

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

DEC 11 2013

CHRIS R. JOHNSON, Clerk
By

Deputy Clerk

UNITED STATES OF AMERICA)

No. 5:13CR50087-001

v.)

18 U.S.C. §§ 1341 and 2

ANDREW C. JUDKINS)

18 U.S.C. §§ 1343 and 2

18 U.S.C. §§ 1344 and 2

18 U.S.C. §§ 1956(a)(1)(B)(i) and 2

18 U.S.C. §§ 1957 and 2

SUPERSEDING INDICTMENT

The Grand Jury Charges:

INTRODUCTION

1. At all times pertinent to this Superseding Indictment, **ANDREW C. JUDKINS**, (hereinafter "**JUDKINS**") was the sole owner, operator and managing member of A. Camp Equipment, L.L.C. (hereinafter "A. Camp Equipment"). A. Camp Equipment was in the business of buying, selling, renting, and servicing bulldozers, excavators, backhoes, and other new and used heavy construction equipment.

2. A. Camp Equipment had an operation on West Wedington Drive in Fayetteville, Arkansas, in the Western District of Arkansas, Fayetteville Division. A. Camp Equipment had a second operation in Little Rock, Arkansas.

3. **JUDKINS** regularly bought A. Camp Equipment's inventory using a "floor plan." Floor plan financing is a revolving line of credit that allows a borrower to obtain financing for retail goods by using a specific piece of equipment as collateral for the loan. When each piece of equipment that collateralizes the floor plan is sold, the loan advance against that piece of equipment must be repaid. In short, floor plan financing is commonly used by automobile and

heavy equipment dealers to borrow money to purchase inventory. When the inventory is sold, the lender is to be repaid.

4. **JUDKINS** had floor plan financing arrangements with First Security Bank in Springdale, Arkansas, and Bank of the Ozarks in Fayetteville, Arkansas. First Security Bank and Bank of the Ozarks are financial institutions whose deposits are insured by the Federal Deposit Insurance Corporation. Both banks conduct business that affects interstate commerce in the Western District of Arkansas, Fayetteville Division, and elsewhere.

5. **JUDKINS** also had floor plan financing arrangements with GE Commercial Distribution Finance Corporation in St. Louis, Missouri, and Wells Fargo Equipment Finance, Inc. in Minneapolis, Minnesota, and Tempe, Arizona. GE Commercial Distribution Finance Corporation and Wells Fargo Equipment Finance, Inc. provide floor plan financing to heavy equipment dealers.

6. Beginning on or about December 15, 2005 and continuing through and including on or about November 23, 2009, **JUDKINS** obtained floor plan financing from First Security Bank in Springdale, Arkansas, to purchase heavy equipment. The loan documents signed by **JUDKINS** authorized First Security Bank to inspect and conduct on-site audits of the collateralized equipment. The loan documents required First Security Bank to be repaid when the equipment was sold.

7. Beginning on or about June 19, 2006 and continuing through and including on or about November 23, 2009, **JUDKINS** obtained floor plan financing from Bank of the Ozarks in Fayetteville, Arkansas, to purchase heavy equipment. The loan documents signed by **JUDKINS** authorized Bank of the Ozarks to inspect and conduct on-site audits of the collateralized

equipment. The loan documents required Bank of the Ozarks to be repaid when the equipment was sold.

8. Beginning on or about April 8, 2005, **JUDKINS** obtained floor plan financing from GE Commercial Distribution Finance Corporation to purchase heavy equipment. The loan documents signed by **JUDKINS** authorized GE Commercial Distribution Finance Corporation to inspect and conduct on-site audits of the collateralized equipment. The loan documents required GE Commercial Distribution Finance Corporation to be repaid when the equipment was sold.

9. Beginning in or about 2008, **JUDKINS** obtained floor plan financing from Wells Fargo Equipment Finance, Inc. to purchase heavy equipment. The loan documents signed by **JUDKINS** authorized Wells Fargo Equipment Finance, Inc. to inspect and conduct on-site audits of the collateralized equipment. The loan documents required Wells Fargo Equipment Finance, Inc. to be repaid when the equipment was sold.

