

YEAR IN REVIEW

Year 2015



United States Attorney's Office
Western District of Michigan

Patrick Miles, Jr.
United States Attorney

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Introductory Message



PATRICK MILES, JR.
UNITED STATES ATTORNEY
WESTERN DISTRICT OF MICHIGAN

We appreciate you reading the Western District of Michigan United States Attorney's Office 2015 Year In Review. This is my fourth Year In Review Message. As in prior years, it is a pleasure to report on the outstanding work of the dedicated and talented individuals in this Office. The attorneys and support professionals in our Grand Rapids, Lansing, and Marquette offices continue their focus on serving the people of the Western District of Michigan with efficiency, professionalism, and integrity.

Three Assistant U.S. Attorneys, five legal assistants, two key administrative officers, a health care fraud investigator, and two volunteer Special Assistant U.S. Attorneys were hired to join our team in 2015. The Criminal and Civil Divisions had a productive year and achieved tremendous results. Our Administrative Division supported the Office superbly well despite significant personnel changes.

Our Criminal Division obtained several important convictions in priority areas such as child exploitation and sex trafficking, financial frauds (with notable cases involving health care or Ponzi schemes with elderly victims), national security, large-scale narcotics trafficking (particularly heroin), and violent firearms offenses in urban areas. Our Civil Division continued to actively enforce health care laws and successfully defend lawsuits against the government, while handling a wide variety of other types of cases.

In addition to effectively enforcing the law, the Office continues proactive efforts to prevent crime. Based on the initiatives described in our 2014 Smart on Crime Strategic Plan, the Office was able to secure a new Smart on Crime AUSA position along with some related financial resources. These new resources allow the Office (a) to increase efforts to reduce the rate people returning from prison commit additional crimes, (b) undertake even more outreach efforts to improve communication, build relationships, and develop trust between law enforcement and the communities it serves, and (c) further implement violent crime reduction strategies in several West Michigan cities.

Inside this Review you will read about all of these items and more, including our new *Justice Scholars* program which had an incredibly successful pilot year and was extremely well received by 7th grade students. The continuing excellence of this Office in achieving its mission provides much satisfaction to us. As always, I encourage you to share your comments or suggestions with me. The Office's telephone number is 616-456-2404 and my e-mail address is patrick.miles@usdoj.gov. You can stay current on our progress throughout the year by visiting our website at <http://www.justice.gov/usao/miw> or follow us on Twitter at @USAO_MIW.

Sincerely,

A handwritten signature in blue ink, appearing to read "Patrick A. Miles, Jr.".

Patrick A. Miles, Jr.

NEW INITIATIVES AND CHALLENGES

In 2015, the USAO continued its leadership in the Department of Justice Smart on Crime initiative while securing notable results in litigation and seeing the arrival of new outstanding attorneys and staff as experienced employees retired or left to pursue new challenges.

As recounted in more detail in the coming pages, the office launched the Justice Scholars Program as part of the Smart on Crime approach to preventing crime, increasing fairness, reducing recidivism and improving community relations. Based in its first year in the Gerald R. Ford Academy of the Grand Rapids Public Schools system, the year-long program introduces local middle-school students to constitutional principles in the criminal justice system and the various careers the system involves, and fosters positive connections between youth and law enforcement as well as the broader legal community. Judges, law enforcement partners and local defense attorneys partnered with our office to make the program work.

The USAO secured in the fall additional resources to support Smart on Crime, specifically including a new full-time attorney position and a part-time volunteer attorney devoted to the various re-entry and prevention outreach programs the USAO has launched or will launch in the coming year, namely the Justice Scholars program for middle school students, the Facing Choices program for parolees, Advocates & Leaders for Police and Community Trust (ALPACT), for better community and law enforcement relations, an Employer Summit and Job Fair for returning citizens and on-going consultation with federal, state and local law enforcement regarding their needs for alternative to incarceration programs for reducing crime and recidivism.

The USAO's litigation efforts continued un-flagged. Several civil and criminal attorneys received well-deserved recognition from outside entities for their accomplishments. On an annual basis, the office brought about as many criminal cases in 2015 as in the prior two years. And those cases were spread among the various priorities in about the same ratios. Notable individual cases included prosecutions for the illegal shipment of arms overseas, the take-down of a heroin ring in Benton Harbor, a bath salts case that led to a Chinese supplier and the seizure nationwide of massive amounts of methylene and controlled substance analogues, and the successful conviction of a tax preparer who had secured over \$4 million in improper refunds.

In civil litigation, the office experienced the start of a surge in social security cases and defensive work in tort and employment matters, while the bankruptcy docket receded. Impressive defensive victories included dismissals of a gender discrimination claim in a farm lending program, a race discrimination claim against the VA, and an effort by a negligent driver's private insurer to shift liability to the not-at-fault federal employee's private insurer for an accident involving the employee's government vehicle. The Affirmative Civil

Enforcement program meanwhile secured some outstanding recoveries for the government, including two settlements of \$1 million or more and several resolutions involving prospective equitable relief.

The USAO bid farewell to valued and experienced attorneys and staff from our criminal and administrative divisions only to welcome the stars of the future. As the number of new initiatives increases, U.S. Attorney Miles embraced the use of volunteer and cross-designated Special Assistant U.S. Attorneys, two of whom joined the office in 2015. The USAO also secured on merit additional contract support for investigating criminal health care fraud. All of the new arrivals to our criminal and administrative divisions substantially broaden the diversity of prior life and professional experience that informs our day-to-day decision making. If 2015 is a measure of the future for the USAO, the future looks bright.

ARRIVALS, DEPARTURES and PROMOTIONS

Arrivals:

AUSA Kate Zell joined our Criminal Division in the fall as the Smart on Crime AUSA in the Violent Crimes Section. Her responsibilities include leading the office's re-entry and diversion efforts along with maintaining a violent crime case load. Kate came to us from the U.S. Attorney's Office for the Northern District of Illinois (Chicago) where she had been an AUSA for the past four years, handling a variety of cases, including bank fraud, wire and mail fraud, health care fraud, theft of government funds, narcotics trafficking, and firearms offenses. Her prior legal experience also includes three years as an associate with a prominent law firm in Chicago and a clerkship with Judge Michael Kanne of the U.S. Seventh Circuit Court of Appeals. Her other professional experience includes service as a Community Services Supervisor & Program Specialist with Child & Family Services of the U.P., as a Group Home Parent for Teaching Family Homes of Upper Michigan and as a high school teacher in the Indianapolis, Indiana public schools system. Kate graduated *magna cum laude* from the University of Michigan Law School, where she was Editor in Chief of the University of Michigan Journal of Law Reform and received a Helen Huff Shell Scholarship. She graduated *cum laude* from Taylor University, where she was President and Founder of the Taylor University Mountain Bike Team.

AUSA Jennifer Murnahan joined our Criminal Division in the fall as an AUSA in the Organized Drug Crime Section and Asset Forfeiture/Financial Litigation Unit where, among other things, she now leads our FLU efforts. Jennifer came to us from the U.S. Attorney's Office for the Northern District of Alabama (Birmingham), where she was an AUSA for the past five years. Over the past three years she was their Asset Forfeiture Coordinator working closely with their FLU. Prior to handling criminal and civil forfeiture and coordinating with their FLU, she served as the primary coordinator for the district's Financial

Crimes Task Force, a unit dedicated to investigation, seizure, and prosecution of Title 31 (Bank Secrecy Act) and Title 18 financial crimes. Jennifer's prior legal experience includes contract work with Forfeiture Associates, a Senior Vice Presidency at Venulex Corporation, consultant and contract work with Arthur Anderson and auditing as an Advanced Staff Auditor for the Board of Regents, University System of Georgia. She obtained her J.D. from Vanderbilt University Law School and her B.S. in Business Administration *cum laude* from Auburn University.

Alexis Sanford accepted a position as an AUSA in the Violent Crimes Section of our Criminal Division in late 2015 and began working here just after the start of the new year. Prior to joining us, Alexis served as an Assistant Prosecuting Attorney in the Kalamazoo County Prosecutor's Office for nine years. As a prosecutor in Kalamazoo she prepared and tried all levels of felony cases, including murder. She brings a wealth of experience trying cases, reviewing warrants, preparing charges, negotiating pleas and scoring state sentencing guidelines. Alexis obtained her J.D. from Notre Dame University, where she was on the Dean's List and a Notre Dame Law Scholar scholarship recipient. She graduated *magna cum laude* from Albion College, where she was also on the Dean's List, an Albion Fellow, Class President for four years and a Leioii and Ford Leadership scholarships recipient.

Nancy Bogren, a Tribal prosecutor with the Nottawaseppi and Match-E-Be-Nash-She-Wish Bands of the Potawatomi, assists the Grand Rapids Office on a part-time unpaid basis as a cross-designated Special Assistant U.S. Attorney (SAUSA) for misdemeanor matters arising mostly out of the casinos the Tribe operates. Nancy began her one-year, renewable term as a SAUSA in March, 2015, and the USAO and the Tribe recently renewed her engagement for a second year. In the meantime, she continues to work full time as a Tribal Prosecutor, a position she has held since 2010. Nancy obtained her J.D. from Valparaiso University and a B.A. from St. Mary's College, Notre Dame, Indiana. She has previously served as an Assistant Prosecuting Attorney in both Kalamazoo and Berrien Counties.

Tracey Brame, an Assistant Dean and Law Professor at Western Michigan University-Cooley School of Law, joined our office as a part-time, unpaid SAUSA late in the fall. Tracey assists with the office's Smart on Crime re-entry and prevention initiatives. Specifically, she is helping enhance and expand the *Facing Choices* and *Justice Scholars* programs while also working on new initiatives, such as an employment summit and job fair for the formerly incarcerated and advising interested communities in alternative prevention programs for juveniles. Tracey's prior experience includes work as a Legal Aid Staff Attorney in Grand Rapids, as an Appellate Attorney for the Public Defender Services in Washington, D.C., and for the State and Federal Defender Offices in Detroit, Michigan, and as a Judicial Law Clerk for the Hon. Julian Abele Cook, Jr., in the Eastern District of Michigan. Tracey earned her B.A. and J.D. from the University of Michigan. While in law school, she founded the Prisoner Legal

Services Project, served as Community Service Chair for the Black Law Students Association and won the Jane L. Mixer Commitment to Public Service Award.

Raphael Trujillo joined the office mid-year as our new Human Resources Officer, following Ellie Drumm's retirement. Raphael came to us from the Michigan National Guard, where he held numerous human resources and administrative personnel positions for the past seven years after serving the Guard in other capacities following three years in the U.S. Army. Raphael continues to serve in the Guard part-time. Raphael earned a B.A. in Pastoral Administration and a Masters in Interdisciplinary Religious Studies from Cornerstone University, all while continuing to work for the National Guard or the University or both. Somewhere along the way, he learned to read and write Greek.

Elikplim "Biko" Amenuvor joined the office as our new Budget Officer in the fall, following Mee Thao-Khang's departure. Like Raphael, Biko also came to us from the Michigan National Guard, where he served as an auditor, agency program coordinator, contract specialist and even military police officer. Biko's other prior experience includes working for Combat Support Associates at Camp Rifjan, Kuwait, and United Parcel Service, in Traverse City Michigan. Biko earned a Bachelor of Business Administration degree *cum laude* and a Masters of Business Administration degree from Davenport University. He is a Sigma Beta Delta Honor Society member and avid international soccer fan.

Jordon McCullough joined our Criminal Division in the fall as a Legal Assistant in the Organized Drug Crime and Asset Forfeiture/FLU Section, where he now supports our FLU efforts. Before joining us, Jordan worked as a Legal Assistant in the U.S. Attorney's Office for the Northern District of Illinois for three years. His prior experience includes working as a Legal Assistant with Namaste Laboratories in Chicago and as an intern with the St. Claire County Prosecutor's Office in Port Huron, MI. He secured a B.S. in legal studies from Grand Valley State University. And he is a member of the class of 2012 at Roosevelt University's ABA Paralegal Studies Certificate Program, where he earned honors for Legal Technology, Ethics & Professionalism and Legal Research.

Chelsea Hill accepted a Legal Assistant position in our Criminal Division at the end of 2015 and, like Alexis, began working in the office just after the start of the new year. Chelsea is a veteran of the U.S. Navy. While in the Navy, she served as a College of Distance Education Program Assistant and Office Automation Assistant with the Naval War College and a Traditional Commander's Activities Coordinator with the U.S. Northern Command. She has also been a Platoon Leader of the Military Police for the Rhode Island National Guard and a Public Affairs Officer for the U.S. Naval Reserve. Chelsea graduated from Northern Michigan University *cum laude* in 2009 and hails from Lowell, Michigan, where she attended high school.

Departures:

Britni Michael joined the Grand Rapids office in the summer through a third-party contract to provide support services for both the Criminal and Civil Divisions. Britni's prior experience includes work as a Student Support Representative at Westwood College, in Illinois, Political Section Intern with the U.S. Embassy in Berlin, Germany, a manager for a grocery store and, while in college, as an intern with Amnesty International. Britni obtained an undergraduate degree from Indiana University in Bloomington, Indiana, majoring in International Studies and German, and a Masters of Public Administration degree from DePaul University, in Chicago, Illinois. She is a Mortar Board Senior Honor Society member and can read, speak and write German.

James Adamcheck joined the office as a contract health care fraud investigator in December. Jim spent the better part of the last nine years as an in-house health care fraud investigator for insurance companies and as an investigative consultant, following a 20-year career with the Southfield, Michigan, Police Department, and a four-year stint with the U.S. Army. Jim obtained a B.S. in Criminal Justice from Madonna University, in Livonia, Michigan. He primarily supports criminal cases for our office.

Kelly Carruth joined the Marquette office in the fall as a part-time contract legal assistant. Kelly's prior experience includes providing administrative and office support for financial services companies, a construction company and a regional school district. She also once worked as a Surgical Technologist, for which she obtained a certificate from Northern Michigan University, assisting surgeons in the operating room.

Malorie Newman joined the office early in the year as our front desk receptionist and executive administrative assistant. Malorie graduated in 2013 from Ferris State University with a degree in Integrated Studies, and she is a member of the Army National Guard. Malorie worked her way through college, not only with the National Guard but also as a waitress, bartender and even shift manager at a bar and grill in Newaygo. She earned multiple honors in the Reserve Officer Training Corps, including Military Science Outstanding Student of the Year, before receiving her Commission as a Second Lieutenant upon graduation. Malorie was called to active duty shortly after her arrival to the office. We look forward to her return in late 2016.

Constance Turnbull was retained in October and started as a contract receptionist at the office in early 2016. Constance grew up in London, England, and moved to Grand Rapids with the intention of pursuing a J.D. degree. She graduated in 2015 from Grand Valley State University with honors in Legal Studies and Business, and worked her way through college as a waitress, lifeguard, and pool manager. Constance is a certified paralegal in both the United States and the UK, and prior to joining our office she worked in a London law firm as a paralegal.

AUSA John Bruha retired after 30 years with the U.S. Attorney's Office. A stalwart in the mission to prosecute narcotics offenses, John successfully prosecuted many notable cases over the years, including drug-related homicides, RICO, Continuing Criminal Enterprise and drug conspiracies. Early in his career, he famously seized and forfeited to the government a golf course in *U.S. v. McGehee*. John won many accolades over the years for his professionalism and competence, including in particular from both law enforcement agencies and his peers in the legal community. For most of his tenure in the office, he served in a supervisory capacity overseeing the offices Organized Drug Enforcement Task Force and major counter-narcotics efforts. Before joining the office, John handled primarily civil matters for the Berrien County Prosecutor's Office for nine years, ultimately serving in the position of Chief Deputy Assistant Prosecutor. John obtained both his undergraduate and law degrees from the University of Notre Dame, where he was also on Law Review.

