

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - - X  
:   
UNITED STATES OF AMERICA : SEALED INDICTMENT  
:   
- v. - : 21 Cr.  
:   
DARIEL DIAZ, :   
:   
Defendant. :   
:   
- - - - - X

COUNT ONE  
(Conspiracy)

The Grand Jury charges:

1. The charges set forth herein arise from a scheme whereby DARIEL DIAZ, 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 March 2020 up through and including in or about September 2020, DARIEL DIAZ, the defendant, introduced or attempted to introduce drugs, a cellphone, and large quantities of cigarettes to an inmate ("Inmate-1") in the George R. Vierno Center ("GRVC"), a DOC jail on Rikers Island in New York. In return, DIAZ received cash payments from the associates of the inmate.

3. Beginning in or about March 2020, DARIEL DIAZ, the defendant, agreed to introduce packs of cigarettes into the GRVC

for Inmate-1, in exchange for approximately \$500 per pack. DIAZ introduced as many as 10 cigarette packs in a given week.

4. Inmate-1 connected DARIEL DIAZ, the defendant, with associates of Inmate-1 ("Associate-1," "Associate-2," and "Associate-3"). Associate-3 is a former inmate at the GRVC.

5. On several occasions between in or about March 2020 up through and including September 2020, DARIEL DIAZ, the defendant, met with Associate-1, Associate-2, and Associate-3 to receive cash and contraband that DIAZ introduced into the GRVC for Inmate-1.

6. DARIEL DIAZ, the defendant, introduced a cellphone ("Cellphone-1") into the GRVC on multiple occasions, and brought the cellphone home with him to charge when the battery ran low.

7. DARIEL DIAZ, the defendant, also introduced into the GRVC sheets of paper that DIAZ understood to be coated in a smokable synthetic cannabinoid ("SSC"), colloquially referred to as "K2" or "Spice."

8. On the morning of September 16, 2020, DARIEL DIAZ, the defendant, met with Associate-3 in Brooklyn, New York. During the meeting, Associate-3 paid DIAZ a cash bribe of approximately \$1,500. That evening, DIAZ attempted to enter work at the GRVC while carrying Cellphone-1 for Inmate-1.

9. At all times relevant to this Indictment, DARIEL DIAZ, the defendant, was employed as a CO at the GRVC. 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 GRVC. DOC employees, including DIAZ, receive training on employee rules and regulations, which prohibit employees from, among other things, entering into transactions with inmates and providing inmates with contraband.

10. In total, DARIEL DIAZ, the defendant, received approximately \$8,000 from Associate-1, Associate-2, and Associate-3 in exchange for introducing contraband into the GRVC for Inmate-1.

#### Statutory Allegations

11. From at least in or about March 2020 up through and including in or about September 2020, in the Southern District of New York and elsewhere, DARIEL DIAZ, 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.

12. It was a part and an object of the conspiracy that DARIEL DIAZ, 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).

13. It was further a part and an object of the conspiracy that DARIEL DIAZ, 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

14. 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 September 16, 2020, DARIEL DIAZ, the defendant, met with Associate-2, who paid him a cash bribe in exchange for smuggling contraband into the GRVC.

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

COUNT TWO  
(Bribery)

The Grand Jury further charges:

15. The allegations contained in paragraphs 1 through 10 of this Indictment are repeated and realleged as if fully set forth herein.

16. From at least in or about March 2020 up through and including in or about September 2020, in the Southern District of New York and elsewhere, DARIEL DIAZ, 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, DIAZ, in his capacity as a CO employed by the DOC, accepted and agreed to accept cash payments from Associate-1, Associate-2, and Associate-3 in exchange for smuggling contraband into the GRVC 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:

17. The allegations contained in paragraphs 1 through 10 of this Indictment are repeated and realleged as if fully set forth herein.

18. From at least in or about March 2020 up through and including in or about September 2020, in the Southern District of New York and elsewhere, DARIEL DIAZ, 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, DIAZ, in his

capacity as a CO employed by the DOC, accepted and agreed to accept cash payments from Associate-1, Associate-2, and Associate-3 in exchange for smuggling contraband into the GRVC 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

19. As a result of committing the offenses alleged in Counts One through Three of this Indictment, DARIEL DIAZ, 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

20. 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)

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

v.

DARIEL DIAZ

Defendant.

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INDICTMENT

21 Cr.

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

AUDREY STRAUSS

United States Attorney

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Foreperson

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