

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

FEB 25 2014

VENUE: SAN FRANCISCO

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

v.

CR 14 103

RS

ARSHAD RAZZAK, RICHARD YICK, and
RAUL ERIC ELIAS

DEFENDANT(S).

**SEALED
BY COURT ORDER**

INDICTMENT

COUNT ONE: 18 U.S.C. § 241 B Conspiracy Against Civil Rights
COUNTS TWO and THREE: 18 U.S.C. § 242 and 2 – Deprivation
Rights Under Color of Law and Aiding and Abetting
COUNTS FOUR through SIX: 18 U.S.C. § 1519 B Falsification of
Record

A true bill.

[Signature]

Foreman

Filed in open court this 25 day of

Feb. 2014

[Signature]

Clerk

Bail, \$

[Signature]

[Handwritten initials]

*for all defendants
FEB 25, 2014
at 9:30AM*

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

OFFENSE CHARGED

- 18 U.S.C. § 241 - Conspiracy Against Civil Rights; 18 U.S.C. § 242 - Deprivation of Rights Under Color of Law; 18 U.S.C. § 1519 - Falsification of Record; 18 U.S.C. § 2 - Aiding and Abetting
- Petty
- Minor
- Misdemeanor
- Felony

PENALTY: SEE ATTACHMENT

Name of District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

FILED

FEB 25 2014

DEFENDANT - U.S. RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ARSHAD RAZZAK

RS

DISTRICT COURT NUMBER

CR 14 103

DEFENDANT

IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

1) If not detained give date any prior summons was served on above charges

2) Is a Fugitive

3) Is on Bail or Release from (show District)

SEALED BY COURT ORDER

IS IN CUSTODY

4) On this charge

5) On another conviction

Federal State

6) Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer been filed? Yes No

If "Yes" give date filed

DATE OF ARREST Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY Month/Day/Year

This report amends AO 257 previously submitted

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FEDERAL BUREAU OF INVESTIGATION

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

this is a reprosecution of charges previously dismissed which were dismissed on motion of.

SHOW DOCKET NO.

U.S. ATTORNEY DEFENSE

this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person Furnishing Information on this form **MELINDA HAAG**

U.S. Attorney Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned) **AUSA RODNEY C. VILLAZOR**

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS NO PROCESS* WARRANT

Bail Amount: _____

If Summons, complete following:

Arraignment Initial Appearance

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address: _____

Date/Time: Feb. 28, 2014 @ 9:30 AM Before Judge: Elizabeth Laporte

Comments: _____

PENALTY SHEET
DEFENDANT – ARSHAD RAZZAK

18 U.S.C. § 241 - Conspiracy Against Civil Rights - 10 years imprisonment, \$250,000 fine, 3 years supervised release, \$100 special assessment

18 U.S.C. § 242 - Deprivation of Rights Under Color of Law -1 year imprisonment, \$250,000 fine, 3 years supervised release, \$100 special assessment

18 U.S.C. § 1519 - Falsification of Record - 20 years imprisonment, \$250,000 fine, 3 years supervised release, \$100 special assessment

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NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

FILED
FEB 25 2014
RICHARD W. WIEKING
U.S. DISTRICT COURT

DEFENDANT - U.S. NORTHERN DISTRICT OF CALIFORNIA

RICHARD YICK

RS

DISTRICT COURT NUMBER

CR 14 103

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Attorney (if assigned) AUSA RODNEY C. VILLAZOR

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- Felony

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SAN FRANCISCO DIVISION
FILED
FEB 25 2014

DEFENDANT - U.S. ~~RICHARD W. WIEKING~~ **RS**
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
RAUL ERIC ELIAS

DISTRICT COURT NUMBER
CR 14 103

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U.S. Attorney Other U.S. Agency

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SEALED

IS IN CUSTODY BY COURT ORDER

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- 5) On another conviction } Federal State
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FILED

FEB 25 2014

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

**SEALED
BY COURT ORDER**

RS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

CR 14 103

UNITED STATES OF AMERICA,

Plaintiff,

v.

ARSHAD RAZZAK, RICHARD YICK, and
RAUL ERIC ELIAS,

Defendants.

) No.
) **VIOLATIONS: 18 U.S.C. § 241 - Conspiracy**
) **Against Civil Rights; 18 U.S.C. § 242 - Deprivation**
) **of Rights Under Color of Law; 18 U.S.C. § 1519 -**
) **Falsification of Record; 18 U.S.C. § 2 - Aiding and**
) **Abetting**
) **SAN FRANCISCO VENUE**

INDICTMENT

The Grand Jury charges:

INTRODUCTORY ALLEGATIONS

At all times relevant to this Indictment:

1. The San Francisco Police Department ("SFPD") was a duly constituted police agency engaging in law enforcement in San Francisco, California. SFPD officers were authorized by California law to make lawful arrests and conduct legally authorized searches within the City and County of San Francisco.

1 2. SFPD's Southern Station had jurisdiction over the South of Market district of San
2 Francisco. A team of plainclothes police officers operated as a unit out of Southern Station.

3 3. Defendants ARSHAD RAZZAK, RICHARD YICK, and RAUL ERIC ELIAS were
4 SFPD officers assigned to the plainclothes unit at Southern Station.

5 COUNT ONE: (18 U.S.C. § 241 - Conspiracy Against Civil Rights)

6 4. The factual allegations in Paragraphs 1 through 3 are re-alleged and incorporated as if
7 fully set forth here.

