

YEAR IN REVIEW

Year 2018



United States Attorney's Office
Western District of Michigan

Andrew Byerly Birge
United States Attorney

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Introductory Message



ANDREW BYERLY BIRGE
UNITED STATES ATTORNEY
WESTERN DISTRICT OF MICHIGAN

I feel honored to write the Year in Review introductory message for a second time as your United States Attorney for the Western District of Michigan.

Where last year the Office transitioned to new priorities and significantly increased its overall caseload with limited means, this year we secured substantial additional resources to expand our ever-increasing efforts. In early June, the Attorney General awarded the office four new attorney positions. The additional positions mark an increase of over ten percent of this Office's prior allocation of attorney positions. These attorneys will focus on the Department's priorities of reducing violent crime rates, countering criminal violations of immigration law, and pursuing affirmative civil enforcement, including actions to address health care fraud and the diversion of drugs from the regulatory stream by health care professionals. The office also secured additional career and contract support positions to assist the attorneys. I look forward to seeing the positive impact of these new resources on West Michigan in the coming years.

While awaiting the arrival of the additional resources, the attorneys and staff already on board continued to secure outstanding results, as recounted in this report. Attorneys in the Criminal Division prosecuted over twenty percent more defendants than last year, largely due to our targeting of large criminal drug operations as well as identity theft and bank card schemes, while maintaining a conviction rate of about 94%. The Civil Division likewise saw an increase in the overall civil caseload and with continued positive outcomes. Among other results, Civil Division attorneys succeeded in the outright dismissal of three cases in which the plaintiffs had sued the government for a total of over \$100 million. None of these outcomes would be possible without the capable support of the Administrative Division.

Thank you in advance for reviewing this report. I hope what you read gives you confidence the people of West Michigan are well served by the dedicated professionals in this office.

Sincerely,

A handwritten signature in blue ink, appearing to read "A. Birge", written over a light blue horizontal line.

ANDREW BYERLY BIRGE

EXECUTIVE SUMMARY

In 2018, the office secured substantial additional personnel resources, even as many long-term colleagues retired or moved on to new opportunities. Beginning to make the transition to an office of proportionally more recent arrivals than in the past while meeting the challenges of the Department's priorities became the story for this year. Fortunately, our strong cadre of senior attorneys, one of whom received a national award this year, continue to lead us forward.

In May, as part of a national roll-out, Attorney General Sessions allocated four new AUSA positions to the Western District of Michigan, which marks an increase of over ten percent of our prior allocation of attorney positions. Two of the positions will focus on violent crime, with particular attention on the Project Safe Neighborhoods (PSN) initiative. Under that initiative, the office partners with federal, state and local law enforcement to bring down violent crime rates, principally by prosecuting the individuals and groups who drive those rates. The third position will focus on affirmative civil enforcement, which includes actions to address health care fraud and other forms of federal program fraud as well as the diversion of drugs from the regulatory stream by health care professionals. The fourth position will focus on prosecuting immigration crimes, including fraudulent identification document production and worksite enforcement. In keeping with the professional development of all attorneys in the office and the needs of the district, the new hires will assist on other initiatives as needed. The office also secured additional support positions, specifically a career position for criminal litigation and a new contract position to support affirmative civil work. Between May and the end of the year, managers spent considerable time engaged with the hiring process to assure the very best were brought on board to serve the district.

While awaiting these new arrivals, the Criminal Division was particularly active in pursuing the Department's goals and objectives, bringing more cases and charging more defendants in fiscal '18 than in each of the past five years. The number of defendants charged with violating firearm laws, a common measure of our PSN efforts to address local violent crime, were up 74% over the prior five-year average. In total, the office charged 22% more defendants than last fiscal year. Much of that increase came in large-scale drug trafficking investigations and in multi-defendant white-collar schemes. The office charged over 30% more defendants in drug cases than last year with a higher average number of defendants per drug case than at any time in the past 13 years. In other words, we went after the trafficking organizations our local law enforcement partners can't be expected to reach on their own. And when it comes to opioids, we secured convictions in cases where the distribution resulted in an overdose death and carried the powerful deterrent message of a

mandatory life sentence. On financial crimes, the office punched well above its weight. The United States Sentencing Commission noted in a report on financial prosecutions that the Western District of Michigan, though a mid-sized district, was one of three districts that together accounted for half of the economic crime prosecuted in the entire Sixth Circuit (that consists of nine districts).¹ Although we brought nearly as many alien cases as in prior years, they reflected a lower proportion of our overall caseload given the increases elsewhere.

In the Civil Division, Social Security, Bankruptcy, commercial and environmental caseloads were up. But complex defensive tort litigation continues to dominate our time. We were quite successful in defensive cases, securing several outright dismissals in cases seeking a total of over \$100M and ultimately paying out only 1.4% of over \$223M claimed in all defensive cases. In the coming year, we expect substantial increases in affirmative fraud matters as our new ACE attorney and support settle in and we see additional referrals from our agency partners who likewise are increasing their staffing in West Michigan.

Our Administrative Division labored through a staff shortage in purchasing & contracting and an avalanche of human resources work with the substantial increase in staffing along with the retirements. Nevertheless, the office was well supported, as demonstrated by the productivity in litigation.

Community outreach efforts, as with last year, focused on the opioid epidemic, offender re-entry, law enforcement training and our government-to-government meetings with the eleven Tribes in the district.

ARRIVALS, DEPARTURES and PROMOTIONS

Arrivals:

AUSA Jonathan Roth transitioned from serving as a cross-deputized Special Assistant U.S. Attorney from the Ingham County Prosecutor's Office to a full-fledged Criminal Division AUSA in July. He began his career with the Ingham County Prosecutor's Office ten years ago, rising to the level of supervisor of other felony prosecutors in addition to handling major felony prosecutions of his own. Before and since joining our office, he has had a leading role in the Project Safe Neighborhoods Program in Lansing. Jonathan obtained his J.D. from Michigan State University School of Law and a B.S. in Pure Mathematics from the University of Michigan.

AUSA Tonya Long transferred to our Office in September from the U.S. Attorney's Office in the Southern District of Florida. In Florida, she first handled trial work and then transitioned to exclusively appellate work over the course of three years there. In our office, she will be handling both trial and appellate work as an AUSA in

¹ Courtney Semisch, Ph.D., *What Does Federal Economic Crime Really Look Like?*, "p. 10 (UNITED STATES SENTENCING COMMISSION, Jan. 2019) ("[I]n the Sixth Circuit, three districts accounted for about half of economic crimes: the Eastern District of

Michigan (19.2%; n=120), the Northern District of Ohio (18.4%; n=115), and the Western District of Michigan (13.6%; n=85).").

the Appellate Division. Tonya is a native Michigander who graduated *summa cum laude* from Northwood University, and then from Harvard Law School, where she served as Executive Editor of the Harvard Law Review. In between, she taught students with special needs algebra for two years in Texas as part of the Teach for America program. After law school, she clerked for a federal district court judge in California and for Judge Cole on the Sixth Circuit.

AUSA Austin Hakes joined the Violent Crimes Section of the Criminal Division in September on the same day Tonya started. For the last four years, Austin served as a United States Marines Judge Advocate, most recently stationed in Hawaii, where he handled various criminal matters as a defense counsel. Before his military service, he clerked for Michigan Supreme Court Justice David Viviano for two years. During law school, he interned one summer with the U.S. Attorney's Office headquarters location in Grand Rapids. Austin spent much of his childhood in Kenya as the child of missionary parents, but secured his higher education far more locally. He graduated from Calvin College as a McGregor Scholar and then *cum laude* from the University of Michigan Law School, where he earned a Robert B. Fiske, Jr., Fellowship for government service.

AUSA Daniel McGraw joined the Narcotics Section of the Criminal Division in October. He came from the Department's Tax Division where he prosecuted criminal tax, fraud and money laundering cases in federal district courts around the country. Before joining the Department, Dan clerked for the Hon. James C. Cacheris of the Eastern District of Virginia as well as a federal Magistrate Judge and a Virginia State Circuit Judge. Dan graduated *cum laude* from the Catholic University of America, Columbus School of Law, where he was Staff Editor and Editorial Assistant on the Catholic University Law Review. Similar to Tonya's career path, before embarking on a career in law, Dan taught Special Education for 7th and 8th graders in Washington D.C. under the Teach for America program. He has a Master's Degree in Education from George Mason University and a B.A. from the University of Michigan.

AUSA Andrew Hull joined us in October, filling our recently allocated second Affirmative Civil Enforcement position that will concentrate on health care fraud and the opioid epidemic. Andrew spent the last four years as an Associate at Hyman, Phelps & McNamara, P.C., in Washington, D.C., representing clients in criminal and civil litigation under the Controlled Substances Act, the False Claims Act, the Administrative Procedure Act, and the Federal Food, Drug, and Cosmetic Act. He spent his first year out of law school as a law clerk for the Hon. John J. Mulrooney, II, Chief Administrative Law Judge for the Drug Enforcement Administration. Andrew graduated *summa cum laude* from both the Regent University Law School, in Virginia Beach, Virginia, and Patrick Henry College, in Purcellville, Virginia. Since 2012, Andrew authored or co-authored more than a dozen publications on subjects ranging from Federal Rule of Evidence 606(b), to the FDA's facilities inspection authority, to developments in whistleblower protection law.

AUSA Vito Solitro, a trial attorney in the National Courts Section of the Civil Division in Main Justice in D.C., joined the Narcotics Section of our Criminal Division just after the start of the new year. In the National Courts Section in D.C., he represented the United States and its agencies in dozens of civil actions -- primarily breach of contract and bid challenges -- in dozens of federal courts throughout the country. Prior to joining DOJ three years ago, Vito worked as a Litigation Associate for five years at Barack Ferrazzano Kirschbaum & Nagelberg LLP in Chicago, where he handled primarily affirmative civil work in state and federal courts. Vito grew up on the east side of Michigan as a first generation American. He obtained his undergraduate and law degrees from the University of Michigan, graduating with high distinction and *cum laude* respectively.

AUSA Kristin Pinkston joined the Violent Crimes Section of the Criminal Division shortly after the start of the new year. Right out of law school, Kristin became an Assistant Corporation Counsel (a trial attorney) with the City of Chicago Law Department, serving the last seven years as a Supervisor in the Federal Civil Rights Litigation Division. There, she handled Section 1983 claims against city employees, primarily defending law enforcement officers. Kristin obtained her law degree from the Indiana University Maurer School of Law, where she was on the Dean's List and a Sherman Minton Moot Court Competition Quarterfinalist. She obtained a Bachelor of Science degree from Saint Louis University *summa cum laude*, anticipating a career in audiology before changing course and heading to law school.

AUSA Erin Lane accepted our offer in the fall to join the Violent Crimes Section of the Criminal Division shortly after the start of the new year—a start delayed by national budget issues. Erin will handle immigration matters along with firearm and drug-related violent crime as needed. She came to us from the U.S. Department of State Bureau of International Narcotics and Law Enforcement Affairs (INL). Operating primarily out of Honduras for the last three years, she advised Honduran police on violence prevention, gang interdiction and community policing. Previously for INL, she served in Kabul, Afghanistan and Kinshasa, Democratic Republic of Congo. Erin is a native of Grand Rapids, Michigan, and interned with this office while in law school. She earned her law degree from Michigan State University College of Law, graduating *magna cum laude*. She earned a Bachelor of Arts in Criminal Justice and a Bachelor of Science in International Studies from Loyola University Chicago, graduating *summa cum laude*.

Leann Smith joined our office in June as a contract Receptionist and later accepted a career position with us as a legal assistant in the Criminal Division. Leann previously worked as a Vault Processor for Brinks, an Attendant at Firekeeper's Casino and Security Officer/Receptionist for Securitas. She is working her way through school, recently completing coursework in Legal Administrative Assistance at Kellogg Community College.

Megan Lewis joined us in the summer as a Legal Assistant for the Civil Division. She will help with the Social Security docket as well as the ongoing growth of the overall civil caseload. For the preceding four years, Megan was a Legal Assistant with Schmidt, Salzman & Moran, Ltd, in Chicago, Illinois. Before joining the firm, she coordinated patient scheduling for fifteen locations and forty physicians for DuPage Medical Group. She has a Bachelor of Arts degree, with a focus on International Political Economy, from Carthage College.

