

SDNY News Clips

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## Public Corruption

### Epstein

#### **US Virgin Islands clears way for Jeffrey Epstein victims' fund**

NY Post

By Priscilla DeGregory

3/4/2020

The US Virgin Islands attorney general plans to stand aside and allow a Jeffrey Epstein victims compensation fund to proceed, according to new court papers.

AG Denise George says her office has reached an agreement with victims to release liens she put on the dead pedophile's assets in January, so that they can be paid through a victim compensation fund.

"The Attorney General intends to permit the release of Estate assets to allow for just compensation of victims of Mr. Epstein through the administration of the Fund assuming that certain enhancements to the claims program are implemented," Assistant AG Carol Thomas-Jacobs wrote in papers filed Tuesday in Virgin Islands Superior Court.

Last month, a lawyer on the estate blamed George for impeding the process of paying out the women who claim they were sexually assaulted or raped by the 66-year-old multi-millionaire financier — often when they were underage.

Over two-dozen women have filed sexual-assault lawsuits against Epstein's estate seeking damages.

George's office says before the fund can start paying out, certain measures need to be implemented "to ensure fairness to all victims."

George asked a judge to hold off on ruling on the compensation fund until Monday so that negotiations can be finalized.

Epstein left behind a \$634 million fortune when he hanged himself in a Lower Manhattan lockup as he was awaiting trial on federal charges of sex trafficking.

William Blum, a lawyer for the estate, said co-executors Richard Kahn and Darren Indyke hope to reach an agreement with the AG's office.

"The co-executors of the estate of Jeffrey Epstein look forward to meeting with the representatives of the office of the Attorney General of the Virgin Islands with regard to the Epstein Voluntary Claims Resolution Program," Blum said.

## MCC

**Lawyers Furious, Trying to 'Raise Hell' as MCC Lockdown Enters Day 8**

NBC

By Jonathan Dienst

3/5/2020

Numerous pre-trial inmates have moved from Metropolitan Correctional Center to Otisville as the MCC facility lockdown reaches its eighth day -- all while the search for an alleged smuggled gun continues.

The head of the Federal Defenders Office in Manhattan said many inmates from MCC have been moved to Otisville including some who are scheduled to be in court Thursday and Friday.

David Patton, Chief of the Federal Defenders Office, said defense lawyers still have not been able to meet with most pre-trial clients for the eight days the MCC has been on lockdown.

"Let us in to see our clients," Patton said Thursday, adding that defense attorneys are trying to "raise hell" with the MCC and through the courts to gain access to their clients.

Investigators are focusing on whether a corrections officer at MCC helped smuggle a gun to an inmate, sources previously told News 4.

Defense lawyers representing MCC inmates that were questioned by authorities previously said the focus appears to be on that theory, and the subsequent investigation has left them unable to see their clients.

The MCC issued a statement Thursday saying lawyers could begin meeting with clients again starting Friday on a floor-by-floor-basis. Full attorney visits could resume next week, the Bureau of Prisons statement said.

The BOP says their officials met with the Chief Judge of the Southern District of New York, federal defenders, the U.S. Marshals and the U.S. Attorney's office to explain the ongoing issues.

The MCC says inmates are now receiving showers on a rotating basis -- a statement Patton said is inaccurate. He claims many clients have been locked down for 24 hours a days for the last eight days.

Meanwhile, the BOP has said more time is needed to complete a thorough investigation. However, Patton claimed the time it has taken is a result of "pure incompetence and a total lack of concern for the constitutional rights and humane conditions" for the defendants.

"It's worse than solitary confinement and the BOP just doesn't give a damn," Patton said in an email to News 4.

That hunt for the alleged weapon has forced an extensive search of the facility, both common areas and individual cells, and has prompted federal officials to bring in out-of-town teams to assist with the search. In the meantime, while the probe continues, inmates have said they have been denied access to phones, computers and showers, and are getting cold sandwiches shoved through doors for food.

**AP Sources: Feds Investigate Contraband Flow at Epstein Jail**

AP

By Michael Balsamo and Michael R. Sisak

3/5/2020

WASHINGTON — The Justice Department has opened a criminal investigation into potential misconduct by guards as officials keep inmates locked down at the federal jail in New York where financier Jeffrey Epstein killed himself over the summer, people familiar with the matter told The Associated Press.

