

P R E S S R E L E A S E

OFFICE OF THE UNITED STATES ATTORNEY

SOUTHERN DISTRICT OF CALIFORNIA

San Diego, California

September 27, 1990

For further information, call:
Assistant U.S. Attorney Gay Hugo-Martinez
619-557-5684

Department of Justice Attorney Michael F. McAuliffe
202-514-2007 Public Affairs Office

NEWS RELEASE SUMMARY

Three San Diego residents were charged Wednesday by a Federal Grand Jury in San Diego with conspiring to threaten and intimidate a Jewish citizen of the United States of his Constitutional right to hold the convey valuable and personal property and conspiring to defraud long-distance telephone carriers of money due to them for long-distance telephone access and usage charges.

United States Attorney William Braniff and Joseph Johnson, Special Agent in Charge, FBI, San Diego, announced that on September 26, 1990, a six-count indictment was returned by a federal grand jury which charges Michael Dennis Danko, Jeffrey Alan Myrick and Brett Alan Pankauski with conspiracy to injure, threaten and intimidate David Vogel, a Jewish naturalized American citizen in his constitutional right to hold and convey both personal and real property, wire fraud and conspiracy to commit wire fraud. The indictment also charges Danko with unauthorized possession of long-

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distance access codes with the intent to defraud.

The allegations arise from defendants repeatedly placing threatening telephone calls containing threats and religious slurs to David Vogel's place of business.

The case is a result of an extensive investigation by the Federal Bureau of Investigation.

According to Assistant U.S. Attorney Gay Hugc-Martinez and Department of Justice Attorney Michael F. McAuliffe, who are prosecuting the case, the indictment alleges that for three years on an almost daily basis during business hours, defendants made threatening and harrassing telephone calls to David Vogel at his business National City Pawnshop and Jewelers. During one of these telephone calls David Vogel was asked if he had any "Jews" or "niggers" for sale. During another telephone call, Myrick repeatedly referred to himself as Hitler, stated that David Vogel had to suffer because he was a Jew and that the calls to Vogel were made to interfere with his business. The following day, Myrick telephoned Vogel and threatened him with bodily harm. About two months later, Myrick telephoned Vogel threatening to kill him.

The indictment further alleges that Michael Danko telephoned Vogel, referred to himself as Hitler, asked Vogel if he were going to Auschwitz and told Vogel that he was going to call Vogel as long as his business was open. In subsequent telephone calls to Vogel, Michael Danko referred to Nazi Germany, the concentration camps of Auschwitz, Bergen-Belsen and Dachau, stated that they exterminate Jews, and asked why Vogel had not been shot there.

The indictment also alleges that Danko, Myrick and Pankauski

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conspired to defraud telephone common carriers and other providers of telecommunication services without paying them for long-distance access and usage charges. They used unauthorized AT&T long-distance 800 numbers in conjunction with unauthorized access codes when making long-distance or local calls to obtain access to and the use of a long-distance carrier line to complete the call.

If convicted, the maximum penalty that can be imposed under federal law for each count in the indictment is: Counts 1 and 6, 10 years incarceration and a \$250,000 fine; Counts 2-5, 5 years incarceration and a \$ 250,000 fine. All three defendants are charged in Counts 1 and 2 of the indictment. Myrick is charged in Count 3 and Pankauski is charged in Count 5. Michael Dennis Danko is charged in Count 4 and 6 of the indictment. Danko, Myrick and Pankauski were arrested in San Diego. They will be arraigned at 10:30 p.m. today.

On Wednesday, September 26, 1990, Gary Richard Danko, the younger brother of Michael Danko and Robert John Byrd, two other individuals who participated in the conspiracy to threaten and intimidate David Vogel, pled guilty to a one-count information charging them with conspiracy to interfere with federally protected activities. The violation carries a maximum penalty of one year in prison and a \$100,000 fine. They are scheduled to be sentenced on November 27, 1990.

DEFENDANTS:

Michael Dennis Danko (age 24)
948 Agua Tibia Avenue
Chula Vista, California

Paul Kal
Jeffrey Alan Myrick (age 21)
5865 Alleghany Street
San Diego, California

Brett Alan Pankauski (age 23)
279 Moss Street, Apt. 26
Chula Vista, California

Gary Richard Danko (age 21)
339 Spruce Street
Chula Vista, California

Robert John Byrd (age 21)
460 Galbraith Avenue, Apt. 2
Chula Vista, California

count
James P.
Armed with knife
1 min threat
about prisoner

SUMMARY OF CHARGES:

Number of defendants: 3

Number of counts: 6

Violations: Title 18, U.S.C. Sec. 241 - Conspiracy to violate civil rights; Title 18, U.S.C. Sec. 371 - Conspiracy to defraud telephone common carriers; Title 18, U.S.C. Sec. 1343 - Wire Fraud; Title 18, U.S.C. Sec. 1029(a)(3) - Unauthorized use of access device; Title 18, U.S.C. 2 - Aiding and abetting.

Agency: FBI