

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>CR. NO. 06-20467-Ma</b>
	)	
<b>vs.</b>	)	<b>18 U.S.C. § 1951(a)</b>
	)	<b>18 U.S.C. § 666</b>
<b>EDMUND H. FORD,</b>	)	
<b>JOSEPH LEE, III,</b>	)	
	)	
<b>Defendants.</b>	)	

**SUPERSEDING INDICTMENT**

**THE GRAND JURY CHARGES:**

**BACKGROUND CONCERNING GOVERNMENTAL ENTITIES INVOLVED  
AND DEFENDANTS EDMUND H. FORD AND JOSEPH LEE, III**

1. The City of Memphis operates under a mayor-council form of government. The city charter provides for the election of a mayor and thirteen council members. The City Council members are elected to four year terms. Under the provisions of the city charter, the City Council enacts legislation for the City, such as ordinances and resolutions. The City Council has several standing committees of Council members which meet in advance of City Council meetings to review items to be submitted to the full Council. The committees cover different subject areas. For example, the Planning and Zoning Committee covers land use issues. In the course of exercising its legislative responsibilities, the City Council also receives recommendations from governmental departments and boards, such as the Land Use Control Board and the Office of Planning and Development. The City Council exercises its legislative responsibilities at public meetings during which the Council members vote on these issues. The meetings generally

occur twice a month in the Memphis City Hall.

2. Memphis Light, Gas and Water Division ("MLGW") is a division of the City of Memphis. MLGW is managed by its President and a five member Board of Commissioners that are nominated by the City Mayor and approved by the City Council. MLGW provides electricity, gas and water to customers in Shelby County, Tennessee, which includes the City of Memphis. MLGW's annual budget and electric, gas and water rates require the approval of the Council. MLGW must also obtain the approval of the Council before incurring certain obligations. The daily operation of MLGW is managed by the President and Chief Executive Officer, who is nominated for a five-year term by the Mayor of the City of Memphis and approved by the City Council. Resolutions before the City Council concerning MLGW are reviewed in advance by a committee of the City Council. During the period from 2004 through 2006, that committee was the General Services & Utilities Committee.

3. JOSEPH LEE, III ("LEE") became President and Chief Executive Officer of MLGW on or about June 15, 2004. He held those positions until on or about May 3, 2007. LEE's initial salary was approximately \$215,000 per year.

4. In 1999, Defendant EDMUND H. FORD was elected to the Memphis City Council as the District 6 representative, and from then through at least the date of this superseding indictment, he has been a City Councilman. He was most recently re-elected to a four year term as a City Councilman in 2003. FORD also operates the E. H. Ford Mortuary at 3390 Elvis Presley Blvd, Memphis, Tennessee.

**COUNTS ONE THROUGH SIX: CHARGES CONCERNING PAYMENTS TO FORD  
BY JOSEPH COOPER IN EXCHANGE FOR FORD'S SUPPORT IN INFLUENCING  
CERTAIN CITY COUNCIL DECISIONS PERTAINING TO LAND USE ISSUES**

**BACKGROUND CONCERNING JOSEPH COOPER**

5. Joseph Cooper ("Cooper") assisted individuals who had interests in matters pending before the Memphis City Council. In connection with this work, Cooper had an ongoing relationship with City Council member EDMUND H. FORD whereby FORD regularly supported proposals backed by Cooper. Cooper performed favors for FORD, including assisting in FORD's acquisition of a Cadillac with financing in the name of a third person, although FORD was responsible for making the payments. In addition, Cooper assisted FORD in obtaining a loan to remodel his mortuary. In August 2006, Cooper agreed to assist federal agents in investigations with the hope that this cooperation will be taken into account in the disposition of a pending federal criminal case against Cooper. As part of this cooperation and under the supervision of federal agents, Cooper made payments to EDMUND H. FORD in exchange for FORD's assistance in influencing City Council votes on certain matters.

**COUNT ONE**

6. The allegations contained in background paragraphs 1, 4 and 5 of this Indictment are hereby realleged and incorporated by reference into Count One.

