



U.S. Department of Justice

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JUNE 19, 2009

PRESS RELEASE

FOR IMMEDIATE RELEASE:

KAPOK JUROR CHARGED WITH BRIBERY AND CONTEMPT OF COURT

Dorothy Hendricks of St. Croix has been charged with bribery of a public official and contempt of court for her conduct while sitting as a juror in the case of United States v. Auffenburg, also known as the Kapok case, United States Attorney Paul A. Murphy, and FBI Special Agent-in-Charge, Luis S. Fraticelli announced today.

Hendricks is charged by complaint with two counts of bribery. In the first count, she is charged with agreeing to receive and accept a bribe as a public official. In the second count, she is charged with corruptly demanding and seeking a bribe as a public official. Under federal criminal law, a person who is selected to serve as a juror is a public official for purposes of the federal bribery statutes.

Hendricks also is charged with contempt of court for violating the order of the District Court Judge that she was not to have any contact with the attorneys in the case. She is alleged to have called one of the defense attorneys during the case to demand and seek a bribe in return for a not guilty verdict. (See attached complaint and affidavit)

A criminal complaint is merely a formal charging document and is not evidence of guilt. All defendants are presumed innocent until found guilty by a trial jury or otherwise in a court of law.

The investigation is being conducted by the Federal Bureau of Investigation. The case is being prosecuted by U.S. Attorney Paul A. Murphy.

United States District Court

DISTRICT OF THE VIRGIN ISLANDS - DIVISION OF ST. CROIX

RECEIVED
JUN 19 11
CLERK OF THE DISTRICT COURT
ST. CROIX
Mg. 2009-0030

UNITED STATES OF AMERICA

v.

DOROTHY HENDRICKS

CRIMINAL COMPLAINT

Title 18, U.S.C. § 201 (a) and (b)

Count 1: Agreeing to Receive and Accept a Bribe as a Public Official

Count 2: Corruptly Demanding and Seeking a Bribe as a Public Official

Count 3: Criminal Contempt of Court, 18 U.S.C. 401(3)

MAG. NO.

I, THOMAS W. DRUMMOND, Special Agent, Federal Bureau of Investigation, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief:

INTRODUCTION

For the purpose of this complaint:

- (1) the term "public official" means..... a juror;
- (2) the term "official act" means any decision or action on any question, matter, cause, suit, proceeding or controversy, which may at any time be pending, or which may by law be brought before any public official, in such official's official capacity, or in such official's place of trust or profit. 18 U.S.C. 201 (a). This provision is incorporated by reference into Counts 1 and 2 below.

COUNT 1

(Agreeing to Receive and Accept a Bribe: 18 U.S.C. 201 (a) and (b))

On or about February 27, 2009, in the District of the Virgin Islands, the defendant,

DOROTHY HENDRICKS,

then being a public official, that is, a petit juror selected and sworn in the case of United States v. Auffenburg, Criminal No. 07-47, in the District Court of the Virgin Islands, did directly and corruptly agree to receive and accept something of value personally for herself, namely, a payment of money, in return for: (1) being influenced in the performance of an official act, and (2) being influenced to commit and aid in committing, and colluding in, and allowing, a fraud and making an opportunity for the commission of a fraud on the United States, and (3) being induced to do an official act and omit to do an official act in violation of her official duty, that is, that the defendant, in return for the payment of money, agreed to vote "not guilty" in the above referenced criminal case;

All in violation of Title 18, United States Code, Section 201(a) and (b)(2) and 2.

