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**FORMER PRISON GUARD SENTENCED TO 18 MONTHS IN PRISON
FOR ILLEGAL SEXUAL ACTIVITY WITH AN INMATE**

MICHAEL J. GARCIA, the United States Attorney for the Southern District of New York, announced that NICHOLAS DEFONTE, a former Correction Officer with the federal Bureau of Prisons, was sentenced earlier today to 18 months' imprisonment for his conviction for engaging in unlawful sexual activity with a female inmate of the Metropolitan Correctional Center ("MCC") in Manhattan and for making false statements. DEFONTE was convicted after a jury trial in April 2006 before United States District Judge DEBORAH A. BATTIS.

In imposing the sentence, Judge BATTIS described DEFONTE's conduct as "one of civil society's worst nightmares," and summarized the case as one of a guard abusing his power over inmates to satisfy his sexual desires.

As established by the evidence at trial:

DEFONTE was a Correction Officer assigned to the Food Services Unit (the "kitchen") and other duties at the MCC. At various times, he supervised female inmates who worked in the kitchen on the midnight shift. DEFONTE engaged in sexual relations with a total of three female inmates. Two of the inmates were illegal immigrants subject to deportation, and both testified that DEFONTE had first inquired about their immigration status before engaging in sexual relations with them.

DEFONTE was found guilty of two counts of engaging in sexual relations with a particular inmate and one count of making false statements to a Special Agent of the U.S. Department of Justice, Office of Inspector General, to whom DEFONTE claimed that he had not engaged in sexual relations or activities with any inmate. The jury acquitted DEFONTE of two counts of sexual abuse. Under federal law, it is unlawful for a prison officer to knowingly engage in a sexual act with an inmate who is subject to the officer's custody and supervision whether or not the sexual contact

is forcible or consensual.

DEFONTE, 49, currently resides in Staten Island.

The prosecution is being handled by the Office's Public Corruption Unit. Assistant United States Attorneys SERENE K. NAKANO and RUA M. KELLY are in charge of the prosecution.

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