

# United States District Court

FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO

**FILED**

Dec 13 2022

Mark B. Busby  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO

UNITED STATES OF AMERICA,

V.

CR 21-00374-MMC

JOSEPH HUFFAKER

DEFENDANT(S).

## SUPERSEDING INDICTMENT

18 U.S.C. § 1951 – Conspiracy to Commit Extortion Under Color of Official Right;  
18 U.S.C. § 1951 – Extortion Under Color of Official Right;  
18 U.S.C. § 371 – Conspiracy to Falsify Records in a Federal Investigation;  
18 U.S.C. § 1519 – Falsifying Records in a Federal Investigation;  
18 U.S.C. § 371 – Conspiracy to Impersonate a Federal Officer  
18 U.S.C. § 912 – Impersonating a Federal Officer  
18 U.S.C. §§ 924(d)(1), 981(a)(1)(C) and 28 U.S.C. § 2461(c) – Forfeiture; 18  
U.S.C. § 2 – Aiding and Abetting

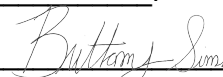
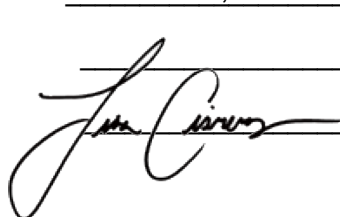
A true bill.

/s/ Foreperson of the Grand Jury

Foreman

Filed in open court this 13th day of

December, 2022.



Brittany Sims, Clerk

Bail, \$ No Process

Hon. Lisa J. Cisneros, Magistrate Judge

**FILED**

Dec 13 2022

Mark B. Busby  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO

STEPHANIE M. HINDS (CABN 154284)  
United States Attorney

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	CASE NO. [REDACTED]	CR-21-00374-MMC
Plaintiff,	)	<u>VIOLATIONS:</u>	
v.	)	18 U.S.C. § 1951 – Conspiracy to Commit Extortion	
	)	Under Color of Official Right;	
JOSEPH HUFFAKER,	)	18 U.S.C. § 1951 –Extortion Under Color of Official	
Defendant.	)	Right;	
	)	18 U.S.C. § 371– Conspiracy to Falsify Records in a	
	)	Federal Investigation;	
	)	18 U.S.C. § 1519 – Falsifying Records in a Federal	
	)	Investigation;	
	)	18 U.S.C. § 371– Conspiracy to Impersonate a	
	)	Federal Officer	
	)	18 U.S.C. § 912 – Impersonating a Federal Officer	
	)	18 U.S.C. §§ 924(d)(1), 981(a)(1)(C) and 28 U.S.C.	
	)	§ 2461(c) – Forfeiture; 18 U.S.C. § 2 – Aiding and	
	)	Abetting	
	)	SAN FRANCISCO VENUE	

SUPERSEDING INDICTMENT

The Grand Jury charges:

Introductory Allegations

At all times relevant to this Superseding Indictment:

1. The City of Rohnert Park was a city located in Sonoma County, California, in the Northern District of California. The Rohnert Park Department of Public Safety (“RPDPS”) was a

SUPERSEDING INDICTMENT

1 department of the City of Rohnert Park. RPDPS consisted of a Police Services Patrol Division and Fire  
2 Services Division.

3 2. Brendan Jacy Tatum (“Tatum”) was employed with RPDPS between 2003 and 2018.  
4 Between July 2015 and August 20, 2017, and again after February 4, 2018, Tatum was a Public Safety  
5 Sergeant in the Police Services Patrol Division. Between August 20, 2017 and February 4, 2018, Tatum  
6 was assigned to the Fire Services Division.

7 3. JOSEPH HUFFAKER (“HUFFAKER”) was employed as an officer with RPDPS  
8 between in or about 2012 and in or about 2019.

9 4. RPDPS had an “interdiction team,” which operated between at least in or about 2014  
10 through in or about 2017. The RPDPS interdiction team conducted traffic stops on vehicles in an effort  
11 to seize illegal drugs and its operations were in addition to the team members’ normal duties. As such,  
12 the time spent on interdiction operations was considered overtime and interdiction team members were  
13 required to notate their time sheets accordingly.

