

FILED  
2009 MAY 20 AM 11:33  
U.S. DISTRICT COURT  
WESTERN DISTRICT OF OHIO  
CLEVELAND

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

**3:09CR0233**

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
TIMOTHY McCLUNG, )  
 )  
Defendant. )

Case No. \_\_\_\_\_

Judge JUDGE GARR

I N D I C T M E N T

Title 18, §§ 666(a)(1)(A) and  
1341, United States Code

COUNT 1

The Grand Jury charges:

1. Perkins Township, Ohio, was a local government that received benefits in excess of \$10,000 under a federal program involving a grant, contract, subsidy, loan, guarantee, insurance, and other form of federal assistance during the one year period beginning May 1, 2004, and ending April 30, 2005.

2. From 1995 through July of 2008, TIMOTHY McCLUNG, Defendant herein, was the Police Chief of Perkins Township, Ohio. As the Chief of Police, he led a department with a staff of approximately 20 sworn officers and 8 other support personnel, including dispatchers. During the time that he was Police Chief,

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MCCLUNG was an agent of Perkins Township, Ohio.

3. From on or about May 1, 2004, through April 30, 2005, in the Northern District of Ohio, Western Division, TIMOTHY MCCLUNG, Defendant herein, did knowingly embezzle, steal, obtain by fraud and otherwise without authority convert to the use of himself, a person other than the rightful owner, property that was valued at \$5,000 or more and was owned by or under the care, custody, and control of Perkins Township, as set forth herein:

a. On or about May 27, 2004, Perkins Township ordered multiple Springfield XD .40 firearms from Kiesler's Police Supply.

b. On or about May 27, 2004, Perkins Township ordered multiple Springfield XD Tactical .40 firearms from Kiesler's Police Supply.

c. On or about December 15, 2004, Perkins Township paid Kiesler's Police Supply \$23,523.96 for the purchase of the Springfield XD .40 firearms and Springfield Tactical .40 firearms referenced above.

d. On or about May 27, 2004, Perkins Township ordered multiple Springfield SOCOM rifles from Keisler's Police Supply.

e. On or about July 27, 2004, Perkins Township paid Kiesler \$2,490.00 for the purchase of multiple Springfield SOCOM firearms.

f. After May 27, 2004, the exact date unknown, MCCLUNG

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sold one Springfield XD .40 firearm, serial number US469043, for which Perkins Township had paid \$406.56, to DF, a person known to the Grand Jury.

g. After May 27, 2004, the exact date unknown, MCCLUNG sold one Springfield XD Tactical .40 firearm, serial number 412214, for which Perkins Township had paid \$780, to DF, a person known to the Grand Jury.

h. After May 27, 2004, the exact date unknown, MCCLUNG sold one Springfield SOCOM firearm, serial number 164722, for which Perkins Township had paid \$1,245, to DF, a person known to the Grand Jury.

i. On or about July 2, 2004, DF, a person known to the Grand Jury, wrote a check to MCCLUNG for \$1,860, for the purchase of firearms. The check was endorsed by MCCLUNG and cashed on or about July 2, 2004.

j. On or about August 1, 2004, Perkins Township ordered two M1A Socom rifles, from Springfield Armory, for a total price of approximately \$3,538.50 for both.

k. On or about August 1, 2004, MCCLUNG signed a letter to Springfield Armory relating to the purchase of the two M1A Socom rifles, stating, "I, Chief Timothy McClung, swear under penalty of perjury, that I am the Chief of Police in the Perkins Township Police Department. The weapon and high capacity magazines that the department is acquiring are for use in official duties. This

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weapon and high cap magazines is not being acquired for transfer or re-sale. I as the Chief administrator for the above department I also certify that no person that has been convicted of a misdemeanor or felony crime of domestic violence will use the firearm or firearms in any way."

l. Shortly after August 1, 2004, the exact date unknown, MCCLUNG sold two M1A Socom rifles, serial numbers 165636 and 165664, for which Perkins Township had paid \$3,538.50, to JB, a person known to the Grand Jury.

m. On or about August 4, 2004, JB, a person known to the Grand Jury, wrote a check to MCCLUNG for \$2,350, for the purchase of the two M1A Socom rifles. The check was endorsed by MCCLUNG and cashed on or about August 6, 2004.

n. On or about April 28, 2005, Perkins Township ordered multiple Rock River Arms .223 rifle, lower halves.

o. On or about April 26, 2005, Perkins Township paid Rock River Arms \$6,154.30 for the purchase of the multiple Rock River Arms .223 rifle, lower halves, and other items.

p. After April 26, 2005, the exact date unknown, MCCLUNG sold one Rock River Arms .223 rifle, lower half, serial number CM48302, for which Perkins Township had paid \$285, to DF, a person known to the Grand Jury.

