

Note: the names of individuals and dealerships have been changed to fictitious names.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA )  
 )  
 v. ) CRIMINAL No. \_\_\_\_\_  
 )  
 CHARLES CLOCKER, )  
 a/k/a Fred Filbert, )  
 a/k/a Fred Filbert II, )  
 a/k/a Fred Filbert III, )

INDICTMENT

The Grand Jury charges:

COUNT ONE

1. At times relevant and material to this Indictment defendant CHARLES CLOCKER was engaged in the business of buying and selling used motor vehicles in the Kansas City area (including Kansas City, Missouri, and Kansas City, Kansas), doing business under various dealership names, including AB Auto Sales, A & B Auto Sales, Street Auto Credit, and C & D Motors, and using various names to represent himself in his used car business, including Larry Cartwright, Daniel Rinehart, and Matthew Wiles.

2. As used in this Indictment, the following vehicle numbers refer to the vehicles identified below:

<u>Vehicle Number</u>	<u>Year</u>	<u>Make and Model</u>	<u>Vehicle Identification Number</u>
1	1993	Cadillac Deville	XXXXXXXXXXXXXXXXXXXX
2	1991	Eagle Talon	XXXXXXXXXXXXXXXXXXXX
3	1989	Ford Mustang	XXXXXXXXXXXXXXXXXXXX
4	1992	Cadillac Seville	XXXXXXXXXXXXXXXXXXXX
5	1991	Toyota Camry	XXXXXXXXXXXXXXXXXXXX
6	1993	Cadillac Deville	XXXXXXXXXXXXXXXXXXXX
7	1992	Pontiac Grand Prix	XXXXXXXXXXXXXXXXXXXX
8	1993	Cadillac Deville	XXXXXXXXXXXXXXXXXXXX
9	1993	Cadillac Deville	XXXXXXXXXXXXXXXXXXXX
10	1993	Lincoln Town Car	XXXXXXXXXXXXXXXXXXXX
11	1993	Cadillac Deville	XXXXXXXXXXXXXXXXXXXX

3. Beginning at a time unknown to the Grand Jury, but at least as early as September 1996, and continuing through at least April 9, 1999, the exact dates being unknown to the Grand Jury, within the District of Kansas and elsewhere,

CHARLES CLOCKER,

defendant herein, did knowingly, willfully and unlawfully combine, conspire, confederate, and agree with other persons known and unknown to the Grand Jury, to commit various offenses against the United States, that is:

(a) to knowingly and willfully reset and alter, and cause to be reset and altered, the odometers of used motor vehicles, with the intent to change the number of miles indicated on those odometers, in violation of Title 49, United States Code, Sections 32703(2) and 32709(b);

(b) to knowingly and willfully give and cause to be given, in making the written disclosures to buyers of used motor vehicles required by Title 49, United States Code, Section 32705(a)(1), and Title 49, Code of Federal Regulations, Part 580, false statements relating to the actual mileage of the vehicles, in violation of Title 49, United States Code, Sections 32705(a)(2) and 32709(b); and

(c) to cause to be taken and received from the United States Postal Service, titles and other documents mailed by the State of Kansas to the consumer purchasers of the motor vehicles, for the purpose of executing and attempting to execute a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, well knowing that said pretenses, representations, and promises would be false and fraudulent when made, in violation of Title 18, United States Code, Section 1341.

#### MEANS AND MANNER OF THE CONSPIRACY AND THE SCHEME

4. It was part of the conspiracy and the scheme that the defendant and his co-conspirators purchased numerous high-mileage used motor vehicles, caused the odometers of those vehicles to be rolled back to lower mileage figures, and resold the vehicles, representing to the buyers that the false low-mileage readings then showing on the vehicles' odometers were the vehicles' correct mileage readings;

5. It was further part of the conspiracy and the scheme that the defendant CHARLES CLOCKER purchased and caused to be purchased high-mileage used motor vehicles from used car dealers and individuals advertising the sale of used vehicles in the Kansas City area and in Dallas, Texas area;

6. It was further part of the conspiracy and the scheme that the defendant CHARLES CLOCKER obtained false identification documents in the names of deceased individuals and used these false identification documents for various business purposes, including opening private mail boxes that were used for the delivery of motor vehicle titles;

7. It was further part of the conspiracy and the scheme that the defendant CHARLES CLOCKER listed, as the purchaser on various motor vehicle titles, various false names which corresponded to false identification documents he possessed;

8. It was further part of the conspiracy and the scheme that the defendant CHARLES CLOCKER caused the odometers of those motor vehicles to be reset and altered to reflect false, lower mileage figures;

9. It was further part of the conspiracy and the scheme that the defendant caused the alteration of mileage readings on title documents of vehicles purchased and sold by the defendant and his co-conspirators to reflect false, lower mileage readings;

