by reducing the demand for illegal drugs.

The Organized Crime Drug Enforcement Task Force (OCDETF) Program is an integral part of this strategy. The OCDETF program combines the efforts and expertise of federal, state, and local law enforcement agencies in disrupting and dismantling major drug trafficking organizations. The use of the Consolidated Priority Organization Target (CPOT) List, which targets international trafficking organizations, and the Regional Priority Organization Target (RPOT) List, which targets the domestic partner organizations of the CPOTs, forms the backbone of the OCDETF targeting matrix. The Department continues to place an emphasis on conducting financial investigations as a key part of the OCDETF program.

In 2002, the Administration, through the Office of National Drug Control Policy, established a goal of reducing use of illegal drugs by 10 percent in 2 years and 25 percent in 5 years. This goal is being achieved through the Department’s supply reduction efforts and through programs aimed at prevention and treatment. During Fiscal Year 2005, each United States Attorney’s office took an active role in working with federal, state, and local law enforcement officials to coordinate

demand reduction efforts. Many offices were actively involved in planning these demand reduction programs in support of a national demand reduction initiative.

During Fiscal Year 2005, the United States Attorneys filed 16,114 cases against 30,206 drug defendants. This represents a 1 percent decrease in cases filed but a 2 percent increase in the number of defendants filed when compared with the prior year. These cases included both OCDETF and non-OCDETF drug cases as well as those drug cases classified under the Government Regulatory/Money Laundering program category. A total of 15,489 cases against 28,096 defendants were also terminated. Ninety-one percent of the defendants who were terminated in Fiscal Year 2005 were convicted. Of the convicted defendants, 92 percent were sentenced to prison.

### **OCDETF**

The Attorney General's Drug Enforcement Strategy refocused the Organized Crime Drug Enforcement Task Force (OCDETF) Program to identify, disrupt, and dismantle major drug supply and money laundering organizations through coordinated, nationwide investigations targeting the entire infrastructure of these enterprises. OCDETF combines the resources and expertise of its member federal agencies - the Drug Enforcement Administration, Federal Bureau of Investigation, Bureau of Alcohol, Tobacco, Firearms, and Explosives, United States Marshals, Internal Revenue Service, United States Immigration and Customs Enforcement, and United States Coast Guard - with United States Attorneys' offices across the country, to investigate and prosecute these major drug supply and money laundering organizations. Law enforcement has developed a priority targeting strategy that identifies and targets organizations at all levels of the drug supply pyramid. The international "command and control" organizations - the "most wanted" of the drug trade - are identified on the multi-agency CPOT List. OCDETF agencies have also identified various organizations which operate domestically and pose a major threat to a particular region or regions of the United States. The OCDETF Program seeks to target all drug trafficking and money laundering networks that are "linked" to these international, national, and regional priority targets and, thereby, to attack simultaneously all components of these organizations nationwide.

The OCDETF Program continues to focus resources on long-term, more complex investigations of high-level organizations operating in multiple jurisdictions. During Fiscal Year 2005, the United States Attorneys filed 2,513 OCDETF cases against 8,128 defendants, representing a 6 percent increase in cases filed and a 10 percent increase in defendants filed when compared with the prior year. In addition, the United States Attorneys terminated 2,730 OCDETF cases against 8,076 defendants. A total of 7,202 defendants, or 89 percent of all terminated defendants, were convicted, with 91 percent of all convicted defendants sentenced to prison. Fifty-six percent of the defendants were sentenced to prison for more than 5 years.

The following investigative activities during Fiscal Year 2005 reflect the OCDETF Program's commitment to disrupting and dismantling high-level drug supply and money laundering organizations:

In the **Southern District of Florida**, a CPOT target was extradited from Colombia to Miami, Florida, where he was charged with conspiracy to import and

manufacture cocaine and conspiracy to launder drug proceeds. The defendant is alleged to be a money launderer and drug transporter who coordinated the transportation of multi-ton quantities of cocaine to the United States and Europe from Colombia. In 1997, the defendant was responsible for the importation of over 4,276 kilograms of cocaine and the laundering of more than \$5 million in drug proceeds. The defendant was removed from the CPOT List at the end of Fiscal Year 2005 because his organization has been substantially dismantled.

Operation “Cornerstone” resulted in the extradition of the Cali Cartel leader from Columbia to the United States. The defendant is an original CPOT target and his extradition follows in the footsteps of his older brother, who was also extradited to the United States. The defendant, like his brother, faces drug trafficking and money laundering charges in the **Southern District of Florida**, stemming from a 14-year investigation. The brothers may be considered the most significant drug traffickers ever to face justice in United States courts.

Operation “Mex-Greco” began as an investigation into a death from a heroin overdose and ended with the dismantlement of a Dominican heroin trafficking organization based in Massachusetts that distributed large quantities of heroin in Massachusetts, Maine and New Hampshire, as well as the Dominican trafficking organization based in New York that supplied the heroin. Ultimately, 22 of the organization’s customers were arrested and referred for prosecution in state courts in New Hampshire, Maine and Massachusetts, 28 defendants were indicted federally in the **District of Massachusetts**, and the members of the source of supply organization were indicted in New York. In addition to more than 70 arrests made as a result of this investigation, over 4 kilograms of heroin, 500 kilograms of cocaine, and over \$1 million in assets were seized. Because of the death caused by the heroin overdose, the defendants in the distribution chain, including the head of the organization, were charged and convicted of distributing a controlled substance that causes death. The head of the organization was sentenced to 20 years in prison. The other members of the organization received sentences ranging from 8 years in prison to 10 years in prison, and low level participants and customers received sentences ranging from probation to lesser prison sentences.

Numerous other OCDETF investigations resulted in successful prosecutions across the country. Examples of these include the following:

In the **District of Maryland**, Operation “White Tiger,” an investigation into an international, high-purity heroin trafficking organization, led to the conviction of 7 individuals who were responsible for the distribution of hundreds of kilograms of heroin to the United States, Europe, Canada and Africa. The Federal Bureau of Investigation, Drug Enforcement Administration and the United States Attorney’s office led the investigation which also involved the participation of: Her Majesty’s Revenue and Customs in the United Kingdom; the Narcotics Suppression Bureau, Royal Thai Police; the Royal Canadian Mounted Police, which conducted crucial

surveillance of the drug courier; and the Department of Justice's Office of International Affairs, which coordinated provisional arrest and extradition proceedings in the case. The 2 organization leaders, both from Pakistan, were sentenced to life in prison and 30 years in prison, respectively, on charges related to their family's international heroin trafficking organization. They were convicted after a 4-week trial of conspiracy to distribute and import 1 kilogram or more of heroin, 3 counts of distribution of heroin, and 8 counts of using a communications facility (telephone or fax) to facilitate heroin offenses. In addition, another defendant pled guilty to money laundering in connection with the transmittal of funds to the organization and was sentenced to 1 year and 8 months in prison.

In the **District of Massachusetts**, Operation "Silent Victory" resulted in the dismantling of a Colombian cocaine trafficking organization and the successful prosecution of 17 federal defendants, ranging from street-level dealers and their mid-level supplier, to the Colombian-based leaders of the cocaine distribution and money laundering ring which had become the supplier's chief source of supply. Beginning in 1997, the investigation employed a number of investigative techniques which led to the indictment of 15 defendants in the district, the seizure of over 10 kilograms of cocaine, and the indictment and extradition of 2 leaders and suppliers from Colombia. The mid-level supplier, his associates, and his customers received sentences ranging from probation to 11 years and 3 months in prison. The extradited leaders of the organization each received sentences of 21 years and 10 months in prison.

In the **Southern District of Texas**, Operation "Igloo," a 4 year multi-jurisdictional investigation co-sponsored by the Drug Enforcement Administration, Immigration and Customs Enforcement, and the Internal Revenue Service, targeted an organization involved in a conspiracy that spanned an 8-year period. Two individuals were the heads of a drug and money laundering organization that was primarily based out of Laredo, Texas, and largely operated in the Atlanta, Georgia, area. The organization shipped in excess of 150 kilograms of cocaine and in excess of 30,000 kilograms of marijuana from Texas to Georgia, North Carolina and Tennessee, and laundered as much as \$15 million. A total of 34 targets were indicted resulting in 30 convictions, including the 2 organization heads who pled guilty and received 44 years and 45 years in prison, respectively. The investigation resulted in the seizure of over \$2.3 million in drug proceeds and 10,000 pounds of marijuana.

In the **District of Wyoming**, Operation "S.M.I.L.E.," a CPOT and RPOT linked investigation, resulted in 46 convictions. The Grand Jury issued a 34 person, 46 count indictment, which was the largest indictment in terms of total number of defendants ever prosecuted in the district. Thirty of those defendants were convicted on drug, firearms, and financial violations ranging from continuing criminal enterprise, money laundering, and carrying a firearm in relation to a drug offense, to use of a telephone facility during the commission of a felony drug offense. The leader of the organization was sentenced to 25 years in prison. Two of the remaining

defendants, the primary sources for the drugs, are fugitives and believed to be living in Mexico, while prior indictments led to 11 other convictions. Other associates of the organization have also been successfully convicted in the **District of Nebraska** and the **District of Nevada**.

### **Non-OCDETF Drugs**

In addition to OCDETF cases, the United States Attorneys also filed a total of 13,601 non-OCDETF drug cases against 22,078 defendants during Fiscal Year 2005. This represents a 3 percent decrease in cases filed and a 1 percent decrease in defendants filed when compared with the prior year. A total of 12,759 non-OCDETF cases against 20,020 defendants were also terminated during the year, representing virtually no change in the number of defendants terminated when compared to the prior year. Ninety-two percent of all terminated defendants were convicted, with 92 percent of the convicted defendants sentenced to prison.

Examples of non-OCDETF drug cases successfully prosecuted by the United States Attorneys during Fiscal Year 2005 include the following:

In the **Northern District of Indiana**, a defendant was sentenced to 5 years and 10 months in prison for transporting narcotics from Chicago to Michigan. The defendant was arrested following a traffic stop, during which, and following a consent search, an officer discovered 5 kilograms of 90 percent pure cocaine in a hidden compartment in the vehicle. Drug Enforcement Administration agents estimated the street value of the narcotics at approximately \$1,000,000. After a hotly contested suppression hearing that the government won, the defendant pled guilty to possession with intent to distribute 5 kilos or more of cocaine.

In the **Western District of Missouri**, a defendant was sentenced to life in prison for a conspiracy to manufacture and distribute methamphetamine, involving the largest meth lab ever found in southwest Missouri. The defendant must pay \$11,452 in restitution for costs of disposal of hazardous waste from the site. He was arrested when law enforcement officers discovered the laboratory in his home, along with a large quantity of methamphetamine, 39 boxes containing pseudoephedrine tablets, 25 plastic zip-lock bags containing pseudoephedrine tablets and five bags of crushed pseudoephedrine powder. Also found were several firearms and items used in the manufacture of methamphetamine, such as anhydrous ammonia tanks. A co-defendant was sentenced to 7 years in prison. The co-defendant conspired to distribute between 1.5 kilograms and 5 kilograms of methamphetamine. He traded precursors, such as pseudoephedrine and red phosphorus, to the defendant in exchange for processed methamphetamine. The co-defendant forfeited proceeds from the sale of methamphetamine totaling \$14,166, which was seized from his home. The defendant was also convicted of charges related to the operation of the methamphetamine lab at his home and being a felon in possession of 8 firearms.

In the **Western District of Washington**, a defendant was sentenced to 9

years in prison for importing over 22 kilograms of ecstasy into the United States. The defendant entered the United States from Canada at the Pacific Highway Port of Entry at Blaine, Washington, driving a commercial tractor and trailer bearing a British Columbia license plate. During a search of the defendant's truck, Customs and Border Patrol officers discovered a small cardboard box inside the engine compartment of the tractor which contained approximately 100,000 multi-colored pills, weighing approximately 22 kilograms. The pills contained methylenedioxymethamphetamine (MDMA) and d-methamphetamine, commonly known as ecstasy. The illegal load was worth approximately \$2 million.