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q. MCCLUNG failed to return the money from the sale of any of the firearms identified in this count to Perkins Township. All in violation of Title 18, United States Code, Section 666(a)(1)(A).

COUNTS 2-3

The Grand Jury further charges:

1. From on or about August 30, 2006, to on or about September 28, 2006, the exact dates to the Grand Jury unknown, in the Northern District of Ohio, Western Division, TIMOTHY MCCLUNG, defendant herein, devised and intended to devise a scheme and artifice to defraud Perkins Township, Ohio.

2. It was part of the scheme and artifice to defraud for MCCLUNG to cause Perkins Township to purchase firearms intended for the benefit of the Perkins Township Police Department.

3. It was further part of the scheme and artifice to defraud for MCCLUNG to sell firearms, purchased for the benefit of the Perkins Township Police Department, to third parties in return for payment.

4. As part of the scheme and artifice, on or about July 31, 2006, Perkins Township ordered two Springfield .45 ACP firearms at a cost of \$475.00 each, from Atwell's Police and Fire Equipment.

5. As part of the scheme and artifice, Perkins Township paid for these firearms with credit that was owed to it from

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Atwell's associated with previous over-payments and credits at Atwell's.

6. As part of the scheme and artifice, MCCLUNG sold one Springfield .45 ACP firearm, serial number US647610, for which Perkins Township had paid \$475, to DF, a person known to the Grand Jury.

7. As part of the scheme and artifice, on or about July 31, 2006, Perkins Township ordered two Springfield .45 ACP firearms.

8. As part of the scheme and artifice, on or about October 5, 2006, MCCLUNG sent a letter to Springfield Armory relating to the purchase of two Springfield .45 ACP firearms stating, "Our department has authorized the purchase of the firearms as listed below. This will be a department tax exempt purchase. Please deduct all federal taxes from the purchase price. For Departmental Use Only. Please take this purchase and invoice Atwell Police & Fire out of Painesville, Ohio as we have an existing credit with them. If possible we would like this firearm shipped ASAP, Thanks."

9. As part of the scheme and artifice, MCCLUNG subsequently sold one Springfield .45 ACP firearm, serial number US645509, to DF #2, a person known to the Grand Jury.

10. On or about September 14, 2006, Perkins Township ordered four Rock River Arms Elite UTE rifles, for a total cost

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of \$2,872.00.

11. On or about September 14, 2006, MCCLUNG signed a letter to Rock River Arms relating to the purchase of the Rock River Arms Elite UTE rifles, stating, "Our department has authorized the purchase of the firearms as listed below. This will be a department tax exempt purchase. Please deduct all federal taxes from the purchase price. For Departmental Use Only. Please take this purchase from our remaining credit with your company. If possible we would like this firearm shipped ASAP to our department, Please bill to Atwell Police & Fire, Thanks."

12. Shortly after these firearms were ordered, the exact date unknown, MCCLUNG sold one of the Rock River Arms Elite UTE rifles to DF, a person known to the Grand Jury and sold the other three to JB, a person known to the Grand Jury.

13. On or about September 21, 2006, JB wrote a check for \$2,115.00 to MCCLUNG for the purchase of three Rock River Arms Elite UTE rifles. The check was cashed by MCCLUNG on or about September 26, 2006.

14. On or about September 28, 2006, DF wrote a check for \$1,210 for purchase of firearms. At the instruction of MCCLUNG, DF made the check payable to MCCLUNG's wife. The check was cashed on or about September 28, 2006, and was endorsed by MCCLUNG's wife.

15. MCCLUNG failed to return the money from the sale of any

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of the firearms identified in this count to Perkins Township.

16. On or about the dates listed below, for the purpose of executing the scheme and attempting to do so, MCCLUNG caused the following mail matters to be sent from Colona, Illinois, and delivered to Sandusky, Ohio, in the Northern District of Ohio, Western Division, by the United Parcel Service, a private and commercial interstate carrier:

Count	Date	Matter	Package Number
2	9/25/2006	2 firearms	1Z60615WA858980698
3	9/25/2006	2 firearms	1Z60615WA857927702

All in violation of Title 18, United States Code, Section 1341.

A TRUE BILL.

Original document - - Signatures on file with the Clerk of Courts, pursuant to the E-Government Act of 2002.