

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
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2014 MAR 12 PM 1:45

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

UNITED STATES OF AMERICA

v.

FREDERICK HERNANDEZ (1)
JOEY ROSAS (2)
CHRISTOPHER MOORE (3)

No. **1-14CR-018-C**

INDICTMENT

The Grand Jury Charges:

INTRODUCTION

At all times pertinent to this Indictment:

1. The Big Spring Correctional Center (BSCC) is a correctional facility under contract with the GEO Group, Inc., under the jurisdiction of an agency of the United States, the United States Department of Justice, in which persons are held in custody by direction of and pursuant to a contract with the head of a Federal agency, the United States Department of Justice.

2. The BSCC consists of four correctional units, including the Flight Line Unit, managed under contract by the GEO Group, Inc., under the jurisdiction of an agency of the United States, the Bureau of Prisons (BOP).

3. The Flight Line Unit at the BSCC provides contract housing services for approximately 1,500 federal inmates. The Flight Line Unit is equipped with a Special

Housing Unit (SHU) for inmates requiring special supervision. The SHU consists of four cell block ranges: the 500, 600, 700 and 800 ranges, totaling 130 double occupancy individual inmate cells.

4. Correctional Officers assigned to the Flight Line Unit SHU are required to conduct and document random (irregular) 30-minute checks of each inmate cell.

5. Correctional Officers assigned to the Flight Line Unit SHU are also required to conduct and document formal counts of inmates, said counts conducted at specific times of the day, evening and morning watches. There are six formal counts during each 24-hour period: 12:01 a.m., 3:00 a.m., 5:00 a.m., 10:00 a.m., 4:00 p.m. and 10:00 p.m. The 4:00 p.m. count is a mandatory stand-up count.

6. On or about August 22, 2012, and continuing to on or about August 23, 2012, defendants **Frederick Hernandez (Hernandez)**, **Joe Rosas (Rosas)**, and **Christopher Moore (Moore)** were Correctional Officers assigned to the Flight Line Unit SHU from 8:00 p.m., on August 22, 2012, until 8:00 a.m., on August 23, 2012. **Hernandez** was the supervising officer overseeing the Flight Line Unit SHU for this Shift (hereinafter referred to as the August 22 - August 23 Shift).

7. **Hernandez, Rosas and Moore** were responsible for conducting the 30-minute checks and formal counts of inmates in the Flight Line Unit SHU, 500, 600, 700 and 800 ranges, during the August 22 - August 23 Shift.

8. During the August 22 - August 23 Shift, BOP inmate Luis Bent was confined to cell number 502, Range 500, in the Flight Line Unit SHU.

Count One

False Statements and Aiding and Abetting
(Violation of 18 U.S.C. §§ 1001 and 2)

1. The Grand Jury realleges all of the allegations contained in the Introduction of this indictment.

2. Beginning on or about August 22, 2012, and continuing to on or about August 23, 2012, in the Abilene Division of the Northern District of Texas, in a matter within the jurisdiction of an agency of the United States, the United States Department of Justice, defendants **Frederick Hernandez (Hernandez), Joey Rosas (Rosas),** and **Christopher Moore (Moore)**, each being a being public official, that is, a Correctional Officer, assigned to the Flight Line Unit in the Special Housing Unit (SHU) at the Big Spring Correctional Center (BSCC), a correctional facility under contract with the GEO Group, Inc., under the jurisdiction of an agency of the United States, the United States Department of Justice, did knowingly and willfully make, and cause to be made, false, fictitious, and fraudulent statements and representations to the Department of Justice as to material facts, by signing and submitting to the Department of Justice, as required by law, the "GEO FLIGHTLINE 12 HOUR SHIFT, 30 MINUTE ROUNDS, 600/700 RANGE" Form, for the time period 8:00 p.m. to 8:00 a.m., wherein **Hernandez, Rosas, and Moore**, each certified by placing his initials on the Form that it was true and correct, and that the 30 MINUTE ROUNDS reflected therein had been performed, when in truth and in fact, as **Hernandez, Rosas, and Moore**, then and there well knew, the Form was not correct and was false in that **Hernandez, Rosas, and Moore**, had not conducted the 30 MINUTE

ROUNDS.

A violation of Title 18, United States Code, Sections 1001 and 2.