7. From at least on or about August 30, 2006, through at least on or about October 27, 2006, in the Western District of Tennessee, the defendant,

-----**EDMUND H. FORD**-----

as a Memphis City Councilman, did knowingly and intentionally attempt to obstruct, delay, and affect commerce, by means of extortion, as "extortion" and "commerce" are defined by Title 18, United States Code, Sections 1951(b)(2) and 1952(b)(3), in that EDMUND H. FORD, in exchange for his vote and his support for a resolution approving a real estate development and a billboard alongside Interstate 240 ("the billboard project"), did obtain, by extortion, cash payments from and with the consent of Cooper, which payments were induced by EDMUND H. FORD under color of his official right as a Memphis City Councilman and which payments were not legally due EDMUND H. FORD or his office.

**Overt Acts**

8. In furtherance of this attempt, and to accomplish the objects thereof, the defendant committed at least one of the following overt acts that constituted a substantial step toward committing the offense.

a. On or about August 30, 2006, Cooper met FORD at FORD's mortuary. Cooper gave FORD \$3,000 in cash folded in the invoice for the car payment. At the beginning of the meeting, Cooper brought up the subject of the delinquent car payments. Cooper also put the cash folded in the invoice on the table. FORD looked at the money

in the envelope and put it back on the table. Cooper told FORD that there was enough to make the payments for July, August and September. Cooper then began to discuss the billboard project pending before the City Council. Cooper said that "staff" [referring to the Land Use Control Board] and "OPD" [the Office of Planning and Development] had rejected the project. FORD began to discuss which Councilmen were likely to vote in favor of the project, and he suggested that Cooper talk to two of the Councilmen himself. FORD, after discussing the likely votes by the Councilmen, assured Cooper that "you're fine, you're good to go." At the end of the meeting, FORD took the folded invoice containing the money off the table and put the money in his pocket. As he did this, he talked about lining up the votes for the billboard project. As he put the money in his pocket, FORD said that, other than the two Councilmen Cooper needed to talk to, "I can handle the rest of it, I can handle all of that for you."

b. On or about October 2, 2006, Cooper met FORD at FORD's mortuary. Cooper showed FORD a diagram of the site of the billboard project, and FORD agreed to speak in favor of the project if this was needed. After additional discussion, FORD promised not to forget to promote the project with the other City Councilmen, and as he said this, he put Cooper's diagram in his pocket. Immediately after this, Cooper asked if FORD made the car payments; FORD said "yeah"; and Cooper said he would give FORD money for a couple of more payments. Cooper counted \$1900 on the table. As Cooper counted, FORD talked about lining up the votes. Cooper pushed the money across the table to FORD and asked him to be sure not to get too busy to forget to push the project. FORD took the money. As he put in his pocket, FORD said "I'll drum up seven or make somebody walk out." FORD assured Cooper that "I'll make certain" to have the right

number of votes.

c. On or about October 3, 2006, Cooper went to FORD's office in the Memphis City Hall. FORD told Cooper "you'll be fine. I don't see no problem." FORD also counted the likely votes aloud.

d. On or about October 3, 2006, FORD attended the meeting of Memphis City Council's Planning and Zoning Committee. FORD and another City Council member seconded the motion to approve the billboard project.

e. On or about October 3, 2006, FORD attended the meeting of the Memphis City Council. FORD voted in favor of the resolution to approve the billboard project. The Council voted in favor of the resolution by a 9 to 2 vote, overturning the recommendations of the Land Use Control Board and the Office of Planning and Development which had recommended against the resolution.

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

**COUNT TWO**

9. The allegations contained in background paragraphs 1, 4 and 5 of this Indictment are hereby realleged and incorporated by reference into Count Two.

