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★ JUL 10 2009 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

----- X

UNITED STATES OF AMERICA

S U P E R S E D I N G
I N D I C T M E N T

- against -

ROBERT SIMELS and
ARIENNE IRVING,

Defendants.

Cr. No. 08-640 (S-3) (JG)
(T. 18, U.S.C., §§
201(c)(2), 1001(a)(2),
1512(b)(1), 1512(b)(2)(A),
1512(i), 1512(j), 1512(k),
2512(1)(a), 2512(1)(b),
2 and 3553 et seq.)

----- X

THE GRAND JURY CHARGES:

COUNT ONE

(Conspiracy to Obstruct Justice)

In or about and between August 2006 and September 2008,
both dates being approximate and inclusive, within the Eastern
District of New York and elsewhere, the defendants ROBERT SIMELS
and ARIENNE IRVING, together with others, did knowingly and
intentionally conspire to intimidate, threaten and corruptly
persuade other persons, with intent to (a) influence and prevent
the testimony of persons in an official proceeding, to wit:
United States v. Shaheed Khan, 06-CR-255 (DLI), a federal
criminal trial of the defendant SHAHEED KHAN in the United States
District Court for the Eastern District of New York, and (b)
cause and induce persons to withhold testimony from an official
proceeding, to wit: the trial in United States v. Shaheed Khan,

06-CR-255 (DLI), in violation of Title 18, United States Code, Sections 1512(b)(1) and (b)(2)(A).

(Title 18, United States Code, Sections 1512(i), 1512(j), 1512(k) and 3551 et seq.)

COUNT TWO

(Attempt to Obstruct Justice - John Doe #1)

In or about and between May 2008 and September 2008, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants ROBERT SIMELS and ARIENNE IRVING, together with others, did knowingly and intentionally attempt to corruptly persuade another person, to wit: John Doe #1, an individual whose identity is known to the Grand Jury, with intent to (a) influence and prevent the testimony of John Doe #1 in an official proceeding, to wit: United States v. Shaheed Khan, 06-CR-255 (DLI), a federal criminal trial of the defendant SHAHEED KHAN in the United States District Court for the Eastern District of New York, and (b) cause and induce John Doe #1 to withhold testimony from an official proceeding, to wit: the trial in United States v. Shaheed Khan, 06-CR-255 (DLI).

(Title 18, United States Code, Sections 1512(b)(1), 1512(b)(2)(A), 1512(i), 1512(j), 2 and 3551 et seq.)

COUNT THREE

(Attempt to Obstruct Justice - John Doe #2)

In or about and between May 2008 and September 2008, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants ROBERT SIMELS and ARIENNE IRVING, together with others, did knowingly and intentionally attempt to intimidate, threaten and corruptly persuade another person, to wit: John Doe #2, an individual whose identity is known to the Grand Jury, with intent to (a) influence and prevent the testimony of John Doe #2 in an official proceeding, to wit: United States v. Shaheed Khan, 06-CR-255 (DLI), a federal criminal trial of the defendant SHAHEED KHAN in the United States District Court for the Eastern District of New York, and (b) cause and induce John Doe #2 to withhold testimony from an official proceeding, to wit: the trial in United States v. Shaheed Khan, 06-CR-255 (DLI).

(Title 18, United States Code, Sections 1512(b)(1), 1512(b)(2)(A), 1512(i), 1512(j), 2 and 3551 et seq.)

COUNT FOUR

(Attempt to Obstruct Justice - John Doe #3)

In or about and between May 2008 and September 2008, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants ROBERT SIMELS and ARIENNE IRVING, together with others, did knowingly and intentionally attempt to intimidate, threaten and corruptly

persuade another person, to wit: John Doe #3, an individual whose identity is known to the Grand Jury, with intent to (a) influence and prevent the testimony of John Doe #3 in an official proceeding, to wit: United States v. Shaheed Khan, 06-CR-255 (DLI), a federal criminal trial of the defendant SHAHEED KHAN in the United States District Court for the Eastern District of New York, and (b) cause and induce John Doe #3 to withhold testimony from an official proceeding, to wit: the trial in United States v. Shaheed Khan, 06-CR-255 (DLI).

(Title 18, United States Code, Sections 1512(b)(1), 1512(b)(2)(A), 1512(i), 1512(j), 2 and 3551 et seq.)