COUNT 2

(Corruptly Demanding and Seeking a Bribe: 18 U.S.C. 201 (a) and (b))

On or about March 1, 2009, in the District of the Virgin Islands, the defendant,

DOROTHY HENDRICKS,

then being a public official, that is, a petit juror selected and sworn in the case of United States v. Auffenburg, Criminal No.07-47 in the District Court of the Virgin Islands, did directly and corruptly demand and seek, from an attorney, something of value personally for herself, namely, a payment of money, in return for:: (1) being influenced in the performance of an official act, and (2) being influenced to commit and aid in committing, and colluding in, and allowing, a fraud and making an opportunity for the commission of a fraud on the United States, and (3) being induced to do an official act and omit to do an official act in violation of her official duty; that is, that the defendant, in return for the payment of money, agreed to vote "not guilty" in the above referenced criminal case;

All in violation of Title 18, United States Code, Section 201(a) and (b)(2).

COUNT 3

(Contempt of Court by Disobeying an Order of the Court in violation of 18 U.S.C. 401(3))

On or about March 1, 2009, in the District of the Virgin Islands, the defendant,

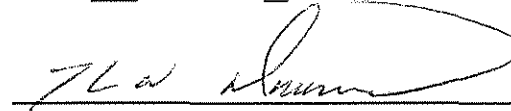
DOROTHY HENDRICKS,

did willfully and knowingly disobey and resist a lawful order and command of the District Court of the Virgin Islands, issued by Judge Harvey Bartle, Chief Judge, Eastern District of Pennsylvania, sitting by designation, in the case of United States v. Auffenburg, Criminal No. 07-47, in the District Court of the Virgin Islands, said order being that no contact was permitted between the jurors in that case and any of the parties and their attorneys, in that the defendant called an attorney for a defendant in said case and the defendant spoke about what verdict would be returned in that case to the defense attorney during the pendency of the case;

All in violation of Title 18, United States Code, Section 401(3).

I further state that I am a Special Agent with the Federal Bureau of Investigation and that this complaint is based on the following facts set out in the attached affidavit which is incorporated into this Complaint by reference.


Continued on the attached Affidavit and made a part hereof. X Yes _ No



Signature of Complainant
THOMAS W. DRUMMOND
Special Agent, FBI

Sworn to before me, and subscribed in my presence at Christiansted, St. Croix, Virgin Islands

(Date) June 19, 2009



GEOFFREY W. BARNARD,
United States Magistrate Judge

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX

RECEIVED
9 JUN 19 AM 11:12
DISTRICT COURT
ST. CROIX

UNITED STATES OF AMERICA,

v.

DOROTHY HENDRICKS,

Defendant.

CRIMINAL NO. 2009-0020

**AFFIDAVIT OF SPECIAL
AGENT THOMAS W.
DRUMMOND OF THE FBI**

I, Thomas W. Drummond, being first duly sworn, states the following facts are true and correct and are based on my personal knowledge and are based on information provided to me by other FBI agents engaged in the investigation of the conduct of **DOROTHY HENDRICKS** while she was a petit juror in United States v. Auffenburg, et. al., [hereinafter the Auffenburg] Criminal Number 07-47, in the District Court of the Virgin Islands.

1. I have been a Special Agent of the FBI for 10 years. In that capacity I am assigned as the case agent to investigate the conduct of **DOROTHY HENDRICKS** while she was a juror in the above referenced Auffenburg et. al. case and also known as the Kapok case. I was investigating for violations of Title 18, United States Code, Section 201, Bribery of Public Officials. Pursuant to Title 18, United States Code, Section 201(a)(1) the term "public official" means a person who is a juror. I also investigated her conduct as a criminal contempt of court in violation of Title 18, U.S.C. 401.

2. **DOROTHY HENDRICKS** was selected as a juror in the Auffenburg case and she was sworn as a petit juror in that case. As such she was a public official within the meaning of those words as they are set out in Title 18, U.S.C. 201. The trial commenced on or about January 18, 2009.