14 5. HUFFAKER and Tatum were members of the RPDPS interdiction team and participated  
15 in the activities of the team at various times between 2015 and the end of 2016. In 2016, the team was  
16 headed by Tatum. In 2016, in addition to being in charge of the RPDPS interdiction team, Tatum also  
17 supervised RPDPS’s Asset Forfeiture. The RPDPS interdiction team did not operate in conjunction with  
18 or in cooperation with any federal agencies, such as the United States Drug Enforcement Administration  
19 or the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) in relation to drug interdiction.

20 6. The RPDPS interdiction team’s operations were subject to the same policies and  
21 procedures in place for RPDPS in general, including policies and procedures relating to body camera  
22 usage, property and evidence packaging and destruction, asset seizure and forfeiture, and report writing,  
23 among others.

24 7. RPDPS reported that it began using body-worn cameras between 2015 and mid-2016.  
25 Use of body-worn cameras and the policies and procedures that were in place applied to all of RPDPS,  
26 including the interdiction team. Under those policies and procedures, body-worn cameras were required  
27 to be worn and activated when officers came into contact with citizens in the performance of their  
28 official duties. The body-worn camera was required to be activated and not be terminated until the

1 contact had entirely concluded. Where the body-worn camera was not activated or was terminated prior  
2 to contact entirely concluding, the officer was required to document the reasons for doing so. All digital  
3 media from body-worn cameras was required to be downloaded at the end of the officer's shift and  
4 securely stored.

5 8. Under RPDPS policies and procedures, all interdictions resulting in the seizure of  
6 narcotics and or other property or evidence, including cash, were required to be submitted to  
7 property/evidence and documented by an Evidence/Property Report and/or an Incident/Investigation  
8 Report, whether the activity related to a felony or misdemeanor. In cases where a narcotics seizure was  
9 made, but the subject disclaimed ownership of the narcotics, the seized narcotics nevertheless were  
10 required to be submitted to property/evidence; in such instances, RPDPS records systems referred to the  
11 narcotics "as found property." RPDPS generated case numbers sequentially regardless of the type of  
12 case. Those case numbers were used as a reference for other official documents, including  
13 Evidence/Property Reports, Chain of Custody documents, Incident/Investigation Reports, and  
14 Destruction Orders, among other things. Names associated with an Incident/Investigation Report were  
15 input in the RPDPS computer system and the date and time and user that inputted that data was reflected  
16 in the system. In addition, when a user was filling in the Incident/Investigation Report fields, such  
17 information was captured in the system as "audit details," which captured the name of the user inputting  
18 the data and date and time of input into the fields.

19 9. RPDPS had an asset forfeiture manual and policy that officers were required to follow.  
20 For seizures of cash, the Asset Forfeiture Manual required that the owner be provided with a notice of  
21 forfeiture. All cash seized was required to be booked into evidence with a currency envelope, with a  
22 total of the amount of cash, and a list of denominations. The currency was to be counted in the presence  
23 of two officers who were required to sign to verify the amount prior to the money being booked into the  
24 Evidence/Property room. A photocopy of the currency envelope was required to be attached to the  
25 police report.

26 10. At all relevant times, the destruction of narcotics seized by RPDPS required a destruction  
27 order signed by a judge in Sonoma County. Once ordered for destruction, the procedure in place was to  
28 take the narcotics to an incinerator operated by Covanta Stanislaus, located in Crows Landing,

1 California. A property technician and a sworn officer would transport the items, provide Covanta with  
2 an inventory of items to be incinerated, and witness the destruction. After destruction, Covanta provided  
3 proof of destruction, and the chain of custody for the evidence/property was updated by RPDPS property  
4 staff to include notes regarding the date and time of destruction. Alternate means of destruction was not  
5 authorized.

6 11. The RPDPS interdiction team's operations were terminated in approximately January  
7 2017 and Tatum, HUFFAKER, and the other interdiction team officers were informed that the  
8 interdiction team's operations were terminated.

9 The Scheme and Conspiracy to Extort Under Color of Official Right

10 12. HUFFAKER and Tatum devised and executed a scheme to unlawfully extort under color  
11 of official right property from individuals on which they conducted traffic stops on United States Route  
12 101. As part of the scheme, during the existence of the interdiction team Tatum acted alone. After  
13 termination of the interdiction team, in 2017, Tatum conspired with HUFFAKER to extort property  
14 under color of official right, claiming to be ATF agents, threatening to arrest drivers if they contested  
15 seizures of their property during these traffic stops, and then HUFFAKER and Tatum seized their  
16 property, specifically marijuana, without reporting or checking the seized property into evidence, or  
17 documenting or reporting the stop and seizure.

