

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

NO. 5:15-CR-77-1-BO

FILED IN OPEN COURT  
ON 4/27/2015 <sup>CD</sup>  
Julie Richards Johnston, Clerk  
US District Court  
Eastern District of NC

UNITED STATES OF AMERICA            )  
  )  
  )        AMENDED  
  )        CRIMINAL INFORMATION  
  )        Fed. R. Crim. P. 7  
  )  
GEOFFREY K. MONTAGUE                )

The United States charges that:

COUNT ONE  
18 U.S.C. § 371  
(Conspiracy)

At all times relevant hereto,

1. Defendant GEOFFREY K. MONTAGUE (hereinafter referred to as "MONTAGUE") was a soldier serving at the rank of Staff Sergeant in the United States Army, and assigned to the 3rd Special Forces Group based at Fort Bragg, North Carolina. MONTAGUE currently resides in the Eastern District of North Carolina.

2. From in or about March 2011 through in or about February 2012, MONTAGUE was deployed to Afghanistan with the 3rd Special Forces Group Service Detachment, and was assigned to Camp Brown, a Special Forces compound that is part of Kandahar Air Field. The Detachment supported Special Forces teams based across southern Afghanistan.

3. During the deployment, MONTAGUE was a senior enlisted

member of the unit, and reported to co-conspirator J.E.. MONTAGUE supervised several other soldiers, including co-conspirators Sergeant Christopher Ciampa and Sergeant Enmanuel Lugo. At all times during the deployment, MONTAGUE and the co-conspirators in his unit were "public officials" within the meaning of 18 U.S.C. § 201(a).

4. One of the unit's chief responsibilities during the deployment was management of Transportation Movement Requests ("TMRs"). TMRs were used by military units such as the 3rd Special Forces Group to request transportation support for the movement of various items, to include fuel and military equipment, from one base to another. Fulfillment of an individual TMR required one or more trucks of various types suited for the particular mission.

5. A company referred to here as Company A served as the prime contractor for the TMR contract. Company A packaged and invoiced the costs of TMRs to the NATO Support Agency, or NSPA (formerly known as the NATO Maintenance and Supply Agency, or NAMSA). The United States government provided advance funding to NSPA in order to cover the cost of TMRs that were executed in support of military units. NSPA drew from the U.S.-provided funds in order to pay Company A for the cost of TMRs completed in support of the 3rd Special Forces Group (among other U.S. units). Company A would then pay the individual Afghan trucking

company that executed the TMR.

6. During his deployment to Afghanistan, MONTAGUE supervised the two soldiers, Co-conspirators Ciampa and Lugo, who oversaw the TMR process for the 3rd Special Forces Group.

7. When MONTAGUE's unit received movement requests from military units in the field, the unit submitted TMRs to the prime contractor, Company A, and Company A would in turn assign each TMR to a subcontracted Afghan trucking company. MONTAGUE and other co-conspirators thereby bypassed official contracting procedures which required vetting of the TMRs by other military units and contracting officials prior to submission to Company A. Further, Company A was required by contracting procedures to compete each TMR, but in practice, Company A awarded nearly all TMRs requested by the 3rd Special Forces Group to a single Afghan trucking company, referred to here as Company B, because the 3rd Special Forces Group specifically requested Company B. This was done despite the significantly higher rates charged by Company B.

8. Company B was operated and controlled by a person referred to here as unindicted co-conspirator H.S.

9. MONTAGUE and the co-conspirators monitored the status of the movement requests, and once the transportation was complete, MONTAGUE's unit provided Company A with the signed TMRs as evidence that the requests had been fulfilled.

THE CONSPIRACY

10. Beginning in or about April 2011, the exact date being unknown, and continuing to in or about July 2011, the exact date being unknown, within the Eastern District of North Carolina, Afghanistan, and elsewhere, defendant GEOFFREY K. MONTAGUE combined, conspired, and agreed with co-conspirators J.E., Enmanuel Lugo, Christopher Ciampa, and other persons known and unknown to the United States to commit offenses against the United States, namely:

a. to knowingly and unlawfully embezzle, steal, purloin, and convert to his use, and the use of another, things of value of the United States and a department and an agency thereof, with a total value exceeding the sum of \$1,000, in violation of Title 18, United States Code, Section 641; and

b. to directly and indirectly, corruptly demand, seek, receive, accept, and agree to receive and accept something of value personally, in return for being influenced in the performance of an official act, and to defraud the United States, in violation of Title 18, United States Code, Section 201(b)(2).

PURPOSE OF THE CONSPIRACY

11. It was the purpose of the conspiracy for MONTAGUE and his co-conspirators to use their positions as public officials to: (a) create false TMRs and fraudulently certify that the TMRs had been completed, thereby causing unlawful payments for the TMRs; and (b) facilitate the unlawful theft of U.S. fuel

designated for wartime operations, all in return for money, and to send these proceeds to the United States through various means designed to avoid detection.

