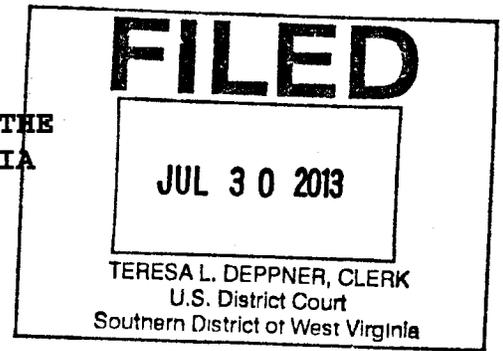


UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON GRAND JURY 2013-1
JULY 30, 2013 SESSION



UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:13-00198

18 U.S.C. § 371

CHARLES RAYMOND FRANKLIN

18 U.S.C. § 641

I N D I C T M E N T

The Grand Jury Charges:

COUNT ONE
(Conspiracy to Steal and Receive Public Property)

Background

NSW Ops Stock Program

At all relevant times:

1. The Naval Special Warfare Command (NSW) was a component of the Department of the Navy (the "Navy"). The Navy was a department of the United States within the Department of Defense.

2. The NSW commanded, trained, equipped and deployed NSW Squadrons to meet the needs of naval operations located around the world.

3. The NSW contracted with the West Virginia National Guard (WVNG) to run its Operational Stock (Ops Stock) program. Ops Stock was a Navy funded program that stored and maintained equipment for use in naval operations.

4. As part of the NSW Ops Stock program, the WVNG built, stored, maintained, repaired and shipped operational stocks and Civil Engineering Support Equipment.

5. The WVNG conducted these services for the NSW at the WVNG's Combined Support Maintenance Shop in Red House, Putnam County, West Virginia.

6. The equipment maintained by the WVNG as part of the Ops Stock program used diesel fuel.

The Conspiracy

7. From on or about May 24, 2012 and continuing to on or about March 28, 2013, defendant CHARLES RAYMOND FRANKLIN and a person known to the Grand Jury ("the known person"), did knowingly conspire to commit offenses against the United States, that is to steal and receive property belonging to the United States, in violation of 18 U.S.C. § 641.

Object of the Conspiracy

8. It was the known person's object in this conspiracy to steal diesel fuel from the NSW Ops Stock program and sell it to the defendant, CHARLES RAYMOND FRANKLIN, for personal gain.

9. It was defendant CHARLES RAYMOND FRANKLIN's object in the conspiracy to receive the stolen diesel at a deeply discounted price, and convert it to his own use, using it for his personal vehicles and diesel furnace, among other uses.

Manner and Means

10. It was part of the conspiracy that the known person would steal the diesel fuel from the NSW Ops Stock program.

11. It was further part of the conspiracy that the known person would deliver the stolen diesel fuel directly to defendant CHARLES RAYMOND FRANKLIN's home.

12. It was further part of the conspiracy that defendant CHARLES RAYMOND FRANKLIN would pay the known person \$100 per 100 gallons of diesel fuel - a price far below the fair market value of the diesel fuel.

Overt Acts

13. To effect the objects of this conspiracy, defendant CHARLES RAYMOND FRANKLIN and the known person would and did commit the following and other overt acts within the Southern District of West Virginia:

A. On or about February 15, 2013, at or near Red House, Putnam County, West Virginia, the known person filled up tanks of diesel fuel from the NSW Ops Stock program.

B. On or about February 15, 2013, the known person transported the stolen diesel fuel, in a vehicle with government license plates, to defendant CHARLES RAYMOND FRANKLIN's home.

C. On or about February 15, 2013, defendant CHARLES RAYMOND FRANKLIN paid the known person in cash for the stolen diesel fuel.

D. On or about February 18, 2013, at or near Red House, Putnam County, West Virginia, the known person filled up tanks of diesel fuel from the NSW Ops Stock program.

E. On or about February 19, 2013, the known person transported the stolen diesel fuel, in a truck with government license plates, to defendant CHARLES RAYMOND FRANKLIN's home.

F. On or about February 19, 2013, defendant CHARLES RAYMOND FRANKLIN paid the known person in cash for the stolen diesel fuel.

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

COUNT TWO

1. The United States realleges and incorporates by reference paragraphs one through six of Count One of this indictment as though wholly set forth herein.

2. On or about February 15, 2013, at or near Red House, Putnam County, West Virginia, within the Southern District of West Virginia, defendant CHARLES RAYMOND FRANKLIN, did willfully and knowingly receive, conceal, and retain stolen property of the United States, that is, approximately 196 gallons of diesel fuel, valued at over \$500, with intent to convert said property to his own use, then knowing that said property was stolen.

In violation of Title 18, United States Code, Section 641.

COUNT THREE

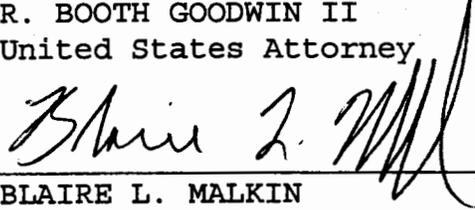
1. The United States realleges and incorporates by reference paragraphs one through six of Count One of this indictment as though wholly set forth herein.

2. On or about February 19, 2013, at or near Red House, Putnam County, West Virginia, within the Southern District of West Virginia, defendant CHARLES RAYMOND FRANKLIN, did willfully and knowingly receive, conceal, and retain stolen property of the United States, that is, approximately 194 gallons of diesel fuel, valued at over \$500, with intent to convert said property to his own use, then knowing that said property was stolen.

In violation of Title 18, United States Code, Section 641.

R. BOOTH GOODWIN II
United States Attorney

By:



BLAIRE L. MALKIN
Assistant United States Attorney