

2009R00593

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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

v.

ANTONIO FIGUEROA,
a/k/a "Baby Fat Face," and
ROBERT BAYARD

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Criminal No. 10 - 685 - RBK

18 U.S.C. §§ 241 & 242

18 U.S.C. § 2

INDICTMENT

The Grand Jury in and for the District of New Jersey, sitting at Camden, charges:

COUNT 1

[Conspiracy to Deprive Others of Civil Rights]

1. On or about June 27, 2003, defendant Antonio Figueroa, a/k/a "Baby Fat Face," graduated from the Camden County Police Academy and began work as a Camden Police Department ("CPD") Officer. Figueroa was issued Badge Number 1268.

2. On or about September 12, 2006, defendant Robert Bayard graduated from the Burlington County Police Academy and began work as a CPD Officer. Bayard was issued Badge Number 1298.

3. At all times relevant to this Indictment:

a. The Camden County Police Academy and the Burlington County Police Academy were New Jersey law enforcement training facilities which performed, among other things, basic law enforcement education and training for recruits for municipalities within Camden County, New Jersey, including the City of Camden. In addition to

physical training, tactical and self-defense skill development and firearms training, cadets were instructed in areas of police procedure, New Jersey criminal statutes, search and seizure, procedures for handling evidence, the constitutions of both New Jersey and the United States, morals and ethics of a police officers and acts which constituted official misconduct.

b. The CPD was a law enforcement agency charged with protecting and serving the residents of Camden as well as any individual who visited that City. Prior to July 30, 2008, CPD Administration deployed officers in a manner that operated primarily by responding to calls for service and performing random patrols. Tactical units also addressed high crime areas with more targeted operations. After July 30, 2008, CPD Administration redeployed officers in a manner that implemented a targeted enforcement strategy employing directed patrols aimed at addressing high crime areas within Camden as determined by crime mapping and statistical analysis.

c. For organizational purposes, Camden was divided into Districts and each District divided into Sectors. Officers were organized into Platoons with a number of Platoons responsible for each District. Regardless of the Sector to which an officer was assigned, he or she would provide assistance to other officers in other Sectors or Districts when needed. Patrolman assigned to a Platoon wore police uniforms, drove marked police vehicles (sedan or van) and conducted patrols.

d. CPD officers were required to complete a CPD Patrol Log for their shift. This Patrol Log detailed the date, time, location and nature of their involvement in police activity during their shift. The officer's unit number (used to identify the Officer on radio

calls) and vehicle number also were listed. If two officers were working together in the same vehicle on a shift, only one Patrol Log (containing both names) was completed. Patrol Logs were completed in chronological order, listing the activity as it was completed by the officer during the shift. Among other things, Patrol Logs documented activities such as directed patrols, suspicious person checks, motor vehicle stops and arrests. All police activity, to include breaks, were to be recorded on the Patrol Log.

e. When a CPD officer generated a Police Report for a particular activity, the dispatch operator would provide a case number to the Officer. The case number consisted of the year - month - day and a unique sequential number provided by the dispatch operator. This case number was associated with the specific incident, and was recorded by an officer on the Patrol Log and any Police Reports generated. These Police Reports provided the date, time and the specific details of police activities that occurred. In addition, these Police Reports provided the names of subjects, witnesses and other Police Officers at a particular scene. In sum, the use of Patrol Logs and Police Reports provided a record of a CPD officer's activities during a given shift.

4. Since approximately 1986, co-conspirator Dan E. Morris was employed by CPD as a Police Officer and was issued Badge Number 600. At all times relevant to Count 1 of this Indictment, Morris was a supervisor officer and held the rank of Sergeant.

5. On or about June 27, 2003, co-conspirator Jason Stetser, a/k/a "Fat Face," a/k/a "Tattoo," a/k/a "Bloodhound," graduated from the Camden County Police Academy and began work as a CPD Officer. Stetser was issued Badge Number 315.

6. On or about September 12, 2006, co-conspirator Kevin Parry graduated from the Burlington County Police Academy and began work as a CPD Officer. Parry was issued Badge Number 1294.

7. At times relevant to Count 1 of this Indictment, defendant Figueroa and defendant Bayard, as well as co-conspirators Morris, Stetser and Parry, were assigned to a common unit and shift, that being, Special Operations, 4th Platoon.

