

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)
)
) No.
)
) Violations: Title 18, United States
) Code, Sections 371, 2232 and 2
EUGENE KLEIN)

THE SPECIAL MARCH 2010 GRAND JURY charges:

1. At times material to this indictment:

The Conviction of Frank Calabrese Sr.

a. In September 2007, a jury convicted Frank Calabrese Sr. of racketeering conspiracy and other charges, and found that Calabrese had committed seven murders.

b. On or about January 28, 2009, Calabrese was sentenced to life imprisonment and was ordered to pay restitution to his victims, including the families of his murder victims, in the total amount of \$4,422,572.

The Search for Calabrese's Hidden Assets

c. After Calabrese was sentenced, law enforcement began efforts to locate and seize Calabrese's assets, including personal property that Calabrese had hidden, in order to satisfy Calabrese's restitution obligations to the families of his murder victims as ordered by the Court.

d. In connection with the government's efforts to locate assets belonging to Calabrese to satisfy the Court's restitution order, the Court entered additional orders in *United States v. Calabrese*, No. 02 CR 1050, directing federal law enforcement officers to search various residences owned by Calabrese, including Calabrese's residence in Oak Brook, Illinois (the "Illinois Residence") and his residence in Williams Bay, Wisconsin (the "Wisconsin Residence"), for the purpose of locating and seizing Calabrese's personal property, including any personal property hidden in these locations.

e. On or about March 23, 2010, law enforcement officers, including deputy United States Marshals and special agents of the Federal Bureau of Investigation, searched the Illinois Residence and the Wisconsin Residence pursuant to the Court's orders.

f. Within the Illinois Residence, law enforcement officers discovered and seized cash, jewelry and other valuables hidden within a secret compartment in the basement of the Illinois Residence. These items had an estimated value well in excess of one million dollars.

g. Also found during the search of the Illinois Residence was paperwork concerning a violin that the paperwork indicated was made in 1764. One certificate describing the violin bore an emblem with the word "Stradivari" and a picture of a violin with the name of Antonius Stradivarius underneath it. However,

the certificate indicated the violin was made by Giuseppe Antonio Artalli, not Antonius Stradivarius. Stradivarius violins are highly prized musical instruments which are often valued and sold for prices in excess of one million dollars. The violin described in the certificate was not found during the search of the Illinois Residence.

h. The search of the Wisconsin Residence on March 23, 2010, did not result in the discovery of any hidden assets, such as a violin. However, the government obtained Court authorization to sell the Wisconsin Residence, and to direct the proceeds from the sale to pay the restitution amount owed to the families of Calabrese's murder victims. Pending the sale of the Wisconsin Residence pursuant to the Court's order, the government took custody and control of the Wisconsin Residence, by changing the locks on the doors to the Wisconsin Residence.

The Special Administrative Measures Imposed on Calabrese

i. Beginning on or about November 12, 2008, federal law enforcement authorities, in order to prevent Calabrese's further participation in illegal activities while incarcerated, limited certain of Calabrese's privileges in prison, including his access to the mail, the media, the telephone, and visitors. At that time, the Bureau of Prisons (at the direction of the Attorney General of the United States) imposed Special Administrative Measures ("SAMs") upon Calabrese, pursuant to a federal regulation (28 C.F.R. § 501.3). The stated purpose of the SAMs

was to prevent “the inmate from committing, soliciting, or conspiring to commit additional criminal activity,” and to foreclose “communications or contacts with persons [that] could result in death and serious bodily injury to persons.”

j. Under the SAMs, Calabrese was prohibited from having contact with anyone outside the prison, except his attorney and certain immediate family members. Moreover, with the exception of attorney communications, all oral and written communications with immediate family members, including mail and visits, were subject to review and/or contemporaneous observation by Bureau of Prisons personnel and the Federal Bureau of Investigation in order to ensure that Calabrese did not pass any messages to third parties that could be used to further criminal activity.

k. In or around November 2008, Calabrese was provided with a copy of the SAMs when they were implemented, and was informed of their continuation each year thereafter, including their continuation until November 2011.

l. Individual A was an associate of Calabrese who was not an immediate family member and was not permitted to have contact of any kind with Calabrese after the implementation of the SAMs in November 2008.

m. In or around March 2009, Calabrese was designated to serve his life sentence at the United States Medical Center for Federal Prisoners, located in Springfield, Missouri (hereinafter, the “prison”), and was transported to that prison.

n. Defendant EUGENE KLEIN was employed as a chaplain at the prison. In his capacity as a chaplain, defendant KLEIN was permitted to meet with Calabrese on a regular basis to provide religious ministry, such as the sacrament of Holy Communion. Because of the position of trust he occupied, KLEIN was able to have close and frequent communication with Calabrese.

o. In connection with his employment at the prison, KLEIN was advised of the applicable rules and regulations governing Bureau of Prisons employee conduct, including a rule which prohibited taking letters and messages into and out of the prison.

p. KLEIN also was informed of the SAMs that were imposed on Calabrese and understood they prohibited the passing of any information or messages to or from Calabrese. KLEIN reviewed information about Calabrese contained in a Bureau of Prisons system known as the “Electronic Posted Picture System.” This system contained a description of Calabrese’s criminal activities and associations, and also stated:

Calabrese is currently being held under Special Administrative Measures imposed by the Attorney General of the United States. ALL of Calabrese’s communications MUST be closely monitored.

