

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA )  
 )  
 v. ) CRIMINAL NO. 08-10345-DPW  
 )  
 CHARLES "CHUCK" TURNER )

Government's Clarification of Record

The United States of America, by and through Assistant United States Attorneys John T. McNeil and James P. Dowden, respectfully submits this clarification of the record related to the *Defendant's Motion to Continue the Sentencing Hearing* [D.340] and *Defendant's Response to Government's Opposition to His Motion to Continue* [D.343].

The government disclosed its *Statement of Relevant Facts* to Mr. Pavlos and Mr. Wilson on November 8, 2010, in the same email it provided that document to the Probation Office. *See* Exhibit 1.<sup>1</sup> The government disclosed it supplement to the *Statement of Relevant Facts* to Mr. Pavlos and Mr. Wilson on December 9, 2010, in the same email it provided that document to the Probation Office. *See* Exhibit 2. The discovery provided to Mr. Pavlos and Mr. Wilson on January 5, 2011, consisted of a total of four pages and related exclusively to Azid Mohammed. Those four pages were filed on the record by Ms. Wilkerson as Exhibit 1 to *Defendant Second Supplemental Submission on Sentencing* [D.333]. Mr. Mohammed had nothing to do with the liquor licensing portion of this case and it is unclear how these documents relate in any way to

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<sup>1</sup>The email addresses used to send this material to Mr. Wilson and Mr. Pavlos are the same addresses they use to receive all court filings via ECF. (The email address linked to this display name "Barry Wilson" is: "barryp.wilson@yahoo.com".)

Mr. Turner's sentencing.

Respectfully submitted,

CARMEN M. ORTIZ  
United States Attorney

Date: January 12, 2011

By: /s/ John T. McNeil  
JOHN T. McNEIL  
JAMES P. DOWDEN  
Assistant U.S. Attorneys

**CERTIFICATE OF SERVICE**

I, John T. McNeil, Assistant United States Attorney, do hereby certify that this document, filed through ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and that paper copies will be sent to those indicated as non registered participants on this date.

/s/ John T. McNeil  
JOHN T. McNEIL  
Assistant U.S. Attorney

# EXHIBIT 1

**McNeil, John (USAMA)**

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**From:** McNeil, John (USAMA)  
**Sent:** Monday, November 08, 2010 4:05 PM  
**To:** Iris\_Golus@map.uscourts.gov  
**Cc:** Barry Wilson; pavlosandvitali@aol.com; Dowden, James (USAMA)  
**Subject:** Turner Statement of Relevant Facts

Iris –

Please find attached the Government's Statement of Relevant Facts for the Charles "Chuck" Turner sentencing.

Thanks,

John McNeil



SRF.pdf



Wilkerson's liquor license scheme and his acceptance of the \$1,000 cash payment. During that interview, Turner made a series of false statements to agents which are charged as Counts 11-13 of the Second Superseding Indictment.

2. In late May 2007 at the request of the FBI, Wilburn sought Wilkerson's assistance in obtaining a liquor license for a proposed club in Roxbury, to be named "Dejavu." The proposed location for the club was in Wilkerson's Senate district and Turner's City Council district. Over the course of several recorded telephone conversations and meetings, Wilkerson agreed to assist Wilburn obtain a liquor license. Among a series of steps which Wilkerson took, was to send an email on June 28, 2007, to several members of the Boston City Council, including Turner, requesting that they hold a hearing regarding the manner in which liquor licenses were issued in the City. The following day, Turner sent an email to Wilkerson confirming that he would take the lead in setting up the hearing.

3. In early July 2007, through a series of emails from Turner and his staff to members of the City Council and their staff, Turner circulated a proposed order calling for a hearing on the issuance of liquor licenses. That order was ultimately offered by Turner at a City Council hearing on July 11, 2007. From there, the order was assigned to the Economic Development Committee, which was chaired by Councilor William Linehan. Through July and early August 2007, Turner and his staff conferred with Councilor Linehan and his staff about the hearing date and the expected testimony. Turner personally coordinated the hearing date and time with Wilkerson's office. However, Turner did not coordinate the hearing with other persons who were to attend the hearing, including the Chairman of the Boston Licensing Board and the Director of the Boston Redevelopment Authority.

