

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION

UNITED STATES OF AMERICA PLAINTIFF

v. CRIMINAL ACTION NO: 2:16cr7

CHARLES AND LINDA BOLTON DEFENDANTS

TRANSCRIPT OF IN-CHAMBERS PROCEEDINGS

FRIDAY MARCH 17, 2017

BEFORE THE HONORABLE KEITH STARRETT  
UNITED STATES DISTRICT JUDGE

COURT REPORTER:

FRED W. JESKE, RMR, CRR  
701 NORTH MAIN STREET, SUITE 228  
HATTIESBURG, MISSISSIPPI 39401  
(601) 255-6432  
fred\_jeske@mssd.uscourts.gov

1 retained constituted a conflict, and that invited them to  
2 please advise me if they found any case law or ethics opinions  
3 from Mississippi or anywhere else, for that matter, that would  
4 reflect or indicate that there was a conflict as a result of  
5 the way Mr. Owen had been initially retained.

6 And I do know something about it. If I'm not mistaken,  
7 Mr. Owen was retained sometime in 2014, way before me, to  
8 represent Mr. Bolton in connection with a food theft case at  
9 the prison, at the Forrest County Jail. And it was late 2015,  
10 early 2016, when I got the -- when the recusal occurred, and  
11 our office got the case, and then it was assigned to me, and I  
12 had a meeting with all of the investigators involved in this  
13 matter, and I won't go into who they all were, but all of them,  
14 and one of them happened to be Bradley Luker.

15 And that's when I first heard anything about there being a  
16 tax case.

17 So -- and then I think it was March or April when we  
18 returned the indictment in the case.

19 And I was shocked that I had not been contacted by anyone  
20 in connection with that matter.

21 THE COURT: The food theft case?

22 MR. HARPER: No, about the tax case. I hadn't --  
23 Judge, I had done nothing on the food theft case. I bored in  
24 on the tax case, and the information that Mr. Luker gave me  
25 about the tax case, and pressed the tax division, which can be

1 difficult to deal with in Washington, about approving the tax  
2 case, and I obtained that approval, mainly because Bradley  
3 Luker had already been -- advanced the ball way down the field  
4 on that matter, and, and still heard from no one on -- about  
5 the tax case.

6 And there were subpoenas and things like that that had been  
7 issued, and, well, you know, I can't talk about that, the  
8 recipient of a federal subpoena can talk about it all day. And  
9 I was just surprised. So we went in, indicted the case. And  
10 that was when they came and made their first appearance is the  
11 first time I had any contact with any lawyer.

12 THE COURT: This was March or April of 2016; correct?

13 MR. HARPER: Yes, sir.

14 THE COURT: All right.

15 MR. HARPER: Yes, sir.

16 THE COURT: Anything else, Mr. Harper?

17 MR. HARPER: No, sir. And that's -- well, since March  
18 the 9th I have had no further contact from Mr. Huntley. So I  
19 can't speak to anything else that's happened other than after  
20 my phone call with Mr. Huntley, I called Joe Sam.

21 THE COURT: All right. Mr. Huntley, anything you want  
22 to put on the record here?

23 MR. HUNTLEY: Judge, the only thing that I would like  
24 to add would be to confer with -- Mr. Harper is correct. We  
25 knew that we could not get a continuance without his

# EXHIBIT 6



28 C.F.R. § 0.70

Tax prosecutions must be approved by the Tax Division of the DOJ pursuant to 28 C.F.R. § 0.70, but states that such charges are typically prosecuted by the local U.S. Attorney's Office, not the DOJ, and that approval of a charge of conspiracy to defraud under 18 U.S.C. § 371 was in fact given in this case by the DOJ Tax Division.

**§ 0.70 General functions.**

The following functions are assigned to and shall be conducted, handled, or supervised by, the Assistant Attorney General, Tax Division:

- (a) Prosecution and defense in all courts, other than the Tax Court, of civil suits, and the handling of other matters, arising under the internal revenue laws, and litigation resulting from the taxing provisions of other Federal statutes (except civil forfeiture and civil penalty matters arising under laws relating to liquor, narcotics, gambling, and firearms assigned to the Criminal Division by § 0.55(d)).
- (b) Criminal proceedings arising under the internal revenue laws, except the following: Proceedings pertaining to misconduct of Internal Revenue Service personnel, to taxes on liquor, narcotics, firearms, coin-operated gambling and amusement machines, and to wagering, forcible rescue of seized property ( 26 U.S.C. 7212(b)), corrupt or forcible interference with an officer or employee acting under the Internal Revenue laws ( 26 U.S.C. 7212(a)), unauthorized disclosure of information ( 26 U.S.C. 7213), and counterfeiting, mutilation, removal, or reuse of stamps ( 26 U.S.C. 7208).
- (c)
  - (1) Enforcement of tax liens, and mandamus, injunctions, and other special actions or general matters arising in connection with internal revenue matters.
  - (2) Defense of actions arising under section 2410 of title 28 of the U.S. Code whenever the United States is named as a party to an action as the result of the existence of a Federal tax lien, including the defense of other actions arising under section 2410, if any, involving the same property whenever a tax-lien action is pending under that section.

(d) Appellate proceedings in connection with civil and criminal cases enumerated in paragraphs (a) through (c) of this section and in § 0.71, including petitions to review decisions of the Tax Court of the United States.

[Order No. 423-69, 34 FR 20388, Dec. 31, 1969, as amended by Order No. 445-70, 35 FR 19397, Dec. 23, 1970; Order No. 699-77, 42 FR 15315, Mar. 21, 1977; Order No. 960-81, 46 FR 52346, Oct. 27, 1981]

# EXHIBIT 7

CHARLES E. GRAMER, CHAIRMAN  
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## United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

Robert J. Denis, Chief Counsel and Staff Director  
Kathleen A. Sullivan, General Counsel and Staff Counsel

November 15, 2016

The Honorable Loretta E. Lynch  
Attorney General  
United States Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530

Dear Attorney General Lynch:

I write concerning allegations of a conflict of interest that potentially affected a plea agreement in a criminal case that was negotiated by the United States Attorney's Office (USAO) for the Eastern District of Louisiana. FBI Special Agent (SA) Michael Zumner has reported to this Committee that a relationship between then-First Assistant United States Attorney (AUSA) Fred Harper and defense attorney Ralph Capitelli may have resulted in a lenient plea agreement for former St. Charles district attorney Harry Morel.

Mr. Morel has admitted to soliciting sex from female defendants and female family members of defendants during his time as the St. Charles district attorney. However, Mr. Morel was not charged with any sexual offenses. Rather, Mr. Morel received a three-year sentence in 2016 after pleading guilty to a single count of obstructing justice. AUSA Harper and Mr. Capitelli, who represented Mr. Morel, owned a condominium together until March 2013 when AUSA Harper transferred his ownership to his girlfriend.

The FBI opened a covert investigation into Mr. Morel's conduct in 2009. The USAO initially declined to prosecute Mr. Morel in 2013. AUSA Harper was reportedly directly involved in that decision. SA Zumner filed a complaint with the Office of Inspector General (OIG) in May 2013 against AUSA Harper for failing to recuse himself from matters involving Mr. Capitelli. SA Zumner reported to this Committee that he experienced retaliation as a result of his OIG complaint, including from AUSAs who declined to prosecute SA Zumner's cases. Additionally, in March 2014, the USAO reportedly refused to accept the FBI's referral of SA Zumner to serve as a Special Assistant United States Attorney to prosecute FBI cases.

In 2015, under the leadership of a new United States Attorney, Ken Polite, the USAO reopened the case against Mr. Morel. However, according to SA Zumner, AUSAs were resistant to prosecuting the case, in part, because SA Zumner's OIG complaint would become public and could damage the public's perception of the USAO. When it became apparent that the USAO would not indict Mr. Morel, but would seek a plea agreement, SA Zumner expressed his intent to report concerns to the court about the conflict of interest between AUSA Harper and Mr. Capitelli. SA Zumner drafted a letter to the presiding judge in Mr. Morel's case, Judge Kurt



Engelhardt. It explained the conflict of interest between AUSA Harper and Mr. Capitelli, and alleged a loss of impartiality related to the USAO's handling of the case. Despite submitting the letter to entities within the FBI and OIG for review, SA Zummer was unable to obtain advice on whether he could permissibly send the letter to the court. On August 15, 2016, SA Zummer submitted the letter to Judge Engelhardt. The FBI consequently suspended SA Zummer's security clearance and suspended him indefinitely without pay. That looks like it could be a misuse of the security clearance process to mask retaliation for protected whistleblowing.

Judge Engelhardt characterized SA Zummer's allegations as "particularly interesting" and "troubling, to say the least."<sup>1</sup> He wrote in a court order that "the legitimate concerns of FBI Special Agent Zummer—that the Department of Justice is either unable or unwilling to self-police lapses of ethics, professionalism and truthfulness in its ranks—are shared by the undersigned, particularly over the last few years."<sup>2</sup>

SA Zummer's communications to this Committee and to the Office of Inspector General (OIG) are protected whistleblower disclosures. FBI employees have rights to furnish information to Congress, the OIG, or the OPR, without interference or retaliation.<sup>3</sup> Furthermore, FBI personnel have Constitutional rights to express their concerns to Congress under the First Amendment. Whistleblowers are some of the most patriotic people I know—men and women who labor, often anonymously, to let Congress and the American people know when the Government is not working so we can fix it. As such, it would be prudent for you to remind the USAO and FBI management about the value of protected disclosures to Congress and/or Inspectors General in accordance with whistleblower protection laws.

This Committee seeks a better understanding of the Department's response to these allegations. Accordingly, please provide the following information and documents by no later than November 29, 2016:

1. When did the Department first become aware of the relationship between AUSA Harper and Mr. Capitelli?
2. Does the Department have concerns regarding the relationship between AUSA Harper and Mr. Capitelli?

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<sup>1</sup> Order, *United States v. Morel*, Criminal Action No. 16-50 (E.D. La. Sept. 15, 2016).

<sup>2</sup> *Id.*

<sup>3</sup> 5 U.S.C. § 7211 states: "The right of employees, individually or collectively, to petition Congress or a Member of Congress, or to furnish information to either House of Congress, or to a committee or Member thereof, may not be interfered with or denied."

5 U.S.C. § 2303(a) states: "Any employee of the Federal Bureau of Investigation . . . shall not . . . take or fail to take a personnel action with respect to any employee of the Bureau as a reprisal for a disclosure of information by the employee to the Attorney General (or an employee designated by the Attorney General . . . )"

28 C.F.R. § 27.1(a) states that a "protected disclosure" includes a disclosure to the "Office of Professional Responsibility (OPR), the Department's Office of Inspector General (OIG), the FBI Office of Professional Responsibility (FBI OPR), the FBI Inspection Division (FBI-INSID) Internal Investigations Section . . . , the Attorney General, the Deputy Attorney General, the Director of the FBI, the Deputy Director of the FBI, or to the highest ranking official in any FBI field office."

3. Has the Department taken steps to avoid a conflict of interest—and the appearance of a conflict of interest—that could result from AUSA Harper and Mr. Capitelli's relationship? If yes, please explain. If no, why not?
  - a. Has the Department required AUSA Harper to recuse himself from cases in which Mr. Capitelli is involved?
  - b. If yes, when? How does the Department enforce this requirement? If not, why not, and how is that consistent with the United States Attorneys' Manual?
4. In this particular case, did the Department take steps to ensure that the relationship between AUSA Harper and Mr. Capitelli did not affect the outcome?
5. Please explain in detail AUSA Harper's involvement in this case, including the decision to decline to prosecute in 2013 and in the case in 2016.
6. What steps will the Department take to ensure that AUSAs did not decline to prosecute any of SA Zummer's cases as acts of retaliation for reporting to the OIG?
7. Please explain why the USAO declined to accept SA Zummer as a Special AUSA to prosecute FBI cases? What steps will the Department take to ensure that the USAO's declination was not an act of retaliation for reporting to the OIG? Please provide all documents and communications related to this declination.
8. Did the USAO relay SA Zummer's concerns about AUSA Harper and Mr. Capitelli to AUSA Harper or Mr. Capitelli? If yes, what steps will the Department take to ensure that the USAO's disclosure was not an act of retaliation for reporting to the OIG? Please produce any such communications.
9. Please explain what steps the Department will take to ensure that SA Zummer does experience any future retaliation from the USAO.

Thank you in advance for your cooperation with this request. Please number your responses according to their corresponding questions. If you have questions, please contact Samantha Brennan of my Committee Staff at (202) 224-5225.

Sincerely,



Charles E. Grassley  
Chairman  
Senate Judiciary Committee



cc: The Honorable Patrick Leahy  
Ranking Member  
Senate Judiciary Committee

The Honorable James B. Comey, Jr.  
Director  
Federal Bureau of Investigation

The Honorable Michael E. Horowitz  
Inspector General  
United States Department of Justice

Robin C. Ashton  
Counsel, Office of Professional Responsibility  
United States Department of Justice

# EXHIBIT 8



**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**CRIMINAL NO. 2:16-cr-7-KS-MTP**

**CHARLES BOLTON and  
LINDA BOLTON**

**EXPEDITED MOTION BY CHARLES BOLTON TO VACATE CONVICTION  
AND SENTENCE, OR IN THE ALTERNATIVE FOR NEW TRIAL, BASED ON  
NEWLY DISCOVERED EVIDENCE AND PROSECUTORIAL MISCONDUCT**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Charles Bolton (“Mr. Bolton”), through counsel, files this Motion to Vacate Conviction and Sentence, or in the Alternative for New Trial, Based on Newly Discovered Evidence and Prosecutorial Misconduct, and in support states as follows:

On March 28, 2017, final judgment was entered in Appellant’s case in the United States District Court for the Southern District of Mississippi (Eastern (Hattiesburg)), Case No. 2:16-cr-00007-KS-MTP-2. On April 11, 2017, Appellant filed a Motion for New Trial based on newly discovered evidence pursuant to Federal Rule of Criminal Procedure, Rule 33. Motion, [Doc. 177]. Also on April 11, 2017, Appellant’s counsel also filed a Notice of Appeal. Notice of Appeal, Doc. 182.

