

DISTRICT OF NEW MEXICO AT A GLANCE

The last overall district evaluation was conducted during the week of November 14, 2005. The Honorable David C. Iglesias was serving as the United States Attorney (USA) at the time of the evaluation. USA Iglesias was experienced in legal, management, and community relations work and was respected by the judiciary, agencies, and staff.

Overall, the Criminal Division AUSAs were long-time prosecutors who had extensive federal and local prosecutive experience. They were competent, productive, and professional. The Criminal Division supervisors effectively and appropriately managed case intake, assignment, and review. The USAO had appropriate policies and procedures for the effective review of indictments, prosecution memoranda, and charging decisions. However, the written work product and oral advocacy skills of the new and less experienced criminal AUSAs needed to be improved. The USAO responded that it would seek opportunities to provide additional training in written advocacy to all AUSAs, especially the newer AUSAs on the staff. Additionally, supervisors would be encouraged to observe courtroom performance of the less experienced and newly hired AUSAs as frequently as possible.

The overall quality and quantity of the criminal workload was appropriate; however, the increase in immigration cases was straining the USAO's resources. Virtually all immigration cases in the District were filed by the Las Cruces branch office because the defendants were usually arrested in close proximity to the border. The vast majority of immigration cases were disposed of through the USAO's Fast-Track Plea program. Were it not for this program, the USAO would have been overwhelmed by the sheer number of immigration cases.

The USAO had established an active and effective Anti-Terrorism Advisory Council. The USAO had a nationally recognized and highly effective firearms violence initiative and an active and effective program to address drug trafficking crimes in the District. The USAO was effectively prosecuting immigration and border crimes within the constraints of the available resources.

The Civil Division line AUSAs, as a group, was experienced and competent civil litigators. The Civil Division cases and the quality of the Civil Division's attorney work product were effectively managed. While the quality and quantity of the affirmative civil enforcement (ACE) and civil health care fraud (HCF) cases was appropriate; there appeared to be a lack of coordination within the Civil Division and between the Civil and Criminal Divisions on ACE and HCF matters.

The Appellate Division was well organized and staffed by experienced AUSAs who were well regarded by the court. The USAO's Asset Forfeiture Program was effectively managed. The USAO was effectively addressing criminal and civil cases arising from its interaction with Native American tribes in the District. Overall, the USAO's physical security was good.

The Administrative Officer was highly respected by the staff throughout the USAO. The Administrative Division totally supported the mission of the USAO.

STAFFING

FY 2006

In FY 2006, the USAO in the District of New Mexico received an allocation of \$11,070,640 (which included one-time increases totaling \$525,500) to fund and support 132 positions. In addition, the district received the following new position:

- One (1) Attorney position to support the efforts to combat Gang violence and reduce crime by providing additional prosecutorial resources to address the growing gang problem.

Below is a summary by position type before and after the new position was received:

	<u>Before</u>	<u>After</u>
Attorney (including the USA)	66	67
Paralegal	10	10
Support (including analysts)	<u>55</u>	<u>55</u>
Total	131	132

FY 2005

In FY 2005, the USAO in the District of New Mexico received an allocation of \$11,574,894 (which included one-time increases totaling \$359,000) to fund and support 131 positions.

FY 2004

In FY 2004, the USAO in the District of New Mexico received an allocation of \$11,145,022 (which included one-time increases totaling \$84,000) to fund and support 131 positions. The district received the following new position:

- One (1) OCDETF Attorney position to enhance the district's ability to identify, investigate, and prosecute drug trafficking and money laundering organizations.

Below is a summary by position type before and after the new position was received:

	<u>Before</u>	<u>After</u>
Attorney (including the USA)	65	66
Paralegal	10	10
Support (including analysts)	<u>55</u>	<u>55</u>
Total	130	131

SPECIAL ISSUES/CONSIDERATIONS

As of July 21, 2006, the General Counsel's Office, EOUSA, is aware of the following employment/litigation matters/cases.

-

-

**SIGNIFICANT CASE LISTING FOR THE
DISTRICT OF NEW MEXICO**

CRIMINAL DIVISION SIGNIFICANT CASES

- I. NARCOTICS/IMMIGRATION SECTION**
 - A. ALBUQUERQUE**

United States v. Israel Munoz-Tello: This case arose from a deadly traffic accident near Santa Fe in which four people were killed. The Defendant was transporting eleven illegal aliens. He fell asleep at the wheel and the vehicle left the road and rolled over. The van was over-loaded for its rated capacity. The seatbelts were not accessible because they were under the seats, and the defendant had placed two juveniles in a cargo bin. A grand jury returned an indictment charging the Defendant with transporting illegal aliens in violation of 8 U.S.C. § 1324. He is eligible for a sentence of life in prison. The case is pending trial.

United States v. Ramon Campos-Guel: The defendant was a career criminal who had spent most of his adult life committing crimes in the United States, including a drug-trafficking crime for which he served five years in prison and numerous assault convictions. He is in criminal history VI, the highest level under the Sentencing Guidelines. A grand jury charged him with illegally re-entering the United States after deportation in violation of 8 U.S.C. 1326. A jury convicted him and he faces a sentencing guideline imprisonment range of 100-125 months.

B. LAS CRUCES

United States v. Mario Fedencio Reyna-Miguel:

Hatch Alien Smuggling Operation: The modus operandi of two smuggling organizations has been to have young family members and their friends smuggle aliens into the United States believing that the United States does not prosecute juvenile defendants. In June 2006, the United States convicted Steven T. of smuggling two undocumented Mexicans.

United States v. Augustin Caraza, et al.: The Caraza Alien Smuggling Organization (CASO) had been smuggling large numbers of illegal aliens. CASO housed the aliens and made arrangements for the aliens to be transported into the interior of the United States. CASO used family members to hire local residents to retrieve wire money transfers that range from \$300 to \$5,000 CASO also provided false documents to facilitate the smuggling and transportation of the aliens into the interior. All defendants in the case have pled guilty and are awaiting sentencing.

United States v. Armando Galvan-Torres et al.:

United States v. Urbana Mendez-Valdez et al.: Agents used a confidential informant and several undercover agents to infiltrate a group who was using a laboratory in Guerrero, Mexico to produce high quality white heroin, which was then being sent to the United States. An indictment was returned in May of 2006 charging 10 defendants with Conspiracy to Distribute Heroin and several counts of Distribution of Heroin. The conspiracy count encompasses the money laundering which happened in several other districts. Trial is pending as to all defendants.

II. WHITE COLLAR / GENERAL CRIMES SECTION

United States v. Robert Vigil: An FBI investigation uncovered a kickback scheme operated by two successive Treasurers for the State New Mexico, in office from 1995 through 2005. Treasurer Michael Montoya developed a scheme in which so-called investment advisors received millions of dollars in commissions as a result of brokering certain investments of state monies. Mr. Montoya required those brokers to kickback a percentage of their commissions. After Mr. Montoya served his two-term limit, his Deputy State Treasurer, Robert Vigil, was elected to office. With some modification, Mr. Vigil continued this fraudulent scheme. Both Mr. Montoya and Mr. Vigil were indicted on charges of extortion. Mr. Montoya has pleaded guilty to extortion charges, and has agreed to cooperate with the United States. Although prosecution of this case has not yet concluded, it has resulted in the convictions of former State Treasurer Michael Montoya, his broker, and his bagman. Evidence against Mr. Vigil has forced him out of office and caused various state agencies, including the New Mexico State Treasurer's Office, to enact many needed reforms designed to prevent public corruption.

In April, 2006, the United States commenced a four week trial against Mr. Vigil. As a result of one hold-out juror, the Court was forced to declare a mistrial on all counts. Re-trial is scheduled to begin September 5, 2006.

United States v. Mark E. Van Wormer: Mark E. Van Wormer, M.D., a physician licensed to practice medicine in New Mexico and Texas, has been indicted for treating patients for forehead wrinkles with a product not approved for use on humans by the Food and Drug Administration (“FDA”). Dr. Van Wormer is alleged to have injected his patients with a product containing botulinum toxin Type A which had not been approved by the FDA for use on humans, and was distributed with the warnings, “NOT FOR HUMAN USE.” Van Wormer has been charged with twelve counts of fraud, one count of misbranding a drug, a Food and Drug Administration violation, and tampering with documents, in violation of 18 U.S.C. §§ 1512(c)(1) and 2.

III. VIOLENT CRIME SECTION

A. INDIAN COUNTRY/VIOLENT CRIME

United States v. Michael Johnson, et al.: In late 2005, four defendants were indicted for the murder of three victims on the Navajo Reservation. These murders were related to methamphetamine trafficking on the reservations. Three of the defendants are in custody and Johnson is still a fugitive.

United States v. Felicia Smallbear and United States v. Jorge Martinez: The United States charged two separate instances of PROTECT Act Amendments to 18 U.S.C. Section 1111, child abuse resulting in death. Smallbear, a twenty-three-year-old Native American, strangled, choked and threw her boyfriend’s seventeen (17) month-old toddler into a fireplace. In the other case, Martinez also admitted his acts resulted in the death of the child.

United States v. Larry Lujan, et.al.: Larry Lujan was indicted with the March 7, 2005, kidnapping and murder of 16 year-old Dana Joseph Grauke. The victim had been kidnapped from his home in San Antonio, Texas on March 7, 2005, and murdered near Las Cruces, New Mexico on March 8, 2005. Two other defendants were indicted in a superseding indictment. Lujan was the leader in this crime was apparently dealing with unwanted competition in drug dealing by the victim. All three of these defendants face the potential death penalty. Two juveniles have been charged and both have pled guilty and have agreed to cooperate with the United States.

United States v. Camille Suzanne Lente: On July 19, 2006, Camille Suzanne Lente pleaded guilty to three counts of involuntary manslaughter pursuant and one count charged Assault Resulting in Serious Bodily Injury. Lente, an enrolled member of the Isleta Indian Tribe, was driving on a state road which runs through the Isleta Indian Reservation, south of Albuquerque. Lente drove into oncoming traffic and struck a pickup head-on. Lente's passenger and two people in the pickup were killed instantly. Lente's blood alcohol level two hours after the collision was determined to be .21. Lente faces a maximum a maximum sentence of 6 years for each of the three involuntary manslaughter counts and a maximum sentence of 10 years for the Assault Resulting in Serious Bodily Injury count.

United States v. Daniel Zuni: A jury convicted Daniel Zuni, a former Navajo Nation Police sergeant, of kidnapping within the special maritime and territorial jurisdiction of the United States. The girlfriend, who is currently employed as a criminal investigator with the Navajo Nation Department of Public Safety, testified that she was kidnapped by Zuni and taken to El Morro National Monument where she was raped. The jury acquitted Zuni of the aggravated sexual abuse charge.

B. FIREARMS UNIT

United States v. Daniel Rojas: Following a referral from the Violent Crime Impact Team (VCIT), the defendant was charged with firearms charges stemming from an armed robbery at a used car dealership and armed robbery of a local pizza establishment. Albuquerque Police Department (APD) took the defendant into custody after recovering a firearm he had in his possession. The defendant has a lengthy criminal record. The defendant accepted a plea agreement, wherein the term of imprisonment was set at a total of 24 years.

United States v. Richard Baca: The APD was contacted by the defendant's ex-girlfriend who reported that the defendant had burglarized her residence and had been engaging in "stalking" behavior. The defendant was later apprehended and pursuant to a pat-down search, a loaded firearm was recovered from the defendant's waistband. The defendant's current case is set for trial. Upon conviction, the defendant will be exposed to approximately 20 years under 18 U.S.C. § 924(e) and the sentencing guidelines.

C. CIVIL RIGHTS

United States v. John Gould: Inmate Tampico Verdin, a Mexican National, was badly beaten by six Dona Ana County Detention Officers at the Dona Ana County Detention Facility. He suffered broken ribs, a broken elbow, a cracked shoulder, and numerous bruises. The detention officers, including John Gould, were indicted for violating 18 U.S.C. § 242. Felony convictions have been obtained on all defendants except for Gould, who is presently awaiting trial. After being fired from the Dona Ana County facility, Gould hid the fact that he was federally indicted. He was hired by a county jail

and engaged in further illegal conduct. Specifically, inmate James Barber was shot (with a FN-303 firearm) eleven times while he was alone in a cell unclothed. That firearm is designed to use non-lethal force. Gould has also been indicted for violating 18 U.S.C. § 242 in this incident.

IV. ATAC

United States v. David K. Brown, et al.: A Sandia National Laboratory (SNL) employee and a nationally recognized explosives expert, discovered that over 500 pounds of sophisticated explosives had been stolen from his storage facilities near Albuquerque. The explosives included about 2,500 very sensitive detonators. A \$50,000 reward offered by the FBI led to the December 23, 2005, recovery of all of the explosives in northern New Mexico and southern Colorado, along with the apprehension of all of the perpetrators. All defendants pleaded guilty. Despite initial fears of terrorist involvement, it appears that the defendants' goal was to steal items to sell. The explosives were driven over 200 miles in a wheeled magazine, along with the detonators. The lead ATF investigator estimated a highway accident or other jarring event would have made the steel magazine explode like a bomb, sending metal as far as 4000 feet from the point of explosion.

United States v. Reumayr:

United States v. Salgado-Duran: Salgado-Duran was recently indicted for putting veterinarian antibiotics into a large quantity of milk awaiting sale to a cheese processing plant. The loss to the dairy is less than \$20,000 and no contaminated milk was placed in the consumer markets because the contamination was identified by the dairy shortly after the contamination was placed in the milk.

CIVIL DIVISION SIGNIFICANT CASES

Marco Antonio Vasquez Villalobos, et al. v. Union Pacific Railroad, et al.: This case arose out of an FBI spearheaded, multi-agency operation designed to thwart or curtail ongoing robberies of goods being shipped interstate along the United States/Mexico border on Union Pacific Railroad trains. Gangs of thieves from Mexico would board the trains, break into locked container cars and rob the containers of their contents. The operation was prematurely compromised and two FBI agents were severely beaten. Twelve of the individuals arrested on the night of the operation subsequently brought a civil action against the United States and various law enforcement agencies. Plaintiffs voluntarily dismissed their entire lawsuit after a Motion to Dismiss was filed.

United States v. Fennell: This office successfully litigated a case relating to sham gold mining claims in the Lincoln National Forest. The Defendants were despoiling and unlawfully residing in a scenic and historic area of national forest lands. The case resulted in a precedential published court decision in favor of the United States relating to acquisition of former Republic of Mexico lands by the United States and designation of such lands as national forest lands (*United States v. Fennell*, 381 F. Supp. 2d 1300 (D.N.M. 2005)). Following the Court's decisions, the Defendants vacated the area under a Consent Judgment, and the area is now being remediated and restored by the Forest Service.

Diamond Bar Cattle Co. et al. v. United States: Hundreds of head of cattle that had been illegally placed on pristine wilderness located within Forest Service lands, causing substantial resource damages. The case received substantial local and national attention. This office was successful in obtaining injunctive relief against the livestock owners and their successors, followed by removal, impoundment and sale of the cattle. The case concluded with entry of a comprehensive Consent Judgment in favor of the United States, which included recovery of substantial damages and an agreement by the livestock owners and their successors to comply with past and future Orders of the Court.

Liliana Cruz et al. v. United States: Illegal aliens sued the USA under the FTCA for wrongful death and significant injuries sustained after a blowout and rollover in April 2000 as they were on the highway in southern New Mexico in the back of a Border Patrol SUV after having been apprehended by the Border Patrol during an illegal crossing into the United States. The SUV had no seatbelts, of even seats, as it was being used as a K-9 vehicle at that time, but it was the only vehicle available for transport. The case was settled.

BIOGRAPHY OF DAVID C. IGLESIAS
U.S. Attorney, District of New Mexico



David Iglesias graduated from Santa Fe High School in 1976, from Wheaton College in 1980 and the University of New Mexico School of Law in 1984. Mr. Iglesias served on active duty as a Navy JAG officer from 1985-1988 at the Pentagon and Naval Legal Service Office, Washington, D.C. He was a defense counsel in a Guantanamo Bay, Cuba, court-martial which inspired the movie "A Few Good Men." Then LT Iglesias also defended legendary Navy SEAL Team Commander Dick Marcinko, author of the "Rogue Warrior" books.

After leaving active duty in 1988, Mr. Iglesias continued his career in public service by serving as a state Assistant Attorney General (Special Prosecutions), and heading legal offices in the Albuquerque City Attorney's office, State Risk Management and the Taxation and Revenue Department. Mr. Iglesias was selected as a White House Fellow for the 1994-1995 year. IN 1998, Mr. Iglesias was the Republican nominee for New Mexico Attorney General.

Mr. Iglesias returned to active duty in late 1999 for two months where he served at the 5th Fleet in Bahrain, and onboard the aircraft carrier, USS John F. Kennedy in the Persian Gulf in support of Operation Southern Watch. Mr. Iglesias is a Captain in the Naval Reserve JAG Corps where he serves as Commanding Officer of a reserve unit in the Seattle area. He was named "Reserve Officer of the Year, U.S. Special Operations Command, 2001."

In 2001, President Bush nominated Iglesias to become United States Attorney for the District of New Mexico. The United States Senate confirmed him in October 2001. He was member of the Attorney General's Advisory Committee and chaired the Attorney General's Border and Immigration Subcommittee. In 2004, Iglesias testified before Congress on the employment rights of Guard and Reserve members. Iglesias is married and the father of four children.