10. It was further part of the conspiracy and the scheme that the defendant CHARLES CLOCKER, using names other than his own name and the names of various dealerships, directly and through others, applied for and obtained newly issued titles from the State of Missouri and the State of Kansas that reflected these false odometer readings;

11. It was further part of the conspiracy and the scheme that the defendant CHARLES CLOCKER advertised and caused to be advertised the sale of used motor vehicles in the Kansas City area;

12. It was further part of the conspiracy and the scheme that the defendant CHARLES CLOCKER and others working under his direction falsely represented to consumers the true

ownership of vehicles and the true mileage of the vehicles' odometers;

13. It was further part of the conspiracy and the scheme that the defendant's actions and misrepresentations caused the State of Kansas to deliver titles and other documents bearing false odometer readings to purchasers of used motor vehicles in the Kansas City area through the United States Postal Service; and

14. It was further part of the conspiracy and the scheme that the defendant's actions and misrepresentations led the defendant to receive a higher price for the vehicles sold than he would have received if he had informed buyers of the vehicles' true mileage readings, and that buyers of the vehicles, including ultimate consumers, paid more for the vehicles than they would have paid if they had known the vehicles' correct mileage readings.

#### OVERT ACTS

15. In furtherance of the conspiracy, and to effect the objects and purposes thereof, the following overt acts, among others, were committed within the District of Kansas and elsewhere:

(a) On or about October 10, 1997, CHARLES CLOCKER purchased Vehicle Number 1 with approximately 93,078 miles registered on the odometer.

(b) On or about October 27, 1997, CHARLES CLOCKER caused a title containing an odometer disclosure statement relating to Vehicle Number 1 to be provided to a consumer purchaser on which "Fred Filbert" falsely certified as accurate the mileage of 34,192.

(c) On or about October 25, 1996, CHARLES CLOCKER purchased Vehicle Number 2 with approximately 102,899 miles registered on the odometer.

(d) On or about December 9, 1996, CHARLES CLOCKER caused a title containing an odometer disclosure statement relating to Vehicle Number 2 to be provided to a

consumer purchaser that falsely certified as accurate the mileage of 75,076.

(e) On or about April 19, 1997, CHARLES CLOCKER purchased Vehicle Number 3 with approximately 150,000 miles registered on the odometer.

(f) On or about April 30, 1997, CHARLES CLOCKER caused a title containing an odometer disclosure statement relating to Vehicle Number 3 to be provided to a consumer purchaser on which "Fred Filbert II" falsely certified as accurate the mileage of 45,731.

(g) On or about October 8, 1997, CHARLES CLOCKER purchased Vehicle Number 4 with approximately 166,000 miles registered on the odometer.

(h) On or about October 24, 1997, CHARLES CLOCKER caused a title containing an odometer disclosure statement relating to Vehicle Number 4 to be provided to a consumer purchaser on which "Fred Filbert II" falsely certified as accurate the mileage of 42,784.

(i) On or about October 24, 1997, CHARLES CLOCKER purchased Vehicle Number 5 with approximately 75,000 miles registered on the odometer.

(j) On or about November 12, 1997, CHARLES CLOCKER caused a title containing an odometer disclosure statement relating to Vehicle Number 5 to be provided to a consumer purchaser on which "Fred Filbert" falsely certified as accurate the mileage of 65,352.

(k) On or about November 13, 1997, CHARLES CLOCKER used a Kansas Identification Card issued to "Fred Filbert" for the purpose of cashing a check written in relation to the sale of Vehicle Number 5.

(l) On or about July 31, 1998, CHARLES CLOCKER purchased Vehicle Number 6 with approximately 86,333 miles registered on the odometer.

(m) On or about August 20, 1998, CHARLES CLOCKER caused a title

containing an odometer disclosure statement relating to Vehicle Number 6 to be provided to a consumer purchaser on which "Fred Filbert III" falsely certified as accurate the mileage of 41,330.

(n) On or about March 26, 1997, CHARLES CLOCKER purchased Vehicle Number 7 with approximately 65,000 miles registered on the odometer.

(o) On or about April 26, 1997, CHARLES CLOCKER caused a title containing an odometer disclosure statement relating to Vehicle Number 7 to be provided to a consumer purchaser on which "Fred Filbert" falsely certified as accurate the mileage of 45,500.

(p) On or about February 3, 1997, CHARLES CLOCKER purchased Vehicle Number 8 with approximately 115,100 miles registered on the odometer.

(q) On or about April 6, 1997, CHARLES CLOCKER caused a title containing an odometer disclosure statement relating to Vehicle Number 8 to be provided to a consumer purchaser on which "Fred Filbert III" falsely certified as accurate the mileage of 42,449.

(r) On or about October 24, 1997, CHARLES CLOCKER purchased Vehicle Number 9 with approximately 72,400 miles registered on the odometer.

