



Misprison of a Felony and more...

.... see what happened this past week in the Eastern District of Louisiana

CASE SPOTLIGHT

United States v. Camacho 22-cr-215

What's the Basis?: According to the factual basis, agents were conducting surveillance of a suspected stash location in New Orleans when they observed a rental vehicle arrive. The agents then observed an individual transfer a backpack from the residence to the vehicle. **The driver of the vehicle later met the Camacho outside Harrah's Casino and Hotel, where the Camacho took possession of the backpack,** and carried it to a hotel room. **Agents then observed Camacho and the driver leave the room without the backpack, travel to Wal-Mart and purchase "packaging materials."** These actions led the agents to file for, and obtain, search warrants for the room and vehicle.

While executing the search warrant, the agents discovered \$153,935 in U.S. currency, along with the same backpack that had been observed leaving the stash house. Investigators also recovered cell phones and a ledger. The driver admitted she had collected the money on behalf of an individual in Mexico and intended to transport it across the border through Texas. **Camacho admitted that he knew a federal felony had been committed, that he performed an affirmative act to conceal that crime, and failed to notify authorities as soon as possible, thus satisfying the elements of misprison of a felony.**

What's the Violation?: Camacho pled guilty to *Misprison of a Felony*, in violation of **18 U.S.C. § 4.**

What's the Punishment?: The Honorable Judge Jane T. Milazzo sentenced **Camacho to 6 months of imprisonment and one year of supervised release.**

This Week's Other Matters

U.S. V. CLARK, 23-CR-176

Charge: Conspiracy to Committ Wire Fraud
(18 U.S.C. § 371)

Sentence: 3 years of probation, \$411,342.12 in restitution.

Judge: Honorable Sarah S. Vance

U.S. V. MACHADO-MENCIA, 25-CR-136

Charge: Reentry of Removed Alien
(8 U.S.C. § 1326(a))

Sentence: 3 months of imprisonment and 1 year of supervised release.

Judge: Honorable Susie Morgan

WHAT'S THAT STATUTE?

CLICK ON THE LINKS BELOW FOR MORE
DETAILS ON THE VIOLATIONS INCLUDED IN
THIS WEEKS' EDITION

- [8 U.S.C. § 1346](#)
- [18 U.S.C. § 4](#)
- [18 U.S.C. § 371](#)
- [18 U.S.C. § 1349](#)
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U.S. V. WESTLING, 22-CR-151

Charge: Conspiracy to Commit Health Care Fraud
(18 U.S.C. § 1349)

Sentence: 5 years of probation.

Judge: Honorable Darrel J. Papillion

U.S. V. CRUZ-HERNANDEZ, 26-CR-125

Charge: Reentry of Removed Alien
(8 U.S.C. § 1326(a))

Sentence: TIME SERVED.

Judge: Honorable Carl J. Barbier

U.S. V. WILLIAMS, 26-CR-013

Violation of Mandatory, Standard, and Special Conditions of Supervised Release: *Failure to refrain from using controlled substances; failure to maintain full time employment; failure to pursue HiSET or vocational training; failure to maintain full time employment; failure to allow probation office to visit at any time; failure to follow the instructions of the probation officer.*

Sentence: TIME SERVED.

Judge: Honorable Sarah S. Vance

DID YOU KNOW?

Federal law generally does not require private citizens to report every crime they witness.

Simply knowing that someone committed a federal felony, even a serious one, is ordinarily not a crime by itself. ***Misprision of a felony***, however, is a crime. **Codified at 18 U.S.C. § 4, this act goes a step further. To obtain a conviction, the government must prove more than mere knowledge.**

Generally, prosecutors must establish four elements:

- A federal felony was actually committed by another person.
- The defendant had knowledge of that felony.
- The defendant committed an affirmative act to conceal the crime.
- The defendant failed to notify authorities as soon as reasonably possible.

The affirmative act requirement is what makes this offense relatively uncommon. Remaining silent, standing nearby, or failing to volunteer information ordinarily is not enough. Instead, there must be some act designed to help hide the offense or assist those responsible in avoiding detection.

That distinction is important because misprision often occupies the space between innocence and conspiracy.

The statute is prosecuted far less frequently than conspiracy, money laundering, or obstruction offenses. **In many cases, it serves as a negotiated resolution for individuals whose conduct demonstrates concealment of criminal activity but whose role is less significant than that of the principal offenders.**

The statute is a reminder that conduct occurring after the underlying offense can itself create criminal exposure. Actions that may appear minor, such as hiding evidence, moving property, or otherwise assisting in concealing a known federal felony, can transform a witness into a criminal defendant.