NEW MEXICO

United States Attorney: David C. Iglesias

HEADQUARTERS:

Phone Numbers

Office: (505) 346-7274
 Fax: (505) 346-7296

Address

Shipping: 201 Third Street, N.W.
 Suite 900
 Albuquerque, NM 87102
 Mailing: P.O. Box 607
 Albuquerque, NM 87103

Official Position	Name	Phone Numbers
*USA	<u>David C. Iglesias</u>	DIRECTLINE: CELL: PAGER: HOME: BLACKBERRY:
Secretary to USA	<u>Lois Golden</u>	DIRECTLINE: CELL: FAX:
First AUSA	<u>Larry Gomez</u>	DIRECTLINE: CELL: HOME:
Executive AUSA	<u>Rumaldo Armijo</u>	DIRECTLINE: CELL: HOME:
Criminal Chief	<u>Larry Gomez</u>	DIRECTLINE CELL HOME
Civil Chief	<u>Jan Mitchell</u>	DIRECTLINE HOME
ATAC CIO	<u>Ron Lopez</u>	DIRECTLINE CELL HOME
Chief, Appellate	<u>David N. Williams</u>	DIRECTLINE
Chief, Asset Forfeiture	<u>Stephen R. Kotz</u>	DIRECTLINE
Chief, OCDETF	<u>James Braun</u>	DIRECTLINE CELL
Admin Officer	<u>Ruth M. Cox</u>	DIRECTLINE CELL HOME
Intelligence Research Specialist	<u>Anthony Elsworth</u>	DIRECTLINE CELL OFFICE BLACKBERRY
Systems Manager	<u>Teresa Moore</u>	DIRECTLINE HOME

BLACKBERRY

VW Coordinator	<u>Anita E. Perry</u>	DIRECTLINE: CELL: HOME:
----------------	-----------------------	-------------------------------

LECC Coordinator	<u>Ron Lopez</u>	DIRECTLINE: CELL: HOME:
------------------	------------------	-------------------------------

BRANCH OFFICE: Las Cruces

Site Phone Number

Office: (505) 522-2304
Fax: (505) 522-2391

Site Address

Mailing: 555 South Telshor
Suite 300
Las Cruces, NM 88011
Shipping: 555 South Telshor
Suite 300
Las Cruces, NM 88011

**MEETING WITH UNITED STATES ATTORNEY H.E. (BUD) CUMMINS, III
EASTERN DISTRICT OF ARKANSAS**

United States Attorney's Office

Little Rock, Arkansas

July 21, 2005

Doug Sheorn

I. PURPOSE

Meet with United States Attorney H.E. (Bud) Cummins, III.

II. BACKGROUND

GENERAL DEMOGRAPHIC INFORMATION:

The State of Arkansas is divided into two federal judicial districts. The Eastern District of Arkansas, the larger of the two, contains 42 counties having a population of approximately 1.5 million people. District headquarters is located in Little Rock, which is by far the largest metropolitan area in the state, with a population of 550,938. There are no staffed branch offices.

Relatively few special characteristics influence the caseload or dictate priorities within the district. While there is some federal presence due to military installations and a federal prison, the most significant demographic aspect of the district is the location of the state capital in Little Rock. Public corruption cases by state legislators have been among the most labor-intensive cases undertaken by the district in recent years.

DISTRICT'S EVALUATION REPORT:

The last overall office evaluation was conducted during the week of August 5, 2002. United States Attorney (USA) H.E. "Bud" Cummins and his senior management staff were effectively managing the United States Attorney's Office (USAO). Soon after his appointment in January 2002, USA Cummins made significant changes in the management team, selecting a new First AUSA, transferring the previous First AUSA/Criminal Chief to the position of SLC, and selecting the USAO's first Criminal Chief. These changes have been well-received by the judiciary, agencies, and most of the USAO staff but some morale issues have resulted in the Criminal Division. Five new AUSAs were hired to fill vacancies within the office and the SLC had been directed to create an in-house training program. The USAO had assembled its ATTF and was working on a PSN initiative in Pine Bluff. The USA was taking a highly visible role in these initiatives.

The Criminal Division had a mix of very experienced and new to inexperienced AUSAs. The challenge for the Criminal Chief was to provide supervision and training for two groups with radically different skill levels and training needs. The evaluation team recommended that the USA consider selection of a deputy criminal chief, or the creation of units with lead attorneys to assist the Criminal Chief in the management of the workload and personnel. Criminal data in LIONS appeared accurate but civil data was not. Inaccurate data made it difficult to determine if additional civil resources were needed. The Civil Chief carried a full caseload and devoted little time to management. He did not review the written or courtroom work of the AUSAs and file reviews appeared to be limited to a review of caseload numbers. There was no attorney review and oversight of social security filings in district court. The evaluation team identified one Red Flag issue involving attorneys from the Office of Social Security Regional Counsel who were assisting the USAO with social security litigation but had not been appointed as Special AUSAs. All of these issues were corrected after the evaluation.

The Administrative Division staff was enthusiastic and hardworking. Overall, the personnel, financial, Third Party Payment, acquisition, support services, and computer systems programs were performed competently and, with a few exceptions, in accordance with established policies and procedures. The team's findings were generally minor in nature and easily corrected. The USAO had good written internal control policies and procedures for all the program areas, and had adequate staff to ensure proper separation of duties.

Security was generally good. The USAO had recently expanded its space and relocated personnel to another floor in private-leased space. Personal security of employees appeared good and no concerns were reported during the evaluation.

STAFFING:

FY 2005

The USAO in the Eastern District of Arkansas received a base funding allocation of \$4,863,200 to fund and support 58 positions.

FY 2004

In FY 2004, the USAO in the Eastern District of Arkansas received a base funding allocation of \$4,414,600 (which included a one-time increase in the amount of \$4,000) to fund and support 58 positions.

FY 2003

In FY 2003, the USAO in the Eastern District of Arkansas received a base funding allocation of \$4,396,100 (which included a one-time increase in the amount of \$103,700) to fund and support 58 positions.

III. PARTICIPANTS

H. E. (Bud) Cummins, III, United States Attorney, Eastern District of Arkansas

**SIGNIFICANT CASE LISTING FOR THE EASTERN DISTRICT OF
ARKANSAS**

Ongoing Trial in Largest Computer Data Theft in History: Currently, we are co-counsel with CCIPS attorneys from Main Justice in an ongoing trial in the case of *United States v. Scott Levine*. This case represents the largest computer intrusion case in the United States. On July 21, 2004, Scott Levine, the former CEO of Snipermail.com of Boca Raton, FL, was indicted in a 139 count indictment. The case involves unlawful intrusions into the file transfer protocol server of Acxiom Corporation in Conway and Little Rock, Arkansas that resulted in the illegal acquisition of probably the largest amount of personal identification data ever stolen by a hacker. (NOT YET PUBLIC:

. This trial

is likely to interest national media when the testimony comes out.

Recent Inquiries Regarding Pigford (Black Farmer Discrimination) Cases:

Naji Khalil Plea - Money Laundering and Material Support: On Thursday, July 21, 2005, 2 p.m. Naji Khalil is scheduled to plead guilty to charges of conspiracy to commit money laundering. Next week, he is scheduled to plead guilty here to a SDNY material support charge pursuant to Rule 20. Khalil was indicted along with four other people charging them with conspiracy to commit money laundering. This is a result of an FBI investigation in which the FBI gave \$100,000 to Khalil in Los Angeles and he was going to launder it through the Bank of Beirut in Beirut, Lebanon. Khalil was arrested on the complaint in May of 2004 and indicted in June of 2004, along with Michael Muldall, who owns an import/export company in Los Angeles and is a naturalized American citizen from Jordan. George Korbane, a banker with the Bank of Beirut, Beirut, Lebanon and a Lebanese citizen; John Shahin, a Lebanese citizen who lives in Beirut, and Ibrahim Handan, an attorney who lives in Saudi Arabia. Shahin, Handan and Korbane have not been taken into custody due to the fact that they are in Saudi Arabia and Lebanon and there is no extradition of them.

Korbane was arrested in New York City in May 2004, in an FBI undercover operation coordinated with the EDAR investigation in which he agreed to ship night goggle visions to the Hezbollah along with another man Tomar Grinberg. Khalil was arrested in New

York on a complaint and was subsequently indicted in the SDNY with attempting to provide material support to a terrorist organization, Hezbollah.

BIOGRAPHY OF UNITED STATES ATTORNEY H. E. (BUD) CUMMINS, III

Mr. H. E. (Bud) Cummins, III was born August 6, 1959, in Enid, Oklahoma, is married, and has four children. He received a B.S. degree in 1981 from the University of Arkansas and a J.D. degree in 1989 from the University of Arkansas at Little Rock School of Law. He was admitted to the Arkansas Bar, the U.S. District Court for the Eastern District of Arkansas, and the U.S. District Court for the Western District of Arkansas in 1989 and the Eighth Circuit Court of Appeals in 1995.

Mr. Cummins was sworn in as the court appointed interim United States Attorney for the Eastern District of Arkansas on December 21, 2001. Mr. Cummins was sworn in as the Presidentially appointed United States Attorney for his district on January 9, 2002. Prior to this position, Mr. Cummins served as an Attorney with Cummins & Associates of Little Rock from 1999 until his appointment as the United States Attorney for the Eastern District of Arkansas. He was the Chief Legal Counsel for the Office of the Governor, State of Arkansas, 1997 - 1998; a private practitioner with H.E. Cummins Attorney at Law of Little Rock, 1993 - 1996; and a clerk for the United States District Court for the Eastern District of Arkansas, 1989 - 1993.



Bud Cummins
United States Attorney
Eastern District of Arkansas

ARKANSAS, EASTERN

United States Attorney: H.E. "Bud" Cummins

HEADQUARTERS:

Phone Numbers

Office: (501) 340-2600
 Fax: (501) 340-2728

Address

Mailing: Post Office Box 1229
 Little Rock, AR 72203
 Shipping: 425 West Capitol
 TCBY Building Suite 500
 Little Rock, AR 72201

Official Position	Name	Phone Numbers
*USA	<u>H.E. "Bud" Cummins</u>	DIRECTLINE: CELL: PAGER: HOME: SECURE PHONE: BLACKBERRY:
Secretary to USA	<u>Cherith Beck</u>	DIRECTLINE: CELL: HOME: FAX: BLACKBERRY:
First AUSA	<u>Sandra Cherry</u>	DIRECTLINE: CELL: PAGER: HOME: FAX: SECURE PHONE: BLACKBERRY:
Criminal Chief	<u>Robert J. Govar</u>	DIRECTLINE: CELL: PAGER: HOME: SECURE PHONE:
Civil Chief	<u>Richard M. Pence</u>	DIRECTLINE: HOME:
ATAC Coordinator	<u>Joe Volpe</u>	DIRECTLINE: CELL: HOME:
Immigration Coordinator	<u>Michael Johnson</u>	CELL: PAGER: HOME: OFFICE:

DOSM	<u>Joe Volpe</u>	DIRECTLINE: CELL: HOME:
Chief, Asset Forfeiture	<u>Todd Newton</u>	DIRECTLINE: HOME:
Chief, FLU	<u>Stacey McCord</u>	DIRECTLINE: HOME:
Chief, OCDETF	<u>Kevin Alexander</u>	DIRECTLINE: CELL: HOME: FAX:
Admin Officer	<u>Sandra Duclos</u>	DIRECTLINE: CELL: HOME: FAX: SECURE PHONE
Intelligence Research Specialist	<u>Vacant</u>	BLACKBERRY
Systems Manager	<u>Elaine Dawson</u>	DIRECTLINE BLACKBERRY
VW Coordinator	<u>Leslie Hollingsworth</u>	DIRECTLINE CELL HOME
LECC Coordinator	<u>Amanda Warford</u>	CELL OFFICE

DISTRICT OF NEVADA AT A GLANCE

DISTRICT'S EVALUATION REPORT:

The last overall office evaluation was conducted during the week of March 3, 2003. The Honorable Daniel G. Bogden was serving as the United States Attorney (USA) at the time of the evaluation. USA Bogden was highly regarded by the federal judiciary, the law enforcement and civil client agencies, and the staff of the USAO. He was actively involved in the day-to-day management of the USAO, had established an excellent management team, and had established appropriate USAO priority programs that support Department initiatives.

The supervisory AUSAs in the Criminal Division were experienced trial attorneys and competent managers. The criminal line AUSAs were experienced, professional, well motivated, and competent. Overall, the USAO effectively managed its plea agreement, sentencing, and post-conviction practice. All cases received appropriate supervisory review before indictment. The AUSAs' written work product was very good. Overall, the judiciary was very complimentary of the professionalism, courtroom demeanor, and skill exhibited by AUSAs.

The USAO had made great efforts to establish an effective Anti-Terrorism Task Force, now called the Anti-Terrorism Advisory Council, based on the unique characteristics, geographic and otherwise, of the District. The USAO had a substantial increase in firearms cases as a direct result of the USAO's revised PSN program, which had made a significant impact on violent crime in the District. Although the number of OCDETF approved investigations had declined, the total number of drug prosecutions had remained relatively static over the past several years. It was anticipated that the number of OCDETF cases would increase. USA Bogden had recently assumed the chairmanship of the District's High Intensity Drug Trafficking Area (HIDTA) Executive Committee which breathed new life and direction into the HIDTA.

The First AUSA/Civil Chief was an experienced and capable manager who was well regarded by his staff. However, it was recommended that the USAO designate a full-time Civil Chief so that one person didn't have to serve as both the First AUSA and the Civil Chief. At the time of the follow-up visit, the USAO was in the process of selecting a new full-time Civil Chief. The civil line AUSAs, as a group, were experienced civil litigators. They each had 12 or more years experience and demonstrated competency in handling their assigned cases. The USAO's ACE and civil HCF programs had not reached their full potential due to key personnel vacancies. Despite these vacancies, the Civil Division had a variety of high quality ACE investigations and cases in litigation.

The USAO did not have a separate Appellate Section and the duties of the USAO's Appellate Coordinator had not been clearly defined or communicated. The USAO advised at the time of the follow-up visit that it had taken steps to enhance and improve its appellate procedures and clarify the responsibilities of the Appellate Coordinator. The USAO generally had acceptable security practices and procedures. The security concerns identified during the evaluation have been resolved or are in the process of being resolved.

The USAO had a competent and knowledgeable Administrative Officer. The Administrative Division was adequately staffed and provided quality service to the USAO.

STAFFING:

FY 2006

In FY 2006, the USAO in the District of Nevada received an allocation of \$8,126,200 (which includes a one-time increase of \$12,000) to fund and support 89 positions.

In addition, the district received the following new positions:

- One (1) attorney and one (1) support position to address increasing counter terrorism workload demands and to support the Department's anti-terrorism strategy.
- One (1) attorney position to support the Attorney General's efforts to combat gang violence and reduce crime.
- In addition, the district received a rescission of one (1) attorney and two (2) support positions.

FY 2005

In FY 2005, the USAO in the District of Nevada received an allocation of \$8,218,400 (which included one-time increases totaling \$370,000) to fund and support 88 positions.

In addition, the district received the following new positions:

- One (1) OCDETF Assistant United States Attorney (AUSA) position to enhance the districts ability to identify, investigate, and prosecute drug trafficking and money laundering organizations.

	<u>Before</u>	<u>After</u>
Attorney (including the USA)	42	43
Paralegal	7	7
Support (including analysts)	<u>39</u>	<u>39</u>
Total	88	89

FY 2004

In FY 2004, the USAO in the District of Nevada received an allocation of \$7,629,300 (which included a one-time increase of \$5,000) to fund and support 88 positions.

SPECIAL ISSUES/CONCERNS:

As of March 17, 2006, the General Counsel's Office, EOUSA, is aware of the following pending employment matter:

-

21 MARCH 2006

FACILITIES MANAGEMENT ISSUES:

Las Vegas - Headquarters office will be required to relocate from the new United States Courthouse in 2012 as a result of the Courts Long Range Requirements. This was pushed back from 2010 due to the Courts moratorium on space. The USA wants to explore the possibility of vacating the Courthouse sooner due to the lack of adequate office space around the Courthouse. This would be at a great cost to the Government as we would have to pay the cost of unamortized tenant improvements through 2010 in a lump sum.

Reno - Staffed branch office is housed in a leased facility. The Courts want to build an Annex to meet their long range requirements and use the United States Attorney's Office (USAO) to help anchor this project. There is no action at this time pending further information from the General Services Administration (GSA) and the Courts. The USAO would prefer to remain in leased space. This has been conveyed to the GSA.

SIGNIFICANT CASE LISTING FOR THE DISTRICT OF NEVADA

Public Corruption Prosecutions

U.S. v. Lance Malone et al.

The U.S. Attorney's Office in Las Vegas is currently involved in a major public corruption prosecution involving allegations of payoffs and bribes to former Clark County Commissioners Lance Malone, Dario Herrera, and Mary Kincaid-Chauncey. All three are charged with Conspiracy and Wire Fraud. Malone is also charged with conspiring to violate RICO. Trial against Herrera and Kincaid-Chauncey began on March 14, 2006, in Las Vegas, and is scheduled to last two to three months. Trial against Malone is scheduled to begin on August 29, 2006. The former local lawmakers are alleged to have solicited and accepted money, property and services, and used their public offices for matters relating to zoning, licensing, and other decisions that would favorably affect former Las Vegas strip club owner Michael Galardi and his clubs. Galardi pleaded guilty to participating in a RICO Enterprise, and admitted that he made payments of between \$200,000 to \$400,000 to the Commissioners. He agreed to forfeit \$3,850,000; pay restitution of \$400,000; and divest himself of ownership and business interests in his clubs. Another former County Commissioner, Erin Kenny, pleaded guilty to wire fraud conspiracy charges and admitted that she accepted bribes from Galardi.

U.S. v. Joseph Richards

On March 4, 2006, the owner of three brothels, a massage parlor, and strip club in Nye County, Nevada, was arrested in Las Vegas and charged with Wire Fraud for allegedly depriving and defrauding the Nye County Commission and citizens of Nye County of money and property and their right to the honest services of their public officials. *The case will be presented to the Grand Jury for Indictment on Wednesday, March 22, 2006.* The Complaint alleges that Richards paid a Nye County Commissioner, a total of \$5,000 under the guise of a scholarship to attend UNLV law school. In return for the payments, Richards allegedly obtained the commissioner's assistance in changing a Nye County ordinance that imposed a land use restriction preventing him from building a brothel on property he owns near Pahrump, Nevada.

Hell's Angels Prosecution - U.S. v. Acosta et al.

