



RHODE ISLAND FED

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COURTS REVISIT CRACK COCAINE

Two developments in the judicial system have affected sentencing of crack cocaine offenders. The United States Sentencing Commission, which promulgates guidelines that are used to fashion federal prison sentences, has lowered the guideline ranges for crack cocaine, and made the reduction retroactive. On the other front, the Supreme Court has given sentencing judges more leeway to deviate from the guidelines for drug trafficking offenses.

As a result of the guidelines amendment, some current and future crack cocaine defendants will get shorter sentences, and some inmates in prison for crack cocaine trafficking may be released earlier than anticipated.

According to data supplied by the Sentencing Commission, about 83 defendants sentenced in federal court in Rhode Island, dating back to 1992, may have their sentences reduced, 23 of them this year, and 13 almost immediately. The total number of inmates nationwide facing possible sentence reduction is estimated at 19,000.

cocaine traffickers still face significant prison sentences

“As these changes are implemented, it is important to keep in mind that crack cocaine traffickers prosecuted in federal court still face significant prison sentences,” U.S. Attorney Robert Clark Corrente said. “We will continue our long-standing practice of working with federal, state, and local law enforcement to address the drug-trafficking problem in our communities.”

The Sentencing Commission has lowered by two levels the guideline range for crack cocaine. Five grams of crack previously called for a prison sentence of 63 to 78 months; the range is now 51 to 63 months. The guideline range increases as the quantity of crack cocaine increases.

Not all crack cocaine offenders may benefit from the change. If a defendant with several prior convictions is deemed a career offender, that defendant might be outside the scope of the amendment. Also, if other factors weigh into the *(continued on page 5)*



FEDERAL DRUG CASES

Two sentenced in crack cocaine conspiracy

Eric Grundy and **Daniel McLain** worked together dealing crack cocaine in the Stanwood Street area of Providence. On five occasions, Providence Police narcotics detectives monitored Grundy selling crack, while McLain assisted in the transactions. On one occasion, Grundy also sold a handgun. On another occasion, McLain made the sale himself, using his 16-year old cousin to assist. Both men pleaded guilty to federal drug-trafficking charges. A judge sentenced Grundy to 121 months and McLain to 164 months. McLain had several prior drug-trafficking convictions, and was deemed a career offender. *Assistant U.S. Attorney Sandra R. Beckner.*



Ten-year sentences for two crack dealers

Jumel Pickett was driving a car on I-95 when RI state troopers stopped it for speeding (69 mph in a 55 mph zone). **Lashon Simmons** was a passenger. When troopers determined that there was a



New York warrant for Pickett's arrest on a robbery charge, troopers ordered all the occupants out of the car and conducted "Terry" searches, named after a Supreme Court decision allowing pat-downs for safety during street stops. Troopers found about 4.5 ounces of crack cocaine each on Pickett and Simmons. Pickett, who had a Brooklyn, NY address, admitted that he'd obtained the crack in New York and planned to sell it in Fall River. Both men pleaded guilty, and were sentenced to ten years in federal prison, a minimum sentence, mandated by statute, for that quantity of crack cocaine. *Assistant U.S. Attorney Mary E. Rogers.*



Two sentenced in multi-drug conspiracy



When Providence police narcotics detectives entered a Berkley Street apartment, one of the occupants, **Joseph Connors**, tried to flee through the back door. Detectives caught and handcuffed him. In a shaving cream can with a false bottom, detectives found 52 grams of cocaine and methamphetamine, 44 bags of heroin, and 47 bags of crack cocaine weighing about 36 grams. Detectives also seized six bags of marijuana weighing about 22 ounces, shotgun shells, and handgun ammunition. Connors admitted selling drugs to many customers. Another occupant, **Richard J. Mourao**, admitted delivering drugs for Connors. Both men pleaded guilty to multiple drug charges. A judge sentenced Mourao to three years in federal prison. Connors, who has a prior drug trafficking conviction, was sentenced to five years in prison. *Assistant U.S. Attorney Sandra R. Beckner.* □

FEDERAL GUN CASES



188-month sentence for armed career criminal

Tracy Angiolillo told an undercover ATF agent that he wanted “cheap burners,” and could offer in exchange cash and “product,” using street language to offer drugs for guns. Angiolillo met with the undercover agent in the parking lot of a Pawtucket hotel and gave him some crack cocaine and heroin. After the agent gave him two handguns, Angiolillo was arrested. He had three prior felony convictions for breaking and entering and drug trafficking, making him an armed career criminal, which carries a minimum sentence of 15 years in prison. A federal judge sentenced him to 188 months — six months more than the minimum. *Assistant U.S. Attorney Peter F. Neronha.*