8. Between in or about May 2007 and on or about October 28, 2009, at Camden, in the District of New Jersey, and elsewhere, defendants

ANTONIO FIGUEROA,
a/k/a "Baby Fat Face," and
ROBERT BAYARD,

while acting under color of the laws of the State of New Jersey, did knowingly and intentionally conspire and agree with others, including co-conspirators Dan E. Morris, Jason Stetser and Kevin Parry, to injure, oppress, threaten, and intimidate persons in the State of New Jersey, in the free exercise and enjoyment of rights secured by the Constitution and laws of the United States, namely the right not to be deprived of liberty and property without due process of law, to include the right to be free from unreasonable searches and seizures and to be free from the intentional use of unreasonable force by one acting under color of law.

Object of the Conspiracy

9. It was the object of the conspiracy for defendant Antonio Figueroa and defendant Robert Bayard, and their co-conspirators, including co-conspirators Dan E. Morris, Jason Stetser and Kevin Parry, to deprive individuals of their due process rights, by the following methods and means:

- a. Planting evidence and charging individuals based upon the planted evidence;
- b. Threatening individuals with arrest based upon planted evidence, unless those individuals provided cooperation to law enforcement on other matters;
- c. Seizing property, most often drugs, and thereafter not reporting the seizure, or incorrectly reporting the seized amounts, so that the drugs could be used at a later time to plant on individuals;
- d. Adding drugs to the amounts seized during arrests in order to make the arrests appear more significant and expose the arrestees to greater penalties;
- e. Stealing drugs or money from individuals or during unlawful searches to use for personal purposes;
- f. Exchanging illegal drugs for cooperation or information;
- g. Intentionally using unreasonable force to conduct one or more other methods or means of the conspiracy;
- h. Conducting searches without a warrant or with improperly obtained consent;
- i. Unlawfully detaining individuals to conduct one or more other methods or means of the conspiracy;
- j. Testifying falsely under oath; and

k. Falsifying police reports and intentionally failing to testify, to conceal their actions.

Unlawful Conduct

10. It was a part of the conspiracy that, on or about December 27, 2007, co-conspirators Jason Stetser and Kevin Parry unlawfully searched the residence of A.R. in Camden and subsequently arrested A.R. based upon evidence obtained during an illegal warrantless search. Thereafter, co-conspirator Jason Stetser authored a police report containing false and misleading facts and statements to conceal their unlawful actions. On or about July 29, 2008, co-conspirator Kevin Parry testified falsely under oath in the Superior Court of New Jersey at a hearing in connection with the arrest of A.R.

11. It was a further part of the conspiracy that, on or about August 9, 2008, defendant Antonio Figueroa and co-conspirator Jason Stetser unlawfully detained and intimidated T.C., and subsequently arrested A.K. in Camden based upon planted evidence. Thereafter, defendant Antonio Figueroa authored a police report containing false and misleading facts and statements to conceal their unlawful actions.

12. It was a further part of the conspiracy that, on or about August 30, 2008, defendant Antonio Figueroa and defendant Robert Bayard, and their co-conspirators, including co-conspirators Dan E. Morris, Jason Stetser and Kevin Parry, unlawfully arrested A.C. in Camden, based upon evidence obtained from an illegal search, and stole money found during the illegal search. Thereafter, co-conspirator Jason Stetser authored a police report containing false and misleading facts and statements to conceal their unlawful actions.

13. It was a further part of the conspiracy that, between on or about September 14, 2008 and on or about September 15, 2008, defendant Antonio Figueroa and co-conspirators Dan E. Morris, Jason Stetser and Kevin Parry unlawfully searched various residences in the Winslow Court Apartments in Camden and stole money found during those searches. The apartment of A.A. was subjected to an illegal search based upon information coerced from W.R. Thereafter, defendant Figueroa authored a report containing false and misleading facts and statements to conceal their unlawful actions.

14. It was a further part of the conspiracy that, on or about September 17, 2008, defendant Antonio Figueroa and defendant Robert Bayard, and their co-conspirators, including co-conspirators Dan E. Morris, Jason Stetser and Kevin Parry unlawfully arrested D.B.#1 in Camden, based upon evidence obtained from an illegal search and planted evidence, and stole money found during the illegal search. Thereafter, defendant Antonio Figueroa authored a police report containing false and misleading facts and statements to conceal their unlawful actions. On or about June 26, 2009, defendant Antonio Figueroa testified falsely under oath in the Superior Court of New Jersey at a hearing in connection with the arrest of D.B.#1.

