

JUDGE FRANK MONTALVO

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

FILED

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CLERK, US DISTRICT COURT
WESTERN DISTRICT OF TEXAS

INDICTMENT

BY Fm DEPUTY

UNITED STATES OF AMERICA,

Plaintiff,

v.

**MANUEL JOSEPH BARRAZA, also
known as (a.k.a.): MANUEL
SAAVEDRA,**

Defendant.

Cause No. EP-09-CR-_____ -

[Violations:

- Count 1: 18 U.S.C. §§ 1343 and 1346 -
Wire Fraud and the Deprivation of Honest
Services;**
- Count 2: 18 U.S.C. §§ 1343 and 1346 -
Wire Fraud and the Deprivation of Honest
Services;**
- Count 3: 18 U.S.C. §§ 1341 and 1346 -
Mail Fraud and the Deprivation of Honest
Services; and**
- Count 4: 18 U.S.C. § 1001(a)(2) -
False Statement.**

THE GRAND JURY CHARGES:

EP09CR0978

COUNT ONE

(18 U.S.C. §§ 1343 and 1346)

(WIRE FRAUD AND THE DEPRIVATION OF HONEST SERVICES)

INTRODUCTION

At all times relevant to this Indictment:

1. On November 5, 2008, **MANUEL JOSEPH BARRAZA, a.k.a. MANUEL SAAVEDRA**, was elected by the citizens of El Paso County, Texas, to serve in the position of Judge for Criminal District Court One. On January 1, 2009, **MANUEL JOSEPH BARRAZA, a.k.a. MANUEL SAAVEDRA**, took the official oath and affirmation to enter upon the duties of the office of Judge, Criminal District Court One, a subdivision of the judicial branch of the state government of Texas.

2. The Texas Constitution, Article 16, Section 1, provides that elected officials must support the Constitution of the United States and the Constitution and laws of the State of Texas and must faithfully discharge the duties of their office.

3. The Texas Constitution, Article 16, Section 41, provides that a judge shall be guilty of the offense of bribery if the judge consents to receive, either directly or

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indirectly, from a person, any money or promise, with any expressed or implied understanding that the judge's official action shall be in any way influenced.

4. Vernon's Texas Statutes and Codes Annotated, Penal Code, Section 36.02 (a)(1), provides that a person commits the offense of bribery if he intentionally and knowingly offers, confers, or agrees to confer on another, or solicits, accepts, or agrees to accept from another (1) any benefit as consideration for the recipient's decision, recommendation, or other exercise of official discretion in a judicial proceeding.

5. Vernon's Texas Statutes and Codes Annotated, Penal Code, Section 36.02(b) provides that it is no defense to a bribery prosecution that the person whom the actor sought to influence was not qualified to act in the desired way, whether because he had not yet assumed office or he lacked jurisdiction, or for any other reason.

On or about February 5, 2009, in the Western District of Texas and elsewhere, defendant,

MANUEL JOSEPH BARRAZA, a.k.a. MANUEL SAAVEDRA,

knowingly attempted to devise and devised and intended to devise a scheme and artifice to defraud the State of Texas and the citizens of El Paso, Texas, living and voting in El Paso County, of the intangible right to honest services of a public servant, and to obtain money and to engage in sexual activity by material, false and fraudulent pretenses representations and promises, that is, defendant, **MANUEL JOSEPH BARRAZA, a.k.a. MANUEL SAAVEDRA,** agreed to act and make decisions in his official capacity as a Judge for Criminal District Court One of El Paso County, Texas, on behalf of his constituents free from corruption, fraud, bribery, undue influence, and deceit, however, the defendant, **MANUEL JOSEPH BARRAZA, a.k.a. MANUEL SAAVEDRA,** solicited, agreed to accept and accepted bribes in the form of cash money and solicited sex and agreed to accept a bribe of engaging in sexual activity with women, including an individual who was, unbeknownst to the defendant, a Federal Bureau of Investigation (FBI) Special Agent acting in an

