

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA)	
	)	CRIMINAL NO. 08-10345-DPW
v.	)	VIOLATIONS:
	)	18 U.S.C. § 1951 - Conspiracy to Extort
DIANNE WILKERSON	)	under Color of Official Right
and	)	18 U.S.C. § 1951 - Attempted Extortion
CHARLES "CHUCK" TURNER	)	Under Color of Official Right
	)	18 U.S.C. § 1001 - False Statements
	)	18 U.S.C. § 1341, 1346 & 2 - Theft of
	)	Honest Services Mail Fraud
	)	18 U.S.C. § 1343, 1346 & 2 - Theft of
	)	Honest Services Wire Fraud
	)	18 U.S.C. § 981(a)(1)(C) & 28 U.S.C. §
	)	2461(c) - Criminal Forfeiture

SECOND SUPERSEDING INDICTMENT

The Grand Jury charges that:

GENERAL ALLEGATIONS

1. At all times material to this Indictment, defendant **DIANNE WILKERSON** ("**WILKERSON**") was a resident of Boston, Massachusetts. At all times material to this Indictment, **WILKERSON** served as an elected member of the Commonwealth of Massachusetts Senate, representing the Second Suffolk Senate District ("Senate District") which was comprised of precincts in the City of Boston, including but not limited to Roxbury and Dorchester.

2. At all times material to this Indictment, defendant **CHARLES "CHUCK" TURNER** ("**TURNER**") was a resident of Boston, Massachusetts. At all times material to this Indictment, **TURNER** served as an elected member of the Boston City Council, representing City Council District 7, including Roxbury and parts of the Fenway, South End, and Dorchester.

3. **Witness A:** At all times material to this Indictment, a person identified herein as "Witness A" was a businessman based in Massachusetts. Beginning on or about December 2006, Witness A sought **WILKERSON's** assistance in obtaining a liquor license for a proposed restaurant/lounge to be located in the Crosstown Center on Melnea Cass Boulevard in Boston, Massachusetts. The proposed restaurant/lounge was to be operated under the name Back Bay Entertainment, Inc., doing business as Dejavu ("Dejavu"). Beginning on or about January 2007, Witness A, through an attorney, also sought **TURNER's** assistance in obtaining a liquor license for Dejavu. The proposed location for Dejavu was in **WILKERSON's** Senate District and **TURNER's** City Council District.

4. **Payments Offered Wilkerson by Witness A:** After Witness A was unsuccessful in lawfully obtaining a liquor license for Dejavu, in coordination with law enforcement authorities, Witness A offered a series of cash payments to **WILKERSON** as corrupt inducements and rewards for official acts as a public official in connection with seeking a liquor license for Dejavu. On or about the dates listed below, Witness A offered, and **WILKERSON** accepted, the following cash payments in connection with seeking a liquor license for Dejavu:

Wilkerson Payment No.	Date	Cash Payment	Payment Received From
Payment 1	June 5, 2007	\$500	Witness A
Payment 2	June 18, 2007	\$1,000	Witness A
Payment 3	August 2, 2007	\$1,000	Witness A
Payment 4	August 31, 2007	\$1,000	Witness A
Payment 5	November 2, 2007	\$3,000	Witness A on behalf of Witnesses A and B

5. **Payment Offered Turner by Witness A:** In coordination with law enforcement authorities, Witness A also offered a cash payment to **TURNER** as a corrupt inducement and reward for official acts as a public official in connection with seeking a liquor license for Dejavu. On or about the following date, Witness A offered, and **TURNER** accepted, the following cash payment in connection with seeking a liquor license for Dejavu:

Turner Payment No.	Date	Cash Payment	Payment Received From
Payment 1	August 3, 2007	\$1,000	Witness A

6. **Witness B:** At all times material to this Indictment, the person identified as "Witness B" was a Special Agent with the Federal Bureau of Investigation who posed in an undercover capacity as a businessman from a state other than the Commonwealth of Massachusetts. Witness B was introduced to **WILKERSON** by Witness A. Witness B posed as a family friend and business associate of Witness A who was interested in developing and financing Dejavu and other projects. **WILKERSON** received from Witness B the following cash payment in connection with the Dejavu liquor license and related legislation:

Wilkerson Payment No.	Date	Cash Payment	Payment Received From
Payment 6	March 12, 2008	\$2,000	Witness B on behalf of Witnesses B and C