## **Corporate Fraud**

Cases of fraud and deception by corporate executives threaten more than the future of a few companies; they destroy workers' incomes, wipe out retirement accounts, devastate investor confidence, and cast a shadow over the integrity and reputation of American business itself. During Fiscal Year 2005, the United States Attorneys continued to combat corporate fraud and punish corporate wrongdoers. In doing so, United States Attorneys' offices opened 122 corporate fraud matters and charged 197 defendants during the fiscal year. In addition, 275 defendants were terminated with 252 defendants convicted of corporate fraud charges, representing a 92 percent conviction rate. Additionally, 70 percent of all convicted defendants were sentenced to prison. The continued number of significant corporate fraud matters undertaken by the United States Attorneys has contributed substantially to restoring confidence in America's financial markets and reinvigorating corporate governance practices.

Examples of corporate fraud cases successfully prosecuted by the United States Attorneys during Fiscal Year 2005 include the following:

In the **District of Maryland**, the President and Chief Executive Officer of 3 Baltimore-based financial services companies pressured fund managers working under his direction and control to invest Maryland state pension funds and those of two private companies in *eChapman* stock in an attempt to ensure that the Initial Public Offering (IPO) would be fully subscribed by its opening date. These pension funds ultimately lost a total of almost \$6 million as *eChapman's* stock price eventually fell to mere pennies a share. The defendant also stole approximately \$500,000 in cash out of his various companies and had used that money in part to provide gifts and financial support to women with whom he was having extra-marital affairs. Following a 9-week trial, the defendant was convicted on 23 charges of fraud, false statements on tax returns and false statements to investigators from the Securities & Exchange Commission. The defendant received a sentence of 7 years and 6 months in prison and was ordered to pay more than \$5 million in restitution. In a separate case, the Senior Vice President was sentenced to 1 year and 6 months in prison on securities fraud charges.

In the **District of Vermont**, the former Chief Executive Officer of Fletcher Allen Healthcare (FAHC), the largest hospital in Vermont, was sentenced to 2 years

in prison based upon his guilty plea of conspiring to make false statements in health care matters. The defendant admitted to being the mastermind of a scheme to hide the true costs of a \$350 million hospital building project from state health care regulators and the FAHC Board of Trustees. Under Vermont law, state regulators have the obligation to approve significant health care capital spending. The defendant and other senior managers at FAHC constructed a complex scheme to lead the state and the public to believe that the project cost only \$173 million, when in fact they knew that it cost over \$350 million. Other defendants involved in the scheme have also been indicted including the former Senior Vice President who pled guilty to a federal conspiracy charge, and the former Chief Operating Officer who pled guilty to state false statement charges. The former Chief Financial Officer has been charged in federal court and is awaiting trial.

In the **Eastern District of Virginia**, America Online, Inc. (AOL) entered into a Deferred Prosecution Agreement with the United States. The company was charged with aiding and abetting securities fraud. The Statement of Facts sets forth a revenue swap between AOL and a Las Vegas-based public company formerly known as PurchasePro.com. AOL admitted that as a result of the actions of its officers and employees, AOL aided and abetted PurchasePro's officers in reporting at least \$10 million, or approximately one-third of the quarterly revenue included in the form 10-K, in false revenue in the fourth quarter of 2000 and at least \$20 million, or nearly two-thirds of the total revenue publicly announced, in false revenue in the first quarter of 2001. Among other things, AOL agreed to pay a monetary penalty of \$60 million, and to pay \$150 million into a settlement and compensation fund. The grand jury returned a 31-count indictment against a number of individuals at AOL and PurchasePro.com, including the Chief Executive Officer at PurchasePro, Chief Technology Officer, and several Senior Vice Presidents. The indictment charges conspiracy, securities fraud, false statements to auditors, wire fraud, obstruction and false statements. Prior to indictment, 6 PurchasePro executives pled guilty, including the Chief Accounting Officer, Chief Operating Officer (COO), Senior Vice President of Strategic Development, and Senior Vice President of Sales and Strategic Development. The COO was sentenced to 2 years and 9 months in prison, with 3 years supervised release and a \$50,000 fine. The Executive Vice President was sentenced to 4 years and 9 months in prison, with 3 years supervised release and a \$6.7 million restitution order. The Senior Vice President for Strategic Development was sentenced to 2 years in prison, with 2 years supervised release and a \$1.3 million restitution order. A Vice President was sentenced to 1 year and 3 months in prison, with 2 years supervised release.

In the **Western District of Washington**, 3 defendants were sentenced to prison terms ranging from 8 years to 12 years for multiple felonies, including securities, mail and wire fraud, and money laundering. The 3 men were key figures in a \$91 million stock fraud scheme. The conspiracy's ringleader was previously convicted and is currently serving a 20-year prison term. Over the course of approximately 7 years, the 3 defendants, and 8 additional defendants, defrauded



thousands of investors out of approximately \$91 million through a massive conspiracy involving false representations and failures to disclose truthful and accurate information in connection with the sale of the securities of Znetix, Inc., Health Maintenance Centers, Inc. (HMC), Cascade Pointe, LLC, and affiliated entities. The co-conspirators used funds received from investors for their own personal benefit, including for the purchase of luxurious homes, cars, boats, merchandise and travel. The fraud on investors was facilitated, in part, by the expenditure of millions of dollars of investors' funds to launch an advertising campaign that included placing a large sign at the Seattle Mariner's Safeco Field, and having a nationally-known sports star wear a Znetix cap after the Los Angeles Lakers' 2001 NBA championship. The advertising campaign was designed only to sell more stock, as Znetix had no products or services to offer and little or no revenue. Znetix had been touted as a company engaged in providing cutting-edge health and fitness products and services. These key defendants each controlled a shell company in the Caribbean island of Nevis that submitted fraudulent documents to Cascade Pointe to make that company falsely appear to be a wealthy venture capital firm that would fund the continued operations of HMC. After being directed to stop selling securities illegally, these defendants secretly formed another company to continue the illegal fund-raising. In January 2002, the Court appointed a Receiver over Cascade Pointe. Thus far, the Receiver has recovered \$25 million lost by investors, through auctions and civil actions. Additional funds have been recovered through over 50 criminal and civil asset forfeiture actions filed by the United States Attorney's office. These recoveries were assisted by federal agencies as well as securities enforcement authorities in several other states, including the states of Illinois, Hawaii, Wisconsin, and Oregon.

### **Civil Rights Prosecutions**

The United States Attorneys handle civil rights prosecutions in their districts in consultation and coordination with the Department's Civil Rights Division. The United States Attorneys are committed to protecting the rights and interests of the American people. The Department's strategic goals are to uphold the civil rights of all Americans, reduce racial discrimination, and promote reconciliation through vigorous enforcement of civil rights laws. Among other civil rights violations, the United States Attorneys' offices prosecute incidents of violence or threats against individuals perceived to be of foreign origin, bias motivated crimes, trafficking in persons, police and other official misconduct, and violations of voting rights.

The United States Attorneys' offices also enforce federal statutes prohibiting discrimination in housing, consumer credit, and public accommodations. In addition to these traditional areas, the Department is increasing its efforts in protecting the growing number of elderly Americans. The increasing number of older adults residing in long-term care facilities are often particularly vulnerable to inadequate or failure of care and treatment. These efforts are very important as elder abuse and neglect often go undetected and the medical community is rarely trained to diagnose or report it.

During Fiscal Year 2005, the United States Attorneys filed 67 criminal civil rights cases against 131 defendants. The United States Attorneys also terminated a total of 66 cases against 87 defendants. Eighty-five percent of the defendants whose cases were terminated during the year were convicted, with 84 percent of the convicted defendants sentenced to prison.

### **Trafficking in Persons**

Trafficking in persons is a modern-day form of slavery, and is a significant problem in the United States and abroad. Victims are often lured from outside the United States with false promises of better economic opportunities and good jobs, and then are forced to work under inhumane conditions. Many trafficking victims are forced to work in the sex industry, in labor settings involving domestic servitude, or in prison-like factories.

On October 28, 2000, the President signed into law the Trafficking Victims Protection Act of 2000, which addresses modern worker exploitation and sex trafficking both domestically and abroad. This statute gave federal prosecutors powerful new tools for pursuing traffickers and, as importantly, it greatly enhanced the federal government's ability to help the victims of this terrible crime.

Examples of cases successfully prosecuted by United States Attorneys during Fiscal Year 2005 include the following:

In the **Central District of California**, an Indonesian national was sentenced to 3 years and 10 months in prison for holding a young Indonesian woman in involuntary servitude. The defendant arranged for the victim to travel from Indonesia to Los Angeles on a tourist visa, with the expectation that the victim would work for her for 2 years as a nanny and housekeeper. When the victim arrived in the United States, the defendant confiscated her passport to prevent her from running away and put her to work for 17 hours or more per day, 7 days a week. The victim received virtually no compensation for her labor. The defendant compelled the victim's labor through constant threats and physical abuse. When the defendant took a trip outside of the country, the victim and another young Indonesian domestic servant fled the household.

In the **District of Hawaii**, the former owner of an American Samoa garment factory was sentenced to 40 years in prison for his role in holding over 200 victims in forced servitude. The workers were recruited from China and state-owned labor export companies in Vietnam. They paid fees of approximately \$5,000 to \$8,000 to gain employment at the Daewoosa factory and risked retaliation and punishment at home if deported back to their native lands. The workers were subjected to poor conditions and minimal pay. After months of mistreatment, the workers complained about their plight and attempted to obtain food from local residents. The defendant retaliated, using arrests, deportations, food deprivation and brutal beatings to force workers to operate the factory. In one episode, a woman lost an eye as a result of a beating.

In the **Western District of New York**, 4 defendants pled guilty to human trafficking-related charges in connection with a scheme to recruit young Mexican men to work on farms in Western New York and hold them in conditions of forced labor. The defendants approached young, undocumented aliens near the Arizona border and recruited them to come to New York with false promises of good wages. They transported their victims to New York where they forced them to work in the fields for little or no pay and told them they were not free to leave until they paid off enormous debts. Eventually, the victims were able to escape from the defendant's control and seek help. The defendants were sentenced to terms of 3 years and 10 months in prison, 3 years and 1 month in prison, 1 year and 2 months in prison, and 1 year probation, respectively.

In the **Western District of Oklahoma**, 2 defendants were sentenced for sex trafficking of children. One defendant was sentenced to 12 years and 6 months in prison for transporting 2 15-year-old girls from southern Kansas to Oklahoma for the purpose of engaging them in prostitution. The second defendant was sentenced to 5 years and 10 months in prison for transporting a 15-year-old girl from Wichita, Kansas, to Oklahoma City for the purpose of engaging her in prostitution.

In the **Western District of Washington**, a defendant was sentenced to 3 years in prison for conspiracy to smuggle and transport over 100 aliens into the United States, bringing illegal aliens to the United States for financial gain, and harboring illegal aliens. The defendant pled guilty to being the leader of a prolific smuggling ring. His organization smuggled as many as 100 illegal aliens a month across the Canadian-United States border. Most were transported to Los Angeles to work as prostitutes in bars, restaurants or massage parlors. Travel arrangements for the illegal aliens were made with a human smuggling broker in Korea. The defendant charged those smuggled into the United States as much as \$20,000 to be smuggled.

### **Bias Motivated Crimes**

The United States Attorneys continued their efforts to ensure that any problems of bias motivated crimes in their districts were adequately addressed. The United States Attorneys' offices continued to deter civil rights violations through the prosecution of these crimes.

