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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

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CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
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United States of America,
Plaintiff,
v.

Mark Richard Fuller,
Defendant.

INDICTMENT

VIO: 31 U.S.C. § 5324(a)(3)
(Structuring Financial
Transactions Through A
Domestic Financial Institution)
(Counts 1 - 22)

31 U.S.C. § 5317(c)(1)
(Forfeiture Allegation)

THE GRAND JURY CHARGES:

At all times material to this Indictment:

INTRODUCTION

A. The Coalition Provisional Authority

1. In May 2003, the United States and the United Kingdom created the Coalition Provisional Authority ("CPA") to temporarily exercise powers of government for the Republic of Iraq. The President of the United States appointed a United States Ambassador to serve as the United States Presidential Envoy to Iraq. Thereafter, the United States Secretary of Defense designated the U.S. Ambassador/Envoy to serve as the Administrator of the CPA and the civil governing authority of Iraq. The CPA was divided into five regions with each region having a United States Regional Embassy Office and a United States Ambassador, who served as the regional advisor overseeing the reconstruction efforts and financial expenditure of CPA funds in the region.

2. In 2003, Congress appropriated \$698 million in initial funding to the CPA for its daily operating budget. CPA conducted its operations and awarded contracts for projects intended to promote Iraq's reconstruction from several funding sources, including over \$24.1 billion in funds appropriated in 2003 and 2004 by Congress from the General Funds of the United States, and \$2.1 billion in repatriated Iraqi funds, which were confiscated by the United States during the Gulf War in 1990. All of these CPA funds were designated for the promotion of reconstruction projects in Iraq and Afghanistan and administered by, and under the authority of, the Administrator and the United States Department of Defense ("DOD").

3. CPA established the Commander's Emergency Response Program ("CERP") in 2003 which enabled U.S. military commanders in Iraq to provide monies for urgent humanitarian relief and reconstruction projects. Essentially, there were CERP military units who identified reconstruction projects in the Iraqi community, selected Iraqi contractors to work on the projects, provided oversight over the projects, and verified the completion of the project.

4. CPA originally funded CERP with seized Iraqi assets and monies from the Development Fund for Iraq. In November 2003, however, Congress appropriated \$180 million dollars for CERP distribution as part of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, Pub. L. No. 108-106 (2003). There are 19 authorized uses for CERP funds, including condolence payments and construction projects. However, CERP funds cannot be used to directly or indirectly benefit the United States, Coalition members, or other supporting military personnel.

5. The United States Marine Corps was a component of the DOD and assisted with the distribution of CERP funds.

B. The Defendant

6. Mark Richard Fuller ("FULLER") is a Major in the United States Marine Corps and is a resident of Yuma, Arizona. Beginning on or about February 15, 2005, and lasting until on or about September 27, 2005, FULLER served on active duty for the Marine Corps and was assigned to the 5th Civil Affairs Group ("5th CAG") in Camp Fallujah, Iraq. FULLER's duties

1 included, among others, serving as a Project Purchasing Officer for CERP funds. In this
2 capacity, FULLER had supervisory responsibility for, and oversaw, the CERP contracting
3 processes for his team. Specifically, with respect to CERP funds, FULLER selected Iraqi
4 contractors to work on projects he identified, negotiated contract terms with Iraqi contractors,
5 and verified whether the Iraqi contractor completed the project.

6 7. The CERP funds distributed by the 5th CAG to Iraqi contractors were in the form of brand
7 new \$100 United States currency notes.

8 8. After FULLER returned from Iraq, he began depositing large quantities of brand new \$100
9 United States currency notes, into various bank accounts controlled by him. Between October
10 5, 2005, and April 3, 2006, FULLER made 91 cash deposits, totaling over \$440,000.00, into
11 Bank of America Accounts #XXXXXX6868 ("BOA #6868") and #XXXXXX6785 ("BOA
12 #6785"), Navy Federal Credit Union Accounts #XXXXXX2700 ("NFCU 2700"),
13 #XXXXXX2007 ("NFCU 2007") and #XXXXXX2809 ("NFCU 2809"), and JP Morgan Chase
14 Bank Account #XXXXXX6520 ("CB #6520").

