

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -	X	
	:	
UNITED STATES OF AMERICA	:	<u>SEALED INDICTMENT</u>
	:	
- v. -	:	21 Cr.
	:	
RASHAWN ASSANAH,	:	
	:	
Defendant.	:	
	:	
- - - - -	X	

COUNT ONE
(Conspiracy)

The Grand Jury charges:

1. The charges set forth herein arise from a scheme whereby RASHAWN ASSANAH, the defendant, while employed as a correction officer ("CO") by the New York City Department of Correction ("DOC"), smuggled contraband into a DOC jail, in exchange for cash bribes.

2. Specifically, from at least in or about November 2020 up through and including in or about February 2021, RASHAWN ASSANAH, the defendant, introduced or attempted to introduce a cellphone, a large quantity of cigarettes, and other contraband to an inmate ("Inmate-1") in the Robert N. Davoren Center ("RNDC"), a DOC jail located on Rikers Island in New York. In return, ASSANAH received cash payments from the spouse of Inmate-1 ("Spouse-1") and other individuals.

3. In or about December 2020, Inmate-1 placed a series of telephone calls to Spouse-1 in which Inmate-1 instructed Spouse-1 to send payments and particular messages to the Cash App account belonging to RASHAWN ASSANAH, the defendant. Cash App is a smartphone application that permits users to transfer funds and accompanying messages.

4. In or about December 2020, various other individuals sent Cash App payments to RASHAWN ASSANAH, the defendant, on behalf of Inmate-1, and included Inmate-1's nickname in their payment messages.

5. Between in or about November 2020 and February 2021, RASHAWN ASSANAH, the defendant, introduced a cellphone into the RNDC for Inmate-1.

6. On or about February 26, 2021, RASHAWN ASSANAH, the defendant, attempted to smuggle cigarettes and an Allen wrench into the RNDC for Inmate-1, in exchange for a cash bribe.

7. In total, RASHAWN ASSANAH, the defendant, received over \$7,500 from Spouse-1 and other individuals, in exchange for introducing contraband into the RNDC for Inmate-1.

8. At all times relevant to this Indictment, RASHAWN ASSANAH, the defendant, was employed as a CO at the RNDC. The primary duty of COs is to ensure the care, custody, and control of the inmate population of the DOC. In connection with this duty, such officers participate in inspections and searches of

inmates and DOC facilities, and are tasked with, among other things, ensuring that contraband is not brought into the RNDC. DOC employees, including ASSANAH, 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

9. From at least in or about November 2020 up through and including in or about February 2021, in the Southern District of New York and elsewhere, RASHAWN ASSANAH, 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.

10. It was a part and an object of the conspiracy that RASHAWN ASSANAH, 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).

11. It was further a part and an object of the conspiracy that RASHAWN ASSANAH, 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 Act

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

a. On or about February 26, 2021, RASHAWN ASSANAH, the defendant, attempted to smuggle cigarettes and an Allen wrench into the RNDC for Inmate-1, in exchange for a cash bribe.

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

COUNT TWO
(Bribery)

The Grand Jury further charges:

13. The allegations contained in paragraphs 1 through 8 of this Indictment are repeated and realleged as if fully set forth herein.

14. From at least in or about November 2020 up through and including in or about February 2021, in the Southern District of New York and elsewhere, RASHAWN ASSANAH, 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, ASSANAH, in his capacity as a CO employed by the DOC, accepted and agreed to accept cash payments from Spouse-1 and other individuals in exchange for smuggling contraband into the RNDC to Inmate-1.

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

COUNT THREE
(Honest Services Wire Fraud)

The Grand Jury further charges:

15. The allegations contained in paragraphs 1 through 8 of this Indictment are repeated and realleged as if fully set forth herein.

16. From at least in or about November 2020 up through and including in or about February 2021, in the Southern District of New York and elsewhere, RASHAWN ASSANAH, 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, ASSANAH, in his capacity as a CO employed by the DOC, accepted and agreed to accept cash payments from Spouse-1 and other individuals in exchange for smuggling contraband into the RNDC to Inmate-1, and facilitated those exchanges through telephone calls in interstate commerce.

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

FORFEITURE ALLEGATIONS

17. As a result of committing the offenses alleged in Counts One through Three of this Indictment, RASHAWN ASSANAH, 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

18. 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), 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

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United States Attorney

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

RASHAWN ASSANAH

Defendant.

INDICTMENT

21 Cr.

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

AUDREY STRAUSS

United States Attorney



Foreperson