Two sentenced in plot to rob purported drug dealers

Neat Nhim and **Vixay Phommarath** were part of a crew on their way to rip off cocaine dealers, unaware that one of the crew was an undercover ATF agent, and that the purported drug dealers didn’t exist. While the crew was at a location in Cranston, working out details of the robbery plan, a team of agents moved in and arrested them. Agents seized two handguns — one from Nhim and another that Phommarath had brought along for the robbery. Both men pleaded guilty to conspiracy to commit robbery, and to firearms offenses. A federal judge sentenced Nhim to 97 months in prison and Phommarath to six years. Five years of each sentence is a mandatory consecutive sentence for using a firearm in a crime of violence. Nhim, 21, had a prior state felony conviction for a home invasion, and had been released from prison about two months before the arrest. A third defendant, **Khek Choummalathong**, has also pleaded guilty. The defendants have been linked to South-east Asian street gangs. *Assistant U.S. Attorney Peter F. Neronha.*



Gun seized from NYC man parked in downtown Pawtucket

Felix Rodriguez was in a car parked in a lot at Exchange and Broad Streets in Pawtucket. Two Pawtucket patrol officers recognized the car from a description given in a dispatch about a car in which occupants had displayed a gun. They approached the car and ordered the occupants out. Rodriguez had a loaded .44 caliber pistol in the waistband of his pants. He has prior felony convictions in Virginia for drug trafficking and a firearms offense. *Assistant U.S. Attorney Zechariah Chafee.* □



CRIMINAL DOCKET SHEET

Five years in prison for former selectman who sexually solicited a minor



A federal judge sentenced **William Christensen**, a former Southborough town selectman, to five years in federal prison — a mandatory sentence — for soliciting a minor for sex. The

mother of a 15-year old girl detected inappropriate sexual overtures in an Internet chat room. After confirming her suspicions, she contacted Rhode Island State Police. A detective resumed the chat, and, in the guise of the 15-year old, agreed to a meeting for sex. State Police arrested Christensen when he arrived in East Providence to meet the girl. He pleaded guilty to traveling interstate to engage in sexual conduct with a minor, and using interstate commerce to sexually entice a minor. Christensen was prosecuted as part of Project Safe Childhood, a Department of Justice initiative against on-line sexual predators. *Assistant U.S. Attorney Terrence P. Donnelly and Assistant Rhode Island Attorney General Ronald Gendron.*



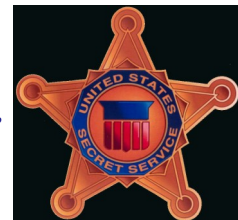
Former RISD official sentenced to 27 months for fire safety fraud



A federal judge sentenced **Patrick Clyne** to 27 months in prison for bilking his employer, the Rhode Island School of Design, in a false billing scheme over fire safety work. Clyne, RISD's fire safety manager, set up a dummy company, Ankh Electric, and then approved work orders and invoices for jobs that he assigned to Ankh. The work was never performed, but RISD paid the company \$981,794 over the course of eight years. Clyne pleaded guilty to mail fraud and filing a false tax return. He is also forfeiting ownership interest in property in Ireland that he purchased with the proceeds of his scheme. *Assistant U.S. Attorney Andrew J. Reich.*

Seven admit roles in check fraud scheme

John Perras obtained account information about Citizens Bank account holders from **David Chavez**, who worked at the bank. Perras then manufactured counterfeit checks on computers belonging to two codefendants — **Saffiya Abdulla** and **Jason Turcios**. The checks were made payable to Turcios, Abdulla, and three other defendants — **Karen Lynch**, **Matthew Domenicone**, and **April Moretti**, who cashed the checks at Citizens, or deposited them in accounts in other banks and then withdrew cash. The defendants obtained more than \$83,000, and attempted to obtain an additional \$16,500. Secret Service agents seized from a house where Perras was staying an additional 15 counterfeit checks, payable for more than \$325,000. All seven defendants have pleaded guilty to bank fraud charges. *Assistant U.S. Attorney Sandra R. Beckner.* □



CORRUPTION BEAT

Former House Leader sentenced

Gerard Martineau arranged contracts to sell retail bags to a pharmacy company and to Blue Cross Blue Shield of Rhode. He then used his influence as House Minority Leader to affect the outcome of legislation in which the companies had an interest, including a Pharmacy Freedom of Choice bill, which would have opened up to other pharmacies a closed network that the two firms controlled. In all, the companies paid him nearly \$900,000. Martineau pleaded guilty to two counts of mail fraud for denying citizens their right to his honest services. A federal judge sentenced him to 37 months in prison and fined him \$100,000. *Assistant U.S. Attorneys Gerard B. Sullivan and Stephen G. Dambruch; DOJ Public Integrity Section trial lawyers Daniel Petalas and Peter Sprung.*



Blue Cross Blue Shield commits to reforms, pays \$20 million for health care

Blue Cross Blue Shield of Rhode Island will undergo ethical reforms and submit to monitoring, and has deposited \$20 million in a fund to finance health care initiatives in Rhode Island. An agreement with the United States forestalls prosecution of the company for conduct of former company officials. Blue Cross acknowledged that former officials caused payments to state legislators — including former State Senator John Celona and former House Majority Leader Gerard Martineau — that were designed to influence the outcome of legislation.