18 13. Specifically, in 2016, during the RPDPS interdiction team operations, Tatum, who at the  
19 time was an RPDPS Sergeant and head of the interdiction team, devised a plan and scheme to extort  
20 marijuana, and other property, under color of official right from numerous individuals he stopped with  
21 other interdiction team officers. Tatum did so by demanding marijuana and other property from  
22 individuals during traffic stops and, telling the property owners that he would let them go without an  
23 arrest or other formal process for their marijuana possession if they did not challenge the seizure of their  
24 property. Once he seized the property, Tatum would let them go without arresting or charging these  
25 individuals, without providing a citation with a notation of the property seized or asset forfeiture notice  
26 to the individuals, without filing an Incident/Investigation Report, without filing a Property/Evidence  
27 Report, including Found Property, without submitting the marijuana and other property into the custody  
28 of the property department, without submitting the necessary asset forfeiture documents to the City of

1 Rohnert Park, and without filing an application for a destruction order. For example, using the color of  
2 official right, and the method set forth above:

3 a. On August 25, 2016, Tatum and another RPDPS officer from the interdiction  
4 team (Officer 1), while on duty and on patrol, stopped Victim 1 (S.D.) on Highway 101  
5 near Cloverdale, California and Tatum extorted approximately \$3,700 in cash, as well as  
6 roughly 14 pounds of marijuana;

7 b. On or about September 2, 2016, Tatum and Officer 1, while on duty and in a  
8 police vehicle, stopped Victim 2 (T.M.) on Highway 101 near Cloverdale, California and  
9 Tatum extorted approximately 15 pounds of marijuana;

10 c. On October 4, 2016, Tatum and Officer 2, while on duty and in a police vehicle  
11 on patrol, stopped Victim 3 (J.D.) near Cloverdale and Tatum extorted approximately six  
12 pounds of marijuana;

13 d. On or about October 5, 2016, Tatum and Officer 2, while on duty and in a police  
14 vehicle on patrol, stopped Victim 4 (D.P.) near Cloverdale, California and Tatum  
15 extorted approximately two-and-a-half pounds of marijuana;

16 e. On or about December 6, 2016, HUFFAKER and Tatum, while on duty and in a  
17 police vehicle, stopped Victim 5 (J.K.) near Cloverdale and Tatum extorted  
18 approximately 20 pounds of marijuana; and

19 f. On or about December 30, 2016, HUFFAKER and Tatum, while on duty and in a  
20 police vehicle, stopped Victim 6 (M.E.) near Cloverdale and Tatum extorted  
21 approximately 2 pounds of marijuana.

22 In each of these stops, at least one officer activated his body-worn camera.

23 14. Between at least on or about December 5, 2017 and December 18, 2017, HUFFAKER  
24 and Tatum extorted significant quantities of marijuana from owners with consent that was induced  
25 through color of official right, declaring to the owners that they would seize their property, and at times  
26 threatening to arrest and charge the victims, while never in fact submitting the property to RPDPS or  
27 documenting the stop or seizure. In these instances, the officers were not on duty, did not have body-  
28

worn cameras, were not in uniform and wore no indicia that they were from RPDPS, claimed to be ATF agents, and did not use a marked RPDPS police vehicle.

COUNT ONE: (18 U.S.C. § 1951 – Conspiracy to Commit Extortion Under Color of Official Right)

15. The factual allegations in Paragraphs 1 through 14 are re-alleged and incorporated as if fully set forth herein.

16. Beginning at a date unknown, but by at least on or about December 5, 2017 and continuing to a date unknown, but to at least on or about December 18, 2017 in the Northern District of California and elsewhere, the defendant,

JOSEPH HUFFAKER,

with others known and unknown, including Tatum, did knowingly conspire to obstruct, delay, and affect in any way and degree commerce and the movement of articles and commodities in commerce by extortion, as those terms are defined in Title 18, United States Code, section 1951; that is, defendant obtained property not due defendant or his office, from victims and others, with consent induced under color of official right.

