

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X
UNITED STATES OF AMERICA : SEALED INDICTMENT
:
- v. - : 21 Cr.
:
TEMAINE PELZER, :
:
Defendant. :
- - - - - X

COUNT ONE
(Conspiracy)

The Grand Jury charges:

1. The charges set forth herein arise from a scheme whereby TEMAINÉ PELZER, 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 August 2019 up through and including in or about February 2020, TEMAINÉ PELZER, the defendant, introduced or attempted to introduce cigarettes and other contraband to an inmate ("Inmate-1") in the Manhattan Detention Complex ("MDC"), a DOC jail in downtown Manhattan. In return, PELZER received cash payments from an associate of Inmate-1 ("Associate-1").

3. TEMAINE PELZER, the defendant, communicated directly by phone with Inmate-1 to facilitate the delivery of contraband into the MDC for Inmate-1.

4. TEMAINE PELZER, the defendant, also communicated directly with Associate-1 to facilitate the delivery of contraband to Inmate-1. Specifically, Associate-1 sent payments to the Cash App account of PELZER, as well as accompanying messages referencing certain contraband and Inmate-1 by nickname. Cash App is a smartphone application that permits users to transfer funds and accompanying messages.

5. On or about February 3, 2020, TEMAINE PELZER, the defendant, visited the cell of Inmate-1, where PELZER deposited a brown paper bag.

6. In total, TEMAINE PELZER, the defendant, received over \$8,000 from Associate-1, in exchange for introducing contraband into the MDC for Inmate-1.

7. At all times relevant to this Indictment, TEMAINE PELZER, the defendant, was employed as a CO at the MDC. 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 MDC. DOC employees, including PELZER, 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

8. From at least in or about September 2019 up through and including in or about February 2020, in the Southern District of New York and elsewhere, TEMAINE PELZER, 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.

9. It was a part and an object of the conspiracy that TEMAINE PELZER, 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).

10. It was further a part and an object of the conspiracy that TEMAINÉ PELZER, 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

11. 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 3, 2020, TEMAINÉ PELZER, the defendant, smuggled contraband into the MDC for Inmate-1, in exchange for a cash bribe.

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

COUNT TWO
(Bribery)

The Grand Jury further charges:

12. The allegations contained in paragraphs 1 through 7 of this Indictment are repeated and realleged as if fully set forth herein.

13. From at least in or about September 2019 up through and including in or about February 2020, in the Southern District of New York and elsewhere, TEMAINÉ PELZER, 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, PELZER, in his capacity as a CO employed by the DOC, accepted and agreed to accept cash payments from Associate-1 in exchange for smuggling contraband into the MDC for 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:

14. The allegations contained in paragraphs 1 through 7 of this Indictment are repeated and realleged as if fully set forth herein.

15. From at least in or about September 2019 up through and including in or about February 2020, in the Southern District of New York and elsewhere, TEMAINÉ PELZER, 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, PELZER, in his capacity as a CO employed by the DOC, accepted and agreed to accept cash payments from Associate-1 in exchange for smuggling contraband into the MDC for Inmate-1, and facilitated those exchanges through telephone calls in interstate commerce.

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

FORFEITURE ALLEGATIONS

16. As a result of committing the offenses alleged in Counts One through Three of this Indictment, TEMAINÉ PELZER, 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

17. 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
AUDREY STRAUSS
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

TEMIANE PELZER

Defendant.

INDICTMENT

21 Cr.

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

AUDREY STRAUSS

United States Attorney



Foreperson