10. Beginning in or about June 2007 and continuing through and including in or about November 2009, in the Western District of Arkansas, Fayetteville Division and elsewhere, **JUDKINS** knowingly executed, and attempted to execute, a scheme and artifice to defraud First Security Bank and Bank of the Ozarks and to obtain moneys, funds, credits, assets, securities and other property owned by and under the custody and control of First Security Bank and Bank of the Ozarks, financial institutions whose deposits are insured by the Federal Deposit Insurance Corporation, by means of false and fraudulent pretenses, representations and promises.

11. Beginning in or about January 2008 and continuing through and including in or about March 2009, in the Western District of Arkansas, Fayetteville Division and elsewhere, **JUDKINS** devised and intended to devise a scheme and artifice to defraud GE Commercial Distribution Finance Corporation and Wells Fargo Equipment Finance, Inc., and to obtain money

and property by means of false and fraudulent pretenses, representations, and promises and for the purpose of executing a scheme to defraud the lenders, used and caused to be used a commercial interstate carrier to send and deliver any matter, and transmitted and caused to be transmitted by interstate wire communication any writings, signs, signals, pictures and sounds for the purpose of executing the scheme to defraud GE Commercial Distribution Finance Corporation and Wells Fargo Equipment Finance, Inc.

SCHEME TO DEFRAUD FIRST SECURITY BANK AND BANK OF THE OZARKS

12. As part of the scheme to defraud First Security Bank and Bank of the Ozarks, **JUDKINS** obtained heavy equipment using floor plan financing agreements with the banks, but he did not notify the banks when equipment securing the floor plan agreements had been sold and he did not use proceeds from the sale of the equipment to repay the banks.

13. As part of the scheme to defraud First Security Bank and Bank of the Ozarks, **JUDKINS** created and caused to be created fake rental agreements of collateralized equipment that were used to mislead bank auditors regarding the whereabouts of equipment purchased with floor plan financing from the banks.

14. As part of the scheme to defraud First Security Bank and Bank of the Ozarks, **JUDKINS** provided and caused to be provided phony documents that misrepresented to the banks the true status of floor-planned equipment by making it appear to the banks that floor-planned equipment was being rented according to a rental agreement, but had not been sold.

15. As part of the scheme to defraud First Security Bank and Bank of the Ozarks, **JUDKINS** knowingly made a material misstatement to bank representatives conducting on-site inventory inspections that certain equipment on the banks' floor plans the banks were trying to account for was being rented to another company. In truth and fact, **JUDKINS** knew that

statement was false because floor-planned equipment the bank auditors were trying to account for had been sold.

16. As further part of the scheme to defraud First Security Bank and Bank of the Ozarks, **JUDKINS** fraudulently applied for and did obtain funding from the banks' floor plans by falsely representing to the banks that the funds would be used to purchase A. Camp Equipment inventory. In truth and fact, **JUDKINS** used funds fraudulently obtained from the floor plans for his personal benefit. For example, **JUDKINS** knowingly submitted fraudulent documents to obtain a \$500,000.00 advance on A. Camp Equipment's floor plan with First Security Bank and used the money from the floor plan financing arrangement with First Security Bank to put a \$207,905.30 down payment on a Beaver Lake home. **JUDKINS** spent another \$50,000.00 from the First Security Bank loan to remodel the Beaver Lake home. **JUDKINS** also spent the loan proceeds on a \$43,069.96 boat, a \$47,000.00 automobile, a \$17,286.15 home entertainment system, and a \$12,099.00 diamond ring, among other personal expenditures.

COUNT ONE

17. Paragraphs 1 through 16 are re-alleged and incorporated herein as if fully set forth in their entirety.

18. On or about June 2, 2008, in the Western District of Arkansas, Fayetteville Division and elsewhere, the defendant, **ANDREW C. JUDKINS**, knowingly executed and caused to be executed a scheme and artifice to obtain money and funds owned by and under the custody and control of First Security Bank, a financial institution whose deposits are insured by the Federal Deposit Insurance Corporation, by means of false and fraudulent pretenses, representations and promises; namely, **JUDKINS** submitted and caused to be submitted to First Security Bank a fake invoice representing A. Camp Equipment's purchase of two 1999 Bell

Articulated Trucks in the amount of \$500,000.00; all in violation of 18 U.S.C. §§ 1344(2) and 2(b).

