
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : **CRIMINAL COMPLAINT**

v. :

TRINATH CHIGURUPATI, and : Mag No. 10-4024 (CCC)
SATEESH YALAMANCHILI

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief.

SEE ATTACHMENT A

I further state that I am a Special Agent, and that this complaint is based on the following facts:

SEE ATTACHMENT B

continued on the attached page and made a part hereof.

Christopher Silvern, Special Agent
Department of Labor, Office of
Inspector General, Office of
Labor Racketeering and Fraud
Investigations

Sworn to before me and subscribed in my presence,
March 30, 2010, at Newark, New Jersey

HONORABLE CLAIRE C. CECCHI
UNITED STATES MAGISTRATE JUDGE

Signature of Judicial Officer

ATTACHMENT A

Count One

From on or about January 20, 2010 to on or about February 4, 2010, in Middlesex County, in the District of New Jersey and elsewhere, defendants TRINATH CHIGURUPATI and SATEESH YALAMANCHILI knowingly and willfully attempted to obstruct, delay, and affect in commerce, as that term is defined in Title 18, United States Code, Section, United States Code, Section 1951(b)(3), and the movement of articles and commodities in commerce by extortion, as that term is defined in Title 18, United States Code, Section, United States Code, Section 1951(b)(2), by obtaining money, property, and other items of another person, namely the Victim, as referenced in Paragraph 1f of Attachment B of this Criminal Complaint, with the consent of such person, induced by wrongful use of actual and threatened force, violence, and fear, including physical and economic harm, in violation of Title 18, United States Code, Section 1951 and Section 2.

Count Two

From or about January 20, 2010 to on or about February 4, 2010, in Middlesex County, in the District of New Jersey, and elsewhere, defendants TRINATH CHIGURUPATI and SATEESH YALAMANCHILI knowingly and corruptly influenced, obstructed, and impeded, and endeavored to influence, obstruct, and impede, the due and proper administration of the law under which a pending proceeding was being had before a department and agency of the United States, namely, an investigation by the United States Department of Labor's Wage and Hour Division, as described in Attachment B of this Criminal Complaint, by committing the acts described in Paragraphs 7-11 of Attachment B of this Criminal Complaint, in violation of Title 18, United States Code, Sections 1505 and 1515(b), and Section 2.

ATTACHMENT B

I, Christopher Silvern, am a Special Agent of the Department of Labor, Office of Inspector General, Office of Labor Racketeering and Fraud Investigations. I have knowledge of the facts set forth herein through my personal participation in this investigation and through oral and written reports from other federal agents or other law enforcement officers. Where statements of others are related herein, they are related in substance and part. Since this Criminal Complaint is being submitted for a limited purpose, I have not set forth every fact that I know concerning this investigation. I have only set forth those facts that I believe are sufficient to show probable cause exists to believe that the defendants have committed the offenses set forth in Attachment A. Where I assert that an event took place on a particular date, I am asserting that it took place on or about the date alleged.

Introduction

1. At times relevant to this Criminal Complaint:

a. Defendant TRINATH CHIGURUPATI was a former employee of a company located in Rolling Meadows, Illinois (hereinafter "Company One"). Company One was an Information Technology, or "IT," staffing company that placed IT consultants at various client sites. Company One hired foreign workers that it sponsored through the H1-B Visa Program (hereinafter the "Program"). Defendant TRINATH CHIGURUPATI was later an employee of a company located in Princeton, New Jersey (hereinafter "Company Two").

b. Defendant SATEESH YALAMANCHILI was employed by Company One and was placed by Company One at Company Two.

c. The H-1B program permitted employers, such as Company One, to sponsor foreign workers to enter the United States and temporarily work in certain specialty occupations, such as IT. Under the Program, to sponsor a foreign worker, the employer was required to truthfully complete and submit a Labor Condition Application to the United States Department of Labor for each foreign worker the employer sought to sponsor and employ. By signing this form, the employer agreed to certain terms and conditions, including paying its foreign workers wages and other benefits as prescribed by the rules and regulations governing the Program. Furthermore, under the Program, an employer who sponsors a foreign worker was required to pay wages

and other benefits to that foreign worker, even if he or she was not gainfully employed.

d. Co-Conspirator R.G. was employed by Company One.

e. The Wage and Hour Division (hereinafter "DOL-WHD") was a sub-agency of the United States Department of Labor and responsible for enforcing the Programs's rules and regulations related to the payment of the prevailing wage rate.

f. An individual was sponsored by Company One to work in the United States with an H-1B Visa and was an employee of Company One (hereinafter the "Victim").

