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**FILED**  
JUL 27 2017  
CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY \_\_\_\_\_ DEPUTY CLERK

8 IN THE UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 DAVID A. TURCIOS,

15 Defendant.

CASE NO. **2:17 - CR - 0123 JAM**

18 U.S.C. § 201(b)(2)(A) – Being a Public Official,  
Receiving and Agreeing to Receive Bribes (2  
Counts); 28 U.S.C. § 2461(c) and 18 U.S.C. §  
981(a)(1)(C) – Criminal Forfeiture

16 INDICTMENT

17 COUNT ONE: [18 U.S.C. § 201(b)(2)(A) – Being a Public Official, Receiving and Agreeing to Receive  
18 a Bribe]

19 A. Introduction

20 At all times material to this Indictment, unless specific dates are otherwise noted:

21  
22 1. Bagram Airfield (“Bagram”) was a large United States military base in Afghanistan. The  
23 Humanitarian Aid (“HA”) Yard at Bagram purchased supplies from local Afghan vendors that were then  
24 provided as part of the Commander’s Emergency Response Program (“CERP”). That program enabled  
25 U.S. military commanders to respond to urgent humanitarian relief requirements in Afghanistan, and the  
26 projects under that program were intended to benefit the local Afghan populace until larger, more formal  
27 reconstruction projects could be initiated.  
28

1           2.       Defendant DAVID A. TURCIOS' residence in the United States was at or near Travis Air  
2 Force Base in the State and Eastern District of California, where he lived with his wife and daughter.

3           3.       From in or about November 2010 until in or about November 2011, TURCIOS worked as  
4 a United States Air Force Staff Sergeant (E-5) at the HA Yard. His Military Occupational Specialty under  
5 the Air Force Specialty Codes was Logistics/Supply Management. TURCIOS' role at the HA Yard was  
6 that of Project Manager/Assistant Contracting Officer Representative and Yard Manager, meaning that he  
7 was responsible for, among other things, receiving and submitting bids from local Afghan vendors for  
8 contracts to replenish supplies such as rice, beans, and clothing at the HA Yard. To be eligible to bid on  
9 contracts to support the HA Yard, vendors first had to be on a pre-approved vendor list. In most situations,  
10 before awarding HA Yard contracts, military contracting officers were required to receive at least three  
11 bids from those on the vendor list.  
12

13           4.       As part of his duties at the HA Yard, TURCIOS worked closely with, among others, two  
14 Afghan contractors ("the Interpreter" and "the Vendor") who sought to obtain contracts to replenish  
15 supplies in the HA Yard for companies they owned or with which they were associated.  
16

17           5.       Upon TURCIOS' arrival at Bagram in or about November 2010, the Interpreter told  
18 TURCIOS that he had family members seeking contracts to supply the HA Yard. TURCIOS agreed to  
19 include the names of the companies owned by the Interpreter or associated with his family members on  
20 the list of vendors for future consideration. In or about May 2011, the Interpreter offered and TURCIOS  
21 accepted \$5,000 in cash in \$20 and \$100 bills. TURICOS used this money for personal purposes thereafter  
22 while at Bagram and at his home in California when he returned on leave in or about June 2011. Upon  
23 TURCIOS' return to Bagram, he told the Interpreter that he, TURICOS, having accepted the money from  
24 the Interpreter, would tell the Interpreter when the HA Yard was going to be seeking replenishment goods,  
25 would submit the bids that the Interpreter provided him for companies associated with the Interpreter or  
26 his family, and would then help push those bids through the acceptance process.  
27  
28



1           10.     Before leaving Afghanistan, TURCIOS told one of his replacements, an Army Sergeant,  
2 to use the Vendor for replenishment contracts, to provide the Vendor with the requested number of units,  
3 listed unit price, and total price for whatever inventory needed to be replenished and the Vendor would  
4 provide the Army Sergeant with the required three bids. TURCIOS told the Army Sergeant this was how  
5 he had done it and that the Vendor had provided TURCIOS money in return for his actions on the  
6 contracts.

7  
8           11.     In or about late October or early November 2011, just prior to TURCIOS' re-deployment  
9 to the United States, the Vendor offered TURCIOS \$3,500 in return for TURCIOS' actions on behalf of  
10 the Vendor as to HA Yard replenishment contracts.

11           12.     Between on or about November 1, 2011 and on or about November 16, 2011, TURCIOS  
12 sent several emails urging U.S. Army officials to approve payments to the Vendor in connection with one  
13 HA Yard contract associated with the Vendor and obtained from the U.S. Army a voucher authorizing  
14 payment on that contract.

15           13.     On or about November 17, 2011, TURCIOS returned to California.

16           14.     On or about November 20, 2011, TURCIOS used his personal email account to send the  
17 Vendor a copy of the payment voucher he obtained from the U.S. Army and asked the Vendor to make a  
18 cash payment to TURCIOS's wife.

