

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA : **DATE FILED: March 14, 2013**

v. : **CRIMINAL NO. 12-00304**

JONATHAN GARCIA : **VIOLATIONS:**
SYDEMY JOANIS : **18 U.S.C. § 1951(a) (conspiracy to commit**
: **robbery which interfered with interstate**
: **commerce – 1 count)**
: **18 U.S.C. § 1951(a) (attempted robbery**
: **which interfered with interstate**
: **commerce – 1 count)**
: **18 U.S.C. § 1951(a) (robbery which**
: **interfered with interstate commerce -**
: **1 count)**
: **18 U.S.C. § 924(c)(1) (carrying a firearm**
: **during and in relation to a crime of**
: **violence - 4 counts)**
: **21 U.S.C. § 841(a)(1) (distribution of**
: **heroin - 4 counts)**
: **18 U.S.C. § 2 (aiding and abetting)**
: **Notice of forfeiture**

SECOND SUPERSEDING INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

At all times relevant to this second superseding indictment:

1. Defendants JONATHAN GARCIA and SYDEMY JOANIS were police officers with the Philadelphia Police Department assigned to the 17th District.
2. The illegal sale, distribution, possession with intent to distribute, and trafficking of illegal controlled substances are activities which affect interstate commerce as follows:

a. The trafficking of illegal controlled substances has a substantial and detrimental effect on the health and general welfare of the American people;

b. A major portion of the traffic in illegal narcotics and controlled substances flows through interstate and foreign commerce. Incidents of the traffic which are not an integral part of the interstate or foreign flow, such as manufacture, local distribution, and possession, nonetheless have a substantial and direct effect upon interstate commerce because many illegal narcotics and controlled substances: (I) after manufacture, these substances are transported in interstate commerce; (ii) such substances that are distributed locally usually have been transported in interstate commerce immediately before their distribution; and (iii) immediately prior to the possession of such substances, they commonly flow through interstate commerce.

c. Local distribution and possession of illegal narcotics and controlled substances contribute to swelling the interstate traffic in such substances.

d. Illegal narcotics and controlled substances manufactured and distributed intrastate cannot be differentiated from controlled substances manufactured and distributed interstate.

All as set forth in Title 21, United States Code, Section 801.

3. The illegal sale, distribution, possession with intent to distribute, and trafficking of cocaine, including its derivative cocaine base (“crack cocaine”), marijuana, and prescription pain medication, including OxyContin (oxycodone), are activities that affect interstate commerce.

THE CONSPIRACY

4. From in or around December 2009, through on or about June 19, 2012, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendants

**JONATHAN GARCIA and
SYDEMY JOANIS,**

while employed as Philadelphia Police Officers, conspired and agreed, together and with others known to the grand jury, to commit robbery, which robbery would unlawfully obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, in that defendants GARCIA and JOANIS conspired to unlawfully take and obtain money from persons who they believed were involved in the illegal sale, distribution, possession with intent to distribute, and trafficking of controlled substances, from those persons and inside the vehicles where the defendants believed those persons stored cash proceeds from the trafficking of controlled substances, against their will, by means of actual and threatened force and violence, by using their Philadelphia Police patrol car, uniform, service weapons, and handcuffs, in violation of Title 18, United States Code, Section 1951(a), (b)(1), and (b)(3).

MANNER AND MEANS

It was part of the conspiracy that:

5. While on duty, in uniform, in their Philadelphia Police patrol cars, and while carrying their service weapons, including loaded firearms, defendants JONATHAN GARCIA and SYDEMY JOANIS stopped and searched individuals whom they believed to be involved in the illegal trafficking of controlled substances for the purpose of stealing their money.

6. At various times, defendants JONATHAN GARCIA and SYDEMY

JOANIS, without authority from the Philadelphia Police Department and in violation of Philadelphia Police Department policy, utilized a confidential source known to the grand jury (“Person #1”) to participate in the robbery of suspected drug dealers by purchasing narcotics from the suspected drug dealers. Defendants GARCIA and JOANIS provided Person #1 with money, instructed Person #1 to meet with suspected drug dealers inside their cars, and further instructed Person #1 to leave inside the cars a small amount of the drugs, usually cocaine base (“crack cocaine”), that Person #1 purchased. After Person #1 exited the suspected drug dealers’ cars, defendants GARCIA and JOANIS initiated traffic stops and, upon finding the drugs purposefully left behind by Person #1, conducted searches of the individuals and their cars, arrested the individuals, and stole some or all of the money that they recovered. Defendants GARCIA and JOANIS compensated Person #1 with money or narcotics.