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undercover capacity (UC), in exchange for his influence and exercise of discretion in his official capacity as an elected Judge; in that, the defendant promised to intervene in a felony criminal case filed by the State of Texas pending in state district court against Jane Doe-One (JD-1) to influence the outcome of said case, including exercising his judicial authority to transfer JD-1's case to the defendant, **MANUEL JOSEPH BARRAZA, a.k.a. MANUEL SAAVEDRA**'s court, to give the defendant jurisdiction over the case so that the defendant could influence the outcome of JD-1's case and promised to obtain the services of a lawyer the defendant trusted, Attorney (A1), so that A1 could file motions to transfer JD-1's case to the defendant, **MANUEL JOSEPH BARRAZA, a.k.a. MANUEL SAAVEDRA**'s court, to give the defendant jurisdiction over the case so that the defendant could influence the outcome of JD-1's case; and the defendant, **MANUEL JOSEPH BARRAZA, a.k.a. MANUEL SAAVEDRA**, failed to disclose to his constituency and to the State of Texas, that he received money and solicited and agreed to accept a bribe to engage in sexual activity with women, including an FBI UC, in exchange for the exercise of his judicial discretion to assist JD-1 with her pending criminal case; and in furtherance of the scheme to defraud and to deprive the State of Texas and the citizens of El Paso living and voting in El Paso County of the honest services of the defendant, **MANUEL JOSEPH BARRAZA, a.k.a. MANUEL SAAVEDRA**, and to obtain money and property by material, false and fraudulent pretenses representations and promises, the defendant, sent and caused to be sent the transmission by wire, in interstate and foreign commerce, writings, signs, signals, pictures and sounds, including an electronic mail message in which the defendant offered to meet the FBI UC, and said electronic mail message was sent for the purpose of engaging in sexual activity with the FBI UC as consideration for

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defendant's exercise of discretion as a judge for Criminal District Court One, in violation of Title 18, United States Code, Sections 1343 and 1346 .

SCHEME AND ARTIFICE TO DEFRAUD

1. It was part of the scheme and artifice to defraud that, on or about December 2008, the defendant, **MANUEL JOSEPH BARRAZA, a.k.a. MANUEL SAAVEDRA**, solicited from JD-1, women to engage in sexual activity with the defendant in exchange for his decision, recommendation, promises, and other exercise of official discretion in his capacity as an elected Judge for Criminal District Court One.

2. Beginning on or about November, 2008, and continuing to and including on or about February 26, 2009, the defendant, **MANUEL JOSEPH BARRAZA, a.k.a. MANUEL SAAVEDRA**, solicited and accepted cash bribes for his decision, recommendation, promises, and other exercise of official discretion in his capacity as an elected Judge for Criminal District Court One.

3. On or about January 21, 2009, and continuing to and including on or about March 13, 2009, the defendant, **MANUEL JOSEPH BARRAZA, a.k.a. MANUEL SAAVEDRA**, agreed to accept from Cooperating Witness One (CW-1), a bribe, engaging in sexual activity with the FBI UC in exchange for his exercise of official discretion in his capacity as an elected Judge for Criminal District Court One.

4. On or about January 21, 2009, the defendant, **MANUEL JOSEPH BARRAZA, a.k.a. MANUEL SAAVEDRA**, informed CW-1 that to transfer JD-1's pending criminal case into his court required retaining the services of an attorney he trusted. Thereafter, the defendant garnered

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the services of Attorney One (A1) to assist him in executing the scheme and artifice to defraud.

5. On or about January 23, 2009, the defendant, **MANUEL JOSEPH BARRAZA, a.k.a. MANUEL SAAVEDRA**, accepted a cash bribe from CW-1 and thereafter, caused to be delivered to a state district court a Transfer and Assignment Order authorizing the transfer of JD-1's case to the defendant's court.

6. On or about February 5, 2009, the defendant, **MANUEL JOSEPH BARRAZA, a.k.a. MANUEL SAAVEDRA**, did cause to be sent and transmitted an electronic mail message offering to meet the FBI UC.

7. On or about February 24, 2009, the defendant, **MANUEL JOSEPH BARRAZA, a.k.a. MANUEL SAAVEDRA**, informed CW-1 that the state district court refused to transfer JD-1's case to the defendant's court.

COUNT TWO
(18 U.S.C. §§ 1343 and 1346)
(WIRE FRAUD AND THE DEPRIVATION OF HONEST SERVICES)

The Introduction and Scheme and Artifice to Defraud in Count One of this Indictment are incorporated by reference in their entirety as if fully set out herein.