10. From at least on or about August 30, 2006, through at least on or about November 30, 2006, in the Western District of Tennessee, the defendant,

-----**EDMUND H. FORD**-----

as a Memphis City Councilman, did knowingly and intentionally attempt to obstruct, delay, and affect commerce, by means of extortion, as "extortion" and "commerce" are defined by Title 18, United States Code, Sections 1951(b)(2) and 1952(b)(3), in that EDMUND H. FORD, in exchange for his vote and his support in overturning a portion of the sign ordinance, did obtain, by extortion, cash payments from and with the consent of Cooper, which payments were induced by EDMUND H. FORD under color of his official right as a Memphis City Councilman and which payments were not legally due EDMUND H. FORD or his office.

**Overt Acts**

11. In furtherance of this attempt, and to accomplish the objects thereof, the defendant committed at least one of the following overt acts that constituted a substantial step toward committing the offense.

a. On or about August 30, 2006, Cooper met FORD at FORD's mortuary. Cooper told FORD about a recent Attorney General's opinion that the billboard ordinances were unconstitutional and asked FORD to approach the City Attorney on this issue. FORD responded, "I'll talk to her."

b. On or about October 2, 2006, Cooper again met FORD at FORD's mortuary. FORD promised to talk to the City Attorney the next day.

c. On or about October 27, 2006, Cooper met FORD at FORD's mortuary. Cooper asked FORD to meet with the City Attorney and said he would provide FORD with a copy of the Attorney General's opinion on the unconstitutionality of the billboard ordinance. Cooper said, "once you get her [the City Attorney] briefed on it, I need you to round up the votes, if you can please, to get that part repealed." In response, FORD said "okay", commented that the ordinance was unconstitutional and said "I'll get on that for you." Cooper put a roll of cash on the table. Cooper said, "Once you make a little headway with that"; then FORD said, "I'll get on that"; then Cooper said, "I'll get some more and uh"; and then FORD said, "I'll get on that today." FORD then took the money, tapped it on the table and folded it into a sheet of paper.

d. On or about November 6, 2006, Cooper met FORD at FORD's mortuary, and FORD again promised to contact the City Attorney. FORD asked Cooper to call him back, and Cooper told FORD that he "will try to have some more stuff for you" [referring to another payment].

e. On or about November 30, 2006, Cooper met FORD in a parking lot in Memphis. FORD told Cooper that the City Attorney was working on the issue. At Cooper's request, FORD attempted to contact the City Attorney by telephone and left her a message.

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

**COUNT THREE**

12. The allegations contained in background paragraphs 1, 4 and 5 of this Indictment are hereby realleged and incorporated by reference into Count Three.

13. On or about November 30, 2006, in the Western District of Tennessee, the defendant,

-----**EDMUND H. FORD**-----

as a Memphis City Councilman, did knowingly and intentionally attempt to obstruct, delay, and affect commerce, by means of extortion, as "extortion" and "commerce" are defined by Title 18, United States Code, Sections 1951(b)(2) and 1952(b)(3), in that EDMUND H. FORD, in exchange for his vote concerning and his support in placing on the City Council meeting agenda an item concerning the reappointment of the chairman of the Board of Adjustments, did obtain, by extortion, cash payments from and with the consent of Cooper, which payments were induced by EDMUND H. FORD under color of his official right as a Memphis City Councilman and which payments were not legally due EDMUND H. FORD or his office.

**Overt Acts**

14. In furtherance of this attempt, and to accomplish the objects thereof, the defendant committed at least one of the following overt acts that constituted a substantial step toward committing the offense.

a. On or about November 30, 2006, Cooper met FORD in a parking lot in Memphis. Cooper described to FORD what he claimed was a problem with the chairman of the Board of Adjustments and indicated that the replacement of the chairman would

benefit his (Cooper's) clients. Cooper stated that the chairman must be reappointed each year, and Cooper and FORD discussed having this issue addressed by the City Council.

FORD agreed to assist Cooper. Cooper then paid \$2,000 in cash to FORD.

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

**COUNT FOUR**

15. The allegations contained in background paragraphs 1, 4 and 5 of this Indictment are hereby realleged and incorporated by reference into Count Four.

16. At all times material to this indictment, the City of Memphis, Tennessee was a local government that received federal assistance in excess of \$10,000 during the one year period beginning December 1, 2005, up to and including November 30, 2006.

