



# CRIMES DEFINING OUR TIME: NOTABLE CRIMINAL CASES FROM THE MIDDLE DISTRICT OF FLORIDA

HON. ANTHONY E. PORCELLI

Since the inception of the Middle District of Florida in 1962, the breadth of cases prosecuted in the district has covered the spectrum of the federal criminal code. The courthouses in the district have certainly housed many nationally significant and high-profile cases, all worthy of extensive discussion and debate. Given the nature and scope of the many significant prosecutions, it is a difficult task to select just a few notable criminal cases. The nine cases discussed below have not been selected based upon the success of the government or defense in the case, but rather upon the ability to briefly summarize the nature of the charges and the national significance of the prosecution.

Central Florida has grown economically and culturally since the district's inception. As exemplified by the cases below, the societal changes impacted the scope and sophistication of the prosecutions in the district. Not surprisingly, some of the first notable cases from the district's early years were RICO<sup>1</sup> prosecutions. Then, as cocaine became prevalent in the 1980s and 1990s, the district produced arguably three of the most significant drug or money laundering related prosecutions in U.S. history. At the turn of the 20th century, substantial cases in the district included the prosecution of one of

the largest-ever corporate frauds, the conviction of the highest ranking U.S. military officer for espionage, one of the first terrorism-related trials after Sept. 11, 2001, and one of the largest health care fraud prosecutions in the United States.

For nearly the first decade of the district's existence, the investigative tools and the scope of federal jurisdiction over crimes was limited in comparison to current conditions. The types of federal crimes pursued included cases such as interstate transportation of stolen cars, bank robberies, and fugitives. How these cases were prosecuted and defended is vastly different from today's federal criminal procedures.<sup>2</sup> As former Eleventh Circuit Judge Joseph W. Hatchet commented during the district's 50th anniversary panel presentation,<sup>3</sup> "The system has changed a great deal since the early '60s." Judge Hatchet observed that "in the old days there were no public defenders, every lawyer in the district was a public defender, all it took was a call from the judge, who'd say you have volunteered to represent such and such defendant... there was no authorized plea bargaining... no sentencing guidelines, [and] discovery was by ambush."

## The First RICO Case

Arguably, during the district's early years, one of the more significant developments relating to federal criminal prosecutions was when Congress passed the RICO Act in 1970. The very next year in 1971 to combat the prevalent "bolita"<sup>4</sup> gambling enterprises in Central Florida, the government pursued RICO charges against Harlan "The Colonel" Blackburn and numerous others in what is believed to be the first RICO prosecution in the state of Florida. Blackburn was the boss of a crew of gamblers and thieves called the "Cracker Mob," which had about 20 bolita bankers and 200 sellers.<sup>5</sup> However, as a

result of the successful prosecution, Blackburn's organization was essentially dismantled.<sup>6</sup>

### Operation Coldwater

It was believed that Blackburn was at one time a partner in gambling enterprises with Santo Trafficante Jr., who law enforcement had doggedly pursued through the 1970s and early 1980s for racketeering activities.<sup>7</sup> As detailed by Senior U.S. District Judge William J. Castagna, the government's pursuit of Trafficante came to a head in 1983 when he was charged along with 11 other men as being members of the "La Cosa Nostra" or "Sicilian Mafia" engaged in racketeering activities, to include gambling, extortion, interfering with commerce by threats of violence, and bribery. The core of the government's case was the result of an investigation known as "Operation Coldwater," which specifically included the extensive efforts of FBI Special Agent Joseph D. Pistone, who under the assumed identity of "Donnie Brasco,"<sup>8</sup> infiltrated the criminal enterprise through his contacts with Benjamin "Lefty" Ruggiero and Sonny Black.

A significant part of the government's case focused on the defendants' alleged efforts to engage in illegal gambling activities at the King's Court, which was later revealed to be an undercover gambling club owned and operated by the FBI. The majority of defendants were found guilty of a number of the alleged racketeering activities. However, Black was not charged in the case because his decomposed body was located in a creek in 1982, prior to the indictment. Judge Castagna noted it was presumed that Black's death was attributable to him bringing Brasco into the criminal enterprise. Trafficante was not convicted on any charges because they were dismissed based upon the insufficiency of the evidence. The government argued that a significant piece of evidence against Trafficante was an audio-recording during which Trafficante could allegedly be heard taking a \$1,000 payment secreted in a greeting card from Black. However, as explained by Judge Castagna, not only did the recording evince that Trafficante did not take any such payment, but as Black repeatedly offered the payment to Trafficante, the only response heard on the recording was Trafficante stating "forget about it."

