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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

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Attorneys for Plaintiff
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

CR 11 - 00153 HG

UNITED STATES OF AMERICA,)	CR. NO.
)	
Plaintiff,)	INDICTMENT
)	
v.)	[18 U.S.C. §§ 1951, 1512(b)(3)
)	and 1001]
CARLTON S. NISHIMURA,)	
)	
)	
Defendant.)	
)	

INDICTMENT

The Grand Jury charges that:

1. At all times relevant to this Indictment defendant
CARLTON S. NISHIMURA was a sworn officer of the Honolulu Police
Department, City and County of Honolulu, State of Hawaii, with
the rank of Captain.

2. As an officer of the Honolulu Police Department, defendant CARLTON S. NISHIMURA was required to enforce and uphold the laws of the State of Hawaii and was not authorized to accept payments from individuals in exchange for allowing, facilitating or assisting such individuals to violate state laws, or to otherwise engage in criminal or illegal activity.

3. From a date unknown but from sometime in April 2004 and continuing to about March 19, 2006, in the District of Hawaii, defendant CARLTON S. NISHIMURA and D.I., not a defendant herein, did knowingly and intentionally conspire, confederate and agree together with each other to obstruct, delay and affect, in any degree, interstate and foreign commerce by extortion, that is: defendant CARLTON S. NISHIMURA and D.I. conspired to obtain property to wit, monies, from another person with his consent, each knowing that such person was engaged in the operation of an illegal game room in the City and County of Honolulu, under color of official right, that is, in exchange for the performance and non-performance of official police acts by defendant CARLTON S. NISHIMURA.

In violation of Title 18, United States Code, Section 1951.

Count 2

The Grand Jury further charges that:

On or about February 26, 2009, in the District of Hawaii, defendant CARLTON S. NISHIMURA, acting with the intent to hinder, delay and prevent the communication of information relating to the possible commission of federal offenses committed by himself and others to Federal Bureau of Investigation (FBI) agents, attempted to corruptly persuade D.I. to make false and misleading statements to FBI agents who were investigating the enforcement of laws of the State of Hawaii by defendant CARLTON S. NISHIMURA and other Honolulu police officers at illegal game rooms in the City and County of Honolulu.

Believing that D.I. would be questioned by FBI agents about the activities of illegal game rooms operating in the City and County of Honolulu in 2004, 2005 and 2006, defendant CARLTON S. NISHIMURA attempted to corruptly persuade D.I. to tell FBI agents that defendant CARLTON S. NISHIMURA never received any monies, that her relationship with defendant CARLTON S. NISHIMURA was limited to assisting defendant CARLTON S. NISHIMURA in introducing an undercover police officer into illegal game rooms operating in the City and County of Honolulu, and, that there was no exchange of monies for services which defendant CARLTON S. NISHIMURA provided as a Honolulu police officer to an illegal game room operator whereas in truth and fact as defendant CARLTON

S. NISHIMURA then well knew, defendant CARLTON S. NISHIMURA had received monies, which D.I. carried to defendant CARLTON S. NISHIMURA on a regular basis in 2004, 2005 and 2006, and, that there had occurred an exchange of monies for services which defendant CARLTON S. NISHIMURA had provided as a Honolulu police officer to an illegal game room operator in 2004, 2005 and 2006.

In violation of Title 18, United States Code, Section 1512(b)(3).

Count 3

The Grand Jury further charges that:

On or about December 15, 2010, in the District of Hawaii, in a matter within the jurisdiction of the Federal Bureau of Investigation, an agency of the United States, the defendant CARLTON S. NISHIMURA did knowingly and willfully make a material false, fraudulent and fictitious material statement and representation; that is: CARLTON S. NISHIMURA stated and represented to FBI agents that he had not spoken with D.I. about the federal investigation concerning the enforcement of the laws of the State of Hawaii by Honolulu Police officers at illegal game rooms operating in the City and County of Honolulu in 2004, 2005 and 2006, whereas, in truth and in fact, as he then well knew, he had spoken with D.I. about such federal investigation.

All in violation of Title 18, United States Code,
Section 1001.

DATED: February 17, 2011, at Honolulu, Hawaii.

A TRUE BILL


/s/ Foreperson
FOREPERSON, GRAND JURY

FLORENCE T. NAKAKUNI
United States Attorney
District of Hawaii



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United States v. Carlton S. Nishimura
Indictment
Cr. No. _____