Count Two

False Statements and Aiding and Abetting
(Violation of Title 18 U.S.C. §§ 1001 and 2)

1. The Grand Jury realleges all of the allegations contained in the Introduction of this indictment.

2. Beginning on or about August 22, 2012, and continuing to on or about August 23, 2012, in the Abilene Division of the Northern District of Texas, in a matter within the jurisdiction of an agency of the United States, the United States Department of Justice, defendants **Frederick Hernandez (Hernandez)** and **Joey Rosas (Rosas)**, each being a being public official, that is, a Correctional Officer, assigned to the Flight Line Unit in the Special Housing Unit (SHU) at the Big Spring Correctional Center (BSCC), a correctional facility under contract with the GEO Group, Inc., under the jurisdiction of an agency of the United States, the United States Department of Justice, did knowingly and willfully make, and cause to be made, false, fictitious, and fraudulent statements and representations to the Department of Justice as to material facts, by signing and submitting to the Department of Justice, as required by law, the "GEO FLIGHTLINE 12 HOUR SHIFT, 30 MINUTE ROUNDS, 600/700 RANGE" Form, for the time period 8:01 p.m. to 12:20 a.m., wherein **Hernandez** and **Rosas** each certified by placing his initials on the Form that it was true and correct, and that the 30 MINUTE ROUNDS reflected therein had been performed, when in truth and in fact, as **Hernandez** and **Rosas** then and there well knew, the Form was not correct and was false in that **Hernandez** and **Rosas** had not

conducted the 30 MINUTE ROUNDS.

A violation of Title 18, United States Code, Sections 1001 and 2.

Count Three
False Statements and Aiding and Abetting
(Violation of Title 18 U.S.C. §§ 1001 and 2)

1. The Grand Jury realleges all of the allegations contained in the Introduction of this indictment.

2. Beginning on or about August 22, 2012, and continuing to on or about August 23, 2012, in the Abilene Division of the Northern District of Texas, in a matter within the jurisdiction of an agency of the United States, the United States Department of Justice, defendants **Frederick Hernandez (Hernandez)** and **Christopher Moore (Moore)**, each being a being public official, that is, a Correctional Officer, assigned to the Flight Line Unit in the Special Housing Unit (SHU) at the Big Spring Correctional Center (BSCC), a correctional facility under contract with the GEO Group, Inc., under the jurisdiction of an agency of the United States, the United States Department of Justice, did knowingly and willfully make, and cause to be made, false, fictitious, and fraudulent statements and representations to the Department of Justice as to material facts, by signing and submitting to the Department of Justice, as required by law, the "GEO FLIGHTLINE 12 HOUR SHIFT, 30 MINUTE ROUNDS, 600/700 RANGE" Form, for the time period 12:37 a.m. to 4:55 a.m., wherein **Hernandez** and **Moore** each certified by placing his initials on the Form that it was true and correct, and that the 30 MINUTE ROUNDS reflected therein had been performed, when in truth and in fact, as **Hernandez** and **Moore** then and there well knew, the Form was not correct and was false in that **Hernandez** and **Moore** had not conducted the 30 MINUTE ROUNDS.

A violation of Title 18, United States Code, Sections 1001 and 2.

Count Four

False Statements and Aiding and Abetting
(Violation of Title 18 U.S.C. §§ 1001 and 2)

1. The Grand Jury realleges all of the allegations contained in the Introduction of this indictment.

2. Beginning on or about August 22, 2012, and continuing to on or about August 23, 2012, in the Abilene Division of the Northern District of Texas, in a matter within the jurisdiction of an agency of the United States, the United States Department of Justice, defendant **Frederick Hernandez (Hernandez)**, being a being public official, that is, a Correctional Officer, and during the time period, being the Senior Shift Officer-in-Charge, assigned to the Flight Line Unit in the Special Housing Unit (SHU) at the Big Spring Correctional Center (BSCC), a correctional facility under contract with the GEO Group, Inc., under the jurisdiction of an agency of the United States, the United States Department of Justice, did knowingly and willfully make, and cause to be made, false, fictitious, and fraudulent statements and representations to the Department of Justice as to material facts, by signing and submitting to the Department of Justice, as required by law, the "GEO GROUP, INC., OFFICIAL COUNT SLIP" Form, for the formal count of inmates at 12:01 a.m., wherein **Hernandez** certified by placing his initials on the Form that it was true and correct, and that the formal count of inmates reflected therein had been performed, when in truth and in fact, as **Hernandez** then and there well knew, the Form was not correct and was false in that **Hernandez** had not conducted the formal count of inmates.

A violation of Title 18, United States Code, Sections 1001 and 2.

