

PRISON INFORMATION CLEARINGHOUSE LLC

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A NEWSLETTER DEVOTED TO CURRENT PRISON AND LEGAL ISSUES OF THE DAY

THE ULTIMATE CORPORATE GETAWAY And How to Avoid It

Never before have we seen a degradation of corporate ethic allowed by an alarming lack of corporate governance. Huge corporate bonuses despite record losses and jets paid with bailout funds all fly in the face of convention. Are these excesses illegal? No, but they are stupid. They open the door to criminal investigations that “will” send many to prison. How many corporate executives will join the ranks of drug dealers and violent criminals standing in line for their daily gruel?

Compliance Departments investigate fraud, but don't understand how to prevent fraud. Congress has already gauged public opinion and has proposed several new laws which cast a net over all without regard to guilt or in-

nocence. The government's theory is that evil must be crushed and if a few innocents fall, “Oh well, War is Hell!”

The simple solution is don't break the law. But our win at all costs mentality, combined with greed, pushes the earnings envelope to criminal proportions. Thus we feed ourselves to the Prison/Industrial Complex. In the next few years White Collar Crime will supplant drugs as the number one feeder of our prison inmates. You can stop it!

Accept that it's better to lose a deal than lose a company. It's better to lose a job than lose one's liberty. Most don't have a criminal intent, but a lack of intent is no longer a defense as the government will easily prove



intentional fraud. The federal government convicts 98% of its indictees.

And remember, Club Fed no longer exists. The “It Can't Happen Here” theory is a myth and a 3 to 5 year prison term will cost in excess of \$2 million. A 10 year sentence means time behind razor wire eating meat that hasn't seen a prairie in this millennium. It's time to take preventative measure because your next corporate retreat might just feature an S&M session—The proper use of Shackles and Manacles.

WILL WHITE COLLAR CRIME REPLACE DRUGS AS THE PROSECUTION OF CHOICE?

Last year there were 38 FBI open fraud investigations. So far in 2009 there are over 2400. Congressional leaders want people prosecuted and in jail.

Two type of executives will go to jail this year. Those who transparently broke the law and

those who live in a bubble believing they did nothing wrong. Both will be soon eating meat with no discernable origin.

The drug trade is a \$60 billion industry. Estimates of White Collar Fraud will top \$2 trillion this year alone. People are losing

their life savings and demanding flesh.

Prison Prevention Counselors are the new profit center. Corporations are seeking counsel from those who've lost, hoping their experience will save millions and more importantly their liberty.

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Special points of interest:

- Corporate greed and stupidity is changing our prison population from drug based to White Collar.
- A 5 year sentence in a federal prison will cost you in excess of \$2 million
- Club Fed no longer exists. Prison is as bad as you fear
- S&M now means Shackles and Manacles

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CORPORATE CRIME AND CLUB FED

Who are the criminals who inhabit what America thinks is Club Fed? They're guys and gals just like you who did what you do every day. You haven't been caught...as yet.

Like what you're thinking? Well, like fudging the date on a customer order to get in under the wire so you can get a commission. Or back dating orders in another quarter to the company will make its projections. It happens every month in hundreds, if not thousands of companies.

Send that order over a fax or e-mail and it's **Wire Fraud**. Mail a copy...**Mail Fraud**.

Discuss it with your sales manager, boss or partner and you've just committed a **Conspiracy**.

Since federal sentencing guidelines (and most states) sentence based on dollar lost or even intended dollars lost, several hundred thousands of loss will engender a 5 or 10 year sentence.

And if the sentence is over 10 years you're not going to a camp but behind razor wire with the big boys.

And by the way, Club Fed doesn't exist. It

did until Barbara Walters did her story in 1999. Now you'll eat food from the last millennium, watch BET, MTV, and cartoons and sleep in a dorm with misfits, lowlifes and miscreants. And the fine line between inmates and staff in continually narrowing. And you'll wonder how they deposited you on another planet.

—Mike Whitt a Principal of the Criminal Defense Law Center which counsels defendants and their families survive the indictment/trial/prison ordeal. You can reach him at mdw@cdlawcenter.com.

POLICING FROM THE INSIDE-THE MADOFF LEGACY

Only 47% of companies distribute codes of conduct to third parties such as suppliers, independent contractors and joint venture partners. Feeder firms that have operated for years with impeccable ethics did nothing to force their outside associates to operate in the same manner.

As a result, many firms who sent their investor money to Madoff may face similar criminal entangles for the lack of proper due diligence expected in the marketplace.

Further, a recent study shows that only 28%

of men would report unethical or illegal behavior to superiors. Fear of being labeled a corporate snitch, loss of job or standing in the workplace is the usual reason for not blowing the whistle.

Yet when the lack of corporate governance takes hold, companies fail and thousands, from employees, stockholders and customers loses millions. Nortel paid \$35 million to settle a civil fraud suit. Education and compliance is much cheaper. Follow common sense and the holy grail—profits—will soar.

“Go not in and out of court of justice, that thy name not stink.”

—*Wisdom of the Greek Philosopher Anii*

NEW SENTENCING GUIDELINES CALCULATOR FROM PIC

PIC is offering a new service to attorneys, defendants and families of defendants for a nominal fee.

Log onto our main page and click on the Federal Sentencing Guidelines Calculator. Fill in the required fields and the program will assess the



See PIC for Federal Sentencing Guidelines

likely guidelines sentence a judge will impose.

Based upon Supreme Court rulings, guidelines, in both state and federal cases can only be suggestions and not mandatory, still the vast majority of judges adhere for the most part in the conclusions of various guidelines.

Judges do have the ability to depart and Appeals Courts have now almost routinely deferred to the sentencing judge.

