

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF RHODE ISLAND

UNITED STATES OF AMERICA

v.

ANDREW JEREMIAH
BRUCE JEREMIAH
ANTHONY SIMONE, SR.

Criminal Case No.

In violation of 18 U.S.C. § 371,
18 U.S.C. § 2314

CR 12 180M-03

INDICTMENT

The Grand Jury charges that:

INTRODUCTION

At all times relevant to this Indictment:

1. Defendant ANDREW JEREMIAH and his brother, defendant BRUCE JEREMIAH, operated businesses under the names of Jeremiah Motors Corp., Removal Services, and Green Energy to collect and sell used vegetable oil. ANDREW and BRUCE JEREMIAH operated the businesses out of a warehouse/industrial building located on Conduit Street in Central Falls, Rhode Island and their residence, located at [REDACTED] in Cranston, Rhode Island.
2. Defendant ANTHONY SIMONE, SR. worked as a truck driver for ANDREW JEREMIAH and BRUCE JEREMIAH.
3. Business AB is a company that specializes in the transportation of materials, including bio-fuels.
4. Business AM is a New Hampshire company that buys and processes used vegetable oil.

5. Business BC is a national company in the business of buying used vegetable oil and meat by-products throughout the United States.

COUNT 1

6. The allegations contained in paragraphs 1 through 5 of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.

7. From on or about January 1, 2011 through on or about November 9, 2012, in the District of Rhode Island and elsewhere, defendants ANDREW JEREMIAH, BRUCE JEREMIAH, and ANTHONY SIMONE, SR., along with others known and unknown to the grand jury, did unlawfully, willfully and knowingly combine, conspire, confederate and agree with each other to:

unlawfully transport, transmit, and transfer and cause to be transported, transmitted and transferred in interstate commerce from the Commonwealth of Massachusetts, to the State of Rhode Island, and the State of Rhode Island to the State of New Hampshire, stolen goods, wares and merchandise, that is, used vegetable cooking oil, of the value of \$5,000 or more, knowing the same to have been stolen, in violation of Title 18, United States Code, Section 2314;

OBJECT OF THE CONSPIRACY

8. It was the object of the conspiracy for defendants ANDREW JEREMIAH, BRUCE JEREMIAH, ANTHONY SIMONE, SR. and others known and unknown to the grand jury to enrich themselves by unlawfully stealing used vegetable oil from receptacles and containers belonging to rendering companies including company BC located at various restaurants and cooking establishments in the Commonwealth of Massachusetts to sell the vegetable oil to companies that process used vegetable oil including company AM.

MANNER AND MEANS OF THE CONSPIRACY

The manner and means used by defendants ANDREW JEREMIAH, BRUCE JEREMIAH, ANTHONY SIMONE, SR. and others known and unknown to the grand jury to accomplish the goals of the conspiracy were the following:

9. ANDREW JEREMIAH and BRUCE JEREMIAH enlisted the assistance of SIMONE and at least one other individual whose identity is known to the grand jury, to drive a Ford truck registered to Jeremiah Motors Corp. and to travel to various locations including locations within the Commonwealth of Massachusetts for the purpose of stealing vegetable cooking oil.

10. BRUCE JEREMIAH provided ANTHONY SIMONE and others various lists of businesses in Rhode Island and Massachusetts where quantities of used vegetable cooking oil could be found.

11. SIMONE was instructed to go to those and other businesses that stored used vegetable cooking oil on their property, between the hours of midnight and 6 o'clock in the morning, pump the used oil into the tank mounted on the Ford truck registered to Jeremiah Motors Corp. and once the tank were full, drive it to a warehouse located at 25/31 Conduit Street in Central Falls, Rhode Island where he was to park the vehicle to be unloaded.

12. SIMONE repeatedly travelled into the Commonwealth of Massachusetts and collected approximately 800 to 1000 gallons of oil each trip. SIMONE worked an average of three nights per week.