### The War on Drugs

As the 1980s came, so did the proliferation of sophisticated narco-trafficking organizations. In response, the United States became fully engaged in the war on drugs. Three cases from the district exemplify the government's efforts to combat the epidemic of cocaine distribution: the prosecution of Carlos Enrique Lehder Rivas; the case against the Luxembourg-based Bank of Credit and Commerce International (BCCI); and the ongoing investigation known as "Operation Panama Express."

#### *United States v. Lehder Rivas*

In 1981, Lehder was indicted<sup>9</sup> for smuggling approximately 3.3 tons of cocaine from 1978 to 1980.<sup>10</sup> During trial in November 1987, it was argued that "[Lehder] was to cocaine transportation [what] Henry Ford was to automobiles."<sup>11</sup> At that time, Lehder was considered to be the highest-ranking member of the Medellin Cartel to face trial in the United States.<sup>12</sup> The trial detailed Lehder's rise in becoming one of the most significant cocaine distributors in the United States, starting when he met George Jung in federal prison.<sup>13</sup> Lehder quickly developed a sophisticated and extensive organization, which was based in Norman's Cay in the Bahamas, where he controlled the en-

tire tropical island, had a fleet of one dozen aircraft, and commanded an army of drug smugglers.<sup>14</sup> Lehder's trial was reported as the "most important drug prosecution in U.S. history..."<sup>15</sup> Lehder was convicted after a seven-month trial and was originally sentenced to life imprisonment plus an additional 135 years, but Lehder's sentence was reduced to 55 years of imprisonment based upon his cooperation with the United States against fallen Panamanian dictator Manuel Noriega.<sup>16</sup> In 2011, Lehder sought to have his sentenced reduced to 30 years based upon his cooperation against Noriega, but his motion was denied.<sup>17</sup>

#### BCCI Money Laundering

In the latter part of the 1980s, it was revealed that BCCI laundered millions of dollars for Colombian cocaine cartels and other significant drug traffickers.<sup>18</sup> BCCI was one of the world's largest private banks operating in 73 countries with offices in France, Panama, England, New York, Los Angeles, Tampa, and Miami.<sup>19</sup> Based upon an extensive two-year undercover operation known as "C-Chase," BCCI and nine of its officers were indicted in 1988 for participating in a drug-related, money-laundering scheme.<sup>20</sup> At the conclusion of the elaborate undercover operation, agents orchestrated a phony wedding and arrested the majority of the defendants at a staged bachelor party, including Amjad Awan, who laundered millions of dollars for Noriega, and Gonzalo Mora Jr., who laundered millions of dollars for the Medellin Cartel.<sup>21</sup> As part of a plea deal, BCCI agreed to forfeit to the United States \$14 million, which at that time was hailed as the "largest cash forfeiture ever" by a financial institution in the United States.<sup>22</sup> Awan and Mora, along with others, were convicted after a lengthy trial.<sup>23</sup> The verdicts were hailed by the government as "significant victories in our efforts to dismantle the drug cartels' ability to hide their tainted profits in the worldwide banking system."<sup>24</sup>

#### Operation Panama Express

Since the late 1990s to date, law enforcement in the district has been engaged in "Operation Panama Express." According to the United States, the operation has led to 308 high-seas interdictions as of 2012, resulting in the seizure or destruction of more than 1,000 tons of cocaine and the prosecution of 1,843 defendants.<sup>25</sup> The operation focuses on the transportation of multiton quantities of cocaine transported by boat in the Eastern Pacific Ocean from Colombia destined for the United States. Operation Panama Express consists of a collective effort between multiple governmental agencies, including, among others, the Drug Enforcement Agency, the FBI, the U.S. Coast Guard, and the U.S. Navy.<sup>26</sup> Notable defendants prosecuted as a result of the operation include Joaquin Valencia-Truillo and Jose Castrillon-Henao.<sup>27</sup> Described as "the biggest catch ever netted by Operation Panama Express," Valencia acted as a member of the Cali Cartel, which reportedly ran "one of the largest-ever maritime drug shipping operations."<sup>28</sup>

