

Federal Criminal Lawyers on  
Mortgage Fraud Defenses:  
Important Facts to Know



Linda Garcia

**LIBERTY BELL**  
**LAW GROUP**

# Federal Criminal Lawyers on Mortgage Fraud Defenses: Important Facts to Know

Federal criminal lawyers know that a mortgage fraud defense is best when it is custom made to be one step ahead of the prosecution and investigators. In this way, federal agents and prosecutors cannot anticipate the criminal lawyers' next move. However, when it is in the best interest of the client, federal criminal lawyers may incorporate some tried and true defense tactics into a custom made defense for mortgage fraud.

## Mortgage Fraud is investigated by the FBI & Severely Punished

[Mortgage fraud](#) is considered a very serious white collar crime and thoroughly investigated by the Federal Bureau of Investigations (FBI). If you have been contacted by a federal agent or investigator, chances are they already accumulated evidence and have been investigating you and every person involved in the mortgage transaction without your knowledge. Don't risk going to prison for 30 years, paying the highest restitution amounts and a fine of \$1,000,000, hire a federal criminal lawyer to protect you and save you from these life-altering detrimental penalties.

Mortgage fraud is often charged with other criminal statutes which increase the penalties and fines. Mortgage fraud may also have co-occurring charges of bank fraud, mail fraud, wire fraud, conspiracy and money laundering which makes building an effective [fraud defense](#) by federal criminal lawyers, all the more complex. It is possible to serve life in prison and be penalized with millions of dollars in fines, aside from the restitution, if federal prosecuting attorneys are successful in their conviction, which is why you need the best federal criminal lawyers.

## Federal Criminal Lawyers can Prevent Charges from being filed

If criminal lawyers are hired during the [investigation](#) of mortgage fraud, before charges have been filed, many times the lawyers are able to prevent charges from being filed, which is more easily done in state courts than then the federal court. Though criminal lawyers that work very regularly on federal cases do know how to more effectively prevent charges from being filed in federal court, or at the very least greatly lessen the severity of charges filed, or hinder the investigation to protect the client and rights. Criminal lawyers cannot stress enough how important it is to [hire a criminal lawyer](#) immediately when it comes to your knowledge or suspect you are being investigated for mortgage fraud.

## Federal Criminal Lawyers use Litigation Defense Tactics

Federal criminal lawyers use litigation defense tactics in trial, though this is much easier said than done. There are many facets of litigation of mortgage fraud that separate the [best federal criminal lawyers](#) from the mediocre, such as experience working in numerous federal cases. The best criminal lawyers

also know the unique characteristics and mode of operation of the prosecutors, investigators, and judge and know how to best work with each individual. During litigation, either for state or federal trials, the best lawyers know how and when to deliver and present arguments, witnesses, and experts.

Some factors criminal lawyers use in litigation of mortgage fraud are:

- Timing
- Having good rapport with the jury
- Use of experts. Criminal lawyers who regularly work on federal cases involving mortgage fraud also know how to pick experts most suitable for the client.
- Use of witnesses, including but not limited to knowing how to find the best witnesses, which witnesses to call to stand, and how to question witnesses.
- Knowing how to make split-second decisions and responses to a prosecutor's arguments.

Aside from having the knowledge, experience, and litigation expertise, federal criminal lawyers file motions during pre-trial and trial. These motions have case histories and are tied to legal jargon and federal laws that are much too complex to go into here and would probably fill up the pages of a very lengthy book.

Criminal lawyers may use these trial tactics in mortgage fraud cases and many more:

- Motion of preclude opinion, expert commentary, or evidence
- Motion to strike prejudicial surplusage
- Daubert/Kumho Challenge

To oversimplify some of the defenses above, federal criminal lawyers may seek to destroy or lessen the credibility of the witnesses or irrelevant matters presented by the prosecuting attorneys. Criminal lawyers may also seek to lessen the role of the client in the mortgage fraud, present a different value of the real estate or economic loss, and much more.

Criminal lawyers, more often than not, don't use just one defense tactic, but rather numerous defense tactics occurring throughout the entirety of the mortgage fraud case.

## Use of Witnesses during a Mortgage Fraud Trial

Federal Criminal lawyers and prosecuting attorneys may both use witnesses to support their side of the story. Criminal lawyers may negate the government's witnesses through the use of their own witness, showing flaws or holes in the testimony and even showing the witness cannot provide accurate statements or the witness is inappropriate to the mortgage fraud case and more. The strategy that federal criminal lawyers use to destroy a testimony from a witness used by prosecuting attorneys will depend on the individual characteristics of the mortgage fraud case and the participants.

## Lawyers may seek to prove Defendant has no Fiduciary Relationship

Federal criminal lawyers sometimes seek to prove the defendant had no fiduciary relationship with a victim. This can be done by proving the defendant was not acting dishonestly or acting solely in his/her interest or the defendant did not intentionally neglect a matter at issue of the mortgage fraud charge alleged by the prosecution. Criminal lawyers may also elect to show the defendant had not acquired advanced or insider special knowledge of the mortgage or industry, and thus the duty of trust was not breached. Lawyers may also work in proving the defendant acted in good faith error.

In proving the defendant did not violate a fiduciary relationship, criminal lawyers may also use the validity, invalidity, acknowledgement, and time sequence of signatures as a piece of the puzzle in building a strong [federal defense](#). Errors can also occur in legal documents that can be pointed out by the lawyers to show the defendant is in fact not guilty of mortgage fraud.

## The Defenses Federal Lawyers use for Mortgage Fraud are countless

Each and every mortgage fraud case, whether state or federal, must be analyzed and combed through by criminal lawyers and their experts to build the strongest custom-made defense for you.

## FBI Increases Efforts and Resources to Prosecute Mortgage Fraud

Recently, the U.S. Department of Justice added over \$55,000,000 for investigating and prosecuting [Financial and Mortgage Fraud](#). The budget for the President's Financial Fraud Enforcement Task force is increased yearly. The Financial Fraud Enforcement Task force includes the FBI, Federal prosecutors and Federal investigators. With this kind of power and budget...

## You need LibertyBell Law Group's team of federal criminal lawyers to be your shield.

Read about our [winning criminal lawyers](#) and why they are highly sought after. Learn about how [LibertyBell Law Group lawyers](#) win their cases.

Need more reasons? Read more about the [best criminal attorneys](#).

If you are *charged or being investigated for mortgage fraud* call **855-LAW-PRO1 (855-529-7761)** now!