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7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 1:08 CR 00224LJO

11 UNITED STATES OF AMERICA,)
12)
13 Plaintiff,)
14 v.)
15 ROBERT C. HOLLOWAY,)
16 BRENT F. HOLLOWAY,)
17 ALFREDO F. RINCON,)
18 MICHAEL J. OROZCO,)
19 JOSEPH S. TYLER,)
20 REYNALDO W. SOTELO,)
21 FREDRICK A. NOREBERG, and)
22 RAY M. HEFFINGTON,)
23)
24 Defendants.)

CASE NO.)
VIOLATIONS: 18 U.S.C. §§ 1962)
and 2 - Racketeering;)
18 U.S.C. § 1962(d) -)
Racketeering Conspiracy;)
18 U.S.C. § 1512(b)(3) -)
Witness Tampering;)
18 U.S.C. § 373 - Solicitation)
to Commit a Crime of Violence)
(Two Counts);)
18 U.S.C. § 892 - Making)
Extortionate Extensions of)
Credit (Two Counts);)
18 U.S.C. §§371 and 894 -)
Conspiracy to Collect)
Extensions of Credit By)
Extortionate Means (Three)
Counts);)
18 U.S.C. § 371 - Conspiracy)
(Three Counts);)
18 U.S.C. § 2322 - Operation of)
a Chop Shop and)
18 U.S.C. 1963, 18 U.S.C.)
§981(a)(1)(C) and 28 U.S.C.)
2461 - Criminal Forfeiture)

25 I N D I C T M E N T

1 COUNT ONE: [18 U.S.C. §§ 1962 and 2 - Racketeering]

2 The Grand Jury charges:

3 ROBERT C. HOLLOWAY, and
4 BRENT F. HOLLOWAY,

5 defendants herein, as follows:

6 THE ENTERPRISE

7 1. At all times material to this Indictment, the above-named
8 defendants, and others known and unknown to the grand jury, were
9 owners and employees of ROAD DOG CYCLE, whose owners and employees
10 engaged in acts of violence, including extortion, along with acts of
11 trafficking in stolen motor vehicle parts, and which operated
12 principally in the County of Stanislaus, Eastern District of
13 California.

14 2. At all times material to this Indictment, ROAD DOG CYCLE,
15 located at 4600 Main Street, Denair, California, was a business and
16 legal entity engaged in the purchase and sale of new and used
17 motorcycles and motorcycle parts, and constituted an "enterprise" as
18 defined in Title 18, United States Code, Section 1961(4) (hereinafter
19 "the enterprise"), namely a legal entity which was engaged in, and
20 whose activities affected, interstate commerce. ROAD DOG CYCLE also
21 operated as a motorcycle repair facility. ROAD DOG CYCLE was also a
22 gathering place and a commercial supplier for various outlaw
23 motorcycle clubs, including, but not limited to, the Hells Angels,
24 the Jus Brothers, the Alky Haulers and the East Bay Dragons. At all
25 times material to this Indictment, illegal operations were being
26 conducted at and through ROAD DOG CYCLE, including, but not limited
27 to, chop shop operations, the purchase and sale of stolen motorcycle
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1 parts, the exportation of stolen motorcycles and motorcycle parts,
2 and extortionate credit transactions.

3 3. At all times material to this Indictment, defendant ROBERT
4 C. HOLLOWAY of Turlock, California, was a co-owner of ROAD DOG CYCLE.
5 As a co-owner of ROAD DOG CYCLE, ROBERT C. HOLLOWAY was the
6 commercial supplier to, and protected from law enforcement, various
7 outlaw motorcycle clubs, including, but not limited to, the Hells
8 Angels, the Jus Brothers, the Alky Haulers and the East Bay Dragons.
9 At all relevant times, defendant ROBERT C. HOLLOWAY was a member of
10 the enterprise and engaged in acts including, but not limited to,
11 operation of a chop shop, trafficking in stolen motorcycle parts, the
12 purchase and sale of stolen motorcycle parts, the exportation of
13 stolen motorcycles and motorcycle parts, and extortionate credit
14 transactions.