Examples of cases successfully prosecuted by United States Attorneys during Fiscal Year 2005 include the following:

In the **Eastern District of California**, a defendant was sentenced to 3 years and 6 months in prison for conspiring to violate civil rights and interference with housing rights for burning a cross on the front lawn of the home of an African-American family. He admitted to lighting the cross because of the victims' race and because they were occupying that particular home.

In the **Southern District of Texas**, 2 defendants were convicted for the racially motivated beating of a Hispanic man. Each defendant had tattoos commonly associated with the “Skinheads,” a white supremacist group. Prior to and during the assault, the defendants used derogatory terms to refer to the victim’s ethnic origin. The defendants were sentenced to 5 years in prison and 3 years in prison, respectively, for the assault.

In the **Western District of Texas**, a defendant was sentenced to 14 years and 3 months in prison for attempting to firebomb the Islamic Center of El Paso. At his plea hearing, the defendant admitted throwing a Molotov cocktail at the Islamic Center and to placing a second, similar device near a gas meter on the property.

In the **Western District of Virginia**, two men were sentenced for their racially-motivated desecration of a historically African-American church. The defendants forcibly broke into the Mount Moriah Baptist Church, broke windows in the sanctuary, shattered light fixtures, threw hymnals through broken windows, discharged a fire extinguisher throughout the church, smashed items with a metal post, tore out sinks and toilets, and ripped photographs of congregants from the sanctuary and smashed them on the floor. The defendants were sentenced to 2 years and 3 months in prison, and 1 year and 9 months in prison, respectively.

### **Official Misconduct**

The conviction of law enforcement officers who deprive citizens of rights under color of law or use threat or force to injure or intimidate persons in their enjoyment of specific rights is an important part of the Department’s effort to keep our streets and neighborhoods safe for citizens across the country.

Examples of civil rights cases, specifically pertaining to official misconduct, that were successfully prosecuted by the United States Attorneys during Fiscal Year 2005 include the following:

In the **Eastern District of Arkansas**, a former officer with the Carlisle Police Department was sentenced to 17 years and 8 months in prison for sexually abusing 2 men in his custody. On two separate occasions, the defendant arrested individuals for minor infractions and threatened them with incarceration if they refused his sexual demands. The assaults took place at the defendant’s apartment and the police department.

In the **Central District of California**, a former asylum officer with the Immigration and Naturalization Service was sentenced to 3 years and 10 months in prison after being convicted of federal corruption and civil rights charges. The defendant solicited sex from a woman and cash from another immigrant, both of whom were seeking asylum in the United States. In the first incident, the defendant touched a female immigrant through her clothes and demanded sexual favors in

exchange for recommending approval of her asylum application. She rejected his advances and her application for asylum was subsequently denied. In the second incident, the defendant solicited and received a \$2,000 bribe from another female immigrant seeking political asylum.

In the **Southern District of Florida**, a former deputy with the Palm Beach County Sheriff's Department was sentenced to 1 year and 6 months in prison for violating federal civil rights laws. While working road patrol, on 6 different occasions, the defendant pulled over immigrants for either drunk driving or other traffic infractions. Each time, he stole cash from the individuals he pulled over. The amounts of money alleged to be taken ranged from \$50 to \$5,434.

In the **Western District of New York**, 2 former Buffalo Police narcotics detectives were sentenced for conspiring to violate the civil rights of drug suspects by falsifying information used to obtain search warrants and planting evidence, as well as stealing money and personal property from persons they encountered during the course of their duties as police officers. The defendants were sentenced to 45 years and 1 day in prison, and 7 years and 9 months in prison, respectively.

In the **Eastern District of Oklahoma**, a former sheriff for Latimer County was convicted on multiple charges. Evidence introduced at trial showed that the defendant had sexually battered 9 female inmates and 3 jail employees. He also threatened one of the victims if she reported the sexual contact by the defendant. The defendant was sentenced to 25 years in prison.

In the **Western District of Pennsylvania**, a former Rankin Borough Police Chief was sentenced to 3 years and 1 month in prison for his conviction on 1 count of deprivation of civil rights under color of law, 1 count of theft from an organization receiving federal funds, and 2 counts of obstruction of justice. Evidence presented at trial established that the defendant, while executing an arrest warrant, seized \$5,855 in cash from a safe inside a residence. The defendant stole the money and violated the resident's civil rights by denying the resident the opportunity to go to court to obtain the return of the funds. In order to conceal his criminal activity, the defendant created false documents that he caused to be given to the grand jury investigating the matter. After his indictment, the defendant caused 2 fellow officers to place false evidence in the department's evidence locker.

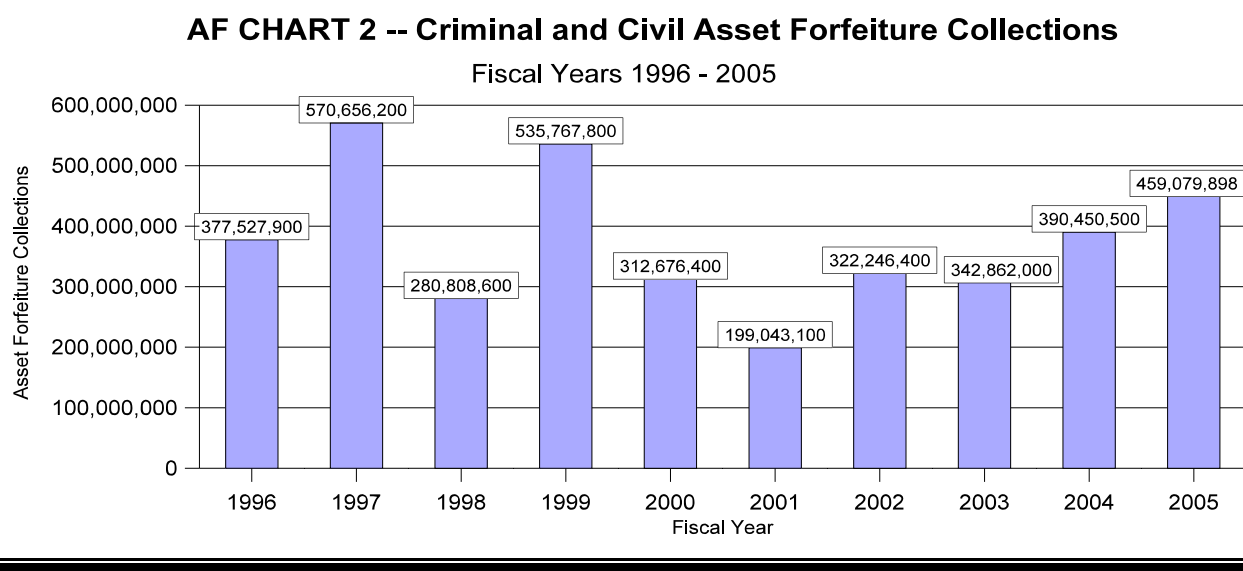
In the **Western District of Texas**, 2 former Balcones Heights police officers were sentenced for violating the civil rights of several women in their custody. One defendant was convicted of kidnaping a female, while carrying a firearm, and sexually assaulting her in his patrol car. He and the second defendant also were convicted of arresting 5 young, intoxicated women, taking them to the police department, engaging in sexual contact with the women, and releasing them without charges. The first defendant was sentenced to 38 years and 9 months in prison, and the second defendant was sentenced to 10 years in prison.

[D]

As shown on Table 5, the United States Attorneys also obtained 1,352 civil asset forfeiture judgments in favor of the United States during the year, which represents a 6 percent decrease when compared with the prior year. Asset Forfeiture Chart 1 above reflects the number of judgments the United States Attorneys' offices obtained in criminal and civil asset forfeiture cases during the past 10 years. The chart does not include federal administrative asset forfeiture matters or state court filings.

The United States Attorneys' work on judicial asset forfeitures resulted in an estimated recovery of \$459,079,898 in forfeited cash and property during Fiscal Year 2005. This represents an increase of 18 percent when compared to Fiscal Year 2004. Approximately \$4,163,942, or less than 1 percent, of the forfeited property was retained for official law enforcement use. Approximately \$19,291,300 of asset forfeiture proceeds were applied to restitution in victim-related offenses. See Table 16. All other assets were converted to cash value and the proceeds used for law enforcement purposes by federal, state, local, and foreign law enforcement.

[D]



Asset Forfeiture Chart 2 above shows combined civil and criminal asset forfeiture recoveries reported through collections by United States Attorneys' offices over the past 10 years. The chart does not include federal administrative forfeitures or state court forfeitures.

Examples of asset forfeiture cases successfully handled by the United States Attorneys during Fiscal Year 2005 include the following:

In the **District of Colorado**, a "prime bank note" fraud case with over 1,000 victims resulted in the seizure and civil forfeiture of \$17 million and a 100-year-old castle, complete with land, support buildings, and valuable antiques, all of which were originally a coal baron's estate. Because of the forfeiture and sale of the castle, an historic easement was generated to insure that the unique character of the property will be maintained in

perpetuity and to preserve the estate as an asset for the community. The proceeds from the sale of the castle, and the forfeited funds, will be returned to the victims of the fraud scheme.

In the **Eastern District of Michigan**, a defendant who defrauded more than 900 would-be investors in an on-line commodities trading scheme was sentenced to the statutory maximum penalty of 5 years in prison. The defendant solicited monies from the investors but did not trade any commodities and ultimately pled guilty to mail fraud. The United States Attorney's office obtained a civil forfeiture judgment against \$4.2 million dollars seized from the defendant. The forfeited funds were returned to approximately 845 victim-investors through the federal forfeiture remission process. Approximately two-thirds of their investments have been returned.

In the **Eastern District of New York**, the United States Attorney's office secured a forfeiture verdict in the amount of \$10.4 million in connection with the conviction of the head of an organized crime family for racketeering, money laundering, and other crimes. The forfeiture included 2 pieces of real property.

In the **Eastern District of Virginia**, 13 defendants forfeited more than \$6 million in assets after being convicted of illegally selling controlled substances and other prescription drugs over the Internet. The case involved 5 physicians, 3 website owners/operators, 2 pharmacists, 2 corporations, and 1 pharmacy owner. The defendants used an "online ordering process" to allow customers to order the drugs without ever seeing a doctor or providing a prescription. Instead, customers filled out an online order form and chose the type, quantity, and dosage of controlled substance they wished to purchase and answered questions about their medical conditions. Many questions provided default answers that "qualified" customers to receive drugs.



[D]

While the pending civil matters and cases represent a diverse range of causes of action, 77 percent of these matters and cases were classified as Bankruptcy, Commercial Litigation, Prisoner Litigation, Program Litigation, and Social Security. See Table 5. The data on Table 5 does not reflect case complexity, and, as with any statistical representation of workload, cannot paint an accurate picture of the time and effort required to investigate and litigate the matters and cases. For example, matters and cases in the areas of asset forfeiture, employment discrimination, constitutional torts, and fraud are some of the most complex cases handled by the United States Attorneys' offices, and represent only 16 percent of all pending matters and cases, but may involve months of investigation, depositions, discovery, and a lengthy trial. Conversely, a tax lien case may involve one short appearance before a judge. Nonetheless, each matter and case is treated the same for statistical purposes.