3. On March 2, 2009, one of the defense attorneys in the case, Attorney X, reported to the District Court Judge that on March 1, 2009, at about 10 p.m., Attorney X had received a telephone call from a woman who asked Attorney X how much money Attorney X would pay for a "Not Guilty" verdict. Attorney X stated to the caller that the contact was inappropriate and that the juror was not permitted to have any contact with anyone in this matter. Attorney X also advised the female caller that Attorney X was required to report the contact to the Court. The female caller told Attorney X to "forget it" and stated to Attorney X, "I told them that this would not work." The female caller then asked Attorney X not to report the contact to the Court.

4. On March 2, 2009, Attorney X agreed to provide to the investigating agents access to the telephone on which this call had been received. The investigating agents were able to retrieve a telephone number from Attorney X's telephone, which number was identified as the telephone number of DOROTHY HENDRICKS.

5. On March 3, 2009, DOROTHY HENDRICKS was removed by the Court from service on the jury in the Auffenburg case and an alternate juror was placed on the jury and the jury was instructed to begin their deliberations anew.

6. On March 4, 2009, the jury returned a not guilty verdict on all counts of the indictment against all defendants.

7. On March 6, 2009, DOROTHY HENDRICKS, learned that FBI agents were attempting to contact her and DOROTHY HENDRICKS, along with her daughter, went to the FBI office on St. Croix, where DOROTHY HENDRICKS was not in custody, and she was interviewed by two Special Agents of the FBI and she voluntarily signed a written statement which was a confession of her

conduct as a juror in the Auffenburg case. During this interview and in her written, signed statement DOROTHY HENDRICKS, in part stated as follows:

8. HENDRICKS acknowledged that she was a juror in the Auffenburg case. HENDRICKS denied that she had discussed the case with anyone while the trial was underway. HENDRICKS admitted to having placed a telephone call to the residence of Attorney X on Sunday, March 1, 2009, sometime after 6 p.m. HENDRICKS stated that she called Attorney X to ask a question, however HENDRICKS could not recall the question. HENDRICKS stated that she called Attorney X's residence several times before actually reaching Attorney X.

9. HENDRICKS told the FBI agents that she had met Attorney X through Attorney X's significant friend whose name HENDRICKS could not recall. HENDRICKS stated that she had also attended several parties at Attorney X's residence. HENDRICKS also stated that she had consulted Attorney X's law offices in reference to an automobile accident involving her daughter.

10. HENDRICKS stated that she was instructed by the Court not to have any contact with any of the attorneys involved in the trial.

11. HENDRICKS told the FBI agents that during breaks in the trial proceedings she had engaged in conversations with Juror X, who she knew before the trial. During these conversations Juror X made comments to HENDRICKS that "it sure would be nice to make change out of this." HENDRICKS understood this to mean that it would be nice to make money from the trial and she responded affirmatively to Juror X.

12. On Friday, February 27, 2009 at approximately 8:45 a.m. while in the jury room, HENDRICKS spoke with Juror X and Juror X gave HENDRICKS a piece of paper with a dollar figure of \$3,000.00 to \$5,000.00 on it. Juror X asked HENDRICKS how the zeros looked and

HENDRICKS responded that they looked good. Before the jury was released that day, Juror X told HENDRICKS that Person X would be contacting her. HENDRICKS knew who Person X was and that Person X was associated with the Auffenburg case.


13. During the weekend of February 28, 2009 through March 1, 2009, HENDRICKS waited to be contacted by Person X. On Sunday, March 1, 2009, after not hearing from Person X, HENDRICKS decided to call Attorney X.

14. HENDRICKS looked up Attorney X's telephone number in the telephone directory and dialed Attorney X's home number. When Attorney X came to the telephone, HENDRICKS stated that for \$3,000.00 or \$5,000.00 they could make a deal. HENDRICKS stated that Attorney X responded by asking who it was that was calling. HENDRICKS told her it was someone Attorney X sees everyday in Court. Attorney X asked if the caller was a juror and HENDRICKS responded that she was a juror. Attorney X asked the caller for her juror number. HENDRICKS stated that she replied to Attorney X that \$3,000.00 or \$5,000.00 is what it will cost for a not guilty verdict. HENDRICKS told the agents that Attorney X responded by asking HENDRICKS what she was talking about. HENDRICKS then stated to Attorney X to never mind and that she, HENDRICKS, had told them it would not work. HENDRICKS stated that the call then ended.

