

**UNITED STATES ATTORNEY'S OFFICE
MIDDLE DISTRICT OF PENNSYLVANIA**

ANNUAL REPORT 2018

Accomplishments and Initiatives

**David J. Freed
United States Attorney**



THE UNITED STATES ATTORNEY’S OFFICE MIDDLE DISTRICT OF PENNSYLVANIA

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Message From The U.S. Attorney

As the United States Attorney for the Middle District of Pennsylvania, I have reviewed the events of 2018, and I am proud of the dedicated service of the United States Attorney's Office employees and their exceptional performance in accomplishing the mission of the United States Attorney's Office and the Department of Justice.



David J. Freed
United States Attorney

I credit the accomplishments over the past year to the entire district team, but especially to those performing the daily responsibilities of our office, often behind the scenes. In a smaller district such as ours, we all have multiple job duties, and I am impressed with the way our team members support each other to achieve exceptional results.

The Assistant United States Attorneys and support professionals in our Harrisburg, Scranton, and Williamsport Offices, along with our partner agencies, had significant accomplishments this year. This annual report is just a summary of the many

accomplishments in 2018 and highlights the successes in each major area of the office.

I am proud to work alongside each member of the U.S. Attorney's Office and with our federal, state, and local law enforcement partners to pursue the cause of justice and to make our communities safer. I look forward to continuing successes for the benefit of our district in 2019.

These pages include some of the highlights of our work. We invite you to read more and share your suggestions with us at <https://www.justice.gov/usao-mdpa>. Follow us on Twitter @MDPAnews and @USAttyFreed.



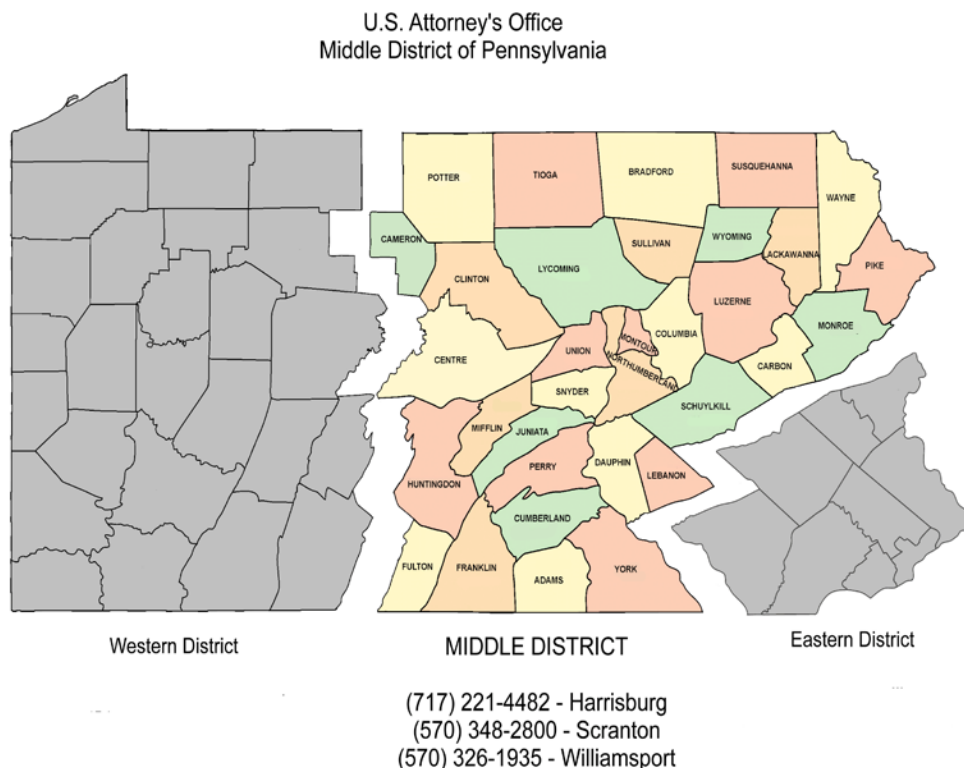
Our Mission & Geographical Area of Responsibility

The United States Attorney's Office represents the United States in the Middle District of Pennsylvania in prosecution of criminal cases brought by the federal government, civil cases in which the United States is a party, and collection of debts owed to the federal government.

The Middle District of Pennsylvania extends over 21,907 square miles and contains 33 counties with approximately 3.2 million residents. The U.S. Attorney's Office is comprised of four offices located in Scranton, Harrisburg, Williamsport, and Wilkes-Barre.

The U.S. Attorney's Office represents the United States in legal proceedings for 14 federal institutions and enclaves within the Middle District of Pennsylvania. Federal institutions and enclaves within the district include: Delaware Water Gap National Recreation Area, Steamtown National Recreation Center, Tobyhanna Army Depot, Veterans Administration Hospital Wilkes-Barre, Tioga-Hammond Lakes Dams, U.S. Army War College and Carlisle Barracks, the Navy Inventory Control Point, in Mechanicsburg, the Defense Distribution Depot, Susquehanna (DDSP), Fort Indiantown Gap, Veterans Administration Hospital Lebanon, Raystown National Recreation Area, Letterkenny Army Depot, and Gettysburg National Military Park.

A significant component of the office's civil workload arises from the presence in the district of four major federal correctional complexes: Allenwood, Canaan, Lewisburg, and Schuylkill. With a population of approximately 8,700 inmates, the facilities constitute one of the largest concentrations of federal inmate populations in the country. In addition, over a thousand immigration and customs enforcement detainees are presently housed in county facilities in our district.



CRIMINAL DIVISION

Criminal Assistant United States Attorneys

First Assistant U.S. Attorney:

Bruce D. Brandler

Chief:

John Gurganus

Deputy Chiefs:

Eric Pfisterer

William Houser

Appeals Chief:

Stephen Cerutti

Harrisburg:

John Baer

William Behe

Daryl Bloom

James Clancy

Michael Consiglio

Kim Douglas Daniel

Scott Ford

Joanne Hoffman

Carl Marchioli

Meredith Taylor

Christian Haugsby

Scranton:

Sean Camoni

Phil Caraballo

Todd Hinkley

Bob O'Hara

Michelle Olshefski

Jenny Roberts

Fran Sempa

Jeffrey St. John

Williamsport:

Geoff MacArthur

George Rocktashel

Alisan VanFleet

Criminal Division AUSAs indicted approximately 388 cases involving 496 defendants, and handled 27 criminal trials in 2018, for offenses including bank fraud, child pornography, immigration, money laundering, drug trafficking, national security, firearms, sex trafficking, public corruption, tax and wire fraud, witness tampering, murder and healthcare fraud.

Public Corruption

Combating public corruption in federal, state and local government remains a priority for the U.S. Attorney's Office for the Middle District of Pennsylvania. Corruption in federal, state and local government directly damages the citizens of the Middle District of Pennsylvania. Our district thrives when we have honest government at every level.

Government officials

[U.S. v. Robert M. McCord](#), on August 28, 2018, a former Pennsylvania State Treasurer was sentenced to 30 months' imprisonment for attempting to extort campaign contributions from a law firm and a property management company while he was running for Governor and threatened economic harm to the potential donors if they failed to make sufficient campaign contributions. McCord also threatened to use his position as State Treasurer to interfere with the business that the law firm and property management firm were conducting with the state if they did not make the contributions.



U.S. Attorney Freed addresses journalists at press conference for U.S. v. Robert McCord.

Police Misconduct.

U.S. v. Tyson Baker, a Fairview Township Police Officer in York County, was sentenced on March 12, 2018, to 42 months' imprisonment following his conviction at trial for theft of seized money that was evidence in two separate drug cases, altering records to obstruct a federal drug investigation, theft of federal property, and presenting a false police report to the FBI. The evidence presented during the trial showed the FBI in Harrisburg received information that Baker might be stealing money from drug traffickers who were arrested, the subject of traffic stops, or both. Baker orchestrated the theft of \$2,000 in drug proceeds seized by the Fairview Township Police Department during a search of a residence that resulted in the seizure of several pounds of marijuana and approximately \$15,000. At the time another officer with the Fairview Township Police Department cooperating with the FBI, recorded conversations with Baker regarding the theft in which Baker discussed how the officer should steal drug proceeds from drug traffickers during traffic stops.