4. On July 25, 2007, after learning from Wilkerson that Turner had taken up the issue in the City Council, Wilburn visited Turner in his City Hall office. At that stage in the investigation, Wilburn had already paid Wilkerson twice for her efforts in assisting Wilburn obtain a liquor license, and the FBI was seeking to determine if Turner, too, was on the take. (Wilburn had heard rumors that Turner took money for official acts, but had no direct knowledge of such incidents.) During the course of that meeting Wilburn expressed his appreciation for Turner's efforts to set up the City Council hearing and told Turner, "[i]f there's anything I can do to help you . . . you let me know and, and you got it." Wilburn also offered to raise funds for Turner. Turner responded, "that would be very helpful . . . either . . . a personal contribution or if you have some friends . . ." Later in the conversation, Wilburn and Turner discussed the specifics of a fundraising event, including a potential location, a day of the week, and a time. Turner provided to Wilburn the telephone numbers of his wife because she coordinated his campaign events.

5. While Turner was pressing forward with the City Council hearing, Wilkerson told Wilburn that she was pressing the Mayor and his staff, the Boston Licensing Board, and exercising her influence over Senate legislation affecting the City of Boston to obtain a permit for Dejavu. In exchange for these efforts, Wilburn paid cash to Wilkerson on June 5, 2007 (\$500), June 18, 2007 (\$1,000), and August 2, 2007 (\$1,000).

6. The morning after the third payment to Wilkerson, Wilburn received a telephone call from Turner. In that call, Turner invited Wilburn to his district office in Roxbury. Wilburn understood Turner's call to be a request for a payment similar to the ones he had made to Wilkerson. Wilburn called the FBI and suggested that they make a payment to Turner in

exchange for an official act.

7. On the afternoon of August 3, 2007, fitted with two recordings devices, Wilburn visited Turner in Roxbury and passed him \$1,000 in cash. The meeting was video and audio recorded with one device and separately audio recorded with a second, back-up device. Among other things, during the conversation Wilburn said, "your support has been superb . . . it's really hard to get somebody to stand up for you in a fight." Wilburn thanked Turner for his efforts and said, "I just wanted to stop by and just give you – take your wife out to dinner and do something nice." Turner acknowledged that he was trying to set up a hearing in Boston City Hall to discuss the liquor license issue and that he had been in communication with Wilkerson about it. Turner said he was planning to discuss with Councilor Linehan a date for the hearing. Wilburn said to Turner that he had told Wilkerson that he intended to stop by and show his gratitude to Turner. Wilburn also told Turner that he intended to show his gratitude to Turner again after the planned City Council hearing. Wilburn then handed Turner \$1,000 in cash and said, "you take the wife to dinner and . . . have some fun." Turner accepted the money, while smiling and nodding his head, and responded, "okay." Wilburn also told Turner, "I just want you to know that . . . you take care of me, I take care of you. . . and this is, what you have is my gratitude." Wilburn reiterated that he would talk to Turner after the planned hearing and said, "we'll set something else up." Turner responded by saying, "Yeah. Sounds like fun." Wilburn also provided his telephone number to Turner that day. Before leaving, Wilburn again reiterated that he would speak with Turner after the planned hearing and "we'll set up and I'll take care of you again."

8. In the days following the payment, Turner called Wilburn and left a message on his voicemail. In that voicemail, left on August 8, 2007, Turner discussed possible dates for the

hearing.

9. In early August, Wilkerson assisted Wilburn in reaching a deal with the Boston Licensing Board whereby Dejavu would immediately receive a beer and wine license and would be first in line for a liquor license when one became available. Because the Dejavu deal no longer required the pressure of a City Council hearing, and the hearing could be contentious, Wilburn and Wilkerson agreed that the hearing should be called off. In a telephone call with Turner on August 13, 2007, at Wilburn's request, Turner agreed that he "would be willing to pull back on the hearing" if Dejavu got a liquor license, another business got a beer and wine license, and Wilkerson was otherwise satisfied. Turner's role in calling off the hearing was confirmed in an email he sent to the City Council President's staffer on September 3, 2007.

10. Because Wilburn had told Turner on August 3, 2007, that he would "take care of you again," Wilburn went to see Turner at City Hall on September 12, 2007 with the intent to pay him a second time. That meeting was also prompted in part by Wilkerson's recommendation the day before that Wilburn visit Turner and show his gratitude. The meeting date was also significant because it was the date the City Council was to address a Home Rule Petition calling for more liquor licenses for the City of Boston. As the events evolved that day, Wilburn could only meet with Turner in the hallway outside the City Council chambers, and Turner's staffer was standing with them throughout the meeting. Moreover, shortly after Wilburn arrived at Turner's office, a Turner staffer asked Wilburn if he intended to give Turner money. Wilburn falsely denied that he intended to do so. As a result, Wilburn became wary of providing a cash payment to Turner that day and did not attempt to do so. Nonetheless, Wilburn told Turner he would like to have lunch with him and that, "I have a little something to give you or whatever."

