

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

UNITED STATES OF AMERICA	:	CRIMINAL NO. _____
v.	:	DATE FILED: _____
MARK W. THOMPSON	:	VIOLATIONS:
GERALD WATSON	:	18 U.S.C. § 1951
BARRY JOHNSON	:	(Hobbs Act Extortion - 8 counts)

INDICTMENT

COUNTS ONE THROUGH EIGHT

THE GRAND JURY CHARGES THAT:

INTRODUCTION

At all times material to this indictment:

1. The Philadelphia Prison System (PPS) is a branch of the government of the City of Philadelphia, Pennsylvania.
2. The Detention Center (DC) is part of the Philadelphia Prison System, located within Philadelphia, Pennsylvania. The DC housed prisoners charged with criminal conduct in the courts of the Commonwealth of Pennsylvania.
3. The Curran-Fromhold Correctional Facility (CFCF) is part of the Philadelphia Prison System, located within Philadelphia, Pennsylvania. The CFCF housed prisoners charged with criminal conduct in the courts of the Commonwealth of Pennsylvania.
4. The House of Correction (HOC) is part of the Philadelphia Prison System, located within Philadelphia, Pennsylvania. The HOC housed prisoners charged with criminal conduct in

the courts of the Commonwealth of Pennsylvania.

5. Prison guards were responsible for guarding the prisoners housed in the PPS.

6. Prison guards in the PPS were responsible to follow the rules and regulations established for the operations of the PPS and to ensure that prisoners followed these rules and regulations.

7. Prisoners housed in the PPS were not permitted to possess or use cellular telephones.

8. Prisoners housed in the PPS were not permitted to possess or use cigarettes.

9. Prisoners housed in the PPS were not permitted to possess or use marijuana.

10. The PPS' Policies and Procedures required that employees, including prison guards, "shall not . . . receive gifts from inmates or former inmates or their families or their friends."

11. The PPS' Policies and Procedures required that "[n]o employee shall accept a gift of any nature whatsoever from an inmate, nor without permission shall any employee give anything to an inmate, or extend to any inmate any favors of diet, clothing, or of any other nature, not common to all."

12. The PPS' Policies and Procedures required that "[e]mployees shall not accept tips or gifts of any kind from visitors . . . or any other individual or corporataion, for any official service unless expressly approved by the Commissioner."

13. The PPS' Policies and Procedures required that "[n]o employee will use their official position to gain any personal advantage, or advantage for another in any improper or unauthorized manner, or engage in conduct that constitutes, or gives rise to the appearance of, a

conflict of interest.”

14. The PPS’ Policies and Procedures required that “[a]ll employees are prohibited from smoking or possessing tobacco or tobacco related products in PPS facilities.”

15. The PPS required all prison guards to abide by an Employee Code of Conduct that required that “[n]o employee shall use his/her official position ... to gain any personal advantage, or an advantage for another in any improper or unauthorized manner.”

16. The PPS required all prison guards to abide by an Employee Code of Conduct that required that “[n]o employee shall engage in any conduct that constitutes or appears to be a conflict of interest, accept unauthorized item[s] or service[s] for oneself or anyone else . . .”

THE DEFENDANTS

17. From approximately July 26, 1982 until the time of this Indictment, **MARK W. THOMPSON** was employed as a prison guard for the PPS, both at the HOC and the DC.

18. From approximately December 26, 1995 until February, 2003, **GERALD WATSON** was employed as a prison guard for the PPS, at the DC.

19. From approximately August 24, 1994 until September, 2003, **BARRY JOHNSON** was employed as a prison guard for the Philadelphia Prison System at the CFCF.

20. The inmates and the PPS engaged in, and their activities affected, interstate commerce. The PPS commissary system was operated by an entity having its place of business in the State of New Jersey. The PPS’ commissary system alone generated approximately \$12,918,933.79 in interstate commerce with this entity during the period January 12, 2000 through December 6, 2002. For the period January 1, 2000 through January 1, 2003, there were approximately 557,255 inmate purchases through the commissary system, totaling approximately

\$12,992,709.52, all of which affected interstate commerce.

21. The defendants used their positions and authority as prison guards within the Philadelphia Prison System to obtain cash payments in exchange for smuggling contraband, including cigarettes, cellular telephones and marijuana, into the PPS.

22. The means and methods employed by the defendants included the following:

- a. Defendants would agree with prisoners housed in the PPS to bring contraband into the PPS in exchange for cash payments.
- b. Because of their positions as prison guards, defendants were able to avoid close searches when they entered facilities at the PPS.
- c. Defendants smuggled contraband into the PPS and gave contraband to prisoners in exchange for cash payments.
- d. Defendants made telephone calls to persons outside the prisons to arrange to pick up contraband to be smuggled into the PPS.
- e. Defendants made telephone calls to persons outside the prisons to arrange to pick up cash payments on behalf of prisoners housed in the PPS.
- f. Defendants received cash payments for smuggling contraband into the PPS.
- g. Prisoners in the PPS who received cigarettes used the cigarettes themselves or sold them for a substantial profit.
- h. Prisoners in the PPS used cellular telephones to make unmonitored telephone calls.

HOBBS ACT EXTORTION

23. On or about the dates listed below, at Philadelphia, in the Eastern District of Pennsylvania, defendants

**MARK W. THOMPSON
GERALD WATSON, and
BARRY JOHNSON**

knowingly and unlawfully obstructed, delayed and affected commerce, and the movement of articles and commodities in commerce, and attempted to do so, by extortion, in that the defendants unlawfully obtained and attempted to obtain property and things of value more fully described below, which was not due the defendants or their office, from inmates at the PPS, with the consent of those PPS inmates, under color of official right in their capacity as prison guards:

COUNT	DEFENDANT	DATE	APPROXIMATE VALUE
1	MARK W. THOMPSON	11/22/2002	\$500
2	MARK W. THOMPSON	12/2/2002	\$500
3	MARK W. THOMPSON	1/2001 - 10/2002	\$200 per week
4	MARK W. THOMPSON	11/2002 - 1/2003	\$200 per week
5	GERALD WATSON	2/1/2002	\$400

6	GERALD WATSON	12/2001 - 3/2002	\$100 per week
7	BARRY JOHNSON	5/8/2002	\$500
8	BARRY JOHNSON	4/2002	\$500

All in violation of Title 18, United States Code, Sections 1951(a).

A TRUE BILL:

GRAND JURY FOREPERSON

PATRICK L. MEEHAN
United States Attorney