13. BRUCE JEREMIAH was responsible for seeing to it that the Ford truck tank was emptied into holding tanks located within the building at 25/31 Conduit Street.

14. ANDREW JEREMIAH, was responsible for selling the used vegetable oil to companies that processed used vegetable oil, including company AM, and did in fact, on numerous occasions, sell or deliver to company AM thousands of gallons of the stolen vegetable cooking oil.

15. BRUCE JEREMIAH arranged transportation of the stored vegetable oil to company AM. Throughout 2012 a large tanker truck owned by company AB went to the defendants' building located at 25/31 Conduit Street and received an average of 6500 gallons of used vegetable cooking oil, and transported it to company AM in the State of New Hampshire. BRUCE JEREMIAH supervised the loading of these tanker trucks.

16. In furtherance of the conspiracy, on October 26, 2012, the defendant Andrew JEREMIAH told the defendant Anthony SIMONE that he was in the process of equipping a pickup truck with a tank, a cap and a quiet pump. He told SIMONE "Yeah. We want this thing to look like a camper truck. Like the TRU-GREEN truck. You know. It's and this way here you don't see what's in it. You like that?" To which SIMONE replied: "Yeah whatever you like" and Andrew JEREMIAH replied: "Well I'm... I'm just trying you know make it as mysterious as possible."

17. On November 2, 2012, in furtherance of the conspiracy Bruce JEREMIAH engaged in a conversation with Anthony SIMONE during which Bruce JEREMIAH asked SIMONE "How much did you get?" To which SIMONE answered "About eight hundred, around eight hundred." Bruce JEREMIAH replied "That's good, that's good, that's good." SIMONE then told Bruce JEREMIAH "Went up to Seekonk, but when I got out to Dartmouth, it was real, in fact

everything was empty. I mean, twenty, thirty gallons.” Later in the conversation SIMONE told Bruce JEREMIAH “there were cops everywhere.” Bruce JEREMIAH replied “Yup, that’s good.” SIMONE then said to Bruce JEREMIAH “This is only a matter of time though. I didn’t like Dartmouth at all last night.” Bruce JEREMIAH then told SIMONE “All you do, all you do is, you just be careful, take care of yourself, that’s all.”

18. On November 2, 2012, Anthony SIMONE met with Andrew JEREMIAH and engaged in a conversation in furtherance of their conspiracy to steal vegetable oil out of state and transport it into Rhode Island. Andrew JEREMIAH told Anthony SIMONE: “Let’s go toward Connecticut. Let’s go down toward Mystic. Spread it out for, just like I told you before. Go down Route 3, then go up to New Hampshire, spread it around. You don’t want to listen, fine, you’re just gonna burn it up that’s all. So. I’m working on some stuff I’ve always wanted to work on. Doing it myself. I don’t even tell my brother what I do. Cause I know a lot of these things. I was checking out stuff. Newport Biodiesel has got a tank behind South Street Café. They got a tank behind uhh next door. Ah, Wes, not the rib place, uhh what the fuck you call it not Wes, Rick’s, Rick’s next door. You got these container’s they got padlocks on them and they got a screen on them this big. I measured it with a quarter. I’m working on getting a pump with a narrow probe. Then I’m gonna put a tank on my pickup truck, and I’m working on, I know I can get a tank on it with the Honda engine, with a, a pump with a Honda engine. And I already talked to who’s a what’s it Bob MXXXXXXX up in who’s what’s it he says he’s got a muffler up there he puts on his engines and he says it’s very... it quiets the engine right down and I already checked out tanks, I got to go up to Uxbridge to look at a tank that lays down flat. I’ve already checked out camper tops to put a camper body on it. This is so we can rob things in the... right in the fucking daytime. I got it all figured out. But you, I told you a long time ago you now we got this new

truck. Go to Connecticut. Go to Mystic. I'm not gonna fucking, I'm not gonna drive myself crazy preaching to you anymore."