On April 12, 2017, the District Court erroneously entered an Order terminating the Boltons’ Motion for New Trial under Rule 33. [Doc. 183]. In terminating the Motion for New Trial, rather than consider the motion on the merits, the court reasoned: “[B]ecause Defendants have filed their Notice of Appeal [180][182], and the Court finds them to be both timely and sufficient, the district court no longer has jurisdiction to adjudicate Defendants pending motions [175][177][178][181].” [Doc. 183].

On April 26, 2017, the Boltons both filed Motions to Stay their self-report date [Doc. 198-199]. Also, on April 26, 2017, the District Court emailed the Fifth Circuit Court of Appeals and requested that the Court of Appeals remand the case back to the District Court as the appropriate jurisdiction to decide the Boltons' Motions for New Trial and Motions To Delay Reporting Date, etc. which remained pending in the Court prior to the case being submitted to the Court of Appeals. Doc. No. 00513968773. On April 26, 2017, the Court of Appeals also remanded Mrs. Bolton's case for consideration of her pending Motions for New Trial and other pending Motions. Doc. 00513970929.

On May 1, 2017, the Court denied Mr. Bolton's motion to Stay Report date. Later on this date, the Court denied Charles Bolton's motion to expedite ruling on motion for bond pending appeal. This decision effectively resulted in a denial of Mr. Bolton's motion for bond pending appeal since its order by this Court directing a sentence of incarceration is scheduled to commence on May 3, 2017.

This motion moves this Court to immediately vacate the conviction and sentence of Charles Bolton due to the unlawful indictment, prosecution, and sentence to a term of imprisonment. This motion is based on new evidence defense counsel obtained from the Department of Justice that documents gross and egregious prosecutorial misconduct that has not only has resulted in "a miscarriage of justice" in this case, but has also affected Mr. Bolton's "substantial rights," and seriously affected "the fairness, integrity or public reputation of judicial proceedings." Therefore, the convictions and sentence in this case must be vacated.

The new evidence recently discovered resulted from a Deptment of Justice inquiry by the Attorney General of the United States in early 2015, regarding evidence that links this case to the selective targeting of Charles Bolton for prosecution by Office of the Assistant United States



Attorney for the Southern District of Mississippi and federal investigators within the Southern District of Mississippi.

As a result of the DOJ inquiry and findings regarding the investigation of Charles Bolton, the Assistant General Counsel for Executive Office for the Assistant United States Attorney General issued a written order on July 29, 2015, that involuntarily recused the entire Office of the Assistant United States Attorney and all investigators (federal and state) from the Southern District of Mississippi from the investigation and possible prosecution of Charles Bolton. This order was not provided to the Defense by the Government at all during the entire discovery, trial and sentencing phases in the Charles Bolton case. This order is newly discovered evidence obtained by the Defense through a Freedom of Information Act and Privacy Act Request under provisions 28 CFR § 16.81. A copy of this July 29, 2015, DOJ Order was provided to the defense by the DOJ after Charles Bolton's sentencing hearing and it is provided at **Exhibit 1**. This order was approved by the Associate Attorney General of the United States (David Margolis) and provided that recusal was granted based on existing conflicts of interests in this case in accordance with the United States Attorney Manual (USAM), and 3.2.170 and United States Attorney Procedures (USAP) 3.2.170. 001. Failure to provide this evidence to the defense by the government constitutes a major discovery violation under *Brady v. Maryland*, 373 U.S. 83 (1963).

Although the written recusal order issued by the DOJ Executive Office for United States Attorneys was sent to both the Assistant United States Attorney for the Southern District (Greg Davis) and the Assistant United States Attorney for the Eastern District of Louisiana (Kenneth Polite) under the provisions of 28 U.S.C. § 515(a), both AUSAs withheld this information from the Defense and investigators from the Southern District of Mississippi (Federal and State)

continued their investigation and persecution of Charles Bolton without the legal authority or authorization to do so in direct violation of the recusal order by the Deputy General Counsel for the Executive Office for United States Attorneys. Specifically, an FBI Agent from the Southern District of Mississippi is alleged to have provided checks to Bradley Luker, an IRS Agent, (per his testimony as a Government summary witness during Charles Bolton's trial) who was assigned to the Southern District of Mississippi, and who also investigated Charles Bolton as a member of a task force under the direction of Stacey Pickering, the State Auditor for Mississippi, and a former Assistant United States Attorney of the office of the AUSA for the Southern District of Mississippi, Mike Hurst, which did not result in any evidence of criminal wrongdoing by Charles Bolton. Therefore, Agent Bradley Luker was disqualified from investigating Charles Bolton and providing alleged evidence obtained as a result of that investigation, to charge, indict, prosecute and convict Charles Bolton. He further used evidence as a result of that investigation in testimony he provided before the grand jury that indicted Charles Bolton on tax charges, in testimony he provided at the trial of Charles Bolton, and all convictions and sentences obtained based on the illegal and tainted evidence presented in the prosecution of Charles Bolton are invalid and unlawful. The misconduct by Agent Bradley Luker violated Charles Bolton's constitutional rights to due process under the law, and was also criminal because he not only failed to follow the orders of the Department of Justice that forbade investigators in the Southern District of Mississippi to investigate Charles Bolton, per the July 29, 2015, order, he also failed to obtain the Department of Justice, Tax Division's prior approval, as required by law, to conduct a Title 26 tax investigation of Charles Bolton.

Consequently, in the interest of Justice, any convictions and accompanying sentences pertaining to the illegal conduct and the perjurious testimony of Agent Bradley Luker must be



vacated. Based on the DOJ's order concerning transfer of investigation of Charles Bolton from the Southern District of Mississippi, Agent Bradley Luker, without legal authority, initiated a tax investigation of Charles Bolton that culminated in the illegal referral of charges to the AUSA for the Eastern District of Louisiana for prosecution. Specifically, AUSA Fred Harper provided false testimony at the In-Chambers Presenting Proceedings of Charles Bolton stating:

*"And it was late 2015, early 2016, when I got the -- when the recusal occurred, and our office got the case, and then it was assigned to me, and I had a meeting with all of the investigators involved in this matter, and I won't go into who they all were, but all of them, and one of them happened to be Bradley Luker. And that's when I first heard anything about there being a tax case. So -- and then I think it was March or April when we returned the indictment in the case."*

*In-Chambers Presentence Proceedings of 3.17.17, P.24, Lns 9-18. (Exhibit 2).*

The order provided by the DOJ pertaining to the investigation and possible prosecution clearly documents that ASUA Fred harper was untruthful in his statements before the Court as to when the Eastern District of Louisiana received the case. AUSA Harper stated that he got the recusal in late 2015 and early 2016, but the order from the DOJ clearly documents that the recusal from the Southern District of Mississippi was sent to the Eastern District of Louisiana six months earlier, on July 29, 2015. Not only did AUSA Harper suppress the evidence of the order from the DOJ documenting the conflicts of interest and bias, pertaining to the investigation of Charles Bolton, he specifically concealed the identities of the investigators involved in the unlawful investigation of him. This is information that should have been disclosed to the defense during discovery and prior to the trial of Charles Bolton and all investigative reports and interview memorandums provided to the Defense. This constituted yet another exculpatory evidentiary violation under the Brady rule, and that caused significant harm to Charles and Linda Bolton through not only this illegal investigation, but also the participation by unidentified unauthorized investigators from the Southern District of Mississippi. Without knowing the

identities of the investigators who investigated Charles Bolton and that led to his indictment, prosecution, conviction and sentence to imprisonment, the convictions and sentence must be vacated.

AUSA Harper further testified at the In-Chambers Pre-Sentencing Proceedings on March 17, 2017, that he was among other things shocked to learn of a tax investigation of Charles Bolton as follows:

***MR. HARPER: "And I was shocked that I had not been contacted by anyone in connection with that matter.***

***THE COURT: The food theft case?***

***"MR. HARPER: No, about the tax case. I hadn't -- Judge, I had done nothing on the food theft case. I bored in on the tax case, and the information that Mr. Luker gave me about the tax case, and pressed the tax division, " which can be difficult to deal with in Washington, about approving the tax case, and I obtained that approval, mainly because Bradley Luker had already been -- advanced the ball way down the field on that matter, and, and still heard from no one on -- about the tax case."***

***MR. HARPER: "And there were subpoenas and things like that that had been issued, and, well, you know, I can't talk about that, the recipient of a federal subpoena can talk about it all day. And I was just surprised. So we went in, indicted the case. And that was when they came and made their first appearance is the first time I had any contact with any lawyer."***

*In-Chambers Presentence Proceedings of 3.17.17, P.24, Lns 19-25, and P.25, Lns 1-11.*

**(Exhibit 3).**

The process described by AUSA Fred Harper does not conform to the statutory requirements for investigation and prosecution of a Title 26 Tax Case. Before any tax case can commence, the



Tax Division within the Department of Justice must first authorize investigation and prosecution of violations of the tax code in accordance with 28 C.F.R.70 (**Exhibit 4**).

A grand jury convened under Title 26 is the only grand jury that can investigate and return an indictment for charges involving alleged tax crimes. When a grand jury investigation is complete and the United States Attorney concludes that the Government has gathered sufficient evidence to proceed with prosecution, the **United States Attorney should request that the special agent assigned to the matter prepare a SAR (Special Agent Report)**.

After the SAR is completed, the special agent should request that **CT (Criminal Tax Division, DOJ) Counsel review the SAR and prepare a CEM (Criminal Enforcement Memorandum)**. Then, the **SAC (Special Agent In Charge)** must forward the SAR, with copies of the relevant exhibits, and the **CEM (Criminal Enforcement Memorandum,)** to the **Tax Division** for review and authorization. At the same time, the **United States Attorney or the SAC (Special Agent In Charge)** must forward to the **Tax Division** the United States Attorney's written recommendation regarding prosecution of a target(s) for tax violations. Whenever possible, **the Tax Division will complete its review of the prosecution recommendation** within thirty (30) days of receiving the transmittal letter, reports, and exhibits. *See* USAM 6-4.242 (**Exhibit 5**).

This process was not followed by the AUSA Fred Harper and AUSA Sharan E. Lieberman in the prosecution of Charles and Linda Bolton. Instead, it appears that the grand jury was formed and Agent Luker issued subpoenas without proper authorization or authority and his actions constitutes a violation of tax laws and DOJ and Internal Revenue Service Policies and Procedures.

AUSA Fred Harper participated in the illegal prosecution, conviction, and sentencing of

Charles Bolton that resulted in his unlawful incarceration. Additionally, AUSA Fred Harper and AUSA Sharan E. Lieberman, did not have standing in the District Court of the Southern District of Mississippi to indict, prosecute or seek convictions against Charles and Linda Bolton of tax crimes. By doing so, they themselves have committed felonies. The order states that:

**“Any Assistant United States Attorney subsequently assigned to this matter must be appointed as Special Attorney in order to appear on behalf of the government in the Southern District of Mississippi (See USAM, 3-200 and USAP 3-2.170.001 (6)(C)(2)(b)).”**

AUSA Fred Harper and AUSA Sharan E. Lieberman appeared in the District Court without official appointment orders to serve as representatives of the government being issued and did not enter these documents on the record as is mandatory in this case. Therefore, all convictions and subsequent sentences associated with the convictions of Charles Bolton must be immediately vacated.

## **CONCLUSION**

The prosecutorial misconduct of AUSA Fred Harper and the Government in the prosecution of Charles Bolton is “egregious” and affected “substantial rights” and seriously affected the fairness, integrity, or public reputation of judicial proceedings. The Court may dismiss charges and vacate the verdict against a defendant when such “a miscarriage of justice” has occurred. Therefore, Mr. Bolton is requesting dismissal of all charges against him under the circumstances, and that all of the convictions and sentences related to this unlawful and unjust prosecution be vacated. Accordingly, this motion to vacate verdict and sentence should be granted.



Respectfully submitted, this the 3rd day of May, 2017.

CHARLES BOLTON

By: /s/ William C. Walter  
William C. Walter

COUNSEL:

William C. Walter  
Miss. Bar No. 10145  
[williamcwalter@gmail.com](mailto:williamcwalter@gmail.com)  
William C. Walter, PLLC  
22 98 Place Blvd, Suite 70  
Hattiesburg, MS 39402  
P 601.909.9393  
F 601.336.1653

**CERTIFICATE OF SERVICE**

I hereby certify that on this day, May 3, 2017, a true copy of the foregoing was filed with the Clerk of Court using the CM/ECF system, constituting delivery upon all counsel of record.

/s/ William C. Walter  
William C. Walter

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

UNITED STATES OF AMERICA \* Crim. No. 2:16-cr-00007-KS-MTP-1

\* Hon. Keith Starrett

\*

v.

\*

\*

CHARLES BOLTON, ET AL

\*

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**LIMITED SUPPLEMENTAL MOTION TO VACATE AND/OR  
FOR NEW TRIAL**

Defendant Linda Bolton, through counsel, respectfully moves this Honorable Court for consideration of the instant motion. This supplemental motion is filed as a supplement to the Motion For New Trial (DKT 178) and is based on information not known to counsel at the time of the filing of the Dkt 178 motion. The instant motion specifically addresses the issue of whether the Southern District of Mississippi followed the proper procedures to investigate the charges against Linda Bolton which resulted in her unauthorized prosecution by the Eastern

1.

District of Louisiana.

The required procedures to investigate and prosecute for the indicted charges against Linda Bolton, under the relevant tax codes, require a joint investigation and prosecution between the United States Attorney and the IRS and are grounded in the following statutes which state in pertinent part:

**6-4.123 - Joint United States Attorney—IRS Request to Expand Tax Grand Jury Investigation**

The United States Attorney may not, without Tax Division approval, expand grand jury investigations into matters arising under the internal revenue laws to include targets that the Tax Division did not previously authorize. The United States Attorney, together with the IRS, must submit a written request to obtain Tax Division approval. The request must establish the basis for the Tax Division to authorize expansion of the investigation. *See* USAM 6-4.211(B).