#### National Heritage Life Insurance Co.

In addition to the prevalent and all-too-common drug crimes of the time, wide-scale and complex fraudulent crimes came to the forefront and became commonplace from the mid-1990s through the next century. Unfortunately, the district was not spared from the rising tide of fraud. In 1994, the National Heritage Life Insurance Co. lost more than \$450 million, causing catastrophic losses to its 25,000 policyholders, half of whom were Floridians.<sup>29</sup> National Heritage's

collapse came about as the result of “the largest insurance company failure caused by fraud in the nation’s history.”<sup>30</sup> After a five-year investigation into the massive fraud, numerous defendants were convicted, including the noted orchestrator of the fraud, Sholam Weiss.<sup>31</sup> Weiss, who fled the country at the end of his nine-month trial and before the jury returned a verdict, was sentenced in absentia to 845 months imprisonment and ordered to pay \$125 million in restitution.<sup>32</sup> Weiss was eventually apprehended one year later, and after a contentious extradition process, was subsequently transferred to a federal prison to serve reportedly “the longest sentence ever handed down in federal court.”<sup>33</sup>

### **United States v. Trofimoff**

After the horrific tragedies of Sept. 11, 2001, the U.S. investigative priorities justifiably pivoted to homeland security. Coinciding with this shift in focus, in 2001, George Trofimoff, a retired colonel from the U.S. Army Reserve, became the highest-ranking U.S. military officer ever convicted of espionage. The KGB recruited Trofimoff to spy for it through the use of one of Trofimoff’s childhood friends who had grown up to become the archbishop of the Russian Orthodox Church in Vienna.<sup>34</sup> From 1969 through 1994, Trofimoff received hundreds of thousands of dollars from the KGB as payment for the United States’ secrets he gathered by taking photographs of military documents with a Minox camera. Reportedly, Trofimoff’s decades-long theft of government secrets constituted the longest-lasting case of espionage in U.S. history.<sup>35</sup> John P. Stenbit, the then assistant secretary of the U.S. Department of Defense, requested that the court sentence Trofimoff to life imprisonment, asserting in a letter that “a sentence short of life imprisonment does not adequately address the scope and consequences of Trofimoff’s actions, and would fail to serve as an appropriate deterrent for others who would contemplate violating a trust to protect our nation’s security.”<sup>36</sup> Indeed, Trofimoff received a life sentence.<sup>37</sup>

### **United States v. Al-Arian**

In early 2003, in what one reporter called “one of the government’s most significant prosecutions since the attacks of Sept. 11, 2001,” the United States pursued charges against Sami Al-Arian, an outspoken advocate for Palestinian independence.<sup>38</sup> The case against Al-Arian<sup>39</sup> was described as a “flashpoint for debates over ... the government’s expanded powers under ... the ... Patriot Act,<sup>40</sup> and its strategy in terror investigations before and after the Sept. 11 attacks.”<sup>41</sup> After a six-month trial stretching from 2005 to 2006, the jury acquitted Al-Arian on eight counts and remained deadlocked as to the other nine counts. Al-Arian subsequently entered a plea of guilt for conspiring to make or receive contributions of funds, goods, or services to or for the benefit of the Palestinian Islamic Jihad, and was accordingly sentenced to 57 months of imprisonment.<sup>42</sup>

