

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA :

- v. - :

INDICTMENT

ADAM FORESTA, :

15 Cr.

CHRISTOPHER LUPINO, :

JAMES SHEERAN, and :

KELWYN BENJAMIN, :

Defendants.

- - - - - X

COUNT ONE

(Conspiracy to Commit Honest Services Wire Fraud)

The Grand Jury charges:

1. From at least in or about December 2013 up through and including in or about November 2014, in the Southern District of New York and elsewhere, ADAM FORESTA, CHRISTOPHER LUPINO, JAMES SHEERAN, and KELWYN BENJAMIN, the defendants, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit honest services wire fraud, in violation of Title 18, United States Code, Sections 1343 and 1346.

2. It was a part and an object of the conspiracy that ADAM FORESTA, CHRISTOPHER LUPINO, JAMES SHEERAN, and KELWYN BENJAMIN, the defendants, having devised and intending to devise a scheme and artifice to defraud, and to deprive Steamfitters

Local 638, a labor union, and its members of the intangible right of honest services, would and did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, to wit, FORESTA, LUPINO, SHEERAN, BENJAMIN, and others deprived Steamfitters Local 638 and its members of their intangible right of honest services by accepting bribes for the purpose of securing union memberships, in violation of Title 18, United States Code, Sections 1343 and 1346.

(Title 18, United States Code, Section 1349.)

FORFEITURE ALLEGATION

3. As a result of committing honest services wire fraud offense alleged in Count One of this Indictment, ADAM FORESTA, CHRISTOPHER LUPINO, JAMES SHEERAN, and KELWYN BENJAMIN, the defendants, shall forfeit to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of such offense.


Substitute Asset Provision

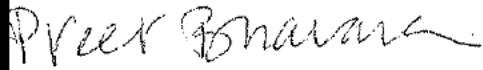
4. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value;
- or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(a) and (p), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981(a)(1)(C);
Title 21, United States Code, Section 853;
Title 28, United States Code, Section 2461)


FOREPERSON


PREET BHARARA/HF
United States Attorney

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(18 U.S.C. § 1349)

PREET BHARARA

United States Attorney.

A TRUE BILL


Foreperson.
