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MEG:LKG/AS
F.#2015R01691

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X

UNITED STATES OF AMERICA

- against -

SCOTT BRETTSCHEIDER,
also known as "Mighty Whitey,"
CHARLES GALLMAN,
also known as "T.A.," and
JOHN SCARPA, JR.,

Defendants.

----- X

SUPERSEDING
INDICTMENT

Cr. No. 18-123 (S-1) (CBA)
(T. 18, U.S.C., §§ 371, 1001(a)(2),
1952(a)(3)(A), 2 and 3551 et seq.)

THE GRAND JURY CHARGES:

COUNT ONE

(Conspiracy to Make False Statements)

1. In or about and between October 2014 and January 2015, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants SCOTT BRETTSCHEIDER, also known as "Mighty Whitey," and CHARLES GALLMAN, also known as "T.A.," together with others, did knowingly and willfully conspire to make one or more materially false, fictitious and fraudulent statements and representations, in a matter within the jurisdiction of the executive branch of the Government of the United States, to wit: the Bureau of Prisons ("BOP"), in that the defendants agreed to make false statements and representations regarding Richard Marshall's ("Marshall") history of substance and alcohol abuse and treatment history in a letter to a BOP employee in an effort to assist Marshall in fraudulently gaining entry into the Residential Drug Abuse

Program (“RDAP”) at United States Penitentiary Lewisburg (“USP Lewisburg”) (the “Letter”), when, in fact, as the defendants then and there well knew and believed, such statements and representations were false, contrary to Title 18, United States Code, Section 1001(a)(2).

2. In furtherance of the conspiracy and to effect its objects, within the Eastern District of New York and elsewhere, the defendants SCOTT BRETTSCHEIDER, also known as “Mighty Whitey,” and CHARLES GALLMAN, also known as “T.A.,” together with others, did commit and cause to be committed, among others, the following:

OVERT ACTS

(a) On or about October 16, 2014, GALLMAN and Marshall discussed the Letter during a telephone call;

(b) On or about October 24, 2016, BRETTSCHEIDER, GALLMAN and Marshall discussed the Letter during a telephone call;

(c) On or about November 1, 2014, BRETTSCHEIDER, GALLMAN and Marshall discussed the Letter during two telephone calls;

(d) On or about November 6, 2014, Reginald Shabazz-Muhammad (“Shabazz-Muhammad”) falsely stated in the Letter that Marshall had been enrolled in a treatment program through Muhammad Mosque No. 7 between October 2003 and January 2010;

(e) On or about November 6, 2014, Shabazz-Muhammad falsely stated in the Letter that Marshall was suffering from “active drug dependence, namely alcohol and marijuana” when he enrolled in RDAP;

(f) On or about November 6, 2014, Shabazz-Muhammad falsely stated in the Letter that while enrolled in the treatment program, Marshall was “gradually reducing his active substance dependence”;

(g) On or about November 6, 2014, Shabazz-Muhammad signed the Letter falsely purporting to be the Director of Program Services at the Ministry of Health and Human Services, Muhammad Mosque No. 7;

(h) On or about November 14, 2014, BRETTSCHEIDER and Marshall discussed the Letter during a telephone call;

(i) On or about November 20, 2014, Shabazz-Muhammad caused the Letter to be deposited in the mail and sent to a BOP employee at USP Lewisburg;

(j) On or about November 23, 2014, BRETTSCHEIDER and Marshall discussed the Letter during a telephone call;

(k) On or about December 6, 2014, BRETTSCHEIDER, GALLMAN and Marshall discussed the Letter during a telephone call; and

(l) On or about December 6, 2014, BRETTSCHEIDER, GALLMAN, Marshall and Shabazz-Muhammad, during a telephone call, discussed creating false treatment program progress reports to supplement the Letter.

(Title 18, United States Code, Sections 371 and 3551 *et seq.*)

COUNT TWO
(Making False Statements)

3. On or about November 20, 2014, within the Eastern District of New York and elsewhere, the defendants SCOTT BRETTSCHEIDER, also known as “Mighty Whitey,” and CHARLES GALLMAN, also known as “T.A.,” together with others, did

knowingly and willfully make one or more materially false, fictitious and fraudulent statements and representations, in a matter within the jurisdiction of the executive branch of the Government of the United States, to wit: the BOP, in that the defendants falsely stated that (a) Richard Marshall (“Marshall”) had been enrolled in a treatment program through Muhammad Mosque No. 7 between October 2003 and January 2010; (b) Marshall was suffering from “active drug dependence, namely alcohol and marijuana” when he enrolled in that program; and (c) while enrolled in the program, Marshall was “gradually reducing his active substance dependence,” when, in fact, as the defendants then and there well knew and believed, Marshall had never been enrolled in a treatment program through Muhammad Mosque No. 7, Marshall was not suffering from “active drug dependence” in October 2003, and Marshall was not abusing drugs or alcohol during the time period stated in the Letter.

