

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
<i>Plaintiff,</i>)	
)	
v.)	Cause No. 2:16-mj-00032-MJD
)	
FRANK SHAHADEY,)	-02
)	
<i>Defendant.</i>)	

**BRIEF IN SUPPORT OF MOTION FOR
REVOCATION OF RELEASE ORDER**

The United States of America, by counsel, Josh J. Minkler, United States Attorney for the Southern District of Indiana, and Tiffany J. McCormick, Assistant United States Attorney, respectfully moves the Court for revocation of the order issued by the Honorable Mark J. Dinsmore permitting the pretrial release of Frank Shahadey (“Shahadey”), pursuant to 18 U.S.C. §§ 3142(f), and 3145. In support of its motion, the United States advises the Court as follows:

BACKGROUND

I. The Offense

The defendant, Frank Shahadey, is charged by Complaint with one count of Theft of Government Funds as follows:

Between or about April 2014, and October 28, 2016, FRANKLIN V. FENNELL and FRANK SHAHADEY, while working for the Vigo

County School Corporation, in Vigo County, Indiana, which is within the Southern District of Indiana, embezzled, stole, obtained by fraud, or otherwise converted to the use of individuals other than the Vigo County School Corporation, more than \$5,000 in funds owned by, or in the care, custody, and control of the Vigo County School Corporation, a State or local government agency, that receives, in any one year period, benefits in excess of \$10,000 under a Federal program involving a grant, contract, subsidy, loan guarantee, insurance, or other form of Federal assistance.

The charge carries a five-year statutory maximum sentence of imprisonment, up to one year of supervised release, and a maximum fine of \$250,000.

II. Pretrial Detention Hearing

Defendant appeared for a detention hearing before the Honorable Mark J. Dinsmore on November 4, 2016. The United States moved for pretrial detention on multiple grounds. Specifically, the government urged that detention was appropriate in this case given (1) the serious risk that Defendant would obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate, a prospective witness, and (2) the danger Defendant poses to the community. *See* 18 U.S.C. § 3142(e), (f)(2)(B). The Government did not move on the basis that the defendant was a serious risk of flight. At the conclusion of the hearing, Magistrate Judge Dinsmore ordered Defendant's release upon conditions. The United States moved for a stay of the magistrate court's order, which was granted until the District Court rules on the appeal.

During the hearing, the Government supported its motion for detention by introducing evidence set forth in the probable cause affidavit, including Shahadey's position as a Vigo County Sheriff's Deputy, and his recorded threats to kill potential witnesses against him. The Government further introduced evidence by proffer, including documented complaints by one potential witness that Shahadey physically threatened him, and reports from the Vigo County Sheriff's Department ("VCSD") that Shahadey directed a dispatch officer to run the potential witnesses' criminal histories. The defendant submitted his resume, certain performance awards, a crash report dated October 14, 2016, and physical therapy evaluation dated October 24, 2016. The defendant also submitted by proffer evidence regarding his purported injury in the line of duty, planned knee surgery, and other medical conditions such as sleep apnea.

At the conclusion of the hearing, Magistrate Judge Dinsmore ordered Defendant's release upon stringent conditions, including home incarceration, GPS monitoring, and restrictive movement (Exhibit A). The United States moved for a stay of the magistrate court's order, which was granted until such time as the District Court ruled on the Government's motion.

STANDARD OF REVIEW

Pursuant to 18 U.S.C. § 3145(a), "[i]f a person is ordered released by a magistrate judge . . . the attorney for the Government may file, with the court having

original jurisdiction over the offense, a motion for revocation of the order or amendment of the conditions of release. . . .” The motion shall be determined promptly.” *See also United States v. Robinson*, 27 F. Supp. 2d 1116, 1117 (S.D. Ind. 1998). This Court conducts a *de novo* review of the magistrate judge’s release or detention order and it need not defer to the magistrate’s findings. *E.g., United States v. Elliott*, 546 F. Supp. 2d 643, 643 (S.D. Ind. 2008). The Court must state in writing the reasons for the detention of a defendant. 18 U.S.C. § 3142(i); Fed. R. App. P. 9(a)(1); *see Robinson*, 27 F. Supp. 2d at 1117.

