

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO.
v.	:	DATE FILED:
DUPREE MYERS	:	18 U.S.C. § 1951(a) (attempted extortion which interfered with interstate commerce - 1 count);
	:	21 U.S.C. § 841(a)(1) (attempted distribution of controlled substances – 1 count)
	:	Notice of Forfeiture

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

At all times material to this indictment:

The Philadelphia Prison System

1. The Philadelphia Prison System (“PPS”) is a branch of the government of the City of Philadelphia, Pennsylvania.
2. The Curran-Fromhold Correctional Facility (“CFCF”) is part of the Philadelphia Prison System, located within Philadelphia, Pennsylvania. The CFCF houses prisoners charged with criminal conduct in the courts of the Commonwealth of Pennsylvania.
3. Correctional officers in the PPS are responsible for guarding the prisoners housed at the CFCF.

4. For the security of the corrections staff, the prisoners, and the community-at-large, correctional officers in the PPS are required to follow the rules and regulations established for the operations of the PPS.

5. Prisoners housed in the PPS are not permitted to possess or use cellular telephones.

6. Prisoners housed in the PPS are not permitted to possess OxyContin (oxycodone), and may use it only when prescribed by a physician and with the prior approval and direct supervision of PPS personnel.

7. The PPS' policies and procedures state that employees, including correctional officers, "shall not . . . receive gifts from inmates or former inmates or their families or their friends."

8. The PPS' policies and procedures state that "[n]o employee shall accept a gift of any nature whatsoever from an inmate, nor without permission shall any employee give anything to an inmate, or extend to any inmate any favors of diet, clothing, or of any other nature, not common to all."

9. The PPS' policies and procedures state that "[e]mployees shall not accept tips or gifts of any kind from visitors . . . or any other individual or corporation, for any official service unless expressly approved by the Commissioner."

10. The PPS' policies and procedures state that "[n]o employee will use their official position to gain any personal advantage, or advantage for another in any improper or unauthorized manner, or engage in conduct that constitutes, or gives rise to the appearance of, a conflict of interest."

11. The PPS' policies and procedures state that "[n]o employees shall . . . accept unauthorized item[s] or service[s] for oneself or anyone else . . ."

12. Defendant DUPREE MYERS was employed as a correctional officer for the PPS, at the CFCF.

Official Action In Exchange For Payment

13. Defendant DUPREE MYERS abused his position and authority as a correctional officer to extort a cash payment from an inmate in exchange for smuggling contraband into a PPS facility.

14. In or about December 2014, defendant DUPREE MYERS agreed to supply a prisoner housed in the CFCF with OxyContin (oxycodone) pills and a cellular telephone in exchange for a \$1,000.00 payment.

15. To obtain the contraband and his payment, defendant DUPREE MYERS agreed to meet outside the prison with Person #1, known to the grand jury, whose phone number was provided to defendant MYERS by an inmate housed at the CFCF.

16. On or about December 22, 2014, defendant DUPREE MYERS and Person #1 had a telephone discussion in which they agreed to meet later that day. During their discussion, defendant DUPREE MYERS confirmed his fee for smuggling the contraband, including OxyContin (oxycodone), into the prison.

17. On or about December 22, 2014, in Philadelphia, Pennsylvania, defendant DUPREE MYERS met with Person #1 and Person #1 provided defendant MYERS with 100 pills, represented to contain OxyContin (oxycodone), an LG cellular telephone, and \$1,000.00 in cash.

18. Between December 22, 2014 and December 29, 2014, defendant DUPREE MYERS smuggled 100 pills, represented to contain OxyContin (oxycodone), and an LG cellular telephone past prison security and into the CFCF.

19. Between December 22, 2014 and December 29, 2014, defendant DUPREE MYERS delivered at least 71 pills, represented to contain OxyContin (oxycodone), and an LG cellular telephone to an inmate housed at the CFCF.

20. The illegal sale, distribution, possession with intent to distribute, and trafficking of controlled substances, that is, prescription pain medication, including OxyContin (oxycodone), are activities that affect interstate commerce.

21. The prescription pain medication OxyContin (oxycodone), and the purported OxyContin (oxycodone), were manufactured in North Carolina.

22. The LG cellular telephone traveled in and affected interstate commerce.

23. On or about December 22, 2014, in the Eastern District of Pennsylvania, defendant

DUPREE MYERS

attempted to obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, by extortion, in that defendant DUPREE MYERS obtained and attempted to obtain money from an inmate housed within the Philadelphia Prison System (“PPS”), and Person #1, acting on the inmate’s behalf, which was not due defendant DUPREE MYERS or his office, in his capacity as a correctional officer with the PPS, under color of official right.

In violation of Title 18, United States Code, Section 1951(a).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

Between on or about December 22, 2014 and December 29, 2014, in the Eastern District of Pennsylvania, defendant

DUPREE MYERS

knowingly and intentionally attempted to distribute a mixture and substance containing a detectable amount of oxycodone, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1), (b)(1)(C).

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violations of Title 21, United States Code, Sections 841(a)(1), set forth in this indictment, defendant

DUPREE MYERS

shall forfeit to the United States of America:

(a) any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offense, including, but not limited to, the sum of \$1000.00;

(b) any property constituting, or derived from, proceeds obtained directly or indirectly from the commission of such offense.

2. If any of the property subject to forfeiture, 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 which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the property subject to forfeiture.

All pursuant to Title 21, United States Code, Section 853.

A TRUE BILL:

GRAND JURY FOREPERSON

**ZANE DAVID MEMEGER
UNITED STATES ATTORNEY**