Adam Billingsley, our new Contract Specialist in the Administrative Division, came to us in December from the Defense Contract Management Agency where he served as a Contract Administrator. Incidentally, this is the same place both Roger Hensley and Tom Keating, our IT specialists, worked prior to joining the office. Adam graduated from Ferris State University, earning a degree in Criminal Justice. He served five years in the Army, with two tours in Afghanistan. He will team with Kelly Johnson in Facilities and Support Services for our office.

Anne Ackerman is our new Administrative Division Secretary. Anne is from Iowa, where she worked for the Department of Veterans Affairs as a Voluntary Service Assistant. She has a degree in Spanish and International Studies from the University of Iowa. Anne will be working in the Administrative Division providing support to the office in several areas, include front desk, time keeping and payroll assistance.

Under a witness services contract, **Daniel McDonough** joined our Victim/Witness Services Unit in late December. Along with Kathy Schuette, he will support our trial work. Before joining us, Daniel provided legal support over the course of two years as a Legal Assistant and Paralegal at Stenger & Stenger and then at Brandon Gardner & Associates. Daniel is a United States Marine and, as a Marine, he has earned Good Conduct and National Defense Medals. Last April, he earned a B.A. in Legal Studies/Criminal Justice from Grand Valley State University.

Tina Allen accepted the office's new Affirmative Civil Enforcement (ACE) litigation support specialist contract just before the end of the year. She will primarily assist our ACE attorneys on affirmative fraud matters, including health care fraud. Before joining us, Tina served as a staff attorney for Cosmich, Simmons and Brown SBS, PLLC, worked on a contract basis for the Miller Canfield firm and ran her own practice. She holds a law degree from Thomas M. Cooley Law School and earned her Bachelor of Science degree *summa cum laude* from Ferris State University.

Departures:

AUSA Mike MacDonald retired at the end of June after more than 30 years with the office and an entire career in public service. He started his legal career with the Kalamazoo County Prosecutor's Office. Before long, Mike joined the USAO where he secured a reputation for thorough preparation, attention to detail and amassing overwhelming evidence, leaving no room for acquittal. Over the years here, he served a stint in management, became a

perennial lecturer at the National Advocacy Center on the rules of evidence, and secured many accolades and awards from the office and agencies alike, including most recently a *Director's Award* and an ATF HONOR AWARD for leading the successful prosecution of serial arsonist and insurance fraudster Gerald Singer. His wealth of experience and steady presence will be missed.

AUSA Tessa Hessmiller accepted a position in the private sector – though fortunately not with the defense bar. She went in house and teleworks for Automattic, a San Francisco-based web company. Tessa originally joined our office at the very end of 2012, and quickly amassed wide recognition and accolades from within and without the government sector for her work combatting human trafficking and child exploitation. In 2016, she won an UNSUNG HERO Award from the State Bar of Michigan and this past year she received a BRILLIANCE AWARD from West Michigan Women magazine. Tessa came to us following her full term of service in the Army JAG Corps, where she served as a prosecutor handling criminal courts martial. She obtained her law degree from Georgetown University, *cum laude*, and received her undergraduate degree from the Princeton University Woodrow Wilson School of International Affairs.

AUSA Maarten Vermaat was selected to become the next U.S. Magistrate Judge for the Northern Division, succeeding Magistrate Judge Timothy Greeley upon his retirement. Maarten originally joined the office in 2003, moving his family from Alaska to the comparable climate of Michigan's Upper Peninsula. He handled all manner of criminal cases as a Criminal AUSA in our Marquette office and served as the branch office lead for the latter half of his tenure. Maarten earned his law degree from Yale University and his undergraduate degree from the Naval Academy. In between degrees, he served as a Marine Corps fighter pilot. Maarten becomes the second sitting Magistrate Judge in the district who transitioned directly to the bench from our office, as former AUSA and now Magistrate Judge Phil Green sits in Grand Rapids.

Kaye Hooker retired at the end of December, after over 33 years as our Law Enforcement Coordinator. Kaye first worked in our office as a law student at Cooley Law School, and then joined the office full time after she secured her degree. She was one of the first LEC's hired in the country and over the years defined the position, both by example and through instruction. She presented many times at the National Advocacy Center and, along with her colleagues, earned a Director's Award for the law enforcement training program she helped develop and jointly managed for many years in both the Eastern and Western Districts of Michigan. Given the collateral duty of Public Information Officer many years ago, she also became the name and voice of the office for a multitude of media outlets. Succeeding U.S. Attorneys will unfortunately miss-out on the steady assistance with the press and outreach programs.

Janet Strahan, one of our two Victim Assistance Specialists, also retired at the end of December. For fifteen years, Janet elevated the quality and professionalism of the service we provide the victims of crime. She also supported much of our law

enforcement training program, particularly as applied to victim issues. Janet tirelessly traveled and spoke throughout the district, including specifically with Tribes and Tribal victim advocates. And she was known to be a constant contributor to Special Emphasis Program events hosted by the office to foster cultural understanding and a welcoming environment. She will be difficult to replace.

Chelsea Hill accepted a position with our local U.S. Marshals Service, handling and processing warrants and prisoner transfers. Chelsea originally joined our office in 2015. She came to us from the Navy, where she served in a number of capacities, including Office Automation Assistant with the Naval War College and a Traditional Commander's Activities Coordinator with the U.S. Northern Command. Chelsea graduated from Northern Michigan University *cum laude*.

Warren "Skip" Olson, our contracting officer, retired in the spring after more than thirteen years with the office. As contracting officer, he oversaw significant remodeling of the office over the years, including new storage, reception, conference room, library and shower spaces. Skip achieved the rank of "full bird" Colonel in the Army Reserves during his tenure here and served for over a year on active duty, including overseas in Afghanistan. Skip is a proud graduate of the U.S. Military Academy.

Jacquelyn Lack, our Affirmative Civil Enforcement contract investigator for Health Care Fraud, retired in December after seven years with us. She was the first to hold this centrally funded position and helped us build our affirmative enforcement program from the ground on up – a program so successful that we were able to secure additional ACE attorney and support positions this year. Jackie is a former "beat cop," and came to us after retiring from the Michigan State Police.

Justine Bohan, our contract witness assistant, left us for a better opportunity with the Drug Enforcement Administration. A Grand Valley State University and Kellogg Community College graduate, she was a great help while she was with us.

Promotions and Transfers:

AUSA Steve Baker accepted U.S. Attorney Birge's offer to assume the role of Chief of the Criminal Division after Nils Kessler asked to return to the line. Steve had been the Deputy Chief of the Criminal Division with supervisory responsibilities over the Organized Drug Crime and Asset Forfeiture/FLU Section. As Criminal Chief, Steve will oversee the office's criminal missions and directly supervise violent crime prosecutions. Steve has been a federal prosecutor for over ten years. Before joining this office, he served 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 in the private sector. He 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.

AUSA Chris O'Connor accepted U.S. Attorney Birge's offer to serve as Deputy Chief of the Criminal Division with supervisory responsibility over white collar and national security prosecutions. As a line AUSA, Chris was most recently assigned to the Financial Crimes Section where he served as the principal AUSA in charge of the Suspicious Activity Reports (SAR) review team. He has been an AUSA for twelve years, handling all manner of firearm, drug and white collar prosecutions. He earned a Director's Award in 2014 for Superior Performance as an AUSA and has served as an instructor at the Michigan State Police Fire Investigation School and for Bank Secrecy Act and SAR training for financial institutions and investigators. Chris earned his law degree from Case Western Reserve University, *magna cum laude*, where he was Editor-in-Chief of the Law Review. He obtained his Bachelor of Arts degree from Albion College, *magna cum laude*, where he was Phi Beta Kappa.

AUSA Joel Fauson accepted U.S. Attorney Birge's offer to assume the role of Deputy Chief of the Criminal Division with supervisory responsibility over the Organized Drug Crime and Asset Forfeiture/FLU Section. Joel will continue to serve as the office's lead on forfeiture matters, a position he has held since joining the office nine years ago. Also embedded in the narcotics section during that time, Joel brings a wealth of firearm and drug prosecution experience in addition to his knowledge of forfeiting property in all manner of cases. As the lead asset forfeiture attorney, Joel has formally instructed attorneys and law enforcement alike locally and at the National Advocacy Center. Joel earned his law degree from Georgetown University, which he attended nights while working during the day as an analyst. He earned his Bachelor's degree with High Honors from the James Madison College and the Honors College at Michigan State University.

AUSA Daniel Mekaru accepted U.S. Attorney Birge's offer to take over Senior Litigation Counsel duties upon the expiration of AUSA Tim VerHey's appointment to that position. As the SLC, Dan will oversee the training and mentoring program for new attorneys and advise managers on training for senior AUSAs. Dan served the past six years as the other Deputy Chief of the Criminal Division overseeing violent crimes prosecution, including the Project Safe Childhood and Project Safe Neighborhoods programs. Dan has been an AUSA for over 23 years and will continue serving as the Grand Jury Coordinator. Dan earned his law degree from The Ohio State University College of Law and his undergraduate degree from the University of Michigan.

AUSA Sean Lewis succeeded Jeff Davis as our Tribal Liaison. Jeff retired from federal service and entered private practice at the end of 2017. Sean has been an AUSA for 10 years, serving the first four in the Washington, D.C., office. For the past six years, Sean has handled all manner of violent crime cases, including in particular child exploitation matters and crimes arising in Indian

Country in the Southern Division. Sean began his career clerking for Sixth Circuit Judge James Ryan and is a *cum laude* graduate of the University of Michigan Law School.

Britni Michael accepted an internal detail opportunity with our Administrative Division and later transitioned to a permanent position as Assistant Human Resources Specialist. Britni has been with our office for several years as a Legal Assistant on a contract basis for the Civil and Criminal Divisions and then as a career hire in the Civil Division. Britni obtained an undergraduate degree from Indiana University and a Masters of Public Administration degree from DePaul University, in Chicago, Illinois.

Melissa ("Mel") Fanko transitioned from a Pathways Legal Assistant position in our Administrative Division to our permanent Budget Analyst. Mel joined the office in 2017 after leaving MC Sports, where she was an Allocation Analyst. She is a proud Michigan State University graduate.

AWARDS and HONORS

DIRECTOR'S AWARD – SUPERIOR PERFORMANCE AS PROSECUTOR

AUSA Sean Lewis received a Director's Award for his superior performance in the successful prosecution of Larry Nassar on child pornography charges. Nassar, a physician and trainer, became notorious for his long history of exploiting minors and young athletes in his care – information Sean carefully submitted for the sentencing court's consideration as relevant conduct. The Hon. Janet Neff sentenced Nassar to 60 years in prison and ordered that he serve subsequently imposed state sentences consecutively, effectively guaranteeing Nassar would never leave prison. Nominated in 2018 after the court of appeals affirmed the sentence, Sean was notified he had been selected for the award shortly after the government returned from the budgetary shutdown in early 2019.

BRILLIANCE AWARD

AUSA Tessa Hessmiller received a "Brilliance Award" from West Michigan Women magazine for her tireless service to combating human trafficking and child exploitation, including her work helping establish an anti-trafficking task force in West Michigan.

PATRIOTIC EMPLOYER AWARD

On behalf of the office, U.S. Attorney Andrew Birge received a Patriotic Employer Award from the Office of the Secretary of Defense for continued support of employee participation in America's National Guard and Reserve forces.

CERTIFICATES OF APPRECIATION AND SERVICE COMMENDATIONS

On behalf of the office, U.S. Attorney Andrew Birge received recognition from both the International Association of Financial Crimes Investigators and from the Department of Homeland Security for continued operational support and contributions to

their missions. He and Supervisory Victim Services Specialist Kathy Schuette were recognized at the Southern States Victim Assistance Conference for support and commitment to assisting victims in the pursuit of justice.

REPRESENTATIVE CIVIL MATTERS

Affirmative Civil Enforcement:

United States v. Plagens Medical Consultants. The USAO reached a settlement of \$340,930.55 on its claims that the defendant, a medical equipment supplier, had provided improper billing and coding advice to physicians regarding Medicare coverage for platelet-rich plasma injections, which were not a covered service for Medicare purposes. The United States contended that the defendant's actions caused physicians to submit false claims to federal healthcare programs. AUSA: Adam Townshend.

