

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☒ INFORMATION ☐ INDICTMENT
☒ SUPERSEDING
OFFENSE CHARGED
 18 U.S.C. § 1349 -- Honest Services Fraud Conspiracy
 18 U.S.C. §§ 1343 and 1346 -- Honest Services Fraud
 18 U.S.C. § 1951 -- Extortion Under Color of Official Right
 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) -- Forfeiture

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY: Per count: 20 years imprisonment; \$250,000 fine; 5 years supervised release; \$100 special assessment; forfeiture

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

STEPHEN TANABE

DISTRICT COURT NUMBER

CR 11-0941 CRB

 JUN 12 2013
 RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☒ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☒ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

CR 11-0941

Name and Office of Person

Furnishing Information on this form Melinda Haag

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned)

Hartley M. K. West

DEFENDANT**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

 1) ☐ If not detained give date any prior summons was served on above charges

 2) ☐ Is a Fugitive

 3) ☒ Is on Bail or Release from (show District)

Northern District of California

IS IN CUSTODY
 4) ☐ On this charge

 5) ☐ On another conviction

☐ Federal ☐ State

 6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time: _____ Before Judge: _____

Comments:

MELINDA HAAG (CABN 132612)
United States Attorney

FILED

JUN 12 2013

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

STEPHEN TANABE,

Defendant.

No. CR 11-0941 CRB

VIOLATIONS: 18 U.S.C. § 1349 – Honest
Services Fraud Conspiracy; 18 U.S.C.
§§ 1343 and 1346 – Honest Services Fraud;
18 U.S.C. § 1951 – Extortion Under Color of
Official Right; 18 U.S.C. § 981(a)(1)(C) and
28 U.S.C. § 2461(c) – Forfeiture

SAN FRANCISCO VENUE

SUPERSEDING INFORMATION

The United States Attorney charges:

1. At all times relevant to this Superseding Information, the defendant, STEPHEN TANABE, was a Deputy with the Contra Costa County Sheriff's Office, assigned to work patrol in Danville, California. TANABE resided in Alamo, California.

THE SCHEME

2. Beginning on a date unknown but no later than November 2, 2010, and continuing through at least on or about January 14, 2011, both dates being approximate and inclusive, in the Northern District of California and elsewhere, TANABE and others engaged in an illegal scheme and conspiracy to defraud others by depriving them of their rights to his honest services as a

SUPERSEDING INFORMATION
CR 11-0941 CRB

1 Deputy Sheriff.

2 3. Beginning on a date no later than November 2, 2010, a private investigator, C.B.,
3 agreed to conduct “stings” of husbands and ex-husbands (hereafter “targets”) for female clients
4 involved in divorce, child custody, and other family law disputes. In cases in which the clients
5 advised C.B. that the targets had a tendency to drink and drive, C.B. would arrange for an
6 undercover employee to meet the target at a bar, direct the employee to entice the target to drink
7 alcohol until he was intoxicated, and have a police officer waiting outside the bar to stop and
8 arrest the target for driving under the influence of alcohol (DUI).

9 4. As part of this scheme, TANABE agreed to and did participate in three DUI
10 stings. In two stings, TANABE waited outside the bar for the targets, H.A. and M.K., to exit and
11 then stopped the targets shortly after they drove off. In the third sting, TANABE arranged for
12 another Deputy Sheriff to wait outside the bar, while TANABE remained inside the bar with
13 C.B., monitoring the alcohol intake of target, D.B. In all cases, the targets were stopped and
14 arrested for DUI. In his incident reports for the arrests he made, TANABE falsely stated that he
15 was on “routine patrol” at the time of the targets’ arrests.

16 5. In exchange for TANABE making DUI arrests and arranging for another officer to
17 make an arrest, C.B. compensated TANABE with cocaine and a firearm.

18 6. As part of the scheme, TANABE and C.B. exchanged text messages regarding
19 coordination of the arrests and TANABE’s compensation for his role in the arrests. The texts to
20 and from C.B. passed through the servers of C.B.’s cell service provider, Sprint, located in
21 Kansas City, Missouri.

22
23 COUNT ONE: (18 U.S.C. § 1349 – Conspiracy to Commit Wire Fraud and Deprivation of
24 Honest Services)

25 7. Paragraphs 1 through 6 of this Superseding Information are hereby re-alleged and
26 incorporated by reference as if set forth in full herein.

27 8. Beginning on a date unknown but no later than on or about November 2, 2010,
28 and continuing through at least on or about January 14, 2011, in the Northern District of

1 California, the defendant,

2 STEPHEN TANABE,

3 and others known and unknown, did knowingly and intentionally conspire to devise a material
4 scheme and artifice to defraud, specifically to deprive another of his right to honest services, and
5 for the purpose of executing such scheme and artifice, did transmit and to cause to be
6 transmitted, by means of wire communication in interstate commerce, writings, signs, signals,
7 pictures and sounds, in violation of Title 18, United States Code, Sections 1343 and 1346.

