

## The Federal Criminal Defense Guide For White Collar Defendants

By Federal Criminal Defense Consulting, LLC

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- [The Federal Lawyer](#)
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- [U.S. v. Webb]: Reason for Sentence Imposed
- [U.S. v. Gaird]: Considering Previous Civil Punishment in Sentencing
- [U.S. v. Nellum]: Age Factor in Sentencing
- [U.S. v. Kim, U.S. v. Demonie & U.S. v. Faulks]: Extraordinary Acceptance of Responsibility
- [U.S. v. Sally, U.S. v. Maddalena, U.S. v. Deshon & U.S. v. Jones]: Departure: Pre-Sentencing Rehabilitation After an Offense
- [U.S. v. Milikowsky, U.S. v. Olbres, U.S. v. Sharapan, U.S. v. Mogel & U.S. v. Rutana]: Business Owner Incarceration Causing Innocent Employee Job Loss
- [U.S. v. Titchell]: Intended verses Possible Loss
- [U.S. v. Rothwell, U.S. v. Randall, U.S. v. Daddona, U.S. v. Marlatt & U.S. v. Stanley]: Fraud Loss Calculation: Guideline Offense Level
- [U.S. v. Miles]: Medicare Fraud: Financial Institution
- [U.S. v. Hopper & U.S. v. Pollen]: Tax Loss Calculation: Willful Evasion & Failure to Pay
- [U.S. v. Heffernan]: Price Fixing: Relevant Conduct
- [U.S. v. Hayter Oil, U.S. v. Andreas & U.S. v. SKW Metals & Alloys, Inc.]: Price Fixing: Volume of Commerce
- [U.S. v. McBride, U.S. v. Lauersen, U.S. v. Kushner, U.S. v. Gregario, U.S. v. Graham, U.S. v. Monaco & U.S. v. Stuart]: Fraud: Downward Departure: Overstate Offense Level
- [U.S. v. Boderson]: Fraud Downward Departure: Not Personally Profiting
- [U.S. v. Stockheimer]: Fraud: Downward Departure: Scheme Unlikely to Succeed
- [U.S. v. Jones]: Mental Illness: Outside Guideline Sentence
  - ✓ Other Cases: [U.S. v. Nellum, U.S. v. Galvez-Barrios & U.S. v. Kelley]
- [U.S. v. Myers]: Sentencing Factors: Probation instead of Prison
- [U.S. v. Parsons]: Plea Agreement: Facts a Defendant Admits To

- [U.S. v. Marks, Garner v. Jones, Miller v. Florida & North Carolina v. Pearce]
  - ✓ Defense Against Longer Sentences
    - Due Process
    - Ex Post Facto Clause
    - Resentencing
- [U.S. v. Cotton, U.S. v. Hughes & U.S. v. Coffey]: Plain Error
- [U.S. v. Crosby & U.S. v. Paladino]: Remanding to District Court: Consider Resentencing Under Booker
- [U.S. v. Rodriguez, U.S. v. Antonakopoulos & U.S. v. Parsons]: Challenging Plain Error and Booker
- [U.S. v. Rubbo & U.S. v. Grinard-Henry]: Pre-Booker Appeal Waiver: Binding To {Blakely v. Washington and Booker v. U.S.}
- [U.S. v. Killgo & U.S. v. Jeronimo]: Booker Error on Appeal: Plea Agreement: Appeal Waiver
- [U.S. v. Siegelbaum]: Booker Retroactive on Collateral Attack
- [U.S. v. Vargas]: Criminal History Category: Points Error & Overstatement
- [U.S. v. LaMacchia]: Theft of Copyrighted Material: No Profit
  - ✓ NET Act
- [U.S. v. Hsu]: Trade Secrets: Confidentiality: Prosecution
- [U.S. v. Sun-Diamond Growers (1), Sabri v. U.S. (2), Salinas v. U.S. (3), U.S. v. Pardy (4) & U.S. V. Kay (5)]:
  - ✓ Bribery
    - (1): Link between Value and Act
    - (2): Local Official: > \$10,000
    - (3): Does not need to involve Funds Themselves
    - (4): Bribing Purchasing Agents: Government Contract
    - (5): Foreign Corrupt Practices Act

- [Whitfield v. U.S. (1) and U.S v. Tarantino (2)]:
  - ✓ Conspiracy
    - (1): Laundering Money: Overt Act Not Required
    - (2): Chain Conspiracy: Common Goal
- [U.S. v. Angiulo (1) & Salinas v. U.S (2)]:
  - ✓ RICO
    - (1): RICO Crime Elements
    - (2): RICO Conspiracy: Commission of Acts: Substantive RICO Offense: Sufficiency Test
- [U.S. v. Halper & Hudson v. U.S.]: Double Jeopardy Defense Limits: Civil Fines
- [U.S. v. Charbonneau & U.S. v. Maxwell]: Privacy: Email Communications
- [U.S. v. Scarfo]: Password Protected and Encrypted Computer Communications: Keystroke Logger
- [U.S. v. Veal & Brogan v. U.S.]: Right Against Self-Incrimination: False or Perjured Statements Not Protected
- [Hoffman v. U.S. (1), New Jersey v. Portash (2), U.S. v. Apfelbaum (2), & U.S. v. Hubbell (2)]
  - ✓ (1): Incriminating Testimony
  - ✓ (2): Compelling Incriminating Testimony Under Immunity
- [Dickerson v. U.S.]: Attempt to Weaken Miranda Warnings
- [Mitchell v. U.S.]: Guilty Plea and Self-Incrimination Protection: Voluntary Plea: Not a Waiver of the Privilege
- [U.S. v. Zaccaria]: Defense Evidence: Prosecution Witness Exercises Right to Remain Silent
- [U.S. v. Calandra (1), and Costello v. U.S. (2)]
  - ✓ (1): Illegally Obtained Evidence
  - ✓ (2): Hearsay