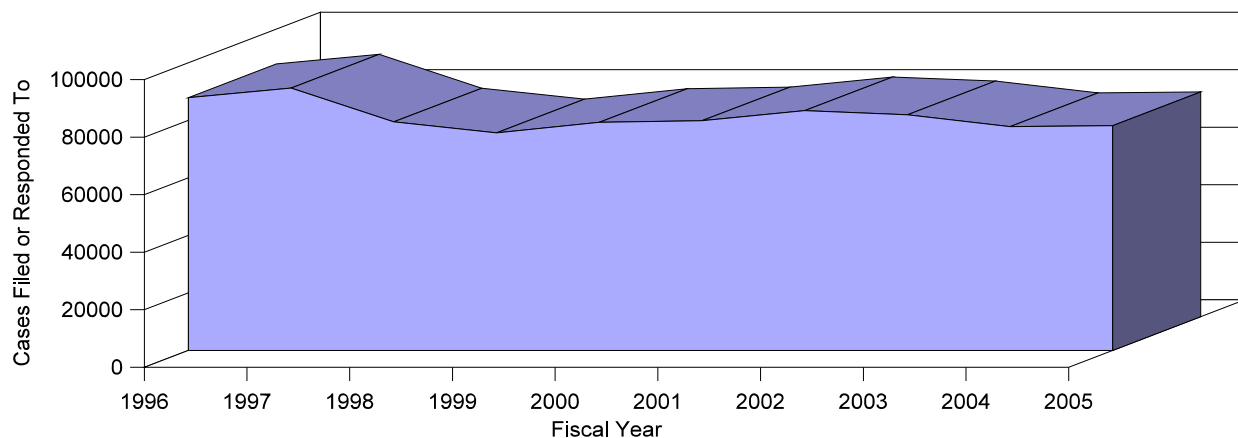
A total of 15,054 civil matters were pending as of the end of Fiscal Year 2005. Of these pending matters, 4,137, or 27 percent, had been pending for less than 6 months, 6,461, or 43 percent, had been pending for less than 12 months, and 9,177, or 61 percent, had been pending for less than 24 months. See Table 12.

During Fiscal Year 2005, the United States Attorneys' offices filed or responded to a total of 78,155 civil cases, an increase of less than 1 percent when compared to the prior year. The client agencies for the majority of civil cases filed or responded to during the year were the Department of Justice agencies, the Department of Agriculture, and the Internal Revenue Service. See Table 6 and Chart 2 below.

[D]

## CIVIL CHART 2 -- Civil Cases Filed or Responded To

Fiscal Years 1996 - 2005

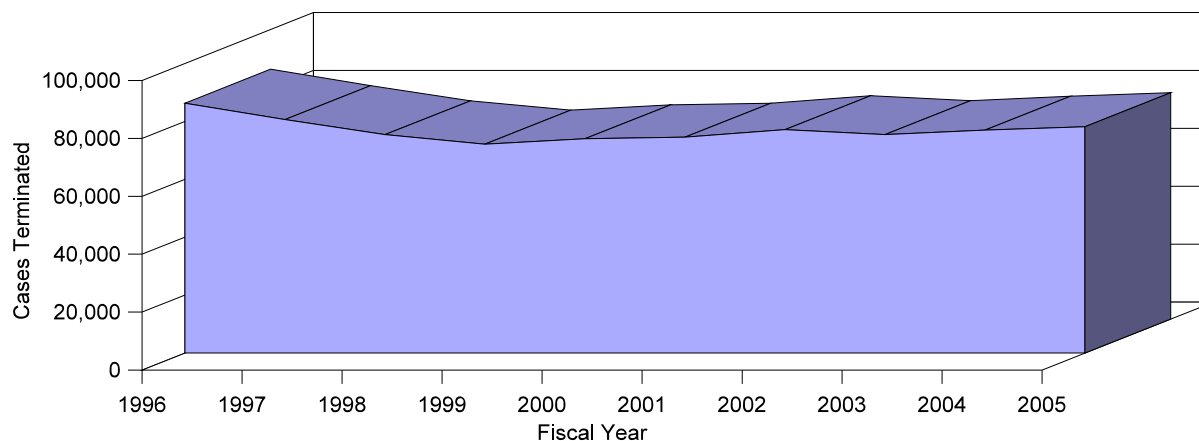


Of the 78,155 civil cases filed or responded to by the United States, 7,888, or 10 percent, were affirmative civil cases, 53,744, or 69 percent, were defensive civil cases, and 16,523, or 21 percent, were other civil cases. Also during Fiscal Year 2005, the United States Attorneys' offices terminated a total of 78,154 cases. Judgments were issued in 34,909, or 45 percent, of these cases. A total of 26,289, or 75 percent, of these judgments were in favor of the United States. Additionally, 15,349, or 20 percent, of the cases were settled. See Civil Charts 3 and 4 below, and Table 5.

[D]

### CIVIL CHART 3 -- Civil Cases Terminated

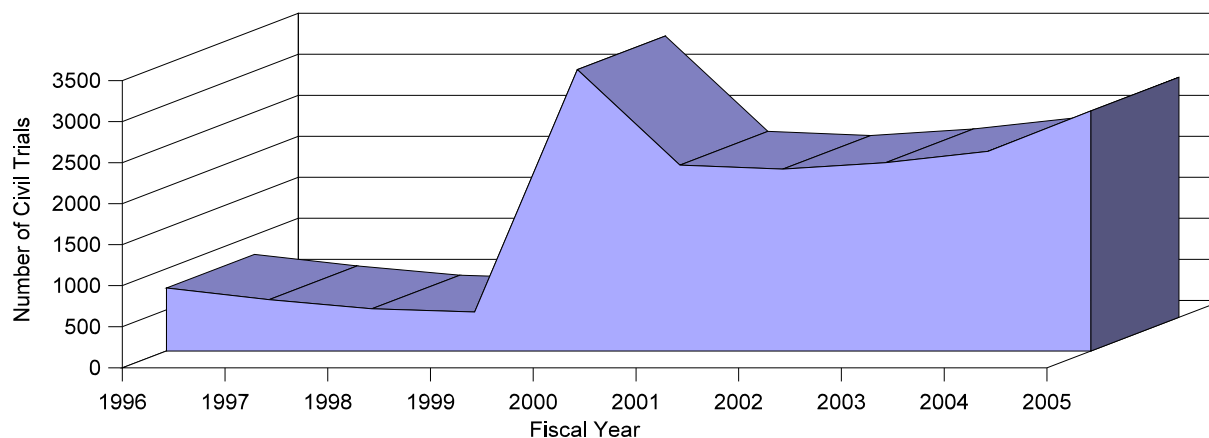
Fiscal Years 1996 - 2005



[D]

### CIVIL CHART 4 -- Civil Cases Disposed of by Trial

Fiscal Years 1996 - 2005



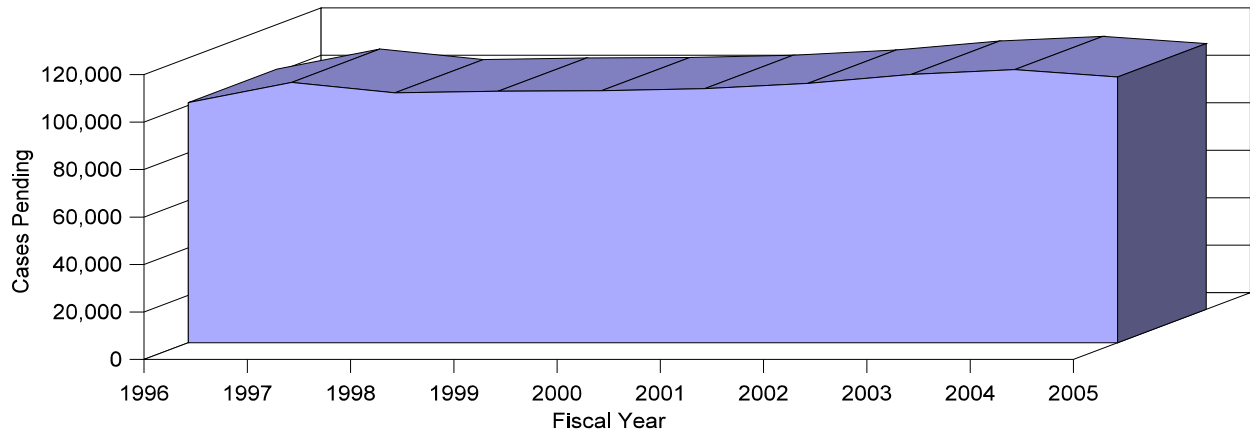
Beginning in Fiscal Year 2000, the civil disposition codes used in the LIONS case management system were revised to more accurately represent the outcomes in civil cases. The definitions of the codes used for civil cases disposed of by trial were expanded to include evidentiary hearings. Thus, the Fiscal Year 2000 and following year data for civil cases disposed of by trial cannot be compared to data for Fiscal Year 1999 and prior years.

A total of 112,001 civil cases were pending as of the end of Fiscal Year 2005. Of these pending cases, 29,557 or 26 percent, had been pending for less than 6 months, 50,442, or 45 percent, had been pending for less than 12 months, and 71,410, or 64 percent, had been pending for less than 24 months. See Civil Charts 5 and 6 below, and Table 13.

[D]

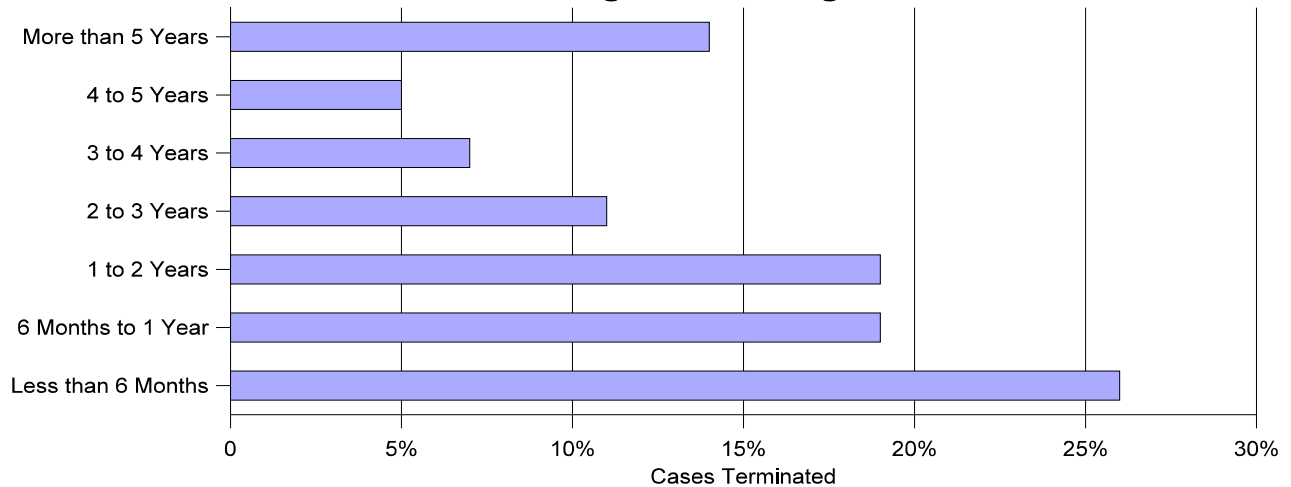
### CIVIL CHART 5 -- Civil Cases Pending

Fiscal Years 1996 - 2005



[D]

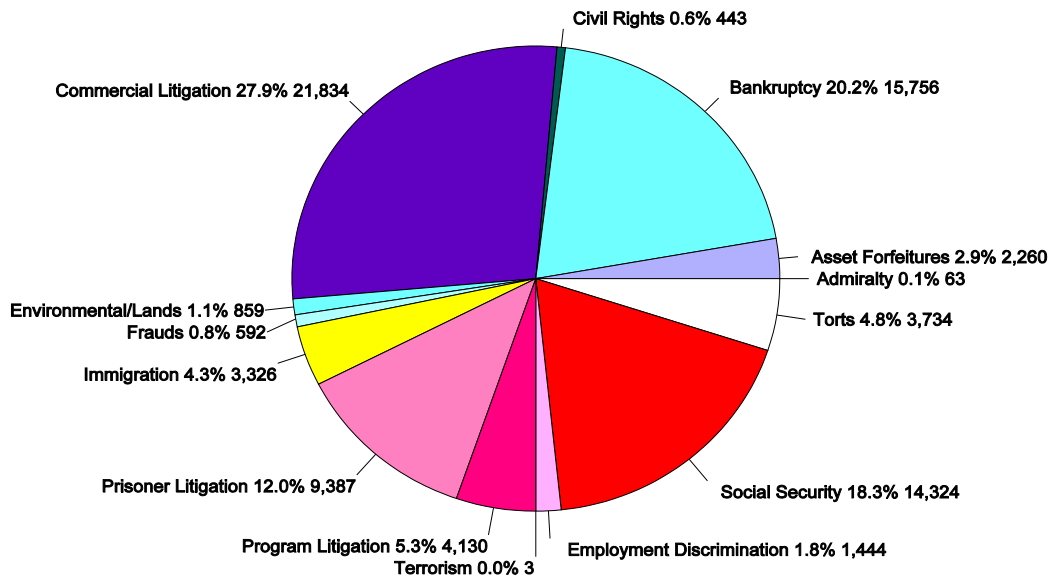
### CIVIL CHART 6 -- Age of Pending Civil Cases



Civil Chart 7 below displays civil cases filed or responded to by cause of action, or case type, during Fiscal Year 2005, while Civil Chart 8 below displays civil cases pending by cause of action, or case type, as of the end of Fiscal Year 2005.