(Title 18, United States Code, Sections 1001(a)(2), 2 and 3551 et seq.)

COUNT THREE

(Conspiracy to Use Interstate Facilities in Aid of Racketeering)

4. In or about and between January 2015 and March 2015, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants CHARLES GALLMAN, also known as “T.A.,” and JOHN SCARPA, JR., together with others, did knowingly and intentionally conspire to use one or more facilities in interstate commerce, to wit: one or more cellular telephones, with intent to promote, manage, establish, carry on and facilitate the promotion, management, establishment and carrying on of an unlawful activity, to wit: bribery, in violation of New York Penal Law Sections 215.00 and 20.00, and thereafter did perform and attempt to perform such promotion, management, establishment, carrying on and facilitation of the promotion, management, establishment and

carrying on of such unlawful activity, contrary to Title 18, United States Code, Section 1952(a)(3)(A).

5. In furtherance of the conspiracy and to effect its objects, within the Eastern District of New York and elsewhere, the defendants CHARLES GALLMAN, also known as "T.A.," and JOHN SCARPA, JR., together with others, did commit and cause to be committed, among others, the following:

OVERT ACTS

(a) On or about January 12, 2015, during a telephone call, GALLMAN discussed, in sum and substance, his intention to visit a potential witness in the trial captioned People of the State of New York v. Reginald Ross, Suffolk County Indictment Number 558-A/B-11 (the "Ross Case"), an individual whose identity is known to the Grand Jury ("Witness-1");

(b) On or about January 12, 2015, during a telephone call, GALLMAN and a co-conspirator discussed, in sum and substance, conferring a benefit on Witness-1 in return for his testimony in the Ross Case;

(c) On or about January 13, 2015, GALLMAN visited Witness-1 at a correctional facility (the "Visit");

(d) On or about January 13, 2015, during a telephone call after the Visit, GALLMAN told SCARPA, in sum and substance, that Witness-1 was willing to do "anything we need" and that Witness-1 had identified certain things that he wanted;

(e) On or about January 13, 2015, GALLMAN sent a text message to a co-conspirator stating, "just left the visit he will do whatever we need him to do. . . . I don't trust your phone";

(f) On or about February 3, 2015, during a telephone call, GALLMAN and SCARPA discussed, in sum and substance, ways to impeach one of the State's witnesses in the Ross Case (the "State's Witness"), including the possibility that GALLMAN would provide false testimony;

(g) On or about February 3, 2015, during a telephone call, GALLMAN discussed with a co-conspirator, in sum and substance, an individual who could potentially provide false testimony to impeach the State's Witness in exchange for money;

(h) On or about February 21, 2015, SCARPA met with Witness-1;

(i) On or about February 23, 2015, SCARPA met with Witness-1;

(j) On or about February 24, 2015, SCARPA called Witness-1 as a defense witness in the Ross Case;

(k) On or about March 2, 2015, SCARPA sent a text message to GALLMAN asking, "When did u see [Witness-1] in jail. [Witness-1] is being x examined about it"; and

(l) On or about March 2, 2015, during a telephone call, SCARPA told GALLMAN, in sum and substance, that Witness-1 had testified that GALLMAN did not promise Witness-1 money or protection in exchange for Witness-1's testimony during the Visit; SCARPA then asked GALLMAN if the Visit had been recorded.

(Title 18, United States Code, Sections 371 and 3551 et seq.)

COUNT FOUR

(Use of Interstate Facilities in Aid of Racketeering)

6. In or about and between January 2015 and March 2015, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the

defendants CHARLES GALLMAN, also known as "T.A.," and JOHN SCARPA, JR., together with others, did knowingly and intentionally use one or more facilities in interstate commerce, to wit: one or more cellular telephones, with intent to promote, manage, establish, carry on and facilitate the promotion, management, establishment and carrying on of an unlawful activity, to wit: bribery, in violation of New York Penal Law Sections 215.00 and 20.00, and thereafter did perform and attempt to perform such promotion, management, establishment, carrying on and facilitation of the promotion, management, establishment and carrying on of such unlawful activity.

(Title 18, United States Code, Sections 1952(a)(3)(A), 2 and 3551 et seq.)

A TRUE BILL

FOREPERSON

RICHARD P. DONOGHUE
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

BY:
ACT.....
PURSUANT TO 28 C.F.R. O.136

No. _____

UNITED STATES DISTRICT COURT

EASTERN *District of* NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

SCOTT BRETTSCHEIDER, also known as "Mighty Whitey,"
CHARLES GALLMAN, also known as "T.A.," and JOHN SCARPA, JR.,

Defendants.

SUPERSEDING INDICTMENT

(T. 18, U.S.C., §§ 371, 1001(a)(2), 1952(a)(3)(A), 2 and 3551 et seq.)

A

Foreperson

Filed in open court this _____ day,

of _____ A.D. 20 _____

Clerk

Bail, \$ _____

*Lindsay K. Gerdes and Andrey Spektor, Assistant U.S. Attorneys
(718) 254-6155/6475*