17. From at least on or about August 30, 2006, through at least on or about October 27, 2006, in the Western District of Tennessee, the defendant,

-----**EDMUND H. FORD**-----

being an agent of the City of Memphis, Tennessee, by reason of being an elected City Councilman of said city, did knowingly and corruptly demand for the benefit of any person and accept and agree to accept a thing of value, that is, the sum of \$4,900 in cash intending to be influenced and rewarded, in connection with business transactions of the City of Memphis, Tennessee involving a value of \$5,000 or more; in violation of Title 18, United States Code, Section 666(a)(1)(B).

**COUNT FIVE**

18. The allegations contained in background paragraphs 1, 4 and 5 of this Indictment are hereby realleged and incorporated by reference into Count Five.

19. At all times material to this indictment, the City of Memphis, Tennessee was a local government that received federal assistance in excess of \$10,000 during the one year period beginning December 1, 2005, up to and including November 30, 2006.

20. From at least on or about August 30, 2006, through at least on or about November 30, 2006, in the Western District of Tennessee, the defendant,

-----**EDMUND H. FORD**-----

being an agent of the City of Memphis, Tennessee, by reason of being an elected City Councilman of said city, did knowingly and corruptly demand for the benefit of any person and accept and agree to accept a thing of value, that is, the sum of \$2,000 in cash intending to be influenced and rewarded, in connection with business transactions of the City of Memphis, Tennessee involving a value of \$5,000 or more; in violation of Title 18, United States Code, Section 666(a)(1)(B).

**COUNT SIX**

21. The allegations contained in background paragraphs 1 ,4 and 5 of this Indictment are hereby realleged and incorporated by reference into Count Six.

22. At all times material to this indictment, the City of Memphis, Tennessee was a local government that received federal assistance in excess of \$10,000 during the one year period beginning December 1, 2005, up to and including November 30, 2006.

23. On or about November 30, 2006, in the Western District of Tennessee, the defendant,

-----**EDMUND H. FORD**-----

being an agent of the City of Memphis, Tennessee, by reason of being an elected City Councilman of said city, did knowingly and corruptly demand for the benefit of any person and accept and agree to accept a thing of value, that is, the sum of \$2,000 in cash intending to be influenced and rewarded, in connection with business transactions of the City of Memphis, Tennessee involving a value of \$5,000 or more; in violation of Title 18, United States Code, Section 666(a)(1)(B).

**COUNTS SEVEN THROUGH ELEVEN: CHARGES CONCERNING LEE'S  
FORESTALLING COLLECTION OF FORD'S MLGW BILLS  
TO REWARD FORD'S SUPPORT OF LEE'S NOMINATION  
AS MLGW'S PRESIDENT AND CHIEF EXECUTIVE OFFICER  
AND IN EXCHANGE FOR FORD'S SUPPORT IN INFLUENCING  
CERTAIN CITY COUNCIL DECISIONS PERTAINING TO MLGW**

**BACKGROUND CONCERNING THE ARRANGEMENT  
BETWEEN LEE AND FORD**

24. During the time periods relevant to this superseding indictment, FORD had two accounts with MLGW for service at the E. H. Ford Mortuary, 3390 Elvis Presley Blvd, Memphis, Tennessee. The two accounts were (1) Account No. 00045-2569-1421-662, mailing address: 3390 Elvis Presley Blvd, Memphis, Tennessee ("the 3390 account"); and (2) Account No. 00045-2569-1421-659 (mailing address: 3402 Elvis Presley Blvd, Memphis, Tennessee ("the 3402 account"). The 3390 account was primarily for electric and gas service at the mortuary. The 3402 account was for water service at the mortuary although some gas charges were billed to that account.

25. FORD was an important supporter of LEE's nomination for and ultimately appointment as President and Chief Executive Officer of MLGW. FORD was also an important supporter of LEE's administration of MLGW as it was overseen by the City Council. On or about December 28, 2004, FORD began a one-year term as Chairman of the City Council. On or about January 3, 2006, FORD began serving as chairman of the City Council's General Services & Utilities Committee, which oversaw MLGW, and he held that position to at least November 30, 2006.