Under 18 U.S.C. § 3142(e), a defendant may be detained pending trial if the Court finds one of the following to be true: (1) no condition or combination of conditions will reasonably assure the appearance of the defendant; or (2) no condition or combination of conditions will reasonably assure the safety of any other person or the community. A finding of a serious risk either that the defendant will flee or that the defendant poses a danger to the community will be sufficient to detain the defendant pending trial. *See United States v. Torres*, 929 F.2d 291, 292 (7th Cir. 1991); *United States v. Portes*, 786 F.2d 758 (7th Cir. 1985). The government must prove danger to the community by clear and convincing evidence. *Id.* at 764-65.

If the Court finds that no condition or combination of conditions will reasonably assure the appearance of the Defendant as required and the safety of any other person and the community, the Court shall order the detention of the person before

trial. 18 U.S.C. § 3142(e)(1). In determining whether there are conditions of release that will reasonably assure defendant's appearance and the safety of any other person and the community, the Court takes into account the following factors under 18 U.S.C. § 3142(g):

- (1) the nature and circumstances of the offense charged, including whether the offense is a crime of violence, a violation of section 1591, a Federal crime of terrorism, or involves a minor victim or a controlled substance, firearm, explosive, or destructive device;
- (2) the weight of the evidence against the person;
- (3) the history and characteristics of the person, including:
 - (A) the person's character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, and record concerning appearance at court proceedings; and
 - (B) whether, at the time of the current offense or arrest, he was on probation, on parole, or other release pending trial, sentencing appeal, or completion of sentence for an offense under Federal, State, or local law; and
- (4) the nature and seriousness of the danger to any person or the community that would be posed by the person's release.

ARGUMENT

A proper assessment of the § 3142(g) considerations compels detention in this case. The facts of this case as demonstrated by considerable evidence, the nature of

the charge, and Defendant's history all counsel reversal of the Magistrate Judge's decision to release Defendant. Only detention can ensure the safety of our community, the safety of potential witnesses against the defendant, and prevent the defendant from further efforts to obstruct justice.

A. The Nature and Circumstances of the Offense (18 U.S.C. § 3142(g)(1)) Strongly Favor Detention

The first factor to be considered in determining whether there are conditions of release that will reasonably assure the safety of any other person and the community, including prospective witnesses, involves the nature and circumstances of the offense charged. 28 U.S.C. § 3142(g)(1). This factor strongly demonstrates that defendant is an unacceptable danger to the community generally, and to prospective witnesses specifically, and an order of detention is appropriate.

1. The Kickback Scheme

Until he was placed on Administrative Leave as a result of his November 2, 2016, arrest, Shahadey was a sworn deputy with the VCSD who was assigned to the Vigo County School Corporation ("VCSC") as a School Security Officer. Until his arrest, Franklin Fennell, Shahadey's co-defendant and co-conspirator, was the Facilities Director for the VCSC. As part of his duties as the Facilities Director for VCSC, Fennell was responsible for the proper maintenance and servicing of all VCSC locations and facilities; to include the schools. In carrying out his duties, Fennell

routinely submitted, or caused to be submitted, requisitions to the VCSC Business Office, which in turn, created Purchase Orders which were sent to selected vendors authorizing the vendor to complete work. After the work was complete, the Business Office used VCSC funds to pay the vendor for services/supplies rendered.

Business A, owned by Individual A, is a current vendor for the VCSC. Business A performs numerous duties for the VCSC; to include tree trimming and tree and stump removal.