7. **Witness C:** At all times material to this Indictment, the person identified as "Witness C" was a Special Agent with the Federal Bureau of Investigation who posed in an undercover capacity as a businessman from a state other than the Commonwealth of Massachusetts. Witness C was introduced to **WILKERSON** by Witness B as an individual who was interested in real estate development opportunities in Massachusetts. **WILKERSON**

recruited Witnesses B and C, and other undercover agents posing as their out-of-state financial backers, to assist Witness D in a private real estate development in the City of Boston which included a parcel of land owned by the Commonwealth of Massachusetts known as "Parcel 8" and a private parcel of land abutting Parcel 8. Witness C offered two cash payments to **WILKERSON** as corrupt inducements and rewards for her official acts as a public official related to Parcel 8. On or about the dates listed below, Witness C offered, and **WILKERSON** accepted, the following cash payments in connection with the development of Parcel 8 and related legislation:

Wilkerson Payment No.	Date	Cash Payment	Payment Received From
Payment 7	June 26, 2008	\$5,000	Witness C
Payment 8	October 2, 2008	\$10,000	Witness C

8. **Witness D:** At all times material to this Indictment, a person identified herein as "Witness D" was a businessman based in Massachusetts. Beginning in or about 2001 and continuing through on or about October 28, 2008, Witness D sought **WILKERSON's** assistance in advancing his private development of Parcel 8 and the abutting private parcel. As set forth below, **WILKERSON** solicited from Witness D a series of payments in 2002, 2003, 2004, and 2006, while Witness D was seeking **WILKERSON's** support as a public official for his development of Parcel 8. In response to **WILKERSON's** requests, Witness D tendered payments to her in order to gain and maintain her support of Witness D's plan to develop Parcel 8.

CONSPIRACY

COUNT 1: (18 U.S.C. § 1951 - Conspiracy to Extort under Color of Official Right)

The Grand Jury charges that:

9. Paragraphs 1-5 are realleged and incorporated herein.

10. On or about May 2007 through on or about November 2007, in the District of Massachusetts,

**DIANNE WILKERSON
and
CHARLES “CHUCK” TURNER,**

defendants herein, did knowingly conspire to obtain property, to wit, United States currency, from Witness A with his consent, which consent was obtained under color of official right as a Massachusetts State Senator and a Boston City Councilor, and did thereby obstruct, delay, and affect interstate commerce and the movement of any article in interstate commerce.

All in violation of Title 18, United States Code, Section 1951.

ATTEMPTED EXTORTION

COUNT 2: (18 U.S.C. § 1951 - Attempted Extortion under Color of Official Right)

The Grand Jury charges that:

11. Paragraphs 1 and 3 are realleged and incorporated herein.
12. On or about June 5, 2007, in the District of Massachusetts,

DIANNE WILKERSON,

defendant herein, did knowingly attempt to commit extortion under color of official right and did thereby affect interstate commerce and the movement of articles and commodities in interstate commerce, in that **DIANNE WILKERSON** obtained a cash payment in the amount of \$500 from Witness A, knowing that the payment was tendered in exchange for one or more official acts as a Massachusetts Senator in connection with obtaining a liquor license for a proposed restaurant/lounge in the City of Boston, which payment was not legally due to **DIANNE WILKERSON** or to her office as a member of the Massachusetts Senate, and the consent of Witness A having been induced and obtained under color of official right.

All in violation of Title 18, United States Code, Section 1951.

COUNT 3: (18 U.S.C. § 1951 - Attempted Extortion under Color of Official Right)

The Grand Jury charges that:

13. Paragraphs 1 and 3 are realleged and incorporated herein.
14. On or about June 18, 2007, in the District of Massachusetts,

DIANNE WILKERSON,

defendant herein, did knowingly attempt to commit extortion under color of official right and did thereby affect interstate commerce and the movement of articles and commodities in interstate commerce, in that **DIANNE WILKERSON** obtained a cash payment in the amount of \$1,000 from Witness A, knowing that the payment was tendered in exchange for one or more official acts as a Massachusetts Senator in connection with obtaining a liquor license for a proposed restaurant/lounge in the City of Boston, which payment was not legally due to **DIANNE WILKERSON** or to her office as a member of the Massachusetts Senate, and the consent of Witness A having been induced and obtained under color of official right.

All in violation of Title 18, United States Code, Section 1951.

COUNT 4: (18 U.S.C. § 1951 - Attempted Extortion under Color of Official Right)

The Grand Jury charges that:

15. Paragraphs 1 and 3 are realleged and incorporated herein.
16. On or about August 2, 2007, in the District of Massachusetts,

DIANNE WILKERSON,

defendant herein, did knowingly attempt to commit extortion under color of official right and did thereby affect interstate commerce and the movement of articles and commodities in interstate commerce, in that **DIANNE WILKERSON** obtained a cash payment in the amount of \$1,000 from Witness A, knowing that the payment was tendered in exchange for one or more official acts as a Massachusetts Senator in connection with obtaining a liquor license for a proposed restaurant/lounge in the City of Boston, which payment was not legally due to **DIANNE WILKERSON** or to her office as a member of the Massachusetts Senate, and the consent of Witness A having been induced and obtained under color of official right.