The Conspiracy to Extort

17. After termination of the interdiction team's operations, between at least on or about December 5, 2017 and on or about December 18, 2017, HUFFAKER and Tatum, both while off-duty, and under color of official right, conspired to seize marijuana, and other property from numerous individuals they stopped, without arresting or charging these individuals, without providing a citation or asset forfeiture notice to the individuals, without filing an Incident/Investigation Report, without filing a Property/Evidence Report, without submitting the marijuana and other property into the custody of the property department, without submitting the necessary asset forfeiture documents to the City of Rohnert Park, and without filing an application for a destruction order.

The Manner and Means

18. The defendant and Tatum carried out their conspiracy to extort alleged herein in the following manner and means, among others:

- a. Using their position as public officials to seize things of value from their victims with the intent to convert them to their own use;
- b. Obtaining consent to seize things of value from their victims in exchange for official action or inaction, specifically not charging or arresting their victims;
- c. Not following official policies and procedures, including by not documenting their vehicle stops in which they seized things of value from their victims;
- d. Converting property seized when acting as public officials to their own use;
- e. Taking steps to hide, conceal, and cover up their activities, including falsifying police reports, and omitting references to these undocumented stops in reporting RPDPS interdiction team seizure statistics;
- f. Falsely impersonating officers of an agency of the United States, such as the ATF; and
- g. Concealing the seizures and their value, by selling the goods (namely marijuana) for cash and not reporting the amounts received.

Overt Acts

19. In furtherance of the conspiracy, and to carry out its objects, HUFFAKER, Tatum, and others committed or caused to be committed the following overt acts, among others, in the Northern District of California and elsewhere:

- a. On or about December 5, 2017, HUFFAKER and another individual conducted a traffic stop on Victim 7 (E.F.) in the Northern District of California (the “December 5, 2017 stop”);
- b. During the December 5, 2017 stop of Victim 7 (E.F.), HUFFAKER falsely claimed to be an ATF agent;
- c. During the December 5, 2017 stop of Victim 7 (E.F.), Victim 7 did not consent to the seizure of three pounds of marijuana that he possessed;
- d. During the December 5, 2017, stop of Victim 7 (E.F.) HUFFAKER seized those three pounds of marijuana while failing to provide a citation or any other documentation related to the stop that would allow Victim 7 (E.F.) to contest the seizure;



e. On or about December 18, 2017, HUFFAKER and Tatum conducted a traffic stop on Victim 8 (B.L.) in the Northern District of California (the “December 18, 2017 stop”);

f. During the December 18, 2017 stop of Victim 8 (B.L.), HUFFAKER and Tatum falsely claimed to be ATF agents;

g. During the December 18, 2017 stop of Victim 8 (B.L.), HUFFAKER and Tatum threatened to arrest Victim 8 if he did not consent to the seizure of at least 23 pounds of marijuana that he possessed. Two California Highway Patrol (“CHP”) officers drove up and observed part of the stop;

h. During the December 18, 2017 stop of Victim 8 (B.L.), HUFFACKER and Tatum seized those 23 pounds of marijuana while failing to provide a citation or any other documentation related to the stop that would allow Victim 8 (B.L.) to contest the seizure. Neither Tatum nor HUFFAKER submitted any records reflecting the stop or the marijuana seized;

i. Having been observed by two CHP officers during their stop on December 18, 2017, on or about December 19, 2017, HUFFAKER and Tatum submitted an Evidence/Property Report that indicated two 15-pound boxes of marijuana were submitted as “Found – for Destruction.” The Report indicated that this property was collected by HUFFAKER on December 18, 2017. The 23 pounds of packaged and labeled marijuana seized on December 18, 2017 was taken by the defendants and 30 pounds of loose marijuana was submitted as “found property”; and

j. Between December 5, 2017 and February 20, 2018, HUFFAKER and Tatum took steps to hide, conceal, and cover up their activities, including by falsifying police reports.

All in violation of Title 18, United States Code, Section 1951.