United States v. Big Head Farm, et al. The USAO obtained a consent judgment for treble damages of \$160,000 in this grant fraud case. The U.S. Department of Agriculture had approved the defendants for a grant providing for reimbursement of certain qualified expenses of an organic blueberry farm in Benton Harbor. The United States contended that the defendants submitted false and inflated expense claims supported by numerous false invoices and correspondence. AUSA: Adam Townshend.

United States v. Nuclear Cardiac Imaging. The United States reached a settlement of \$100,000 to resolve allegations that the defendant improperly billed Medicare for nuclear stress tests that were not supervised or were not properly supervised by physicians as required by Medicare regulations, and that the defendant also violated the federal Anti-Kickback Statute. AUSA: Adam Townshend.

United States v. Bruma. The United States reached a settlement of \$92,565.42 on its claims that an internal medicine physician received illegal kickbacks for referring patients for home health care and physical therapy services. AUSA: Adam Townshend.

Affirmative Civil Rights:

The USAO, working in cooperation with the Department of Justice's Civil Rights Division, investigated numerous claims of disability discrimination in violation of the Americans with Disabilities Act. The USAO is also involved in investigating and litigating cases involving allegations of sexual harassment and discrimination in education and housing. AUSAs: Carolyn Almassian, Laura Babinsky, Ryan Cobb.

Resolutions in 2018 included a settlement agreement with Northern Michigan University relating to student complaints that the university discriminated against students with mental health disabilities, including allegations that NMU required certain students to sign contracts that barred them from talking, even with

friends at NMU, about self-destructive thoughts or face discipline, including involuntary withdrawal from NMU. Under the agreement, NMU agreed to pay a total of \$173,500 in compensatory damages to four aggrieved individuals the United States identified in its investigation. NMU will also adopt and implement policies and conduct training. AUSA: Ryan Cobb.

Bankruptcy:

The USAO represented the interests of the United States in over 100 new bankruptcy matters it opened in 2018; the USAO also resolved its issues or claims in approximately 73 cases. The number of new bankruptcy matters increased for the second straight year. AUSAs: Nicole Mazzocco, Michael Shiparski.

Employment Litigation:

Jones v. Johnson. The USAO obtained summary judgment on claims brought by a federal employee who contended that her agency improperly passed her over for promotions due to her gender. The district court ruled that while the plaintiff may have been qualified for promotion, she had failed to demonstrate that the agency had discriminated against her on the basis of her gender and she had failed to raise a legitimate factual issue that the agency's reasons for not promoting her were pretext for gender discrimination. It concluded that she had a disciplinary record that was qualitatively different from others who were promoted. AUSA: Carolyn Almassian.

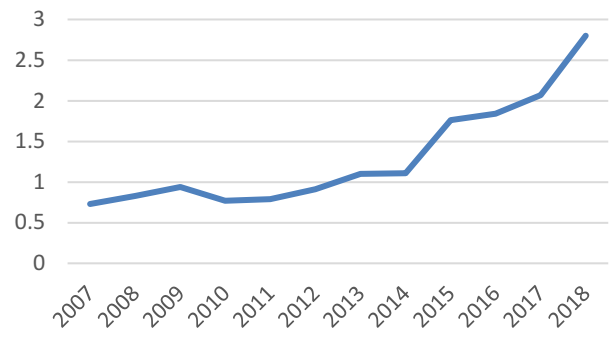
Subpoena Defense for Federal Employees and Agencies:

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 or agencies were subpoenaed to testify or produce documents in litigation to which they were not parties. AUSAs: Carolyn Almassian, Laura Babinsky, Ryan Cobb, Jeanne Long, Michael Shiparski.

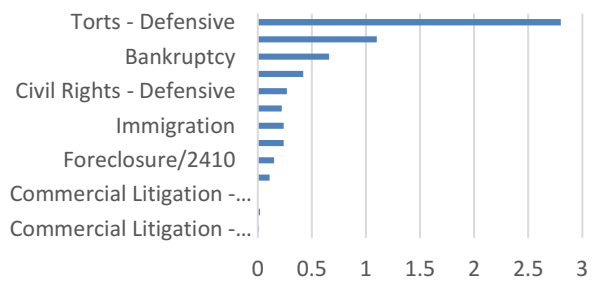
Federal Tort Claims Act (FTCA) Defense:

The USAO defended numerous tort claims against the United States, including a significant number of medical malpractice actions, employment-related torts, automobile accidents, premises liability cases, etc. The time AUSAs spent defending tort cases more than tripled since 2011. In 2018, the USAO devoted more AUSA resources to tort defense than to any other category of civil case. The percentage of time AUSAs in the Western District of Michigan spend on tort defense was above the national average for USAOs in 2018. AUSAs: Carolyn Almassian, Laura Babinsky, Ryan Cobb, Jeanne Long, Nicole Mazzocco.

Tort Defense: Attorney workyears



Civil AUSA work years - 2018



Edkins v. United States. The USAO obtained summary judgment on a dental malpractice case in which the plaintiff failed to adequately respond to discovery and to address deficiencies relating to expert testimony on the standard of care. As a result, the plaintiff was unable to show that there was any breach in the standard of care. AUSA: Jeanne Long.

McKinney v. United States. The United States obtained dismissal of a medical malpractice case alleging birth injuries, demonstrating that the plaintiff had failed to file suit within six months after the agency denied the plaintiff's administrative claim and that the plaintiff was not entitled to equitable tolling of the limitations period. AUSA: Ryan Cobb.

White v. United States. The United States prevailed on a motion to dismiss medical malpractice claims alleging a breach of the standard of care in connection with the delivery of a baby who allegedly suffered brain injuries during the delivery. AUSA: Laura Babinsky.

Program Litigation:

Summons Enforcement Actions. The USAO successfully brought numerous actions to enforce IRS administrative summonses for tax-related information. AUSAs: Laura Babinsky, Andrew Hull,

Jeanne Long, Nicole Mazzocco, Michael Shiparski.

Freedom of Information Act (FOIA) Litigation. The USAO defended several FOIA cases seeking to compel the production of documents from federal agencies. AUSA: Carolyn Almassian, Ryan Cobb, Nicole Mazzocco.

Immigration Litigation:

The USAO handled approximately 15 new immigration cases, many of which were habeas corpus cases in which criminal aliens who were in the process of being removed from the country sought release from custody pending removal. The USAO also handled other immigration cases, including actions regarding adjudication of petitions to naturalize aliens or obtain other adjustments in legal status. AUSA: Carolyn Almassian, Laura Babinsky, Ryan Cobb, Jeanne Long, Nicole Mazzocco, Michael Shiparski.

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. AUSA: Michael Shiparski.

Social Security:

The USAO 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 2018, the USAO opened over 176 new cases in which plaintiffs challenged unfavorable Social Security disability benefits determinations, a significant increase from 2017. The USAO also continued to work on a high volume of cases filed in prior years. AUSA: Michael Shiparski.

REPRESENTATIVE CRIMINAL MATTERS

Financial Crimes:

BANK FRAUD:

United States v. Tirrell Perry Thomas, et al. Eighteen defendants were convicted and sentenced to terms ranging from probation to 8.5 years in prison for a bank card scheme that resulted in nearly half a million dollars in losses for Bank of America. Those involved in the scheme included accountholders who opened or used Bank of America accounts to accept fraudulent check deposits and then make fraudulent withdrawals at banks and casinos, mid-level recruiters who accompanied and directed accountholders on trips to open bank accounts and withdraw funds, and the leaders and organizers of the scheme, who collected and divided the fraud proceeds. The fraud was accomplished by using debit cards to withdraw funds from ATMs and casinos in Michigan, which had been fraudulently deposited

into the bank accounts in Illinois, by a Chicago co-conspirator. AUSAs: Kate Zell; Chris O'Connor. Agencies: FBI; U.S. Postal Inspection Service; Nottawaseppi Huron Band of Potawatomi Tribal Police Department.

BANKRUPTCY FRAUD:

United States v. David Louis Vernier. Vernier, of Ishpeming, was sentenced to 45 months in federal prison for committing bankruptcy fraud. He came to the attention of special agents of the FBI as they investigated his daughter's involvement in a \$145,000,000 check-kiting scheme for which she was convicted and sentenced in 2017. The older Vernier had filed for bankruptcy in 2010, claiming to have no real property, no income, no interests in any businesses and more than \$3 million in debts. The FBI's investigation later revealed that Vernier was actually involved in running his daughter's businesses and being paid by them. He had lied repeatedly in bankruptcy pleadings and testimony in his effort to discharge his substantial debts while, at the same time, secretly retaining his assets and interests in various businesses. His request to have his debts discharged was denied by Chief Judge Scott W. Dales of the U.S. Bankruptcy Court in May 2012 because Vernier had failed to retain business records that would have allowed thorough analysis of his financial condition. In denying Vernier's request for bankruptcy relief, Judge Dales asked, "does anybody have a good handle on who owns what . . . or is everything just hopelessly scrambled?" During Vernier's sentencing in 2018, Chief Judge Robert Jonker concluded that Vernier scrambled his finances and destroyed records as part of a conscious business plan to defraud his creditors. AUSA: Maarten Vermaat. Agencies: FBI.

HEALTH CARE FRAUD:

United States v. Marvin David Ramirez. Ramirez, the final of eight defendants to be sentenced for his role in a conspiracy to commit mail fraud related to a staged automobile accident ring that operated at Primary Rehab Center in Wyoming, received 37 months in prison. When imposing the sentence, Judge Maloney commented that "Michigan residents pay some of the highest auto insurance rates in the country and fraud schemes like the present case contribute significantly to these high premiums." The court also ordered Ramirez to pay restitution of \$298,992.29 to the automobile insurance companies that he defrauded. AUSA: Ron Stella. Agencies: Department of Homeland Security; FBI.

United States v. Kristie Ann Mollohan. Mollohan pled guilty to two counts of tampering with a consumer product with reckless disregard for the risk of death or bodily injury and under circumstances manifesting extreme indifference to the risk of injury or death. While working as home health nurse in two homes in Allegan and Barry Counties, she removed liquid diazepam (valium) from the medication bottles prescribed to three different patients. All three patients were totally incapacitated at the time from serious brain impairment and required twenty-four hour care. She replaced the diazepam with water or saline solution, resulting in the patients' diazepam containing less than 10% of the declared diazepam concentration in one case, less than 6% in the second case, and less than 1% in the third case. The diazepam was

prescribed, in part, to suppress life-threatening seizures. One of the patients, in fact, suffered a seizure that was likely the result of receiving diluted diazepam. That patient, a minor, died the next day, although the government acknowledged that it could not prove Mollohan's conduct resulted in the death. In early 2019, Mollohan was sentenced to 82 months in prison for her conduct.

AUSA: Ray Beckering. Agencies: U.S. Food and Drug Administration, Office of Criminal Investigations, the U.S. Department of Health and Human Services, Office of Inspector General, the Michigan State Police, the Allegan Police Department, and the Barry and Allegan County Prosecutors' Offices.

THEFT AND EMBEZZLEMENT:

United States v. Tracy Lynn Bronson. Bronson was sentenced to 37 months in federal prison for stealing from the Calhoun Conservation District (CCD), a local special unit of government with a mission to maintain and improve land, water, and wildlife. Bronson also was ordered to pay \$573,159.20 in restitution. Between 2014 and 2017, the CCD received more than \$466,000 in federal funds. During that same period, Bronson embezzled \$573,159 from the CCD while employed as its Executive Director. She committed the offense by writing more than 400 unauthorized checks to herself and by using CCD credit cards for personal expenses. Bronson attempted to hide her offense by altering CCD's books and records, and creating fake monthly account statements, which she provided to CCD's Board of Directors. Bronson admitted that most of the embezzled funds were spent at a local casino. **AUSA: Christopher O'Connor.** Agency: U.S. Environmental Protection Agency Office of Inspector General; the U.S. Fish and Wildlife Service Office of Inspector General; Michigan State Police; FBI

United States v. Stephanie Marie DeBoer. DeBoer, the former office manager and bookkeeper of the International Brotherhood of Electrical Workers, Local 876, in Edmore, Michigan, was sentenced to four years in prison for embezzling more than \$307,000 from the union. She wrote unauthorized checks to herself and others, making unauthorized payroll deposits, sending money to pay her credit cards, and making unauthorized purchases. Among other things, DeBoer used more than \$89,000 of the embezzled money to make payments on 16 different personal credit cards, and made more than \$54,000 in unauthorized charges on two different union officers' union-issued credit cards. The unauthorized charges included \$907 for Katy Perry concert tickets and more than \$5,000 in purchases from Victoria's Secret. **AUSA: Clay Stiffler.** Agencies: U.S. Department of Labor Office of Inspector General, and the Office of Labor Management Standards.