AUSA Matthew Borgula, after more than 12 years with the office, elected to return to private practice, joining a local boutique criminal defense firm as a partner. Matt handled all manner of cases during his tenure and earned various awards, including most recently a distinguished service award from the National Association of Former U.S. Attorneys for his successful prosecution of David McQueen and his fellow conspirators for their multi-million dollar Ponzi scheme. Matt's other accomplishments include developing the office's highly successful asset forfeiture program, which led to numerous invitations for Matt to train others at the Department's National Advocacy Center. Matt served his last two years in the office as the Deputy Chief of the Criminal Division responsible for supervising the Organized Drug Crime and Asset Forfeiture/FLU Section. Matt obtained his undergraduate degree from Northwestern University, where he played intercollegiate baseball, and his law degree *cum laude* from the University of Michigan.

AUSA Russell Kavalhuna left the office after six years of service to accept the position of Dean of the Western Michigan University College of Aviation. Russ obtained his B.S. degree *cum laude* from that college many years ago and, prior to obtaining a law degree, flew as a professional commercial pilot for U.S. Airways Express. Russ graduated from Cooley Law School *magna cum laude* and third in his class of over 240 students, earning multiple certificates of merit and serving as Senior Associate Editor of the Law Review. As an AUSA, he recently received the ATF Honor Award in his prosecution of the Holland Latin Kings. Prior to joining our office through the Department of Justice's Honors Program, Russ clerked for Justice Michael Cavanaugh of the Michigan Supreme Court.

Ellen Farrar, a paralegal in the Violent Crimes Section of our Criminal Division, secured an appointment with the Bureau of Alcohol, Tobacco and Firearms as a license inspector. Ellen spent

12 years with our office after a career with a prominent local law firm. While here she supported all manner of cases, but spent the bulk of her time supporting firearm and violent crime matters.

Ellie Drumm, our Human Resources Officer, retired after 12 years of service in the office. She began her tenure as an assistant to both our budget and human resources officers before assuming the role of full-time Human Resources Officer early in her tenure. Before joining us, she had worked as a public school teacher, office manager and administrative assistant.

Mee Thao-Khang, our Budget Officer for the last ten years, elected to return to her prior position as a budget official with the Forest Service in Montana, where she had started her career and where her two young children could have more contact with her extended family who live in that area. Mee graduated from the University of Montana, where she was a member of the Golden Key National Honor Society.

Deputy U.S. Marshal Dave Gelement accepted a promotion to the position of Deputy Commander of the Gulf Coast Region Fugitive Task Force of the USMS. Dave had been stationed in our office on a detail as part of a special collaborative program between USAOs and the USMS to support the Asset Forfeiture mission. Dave spent the better part of 2014 and 2015 supporting our Asset Forfeiture efforts.

Promotions:

AUSA Steve Baker accepted U.S. Attorney Miles's offer to assume Deputy Criminal Chief supervisory responsibilities over the Organized Drug Crime Section and Asset Forfeiture/FLU of the Criminal Division following Matt Borgula's departure. Steve joined the office last year after six years as an AUSA in the Northern District of Illinois (Chicago), where he prosecuted drug, firearm, money laundering and financial fraud cases. Steve previously worked for the City of Chicago's Law Department as well as a prominent Chicago law firm. Steve obtained his bachelor's degree from the University of Illinois and his J.D. from Northwestern University Law School, where he was a member of the National Trial and Moot Court teams and won the Georgetown White Collar Criminal Trial Competition.

AWARDS

GERALD R. FORD LEADERSHIP AWARD

U.S. Attorney Patrick Miles received the Gerald R. Ford Leadership Award from the Friends of the Grand Rapids Public Schools Alumni, a group dedicated to raising awareness of the school district's services and to celebrate its success stories. U.S. Attorney Miles attended Grand Rapids Public Schools, graduating from Ottawa Hills High School at age 16.

EXCEPTIONAL SERVICE AWARD

AUSAs Matthew Borgula and Sally Berens each received an Exceptional Service Award from the National Association of Former U.S. Attorneys. The annual award recognizes only outstanding service above and beyond even the highest expectations for federal prosecutorial service. Matt and Sally received the award for their work successfully prosecuting David McQueen and his coconspirators in connection with his \$46M Ponzi scheme. Matt oversaw the investigation over the course of several years and he and Sally then tried McQueen together. McQueen was convicted after a six-week jury trial, the longest in the history of the district, and received a sentence of 30 years in prison.

LAW ENFORCEMENT AWARD

AUSAs Matthew Borgula and Sally Berens received a Law Enforcement Award from the U.S. Department of the Treasury, Financial Crimes Enforcement Network in recognition of their effective use in the McQueen investigation and prosecution of Bank Secrecy Act data to safeguard the financial system from abuse by illicit actors.

ATF HONOR AWARD

AUSA Russell Kavalhuna and former AUSA Phil Green received an Honor Award from the Bureau of Alcohol Tobacco and Firearms for their work in successfully prosecuting over 30 members of the Holland Latin Kings organization on RICO and related charges, completely dismantling the gang and its operations in the Holland, Michigan area. By the time the award was announced, AUSA Phil Green had become a Magistrate Judge. This annual award recognizes the accomplishments of federal, state and local law enforcement officials who have provided exemplary service toward the mission of the ATF.

SHIELD AWARD

AUSA HAGEN FRANK received a SHIELD Award from the Anti-Defamation League (ADL) for his role in the anti-terrorism prosecution in another district of Mohammad Hassan Faizan Khalid, a case related to Hagen's prosecution in this district of Reed Berry several years ago. The ADL advises that the name of the award reflects law enforcement's role as protectors and is an acronym for the core values of the profession: Service, Honor, Integrity, Excellence, Leadership, and Dedication.

NOTABLE ACHIEVEMENT AWARD

AUSA Christopher O'Connor received a Notable Achievement Award for Underground Storage Tank Release Prevention from the U.S. Environmental Protection Agency in recognition for the successful investigation and prosecution for the sale of fraudulent underground storage tank insurance policies in the matter of *U.S. v. Allen P. Chadderton, et al.*

CERTIFICATES OF APPRECIATION AND COMMENDATIONS

AUSAs Tessa Hessmiller, Sally Berens, Matthew Borgula, Adam Townshend, Maarten Vermaat, Hannah Bobee and Paul Lochner each received certificates of appreciation or commendations from various federal law enforcement agencies or organizations. Tessa, from Homeland Security for her work on Project Safe Childhood, and from the FBI for her work on Human Trafficking; Sally and Matt, from the IRS for their work on the McQueen case; and Adam, from the National Science Foundation Office of Inspector General for his outstanding resolution of the complicated Small Business Technology Transfer program case of *U.S. v. KTM Industries*; Maarten Vermaat, Hannah Bobee and Paul Lochner, from the Forest Service for their work on USFS referrals.

REPRESENTATIVE CIVIL MATTERS

Affirmative Civil Enforcement:

United States v. Portage Hospital. The USAO negotiated a settlement of over \$4.446 million with a hospital that self-disclosed it had employed a physical therapist who reported unusually high patient volumes, including up to 21 home visits to patients per day on some days. The government contended that the hospital billed federal programs for home visits that involved medically unnecessary services, services that were not rendered, or unskilled services. The parties ultimately agreed to a 100% error rate in the home health care billings involving the therapist at issue. AUSA: Adam Townshend.

United States v. Agility Health, Inc. and Oceana County Medical Care Facility. A rehabilitation management company and a county-owned medical care facility paid a combined \$1,000,000.00 to resolve allegations that they violated the False Claims Act by billing Medicare for inpatient skilled therapy services that were not provided, that were upcoded, or that were medically unnecessary. The government claimed that as part of this scheme, the medical facility billed Medicare, and the rehabilitation management company caused Medicare to be billed, for services that were purportedly rendered to patients who were mentally and physically unable to participate in therapy programs. The government further alleged that the rehabilitation management company caused false claims to be submitted to Medicare because the company improperly disclosed protected health information, in violation of HIPAA, that was used by a third party to generate false claims for durable medical equipment (DME). According to the government, a company employee improperly disclosed protected health information to an outside DME vendor who used that information to bill Medicare for orthotics that were medically unnecessary and, in some cases, were never provided to facility residents. AUSA: Adam Townshend.

United States v. Merit Energy Company. The government

negotiated a civil penalty of \$885,000 to resolve allegations that the defendant violated the Clean Air Act at its natural gas processing plant in Kalkaska, Michigan. The EPA had inspected the plant and found that the defendant had (1) failed to identify and include 2,462 pieces of regulated equipment as part of its leak detection and repair program; and (2) failed to correctly monitor regulated equipment that Merit identified as part of its this program. The company executed a Consent Decree that required it to, among other things, implement an enhanced leak detection and repair program at the plant. AUSA: Adam Townshend.

United States v. KTM Industries, Inc. and Michigan State University. The USAO negotiated separate settlements of over \$195,000 with KTM Industries, Inc. (KTM) and over \$54,000 with Michigan State University (MSU) to resolve allegations of fraud in connection with a National Science Foundation program that was to fund the development and marketing of green, energy-efficient insulation materials. The Government contended that KTM made false statements about its principal investigator to obtain funding, made false statements regarding its internal controls, and falsified time records to conceal false statements about its timekeeping system. In addition to the monetary settlement, KTM's chief executive office agreed to a five-year exclusion from participation in federal programs, grants and contracts. The government further contended that KTM used federal monies to fund a sub-award with MSU, that the applicable federal regulations required that these funds could not be used for capital purchases, but that MSU purchased equipment with the funds. AUSA: Adam Townshend.

United States v. Madden. The USAO reached a settlement agreement with a physician who allegedly received illegal kickbacks in exchange for patient referrals. Under the terms of the settlement agreement, the physician paid \$150,000 and agreed to a three-year voluntary exclusion from federal health care programs. AUSA: Adam Townshend.

United States v. Victory Clinical Services. The USAO negotiated a \$25,000 settlement with a drug treatment facility regarding recordkeeping violations under the Controlled Substances Act. AUSA: Ryan Cobb.

United States v. Flack. The USAO negotiated a voluntary five-year exclusion from federal programs of a nurse practitioner who received illegal kickbacks of approximately \$3,600 in exchange for patient referrals, but lack the ability to pay monetary damages. AUSA: Adam Townshend.

Defense Against Claims of Civil Rights Violations:

Warner v. United States Postal Service. The USAO obtained the dismissal of the plaintiff's claims against the Postal Service, his former employer, for allegedly violating the United Nations Convention Against Torture and the Torture Victim Protection Act. The USAO demonstrated that the Convention did not

provide for a cause of action for plaintiff under federal law. The Court also determined that the plaintiff had failed to state a claim under the Torture Victims Protection Act because that law only extends liability to natural persons, not organizations. AUSA: Nicole Mazzocco.

Johnson v. Donahoe. The plaintiff filed an employment-based constitutional tort lawsuit alleging that the Postal Service deprived her of a property interest in continued employment and fired her without due process by failing to give her proper notice and opportunity to respond to concerns about her threatening conduct. The USAO moved to dismiss the claims and the Court agreed with our argument that they were untimely and dismissed the case. AUSA: Jeanne Long.

Subpoena Defense for Federal Employees and Agencies:

The USAO defended federal agency employees and ensured compliance with federal regulations regarding the release of information from agency files in numerous cases in which federal employees were subpoenaed to testify or produce documents. For example, in *Snow v. Fitzgerald*, a party issued a state court subpoena for a United States Probation Officer's testimony at a state court trial. After the USAO removed the subpoena proceeding to federal court and moved to quash the subpoena, the federal district court granted the motion on sovereign immunity grounds and ruled that the state court lacked the authority to compel the federal employee to testify. AUSAs: Michael Shiparski, Ryan Cobb, Carolyn Almassian.

Federal Tort Claims Act (FTCA) Defense:

Krause v. United States. Following discovery, the USAO obtained summary judgment on tort claims arising out of an accident between a U.S. Postal Service truck and a boy on a bicycle. The Court ruled that the boy's injuries, which included chest abrasions that left small scars, did not constitute a serious impairment of body function and were not sufficient to qualify as permanent serious disfigurement under Michigan law. AUSA: Jeanne Long.

Titan Insurance v. United States. The USAO removed to federal court a case that the plaintiff filed in state court in an attempt to compel a federal employee to provide her private no-fault insurance information after the federally-owned vehicle she was driving during her federal employment was struck by an at-fault, out-of-control and uninsured snowmobiler. The plaintiff, an insurance company assigned to provide no-fault insurance benefits to the snowmobiler, was seeking a way to shift liability to the federal employee's private auto insurance. The district court granted the USAO's motion to dismiss, ruling that the plaintiff had failed to state a claim or provide a reason to compel the federal employee to disclose the name of her private insurance company. AUSA: Carolyn Almassian.

Mattfolk v. United States. The USAO obtained the dismissal of a

medical malpractice case that was time-barred and then fought off the plaintiff's attempt to have the case reinstated based on equitable tolling arguments. The plaintiff argued that the dismissal was erroneous due to a recent Supreme Court decision allowing equitable tolling of the limitations period. The federal district court rejected the plaintiff's argument and refused to apply the Supreme Court's decision retroactively and disturb the previously-entered final judgment against the plaintiff. In addition, the district court determined that it had previously considered equitable tolling and determined that it was not warranted. AUSA: Carolyn Almassian.

The USAO also litigated and resolved numerous other tort cases, including cases alleging premises liability at federal facilities and complex medical malpractice cases arising from federally-funded private health clinics and from U.S. Department of Veteran's Affairs medical facilities. Tort defense occupied approximately 25% of Civil AUSA time in 2015. AUSAs: Carolyn Almassian, Ryan Cobb, Jeanne Long, Nicole Mazzocco.

Program Litigation:

Ivey v. McHugh. The Sixth Circuit affirmed summary judgment in favor of the Secretary of the Army on the plaintiff's challenge to the denial of his petition to amend his military records to reflect a designation as an Army Aviator. The Court ultimately concluded that because the Civilian Aviation Accession Program had been discontinued years before the plaintiff ever sought to qualify as an Army Aviator under it, the plaintiff could not show that the Army's decision not to award the designation to him was arbitrary, capricious, or unsupported by substantial evidence. AUSA: Carolyn Almassian.

Donaldson v. HHS. The USAO obtained dismissal of claims brought against the U.S. Department of Health and Human Services in relation to new State of Michigan administrative hearing rules. Plaintiff contended that these new rules violate federal regulations and participants' Constitutional rights. Invoking the seldom-used doctrine of primary jurisdiction, he attempted to persuade the Court to order HHS to undertake a review of the regulations and issue a determination as to their validity, despite the fact that he had not been personally impacted by the rule changes. The Court ruled that the plaintiff lacked standing and declined the invitation to apply the primary jurisdiction doctrine to send the regulations to HHS for review. The case is currently on appeal to the Sixth Circuit. AUSA: Nicole Mazzocco.

Ehret v. Army Corps of Engineers. The USAO obtained summary judgment on Freedom of Information Act claims the plaintiff brought seeking records pertaining to erosion of Lake Michigan lakebed near St. Joseph, Michigan. The Court concluded that the agency's search for records was sufficient to fulfill its obligations, notwithstanding the plaintiff's belief that the Army Corps of Engineers had an additional report that he believed was referenced in a meeting he attended. AUSA: Nicole Mazzocco.

Jackson v. United States. The plaintiff filed a vague complaint in which she apparently was attempting to allege gender discrimination in a USDA farm lending program. The USAO moved to dismiss, arguing that the plaintiff's complaint did not meet the pleading requirements of the Federal Rules of Civil Procedure and failed to state a claim upon which relief could be granted. The district court agreed that the complaint failed to provide any allegations to support a claim of gender discrimination and dismissed the case. AUSA: Carolyn Almassian.