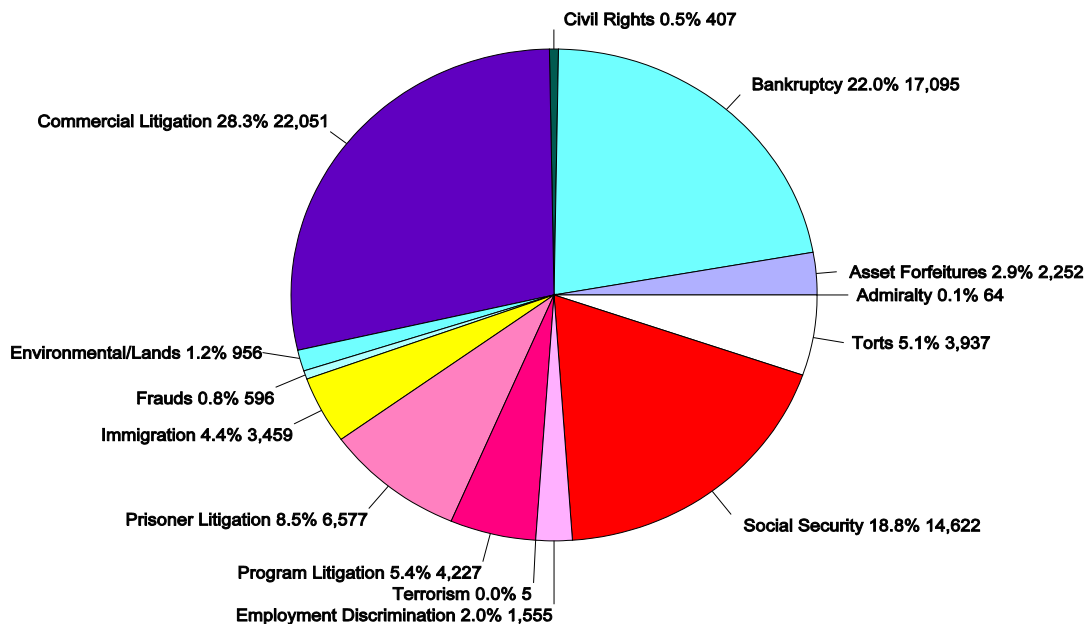
## CIVIL CHART 7 -- Civil Cases Filed or Responded to by Cause of Action

Fiscal Year 2005 -- Total Cases Filed 78,155



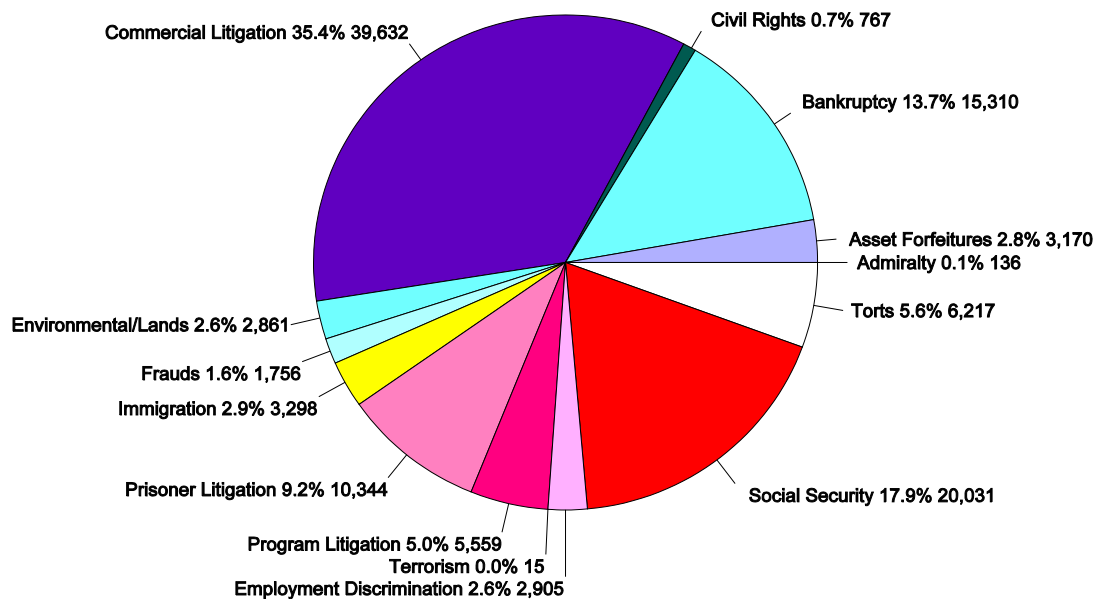
[D]

Fiscal Year 2004 -- Total Cases Filed 77,803



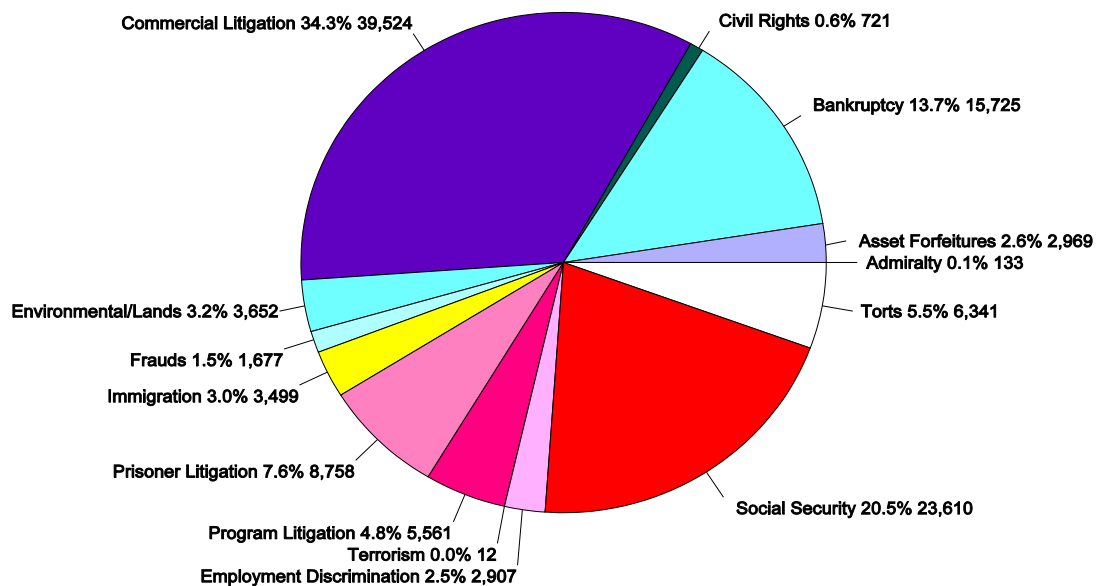
## CIVIL CHART 8 -- Civil Cases Pending by Cause of Action

Fiscal Year 2005 -- Total Cases Pending 112,001



[D]

Fiscal Year 2004 -- Total Cases Pending 115,089



## **Affirmative Civil Litigation**

Affirmative civil litigation includes several practice areas, primarily, affirmative civil enforcement (ACE), civil asset forfeiture, and bankruptcy adversarial proceedings. It also includes 2 other groups of cases: commercial litigation, which comprises such affirmative cases as collection of defaulted Health Education Assistance loans, National Health Service Corps scholarships, and other student loans; and program litigation, which refers to such affirmative matters as enforcement of administrative subpoenas, judicial assistance provided on behalf of international requests, and tax-related cases and matters which are not seeking a tax refund.

The United States Attorneys received a total of 12,194 affirmative civil matters, and filed a total of 7,888 affirmative civil cases during Fiscal Year 2005. This represents a decrease of 1 percent in the number of matters received and an increase of 5 percent in the number of cases filed when compared to the prior year. The client agencies for the majority of the affirmative civil matters and cases were the Department of Justice Agencies, the Department of Agriculture, and the Internal Revenue Service.

As of the end of Fiscal Year 2005, a total of 22,140 affirmative civil matters and cases were pending, representing 9,827 civil affirmative matters and 12,313 civil affirmative cases. The largest category of affirmative civil matters received was asset forfeiture (34 percent of all matters received), followed by commercial litigation (19 percent) and program litigation (14 percent). The largest categories of affirmative civil cases filed were asset forfeiture (28 percent of all cases filed) and commercial litigation (25 percent), followed by bankruptcy (14 percent).

The United States Attorneys terminated a total of 4,616 affirmative civil matters in Fiscal Year 2005. As noted above, the United States Attorneys terminate matters for a number of reasons including settlements, referrals to agencies for administrative recoupment, and declinations under appropriate circumstances. During Fiscal Year 2005, 5,249 affirmative civil cases were resolved by judgments, with 5,132, or 98 percent, of these judgments in favor of the United States.

## **Affirmative Civil Enforcement**

The Affirmative Civil Enforcement (ACE) program is an essential component of the United States Attorneys' successful prosecution of fraud, waste, and abuse in federal programs. ACE litigation recovers funds wrongfully paid by the United States, and helps ensure that the government is fully compensated for the losses and damages caused by those who have enriched themselves at the government's expense. Further, beyond recouping the government's losses, ACE advances federal agencies' goals for program integrity by deterring future misconduct.

The primary statutory tool of ACE attorneys is the civil False Claims Act, which provides the United States with a cause of action against any person who knowingly presents, or causes to be presented, a false or fraudulent claim for money or property to the United States; makes or causes to be made a false statement to get a false claim paid or approved; conspires to defraud the government by getting a false claim paid; or makes, uses, or causes to be made or used, a false statement to conceal, avoid, or decrease an obligation to the government. The statute provides for treble damages for the government's loss, plus penalties for each false claim.

In addition, ACE attorneys may use other statutes and common law remedies to recoup monies wrongfully obtained from the United States and obtain compensation for the government's losses. These include the Medical Care Recovery Act, the Truth in Negotiations Act, the Buy American Act, the Civil Racketeer Influenced and Corrupt Organizations Act, the Anti-Kickback Act, and common law causes of action for fraud, negligent misrepresentation, and breach of contract.

Although many of the False Claims Act matters and cases handled by the United States Attorneys are referred directly from federal or state agencies, a significant number of them result from filings by private persons known as "relators" who file suits on behalf of the federal government under the qui tam provisions in the Act. When a qui tam complaint is filed, the government inquires into the relator's allegations and decides whether to pursue them. If a qui tam lawsuit ultimately results in a recovery for the United States, the relator may be entitled to share in that recovery.

Another significant aspect of the United States Attorneys' ACE programs is the use of the civil remedies provided in many federal statutes to enforce the United States' laws and ensure that those who have imposed illegal burdens on the public accept responsibility for them. Examples include: civil cases brought under the Comprehensive Drug Abuse Prevention and Control Act; the Consumer Products Safety Act; and various environmental and civil rights statutes.