United States v. Christian Eduardo Zerpa-Ruiz and Ragde Hussein Pinto-Coronado. Zerpa-Ruiz and Pinto-Coronado, both of Venezuela, were sentenced to 51 and 15 months in prison respectively for conspiracy to commit bank larceny. The two are members of a Venezuelan crime syndicate who, in a sophisticated hacking scheme known as "jackpotting," robbed bank and credit union automated teller machines by infecting their hard drives with malware that allowed them to take command of the

machines and force them to dispense all the cash they contained in a relatively short period of time – somewhat like hitting a jackpot on a casino slot machine. This type of crime was first reported in the United States in January 2018. Zerpa-Ruiz and Pinto-Coronado successfully jackpotted four ATMs in Indiana, Kentucky, and Wisconsin, and stole approximately \$125,000 in cash. They were arrested on March 15, 2018, while attempting to jackpot an ATM in St. Joseph, Michigan containing more than \$43,000. Pinto-Coronado is in the United States illegally. Zerpa-Ruiz came to the United States on a tourist visa in late January 2018, and began jackpotting in February 2018. **AUSA: Clay Stiffler.** Agencies: FBI; United States Secret Service; St. Joseph Township Police Department.

PROGRAM FRAUD:

United States v. Brandon Kenan Rogers. Rogers was sentenced to 48 months in prison and ordered to pay \$128,746.00 in restitution for committing student loan, grant and tax fraud. Rogers pled guilty in 2017, admitting that he defrauded the U.S. Department of Education by obtaining the identity information of others and posing as those individuals while applying online for Student Loans and Pell Grants in their names. He also enrolled online in local community colleges, including Grand Rapids Community College and Kalamazoo Valley Community College, using those same identities. Rogers used the loans and grant funds for his own purposes without actually attending the classes as required. Rogers also used the stolen identities to obtain fraudulent income tax refunds. **AUSA: Timothy VerHey.** Agencies: The Grand Rapids Community College Department of Public Safety, the U.S. Department of Education, Office of Inspector General, the Federal Bureau of Investigation and the Internal Revenue Service

United States v. Douglas Edward Diekman. Diekman was sentenced to 13 months in federal prison and ordered to pay \$488,432.86 in restitution for committing crop insurance fraud. Diekman admitted that he illegally obtained crop insurance for approximately 1,000 acres of farmland he rented to Stamp Farms. Diekman did not farm the land and had no ownership interest in the crops. Nevertheless, he falsely certified that he had a 100% ownership interest in the crops and falsely certified that he had crop losses. When Stamp Farms declared bankruptcy and was unable to pay rent for the farmland, Diekman kept a crop insurance indemnity payment to which he was not entitled. **AUSA: Clay Stiffler.** Agencies: U.S. Department of Agriculture, Office of Inspector General, with assistance from the Risk Management Agency's Compliance Investigators, and the Internal Revenue Service-Criminal Investigation Division.

TAX FRAUD:

United States v. John Frederick Snyder. Snyder, owner of Snyder's Roofing, willfully underreported his income by over \$6 Million for tax years 2009 to 2014. Instead of depositing all of his business income into his business bank account, he took checks from his customers and signed them over to his suppliers (making them third-party checks) to pay for the materials and services used in his business. Because of this practice, his business account never showed his actual business income. Snyder also carried out his tax

evasion scheme by depositing checks made payable directly to him for the work of his roofing business into his personal bank accounts, taking back cash at the same time, or negotiating the entire amount of the checks for cash. Snyder used some of this unreported cash to pay his employees. After pleading guilty to an information, he was sentenced to 12 months and a day in prison and ordered to pay \$414,160.00 in restitution, representing the amount of taxes he intentionally failed to pay. The IRS will assess interest and penalties against Snyder in the additional amount of approximately \$600,000.00. **AUSA: Ron Stella.** Agencies: IRS Criminal Investigation.

United States v. Lori Lynn Pawielski. Pawielski pleaded guilty to attempting to evade or defeat tax for calendar year 2015 by preparing and signing a false and fraudulent Form 1040 tax return. She had falsely claimed that her taxable income was \$149,160 when in fact it was \$330,166. Thus, the tax due and owing for calendar year 2015 was \$84,516, not \$28,941 as reported on the tax return. Under federal sentencing rules, she was also held responsible for additional tax due and owing for calendar years 2009-2014 when the court ultimately sentenced her to three years in federal prison and ordered her to pay \$511,433 in restitution to the IRS and \$1,962,611 in restitution to private party victims. Pawielski's tax evasion arose out of her embezzlement of more than \$1.9 million from her former employer between 2009 and 2016 by writing 271 checks to herself without authorization. She concealed her embezzlement by altering the company's accounting software to make it appear those checks were issued to suppliers. **AUSA: Christopher O'Connor.** Agency: IRS Criminal Investigation.

National Security:

IDENTITY THEFT:

United States v. Guillermo Rodriguez, et al. Rodriguez, the last of ten defendants sentenced of their roles in a wire-fraud and identity-theft conspiracy, received 78 months in prison. Rodriguez led the scheme that operated between Florida and Michigan for several months during 2015 and that involved credit card skimmers surreptitiously installed in gas pumps. The remaining nine defendants, all from Florida, received sentences ranging from a few months to 5.5 years. The case was the second gas-pump skimmer scheme the Office has prosecuted over the last few years. The first involved a group operating out of Austin, Texas, and resulted in seven convictions and a prison sentence of over 12 years for its leader. **AUSA: Hagen Frank.** Agencies: FBI; Ingham County Sheriff's Office; Eaton County Sheriff's Office; Grand Rapids Metropolitan Fraud and Identity Theft Team; Michigan State Police; United States Postal Service; Michigan Department of Weights and Measures. Employees of Meijer Theft Protection Services also provided valuable assistance.

United States v. Eddie Balderramas, et al. Five individuals were indicted, convicted and sentenced for their roles in a conspiracy to assist illegal aliens from the Dominican Republic in obtaining Michigan driver's licenses using the identities of others. Michelle Martinez-Marte, a citizen of the Dominican Republic illegally

residing in Rhode Island, assisted other illegal aliens from her home country in acquiring counterfeit Puerto Rican birth certificates, driver's licenses and Social Security account number cards in the names of actual individuals. She then referred the illegal aliens to Eddie Balderramas, who transported the illegal aliens to a home in Kalamazoo where they were harbored while Eddie produced false leases, paystubs and other documents to make it appear as if the illegal aliens were truly Michigan residents. He would then take them to the Michigan Secretary of State's Office where the false residency documents and false Puerto Rican documents were used to acquire authentic Michigan driver's licenses. Many of the illegal aliens Balderramas and his coconspirators assisted had previously been removed from the United States after sustaining criminal convictions. The defendants received sentences ranging from probation to four years in prison. **AUSA: Ron Stella.** Agencies: Michigan State Police; HSI; DEA. The Michigan Secretary of State's Office was instrumental in unraveling the scheme.

United States v. Franklin J. Flores Flores was sentenced to two concurrent terms of 24 months' imprisonment for being a felon in possession of a firearm and ammunition and for falsely attesting U.S. Citizenship on a Form I-130 Petition for Alien Relative and submitting that form to the Department of Homeland Security, U.S. Citizenship and Immigration Services with the intent to obtain benefit for another person. The sentence runs concurrent to a State of Michigan sentence of 18 to 60 months for identity theft. The investigation began with reports by a New Mexico man that Flores had stolen his identity. Flores assumed the identity of the New Mexico man and used that U.S. Citizenship identity to petition to U.S. Citizenship and Immigration Services for alien relative status for his wife. A search executed at Flores' residence revealed a Springfield Armory XD-40 .40 caliber pistol and 11 rounds of .40 caliber ammunition. With a 2014 Carrying a Concealed Weapon conviction in Kent County, Michigan, Flores could not lawfully possess this firearm. **AUSA: Clay West.** Agencies: HSI; Wyoming Police Department.

EXPORT CONTROL:

United States v. Abdul Majid Saidi and Walid Mounir Chehade Saidi and Chehade, both of metro Cleveland, each pleaded guilty to conspiring to violate the Arms Export Control Act. They admitted at their plea hearings that they conspired with Gilbert Elian in the Grand Rapids, Michigan area to conceal twenty semiautomatic pistols wrapped in felt and plastic inside automobile engine blocks and transmissions. Those engine blocks and transmissions were then placed in a cargo shipping container addressed to a consignee in Beirut, Lebanon. The shipment was intercepted during a U.S. Customs and Border Protection inspection in Virginia. Elian was convicted of the same offense in 2016. **AUSA: Clay West.** Agencies: HSI; IRS Criminal Investigations; ATF; U.S. Customs and Border Protection; Grand Rapids Police Department.

ALIEN OFFENSES:

During fiscal 2018, of all criminal case filings brought in the district, 74 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. This represents about 23.8% of all cases and 16.4% of all defendants charged. First Assistant **Donald Daniels** leads this initiative. Agency: ICE-Enforcement & Removal Operations.

Organized Drug Crime:

United States v. Patrick Joseph Sievers, et al. Crystal methamphetamine ("meth") – a very pure form of the drug – has emerged as one of the most commonly trafficked illegal drugs in the Upper Peninsula area. In this case, Sievers started selling crystal meth in Gogebic, Ontonagon and Houghton Counties in 2016. By the time of his arrest, he had sold, by conservative estimates, between 1.5 and 4.5 kilograms of the drug. A search of Sievers' camp in Ontonagon, MI, led to the discovery of what U.S. District Court Judge Paul Maloney later described as a "drug bunker" – complete with firearms loaded and readily available, motion detectors guarding the approaches to the camp, hidden safes, and a video surveillance system monitoring the doors. Sievers ended up convicted and sentenced to 22 years in prison. His three cohorts received sentences ranging from 42 months to ten years in prison, depending on their roles in the activity and prior records. AUSA: **Maarten Vermaat**. Agencies: DEA; Upper Peninsula Substance Enforcement Team (UPSET).

United States v. Noel Saldana, et al. Nine defendants were charged, convicted and sentenced to prison for their roles in a methamphetamine distribution ring that operated in Kalamazoo and Van Buren Counties. The conspiracy began in approximately July 2016 when Noel Saldana, the conspiracy's leader, and Thomas Lee Cowley met Phoenix-based methamphetamine supplier Jesus Ramirez-Luna. Thereafter, Ramirez-Luna supplied Saldana with pounds of methamphetamine on a monthly basis for further redistribution. Ramirez-Luna used the U.S. Postal Service and the United Parcel Service to ship methamphetamine to Saldana and his co-conspirators in West Michigan. The conspiracy ended in December 2017 when federal law enforcement officers arrested eight of the nine defendants on a criminal complaint and executed search warrants at eight locations tied to the conspiracy. Over the course of the investigation, law enforcement authorities intercepted more than 11 pounds of crystal methamphetamine from the mail. The defendants received sentences ranging from time served to nineteen years in prison. Dubbed "Operation Crystal Misery," the investigation was part of the U.S. Department of Justice's Organized Crime Drug Enforcement Task Forces (OCDETF) Program. Established in 1982, the OCDETF Program is designed to disrupt and dismantle major drug trafficking and money laundering organizations and related criminal enterprises by leveraging the resources and unique expertise of numerous federal agencies in a coordinated attack. AUSAs: **Joel Fauson; Stephen Baker**. Agencies: DEA; U.S. Postal Inspection Service; Kalamazoo Valley Enforcement Team (KVET); Southwest Enforcement Team (SWET).