As set forth in the criminal complaint, for at least two years, Shahadey and Fennell demanded and accepted kickbacks from at least one VCSC vendor, Business A, resulting (conservatively) in at least \$80,500 in inflated costs to the school. Beginning in early 2014, and continuing until or about October 2016, Individual A, at Fennell and Shahadey's direction, submitted inflated or false estimates and invoices for work at VCSC locations to Fennell. Fennell then awarded the work contract on VCSC'S behalf to Business A. When the work was completed (and in some cases, no work was completed), Fennell submitted the inflated invoice to the VCSC Business Office. The VCSC Business Office then mailed payment taken from VCSC funds to Business A. According to Individual A, when Business A received payment from the VCSC, Individual A deposited the check, withdrew cash, and provided cash payments to Fennell and Shahadey.

According to records obtained from Individual A, Business A performed approximately 58 jobs for VCSC between January 2014 and June 2016. According to Individual A, there were few jobs between January 2014 and March 2016 that were awarded to Business A by the VCSC in which kickback payments were not made. And, when kickback payments were made, Individual A never paid less than \$500 to each Fennell and Shahadey.

According to Individual A, there were times that no work was completed and fake invoices were submitted. In those instances, Fennell, Shahadey, and Individual A split the proceeds from the payment from the VCSC.

Individual A advised that in one instance, another vendor, not on the VCSC approved vendor list, completed the work. In that instance, Fennell asked Individual A to submit an invoice so that the VCSC would fund the work. When Individual A received the payment from the VCSC, he/she gave the payment to Fennell.

During Individual A's interview with the FBI, he/she provided copies of all of Business A's estimates, invoices, purchase orders, and expenses related to VCSC work. Per Individual A's records, the VCSC paid Business A more than \$440,000 during the time period of January 2014 to June 2016. According to Individual A, of the \$440,000, only approximately \$37,520 comprised payments in which no kickback payment was paid to Fennell and Shahadey. Those invoices represented, for the

most part, the first few jobs completed by Business A prior to the scheme's initiation. The remaining work almost always included kickback payments to Fennell and Shahadey.

As set forth in the Complaint Affidavit, recorded calls captured Shahadey and his wife bragging about spending the cash Shahadey received from the kickback scheme on their Florida vacation, and demanding more.

On June 8, 2016, the FBI publicly executed search warrants at several VCSC buildings. Following the execution of the search warrants, agents interviewed Fennell, Shahadey's co-defendant in the federal complaint, about the very conduct for which Shahadey was later arrested—namely, demanding and accepting kickbacks from VCSC vendors. And yet, Shahadey and Fennell continued to brazenly engage in their kickback scheme. But, to ensure that no one would expose their illegal activities, Shahadey, on several occasions, threatened to kill potential witnesses against him, and even physically acted out on those threats.

2. Shahadey's Recorded Threats to Kill Individual A.

Shahadey's threats to kill Individual A were recorded surreptitiously by law enforcement. As set forth in the Complaint Affidavit:

On July 15, 2016, Shahadey accepted a \$6,000 kickback payment from Individual A for work that Business A had completed at VCSC. Unbeknownst to Shahadey, Individual A had agreed to cooperate with law enforcement, and record

calls and in-person meetings with Shahadey and Fennell at their direction. Following Shahadey's acceptance of the kickback, Individual A contacted Shahadey on the telephone, in a recorded conversation:

Shahadey: You know everybody's a little nervous about what happened the other day, you know, when you met with me.

Ind. A: Yeah, what about it?

Shahadey: Well, they're thinking something's up. I said absolutely not. Am I correct?

Ind. A: You're correct. What would be up?

Shahadey: Ok.

Ind. A: What, what what would be up?

Shahadey: Oh, somebody's working with somebody.

Ind. A: Are you out of your mind?

Shahadey: Well, they, you know what I mean. I told em, I think he knows better than that because he knows what would happen. You know what I mean. And he's not that way. But, so. I'm just letting you know. So.

