

OCT 5 2016

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF ARKANSAS
By: JAMES W. McCORMACK, CLERK
DEP CLERK

UNITED STATES OF AMERICA)	CRIMINAL NO. <u>4:16 CR 00232 KGB</u>
v.)	Date Filed: _____
O. JOSEPH BOECKMANN)	VIOLATIONS:
)	18 U.S.C. §§ 1343, 1346 (Wire Fraud—8 counts)
)	18 U.S.C. § 666(a)(1)(B) (Federal Program Bribery—1 count)
)	18 U.S.C. § 1952(a)(3) (Travel Act—10 counts)
)	18 U.S.C. § 1512(b)(1), (3) (Witness Tampering—2 counts)
)	<u>FILED UNDER SEAL</u>

INDICTMENT

THE GRAND JURY CHARGES THAT:

GENERAL ALLEGATIONS

At all times relevant to this Indictment:

1. Defendant O. JOSEPH BOECKMANN was a district judge for the First Judicial District of Arkansas, which includes Cross County and St. Francis County. BOECKMANN also maintained a residence in Wynne, Arkansas, which is located in Cross County.
2. BOECKMANN's responsibilities as a district judge included presiding over traffic citations and misdemeanor criminal cases in the First Judicial District of Arkansas and in other judicial districts of Arkansas by assignment. As a district judge for the First Judicial District of

Arkansas, BOECKMANN was an agent of the State of Arkansas and he had a fiduciary duty to act in the best interests of the State of Arkansas and its citizens.

3. In the cases over which BOECKMANN presided as an Arkansas district judge, an individual who received a traffic ticket or a misdemeanor criminal citation was subject to an initial assessment of the amount of money the individual would have to pay in the event of an adjudication of guilty or no contest. That initial assessment would include a fine plus fees and costs.

4. In the event of a guilty or no contest adjudication, the money received from fines, fees, and costs would be disbursed to the city and/or county in which the case arose, the court in which the case was brought, and in some cases the State of Arkansas.

5. In the event of an adjudication of not guilty or dismissal, the individual would not pay any fines, fees, or costs.

6. In or around 2012, Person A, an individual whose identity is known to the grand jury, appeared before BOECKMANN as a criminal defendant charged with possession of marijuana. At the time Person A appeared before BOECKMANN, Person A was approximately 18 years old.

7. In or around 2013, Person B, an individual whose identity is known to the grand jury, appeared before BOECKMANN for a traffic citation. At the time Person B appeared before BOECKMANN, Person B was approximately 20 years old.

8. In or around 2013, Person C, an individual whose identity is known to the grand jury, appeared before BOECKMANN for a traffic citation. At the time Person C appeared before BOECKMANN, Person C was approximately 20 years old.

9. Between in or around 2009 and in or around 2015, Person D, an individual whose identity is known to the grand jury, appeared before BOECKMANN for several traffic citations and misdemeanor criminal offenses. At the time Person D first appeared before BOECKMANN, Person D was approximately 19 years old.

10. In or around 2014, Person E, an individual whose identity is known to the grand jury, appeared before BOECKMANN for a traffic citation. At the time Person E appeared before BOECKMANN, Person E was approximately 22 years old and a resident of Memphis, Tennessee.

11. In or around 2014, Person F, an individual whose identity is known to the grand jury, appeared before BOECKMANN for a traffic citation. At the time Person F appeared before BOECKMANN, Person F was approximately 16 years old.

12. In or around 2014, Person G, an individual whose identity is known to the grand jury, appeared before BOECKMANN for a traffic citation. At the time Person G appeared before BOECKMANN, Person G was approximately 17 years old and a resident of Millington, Tennessee.

13. In or around 2015, Person H, an individual whose identity is known to the grand jury, appeared before BOECKMANN as a criminal defendant charged with possession of marijuana. At the time Person H appeared before BOECKMANN, Person H was approximately 20 years old.