The investigation at the Metropolitan Correctional Center is focusing on the flow of contraband into one of the most secure jails in America and is being led by federal prosecutors from the U.S. attorney's office in Manhattan, the people said. They were not authorized to discuss the investigation publicly and spoke on condition of anonymity.

The criminal investigation comes as inmates have remained locked in their cells without access to their lawyers a week after authorities began tossing cells in search of a possible gun that so far they've been unable to find. The investigation started after jail officials received information that a gun may have been smuggled into the Manhattan lockup. Since then, officials have canceled all visitation at the jail, which houses about 700 inmates. There are no signs of the lockdown ending anytime soon.

The lockdown is just the latest crisis at the jail where Epstein died by suicide in August. Federal prosecutors allege that the two correctional officers assigned to watch Epstein's unit were snoozing and shopping on the internet, and later forged records to make it look like they checked in on him.

All visitors and inmates are searched before entering the facility and go through metal detectors. They are supposed to leave personal belongings outside the jail. All mail is also screened by correctional staff. A gun smuggled inside would be a major security breach.

In the past few days, officers have searched the facility and uncovered a sizable amount of contraband, including cellphones, but no gun has not been found, the people said. Investigators are trying to determine how the contraband has been entering into the facility.

The Bureau of Prisons said the jail is on "modified operations" because of the investigation. The bureau provided no estimate for when normal operations could resume, raising legal concerns because the jail houses pretrial inmates while their cases are ongoing.

In a statement to the AP, the agency said it must "take the time needed to complete a thorough investigation while actively working to return the facility to normal operations as soon as possible."

David Patton, executive director and chief attorney of the Federal Defenders of New York, said it's a violation of inmates' constitutional rights to deny them visits with their lawyers. He also said it has affected legal proceedings.

"Sentencings are being delayed. Hearings are being delayed," Patton said. "But the MCC acts as though it's perfectly fine for them to just shut down the entire institution to look for contraband. It's just not acceptable. They've got to be able to walk and chew gum at the same time."

Patton said federal prison officials have refused to provide information about what has prompted the current lockdown, other than saying it is for "security concerns." They have not told the federal defenders that they are searching for a gun, he said.

Patton said the chief judge in the Southern District of New York has been working with the U.S. Marshals Service to bring a small number of people to the courthouse for individual meetings with lawyers, but they're capped at just five per day.

"It's just not nearly sufficient to deal with the need," he said.

The agency said Thursday that it arranged for additional staff from other parts of the U.S. to assist in the investigation and ensure there is appropriate staffing at the jail. The agency said it "has maintained communication with stakeholders as needed" and held a meeting with the chief federal judge and public defender in Manhattan, along with prosecutors, the Marshals Service and probation officials.

The agency also said it has discussed a plan to resume legal visits at the jail on Friday and expects to allow full legal visitation by next week. Visits with family members could resume as soon as this week, officials added.

"The Bureau has been working closely with the stakeholders throughout this period to ensure those defendants with imminent court deadlines have the legal visits with their legal counsel as needed," the statement said.

Inmates are being locked down for 24 hours a day and lawyers have been told that on some units the prisoners are being denied showers and being given cold meals in their cells. One inmate reported receiving peanut butter and jelly sandwiches for every meal since last Thursday.

The bureau said inmates are on a periodic shower rotation, except for those in special housing units, who remain on a regular schedule.

"All inmates have access to medical care and appointments and medical staff continue normal rounds on every floor," BOP said.

## Akparanta

**Federal correctional officer in Manhattan pleads guilty to sexually abusing female inmates**

NY Daily News

By Stephen Rex Brown

3/4/2020

A former Metropolitan Correctional Center officer pleaded guilty Wednesday to sexually abusing inmates as a lockdown at the troubled jail entered its seventh day.

Colin Akparanta, 43, copped to engaging in sexual acts with seven women at the federal jail. Prosecutors said one of the women was molested through the slot in the door of her solitary confinement cell. Akparanta pleaded guilty to abusive sexual contact and deprivation of civil rights.

"As he has now admitted, Colin Akparanta abused his position of authority as a correctional officer at the [the lockup] to sexually abuse at least seven inmates whose safety and security he was duty-bound to protect. This office has prosecuted, and will continue to prosecute, correctional officers who use their positions to engage in criminal conduct, and I encourage anyone with knowledge of this or similar criminal conduct involving correctional officers at the [the jail] to contact my office," Manhattan U.S. Attorney Geoffrey Berman said.

