

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

CRIMINAL NO. 03-80660

Plaintiff,

Filed: 10/29/03

v.

HONORABLE: NANCY G. EDMUNDS

D-2 DAVID L. WHITT

VIOLATION: 18 U.S.C. §§ 1343, 1346

Defendant.

OFFENSE: Wire Fraud/Theft of
Honest Services

FIRST SUPERSEDING INFORMATION

The United States of America, acting through its attorneys, charges:

COUNT ONE—WIRE FRAUD/THEFT OF HONEST SERVICES
(18 U.S.C. §§ 1343, 1346)

I

DESCRIPTION OF THE OFFENSE

1. David L. Whitt is made a defendant on the charge stated below.
2. Defendant, at all times relevant, lived in Little Rock, Arkansas.
3. An executive ("executive") of an audio-visual company ("company") located in Troy, Michigan, which buys licensing rights from television and movie programmers, then packages these properties for retail sale as videotapes and DVDs, willfully devised, along with others, a scheme to defraud which deprived the company of the honest services of the executive and permitted

the executive to obtain money by means of false or fraudulent pretenses in violation of Title 18 U.S.C. §§ 1343, 1346.

4. It was a part of the scheme to defraud that the executive solicited and received monies from vendors that were seeking to obtain multi-year, multi-million dollar contracts from the executive's company in exchange for the executive's support in obtaining the contracts. Through the scheme, the executive obtained or sought to obtain more than two million, five-hundred thousand dollars in monies, commonly referred to as kickbacks.

II USE OF WIRES

5. As part of the scheme and for the purpose of executing the scheme to defraud, the defendant and others willfully transmitted or caused to transmit in interstate commerce, by means of wire communications, monies from Michigan to Arkansas. Specifically, on or about July 6, 2000, \$18,000 was transferred by wire from a vendor located in the Eastern District of Michigan to Pennsylvania and ultimately to Arkansas for the purpose of furthering or executing the scheme to defraud. To facilitate the wiring and to ensure that it was properly transmitted, the defendant made, or caused to be made, one or more telephone calls between himself in Arkansas and the executive, who was located in Detroit, Michigan. These telephone calls were placed between June 5, 2000 and July 6, 2000. All of which was in violation of Title 18,

United States Code, Sections 1343 and 1346.

III
JURISDICTION AND VENUE

6. The offense charged in this Information was devised and carried out, in part, in the Eastern District of Michigan, within the five years preceding the filing of this Information.

IN VIOLATION OF TITLE 18, UNITED STATES CODE, SECTIONS 1343, 1346.

"/s/"

R. HEWITT PATE
Assistant Attorney General

"/s/"

SCOTT M. WATSON
Chief, Cleveland Field Office

"/s/"

JAMES M. GRIFFIN
Deputy Assistant Attorney General

"/s/"

KEVIN C. CULUM
[3460--MT]

"/s/"

SCOTT D. HAMMOND
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JEFFREY G. COLLINS
United States Attorney
Eastern District of Michigan

"/s/"

ALAN GERSHEL
Criminal Chief, E.D. Michigan

Dated: September 26, 2003