19           15.     After returning to California, TURCIOS, having not received the \$3,500, continued to  
20 communicate with the Vendor by email, using TURCIOS' personal email address, in an effort to receive  
21 the money. In those emails, TURCIOS offered the Vendor preferential treatment in being considered and  
22 receiving more HA Yard contracts when TURCIOS returned to Afghanistan in return for the cash payment  
23 from the Vendor.  
24

25           16.     On or about February 12, 2013, per the direction of TURCIOS, the Vendor caused to be  
26 wire transferred from Afghanistan to TURCIOS' wife's bank account in the Eastern District of California  
27 \$500 of the \$3,500 promised.  
28

**B. The Charge**

17. The Grand Jury charges: T H A T

DAVID A. TURCIOS

defendant herein, from in or about June 2010 until in or about February 2013, in the County of Solano, State, and Eastern District of California, and elsewhere, being a public official, directly and indirectly did corruptly demand, seek, receive, accept, and agree to receive and accept something of value personally, in return for being influenced in the performance of an official act, that is, \$3,500 from the Vendor for preferential treatment in being considered for and receiving contracts under the CERP at the HA Yard.

In violation of Title 18, United States Code, Section 201(b)(2)(A).

FORFEITURE ALLEGATION: [28 U.S.C. § 2461(c) and 18 U.S.C. § 981(a)(1)(C) – Criminal Forfeiture]

1. Upon conviction of one or both of the offenses alleged in this Indictment, defendant DAVID A. TURCIOS shall forfeit to the United States, pursuant to 28 U.S.C. § 2461(c) and 18 U.S.C. § 981(a)(1)(C), any interest he has in property, real or personal, constituting, or derived from, proceeds traceable to the offense of receiving and agreeing to receive a bribe by a public official, in violation of Title 18, United States Code, Section 201(b)(2)(A), including, but not limited to:

\$5,500 in U.S. Currency, which represents the sum of money equal to the amount of proceeds derived from or traceable to the offense or offenses of, being a public official, receiving and agreeing to receive bribes, in violation of 18 U.S.C. § 201(b)(2)(A).

2. If any of the property described above as being subject to forfeiture pursuant to Title 28, United States Code, Section 2461(c) and Title 18, United States Code, Section 981(a)(1)(C), as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- 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 that cannot be subdivided without difficulty;

1 the United States shall be entitled to seek the forfeiture of substitute property, pursuant to Title 21, United  
2 States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).Criminal  
3 Forfeiture, pursuant to Title 28, United States Code, Section 2461(c) and Title 18, United States Code,  
4 Section 981(a)(1)(C).

5 A TRUE BILL

6 **/s/ Signature on file w/AUSA**

7  
8 FOREPERSON

9 SANDRA L. MOSER  
10 Acting Chief, Fraud Section  
11 Criminal Division  
12 United States Department of Justice

13  
14 By 

15 DANIEL P. BUTLER  
16 Trial Attorney, Fraud Section  
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**United States v. David A. Turcios**  
**Penalties for Indictment**

**Defendants**  
**David A. Turcios**

**COUNT 1-2:**           **ALL DEFENDANTS**

**VIOLATION:**       18 U.S.C. § 201(b)(2)(A) – Being a Public Official, Receiving and Agreeing to Receive Bribes (2 counts)

**PENALTIES:**       Maximum of 15 years in prison  
Fine of not more than three times the monetary equivalent of the thing of value or \$250,000, whichever is greater. *See 18 U.S.C. §3571(b)(1)-(3)*  
Supervised release of at least one year up to three years

**SPECIAL ASSESSMENT:** \$100 (mandatory on each count)

**FORFEITURE ALLEGATION:**   **ALL DEFENDANTS**

**VIOLATION:**       28 U.S.C. § 2461(c) and 18 U.S.C. §981(a)(1)(C) – Criminal Forfeiture

**PENALTIES:**       As stated in the charging document

No. \_\_\_\_\_

**UNITED STATES DISTRICT COURT**

*Eastern District of California*

*Criminal Division*

**THE UNITED STATES OF AMERICA**

vs.

**DAVID A. TURCIOS**

*Summons to appear*

**INDICTMENT**

**VIOLATION(S):**

18 U.S.C. §§ 201(B)(2)(a) – Being a Public Official, Receiving and Agreeing to Received Bribes (2 Counts);  
981(A)(1)(C) and 28 U.S.C. 2461(C) – Criminal Forfeiture

*A true bill,*

**/s/ Signature on file w/AUSA**

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*Foreman.*

Filed in open court this \_\_\_\_\_ day

of \_\_\_\_\_, A.D. 20 \_\_\_\_\_

-----  
*Clerk.*

Bail, \$ \_\_\_\_\_

*Summons*

*Car*