

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FILED
Aug 23 2022
Mark B. Busby
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

CRIMINAL COVER SHEET

Instructions: Effective November 1, 2016, this Criminal Cover Sheet must be completed and submitted, along with the Defendant Information Form, for each new criminal case.

CASE NAME:

USA v. RAY J. GARCIA

CASE NUMBER:

CR 21-cr-00429 YGR

Is This Case Under Seal?

Yes No

Total Number of Defendants:

1 2-7 8 or more

Does this case involve ONLY charges under 8 U.S.C. § 1325 and/or 1326?

Yes No

Venue (Per Crim. L.R. 18-1):

SF OAK SJ

Is this a potential high-cost case?

Yes No

Is any defendant charged with a death-penalty-eligible crime?

Yes No

Is this a RICO Act gang case?

Yes No

Assigned AUSA

(Lead Attorney): AUSA Molly K. Priedeman Date Submitted: 8/23/2022

Comments:

United States District Court
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

FILED
Aug 23 2022
Mark B. Busby
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

VENUE: OAKLAND

Case No. 21-cr-00429 YGR

UNITED STATES OF AMERICA,

V.

RAY J. GARCIA,

DEFENDANT(S).

SUPERSEDING INDICTMENT

18 U.S.C. § 2243(b) – Sexual Abuse of a Ward
18 U.S.C. § 2244(a)(4) – Abusive Sexual Contact
18 U.S.C. § 1001 – False Statement to a Government Agency

A true bill.

/s/ Foreperson of the Grand Jury

Foreman

Filed in open court this 23rd day of
August, 2022

Sallie Kim

M. Jack
Clerk

Bail, \$ No Process

HON. SALLIE KIM, U.S. MAGISTRATE JUDGE

1 STEPHANIE M. HINDS (CABN 154284)
2 United States Attorney

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NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 OAKLAND DIVISION

11 UNITED STATES OF AMERICA,) CASE NO. 4:21-cr-00429-YGR
12 Plaintiff,)
13 v.) VIOLATIONS:
14 RAY J. GARCIA,) 18 U.S.C. § 2243(b) – Sexual Abuse of a Ward
15 Defendant.) 18 U.S.C. § 2244(a)(4) – Abusive Sexual Contact
16) 18 U.S.C. § 1001 – False Statement to a Government
17) Agency
18) OAKLAND VENUE
19)
20)

21 SUPERSEDING INDICTMENT

22 The Grand Jury charges, that at all times relevant to this Indictment:

23 Introductory Allegations

- 24 1. The Federal Correctional Institution, Dublin (“FCI Dublin”) was a federal prison in
25 Alameda County, California, within the Northern District of California.
26 2. The defendant RAY J. GARCIA (“GARCIA”) was employed at FCI-Dublin as the
27 Associate Warden or Warden.
28 3. Victim 1, an individual known to the Grand Jury, was a female inmate at FCI Dublin,
who was serving a prison sentence.
4. Victim 2, an individual known to the Grand Jury, was a female inmate at FCI Dublin,
who was serving a prison sentence.

1 5. Victim 3, an individual known to the Grand Jury, was a female inmate at FCI Dublin,
2 who was serving a prison sentence.

3
4 **COUNT ONE**
(Sexual Abuse of a Ward)

5 6. Paragraphs 1 through 5 of this Superseding Indictment are re-alleged and incorporated as
6 if fully set forth here.

7 7. In approximately December 2019, in the Northern District of California, the defendant
8 **RAY J. GARCIA**
9 while in FCI-Dublin, a Federal prison, knowingly engaged in a sexual act with Victim 1, a person who
10 was in official detention and under the custodial, supervisory, and disciplinary authority of the
11 Defendant, when he digitally penetrated Victim 1's genital opening, while they were in a bathroom
12 attached to the visitation room, in violation of 18 U.S.C. § 2243(b).

13
14 **COUNT TWO**
(Sexual Abuse of a Ward)

15 8. Paragraphs 1 through 5 of this Superseding Indictment are re-alleged and incorporated as
16 if fully set forth here.

17 9. Between approximately December 2019 and March 2020, in the Northern District of
18 California, the defendant

19 **RAY J. GARCIA**
20 while in FCI-Dublin, a Federal prison, knowingly engaged in a sexual act with Victim 1, a person who
21 was in official detention and under the custodial, supervisory, and disciplinary authority of the
22 Defendant, when he digitally penetrated Victim 1's genital opening, while they were in a bathroom
23 attached to the visitation room, in violation of 18 U.S.C. § 2243(b).

24
25 **COUNT THREE**
(Abusive Sexual Contact)

26 10. Paragraphs 1 through 5 of this Superseding Indictment are re-alleged and incorporated as
27 if fully set forth here.

28 11. In approximately February 2020, in the Northern District of California, the defendant

1 RAY J. GARCIA

2 while in FCI-Dublin, a Federal prison, knowingly engaged in sexual contact with Victim 1, a person
3 who was in official detention and under the custodial, supervisory, and disciplinary authority of the
4 Defendant, when he touched Victim 1's genitalia and breast while they were in an inmate changing stall
5 in the visitation room, in violation of 18 U.S.C. § 2244(a)(4).

6
7 **COUNT FOUR**
(Sexual Abuse of a Ward)

8 12. Paragraphs 1 through 5 of this Superseding Indictment are re-alleged and incorporated as
9 if fully set forth here.

10 13. Between approximately December 2019 and March 2020, in the Northern District of
11 California, the defendant

12 RAY J. GARCIA

13 while in FCI-Dublin, a Federal prison, knowingly engaged in a sexual act with Victim 1, a person who
14 was in official detention and under the custodial, supervisory, and disciplinary authority of the
15 Defendant, when he digitally penetrated Victim 1's genital opening while they were in a warehouse, in
16 violation of 18 U.S.C. § 2243(b).