U.S. v. Timothy B. Riley, a Narcotics Agent formerly employed with the Pennsylvania Attorney General's Office Bureau of Narcotics Investigations and assigned to the Mobile Street Crimes Unit located in Lemoyne, Cumberland County, pleaded guilty on March 30, 2018, to

laundering stolen drug proceeds. The defendant admitted that he was part of a conspiracy that stole more than \$800,000 of cash drug proceeds. Riley was notified by his cousin, Michael Riley, about a large amount of cash from a coast-to-coast marijuana trafficking organization that he was transporting in a rental truck in Pennsylvania. Riley and other members of the Mobile Street Crimes Unit met Michael Riley at a truck stop in Carlisle, Pennsylvania and seized approximately \$1,770,650 in cash located in the rental truck. Timothy Riley received three cash payments from the unindicted coconspirators, totaling \$48,000. Timothy Riley then deposited and conducted other financial transactions with that money, knowing it was stolen proceeds of drug trafficking. Riley was sentenced to 36 months' imprisonment in May 2019.

In a related case, U.S. v. John Thomas Oiler, a Georgia man pleaded guilty on August 29, 2018, to conspiring to launder more than \$800,000 in stolen drug proceeds from a coast-to-coast marijuana trafficking organization. Oiler rented a storage unit in Baltimore and travelled to Pennsylvania. Oiler then took the vast majority of those proceeds, stored them in the rented unit in Baltimore and laundered those funds by conducting numerous financial transactions, including sending cash Timothy B. Riley. Oiler netted about \$400,000 of the proceeds and conducted financial transactions with more than \$240,000 of the proceeds. Oiler was sentenced to 30 months' imprisonment in May 2019. Finally, charges of conspiracy to commit money laundering have been filed against Michael Riley.

Violent Crime

Reducing violent crime is vital to the success of our district and a high quality of life for our residents. Our citizens should feel safe in their neighborhoods, their homes, their schools, and their places of business. The United States Attorney's Office uses a targeted approach, charging violent gun crimes in federal court, where penalties are often greater than in the state system. We also utilized racketeering laws to dismantle violent street gangs and drug trafficking organizations that drive violence in our neighborhoods.

Threats. True threats to commit acts of violence that cross the legal line will be prosecuted because of the risk to public safety that they pose.

U.S. v. Shawn Christy, a Schuylkill County man led police on a three-month chase through six states and Canada on charges of threatening to shoot President Donald J. Trump and others. Following Christy's apprehension on September 21, 2018, he was charged in a superseding indictment with interstate transportation of a stolen vehicle, two counts of interstate transportation of a stolen firearm, two counts of interstate transportation of a firearm while under a felony information, one count of unlawful possession of a firearm as a convicted felon, and one count of unlawful possession of a firearm as a fugitive between July 25, 2018 and August 20, 2018. The superseding indictment also contained the four threat offenses that were charged in the original indictment. Trial is scheduled for May 6, 2019.

U.S. v. Chad Stoner, a 30-year-old York County man was convicted for conspiracy and transmitting an interstate communication containing a threat to injure police officers and officials of Conewago Township, and possessing an AK-47 semi-automatic weapon illegally. The defendant previously pleaded guilty to being a felon in possession of firearms after those charges were severed by the Court. Defendant was sentenced to 150 months' imprisonment on August 30, 2018.

U.S. v. Phillip Finn, Jr., a Plains Township, Luzerne County man was indicted on charges of stalking, interstate communications and malicious damage to federal property by fire on October 2, 2018. The indictment alleged that between March 3, 2017 through March 6, 2017, the defendant used Facebook, Google, and his cell phone to harass two Luzerne County Children and Youth Services employees. It also alleged that the defendant used three Molotov cocktails to firebomb a Luzerne County Children and Youth Services building to commit the felony of stalking. A superseding indictment was filed adding the charge of use of fire to commit a felony and an additional count of interstate communication. Trial is currently scheduled for August 5, 2019.

Murder.

U.S. v. Kevin Coles, et. al., on December 20, 2018, eleven individuals were charged in a 22 count superseding indictment charging them with murder, drug trafficking, and obstruction of justice. The charges are the result of a two and a half year investigation into three murders that occurred in a barn in June 2016, on a property in Mercersburg, Franklin County. The superseding indictment alleged that the murders were drug related and one of the victims was providing information regarding several of the defendants and others to law enforcement drug task forces in Maryland. The superseding indictment also alleged that individuals involved in the murders joined with others to obstruct the grand jury's investigation and to locate and kill an individual believed to be assisting federal investigators with the murder investigation. Defendants are awaiting trial.

Armed Robbery. Our prosecutors used the Hobbs Act and other federal statutes to prosecute armed robberies.

U.S. v. William Fischer, on September 21, 2018, a 46-year-old Dunmore, Lackawanna County man was sentenced to 235 months' imprisonment for robbing 14 banks located throughout Northeastern Pennsylvania between December 1, 2015 and September 13, 2017. The defendant brandished firearms, wore a ballistic vest, covered his face with a black balaclava, and wore a hat during the robberies. For 12 of the offenses, the defendant robbed the banks while armed with a firearm. Defendant's crime spree netted \$203,779.30; law enforcement recovered \$16,769.00 of the stolen funds. Defendant was ordered to pay \$187,010.30 to the victims of his crimes and the United States forfeited \$29,697.75 of Fischer's assets, 24 firearms, ammunition, a suppressor, and other firearms components.

U.S. v. Zachary Edward Kuhn, on September 27, 2018, a 28-year-old Gettysburg, Adams County man was sentenced to 77 months' imprisonment after he was left paralyzed from being shot three times while robbing a pharmacy. Defendant entered the pharmacy brandishing a handgun and demanded the pharmacist give him Oxycodone

and cash. The defendant became more aggressive and repeatedly waived the gun in the pharmacy employees' faces. As the pharmacist handed over approximately 300 tablets of Oxycontin in a bag to the defendant, the pharmacist pulled his handgun and shot four times at the defendant.

U.S. v. Durrell Davenport, et. al., two Lackawanna County men robbed the Efuel and Sunoco Gas stations in Scranton, while brandishing handguns and pointing the firearms at the clerks demanding money. On April 9, 2018, both defendants pleaded guilty to the charge of brandishing a firearm in furtherance of a crime of violence in connection with the armed robbery of the EFuel gas station where approximately \$266 and several packs of cigarettes were taken. Durrell Davenport also pleaded guilty to the charge of interference with commerce by armed robbery, in connection with the robbery of the Sunoco gas station where approximately \$312 and several packs of cigarettes were taken. Davenport received a 10-year sentence on August 8, 2018, and Amod Phillips was sentenced to seven years' imprisonment on July 31, 2018.

Firearms. The MDPA combats gun violence by prosecuting illegal use and possession of guns.

U.S. v. Christian Rosado, a 28-year-old Hazleton, Luzerne County man was sentenced on June 21, 2018, to 262 months' imprisonment for unlawfully possessing and discharging a firearm in furtherance of drug trafficking and being a convicted felon who illegally possessed the firearm. The defendant was selling marijuana in Hazleton and a shootout with a customer ensued. The defendant fired his .40 caliber Glock handgun multiple times and killed the drug customer. The defendant was arrested the following day at the hospital where he was being treated for a gunshot wound.

U.S. v. Saquan Parker, et al., the investigation began after two men from Harrisburg kicked in a door and stole a CBC .22 caliber rifle, Remington 12 gauge shotgun, Winchester 30/30 rifle, and a Marlin .22 caliber rifle, from an apartment. Saquan Parker and Jordan Keys were later arrested after attempting to sell the four stolen

firearms out of the trunk of their car to a pawn broker. Both Dauphin County men pleaded guilty to being convicted felons who illegally possessed firearms. Parker received a 15-year sentence on February 1, 2018, and Jordan Keys was sentenced to 36 months' imprisonment on November 16, 2017. A third defendant, Angela Cabrera, who accompanied defendants to the burglary and pawnshop, admitted her involvement in the conspiracy to sell the firearms and received a three-year probationary sentence on November 27, 2018.

U.S. v. Donald Korus, a 40-year-old Luzerne County man was sentenced on April 18, 2018, to 45 months' imprisonment for illegally possessing a firearm as a convicted felon. The defendant was arrested following an altercation outside his Plymouth home where he pointed a loaded Kel-Tex .380 handgun at two victims who were repossessing his vehicle. In the ensuing struggle, the gun discharged firing a single shot into the floorboard of the vehicle.

U.S. v. Laquan Hassan Croswell, the investigation began when a firearm purchased in Pike County by the 25-year-old New Jersey man was recovered in Paterson, NJ, in connection with an armed robbery. Agents determined that the defendant had purchased in excess of thirty firearms from firearms dealers both in Pennsylvania and Florida. The defendant then sold many of the firearms without filing the required transfer paperwork for each firearm transaction. The defendant lied when he purchased these firearms, stating on the ATF Form 4473 purchase documents that he was the true purchaser of the firearms when he knew that he was purchasing them to be resold to unidentified persons. Several of the firearms have yet to be recovered. The defendant was sentenced on November 28, 2018, to 30 months' imprisonment.