United States v. Deondray Christopher Abrams. A federal jury in

in Kalamazoo found Deondray Christopher Abrams guilty of distributing the fentanyl that resulted in the death of Brandon Jay Demko, a Marine Corps veteran of Iraq and Afghanistan suffering from severe PTSD. Abrams sold the fentanyl as heroin, yet fentanyl is at least 40 times more powerful than heroin. Mr. Demko used the fentanyl believing it to be heroin and died. Due to Abrams' criminal record, the conviction carries a statutory mandatory term of life in prison. AUSAs: **Rene Shekmer; Austin Hakes**. Agencies: Kalamazoo Department of Public Safety; Kalamazoo Valley Enforcement Team; Michigan State Police; Kalamazoo County Prosecuting Attorney's Office; DEA.

United States v. Raymond Demetrius Stovall, et al. Eighteen individuals were charged in this case with conspiring to distribute controlled substances, primarily crystal methamphetamine, in the Kalamazoo and Benton Harbor areas. In conjunction with the arrests, federal, state and local law enforcement agencies executed twelve federal search warrants in Kalamazoo, Benton Harbor, and Phoenix, Arizona. Earlier in the investigation, law enforcement seized packages sent in the mail to supply the distribution scheme in Michigan. In total, law enforcement seized nearly seventeen pounds of crystal methamphetamine and five firearms as a part of this investigation. By early 2019, twelve defendants had pled guilty. The case is pending trial and readers are reminded that federal charges are merely accusations and defendants are presumed innocent until proven guilty in a court of law. AUSAs: **Mark Courtade; Justin Present**. Agencies: FBI; DEA; U.S. Postal Inspection Service; Kalamazoo Valley Enforcement Team; Southwest Enforcement Team (a component of the Michigan State Police); U.S. Marshals Service; ATF; Michigan Department of Corrections; Portage Police Department; Kalamazoo Department of Public Safety; Kalamazoo County Sheriff's Office; Berrien County Sheriff's Office; St. Joseph County Sheriff's Office.

Collections and Asset Forfeiture:

In fiscal year 2018, the office collected over \$6.9M on civil and criminal judgments. In addition, over \$1.8 million in assets were forfeited through forfeiture actions and deposited into the Asset Forfeiture Fund. Approximately \$118K in forfeited assets went to victim compensation and over \$187k in forfeited assets went to equitable sharing.

Violent Crimes:

HUMAN TRAFFICKING:

United States v. Michael Clayton. U.S. District Judge Janet T. Neff sentenced Michael Clayton (a.k.a. "Rodeo Loco") to life in prison for sexually exploiting three girls, each about half Clayton's age. The sentence followed a three-day trial, where a jury found Clayton guilty of being a felon in possession of firearms, conspiring to distribute cocaine, producing child pornography involving the three girls, and forcing one of them to engage in prostitution. At the sentencing hearing, Judge Neff remarked, "this was a horrendous, drug-fueled, weapon-heavy nightmare.... We really do need to protect the public from further crimes of this

man." AUSA: [Davin Reust](#), [Daniel Mekar](#). Agencies: Department of Homeland Security Investigations (HSI); Battle Creek Police Department.

INDIAN COUNTRY:

United States v. Joseph Lee King. King, of Peshawbestown, Michigan, was sentenced to 48 months in federal prison for Domestic Assault – Habitual Offender. King admitted during his guilty plea that the assault occurred during an argument on the Grand Traverse Band of Ottawa and Chippewa Indians' Reservation. He was subject to increased penalties under federal law because he had at least two prior convictions for domestic violence. In a sentencing memorandum, AUSA Sean Lewis advised the court that "a witness observed the defendant grabbing the victim by the throat, practically lifting her off the ground by the neck, and then throwing her to the ground. Police observed bruising and discoloration on and around the victim's neck." AUSA: [Sean Lewis](#). Agencies: FBI; Grand Traverse Band Tribal Police Department.

MISDEMEANOR DOCKET:

The office was one of the first in the country to develop a misdemeanor docket for non-Indian offenders in Indian Country to make sure there were no gaps in law enforcement in Indian Country. AUSAs Paul Lochner and Hannah Bobee handle these in the Northern Division. AUSA: [Sean Lewis](#). : oversees the docket in the Southern Division. SAUSA [Nancy Bogren](#), Tribal Prosecutor with the Nottawaseppi Huron Band of Potawatomi, screens and handles those coming from that Tribe that require prosecutorial attention.

PROJECT SAFE CHILDHOOD:

United States v. Sherri Smith and Joseph Williams. Smith, 48, of Osceola, Indiana, and Williams, 53, of Watervliet, Michigan, were in a dating relationship and sexually exploited six children in their care and custody to produce multiple images of child pornography. The victims ranged in age from six months to fourteen years. Williams shared some of the images with an undercover police officer in Cincinnati via an encrypted messaging application, which led to their investigation and prosecution. Williams's residence was, as Chief U.S. District Court Judge Robert Jonker agreed, a "child pornography house of horrors." In sentencing Smith and Williams to 60 and 80 years in prison respectively, Chief Judge Jonker noted that this case was "truly, if not the worst, then one of the two or three worst cases" he had seen and described the images Smith and Williams produced as disgusting and difficult to view. AUSA: [Alexis Sanford](#). with assistance from the U.S. Attorney's Office for the Northern District of Indiana. Agencies: FBI offices in Cincinnati, Ohio, St. Joseph, Michigan, and South Bend, Indiana.

United States v. Adam Robert Hassell. Hassell, 26, of Kalamazoo, came to law enforcement attention when investigators discovered that someone at Hassell's IP address was sharing child pornography via peer-to-peer file sharing software. Further investigation led to the discovery of thumbnail images of a nude eight-month-old infant on the SD card of Hassell's cellphone.

Hassell admitted taking, but then deleting, the images. Investigators soon after discovered he actually produced images involving lascivious displays of the infant and possessed sadistic images of the exploitation of other minors. U.S. District Judge Paul Maloney ultimately sentenced Hassell to 30 years in prison for producing child pornography, explaining "when you exploit children, the crime is serious and it needs to be addressed with a serious sentence." At the sentencing hearing, the mother of the infant addressed the emotional and psychological toll the case had taken on her, and described Hassell's crime as "an act of evil and an act of terror to all mothers." AUSA: [Alexis Sanford](#). Agency: FBI.

PROJECT SAFE NEIGHBORHOODS:

United States v. Shaun Michael Cook, et al. Cook and his codefendants, Donald Charles Westmoreland and Shackeem Louis Jones, committed a series of armed robberies of various businesses in the Lansing metropolitan area from November 2016 through May 2017. Cook, Jones and Westmoreland each pleaded to interference with commerce by robbery and brandishing a firearm. Cook received a sentence of 120 months in prison; Westmoreland and Jones received prison for terms of 87 and 96 months in prison respectively. Agencies: FBI; Eaton County Sheriff's Office; Lansing Police Department; Lansing Township Police Department; the Meridian Township Police Department; Michigan State Police.

United States v. James Lee Walker III. Muskegon Police Department Officers encountered Walker sitting in a vehicle packaging marijuana for sale. He was armed with a stolen, loaded 9mm handgun and possessed a sizable stash of illegal drugs, including heroin, cocaine, and marijuana. Walker, who had previously been convicted of three felonies, fled from the officers but was quickly apprehended. After pleading guilty to federal drug and gun charges, he was sentenced to ten years in prison. AUSA: [Sean Lewis](#). Agencies: FBI; Muskegon City Police Department; Michigan State Police.

United States v. Damien Lamont Swindle. During a late-night block party in a residential area of Kalamazoo, officers from the Kalamazoo Department of Public Safety (KDPS) attempted to arrest Swindle on existing warrants. Swindle resisted and struggled with three officers. The surrounding scene escalated as bottles were thrown at the officers and shots were fired nearby. Officers ultimately gained control over Swindle, at which point they recovered from his pant pocket a loaded 38-caliber revolver. In the course of sentencing Swindle to nine years in prison, U.S. District Court Judge Gordon Quist commented that Swindle's extensive criminal history was effectively "off the chart" in terms of scoring under the U.S. Sentencing Guidelines. Swindle has multiple prior felony convictions under state law for offenses including dangerous drugs, fleeing a police officer, felony firearm, and assault with intent to do great bodily harm less than murder. AUSA: [Kate Zell](#). Agencies: ATF; Kalamazoo Department of Public Safety.

REPRESENTATIVE APPEALS

Logan v. United States, No. 17-1996 (Griffin, Donald, Bertelsman (E.D. Ky.)) (Dec. 13, 2018). Acting on advice from his counsel of record, Logan signed a plea agreement with a ten-year sentencing cap. But a California lawyer retained by Logan's family suggested to Logan that he could beat the case and Logan withdrew from the plea agreement. Logan ended up with a 35-year sentence (the length of his sentence partly resulting from post-plea-withdrawal conversations about wanting to kill a former AUSA). Logan filed a § 2255 motion arguing ineffective assistance. The district court denied the motion, and the court affirmed. The "shadow attorney" performed deficiently, but Logan "was given all he needed to make an informed decision on the plea" from his counsel of record. Logan's decision to reject that advice was on Logan. AUSA: Sally Berens.

United States v. Fitzgerald, No. 1A7-2285 (Batchelder, McKeague, Griffin (dissenting)) (Oct. 15, 2018). A divided court of appeals affirmed Sean Fitzgerald's conviction for of "operating" a common carrier while intoxicated, in violation of 18 U.S.C. § 342. The majority explained the context: "Talon Air pilot Sean Fitzgerald showed up rip-roaring drunk to the Traverse City, Michigan, airport..... He conducted a walk-around safety check before entering the cockpit, where he calibrated the altimeter, programmed the flight management system, turned on the auxiliary power unit, and requested flight clearance from air traffic control." The co-pilot noticed Fitzgerald's inebriation and reported it before the flight took off. Fitzgerald's BAC was eight times the limit set forth in FAA regulations. The district court, Chief Judge Jonker, instructed the jury that "operate" generally means to run or control the functioning of something" but explained that in the context of a pilot operating a plane, the activity had to be "directly and proximately linked to actual operational or functional requirements for the flight and not simply some administrative or clerical task." The defense argued on appeal that the definition should have been limited to actions undertaken with respect to movement of the plane (which would exclude preparatory acts). The majority on appeal rejected that argument and affirmed: "[O]perates' should be read in light of the common-sense understanding that the safe and effective movement of a complex airplane depends on actions taken long before actual movement ever begins." Judge Griffin dissented on the basis that § 342 does not include attempts, and that, in his view, Fitzgerald merely attempted to operate the plane. AUSA: Justin Present

United States v. Bacon, No. 17-1166 (Cook, McKeague, Stranch) (March 8, 2018) Bacon pleaded guilty to firearm offenses without a written plea agreement. On appeal he sought to bring a constitutional challenge to the statutory provisions under which he was convicted (18 U.S.C. § 922(d)(1) and (k)). Applying the very recent Supreme Court decision in *Class v. United States*, 138 S. Ct. 798 (Feb. 21, 2018), the court of appeals held Bacon had not waived those challenges (though he had waived any challenge to the sufficiency of the evidence.) However, the challenges — that his statutes of conviction exceed Congress's power to legislate under the Commerce Clause and violate the Second Amendment

right to bear arms -- failed on the merits under the plain error standard. AUSA: Justin Present

United States v. Sexton, No. 17-1781 (Boggs, Clay, Donald) (May 1, 2018). Sexton robbed a bank. He pleaded guilty, and the government agreed to recommend a sentence at the low end of the 63-to-78-month guideline range. The presentence examiner recommended a 120-month sentence, on the basis that Sexton's criminal history points underrepresented the seriousness of that history. The district court departed upward by 18 months, imposing a 96-month sentence. The court affirmed, finding the sentence substantively reasonable. AUSA: Alexis Sanford.

United States v. Quarles. As forecasted last year, the Supreme Court granted *certiorari* in this case that examines the definition of violent felony under the recidivist provisions of the Armed Career Criminal Act. Argument and a decision in the Supreme Court are still pending. The Solicitor General's Office will argue it. AUSA: Sean Lewis handled the briefing and argument in the Sixth Circuit.