The Rhode Island Foundation will administer the \$20 million fund; its interest and earnings will pay for programs to provide quality, affordable health care. The ethical reforms include oversight by a corporate ethics committee, a full time ethics department and compliance officer, a code of ethics, and training programs. Monitors are overseeing compliance with the agreement. □

Crack Cocaine Sentencing *(from page 1)*

sentencing, such as the presence of a firearm, a defendant may not fit the parameters of the amendment. And, if the defendant was subject to a minimum sentence imposed by Congressional legislation, that too may be outside the scope of the amendment.

After offenders are released from prison, the U.S. Office of Probation oversees them for periods known as “supervised release.” Chief Probation Officer Barry Weiner, said that his staff is ready for the challenge created by the guidelines amendment.

“We have a team of experienced and dedicated probation officers who will work diligently, in cooperation with other agencies, to execute the release conditions imposed by the court,” Mr. Weiner said. “Our mission is to protect the community by reducing the risk and recurrence of crime, and maximize offender success during the period of supervision and beyond.” □

ANTI-TERRORISM: ATAC INITIATIVES

BRIAN J. PIRES

The post-9/11 frenzy to develop new technologies, start new agencies, and retool the intelligence and law enforcement communities led, in some cases, to duplication of effort and wasteful spending. The U.S. Attorney’s Anti-Terrorism Advisory Council (ATAC) seeks to coordinate anti-terrorism and homeland security initiatives to ensure efficiency in law enforcement’s anti-terrorism efforts.

With no single agency taking the initiative for rail safety, U.S. Attorney Robert Clark Corrente asked that ATAC forge a partnership with the Transportation Security Administration (TSA) to address the rail threat. That led to the nation’s first multi-jurisdictional Rail Security Forum in June 2006. The Forum identified a clear need to protect the 12,000 rail passengers who board daily at the Providence station, as well as the millions of passengers who ride trains through Rhode Island annually.



Throughout 2007, the ATAC worked closely with TSA and other partners to conduct what was initially referred to as Pulse Operations (now VIPR), which deployed agents, officers, canines and non intrusive detection capabilities across the rail environment. These operations were conducted without special funding. There have been 17 Pulse/VIPR Operations conducted in Rhode Island at no additional cost to tax payers or rail passengers.

The need for rail safety was underscored recently by Amtrak’s decision to randomly screen passengers’ baggage.

ATAC also provides training to police recruits and to veteran officers on such topics as terrorism threats, intelligence collection, and suicide bomb response. □

Brian J. Pires is the Anti-Terrorism Intelligence Specialist in the U.S. Attorney's Office.

CRIME VICTIMS COMMEMORATION

WEDNESDAY, APRIL 16, 12:30 PM

MEMORIAL PARK

SOUTH MAIN STREET, PROVIDENCE

(Across from Providence County Superior Court)

NATIONAL CRIME VICTIMS’ RIGHTS WEEK ■ APRIL 13-19, 2008

Justice for VICTIMS
Justice for ALL

COURTHOUSE CENTENNIAL

In 1908, Kennedy Plaza was known as Exchange Place; Providence City Hall, on the west end of it, was about 30 years old, and Union Station, on the north side, a mere ten years old. That year, the U.S. District Courthouse opened, anchoring Exchange Place on the east. The Courthouse celebrates its centennial this year.



Originally called the Providence Post Office, Court House and Custom House, the Courthouse was designed by the local architectural firm of Clarke & Howe in the classical Beaux Arts style favored for monumental public buildings at the time (City Hall is also in the Beaux Arts style).

By the 1960s, the building was devoted primarily to judicial functions, and was renamed the Providence Federal Building and Courthouse. The building was listed in the National Register in 1972, and recent renovations were faithful to its original style.

Chief Justice John G. Roberts visited the Courthouse in February to help launch the centennial celebration. It was the first official visit by a Chief Justice to Rhode Island in 200 years.



Chief Justice John G. Roberts

For more information about the centennial, visit: <http://www.riid.uscourts.gov/> □

APPELLATE BRIEF

“Totality of circumstances” justified the seizure of a gun

The Court of Appeals for the First Circuit affirmed the firearms conviction of **Robert Taylor**, who had a handgun partially concealed in the center console of a parked vehicle. The trial judge had denied Taylor’s motion to suppress seizure of the gun, finding that the “totality of the circumstances” justified an officer’s request that Taylor get out of the vehicle, whereupon the officer saw the butt of the gun protruding from under a towel. After seeing a known drug dealer among a group of people in a parking lot in a high crime area, the officers had pulled their unmarked vehicle into the lot. Passing Taylor’s SUV, Officer Thomas Zincone recognized and greeted him. He noticed that Taylor appeared more nervous than in prior encounters and appeared to be trying to cover up something in the center console. When Taylor exited the vehicle, Officer Zincone spotted the gun, and Taylor tried to flee. The Circuit found that all of those circumstances, taken together, justified the seizure. Taylor is serving a 57-month prison sentence. *Assistant U.S. Attorney Donald C. Lockhart on appeal; Assistant U.S. Attorney Lee H. Vilker at trial.* □



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