



ON THE RECORD

The Newsletter of the U.S. Attorney's Office, Western District of Tennessee

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Outreach and Enforcement: Protecting Hispanic Crime Victims from those who target them

U.S. Attorney Edward L. Stanton III (left) chats with Consul of Mexico David Preciado Juarez.

A Message from the U.S. Attorney



I am pleased to welcome you to the first quarterly newsletter of the U.S. Attorney’s Office for the Western District of Tennessee. It is our hope that this newsletter will serve as a way to inform you of the work that we are doing and facilitate communication among our office, federal agencies, law enforcement, and the public at large.

With this first issue, we introduce you to the various components of the office, including the Criminal Division and the Civil Division, as well as the units that exist within those divisions. The idea is to give you a sense of how the structure of the office supports our mission of enforcing federal laws and representing the rights and interests of the people of the Western District. We also wanted to give you a glimpse into some of the ways that our attorneys and support staff serve the community outside the scope of the judicial system.

In future issues, we plan to highlight our specific priorities, as well as keep you apprised of new initiatives and developments in important cases. We will also feature some of the very talented individuals who serve the public as employees of our office. In the meantime, I encourage you to visit our website at <http://www.justice.gov/usao/tnw>, where you can learn more about our programs and activities.

As always, if my staff or I can be of any assistance to you, please do not hesitate to contact our office.

Edward L. Stanton III
United States Attorney



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Mission Statement

The mission of the United States Attorney’s Office for the Western District of Tennessee is to enforce compliance with federal law, act as legal representation of all federal agencies within the District, and provide public safety within the District through equal and fair administration of justice.

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The Criminal Division:

Enforcing laws, protecting the innocent, and ensuring justice for victims

The office's Criminal Division consists of more than 30 attorneys in our Memphis and Jackson satellite offices. The attorneys in the Criminal Division represent the interests of the United States by enforcing federal criminal laws, protecting the innocent, and seeking justice for crime victims. We strive to ensure the fair and efficient administration of justice for those who have committed federal crimes.

Although the Assistant U.S. Attorneys (AUSAs) in the Criminal Division each handle a wide variety of cases, many specialize on particular areas of federal criminal law within smaller units and task forces. For example, there are approximately five AUSAs who work closely with the agents and officers of the Organized Crime and Drug Enforcement Task Force to prosecute high-level drug traffickers. Also, three attorneys work within the Civil Rights Unit to bring to justice those who violate federal civil rights laws. We have roughly six AUSAs who focus on combating gun crimes as part of the Project Safe Neighborhoods unit. The AUSAs within our Project Safe Childhood unit work to protect children by prosecuting those involved in child exploitation and child pornography. Two of our AUSAs specialize in fighting domestic and foreign terrorism. Finally, the prosecutors on the Safe Streets Task Force work with law enforcement to prosecute violent crimes, such as bank robberies and carjackings. Other types of prosecutions our attorneys handle include public corruption, tax evasion, fraud, immigration violations, and environmental offenses.

Our criminal prosecutors are busy. In the past two years there have been 1060 federal criminal cases filed in our district, charging approximately 1600 total de-

Law Enforcement Partners

- **Alcohol, Tobacco, Firearms & Explosives (ATF)**
- **Drug Enforcement Administration (DEA)**
- **Environmental Protection Agency (EPA)**
- **Federal Bureau of Investigation (FBI)**
- **Department of Health & Human Services (HHS)**
- **Immigration and Customs Enforcement (ICE)**
- **Internal Revenue Service (IRS)**
- **U.S. Postal Inspection Patrol (USPIS)**
- **U.S. Secret Service (USSS)**
- **U.S. Forest Service**
- **U.S. Park Service**
- **U.S. Marshals Service (USMS)**
- **Tennessee District Attorneys General**
- **Tennessee Bureau of Investigation (TBI)**
- **Tennessee Department of Safety & Homeland Security**

fendants with violations of federal law. During this time we have tried at least 55 criminal cases. These prosecutions led to over 300 appeals being litigated.

The prosecutors in the Criminal Division bear a heavy responsibility in enforcing federal laws in a fair and equitable fashion. They take that responsibility very seriously, and they work hard every day to represent the rights and interests of the American people.



We prosecute:

- **Domestic and foreign terrorism**
- **Civil rights violations**
- **Firearms offenses**
- **Drug trafficking**
- **Health care fraud**
- **Public corruption**
- **Mail, bank and wire fraud**
- **Child pornography and exploitation**
- **Tax evasion**
- **Bank robbery and other violent crimes**
- **Immigration violations**
- **Environmental offenses**

The Civil Division:

Representing the interests of your government

The office's Civil Division consists of seven attorneys, along with nine paralegal and support staff, in our Memphis and Jackson offices. The Civil Division represents the government in a very wide variety of civil litigation in the United States District Court, Bankruptcy Court, and the Sixth Circuit Court of Appeals, and, in some cases, state and city courts.

