

2019R01106/MJP

FILED

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

MAY 24 2021

AT 0:00 4:40 P. M
WILLIAM T. WALSH
CLERK

UNITED STATES OF AMERICA	:	Hon. John Michael Vazquez
	:	
v.	:	Criminal No. 21- 428
	:	
EMERSON PAVILUS	:	21 U.S.C. § 846
	:	18 U.S.C. §§ 201(b)(2)(A), (C)
	:	18 U.S.C. § 371

INDICTMENT

The Grand Jury in and for the District of New Jersey, sitting at Newark, charges:

COUNT ONE

(Conspiracy to Possess with Intent to Distribute Cocaine and Marijuana)

From in or around 2015 through in or around June 2020, in Morris County, in the District of New Jersey, and elsewhere, the defendant,

EMERSON PAVILUS,

did knowingly and intentionally conspire and agree with others to distribute and possess with intent to distribute 500 grams or more of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, contrary to Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B), and less than fifty (50) kilograms of marijuana, a Schedule I controlled substance, contrary to Title 21, United States Code, Sections 841(a)(1) and (b)(1)(D).

In violation of Title 21, United States Code, Section 846.

COUNT TWO
(Receiving Bribes)

1. At all times relevant to Count Two of this Indictment:

a. Defendant EMERSON PAVILUS was employed by the United States Postal Service ("USPS") as a mail carrier and was a public official within the meaning of 18 U.S.C. § 201(a)(1). EMERSON PAVILUS delivered mail on a postal route in Flanders, New Jersey, and was employed at the Flanders Post Office in Flanders, New Jersey.

b. Under the policies and procedures of the USPS for delivery of parcels sent by United States mail, mail carriers were required to deliver parcels to the address noted on the mailing label (the "recipient address"). If an individual resided or worked at the recipient address or was the addressee listed with the recipient address, the mail carrier was permitted to give the parcel to such individual at the recipient address. Otherwise, the mail carrier was not permitted to deliver the parcel to such individual at a location that was different from the recipient address. While the addressee of a parcel was permitted to pick up the parcel at the officially designated windows of the post office station holding the parcel, the addressee could not be given parcels in non-designated pick-up areas.

c. In addition, pursuant to the policies and procedures of the USPS, mail carriers were required to report to the Office of Inspector General any instance in which a person either within or outside the USPS used or attempted to use bribery, undue influence, or coercion to induce or attempt to induce the employee to act or neglect to act in regard to official responsibilities.

d. Furthermore, pursuant to the policies and procedures of the USPS, mail carriers were required to report to the Office of Inspector General any information that caused the employee to believe that there had been a violation of a federal criminal statute or any law or regulation directly or indirectly related to the responsibility of the USPS.

e. Additionally, under federal regulations, mail carriers were prohibited from accepting cash in any amount from customers.

f. In addition, when a customer mails a USPS Priority Mail package, the customer must certify that their mailing complies with all applicable laws and USPS regulations and does not contain any prohibited, improperly prepared, or undeclared hazardous materials.

2. From in or around 2015 through in or around June 2020, EMERSON PAVILUS received cash payments from at least two individuals—Prosper Bazile (“Bazile”), a/k/a “Koofy,” and an individual EMERSON PAVILUS knew as “Flo”—in exchange for personally delivering certain parcels containing cocaine and marijuana sent through the United States mail to Bazile and Flo, including at addresses other than the recipient address on the mailing label on each parcel.

3. It was part of the scheme that:

- a) EMERSON PAVILUS, through phone calls and other electronic communications, provided various individuals, including Bazile and Flo, with addresses for properties that were located along EMERSON PAVILUS’s mail route to which they could send parcels containing controlled substances and other illicit materials.