In Fiscal Year 2005, the United States Attorneys reported the recovery of over \$1.6 billion **through** the ACE program. During Fiscal Year 2005, 1,457 ACE cases and matters were settled or resulted in judgments, representing a 6 percent decrease when compared to Fiscal Year 2004.

During Fiscal Year 2005, the United States Attorneys received 4,016 ACE matters, a decrease of 6 percent when compared with the prior year, and filed or responded to 1,944 ACE cases, representing an increase of 7 percent when compared with Fiscal Year 2004. At the end of Fiscal Year 2005, 8,673 ACE matters and cases were pending, up from 8,453 at the end of Fiscal Year 2004. As in previous years, a major focus of the United States Attorneys' ACE activities is the prosecution of health care fraud. As of the end of Fiscal Year 2005, 1,334 civil health care fraud matters were pending. A large majority of civil health care fraud cases and matters are settled without a complaint ever being filed. During Fiscal Year 2005, the United States Attorneys filed or responded to 266 civil health care fraud cases, representing a decrease of 1 percent when compared to the prior year.

Examples of successful cases handled by the United States Attorneys during Fiscal Year 2005 include the following:

In the **Northern District of Illinois**, an action was brought against First American Bank alleging that it avoided doing business in African-American and Hispanic neighborhoods in Chicago, a practice known as "redlining." In a consent decree, First American agreed to open 4 branches in predominantly minority neighborhoods, invest \$5 million in a special financing program for minority census tracts, and spend \$700,000 in advertising and consumer education in minority areas.

In the **Eastern District of Missouri**, Gambro Healthcare paid over \$310 million to resolve allegations that it violated the Anti-Kickback Act. The payment was a result of: illegal remuneration paid to physicians as medical directors for their dialysis clinics based on the number and volume of anticipated patient referrals to Gambro clinics; payments to



joint venture physician partners of illegal remuneration to either refer or retain their patients at Gambro clinics; and other violations of Medicare regulations.

In the **Southern District of New York**, Factory Mutual Insurance Co. was sued on behalf of the United States Postal Service to resolve claims for losses suffered at a postal facility that was damaged during the September 11, 2001, attack. In June 2005, Factory Mutual Insurance Co. settled the case for \$75 million.

## **Bankruptcy**

It is in the vital interest of the United States to have a strong voice in bankruptcy proceedings. The primary purposes of bankruptcy are two-fold: a fresh start for the bankruptcy debtor and an equitable distribution of assets to the creditors. The United States usually participates in those bankruptcy cases where it is a creditor for unpaid taxes or uncollected government loans. When a debtor submits to the jurisdiction of the bankruptcy court, a court of equity, the creditors, including the United States in that role, must abide by the provisions of the Bankruptcy Code (Title 11) and the Federal Rules of Bankruptcy Procedure, which severely restrict their collection actions.

The United States Attorneys filed or responded to a total of 15,756 bankruptcy cases, in which the United States was: the plaintiff in 1,133 adversary proceedings or separate litigation within a bankruptcy case; the defendant in 1,386 adversary proceedings; and a creditor or party-in-interest in 13,237 cases which are classified under “other designations.” Cases opened under “other designations” are in response to the filing of a bankruptcy petition by a debtor against whom the United States has a claim, usually referred to a United States Attorney's office by another government agency. Bankruptcy cases filed in United States Bankruptcy Courts for Fiscal Year 2005 totaled 1,782,643, during the 12-month period ending September 30, 2005. Although the United States Attorneys are only involved in a fraction of the bankruptcy cases filed, if the caseload of the United States Bankruptcy Courts is increasing, the United States Attorneys' bankruptcy caseload will follow suit.

An example of a successful case handled by a United States Attorney during Fiscal Year 2005 follows:

In the **Eastern District of Virginia**, a debtor, who owed a mortgage debt to the Department of Housing and Urban Development (HUD) and was subject to a regulatory agreement which governed the operation and maintenance of the complex, filed bankruptcy to stop HUD's foreclosure on a 240-unit apartment complex. Prior to bankruptcy, when HUD determined that the debtor was delinquent on its mortgage and needed approximately \$7 million to repair the complex, it entered into a contract with Portsmouth Redevelopment and Housing Authority (PRHA) which provided that, if HUD obtained title to the project by bidding in on its mortgage at a foreclosure sale, it would convey the property to PRHA, then supply it with a grant for repairs. The complex's residents did not want the property sold, as they feared displacement. The case was ultimately settled, with HUD and PRHA being convinced to execute a rider to their contract providing that the current residents would not be displaced if they were in compliance with their leases. Under the settlement, HUD received relief from stay, but would not conduct a foreclosure sale during a specified time during which the debtor had the opportunity to sell the project and close on the sale, thus, being able to pay HUD the full amount of its debt. If the sale did not close by the

agreed-upon date, HUD could foreclose. Ultimately, the debtor was able to sell the property according to the terms of the settlement agreement, and the government received a payment of more than \$5.4 million which fully paid the debt to HUD.

### **Defensive Civil Litigation**

As noted previously, the United States Attorneys represent and defend the interests of the federal government in lawsuits filed against the United States, or defensive civil litigation. Such litigation includes, for example, tort suits brought by those who allege they were harmed as a result of government action, the adjudication of Social Security disability claims, alleged contract violations, habeas corpus cases, and race, sex, and age discrimination actions. The United States Attorneys' offices represent and defend the government in its many roles— employer, regulator, law enforcer, medical care provider, revenue collector, contractor, procurer, property owner, judicial and correctional system manager, administrator of federal benefits, and others.

All lawsuits filed against the government must be defended, and the number of defensive civil cases handled by the United States Attorneys has represented a significant portion of all civil cases handled during the past several years. During Fiscal Year 2005, the United States Attorneys' offices received 55,044 defensive civil matters from federal agencies. These defensive civil referrals represented 64 percent of all civil matters received during the year. Commercial Litigation, Social Security, Prisoner Litigation, Immigration, and Torts accounted for 89 percent of all defensive civil matters received during the year, with the biggest increase seen in Prisoner Litigation, up from 8 percent of the total civil case load in Fiscal Year 2004 to 11 percent in Fiscal Year 2005. See Table 5.

The United States Attorneys represented the government in 53,744 defensive civil cases that were filed in court during Fiscal Year 2005, a 4 percent increase when compared to the prior year. Defensive civil cases represented 69 percent of all civil cases during the year. During the same period of time, the offices terminated 53,492 defensive civil cases, an increase of 5 percent when compared to the prior year. Judgments were issued in 28,525 of these cases, with a total of 20,093, or 70 percent, of these judgments in favor of the United States. An additional 7,794, or 15 percent, of cases filed against the United States were dismissed. The number of cases dismissed increased by 24 percent when compared with the prior year. As of the end of Fiscal Year 2005, a total of 82,812 defensive civil cases were pending, a decrease of 3 percent when compared to the prior year.

Commercial litigation cases represented the largest category of cases in the United States Attorneys' defensive civil program. During Fiscal Year 2005, the United States Attorneys responded to 18,536 defensive commercial litigation cases, which represented 34 percent of all defensive civil cases. The second largest category was Social Security, with 14,279 cases responded to, which represented 27 percent of all defensive civil cases.

Unlike affirmative civil litigation where the United States initiates legal action, the successes of defensive litigation are difficult to quantify. In some cases, liability issues must be resolved and the United States Attorney's office represents the interests of the United States in the resolution of those issues. In other cases, the United States may have apparent liability to a plaintiff and the United States Attorney's role is to confirm liability and then negotiate or litigate a reasonable damages award. Often, a plaintiff may sue the United States seeking to enforce a regulation or law, or restrain the United States from enforcing a regulation or law. In these cases, the United States Attorney's office represents not only

the fiscal interests of the government, but also the government's intangible interest in the implementation of lawful policies and practices.

Examples of successful defensive civil cases handled by the United States Attorneys during Fiscal Year 2005 include the following:

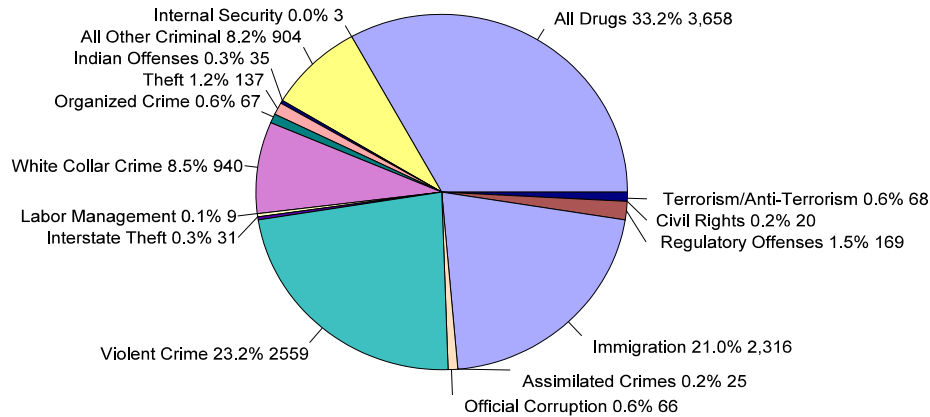
In the **Southern District of Alabama**, the United States Attorney's office successfully defended the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATFE) in a case brought by Willingham Sports, Inc. The United States Court of Appeals for the Eleventh Circuit affirmed the United States District Court's entry of summary judgment in favor of the government, upholding ATF's decision to not renew Willingham Sports, Inc.'s federal license to sell firearms. Addressing an issue believed to be of first impression for the Eleventh Circuit Court, the court joined 5 other circuits to hold that a showing of purposeful disregard of, or plain indifference to, the laws and regulations imposed on firearms dealers shows "willfulness" for purposes of 18 U.S.C. 923 (d)(1)(C), which justifies non-renewal of a dealer's license. In this case, despite the repeated efforts of ATF to educate the dealer on its obligations and warn it of the prospect of the loss of license, the dealer repeatedly failed to follow the record keeping laws and regulations. Therefore, the Eleventh Circuit Court concluded that the District Court had properly determined there was no genuine issue of material fact about whether the dealer's continued and repeated violations had been willful.

In the **Middle District of Florida**, the United States Attorney's office was successful in having the United States District Court dismiss a class action filed by United States Postal Service (USPS) managers across the country. This case was filed initially as a class action under Rule 23, but following the office's motion for judgment on the pleadings, only one count of the complaint remained that pursued recovery under the Fair Labor Standards Act. The suit alleged that Postal Service managers improperly deleted overtime from the electronic timekeeping database resulting in lost overtime to thousands of Postal Service employees. At the time that the court considered the plaintiffs' motion for conditional class certification, thousands of present and former employees living in numerous states had opted into the suit. In a major victory for the USPS, the court dismissed all opt in plaintiffs except those residing in the district, resulting in a class that was only a fraction of its earlier size. The victory led the plaintiffs to accept a nuisance value settlement of their claims and chilled pursuit of such overtime related claims in other jurisdictions. Another notable victory involved a court ruling that held the Privacy Act's remedies were supplanted by the relief sought under the Fair Labor Standards Act. Had the Privacy Act claims survived, they would have presented much more exposure to the USPS by way of the liquidated damages available under the act for willful and deliberate violations.

[D]

## APPEALS CHART 2 -- Criminal Appeals Filed by Program Category

Fiscal Year 2005 -- Total Appeals Filed 11,007



A total of 8,686 appeals were terminated during Fiscal Year 2005, representing an increase of 3 percent in the number of appeals terminated when compared to the prior year. The United States Courts of Appeals ruled in favor of the United States in 6,570, or 76 percent, of the appeals terminated during the year. See Table 7.