COUNT TWO: (18 U.S.C. §§ 1951 and 2 – Extortion Under Color of Official Right)

20. The factual allegations in Paragraphs 1 through 19 are re-alleged and incorporated as if fully set forth herein.

21. On or about December 5, 2017, in the Northern District of California and elsewhere, the defendant,

JOSEPH HUFFAKER

did knowingly obstruct, delay, and affect in any way and degree commerce and the movement of articles and commodities in commerce by extortion, as those terms are defined in Title 18, United States Code, Section 1951; that is, defendant obtained property not due defendant or his office, from Victim 7 (E.F.), with consent induced under color of official right.

All in violation of Title 18, United States Code, Sections 1951 and 2.

COUNT THREE: (18 U.S.C. §§ 1951 and 2 – Extortion Under Color of Official Right)

22. The factual allegations in Paragraphs 1 through 21 are re-alleged and incorporated as if fully set forth herein.

23. On or about December 18, 2017, in the Northern District of California and elsewhere, the defendant,

JOSEPH HUFFAKER,

did knowingly obstruct, delay, and affect in any way and degree commerce and the movement of articles and commodities in commerce by extortion, as those terms are defined in Title 18, United States Code, Section 1951; that is, defendant obtained property not due defendants or his office, from Victim 8 (B.L.) and others, with consent induced under color of official right.

All in violation of Title 18, United States Code, Sections 1951 and 2.

COUNT FOUR: (18 U.S.C. § 371 – Conspiracy to Falsify Records in a Federal Investigation)

24. The factual allegations in Paragraphs 1 through 23 are re-alleged and incorporated as if fully set forth herein.

25. Beginning at a date unknown, but by at least on or about February 13, 2018, and continuing to a date unknown, but to at least on or about February 20, 2018, in the Northern District of California and elsewhere, the defendant,

JOSEPH HUFFAKER,

and others, including Tatum, did knowingly and unlawfully combine, conspire, and agree to conceal, cover up, falsify, and make false entries in Rohnert Park Department of Public Safety reports with the intent to impede, obstruct, and influence the investigation and proper administration of matters within the jurisdiction of the United States Department of Justice and the Federal Bureau of

Investigation, and in relation to and contemplation of such matters, in violation of Title 18, United States Code, Section 1519.

Overt Acts

26. In furtherance of the conspiracy, and to carry out its objects, Tatum, HUFFAKER, and others committed or caused to be committed the following overt acts, among others, in the Northern District of California and elsewhere:

a. After the publication on February 11, 2018, of two articles about the events related to the seizure of marijuana from Victim 7 (E.F.) entitled, “Outraged: One Man’s Two Month Quest from the FBI to the ATF to Expose What He Says Are Corrupt Police Officers in Mendocino” and “Former Undercover Officer Involved in Developing Cannabis Products Accuses Hopland Tribal Police Chief of Theft, Corruption, and Civil Rights Violations,” which reported that Victim 7 (E.F.) stated that he had been robbed of three pounds of marijuana by two unidentified officers without uniforms and believed it may have been the Hopland Tribal Police or the Mendocino County Sheriff’s Office, and which also indicated that Victim 7 (E.F.) had been contacted by the FBI and that the ATF began an investigation into the matter, and after receiving a complaint by the Mendocino County Sheriff’s office, Tatum, in the presence of HUFFAKER, contacted his and HUFFAKER’S supervisor to get approval to issue a press release to explain that the stop was done by RPDPS;

b. On or about February 13, 2018, HUFFAKER sent Tatum an email, which included a draft press release about the above referenced traffic stop on December 5, 2017, and which draft press release included facts associated with the December 18, 2017 traffic stop;

c. On or about February 13, 2018, Tatum completed and issued the press release which stated that RPDPS that made the December 5, 2017 stop and used facts associated with the December 18, 2017 stop;

d. On or about February 14, 2018, Tatum received a call from an FBI agent, asking about the December 5, 2017 stop. The agent asked for the police report and the press release;

f. On or about February 15, 2018, HUFFAKER and Tatum had a number of calls about preparing a false incident report for the December 5, 2017 stop and seizure from Victim 7 (E.F.);

g. On or about February 15, 2018, HUFFAKER sent Tatum an email at Tatum's personal email account containing a draft of the facts for a false incident report of the December 5, 2017 stop which used the facts associated with the December 18, 2017 stop;

h. On or about February 20, 2018, Tatum forwarded the email that HUFFAKER sent to Tatum's personal account on February 15, 2018 to Tatum's work email account.

i. On or about February 20, 2018, Tatum, using the false draft facts from HUFFAKER, falsified an Incident/Investigation Report regarding Victim 7's (E.F.) traffic stop and seizure on December 5, 2017, using an existing case number generated on December 19, 2017 relating to the December 18, 2017 stop and seizure from Victim 8 (B.L.), and identifying Victim 7 (E.F.) in the "offender" section of the report;

j. On February 20, 2018, shortly after having falsified an Incident/Investigation Report for the December 5, 2017 stop of Victim 7 (E.F.) with HUFFAKER's assistance, Tatum forwarded the falsified Incident/Investigation Report, along with a copy of the press release from February 13, 2018, to the FBI agent by e-mail.

All in violation of Title 18, United States Code, Section 371.

COUNT FIVE: (18 U.S.C. §§ 1519 and 2 – Falsifying Records in a Federal Investigation)

27. The factual allegations in Paragraphs 1 through 26 are re-alleged and incorporated as if fully set forth herein.

28. Between on or about February 13 and 20, 2018, in the Northern District of California, and elsewhere, the defendant,

JOSEPH HUFFAKER,

1 knowingly concealed, covered up, falsified, and made false entries in Rohnert Park Department of  
 2 Public Safety reports with the intent to impede, obstruct, and influence the investigation and proper  
 3 administration of matters within the jurisdiction of the United States Department of Justice and the  
 4 Federal Bureau of Investigation, and in relation to and contemplation of such matters, to wit, the  
 5 defendant used a case number and property report created on December 19, 2017 to make a false police  
 6 report relating to an undocumented RPDPS vehicle stop and seizure on December 5, 2017, which was  
 7 reported in the press on February 11, 2018.

8 COUNT SIX: (18 U.S.C. § 371 – Conspiracy to Impersonate a Federal Officer)

9 29. The factual allegations in Paragraphs 1 through 28 are re-alleged and incorporated as if  
 10 fully set forth herein.

11 30. Beginning at a date unknown, but by at least on or about December 5, 2017, and  
 12 continuing to a date unknown, but to at least on or about December 18, 2017, in the Northern District of  
 13 California and elsewhere, the defendant,

14 JOSEPH HUFFAKER,

15 and others known and unknown, including Tatum, did knowingly and unlawfully combine, conspire  
 16 and agree to commit impersonation of a federal officer and in such pretended character a thing of value,  
 17 to wit, marijuana, in violation of Title 18, United States Code, Section 912.

18 Overt Acts

19 31. In furtherance of the conspiracy, and to carry out its objects, Tatum, HUFFAKER, and  
 20 others committed or caused to be committed the following overt acts, among others, in the Northern  
 21 District of California and elsewhere:

22 a. HUFFAKER and Tatum agreed that as part of the scheme to extort marijuana  
 23 from victims, they would tell the victims that they were ATF.

24 b. On or about December 5, 2017, HUFFAKER and another individual conducted a  
 25 traffic stop on Victim 7 (E.F.) in the Northern District of California;

26 c. During the December 5, 2017 stop of Victim 7 (E.F.), HUFFAKER falsely  
 27 claimed to be an ATF agent;  
 28

1 d. During the December 5, 2017 stop of Victim 7 (E.F.), Victim 7 (E.F.) did not  
2 consent to the seizure of three pounds of marijuana that he possessed;

3 e. During the December 5, 2017 stop of Victim 7 (E.F.), HUFFAKER seized those  
4 three pounds of marijuana while failing to provide a citation or any other documentation  
5 related to the stop that would allow Victim 7 (E.F.) to contest the seizure;

6 f. On or about December 18, 2017, HUFFAKER and Tatum conducted a traffic stop  
7 on Victim 8 (B.L.) in the Northern District of California;

8 g. During the December 18, 2017 stop of Victim 8 (B.L.), HUFFAKER and Tatum  
9 falsely claimed to be ATF agents;

10 h. During the December 18, 2017 stop of Victim 8 (B.L.), HUFFAKER and Tatum  
11 threatened to arrest Victim 8 if he did not consent to the seizure of at least 23 pounds of  
12 marijuana that he possessed. Two California Highway Patrol ("CHP") officers drove up  
13 and observed part of the stop;

14 i. During the December 18, 2017 stop of Victim 8 (B.L.), HUFFACKER and Tatum  
15 seized those 23 pounds of marijuana while failing to provide a citation or any other  
16 documentation related to the stop that would allow Victim 8 (B.L.) to contest the seizure.

17 All in violation of Title 18, United States Code, Section 371.

18 COUNT SEVEN: (18 U.S.C. § 912 and 2 – Impersonating a Federal Officer)

19 32. The factual allegations in Paragraphs 1 through 31 are re-alleged and incorporated as if  
20 fully set forth herein.

21 33. On or about December 18, 2017, in the Northern District of California and elsewhere, the  
22 defendant,

23 JOSEPH HUFFAKER,

24 in the falsely presumed and pretended capacity of an officer and employee of the United States and  
25 acting under the authority thereof, that is an ATF officer, did demand a thing of value, in that he  
26 demanded marijuana and threatened to arrest Victim 8 (B.L.) if he did not consent to the seizure.

27 All in violation of Title 18, United States Code, Section 912.

28 //

1 FORFEITURE ALLEGATION: (18 U.S.C. §§ 924(d)(1), 981(a)(1)(C) and 28 U.S.C. § 2461(c))

2 34. The allegations contained Paragraphs 1 through 25 of this Superseding Indictment are re-  
3 alleged and by this reference fully incorporated herein for the purpose of alleging forfeiture pursuant to  
4 the provisions of Title 18, United States Code, Sections 924(d)(1), 981(a)(1)(C) and Title 28, United  
5 States Code, Section 2461(c).

6 35. Upon conviction for the offenses alleged in Counts One, Two, and Three of this  
7 Superseding Indictment, the defendant,

8 JOSEPH HUFFAKER,

9 shall forfeit to the United States pursuant to 18 U.S.C. §§ 924(d)(1), 981(a)(1)(C) and 28 U.S.C.  
10 § 2461(c) any firearm or ammunition involved in or used in that violation, and all property, real or  
11 personal, constituting or derived from proceeds the defendant obtained, directly and indirectly, as the  
12 result of that violation, including, but not limited to, the following:

13 a. Money Judgment: a sum of money equal to the total gross proceeds obtained as a  
14 result of the offense; and

15 b. any firearm or ammunition involved in or used in that violation.

16 36. If any of the property described above, as a result of any act or omission of the defendant:

17 a. cannot be located upon the exercise of due diligence;

18 b. has been transferred, or sold to, or deposited with, a third party;

19 c. has been placed beyond the jurisdiction of the court;

20 d. has been substantially diminished in value; or

21 e. has been commingled with other property that cannot be divided without  
22 difficulty,

23 any and all interest the defendant has in other property shall be vested in the United States and forfeited  
24 to the United States pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title  
25 18, United States Code, Section 982(b)(1).

26 //

27 //

28 //

1 All pursuant to Title 18, United States Code, Sections 924(d)(1), 981(a)(1)(C), Title 28, United  
2 States Code, Section 2461(c), and Rule 32.2 of the Federal Rules of Criminal Procedure.

3 DATED: 12/13/2022

A TRUE BILL.

4 /s/

5  
6 FOREPERSON

7 STEPHANIE M. HINDS  
8 United States Attorney

9 /s/ Cynthia Frey

10 CYNTHIA FREY  
11 Assistant United States Attorney  
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**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**

BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT  
☒ SUPERSEDING

**OFFENSE CHARGED**

18 U.S.C. § 1951 – Conspiracy to Commit Extortion Under Color of Official Right;  
 18 U.S.C. § 1951 – Extortion Under Color of Official Right;  
 18 U.S.C. § 371 – Conspiracy to Falsify Records in a Federal Investigation;  
 18 U.S.C. § 1519 – Falsifying Records in a Federal Investigation;  
 18 U.S.C. § 371 – Conspiracy to Impersonate a Federal Officer  
 18 U.S.C. § 912 – Impersonating a Federal Officer  
 18 U.S.C. §§ 924(d)(1), 981(a)(1)(C) and 28 U.S.C. § 2461(c) – Forfeiture;  
 18 U.S.C. § 2 – Aiding and Abetting

☐ Petty  
☐ Minor  
☐ Misdemeanor  
☒ Felony

PENALTY: Please see attachment

Name of District Court, and/or Judge/Magistrate Location

Hon. Lisa J. Cisneros, Magistrate Judge

SAN FRANCISCO DIVISION

**DEFENDANT - U.S**

▶ **JOSEPH HUFFAKER**

DISTRICT COURT NUMBER

CR 21-0374 MMC

**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

**FBI and IRS**

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW

DOCKET NO.