8 All in violation of Title 18, United States Code, Section 1349.

9
10 COUNTS TWO THROUGH FOUR: (18 U.S.C. §§ 1343 and 1346 – Wire Fraud and
11 Deprivation of Honest Services)

12 9. Paragraphs 1 through 6 of this Superseding Information are hereby re-alleged and
13 incorporated by reference as if set forth in full herein.

14 10. Between on or about November 2, 2010, and on or about January 14, 2011, in the
15 Northern District of California, the defendant,

16 STEPHEN TANABE,

17 and others known and unknown, did knowingly and intentionally devise a material
18 scheme and artifice to defraud, specifically to deprive another of his right to honest services, and
19 for the purpose of executing such scheme and artifice, did transmit and cause to be transmitted,
20 by means of wire communication in interstate commerce, writings, signs, signals, pictures and
21 sounds, namely the following:

<u>Count</u>	<u>Approx. Date</u>	<u>From</u>	<u>Description of Wire</u>
2	11/3/10	California	Text message from TANABE to C.B., stating "I thought I worked it off last night"
3	1/9/11	California	Text message from C.B. to TANABE, stating "They are up + heading for the door"
4	1/14/11	California	Text message from C.B. to TANABE, stating "He's wasted"

Each in violation of Title 18, United States Code, Sections 1343 and 1346.

COUNT FIVE: (18 U.S.C. § 1951 – Extortion Under Color of Official Right)

11. Paragraphs 1 through 6 of this Superseding Information are hereby re-alleged and incorporated by reference as if set forth in full herein.

12. Between on or about November 2, 2010, and on or about November 5, 2010, in the Northern District of California, the defendant,

STEPHEN TANABE,

did knowingly and intentionally obstruct, delay, and affect commerce by extortion, that is, by obtaining property not due to him from C.B., with C.B.'s consent, in exchange for causing a DUI stop and arrest of D.B., under color of official right, in violation of Title 18, United States Code, Section 1951.

COUNT SIX: (18 U.S.C. § 1951 – Extortion Under Color of Official Right)

13. Paragraphs 1 through 6 of this Superseding Information are hereby re-alleged and incorporated by reference as if set forth in full herein.

14. On or about January 9, 2011, in the Northern District of California, the defendant,

STEPHEN TANABE,

did knowingly and intentionally obstruct, delay, and affect commerce by extortion, that is, by obtaining property not due to him from C.B., with C.B.'s consent, in exchange for making a DUI stop and arrest of H.A., under color of official right, in violation of Title 18, United States Code, Section 1951.

COUNT SEVEN: (18 U.S.C. § 1951 – Extortion Under Color of Official Right)

15. Paragraphs 1 through 6 of this Superseding Information are hereby re-alleged and incorporated by reference as if set forth in full herein.

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1 16. On or about January 14, 2011, in the Northern District of California, the
2 defendant,

3 STEPHEN TANABE,

4 did knowingly and intentionally obstruct, delay, and affect commerce by extortion, that is, by
5 obtaining property not due to him from C.B., with C.B.'s consent, in exchange for making a DUI
6 stop and arrest of M.K., under color of official right, in violation of Title 18, United States Code,
7 Section 1951.

8
9 FORFEITURE ALLEGATION: (18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461)

10 17. The allegations contained in this Superseding Information are realleged and by
11 this reference fully incorporated herein for the purpose of alleging forfeiture pursuant to the
12 provisions of 18 U.S.C. § 981(a)(1)(c) and 28 U.S.C. § 2461(c).

13 18. Upon a conviction for Counts Five through Seven, alleged above, the defendant,
14 STEPHEN TANABE,
15 shall forfeit to the United States any property, real or personal, which constitutes or is derived
16 from proceeds traceable to said offense, including but not limited to a sum of money equal to the
17 total proceeds from the commission of said offense;

18 19. If, as a result of any act or omission of the defendants, any of said property
19 a. cannot be located upon the exercise of due diligence;
20 b. has been transferred or sold to or deposited with, a third person;
21 c. has been placed beyond the jurisdiction of the Court;
22 d. has been substantially diminished in value; or
23 e. has been commingled with other property which cannot be divided without
24 difficulty;

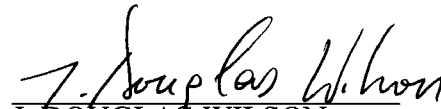
25 any and all interest defendants have in any other property up to the value of the proceeds
26 traceable to said offense, shall be forfeited to the United States pursuant to 21 U.S.C.
27 § 853(p), as incorporated by 28 U.S.C. § 2461.


28 ///

1 All in violation of Title 18, United States Code, Section 981(a)(1)(c); Title 28, United
2 States Code, Section 2461; and Rule 32.2 of the Federal Rules of Criminal Procedure.

3
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5 DATED: June 12, 2013

MELINDA HAAG
United States Attorney

7
8 
J. DOUGLAS WILSON
Chief, Criminal Division

9
10 (Approved as to form: )
11 AUSA WEST