

FILED IN OPEN COURT
U.S.D.C. Atlanta

APR 25 2017

JAMES N. HATTEN, Clerk
By:  Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ORIGINAL

UNITED STATES OF AMERICA)	
)	
v.)	Criminal Indictment
)	
CHRISTOPHER A. MCCRAY)	No. 1 : 17 - CR - 138
)	
)	
)	

THE GRAND JURY CHARGES THAT:

COUNT ONE

Conspiracy to Commit Offenses against the United States
(18 U.S.C. § 371)

1. Beginning in or about August 2012, and continuing through in or about May 2014, the exact dates being unknown to the Grand Jury, in the Northern District of Georgia and elsewhere, defendant CHRISTOPHER ANTONIO MCCRAY (MCCRAY), and others known and unknown to the Grand Jury, including a principal of a Sub-Contractor (referred to herein as "Person # 1"), did knowingly and willfully combine, conspire, confederate and agree with each other to commit offenses against the United States, namely to engage in unlawful kickback transactions, in violation of 41 U.S.C. § 8702, by knowingly and willfully soliciting and accepting money from Person # 1, an employee of a Subcontractor in relation to a prime contract with the United States, in exchange for improper favorable treatment in connection with a prime contract or subcontract.

BACKGROUND

At all times relevant to the Indictment, unless otherwise noted:

2. Defendant MCCRAY's permanent residence in the United States was in Jonesboro, Georgia, which is in Clayton County in the Northern District of Georgia. Defendant had both a checking and savings bank account at Wells Fargo Bank, N.A. in Fayetteville, Georgia.

3. From in or about August 2012 through in or about September 2014, defendant MCCRAY lived and worked at Bagram Airfield, a U.S. military base in Afghanistan.

4. While in Afghanistan, defendant worked as the "Country Manager" for a company referred to herein as "Subcontractor # 1", which was based in the United Arab Emirates (UAE). Subcontractor # 1 provided transportation and freight forwarding services on Bagram Airfield and to and from other locations in Afghanistan. Subcontractor # 1 often worked as a subcontractor to other companies that held prime contracts with the United States or first-tier subcontracts for companies that held prime contracts. Subcontractor # 1 in turn often awarded subcontracts to local trucking companies which would actually perform the work. Subcontractor # 1 employed a total of two people at its offices on Bagram Airfield, including MCCRAY.

5. While at Bagram Airfield, MCCRAY reported to the owner of Subcontractor # 1, who resided in California. As the senior person in the Subcontractor # 1 office at Bagram Airfield, MCCRAY was responsible for most of the contracting process at Bagram Airfield. This included overseeing and administering Subcontractor # 1's contracts and subcontracts, including both those that Subcontractor # 1 was awarded as well as those that Subcontractor # 1 in turn awarded to lower-tiered subcontractors, including Afghan trucking companies.

6. A German company, referred to herein as “Prime Contractor,” held a United States government prime contract with the Army and Air Force Exchange Service (AAFES) for the movement of AAFES goods to, from and within Bagram Airfield.

7. In or about March 2012, Prime Contractor subcontracted the transport responsibilities to Subcontractor # 1 as a first-tier subcontractor.

8. In or about November 2012, Subcontractor # 1 subcontracted, on a second-tier subcontract, transport work on the contract on a per truckload basis to an Afghan trucking company, referred to herein as Subcontractor # 2. Person # 1 is the owner and CEO of Subcontractor # 2. In or about November 2012, Subcontractor # 2 began moving AAFES cargo for Subcontractor # 1 on the subcontract.

Purpose of the Conspiracy

9. It was a purpose of the conspiracy for MCCRAY to enrich himself by soliciting and receiving things of value from Person # 1 in exchange for favorable treatment in connection with subcontract work at Bagram Airfield.