Forty-four members of the Hells Angels Motorcycle Club are currently pending trial on federal racketeering and firearms charges as a result of a violent gang confrontation that occurred inside Harrah's Casino in Laughlin, Nevada, in April 2002. Members of the Hell's Angels assaulted members of the Mongols with firearms, knives, hammers, and wrenches, and sought to murder or seriously injure Mongols members. Two members of the Hell's Angels and one member of the Mongols were killed during the fight. Each defendant is charged with 19 counts of Violence in Aid of Racketeering (VCAR), 13

counts of Using and Carrying a Firearm During and In Relation to a Crime of Violence, and Criminal Forfeiture. Eleven defendants are currently scheduled for trial beginning September 18, 2006.

Health Care Fraud Indictment - U.S. v. SDI Future Health, Inc. et al.

On March 3, 2005, SDI Future Health, Inc., a California medical diagnostic testing company which operated clinics in Las Vegas, and its two top corporate officers, were indicted on federal health care fraud, money laundering, and tax evasion charges. The 136-count Indictment charges the SDI defendants with conspiracy to commit healthcare fraud and engage in illegal kickbacks to physicians in connection with the administration of polysomnographies (sleep studies) and heart monitoring; anti-kickback violations under the Medicare Fraud and Abuse statute; money laundering and tax evasion. During the relevant time frame, SDI treated in excess of 15,000 patients. The estimated loss is approximately \$22,000,000. On March 14, 2006, the Court severed the tax counts from the fraud counts and ordered two separate trials. Trial on the non-tax counts is scheduled to begin on August 28, 2006.

Identity Theft Prosecutions

According to the January 2006 FTC report on national and state trends in fraud and identity theft, Nevada is ranked 2nd in the nation for reported identity theft victims per capita and 6th in the nation for overall fraud complaints. Las Vegas is ranked 2nd in the nation for identity theft related complaints. In April 2004, the Southwestern Identity Theft and Fraud Task Force (SWIFT), was formed to combat this rapidly-growing problem of identity theft and financial crime in the Las Vegas Valley.

Operation Speedtrap

Operation Speedtrap, a SWIFT investigation, resulted in federal charges against 51 individuals for crimes such as Conspiracy, Identity Theft, Production of Unauthorized Identifications, Possession of Unauthorized Access Devices (credit cards), Theft, Possession of Stolen Mail, and Bank Fraud. As of March 20, 2006, 42 defendants have pleaded guilty, and all but five of those have been sentenced. The sentences ranged from six to 63 months imprisonment. In many of the cases charged, the defendants are alleged to have stolen the identification of victims by committing burglary or stealing mail, and producing counterfeit checks and matching unauthorized identification documents through the use of computers and cameras. They then recruit "passers" or mules to pass the counterfeit and stolen checks at casinos, grocery stores, hotels.

United States v. Kamaludeen Giwa, et al.

Kamaludeen Giwa and eight other individuals are charged with conspiracy, false official statements, identity theft, aggravated identity theft, access device fraud, and mail fraud. The defendants are alleged to have stolen credit card information from numerous victims, causing approximately \$1.3 million in loss to their bank accounts. Between July 2003

and October 2004, the group allegedly accessed upwards of 60 credit card accounts and went on a spending spree that included purchasing a \$30,000 Rolex watch from an upscale Beverly Hills, California jewelry store. The group also used the stolen credit card information to buy stereo equipment, jewelry and computer equipment. U.S. Postal Inspectors found 288 ChoicePoint reports in Giwa's apartment in Los Angeles, California, while executing a search warrant. Six of the defendants have pleaded guilty; the remaining three are scheduled for trial in May 2006.

United States v. Nelson Osemwengie et al.

As a result of an investigation by SWIFT, 16 individuals are charged with conspiracy to commit bank fraud, identity theft, passing counterfeit securities, and related offenses, for stealing the information of bank customers and using it to fraudulently obtain monies and funds. Several of the defendants were employed at banks in Las Vegas, and used their employment to fraudulently access customer bank accounts. Between December 24, 2004, and September 6, 2005, the defendants fraudulently accessed 37 bank accounts and negotiated or attempted to negotiate 23 checks totaling approximately \$300,000. The Government is also seeking the forfeiture of approximately \$261,565 in U.S. Currency, a 2003 Land Rover Range Rover; a 2000 Mercedes S430 Sedan; and a residence and business in Henderson, Nevada. All of the defendants are scheduled for trial in June 2006.

United States v. Florin Iancu, et al.

United States v. Petru Dragoi et al.

In May 2004, 21 persons were charged variously with Conspiracy to Participate in a Racketeering Enterprise, Conspiracy to Traffic In and Use Unauthorized Access Devices, Trafficking In and Use of Unauthorized Access Devices, Conspiracy to Traffic In and Use Unauthorized and Counterfeit Access Devices, Conspiracy to Produce, Use and Traffic in Counterfeit Access Devices, and Possession or Transfer of a Document-Making Implement. Members of the conspiracy acted individually or in teams at various locations throughout the United States. Members stole credit cards from vehicles parked near trail heads and recreation areas in and around Nevada and California, and from gym lockers at fitness facilities located throughout the United States. Members transported the stolen credit cards to Las Vegas, Nevada, where they manufactured counterfeit drivers' licenses bearing the names and photographs of co-conspirators or "runners." The runners then made purchases with the illegal credit cards, but primarily traveled from casino to casino in Las Vegas and Reno, Nevada, Atlantic City, New Jersey, and elsewhere, using the stolen credit cards to make multiple cash advances. Additionally, several defendants allegedly became involved in a conflict with members of a rival credit card theft organization. On January 25, 2002, in Las Vegas, one of these defendants allegedly shot a member of the rival organization, resulting in his death. Nine defendants pleaded guilty during July and August 2005; one is pending trial; and 11 are fugitives.

United States v. Ann Armstrong, et al.

In February 2006, Ann Armstrong was sentenced to 57 months in prison and ordered to pay \$662,000 in restitution for defrauding the U.S. Department of Education of almost \$1 million in student loans and grants. Armstrong admitted that she conspired with her four children and three grandchildren to commit financial aid fraud. The object of the conspiracy was to fraudulently obtain federal student financial aid (grants and loans) through the use of false applications which were submitted by fax and e-mail. The actual loss to the Department of Education was estimated at more than \$600,000. The children and grandchildren were also charged and convicted of various student loan fraud offenses.

United States v. Westley Kostelec et al.

On March 13, 2006, Westley Robert Kostelec and Ted Vicente Stewart, both of Las Vegas, were sentenced to one year and one day in prison for their guilty pleas to Computer Fraud. The men hacked or intruded into various computers and sent out thousands of email messages under the guise of U.S. Bank, asking the individuals for financial and identity information. This scheme, known as "phishing," convinced victims to provide his or her information via an e-mail to Kostelec. Kostelec e-mailed approximately 300,000 e-mails, and approximately 10 victims responded. Kostelec obtained victim's bank account numbers, pin numbers, credit card numbers, expiration dates, and other personal identity and financial information, and used it to access their bank and/or credit card accounts to transfer funds to other accounts for withdrawal. Kostelec also used a coding device to magnetically encode blank credit cards with fraudulently obtained information allowing him to access automatic teller machines (ATMs) and withdraw money from victim accounts. Money was then transferred to a Nevada State Bank account in the name of a deceased individual, whose ATM card and banking information Kostelec and Stewart had stolen. Using this scheme, Kostelec and Stewart withdrew approximately \$55,000 from the victim accounts.

Airline Ticket Fraud Prosecution - U.S. v. Susan Carter et al.

Susan Carter, husband Greg Carter, and daughter Jaime Abarghoie are charged with Conspiracy, Wire Fraud, and Money Laundering charges for defrauding local travel agencies and major air carriers of money and property by unlawfully accessing the airline reservation system so they could obtain and sell first class airline tickets at a discount. The defendants entered false and fraudulent upgrade codes into airline reservation systems in order to obtain an upgraded ticket for First or Business Class at a fare at or near Coach. The defendants then sold the upgraded tickets to unsuspecting customers for a price far in excess of the fare for which they obtained the ticket from the major air carriers. The defendants caused hundreds of fraudulent airline tickets to be sold and printed through different travel agencies in the Las Vegas area, causing the major air carriers and owners of the travel agencies to sustain losses in the millions of dollars. The mother and daughter pleaded guilty in February 2006 to conspiracy to commit wire fraud; the case against Greg Carter is scheduled for trial beginning March 27, 2006.

Las Vegas Street Gang Indictment/Prosecutions

Since August 2003, 44 members or associates of the "Rolling 60s Crips," a Las Vegas street gang, have been charged with offenses such as: Participating in a Racketeer Influenced Corrupt Organization; Maintaining Drug Houses; Conspiracy to Distribute Crack Cocaine; Violent Crimes in Aid of Racketeering Activity, including Murder and Attempted Murder, Use of a Firearm During a Crime of Violence, and Transporting Minors for Illegal Sexual Activity. As of March 20, 2006, 38 defendants have been convicted, with most of the defendants sentenced receiving lengthy periods of imprisonment. Numerous others were charged and convicted in the state court system in Las Vegas.

In addition to dismantling the "Rolling 60s Crips," we have since obtained charges on three "Gerson Park Kingsmen," who ambushed a group of perceived rivals, killing one person. We also are conducting covert investigations on a gang in Henderson, Nevada, which is responsible for drug trafficking in that city, and on a gang operating throughout the valley, which is responsible for commercial robberies and drug trafficking.

Drug Crime Prosecutions/OCDETF & HIDTA Initiatives

In CY 2005, our USAO had a banner year for OCDETF prosecutions. Through the active and highly productive Southern Nevada HIDTA, a number of OCDETF cases have been identified and various organizations have been targeted.

CY 2002

Indictments	81 filed indictments	131 defendants
Informations	14 filed informations	14 defendants

CY 2003

Indictments	109 filed indictments	206 defendants
Informations	15 filed informations	16 defendants

CY 2004

Indictments	111 filed indictments	202 defendants
Informations	7 filed informations	7 defendants

CY 2005

Indictments	132 filed indictments	248 defendants
Informations	32 filed informations	36 defendants

A few of the District's significant drug crime prosecutions include:

U.S. v. Manuel Hara

On March 6, 2006, Manuel Hara, an illegal alien convicted by a federal jury in December

of conspiring to distribute approximately 20 pounds of pure methamphetamine in Las Vegas, was sentenced to 30 years in federal prison. Hara was convicted of one count of Conspiracy to Distribute Methamphetamine, one count of Attempted Possession with Intent to Distribute Methamphetamine, and one count of Illegal Alien in Possession of a Firearm. Hara was the leader of a multi-pound methamphetamine drug trafficking organization in Southern Nevada, and he received his methamphetamine directly from a Mexican drug trafficking organization that utilized sophisticated hidden compartments in cars to transport the methamphetamine to Southern Nevada. Three co-defendants pleaded guilty and were also sentenced to periods of imprisonment. The case was developed and investigated by the Southern Nevada Major Drug Trafficking Organization Task Force, one of seven High Intensity Drug Trafficking Area (HIDTA) initiatives funded by the Office of National Drug Control Policy.

OCDETF Operation Southern Ice

The Nevada HIDTA Southern Nevada Joint Methamphetamine Task Force has been conducting an investigation of a large-scale domestic and international Mexican National poly-drug organization involved in the manufacture, importation, and distribution of multi-pound quantities of methamphetamine and cocaine in California, Arizona, Oregon, Idaho, Colorado, Iowa, Nebraska, New Jersey, and New York. The crystal methamphetamine seized from the organization is 98% pure and is manufactured and imported directly from Mexico. The organization is sophisticated in that it employs numerous members and utilizes sophisticated counter-surveillance and communications security techniques to thwart law enforcement efforts. Title III intercepts indicates that it is controlled and directed from Culiacan, Sinaloa, Mexico. The Task Force determined that in a one-month period, one cell of the organization conducted 1,751 separate drug transactions, generating approximately \$1,211,626 in sales of methamphetamine, marijuana, and cocaine just in the Las Vegas area. A total of 21 defendants have been arrested, and 51 kilograms of cocaine and 93 pounds of crystal methamphetamine were seized in Las Vegas.

OCDETF Operation LAZ-E-BOY

Since September 2004, the Las Vegas DEA and Southern Nevada Club Drug Task Force, a HIDTA initiative, has been investigating a Mexican methamphetamine drug trafficking organization headed by Jose Alfred Marquez. Marquez is responsible for the distributing multi-pound quantities of methamphetamine on a monthly basis in Las Vegas. To date, agents have seized approximately 10 pounds of methamphetamine, \$175,000, four vehicles and arrested four members of the Marquez organization. In February 2005, agents executed 12 federal search warrants at residences and at Marquez' furniture business in Las Vegas, and arrested 15 individuals. Agents seized methamphetamine, two live hand grenades, approximately \$4,300 in currency, and numerous documents, including drug ledgers.

Operation Northern Exposure

This Organized Crime Drug Enforcement Task Force investigation, spearheaded by the Drug Enforcement Agency, targets members of traditional La Costra Nostra, out of Buffalo, New York, operating locally and elsewhere. Utilizing numerous confidential informants and undercover agents, infiltration of the Las Vegas branch of the organization has begun. The most active members appear to be offspring of those members who have been a presence in Las Vegas for more than 20 years, some of whom are still serving terms of supervision from previous federal prosecutions. The DEA is presently purchasing cocaine from the lower levels of this organization.

Gun-Crime Prosecutions/Statistics/Project Safe Neighborhoods

From 2002 to 2005, PSN Task Force members in the southern Nevada PSN program screened 2,163 cases for prosecution. During that same four-year period, federal prosecutors in Las Vegas obtained 569 indictments charging persons with federal firearms offenses. This average of over 142 indictments per year in Las Vegas is the highest number ever recorded by the District of Nevada, and is approximately two to three times the number of indictments returned in the years prior to the inception of the PSN Task Force in southern Nevada. During the same period, federal prosecutors in Reno obtained 174 indictments against individuals for federal firearm offenses. From January 1, 2004, to December 31, 2005, 223 defendants were sentenced for federal gun crimes in the United States District Court in Las Vegas. Approximately 40% received prison sentences of at least 5 years, and approximately 75 % received sentences of imprisonment of at least 3 years.

Child Exploitation Initiative

The District of Nevada has been aggressively prosecuting individuals who exploit children for sex. Between January 1, 2002, and March 15, 2006, 133 defendants have been charged in the District with crimes ranging from receipt and possession of child pornography, interstate travel with intent to engage in a sexual act with a juvenile, and using a computer to entice a juvenile to have sex. Most of those charged have been convicted and sentenced to significant periods of imprisonment. Since 2001, the numbers of defendants charged in the District of Nevada has expanded exponentially, as indicated by the following statistics:

Calendar Year 2000: 3

Calendar Year 2001: 6

Calendar Year 2002: 30 (23 charged in Las Vegas, 7 charged in Reno)

Calendar Year 2003: 31 (19 charged in Las Vegas, 12 charged in Reno)

Calendar Year 2004: 35 (27 charged in Las Vegas, 8 charged in Reno)

Calendar Year 2005: 33 (26 charged in Las Vegas, 7 charged in Reno)

Calendar Year 2006: 4 (through March 15, 2006) (2 - Las Vegas, 2 - Reno)

Below are some of the significant child exploitation prosecutions handled recently in the District of Nevada:

U.S. v. Michael Burns

On March 15, 2006, Michael Burns of Reno was charged with conspiring to possess and distribute thousands of images and videos of child pornography. Burns was targeted as part of an undercover investigation resulting in charges against 27 individuals to date in the United States, Canada, Australia and Great Britain. The focus of the investigation was a group of individuals who used sophisticated computer software programs and tools to create a worldwide network for sharing child pornography with a reduced risk of apprehension by law enforcement.

U.S. v. David Whittemore

On February 24, 2006, Nevada lawyer David Whittemore pleaded guilty to charges that he received child pornography on his office computer in Las Vegas and at his residence in Maryland. When members of the Internet Crimes Against Children Task Force (ICAC) examined the hard drive of Whittemore's computer at his office in Las Vegas, they found numerous images of child pornography that he had received over the Internet. Investigators also found information on Whittemore's work computer indicating he had been the subject of a 2001 child pornography investigation by the State of Nevada, and that he had been disciplined at work in 2002 for using his work computer to receive child pornography images. Investigators also recovered and searched the defendant's computer hard drive at his home in Maryland, and determined that he had

received numerous images of child pornography on that computer as well. In total, Whittemore received between 300 and 600 images of child pornography. He is scheduled to be sentenced in May 2006.

U.S. v. Jody Lee O'Hare

On May 27, 2005, Jody Lee O'Hare was sentenced to 10 years in prison and lifetime supervised release for his guilty plea to Possession of Child Pornography. A computer repair technician found pornographic pictures of children on O'Hare's personal computer. Further examination of the computer by law enforcement officers uncovered approximately 100 images of child pornography. A majority of the images were of children less than five years old engaged in sexual acts. O'Hare was also convicted in the District of Nevada in 1999 of possession of child pornography, and sentenced to 15 months imprisonment and three years of supervised release. His period of supervised release ended the day before he purchased the computer at issue in this case.

U.S. v. Kevin Eric Curtin

On October 25, 2004, Kevin Eric Curtin, a resident of Anaheim, California, was sentenced to five years in prison for his jury convictions on Travel with Intent to Engage in a Sexual Act with a Juvenile and Coercion and Enticement of a Minor. Curtin engaged in on-line chats of a sexual nature with a person he believed to be a 14-year-old girl living in Nevada. Curtin was arrested at a casino bowling alley in Las Vegas where he planned to meet the girl. His personal digital assistant contained numerous stories and articles pertaining to sex with minors.

U.S. v. Stuart Romm

On November 22, 2004, Stuart Romm, a former lawyer and administrative law judge, was sentenced to 15 years prison for jury convictions on Receipt and Possession of Child Pornography charges. While visiting Las Vegas on business, Romm downloaded numerous images of child pornography to his laptop computer. He deleted the images before he left Las Vegas, and was arrested in Seattle.

