

APR - 2 2019

COMMONWEALTH OF PENNSYLVANIA COURT OF JUDICIAL DISCIPLINE
COURT OF JUDICIAL DISCIPLINE OF PENNSYLVANIA

IN RE:

Robert Mulgrew	:	
Judge	:	3 JD 2014
Philadelphia Traffic Court	:	
Philadelphia County	:	11 JD 2015
	:	

BRIEF OF JUDICIAL CONDUCT BOARD

PART I: PROCEDURAL AND FACTUAL HISTORY
3 JD 2014

1. This action is taken by the Board pursuant to the authority granted to it under Article V, § 18 of the Constitution of the Commonwealth of Pennsylvania to determine whether there is probable cause to file formal charges alleging violations of the Constitution of the Commonwealth of Pennsylvania on the part of judges, justices, or justices of the peace, and violations of the rules that govern their conduct; to file such charges when warranted; and to present the case in support of such charges before this Court.
2. Judge Mulgrew served continuously as a duly elected judge on the Philadelphia Traffic Court (PTC), First Judicial District, Philadelphia County, Pennsylvania, from January 2008 until he was suspended in 2012.
3. As a PTC judge, Judge Mulgrew was at all times subject to all the duties and responsibilities imposed on him by the Constitution of Pennsylvania and the Old Rules Governing Standards of Conduct of Magisterial District Judges, as applicable to PTC judges (effective prior to December 1, 2014).
4. Judge Mulgrew was suspended from his judicial duties with pay by Order of the Court of Judicial Discipline dated September 14, 2012, and thereafter suspended without pay by Order of the Supreme Court dated September 19, 2012.
5. Judge Mulgrew was the subject of a federal investigating grand jury investigation regarding his alleged misappropriation of grant funds provided by the Pennsylvania Department of Economic Development and his violation of federal tax laws.
6. On August 28, 2012, Judge Mulgrew was indicted by the federal grand jury at ***United States of America v. Robert Mulgrew***, Criminal No. 2:12-cr-00462-CDJ-1, in the United States District Court for the Eastern District of Pennsylvania. By this Grand Jury Indictment, Judge Mulgrew was charged with 30 felony counts of Mail Fraud, 18 U.S.C. §§ 1341, 1349; one felony count of Wire Fraud, 18 U.S.C. §§ 1343, 1349; one felony count of Tax Evasion, 26

U.S.C. § 7201; five felony counts of Filing False Federal Income Tax Returns, 26 U.S.C. § 7206(1); and one felony count of Obstructing the Administration of the Internal Revenue Laws, 26 U.S.C. § 7212. A true and correct copy of the Grand Jury Indictment is attached hereto and marked as **Board Exhibit A**, made a part hereof, and incorporated by reference as though set forth in full.

7. On September 19, 2013, Judge Mulgrew pleaded guilty to the following charges in the Grand Jury Indictment: (1) Count one, mail fraud and conspiracy to commit mail fraud, in violation of 18 U.S.C. §§ 1341 and 1349; and (2) Count thirty-three, filing a false personal income tax return concerning tax year 2006, in violation of 26 U.S.C. § 7201(1). A true and correct copy of the Guilty Plea Agreement is attached hereto and marked as **Board Exhibit B**, made a part hereof, and incorporated by reference as though set forth in full.
8. On August 6, 2014, United States District Judge C. Darnell Jones II sentenced Judge Mulgrew to 30 months of incarceration followed by 3 years of probation and ordered Judge Mulgrew to pay restitution in the amount of \$199,000 and \$123,000 owed to the Internal Revenue Service in back taxes and fines. True and correct copies of the Judgment and Sentencing Order and the docket entries for **United States of America v. Robert Mulgrew**, Criminal No. 2:12-cr-00462-CDJ-1, are attached hereto and marked respectively as **Board Exhibit C and Board Exhibit D**, made a part hereof, and incorporated by reference as though set forth in full.
9. Judge Mulgrew did not appeal his conviction at **United States of America v. Robert Mulgrew**, Criminal No. 2:12-CR-00462-CDJ-1.
10. As a result of his guilty plea and sentencing at **United States of America v. Robert Mulgrew**, Criminal No. 2:12-CR-00462-CDJ-1, Judge Mulgrew is a convicted felon.
11. As a result of Judge Mulgrew's felony convictions and sentencing at Criminal No. 2:12-cr-00462-CDJ-1, the Board filed a complaint against him alleging four counts of misconduct on September 19, 2014.
12. By and through counsel, Judge Mulgrew filed an Answer admitting, with slight corrections, the factual averments in the Board's September 19, 2014 complaint.

PART II: PROCEDURAL AND FACTUAL HISTORY
11 JD 2015

13. In addition to the federal investigating grand jury investigation described *supra*, Judge Mulgrew was also the subject of a federal grand jury investigation regarding his participation as a PTC judge in the practice of giving favorable treatment in traffic court cases to certain defendants based upon *ex parte* requests; this practice became known as "special consideration."

14. On January 29, 2013, Judge Mulgrew and his co-defendants were indicted by the federal grand jury at ***United States of America v. Michael J. Sullivan, Michael Lowry, Robert Mulgrew, Willie Singletary, Thomasine Tynes, Mark A. Bruno, William Hird, Henry P. Alfano, and Robert Moy***, 2:13-cr-00039-RK. A true and correct copy of the Grand Jury Indictment is attached hereto and marked as **Board Exhibit E**, made a part hereof, and incorporated by reference as though set forth in full.
15. The indictment charged Judge Mulgrew with one felony count of conspiracy to commit wire and mail fraud, 18 U.S.C. § 1349; four felony counts of wire fraud, 18 U.S.C. § 1343; 2 counts of mail fraud, 18 U.S.C. § 1341; and one felony count of perjury, 18 U.S.C. § 1623.
16. Following indictment, Judge Mulgrew and his co-defendants proceeded to jury trial in the United States District Court for the Eastern District of Pennsylvania on May 26, 2014.
17. On July 23, 2014, following trial, the jury convicted Judge Mulgrew of one count of perjury, a felony, which was charged at Count 70 of the Grand Jury Indictment.
18. On January 7, 2015, United States District Judge Lawrence F. Stengel sentenced Judge Mulgrew to 18 months in prison, to be served consecutively to the 30-month sentence imposed upon Judge Mulgrew at ***United States of America v. Robert Mulgrew***, Criminal No. 2:12-cr-00462-CDJ-1. A true and correct copy of Judge Stengel's amended sentencing order is attached hereto and marked as **Board's Exhibit F**, made a part hereof, and incorporated by reference as though set forth in full.
19. Judge Mulgrew appealed his judgment of sentence to the Third Circuit Court of Appeals.
20. While Judge Mulgrew's appeal was pending, on June 10, 2015, the Board filed a complaint against him at 11 JD 2015 alleging two counts of misconduct arising from his felony conviction and sentence for perjury and moved to consolidate both complaints.
21. This Court stayed both 3 JD 2014 and 11 JD 2015 during the pendency of Judge Mulgrew's direct appeal of his perjury conviction.

22. The Third Circuit affirmed Judge Mulgrew's judgment of sentence for perjury. ***See United States of America v. William Hird, Thomasine Tynes, Robert Mulgrew, Michael Lowry, and Willie Singletary***, 913 F.3d 332 (3rd Cir. 2019).

PART III: VIOLATIONS OF LAW

Article V, § 18(d)(1): Felony Convictions

23. As the result of some or all of the facts set forth at Part I and II, Judge Mulgrew violated Article V, § 18(d)(1) of the Pennsylvania Constitution.
24. Article V, § 18(d)(1) states, in pertinent part, the following:
- A justice, judge or justice of the peace may be suspended, removed from office or otherwise disciplined for conviction of a felony[.]
25. Due to his federal felony convictions imposed during the tenure of his judicial service, Judge Mulgrew violated Article V, § 18(d)(1).

Article V, § 18(d)(1): Disrepute

26. As the result of some or all of the facts set forth at Parts I and II, Judge Mulgrew violated Article V, § 18(d)(1) of the Pennsylvania Constitution.
27. Article V, § 18(d)(1) states, in pertinent part, the following:
- A justice, judge or justice of the peace may be suspended, removed from office or otherwise disciplined for ... conduct which ... brings the judicial office into disrepute, whether or not the conduct occurred while acting in a judicial capacity or is prohibited by law[.]
28. Judge Mulgrew's federal felony convictions and his conduct which resulted in those convictions constitutes conduct that brings the judicial office into disrepute.

Old Rules Governing Standards of Conduct of Magisterial District Judges, Rule 13

29. As the result of some or all of the facts sent forth at Part I, Judge Mulgrew violated old Rule 13.

30. Old Rule 13 stated, in pertinent part, the following:

Magisterial District Judges ... shall not engage, directly or indirectly, in any activity or act incompatible with the expeditious, proper and impartial discharge of their duties, including, but not limited to, (1) in any activity prohibited by law[.]

31. Judge Mulgrew's felony convictions for mail fraud, conspiracy to commit mail fraud, and filing a false tax return demonstrate that he engaged directly or indirectly in acts incompatible with the expeditious, proper and impartial discharge of his duties.

Article V, § 17(b)

32. Due to his violation of Old Rule 13, set forth *supra*, Judge Mulgrew violated Article V, § 17(b) of the Pennsylvania Constitution.

33. Article V, § 17(b) states, in pertinent part, the following:

[...]. Justices of the peace shall be governed by rules or canons which shall be prescribed by the Supreme Court.

34. Judge Mulgrew's violation of Old Rule 13 constitutes an automatic, derivative violation of Article V, § 17(b).

PART IV: ARGUMENT

A judge's convictions for felony crimes are, themselves, violations of the Pennsylvania Constitution and establish the facts underlying the convictions as *res judicata*. **See, e.g., *In re Jaffe***, 839 A.2d 487, 490 (Pa.Ct.Jud.Disc. 2003) (conviction of felony, of itself, establishes violation of Art. V, § 18(d)(1)); **see also *Shaffer v. Smith***, 673 A.2d 872, 874-75 (Pa. 1996) (criminal conviction collaterally estops a defendant from denying the acts underlying the conviction in a subsequent civil trial unless or until criminal conviction is reversed on appeal). Applying these standards to the Board's complaint at 3 JD 2014, the facts are that Judge Mulgrew engaged in a fraudulent scheme regarding his misappropriation of grant funds from 2002-2010 and that he later filed a false federal income tax return for tax year 2006. **See** Part I, at 5-7. Judge Mulgrew later pleaded guilty to these felony criminal acts in 2013, during his term of judicial office.

In ***In re Greenberg***, 280 A.2d 370 (Pa. 1971), the Supreme Court suspended a judge who was convicted for a "check-kiting" scheme that took place prior to his election to judicial office. ***Greenberg***, 280 A.2d at 371. The Supreme Court concluded

that the criminal activity of the judge, though it took place prior to his assumption of judicial office and concluded shortly before that point, warranted the judge's suspension because it concluded that, *inter alia*, it was contrary to the intent and purpose of then-extant Article V, § 18 that a judge of the Court of Common Pleas hold judicial office, administer the judicial power of the Commonwealth, exercise judicial functions and perform judicial acts while he himself stood convicted of unlawful and felonious acts. *Id.*, at 371-372.

The logic of **Greenberg** applies to the charges against Judge Mulgrew at 3 JD 2014 with even greater force because examination of Board Exhibit A and B establishes that Judge Mulgrew's role in the fraudulent scheme was not consummated until the summer of 2010, *after* he became a PTC judge in 2008, because he continued to place items in the mail in furtherance of the fraudulent scheme until that point in time. **See** Board Exhibit A, August 28, 2012 Grand Jury Indictment, 16-21. Judge Mulgrew admitted these facts when he pleaded guilty to Count one of the federal grand jury indictment in 2013, and, as such, they are *res judicata* for purposes of this proceeding. **See** Board Exhibit B; **see also Shaffer**, at 874-75. Clearly, where, as here, the Board demonstrates that a judge engaged in a continuing course of felonious criminal conduct spanning the time before he took office and the time after he took office, the Board establishes a violation of Article V, § 18(d)(1). **See, e.g., Greenberg**, at 371-372; **see also Jaffe**, at 490. This conduct, as admitted by Judge Mulgrew, also establishes a violation of Old Rule 13, because illegal acts undertaken during a judge's tenure violate Old Rule 13 in that such acts are incompatible with the proper discharge of their duties. **See In re Joy**, 148 A.3d 162, 166 (Pa.Ct.Jud.Disc. 2016). Because the Board has established a violation of old Rule 13, it has also demonstrated an automatic, derivative violation of Article V, § 17(b). *Id.*, at 167.

The same conclusion applies for the charges at 11 JD 2015. Judge Mulgrew was convicted of perjuring himself during a grand jury investigation regarding his activities in PTC in relation to the practice of "special consideration." This conviction establishes a violation of Article V, § 18(d)(1). **See In re Tynes**, 149 A.3d 452, 457 (Pa.Ct.Jud.Disc. 2016), *affirmed by* 177 A.3d 211 (Pa. 2018).

Lastly, this Court must consider whether Judge Mulgrew brought disrepute upon the judiciary by the aforementioned conduct. This Court has addressed the standard by which it will determine whether a judge's conduct brings disrepute upon the judiciary: "[T]he Board must make a persuasive showing that (1) the judicial officer has engaged in conduct which is so extreme that (2) it has resulted in bringing the judicial office into disrepute." **In re Smith**, 687 A.2d 1229, 1238 (Pa.Ct.Jud.Disc.1997). The determination of whether particular conduct has brought the judicial office into disrepute is made on a case by case basis as the particular conduct in each case is scrutinized and weighed. **In re Miller**, 171 A.3d 367, 372 (Pa.Ct.Jud.Disc. 2016) ("Miller"); **In re Cicchetti**, 697 A.2d 297, 312 (Pa.Ct.Jud.Disc.1997).

In proving that certain conduct was "extreme," the Board must show a specific act or series of acts by a judge which result in a decline of public esteem for the judicial

office. For the second element, "disrepute" necessarily incorporates some standard with regard to the reasonable expectations of the public of a judicial officer's conduct. **Smith** at 1238-1239; **In re Strook**, 727 A.2d 653, 657 (Pa.Ct.Jud.Disc.1998).

It can hardly be denied that a judge who lies under oath in the context of a federal grand jury investigation casts a pall over the entire judiciary. **Tynes**, at 457. Indeed, in **In re Sullivan**, 135 A.3d 1164, 1176 (Pa.Ct.Jud.Disc. 2016), in the context of the system of "special consideration," this Court indicated that PTC was the *sine qua non* of "disrepute." ("A more apparent case of conduct which brings the judicial office into disrepute is difficult to perceive."). Here, of course, the issue is not so much the system of "special consideration" itself, as it was in **Sullivan**, but, the lies, like Judge Mulgrew's, that sought to hide it. The fact that Judge Mulgrew engaged in criminal behavior independent of, but parallel to, the now exposed corrupt system in PTC only deepens the inescapable conclusion that Judge Mulgrew's conduct brought the judiciary into disrepute. **Tynes**, at 457.

Additionally, Judge Mulgrew's convictions qualify as an infamous crime. The seriousness of this category of conviction is highlighted by the fact that the Pennsylvania Constitution bars any person so convicted from holding any office of trust or profit in the Commonwealth of Pennsylvania. Pa. Const. art. II, §7. The Supreme Court of Pennsylvania has defined the term "infamous crime," as referenced in Article II, §7, as including a felony or *crimen falsi* offense:

[W]e reaffirm that a crime is infamous for purposes of Article II, Section 7, if its underlying facts establish a felony, a *crimen falsi* offense, or a like offense involving the charge of falsehood that affects the public administration of justice.

Commonwealth ex rel. Baldwin v. Richard Baldwin, 751 A.2d 647, 653 (Pa. 2000) (emphasis added).

In determining whether a particular offense qualifies as an infamous crime, Pennsylvania has relied on the seminal case **Commonwealth v. Shaver**, 3 Watts & Serg. 338 (Pa. 1842) as the guiding authority and its "classification referring to infamous crimes as felonies and *crimen falsi* offenses and not the juror disqualification language." **Baldwin**, 751 A.2d at 652-653. In **Shaver**, the Supreme Court explained what types of offenses were infamous and served to disqualify a person to give evidence as a witness:

treason, felony, and every species of the *crimen falsi* – such as forgery, perjury, subornation of perjury, attain of false verdict, and other offenses of the like description, which involve the charge of falsehood, and affect the public administration of justice.

Shaver at 342.

Therefore, Judge Mulgrew's perjury and fraud convictions squarely qualify as "infamous crimes" barring him from holding any office of trust or profit in the Commonwealth of Pennsylvania.

Independent from its classification as an "infamous crime," perjury is among the most serious of crimes by virtue of its grading as a felony offense under both federal and Pennsylvania law.¹ It is elementary that the heart of judicial proceedings is a truth-seeking process. When a witness testifies under oath falsely, such action undermines this truth-seeking process. It serves to injure the integrity of the judicial proceedings and even obstruct and interfere with its proper functioning.

The reasonable expectations of the public would include the expectation that a judge, the central figure in the judicial system, would not actively subvert, and thereby destroy confidence in, the very system in which that judge serves. As has oft been referenced, a judge must be like Caesar's wife and above all suspicion. In order to safeguard the public's trust and confidence in the judicial system, a judge must be a person of unimpeachable character and integrity.

A judge who provides materially false testimony – who lies – to an investigating grand jury into whether ticket fixing was occurring in the very court on whose bench the judge sits, sabotages and corrupts the central truth-seeking function of the courts. It is extreme conduct with the most damaging consequences to the system of justice. With pinpoint accuracy, it destroys public confidence, for how can the public have confidence in a court system where even judges disregard the oath to tell the truth? It is conduct that goes directly to the "sanctity of the judicial process" and, as this Court has previously opined, causes it to bring the judicial office, and not just the errant judge, into disrepute. **Miller**, 171 A.3d at 372; **In re Shaner**, 142 A.3d 1051 (Pa.Ct.Jud.Disc. 2016)(disrepute found where judge lied under oath at Judicial Conduct Board deposition; dismissed criminal complaint for improper reasons; and convicted of hindering apprehension or prosecution by making false statements); **In re Nocella**, 79 A.3d 766 (Pa.Ct.Jud.Disc. 2014) (disrepute found where judicial candidate repeatedly lied about his qualifications for judicial office). As this Court noted in **Nocella**, "We believe it to be beyond dispute that a judge—or one who would be a judge—who is willing to lie—and in official documents—and repeatedly. . . is not one who can be expected to encourage, indeed to insist that truth be spoken in his courtroom." **Id.** at 784. As in **Nocella**, Judge Mulgrew, a judge who was willing to lie before a federal grand jury investigating ticket fixing in the PTC – his own court – is not one who can be expected to insist on truth in his courtroom and who has, by his perjurious testimony before a federal grand jury, engaged in extreme conduct bringing disrepute upon the judiciary.

¹ 18 Pa. Cons. Stat. Ann. §4902.

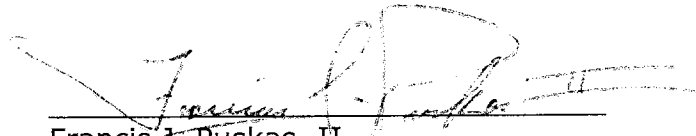
WHEREFORE, Robert Mulgrew, Philadelphia Traffic Court Judge, is subject to disciplinary action pursuant to the Constitution of Pennsylvania, Article V, § 18(d)(1).

Respectfully submitted,

Richard W. Long
Chief Counsel

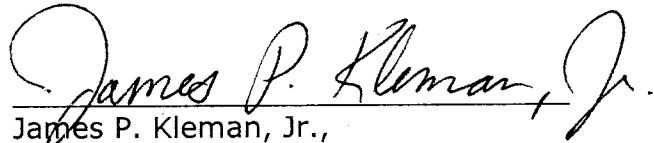
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JUDICIAL CONDUCT BOARD EXHIBIT LIST

- A. A true and correct copy of the indictment filed against Judge Mulgrew at ***United States of America v. Robert Mulgrew***, Criminal No. 2:12-cr-00462-CDJ-1, on August 28, 2012, in the United States District Court for the Eastern District of Pennsylvania.
- B. A true and correct copy of the guilty plea agreement in ***United States of America v. Robert Mulgrew***, Criminal No. 2:12-cr-00462-CDJ.
- C. A true and correct copy of the Judgment and Sentencing Order entered in ***United States of America v. Robert Mulgrew***, Criminal No. 2:12-cr-00462-001.
- D. A true and correct copy of the docket entries for ***United States of America v. Robert Mulgrew***, Criminal No. 2:12-cr-00462-CDJ.
- E. A true and correct copy of the January 29, 2013 Grand Jury Indictment at ***United States v. Michael J. Sullivan, Michael Lowry, Robert Mulgrew, Willie Singletary, Thomasine Tynes, Mark A. Bruno, William Hird, Henry P. Alfano, and Robert Moy***, 2:13-cr-00039-RK.
- F. A true and correct copy of Judge Stengel's amended sentencing order at ***United States of America v. Robert Mulgrew***, 2:13-cr-00039-003.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA : **CRIMINAL NO. 12-_____**

v. : **DATE FILED: August 28, 2012**

ROBERT MULGREW : **VIOLATIONS:**

LORRAINE DISPALDO : **18 U.S.C. §§ 1341, 1349 (mail fraud**

ELIZABETH MULGREW : **- 30 counts)**

: **18 U.S.C. §§ 1343, 1349 (wire fraud**

: **- 1 count)**

: **26 U.S.C. § 7206(1) (filing false federal**

: **income tax returns - 9 counts)**

: **26 U.S.C. § 7201 (tax evasion - 1 count)**

: **18 U.S.C. § 152 (bankruptcy fraud - 1**

: **count)**

: **26 U.S.C. § 7212 (obstructing the**

: **administration of the internal revenue**

: **laws - 1 count)**

: **18 U.S.C. § 2 (aiding and abetting)**

INDICTMENT

COUNTS ONE THROUGH THIRTY

MAIL FRAUD
18 U.S.C. §§ 1341, 1349 and 2

THE GRAND JURY CHARGES THAT:

Introduction

At all times relevant to this indictment:

1. Defendant **ROBERT MULGREW** was the Vice-President of the Friends of Dickinson Square (“FDS”), a non-profit civic organization described below. Defendant **MULGREW** was also an employee of the International Brotherhood of Electrical Workers, Local 98, and, as of January 2008, an elected Traffic Judge in Philadelphia.

2. Defendant LORRAINE DISPALDO was the Secretary/Treasurer of the Community to Police Communications (“CPC”), a non-profit civic organization described below. Defendant DISPALDO was also a Pennsylvania state employee working as a legislative aide to W.K., an elected member of the Commonwealth of Pennsylvania House of Representatives. DISPALDO worked in W.K.’s office at 1531 S. 2nd Street, Philadelphia, PA, and operated CPC from there.

Department of Community and Economic Development and Grants to FDS and CPC

3. The Pennsylvania Department of Community and Economic Development (“DCED”) was an agency of the Commonwealth of Pennsylvania which awarded grants to non-profit community and civic organizations. Between 1996 and 2008, DCED awarded hundreds of thousands of dollars in grants to FDS and CPC. FDS received eight grants totaling approximately \$465,000. Five of those grants, totaling approximately \$295,000, were received between 2002 and 2006. CPC received thirteen grants totaling \$397,000. Five of those grants, totaling approximately \$260,000, were received between 2004 and 2008.

4. After approximately 2002, DCED awarded grants to FDS with the understanding that the grants were to be used to purchase equipment and materials for the maintenance of Dickinson Square Park (“the park”) at 4th & Tasker Streets, Philadelphia, and surrounding neighborhood revitalization. Defendant ROBERT MULGREW signed the FDS grant contracts with DCED.

5. After approximately 2004, DCED awarded grants to CPC with the understanding that the grants were to be used to purchase communications equipment for the police and to purchase materials to secure vacant lots and buildings for the protection of the

police. Defendant LORRAINE DISPALDO signed the CPC grant contracts with DCED.

The fraud committed against the DCED

6. As described in this indictment, throughout the process of securing the DCED funds and managing their expenditure, defendants ROBERT MULGREW and LORRAINE DISPALDO made misrepresentations to DCED. The defendants claimed that they would spend grant funds solely to purchase equipment and materials for neighborhood revitalization and improved communications with the police. Contrary to their claims and contrary to what they committed themselves to do under the terms of contracts they signed with DCED, defendants MULGREW and DISPALDO instead paid tens of thousands of dollars in grant funds to MULGREW'S relatives and associates, including the teenage sons of his friends, and to W.K.'s life-long friends, for work purportedly done on behalf of FDS and CPC. In order to create the impression that grant funds were being used in a concerted effort to maintain the park and surrounding neighborhoods and to secure property to protect the police – consistent with the reasons DCED authorized the grants – defendants MULGREW and DISPALDO often created “make work” projects as a pretext for paying relatives and associates with grant funds. Moreover, defendant DISPALDO often improperly used grant resources to address routine cleanup requests from W.K.'s constituents. After distributing the funds, defendants MULGREW and DISPALDO supplied false and misleading information to DCED to conceal the actual amount of grant funds which they paid to the relatives and associates contrary to the express purposes of the grant.

7. Defendants ROBERT MULGREW and LORRAINE DISPALDO also spent thousands of dollars of grant funds for their own personal uses. In addition, defendant

MULGREW improperly reimbursed himself from FDS funds for thousand of dollars of expenditures which he claimed were incurred by FDS, but actually were not, and for his expenditures for items not authorized under the terms of the FDS grants.

The Friends Of Dickinson Square and Community to Police Communications

8. The Friends of Dickinson Square (FDS) was an all-volunteer group which removed graffiti and cleaned Dickinson Square and the surrounding neighborhood in Philadelphia. In the 1990's D.R., the owner of a small business which was located at 1533 S. 2nd Street, Philadelphia, next door to W.K.'s office, began coordinating the efforts of the Friends of Dickinson Square. Eventually, D.R. met defendant ROBERT MULGREW and W.K. through this neighborhood group, and the three coordinated subsequent volunteer efforts for the neighborhood. At various times in the late 1990's, W.K. obtained small state grants which funded FDS's group volunteer efforts. In July 1999, D.R. applied on behalf of FDS for non-profit status with the Internal Revenue Service ("IRS") and received an Employer Identification Number from them.

9. In applying for grants from the DCED, D.R. used the following description of FDS and the intended use of grant funds:

FDS is a non-profit organization that is dedicated to the maintenance of Dickinson Square Park and improvements of the neighborhood that surround the park. The grant money given will insure rehabbing and low level maintenance of community gardens; neighborhood green projects and stabilization of abandoned properties. Members devote many hours towards anti-graffiti activities and turning abandoned lots into green space, throughout the area. We will also use the funds to purchase fencing material, park benches (for green space and lots) anti-graffiti remover, painting equipment, gardening equipment and landscape materials.

10. D.R. signed all of the written FDS grant applications at the 2nd Street office offices of W.K., where he understood they were prepared. Each application noted that the requested funds were to be used for community development/revitalization, and left blank blocks in which applicants were to include proposed budget expenditures for salaries and professional services. Instead, each application identified the proposed expenditures for community revitalization in a category for "other." None of the grant applications requested authority to use the grant funds to pay individuals stipends or salaries.

11. Before receiving grant funds from DCED, defendant ROBERT MULGREW signed contracts on behalf of FDS which required him to spend grant funds for the activities described in the FDS applications and approved by DCED. These contracts included Appendices which set out the approved activities and expenditures which defendant MULGREW committed himself to follow. Specifically, the contracts permitted the following: buying equipment and spending money to maintain community gardens and neighborhood green projects; buying equipment and spending money to stabilize abandoned properties and turn abandoned lots into green space, and buying fencing, park benches, anti-graffiti materials, and painting, gardening, and landscape materials. Funds were also authorized to purchase a dump truck and lease pickups trucks for FDS activities. None of the contracts authorized expenditures for stipends or salaries. None of the FDS contracts authorized expenditure of grant funds for personal uses.

12. Defendant LORRAINE DISPALDO applied for grants on behalf of CPC in her own name, and in the name of D.V., who was not involved with CPC. Defendant DISPALDO used the following description for CPC in state grant applications:

Community to Police Communication Systems, a non profit Corporation, which seeks to address the longstanding complaints of many Philadelphia residents of the time it takes the Philadelphia Police Department to respond to telephone calls through 911 systems.

The Community to Police Communication Systems intentions is to supply the police department with direct contact to the community by advance mobile technology. The mobile phones are distributed to Police Captains, Lieutenants and Sergeants also to the beat cops, patrol cars and wagons in the South Philadelphia Police Departments. We have also coordinated police bicycle patrol units in the same districts. Through the use of the cellular phones and bicycle units and between the coordination of the police district and community member's response time to "non-violent" situations will be greatly reduced. Also, money is provided to secure vacant lots and buildings to better protect our officers. The funds cover the ongoing monthly mobile phone bills and any necessary equipment that needs to be updated or upgraded.

The following uses: ongoing monthly mobile phone bills, mobile phones, airtime, maintenance, batteries, chargers, bicycle & bicycle equipments, vests, vehicle code books and any fencing, landscaping, and miscellaneous expenses.

13. None of the CPC grant applications requested authority to use the grant funds to pay individuals stipends or salaries. The applications signed by defendant LORRAINE DISPALDO contained the following language: "I hereby certify that all information contained in this document and attachments are true and correct to the best of my knowledge. If I knowingly make a false statement . . . to obtain a grant . . . I may be subject to criminal prosecution."