17
18 **COUNT FIVE**
(Abusive Sexual Contact)

19 14. Paragraphs 1 through 5 of this Superseding Indictment are re-alleged and incorporated as
20 if fully set forth here.

21 15. Between approximately January 2021 and July 2021, in the Northern District of
22 California, the defendant

23 RAY J. GARCIA

24 while in FCI-Dublin, a Federal prison, knowingly engaged in sexual contact with Victim 2, a person
25 who was in official detention and under the custodial, supervisory, and disciplinary authority of the
26 Defendant when he caused Victim 2 to touch his penis while they were in the laundry room, in violation
27 of 18 U.S.C. § 2244(a)(4).

COUNT SIX
(Abusive Sexual Contact)

1
2 16. Paragraphs 1 through 5 of this Superseding Indictment are re-alleged and incorporated as
3 if fully set forth here.

4 17. Between approximately January 2021 and July 2021, in the Northern District of
5 California, the defendant

6 RAY J. GARCIA

7 while in FCI-Dublin, a Federal prison, knowingly engaged in sexual contact with Victim 2, a person
8 who was in official detention and under the custodial, supervisory, and disciplinary authority of the
9 Defendant touched Victim 2’s breasts while inside Victim 2’s cell, in violation of 18 U.S.C.
10 § 2244(a)(4).

11
12 **COUNT SEVEN**
13 (Abusive Sexual Contact)

14 18. Paragraphs 1 through 5 of this Superseding Indictment are re-alleged and incorporated as
15 if fully set forth here.

16 19. Between approximately March 2020 and September 2020, in the Northern District of
17 California, the defendant

18 RAY J. GARCIA

19 while in FCI-Dublin, a Federal prison, knowingly engaged in sexual contact with Victim 3, a person
20 who was in official detention and under the custodial, supervisory, and disciplinary authority of the
21 Defendant when he touched Victim 3’s buttocks while they were in the electrical shop, in violation of 18
22 U.S.C. § 2244(a)(4).

23 **COUNT EIGHT**
24 (False Statements To a Government Agency)

25 20. Paragraphs 1 through 5 of this Superseding Indictment are re-alleged and incorporated as
26 if fully set forth here.

27 21. On or about July 22, 2021, in the Northern District of California, the defendant,

28 RAY J. GARCIA

1 did willfully and knowingly make materially false, fictitious, and fraudulent statements and
2 representations in a matter within the jurisdiction of the executive branch of the Government of the
3 United States, by stating that he had never asked inmates to be undressed for him at a particular time,
4 and he had never touched an inmate inappropriately. These statements and representations were false
5 because, as GARCIA then and there knew, he had asked multiple inmates to undress for him at a
6 particular time and had touched Victim 1, Victim 2, and Victim 3 in a sexual manner.

7 It is further alleged that this offense involved offenses under Chapter 109A.

8 All in violation of Title 18, United States Code, Section 1001(a)(2).

9
10 DATED: August 23, 2022

A TRUE BILL.

11
12 /s/
13 FOREPERSON

14 STEPHANIE M. HINDS
15 United States Attorney

16 /s/ Molly K. Priedeman
17 MOLLY K. PRIEDEMAN
18 Assistant United States Attorney
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DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

OFFENSE CHARGED

18 U.S.C. § 2243(b)- Sexual Abuse of a Ward Petty
18 U.S.C. § 2244(a)(4) – Abusive Sexual Contact Minor
18 U.S.C. § 1001 – False Statement to a Government Agency Misdemeanor
 Felony

PENALTY: See attachment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

DEFENDANT - U.S

▶ RAY J. GARCIA

DISTRICT COURT NUMBER
4:21-cr-00429-YGR

FILED

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NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

this is a reprosecution of charges previously dismissed which were dismissed on motion of:
 U.S. ATTORNEY DEFENSE } SHOW DOCKET NO.

this prosecution relates to a pending case involving this same defendant } MAGISTRATE CASE NO.

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under }

Name and Office of Person Furnishing Information on this form STEPHANIE M. HINDS

U.S. Attorney Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned) MOLLY K. PRIEDEMAN

DEFENDANT

IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

- 1) If not detained give date any prior summons was served on above charges ▶
- 2) Is a Fugitive
- 3) Is on Bail or Release from (show District)

NDCA

IS IN CUSTODY

- 4) On this charge
- 5) On another conviction } Federal State
- 6) Awaiting trial on other charges
If answer to (6) is "Yes", show name of institution

Has detainer been filed? Yes No } If "Yes" give date filed

DATE OF ARREST ▶ Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY ▶ Month/Day/Year

This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS NO PROCESS* WARRANT

Bail Amount: _____

If Summons, complete following:

Arraignment Initial Appearance

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time: _____ Before Judge: _____

Comments:

Maximum Penalties

18 U.S.C. § 2243(b) – Sexual Abuse of a Ward (Counts One, Two, Four)

15 years imprisonment

\$250,000 fine

Restitution

Maximum Supervised Release Term: Life

Minimum Supervised Release term: 5 years

Mandatory Special Assessment: \$5,100

18 U.S.C. § 2244(a)(4) – Abusive Sexual Contact (Counts Three, Five, Six, Seven)

2 years imprisonment

\$250,000 fine

Restitution

Maximum Supervised Release Term: Life

Minimum Supervised Release term: 5 years

Mandatory Special Assessment: \$5,100

18 U.S.C. § 1001(a)(2) – False Statement to a Government Agency (Count Eight)

8 years imprisonment

\$250,000 fine

Restitution

Maximum Supervised Release Term: 3 years

Mandatory Special Assessment: \$100