

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X
UNITED STATES OF AMERICA :
 :
 - v. - :
 :
ROBERT BALDUCCI, :
 :
 Defendant. :
- - - - - X

SEALED INDICTMENT

21 Cr. _____

COUNT ONE

(Conspiracy)

The Grand Jury charges:

1. The charges set forth herein arise from a scheme whereby ROBERT BALDUCCI, the defendant, while employed as a correction officer ("CO") by the New York City Department of Correction ("DOC"), smuggled drugs and other contraband into a DOC jail, in particular, the Otis Bantum Correctional Center ("OBCC") located on Rikers Island, in exchange for cash bribes. Specifically:

a. On at least two occasions in or about October 2020, ROBERT BALDUCCI, the defendant, smuggled and attempted to smuggle contraband, including marijuana and razor blades, into the OBCC for a particular inmate ("Inmate-1"). In return, BALDUCCI received cash payments from an associate of Inmate-1 ("CC-1").

b. On at least two occasions in or about October 2020, BALDUCCI likewise smuggled or attempted to smuggle contraband into the OBCC to give to another inmate ("Inmate-2"). In return,

BALDUCCI received cash payments from an associate of Inmate-2 ("CC-2"). On or about October 8, 2020, a search of Inmate-2's property revealed, among other things, eighteen razor blades.

2. At all times relevant to this Indictment, ROBERT BALDUCCI, the defendant, was employed as a CO at the OBCC. The primary duty of a CO is to ensure the care, custody, and control of the inmate population of the DOC, including by complying with all rules and regulations governing DOC operations and facilities. DOC employees, including BALDUCCI, receive training on employee rules and regulations, which prohibit employees from, among other things, entering into transactions with inmates and providing inmates with contraband.

Statutory Allegations

3. In or about October 2020, in the Southern District of New York and elsewhere, ROBERT BALDUCCI, the defendant, and others known and unknown, willfully and knowingly, did combine, conspire, confederate, and agree together and with each other to commit offenses against the United States, to wit: (1) bribery, in violation of Title 18, United States Code, Sections 666(a)(1)(B) and 666(a)(2); and (2) honest services wire fraud, in violation of Title 18, United States Code, Sections 1343 and 1346.

4. It was a part and an object of the conspiracy that ROBERT BALDUCCI, the defendant, being an agent of a government agency that received, in a one-year period, benefits in excess of \$10,000

under a Federal program involving a grant, contract, subsidy, loan, guarantee, insurance, and other form of Federal assistance, to wit, the DOC, corruptly would and did solicit and demand for the benefit of a person, and accept and agree to accept, something of value from a person, intending to be influenced and rewarded in connection with a business, transaction, and series of transactions of such government agency involving something of value of \$5,000 and more, in violation of Title 18, United States Code, Section 666(a)(1)(B).

5. It was further a part and an object of the conspiracy that ROBERT BALDUCCI, the defendant, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and to deprive his employer of the right to his 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, in violation of Title 18, United States Code, Sections 1343 and 1346.

Overt Acts

6. In furtherance of said conspiracy and to effect the illegal objects thereof, the following overt acts, among others were committed in the Southern District of New York and elsewhere:

a. On or about October 10, 2020, ROBERT BALDUCCI, the defendant, while employed by the DOC, delivered contraband to Inmate-2 in the OBCC.

b. On or about October 24, 2020, ROBERT BALDUCCI, the defendant, while employed by the DOC, attempted to enter the OBCC with a quantity of marijuana and approximately five razor blades concealed on his person.

c. Prior to entering the OBCC on or about October 24, 2020, ROBERT BALDUCCI, the defendant, met with CC-1 in the Bronx, New York, to obtain contraband to be delivered to Inmate-1.

(Title 18, United States Code, Section 371.)

COUNT TWO

(Bribery)

The Grand Jury further charges:

7. The allegations contained in paragraphs 1(a)-(b) and 2 of this Indictment are repeated and realleged as if fully set forth herein.

8. In or about October 2020, in the Southern District of New York and elsewhere, ROBERT BALDUCCI, the defendant, being an agent of a government agency that received, in a one-year period, benefits in excess of \$10,000 under a Federal program involving a grant, contract, subsidy, loan, guarantee, insurance, and other form of Federal assistance, to wit, the DOC, corruptly solicited and demanded for the benefit of a person, and accepted and agreed

to accept, a thing of value from a person, intending to be influenced and rewarded in connection with a business, transaction, and series of transactions of such government agency involving a thing of value of \$5,000 and more, to wit, BALDUCCI, in his capacity as a CO employed by the DOC, accepted and agreed to accept a cash payment from CC-1 in exchange for smuggling contraband into the OBCC.

(Title 18, United States Code, Sections 666(a)(1)(B) and 2.)

COUNT THREE

(Honest Services Wire Fraud)

The Grand Jury further charges:

9. The allegations contained in paragraphs 1(a)-(b) and 2 of this Indictment are repeated and realleged as if fully set forth herein.

10. In or about October 2020, in the Southern District of New York and elsewhere, ROBERT BALDUCCI, the defendant, the defendant, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and to deprive his employer of its intangible right to his honest services, 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, BALDUCCI, in his capacity as a CO employed by the DOC, accepted and agreed to accept

a cash payment from CC-1 in exchange for smuggling contraband into the OBCC, which exchange was facilitated through interstate telephone calls.

(Title 18, United States Code, Sections 1343, 1346, and 2.)

FORFEITURE ALLEGATIONS

11. As a result of committing the offenses alleged in Counts One through Three of this Indictment, ROBERT BALDUCCI, the defendant, 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(c), any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of said offenses, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses.

Substitute Assets Provision

12. If any of the above-described forfeitable property, 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 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 Title 21, United States Code, Section 853(p) and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981;
Title 21, United States Code, Section 853; and
Title 28, United States Code, Section 2461.)



FOREPERSON



AUDREY STRAUSS
United States Attorney

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(18 U.S.C. §§ 371, 666, 1343,
1346, and 2.)

AUDREY STRAUSS

United States Attorney


Foreperson