All in violation of Title 18, United States Code, Section 1951.

COUNT 5: (18 U.S.C. § 1951 - Attempted Extortion under Color of Official Right)

The Grand Jury charges that:

17. Paragraphs 2, 3 and 5 are realleged and incorporated herein.
18. On or about August 3, 2007, in the District of Massachusetts,

CHARLES “CHUCK” TURNER,

defendant herein, did knowingly attempt to commit extortion under color of official right and did thereby affect interstate commerce and the movement of articles and commodities in interstate commerce, in that **CHARLES “CHUCK” TURNER** obtained a cash payment in the amount of \$1,000 from Witness A, knowing that the payment was tendered in exchange for one or more official acts as a Boston City Councilor in connection with obtaining a liquor license for a proposed restaurant/lounge in the City of Boston, which payment was not legally due to **CHARLES “CHUCK” TURNER** or to his office as a member of the Boston City Council, and the consent of Witness A having been induced and obtained under color of official right.

All in violation of Title 18, United States Code, Section 1951.

COUNT 6: (18 U.S.C. § 1951 - Attempted Extortion under Color of Official Right)

The Grand Jury charges that:

19. Paragraphs 1 and 3 are realleged and incorporated herein.
20. On or about August 31, 2007, in the District of Massachusetts,

DIANNE WILKERSON,

defendant herein, did knowingly attempt to commit extortion under color of official right and did thereby affect interstate commerce and the movement of articles and commodities in interstate commerce, in that **DIANNE WILKERSON** obtained a cash payment in the amount of \$1,000 from Witness A, knowing that the payment was tendered in exchange for one or more official acts as a Massachusetts Senator in connection with obtaining a liquor license for a proposed restaurant/lounge in the City of Boston, which payment was not legally due to **DIANNE WILKERSON** or to her office as a member of the Massachusetts Senate, and the consent of Witness A having been induced and obtained under color of official right.

All in violation of Title 18, United States Code, Section 1951.

COUNT 7: (18 U.S.C. § 1951 - Attempted Extortion under Color of Official Right)

The Grand Jury charges that:

21. Paragraphs 1 and 3 are realleged and incorporated herein.
22. On or about November 2, 2007, in the District of Massachusetts,

DIANNE WILKERSON,

defendant herein, did knowingly attempt to commit extortion under color of official right and did thereby affect interstate commerce and the movement of articles and commodities in interstate commerce, in that **DIANNE WILKERSON** obtained a cash payment in the amount of \$3,000 from Witness A, knowing that the payment was tendered in exchange for one or more official acts as a Massachusetts Senator in connection with obtaining a liquor license for a proposed restaurant/lounge in the City of Boston, which payment was not legally due to **DIANNE WILKERSON** or to her office as a member of the Massachusetts Senate, and the consent of Witness A having been induced and obtained under color of official right.

All in violation of Title 18, United States Code, Section 1951.

COUNT 8: (18 U.S.C. § 1951 - Attempted Extortion under Color of Official Right)

The Grand Jury charges that:

23. Paragraphs 1 and 6 are realleged and incorporated herein.
24. On or about March 12, 2008, in the District of Massachusetts,

DIANNE WILKERSON,

defendant herein, did knowingly attempt to commit extortion under color of official right and did thereby affect interstate commerce and the movement of articles and commodities in interstate commerce, in that **DIANNE WILKERSON** obtained a cash payment in the amount of \$2,000 from Witness B, knowing that the payment was tendered in exchange for one or more official acts as a Massachusetts Senator in connection with liquor license legislation pending before the Massachusetts Senate, which payment was not legally due to **DIANNE WILKERSON** or to her office as a member of the Massachusetts Senate, and the consent of Witness B having been induced and obtained under color of official right.

All in violation of Title 18, United States Code, Section 1951.

COUNT 9: (18 U.S.C. § 1951 - Attempted Extortion under Color of Official Right)

The Grand Jury charges that:

25. Paragraphs 1 and 7 are realleged and incorporated herein.
26. On or about June 26, 2008, in the District of Massachusetts,

DIANNE WILKERSON,

defendant herein, did knowingly attempt to commit extortion under color of official right and did thereby affect interstate commerce and the movement of articles and commodities in interstate commerce, in that **DIANNE WILKERSON** obtained a cash payment in the amount of \$5,000 from Witness C, knowing that the payment was tendered in exchange for one or more official acts as a Massachusetts Senator in connection with the development of a parcel of land owned by the Commonwealth of Massachusetts in the City of Boston, which payment was not legally due to **DIANNE WILKERSON** or to her office as a member of the Massachusetts Senate, and the consent of Witness C having been induced and obtained under color of official right.