“PIC’s sentencing calculation service saves hours of pouring through federal guidelines manuals” said Paul Levine of the Criminal Defense Law Center. “It’s time criminal defense evolves into the 21st Century. This service will help.”

TEXAS PRESIDING JUDGE ON TRIAL FOR JUDICIAL MISCONDUCT

“We can’t give new trials to everyone who establishes, after conviction, that they might be innocent. We would have no finality in the criminal justices system and finality is important.

Her idea of finality was to deny a lawyer’s appeal to keep her office open after a 5:00PM filing deadline in a death penalty case. A few hours later the defendant was put to death by lethal injection.

Based on that case, the State Commission on Judicial Conduct charged Keller with incompetence, violating her duties and casting

public discredit on the judiciary. The same appeal issue the attorneys sought to have heard was later heard in another case, granted and the defendant was granted a reprieve.

Her main defense is that the lawyers failed to get the appeal filed on time therefore it was their fault the defendant was put to death not hers.

Her supporters tout her leadership in increasing the number of public defender offices and the number of people represented by 38%. They believe she follows the law and looks at facts in a dispassionate manner.



Her detractors believe Judge Keller is “Unhearing” and totally shuts down on capital cases. They continue that she refuses to believe there could be an error in the system.

Some admire her confidence and strength of her convictions while others believe she’s heartless and rigid in her legal opinions.

She now faces a public trial.

THE “WE CAN’T MAKE THIS UP” STORY OF THE MONTH

Former Senator Ted Stevens (R-AK) was indicted, convicted and lost a close re-election bid as a result. Prosecuted by a Republican Dept. of Justice, a new DoJ under Democrat Pres. Obama reviewed the conviction and determined that the prosecutorial misconduct was so grievous they moved to dismiss the complaint.

Now, the judge issued an order on his own (sua sponte) which reads as follows:

“The Court, sua sponte, ORDERS that the Dept. of Justice, the FBI, the IRS, and any

and all other government agencies involved in the investigation and/or prosecution of Senator Stevens immediately preserve any and all documents related to this matter, including but not limited to, emails, notes, memoranda investigative files, audio recordings, and any and all electronically stored information, until further order or this Court.” Signed by Judge Emmet G. Sullivan, 4/5/09.

Will the new DoJ prosecute the prosecutors and others? Will Senator Stevens demand a

“It’s dangerous to be right when the government is wrong”

—Voltaire

new election? Was he guilty and did the misconduct, in effect, cover it up? Many questions remain and with each new action, new questions arise. We’ll keep you informed.

NEVADA PRISONER INTERNET PLAN ADVANCES

Nevada Lawmakers are planning to allow some state prison inmates limited access to the Internet.

Under Assembly Bill 34 inmates could get e-mail from approved senders, take on-line classes and access an electronic



There were no computers at Alcatraz!

law library. They could also attend video conferences with State Parole Board members, virtually visit with doctors and purchase items such as digital music files.

The computers would be monitored by prison staff and would

be available through secure kiosks in general population areas.

Currently 14 states have already implemented this system. It not only would bring inmates into the 21st Century but would give them the ability for rehabilitation learning computer skills that would assist them in securing jobs upon release.

The Committee on Corrections voted 10-4 to advance the bill to the full Assembly.

PIC

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[HTTP://WWW.PRISONINFO.NET](http://www.prisoninfo.net)

It's better that ten guilty persons go free than one
innocent suffer.
—Sir William Blackstone

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- **INDICTMENTS**
 - **BAIL AGREEMENTS**
 - **J & C'S**
 - **PLEA AGREEMENTS**
 - **SENTENCING MEMORANDA**
 - **INMATE LOCATION**
 - **VISITING REGULATIONS**
 - **PRISON RULES AND POLICIES**
 - **SENTENCING CALCULATIONS**
 - **DETAINER RELEASE INFORMATION**
 - **POST RELEASE ASSISTANCE**



PIC QUOTES OF THE MONTH

Federal and State prosecutors are preparing thousands of prosecutions for financial fraud.

Following are key quotes by defense attorneys regarding the wave of recriminations that are about to occur.

“It’s clear that he (Attorney General Eric Holder) and other top level members of the Obama administration want to seize the opportunity to send a message of zero tolerance for mortgage fraud”—**Connecticut’s Attorney General Richard Blumenthal**.

“It will be a top priority of the justice department to hold accountable executives who have engaged in fraudulent activities”.—Justice Department Spokesman Matthew A. Miller.

“It’s going to be open season”,—**Daniel Petrocelli, defense counsel**. He continued.

“There are executives now getting sentences longer than murderers and rapists.

“I know bankers are not now evoking much sympathy from the public at large, but these days many Wall Street types are struggling mightily with mortgage payments, tuition bills and health insurance. It’s a very different world out there now”.—**Reid Weingarten, defense counsel and former Justice Department prosecutor**.

“I am painfully aware that I have deeply hurt many, many people including the members of my family, my closest friends, business associates and the thousand of clients who gave me their money. I cannot adequately express how sorry I am for what I have done. I am here today to accept responsibility for my crimes by pleading guilty and with this plea allocation, explain the mean by which I car-

ried out and concealed my fraud.”—**Bernard L. Madoff in his allocation to the court**.

“From at least as early as the 1980s through on or about December 11, 2008 Bernard L. Madoff, the defendant perpetrated a scheme to defraud the client of BLMIS (Bernard L. Madoff Investment Services) by soliciting billions of dollars of funds under false pretences, failing to invest investors funds as promised and misappropriating and converting investors funds to Madoff’s own benefit and the benefit of others without the knowledge or authorization of the investors.”—**From the Federal Indictment of Bernard L. Madoff**

Download the Free
Blagojevich Indictment at

<http://www.prisoninfo.net>.
