

FILED

AO 91 (Rev. 08/09) Criminal Complaint

APR 25 2022

UNITED STATES DISTRICT COURT

for the

Northern District of Oklahoma

Mark C. McCartt, Clerk
U.S. DISTRICT COURT

United States of America)

v.)

Case No. 22-MJ-259-JFJ)

DANIEL THOMAS GIRALDI)

Defendant(s))

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 12, 2022 until April 20, 2022 in the county of Ottawa in the Northern District of Oklahoma, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 201(b)(2)	Bribery of a public official
18 U.S.C. § 1952(a)(3)(A)	Interstate travel in aid of racketeering
21 U.S.C. § 841(a)(1), (b)(1)(C), and (b)(2)	Possession with intent to distribute a controlled substance
21 U.S.C. § 843(b)	Use of a communication facility in furtherance of drug trafficking

This criminal complaint is based on these facts:

See Attached Affidavit

Continued on the attached sheet.




Complainant's signature

Special Agent, Tate L. Turnbo, FBI

Printed name and title

Sworn to before me by phone.

Date: 4-25-22



Judge's signature

City and state: Tulsa, OK

Jodi F. Jayne, United States Magistrate Judge

Printed name and title

**Affidavit in Support of an Arrest Warrant
in the Northern District of Oklahoma**

I, Tate L. Turnbo, being duly sworn under oath, do hereby depose and state:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been so employed since March 19, 2006. I am currently assigned to the Tulsa Resident Agency of the Oklahoma City Division. Prior to this assignment, I was assigned to the FBI's Directorate of Intelligence, located in Washington D.C. as a Supervisory Special Agent. Since joining the FBI, I have investigated various violations of federal law, such as financial fraud, health care fraud, fugitive matters, government fraud, public corruption, computer crimes, international terrorism, domestic terrorism, violent crimes, and narcotics violations. I have gained experience and knowledge through training and everyday work related to conducting these types of investigations. Further, as a federal agent, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States.

2. As part of my duties as a Special Agent, I investigate criminal violations relating to illegal distribution of controlled substances in violation of 18 U.S.C. § 201(b)(2), bribery of a public official; 18 U.S.C. § 1952(a)(3)(A), interstate travel in aid of racketeering; 21 U.S.C. § 841(a)(1), (b)(1)(C), and (b)(2), possession with intent to distribute a controlled substance; and 21 U.S.C. § 843(b), use of a communication facility in furtherance of drug trafficking.

3. The facts and statements in this affidavit are based in part on information provided by other law enforcement officers and on my personal observations and training and experience as a Special Agent for the FBI. The events detailed in this affidavit are also based on statements given by Daniel Thomas GIRALDI on April 19, 2022, when GIRALDI waived his *Miranda* rights and consented to an interview with the FBI. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

RELEVANT STATUTES

4. 18 U.S.C. § 201(b)(2) provides in pertinent part:

Whoever . . . being a public official or person selected to be a public official, directly or indirectly, corruptly demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally. . . in return for. . . being influenced in the performance of any official act; being influenced to commit or aid in committing, or collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the United States; or being induced to do or omit to do any act in violation of the official duty of such official or person. . . shall be fined under this title or not more than three times the monetary equivalent of the thing of value, whichever is greater, or imprisoned for not more than fifteen years, or both, and may be disqualified from holding any office of honor, trust, or profit under the United States.

5. 18 U.S.C. § 1952(a)(3)(A) provides in pertinent part:

Whoever travels in interstate . . . commerce or uses the mail or any facility in interstate or foreign commerce, within intent to . . . further any unlawful activity; or otherwise promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of any unlawful activity, and thereafter performs or attempts to perform. . . an act described in paragraph (1) or (3) shall be fined under this title, imprisoned not more than 5 years, or both. . . .

6. 21 U.S.C. § 841(a)(1) and (b)(1)(C) and (b)(2) provide in pertinent part:

Except as authorized by this subchapter, it shall be unlawful for any person knowingly or intentionally to . . . distribute. . . or possess with intent to . . . distribute . . . a controlled substance. . . . Except as otherwise provided . . . any person who violates subsection (a) of this section shall be sentenced as follows [i]n the case of a controlled substance in schedule I or II . . . such person shall be sentenced to a term of imprisonment of not more than 20 years. . . . In the case of a controlled substance in schedule IV, such person shall be sentenced to a term of imprisonment of not more than 5 years, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18 or \$250,000 if the defendant is an individual. . . .

7. 21 U.S.C. § 843(b) provides:

It shall be unlawful for any person knowingly or intentionally to use any communication facility in committing or in causing or facilitating the commission of any act or acts constituting a felony under any provision of this subchapter or subchapter II. Each separate use of a communication facility shall be a separate offense under this subsection. For the purposes of this subsection, the term “communication facility” means any and all public and private instrumentalities used or useful in the transmission of writing, signs, signals, pictures, or sounds of all kinds and includes ail, telephone, wire, radio, and all other means of communication

PROBABLE CAUSE

8. Based on my investigation, there is probable cause that Daniel Thomas GIRALDI engaged in violations of 18 U.S.C. § 201(b)(2), bribery of a public official; 18 U.S.C. § 1952(a)(3)(A), interstate travel in aid of racketeering; 21 U.S.C. § 841(a)(1), (b)(1)(C), and (b)(2), possession with intent to distribute a controlled substance; and 21 U.S.C. § 843(b), use of a communication facility in furtherance of drug trafficking.