Defendant KLEIN Conspires to Violate the SAMs

2. Beginning no later than in or around March 2011, and continuing to in or around April 2011, at Barrington, in the Northern District of Illinois, Eastern Division, and elsewhere,

EUGENE KLEIN,

defendant herein, did knowingly conspire with Frank Calabrese Sr. and others known and unknown to the Grand Jury to defraud the United States and an agency thereof, to wit, to hamper, hinder, impede, and obstruct by deceit and dishonest means, the lawful and legitimate functions of the United States Department of Justice and its agency, the Bureau of Prisons, in the administration and enforcement of the Special Administrative Measures for inmate Frank Calabrese Sr.

3. It was part of the conspiracy that in or around March 2011, Calabrese told KLEIN that he had hidden a Stradivarius violin, which Calabrese claimed was worth millions of dollars, within the Wisconsin Residence.

4. It was further part of the conspiracy that KLEIN and Calabrese agreed that KLEIN would travel from Missouri to Illinois, for the purpose of meeting with Individual A to: (a) advise Individual A of certain questions Calabrese wished to ask Individual A; (b) advise Individual A of the information Calabrese had provided to KLEIN concerning the violin hidden within the Wisconsin Residence; and (c)

formulate a plan with Individual A to remove the violin from the Wisconsin Residence.

5. It was further part of the conspiracy that on or about April 3, 2011, KLEIN drove from Missouri to Illinois, and thereafter met with Individual A, for the purpose of relaying the questions and information Calabrese had provided KLEIN, including the information about the violin hidden within the Wisconsin Residence. During this meeting, Individual A advised KLEIN that the Wisconsin Residence had been seized by the government in connection with the prosecution of Calabrese, and that the government was attempting to sell the Wisconsin Residence through a realtor.

6. It was further part of the conspiracy that between on or about April 5, 2011 and on or about April 6, 2011, KLEIN, Individual A and Individual B devised a plan to prevent the discovery and seizure of the violin by the government pursuant to the orders issued by the Court. Specifically, KLEIN agreed with Individual A and Individual B that they would attempt to recover the violin from within the Wisconsin Residence and take possession of the violin for their own use and benefit.

7. It was further part of the conspiracy that KLEIN, Individual A and Individual B agreed that they would all pose as potential buyers of the Wisconsin Residence, and that once inside the Wisconsin Residence, Individual B would distract the realtor, while KLEIN and Individual A searched for the violin, using

the directions provided to KLEIN by Calabrese concerning the violin's location within the Wisconsin Residence.

8. It was further part of the conspiracy that the defendant and his co-conspirators misrepresented, concealed, hid, and caused to be concealed, misrepresented, and hidden, the purposes of and the acts done in furtherance of the conspiracy.

Overt Acts

9. To effect the objects of the conspiracy, defendant EUGENE KLEIN committed the following overt acts, among others, in the Northern District of Illinois, Eastern Division and elsewhere:

a. On or about March 6, 2011, during a telephone call with Individual A, KLEIN asked Individual A about the Wisconsin Residence, and asked Individual A three questions that Calabrese had given to KLEIN to ask Individual A.

b. On or about March 7, 2011, KLEIN met with Calabrese and took possession of a handwritten note from Calabrese that Calabrese secretly passed to KLEIN through the food slot in Calabrese's prison cell. The handwritten note contained additional questions KLEIN was to ask Individual A on Calabrese's behalf, and also disclosed the location of a violin hidden within the Wisconsin Residence.

c. On or about March 26, 2011, KLEIN met with Calabrese and took possession of a document from Calabrese that Calabrese secretly passed to KLEIN through the food slot in Calabrese's prison cell.

d. On or about April 3, 2011, KLEIN drove from Missouri to Illinois in order to meet with Individual A.

e. On or about April 3, 2011, KLEIN met with Individual A at a restaurant located in or near Barrington, Illinois, and divulged the contents of a handwritten note Calabrese had secretly passed to KLEIN.

f. On or about April 5, 2011, KLEIN met with Individual A and Individual B at Individual B's office and discussed a plan to recover the violin.

g. On or about April 6, 2011, KLEIN met with Individual A and Individual B and discussed recovering the violin.

h. On or about April 7, 2011, KLEIN called the realtor responsible for handling the sale of the Wisconsin Residence, for the purpose of arranging a time for KLEIN, Individual A and Individual B to enter the Wisconsin Residence to search for the violin.

All in violation of Title 18, United States Code, Sections 371 and 2.

COUNT TWO

THE SPECIAL MARCH 2010 GRAND JURY further charges:

1. Paragraph 1(a) through 1(h) of Count One of this indictment are realleged and incorporated as though fully set forth herein.
2. Beginning no later than in or around March 2011, and continuing to on or about April 7, 2011, at Barrington, in the Northern District of Illinois, Eastern Division, and elsewhere,

EUGENE KLEIN,

defendant herein, after the search of the Wisconsin Residence on or about March 23, 2010 for personal property of Frank Calabrese Sr. by persons authorized to make the search, to wit, deputy United States Marshals and special agents of the Federal Bureau of Investigation, did knowingly attempt to dispose of, transfer and otherwise take action with respect to that personal property, namely a valuable violin, for the purpose of preventing and impairing the government's lawful authority to take such personal property into its custody and control;

In violation of Title 18, United States Code, Sections 2232(a) and 2.

A TRUE BILL:

FOREPERSON

UNITED STATES ATTORNEY