

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X
UNITED STATES OF AMERICA :
 :
 - v. - :
 :
JOHNATHAN GARRETT, :
 :
 Defendant. :
- - - - - X

SEALED INDICTMENT

21 Cr. _____

COUNT ONE

(Conspiracy)

The Grand Jury charges:

1. The charges set forth herein arise from a scheme whereby JOHNATHAN GARRETT, the defendant, while employed as a correction officer ("CO") by the New York City Department of Correction ("DOC"), smuggled drugs and other contraband into a DOC jail, in particular, the Anna M. Kross Center ("AMKC") located on Rikers Island, in exchange for a cash bribe. Specifically:

a. On or about October 15, 2020, JOHNATHAN GARRETT, the defendant, smuggled and attempted to smuggle methamphetamine and smokable synthetic cannabinoids ("SSC"), often referred to as "K2" or "Spice," and other contraband to particular inmates (collectively, the "Inmates") detained at the AMKC. In return, GARRETT received a cash payment from an associate of the Inmates ("CC-1").

b. Beginning at least in or about September 2020, the Inmates placed a series of calls to CC-1 and others in which the Inmates discussed an individual to whom CC-1 would provide contraband and cash payments. CC-1, in turn, communicated and met with GARRETT in connection with the scheme. In particular, GARRETT met CC-1 at a particular address in Brooklyn, New York, on or about October 15, 2020, prior to beginning a tour of duty at the AMKC.

c. During that meeting, CC-1 provided GARRETT with contraband to be delivered to the Inmates at the AMKC, as well as \$5,000 as a cash bribe.

d. Later in the evening on October 15, 2020, GARRETT attempted to enter the AMKC to begin his tour of duty while carrying the contraband provided by CC-1. GARRETT carried the controlled substances intended for the Inmates in several small packages concealed on his body.

2. At all times relevant to this Indictment, JOHNATHAN GARRETT, the defendant, was employed as a CO at the AMKC. The primary duty of a CO is to ensure the care, custody, and control of the inmate population of the DOC, including by complying with all rules and regulations governing DOC operations and facilities. DOC employees, including GARRETT, receive training on employee rules and regulations, which prohibit employees from, among other things, entering into transactions with inmates and providing inmates with contraband.

Statutory Allegations

3. From at least in or about September 2020 up through and including in or about October 2020, in the Southern District of New York and elsewhere, JOHNATHAN GARRETT, the defendant, and others known and unknown, willfully and knowingly, did combine, conspire, confederate, and agree together and with each other to commit offenses against the United States, to wit: (1) bribery, in violation of Title 18, United States Code, Sections 666(a)(1)(B) and 666(a)(2); and (2) honest services wire fraud, in violation of Title 18, United States Code, Sections 1343 and 1346.

4. It was a part and an object of the conspiracy that JOHNATHAN GARRETT, the defendant, being an agent of a government agency that received, in a one-year period, benefits in excess of \$10,000 under a Federal program involving a grant, contract, subsidy, loan, guarantee, insurance, and other form of Federal assistance, to wit, the DOC, corruptly would and did solicit and demand for the benefit of a person, and accept and agree to accept, something of value from a person, intending to be influenced and rewarded in connection with a business, transaction, and series of transactions of such government agency involving something of value of \$5,000 and more, in violation of Title 18, United States Code, Section 666(a)(1)(B).

5. It was further a part and an object of the conspiracy that JOHNATHAN GARRETT, the defendant, willfully and knowingly,

having devised and intending to devise a scheme and artifice to defraud, and to deprive his employer of the right to his honest services, would and did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds, for the purpose of executing such scheme and artifice, in violation of Title 18, United States Code, Sections 1343 and 1346.

Overt Acts

6. In furtherance of said conspiracy and to effect the illegal objects thereof, the following overt acts, among others were committed in the Southern District of New York and elsewhere:

a. On or about October 15, 2020, JOHNATHAN GARRETT, the defendant, while employed by the DOC, attempted to enter the AMKC with contraband including, among other things, approximately twenty tablets of methamphetamine and additional quantities of SSC.

b. Prior to entering the AMKC on or about October 15, 2020, and in exchange for introducing the above-described contraband into the AMKC, JOHNATHAN GARRETT, the defendant, received approximately \$5,000 in cash from CC-1.

(Title 18, United States Code, Section 371.)

COUNT TWO

(Bribery)

The Grand Jury further charges:

7. The allegations contained in paragraphs 1(a)-(d) and 2 of this Indictment are repeated and realleged as if fully set forth herein.

8. From at least in or about September 2020 up through and including in or about October 2020, in the Southern District of New York and elsewhere, JOHNATHAN GARRETT, the defendant, being an agent of a government agency that received, in a one-year period, benefits in excess of \$10,000 under a Federal program involving a grant, contract, subsidy, loan, guarantee, insurance, and other form of Federal assistance, to wit, the DOC, corruptly solicited and demanded for the benefit of a person, and accepted and agreed to accept, a thing of value from a person, intending to be influenced and rewarded in connection with a business, transaction, and series of transactions of such government agency involving a thing of value of \$5,000 and more, to wit, GARRETT, in his capacity as a CO employed by the DOC, accepted and agreed to accept a cash payment from CC-1 in exchange for smuggling contraband into the AMKC.

(Title 18, United States Code, Sections 666(a)(1)(B) and 2.)

COUNT THREE

(Honest Services Wire Fraud)

The Grand Jury further charges:

9. The allegations contained in paragraphs 1(a)-(d) and 2 of this Indictment are repeated and realleged as if fully set forth herein.

10. From at least in or about September 2020 up through and including in or about October 2020, in the Southern District of New York and elsewhere, JOHNATHAN GARRETT, the defendant, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and to deprive his employer of its intangible right to his honest services, did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, to wit, GARRETT, in his capacity as a CO employed by the DOC, accepted and agreed to accept a cash payment from CC-1 in exchange for smuggling contraband into the AMKC, which exchange was facilitated through interstate telephone calls.

(Title 18, United States Code, Sections 1343, 1346, and 2.)

FORFEITURE ALLEGATIONS

11. As a result of committing the offenses alleged in Counts One through Three of this Indictment, JOHNATHAN GARRETT, the defendant, shall forfeit to the United States, pursuant to Title

18, United States Code, Section 981(a)(1)(C) and Title 28 United States Code, Section 2461(c), any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of said offenses, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses.

Substitute Assets Provision

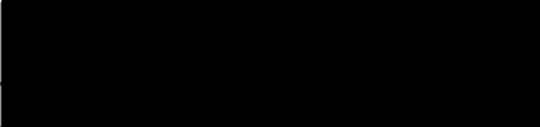
12. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- 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 subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) and Title 28, United States Code,

Section 2461(c), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981;
Title 21, United States Code, Section 853; and
Title 28, United States Code, Section 2461.)



FOREPERSON

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(18 U.S.C. §§ 371, 666, 1343,
1346, and 2.)

AUDREY STRAUSS

United States Attorney


Foreperson