15 4. At all times material to this Indictment, defendant BRENT F.
16 HOLLOWAY of Turlock, California, was a co-owner of ROAD DOG CYCLE.
17 At all relevant times, defendant BRENT F. HOLLOWAY was a member of
18 the enterprise and engaged in acts including, but not limited to,
19 operation of a chop shop, trafficking in stolen motorcycle parts, the
20 purchase and sale of stolen motorcycle parts, the exportation of
21 stolen motorcycles and motorcycle parts, and extortionate credit
22 transactions.

23 Purposes of the Defendants

24 The purposes of the defendants included the following:

25 5. Enriching the members and associates of the enterprise
26 through, among other things, the trafficking in stolen motorcycle
27 parts, the purchase and sale of stolen motorcycles and motorcycle
28

1 parts, the exportation of stolen motorcycles and motorcycle parts,
2 extortionate credit transactions and chop shop activity.

3 6. Preserving and protecting the power, territory and profits
4 of the enterprise through the use of intimidation, threats of
5 violence, violence and assaults.

6 7. Promoting and enhancing the enterprise and its members' and
7 associates' activities.

8 8. Keeping victims in fear of the enterprise and in fear of its
9 members and associates through threats of violence and violence.

10 Means and Methods of the Defendants

11 9. Among the means and methods by which the defendants and
12 their associates conducted and participated in the conduct of the
13 affairs of the enterprise were the following:

14 a. Members of the enterprise and their associates used,
15 attempted to use, and conspired to use extortion, which affected
16 interstate commerce.

17 b. Members of the enterprise and their associates
18 committed, attempted and threatened to commit acts of violence,
19 including robbery and extortion, to protect and expand the
20 enterprise's criminal operations.

21 c. Members of the enterprise and their associates promoted
22 a climate of fear through violence and threats of violence.

23 d. Members of the enterprise and their associates used and
24 threatened to use physical violence against various individuals.

25 e. Members of the enterprise and their associates utilized
26 sources within the law enforcement community to aid in the
27 concealment of the enterprise's operations and to protect the
28 enterprise's criminal operations.

1 or altered, in violation of Title 18, United States Code, Sections
2 2321 and 2.

3 Racketeering Act Two - Trafficking in Certain Motor Vehicle Parts

4 13. Between on or about September 21, 2007 and continuing to on
5 or about November 2, 2007, within the Eastern District of California,
6 and elsewhere, defendant ROBERT C. HOLLOWAY, and others both known
7 and unknown to the grand jury, did buy, receive, possess, and obtain
8 control of, with the intent to sell or otherwise dispose of, a motor
9 vehicle or motor vehicle part, that is, a motorcycle, knowing that an
10 identification number for such motor vehicle or part had been
11 removed, obliterated, tampered with, or altered, in violation of
12 Title 18, United States Code, Sections 2321 and 2.

13 Racketeering Act Three - Making Extortionate Extensions of Credit and
14 Collection of Extension of Credit By Extortionate Means

15 14. Defendant ROBERT C. HOLLOWAY committed the following Acts,
16 any one of which alone constitutes Racketeering Act Three:

17 a. Beginning on or about August 1, 2007, and continuing to
18 on or about December 11, 2007, in the Eastern District of California,
19 and elsewhere, defendant ROBERT C. HOLLOWAY did unlawfully extend
20 credit within the meaning of Title 18, United States Code, section
21 891(6) to Josh Bell, in the amount of approximately \$5,000.00, with
22 respect to which extension of credit it was the understanding of said
23 defendant-creditor and of said debtor that delay in making repayment
24 or failure to make repayment could result in the use of violence or
25 other criminal means to cause harm to the person, reputation or
26 property of said debtor, all in violation of Title 18, United States
27 Code, sections 892 and 2.

1 b. Beginning on or about October 10, 2007, and continuing
2 to on or about December 17, 2007, in the Eastern District of
3 California, and elsewhere, defendant ROBERT C. HOLLOWAY, and others
4 known and unknown to the grand jury, did participate in the use of
5 extortionate means within the meaning of Title 18, United States
6 Code, section 891(7), to collect and attempt to collect an extension
7 of credit and to punish a person for the non-repayment of an
8 extension of credit, that is, defendant ROBERT C. HOLLOWAY, and
9 others both known and unknown to the grand jury, did unlawfully and
10 knowingly, expressly and implicitly threaten the use of violence and
11 other criminal means to cause harm to the person, reputation, and
12 property of said debtor Josh Bell, and conspired to do so, in order
13 to collect and attempt to collect an extension of credit within the
14 meaning of Title 18, United States Code, section 891, from the said
15 debtor and to punish said debtor for the non-repayment thereof, all
16 in violation of Title 18, United States Code, sections 894(a)(1) and
17 (2) and 2.