Immigration Litigation:

The USAO handled a number of habeas corpus petitions filed by aliens who were detained pending removal from the country. Many of the cases were resolved without need for formal court involvement, but some resulted in significant briefing and favorable decisions. For example, in ***Mohammed v. Adducci***, the district court denied a petition brought by a Somali citizen who challenged the length of his detention pending removal. It concluded that he had not shown there was no significant likelihood of removal in the reasonably foreseeable future, and that bureaucratic delay in Somalia did not suffice to justify his release pending removal; there were no institutional barriers to removal and his removal was likely in the foreseeable future. AUSAs: Carolyn Almassian, Ryan Cobb, Michael Shiparski, Jeanne Long.

Employment Litigation:

Hairston v. Department of Veterans Affairs. The USAO obtained dismissal of race and sex discrimination claims brought by a former medical support clerk who alleged that his supervisor and coworkers had ridiculed or berated him in front of others, blamed him for what were system failures, heavily monitored his work activities, and refused to transfer him to another facility. The USAO was able to establish that the conduct at issue was not based on race or sex, that it did not create a hostile work environment, and that the agency had taken appropriate steps to address the plaintiff's concerns but was simply unable to transfer him to a different location. AUSA: Jeanne Long.

Proceedings Relating to Government Lien Claims:

The USAO continued to respond to a significant volume of foreclosure litigation and other cases in which federal liens were at issue. The USAO devotes significant AUSA and staff time to protect the interests of the United States in these cases. AUSAs: W. Francesca Ferguson, Michael Shiparski.

Social Security:

The U.S. Attorney's Office oversaw the preparation of answers and briefs primarily handled by Special Assistant United States Attorneys from the Regional Chief Counsel's office of the Social Security Administration in Boston. In 2015, the USAO opened

approximately 250 new cases in which plaintiffs challenged unfavorable Social Security disability benefits determinations. The USAO also continued to work on a high volume of cases filed in prior years. AUSAs: Michael Shiparski, Ryan Cobb.

Bankruptcy:

The USAO represented the interests of the United States in over 100 new bankruptcy matters it opened in 2015; the USAO also resolved its issues or claims in over 80 cases. AUSAs: W. Francesca Ferguson, Michael Shiparski.

REPRESENTATIVE CRIMINAL MATTERS

Financial Crimes Section:

HEALTH CARE FRAUD:

United States v. Kim Mulder. Mulder, the CEO of Kentwood Pharmacy, conspired to commit healthcare fraud based on billing Medicare Part D plans, Medicaid and private insurance plans for misbranded and adulterated drugs. Kentwood Pharmacy ceased operations following the execution of search warrants in November, 2010, and the issuance of an immediate suspension order by the DEA. The process by which the pharmacy returned drugs to pharmacy stock for re-prescribing resulted in the cross-contamination of drugs, improper labeling of drugs, placement of different dosages into stock bottles, and the placement of the altogether wrong drugs into stock bottles. The practices even allowed Vice President of Sales Richard Clarke to remove controlled substances from the pharmacy and sell them on the street. Public and private insurers paid more than \$79 million for adulterated and misbranded drugs sent to patients at more than 800 nursing and adult foster care homes. A total of 18 employees were convicted of criminal offenses stemming from the practices at the pharmacy, including felony convictions for six pharmacists. Clarke was sentenced to 14 years in prison both for his role in the fraud and for a separate charge of possessing child pornography. Mulder received a ten-year prison sentence. AUSAs: Ray Beckering and Adam Townshend. Agencies: Department of Health and Human Services; Office of Inspector General; FBI, DEA, FDA, IRS, Michigan State Police, Michigan Attorney General's Office.

WIRE AND MAIL FRAUD:

United States v. Michael Aho Kennedy. Kennedy, an attorney, defrauded a client. In his role as trustee of her trust, he defrauded her of over \$1 million by regularly withdrawing more money from her investment accounts than necessary to pay her expenses, transferring his excess money to his law office's business account, and then using the money for his own personal and business expenses. He concealed the fraud by mailing her false monthly statements of account that showed the balance of her account was stable and earning interest, when in fact the balance was rapidly diminishing. When he exhausted all of her funds, he defrauded another elderly client of over \$100,000 that he used for his own benefit and to pay the

expenses of the initial victim. Kennedy was charged and pled guilty to mail fraud and to filing a false tax return in which he had claimed the stolen proceeds were loans and working capital not subject to tax. He faces up to 20 years in prison on the mail fraud and three years on the tax charge. AUSA: Ron Stella. Agency: IRS.

BANK AND MORTGAGE FRAUD:

United States v. Cary McEntee. McEntee engaged in a scheme involving the use of "straw buyers" who, for a fee, would pose as the borrower and apply for a mortgage loan but would have no intention of paying the mortgage. Once the loan was made, the proceeds were turned over to those involved in the scheme, and they in turn used the money to enrich themselves. McEntee and his coconspirators defrauded banks in connection with 35 mortgage transactions involving more than \$4 million in loans and a loss of over \$2.6 million when the properties went into foreclosure. McEntee pled guilty to a federal charge and was sentenced to five years in prison. AUSA: Tim VerHey. Agencies: FBI, U.S. Secret Service, U.S. Postal Inspection Service, HUD Office of Inspector General.

THEFT AND EMBEZZLEMENT:

United States v. Kathryn Simmerman. Between October, 2001, and February, 2015, Simmerman embezzled over \$1.9 million from her employer, the Shoreline Federal Credit Union, in Muskegon, Michigan. For a decade and a half, she would periodically remove cash from the vault and deposit a portion of it into accounts that she controlled and take the remainder home for her own use and enjoyment. She hid the activity by manipulating Shoreline's books and records. Her activities were uncovered while she was away on vacation. She pled guilty to both a federal embezzlement charge and a structuring her deposits to avoid reporting requirements. She was sentenced to over six years in prison. AUSA: Clay Stiffler. Agencies: FBI, IRS, Norton Shores Police Department.

United States v. Ronald Myers. Myers, a habitual motorhome thief, stole eight motorhomes across the United States as part of an extensive criminal conspiracy uncovered by the FBI after his thefts from two West Michigan businesses in 2012. He also stole motorhomes in Alabama, Missouri, North Carolina and Florida. He began this crime spree almost immediately after his release from a Kentucky prison on a conviction which followed four prior felony convictions for transporting stolen motorhomes. He used a string of aliases to obtain false title documents, open bank accounts and to forward mail to further the scheme. He then moved hundreds of thousands of dollars through these accounts opened under false names or purported corporations. Not surprisingly, neither he nor his corporate entities filed any tax returns for four years, from 2008 through 2012. After he was charged with the thefts, money laundering and failure to file tax returns, Myers took his case to trial. But the jury convicted him on all counts and he was sentenced to 30 years in prison. AUSAs:

Michael MacDonald, Sean Lewis. Agencies: FBI, IRS.

PROGRAM FRAUD:

United States v. Emad Karaein et al. Three brothers, Ewad, Jawad and Khadar Karaein, were charged with committing multiple fraud schemes in connection with the Middle Eastern Market they operated. One scheme alleged against them was that they allowed customers receiving subsistence benefits to obtain cash and other prohibited items in exchange for the federal funds allotted to the customers. This resulted in the deposit of large sums of federal welfare money in the Market's bank account. The brothers were also charged with signing up for Welfare benefits without disclosing disqualifying income, allowing them to fraudulently obtain food assistance, cash assistance and Medicaid benefits. In total, the brothers fraudulently obtained over \$1.2 million from programs such as the Supplemental Nutrition Assistance Program and Women, Infant and Children Program designed for those who truly need assistance. Each brother eventually pled guilty to one count against them while agreeing the sentencing judge could consider the full scope of the fraudulent conduct. The brothers received sentences ranging from 12 to 34 months in prison and each was ordered to pay restitution totaling over \$1.2 million. AUSA: Tim VerHey. Agencies: Department of Agriculture; Office of Inspector General; FBI; Michigan Department of Health and Human Services; Office of Inspector General.

United States v. Leonard Kolberg, Jr. In December of 2009, Kolberg, a farmer, pledged a portion of his harvested corn in exchange for a \$145,000 marketing assistance loan from the Farm Services Agency. Marketing assistance loans are designed to provide farmers with interim financing at harvest time to help them meet cash flow needs without having to sell their commodities when market prices are at their lowest. Kolberg defrauded the agency by lying about the amount of corn he pledged as security for the loan and by selling the corn in the private market and keeping the proceeds instead of paying off the loan. At the same time, Kolberg filed fraudulent crop insurance claims in connection with his 2009 harvest. He similarly filed fraudulent crop insurance claims for the 2013 and 2014 harvests. All told, he defrauded federal farm programs of over \$500,000. He eventually pled guilty in federal court and was sentenced to a year and a day in prison. AUSA: Clay Stiffler. Agency: U.S. Department of Agriculture; Office of Inspector General.

TAX FRAUD:

United States v. Fontrice Charles. Following four days of trial, a federal jury convicted Charles of 27 felony tax charges. Charles, a tax preparer, advertised herself as "#1 Tax Lady." The jury found her guilty on 25 counts of filing false tax returns on behalf of clients between 2011 and 2014. She supplied the IRS with false information designed to ensure hefty refunds. She prepared 967 returns during the period charged, resulting in improper refunds of approximately \$4 million. The jury also convicted her of filing false returns on her own behalf in 2010 and 2011. She faces up

to three years in prison on each conviction. AUSA: Tim VerHey. Agency: IRS-Criminal Investigation.

ENVIRONMENTAL CRIMES:

United States v. LuAnn LaBrie, et al. LaBrie, Cory Hammond and Robert White pled guilty to felony violations of the Clean Air Act for their roles in what environmental investigators believe may have been the largest asbestos release in Michigan since it was declared a hazardous air pollutant in 1971. LaBrie, who supervised and controlled the facility and project, admitted to failing to notify federal or state authorities that the material would be stripped and removed from a former power generation facility in Comstock Park Township, Michigan. Hammond and White each pled guilty to failing to adequately wet asbestos material while stripping and removing it. All three knew asbestos was present in the facility and would be removed. All three were sentenced to three years of probation, despite an advisory sentencing guideline range of over five years in prison for LaBrie. Additionally, Hammond and White were ordered to pay over \$150,000 in restitution to the EPA to cover remediation costs. LaBrie was ordered to pay over \$700,000 in restitution. AUSA: Chris O'Connor. Agency: EPA.

National Security Section:

EXPORT/IMPORT:

United States v. Benjamin James Cance. A federal grand jury returned an indictment in August charging Cance with illegally shipping gun components overseas, money laundering and illegal possession of an unregistered machine gun. Pretrial filings allege Cance conducted his illegal dealings with overseas customers through illegal internet sites, commonly referred to as "the darknet." He also allegedly utilized electronic currencies, such as Bitcoin, in an effort to hide the nature of his activities. The charges in the Indictment are merely accusations, and a defendant is presumed innocent until and unless proven guilty in a court of law. AUSA: Tim VerHey. Agencies: Department of Homeland Security, Immigration and Customs Enforcement, the Internal Revenue Service, the U.S. Postal Inspection Service, ATF.

CRITICAL INFRASTRUCTURE:

United States v. Timothy Siangdun. Siangdun, a Battle Creek, Michigan resident, made a Facebook post that threatened school shootings at Western Michigan University. He made the threat following a trial and guilty verdict on related Facebook threat postings. He pled guilty to the latest incident and was sentenced to eight months' confinement, two years of supervised release and was prohibited from posting any communications on any social media platform for the entire two-year term of his supervised release. AUSA: Clay West. Agencies: FBI, Springfield Department of Public Safety; Western Michigan University Department of Public Safety, Calhoun County Prosecuting Attorney; Battle Creek Police Department.

IDENTITY THEFT:

United States v. Jaime Velasco-Jimenez. Between September 2013 and March 2015- a ring comprised of Victor Quesada-Pacheco, Jesus Lopez-Garcia and Jamie Velasco-Jimenez produced hundreds of counterfeit identification documents in various apartments in Plainwell and Kalamazoo, Michigan. They produced counterfeit driver's licenses, state identification documents, social security cards and lawful permanent resident cards among others. Each eventually pled guilty for his role in the operation. Velasco-Jimenez received a sentence of 30 months in prison; Lopez-Garcia and Velasco-Jimenez were each sentenced to a term of 36 months in prison. AUSA: Ron Stella. Agencies: Department of Homeland Security, U.S. Immigration and Customs Enforcement, Homeland Security Investigations division.

ALIEN RE-ENTRY INITIATIVE:

During fiscal 2015, of all criminal case filings brought in the district, 28% involved the charging of undocumented aliens for returning to the United States without authorization after having been removed previously and typically also after having been convicted of one or more criminal offenses. AUSAs: Donald Daniels, Clay West, Justin Presant. Agency: ICE-Enforcement & Removal Operations.

Organized Drug Crime Section:

United States v. Joseph Jackson, et al. Jackson led a nine-defendant heroin trafficking conspiracy out of Benton Harbor, Michigan, that distributed between 50 and 65 grams of the drug per week. All nine defendants pled guilty and were sentenced in 2015. The lead defendants, Jacoby Ervin, Javel McElrath, Antwon Peterson and Willie Tibbs Jackson received sentences ranging from 4½ years up to 11 years. Jackson, whom the Hon. Gordon J. Quist noted at sentencing was "a major supplier of heroin in Benton Harbor," received a 17-year sentence. "Heroin leads to death," Judge Quist explained. AUSA: Stephen Baker. Agencies: DEA, FBI, Berrien County Sheriff's Dept., Michigan State Police, Berrien County Prosecutor's Office.

United States v. Kenton Maurice Taylor, et al. After his release from a Michigan prison in 2012 for a cocaine trafficking conviction, Taylor resumed his leadership of the Lansing branch of the Black P Stone Nation gang and turned the gang's focus to dealing heroin. He and fellow gang members obtained heroin from Chicago, the gang's home base, and distributed it in the Lansing area. Taylor and three other gang members – Karl Lockridge, Maurice Ray, Jr., and Eric Cooper – were charged federally with conspiracy to distribute heroin. Taylor went to trial only to be convicted by the jury. He faces ten years to life in prison. The others pled guilty. Lockridge and Ray face up to 40 years in prison; Cooper faces up to 20. AUSAs: Joel Fauson and Mark Courtade. Agencies: ATF, FBI, Lansing Police Dept., DEA, Michigan State Police, Ingham County Sheriff's Dept., Michigan State University Police Dept., Michigan Department of Corrections.

United States v. Richard Jon Hill. Hill, better known in his hometown Ironwood, Michigan area as “Rock Star Rick,” ran a crystal methamphetamine conspiracy that helped spread a methamphetamine epidemic across the western Upper Peninsula of Michigan. Hill shipped the drugs from Las Vegas, Nevada, while regularly visiting there, to friends and associates in Ironwood, Michigan, for later distribution throughout the western Upper Peninsula. GIANT, a multi-agency task force fighting drug trafficking in the western part of the Upper Peninsula and the adjoining border area of northern Wisconsin, soon identified Hill as a significant supplier of the methamphetamine flooding the Western U.P. By the close of the investigation, seven defendants, including Hill, were convicted of federal drug trafficking charges and sent to prison. Hill was sentenced to 15 years in prison. The sentences for the other conspirators ranged from 2 to 12½ years in prison. AUSA: Maarten Vermaat; Agencies: DEA, Hurley, WI Police Dept., Gogebic-Iron Area Narcotics Team.

United States v. James Frederick Shelifoe. In 2014, the Project Safe Trails Taskforce identified Shelifoe, of Baraga, Michigan, as a major source of cocaine, determining that he had distributed approximately 23 kilograms of the drug in the western Upper Peninsula in the preceding seven years. After Shelifoe pled guilty to a federal drug trafficking charge, the Hon. R. Allen Edgar sentenced him in 2015 to 70 months in prison to emphasize the need to protect the public and deter others. AUSA: Hannah Bobee. Agencies: FBI; Michigan State Police, Bureau of Indian Affairs, Keweenaw Bay Indian Community Tribal Police.