**6-4.122 - United States Attorney's Grand Jury Investigations and Prosecutions**

- A. **Tax Division Referrals for Prosecution.** The Tax Division authorizes the United States Attorney to conduct grand jury investigations into matters arising under the internal revenue laws to the extent necessary to perfect those tax charges that the Tax Division refers for prosecution.
- B. **Tax Division Referrals for Grand Jury Investigation.** The Tax Division authorizes the United States Attorney to conduct grand jury investigations into matters arising under the internal revenue laws to the extent necessary to 1) perfect the tax charges for which the Tax Division authorizes an investigation or 2) determine whether the Tax Division should authorize prosecution. *See* USAM 6-4.242.
- C. **Expansion of Non-tax Grand Jury Investigation to Possible Federal Criminal Tax Violations.** The Assistant Attorney General, Tax Division, has delegated limited authority to the United States Attorney to expand non-tax investigations in order to inquire into possible federal criminal tax violations, designate targets (subjects), determine the scope of the expanded investigation, and terminate such proceedings. Before a United States Attorney may file an information or seek the return of an indictment on matters arising under the internal revenue laws in an expanded investigation, however, the Tax Division must first authorize the specific tax charges. *See* Tax Division Directive No. 86-59 (October 1, 1986), Tax Resource Manual 10.



- D. **IRS Direct Referrals for Prosecution.** In limited categories of cases, the Tax Division authorizes the IRS to refer certain matters arising under the internal revenue laws directly to the United States Attorney for prosecution. *See* USAM 6-4.243. In turn, the Tax Division authorizes the United States Attorney to conduct grand jury investigations into these matters, to the extent necessary to perfect the charges that the IRS has directly referred.

[updated September 2007] [cited in USAM 6-4.212]

**6-4.125 - IRS Transmittal of United States Attorney's Recommendation, Special Agent's and Criminal Tax Counsel's Reports, and Exhibits from Grand Jury Investigation**

When a grand jury investigation is complete and the United States Attorney concludes that the Government has gathered sufficient evidence to proceed with prosecution, the United States Attorney should request that the special agent assigned to the matter prepare a SAR. After the SAR is completed, the special agent should request that CT Counsel review the SAR and prepare a CEM. Then, the SAC must forward the SAR, with copies of the relevant exhibits, and the CEM to the Tax Division for review and authorization. At the same time, the United States Attorney or the SAC must forward to the Tax Division the United States Attorney's written recommendation regarding prosecution of a target(s) for tax violations. *See* USAM 6-4.200. Whenever possible, the Tax Division will complete its review of the prosecution recommendation within thirty (30) days of receiving the transmittal letter, reports, and exhibits. *See* USAM 6-4.242.

The IRS also must transmit a recommendation against prosecution resulting from a grand jury investigation to the Tax Division for evaluation. Alternatively, the IRS must advise the Tax Division that it has no recommendation. *See* IRM 9.5.14.12.2(3); *see also* USAM 6-4.242. The Tax Division will complete its evaluation of the matter and authorize declination or other actions within thirty (30) days of receiving the recommendation.

[updated September 2007] [cited in USAM 6-4.242]

In the case at bar, evidence supports that the investigation and prosecution of Linda Bolton was not consistent with the legal procedural requirements as outlined in the above statutes. The unraveling of the questionable process of the investigation began following a Department of Justice inquiry by the Attorney General of the United States in early 2015 which allegedly links this case to

selective targeting of Linda Bolton and her husband for prosecution by the AUSA and investigators for the Southern District of Mississippi. The Assistant General Counsel for Executive Office for the Assistant United States Attorney General issued a written memorandum on July 29, 2015, that involuntarily recused the entire Office of the Assistant United States Attorney and all investigators (federal and state) from the Southern District of Mississippi from the investigation and possible prosecution of Ms. Linda Bolton's husband (Charles Bolton). *See Exhibit "A"*. Ms. Linda Bolton was not included in the recusal that moved the investigation of her husband, Charles Bolton, from the United States Southern District of Mississippi to the Eastern District of Louisiana for investigation and prosecution due to conflicts of interest. As a result, the United States Eastern District of Louisiana did not have jurisdiction or authority to investigate, indict or prosecute Ms. Linda Bolton. Further, the proper statutory requirements that it be a joint investigation and prosecution by the IRS and U.S. Attorney was not met in either case. This written information was not provided to the Defense by the Government at all during the entire discovery, trial and sentencing phases in the Linda Bolton case. Failure to provide this evidence to the defense by the government



constitutes a major discovery violation under *Brady v. Maryland*, 373 U.S. 83 (1963).

Significantly, conduct which was in violation of the relevant statutes persisted throughout the investigation and eventually led to charges against Linda Bolton. Specifically, an FBI Agent from the Southern District of Mississippi is alleged to have provided checks to Bradley Luker, an IRS Agent, (per his testimony as a Government summary witness during Linda Bolton and her husband's trial) who was assigned to the Southern District of Mississippi, and who also investigated Linda Bolton and her husband as a member of a task force under the direction of Stacey Pickering, the State Auditor for Mississippi, and a former Assistant United States Attorney of the office of the AUSA for the Southern District of Mississippi, Mike Hurst, which did not result in any evidence of criminal wrongdoing by Linda and Charles Bolton. Therefore, Agent Bradley Luker was disqualified from investigating the Boltons and providing alleged evidence obtained as a result of that investigation, to charge, indict, prosecute and convict Linda Bolton and her husband, Charles Bolton. He failed to obtain the Department of Justice, Tax Division's prior approval, as required by law, to conduct a Title 26 tax investigation of Linda Bolton as shown by the

statements of AUSU Fred Harper:

***“And it was late 2015, early 2016, when I got the -- when the recusal occurred, and our office got the case, and then it was assigned to me, and I had a meeting with all of the investigators involved in this matter, and I won't go into who they all were, but all of them, and one of them happened to be Bradley Luker. And that's when I first heard anything about there being a tax case. So -- and then I think it was March or April when we returned the indictment in the case.”***

*In-Chambers Presentence Proceedings of 3.17.17, P.24, Lns 9-18.  
(Exhibit “B”)*

AUSA Harper further testified at the In-Chambers Pre-Sentencing Proceedings on March 17, 2017, that he was among other things, shocked to learn that there was a tax investigation, to-wit:

***“And I was shocked that I had not been contacted by anyone in connection with that matter.***

***THE COURT: The food theft case?***

***“MR. HARPER: No, about the tax case. I hadn't -- Judge, I had done nothing on the food theft case. I bored in on the tax case, and the information that Mr. Luker gave me about the tax case, and pressed the tax division, “which can be difficult to deal with in Washington, about approving the tax case, and I obtained that approval, mainly because Bradley Luker had already been -- advanced the ball way down the field on that matter, and, and still heard from no one on -- about the tax case.”***



***“And there were subpoenas and things like that that had been issued, and, well, you know, I can’t talk about that, the recipient of a federal subpoena can talk about it all day.***

***And I was just surprised. So we went in, indicted the case. And that was when they came and made their first appearance is the first time I had any contact with any lawyer.”***

*In-Chambers Presentence Proceedings of 3.17.17, P.24, Lns 19-25, and P.25, Lns 1-11.*

**(Exhibit “C”)**

The process described by AUSA Fred Harper does not conform to the statutory requirements for investigation and prosecution of a Title 26 Tax Case. Before any tax case can commence, the Tax Division within the Department of Justice must first authorize investigation and prosecution of violations of the tax code in accordance with 28 C.F.R.70 **(Exhibit “D”)**. A grand jury convened under Title 26 is the only grand jury that can investigate and return an indictment for charges involving alleged tax crimes. When a grand jury investigation is complete and the United States Attorney concludes that the Government has gathered sufficient evidence to proceed with prosecution, the **United States Attorney should request that the special agent assigned to the matter prepare a SAR (Special Agent Report).**

After the SAR is completed, the special agent should request that **CT (Criminal Tax Division, DOJ) Counsel review the SAR and prepare a CEM (Criminal Enforcement Memorandum)**. Then, the **SAC (Special Agent In Charge)** must forward the SAR, with copies of the relevant exhibits, and the **CEM (Criminal Enforcement Memorandum,) to the Tax Division** for review and authorization. At the same time, the **United States Attorney or the SAC (Special Agent In Charge)** must forward to the **Tax Division** the United States Attorney's written recommendation regarding prosecution of a target(s) for tax violations. Whenever possible, **the Tax Division will complete its review of the prosecution recommendation** within thirty (30) days of receiving the transmittal letter, reports, and exhibits. *See* USAM 6-4.242 (**Exhibit "E"**).

This process was not followed by the AUSA Office. Instead, it appears that the grand jury was formed and Agent Luker issued subpoenas without proper authorization or authority in contravention of the tax laws, the DOJ and Internal Revenue Service Policies and Procedures. Further, AUSA Fred Harper and AUSA Sharan E. Lieberman appeared in the District Court, it appears, without official appointment orders to serve as representatives of

the government in this investigation and prosecution. In addition, there was no entry of required documents on the record as is mandatory in this case. Accordingly, all convictions and subsequent sentences associated with the convictions of Linda Bolton must be immediately vacated and the case dismissed.

### **CONCLUSION**

Linda Bolton requests that the judgement of conviction be vacated and that all charges against her be dismissed. Accordingly, this motion to vacate the judgment and dismiss the charges should be granted for the above stated reasons.

Respectfully submitted,

/s/ U. Katrina Mitchell  
U. Katrina Mitchell  
Counsel for Linda Bolton  
5/06/2017

U. Katrina Mitchell MSB 101803  
P.O. Box 1174  
Ridgeland, MS 39158  
Phone: 601-454-0674  
E-mail: ursulamitchell@gmail.com



**CERTIFICATE OF SERVICE**

I certify that the above document has been filed with the Clerk of the Court and the CM/ECF system will notice all counsel of record.

/s/ U. Katrina Mitchell  
U. Katrina Mitchell  
Counsel for Linda Bolton  
5/06/2017

U. Katrina Mitchell MSB 101803  
P.O. Box 1174  
Ridgeland, MS 39158  
Phone: 601-454-0674  
E-mail: ursulamitchell@gmail.com

# EXHIBIT 9



**U. S. Department of Justice**

United States Marshals Service  
Southern District of Mississippi

701 North Main Street, Suite 331  
Hattiesburg, Mississippi 39401  
Phone: (601) 582-8464  
FAX: (601) 584-1057

April 4, 2017

Linda Bolton  
920 South 34<sup>th</sup> Avenue  
Hattiesburg, MS 39402

Dear Mrs. Bolton:

The Bureau of Prisons has designated you to FCI Aliceville, Satellite Camp, 11070 Highway 14, Aliceville, Alabama 35442, Telephone 205.373.5000. Your register number is 19739-043 and will be of assistance to you in future communications or correspondence. You must report to the institution before 12:00 noon on May 2, 2017.

Should you have any further questions, you may call the institution or call me at (228) 563-1505. You may also visit [www.bop.gov](http://www.bop.gov) for facility information regarding FCI Aliceville, Satellite Camp. **Please note the U.S. Marshals Service has no authority to change your designation facility or your report date and time.**


Thank you,

A handwritten signature in black ink that reads "Miranda Holloway".

Miranda Holloway  
Supervisory Deputy U.S. Marshal

cc: U.S. Probation  
/tm



		<b>Print Designation</b>	
<b>SOUTHERN DISTRICT OF MISSISSIPPI</b> <b>DESIGNATION NOTIFICATION</b> <b>PRESENTENCING</b>		<b>Register No:</b> 19739-043	
		<b>Docket No.:</b> 2:16CR00007-002	
		<b>Name:</b> Bolton	
		<b>Date Sentenced:</b> 3/17/2017	
		<b>Arrest Date:</b> 3/29/2016	
		<b>TRD:</b>	
<b>DETAINEE INFORMATION</b>			
<b>Full Name:</b> Linda Bolton		<b>Dist Code:</b> MSS	
<b>Register No:</b> 19739-043		<b>FBI No:</b>	<b>Allen No:</b>
<b>Charge:</b> Fraud		<b>Code:</b> 2699	
<b>DESIGNATION INFORMATION</b>			
<b>Designation Loc:</b> Aliceville SCP		<b>Code:</b> ALIC	
<b>Date Designated:</b> 4/4/2017		<b>Dist Code:</b> 001	
<b>Voluntary Surrender:</b> Yes		<b>VS Date:</b> 5/2/2017	
<b>Redes Reason:</b>			
<b>CURRENT LOCATION</b>			
<b>Fac Name:</b> Stone County Regional Correctional Facility		<b>Fac Code:</b> 4U6	<b>Dist Code:</b> 043

<http://ows.doi.gov/ows/eactionformentents.ashx?Action=Print+Designation&Fold=1> 4/4/2017

# EXHIBIT 10



**U. S. Department of Justice**

United States Marshals Service  
Southern District of Mississippi

701 North Main Street, Suite 331  
Hattiesburg, Mississippi 39401  
Phone: (601) 582-8464  
FAX: (601) 584-1057

April 6, 2017

Charles Bolton  
920 South 34<sup>th</sup> Avenue  
Hattiesburg, MS 39402

Dear Mr. Bolton:

The Bureau of Prisons has designated you to FCI Edgefield, Satellite Camp, 501 Gary Hill Road, Edgefield, South Carolina 29824, Telephone 803.637.1500. Your register number is 19740-043 and will be of assistance to you in future communications or correspondence. You must report to the institution before 12:00 noon on May 3, 2017.