14. Before receiving grant funds from DCED, defendant DISPALDO signed each contract with DCED on behalf of CPC and committed herself to use the grant funds for purposes consistent with the applications she made and the description she created for the group. That is, she agreed to spend grant funds on phones and communications equipment for the police, and on fencing, landscaping and other expenses to be used to secure vacant lots and

buildings to protect the police. No funds were authorized for CPC to pay stipends or salaries. None of the CPC contracts authorized expenditure of grant funds for personal uses. Because the DCED contracts required two signatures on behalf of CPC, defendant LORRAINE DISPALDO forged on each contract the signature of D.V., representing him to be the President or Chief Executive Officer of CPC. At the time, D.V. was not associated with CPC. Defendant DISPALDO received the CPC grant funds from DCED, and controlled the CPC checkbook, payments, and accounts from W.K.'s office.

DCED Review of Expenditures and Close Out Reports

15. DCED required all grant recipients to submit "closeout" reports which identified and documented expenditures in the full amount of the grant. As recipients of grant funds from DCED on behalf of their organizations, defendants ROBERT MULGREW and LORRAINE DISPALDO were required by DCED to submit these reports. DCED could suspend the grant contracts for misuse of funds or failure to submit required reports, and could also compel defendants MULGREW and DISPALDO to repay all or a portion of granted funds if DCED determined that they had used funds improperly. On the reports they submitted, defendants MULGREW and DISPALDO falsely certified that the information in them was true and correct and that grant funds were used for the purposes described in the grant proposal and approved by DCED.

16. From in or about 2002 through in or about August 2010, in the Eastern District of Pennsylvania and elsewhere, defendants

**ROBERT MULGREW
and
LORRAINE DISPALDO**

devised and intended to devise a scheme to defraud the Commonwealth of Pennsylvania and obtain money and property by means of false and fraudulent pretenses, representations, and promises.

MANNER AND MEANS

It was part of the scheme that:

17. Defendants ROBERT MULGREW and LORRAINE DISPALDO took control of the management and operation of FDS and relegated D.R. to a purely figurehead position as FDS Director/President. After gaining control of FDS, defendants MULGREW and DISPALDO caused D.R. to pre-sign FDS's checks in blank after FDS received DCED grants from approximately 2002 until approximately mid-2009. Defendant MULGREW retained the FDS checkbook and co-signed the FDS checks with D.R. until approximately May 2008, by which time he had become a Traffic Court judge. Starting in May 2008, defendant DISPALDO retained the FDS checkbook and began co-signing the FDS checks with D.R.

18. By obtaining D.R.'s signature on blank checks and maintaining control of the FDS checkbook, defendants ROBERT MULGREW and LORRAINE DISPALDO enabled themselves to pay whomever they wanted and for items not authorized under the state grants without D.R.'s knowledge and without further scrutiny. Neither defendants MULGREW nor DISPALDO informed D.R. that they issued checks to individuals as payment for work completed on behalf of FDS. As a consequence, D.R. was unaware that individuals were paid with grant funds by FDS, which he believed continued to be a volunteer organization which spent grant funds for materials and equipment only.

Misuse of Grant Funds to Pay Stipends and Make Other Payments

19. Defendants ROBERT MULGREW and LORRAINE DISPALDO repeatedly signed grant contracts in which they committed themselves to spend grant funds solely on equipment and materials for neighborhood revitalization, as described above in this indictment. Despite their commitments, they improperly used grant funds to pay stipends and make other payments to relatives of defendant MULGREW and friends and associates of defendant MULGREW and WK, and, at times, justified the expenditures by creating “make work” projects for the associates and by assigning them to perform “constituent services” for W.K.’s benefit. Neither defendant informed DCED that they intended to pay stipends or make other payments to the friends, relatives or associates of defendant MULGREW and W.K.

20. The persons defendants ROBERT MULGREW and LORRAINE DISPALDO improperly paid with grant funds included the following: R.McK., defendant MULGREW’S nephew; R.Mu., defendant MULGREW’S son; W.S., a lifelong friend of W.K.; and R.McS., a lifelong friend of W.K.

21. Defendant ROBERT MULGREW also used grant funds to hire the teenage sons of friends and associates for summer work on behalf of FDS, which employment was not necessary and not authorized under the terms of the grants.

22. Even though none of the CPC grants authorized payment of wages or stipends to workers, defendant LORRAINE DISPALDO periodically issued CPC checks to pay some of the same FDS workers. These payments were most frequently made after FDS had depleted its grant funds.

23. In addition to paying relatives and associates stipends, defendant

ROBERT MULGREW created a fictitious business entity to facilitate payments FDS made to W.S., the lifelong friend of W.K., by characterizing W.S. as a "vendor" who ostensibly completed "landscaping" work on behalf of FDS. To justify these expenditures to DCED, defendant ROBERT MULGREW instructed W.S. to fill out and backdate numerous false invoices which defendant MULGREW created and supplied to him. These fictitious invoices were titled "W. Sullivan Landscaping, No Job To (sic) Small, 6th & Wolf Sts," a non-existent entity nominally located at W.S.'s mother's home. Defendant MULGREW then submitted the false invoices to DCED to justify the payments to W.S., who did not provide services to justify the \$45,575 he was paid during 2003 through approximately September 2006. Defendant LORRAINE DISPALDO also paid W.S. an additional \$7,950 during the same time period from CPC grant funds, but did not report the payments to W.S. on CPC closeout reports she supplied to DCED.

Misuse of Community Development Grant Funds to Pay For Personal Items

24. Defendant ROBERT MULGREW wrongfully spent FDS grant funds to lease pickup trucks which he used almost exclusively for his personal needs during 2002 through early 2008. Defendant MULGREW caused FDS to make one down payment of at least \$9,000 on one of the trucks, and to make numerous lease and insurance payments concerning the trucks. In total, FDS paid more than \$46,000 for pickup trucks defendant MULGREW regularly used as his primary means of transportation. For a time, defendant MULGREW permitted one of his family members to use one of the trucks for the family member's personal needs.

25. Defendant ROBERT MULGREW also spent FDS grant funds to purchase services and items for his or other individuals' personal use. These services and items included

expenditures for work boots, an \$827 camera, extermination services, cigarettes, waterfall equipment, and personal telephone services. Defendant MULGREW also spent thousands of dollars in FDS grant funds on unauthorized matters which, while of no personal benefit to himself, benefitted organizations or other individuals with whom he was associated. These expenditures included real estate taxes, a \$300 rent payment for landscaper W.S., and a \$1,200 charitable donation to the Two Street 5K run.

26. In addition to spending FDS funds for his own benefit, defendant ROBERT MULGREW wrote thousands of dollars in FDS "reimbursement" checks to himself for what he claimed, falsely, were legitimate FDS expenditures. Some of these receipts and bills were for personal expenditures and not authorized under the grants and some were not generated during authorized FDS grant activities. By writing unjustified reimbursement checks to himself, defendant MULGREW effectively stole thousands of dollars of FDS grant funds.

27. Defendant LORRAINE DISPALDO also improperly paid W.K.'s office cleaner and errand runner more than \$12,700 from CPC funds during 2006 to 2010, none of which she reported to DCED. In addition, defendant DISPALDO submitted altered invoices to DCED to conceal her payment of over \$4,600 in CPC funds for her personal cell phone.

Misrepresentations in Close Out Reports

28. Despite that fact that payment of stipends was not authorized by DCED, defendant ROBERT MULGREW reported some stipend payments to persons on FDS closeout reports he submitted. On each closeout report, defendant MULGREW certified that the grant funds were used for the purposes described in the grant proposal and as approved by DCED. However, defendant MULGREW regularly submitted false close-out reports which

misrepresented the amount of the stipends paid and concealed the total payments made. For example, among others misrepresentations on FDS closeout reports, defendant MULGREW claimed that his nephew, R.M., had been paid a total of \$9,765 in stipends by FDS when, in fact, FDS had paid \$26,168 to the nephew. In addition, defendant MULGREW claimed that his son, R.M., had been paid a total of \$3,685 in stipends by FDS when, in fact, FDS had paid R.M. a total of \$9,169.

29. On CPC closeout reports, defendant DISPALDO claimed that defendant ROBERT MULGREW'S nephew, R.M., was paid a total of \$1,875 by CPC when, in fact, CPC paid \$15,904 to the nephew. In addition, defendant DISPALDO reported no payments to defendant MULGREW'S son, R.M., when CPC had paid him \$1,225. Defendant MULGREW reported none of the CPC payments to FDS workers on the FDS close-out reports he supplied to DCED. Defendant DISPALDO concealed more than \$48,000 in payments she made from CPC funds to the relatives of MULGREW and to the associates of MULGREW and of her employer W.K. by not reporting them on the CPC closeout reports.

30. In summary, defendants ROBERT MULGREW and LORRAINE DISPALDO reported to DCED that FDS and CPC together had paid a total of approximately \$51,520 to individuals in stipends when, in fact, FDS and CPC together paid a total of approximately \$119,933 to those individuals.

31. To conceal the fact that FDS paid tens of thousands of dollars more in stipends to his relatives and associates than he had disclosed to DCED, and to conceal the fact that he had paid himself unjustified reimbursements, defendant ROBERT MULGREW consistently submitted false close out reports which included thousands of dollars worth of

receipts and invoices which he claimed documented FDS purchases but which, in fact, did not. These included numerous cash gas purchase and dumping fee receipts which were not generated during authorized FDS grant activities. Defendant MULGREW also submitted more than \$5,000 in invoices for materials which were purchased by CPC, not FDS. Defendant LORRAINE DISPALDO did not disclose the payment of these invoices on CPC's closing reports. On each closeout report documenting false reimbursements and misuses of FDS funds, and including invoices not related to legitimate FDS activities, defendant MULGREW falsely certified that the grant funds were used for the purposes described in the grant proposal and approved by DCED.

32. To conceal the fact that she too had written undisclosed paychecks to individuals from CPC funds, and to conceal her own theft of CPC funds, defendant LORRAINE DISPALDO supplied DCED with duplicate receipts and invoices on the CPC closeout reports she supplied to DCED. That is, on later grant closeout reports DISPALDO provided DCED with the exact same expense invoices and receipts which she supplied the state on earlier close-out reports. On the final closeout report submitted by defendant DISPALDO, more than two-thirds of the invoices supplied to DCED to justify the final grant expenditures were the same invoices the defendant had previously submitted to justify earlier grants. DISPALDO submitted some invoices with three different closeout reports. Of approximately \$258,000 in CPC expenses documented for DCED by defendant DISPALDO, more than \$105,000 of those expenses were simply duplicates of expenses previously submitted to DCED.

33. To conceal his theft of thousands of dollars in FDS grant funds, defendant ROBERT MULGREW submitted specific receipts and bills to DCED to justify the FDS checks he wrote to himself. These FDS checks reimbursed defendant MULGREW for what he claimed

were legitimate FDS expenditures he paid from personal funds. As noted earlier in this indictment, some of these reimbursements were for personal expenditures and not authorized under the grants and some were not generated during authorized FDS grant activities. The expenditures included the following: impermissible food purchases for himself and others, cash purchases of fuel, (including multiple nighttime purchases near MULGREW's sister-in-law's home in Wayne, Pa., and other locations outside Philadelphia), parking fees, tolls, pickup truck expenses, Christmas tree purchases, work boots, and numerous expenses incurred by defendant MULGREW while he was on Local 98 business.

34. In an attempt to falsely justify the payment of stipends, defendant ROBERT MULGREW supplied DCED with false IRS Forms 1099, Miscellaneous income, showing that several persons had received stipend payment from FDS. These 1099s did not accurately report the sums of money paid to these persons, were never provided to these persons, and were not filed with the Internal Revenue Service, as required by law.

35. Defendant ROBERT MULGREW never completed or filed IRS Forms 990, Return of Organization Exempt from Income Tax, with the IRS on behalf of FDS, as required by law, and never furnished IRS Forms 1099, Miscellaneous income, to individuals to whom FDS made in excess of \$600 in payments in any one year, as required by law.

36. After defendant LORRAINE DISPALDO assumed co-signing responsibility on FDS checks in approximately May 2008, she did not create and furnish IRS Forms 1099 to the individuals to whom she signed FDS checks in excess of \$600, and did not complete and file IRS Forms 990, Return of Organization Exempt from Income Tax, as required by law. Defendant LORRAINE DISPALDO distributed false IRS Forms 1099 to individuals to

whom she had supplied CPC checks. These 1099s did not report all of the funds CPC had paid the persons.

Misrepresentations to DCED Staff

37. Defendant ROBERT MULGREW also made false statements to DCED personnel to further the scheme to improperly use grant funds and to conceal the scheme from authorities. When questioned by a DCED representative about extensive WAWA and other miscellaneous food receipts submitted to DCED in closing reports, defendant ROBERT MULGREW claimed that these were food costs for FDS "volunteers." Despite the fact that numerous checks from FDS and signed by MULGREW to individuals contained a notation for "payroll," defendant MULGREW told the DCED representative that paying for the volunteers' food was "my way of paying them."

38. At times, after being questioned about grant expenditures by DCED personnel, defendant ROBERT MULGREW submitted affidavits which falsely proclaimed that all funds received under the grant were expended for goods and services expressly permitted under the terms of the grant. These affidavits were notarized by defendant LORRAINE DISPALDO.

39. On one occasion, after receiving a DCED letter questioning the legitimacy of some FDS expenditures, defendant ROBERT MULGREW supplied an affidavit from W.S. which falsely proclaimed that he had done gardening work for FDS for years and completed a number of other tasks in preparation for "others to do their volunteer work."

40. On one occasion, after CPC was informed that its closeout report was rejected because DCED could not reconcile approximately \$12,600 of the reported expenses,

defendant LORRAINE DISPALDO sent a response to DCED which included a number of invoices and expenses, and claimed, among other things, that CPC reimbursed their "volunteers" for planting materials.

MAILINGS

41. On or about the following dates, in the Eastern District of Pennsylvania and elsewhere, defendants

**ROBERT MULGREW and
LORRAINE DISPALDO,**

for the purpose of executing the scheme described above, and attempting to do so, and aiding and abetting its execution, knowingly caused to be delivered by the United States mail and by commercial interstate carrier, according to directions thereon, the items listed below, each use of the United States mail and commercial interstate carrier being a separate count:

Count	Approx. Date	Description
1	9/01/07	A letter dated September 1, 2007, from defendant ROBERT MULGREW to Gayle Elder containing IRS Forms 1099 showing Friends of Dickinson Square as the payer and concerning expenditures on contract C00005399, DCED Reference No. 23-321-0534, sent from Philadelphia, PA., to Harrisburg, PA.
2	10/28/08	A Pennsylvania Department of Community & Economic Development letter dated 10/28/08 to D.R. titled Second Notice of Project Notification Requirements concerning Friends of Dickinson Square contract C000018365, DCED Reference No., 25-826-0242, sent from Harrisburg, PA., to Philadelphia, PA.
3	2/23/09	A Pennsylvania Department of Community & Economic Development letter dated 2/23/09 to D.R. concerning Friends of Dickinson Square's contract C000018365, DCED Reference No. 25826-0242 and FDS's non-compliance and ineligibility for funding, sent from Harrisburg, PA., to Philadelphia, PA.

- 4 4/24/09 A Grant Closeout Report and an affidavit, both dated April 24, 2009, and signed by defendant ROBERT MULGREW, and a grant disbursement summary concerning contract C000018365, DCED Reference, No. 25-826-0242, sent from Philadelphia, PA., to Harrisburg, PA.
- 5 5/27/09 A Grant Closeout Report dated May 27, 2009, and signed by defendant ROBERT MULGREW, and an affidavit dated April 24, 2009, concerning contract C000018365, DCED Reference Number 25-826-0242, sent from Philadelphia, PA., to Harrisburg, PA.
- 6 10/28/08 A Pennsylvania Department of Community & Economic Development letter dated 10/28/08 to D.R. titled Second Notice of Project Notification Requirements concerning Friends of Dickinson Square contract C000018366, DCED Reference No. 25-826-0243, sent from Harrisburg, PA., to Philadelphia, PA.
- 7 2/23/09 A Pennsylvania Department of Community & Economic Development letter dated 2/23/09 to D.R. concerning Friends of Dickinson Square contract C000018366, DCED Reference No. 25-826-0243 and FDS's non-compliance and ineligibility for funding, sent from Harrisburg, PA., to Philadelphia, PA.
- 8 4/22/09 A Grant Closeout Report dated April 22, 2009, and signed by defendant ROBERT MULGREW, and a grant disbursement summary concerning contract C000018366, DCED Reference Number 25-826-0243, sent from Philadelphia, PA., to Harrisburg, PA.
- 9 4/30/09 A Pennsylvania Department of Community & Economic Development letter dated 4/30/09 to D.R. concerning Friends of Dickinson Square contract C000018366, DCED Reference NO. 25-826-0243 discussing allowable expenditures and DCED grant requirements, sent from Harrisburg, PA., to Philadelphia, PA.

- 10 5/27/09 A Grant Closeout Report dated May 27, 2009, and signed by defendant ROBERT MULGREW, and an affidavit dated April 21, 2009, concerning contract C000018366, DCED Reference Number 25-826-0243, sent from Philadelphia, PA., to Harrisburg, PA.
- 11 12/10/07 Commonwealth of Pennsylvania Department of Community & Economic Development Contract No. C000029684, DCED Reference No. 26-826-0670, signed on 12/10/07 by defendant ROBERT MULGREW, sent from Philadelphia, PA., to Harrisburg, PA.
- 12 1/23/08 A Department of Community & Economic Development letter dated 1/23/08 to D.R. containing an executed copy of Commonwealth of Pennsylvania Department of Community & Economic Development Contract No. C000029684, DCED reference No. 26-826-0670, sent from Harrisburg, PA., to Philadelphia, PA.
- 13 2/28/08 A Commonwealth of Pennsylvania check dated 2/28/08 in the amount of \$50,000 and payable to Friends of Dickinson Square, sent from Harrisburg, PA., to Philadelphia, PA.
- 14 5/1/09 A Grant Closeout Report dated 5/1/2009, and signed by defendant ROBERT MULGREW, concerning contract C000029684, DCED Reference Number 26-826-0670, sent from Philadelphia, PA., to Harrisburg, PA.
- 15 5/27/09 A Grant Closeout Report, an affidavit, and a grant disbursement summary, all dated 5/27/2009, and signed by defendant ROBERT MULGREW, concerning contract C000029684, DCED Reference Number 26-826-0670, and a copy of MULGREW'S traffic court business card, sent from Philadelphia, PA., to Harrisburg, PA.
- 16 7/23/09 A Pennsylvania Department of Community & Economic Development letter dated 7/23/09 to D.R. titled Notice of Rejected Closeout Report concerning a shortage of submitted invoices for contract C000029684, DCED Reference Number 26-826-0670, sent from Harrisburg, PA., to Philadelphia, PA.

- 17 8/31/09 A Pennsylvania Department of Community & Economic Development letter dated 8/31/09 to D.R. titled Notice of Non-Compliance concerning contract C000029684, DCED Reference Number 26-826-0670, and discussing ineligibility for additional financial assistance, sent by from Harrisburg, PA., to Philadelphia, PA.
- 18 10/23/09 A Pennsylvania Department of Community & Economic Development letter dated 10/23/09 to D.R. concerning contract C000029684, DCED Reference Number 26-826-0670, and discussing continued ineligibility for additional financial assistance, sent from Harrisburg, PA., to Philadelphia, PA.
- 19 12/9/09 A Pennsylvania Department of Community & Economic Development letter dated 12/9/09 to D.R. concerning contract C000029684, DCED Reference Number 26-826-0670, and discussing continued ineligibility for additional financial assistance, sent from Harrisburg, PA., to Philadelphia, PA.
- 20 4/26/10 A Pennsylvania Department of Community & Economic Development letter dated 4/26/10 to D.R. concerning contract C000029684, DCED Reference Number 26-826-0670, and discussing continued ineligibility for additional financial assistance, sent by United States mail or commercial interstate carrier from Harrisburg, PA., to Philadelphia, PA.
- 21 7/1/10 A package containing a number of insurance receipts, FDS check copies, storage facility fees, and other documents concerning contract C000029684, DCED Reference Number 26-826-0670, sent by defendant ROBERT MULGREW from Philadelphia, PA., to the Pennsylvania Department of Community & Economic Development in Harrisburg, PA.
- 22 7/28/10 A Governor's Office of General Counsel letter dated July 28, 2010 to Friends of Dickinson Square concerning contract C000029684, DCED Reference Number 26-826-0670, concerning return of a partial portion of the grant, \$6,837, sent from Harrisburg, PA., to Philadelphia, PA.
- 23 3/25/08 A Grant Closeout Report dated 3/25/2008 and signed by defendant LORRAINE DISPALDO, and copies of invoices, all concerning contract C000018286, DCED Reference Number 25-826-0163, sent from Philadelphia, PA., to Harrisburg, PA.
- 24 4/11/09 A Pennsylvania Department of Community & Economic

- Development letter dated 4/11/2009 to D.V. titled Notice of Rejected Closeout Report concerning contract C000018286, DCED Reference Number 25-826-0163, discussing missing documentation and requiring an additional submission, sent from Harrisburg, PA., to Philadelphia, PA.
- 25 6/4/09 A Pennsylvania Department of Community & Economic Development letter dated 6/4/2009 to Lorraine Dispaldo, Secretary /Treasurer, titled Notice of Rejected Closeout Report concerning contract C000023638, DCED Reference Number 26-826-0132, discussing variances from the contract and requiring a re-submission of documents, sent from Harrisburg, PA., to Philadelphia, PA.
- 26 9/29/08 A Department of Community & Economic Development letter dated September 29, 2008 to D.V. containing an executed copy of Commonwealth of Pennsylvania Department of Community & Economic Development Contract No. C000034547, sent from Harrisburg, Pa., to Philadelphia, PA.
- 27 4/22/10 A Grant Closeout Report dated 4/22/10 and signed by defendant LORRAINE DISPALDO, and copies of invoices, all concerning contract C000034547, sent from Philadelphia, PA., to DCED in Harrisburg, PA.
- 28 7/21/10 A Pennsylvania Department of Community & Economic Development letter dated 7/21/2010 to D.V. titled Notice of Rejected Closeout Report concerning contract C000034547, discussing reasons for rejecting the closeout and requiring an explanation of expenses, sent from Harrisburg, Pa., to Philadelphia, PA.
- 29 8/26/10 A Pennsylvania Department of Community & Economic Development letter dated 8/6/2010 to D.V. titled Notice of Rejected Closeout Report concerning contract C000034547, discussing reasons for rejecting the closeout and requiring the return of funds not spent on approved expenditures and requiring payment of interest, sent from Harrisburg, Pa., to Philadelphia, PA.

30 9/7/10 A memorandum dated September 7, 2010, responding to the items raised in the DCED letter of August 6, 2010, concerning contract C000034547 and including copies of additional CPC checks and telephone service invoices, sent from Philadelphia, PA., to DCED in Harrisburg, PA.

All in violation of Title 18, United States Code, Sections 1341, 1349, and 2.

COUNT THIRTY-ONE

**WIRE FRAUD
18 U.S.C. §§ 1343, 1349 and 2**

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 15 of Count One through Thirty of this indictment are incorporated here.

THE SCHEME

2. From in or about 2002 through in or about August 2010, defendants

**ROBERT MULGREW and
LORRAINE DISPALDO**

devised and intended to devise a scheme to defraud the Commonwealth of Pennsylvania and obtain money and property by means of false and fraudulent pretenses, representations, and promises.

MANNER AND MEANS

It was part of the scheme that:

3. Paragraphs 17 through 40 of Counts One through Thirty of this indictment are incorporated here.

4. On or about the December 19, 2008, in the Eastern District of Pennsylvania and elsewhere, defendants

**ROBERT MULGREW and
LORRAINE DISPALDO,**

for the purpose of executing the scheme described above, and attempting to do so, and aiding and abetting its execution, caused to be transmitted by means of wire communication in interstate

commerce the signals and sounds described here, that is, a wire transfer of \$25,000 from the Commonwealth of Pennsylvania to Community to Police bank account number4946 at TD Bank.

In violation of Title 18, United States Code, Sections 1343, 1349 and 2.

COUNT THIRTY-TWO

**TAX EVASION
26 U.S.C. § 7201**

THE GRAND JURY FURTHER CHARGES THAT:

1. Defendants ROBERT MULGREW and ELIZABETH MULGREW were married to one another and filed joint federal income tax returns during 2005 through 2010.
2. During tax year 2005 and continuing until approximately August 27, 2007, in the Eastern District of Pennsylvania, and elsewhere, defendants

**ROBERT MULGREW and
ELIZABETH MULGREW,**

residents of Philadelphia, Pennsylvania, willfully attempted to evade and defeat and aided and abetted the evasion of a large part of the income tax due and owing by them to the United States of America, by, among other things:

- (a) failing to declare as income the value of monetary and non-monetary benefits received from the Friends of Dickinson Square;
- (b) failing to declare additional retirement income in the amount of approximately \$5,875;
- (c) failing to declare thousand of dollars of additional income deposited to personal bank accounts; and
- (d) falsifying their 2005 joint personal income tax return by claiming improper Schedule C business deductions which reduced their tax liability.

In violation of Title 26, United States Code, Section 7201 and Title 18, United States Code, Section 2.

COUNT THIRTY-THREE

**FILING A FALSE INCOME TAX RETURN
26 U.S.C. § 7206(1)**

THE GRAND JURY FURTHER CHARGES THAT:

On or about April 15, 2007, in the Eastern District of Pennsylvania, defendants

**ROBERT MULGREW and
ELIZABETH MULGREW**

willfully made and subscribed a United States joint income tax return, Form 1040, for the calendar year 2006, which was verified by a written declaration that it was made under the penalty of perjury and filed with the Internal Revenue Service, which defendants ROBERT MULGREW and ELIZABETH MULGREW did not believe to be true and correct as to every material matter, in that the return reported adjusted gross income of \$61,236, when in fact, as the defendants well knew, they had received additional taxable income of approximately \$37,967 which was not reported on the return and the return contained significant false business deductions which improperly reduced their income tax liability.

In violation of Title 26, United States Code, Section 7206(1) and Title 18, United States Code, Section 2.

COUNT THIRTY-FOUR

**FILING A FALSE INCOME TAX RETURN
26 U.S.C. § 7206(1)**

THE GRAND JURY FURTHER CHARGES THAT:

On or about April 15, 2008, in the Eastern District of Pennsylvania, defendants

**ROBERT MULGREW and
ELIZABETH MULGREW**

willfully made and subscribed a United States joint income tax return, Form 1040, for the calendar year 2007, which was verified by a written declaration that it was made under the penalty of perjury and filed with the Internal Revenue Service, which defendants ROBERT MULGREW and ELIZABETH MULGREW did not believe to be true and correct as to every material matter, in that the return reported adjusted gross income of \$80,108, when in fact, as the defendants well knew, they had received additional taxable income of approximately \$25,646 which was not reported on the return and the return contained false business deductions which improperly reduced their income tax liability.

In violation of Title 26, United States Code, Section 7206(1) and Title 18, United States Code, Section 2.

COUNT THIRTY-FIVE

**FILING A FALSE INCOME TAX RETURN
26 U.S.C. § 7206(1)**

THE GRAND JURY FURTHER CHARGES THAT:

On or about April 15, 2009, in the Eastern District of Pennsylvania, defendants

**ROBERT MULGREW and
ELIZABETH MULGREW**

willfully made and subscribed a United States joint income tax return, Form 1040, for the calendar year 2008, which was verified by a written declaration that it was made under the penalty of perjury and filed with the Internal Revenue Service, which defendants ROBERT MULGREW and ELIZABETH MULGREW did not believe to be true and correct as to every material matter, in that the return reported adjusted gross income of \$99,224, when in fact, as the defendants well knew, they had received additional taxable income of approximately \$3,657 which was not reported on the return and the return contained false business deductions which improperly reduced their income tax liability.

In violation of Title 26, United States Code, Section 7206(1) and Title 18, United States Code, Section 2.

COUNT THIRTY-SIX

**FILING A FALSE INCOME TAX RETURN
26 U.S.C. § 7206(1)**

THE GRAND JURY FURTHER CHARGES THAT:

On or about April 15, 2010, in the Eastern District of Pennsylvania, defendants

**ROBERT MULGREW and
ELIZABETH MULGREW**

willfully made and subscribed a United States joint income tax return, Form 1040, for the calendar year 2009, which was verified by a written declaration that it was made under the penalty of perjury and filed with the Internal Revenue Service, which defendants **ROBERT MULGREW and ELIZABETH MULGREW** did not believe to be true and correct as to every material matter, in that the return reported adjusted gross income of \$107,513 but contained false business deductions which improperly reduced their income tax liability.

In violation of Title 26, United States Code, Section 7206(1) and Title 18, United States Code, Section 2.

COUNT THIRTY-SEVEN

**FILING A FALSE INCOME TAX RETURN
26 U.S.C. § 7206(1)**

THE GRAND JURY FURTHER CHARGES THAT:

On or about April 15, 2011, in the Eastern District of Pennsylvania, defendants

**ROBERT MULGREW and
ELIZABETH MULGREW**

willfully made and subscribed a United States joint income tax return, Form 1040, for the calendar year 2010, which was verified by a written declaration that it was made under the penalty of perjury and filed with the Internal Revenue Service, which defendants ROBERT MULGREW and ELIZABETH MULGREW did not believe to be true and correct as to every material matter, in that the return reported adjusted gross income of \$112,429, but contained false business deductions which improperly reduced their income tax liability.