Akparanta, of Irvington, N.J., asked victims for their contact information so he could reach them after they were released from custody, prosecutors said.

He smuggled contraband, including feminine hygiene products, into the jail for at least one victim in exchange for sexual acts. The depraved officer, who abused his victims between 2012 and 2018, took advantage of Bureau of Prisons policy that made feminine hygiene products available for purchase at the commissary. That policy was changed in 2017, making the products available free.

The guilty plea in Manhattan Federal Court occurred while the troubled jail next door remained on lockdown despite mounting public pressure.

The ban on family and attorney visits is because of a tip that a gun was smuggled into the jail. A search of the 12-story jail where Jeffrey Epstein killed himself uncovered a large amount of contraband — but no gun, the Daily News previously reported.

Federal defenders have criticized the Bureau of Prisons for not providing information about the lockdown, which they say violates inmates' constitutional rights to an attorney.

## Securities and Commodities Fraud

### Madoff

#### **Bernie Madoff should die in prison, US government says**

CNN

By Jordan Valinsky

3/5/2020

New York (CNN Business) — Bernard Madoff should not be released early from his 150-year prison sentence, even though he has terminal kidney failure, federal prosecutors said Wednesday.

The 81-year-old Madoff, who orchestrated the largest Ponzi scheme in history, asked for compassionate release from prison last month, saying he has less than 18 months to live.

But the US Attorney's office for the southern district of New York said Madoff's crime was "unprecedented in scope and magnitude" and is "sufficient reason" to deny Madoff's request.

"Since his sentencing, Madoff has demonstrated a wholesale lack of understanding of the seriousness of his crimes and a lack of compassion for his victims, underscoring that he is undeserving of compassionate release," the US Attorney's office wrote.

Madoff was arrested in December 2008 on allegations that the prestigious asset management firm he ran in Manhattan was, in fact, a pyramid-type scheme that swindled billions of dollars from thousands of people. He pleaded guilty to 11 felony charges related to money laundering, perjury and falsifying financial documents. He began his prison term in July 2009.

More than 500 victims wrote to the court about Madoff's early release request, with an "overwhelming" amount of them opposed. The court said the letters show "how deeply Madoff's crimes continue to affect his victims, many of whom, as one put it in a letter to the court, are 'serv[ing] a kind of life sentence of [their] own.'"

In one letter, a victim blamed her husband's death on the stress of losing money through Madoff's scheme. The woman acknowledged that Madoff is suffering with his condition, but she noted there are "many of his victims who are suffering and who will continue to suffer."

The US Attorney's office also said it "clearly reckoned" with Madoff's medical condition and the fact that the sentence means he will die in prison. But because of his "continuing refusal to accept responsibility and show remorse," they stood by their decision. They acknowledged Madoff has kidney failure, and a doctor says he has about 18 months to live. But prosecutors also noted Madoff's condition has improved recently.

Madoff has been serving his sentence at a federal prison in Butner, North Carolina. He initially submitted a compassionate release request in September to the Bureau of Prisons, which issued a denial in December. In a letter detailing the denial, the warden did not dispute Madoff's condition or his life expectancy, but noted that Madoff had refused dialysis. He re-started dialysis in November 2019, prosecutors said, and Madoff is able to care for himself.

## Terrorism and International Narcotics

Schulte

### Fate of ex-CIA employee charged with massive data leak in jury's hands

CNN

By Mark Morales

3/4/2020

New York (CNN) — The fate of a former CIA employee charged with carrying out the largest leak of classified data in the agency's history, sits in the hands of a federal jury in New York.

Attorneys have painted different portrayals of Joshua Schulte, the 31-year-old computer coder who is accused of handing over reams of classified data to WikiLeaks in 2016.

Prosecutors argued that Schulte was motivated by revenge for being denied access to computer systems and then took several measures to not only get this data, but to cover his tracks by erasing his record of having ever accessed the info.

"Josh Schulte is no patriot. Far from it," said Assistant US Attorney Matthew Laroche in closing arguments on Monday. "He's vengeful and he's full of rage and he's committed crimes that have been devastating to our national security."

Schulte's attorney, Sabrina Shroff, countered that prosecutors still have not made their case that it was definitely Schulte who stole the data.

She argued that passwords were shared among CIA members who were each trained to grab data without leaving a trace and that another office worker could have easily taken the data instead of Schulte. She also argued that CIA and FBI investigators were more motivated to solve the case rather than find the real culprit.