Manner and Means

10. It was part of the conspiracy that:

a. MCCRAY would arrange to have second tier subcontract work which his employer, Subcontractor # 1, had obtained from Prime Contractor, awarded to Person # 1 and Subcontractor # 2.

b. Prior to the award of the subcontract by Subcontractor # 1 to Subcontractor # 2, MCCRAY, unbeknownst to Subcontractor # 1, had entered into an agreement with Person # 1 and Subcontractor # 2 to receive kickbacks in the amount of 10% to 15% of the gross revenue that Subcontractor # 2 was to earn by moving freight for Subcontractor # 1.

c. Initially, Subcontractor # 2 paid the kickbacks in cash to MCCRAY in Bagram. Thereafter, Subcontractor # 2 wired money to defendant's bank account (Wells Fargo PMA Prime Checking Account, account number xxxxx5493) in the United States on two occasions, December 28, 2012 and February 19, 2013. Subsequent payments were made by sending Western Union money orders by Subcontractor # 2 to MCCRAY's mother, who lived in the State of Florida and once to MCCRAY's girlfriend who lived in Tennessee.

d. MCCRAY's mother would either deposit the Western Union money orders directly into MCCRAY's bank account, on which she was a signatory (Wells Fargo High Yield Savings Account, account number xxxxxx2076), or cash the money orders from Western Union and deposit the cash into MCCRAY's savings account.

e. MCCRAY would use the kickback money he received for personal expenses for himself and his family.

Overt Acts

11. In furtherance of the conspiracy and to effect its objects, the following overt acts, among others, were committed in the Northern District of Georgia and elsewhere;

a. In or about August, 2012, MCCRAY entered into an agreement with Subcontractor # 2 to receive as kickbacks 10% to 15% of the gross revenue on a per truckload basis that Subcontractor # 2 moved for Subcontractor # 1 on the subcontract.

b. In or about November 2012, MCCRAY facilitated the issuance by Subcontractor # 1 of a second-tier subcontract for trucking work to Subcontractor # 2.

c. On or about December 28, 2012, Subcontractor # 2 wired approximately \$7,144.08 to MCCRAY's Wells Fargo PMA Prime Checking Account, account number xxxxxx5493, via Afghan United Bank through an account named "Samy International Transit."

This account name is identical to the account name listed for Subcontractor # 2 on legitimate invoices from Subcontractor # 1. The address Wells Fargo had for MCCRAY was 9358 Pristine Place, Jonesboro, Georgia 30238, which was MCCRAY's address in Georgia.

d. On or about February 19, 2013, Subcontractor # 2 wired approximately \$9,974.01 to MCCRAY's Wells Fargo PMA Prime Checking Account, account number xxxxxx5493, via Afghan United Bank through an account named "Samy International Transit." The address Wells Fargo had for MCCRAY was 9358 Pristine Place, Jonesboro, Georgia 30238, which was MCCRAY's address in Georgia.

e. On or about March 3, 2013, MCCRAY provided to Subcontractor # 2 his mother's information in the United States, including name, address, and driver's license information, to facilitate the transfer of funds relating to the kickbacks via Western Union money order.

f. On or about March 7, 2013, approximately \$5,000.00 was sent to MCCRAY's mother via Western Union money order from Subcontractor # 2 in Afghanistan.

g. On or about April 11, 2013, approximately \$5,000.00 was sent to MCCRAY's mother via Western Union money order from Subcontractor # 2 in Afghanistan.

h. On or about April 22, 2013, approximately \$14,000.00 was sent to MCCRAY's mother via Western Union money order from Subcontractor # 2 in Afghanistan.

i. On or about May 8, 2013, approximately \$9,435.00 was sent to MCCRAY's mother via Western Union money order from Subcontractor # 2 in Afghanistan.

j. On or about June 3, 2013, approximately \$10,000.00 was sent to MCCRAY's mother via Western Union money order from Subcontractor # 2 in Afghanistan.

k. On or about June 25, 2013, approximately \$10,000.00 was sent to MCCRAY's

mother via Western Union money order from Subcontractor # 2 in Afghanistan.

l. On or about June 25, 2013, approximately \$9,500 was sent to MCCRAY's girlfriend via Western Union money order from Subcontractor #2 in Afghanistan.

m. On or about September 25, 2013, approximately \$8,497.00 was sent to MCCRAY's mother via Western Union money order from Subcontractor # 2 in Afghanistan.

n. On or about September 27, 2013, approximately \$5,000.00 was sent to MCCRAY's mother via Western Union money order from Subcontractor # 2 in Afghanistan.

o. On or about October 31, 2013, approximately \$6,740.00 was sent to MCCRAY's mother via Western Union money order from Subcontractor # 2 in Afghanistan.