The largest category of criminal appeals filed during Fiscal Year 2005 was narcotics, which accounted for 3,658, or 33 percent, of all criminal appeals filed during the year. See Appeals Chart 2 above. Other large categories of criminal appeals included violent crime, with 2,559 appeals filed in Fiscal Year 2005, and immigration, with 2,316 appeals filed during the fiscal year, a 50 percent increase over the number of immigration appeals in Fiscal Year 2004.

### Post-Sentencing Motions

Between Fiscal Year 1988, when the Sentencing Guidelines went into effect, and Fiscal Year 1997, there was a dramatic increase year to year in the number of post-sentencing motions filed by incarcerated defendants under 28 U.S.C. § 2255. These motions, filed by defendants primarily to vacate a sentence, increased from 1,500 in Fiscal Year 1988 to 10,974 in Fiscal Year 1997, or a 632 percent increase. In Fiscal Year 1997 alone, the number increased by 2,342, or 27 percent, when compared with the prior year. See Appeals Chart 3 below. These post-sentencing motions are in addition to the criminal appeals discussed above. The work required of Assistant United States Attorneys to respond to these motions is time consuming and burdensome.

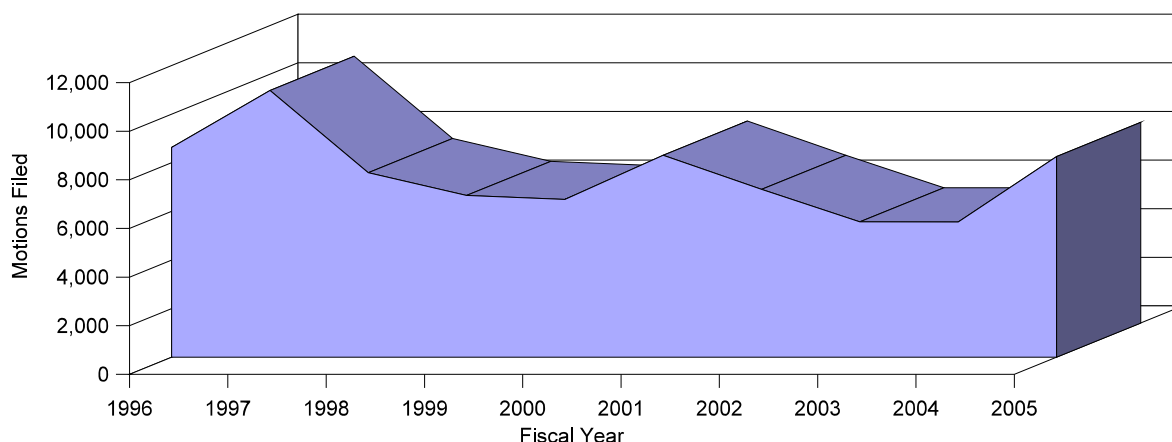
The Prison Litigation Reform Act, which included provisions intended to curb abuses and excesses in prisoner litigation, was enacted in Fiscal Year 1996, and was expected to result in a reduction in post-sentencing motions. The Act required that prisoners pursue an administrative

claim before a complaint could be filed in United States District Court, made prisoners responsible for filing fees, and subjected prisoners to sanctions for frequent and frivolous claims. However, two factors, perhaps among others, caused the number of motions to continue to increase during Fiscal Years 1996 and 1997. The United States Supreme Court's decision in Bailey, which changed in a major way how the law was viewed in firearms cases, resulted in the subsequent filing of additional post-sentencing motions. This decision led many inmates who had received enhanced penalties to file for sentence reductions. Additionally, because the newly enacted Prison Litigation Reform Act included a one-year statute of limitations, many incarcerated defendants and defense lawyers quickly filed hundreds of motions.

[D]

### APPEALS CHART 3 -- Post Sentencing Motions Filed by Incarcerated Defendants

Fiscal Years 1996 - 2005



The reduction in the volume of prisoner litigation that was expected after the Prison Litigation Reform Act was enacted, appears to have occurred during Fiscal Year 1998 and again in Fiscal Year 1999. During Fiscal Year 1998, 7,592 post-sentencing motions were filed, a decrease of 3,382, or 31 percent, when compared to the prior year. In Fiscal Year 1999, the decrease continued with 6,652 motions filed, showing a further decline of 12 percent when compared to the prior year. See Appeals Chart 3 above. Although that trend slowed, the number of motions continued to decrease in Fiscal Year 2000 with 6,489 post-sentencing motions filed, a decrease of 3 percent when compared with Fiscal Year 1999. In Fiscal Year 2001, however, there was an increase in these filings to 8,311, or 28 percent over the prior year. Then, in Fiscal Year 2002, 6,903 post-sentencing motions were filed, which represents a decrease of 17 percent when compared with the prior year. In Fiscal Year 2003, this trend continued with 5,567 post-sentencing motions filed, which represents a decrease of 19 percent when compared with Fiscal Year 2002. In Fiscal Year 2004, 5,565 post-sentencing motions were filed, which represents virtually no change when compared with the prior year. There was an increase in the number of post-

sentencing motions filed in Fiscal Year 2005 to 8,254, representing a 48 percent increase when compared with the prior year. The 8,254 motions filed in Fiscal Year 2005 represents an increase of 450 percent over the 1,500 motions filed in Fiscal Year 1988 when the Sentencing Guidelines went into effect.

## Civil Appeals

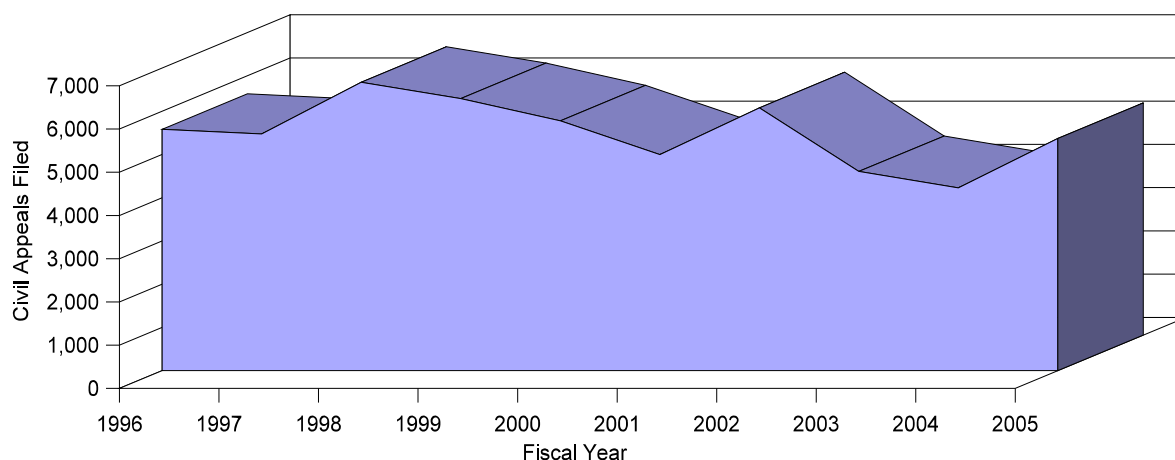
During Fiscal Year 2005, the United States Attorneys' offices also handled a total of 5,371 civil appeals filed by or against the United States. This represents an increase of 27 percent in the number of appeals handled when compared to the prior year. See Appeals Chart 4 below. The United States Attorneys terminated 4,716 civil appeals during the year, an increase of 2 percent when compared to the prior year. Of the appeals terminated during the year, 3,569, or 76 percent, were decided in favor of the United States. See Table 7.

[D]

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**APPEALS CHART 4 -- Civil Appeals Filed by or Against the United States**

Fiscal Years 1996 - 2005







## VII. DETAILED STATISTICAL TABLES

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**Table 1**  
**Criminal Cases Handled By United States Attorneys**  
**Fiscal Year Ended September 30, 2005**

District	Criminal Cases in					Criminal Defendants in					1/ Criminal Defendants in						
	----- United States District Court -----					----- United States District Court -----					----- United States Magistrate Court -----						
	Begin				End	Begin				End	Begin				End		
	Pending	Filed	2/	Terminated	3/	Pending	Pending	Filed	2/	Terminated	3/	Pending	Pending	Filed	Terminated	4/	Pending
Alabama, Middle	211		242		212	235	267		297		257	291	51	43		37	48
Alabama, Northern	342		358		390	311	460		514		516	460	81	133		113	99
Alabama, Southern	223		310		248	286	302		458		336	426	7	1		0	8
Alaska	114		134		149	98	193		190		239	141	39	81		64	57
Arizona	3,923		3,420		2,619	4,678	5,312		4,361		3,203	6,445	1,346	3,540		2,579	1,884
Arkansas, Eastern	250		280		263	283	373		461		390	472	11	16		13	15
Arkansas, Western	149		178		208	125	185		207		245	152	26	54		58	26
California, Central	2,688		1,548		1,806	2,443	4,192		2,098		2,387	3,913	1,246	972		881	1,227
California, Eastern	1,003		781		746	1,048	1,497		1,183		1,025	1,667	334	347		331	342
California, Northern	1,329		543		500	1,334	2,263		808		684	2,282	651	213		238	611
California, Southern	2,204		2,470		2,569	2,123	3,062		2,787		2,935	2,940	773	511		359	742
Colorado	787		483		486	751	1,275		767		711	1,238	177	130		118	214
Connecticut	407		311		285	431	705		526		481	762	148	49		44	150
Delaware	140		113		133	119	164		136		155	143	54	23		36	48
District of Columbia	880		481		495	862	1,210		648		615	1,224	77	63		55	61
Florida, Middle	1,591		1,267		1,244	1,631	2,369		2,020		1,944	2,468	122	99		60	144
Florida, Northern	314		240		251	314	453		367		375	460	58	19		22	50
Florida, Southern	3,544		1,696		1,704	3,554	5,799		2,475		2,628	5,651	269	330		280	261
Georgia, Middle	250		268		236	305	363		410		366	449	18	178		188	12
Georgia, Northern	795		643		665	765	1,506		1,159		1,044	1,550	244	138		94	272
Georgia, Southern	228		263		226	269	331		363		324	374	402	345		291	449
Guam	110		80		91	102	137		124		123	142	6	55		35	27
Hawaii	495		275		294	438	764		378		451	654	323	305		292	187
Idaho	200		251		226	230	283		361		304	342	22	32		27	28
Illinois, Central	574		366		393	432	623		411		447	482	38	24		12	45
Illinois, Northern	1,315		740		631	1,418	2,362		1,380		1,075	2,649	874	313		135	909
Illinois, Southern	214		227		203	243	346		395		313	434	18	16		13	20
Indiana, Northern	325		392		333	402	464		506		440	549	23	13		11	24
Indiana, Southern	176		236		216	203	340		391		355	385	45	46		36	39
Iowa, Northern	306		337		315	328	393		416		407	404	22	14		9	24
Iowa, Southern	313		385		304	400	431		521		414	544	15	17		11	16
Kansas	660		534		574	625	942		710		785	874	29	24		24	27
Kentucky, Eastern	293		514		493	327	420		730		694	478	41	41		33	41

Table 1 (Continued)