COUNT FIVE

(Attempted Witness Tampering - John Doe #4)

In or about and between May 2008 and September 2008, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants ROBERT SIMELS and ARIENNE IRVING, together with others, did knowingly and intentionally attempt to intimidate, threaten and corruptly persuade another person, to wit: John Doe #4, an individual whose identity is known to the Grand Jury, with intent to (a) influence and prevent the testimony of John Doe #4 in an official proceeding, to wit: United States v. Shaheed Khan, 06-CR-255 (DLI), a federal criminal trial of the defendant SHAHEED KHAN in the United States District Court for the Eastern District of New York, and (b) cause and induce John Doe #4 to withhold testimony

from an official proceeding, to wit: the trial in United States v. Shaheed Khan, 06-CR-255 (DLI).

(Title 18, United States Code, Sections 1512(b)(1), 1512(b)(2)(A), 1512(i), 1512(j), 2 and 3551 et seq.)

COUNT SIX

(Attempt to Obstruct Justice - John Doe #5)

In or about and between May 2008 and September 2008, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants ROBERT SIMELS and ARIENNE IRVING, together with others, did knowingly and intentionally attempt to intimidate, threaten and corruptly persuade another person, to wit: John Doe #5, an individual whose identity is known to the Grand Jury, with intent to (a) influence and prevent the testimony of John Doe #5 in an official proceeding, to wit: United States v. Shaheed Khan, 06-CR-255 (DLI), a federal criminal trial of the defendant SHAHEED KHAN in the United States District Court for the Eastern District of New York, and (b) cause and induce John Doe #5 to withhold testimony from an official proceeding, to wit: the trial in United States v. Shaheed Khan, 06-CR-255 (DLI).

(Title 18, United States Code, Sections 1512(b)(1), 1512(b)(2)(A), 1512(i), 1512(j), 2 and 3551 et seq.)

COUNT SEVEN

(Attempt to Obstruct Justice - Jane Doe #1)

In or about and between May 2008 and September 2008, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants ROBERT SIMELS and ARIENNE IRVING, together with others, did knowingly and intentionally attempt to corruptly persuade another person, to wit: Jane Doe #1, an individual whose identity is known to the Grand Jury, with intent to (a) influence and prevent the testimony of Jane Doe #1 in an official proceeding, to wit: United States v. Shaheed Khan, 06-CR-255 (DLI), a federal criminal trial of the defendant SHAHEED KHAN in the United States District Court for the Eastern District of New York, and (b) cause and induce Jane Doe #1 to withhold testimony from an official proceeding, to wit: the trial in United States v. Shaheed Khan, 06-CR-255 (DLI).

(Title 18, United States Code, Sections 1512(b)(1), 1512(b)(2)(A), 1512(i), 1512(j), 2 and 3551 et seq.)

COUNT EIGHT

(Attempt to Obstruct Justice - Jane Doe #2)

In or about and between May 2007 and September 2008, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants ROBERT SIMELS and ARIENNE IRVING, together with others, did knowingly and intentionally attempt to intimidate, threaten and corruptly

persuade another person, to wit: Jane Doe #2, an individual whose identity is known to the Grand Jury, with intent to (a) influence and prevent the testimony of Jane Doe #2 in an official proceeding, to wit: United States v. Shaheed Khan, 06-CR-255 (DLI), a federal criminal trial of the defendant SHAHEED KHAN in the United States District Court for the Eastern District of New York, and (b) cause and induce Jane Doe #2 to withhold testimony from an official proceeding, to wit: the trial in United States v. Shaheed Khan, 06-CR-255 (DLI).

(Title 18, United States Code, Sections 1512(b)(1), 1512(b)(2)(A), 1512(i), 1512(j), 2 and 3551 et seq.)

COUNT NINE

(Attempt to Obstruct Justice - Jane Doe #3)

In or about and between May 2008 and September 2008, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants ROBERT SIMELS and ARIENNE IRVING, together with others, did knowingly and intentionally attempt to intimidate, threaten and corruptly persuade another person, to wit: Jane Doe #3, an individual whose identity is known to the Grand Jury, with intent to (a) influence and prevent the testimony of Jane Doe #3 in an official proceeding, to wit: United States v. Shaheed Khan, 06-CR-255 (DLI), a federal criminal trial of the defendant SHAHEED KHAN in the United States District Court for the Eastern District of New York, and (b) cause and induce Jane Doe #3 to withhold testimony

from an official proceeding, to wit: the trial in United States v. Shaheed Khan, 06-CR-255 (DLI).

(Title 18, United States Code, Sections 1512(b)(1), 1512(b)(2)(A), 1512(i), 1512(j), 2 and 3551 et seq.)

COUNT TEN

(Bribery of Jane Doe #1)

In or about and between May 2008 and September 2008, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants ROBERT SIMELS and ARIENNE IRVING, together with others, did knowingly and intentionally indirectly offer and promise things of value, to wit: quantities of United States currency, for and because of the testimony under oath and affirmation to be given by a witness, to wit: Jane Doe #1, an individual whose identity is known to the Grand Jury, upon a trial, to wit: United States v. Shaheed Khan, 06-CR-255 (DLI), a federal criminal trial in the United States District Court for the Eastern District of New York.