18 Racketeering Act Four - Witness Tampering

19 15. On or about December 17, 2007, in the Eastern District of
20 California, defendant ROBERT C. HOLLOWAY knowingly corruptly
21 persuaded, and attempted to do so, another person, with intent to
22 hinder, delay or prevent the communication to a law enforcement
23 officer information relating to the commission or possible commission
24 of a Federal offense, in violation of Title 18, United States Code,
25 section 1512(b)(3).

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1 is, defendant ROBERT C. HOLLOWAY, and others both known and unknown
2 to the grand jury, did unlawfully and knowingly, expressly and
3 implicitly threaten the use of violence and other criminal means to
4 cause harm to the person, reputation, and property of said debtor
5 Darnell Levingston, in order to collect and attempt to collect an
6 extension of credit within the meaning of Title 18, United States
7 Code, section 891, from the said debtor and to punish said debtor for
8 the non-repayment thereof, all in violation of Title 18, United
9 States Code, sections 894(a)(1) and (2) and 2.

10 COUNT TWO [18 U.S.C. § 1962(d) - Racketeering Conspiracy]

11 The Grand Jury charges:

12 ROBERT C. HOLLOWAY, and
13 BRENT F. HOLLOWAY,

14 defendants herein, as follows:

15 18. The allegations contained in paragraphs 1 through 9 of
16 Count One are hereby realleged and incorporated by reference as if
17 fully set forth herein.

18 A. THE RACKETEERING CONSPIRACY

19 19. Beginning at a time unknown but no later than on or about
20 January 1, 1997 and continuing to on or about March 1, 2008, in the
21 Eastern District of California, and elsewhere, defendants ROBERT C.
22 HOLLOWAY and BRENT F. HOLLOWAY, together with other persons known and
23 unknown to the grand jury, being persons employed by and associated
24 with the enterprise as described above, which enterprise engaged in
25 and the activities of which affected interstate commerce, knowingly
26 and intentionally conspired to violate Title 18, United States Code,
27 Section 1962(c), that is, to conduct and participate, directly and
28 indirectly, in the conduct of the affairs of that enterprise through

1 a pattern of racketeering activity, as that term is defined by Title
2 18, United States Code, Sections 1961(1) and (5), consisting of
3 multiple acts indictable under the following provisions of federal
4 law:

- 5 a. Title 18, United States Code, section 2321
6 (trafficking in certain motor vehicles and motor
7 vehicle parts);
- 8 b. Title 18, United States Code, section 892 (making
9 extortionate extensions of credit); and
- 10 c. Title 18, United States Code, section 894 (collection
11 of extensions of credit by extortionate means).

12 20. It was a further part of the conspiracy that each defendant
13 agreed that a conspirator would commit at least two acts of
14 racketeering in the conduct of the affairs of the enterprise.

15 All in violation of Title 18, United States Code, Section
16 1962(d).

17 COUNT THREE: [18 U.S.C. § 1512(b)(3) - Witness Tampering]

18 The Grand Jury further charges:

19 ROBERT C. HOLLOWAY,

20 defendants herein, as follows:

21 21. The allegations contained in paragraphs 1 through 9 of
22 Count One are hereby realleged and incorporated by reference as if
23 fully set forth herein.

24 22. On or about December 17, 2007, in the Eastern District of
25 California, defendant ROBERT C. HOLLOWAY knowingly corruptly
26 persuaded, and attempted to do so, another person, with intent to
27 hinder, delay or prevent the communication to a law enforcement
28 officer information relating to the commission or possible commission

1 of a Federal offense, in violation of Title 18, United States Code,
2 section 1512(b)(3).