### **The WellCare Case**

The debate over health care in the United States arguably reached an all-time high in 2010 with the passing of the Patient Protection and Affordable Care Act.<sup>43</sup> At that same time, in what was described as “one of the largest health care fraud cases in the United States,” the government pursued WellCare Health Plans Inc. and its officers for Medicaid and Medicare fraud.<sup>44</sup> In 2009, WellCare entered into a deferred prosecution with the United States in which it agreed, among other things, to pay \$80 million in restitution and penalties,

accept full responsibility for the fraudulent conduct, and retain an independent monitor to review and regularly report on WellCare’s compliance with federal and state regulations.<sup>45</sup> In 2011, the government indicted five of WellCare’s officers, including the president, general counsel, and chief financial officer, in an 11-count indictment relating to the health care fraud.<sup>46</sup> The jury returned a mixed verdict relating to the health care fraud.<sup>47</sup> The jury returned a mixed verdict against four of the defendants following a nearly three-month trial.<sup>47</sup> The defendants’ convictions and sentences were affirmed on appeal to the Eleventh Circuit.<sup>48</sup> The fifth defendant, WellCare’s general counsel, entered a plea agreement in lieu of proceeding to trial.<sup>49</sup>

As exhibited by the brief descriptions above about these few selected criminal cases, the district has undoubtedly witnessed some significant and important criminal prosecutions. Although fascinating and interesting from a historical perspective, here is hoping that Central Florida will not have to endure such criminal activity again in the future. ☺

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*Hon. Anthony E. Porcelli is a U.S. magistrate judge of the Middle District of Florida, Tampa Division. © 2019 Anthony E. Porcelli. All rights reserved.*

### **Endnotes**

<sup>1</sup>Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. §§ 1961-68 (also known as the Organized Crime Control Act of 1970).

<sup>2</sup>Notably, during the district’s infancy in the 1960s, the U.S. Supreme Court issued a number of rulings that drastically changed how federal criminal cases were investigated, prosecuted, and defended. *See, e.g., Miranda v. Arizona*, 384 U.S. 436, 498-99 (1966) (holding that statements obtained from defendants during incommunicado interrogation in police-dominated atmosphere without full warning of constitutional rights are inadmissible as having been obtained in violation of the Fifth Amendment privilege against self-incrimination); *Gideon v. Wainwright*, 372 U.S. 335, 339-43 (1963) (holding that the Sixth Amendment’s guarantee of counsel extends to the states through the Fourteenth Amendment, establishing an accused’s right to assistance of counsel in all criminal prosecutions); *Mapp v. Ohio*, 367 U.S. 643, 655 (1961) (holding that evidence obtained by an unconstitutional search is inadmissible).

<sup>3</sup>On Oct. 26, 2012, the district hosted the Middle District of Florida 50th Anniversary Academic Symposium in Orlando, Fla. At the symposium, Judge Hatchett, Senior U.S. District Judge William J. Castagna, and Stetson University College of Law professor Robert Batey participated in a panel discussion on major criminal cases in the district’s history.

<sup>4</sup>Bolita is akin to a lottery game, in which normally one-hundred numbered balls were placed in a bag, mixed up, and the winning number would be drawn. The game was brought to Florida by Cuban immigrants and was very popular in Central Florida with many variants of the game abound. *See* SCOTT M. DEITCHE, CIGAR CITY MAFIA: A COMPLETE HISTORY OF THE TAMPA UNDERWORLD ch. 15 (2004).

<sup>5</sup>*Id.*

<sup>6</sup>*Id.*

<sup>7</sup>*Id.*

<sup>8</sup>The compelling story of Agent Pistone’s undercover work is portrayed in the Hollywood motion picture. DONNIE BRASCO (TriStar Pictures 1997).

<sup>9</sup>*See* Indictment, 1, *United States v. Lehder Rivas*, No. 3:81-cr-82-J-

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11014.pdf.

<sup>52</sup>It is beyond the scope of this paper to suggest a precise allocation of these responsibilities among market participants with commensurate changes to the system of regulatory oversight.