15. It was a further part of the conspiracy that, on or about September 17, 2008, defendant Antonio Figueroa and defendant Robert Bayard, and their co-conspirators, including co-conspirators Jason Stetser and Kevin Parry arrested T.R. and A.F. for suspected drug distribution. Thereafter, defendant Antonio Figueroa and defendant Robert Bayard, and their co-conspirators, including co-conspirators Jason Stetser and Kevin Parry, added an additional quantity of drugs to the original seized drugs which were not directly attributable to T.R. and A.F. or the events of September 17, 2008. Thereafter, defendant Robert Bayard authored a police

report containing false and misleading facts and statements to conceal their unlawful actions.

16. It was a further part of the conspiracy that, on or about January 10, 2009, defendant Robert Bayard and co-conspirator Kevin Parry arrested S.B. for suspected drug distribution activities and possession of narcotics based upon planted evidence. Thereafter, defendant Robert Bayard authored a police report containing false and misleading facts and statements to conceal their unlawful actions.

17. It was a further part of the conspiracy that, on or about January 27, 2009, defendant Antonio Figueroa and defendant Robert Bayard, and their co-conspirators, including co-conspirators Jason Stetser and Kevin Parry, unlawfully searched a residence in Camden where R.M. was located and subsequently caused the arrest of R.M. based upon false information. Thereafter, defendant Robert Bayard authored a police report containing false and misleading facts and statements to conceal their unlawful actions. On or about May 12, 2009, defendant Robert Bayard testified falsely under oath before a New Jersey state grand jury sitting in Camden in connection with the arrest of R.M.

18. It was a further part of the conspiracy that, on or about April 3, 2009, defendant Antonio Figueroa and co-conspirators Jason Stetser and Kevin Parry unlawfully searched a vehicle occupied by L.M. in Camden and subsequently arrested L.M. based upon planted evidence. Thereafter, Antonio Figueroa authored a police report containing false and misleading facts and statements to conceal their unlawful actions.

19. It was a further part of the conspiracy that, on or about August 21, 2009, defendant Antonio Figueroa and co-conspirators Jason Stetser and Kevin Parry unlawfully searched the residence of J.M. in Camden and arrested J.M. Thereafter, defendant Antonio Figueroa authored a police report containing false and misleading facts and statements to conceal their unlawful actions.

In violation of Title 18, United States Code, Section 241.

COUNT 2

[Deprivation of Rights Under Color of Law – A.K. & T.C.]

1. Paragraphs 1, 3, 5 and 11 of Count 1 are realleged and incorporated herein.
2. On or about August 9, 2008, at Camden, in the District of New Jersey and elsewhere,

defendant

ANTONIO FIGUEROA,
a/k/a “Baby Fat Face,”

while acting under color of law, knowingly and willfully subjected A.K. and T.C. to the deprivation of rights, privileges and immunities secured and protected by the Constitution and laws of the United States, namely the right not to be deprived of liberty and property without due process of law.

In violation of Title 18, United States Code, Section 242, and Title 18, United States Code, Section 2.

COUNT 3

[Deprivation of Rights Under Color of Law – A.C.]

1. Paragraphs 1 to 3, 4 to 6 and 12 of Count 1 are realleged and incorporated herein.
2. On or about August 30, 2008, at Camden, in the District of New Jersey and elsewhere, defendants

ANTONIO FIGUEROA,
a/k/a “Baby Fat Face,” and
ROBERT BAYARD,

while acting under color of law, knowingly and willfully subjected A.C. to the deprivation of rights, privileges and immunities secured and protected by the Constitution and laws of the United States, namely the right not to be deprived of liberty and property without due process of law.

In violation of Title 18, United States Code, Section 242, and Title 18, United States Code, Section 2.

COUNT 4

[Deprivation of Rights Under Color of Law – A.A. & W.R. – Winslow Court]

1. Paragraphs 1, 3 to 6 and 13 of Count 1 are realleged and incorporated herein.
2. Between on or about September 14, 2008 and on or about September 15, 2008, at

Camden, in the District of New Jersey and elsewhere, defendant

ANTONIO FIGUEROA,
a/k/a “Baby Fat Face,”

while acting under color of law, knowingly and willfully subjected A.A. and W.R. to the deprivation of rights, privileges and immunities secured and protected by the Constitution and laws of the United States, namely the right not to be deprived of liberty and property without due process of law.