COUNT TWO

19. Paragraphs 1 through and 16 are re-alleged and incorporated herein as if set forth in their entirety.

20. In or about June 2009, in the Western District of Arkansas, Fayetteville Division and elsewhere, the defendant, **ANDREW C. JUDKINS**, knowingly executed and caused to be executed a scheme and artifice to defraud First Security Bank, a financial institution insured by the Federal Deposit Insurance Corporation, by delivering and causing to be delivered to the First Security Bank representative conducting an on-site floor plan audit at A. Camp Equipment in Fayetteville, one or more of the following:

- (1) a false and fraudulent rental agreement that showed a Kobelco SK 250 Excavator, serial number LL08-Y0457, in which First Security Bank held a security interest, had been rented to Brauer Excavating in Nevada, Missouri, in order to conceal from First Security Bank that the Kobelco SK 250 Excavator, serial number LL08-Y0457, had been sold on May 7, 2008, for \$55,000.00 without repaying the bank; and
- (2) a false and fraudulent rental agreement that showed a Bell Articulated Truck, serial number BAT4633, in which First Security Bank held a \$250,000.00 security interest, had been rented to Keepes Construction in Sallisaw, Oklahoma, in order to conceal from First Security Bank that the Bell Articulated Truck, serial number BAT4633, had been sold on July 28, 2008, for \$74,000.00 without repaying the bank.

All in violation of Title 18 U.S.C. §§ 1344(1) and 2(b).

COUNT THREE

21. Paragraphs 1 through 16 are re-alleged and incorporated herein as if set forth in their entirety.

22. On or about October 3, 2008, in the Western District of Arkansas, Fayetteville Division and elsewhere, the defendant, **ANDREW C. JUDKINS**, knowingly executed and caused to be executed a scheme and artifice to obtain moneys, funds, credits, assets, securities and other property under the custody and control of First Security Bank, a financial institution whose deposits are insured by the Federal Deposit Insurance Corporation, by means of false and fraudulent pretenses, representations and promises in order to obtain a \$93,800.00 loan from First Security Bank; namely, **JUDKINS** falsely represented and caused to be represented to First Security Bank that A. Camp Equipment was buying a John Deere Dozer model 700 JXLT, serial number X141071, and that the John Deere Dozer model 700 JXLT, serial number X141071, would secure the \$93,800.00 loan from First Security Bank; all in violation of Title 18 U.S.C. §§ 1344(2) and 2(b).

COUNT FOUR

23. Paragraphs 1 through 16 are re-alleged and incorporated herein as if set forth in their entirety.

24. On or about August 14, 2009, in the Western District of Arkansas, Fayetteville Division and elsewhere, the defendant, **ANDREW C. JUDKINS**, knowingly executed and caused to be executed a scheme and artifice to defraud First Security Bank, a financial institution insured by the Federal Deposit Insurance Corporation; namely, **JUDKINS** made a materially false statement to the bank's representative conducting an on-site floor plan audit at A. Camp Equipment in Fayetteville, that a John Deere Dozer model 700 JXLT, serial number X141071,

had been rented to Ark Roc [sic] Construction, which statement concealed from First Security Bank that the John Deere Dozer model 700 JXLT, serial number X141071, had been sold in August 2008 for \$124,000.00 without repaying the bank; all in violation of Title 18 U.S.C. §§ 1344(1) and 2(b).

COUNT FIVE

25. Paragraphs 1 through 16 are re-alleged and incorporated herein by reference as if set forth in their entirety.

26. On or about June 27, 2007, in the Western District of Arkansas, Fayetteville Division and elsewhere, the defendant **ANDREW C. JUDKINS**, knowingly executed and caused to be executed a scheme and artifice to obtain money, funds, credits, assets, securities and property under the custody and control of the Bank of the Ozarks, a financial institution whose deposits are insured by the Federal Deposit Insurance Corporation, by means of false and fraudulent pretenses, representations and promises in order to obtain a \$90,900.00 loan from Bank of the Ozarks; namely, **JUDKINS** sent and caused to be sent to the Bank of the Ozarks a false and fraudulent "Blackmon Buyers Inquiry and Settlement Sheet," invoice #2733 and dated June 20, 2007, which falsely represented to Bank of the Ozarks the purchase of one 1999 Bell B35C End Dump Truck, serial number 003470, for \$90,900.00; all in violation of Title 18 U.S.C. §§ 1344(2) and 2(b).