(s) On or about October 30, 1997, CHARLES CLOCKER caused a title containing an odometer disclosure statement relating to Vehicle Number 9 to be provided to a consumer purchaser on which "Fred Filbert II" falsely certified as accurate the mileage of 34,506.

(t) On or about August 21, 1998, CHARLES CLOCKER purchased Vehicle Number 10 with approximately 88,858 miles registered on the odometer.

(u) On or about September 2, 1998, CHARLES CLOCKER caused the sale of

Vehicle Number 10 to a consumer purchaser with approximately 41,971 miles registered on the odometer.

(v) On or about July 11, 1998, CHARLES CLOCKER purchased Vehicle Number 11 with approximately 89,908 miles registered on the odometer.

(w) On or about July 27, 1998, CHARLES CLOCKER caused a title containing an odometer disclosure statement relating to Vehicle Number 11 to be provided to a consumer purchaser on which "Fred Filbert II" falsely certified as accurate the mileage of 41,609.

In violation of Title 18, United States Code, Section 371.

COUNTS TWO THROUGH SIX

1. Paragraphs 1 and 2 of Count One are realleged here as if fully set forth.
2. On or about the dates listed below, within the District of Kansas,

CHARLES CLOCKER,

defendant herein, did knowingly and willfully give and cause to be given, in making the written disclosures to the buyers of used motor vehicles required by Title 49, United States Code, Section 32705(a)(1), and Title 49, Code of Federal Regulations, Part 580, false statements relating to the actual mileage of the motor vehicles listed below, in that CHARLES CLOCKER certified and caused to be certified as accurate the false mileages listed below, when in fact the odometers of the vehicles had previously registered the approximate high mileages listed below at the time defendant acquired and caused to be acquired the vehicles, each such instance being a separate and additional Count of this Indictment:



<u>Count</u>	<u>Date</u>	<u>Vehicle Number</u>	<u>Approximate High Mileage</u>	<u>False Low Mileage</u>
Two	December 9, 1996	2	102,899	75,076
Three	April 30, 1997	3	150,000	45,731
Four	October 24, 1997	4	166,000	42,784
Five	November 12, 1997	5	75,000	65,352
Six	August 20, 1998	6	86,333	41,330

In violation of Title 49, United States Code, Sections 32705(a)(2) and 32709(b), and Title 18, United States Code, Section 2.

COUNTS SEVEN THROUGH TWELVE

1. Paragraphs 1, 2, and 4 through 14 of Count One are realleged here as if fully set forth.
2. Beginning at a time unknown to the Grand Jury, but at least as early as September 1996, and continuing through at least April 9, 1999, the exact dates being unknown to the Grand Jury, within the District of Kansas and elsewhere,

CHARLES CLOCKER,

defendant herein, devised and intended to devise a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations and promises, well knowing that said pretenses, representations, and promises would be and were false and fraudulent when made.

3. On or about the dates listed below, within the District of Kansas, for the purpose

of executing and attempting to execute said scheme and artifice to defraud,

CHARLES CLOCKER,

defendant herein, caused to be taken and received from the United States Postal Service, titles and other documents mailed by the State of Kansas to the consumer purchasers of the said motor vehicles listed below, each such instance being a separate and additional count of this Indictment:

<u>Count</u>	<u>Date</u>	<u>Vehicle Number</u>
Seven	January 29, 1997	2
Eight	July 10, 1997	3
Nine	November 13, 1997	4
Ten	December 2, 1997	5
Eleven	October 20, 1998	6
Twelve	July 18, 1997	7

In violation of Title 18, United States Code, Sections 1341 and 2.

COUNT THIRTEEN

1. Paragraphs 1, 2, and 4 through 14 of Count One are realleged here as if fully set forth.
2. On or about November 9, 1996, within the District of Kansas, for the purpose of conducting, promoting, and carrying on by means of the Postal Service, a scheme and artifice to defraud, namely the scheme and artifice to defraud charged in Counts Seven through Twelve,

CHARLES CLOCKER,

defendant herein, did knowingly take and receive and cause to be taken and received from an

authorized depository of mail matter, mail matter addressed to a fictitious, false, and assumed name that corresponded to the fictitious, false, and assumed name listed on the duplicate motor vehicle title issued by the State of Kansas as the owner of Vehicle Number 2.

In violation of Title 18, United States Code, Sections 1341 and 2.

A TRUE BILL:

\_\_\_\_\_  
FOREPERSON OF THE GRAND JURY

XXXXXXXXXXXXXXXXXXXXXXXXXXXX  
United States Attorney

by: \_\_\_\_\_

XXXXXXXXXXXXXXXXXXXXXXXXXXXX  
Assistant U.S. Attorney  
(xxx) xxx-xxxx

\_\_\_\_\_  
XXXXXXXXXXXXXXXXXXXXXXXXXXXX  
Trial Attorney  
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