In violation of Title 26, United States Code, Section 7206(1) and Title 18, United States Code, Section 2.

COUNT THIRTY-EIGHT

**FILING A FALSE INCOME TAX RETURN
26 U.S.C. § 7206(1)**

THE GRAND JURY FURTHER CHARGES THAT:

On or about April 17, 2007 in the Eastern District of Pennsylvania, defendant

LORRAINE DISPALDO

willfully made and subscribed a United States income tax return, Form 1040, for the calendar year 2006, which was verified by a written declaration that it was made under the penalty of perjury and filed with the Internal Revenue Service, which defendant DISPALDO did not believe to be true and correct as to every material matter, in that the return reported adjusted gross income of \$56,586, when in fact, as DISPALDO well knew, she had received additional taxable income of approximately \$12,690 in funds sourced from the Committee to Elect Bill Keller and the Community to Police Communications non-profit organization.

In violation of Title 26, United States Code, Section 7206(1).

COUNT THIRTY-NINE

**FILING A FALSE INCOME TAX RETURN
26 U.S.C. § 7206(1)**

THE GRAND JURY FURTHER CHARGES THAT:

On or about April 15, 2008 in the Eastern District of Pennsylvania, defendant

LORRAINE DISPALDO

willfully made and subscribed a United States income tax return, Form 1040, for the calendar year 2007, which was verified by a written declaration that it was made under the penalty of perjury and filed with the Internal Revenue Service, which defendant DISPALDO did not believe to be true and correct as to every material matter, in that the return reported adjusted gross income of \$60,013, when in fact, as DISPALDO well knew, she had received additional taxable income of approximately \$13,932 in funds sourced from the Committee to Elect Bill Keller and the Community to Police Communications non-profit organization.

In violation of Title 26, United States Code, Section 7206(1).

COUNT FORTY

**FILING A FALSE INCOME TAX RETURN
26 U.S.C. § 7206(1)**

THE GRAND JURY FURTHER CHARGES THAT:

On or about April 15, 2009, in the Eastern District of Pennsylvania, defendant

LORRAINE DISPALDO

willfully made and subscribed a United States income tax return, Form 1040, for the calendar year 2008, which was verified by a written declaration that it was made under the penalty of perjury and filed with the Internal Revenue Service, which defendant DISPALDO did not believe to be true and correct as to every material matter, in that the return reported adjusted gross income of \$57,831, when in fact, as DISPALDO well knew, she had received additional taxable income of approximately \$25,317 in funds sourced from the Committee to Elect Bill Keller and the Community to Police Communications non-profit organization.

In violation of Title 26, United States Code, Section 7206(1).

COUNT FORTY-ONE

**FILING A FALSE INCOME TAX RETURN
26 U.S.C. § 7206(1)**

THE GRAND JURY FURTHER CHARGES THAT:

On or about April 15, 2010, in the Eastern District of Pennsylvania, defendant

LORRAINE DISPALDO

willfully made and subscribed a United States income tax return, Form 1040, for the calendar year 2009, which was verified by a written declaration that it was made under the penalty of perjury and filed with the Internal Revenue Service, which defendant DISPALDO did not believe to be true and correct as to every material matter, in that the return reported adjusted gross income of \$57,828, when in fact, as DISPALDO well knew, she had received additional taxable income of approximately \$3,577 in funds sourced from the Committee to Elect Bill Keller and the Community to Police Communications non-profit organization.

In violation of Title 26, United States Code, Section 7206(1).

COUNT FORTY-TWO

**BANKRUPTCY FRAUD
18 U.S.C. § 152**

THE GRAND JURY FURTHER CHARGES THAT:

1. On or about January 18, 2010, defendant LORRAINE DISPALDO filed or caused to be filed in the United States Bankruptcy Court for the Eastern District of Pennsylvania a bankruptcy petition entitled In re Lorraine Dispaldo, Case Number 10-10339.

2. On or about April 5, 2010, defendant LORRAINE DISPALDO filed or caused to be filed in the United States Bankruptcy Court for the Eastern District of Pennsylvania and amended statement of financial affairs various schedules as part of her bankruptcy case number 10-10339, which included her income figures for 2008 and 2009.

3. On or about April 5, 2010, in the Eastern District of Pennsylvania, defendant

LORRAINE DISPALDO,

in connection with her bankruptcy case number 10-10339, a case under Title 11 of the United States Code, knowingly and fraudulently concealed and caused to be concealed from creditors and the United States Trustee in excess of \$27,000 of income she received during 2008 and 2009, and made a false oath concerning the same.

In violation of Title 18, United States Code, Sections 152(1),(2) and 2.

COUNT FORTY-THREE

**CORRUPTLY OBSTRUCTING, IMPEDING AND IMPAIRING THE DUE
ADMINISTRATION OF THE INTERNAL REVENUE LAWS
26 U.S.C. § 7212**

THE GRAND JURY FURTHER CHARGES THAT:

From in or about 2005 through in or about April 2011, defendants

**ROBERT MULGREW and
ELIZABETH MULGREW**

corruptly obstructed and impeded and endeavored to obstruct and impede the due administration of the internal revenue laws of the United States concerning the ascertainment, computation, assessment and collection of their own federal income taxes, by filing false federal income tax returns for tax years 2005 through 2010 in which they committed, among others, the following acts:

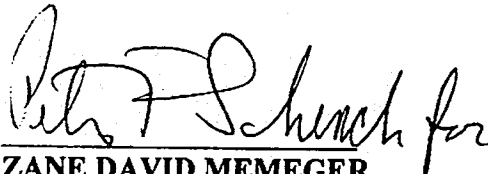
- (a) failing to declare as income the value of monetary and non-monetary benefits received by defendant ROBERT MULGREW from the Friends of Dickinson Square;
- (b) failing to declare thousand of dollars of additional cash income deposited to personal bank accounts; and

(c) claiming improper Schedule C business deductions which worked to substantially reduce their joint income tax liability.

All in violation of Title 26, United States Code, Section 7212, and Title 18 United States Code, Section 2.

A TRUE BILL:

FOREPERSON


ZANE DAVID MEMEGER
United States Attorney

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA :
 :
 v. : **CRIMINAL NO. 12-462**
 :
 ROBERT MULGREW :
 ELIZABETH MULGREW :

GUILTY PLEA AGREEMENT

Under Rule 11 of the Federal Rules of Criminal Procedure, the government, the defendant, and the defendant's counsel enter into the following guilty plea agreement. Any reference to the United States or the government in this agreement shall mean the Office of the United States Attorney for the Eastern District of Pennsylvania.

1. The defendant agrees to plead guilty to Count One, charging mail fraud and conspiracy to commit mail fraud, in violation of 18 U.S.C. §§ 1341 and 1349, and Count Thirty-Three, charging the filing of a false personal income tax return concerning tax year 2006. The defendant further acknowledges his waiver of rights, as set forth in the attachment to this agreement.

2. At the time of sentencing, the government will:

a. Make whatever sentencing recommendation as to imprisonment, fines, restitution, and other matters which the government deems appropriate.

b. Comment on the evidence and circumstances of the case; bring to the Court's attention all facts relevant to sentencing including evidence relating to dismissed counts, if any, and to the character and any criminal conduct of the defendant; address the Court regarding the nature and seriousness of the offense; respond factually to questions raised by the

A TRUE COPY CERTIFIED FROM THE RECORD
DATED: 08/11/14
ATTEST: Margaret R. Stein
DEPUTY CLERK, UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

Court; correct factual inaccuracies in the presentence report or sentencing record; and rebut any statement of facts made by or on behalf of the defendant at sentencing.

c. Nothing in this agreement shall limit the government in its comments in, and responses to, any post-sentencing matters.

d. Move to dismiss the remaining counts against Robert Mulgrew and all counts concerning Elizabeth Mulgrew.

3. The defendant understands, agrees, and has had explained to him by counsel that the Court may impose the following statutory maximum sentence: on mail fraud and conspiracy to commit mail fraud, 20 years imprisonment, five years of supervised release, a \$250,000 fine, and a \$100 assessment; on filing a false income tax return, three years imprisonment, one year supervised release, a \$250,000 fine, and a \$100 special assessment. The total maximum sentence is: 23 years imprisonment, five years supervised release, a \$500,000 fine, a \$200 special assessment, and restitution to the Internal Revenue service of all taxes due, penalties, and interest.

The defendant further understands that supervised release may be revoked if its terms and conditions are violated. When supervised release is revoked, the original term of imprisonment may be increased by up to one year per count of conviction. Thus, a violation of supervised release increases the possible period of incarceration and makes it possible that the defendant will have to serve the original sentence, plus a substantial additional period, without credit for time already spent on supervised release.

4. The defendant agrees to pay a fine and to make restitution as directed by the Court. The defendant further agrees that restitution, fine, assessment, tax, interest, or other

payments in this case do not constitute extraordinary acceptance of responsibility or provide any basis to seek a downward departure or variance from the applicable Sentencing Guideline range.

5. In order to facilitate the collection of financial obligations to be imposed in connection with this prosecution, the defendant agrees fully to disclose all assets in which he has any interest or over which the defendant exercises control, directly or indirectly, including those held by a spouse, nominee, or other third party. Accordingly:

a. The defendant will promptly submit a completed financial statement to the U.S. Attorney's Office, in a form it provides and as it directs. The defendant promises that her financial statement and disclosures will be complete, accurate, and truthful.

b. The defendant expressly authorizes the U.S. Attorney's Office to obtain a credit report on him in order to evaluate the defendant's ability to satisfy any financial obligation imposed by the Court.

6. The defendant agrees to pay the special victims/witness assessment in the amount of \$200 before the time of sentencing and shall provide a receipt from the Clerk to the government before sentencing as proof of this payment.

7. The defendant may not withdraw his plea because the Court declines to follow any recommendation, motion, or stipulation by the parties to this agreement. No one has promised or guaranteed to the defendant what sentence the Court will impose.

8. Pursuant to U.S.S.G. § 6B1.4, the parties enter into the following stipulations under the Sentencing Guidelines Manual. It is understood and agreed that: (1) the parties are free to argue the applicability of any other provision of the Sentencing Guidelines, including offense conduct, offense characteristics, criminal history, adjustments, and departures;

(2) these stipulations are not binding upon either the Probation Office or the Court; and (3) the Court may make factual and legal determinations that differ from these stipulations and that may result in an increase or decrease in the Sentencing Guidelines range and the sentence that may be imposed:

(a) The parties agree and stipulate that: the fraud loss caused in furtherance of the criminal activity ^{PC} jointly undertaken by the defendant and ~~co-conspirator~~ ^{PC} will be determined based on all the facts set forth in the indictment. The defendant's guideline range should be calculated based upon this amount pursuant to USSG §1B1.3. The parties will endeavor to reach an agreement on the fraud and tax loss and restitution figures, and if the parties are unable to reach agreement, the matters will be submitted for resolution to the Court.

(b) The parties agree and stipulate that, as of the date of this agreement, the defendant has demonstrated acceptance of responsibility for his offenses, making the defendant eligible for a 2-level downward adjustment under U.S.S.G. § 3E1.1(a).

9. The defendant agrees to cooperate fully with the Internal Revenue Service ("IRS") as follows:

a. The defendant agrees to pay restitution as directed by the Court to the IRS in the total amount of interest and tax, penalty, and interest due as of sentencing date concerning tax years 2005 through 2010. Unless directed otherwise, restitution payments will be sent to the IRS- RACS, Attn: Mail Stop 6261, Restitution, 333 W. Pershing Avenue, Kansas City, MO 64108.

b. The defendant agrees to pay all remaining taxes, interest, and penalties, as determined by the Court to be due and owing, on a payment schedule to be set by

the IRS. The defendant further agrees to pay all state and local taxes due and owing for these years, on the same payment schedule set by the IRS.

c. Prior to sentencing, the defendant will properly execute and deliver to the IRS Examination Division IRS Form 4549 or IRS Form 870 and/or file amended personal tax returns for tax years 2005 through 2010, and the government will give the defendant access to the IRS records necessary to do so.

d. Prior to sentencing, the defendant will make a full financial disclosure to the IRS.

e. Prior to sentencing, the defendant agrees to provide the IRS with all requested documents and information for the purpose of a civil audit.

f. The defendant agrees that she will sign any IRS forms deemed necessary by the IRS to enable the IRS to make an immediate assessment of the taxes and interest that he agrees to pay as restitution in subparagraph a.

g. The defendant agrees to sign IRS Form 8821, Tax Information Authorization, at any time that it is requested until the termination of her probation/supervised release.

h. The defendant further agrees not to file any claims for refund of taxes, penalties, and interest for the years 2005 through 2010 or for any other amounts paid pursuant to this agreement.

i. The defendant agrees that subparagraphs a through k of this paragraph are appropriate conditions of probation/supervised release.

j. The defendant agrees that she will make no objection to the entry

of an order under Federal Rule of Criminal Procedure 6(e) permitting the IRS Criminal Investigation Division to disclose to the IRS Examination and Collection Divisions (for purposes of a civil audit) all of the documents obtained, and the IRS reports produced, during the criminal investigation, whether or not such documents or reports are considered to be grand jury material within the meaning of Rule 6(e).

k. Nothing in this agreement shall limit the IRS in its collection of any taxes, penalties, or interest due from the defendant. The defendant agrees that this agreement, or any judgment, order, release, or satisfaction issued in connection with this agreement, will not satisfy, settle, or compromise the defendant's obligation to pay the balance of any remaining civil tax liabilities, including tax, interest, and penalties.

10. In exchange for the promises made by the government in entering this plea agreement, the defendant voluntarily and expressly waives all rights to appeal or collaterally attack the defendant's conviction, sentence, or any other matter relating to this prosecution, whether such a right to appeal or collateral attack arises under 18 U.S.C. § 3742, 28 U.S.C. § 1291, 28 U.S.C. § 2255, or any other provision of law.

a. Notwithstanding the waiver provision above, if the government appeals from the sentence, then the defendant may file a direct appeal of her sentence.

b. If the government does not appeal, then notwithstanding the waiver provision set forth in this paragraph, the defendant may file a direct appeal but may raise only a claim:

(1) that the defendant's sentence on any count of conviction exceeds the statutory maximum for that count as set forth in paragraph 3 above;

(2) challenging a decision by the sentencing judge to impose an "upward departure" pursuant to the Sentencing Guidelines;

(3) challenging a decision by the sentencing judge to impose an "upward variance" above the final Sentencing Guideline range determined by the Court;

If the defendant does appeal pursuant to this subparagraph, no issue may be presented by the defendant on direct appeal other than those described in this subparagraph.

c. Notwithstanding the waiver provision set forth in this paragraph, the defendant may file a petition for collateral relief under 28 U.S.C. § 2255, but may only raise a claim that the attorney who represented the defendant at the time of the execution of this agreement and the entry of the defendant's guilty plea provided constitutionally ineffective assistance during any part of the representation.

11. The defendant waives any claim under the Hyde Amendment, 18 U.S.C. § 3006A (Statutory Note), for attorney's fees and other litigation expenses arising out of the investigation or prosecution of this matter.


12. The defendant waives all rights, whether asserted directly or by a representative, to request or receive from any department or agency of the United States any records pertaining to the investigation or prosecution of this case, including without limitation any records that may be sought under the Freedom of Information Act, 5 U.S.C. § 552, or the Privacy Act, 5 U.S.C. § 552a.

13. The defendant is satisfied with the legal representation provided by the defendant's lawyer; the defendant and this lawyer have fully discussed this plea agreement; and the defendant is agreeing to plead guilty because the defendant admits that he is guilty.

14. It is agreed that the parties' guilty plea agreement contains no additional promises, agreements, or understandings other than those set forth in this written guilty plea agreement, and that no additional promises, agreements, or understandings will be entered into unless in writing and signed by all parties.

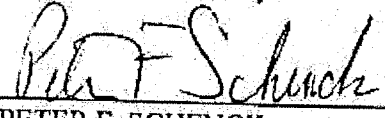


ROBERT MULGREW
Defendant

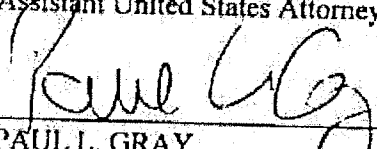


ANGIE HALLM
Counsel for Defendant

ZANE DAVID MEMEGER
United States Attorney



PETER F. SCHENCK
Chief, Criminal Division
Assistant United States Attorney



PAUL L. GRAY
Assistant United States Attorney

Date: September 18, 2013

Attachment

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA :

v. :

CRIMINAL NO. 12-462

ROBERT MULGREW :
ELIZABETH MULGREW :

ACKNOWLEDGMENT OF RIGHTS

I hereby acknowledge that I have certain rights that I will be giving up by pleading guilty.

1. I understand that I do not have to plead guilty.
2. I may plead not guilty and insist upon a trial.
3. At that trial, I understand

a. that I would have the right to be tried by a jury that would be selected from the Eastern District of Pennsylvania and that along with my attorney, I would have the right to participate in the selection of that jury;

b. that the jury could only convict me if all 12 jurors agreed that they were convinced of my guilt beyond a reasonable doubt;

c. that the government would have the burden of proving my guilt beyond a reasonable doubt and that I would not have to prove anything;

d. that I would be presumed innocent unless and until such time as the jury was convinced beyond a reasonable doubt that the government had proven that I was guilty;

e. that I would have the right to be represented by a lawyer at this trial and at any appeal following the trial, and that if I could not afford to hire a lawyer, the court would appoint one for me free of charge;

f. that through my lawyer I would have the right to confront and cross-examine the witnesses against me;

g. that I could testify in my own defense if I wanted to and I could subpoena witnesses to testify in my defense if I wanted to; and

h. that I would not have to testify or otherwise present any defense if I did not want to and that if I did not present any evidence, the jury could not hold that against me.

4. I understand that if I plead guilty, there will be no trial and I would be giving up all of the rights listed above.

5. I understand that if I decide to enter a plea of guilty, the judge will ask me questions under oath and that if I lie in answering those questions, I could be prosecuted for the crime of perjury, that is, for lying under oath.

6. I understand that if I plead guilty, I have given up my right to appeal, except as set forth in the appellate waiver provisions of my plea agreement.

7. Understanding that I have all these rights and that by pleading guilty I am giving them up, I still wish to plead guilty.

8. I acknowledge that no one has promised me what sentence the Court will impose. I am aware and have discussed with my attorney that, at sentencing, the Court will calculate the Sentencing Guidelines range (including whether any departures apply), and then, in determining my sentence, will consider the Guideline range and all relevant policy statements in the Sentencing Guidelines, along with other sentencing factors set forth in 18 U.S.C. § 3553(a), including

(1) the nature and circumstances of the offense and my personal history and characteristics;

(2) the need for the sentence imposed-- (A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense; (B) to afford adequate deterrence to criminal conduct; (C) to protect the public from further crimes of the defendant; and (D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner;


(3) the kinds of sentences available;

(4) the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct; and

(5) the need to provide restitution to any victims of the offense.



ROBERT MULGREW
Defendant



ANGIE HALIM
Counsel for the Defendant

Dated: September 18, 2013

UNITED STATES DISTRICT COURT

Eastern District of Pennsylvania

UNITED STATES OF AMERICA
v.
ROBERT MULGREW

JUDGMENT IN A CRIMINAL CASE

Case Number: DPAE212CR000462-001
USM Number: 68619-066
Angela Halim, Esq.
Defendant's Attorney

THE DEFENDANT:

- pleaded guilty to count(s) 1 & 33
- pleaded nolo contendere to count(s) _____ which was accepted by the court.
- was found guilty on count(s) _____ after a plea of not guilty.

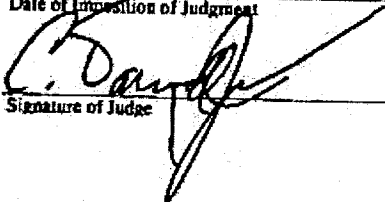
The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18:1341, 1349 and 2	Conspiracy to Commit Mail Fraud, Aiding and Abetting	8/1/2010	1
26:7206(1) & 18:2	Filing a False Tax Return	8/1/2010	33

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s) _____
- Count(s) 2-32, 34-37 and 43 is are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

8/6/2014
Date of Imposition of Judgment

Signature of Judge

C. Darnell Jones II, Judge USDC EDPA
Name and Title of Judge

Aug. 8, 2014
Date

A TRUE COPY CERTIFIED FROM THE RECORD
DATED: 08/11/14
ATTEST: Margaret R. Stone
DEPUTY CLERK, UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

DEFENDANT: MULGREW, ROBERT
CASE NUMBER: 12.CR.462.01

Judgment — Page 2 of 6

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

30 MONTHS (on counts 1 & 33 to run concurrently)

The court makes the following recommendations to the Bureau of Prisons:

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at 09:30 a.m. p.m. on 9/2/2014

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on _____

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By

DEPUTY UNITED STATES MARSHAL

DEFENDANT: MULGREW, ROBERT
CASE NUMBER: 12.CR.462.01

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of:

3 YEARS (on ct 1) 1 YEAR (on ct 33) - to run concurrently

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. *(Check, if applicable.)*
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. *(Check, if applicable.)*
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. *(Check, if applicable.)*
- The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. *(Check, if applicable.)*
- The defendant shall participate in an approved program for domestic violence. *(Check, if applicable.)*

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: MULGREW, ROBERT
CASE NUMBER: 12.CR.462.01

SPECIAL CONDITIONS OF SUPERVISION

The defendant shall provide the U.S. Probation Office with full disclosure of his financial records to include yearly income tax returns upon the request of the U.S. Probation Office. The defendant shall cooperate with the probation officer in the investigation of his financial dealings and shall provide truthful monthly statements of his income.

The defendant is prohibited from incurring any new credit charges or opening additional lines of credit without the approval of the probation officer, unless the defendant is in compliance with a payment schedule for any restitution obligation. The defendant shall not encumber or liquidate interest in any assets unless it is in direct service of the restitution obligation or otherwise has the express approval of the Court.

The defendant is to fully cooperate with the Internal Revenue Service by filing all delinquent or amended returns and by timely filing all future returns that come due during the period of supervised release. The defendant is to properly report all correct taxable income and claim only allowable expenses on those returns. Upon request, the defendant is to furnish the Internal Revenue Service with information pertaining to all assets and liabilities, and the defendant is to fully cooperate by paying all taxes, interest and penalties due, and otherwise comply with the tax laws of the United States.

It is further ordered that the defendant shall make restitution in the amount of \$199,274.00. The Court will waive the interest requirement in this case. Payments should be made payable to Clerk, U.S. District Court for distribution to the victim in this case:

PA Department Community and Economic Development
Office of Chief Counsel
Commonwealth Keystone Building, Plaza Level
Attn: Josh Vecchio, Esq.
40 North Street
Harrisburgh, PA 17120

Referencing: Grant Contract Numbers:
#C000005295, #C000018285, #C000018286, #C000023638 and #C000034547

The restitution is due immediately. It is recommended that the defendant participate in the Bureau of Prisons Inmate Financial Responsibility Program and provide a minimum of \$25 per quarter towards the restitution. In the event the restitution is not paid prior to the commencement of supervision, the defendant shall satisfy the amount due in monthly installments of not less than \$250, to commence 30 days after release from confinement.

The Court finds that the defendant does not have the ability to pay a fine. The Court will waive the fine in this case.

The defendant shall notify the United States Attorney for this district within 30 days of any change of mailing address or residence that occurs while any portion of the fine remains unpaid.

It is further ordered that the defendant shall pay to the United States a total special assessment of \$200, which shall be due immediately.

DEFENDANT: MULGREW, ROBERT
CASE NUMBER: 12.CR.462.D1

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A Lump sum payment of \$ _____ due immediately, balance due
 not later than _____, or
 in accordance with C, D, E, or F below; or
- B Payment to begin immediately (may be combined with C, D, or F below); or
- C Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D Payment in equal monthly (e.g., weekly, monthly, quarterly) installments of \$ 250.00 over a period of _____ (e.g., months or years), to commence 30 (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

**United States District Court
Eastern District of Pennsylvania (Philadelphia)
CRIMINAL DOCKET FOR CASE #: 2:12-cr-00462-CDJ-1**

Case title: USA v. MULGREW et al

Date Filed: 08/28/2012

Date Terminated: 08/08/2014

Assigned to: HONORABLE C. DARNELL
JONES, II

Defendant (1)

ROBERT MULGREW
TERMINATED: 08/08/2014

represented by **ROBERT MULGREW**
68619-066
FORT DIX
FEDERAL CORRECTIONAL
INSTITUTION
Inmate Mail/Parcels
EAST: P.O. BOX 2000 - WEST: P.O. BOX
7000
FORT DIX, NJ 08640
PRO SE

ALLEN C. WELCH
3300 TRINDLE ROAD SUITE 2
CAMP HILL, PA 17011
717-350-1002
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
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Pending Counts

18:1341, 1349 MAIL FRAUD; 18:2
AIDING AND ABETTING
(1)

26:7206(1) FILING FALSE FEDERAL
INCOME TAX RETURNS; 18:2 AIDING
AND ABETTING
(33)

Highest Offense Level (Opening)

Felony

Terminated Counts

18:1341, 1349 MAIL FRAUD; 18:2
AIDING AND ABETTING
(2-30)

18:1343, 1349 WIRE FRAUD; 18:2
AIDING AND ABETTING
(31)

26:7201 TAX EVASION; 18:2 AIDING
AND ABETTING
(32)

26:7206(1) FILING FALSE FEDERAL
INCOME TAX RETURNS; 18:2 AIDING
AND ABETTING
(34-37)

26:7212 OBSTRUCTING THE
ADMINISTRATION OF THE INTERNAL
REVENUE LAWS; 18:2 AIDING AND

Disposition

IMPRISONMENT 30 MONTHS,
SUPERVISED RELEASE 3 YEARS,
SPECIAL ASSESSMENT \$200.00,
RESTITUTION \$199,274.00

IMPRISONMENT 30 MONTHS,
SUPERVISED RELEASE 1 YEAR,
SPECIAL ASSESSMENT \$200.00,
RESTITUTION \$199,274.00

Disposition

DISMISSED ON GOVERNMENT'S
MOTION

DISMISSED ON GOVERNMENT'S
MOTION

DISMISSED ON GOVERNMENT'S
MOTION

DISMISSED ON GOVERNMENT'S
MOTION

DISMISSED ON GOVERNMENT'S
MOTION

ABETTING
(43)

Highest Offense Level (Terminated)

Felony

Complaints

None

Disposition

Plaintiff

USA

represented by **PAUL L. GRAY**
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Date Filed	#	Docket Text
08/28/2012	<u>1</u>	SEALED INDICTMENT as to ROBERT MULGREW (1) count(s) 1-30, 31, 32, 33-37, 43, LORRAINE DISPALDO (2) count(s) 1-30, 31, 38-41, 42, ELIZABETH MULGREW (3) count(s) 32, 33-37, 43. (tjsl,) (mac,). (Additional attachment(s) added on 9/21/2012: # <u>1</u> Designation Form) (jef,). (Entered: 08/29/2012)
08/28/2012	<u>2</u>	MOTION AND ORDER TO SEAL INDICTMENT AS TO ROBERT MULGREW, LORRAINE DISPALDO, ELIZABETH MULGREW.. Signed by MAGISTRATE JUDGE ELIZABETH T. HEY on 8/28/12.8/29/12 Entered and Copies E-Mailed. (tjsl,) (mac,). (Entered: 08/29/2012)
08/28/2012	<u>3</u>	MOTION AND ORDER FOR ISSUANCE OF BENCH WARRANT AS TO ROBERT MULGREW. Signed by MAGISTRATE JUDGE ELIZABETH T. HEY on 8/28/12.8/29/12 Entered and Copies E-Mailed. (tjsl,) (mac,). (Entered: 08/29/2012)
09/13/2012		***INDICTMENT UNSEALED as to ROBERT MULGREW, LORRAINE DISPALDO, ELIZABETH MULGREW (macsl,) (Entered: 09/13/2012)
09/13/2012	<u>6</u>	Letter from AUSA Unsealing Indictment as to ROBERT MULGREW, LORRAINE