9. In summary, GIRALDI was an Assistant District Attorney (ADA) in the Ottawa County District Attorney's Office from February 2019 until April 20, 2022. In his position as an ADA, GIRALDI would receive sexual favors in exchange for special treatment of certain defendants and their cases. Additionally, GIRALDI coerced, induced, and enticed women to travel within the territory or possession of the United States for paid sexual intercourse both with U.S. dollars and in exchange for controlled substances, including schedule II and IV substances.

10. Prior to becoming an ADA, GIRALDI was a criminal defense attorney and handled cases in Ottawa County, including the representation of Bryan Young.

11. Young referred to GIRALDI as "Vegas G," "G," or "Vegas."

12. While GIRALDI was a Defense Attorney with the Hartley Law Firm he represented Young and was known to accept sexual favors from women in return for helping Young's associates and as payment for services rendered.

13. When GIRALDI was hired as an ADA for Ottawa County in 2019, Young used his prior connection with GIRALDI to obtain favors for his associates.

14. On April 12, 2022, an FBI confidential human source ("CHS") made contact with GIRALDI when he was leaving the Ottawa County Courthouse. The interaction was audio/video recorded by the FBI.

15. CHS asks GIRALDI to look into her child custody case and the child custody case of Carla Rhines. GIRALDI agrees to look into it and to push back a court date for Rhines. GIRALDI admitted to handling child custody cases in Ottawa County.

16. During the interaction, GIRALDI talked about past sexual encounters with CHS and referenced past favors he had performed in exchange for sexual encounters. CHS said that GIRALDI had “dismissed my s[REDACTED]” in the past and GIRALDI responded “Are you complaining?” GIRALDI also stated that “I f[REDACTED] [CHS] across from the courtroom and I [REDACTED] [sic] all over her hand,” in reference to dismissing CHS’s prior criminal cases.

17. After the initial contact, GIRALDI sent CHS a number of Short Message Service (“SMS”) texts using a cellular telephone and the TextFree™ application to set up a sexual encounter in exchange for the performance of an act pertaining to his position as an Ottawa County ADA. GIRALDI stated that “I wanna f[REDACTED],” and that they could “always meet up at the courthouse like we used to. . . .” GIRALDI also stated that “I will help you.”

18. On April 14, 2022, CHS texted GIRALDI that “I’m to the point I’ll [REDACTED] u every week for a god damn year straight if u just push [Rhines’s] court date off even two weeks longs [sic] enough to come up with money for attorney bc she is trying.” GIRALDI responded “Oh my. . . Hopefully you wouldn’t get tired of f[REDACTED] me. . . I’ll make your day.”

19. On April 14, 2022, CHS made a consensually recorded and monitored phone call with GIRALDI where CHS asked GIRALDI to use his position as an Ottawa County ADA to conduct a search for any outstanding warrants on CHS because of an upcoming conference regarding CHS’s child custody case. GIRALDI agreed that he would ask his staff to run a search for any outstanding warrants. In

exchange for running the search, CHS offered to “do anything. . . .” and to “please you sexually, just like last time.” GIRALDI responded, “Oh my, are you sure?” CHS stated “Oh my, yeah. . . You better bring a lot of condoms.” GIRALDI responded “I’m up for it if you are.” GIRALDI also stated “If I were gonna ‘narc’ on you I would’ve f[REDACTED] done it already.” CHS stated that “It is unethical and immoral of us to be doing this,” to which GIRALDI responded, “Yes.”

20. In a second consensually recorded and monitored phone call on April 14, 2022, GIRALDI stated that “it has to be a two-way street” in reference to their discussion of sexual acts in exchange for his performance of official acts as an Ottawa County ADA.

21. After the second call, GIRALDI texted CHS that his “staff didn’t find any warrant,” on CHS. GIRALDI stated that “I had my staff check because I had to be in court at 1. They said they didn’t find a warrant.” CHS responded, “Thank you so much you know I’ll make it worth it.” GIRALDI replied “:)” and “Oh yeah?????????”

22. CHS then asked GIRALDI to bring prescription strength Xanax[®] (alprazolam) which is a Schedule IV controlled substance to their sexual encounter. In response to that request, GIRALDI texted CHS, “Are you gonna f[REDACTED] me????” and, “Will I make your [REDACTED] wet?” CHS responded, “Yes because you verified I didn’t have a warrant lol.” GIRALDI responded with a smiley face emoji.

23. CHS again asked GIRALDI to provide CHS with Xanax[®] and GIRALDI responded “Yes dork. . . Maybe I’ll want something extra in return.”