"The government still is not able to answer for you the very basic questions. In fact, quite weirdly, I tell you that there are more questions now than when this trial first began," Shroff said to jurors.

Schulte faces several charges, including illegally gathering national defense information, illegal transmission of both lawfully and unlawfully possessed national defense information and even possession of child pornography. The jury in the case began deliberations on Tuesday.

Schulte, who worked as a computer engineer within the CIA's Center for Cyber Intelligence, created cyber tools that could grab data undetected from computers.

His issues at the CIA began in the summer of 2015 when he began to feud with management and a co-worker, ultimately filing a restraining order against the coworker in state court, court records show. Schulte and the co-worker were both transferred as a result of the feud.

Investigators allege that Schulte became enraged when CIA officials wanted to hire a contractor to build a cyber tool similar to one he was building, prosecutors said.

Then in April 2016, Schulte's administrative privileges on two projects were revoked. When Schulte's asked about the revoked privileges, an administrator told him that since he now worked in a different branch, he no longer had the clearance, prosecutors said. Schulte argued that he still needed access to keep working on his projects.

Schulte then told the administrator that a branch supervisor said he should have his access reinstated. And while the administrator went to check with the branch manager, Schulte reinstated his own access, according to the records.

Once he was caught, administrators denied Schulte's access to all computer systems. But during the deletion process, they missed a key, and Schulte still had access to a main system known as DELVAN. Schulte, who signed a memo stating that he wouldn't attempt to restore or give himself access to any other systems, signed in as an administrator to DELVAN.

On April 20, 2016, investigators say Schulte stole cyber tools and source code and transferred them to WikiLeaks, according to court records. He then went on to cover try and cover his tracks, erasing any and all traces of him accessing the computer system, prosecutors said.

Schulte quit the CIA in November 2016. But in March 2017, WikiLeaks published the first installment of their Vault 7 leaks, which originated from two programs found on the DELVAN system, court records show.

WikiLeaks put out a press release to go with the information, saying that the data was provided anonymously by a source who wanted to raise policy questions, specifically about whether the CIA had overstepped its hacking capabilities exceeded its authority.

Schulte, who also allegedly lied to CIA and FBI investigators to cover his tracks, was arrested in August 2017 on child pornography charges. He was indicted on the charges related to the data breach months later.

While inside the Metropolitan Correctional Center where he was detained awaiting trial, Schulte was able to get access to a phone where he kept leaking information, this time to a Washington Post reporter, prosecutors said.

He also created several social media accounts, including one under the name Jason Borne, a hat tip to the fictional Hollywood character that was a CIA operative who found himself on the run, prosecutors said.

Prosecutors kept painting the picture of Schulte as an angry and vindictive former worker who wanted to get even with his managers using the data he allegedly stole.

"And if there is one thing that is abundantly clear, it's that he felt like he was wronged. He was ready to retaliate, and he was ready to do anything -- anything -- to make it right in his mind," Laroche said in his closing statement. "That's exactly what he did at the CIA, and that's exactly what he tried to do again from prison, repeating that same pattern of anger, escalation, retaliation and lies."

## WikiLeaks Trial Juror Booted For Looking Up Lawyer Online

Law360

By Pete Brush

3/5/2020

Law360, New York (March 5, 2020, 5:27 PM EST) -- A Manhattan federal judge cut loose a juror from deliberations Thursday in the trial of Joshua Schulte, the former CIA coder accused of sending secrets to WikiLeaks, because she told fellow jurors she had looked up information online about a lawyer working on the trial.

U.S. District Judge Paul A. Crotty cut the juror loose not long after the fourth day of deliberations began in a trial that opened Feb. 2. He then directed the remaining 11 jurors, nine women and two men, to continue their work.

Schulte is charged with transmitting to WikiLeaks secrets he allegedly poached in 2016 from an elite CIA "digital weapons" team inside the agency's Center for Cyber Intelligence. The 31-year-old also allegedly attempted to transmit secrets after he was jailed by Judge Crotty in December 2017 for violating bail conditions. Schulte denies being the leaker.

Judge Crotty had the option of pausing the trial to retrieve an alternate juror. That would have triggered a restart of deliberations. But he opted instead to move forward with a panel of 11, remarking that a restart could have delayed things even further.