- b) EMERSON PAVILUS, Bazile, and others caused packages containing controlled substances and other illicit materials to be addressed to addressees and addresses that were not the true intended recipients or delivery locations for the packages.
- c) Bazile and others falsely certified that Priority Mail packages containing controlled substances and other illicit materials complied with all applicable laws and USPS regulations and did not contain any prohibited, improperly prepared, or undeclared hazardous materials.
- d) EMERSON PAVILUS tracked and identified USPS parcels containing controlled substances and other illicit materials sent by individuals, including Bazile and Flo, and removed them from the stream of delivery, after which EMERSON PAVILUS personally delivered the parcels to those individuals rather than to the address listed on each parcel.
- e) EMERSON PAVILUS accepted cash payments from individuals, including Bazile and Flo, in exchange for providing addresses to which USPS parcels containing controlled substances and other illicit materials could be sent, intercepted the parcels, and personally delivered the parcels to such individuals.
- f) EMERSON PAVILUS failed to inform the USPS Office of Inspector General of instances in which Bazile, Flo, or any other person used or attempted to use bribery, undue influence, or coercion to induce or attempt to induce EMERSON PAVILUS to act or neglect to act in regard to his official responsibilities or of information that caused EMERSON PAVILUS to believe that there had been a violation of a federal criminal statute or any law or regulation directly or indirectly related to the responsibility of the USPS.
- g) EMERSON PAVILUS communicated with Bazile and others using WhatsApp, an encrypted messaging platform, to avoid law enforcement detection and interception.

4. From in or around 2015 through in or around June 2020, in Morris County, in the District of New Jersey, and elsewhere, the defendant,

EMERSON PAVILUS,

being a public official, directly and indirectly, did corruptly demand, seek, receive, accept, and agree to receive and accept things of value, namely, cash, personally in return for being influenced in the performance of official acts and for being induced to do and omit to do acts in violation of his official duties.

In violation of Title 18, United States Code, Sections 201(b)(2)(A) and (C).

COUNT THREE

(Conspiracy to Defraud the United States)

1. The allegations contained in paragraphs 1 through 3 of Count Two of this Indictment are hereby realleged and incorporated by reference.

2. From in or around 2015 through in or around June 2020, in Morris County, in the District of New Jersey and elsewhere, the defendant,

EMERSON PAVILUS,

did knowingly and intentionally conspire and agree with others to defraud the United States by interfering with and obstructing the lawful function of the United States Postal Service: (1) to properly deliver only legal and permissible substances and materials through the United States mail; (2) to properly deliver each parcel to the address listed on the parcel's label; and (3) by obtaining payments in return for his official assistance and in violation of his lawful duties, by deceit, craft, trickery, or dishonest means.

Goals of the Conspiracy

3. It was a goal of the conspiracy for EMERSON PAVILUS to utilize his position as a mail carrier to help individuals, including Bazile and Flo, coordinate the shipment of parcels containing controlled substances and other illicit materials through the United States mail in exchange for cash and through deception and trickery.

Means and Methods

4. It was part of the conspiracy that EMERSON PAVILUS provided various individuals, including Bazile and Flo, with addresses for properties that

were located along EMERSON PAVILUS's mail route to which they could send parcels containing controlled substances and other illicit materials.

5. It was further part of the conspiracy that EMERSON PAVILUS, Bazile, and others falsely addressed packages containing controlled substances and other illicit materials to addressees and addresses that were not the true intended recipients or delivery locations for the packages.

6. It was further part of the conspiracy that Bazile and others falsely certified that Priority Mail packages containing controlled substances and other illicit materials complied with all applicable laws and USPS regulations and did not contain any prohibited, improperly prepared, or undeclared hazardous materials.

7. It was further part of the conspiracy that EMERSON PAVILUS identified USPS parcels containing controlled substances and other illicit materials sent by individuals, including Bazile and Flo, and removed them from the stream of delivery.

8. It was further part of the conspiracy that EMERSON PAVILUS personally delivered parcels to individuals, including Bazile and Flo, rather than to the address listed on each parcel.