Should you have any further questions, you may call the institution or call me at (228) 563-1505. You may also visit [www.bop.gov](http://www.bop.gov) for facility information regarding FCI Edgefield, Satellite Camp. **Please note the U.S. Marshals Service has no authority to change your designation facility or your report date and time.**

Thank you, ,

Miranda Holloway  
Supervisory Deputy U.S. Marshal

cc: U.S. Probation  
/tm



 <b>Print Designation</b>	<b>SOUTHERN DISTRICT OF MISSISSIPPI</b>	<b>Register No:</b> 19740-043
	<b>DESIGNATION NOTIFICATION</b>	<b>Docket No.:</b> 2:16CR00007-001
	<b>PRESENTENCING</b>	<b>Name:</b> Bolton
		<b>Date Sentenced:</b> 3/17/2017
		<b>Arrest Date:</b> 3/31/2016
		<b>TRD:</b>
<b>DETAINEE INFORMATION</b>		
<b>Full Name:</b> Charles Bolton		<b>Dist Code:</b> MSS
<b>Register No:</b> 19740-043		<b>FBI No:</b>
<b>Charge:</b> Fraud		<b>Alien No:</b>
		<b>Code:</b> 2699
<b>DESIGNATION INFORMATION</b>		
<b>Designation Loc:</b> Edgefield SCP		<b>Code:</b> EDGC
<b>Date Designated:</b> 4/6/2017		<b>Dist Code:</b> 071
<b>Voluntary Surrender:</b> Yes		<b>VS Date:</b> 5/3/2017
<b>Redes Reason:</b>		
<b>CURRENT LOCATION</b>		
<b>Fac Name:</b> Stone County Regional Correctional Facility		<b>Fac Code:</b> 4U6 <b>Dist Code:</b> 043

<http://ows.doi.gov/ows/eactionformcontents.ashx?Action=Print+Designation&Folde...> 4/6/2017

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

UNITED STATES OF AMERICA,	)	Criminal Case No. 2:16-cr-7-KS-MTP
	)	
Plaintiff-Appellee,	)	Appeal No. 17-60273
	)	
v.	)	
	)	
CHARLES BOLTON,	)	
	)	
Defendant-Appellant.	)	
_____	)	

**ORDER DISMISSING INDICTMENT AND VACATION OF  
THE JUDGMENT OF CONVICTION AND SENTENCE  
OF CHARLES AND LINDA BOLTON**

The indictment of Charles and Linda Bolton in this case was returned on March 22, 2016, and charged Linda and Charles Bolton with five (5) counts of Tax Evasion under 26 U.S.C. §7201, and five (5) counts of making a material false statement on his federal income tax return, for Tax years 2009-2013. It has been determined that “in the interest of justice” this indictment should be dismissed.

It IS FURTHERED ORDERED by the United States of America that this Court vacate the judgment of convictions and sentences for Charles Bolton and Linda Bolton in Criminal Case No. 2:16-cr-7-KS-MTP, in the District Court of the Southern District of Mississippi, Eastern Division be vacated.

**BY ORDER OF:**

_____ United States Department of Justice Representative	Date	_____
--	------	-------

**Rosenstein, Rod (ODAG)**

---

**From:** Rosenstein, Rod (ODAG)  
**Sent:** Monday, May 22, 2017 3:41 PM  
**To:** b(6)- Judge Amy St. Eve  
**Subject:** Meeting

POC: Marcia Murphy, Nathaniel Gamble 202-514-2101

Attendees:

ODAG: DAG Rosenstein, James Crowell, Zach Terwilliger

CRM: Jamie Mann

OPL: Jonathan Wroblewski, Michelle Morales

Judge Amy St. Eve

**Note: This meeting is limited to the invited attendees only. You are not authorized to forward this invitation. If you believe other individuals should be included, please contact the ODAG Front Office.**



**Rosenstein, Rod (ODAG)**

---

**From:** Rosenstein, Rod (ODAG)  
**Sent:** Monday, May 22, 2017 3:39 PM  
**To:** Simms, Donna Y. (ODAG); Henderson, Charles V (ODAG)  
**Subject:** Meeting

POC: Marcia Murphy, Nathaniel Gamble 202-514-2101

Attendees:

ODAG: DAG Rosenstein, James Crowell, Zach Terwilliger

CRM: Jamie Mann

OPL: Jonathan Wroblewski, Michelle Morales

Judge Amy St. Eve

**Note: This meeting is limited to the invited attendees only. You are not authorized to forward this invitation. If you believe other individuals should be included, please contact the ODAG Front Office.**

**Rosenstein, Rod (ODAG)**

---

**From:** Rosenstein, Rod (ODAG)  
**Sent:** Monday, May 22, 2017 3:37 PM  
**To:** Morales, Michelle  
**Subject:** Prep - Federal Rules of Criminal Procedure

POC: Marcia Murphy, Nathaniel Gamble 202-514-2101

Attendees:

ODAG: DAG Rosenstein, Jim Crowell, Zach Tewilliger

OPL: Jonathan Wroblewski,

CRM: Jamie Mann

**Note: This meeting is limited to the invited attendees only. You are not authorized to forward this invitation. If you believe other individuals should be included, please contact the ODAG Front Office.**

**Rosenstein, Rod (ODAG)**

---

**From:** Rosenstein, Rod (ODAG)  
**Sent:** Monday, May 22, 2017 1:01 PM  
**To:** Simms, Donna Y. (ODAG); Henderson, Charles V (ODAG)  
**Subject:** Prep - Federal Rules of Criminal Procedure

POC: Marcia Murphy, Nathaniel Gamble 202-514-2101

Attendees:

ODAG: DAG Rosenstein, Jim Crowell, Zach Tewilliger

OPL: Jonathan Wroblewski,

CRM: Jamie Mann

**Note: This meeting is limited to the invited attendees only. You are not authorized to forward this invitation. If you believe other individuals should be included, please contact the ODAG Front Office.**



## Rosenstein, Rod (ODAG)

---

**From:** Rosenstein, Rod (ODAG)  
**Sent:** Monday, May 22, 2017 1:01 PM  
**To:** Wroblewski, Jonathan; Crowell, James (ODAG); Terwilliger, Zachary (ODAG); Mann, James (CRM)  
**Subject:** Prep - Federal Rules of Criminal Procedure

POC: Marcia Murphy, Nathaniel Gamble 202-514-2101

Attendees:

ODAG: DAG Rosenstein, Jim Crowell, Zach Tewilliger

OPL: Jonathan Wroblewski,

CRM: Jamie Mann

**Note: This meeting is limited to the invited attendees only. You are not authorized to forward this invitation. If you believe other individuals should be included, please contact the ODAG Front Office.**

**Rosenstein, Rod (ODAG)**

---

**From:** Rosenstein, Rod (ODAG)  
**Sent:** Monday, May 22, 2017 12:57 PM  
**To:** Simms, Donna Y. (ODAG); Henderson, Charles V (ODAG)  
**Subject:** Prep - Federal Rules of Criminal Procedure

POC: Marcia Murphy, Nathaniel Gamble 202-514-2101

Attendees:

ODAG: DAG Rosenstein, Jim Crowell, Zach Tewilliger

OPL: Jonathan Wroblewski,

CRM: Jamie Mann

**Note: This meeting is limited to the invited attendees only. You are not authorized to forward this invitation. If you believe other individuals should be included, please contact the ODAG Front Office.**

**Rosenstein, Rod (ODAG)**

---

**From:** Rosenstein, Rod (ODAG)  
**Sent:** Monday, May 22, 2017 12:57 PM  
**To:** Wroblewski, Jonathan; Crowell, James (ODAG)  
**Cc:** Terwilliger, Zachary (ODAG); Mann, James (CRM)  
**Subject:** Prep - Federal Rules of Criminal Procedure

POC: Marcia Murphy, Nathaniel Gamble 202-514-2101

Attendees:

ODAG: DAG Rosenstein, Jim Crowell, Zach Tewilliger

OPL: Jonathan Wroblewski,

CRM: Jamie Mann

**Note: This meeting is limited to the invited attendees only. You are not authorized to forward this invitation. If you believe other individuals should be included, please contact the ODAG Front Office.**



b(6)- Diane Wood, U.S. Courts Email

---

**From:** b(6)- Diane Wood, U.S. Courts Email  
**Sent:** Monday, May 22, 2017 7:30 PM  
**To:** Rosenstein, Rod (ODAG)  
**Subject:** Application Letter  
**Attachments:** AG Sessions Letter.052217.pdf

Dear Deputy Attorney General Rosenstein:

Please find attached a corrected copy of the letter to General Sessions with his correct name! Geez!



U.S. Department of Justice

Executive Office for United States Attorneys

Office of the Director

Room 2261, RFK Main Justice Building  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

(202) 252-1000

**MAY 17 2017**

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH:

THE DEPUTY ATTORNEY GENERAL

*[Handwritten signature]*  
**5-22-17**

FROM:

*[Handwritten signature: Monty Wilkinson]*  
Monty Wilkinson  
Director

SUBJECT:

Response to Job Recommendation Letter

PURPOSE:

To obtain the Attorney General's signature.

RECOMMENDATION:

That the Attorney General sign the attached letter to George Walker, who is recommending William J. Powell for the position of U.S. Attorney for the Northern District of West Virginia.

Attachment



3830619  
U.S. Department of Justice

Executive Office for United States Attorneys

Office of the Director

Room 2261, RFK Main Justice Building  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

(202) 252-1000

MAY - 9 2017

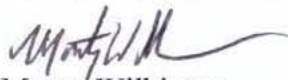
MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH:

THE DEPUTY ATTORNEY GENERAL

5-19-17

FROM:

  
Monty Wilkinson  
Director

SUBJECT:

Retirement Letter

PURPOSE:

To obtain the Attorney General's signature.

RECOMMENDATION:

That the Attorney General sign the attached retirement letter to Linda Jean McMahon, a Lead Legal Assistant in the United States Attorney's Office for the Western District of Oklahoma.

Ms. McMahon was vetted through the Office of the Inspector General, the Office of Professional Responsibility, JMD's Security and Emergency Planning Staff, and EOUSA's Office of General Counsel, and there were no adverse findings.

Attachment

RECEIVED  
DEPT OF JUSTICE  
EXECUTIVE SECRETARIAT  
2017 MAY -9 PM 3:57





3830619  
U.S. Department of Justice

Executive Office for United States Attorneys

Office of the Director

Room 2261, RFE Main Justice Building  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

(202) 252-1100

MAY - 9 2017

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM:   
Monty Wilkinson  
Director

SUBJECT: Retirement Letter

PURPOSE: To obtain the Attorney General's signature.

RECOMMENDATION: That the Attorney General sign the attached retirement letter to Linda Jean McMahon, a Lead Legal Assistant in the United States Attorney's Office for the Western District of Oklahoma.

Ms. McMahon was vetted through the Office of the Inspector General, the Office of Professional Responsibility, JMD's Security and Emergency Planning Staff, and EOUSA's Office of General Counsel, and there were no adverse findings.

Attachment

RECEIVED  
DEPT OF JUSTICE  
EXECUTIVE SECRETARIAT  
2017 MAY -9 PM 3:57



U.S. Department of Justice

383071  
PB  
G

MAY 10 2017

Washington, D.C. 20530

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL *5-19-17*

THROUGH: THE ACTING ASSOCIATE ATTORNEY GENERAL *5/14/17*

FROM: Lee J. Lofthus  
Assistant Attorney General  
for Administration *[Signature]*

SUBJECT: Appointment of Donald G. Kempf, Jr., as Deputy Assistant Attorney General, Antitrust Division

PURPOSE: To obtain your approval for the appointment of Donald G. Kempf, Jr., as Deputy Assistant Attorney General, Antitrust Division.

TIMETABLE: As soon as possible

DISCUSSION: Attached is an Order to effect the noncareer appointment of Donald G. Kempf, Jr., to the Senior Executive Service (SES) position of Deputy Assistant Attorney General in the Antitrust Division. Under DOJ Order 1202, noncareer SES appointments require the approval of the Attorney General.

Since 2005, Mr. Kempf has run his own arbitration, mediation and law practice, Donald G. Kempf, Jr., P.C. From 1999 to 2005, he was an Executive Vice President and Chief Legal Officer at Morgan Stanley. From 1965 to 2000, he worked at Kirkland & Ellis, where he was on the Management Committee for 17 years. From 2007 to 2012, he served as a Senior Advisor with both Blaqwell, Inc. and Gleacher & Company, Inc.

RECOMMENDATION: I recommend that you approve the appointment of Donald G. Kempf, Jr. as Deputy Assistant Attorney General, Antitrust Division, and sign the attached Order.

APPROVE: *[Signature]* *6/5/17*  
Date

Concurring Components:  
None

DISAPPROVE: \_\_\_\_\_

Nonconcurring Components:  
None

OTHER: \_\_\_\_\_



2-3-2017 14


MAY 10 2017

Washington, D.C. 20530

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

THROUGH: THE ACTING ASSOCIATE ATTORNEY GENERAL

FROM: Lee J. Lofthus  
Assistant Attorney General for Administration 

SUBJECT: Appointment of Donald G. Kempf, Jr., as Deputy Assistant Attorney General, Antitrust Division

PURPOSE: To obtain your approval for the appointment of Donald G. Kempf, Jr., as Deputy Assistant Attorney General, Antitrust Division.

TIMETABLE: As soon as possible

DISCUSSION: Attached is an Order to effect the noncareer appointment of Donald G. Kempf, Jr., to the Senior Executive Service (SES) position of Deputy Assistant Attorney General in the Antitrust Division. Under DOJ Order 1202, noncareer SES appointments require the approval of the Attorney General.

Since 2005, Mr. Kempf has run his own arbitration, mediation and law practice, Donald G. Kempf, Jr., P.C. From 1999 to 2005, he was an Executive Vice President and Chief Legal Officer at Morgan Stanley. From 1965 to 2000, he worked at Kirkland & Ellis, where he was on the Management Committee for 17 years. From 2007 to 2012, he served as a Senior Advisor with both Blawell, Inc. and Gleacher & Company, Inc.

RECOMMENDATION: I recommend that you approve the appointment of Donald G. Kempf, Jr. as Deputy Assistant Attorney General, Antitrust Division, and sign the attached Order.

APPROVE: \_\_\_\_\_  
Date

Concurring Components:  
None

DISAPPROVE: \_\_\_\_\_

Nonconcurring Components:  
None

OTHER: \_\_\_\_\_

Attachment





Office of the Attorney General  
Washington, D.C. 20530

ORDER NO.

APPOINTMENT OF DONALD G. KEMPF, JR. AS  
DEPUTY ASSISTANT ATTORNEY GENERAL, ANTITRUST DIVISION

By virtue of the authority vested in the Attorney General by law, including 28 U.S.C.  
§§ 509 and 510, I hereby appoint Donald G. Kempf, Jr. as Deputy Assistant Attorney General,  
Antitrust Division.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Jefferson B. Sessions III  
Attorney General



MAY 10 2017

Washington, D.C. 20530

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL *R-5-19-17*

FROM: Lee J. Lofthus  
Assistant Attorney General  
for Administration *[Signature]*

SUBJECT: Appointment of Combined Incentive Awards Board/John Marshall Panel

PURPOSE: To obtain your approval of suggested U.S. Department of Justice (DOJ) officials who will serve on the 2017 Combined Incentive Awards Board/John Marshall Panel. This panel will recommend nominees for the annual Attorney General's (AG) Awards.

