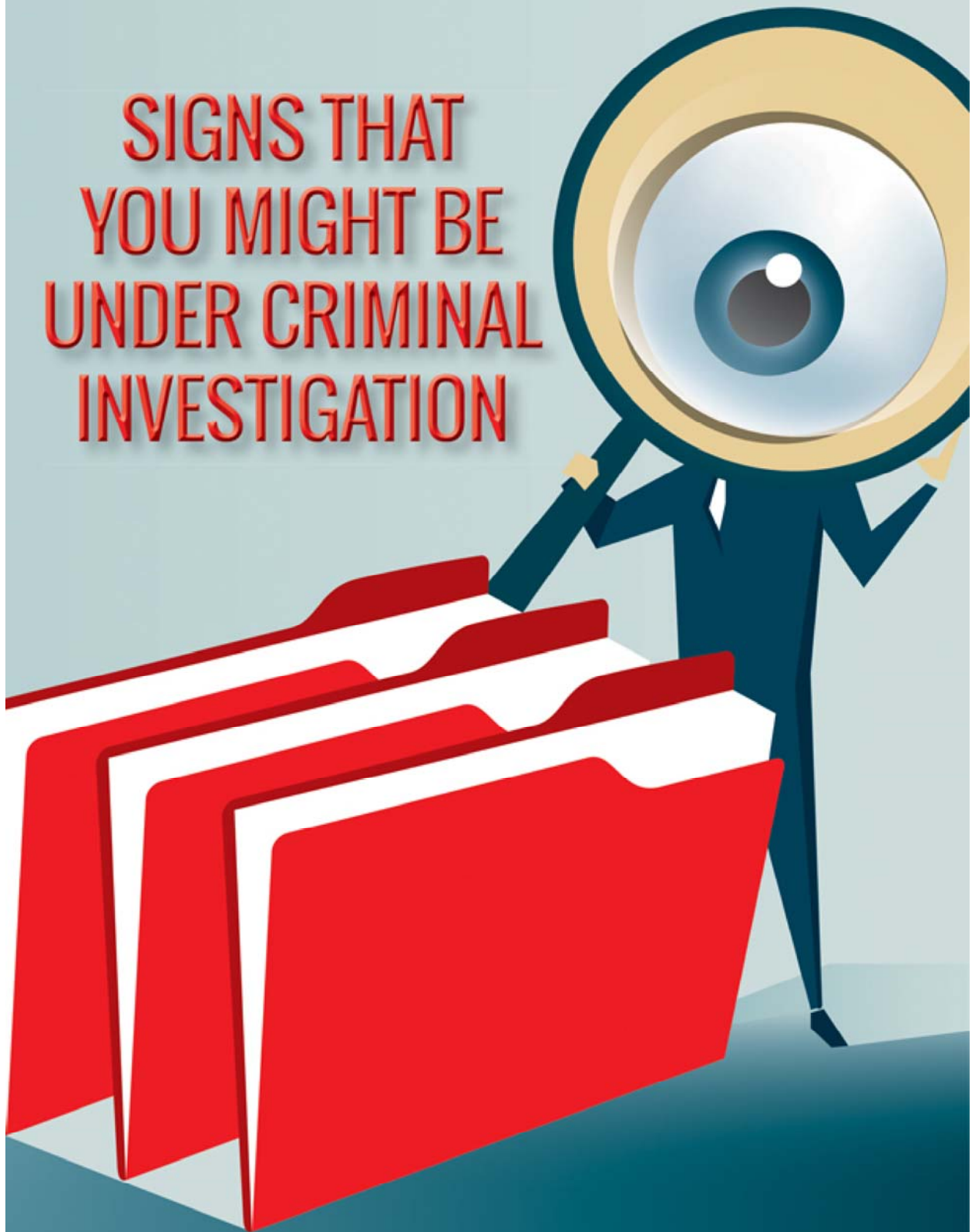


**SIGNS THAT
YOU MIGHT BE
UNDER CRIMINAL
INVESTIGATION**



James P Whalen

Signs You May Be Under
Investigation for a Federal White Collar Crime
and
What TO DO if you are!

