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F.#2015R01691

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2018 MAR 13 PM 3:35

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

U.S. DISTRICT COURT
EASTERN DISTRICT
OF NEW YORK

-----X

UNITED STATES OF AMERICA

INDICTMENT

- against -

Cr. No. **CR 18 123**
(T. 18, U.S.C., §§ 371, 1001(a)(2), 2
and 3551 et seq.)

SCOTT BRETTSCHEIDER,
also known as "Mighty Whitey,"
CHARLES GALLMAN,
also known as "T.A.,"
RICHARD MARSHALL,
also known as "Love," and
REGINALD SHABAZZ-MUHAMMAD,
also known as "Reggie,"

AMON, J.

REYES, M.J.

Defendants.

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THE GRAND JURY CHARGES:

COUNT ONE

(Conspiracy to Make False Statements)

1. In or about and between October 2014 and January 2015, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants SCOTT BRETTSCHEIDER, also known as "Mighty Whitey," CHARLES GALLMAN, also known as "T.A.," RICHARD MARSHALL, also known as "Love," and REGINALD SHABAZZ-MUHAMMAD, also known as "Reggie," together with others, did knowingly and willfully conspire to make one or more materially false, fictitious and fraudulent statements and representations, in a matter within the jurisdiction of the executive branch of the Government of the United States, to wit: the Bureau of Prisons ("BOP"), in that

the defendants agreed to make false statements and representations regarding MARSHALL's history of substance and alcohol abuse and treatment history in a letter to a BOP employee in an effort to assist MARSHALL in fraudulently gaining entry into the Residential Drug Abuse Program ("RDAP") at United States Penitentiary Lewisburg ("USP Lewisburg") (the "Letter"), when, in fact, as the defendants then and there well knew and believed, such statements and representations were false, contrary to Title 18, United States Code, Section 1001(a)(2).

2. In furtherance of the conspiracy and to effect its objects, within the Eastern District of New York and elsewhere, the defendants SCOTT BRETTSCHEIDER, also known as "Mighty Whitey," CHARLES GALLMAN, also known as "T.A.," RICHARD MARSHALL, also known as "Love," and REGINALD SHABAZZ-MUHAMMAD, also known as "Reggie," together with others, did commit and cause to be committed, among others, the following:

OVERT ACTS

(a) On or about October 16, 2014, GALLMAN and MARSHALL discussed the Letter during a telephone call;

(b) On or about October 24, 2016, BRETTSCHEIDER, GALLMAN and MARSHALL discussed the Letter during a telephone call;

(c) On or about November 1, 2014, BRETTSCHEIDER, GALLMAN and MARSHALL discussed the Letter during two telephone calls;

(d) On or about November 6, 2014, SHABAZZ-MUHAMMAD

falsely stated in the Letter that MARSHALL had been enrolled in a treatment program through Muhammad Mosque No. 7 between October 2003 and January 2010;

(e) On or about November 6, 2014, SHABAZZ-MUHAMMAD falsely stated in the Letter that MARSHALL was suffering from “active drug dependence, namely alcohol and marijuana” when he enrolled in RDAP;

(f) On or about November 6, 2014, SHABAZZ-MUHAMMAD falsely stated in the Letter that while enrolled in the treatment program, MARSHALL was “gradually reducing his active substance dependence”;

(g) On or about November 6, 2014, SHABAZZ-MUHAMMAD signed the Letter falsely purporting to be the Director of Program Services at the Ministry of Health and Human Services, Muhammad Mosque No. 7;

(h) On or about November 14, 2014, BRETTSCHEIDER and MARSHALL discussed the Letter during a telephone call;

(i) On or about November 14, 2014, SHABAZZ-MUHAMMAD caused the Letter to be deposited in the mail and sent to a BOP employee at USP Lewisburg;

(j) On or about November 23, 2014, BRETTSCHEIDER and MARSHALL discussed the Letter during a telephone call;

(k) On or about December 6, 2014, BRETTSCHEIDER, GALLMAN and MARSHALL discussed the Letter during a telephone call; and

(l) On or about December 6, 2014, BRETTSCHEIDER, GALLMAN, SHABAZZ-MUHAMMAD and MARSHALL, during a telephone call, discussed creating false treatment program progress reports to supplement the Letter.

(Title 18, United States Code, Sections 371 and 3551 et seq.)

COUNT TWO
(Making False Statements)

3. On or about November 6, 2014, within the Eastern District of New York and elsewhere, the defendants SCOTT BRETTSCHEIDER, also known as “Mighty Whitey,” CHARLES GALLMAN, also known as “T.A.,” RICHARD MARSHALL, also known as “Love,” and REGINALD SHABAZZ-MUHAMMAD, also known as “Reggie,” did knowingly and willfully make one or more materially false, fictitious and fraudulent statements and representations, in a matter within the jurisdiction of the executive branch of the Government of the United States, to wit: the BOP, in that the defendants falsely stated that (a) MARSHALL had been enrolled in a treatment program through Muhammad Mosque No. 7 between October 2003 and January 2010; (b) MARSHALL was suffering from “active drug dependence, namely alcohol and marijuana” when he enrolled in that program; and (c) while enrolled in the program, MARSHALL was “gradually reducing his active substance dependence,” when, in fact, as the defendants then and there well knew and believed, MARSHALL had never been enrolled in a treatment program through Muhammad Mosque

No. 7, MARSHALL was not suffering from "active drug dependence" in October 2003, and MARSHALL was not abusing drugs or alcohol during the time period stated in the Letter.

(Title 18, United States Code, Sections 1001(a)(2), 2 and 3551 et seq.)

A TRUE BILL

[REDACTED]

FOREPERSON

[REDACTED]

RICHARD P. DONOGHUE
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

No. _____

UNITED STATES DISTRICT COURT

EASTERN District of NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

SCOTT BRETTSCHEIDER, also known as "Mighty Whitey," CHARLES GALLMAN, also known as "T.A.,"
RICHARD MARSHALL, also known as "Love," and
REGINALD SHABAZZ-MUHAMMAD, also known as "Reggie,"
Defendants.

INDICTMENT

(T. 18, U.S.C., §§ 371, 1001(a)(2), 2 and 3551 et seq.)

A true bill.

3/13/18

Foreperson

Filed in open court this _____ day,

of _____ A.D. 20 _____

Clerk

Bail, \$ _____

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Andrey Spektor, Assistant United States Attorney (718) 254-6475*