Ind. A: Alright.

Shahadey: Just be careful what you say and do, you know what I mean. Cause he's uh real scared.

Ind. A: Ok.

During this call, and as set forward in the Complaint Affidavit, Shahadey told Individual A that Fennell was suspicious of Individual A after the July 15, 2016,

kickback payment to Shahadey and Fennell. Shahadey told Individual A that he had assured Fennell that Individual A would not cooperate with law enforcement because Individual A, “knows what would happen.” Shahadey warned Individual A to “be careful what you say and do.”

Between July 25, 2016, and October 28, 2016, Shahadey demanded additional kickback payments from Individual A for himself and Fennell arising out of work Business A completed at Ouabache Elementary School. (See Complaint Affidavit, paragraphs 37-64).

On August 23, 2016, Individual A met with Shahadey in a recorded meeting. Shahadey inquired whether there was anything “coming in.” Individual A advised Shahadey that he would receive \$500 from the Ouabache job. At that meeting, Shahadey told Individual A that Fennell thought “someone’s got to” him (meaning, Individual A was working with federal agents). Shahadey said that he told Fennell that Individual A “may set you (Fennell) up, but he (Individual A) knows what I (Shahadey) would do.” Individual A responded, “Yea you would kill me. I already know.” Shahadey did not disagree with Individual A.

3. Shahadey’s Recorded Statements that he Intended to Kill Ernie Thompson.

Shahadey also threatened to kill another potential witness against him— VCSC employee Ernie Thompson. As set forth in the Complaint Affidavit, on

October 4, 2016, Individual A met, in a recorded meeting, with Shahadey. During the meeting, Shahadey said that he intended to kill Ernie Thompson, a VCSC employee, for giving a journal maintained by Fennell that could expose their criminal activities, to VCSC Superintendent Danny Tanoos.

Shahadey: He's bad.

Ind. A: Mad at Danny?

Shahadey: Bad.

Ind. A: Why?

Shahadey: You know, Frank [FENNELL], you know his attorney told him, anybody tries to talk to you about any of this just jot it down

Ind. A: Right.

Shahadey: (UI)

Ind. A: Right.

Shahadey: (UI) he did it, you know, just, you know, talking to my attorney, talked to this guy. Ernie Thompson?

Ind. A: Uh huh.

Shahadey: He found Frank's book at Sarah Scott, laid down, he went through it, read it and took it to Danny.

Ind. A: Uh.

Shahadey: **So guess what? I want him killed, I think I'm about do it.**

Ind. A: You're out of your mind.

Shahadey: Oh No, listen to me, he's crossed the line. Crossed the line.

Ind. A: Uh.

Shahadey: Danny won't talk to him, he has Mick call him up. That's what he does when he's getting people.

Ind. A: No wonder he's so crazy.

During this recorded conversation, Shahadey told Individual A that he intended to kill Ernie Thompson for providing a journal maintained by Fennell to Superintendent Tanoos—a journal that Shahadey presumed contained information about Shahadey's criminal activities.

Accordingly, the Government established by clear and convincing evidence, namely recorded conversation, that Shahadey, a sworn law enforcement officer, threatened to kill two potential witnesses. As set forth below, Shahadey acted out on his threats to intimidate (at best) or harm (at worst) Individual A and Thompson.

4. Shahadey Abused his Position as Sworn Law Enforcement Officer to Pursue and Intimidate a Potential Witness

Following Shahadey's arrest, agents interviewed Vigo County Sheriff's officials. According to those interviews and VCSD records, on October 13, 2016, nearly 10 days after Shahadey told Individual A that he intended to kill Ernie Thompson, Shahadey abused his position as a VCSO and ordered a VCSD dispatcher to run Thompson's criminal history (See Dispatcher's October 13, 2016, Email,