3 COUNT FOUR: [18 U.S.C. § 373 - Solicitation to Commit a Crime of
4 Violence]

5 The Grand Jury further charges:

6 ROBERT C. HOLLOWAY,

7 defendant herein, as follows:

8 23. Paragraphs 1 through 9 of Count One are hereby realleged
9 and incorporated as if fully set forth herein.

10 24. On or about May 17, 2007, in the Eastern District of
11 California, defendant ROBERT C. HOLLOWAY, with the intent that
12 another person engage in conduct constituting a felony that has as an
13 element the use, attempted use, or threatened use of physical force
14 against the property or against the person of another in violation of
15 the laws of the United States, to wit, the collection of an extension
16 of credit by extortionate means, in violation of Title 18, United
17 States Code, section 894, and under circumstances strongly
18 corroborative of that intent, solicited, commanded, induced, and
19 otherwise endeavored to persuade such person to engage in such
20 conduct against Dan Franco, all in violation of Title 18, United
21 States Code, section 373.

22 COUNT FIVE: [18 U.S.C. § 373 and 2 - Solicitation to Commit a
23 Crime of Violence and Aiding and Abetting]

24 The Grand Jury further charges:

25 ROBERT C. HOLLOWAY,

26 defendant herein, as follows:

27 25. Paragraphs 1 through 9 of Count One are hereby realleged
28 and incorporated as if fully set forth herein.

1 did unlawfully extend credit within the meaning of Title 18, United
2 States Code, section 891(6) to Josh Bell, in the amount of
3 approximately \$5,000.00, with respect to which extension of credit it
4 was the understanding of said defendants-creditors and of said debtor
5 that delay in making repayment or failure to make repayment could
6 result in the use of violence or other criminal means to cause harm
7 to the person, reputation or property of said debtor, all in
8 violation of Title 18, United States Code, sections 892 and 2.

9 COUNT SEVEN: [18 U.S.C. § 894 - Conspiracy to Collect
10 Extensions of Credit By Extortionate Means]

11 The Grand Jury further charges:

12 ROBERT C. HOLLOWAY and
13 MICHAEL J. OROZCO,

14 defendants herein, as follows:

15 30. Paragraphs 1 through 9 of Count One are hereby realleged
16 and incorporated as if fully set forth herein.

17 A. THE CONSPIRACY

18 31. Beginning on or about October 10, 2007, and continuing to
19 on or about December 17, 2007, in the Eastern District of California,
20 and elsewhere, defendants ROBERT C. HOLLOWAY and MICHAEL J. OROZCO,
21 together with others known and unknown to the grand jury, did
22 knowingly conspire, confederate and agree to participate in the use
23 of extortionate means within the meaning of Title 18, United States
24 Code, section 891(7), to collect and attempt to collect an extension
25 of credit and to punish a person for the non-repayment of an
26 extension of credit, that is, defendants ROBERT C. HOLLOWAY and
27 MICHAEL J. OROZCO, and others both known and unknown to the grand
28 jury, did unlawfully and knowingly, expressly and implicitly threaten

1 the use of violence and other criminal means to cause harm to the
2 person, reputation, and property of said debtor Josh Bell, in order
3 to collect and attempt to collect an extension of credit within the
4 meaning of Title 18, United States Code, section 891, from the said
5 debtor and to punish said debtor for the non-repayment thereof, all
6 in violation of Title 18, United States Code, sections 894(a)(1) and
7 (2).

8 B. OVERT ACTS

9 32. In furtherance of the conspiracy, and to effect the objects
10 and purposes of the conspiracy, the following overt acts, among
11 others, were committed in the Eastern District of California, and
12 elsewhere:

13 a. On or about October 10, 2007, defendants ROBERT C.
14 HOLLOWAY and MICHAEL J. OROZCO spoke via telephone and discussed
15 outlaw motorcycle club members who owed defendant ROBERT C. HOLLOWAY
16 money.

17 b. On or about December 4, 2007, defendant ROBERT C.
18 HOLLOWAY spoke via telephone to victim Josh Bell.

19 c. On or about December 10, 2007, defendant MICHAEL J.
20 OROZCO took possession of a motorcycle belonging to Josh Bell.