A large volume of the Division's work is defensive. We defend the United States – and the actions of its officers and agents – in employment and labor disputes; in tort litigation, such as medical malpractice suits; and in disputes arising from the administration of a multitude of federal programs. We also defend individual federal officials and employees when they are sued as a result of actions taken while carrying out their official duties.

Many federal agencies implement federal programs through an administrative decision-making process, and those agency decisions are often reviewable in federal court litigation. The Civil Division defends lawsuits challenging various administrative decisions – ranging from a denial of Social Security benefits, to revocation of a federal firearms license, to denial of naturalized citizenship, to denial of requests under the Freedom of Information Act, to debarment from retail participation in the Food Stamp program.



“The United States Attorney is the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done.”

Berger v. United States, 295 U.S. 78, 88, 55 S.Ct. 629, 633 (1935)

Additionally, the presence of a large federal prison population in the district means that the Civil Division defends a steady stream of prisoner civil rights complaints and *habeas corpus* petitions.

In addition to our defensive caseload, the Civil Division affirmatively initiates and prosecutes civil litigation to safeguard the interests of taxpayers. Through these efforts, we recover money from those who, for example, have defrauded federal health care programs, have committed procurement fraud in federal contracting, or owe civil penalties for violation of federal health and safety regulations. Affirmative litigation by the Civil Division also includes a high-volume bankruptcy practice, where we assert the commercial, financial, and property interests of the United States as a creditor. Finally, the Division's affirmative litigation includes enforcement of civil rights laws such as the Americans with Disabilities Act and the Fair Housing Act.

How the Civil Division Represents Your Government

- We represent the United States in civil proceedings
- We sue individuals or entities who violate federal civil laws
- We defend the interests of governmental agencies and employees
- We pursue collection of civil debts owed to the United States
- We represent federal agencies in bankruptcy proceedings

Financial Litigation Unit:

Collecting debts owed to your government and crime victims

Another critical component of the Civil Division is the Financial Litigation Unit (FLU). The FLU collects debts owed to the United States and collects restitution debts owed to the victims of crime. As necessary, the FLU files suit to get judgments for the amounts owed, and in all cases, the FLU pursues enforced collection from those debtors who are unwilling to meet their obligations. Our efforts are timely, aggressive, efficient, and very cost-effective. In fact, the FLU's debt collection efforts net more than enough to fund the entire office budget.

The debts collected by the FLU arise from a variety of sources:

- Fines, special assessments, restitution, costs, and penalties owed by criminal defendants (both corporate and individual);
- Defaults on repayment of government loans, such as student loans, home improvement mortgages, Small Business Administration loans, Veterans Administration loans, and farm loans;
- Overpayments of government benefits paid under various programs, such as Social Security Disability benefits, veterans' benefits, and Medicare;
- Money awarded to the United States in successful civil fraud prosecutions, such as health care fraud and procurement fraud;
- Environmental fines and penalties;
- Other civil penalties; and
- Bail Bond Forfeitures.

Debt collection is a high priority and collection of restitution – money owed to victims of crime – is a very high priority. In our FLU, we use all legal means at our disposal: prompt demand for payment from each debtor; asset investigations; depositions and debtor



examinations; garnishment of wages, bank accounts, investment accounts, and IRAs; liens placed against real estate and personal property; foreclosure of liens through seizure and forced sale of assets; court ordered installment repayment; and offset of tax refunds and other amounts owed to the debtor.

We are pleased to report that in the past two years the FLU has collected more than \$6.5 million from the civil case load and more than \$8.6 million from the criminal fine, special assessment, and restitution case load. In addition, the office collected more than \$5.3 million in civil and criminal forfeitures. The FLU currently has approximately 98 civil cases and 3,043 criminal cases.



U.S. Attorney's Office Core Values

- **Equal Justice Under the Law**
- **Public Safety**
- **Access to Justice**
- **Honesty and Integrity**
- **Pursuit of Excellence**
- **Accountability to the Taxpayer**
- **Cooperation and Partnership**
- **Importance of the Individual**
- **Openness in Government**

Community Outreach Initiatives:

Project safe neighborhood's Ceasefire re-entry & notification program

The Department of Justice has repeatedly emphasized the important role that community outreach plays in successful law enforcement initiatives. To foster and facilitate the sharing and implementation of successful outreach programs, a portion of each U.S. Attorney's Quarterly Newsletter will be dedicated to highlighting successful community outreach initiatives throughout the district. Please notify us of positive community outreach efforts your agency or group has been involved with so those ideas can be shared with the larger law enforcement community.