<sup>53</sup>*Spotlight on Initial Coin Offerings and Digital Assets*, INVESTOR.GOV, <https://www.investor.gov/additional-resources/specialized-resources/spotlight-initial-coin-offerings-digital-assets> (last visited Apr. 5, 2019); see also Press Release, SEC, *The SEC Has an Opportunity You Won't Want to Miss: Act Now!*, No. 2018-88 (May 16, 2018), <https://www.sec.gov/news/press-release/2018-88>; HOWEYCOINS, <https://www.howeycoins.com/index.html> (last visited Apr. 5, 2019) (the SEC's fake, but educational website about blockchain scams). The SEC documented a similar practice of using high-pressure "boiler rooms" in the seminal 1963 Special Study. The study noted that "the inexperienced, unsophisticated investor, the usual target of the boiler-room operation, is easy prey for promises of great profits from pie-in-the-sky securities. Such traditionally popular speculations as mining stocks, oil and gas promotions, and companies with new inventions are from time to time joined by issues currently in vogue in the securities markets as the favorite merchandise of these unscrupulous operations." SEC, REPORT OF THE SPECIAL STUDY OF THE SECURITIES MARKETS OF THE SECURITIES AND EXCHANGE COMMISSION, 88th Cong., 1st Sess., H.R. Doc. No. 95, Pt. 1, at 265-266 (Apr. 8, 1963), [http://3197d6d14b5f19f2f440-5e13d29c4c016cf96cbbfd197c579b45.r81.cf1.rackcdn.com/collection/papers/1960/1963\\_SSMkt\\_Chapter\\_01\\_1.pdf](http://3197d6d14b5f19f2f440-5e13d29c4c016cf96cbbfd197c579b45.r81.cf1.rackcdn.com/collection/papers/1960/1963_SSMkt_Chapter_01_1.pdf). Although fraudsters may change the names of the scams, they use the same tactics to defraud the public.

<sup>54</sup>See, e.g., *Cyber Enforcement Actions*, SEC, <https://www.sec.gov/spotlight/cybersecurity-enforcement-actions> (last visited Apr. 5, 2019); Press Release, SEC, *Two ICO Issuers Settle SEC Registration Charges, Agree to Register Tokens as Securities*, No. 2018-264 (Nov. 16, 2018), <https://www.sec.gov/news/press-release/2018-264>; SEC,

REPORT OF INVESTIGATIONS PURSUANT TO SECTION 21(A) OF THE SECURITIES EXCHANGE ACT OF 1934: THE DAO, Release No. 34-81207 (July 25, 2017), <https://www.sec.gov/litigation/investreport/34-81207.pdf>; Public Statement, SEC, *Statement on Potentially Unlawful Online Platforms for Trading Digital Assets* (Mar. 7, 2018), <https://www.sec.gov/news/public-statement/enforcement-tm-statement-potentially-unlawful-online-platforms-trading>; and Public Statement, SEC, *Statement on Digital Asset Securities Issuance and Trading* (Nov. 16, 2018), <https://www.sec.gov/news/public-statement/digital-asset-securities-issuance-and-trading>.

<sup>55</sup>See, e.g., Press Release, SEC, *SEC Launches New Strategic Hub for Innovation and Financial Technology*, No. 2018-240 (Oct. 18, 2018), <https://www.sec.gov/news/press-release/2018-240>; *FinHub*, SEC, <https://www.sec.gov/finhub> (last visited Apr. 5, 2019); see also SEC, *Statement on "Framework for 'Investment Contract' Analysis of Digital Assets"*, Apr. 3, 2019, <https://www.sec.gov/news/public-statement/statement-framework-investment-contract-analysis-digital-assets> (last visited Apr. 26, 2019); SEC "Framework for "Investment Contract" Analysis of Digital Assets," <https://www.sec.gov/corpfin/framework-investment-contract-analysis-digital-assets> (last visited Apr. 26, 2019); SEC Division of Corporation Finance No-Action Letter, *TurnKey Jet Inc.*, Apr. 3, 2019, <https://www.sec.gov/divisions/corpfin/cf-noaction/2019/turnkey-jet-040219-2a1.htm> (last visited Apr. 26, 2019).

<sup>56</sup>See Press Release, SEC, *SEC Names Valerie A. Szczepanik Senior Advisor for Digital Assets and Innovation*, No. 2018-102 (June 4, 2018), <https://www.sec.gov/news/press-release/2018-102>.

<sup>57</sup>See *CFTC Lab Overview*, U.S. COMMODITY FUTURES TRADING COMM'N, <https://www.cftc.gov/LabCFTC/Overview/index.htm> (last visited Apr. 5, 2019).

<sup>58</sup>CFTC, *Request for Input on Crypto-Asset Mechanics and Markets*, 83 Fed. Reg. 64563 (Dec. 17, 2018), <https://www.cftc.gov/sites/default/files/2018-12/2018-27167a.pdf>.