By
James P. Whalen
Whalen Law Office

Introduction

The purpose of this book is to help the typical person identify if they are under a federal criminal investigation for a white collar crime, and if they are what to do. The first question the book will answer is: “How will I know if I’m under investigation for a white collar crime?” There are generally four tell-tale signs that you may be the subject of a criminal investigation which I will help you recognize. The second question this book will answer: “I recognize these four signs, now what do I do?” There are six things you should do when you are in this situation, since by failing to do them could hinder your ability to defend yourself against the massive Federal Government.

Part I
HOW WILL I KNOW?

CHAPTER ONE

Contacted by a Federal or State Law Enforcement Agent

In many cases, a federal law enforcement agent will contact people who they suspect may be involved in a crime well before they actually charge someone with a crime.

There are numerous federal agencies that investigate criminal activity. The common ones are:

- Federal Bureau of Investigation (FBI),
- Alcohol, Tobacco, Firearms and Explosives (ATFE)
- Drug Enforcement Administration (DEA)
- Internal Revenue Service-Criminal Investigations Division (IRS)

- Immigration and Customs Enforcement (ICE)
- U. S. Customs and Border Protection (CBP)
- U.S. Secret Service
- U.S. Marshal Service
- U.S. Postal Inspection Service
- Fish and Wildlife Service

Additionally, most if not all Federal Agencies have an Office of Inspector General, or **OIG**, which employs people with authority to investigate crimes and authority to arrest. For example, the agencies I have worked with are the Small Business Administration, Department of Education, Health and Human Services and the Federal Housing and Finance Administration.

Most federal law enforcement agents do not wear any type of uniform and work in what is called “plain clothes”. This is usually business attire like a suit and tie. They also generally travel in teams of two. If they suspect you are part of an organization that may be under investigation, they may contact you by coming to your home, place of employment or simply give you a call. These agents may try to talk to you about the company you own, manage, work for, and perhaps even about other employees of the company.

It is not always a federal law enforcement agency that will be contacting you during the initial stages of an investigation. Sometimes State law enforcement agencies will be involved as well. If

you are being contacted by any government or law enforcement agency, it is safe to assume you may be under investigation.

While it may not seem like you are the target of their visit, it is still very important to discuss the event with an experienced criminal defense attorney before speaking with any law enforcement agent.

CHAPTER TWO

Subpoena for Business Documents

If a federal prosecutor's office, known as the United States Attorney's office, has filed a grand jury subpoena for any type of business documents, it is a clear sign that you or someone connected to you may be under investigation. Most federal white collar crimes involve business transactions that are documented on paper. Therefore, these types of investigations begin with the collection and review of those documents. The investigations can involve mortgage loans, bank loans, stock purchases, oil and gas investments, Medicare/Medicaid billing, just to name a few. The subpoena is usually a grand jury subpoena served by a federal law enforcement agent or an Assistant United States Attorney. The Grand

Jury meets on a regular basis to decide if crimes have been committed and whether to return an indictment charging a person with a crime. The Grand Jury process is secret and if one appears before a grand jury, you cannot disclose what happened at the grand jury. If you disclose what happened at the grand jury to others you could be prosecuted for doing so. Below is an example of a grand jury subpoena to help you identify what one looks like and also inform you of the possible penalties you could face if you don't respond to the subpoena properly.

AO110 (Rev 12/89) Subpoena to Testify Before Grand Jury

UNITED STATES DISTRICT COURT

EASTERN

DISTRICT OF

TEXAS

TO: Custodian of Records
[Redacted]
[Redacted]
[Redacted]
[Redacted]

SUBPOENA TO TESTIFY BEFORE GRAND JURY

SUBPOENA FOR:
 PERSON DOCUMENT(S) OR OBJECT(S)

YOU ARE HEREBY COMMANDED to appear and testify before the Grand Jury of the United States District Court at the place, date, and time specified below.

PLACE UNITED STATES COURTHOUSE 7940 PRESTON ROAD PLANO, TEXAS 75024	COURTROOM GRAND JURY ROOM.
	DATE AND TIME 2/12/2014 09:00

YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s):*
See attached

Please see additional information on reverse.

This subpoena shall remain in effect until [Redacted] granted leave to depart by the court or by an officer acting on behalf of the court.

CLERK
David Malone
(By) Deputy Clerk



DATE
12/20/2013

This subpoena is issued on application of the United States of America

ADDRESS AND PHONE NUMBER OF ASSISTANT U.S. ATTORNEY
[Redacted], AUSA
101 EAST PARK BLVD., SUITE 500, PLANO, TEXAS 75074
SA [Redacted], FBI [Redacted]

* If not applicable, enter "none".