The excused juror, Sylwia Wiesenbergh of Manhattan, disclosed her online searches in the course of deliberations, according to notes sent to Judge Crotty Wednesday afternoon and Thursday morning. She remarked that one lawyer, who was not named, "used to look so different" and also said she had "looked them up," the notes said.

After getting the boot, Wiesenbergh told reporters outside of the lower Manhattan courthouse where the trial is taking place she does not think Schulte is guilty of leaking national defense secrets, charges that could see him put away for decades.

"I want solid proof," she said. "I don't think he did it — the most serious charges."

Schulte's trial featured weeks of testimony from current and former CIA workers and from experts who probed the defendant's technological activities. The jury also saw Schulte's own writings, including a notebook that said he wanted to send secrets to WikiLeaks. But the defense argued it was all guesswork, asserting there was no smoking-gun exhibit.

Prior to being excused, Wiesenbergh also remarked to her fellow jurors that she had read news articles about the case, jury notes said. The jury foreperson told Judge Crotty in a note that she "sternly" warned Wiesenbergh not to discuss news articles.

"She has to be excused," prosecutor Matthew Laroche of the Manhattan U.S. attorney's office said bluntly. Schulte's defense team asked for a mistrial but was denied.

Judge Crotty also addressed a separate note, dated Wednesday, which complained that another juror was examining evidence on her own without deliberating. "She continues on her own path," that note read.

To address that, the judge reread standard legal instructions, which essentially ask jurors to be open-minded.

"You should consult with one another," he said.

By the end of day Thursday, the jury had sent 22 notes, most asking for testimony and explanations of evidence. The jury was set to resume its deliberations Friday morning.

Schulte is represented by the Law Offices of Sabrina Shroff, Edward Zas of the Federal Defenders of New York Inc. and the Law Office of James M. Branden.

The government is represented by David Denton, Sidhardha Kamaraju and Matthew Laroche of the U.S. Attorney's Office for the Southern District of New York.

The case is USA v. Schulte, case number 1:17-cr-00548, in the U.S. District Court for the Southern District of New York.

## WikiLeaks Trial Judge Cautious As Jury Signals Disharmony

Law360

By Pete Brush

3/4/2020

Law360, New York (March 4, 2020, 5:17 PM EST) -- The Manhattan federal judge presiding over the trial of a former CIA coder accused of sending secrets to WikiLeaks took a careful approach Wednesday as signs of discord, including a note complaining that one juror is not listening to others, emerged from the jury room.

U.S. District Judge Paul A. Crotty, who is overseeing the trial of Joshua Schulte, fielded a morning note saying a female juror was doing her own examination of evidence and failing to engage with the group. Late in the day he also took a note saying a juror had "prior information" about the case.

Judge Crotty planned to huddle with lawyers to assess how to instruct the jury of 10 women and two men to go forward. He likely will re-read a portion of instructions they already have received, which asks them to deliberate in good faith and to listen to each other's viewpoints.

Schulte is charged with transmitting to WikiLeaks secrets he allegedly poached in 2016 from an elite CIA "digital weapons" team inside the agency's Center for Cyber Intelligence. The 31-year-old Texan also allegedly attempted to transmit secrets after he was jailed by Judge Crotty in December 2017 for violating bail conditions. The defense concedes Schulte was a difficult employee but says he did not betray the CIA.

The jury has now deliberated without reaching a verdict for about 14 hours over three days, peppering Judge Crotty with questions all the while.

Wednesday's afternoon note, sent to the judge just before 3 p.m. and marked "urgent," said a juror may have gotten outside information about the case.

"It came up during the course of deliberations," the note said. The note was vague in its detail, but it prompted the judge to cut the jury loose early to give prosecutors from the Manhattan U.S. attorney's office and Schulte's defense team time to review it.

"It could be nothing," defense counsel Sabrina Shroff said outside of the presence of the jury. "Maybe they remember reading a newspaper article. Nobody knows."

"We don't know," Judge Crotty said.

The morning note, meanwhile, said jurors are concerned about a female juror's "attitude" toward the group. It said the juror has been examining evidence on her own without actively deliberating.

"She continues on her own path," the note read.

It was unclear whether the juror who was the subject of the morning note was even aware that it had been sent.

All in all, Wednesday's notes were signs that deliberations may not be going smoothly. They followed an unusual missive from Tuesday afternoon, which asked whether Schulte has been diagnosed with Asperger's syndrome. Jurors have also asked Judge Crotty if the defendant used drugs.