District	Criminal Cases in ----- United States District Court -----					Criminal Defendants in ----- United States District Court -----					Criminal Defendants in ----- United States Magistrate Court ----- 1/				
	Begin		End		Pending	Begin		End		Pending	Begin		End		Pending
	Pending	Filed 2/	Terminated 3/	Pending		Pending	Filed 2/	Terminated 3/	Pending		Pending	Filed	Terminated 4/	Pending	
Kentucky, Western	233	224	201	268		335	347	298	397		17	134	133	28	
Louisiana, Eastern	376	306	267	412		624	464	411	674		33	69	90	11	
Louisiana, Middle	255	253	231	276		297	281	269	303		12	19	12	19	
Louisiana, Western	306	344	303	354		530	499	476	568		185	500	358	324	
Maine	192	202	228	173		232	225	263	201		35	41	33	28	
Maryland	682	484	534	660		1,132	708	816	1,058		147	14	34	102	
Massachusetts	809	377	338	822		1,351	643	487	1,467		151	33	30	143	
Michigan, Eastern	1,002	535	561	1,000		1,755	852	919	1,765		804	332	228	762	
Michigan, Western	251	375	357	296		338	484	453	403		60	52	55	44	
Minnesota	516	362	382	510		745	525	555	730		5	3	10	0	
Mississippi, Northern	155	129	156	129		200	171	209	163		0	11	10	1	
Mississippi, Southern	389	333	413	319		524	419	539	420		25	101	98	27	
Missouri, Eastern	547	826	795	581		805	1,090	1,088	809		71	74	65	73	
Missouri, Western	693	711	646	790		1,033	1,004	887	1,195		40	57	37	52	
Montana	330	419	417	345		438	539	547	450		10	32	33	13	
Nebraska	690	638	703	641		870	858	906	839		19	20	19	18	
Nevada	872	585	513	946		1,248	797	673	1,383		361	411	328	439	
New Hampshire	239	234	175	294		276	247	185	329		27	88	34	73	
New Jersey	1,195	810	856	1,175		1,623	1,032	1,040	1,647		729	371	195	789	
New Mexico	1,799	2,712	2,428	2,079		2,264	3,110	2,811	2,561		693	540	149	532	
New York, Eastern	2,353	960	993	2,312		3,853	1,556	1,487	3,916		1,097	447	342	1,057	
New York, Northern	550	496	483	567		893	627	603	923		162	136	70	168	
New York, Southern	4,172	1,219	1,056	4,245		6,831	2,230	1,602	7,310		1,380	622	383	1,462	
New York, Western	586	536	591	552		919	681	699	926		522	437	280	554	
North Carolina, Eastern	610	565	593	570		805	726	766	749		26	73	23	73	
North Carolina, Middle	268	393	427	248		331	473	530	292		1	12	11	3	
North Carolina, Western	626	536	351	823		1,147	979	646	1,490		22	34	24	27	
North Dakota	117	271	253	137		149	344	300	197		11	12	10	5	
Northern Mariana Islands	27	24	33	23		33	26	43	25		14	7	11	10	
Ohio, Northern	519	680	662	563		830	1,232	1,105	994		56	105	114	55	
Ohio, Southern	431	533	459	525		688	790	707	795		150	255	168	200	
Oklahoma, Eastern	77	84	95	69		92	95	111	79		7	4	3	5	
Oklahoma, Northern	203	196	178	227		239	250	216	279		12	18	8	16	
Oklahoma, Western	172	169	213	142		227	222	286	181		74	54	74	41	
Oregon	883	697	686	895		1,103	882	832	1,156		120	108	115	110	

Table 1 (Continued)

District	Criminal Cases in ----- United States District Court -----					Criminal Defendants in ----- United States District Court -----					Criminal Defendants in ----- United States Magistrate Court -----					1/
	Begin		End			Begin		End			Begin		End			
	Pending	Filed 2/	Terminated 3/	Pending		Pending	Filed 2/	Terminated 3/	Pending		Pending	Filed	Terminated 4/	Pending		
Pennsylvania, Eastern	1,048	717		775	1,004	1,655	1,069		1,112	1,595	125	24		33	114	
Pennsylvania, Middle	509	408		355	573	864	660		637	901	41	43		37	43	
Pennsylvania, Western	477	457		370	574	644	566		502	726	58	32		23	46	
Puerto Rico	386	337		335	375	899	732		633	951	15	62		8	70	
Rhode Island	97	135		142	91	113	161		171	104	0	0		0	0	
South Carolina	893	744		772	882	1,397	1,289		1,297	1,442	91	88		62	96	
South Dakota	353	420		451	328	455	538		588	417	6	17		20	6	
Tennessee, Eastern	518	448		508	468	790	650		795	664	23	121		118	28	
Tennessee, Middle	355	255		298	310	538	353		410	456	43	25		29	18	
Tennessee, Western	666	505		583	621	909	732		788	890	25	14		8	24	
Texas, Eastern	500	579		541	561	793	995		868	963	38	44		37	37	
Texas, Northern	937	747		735	955	1,416	1,167		1,109	1,468	123	183		197	88	
Texas, Southern	4,391	6,016		5,898	4,586	5,768	7,008		6,716	6,125	583	13,857		13,468	609	
Texas, Western	4,459	4,924		4,866	4,575	5,724	6,097		6,132	5,776	1,456	1,624		951	1,808	
Utah	871	793		725	939	1,140	1,014		879	1,275	131	40		60	100	
Vermont	262	137		159	247	409	207		259	376	17	32		33	10	
Virgin Islands	209	97		117	186	303	137		156	281	35	44		35	30	
Virginia, Eastern	929	1,091		1,145	990	1,349	1,658		1,811	1,430	2,914	3,062		2,997	2,886	
Virginia, Western	363	382		350	407	699	646		656	707	118	563		467	194	
Washington, Eastern	562	463		526	506	562	488		526	531	26	35		27	28	
Washington, Western	562	628		517	671	1,040	947		803	1,189	625	673		355	932	
West Virginia, Northern	169	274		213	234	251	443		301	386	4	15		11	14	
West Virginia, Southern	235	236		280	200	304	280		352	239	30	35		35	21	
Wisconsin, Eastern	295	285		231	358	507	432		396	572	38	38		25	50	
Wisconsin, Western	148	181		204	144	179	216		246	172	24	58		65	19	
Wyoming	168	219		216	200	255	327		340	290	257	637		466	433	
All Districts	69,840	60,062		58,397	72,066	103,509	82,778		78,916	108,045	21,514	34,777		29,653	23,075	

1/ Magistrate Court cases do not include petty offenses.

2/ Includes 458 cases or 466 defendants initiated by transfer under Rule 20.

3/ Includes 361 cases or 440 defendants terminated by transfer under Rule 20.

4/ Includes 64 cases or 64 defendants terminated by transfer under Rule 20.

**Table 2**  
**Disposition of Criminal Cases and Defendants in United States District Court**  
**Fiscal Year Ended September 30, 2005**

District	----- Criminal Cases -----					----- Criminal Defendants -----					--- Disposition ---	
	Guilty	Not	Dismissed	Rule 20	Other	Guilty	Not	Dismissed	Rule 20	Other	After Court	After Jury
		Guilty					Guilty				Trials	Trials
Alabama, Middle	178	2	29	2	1	205	2	47	2	1	0	12
Alabama, Northern	349	8	32	1	0	457	10	39	2	8	1	34
Alabama, Southern	233	2	11	2	0	315	2	14	2	3	2	14
Alaska	134	0	8	4	3	218	0	13	5	3	1	10
Arizona	2,499	2	97	3	18	3,021	2	145	3	32	23	35
Arkansas, Eastern	233	3	22	1	4	339	5	33	2	11	2	25
Arkansas, Western	191	1	12	2	2	225	1	15	2	2	0	4
California, Central	1,696	4	87	9	10	2,193	8	134	13	39	8	104
California, Eastern	686	1	45	8	6	939	2	59	9	16	2	39
California, Northern	450	1	41	1	7	580	4	71	1	28	1	15
California, Southern	2,296	14	246	3	10	2,589	19	302	4	21	12	147
Colorado	436	1	39	7	3	620	5	68	9	9	1	26
Connecticut	260	1	12	6	6	445	3	20	6	7	0	26
Delaware	126	0	5	1	1	145	0	7	1	2	1	16
District of Columbia	422	13	41	6	13	514	17	54	6	24	2	101
Florida, Middle	1,161	12	57	7	7	1,815	18	81	9	21	5	134
Florida, Northern	231	2	14	1	3	337	6	25	1	6	1	45
Florida, Southern	1,620	27	42	11	4	2,472	54	83	12	7	15	245
Georgia, Middle	215	0	16	2	3	314	4	42	2	4	0	23
Georgia, Northern	581	30	44	6	4	867	60	72	6	39	4	68
Georgia, Southern	204	0	20	0	2	279	1	26	1	17	0	5
Guam	78	0	8	3	2	100	0	14	3	6	0	5
Hawaii	250	1	35	5	3	385	1	55	5	5	0	20
Idaho	189	3	25	1	8	239	5	41	2	17	1	13
Illinois, Central	343	1	42	7	0	393	2	45	7	0	2	24
Illinois, Northern	590	1	33	5	2	1,007	3	48	8	9	7	78
Illinois, Southern	191	2	8	1	1	293	3	11	1	5	2	7
Indiana, Northern	312	4	14	0	3	406	4	23	0	7	2	40
Indiana, Southern	204	0	7	5	0	320	1	25	6	3	1	23
Iowa, Northern	303	0	9	1	2	391	2	11	1	2	1	34
Iowa, Southern	290	2	10	1	1	394	3	13	1	3	0	29
Kansas	519	3	42	1	9	700	5	57	1	22	1	46
Kentucky, Eastern	463	1	27	0	2	618	4	56	1	15	0	27





Table 2A

Fiscal Year Ended September 30, 2005  
Disposition of Criminal Cases and Defendants in United States Magistrate Court

District	----- Criminal Cases -----					----- Criminal Defendants -----					--- Disposition ---	
	Guilty	Not Guilty	Dismissed	Rule 20	Other	Guilty	Not Guilty	Dismissed	Rule 20	Other	After Court Trials	After Jury Trials
Alabama, Middle	13	0	23	0	0	13	0	23	0	1	0	0
Alabama, Northern	53	0	49	0	4	53	0	51	0	9	3	0
Alabama, Southern	0	0	0	0	0	0	0	0	0	0	0	0
Alaska	20	0	20	7	1	35	0	21	7	1	8	0
Arizona	2,288	0	82	1	20	2,439	0	105	1	34	13	1
Arkansas, Eastern	1	0	9	0	0	2	0	9	0	2	0	0
Arkansas, Western	11	0	18	2	16	14	0	24	2	18	1	0
California, Central	57	5	154	19	580	57	5	192	21	606	26	0
California, Eastern	147	6	84	5	19	152	9	87	7	76	42	0
California, Northern	116	0	94	3	14	120	0	98	3	17	1	0
California, Southern	12	0	105	1	189	12	0	147	1	199	0	0
Colorado	41	0	17	20	5	42	0	24	20	32	1	0
Connecticut	11	0	28	1	1	11	0	29	1	3	0	0
Delaware	15	0	9	0	2	17	0	10	0	9	0	0
District of Columbia	11	0	15	0	2	33	0	19	0	3	21	2
Florida, Middle	0	0	34	8	8	0	0	39	8	13	0	0
Florida, Northern	8	0	7	6	0	8	0	7	6	1	1	0
Florida, Southern	3	0	41	10	186	3	0	61	11	205	2	0
Georgia, Middle	163	2	15	0	1	166	2	17	0	3	17	10
Georgia, Northern	21	1	51	1	13	21	1	55	1	16	3	1
Georgia, Southern	185	0	104	1	1	185	0	104	1	1	2	0
Guam	13	0	12	1	1	16	1	16	1	1	2	0
Hawaii	84	0	159	1	22	89	0	164	1	38	8	0
Idaho	7	1	6	2	5	8	1	8	2	8	4	0
Illinois, Central	0	0	4	0	2	0	0	7	0	5	0	0
Illinois, Northern	1	0	99	1	8	1	0	122	1	11	0	0
Illinois, Southern	1	0	3	0	5	1	0	3	0	9	0	0
Indiana, Northern	6	0	5	0	0	6	0	5	0	0	0	0
Indiana, Southern	3	0	16	1	9	3	0	18	1	14	1	0
Iowa, Northern	1	0	2	3	3	1	0	2	3	3	0	0
Iowa, Southern	0	0	2	0	1	0	0	2	0	9	0	0
Kansas	5	0	8	2	3	5	0	10	2	7	1	0
Kentucky, Eastern	7	0	12	0	8	9	0	14	0	10	1	0

























































































