11. Wilkerson was arrested on a criminal complaint on October 28, 2008. That morning agents approached Turner at his office in City Hall to determine whether he would admit his acceptance of \$1,000 payment and assist in the investigation of Wilkerson and others. During the course of the interview, Turner confirmed that he had been involved in the liquor license issue and had spoken with Wilkerson on a number of occasions about it. He also recalled and recounted for agents discussions that he had had about this subject with the City Council President, the Chairman of the Boston Licencing Board (BLB), and the Alcohol Beverage Control Commission (ABCC). He also admitted that he had planned a City Council hearing on the issue but that after speaking with Wilkerson, they decided that a Home Rule Petition (a legislative fix, calling for more licenses) trumped the need for a hearing.

12. Turner was also asked about Wilburn and shown a picture of him. Turner responded that the name sounded familiar but that he did not know him and said he thought Wilburn looked familiar, possibly from seeing him in the community. Notably, shortly after Turner was asked about Wilburn by name, Turner became angry and commenced a diatribe about the FBI and his belief that the FBI was a "racist" organization and had a long history of being so. When asked by agents, Turner repeatedly falsely denied ever being offered money by Wilburn and falsely denied accepting any money from Wilburn. Turner also falsely stated that Wilburn never offered him any other assistance. Turner falsely told the agents that Wilburn never offered to hold a fund-raiser for him. Turner also falsely denied meeting with Wilburn, and reiterated, "no one offered me any money."

13. Turner was arrested at his City Hall Office on November 21, 2008, and driven out to Worcester for an initial appearance before the assigned magistrate judge. When the agents and

Turner arrived at the federal courthouse in Worcester, Turner refused to get out of the vehicle. He told agents, "I'm trying to make your job difficult." He insisted that agents carry him out of the vehicle and into the courthouse. After some discussion, in which agents informed Turner that any resistance could have an impact on his detention status, Turner ultimately agreed to get out of the car on his own.

14. After his arrest, Turner denounced his prosecution as being trumped up by the government. At various times, he claimed that the prosecution was "infected with racism," that the still image of him accepting the cash had been falsified by law enforcement, that the prosecution was "a trumped up case," and that the then United States Attorney had conspired with President Bush, Vice President Cheney, and Attorney General Ashcroft to 'take [Turner] down.'<sup>1</sup> Turner's false and fraudulent public defense of his criminal conduct continued both during and after the trial of this case.

15. Turner testified at trial. Under oath, he made a number of false statements including that he had no memory of the events of August 3, 2008, no memory of taking \$1,000 from Wilburn, and had never received \$1,000 in cash from anyone. (The government has requested, but has yet to obtain, the transcript of Turner's testimony. Once that transcript is obtained, the government will identify the specific false statements Turner made under oath.)

16. Turner was convicted on all four counts on October 29, 2010. Shortly after the

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<sup>1</sup>Turner wrote on his website on June 30, 2009, "It's really about the deal that Sullivan made with Bush, Cheney, and Ashcroft. What do I mean by that? I personally believe that former Attorney General Ashcroft said to Sullivan that if he could take down Senator Wilkerson and myself, he would put up the money to open the firm of Ashcroft and Sullivan in Boston where they could try to secure business for Halliburton to serve as a base while Sullivan prepares for his run for Governor."

verdict was rendered, Turner spoke to reporters at the doors to the courthouse. Among other things, Turner claimed that, "I'm not the first person who is innocent to be sent to jail. Juries are human." When asked if he was innocent, Turner laughed and responded, "Of course I am innocent."

17. The following day, Turner stated at a rally that the jury had been "hoodwinked." He called the jury, "innocent victims . . . [that] were brought into a scheme and a plot that was hatched by U.S. Massachusetts Attorney Sullivan . . ." He claimed that the jury, "operated based on manipulated information, based on lies, and based on the fact that they come from around the state. They don't know anything about what was happening in Boston." Despite the lack of any such evidence at trial, Turner claimed, "Let's understand that this is the attempt of the government to destabilize a community of color that's on the move."

Respectfully submitted,

CARMEN M. ORTIZ  
United States Attorney

Date: November 8, 2010

By: /s/ John T. McNeil  
JOHN T. MCNEIL  
JAMES P. DOWDEN  
Assistant U.S. Attorneys

# EXHIBIT 2

**McNeil, John (USAMA)**

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**From:** McNeil, John (USAMA)  
**Sent:** Thursday, December 09, 2010 4:03 PM  
**To:** Michelle\_Roberts@map.uscourts.gov  
**Cc:** pavlosandvitali@aol.com; Barry Wilson; Dowden, James (USAMA)  
**Subject:** Turner Supplementary Letter

Please find attached a letter outlining Mr. Turner's perjury at trial.



Prob1 Turner False  
Statements ...