Exhibit B). The VCSO dispatcher later filed a formal complaint for harassment on November 4, 2016 (See Exhibit C). As set forth in Exhibits B and C, and according to a VCSO Dispatch Supervisor, on October 13, 2016, Shahadey came into the VCSD dispatch room and asked who was working the county radio. The Dispatch Supervisor reported that Shahadey then looked at another dispatcher and asked her if she could run a criminal history on a subject. The Dispatch Supervisor identified herself, and asked Shahadey if he was making the request on behalf of the Vigo County Sheriff's Department or on behalf of the Vigo County School Cooperation. Shahadey said, "mind [your] own business." The Dispatch Supervisor told Shahadey that if the request was not for the Sheriff's department then it was an Indiana Administrative Code violation and that dispatcher shouldn't run it. Shahadey told the Dispatch Supervisor several times in a loud voice that it was "none of her business" and ordered the dispatcher to run Thompson's information anyway. The dispatcher complied, and ran Ernie Thompson's criminal history, which included his identifiers. According to the Dispatch Supervisor's report, Shahadey then said in a raised voice, "Mind your own fucking business." When she responded that it was her business because she had a duty to report code violations, Shahadey raised his voice, pointed his finger at the Dispatch Supervisor, and said "I'm not done with this yet."

According to the Dispatch Supervisor, who supplemented her October 13 report with a formal complaint for harassment, her immediate supervisors advised

that they would report Shahadey's violation. They further instructed her to check any other criminal histories under Shahadey's name and sheriff's number. According to the Dispatch Supervisor, Shahadey also ran Individual A's information in 2014. The Dispatch Supervisor reported fearing for her safety, and was told by her superiors to get an order of protection.

5. Agents Obtain VCSC Harassment Reports from Ernie Thompson Regarding Shahadey

Following Shahadey's arrest, agents interviewed VCSC employees, and obtained reports filed by Ernie Thompson, and others, regarding Shahadey's physical intimidation and harassment. According to those interviews and records, on October 4, 2016, (the same day Shahadey told Individual A he intended to kill Thompson), Thompson reported to VCSC superiors that Shahadey had physically threatened him on several occasions. According to Thompson's report to his superiors, on September 30, 2016, Thompson felt physically threatened by Shahadey when he placed his hand on his gun during a conversation between Thompson, Shahadey, and another VCSC employee at a copier. Shortly after that incident, and according to Thompson, Shahadey cornered Thompson in a bathroom, cleared his throat several times so that Thompson was aware of his presence, and placed his hand on his gun.¹

¹ Thompson further reported past incidences of harassment by Shahadey that occurred prior to Thompson giving Tanoos Fennell's journal. Another employee, unrelated to tendering the Fennell journal, reported harassment by Shahadey.

6. Thompson Reports Fear of Retaliation to Agents

Agents interviewed Ernie Thompson following Shahadey's arrest. According to Thompson, he did not wish to speak to agents out of fear of retaliation by Shahadey, and expressed grave concern that he had been identified as a potential witness against him. Thompson confirmed the allegations set forth in the Complaint Affidavit about the journal, but refused to provide any other information about Shahadey or Shahadey's threats (including those set forth above) because he was fearful Shahadey or members of his family would kill him and his loved ones.

7. Summary

The nature and circumstances of this offense weigh heavily in favor of detention. Shahadey, while working as a sworn law enforcement officer, engaged in a two-year kickback scheme that robbed the Vigo County Community of at least \$80,000 in funds that were supposed to be used to support thousands of children in the school district. Shahadey's conduct is particularly brazen given his status as a sworn law enforcement officer, and because he continued to engage in the kickback scheme knowing that his co-conspirator was being investigated by the FBI.

The government further demonstrated through clear and convincing evidence that Shahadey, while a sworn law enforcement officer, threatened to kill potential witnesses against him. These were not hollow threats. To the contrary, Shahadey acted on his stated intentions. He abused his position as a sworn officer to obtain

confidential information about Thompson, and further harassed and physically intimidated Thompson on at least two occasions. Shahadey did so knowing full well that the FBI was investigating the kickback scheme, and that the Dispatch Supervisor intended to report his conduct.