COUNT SIX

27. Paragraphs 1 through 16 are re-alleged and incorporated herein by reference as if set forth in their entirety.

28. On or about February 17, 2009, in the Western District of Arkansas, Fayetteville Division and elsewhere, the defendant, **ANDREW C. JUDKINS**, knowingly executed and

caused to be executed a scheme and artifice to defraud Bank of the Ozarks, a financial institution whose deposits are insured by the Federal Deposit Insurance Corporation, by delivering, and causing to be delivered to a Bank of the Ozarks representative conducting an on-site floor plan audit at A. Camp Equipment in Fayetteville any one or more of the following:

- (1) a fake rental agreement showing a Caterpillar D6R Dozer, serial number AAX00567, in which Bank of the Ozarks held a security interest, had been rented to Brauer Excavating, Nevada, Missouri, on January 4, 2009, when in truth and in fact, the Caterpillar D6R Dozer, serial number AAX00567, had been sold February 6, 2008, for \$168,000.00 without repaying the bank;
- (2) a fake rental agreement showing a Kobelco 135SR, serial number YH021388, in which Bank of the Ozarks held a security interest, had been leased to M. F. in Fayetteville, on January 24, 2009, when in truth and in fact, the Kobelco 135SR, serial number YH021388, had been sold August 22, 2008, for \$46,000.00 without repaying the bank; and
- (3) a fake rental agreement showing a Terex TA 27 Articulated Dump Truck, with serial number A8051068 (whose actual serial number on an A. Camp Equipment Sales Order dated September 17, 2008, was A8891068), in which Bank of the Ozarks held a security interest, had been leased to Ark Roc [sic] Construction on January 21, 2009, when in truth and in fact, the Terex TA 27 Articulated Dump Truck, serial number A8891068, had been sold September 17, 2008, for \$210,000.00 without repaying the bank.

All in violation of Title 18 U.S.C. §§ 1344(1) and 2(b).

SCHEME TO DEFRAUD WELLS FARGO EQUIPMENT FINANCE, INC.

29. As part of the scheme to defraud Wells Fargo Equipment Finance, Inc., **JUDKINS** knowingly devised and intended to devise a scheme and artifice to defraud Wells Fargo Equipment Finance, Inc. and to obtain money from Wells Fargo Equipment Finance, Inc. by submitting and causing to be submitted false and fraudulent documents that were transmitted by interstate wire communications; namely, facsimiles (“faxes”) sent through interstate commerce to and from the Western District of Arkansas and Wells Fargo Equipment Finance, Inc. in Tempe, Arizona.

30. As part of the scheme to defraud Wells Fargo Equipment Finance, Inc., **JUDKINS** knowingly created and caused to be created false and fraudulent documents requesting a loan advance from Wells Fargo Equipment Finance, Inc. and misrepresented that he would use a John Deere model 850 JLGP Dozer, serial 117779, and a John Deere model 350 DLC Excavator, serial number 805332, to secure the loan. In truth and in fact, this equipment had been sold in 2008 and therefore, could not collateralize the loan advance from Wells Fargo Equipment Finance, Inc.

31. As part of the scheme to defraud Wells Fargo Equipment Finance, Inc., **JUDKINS** asked Wells Fargo Equipment Finance Inc., for a \$285,762.35 loan advance so **JUDKINS** could pay off Textron Financial Corporation, a finance company that held a security interest in the John Deere model 850 JLGP Dozer, serial number 117779, and the John Deere model 350 DLC Excavator, serial number 805332.

32. As part of the scheme to defraud Wells Fargo Equipment Finance, Inc., **JUDKINS** misrepresented to Wells Fargo Equipment Finance, Inc., that he would be able to give a security interest in the John Deere dozer and excavator in exchange for Wells Fargo Equipment Finance, Inc., paying off A. Camp Equipment's outstanding loan with Textron Financial Corporation.

33. As part of the scheme to defraud Wells Fargo Equipment Finance, Inc., **JUDKINS** concealed from Wells Fargo Equipment Finance, Inc., that the John Deere equipment had already been sold and **JUDKINS** did not disclose to Wells Fargo Equipment Finance, Inc., no equipment would secure the \$285,762.35 loan.

34. As part of the scheme to defraud Wells Fargo Equipment Finance, Inc., **JUDKINS** caused Wells Fargo Equipment Finance, Inc., to send through interstate wire

communications on or about February 23, 2009, from Tempe, Arizona, to the Western District of Arkansas, Fayetteville Division, a faxed document called an “Advance to Wholesale Security Agreement” that instructed Wells Fargo Equipment Finance, Inc. to send a payoff in the amount of \$285,762.35 to Textron Financial Corporation for the John Deere model 850 JLGP Dozer, serial number 11779, and the John Deere model 350 DLC Excavator, serial number 805332.

