

CHAPTER 1

INTRODUCTION

Why Me?

That's the first question that runs through your head. Whether you're completely innocent or caught red-handed, it's always the same. Why me? While I obviously don't know the specifics of your case, I can tell you that you've simply lost the legal lottery. The US legal system is driven by setting examples. Yes, there is a desire for punishment and lip service paid to justice, but it's really nothing more than a numbers game. A certain number of people need to go to prison in order to discourage particular behaviors. Whether you're the best or most appropriate example is sort of irrelevant. The Justice Department sets priorities and local offices follow suit. Headlines are made and everyone in or around that type of business or activity scurries in fear, so there's less of that behavior.

Your fate is determined by a small handful of people consisting of one or two Assistant United States Attorneys (AUSAs), a few federal agents (FBI, DEA, DHS, etc.) and eventually a judge who has the final say. No one else in the world cares, except perhaps your victims, assuming your case has victims. Regardless, at the end of the day, the case is titled the United States vs. You, giving that small handful of people unlimited resources and unimaginable power. I know, it sounds insane, right? Understanding what you're up against is the first important lesson in this difficult process.

You've come under the radar for any number of reasons. Nowadays, most cases are built off the backs of others. Someone gets into trouble for one thing and starts spilling their guts

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about everything she or he can think of, implicating other people and generating new cases. However, it could also arise from suspicious trading activity or bank transactions, complaints from victims, requests from legal authorities in another country, or mere association with someone up to no good, among others. Then again, it could be a mere technicality. Estimates put the number of Federal Criminal Laws at 4,500 (and growing) and there are hundreds of thousands of pages of Regulations, many of which don't even require intent. Any given day, your front door can be busted down by the Feds, with guns a blazing, and you won't even see it coming.

The Appearance of Justice

That's what it's all about, the entire criminal justice system - making sure that 335 million Americans sleep well each night. Prosecutor's put out one-sided, uncontested press releases, printed verbatim by news outlets, and soaked in by the public. It would seem like something yanked straight from some strange alternate future dreamed up by George Orwell or Ray Bradbury, if it weren't so disturbingly true. Unfortunately, most of us are blissfully unaware of the potential threat until we've fallen down the rabbit hole, and by then it's inevitably too late.

The truth is, we have a system that has perfectly evolved into one that prizes convictions over justice and vengeance over rational results. Agents are rewarded based on the number of cases they close, prosecutors on victories in the courtroom, and judges often pride themselves on the number of years doled out. I once even saw one senior judge quoted as not wanting to retire until he hit one million. One million years of imprisonment. It's insane. The motivation to take shortcuts is intense, rationalized by the concept of "the ends justify the means." Defendants cease to be human, just the next round of nameless and faceless wrapped up in a system to serve

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a purpose. Once a prosecutor decides your guilty, the evidence is secondary, and it would take an act of God to convince her or him otherwise.

That's what you're up against. It's a sausage making factory with everyone willfully blind and hardly concerned as to how the sausage is made. And, that's the thing that helps keep it running. No one wants to know, no one wants to care, that is, until you become part of the sausage.

Categories of Targets

A Target is someone that federal agents are investigating with the belief that a person has committed a crime. Another key classification is a Person of Interest, someone who the Feds believe has material information with respect to the crime they are investigating. The Feds can and do change the classification of individuals during an investigation, depending upon the evidence uncovered.

In my experience, people who are Targets generally fall into one of the following categories:

1. Completely innocent,
2. Providing perfectly legal services to people engaged in illegal activities,
3. Playing at the margins of the law, also known as the gray area, and
4. Knowing and willingly engaging in illegal activities.

Justice, however, is subjective and you'll be treated the same regardless. There's no objective arbiter of truth and you can forget about innocent until proven guilty. That's more like a fairy tale. There are also no legal white knights or Perry Masons riding in to advocate faithfully on your behalf. Other than exceptional circumstances, like the politically connected super elite,

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even money and power are no guarantees for escaping the criminal justice system once it has you in its sights.

Regardless of which category you fall into, the most common initial reactions are to feel scared and angry. Fear of the unknown is the worst part, especially since these cases play out over the course of an excruciatingly long period of time. Then, you undoubtedly know some people who are up to no good, certainly worse than you. ‘Why are the Feds focusing on me for chrissake?’ We are all raised to believe that the system is fair, just and even-handed, and continue to believe so until we’re ensnared in its trap and come to learn otherwise.