Overview of the DOL-WHD Investigation (the "Underlying Investigation")

2. According to the Victim, in or about April 2008, Company One petitioned for him to work under the Program and placed him at a United States based employer (hereinafter "Company Three"). The Victim reported that he was providing IT services to Company Three, and his wages were paid by Company One. On or about October 1, 2008, based on Company One's application, the United States approved the Victim to work under the Program.

3. On or about November 1, 2008, the Victim, who was an employee of Company One, ceased providing services to Company Three. Company One, under the Program, was legally required to continue paying the Victim the minimum wages listed on the Labor Condition Application submitted by Company One.

4. According to the Victim, Company One failed to place him at another United States based company and failed to pay him the minimum wages that were due and owing to him.

5. According to a DOL-WHD investigator, in or about February 2009, DOL-WHD in Chicago, Illinois commenced a civil investigation into Company One's alleged violations of the Program; specifically, the failure to pay wages to its foreign workers, as required under the Program. While this civil investigation was ongoing, the Victim filed a complaint with the DOL-WHD in Chicago, Illinois, alleging that Company One failed to pay him wages under Program for the period from in or about November 2008 through in or about November 2009 (hereinafter the "Investigation").

6. On or about January 15, 2010, the DOL-WHD issued a Determination Letter to Company One, citing the company for multiple violations of failing to pay its foreign workers as required under the Program (hereinafter the "Determination Letter"). Moreover, the DOL-WHD determined that Company One owed approximately \$142,000 in back wages to four Company One employees, including approximately \$53,000 in back wages owed to the Victim.

The Extortion Scheme and Obstruction of Justice

7. According to the Victim, on or about January 20, 2010, he was contacted on the phone by a person who identified himself as defendant SATEESH YALAMANCHILI. According to the Victim, defendant SATEESH YALAMANCHILI advised the Victim that a job was available, and defendant SATEESH YALAMANCHILI wanted to interview the Victim for the position. According to the Victim, he went to a restaurant in Middlesex County, New Jersey for the interview, as instructed by defendant SATEESH YALAMANCHILI. When the Victim arrived for the interview, he stated that defendants SATEESH YALAMANCHILI and TRINATH CHIGURUPATI were waiting for him inside the restaurant. According to the Victim, after meeting defendants SATEESH YALAMANCHILI and TRINATH CHIGURUPATI, the Victim learned that the purpose of the meeting was not to interview the Victim for a job, but to discuss the Determination Letter with him. According to the Victim, defendants TRINATH CHIGURUPATI and SATEESH YALAMANCHILI told the Victim that they wanted the Victim to recant the statements he made to DOL-WHD concerning the Investigation. By recanting his statement, Your Affiant submits that the Victim would be giving up his right to the approximately \$54,000 in back wages owed to him by Company One. Although the Victim did not acknowledge that he was a witness in the Investigation, the Victim told defendants TRINATH CHIGURUPATI and SATEESH YALAMANCHILI that he would send an e-mail to Co-Conspirator R.G., recanting the Victim's allegations. The Victim reported that during this encounter he was frightened.