35. As part of the scheme to defraud Wells Fargo Equipment Finance, Inc., **JUDKINS** executed a “Request for Advance to Wholesale Security Agreement” and transmitted and caused that document to be transmitted by fax in interstate commerce from the Western District of Arkansas, Fayetteville Division, to Wells Fargo Equipment Finance, Inc. located in Tempe, Arizona.

36. On or about February 24, 2009, Textron Financial Corporation agreed to release its liens and interest in the John Deere model 850 JLGP Dozer, serial number 117779, and the John Deere model 350 DLC Excavator, serial number 805332, upon receipt of \$285,762.35 from Wells Fargo Equipment Finance, Inc.

37. On or about February 25, 2009, Wells Fargo Equipment Finance, Inc. wire transferred \$285,762.35 to Textron Financial Corporation’s bank account located in Chicago, Illinois.

38. As part of the scheme to defraud Wells Fargo Equipment Finance, Inc., during an on-site floor plan audit conducted on July 1, 2009, at A. Camp Equipment in Fayetteville, **JUDKINS** caused a representative of Wells Fargo Equipment Finance, Inc., to receive false and fraudulent rental agreements showing the John Deere model 850 JLGP Dozer, serial number 117779, and the John Deere model 350 DLC Excavator, serial number 805332, had been rented on March 21, 2009 to CST, P.O. Box 11, Farmington, Arkansas 72730, in order to conceal from

Wells Fargo Equipment Finance, Inc. that A. Camp Equipment had already sold the John Deere dozer and excavator.

COUNT SEVEN

39. Paragraphs 29 through and including 38 are re-alleged and incorporated herein by reference as if fully set forth in their entirety.

40. On or about February 23, 2009, in the Western District of Arkansas, Fayetteville Division, and elsewhere, the defendant, **ANDREW C. JUDKINS**, having devised and intending to devise the scheme and artifice to defraud Wells Fargo Equipment Finance, Inc., and to obtain money and property by means of false and fraudulent pretenses, representations and promises, and for the purpose of executing the scheme and artifice to defraud Wells Fargo Equipment Finance, Inc., knowingly caused to be transmitted a "Request for Advance to Wholesale Security Agreement," by means of wire communication in interstate commerce from Tempe, Arizona, to Fayetteville, Arkansas, and for the purpose of obtaining a loan from Wells Fargo Equipment Finance, Inc., in the amount of \$285,762.35 to pay off a loan A. Camp Equipment had with Textron Financial Corporation, falsely represented that Wells Fargo Equipment Finance, Inc. would receive a security interest in a John Deere model 850 JLGP Dozer, serial number 117779, and a John Deere model 350 DLC Excavator, serial number 805332; all in violation of Title 18 U.S.C. §§ 1343 and 2(b).

COUNT EIGHT

41. Paragraphs 29 through and including 38 are re-alleged and incorporated herein by reference as if fully set forth herein.

42. On or about February 24, 2009, in the Western District of Arkansas, Fayetteville Division, and elsewhere, the defendant, **ANDREW C. JUDKINS**, having devised and intending

to devise the scheme and artifice to defraud Wells Fargo Equipment Finance, Inc., and to obtain money and property by means of false and fraudulent pretenses, representations and promises, and for the purpose of executing the scheme and artifice to defraud Wells Fargo Equipment Finance, Inc., knowingly transmitted and caused to be transmitted by means of wire communication in interstate commerce from Fayetteville, Arkansas to Tempe, Arizona, a "Request for Advance to Wholesale Security Agreement" and signed by **JUDKINS** as managing member of A. Camp Equipment, to obtain a loan from Wells Fargo Equipment Finance, Inc., in the amount of \$285,762.35 by falsely representing and promising that Wells Fargo Equipment Finance, Inc., would hold a security interest in a John Deere model 850 JLGP Dozer, serial number 117779, and a John Deere model 350 DLC Excavator, serial number 805332; all in violation of Title 18 U.S.C. §§ 1343 and 2(b).