14. Between in or around 2011 and in or around 2015, Person I appeared before BOECKMANN for several traffic citations and at least one misdemeanor criminal charge.

COUNTS 1-8
(Wire Fraud and Honest Services Wire Fraud)

THE GRAND JURY FURTHER CHARGES THAT:

15. The allegations contained in paragraphs 1 through 14 of this Indictment are re-alleged as if fully set forth herein.

16. From in or around 2010 to in or around 2015, in the Eastern District of Arkansas and elsewhere, the defendant,

O. JOSEPH BOECKMANN,

devised, and intended to devise, a scheme and artifice to defraud and to deprive the State of Arkansas and its citizens of their intangible right to the honest services of BOECKMANN through bribery, and to defraud and to deprive Cross County, St. Francis County, Crittenden County, the City of Wynne, the City of Parkin, the City of West Memphis, the State of Arkansas, and the Arkansas courts, of money and property by means of false and fraudulent pretenses, representations, and promises.

Purpose of the Scheme

17. It was a purpose of BOECKMANN's scheme and artifice to defraud for BOECKMANN to benefit himself by corruptly using his official position as an Arkansas district judge to obtain personal services, sexual contact, and the opportunity to view and to photograph in compromising positions persons who appeared before him in traffic and misdemeanor criminal cases in exchange for dismissing the cases.

18. It was a purpose of BOECKMANN's scheme and artifice to defraud for BOECKMANN to deprive Cross County, St. Francis County, Crittenden County, the City of Wynne, the City of Parkin, the City of West Memphis, the State of Arkansas, and the Arkansas courts of fines, fees,

and costs to which they were entitled by wrongfully dismissing cases of defendants who would otherwise have been required to pay such fines, fees, and costs.

19. It was a purpose of BOECKMANN's scheme and artifice to defraud for BOECKMANN to conceal his unlawful conduct by, among other things, encouraging the defendants whose cases he had wrongfully dismissed not to tell anyone about the disposition of their cases, falsifying court paperwork, and attempting to threaten and bribe witnesses against him in this matter.

Manner and Means

The manner and means by which BOECKMANN carried out the scheme and artifice to defraud included, but were not limited to, the following:

20. BOECKMANN used his status as an Arkansas district judge and his authority over Persons A through I as parties appearing before him to impose improper "community service" sentences on Persons A through I for BOECKMANN's own personal benefit while depriving the cities, counties, courts, and the state of money to which they were otherwise entitled in the form of fines, fees, and costs.

21. In particular, in the cases of Persons A, B, C, E, F, G, and H, as well as other similarly situated individuals, when each individual's case was called, BOECKMANN would instruct that individual to wait until the court session ended so that BOECKMANN could speak with that individual alone. When the court session ended, BOECKMANN would call that individual up to the bench and explain to that individual that BOECKMANN would dismiss that individual's case if that individual would perform "community service." In most instances, BOECKMANN would then provide the individual with his personal telephone number and tell the individual to call that number to arrange the community service.

22. BOECKMANN would either instruct the individual to collect aluminum cans or litter from the ground on his own and bring the cans or litter to BOECKMANN's house, or BOECKMANN would instruct the individual to come to BOECKMANN's house, at which point BOECKMANN would arrange for the individual to go with BOECKMANN to a location to pick up aluminum cans or litter.

23. In either event, BOECKMANN, under the pretense of documenting the individual's "community service," would photograph Persons A, B, C, E, F, G, and H with the cans or litter. In the cases of Persons A, B, C, E, F, and H, those photographs were taken while the individuals were posed in compromising positions.

24. In the case of Person D, on one occasion, BOECKMANN offered Person D the option to have his case dismissed for "community service" by performing labor at BOECKMANN's personal residence. On other occasions, BOECKMANN offered Person D the option to have his case dismissed for "community service" by being photographed naked or while masturbating or by being paddled on his bare buttocks by BOECKMANN.