United States v. Joshua David Buerman. While living in Traverse City, Michigan, in 2012, Buerman began purchasing quantities of methylone and several other synthetic drugs from a Chinese source of supply that he discovered over the internet. Over the course of several months, he ordered more than five kilograms of methylone, all of which was delivered to him through the U.S. Mail. Methylone has a chemical structure similar to the drug commonly known as “ecstasy” and is often sold by the street term “bath salts,” and is a Schedule 1 controlled substance – meaning it has no accepted medical use, no safe level of use and a high potential for abuse. By the time law enforcement caught up with him, Buerman had moved to New York and begun receiving the drug there from the same supplier and had recruited associates. The investigation further revealed the supplier in China was shipping an assortment of controlled substances to numerous customers throughout the United States and abroad, including Austria, Canada, Finland, Spain, Germany, Italy, Belgium, Ireland, the United Kingdom, Sweden and Lithuania. More than 450 leads were generated for law enforcement in the United States, resulting in the nationwide seizure of more than 70 kilograms of methylone and numerous controlled substance analogues, all of which had been shipped from China. Fifty-four arrests followed in more than 20 States. As for Buerman, he received nine years in prison after pleading guilty in a western New York court to a Western District of Michigan charge of conspiring to import into Michigan more

than five kilograms of methylone from China. He received a concurrent nine-year term in New York for his activities there. AUSA: Clay Stiffler. Agencies: Michigan State Police, Homeland Security Investigations.

Violent Crimes Section:

CHILD EXPLOITATION:

United States v. Lori Ann Roth. Roth conspired with a serial child molester, Brandon Schroth, who traveled around the world abusing and photographing children. When Schroth visited Roth, they would take a child to an area hotel and molest the child together, giving the child alcohol and on one occasion putting a prescription sleep aid in the child’s drink to facilitate the abuse. They took pictures of the abuse, which were sent to others and that eventually led to their apprehension by law enforcement. Schroth pled guilty in a California court to 12 counts of producing child pornography and aggravated sexual abuse and was sentenced to 40 years in prison. Roth pled guilty to Western District of Michigan federal charges of producing pornography of a child less than 12 years old. Then-chief U.S. District Judge Paul L. Maloney stated that in his more than 20 years on the bench he had difficulty finding “another instance of depravity lower than this one. The depravity of this defendant is beyond words.” He sentenced Roth to 30 years in prison, the maximum possible. AUSA Tessa Hessmiller. Agency: FBI.

United States v. Christopher T. Bryant. A federal jury in Kalamazoo convicted Bryant of sex trafficking three minors in West Michigan and one adult in Arizona. The minors testified that he recruited them through Facebook, at a bus station, or through another teenage girl. He posted photos of them online advertising them as prostitutes and took them to cheap motels around Lansing, where customers responded to the ads and paid to have sex with them. The adult victim had been in a relationship with him in which he turned violent toward her. He eventually took her to Phoenix, where he made her walk the streets and instructed her to solicit passersby for sex before she was able to escape. Bryant had a long criminal history, including violent assaults on women, drug dealing and home invasion. He even made a video that he posted on Facebook bragging about pimping for a living. The Hon. Paul Maloney sentenced him to 40 years in prison, describing him as “a man who is totally self-absorbed,” “narcissistic to the extreme,” and “a major risk to reoffend.” AUSAs: Tessa Hessmiller and Russ Kavalhuna. Agencies: FBI, Ingham County Sheriff’s Office.

FIREARMS:

United States v. Senecca Kelly Freeman. Freeman, a convicted felon, possessed a firearm to protect his lethal and illegal drug business that he ran out of his home. Two customers bought from him and used what they believed was heroin, but the substance was in fact fentanyl, a potent synthetic opiate. One of the customers died of acute fentanyl toxicity. In a subsequent search of Freeman’s home, law enforcement found more than

60 bags of fentanyl and a stolen firearm. Investigation revealed that he used that firearm to further his drug operations. Freeman had previously been convicted of crimes involving robbery, drug dealing and assault and battery. After his guilty plea, he was sentenced to over 22 years in prison. AUSA: Sean Lewis. Agencies: ATF, Grand Rapids Police Department.

United States v. Matthew Bolden et al. Bolden, William Watson and James Lucas stole 26 firearms from U.S. Lumber Company in Battle Creek, a federally licensed firearms dealer in September of 2014. Already armed with two semi-automatic pistols, the three broke into the store and smashed display cases containing pistols and revolvers. Responding to an alarm, the Battle Creek Police Department caught Bolden and Watson before they got away from the scene. Lucas was arrested later. Twenty-four of the 26 stolen firearms were recovered. The defendants received sentences of between 30 and 52 months. AUSA: Justin Presant. Agencies: ATF, Battle Creek Police Department.

United States v. Kevin Houle. Houle, who had previously been convicted in New Hampshire of felony drug and robbery charges, fired-off a rifle in the midst of a domestic dispute in Forsyth Township, Michigan. When officers arrived on the scene, he led them on a high speed chase through a residential neighborhood before fleeing on foot. He was eventually found in a neighbor's home. He pled guilty to a federal charge of possessing a firearm as a felon and received a seven-year sentence. AUSA: Paul Lochner. Agencies: ATF, Forsyth Township Police Dept.

INDIAN COUNTRY:

United States v. Lynn Michael Lavictor. In the summer of 2014, Lavictor violently sexually assaulted his then-girlfriend in Sault Ste Marie, Michigan. Her injuries were so severe that she had to be transported to the hospital, where she underwent surgery later in the same day. Lavictor repeatedly contacted the victim and attempted to influence her testimony—even after his arrest and the placement of a no contact order. After a four-day trial, a federal jury convicted him. U.S. District Court Judge R. Allen Edgar sentenced him to 355 months (nearly 30 years) in prison. AUSAs: Jeff Davis and Hannah Bobee. Agencies: FBI, Sault Ste. Marie Tribal Police.

United States v. Tommy Alan Cain. Cain pled guilty to sexually abusing a 12-year-old girl at a residence on the Sault Ste. Marie Tribe of Chippewa Indians reservation in the summer of 2007. The incident came to light years later when the victim disclosed that Cain had been sexually abusing her over the course of a five-year period. In imposing the 15-year maximum sentence, the Hon. R. Allen Edgar emphasized the need to protect the public from Cain, whose conduct he described as “heinous.” AUSA: Hannah Bobee. Agencies: FBI, Sault Ste. Marie Tribal Police Dept.

REPRESENTATIVE APPEALS

United States v. Lechner. A jury convicted Lechner of transporting explosives without a permit (in violation of 18 U.S.C. § 842(a)(3)(A)) and possessing explosives while under indictment (in violation of 18 U.S.C. § 842(j)). On appeal, Lechner argued: (1) the relevant Code of Federal Regulations provision authorized him to move his explosives; (2) the Commerce Clause does not allow Congress to regulate the intrastate transportation of explosives; and (3) the government should have been required to prove actual knowledge of his pending indictment. The court rejected these arguments and affirmed the convictions in a published decision. Lechner was also convicted of violating § 842(j), which makes it unlawful “for any person to store any explosive material in a manner not in conformity with regulations promulgated by the Attorney General.” The jury instructions did not elaborate on the content of the relevant ATF regulations. On plain error review, the court affirmed, because an expert witness had testified that Lechner’s storage of explosive materials violated the regulations. AUSAs: Jen McManus and Justin Presant.

United States v. Al-Din. In this 17-issue, four-defendant appeal, the court of appeals rejected all of the defendants’ arguments seeking to reverse their convictions and challenging their sentences. Defendants were members or associates of the Block Burners street gang, and were convicted of several drug and firearm related offenses, including discharge of a firearm during a drug trafficking crime, which resulted in the death of a victim. AUSAs: Jen McManus and Tim VerHey.

United States v. Beckman. Beckman produced child pornography using his sons and transmitted it live via webcam, and also distributed and received other child pornography. The jury found the defendant guilty of 15 counts, including ten counts of attempted sexual exploitation. On appeal, Beckman raised a host of arguments, including a challenge to the district court’s denial of his motion to suppress, various evidentiary challenges, a Commerce Clause challenge, a double jeopardy claim, and arguments challenging the as-applied constitutionality of the sexual exploitation and coercion/enticement statutes predicated on a “novel” theory that defendant was allegedly punished merely for engaging in First Amendment protected speech. The court of appeals rejected all of his arguments and affirmed his convictions. AUSA: Sean Lewis.

United States v. Singer. Singer devised an “arson for profit” scheme in which he first acquired various properties at below-market prices and obtained insurance policies well exceeding the purchase prices. Singer then set fire to the properties in order to obtain insurance payments. The court affirmed his conviction on numerous charges. The decision included two precedent-setting holdings: (1) The indictment was not duplicitous on the basis that it charged numerous mail-fraud offenses involving distinct mailings and arsons in one count.

Charging the case that way avoided the confusion of charging Singer with scores of substantive counts arising out of the same scheme. (2) The statute of limitations on a charge under 18 U.S.C. § 844(h) (using fire to commit another felony) begins to run when each element of the crime has occurred – including the elements of the “other” felony. In the count at issue, Singer was convicted of using fire to commit mail fraud. The fire in question occurred in 1996, but the relevant mailing was in 2003, which rendered the count within the 10-year statute of limitations. AUSAs: Chris O’Connor and Mike MacDonald.

United States v. Andrews. Andrews fraudulently obtained loans from many people. A jury convicted him of a single wire fraud scheme. The Sixth Circuit affirmed, holding that, if the evidence permits the conclusion, the government is allowed to charge and prove that a series of fraudulent acts constitutes a single “scheme to defraud.” Andrews continued to lie to the victims about what he was doing with the money and continued to (unsuccessfully) invest the money for his own personal gain. All of these actions were part and parcel of the scheme. AUSA: Chris O’Connor.

ADMINISTRATIVE DIVISION

The past year was a challenging one as the Administrative Division lost seasoned employees in two key positions. Mee Thao-Khang, our Budget Officer (BO), transferred at the end of April to another agency in a different district to be near family, and Ellie Drumm, our Human Resources Officer (HRO), retired at the end of May. The entire Division pulled together as a team, sometimes taking on additional work or learning how to do tasks in new areas to help fill gaps left by the departure of our two esteemed colleagues. Fortunately, we were able to recruit two eager and able replacements. Our new HRO, Raphael Trujillo, started in April. In July, our new BO arrived, Elikplim “Biko” Amenuvor, just in time to participate in the year end close-out activities. Both new hires came to us from the Michigan National Guard where they worked as Department of the Army civilian employees. We also temporarily lost our newly hired Information Receptionist, Malorie Newman. She started working with us in February and was called to active duty after only a few short weeks on the job. We anxiously await her safe return home and to our Division.

Our Human Resources (HR) team, consisting of Ellie Drumm (now retired), Raphael Trujillo, and Jettia “Tia” Ramey, had a busier than normal year in the staffing arena as there were departures from the Criminal Division as well as those previously mentioned from the Administrative Division. There were a total of six departures from the office; three AUSAs and three support staff. A total of five support staff and three Assistant U.S. Attorneys (AUSAs) were hired. This included two legal assistants for the Criminal Division, one HRO, one BO, a receptionist, a Smart on Crime AUSA, a Financial Litigation Unit AUSA and a Violent Crimes AUSA. In addition, two Special AUSAs (SAUSAs) were brought on board, one working in the area of Indian

Country litigation and one in the area of Smart on Crime. Our Human Resources Assistant, Tia Ramey, managed the recruitment and on-boarding of five legal interns and three undergraduate interns during the year while also training the new receptionist. Ellie Drumm was able to provide some hands on training to Raphael before she retired which made for a more seamless transition in our HR program and greatly added to our ability to accomplish our mission. Additionally, Raphael attended some off-site training courses in order to learn the DOJ personnel processing systems. Overall the transition has been going well and we are proud of the support the HR team provide the office.

Our Budget team, consisting of Mee Thao-Khang (now with the United States Forest Service), Elikplim “Biko” Amenuvor and Marge Moody, remained diligent with budget and travel management. Approximately 600 travel requests were processed by our Budget Analyst, Marge Moody, during the past year. The implementation of new policies added an extra challenge to the job of ensuring all the travel was in accordance with the updated travel regulations. Marge also worked very hard to cover many of the gaps experienced during the time we had no BO and she continues to fill some of these gaps as the new BO learns the intricacies of the job. Upon his mid-summer arrival, our new BO, Biko, hit the ground running to help as much as he could with our year end close-out. Since that time he has been learning more about the many roles of a BO through on the job training and resident coursework at the National Advocacy Center. He has also been performing in several of those roles, and we look forward to when he will be fully integrated into all aspects of the work as the BO for our district.

Our Support Services team, consisting of Warren “Skip” Olson, Supervisory Administrative Services Specialist, and Administrative Services Specialist, Kelly Johnson, ensured safe, comfortable and well equipped work space in our main office and all branch offices throughout the year. Their responsibilities in facilities management range far and wide to cover all the necessary areas to keep the office running. This year GSA awarded a new lease for our office space in Grand Rapids and Marquette. With the new leases came the opportunity to replace carpeting and wall coverings as well as a few upgrades, included among them, enhanced recycling and more energy efficient controls for lighting. Skip and Kelly wasted no time to begin coordinating with the building manager and GSA so the renovation work could be started in the Grand Rapids office at the end of the year, with the hope it would be concluded in the first half of 2016. The diligent work to finalize material selections and coordinate with the installation contractors really showcased both Skip’s and Kelly’s dedication to providing top notch space for our district operations. The work for the Marquette branch office is projected to occur in the summer of 2016. The team also executed 142 purchase card transactions and 90 contracts this past year to procure the supplies and services needed for all district operations. All in all, a very full year, with another very busy year projected in 2016.

The Information Technology (IT) team, which includes Supervisory IT Specialist Roger Hensley, IT Specialist Tom Keating, Automated Litigation Support (ALS) Coordinator Cindy Niblick, and Malorie Newman (currently deployed with the National Guard) also had a very robust year. Numerous equipment upgrades were completed at all our staffed offices and several new software applications and upgrades were installed. Roger and Tom ensured there was minimal interruption during the upgrades. Some of the new applications required a fair amount of troubleshooting as issues arose. On the ALS front, Cindy seized the rare opportunity to get a commercial trainer through the Office of Legal Education to come to our district to provide a two and a half day, hands on training, for support staff so they could become familiar with new case management software. In addition to being an ALS resource for the district, Cindy provided direct support at nine trials this past year and processed nearly a half million pages of electronic data. The entire unit successfully continued their never-ending quest to maintain adequate space on our servers to handle all the data being generated in the district.

All in all, the Administrative Division successfully tackled many challenges this past year. The teamwork, collective knowledge and experience held in the Division made it possible to handle challenges without noticeable impact to our customers or the mission. The year ahead will have several "out of the ordinary" projects, the largest being the office remodel for both the Grand Rapids and Marquette offices. As always, the Administrative Division will strive for continued improvement and efficiency in our processes while providing excellent support to the District.

OUTREACH, TRAINING & PROFESSIONAL DEVELOPMENT

Community Initiatives:

OUTREACH TO LOCAL SCHOOLS:

This year U.S. Attorney Miles launched *Justice Scholars*, a program designed to foster positive connections between youth and law enforcement as well as the broader legal community while teaching youth about the U.S. Constitution and the criminal justice system. In its pilot year, seventh grade students from the Gerald R. Ford Academy, a Grand Rapids Public School in Southeast Grand Rapids, participated. The program aims to give students a foundational understanding of the protections afforded by the U.S. Constitution and help them think critically about what it takes to develop and maintain a fair and effective criminal justice system. Additionally, *Justice Scholars* exposes students to various careers in the criminal justice system, in hopes of encouraging some students to pursue the education to obtain jobs in the field. Each month over the course of a school year, students learn about the American criminal justice system and stages of the criminal process from "teachers" who work in the field each day, including police officers, Special Agents, forensic scientists, prosecutors, defense attorneys and even judges. As part of the program, students work through a

fact pattern involving a hypothetical crime. The program sessions culminate at the end of the school year with mock trials based on this fact pattern. After the trials, the students receive certificates for their participation in the program. Volunteers from the USAO, the Federal Defender's Office, law enforcement agencies and the federal and state bench were and are integral to the success of the program.