Gang Activity. We used traditional organized crime statutes, such as the Racketeer Influenced and Corrupt Organizations Act (RICO) to combat violent street gangs.

U.S. v. Maurice Atkinson, et. al., an intensive two-year investigation into the Southside Gang

based in York County, culminated in an indictment of 21 individuals being charged with participating in racketeering and drug distribution conspiracies. The violence associated with the Southside gang included numerous killings, including the deaths of rival gang members, fellow gang members, innocent bystanders, and children. The federal prosecution aimed at dismantling the organization by exposing and attacking its continuity and leadership. Of the 21 defendants, 12 defendants were convicted following a seven-week trial in 2015. Overall, the jury found seven of the 12 men on trial guilty of racketeering conspiracy and conspiracy to distribute drugs; two others were found guilty of drug distribution conspiracy; 12 defendants found guilty of possession of illegal drugs with the intent to distribute; and two defendants were also charged and found guilty of possession of firearms in furtherance of drug trafficking. The remaining defendants charged in the indictment pleaded guilty to racketeering conspiracy. Four defendants were sentenced to life imprisonment: Maurice Atkinson on February 12, 2018; Rolando Cruz on October 3, 2017; Marc Hernandez on October 25, 2017; Kelly Douglas on December 12, 2017. The remaining sentences range from 33 months' to 30 years' imprisonment. Three defendants are awaiting sentencing.

Drug Trafficking. The MDPA focused our drug enforcement efforts on prosecuting individuals using guns and violence in the drug trade, tackling the heroin and prescription pill epidemic, identifying and charging traffickers whose distribution of heroin and fentanyl resulted in overdose deaths, and dismantling large-scale drug trafficking organizations.

[U.S. v. Matthew McCollum, et. al.](#), on December 19, 2018, a 34-year-old Scranton, Lackawanna County man was sentenced to 188 months in prison and ordered to pay \$8,000 in restitution for distributing fentanyl laced heroin that resulted in the death of a 29 year-old Dunmore man. One co-conspirator, Josthan Cardona, pleaded guilty on October 24, 2018, to conspiracy to distribute a controlled substance that resulted in two deaths

and caused serious bodily injury to another. Sentencing is scheduled for April 3, 2019. The third co-conspirator, Holly Kaszuba, was convicted of drug distribution resulting in death and sentencing is scheduled for April 5, 2019.

Wilkes-Barre Man and Woman Sentenced For Distribution of Heroin Resulting Death

In [U.S. v. Michelle Beagle, et. al.](#), a Luzerne County man and woman pleaded guilty to distributing heroin laced with fentanyl that resulted in the death of a 20-year-old man who was found deceased from a drug overdose. Beagle was a drug runner who took customers money to a heroin supplier, Alfred Yale. Through text messages, Beagle was identified as supplying the victim with fentanyl on the day he overdosed. Beagle was sentenced on September 11, 2018, to 235 months' imprisonment and Yale received a sentence of 262 months' imprisonment on July 18, 2017. Both defendants were ordered to pay restitution in the amount of \$8,174.13.

[U.S. v. Luis Antonio Zayas](#), a 47-year-old Hazleton man was charged on August 9, 2016, for distributing fentanyl resulting in the death of a pregnant woman and her unborn fetus. Toxicology results showed that both the mother, who was 33 weeks pregnant, and her unborn fetus died from lethal levels of fentanyl in their systems. The Luzerne County man is scheduled for trial on May 10, 2019.

[U.S. v. Julio Aviles, Sr., et al.](#), Julio Aviles, Sr., an owner and operator of a "heroin mill," received a life sentence on August 27, 2018, for his involvement in a Lebanon County Drug Organization. The two-year investigation culminated with the execution of search warrants and agents discovering a "heroin mill" where kilogram amounts of heroin were being processed on a weekly basis. Aviles, Sr. employed a network of sellers, packagers, brokers and testers to conduct this illegal enterprise. At the time of the searches, law enforcement found over 400 grams of heroin, over 85 grams of cocaine

powder, over 71 grams of crack cocaine and numerous guns. Thirteen individuals were charged as part of this operation. Sentences of codefendants range from 240 months' imprisonment to one-year imprisonment. One defendant remains a fugitive.



Picture of seized firearms in U.S. v. Aviles.

U.S. v. Issa Baba, approximately \$4 million was shared with state and local partners this summer as a result of defendant's prosecution. Defendant pleaded guilty to charges relating to the sale of bath salts through his Houston, Texas based company and was sentenced to six months' imprisonment. A total of \$5,525,015.77 in bank accounts, cash, and a Mercedes was forfeited from the defendant.

First Nationwide Undercover Operation Targeting Darknet Vendors Resulted in Arrests of More Than 35 Individuals Selling Illicit Goods, Seizure of Weapons, Drugs, and More Than \$23.6 Million

As part of this four-week nationwide operation, on May 16, 2018, the MDPA charged Joshua Sweet, a 26-year-old Luzerne County man with possession with intent to distribute controlled substances. Sweet operated an online drug business, obtaining alprazolam, typically sold under the brand name Xanax, LSD, and other substances from foreign sources and selling them on the dark web. At the time of his arrest, agents had already seized over 18,000 alprazolam tablets and other controlled substances, 60.65 Bitcoin, and an additional \$25,000 in cash. Sweet also laundered over \$200,000 in bitcoin.

Human Trafficking. The MDPA is working diligently to disrupt and dismantle organizations responsible for human trafficking.

U.S. v. Albert Martinez, et al., six Franklin County defendants were charged in 2015, for their participation in a sex trafficking conspiracy. The leader of the group, Albert Martinez, and his coconspirators operated a prostitution business that transported girls between the ages of 14 - 24 years old, to engage in commercial sex acts in seven different states. The defendants rented motel rooms and posted "escort" advertisements and photographs on backpage.com from July 2012 - January 2015. The defendants would take the majority of the money made during the course of the prostitution business, and distributed various drugs to the women, including oxycodone, cocaine and marijuana. A jury convicted Anthony D'Ambrosio and Armando Delgado on December 18, 2017, and dismissed charges against Antonio Delgado. Albert Martinez was sentenced to 180 months in prison on March 13, 2018, following a guilty plea to all counts of the superseding indictment. Keanu Martinez received a sentence of 120 months in prison on November 5, 2018, following a guilty plea. Brandon Hill was sentenced to 37 months in prison on October 12, 2016, following a guilty plea. Anthony D'Ambrosio and Armando Delgado remain to be sentenced.

U.S. v. David Parker, on December 6, 2018, a 39-year-old Saylorsburg, Monroe County man received a 30-year sentence for transporting and providing a 9-year-old boy to an adult male knowing that the boy would be caused to engage in a sexual act with the adult male.

U.S. v. Mark Cook, a 39-year-old Lackawanna County man was charged in July 2018, for using a website to post advertisements for prostitution, renting hotel rooms in Scranton, Wilkes-Barre, and elsewhere for prostitution purposes, and using intimidation, threats, physical assaults, and illegal drugs to further the prostitution business. The Lackawanna County man is awaiting trial.

Child Exploitation. Our prosecutors work aggressively to prosecute those responsible for victimizing children.

Jay Eugene Reed, a 58-year-old Three Springs, Huntingdon County man received a 70-year sentence on October 30, 2018, for producing and possessing images of child pornography and obstruction of justice for the letters he wrote to a minor victim and a family member asking that they not talk about what he had done. During the investigation, the Pennsylvania State Police seized a cell phone, a computer, and other electronic devices belonging to Reed from his residence, which uncovered approximately 200 images of child pornography on defendant's cellular telephone and 300 images containing child pornography on his desktop computer.

U.S. v. Evan Matthew Lawbaugh, a 34-year-old Waynesboro man sexually assaulted a toddler boy and a four-year-old girl, recorded the assaults and distributed the videos on the internet. Defendant also possessed thousands of images and hundreds of videos of child pornography, including images depicting the sexual abuse of infants and toddlers. The Franklin County man was sentenced to 40 years' imprisonment on January 3, 2018.

U.S. v. James and Betty Jo Eckenberger, a Perry County husband and wife were sentenced in August 2018, to a combined 47 years in prison for child exploitation. The couple sexually assaulted minors between 2008 and 2011, and took photographs of those assaults.