United States v. Christian, No. 17-1799, (June 26, 2018, Gilman, Stranch, Rogers (dissenting), vacated Sept. 17, 2018). A federal jury convicted Christian of gun and drug charges. On appeal, Christian, challenged the district court's denial of his pretrial motion to suppress evidence seized pursuant to a state warrant. The panel majority reversed the district court, concluding the various grounds to support a search set forth in the affidavit failed to establish probable cause. Rogers, in dissent, offered that the majority misapplied Supreme Court precedent by failing to consider the information in the affidavit in its totality and that probable cause "existed, and it is not a close call." On the government's motion for rehearing, the full court of appeals voted to re-hear the case *en banc*, vacating the panel opinion. We await the *en banc* argument. AUSAs: Tim VerHey on direct review; Jen McManus on *en banc* review).

ADMINISTRATIVE DIVISION

The biggest news for the Administrative Division this past year is the gain of three new team members. A Pathways Recent Graduate, hired in the year prior, was selected for the budget analyst position that was vacated two years ago. Filling this critical vacancy is a testament to how an opportunity such as the Pathways program, coupled with a bright and motivated entry-level trainee, can lead to great success. A second vacancy was created in the spring when our contracting officer retired. By early fall we successfully recruited and hired a replacement who came on board in December. A little later in the fall the third team member, the division secretary, was hired to fill a vacancy created by the resignation of our receptionist over three years ago. We are very happy to have all three new members join our division.

Our Facilities and Support Services (FASS) team operated for 8 months as one person. Over the course of the fiscal year over \$70,000 in purchase card purchases were completed, along with 83 contracts valued at more than \$730,000. There was also a

combination of 37 expert witness and litigative consultant contracts produced during the fiscal year. FASS supported an office reorganization to accommodate the new AUSA, Support, and Contract positions awarded to the District. New office space was created in places where there had previously been none. A considerable amount of new furniture was ordered to equip the new space as well as replace or upgrade worn or incomplete furniture in other space. FASS also found the time to complete a wall-to-wall inventory with the help from other division staff and a willing staffer in our Marquette branch office. Together they achieved 100% accountability for all items. A job well done.

The newness and frustration of the transition to the Unified Financial Management System was mostly a distant memory for our Budget and Travel team this year, but they had plenty of work to accomplish nonetheless. They kept quite busy processing 164 overnight travel authorizations and vouchers, 750 local travel trips, 998 vendor invoices and 177 drafts. That's a lot of keystrokes! In between all the processing, they worked to keep up with the many budgetary items related to all the new positions the District received. They are preparing for a record high number of travels and invoices that are sure to follow in the upcoming year.

The Information Technology (IT) team completed several equipment and software updates and upgrades in all of our staffed branch offices. They also did some preparatory work for equipment replacement that is to take place in the next year. We anticipate the updates for our eVolP system should result in a considerable savings in future telecommunications expenses. A rash of connectivity issues popped up in two of our branch offices this past year. IT did a fair amount of troubleshooting which eventually led to the resolution of those issues. They also handily made other equipment repairs throughout the year, while also providing user support for the many issues that come up on a routine basis. In Automated Litigation Support, our coordinator provided direct courtroom assistance for six trials. Four of these trials were in Marquette and happened all in the same week! In addition, she provided support for numerous other cases throughout the year by processing over 412,000 native files, organizing and palletizing 183 boxes of records to be shipped offsite for scanning, converting video files, and assisting others with trial preparation. She attended training for a new processing application in the summer and began using it in the District in July. The new equipment and software are able to process material much more quickly than before and should serve our District well.

Our Human Resources (HR) section worked especially hard this past year in the area of staffing. By our count, filling one vacancy has 47 required actions that must be completed. HR completed 18 staffing actions during the fiscal year. In comparison, an average year for our District would be closer to four staffing actions. Nine of those actions were AUSA positions (four backfills and five new positions), five support staff backfills and four internal promotions. Of course, HR provides service in other areas too, such as processing retirement packages, benefits changes, maintaining electronic personnel files, handling voluntary leave

transfers, processing annual pay raises, performance payments and awards, and assisting supervisors with performance management. It is worth noting that both members of the HR section were out of the office for significant periods in the fall and winter. Somehow, they found the time to bring in several health care providers during the benefits open season so employees could ask questions and get information about health and dental plans. They also hosted a well-attended benefits and retirement seminar.

This was a busy and productive year for the Administrative Division. It did not happen without sacrifice, but the Division always pulls together when there is a challenge to be met. The upcoming year will be the first time the Division has been fully staffed in a long time. We look forward to taking on new projects and having a very productive future in support of the District.

OUTREACH, TRAINING & PROFESSIONAL DEVELOPMENT

Community Initiatives:

OPIOIDS:

The office expended considerable effort in reaching out to the community, and in particular parents, faculty and high school students on the dangers of prescription drugs and street-available opioids. To spread awareness of the epidemic, the newly updated prescription drug monitoring program, danger signs and the importance of vigilance, the office offered tailored presentations to audiences at Grandville and Coopersville High Schools, Kent City Middle School, Tribes, and to health care professionals, such as at Bronson Hospital. U.S. Attorney Birge, **AUSAs Steve Baker, Ray Beckering and Clay Stiffler**, with the assistance of Intelligence Specialist **Brent Clark**, LEC **Kaye Hooker** and Victim Specialist **Marlene Mottes**, led the presentations and discussions.

TRIBAL RELATIONS:

In June, July and August, U.S. Attorney Birge, Tribal Liaison Sean Lewis and our LEC and victim services staff travelled to each of the federally recognized Tribes in the District for annual government-to-government meetings. The U.S. Attorney and relevant managers also met with Tribal officials on an as needed basis to respond to their inquiries about Department policies and priorities.

Marlene Mottes, our Tribal Victim Services Specialist in the Marquette Office, continued our pursuit of improved access to Sexual Assault Nurse Examiners (SANEs) in the Upper Peninsula. By building interest and developing relationships with Northern Michigan University and area service providers, and with the help of the Michigan Domestic and Sexual Violence Prevention and Treatment Board, we expect our Tribes and other residents in the U.P. will have these much needed services more available in the coming years.

In June, U.S. Attorney Birge delivered remarks at the Tribal Opioid Summit in Mount Pleasant, Michigan, describing the origins and tracing the history of the epidemic and this office's response.

AUSA Hannah Bobee represented the office on the Tribal, State, Federal Judicial Forum, which meets to consider public safety and child welfare issues in Indian Country in Michigan.

CIVIL RIGHTS:

U.S. Attorney Birge convened meetings in the spring, summer and fall with Grand Rapids area Muslim and Middle Eastern community leaders as part of the district's Building Respect in Diverse Groups to Enhance Sensitivity (BRIDGES) program. Representatives from the FBI, Homeland Security and other agencies attended, depending on the topics up for discussion. This year, the group discussed the Department's new religious freedom initiative as well as community relations issues, among other subjects of interest or concern.

In addition, AUSA Laura Babinsky and Civil Chief Ryan Cobb met with the Fair Housing Center of West Michigan regarding Fair Housing Act enforcement, reached out to affiliated organizations on our civil rights interest and, as noted, presented to our BRIDGES attendees on the Religious Land Use and Institutionalized Persons Act of 2000.

As his schedule permitted, U.S. Attorney Birge supported Advocates & Leaders for Police and Community Trust (ALPACT) groups throughout West Michigan. The ALPACTs work to establish and maintain communication and trust between law enforcement and the residents they serve through round-table meetings and discussions attended by area law enforcement and community leaders.

HEALTH CARE FRAUD AWARENESS:

AUSAs Adam Townshend and Ray Beckering continued to host quarterly health care fraud task force meetings with law enforcement agents, internal investigators and stakeholders. In addition, as he did last year, AUSA Adam Townshend spoke about health care fraud trends and investigations at a Business and Legal Issues in Dialysis and Nephrology Symposium in Chicago, IL. He also spoke at the annual ICLE Health Law Institute in Plymouth, MI.

PSN OUTREACH ON OFFENDER RE-ENTRY:

The PSN violent crime reduction strategy includes building collaborative relationships with interested lay community leaders and supporting crime prevention efforts.

This year for the first time in many years, the Department expanded its PSN grant funding to all districts. AUSA Alexis Sanford headed-up organizing PSN law enforcement partners from all six communities with violent crime task forces into a PSN Grant Committee. The Committee opted to dedicate grant funds in the coming year to lay community partnership and prevention efforts in those six communities rather than to law enforcement needs. Details will have to wait for the outcome of the competitive grant process in 2019.

In the spring, the office hosted a Project Safe Neighborhoods *Facing Choices* forum in Muskegon along with the Michigan

Department of Corrections. State parolees heard unmistakable warnings from state and federal law enforcement officials and prosecutors about re-offending. But they also heard law enforcement would like nothing more than for them to succeed, noting the opportunities and support available to them as parolees. Formerly incarcerated individuals told stories of success post-incarceration as relatable encouragement. Community service providers and potential employers were available for consultation. AUSA Alexis Sanford organized the forums and spoke, along with U.S. Attorney Birge.

Following a format similar to the meeting in Muskegon, U.S. Attorney Birge and law enforcement and community partners addressed an audience of ex-offenders in Lansing as part of the Lansing Police Department's Public Safety Partnership (PSP) violence reduction efforts.

In addition, U.S. Attorney Birge spoke at a "call in" of ex-offenders in Kalamazoo as part of that community's Group Violence Initiative to bring down group-involved gun violence. As in Muskegon and Lansing, his segment of the presentation provided fair warning of the federal interest in bringing down violent crime rates and the harsh penalties those who choose to be involved in gun violence face in the federal system. U.S. Attorney Birge's role in the GVI program also includes regular meetings with a board of law enforcement and community partners who oversee the program and maintain its focus on the community's needs.

OUTREACH TO MIDDLE AND HIGH SCHOOL STUDENTS:

The office hosted the *Justice Scholars* program again this year, educating seventh and eighth graders at the Gerald R. Ford Academy in Grand Rapids on the Constitution and careers in various fields related to the criminal justice system. AUSA Alexis Sanford and SAUSA Tracey Brame organized and led the program. Assistant U.S. Attorney and SLC Tim VerHey met with students from Grand Rapids Christian High School to talk about the prosecution of Marvin Gabrion, who committed murder in the National Forest and now sits on death row. U.S. Attorney Birge addressed the more mundane topics of the variety of careers one can pursue with a law degree and what students should consider in contemplating a career in the law.

LAW STUDENT INTERN PROGRAM:

The office supported four law school student interns over the course of the summer and one student during each of the spring and fall academic terms. The interns were exposed to our civil as well as criminal litigation missions through assignments on actual cases and a series of brown bag lunch seminars. AUSAs Sally Berens and Carrie Almassian mentored the summer interns and SLC Tim VerHey mentored our fall intern.

Law Enforcement Training Program:

Law Enforcement Coordinator Kaye Hooker, her counterpart in the Eastern District USAO and the victim/witness staff here organized, hosted and supported training for thousands of law enforcement officers this year. The seminars covered a host of

subjects, including securing special commissions for Indian Country law enforcement, handling domestic terrorism investigations, the latest on effective and lawful interview and interrogation techniques and using social media to enhance law enforcement investigations, among other topics. [See training list in appendix.] As in prior years, the programs were held in locations throughout the state, at no cost to attendees and minimal (local travel) costs to the office. **Anne Towns, Kathy Schuette and Janet Strahan** assisted Kaye in organizing the programs, along with the EDMILC Bob Poikey. Numerous AUSAs lectured for the programs, including in particular Sean Lewis on Indian Country matters.

The office continued to support trainings sponsored by some of our local law enforcement partners as well. For example, AUSA **Chris O'Connor** again taught legal issues that arise in arson investigations at the Michigan State University Arson School. And, following some introductory remarks from U.S. Attorney Birge, AUSA **Chris O'Connor** addressed an audience of investigators and financial services employees on the Bank Secrecy Act and the important role of Suspicious Activity Reports (SARs). AUSA **Jonathan Roth** trained local law enforcement on handling direct and cross examination at the Lansing Police Academy.

Victim/Witness Unit:

Kathy Schuette, Janet Strahan and Marlene Mottes, our victim services specialists, expertly assisted victims of crime through the criminal justice process. The Victim/Witness Unit issued 144,171 victim notification letters in 2018, a routine number for this district but very high for a district our size. The number of notifications reflects the number and size of our cases with victims, including both white-collar crimes and crimes of violence. Anne Towns, who supports both the LEC and V/W services, oversaw the notification system.