The USAO continued its prior efforts to engage area school-age youth as well. In January, high school students from Grand Rapids Christian High School came to the office to learn about federal law enforcement and the federal judicial system. U.S. Attorney Miles and AUSA Matt Borgula spoke about their careers and highlighted recent significant casework. And Appellate Chief Jen McManus and AUSA Mike MacDonald participated in a mentoring program for high school students sponsored by the Grand Rapids Bar Association. Mike and AUSAs Sally Berens and Mark Courtade likewise spoke on different occasions with middle and high school students from schools in the Grand Rapids area about a range of topics, including civics, government and recent cases.

Throughout the year, US Attorney Miles again mentored a number of students of color at Aquinas College, Grand Valley State University, and Thomas M. Cooley Law School about their education and career choices.

RE-ENTRY:

U.S. Attorney Miles hosted additional *Facing Choices* forums in Lansing, Kalamazoo and Grand Rapids. During the forums, attendees hear dual messages of encouragement and deterrence from state and federal law enforcement officials and prosecutors. U.S. Attorney Miles explains that "On the one hand, we want parolees to know that, if they re-offend, they will be held accountable. Sentences are more serious for people with prior convictions, and parolees who re-offend are a high priority for law enforcement. But we balance that with the equally important and true message: we want them to succeed on parole, have stable jobs, and avoid further contact with the criminal justice system." *Facing Choices* attendees also hear from a formerly incarcerated individual who shares strategies for success while on parole. Community service providers and potential employers attend the event to meet with interested participants. AUSA Kate Zell, upon her arrival, has taken the lead in organizing and enhancing these forums.

AUSA Zell succeeded Tessa Hessmiller in covering the district court's Accelerated Community Entry (ACE) program and attending the Re-Entry Clearinghouse meetings in Grand Rapids as a representative of this office. The Re-Entry Clearinghouse is a network of faith-based and community-based service providers, as well as state corrections personnel, who meet periodically to discuss the coordination of re-entry efforts in Grand Rapids from a multi-disciplinary perspective, formerly known as the Grand Rapids Community Re-Entry Coordinating Council.

CIVIL RIGHTS:

U.S. Attorney Miles again served as co-chair of the Michigan Alliance Against Hate Crimes (MIAAHC), supported by Executive Counsel Don Daniels. At the annual MIAAHC Hate Crimes Conference, U.S. Attorney Miles delivered formal remarks. In addition, the USAO participated in the state-wide Human Trafficking, Health Care Fraud and Hate Crimes Task Forces. AUSA Tessa Hessmiller spoke at the Human Trafficking Conference in Dearborn in October, arranged speakers for the quarterly Kent County Human Trafficking Task Force and developed a specialized human trafficking curriculum for law enforcement, medical personnel and social service agencies, in addition to helping organize a conference and seminar specifically for law enforcement agents on investigating crimes against children.

U.S. Attorney Miles continued to co-chair the Advocates & Leaders for Police and Community Trust (ALPACT) group in Grand Rapids while participating along with AUSA Francesca Ferguson in the ALPACT group in Benton Harbor. The groups work to establish lines of communication and trust between law enforcement and the residents they serve through topical discussions with area law enforcement and community leaders.

In April, U.S. Attorney Miles and First Assistant Andrew Birge met with Grand Rapids area Muslim leaders, the Grand Rapids Chief of Police and Kent County Sheriff over dinner at a local mosque to discuss civil rights, civic engagement and diversity awareness. U.S. Attorney Miles meets semi-annually with the group.

DRUG DIVERSION & ADDICTION:

The head of the Drug Diversion Task Force, AUSA Clay Stiffler, offered presentations or trainings on nine different occasions over the course of the year on the dangers of opioid addiction, the extent of the drug diversion problem and challenges for law enforcement. Audiences included doctors and medical providers in Battle Creek and Kalamazoo, National Public Radio, local media affiliates, state and local law enforcement officers, the State Attorney General's Office and even local elected officials.

HEALTH CARE FRAUD AWARENESS:

AUSAs Adam Townshend and Ray Beckering addressed current trends in health care fraud, the latest in fraud schemes and laws to be aware of to various audiences, including at: the Institute for Continuing Legal Education, Michigan Health Law Institute; the Michigan Association for Home Care, Annual Conference; the Grand Valley State University, Executive MBA Program; Spectrum Health Legal Department Roundtable; the Michigan State University School of Law, Health Law Seminar. Both attorneys also maintained awareness with law enforcement and internal investigators for stakeholders at quarterly Health Care Fraud Task Force meetings.

TRIBAL RELATIONS:

As part of an annual commitment, U.S. Attorney Miles, Tribal Liaison Jeff Davis and other representatives from the office met with the leaders of all federally-recognized Tribes in the District to listen to and address their concerns. In addition to these meetings, Jeff routinely consults with the Tribes on matters germane to the Department's government to government relationship with the Tribes. Jeff and AUSA Hannah Bobee also participate in the Tribal, State, Federal Judicial Forum as the only attorneys among the otherwise judicial participants. The forum addresses pressing issues related to public safety, and child welfare in particular, in Indian Country in Michigan. Likewise, LEC Kaye Hooker, the V/W Unit and AUSAs handling cases Indian Country, participate in various initiatives in aid of public safety in Indian Country, as described below.

U.S. ATTORNEY KEYNOTE ADDRESSES AND FEATURED PRESENTATIONS:

U.S. Attorney Miles also met with and spoke to numerous local organizations and their representatives on a weekly basis throughout the year about the U.S. Attorney's Office and this office's priorities in the Western District of Michigan, including: the Grand Rapids Area "Churchmen's" Luncheon at Westminster Presbyterian Church, keynote lunch speech at the Michigan Association of Municipal Attorneys Spring Educational Conference in Lansing Michigan, keynote speaker at the City of Holland, Michigan "Strong Communities Through Faith" community gathering, Wolverine Bar Association in Detroit, opening remarks at the bi-annual Great Lakes Native American Conference in Green Bay, Wisconsin, Northern Ministerial Alliance community gathering in Kalamazoo about the benefits of forming an ALPACT, opening remarks at the National Association of School Safety and Law Enforcement Officials National Conference in Grand Rapids, Berrien County Prescription Drug & Heroin Conference, Kent County Human Trafficking Task Force announcement event, City of South Haven Speaker Series Featured Speaker, Nigerian Association of Western Michigan Independence Celebration keynote dinner speaker, Michigan Human Trafficking Conference luncheon remarks, presentation to Leadership Grand Rapids Class of 2015, and a panelist at the American Civil Liberties Union's event "Is Grand Rapids the Next Ferguson" at Wealthy Theatre in Grand Rapids.

U.S. Attorney Miles also was invited to speak to a variety of students throughout the year, such as those at a Benton Harbor High School assembly (grades 9-12), Benton Harbor Montessori Academy assembly (Grades 1-8), Benton Harbor Steam Academy at Martin Luther King assembly (grades 1-8), South Haven High School assembly (grades 9-12), Grand Rapids Martin Luther King Leadership Academy (8th grade), Davenport University Alpha League Global Leadership Program (undergraduates), and the Grand Valley State University MBA Program on health care fraud with AUSAs Beckering and Townshend.

Law Enforcement Training Program:

The USAO again organized and hosted training for thousands of law enforcement officers that included: seven sessions on social media, two sessions on effective report writing, four color of law trainings, VALOR training, and trainings on gang investigations, prescription drugs, anti-terrorism for state and local officers among others. [See training list in appendix.] The programs continued to be held in locations throughout the state, at no cost to attendees and minimal (local travel) costs to the office. Anne Towns, Kathy Schuette, Janet Strahan and Gary Gibbons assisted Kaye in organizing the programs, along with EDM I LEC Bob Poikey.

Numerous AUSAs lectured for the programs. The office supported agency-sponsored trainings as well, such as AUSA Clay West's presentation on export control to the FBI Counter-Intelligence Squad and at the Michigan State University Academic Alliance Meeting, and AUSAs Mike MacDonald and Chris O'Connor again taught local law enforcement at the Michigan State University Arson School about legal issues that arise in arson investigations.

In light of the public demonstrations resulting from a law enforcement officer-involved shooting in Ferguson, Missouri in 2014, U.S. Attorney Miles developed a PowerPoint presentation to guide discussions with local law enforcement about their plans to respond before, during, and after such a critical incident. During this past year, he met with local chiefs of police, county sheriffs, and local prosecutors from Berrien County, Ingham County, Kalamazoo County, Kent County, Muskegon County, and Ottawa County, respectively, in this regard.

U.S. Attorney Miles was asked to participate as a speaker on the "21st Century Policing" panel at the 2015 Michigan Association of Chiefs of Police Summer Professional Development Conference in Harbor Springs, Michigan. He emphasized the importance of law enforcement outreach and communication to build relationships and trust with neighbors and community leaders, including those who are younger but have large social media followings.

Victim/Witness Unit:

Victim/Witness Unit personnel again counseled hundreds of lay witnesses and crime victims this year. In 2015, the team surpassed the record-setting figure in 2014 of over 50,000 victim notices by issuing over 83,000 – enormous numbers for a mid-sized district. Most if these notifications were due to the large-scale white collar crime matters the office handles. Anne Towns, who supports both the LEC and V/W services, oversaw the notification system. V/W Coordinators Kathy Schuette and Janet Strahan continue to receive heart-felt thanks from the attorneys and victims alike for their handling of their most sensitive work: their one-on-one contact with crime victims, particularly the victims of violent crime.

Kathy and Janet also participated in substantial outreach, including the Human Trafficking Task Force, the Michigan Alliance Against Hate Crimes and Domestic Violence Task Forces at the State and Tribal level. Janet, Kathy, Teresa Kauppila and AUSAs Jeff Davis, Paul Lochner and Hannah Bobee participated in multi-disciplinary team meetings of Tribal law enforcement and civil service agencies addressing child abuse in both the Upper and Lower Peninsulas of Michigan.

The Marquette office, particularly Teresa Kauppila, was heavily involved during 2015 in the formation of a Children's Advocacy Center in Marquette, Michigan. Currently children who are victims of sexual assault are required to travel to Traverse City or Grand Rapids for assessment. A group of agencies, including the United States Attorney's Office for the Western District of Michigan have been working to secure a Center in Marquette to service the Upper Peninsula.

Legal Community Training:

Members of our staff were again selected by the Department's National Advocacy Center (NAC) to instruct on various topics, including the federal rules of evidence and trial advocacy. Similarly, attorneys lent their expertise to the annual Hillman Trial Advocacy Program in Grand Rapids. AUSAs Maarten Vermaat, Matt Borgula, Jeff Davis, Paul Lochner, Adam Townshend, Ray Beckering and Mike MacDonald lectured at the NAC on subjects ranging from criminal trial advocacy, to evidence, to synthetic drug prosecutions, to crime in Indian Country and health care fraud.

Special Emphasis Program Committee:

The Special Emphasis Program Committee continued to raise cultural awareness and sensitivity within the office through several programs this year. Legal Assistant Lena Newton Chaired the Committee, which was also staffed by AO Sheryl Brugh, AUSAs Clay West, Adam Townshend and Tessa Hessmiller, HROs Ellie Drumm and Raphael Trujillo, IT Roger Hensley, Assistant HRO Tia Ramey, Librarian June VanWingen and Legal Assistant Mariel Santana.

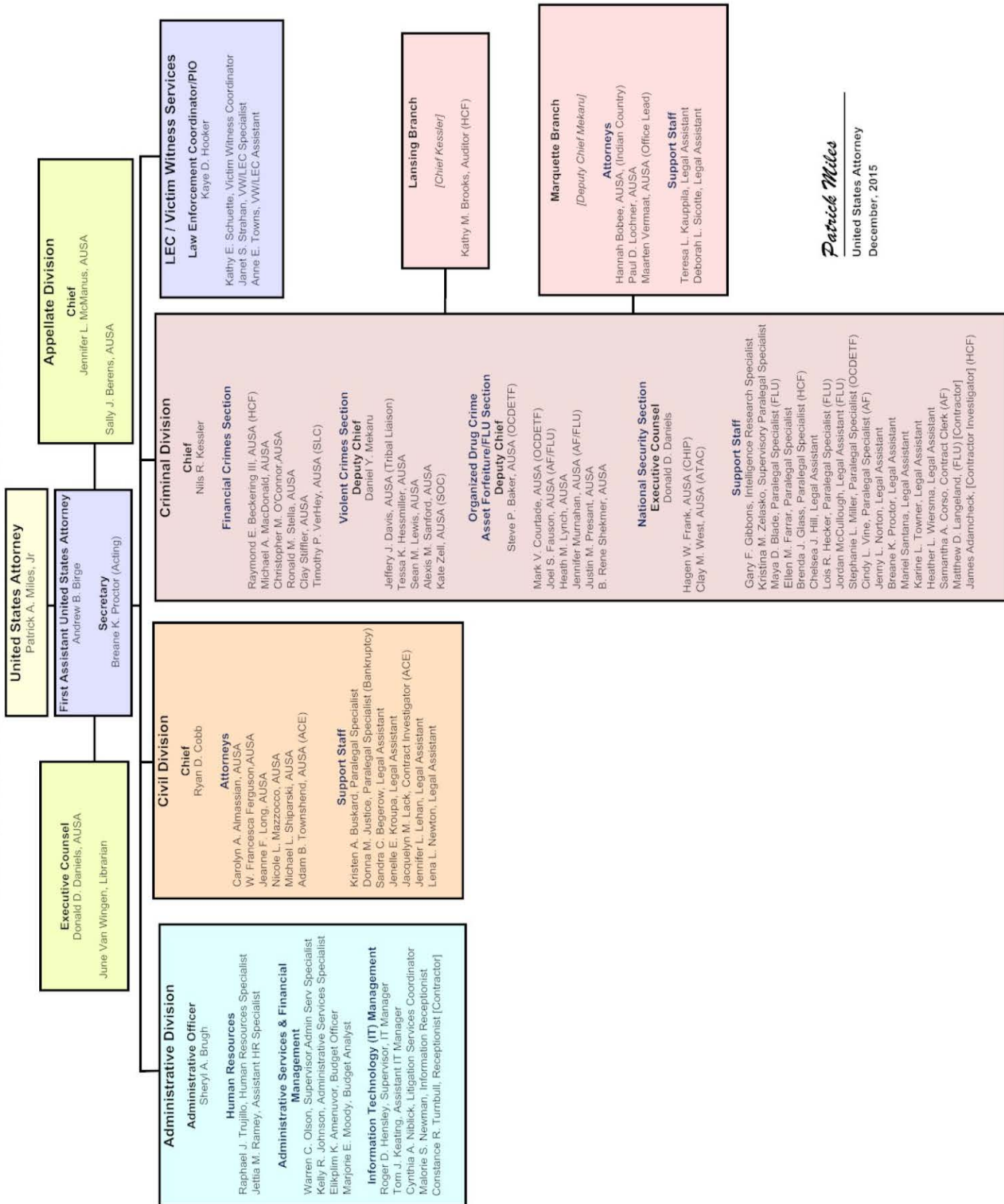
For Disability Awareness month, the Committee invited Disability Advocates of Kent County to offer insights on the perspective of the disabled on preconceived notions and perceptions. Through real world examples, tips and strategies were offered for approaching and engaging disabled individuals as part of a welcoming, inclusive environment. A Marine Corps Color Guard and traditional Marine cake cutting ceremony were conducted as part of the annual Veterans Day program, in which each veteran in the office had an opportunity to talk about their experiences in the military. For Hispanic American Awareness month, the Committee placed biographies of significant Hispanic Americans in common areas and break rooms. The month culminated with a salsa recipe competition preceded by

a brief history and cultural context for salsa. In June, for the first time since the advent of the Special Emphasis Program, the Committee hosted a lunch hour discussion and presentation on LGBT awareness and perspectives. For Constitution Day, the office hosted a viewing of *Selma: The Bridge to the Ballot*. The film tells the story of the 1965 Civil Rights march from Selma to Montgomery, Alabama, to protest "Jim Crow" laws in the South -- a courageous exercise of First Amendment rights to protest the denial of a 15th Amendment right.