- [U.S. v. Cabrera-Teran & U.S. v. Pickett]: Indictment: Statement of Crime Elements
    - ✓ [U.S. v. Booker:] Indictment Facts: Sentence Enhancements
  - [U.S. v. Universal Rehabilitation Services]: Defense Motion in Limine: Prohibit Introduction of Prosecution Witnesses' Guilty Pleas: Denied
  - [U.S. v. Gigot]: Plea Agreement: Pleading Guilty: Defendant Must Understand Charge & Plea is Voluntary
  - [U.S. v. Dougherty (1) & U.S. V. Datcher (2)]
    - ✓ Jury Nullification
      - (1): Judge not required to instruct Jury on Nullification
      - (2): Can Argue Penalty for Conviction is Unreasonable
  - [Austin v. U.S. & U.S. v Urserg (2)]
    - ✓ Forfeiture
      - (1): Subject to Eighth Amendment
      - (2): Double Jeopardy Challenge: Civil Forfeiture
  - [Davis v. U.S. (1), Massaro v. U.S. (2) & Wiggins v. Smith (3)]
    - ✓ Access to Habeas Corpus
      - (1): Show of Cause and Prejudice
      - (2): Ineffective Counsel Claim After Direct Appeal
      - (3): Defense Counsel: Failure to Provide Mitigating Evidence: Violate Sixth Amendment Rights
        - Strickland: Defense Counsel Error: Not Tactical Decision
    - ✓ [Clay v. U.S.]: One Year Deadline to File Writ of Habeas Corpus based on Time Expiration to File Certiorari Petition
- Bureau of Prisons (BOP) Program Statements

- [Security and Classification Manual](#)
- [Community Service Projects](#)
- [Inmate Telephone Regulations](#)
- [Correspondence](#)
- [TRULINCS: Email Communication](#)
- [Incoming Publications](#)
- [Visiting Regulations](#)
- [Inmate Discipline & Special Housing Units \(SHU\)](#)
- [Intake Screening](#)
- [Admission & Orientation Program](#)
- [Education, Training & Leisure Time](#)
- [Psychology Services](#)
- [Institution Management of Mental Illness](#)
- [Unit Management Manual](#)
- [Inmate Classification and Program Review](#)
- [Release Preparation Program](#)
- [Drug Abuse Programs](#)
- [RDAP Early Release Procedures: 3621\(e\)](#)
- [Manuscripts and Books](#)
- [Occupational Education Programs](#)
- [Post Secondary Education Programs](#)
- [Parenting Program Standards](#)
- [Religious Beliefs and Practices](#)
- [Recreation Programs](#)
- [Cost of Incarceration Fee \(COIF\)](#)
- [Financial Responsibility Program \(FRP\)](#)

- [Request to Staff \(Cop Out\)](#)
- [Searches of Housing Units, Inmates and Inmate Work Areas](#)
- [Inmate Personal Property](#)
- [Mail Management](#)
- [Inmate Central File & Privacy Folder](#)
- [Receiving and Discharge](#)
- [Progress Reports](#)
- [Good Conduct Time: Prison Litigation Reform Act](#)
- [Psychiatric Treatment & Medication](#)
- [Patient Care](#)
- [Medical Designations & Referrals](#)
- [Psychiatric Services](#)
- [Over-the-Counter Medications](#)
- [Alcohol Surveillance & Testing](#)
- [Community Corrections Mission & Responsibilities](#)
- [Community Corrections Center \(CCC\) Utilization & Transfer Procedure](#)
- [Home Confinement](#)
- [Pre Trial Inmates](#)
- [Community Transitional Drug Abuse Treatment](#)
- [Work Programs](#)

### **Chapter Seven: Information on Federal Criminal Defense Consulting, LLC**

- ❖ [Federal Criminal Defense Consulting, LLC \(FCDC\)](#)
  - [Website](#)
  - [Legal Experience](#)
  - [Legal Education](#)
  - [Expertise](#)

- Federal Government Institutions
- Federal Criminal Law Process & System
- Criminal Defense Consulting Expertise, Services & Strategies for White Collar Defendants
  - ✓ Criminal Defense Team
  - ✓ White Collar Expertise
  - ✓ Trial Research, Preparation & Strategy
  - ✓ Plea Agreements
  - ✓ Sentencing
  - ✓ Post Conviction
  - ✓ Incarceration
  - ✓ Post-Incarceration
- Business Planning & Consulting Experience
  - 20 Years Experience
  - Industries & Professions
- Education
- Expertise
  - Business Planning
  - Strategic & Sales Planning
  - Marketing Plans
  - Business Turnaround Strategies & Plans
  - Business Success Consulting
  - Business Process, System & Modeling Development
  - Action Based Plans
  - Implementation of Business Plans, Processes & Systems
  - Company Management & Leadership Development
  - Product & Services Development

- Operations
  - Web Development
  - Profit Maximization
  - Expense / Cost Analysis & Minimization
  - Efficiency Strategies
  - Technology
  - Financial Review, Analysis, Modeling & Projections
  - Due Diligence
  - Business Success Seminars
- Legal & Business Consulting Hybrid

**Chapter Eight: Appendix**

**Epilogue**

**Legal Glossary**

Disclaimer: Federal Criminal Defense Consulting, LLC (FCDC) is a Legal Consulting Firm and does not act in the capacity of an Attorney. Ask an Attorney for Legal Advice regarding your situation.

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