Extending their efforts beyond individual cases, **Kathy and Janet** continued to participate in the Grand Rapids Human Trafficking Task Force and the Domestic Violence Task Forces at the State and Tribal level. **Janet, Kathy and Marlene**, as well as **Paul Lochner** and **Hannah Bobee**, attended multi-disciplinary team meetings of Tribal law enforcement and civil service agencies. These teams focus on addressing child abuse in Indian Country.

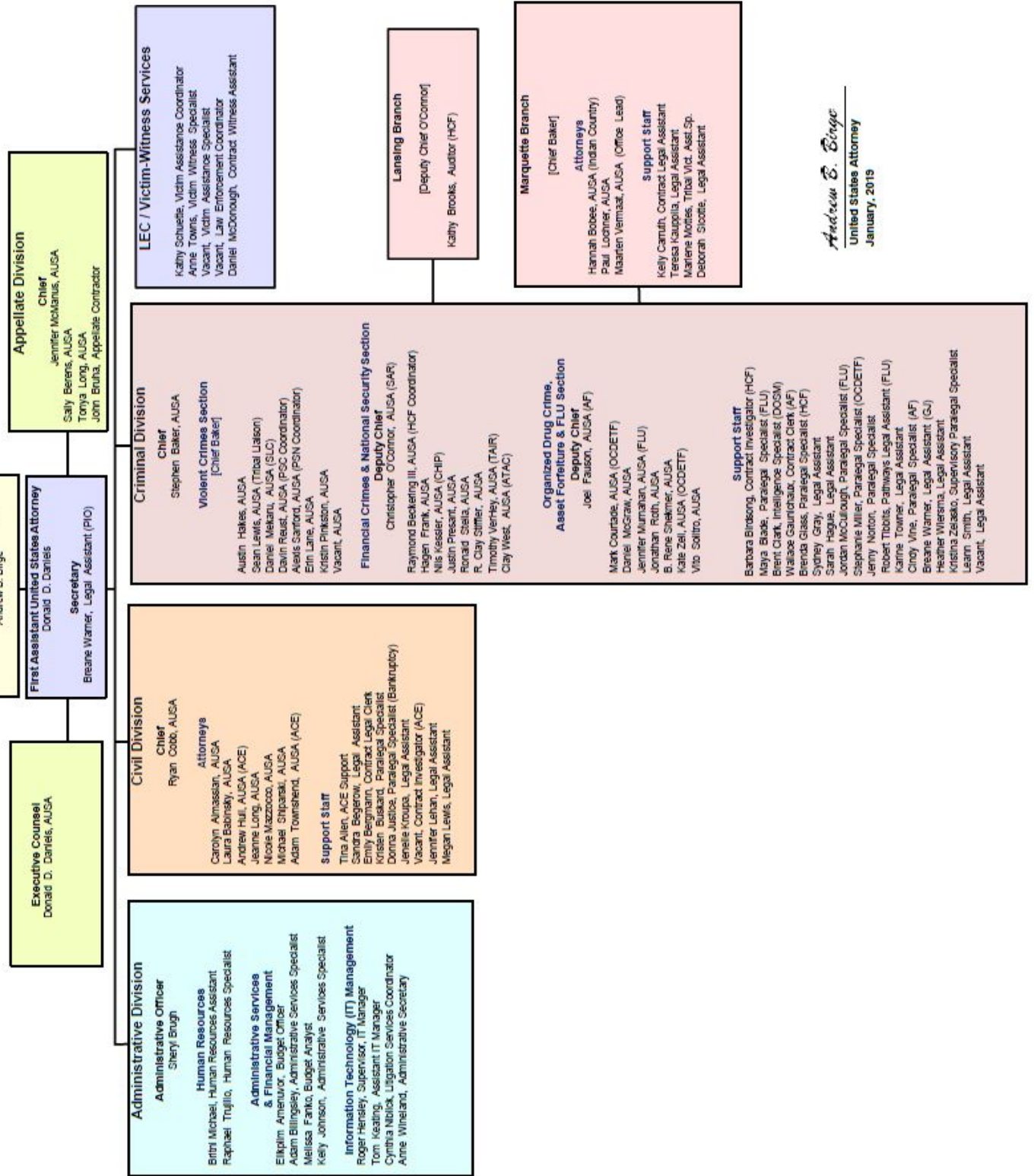
Legal Community Training and Support:

As in prior years, the Department's National Advocacy Center (NAC) selected several of our attorneys and staff to instruct on various topics, including trial advocacy and electronic evidence presentation. AUSA **Maarten Vermaat** had the honor of presenting to attendees from the district at the Sixth Circuit Judicial Conference on the subject of effective presentations of visual evidence. Several attorneys and members of the staff also supported the annual Hillman Trial Advocacy Program in Grand Rapids.

Diversity and Special Emphasis Program Committees:

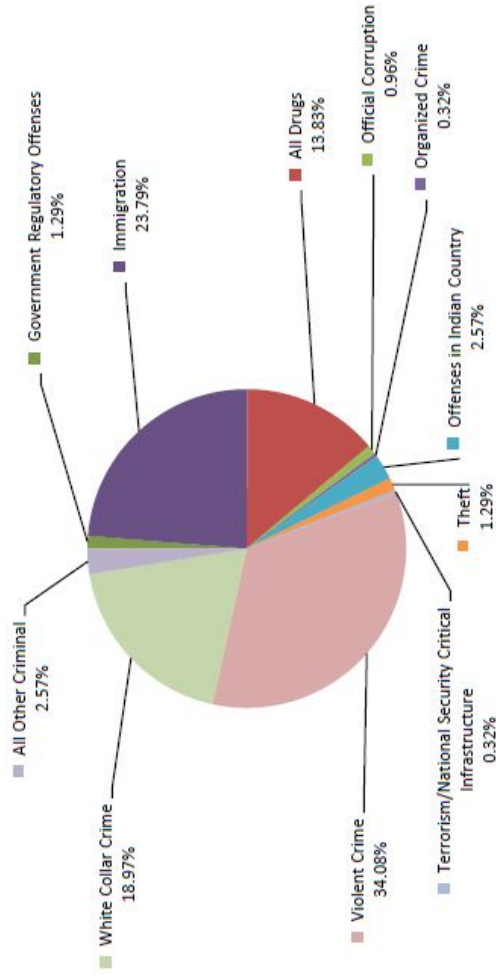
The office continued its tradition of Special Emphasis Programs throughout the year to foster understanding and a welcoming environment for employees of all backgrounds—and build teamwork along the way. The Special Emphasis Programs committee with assistance from Diversity Committee members organized and hosted programs, often with video presentations over the lunch hour, for African-American History Month, Women's History Month, Disability Awareness Month and Hispanic Heritage month and Veteran's Day. For example, for Hispanic Heritage Month, the office enjoyed what has become an annual salsa competition followed by a viewing of the Department's keynote speaker for its observance, U.S. Attorney Maria Chapa Lopez. And, to mark the 100th Anniversary of the Armistice (the end of World War I), and what is now Veterans Day, the office hosted historian **Steve Rossio**, who provided a brief video history of "the Great War" and addressed the role men from Southwest Michigan played in conflict, including their deployment to Russia after the war had officially ended.

UNITED STATES ATTORNEY'S OFFICE - WESTERN DISTRICT OF MICHIGAN



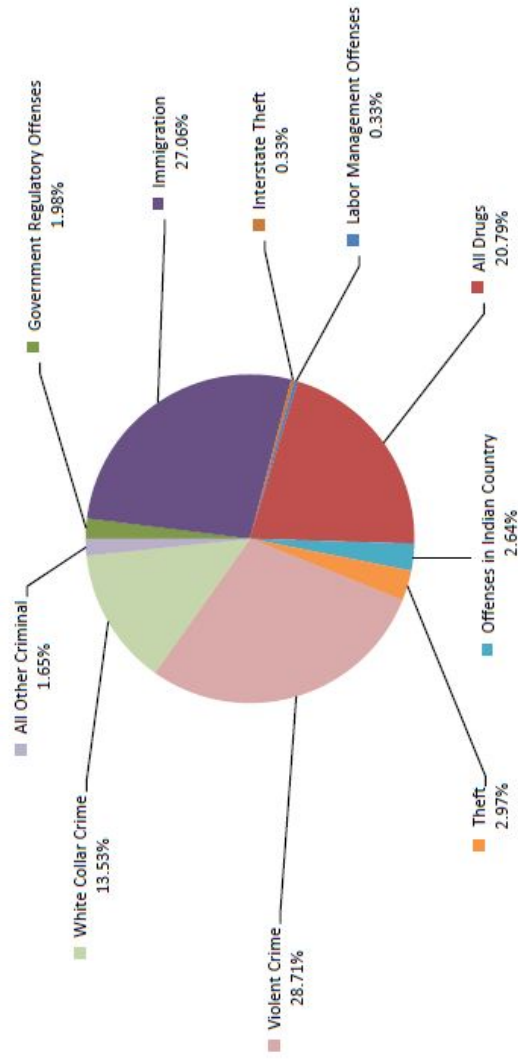
Andrew B. Birge
United States Attorney
January, 2019

United States Attorneys -- Criminal Caseload Statistics Western District of Michigan Cases Filed by Program Category Fiscal Year 2018



Total:
311

Fiscal Year 2017

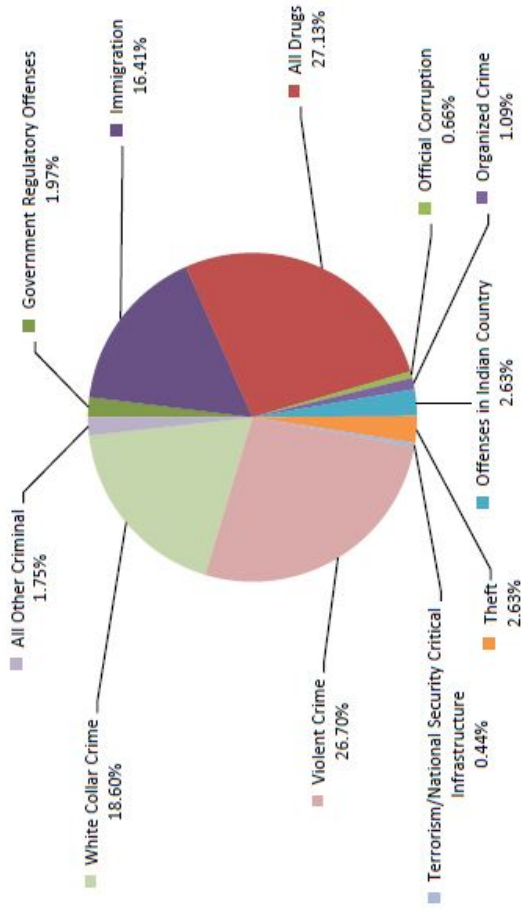


Total:
303

Caseload data extracted from the United States Attorney's Case Management System.
 FY 2018 numbers are actual data through the end of September 2018. FY 2006 and 2007 data may reflect a slight decrease in pending counts due to LIONS centralization.

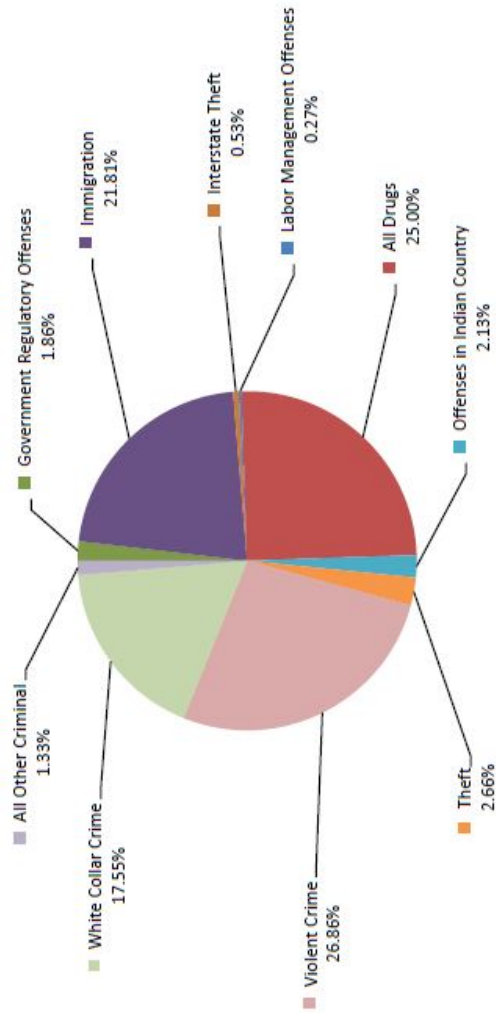
United States Attorneys -- Criminal Caseload Statistics Western District of Michigan Defendants Filed by Program Category

Fiscal Year 2018



Total:
457

Fiscal Year 2017



Total:
376

Caseload data extracted from the United States Attorney's Case Management System.
FY 2018 numbers are actual data through the end of September 2018. FY 2006 and 2007 data may reflect a slight decrease in pending counts due to LIONS centralization.