7. Defendants JONATHAN GARCIA and SYDEMY JOANIS falsified police reports by, among other things: failing to disclose their use of a confidential source, fabricating the basis of the stop, and failing to disclose some or all of the money that they stole.

8. Defendants JONATHAN GARCIA and SYDEMY JOANIS split the money that they stole from individuals whom they arrested.

OVERT ACTS

In furtherance of the conspiracy, and to effect the object of the conspiracy, defendants JONATHAN GARCIA and SYDEMY JOANIS, and others known to the grand jury, committed the following overt acts, among others, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere:

The Robbery of T.L.

On or about April 15, 2010:

1. As part of their plan to use their positions as Philadelphia Police Officers to rob a drug dealer, defendants JONATHAN GARCIA and SYDEMY JOANIS wore their police uniforms, carried their loaded police service weapons, and used their Philadelphia Police patrol car.

2. Defendants JONATHAN GARCIA , SYDEMY JOANIS, and a Philadelphia Police officer known to the grand jury stopped T.L., a person known to the grand jury, for allegedly loitering on a public street.

3. Defendant JONATHAN GARCIA searched T.L. and recovered from T.L.'s person a plastic bag containing crack cocaine and approximately \$350 in cash.

4. Defendants JONATHAN GARCIA and SYDEMY JOANIS arrested T.L. and transported T.L. to the First District Police Headquarters for processing.

5. Defendant SYDEMY JOANIS prepared the arrest report and defendant JONATHAN GARCIA prepared the property receipts, which falsely represented that no money was recovered from T.L..

6. Defendants JONATHAN GARCIA and SYDEMY JOANIS stole approximately \$350 from T.L., which money they split between themselves.

The Robbery of R.E.

On or about June 3, 2010:

7. Defendant SYDEMY JOANIS stopped R.E., a person known to the grand jury, after R.E. attempted to flee from another officer.
8. Defendants JONATHAN GARCIA recovered a plastic baggie containing crack cocaine near the location where defendant SYDEMY JOANIS had stopped R.E..
9. Defendant JONATHAN GARCIA searched R.E. and recovered from R.E.'s person approximately \$900 in cash.
10. Defendants JONATHAN GARCIA and SYDEMY JOANIS arrested R.E. and transported R.E. to the First District Police Headquarters.
11. Defendant SYDEMY JOANIS prepared the arrest report and property receipts, which falsely represented that no money was recovered from R.E..
12. Defendants JONATHAN GARCIA and SYDEMY JOANIS stole approximately \$900 from R.E., which money they split between themselves.
13. Defendants JONATHAN GARCIA and SYDEMY JOANIS wore their police uniforms, carried their loaded police service weapons, and used their Philadelphia Police patrol car to rob R.E..

The Robbery of J.H.

On or about September 19, 2010:

14. As part of their plan to use their positions as Philadelphia Police Officers to rob a drug dealer, defendants JONATHAN GARCIA and SYDEMY JOANIS wore their police uniforms, carried their loaded police service weapons, and used their Philadelphia Police

patrol car.

15. Defendants JONATHAN GARCIA and SYDEMY JOANIS stopped J.H., a person known to the grand jury, for riding a bicycle the wrong way down a one-way street.

16. Defendant JONATHAN GARCIA searched J.H. and recovered from J.H.'s person baggies containing marijuana and cocaine, and approximately \$650 in cash.

17. Defendants JONATHAN GARCIA and SYDEMY JOANIS arrested J.H. and transported J.H. to the First District Police Headquarters.

18. Defendant SYDEMY JOANIS prepared the police report, which falsely represented that the police recovered \$105 from J.H..

19. Defendants JONATHAN GARCIA and SYDEMY JOANIS stole approximately \$545 from J.H., which money they split between themselves.

The Robbery of N.F.

On or about January 3, 2011:

20. Defendant SYDEMY JOANIS provided Person #1, known to the grand jury, with approximately \$40 in cash.

21. Defendants JONATHAN GARCIA and SYDEMY JOANIS instructed Person #1 to purchase two bags of crack cocaine from N.F., a person known to the grand jury.

22. Defendant JONATHAN GARCIA instructed Person #1 to telephone N.F. and arrange to meet N.F. at a specific location in Philadelphia, Pennsylvania in order to purchase the crack cocaine.

23. Defendants JONATHAN GARCIA and SYDEMY JOANIS drove to the location where Person #1 and N.F. had agreed to meet and exchange \$40 for two bags of crack cocaine.

24. As part of their plan to use their positions as Philadelphia Police Officers to rob a drug dealer, defendants JONATHAN GARCIA and SYDEMY JOANIS wore their police uniforms, carried their loaded police service weapons, and used the Philadelphia Police patrol car.