GE COMMERCIAL DISTRIBUTION FINANCE CORPORATION
INTRODUCTION

43. On or about April 8, 2005, **JUDKINS**, doing business as the sole owner and manager of A. Camp Equipment, entered into an Agreement for Wholesale Financing with GE Commercial Distribution Finance Corporation. This agreement permitted **JUDKINS** to purchase inventory with funds through a floor plan financing arrangement with GE Commercial Distribution Finance Corporation.

44. On or about November 21, 2007, **JUDKINS** obtained financing from GE Commercial Distribution Finance Corporation to buy a Hamm model 2422 Padfoot Compactor, serial number 41888. The financing agreement gave GE Commercial Distribution Finance Corporation a security interest in the Hamm model 2422 Padfoot Compactor, serial number 41888.

45. On or about January 21, 2009, the Hamm model 2422 Padfoot Compactor, serial number 41888 was sold.

46. As part of the scheme and artifice to defraud GE Commercial Distribution Finance Corporation and to obtain money and property from GE Commercial Distribution Finance Corporation by false and fraudulent pretenses, representations and promises, **JUDKINS** concealed the sale of the Hamm model 2422 Padfoot Compactor, serial number 41888, by causing the creation of a fake rental agreement intended to mislead GE Commercial Distribution Finance Corporation regarding the equipment's whereabouts.

47. On or about January 23, 2008, **JUDKINS** obtained financing from GE Commercial Distribution Finance Corporation to buy a Caterpillar Dozer model D5GLGP, serial number FDW00572. The financing agreement gave GE Commercial Distribution Finance Corporation a security interest in the Caterpillar Dozer model D5GLGP, serial number FDW00572.

48. On or about January 13, 2009, the Caterpillar Dozer model D5GLGP, serial number FDW00572, was sold.

49. As part of the scheme and artifice to defraud GE Commercial Distribution Finance Corporation and to obtain money and property from GE Commercial Distribution Finance Corporation by false and fraudulent pretenses, representations and promises, **JUDKINS** concealed the sale of the Caterpillar Dozer model D5GLGP, serial number FDW00572, by causing the creation of a fake rental agreement intended to mislead GE Commercial Distribution Finance Corporation regarding the equipment's whereabouts.

50. On or about February 15, 2008, **JUDKINS** obtained financing from GE Commercial Distribution Finance Corporation to buy a Sakai Padfoot Roller model number

SV510TB, serial number V5V1320135. The financing agreement gave GE Commercial Distribution Finance Corporation a security interest in the Sakai Padfoot Roller model number SV510TB, serial number V5V1320135.

51. On or about February 5, 2009, the Sakai Padfoot Roller model number SV510TB, serial number V5V1320135, was sold.

52. As part of the scheme and artifice to defraud GE Commercial Distribution Finance Corporation and to obtain money and property from GE Commercial Distribution Finance Corporation by false and fraudulent pretenses, representations and promises, **JUDKINS** concealed the sale of the Sakai Padfoot Roller model number SV10TB, by causing the creation of a fake rental agreement intended to mislead GE Commercial Distribution Finance Corporation regarding the equipment's whereabouts.

53. On or about March 18, 2008, **JUDKINS** obtained financing from GE Commercial Distribution Finance Corporation to buy a Kobelco Excavator model number SK70SR, serial number VYH0205255. The financing agreement gave GE Commercial Distribution Finance Corporation a security interest in the Kobelco Excavator model number SK70SR, serial number VYH0205255.

54. On or about February 18, 2009, the Kobelco Excavator model number SK70SR, serial number VYH0205255, was sold.

55. As part of the scheme and artifice to defraud GE Commercial Distribution Finance Corporation and to obtain money and property from GE Commercial Distribution Finance Corporation by false and fraudulent pretenses, representations and promises, **JUDKINS** concealed the sale of the Kobelco Excavator model number SK70SR, serial number

VYH0205255, by causing the creation of a fake rental agreement intended to mislead GE Commercial Distribution Finance Corporation regarding the equipment's whereabouts.

56. As further part of the scheme and artifice to defraud GE Commercial Distribution Finance Corporation and to obtain money and property by means of false and fraudulent pretenses, representations and promises, **JUDKINS** kept the proceeds from the sale of all the equipment purchased with loans from GE Commercial Distribution Finance Corporation and never repaid GE Commercial Distribution Finance Corporation.