TIMETABLE: As soon as possible.

DISCUSSION: Each year, the members of the Combined Incentive Awards Board/John Marshall Panel (Board) consider nominations for the annual Attorney General's Awards and recommend award recipients to the Attorney General. The membership of the Board includes a cross-section of DOJ Component Heads and senior level officials who will review the nominations and provide you with a recommendation for the 2017 AG Awards. Title 28 CFR 0.11 provides that the Deputy Attorney General or his designee shall be the Chairperson of the Board. A list of previous Board members is attached for your information.

We are recommending the following officials serve on the 2017 Combined Incentive Awards Board/John Marshall Panel:

- Rod J. Rosenstein, Deputy Attorney General, *Chair*
- Jesse Panuccio, Acting Associate Attorney General
- Jody H. Hunt, Chief of Staff and Counselor to the Attorney General
- Monty Wilkinson, Director, Executive Office for U.S. Attorneys
- Jeffrey H. Wood, Acting Assistant Attorney General, Environment and Natural Resources Division
- David L. Harlow, Acting Director, U.S. Marshals Service
- Mari Barr Santangelo, Deputy Assistant Attorney General for Human Resources and Administration/Chief Human Capital Officer
- Scott N. Schools, Associate Deputy Attorney General, Ex Officio Member

(Glenn Kivlen, Assistant Director, Programs and Events, Human Resources, Justice Management Division, serves as the Executive Secretary to the Board.)

Memorandum for the Attorney General  
Subject: Combined Incentive Awards Board/John Marshall Panel

Page 2

RECOMMENDATION: The Attorney General approves the above suggestions to serve on the 2017 Combined Incentive Awards Board/John Marshall Panel.

APPROVE: 

Date: May 25, 2017

Concurring Component:

None

DISAPPROVE: \_\_\_\_\_

Nonconcurring Component:

None

OTHER: \_\_\_\_\_

Attachment



28-011  
f  
c

MAY 10 2017

Washington, D.C. 20530

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Lee J. Lofthus  
Assistant Attorney General  
for Administration

SUBJECT: Appointment of Combined Incentive Awards Board/John Marshall Panel

PURPOSE: To obtain your approval of suggested U.S. Department of Justice (DOJ) officials who will serve on the 2017 Combined Incentive Awards Board/John Marshall Panel. This panel will recommend nominees for the annual Attorney General's (AG) Awards.

TIMETABLE: As soon as possible.

DISCUSSION: Each year, the members of the Combined Incentive Awards Board/John Marshall Panel (Board) consider nominations for the annual Attorney General's Awards and recommend award recipients to the Attorney General. The membership of the Board includes a cross-section of DOJ Component Heads and senior level officials who will review the nominations and provide you with a recommendation for the 2017 AG Awards. Title 28 CFR 0.11 provides that the Deputy Attorney General or his designee shall be the Chairperson of the Board. A list of previous Board members is attached for your information.

We are recommending the following officials serve on the 2017 Combined Incentive Awards Board/John Marshall Panel:

- Rod J. Rosenstein, Deputy Attorney General, *Chair*
- Jesse Panuccio, Acting Associate Attorney General
- Jody H. Hunt, Chief of Staff and Counselor to the Attorney General
- Monty Wilkinson, Director, Executive Office for U.S. Attorneys
- Jeffrey H. Wood, Acting Assistant Attorney General, Environment and Natural Resources Division
- David L. Harlow, Acting Director, U.S. Marshals Service
- Mari Barr Santangelo, Deputy Assistant Attorney General for Human Resources and Administration/Chief Human Capital Officer
- Scott N. Schools, Associate Deputy Attorney General, Ex Officio Member

(Glenn Kivlen, Assistant Director, Programs and Events, Human Resources, Justice Management Division, serves as the Executive Secretary to the Board.)



Memorandum for the Attorney General

Page 2

Subject: Combined Incentive Awards Board/John Marshall Panel

RECOMMENDATION: The Attorney General approves the above suggestions to serve on the 2017 Combined Incentive Awards Board/John Marshall Panel.

APPROVE: \_\_\_\_\_

Concurring Component:

None

DISAPPROVE: \_\_\_\_\_

Nonconcurring Component:

None

OTHER: \_\_\_\_\_

Attachment

**U.S. Department of Justice  
Combined Incentive Awards Board/John Marshall Panel (Board)  
Previous Members**

**2016**

<b>FIRST</b>	<b>LAST</b>	<b>TITLE</b>	<b>COMPONENT</b>
Sally	Yates	Deputy Attorney General	ODAG
William	Baer	Acting Associate Attorney General	OAAG
Carolyn	Pokorny	Acting Chief of Staff and Counselor to the Attorney General	OAG
Leslie	Caldwell	Assistant Attorney General	CRM
Chuck	Rosenberg	Acting Administrator	DEA
Monty	Wilkinson	Director	EOUSA
Lee	Lofthus	Assistant Attorney General for Administration	JMD
Mari	Barr Santangelo	Deputy Assistant Attorney General for Human Resources and Administration	JMD

**2015**

<b>FIRST</b>	<b>LAST</b>	<b>TITLE</b>	<b>COMPONENT</b>
Sally	Yates	Deputy Attorney General	ODAG
Stuart	Delery	Acting Associate Attorney General	OAAG
Sharon	Werner	Chief of Staff and Counselor to the Attorney General	OAG
William	Baer	Assistant Attorney General	ATR
John	Carlin	Assistant Attorney General	NSD
Monty	Wilkinson	Director	EOUSA
Mari	Barr Santangelo	Deputy Assistant Attorney General for Human Resources and Administration	JMD
David	Margolis	Associate Deputy Attorney General - Ex Officio Member	ODAG

**2014**

<b>FIRST</b>	<b>LAST</b>	<b>TITLE</b>	<b>COMPONENT</b>
James	Cole	Deputy Attorney General	ODAG
Tony	West	Associate Attorney General	OAAG
Margaret	Richardson	Chief of Staff and Counselor to the Attorney General	OAG
Eve	Hill	Deputy Assistant Attorney General	CRT
Todd	Jones	Director	ATF
Monty	Wilkinson	Director	EOUSA
Mari	Barr Santangelo	Deputy Assistant Attorney General for Human Resources and Administration	JMD
David	Margolis	Associate Deputy Attorney General - Ex Officio Member	ODAG

**2013**

<b>FIRST</b>	<b>LAST</b>	<b>TITLE</b>	<b>COMPONENT</b>
James	Cole	Deputy Attorney General	ODAG
Tony	West	Associate Attorney General	OAAG
Margaret	Richardson	Chief of Staff and Counselor to the Attorney General	OAG
Kathryn	Keneally	Assistant Attorney General	TAX
Charles	Samuels	Director	BOP
Marshall	Jarrett	Director	EOUSA
Mari	Barr Santangelo	Deputy Assistant Attorney General for Human Resources and Administration	JMD
David	Margolis	Associate Deputy Attorney General - Ex Officio Member	ODAG



U.S. Department of Justice

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MAY 10 2017

Washington, D.C. 20530

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL *5-19-17*  
THROUGH: THE ACTING ASSOCIATE ATTORNEY GENERAL *5/14/17*  
FROM: Lee J. Lofthus  
Assistant Attorney General *[Signature]*  
for Administration  
SUBJECT: Appointment of Roger P. Alford as Deputy Assistant Attorney General,  
Antitrust Division

PURPOSE: To obtain your approval for the appointment of Roger P. Alford as Deputy Assistant Attorney General, Antitrust Division.

TIMETABLE: As soon as possible.

DISCUSSION: Attached is an Order to effect the noncareer appointment of Roger P. Alford to the Senior Executive Service (SES) position of Deputy Assistant Attorney General in the Antitrust Division. Under DOJ Order 1202, noncareer SES appointments require the approval of the Attorney General.

Mr. Alford is a Professor and Associate Dean for Graduate and International Programs at the Notre Dame Law School. He is also currently a Visiting Fellow at the Norwegian Nobel Institute. In addition, Mr. Alford is the Director of Notre Dame's London Global Gateway and a Concurrent Professor at Notre Dame's Keough School of Global Affairs. He previously served as a Professor at the Pepperdine University School of Law from 2000 to 2011.

RECOMMENDATION: I recommend that you approve the appointment of Roger P. Alford as Deputy Assistant Attorney General, Antitrust Division, and sign the attached Order.

APPROVE: \_\_\_\_\_  
Date:

Concurring Components  
None

DISAPPROVE: \_\_\_\_\_

Nonconcurring Components  
None

OTHER: \_\_\_\_\_

Attachment





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-1


MAY 10 2017

Washington, D.C. 20530

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

THROUGH: THE ACTING ASSOCIATE ATTORNEY GENERAL

FROM: Lee J. Lofthus  
Assistant Attorney General  
for Administration 

SUBJECT: Appointment of Roger P. Alford as Deputy Assistant Attorney General,  
Antitrust Division

PURPOSE: To obtain your approval for the appointment of Roger P. Alford as Deputy Assistant Attorney General, Antitrust Division.

TIMETABLE: As soon as possible.

DISCUSSION: Attached is an Order to effect the noncareer appointment of Roger P. Alford to the Senior Executive Service (SES) position of Deputy Assistant Attorney General in the Antitrust Division. Under DOJ Order 1202, noncareer SES appointments require the approval of the Attorney General.

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RECOMMENDATION: I recommend that you approve the appointment of Roger P. Alford as Deputy Assistant Attorney General, Antitrust Division, and sign the attached Order.

APPROVE: \_\_\_\_\_  
Date:

Concurring Components  
None

DISAPPROVE: \_\_\_\_\_

Nonconcurring Components  
None

OTHER: \_\_\_\_\_

Attachment





Office of the Attorney General  
Washington, D.C. 20530

ORDER

APPOINTMENT OF ROGER P. ALFORD AS  
DEPUTY ASSISTANT ATTORNEY GENERAL, ANTITRUST DIVISION

By virtue of the authority vested in the Attorney General by law including 28 U.S.C.  
§§ 509 and 510, I hereby appoint Roger P. Alford as Deputy Assistant Attorney General,  
Antitrust Division.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Jefferson B. Sessions III  
Attorney General



MAY 10 2017

Washington, D.C. 20530

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL *5-22-17*

FROM: Lee J. Lofthus *LL*  
Assistant Attorney General  
for Administration

SUBJECT: Recommended Recipients for the Attorney General's  
Volunteer Awards

PURPOSE: To secure the Attorney General's approval for the recipients of the Annual Attorney General's Volunteer Awards.

TIMETABLE: As soon as possible. The Awards Ceremony is scheduled for Thursday, June 15, 2017, in the Great Hall of the Robert F. Kennedy Main Justice Building.

DISCUSSION: Attached are the nominations selected by the Attorney General's Volunteer Board (Board), which was comprised of representatives from Department Components, and chaired by the Justice Management Division. The Board recommends one recipient from the Federal Bureau of Prisons, two recipients from the Executive Office for U.S. Attorneys, and one recipient from the Federal Bureau of Investigation for the Attorney General's *Volunteer Award for Community Service*. Additionally, a citizen volunteer is recommended for the Attorney General's *Citizen Volunteer Service Award*. These recipients require your approval.

The Board met on Tuesday, April 25, 2017, to review nominations and recommend recipients for the Attorney General's *Volunteer Award for Community Service* and *Citizen Volunteer Service Award*. The Board determined that the nominees met and exceeded award criteria. All nominees cleared the vetting process with no issues. These are honorary awards.

RECOMMENDATION: We recommend that you approve the attached recipients.

APPROVE: *[Signature]*  
Date: May 30, 2017

Concurring Components:  
None

DISAPPROVE: \_\_\_\_\_

Nonconcurring Components:  
None

OTHER: \_\_\_\_\_

Attachment

**THE ATTORNEY GENERAL'S CITIZEN VOLUNTEER SERVICE AWARD**

Presented for contributions of citizens volunteers who assist the U.S. Department of Justice in serving the public interest.

**AWARD CATEGORY:** Citizen Volunteer Service Award

**NOMINEE:** (b) (6)

**COMPONENT:** Federal Bureau of Prisons

**NOMINATOR:** Acting Director, BOP

**SYNOPSIS:** (b) (6)



23-248

MAY 10 2017

Washington, D.C. 20530

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Lee J. Lofthus  
Assistant Attorney General  
for Administration

SUBJECT: Recommended Recipients for the Attorney General's  
Volunteer Awards

PURPOSE: To secure the Attorney General's approval for the recipients of the  
Annual Attorney General's Volunteer Awards.

TIMETABLE: As soon as possible. The Awards Ceremony is scheduled for  
Thursday, June 15, 2017, in the Great Hall of the Robert F. Kennedy Main Justice  
Building.

DISCUSSION: Attached are the nominations selected by the Attorney General's  
Volunteer Board (Board), which was comprised of representatives from Department  
Components, and chaired by the Justice Management Division. The Board recommends  
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Office for U.S. Attorneys, and one recipient from the Federal Bureau of Investigation for  
the Attorney General's *Volunteer Award for Community Service*. Additionally, a citizen  
volunteer is recommended for the Attorney General's *Citizen Volunteer Service Award*.  
These recipients require your approval.

The Board met on Tuesday, April 25, 2017, to review nominations and recommend  
recipients for the Attorney General's *Volunteer Award for Community Service* and  
*Citizen Volunteer Service Award*. The Board determined that the nominees met and  
exceeded award criteria. All nominees cleared the vetting process with no issues. These  
are honorary awards.

RECOMMENDATION: We recommend that you approve the attached recipients.