MANNER AND MEANS

12. In furtherance of the conspiracy, MONTAGUE, along with others, employed the following manner and means:

a. The co-conspirators created false TMRs requesting the movement of a quantity of fuel by one or more large fuel tanker trucks (each with a capacity of approximately 10,000 gallons), when in fact no such transportation requirement existed or had been requested.

b. Between in or about April 2011 and in or about July 2011, MONTAGUE and the co-conspirators created false TMRs for approximately 82 large fuel tanker trucks.

c. The co-conspirators submitted the false TMRs to Company A, ensuring that the TMRs were assigned by Company A to a specific, subcontracted Afghan trucking company, Company B.

d. The co-conspirators provided the approved TMRs to Company B drivers of Company B fuel tanker trucks and used the TMRs to load the tanker trucks at Kandahar Air Field fuel distribution points with fuel owned by the United States.

e. The co-conspirators and others sold the fuel on the black market in neighboring towns in return for cash payments.

f. The co-conspirators falsely certified by signature that the TMR deliveries had been successfully completed in service of legitimate military requirements.

g. Between in or about April 2011 and in or about July 2011, the co-conspirators falsely certified that the false TMRs representing approximately 82 large truckloads of fuel had been completed successfully.

h. The co-conspirators submitted the certified, false TMRs to Company A, which in turn submitted invoices based on those TMRs to NSPA in order to effect payment to Company B with U.S. government funds for the execution of the TMR.

i. The co-conspirators took receipt of a portion of the proceeds of the fuel sale and the TMR payment and divided the proceeds of the scheme amongst the co-conspirators and sent via wire transfer a portion of the stolen U.S. dollars to the United States from Afghanistan.

j. The co-conspirators transported stolen U.S. dollars on their person and secreted in their luggage back to the United States.

h. MONTAGUE transferred approximately \$30,000 of his proceeds from the bribery scheme to the United States via wire transfer.

#### OVERT ACTS

13. In furtherance of the conspiracy, and to effect the

object thereof, there were committed by at least one of the co-conspirators in the Eastern District of North Carolina and at U.S. military installations in Afghanistan, at least one of the following overt acts, among others:

a. At a meeting in a restaurant on Kandahar Air Field in or about April 2011, MONTAGUE was told by co-conspirators J.E. and Ciampa about the bribery scheme involving the TMR process, and at the meeting, MONTAGUE was invited by the co-conspirators to receive a share of the bribery proceeds, and MONTAGUE agreed to do so, and after the meeting MONTAGUE accepted approximately \$20,000 in cash, which he knew to be proceeds from the bribery scheme, and he stored that sum of cash in his living quarters.

b. On or about May 5, 2011, co-conspirator Ciampa created and signed a false TMR requesting one large fuel tanker truck to transport fuel from Kandahar Air Field to Talukan, Afghanistan, when in fact no such requirement existed.

c. On or about May 20, 2011, co-conspirator Ciampa certified by his signature that the transport of fuel from Kandahar Air Field to Talukan, Afghanistan by one large fuel tanker truck had occurred on May 13, 2011, when in fact it had not occurred, and when in fact the fuel had been transported elsewhere and stolen.

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

371, and pursuant to the extraterritorial venue provision of Title 18, United States Code, Section 3238.

COUNT TWO  
18 U.S.C. § 201(b)(2)  
(Bribery)

14. Paragraphs 1 through 10 and 13 of this Information are incorporated by reference as if fully stated herein, and the following is further alleged:

15. From in or about April 2011 until in or about July 2011, defendant GEOFFREY K. MONTAGUE, a public official, knowingly and unlawfully, directly and indirectly, corruptly demanded, sought, received, accepted, and agreed to receive and accept money in return for being influenced in the performance of official acts, and in return for being influenced to commit and aid in committing, and collude in and allow any fraud and make the opportunity for the commission of any fraud on the United States; that is, MONTAGUE corruptly demanded, sought, received, and accepted money from the sale of fraudulently obtained U.S. fuel in return for colluding with Company B and for aiding and facilitating the payment to Company B for false TMRs, and for aiding and facilitating the theft of fuel from Kandahar Air Field.

All in violation of Title 18, United States Code, Section 201(b)(2), and pursuant to the extraterritorial venue provision



of Title 18, United States Code, Section 3238.

FORFEITURE NOTICE

The defendant is given notice of the provisions of 18 United States Code, Section 981(a)(1)(C), as made applicable by Title 28, United States Code, Section 2461, that all of his interest in all property specified herein is subject to forfeiture.

As a result of the foregoing offenses as alleged in this criminal information, the defendant shall forfeit to the United States any property, real or personal, which constitutes or is derived from proceeds traceable to the said offenses.

The forfeitable property includes, but is not limited to U.S. currency in the amount of \$7,499,200.

If any of the above-described forfeitable property, as a result of any act or omission of the defendant,

(1) cannot be located upon the exercise of due diligence;

(2) has been transferred or sold to, or deposited with, a third person;

(3) has been placed beyond the jurisdiction of the court;

(4) has been substantially diminished in value; or

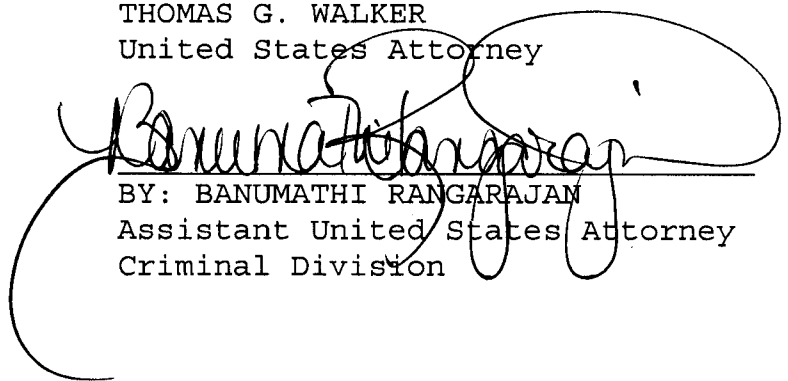
(5) has been commingled with other property which cannot be subdivided without difficulty,

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any

other property of said defendant up to the value of the above forfeitable property.


All in accordance with Title 18, United States Code, Section 981.

THOMAS G. WALKER  
United States Attorney



BY: BANUMATHI RANGARAJAN  
Assistant United States Attorney  
Criminal Division

ANDREW WEISSMAN  
Chief  
Fraud Section  
Criminal Division



BY: L. WADE WEEMS  
Trial Attorney