Significant Civil Division Cases/Investigations

The Civil Division is defending the United States and its agencies in several significant cases. One of the most significant is *Sierra Club v. United States Department of Transportation*. After years of studies and design work, the Department of Transportation started to widen U.S. Highway 95, the major north/south highway in the Las Vegas Valley. The rapid population growth in the northwestern part of the valley and elsewhere had turned the portion of U.S. 95 west of I-15 into a traffic nightmare. Thousands of hours are lost each year in traffic delays because the highway is not wide

enough to handle the traffic load. Despite its involvement in the Department of Transportation hearings and studies, the Sierra Club sued to stop work. It contended that the Department of Transportation failed to adequately study whether increased traffic volumes would increase the risk of cancer to residents living near the highway. This office successfully defended the case in District Court, which held that the Department of Highways studies were adequate. The case attracted significant local press coverage because of the impact the road widening has on the community.

Ashby v. United States

This is an automobile accident case in which the driver and passenger are mother and daughter. The combined total of their claims against the United States exceeds \$5,000,000. We believe that although both mother and daughter were injured in the accident, the medical care they have received has been wildly out of line, leaving one if not both of them with fused vertebra and addicted to pain medications.

U.S. ex rel SEALED

Mabrey v. United States Navy

This case involves a severely injured child. His mother alleges that doctors at the Navy medical facilities caused her child severe damage during his birth and subsequent treatment. Plaintiffs have made a three million dollar demand.

United States v. SDI Future Health and Spinoffs

This is a very large criminal/civil investigation of billing for services not rendered or that were not medically necessary. The case has been indicted on the criminal side (see reference in criminal section). We will follow with a civil complaint against the corporation, and we have identified numerous doctors who can be pursued civilly. The loss to the government is in the millions. The office has already expended significant resources on this case. The IRS has shared costs by storing more than 500 boxes of seized materials in IRS office space and by providing office space for all of the agencies and investigators to use while reviewing and analyzing the evidence. In addition, the FBI has spent more than \$. . . to copy, scan and OCR 225,000 + pages of important documents. The USAO has retained three consultants/experts to assist in review an analysis of the medical records and bills. This USAO has also hired a contract employee to assist with data management.

United States v. Cornerstone Mortgage, et al.

This is a mortgage fraud case involving loans guaranteed by the United States Department of Housing and Urban Development ("HUD"). The United States has lost more than \$1.5 million dollars as a result of fraudulent loan applications. A realtor and mortgage company assisted in preparing false loan application packages for HUD guaranteed loans. The realtor has plead guilty, and the owner of the mortgage company is pending trial. The criminal case has focused on 28 of the 233 loans that realtor and the mortgage company submitted. The civil division is investigating all 233 loans that the realtor and mortgage company submitted. In addition, we are investigating whether third parties may have also been involved with the scheme. This is a time and cost intensive case. We have scanned all 233 loan files, and plan to retain at least three consultants to assist with various aspects of the case. Because of the volume of materials, we anticipate that the consultants will charge between \$_____ and \$_____ to review the records and provide us with an opinion. Additional expert costs will be incurred if the case proceeds. We will also incur significant deposition and interpreter expenses. Based on the number of defaults and our current understanding of the illegal alien status of many of the applicants, we anticipate that we will be able to locate less than one half of the applicants. Many of the applicants do not speak English and so an interpreter will be need for the interviews and depositions.

United States v. Carpenter et al.

This case involves disputes over the extent to which a road can be built near Jarbidge, Nevada, because of environmental concerns and the presence of a threatened species protected under the Endangered Species Act. The case has generated national press attention and resulted in a large public protest on July 4, 2001. The leaders of the protest have promised additional public protests and unlawful road building. The Court has rejected the parties' settlement agreement, and currently an evidentiary hearing is scheduled for April 3, 2006, in Reno. As a result, we will need to re-authorize experts in hydrology, geomorphology, engineering, and historical records research. The cost of these experts will exceed \$_____.

CY 2005 Monetary Collections

Financial Litigation Unit (FLU) - \$4,685,640.18

Asset Forfeiture Section - \$10,548,513.67

Total Combined Monetary Collections - Approximately \$15.2 million

CY 2006 FLU Collections

BIOGRAPHY OF U.S. ATTORNEY DANIEL G. BOGDEN



On September 4, 2001, Daniel G. Bogden was nominated by President George W. Bush to be the United States Attorney for the District of Nevada; he was unanimously confirmed by the United States Senate on October 23, 2001. As United States Attorney, Mr. Bogden represents the United States in all criminal and civil matters within the District of Nevada. The United States Attorney is the top federal law enforcement official in the state.

Mr. Bogden holds a Bachelor of Science degree in Business Administration from Ashland University in Ashland, Ohio, and a Juris Doctorate degree from the University of Toledo College of Law. He has worked for the United States Air Force Judge Advocate General's Office and the Washoe County District Attorney's Office. In 1990, he joined the United States Attorney's Office in Reno, Nevada, where he prosecuted cases as part of the Organized Crime Drug Enforcement Task Force. In 1998, Mr. Bogden became Chief of the Reno Division of the United States Attorney's Office, managing the office and continuing to prosecute a variety of criminal cases involving organized crime, violent crime, drug crimes and civil rights violations.

With offices in both Las Vegas and Reno, Mr. Bogden currently oversees 40 Assistant United States Attorneys. The prevention of terrorism, and the prosecution of violent and drug crimes have been Mr. Bogden's top prosecutorial priorities since becoming United States Attorney. He serves on numerous task forces and committees, including the Attorney General's Advisory Committees on Violent and Organized Crime and Native American Issues, and the Executive Board of the Southern Nevada High Intensity Drug Trafficking Area (HIDTA).

DISTRICT OF ARIZONA
Tucson and Phoenix, Arizona
November 28, 2005
Michael A. Battle

I. PURPOSE

Briefing materials in preparation for your visit to the District of Arizona.

II. BACKGROUND

GENERAL DEMOGRAPHIC INFORMATION:

The district encompasses the whole state, consisting of 114,000 square miles divided into 15 counties, two of which are urban and 13 of which are rural. It has a population of 4.5 million with two major metropolitan centers -- Phoenix, with a population of 2.5 million and Tucson, with a population of 1 million.

The district has within its boundaries 21 Indian reservations, and its southern border is the international border with Mexico. Seventy-five percent of the district is federal land consisting of national forests, monuments, recreation areas, wildlife refuges, wilderness areas, reclamation projects, unappropriated public lands, and national parks, including the Grand Canyon National Park with 4.5 million visitors annually. The district is also home to major military bases, forts, ranges, federal prisons, and contract immigration detention facilities. In addition, within the district there are a number of Indian Health Service Hospitals, Department of Health and Human Services clinics, and Veterans' Affairs Hospitals.

The district has a fully staffed branch office in Tucson located approximately 140 miles to the southeast of the headquarters office in Phoenix, a newly established staffed office in Flagstaff, another staffed office in Yuma, and an unstaffed office in Prescott.

Other demographic considerations affecting the district's mission include 370 miles of international border with Mexico, which is among the most active in the Southwest in terms of illegal activity and significantly impacts the work of the Tucson office. For example, the Tucson sector of the Border Patrol is now the busiest in the nation. Interstate Highways 8, 10, 17, and 40 contribute to the use of Arizona as a major staging area for the distribution of drugs and transportation of illegal aliens. Several North American Free Trade Agreement routes between Mexico and the U.S. exist in the district. The sun-belt retirement population leads to a high rate of elder, health care, and telemarketing fraud. Electronics and aircraft production result in government contracting and fraud litigation. There is an increasing youth gang problem, even in Indian Country.

Approximately 25 percent of all crimes occurring on Indian reservations nationwide occur in the district. The nearest point of the largest reservation, the Navaho, is approximately three hours from Phoenix, and the reservation capital, Window Rock, Arizona, is six hours away by motor vehicle. There are no commercial flights from Phoenix to Gallup, New Mexico, the closest commercial airport to Window Rock, so travel must be by motor vehicle. Consequently, staff must travel long distances to deal with criminal and civil matters in Indian Country and on public lands. This travel time impacts workload, efficiency, and effectiveness of the United States Attorney's Office (USAO).

III. PARTICIPANTS

NA

IV. PRESS PLAN

Closed Press

V. SEQUENCE OF EVENTS

NA

VI. REMARKS

None

VII. ATTACHMENTS

1. District of Arizona at a Glance
2. Significant Case Listing for the District of Arizona
3. Biography of United States Attorney Paul K. Charlton
4. Photograph of United States Attorney Paul K. Charlton
5. Phone list for the District of Arizona

DISTRICT OF ARIZONA AT A GLANCE

DISTRICT'S EVALUATION REPORT:

The last overall office evaluation was conducted during the week of December 8, 2003. The Honorable Paul K. Charlton was serving as the United States Attorney (USA) at the time of the evaluation. The USAO was staffed with competent, hard working AUSAs and support personnel who were working diligently on both district and national priorities. Border cases had an impact on the Tucson office and, to a lesser degree, on the Phoenix office. The Tribal Liaison Senior Litigation Counsel was doing an excellent job developing relationships with the 21 Indian nations in the district. The judiciary had a very high opinion of the work of the office, but suggested additional training for newly hired AUSAs. A variety of training was provided to AUSAs after the evaluation.

The Criminal Division was divided between the Tucson and Phoenix offices, with each office having its own Division Chief. The Criminal Division managers were experienced prosecutors, although most were new supervisors. The USAO provided in-house training for all supervisors and some also attended Department-sponsored management training. Although the evaluators found the criminal workload to be manageable, the USAO management disagreed with this assessment with regard to its Tucson office. The Tucson workload issue was given another review during the follow-up visit. The follow-up team's report suggests that, even though the USAO had been recently allocated an additional seven AUSA positions, of which six had been assigned to the Tucson office, the adequacy of AUSA resources in the Tucson office should continue to be monitored.

The Civil Division was very well run in both Phoenix and Tucson. However, not all Social Security agency counsels assisting the USAO had been properly appointed as Special AUSAs. After the evaluation, EOUSA's General Counsel provided the necessary information to appoint these Special AUSAs *nunc pro tunc* and the actions were completed in March 2004. Relationships with the civil client agencies and the court were excellent. The Financial Litigation Unit (FLU) had experienced staffing shortages but, despite the staff shortages, the FLU was aggressive at debt collection. The USAO had an excellent Appellate Division.

The USAO had a competent and knowledgeable Administrative Officer. However, there was some overlap of duties between the Administrative Division and the Special Assistant to USA Charlton that would be best resolved by a clear division of duties and responsibilities. The Financial Management area of this office was exceptional. The Information Technology Unit was well qualified and responsive, though there were network performance problems in the Tucson branch office. Computers often froze resulting in work being lost, and the automated USA-5 could not be used due to the slow speed of the network. The USAO has been working with EOUSA to correct the problems. Overall security of the USAO was good.

STAFFING:

FY 2006

The President signed a second continuing resolution (CR) for fiscal year (FY) 2006. The CR provides for the continuation of the Department's programs at the lowest of the FY 2005 current rates, FY 2006 House, or Senate Marks through December 17, 2005 and under 2005 conditions and authorities. Therefore, no new projects or activities can be initiated. Both the House and Senate have passed the CJS bill, and we are awaiting the President's signature. If the President signs the bill before December 17, we will operate within our enacted appropriation. The District of Arizona received a base allocation of \$3,056,300 to fund and support 253 positions.

FY 2005

In FY 2005, the District of Arizona received a funding allocation of \$21,887,800 (which included a one-time increase of \$76,700) to fund and support 253 positions. The district received one new OCDETF Assistant U.S. Attorney position to enhance the districts ability to identify, investigate, and prosecute drug trafficking and money laundering organizations. Also, 1.35 Other Support FTE previously temporarily provided to more closely return the office to authorized staffing levels was rescinded. And one Other Support FTE was moved to Direct, due to the 1999 Narcotics Term Allocation conversion to permanent.

Below is a summary by position type before and after the new positions were received:

	<u>Before</u>	<u>After</u>
Attorney (including the USA)	127	128
Paralegal	10	10
Support (including analysts)	<u>116</u>	<u>115</u>
Total	253	253

FY 2004

In FY 2004, the USAO in the District of Arizona received a funding allocation of \$21,492,800 (which included a one-time increase of \$132,900) to fund and support 253 positions. The district received two Corporate Fraud positions, including one support position, to support the President's Corporate Fraud Task Force efforts.

SPECIAL ISSUES/CONSIDERATIONS:

As of November 15, 2005, the General Counsel's Office, EOUSA, is aware of the following matters in the District of Arizona:

- 1.

2.

SIGNIFICANT CASE LISTING FOR THE DISTRICT OF ARIZONA

MVD Public Corruption cases: This is a group of 24 related cases with 30 defendants involving widespread corruption at the Arizona Motor Vehicle Division (MVD), and the acceptance of bribes by employees for creating false identification documents (violation of 18 U.S.C. Section 1028).

U.S. v. Michael and Gina Anderson: Michael Anderson, an inspector for the Immigration and Naturalization Service at the San Luis, Arizona, port of entry, accepted bribes in exchange for allowing vehicles containing marijuana and cocaine to pass from Mexico into the U.S. Trial is set for December 12, 2005.

United States v. Luis Cisneros, et al.: This is a nine-defendant RICO case that was originally brought in the District of New Mexico but was later charged in the District of Arizona, and dismissed in New Mexico, for various reasons including the fact that the District Court Judge in New Mexico was threatened. The case involves multiple murders, some of which occurred in each jurisdiction, drug trafficking, conspiracy to murder a federal officer, and interstate chop shop activities. Four of the defendants are death eligible. A contingent global plea arrangement involving all defendants is under consideration but must have Attorney General approval since the four death eligible defendants would receive natural life sentences in their pleas. The six-month trial will begin on January 10, 2006, unless a non-trial disposition is approved and entered by all defendants.

United States v. Sherry Stewart and Paul Bryan: Stewart and Bryan fraudulently induced several victims to invest approximately \$8 million in high yield debt instruments. It is alleged that no such high yield program existed and that Stewart and Bryan converted the funds for their personal use.

United States v. Robert Johnston et al.: All 16 defendants are members of the Hells Angels Motorcycle Club. The charges include RICO, RICO Conspiracy, and six counts of VICAR including the murder of Cynthia Garcia and the shootout at Harrah's Casino in Laughlin, NV.

USA v. Van Bateman: Van Bateman was charged on November 9, 2005, with two counts of setting timber afire and two counts of arson on the Coconino National Forest. Bateman has been a Forest Service employee since 1971, currently is the Fire Management Officer for the Mogollan Ranger District, and has been an Incident Commander for five years.

USA v. David Frank Jennings: On November 4, 2005, Earl Leslie Krugel was murdered on the recreation yard at FCI Phoenix. Krugel, a known member of the Jewish Defense League (JDL), was in prison for conspiring with other JDL members to use explosive devices to destroy a Culver City, California, mosque and an Orange County, California field office of U.S. Congressman Darrell Issa. Krugel arrived at FCI Phoenix three days before the murder. David Jennings was interviewed and admitted to killing Krugel. Jennings initially said he killed Krugel due to an earlier argument, but later admitted he killed Krugel because he had heard Krugel conspired to blow up a "white power" concert.

Indian Country Methamphetamine Initiative:

Immigration Fraud by Bosnian War Criminals:

Operation Coyote Inn: This is an alien smuggling conspiracy case in which the operators of six motels in Mesa, Arizona, rented rooms to an undercover agent with knowledge that the agent would be placing illegal aliens in the motel rooms. The defendants took affirmative steps to aid the agent in avoiding detection by law enforcement. The case involves

Guide Identification Teams (GIT) Initiative: This is a program developed with U.S. Border Patrol to target guides of smuggling operations coming through the Border Patrol's Tucson and Yuma Sectors. This program has extended to targeting drivers of vehicles transporting illegal aliens. The program enables the United States Attorney's Office to accept a wider range of cases by offering a misdemeanor plea with a mandatory sentence in exchange for dismissing a felony charge. The mandatory sentence produces a direct and immediate impact on disrupting smuggling organizations. This initiative has been made possible by the deployment of Border Patrol personnel to the USAO.

(UNDER SEAL):

Navajo Nation et al. v. Forest Service: Indian Tribes and environmental groups have sued on environmental and religious freedom grounds to prevent expansion of the Arizona Snow Bowl ski area on the San Francisco Peaks, including the use of recycled sewage for snow making. The Department of Justice is handling the litigation, which is ongoing.

United States v. Juan Manuel Umares-Rivas: Umares-Rivas is the final defendant charged in the 1998 murder of Border Patrol agent Alexander Kirpnick.

United States v. Rodney Coronado and John H. Richardson: Defendants Coronado and Richardson trespassed upon National Forest lands and interfered with officers attempting to trap mountain lions which had become a danger to the community. Coronado is a member of Earth First and identified as a domestic terrorist threat. Richardson is a reporter who accompanied Coronado and another individual. Richardson went from being an observer to a participant. Both are currently facing misdemeanor charges; however, Coronado is also facing a felony charge of 18 U.S.C. Section 372 (conspiracy to impede or injure an officer).

United States v. Brent Adams: The defendant was indicted for using interstate commerce in a murder for hire scheme. Over the course of two months, the defendant negotiated with an undercover ATF agent to kill a third person. Communications took place over a cell phone and also in person. This is the first case in the Ninth Circuit involving the issue of cell phone usage in a murder for hire plot.

United States v. Anton Gonzalez, et al. (Golden State Transportation Inc. and Gonzalez, Inc.): This is an alien smuggling and money laundering case against Golden State Bus Company and 30 defendants involving the transportation of thousands of undocumented aliens in 2000-2001 from Nogales, Sonora, Mexico to Las Vegas, Nevada and Los Angeles, California.

United States v. Jose Luis Zepeda-Cruz et al.: Four defendants were indicted in a rollover collision where five died. The defendants conspired to bring in and transport 34 illegal aliens into the United States for the purpose of commercial advantage and private financial gain.