U.S. v. Jason Keiser, the investigation began after law enforcement executed a search warrant of the defendant's home based on a tip related to the uploading of child pornography on defendant's social media account. The search warrants resulted in the discovery of a very large collection of child pornography on defendant's electronic devices, including child pornography images and videos created by defendant. The defendant also shared child pornography with others via social media applications. The Carbon County man was

sentenced to 22 years' imprisonment in October 2018.

U.S. v. Dane Robert Pollock, a former Fulton County McConnellsburg High School Basketball Coach received an 86-month sentence on December 18, 2018, for taking sexually explicit, nude photographs and videos of at least one female student who was a minor. During the investigation, agents identified numerous other minor victims that the defendant exploited between 2011 and 2016, while he was the basketball coach and athletic director.



The William Augusta prosecution team received an Attorney General's Award in Washington, D.C. for their distinguished service on Operation Mercury - a multi-national investigation of dangerous online child sex offenders utilizing a U.S. based Internet video conferencing website to meet, abuse, and exploit children. Over all, the operation resulted in 68 U.S. and 145 foreign arrests in the U.K., Canada, Italy, Denmark, Belgium, and the Netherlands.

The MDPA charged 15 defendants under Operation Mercury in U.S. v. William Augusta, et. al. in May 2016. William Augusta, of Harrisburg, Dauphin County, received a sentence of 720 months' imprisonment in November 2017 for multiple offenses involving the production and distribution of child pornography, conspiracy to sexually exploit children, and the selling of children. Augusta then challenged that sentence and in November 2018, the government obtained an order from the Third Circuit Court of Appeals affirming the 720-month prison sentence of the defendant for those offenses. Defendant claimed

the imposition of his sentence following his conviction was procedurally incorrect. The Court disagreed and affirmed his sentence, reasoning that the defendant's conscience-shocking conduct and the fact that the District Court's sentencing required a significant downward variance to impose less than the recommended guidelines sentence of life. Nine codefendants received sentences ranging from 480 months to 78 months in prison. Two defendants are deceased. The remaining three defendants are awaiting sentencing.

National Security

Countering terrorism remains a top priority of the MDPA. The U.S. Attorney's Office focused on investigations relating to immigration, domestic terrorism, export violations, threats and other violations that affect our national security.

Weapons.

U.S. v. Ross Roggio, a 49 year-old Stroudsburg, Monroe County man and Roggio Consulting Company, LLC, a firm which Ross Roggio was associated, were indicted on March 23, 2018, for illegally exporting firearm parts to Iraq, including: M4 Bolt Gas Rings MIL; Firing Pin Retainers; Rifling Combo Buttons, and "defense services." The indictment alleged that between January 2013 and March 2018, Ross Roggio conspired to export both items and services from the United States to Iraq, without the required U.S. Commerce Department and U.S. State Department licenses. The conspirators allegedly purchased firearms parts and manufacturing tools from the United States, illegally exported the items to Iraq where the items were utilized and incorporated in the manufacture and assembly of complete firearms in a firearms manufacturing plant constructed and operated in part by Ross Roggio. The defense services allegedly provided by Ross Roggio and his firm include the furnishing of assistance to foreign persons in the manufacture of firearms. Roggio is awaiting trial.

U.S. v. Mark Komoroski, a 54-year-old Nanticoke, Luzerne County man pleaded guilty

on January 16, 2018, to violating federal export laws and unlawfully possessing ammunition as a previously convicted felon. Komoroski attempted to export two riflescopes to an individual in Russia without first obtaining the export licenses required by federal law. The defendant, a previously convicted felon, was also in possession of over 25,000 rounds of ammunition. The Luzerne County man is scheduled to be sentenced on May 15, 2019.

Fraud

Fraud encompassing environmental violations, health care fraud, identity theft and other offenses is a District priority. The MDPA utilizes both criminal and civil enforcement tools to combat fraud.

Environmental Offenses.

U.S. v. Charles H. Bitner, Jr., in September 2018, the President and Owner of Bitner Brothers Construction Company, Inc. located in Carlisle, Cumberland County, received two years' probation and a \$10,000 fine for violations of the Toxic Substances Control Act. Bitner Brothers was an experienced construction contractor certified by the U.S. Environmental Protection Agency as a lead renovator since October 2010. The company violated applicable work practices enacted pursuant to the Toxic Substances Control Act governing the reduction of lead exposure during renovations at a residential facility, by conducting power grinding without a shroud or containment system equipped with HEPA vacuum of lead-based painted surfaces.

U.S. v. Gavin Rexer, et al., three Jersey Shore, Lycoming County men and two Washington County men pleaded guilty in June and July 2018, to conspiring to impede the lawful functions of the Environmental Protection Agency (EPA) and Department of Transportation (DOT), and to violate the Clean Air Act. Defendants were employees of Rockwater Northeast LLC, a company that serviced the fracking industry. In

the course of their employment, defendants conspired to modify the emissions systems on approximately 30 Rockwater heavy-duty diesel trucks by using “defeat devices.” The defeat devices were obtained from Dennis Paulhamus and Timothy Sweitzer and their purchases were concealed in Rockwater’s books and records by mislabeling them as exhaust systems. Defendants admitted to taking the modified commercial motor vehicles to state approved inspection stations to pass federally regulated commercial motor vehicle inspections falsely. Defendants are awaiting sentencing.

Healthcare Fraud.

U.S. v. Fuhai Li, a 53-year-old Pike County physician was convicted in June 2018, of unlawfully prescribing oxycodone and other opioids to 23 former patients, including a woman who died as a result of using the pills and a pregnant woman who gave birth to an opioid-dependent baby. The defendant owned and operated the Neurology and Pain Management Center in Milford, PA, and between August 2011 and January 2015, the defendant wrote 26,985 prescriptions for Schedule II controlled substances, 99.37% of which were written for opioids. This included 18,115 prescriptions for oxycodone, of which 12,129 were written for oxycodone 30 milligrams, the highest dosage available in short acting oxycodone. Other opioids frequently prescribed by the defendant included: methadone, OxyContin, hydrocodone and hydromorphone. The defendant repeatedly falsified patient medical records and made material omissions in those records in an effort to legitimize the unlawful prescriptions. Former patients testified that they became addicted to opioids as a result of defendant’s prescriptions. One patient testified she had sex with the defendant on almost every visit to his office during a four-year period and several former patients testified that they earned money by selling drugs prescribed to them by the defendant and used part of that money to buy heroin to support their addiction. The jury also convicted the defendant of using two medical offices for the purpose of unlawfully prescribing opioids and tax

evasion for the tax years 2011, 2012, and 2013 for underreporting his taxable income for those years by more than \$800,000. The jury’s verdict also included the forfeiture to the United States of \$1,030,960 in cash that was seized from defendant’s two residences; \$1,036,079.36 seized from various bank accounts; real property. On April 3, 2019, Dr. Li was sentenced to 330 months’ imprisonment.



Cash seized/forfeited from Dr. Fuhai Li.

U.S. v. Dr. Raymond Kraynak, a 60-year-old Mt. Carmel, Northumberland County doctor was charged in December 2017 with the unlawful distribution and dispensing of controlled substances, causing the death of five patients, and maintaining two drug-involved premises. The defendant operated two offices known as Keystone Family Medicine Associates, where he prescribed approximately 2.7 million units of oxycodone, hydrocodone, oxycontin and fentanyl to approximately 2,838 patients between January 2016 through July 31, 2017. During that time, he was the top prescriber of those drugs in the Commonwealth of Pennsylvania. It is also alleged that the defendant caused the death of five of his patients between 2013 and 2015, by unlawfully distributing and dispensing controlled substances to them that ultimately led to their death. Trial is scheduled for August 5, 2019.



U.S. Attorney Freed addressing journalists on Dr. Raymond Kraynak's criminal charges

U.S. v. Joan Cicchiello, a licensed Certified Registered Nurse Practitioner and Registered Nurse who was the owner and operator of Twilight Beginnings located in Northumberland County, that provided mental health services, was sentenced to 72 months' imprisonment on May 9, 2018, for using her company to recruit individuals who were either not properly licensed or unlicensed and have them "provide" psychiatric care to patients. Despite the fact that defendant knew these individuals were not trained, licensed nor authorized to provide these psychiatric related services, defendant directed that they meet with elderly residents of nursing homes throughout central and northeastern Pennsylvania, as well as with adolescents seeking psychiatric care at her Mount Carmel, Pennsylvania office. These individuals, whom the defendant referred to as her "counselors," included a retired chiropractor, a convicted felon whose clinical social worker license was suspended, and numerous other unqualified individuals. The defendant directed these individuals to provide her with a listing of the patients they met and she then utilized these lists to falsely bill the Medicare program as though she, a properly licensed and trained practitioner, personally provided face-to-face psychotherapy related services to the adolescent and elderly patients.