United States Attorneys Criminal Caseload Statistics
Western District of Michigan
Cases and Defendants Filed



Caseload data extracted from the United States Attorneys' Case Management System.

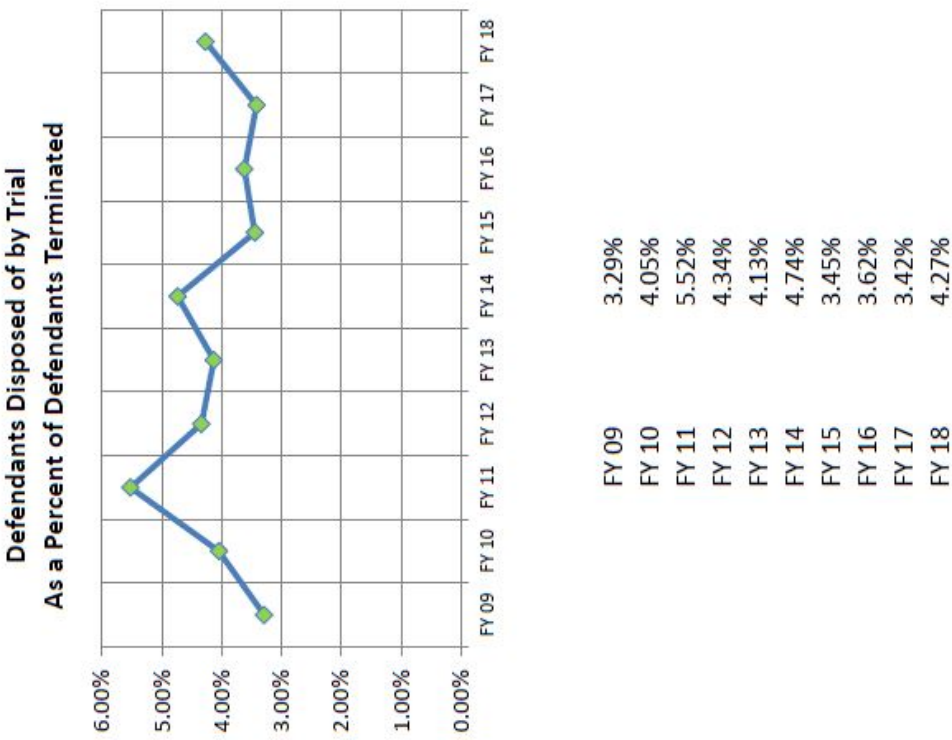
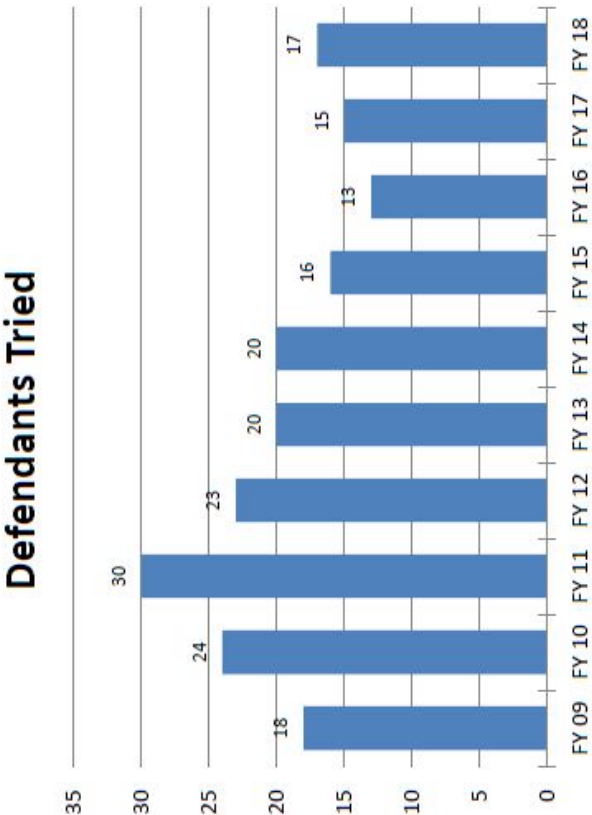
FY 2018 numbers are actual data through the end of September 2018. FY 2006 and 2007 data may reflect a slight decrease in pending counts due to LIONS centralization.

United States Attorneys Criminal Caseload Statistics Western District of Michigan Cases and Defendants Pending



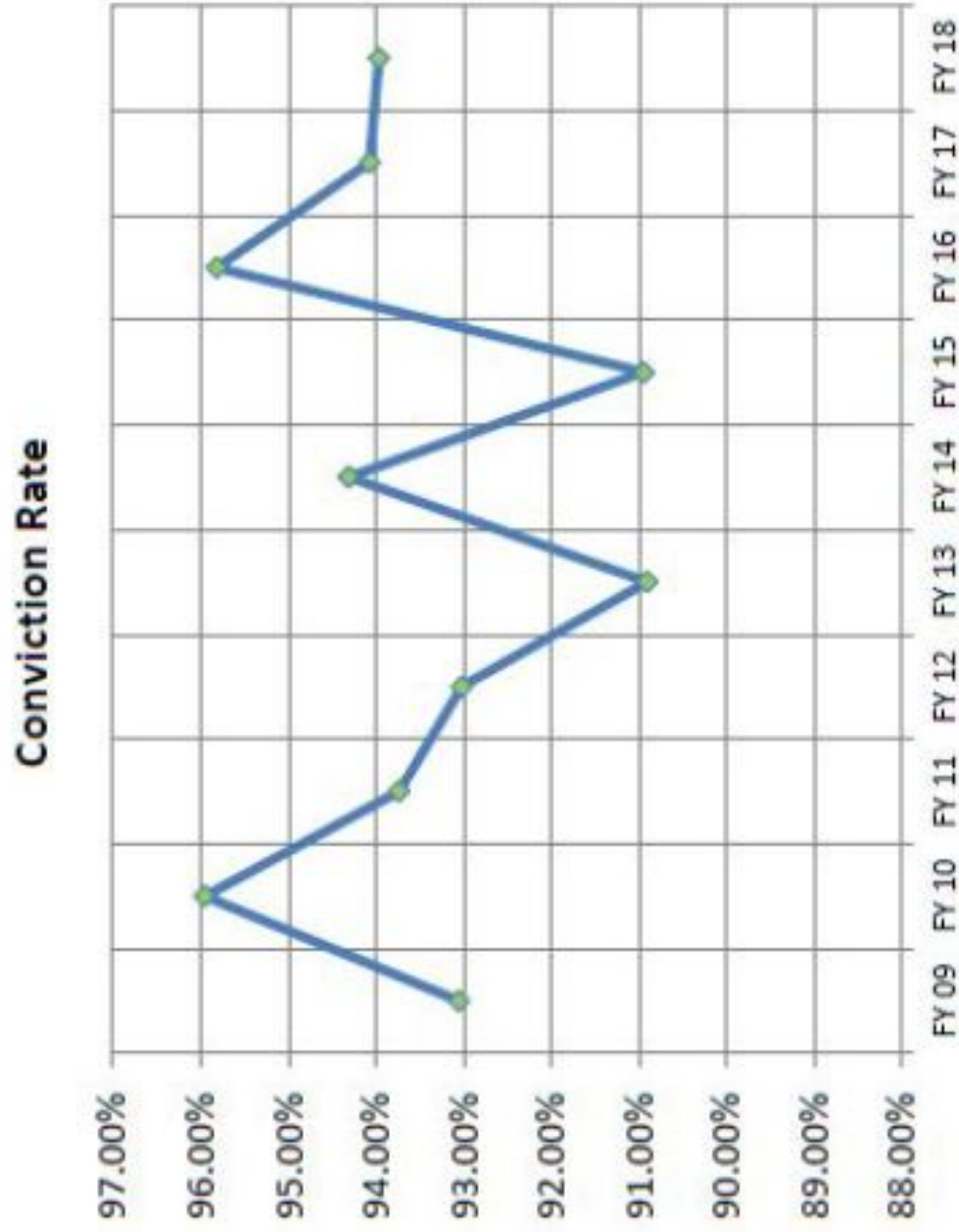
Caseload data extracted from the United States Attorneys' Case Management System.
 FY 2018 numbers are actual data through the end of September 2018. FY 2006 and 2007 data may reflect a slight decrease in pending counts due to LIONS centralization.

United States Attorneys Criminal Caseload Statistics
 Western District of Michigan
 Defendants Disposed of by Trial



Caseload data extracted from the United States Attorneys' Case Management System.
 FY 2018 numbers are actual data through the end of September 2018. FY 2006 and 2007 data may reflect a slight decrease in pending counts due to LIONS centralization.

United States Attorneys Criminal Caseload Statistics Western District of Michigan



Caseload data extracted from the United States Attorneys' Case Management System.

FY 2018 numbers are actual data through the end of September 2018. FY 2008 and 2007 data may reflect a slight decrease in pending counts due to LIONS centralization.

Firearms (18 U.S.C. 922 and 924)* Western District of Michigan

Category	FY 2014	FY 2015	FY 2016	FY 2017	Average of FY14-FY17	FY 2018**	Percent change of the average to the current year
Matters Received	38	42	64	93	59	106	↑ 78.9%
Defendants Filed	33	46	52	85	54	94	↑ 74.1%
Cases Filed	29	39	49	74	48	75	↑ 57.1%
Defendants Guilty	69	37	39	77	56	95	↑ 71.2%
No Prison	2	1	1	0	1	2	↑ 100.0%
1-12 months	1	0	2	2	1	3	↑ 140.0%
13-24 months	2	0	0	8	3	6	↑ 140.0%
25-36 months	4	2	5	8	5	7	↑ 47.4%
37-60 months	9	13	7	17	12	18	↑ 56.5%
61+ months	51	21	24	42	35	59	↑ 71.0%

2018 LAW ENFORCEMENT TRAINING

January	Managing Narcotics Informants	Taylor
February	Intro. to Narco Terrorism	Taylor
March	Clandestine Meth Lab Safety	Taylor
April	Courtroom Testimony in Narc. Cases	Taylor
April	Detecting Misleading Behaviors	Dearborn
May	Techn. Threats & Trends in Narco. Invest.	Mason
May	Drug Interdiction & Traffic Stops	Various
May	Criminal Jurisdiction in Indian Country	Mount Pleasant
May	Street Gangs—basic training	Flint
June	Survive & Thrive (Valor)	Kalamazoo
June	Bullet Proof Mind—Survival Trng	Dearborn; Parma
July	Mexican Drug Cartels	Swartz Creek
August	Mid-level Leadership Workshop	Mason
August	Street Gangs in Narcotics Enf.	Various
August	Tribal Adjudications	Mount Pleasant
August	Officer Safety & Terrorism (VALOR)	Grand Rapids
September	Using Social Media to Enhance Law Enf.	Taylor
September	Sex Offender Regis. Notif. Act (SORNA)	Grand Rapids
September	SORNA	Petoskey
September	Officer Safety & Terrorism (VALOR)	Grand Rapids
September	Trauma Management	Mason
October	Criminal Justice in Indian Country	Sault Ste. Marie
October	Domestic Terrorism	Ypsilanti
November	Interview & Interrogation	Mason
November	Criminal Jurisdiction in Indian Country	Mount Pleasant