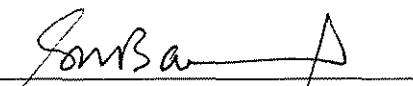
15. HENDRICKS told the agents that the next morning, March 2, 2009, she reported for jury duty and spoke to Juror X and lied to Juror X by stating she had tried to call Attorney X, but was unsuccessful. HENDRICKS told the agents that Juror X responded that she should never mind and not to worry about it.

16. HENDRICKS stated that on March 3, 2009 she was removed from the jury and HENDRICKS suspected her removal had something to do with the telephone call she had made to Attorney X.

17. On March 20, 2009, HENDRICKS was re-interviewed by two FBI agents. In part, HENDRICKS added to her previous statements. She stated that it was after February 16, 2009, when Juror X started making comments about making money off of the case. HENDRICKS stated that Juror X made comments such as, "all those zeros look good" and "it sure would be nice to make some change off of this", and "those zeros look nice huh?". HENDRICKS further stated to the FBI agents that on Thursday, February 26, 2009, HENDRICKS had arrived at the jury room and was making coffee when Juror X told HENDRICKS that Juror X had "sent Person X to you". HENDRICKS told the agents she responded, "Oh, yeah." HENDRICKS stated to the agents that Juror X repeated that Juror X had sent Person X to her and that Person X was "safe". HENDRICKS told the FBI agents that she took this to mean that Person X was going to pay her money in return for a "not guilty" verdict. HENDRICKS stated that she knew Person X and she believed that Person X paid off jurors.


THOMAS DRUMMOND
Special Agent, FBI

Subscribed and sworn to before me on the 19 day of June 2009.


GEOFFREY W. BARNARD
United States Magistrate Judge
District of the Virgin Islands

UNITED STATES DISTRICT COURT

for the

ST. CROIX

United States of America)

v.)

DOROTHY HENDRICKS)

Case No. MAG. 2009/0020

CLERK OF THE DISTRICT COURT ST. CROIX

9 JUN 19 12:01

RECEIVED

Defendant's name and address

SUMMONS IN A CRIMINAL CASE

YOU ARE SUMMONED to appear before the United States district court at the time, date, and place set forth below to answer to one or more offenses or violations based on the following document filed with the court:

- Indictment, Superseding Indictment, Information, Superseding Information, Complaint, Probation Violation Petition, Supervised Release Violation Petition, Violation Notice, Order of Court

Table with 2 columns: Place (U.S. DISTRICT COURT, 3013 ESTATE GOLDEN ROCK, CHRISTIANSTED, ST. CROIX, V.I. 00820) and Courtroom No. (MAGISTRATE COURT), Date and Time (06/30/2009 9:00 am)

This offense is briefly described as follows:

TITLE 18, U.S.C. SEC. 201(a) and (b) AGREEING TO RECEIVE AND ACCEPT A BRIBE AS A PUBLIC OFFICIAL; CORRUPTLY DEMANDING AND SEEKING A BRIBE AS A PUBLIC OFFICIAL; CRIMINAL CONTEMPT OF COURT, 18 U.S.C. 401(3)

Date: 06/19/2009

Issuing officer's signature

GEOFFREY W. BARNARD, MAGISTRATE JUDGE

Proof of Service

This summons was received by me on (date)

- I personally served the summons on this defendant at (place) on (date); or On (date), I left the summons at the defendant's residence or usual place of abode with (name), a person of suitable age and discretion who resides there, and mailed a copy to the defendant's last known address; or The summons was returned unexecuted because

I declare under penalty of perjury that this information is true.

Date returned:

Server's signature

Printed name and title

Remarks: