

2013R1280/FJN

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon.
v. : Crim. No.: 17-CR-441(JMV)
BHAVIN PATEL and : 8 U.S.C. § 1324
ATULBHAI PATEL : 18 U.S.C. § 2
:

INDICTMENT

COUNT 1

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

Background

1. At all times relevant to this Indictment:
 - a. Defendant BHAVIN PATEL was a resident and citizen of the Republic of India ("India").
 - b. Defendant ATULBHAI PATEL was a resident and citizen of India.
 - c. A co-conspirator not named as a defendant herein was a citizen of India ("Alien A"). Alien A did not have authorization from the United States Government to come to, enter, or reside in the United States.
 - d. A co-conspirator not named as a defendant herein was a citizen of India ("Alien B"). Alien B did not have authorization from the United States Government to come to, enter, or reside in the United States.

foregoing is a true and correct copy of
the original on file in my office.
ATTEST 10/12/17
WILLIAM T. WALSH, Clerk
United States District Court
District of New Jersey

By: Mr. Drayton
Deputy Clerk

- e. A co-conspirator not named as a defendant herein was a citizen of India ("Alien C"). Alien C did not have authorization from the United States Government to come to, enter, or reside in the United States.
- f. A co-conspirator not named as a defendant herein was a citizen of India ("Alien D"). Alien D did not have authorization from the United States Government to come to, enter, or reside in the United States.
- g. A co-conspirator not named as a defendant herein was a citizen of India ("Alien E"). Alien E did not have authorization from the United States Government to come to, enter, or reside in the United States.
- h. A co-conspirator not named as a defendant herein was a citizen of India ("Alien F"). Alien F did not have authorization from the United States Government to come to, enter, or reside in the United States.

The Conspiracy

2. From in or about October 2013, through and including in or about August 2015, in Essex County, in the District of New Jersey and elsewhere, defendants

**BHAVIN PATEL and
ATULBHAI PATEL**

knowing and in reckless disregard of the fact that the coming to, entry and residence of aliens was or would be in violation of laws, did knowingly and

intentionally conspire and agree with each other and others to encourage and induce aliens to come to, enter and reside in the United States, for the purpose of commercial advantage and private financial gain, contrary to Title 8 United States Code, Sections 1324(a)(1)(A)(iv), (a)(1)(B)(i), and (a)(2)(B)(ii).

Object of the Conspiracy

3. The object of the conspiracy was for BHAVIN PATEL and ATULBHAI PATEL to unlawfully enrich themselves by illegally smuggling aliens into the United States for a fee.

Manner and Means of the Conspiracy

4. It was part of the conspiracy that BHAVIN PATEL and ATULBHAI PATEL planned to and did smuggle aliens into the United States.

5. It was further part of the conspiracy that BHAVIN PATEL and ATULBHAI PATEL met an undercover law enforcement officer ("UC") in Thailand and agreed to pay the UC to smuggle aliens into the United States.

6. It was further part of the conspiracy that on or about December 13, 2013, BHAVIN PATEL and ATULBHAI PATEL introduced Alien A and Alien B to the UC in Thailand for purposes of having them smuggled into the United States.

7. It was further part of the conspiracy that on or about December 13, 2013, BHAVIN PATEL and ATULBHAI PATEL arranged for a co-conspirator to meet the UC in Newark, New Jersey to pick up Alien A and Alien B. BHAVIN PATEL and ATULBHAI PATEL made additional payments to the UC over the ensuing days to cover the \$75,000 total smuggling fee associated with Alien A and Alien B.

8. It was further part of the conspiracy that on or about April 10, 2014, ATULBHAI PATEL introduced Alien C and Alien D to the UC in Thailand for purposes of having them smuggled into the United States.

9. It was further part of the conspiracy that on or about April 10, 2014, BHAVIN PATEL and ATULBHAI PATEL caused \$10,000 to be deposited to the UC's bank account as partial payment for smuggling Alien C and Alien D into the United States.

