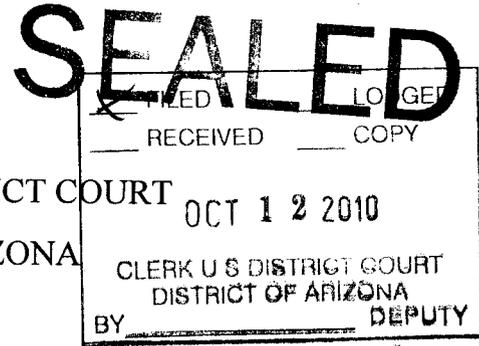


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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

United States of America,

Plaintiff,

v.

Guisepppe Luciano Menegazzo Carrasquel,
(Counts 1 - 2)

Oscar Rafael Colmenarez Villalobos,
(Counts 1 - 2)

Roy Wayne Roby,
(Counts 1 - 2)

Defendants.

CR 10 1462 PHX GMS ECV
INDICTMENT

VIO: 18 U.S.C. § 371
(Conspiracy to violate Arms
Export Control Act)
Count 1

22 U.S.C. §§ 2778(b)(2) and (c),
22 C.F.R. §§ 121.1, 123.1 and
127.1
(Violation of the Arms Export
Control Act)
Count 2

18 U.S.C. § 2
(Aid and Abet)
Count 2

21 U.S.C. § 853(p),
18 U.S.C. § 982(a)(1) and
28 U.S.C. § 2461(c)
(Forfeiture Allegation)

THE GRAND JURY CHARGES:

COUNT 1
(Conspiracy to violate AECA)

INTRODUCTION

At all times material to this Indictment:

1. Floyd D. Stilwell, was the President and CEO of Marsh Aviation Company.

1 designated on the United States Munitions List ("USML"). Those designations are made by the
2 State Department with concurrence of the United States Department of Defense. (Title 22,
3 United States Code, Section 2778(a)(1), and 22 C.F.R. Section 120.2).

4 9. It is the policy of the United States to deny licenses with respect to the export of
5 defense articles whenever an export would not be in furtherance of world peace and the security
6 and foreign policy of the United States (22 C.F.R. § 126.1).

7 10. Category VIII(b) of the USML includes military aircraft engines (22 C.F.R.
8 §121.1). At all time relevant to this Indictment, the T-76 military aircraft engine for the OV-10
9 Bronco aircraft is a "defense article" on Category VIII(b) of the Munitions List.

10 11. The United States Congress has enacted federal law which directs that no defense
11 article or defense service may be sold or licensed for export to a foreign country which is not
12 cooperating fully with United States antiterrorism efforts. Since August 17, 2006, the President
13 has determined repeatedly that Venezuela is not cooperating fully with our nation's antiterrorism
14 efforts. Accordingly, pursuant to federal law, no person may sell or obtain a license to export
15 defense articles and services to Venezuela. Title 22, United States Code, Section 2781; 22
16 C.F.R.126.1.

17 12. At no time did defendants, GUISEPPE LUCIANO MENEGAZZO
18 CARRASQUEL, OSCAR RAFAEL COLMENAREZ VILLALOBOS, and ROY WAYNE
19 ROBY, nor any other person, obtain a license to export the T-76 military aircraft engine for the
20 OV-10 Bronco aircraft or any other defense article to Venezuela.

21 **CONSPIRACY**

22 13. Beginning on and before November 2005 and continuing up to and including
23 February 5, 2008, within the District of Arizona, and elsewhere, defendants, GUISEPPE
24 LUCIANO MENEGAZZO CARRASQUEL, OSCAR RAFAEL COLMENAREZ
25 VILLALOBOS, ROY WAYNE ROBY, and others known and unknown to the grand jury, did
26 knowingly and willfully combine, conspire, confederate, and agree with each other, to commit
27 offenses against the United States, to wit:

- 1 a. to willfully export and cause to be exported from the United States to a
2 place outside thereof, that is Venezuela, defense articles designated on the
3 United States Munitions List without first having obtained from the
4 Department of State a license or written authorization for such export, in
5 violation of Title 22, United States Code, Sections 2778(b)(2) and (c), and
6 Title 22, Code of Federal Regulations, Sections 121.1, 123.1, and 127.1;

7 **OBJECTS OF THE CONSPIRACY**

8 14. The objects of the conspiracy were:

- 9 a.. to illegally enrich the co-conspirators by unlawfully exporting T-76
10 military aircraft engines for the OV-10 Bronco aircraft from the United
11 States to Venezuela;
- 12 b. to evade the prohibitions and licensing requirements of the AECA and the
13 ITAR,
- 14 c. to conceal the prohibited activities and transactions from detection by the
15 United States government so as to avoid penalties and disruption of the
16 illegal activity;
- 17 d. to cause T-76 military aircraft engines for the OV-10 Bronco aircraft to be
18 exported from the United States to individuals and entities in Venezuela;
19 and,
- 20 e. to cause materially false, misleading, and incomplete information to be
21 placed on shipping documents.