26. EDMUND H. FORD's support for LEE included but was not limited to the following:

a. FORD supported LEE's nomination for and ultimately appointment as President and Chief Executive Officer of MLGW.

i. On or about January 6, 2004, LEE's was nominated to be President and Chief Executive Officer of MLGW. The nomination was discussed at a meeting of City Council members that day. FORD spoke in favor of LEE's nomination and noted that he (FORD) had run for the City Council because of his concerns about MLGW.

ii. LEE's nomination was not approved and ultimately a committee was formed to conduct a search for candidates for the position. On or about March 5, 2004, FORD was appointed to that committee. FORD spoke in favor of LEE's nomination at meetings of this committee. FORD also voiced his support of LEE to others, including the media.

iii. LEE's nomination was again discussed by the City Council on or about June 15, 2004. FORD spoke in favor of LEE's nomination and again noted that he (FORD) had run for the City Council because of his concerns about MLGW. The City Council approved the nomination.

b. FORD supported LEE's administration of MLGW as it was overseen by the City Council. Examples of FORD's support include but are not limited to the following:

i. On or about August 16, 2005, FORD attended a meeting of the City Council's General Services & Utilities Committee during which the committee discussed proposed salaries of two appointees for senior MLGW executive positions which had been submitted by LEE. FORD spoke at length in response to questions about the proposed salaries raised by other City Council members. Later that day during the consideration of this issue at a City Council meeting, FORD again spoke in support of the proposed salaries

and implied that criticism of the proposals was due to improper motives. FORD also noted his support for LEE and again noted that he (FORD) had run for the City Council because of his concerns about MLGW.

ii. In or about December 2005, a controversy concerning MLGW's budget delayed its approval by the City Council. FORD supported the proposed budget and at one point proposed bypassing the City Council's General Services & Utilities Committee and having the budget submitted directly to the City Council. The budget was ultimately approved on or about December 20, 2005, and FORD seconded the motion to approve the budget.

27. In return and as a reward for FORD's support, LEE forestalled and prevented efforts to collect outstanding balances on FORD's MLGW accounts. Beginning in June 2004, and continuing through at least November 30, 2004, FORD was constantly delinquent in paying his MLGW bills but his utilities services were not cut off. The 3390 account was opened on or about February 10, 2004. By the end of 2004, the unpaid balance on the account exceeded \$1,000. By the end of 2005, the unpaid balance on the account exceeded \$3,000. By November 30, 2006, the unpaid balance on the account exceeded \$5,000. The 3402 account was opened on or about September 8, 2004. No payments were made on this account between its inception and November 30, 2006. By the end of 2004, the unpaid balance on the account exceeded \$2,000. By the end of 2005, the unpaid balance on the account exceeded \$8,000. By November 30, 2006, the unpaid balance on the account exceeded \$10,000.

28. JOSEPH LEE, III forestalled and prevented efforts to collect outstanding balances on FORD's MLGW accounts through the following, among other means:

a. LEE changed the approach towards collecting on FORD's MLGW accounts. Before June 2004, when LEE became President and Chief Executive Officer of MLGW, FORD's utilities services were subject to cut-offs by MLGW when his bills became delinquent and in several instances his utilities services were cut off. Before June 2004, FORD complained at City Council meetings and committee meetings about his MLGW services being cut off. Beginning in June 2004, and continuing through at least November 30, 2004, LEE prevented cut-offs of MLGW services to FORD. He did this by the following among other means:

i. LEE, directly and indirectly, instructed MLGW employees not to cut-off FORD's utilities services even though FORD was delinquent in paying substantial balances on his MLGW bills and had repeatedly breached promises to make payments on the bills.