		DISPALDO, ELIZABETH MULGREW (mac,) (Entered: 09/13/2012)
09/14/2012	<u>7</u>	Minute Entry for proceedings held before MAGISTRATE JUDGE ELIZABETH T. HEY: Initial Appearance/Bail/Arraignment as to ROBERT MULGREW (1) Count 1-30,31,32,33-37,43 held on 9/13/2012. The Government and defense have agreed to conditions of release. Plea entered by ROBERT MULGREW Not Guilty on all counts. Counsel have 14 days to file pretrial motions. Court Reporter ESR.(ap,) (Entered: 09/14/2012)
09/14/2012	<u>8</u>	NOTICE OF ATTORNEY APPEARANCE ANGELA HALIM appearing for ROBERT MULGREW (ap,) (Entered: 09/14/2012)
09/14/2012	<u>9</u>	ORDER SETTING CONDITIONS OF RELEASE AS TO ROBERT MULGREW (1) THAT THE DEFENDANT IS RELEASED IN THE AMOUNT OF \$50,000 O/R WITH THE FOLLOWING CONDITIONS AS OUTLINED HEREIN. Signed by MAGISTRATE JUDGE ELIZABETH T. HEY on 9/13/2012.9/14/2012 Entered and Copies E-Mailed. (ap,) (Entered: 09/14/2012)
09/14/2012		O/R Bond Entered as to ROBERT MULGREW in amount of \$ 50,000, (ap,) (Entered: 09/14/2012)
09/17/2012	17	NOTICE Regarding United States Passport for Criminal Defendant as to ROBERT MULGREW (ap,) (Entered: 09/17/2012)
09/21/2012	<u>21</u>	MOTION TO DESIGNATE THE CASE AS COMPLEX AND FOR EXCLUSION OF TIME UNDER THE SPEEDY TRIAL ACT by USA as to ROBERT MULGREW, LORRAINE DISPALDO, ELIZABETH MULGREW. (GRAY, PAUL) (Entered: 09/21/2012)
09/27/2012	<u>23</u>	First MOTION for Extension of Time to File <i>Pretrial Motions</i> by ROBERT MULGREW. (HALIM, ANGELA) (Entered: 09/27/2012)
10/01/2012	<u>25</u>	NOTICE OF HEARING ON MOTION in case as to ROBERT MULGREW, LORRAINE DISPALDO, ELIZABETH MULGREW <u>21</u> MOTION TO DESIGNATE THE CASE AS COMPLEX AND FOR EXCLUSION OF TIME UNDER THE SPEEDY TRIAL ACT : MOTION HEARING SET FOR 10/29/2012 02:45 PM BEFORE HONORABLE C. DARNELL JONES II. (aes) (Entered: 10/01/2012)
10/04/2012	<u>27</u>	ORDER AS TO ROBERT MULGREW THAT THE <u>23</u> MOTION FOR EXTENSION OF TIME TO FILE PRETRIAL MOTIONS IS GRANTED, ETC.; PRETRIAL MOTIONS IN THIS MATTER SHALL BE FILED WITHIN 30 DAYS AFTER COUNSEL CERTIFY THAT DISCOVERY HAS BEEN COMPLETED... Signed by HONORABLE C. DARNELL JONES, II on 10/3/2012.10/4/2012 Entered and Copies E-Mailed. (ap,) (Entered: 10/04/2012)
10/05/2012	<u>28</u>	ARREST Warrant Returned Executed on 9/13/2012. in case as to ROBERT MULGREW. (ap,) (Entered: 10/09/2012)
10/24/2012	<u>31</u>	NOTICE OF HEARING ON MOTION in case as to ROBERT MULGREW, LORRAINE DISPALDO, ELIZABETH MULGREW <u>21</u> MOTION TO DESIGNATE THE CASE AS COMPLEX AND FOR EXCLUSION OF TIME UNDER THE SPEEDY TRIAL ACT : MOTION HEARING SET FOR 11/19/2012 12:00 PM BEFORE HONORABLE C. DARNELL JONES II. CONTINUED FROM 10/29/12.(aes,) (Main Document 31 replaced on 10/24/2012) (ap,). (Entered: 10/24/2012)
11/07/2012	<u>32</u>	ORDER AS TO ROBERT MULGREW THAT THE DEFENDANT'S UNOPPOSED REQUEST TO MODIFY CONDITIONS OF PRETRIAL RELEASE IS GRANTED. IN ADDITION TO THE ED OF PA AND THE DISTRICT OF NJ, DEFENDANT IS ALSO PERMITTED TO TRAVEL WITHIN THE MIDDLE AND WESTERN DISTRICTS OF

		PA FOR EMPLOYMENT PURPOSES WITH PRIOR AUTHORIZATION FROM PRETRIAL SERVICES. ALL OTHER CONDITIONS OF PRETRIAL RELEASE SHALL REMAIN IN EFFECT. Signed by HONORABLE C. DARNELL JONES, II on 11/6/2012.11/8/2012 Entered and Copies E-Mailed. (ap,) (Entered: 11/08/2012)
11/19/2012	<u>33</u>	NOTICE OF HEARING as to ROBERT MULGREW, LORRAINE DISPALDO, ELIZABETH MULGREW JURY TRIAL SET FOR 6/5/2013 09:30 AM BEFORE HONORABLE C. DARNELL JONES II. **THIS MATTER IS SPECIALLY LISTED AND ALL TRIAL COUNSEL ARE ATTACHED.(aes,) (Entered: 11/19/2012)
11/19/2012	34	Minute Entry for proceedings held before HONORABLE C. DARNELL JONES, II: Complex Case Scheduling Hearing as to ROBERT MULGREW, LORRAINE DISPALDO, ELIZABETH MULGREW held on 11/19/2012. Counsel present. Court opened. Introductions for the record. Trial date: 6/5/2013 at 9:30 am. Case is specially listed and all counsel are hereby attached. Additional pretrial dates to be set by order in the near future. Court Reporter ESR.(ap,) (Entered: 11/20/2012)
11/19/2012	<u>35</u>	ORDER AS TO ROBERT MULGREW, LORRAINE DISPALDO, ELIZABETH MULGREW THAT THE 21 MOTION TO DESIGNATE THE CASE AS COMPLEX AND FOR EXCLUSION OF TIME UNDER THE SPEEDY TRIAL ACT IS GRANTED AS OUTLINED HEREIN; IT IS HEREBY ORDERED THAT THIS MATTER IS DECLARED COMPLEX AND TRIAL IN THIS MATTER IS CONTINUED PENDING FURTHER ORDER ESTABLISHING A SCHEDULE FOR PRE-TRIAL MOTIONS AND RESPONSES AND A SPECIAL LISTING FOR TRIAL. Signed by HONORABLE C. DARNELL JONES, II on 11/19/2012.11/20/2012 Entered and Copies E-Mailed. (ap,) (Entered: 11/20/2012)
12/13/2012	36	SEALED MOTION AND ORDER AS TO ROBERT MULGREW, LORRAINE DISPALDO, ELIZABETH MULGREW. Signed by HONORABLE C. DARNELL JONES, II on 12/13/2012.12/13/2012 Entered and Copies Mailed. (FILED UNDER SEAL) (ap,) (Entered: 12/13/2012)
02/08/2013	<u>37</u>	ORDER AS TO ROBERT MULGREW THAT DEFT'S REQUEST IS GRANTED. DEFT IS PERMITTED TO TRAVEL WITHIN THE STATE OF NEW YORK FOR EMPLOYMENT PURPOSES WITH AUTHORIZATION FROM PRETRIAL SERVICES. ALL OTHER CONDITIONS OF PRETRIAL RELEASE SHALL REMAIN IN EFFECT. Signed by HONORABLE C. DARNELL JONES, II on 2/8/2013.2/8/2013 Entered and Copies E-Mailed. (tomg,) (Entered: 02/08/2013)
03/04/2013	<u>38</u>	ORDER AS TO ROBERT MULGREW, LORRAINE DISPALDO, ELIZABETH MULGREW THAT PRETRIAL MOTIONS SHAL BE FILED ON OR BEFORE 4/1/2013, ETC.; RESPONSES TO ANY SUCH PRETRIAL MOTIONS SHALL BE FILED ON OR BEFORE 4/18/2013. ON OR BEFORE 5/10/2013, EACH PARTY SHALL FILE WITH THE COURT THE FOLLOWING IN PREPARATION FOR TRIAL: PRETRIAL MEMORANDUM, ETC., POINTS FOR CHARGE, ETC., JURY VOIR DIRE AND VERDICT SHEET, ETC.; COUNSEL SHALL APPEAR IN CHAMBERS ON 5/20/2013 AT 02:00 PM FOR A FINAL PRETRIAL CONFERENCE. Signed by HONORABLE C. DARNELL JONES, II on 3/1/2013.3/4/2013 Entered and Copies E-Mailed. (ap,) (Entered: 03/04/2013)
04/01/2013	<u>40</u>	MOTION for Extension of Time to File <i>Pretrial Motions</i> by ROBERT MULGREW. (HALIM, ANGELA) (Entered: 04/01/2013)
04/02/2013	<u>43</u>	ORDER AS TO ROBERT MULGREW, LORRAINE DISPALDO, ELIZABETH MULGREW THAT DEFTS' MOTIONS FOR EXTENSIONS OF TIME TO FILE PRETRIAL MOTIONS (DOC. #40, #41, & 42) ARE GRANTED TO THE EXTENT THAT THE FILING DEADLINE FOR ALL PRETRIAL MOTIONS SHALL BE

		EXTENDED TO 4/8/2013 AND ALL RESPONSES THERETO SHALL BE FILED ON OR BEFORE 4/15/2013. Signed by HONORABLE C. DARNELL JONES, II on 4/2/2013.4/3/2013 Entered and Copies E-Mailed. (tomg,) (Entered: 04/03/2013)
04/08/2013	<u>45</u>	MOTION to Sever <i>Counts 32-37, 43</i> by ROBERT MULGREW , CERTIFICATE OF SERVICE. (Attachments: # <u>1</u> Memorandum in Support of Pretrial Motions, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, C)(HALIM, ANGELA) Modified on 4/9/2013 (ke,). (Entered: 04/08/2013)
04/08/2013	<u>46</u>	MOTION to Dismiss <i>Count 43</i> by ROBERT MULGREW , CERTIFICATE OF SERVICE. (HALIM, ANGELA) Modified on 4/9/2013 (ke,). (Entered: 04/08/2013)
04/08/2013	<u>47</u>	MOTION in Limine by ROBERT MULGREW , CERTIFICATE OF SERVICE. (HALIM, ANGELA) Modified on 4/9/2013 (ke,). (Entered: 04/08/2013)
04/10/2013	<u>48</u>	NOTICE OF HEARING as to ROBERT MULGREW, LORRAINE DISPALDO, ELIZABETH MULGREW Motion Hearing set for 4/24/2013 11:00 AM before HONORABLE C. DARNELL JONES II. (aes,) (Entered: 04/10/2013)
04/15/2013	<u>49</u>	RESPONSE to Motion by USA as to ROBERT MULGREW, ELIZABETH MULGREW re <u>44</u> MOTION to Sever , <u>47</u> MOTION in Limine , <u>46</u> MOTION to Dismiss <i>Count 43</i> , <u>45</u> MOTION to Sever <i>Counts 32-37, 43</i> filed by USA (GRAY, PAUL) (Entered: 04/15/2013)
04/23/2013	<u>51</u>	ORDER denying <u>45</u> MOTION TO SEVER as to ROBERT MULGREW (1); denying <u>46</u> MOTION TO DISMISS as to ROBERT MULGREW (1); denying <u>47</u> MOTION IN LIMINE as to ROBERT MULGREW (1); denying <u>44</u> MOTION TO SEVER as to ELIZABETH MULGREW (3). Signed by HONORABLE C. DARNELL JONES, II on 4/23/2013.4/23/2013 ENTERED AND COPIES E-MAILED.(tomg,) (Entered: 04/23/2013)
05/10/2013	<u>56</u>	MOTION to Continue <i>Trial</i> by ROBERT MULGREW. (HALIM, ANGELA) (Entered: 05/10/2013)
06/14/2013	<u>58</u>	NOTICE OF HEARING as to ROBERT MULGREW, ELIZABETH MULGREW JURY SELECTION SET FOR 9/16/2013 09:30AM BEFORE HONORABLE C. DARNELL JONES II. COUNSEL ARE ATTACHED.(aes,) (Entered: 06/14/2013)
06/21/2013	<u>59</u>	ORDER AS TO ROBERT MULGREW, LORRAINE DISPALDO, ELIZABETH MULGREW THAT ON OR BEFORE 8/19/2013, EACH PARTY SHALL FILE WITH THIS COURT THE FOLLOWING IN PREPARATION OF TRIAL: PRETRIAL MEMORANDUM AS OUTLINED HEREIN, POINTS FOR CHARGE AS OUTLINED HEREIN, JURY VOIR DIRE AND VERDICT SHEET AS OUTLINED HEREIN; COUNSEL SHALL APPEAR IN CHAMBERS ON 9/9/2013 AT 02:00 PM FOR A FINAL PRETRIAL CONFERENCE. Signed by HONORABLE C. DARNELL JONES, II on 6/21/13.6/24/2013 Entered and Copies E-Mailed. (ap,) (Entered: 06/24/2013)
06/25/2013	<u>60</u>	ORDER AS TO ROBERT MULGREW, LORRAINE DISPALDO, ELIZABETH MULGREW THAT PURSUANT TO 18:3161(h)(7)(A) THE <u>56</u> , <u>57</u> MOTIONS FOR CONTINUANCE OF TRIAL ARE GRANTED. IT IS FURTHER ORDERED AND DECREED THAT, TRIAL IN THIS MATTER SHALL BE CONTINUED UNTIL 9/18/2013 (WITH JURY SELECTION TO COMMENCE ON 9/16/2013), ETC.. Signed by HONORABLE C. DARNELL JONES, II on 6/24/2013.6/25/2013 Entered and Copies E-Mailed. (ap,) (Entered: 06/25/2013)
08/19/2013	<u>64</u>	Proposed Jury Instructions by ROBERT MULGREWCertificate of Service(HALIM, ANGELA) (Entered: 08/19/2013)
08/19/2013	<u>65</u>	Proposed Voir Dire by ROBERT MULGREWCertificate of Service(HALIM, ANGELA) (Entered: 08/19/2013)

08/19/2013	<u>66</u>	TRIAL MEMORANDUM by ROBERT MULGREW Certificate of Service (HALIM, ANGELA) (Entered: 08/19/2013)
09/03/2013	<u>67</u>	ORDER AS TO ROBERT MULGREW, LORRAINE DISPALDO, ELIZABETH MULGREW THAT ON OR BEFORE 9/6/2013, THE PARTIES SHALL FILE (VIA THE COURT'S ECF SYSTEM) REVISED PRETRIAL SUBMISSIONS THAT CONFORM WITH THE MANDATES OF THIS COURT'S ORDER DATED 6/21/2013 (DOC. #59). Signed by HONORABLE C. DARNELL JONES, II on 9/2/2013.9/3/2013 Entered and Copies E-Mailed. (tomg,) (Entered: 09/03/2013)
09/09/2013	<u>68</u>	Proposed Jury Instructions by USA as to ROBERT MULGREW, ELIZABETH MULGREW (GRAY, PAUL) (Entered: 09/09/2013)
09/09/2013	<u>69</u>	Proposed Voir Dire by USA as to ROBERT MULGREW, ELIZABETH MULGREW (GRAY, PAUL) (Entered: 09/09/2013)
09/11/2013	<u>70</u>	ORDER AS TO ROBERT MULGREW, LORRAINE DISPALDO, ELIZABETH MULGREW THAT THE GOVERNMENT'S REQUEST TO CONTINUE SENTENCING FOR DEFENDANT LORRAINE DISPALDO IS GRANTED. SENTENCING IN SAID MATTER SHALL OCCUR ON 11/25/2013 AT 12 PM AND THE PARTIES SHALL SUBMIT THEIR SENTENCING MEMORANDUM ON OR BEFORE 10/11/2013. Signed by HONORABLE C. DARNELL JONES, II on 9/9/2013.9/12/2013 Entered and Copies E-Mailed. (ap,) (Entered: 09/12/2013)
09/17/2013	<u>72</u>	Minute Entry for proceedings held before HONORABLE C. DARNELL JONES, II: JURY TRIAL DAY 1 held on 9/17/2013 as to ROBERT MULGREW, ELIZABETH MULGREW. Present in courtroom: judge, deputy clerk, defendants, counsel. Defense counsel argued Motion in Limine. Voir dire. Jury selected. 12 jurors and 4 alternates selected. Jury dismissed for the day. Court Reporter ESR.(ap,) (Entered: 09/18/2013)
09/18/2013	<u>73</u>	Minute Entry for proceedings held before HONORABLE C. DARNELL JONES, II: Jury Trial Day 2 as to ROBERT MULGREW, ELIZABETH MULGREW held on 9/18/2013. Court opened. Oath administered. Court instructions. Openings. Government's witnesses called, sworn and examined. Jurors dismissed for the day. Court Reporter ESR.(ap,) (Entered: 09/19/2013)
09/19/2013	<u>74</u>	Minute Entry for proceedings held before HONORABLE C. DARNELL JONES, II: Jury Trial Day 3 as to ROBERT MULGREW, ELIZABETH MULGREW held on 9/19/2013. Court opened. Defendant Robert Mulgrew sworn. Court - plea colloquy. Plea entered as to ROBERT MULGREW (1) Guilty Count 1,33. Plea accepted. Pre-sentence report ordered. Sentencing memo due 11/18/2013. Sentencing set for 12/16/2013 at 1 pm. Defendant to remain on previously imposed conditions of release. Government moved to dismiss all charges against defendant, Elizabeth Mulgrew. Court - motion granted. Charges against Elizabeth Mulgrew DISMISSED. Jurors thanked and dismissed. Court Reporter ESR.(ap,) (Entered: 09/19/2013)
09/19/2013	<u>75</u>	Plea Document as to ROBERT MULGREW, ELIZABETH MULGREW (ap,) (Entered: 09/19/2013)
11/15/2013	<u>79</u>	TRANSCRIPT of PLEA HEARING as to ROBERT MULGREW held on 9/19/2013, before Judge C. DARNELL JONES, II. (tomg,) (Entered: 11/15/2013)
12/02/2013	<u>90</u>	NOTICE OF HEARING as to ROBERT MULGREW Sentencing set for 2/10/2014 11:00 AM before HONORABLE C. DARNELL JONES II. SENTENCING MEMORANDA (VIA EMAIL IN WORD FORM) DUE ON OR BEFORE 1/27/14.(aes,) (Entered: 12/02/2013)
01/27/2014	<u>99</u>	SENTENCING DOCUMENT CERTIFICATE OF SERVICE as to ROBERT

		MULGREW (Attachments: # <u>1</u> sentencing exhibits)(GRAY, PAUL) (Entered: 01/27/2014)
01/29/2014	<u>100</u>	MOTION to Continue Sentencing by ROBERT MULGREW. (HALIM, ANGELA) (Entered: 01/29/2014)
01/30/2014	<u>101</u>	NOTICE OF HEARING ON MOTION in case as to ROBERT MULGREW <u>100</u> MOTION to Continue Sentence : MOTION HEARING SET FOR 2/3/2014 10:30 AM BEFORE HONORABLE C. DARNELL JONES II. (aes,) (Entered: 01/30/2014)
02/04/2014	<u>102</u>	NOTICE OF HEARING ON MOTION in case as to ROBERT MULGREW <u>100</u> MOTION to Continue Sentence : MOTION HEARING SET FOR 2/6/2014 12:30 PM BEFORE HONORABLE C. DARNELL JONES II. **rescheduled from 2/3/14(aes,) (Entered: 02/04/2014)
02/12/2014	<u>103</u>	ORDER as to ROBERT MULGREW (1) THAT THE DEFENDANT'S <u>100</u> MOTION TO CONTINUE IS GRANTED. IT IS FURTHER ORDERED THAT THE PARTIES SHALL HAVE UNTIL 2/17/2014 TO SUBMIT BRIEFING ON THE ISSUE OF CONTINUING DEFENDANT'S SENTENCING UNTIL AFTER HIS TRIAL IN US V. SULLIVAN (13-CR-39). Signed by HONORABLE C. DARNELL JONES, II on 2/10/2014.2/12/2014 ENTERED AND COPIES E-MAILED.(ap,) (Entered: 02/12/2014)
05/19/2014	<u>107</u>	NOTICE OF HEARING as to ROBERT MULGREW Sentencing set for 7/23/2014 11:00 AM before HONORABLE C. DARNELL JONES II. SENTENCING DOCUMENTS DUE ON OR BEFORE Friday 7/11/14. (aes,) (Entered: 05/19/2014)
07/11/2014	<u>108</u>	NOTICE OF HEARING as to ROBERT MULGREW Sentencing set for 8/6/2014 10:00 AM before HONORABLE C. DARNELL JONES II. SENTENCING MEMORANDA DUE VIA EMAIL IN WORD FORMAT ON OR BEFORE 7/30/14(aes,) (Entered: 07/11/2014)
08/07/2014	<u>109</u>	ORDER AS TO ROBERT MULGREW THAT COUNTS 2-30, COUNTS 34-37, AND COUNT 43 CONCERNING DEFT. ARE DISMISSED. Signed by HONORABLE C. DARNELL JONES, II on 8/5/14.8/7/14 Entered and Copies E-Mailed. (ke) (Entered: 08/07/2014)
08/07/2014	<u>110</u>	Minute Entryfor proceedings held before HONORABLE C. DARNELL JONES, IISentencing held on 8/6/14 for ROBERT MULGREW (1), Count(s) 1, IMPRISONMENT 30 MONTHS, SUPERVISED RELEASE 3 YEARS, SPECIAL ASSESSMENT \$200.00 AS TO ALL COUNTS, RESTITUTION \$199,274.00 AS TO ALL COUNTS; Count(s) 33, IMPRISONMENT 30 MONTHS, SUPERVISED RELEASE 1 YEAR. SURRENDER DATE 9/2/14. COUNTS 2-30, 34-37 & 43 DISMISSED.Court Reporter ESR.(ke) (Entered: 08/07/2014)
08/08/2014	<u>111</u>	ORDER AS TO ROBERT MULGREW THAT THE EARLIER ORDER OF 8/6/2014 DISMISSING THE REMAINING COUNTS IN THIS CSAE IS RESCINDED AND THIS ORDER TAKES ITS PLACE. IT IS ORDERED THAT COUNTS TWO THROUGH 32, COUNTS 34-37 AND COUNT 43 CONCERNING ROBERT MULGREW, ARE DISMISSED. Signed by HONORABLE C. DARNELL JONES, II on 8/7/2014.8/8/2014 Entered and Copies E-Mailed. (ap,) (Entered: 08/08/2014)
08/08/2014	<u>112</u>	JUDGMENT AS TO ROBERT MULGREW (1), Count(s) 1, IMPRISONMENT 30 MONTHS, SUPERVISED RELEASE 3 YEARS; Count(s) 33, IMPRISONMENT 30 MONTHS, SUPERVISED RELEASE 1 YEAR; SPECIAL ASSESSMENT \$200.00, RESTITUTION \$199,274.00 AS TO ALL COUNTS; Count(s) 2-30, 31, 32, 34-37, 43, DISMISSED ON GOVERNMENT'S MOTION;. Signed by HONORABLE C. DARNELL JONES, II on 8/8/2014.8/8/2014 Entered and Copies Mailed, E-Mailed BY CHAMBERS. (ap,) (Entered: 08/08/2014)

08/22/2014	<u>113</u>	MOTION for Extension of Time to File <i>Notice of Appeal</i> by ROBERT MULGREW . (HALIM, ANGELA) (Entered: 08/22/2014)
08/29/2014	114	TRANSCRIPT of EXCERPT OF SENTENCING HEARING as to ROBERT MULGREW held on 8/6/2014, before Judge C. DARNELL JONES, II. (ap,) (Entered: 08/29/2014)
09/16/2014	<u>115</u>	ORDER as to ROBERT MULGREW (1) THAT THE DEFENDANT'S <u>113</u> MOTION FOR EXTENSION OF TIME TO FILE NOTICE OF APPEAL IS DENIED, ETC.; IN LIGHT OF THE RECENT RULING IN US V. ERWIN,ETC., DEFENDANT SHALL INFORM THIS COURT WITHIN 48 HOURS AS TO WHETHER OR NOT HE STILL WISHES TO HAVE THE CLERK OF COURT CONSTRUE HIS MOTION AS A TIMELY NOTICE OF APPEAL. Signed by HONORABLE C. DARNELL JONES, II on 9/16/2014.9/16/2014 ENTERED AND COPIES E-MAILED.(ap,) (Entered: 09/16/2014)
09/17/2014	<u>116</u>	MOTION to Withdraw Document <u>113</u> MOTION for Extension of Time to File <i>Notice of Appeal</i> by ROBERT MULGREW. (HALIM, ANGELA) (Entered: 09/17/2014)
12/05/2014	<u>117</u>	Transcript of JURY TRIAL DAY 2 held on 9/18/2013 AS TO ROBERT MULGREW, ELIZABETH MULGREW, before Judge C. DARNELL JONES, II. Court Reporter/Transcriber I. GOLDSHTEYN. (ap,) (Entered: 12/05/2014)
08/18/2015	<u>118</u>	(PRO SE) MOTION to Vacate/Set Aside/Correct Sentence (2255) under 28 U.S.C. 2255 (Civil Action 15-4723.) by ROBERT MULGREW. (kk,) (Entered: 08/20/2015)
08/18/2015	<u>119</u>	(PRO SE) MOTION FOR LEAVE TO AMEND IN ACCORDANCE WITH FED.R.CIV.PR.15 by ROBERT MULGREW. (kk,) (Entered: 08/20/2015)
08/26/2015	<u>120</u>	ORDER AS TO ROBERT MULGREW THAT THE CLERK OF COURT SHALL PROMPTLY FURNISH PETITIONER WITH A BLANK COPY OF THIS COURT'S CURRENT STANDARD FORM FOR FILING A PETITION PURSUANT TO 28 U.S.C. 2255 BEARING THE ABOVE-CAPTIONED CRIMINAL ACTION NUMBER, ETC. Signed by HONORABLE C. DARNELL JONES, II on 8/26/2015.8/27/2015 Entered and Copies Mailed to Pro Se Deft and E-Mailed. (kk,) (Entered: 08/27/2015)
08/26/2015		Blank copy of 28 U.S.C. 2255 forms mailed to Pro Se Deft on 8/27/2015 as to ROBERT MULGREW (kk,) (Entered: 08/27/2015)
08/31/2015	<u>121</u>	ORDER as to ROBERT MULGREW THAT THE PETITIONER'S MOTION FOR LEAVE TO AMEND <u>119</u> IS DENIED AS MOOT BY REASON OF THIS COURT'S ORDER DATED 8/26/2015 <u>120</u> . Signed by HONORABLE C. DARNELL JONES, II on 8/31/2015.9/1/2015 ENTERED AND COPIES MAILED TO PRO SE DEFT AND E-MAILED.(kk,) (Entered: 09/01/2015)
09/29/2015	<u>122</u>	(PRO SE) CORRECTED MOTION to Vacate/Set Aside/Correct Sentence (2255) under 28 U.S.C. 2255 (Civil Action 15-4723.) by ROBERT MULGREW. (kk,) (Entered: 09/30/2015)
09/29/2015	<u>123</u>	(PRO SE) MOTION FOR LEAVE TO AMEND IN ACCORDANCE WITH FED.R.CIV.PR. 15 by ROBERT MULGREW. (kk,) (Entered: 09/30/2015)
10/07/2015	<u>124</u>	(PRO SE) Letter as to ROBERT MULGREW (kk,) (Entered: 10/08/2015)
10/30/2015	125	TRANSCRIPT of Proceedings as to ROBERT MULGREW held on 8/6/2015, before Judge C. DARNELL JONES. TRANSCRIPTION SERVICES: VERITEXT. (kk,) (Entered: 11/02/2015)
11/20/2015	<u>126</u>	SUPPLEMENTAL BRIEF AND AFFIRMATION IN SUPPORT OF HIS MOTION TO VACATE HIS SENTENCE UNDER 28 U.S.C. 2255 by ROBERT MULGREW (kk,)