Count Five

False Statements and Aiding and Abetting
(Violation of Title 18 U.S.C. §§ 1001 and 2)

1. The Grand Jury realleges all of the allegations contained in the Introduction of this indictment.

2. Beginning on or about August 22, 2012, and continuing to on or about August 23, 2012, in the Abilene Division of the Northern District of Texas, in a matter within the jurisdiction of an agency of the United States, the United States Department of Justice, defendant **Frederick Hernandez (Hernandez)**, being a being public official, that is, a Correctional Officer, and during the time period, being the Senior Shift Officer-in-Charge, assigned to the Flight Line Unit in the Special Housing Unit (SHU) at the Big Spring Correctional Center (BSCC), a correctional facility under contract with the GEO Group, Inc., under the jurisdiction of an agency of the United States, the United States Department of Justice, did knowingly and willfully make, and cause to be made, false, fictitious, and fraudulent statements and representations to the Department of Justice as to material facts, by signing and submitting to the Department of Justice, as required by law, the "GEO GROUP, INC., OFFICIAL COUNT SLIP" Form, for the formal count of inmates at 3:00 a.m., wherein **Hernandez** certified by placing his initials on the Form that it was true and correct, and that the formal count of inmates reflected therein had been performed, when in truth and in fact, as **Hernandez** then and there well knew, the Form was not correct and was false in that **Hernandez** had not conducted the formal count of inmates.

A violation of Title 18, United States Code, Sections 1001 and 2.

Count Six

False Statements and Aiding and Abetting
(Violation of Title 18 U.S.C. §§ 1001 and 2)

1. The Grand Jury realleges all of the allegations contained in the Introduction of this indictment.

2. Beginning on or about August 22, 2012, and continuing to on or about August 23, 2012, in the Abilene Division of the Northern District of Texas, in a matter within the jurisdiction of an agency of the United States, the United States Department of Justice, defendant **Frederick Hernandez (Hernandez)**, being a being public official, that is, a Correctional Officer, and during the time period, being the Senior Shift Officer-in-Charge, assigned to the Flight Line Unit in the Special Housing Unit (SHU) at the Big Spring Correctional Center (BSCC), a correctional facility under contract with the GEO Group, Inc., under the jurisdiction of an agency of the United States, the United States Department of Justice, did knowingly and willfully make, and cause to be made, false, fictitious, and fraudulent statements and representations to the Department of Justice as to material facts, by signing and submitting to the Department of Justice, as required by law, the "GEO GROUP, INC., OFFICIAL COUNT SLIP" Form, for the formal count of inmates at 5:00 a.m., wherein **Hernandez** certified by placing his initials on the Form that it was true and correct, and that the formal count of inmates reflected therein had been performed, when in truth and in fact, as **Hernandez** then and there well knew, the Form was not correct and was false in that **Hernandez** had not conducted the formal count of inmates.

A violation of Title 18, United States Code, Sections 1001 and 2.

Count Seven

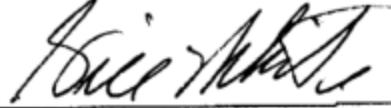
False Statements and Aiding and Abetting
(Violation of Title 18 U.S.C. §§ 1001 and 2)

1. The Grand Jury realleges all of the allegations contained in the Introduction of this indictment.

2. Beginning on or about August 22, 2012, and continuing to on or about August 23, 2012, in the Abilene Division of the Northern District of Texas, in a matter within the jurisdiction of an agency of the United States, the United States Department of Justice, defendant **Frederick Hernandez (Hernandez)**, being a being public official, that is, a Correctional Officer, and during the time period, being the Senior Shift Officer-in-Charge, assigned to the Flight Line Unit in the Special Housing Unit (SHU) at the Big Spring Correctional Center (BSCC), a correctional facility under contract with the GEO Group, Inc., under the jurisdiction of an agency of the United States, the United States Department of Justice, did knowingly and willfully make, and cause to be made, false, fictitious, and fraudulent statements and representations to the Department of Justice as to material facts, by signing and submitting to the Department of Justice, as required by law, the "SHU Control Log" Form, for the time period 12:01 a.m. to 5:10 a.m., wherein **Hernandez** certified by placing his initials on the Log that it was true and correct, and that the SHU Control Log reflected therein that the formal counts of inmates had been performed, when in truth and in fact, as **Hernandez** then and there well knew, the Log was not correct and was false in that **Hernandez** had not conducted the formal counts of inmates.

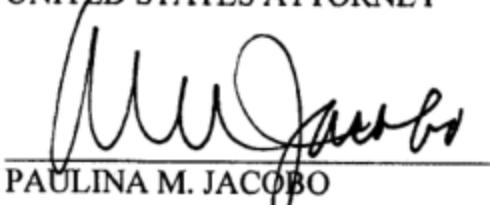
A violation of Title 18, United States Code, Sections 1001 and 2.

A TRUE BILL



FOREPERSON

SARAH R. SALDAÑA
UNITED STATES ATTORNEY



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INDICTMENT

18 U.S.C. §§ 1001 and 2
False Statements and Aiding and Abetting

(7 COUNTS)

A true bill rendered:
Lubbock



Foreperson

Filed in open court this 12th day of March, A.D. 2014.

Clerk

WARRANT TO ISSUE AS TO EACH DEFENDANT



CHARLES W. COOLEY
UNITED STATES MAGISTRATE JUDGE