

Presented to the Court by the foreman of the Grand Jury in open Court, in the presence of the Grand Jury and FILED in the U.S. DISTRICT COURT at Seattle, Washington
March 3, 2021

WILLIAM M. McCOOL, Clerk

By Seamus Kattner Deputy

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JULIO W. HAYES,

Defendant.

NO. CR21-5094 RJB

INDICTMENT

The Grand Jury charges that:

1. At all times material to this Indictment:

a. Defendant JULIO W. HAYES was a Juvenile Rehabilitation Security Officer at Green Hill School ("GHS"). As a Juvenile Rehabilitation Security Officer, defendant JULIO W. HAYES was a public official.

b. GHS was a medium/maximum security juvenile rehabilitation facility located in Chehalis, Washington. The Washington State Department of Children, Youth, & Families – Juvenile Rehabilitation (DCYF) operated GHS. Pursuant to a Memorandum of Understanding with the Washington State Department of Corrections (DOC), GHS housed individuals in Washington State's Youth Offender Program. A youthful offender was any person under the age of 18 who was tried, convicted, and

1 sentenced as an adult. Through the Youth Offender Program, these individuals were
2 housed at a DCYF Juvenile Rehabilitation facility like GHS to ensure their medical,
3 mental health, and developmental needs were addressed. Since July 2019, youthful
4 offenders were allowed to reside at GHS, until they reach the age of 25. At that point, if
5 there was time remaining on their sentence, the individual was transferred to DOC
6 custody.

7 2. From in or about November 2018 through in or about February 2020,
8 defendant JULIO W. HAYES held the job title of “Juvenile Rehabilitation Security
9 Officer 1.” As such, his job duties included supervising youthful offenders and ensuring
10 the safety of the facilities at GHS.

11 3. On or about December 21, 2018, defendant JULIO W. HAYES completed
12 the Washington State Ethics in State Government course. During this course, defendant
13 JULIO W. HAYES was advised that, as a state employee, he was prohibited from
14 obtaining extra or outside compensation for performing his official duties or for not
15 performing his official duties.

16 4. On or about March 18, 2019, defendant JULIO W. HAYES signed a
17 Washington State Department of Social and Health Services (DSHS) New Employee
18 Checklist. By signing the checklist, defendant JULIO W. HAYES acknowledged reading
19 specific DSHS Administrative Policies, including Standards of Ethical Conduct for
20 Employees (AP 18.64), and Employee Relationships with Clients, Vendors, and Outside
21 Organizations (AP 18.60).

22 a. AP 18.64 – Standards of Ethical Conduct for Employees, stated,
23 among other things, that employees shall not “[u]se or create the appearance of using the
24 employee’s position for the personal gain or advantage of the employee or others,” and
25 shall not “ask for, give, or receive any compensation, gift, reward, or gratuity in the
26 performance of the employee’s official duties, unless otherwise authorized by the
27 department.”
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1 b. AP 18.60 – Employee Relationships with Clients, Vendors, and
2 Outside Organizations stated, among other things, that employees must not “[s]eek,
3 solicit, receive, accept, or take, either directly or indirectly, anything of economic or
4 personal value such as a gift, gratuity, or favor from any person if the employee has
5 reason to believe [that] ... the person offered the gift, gratuity, or favor because of the
6 employee’s ability to influence activities regulated by DSHS.”

7 5. Between in or about May 2019 and February 2020, defendant JULIO W.
8 HAYES accepted money, including cash payment and payments through the mobile
9 application Cash App, in exchange for smuggling contraband, including lighters, chewing
10 tobacco, narcotics (including marijuana), and mobile phones into GHS to provide to
11 youthful offenders. The payments were made either by the offender, or by a friend or
12 associate of the offender who was not in custody. In total, defendant JULIO W. HAYES
13 accepted more than \$11,170 in payments in exchange for smuggling in contraband.
14 Defendant JULIO W. HAYES often used a portion of this money to purchase the
15 contraband, including marijuana, for introduction into GHS.