ii. In or about June 2005, LEE directed the assignment of a code on FORD's 3402 account which made it appear as if that account was included in the On Track Program. The On Track Program was designed to assist individual -- not commercial -- customers in becoming current in their payments. The 3402 account did not qualify for this program. The effect of assigning the code to the 3402 account was to prevent the transmission of cut-off orders to MLGW technicians who were responsible for terminating utilities services. At the time the code was assigned to the 3402 account, no payments had been made on the account for approximately nine months (from the account's inception) and the balance on the account exceeded \$7000.

iii. When in several instances MLGW employees brought the substantial delinquencies on FORD's accounts to LEE's attention, LEE took no action to

address the delinquencies and in some instances he assured or impliedly assured the employees that he would address the matter. Examples of this include but are not limited to the following:

(1) A MLGW employee sent LEE an e mail on or about December 14, 2004, advising, in substance, that regarding the 3390 account, an arrangement had been made to allow FORD to bring the account current, but that the 3402 account was "past due" and there were no arrangements to bring the account current. LEE took no action in response to the e mail.

(2) In or about February 2006, LEE received from his staff a letter to FORD advising that the 3402 account was "seriously delinquent. MLGW has not received any payment towards this account since connection of services on September 9, 2004." The letter included an itemized summary of the history of billings on that account and the absence of payments on the account. No payments were received in response to this letter. But, LEE continued to instruct his employees not to cut off the account. For example, a MLGW employee sent an e mail on or about March 7, 2006, advising that "the arrangement to pay \$1,000 a week has not been honored. I last spoke with Councilman Ford March 1 and a payment was scheduled for Monday, March 6"; in response to this e mail another MLGW employee sent an e mail advising that he had been unable to reach FORD by telephone; and in response to that e mail, an assistant to LEE acting under his supervision sent an e mail stating that "Joseph does not want us to cut him off ... we will keep working with him."

(3) In or about June and July 2006, MLGW employees advised LEE that the 3402 account had been coded for the On Track Program -- even though it

was not qualified for that program -- and that there were substantial unpaid balances on the account. At the time, the unpaid balance on the 3402 account was in excess of \$9,000 and no payments had been made since the account was opened in September 2004. LEE implied to the employees that the matter would be addressed. No action was taken.

29. On multiple occasions, MLGW employees attempted to collect on the 3390 account, and in so doing, spoke with FORD. On more than one occasion, FORD responded by saying he would discuss the matter with LEE.

**COUNT SEVEN**

30. The allegations contained in background paragraphs 1 through 4 and 24 through 29 of this Indictment are hereby realleged and incorporated by reference into Count Seven.

31. From at least on or about June 15, 2004, through at least on or about November 30, 2006, in the Western District of Tennessee, the defendants,

-----**EDMUND H. FORD**-----  
and  
-----**JOSEPH LEE, III**-----

each aided and abetted by the other, did knowingly and intentionally obstruct, delay, and affect commerce, by means of extortion, as "extortion" and "commerce" are defined by Title 18, United States Code, Sections 1951(b)(2) and 1952(b)(3), in that EDMUND H. FORD did obtain property, by extortion, from and with the consent of JOSEPH LEE, III, and JOSEPH LEE, III, provided said property to EDMUND H. FORD, that is, continued service to MLGW utility accounts at FORD's private business which otherwise would be terminated due to unpaid balances, which provision of property was induced by EDMUND H. FORD under color of his official right as a Memphis City Councilman and which property was not legally due EDMUND H. FORD or his office, and which property was provided to EDMUND H. FORD as a reward for and in exchange for EDMUND H. FORD's support of LEE's nomination for and ultimately

appointment as President and Chief Executive Officer of MLGW and his support of LEE's administration of MLGW as it was overseen by the City Council.

All in violation of Title 18, United States Code, Section 1951(a) and Title 18, United States Code, Section 2.

**COUNT EIGHT**

32. The allegations contained in background paragraphs 1 through 4 and 24 through 29 of this Indictment are hereby realleged and incorporated by reference into Count Eight.

33. At all times material to this indictment, the City of Memphis, Tennessee was a local government and MLGW was a component of that government that received federal assistance in excess of \$10,000 during the one year period beginning January 1, 2005, up to and including December 31, 2005.