All in violation of Title 18, United States Code, Section 371.

p. On or about April 29, 2014, approximately \$9,960 was wired to MCCRAY's Wells Fargo High Yield Savings Account, account number xxxxxx2076, by a person acting for Subcontractor #2.

q. On or about May 14, 2014, approximately \$9,960 was wired to MCCRAY's Wells Fargo High Yield Savings Account, account number xxxxxx2076, by a person acting for Subcontractor #2.

COUNTS TWO THROUGH FIFTEEN

(Kickbacks)
41 U.S.C. § 8702

12. The Grand Jury re-alleges and incorporates by reference the factual allegations of Paragraphs 2 through 11 of this Indictment as if fully set forth herein.

13. On or about the dates set forth below, in the Northern District of Georgia and elsewhere, MCCRAY knowingly and willfully accepted and caused to be accepted, kickback payments totaling at least \$75,000 from the owner of Subcontractor # 2 and other Subcontractor

2 officials, in return for MCCRAY's improper favorable treatment, namely his actions in awarding transportation subcontracts to Subcontractor # 2, in connection with a prime contract entered into by the United States, as more particularly described below:

Count	Approximate Date	Amount	Account Number	Description
2	December 28, 2012	\$7,144.08	Wells Fargo PMA Prime Checking Account: xxxxxx5493	Subcontractor # 2 wired this amount to MCCRAY via Afghan United Bank.
3	February 19, 2013	\$9,974.01	xxxxxx5493	Subcontractor # 2 wired this amount to MCCRAY via Afghan United Bank.
4	March 7, 2013	\$5,000.00	Wells Fargo High Yield Savings Account: xxxxxx2076	Western Union money order from Afghanistan to defendant's mother, subsequent deposit on March 11, 2013.
5	April 11, 2013	\$5,000.00	xxxxxx2076	Western Union money order from Afghanistan to defendant's mother, subsequent deposit on April 11, 2013.
6	April 22, 2013	\$14,000.00	xxxxxx2076	Western Union money orders sent from Afghanistan to defendant's mother, subsequent deposits on April 23, 2013.
7	May 8, 2013	\$9,435.00	xxxxxx2076	Western Union money orders sent from Afghanistan to defendant's mother, subsequent deposits on May 9, 2013.
8	June 3, 2013	\$10,000.00	xxxxxx2076	Western Union money orders sent from Afghanistan to defendant's mother, subsequent deposits on June 3, 2013.
9	June 25, 2013	\$10,000.00	xxxxxx2076	Western Union money order from Afghanistan to defendant's mother, subsequent deposit on June 25, 2013.
10	June 25, 2013	\$9,500.00	CASH	Western Union money order from Afghanistan to defendant's girlfriend

Count	Approximate Date	Amount	Account Number	Description
11	September 25, 2013	\$8,497.00	xxxxxxx2076	Western Union money order from Afghanistan to defendant's mother, subsequent deposit on September 25, 2013.
12	September 27, 2013	\$5,000.00	xxxxxxx2076	Western Union money order from Afghanistan to defendant's mother, subsequent deposit on September 27, 2013.
13	October 31, 2013	\$6,740.00	xxxxxxx2076	Western Union money order from Afghanistan to defendant's mother, subsequent deposit on October 31, 2013 .
14	April 29, 2014	\$9,960.00	xxxxxxx2076	A person acting for Subcontractor # 2, or Subcontractor # 2, wired this amount to MCCRAY's account.
15	May 14, 2014	\$9,960.00	xxxxxxx2076	A person acting for Subcontractor # 2, or Subcontractor # 2, wired this amount to MCCRAY's account.

All of the transactions were in violation of Title 41, United States Code, Sections 8702 and 8707.

A True BILL

Donna Kihl
FOREPERSON

John A. Horn
United States Attorney

By:

[Signature]
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James J. Gelber
Trial Attorney, Fraud Section