



*United States Attorney
Southern District of New York*

**FOR IMMEDIATE RELEASE
JULY 29, 2009**

**CONTACT: U.S. ATTORNEY'S OFFICE
YUSILL SCRIBNER,
REBEKAH CARMICHAEL,
JANICE OH
PUBLIC INFORMATION OFFICE**

**DOJ-OIG
CYNTHIA SCHNEDAR
PUBLIC INFORMATION OFFICE
(202) 616-0542**

**MANHATTAN U.S. ATTORNEY CHARGES BUREAU OF
PRISONS EMPLOYEE WITH LYING IN CONNECTION
WITH FEDERAL CRIMINAL INVESTIGATION**

LEV L. DASSIN, the Acting United States Attorney for the Southern District of New York, and JAMES E. TOMLINSON, the Special Agent-in-Charge of the New York Field Office of the Department of Justice, Office of the Inspector General ("DOJ-OIG"), announced today the arrest of FRANCISCO FELIX for making false statements to federal agents in connection with a criminal investigation by the DOJ-OIG. FELIX is a maintenance worker supervisor at the Metropolitan Correctional Center ("MCC") in New York, New York.

According to the Complaint and other documents filed in Manhattan federal court:

In June 2008, DOJ-OIG agents interviewed a federal inmate at the MCC (the "Inmate") who previously had contacted BOP internal investigators to advise that he was solicited for a bribe by BOP employee JOSEPH FRANGIOSA. From June 2008 through September 2008, FRANGIOSA accepted multiple bribe payments from an undercover law enforcement officer posing as the Inmate's relative in exchange for allowing the inmate to make unmonitored telephone calls. (It is a violation of BOP rules and regulations to permit inmates to make unmonitored telephone calls.) FRANGIOSA subsequently pleaded guilty in the Southern District of New York to soliciting bribes in connection with the performance of his official duties.

Beginning in July 2008, FRANGIOSA was out on medical leave and not working within the physical premises of the MCC. MCC telephone records and recorded calls, however, showed that the Inmate was permitted by FELIX to make an unmonitored

telephone call from a basement room at the MCC. In the days leading up to that call, FELIX and FRANGIOSA spoke frequently by phone and FRANGIOSA admitted to law enforcement agents after his arrest that FELIX had agreed to help the Inmate make the unmonitored telephone call.

In February 2009, federal law enforcement officials interviewed FELIX in connection with this investigation. After being advised of his rights and waiving them, FELIX declared in a sworn statement that: (1) FRANGIOSA had not asked FELIX to assist the inmate in placing unmonitored telephone calls from MCC; (2) FELIX did not know the inmate; (3) FELIX had never escorted or allowed any inmate to be moved to the basement shop areas to make unmonitored phone calls; and (4) FELIX had not assisted the inmate in making unmonitored phone calls.

After the interview of FELIX, federal law enforcement officials twice interviewed a senior officer at the BOP ("the Housing Unit Officer") who worked in the housing unit where the inmate was housed, whose responsibilities included monitoring the inmate's departures from the unit to other areas of the MCC. During the first interview, the Housing Unit Officer identified the Inmate as a person seen in relevant video footage leaving the housing unit and said that he would not have permitted the Inmate to leave the unit without authorization from a BOP staff member, but could not recall which staff member had asked that the Inmate be released. During the second interview, the Housing Unit Officer stated that he had permitted the inmate to leave his housing unit because FELIX had called him on the unit telephone and instructed him to release the inmate. The Housing Unit Officer said he had not previously identified FELIX because he feared retaliation by FELIX.

FELIX, 34, is charged with one count of making false statements to a federal agency in connection with an investigation, which carries a maximum sentence of 5 years in prison.

FELIX was arrested in Manhattan this morning. FELIX is expected to be presented in Manhattan federal court this afternoon.

Mr. DASSIN praised the investigative work of the DOJ-OIG and the Bureau of Prisons.

This case is being prosecuted by the Office's Public Corruption Unit. Assistant United States Attorneys RUA M. KELLY and RACHEL KOVNER are in charge of the prosecution.

The charge contained in the Complaint is merely an accusation and the defendant is presumed innocent unless and until proven guilty.

09-232

###