16 6. Below are examples of defendant JULIO W. HAYES accepting payment
17 for the introduction of contraband from a GHS resident with the initials A.M.:

18 a. On January 13, 2020, A.M. and defendant JULIO W. HAYES
19 engaged in a text message exchange in which A.M. told defendant JULIO W. HAYES, “I
20 want half of gorilla glue and half of sour D” and a “cartridge.” “[G]orilla glue” and “sour
21 D” were references to strains of marijuana. In reference to the amount of the bribe
22 payment, A.M. asked defendant JULIO W. HAYES, “How much you taxin for that.” In
23 the exchange, they negotiated that defendant JULIO W. HAYES would be paid \$230, of
24 which \$100 would be defendant JULIO W. HAYES’s payment for introducing the
25 contraband to GHS. On January 14, 2020, defendant JULIO W. HAYES’s Cash App
26 account received a \$230 payment from a Cash App user with the initials J.W.
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1 b. On January 19, 2020, A.M. and defendant JULIO W. HAYES
2 engaged in another text message exchange concerning the introduction of contraband into
3 GHS for A.M.'s benefit. Defendant JULIO W. HAYES provided his home address and
4 they negotiated a \$225 payment, of which \$70 would be payment to defendant JULIO W.
5 HAYES. A.M. wrote, "and I got 30 in cash for you," meaning A.M. planned to pay \$30
6 in cash to defendant JULIO W. HAYES inside GHS. On January 22, 2020, defendant
7 JULIO W. HAYES's Cash App account received a \$230 payment from J.W., the same
8 payer as with the January 13, 2020, payment, noting that the payment was on behalf of
9 A.M.

10 c. Between January 23 and 25, 2020, A.M. and defendant JULIO W.
11 HAYES engaged in a text message exchange discussing the introduction of additional
12 contraband, including an iPhone, that was mailed to defendant JULIO W. HAYES's
13 house. A.M. wrote, "I just had them send you 100 to bring it in." On January 25, 2020,
14 defendant JULIO W. HAYES's Cash App account received a \$100 payment from Cash
15 App user A.P. This payment also noted that the payment was from A.M.

16 d. On February 1, 2020, A.M. and defendant JULIO W. HAYES
17 engaged in a text message exchange discussing the introduction of additional contraband
18 including a "dab pen charger," "chew," and "Sour D." A.M. wrote that he had \$20 in
19 cash for defendant JULIO W. HAYES. On February 1, 2020, defendant JULIO W.
20 HAYES's Cash App account received a \$109 payment. On February 5, 2020, the
21 account received another payment for \$120. Both payments were from Cash App user
22 T.M. for the introduction of this contraband.

23 e. On February 11, 2020, A.M. and defendant JULIO W. HAYES
24 engaged in a text message exchange discussing the introduction of lighters and
25 marijuana. A.M. and defendant JULIO W. HAYES discussed the cost of the items and
26 the bribe payment to defendant JULIO W. HAYES. On February 11, 2020, defendant
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1 JULIO W. HAYES's Cash App account received a \$80 payment from T.M., the same
2 payer as on February 1, 2020, and February 5, 2020.

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4 f. On February 21, 2020, A.M. and defendant JULIO W. HAYES
5 engaged in a text message exchange discussing the introduction of seven grams of a
6 substance they refer to as "orange cake," a slang term for marijuana. On February 22,
7 2020, defendant JULIO W. HAYES's Cash App account received a \$95 payment from
8 Cash App user "All\$In," with a message noting the payment was made on behalf of A.M.

9
10 g. On February 25, 2020, A.M. and defendant JULIO W. HAYES
11 engaged in a text message exchange discussing the introduction of a SIM card, a lighter,
12 and marijuana, for a total cost of \$70. On February 25, 2020, defendant JULIO W.
13 HAYES's Cash App account received a \$70 payment from "All\$In."

14 7. Below are examples of defendant JULIO W. HAYES accepting payment
15 for the introduction of contraband from a GHS resident with the initials C.S.:

16 a. On January 6 and 7, 2020, C.S. and defendant JULIO W. HAYES
17 engaged in a text message exchange where they discussed whether or not defendant
18 JULIO W. HAYES was under investigation, whether he was willing to introduce
19 contraband in exchange for money, and the specific contraband C.S. was seeking.
20 Defendant JULIO W. HAYES told C.S. the investigation had been dropped and that he
21 was willing to bring in small amounts of contraband. C.S. asked for a "cartridge N
22 Kush" (meaning marijuana). C.S. told defendant JULIO W. HAYES he would send
23 money on January 7, 2020 for the cartridge, and would send money the next day for the
24 marijuana. On January 8, 2020, C.S. told defendant JULIO W. HAYES he sent him \$50
25 for marijuana and \$50 for defendant JULIO W. HAYES. On January 7, 2020, defendant
26 JULIO W. HAYES's Cash App account received a \$35 payment from Cash App user
27 "Michael," and on January 8, 2020, defendant JULIO W. HAYES received a \$100
28 payment from the same payer.