21 d. On or about December 17, 2007, defendants ROBERT C.
22 HOLLOWAY and MICHAEL J. OROZCO spoke via telephone regarding law
23 enforcement involvement in the investigation of the motorcycle taken
24 from Josh Bell.

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1 COUNT EIGHT: [18 U.S.C. §§ 892 and 2 - Making Extortionate
2 Extensions of Credit and Aiding and Abetting]

3 The Grand Jury further charges:

4 ROBERT C. HOLLOWAY and
5 BRENT F. HOLLOWAY,

6 defendants herein, as follows:

7 33. Paragraphs 1 through 9 of Count One are hereby realleged
8 and incorporated as if fully set forth herein.

9 34. Beginning on or about October 1, 2007, and continuing to on
10 or about November 20, 2007, in the Eastern District of California,
11 and elsewhere, defendants ROBERT C. HOLLOWAY and BRENT F. HOLLOWAY,
12 did unlawfully extend credit within the meaning of Title 18, United
13 States Code, section 891(6) to Carl Ellis, in the amount of
14 approximately \$1,400.00, with respect to which extension of credit it
15 was the understanding of said defendants-creditors and of said debtor
16 that delay in making repayment or failure to make repayment could
17 result in the use of violence or other criminal means to cause harm
18 to the person, reputation or property of said debtor, all in
19 violation of Title 18, United States Code, sections 892 and 2.

20 COUNT NINE: [18 U.S.C. § 894 - Conspiracy to Collect
21 Extensions of Credit By Extortionate Means]

22 The Grand Jury further charges:

23 ROBERT C. HOLLOWAY and
24 BRENT F. HOLLOWAY,

25 defendants herein, as follows:

26 35. Paragraphs 1 through 9 of Count One are hereby realleged
27 and incorporated as if fully set forth herein.

1 in order to collect and attempt to collect an extension of credit
2 within the meaning of Title 18, United States Code, section 891, from
3 the said debtor and to punish said debtor for the non-repayment
4 thereof, all in violation of Title 18, United States Code, sections
5 894(a)(1) and (2).

6 B. OVERT ACTS

7 41. In furtherance of the conspiracy, and to effect the objects
8 and purposes of the conspiracy, the following overt acts, among
9 others, were committed in the Eastern District of California, and
10 elsewhere:

11 a. On or about September 8, 2007, defendant ROBERT C.
12 HOLLOWAY called victim Darnell Levingston.

13 b. On or about September 8, 2007, defendant ROBERT C.
14 HOLLOWAY called defendant ALFREDO F. RINCON.

15 c. On or about December 15, 2007, defendant ROBERT C.
16 HOLLOWAY called victim Darnell Levingston.

17 COUNT ELEVEN: [18 U.S.C. §§ 371 and 2321 - Conspiracy to Traffic
18 in Certain Motor Vehicles or Certain Motor
Vehicle Parts]

19 The Grand Jury further charges:

20 ROBERT C. HOLLOWAY,
21 BRENT F. HOLLOWAY,
22 ALFREDO F. RINCON, and
RAY M. HEFFINGTON,

23 defendants herein, as follows:

24 42. Paragraphs 1 through 9 of Count One are hereby realleged
25 and incorporated as if fully set forth herein.

26 43. At all times relevant to this Indictment, defendant RAY M.
27 HEFFINGTON was the Hells Angels outlaw motorcycle club Merced Chapter
28

1 President, and a customer of ROAD DOG CYCLE and an associate of
2 defendant ROBERT C. HOLLOWAY.

3 A. THE CONSPIRACY

4 44. Beginning at a time unknown but no later than on or about
5 August 3, 2006, and continuing to on or about December 4, 2007,
6 defendants ROBERT C. HOLLOWAY, BRENT F. HOLLOWAY, ALFREDO F. RINCON,
7 RAY M. HEFFINGTON, Daniel Dugranrut, and others both known and
8 unknown to the grand jury, did knowingly and intentionally combine,
9 conspire, confederate, and agree with each other, and with other
10 persons known and unknown to the grand jury, to traffic in certain
11 motor vehicles or motor vehicle parts, in violation of Title 18,
12 United States Code, sections 371 and 2321.