9. It was further part of the conspiracy that EMERSON PAVILUS communicated with individuals, including Bazile, by telephone and WhatsApp to arrange the deliveries.

10. It was further part of the conspiracy that EMERSON PAVILUS received cash payments from individuals, including Bazile and Flo, when he delivered the parcels.

11. It was further part of the conspiracy that EMERSON PAVILUS communicated with Bazile and others using WhatsApp, an encrypted messaging platform, to conceal their unlawful and fraudulent activity from the USPS and law enforcement detection and interception.

Overt Acts

12. In furtherance of the conspiracy and to effect its unlawful goals, the following overt acts, among others, were committed in the District of New Jersey:

a. On or about September 8, 2019, (i) Bazile messaged EMERSON PAVILUS via WhatsApp, "Yoyoo," (ii) to which EMERSON PAVILUS responded, "Yo," (iii) and then provided, among other things, an address in Flanders, New Jersey (the "Flanders Address").

b. On or about October 2, 2019, Bazile sent the following messages to EMERSON PAVILUS via WhatsApp:

(i) Bazile: [Providing name with initials J.F.]

(ii) Bazile: He sent it yesterday

(iii) Bazile: He lost the tracking

c. On or about October 3, 2019, Bazile and EMERSON PAVILUS had the following discussion via WhatsApp:

(i) Bazile: Bro it's coming tomorrow definitely they track it

- (ii) Bazile: Did u get my message
- (iii) Bazile: It's coming today Thursday
- (iv) Bazile: [Providing name with initials J.F.]
- (v) PAVILUS: I don't see anything
- (vi) PAVILUS: I'm ready to go outside
- (vii) PAVILUS: Ask them for the tracking
- (viii) Bazile: I'm trying to call now
- (ix) [Missed voice call at 11:26 AM]
- (x) Bazile: He said it comes tomorrow
- (xi) Bazile: Bro don't forget tomorrow

d. On or about October 5, 2019, EMERSON PAVILUS delivered a parcel containing cocaine, which was shipped from San Juan, Puerto Rico to the Flanders Address, to Bazile in the Flanders Post Office parking lot.

e. On or about October 5, 2019, after delivering the parcel to Bazile, EMERSON PAVILUS received cash from Bazile in the Flanders Post Office parking lot.

f. On or about October 13, 2019, Bazile sent EMERSON PAVILUS messages via WhatsApp saying (i) "Yoyo," (ii) "I need three addresses," and (iii) "Call me In the am."

g. On or about October 14, 2019, (i) EMERSON PAVILUS sent Bazile three addresses in Flanders, New Jersey, including two in "Oakwood vlg," near the Flanders Address, and (ii) Bazile then responded, "Do u have anything different from oakwood vlg?"

h. On or about October 18, 2019, Bazile and EMERSON

PAVILUS had the following discussion via WhatsApp:

- (i) Bazile: Gm can I get something from Dominican republic thru usps
- (ii) Bazile: ????
- (iii) PAVILUS: Yes you could

i. On or about November 8, 2019, Bazile sent EMERSON

PAVILUS a message via WhatsApp saying "Don't forget to send me addy when u get a chance."

j. On or about November 9, 2019, Bazile sent EMERSON

PAVILUS messages via WhatsApp saying (i) "Yooooo" and (ii) "Don't forget about me."

k. On or about November 12, 2019, Bazile and EMERSON

PAVILUS engaged in the following lawfully intercepted telephone conversation:

- (i) PAVILUS: Hello
- (ii) Bazile: Oh, what did I do to you buddy?
- (iii) PAVILUS: I'm at work right. The stuff really -- You know -- I just got on the road. I still can't tell you anything. I still can't tell you anything right now.
- (iv) Bazile: Aight, well --
- (v) PAVILUS: [U/I] -- I'm currently still at work. I still have not left. So you should know, that one (1) it's not the same. I need to find a place -- I need to find a place -- These things around here are just so close. I need to find a place to give you.
- (vi) Bazile: But that's the thing, it really don't matter 'cause it ain't like it's going in the house.