On or about February 17, 2009, in the Western District of Texas and elsewhere, defendant, **MANUEL JOSEPH BARRAZA, a.k.a. MANUEL SAAVEDRA**, knowingly attempted to devise and devised and intended to devise a scheme and artifice to defraud the State of Texas and the citizens of El Paso, Texas, living and voting in El Paso County, of the intangible right to honest services of a public servant, and to obtain money and to engage in sexual activity by material, false and fraudulent pretenses representations and promises, that is, defendant,

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MANUEL JOSEPH BARRAZA, a.k.a. MANUEL SAAVEDRA, agreed to act and make decisions in his official capacity as a Judge for Criminal District Court One of El Paso County, Texas, on behalf of his constituents free from corruption, fraud, bribery, undue influence, and deceit, however, the defendant, **MANUEL JOSEPH BARRAZA, a.k.a. MANUEL SAAVEDRA**, solicited, agreed to accept and accepted bribes in the form of cash money and solicited sex and agreed to accept a bribe of engaging in sexual activity with women, including an individual who was unbeknownst to the defendant, a Federal Bureau of Investigation (FBI) Special Agent acting in an undercover capacity (UC), in exchange for his influence and exercise of discretion in his official capacity as an elected Judge, in that, the defendant promised to intervene in a felony criminal case filed by the State of Texas pending in state district court against Jane Doe-One (JD-1) to influence the outcome of said case, including exercising his judicial authority to transfer JD-1's case to the defendant, **MANUEL JOSEPH BARRAZA, a.k.a. MANUEL SAAVEDRA**'s court, to give the defendant jurisdiction over the case so that the defendant could influence the outcome of JD-1's case and promised to obtain the services of a lawyer the defendant trusted, Attorney (A1), so that A1 could file motions to transfer JD-1's case to the defendant, **MANUEL JOSEPH BARRAZA, a.k.a. MANUEL SAAVEDRA**'s court, to give the defendant jurisdiction over the case so that the defendant could influence the outcome of JD-1's case; and the defendant, **MANUEL JOSEPH BARRAZA, a.k.a. MANUEL SAAVEDRA**, failed to disclose to his constituency and to the State of Texas, that he received money and solicited and agreed to accept a bribe to engage in sexual activity with women including an FBI UC, in exchange for the exercise of his judicial discretion to assist JD-1 with her pending criminal case; and in furtherance of the scheme to defraud and to

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deprive the State of Texas and the citizens of El Paso living and voting in El Paso County of the honest services of the defendant, **MANUEL JOSEPH BARRAZA, a.k.a. MANUEL SAAVEDRA**, and to obtain money and property by material, false and fraudulent pretenses representations and promises, the defendant, sent and caused to be sent the transmission by wire, in interstate and foreign commerce, writings, signs, signals, pictures and sounds, including an electronic mail message in which the defendant offered to meet the FBI UC, and said electronic mail message was sent for the purpose of engaging in sexual activity with the FBI UC, as consideration for defendant's exercise of discretion as a judge for Criminal District Court One, in violation of Title 18, United States Code, Sections 1343 and 1346 .

SCHEME AND ARTIFICE TO DEFRAUD

1. It was part of the scheme and artifice to defraud that on or about February 17, 2009, the defendant, **MANUEL JOSEPH BARRAZA, a.k.a. MANUEL SAAVEDRA**, did cause to be sent and transmitted an electronic mail message offering to meet the FBI UC.

COUNT THREE
(18 U.S.C. §§ 1341 and 1346)
(MAIL FRAUD AND THE DEPRIVATION OF HONEST SERVICES)

The Introduction and Scheme and Artifice to Defraud in Count One of this Indictment are incorporated by reference in their entirety as if fully set out herein.