All in violation of Title 18, United States Code, Section 1951.

COUNT 10: (18 U.S.C. § 1951 - Attempted Extortion under Color of Official Right)

The Grand Jury charges that:

27. Paragraphs 1 and 7 are realleged and incorporated herein.
28. On or about October 2, 2008, in the District of Massachusetts,

DIANNE WILKERSON,

defendant herein, did knowingly attempt to commit extortion under color of official right and did thereby affect interstate commerce and the movement of articles and commodities in interstate commerce, in that **DIANNE WILKERSON** obtained a cash payment in the amount of \$10,000 from Witness C, knowing that the payment was tendered in exchange for one or more official acts as a Massachusetts Senator in connection with proposed legislation designating the lease of a parcel of land owned by the Commonwealth of Massachusetts in the City of Boston to a private entity, which payment was not legally due to **DIANNE WILKERSON** or to her office as a member of the Massachusetts Senate, and the consent of Witness C having been induced and obtained under color of official right.

All in violation of Title 18, United States Code, Section 1951.

FALSE STATEMENTS

COUNT 11: (18 U.S.C. § 1001 - False Statement)

The Grand Jury charges that:

29. Paragraph 2 is realleged and incorporated herein.

30. On or about October 28, 2008, agents from the Federal Bureau of Investigation interviewed **TURNER** at his office in Boston City Hall as part of a criminal investigation into the payments offered to **TURNER** and **WILKERSON** by Witness A, and related matters.

31. On or about October 28, 2008, in the District of Massachusetts,

CHARLES "CHUCK" TURNER,

defendant herein, in a matter within the jurisdiction of the Federal Bureau of Investigation, an agency of the United States Department of Justice, did knowingly and willfully make a false, fraudulent, and fictitious material statement and representation in stating that he had never accepted any money from Witness A.

All in violation of Title 18, United States Code, Section 1001.

COUNT 12: (18 U.S.C. § 1001 - False Statement)

The Grand Jury charges that:

32. Paragraphs 2 and 30 are realleged and incorporated herein.
33. On or about October 28, 2008, in the District of Massachusetts,

CHARLES “CHUCK” TURNER,

defendant herein, in a matter within the jurisdiction of the Federal Bureau of Investigation, an agency of the United States Department of Justice, did knowingly and willfully make a false, fraudulent, and fictitious material statement and representation in stating that Witness A had never offered to hold a fund-raiser for him.

All in violation of Title 18, United States Code, Section 1001.

COUNT 13: (18 U.S.C. § 1001 - False Statement)

The Grand Jury charges that:

34. Paragraphs 2 and 30 are realleged and incorporated herein.
35. On or about October 28, 2008, in the District of Massachusetts,

CHARLES “CHUCK” TURNER,

defendant herein, in a matter within the jurisdiction of the Federal Bureau of Investigation, an agency of the United States Department of Justice, did knowingly and willfully make a false, fraudulent, and fictitious material statement and representation in stating that Witness A had never offered him money or any other assistance.

All in violation of Title 18, United States Code, Section 1001.

LIQUOR LICENSE SCHEME

36. From on or about May 1, 2007 through on or about April 2, 2008, **WILKERSON** devised and intended to devise a scheme and artifice to defraud and deprive the citizens of Massachusetts and the Massachusetts Senate of the intangible right of her honest services as a Massachusetts Senator. The purpose of this scheme was for **WILKERSON** to enrich herself by receiving cash payments in connection with her efforts to obtain liquor licenses for proposed businesses in her Senate District and to conceal these payments from her fellow senators, from other public officials she sought to influence, and from the citizens of the Commonwealth of Massachusetts.

Manner and Means of the Liquor License Scheme

37. Paragraphs 1, 3, 4, and 6 are realleged and incorporated herein.

38. Between in or about June 2007 and April 2008, **WILKERSON** received from Witnesses A and B a series of six cash payments totaling \$8,500. These payments were offered by Witnesses A and B to **WILKERSON** as corrupt inducements and rewards for her to take acts in her official capacity to assist them in obtaining one or more liquor licenses. The actions taken by **WILKERSON** in her official capacity in connection with this scheme included, among others, those set forth in Paragraphs 39 through 47 below.