United States v. Habben, et al.: Defendant was receiving steroids from China and then selling the steroids over the Internet. Defendant continued his sale of steroids by enlisting his mother to conduct the sales transactions while he was incarcerated. In all, five defendants were charged with 75 counts involving Conspiracy to Possess with Intent to Distribute, Possession with Intent to Distribute, Money Laundering, Aiding and Abetting, Bribery of a Public Official, and Production of False Documents.

United States v. Escoboza, et al.: Nineteen defendants were charged with bribing public officials to circumvent the 72-hour mandatory waiting period before exporting used cars into Mexico. Charged in the 54-count indictment are 18 customs brokers who assist people with the paperwork and process for exporting vehicles and one National Insurance Crime Bureau employee working at the Nogales Port of Entry export office (as an ICE contract employee) who was receiving the bribes.

United States v. Jay Gilliland: Defendant Gilliland is a Customs Canine Inspector who is under indictment for drug trafficking and child pornography.

United States v. Felipe de Jesus Corona-Verbera, et al. [Douglas Tunnel Case]: This is the trial of the final defendant, an architect who designed the tunnel which was used to bring multiple loads of marijuana and cocaine into the United States.

United States v. Fernando Matus-Escalante: This is a seven-defendant case involving a large marijuana smuggling ring that has been operating in Maricopa, Arizona, to bring huge amounts of marijuana through the Tohono O'odham Nation, through Tucson and up to Maricopa and Phoenix to a staging area where the marijuana is then shipped back East. According to the ledgers, between April 2002 and January 28, 2004, the organization was responsible for moving 1,573,733 pounds of marijuana and was paid approximately \$18 million.

United States v. Augustin Vasquez Mendoza: On June 29, 1994, undercover DEA Agent Richard Fass negotiated a drug deal for the purchase of 10 kilograms of methamphetamine with defendant Augustin Vasquez Mendoza and a co-defendant. The next day, Agent Fass was murdered while completing the deal with two co-defendants. The two co-defendants were tried and convicted, and sentenced to life imprisonment in

the state court. Vasquez Mendoza, who was the mastermind of the planned armed rip-off of Agent Fass, drove by the scene after the shooting and saw police. Vasquez Mendoza fled and was captured eight years later hiding under a new identity in Mexico. After a couple of years of negotiation with the Mexican government, Vasquez Mendoza was finally extradited to the U.S. on January 29, 2005. Trial is expected to begin in early 2006.

United States v. Ramon Robles-Cota and Julio Cesar Lozano-Lopez: A complaint was issued on March 24, 2005, charging Robles-Cota, Director of Public Safety for the City of Sonoyta, Sonora, Mexico and Sonoyta Police Officer Lozano-Lopez with bribery of a federal law enforcement officer and conspiracy to possess with intent to distribute 1,000 kilograms or more of marijuana.

United States v. Adrian Adolfo Santacruz: The defendant, a National Guardsman, was indicted with transportation of illegal aliens for the purpose of financial gain and false statements.

U.S. v. Aurora Duron, Francisco Duron, Aldo Miranda, and Daniel Espinoza: These four defendants allegedly perpetrated a scheme to defraud Otis Elevator Company of over \$1,000,000. Francisco Duron was employed by Otis Elevator vendor Alpha Pallets. Miranda and Espinoza both worked in the Accounts Payable department at Otis Elevator in Mexico. The defendants are alleged to have created false and fraudulent purchase orders and invoices in the name of Alpha Pallets (and another company, Maintenance and Tool Solutions). Otis Elevator paid the invoices and the Otis Elevator payment checks were deposited into bank accounts opened by Aurora Duron in the names of Alpha Pallets and Maintenance Solutions.

United States v. Daniel M. Strauss and Shanti Amalia Sellz: On July 9, 2005, Daniel M. Strauss and Shanti Amalia Sellz, were arrested by U.S. Border Patrol agents for transporting three illegal aliens near Arivaca, Arizona. Strauss and Sellz were transporting the alien from a humanitarian aid camp near Arivaca to Tucson "to either a church or a hospital." While heading north, the defendants passed two marked Border Patrol vehicles. They claimed that they were taking them to get aid. However, when the three illegal aliens were questioned about whether they needed/wanted aid, all three declined medical assistance. On August 3, 2005, the defendants were indicted for Conspiracy to Transport an Illegal Alien and Transportation of an Illegal Alien.

Defendants Disposed of in Magistrate and District Court, District of Arizona, Immigration Cases Only:

	<u>Magistrate Court</u>	<u>District Court</u>	<u>Total</u>
FY03:	2740	2503	5243
FY04:	4649	2398	7047

ARIZONA

United States Attorney: Paul K. Charlton

HEADQUARTERS:

Phone Numbers

Office: (602) 514-7500
Fax: (602) 514-7693

Address

Mailing: Two Renaissance Square
40 North Central Ave. Suite 1200
Phoenix, AZ 85004-4408
Shipping: Two Renaissance Square
40 North Central Ave. Suite 1200
Phoenix, AZ 85004-4408

Official Position	Name	Phone Numbers
*USA	<u>Paul K. Charlton</u>	DIRECTLINE: () CELL: () HOME: () FAX: ()
Secretary to USA	<u>Sandra Sanchez</u>	DIRECTLINE: () HOME: () FAX: ()
First AUSA	<u>Ann Harwood</u>	DIRECTLINE: () CELL: () HOME: () FAX: ()
Executive AUSA	<u>Dan G. Knauss</u>	DIRECTLINE: () CELL: () FAX: ()
Criminal Chief	<u>Patrick J. Schneider</u>	DIRECTLINE: () CELL: () HOME: () FAX: ()
Criminal Chief	<u>Lynnette Kimmins</u>	DIRECTLINE: () CELL: () HOME: () FAX: ()
Civil Chief	<u>Michael A. Johns</u>	DIRECTLINE: () CELL: () HOME: () FAX: ()
Civil Chief	<u>Janet Martin</u>	DIRECTLINE: () FAX: ()
ATAC Coordinator	<u>Joe Welty</u>	CELL: () OFFICE: () FAX: ()

Immigration Coordinator	<u>Dan J. Santander</u>	OFFICE: (FAX: (
DOSM	<u>Steve Logan</u>	DIRECTLINE: (CELL: (HOME: (FAX: (
ATAC CIO	<u>Joe Welty</u>	CELL: (OFFICE: (FAX: (
Chief, Asset Forfeiture	<u>Reid Pixler</u>	DIRECTLINE: (PAGER: (HOME: (FAX: (
Chief, Asset Forfeiture	<u>Reese V. Bostwick</u>	DIRECTLINE: HOME: FAX:
Border Liasion	<u>Serra Tsethlikai</u>	CELL: OFFICE: FAX:
Admin Officer	<u>Dee Bazan (Acting)</u>	DIRECTLINE: CELL: FAX:
Intelligence Research Specialist	<u>Steve Scheps</u>	DIRECTLINE: FAX:
Systems Manager	<u>Jim Walsh</u>	DIRECTLINE: CELL: HOME: FAX: BLACKBERRY:
LECC Coordinator	<u>Carla Friestad</u>	DIRECTLINE: CELL: PAGER: HOME: FAX:
Public Affairs Officer	<u>Sandra L. Raynor</u>	DIRECTLINE: CELL: FAX:

BRANCH OFFICE: Tucson

Site Phone Number

Office: (520) 620-7300
Fax: (520) 620-7320

Site Address

Mailing: 405 W. Congress
Suite 4800
Tucson, AZ 85701-5040
Shipping: 405 W. Congress
Suite 4800
Tucson, AZ 85701-5040

BRANCH OFFICE: Flagstaff

Site Phone Number

Office: (928) 556-0833

Site Address

Mailing: 123 N. San Francisco Street, Suite 410
Flagstaff, AZ 86001

January 15, 2007

Monday

January 2007

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

February 2007

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28			

Martin Luther King, Jr. Birthday

TaskPad

TaskPad

Status

7 am

8 00

9 00

10 00

11 00

12 pm

1 00

Senate Judiciary Hearing Prep

2 00

3 00

4 00

5 00

6 00

Notes

Beach, Andrew

Subject: Senate Judiciary Hearing Prep - Section C: Immigration Matters; Section D: Civil Matters; Section L: Other (remaining); Section F: State and Local (remaining)

Start: Mon 1/15/2007 1:00 PM
End: Mon 1/15/2007 3:00 PM

Recurrence: (none)

Meeting Status: Meeting organizer

Required Attendees: Otus2007, AG; Sampson, Kyle; Hertling, Richard; Moschella, William; Seidel, Rebecca; Tracci, Robert N; Friedrich, Matthew (OAG); Scolinos, Tasia; Mercer, William W; Elwood, Courtney; Brand, Rachel; Keisler, Peter D (CIV); Bucholtz, Jeffrey (CIV); Cohn, Jonathan (CIV); Otis, Lee L; Bounds, Ryan W (OLP); Cook, Elisebeth C; Purpura, Michael M (ODAG); Katsas, Gregory; Fridman, Daniel (ODAG); Tenpas, Ronald J (ODAG); Battaglia, John T; Young, Evan; Thiemann, Robyn (ODAG); Garre, Gregory G

AG's Conference Room

Core Participants

AO: Kyle Sampson DOJ: Richard Hertling, Will Moschella, Rebecca Seidel, Rob Tracci, Matt Friedrich, Tasia Scolinos, Bill Mercer, Courtney Elwood, Rachel Brand

Additional Attendees

Peter Keisler, Jeff Bucholtz, Jonathan Cohn, Lee Otis (by phone), Ryan Bounds, Elisebeth Cook, Mike Purpura, Greg Katsas, Dan Fridman, Ron Tenpas, John Battaglia, Evan Young, Robyn Thiemann, Greg Garre

January 17, 2007

Wednesday

January 2007

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

February 2007

S	M	T	W	T	F	S
						1 2 3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28			

TaskPad

TaskPad Status

Notes

PREP: 1/18 Senate Judiciary Hearing:

7 am

8 00

9 00

10 00

11 00

12 pm

1 00

2 00

3 00

4 00

5 00

6 00

Beach, Andrew

Subject: PREP: 1/18 Senate Judiciary Hearing: Section J Oversight & AG SJC QFRs

Start: Wed 1/17/2007 1:45 PM

End: Wed 1/17/2007 2:45 PM

Recurrence: (none)

AG's Conference Room

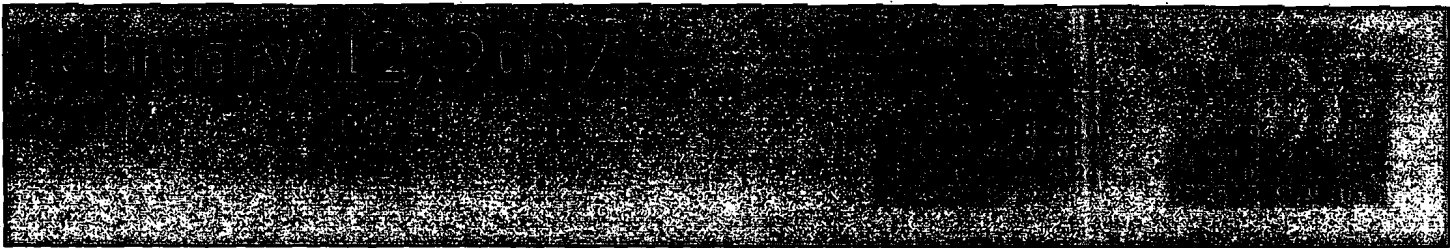
Attending: Brent McIntosh, Associate Counsel to the President

Core Participants

AO: Kyle Sampson DOJ: Richard Hertling, Will Moschella, Courtney Elwood, Rebecca Seidel, Rob Tracci, Matt Friedrich, Tasia Scolinos, Bill Mercer, Rachel Brand

Additional Attendees

Paul Colborn, Faith Burton, Steve Bradbury, Jeff Bucholtz, Mike Elston, John Eisenberg, John Elwood



<p>PHONE CALL</p>	
<p>US Attorneys Meeting</p>	

Beach, Andrew

Subject: US Attorneys Meeting
Start: Mon 2/12/2007 3:00 PM
End: Mon 2/12/2007 3:30 PM
Recurrence: (none)
Meeting Status: Meeting organizer
Required Attendees: Sampson, Kyle; McNulty, Paul J; Scolinos, Tasia

AG's Conference Room
AO: Kyle Sampson DOJ: DAG Paul McNulty, Tasia Scolinos

Sampson, Kyle

From: Lewis, Guy
Sent: Thursday, October 16, 2003 10:02 AM
To: 'kyle_sampson@who.eop.gov'; Sampson, Kyle
Subject: Fw: AGAC Vacancies



agocinterest.wpd



agocjud03.wpd

Text of e mail lists people expiring

-----Original Message-----

From: Beeman, Judy <Judy.Beeman2@usdoj.gov>
To: Lewis, Guy <Guy.Lewis@usdoj.gov>
Sent: Tue Sep 30 17:07:46 2003
Subject: AGAC Vacancies

Guy, attached is a list of USAs expressing interest to serve on the AGAC. Also attached is a list I prepared of all USAs, judicial district, office size and geographic location. I have redlined those USAs who have already served on the Committee. This is helpful if you are trying to balance the Committee by judicial district/size or geographic location. We will be losing 9 members in December:

David Iglesias; term
also expires. The AG can extend any of these appointments if he feels his or her presence on the committee is important. Thanks, Judy

UNITED STATES ATTORNEYS BY JUDICIAL DISTRICT

(Updated 9/30/03)

Redlined - Served on AGAC

JUDICIAL DISTRICT 1

District

United States Attorney

District Size

JUDICIAL DISTRICT 2

JUDICIAL DISTRICT 3

JUDICIAL DISTRICT 4

District

United States Attorney

District Size

JUDICIAL DISTRICT 5

JUDICIAL DISTRICT 6

Michigan, Western

Margaret M. Chiara

Medium

JUDICIAL DISTRICT 7

District

United States Attorney

District Size

JUDICIAL DISTRICT 8

Arkansas, Eastern

H.E. "Bud" Cummins, III

Small

JUDICIAL DISTRICT 9

*foreign district; don't know
if he'd fit in to the mix
very well -> no bid strategy push*

Arizona

Paul Charlton *

Large

California, Northern
California, Southern

✓ Kevin V. Ryan
✓ Carol C. Lam - issues w/ the firm

, Daniel Bogden

Medium

Washington, Western

John McKay

Large

very independent

JUDICIAL DISTRICT 10

District

United States Attorney

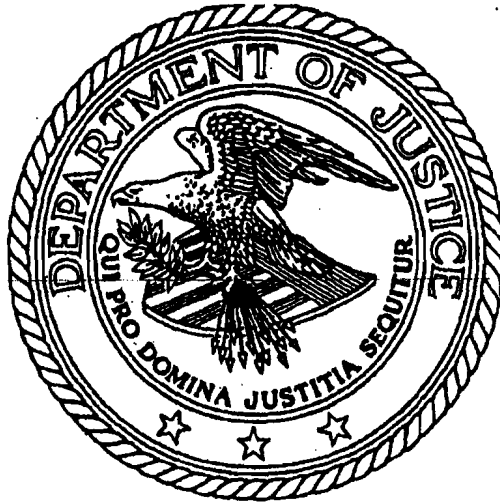
District Size

New Mexico

David Iglesias (2001-2003)

Large

JUDICIAL DISTRICT 11



Office of the Deputy Attorney General
U.S. Department of Justice
950 Pennsylvania Ave., N. W., Room 4111 Main
Washington, D.C. 20530

FACSIMILE TRANSMISSION COVER SHEET

DATE:

SENDER:

Rick Warren
Office of the Deputy Attorney General
Telephone: *202 514-2105*
Fax:

TO: *CAROL LAM*

Telephone:

Fax No. : *619 557 5782*

TOTAL PAGES

2

REMARKS/COMMENTS:

Immigration/Drug/Fraud Cases

The Sentencing Commission has just released its report for fiscal year 2005. This contains information about sentencings in felony and class A misdemeanors.

Arizona: 4,521 defendants were sentenced there in FY 05.

Of those, 2,275 were sentenced for immigration offenses.
947 were sentenced for drug trafficking offenses
140 were sentenced for fraud offenses.

Free:

New Mexico: 2,575 defendants were sentenced there in FY 05.

Of those, 1,635 were sentenced for immigration offenses.
649 were sentenced for drug trafficking offenses
24 were sentenced for fraud offenses.

*"San Diego
USAO"*

SD California: 2,536 defendants were sentenced there in FY 05.

Of those, 1,413 were sentenced for immigration offenses.
826 were sentenced for drug trafficking offenses
153 were sentenced for fraud offenses.

SD Texas: 6,414 defendants were sentenced there in FY 05. This is the largest number for any district in the country in FY05.

Of those, 4,313 were sentenced for immigration offenses.
1,482 were sentenced for drug trafficking offenses
99 were sentenced for fraud offenses.

WD Texas: 5,839 defendants were sentenced there in FY 05.

Of those, 2,519 were sentenced for immigration offenses.
2,412 were sentenced for drug trafficking offenses
215 were sentenced for fraud offenses.