		(Entered: 11/23/2015)
12/01/2015	<u>127</u>	ORDER AS TO ROBERT MULGREW THAT ON OR BEFORE 12/15/2015, THE GOVT SHALL FILE A RESPONSE TO PETITIONER'S MOTION TO VACATE/SET ASIDE/CORRECT SENTENCE (DOC. #122) AND SUPPLEMENT THERETO (DOC. #126), ETC. Signed by HONORABLE C. DARNELL JONES, II on 11/30/2015.12/2/2015 Entered and Copies Mailed to pro se, E-Mailed. (tomg,) (Entered: 12/02/2015)
12/16/2015	<u>128</u>	RESPONSE to Motion by USA as to ROBERT MULGREW re <u>122</u> MOTION to Vacate/Set Aside/Correct Sentence (2255) under 28 U.S.C. 2255 (Civil Action 15-4723.) filed by USA (GRAY, PAUL) Modified on 12/17/2015 (ap,). (Entered: 12/16/2015)
02/08/2016	<u>129</u>	(PRO SE) MOTION for Leave to File Reply Brief by ROBERT MULGREW. Certificate of Service. (kk,) (Entered: 02/08/2016)
02/09/2016	<u>130</u>	ORDER as to ROBERT MULGREW THAT THE MOTON FOR LEAVE TO FILE REPLY BRIEF <u>129</u> IS GRANTED THE PLAINTIFF SHALL FILE HIS REPLY BRIEF ON OR BEFORE 3/11/2016. Signed by HONORABLE C. DARNELL JONES, II on 2/9/2016.2/9/2016 ENTERED AND COPIES MAILED TO PRO SE DEFT AND E-MAILED.(kk,) (Entered: 02/09/2016)
02/09/2016		***Set/Reset Deadlines re Motion or Report and Recommendation in case as to ROBERT MULGREW <u>122</u> MOTION to Vacate/Set Aside/Correct Sentence (2255) under 28 U.S.C. 2255 (Civil Action 15-4723.). REPLIES DUE BY 3/11/2016. (ke) (Entered: 02/10/2016)
03/11/2016	<u>131</u>	Letter as to ROBERT MULGREW DATED 3/9/2016 (kk,) (Entered: 03/11/2016)
03/11/2016	<u>132</u>	ORDER AS TO ROBERT MULGREW THAT PLAINTIFF SHALL FILE HIS REPLY BRIEF ON OR BEFORE 4/11/2016. Signed by HONORABLE C. DARNELL JONES, II on 3/11/2016.3/11/2016 Entered and Copies Mailed to Pro Se Deft and E-Mailed. (kk,) (Entered: 03/11/2016)
04/11/2016	<u>133</u>	PRO SE PETITIONER'S REPLY TO THE GOVERNMENT'S RESPONSE TO PETITIONER'S MOTION PURSUANT TO 28 U.S.C. SEC. 2255 by ROBERT MULGREW. (ap,) (Entered: 04/12/2016)
04/15/2016	<u>134</u>	(PRO SE) MOTION TO SUPPLEMENT, ADDITIONAL ARGUMENTS IN RESPONSE TO THE GOVERNMENT'S RESPONSE TO DEFTENANT'S SECTION 2255 by ROBERT MULGREW. CERTIFICATE OF SERVICE. (kk,) (Entered: 04/18/2016)
04/19/2016	<u>135</u>	ORDER as to ROBERT MULGREW THAT THE MOTION TO SUPPLEMENT IS GRANTED AND PETITIONER'S SUPPLEMENTAL RESPONSE SHALL BE DEEMED FILED AS OF THIS DAY. Signed by HONORABLE C. DARNELL JONES, II on 4/18/2016.4/20/2016 ENTERED AND COPIES MAILED TO PRO SE DEFT AND E-MAILED.(kk,) (Entered: 04/20/2016)
08/10/2016	136	TRANSCRIPT of Proceedings as to ROBERT MULGREW, ELIZABETH MULGREW, Testimony held on 9/18/13, before Judge DARNELL JONES, II. Transcriber: Doman. (mac,) (Entered: 08/10/2016)
08/12/2016	<u>137</u>	MEMORANDUM AND/OR OPINION AS TO ROBERT MULGREW. Signed by HONORABLE C. DARNELL JONES, II on 8/12/2016.8/12/2016 Entered and Copies Mailed to Pro Se and E-Mailed. (kk,) (Entered: 08/12/2016)
08/12/2016	<u>138</u>	ORDER AS TO ROBERT MULGREW THAT THE MOTION TO VACATE, SET ASIDE OR CORRECT SENTENCE UNDER 28 U.S.C. 2255 IS DENIED IN ITS

		ENTIRETY, ETC. Signed by HONORABLE C. DARNELL JONES, II on 8/12/2016.8/12/2016 Entered and Copies Mailed to Pro Se and E-Mailed. (kk,) (Entered: 08/12/2016)
03/30/2017	139	NOTICE Regarding United States Passport for Criminal Defendant as to ROBERT MULGREW (eibo,) (Entered: 03/30/2017)
03/30/2017	<u>140</u>	ORDER AS TO ROBERT MULGREW THAT THE PASSPORT SURRENDERED BY THE ABOVE-NAMED DEFT BE FORWARDED TO THE UNITED STATES DEPARTMENT OF STATE, CA/PPT/L/LA 44132 MERCURE CIRCLE, PO BOX 1227, STERLING, VA 20166-1227, PURSUANT TO THE GUIDELINES OUTLINED IN THE 7/21/2005 MEMORANDUM OF THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS ON "PASSPORT NOTICES AND DISPOSITION OF SURRENDERED PASSPORTS" AND THE 5/2/2007 EDPA ON PROCEDURES FOR MANAGING SURRENDERED PASSPORTS. Signed by HONORABLE C. DARNELL JONES, II on 3/28/17.3/30/17 Entered and Copies E-Mailed. (eibo,) (Entered: 03/30/2017)
06/01/2017	<u>143</u>	MOTION TO TURN OVER FUNDS FROM INMATE TRUST ACCOUNT by USA as to ROBERT MULGREW. (BAER, LAUREN) (Entered: 06/01/2017)
12/04/2017	<u>145</u>	MOTION to Amend Restitution Payment Schedule by USA as to ROBERT MULGREW, MEMORANDUM AND CERTIFICATE OF SERVICE. (BAER, LAUREN) Modified on 12/5/2017 (afm,). (Entered: 12/04/2017)
02/21/2018	<u>146</u>	NOTICE OF HEARING ON MOTION in case as to ROBERT MULGREW <u>145</u> MOTION to Amend Restitution Payment Schedule , <u>143</u> MOTION TO TURN OVER FUNDS FROM INMATE TRUST ACCOUNT : MOTION HEARING SET FOR 2/26/2018 10:00 AM IN COURTROOM 15B BEFORE HONORABLE C. DARNELL JONES II. (aes,) (Entered: 02/21/2018)
02/23/2018	<u>147</u>	NOTICE OF ATTORNEY APPEARANCE FELICIA SARNER appearing for ROBERT MULGREW <i>with a Certificate of Service</i> (SARNER, FELICIA) (Entered: 02/23/2018)
04/05/2018	<u>148</u>	ORDER as to ROBERT MULGREW (1) THAT ALL REMAINING FUNDS ON THE METABANK DEBIT CARD IN THE AMOUNT OF \$28,029.71 ARE HEREBY FROZEN, ETC. Signed by HONORABLE C. DARNELL JONES, II on 4/5/2018.4/6/2018 ENTERED AND COPIES E-MAILED.(kk,) (Entered: 04/06/2018)
05/30/2018	<u>149</u>	NOTICE OF HEARING as to ROBERT MULGREW STATUS HEARING SET FOR 6/13/2018 02:30 PM IN COURTROOM 15B BEFORE HONORABLE C. DARNELL JONES II. (aes,) (Entered: 05/30/2018)
06/26/2018	<u>150</u>	APPLICATION FORM FOR THOSE ATTORNEYS SEEKING TO PRACTICE IN THIS COURT PURSUANT TO LOCAL RULE OF CIVIL PROCEDURE 83.5.1(b) by ROBERT MULGREW. CERTIFICATE OF SERVICE. (FEE PAID \$40 PPE180482) (kk,) (Entered: 06/27/2018)
06/28/2018	<u>151</u>	ORDER AS TO ROBERT MULGREW (1) THAT THE APPLICATION OF MICHAEL O. PALERMO, JR., ESQ., TO PRACTICE IN THIS COURT PURSUANT TO LOCAL RULE OF CIVIL PROCEDURE 83.5.2(b) IS GRANTED. Signed by HONORABLE C. DARNELL JONES, II on 6/27/2018.6/29/2018 ENTERED AND COPIES MAILED, E-MAILED.(tomg,) (Entered: 06/29/2018)
07/25/2018	<u>152</u>	MOTION for Entry of Consent Order to Amend Restitution Payment Schedule and Certificate of Service by USA as to ROBERT MULGREW. (BAER, LAUREN) (Entered: 07/25/2018)
07/30/2018	<u>153</u>	CONSENT ORDER TO AMEND RESTITUTION PAYMENT SCHEDULE as to

ROBERT MULGREW (1). Signed by HONORABLE C. DARNELL JONES, II on 7/30/2018.7/31/2018 ENTERED AND COPIES E-MAILED.(kk,) (Entered: 07/31/2018)

PACER Service Center			
Transaction Receipt			
04/02/2019 10:38:49			
PACER Login:	pj0187:2690532:0	Client Code:	mulgrew
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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA : **CRIMINAL NO. 13-**
v. : **DATE FILED: January 29, 2013**
MICHAEL J. SULLIVAN : **VIOLATIONS:**
MICHAEL LOWRY : **18 U.S.C. § 1349 (conspiracy to commit wire**
ROBERT MULGREW : **and mail fraud - 1 count)**
WILLIE SINGLETARY :
THOMASINE TYNES : **18 U.S.C. § 1343 (wire fraud - 49 counts)**
MARK A. BRUNO :
WILLIAM HIRD : **18 U.S.C. § 1341 (mail fraud - 18 counts)**
HENRY P. ALFANO :
a/k/a "Ed" or "Eddie" : **18 U.S.C. § 1623 (perjury - 4 counts)**
ROBERT MOY : **18 U.S.C. § 1001 (false statements to FBI - 5**
: **counts)**
: **18 U.S.C. § 2 (aiding and abetting)**
:

INDICTMENT

COUNT ONE

CONSPIRACY TO COMMIT WIRE AND MAIL FRAUD

THE GRAND JURY CHARGES THAT:

At all times relevant to this Indictment:

1. The conspirators used the Philadelphia Traffic Court ("Traffic Court") to give preferential treatment to certain ticketholders, most commonly by "fixing" tickets for those with whom they were politically and socially connected. By doing so, the conspirators defrauded the Commonwealth of Pennsylvania and the City of Philadelphia of funds to which the Commonwealth and the City were entitled.

I. Background

2. The Traffic Court was part of the First Judicial District of Pennsylvania. Traffic Court was composed of judges elected by the populace of the City of Philadelphia, as well as Senior Judges, Senior Magisterial District Judges, and Magisterial District Judges assigned to it by the Administrative Office of Pennsylvania Courts of the Supreme Court of Pennsylvania.

3. Upon commission as a judge of Traffic Court, each judge took a constitutional oath of office and swore or affirmed to discharge the duties of his or her office with fidelity. Traffic Court judges were required to attend yearly judicial ethics training in Harrisburg, Pennsylvania provided by the Supreme Court of Pennsylvania, Administrative Office of Pennsylvania Courts, Minor Judiciary Education Board. This training included instructions (i) not to engage in *ex parte* communications with persons interested in a pending case; (ii) not to allow another judge to contact the judge assigned to a pending case to influence its disposition; (iii) to disqualify himself or herself if the judge's impartiality might reasonably be questioned because the judge has personal bias or prejudice concerning a party or personal knowledge of disputed facts, or knows the parties; (iv) to refrain from manifesting bias or prejudice in the performance of official duties; (v) to not lend the prestige of the court to advance the private interests of others or convey or permit others to convey the impression that such other persons are in a special position to influence the judge; (vi) to uphold the integrity and independence of the judiciary; (vii) to avoid impropriety and the appearance of impropriety; (viii) to perform the duties of office impartially; (ix) prohibiting voluntary appearances as a character witness; (x) to be free of personal bias when making decisions and to decide cases based on the proper

application of law; and (xi) to not allow family, social, or other relationships to influence the judge's judicial conduct or judgment.

4. The full-time, elected Traffic Court judges earned approximately \$85,000 each in annual salary.

5. The Traffic Court judges presided over and adjudicated moving violations, commonly referred to as traffic tickets or citations, occurring within Philadelphia, issued by the Philadelphia Police Department and the Pennsylvania State Police, and other police entities. Traffic Court was responsible for the collection of fines and court costs resulting from guilty pleas and findings of guilt for violations of the Pennsylvania Motor Vehicle Code.

6. On a daily basis, ticketholders appeared before Traffic Court judges for their trials. It was not uncommon for a Traffic Court judge to preside over dozens of trials in one session. The trials involved an appearance by the ticketholder contesting his or her guilt and either an officer from the Philadelphia Police Department, a State Trooper, or another law enforcement officer, who prosecuted the ticket. The trials were conducted in a courtroom open to the public. At the hearing, a ticketholder could present documents and advocate for leniency or a favorable disposition, all of which took place in open court.

7. Traffic Court judges had several options when disposing of citations, including finding the ticketholder guilty of a different offense, guilty, not guilty, not guilty in *absentia*, guilty in *absentia*, guilty with reduction in speed, and dismissal. In addition, the ticketholder could engage in a plea bargain with the police officer or state trooper or other law enforcement officer.

8. Guilty adjudications subjected a violator to statutorily determined fines and costs of court, as well as possible statutorily mandated “points” on a driving record. The Pennsylvania Department of Transportation (PennDOT) maintained a point system to help improve driving habits and to ensure safe driving in Pennsylvania. Upon a guilty adjudication of certain traffic offenses, such as improper passing, failing to yield or stop, exceeding maximum speed, and leaving the scene of an accident, PennDOT assigned “points” to the ticketholder’s driving record. PennDOT also imposed sanctions, such as a license suspension, when a ticketholder accumulated a certain number of points on his or her driving record.

9. The moneys received from the fine portion of a guilty adjudication were equally divided between the City of Philadelphia and the Commonwealth of Pennsylvania. The moneys received from the costs portion of a guilty adjudication were distributed to the following funds of the City of Philadelphia: (1) City Cost (for the City of Philadelphia’s general fund); (2) City Cost 2 and 3 (for the City of Philadelphia’s general fund); and (3) Live Stop (for the Philadelphia Parking Authority as well as the First Judicial District’s procurement department). Additionally, the moneys were distributed to the following funds of the Commonwealth of Pennsylvania: (1) E.M.S. (Emergency Medical Services fund, which provided training and ensured adequate emergency medical services throughout Pennsylvania, as well as provided money to the catastrophic head injury fund); (2) MCARE (Medical Care Availability and Reduction of Error fund, which helped compensate people injured by medical negligence); (3) J.C.P. (Judicial Computer Project, which funded the enhancement of computer technology in Pennsylvania courts); and (4) A.T.J. (Access to Justice fund, which provided money for legal aid for low income people and victims of domestic violence in Pennsylvania). For guilty

adjudications of citations issued by the Pennsylvania State Police, the moneys received were distributed exclusively to the Commonwealth of Pennsylvania.

10. Upon an adjudication of not guilty or dismissal, the ticketholder did not pay any fines or costs.

11. Every adjudication was entered into a database maintained by the Traffic Court computer system. Thereafter, the ticketholder's file was electronically sent to XEROX (formerly ACS), an information technology contractor, located in Tarrytown, New York. Within several days of every adjudication of a ticket, XEROX (formerly ACS) forwarded the disposition file electronically to PennDOT in Harrisburg.

II. Overview of Traffic Court Citation Process from Issuance through Adjudication

12. When issued by an officer, all traffic citations listed a date and time for a summary trial, which was approximately eight weeks from the date of the issuance of the ticket. The ticket further informed the ticketholder that he or she may plead guilty or not guilty within ten days of receipt of the citation. A guilty plea meant that the summary trial date was cancelled, and the ticketholder would pay the applicable fines and costs, as well as be assessed any applicable points against his or her driver's record. If the ticketholder did not notify Traffic Court of his or her desire to plead guilty or to proceed to trial within ten days, Traffic Court mailed a Notice of Impending Suspension of Driving Privileges to the ticketholder.

13. If the ticketholder pled not guilty within ten days of receiving the citation, Traffic Court mailed the ticketholder a Notice of Trial, which included the scheduled trial date, time, and assigned courtroom, and informed the ticketholder that any request for continuances must be made in writing accompanied by supporting documentation.

14. Citations were randomly assigned by the Traffic Court computer system to be tried in various courtrooms. Traffic Court judges regularly rotated courtrooms. Each week, the administrative judge assigned the judges to specific courtrooms for, and limited to, the coming week. Traffic Court employees were able to access the Traffic Court computer system to determine which judges were presiding over specific cases for that particular week.

III. The Conspirators

15. Defendant MICHAEL J. SULLIVAN was elected a judge of Traffic Court in or about November 2005, and took the bench on or about January 5, 2006. On or about April 27, 2011, defendant SULLIVAN was appointed the administrative judge for Traffic Court by the Pennsylvania Supreme Court. SULLIVAN hired D.C. as his personal assistant, commonly referred to as a “personal,” at Traffic Court. SULLIVAN was also the owner of The Fireside Tavern, a bar located at 2701 South Marshall Street, Philadelphia, Pennsylvania.

16. Defendant MICHAEL LOWRY was elected a judge of Traffic Court in or about November 2007, and took the bench on or about January 3, 2008. Defendant LOWRY hired K.O. as his personal assistant at Traffic Court.

17. Defendant ROBERT MULGREW was elected a judge of Traffic Court in or about November 2007, and took the bench on or about January 3, 2008. Defendant MULGREW hired G.M. as his personal assistant at Traffic Court.

18. Defendant WILLIE SINGLETARY was elected a judge of Traffic Court in or about November 2007, and took the bench on or about January 3, 2008. SINGLETARY hired T.H. as his personal assistant at Traffic Court. In or about December 2008, the Commonwealth of Pennsylvania Court of Judicial Discipline held that defendant WILLIE SINGLETARY’s

conduct during his campaign for Traffic Court judge brought the judicial office into disrepute in violation of the Article V, § 18(d)(1) of the Pennsylvania Constitution and that he violated Rules Governing Standards of Conduct of Magisterial District Justices. Specifically, the Court of Judicial Discipline found that defendant SINGLETARY, during a meeting with a motorcycle club called the Philadelphia First State Road Rattlers, solicited campaign donations and encouraged people to support him at the polls. The Court of Judicial Discipline further found that SINGLETARY's words and actions conveyed an impression that he would be partial to his supporters. Specifically, SINGLETARY said at the meeting:

You're all going to help me out? . . . There's going to be a basket going around because I'm running for Traffic Court Judge, right, and I need some money. I got some stuff that I got to do, but if you all can give me twenty (\$20) dollars you're going to need me in Traffic Court, am I right about that? . . . Now you all want me to get there, you're all going to need my hook-up, right?

The Court of Judicial Discipline concluded that SINGLETARY "was promising that anyone who gave him money would get favorable consideration from him if he was elected judge. This conduct is the pure antithesis of the concept of 'judge.'" As a result of these violations, the Court of Judicial Discipline ultimately imposed upon SINGLETARY a sanction of "public reprimand" followed by probation for a period of two years. The rulings of the Court of Judicial Discipline were available to the public and were widely reported by the media.

19. Defendant THOMASINE TYNES was a Traffic Court judge from 1989 until her retirement in 2012. She was the President Judge of Traffic Court, which was considered a ceremonial position, with no administrative powers, from 2005 to 2012.

20. Fortunato N. Perri, Sr., charged elsewhere, was appointed to fill a judicial vacancy on Traffic Court in 1997. From 2000 until 2002, Perri served as the administrative

judge. Perri hired defendant WILLIAM HIRD in 1997 as his personal assistant at Traffic Court. Perri became a Senior Judge in 2007. As a Senior Judge, Perri was eligible to accept assignments on Traffic Court when requested. In 2001, as administrative judge, Perri approved defendant HENRY P. ALFANO's business, Century Motors, Inc., for a no-bid towing and storage contract regarding vehicles designated by Philadelphia law enforcement agencies. Through this contract, Century Motors, Inc. derived significant income from vehicle owners for the towing and storage of their vehicles.

21. H. Warren Hogeland, charged elsewhere, was a Senior Magisterial District Judge assigned to Traffic Court. Hogeland took the bench on or about January 2, 2006, after serving as a Magisterial District Judge in Bucks County, Pennsylvania. As Senior Magisterial District Judge, Hogeland was eligible to accept, and accepted, assignments at Traffic Court. Hogeland, as a Senior Magisterial District Judge, did not have a personal assistant. Hogeland worked regularly with Court Officer M.T.

22. Defendant MARK A. BRUNO was a Magisterial District Judge from Chester County, Pennsylvania, who occasionally presided over Traffic Court cases.

23. Kenneth Miller, charged elsewhere, was a Delaware County District Judge from January 1970 until January 2006. He was granted Senior Judge status and worked in Traffic Court for approximately one year, leaving in 2008.

24. Defendant WILLIAM HIRD was the Director of Records for Traffic Court. Defendant HIRD served as Judge Fortunato N. Perri, Sr.'s personal assistant at Traffic Court from approximately 1997 to 2001. In 2001, Perri recommended that HIRD be promoted to the position of Court Administrator and given the title of Director of Records, which resulted in a

salary increase of more than \$20,000 for HIRD. At the time of HIRD's resignation from Traffic Court in or about November 2011, he was earning an annual salary of approximately \$80,000. Prior to his employment at Traffic Court, HIRD operated a floor covering business. HIRD also owned the Cannonball Tavern, a bar located at 2268 Kennedy Street, Philadelphia, Pennsylvania.

25. Defendant HENRY P. ALFANO, a/k/a "Ed," or "Eddie," owned an automobile salvage company called Century Motors, Inc., located at 3101 S. 61st Street, Philadelphia, Pennsylvania. In 2001, Century Motors, Inc. obtained a no-bid towing and storage contract from Traffic Court, while Fortunato N. Perri, Sr. was administrative judge, regarding vehicles designated by Philadelphia law enforcement agencies to be towed and stored, at each owner's expense. Defendant ALFANO was the landlord for two gentlemen's clubs in Philadelphia: The Oasis Gentlemen's Club ("Oasis"), located at 6800 Essington Avenue, Philadelphia, Pennsylvania; and Christine's Cabaret ("Christine's"), located at 6130 Passyunk Avenue, Philadelphia, Pennsylvania. ALFANO had a business relationship with R.A., who owned and operated two towing companies. ALFANO also had a business relationship with another towing company called Gianna Salvage, Inc., located at 6800 Essington Avenue, Philadelphia, Pennsylvania, located near the Oasis.

26. Defendant ROBERT MOY operated "Number One Translations," located at 926 Winter Street, Suite 2, Philadelphia, Pennsylvania.

The Conspiracy

27. From in or about July 2008 to in or about September 2011, in Philadelphia, in the Eastern District of Pennsylvania and elsewhere, defendants

**MICHAEL J. SULLIVAN
MICHAEL LOWRY
ROBERT MULGREW
WILLIE SINGLETARY
THOMASINE TYNES
MARK A. BRUNO
WILLIAM HIRD
HENRY P. ALFANO
ROBERT MOY**

and H. Warren Hogeland, Kenneth Miller, and Fortunato N. Perri, Sr., all charged elsewhere, conspired and agreed, together and with others known and unknown to the grand jury, to commit offenses against the United States, that is,

(a) to devise and intend to devise a scheme and artifice to defraud, and to obtain money and property by means of false and fraudulent pretenses, representations, and promises, and, for the purpose of executing the scheme and artifice and attempting to do so, place in a post office or authorized depository for mail matter, matter to be sent or delivered by the Postal Service, and take and receive mail matter, and knowingly cause to be delivered by mail according to the direction thereon, such mail matter, in violation of Title 18, United States Code, Section 1341 (Mail Fraud), and

(b) to devise and intend to devise a scheme and artifice to defraud, and to obtain money and property by means of false and fraudulent pretenses, representations, and promises, and, for the purpose of executing the scheme and artifice, transmit or cause to be

transmitted by means of wire communication in interstate commerce, writings, signs, signals, and sounds, in violation of Title 18, United States Code, Section 1343 (Wire Fraud).

Manner and Means

It was part of the conspiracy that:

28. Local politicians, including ward leaders, politically connected individuals, and others who, because of their influential positions in business, labor, or industry, or because of their social connections, asked Traffic Court judges or administrators for preferential treatment on citations issued to constituents, relatives, friends, and associates.

29. Defendants MICHAEL J. SULLIVAN, MICHAEL LOWRY, ROBERT MULGREW, WILLIE SINGLETARY, THOMASINE TYNES, and MARK A. BRUNO, as well as H. Warren Hogeland, Kenneth Miller and Fortunato N. Perri, Sr., contrary to rules of judicial ethics, for which they received annual training, as well as defendant WILLIAM HIRD, furthered and accepted those requests for preferential treatment because of political support (past, present, and future), business, social, or other relationship with the ticketholder, or opportunity to obtain some form of personal benefit.

30. In order to provide the requested preferential treatment, defendants MICHAEL J. SULLIVAN, MICHAEL LOWRY, ROBERT MULGREW, WILLIE SINGLETARY, THOMASINE TYNES, MARK A. BRUNO and WILLIAM HIRD, as well as H. Warren Hogeland, Kenneth Miller, and Fortunato N. Perri, Sr., used their positions at Traffic Court to manipulate Traffic Court cases outside the judicial process, thereby achieving favorable outcomes on traffic citations for politically connected individuals, friends, family members, associates, and others with influential positions. This manipulation, or “ticket fixing,” consisted

of: (1) dismissing tickets outright; (2) finding the ticketholder not guilty after a “show” hearing; (3) adjudicating the ticket in a manner to reduce fines and avoid the assignment of points to a driver’s record; and (4) obtaining continuances of trial dates to “judge-shop,” that is find a Traffic Court judge who would accede to a request for preferential treatment.

31. Defendants created and participated in an extra-judicial system, not sanctioned by the Pennsylvania court system, where they felt free to approach one another and exchange requests for preferential treatment or “ticket-fixing,” without being rebuked or criticized by fellow judges. Upon one rare exception to this common practice, defendant WILLIE SINGLETARY chided another judge for ignoring his request and failing to give “consideration” on a citation as SINGLETARY requested on behalf of SINGLETARY’s family member who was driving without a license.

32. Traffic Court judges and the administrative staff who participated in the extrajudicial “ticket-fixing” commonly referred to requests for preferential treatment as requests for “consideration.” Traffic Court judges used their personal assistants and courtroom staff to communicate these “consideration” requests to other judges, as well as to receive “consideration” requests from other judges, court administrators, and staff. Personals and other Traffic Court employees, familiar with the “consideration” process, also made preferential treatment requests on behalf of their friends or family. In working outside the judicial process, “consideration” enabled judges to “fix” tickets for, and to provide benefits to, well-connected individuals that were not available to the rest of the citizenry.

33. For years, even beyond the dates of the conspiracy charged, there existed a culture of “ticket-fixing” at Traffic Court. Both judges and high-level administrators at Traffic

Court perpetuated and furthered this culture of “ticket-fixing” through receiving, arranging, and honoring requests for “ticket-fixing.” The “ticket-fixing” was pervasive and frequent.

34. When Traffic Court judges engaged in “ticket-fixing,” they nevertheless reported the final adjudication to the various authorities, including PennDOT, as if there had been a fair and open review of the circumstances.

35. Traffic Court judges and staff kept this practice covert. Traffic Court judges and employees undertook steps to conceal the system of “consideration,” by shredding paperwork, speaking to one another in code, and trusting only certain individuals and not others to carry out the scheme. This system was not discussed openly, and a well-understood conspiracy of silence fell over the system and its participants.

36. Because judges were assigned to preside over certain cases in a specific courtroom only several days before a hearing, if a judge was seeking preferential treatment for a specific citation, and that case was assigned to another judge, the judge communicated a “consideration” request through his or her personal or staff to the personal or staff of the judge hearing that citation.

37. Personals and courtroom staff regularly accessed the Traffic Court computer system to determine which judge was assigned to a particular trial in order to communicate the “consideration” request to that judge’s personal or staff.

38. In acceding to requests for “consideration,” defendants were depriving the City of Philadelphia and the Commonwealth of Pennsylvania of money which would have been properly due as fines and costs, as well as depriving the Commonwealth of property in the form

of the Commonwealth's ability to regulate safe drivers on its roadways through licensing suspensions and revocations.

39. Defendant HENRY P. ALFANO, a businessman in towing, scrap metal, and other businesses, used his clout with the Traffic Court to "fix" traffic citations issued to defendant ALFANO's friends, employees, and associates. To do so, ALFANO used his connection with Judge Fortunato N. Perri, Sr. ALFANO provided Perri with traffic citation numbers, the names of the offender on the citations, or the actual citations themselves. Perri was very responsive to ALFANO's requests for preferential treatment on Traffic Court matters. In one telephone conversation, after ALFANO mailed a citation to Perri, Perri said, "I see Century on it, it's gold."

40. Fortunato N. Perri, Sr., in turn, conveyed the information he received from defendant HENRY P. ALFANO regarding traffic citations issued to defendant ALFANO's friends, employees, and associates, to defendant WILLIAM HIRD to arrange preferential treatment, or "consideration," on the designated citations.

41. Defendant WILLIAM HIRD conveyed these "consideration" requests, through personals and court staff, to the judge assigned to each case. At times, Fortunato N. Perri, Sr., through defendant HIRD, attempted to arrange for a specific judge to hear the case.

42. Typically, after a citation was adjudicated, defendant WILLIAM HIRD provided a computer printout from the Traffic Court computer system of the case disposition to Fortunato N. Perri, Sr., which Perri referred to as a "receipt." Perri, in turn, mailed these "receipts" to defendant HENRY P. ALFANO or directly to the ticketholder as confirmation that

the citation had been dismissed or otherwise disposed of. These "receipts" were not provided in the regular course of business by Traffic Court to ticketholders.

43. In return for Fortunato N. Perri, Sr.'s assistance with Traffic Court matters, defendant HENRY P. ALFANO provided Perri, free of charge, with a stream of benefits, including free car repairs, car maintenance, and car towing, as well as free videos and free seafood.

44. Defendant HENRY P. ALFANO regularly arranged for the repair work on Fortunato N. Perri, Sr.'s vehicles to be done by mechanics at his company, Century Motors, Inc., and mechanics at another towing company, which was owned by R.A., all without charge. ALFANO arranged for tow trucks from Towing Unlimited and Gianna Salvage, Inc. to transport Perri's vehicles between Perri's residence and Century Motors, Inc. Repair work included rebuilding an engine and installing a new transmission, as well as cosmetic and detail work.

45. In addition to the car repairs, defendant HENRY P. ALFANO arranged to deliver videos to Fortunato N. Perri, Sr. On approximately one dozen occasions, defendant ALFANO either mailed or hand delivered these videos to Perri free of charge. ALFANO obtained the videos through his associate, J.C., who owned a video store in Philadelphia, Pennsylvania. ALFANO owned the property which housed the store. J.C. had borrowed money from ALFANO to renovate the store, presently owed money to ALFANO, and paid monthly rent to ALFANO.

46. In December 2009 and during 2010, defendant HENRY P. ALFANO provided seafood, free of charge, to Fortunato N. Perri, Sr.

