

<input checked="" type="checkbox"/> FILED	<input type="checkbox"/> LODGED
<input type="checkbox"/> RECEIVED	<input type="checkbox"/> COPY
JUN 26 2018	
CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
BY: <u>Kem M</u> DEPUTY	

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

United States of America,
Plaintiff,

vs.

Levian D. Pacheco,
Defendant.

No. CR-17-1152-PHX-SPL (BSB)

**REDACTED
THIRD SUPERSEDING
INDICTMENT**

VIO: 18 U.S.C. §§ 2244(a)(4), and
2246(3)
(Abusive Sexual Contact with a
Ward)
Counts 1-8, and 12

18 U.S.C. §§ 2243(b) and 2246(2)
(Sexual Act with a Ward)
Counts 9-11

THE GRAND JURY CHARGES:

COUNT 1

On or between July 21, 2017 and July 24, 2017, in the District of Arizona, at Kokopelli Southwest Key Casa in Mesa AZ, a facility in which unaccompanied minors are held in custody by direction of or pursuant to a contract or agreement with the United States Department of Health and Human Services, defendant LEVIAN D. PACHECO, who was a Youth Care Worker at the above detention facility, did knowingly engage in sexual contact with John Doe 1, who was at that time in official detention and under the custodial, supervisory, or disciplinary authority of the defendant. The sexual contact involved the intentional touching, directly or through the clothing, of the victim's penis with the defendant's hand, with the intent to abuse, humiliate, harass, and degrade the victim, and arouse and gratify the sexual desire of the defendant.

1 In violation of Title 18, United States Code, Sections 2244(a)(4) and 2246(3).

2 **COUNT 2**

3 On or between July 21, 2017, and July 24, 2017, in the District of Arizona, at
4 Kokopelli Southwest Key Casa in Mesa AZ, a facility in which unaccompanied minors are
5 held in custody by direction of or pursuant to a contract or agreement with the United States
6 Department of Health and Human Services, defendant LEVIAN D. PACHECO, who was
7 a Youth Care Worker at the above detention facility, did knowingly engage in sexual
8 contact with John Doe 2, who was at that time in official detention and under the custodial,
9 supervisory, or disciplinary authority of the defendant. The sexual contact involved the
10 intentional touching, directly or through the clothing, of the victim's penis with the
11 defendant's hand, with the intent to abuse, humiliate, harass, and degrade the victim, and
12 arouse and gratify the sexual desire of the defendant.

13 In violation of Title 18, United States Code, Sections 2244(a)(4) and 2246(3).

14 **COUNT 3**

15 On or between May 1, 2017, and June 16, 2017, in the District of Arizona, at
16 Kokopelli Southwest Key Casa in Mesa AZ, a facility in which unaccompanied minors are
17 held in custody by direction of or pursuant to a contract or agreement with the United States
18 Department of Health and Human Services, defendant LEVIAN D. PACHECO, who was
19 a Youth Care Worker at the above detention facility, did knowingly engage in sexual
20 contact with John Doe 3, who was at that time in official detention and under the custodial,
21 supervisory, or disciplinary authority of the defendant. The sexual contact involved the
22 intentional touching, directly or through the clothing, of the victim's penis with the
23 defendant's hand, with the intent to abuse, humiliate, harass, and degrade the victim, and
24 arouse and gratify the sexual desire of the defendant.

25 In violation of Title 18, United States Code, Sections 2244(a)(4) and 2246(3).

26 **COUNT 4**

27 On or between June 25, 2017 and July 24, 2017, in the District of Arizona, at
28 Kokopelli Southwest Key Casa in Mesa AZ, which is a facility in which unaccompanied

1 minors are held in custody by direction of or pursuant to a contract or agreement with the
2 United States Department of Health and Human Services, defendant LEVIAN D.
3 PACHECO, who was a Youth Care Worker at the above detention facility, did knowingly
4 engage in sexual contact with John Doe 3, who was at that time in official detention and
5 under the custodial, supervisory, or disciplinary authority of the defendant. The sexual
6 contact involved the intentional touching, directly or through the clothing, of the victim's
7 penis with the defendant's hand, with the intent to abuse, humiliate, harass, and degrade
8 the victim, and arouse and gratify the sexual desire of the defendant.

9 In violation of Title 18, United States Code, Sections 2244(a)(4) and 2246(3).

10 **COUNT 5**

11 On or between June 25, 2017 and July 24, 2017, in the District of Arizona, at
12 Kokopelli Southwest Key Casa in Mesa AZ, which is a facility in which unaccompanied
13 minors are held in custody by direction of or pursuant to a contract or agreement with the
14 United States Department of Health and Human Services, defendant LEVIAN D.
15 PACHECO, who was a Youth Care Worker at the above detention facility, did knowingly
16 engage in sexual contact with John Doe 4, who was at that time in official detention and
17 under the custodial, supervisory, or disciplinary authority of the defendant. The sexual
18 contact involved the intentional touching, directly or through the clothing, of the victim's
19 penis with the defendant's hand, with the intent to abuse, humiliate, harass, and degrade
20 the victim, and arouse and gratify the sexual desire of the defendant.

21 In violation of Title 18, United States Code, Sections 2244(a)(4) and 2246(3).

22 **COUNT 6**

23 On or between May 1, 2017 and July 24, 2017, in the District of Arizona, at
24 Kokopelli Southwest Key Casa in Mesa AZ, which is a facility in which unaccompanied
25 minors are held in custody by direction of or pursuant to a contract or agreement with the
26 United States Department of Health and Human Services, defendant LEVIAN D.
27 PACHECO, who was a Youth Care Worker at the above detention facility, did knowingly
28 engage in sexual contact with John Doe 5, who was at that time in official detention and

1 under the custodial, supervisory, or disciplinary authority of the defendant. The sexual
2 contact involved the intentional touching, directly or through the clothing, of the victim's
3 penis with the defendant's hand, with the intent to abuse, humiliate, harass, and degrade
4 the victim, and arouse and gratify the sexual desire of the defendant.

