

UNITED STATES DISTRICT COURT
~~14-60088 OR CON/SELTZER~~

CASE NO. _____
18 U.S.C. § 371

UNITED STATES OF AMERICA

v.

DAVID BENJAMIN,

Defendant.

INFORMATION

The United States Attorney charges that, at all times relevant to this Information:

GENERAL ALLEGATIONS

1. The Broward County Sheriff's Office (hereinafter referred to as "BSO") employed approximately 6,300 people and was responsible for serving and protecting the citizens of Broward County, Florida, and enforcing the laws of the State of Florida.
2. One of the divisions of BSO was the Strategic Investigations Division (hereinafter referred to as "SID"), which would investigate major drug trafficking, among other offenses.
3. Defendant DAVID BENJAMIN (hereinafter referred to as "BENJAMIN") was a Lieutenant with BSO and was its acting Executive Officer.
4. As reflected in his BSO personnel file, defendant BENJAMIN acknowledged that he had read and understood the Sheriff's Policy Manual, which outlined the duties and responsibilities of BSO employees.

5. The Sheriff's Policy Manual stated that all BSO employees, including defendant BENJAMIN, were required to obtain approval from the Sheriff before engaging in any outside employment.

6. The Sheriff's Policy Manual further stated that BSO employees were not allowed to receive any gifts or gratuities which are given fully or partially due to their BSO association or which are offered from any persons whose vocations may profit from official information.

7. In or about May 2009, defendant BENJAMIN caused the incorporation of DWB Consulting Group, LLC.

8. Defendant BENJAMIN failed to obtain the required approval from the Sheriff to engage in outside employment through DWB Consulting Group, LLC.

9. Scott W. Rothstein (hereinafter referred to as "Rothstein") was an attorney admitted to practice law in Florida. Rothstein was the Chief Executive Officer (CEO) and Chairman of Rothstein, Rosenfeldt and Adler, P.A.

10. Rothstein, Rosenfeldt and Adler, P.A. (hereinafter referred to as "RRA") was a law firm with offices located at 401 East Las Olas Boulevard, Fort Lauderdale, Florida and elsewhere. The law firm employed approximately seventy attorneys and engaged in the practice of law involving a wide range of specialties, including labor and employment law.

11. Rothstein, through RRA, was perpetuating a fraudulent investment scheme, commonly known as a Ponzi scheme.

12. One of Rothstein's law partners at RRA (hereinafter referred to as "the Law Partner") spent approximately \$3,000-\$5,000 per week of the law firm's money for escorts who would engage in sexual activity with the Law Partner.

13. On or about September 21, 2009, the Law Partner informed Rothstein that the boyfriend of one of the escorts was threatening to publicly expose the Law Partner 's illicit sexual relationship with the escort.

14. The Law Partner was concerned that the disclosure of his illicit relationship would ruin his career, his reputation, and his marriage.

15. In or about June 2009, an attorney who was a friend of Rothstein (hereinafter referred to as "Attorney A") informed Rothstein that he was engaged in an ongoing dispute with his ex-wife over custody of their children.

16. Attorney A further informed Rothstein that his ex-wife was an abuser of prescription pills, and that the ex-wife would have pills in her possession.

17. Rothstein told Attorney A that Rothstein had friends in law enforcement who would have the ex-wife of Attorney A arrested.

18. As set forth below, on or about June 29, 2009, the ex-wife of Attorney A was arrested. On or about November 19, 2009, the Broward County State Attorney's Office dismissed all charges against the ex-wife of Attorney A.

COUNT 1

(Conspiracy To Commit Extortion and to Violate Civil Rights, 18 U.S.C. § 371)

1. The General Allegations of this Information are realleged and expressly incorporated herein as if set forth in full.

2. From in or about 2008 through in or about November 2009, in Broward County, in the Southern District of Florida, and elsewhere, the defendant,

DAVID BENJAMIN,

did knowingly and willfully, combine, conspire, confederate, and agree with persons known and unknown to the United States Attorney to: (a) obstruct, delay and affect interstate commerce by extortion, in that the defendant unlawfully obtained property, that is, approximately \$185,000, including approximately \$153,500 in United States currency and other things of value, which property was not due him or his office, and with consent wrongfully induced under color of official right, as further described below, in violation of Title 18, United States Code, Section 1951; and (b) under color of law, deprive persons of the rights, privileges, and immunities secured and protected by the Constitution and laws of the United States, that is, the right to be free from unreasonable searches and seizures, which includes the right not to be arrested without probable cause and the right to be free from the use of unreasonable force by law enforcement officers, in violation of Title 18, United States Code, Section 242.

OBJECT OF THE CONSPIRACY

3. The object of the conspiracy was to enrich and serve the interests of the members of the conspiracy by having defendant BENJAMIN utilize his official position in order to further the interests of Rothstein, RRA, and persons associated with Rothstein, in return for money and other things of value, to wit, cash and other payments made to defendant BENJAMIN for his personal benefit.

OVERT ACTS

In furtherance of the conspiracy and to achieve the object thereof, at least one of the co-conspirators committed or caused to be committed, in the Southern District of Florida, and elsewhere, at least one of the following overt acts, among others:

Unlawful Payments

4. On or about May 19, 2009, defendant BENJAMIN received a check payable to DWB Consulting Group, LLC in the amount of \$10,000.