22 **METHOD AND MEANS OF THE CONSPIRACY**

23 15. The method and means by which the defendant and others known and unknown
24 to the grand jury sought to accomplish the objects of the conspiracy included, among others, the
25 following:

- 26 a. Defendants, GUISEPPE LUCIANO MENEGAZZO CARRASQUEL,
27 OSCAR RAFAEL COLMENAREZ VILLALOBOS, ROY WAYNE ROBY, and others known
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1 and unknown to the grand jury, used email accounts and other forms of communication to
2 communicate with each other and with other individuals located in the United States and
3 Venezuela.

4 b. Defendants, GUISEPPE LUCIANO MENEGAZZO CARRASQUEL,
5 OSCAR RAFAEL COLMENAREZ VILLALOBOS, ROY WAYNE ROBY, and others known
6 and unknown to the grand jury, traveled within the United States and internationally to
7 communicate with each other and to facilitate the export of T-76 military aircraft engines for the
8 OV-10 Bronco aircraft from the United States and Venezuela.

9 c. Floyd D. Stilwell caused the property of Marsh Aviation to be used to
10 facilitate the export of T-76 military aircraft engines for the OV-10 Bronco aircraft from the
11 United States to Venezuela.

12 d. Defendants, GUISEPPE LUCIANO MENEGAZZO CARRASQUEL,
13 OSCAR RAFAEL COLMENAREZ VILLALOBOS, ROY WAYNE ROBY, and others known
14 and unknown to the grand jury, caused T-76 military aircraft engines for the OV-10 Bronco
15 aircraft to be disassembled in order to conceal the export of the engines from the United States
16 to Venezuela.

17 e. Defendants, GUISEPPE LUCIANO MENEGAZZO CARRASQUEL,
18 OSCAR RAFAEL COLMENAREZ VILLALOBOS, ROY WAYNE ROBY, and others known
19 and unknown to the grand jury, caused materially false, misleading, and incomplete information
20 to be placed on shipping documents and export control documents, to conceal the export of T-76
21 military aircraft engines for the OV-10 Bronco aircraft from the United States to Venezuela.

22 f. Defendants, GUISEPPE LUCIANO MENEGAZZO CARRASQUEL,
23 OSCAR RAFAEL COLMENAREZ VILLALOBOS, ROY WAYNE ROBY, and others known
24 and unknown to the grand jury, caused T-76 military aircraft engines for the OV-10 Bronco
25 aircraft to be exported from the United States to individuals and entities in Venezuela.

26 **OVERT ACTS**

27 16. In furtherance of the conspiracy and to effect the objects thereof, the following overt
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1 acts, among others, were committed within the District of Arizona, and elsewhere:

2 a. Floyd D. Stilwell agreed to change the original contract, with the
3 Venezuelan Air Force, to overhaul and upgrade T-76 military aircraft engines for the OV-10
4 Bronco aircraft, to reflect that the engines were civilian TPE 331 aircraft engines.

5 b. On or about March 5, 2007, ROY WAYNE ROBY sent an e-mail to Floyd
6 D. Stilwell, and offered to represent Floyd D. Stilwell and his company, Marsh Aviation
7 Company, with the Venezuelan Air Force regarding the T-76 military aircraft engines for the
8 OV-10 Bronco aircraft. Within the e-mail communication, ROY WAYNE ROBY
9 acknowledged the military embargo with Venezuela and stated there were ways to avoid the
10 embargo.

11 c. On or about March 8, 2007, Floyd D. Stilwell received 1.8 million dollars
12 into his personal bank account in furtherance of T-76 contract.

13 d. On or about May 11, 2007, Floyd D. Stilwell drafted and sent a letter to the
14 ROY WAYNE ROBY appointing ROBY as his exclusive agent for Venezuela for all civil and
15 military programs.

16 e. On or about May 2007, ROY WAYNE ROBY sent Floyd D. Stilwell
17 correspondence discussing the completion of the contract for the overhaul and upgrade T-76
18 military aircraft engines for the Venezuelan Air Force including the shipment of six aircraft
19 engines to Venezuela where they would be reassembled.