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25MCR (M.D. Fla. Sept. 18, 1981), Dkt. No. 1.

<sup>10</sup>Reportedly, Lehder was responsible for 80 percent of the Colombian cocaine smuggled into the United States. Mary T. Schmich, *Colombian is Called 'Henry Ford' of Drugs*, CHI. TRIB. (May 11, 1988), [http://articles.chicagotribune.com/1988-05-11/news/8803160096\\_1\\_carlos-lehder-rivas-cocaine-colombian](http://articles.chicagotribune.com/1988-05-11/news/8803160096_1_carlos-lehder-rivas-cocaine-colombian).

<sup>11</sup>Barry Bearak, *Mother Delivered Drug for Trip to Disneyland, Witness Says: Odd Moments Lace Tame Lehder Cocaine Trial*, L.A. TIMES (Mar. 12, 1988), [http://articles.latimes.com/1988-03-12/news/mn-840\\_1\\_carlos-lehder](http://articles.latimes.com/1988-03-12/news/mn-840_1_carlos-lehder).

<sup>12</sup>Jean Thompson, *Prosecutor: Lehder Fostered Fledgling Drug Trade*, SUN-SENTINEL (Nov. 17, 1987), [http://articles.sun-sentinel.com/1987-11-17/news/8702060168\\_1\\_mr-merkle-carlos-lehder-rivas-cocaine-transportation](http://articles.sun-sentinel.com/1987-11-17/news/8702060168_1_mr-merkle-carlos-lehder-rivas-cocaine-transportation).

<sup>13</sup>The partnership between Lehder and Jung is fictionalized in the Hollywood motion picture. *Blow* (New Line Cinema 2001).

<sup>14</sup>See *supra* note 11.

<sup>15</sup>See *supra* note 10.

<sup>16</sup>Order on Motion to Compel, Motion to Implement Sentence Adjustment, Motion for Appointment of Counsel, and Motion for Status Conference, *United States v. Lehder Rivas*, No. 3:81-cr-82-J-25MCR (M.D. Fla. Aug. 23, 2011), Dkt. No. 1485 n.1.

<sup>17</sup>*Id.*

<sup>18</sup>See Indictment, *United States v. Awan*, No. 8:88-cr-330-T-26 (M.D. Fla. Oct. 4, 1988), Dkt. No. 1.

<sup>19</sup>Associated Press, *Ex-Banker to Noriega is Convicted in Scheme to Aid Drug Traffickers*, N.Y. TIMES (July 30, 1990), <http://www.nytimes.com/1990/07/30/us/ex-banker-to-noriega-is-convicted-in-scheme-to-aid-drug-traffickers.html>.

<sup>20</sup>*Id.*

<sup>21</sup>See ROBERT MAZUR, *THE INFILTRATOR, MY SECRET LIFE INSIDE THE DIRTY BANKS BEHIND PABLO ESCOBAR'S MEDELLIN CARTEL* 288-305 (1st ed. 2009) (describing "the takedown" from the eyes of the undercover agent).

<sup>22</sup>Douglas Frantz & Ronald J. Ostrow, *Bank Pleads Guilty to Handling Drug Profits: Noriega: A Luxembourg Institution Linked to Panama's Ousted Strongman Forfeits \$15 Million in Assets to the U.S.*, L.A. TIMES (Jan. 17, 1990), [http://articles.latimes.com/1990-01-17/news/mn-103\\_1\\_international-bank](http://articles.latimes.com/1990-01-17/news/mn-103_1_international-bank).

<sup>23</sup>The convictions were affirmed on appeal to the Eleventh Circuit, except for that of BCCI regional marketing officer Sibte Hassan. See *United States v. Awan*, 966 F.2d 1415, 1434 (11th Cir. 1992) (reversing Hassan's conviction based on insufficient evidence).

<sup>24</sup>See *supra* note 19.

<sup>25</sup>Additionally, Operation Panama Express reportedly also conducted the largest one-time seizure of cocaine when 21 tons of cocaine

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trademark-practitioners/becoming-trademark-practitioner (last visited Apr. 5, 2019).

<sup>14</sup>*E.g.*, tax law and estate planning are almost certainly more complicated than design patent prosecution.