39. Between in or about June 2007 and November 2007, **WILKERSON** pressed public officials from the City of Boston and the Boston Licensing Board to issue a liquor license to Dejavu, a proposed restaurant/lounge which was being developed by Witness A, with the later assistance of Witness B. Among other things, **WILKERSON**, acting in her official capacity, contacted the Mayor of the City of Boston, the Chairman of the Boston Licensing Board and members of the Boston City Council in her efforts to obtain a liquor license for Dejavu.

WILKERSON, acting in her official capacity, also pressed the Boston City Council to hold a public hearing regarding the distribution and availability of liquor licenses in the City of Boston.

40. In or about July 2007, **WILKERSON**, acting in her official capacity, informed the Senate President's staff that she was seeking to delay state legislation which had been proposed by the City of Boston regarding the preliminary election for certain City Council seats.

WILKERSON sought to delay this legislation in order to place political pressure on the City of Boston and the Boston Licensing Board with the primary objective of obtaining a liquor license for Dejavu.

41. Between in or about July 2007 and on or about August 16, 2007, **WILKERSON**, acting in her official capacity, made efforts to delay the passage of state legislation which authorized an increase in the salaries of the members of the Boston Licensing Board.

WILKERSON made efforts to delay this legislation in order to place political pressure on the City of Boston and the Boston Licensing Board with the primary objective of obtaining a liquor license for Dejavu.

42. On or about August 16, 2007, as a result of **WILKERSON**'s use of her official position to pressure the City of Boston and the Boston Licensing Board to issue a liquor license to Dejavu, **WILKERSON** participated in a meeting in the Senate President's suite with another member of the Senate, the Boston City Council President, and the Chairman of the Boston Licensing Board, among others. As a result of **WILKERSON**'s advocacy and pressure, the meeting attendees agreed to a resolution whereby: the Senate Chairman of the Joint Committee on Consumer Protection and Professional Licensure would direct his staff to draft legislation calling for more all-alcohol liquor licenses to be issued in the City of Boston, including **WILKERSON**'s Senate District; the Chairman of the Boston Licensing Board would assist

Dejavu in obtaining an all-alcohol liquor license; the City Council President would introduce a home rule petition in the City Council based on the legislation to be drafted by the Senate Chairman's staff to increase the availability of all-alcohol licenses in the City of Boston; and **WILKERSON** would introduce that home rule petition as legislation in the Massachusetts Senate.

43. On or about October 9, 2007, **WILKERSON**, acting in her official capacity, introduced legislation in the Massachusetts Senate ("Senate No. 2358") which would increase the number of all-alcohol liquor licenses available to businesses in her Senate District and other areas in the City of Boston.

44. On or about November 9, 2007, **WILKERSON**, acting in her official capacity, caused her staff to submit a letter in support of Senate No. 2358 to the Joint Committee on Consumer Protection and Professional Licensure.

45. On or about January 8, 2008, **WILKERSON** told Witness B that she had slowed the legislative process on Senate No. 2358 in order to ensure that an all-alcohol license was available for Dejavu when Dejavu was prepared to open. Between in or about November 2007 and January 8, 2008, **WILKERSON**, as the sponsor of the legislation, did not actively press for passage of Senate No. 2358 by the Massachusetts Senate. Among other things, **WILKERSON** declined to testify in person at a hearing on Senate No. 2358.

46. On or about January 16, 2008, March 12, 2008, and April 2, 2008, **WILKERSON** told Witness B and Witness C that she could and did slow the legislative process on Senate No. 2358 in order to ensure that a license would be available for Witnesses B and C when they were ready to open a business which needed a liquor license. During this period, **WILKERSON**, as sponsor of the legislation, did not press for the passage of Senate No. 2358 in the Massachusetts

Senate or House.

47. At no time between June 2007 and April 2008 did **WILKERSON** disclose to the Massachusetts Senate or the Massachusetts Ethics Commission, or otherwise make a written public disclosure, that she had been offered, and had accepted, cash payments from Witness A and Witness B in connection with her efforts to obtain one or more liquor licenses for ventures being promoted by these individuals and to affect the passage of legislation related to liquor licenses.

48. As a State Senator, **WILKERSON** owed a duty of honest, faithful and disinterested service to the citizens of Massachusetts and to the Massachusetts Senate, performed free from deceit, bias, self-enrichment, conflict of interest, and concealment. Among her obligations were to exercise independent judgment in passing on official matters and to publically disclose instances in which she was to take an action in the discharge of her official duties which would substantially affect her financial interests. **WILKERSON** was also obligated to refrain from: soliciting, accepting, receiving and agreeing to receive anything of value for or because of any official act or any act within her official responsibility; using and attempting to use her official position to secure for herself unwarranted privileges of substantial value; and acting in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person could improperly influence and enjoy her favor in the performance of her official duties.