20 f. On or between October 2007 and November 2007, GUISEPPE LUCIANO
21 MENEGAZZO CARRASQUEL and OSCAR RAFAEL COLMENAREZ VILLALOBOS
22 disassembled four T-76 military aircraft engines for the OV-10 Bronco aircraft.

23 g. On or about October 2007, Floyd D. Stilwell allowed Marsh Aviation
24 Company's packaging materials to be used to package four T-76 military aircraft engines for the
25 OV-10 Bronco aircraft for export to Venezuela.

26 h. On or about October 2007, Floyd D. Stilwell recruited an employee of
27 Marsh Aviation Company to travel to Venezuela to reassemble T-76 military aircraft engines
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1 for the OV-10 Bronco aircraft.

2 i. On and between October 2007 and November 2007, GUISEPPE LUCIANO
3 MENEGAZZO CARRASQUEL and OSCAR RAFAEL COLMENAREZ VILLALOBOS
4 caused four T-76 military aircraft engines for the OV-10 Bronco aircraft to be shipped to Miami,
5 Florida for export to Venezuela.

6 j. During and after November 2007, GUISEPPE LUCIANO MENEGAZZO
7 CARRASQUEL, OSCAR RAFAEL COLMENAREZ VILLALOBOS, ROY WAYNE ROBY,
8 and others known and unknown to the grand jury caused four T-76 military aircraft engines for
9 the OV-10 Bronco aircraft to be exported to Venezuela.

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

11 **COUNT 2**

12 1. Paragraphs 1 through 16 of Count 1 are re-alleged, and incorporated herein, by
13 reference.

14 2. Between on or about August 2006 and continuing to on or about and continuing
15 up to and including February 5, 2008, within the District of Arizona and elsewhere, GUISEPPE
16 LUCIANO MENEGAZZO CARRASQUEL, OSCAR RAFAEL COLMENAREZ
17 VILLALOBOS, ROY WAYNE ROBY, and others known and unknown to the grand jury, did
18 knowingly and willfully export from the United States to the country of Venezuela four T-76
19 military aircraft engines for the OV-10 Bronco aircraft, which items were designated as defense
20 articles in Category VIII(b) of the United States Munitions List, without having first obtained
21 from the United States Department of State, Directorate of Defense Trade Controls, a license for
22 such export or written authorization for such export.

23 All in violation of Title 22, United States Code, Section 2778(b)(2) and (c), Title 22,
24 Code of Federal Regulations, Sections 121.1, 123.1, 127.1, and Title 18, United States Code,
25 Section 2.

26 **FORFEITURE ALLEGATION**

27 1. The allegations contained in Counts 1 and 2 of this Indictment are hereby re-
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1 alleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title
2 18, United States Code, Section 982(a)(1).

3 2. Pursuant to Title 18, United States Code, Section 982(a)(1), upon conviction of
4 an offense in violation of Title 18, United States Code, Section 371 and Title 22, United States
5 Code, Section 2778(b)(2), as alleged in Count One and Two of the Indictment, defendants,
6 GUISEPPE LUCIANO MENEGAZZO CARRASQUEL, OSCAR RAFAEL COLMENAREZ
7 VILLALOBOS, and ROY WAYNE ROBY shall forfeit to the United States of America any
8 property, real or personal, involved in such offense, and any property traceable to such property.
9 The property to be forfeited includes, but is not limited to, the following:

- 10 a. 1.8 Million Dollars;
- 11 b. Two T-76 military aircraft engines for the OV-10 Bronco aircraft; and
- 12 c. Aircraft parts for twelve T-76 military vaircraft engines for the OV-10
13 Bronco aircraft.

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

- 16 a. cannot be located upon the exercise of due diligence;
- 17 b. has been transferred or sold to, or deposited with, a third party;
- 18 c. has been placed beyond the jurisdiction of the court;
- 19 d. has been substantially diminished in value; or
- 20 e. has been commingled with other property which cannot be divided
21 without difficulty,

22 the United States of America shall be entitled to forfeiture of substitute property pursuant to Title

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1 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section
2 982(a)(1) and Title 28, United States Code, Section 2461(c).

3 All Pursuant to 18 U.S.C. § 982(a)(1) and 28 U.S.C. § 2461(c).

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A TRUE BILL

/s/

FOREPERSON OF THE GRAND JURY
Date: October 12, 2010

DENNIS K. BURKE
United States Attorney
District of Arizona

/s/

DAVID A. PIMSNER
Assistant U.S. Attorney