47. Fortunato N. Perri, Sr. assisted defendant HENRY P. ALFANO with Traffic Court cases in exchange for these gratuities. A telephone conversation, on or about December 21, 2010, illustrated this exchange. At that time, Perri updated defendant ALFANO about a Traffic Court notice that was to be mailed. Perri and ALFANO showed their mutual appreciation of each other by referring to each other as “the best.” Perri said, “when you call, I move, brother, believe me. I move everybody.” In appreciation, ALFANO offered to mail videos to Perri.

48. Fortunato N. Perri, Sr. also assisted other individuals with their Traffic Court matters. For example, defendant MARK A. BRUNO asked Perri for special assistance on a ticket issued to J.M.

49. Fortunato N. Perri, Sr. also assisted M.D., a local businessman, with Traffic Court matters. Perri received landscaping services from M.D.’s landscaping business, often free of charge or at reduced rates. Since 2001, Perri also assisted M.D.’s brother, A.D., who owned and operated a material and delivery company and a construction company, with dozens of Traffic Court citations. A.D. installed a patio for Perri at no charge.

50. Defendant WILLIAM HIRD furthered Fortunato N. Perri, Sr.’s requests for preferential treatment in part because defendant HIRD was originally hired by Perri to work at Traffic Court, and because Perri was instrumental in assisting HIRD to obtain various promotions, with salary increases, within Traffic Court. As a result, HIRD was extremely loyal to Perri. In one phone call on or about March 21, 2011, HIRD expressed gratitude to Perri: “I’m so thankful for what you did to me. For me, it’s unbelievable. . . . I got a pension because of you.” In another call on or about January 19, 2011, HIRD told Perri that without Perri he would

still be installing carpet and “moving furniture . . . around.” Perri responded “don’t forget, whenever I call you, it’s really important.” During the period of the conspiracy, and even after Perri was retired from active service on Traffic Court, HIRD regularly addressed Perri as “Chief,” as a form of endearment and respect.

51. Defendant WILLIAM HIRD, as a high-level administrator at Traffic Court, used his unique position in Traffic Court to facilitate the numerous requests for “consideration” presented to him by Fortunato N. Perri, Sr., local politicians, and others. Defendant HIRD’s close relationship with many of the Traffic Court judges enabled him to speak directly to a judge or through the judge’s personal assistant and courtroom staff about specific “consideration” requests. HIRD also directed his underlings to convey these “consideration” requests to the judges.

52. Defendant WILLIAM HIRD also facilitated requests for preferential treatment from local politicians, including two Philadelphia ward leaders. Defendant HIRD also received requests for “consideration” from a retired Traffic Court judge, Kenneth Miller.

53. Defendant MICHAEL J. SULLIVAN used his position to “fix” traffic citations on behalf of family, friends, Fireside Tavern customers, a former politician, and a Philadelphia ward leader.

54. In facilitating this preferential treatment, defendant MICHAEL J. SULLIVAN directed individuals to leave their traffic citations or related documents at the Fireside Tavern for him, where employees of the Fireside Tavern placed the Traffic Court documents in a box behind the bar. In or about February 2010, there was one handwritten note in the box that stated:

R.H.
267-372-65[xx]
Ticket
Friend of [ward leader]

The citation for R.H. involved a prohibited turn.

55. Defendant MICHAEL J. SULLIVAN both received requests for “consideration” from other judges’ personals and made requests for “consideration” to other judges, as communicated through the personals and court staff.

56. Defendant WILLIE SINGLETARY participated in the extrajudicial “ticket-fixing” by handling requests for “consideration” from other judges and making such requests to other judges.

57. Defendant WILLIE SINGLETARY furthered requests for preferential treatment on behalf of friends, associates, and local politicians, including a staff person for a City Councilperson, and a staff person on the Philadelphia Democratic City Committee. Defendant SINGLETARY either adjudicated these citations himself or he requested other judges to “fix” them.

58. Defendant WILLIE SINGLETARY also “fixed” traffic citations on behalf of defendant ROBERT MOY, a local businessman who provided Traffic Court services to his customers. Defendant MOY, who, at times, guaranteed his paying customers favorable results on their Traffic Court citations, used his close relationship with defendant SINGLETARY to arrange his customers’ tickets to be assigned to SINGLETARY and for SINGLETARY to “fix” those tickets.

59. Defendant MICHAEL LOWRY regularly “fixed” and facilitated the “fixing” of traffic tickets for family and local politicians, including two Philadelphia ward leaders.

60. Defendant MICHAEL LOWRY directed his staff to approach other judges, through their respective personals, to “fix” citations.

61. Defendant MICHAEL LOWRY “fixed” traffic citations for other judges when they approached his personal and asked for “consideration.”

62. Defendant ROBERT MULGREW regularly “fixed” and facilitated the “fixing” of traffic tickets for local politicians, including a Philadelphia ward leader.

63. Defendant ROBERT MULGREW directed his staff to approach other judges, through their respective personals, to “fix” citations.

64. Defendant ROBERT MULGREW “fixed” traffic citations for other judges when they approached his personal and asked for “consideration.”

65. Defendant THOMASINE TYNES, who also had a close relationship with defendant ROBERT MOY, facilitated defendant MOY’s requests for “consideration.” Prior to trials, defendant MOY corresponded with TYNES about which of MOY’s customers were scheduled to appear before TYNES, and TYNES provided “consideration” to these individuals.

66. Defendant THOMASINE TYNES both received requests for “consideration” from other judges’ personals and made requests for “consideration” to other judges, as communicated through the personals and court staff.

67. Defendant ROBERT MOY regularly received preferential treatment on behalf of his paying customers from both defendant THOMASINE TYNES, whom defendant

MOY referred to as “Mom,” and defendant WILLIE SINGLETARY. Given his close connection to defendants TYNES and SINGLETARY, MOY, at times, was able to promise his customers that they would not receive any “points” on their driving records as a result of the adjudication of citations. In fact, MOY advertised in a local newspaper called China News Weekend as follows, in part:

Number One Translation/Professional license.

Telephone: 215-592-7930.

Fax: 215-853-8698.

926 Winter Street, 2/FL, Suite 2, Philadelphia, PA 19107

Provides all kinds of translations services. Tackles the traffic ticket, and passes the exams for driver’s license. Citizenship application, and fills out all kinds of forms:

* Tackles the traffic ticket, and guarantees no points or fewer points. Help you quickly regain your vehicle that is towed away or impounded in Philadelphia.

MOY manipulated the scheduling of his customers’ trials through Requests for Continuance and thus steered his customers’ trials toward TYNES and SINGLETARY to secure favorable outcomes. MOY regularly informed TYNES and SINGLETARY which of his customers were to appear before them. This advance notice further enabled the “fixing” of tickets for MOY’s customers.

Overt Acts

1. In or about September 2009, defendant HENRY P. ALFANO arranged for repair work and maintenance to be conducted, free of charge, on Perri’s Cadillac and Taurus, as well as Perri’s family member’s Ford Expedition and Chrysler 300. Also at this time, defendant ALFANO arranged for Perri’s vehicles to be towed from Perri’s residence to the mechanics and back again.

2. On or about September 29, 2009, defendant HENRY P. ALFANO informed a ticketholder, B.D., that “they” had to “re-enlist that case” “because they did not like who it was in front of,” referring to the practice of defendant WILLIAM HIRD and Fortunato N. Perri, Sr. to arrange for certain cases to be assigned to specific judges to maximize the likelihood of a favorable outcome. The case was ultimately heard by defendant ROBERT MULGREW, who found ticketholder B.D. not guilty.

3. In or about January 2010, defendant HENRY P. ALFANO arranged for repair work and maintenance to be conducted, free of charge, on Perri’s Cadillac and Taurus, as well as Perri’s family member’s Ford Expedition and Chrysler 300. Also at this time, defendant ALFANO arranged for Perri’s vehicles to be towed from Perri’s residence to the mechanics and back again.

4. On or about January 22, 2010, defendant HENRY P. ALFANO had a telephone conversation with Fortunato N. Perri, Sr. in which Perri expressed concern that all the repairs being done by defendant ALFANO for Perri was “becoming like a one way street on my end, . . . I like a two way street.” Defendant ALFANO responded that “if I [ALFANO] need something you’re [Perri] going to do it.”

5. On or about February 2, 2010, defendant HENRY P. ALFANO spoke with Fortunato N. Perri, Sr. about repairs on Perri’s Cadillac and Perri requested that defendant ALFANO send some pictures in an envelope in the car when the car is sent back to Perri.

6. On or about February 5, 2010, defendant HENRY P. ALFANO told Fortunato N. Perri, Sr. that he forgot “to put the package of films in the trunk” but that he would “get ‘em to you.”

7. On or about February 19, 2010, Fortunato N. Perri, Sr. acknowledged to defendant HENRY P. ALFANO that defendant ALFANO had saved Perri's daughter \$10,000 in repairs.

8. On or about February 23, 2010, defendant HENRY P. ALFANO had a conversation with J.C. in which J.C. advised defendant ALFANO that he had received a parking ticket. ALFANO stated that Perri "can't fix them" because parking tickets go to the Parking Authority and not Traffic Court. Nonetheless, ALFANO told J.C. to give him the ticket and ALFANO would "see what [he] can do . . . I'll try . . . I don't know if it is possible, but I'll give it a good try."

9. The next day, defendant HENRY P. ALFANO asked Fortunato N. Perri, Sr. for help with J.C.'s parking ticket and Perri told defendant ALFANO to mail him the ticket. Perri also instructed ALFANO to "pack [the videos] real nice . . . tape 'em and all."

10. On or about May 7, 2010, Fortunato N. Perri, Sr. and defendant WILLIAM HIRD had a telephone conversation discussing citations which defendant HENRY P. ALFANO wanted "fixed." Perri said, "I got a matter for the 12th. It's one of Eddie's [defendant ALFANO]. . . . There is another one here he just mailed It is a two ticket thing." Perri said he would give the tickets to defendant HIRD the next day. HIRD also explained that he had another one of "Eddie's" [ALFANO's] "on the 10th." HIRD explained that he did not "know who [which Traffic Court judge] is in there, but we'll see . . . but we'll figure it out I'll work it out."

11. On or about May 18, 2010, Perri had a telephone conversation with defendant HENRY P. ALFANO, explaining to him that he asked for a continuance on certain

tickets because “the district justices were sitting” because “all the judges were away last week” and “maybe I [Perri] could not get it through you know what I mean?” Defendant ALFANO responded, “I gotcha. I got the picture.”

12. In or about July 2010, defendant HENRY P. ALFANO arranged for repair work and maintenance to be conducted, free of charge, on Perri’s Cadillac and Taurus, as well as Perri’s family member’s Ford Expedition and Chrysler 300. Also at this time, defendant ALFANO arranged for Perri’s vehicles to be towed from Perri’s residence to the mechanics and back again.

13. In or about October 2010, defendant HENRY P. ALFANO arranged for repair work and maintenance to be conducted, free of charge, on Perri’s Cadillac and Taurus, as well as Perri’s family member’s Ford Expedition and Chrysler 300. Also at this time, defendant ALFANO arranged for Perri’s vehicles to be towed from Perri’s residence to the mechanics and back again.

14. On or about December 9, 2010, defendant HENRY P. ALFANO and Fortunato N. Perri, Sr. discussed Perri’s seafood request, including dozens of shrimp and crabcakes. Perri suggested that he would pay because “this is a lot of money,” but defendant ALFANO refused.

15. On or about December 21, 2010, ALFANO told Perri that his business associate would deliver the seafood to Perri the next day.

16. On or about December 9, 2010, Fortunato N. Perri, Sr. and M.D. had a telephone conversation in which Perri offered to help M.D. with construction equipment that had been impounded by Philadelphia police on Route 1.

17. On or about December 10, 2010, defendant WILLIAM HIRD spoke with a Philadelphia ward leader, about the impoundment of the ward leader's son's truck. The ward leader said he already called defendant MICHAEL LOWRY about this.

18. In a telephone conversation on or about January 14, 2011, defendant MARK A. BRUNO and Fortunato N. Perri, Sr. discussed "fixing" a citation received by J.M. Perri offered to "look into it," stating that he still "got a little connections." During the call, Perri took credit for "putting" defendant BRUNO in Traffic Court to preside over cases.

19. In calls after on or about January 14, 2011, Fortunato N. Perri, Sr. discussed defendant MARK A. BRUNO's request to "fix" J.M.'s ticket with defendant WILLIAM HIRD. Both defendant HIRD and Perri discussed measures to remove any points assessed on the ticket.

20. On or about March 15, 2011, defendant WILLIAM HIRD had a telephone conversation with another Philadelphia ward leader about "fixing" a specific ticket. The ward leader told defendant WILLIAM HIRD that he wanted to slide an item under defendant HIRD's door, referring to a traffic citation. HIRD instructed the ward leader to put "H" on it so that HIRD knew it was from the ward leader. The next day, HIRD and the ward leader further discussed the citation. The ward leader said that the ticketholder wanted to avoid points. HIRD said that the ticket would likely be reduced to 10 mph or 5 mph over the speed limit and that with 10 mph there would still be points assigned. HIRD said, "I'll ask for 5 over but I don't know that'll happen because it's 90 . . . they don't normally go down to 5 . . . and its State Police . . . they got the equipment . . . they got radar, they got tracker." In another call that day, the ward

leader asked whether the ticketholder even had to show up for the trial, and HIRD agreed that the ticketholder should plead not guilty.

21. On or about May 12, 2011, defendant MICHAEL J. SULLIVAN had a telephone conversation with an individual known as "Pop" about "fixing" Pop's son's citation for going through a red light. "Pop" told defendant SULLIVAN that he "need [ed] [SULLIVAN] to take care of [it] for me." SULLIVAN said he'd "look into it." In a subsequent call, SULLIVAN told "Pop" to leave the ticket at the bar and SULLIVAN said he would "tell you what you got to do . . . and I'll handle it."

Acts Related to Citation No. S02459903, Issued on 10/31/09
(Ticket # 1 - R.C.C.)

22. On or about January 4, 2010, Fortunato N. Perri, Sr. and defendant HENRY P. ALFANO discussed R.C.C.'s citation, which R.C.C. received on October 31, 2009, from a Philadelphia police officer for having an expired inspection sticker and which carried a fine of \$25 and costs of \$126.50. In this call, Perri requested that defendant ALFANO give Perri the number for R.C.C.'s citation. Defendant ALFANO said he would ask R.C.C.'s father for that information.

23. On or about January 5, 2010, H. Warren Hogeland adjudicated R.C.C.'s ticket as not guilty.

24. On or about January 15, 2010, defendant HENRY P. ALFANO updated Fortunato N. Perri, Sr. about the repairs on Perri's car. During the course of the conversation, Perri stated that he mailed a "receipt" to R.C.C.'s father. Perri inquired whether R.C.C.'s father received the "receipt."

Acts Related to Citation No. P1J0PK568L4, Issued on 02/15/10
(Ticket No. 2 – A.S.)

25. On or about February 17, 2010, A.S. visited defendant HENRY P. ALFANO at Century Motors, Inc. to discuss a citation that A.S. received two days earlier from a Pennsylvania State Trooper for driving a tractor trailer that was dropping ice and snow onto travel lanes, striking vehicles on Interstate 95, and which carried a fine of \$300 and costs of \$142.

26. On or about March 8, 2010, A.S. contacted defendant HENRY P. ALFANO about his matter in Traffic Court. Referring to a March 3, 2010, notification from Traffic Court that his driving privileges were being suspended because he failed to respond to the traffic citation, A.S. said he will “drop [the Traffic Court information] off” to defendant ALFANO. ALFANO stated, “we’ll take care of it . . . we’re working on it.”

27. On or about March 15, 2010, in an interstate telephone call between Fortunato N. Perri, Sr., in Pennsylvania, and defendant HENRY P. ALFANO, in New Jersey, defendant ALFANO told Perri that he was working on deodorizing Perri’s car. ALFANO confirmed that Perri received A.S.’s “thing” that ALFANO sent Perri in the mail. Perri stated that “it will be alright, don’t worry about it.”

28. On or about March 26, 2010, A.S. told defendant HENRY P. ALFANO that he received a Notice of License Suspension because he did not plead guilty or not guilty. Defendant ALFANO told him that “he [Perri] already did that for you.” ALFANO told A.S. to bring him the Notice and ALFANO will send it to Fortunato N. Perri, Sr. again. ALFANO said that he already spoke to Perri about A.S.’s citation and that Perri said everything was okay and

that Perri would send a receipt when the case was over. ALFANO assured A.S. that his license would not be suspended. ALFANO speculated that the notice is just computer generated because A.S.'s case was already "set up for April the 20th."

29. On or about March 26, 2010, defendant HENRY P. ALFANO told Fortunato N. Perri, Sr. that A.S. received another Notice of License Suspension and was concerned because he was a truck driver and cannot have a suspended license. Perri told defendant ALFANO that Perri was "on top of that . . . I don't want you worry about that." Perri instructed ALFANO to mail the notice to Perri. ALFANO told Perri that he was working on Perri's Ford Taurus to correct the oil leak and clean the car.

30. In a subsequent call on this same date, defendant HENRY P. ALFANO assured A.S. that Fortunato N. Perri, Sr. had "it under control." Defendant ALFANO further told A.S. that he did not have to appear at the Traffic Court hearing because Perri is "gonna handle it. . . it's just gonna be knocked out."

31. On or about March 27, 2010, Fortunato N. Perri, Sr. and defendant WILLIAM HIRD discussed A.S.'s citation. Perri said that "the guy keeps getting letters" from Traffic Court that his license may be suspended. Defendant HIRD said he would look into it and "stop all that action," and that the ticketholder should "ignore it."

32. On or about April 20, 2010, defendant MICHAEL J. SULLIVAN adjudicated A.S.'s citation as not guilty, even though A.S. never appeared in court.

33. On or about May 12, 2010, defendant HENRY P. ALFANO told A.S. that he should have his "receipt in a couple of days."

34. On or about May 12, 2010, Fortunato N. Perri, Sr. and defendants WILLIAM HIRD and MICHAEL J. SULLIVAN caused a "receipt" to be mailed to A.S., which documented that his citation was adjudicated not guilty.

Acts Related to Citation Nos. V00311146, V00311150, V00311161, and V00311172,
Issued on 03/06/10
(Tickets #3 through #6 – L.R. and the Oasis)

35. On or about March 6, 2010, defendant HENRY P. ALFANO called Fortunato N. Perri, Sr. to discuss an Oasis bus, driven by L.R., that was impounded by the police on that date. (A Philadelphia police officer issued two citations to L.R. for not having a CDL (commercial driver's license), which carried a fine of \$500 and costs of \$101.50, and for not having a medical certificate, which carried a fine of \$25 and costs of \$101.50. At the same time, the Oasis, the company that owned the bus, also received two citations from a Philadelphia police officer for not having a fire extinguisher and a warning device, where each citation carried a fine of \$51 and costs of \$101.50.) Perri advised defendant ALFANO that he would "make it easy" to get the bus released.

36. On or about March 7, 2010, defendant HENRY P. ALFANO provided Fortunato N. Perri, Sr. with information related to the citations. Specifically, defendant ALFANO told Perri that the bus was registered to the Oasis Gentlemen's Club, 6800 block of Essington Avenue, and the date it was impounded. ALFANO explained that the side of the bus advertised an establishment called Christine's.

37. On or about March 8, 2010, in an interstate telephone call between Fortunato N. Perri, Sr., in Pennsylvania, and defendant HENRY P. ALFANO, in New Jersey, Perri told defendant ALFANO that there were four tickets and "you'll take care of that with me."

Perri instructed ALFANO that the owner and the driver should go to the Boot and Tow window at Traffic Court, ask for D.H., and state that “they’re there to pick up the bus [and] to get the bus released.” Perri further instructed ALFANO that defendant MICHAEL J. SULLIVAN would “waive the collateral on the four tickets [and] they don’t have to post that money.” Lastly, Perri said, “and then you’ll give me those four matters,” referring to the citations.

38. On or about March 9, 2010, defendant HENRY P. ALFANO advised A.A., a business associate with supervisory authority over the bus impounded by the police, that he did not have to pay the four tickets and attend Traffic Court. Defendant ALFANO said, “no, when you get [the notices in the mail] you give them to me.”

39. On or about May 10, 2010, defendant MICHAEL J. SULLIVAN continued the hearing for the two Oasis tickets.

40. On or about May 12, 2010, defendant MARK BRUNO adjudicated L.R.’s citations as not guilty.

41. On or about May 18, 2010, Fortunato N. Perri, Sr. and defendant HENRY P. ALFANO discussed the continuance on the Oasis tickets. Perri explained that the district justices were sitting the previous week and all the judges were away and therefore maybe Perri “couldn’t get it through, you know what I mean?” Defendant ALFANO responded, “I gotcha. I got the picture “ Perri instructed ALFANO to mail Perri any notices.

42. In a subsequent call on or about May 18, 2010, Fortunato N. Perri, Sr. confirmed with defendant WILLIAM HIRD that the Oasis matter was continued. Defendant HIRD explained that defendant MICHAEL J. SULLIVAN continued the matter because defendant SULLIVAN did not realize it was for “him,” referring to Perri. Defendant HIRD

explained that he gave it to D.C., SULLIVAN's personal assistant, but that she "[-----] up" and that HIRD should go directly to SULLIVAN instead. Perri said that he only gave SULLIVAN "five a year," in reference to requests for consideration.

43. On or about May 21, 2010, Fortunato N. Perri, Sr. told defendant HENRY P. ALFANO that he was mailing defendant ALFANO two receipts, and "you got a couple more coming."

44. On or about June 9, 2010, defendant MICHAEL J. SULLIVAN again continued the hearing for the two Oasis tickets. On or about June 11, 2010, Traffic Court mailed a Notice of Trial for the Oasis tickets with a trial date of September 8, 2010.

45. On or about June 29, 2010, Fortunato N. Perri, Sr. told HENRY P. ALFANO that defendant ALFANO will receive another continuance notice on one of the pending citations. Perri further told ALFANO that "somebody" will "need" "to show up" at the hearing. Perri continued that "when [the ticketholder] get[s] a notice, you'll call me with the notice and mail it and don't worry . . . it'll be taken care of" Later in the call, ALFANO offered to inspect Perri's car whenever Perri was ready.

46. In a later call on that same date, defendant HENRY P. ALFANO told A.A. that one of the Oasis tickets will be continued and that A.A. would receive a notice and should tell ALFANO accordingly.

47. On or about September 8, 2010, defendant ROBERT MULGREW adjudicated the Oasis citation V00311161 guilty and the Oasis citation V00311172 not guilty.

Acts Related to Citation No. V00322394, Issued on 04/14/10
(Ticket No. 7 – C.W.)

48. On or about April 14, 2010, defendant HENRY P. ALFANO and C.W., a tow truck driver for Gianna Salvage, Inc., discussed a citation issued to Gianna Salvage, Inc. on this date. (C.W. received a citation for driving a towing vehicle without a current towing license, which carried a fine of \$540 and costs of \$61.50.)

49. On or about April 14, 2010, defendant HENRY P. ALFANO and C.W. discussed this citation and ALFANO told C.W. that the tow truck would not be impounded. ALFANO told C.W. to give ALFANO the citation.

50. On or about April 19, 2010, Fortunato N. Perri, Sr. caused the portion of C.W.'s citation, which indicated a plea of not guilty, to be mailed to Traffic Court.

51. On or about April 20, 2010, defendant HENRY P. ALFANO updated Fortunato N. Perri, Sr. regarding the progress of repairs for Perri's Taurus. When Perri told defendant ALFANO to tell him "the damage," meaning the cost for the car repairs, ALFANO responded by asking whether Perri received in the mail the Gianna citation. Perri said he received it.

52. On or about June 9, 2010, defendant MICHAEL J. SULLIVAN continued the hearing for this citation.

53. On or about September 8, 2010, defendant ROBERT MULGREW adjudicated this citation as not guilty.

Acts Related to Citation No. P1K8JW566M1, issued on 08/26/10
(Ticket No. 8 – D.S.)

54. On or about November 23, 2010, defendant HENRY P. ALFANO spoke with the father of D.S. about D.S.'s traffic citation. (On or about August 26, 2010, D.S. received a citation for traveling at a speed of 85 mph in a 55 mph zone on Interstate 95, which carried a fine of \$85 and costs of \$162, and subjected D.S. to a possible penalty under the Pennsylvania Vehicle Code of five points to her driving record.)

55. In a subsequent call on that date, defendant HENRY P. ALFANO told Fortunato N. Perri, Sr. that "the last one [ALFANO] sent [Perri,]" the ticketholder is "gonna go." Defendant ALFANO remarked that he prefers to make the ticketholders attend their hearings, as it "makes it better." Perri said "it'll be alright though."

56. On or about November 24, 2010, defendant HENRY P. ALFANO asked Fortunato N. Perri, Sr. whether "that girl's ok" and Perri responded that she was "fine." Defendant ALFANO again informed Perri that "they're gonna be there." ALFANO and Perri confirmed that the hearing was on the "30th" at 9 a.m. Perri responded, "You are in good hands with Allstate."

57. On or about November 24, 2010, Fortunato N. Perri, Sr. informed defendant WILLIAM HIRD, in reference to D.S.'s citation, that "[Perri's] got a girl coming down" on November 30th and defendant HIRD stated that Perri should call HIRD to give him the information.

58. On or about November 29, 2010, Fortunato N. Perri, Sr. told defendant WILLIAM HIRD the citation number on D.S.'s ticket and that "she'll be in." HIRD

acknowledged that this was a State Police ticket and promised to “look at it” and “we’ll go from there.”

59. On or about November 30, 2010, in an interstate telephone call between Fortunato N. Perri, Sr., in Pennsylvania, and defendant HENRY P. ALFANO, in New Jersey, defendant ALFANO asked about the ticket. Perri said that it was a state police ticket and that he was “on top of it” and told ALFANO that “when you give me something it’s important brother.”

60. On or about November 30, 2010, Fortunato N. Perri, Sr. asked defendant WILLIAM HIRD “how [did] we do?” Defendant HIRD stated that he did not definitely know the result because the courtroom was busy, but he was “going to assume ok” because the assigned judge was defendant MICHAEL LOWRY.

61. On or about November 30, 2010, defendant MICHAEL LOWRY adjudicated the citation as guilty of a different offense, which was a lower offense and which reduced the fine and costs.

62. On or about November 30, 2010, defendant WILLIAM HIRD informed Fortunato N. Perri, Sr. that the charge was amended to five miles over the speed limit, despite the objection of the state police trooper, who wanted the offender to receive two points on her license.

63. Later, on or about November 30, 2010, Fortunato N. Perri, Sr. informed defendant HENRY P. ALFANO of the result that the ticket was amended and “there’s no points” and opined that “she still got a good break.”

Acts Related to Citation No. S01839412, Issued on 07/27/09
(Ticket #9 – B.D.)

64. On or about July 27, 2009, defendant HENRY P. ALFANO learned about a citation issued to B.D., a tow truck driver for Gianna Salvage, Inc., for towing a vehicle without the proper rotation lights activated, which carried a fine of \$25 and costs of \$126.50.

65. On or about September 28, 2009, a Traffic Court judge continued the hearing.

66. On or about September 29, 2009, in discussing the citation, defendant HENRY P. ALFANO told B.D. that “you’re gonna get another [] thing from the [Traffic] Court because they had to re-enlist that case today. . . . They had to re-enlist it because they didn’t like who it was in front of. So they’re gonna to re-enlist it. When you get the new one, bring it to me.”

67. On or about December 9, 2009, defendant ROBERT MULGREW adjudicated the citation as not guilty.

Acts Related to Citation No. X03704481, Issued on 03/25/11
(Ticket #10 – Ri.H.)

68. On or about May 9, 2011, Ri.H. spoke with defendant MICHAEL J. SULLIVAN about a citation Ri.H. received for leaving the scene of an accident where there was property damage to another vehicle, subjecting him to a possible penalty under the Pennsylvania Vehicle Code of four points to his driving record, a fine of \$300, and costs of \$143.50. (Traffic Court issued notices dated April 14, 2011, and May 5, 2011, advising Ri.H. that his driving privileges were being suspended and the fine/costs were increased to \$415 for his failure to respond to the citation.) Ri.H. informed defendant SULLIVAN that he had received another

“notice of suspension” from Traffic Court. SULLIVAN stated “disregard it . . . don’t worry about it . . . I got it.”

69. On or about May 26, 2011, Ri.H. reminded defendant MICHAEL J. SULLIVAN about his hearing the next day and defendant SULLIVAN responded, “I got it.” SULLIVAN said that he was “off” tomorrow, but he “got it” and it “don’t matter” which judge will be hearing Ri.H.’s case. Ri.H. told SULLIVAN that he “ain’t got no money, you know what I mean?” SULLIVAN said, “I know you’re broke” and assured him that “you’re good.”

70. On or about May 27, 2011, defendant MICHAEL LOWRY dismissed the citation.

Acts Related to Citation Nos. X04074103 and X04074114, Issued on 05/12/11
(Tickets #11 and #12 – M.A.)