COUNTS 14 THROUGH 22: (18 U.S.C. §§ 1341, 1346 & 2 - Theft of Honest Services Mail Fraud/Attempted Theft of Honest Services Mail Fraud)

The Grand Jury charges that:

49. Paragraphs 36-48 are realleged and incorporated herein.

50. On or about the dates set forth below, in the District of Massachusetts, defendant

DIANNE WILKERSON,

having devised and intending to devise a scheme and artifice to defraud and deprive the Massachusetts Senate and the citizens of the Commonwealth of Massachusetts of their right to the fair and honest services of **DIANNE WILKERSON** in her capacity as a Massachusetts Senator, for the purpose of executing and attempting to execute the scheme and artifice, knowingly caused to be sent and delivered by United States mail, according to the directions placed thereon, the following matters and things:

Count	Date	Mailing
14	August 9, 2007	Letter from Boston City Council requesting Wilkerson to testify at a City Council committee hearing
15	August 16, 2007	Letter from Boston Licensing Board to Dejavu's attorney notifying Dejavu that Boston Licensing Board had approved a malt and wine license
16	September 11, 2007	Letter from Boston Licensing Board to Dejavu's attorney regarding Alcoholic Beverage Control Commission's (ABCC) action on malt and wine application
17	October 9, 2007	Letter from Boston Licensing Board to Dejavu and others providing notice of public hearing on All Alc. Bev. License
18	October 16, 2007	Notification to abutter of a public hearing on Dejavu All Alc. Bev. License application
19	October 17, 2007	Letter from Boston law firm representing Dejavu providing copy of notice of Boston Licensing Board hearing

Count	Date	Mailing
20	November 6, 2007	Letter from Boston Licensing Board notifying Dejavu's attorney that Boston Licensing Board approved an all-alcohol license
21	December 14, 2007	Letter from Boston Licensing Board to Dejavu's attorney regarding ABCC approval of malt and wine license
22	December 21, 2007	Letter from Boston law firm representing Dejavu providing copy of ABCC approval of malt and wine license

All in violation of Title 18, United States Code, Sections 1341, 1346, and 2.

PARCEL 8 SCHEME

51. From in or about January 2008 through on or about October 28, 2008, **WILKERSON** devised and intended to devise a scheme and artifice to defraud and deprive the citizens of Massachusetts and the Massachusetts Senate of the intangible right of her honest services as a Massachusetts Senator. The purpose of the scheme was for **WILKERSON** to enrich herself by receiving monetary payments in connection with her efforts to advance a private development on a publically-owned piece of property in her Senate District ("Parcel 8") and to conceal these payments from her fellow senators, from other public officials she sought to influence, and from the citizens of the Commonwealth of Massachusetts.

Manner and Means of the Parcel 8 Scheme

52. Paragraphs 1 and 7-8 are realleged and incorporated herein.

53. Beginning in or about 2001, an individual referred to herein as "Witness D" sought **WILKERSON**'s support as a State Senator to advance his plan for the commercial development of Parcel 8 in conjunction with the development of a privately owned parcel abutting Parcel 8. Between in or about 2001 and on or about October 28, 2008, Witness D met with **WILKERSON** on multiple occasions to gain and maintain her support for his commercial development of Parcel 8.

54. Beginning on or about November 1, 2002, when Witness D met with **WILKERSON** to discuss his development plans for Parcel 8, **WILKERSON** began asking Witness D for money. Concerned that **WILKERSON** would not support his development plans in the absence of payments, Witness D made a series of payments to **WILKERSON** between on or about November 1, 2002 and on or about October 18, 2006, in connection with his plans to develop Parcel 8. The payment amounts ranged from \$500 to \$1,200 each time.

55. On or about January 2008 through October 2008, **WILKERSON** recruited Witnesses B and C to invest in Witness D's proposed commercial development of Parcel 8 and the abutting property. **WILKERSON's** primary inducement to Witnesses B and C was her stated ability to introduce legislation which would directly designate ownership or a long-term lease of Parcel 8 to a private commercial development entity. According to **WILKERSON**, that direct designation legislation would permit the private developer to bypass a cumbersome and competitive bidding process to obtain control of Parcel 8. **WILKERSON** told Witness C that Witness D did not have the capacity or experience to successfully develop Parcel 8 on his own. **WILKERSON** also explained to Witness C that the direct designation legislation for Parcel 8 needed to be made to a Massachusetts entity which had a history in the community, such as that operated by Witness D, rather than in the name of an out-of-state developer. Between on or about April 2008 through on or about October 28, 2008, **WILKERSON** pressed Witness D to enter a joint venture with Witness B and Witness C and their financial backers.