APPROVE: \_\_\_\_\_

Concurring Components:  
None

DISAPPROVE: \_\_\_\_\_

Nonconcurring Components:  
None

OTHER: \_\_\_\_\_

Attachment



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# Duplicate





Office of the Attorney General  
Washington, D. C. 20530

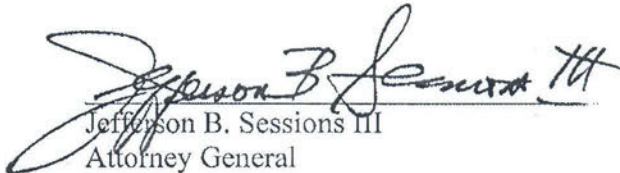
ORDER NO. 3919-2017

DESIGNATING KAREN A. THOMAS  
AS ACTING UNITED STATES MARSHAL FOR THE  
EASTERN DISTRICT OF CALIFORNIA

Pursuant to the authority vested in the Attorney General by law, including 28 U.S.C. § 562, I hereby designate Karen A. Thomas to serve as the Acting United States Marshal for the Eastern District of California and to perform all functions of that office.

This order shall be effective once the designee takes the oath of office.

6/5/17  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Jefferson B. Sessions III  
Attorney General



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U.S. Department of Justice

United States Marshals Service

Office of the Director

Washington, DC 20530-0001

May 8, 2017

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH:

THE DEPUTY ATTORNEY GENERAL *5/30/17*

FROM:

David L. Harlow  
Acting Director *[Signature]*

SUBJECT:

Acting United States Marshal Designation  
Eastern District of California

PURPOSE:

To designate Karen A. Thomas to the position of  
Acting United States Marshal for the Eastern District of California  
pursuant to 28 U.S.C. § 562(a). (See attached resume).

TIMETABLE:

June 2, 2017.

DISCUSSION:

On April 1, 2017, United States Marshal Albert Najera retired from his position as United States Marshal for the Eastern District of California.

Karen A. Thomas has served as Chief Deputy United States Marshal for the Eastern District of California since July 2015. She previously served as Deputy Chief of Staff to the Director of the United States Marshals Service from September 2012 to June 2015. She served as Chief Deputy United States Marshal for the District of Nebraska from December 2008 to September 2012. Upon the resignation of United States Marshal Brian Ennis, Chief Thomas was designated by the Attorney General to serve as Acting United States Marshal for the District of Nebraska from May 2009 to January 2010. Chief Thomas served as Supervisory Deputy United States Marshal from May 2005 to December 2008 and served as a Deputy United States Marshal / Criminal Investigator from August 1990 to 2005 for the Southern District of California.

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2017 MAY 22 PM 2:57

Memorandum for the Attorney General

Page 2

Subject: Acting United States Marshal Designation for the Eastern District of California

The USMS has checked Chief Thomas' name through its Office of Professional Responsibility, which includes notification from the Department's respective offices, and the USMS Office of Equal Employment Opportunity. There are no investigations or allegations involving Chief Thomas.

RECOMMENDATION: That the Attorney General designate Chief Deputy United States Marshal Karen A. Thomas as the Acting United States Marshal for the Eastern District of California.

APPROVE:



Date: June 5, 2017

DISAPPROVE: \_\_\_\_\_

OTHER: \_\_\_\_\_

Attachments



3831308 MW  
U.S. Department of Justice

United States Marshals Service

Office of the Director

Washington, DC 20530-0001

May 8, 2017

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE ACTING DEPUTY ATTORNEY GENERAL

FROM: David L. Harlow  
Acting Director *David L. Harlow*

SUBJECT: Acting United States Marshal Designation  
Eastern District of California

PURPOSE: To designate Karen A. Thomas to the position of  
Acting United States Marshal for the Eastern District of California  
pursuant to 28 U.S.C. § 562(a). (See attached resume).

TIMETABLE: June 2, 2017.

DISCUSSION: On April 1, 2017, United States Marshal Albert Najera retired from  
his position as United States Marshal for the Eastern District of  
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Karen A. Thomas has served as Chief Deputy United States  
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previously served as Deputy Chief of Staff to the Director of the  
United States Marshals Service from September 2012 to June  
2015. She served as Chief Deputy United States Marshal for the  
District of Nebraska from December 2008 to September 2012.  
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Memorandum for the Attorney General

Page 2

Subject: Acting United States Marshal Designation for the Eastern District of California

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RECOMMENDATION: That the Attorney General designate Chief Deputy United States Marshal Karen A. Thomas as the Acting United States Marshal for the Eastern District of California.

APPROVE: \_\_\_\_\_

DISAPPROVE: \_\_\_\_\_

OTHER: \_\_\_\_\_

Attachments



# Karen A. Thomas

---

(b) (6), (b)(7)(C), (b) (7)(F)

(b) (6), (b)(7)(C), (b) (7)(F)

(b) (6), (b)(7)(C), (b) (7)(F)

## Objective

Attorney General Appointed United States Marshal, Eastern District of California

Accomplished law enforcement professional with 26+ years of increasing management experience.

Strong combination of management skills, leading field teams and working with executive management, superior administrative qualifications in building coalitions of multi-jurisdictional resources, and allocation and management of resources. Skilled at presenting and communicating plans, priorities, and results to executive management, and obtaining consensus. Further, I am a life-long learner, continuously seeking training and education in my field (leadership and management).

## Experience

### **Chief Deputy U.S. Marshal | U.S. Marshals Service | July 2015 to April 2017 (Present)**

EASTERN DISTRICT of CALIFORNIA, Sacramento, California

- Direct all District Operations
- Regular interaction with U.S. Marshals Service Headquarters, serving on numerous committees/boards
- Supervise 54 personnel, including administrative and sworn staff in three separate locations (Sacramento, Fresno, and Bakersfield, California)

### **Deputy chief of staff | U.S. Marshals Service | September 2012 to June 2015**

UNITED STATES MARSHALS SERVICE HEADQUARTERS, Washington, DC

- Served as the Office of Director's liaison for all 94 U.S. Marshals Service Districts (field offices)
  - Worked directly with all district United States Marshals and their chief deputies
- Served as the senior advisor and consultant on new and improved business and management practices and advised the Office of Director
- Reviewed and researched specific problem areas, identified and analyzed causes, and formulated proposals for resolution

### **Chief Deputy U.S. Marshal | U.S. Marshals service | December 2008 to September 2012**

DISTRICT of NEBRASKA, Omaha, Nebraska

- Directed all District Operations
- Supervised 30 personnel, including administrative and sworn staff in two separate locations (Omaha and Lincoln, Nebraska)
- Appointed Interim United States Marshal, appointed by Attorney General (May 2009-January 2010)
- Selected as the Interim Chief Deputy for District of New Mexico to oversee District Operations for 70 sworn and administrative staff in four separate sub-offices (June 2012)

### **Supervisory Deputy U.S. Marshal | U.S. Marshals Service | May 2005 to December 2008**

SOUTHERN DISTRICT of CALIFORNIA, San Diego, California

- Supervised 40 sworn staff, both operations and fugitive investigations, including security for high-threat trials

**Deputy U.S. Marshal (Criminal Investigator) | U.S. Marshals Service | May 1992 to May 2005**

SOUTHERN DISTRICT of CALIFORNIA, San Diego, California

- Daily investigative participation in protection of the federal courts, fugitive operations, asset forfeiture, and witness protection activities, as needed by the District.

**Student Intern Government Employee | U.S. Marshals Service | August 1990 to May 1992**

## **Education**

**Masters in Science | 2000 | National University**

Major: Forensic Science

**Bachelors of Science | 1992 | San Diego State University**

Major: Criminal Justice

## **Affiliations and Training**

**Leadership and management training**

- Law Enforcement Executive Summit for Law Enforcement Executives (2016)
- Women in Command – Calibre Press (2016)
- United States National Management Meeting for United States Marshals and Chief Deputies (2015)
- Advanced Enforcement Operations and Leadership Development Training (2015)
- Center for Creative Leadership (2010)
- District Leadership Retreat (2009)
- Chief Development Program (2009)
- Women Leaders in Law Enforcement (2008)
- National Asset Forfeiture Chiefs and Experts Training (2008)
- Management & Leadership Supervisory Training (2007)
- Excelling as First-Time Manager (2006)
- Management/Supervisor series of training classes at San Diego State University (January –June 2000)

## **Affiliations**

- International Association of Chiefs of Police (IACP)
- National Sheriffs Association (NSA)
- Fraternal Order of Police (FOP)
- Women in Federal Law Enforcement (WIFLE)
- Federal Law Enforcement Officers Association (FLEOA)
- Metropolitan Chief Association (Nebraska)



Office of the Attorney General  
Washington, D. C. 20530

ORDER NO.

DESIGNATING KAREN A. THOMAS  
AS ACTING UNITED STATES MARSHAL FOR THE  
EASTERN DISTRICT OF CALIFORNIA

Pursuant to the authority vested in the Attorney General by law, including  
28 U.S.C. § 562, I hereby designate Karen A. Thomas to serve as the Acting United  
States Marshal for the Eastern District of California and to perform all functions of that  
office.

This order shall be effective once the designee takes the oath of office.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Jefferson B. Sessions III  
Attorney General





3833611  
U.S. Department of Justice  
INTERPOL Washington  
U.S. National Central Bureau

Washington, DC 20530

May 16, 2017

**MEMORANDUM FOR THE ATTORNEY GENERAL**

**THROUGH:** THE DEPUTY ATTORNEY GENERAL *[Signature]*  
*5-23-17*

**FROM:** Wayne H. Salzgeber *[Signature]*  
Acting Director

**SUBJECT:** Candidate for INTERPOL Executive Committee

**PURPOSE:** Director-General of the Brazilian Federal Police seeks the Attorney General's support for its candidate for upcoming vacant Delegate for the Americas position on the INTERPOL Executive Committee.

**TIMETABLE:** September 25, 2017

**DISCUSSION:** INTERPOL is the world's largest international police organization, with 190 member countries. Its role is to facilitate cooperation among global police in the fight against international crime. The General Assembly and Executive Committee form the Organization's governance.

General Assembly – The General Assembly is composed of delegates appointed by each member country. It meets annually to make important decisions related to policies, resources, working methods, finances, activities and programs. The 86<sup>th</sup> Annual General Assembly is scheduled for September 25, 2017. Title 22, United States Code, Section 263a designates the Attorney General as the legal representative to INTERPOL on behalf of the States. In the absence of the Attorney General, the Director of INTERPOL Washington traditionally serves as the Head of the United States Delegation to the General Assembly. Mr. Wayne H. Salzgeber is the current Acting Director of INTERPOL Washington.





**U.S. Department of Justice**  
INTERPOL Washington  
*U.S. National Central Bureau*


---

*Washington, DC 20530*

May 16, 2017

**MEMORANDUM FOR THE ATTORNEY GENERAL**

**THROUGH:** THE DEPUTY ATTORNEY GENERAL

**FROM:** Wayne H. Salzgeber  
Acting Director 

**SUBJECT:** Candidate for INTERPOL Executive Committee

**PURPOSE:** Director-General of the Brazilian Federal Police seeks the Attorney General's support for its candidate for upcoming vacant Delegate for the Americas position on the INTERPOL Executive Committee.

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Subject: Candidate for INTERPOL Executive Committee

Executive Committee – The Executive Committee (EC) is elected by the General Assembly. It provides guidance and direction to the Organization and oversees the implementation of decisions made at the annual General Assembly. The EC has 13 members, comprised of a President, four Vice-Presidents and eight Delegates, all from different countries. The President is elected for four years. Vice-Presidents and Delegates are elected for three years. Attached chart illustrates current EC members. Ms. Jolene Lauria, Deputy Assistant Attorney General and Controller for the U.S. Department of Justice, occupies the second delegate position for the Americas on the EC. She was elected in 2015 and her term expires in 2018.

RECOMMENDATION: INTERPOL Washington recommends no action or offers of support from the Attorney General at this time, as other candidates in the Americas will declare for the Delegate position up until commencement of the 86<sup>th</sup> General Assembly in September 2017. *Attached is provided for the Attorney General's awareness only.* INTERPOL Washington has an established inter-departmental procedure to evaluate all EC candidates in order to make a sound recommendation to the Attorney General for his support.

Attachments – 3

Brazilian Request for the Attorney General's Support  
Brazilian Candidate's Biography  
INTERPOL Executive Committee Member Chart



FEDERAL PUBLIC SERVICE  
MINISTRY OF JUSTICE AND PUBLIC SECURITY  
FEDERAL POLICE

Letter nº 2017/7694-183/2017-CGCI/DIREX/PF

Brasília/DF, May 2nd, 2017.

The Honorable Jefferson B. Sessions  
United States Attorney General  
U.S. Department of Justice  
Washington, D.C. 20530  
United States of America

**Subject: Request support for the application to the Executive Committee.**

Dear Colleague,

I am pleased to announce the candidacy of Commissioner Rogério A. V. Galloro, Deputy Director-General of Brazilian Federal Police, to the position of Delegate for the Americas of the Executive Committee of INTERPOL.

Mr. Galloro has a large experience of police work, both in operational and investigations areas and in the international police cooperation field. Among other key activities, he successfully planned, implemented and led the police cooperation centers for the World Cup 2014 and the Olympic and Paralympic Games Rio 2016.

I would like to count on the valuable vote of your country in the elections that will take place at the 86th General Assembly in Beijing, in the certainty that the appointment of Mr. Galloro will contribute to the improvement of international police cooperation policies that make our world safer.

Please find enclosed a brief biography of Mr. Galloro.

Thank you for your cooperation,

Kind Regards,

A handwritten signature in black ink, appearing to read 'Leandro Daiello Coimbra', is written over a circular stamp.

**LEANDRO DAIELLO COIMBRA**  
Director-General





Commissioner Rogerio Galloro is currently the deputy Director-General of the Brazilian Federal Police, responsible for a wide variety of areas such as migration control, fugitives arrest, international cooperation, private security oversight, special operations command, tactical and operational police aviation, border control and coast guard.

Galloro has solid credentials and the vast experience required to successfully fulfill the important mission in the Executive Committee of INTERPOL. He was responsible for the development and the successful implementation of the police cooperation centers established in Brazil for the world's largest sports events in the past three years: the International Cooperation Police Centers for both the FIFA 2014 World Cup (with 205 police officers participants, from 37 nations, in addition to INTERPOL, AMERIPOL and UNODC representatives) and Rio 2016 Olympics and Paralympics Games (with 228 police officers participants, from 45 nations, in addition to INTERPOL and EUROPOL representatives).