U.S. v. Matthew Dows, PA and Robert Garrafalo, RN, a Cumberland County Physician's Assistant and a Registered Nurse pleaded guilty in October

2018 for their roles in a conspiracy to commit health care fraud and obtaining controlled substances by deception. Defendants conspired to obtain more than 7,470 medically unnecessary oxycodone pills and 1,620 medically unnecessary morphine pills. A total of 67 prescriptions were issued by Dows for Garafalo and two other unidentified individuals without the other individuals' knowledge or consent. Dows and Garafalo then filled all of the prescriptions at local pharmacies and converted the controlled substances to their own use. Both defendants were sentenced to one-year probation and a \$1,000 fine.

U.S. v. Jason and Laurie Ehrhart, the Juniata County pair pleaded guilty in October and December 2018, to conspiracy and health care fraud for their roles in misspending \$316,360 of a disabled veteran's Social Security and Department of Veterans Affairs disability benefits on themselves. Jason Ehrhart served as the veteran's VA Fiduciary and Legal Custodian after the veteran was diagnosed with multiple sclerosis and was eventually hospitalized on a permanent basis at the VA hospital. Jason Ehrhart admitted that an additional \$7,174 in checks were made payable to himself and Laurie Ehrhart's two minor children. Jason Ehrhart instructed his children to take the checks to the bank, cash them, and surrender the cash to him. Another \$19,890 in checks were made payable to another couple who were Jason and Laurie Ehrhart's best friends. Jason Ehrhart regularly treated the couple and their children to dinners out and at least two, all-expense paid vacations to Disney World in Florida, purchased two automobiles for the family, and paid for the wife's dental work. In an attempt to conceal the embezzlement, Jason Ehrhart submitted false annual accountings to the VA in which he falsely claimed he spent \$402,408 on the veteran's behalf. Jason Ehrhart was sentenced to 19 months in prison on April 15, 2019. Laurie Ehrhart is scheduled to be sentenced on June 6, 2019.

Bank, Mail and Wire Fraud.

U.S. v. Henry Okpalefe, on August 6, 2018, a 50-year-old Canadian man was convicted and sentenced to 216 months' imprisonment for

stealing over \$23 million from hundreds of lawyers and law firms in the MDPA and nationwide. Under the guise of seeking legal representation, between 2008 and 2010, the defendant and his co-conspirators contacted attorneys and law firms in the United States using fake email accounts. Once an attorney or law firm agreed to represent the purported client, the conspirators sent bank checks through the mail and instructed them to deposit the money into their IOLTA accounts. From there, the attorneys were provided with wire instructions and they wired their legitimate funds to Asian bank accounts. Before the counterfeit checks were returned as fraudulent, the money had already been withdrawn by co-conspirators in Asia and distributed to conspirators' bank accounts in Nigeria and Canada. The defendant and his co-conspirators operated in Canada, Nigeria, Japan and South Korea. The defendant was ordered to pay \$23 million in restitution to the victims and to forfeit \$504,787.

U.S. v. Lucas Obi, a 53-year-old Canadian man who was the owner/operator of a Western Union and MoneyGram agency, Canada Cash Express, Inc., was sentenced in October 2018 to 12 years' imprisonment for defrauding thousands of victims out of approximately \$4.4 million via international mass marketing, consumer fraud schemes. Between 1999 and 2010, the defendant was the leader of a group of fraud complicit MoneyGram and Western Union agents in the greater Toronto area where he taught others how to engage in mass marketing fraud and complicit money transfer agent activity. The defendant trained the agents on how to process fraud induced money transfers and allowed them to keep 5% to 10% for their role in the schemes. The defendant also recruited persons to act as money transfer outlet owners on his behalf, gathered fraudulently induced money transfer checks from other fraud complicit agents, and deposited the checks with fictitious name endorsements into his bank accounts. The defendant then distributed the fraud proceeds, less his cut, to numerous greater Toronto area fraudsters and money launderers. Pursuant to a deferred prosecution agreement between the MDPA, the U.S. Department of Justice and MoneyGram, a \$100 million victim restitution fund was established for victims of the

fraud and a \$586 million restitution fund was established for victims who sent their money via Western Union. The defendant was ordered to pay \$2,393,906.34 in restitution to 2,641 Western Union and MoneyGram victims. The restitution was reduced from the total loss amount of \$4,482,927 due to monies that were previously paid out by MoneyGram.

U.S. v. MoneyGram International, Inc. in November 2018, the MDPA received \$70 million as part of the settlement of a Deferred Prosecution Agreement including a forfeiture settlement. Forfeiture of the \$70 million will be processed administratively by the United States Postal Inspection Service. MoneyGram was involved in consumer fraud schemes perpetrated by corrupt MoneyGram agents and others. In the fraud scams, which generally targeted the elderly and other vulnerable groups, perpetrators contacted victims in the United States and falsely posed as victim's relatives in urgent need of money, falsely promised large cash prizes, or promised items for sale over the internet at deeply discounted prices. The perpetrators required the victims to send funds through MoneyGram's money transfer system.

Tax Fraud and Identity Fraud.

U.S. v. Hiteshkumar Patel, on August 9, 2018, a 52-year-old South Abington Township, Lackawanna County, resident was sentenced to serve 234 months in prison on the charges of conspiracy and aggravated identity theft. The investigation revealed that between August 2015 through May 2016, the defendant was involved in a multi-faceted international conspiracy to defraud that included individuals who falsely represented themselves as Internal Revenue Service (IRS) agents, as well as individuals associated with an illegitimate online loan business. The investigation identified 634 individuals directly tied to the criminal conduct from across the country. Individuals who falsely claimed to represent the IRS contacted unsuspecting victims throughout the United States telling them they had to immediately make a monetary payment in order to satisfy outstanding IRS tax debt and/or IRS penalty fees. Victims were also told that there would be severe

consequences if they did not immediately comply. All of the victims were instructed to remit monetary payments to a number of different individuals via the U.S. Mail, Western Union, MoneyGram, and/or RIA (Walmart to Walmart). The monetary payments were received by the defendant, or by members of the unlawful telemarketing organization and unindicted co-conspirators. The victims collectively sustained a loss of nearly \$900,000.

U.S. v. Donna Marie Wozniak, the New Freedom, York County business manager for Susquehanna Valley Surgery Center (SVSC) was sentenced on April 10, 2018, to 71 months' imprisonment and ordered to pay \$5,587,026 restitution for embezzlement in connection with healthcare and tax evasion. Wozniak obtained blank checks ostensibly for payment to vendors and would make a portion of the signed blank SVSC checks payable to herself. The defendant cashed or deposited a total of \$4.3 million utilizing multiple bank accounts she maintained. In order to conceal her theft, the defendant created false invoices from legitimate SVSC vendors and would then falsify entries into the QuickBooks accounting software maintained by SVSC, showing the checks and payments were being made to the vendors. Wozniak failed to report the embezzled income on her Federal Income Tax Returns for a total tax loss of \$1,312,000.

U.S. v. Richard J. Morgan, on February 13, 2018, a 54-year-old Shavertown bookkeeper was sentenced to 38 months' imprisonment for embezzling nearly \$450,000 and for interfering with the administration of the Internal Revenue laws. The Luzerne County man was also ordered to pay \$494,618.85 in restitution to his victims and the IRS. Defendant owned and operated Wilkes-Barre Bookkeeping LLC that provided payroll services to its clients. Local businesses contracted with Morgan to pay employee payroll and salary expenses, to file IRS Form 941 Employer Quarterly Federal Tax Returns, and to remit employment tax liabilities to federal, state and local taxation authorities. For three of his clients, the defendant failed to file the IRS Forms 941 and remit the employment taxes to the appropriate authorities, instead embezzling

\$376,224.85 from those clients for his personal use, all while lying to them about his activities. The defendant also served as a Treasurer for a non-profit corporation and was tasked with selling its assets and winding up its operations when it closed in February 2010. Instead, after paying the non-profit corporation's outstanding liabilities, Morgan embezzled the remaining residual sales proceeds of \$68,172.

Immigration

The U.S. Attorney's Office prosecutes a number of illegal reentry cases throughout the District. Nearly all of the defendants were previously deported one or more times from the United States. The criminal division prosecuted approximately 130 such cases in 2018.