It was all part of a higher-than-normal volume of questions in the wake of a trial that was heavy on technical evidence and conducted in part under secrecy to protect the names of active CIA agents. Jurors have asked for transcripts of testimony from at least five witnesses among many other questions related to trial evidence.

"It seems to be a very inquisitive jury, Your Honor," defense co-counsel Edward Zas remarked early in the day out of the presence of the jury.

"We can't satisfy them," Judge Crotty quipped.

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## Violent and Organized Crime

### Ray

#### **Accused Sarah Lawrence sex trafficker made nearly \$2M from victim: prosecutors** Fox

NY Post

By Ben Feuerherd

3/2/2020

Accused Sarah Lawrence sex trafficker Lawrence Ray made nearly \$2 million in just two years by forcing one of his victims into prostitution, federal prosecutors alleged in court Monday.

Ray, who was ordered held without bail at the hearing in Manhattan federal court, kept records of the ill-gotten cash, a federal prosecutor said.

One typed document shows that the unidentified woman handed over \$700,000 in 2017, according to prosecutors. In 2018, the same woman turned over more than \$1 million to the accused sex trafficker, a second ledger shows. Prosecutors believe the woman was seeing more and more clients to meet Ray's demands.

The ledgers marked dates and amounts that prosecutors have matched to text messages sent by Ray and his associates.

The cash payments were collected by a female associate of Ray's and deposited into bank accounts that he had access to, prosecutors said in court.

The 60-year-old former friend of disgraced NYPD Commissioner Bernie Kerik allegedly created a Nxivm-like sex cult to prey on his daughter's classmates at Sarah Lawrence College — all while allegedly extorting the classmates.

Ray's alleged conduct came to light in a 2019 New York magazine article, which sparked a federal investigation and led to his arrest in February.

His defense attorney on Monday blasted the article as "salacious" reporting that led to sensationalized coverage of his case.

It also emerged Monday that Ray was found in bed with another alleged female victim when federal agents arrested him in Piscataway, NJ, on Feb. 11.

Ray, who was the legal "guardian" of that woman, had groomed her and subjected her to extreme physical and mental abuse, prosecutors charged.

He forced that unidentified woman — a former college roommate of his daughter — to have sex with other men while he filmed, and berated her while he filmed her sobbing, prosecutors said.

Authorities also recovered video of Ray grabbing her by the hair and physically throwing her out of the New Jersey house, prosecutors alleged.

Prosecutors said Ray deprived that woman and another alleged victim who lived in the Piscataway house of sleep and food — abuse that “broke their spirits.”

They noted the accused sicko had installed a lock on the house’s refrigerator door and subjected them both to harsh verbal abuse.

At Monday’s bail hearing, Ray’s court-appointed defense attorney pleaded with the judge to release him on bail, arguing he had family to stay with in Staten Island and a friend who offered to put him up in New Jersey.

Judge Kevin Fox sided with prosecutors, who highlighted the amount of evidence they had in the case and urged Ray to be kept behind bars.

## Akparanta

**Federal correctional officer in Manhattan pleads guilty to sexually abusing female inmates**

NY Daily News

By Stephen Rex Brown

3/4/2020

A former Metropolitan Correctional Center officer pleaded guilty Wednesday to sexually abusing inmates as a lockdown at the troubled jail entered its seventh day.

Colin Akparanta, 43, copped to engaging in sexual acts with seven women at the federal jail. Prosecutors said one of the women was molested through the slot in the door of her solitary confinement cell. Akparanta pleaded guilty to abusive sexual contact and deprivation of civil rights.

"As he has now admitted, Colin Akparanta abused his position of authority as a correctional officer at the [the lockup] to sexually abuse at least seven inmates whose safety and security he was duty-bound to protect. This office has prosecuted, and will continue to prosecute, correctional officers who use their positions to engage in criminal conduct, and I encourage anyone with knowledge of this or similar criminal conduct involving correctional officers at the [the jail] to contact my office," Manhattan U.S. Attorney Geoffrey Berman said.

Akparanta, of Irvington, N.J., asked victims for their contact information so he could reach them after they were released from custody, prosecutors said.

He smuggled contraband, including feminine hygiene products, into the jail for at least one victim in exchange for sexual acts. The depraved officer, who abused his victims between 2012 and 2018, took advantage of Bureau of Prisons policy that made feminine hygiene products available for purchase at the commissary. That policy was changed in 2017, making the products available free.