25. In the case of Person I, BOECKMANN offered Person I the option to have cases dismissed for "community service" by being photographed naked or by being paddled on his bare buttocks by BOECKMANN.

26. These "community service" activities were arranged by BOECKMANN personally and were not conducted under the auspices of the Arkansas court clerks or any non-profit or charitable organization.

27. Once BOECKMANN finished photographing or paddling the individual, or once the individual completed his labor at BOECKMANN's personal residence, BOECKMANN would declare the "community service" complete and dismiss the individual's case, relieving the

individual of the obligation to pay fines, fees, and costs that would have otherwise gone to the relevant county, city, and court and in some cases to the State of Arkansas.

28. To effectuate and to conceal this scheme, BOECKMANN made and caused to be made false and fraudulent representations regarding the disposition of the cases of Persons A through I. Those false and fraudulent representations were reflected in the docket sheets and other court documents related to the cases of Persons A through I stating that the cases had been dismissed by reason of “community service.” In fact, the actions performed by Persons A through I at BOECKMANN’s direction were not performed for the purpose of “community service,” but rather for BOECKMANN’s personal benefit.

29. In a further effort to conceal the scheme, BOECKMANN instructed several of the individuals not to tell anyone about the “community service” sentence that BOECKMANN had imposed on them.

30. In a further effort to conceal the scheme, BOECKMANN instructed Person J to delete incriminating photographs from his computer.

31. In a further effort to conceal the scheme, BOECKMANN attempted to bribe Person D and to bribe and threaten Person J to provide false information to investigators regarding BOECKMANN’s conduct.

Use of Interstate Wires To Execute the Scheme

32. On or about the dates listed below, in the Eastern District of Arkansas and elsewhere, BOECKMANN, for the purpose of executing the above-described scheme and artifice to defraud and to deprive the State of Arkansas and its citizens of their intangible right to the honest services of BOECKMANN through bribery, and to defraud and to deprive Cross County, St. Francis County, Crittenden County, the City of Wynne, the City of Parkin, the City of West

Memphis, the State of Arkansas, and the Arkansas courts, of money and property by means of false and fraudulent pretenses, representations, and promises, knowingly transmitted and caused to be transmitted by means of wires in interstate commerce, the following writings, signs, and signals:

Count	Date	Description
1	Nov. 1, 2014	Interstate phone call between BOECKMANN in Arkansas and Person G in Tennessee.
2	Nov. 2, 2014	Interstate phone call between BOECKMANN in Arkansas and Person G in Tennessee.
3	Nov. 2, 2014	Text message between BOECKMANN and Person G.
4	Nov. 3, 2014	Interstate phone call between BOECKMANN in Arkansas and Person G in Tennessee.
5	Nov. 3, 2014	Interstate phone call between BOECKMANN in Arkansas and Person E in Tennessee.
6	Nov. 3, 2014	Text messages between BOECKMANN and Person G.
7	May 26, 2015	Text message between BOECKMANN and Person H
8	May 27, 2015	Text message between BOECKMANN and Person H

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

COUNT 9
(Federal Program Bribery)

33. Paragraphs 1 through 31 of this Indictment are re-alleged as if fully set forth herein.

34. From in or about June 2014 to in or about June 2015, in the Eastern District of Arkansas and elsewhere, the defendant,

O. JOSEPH BOECKMANN,

did corruptly solicit and demand for his own benefit, and accepted and agreed to accept, things of value from Persons D, E, F, G, and H, that is, the opportunity to view and to photograph or to attempt to photograph Persons D, E, F, G, and H in compromising positions, intending to be influenced and rewarded in connection with a business, transaction, and series of transactions of the State of Arkansas, valued at \$5,000 or more, that is, the traffic and criminal matters of Persons D, E, F, G, and H, and during that same one-year period the State of Arkansas received benefits in excess of \$10,000 under a Federal program involving a grant, contract, subsidy, loan, guarantee, insurance, or other form of Federal assistance.