56. On or about June and July 2008, **WILKERSON**, as the State Senator from the district in which Parcel 8 was located and an *ex officio* member of the Roxbury Strategic Master Plan Oversight Committee ("RSMPOC"), actively pressed the RSMPOC and the Boston Redevelopment Authority to segregate Parcel 8 from a comprehensive urban planning process which had been initiated for Parcel 8 and two nearby publically owned properties, Parcels 9 and 10.

57. On or about June 26, 2008, Witness C offered to **WILKERSON** \$5,000 in cash payments as corrupt inducements and rewards for her official acts to assist in the commercial development of Parcel 8. Witness C sought to have **WILKERSON** introduce direct designation legislation which would benefit him and his out of state financial backers, and also sought to

have **WILKERSON** meet with his financial backers and show her support for the Parcel 8 development.

58. On or about July 7, 2008, **WILKERSON** met with a Massachusetts State Representative who was also an *ex officio* member of the RSMPOC, and requested that the State Representative meet with Witness D so that Witness D could seek the representative's support for his commercial development of Parcel 8. On **WILKERSON**'s request, the State Representative subsequently met with Witness D.

59. In and about July and August 2008, **WILKERSON** had numerous conversations with Witness C, Witness C's primary financial backer, and Witness D in order to identify the appropriate entity to receive the direct designation in her proposed legislation. **WILKERSON** also had her staff collect samples of direct designation legislation which **WILKERSON** then forwarded to Witness C. **WILKERSON** continued to press Witness D to enter into an agreement with Witness C and Witness C's primary financial backer. While **WILKERSON** initially pressed for the legislation to be drafted and introduced in July 2008, she ultimately told Witness C that the legislation could be introduced during the informal legislative session between August 2008 and December 2008.

60. On or about September 24, 2008, **WILKERSON** solicited a payment of \$10,000 from Witness C. Witness C responded by asking **WILKERSON** if she would introduce legislation directly designating Parcel 8 to a proposed joint venture with Witness D. **WILKERSON** responded affirmatively.

61. On or about September 25, 2008, **WILKERSON** directed her Senate staff to draft direct designation legislation for Parcel 8.

62. In or about late September 2008, **WILKERSON** solicited a separate cash payment of

\$10,000 from Witness D. Witness D responded by telling her he would consult with his development team about paying the money.

63. On or about September 29, 2008, **WILKERSON** caused her Senate staff to send draft direct designation legislation regarding Parcel 8 to the staff of a State Representative for the purpose of obtaining that State Representative's support for the legislation.

64. On or about October 2, 2008, at **WILKERSON**'s request Witness C provided \$10,000 in cash to **WILKERSON**. Witness C told **WILKERSON** that he was providing the cash to gain and maintain her support for the direct designation legislation and for her future efforts to move the legislation forward.

65. In or about early October 2008, **WILKERSON** discussed the draft direct designation legislation regarding Parcel 8 with a State Representative and sought his support for that legislation.

66. On or about October 16, 2008, **WILKERSON** caused her Senate staff to file with the Senate Clerk proposed legislation directly designating a long-term lease for Parcel 8 to TrinMA Development and Management LLC ("TrinMA"). TrinMA was a Massachusetts-based entity created by Witness D to which Witness C and Witness D directed **WILKERSON** to directly designate Parcel 8. **WILKERSON** was listed as the sponsor of the legislation.

67. On or about October 23, 2008, **WILKERSON** met with Witness D and again solicited the \$10,000 in cash she had separately solicited from him on or about late September 2008.

68. At no time between January 2008 and October 28, 2008 did **WILKERSON** disclose to the Massachusetts Senate or the Massachusetts Ethics Commission, or otherwise make a

public disclosure, that she had been offered payment from Witness C in connection with her efforts to affect the passage of legislation and to advance the private development of Parcel 8, and that she had solicited large cash payments from Witness C and Witness D.

69. As a State Senator, **WILKERSON** owed a duty of honest, faithful and disinterested service to the citizens of Massachusetts and to the Massachusetts Senate, performed free from deceit, bias, self-enrichment, conflict of interest, and concealment. Among her obligations were to exercise independent judgment in passing on official matters and to publically disclose instances in which she was to take an action in the discharge of her official duties which would substantially affect her financial interests. **WILKERSON** was also obligated to refrain from: soliciting, accepting, receiving or agreeing to receive anything of value for or because of any official act or any act within her official responsibility; using or attempting to use her official position to secure for herself unwarranted privileges of substantial value; and acting in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person could improperly influence or enjoy her favor in the performance of her official duties.