10. It was further part of the conspiracy that on or about April 10, 2014, BHAVIN PATEL and ATULBHAI PATEL arranged for a co-conspirator to meet the UC in Newark, New Jersey and pick up Alien C and Alien D. BHAVIN PATEL and ATULBHAI PATEL made additional payments to the UC over the ensuing days to cover the \$80,000 total smuggling fee associated with Alien C and Alien D.

11. It was further part of the conspiracy that on or about October 2, 2013, ATULBHAI PATEL introduced Alien E and Alien F to the UC in Thailand for purposes of having them smuggled into the United States.

12. It was further part of the conspiracy that on or about September 25, 2014, BHAVIN PATEL and ATULBHAI PATEL caused \$10,000 to be deposited to the UC's bank account as partial payment for smuggling Alien E and Alien F into the United States.

13. It was further part of the conspiracy that on or about October 1, 2014, BHAVIN PATEL and ATULBHAI PATEL caused \$10,000 to be deposited to the UC's bank account as partial payment for smuggling Alien E and Alien F into the United States.

14. It was further part of the conspiracy that on or about October 2, 2014, BHAVIN PATEL and ATULBHAI PATEL arranged for a co-conspirator to meet the UC in Newark, New Jersey and pick up Alien E and Alien F. BHAVIN PATEL and ATULBHAI PATEL made additional payments to the UC over the ensuing days to cover the \$90,000 total smuggling fee associated with Alien E and Alien F.

All in violation of Title 8, United States Code, Section 1324(a)(1)(A)(v)(I).

COUNTS 2 - 7

Smuggling Aliens into the United States for Private Financial Gain

1. The allegations set forth in paragraph 1 and 3 through 14 of Count 1 of this Indictment are hereby realleged as if fully set forth herein.

2. On or about the dates below, in Essex County, in the District of New Jersey and elsewhere, defendants

**BHAVIN PATEL and
ATULBHAI PATEL**

knowingly and in reckless disregard of the fact that an alien had not received prior official authorization to come to, enter, and reside in the United States, did bring and attempt to bring to the United States said alien, for the purpose of commercial advantage and private financial gain, as described below.

Count	Approximate Date	Alien Smuggled Into United States
2	December 13, 2013	Alien A
3	December 13, 2013	Alien B
4	April 10, 2014	Alien C
5	April 10, 2014	Alien D
6	October 2, 2014	Alien E
7	October 2, 2014	Alien F

In violation of Title 8, United States Code, Sections 1324(a)(1)(A)(iv), 1324(a)(1)(B)(i), and 1324(a)(2)(B)(ii), and Title 18, United States Code, Section 2.

Forfeiture Allegation

1. The allegations set forth in all paragraphs of Counts 1 through 7 of this Indictment are hereby realleged and incorporated by reference for the purpose of noticing forfeiture pursuant to Title 18, United States Code, Section 981(a)(2)(6).

2. The United States hereby gives notice to the defendants that, upon conviction of the offenses charged in Counts 1 through 7 of this Indictment, the government will seek forfeiture, in accordance with Title 18, United States Code, Section 982(a)(6), of any and all property, real or personal, that constitutes or is derived from proceeds traceable to the violations alleged in Counts 1 through 7 of his Indictment.

3. If by any act or omission of the defendants, any of the property subject to forfeiture described in paragraph 2 herein:

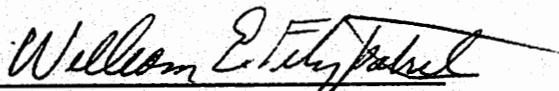
- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third person;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), as incorporated by 28 U.S.C. § 2461(c), to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property.

A TRUE BILL



FOREPERSON


WILLIAM E. FITZPATRICK
Acting United States Attorney

CASE NUMBER: 17-CR.44 (JMV)

United States District Court
District of New Jersey

UNITED STATES OF AMERICA

v.

BHAVIN PATEL
and ATULBHAI PATEL

INDICTMENT FOR
8 U.S.C. §§ 1324
18 U.S.C. § 2

WILLIAM E. FITZPATRICK
ACTING UNITED STATES ATTORNEY, NEWARK, NEW JERSEY

FRANCISCO J. NAVARRO
*ASSISTANT UNITED STATES ATTORNEY
NEWARK, NEW JERSEY*