1 b. On January 9, 2020, C.S. and defendant JULIO W. HAYES engaged
2 in a text message exchange discussing the introduction of a vape cartridge, water
3 balloons, and “full grams” of a non-specified item. C.S. said he sent defendant JULIO
4 W. HAYES \$35. On January 9, 2020, defendant JULIO W. HAYES’s Cash App account
5 received a \$35 payment from Michael.

6 c. On January 14, 2020, C.S. and defendant JULIO W. HAYES
7 engaged in a text message exchange discussing the introduction of additional contraband
8 including a vape cartridge. That same day, defendant JULIO W. HAYES’s Cash App
9 account received a \$40 payment from Michael.

10 d. Between January 15 and 17, 2020, C.S. and defendant JULIO W.
11 HAYES engaged in a text message exchange discussing defendant JULIO W. HAYES
12 taking back a contraband cellphone in C.S.’s possession due to security circumstances
13 inside C.S.’s housing unit. During an interview with the FBI on February 25, 2020,
14 defendant JULIO W. HAYES admitted to bringing C.S. a cellphone approximately four
15 months prior to that exchange. Defendant JULIO W. HAYES told the FBI that he
16 charged between \$100 and \$200 for the cellphone. Between June 11, 2019, and February
17 24, 2020, the Cash App payor Michael sent money to defendant JULIO W. HAYES’s
18 Cash App account approximately 31 times in amounts between \$100 to \$300.

19 e. On January 18 and 20, 2020, C.S. and defendant JULIO W. HAYES
20 engaged in a text message exchange discussing the introduction of a vape cartridge and
21 “kush,” a slang term for marijuana. C.S. told defendant JULIO W. HAYES he sent him
22 \$133, which included \$83 for the contraband and \$50 for defendant JULIO W. HAYES.
23 On January 20, 2020, defendant JULIO W. HAYES’s Cash App account received a \$133
24 payment from Michael.
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1 f. On January 21 and 22, 2020, C.S. and defendant JULIO W. HAYES
2 engaged in a text message exchange discussing the introduction of additional contraband,
3 including alcohol and vape pens. C.S. asked defendant JULIO W. HAYES if he could
4 send \$45 for the vape pen and two small bottles of liquor, which defendant JULIO W.
5 HAYES agreed to smuggle into GHS. On January 23, 2020, defendant JULIO W.
6 HAYES's Cash App account received a \$45 payment from Michael.

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8 g. On January 27, 2020, C.S. and defendant JULIO W. HAYES
9 engaged in a text message exchange discussing the introduction of additional contraband
10 which they referred to as a "package." They also discussed that this might be their last
11 transaction given a potential unit transfer. C.S. told defendant JULIO W. HAYES that
12 "his girl" would provide the details.

13 8. C.S.'s girlfriend, J.V., often communicated with defendant JULIO W.
14 HAYES about what items defendant JULIO W. HAYES could smuggle into GHS and the
15 amount of bribe money C.S. and J.V. would pay to defendant JULIO W. HAYES in
16 exchange. Below are examples of these negotiations, and related payments defendant
17 JULIO W. HAYES received in exchange for smuggling contraband into GHS for C.S.:

18 a. On January 28, 2020, J.V. and defendant JULIO W. HAYES
19 engaged in a text message exchange discussing the introduction of contraband for C.S.
20 J.V. requested a vape cartridge. J.V. also told defendant JULIO W. HAYES that she sent
21 him \$35. On January 28, 2020, defendant JULIO W. HAYES's Cash App account
22 received a \$35 payment from Michael.

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24 b. On January 31, 2020, J.V. and defendant JULIO W. HAYES
25 engaged in a text message exchange discussing the introduction of contraband for C.S.
26 J.V. requested either a vape pen charger or a new pen, and stated that she had sent
27 defendant JULIO W. HAYES \$40. On January 31, 2020, defendant JULIO W.
28 HAYES's Cash App account received a \$40 payment from Michael.