Diversity Committee:

Appellate Chief Jen McManus stepped down from her position as Chair of the Diversity Committee after several years successfully overseeing the launch, development and growth of the office's hiring and retention programs, practices and policies. Jen thankfully agreed to remain a member of the Committee. First Assistant Andrew Birge assumed the Chair position. AUSA Carolyn Almassian took Andrew's prior place as Vice Chair and AUSA Chris O'Connor then replaced Carrie as the Secretary. The Committee also welcomed new members AUSA Jeanne Long and HRO Raphael Trujillo.

UNITED STATES ATTORNEY'S OFFICE - WESTERN DISTRICT OF MICHIGAN



Patrick Miles

United States Attorney
December, 2015

CRIMINAL DIVISION

Nils Kessler, Chief

ORGANIZED DRUG CRIME SECTION

Steve Baker, Supervisor &
Deputy Chief

MAJOR NARCOTICS UNIT & ORGANIZED CRIME AND DRUG ENFORCEMENT TASK FORCE:

Steve Baker, Principal
Mark Courtade
Justin Present
Heath Lynch
Rene Shekmer
Stephanie Miller, Paralegal

DIVERSION/PRESCRIPTION FRAUD TASK FORCE:

Clay Stiffler, Principal
Ray Beckering*
Stephanie Miller, Paralegal

ASSET FORFEITURE & FINANCIAL LITIGATION UNIT:

Joel Fauson, Coordinator &
Principal
Heath Lynch
Jennifer Murnahan
Cindy Vine, AF Paralegal
Lois Hecker, FLU Specialist &
Supervisor
Maya Blade, FLU Specialist

VIOLENT CRIMES SECTION

Dan Mekaru, Supervisor &
Deputy Chief

PROJECT SAFE CHILDHOOD UNIT:

Tessa Hessmiller, Principal
Jeff Davis (Southern Indian
Country)
Sean Lewis
Alexis Sanford
Hannah Bobee (Northern
Indian Country)

FIREARMS, BANK ROBBERY, VIOLENT CRIMES UNIT AND PROJECT SAFE NEIGHBORHOOD

TASK FORCE:

Sean Lewis, Principal
Alexis Sanford
Kate Zell, SMOC

INDIAN COUNTRY UNIT:

Jeff Davis, Principal & Tribal
Liaison
Hannah Bobee
[Paul Lochner, Major Felony
VC, Northern
Division]
[Tim VerHey*, SLC, Major
Felony VC, Southern
Division]

MARQUETTE BRANCH:

Maarten Vermaat, Principal
Paul Lochner
Hannah Bobee

FINANCIAL CRIMES SECTION

Nils Kessler, Supervisor
Kris Zelasko, Paralegal
(Supervisory Paralegal
Specialist)

INVESTMENT / BANK FRAUD UNIT:

Mike MacDonald, Principal
Chris O'Connor
Tim VerHey, SLC & TAIR
Clay Stiffler
Sally Berens*

PROGRAM FRAUD UNIT:

Tim VerHey, Principal
Clay Stiffler

TAX FRAUD UNIT:

Mike MacDonald, Principal
Rene Shekmer*

ENVIRONMENTAL TASK FORCE:

Chris O'Connor, Principal
Maarten Vermaat

HEALTH CARE FRAUD TASK FORCE:

Ray Beckering, Principal
Ron Stella
Sally Berens*
Kathy Brooks, Auditor

MORTGAGE FRAUD TASK FORCE:

Ron Stella, Principal
Chris O'Connor
Clay Stiffler

OFFICIAL CORRUPTION TASK FORCE:

Nils Kessler, Principal
Chris O'Connor

SAR TASK FORCE:

Chris O'Connor, Principal
Joel Fauson*
Gary Gibbons, Intelligence
Specialist
June VanWingen, SAR
Specialist

NATIONAL SECURITY SECTION

Don Daniels, Supervisor &
Exec. Counsel

ALIEN OFFENSES UNIT:

Don Daniels, Principal
Clay West
Jennifer Murnahan

ANTI-TERRORISM TASK FORCE:

Clay West, Principal
Hagen Frank
Gary Gibbons, Intelligence
Specialist

IDENTITY THEFT/CYBERCRIME TASK

FORCE:

Hagen Frank, Principal
Clay West

CRIMINAL CIVIL RIGHTS VIOLATIONS TASK FORCE:

Don Daniels, Principal
Clay West

CIVIL DIVISION
Ryan Cobb, Chief

APPELLATE DIVISION
Jennifer McManus, Chief

DEFENSIVE TORTS & IMMIGRATION UNIT:

Ryan Cobb, Principal
Carolyn Almassian
Jeanne Long
Nicole Mazzocco

Jennifer McManus, Principal
Sally Berens

BANKRUPTCY UNIT:

W. Francesca Ferguson, Principal
Michael Shiparski
Nicole Mazzocco
Donna Justice, Paralegal

EMPLOYMENT UNIT:

Carolyn Almassian, Principal
Ryan Cobb
Jeanne Long
Nicole Mazzocco
Michael Shiparski

**COMMERCIAL LITIGATION/PROGRAM LITIGATION
UNIT:**

Michael Shiparski, Principal
W. Francesca Ferguson
Jeanne Long

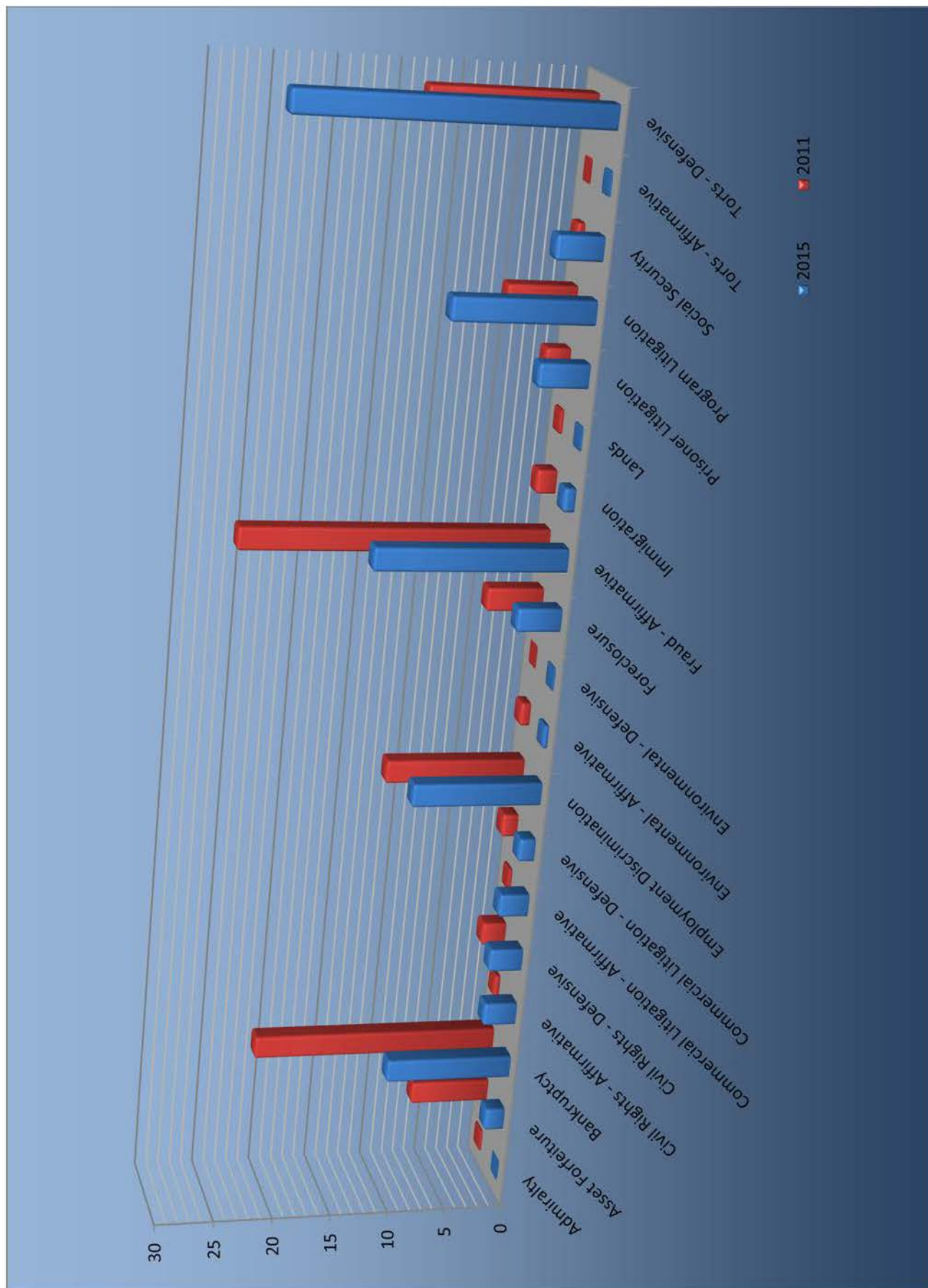
AFFIRMATIVE CIVIL ENFORCEMENT TASK FORCE:

Adam Townshend, Principal
Carolyn Almassian
Ryan Cobb
Nicole Mazzocco
Kristen Buskard, Paralegal

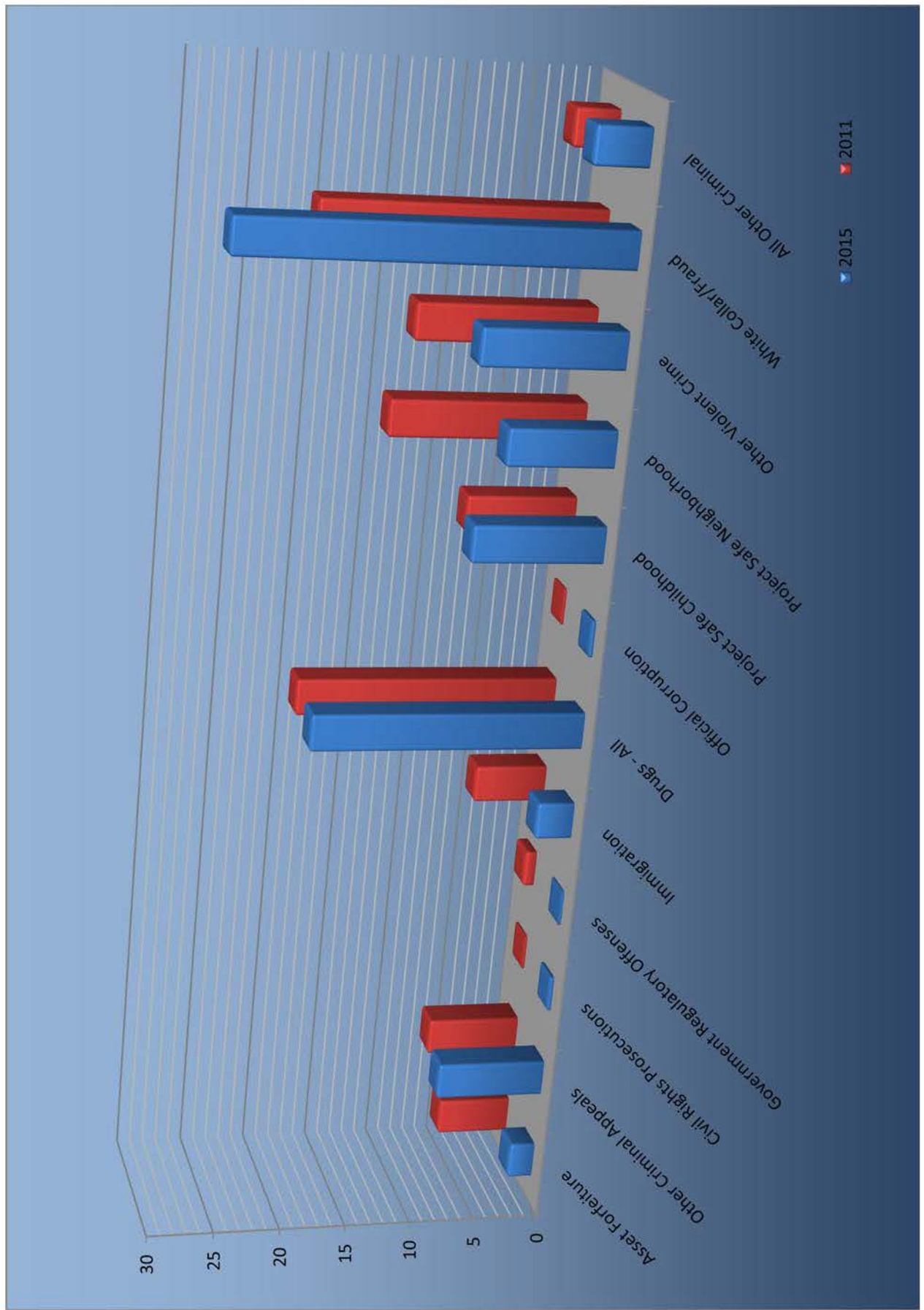
CIVIL RIGHTS TASK FORCE:

W. Francesca Ferguson, Principal
Ryan Cobb

WDMI CIVIL WORKYEAR STATISTICS
 [Time spent on various types of matters as a percentage of the total.]