ATTACHMENT TO SUBPOENA

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

You are hereby commanded to provide copies of all records for the period of 10/01/2010 to the present pertaining to transactions involving the following entities:

1. [REDACTED]
[REDACTED]
[REDACTED]
2. [REDACTED]
[REDACTED]
[REDACTED]
3. [REDACTED]
[REDACTED]
[REDACTED]

Such records shall include, but are not limited to the following:

1. Records pertaining to any business transactions occurring with or on behalf of the above named entities (e.g., contracts, agreements, documents pertaining to the role of 67 Union Place, LLC in any transactions involving the above named entities, etc.);
2. Any and all contact information for the above named entities (e.g., name, address, telephone number, e-mail address, etc.);
3. Payment information for any transactions involving the above named entities (e.g. payment method, payment account number, wire transfer information, etc.);
4. Billing information for any transactions involving the above named entities (e.g. billing name, billing address, billing telephone number, invoices, receipts, wire transfer information, etc.);
5. Correspondence with individuals associated with the above named entities (e.g., e-mail correspondence, letters, and other memoranda);

Any questions regarding compliance with this subpoena should be directed to Special Agent [REDACTED]. Please deliver the requested items to [REDACTED] Federal Bureau of Investigation, One Justice Way, Dallas, Texas 75220.

INSTRUCTIONS FOR COMPLIANCE

In relation to the documents that you have been asked to produce, please follow the below instructions carefully when complying with the subpoena request.

INSTRUCTIONS FOR PRODUCTION OF RECORDS

- I. General
 - A. Records existing as **Electronically Stored Information (ESI)** shall be produced in electronic form and shall include text data and image data held:
 - 1. In your record retention systems; and/or
 - 2. By your technology, data, or other service provider(s).
 - B. Records that do not exist as ESI may be produced in paper or other original format and may be converted to image or text data and provided as ESI, unless originals are required.

- II. Text Data
 - A. Text data relating to transactions shall be produced within a data file:
 - 1. Using a delimited ASCII text data format; or
 - 2. Using software that can export to a commonly readable, non-proprietary file format without loss of data.
 - B. Text data files relating to transactions shall include field descriptions (e.g., account number, date/time, description, payee/payor, check number, item identifier, and amount).

- III. Image Data
 - A. Image data shall be produced in graphic data files in a commonly readable, non-proprietary format with the highest image quality maintained.
 - B. Image data of items associated with transactions (e.g., checks and deposit slips) shall be:
 - 1. Produced in individual graphic data files with any associated endorsements; and
 - 2. Linked to corresponding text data by a unique identifier.

- IV. Encryption/Authentication
 - A. ESI may be transmitted in an encrypted container. Decryption keys and/or passwords shall be produced separately at the time the data are produced.
 - B. Authentication, such as hash coding, may be set by agreement.
 - C. Affidavits or certificates of authenticity may be included as part of the electronic production.

Version 09/22/2010

V. Cost Reimbursement

- A. Costs that are reasonably necessary and have been directly incurred in searching for, reproducing, or transporting records may be reimbursable. See the *Right to Financial Privacy Act*, 12 U.S.C. Section 3415 and Federal Reserve Board *Regulation S*, 12 C.F.R., Part 219 (revised effective 1/1/2010).



**U.S. Department of Justice
United States Attorney
Eastern District of Texas**

101 F. Park Boulevard, Suite 500
Plano, Texas 75074
817.241.2000/817.241.2001

Telephone: (972) 509-1201
Fax: (972) 509-1209

December 20, 2013

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Re: Grand Jury Subpoena [REDACTED]

Dear Custodian of Records:

Pursuant to an official criminal investigation of suspected federal offenses being conducted by a federal grand jury in the Eastern District of Texas, your institution has been called upon to furnish the documents and information described in the attached subpoena.

As a recipient of a grand jury subpoena for financial institution records, you should be aware that civil and criminal penalties now exist for making certain disclosures regarding this subpoena. The prohibited notifications and applicable penalties are stated in sections 943 and 962 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (12 U.S.C. § 3420(b) and 18 U.S.C. § 1519(b)), respectively.