13 B. MANNER AND MEANS OF THE CONSPIRACY

14 45. Defendants ROBERT C. HOLLOWAY, BRENT F. HOLLOWAY, ALFREDO
15 F. RINCON, RAY M. HEFFINGTON, Daniel Dugranrut, and others,
16 implemented the conspiracy through the following manner and means:

17 a. An individual approached defendant ROBERT C. HOLLOWAY
18 and BRENT F. HOLLOWAY and inquired about purchasing a stolen
19 motorcycle so he could participate as a prospective member in the
20 Hells Angels outlaw motorcycle gang.

21 b. Defendants ROBERT C. HOLLOWAY and BRENT F. HOLLOWAY
22 assisted the individual in obtaining a motorcycle.

23 c. Defendant RAY M. HEFFINGTON acquired stolen motorcycle
24 parts to assemble the motorcycle and delivered the stolen parts to
25 ROAD DOG CYCLE.

26 d. Defendant ALFREDO F. RINCON assisted defendants ROBERT
27 C. HOLLOWAY and BRENT F. HOLLOWAY in procuring the stolen motorcycle
28 parts and in assembling the motorcycle.

1 C. OVERT ACTS

2 46. In furtherance of the conspiracy, and to effect the objects
3 and purposes of the conspiracy, the following overt acts, among
4 others, were committed in the Eastern District of California, and
5 elsewhere:

6 a. On or about June 21, 2007, defendant ROBERT C. HOLLOWAY
7 discussed with an individual the purchase by the individual of a
8 stolen motorcycle.

9 b. On or about June 25, 2007, defendant ROBERT C. HOLLOWAY
10 discussed the motorcycle with the individual.

11 c. On or about June 29, 2007, defendant ROBERT C. HOLLOWAY
12 called the individual.

13 d. On or about June 29, 2007, the individual paid
14 defendant ROBERT C. HOLLOWAY a sum of money toward the purchase of
15 the motorcycle.

16 e. On or about June 29, 2007, defendant RAY M. HEFFINGTON
17 delivered stolen motorcycle parts to ROAD DOG CYCLE.

18 f. On or about July 3, 2007, the individual paid defendant
19 ROBERT C. HOLLOWAY the balance for the purchase of the motorcycle.

20 g. On or about October 10, 2007, defendant ALFREDO F.
21 RINCON gave possession of the motorcycle assembled with stolen parts
22 to the individual.

23 All in violation of Title 18, United States Code, sections
24 371 and 2321.

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1 COUNT TWELVE: [18 U.S.C. § 371 - Conspiracy]

2 The Grand Jury further charges:

3 ROBERT C. HOLLOWAY,
4 REYNALDO W. SOTELO, and
5 FREDRICK A. NOREBERG,

6 defendants herein, as follows:

7 47. Paragraphs 1 through 9 of Count One are hereby realleged
8 and incorporated as if fully set forth herein.

9 48. At all times relevant to this Indictment, defendant
10 REYNALDO W. SOTELO was the former Chief Executive Officer of Indian
11 Motorcycles, and was an associate of defendant ROBERT C. HOLLOWAY.

12 49. At all times relevant to this Indictment, defendant
13 FREDRICK A. NOREBERG was a resident of Sweden and was the Chapter
14 President of the Red Devils outlaw motorcycle club in Sweden. At all
15 times relevant to this Indictment, defendant FREDRICK A. NOREBERG was
16 a customer of ROAD DOG CYCLE and an associate of defendant ROBERT C.
17 HOLLOWAY.

18 A. THE CONSPIRACY

19 50. Beginning at a time unknown but no later than on or about
20 September 21, 2007, and continuing to on or about November 2, 2007,
21 defendants ROBERT C. HOLLOWAY, REYNALDO W. SOTELO, FREDRICK A.
22 NOREBERG, and others both known and unknown to the grand jury, did
23 knowingly and intentionally combine, conspire, confederate, and agree
24 with each other, and with other persons known and unknown to the
25 grand jury, to commit the following offenses against the United
26 States:

27 a) To traffic in certain motor vehicles or motor vehicle
28 parts, in violation of Title 18, United States Code, sections 371 and
2321, and

1 b) To fraudulently or knowingly export or send from the
2 United States, or attempt to export or send from the United States,
3 merchandise, to wit, a motorcycle, contrary to any law or regulation
4 of the United States, in violation of Title 18, United States Code,
5 sections 371 and 554.

