

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA,	§	CRIMINAL NO. H-09-629
Plaintiff,	§	
v.	§	Violation
	§	
JOHN JOSEPH O'SHEA,	§	15 U.S.C. §§ 78dd-2
Defendant.	§	(Violation of the FCPA)
	§	

INDICTMENT

The Grand Jury charges that at all times relevant to this Indictment, unless otherwise specified:

COUNTS TWO THROUGH THIRTEEN
Violations of the Foreign Corrupt Practices Act
(15 U.S.C. §§ 78dd-2(a); 18 U.S.C. § 2)

On or about the dates set forth below, in the Southern District of Texas, and elsewhere, the defendant,

JOHN JOSEPH O'SHEA,

who was a domestic concern and an officer, employee, and agent of a domestic concern within the meaning of the FCPA, willfully made use of and caused others to make use of, the mails and means and instrumentalities of interstate commerce corruptly in furtherance of an offer, payment, promise to pay, and authorization of the payment of any money, offer, gift, promise to give, and authorization of the giving

of anything of value to any foreign official, and to any person, while knowing that the money and thing of value will be offered, given, and promised, directly and indirectly, to any foreign official for the purposes of: (i) influencing acts and decisions of such foreign official in his official capacity; (ii) inducing such foreign official to do and omit to do acts in violation of the lawful duty of such official; (iii) securing an improper advantage; and (iv) inducing such foreign official to use his influence with a foreign government and instrumentalities thereof to affect and influence acts and decisions of such government and instrumentalities, in order to assist the defendant, **O'SHEA**, as well as **BASURTO**, **BASURTO, SR.**, **ABB, INC.**, **ABB NETWORK MANAGEMENT**, and others known and unknown to the Grand Jury in obtaining and retaining business for and with, and directing business to **ABB, Inc.** and **ABB NM**, as follows:

Two	February 17, 2004	"Good Guys" corrupt payment of \$30,000 wire transferred from ABB NM's bank account to a Bank of America account ending xx543 in the name of one of BASURTO's family members	Evergreen Contract
Three	February 17, 2004	"Good Guys" corrupt payment of \$30,000 wire transferred from ABB NM's bank account to a Bank of America account ending xx569 in the name of one of BASURTO's family members	Evergreen Contract
Four	February 17, 2004	"Good Guys" corrupt payment of \$30,000 wire transferred from ABB NM's bank account to a Wells Fargo account ending xx010 in the name of BASURTO	Evergreen Contract
Five	February 17, 2004	"Good Guys" corrupt payment of \$30,000 wire transferred from ABB NM's bank account to a JP Morgan Chase account ending xx065 in the name of one of BASURTO's family members	Evergreen Contract
Six	February 17, 2004	"Good Guys" corrupt payment of \$30,000 wire transferred from ABB NM's bank account to a Bank of America account ending in xx519 in the name of one of BASURTO's family members	Evergreen Contract

Seven	February 17, 2004	"Good Guys" corrupt payment of \$31,750 wire transferred from ABB NM's bank account to a Bank of America account ending in xx414 in the name of one of BASURTO	Evergreen Contract
Eight	March 8, 2004	"Third World Tax" corrupt payment of \$327,000 wire transferred from ABB NM's bank account to Obras Maritimas HB's Mexican bank account	Evergreen Contract
Nine	April 1, 2004	"Third World Tax" corrupt payment of \$218,000 wire transferred from ABB NM's bank account to Sorvill International's German bank account	Evergreen Contract
Ten	May 13, 2004	"Good Guys" corrupt payment of \$42,343 wire transferred from ABB NM's bank account to a Bank of America account ending xx772 in the name of one of BASURTO's family members	Evergreen Contract
Eleven	June 3, 2004	"Third World Tax" corrupt payment of \$76,200 wire transferred from ABB NM's bank account to Obras Maritimas HB's Mexican bank account	Evergreen Contract
Twelve	June 3, 2004	"Third World Tax" corrupt payment of \$50,800 wire transferred from ABB NM's bank account to Sorvill International's German bank account	Evergreen Contract

Thirteen	September 27, 2004	"Good Guys" corrupt payment of \$42,342 wire transferred from ABB NM's bank account to a Bank of America account ending xx772 in the name of one of BASURTO's family members	Evergreen Contract
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All in violation of Title 15, United States Code, Sections 78dd-2(a) and Title 18, United States Code, Section 2.


A TRUE BILL

ORIGINAL SIGNATURE ON FILE

~~FOR PERSON~~

TIM JOHNSON
UNITED STATES ATTORNEY

STEVEN A. TYRRELL, CHIEF
MARK F. MENDELSON, DEPUTY CHIEF
FRAUD SECTION, CRIMINAL DIVISION
U.S. DEPARTMENT OF JUSTICE


By: Nicola J. Mrazek
Trial Attorney