

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X
:
UNITED STATES OF AMERICA : SEALED INDICTMENT
:
- v. - : 21 Cr.
:
BRIAN HARRELL, :
:
Defendant. :
:
- - - - - X

COUNT ONE
(Conspiracy)

The Grand Jury charges:

1. The charges set forth herein arise from a scheme whereby BRIAN HARRELL, 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 exchange for cash bribes.

2. Specifically, from at least in or about May 2020 up through and including in or about June 2020, BRIAN HARRELL, the defendant, introduced or attempted to introduce smokable synthetic cannabinoids, often referred to as "K2" or "Spice"; alcohol; cigarettes; and other contraband to an inmate ("Inmate-1") in the Manhattan Detention Complex ("MDC"), a DOC jail in downtown Manhattan. In return, HARRELL received cash payments from a relative of Inmate-1 ("Relative-1").

3. Beginning in or about May 2020, Inmate-1 placed a series of telephone calls to Relative-1 in which Inmate-1 discussed an individual to whom Relative-1 would provide contraband and cash payments. Relative-1, in turn, communicated with BRIAN HARRELL, the defendant, by text message to coordinate in-person meetings. HARRELL met Relative-1 at least six times in downtown Manhattan and Brooklyn. During the meetings, Relative-1 provided cash bribes to HARRELL, along with contraband, which HARRELL delivered to Inmate-1 at the MDC. Inmate-1 also requested cigarettes, which HARRELL purchased at a store across the street from the MDC and delivered to Inmate-1 at the MDC.

4. On or about the morning of June 20, 2020, BRIAN HARRELL, the defendant, met with Relative-1 in Brooklyn, New York. During the meeting, Relative-1 provided HARRELL with two water bottles filled with liquor and five sheets of K2-soaked paper. Relative-1 also paid HARRELL \$900 to smuggle the contraband into the MDC for Inmate-1. Later that morning, HARRELL attempted to enter work at the MDC while carrying the bottles filled with liquor, the sheets of K2-soaked paper, as well as three cartons of cigarettes that he had purchased for Inmate-1. HARRELL carried the liquor and cigarettes in a plastic shopping bag that also contained a sandwich; HARRELL placed the K2-soaked paper in an envelope stashed inside his sock.

5. In total, BRIAN HARRELL, the defendant, received over \$6,500 from Relative-1 in exchange for introducing contraband into the MDC for Inmate-1.

6. At all times relevant to this Indictment, BRIAN HARRELL, the defendant, was employed as a CO at the MDC. The primary duty of COs is to ensure the care, custody, and control of the inmate population of the DOC. In connection with this duty, such officers participate in inspections and searches of inmates and DOC facilities, and are tasked with, among other things, ensuring that contraband is not brought into the MDC. DOC employees, including HARRELL, 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

7. From at least in or around May 2020, up through and including in or around June 2020, in the Southern District of New York and elsewhere, BRIAN HARRELL, 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); (2) honest services wire fraud, in violation of Title 18, United States Code, Sections 1343 and

1346; and (3) distribution of a controlled substance analogue, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

8. It was a part and an object of the conspiracy that BRIAN HARRELL, 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).

9. It was further a part and an object of the conspiracy that BRIAN HARRELL, 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.

10. It was further a part and an object of the conspiracy that BRIAN HARRELL, the defendant, intentionally and knowingly distributed and possessed with intent to distribute a controlled substance analogue in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

Overt Act

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

a. On or about the morning of June 20, 2020, BRIAN HARRELL, the defendant, met with Relative-1, who paid him a cash bribe in exchange for smuggling contraband into the MDC.

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

COUNT TWO
(Bribery)

The Grand Jury further charges:

12. The allegations contained in paragraphs 1 through 6 of this Indictment are repeated and realleged as if fully set forth herein.

13. From at least in or about May 2020 up through and including in or about June 2020, in the Southern District of New

York and elsewhere, BRIAN HARRELL, 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, HARRELL, in his capacity as a CO employed by the DOC, accepted and agreed to accept cash payments from Relative-1 in exchange for smuggling contraband into the MDC to Inmate-1.

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

COUNT THREE
(Honest Services Wire Fraud)

The Grand Jury further charges:

14. The allegations contained in paragraphs 1 through 6 of this Indictment are repeated and realleged as if fully set forth herein.

15. From at least in or about May 2020 up through and including in or about June 2020, in the Southern District of New York and elsewhere, BRIAN HARRELL, 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, HARRELL, in his capacity as a CO employed by the DOC, accepted and agreed to accept cash payments from Relative-1 in exchange for smuggling contraband into the MDC to Inmate-1, and facilitated those exchanges through telephone calls in interstate commerce.

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

COUNT FOUR

(Distribution of a Controlled Substance Analogue)

The Grand Jury further charges:

16. The allegations contained in paragraphs 1 through 6 of this Indictment are repeated and realleged as if fully set forth herein.

17. On or about June 20, 2020, in the Southern District of New York and elsewhere, BRIAN HARRELL, the defendant, intentionally and knowingly distributed and possessed with intent to distribute a controlled substance in violation of Title 21, United States Code, Section 841(a)(1).

18. The controlled substance involved in the offense was mixtures and substances containing a detectable amount of 3-

methyl-N-[[1-(4-penten-1-yl)-1H-indazol-3-yl]carbonyl]-L-valine, methyl ester (known as "MDMB-4en-PINACA"), a controlled substance analogue, as defined in Title 21, United States Code, Section 802(32), of methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate (known as "5F-ADB" and "5F-MDMB-PINACA"), a Schedule I controlled substance, that was intended for human consumption and is treated as a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 813 and 841(b)(1)(C).

(Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C); Title 18, United States Code, Section 2.)

FORFEITURE ALLEGATIONS

19. As a result of committing the bribery and honest services wire fraud objects of the conspiracy alleged in Count One of this Indictment, as well as the offenses alleged in Counts Two and Three of this Indictment, BRIAN HARRELL, 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.

20. As a result of committing the narcotics offense

object of the conspiracy alleged in Count One of this Indictment, as well as the offense alleged in Count Four of this Indictment, BRIAN HARRELL, the defendant, shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any and all property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of said offenses and any and all property used, or intended to be used, in any manner or part, to commit, or to facilitate 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

21. 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), 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

Audrey Strauss
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Form No. USA-33s-274 (Ed. 9-25-58)

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INDICTMENT

21 Cr.

(18 U.S.C. §§ 371, 666, 1343, 1346, and
2; 21 U.S.C. § 841.)

AUDREY STRAUSS

United States Attorney


Foreperson