Financial Litigation Unit

The Financial Litigation Unit (FLU) is tasked with the enforcement of criminal and civil debts owed to the United States and federal crime victims. FLU strives to collect and enforce debts in an aggressive, efficient and effective manner. Maximum asset identification is achieved through coordination with the United States Attorney's Office, United States Probation, Victim/Witness and federal agents. In 2018, the District enacted a prejudgment coordination policy, which we anticipate will result in an increased financial recovery for the Middle District.

The MDPA collected \$20.2 million in criminal and civil actions in Fiscal Year 2018. Of this amount, \$4 million was collected in criminal actions and \$16 million was collected in civil actions. The \$20.2 million collected in FY 2018 represents approximately double the appropriated budget for the office.

The MDPA worked with other U.S. Attorney's Offices and components of the DOJ to collect an additional \$1.1 million in civil and criminal cases pursued jointly by these offices.

U.S. v. Dolph Pinkerman, Restitution order: \$896,154.39. A request was received from victim's counsel stating they would accept a compromise restitution amount from Pinkerman in the amount of \$425,000.00. The government then filed a motion requesting the Court to allow Pinkerman to pay \$425,000.00 towards his outstanding restitution and remit the remainder of his restitution. On March 12, 2018, the Court granted the government's motion and Pinkerman submitted the \$425,000.00 for his restitution ultimately closing out his portion of the case. We are still collecting restitution from the other two co-defendants.

U.S. v. Dnyanoba Kendre - Restitution Order: \$100,312.00. FLU was contacted on November 30, 2018, from a real estate attorney inquiring about a lien filed in Dauphin County, PA. The attorney stated the Debtor wanted to sell the property. FLU advised the attorney that any proceeds from the sale of the property would go directly towards his outstanding restitution balance. The lien was released on December 11, 2018. The Clerk of Courts received a payment in the amount of \$30,456.67 from the sale of the property.

CIVIL DIVISION

The Civil Division represents the United States and defends cases in the Middle District of Pennsylvania in which the United States has an interest. The civil division's work is far ranging and includes the areas of prison litigation, immigration, defensive and affirmative cases, bankruptcy, social security, mortgage foreclosures, healthcare fraud, qui tams, civil rights and appeals. The civil division handled approximately 887 cases in 2018. A sample of these cases are approximately 164 Social Security cases; approximately 260 prison litigation cases including 85 habeas petitions; 110 immigration cases; 35 Constitutional Claims and 30 Federal Tort Claims Act cases.

Civil Assistant United States Attorneys

First Assistant U.S. Attorney:

Bruce D. Brandler

Civil Chief:

Joseph Terz

Deputy Chief:

G. Michael Thiel

Appeals Chief:

Carl Marchioli

Harrisburg:

Shana Bellin

Michael Butler

Sam Dalke

Joanne Hoffman

D. Brian Simpson

Melissa Swauger

Richard Euliss

Tamara Haken

Scranton:

J. Justin Blewitt

Timothy Judge

Highlights of the Civil Division's work in 2018 follow:

Immigration

The U.S. Attorney's Office handles a number of immigration detainees who file habeas petitions challenging their detention status and seek immediate release. The civil division handled approximately 110 such cases in 2018.

Affirmative Civil Enforcement (ACE)

In 2018, the MDPA created its first Affirmative Civil Enforcement (ACE) unit within the Civil Division to exclusively conduct ACE investigations.

The ACE unit includes two dedicated AUSAs, an investigator and a senior financial analyst. The ACE unit employs both the False Claims Act and the Controlled Substance Act to address fraud against federal programs—such as health care fraud; defense procurement fraud; and grant fraud—and to combat the opioid epidemic. Beyond investigations that are initiated by governmental agencies, the ACE unit also investigates qui tam actions - a lawsuit filed by a private individual—commonly referred to as a whistleblower—on behalf of the United States alleging that a government program has been defrauded.

[U.S. v. Vantage Trust Federal Credit Union](#), the United States reached a settlement with the Luzerne County Vantage Trust Federal Credit Union after the United States sued to remove Vantage from federal land and to recover money damages. The suit was brought because Vantage continued to occupy a building on the property of the Wilkes-Barre VA Medical Center after its license to occupy that building had ended. Vantage agreed to turn over the building which previously housed the credit union to the U.S. Department of Veterans Affairs and to pay to the United States \$205,000.

Arvco Container Corporation of Kalamazoo, Michigan agreed to pay the United States \$400,000 to settle False Claims Act allegations

The allegations were in connection with a contract with the Defense Logistics Agency Acquisition Operations (DLA) in New Cumberland, Cumberland County for violating subcontract limitations imposed by federal regulations and the terms of a contract to provide corrugated boxes to the federal government from August 3, 2010 - August 3, 2014. The contract was awarded by the DLA in New Cumberland, Pennsylvania to Fibre Technologies LLC (Fibre) located in Reading, Pennsylvania. The contract was set-aside for eligible HUBZone small businesses in accordance with program requirements administered by the U.S. Small Business Administration. Federal regulations and the terms of the contract limited Fibre's ability to subcontract the manufacturing of the boxes to no more than 50 percent. Arvco performed 100 percent of the manufacturing requirement. Arvco's gross profits for the performance of the Contract total \$246,682 which will be returned to DLA. In August 2018, Arvco also agreed to pay a civil penalty of \$153,318.

U.S. v. VWR International, LLC, VWR International, LLC, a global laboratory supplier and distributor of chemicals, agreed to pay the United States \$430,194.25 in November 2018, to settle allegations from a self-disclosure by VWR to the Department of Navy. From October 1, 2011, through March 16, 2015, VWR, which acquired VWR Chemicals, LLC, formerly Anachemia chemicals, LLC, allegedly failed to disclose that Anachemia was no longer a small business in contracts awarded and paid by the Naval Supply Weapons Systems Support (NSWSS), Mechanicsburg, Pennsylvania. VWR has since taken corrective action.

Health Care Fraud.

U.S. v. Charles Cole Memorial Hospital, Charles Cole Memorial Hospital, a Pennsylvania nonprofit corporation in Coudersport, Potter

County, agreed on May 4, 2018, to pay the United States \$373,547.54 to settle allegations that the hospital failed to bill under a particular modifier to reduce the Medicare reimbursement amount for services provided by physician assistants and nurse practitioners in its pain management, orthopedics, gastroenterology, and medical oncology physician office practices. The hospital failed to perform required face-to-face encounters with some of its Medicare hospice patients prior to the third benefit period recertification and every subsequent benefit period re-certification. Charles Cole has since taken corrective action and voluntarily disclosed these matters.

U.S. v. Dr. Robert Ettlinger, in December 2018, a primary care doctor formerly practicing in Millersburg, Dauphin County, agreed to pay \$45,000 to settle allegations that he violated the federal Controlled Substances Act by prescribing schedule II opioid controlled substance medications, which were issued for no legitimate medical purpose. Dr. Ettlinger wrote 185 opioid prescriptions to six of his patients between 2013 and 2015, which were issued with no legitimate medical purpose and outside the usual course of his professional practice, resulting in civil violations of the Controlled Substances Act. Dr. Ettlinger cooperated with the DEA's investigation. As part of the settlement, Dr. Ettlinger entered into a Memorandum of Agreement with the DEA under which he agreed to comply with heightened compliance requirements for prescribing controlled substances.

Americans with Disabilities Act (ADA)

The MDPA has responsibility to enforce ADA regulations governing state and local government services and public accommodations.

Disability Rights.

U.S. v. Floods, the United States reached a settlement with the Monroe County Floods restaurant after it violated the ADA by not allowing two individuals with disabilities into Floods with their service animals, and requested

a third individual with a disability to leave the establishment because this person had a service animal. The MDPA concluded that Floods' staff had not been properly trained on the admission of individuals with service animals. Floods agreed to adopt and abide by the Service Animal Policy and to not refuse to admit a person with a disability because that person uses a service animal. It also agreed that it will not charge a person with a disability any extra fee or ask a person with a disability to comply with any additional condition of service because they use a service animal. In October 2018, Floods agreed to pay \$500.00 to each of the three complainants and pay a \$2,000 civil penalty.

In January 2018, the MDPA also reached an agreement with a Luzerne County passenger bus company, [Martz Trailways](#), to make their over-the-road buses readily accessible to and usable by individuals with disabilities. Under the agreement, Martz Trailways agreed to immediately begin using only wheelchair-accessible over-the-road buses for its fixed route service and to pay a \$10,000 civil penalty.

Voting Rights.