Firearms Cases

The Commission has also published sentencing data for defendants in firearms cases for the FY 02-05 period where the primary offense is a "firearms" offense. They report the following information per district:

Arizona

2002 - - 100 defendants

2003 -- 145 defendants
2004 -- 184 defendants
2005 -- 226 defendants

New Mexico

2002 -- 69 defendants
2003 -- 63 defendants
2004 -- 86 defendants
2005 -- 103 defendants

Southern District of California

2002 -- 18 defendants
2003 -- 19 defendants
2004 -- 12 defendants
2005 -- 10 defendants

Southern District of Texas

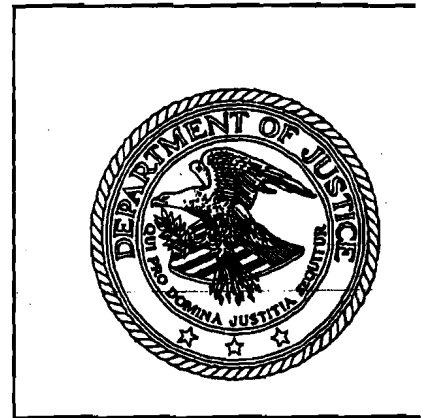
2002 -- 192 defendants
2003 -- 153 defendants
2004 -- 161 defendants
2005 -- 227 defendants

Western District of Texas

2002 -- 131 defendants
2003 -- 133 defendants
2004 -- 213 defendants
2005 -- 204 defendants

file: "PSN under performers"

Office of the Deputy Attorney General
U.S. Department of Justice
950 Pennsylvania Ave., NW, Rm. 4313
Washington, D.C. 20530



MEMORANDUM FOR: Kyle Sampson
Counsel to the Attorney General

FROM: T. C. Spencer Pryor
Counsel to the Deputy Attorney General

DATE: July 20, 2004

SUBJECT: PSN Under-Performing Districts

The following memorandum details the results of the conference calls and the meetings the Deputy Attorney General conducted with the PSN under-performing districts. The participants were the Deputy Attorney General, (EOUSA). The calls and meetings were well received and served as an important reminder to the districts that PSN is a Presidential priority that must be focused on by each of the U.S. Attorney's offices and their respective PSN task forces.

The following districts were previously identified as under-performing districts:

(2) Southern District of California (Carol Lam);

Below are call/meeting summaries for each under-performing district:

OAG000001115

Southern District of California (Carol Lam)

Conference call where USA acknowledged problems with PSN initiative, but also stated that:

- SDCA did not receive any PSN resources. **Actually, they received one new PSN prosecutor;**
- With the enormous immigration problem in the district, need more resources to devote to PSN;
- PSN case screening process with the state and local prosecutors was broken. Have a new system in place which should help PSN prosecutions;
- Have a new firearms point of contact in the office who will oversee the intake process for all firearms cases;
- California's tough firearms laws are partially responsible for low PSN prosecution numbers;

Follow-up:

- I plan on visiting the district with someone from ATF HQ in September to follow-up on the discussions we had and confirm that the PSN initiative in SDCA is on the right track. **Badly need more prosecutorial resources to focus on PSN initiative.**

Sampson, Kyle

From: Sampson, Kyle
Sent: Friday, January 12, 2007 1:43 PM
To: Seidel, Rebecca; Goodling, Monica; Moschella, William
Cc: Hertling, Richard; Elston, Michael (ODAG)
Subject: RE: Feinstein staff on USAs

I'm going up at 4:30pm to meet with Duck and Bruce Cohen. Does the group think I should have a chaperone?

From: Seidel, Rebecca
Sent: Friday, January 12, 2007 12:12 PM
To: Sampson, Kyle; Goodling, Monica; Moschella, William
Cc: Hertling, Richard; Elston, Michael (ODAG)
Subject: Feinstein staff on USAs

Received a voicemail from Jennifer Duck saying sorry she missed my call, would I please try to return it again. Her number is 224-6975

Kyle, I understand Paul McNulty thinks we should go up in person? Do you want us to set that up? Not sure how we do today if that is the case given how booked the day is. Phone call easier, and may be easier to get out of (i.e. not trapped up there) when she doesn't get the info she wants (i.e. why they were fired).

Tracking:	Recipient	Read
	Seidel, Rebecca	Read: 1/12/2007 2:12 PM
	Goodling, Monica	Read: 1/12/2007 1:43 PM
	Moschella, William	
	Hertling, Richard	Read: 1/12/2007 1:44 PM
	Elston, Michael (ODAG)	Read: 1/12/2007 2:04 PM

Sampson, Kyle

From: Sampson, Kyle
Sent: Friday, January 12, 2007 1:45 PM
To: Hertling, Richard; Seidel, Rebecca; Goodling, Monica; Moschella, William
Cc: Elston, Michael (ODAG)
Subject: RE: Feinstein staff on USAs

I'll get a car and have Tracy send you an invite.

-----Original Message-----

From: Hertling, Richard
Sent: Friday, January 12, 2007 1:44 PM
To: Sampson, Kyle; Seidel, Rebecca; Goodling, Monica; Moschella, William
Cc: Elston, Michael (ODAG)
Subject: Re: Feinstein staff on USAs

I'd like to join you, though not as a chaperone.

-----Original Message-----

From: Sampson, Kyle
To: Seidel, Rebecca; Goodling, Monica; Moschella, William
CC: Hertling, Richard; Elston, Michael (ODAG)
Sent: Fri Jan 12 13:42:35 2007
Subject: RE: Feinstein staff on USAs

I'm going up at 4:30pm to meet with Duck and Bruce Cohen. Does the group think I should have a chaperone?

From: Seidel, Rebecca
Sent: Friday, January 12, 2007 12:12 PM
To: Sampson, Kyle; Goodling, Monica; Moschella, William
Cc: Hertling, Richard; Elston, Michael (ODAG)
Subject: Feinstein staff on USAs

Received a voicemail from Jennifer Duck saying sorry she missed my call, would I please try to return it again. Her number is 224-6975

Kyle, I understand Paul McNulty thinks we should go up in person? Do you want us to set that up? Not sure how we do today if that is the case given how booked the day is. Phone call easier, and may be easier to get out of (i.e. not trapped up there) when she doesn't get the info she wants (i.e. why they were fired).

Tracking:	Recipient	Read
	Hertling, Richard	Read: 1/12/2007 1:46 PM
	Seidel, Rebecca	Read: 1/12/2007 2:00 PM
	Goodling, Monica	Read: 1/12/2007 1:45 PM
	Moschella, William	Read: 1/15/2007 5:03 PM
	Elston, Michael (ODAG)	Read: 1/12/2007 1:55 PM

Sampson, Kyle

From: Sampson, Kyle
Sent: Thursday, January 25, 2007 9:54 AM
To: 'Miers, Harriet'
Subject: RE: FYI

Hertling and I are briefing Schumer staff tomorrow.

-----Original Message-----

From: Miers, Harriet [mailto:Harriet_Miers@who.eop.gov]
Sent: Thursday, January 25, 2007 9:52 AM
To: Sampson, Kyle
Subject: FW: FYI

Re conversation I just had with the AG.

-----Original Message-----

From: Oprison, Christopher G.
Sent: Thursday, January 25, 2007 9:43 AM
To: Miers, Harriet; Kelley, William K.
Cc: Brosnahan, Jennifer R.
Subject: FW: FYI

fyi

-----Original Message-----

From: Tim Griffin [mailto:griffinjag@comcast.net]
Sent: Thursday, January 25, 2007 9:42 AM
To: Oprison, Christopher G.
Subject: FYI

January 25, 2007

NOTICE OF FULL COMMITTEE HEARING

The Senate Committee on the Judiciary has scheduled a hearing on
"Preserving Prosecutorial

Independence: Is the Department of Justice Politicizing the Hiring and
Firing of U.S. Attorneys?"

for Wednesday, February 7, 2007 at 9:30 a.m. in Room
226 of the Dirksen Senate Office Building.

Senator Schumer will chair the hearing.

By order of the Chairman

Sampson, Kyle

From: Sampson, Kyle
Sent: Thursday, January 25, 2007 10:18 AM
To: 'Brosnahan, Jennifer R.'; Brand, Rachel
Subject: RE: FYI

Yes, and we'll send a witness. Probably Moschella. Hertling and I are briefing Sen. Schumer's counsel tomorrow; he's a reasonable former SDNY AUSA who we hope to talk some sense into.

-----Original Message-----

From: Brosnahan, Jennifer R. [mailto:Jennifer_R._Brosnahan@who.eop.gov]
Sent: Thursday, January 25, 2007 10:16 AM
To: Sampson, Kyle; Brand, Rachel
Subject: FW: FYI

I presume you know about this... Has DOJ been asked to testify?

-----Original Message-----

From: Oprison, Christopher G.
Sent: Thursday, January 25, 2007 9:43 AM
To: Miers, Harriet; Kelley, William K.
Cc: Brosnahan, Jennifer R.
Subject: FW: FYI

fyi

-----Original Message-----

From: Tim Griffin [mailto:griffinjag@comcast.net]
Sent: Thursday, January 25, 2007 9:42 AM
To: Oprison, Christopher G.
Subject: FYI

January 25, 2007

NOTICE OF FULL COMMITTEE HEARING

The Senate Committee on the Judiciary has scheduled a hearing on "Preserving Prosecutorial

Independence: Is the Department of Justice Politicizing the Hiring and Firing of U.S. Attorneys?"

for Wednesday, February 7, 2007 at 9:30 a.m. in Room 226 of the Dirksen Senate Office Building.

Senator Schumer will chair the hearing.

By order of the Chairman

Tracking:

Recipient

'Brosnahan, Jennifer R.'

Brand, Rachel

Read

Read: 1/25/2007 6:04 PM

Sampson, Kyle

From: Sampson, Kyle
Sent: Thursday, February 01, 2007 2:48 PM
To: Hertling, Richard
Cc: Goodling, Monica
Subject: RE: Could we do 4 p.m. tomorrow?

Tracking: **Recipient** **Read**
Hertling, Richard Read: 2/1/2007 4:39 PM
Goodling, Monica Read: 2/1/2007 2:57 PM

In addition to South Dakota, there have been a handful of incidents over the years with the following fact scenario:

- * vacancy arises
- * department canvasses the FAUSA, Crim Chief, other senior managers in the office, other DOJ employees, and settles on the best candidate to be interim U.S. Attorney
- * AG appoints that person to be interim U.S. Attorney (120-day appointment)
- * for whatever reason (e.g., Senators can't decide who to recommend for nomination, person recommended flames out in the background, Senate business or recesses result in confirmation delays, etc.), U.S. Attorney nominee is not confirmed within 120 days
- * in vast majority of such cases, after 120-day appointment expires, the district court consults with DOJ and simply reappoints the AG-appointed interim U.S. Attorney (I think this happened, e.g., in S.D.N.Y. for Kelley)
- * in some cases, however, the district court has determined to put in its "own person"
- * examples that come to mind include S.D. Ill. (in this administration), S.D. Cal. (near the end of the Clinton Administration), and I know there are others (and still others where we had some tense talks with judges who ultimately decided to reappoint the AG-appointed interim)
- * this of course is disruptive to the office and undermines the uniform implementation of the Department's enforcement priorities

From: Hertling, Richard
Sent: Thursday, February 01, 2007 1:39 PM
To: Sampson, Kyle
Subject: FW: Could we do 4 p.m. tomorrow?

you know these facts better than I do. Anything besides SD?

From: Bharara, Preet (Judiciary-Dem) [mailto:Preet_Bharara@Judiciary-dem.senate.gov]
Sent: Thursday, February 01, 2007 1:37 PM
To: Hertling, Richard
Subject: RE: Could we do 4 p.m. tomorrow?

Thanks again for coming in last week.

You have said, I believe, that some district courts have sought to appoint as interims "wholly unacceptable candidates." Do you have specific examples in mind? Any guidance would be helpful. Thanks.

Preet

From: Hertling, Richard [mailto:Richard.Hertling@usdoj.gov]

Sent: Thursday, January 25, 2007 11:34 AM
To: Bharara, Preet (Judiciary-Dem)
Subject: RE: Could we do 4 p.m. tomorrow?

yes, we can do 3:30 tomorrow. Where shall we come?

From: Bharara, Preet (Judiciary-Dem) [mailto:Preet_Bharara@Judiciary-dem.senate.gov]
Sent: Thursday, January 25, 2007 10:59 AM
To: Hertling, Richard
Subject: RE: Could we do 4 p.m. tomorrow?

Could we possibly do 3:30? Trying to get out on the early side, if at all possible.

From: Hertling, Richard [mailto:Richard.Hertling@usdoj.gov]
Sent: Thursday, January 25, 2007 10:43 AM
To: Bharara, Preet (Judiciary-Dem)
Subject: Could we do 4 p.m. tomorrow?

Sampson, Kyle

From: Sampson, Kyle
Sent: Friday, February 02, 2007 1:54 PM
To: Seidel, Rebecca; Elston, Michael (ODAG)
Cc: Moschella, William; Goodling, Monica
Subject: RE: (Partial) Passback: [AMS-110-15] JUSTICE Testimony on S.214 - the Preserving United States Attorney Independence Act of 2007

Monica is working on getting these examples.

-----Original Message-----

From: Seidel, Rebecca
Sent: Friday, February 02, 2007 11:54 AM
To: Sampson, Kyle; Elston, Michael (ODAG)
Cc: Moschella, William
Subject: Re: (Partial) Passback: [AMS-110-15] JUSTICE Testimony on S.214 - the Preserving United States Attorney Independence Act of 2007

Thanks. Note Schumer staff asked for specific examples of where a judge appointed USA was a problem. Do we have that info? DAG needs to be prepared for that question, though I know sensitivity of personnel issues, hoping there are some high level comments we can make, ie is there a case where we needed a USA who already had security clearance, but a judge appointed one was foisted on us and consequently delayed handling of a case until security clearance finalized? (Maybe hard argument as our argument about our removing a USA we say won't disrupt case because AUSAs handle).

-----Original Message-----

From: Sampson, Kyle
To: Seidel, Rebecca; Blackwood, Kristine; Elston, Michael (ODAG)
CC: Moschella, William; Scott-Finan, Nancy
Sent: Fri Feb 02 11:48:43 2007
Subject: RE: (Partial) Passback: [AMS-110-15] JUSTICE Testimony on S.214 - the Preserving United States Attorney Independence Act of 2007

I don't think you need to; he posed them as suggestions. In sum: they were "how can we complain about judges appointing USAs when the President appoints judges".

-----Original Message-----

From: Seidel, Rebecca
Sent: Friday, February 02, 2007 11:47 AM
To: Sampson, Kyle; Blackwood, Kristine; Elston, Michael (ODAG)
Cc: Moschella, William; Scott-Finan, Nancy
Subject: Re: (Partial) Passback: [AMS-110-15] JUSTICE Testimony on S.214 - the Preserving United States Attorney Independence Act of 2007

He is in my immigration mtg with SJC Rs right now. I can discuss with him if someone can summarize his edits and our reasons for pushing back in text of email so I can read on bberry.

-----Original Message-----

From: Sampson, Kyle
To: Blackwood, Kristine; Elston, Michael (ODAG)
CC: Moschella, William; Scott-Finan, Nancy; Seidel, Rebecca
Sent: Fri Feb 02 11:41:58 2007
Subject: RE: (Partial) Passback: [AMS-110-15] JUSTICE Testimony on S.214 - the Preserving United States Attorney Independence Act of 2007

I disagree with, and would not accept, any of Braunstein's comments.

From: Blackwood, Kristine
Sent: Friday, February 02, 2007 11:31 AM

To: Elston, Michael (ODAG)
Cc: Moschella, William; Scott-Finan, Nancy; Seidel, Rebecca; Sampson, Kyle
Subject: FW: (Partial) Passback: [AMS-110-15] JUSTICE Testimony on S.214 - the Preserving
United States Attorney Independence Act of 2007

Please see attached from OMB (the document with the notation "TFB comments"). Please note that Todd Braunstein's comments were on the first version we sent, not the one that we revised and sent OMB. So at least one of his edits has already been made (striking the "oddity" reference). Please advise. Thanks.

From: Simms, Angela M. [mailto:Angela_M_Simms@omb.eop.gov]
Sent: Friday, February 02, 2007 11:15 AM
To: Blackwood, Kristine
Cc: Green, Richard E.
Subject: (Partial) Passback: [AMS-110-15] JUSTICE Testimony on S.214 - the Preserving
United States Attorney Independence Act of 2007

Kristine,

Attached are comments from DPC staff regarding S.214. However, this is a partial passback. I am still waiting to hear from at least one more office before I can provide a complete passback. Please let me know Justice's response to the comments included in this e-mail.

Angie
202-395-3857

Tracking:	Recipient	Read
	Seidel, Rebecca	Read: 2/2/2007 2:03 PM
	Elston, Michael (ODAG)	Read: 2/2/2007 2:48 PM
	Moschella, William	Read: 2/2/2007 1:58 PM
	Goodling, Monica	

OIP

From: Oprison, Christopher G. [Christopher_G._Oprison@who.eop.gov]
Sent: Friday, February 23, 2007 5:22 PM
To: Sampson, Kyle
Subject: RE: Version 2 of Reid Letter re Cummins-Griffin
Attachments: reid letter re cummins-griffin v 3 (2).doc

Kyle - attached is a version with slight revisions. Fred, as I, want to ensure that it is absolutely consistent with the facts and that it does not add to the controversy surrounding this issue.

From: Sampson, Kyle [mailto:Kyle.Sampson@usdoj.gov]
Sent: Friday, February 23, 2007 2:59 PM
To: Oprison, Christopher G.
Subject: RE: Version 2 of Reid Letter re Cummins-Griffin
Importance: High

Chris, please review this version 3.

<<reid letter re cummins-griffin v.3.doc>>

From: Sampson, Kyle
Sent: Friday, February 23, 2007 2:56 PM
To: 'Oprison, Christopher G.'
Subject: Version 2 of Reid Letter re Cummins-Griffin
Importance: High

Chris, please review and (hopefully) clear at your earliest. Thanks!

<< File: reid letter re cummins-griffin v.2.doc >>

Kyle Sampson
Chief of Staff
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
(202) 514-2001 wk.
(202) 305-5289 cell
kyle.sampson@usdoj.gov

The Honorable Harry Reid
Majority Leader
United States Senate
Washington, D.C. 20510

Dear Senator Reid:

This is in response to your letter to the Attorney General dated February 8, 2007. An identical response has been sent to the other signatories of that letter.

As an initial matter, the Department agrees with the principle you set forth in your letter that "[o]nce appointed, U.S. Attorneys, perhaps more than any other public servants, must be above politics and beyond reproach; they must be seen to enforce the rule of law without fear or favor." That many U.S. Attorneys, appointed by Presidents of both parties, have had political experience prior to their appointment does not undermine that principle. Your letter, however, contains assumptions and assertions that are simply erroneous.