The criminal penalties include fines and a maximum prison term of five years if an employee, officer, director, partner, agent or attorney of a financial institution notifies, directly or indirectly, any person regarding the existence or contents of this subpoena with the intent to obstruct a judicial proceeding. In addition, if there is no showing of an intent to obstruct a judicial proceeding, fines and a maximum prison term of one year may be imposed if the notification is made, directly or indirectly, to a customer of the financial institution whose records are sought by the subpoena or to any other person named in the subpoena. Civil money penalties may also be imposed.

Therefore, you are not to disclose the existence of this subpoena or the fact of your compliance with it. If you have any questions, or if you are considering a disclosure, please contact the undersigned federal prosecutor.

Your cooperation in this matter is appreciated.

Pursuant to the enclosed grand jury subpoena, you are required to produce original documents (unless otherwise specified) at the time and place indicated on the subpoena. Alternatively, you may comply with this subpoena by delivering the requested documents to [REDACTED], FBI, One Justice Way, Dallas, Texas 75220. The records should be accompanied by an affidavit, signed by the records custodian, stating that the records produced represent all business records in your care, custody and control which comply with the subpoena. If documents have been withheld from production, the affidavit should describe the withheld documents in detail and reflect a detailed basis for withholding the documents.

If production will not be complete by the return date, you will need to obtain a continuance from me. Additionally, you should send a letter to [REDACTED] before the stated return date identifying the documents which have not yet been produced and specifying the reasons for the delay. Once the subpoenaed records are ready to be produced, please mail documents to [REDACTED], and **not to me**.

If you have any questions concerning the subpoena or the documents and records requested, please contact me.

Sincerely,

JOHN M. BALES
United States Attorney
Eastern District of Texas

[REDACTED]
Assistant United States Attorney

Attachments

ATTACHMENT

Unless explicitly indicated otherwise, the following words or phrases are used herein as follows:

- (1) "Document" or "records" refers to all written or graphic matter, however produced or reproduced, or to any other tangible permanent record, and, without limitation, including, among other things, all letters, correspondence, records, memoranda, minutes, notes, summaries, telephone records, books, schedules, reports, studies, appraisals, analyses, lists, interviews, books of account, telegrams, notes and minutes of meetings, interoffice communications, results of investigations, working papers, computer data, financial instruments including money orders, cashier checks and personal checks, papers similar to any of the foregoing and other writings of every kind of description (whether or not actually used, and including drafts of all documents), and including not only originals of such documents but all photostatic or microfilmed copies in whatever form, and all sound records or electronic data compilations in whatever form.
 - (2) A document "relating or incident to" a given subject matter means any document or communication that constitutes, contains, embodies, comprises, reflects, identifies, describes, analyzes, or is in any way pertinent to that subject, including, without limitation, documents concerning the presentation of other documents.
 - (3) A document within your "possession and control" includes not only those in your direct possession, but also those documents in the possession of another person which you have the right to claim or possess.
 - (4) "Document(s)" also includes all items which are subject to a claim of privilege. If any such documents are responsive to the subpoena, each page of the "privileged" document will be numbered consecutively, and placed in a sealed envelope to be held by the custodian until directed otherwise by the Court. The custodian will then provide the Grand Jury with a log which states the following with respect to each document withheld: 1) the date of the document; 2) author; 3) primary addresses; 4) secondary addresses; 5) type of document; 6) client; 7) attorney; 8) subject matter of document; 9) purpose of the document; and 10) whether the document is work product or attorney-client privilege.
 - (5) "Entity" [or "company"] means any and all of the following: [entity or company names and any variations thereof], and any and all predecessors, successors, parent organizations, subsidiaries, affiliates, branches, divisions, units or offices of such entity [or company].
-

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA

v.

UNDER SEAL

§
§
§
§
§

GJ # 1479-40

AFFIDAVIT

[Pursuant to Federal Rules of Evidence 803(6) and 902(11)]

Before me, the undersigned authority, personally appeared, _____, who, being by me duly sworn, deposed as follows:

My name is _____. I am of sound mind, capable of making this affidavit, and personally acquainted with the facts stated herein:

I am the custodian of the records of _____. Attached hereto are _____ pages of records of _____.