6 B. MANNER AND MEANS OF THE CONSPIRACY

7 51. Defendants ROBERT C. HOLLOWAY, REYNALDO W. SOTELO and
8 FREDRICK A. NOREBERG implemented the conspiracy through the following
9 manner and means:

10 a. Defendant ROBERT C. HOLLOWAY would assist defendant
11 FREDRICK A. NOREBERG in obtaining a motorcycle with a fictitious VIN
12 for export to Sweden.

13 b. Defendant REYNALDO W. SOTELO would assist defendants
14 ROBERT C. HOLLOWAY and FREDRICK A. NOREBERG in the export of this
15 motorcycle by supplying false Manufacture Statements of Origin and a
16 false VIN.

17 C. OVERT ACTS

18 52. In furtherance of the conspiracy, and to effect the objects
19 and purposes of the conspiracy, the following overt acts, among
20 others, were committed in the Eastern District of California, and
21 elsewhere:

22 a. On or about October 17, 2007, defendant ROBERT C.
23 HOLLOWAY discussed with defendants REYNALDO W. SOTELO and FREDRICK A.
24 NOREBERG the alteration of the VIN and the concealment of the true
25 manufacturer of a motorcycle that they were planning on shipping from
26 the United States to Sweden.

27 b. On or about October 19, 2007, defendant ROBERT C.
28 HOLLOWAY discussed the motorcycle with defendant REYNALDO W. SOTELO.

1 c. On or about October 21, 2007, defendant FREDRICK A.
2 NOREBERG obtained the motorcycle with the tampered VIN from defendant
3 ROBERT C. HOLLOWAY.

4 d. On or about October 30, 2007, defendant ROBERT C.
5 HOLLOWAY spoke to defendant REYNALDO W. SOTELO about defendant
6 REYNALDO W. SOTELO's interview with law enforcement about the
7 counterfeit motorcycle.

8 All in violation of Title 18, United States Code, sections 371,
9 2321 and 554.

10 COUNT THIRTEEN: [18 U.S.C. §§ 371 and 2322 - Conspiracy to Operate
11 a Chop Shop]

12 The Grand Jury further charges:

13 ROBERT C. HOLLOWAY,
14 BRENT F. HOLLOWAY,
15 ALFREDO F. RINCON,
16 JOSEPH S. TYLER, and
17 RAY M. HEFFINGTON,

18 defendants herein, as follows:

19 53. Paragraphs 1 through 17 of Count One, and paragraphs 19 and
20 20 of Count Two, are hereby realleged and incorporated as if fully
21 set forth herein.

22 54. At all times relevant to this Indictment, defendant JOSEPH
23 S. TYLER was a peace officer employed by the California Highway
24 Patrol (CHP) and served as an officer assigned to Merced County, and
25 was subsequently employed as a Deputy by the Merced County Sheriff's
26 Department. At all times relevant to this Indictment, defendant
27 JOSEPH S. TYLER was an associate of defendant ROBERT C. HOLLOWAY.

28 55. At all times relevant to this Indictment, defendant RAY M.
HEFFINGTON was a member of the Hells Angels outlaw motorcycle club

1 and was the Chapter President of the Merced Chapter of the Hells
2 Angels outlaw motorcycle club.

3 A. THE CONSPIRACY

4 56. Beginning at a time unknown but no later than on or about
5 March 1, 2003 and continuing to on or about March 1, 2008, in the
6 Eastern District of California, defendants ROBERT C. HOLLOWAY, BRENT
7 F. HOLLOWAY, ALFREDO F. RINCON, JOSEPH S. TYLER, RAY M. HEFFINGTON
8 and Daniel Dugranrut, did knowingly and intentionally combine,
9 conspire, confederate, and agree with each other, and with other
10 persons known and unknown to the grand jury, to conduct operations in
11 a chop shop, to wit, ROAD DOG CYCLE, located at 4600 Main Street,
12 Denair, California, in violation of Title 18, United States Code,
13 sections 371 and 2322.