5 In violation of Title 18, United States Code, Sections 2244(a)(4) and 2246(3).

6 **COUNT 7**

7 On or between August 29, 2016 and May 23, 2017, in the District of Arizona, at
8 Kokopelli Southwest Key Casa in Mesa AZ, which is a facility in which unaccompanied
9 minors are held in custody by direction of or pursuant to a contract or agreement with the
10 United States Department of Health and Human Services, defendant LEVIAN D.
11 PACHECO, who was a Youth Care Worker at the above detention facility, did knowingly
12 engage in sexual contact with John Doe 6, who was at that time in official detention and
13 under the custodial, supervisory, or disciplinary authority of the defendant. The sexual
14 contact involved the intentional touching, directly or through the clothing, of the victim's
15 penis with the defendant's hand, with the intent to abuse, humiliate, harass, and degrade
16 the victim, and arouse and gratify the sexual desire of the defendant.

17 In violation of Title 18, United States Code, Sections 2244(a)(4) and 2246(3).

18 **COUNT 8**

19 On or between June 2, 2017 and June 16, 2017, in the District of Arizona, at
20 Kokopelli Southwest Key Casa in Mesa AZ, which is a facility in which unaccompanied
21 minors are held in custody by direction of or pursuant to a contract or agreement with the
22 United States Department of Health and Human Services, defendant LEVIAN D.
23 PACHECO, who was a Youth Care Worker at the above detention facility, did knowingly
24 engage in sexual contact with John Doe 7, who was at that time in official detention and
25 under the custodial, supervisory, or disciplinary authority of the defendant. The sexual
26 contact involved the intentional touching, directly or through the clothing, of the victim's
27 penis with the defendant's hand, with the intent to abuse, humiliate, harass, and degrade
28 the victim, and arouse and gratify the sexual desire of the defendant.

1 In violation of Title 18, United States Code, Sections 2244(a)(4) and 2246(3).

2 **COUNT 9**

3 On or between June 2, 2017 and June 16, 2017, in the District of Arizona, at
4 Kokopelli Southwest Key Casa in Mesa AZ, which is a facility in which unaccompanied
5 minors are held in custody by direction of or pursuant to a contract or agreement with the
6 United States Department of Health and Human Services, defendant LEVIAN D.
7 PACHECO, who was a Youth Care Worker at the above detention facility, did knowingly
8 engage in and attempt to engage in a sexual act with John Doe 7, who was at that time in
9 official detention and under the custodial, supervisory, or disciplinary authority of the
10 defendant. The sexual act involved contact between the defendant's mouth and the
11 victim's penis.

12 In violation of Title 18, United States Code, Sections 2243(b) and 2246(2).

13 **COUNT 10**

14 On or between July 21, 2017, and July 24, 2017, in the District of Arizona, at
15 Kokopelli Southwest Key Casa in Mesa AZ, which is a facility in which unaccompanied
16 minors are held in custody by direction of or pursuant to a contract or agreement with the
17 United States Department of Health and Human Services, defendant LEVIAN D.
18 PACHECO, who was a Youth Care Worker at the above detention facility, did knowingly
19 engage in and attempt to engage in a sexual act with John Doe 8, who was at that time in
20 official detention and under the custodial, supervisory, or disciplinary authority of the
21 defendant. The sexual act involved contact between the defendant's mouth and the
22 victim's penis.

23 In violation of Title 18, United States Code, Sections 2243(b) and 2246(2).

24 **COUNT 11**

25 On or between July 21, 2017, and July 24, 2017, in the District of Arizona, at
26 Kokopelli Southwest Key Casa in Mesa AZ, which is a facility in which unaccompanied
27 minors are held in custody by direction of or pursuant to a contract or agreement with the
28 United States Department of Health and Human Services, defendant LEVIAN D.

1 PACHECO, who was a Youth Care Worker at the above detention facility, did knowingly
2 engage in and attempt to engage in a sexual act with John Doe 8, who was at that time in
3 official detention and under the custodial, supervisory, or disciplinary authority of the
4 defendant. The sexual act involved contact between the victim's penis and the defendant's
5 anus, upon penetration however slight.

6 In violation of Title 18, United States Code, Sections 2243(b) and 2246(2).

7 **COUNT 12**

8 On or between May 25, 2016 and June 28, 2016, in the District of Arizona, at
9 Kokopelli Southwest Key Casa in Mesa AZ, which is a facility in which unaccompanied
10 minors are held in custody by direction of or pursuant to a contract or agreement with the
11 United States Department of Health and Human Services, defendant LEVIAN D.
12 PACHECO, who was a Youth Care Worker at the above detention facility, did knowingly
13 engage in sexual contact with John Doe 9, who was at that time in official detention and
14 under the custodial, supervisory, or disciplinary authority of the defendant. The sexual
15 contact involved the intentional touching, directly or through the clothing, of the victim's
16 penis with the defendant's hand, with the intent to abuse, humiliate, harass, and degrade
17 the victim, and arouse and gratify the sexual desire of the defendant.

18 In violation of Title 18, United States Code, Sections 2244(a)(4) and 2246(3).

19
20 A TRUE BILL

21
22 s/
FOREPERSON OF THE GRAND JURY
Date: June 26, 2018

23
24 ELIZABETH A. STRANGE
First Assistant United States Attorney
District of Arizona

25
26
27 s/
DIMITRA H. SAMPSON
TRACY VAN BUSKIRK
Assistant U.S. Attorneys