I, _____, as custodian of records of _____, do hereby certify that the records referenced above and attached hereto (1) were made at or near the time of the events recorded therein (2) by, or from information transmitted by, a person with knowledge of the matters recorded therein; (3) were kept in the course of the regularly conducted business activity of _____; (4) it was the regular practice of the business activity to keep such records; and, (5) the records attached are the originals or exact duplicates of the originals.

I do hereby declare under penalty of perjury that the foregoing is true and correct.

Executed this the _____ day of _____, 2013.

Affiant

SWORN TO AND SUBSCRIBED before me on the _____ day of _____, 2013.

My commission expires:

Notary Public, State of Texas
Notary's Name Printed: _____

CHAPTER THREE

You are presented with a Search Warrant

If you or your business is presented with a search warrant to seize any type of business documents or computers at home or office it is an obvious signal that you are under a criminal investigation.

In order for a search warrant to be issued and signed by a federal judge, a federal law enforcement officer has to swear to an affidavit *to all the facts he/she is relying on to* establish probable cause that a crime HAS been committed and evidence of the crime is located in the person's home, business, automobile, computer, storage shed etc. *& thus must be seized as proof.* So, if a search warrant has been issued the agents believe you have committed a

crime at that point and a Federal Judge has agreed with that belief. You cannot refuse the law enforcement access, but you can contact an attorney as quickly as possible to ensure the agents don't do anything that is outside the scope of the search warrant, such as seizing items that are not covered by the warrant or searching places that they are not authorized to search. I have attached a search warrant below to help you recognize what a search warrant looks like.

UNITED STATES DISTRICT COURT

for the
EASTERN DISTRICT OF TEXAS

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

[Redacted case details]

Case No. [Redacted]

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search
of the following person or property located in the Eastern District of Texas
(Identify the person or describe the property to be searched and give its location):

[Redacted address], located in the Eastern District of Texas, see
attachment A, which is attached hereto and incorporated herein by reference.

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property
described above, and that such search will reveal (Identify the person or describe the property to be seized):

SEE ATTACHMENT B, WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

YOU ARE COMMANDED to execute this warrant on or before 5-23-14 (not to exceed 14 days)
in the daytime 6:00 a.m. to 10:00 p.m. [] at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the
person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the
property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory
as required by law and promptly return this warrant and inventory to Judge Don D. Bush
(United States Magistrate Judge)

[] Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C.
§ 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose
property, will be searched or seized (check the appropriate box)

[] for days (not to exceed 30) [] until, the facts justifying, the later specific date of

Date and time issued: 05/09/2014 10:00 am

City and state: Plano, TX

[Handwritten signature of Don D. Bush]

Judge's signature

Don. D. Bush, U. S. Magistrate Judge

Printed name and title

ATTACHMENT B

DESCRIPTION OF ITEMS TO BE SEIZED AND SEARCHED

1. Computer(s), computer hardware, computer software, computer related documentation, computer passwords and data security devices, videotapes, video recording devices, video recording players, and video display monitors that may be, or are used to: visually depict child pornography or child erotica; display or access information pertaining to a sexual interest in child pornography; display or access information pertaining to sexual activity with children; or distribute, possess, or receive child pornography, child erotica, or information pertaining to an interest in child pornography or child erotica.
2. Evidence of who used, owned, or controlled the computer(s) at the time the things described in this warrant were created, edited, or deleted, such as logs, registry entries, configuration files, saved usernames and passwords, documents, browsing history, user profiles, email, email contacts, "chat," instant messaging logs, photographs, accounts of Internet Service Providers.
3. Records evidencing occupancy or ownership of the premises described above, including, but not limited to, utility and telephone bills, mail envelopes, or addressed correspondence, rental or lease agreements, mortgage documents, rental or lease payments and credit card information, including, but not limited to, bills and payment records.
4. Any and all notes, documents, records, computer files or correspondence, in any format and medium (including, but not limited to, envelopes, letters, papers, e-mail messages, chat logs and electronic messages, and handwritten notes) pertaining to the possession, receipt, or distribution of child pornography as defined in 18 U.S.C. § 2256(8) or to the possession, receipt,

or distribution of visual depictions of minors engaged in sexually explicit conduct as defined in 18 U.S.C. § 2256(2), including communications between individuals about child pornography or the existence of sites on the Internet that contain child pornography or that cater to those with an interest in child pornography or membership in online groups, clubs, or services that provide or make accessible child pornography to members;

5. Any and all records, documents, invoices and materials, in any format or medium (including, but not limited to, envelopes, letters, papers, e-mail messages, chat logs and electronic messages, and other digital data files) that concern online storage or other remote computer storage, including, but not limited to, software used to access such online storage or remote computer storage, user logs or archived data that show connection to such online storage or remote computer storage, and user logins and passwords for such online storage or remote computer storage.