The guilty plea in Manhattan Federal Court occurred while the troubled jail next door remained on lockdown despite mounting public pressure.

The ban on family and attorney visits is because of a tip that a gun was smuggled into the jail. A search of the 12-story jail where Jeffrey Epstein killed himself uncovered a large amount of contraband — but no gun, the Daily News previously reported.

Federal defenders have criticized the Bureau of Prisons for not providing information about the lockdown, which they say violates inmates' constitutional rights to an attorney.

## Civil Rights

### Akparanta

#### **Federal correctional officer in Manhattan pleads guilty to sexually abusing female inmates**

NY Daily News

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## White Plains

Nikc

### Chappaqua Businessman Pleads In Tax Evasion Case

Patch

By Lanning Taliaferro

3/5/2020

CHAPPAQUA, NY — A Chappaqua businessman will be paying \$395,745 to the Internal Revenue Service as restitution for evading taxes from 2010-14. Antonio Nikc managed a number of family businesses that operate large rental buildings in New York and Connecticut, prosecutors said, and treated their bank accounts as a slush fund for luxury personal expenses.

Nikc used money from those businesses to pay for more than \$1.5 million in personal expenses, including ocean-side condominiums in Miami, marina fees for a boat docked in Miami, airline tickets, luxury car payments, college tuition and allowances for his children, and purchases at jewelry stores, clothing stores, and restaurants.

However, he failed to file any personal federal income tax returns and failed to pay any taxes due and owing on the income he received. In fact, he took steps to evade the assessment of taxes on that income, including paying for personal expenses out of the family business accounts and intentionally maintaining few assets in his own name.

By the time the feds caught up, he had evaded \$395,745 in federal income taxes, prosecutors said.

"While using the business accounts to fund his extravagant lifestyle, Nikc failed to file any personal income tax returns," U.S. Attorney Geoffrey S. Berman said in announcing the plea. "Now Nikc awaits sentencing for his crime."

On Tuesday, the 58-year-old pleaded guilty to one count of tax evasion, which carries a maximum sentence of five years in prison. The maximum potential sentence in this case is prescribed by Congress and is provided here for informational purposes only, as any sentence will be determined by the judge. He is scheduled to be sentenced June 5 by U.S. District Judge Nelson S. Román.

IRS-CI Special Agent in Charge Jonathan D. Larsen said: "Our tax system is based on voluntary compliance and we will hold those accountable who fail to report their income out of greed. IRS-CI special agents will continue to pursue those who take advantage of our tax system."

This case is being handled by the Office's White Plains Division. Assistant U.S. Attorney Jim Ligtenberg is in charge of the prosecution.

## Matters of Interest

### Weinstein

#### **Weinstein Undergoes Heart Procedure Before Transfer to Jail**

NYT

By Jan Ransom

3/5/2020

Harvey Weinstein underwent a heart procedure and was expected to be moved on Thursday from a hospital to New York City's notorious Rikers Island jail complex, his spokesman said.

Mr. Weinstein, the once powerful film producer, was convicted last week of rape and criminal sexual assault after a trial in Manhattan that many saw as a milestone in the #MeToo movement. A judge ordered him held in jail until his sentencing on March 11.

But hours after the verdict, Mr. Weinstein, 67, experienced extremely high blood pressure and heart palpitations, his lawyers said. He was taken directly from State Supreme Court in Manhattan to Bellevue Hospital Center, where he was treated for several days in a ward for prisoners.

On Wednesday, Mr. Weinstein had a stent implanted to alleviate a blockage, his spokesman, Juda Engelmayer, said.

The city's Department of Correction did not immediately respond to questions about Mr. Weinstein's condition.

Mr. Weinstein is expected to be housed in the jail's North Infirmary Command under protective custody, his spokesman said. The facility consists of two buildings, one of which was built in 1932 as a hospital for inmates.

Martin Horn, a former Department of Correction commissioner, said the facility was not "luxurious," but not "draconian" either. It contains about 10 cells on each block, as opposed to the nearly 30 on a typical Rikers cell block, he said, and once housed people with acute conditions like tuberculosis.

Mr. Weinstein — who, friends have said, is terrified of being behind bars — faces up to 29 years in prison. He has hired a prison consultant to help him navigate the journey from life on the outside to life in a cell.