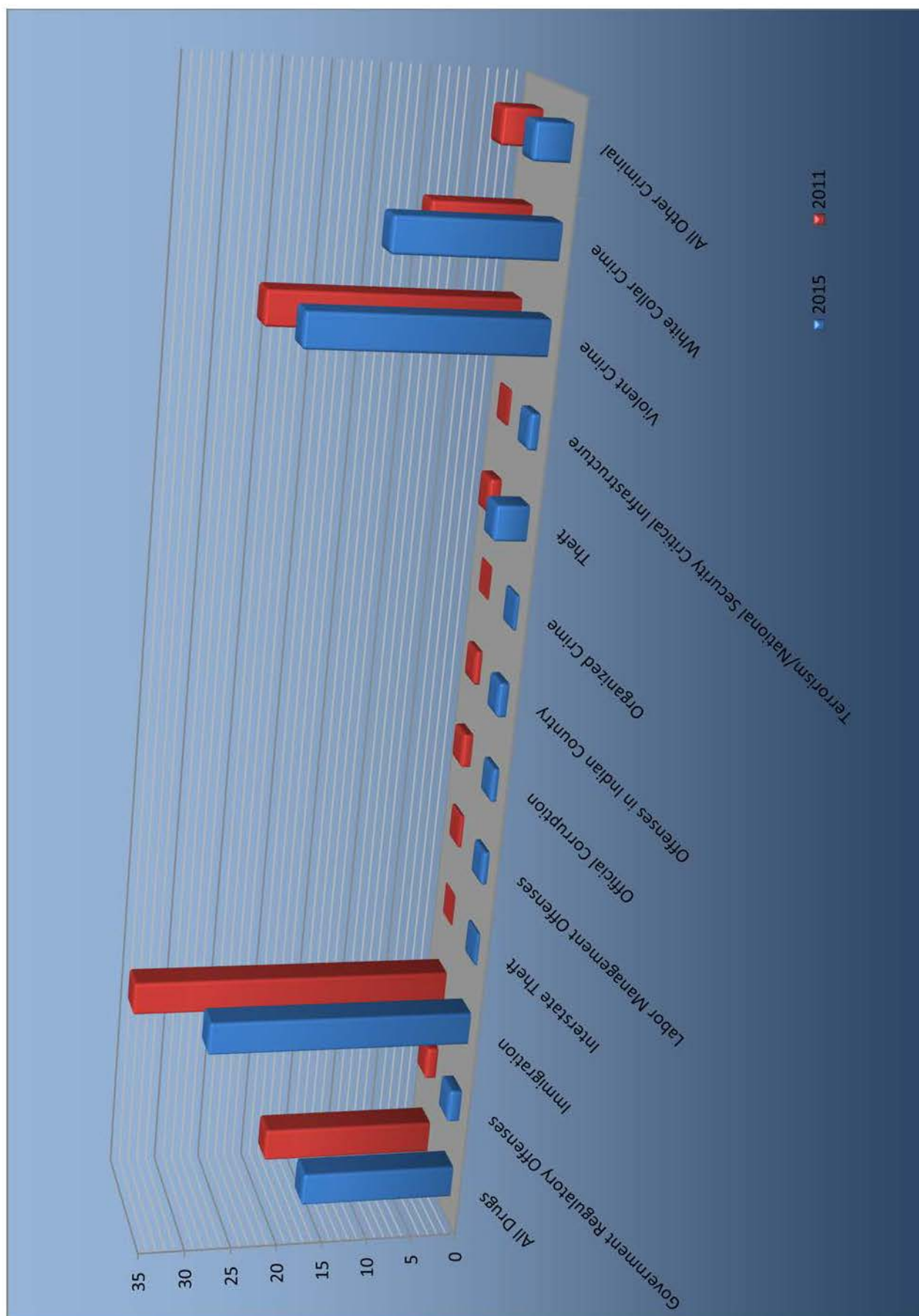


WDMI CRIMINAL WORKYEAR STATISTICS
 [Time spent on various types of matters as a percentage of the total.]



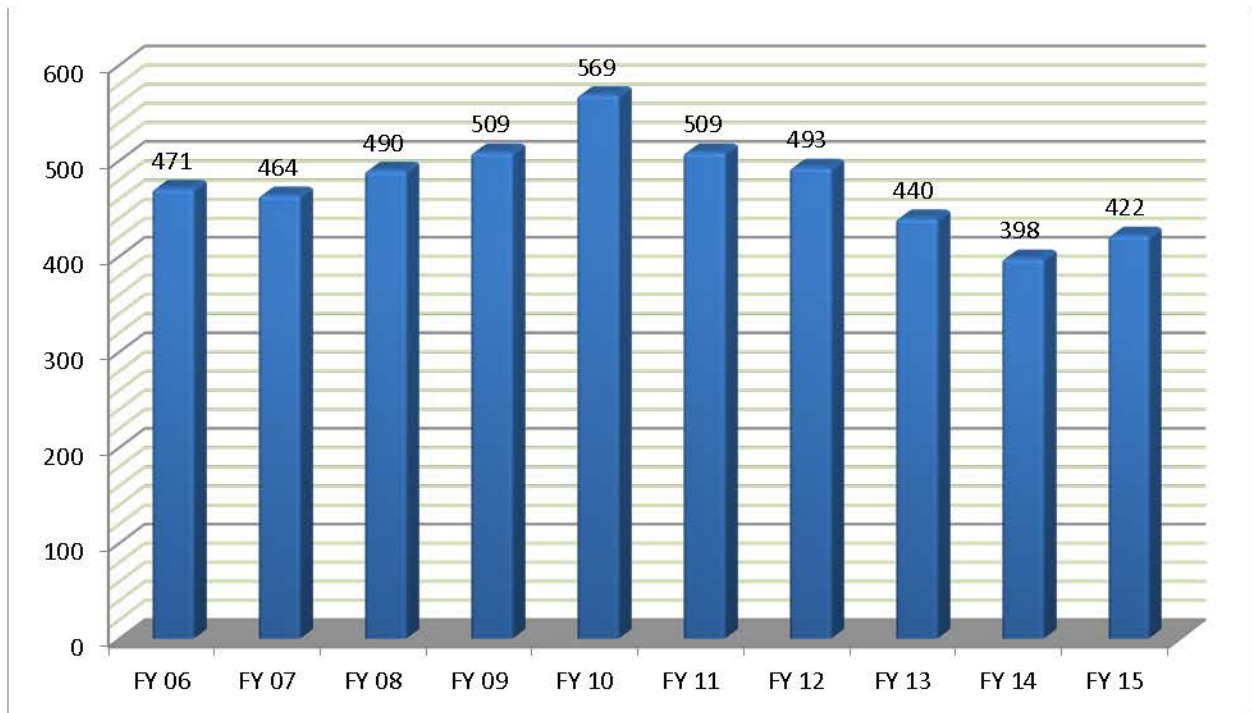
WDMI CRIMINAL CASELOAD STATISTICS

[The types of case we are bringing as a percentage of the total.]



WDMI UNITED STATES ATTORNEYS CRIMINAL CASELOAD STATISTICS

Defendants Guilty

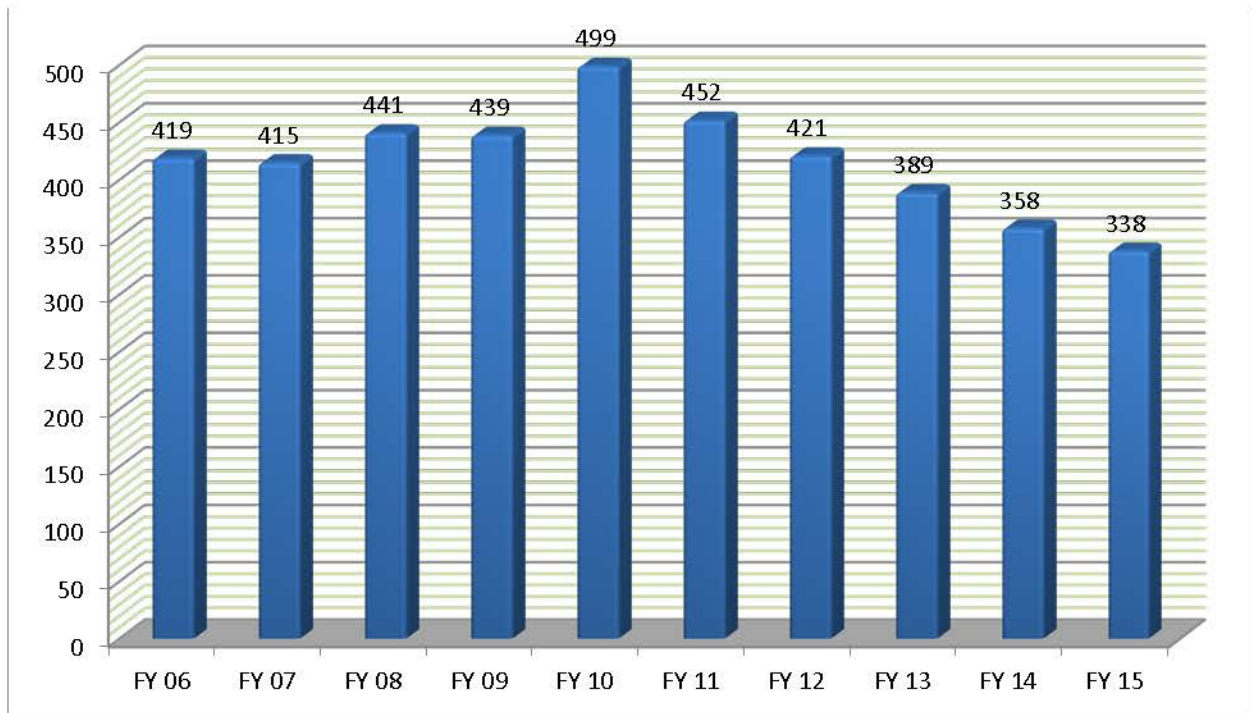


Conviction Rate

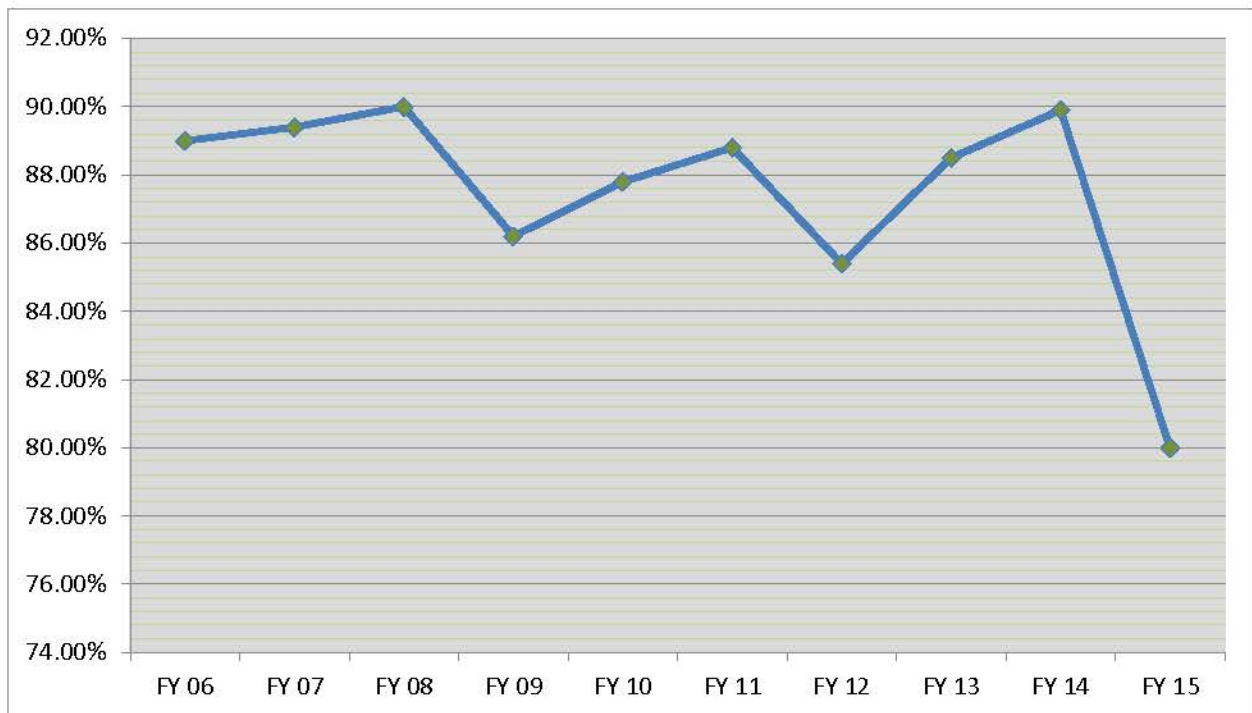


WDMI UNITED STATES ATTORNEYS CRIMINAL CASELOAD STATISTICS

Number of Guilty Defendants Sentenced to Prison

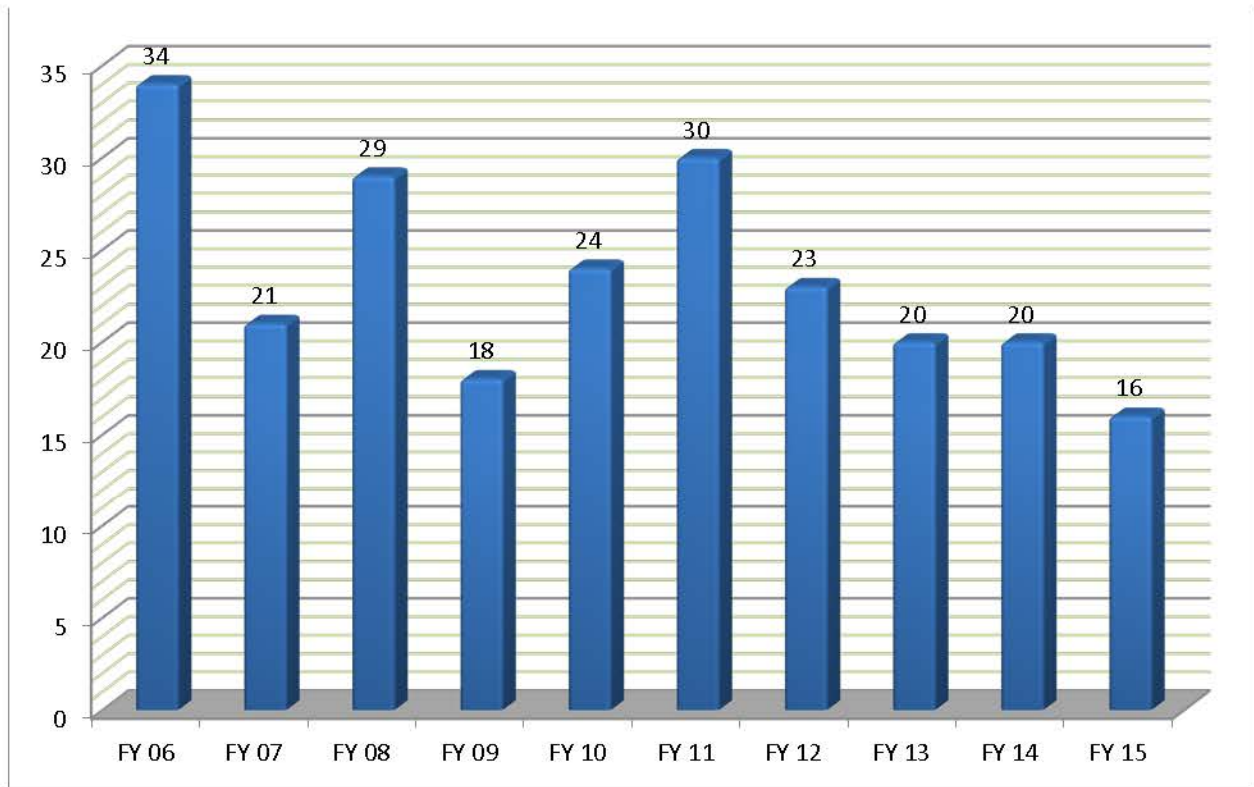


Percentage of Guilty Defendants Sentenced to Prison



WDMI UNITED STATES ATTORNEYS CRIMINAL CASELOAD STATISTICS

Defendants Tried



Defendants Disposed of by Trial as a Percent of Defendants Terminated



Western District of Michigan

Smart on Crime Action Plan 2014 - 2016

I. Introduction

United States Attorney General Eric Holder announced the Department of Justice (DOJ) “Smart on Crime” Initiative in August 2013. Smart on Crime focuses on Prevention, Enforcement, and Prisoner Re-entry into communities. The United States Attorney’s Office for the Western District of Michigan (USAO-WDMI) adopted and implemented the following five key Smart on Crime principles as part of its annual strategic planning process:

- Prioritize prosecutions to focus on the most serious cases that implicate clear, substantial federal interests;
- Address unfair sentencing disparities and overburdened prisons;
- Pursue alternatives to incarceration for low-level, non-violent crimes;
- Improve re-entry to curb repeat offenses and re-victimizations; and
- Increase resources and efforts to prevent violence and protect the most vulnerable populations.

II. Organizational Background

This three year Smart on Crime Action Plan is consistent with the Attorney General’s goals and fits into the USAO’s annual Strategic Plan and structure.