71. On or about May 12, 2011, W.A., the owner of a construction company, called defendant MICHAEL J. SULLIVAN about one of the company’s drivers getting his truck stuck under a bridge. (The driver, M.A., was driving a truck and trailer carrying an excavator owned by a construction company when it struck the overhead of a bridge. The vehicle was impounded and a Philadelphia police officer issued two citations to M.A. for exceeding height of vehicle, which carried a fine of \$300 and costs of \$102.50, and for violation of vehicle equipment, which carried a fine of \$100 and costs of \$102.50.) W.A. told defendant SULLIVAN said that the truck was to be impounded. SULLIVAN told W.A. that he needed his registration, insurance, and identification to release the truck from the Boot and Tow at Traffic Court. SULLIVAN also told W.A. to text him when W.A. arrived at Traffic Court. SULLIVAN said he would discuss the citations that M.A. received later. SULLIVAN warned W.A. “don’t say

nothing to nobody out there.” Later that day, defendant W.A. sent an interstate text message to SULLIVAN.

72. The next day, on or about May 13, 2011, W.A. called defendant MICHAEL J. SULLIVAN to get together for lunch.

73. On or about July 5, 2011, eight days before the trial date, in an interstate call between W.A. in Pennsylvania and defendant MICHAEL J. SULLIVAN in New Jersey, W.A. asked defendant SULLIVAN to get together for lunch.

74. On or about July 13, 2011, defendant MICHAEL J. SULLIVAN adjudicated both of M.A.’s citations as not guilty.

Acts Related to Citation Nos. X03716801 and X03716812, Issued on 05/18/11
(Tickets #13 and #14 – R.C.)

75. On or about May 19, 2011, R.C. called defendant MICHAEL J. SULLIVAN about his citations. (The day before, R.C. received two citations for careless driving of his motorcycle, which carried a fine of \$25 and costs of \$102.50, and for being an unlicensed driver, which carried a fine of \$200 and costs of \$102.50, after he drove his motorcycle through a stop sign without stopping and did not have a proper license.) Defendant SULLIVAN advised R.C. about getting his motorcycle released from Traffic Court. SULLIVAN further instructed R.C. to come to Traffic Court on the court date listed on the citations. SULLIVAN said he would talk to R.C. later about the citations. SULLIVAN said “get your bike out now” and “we’ll deal with the rest of the stuff later.”

76. On or about June 20, 2011, H. Warren Hogeland adjudicated both of R.C.’s citations as not guilty.

Acts Related to Citation Nos. X05080176, X05080180, and X05080191, Issued on 04/17/11
(Tickets #15 through #17 – K.S.)

77. On or about June 20, 2011, M.S., the brother of K.S., texted defendant MICHAEL J. SULLIVAN about K.S.'s traffic citations. (K.S. received three citations, on or about April 17, 2011, for driving his car while disregarding two consecutive red signals, driving his car with a fraudulent inspection certificate, and driving his car with a fraudulent emissions certificate. According to the Pennsylvania Vehicle Code, K.S. faced a penalty that included an assignment of three points to K.S.'s driving record if found guilty of the offense of failure to stop for a red signal. Each of K.S.'s citations carried a fine of \$25 and costs of \$127.50.) The text between M.S. and defendant SULLIVAN was as follows:

M.S.: Judge about [K.S.] has an appearance tomorrow he good or its all good??

SULLIVAN: It's all good he have to show up

M.S.: Ok 1pm he'll be there

M.S.: He put in the in box at office forgot what day 21st or 23rd the schmuck let me know please what day show

SULLIVAN: Tomorrow D court 1PM

M.S.: I said it one I said it twice you da man !!!!

SULLIVAN: Hahaha txs

78. On or about June 21, 2011, a Traffic Court judge adjudicated K.S.'s citation as not guilty for disregarding red signals, but found him guilty of the fraudulent inspection and emissions certificates.

Acts Related to Citation No. P1P0J84T431, Issued on 04/20/11
(Ticket #18 – G.C.)

79. On or about June 21, 2011, Ji.T. discussed with defendant MICHAEL J. SULLIVAN the upcoming trial date for G.C.'s citation. (G.C., an associate of Ji.T., received a citation from a Pennsylvania State Trooper for operating his vehicle with an expired inspection, which carried a fine of \$25 and costs of \$127.50. G.C. initially mailed a check to Traffic Court in the amount of \$152.50 in response to a Notice from Traffic Court that his driving privileges would be suspended because he failed to respond to the citation. Thereafter, G.C. mailed a written request to Traffic Court to continue his June 23, 2011, trial date). In the phone call, Ji.T. provided defendant SULLIVAN with the spelling of G.C.'s last name. Ji.T. also expressed an interest in writing a newspaper article about SULLIVAN's new role as Administrative Judge at Traffic Court.

80. On or about June 23, 2011, G.C. failed to appear in Traffic Court because he had received a notice from Traffic Court advising him that his hearing had been continued until July 26, 2011.

81. On or about June 23, 2011, H. Warren Hogeland adjudicated G.C.'s citation as not guilty despite the fact that G.C. was not in court because a new trial date had been scheduled.

82. On or about July 15, 2011, Ji.T., not knowing that the ticket had already been adjudicated, called defendant MICHAEL J. SULLIVAN again about G.C.'s citation. J.T. mentioned a letter from Traffic Court that stated that G.C.'s hearing date was on July 26, in "a week from now." Defendant SULLIVAN said that he was aware of the citation and trial date,

and said, "I got that." Ji.T. said that he would "call [SULLIVAN] on it." J.T. again expressed an interest in doing a "story" and taking a "photo" of SULLIVAN.

83. On or about July 23, 2011, G.C. received a check in the mail for \$152.50 from Traffic Court, refunding the collateral previously posted for G.C.'s citation, which was adjudicated not guilty.

Acts Related to Citation No. V02490762, Issued on 10/14/10
(Ticket #19 – K.M.)

84. Between on or about October 14, 2010 and on or about December 14, 2010, Kenneth Miller, charged elsewhere, mailed information pertaining to K.M.'s citation to defendant WILLIAM HIRD. (K.M. was issued a citation for passing traffic at approximately 60 mph in a 45 mph zone, which carried a fine of \$25 and costs of \$126.50.)

85. On or about December 14, 2010, Kenneth Miller contacted defendant WILLIAM HIRD about this citation and said "that thing for [K.M.] is tomorrow," to which defendant HIRD responded "I know." Speaking in code to one another to signal that K.M. did not need to attend the trial, HIRD stated that "I don't think anybody is going to that party." To clarify, Miller stated, "I'll tell him [K.M.] that the meeting is cancelled."

86. On or about December 15, 2010, H. Warren Hogeland adjudicated K.M.'s citation as not guilty, despite the fact that K.M. did not appear in court.

Acts Related to Citation No. V02803861, Issued on 12/11/10
(Ticket #20 – J.B.)

87. Between on or about December 11, 2010, and on or about February 2, 2011, Kenneth Miller mailed information pertaining to J.B.'s citation to defendant WILLIAM

HIRD. (J.B. received a traffic citation for making an improper left turn, which caused an accident, and which carried a fine of \$25 and costs of \$126.50.)

88. On or about February 2, 2011, Kenneth Miller left a voice mail message for defendant WILLIAM HIRD regarding J.B.'s citation. In this message, Miller said that J.B. received a notice and asked defendant HIRD to check on his citation. Miller referenced "the meeting," again speaking in code for the upcoming trial date on February 14, 2011, that Miller and HIRD had discussed previously.

89. On or about February 14, 2011, defendant WILLIE SINGLETARY adjudicated J.B.'s citation as not guilty.

Acts Related to Citation Nos. V02509043 and V02509054, Issued on 12/03/10
(Tickets #21 and #22 – J.J.)

90. Between on or about December 3, 2010, and on or about February 3, 2011, J.R., owner of a towing company, spoke with defendant WILLIAM HIRD about citations issued to J.J., a truck driver for the towing company. (The citations were for towing a vehicle without rear lighting and without a towing agreement, which carried a fine of \$125 and costs of \$142.50 for the first offense and a fine of \$500 and costs of \$142.50 for the second offense.)

91. On or about February 3, 2011, defendant WILLIAM HIRD told J.R. to give certain paperwork to his driver.

92. On or about February 8, 2011, J.R. complained to defendant WILLIAM HIRD about taking care of his trucks, such as tow licenses and inspections, yet he still had problems with "you guys," meaning Traffic Court. Defendant HIRD said that it was "no big

deal,” but J.R. said that he did not “want to use all my favors with you.” HIRD said he would see J.R.’s “guy” tomorrow at Traffic Court and that he should plead not guilty.

93. On or about February 9, 2011, J.R. called defendant WILLIAM HIRD to tell defendant HIRD that he was in Courtroom D and HIRD said, “I know where you’re at. . . . You’re in D.”

94. On or about February 9, 2011, defendant MICHAEL J. SULLIVAN adjudicated J.J.’s citations as not guilty.

Acts Related to Citation No. V02677065, Issued on 01/28/11
(Ticket #23 – M.D.)

95. On or about January 28, 2011, M.D. called Fortunato N. Perri, Sr. about a citation he received for making a prohibited u-turn, which carried a fine of \$25 and costs of \$102.50.

96. On or about February 9, 2011, Fortunato N. Perri, Sr. caused a portion of M.D.’s traffic citation, which stated a plea of not guilty and included M.D.’s forged signature, to be mailed to Traffic Court.

97. On or about March 14, 2011, defendant WILLIAM HIRD told Fortunato N. Perri, Sr. that he “got the date on [M.D.] everything’s okay. . . . that didn’t go yet, so we got that.” Perri also mentioned another Traffic Court matter for “the eyeglass guy” to which defendant HIRD responded, “that’s coming up. I got things under control.” Perri offered to HIRD, “if you need eyeglasses, let me know.”

98. On or about April 1, 2011, defendant THOMASINE TYNES adjudicated M.D.’s citation as not guilty.

Acts Related to Citation Nos. V01711511 and V01711522, Issued on 10/02/10
(Tickets #24 and #25 – A.K.)

99. On or about November 1, 2010, A.D. told Fortunato N. Perri, Sr. that he had a “guy” who had “a couple tickets,” and Perri told A.D. to “stop” over. (A.D. was referencing two citations received by his employee, A.K., on or about October 2, 2010, for driving at an unsafe speed and for failing to wear a seatbelt, which carried a fine of \$25 and costs of \$126.50, and a fine of \$10 and costs of \$92, respectively. According to the Pennsylvania Vehicle Code, A.K. faced a penalty that included an assignment of two points to A.K.’s driving record if found guilty of the offense of driving too fast.)

100. On or about December 16, 2010, defendant THOMASINE TYNES adjudicated both of these citations as not guilty.

Acts Related to Citation Nos. V01988851, V01988862, V01988873, and V01988884,
Issued on 10/13/10
(Tickets #26 through #29 – C.I.)

101. Between on or about October 13, 2010, and on or about November 29, 2010, V.B., an employee at an industrial company referred to here as C.I., informed defendant WILLIAM HIRD about four citations the company and one of its truck drivers, M.R., received. (These citations were for hauling an impermissible width of load, which carried a fine of \$300 and costs of \$101.50, for not having a permit to carry a load with a blade of such length, which carried a fine of \$500 and costs of \$101.50, for an unregistered vehicle, which carried a fine of \$75 and costs of \$101.50, and for lack of permit, which carried a fine of \$500 and costs of \$101.50.)

102. On or about November 29, 2010, V.B. reminded defendant WILLIAM HIRD that “we’ll be in there Wednesday morning at 9 o’clock” for the four tickets for the C.I. trucks that were impounded and were released “about a month ago.” V.B. reminded defendant HIRD that HIRD had instructed him to call HIRD a “couple days ahead” of the hearing. HIRD said that he did not know yet to which courtroom the case was assigned and HIRD told V.B. that it should be on the Notice. HIRD said that he needed to know “where it’s at,” otherwise “you’re going to be flying on a wing and a prayer, you know what I mean?” V.B. told HIRD the citation number V01988851 in order for HIRD to “track it down.”

103. On or about November 30, 2010, in an interstate telephone call between V.B., in New Jersey, and defendant WILLIAM HIRD, in Pennsylvania, V.B. asked defendant HIRD “how we make out for tomorrow?” HIRD, speaking in code, said, “I’m gonna see ya for coffee, ain’t I?” V.B. said, “I just want to make sure,” and HIRD responded, “I’m gonna be available for coffee.” V.B. asked, “We’re in good shape, then?” HIRD responded, “Yeah, I’ll talk to you tomorrow for coffee.” V.B. suggested that they meet at 8:30 a.m. to which HIRD responded, “closer to 9.”

104. On or about December 1, 2010, V.B. told defendant WILLIAM HIRD that he parked in the back of Traffic Court and asked whether he should come upstairs. HIRD said he would meet V.B..

105. On or about December 1, 2010, defendant MICHAEL LOWRY dismissed each of the citations.

106. On or about December 2, 2010, Fortunato N. Perri, Sr. told defendant WILLIAM HIRD that he knew that V.B. went in the “back gate yesterday.” Perri said, “I

wouldn't even park in the [] back. . . . You don't want people to see what [] you're doing. . . . You do things quietly, diplomatically, like we do."

Acts Related to Citation No. V02705021, Issued on 01/18/11
(Ticket #30 – H.W.)

107. On or about May 3, 2011, J.F., a staff person for a City of Philadelphia Councilperson, contacted defendant WILLIE SINGLETARY's personal assistant, T.H., for the purpose of getting a citation issued to H.W. dismissed. (By way of background, on or about January 18, 2011, H.W. had received a citation for improper backing, which carried a fine of \$25 and costs of \$127.50, and the possible assignment of three points to H.W.'s driving record. Thereafter, H.W. gave his brother, J.W., the citation to handle. Meanwhile, on or about April 20, 2011, defendant WILLIE SINGLETARY adjudicated H.W.'s citation guilty *in absentia*, and imposed penalties and a \$167.50 fine, after H.W. failed to appear for the hearing despite receiving two notices from Traffic Court. On or about May 3, 2011, H.W. received a letter from PennDOT informing him that the "conviction . . . mandates a 3 point assessment to [his] driving record.")

108. Sometime after May 3, 2011, H.W. again told his brother, J.W., about the letter from PennDOT. Around that time, J.W. contacted J.F. to assist with the citation.

109. On or about May 6, 2011, J.W. faxed, or caused to be faxed, to Traffic Court the letter from PennDOT about the assessment of three points to H.W.'s driving record.

110. Defendant WILLIE SINGLETARY instructed his personal, T.H., to complete a Request for Continuance form and backdate it for March 1, 2011, thereby allowing

the conviction of H.W. to be reopened. The Request for Continuance was signed by defendant SINGLETARY.

111. Between on or about May 11, 2011, and on or about May 17, 2011, defendant MICHAEL J. SULLIVAN agreed that the case against H.W. should be reopened.

112. On or about June 8, 2011, defendant WILLIE SINGLETARY adjudicated H.W.'s citation as not guilty.

113. On or about June 16, 2011, defendant MICHAEL J. SULLIVAN mailed a letter to PennDOT requesting that PennDOT "rescind the points in connection with this citation."

Acts Related to Citation No. V00194165, Issued on 06/04/10
(Ticket #31 – N.M.)

114. Sometime shortly after June 4, 2010, N.M. called defendant WILLIE SINGLETARY on the telephone to discuss her citation and their mutual friend, M.L. (On or about June 4, 2010, N.M. received a citation for failing to stop or slow down at a red signal while driving her car, which carried a fine of \$25 and costs of \$101.50, and possibly subjected her to the assignment of three points on her driving record under the Pennsylvania Vehicle Code.)

115. On or about August 6, 2010, defendant MICHAEL J. SULLIVAN adjudicated N.M.'s citation as not guilty.

Acts Related to Citation No. V00656084 and V00656095, Issued on 06/26/10
(Tickets #32 and #33 - N.M.)

116. Sometime after June 26, 2010, N.M. called defendant WILLIE SINGLETARY yet again and provided him information about additional citations that she received on or about June 26, 2010, for driving the wrong way down a one-way street, which

carried a fine of \$25 and costs of \$126.50, and for failure to use a child restraint, which carried a fine of \$25 and costs of \$126.50.

117. On or about August 30, 2010, defendant MICHAEL LOWRY dismissed both of N.M.'s citations.

Acts Related to Citation Nos. V01892936, V01892940, and V01892951, Issued 08/06/10
(Tickets #34 through #36 – A.H.)

118. Shortly after August 6, 2010, defendant WILLIE SINGLETARY directed his personal assistant, T.H., to designate the citations issued to A.H. for "consideration." (On or about August 6, 2010, A.H. received three citations for operating an ATV on the highway, which carried a fine of \$100 and costs of \$101.50, for an unregistered vehicle, which carried a fine of \$75 and costs of \$101.50, and for an unlicensed driver, which carried a fine of \$200 and costs of \$101.50.)

119. On or about October 7, 2010, a Request for Continuance, approved by defendant WILLIE SINGLETARY, was received in Traffic Court, purportedly made by A.H.

120. On or about November 10, 2010, defendant WILLIE SINGLETARY adjudicated all three citations as not guilty.

Acts Related to Citation Nos. V00997485 and V00997496, Issued on 07/20/10
(Tickets #37 and #38 – Gi.G.)

121. Sometime after July 30, 2010, Ga.G., the husband of Gi.G., contacted defendant WILLIE SINGLETARY about Gi.G.'s citations for driving at an unsafe speed, which carried a fine of \$25 and costs of \$101.50, and for an unregistered vehicle, which carried a fine of \$75 and costs of \$101.50. (According to the Pennsylvania Vehicle Code, Gi.G. faced a penalty

that included an assignment of two points to her driving record if found guilty of the unsafe speed offense.) Ga.G. gave the citations to defendant SINGLETARY.

122. Defendant WILLIE SINGLETARY directed his personal assistant, T.H., to designate this case for “consideration.”

123. On or about September 21, 2010, defendant WILLIE SINGLETARY told Ga.G. that Gi.G. did not need to appear at Traffic Court for her trial the next day.

124. On or about September 22, 2010, defendant WILLIE SINGLETARY adjudicated both citations as not guilty.

Acts Related to Citation Nos. E05442102 and E05442113, Issued on 05/29/08
(Tickets #39 and #40 – T.B.)

125. Shortly after May 29, 2008, D.C. informed defendant MICHAEL J. SULLIVAN of her “consideration” request for two citations issued to T.B. for careless driving and for being an unlicensed driver. (These citations carried a fine of \$25 and costs of \$140, and of \$200 and \$140, respectively, and possibly subjected T.B. to an assignment of three points on his driving record if found guilty of careless driving). Defendant SULLIVAN approved of D.C. furthering this “consideration” request to defendant THOMASINE TYNES, which D.C. did.

126. On or about July 31, 2008, defendant THOMASINE TYNES adjudicated both citations as not guilty.

Acts Related to Citation Nos. E07371910, Issued on 10/12/08
(Ticket #41 – Ja.T.)

127. Sometime after October 12, 2008, M.T., a court officer at Traffic Court, asked for “consideration” for Ja.T.’s citation. (On or about October 12, 2008, Ja.T. received a citation from a Pennsylvania State Trooper for tailgating, which carried a fine of \$25 and costs of

\$100. According to the Pennsylvania Vehicle Code, Ja.T. faced a penalty that included an assignment of three points to her driving record if found guilty of the offense.)

128. On or about December 16, 2008, defendant ROBERT MULGREW adjudicated the citation as not guilty.

Acts Related to Citation No. S02544835, Issued on 10/18/09
(Ticket #42 – F.L.)

129. Shortly after October 18, 2009, defendant MICHAEL LOWRY directed his personal assistant, K.O., to designate the citation received by F.L. for “consideration.” (On or about October 18, 2009, F.L. received a citation for careless driving, which carried a fine of \$25 and costs of \$101.50. According to the Pennsylvania Vehicle Code, F.L. faced a penalty that included an assignment of three points to her driving record if found guilty of the offense.)

130. Sometime after October 18, 2009, K.O. checked the Traffic Court computer system to determine which judge was assigned to F.L.’s trial. K.O. then conveyed defendant MICHAEL LOWRY’s “consideration” request for F.L.’s citation to the personal assistant for defendant MICHAEL J. SULLIVAN.

131. On or about December 22, 2009, defendant MICHAEL J. SULLIVAN adjudicated the citation as not guilty.

Acts Related to Citation No. V01868613, Issued on 06/10/10
(Ticket #43 – A.T.)

132. Soon after on or about June 10, 2010, A.T. brought his citation to defendant ROBERT MOY’s company, Number One Translations, and paid Number One Translations approximately \$200 in cash to handle his ticket. (A.T. received a citation for driving his car onto a sidewalk, which carried a fine of \$25 and costs of \$101.50.)

133. After June 10, 2010, Number One Translations informed A.T. that he did not have to appear at Traffic Court.

134. On or about June 18, 2010, defendant ROBERT MOY, through Number One Translations, mailed the portion of A.T.'s citation, which stated a plea of not guilty, to Traffic Court.

135. On or about August 6, 2010, defendant ROBERT MOY sent defendant THOMASINE TYNES a note that informed her of the trial date, courtroom, and presiding judge for A.T.'s citation.

136. On or about August 12, 2010, defendant MICHAEL J. SULLIVAN adjudicated this citation as not guilty.

Acts Related to Citation No. X03644955, Issued on 03/07/11
(Ticket #44 – G.L.)

137. Soon after March 7, 2011, G.L.'s parents brought G.L.'s citation to defendant ROBERT MOY's company, Number One Translations, and paid Number One Translations between \$100 and \$200 in cash. (On or about March 7, 2011, G.L. received a citation from a Philadelphia police officer for drifting lanes while looking down at a phone while driving, which carried a fine of \$25 and costs of \$102.50. According to the Pennsylvania Vehicle Code, G.L. faced a penalty that included an assignment of three points to his driving record if found guilty of the offense.)

138. After March 7, 2011, Number One Translations informed G.L. that he did not have to appear at Traffic Court.

139. On or about March 15, 2011, defendant ROBERT MOY, through Number One Translations, mailed the portion of G.L.'s citation, which stated a plea of not guilty, to Traffic Court.

140. On or about May 6, 2011, a Request for Continuance was made containing G.L.'s forged signature. The Request for Continuance fraudulently stated that G.L. had "a doctor appointment." This Request for Continuance was approved by defendant THOMASINE TYNES.

141. On or about July 29, 2011, a Request for Continuance was made containing G.L.'s forged signature. The Request for Continuance fraudulently stated that G.L. needed a continuance because he could not "take off from work." This Request for Continuance was approved by defendant WILLIE SINGLETARY.

142. On or about August 19, 2011, a Request for Continuance was made containing G.L.'s forged signature. The Request for Continuance stated that G.L.'s "translator will be available on September 14 at night court." This Request for Continuance was approved by defendant WILLIE SINGLETARY.

143. On or about September 16, 2011, defendant ROBERT MOY sent defendant THOMASINE TYNES a note that informed her of the trial date, courtroom, and presiding judge for G.L.'s citation.

144. On or about September 21, 2011, defendant THOMASINE TYNES adjudicated this citation as not guilty.

Acts Related to Citation No. V00604844, Issued on 04/22/10
(Ticket #45 – O.S.)

145. Soon after April 22, 2010, O.S. brought his citation to defendant ROBERT MOY's company, Number One Translations, and paid Number One Translations approximately \$200 to handle this ticket. (On or about April 22, 2010, O.S. received a citation issued by a Philadelphia police officer for speeding at 70 mph in a 30 mph zone, which carried a fine of \$25 and costs of \$101.50. According to the Pennsylvania Vehicle Code, O.S. faced a penalty of two points to his driving record if found guilty of the offense.)

146. On or about May 3, 2010, defendant ROBERT MOY, through Number One Translations, mailed the portion of O.S.'s citation, which stated a plea of not guilty, to Traffic Court.

147. On or about June 19, 2010, defendant ROBERT MOY sent defendant THOMASINE TYNES a note that informed her of the trial date, courtroom, and presiding judge for O.S.'s citation.

148. On or about June 25, 2010, defendant THOMASINE TYNES adjudicated this citation as not guilty.

Acts Related to Citation No. X05394782, Issued on 06/27/11
(Ticket #46 – S.C.)

149. Soon after June 27, 2011, S.C. read defendant ROBERT MOY's advertisement in the newspaper, and brought his citation to defendant MOY's company, Number One Translations. He paid approximately \$250 to \$300 in cash to have MOY's company handle his citation. (On or about June 27, 2011, S.C. received a citation for a stop sign violation, which carried a fine of \$25 and costs of \$102.50.)

150. On or about July 6, 2011, defendant ROBERT MOY, through Number One Translations, mailed the portion of S.C.'s citation, which stated a plea of not guilty, to Traffic Court.

151. On or about August 24, 2011, a Request for Continuance was made containing S.C.'s forged signature. The Request for Continuance stated that S.C.'s "translator will be available on 9/14/11 in the afternoon." The Request for Continuance was approved by defendant THOMASINE TYNES.

152. On or about September 13, 2011, defendant ROBERT MOY sent defendant WILLIE SINGLETARY a note that informed him of the trial date, time, courtroom, and presiding judge for S.C.'s citation.

153. On or about September 14, 2011, defendant WILLIE SINGLETARY adjudicated this citation as not guilty.

Acts Related to Citation No. X04743782, Issued on 03/12/11
(Ticket #47 – J.H.)

154. Soon after March 12, 2011, J.H., after reading defendant ROBERT MOY's advertisement in the newspaper, brought her citation to defendant MOY's company, Number One Translations, and paid Number One Translations approximately \$350 in cash to handle her ticket. (On or about March 12, 2011, J.H. received a citation by a Philadelphia police officer for disregarding a stop sign, which carried a fine of \$25 and costs of \$143.50. According to the Pennsylvania Vehicle Code, J.H. faced a penalty that included three points to her driving record if found guilty of the offense.)

155. In response to Notices of Impending Suspension of Driving Privileges on March 30, 2011, and a Notice of License Suspension on April 20, 2011, defendant ROBERT MOY mailed the Notice of Impending Suspension of Driving Privileges back to Traffic Court and stated a plea of not guilty on that document.

156. On or about May 13, 2011, a Request for Continuance was made containing J.H.'s signature. The Request for Continuance falsely stated that J.H. "will be in New York City." The Request for Continuance was approved by defendant THOMASINE TYNES.

157. On or about August 12, 2011, another Request for Continuance was made containing J.H.'s signature. The Request for Continuance stated that "[m]y translator won't be available until 9/14/2011 at 3:00 pm."

158. On or about September 13, 2011, defendant ROBERT MOY sent defendant WILLIE SINGLETARY a note that informed him of the trial date, time, courtroom, and presiding judge for J.H.'s citation.

159. On or about September 14, 2011, defendant WILLIE SINGLETARY adjudicated this citation as not guilty.

Acts Related to Citation No. X04104962, Issued on 04/22/11
(Ticket #48 – W.R.)

160. Soon after April 22, 2011, W.R. brought his citation to defendant ROBERT MOY and paid defendant MOY to handle the citation. (On or about April 22, 2011, W.R. received a citation for disregarding a steady red signal, which carried a fine of \$50 and

costs of \$102.50. According to the Pennsylvania Vehicle Code, W.R. faced a penalty that included three points to his driving record if found guilty of the offense.)

161. On or about June 17, 2011, a Request for Continuance was made containing W.R.'s forged signature. The Request for Continuance falsely stated that W.R. "can't take off." The Request for Continuance was approved by defendant ROBERT MULGREW.

162. On or about August 12, 2011, another Request for Continuance was made containing W.R.'s forged signature. The Request for Continuance stated that "[m]y translator won't be available until 9/14/2011 at 3:00 pm." The Request for Continuance was approved by defendant THOMASINE TYNES.

163. On or about September 13, 2011, defendant ROBERT MOY sent defendant WILLIE SINGLETARY a note that informed him of the trial date, time, courtroom, and presiding judge for W.R.'s citation.

164. On or about September 14, 2011, defendant WILLIE SINGLETARY adjudicated this citation as not guilty.

Acts Related to Citation No. X04885090, Issued on 05/03/11
(Ticket #49 – J.Ji.)

165. Sometime after May 3, 2011, and after reading defendant ROBERT MOY's advertisement in the newspaper, J.Ji. brought his citation to defendant MOY's company, Number One Translations, and paid it approximately \$200 in cash to handle his ticket. (On or about May 3, 2011, J.Ji. received a citation for failing to yield to oncoming traffic, which carried a fine of \$25 and costs of \$127.50. According to the Pennsylvania Vehicle Code, J.Ji. faced a

penalty that included an assignment of three points to his driving record if found guilty of the offense.)

166. On or about May 19, 2011, defendant ROBERT MOY, through Number One Translations, mailed the portion of J.Ji.'s citation, which stated a plea of not guilty, to Traffic Court.

167. On or about July 1, 2011, a Request for Continuance was made containing J.Ji.'s forged signature. The Request for Continuance falsely stated that J.Ji. "will be out of state." The Request for Continuance was approved by defendant THOMASINE TYNES.

168. On or about August 24, 2011, a Request for Continuance was made containing J.Ji.'s forged signature. The Request for Continuance falsely stated that J.Ji. "was out of state on 7/6/11." The Request for Continuance was approved by defendant THOMASINE TYNES.

169. On or about September 27, 2011, defendant ROBERT MOY sent defendant WILLIE SINGLETARY a note that informed him of the trial date, time, courtroom, and presiding judge for J.Ji.'s citation.

170. On or about September 27, 2011, defendant WILLIE SINGLETARY adjudicated this citation as not guilty.

Acts Related to Citation No. X04310180, Issued on 07/24/11
(Ticket #50 – J.Ji.)