Under his command, the Brazilian Federal Police conceived the INTERCOPS Project (International Programme for Police Cooperation at Airports) in 2014, a landmark in international cooperation against criminal organizations operating in airport. More than 40 countries and 100 police and customs officers have joined on-site trainings and workshops at Brazil's largest airport (located at Guarulhos, São Paulo) and built an unparalleled network of airport police officers which allow countries to develop real-time cooperation and exchange of information. In September 2016, the Brazilian Federal Police signed an agreement with the United Nations Office on Drugs and Crime (UNODC), in order to facilitate the cooperation between the Airport Communication Project (AIRCOP) and INTERCOPS. The agreement indicates the importance of the INTERCOPS Project as an effective and innovative tool to promote

international cooperation and fight transnational crime.

Galloro joined the Brazilian Federal Police in 1995. He served as Police Attaché at the Embassy of Brazil in Washington DC from 2011 to 2013, as Director of Administration and Police Logistics from 2009 to 2011, as Chief of the Regional Bureau in the State of Goiás from 2007 to 2009, as Deputy Chief of the Regional Bureau in the State of Pernambuco in 2007, as Head of the Passport Division from 2002 to 2007, as Chief of the Police Intelligence Group in the State of São Paulo from 2000 to 2002, and as Chief of the Drug Enforcement Group in the State of São Paulo from 1998 to 2000. He has also been Instructor at the Federal Police National Academy.

He has extensive international experience, having worked in the field of international child adoption control, MERCOSUL transnational security issues, air transport crisis management, border control in South America, as well as combat against counterfeit documents, human trafficking, drug trafficking and money laundering. Galloro has also been the Brazilian Federal Police representative at ICAO – International Civil Aviation Organization, and coordinated the Brazilian MRTD (Machine Readable Travel Document) Project.

Commissioner Galloro holds a Master's degree in Foreign Affairs (University of Brasília/2011), a MBA in Public Security Policy Management (Getulio Vargas Foundation/2005) and a Bachelor degree in Law (1992). He was a Harvard Kennedy School alumni in National and International Security. He published the essay "Come and go in a globalized world" – The passport as a guarantee and embarrassment instrument of citizens' rights: a historical study about the Brazilian passport.



***"The strengthening  
of INTERPOL is key to  
a successful  
response against  
organized crime in  
the Americas."***



**Rogerio Galloro**  
Brazilian Federal Police  
Executive Director



## Executive Committee as of 11 November 2016

### President



**Asia**  
MENG Hongwei  
(China)  
2016-2020

### Vice-Presidents



**Asia**  
KIM Jong Yang  
(Republic of Korea)  
2015-2018



**Africa**  
Sebastian Haitota  
NDEITUNGA  
(Namibia)  
2014-2017



**Europe**  
Alexander  
PROKOPCHUK  
(Russia)  
2016-2019



**Americas**  
Todd SHEAN  
(Canada)  
2015-2018

### Delegates



**Europe**  
David ARMOND  
(UK)  
2014-2017



**Europe**  
Catherine DE BOLLE  
(Belgium)  
2015-2018



**Europe**  
Mátys HEGYALJAI  
(Hungary)  
2016-2017



**Americas**  
Jolene LAURIA  
(United States)  
2015-2018



**Asia**  
Anselm LOPEZ  
(Singapore)  
2015-2018



**Africa**  
Francis Ndegwa MUHORO  
(Kenya)  
2014-2017



**Africa**  
Anbuen NAIDOO  
(South Africa)  
2015-2018



**Americas**  
Néstor RONCAGLIA  
(Argentina)  
2016-2017


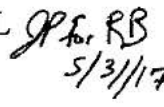



U.S. Department of Justice

MAY 17 2017

Washington, D.C. 20530

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL  5/31/17  
THE ~~ACTING~~ ASSOCIATE ATTORNEY GENERAL  5/31/17

FROM: Lee J. Lofthus   
Assistant Attorney General  
for Administration

SUBJECT: Semiannual Reports of the Attorney General and Inspector General for the First Half of FY 2017, as Required by the Inspector General Act, as Amended

PURPOSE: To meet the requirements of the Inspector General Act (IG Act), as amended, by transmitting to Congress the Attorney General's and Inspector General's semiannual reports and delegating approval for future reports.

TIMETABLE: The IG Act, as amended, requires the Department to transmit the Attorney General's and Inspector General's semiannual reports for the period ended March 31, 2017, to Congress by May 31, 2017. We ask that the Attorney General approve the attached report, *The Attorney General's Semiannual Management Report to Congress for the Period October 1, 2016 through March 31, 2017*. The Office of Legislative Affairs (OLA) will transmit to various members of Congress, via e-mail, the web site links to the two semiannual reports.

DISCUSSION: The IG Act of 1978 (5 U.S.C. App.), as amended, requires the Attorney General to twice yearly transmit a statistical report to Congress on the status of final action on recommendations made in Office of the Inspector General (OIG) reports. Specifically, the Attorney General's report is to include three tables describing the Department's actions during the semiannual period – one table on disallowed costs, another on recommendations that funds be put to better use (FBU), and a third on audit reports open longer than one year for which management decisions have been made but final action has not been completed. The Attorney General's report for the period ended March 31, 2017, includes the required three tables. (See Attachment 1.) The Attorney General's report will be posted on the Department's web site upon the Attorney General's approval of the report.

In the interest of efficiency given the statistical nature of the report, I recommend the DAG and AG approve the future delegation of approval for this report to the Assistant Attorney General for Legislative Affairs. Because this particular report is statistical in nature rather than policy-related, AAG/OLA can clear the report with the proper leadership offices as is done with responses to

SUBJECT: Semiannual Reports of the Attorney General and Inspector General for the First Half of FY 2017, as Required by the Inspector General Act, as Amended

Congress without directly engaging the DAG and AG.

The IG Act also requires the Attorney General to transmit the Inspector General's semiannual report to Congress. (See Attachment 2 for the Inspector General's report.)

RECOMMENDATIONS:

1. Approve the attached Attorney General's semiannual report and authorize the Assistant Attorney General for Administration (AAGA)/OLA to transmit to the appropriate Congressional members the web site links to the Attorney General's and Inspector General's reports.

APPROVE: \_\_\_\_\_

Date: June 1, 2017

Concurring: \_\_\_\_\_

For OLA

DISAPPROVE: \_\_\_\_\_

OTHER: \_\_\_\_\_

2. Grant the Assistant Attorney General for Legislative Affairs the delegated authority to approve for senior leadership and the Attorney General the semiannual statistical reports in the future, beginning with the next report for the period ending September 30, 2017.

APPROVE: \_\_\_\_\_

Date: June 1, 2017

Concurring: \_\_\_\_\_

For OLA

DISAPPROVE: \_\_\_\_\_

OTHER: \_\_\_\_\_

Attachments





MAY 17 2017

Washington, D.C. 20530

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

THE ACTING ASSOCIATE ATTORNEY GENERAL

FROM: Lee J. Lofthus  
Assistant Attorney General  
for Administration

SUBJECT: Semiannual Reports of the Attorney General and Inspector General for the First Half of FY 2017, as Required by the Inspector General Act, as Amended

PURPOSE: To meet the requirements of the Inspector General Act (IG Act), as amended, by transmitting to Congress the Attorney General's and Inspector General's semiannual reports and delegating approval for future reports.

TIMETABLE: The IG Act, as amended, requires the Department to transmit the Attorney General's and Inspector General's semiannual reports for the period ended March 31, 2017, to Congress by May 31, 2017. We ask that the Attorney General approve the attached report, *The Attorney General's Semiannual Management Report to Congress for the Period October 1, 2016 through March 31, 2017*. The Office of Legislative Affairs (OLA) will transmit to various members of Congress, via e-mail, the web site links to the two semiannual reports.

DISCUSSION: The IG Act of 1978 (5 U.S.C. App.), as amended, requires the Attorney General to twice yearly transmit a statistical report to Congress on the status of final action on recommendations made in Office of the Inspector General (OIG) reports. Specifically, the Attorney General's report is to include three tables describing the Department's actions during the semiannual period – one table on disallowed costs, another on recommendations that funds be put to better use (FBU), and a third on audit reports open longer than one year for which management decisions have been made but final action has not been completed. The Attorney General's report for the period ended March 31, 2017, includes the required three tables. (See Attachment 1.) The Attorney General's report will be posted on the Department's web site upon the Attorney General's approval of the report.

In the interest of efficiency given the statistical nature of the report, I recommend the DAG and AG approve the future delegation of approval for this report to the Assistant Attorney General for Legislative Affairs. Because this particular report is statistical in nature rather than policy-related, AAG/OLA can clear the report with the proper leadership offices as is done with responses to



SUBJECT: Semiannual Reports of the Attorney General and Inspector General for the First Half  
of FY 2017, as Required by the Inspector General Act, as Amended

Congress without directly engaging the DAG and AG.

The IG Act also requires the Attorney General to transmit the Inspector General's semiannual report to Congress. (See Attachment 2 for the Inspector General's report. Attachment 3 is the section from the Inspector General Act, as amended, that specifies the content requirements for the Attorney General's semiannual statistical report.)

RECOMMENDATIONS:

1. Approve the attached Attorney General's semiannual report and authorize the Assistant Attorney General for Administration (AAGA)/OLA to transmit to the appropriate Congressional members the web site links to the Attorney General's and Inspector General's reports.

Concurring: \_\_\_\_\_  
For OLA

APPROVE: \_\_\_\_\_

DISAPPROVE: \_\_\_\_\_

OTHER: \_\_\_\_\_

2. Grant the Assistant Attorney General for Legislative affairs the delegated authority to approve for senior leadership and the Attorney General the semiannual statistical reports in the future, beginning with the next report for the period ending September 30, 2017.

Concurring: \_\_\_\_\_  
For OLA

APPROVE: \_\_\_\_\_

DISAPPROVE: \_\_\_\_\_

OTHER: \_\_\_\_\_

Attachments



## U.S. Department of Justice

MAY 17 2017

Washington, D.C. 20530

## MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL *[Signature]* 5/30/17  
THROUGH: THE ASSOCIATE ATTORNEY GENERAL *RB* 5/23/17  
FROM: Lee J. Lofthus  
Assistant Attorney General *[Signature]*  
for Administration  
SUBJECT: Appointment of Brett A. Shumate as Deputy Assistant Attorney General,  
Civil Division

PURPOSE: To obtain your approval for the appointment of Brett A. Shumate as Deputy Assistant Attorney General, Civil Division.

TIMETABLE: As soon as possible.

DISCUSSION: Attached is an Order to effect the noncareer Senior Executive Service (SES) appointment of Brett A. Shumate as Deputy Assistant Attorney General (DAAG) in the Civil Division. Under DOJ Order 1202, noncareer SES appointments require the approval of the Attorney General.

Mr. Shumate is a Partner with Wiley Rein LLP in Washington, D.C., where he has worked since 2007. His primary practice areas are regulatory litigation, appellate litigation, and agency proceedings.

RECOMMENDATION: I recommend that you approve the appointment of Brett A. Shumate as Deputy Assistant Attorney General, Civil Division, and that you sign the attached Order.

APPROVE: \_\_\_\_\_

Concurring Components:

None

DISAPPROVE: \_\_\_\_\_

Nonconcurring Components:

None

OTHER: \_\_\_\_\_

Attachment



U.S. Department of Justice

MAY 17 2017

Washington, D.C. 20530

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

THROUGH: THE ASSOCIATE ATTORNEY GENERAL

FROM: Lee J. Lofthus  
Assistant Attorney General  
for Administration

SUBJECT: Appointment of Brett A. Shumate as Deputy Assistant Attorney General,  
Civil Division

PURPOSE: To obtain your approval for the appointment of Brett A. Shumate as Deputy Assistant Attorney General, Civil Division.

TIMETABLE: As soon as possible.

DISCUSSION: Attached is an Order to effect the noncareer Senior Executive Service (SES) appointment of Brett A. Shumate as Deputy Assistant Attorney General (DAAG) in the Civil Division. Under DOJ Order 1202, noncareer SES appointments require the approval of the Attorney General.

Mr. Shumate is a Partner with Wiley Rein LLP in Washington, D.C., where he has worked since 2007. His primary practice areas are regulatory litigation, appellate litigation, and agency proceedings.

RECOMMENDATION: I recommend that you approve the appointment of Brett A. Shumate as Deputy Assistant Attorney General, Civil Division, and that you sign the attached Order.

APPROVE: \_\_\_\_\_

Concurring Components:

None

DISAPPROVE: \_\_\_\_\_

Nonconcurring Components:

None

OTHER: \_\_\_\_\_

Attachment



**Office of the Attorney General**  
**Washington, D.C. 20530**

ORDER NO.

**APPOINTMENT OF BRETT A. SHUMATE AS  
DEPUTY ASSISTANT ATTORNEY GENERAL, CIVIL DIVISION**

By virtue of the authority vested in the Attorney General by law, including 28 U.S.C.  
§§ 509 and 510, I hereby appoint Brett A. Shumate as Deputy Assistant Attorney General, Civil  
Division.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Jefferson B. Sessions III  
Attorney General





## U.S. Department of Justice

MAY 17 2017

Washington, D.C. 20530

## MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL *[Signature]* 5/30/17

THROUGH: THE ASSOCIATE ATTORNEY GENERAL *[Signature]* RB 5/24/17

FROM: Lee J. Lofthus  
Assistant Attorney General  
for Administration *[Signature]*

SUBJECT: Appointment of Thomas G. Ward as Deputy Assistant Attorney General,  
Civil Division

PURPOSE: To obtain your approval for the appointment of Thomas G. Ward as Deputy Assistant Attorney General, Civil Division.

TIMETABLE: As soon as possible.

DISCUSSION: Attached is an Order to effect the noncareer Senior Executive Service (SES) appointment of Thomas G. Ward as Deputy Assistant Attorney General (DAAG) in the Civil Division. Under DOJ Order 1202, noncareer SES appointments require the approval of the Attorney General.

Mr. Ward is a Litigation Partner at Williams & Connolly LLP, where he represents clients in complex commercial litigation, with a focus on financial and securities litigation, professional malpractice defense, and bankruptcy litigation. He started working at Williams & Connolly in 1998, and became a Partner in 2004.

RECOMMENDATION: I recommend that you approve the appointment of Thomas G. Ward as Deputy Assistant Attorney General, Civil Division, and that you sign the attached Order.