[In Re Polling Place Access for Voters](#), the MDPA reached settlements with Cumberland (February 2018), Dauphin (March 2018) and Luzerne (January 2017) Counties under the Americans with Disabilities Act to ensure accessibility to polling places for individuals with disabilities. The United States Attorney's Office, along with an architect from the Department of Justice, surveyed a portion of polling place locations in the MDPA. The survey resulted in finding that many polling places contained barriers for persons with disabilities. The counties are working collaboratively with the MDPA to make all polling places accessible. Under the terms of the agreement, the counties will use an evaluation form for each current and prospective polling place based on ADA architectural standards. The settlement required the counties either to relocate inaccessible polling places to new, accessible facilities, or to use temporary measures such as

portable ramps, signs, traffic cones and doorbells, where appropriate to ensure accessibility on Election Day.

Prison Litigation

The MDPA houses four major federal correctional complexes: Allenwood, Canaan, Lewisburg, and Schuylkill. With a population of approximately 8,700 inmates, the facilities constitute one of the largest concentration of federal populations in the country. These inmates are a constant source of complex litigation including, habeas corpus challenges, general torts, and Constitutional claims alleging excessive force, failure to protect, retaliation, and other damages and constitutional claims. Named as defendants are multiple federal employees and institutions.

Constitutional Claims (Bivens).

[Kates v. Packer, et. al.](#), Plaintiff David Kates, an inmate serving a sentence at United States Penitentiary in Lewisburg, PA, filed a Bivens suit against seven Bureau of Prisons' correctional officers claiming defendants assaulted him and used unnecessary force against him while he was in restraints. After briefing and discovery, the case proceeded to trial and the jury returned a verdict in favor of all defendants on September 20, 2018.

[Wall v. Bushman](#), Plaintiff Mitchell Wall, an inmate serving a sentence at United States Penitentiary at Allenwood, filed a Bivens suit against a prison physician claiming that his Constitutional rights were violated. The plaintiff fell and fractured his back and was being treated by the plaintiff and when the inmate's back did not improve, he received a follow-up consultation with a private neurosurgeon. The neurosurgeon recommended the inmate be given a lower bunk and the inmate claimed he communicated that directly to the prison physician, but the physician still refused to give him the lower bunk. The prison physician disputed the inmate's claim. The inmate fell while getting out of the upper-bunk, was transported to a local hospital, and had surgery five days later. The inmate's lawsuit claimed that the prison physician's failure to

provide him with a lower bunk assignment as recommended by the private neurosurgeon amounted to deliberate indifference to his serious medical needs in violation of his Eighth Amendment right to be free from cruel and unusual punishment. The jury rejected that claim after deliberating for approximately one hour on February 21, 2018.

Federal Tort Claims Act (FTCA).

Denon Kitt v. United States, former USP Canaan inmate sued the United States alleging improper screening of inmate with the active form of tuberculosis, causing his exposure to the disease and the development of latent tuberculosis. The Court granted summary judgment on March 26, 2018, to United States, having determined the record did not reflect a breach of a duty to Kitt and lack of evidence of causation.

Daren Porter v. United States, inmate in Special Management Unit at USP Lewisburg alleged assault and battery/intentional tort by correctional officer resulting in a broken collarbone, followed by improper placement and use of ambulatory restraints and denial/delay of medical treatment. This case was disposed of through two dispositive motions. On March 27, 2018, the Court ruled that (1) undisputed evidence shows force used by correctional officer was reasonable; (2) decision to use ambulatory restraints falls within the discretionary function exception to the FTCA; (3) inmate failed to demonstrate lack of skill or want of care in medical assessment, ambulatory restraints for 15 hours did not aggravate injury and plaintiff required testimony of a medical expert to show prison medical staff deviated from acceptable level of medical care.

INITIATIVES & PREVENTION

Project Safe Neighborhoods is a nationwide initiative that called for U.S. Attorney's Offices to focus their resources on violent offenders, violent street gangs, leaders of drug organizations and financial crimes. U.S. Attorneys were asked to identify the most serious violent crime concerns in communities within their individual districts and, by working together with federal, state and local law enforcement agencies, concentrate their efforts on these concerns. Heroin distribution, firearms offenses and prescription drug abuse are at the top of the priority list for the MDPA. Therefore, vigorous prosecutions, as well as substantial sentences and forfeitures of crime-derived assets, will be the objectives in all such federal cases in the District.

Initiatives

Violent Crime Initiative

The MDPA adopted a renewed strategy for reducing and preventing violent crime in the Middle District focusing on the Harrisburg, York, Wilkes-Barre and Williamsport areas. Federal, state and local law enforcement officers joined forces to coordinate their activities in high-crime areas and vigorously enforce the laws, which punish gun offenses, gang activity, drug-related crimes and other acts of violence. Since 2014, federal, state and local officials have partnered and operated a pilot program based in Harrisburg focusing on firearms offenses committed by recidivists or individuals using firearms in connection with drug offenses, or other violent crimes. Due to the success of that program, it was recently expanded to include firearms offenses in York, Williamsport and Wilkes-Barre. Violent crime damages and destabilizes our neighborhoods, challenging or citizens as they strive to raise their families and be productive members of society. By coordinating efforts with



our state and local law enforcement partners, we can ensure that limited law enforcement resources are being brought to bear in the most effective way possible to protect the people we serve.



President Trump spoke to U.S. Attorneys and law enforcement partners at the Project Safe Neighborhoods Conference held in Kansas City, Missouri on December 7, 2018.

Heroin And Opioid Trafficking

The MDPA has a policy to aggressively prosecute all heroin and opioid cases and request substantial sentences for all individuals who traffic in these deadly drugs. Heroin and opioids today is not a life style or a business – it is a killer. The steep increase in heroin and opioid addiction and the alarming rise in deaths due to heroin and fentanyl overdoses, particularly in young people, are a statewide and national problem, but also a deep personal tragedy for many families. Much of what can be done will be through education, additional funding, medical help, counseling and rehabilitation. But those who sell or otherwise put heroin and other deadly opioids in the hands of others, are knowingly dealing in possible death or serious harm to users and should pay heavily for their

greed and callous indifference. Our heroin and opioid policy is intended to emphasize that point.



U.S. Attorney Freed speaks to members of law enforcement and private health insurance companies.

As part of our efforts to identify and attack fraud and opioid abuse, the MDPA held a Health Care Fraud Conference in May 2018. The MDPA hosted a gathering of federal, state and local law enforcement partners, along with representatives from private health insurance companies to explore opportunities to collaborate on health care fraud investigations in the Commonwealth. Last year's conference was a success and we look forward to this year's upcoming conference.



In 2018, the Department of Justice recognized the 50th Anniversary of the Fair Housing Act with the nationwide rollout of an initiative aimed at increasing awareness and reporting of sexual harassment in housing. The initiative includes an interagency task force between the Department of Housing and Urban Development (HUD) and the United States Attorney's Office to combat sexual harassment in housing, an outreach toolkit, and a public awareness campaign. This three-pronged approach will strengthen the Department's efforts

to combat sexual harassment in housing. U.S. Attorney Freed recorded two public service announcements to help inform the public that there is help for those who were sexually harassed while in housing.

Hear public service announcements here: <https://www.justice.gov/usao-mdpa/justice-department-announces-nationwide-initiative-combat-sexual-harassment-housing>

Prevention

The MDPA continues its efforts to raise public awareness by developing a community education plan which will not only incorporate some of the office's prior community outreach activities but will also add new features such as creating a formal multi-media presentation highlighting the dangers and warning signs of opioid abuse and offer tangible solutions. The presentations will be made throughout the Middle District by experienced prosecutors, law enforcement officers, medical professionals and other appropriate individuals to schools, businesses, civic organizations, and prisoners soon to be released into the community.

Reentry Programs

The Project Safe Neighborhoods initiative also called for greater attention to other major components of the federal criminal justice process. The initiative proposed changes to the traditional role of the federal prosecutor, calling for sustained involvement in matters related to crime prevention and offender reentry programs, in part to help reduce recidivism. A primary focus of our reentry efforts is to remove or reduce barriers to successful reentry, so that motivated individuals - who have served their time and paid their debt to society - are able to compete for a job, attain stable housing, support their children and their families, and contribute to their communities.