In violation of Title 18, United States Code, Section 666(a)(1)(B).

COUNTS 10-19
(Travel Act)

35. Paragraphs 1 through 31 of this Indictment are re-alleged as if fully set forth herein.

36. From in or about 2012 to in or about 2015, in the Eastern District of Arkansas and elsewhere, the defendant,

O. JOSEPH BOECKMANN,

knowingly and willfully did use and cause to be used a facility in interstate and foreign commerce, and did cause others to travel in interstate and foreign commerce, with the intent to promote, manage, establish, carry on, and facilitate the promotion, management, establishment, and carrying on of an unlawful activity, namely, bribery, contrary to Ark. Stat. Ann. § 5-52-101, and thereafter performed and attempted to perform such promotion, management, establishment, carrying on, and facilitation of the promotion, management, establishment and carrying on of the above unlawful activity:

Count	Date (on or about)	Facility in Interstate and Foreign Commerce
10	Dec. 11, 2012	Telephone call between BOECKMANN and Person A
11	Oct. 26, 2013	Telephone call between BOECKMANN and Person B
12	Nov. 1, 2014	Telephone call between BOECKMANN and Person G
13	Nov. 2, 2014	Telephone call between BOECKMANN and Person G
14	Nov. 3, 2014	Telephone call between BOECKMANN and Person G
15	Nov. 2014	Causing Person G to travel in interstate and foreign commerce between Tennessee and Arkansas
16	Nov. 4, 2014	Telephone call between BOECKMANN and Person E
17	Nov. 2014	Causing Person E to travel in interstate and foreign commerce between Tennessee and Arkansas

18	May 25, 2015	Telephone call between BOECKMANN and Person H
19	May 26, 2015	Telephone call between BOECKMANN and Person H

In violation of Title 18, United States Code, Section 1952(a)(3).

COUNT 20
(Witness Tampering)

37. Paragraphs 1 through 31 of this Indictment are re-alleged as if fully set forth herein.

38. From in or about October 2015 to in or about November 2015, in the Eastern District of Arkansas and elsewhere, the defendant,

O. JOSEPH BOECKMANN,

used intimidation, threatened, and corruptly persuaded another person, and attempted to do so, with the intent to influence, delay, and prevent the testimony of a person in an official proceeding, and with the intent to hinder, delay and prevent the communication to a law enforcement officer of information relating to the commission or possible commission of a Federal offense, to wit, BOECKMANN directed another person to intimidate, threaten, and corruptly persuade and attempt to intimidate, threaten, and corruptly persuade Person J with the intent to influence, delay, and prevent the testimony of Person J in a federal grand jury investigation, and with the intent to hinder, delay, and prevent the communication by Person J to a law enforcement officer of information relating to the possible commission of a Federal offense by BOECKMANN.

In violation of Title 18, United States Code, Section 1512(b)(1), (3).

COUNT 21
(Witness Tampering)

39. Paragraphs 1 through 31 of this Indictment are re-alleged as if fully set forth herein.

40. In or about April 2016, in the Eastern District of Arkansas and elsewhere, the defendant,

O. JOSEPH BOECKMANN,

corruptly persuaded another person, and attempted to corruptly persuade another person, with the intent to influence, delay, and prevent the testimony of a person in an official proceeding, and with the intent to hinder, delay and prevent the communication to a law enforcement officer of information relating to the commission or possible commission of a Federal offense, to wit, he corruptly persuaded and attempted to corruptly persuade Person D with the intent to influence, delay, and prevent the testimony of Person D in a federal grand jury investigation, and with the intent to hinder, delay, and prevent the communication by Person D to a law enforcement officer of information relating to the possible commission of a Federal offense by BOECKMANN.

In violation of Title 18, United States Code, Section 1512(b)(1), (3).