<sup>15</sup>MODEL CODE OF PROF'L RESPONSIBILITY CANON 6 (AM. BAR ASS'N 2015), [https://www.americanbar.org/content/dam/aba/migrated/2011\\_build/professional\\_responsibility/mod\\_code\\_prof\\_resp.authcheckdam.pdf](https://www.americanbar.org/content/dam/aba/migrated/2011_build/professional_responsibility/mod_code_prof_resp.authcheckdam.pdf) (e.g., EC 6-3: "While the licensing of a lawyer is evidence that he has met the standards then prevailing for admission to the bar, a lawyer generally should not accept employment in any area of the law in which he is not qualified.").

<sup>16</sup>Christi J. Guerrini, *Defining Patent Quality*, 82 *FORD. L. REV.* 3091, 3123 (2014); Stephen Yelderman, *Improving Patent Quality with Applicant Incentives*, 28 *HARV. J.L. & TECH.* 77 (2014).

<sup>17</sup>*See, e.g., Info Session for Design Patent Examiner Positions*, U.S. PAT. & TRADEMARK OFF., <https://www.uspto.gov/about-us/events/info-session-design-patent-examiner-positions> (the info session was held Mar. 9, 2016 in San Jose, CA) (last visited Apr. 5, 2019).

<sup>18</sup>The website Glassdoor allows applicants to post about job interviews, and it includes a number of posts from people who have applied for design patent examiner positions with the PTO. *See, e.g.*, Design Patent Examiner Interview, Anonymous Employee

in Alexandria, VA (Sept. 7, 2016), and Design Patent Examiner Interview, Anonymous Interview Candidate in Alexandria, VA (June 10, 2016) at *US Patent and Trademark Office Design Patent Examiner Interview Questions*, GLASSDOOR, [https://www.glassdoor.com/Interview/US-Patent-and-Trademark-Office-Design-Patent-Examiner-Interview-Questions-EI\\_IE41351.0,30\\_KO31,53.htm](https://www.glassdoor.com/Interview/US-Patent-and-Trademark-Office-Design-Patent-Examiner-Interview-Questions-EI_IE41351.0,30_KO31,53.htm) (last visited Apr. 4, 2019).

<sup>19</sup>37 C.F.R. §§ 42.10(a) & (c) (2017).

<sup>20</sup>35 U.S.C. § 321 (2012).

<sup>21</sup>Saurabh Vishnubhakat, *Gender Diversity in the Patent Bar*, 14 *J. MARSHALL REV. INTELL. PROP. L.* 67, 80 (2014).

<sup>22</sup>*E.g.*, PETERSON'S, [https://www.petersons.com/college-search/parsons-the-new-school-for-design-000\\_10000570.aspx](https://www.petersons.com/college-search/parsons-the-new-school-for-design-000_10000570.aspx) (last visited Apr. 5, 2019); *Rhode Island School of Design*, U.S. NEWS & WORLD REP., <https://www.usnews.com/best-colleges/risd-3409> (last visited Apr. 5, 2019); *Enrollment Data*, FIT STATE UNIV. OF N.Y., <http://www.fitnyc.edu/about/get-to-know/enrollment-data.php> (last visited Apr. 5, 2019).

<sup>23</sup>On the "pipeline problem" and diversity, see *THE EDUCATION PIPELINE TO THE PROFESSIONS: PROGRAMS THAT WORK TO INCREASE DIVERSITY* (Sarah E. Redfield ed., 2012).

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was seized during an interdiction. *See* Elaine Silvestrini, *21 Tons of Cocaine Seized From Vessel*, TAMPA TRIB. (Mar. 22, 2007), <http://tbo.com/index.php/newswire/story/21-tons-of-cocaine-seized-from-vessel?inw=Y>.

<sup>26</sup>*Id.*

<sup>27</sup>*See United States v. Valencia-Trujillo*, No. 8:02-cr-329-T-17EAJ (M.D. Fla. filed Aug. 22, 2002); *United States v. Castrillon-Henao*, No. 8:98-cr-164-T-24TBM (M.D. Fla. filed Apr. 14, 1998).