15 10. On January 9, 2006, FULLER attempted to deposit cash in the amount of \$7,700.00 at a
16 Navy Federal Credit Union. Navy Federal Credit Union Personnel advised FULLER that they
17 would have to generate a currency transaction report and FULLER canceled the deposit.

18 11. A currency transaction report is a report identifying the person conducting the transaction,
19 the person on whose behalf the transaction is conducted, the deposit amount and the financial
20 institution where the transaction took place. Currency transaction reports are filed with the
21 United States Department of Treasury, Financial Crimes Enforcement Network, and placed in
22 a database searchable by federal, state, and local law enforcement officials as an investigative
23 tool.

24 **Counts 1-22**

25 (Structuring Financial Transactions)

26 12. The factual allegations in paragraphs 1 through 11 of the Indictment are incorporated herein
27 by reference and re-alleged as though fully set forth herein.

13. Soon after returning from his deployment in Iraq, FULLER began making a series of cash deposits with brand new \$100 bills. On or about the dates set forth below, in the District of Arizona, FULLER knowingly, and for the purpose of evading the reporting requirements of Section 5313(a) of Title 31, United States Code, the regulations promulgated thereunder and the reporting and record keeping requirements imposed thereunder, structured the following cash transactions into accounts at Bank of America ("BOA"), Chase Bank ("CB"), and Navy Federal Credit Union ("NFCU"). BOA, CB and NFCU are domestic financial institutions.

Count	Date	Description of Cash Deposit
1	10/21/05 and 10/22/05	Deposits of \$3,000.00 on 10/21/05, and \$8,000.00 on 10/22/05, into NFCU #2700.
2	11/2/05 and 11/4/05	Deposits of \$8,500.00 on 11/2/05, and \$6,600.00 on 11/4/05, into NFCU #2700.
3	11/14/05 and 11/18/05	Deposits of \$7,400.00 on 11/14/05, and \$4,800.00 and \$3,200.00 on 11/18/05, into NFCU #2700.
4	12/5/05 and 12/6/05	Deposits of \$7,500.00 into BOA #6785 on 12/5/05, and \$2,000.00 into NFCU #2700, and \$7,000.00 into BOA #6868, on 12/6/05.
5	12/8/05 and 12/9/05	Deposits of \$7,000.00 into BOA #6868 and \$2,000.00 into NFCU #2007 on 12/8/05, and \$5,000.00 into CB #6520 on 12/9/05.
6	12/12/05	Deposits of \$9,000.00 into BOA #6868 at approximately 11:05 a.m. and \$2,000.00 into NFCU #2809 at approximately 11:31 a.m..
7	12/13/05	Deposits of \$9,000.00 into BOA #6785 at approximately 10:00 a.m., and \$5,000.00 into NFCU #2809 at approximately 10:37 a.m..
8	12/15/05	Deposits of \$8,000.00 into BOA #6868 at approximately 9:49 a.m., and \$3,000.00 into NFCU #2809 at approximately 10:15 a.m..
9	12/27/05	Deposits of \$2,000.00 into NFCU #2809 at approximately 12:42 p.m., and \$9,000.00 into BOA #6785 at approximately 4:21 p.m..
10	12/28/05	Deposits of \$9,500.00 into BOA #6785 at approximately 4:32 p.m., and \$3,000.00 into NFCU #2809 at approximately 4:44 p.m..
11	1/3/06	Deposits of \$8,500.00 into BOA #6785 at approximately 4:19 p.m., \$2,000.00 into NFCU #2809 at approximately 4:53 p.m., and \$6,000.00 into CB #6520.