1 c. On February 5, 2020, J.V. and defendant JULIO W. HAYES
2 engaged in a text message exchange discussing the introduction of contraband for C.S.,
3 including marijuana and a vape cartridge. J.V. wrote that she sent defendant JULIO W.
4 HAYES \$100 for “kush” (marijuana), \$40 for a cartridge, and \$50 for defendant JULIO
5 W. HAYES. That same day, defendant JULIO W. HAYES’s Cash App account received
6 a \$190 payment from Michael.

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8 d. On February 12, 2020, J.V. texted defendant JULIO W. HAYES and
9 wrote that she sent defendant JULIO W. HAYES \$35 for a cartridge. That the same day
10 his Cash App account received a \$35 payment from Michael.

11 e. On February 17, 2020, J.V. texted defendant JULIO W. HAYES and
12 wrote that she sent defendant JULIO W. HAYES \$135 for a cartridge and marijuana and
13 \$50 for defendant JULIO W. HAYES. On February 18, 2020, defendant JULIO W.
14 HAYES’s Cash App account received a \$135 payment from Michael.

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16 f. On February 21, 2020, J.V. texted defendant JULIO W. HAYES and
17 wrote that she sent defendant JULIO W. HAYES \$35 for a cartridge. On the same day
18 defendant JULIO W. HAYES’s Cash App account received a \$35 payment from
19 Michael.

20 g. On February 21, 2020, J.V. texted defendant JULIO W. HAYES and
21 wrote that she sent defendant JULIO W. HAYES \$50 for marijuana and \$50 for
22 defendant JULIO W. HAYES. On February 22, 2020, defendant JULIO W. HAYES’s
23 Cash App account received payments of \$100 and \$35 from Michael.

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25 h. On February 23, 2020, J.V. asked Hayes for 14 grams of marijuana
26 and other contraband. J.V. said she would pay defendant JULIO W. HAYES \$75 and
27 C.S. would pay the rest, and she asserted that she sent defendant JULIO W. HAYES
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1 \$290. On February 24, 2020, defendant JULIO W. HAYES's Cash App account
2 received a \$290 payment from Michael.

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4 9. On multiple occasions, the exact dates of which are unknown, but between
5 July of 2019 and February of 2020, defendant JULIO W. HAYES received marijuana,
6 and other substances, for delivery to C.S. from an individual with the initials Z.P.

7 10. On or about February 25, 2020, defendant JULIO W. HAYES was arrested
8 in possession of approximately 43.3 grams of marijuana and three vape pen cartridges
9 (containing liquid marijuana) which he intended to introduce into GHS. During his
10 interview, defendant JULIO W. HAYES told the FBI that some of the marijuana was for
11 C.S. and the rest for A.M.

12 11. The chewing tobacco and mobile phones defendant JULIO W. HAYES
13 delivered to youthful offenders at GHS in exchange for cash or Cash App payments were
14 manufactured outside Washington State and were shipped in interstate commerce.

15 12. The illegal sale, distribution, possession with intent to distribute, and the
16 trafficking in controlled substances, that is, marijuana, were activities that affected
17 interstate commerce.

18 13. The allegations set forth in paragraphs 1 to 12 above are hereby
19 incorporated by reference into each count of this Indictment and re-alleged therein.

20 **COUNTS 1 through 7**
21 **(Extortion Under Color of Official Right)**

22 Between in or about July 2019, and continuing until on or about February 25,
23 2020, on the dates set forth below, in Chehalis, in the Western District of Washington,
24 and elsewhere, the defendant, JULIO W. HAYES, obstructed, delayed, and affected
25 commerce and attempted to obstruct, delay and affect commerce, and the movement of
26 articles and commodities in commerce, by extortion, in that defendant JULIO W.
27 HAYES obtained and attempted to obtain money from A.M. and C.S., youthful offenders
28 housed at the Green Hill School, a medium/maximum security juvenile rehabilitation

1 facility operated by the Washington State Department of Children, Youth, & Families –
 2 Juvenile Rehabilitation, and other individuals acting on behalf of A.M. and C.S. behalf,
 3 which was not due defendant JULIO W. HAYES or his office, in his capacity as a
 4 Juvenile Rehabilitation Security Officer with the Washington State Department of
 5 Children, Youth, & Families – Juvenile Rehabilitation Corrections, under color of official
 6 right.