Deleted:

First, your letter truncates the actual quote of the Attorney General's testimony at the Judiciary Committee hearing on January 18, 2007 and consequently, mischaracterizes the statement. In full, the Attorney General stated: "I think I would never, ever make a change in a United States attorney for political reasons or if it would in any way jeopardize an ongoing serious investigation. I just would not do it" (emphasis added). The Department of Justice rejects any suggestion that U.S. Attorneys were asked or encouraged to resign for the inappropriate "political reason" of interfering with any public corruption case or retaliating against a U.S. Attorney who oversaw such a case.

Formatted: Indent: First line: 0.5"

Deleted: the full quotation of the Attorney General's testimony at the Judiciary Committee

Deleted: , more fairly represents his views about the appropriate reasons for asking a U.S. Attorney to resign.

Second, your letter mischaracterizes the testimony of the Deputy Attorney General taken at the hearing held on February 6, 2007. The Deputy Attorney General simply stated the Department's view that asking U.S. Attorney Bud Cummins to resign so that Special Assistant U.S. Attorney Tim Griffin might have the opportunity to serve as U.S. Attorney is not an inappropriate "political reason." This is so, the Deputy Attorney General testified, because, *inter alia*, Mr. Griffin is very well-qualified to serve as U.S. Attorney, and Mr. Cummins "may have already been thinking about leaving at some point anyway."

Deleted: ,

Deleted: , further

Deleted: , in the Department's view,

Deleted: ¶

Indeed, at the time Mr. Griffin was appointed interim U.S. Attorney in December 2006 he had far more federal prosecution experience (in the Criminal Division and in the U.S. Attorney's office) than Mr. Cummins did at the time he was appointed U.S. Attorney in January 2002. Mr. Cummins himself credits Mr. Griffin with the establishment of the office's successful gun crime prosecution initiative. And Mr. Griffin

has substantial military prosecution experience that Mr. Cummins does not have. Those who know Mr. Griffin must concede that he brings a style of leadership and level of energy that could only enhance the success of a U.S. Attorney's office. Moreover, it was well-known, as early as December 2004, that Mr. Cummins intended to leave the office and seek employment in the private sector. See "The Insider Dec. 30," Ark. Times (Dec. 30, 2004) ("Cummins, 45, said that, with four children to put through college someday, he'll likely begin exploring career options. It wouldn't be 'shocking,' he said, for there to be a change in his office before the end of Bush's second term."). Finally, the Deputy Attorney General did not state or imply that Mr. Griffin would be appointed as the U.S. Attorney without Senate confirmation. Such a statement would be inconsistent with the Department's stated position that it would strive to have each vacancy filled by a Senate-confirmed U.S. Attorney.

Deleted: Anyone who
Deleted: s

Third, the Department does not consider the replacement of one Republican U.S. Attorney by another Republican lawyer who is well-qualified and has extensive experience as a prosecutor and strong ties to the district to be a change made for "political reasons." Mr. Cummins was confirmed to serve a four-year term, which expired on January 9, 2006. He served his entire term, plus an additional year. As you know, U.S. Attorneys serve at the pleasure of the President. That has always been the rule, and U.S. Attorneys accept their appointment with full understanding that they may serve the full term or in excess of the full term, but that at any time they could be removed by the President.

Deleted: 1

Deleted: ; b
Deleted: nited
Deleted: tates
Deleted: ; that
Deleted: ,

Regarding specific questions raised in your letter, we respond as follows:

Deleted: that
Deleted: .

- Although the decision to have Mr. Griffin replace Mr. Cummins was first contemplated in the spring or summer of 2006, the final decision to appoint Mr. Griffin to be interim U.S. Attorney in the Eastern District of Arkansas was made on or about December 15, 2006, after a series of conversations between the Attorney General and Senator Pryor.

Deleted: In answer to your s
Deleted: appoint
Deleted: to
Deleted: the
Deleted: 's telephone conversation with
Formatted: Indent: Left: 0.25"

- The Department of Justice is not aware of anyone lobbying for Mr. Griffin's appointment. But, consistent with longstanding practice in this Administration, the question of whether Mr. Griffin (who then was on active military duty in Iraq) might be considered for appointment as U.S. Attorney upon his return was addressed by the Department of Justice and the White House.
- Mr. Cummins' continued service as U.S. Attorney was first considered after the Department learned of Mr. Cummins' stated interest in possibly resigning for a position in the private sector. As the Deputy Attorney General testified, this commenced well prior to considering the other U.S. Attorneys to resign for reasons related to their performance and was instead "related to the opportunity to provide a fresh start with a new person in that position." Also, a general matter, it is often preferable, to the extent practicable, to appoint a permanent replacement who has experience with and familiarity of the workings of the particular office, as Mr. Griffin did.

Deleted: T
Deleted: consistent with prior practice
Deleted: As the Deputy Attorney General testified,
Deleted: s
Deleted: not
Deleted: at the same time as
Deleted:
Deleted: that the Deputy Attorney General acknowledged were asked
Deleted: . As the Deputy Attorney General testified, the request that Mr. Cummins resign
Formatted: Indent: Left: 0.25"

- The Department is not aware of Karl Rove playing a role in the decision to appoint Mr. Griffin as either on an interim or permanent basis.

Deleted: ny

Deleted: .

We appreciate the opportunity to respond to your inquiry.

Deleted: ¶

In conclusion, the Department wholeheartedly agrees with the principle you set forth in your letter that "[o]nce appointed, U.S. Attorneys, perhaps more than any other public servants, must be above politics and beyond reproach; they must be seen to enforce the rule of law without fear or favor." That many U.S. Attorneys, appointed by Presidents of both parties, have had political experience prior to their appointment does not undermine that principle.¶

Sincerely,

Richard A. Hertling
Acting Assistant Attorney General

cc: The Honorable Mitch McConnell
The Honorable Arlen Specter

OIP

From: Oprison, Christopher G. [Christopher_G._Oprison@who.eop.gov]
Sent: Friday, February 23, 2007 5:25 PM
To: Sampson, Kyle
Subject: RE: Version 2 of Reid Letter re Cummins-Griffin

before we send anything out, can we talk?

From: Oprison, Christopher G.
Sent: Friday, February 23, 2007 5:22 PM
To: 'Sampson, Kyle'
Subject: RE: Version 2 of Reid Letter re Cummins-Griffin

Kyle - attached is a version with slight revisions. Fred, as I, want to ensure that it is absolutely consistent with the facts and that it does not add to the controversy surrounding this issue.

From: Sampson, Kyle [mailto:Kyle.Sampson@usdoj.gov]
Sent: Friday, February 23, 2007 2:59 PM
To: Oprison, Christopher G.
Subject: RE: Version 2 of Reid Letter re Cummins-Griffin
Importance: High

Chris, please review this version 3.

<<reid letter re cummins-griffin v.3.doc>>

From: Sampson, Kyle
Sent: Friday, February 23, 2007 2:56 PM
To: 'Oprison, Christopher G.'
Subject: Version 2 of Reid Letter re Cummins-Griffin
Importance: High

Chris, please review and (hopefully) clear at your earliest. Thanks!

<< File: reid letter re cummins-griffin v.2.doc >>

Kyle Sampson
Chief of Staff
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
(202) 514-2001 wk.
(202) 305-5289 cell
kyle.sampson@usdoj.gov

Sampson, Kyle

From: Sampson, Kyle
Sent: Tuesday, February 27, 2007 7:43 PM
To: 'griffinjag@comcast.net'
Subject: Re: Staff Attendance Policy Change - Member Briefing on the Reasons for the Replacement of U.S. Attorneys 2/28

Will Moschella and Richard Hertling.

-----Original Message-----

From: Tim Griffin <griffinjag@comcast.net>
To: Sampson, Kyle
Sent: Tue Feb 27 19:25:55 2007
Subject: FW: Staff Attendance Policy Change - Member Briefing on the Reasons for the Replacement of U.S. Attorneys 2/28

Just wondering who will be giving this briefing?

-----Original Message-----

From: Wolfberg, Elias
Sent: Monday, February 26, 2007 10:10 AM
To: Judiciary, Dem Staff & IAs; Judiciary, Repub Staff; Judiciary, Rep Leg Staff
Subject: Member Briefing on the Reasons for the Replacement of U.S. Attorneys 2/28

The Justice Department will be here on Wednesday, February 28, from 1:30 - 3:00 p.m. in Rayburn 2237 to brief Members and staff members on the reasons for the replacement of U.S. Attorneys. Please note that the briefing will be for Members, with one staff member allowed for each Member in attendance. If a Member is not able to attend, one staff member from that Member's staff will be allowed to attend the meeting.

Sampson, Kyle

From: Tim Griffin [griffinjag@comcast.net]
Sent: Wednesday, February 28, 2007 6:57 AM
To: Hertling, Richard; Moschella, William
Cc: Sampson, Kyle
Subject: RE: Your Hill Briefing on U.S. Attorneys

If what you say is true, then the problem lies with our ability to get our message out. In any event, thank you in advance for defending me. TG

From: Hertling, Richard [mailto:Richard.Hertling@usdoj.gov]
Sent: Wednesday, February 28, 2007 5:53 AM
To: Tim Griffin; Moschella, William
Cc: Sampson, Kyle
Subject: RE: Your Hill Briefing on U.S. Attorneys

Tim: not sure your assertion is accurate. Someone at DOJ merely recounted the facts. I do not think any misimpression was left. Nonetheless, some Senator or staff member went out and spun it that way. I am not at all sure we can ever control for that. Your point is well taken, however, in that we need to emphasize the normalcy of the process in your case. I think we are ready to do that.

From: Tim Griffin [mailto:griffinjag@comcast.net]
Sent: Wednesday, February 28, 2007 1:53 AM
To: Hertling, Richard; will.moschella@usdoj.gov
Cc: Sampson, Kyle
Subject: Your Hill Briefing on U.S. Attorneys

It would be helpful in my estimation if someone would take the time to educate Members of Congress and disabuse them of the idea that it is extraordinary when the White House Counsel gets involved in the selection of U.S. Attorneys. In fact, it was my experience when working at the White House and attending the meetings where such decisions were made that White House Counsel's involvement in the selection of U.S. Attorneys--as with judges--is entirely ordinary and has long been customary. Someone at DOJ left the press with the impression that Harriet Miers vouching for me was some sort of extraordinary event. It wasn't.

<http://www.arktimes.com/Articles/ArticleViewer.aspx?ArticleID=1d6008ff-5b23-4871-b95d-4825be0256d6>

The Insider Dec. 30

Arkansas Times Staff

Updated: 12/30/2004

Holiday schedules

Among the Arkansas congressional delegation, constituent service during the holiday season is something that senators can't be bothered with. Then again, they only have to run for re-election every six years, so who cares?

Calls to the Little Rock and Washington, D.C., offices of U.S. Sens. Blanche Lincoln and Mark Pryor yielded recorded messages informing us that no one would be available from Dec. 23-Jan. 3.

The House members had varying policies. U.S. Reps. Vic Snyder and John Boozman kept their Arkansas offices open through the holidays except for Christmas Eve and New Year's Eve. U.S. Rep. Marion Berry operated his Jonesboro office from 10 a.m.-2 p.m. most days, but closed it on Dec. 23-24 and 30-31.

Perhaps the loftier ambitions of U.S. Rep. Mike Ross are evident in his senatorial decision to shutter his offices from Dec. 23-Jan. 3

Gen. Clark, the TV series

A New York Post gossip column recently reported that retired Gen. Wesley Clark, the former presidential candidate from Arkansas, is "working on a sitcom."

Clark's office told us that the Post exaggerated his role in the project, especially by saying that Clark was "writing" the TV show and would "pitch" it to networks next year. In reality, Clark's associates insist that he is merely serving as a consultant in the development of the idea.

"General Clark is contributing to a show concept of an officer returning to his hometown after a career in the military," Clark's office said. "Gen. Clark is primarily focused on his business but continues to be involved in numerous other projects." That would include plotting a future political career, of course.

Legal action

It's a low-priority public issue, but tens of millions of dollars are at stake in plans to establish tax increment finance districts in, among others, Fayetteville, Rogers, Bentonville, Lowell, Johnson, North Little Rock, Sherwood and Jonesboro. They will divert local property taxes to subsidize private developments in already prosperous areas. Schools, but not other local tax units, will be made whole by the Arkansas legislature, meaning Arkansas taxpayers.

Columnist Max Brantley has been griping about this at some length recently. We hear he may soon have a valuable ally. There's solid indication a lawsuit could be filed shortly against the whole TIF scheme in Arkansas. TIF projects already underway have no guarantee they'd be grandfathered.

Four more years?

We were talking to U.S. Attorney Bud Cummins a while back on another subject and happened to ask about his plans, now that George W. Bush is set to serve another four years as president. Cummins (we forgot to mention earlier) said he went into the election with no contingency plans, so was relieved by Bush's victory not to have to make any sudden decisions. Now completing his third year in the office, Cummins, 45, said that, with four children to put through college someday, he'll likely begin exploring career options. It wouldn't be "shocking," he said, for there to be a change in his office before the end of Bush's second term.

January 1, 2006

MEMORANDUM FOR THE COUNSEL TO THE PRESIDENT

FROM: Kyle Sampson

SUBJECT: U.S. Attorney Appointments

You have asked whether President Bush should remove and replace U.S. Attorneys whose four-year terms have expired. I recommend that the Department of Justice and the Office of the Counsel to the President work together to seek the replacement of a limited number of U.S. Attorneys.

United States Attorneys are appointed to a four-year term of office and, thereafter, may holdover until a successor is appointed. The U.S. Code provides:

- (a) The President shall appoint, by and with the advice and consent of the Senate, a United States attorney for each judicial district.
- (b) Each United States attorney shall be appointed for a term of four years. On the expiration of his term, a United States attorney shall continue to perform the duties of his office until his successor is appointed and qualifies.
- (c) Each United States attorney is subject to removal by the President.

28 U.S.C. §541. During the Reagan and Clinton Administrations, Presidents Reagan and Clinton did not seek to remove and replace U.S. Attorneys they had appointed whose four-year terms had expired, but instead permitted such U.S. Attorneys to serve indefinitely under the holdover provision.

There likely are several explanations for this: In some instances, Presidents Reagan and Clinton may have been pleased with the work of the U.S. Attorneys who, after all, they had appointed. In other instances, Presidents Reagan and Clinton may simply have been unwilling to commit the resources necessary to remove the U.S. Attorneys, find suitable replacements (i.e., receive the "advice" of the home-state Senators), complete background investigations, and secure Senate confirmations.

There are practical obstacles to removing and replacing U.S. Attorneys. First, wholesale removal of U.S. Attorneys would cause significant disruption to the work of the Department of Justice. Second, individual U.S. Attorneys often were originally recommended for appointment by a home-state Senator who may be opposed to the President's determination to remove the U.S. Attorney. Third, a suitable replacement must be found in consultation with the home-state Senator, the difficulty of which would vary from state to state. Fourth, a background investigation must be completed on the

OAG000001138

replacement -- a task often complicated if the outgoing U.S. Attorney remains in office. Fifth, after nomination, the Senate must confirm the replacement.

None of the above obstacles are insuperable. First, a limited number of U.S. Attorneys could be targeted for removal and replacement, mitigating the shock to the system that would result from any across-the-board firing. Second, the Department of Justice's Executive Office of U.S. Attorneys (EOUSA) could work quietly with the targeted U.S. Attorneys to encourage them to leave government service voluntarily; this would allow targeted U.S. Attorneys make arrangements for work in the private sector and to "save face," both in the Department of Justice community and in their local legal communities. Third, after targeted U.S. Attorneys have left office or indicated publicly their intention to leave office, then the Office of the Counsel to the President can work with home-state Senators and/or other political leaders in the state to secure recommendations for a replacement U.S. Attorney. Finally, after background investigations are complete and the replacement candidate is nominated, the Attorney General can appoint the nominee to serve as Interim U.S. Attorney, reducing the time during which the leadership of the office is uncertain. ✓

If a decision is made to remove and replace a limited number of U.S. Attorneys, then the following might be considered for removal and replacement:

*removed
of rank by
of non
reprobation*

Harry E. "Bud" Cummins III, U.S. Attorney for the Eastern District of Arkansas
Term expires 1/9/2006
Replacement candidates: Tim Griffin
Home-state Senators/political leaders: Pryor (D) and Lincoln (D); Gov. Huckabee(?)

*on
apprehended*

Kevin V. Ryan, U.S. Attorney for the Northern District of California
Term expires 8/2/2006
Replacement candidates:
Home-state Senators/political leaders: Feinstein (D) and Boxer (D); Parsky Commission

*perhaps do
in 4 years*

Carol C. Lam, U.S. Attorney for the Southern District of California
Term expires 11/18/2006
Replacement candidates:
Home-state Senators/political leaders: Feinstein (D) and Boxer (D); Parsky Commission

Margaret M. Chiara, U.S. Attorney for the Western District of Michigan
Term expired 11/2/2005
Replacement candidates:
Home-state Senators/political leaders: Levin (D) and Stabenow (D); numerous GOP congressmen ✓

I would list
would not put her on this list.

I list these folks based on my review of the evaluations of their offices conducted by EOUSA and my interviews with officials in the Office of the Attorney General, Office of the Deputy Attorney General, and the Criminal Division. If a determination is made to seek the removal of these folks, then we should similarly seek to remove and replace

Please let me know how you would like to proceed.

Other problem districts :

- Chalton

Quiet / not sure about :

- Boyden

GriffinPriorities

- 1) CT
- 2) violent crime (PSD)
- 3) child expel
- 4) public corruption - real prob w/ that

Policies - no prob.

DP - no prob.

JOHN TIMOTHY "TIM" GRIFFIN

In September 2006, Tim Griffin was named Counselor to the Assistant Attorney General, Criminal Division, at the U.S. Department of Justice in Washington, D.C. and was immediately detailed to Little Rock, Arkansas, where he is serving as a Special Assistant U.S. Attorney in the Eastern District of Arkansas.