In late 2012, U.S. Attorney Patrick Miles organized the Office’s Criminal Division into the following four Sections: Financial Crimes, Organized Drug Crimes, National Security, and Violent Crimes. Each Section has Task Forces and Units and each Assistant U.S. Attorney (AUSA) is assigned primarily to one Task Force or Unit (and some AUSAs are cross-designated to another Task Force or Unit on an as-needed basis). Task Forces develop and prosecute cases proactively in conjunction with law enforcement and Units prosecute reactive cases. Each Task Force or Unit is led by an AUSA (called a “Principal”) who is the point of contact or primary “go-to” person in a Unit or Task Force. The Principal also submits the group’s annual Strategic Plan for management’s approval, sets the group’s agenda, helps improve the Unit/Task Force members’ skills and knowledge, shares information within the Unit or Task Force about best practices and case strategies, maintains positive agency relations, and ensures the Unit/Task Force adheres to and accomplishes its Strategic Plan.

Beginning in calendar year 2013, each Task Force and Unit as well as the Criminal Division formulates and implements an annual Strategic Plan with specific goals, strategies, and timeframes. The relevant Task Forces/Units with responsibility to address the three Smart on Crime initiatives of Prevention, Enforcement, and Re-entry are Major Narcotics Unit & Organized Crime and Drug Enforcement Task Force, Diversion Task Force, Violent Crimes Unit & Project Safe Neighborhood Task Force, Project Safe Childhood Task Force, Indian Country Unit, Criminal Civil Rights Violations Task Force, and Civil Rights Task Force (Civil Division).

In 2013, U.S. Attorney Miles appointed an AUSA to serve as the Office's Prisoner Re-entry Coordinator who also develops and implements an annual Strategic Plan. By 2014, the USAO had fully implemented the Attorney General's Smart on Crime initiative. This document describes the elements of the USAO's Smart on Crime Action Plan in the USAO's Strategic Plan.

III. Prevention

A. School Programs and Mentoring.

U.S. Attorney Miles believes in the power of education, knowledge, and mentoring. He wants young people to understand the American criminal justice system – how it works overall and how the various pieces fit together. Consequently, he supports USAO programs that educate students, encourages active attorney-student participation, and always accepts invitations to speak to students (elementary, middle school, high school, undergraduate, and law school) about the USAO's work, law careers, keys to success, effective leadership, and/or service.

1. Proposed Student Criminal Justice Program.

In 2014, at U.S. Attorney Miles' direction, the USAO-WDMI designed a program that introduces 7th grade students in urban schools to American criminal law and procedure – from an investigation and arrest through trial and an appeal. The program includes professional presenters such as law enforcement officers, prosecutors, criminal defense attorneys, judges, and parole or probation officers. Such speakers will address the educational and other requirements for their career and provide students with exposure to various law careers.

The program involves a one hour session with a group of 10 to 30 7th grade students each month during the school year. The USAO is willing to coordinate the presenters and substance of the program at a location designated by the applicable urban school district monthly on dates selected by such school district. An AUSA is the primary contact and organizer. Each school district also chooses the participating students – who could be from a government class, or those with interest at a single school or from various schools. If the school district desires students from multiple schools, the school district must arrange appropriate transportation for the students to and from the classroom.

Program Schedule and Presenters

Session One: September – Introduction to American Criminal Justice (AUSA)

Session Two: October – Arrest and Detention (Law Enforcement Officer or Agent)

Session Three: November – The Government's Case at Trial (Prosecutor)

Session Four: December – Defendant on Trial (Criminal Defense Attorney)

Session Five: January – The Judge and Jury (Judge)

Session Six: February – Prison (Deputy U.S. Marshal or Sheriff)

Session Seven: March – Parole (Parole/Probation Officer)

Session Eight: April – Mock Trial Teams (AUSAs)

Session Nine: May – Mock Trial Part II, Participation Certificates, and Closing (AUSAs and U.S. Attorney)

Each participating student receives a certificate from the USAO upon successful completion of the program.

2. Respect for the Rule of Law and U.S. Constitution.

U.S. Attorney Miles and AUSAs frequently speak to students in the WDMI as part of programs or assemblies about American law. Such sessions improve students' understanding of and respect for the rule of law and the U.S. Constitution, provide mentorship to students, offer practical career counseling to focus students on their potential beyond high school, and improve the “pipeline” of diverse students flowing into legal careers in the region. Some of these students have had firsthand interaction with law enforcement and the criminal justice system (e.g., family members who are or have been in prison). USAO participation in these programs also helps give the students a balanced perspective of the system and facilitates a productive dialogue with the community.

3. Mock Trial Programs.

The USAO supports AUSA involvement with high school student mock trial programs. AUSAs coach or observe student performance in mock trials and offer critiques and suggestions based on their experiences.

B. Violence Prevention Outreach.

1. Neighborhood Group Violence Intervention.

The WDMI has eight major cities with relatively high incidents of violent crime and homicides: Benton Harbor, Battle Creek, Grand Rapids, Holland, Kalamazoo, Lansing, Muskegon, and Muskegon Heights. Beginning in early 2014, U.S. Attorney Miles initiated discussions within the USAO and certain communities about introducing an interactive evidence-based approach for group violence prevention and interdiction in each of these cities. Called “Project Ceasefire” in many other districts, this approach involves periodic community group “call ins” in which members of groups who cause and suffer from most of the community’s homicides are told by community members, leaders, activists, and parents that the killing must stop. Law enforcement and prosecutors warn such group members of the serious consequences if it does not.

2. Child Exploitation and Human Trafficking.

The USAO prioritizes human trafficking and civil rights prosecutions through several coordinated efforts with federal, state, and local law enforcement and community organizations. For example, the USAO participates in the Michigan Human Trafficking Task Force (MHTTF) led by the Michigan State University School of Criminal Justice. The MHTTF is statewide and emphasizes prevention, promotes awareness, provides victim assistance, and makes referrals to law enforcement. The USAO also supports the West Michigan Based Child Exploitation Task Force (WEBCHEx) composed of FBI agents, local police officers and detectives. WEBCHEx works collaboratively on child exploitation investigations, including sex trafficking and child pornography

cases. Criminal Division AUSAs assist WEBCHEx in obtaining subpoenas or search warrants and screen matters for potential federal prosecution.

The USAO also maintains regular contact with local juvenile justice centers and shelters for young sex trafficking survivors. These contacts and connections assist in prevention as well as possible prosecutions.

C. Hate Crime Awareness.

U.S. Attorney Miles is a co-chair of the Michigan Alliance Against Hate Crimes (MIAAHC). MIAAHC's mission "is to reduce the occurrence and ameliorate the consequences of hate crimes and bias incidents committed in the State of Michigan. In doing so, MIAAHC will provide or assist with education, training, coordination, data collection, and support to federal, state, local, and community-based entities whose functions include preventing, investigating, prosecuting, or otherwise responding to hate crimes and bias incidents." USAO Executive Counsel Don Daniels also serves on MIAAHC's Steering Committee and is Principal of the USAO's Criminal Civil Rights Violations Task Force.

Through the participation of U.S. Attorney Miles and AUSA Daniels as well as support staff, the USAO helps organize the MIAAHC's state-wide Annual Conference. U.S. Attorney Miles gives remarks, either opening or luncheon, at such conferences.

D. Advocates & Leaders for Police And Community Trust.

U.S. Attorney Miles co-chairs the Grand Rapids Advocates & Leaders for Police And Community Trust (ALPACT) meetings and an AUSA attends the Southwest Michigan (Benton Harbor) ALPACT meetings. The ALPACT coalition was launched in 1998 by the Michigan Roundtable for Diversity and Inclusion to create a platform for dialogue, honest discussion, and relationship building among law enforcement officers, government officials, and community leaders. With the support of the Michigan Department of Civil Rights, several Michigan cities have ALPACT groups. The Grand Rapids ALPACT began meeting in 2012 and Southwest Michigan ALPACT began meeting in 2014.

IV. Enforcement

A. Violent Crime Reduction Task Forces.

Shortly after assuming office in July 2012, U.S. Attorney Miles instructed USAO Violent Crimes Section AUSAs to cease taking simple felon in possession 922(g) cases referred from local police departments without demonstrating a clear federal interest. Along these lines of shifting USAO prosecutions from quantity to quality, in 2013, U.S. Attorney Miles created Violent Crime Reduction Task Forces with participation from the County Prosecutor's Office, County Sheriff's Department, Police Department, Michigan State Police, and FBI or ATF in the respective cities of Benton Harbor, Battle Creek, Grand Rapids, Kalamazoo, Lansing, and Muskegon/Muskegon Heights. He designated an AUSA from the USAO's Violent Crime Task Force to lead or serve on each City's Violent Crime Reduction Task Force. Each Violent Crime Reduction Task Force develops a locally-tailored plan to address such community's violent crime, meets regularly, and coordinates investigations, arrests and prosecutions.

B. Charging Decisions.

The USAO's Major Narcotics Unit & Organized Crime and Drug Enforcement Task Force (OCDETF) narrowed its focus to large-scale, interstate and international narcotics distribution organizations. Deemphasizing the volume of prosecutions enables the USAO to concentrate resources on cases involving a substantial federal interest. In addition, the USAO is actively implementing the Attorney General's policy of tailoring charges to reflect the individual responsibility of each participant in a drug offense.

C. Retroactive Sentence Reduction.

The USAO's Criminal Division Chief participates in a WDMI Working Group convened by the Chief District Court Judge to develop and adopt procedures for the Court's consideration of motions by defendants for sentence modifications arising from Amendment 782 of the United States Sentencing Guidelines. In addition, the USAO dedicates an experienced Criminal Division AUSA to the Working Group. This AUSA not only participates in Working Group activities, but serves and will continue to serve as the centralized reviewer of modification motion responses for the USAO and tracks and advises USAO attorneys on updates in the law and procedure governing Amendment 782 motions.

D. Clemency Initiative.

Shortly after the April 2014 announcement of the Department of Justice's Executive Clemency Initiative, U.S. Attorney Miles directed the USAO to review, to the extent possible, all drug convictions prior to the year 2004 for potential defendants who might be suitable under the DOJ's criteria for executive clemency. The Criminal Division Chief had all available records reviewed, identified potential candidates, personally evaluated over 50 files and forwarded eligible candidates to the U.S. Attorney.

V. Re-Entry

A. Accelerated Community Entry.

In 2005 the Federal District Court in WDMI, with the assistance of the U.S. Probation Department, USAO, and Federal Defenders' Office, implemented one of the first federal re-entry programs in the United States: a Court-ordered supervised release program called "Accelerated Community Entry" (ACE) to improve re-entry for those ex-offenders with the highest risk of recidivism. The ACE program is managed by the U.S. Probation Department. Ex-offenders participate in ACE for two years. Participants can receive "rewards" by meeting certain goals established by Probation Officers and a third party contract service provider which engages participants in "Moral Reconciliation Therapy" sessions. Likewise, participants can receive a sanction each month from the Court, such as community service, reporting requirements, assignments, curfew, travel restrictions, or being placed in custody (e.g., in a half-way house for weekends).

Participants make monthly court appearances in their first year of supervised release to address their progress and receive an award or sanction. The District's Chief Judge and a Magistrate Judge preside at such appearances. An AUSA (i.e., the USAO's Re-entry Coordinator) and a Federal Defender prepare for and attend both the monthly ACE meetings to discuss each current participant as well as the monthly court appearances by participants. The ACE program also focuses on family support, employment, and community mentors.

B. Facing Choices.

In 2014, U.S. Attorney Miles implemented a new ex-offender outreach effort in the WDMI to reduce recidivism and, in particular, reduce gun violence. The “Facing Choices” sessions are organized by the USAO with the assistance of the Michigan Department of Corrections and occur throughout the year in the Cities of Kalamazoo, Grand Rapids, and Muskegon with recent state parolees. Speakers include representatives from the USAO (typically, U.S. Attorney Miles), County Prosecutor’s Office (typically, the County Prosecutor), local Police Department (typically, the Chief), ATF, and Michigan Department of Corrections as well as successful ex-offenders. The messages are of support, encouragement, warnings, and incentives for the parolees to make positive, law abiding decisions and to take advantage of the resources available to them during their parole or face serious consequences.

C. Pretrial Diversion.

Several years ago the USAO entered into a Memorandum of Understanding (MOU) with the U.S. Probation and Pretrial Services Office for the operation of a WDMI pretrial diversion program. The pretrial diversion program is under the auspices of the USAO and provides an alternative to criminal prosecution for selected persons. It places them in a program of supervision administered by the U.S. Probation and Pretrial Services Office. Pursuant to the MOU, the U.S. Attorney may divert any individual against whom a prosecutable case exists and who is not (a) accused of an offense which, under existing DOJ guidelines, should be diverted to the State for prosecution, (b) a person with two or more prior felony convictions, (c) a public official or former public official accused of an offense arising out of an alleged violation of public trust, or (d) accused of an offense related to national security or foreign affairs.

D. West Michigan Re-Entry Coordinating Councils.

Service providers and government agencies established the Greater Grand Rapids area established The Re-Entry Clearinghouse (f/k/a Grand Rapids Community Re-Entry Coordinating Council) in 2008 as a network of faith-based and community-based service providers, as well as state corrections, federal probation, and parole personnel, who meet periodically to discuss the coordination of re-entry efforts in Grand Rapids from a multi-disciplinary perspective. U.S. Attorney Miles and the USAO Re-entry Coordinator spoke at one of the group’s 2014 meetings. The USAO’s Re-entry Coordinator is now invited to attend the group’s meetings.

E. Indian Country Re-Entry.

The WDMI has 11 Federally-recognized Native American Tribes, the most of any district east of the Mississippi River. In 2015, with the USAO’s full support, one of the Tribes in the WDMI applied to participate in one of the three regional Intergovernmental Re-entry Workshops hosted by DOJ, Office of Justice Programs, Bureau of Justice Assistance (BJA), in partnership with the Executive Office for U.S. Attorney’s National Indian Country Training Initiative. The workshops are called: *From Federal, State, and Tribal Correctional Facilities to Communities in Indian Country*. The workshop will provide participant teams with a set of guidelines, principles, and tools to assist in the development of re-entry strategies for tribal members returning to their communities after a period of secure confinement in federal, state, or tribal facilities. The Tribe’s workshop re-

entry planning team includes a representative from the Tribe's Council, Court/Judiciary, Behavioral Health/Health Services/Indian Health Services, Victims' Services, Probation Office, Prosecution Office, Detention/Corrections, Law Enforcement, and Budget/Finance Department.

F. Effective Re-Entry Summit.

The USAO, in conjunction with the USAO-EDMI, asked Michigan law enforcement professionals, service providers, corrections and probation officers, as well as judges from every part of the state to gather and network at a prisoner re-entry summit at Cooley Law School in Lansing on May 6, 2014. Summit participants shared ideas and best practices in state and federal courts Michigan and also connected with service providers. Future collaborations and meetings are expected as a result

2015 LAW ENFORCEMENT TRAINING

January 22	Effective Report Writing	Taylor
February 25	Social Media	Taylor
March 10	ALLERT	Ypsilanti
March 19	Effective Report Writing	Mason
March 25-26	IADLEST Training	Taylor
April 21-23	CJIC Training	Mt. Pleasant
April 30	Social Media	Lansing
May 6	Project Safe Childhood	Grand Rapids
June 9-10	Sentencing Commission	Grand Rapids
June 18	SLATT	Ypsilanti
June 24-26	GLNAC	Green Bay
June 25	Social Media	Taylor
July 27	House of Worship	Detroit
August 13	Prescription Drugs	Gaylord
September 1	Title 28 CFR	Grand Rapids
September 16-17	Complex Case Investigations	Bay City
September 23-25	ERASE	Flint
September 23	Social Media	Flint
September 24	Social Media	Grand Rapids
September 28-30	ERASE	Flint
September 29	Gangs	Mt. Pleasant
October 6	Color of Law	Flint
October 7	Color of Law	Taylor
October 8	Color of Law	Lansing
October 9	Color of Law	Grand Rapids
October 14	CRASE	Flint
October 15	CRASE	Grand Rapids
October 20-22	CJIC	Wayland
October 26	Job Fair	Detroit
November 9	VALOR	Suttons Bay
December 15-16	Social Media	Taylor