The knowledge of a pending federal investigation did not deter Shahadey from stealing from the VCSC, and harming the very community he swore to protect. Nor did the knowledge of the pending investigation deter Shahadey from threatening potential witnesses against him. The Court must be confident it can trust in Shahadey's ability to abide by restrictions, and the evidence has overwhelmingly shown that Court cannot trust Shahadey.

Simply put, there are no conditions that can adequately protect the community from the defendant. Conditions such as electronic monitoring do little when compared to the defendant's long-term and brazen pattern of crime and obstructive violence and threats of violence. *United States v. LaFontaine*, 210 F.3d 125 (2d Cir. 2000) (electronic surveillance can be circumvented, and home detention and electronic monitoring "at best elaborately replicate a detention facility without the confidence of security such a facility instills."); *United States v. Martinez-Torres*, 181 F.3d 81, *1 (1st Cir. 1998) (electronic monitoring and the posting of real property are less effective in dangerousness cases than in flight risk cases and such conditions did not overcome presumption of dangerousness).

Shahadey threatened to kill potential witnesses who dared to “cross the line” and offer information about his criminal conduct to anyone, include civilian witnesses. His brazen conduct is clear and convincing evidence that no conditions will adequately protect the community or potential witnesses against him, and that, and that Shahadey will not be deterred by the Court’s restrictions and admonishments.

Shahadey presented nothing that addressed the Government’s clear and convincing evidence that he is a danger to the community and potential witnesses. His resume, medical history, law enforcement awards, and long-standing membership in the Vigo County community are irrelevant given he engaged in this conduct while he was living in the Vigo County community and working as a sworn law enforcement officer. Shahadey’s conduct has already had a chilling effect on at least one potential witness, and he should be detained to prevent further dangerous and obstructive conduct.

B. The Weight of the Evidence (18 U.S.C. § 3142(g)(2)) Supports Detention

The second factor, the weight of the evidence against the accused, *see* 18 U.S.C. § 3142(g)(2), likewise weighs heavily in support of detention. Shahadey’s criminal

conduct was supported by recorded statements, in-person meetings, and the surveillance of federal officers. As noted by Judge Dinsmore, and contrary to defendant's assertions during the hearing, the weight of the evidence against Mr. Shahadey, including the threats against Individual A and Thompson, is strong.

Defendant has presented little to counterbalance the weighty evidence favoring detention. Nor did defendant present any real substantive evidence concerning the weight of the evidence against him. Given the weighty evidence against Defendant, and his failure to rebut that evidence in any meaningful fashion, the Court should find that this factor weighs heavily in favor of detention. As this Court has observed, where, as here, the evidence demonstrates that proof of the crime will be relatively straightforward, § 3142(g)(2) weighs strongly in favor of detention. *See Robinson*, 27 F. Supp. 2d at 1119.

C. Defendant's History and Characteristics (18 U.S.C. § 3142(g)(3)) Favor Detention.

1. The Defendant Cannot Be Trusted to Abide by the Court's Restrictions

Shahadey's long history of deceit weighs heavily in favor of detention, and against the Court's ability to trust he'll abide by any restrictions. During the hearing before the District Court, the government will present evidence (set forth in brief summary below) that the defendant presented false information to the Magistrate during his detention hearing, possessed two firearms his son claimed were stolen in police reports to VCSD, and had a record of disciplinary actions while acting as a VCSO.

Shahadey, through counsel, proffered that he had received an injury to the knee in the line of duty, and is scheduled to undergo surgery as a result in late November. The government will introduce evidence to the District Court that Shahadey's statements to the Court were false.² The Government's evidence, as set forth in part in Group Exhibit D, will establish that Shahadey falsified a police report regarding the arrest and injury, and then submitted a false claim to Downey Insurance for worker's compensation. Shahadey then falsely claimed to Judge Dinsmore during the detention hearing that he received a knee injury "in the line of duty" and that he was scheduled for surgery as a result.