34. From at least on or about January 1, 2005, through at least on or about December 31, 2005, in the Western District of Tennessee, the defendant,

-----**EDMUND H. FORD**-----

being an agent of the City of Memphis, Tennessee, by reason of being an elected City Councilman of said city, did knowingly and corruptly demand for the benefit of any person and accept and agree to accept a thing of value, that is, continued service to MLGW utility accounts at FORD's private business which otherwise would be terminated due to unpaid balances, intending to be influenced and rewarded, in connection with business transactions of the City of Memphis, Tennessee involving a value of \$5,000 or more; in violation of Title 18, United States Code, Section 666(a)(1)(B).

**COUNT NINE**

35. The allegations contained in background paragraphs 1 through 4 and 24 through 29 of this Indictment are hereby realleged and incorporated by reference into Count Nine.

36. At all times material to this indictment, the City of Memphis, Tennessee was a local government and MLGW was a component of that government that received federal assistance in excess of \$10,000 during the one year period beginning January 1, 2005, up to and including December 31, 2005.

37. At all times material to this indictment, EDMUND H. FORD was an agent of the City of Memphis, Tennessee, by reason of being an elected City Councilman of said city.

38. From at least on or about January 1, 2005, through at least on or about December 31, 2005, in the Western District of Tennessee, the defendant,

-----**JOSEPH LEE, III**-----

did knowingly and corruptly give, offer, or agree to give something of value to EDMUND H. FORD, that is, continued service to MLGW utility accounts at FORD's private business which otherwise would be terminated due to unpaid balances, with intent to influence or reward FORD, in connection with business transactions of the City of Memphis, Tennessee involving a value of \$5,000 or more; in violation of Title 18, United States Code, Section 666(a)(2).

**COUNT TEN**

39. The allegations contained in background paragraphs 1 through 4 and 24 through 29 of this Indictment are hereby realleged and incorporated by reference into Count Ten.

40. At all times material to this indictment, the City of Memphis, Tennessee was a local government and MLGW was a component of that government that received federal assistance in excess of \$10,000 during the one year period beginning January 1, 2006, up to and including December 31, 2006.

41. From at least on or about January 1, 2006, through at least on or about December 31, 2006, in the Western District of Tennessee, the defendant,

-----**EDMUND H. FORD**-----

being an agent of the City of Memphis, Tennessee, by reason of being an elected City Councilman of said city, did knowingly and corruptly demand for the benefit of any person and accept and agree to accept a thing of value, that is, continued service to MLGW utility accounts at FORD's private business which otherwise would be terminated due to unpaid balances, intending to be influenced and rewarded, in connection with business transactions of the City of Memphis, Tennessee involving a value of \$5,000 or more; in violation of Title 18, United States Code, Section 666(a)(1)(B).

**COUNT ELEVEN**

42. The allegations contained in background paragraphs 1 through 4 and 24 through 29 of this Indictment are hereby realleged and incorporated by reference into Count Eleven.

43. At all times material to this indictment, the City of Memphis, Tennessee was a local government and MLGW was a component of that government that received federal assistance in excess of \$10,000 during the one year period beginning January 1, 2006, up to and including December 31, 2006.

44. At all times material to this indictment, EDMUND H. FORD was an agent of the City of Memphis, Tennessee, by reason of being an elected City Councilman of said city.

45. From at least on or about January 1, 2006, through at least on or about December 31, 2006, in the Western District of Tennessee, the defendant,

-----**JOSEPH LEE, III**-----  
did knowingly and corruptly give, offer, or agree to give something of value to EDMUND H. FORD, that is, continued service to MLGW utility accounts at FORD's private business which otherwise would be terminated due to unpaid balances, with intent to influence or reward FORD, in connection with business transactions of the City of

Memphis, Tennessee involving a value of \$5,000 or more; in violation of Title 18, United States Code, Section 666(a)(2).

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A TRUE BILL

DATED: July 10, 2007  
Avinil Kest  
UNITED STATES ATTORNEY

S/GRAND JURY FOREMAN