

TO: Interested Media
FROM: BUD CUMMINS, United States Attorney
DATE: March 26, 2004
CONTACT: Bud Cummins, 501-340-2650

LITTLE ROCK, AR– Bud Cummins, U.S. Attorney for the Eastern District of Arkansas, announced today that Little Rock tax attorney Bobby Keith Moser is being held in federal custody after failing to appear for a scheduled guilty plea in Detroit, Michigan on February 17, 2004. Moser's whereabouts were identified as a result of an investigation conducted by Special Agents of the Internal Revenue Service Criminal Investigation Division (IRS-CID), along with assistance from the Bureau of Diplomatic Security of the U.S. Department of State, the Federal Bureau of Investigation (FBI), the United States Marshals Service (USMS) and the U.S. Immigration and Customs Enforcement (ICE).

Moser was located roughly 10,000 miles from Little Rock in the country of Madagascar. Madagascar is an island country with a population of approximately 17,000,000 and is slightly less than twice the size of Arizona. It is the world's fourth largest island, just off the coast of Southern Africa east of Mozambique.

Moser was detained there by Malagasy authorities on March 15 and was held in a Malagasy detention facility until he was returned from that country and transported back to the

United States via South Africa. This is believed to be the first time a prisoner has been surrendered by Madagascar and they cooperated in every phase of the process.

Moser was escorted on the first leg of the trip from Antananarivo, Madagascar to Johannesburg, South Africa by FBI Legal Attaches stationed in Pretoria. For the balance of the return trip from Johannesburg to the United States, Moser was escorted by agents from IRS-CID and USMS. He will arrive in Little Rock today.

Moser had previously waived indictment in both Arkansas and Michigan. He had agreed to plead guilty to tax fraud charges in Arkansas and also to conspiracy, money laundering and obstruction of justice charges in Michigan. Both cases were consolidated for plea and sentencing in Michigan pursuant to federal rules and by agreement of all the parties to the case. The matter was set for guilty pleas before United States District Judge Nancy G. Edmunds, Eastern District of Michigan, on February 17, however, Moser failed to appear on that date and could not be immediately located. On February 18, Judge Edmunds issued an arrest warrant for Moser for failing to appear.

On March 5, First Assistant U.S. Attorney Sandra Cherry from the U.S. Attorney's Office in the Eastern District of Arkansas and Robert A. Kemins, Trial Attorney for the Tax Division of the U.S. Department of Justice, presented a four count indictment to a grand jury in Little Rock. The grand jury returned an indictment naming Moser on one count of Transportation of Stolen Money (18 U.S.C. §2314); one count of Engaging in a Monetary Transaction in Property Derived From Unlawful Activity (18 U.S.C. § 1957); and two counts of

Mail Fraud (18 U.S.C. § 1341). The mail fraud charges carry the most serious penalties among these—up to 30 years in prison and or a fine of \$1,000,000.

Federal authorities from the Eastern District of Arkansas seized \$518,437 on February 27 belonging to Moser's clients that was found in a Memphis, Tennessee bank. In addition to the money seized in Memphis, an additional \$223,950 was seized by federal authorities on March 19 after it was identified in a North Little Rock bank by IRS-CID agents.

On March 11, Kevin C. Culum and other prosecutors assigned to the U.S. Department of Justice Anti-Trust Division, Cleveland Field Office, presented a seven count indictment to a grand jury in the Eastern District of Michigan. The grand jury returned an indictment on that date naming Moser for one count of Conspiracy to Commit Mail Fraud (18 U.S.C. § 371); one count of Mail Fraud (18 U.S.C. §§ 1341, 1346); two counts of Wire Fraud (18 U.S.C. §§ 1343, 1346); one count of Conspiracy to Commit Money Laundering (18 U.S.C. 1956(h)); one count of Obstruction of Justice (18 U.S.C. § 1503); and one count of Making a False Declaration Before a Grand Jury (18 U.S.C. § 1623). The money laundering charge carries the most serious penalty among these—up to 20 years in prison and or a fine of \$500,000. The Honorable Jeffrey G. Collins is the U.S. Attorney for the Eastern District of Michigan.

“Locating and arranging for the return of Bobby Keith Moser was a cooperative effort.” stated Cummins. “In the Eastern District of Arkansas, special agents from the Internal Revenue Service-Criminal Investigation Division diligently led the investigation to find Moser and certain monies he is alleged to have taken. U.S. Marshals and the Diplomatic Security

Service Special Agent here in the district also made critical contributions to that investigation, as did FBI and ICE agents from both the Detroit and Little Rock divisions.”

“Overseas, the Diplomatic Security Service special agent on the ground in Madagascar and the FBI Legal Attaches headquartered in Pretoria, South Africa worked diligently to arrange for Moser’s return once he was located. Malagasy authorities provided tremendous cooperation to the U.S. government. The U.S. Department of Justice Office of International Affairs coordinated the entire operation to bring him back to the United States and did an amazing job in a very complex environment.” Cummins added.

All of these efforts were continuously supported by prosecutors from the U.S. Attorney’s Office in the Eastern District of Arkansas, the Dallas Office of the Tax Division and from the Cleveland Office of the Anti-Trust Division.

An indictment is merely an allegation of wrongdoing. A defendant is presumed innocent until and unless they are proven guilty.

#####