COUNTS 23 THROUGH 36: (18 U.S.C. §§ 1343, 1346 & 2 - Theft of Honest Services Wire Fraud)

The Grand Jury charges that:

70. Paragraphs 51-69 are realleged and incorporated herein

71. From in or about January 2008 through on or about October 28, 2008, in the District of Massachusetts, defendant

DIANNE WILKERSON,

having devised and intending to devise a scheme and artifice to defraud and deprive the Massachusetts Senate and the citizens of the Commonwealth of Massachusetts of their right to the fair and honest services of **DIANNE WILKERSON** in her capacity as a Massachusetts Senator, for the purpose of executing the scheme and artifice, transmitted and caused to be transmitted by means of wire communication in interstate commerce, the following writings, signs, and signals:

Count	Date	Interstate Wire Transmission
23	June 27, 2008	Telephone call leaving message: Wilkerson to Witness C about her meeting with Witness D and "next steps"
24	June 27, 2008	Telephone call leaving message: Witness D to Witness C about meeting with Wilkerson and including Witness C's "guy" in the Parcel 8 proposal
25	July 7, 2008	Telephone call leaving message: Wilkerson to Witness C regarding Roxbury master plan oversight committee
26	July 9, 2008	Telephone call leaving message: Wilkerson to Witness C asking for a return call
27	July 11, 2008	Telephone call: Witness C to Wilkerson discussing direct designation, needed political support and payment

Count	Date	Interstate Wire Transmission
28	July 11, 2008	Telephone call leaving message: Witness D to Witness C asking for specific business agreement
29	July 23, 2008	Email: Wilkerson to Witness C regarding the Parcel 8 development proposal
30	July 23, 2008	Email: Wilkerson to Witness C providing sample direct designation legislation
31	September 24, 2008	Telephone call leaving message: Wilkerson to Witness C asking him to return call
32	September 24, 2008	Telephone call: Witness C to Wilkerson in which Wilkerson asks for funds
33	September 29, 2008	Telephone call: Witness C to Wilkerson confirming intention to pay requested funds
34	October 1, 2008	Telephone call leaving message: Wilkerson to Witness C regarding plan to introduce Parcel 8 legislation
35	October 1, 2008	Email: Witness C to Wilkerson responding to telephone call from Wilkerson about proposed legislation
36	October 21, 2008	Email: Wilkerson staff member to Witness C attaching Parcel 8 legislation introduced in Senate by Wilkerson

All in violation of Title 18, United States Code, Sections 1343, 1346, and 2.

FORFEITURE ALLEGATIONS

(18 U.S.C. § 981(a)(1)(C) & 28 U.S.C. § 2461(c) – Criminal Forfeiture)

72. Upon conviction of any offense in violation of 18 U.S.C. §§ 1951, 1341, 1343 or 1346 alleged herein,

**DIANNE WILKERSON
and
CHARLES “CHUCK” TURNER,**

defendants herein, shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), any property, real or personal, that constitutes, or is derived from, proceeds traceable to the commission of the offenses.

73. If any of the property described in Paragraph 31 hereof as being forfeitable pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), as a result of any act or omission of the defendants --

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred to, sold to, or deposited with a third party;
- c. has been placed beyond the jurisdiction of this Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

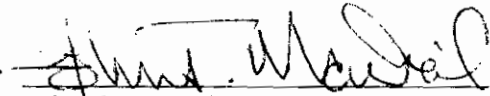
it is the intention of the United States, pursuant to 28 U.S.C. § 2461(c), incorporating 21 U.S.C. § 853(p), to seek forfeiture of all other property of the defendants up to the value of the property described in subparagraphs a. through e. of this paragraph.

All pursuant to Title 18, United States Code, Section 981 and Title 28, United States Code, Section 2461(c).

A TRUE BILL



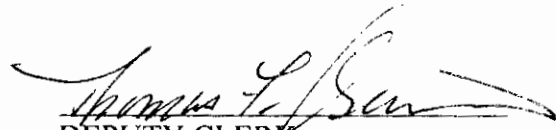
FOREPERSON OF THE GRAND JURY



John T. McNeil
James P. Dowden
ASSISTANT U.S. ATTORNEYS

DISTRICT OF MASSACHUSETTS; _____

Returned into the District Court by the Grand Jurors and filed.



DEPUTY CLERK
4/7/09
@ 4:23pm