24. GIRALDI and CHS made plans to meet up the following day, April 15, 2022, to consummate agreement of sexual relations in return for GIRALDI's performance of an act pertaining to his position as an Ottawa County ADA.

25. On April 15, 2022, GIRALDI texted CHS and told her he was suffering from a severe migraine and asked to reschedule their rendezvous. On April 15, 2022, FBI Agents conducted surveillance at the Ottawa County Courthouse and observed the Ottawa County Courthouse was closed due to Good Friday.

26. On April 17, 2022, GIRALDI and CHS made plans to meet up on April 19, 2022, in Quapaw, OK, which is within the Quapaw Tribal Nation boundaries. CHS asked GIRALDI via SMS text, "U still gonna give me a few zanz [sic]?" GIRALDI replied "Yes. You're beyond sexy." CHS texted GIRALDI "Well thank you I try. But u know imma f[REDACTED] u good for making sure I didn't have a warrant bc I [sic] saved me in my meting by making sure I didn't. it's gonna be hot sex I'm so horny and ready." GIRALDI replied, "Oh f[REDACTED] You might tear me apart. I hope you'll be really wet."

27. On the morning of April 19, 2022, GIRALDI texted CHS to ask if they were still on and to coordinate where to meet. CHS texted GIRALDI to meet at a house in Quapaw, OK, which is located within the Northern District of Oklahoma and the Quapaw Tribal Nation boundaries.

28. GIRALDI stated to your Affiant that he lives in Joplin, MO and traveled in interstate commerce on the day in question.

29. At or about 12:06pm on April 19, 2022, GIRALDI arrived at the residence located in Quapaw, OK, within the Northern District of Oklahoma.

30. GIRALDI entered the residence and pulled a bag of pills out of his shirt pocket and said to the CHS, "Here's some goodies for you."

31. A subsequent criminalistics examination report performed by Oklahoma State Bureau of Investigation's Northeast Regional Laboratory in Tahlequah, Oklahoma on April 21, 2022, found that five and a half of the pills in the bag tested as Clonazepam, a Schedule IV drug, and one partial tablet tested as Oxycodone, a Schedule II drug. GIRALDI previously used a facility of interstate commerce, that is his cellular telephone, to coordinate the exchange of drugs for sexual intercourse.

32. On April 19, 2022, GIRALDI stated he brought a box of condoms for the purpose of having sexual intercourse with the CHS.

33. The bag in which the condoms were found contained a receipt for the condoms dated April 19, 2022, and showed they were purchased at Wal-Mart.

34. At this point, your Affiant entered the room with FBI Special Agents and confronted GIRALDI.

35. GIRALDI was presented with an advice of *Miranda* rights waiver which GIRALDI signed and consented to give a voluntary interview.

36. During the interview, GIRALDI stated that he did come to the house with the intent to give the controlled substances to CHS. GIRALDI further stated that he was going to give the CHS the drugs in exchange for sexual intercourse.

GIRALDI also admitted that he agreed to use his position as an Ottawa County ADA to search the CHS's name for any outstanding arrest warrants and that GIRALDI told the CHS he performed the warrant search in anticipated exchange for sexual favors from the CHS.

37. The District Attorney's Office for Ottawa County receives federal grant funds yearly. Those funds must be renewed on a regular basis, in some cases every two years. The DA's Office receives a Justice Assistance Grant ("JAG") for approximately \$275,000 per year and a Victims of Crime Act ("VOCA") federal grant which is around \$33,500, both of which provide resources for criminal investigation and prosecution support.

38. Specifically, the JAG and VOCA funds provide for the partial salaries of the Ottawa County DA's investigators and Victim/Witness Assistants. One of the DA investigators is federal Task Force Officer with the DEA.

39. The DA's Office also receives a Cherokee Nation Grant that helps fund equipment expenses for the Drug and Violent Crimes Task Force that is an investigative tool used by all ADA's in the Ottawa County Office. Multiple members of the Task Force are either federal officers or are Task Force Officers cross-commissioned with the DEA.

40. GIRALDI utilized the federal resources provided by the funds to the Task Force and directed the duties of the Victim/Witness Assistants in his discretion as an ADA.

CONCLUSION

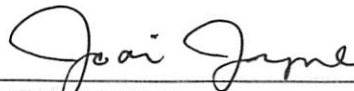
Based on the information set forth in this affidavit, I submit there is probable cause to believe that Daniel Thomas GIRALDI has violated 18 U.S.C. § 201(b)(2), bribery of a public official; 18 U.S.C. § 1952(a)(3)(A), interstate travel in aid of racketeering; 21 U.S.C. § 841(a)(1), (b)(1)(C), and (b)(2), possession with intent to distribute a controlled substance; and 21 U.S.C. § 843(b), use of a communication facility in furtherance of drug trafficking.

Respectfully submitted,



Tate L. Turnbo
Special Agent
FBI Oklahoma City Division, Tulsa RA

Subscribed and sworn via phone on the 25th day of April, 2022.



JODI F. JAYNE
UNITED STATES MAGISTRATE JUDGE