8 5. Beginning on a date unknown to the grand jury but no later than December 23, 2010, and
9 continuing through at least March 1, 2011, in the Northern District of California, the defendants,

10 ARSHAD RAZZAK,
11 RICHARD YICK, and
12 RAUL ERIC ELIAS,

13 while acting under color of law, did willfully combine, conspire, and agree with each other to injure,
14 oppress, threaten, and intimidate occupants of single room occupancy ("SRO") hotel rooms in the free
15 exercise and enjoyment of the rights and privileges secured to them by the Constitution and laws of the
16 United States, namely, the right to be free from unreasonable searches and seizures and the right not to
17 be deprived of liberty without due process of law.

18 MANNER AND MEANS OF THE CONSPIRACY

19 6. It was a part of the conspiracy that the defendants, in order to secure arrests, detention,
20 and criminal convictions, agreed:

- 21 a. to enter and search SRO hotel rooms without legal cause;
- 22 b. to falsely report and document the circumstances of their entry into the hotel
23 rooms and the basis for entering and searching the rooms; and
- 24 c. to testify falsely at court proceedings concerning the circumstances of their entry
25 into the hotel rooms and the basis for entering and searching the rooms.

26 All in violation of Title 18, United States Code, Section 241.

27 //

28 //

1 COUNT TWO: (18 U.S.C. § 242 and 2 – Deprivation Rights Under Color of Law and Aiding and
2 Abetting)

3 7. The factual allegations in Paragraphs 1 through 3 are re-alleged and incorporated as if
4 fully set forth here.

5 8. On or about December 23, 2010, in the Northern District of California, the defendants,

6 ARSHAD RAZZAK and
7 RICHARD YICK,

8 while acting under color of law, each aiding and abetting the other, did willfully deprive J.R. of a right
9 secured and protected by the Constitution and laws of the United States, specifically the right to be free
10 from unreasonable searches and seizures by those acting under color of law in that RAZZAK and YICK
11 and others entered and searched J.R.'s hotel room without legal justification, in violation of Title 18,
12 United States Code, Sections 242 and 2.

13 COUNT THREE: (18 U.S.C. §§ 242 and 2 – Deprivation of Rights Under Color of Law and Aiding
14 and Abetting)

15 9. The factual allegations in Paragraphs 1 through 3 are re-alleged and incorporated as if
16 fully set forth here.

17 10. On or about January 5, 2011, in the Northern District of California, the defendants,

18 ARSHAD RAZZAK,
19 RICHARD YICK, and
20 RAUL ERIC ELIAS,

21 while acting under color of law, each aiding and abetting the other, did willfully deprive T.G. and D.W.
22 of a right secured and protected by the Constitution and laws of the United States, specifically the right
23 to be free from unreasonable searches and seizures by those acting under color of law, in that RAZZAK,
24 YICK, and ELIAS entered and searched T.G.'s and D.W.'s hotel room without legal justification, in
25 violation of Title 18, United States Code, Sections 242 and 2.

26 COUNT FOUR: (18 U.S.C. §§ 1519 and 2 – Falsification of Record and Aiding and Abetting)

27 11. The factual allegations in Paragraphs 1 through 3 are re-alleged and incorporated as if
28 fully set forth here.

//

1 COUNT SIX: (18 U.S.C. § 1519 - Falsification of Record)

2 15. The factual allegations in Paragraphs 1 through 3 are re-alleged and incorporated as if
3 fully set forth here.

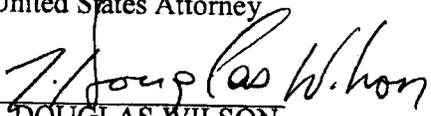
4 16. On or about January 5, 2011, in the Northern District of California, the defendant,
5 RICHARD YICK,
6 did knowingly falsify and make a false entry in a record and document, specifically SFPD incident
7 report number 110015282, with the intent to impede, obstruct, and influence the investigation and
8 proper administration of a matter within the jurisdiction of the Federal Bureau of Investigation, an
9 agency of the United States, in violation of Title 18, United States Code, Section 1519.

10
11 DATED: 2-25-2014

A TRUE BILL.

12
13 
14 _____
FOREPERSON

15 MELINDA HAAG
United States Attorney

16 
17 J. DOUGLAS WILSON
18 Chief, Criminal Division

19
20 (Approved as to form: )
AUSAs Caputo, Hemann, and Villazor

United States District Court
Northern District of California

FILED

FEB 25 2014

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CRIMINAL COVER SHEET

RS

Instructions: Effective January 3, 2012, this Criminal Cover Sheet must be completed and submitted, along with the Defendant Information Form, for each new criminal case.

Case Name:

Case Number:

RS

USA v. Arshad Razzak, Richard Yick, and Raul Eric Elias

CR

14

103

Total Number of Defendants:

1

2-7

8 or more

Is This Case Under Seal?

Yes

No

Does this case involve ONLY charges under 8 U.S.C. § 1325 and/or 1326?

Yes

No

Venue (Per Crim. L.R. 18-1):

SF OAK

SJ

EUR

MON

**SEALED
BY COURT ORDER**

Is any defendant charged with a death-penalty-eligible crime?

Yes

No

Assigned AUSA (Lead Attorney):

AUSA Rodney Villazor

Is this a RICO Act gang case?

Yes

No

Date Submitted:

February 25, 2014

Comments:

Save

Print

Clear Form