Additionally, the government will introduce evidence during the hearing that FBI agents recovered two firearms in Shahadey's safe on the date of his arrest that

² The Government is not suggesting that Shahadey's counsel was dishonest with the Court. Rather, that Shahadey was dishonest with his lawyer in an effort to deceive the Court and secure his release.

Shahadey's son had falsely reported stolen in a police report to VCSD. (Exhibit E). The report claimed that Keaton Shahadey had "looked everywhere possible for the firearms and could not locate [them]." The report was filed with Vigo County Sheriff's Office—the same agency for which Shahadey worked as a sworn law enforcement officer.³

The government will further rebut Shahadey's claims to the Magistrate that he has an exemplary service record. To the contrary, VCSD reported that Shahadey has been a "problem since he was hired," and that he "refus[ed] to comply with Department rules." The government will introduce evidence of two serious disciplinary actions against Shahadey that were missing from his personnel file (to which Shahadey had access).

Finally, the government will introduce evidence that Shahadey's friends and family cannot be trusted to abide by the Court's order that he not use intermediates to engage in obstructive behavior and witness tampering. The government will show that Shahadey's wife, friend, son, and step-son have already demonstrated potentially criminal, obstructive, or dishonest behavior, and therefore, cannot be trusted to comply with the Court's admonishments.

2. Summary

³ Law enforcement officers are investigating whether Shahadey or his family have filed false property claims to their insurance carriers.

Shahadey's years of deceit weigh heavily in favor of detention. The evidence clearly and convincingly shows that Shahadey engaged in criminal activity for several years while acting as a sworn law enforcement officer. His history of deceit also counsels in favor of the government's position that he is a continuing danger because the Court cannot trust that defendant would abide by conditions of release imposed to assure the safety of community or witnesses who may offer evidence against him. The evidence proffered by the government shows defendant's long-standing ability to lie and manipulate others for his own benefit. The evidence shows that defendant's criminal conduct went undetected during his tenure as a police officer – because he knew how to conceal his criminal acts and intimidate others. Shahadey successfully convinced an entire community that he could be trusted to protect them generally, and to protect the students of VCSC specifically, when in truth, he was engaging in criminal activity. He did so even though he swore an oath to uphold the law and protect the community, and sought the trust of prosecutors and judges who trusted his reports to be accurate, and his word to be reliable.

The evidence shows that he has continued to lie even after his arrest to Judge Dinsmore when he falsely claimed he was a decorated veteran of the VCSD who was injured in the line of duty. There is simply nothing in defendant's past to indicate he will abide by restrictions imposed by the Court.

Defendant's proffered evidence of community ties and service cannot, by themselves and by their nature, support a conclusion that the defendant poses little danger to the community. *See Elliott*, 546 F. Supp. 2d at 644. Community ties do not in most cases correlate to the question of danger to the community. *Id.*; *see also Torres*, 929 F.2d at 292. Indeed, family ties that have not up to this point shielded the community from Defendant's behavior are unlikely to have that positive effect going forward. *Elliott*, 546 F. Supp. 2d at 645.]

CONCLUSION

In light of the foregoing, the United States has established by clear and convincing evidence that no condition or combination of conditions of release set forth under 18 U.S.C. §3142 (b) or (c) will reasonably assure the safety of the community or prospective witnesses.

WHEREFORE, the United States of America prays this Court revoke the release order for the Defendant, and for all other just and proper relief.

Respectfully submitted,
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CERTIFICATE OF SERVICE

I hereby certify that on November 7, 2016, a copy of the foregoing BRIEF IN SUPPORT OF MOTION FOR REVOCATION OF RELEASE ORDER was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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