Assistant U.S. Attorney Jennifer Lawrence Webber speaks to a recent Ceasefire meeting, in order to make the participants aware of the consequences of being a felon in possession of a firearm.

A number of new initiatives are in place and will be highlighted in future issues, such as the Federal Reentry Court and the Federal Drug Court. However, some outreach efforts, such as Project Safe Neighborhood's (PSN) Ceasefire program, have been in place for a number of years. As a part of the Western District of Tennessee's PSN Initiative, the United States Attorney's Office, the Shelby County District Attorney General's Office, the Memphis Police Department, the Shelby Coun-

ty Sheriff's Office, the Tennessee Department of Probation and Parole, and HopeWorks, Inc. have been spearheading monthly Ceasefire meetings for over eight years. Ceasefire meetings are held in the Shelby County Criminal Justice Center auditorium on the third Tuesday night of each month from January through October. Approximately 75 - 100 individuals currently on probation and parole in our state court system attend each month and receive education on state and federal firearms laws, applicable penalties, and current law enforcement protocols. These protocols include the weekly, systematic review of all firearms cases involving firearms, bullets and casings in Shelby County.

This information is communicated by the prosecutors and law enforcement officers currently handling firearms cases in federal court.

During each Ceasefire meeting, probation officers highlight different services that are available to probationers and parolees as a part of their supervision, including GED and literacy classes, job training, and drug treatment. Participants also learn about additional educational, social services, job training, and internship opportunities available outside of the court system. Mr. Antonio Owens, a multi-convicted felon who has obtained his Associate's degree and is now working toward his Bachelor's degree, addresses the group as well. Mr. Owens, who is employed full time working with unemployed members of our community and convicted felons, makes a powerful presentation regarding his involvement with HopeWorks, Inc., the non-profit entity he credits with helping him turn his life around.



AUSA Gary Vanasek (left) and Legal Assistant Brenda Sims shared information with students at Snowden Elementary School during their career fair. The U.S. Attorney's Office participates in a number of career fairs at local schools as part of an effort to encourage students and educators.

Cypress Middle School:

Being a positive influence in our neighborhood and beyond



Congratulations to the Cypress Middle School Timberwolves boys and girls teams for their outstanding 2012-13 basketball seasons. The girls finished the year with a 19-4 record, while the boys finished the year with a perfect 23-0 mark. Both teams will be playing in the state middle school basketball tournament. Even more impressive is the fact that all but two girls and every boy on the respective teams were on the academic honor roll during the past nine weeks. The U.S. Attorney's Office is part of an Adopt-a-School program and has had the opportunity to be involved with Cypress Middle School since 1995. U.S. Attorney's Office staff members provide mentoring, support athletic endeavors, assist with tutoring, donate clothing, food and school supplies and participate in school activities at Cypress.

Justice for All:

Harsh sentences for gang that targeted Hispanic-owned businesses

When David Cuadrado, Tobey Becton, Orel Chapa, and Mark Ellis came up with the plan to target Hispanic-owned businesses, they may have thought they were planning the perfect crimes. After all, members of the Hispanic community are often reluctant to talk to law enforcement.

What they didn't count on was their victims getting involved to ensure that justice was done. Thanks to their willingness to come forward and testify, the four pleaded guilty to seven felonies involving firearms possession and robbery and were sentenced to a total of more than 52 years in prison.

The brazen nature of these crimes and the fact that they specifically targeted individuals because of their race underscored this group's

danger to the community.

"When you have a group of individuals walk into a business in broad daylight, force a store full of innocent people to the floor, and discharge firearms in the process, it's obvious the threat they pose," said U.S. Attorney Edward L. Stanton III.

One of the victims who faced that terrifying ordeal was Carlos Suarez Ballinas, owner of La Herradura Western Wear store. In addition to robbing his store, the criminals stole his truck to aid in their escape. After they had left, Ballinas' shock and fear turned to anger and resolve to see justice done.

He organized other business owners who had been targeted, distributed posters featuring store security photos of one of the men,

and worked with police to help apprehend the assailants.

"People want to complain about the justice system, and say it doesn't work," said Ballinas. "The system does work, but the victims have to do their part and be willing to speak up and follow through."

At the end of the day, the sentences received by these individuals send a clear message to others who might wish to follow their example.

"Criminals don't discriminate, and neither do we," said U.S. Attorney Stanton. "I want the members of the Latino community in Memphis to know that if you are a victim of crime, we encourage you to come forward and cooperate with authorities. We will work with you to hold the criminals accountable and make sure justice is served."

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For more information please visit our website at: <http://www.justice.gov/usao/tnw/>

By the Numbers: USAO statistics

- There are 93 United States Attorney's Offices throughout the country
- The Western District of Tennessee is one of three districts in our state
- Our district encompasses 22 counties and spans 11,331 square miles
- We serve over 1.5 million people in our district



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