- (vii) PAVILUS: No, it's not going in the house but I want to give you a place that's empty. I will write two (2) three (3) addresses for you. You only need one (1), right?
- (viii) Bazile: Yeah.
- (ix) PAVILUS: Okay well, I will call you shortly.
- (x) Bazile: Call me on the other thing.
- (xi) PAVILUS: Aight [U/I] -- I will call you on the thing, then we can do what we need to do.
- (xii) Bazile: Aight.
- (xiii) PAVILUS: Oh good, okay.

l. On or about November 12, 2019, (i) EMERSON PAVILUS sent Bazile a message via WhatsApp with an address in Flanders, New Jersey, to which Bazile responded (ii) "Thank u" and (iii) "Let me know your work schedule so I can know when to send it."

m. On or about December 16, 2019, Bazile sent EMERSON PAVILUS messages via WhatsApp saying (i) "Bro I need to send a box" and (ii) "Cmon bro work it out for me," and then (iii) EMERSON PAVILUS responded "Soon bro."

n. On or about December 27, 2019, EMERSON PAVILUS sent Bazile the following messages via WhatsApp:

- (i) PAVILUS: Yo
- (ii) PAVILUS: It's a go the rush over
- (iii) PAVILUS: [Providing address in Flanders, New Jersey]
- (iv) PAVILUS: Asa
- (v) PAVILUS: ASAP

o. On or about December 31, 2019, (i) Bazile sent EMERSON PAVILUS a message via WhatsApp saying “Ok,” (ii) to which EMERSON PAVILUS responded “I’ll be going away soon After 17 I’m out,” and (iii) Bazile then said “Ok.”

p. On or about January 6, 2020, EMERSON PAVILUS sent Bazile a message via WhatsApp saying “Yo.”

q. On or about January 7, 2020, Bazile and EMERSON PAVILUS had the following discussion via WhatsApp:

- (i) Bazile: Yoyo
- (ii) PAVILUS: Did u do that
- (iii) Bazile: No nobody is ready

In violation of Title 18, United States Code, Section 371.

FORFEITURE ALLEGATION AS TO COUNT ONE

1. As a result of committing the controlled substance offense charged in Count One of this Indictment, the defendant, EMERSON PAVILUS, shall forfeit to the United States of America, pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds obtained directly or indirectly as a result of the offense charged in Count One of this Indictment, and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the offense alleged in Count One of this Indictment.

FORFEITURE ALLEGATION AS TO COUNT TWO

2. As a result of committing the offense charged in Count Two of this Indictment, defendant EMERSON PAVILUS shall forfeit to the United States, pursuant to U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), any property, real or personal, constituting or derived from proceeds traceable to the offense alleged in Count Two of this Indictment.

Substitute Assets Provision
(Applicable to All Forfeiture Allegations)

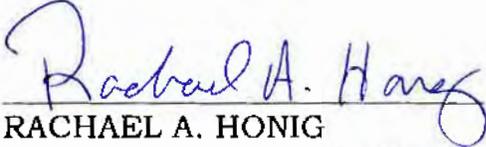
3. If any of the property described above, as a result of any act or omission of the defendant:
- a. cannot be located upon the exercise of due diligence;
 - b. has been transferred or sold to, or deposited with, a third party;
 - c. has been placed beyond the jurisdiction of the court;

- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), as incorporated by 28 U.S.C. § 2461(c), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

A TRUE BILL, 


FOREPERSON 


RACHAEL A. HONIG
Acting United States Attorney

CASE NUMBER: 21-428 (JMV)

**United States District Court
District of New Jersey**

UNITED STATES OF AMERICA

v.

EMERSON PAVILUS

INDICTMENT FOR

21 U.S.C. § 846
18 U.S.C. §§ 201(b)(2)(A), (C)
18 U.S.C. § 371

A True Bill

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