

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA	:	Hon.
	:	
v.	:	Criminal No. 18-
	:	
RUBEN MCAUSLAND	:	21 U.S.C. §§ 841(a)(1) & (b)(1)(B)
	:	18 U.S.C. § 242

INFORMATION

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

COUNT 1
(Possession with Intent to Distribute Narcotics)

1. At all times relevant to Count 1 of this Information:
 - a. Defendant RUBEN MCAUSLAND was employed as a police officer with the Paterson Police Department (“PPD”) in Paterson, New Jersey.
 - b. CW-1 was cooperating with law enforcement in the hopes of obtaining a more favorable outcome with respect to a State of New Jersey conviction for the possession and distribution of narcotics.
2. Between in or about September 2017 and in or about October 2017, defendant RUBEN MCAUSLAND stole narcotics, including approximately 35 grams of marijuana, 30.8 grams of crack cocaine, 30.8 grams of powder cocaine, and 47.8 grams of heroin from a crime scene, while in police uniform and while on PPD police duty, and sold the stolen narcotics to CW-1 in Paterson.

3. Between in or about November 2017 and in or about January 2018, in Paterson, defendant RUBEN MCAUSLAND sold and offered to sell 2 pounds of marijuana to CW-1 that he had purchased from an individual in New Jersey, including a sale of 1 pound of marijuana on or about January 24, 2018, for approximately \$2,400.

4. Between in or about February 2018 and in or about April 2018, defendant RUBEN MCAUSLAND purchased pills from individuals in Paterson that were made with heroin and sold the pills to CW-1, including a sale on or about April 1, 2018, for approximately \$700, of heroin pills that had a net weight of approximately 442.6 grams.

5. Between in or about September 2017 and in or about April 2018, in Passaic County, in the District of New Jersey, and elsewhere, defendant

RUBEN MCAUSLAND

did knowingly and intentionally distribute and possess with intent to distribute, among other controlled substances, 100 grams or more of a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance, and 28 grams or more of a mixture and substance containing cocaine base, namely crack cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B).

COUNT 2
(Deprivation of Rights Under Color of Law)

1. The allegations set forth in paragraph 1(a) of Count 1 of this Information are re-alleged and incorporated as if set forth herein.

2. At all times relevant to Count 2 of this Information:

a. Roger Then ("Then") was employed as a police officer by the PPD.

b. The Victim resided in Paterson, New Jersey.

3. On or about March 5, 2018:

a. Defendant RUBEN MCAUSLAND and Then went to St. Joseph's Medical Center ("SJMC") in Paterson, New Jersey, in response to an attempted suicide by the Victim.

b. In the waiting area of the SJMC Emergency Room, the Victim was in a wheelchair. Defendant RUBEN MCAUSLAND pushed the Victim and then punched the Victim in the face with his right hand. Then grabbed the Victim by the back of the neck and further pushed the Victim to the ground.

c. In an SJMC patient room, the Victim was on his back in a hospital bed. Defendant RUBEN MCAUSLAND put on a pair of hospital gloves and violently struck the Victim twice across the Victim's face. Defendant RUBEN MCAUSLAND then said to the Victim, "I ain't [expletive] playing with you." Then recorded the incident in the hospital room using his cellular telephone.

4. On or about March 5, 2018, in Passaic County, in the District of New Jersey, and elsewhere, defendant

RUBEN MCAUSLAND,

while acting under color of law, punched and violently struck the Victim, willfully depriving him of the right, secured and protected by the Constitution and laws of the United States, to be free from the use of unreasonable force by a law enforcement officer, resulting in bodily injury to the Victim.

In violation of Title 18, United States Code, Section 242.

FORFEITURE ALLEGATION

1. The allegations contained in Count 1 of this Information are hereby realleged and incorporated by reference for the purpose of noticing forfeiture pursuant to Title 21, United States Code, Section 853.

2. As a result of committing the controlled substance offense alleged in Count 1 of this Information, defendant RUBEN MCAUSLAND shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds defendant RUBEN MCAUSLAND obtained directly or indirectly as a result of such violation, 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 violation alleged in Count 1 of this Information, including, but not limited to, a sum of money equal to at least \$13,650 in United States currency.

3. If any of the above-described forfeitable property, as a result of any act or omission defendant RUBEN MCAUSLAND:

- 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 Title 21, United States Code, Section 853(p), to seek forfeiture of substitute property up to the value of the forfeitable property described in paragraph 2.

Craig Carpenito

CRAIG CARPENITO
United States Attorney

CASE NUMBER: 18-

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UNITED STATES OF AMERICA

v.

RUBEN MCAUSLAND

INFORMATION FOR

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18 U.S.C. § 242

CRAIG CARPENITO

*U.S. ATTORNEY
NEWARK, NEW JERSEY*

RAHUL AGARWAL
*ASSISTANT U.S. ATTORNEY
(973) 297-4395*