In violation of Title 18, United States Code, Section 242, and Title 18, United States Code, Section 2.

COUNT 5

[Deprivation of Rights Under Color of Law – D.B.#1]

1. Paragraphs 1 to 6, and 14 of Count 1 are realleged and incorporated herein.
2. On or about September 17, 2008, at Camden, in the District of New Jersey and elsewhere, defendants

ANTONIO FIGUEROA,
a/k/a “Baby Fat Face,” and
ROBERT BAYARD,

while acting under color of law, knowingly and willfully subjected D.B.#1 to the deprivation of rights, privileges and immunities secured and protected by the Constitution and laws of the United States, namely the right not to be deprived of liberty and property without due process of law.

In violation of Title 18, United States Code, Section 242, and Title 18, United States Code, Section 2.

COUNT 6

[Deprivation of Rights Under Color of Law – S.B.]

1. Paragraphs 2, 3, 6 and 16 of Count 1 are realleged and incorporated herein.
2. On or about January 10, 2009, at Camden, in the District of New Jersey and elsewhere, defendant

ROBERT BAYARD,

while acting under color of law, knowingly and willfully subjected S.B. to the deprivation of rights, privileges and immunities secured and protected by the Constitution and laws of the United States, namely the right not to be deprived of liberty and property without due process of law.

In violation of Title 18, United States Code, Section 242, and Title 18, United States Code, Section 2.

COUNT 7

[Deprivation of Rights Under Color of Law – R.M.]

1. Paragraphs 1 to 3, 5 to 6 and 17 of Count 1 are realleged and incorporated herein.
2. On or about January 27, 2009, at Camden, in the District of New Jersey and elsewhere, defendants

ANTONIO FIGUEROA,
a/k/a “Baby Fat Face,” and
ROBERT BAYARD,

while acting under color of law, knowingly and willfully subjected R.M. to the deprivation of rights, privileges and immunities secured and protected by the Constitution and laws of the United States, namely the right not to be deprived of liberty and property without due process of law.

In violation of Title 18, United States Code, Section 242, and Title 18, United States Code, Section 2.

COUNT 8

[Deprivation of Rights Under Color of Law – L.M.]

1. Paragraphs 1, 3, 5 to 6 and 18 of Count 1 are realleged and incorporated herein.
2. On or about April 3, 2009, at Camden, in the District of New Jersey and elsewhere,

defendant

ANTONIO FIGUEROA,
a/k/a “Baby Fat Face,”

while acting under color of law, knowingly and willfully subjected L.M. to the deprivation of rights, privileges and immunities secured and protected by the Constitution and laws of the United States, namely the right not to be deprived of liberty and property without due process of law.

In violation of Title 18, United States Code, Section 242, and Title 18, United States Code, Section 2.

COUNT 9

[Deprivation of Rights Under Color of Law – J.M.]

1. Paragraphs 1, 3, 5 to 6 and 19 of Count 1 are realleged and incorporated herein.
2. On or about August 21, 2009, at Camden, in the District of New Jersey and elsewhere, defendant

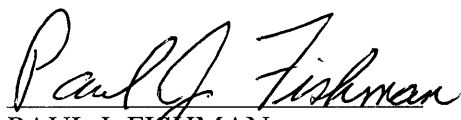
ANTONIO FIGUEROA,
a/k/a “Baby Fat Face,”

while acting under color of law, knowingly and willfully subjected J.M. to the deprivation of rights, privileges and immunities secured and protected by the Constitution and laws of the United States, namely the right not to be deprived of liberty and property without due process of law.

In violation of Title 18, United States Code, Section 242, and Title 18, United States Code, Section 2.

A TRUE BILL

FOREPERSON


PAUL J. FISHMAN
United States Attorney

CASE NUMBER: 2009R00593

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**ANTONIO FIGUEROA,
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ROBERT BAYARD**

INDICTMENT

18 United States Code §§ 241, 242 and 2

A True Bill, / /

Fdreperson

PAUL J. FISHMAN
*U.S. ATTORNEY
NEWARK, NEW JERSEY*

KEVIN T. SMITH
*SENIOR LITIGATION COUNSEL
ASSISTANT U.S. ATTORNEY
856-757-5026*