8. According to the Victim, at approximately 10:00 p.m. on January 22, 2010, defendants TRINATH CHIGURUPATI and SATEESH YALAMANCHILI arrived unannounced at the Victim's residence and sought to coax him into leaving his residence and entering defendant SATEESH YALAMANCHILI's car. According to the Victim, he did not want to get into the car, but he was physically intimidated by defendants TRINATH CHIGURUPATI and SATEESH YALAMANCHILI, and he eventually entered the car, believing he would be hurt if he did not comply. After entering defendant SATEESH YALAMANCHILI's car, the Victim stated that defendant TRINATH CHIGURUPATI showed the Victim a document that purported

to be the Determination Letter. According to the Victim, defendant TRINATH CHIGURUPATI told the Victim that if he did not recant his statements to DOL-WHD, defendant TRINATH CHIGURUPATI would "take care of" the Victim. The Victim further stated that defendant TRINATH CHIGURUPATI also held clenched fists in front of the Victim and ordered him to send the e-mail to Co-Conspirator R.G. According to the Victim, defendant SATEESH YALAMANCHILI used a cell phone to call Co-Conspirator R.G., who, over the phone, told the Victim to comply with whatever defendant TRINATH CHIGURUPATI had instructed him to do.

9. According to the Victim's roommate (hereinafter "Roommate One"), in late January 2010, defendants TRINATH CHIGURUPATI and SATEESH YALAMANCHILI arrived unannounced at the Victim's residence. According to Roommate One, defendants TRINATH CHIGURUPATI and SATEESH YALAMANCHILI entered the residence without permission through a closed, but unlocked door. According to Roommate One, defendants TRINATH CHIGURUPATI and SATEESH YALAMANCHILI inquired about the Victim's whereabouts and the location of his laptop computer, files, and luggage.

10. According to the Victim, on or about January 24, 2010, at approximately 9:00 a.m., defendants TRINATH CHIGURUPATI and SATEESH YALAMANCHILI again entered the Victim's residence without permission through a closed, but unlocked door. According to the Victim, defendant TRINATH CHIGURUPATI entered the Victim's bedroom and struck him on the chest and shoulders to awaken him. According to the Victim, defendant SATEESH YALAMANCHILI was also in the Victim's bedroom at this time. After the Victim had awoken, defendant TRINATH CHIGURUPATI instructed the Victim to exit the residence and get into a vehicle. When defendants TRINATH CHIGURUPATI and SATEESH YALAMANCHILI entered the bedroom, another roommate (hereinafter "Roommate Two") was present. Roommate two stated that defendants TRINATH CHIGURUPATI and SATEESH YALAMANCHILI were aggressive and he feared for his safety and the Victim's safety. The Victim told defendants TRINATH CHIGURUPATI and SATEESH YALAMANCHILI to wait outside, and they complied. Later that day, according to the Victim, the Victim and defendants TRINATH CHIGURUPATI and SATEESH YALAMANCHILI went to a restaurant near the Victim's residence. According to the Victim, defendant TRINATH CHIGURUPATI stated that Company One was in trouble, and he had a proposed solution. Defendant TRINATH CHIGURUPATI then offered the Victim \$5,000 if he recanted the statements that he had made to the DOL-WHD. Furthermore, according to the Victim, defendant TRINATH CHIGURUPATI advised the Victim that if he chose not to accept the offer, defendant TRINATH CHIGURUPATI would: (a) revoke the Victim's H-1B status, so he would not be present in the United States to testify

against Company One; (2) have the Victim removed from the United States; and (3) threatened the Victim, stating defendant TRINATH CHIGURUPATI had people "who will take care of" the Victim if he testified in court. According to the Victim, he understood this last statement to mean that defendant TRINATH CHIGURUPATI would have someone hurt or kill him.

11. On or about February 4, 2010, the Victim met defendants TRINATH CHIGURUPATI and SATEESH YALAMANCHILI to discuss the Investigation. During this consensually recorded (audio and video) meeting, defendant TRINATH CHIGURUPATI instructed the Victim that when he was contacted by the DOL-WHD to falsely state that the Victim had no issues with Company One; specifically, with his wages, and that the problems with Company One had been resolved. Defendant TRINATH CHIGURUPATI further acknowledged that if the Victim lied to the DOL-WHD, the Victim would be paid \$5,000 and his H-1B Visa would not be revoked. In addition, defendant TRINATH CHIGURUPATI instructed the Victim to do the same in writing if he was asked to do so by the DOL-WHD.