

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Criminal Number

UNITED STATES OF AMERICA)
)
 v.)
)
 JACOB JOHN POLICK,)
)
 Defendant.)

INDICTMENT

Title 18, United States Code, Section 1365(c)(1)
(Tampering with a Consumer Product)
Title 18, United States Code, Section 1001(a)(2) (False Statements)
Title 18, United States Code, Section 2 (Aiding and Abetting)

THE GRAND JURY CHARGES:

COUNT 1

Title 18, United States Code, Section 1365(c)(1)
(Tampering with a Consumer Product)
Title 18, United States Code, Section 2 (Aiding and Abetting)

On or about January 2, 2008 within the District of Colorado, the defendant

JACOB JOHN POLICK

knowingly communicated false information that a consumer product was tainted, to wit: a bag of Frito-Lay Ruffles brand Potato Chips contained a syringe, when such tainting, had it occurred, would have created a risk of bodily injury to another person, and such product had been in and affected interstate commerce.

All in violation of Title 18, United States Code, Section 1365(c)(1) and 2.

COUNT 2

Title 18, United States Code, Section 1001(a)(2) (False Statements)

On or about January 22, 2008 in the District of Colorado, in a matter within the jurisdiction of the executive branch of the government of the United States,

JACOB JOHN POLICK

knowingly and willfully did make a materially false statement to Special Agent Mary LaFrance of the Food and Drug Administration, to wit: that he found a syringe in a bag of Frito-Lay Ruffles brand Potato Chips that he had purchased, when in truth, he knew that the bag of potato chips did not contain a syringe.

In violation of Title 18, United States Code, Section 1001(a)(2).

A TRUE BILL

Ink signature on file in the clerk's office
FOREPERSON

TROY A. EID
United States Attorney

s/Jaime Pena

By: Jaime A. Pena
Assistant U.S. Attorney
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Attorney for the Government

DATE: September 9, 2008

DEFENDANT: JACOB JOHN POLICK

DOB:

ADDRESS:

COMPLAINT FILED? _____ YES X NO

IF YES, PROVIDE MAGISTRATE CASE NUMBER: _____

IF NO, PROCEED TO "OFFENSE" SECTION

HAS DEFENDANT BEEN ARRESTED ON COMPLAINT? _____ YES X NO

IF NO, A NEW WARRANT IS REQUIRED

OFFENSE: COUNT ONE: Title 18, United States Code, Sections 1365(c)(1) and 2,
Tampering with a Consumer Product and Aiding and Abetting the same.

COUNT TWO: Title 18, United States Code, Section 1001(a)(2), False
Statements.

LOCATION OF OFFENSE (COUNTY/STATE): State and District of Colorado

PENALTY: COUNT ONE: NMT 5 years imprisonment, NMT \$250,000 fine, or both;
NMT 3 years supervised release; \$100 Special assessment fee

COUNT TWO: NMT 20 years imprisonment, NMT \$250,000 fine, or
both; NMT 3 years supervised release; \$100 Special assessment fee

AGENT: May Lafrance, Special Agent
U.S. Food and Drug Administration
Office of Criminal Investigations

AUTHORIZED BY: Jaime Peña
Assistant U.S. Attorney

ESTIMATED TIME OF TRIAL:

X five days or less _____ over five days _____ other

THE GOVERNMENT

 X will seek detention in this case will **not** seek detention in this case

The statutory presumption of detention **is** or **is not** applicable to this defendant. **(Circle one)**

OCDETF CASE: Yes X No