CR 21-0374 MMC

☒ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☒ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

3-21-70422 MAG

Name and Office of Person Furnishing Information on this form **Stephanie M. Hinds**

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned)

**Cynthia Frey, AUSA**

**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

- 1) ☒ If not detained give date any prior summons was served on above charges ▶
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

**IS IN CUSTODY**

- 4) ☐ On this charge
- 5) ☐ On another conviction } ☐ Federal ☐ State
- 6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

**DATE OF ARREST**

Month/Day/Year

Or... if Arresting Agency & Warrant were not

**DATE TRANSFERRED TO U.S. CUSTODY**

Month/Day/Year

☐ This report amends AO 257 previously submitted

**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**

☐ SUMMONS ☒ NO PROCESS\* ☐ WARRANT

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

Bail Amount: \_\_\_\_\_

\* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: \_\_\_\_\_ Before Judge: \_\_\_\_\_

Comments:

**PENALTY SHEET ATTACHMENT  
JOSEPH HUFFAKER**

- Count 1:** 18 U.S.C. § 1951 – Conspiracy to Commit Extortion Under Color of Official Right  
**Maximum Penalties:** (1) 20 years imprisonment; (2) Maximum of 3 years of supervised release; (3) \$250,000 fine; (4) \$100 Special Assessment
- Counts 2-3:** 18 U.S.C. § 1951 – Extortion Under Color of Official Right  
**Maximum Penalties:** (1) 20 years imprisonment; (2) Maximum of 3 years of supervised release; (3) \$250,000 fine; (4) \$100 Special Assessment
- Count 4:** 18 U.S.C. § 371 – Conspiracy to Falsify Records in a Federal Investigation  
**Maximum Penalties:** (1) 5 years imprisonment; (2) Maximum of 3 years of supervised release; (3) \$250,000 fine; (4) \$100 Special Assessment
- Count 5:** 18 U.S.C. § 1519 – Falsifying Records in a Federal Investigation  
**Maximum Penalties:** (1) 20 years imprisonment; (2) Maximum of 3 years of supervised release; (3) \$250,000 fine; (4) \$100 Special Assessment
- Count 6:** 18 U.S.C. § 371 – Conspiracy to Impersonate a Federal Officer  
**Maximum Penalties:** (1) 5 years imprisonment; (2) Maximum of 3 years of supervised release; (3) \$250,000 fine; (4) \$100 Special Assessment
- Count 7:** 18 U.S.C. § 912 – Impersonating a Federal Officer  
**Maximum Penalties:** (1) 3 years imprisonment; (2) Maximum of 1 year of supervised release; (3) \$250,000 fine; (4) \$100 Special Assessment
- Forfeiture:** 18 U.S.C. §§ 924(d)(1), 981(a)(1)(C) and 28 U.S.C. § 2461(c)

**FILED**

Dec 13 2022

Mark B. Busby  
 CLERK, U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO

**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA**

**CRIMINAL COVER SHEET**

***Instructions:*** Effective November 1, 2016, this Criminal Cover Sheet must be completed and submitted, along with the Defendant Information Form, for each new criminal case.

CASE NAME:

USA v. JOSEPH HUFFAKER

CASE NUMBER:

CR CR 21-0374 MMC

Is This Case Under Seal?

Yes

No ☒

Total Number of Defendants:

1 ☒

2-7

8 or more

Does this case involve ONLY charges under 8 U.S.C. § 1325 and/or 1326?

Yes

No ☒

Venue (Per Crim. L.R. 18-1):

SF ☒

OAK

SJ

Is this a potential high-cost case?

Yes

No ☒

Is any defendant charged with a death-penalty-eligible crime?

Yes

No ☒

Is this a RICO Act gang case?

Yes

No ☒

Assigned AUSA

(Lead Attorney): Cynthia Frey, AUSA

Date Submitted: 12-13-22

Comments:

RESET FORM

SAVE PDF