Tim recently completed a year of active duty in the U.S. Army. He is in his 10th year as an officer in the U.S. Army Reserve, Judge Advocate General's (JAG) Corps and holds the rank of Major. In September 2005, Tim was mobilized to active duty to serve as an Army prosecutor at Fort Campbell, Kentucky, the home of the 101st Airborne Division (Air Assault). At Fort Campbell, he prosecuted 40 criminal cases. One of those cases, U.S. v. Mikel, drew national interest after Private Mikel attempted to murder his platoon sergeant and fired upon his unit's early morning formation. Private Mikel pleaded guilty to attempted murder and was sentenced to 25 years in prison.

In May 2006, Tim was assigned to the 501st Special Troops Battalion (STB), 101st Airborne Division and sent to serve in Iraq. From May through August 2006, he served as an Army JAG with the 101st Airborne Division in Mosul, Iraq, as a member of the 172d Stryker Brigade Combat Team (SBCT) Brigade Operational Law Team (BOLT), for which he was awarded the Combat Action Badge and the Army Commendation Medal.

When he was called to active duty in September 2005, Tim was serving as Special Assistant to the President and Deputy Director, Office of Political Affairs at the White House. In that capacity, he advised President George W. Bush and Vice-President Richard B. Cheney and organized and coordinated support for the President's agenda, including the nomination of Judge John Roberts to be Chief Justice of the U.S. Supreme Court.

Prior to joining the White House staff, he served as Research Director and Deputy Communications Director for the Republican National Committee (RNC) where he oversaw research for the 2004 presidential campaign. Tim and his staff of approximately 30 provided research materials to the Bush-Cheney re-election campaign, the RNC, the press, and political activists.

From 2001-2002, Tim served as a political appointee at the U.S. Department of Justice where he was Special Assistant to the Assistant Attorney General, Michael Chertoff, the Criminal Division Chief. In the summer of 2001, AAG Chertoff granted Tim a year detail as a Special Assistant U.S. Attorney at the U.S. Attorney's Office for the Eastern District of Arkansas in Little Rock. While in Little Rock, Tim prosecuted a variety of federal cases with an emphasis on firearm and drug cases. He also organized the Eastern District's Project Safe Neighborhoods (PSN), the Bush Administration's initiative to reduce firearm-related violence by promoting close cooperation between state and federal law enforcement, and served as the PSN coordinator.

Prior to joining DOJ, Tim served as RNC Deputy Research Director for the 2000 presidential campaign and as a legal advisor to the Bush-Cheney Recount Team in Florida. Tim has also served as Senior Counsel to the Government Reform Committee, U.S. House of Representatives; Associate Independent Counsel, In Re: Housing and Urban Development (HUD) Secretary Henry Cisneros; and as an associate attorney with the New Orleans law firm of Jones, Walker.

Tim is a member of the Arkansas and Louisiana bars. He is a *cum laude* graduate of both Hendrix College in Conway, Arkansas, where he received his B.A., and Tulane Law School in New Orleans, Louisiana, where he received his J.D. He also attended graduate school at Pembroke College, Oxford University, in Oxford, England. Tim was born in Charlotte, North Carolina, was raised in Magnolia, Arkansas, and now resides in Little Rock, Arkansas, with his wife, Elizabeth.

J. TIMOTHY GRIFFIN

EDUCATION

Tulane University Law School. New Orleans, Louisiana. Juris Doctor, *cum laude*, May 1994. Cumulative G.P.A.: 3.25/4.00; Rank: 80/319, Top 25%. Common law and civil law curricula. Legal Research and Writing grade: A.

- Senior Fellow, Legal Research and Writing Program. Taught first year law students legal research and writing.
- Volunteer, The New Orleans Free Tutoring Program, Inc.

Oxford University, Pembroke College. Oxford, England. Graduate School, British and European History, 1990-1991.

- Under-secretary and Treasurer, Oxford University Clay Pigeon Shooting Club.

Hendrix College. Conway, Arkansas. Bachelor of Arts in Economics and Business, *cum laude*, June 1990. Cumulative G.P.A.: Major 3.79/4.00, Overall 3.78/4.00; Rank: 22/210, Top 10%.

- Oxford Overseas Study Course, September 1988-May 1989, Oxford, England.

LEGAL EXPERIENCE

Counselor to the Assistant Attorney General. Criminal Division, U.S. Department of Justice. Washington, D.C. and Little Rock, Arkansas. September 2006-present.

- Serving as a Special Assistant U.S. Attorney, Eastern District of Arkansas, September 2006-present.

Trial Counsel, U.S. Army JAG Corps. Criminal Law Branch, Office of the Staff Judge Advocate. Fort Campbell, Kentucky, September 2005-May 2006; August-September 2006.

- Successfully prosecuted U.S. v. Mikel, involving a soldier's attempted murder of his platoon sergeant.
- Provided legal advice to E Co., 1st and 3rd Brigade Combat Teams, 101st Airborne Division (Air Assault)(R)(P).
- Prosecuted 40 Army criminal cases at courts-martial and federal criminal cases as a Special Assistant U.S. Attorney, Western District of Kentucky and Middle District of Tennessee, and handled 90 administrative separations.

Brigade Judge Advocate, U.S. Army Judge Advocate General's (JAG) Corps. Operation Iraqi Freedom. Task Force Band of Brothers. 501st STB, 101st Airborne Division (Air Assault). Mosul, Iraq, May-August 2006.

- Served on the Brigade Operational Law Team (BOLT), 172d Stryker Brigade Combat Team, FOB Marez, Iraq.
- Provided legal advice on various topics, including financial investigations, rules of engagement, and rule of law.

Special Assistant to the Assistant Attorney General. Criminal Division, U.S. Department of Justice. Washington, D.C. and Little Rock, Arkansas. March 2001-June 2002.

- Tracked issues for Assistant Attorney General Michael Chertoff and worked with the Office of International Affairs (OIA) on matters involving extradition, provisional arrest and mutual legal assistance treaties (MLATs).
- Prosecuted federal firearm and drug cases and served as the coordinator for Project Safe Neighborhoods, a strategy to reduce firearm-related violence through cooperation between state and federal law enforcement, as a Special Assistant U.S. Attorney, Eastern District of Arkansas, in Little Rock, September 2001-June 2002.

Senior Investigative Counsel. Committee on Government Reform, U.S. House of Representatives. Washington, D.C. January 1997-February 1998; June 1998-September 1999.

- Developed hearing series entitled "National Problems, Local Solutions: Federalism at Work" to highlight innovative and successful reforms at the state and local levels, including: "Fighting Crime in the Trenches," featuring New York City Mayor Rudolph Giuliani, and "Tax Reform in the States."
- Pursuant to the Committee's campaign finance investigation, interviewed Johnny Chung and played key role in hearing detailing his illegal political contributions; organized, supervised and conducted the financial investigation of individuals and entities; interviewed witnesses; drafted subpoenas; and briefed Speaker of the House Newt Gingrich.

Associate Independent Counsel. U.S. Office of Independent Counsel David M. Barrett. *In re: Henry G. Cisneros, Secretary of Housing and Urban Development (HUD)*. Washington, D.C. September 1995-January 1997.

- Interviewed numerous witnesses with the F.B.I. and supervised the execution of a search warrant.
- Drafted subpoenas and pleadings and questioned witnesses before a federal grand jury.

Associate Attorney. General Litigation Section. Jones, Walker, Waechter, Poitevent, Carrere & Denegre, L.L.P. New Orleans, Louisiana. September 1994-September 1995.

- Drafted legal memoranda and pleadings and conducted depositions.

ADDITIONAL WORK EXPERIENCE

Special Assistant to the President and Deputy Director. Office of Political Affairs, The White House. Washington, D.C. April-September 2005. On military leave after mobilization to active duty, September 2005-September 2006.

- Advised President George W. Bush and Vice-President Richard B. Cheney.
- Organized and coordinated support for the President's agenda, including the nomination of Judge John Roberts to be Chief Justice of the U.S. Supreme Court.

Research Director and Deputy Communications Director. 2004 Presidential Campaign, Republican National Committee (RNC). Washington, D.C. June 2002-December 2004.

- Briefed Vice-President Richard B. Cheney and other Bush-Cheney 2004 (BC04) and RNC senior staff.
- Managed RNC Research, the primary research resource for BC04, with over 25 staff.
- Worked daily with BC04 senior staff on campaign and press strategy, ad development and debate preparation.

Deputy Research Director. 2000 Presidential Campaign, Republican National Committee (RNC). Washington, D.C. September 1999-February 2001.

- Managed RNC Research, the primary research resource for Bush-Cheney 2000 (BC00), with over 30 staff.
- Served as legal advisor in Volusia and Brevard Counties for BC00 Florida Recount Team.

SUMMARY OF MILITARY SERVICE

Major. JAG Corps, U.S. Army Reserve. Commissioned First Lieutenant, June 1996.

- Served on active duty in Mosul, Iraq with the 101st Airborne Division (Air Assault), and at Fort Campbell, Kentucky, September 2005-September 2006.
- Authorized to wear 101st Airborne Division (Air Assault) "Screaming Eagle" combat patch.
- Medals, Ribbons and Badges: Army Commendation Medal with Five Oak Leaf Clusters; Army Achievement Medal with Four Oak Leaf Clusters; Army Reserve Components Achievement Medal with Two Oak Leaf Clusters; National Defense Service Medal; Iraq Campaign Medal; Global War on Terrorism Service Medal; Armed Forces Reserve Medal with Bronze Hourglass and "M" Devices; Army Service Ribbon; and Army Reserve Overseas Training Ribbon with "3" Device; and Combat Action Badge.

ACTIVITIES AND ASSOCIATIONS

Arkansas Bar Association. Little Rock, Arkansas. Member, 1995-present. Annual Meeting Subcommittee on Technology, 2002. Admitted to Arkansas Bar, April 26, 1995.

The Federalist Society for Law and Public Policy Studies. Washington, D.C. 1991-present. President, New Orleans Lawyers Chapter, February-August 1995; President, 1993-1994, Vice President, 1992-1993, and Treasurer, 1991-1992, Tulane Law School Chapter.

Friends of Central Arkansas Libraries (FOCAL). Little Rock, Arkansas. Life Member.

Florence Crittenton Services, Inc. Little Rock, Arkansas. Member, Board of Directors, 2001-2002.

Louisiana State Bar Association. New Orleans, Louisiana. Member. Admitted October 7, 1994. Currently inactive.

The Oxford Union Society. Oxford, England. Member, 1990-present.

Pulaski County Bar Association. Little Rock, Arkansas. Member, 2001-2002. Co-chair, Law School Liaison Committee, 2001-2002.

Reserve Officers Association. Washington, D.C. Life Member.

Goodling, Monica

From: Sampson, Kyle
Sent: Thursday, February 01, 2007 4:15 PM
To: Elston, Michael (ODAG); Hertling, Richard
Cc: Goodling, Monica; Moschella, William; McNulty, Paul J; Seidel, Rebecca
Subject: RE: Bud Cummins

I don't think he should. How would he answer:

Did you resign voluntarily?
Were you told why you were being asked to resign?
Who told you?
When did they tell you?
What did they say?
Did you ever talk to Tim Griffin about his becoming U.S. Attorney?
What did Griffin say?
Did Griffin ever talk about being AG appointed and avoiding Senate confirmation?
Were you asked to resign because you were underperforming?
If not, then why?
Etc., etc.

-----Original Message-----

From: Elston, Michael (ODAG)
Sent: Thursday, February 01, 2007 3:52 PM
To: Hertling, Richard
Cc: Sampson, Kyle; Goodling, Monica; Moschella, William; McNulty, Paul J; Seidel, Rebecca
Subject: Bud Cummins

just called to let me know that Pryor's and Schumer's staff have called and asked him to testify on Tuesday. He declined, but wanted to know if we wanted him to testify -- would tell the truth about his circumstances and would also strongly support our view of S 214.

Thoughts?

Goodling, Monica

From: Elston, Michael (ODAG)
Sent: Thursday, February 01, 2007 4:35 PM
To: Sampson, Kyle; Hertling, Richard
Cc: Goodling, Monica; Moschella, William; McNulty, Paul J; Seidel, Rebecca
Subject: Re: Bud Cummins

Agreed.

-----Original Message-----

From: Sampson, Kyle
To: Elston, Michael (ODAG); Hertling, Richard
CC: Goodling, Monica; Moschella, William; McNulty, Paul J; Seidel, Rebecca
Sent: Thu Feb 01 16:15:00 2007
Subject: RE: Bud Cummins

I don't think he should. How would he answer:

Did you resign voluntarily?
Were you told why you were being asked to resign?
Who told you?
When did they tell you?
What did they say?
Did you ever talk to Tim Griffin about his becoming U.S. Attorney?
What did Griffin say?
Did Griffin ever talk about being AG appointed and avoiding Senate confirmation?
Were you asked to resign because you were underperforming?
If not, then why?
Etc., etc.

-----Original Message-----

From: Elston, Michael (ODAG)
Sent: Thursday, February 01, 2007 3:52 PM
To: Hertling, Richard
Cc: Sampson, Kyle; Goodling, Monica; Moschella, William; McNulty, Paul J; Seidel, Rebecca
Subject: Bud Cummins

just called to let me know that Pryor's and Schumer's staff have called and asked him to testify on Tuesday. He declined, but wanted to know if we wanted him to testify -- would tell the truth about his circumstances and would also strongly support our view of S 214.

Thoughts?

Goodling, Monica

From: Goodling, Monica
Sent: Monday, February 05, 2007 3:26 PM
To: Nowacki, John (USAEO)
Subject: Re: Difficult transitions.

It's not ready. Still confirming details.

-----Original Message-----

From: Nowacki, John (USAEO) <John.Nowacki@usdoj.gov>
To: Goodling, Monica
Sent: Mon Feb 05 15:22:10 2007
Subject: Difficult transitions.

Just curious -- do you have that doc, which you mentioned last night?

Goodling, Monica

From: Goodling, Monica
Sent: Monday, February 12, 2007 1:46 PM
To: Nowacki, John (USAEO)

Attachments: US Attorney chart.doc



US Attorney
chart.doc (52 KB)

**TALKING POINTS: U.S. ATTORNEY RESIGNATIONS
AND INTERIM ACTING/INTERIM APPOINTMENTS**

DISTRICT:	USA'S EXPERIENCE WHEN NOMINATED:	ACTING/INTERIM'S EXPERIENCE:
Dan Bodgen (NV) Term expired: Nov. 2, 2005		(Declined; interviewed but would like to interview others)
Paul Charlton (AZ) Term expired: Nov. 14, 2005		
Margaret Chiara (WDMI) Term expired: Nov. 2, 2005		
Bud Cummins (EDAR) Term expired: Jan. 9, 2006		
David Iglesias (NM) Term expired: Oct. 17, 2005		
Carol Lam (SDCA) Term expired: Nov. 18, 2006		
John McKay (WDWA) Term expired: Oct. 30, 2005		
Kevin Ryan (NDCA) Term expired: Aug. 2, 2006		
Dan Bodgen (NV) Term expired: Nov. 2, 2005		

Goodling, Monica

From: Goodling, Monica
Sent: Monday, February 12, 2007 1:46 PM
To: Nowacki, John (USAEO)

Attachments: USA data (GWB).xls



JSA data (GWB).xls
(44 KB)

NAME (district)	Prosecution experience (with years)				Political experience			Judge	FedSoc
	State/local	Fed SAUS	Fed career	USA FAUSA	Civ (govt)	Main Justice Hill	State/local campaign/party		
Acosta, Alex (SDFL)						01-02, 03-05			Yes
Anderson, Tom (VT)	84-87, 93-95		87-96; 01-06						
Baife, Bob (WDAR)	95-00, 01-04								
Battle, Michael (WDNY)	95-96		85-92				96-02		
Biskupic, Steven (EDWI)			89-02						
Bogden, Daniel (NV)	87-90		90-01						
Boyle, Jane (NDTX)	81-87		87-90				90-02		
Brooks, Susan (SDIN)							98-99		
Brownlee, John (WDVA)			97-01						
Buchanan, Mary Beth (WDPA)			88-01						Yes
Burgess, Timothy (AK)			89-01			82-83			
Canary, Leura (MDAL)					81-90, 90-94, 94-01				
Charlton, Paul (AZ)	89-91		91-01						
Chiara, Margaret (WDMI)	82-96								
Christie, Christopher (NJ)							95-97, 98-02		
Colantuono, Thomas (NH)					78-81		90-96, 99-0	Cong. Candidate	
Collins, Jeffrey (EDMI)								94-98, 97-99, 99-01	
Colloton, Stephen (SDIA)			91-94, 94-96, 96-99			83 Intern			
Comey, James (SDNY)			87-93, 96-02			90-91			
Connolly, Colm (DE)			92-99						
Conrad, Robert (WDNG)			89-01			00-01			
Corrente, Robert (RI)									
Cummins, Bud (EDAR)							97-98	Cong. Candidate	
DeGabrielle, Don (SDTX)	82-85		86-06						
Dibiagio, Thomas (MD)			91-00						
Duffey, William (NDGA)			80-81, 94-95						
Dugas, David (MDLA)							Local		
Eid, Troy (CO)							State Official		
Fitzgerald, Patrick (NDIL)			88-01						
Flynn, Terrance (WDNY)							81-84		
Garcia, Bert (PR)									
Garcia, Michael (SDNY)					02-05,				
Gean, Thomas (WDAR)	97-01		92-02				Elected Prosecutor		
Graves, Todd (WDMO)	94-01				91,		Elected Prosecutor		
Greenlee, Jim (NDMS)					87-01				
Gruender, Raymond (EDMO)			90-94, 00-01				Local	Convention alt delegate	Yes
Hall, Peter (VT)			78-86		82-86				
Hanaway, Catherine (EDMO)							93-98	State Rep 9 MO Exec Dir	
Harris, Terrell (WDTN)	87-01								
Heaton, Rodger (CDIL)			89-00			5-Mar			
Heavican, Michael (NE)	75-91		91-01				Elected Prosecutor		
Hefflinger, Thomas (MN)	76-82		82-88	91-93					
Holding, George (EDNC)				02-06.		99-01			