12	1/4/06	Deposits of \$8,000.00 into CB #6520 at approximately 9:01 a.m., and \$8,000.00 into BOA #6785 at approximately 9:26 a.m..
13	1/6/06	Deposits of \$8,000.00 into CB #6520 at approximately 9:07 a.m., and \$8,000.00 into BOA #6785 at approximately 9:18 a.m..
14	1/9/06	Deposits of \$9,000.00 into BOA #6868 at approximately 10:07 a.m., and \$4,700.00 into NFCU #2809 at approximately 10:23 a.m..
15	1/10/06	Deposits of \$6,600.00 into CB #6520 at approximately 9:58 a.m., and \$8,800.00 into BOA #6785 at approximately 10:10 a.m..
16	1/31/06	Deposits of \$2,000.00 into NFCU #2700 at approximately 10:21 a.m., and \$6,000.00 into CB #6520 at approximately 10:48 a.m., and \$6,000.00 into BOA #6868 at approximately 11:01 a.m..
17	2/2/06	Deposits of \$6,000.00 into BOA #6868 at approximately 3:06 p.m., and \$6,000.00 into CB #6520 at approximately 3:57 p.m..
18	2/7/06	Deposits of \$6,000.00 into CB #6520 at approximately 10:25 a.m., and \$6,000.00 into BOA #6868 at approximately 10:49 a.m..
19	2/13/06	Deposits of \$6,000.00 into CB #6520 at approximately 3:01 p.m., \$2,000.00 into NFCU #2700 at approximately 3:28 p.m., and \$6,000.00 into BOA #6868.
20	2/16/06	Deposits of \$5,000.00 into CB #6520 at approximately 1:16 p.m., BOA #6868 at approximately 1:27 p.m., and \$2,000.00 into NFCU #2700 at approximately 2:23 p.m..
21	2/21/06	Deposits of \$6,000.00 into CB #6520 at approximately 9:06 a.m., \$6,000.00 into BOA #6868 at approximately 9:32 a.m., \$1,000.00 into NFCU #2700 at approximately 10:52 a.m., and \$6,000.00 into BOA #6868 at approximately 11:06 a.m..
22	2/23/06	Deposits of \$4,000.00 into CB #6520 at approximately 10:25 a.m., and \$6,000.00 into BOA #6868 at approximately 10:49 a.m..

All in violation of Title 31, United States Code, Section 5324(a)(3) and (d)(1) and 31 C.F.R. § 103.11.

FORFEITURE ALLEGATION

14. The allegations contained in paragraphs factual allegations in paragraphs 1 through 13 and Counts 1 - 22 of the Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 31, United States Code, Section 5317(c)(1).

15. Pursuant to Title 31, United States Code, Section 5317(c)(1), upon conviction of an offense in violation of Title 31, United States Code, Section 5324, the defendant,

1 FULLER, shall forfeit to the United States of America all property, real or personal, involved
2 in the offenses and any property traceable to such property.

3 16. A money judgment equal to the total amount of money involved in each offense for
4 which the defendant is convicted shall be forfeited to the United States.

5 17. If there was property that was involved in the offense or traceable to such property,
6 and as a result of any act or omission of the defendants:

- 7 a. Cannot be located upon the exercise of due diligence;
8 b. Has been transferred or sold to, or deposited with, a third party;
9 c. Has been placed beyond the jurisdiction of the Court;
10 d. Has been substantially diminished in value; or
11 e. Has been commingled with other property which cannot be divided without
12 difficulty,

13 the United States of America shall be entitled to forfeiture of substitute property pursuant to Title
14 21, United States Code, Section 853(p), as incorporated by Title 31, United States Code, Section
15 5317(c)(1) and by Title 28, United States Code, Section 2461(c).

16 A TRUE BILL

17 /s/
18

19 FOREPERSON OF THE GRAND JURY
20 Date: May 11, 2010

21 DENNIS K. BURKE
22 United States Attorney
23 District of Arizona

24 /s/

25 Raymond K. Woo
26 Assistant U.S. Attorney
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