6. Any and all cameras, film, videotapes or other photographic equipment.

CHAPTER FOUR

Receipt of a Target Letter

The use of target letters is one thing that is fairly unique to federal white collar criminal investigations. This is a letter that is sent by the prosecuting attorney to a person or a business letting them know that there is an open investigation and you and/or your business is/are the subject or target of that investigation. The letter will generally let you know what the investigation is about, and what rights and responsibilities you have. It will also request that you contact the prosecuting attorney within so many days to discuss the matter. If you receive this letter, it is imperative that you contact an experienced criminal defense attorney immediately. An experienced criminal defense

attorney can negotiate with the Assistant United States Attorney so you are only a witness and not a defendant. An experienced criminal defense attorney by intervening early can convince a prosecutor to close the investigation and not bring charges. Or in the unfortunate event you have committed a crime, your attorney can negotiate with the prosecuting attorney to limit your exposure by reducing the charges or cooperating in the investigation. It is imperative that you do not delay and contacting an attorney upon receipt of this type of letter. Any delay on your part could cause you to miss an opportunity for your attorney to create a favorable outcome. A sample target letter looks like this?

PART II
WHAT TO DO
CHAPTER FIVE

Don't panic – call an attorney

If contacted by law enforcement in person, received a target letter, served with a subpoena or search warrant, don't panic and call an attorney. I know that it is easier said than done especially if this is your first encounter with law enforcement and it is a federal agent, but in order to protect yourself it is a must. I have seen people panic and make matters worse by shredding documents or telling potential witnesses what to say or do. These behaviors will turn a small problem into a major problem very quickly and hinder your attorney's ability to facilitate a favorable outcome.

The best thing to do is call an experienced criminal defense attorney to ensure that your rights are safeguarded at all times, He or she will provide guidance and help you understand what's happening, removing a great deal of uncertainty and give you the peace of mind that everything will be okay. You should look for an experienced criminal defense attorney who has extensive federal criminal defense experience. Additionally, look for a Board Certified Criminal Defense attorney who has dedicated the majority of their law practice to helping people accused of crimes.

CHAPTER SIX
Do not answer questions

Many people under investigation talk to law enforcement before they understand what the information will be used for. Sometimes they yield because they have been threatened with arrest. Don't be fooled and give them details that could and most likely compromise you later. As a society, we have been conditioned to cooperate with law enforcement, but it is okay and within your **RIGHTS** to tell a federal agent that you want to speak to an attorney before answering their questions.

Some agents will attempt to intimidate you by saying things like "We can have this conversation here or downtown." Comments like this signal an unreasonable and aggressive attitude. Even if the

investigator is polite, don't be fooled. It is their job to collect information and evidence, not help you. It is the job of your lawyer to help you navigate the legal system and advocate on your behalf.

To illustrate the point, I have had several clients talk to law enforcement because they felt they had nothing to hide or thought if they just explained their side of the story it would make the situation go away. Unfortunately, the outcome for these clients was that their statements just strengthened the case against them. Law enforcement agents are allowed to lie to you in order to get a confession out of you. If you ask an agent "should I get a lawyer" most will try and talk you out of it. I had a client ask that very same question,

and was told “why do you need a lawyer if you have nothing to hide”. The client fell for this and talked to the agents. A week later that client received a target letter. which possibly could have been avoided if he had contacted an experienced criminal defense attorney prior to speaking to the agent.