25. In accordance with their plan to rob N.F., defendant SYDEMY JOANIS pretended to chase Person #1, who, in accordance with the plan, pretended that he was fleeing from arrest.

26. After they were out of sight of N.F., defendant SYDEMY JOANIS and Person #1 met about two blocks away, at which point defendant JOANIS instructed Person #1 to give him one of the two bags of crack cocaine that Person #1 had purchased from N.F..

27. Defendant SYDEMY JOANIS, who intended to use the bag of crack cocaine as evidence against N.F., instructed Person #1 to leave the scene in order to perpetuate the illusion that Person #1 had escaped arrest.

28. Defendant JONATHAN GARCIA ordered N.F. to step out of the car and then searched the car, recovering a baggie containing crack cocaine. Defendant GARCIA also searched N.F. and recovered from N.F.'s person approximately \$700 in cash.

29. Defendants JONATHAN GARCIA and SYDEMY JOANIS arrested N.F. and transported N.F. to the First District Police Headquarters.

30. Defendant SYDEMY JOANIS prepared the police report and property receipts, which falsely represented that the police recovered \$308 from N.F..

31. Defendant SYDEMY JOANIS fraudulently prepared a police report of the arrest in order to conceal the role of Person #1 in the arrest of N.F..

32. Defendants JONATHAN GARCIA and SYDEMY JOANIS stole approximately \$400 from N.F., which money they split between themselves.

The Attempted Robbery of CS-1

On or about June 19, 2012:

33. Defendant JONATHAN GARCIA, based on information he had received from Person #1, notified defendant SYDEMY JOANIS that CS-1 was a drug dealer from Connecticut who was carrying a lot of money.

34. Defendants JONATHAN GARCIA instructed Person #1 to purchase three pills for \$30 each from CS-1 and to leave two pills on the floor of CS-1's car, which Person #1 then did.

35. As part of their plan to use their positions as Philadelphia Police Officers to rob a drug dealer, defendants JONATHAN GARCIA and SYDEMY JOANIS wore their police uniforms, carried their loaded police service weapons, and used their Philadelphia Police patrol cars.

36. Defendant JONATHAN GARCIA stopped CS-1, removed CS-1 from CS-1's car, and searched CS-1.

37. Defendants JONATHAN GARCIA and SYDEMY JOANIS searched CS-1's car.

38. Defendants JONATHAN GARCIA and SYDEMY JOANIS recovered approximately 99 pills and \$2,500 from CS-1's person and from within CS-1's car, including the two pills defendants GARCIA and JOANIS had instructed Person #1 to leave on the floor of the car.

39. Defendant SYDEMY JOANIS transported CS-1 to the First District Police Headquarters.

40. Defendant SYDEMY JOANIS prepared the police report and defendant JONATHAN GARCIA prepared the property receipts, which falsely represented that the police recovered \$470 and 90 pills from CS-1.

41. Defendant SYDEMY JOANIS fraudulently prepared a police report of the arrest in order to conceal the role of Person #1 in the arrest of CS-1.

42. At the First District Police Headquarters, defendant JONATHAN GARCIA handed defendant SYDEMY JOANIS approximately \$630 seized from CS-1, keeping approximately \$1400 for himself.

All in violation of Title 18, United States Code, Section 1951(a).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 and 2, and Overt Acts 33 through 42 of Count One of this second superseding indictment are incorporated here.

2. The illegal sale, distribution, possession with intent to distribute, and trafficking of controlled substances, that is, prescription pain medication, including OxyContin (oxycodone), are activities that affect interstate commerce.

3. The prescription pain medication OxyContin (oxycodone) was manufactured in New Jersey and North Carolina.

4. Defendants JONATHAN GARCIA and SYDEMY JOANIS believed that CS-1 was a pill dealer from Connecticut who was coming to Philadelphia, Pennsylvania to engage in the illegal sale, distribution, possession with intent to distribute, and trafficking of controlled substances, that is, prescription pain medication, and that CS-1 carried cash proceeds of his trafficking of controlled substances.

5. On or about June 19, 2012, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**JONATHAN GARCIA and
SYDEMY JOANIS,**

while on active duty as Philadelphia Police Officers, attempted to obstruct, delay, and affect commerce and the movement of articles and commodities in commerce by robbery, in that defendants JONATHAN GARCIA and SYDEMY JOANIS unlawfully took and obtained, attempted to take and obtain, and aided and abetted the taking of approximately \$2,030 United States currency and seven OxyContin (oxycodone) pills, all from CS-1, a person known to the

grand jury, from the person or in the presence of CS-1 and against his will, by means of actual and threatened force and violence to CS-1's person and property, by using their Philadelphia Police patrol car, uniform, service weapons, and handcuffs to stop and arrest CS-1 and to illegally search the vehicle driven by CS-1.