<sup>28</sup>*See* Carrie Weimar, *Drug Trial Could Shake Colombia*, TAMPA BAY TIMES (July 9, 2006), [http://www.sptimes.com/2006/07/09/Tampabay/Drug\\_trial\\_could\\_shak.shtml](http://www.sptimes.com/2006/07/09/Tampabay/Drug_trial_could_shak.shtml).

<sup>29</sup>*See* Susan Clary & Jim Leusner, *4 Guilty in Insurer's Collapse*, ORLANDO SENTINEL (Nov. 2, 1999), [http://articles.orlandosentinel.com/1999-11-02/news/9911020042\\_1\\_weiss-heritage-life-national-heritage](http://articles.orlandosentinel.com/1999-11-02/news/9911020042_1_weiss-heritage-life-national-heritage).

<sup>30</sup>*Id.*

<sup>31</sup>*See United States v. Shalom Weiss*, No. 6:98-cr-99-Orl-19KRS (M.D. Fla. filed Apr. 29, 1998).

<sup>32</sup>*See* Joe McDonald, *Scranton Super Thief's Story to Air on CNBC*, SCRANTON TIMES TRIB. (Mar. 13, 2010), <http://thetimes-tribune.com/news/scranton-super-thief-s-story-to-air-on-cnbc-1.676238>.

<sup>33</sup>*Id.*

<sup>34</sup>*See United States v. Trofimoff*, No. 8:00-cr-197-T-24EAJ (M.D. Fla. filed June 14, 2000).

<sup>35</sup>*See* Dong-Phuong Nguyen, *Trofimoff, 75, Sentenced to Life in Prison for Spying*, SAINT PETERSBURG TIMES (Sept. 28, 2001), [http://www.sptimes.com/News/092801/Hillsborough/Trofimoff\\_\\_75\\_\\_senten.shtml](http://www.sptimes.com/News/092801/Hillsborough/Trofimoff__75__senten.shtml).

<sup>36</sup>*Id.*

<sup>37</sup>*Id.*

<sup>38</sup>*See* Eric Lichtblau, *From Advocacy to Terrorism, A Line Blurs*, N.Y. TIMES (June 5, 2005), <http://www.nytimes.com/2005/06/05/>

<national/nationalspecial3/05terror.html?pagewanted=all&r=0>.

<sup>39</sup>*See United States v. Al-Arian*, No. 8:03-cr-77-T-30TBM (M.D. Fla. filed Feb. 19, 2003).

<sup>40</sup>Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA Patriot Act) Act of 2001, Pub.L. No. 107-56, 115 Stat. 272 (2001).

<sup>41</sup>*See supra* note 34.

<sup>42</sup>*See* Judgment, *United States v. Al-Arian*, No. 8:03-cr-77-T-30TBM (M.D. Fla. May 1, 2006), Dkt. No. 1574.

<sup>43</sup>Patient Protection and Affordable Care Act, Pub.L. No. 111-148, 124 Stat. 119 (2010) (commonly known as "Obamacare").

<sup>44</sup>*See* Kevin Graham & Kris Hundley, *WellCare Admits Shortchanging Medicaid Patients, Will Pay \$80 Million*, TAMPA BAY TIMES (May 5, 2009), <http://www.tampabay.com/news/business/wellcare-admits-shortchanging-medicaid-patients-will-pay-80-million/998325>.

<sup>45</sup>*Id.*

<sup>46</sup>*See United States v. Farha*, No. 8:11-cr-115-T-30MAP (M.D. Fla. filed Mar. 2, 2011).

<sup>47</sup>*See United States v. Clay*, 832 F.3d 1259, 1266 (11th Cir. 2016) ("In sum, Behren was convicted of Counts 4 and 5..., in violation of 18 U.S.C. §§ 1035 and 2; Behrens, Farha, and Kale were convicted of Counts 8 and 9..., in violation of 18 U.S.C. §§ 1347 and 2; and Clay was convicted of Counts 10 and 11..., in violation of 18 U.S.C. § 1001.").

<sup>48</sup>*Id.* at 1265.

<sup>49</sup>*See United States v. Thaddeus M.S. Bereday*, No. 8:11-cr-115-T-30MAP-2 (M.D. Fla. filed Mar. 2, 2011).