171. Soon after July 24, 2011, J.Ji., brought another citation to defendant ROBERT MOY's company, Number One Translations, and paid it approximately \$200 in cash to handle his latest ticket. (On or about July 24, 2011, J.Ji. received a citation from a Philadelphia

police officer for making an improper right turn, which carried a fine of \$25 and costs of \$102.50.)

172. On or about August 4, 2011, defendant ROBERT MOY mailed the portion of J.Ji.'s citation, which stated a plea of not guilty, to Traffic Court.

173. On or about September 27, 2011, defendant ROBERT MOY sent defendant WILLIE SINGLETARY a note that informed him of the trial date, time, courtroom, and presiding judge for J.Ji.'s citation.

174. On or about September 27, 2011, defendant WILLIE SINGLETARY adjudicated this citation as not guilty.

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

COUNTS TWO TO FIFTY

WIRE FRAUD

THE GRAND JURY FURTHER CHARGERS THAT:

1. Paragraphs 1 through 26 of Count One and the “Overt Acts” of Count One are realleged here.

THE SCHEME

2. Paragraphs 28 through 67 of Count One are realleged here.

3. On or about the following dates, in the Eastern District of Pennsylvania and elsewhere, the defendants listed below, having devised a scheme to defraud the City of Philadelphia and Commonwealth of Pennsylvania, and to obtain money and property by means of false and fraudulent pretenses, representations, and promises, for the purpose of executing the scheme to defraud, knowingly caused to be transmitted, and aided and abetted the transmission of, by means of wire communication in interstate commerce, the signals and sounds described below, each transmission constituting a separate count:

COUNT	DEFENDANTS	TICKET # and CITATION NO.	DATE	WIRE TRANSMISSION
2	ALFANO	Ticket #1 (R.C.C.) S02459903	Between on or about 10/31/09 and on or about 1/5/10	Interstate computer check of citation
3	ALFANO HIRD SULLIVAN	Ticket #2 (A.S.) P1J0PK568L4	3/15/10	Interstate telephone call

4	ALFANO HIRD BRUNO MULGREW	Tickets #3 - #6 (L.R. / Oasis) V00311146 V00311150 V00311161 V00311172	3/8/10	Interstate telephone call
5	ALFANO HIRD LOWRY	Ticket #8 (D.S.) P1K8JW566M1	11/30/10	Interstate telephone call
6	ALFANO HIRD LOWRY	Ticket #8 (D.S.) P1K8JW566M1	11/29/10	Interstate computer check of citation
7	ALFANO MULGREW	Ticket #9 (B. D.) S01839412	9/28/09	Interstate computer access to list continuance of case
8	SULLIVAN LOWRY	Ticket #10 (Ri.H.) X03704481	5/30/11	Interstate computer transmission of adjudication batch
9	SULLIVAN	Tickets #11 and #12 (M.A.) X04074103 X04074114	5/12/11	Interstate text message
10	SULLIVAN	Tickets #11 and #12 (M.A.) X04074103 X04074114	7/5/11	Interstate telephone call
11	SULLIVAN	Tickets #11 and #12 (M.A.) X04074103 X04074114	7/18/11	Interstate computer transmission of adjudication batch
12	SULLIVAN	Tickets #13 and #14 (R.C.) X03716801 X03716812	6/22/11	Interstate computer transmission of adjudication batch

13	SULLIVAN	Tickets #13 and #14 (R.C.) X03716801 X03716812	Between on or about 5/18/11 and on or about 6/20/11	Interstate computer check of citation
14	SULLIVAN	Tickets #15 through #17 (K.S.) X05080176	6/20/11	Interstate text message
15	SULLIVAN	Ticket #18 (G.C.) P1P0J84T431	Between on or about 6/20/11 and on or about 7/15/11	Interstate computer check of citation
16	HIRD	Ticket #19 (K.M.) V02490762	12/20/10	Interstate computer transmission of adjudication batch
17	HIRD	Ticket #19 (K.M.) V02490762	Between on or about 10/14/10 and on or about 12/15/10	Interstate computer check of citation
18	SULLIVAN HIRD	Tickets #21 and #22 (J.J.) V02509043 V02509054	Between on or about 12/3/10 and on or about 2/9/11	Interstate computer check of citation
19	SULLIVAN HIRD	Tickets #21 and #22 (J.J.) V02509043 V02509054	2/14/11	Interstate computer transmission of adjudication batch
20	TYNES HIRD	Ticket #23 (M.D.) V02677065	Between on or about 1/28/11 and on or about 3/14/11	Interstate computer check of citation
21	TYNES	Tickets #24 and #25 (A.K.) V01711511 V01711522	Between on or about 11/1/10 and on or about 12/16/10	Interstate computer check of citation

22	HIRD LOWRY	Tickets #26 - #29 (C.I.) V01988851 V01988862 V01988873 V01988884	Between on or about 11/29/10 and on or about 12/1/10	Interstate computer check of citation
23	HIRD LOWRY	Tickets #26 - #29 (C.I.) V01988851 V01988862 V01988873 V01988884	11/30/10	Interstate telephone call
24	SINGLETARY	Ticket #30 (H.W.) V02705021	Between on or about 5/6/11 and on or about 6/8/11	Interstate computer access to list continuance of case
25	SINGLETARY SULLIVAN	Ticket #31 (N.M.) V00194165	Between on or about 6/4/10 and on or about 8/6/10	Interstate computer check of citation
26	SINGLETARY SULLIVAN	Ticket #31 (N.M.) V00194165	8/9/10	Interstate computer transmission of adjudication batch
27	SINGLETARY LOWRY	Tickets #32 and #33 (N.M.) V00656084 V00656095	Between on or about 6/26/10 and on or about 8/30/10	Interstate computer check of citation
28	SINGLETARY LOWRY	Tickets #32 and #33 (N.M.) V00656084 V00656095	9/1/10	Interstate computer transmission of adjudication batch
29	SINGLETARY	Tickets #34 - #36 (A.H.) V01892936 V01892940 V01892951	10/7/10	Interstate computer access to list continuance of case

30	SINGLETARY	Tickets #34 - #36 (A.H.) V01892936 V01892940 V01892951	11/15/10	Interstate computer transmission of adjudication batch
31	SINGLETARY	Tickets #37 and #38 (Gi.G.) V00997485 V00997496	Between on or about 7/30/10 and on or about 9/22/10	Interstate computer check of citation
32	SINGLETARY	Tickets #37 and #38 (Gi.G.) V00997485 V00997496	9/27/10	Interstate computer transmission of adjudication batch
33	SULLIVAN TYNES	Tickets #39 and #40 (T.B.) E05442102 E05442113	Between on or about 5/29/08 and on or about 7/31/08	Interstate computer check of citation
34	SULLIVAN TYNES	Tickets #39 and #40 (T.B.) E05442102 E05442113	8/4/08	Interstate computer transmission of adjudication batch
35	MULGREW	Ticket #41 (Ja.T.) E07371910	Between on or about 10/12/08 and on or about 12/16/08	Interstate computer check of citation
36	MULGREW	Ticket #41 (Ja.T.) E07371910	12/18/08	Interstate computer transmission of adjudication batch
37	LOWRY SULLIVAN	Ticket #42 (F.L.) S00623000	Between on or about 10/18/09 and on or about 12/22/09	Interstate computer check of citation
38	LOWRY SULLIVAN	Ticket #42 (F.L.) S00623000	12/24/09	Interstate computer transmission of adjudication batch

39	SULLIVAN MOY	Ticket #43 (A.T.) V01868613	8/16/10	Interstate computer transmission of adjudication batch
40	TYNES MOY	Ticket #44 (G.L.) X03644955	5/6/11	Interstate computer access to list continuance of case
41	TYNES MOY	Ticket #44 (G.L.) X03644955	7/29/11	Interstate computer access to list continuance of case
42	TYNES MOY	Ticket #45 (O.S.) V00604844	6/28/10	Interstate computer transmission of adjudication batch
43	SINGLETARY MOY	Ticket #46 (S.C.) X05395782	8/24/11	Interstate computer access to list continuance of case
44	SINGLETARY MOY	Ticket #47 (J.H.) X04743782	5/13/11	Interstate computer access to list continuance of case
45	SINGLETARY MOY	Ticket #47 (J.H.) X04743782	8/12/11	Interstate computer access to list continuance of case
46	SINGLETARY MOY	Ticket #48 (W.R.) X04104962	6/17/11	Interstate computer access to list continuance of case
47	SINGLETARY MOY	Ticket #48 (W.R.) X04104962	8/12/11	Interstate computer access to list continuance of case
48	SINGLETARY MOY	Ticket #49 (J.Ji.) X04885090	7/1/11	Interstate computer access to list continuance of case
49	SINGLETARY MOY	Ticket #49 (J.Ji.) X04885090	8/24/11	Interstate computer access to list continuance of case
50	SINGLETARY MOY	Ticket #50 (J.Ji.) X04310180	9/29/11	Interstate computer transmission of adjudication batch

All in violation of Title 18, United States Code, Sections 1343 and 2.

COUNTS FIFTY-ONE TO SIXTY-EIGHT

MAIL FRAUD

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 26 of Count One and the “Overt Acts” of Count One are realleged here.

THE SCHEME

2. Paragraphs 28 through 67 of Count One are realleged here.

3. On or about the following dates, in the Eastern District of Pennsylvania and elsewhere, the defendants listed below, having devised a scheme to defraud the City of Philadelphia and Commonwealth of Pennsylvania, and to obtain money and property by means of false and fraudulent pretenses, representations, and promises, for the purpose of executing the scheme to defraud, and attempting to do so, knowingly took, received, and aided and abetted the taking and receiving, from an authorized depository for mail matter, and caused to be delivered, and aided and abetted the delivery of, by the United States mail, according to directions thereon, the mail described below, each transmission constituting a separate count:

COUNT	DEFENDANTS	TICKET # and CITATION NO.	DATE	MAILING
51	ALFANO	Ticket #1 (R.C.C.) S02459903	Between on or about 1/5/10 and on or about 1/15/10	“Receipt” mailed
52	ALFANO	Ticket #2 (A.S.) P1J0PK568L4	3/15/10	Citation information mailed

53	ALFANO	Ticket #2 (A.S.) P1J0PK568L4	5/12/10	"Receipt" mailed
54	ALFANO BRUNO	Ticket #3 and #4 (L.R.) V0031114-6 V0031115-0	5/21/10	"Receipt" mailed
55	ALFANO MULGREW	Ticket #7 (Gianna Salvage, Inc.) V00322394	4/19/10	Citation information mailed
56	ALFANO MULGREW	Ticket #7 (Gianna Salvage, Inc.) V00322394	Between on or about 4/14/10 and on or about 4/19/10	Citation information mailed
57	SULLIVAN	Ticket #18 (G.C.) P1P0J84T431	7/23/11	Refund of money mailed
58	HIRD	Ticket #19 (K.M.) V02490762	Between on or about 10/14/10 and on or about 12/14/10	Citation information mailed
59	SINGLETARY HIRD	Ticket #20 (J.B.) V02803861	Between on or about 12/11/10 and on or about 2/2/11	Citation information mailed
60	TYNES HIRD	Ticket #23 (M.D.) V02677065	2/9/11	Citation information mailed
61	SINGLETARY SULLIVAN	Ticket #30 (H.W.) V02705021	Between on or about 5/6/11 and on or about 6/8/11	Letter mailed to PennDOT requesting that points be rescinded

62	SULLIVAN MOY	Ticket #43 (A.T.) V01868613	6/18/10	Citation information mailed
63	TYNES MOY	Ticket #44 (G.L.) X03644955	3/15/11	Citation information mailed
64	TYNES MOY	Ticket #45 (O.S.) V00604844	5/3/10	Citation information mailed
65	SINGLETARY MOY	Ticket #46 (S.C.) X05395782	7/6/11	Citation information mailed
66	SINGLETARY MOY	Ticket #47 (J.H.) X04743782	4/20/11	Citation information mailed
67	SINGLETARY MOY	Ticket #49 (J.Ji.) X04885090	5/19/11	Citation information mailed
68	SINGLETARY MOY	Ticket #50 (J.Ji.) X04310180	8/4/11	Citation information mailed

All in violation of Title 18, United States Code, Sections 1341 and 2.

COUNT SIXTY-NINE

PERJURY - MICHAEL LOWRY

THE GRAND JURY FURTHER CHARGERS THAT:

1. Paragraphs 1 through 26 and 28 through 67 of Count One, and the “Overt Acts” of Count One, are incorporated here.

2. On or about October 25, 2011, in the Eastern District of Pennsylvania, defendant

MICHAEL LOWRY,

while under oath and testifying in a proceeding before a grand jury of the United States in the Eastern District of Pennsylvania, knowingly made a false material declaration.

3. The grand jury empaneled on or about February 4, 2011, was conducting an investigation to determine, in part, whether individuals at and associated with Traffic Court engaged in the manipulation of tickets outside the judicial process, commonly known as “ticket-fixing” and referred to as “consideration.” It was material to this investigation to determine which individuals, and specifically which judges, participated in this practice.

4. With respect to this material matter, referring to requests for consideration, defendant MICHAEL LOWRY testified as follows, at page 49 of the transcript:

Q: Your testimony is you don’t give out special favors; is that right?

A. No, I treat everybody in that courtroom the same.

5. The testimony of defendant MICHAEL LOWRY, as he then and there well knew and believed, was false, in that LOWRY did give out special favors, in that he accepted and was influenced by “consideration” requests from other judges and individuals.

In violation of Title 18, United States Code, Section 1623.

COUNT SEVENTY

PERJURY - ROBERT MULGREW

THE GRAND JURY FURTHER CHARGERS THAT:

1. Paragraphs 1 through 26 and 28 through 67 of Count One, and the “Overt Acts” of Count One, are incorporated here.

2. On or about November 8, 2011, in the Eastern District of Pennsylvania, defendant

ROBERT MULGREW,

while under oath and testifying in a proceeding before a grand jury of the United States in the Eastern District of Pennsylvania, knowingly made a false material declaration.

3. The grand jury empaneled on or about February 4, 2011, was conducting an investigation to determine, in part, whether individuals at and associated with Traffic Court engaged in the manipulation of tickets outside the judicial process, commonly known as “ticket-fixing” and referred to as “consideration.” It was material to this investigation to determine which individuals, and specifically which judges, participated in this practice.

4. With respect to this material matter, referring to requests for consideration, defendant ROBERT MULGREW testified as follows, at pages 17-18 and 22-23 of the transcript:

Q: How about your personal, has your personal received any calls like that from other judges, other ward leaders that she’s conveyed to you saying that so and so has called about this case?

A: If she did, she didn’t convey them to me.

....

Q. Let me make sure as well that if I got your testimony correct. You're saying that if other people whether they be political leaders, friends and family, anybody is approaching your personal and asking her specifically to look out for a case, see what she can do in a case, give preferential treatment, however you want to phrase it, that she is not relaying any of that information on to you; is that correct?

A. No, she isn't.

5. The testimony of defendant ROBERT MULGREW, as he then and there well knew and believed, was false, in that MULGREW's personal assistant did communicate to him "consideration" requests from other judges and individuals.

In violation of Title 18, United States Code, Section 1623.

COUNT SEVENTY-ONE

PERJURY - THOMASINE TYNES

THE GRAND JURY FURTHER CHARGERS THAT:

1. Paragraphs 1 through 26 and 28 through 67 of Count One, and the “Overt Acts” of Count One, are incorporated here.

2. On or about October 4, 2011, in the Eastern District of Pennsylvania, defendant

THOMASINE TYNES,

while under oath and testifying in a proceeding before a grand jury of the United States in the Eastern District of Pennsylvania, knowingly made a false material declaration.

3. The grand jury empaneled on or about February 4, 2011, was conducting an investigation to determine, in part, whether individuals at and associated with Traffic Court engaged in the manipulation of tickets outside the judicial process, commonly known as “ticket-fixing” and referred to as “consideration.” It was material to this investigation to determine which individuals, and specifically which judges, participated in this practice.

4. With respect to this material matter, defendant THOMASINE TYNES testified as follows, at page 27 of the transcript:

Q: In all the years you’ve been [at Traffic Court] have you ever been asked to give favorable treatment on a case to anybody?

A: No, not favorable treatment. People basically know me. The lawyers know me. The court officers know me. I have been called a no nonsense person because I’m just not that way. I take my position seriously and the cards fall where they may.

5. The testimony of defendant TYNES, as she then and there well knew and believed, was false, in that TYNES was asked to give favorable treatment on cases.

In violation of Title 18, United States Code, Section 1623.

COUNT SEVENTY-TWO

PERJURY - THOMASINE TYNES

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 26 and 28 through 67 of Count One, and the “Overt Acts” of Count One, are incorporated here.

2. On or about October 4, 2011, in the Eastern District of Pennsylvania, defendant

THOMASINE TYNES,

while under oath and testifying in a proceeding before a grand jury of the United States in the Eastern District of Pennsylvania, knowingly made a false material declaration.

3. The grand jury empaneled on or about February 4, 2011, was conducting an investigation to determine, in part, whether individuals at and associated with Traffic Court engaged in the manipulation of tickets outside the judicial process, commonly known as “ticket-fixing” and referred to as “consideration.” It was material to this investigation to determine which individuals, and specifically which judges, participated in this practice.

4. With respect to this material matter, defendant THOMASINE TYNES testified as follows, at page 29 of the transcript:

Q: You’ve never taken action on a request?

A: No.

5. The testimony of defendant TYNES, as she then and there well knew and believed, was false, in that TYNES did take action on requests for favorable treatment on cases.

In violation of Title 18, United States Code, Section 1623.

COUNT SEVENTY-THREE

FALSE STATEMENT TO FBI - WILLIE SINGLETARY

THE GRAND JURY FURTHER CHARGERS THAT:

1. Paragraphs 1 through 26 and 28 through 67 of Count One, and the “Overt Acts” of Count One, are incorporated here.

2. On or about September 21, 2011, in the Eastern District of Pennsylvania, defendant

WILLIE SINGLETARY,

in a matter within the jurisdiction of the Federal Bureau of Investigation (FBI), an agency of the United States Department of Justice, knowingly and willfully made a false material statement.

3. Agents of the FBI were investigating the existence of a wire and mail fraud conspiracy charged in Count One of this indictment. A material question in this inquiry was whether defendant WILLIE SINGLETARY assisted in the manipulation of or provided preferential treatment in any Traffic Court matter outside the judicial process.

4. With respect to these material matters, defendant WILLIE SINGLETARY stated that he had never arranged or facilitated preferential treatment to anyone with a matter in Traffic Court.

5. These statements were false, as defendant WILLIE SINGLETARY then knew, as explained in the incorporated paragraphs of Count One of this indictment.

In violation of Title 18, United States Code, Section 1001.

COUNT SEVENTY-FOUR

FALSE STATEMENT TO FBI - WILLIE SINGLETARY

THE GRAND JURY FURTHER CHARGERS THAT:

1. Paragraphs 1 through 26 and 28 through 67 of Count One, and the “Overt Acts” of Count One, are incorporated here.

2. On or about September 21, 2011, in the Eastern District of Pennsylvania, defendant

WILLIE SINGLETARY,

in a matter within the jurisdiction of the Federal Bureau of Investigation (FBI), an agency of the United States Department of Justice, knowingly and willfully made a false material statement.

3. Agents of the FBI were investigating the existence of a wire and mail fraud conspiracy charged in Count One of this indictment. A material question in this inquiry was whether defendant WILLIE SINGLETARY assisted in the manipulation of or provided preferential treatment in any Traffic Court matter outside the judicial process.

4. With respect to these material matters, defendant SINGLETARY stated that he never waived any fines, reduced fines, reduced any points, or eliminated any tickets at the request of another judge or employee of the City of Philadelphia, nor through a previous arrangement prior to a court hearing

5. These statements were false, as defendant WILLIE SINGLETARY then knew, as explained in the incorporated paragraphs of Count One of this indictment.

In violation of Title 18, United States Code, Section 1001.

COUNT SEVENTY-FIVE

FALSE STATEMENT TO FBI - WILLIAM HIRD

THE GRAND JURY FURTHER CHARGERS THAT:

1. Paragraphs 1 through 26 and 28 through 67 of Count One, and the “Overt Acts” of Count One, are incorporated here.

2. On or about September 21, 2011, in the Eastern District of Pennsylvania, defendant

WILLIAM HIRD,

in a matter within the jurisdiction of the Federal Bureau of Investigation (FBI), an agency of the United States Department of Justice, knowingly and willfully made a false material statement.

3. Agents of the FBI were investigating the existence of a wire and mail fraud conspiracy charged in Count One of this indictment. A material question in this inquiry was whether WILLIAM HIRD assisted in the manipulation or preferential treatment of any Traffic Court matter outside the judicial process.

4. With respect to this material matter, defendant WILLIAM HIRD told the agents that he never manipulated or “fixed” tickets for defendant HENRY P. ALFANO.

5. These statements were false, as HIRD then knew, as explained in the incorporated paragraphs of Count One of this indictment.

In violation of Title 18, United States Code, Section 1001.

COUNT SEVENTY-SIX

FALSE STATEMENT TO FBI - WILLIAM HIRD

THE GRAND JURY FURTHER CHARGERS THAT:

1. Paragraphs 1 through 26 and 28 through 67 of Count One, and the “Overt Acts” of Count One, are incorporated here.

2. On or about September 21, 2011, in the Eastern District of Pennsylvania, defendant

WILLIAM HIRD,

in a matter within the jurisdiction of the Federal Bureau of Investigation (FBI), an agency of the United States Department of Justice, knowingly and willfully made a false material statement.

3. Agents of the FBI were investigating the existence of a wire and mail fraud conspiracy charged in Count One of this indictment. A material question in this inquiry was whether WILLIAM HIRD assisted in the manipulation or preferential treatment of any Traffic Court matter outside the judicial process.

4. With respect to this material matter, defendant WILLIAM HIRD stated that he never arranged to manipulate any Traffic Court hearings.

5. These statements were false, as HIRD then knew, as explained in the incorporated paragraphs of Count One of this indictment.

In violation of Title 18, United States Code, Section 1001.

COUNT SEVENTY-SEVEN

FALSE STATEMENT TO FBI - WILLIAM HIRD

THE GRAND JURY FURTHER CHARGERS THAT:

1. Paragraphs 1 through 26 and 28 through 67 of Count One, and the “Overt Acts” of Count One, are incorporated here.

2. On or about September 21, 2011, in the Eastern District of Pennsylvania, defendant

WILLIAM HIRD,

in a matter within the jurisdiction of the Federal Bureau of Investigation (FBI), an agency of the United States Department of Justice, knowingly and willfully made a false material statement.

3. Agents of the FBI were investigating the existence of a wire and mail fraud conspiracy charged in Count One of this indictment. A material question in this inquiry was whether WILLIAM HIRD assisted in the manipulation or preferential treatment of any Traffic Court matter outside the judicial process.

4. With respect to this material matter, defendant WILLIAM HIRD stated that Fortunato N. Perri, Sr. did not discuss “fixing” tickets or manipulating traffic court hearings with him.

5. These statements were false, as HIRD then knew, as explained in the incorporated paragraphs of Count One of this indictment.

In violation of Title 18, United States Code, Section 1001.

A TRUE BILL:

GRAND JURY FOREPERSON

**ZANE DAVID MEMEGER
UNITED STATES ATTORNEY**

UNITED STATES DISTRICT COURT

District of

UNITED STATES OF AMERICA

V.

ROBERT MULGREW

AMENDED JUDGMENT IN A CRIMINAL CASE

Case Number: DPAE2:13CR000039-003

USM Number: 68619-066

Angela Halim, Esq.

Defendant's Attorney

Date of Original Judgment: December 9, 2014 (Or Date of Last Amended Judgment)

Reason for Amendment:

- Correction of Sentence on Remand (18 U.S.C. 3742(f)(1) and (2))
Reduction of Sentence for Changed Circumstances (Fed. R. Crim. P. 35(b))
Correction of Sentence by Sentencing Court (Fed. R. Crim. P. 35(a))
Correction of Sentence for Clerical Mistake (Fed. R. Crim. P. 36)

- Modification of Supervision Conditions (18 U.S.C. §§ 3563(c) or 3583(e))
Modification of Imposed Term of Imprisonment for Extraordinary and Compelling Reasons (18 U.S.C. § 3582(c)(1))
Modification of Imposed Term of Imprisonment for Retroactive Amendment(s) to the Sentencing Guidelines (18 U.S.C. § 3582(c)(2))
Direct Motion to District Court Pursuant to 28 U.S.C. § 2255 or 18 U.S.C. § 3559(c)(7)
Modification of Restitution Order (18 U.S.C. § 3664)

THE DEFENDANT:

- pleaded guilty to count(s)
pleaded nolo contendere to count(s) which was accepted by the court.
was found guilty on count(s) 70 after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Table with 4 columns: Title & Section, Nature of Offense, Offense Ended, Count. Row 1: 18:1623, Perjury, 11/8/2011, 70

The defendant is sentenced as provided in pages 2 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s) 1, 4, 7, 35, 36, 55, 56
Count(s) is are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

December 9, 2014

Date of Imposition of Judgment

Signature of Judge (Handwritten signature)

Lawrence F. Stengel, U.S. District Judge

Name and Title of Judge

Date 1/7/15

DEFENDANT: ROBERT MULGREW
CASE NUMBER: DPAE2:13CR000039-003

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

18 months as to count 70, to run consecutively to the imprisonment term that the defendant is currently serving (case no. 2:12CR00462-001).

- The court makes the following recommendations to the Bureau of Prisons:

- The defendant is remanded to the custody of the United States Marshal.
- The defendant shall surrender to the United States Marshal for this district:
 - _____ a.m. p.m. on _____
 - as notified by the United States Marshal.
- The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
 - at or before _____
 - as notified by the United States Marshal.
 - as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: ROBERT MULGREW
CASE NUMBER: DPAE2:13CR00039-003

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

Three (3) year as to each of count 70.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: ROBERT MULGREW
CASE NUMBER: DPAE2:13CR00039-003

ADDITIONAL SUPERVISED RELEASE TERMS

The Court finds that the defendant does not have the ability to pay a fine. The Court will waive the fine in this case.

The defendant shall pay to the United States a total special assessment of \$100.00, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of mailing address or residence that occurs while any portion of the special assessment remains unpaid.

DEFENDANT: ROBERT MULGREW
CASE NUMBER: DPAE2:13CR00039-003

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$ 0.00	\$ 0.00

The determination of restitution is deferred until _____. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.

The defendant must make restitution (including community restitution) to the following payees in the amount

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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TOTALS	\$ _____	0	\$ _____	0
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Restitution amount ordered pursuant to plea agreement \$ _____

The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

The court determined that the defendant does not have the ability to pay interest and it is ordered that:

the interest requirement is waived for the fine restitution.

the interest requirement for the fine restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: ROBERT MULGREW
CASE NUMBER: DPAE2:13CR000039-003

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A Lump sum payment of \$ _____ due immediately, balance due
 - not later than _____, or
 - in accordance C, D, E, or F below; or
- B Payment to begin immediately (may be combined with C, D, or F below); or
- C Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F Special instructions regarding the payment of criminal monetary penalties:
The defendant shall pay to the United States a total special assessment of \$100.00, which shall be due immediately.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and corresponding payee, if appropriate.

- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

**COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE**

IN RE:

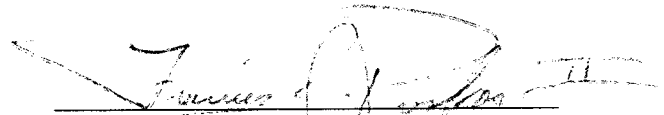
Robert Mulgrew
Judge
Philadelphia Traffic Court
Philadelphia County

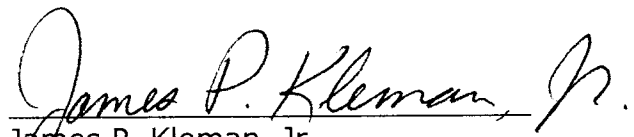
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CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Judicial Conduct Board of Pennsylvania


Francis J. Puskas, II
Deputy Chief Counsel
Pa. Supreme Court ID No. 76540


James P. Kleman, Jr.
Deputy Counsel
Pa. Supreme Court ID No. 87637

**COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE**

IN RE:

Robert Mulgrew
Judge
Philadelphia Traffic Court
Philadelphia County

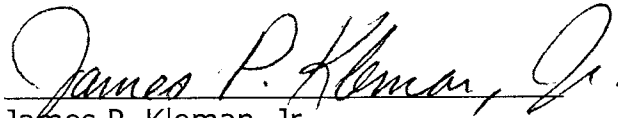
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PROOF OF SERVICE

In compliance with Rule 122 of the Court of Judicial Discipline Rules of Procedure, on April 2, 2019, a copy of the Board's Brief was mailed to Angela R. Halim, Esquire, counsel of record for Judge Mulgrew, at the following address:

Angela R. Halim, Esquire
Federal Community Defender Office
Eastern District of Pennsylvania
601 Walnut Street, Ste. 540 West
Philadelphia, PA 19106

Respectfully submitted,



James P. Kleman, Jr.
Deputy Counsel

Pa. Supreme Court ID No. 87637
Judicial Conduct Board
Pennsylvania Judicial Center
601 Commonwealth Avenue, Suite 3500
P.O. Box 62525
Harrisburg, PA 17106
(717) 234-7911

DATE: April 2, 2019