In violation of Title 18, United States Code, Sections 1951(a) and 2.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about June 19, 2012, in Philadelphia, in the Eastern District of Pennsylvania, defendant

JONATHAN GARCIA

knowingly carried a firearm, that is, a Glock Model 17, 9 millimeter semi-automatic pistol, serial number AKF810, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, that is, robbery which interfered with commerce, in violation of Title 18, United States Code, Section 1951(a).

In violation of Title 18, United States Code, Section 924(c)(1).

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about June 19, 2012, in Philadelphia, in the Eastern District of Pennsylvania, defendant

SYDEMY JOANIS

knowingly carried a firearm, that is, a Glock Model 22, 40 caliber semi-automatic pistol, serial number RKU768, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, that is, robbery which interfered with commerce, in violation of Title 18, United States Code, Section 1951(a).

In violation of Title 18, United States Code, Section 924(c)(1).

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 3, and Overt Acts 20 through 32 of Count One of this second superseding indictment are incorporated here.

2. N.F., a person known to the grand jury, was engaged in the sale, distribution, and trafficking of controlled substances, that is, cocaine, in Philadelphia, Pennsylvania, in the Eastern District of Pennsylvania, activities which affected interstate commerce.

3. On or about January 3, 2011, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**JONATHAN GARCIA and
SYDEMY JOANIS,**

while on active duty as Philadelphia Police Officers, obstructed, delayed, and affected commerce and the movement of articles and commodities in commerce, and attempted to so, by robbery, in that defendants GARCIA and JOANIS unlawfully took and obtained, and aided and abetted the unlawful taking of approximately \$400 United States currency from N.F., a person who they believed was involved in the illegal trafficking of controlled substances, by means of actual and threatened force and violence to N.F.'s person and property, by using their Philadelphia Police patrol car, uniform, service weapons, and handcuffs, all in violation of Title 18, United States Code, Section 1951(a), (b)(1), and (b)(3).

In violation of Title 18, United States Code, Sections 1951(a) and 2.

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 and 2 of Count Five of this second superseding indictment are incorporated here.

2. On or about January 3, 2011, in Philadelphia, in the Eastern District of Pennsylvania, defendant

JONATHAN GARCIA

knowingly carried a firearm, that is, a Glock Model 17, 9 millimeter semi-automatic pistol, serial number AKF810, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, that is, robbery which interfered with commerce, in violation of Title 18, United States Code, Section 1951(a).

In violation of Title 18, United States Code, Section 924(c)(1).

COUNT SEVEN

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 and 2 of Count Five of this second superseding indictment are incorporated here.

2. On or about January 3, 2011, in Philadelphia, in the Eastern District of Pennsylvania, defendant

SYDEMY JOANIS

knowingly carried a firearm, that is, a Glock Model 17, 9 millimeter semi-automatic pistol, serial number LA982, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, that is, robbery which interfered with commerce, in violation of Title 18, United States Code, Section 1951(a).

In violation of Title 18, United States Code, Section 924(c)(1).

COUNT EIGHT

THE GRAND JURY FURTHER CHARGES THAT:

On or about May 9, 2012, in Philadelphia, in the Eastern District of Pennsylvania,
defendant

JONATHAN GARCIA

knowingly and intentionally distributed a mixture and substance containing a detectable amount
of heroin, a Schedule I controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C).

COUNT NINE

THE GRAND JURY FURTHER CHARGES THAT:

On or about May 10, 2012, in Philadelphia, in the Eastern District of Pennsylvania, defendant

JONATHAN GARCIA

knowingly and intentionally distributed a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C).

COUNT TEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about May 16, 2012, in Philadelphia, in the Eastern District of Pennsylvania, defendant

JONATHAN GARCIA

knowingly and intentionally distributed a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C).

COUNT ELEVEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about June 5, 2012, in Philadelphia, in the Eastern District of Pennsylvania,
defendant

JONATHAN GARCIA

knowingly and intentionally distributed a mixture and substance containing a detectable amount
of heroin, a Schedule I controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C).

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violations of Title 21, United States Code, Section 841(a)(1),(b)(1)(C), as set forth in this second superseding indictment, defendant

JONATHAN GARCIA

shall forfeit to the United States of America:

(a) any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offenses; and

(b) any property constituting, or derived from, proceeds obtained directly or indirectly from the commission of such offenses.

2. If any of the property subject to forfeiture, 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, 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 intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any property of said defendant up to the value of the above forfeitable property.

All pursuant to Title 21, United States Code, Section 853.

A TRUE BILL:

GRAND JURY FOREPERSON

**ZANE DAVID MEMEGER
UNITED STATES ATTORNEY**