On or about January 20, 2008, in the Western District of Texas and elsewhere, defendant, **MANUEL JOSEPH BARRAZA, a.k.a. MANUEL SAAVEDRA**, knowingly attempted to devise and devised and intended to devise a scheme and artifice to defraud the State of Texas and the citizens of El Paso, Texas, living and voting in El Paso County, of the

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intangible right to honest services of a public servant, and to obtain money and to engage in sexual activity by material, false and fraudulent pretenses representations and promises, that is, defendant, **MANUEL JOSEPH BARRAZA, a.k.a. MANUEL SAAVEDRA**, agreed to act and make decisions in his official capacity as a Judge for Criminal District Court One of El Paso County, Texas, on behalf of his constituents free from corruption, fraud, bribery, undue influence, and deceit, however, the defendant, **MANUEL JOSEPH BARRAZA, a.k.a. MANUEL SAAVEDRA**, solicited, agreed to accept and accepted bribes in the form of cash money and solicited sex and agreed to accept a bribe of engaging in sexual activity with women, including an individual who was, unbeknownst to the defendant, a Federal Bureau of Investigation (FBI) Special Agent acting in an undercover capacity (UC), in exchange for his influence and exercise of discretion in his official capacity as an elected Judge; in that, the defendant promised to intervene in a felony criminal case filed by the State of Texas pending in state district court against Jane Doe-One (JD-1) to influence the outcome of said case, including to exercise his judicial authority to transfer JD-1's case to the defendant, **MANUEL JOSEPH BARRAZA, a.k.a. MANUEL SAAVEDRA's** court, to give the defendant jurisdiction over the case so that the defendant could influence the outcome of JD-1's case and promised to obtain the services of a lawyer the defendant trusted, Attorney (A1), so that A1 could file motions to transfer JD-1's case to the defendant, **MANUEL JOSEPH BARRAZA, a.k.a. MANUEL SAAVEDRA's** court, to give the defendant jurisdiction over the case so that the defendant could influence the outcome of JD-1's case; and the defendant, **MANUEL JOSEPH BARRAZA, a.k.a. MANUEL SAAVEDRA**, failed to disclose to his constituency and to the State of Texas, that he received money and solicited and agreed to accept a bribe to engage

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in sexual activity with women including an FBI UC in exchange for the exercise of his judicial discretion to assist JD-1 with her pending criminal case; and in furtherance of the scheme to defraud and to deprive the State of Texas and the citizens of El Paso living and voting in El Paso County of the honest services of the defendant, **MANUEL JOSEPH BARRAZA, a.k.a. MANUEL SAAVEDRA**, and to obtain money and property by material, false and fraudulent pretenses representations and promises, sent and caused to be sent and delivered, by United States Postal Service, correspondence facilitating the defendant's solicitation of a cash bribe as consideration for defendant's exercise of discretion as the judge for Criminal District Court One, in violation of Title 18, United States Code, Sections 1341 and 1346.

SCHEME AND ARTIFICE TO DEFRAUD

1. It was part of the scheme and artifice to defraud that, on or about January 20, 2009, defendant, **MANUEL JOSEPH BARRAZA, a.k.a. MANUEL SAAVEDRA**, did cause to be sent, delivered and moved by the United States Postal Service, a letter from JD-1 to Cooperating Witness Two (CW-2), which letter detailed JD-1's intent to pay the defendant a cash bribe.

COUNT FOUR
(18 U.S.C. §§ 1001(a)(2))
(FALSE STATEMENT)

The Introduction in Count One of this Indictment is incorporated by reference in its entirety as if fully set out herein.

On or about March 24, 2008, in the Western District of Texas and elsewhere, defendant,

MANUEL JOSEPH BARRAZA, a.k.a. MANUEL SAAVEDRA,

in a matter within the jurisdiction of the United States Department of Justice, Federal Bureau of

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Investigation (FBI), a part of the Executive Branch of the Government of the United States, did knowingly and willfully make a false, fictitious and fraudulent material statement and representation in that the defendant, **MANUEL JOSEPH BARRAZA, a.k.a. MANUEL SAAVEDRA**, when interviewed by FBI Special Agents, denied meeting with Jane Doe-1's (JD-1) family after assuming the duties of state judge for Criminal District Court One, when in truth and in fact the defendant met with JD-1's sister and accepted a cash bribe, and the defendant's false statement was an attempt to conceal accepting a cash bribe from JD-1's sister, in violation of Title 18, United States Code, Section 1001(a)(2).

A TRUE BILL

Foreperson of the Grand Jury

JOHNNY SUTTON
UNITED STATES ATTORNEY

By:


Assistant United States Attorney