If a federal agent gives you a Miranda warning, saying “you have the right to remain silent”, know that you are definitely the subject of a criminal investigation. Say nothing further without an attorney present. If you request an attorney, all questioning is supposed to end immediately. If they continue to attempt to question you, just say, “I want my attorney.” In my experience, I have come to believe that you can never win by giving statements

to police without the aid of an attorney. The predicament seems to be, If you don't answer questions, they are going to think you have something to hide, but if you do give a statement and you do not admit your guilty then they will just say that you are lying. As the saying goes, you are damned if you do and damned if you don't. So protect yourself and just don't answer any questions. Additionally, by giving a statement without the full knowledge of what actually taking place will limit your defense later. Once you give that statement, it is on permanent record. Any attempt to change statements at a later date will cause you to lose credibility. My experience also has been that by giving a statement early, it gives the government

ample time to prove what you said as erroneous, as well as using it to anticipate your defense. Err on the side of caution and Keep your Mouth Shut!

CHAPTER SEVEN

If you do answer questions, Tell the Truth

If you disregard the sound legal advice in Chapter Six and choose instead to talk to law enforcement, please, please tell the truth. All it takes is just one lie to make you look guilty. A single lie will solidify the government's belief that you are guilty, and thus makes it easier for them to convince a jury you are guilty. The general belief is that only guilty people lie to the police. Additionally, giving false information or lying to a

federal agent is a crime. You can face up to 5 years in federal prison for lying to a federal agent. It is natural to want to defend yourself by explaining what happened, but remember investigators are only there to seek evidence, not see your point of view. It is the prosecutor, not the investigator, who makes the decision regarding prosecution. So save any explanations for your attorney who can speak on your behalf with the prosecutor.

CHAPTER EIGHT

Do not consent to any search of your home or business without a warrant.

If any federal agents asks you to search your home or business, or asks you to surrender anything, make sure they have a legal right to request the items. Federal law enforcement agents cannot search your home, office, vehicle, phone or computer without a search warrant unless you consent. If you consent to a search, you cannot complain later that they didn't have a warrant. If law enforcement asks to search your home, office, phone or computer, ask if they have a warrant. If they do not have a warrant tell them NO!

I had a client who turned over his computer to the FBI simply because they asked. The FBI then

searched that computer and found a mountain of incriminating evidence which led to charges being filed and ultimately a prison sentence. Why would a federal law enforcement agent request a consensual search? The most likely reason is because he/she doesn't have enough evidence to convince a judge to issue a search warrant. So do not consent to any type of search without consulting an attorney first. If they do present a warrant consult an attorney and do not interfere with the agent's ability to execute the warrant.

Chapter Nine

Do not surrender any documents without a subpoena.

If a federal law enforcement agent requests documents from you, do not produce anything

unless presented with a subpoena or they have warrant to seize the documents. Generally, you are under no legal obligation to surrender documents unless they are properly subpoenaed.

If you are served with the subpoena, you are legally obligated to comply with the subpoena. **DO NOT IGNORE** the subpoena. If you fail to comply with a subpoena in any way you could be charged with obstruction of justice and face time in federal prison. Hire an attorney to help you. Your attorney will contact the U.S. attorney's office or agent to determine what they need, and then advise you how to comply to the best of your ability.

If you are ever served with a subpoena, do not destroy any documents that are being requested. The

destruction of documents can also lead to possible obstruction of justice charge. Additionally, you cannot tell anyone, other than your attorney you have been served with the subpoena. If you do, you can be subject to criminal penalties for the disclosure. So, if served with a subpoena, hire an attorney to help you comply with the subpoena and prevent you from violating the law.

CONCLUSION

I hope the above information has been helpful in recognizing the signs that you may be under investigation for a federal with collar crime and some tips on what do if you are. I also hope that this book will help anyone that reads it have a better

understanding of the process of criminal investigation and your rights if you are a possible subject of one. I hope that you never have to utilize this book but in the event you do or know someone who should, the information contained in this book should give you the confidence to handle the situation that protects you and your rights.

If you suspect you could be under federal investigation, protecting yourself should be your number-one priority. In most cases, that means staying calm, keeping quiet, and contacting your attorney—no matter how much law enforcement might urge you to cooperate.

But first, it's important to know the signs that indicate you're being examined. Using two decades of experience as a criminal attorney, James P. Whalen provides a simple and easy-to-follow guide that will let you know what to look for and what you should do if you recognize the signs.

James P. Whalen graduated from Southern Methodist University School of Law in 1995 and has been board certified by the Texas Board of Legal Specialization in Criminal Law since 2002. Whalen has successfully resolved countless cases in federal court over the years and takes pride in his vigorous, zealous, and honest representation of his clients.

ISBN 978-1515202745



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