APPROVE: \_\_\_\_\_

Concurring Components:

None

DISAPPROVE: \_\_\_\_\_

Nonconcurring Components:

None

OTHER: \_\_\_\_\_

Attachment



U.S. Department of Justice

MAY 17 2017

Washington, D.C. 20530

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

THROUGH: THE ASSOCIATE ATTORNEY GENERAL

FROM: Lee J. Lofthus  
Assistant Attorney General  
for Administration

SUBJECT: Appointment of Thomas G. Ward as Deputy Assistant Attorney General,  
Civil Division

PURPOSE: To obtain your approval for the appointment of Thomas G. Ward as Deputy Assistant Attorney General, Civil Division.

TIMETABLE: As soon as possible.

DISCUSSION: Attached is an Order to effect the noncareer Senior Executive Service (SES) appointment of Thomas G. Ward as Deputy Assistant Attorney General (DAAG) in the Civil Division. Under DOJ Order 1202, noncareer SES appointments require the approval of the Attorney General.

Mr. Ward is a Litigation Partner at Williams & Connolly LLP, where he represents clients in complex commercial litigation, with a focus on financial and securities litigation, professional malpractice defense, and bankruptcy litigation. He started working at Williams & Connolly in 1998, and became a Partner in 2004.

RECOMMENDATION: I recommend that you approve the appointment of Thomas G. Ward as Deputy Assistant Attorney General, Civil Division, and that you sign the attached Order.

APPROVE: \_\_\_\_\_

Concurring Components:

None

DISAPPROVE: \_\_\_\_\_

Nonconcurring Components:

None

OTHER: \_\_\_\_\_

Attachment



**Office of the Attorney General**  
**Washington, D.C. 20530**

**ORDER NO.**

**APPOINTMENT OF THOMAS G. WARD AS  
DEPUTY ASSISTANT ATTORNEY GENERAL, CIVIL DIVISION**

By virtue of the authority vested in the Attorney General by law, including 28 U.S.C.  
§§ 509 and 510, I hereby appoint Thomas G. Ward as Deputy Assistant Attorney General, Civil  
Division

\_\_\_\_\_  
Date

\_\_\_\_\_  
Jefferson B. Sessions III  
Attorney General

**U.S. Department of Justice**

Executive Office for United States Attorneys

Office of the Director

Room 2261, RFK Main Justice Building  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

(202) 252-1000

**MAY 15 2017****MEMORANDUM FOR THE ATTORNEY GENERAL****THROUGH:****THE DEPUTY ATTORNEY GENERAL***5-22-17***FROM:***Monty Wilkinson*  
Monty Wilkinson  
Director**SUBJECT:**Retirement Letter**PURPOSE:**

To obtain the Attorney General's signature.

**RECOMMENDATION:**

That the Attorney General sign the attached retirement letter to Laurie Miriam Perseille, a Paralegal Specialist in the United States Attorney's Office for the District of Maine.

Ms. Perseille was vetted through the Office of the Inspector General, the Office of Professional Responsibility, JMD's Security and Emergency Planning Staff, and EOUSA's Office of General Counsel, and there were no adverse findings.

**Attachment****RECEIVED  
DEPT OF JUSTICE  
EXECUTIVE SECRETARIAT  
2017 MAY 17 PM 4:13**





## U.S. Department of Justice

Executive Office for United States Attorneys

Office of the Director

Room 2261, RFK Main Justice Building  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

(202) 252-1000

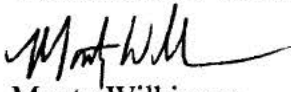
**MAY 15 2017**

## MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH:

THE DEPUTY ATTORNEY GENERAL

FROM:

  
Monty Wilkinson  
Director

SUBJECT:

Retirement Letter

PURPOSE:

To obtain the Attorney General's signature.

RECOMMENDATION:

That the Attorney General sign the attached retirement letter to Laurie Miriam Perseille, a Paralegal Specialist in the United States Attorney's Office for the District of Maine.

Ms. Perseille was vetted through the Office of the Inspector General, the Office of Professional Responsibility, JMD's Security and Emergency Planning Staff, and EOUSA's Office of General Counsel, and there were no adverse findings.

Attachment

RECEIVED  
DEPT OF JUSTICE  
EXECUTIVE SECRETARIAT  
2017 MAY 17 PM 4:13



Office of the Attorney General  
Washington, D. C. 20530

Ms. Laurie Miriam Perseille  
Paralegal Specialist  
United States Attorney's Office  
District of Maine  
100 Middle Street, East Tower, 6th Floor  
Portland, ME 04101

Dear Ms. Perseille:

Congratulations on your 30 years of dedicated service to the Federal Government. Your colleagues have valued your expertise and benefitted from your many contributions as a Paralegal Specialist in the United States Attorney's Office for the District of Maine. Your dedication and commitment to justice demonstrate the best qualities of our federal service.

On behalf of the Department of Justice, thank you for your many years of service to our great Nation. I wish you all the best in your future endeavors.

Sincerely,

Jefferson B. Sessions III  
Attorney General

**VETTING CHECKS FOR EOUSA DIRECTOR & ATTORNEY GENERAL LETTERS**

DATE: May 12, 2017

NAME: Ms. Laurie Miriam Perseille

TITLE/OFFICE: Paralegal Specialist for the District of Maine

**OIG/OPR/GCO**

Sarah Wasserbly

Tereza Kafka

Cassandra Burton

**JMD/PERSONNEL SECURITY (SEPS)**

Eileen Morehouse

OIG CHECK: ~~(Negative/Positive)~~

OPR CHECK: ~~(Negative/Positive)~~

GCO CHECK: ~~(Negative/Positive)~~

SEPS Check: ~~(Negative/Positive)~~

RICHARD BURR (R-NC) CHAIRMAN  
MARK R. WARNER (D-VA) VICE CHAIRMAN

JAMES R. RISCH (R-ID) IDAHO  
MARCO RUBIO (R-FL) FLORIDA  
SUSAN M. COLLINS (R-ME) MAINE  
ROY BLUNT (R-MO) MISSOURI  
JAMES LANKFORD (R-OK) OKLAHOMA  
TOM COTTON (R-AR) ARKANSAS  
JOHN CORNYN (R-TX) TEXAS

DIANNE FEINSTEIN (D-CA) CALIFORNIA  
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MARTIN HEINRICH (D-NM) NEW MEXICO  
ANGUS S. KING (R-ME) MAINE  
JOE MANCHIN (D-WV) WEST VIRGINIA  
KAMALA HARRIS (D-CA) CALIFORNIA

## United States Senate

SELECT COMMITTEE ON INTELLIGENCE

WASHINGTON, DC 20510-6475

MITCH MCCONNELL (R-KY) EX OFFICIO  
CHARLES SCHUMER (D-NY) EX OFFICIO  
JOHN MCCAIN (R-AZ) EX OFFICIO  
JACK REED (D-RH) EX OFFICIO

CHRISTOPHER A. JOYNER, STAFF DIRECTOR  
MICHAEL CASEY, MINORITY STAFF DIRECTOR  
KELSEY STROUD BAILEY, CHIEF CLERK

May 17, 2017

The Honorable Rod J. Rosenstein  
Deputy Attorney General  
United States Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530

Dear Deputy Attorney General Rosenstein:

The Senate Select Committee on Intelligence will conduct open and closed hearings on the FISA Amendments Act, including reauthorization and, specifically, Section 702, on Wednesday, June 7, 2017. The open hearing will begin at 10:00 a.m. in room SD-G50 of the Dirksen Senate Office Building, and the closed hearing will begin at 2:00 p.m. in room SH-219 of the Hart Senate Office Building.

We request that you appear at the open hearing, and that Stuart Evans, Deputy Assistant Attorney General for Intelligence, appear at the closed hearing. Representatives from the National Security Agency, the Office of the Director of National Intelligence, and the Federal Bureau of Investigation also have been invited to appear at the open hearing. Representatives from those agencies and the Central Intelligence Agency have been invited to appear at the closed hearing.

Witnesses will be afforded an opportunity to make a brief opening statement. We ask that the initial remarks extend no more than five minutes. Please feel free to submit a written statement of any length in advance of the hearings.

Please have your staff contact Janet Fisher or Brett Freedman at (202) 224-1700, if you have any questions. Thank you, and we look forward to a productive and informative hearing.

Sincerely,



Richard Burr  
Chairman



Mark R. Warner  
Vice Chairman

2017 MAY 19 PM 3:30  
SSCI# 2017-2363C  
OFFICE OF THE SECRETARY  
OF THE SENATE





U. S. Department of Justice


Office of the Deputy Attorney General


Associate Deputy Attorney General


Washington, D.C. 20530


July 14, 2017

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL  7/17/17

THROUGH: Robert Hur    
Principal Associate Deputy Attorney General

THROUGH: James A. Crowell    
Chief of Staff and Associate Deputy Attorney General

FROM: James Swanson    
Associate Deputy Attorney General

SUBJECT: Letter to the Attorney General of the District of Columbia about your May 10, 2017 Charging Memo.

PURPOSE: To recommend that the Deputy Attorney General send a reply letter to the Attorney General of the District of Columbia.

TIMETABLE: As soon as possible.

DISCUSSION: The Attorney General of the District of Columbia, Karl Racine, sent a letter to you (co-signed by the Attorneys General of 14 states) criticizing your May 10, 2017 memo on Department Charging and Sentencing Policy. Attorney General Racine opposes what he characterizes as your policy to "charge all defendants with the most serious criminal offenses that carry the severest penalties." He also asserts that a "broad, bipartisan consensus" shows that mandatory minimum sentences for non-violent, low-level offenses have not made the nation or our sites safer.


Attorney General Racine makes two requests. First, that you rescind your May 10, 2017 Charging Memo. Second, that you and senior Department of Justice officials meet with him and the 14 Attorneys General who co-signed his letter to allow them to present evidence to prove their case.

Subject: Letter to the Attorney General of the District of Columbia  
About your May 10, 2017 Charging Memo

RECOMMENDATION: Recommend you approve the Deputy Attorney General's reply letter to the Attorney General of the District of Columbia, declining his request for a meeting.

Attachment

APPROVE:

  
Date: July 25, 2017

DISAPPROVE:

OTHER:



OFFICE OF THE SPECIAL INSPECTOR GENERAL  
FOR THE TROUBLED ASSET RELIEF PROGRAM

1801 L STREET, NW

WASHINGTON, D.C. 20220

MAY 8 2017

The Honorable Rod J. Rosenstein  
Deputy Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

Dear Mr. Deputy Attorney General:

I am pleased to report on the outstanding impact of the investigators and auditors at the Office of the Special Inspector General for TARP. There are \$38 billion in ongoing TARP programs, the same as last year. Billions of Federal dollars have been spent in these programs, and billions of dollars continue to be spent, at a rate of \$1 billion each quarter. Significant oversight is critical to protect taxpayers.

*SIGTARP's oversight ensures that TARP is not a cash cow. We fight fraud, waste, abuse, and inefficiency, so TARP dollars reach intended recipients.*

SIGTARP is working on multiple fronts to ensure that TARP dollars go to homeowners in hard-hit communities. We are identifying state agencies that used TARP dollars for employee perks in an audit requested by Senator Grassley. We are recommending controls to prevent contracts for TARP dollars from being awarded in backroom deals by local authorities to favored demolition contractors. We are recommending controls to prevent fraud by demolition contractors (section three of this report details skyrocketing demolition costs in Michigan and Ohio). We are pursuing accountability for banks like Wells Fargo and Bank of America that once again are receiving billions of TARP dollars, this time as mortgage servicers in HAMP. Wherever TARP dollars are at risk, we will use our expertise to investigate crime and protect critical programs from fraud, waste, and abuse.

As a law enforcement agency, SIGTARP brings accountability through investigations and arrests. We work hand in hand with the FBI and the Justice Department. Financial crime is complex: our partnerships save time and resources while delivering results. Almost 400

defendants we investigated have been charged with a crime. Nearly 100 of those charges were made in the last two fiscal years.

### Countering Threats to Public Safety and Government Interests

SIGTARP counters significant threats by investigating criminal actors, and neutralizing the threat they pose. As a result of SIGTARP investigations, more than 200 defendants have received an average prison sentence of nearly five years. Principal threats include:

***SIGTARP current investigations counter threats including:***

- *Public Corruption*
- *Antitrust/Unfair Competition*
- *Contract Fraud*
- *Financial Institution Fraud*
- *Mortgage Fraud*

*Public Corruption:* State and local officials award demolition contracts under the Hardest Hit Fund. The corruption of local officials threatens public safety.

*Antitrust Violations:* Unfair competitive practices – including bid rigging and contract steering for demolition contracts – threatens public safety and the Government's interests.

SIGTARP's oversight can mitigate these risks. In June 2016, for example, SIGTARP warned that there were no requirements for competition in the HHF blight demolition program. Treasury has since implemented one recommended requirement for full competition. It has not yet implemented SIGTARP's other recommendations to establish standard federal contracting controls that prevent unfair competitive practices.

*Contract Fraud:* Demolition contractors. State agencies. HAMP servicers. Fraud in any of these high risk areas are harmful. Our oversight of the demolition program found that paying up to \$25,000 per demolished house creates substantial risk of fraud. On SIGTARP's recommendation, Treasury limited payment to only necessary and reasonable costs. Our remaining recommendations to arm state agencies with knowledge of what costs are necessary and reasonable have yet to be implemented.

*Financial Institution Fraud:* SIGTARP investigates fraud in current TARP banks and banks where taxpayers suffered a loss in TARP. Already 96 bankers we investigated have been charged with a crime, 76 of them convicted. Others await trial. Just last month, a jury found the CEO of Gulfsouth Private Bank guilty of bank fraud. A bank vice president pled guilty. When Gulfsouth failed, taxpayers lost \$7.5 million in TARP dollars. In December 2016, the chief operating officer of Tennessee Commerce Bank was criminally charged with fraudulently deceiving

*As a result of SIGTARP's investigation, the former CEO of Saigon Bank was indicted, charged with orchestrating a money laundering scheme for international narcotics trafficking allegedly involving a drug cartel. Saigon Bank is still in TARP. Trial is scheduled for December 2017. Every defendant is presumed innocent until and unless proven guilty.*