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**U.S. Department of Justice**

*United States Attorney  
District of Massachusetts*

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*Main Reception: (617) 748-3100*

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1 Courthouse Way  
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Boston, Massachusetts 02210*

December 9, 2010

Ms. Michelle Roberts  
U.S. Probation Office  
U.S. Courthouse  
1 Courthouse Way, Suite 1200  
Boston, MA 02210

Re: United States v. Charles "Chuck" Turner  
Criminal No. 08-10345-DPW

Dear Ms. Roberts:

I recently received the transcript of Mr. Turner's testimony at trial. The government submits that Mr. Turner committed perjury during his trial testimony and that the guideline calculation should reflect this perjury. The following testimony was knowingly false and material:

**From October 26, 2010 transcript:**

***Direct Testimony:***

Pg 22:

Q. I'll repeat the question. When you agreed to speak with the FBI agents in October of 2008 and you met with them in your office at City Hall, did you remember who Ronald Wilburn was?

A. No.

Q. Now, you've seen a videotape in this courtroom concerning August 3rd, 2007, and there was a meeting with Mr. Wilburn on it. You saw that video, correct?

A. Yes, I did.

Q. Did you remember that meeting?

A. No.

Pg 24:

Q. Well, let me ask you this: Agent Robbins testified that you were given five \$100 bills and ten \$50 bills on August 3rd, 2007. Did that happen?

A. **No.**

Q. If you can't remember the meeting with Ron Wilburn, how is it that you are so certain that you didn't receive \$1,000 on August 3rd?

A. **That I have never gotten that kind of money given to me.**

And I have to ask for what? Why would somebody be giving me that kind of money? And so, it would have been such a strange situation that it would create a memory.

***Cross-Examination:***

Pg 46:

Q. And let's invite Senator Wilkerson, right?

A. Yes.

Q. And the reason why is because you have had two, three or four, at least, conversations with Senator Wilkerson about this issue in this time frame, right?

A. No.

Q. Well, that's what you told agents on October 28th, 2008, right?

A. **I don't believe I told them that.**

Pg 59-60:

Q. All right. Are you denying today that you met with Ron Wilburn in your District office on August 3rd, 2007?

A. **I have no memory of meeting with him.**

Q. You have no memory of meeting -- so, you remember meeting him on July 25th, 2007 --

A. I don't remember meeting him on July 25th, either.

Q. Let me just finish the question. You remember meeting him on July 25th, 2007 in your City Hall office, right?

A. No.

Q. But you agree that, in fact, there was a meeting that day?

A. I see a tape, and the date on the tape is July 25th, and so I'm assuming that that's an accurate tape. But do I have any remembrance of meeting with him on July 25th? No.

Pg 63:

Q. You saw it on the tape. And he hands you something, right?

A. It seemed like there's something there.

Q. Well, he handed you something, right?

A. **I have no remembrance**, and the tape was not clear. I couldn't see anything on the tape.

Pg 65:

Q. What did he put in your hand?

A. **I don't know**.

Q. You don't know?

A. **No**.

Q. But something changed hands, right, Mr. Turner?

A. It looked like that, but **I don't know**. I couldn't see it.

Pg 66:

Q. All right. And you're telling the jury you didn't feel anything that day, either?

A. **I don't remember what happened that day**. I'm just going by what's on the tape.

**From October 27, 2010 transcript (Cross-Examination)**

Pg 14-15:

Q. All right. So, let's just make clear, then, you are telling the jury today that you got something from Mr. Wilburn which you did not look at because you knew it was money?

A. No, I am not telling them that, because **I don't know what happened that day**. I can see the picture. If it was money, the question of my looking down is dealt with by my general policy, but I can't say.

Pg 16:

Q. No. That's what I am asking you. What you got in that picture is a big wad of cash?

A. That's your words.

Q. Mr. Turner, you have to answer the question yes or no. Isn't what you got in the picture a big wad of cash? Yes or no?

A. **I have no way of telling, so I can't say yes or no, because I have no way of knowing.**

Pg 18:

Q. I don't think you answered that question I asked. It was an exchange of money for service, right? That's what happened here?

A. I have no way of saying, so I can't answer the question, because **I don't remember what happened**, and the picture doesn't answer that question for me.

Q. But the video does, doesn't it? You can put two and two together --

A. The video doesn't answer the question for me.

Q. Well --

A. **I'm here to tell the truth.**

Mr. Turner made other false statements in the course of his testimony. Those set out above are the most significant.

Very truly yours,

CARMEN M. ORTIZ  
United States Attorney

By: /s/ John T. McNeil

JOHN T. MCNEIL  
JAMES P. DOWDEN  
Assistant U.S. Attorneys

cc. Barry Wilson, Esq.  
John Pavlos, Esq.