5. On or about June 9, 2009, defendant BENJAMIN received a check payable to DWB Consulting, LLC in the amount of \$10,000.

6. On or about June 23, 2009, defendant BENJAMIN received approximately \$1,000 in United States currency.

7. On or about July 7, 2009, defendant BENJAMIN received a check payable to DWB Consulting, LLC in the amount of \$10,000.

8. On or about September 24, 2009, defendant BENJAMIN received approximately \$1,500 in United States currency.

9. On or about September 25, 2009, defendant BENJAMIN received approximately \$150,000 in United States currency.

10. On or about October 27, 2009, defendant BENJAMIN received approximately \$1,000 in United States currency.

11. From in or about 2008 and continuing through in or about October 2009, defendant BENJAMIN received jewelry, tickets to sporting events, free transportation, and free meals having a value of thousands of dollars.

Defendant Benjamin's Use of His Official
Position And Agreement To Violate Civil Rights

Attorney A

12. Attorney A informed Rothstein as to his ex-wife's typical daily travels in order to facilitate her arrest.

13. Rothstein provided the typical daily travels of the ex-wife of Attorney A to defendant BENJAMIN.

14. Defendant BENJAMIN solicited and obtained the agreement of a BSO detective who worked in SID (hereafter referred to as "the SID Detective") to arrest the ex-wife of Attorney A regardless of whether or not probable cause existed to do so.

15. On or about June 29, 2009, the SID Detective conducted surveillance of the ex-wife and conducted a traffic stop of her vehicle.

16. On or about June 29, 2009, the SID Detective conducted an unauthorized search of the ex-wife's possessions without probable cause to do so.

17. On or about June 29, 2009, the SID Detective placed the ex-wife under arrest.

18. Subsequent to the arrest of the ex-wife, Attorney A obtained a copy of the arrest report in order to utilize it in their ongoing custody battle.

19. On or about July 2, 2009, Rothstein paid approximately \$1,000 in cash to defendant BENJAMIN for his assistance in the arrest of the ex-wife of Attorney A.

The Law Partner

20. On or about September 21, 2009, Rothstein and the Law Partner met with defendant BENJAMIN at the offices of RRA to discuss threats being made to the Law Partner by the boyfriend of the escort.

21. During that meeting, and in subsequent conversations, defendant BENJAMIN, Rothstein, and the Law Partner spoke with one another in order to facilitate having the escort and her boyfriend threatened with force and violence so as to induce them to refrain from publicly disclosing the sexual interaction between the escort and the Law Partner.

22. Rothstein and the Law Partner instructed defendant BENJAMIN that a police report not be filed.

23. The Law Partner provided defendant BENJAMIN with the escort's first name, address, and telephone number.

24. Defendant BENJAMIN contacted the SID Detective to assist him in the matter.

25. On or about September 22, 2009, the SID Detective caused a person employed by BSO to conduct a background check of the escort.

26. On or about September 22, 2009, the SID Detective, along with two other law enforcement officers, unlawfully and through threats of force, entered the residence of the escort and her boyfriend, where:

- a. the officers searched the residence of the escort and her boyfriend;
- b. the officers restrained the boyfriend by placing him in handcuffs;

c. the SID Detective seized the escort's cellular telephone, and deleted any evidence of her relationship to the Law Partner; and

d. the SID Detective instructed the escort to leave Florida or she would be arrested.

27. On or about September 23, 2009, the escort was driven to the airport by two law enforcement officers and instructed to return to Pennsylvania.

28. On or about September 24, 2009, Rothstein paid \$1,500 to defendant BENJAMIN for his assistance in the matter involving the escort and the Law Partner.

Assistance at Executive Airport

29. On or about October 27, 2009, Rothstein decided to leave the United States and travel to Morocco.

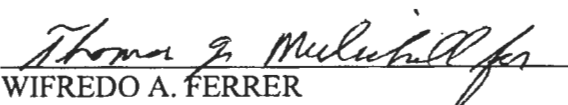
30. Rothstein chartered a private jet airplane to travel from Executive Airport in Fort Lauderdale to Morocco with \$500,000 in cash and numerous watches valued at several million dollars, all of which constituted proceeds of the Ponzi scheme being perpetrated by Rothstein.

31. Due to Rothstein's concerns regarding airport security, Rothstein instructed defendant BENJAMIN to assist Rothstein in boarding the airplane with the aforesaid cash and watches.

32. On or about October 27, 2009, defendant BENJAMIN assisted Rothstein in carrying the cash and the watches onto the airplane.


33. On or about October 27, 2009, Rothstein paid \$1,000 to defendant BENJAMIN for his assistance in transferring the aforesaid cash and jewelry onto the airplane.

All in violation of Title 18, United States Code, Section 371.


WIFREDO A. FERRER
UNITED STATES ATTORNEY


JEFFREY N. KAPLAN
ASSISTANT UNITED STATES ATTORNEY


PAUL F. SCHWARTZ
ASSISTANT UNITED STATES ATTORNEY


LAWRENCE D. LAVECCHIO
ASSISTANT UNITED STATES ATTORNEY