CARE Court

The United States District Court for the Middle District of Pennsylvania conducts a Court-Assisted Re-Entry Program (CARE), a four-phase program designed to aid the rehabilitation and re-integration of persons recently released into the community under federal supervised release and who face a moderate to high-risk of recidivism. The CARE Program relies upon support from public institutions and agencies as well as volunteer private entities and individuals. The MDPA CARE Program has existed for more than six years. The U.S. Probation Office, the Federal Public Defenders and the U.S. Attorney's Office participate in the program. The CARE Program offers an alternative program of supervision and a blend of treatment and support to effectively address offender behavior and rehabilitation. Most CARE participants have served multi-year prison sentences and face barriers to reintegration to the community. The CARE Program is an intensive voluntary program in which criminal justice professionals who comprise the "CARE Team," encourage and assist participants to seek educational, employment, health, family counseling and other opportunities to aid in their successful return to the community as productive and law abiding citizens. The CARE Program is voluntary. Persons recently released from federal prison and serving a period of supervised release under supervision of the U.S. Probation Office are eligible to apply for admission. Each applicant is considered based on the totality of his/her individual circumstances, including a Risk Prediction Index and Post-Conviction Risk Assessment scores. The U.S. Probation Office considers each applicant and then makes a recommendation to the Court and to the participating Federal Public Defenders and Assistant United States Attorneys as to whether or not an applicant would likely benefit from the program. Before making recommendations, the Probation Office also consults the federal judge who imposed the original prison sentence and term of supervised release and the federal

prosecutor who handled the case. While the Assistant United States Attorneys and Federal Public Defenders who participate in the CARE Program are consulted regarding an applicant's suitability for participation, the U.S. District Court judge who oversees the program makes the final decision as to whether or not to admit an applicant. The CARE Program operates in the Court's Harrisburg, Scranton and Williamsport venues. There is no set number of allowable participants. However, experience suggests that multiple groups that meet separately and consist of approximately 10 participants per group leads to ideal circumstances for interactions between participants, the Court and other CARE partners. The length of time a person participates in the CARE Program depends upon the length of that person's term of supervised release. The intensive phase of the program is generally 12 months, followed by a period of regular supervision that varies depending on the length of the term of supervised release. For example, if a participant's term of supervised release is three years, then the participant is in the intensive phase for 12 months and on regular supervision for 12 months. If the participant successfully completes the first two phases of the program, then the last 12 months of the term of supervised release are terminated. Some participants who graduate from the CARE Program and who are no longer under court supervision are invited to attend meetings to speak with current participants.

CARES

In the summer of 2015 an innovative public/private partnership between the CARE Program and ESSA Bank & Trust, Northampton Community College, and Pyramid Healthcare, Inc. local, regional, and national nonpartisan private business interests, whose goals and missions, among other things, are to be involved in their respective communities, was established. Each of these entities has demonstrated a commitment to support the reentry efforts of the CARE Program through a focused set of activities called, collectively, Cooperatively

Arranged Re-Entry Services “CARES.” Each participating entity has entered into a written agreement to provide the services. The CARES providers have expressed common goals for their investment of resources and services: to enhance crime prevention, deter crime, help families, save costs to taxpayers, and reduce recidivism. The purpose of this public-private collaborative arrangement is to provide services to CARE Program participants that will aid and assist in reaching its goals and objectives. One of the most innovative aspects of the CARES Agreement is that the services provided are available, not only while a CARE participant is enrolled in the CARE Program, but also after the participant graduates from the Program and is no longer under court supervision. Another key component of CARES is participation of individual community volunteers who provide mentoring services to some CARE participants. The CARES partnership is a precedent-setting initiative supportive of the federal reentry program because it provides a continuum of services to participants and graduates of the CARE Program, including scholarships, grants, and loans for education, job training, transportation, housing, healthcare, drug and alcohol counseling, etc. Every participant in the CARE Program, as well as every graduate of the Program, is eligible to participate in the recently announced CARES Program. There is no established limit to the number of people who will be permitted to receive services under the recently announced CARES Program.



Group Violence Initiative Call in Program

In 2016, the U.S. Attorney’s Office joined community and law enforcement partners in York as part of the York Group Violence Initiative (GVI). GVI is designed to reduce street group–involved homicide and gun violence. GVI was pioneered by the National Network for Safe Communities at John Jay College.

As the National Network’s website notes,

GVI has repeatedly demonstrated that violence can be dramatically reduced when a partnership of community members, law enforcement, and social service providers directly engages with the small and active number of people involved in street groups and clearly communicates a credible moral message against violence, prior notice about the consequences of further violence, and a genuine offer of help for those who want it. A central method of communication is the call-in, a face-to-face meeting between group members and the strategy’s partners. The aim of the GVI strategy is to reduce peer dynamics in the group that promote violence by creating collective accountability, to foster internal social pressure that deters violence, to establish clear community standards against violence, to offer group members an “honorable exit” from committing acts of violence, and to provide a supported path for those who want to change.

In 2017, York City experienced reduced gun violence and significant improvement in community and law enforcement relations. In 2018, there was a spike in violence in the City, but law enforcement and community partnerships and relationships continued to improve. Two call-ins of 17 persons were conducted in 2018. The participants were educated on the effects of gun violence on themselves and on their community. They heard from law enforcement officials and received information from community outreach members who provide mentoring and other services. Several of the participants have contacted the GVI project manager for help with job placement, securing

household items, finding temporary living facilities and help with childcare issues. Additionally, in 2018, the York City Police Department added a new feature to GVI called the Crime Prevention Response to Victims of Violence (CPRVV). This new aspect of GVI focuses on providing support to the primary and secondary victims of gun violence, including, family members and those who depend on victims for support. CPRVV has already achieved positive results.



York County Mayor Michael Helfrich speaks to attendees of the call-in in York City.

Community Outreach

The primary mission of the United States Attorney's Office is to enforce federal law. However, we also believe it is important to be proactive and engaged in the community that we serve. Many of our Assistant United States Attorneys and support staff members participate in community meetings, trainings, panel discussions, career fairs, school events and much more.



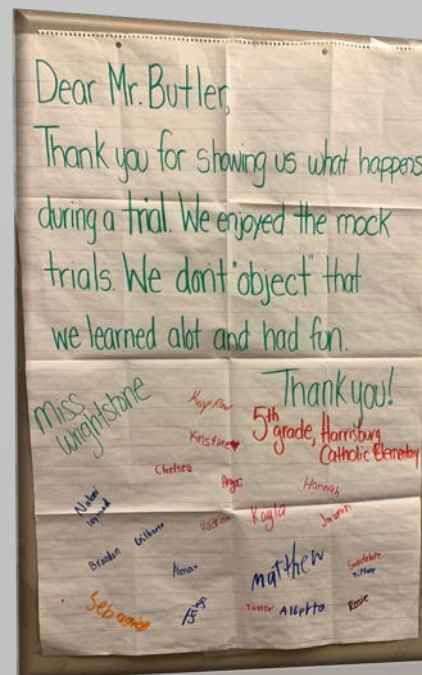
U.S. Attorney Freed on CBS 21 Face the State discussing the opioid crisis.

See interview here:

<https://local21news.com/news/face-the-state/face-the-state-david-freed>

Below are a few examples of staff participation:

- Many Assistant United States Attorneys spoke to various law school students about what it is like to be a federal prosecutor. Others spoke to elementary students about government careers.
- The United States Attorney's Office enjoys participating in development programs which allows students to job shadow employees to gain comprehensive knowledge about a specific career.
- The U.S. Attorney's Office participates in National Bring Your Child to Work Day that entails a full day of educational presentations by various agencies.
- Many Assistant United States Attorneys speak at conferences like the 12th Annual Intelligence Community Legal Conference.
- Elementary and High School students participated in mock trial exercises with MDPA Assistant United States Attorneys and District Judges and learned about civil and criminal procedures in the courtroom.





FORMER ATTORNEY GENERAL JEFF SESSIONS VISITS THE MIDDLE DISTRICT

On June 15, 2018, former Attorney General Jeff Sessions addressed the United States Attorney's Office, and state, local and federal law enforcement about restoring the rule of law in our immigration system and the opioid crisis at Lackawanna College in Scranton.

"I want to thank all of our law enforcement officers who are here with us today."

"There are an estimated 11 million illegal immigrants in this country today. That's a population the size of the state of Georgia."

"Pennsylvania alone has an estimated 180,000 illegal aliens. That's more than the population of Allentown, here illegally. And this problem is growing. It is estimated that from 2009 to 2014, 50,000 illegal aliens moved to Pennsylvania. None of these people have a lawful right to be here."

"But even when you're not dealing with illegal immigrant crime directly, you're dealing with it indirectly. For example, most of the heroin, cocaine, methamphetamine, and fentanyl, a synthetic opioid in this country got here across our Southern border. Tens of thousands of Americans die every year as a result. This is a huge change in how drugs are distributed."

"This is a great nation—the greatest in the history of the world. It is no surprise that people want to come here, and we have the most generous laws in the world. But they must do so properly. They must follow our laws—or not come here at all."