19. On November 2, 2012 in furtherance of the conspiracy Andrew JEREMIAH advised Anthony SIMONE: "No, well you can't do it, you can't work both ends of the deal. You can't be stupid and lazy and keep being a criminal. That's how, that's how people get caught. I'm telling you what the solution is, you don't want to listen fine. Then you're gonna wreck it. You're gonna wreck it for me, and, and, and, just leave it over there, you're gonna wreck it for me, and you're gonna wreck it for yourself. It's as simple as that."

20. In furtherance of the conspiracy on November 7, 2012 after SIMONE had been out stealing vegetable oil, Bruce JEREMIAH engaged in a telephone conversation with Anthony SIMONE during which Bruce JEREMIAH asked "How's the truck?" to which SIMONE replied: "good" at which point Bruce JEREMIAH asked "what did you get?" to which SIMONE replied "about eight fifty." At this point SIMONE reported to Bruce JEREMIAH the route he had travelled in the hours before: "I was way up on Route 1 you know, I started in Walpole. You know."

Overt Acts

In furtherance of the conspiracy and in order to accomplish its objectives and purposes, at least one of the following overt acts, among others, was committed by one or more of the co-conspirators in the District of Rhode Island and elsewhere:

21. On or about July 9, 2012, BRUCE JEREMIAH supervised the loading of approximately 48,340 pounds of used vegetable oil into a tanker truck owned by Company AB, for transport to company AM in the State of New Hampshire.

22. On or about July 10, 2012, during the early morning hours, SIMONE drove a Ford truck registered to Jeremiah Motors Corp. into several Massachusetts towns, including the town of Mattapoisett, and engaged in the theft of used vegetable cooking oil. While in Mattapoisett, Massachusetts, the defendant SIMONE was stopped by the local police and the Ford truck was towed to a nearby contract towing company's impound lot.

23. On or about July 10, 2012, ANDREW JEREMIAH traveled to Wareham, Massachusetts to secure release of the Ford truck from the tow company's impound lot. At that time, the truck was loaded with vegetable oil that SIMONE had stolen earlier that morning.

24. On or about August 15, 2012, Andrew and Bruce JEREMIAH caused their Ford truck to be driven into Massachusetts from Rhode Island for the purpose of stealing used vegetable oil. On that day a man interrupted the theft of the oil from a bin or container located at a Westboro, Massachusetts Chinese Restaurant and recorded the license plate of the offending vehicle as Rhode Island Commercial registration 52458 which is the truck registered to Jeremiah Motor Corp.

25. On or about August 23, 2012, Anthony SIMONE traveled from Central Falls, Rhode Island to Raynham, Middleboro and Lakeville, Massachusetts in the Ford truck registered to Jeremiah Motors Corp. at which time he stole vegetable cooking oil from bins or containers located at various restaurants and belonging to various rendering companies including company BC.

26. On or about August 23, 2012, Anthony SIMONE travelled from Massachusetts back to the Conduit Street location whereupon he met with Bruce JEREMIAH and turned the truck containing the stolen oil over to him.

27. On or about August 24, 2012, Anthony SIMONE traveled from Central Falls, Rhode Island to Stoneham, Massachusetts in the Ford truck registered to Jeremiah Motor Corp. at which time he stole vegetable oil from a container located at a Stoneham, restaurant.

28. On or about September 20, 2012 in the early morning hours Anthony SIMONE travelled from Central Falls, Rhode Island to Walpole, Norwood, and Dedham, Massachusetts in the Ford truck registered to Jeremiah Motors Corp. and stole vegetable cooking oil from bins or containers belonging to rendering companies including company BC. After engaging in the theft of this vegetable oil SIMONE returned to Central Falls, Rhode Island at which time he left the truck in a garage bay area located at 25/31 Conduit Street.

