

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon.
 :
 v. : Criminal No. 15-____
 :
 MUHAMMAD SUBPUNALLAH : 18 U.S.C. § 371

INFORMATION

The defendant having waived in open court prosecution by indictment, the United States Attorney for the District of New Jersey charges:

Introduction

1. At certain times relevant to this Information:
 - a. Defendant MUHAMMAD SUBPUNALLAH was a federal pretrial detainee at the Essex County Correctional Facility ("Essex County Jail") and the Hudson County Correctional Facility.
 - b. Brian Kapalin ("Kapalin"), a co-conspirator not named as a defendant herein, was an attorney licensed to practice law in the State of New Jersey.
 - c. Vladimir Sauzereseteo ("Sauzereseteo"), a co-conspirator not named as a defendant herein, resided in East Orange, New Jersey.
 - d. The Essex County Jail was a facility in New Jersey that held federal pretrial detainees by direction of, or pursuant to, a contract or agreement with the United States Attorney General.

e. There was a cooperating witness ("CW-1") incarcerated at the Essex County Jail.

f. There was a second cooperating witness ("CW-2") who was not incarcerated.

The Conspiracy

2. From in or about September 2013 through in or about February 2014, in Essex County, in the District of New Jersey, defendant

MUHAMMAD SUBPUNALLAH

did knowingly and intentionally conspire and agree with Kapalin, Sauzereseteo, and others to commit offenses against the United States, namely providing prohibited objects to an inmate of a prison, including marijuana and tobacco, and being an inmate of a prison, obtaining and possessing such prohibited objects, contrary to Title 18, United States Code, Sections 1791(a), (b)(3), and (d)(1)(B).

Object of the Conspiracy

3. The object of the conspiracy was to smuggle contraband, including marijuana and tobacco, into the Essex County Jail.

Manner and Means of the Conspiracy

4. It was part of the conspiracy that:

a. Kapalin received marijuana and tobacco from Sauzereseteo for delivery to defendant MUHAMMAD SUBPUNALLAH and other inmates at the Essex County Jail.

b. Defendant MUHAMMAD SUBPUNALLAH directed Sauzereseteo to deliver cash payments to Kapalin for Kapalin's assistance in smuggling contraband into the Essex County Jail.

c. Kapalin received the cash payments from Sauzereseteo and smuggled the contraband into the Essex County Jail.

d. Defendant MUHAMMAD SUBPUNALLAH sent inmates to the attorney conference room at the Essex County Jail to receive the contraband from Kapalin.

e. Defendant MUHAMMAD SUBPUNALLAH subsequently sold the marijuana and tobacco to other inmates at the Essex County Jail and accepted payments from those inmates via Western Union money transfers.

Overt Acts

5. In furtherance of the conspiracy and in order to effect the object thereof, defendant MUHAMMAD SUBPUNALLAH and his co-conspirators committed and caused to be committed the following overt acts, among others, in the District of New Jersey and elsewhere:

a. On or about January 6, 2014, Sauzereseteo indicated to CW-2 that Sauzereseteo would smuggle marijuana and tobacco into the Essex County Jail by paying Kapalin to deliver the marijuana and tobacco to CW-1.

b. On or about January 7, 2014, in Kearny, New Jersey, defendant MUHAMMAD SUBPUNALLAH spoke with Kapalin on the telephone

and asked Kapalin to meet with CW-1 inside the Essex County Jail to discuss the delivery of marijuana.

c. On or about January 9, 2014, in Kearny, New Jersey, defendant MUHAMMAD SUBPUNALLAH spoke with CW-2 on the telephone and asked CW-2 about the "money." CW-2 indicated that CW-2 would pay Sauzereseteo \$1,000 and another \$650, and defendant MUHAMMAD SUBPUNALLAH replied that would be "no problem."

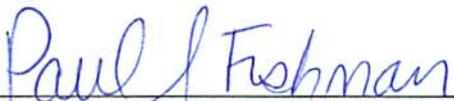
d. On or about January 13, 2014, Sauzereseteo received \$1,650 in Western Union payments from CW-2 in order to purchase marijuana and to pay Kapalin to deliver the marijuana to CW-1.

e. On or about January 16, 2014, Kapalin received a package of contraband, containing marijuana and tobacco, and a cash payment from Sauzereseteo, to deliver the package to CW-1 inside the Essex County Jail.

f. On or about January 26, 2014, Kapalin entered an attorney visiting room at the Essex County Jail in Newark, New Jersey, and delivered the package containing marijuana and tobacco to CW-1.

g. On or about February 3, 2014, in Kearny, New Jersey, defendant MUHAMMAD SUBPUNALLAH spoke with CW-2 over the telephone and discussed Kapalin's previous delivery of contraband to CW-1.

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



PAUL J. FISHMAN
United States Attorney

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