Count	On or About Date(s)	Contraband	For Youthful Offender	Amount of Bribe Payment
1	January 6, 2020, to January 8, 2020	Marijuana and cartridge	C.S.	\$135
2	January 13, 2020, to January 14, 2020	Marijuana	A.M.	\$230
3	January 18, 2020, to January 20, 2020	Marijuana and cartridge	C.S.	\$133
4	January 23, 2020, to January 25, 2020	Mobile phone	A.M.	\$100
5	February 5, 2020	Marijuana and cartridge	C.S.	\$190
6	February 21, 2020, to February 22, 2020	Marijuana	A.M.	\$95
7	February 23, 2020, to February 24, 2020	Marijuana	C.S.	\$290

21 All in violation of Title 18, United States Code, Section 1951(a).

22 **COUNT 8**
 23 **(Conspiracy to Distribute Controlled Substances)**

24 Beginning in or about July 2019 and continuing to on or about February 25, 2020,
 25 in Chehalis, in the Western District of Washington, and elsewhere, the defendant, JULIO
 26 W. HAYES, knowingly and intentionally combined, conspired, confederated and agreed
 27 with C.S., J.V., and Z.P., and with other persons known and unknown, to commit the
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1 following offense against the United States: to distribute controlled substances, including
2 marijuana, a Schedule I controlled substance.

3 All in violation of Title 21, United States Code, Sections 846 and 841(a)(1) and
4 (b)(1)(C).

5 **COUNT 9**
6 **(Conspiracy to Distribute Controlled Substances)**

7 Beginning from in or about July 2019 and continuing to on or about February 25,
8 2020, in Chehalis, in the Western District of Washington, and elsewhere, the defendant,
9 JULIO W. HAYES, knowingly and intentionally combined, conspired, confederated and
10 agreed with A.M. and with other persons known and unknown, to commit the following
11 offense against the United States: to distribute marijuana, a Schedule I controlled
12 substance.

13 All in violation of Title 21, United States Code, Sections 846 and 841(a)(1) and
14 (b)(1)(C).

15 **COUNT 10**
16 **(Possession of Marijuana with Intent to Distribute)**

17 On or about February 25, 2020, in Chehalis, in the Western District of
18 Washington, and elsewhere, the defendant, JULIO W. HAYES, did knowingly and
19 intentionally possess marijuana, a Schedule I controlled substance, with the intent to
20 distribute.

21 All in violation of Title 21, United States Code, Sections 846 and 841(a)(1) and
22 (b)(1)(C).

23
24 **ASSET FORFEITURE ALLEGATION**

25 All of the allegations contained in this Indictment are hereby re-alleged and
26 incorporated by reference for the purpose of alleging forfeiture.

27 Upon conviction of an offense charged in Counts 1 through 7, the defendant
28 JULIO W. HAYES shall forfeit to the United States, pursuant to Title 18, United States

1 Code, Section 981(a)(1)(C), by way of Title 28, United States Code, Section 2461(c), any
2 property that constitutes or is traceable to proceeds of the offense.

3 Upon conviction of an offense charged in Counts 8 through 10, the defendant
4 JULIO W. HAYES shall forfeit to the United States, pursuant to Title 21, United States
5 Code, Section 853, any property that constitutes or is traceable to proceeds of the offense,
6 as well as any property that facilitated the offense.

7 **Substitute Assets.** If any of the property described above, as a result of any act or
8 omission of the defendant:

- 9 a. cannot be located upon the exercise of due diligence;
10 b. has been transferred or sold to, or deposited with, a third party;
11 c. has been placed beyond the jurisdiction of the court;
12 d. has been substantially diminished in value; or,
13 e. has been commingled with other property which cannot be divided
14 without difficulty,

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1 it is the intent of the United States to seek the forfeiture of any other property of the
2 defendant, up to the value of the above-described forfeitable property, pursuant to Title
3 21, United States Code, Section 853(p).

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5 A TRUE BILL:

6 DATED: 3/3/2021
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8 *[Signature of Foreperson redacted pursuant*
9 *to the policy of the Judicial Conference of*
10 *the United States]*

11 _____
FOREPERSON

12 

13 _____
14 TESSA M. GORMAN
15 Acting United States Attorney

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17 _____
18 ANDREW C. FRIEDMAN
19 Assistant United States Attorney

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21 _____
22 JUSTIN W. ARNOLD
23 Assistant United States Attorney

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25 _____
26 MICHAEL DION
27 Assistant United States Attorney
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