29. On or about October 12, 2012, in the early morning hours, SIMONE travelled from Central Falls, Rhode Island to South Attleboro, North Attleboro, Plainville and Foxboro, Massachusetts in the Ford truck registered to Jeremiah Motors Corp. and stole vegetable cooking oil from bins and containers belonging to rendering companies, including company BC. After engaging in the theft of this vegetable oil, SIMONE returned to Central Falls, Rhode Island at which time he left the Ford truck in a garage bay area located at 25/31 Conduit Street.

30. On or about October 22, 2012 Bruce JEREMIAH arranged for and supervised the delivery of approximately 50,360 pounds of vegetable cooking oil to AB for transportation and sale to New Hampshire company AM.

31. On or about October 26, 2012, in the early morning hours, SIMONE travelled from Central Falls, Rhode Island to Marlborough, Sudbury and Wayland, Massachusetts in the Ford truck registered to Jeremiah Motors Corp. and stole vegetable cooking oil from bins or containers belonging to rendering companies including company BC. After engaging in the theft

of this vegetable oil SIMONE returned to Central Falls, Rhode Island at which time he left the truck in a garage bay area located at 25/31 Conduit Street.

32. On November 5, 2012 Bruce JEREMIAH arranged for and supervised the delivery of approximately 49,140 pounds of vegetable cooking oil to AB for transportation and sale to New Hampshire company AM.

33. On November 7, 2012, Andrew JEREMIAH put \$321 in cash in an envelope and left it in his mailbox located at [REDACTED] Cranston, Rhode Island for Anthony SIMONE in payment for his going to Massachusetts and stealing vegetable cooking oil.

All in violation of 18 U.S.C. § 371.

COUNT 2

Between January 1, 2011, and November 9, 2012, in the District of Rhode Island, defendants ANDREW JEREMIAH, BRUCE JEREMIAH, and Anthony SIMONE did knowingly, willfully and intentionally transport and cause to be transported in interstate commerce stolen property, to wit vegetable oil, exceeding a value of \$5000 in value, knowing the same to have been stolen, converted and taken by fraud; in violation of Title 18 United States Code, Section 2314.

FORFEITURE ALLEGATION

1. The allegations contained in Counts 1 and 2 of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

2. Pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), upon conviction for conspiracy to violate Title 18 Section 2314, in violation of Title 18, United States Code, Section 371, the defendants, ANDREW JEREMIAH, BRUCE JEREMIAH, and ANTHONY SIMONE, SR., shall forfeit to the United States of America any property, real or personal, which constitutes or is derived from proceeds traceable to said violation(s). The property to be forfeited includes, but is not limited to, the following:

- a. Approximately 7000 gallons of stolen oil and
- b. \$29,230 United States currency constituting payments from sales of stolen oil
- c. One 1984 Ford Truck color white VIN 1FDNR74N3EVA15553

3. Pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), upon conviction for sale of stolen property section, in violation of Title 18, United States Code, Section 2314, the defendants, ANDREW JEREMIAH and BRUCE JEREMIAH, shall forfeit to the United States of America any property, real or personal, which constitutes or is derived from proceeds traceable to said violation(s). The property to be forfeited includes, but is not limited to, the following:

- a. Approximately 7000 gallons of stolen oil and
- b. \$29,230 United States currency constituting payments from sales of stolen oil
- c. One 1984 Ford Truck color white VIN 1FDNR74N3EVA15553

4. If any of the property described above, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;

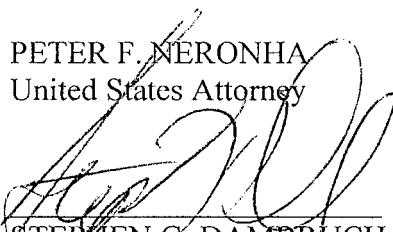
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

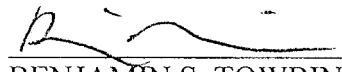
A TRUE BILL:

REDACTED

Grand Jury Foreperson

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BENJAMIN S. TOWBIN
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Dated:

12/19/12