Barr

**On immigration, Attorney General Barr is his own Supreme Court. Judges and lawyers say that's a problem.**

The Washington Post

By Kim Bellware

3/5/2020

Attorney General William P. Barr quietly intervened in an immigration asylum case last week when he issued a decision that narrowed the definition of torture for asylum seekers who invoke it as a grounds for staying in the United States.

Barr used a process known as "certification," a historically little-used power of the attorney general that allows him to overrule decisions made by the Board of Immigration Appeals and set binding precedent. Immigration lawyers and judges say the Trump administration is using the power with greater frequency — to the point of abuse — as it seeks to severely limit the number of immigrants who can remain in the United States. The administration is also using it as a check on immigration judges whose decisions don't align with the administration's immigration agenda, experts say.

The decision to intervene in a Mexican national's otherwise unremarkable asylum case is a warning to immigration board members that even their unpublished decisions are being scrutinized, former immigration judge Jeffrey Chase told The Washington Post via email.

"In the past, such decisions flew under the radar," Chase wrote.

Other critics said Barr's move should concern everyone — not just those in immigration. Half a dozen immigration experts who spoke to The Post said Barr's use of his certification power in this case erodes the neutrality and due process that should exist in immigration court. They also cited recent moves by Justice Department, such as creating an office to denaturalize immigrants or using an immigrant's confidential therapy notes in a deportation case against them, as evidence of the Trump administration's willingness to break norms to achieve its goals.

"In American history, what happens to immigrants is a pretty good indication of what's going to happen to the rest of us," retired immigration judge J. Traci Hong told The Post.

The Justice Department did not respond when asked to address concerns from immigration judges and lawyers about the recent decision to narrow the torture definition for asylum seekers. Nor did it respond to questions on whether it views the current remedies available to asylum seekers as overly broad.

Hong, who retired as an immigration judge late last year amid what she described as pressure to speed up cases and deport more people, said the sheer number of times that attorneys general under President Trump have used the power to certify cases to themselves is cause for concern.

"The power goes back decades, but in other administrations, it was used very rarely — kind of a nuclear option," Hong told The Post. "Certifying a case is a way for the attorney general to stamp his or her own views on immigration law — and it's the quickest way to do it."

The certification power was used just three times during President Bill Clinton's two terms, and four times during President Barack Obama's. President George W. Bush's attorneys general certified 16 cases over eight years, the highest of any administration since the 1950s, according to NBC News.

By contrast, the Trump administration has used the power at least a dozen times in three years; in 2018, then-Attorney General Jeff Sessions certified eight cases to himself in an eight-month span.

Proponents of the certification power argue that it's a necessary tool to correct erroneous immigration court decisions and quickly enact needed changes. Even immigration advocates who oppose the Trump administration's rate of certifying cases criticized the Obama administration for not invoking the power often enough over his two terms.

Hong cited concern that certification could be used to circumvent the lengthy and detailed regulatory process, which can take years or even decades. Had Barr wanted to propose new standards for defining torture in asylum cases, she said, they would be subject to public notice, debate, revision and public comment.

Holly Cooper, co-director of the Immigration Law Clinic at the University of California at Davis, points to other efforts by the Justice Department to change and speed up the immigration process to the point that, in her view, immigrants fighting their cases are not getting a fair shake.

"The Trump administration's rhetoric has been 'the rule of law.' But one principle that has been recognized is whether you're a citizen or a noncitizen, you deserve due process," Cooper told The Post. "You're seeing a lot of really sloppy decision-making done expeditiously with no regard to the individual's rights. The Fifth Amendment — the due process clause — applies to immigration courts."

Circuit courts under the judicial branch can check decisions made by immigration courts and the attorney general under the executive branch. Cooper said that while circuit courts like to give deference to executive branch departments, they will overturn decisions found to be made with flimsy justification.

Dana Leigh Marks, president emeritus at the National Association of Immigration Judges who currently presides over immigration cases, said that can result in judges not knowing what guidance to follow.

"The problem for those of us in the field right now is that we're being whipsawed between these radical departures in past precedent that aren't necessarily sustained long term," Marks said, speaking in her role as a NAIJ member.

Hong described the resulting environment in even starker terms: "It was like trying to perform surgery on a dodgeball court."

What's happening with immigration courts could produce ripple effects in the wider justice system, particularly if immigration court decisions put forth by the attorney general clash with the circuit courts, Marks warned.

"What's happening now is that all the norms are breaking," she said. "All the wheels are coming off the car."