(Title 18, United States Code, Sections 201(c)(2), 2 and 3551 et seq.)

COUNT ELEVEN

(False Statement)

On or about March 27, 2008, within the Eastern District of New York, the defendant ROBERT SIMELS did knowingly and willfully make materially false, fictitious and fraudulent statements and representations in a matter within the

jurisdiction of the executive branch of the Government of the United States, to wit: an official at the GEO GROUP INC. ("GEO"), a Queens, New York private detention facility under contract with the United States Bureau of Prisons for placement, care and subsistence of all persons charged with or convicted of offenses against the United States, in that the defendant ROBERT SIMELS falsely stated that John Doe # 2, an individual whose identity is know to the Grand Jury, was his client, when in fact, as he then and there well knew and believed, the defendant ROBERT SIMELS did not represent John Doe #2.

(Title 18, United States Code, Sections 1001(a)(2) and 3551 et seq.)

COUNT TWELVE

(Importation of Eavesdropping Equipment)

In or about and between September 2007 and June 2008, both dates being approximate and inclusive, within the Southern District of New York and elsewhere, the defendants ROBERT SIMELS and ARIENNE IRVING, together with others, did knowingly and intentionally send through the mail and foreign commerce electronic devices, knowing and having reason to know that the design of such devices rendered them primarily useful for the purpose of the surreptitious interception of wire, oral and electronic communications.

(Title 18, United States Code, Sections 2512(1)(a), 2 and 3551 et seq.)

COUNT THIRTEEN
(Possession of Eavesdropping Equipment)

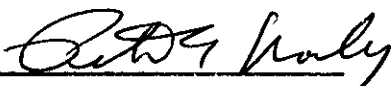
In or about and between September 2007 and September 2008, both dates being approximate and inclusive, within the Southern District of New York and elsewhere, the defendants ROBERT SIMELS and ARIENNE IRVING, together with others, did knowingly and intentionally possess electronic devices, knowing and having reason to know that the design of such devices rendered them primarily useful for the purpose of the surreptitious interception of wire, oral and electronic communications and that the devices had been sent through the mail and foreign commerce.

(Title 18, United States Code, Sections 2512(1)(b), 2 and 3551 et seq.)

A TRUE BILL


FOREPERSON

BENTON J. CAMPBELL
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

BY: 
ACTING UNITED STATES ATTORNEY
PURSUANT TO 28 C.F.R. 0.136

No. 2008R01552

UNITED STATES DISTRICT COURT

EASTERN District of **NEW YORK**

UNITED STATES OF AMERICA

vs.

ROBERT SIMELS and
ARIENNE IRVING,

Defendants.

SUPERSEDING INDICTMENT

(T. 18, U.S.C., §§ 201(c) (2),
1001(a) (2), 1512(b) (1),
1512(b) (2) (A), 1512(i),
1512(j), 1512(k),
2512(1) (a), 2512(1) (b),
2 and 3553 et seq.)

BENTON J. CAMPBELL

United States Attorney,
Eastern District of New York
United States Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201

STEVEN D'ALESSANDRO, AUSA (718) 254-6200
MORRIS J. FODEMAN, AUSA (718) 254-6614
DANIEL BROWNELL, AUSA (718) 254-6392

A true bill

[Signature]
Grand Jury Foreperson

INFORMATION SHEET

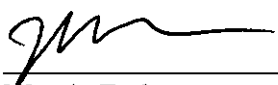
**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

1. Title of Case: USA v. Simels, et al.
2. Related Magistrate Docket Number(s) M08-811(CLP)

None ()
3. Arrest Date: 9/10/08
4. Nature of offense(s): Felony
 Misdemeanor
5. Related Cases - Title and Docket No(s). (Pursuant to Rule 50.3 of the Local E.D.N.Y. Division of Business Rules): United States v. Shaheed Khan, 06-CR-255 (DLI)
6. Projected Length of Trial: Less than 6 weeks ()
More than 6 weeks ()
7. County in which crime was allegedly committed: Queens/Kings
(Pursuant to Rule 50.1(d) of the Local E.D.N.Y. Division of Business Rules)
8. Has this indictment/information been ordered sealed? () Yes () No
9. Have arrest warrants been ordered? () Yes () No

BENTON J. CAMPBELL
UNITED STATES ATTORNEY

By: _____


Morris Fodeman
Assistant U.S. Attorney
718-254-6200