COUNT NINE

57. On or about March 5, 2009, in the Western District of Arkansas, Fayetteville Division and elsewhere, the defendant, **ANDREW C. JUDKINS**, having devised and intending to devise the scheme and artifice to defraud GE Commercial Distribution Finance Corporation and for obtaining money and property from GE Commercial Distribution Finance Corporation by means of false and fraudulent pretenses, representations and promises and for the purpose of executing the scheme described above, and attempting to do so, knowingly caused to be delivered by Federal Express, a commercial interstate carrier, with tracking number 869259713300, according to the direction thereon, false and fraudulent rental agreements of equipment in which GE Commercial Distribution Finance Corporation held a security interest; namely, an envelope sent via Federal Express from the Western District of Arkansas, Fayetteville Division, to be delivered to GE Commercial Distribution Finance Corporation at 625 Maryville Center Drive, St. Louis, MO 63141, containing one or all of the following fake documents:

- (1) Rental Agreement dated February 11, 2009, for a Kobelco 70SR, serial number 05255, leased to CST, P.O. Box 11, Farmington, Arkansas 72730;
- (2) Rental Agreement dated February 17, 2009, for a Cat D5GLGP, serial number W00572, to CST, P.O. Box 11, Farmington, Arkansas 72730;
- (3) Rental Agreement dated February 11, 2009, for a Sakai SV510, serial number 20135, to CST, P.O. Box 11, Farmington, Arkansas 72730; and
- (4) Rental Agreement dated March 1, 2009, for a Hamm 2422, serial number 41888, to CST, P.O. Box 11, Farmington, Arkansas 72704.

All in violation of Title 18 U.S.C. §§ 1341 and 2(b).

COUNT TEN

58. Paragraphs 1 through 16 are re-alleged and incorporated herein as if set forth in their entirety.

59. Between on or about March 12, 2010 and on or about March 15, 2010, in the Western District of Arkansas, Fayetteville Division and elsewhere, the defendant **ANDREW C. JUDKINS**, knowingly engaged in and knowingly caused a monetary transaction through a financial institution affecting interstate commerce, in criminally derived property of a value greater than \$10,000.00, to be conducted with the proceeds from a specified unlawful activity, that is, bank fraud, as alleged in Count One, by causing check number 206, payable to **JUDKINS** in the amount of \$35,000.00 for a “Cobalt boat,” serial number FGE02149A808, and trailer that was deposited into **JUDKINS**’ account ending in 8293 at Iberia Bank; all in violation of Title 18 U.S.C. §§ 1957 and 2(b).

COUNT ELEVEN

60. Paragraphs 1 through 16 are re-alleged and incorporated herein as if fully set forth in their entirety.

61. On or about October 6, 2008, in the Western District of Arkansas, Fayetteville Division and elsewhere, the defendant, **ANDREW C. JUDKINS**, knowingly engaged in and knowingly caused a monetary transaction through a financial institution affecting interstate commerce, in criminally derived property of a value greater than \$10,000.00, to be conducted by causing the transfer of \$89,583.50 to GE Commercial Distribution Finance Corporation out of the A. Camp Equipment bank account ending in number 3697 at First Security Bank in Fayetteville, Arkansas, which account contained proceeds from a specified unlawful activity, that is, \$93,800.00, that was the proceeds of bank fraud, in violation of Title 18, United States Code, Section 1344; all in violation of Title 18 U.S.C. §§ 1957 and 2(b).

COUNT TWELVE

62. Paragraphs 1 through 16 are re-alleged and incorporated herein as if fully set forth in their entirety.


63. In or about May and June 2012, in the Western District of Arkansas, Fayetteville Division and elsewhere, the defendant, **ANDREW C. JUDKINS**, knowing that the property involved in a financial transaction represented the proceeds of a form of unlawful activity; namely, bank fraud in violation of Title 18, United States Code, Section 1344, as alleged in Count One, conducted and attempted to conduct and caused to be conducted a financial transaction in any way and degree that affects interstate commerce; namely, \$55,000 cash paid to **JUDKINS** for the transfer of title to a 1969 Chevrolet Camaro, VIN 124679N618585, that represented the proceeds of bank fraud, knowing that the transaction was designed in whole and

in part to conceal and disguise the nature, location, source, ownership and control of the proceeds of the specified unlawful activity; all in violation of Title 18, United States Code, §§ 1956(a)(1)(B)(i) and 2.

A True Bill.

CONNER ELDRIDGE
UNITED STATES ATTORNEY

1/s/ Grand Jury Foreperson
Foreperson

By: 
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