14 B. MANNER AND MEANS OF THE CONSPIRACY

15 57. Defendants ROBERT C. HOLLOWAY, individually and dba ROAD
16 DOG CYCLE, BRENT F. HOLLOWAY, ALFREDO F. RINCON, JOSEPH S. TYLER, RAY
17 M. HEFFINGTON and Daniel Dugranrut, implemented the conspiracy
18 through the following manner and means:

19 a. Defendants ROBERT C. HOLLOWAY and BRENT F. HOLLOWAY
20 would operate the day-to-day business of ROAD DOG CYCLE. As part of
21 that business, defendants ROBERT C. HOLLOWAY and BRENT F. HOLLOWAY
22 would buy, receive, possess, or obtain control of, stolen motorcycles
23 and stolen motorcycle parts. Also as part of the operation of ROAD
24 DOG CYCLE, defendants ROBERT C. HOLLOWAY and BRENT F. HOLLOWAY would
25 receive, conceal, destroy, disassemble, dismantle, reassemble and
26 store motorcycles and motorcycle parts which had been unlawfully
27 obtained in order to alter, counterfeit, deface, destroy, disguise,
28 falsify, forge, obliterate and remove the identity, including the VIN

1 or derivative thereof, of such motorcycle or motorcycle part, and
2 distribute, sell or dispose of such motorcycle or motorcycle part in
3 interstate or foreign commerce.

4 b. Defendant ALFREDO F. RINCON would assist defendants
5 ROBERT C. HOLLOWAY and BRENT F. HOLLOWAY in receiving, concealing,
6 destroying, disassembling, dismantling, reassembling and storing
7 motorcycles and motorcycle parts at ROAD DOG CYCLE and elsewhere.

8 c. Defendant JOSEPH S. TYLER would assist defendants
9 ROBERT C. HOLLOWAY and BRENT F. HOLLOWAY in the operation of the chop
10 shop at ROAD DOG CYCLE by checking on stolen motorcycle parts through
11 law enforcement databases and informing defendants ROBERT C. HOLLOWAY
12 and BRENT F. HOLLOWAY whether such parts were stolen, and by failing
13 to report the stolen parts to law enforcement.

14 d. Defendant RAY M. HEFFINGTON would assist defendants
15 ROBERT C. HOLLOWAY and BRENT F. HOLLOWAY in the operation of the chop
16 shop at ROAD DOG CYCLE by procuring stolen motorcycle parts and
17 taking those parts to ROAD DOG CYCLE and/or the residence of ROBERT
18 C. HOLLOWAY to be assembled into motorcycles to be sold by ROAD DOG
19 CYCLE.

20 C. OVERT ACTS

21 58. For the purpose of carrying out said conspiracy and to
22 effect the objects thereof, the following overt acts, among others,
23 were committed by the defendants within the State and Eastern
24 District of California and elsewhere:

25 a. On or about June 26, 2007, defendant ROBERT C. HOLLOWAY
26 discussed with another individual the sale of a stolen motorcycle to
27 the other individual by defendant ROBERT C. HOLLOWAY, dba ROAD DOG
28 CYCLE.

1 b. On or about June 28, 2007, an individual discussed with
2 defendant BRENT F. HOLLOWAY how to alter a VIN on a motorcycle so
3 that law enforcement would be unable to recover the original VIN.

4 c. On or about June 29, 2007, defendant RAY M. HEFFINGTON
5 delivered stolen motorcycle parts to ROAD DOG CYCLE.

6 d. On or about September 20, 2007, an individual, based
7 upon a law enforcement source, alerted defendant ROBERT C. HOLLOWAY
8 about a possible search warrant that was to be executed at ROAD DOG
9 CYCLE.

10 e. On or about September 20, 2007, defendant ROBERT C.
11 HOLLOWAY spoke to defendant JOSEPH S. TYLER about checking on a
12 stolen motorcycle engine in the possession of defendant ROBERT C.
13 HOLLOWAY at ROAD DOG CYCLE.

14 f. On or about September 20, 2007, defendant JOSEPH S.
15 TYLER spoke to defendant ROBERT C. HOLLOWAY to inform him that a
16 motorcycle engine in the possession of defendant ROBERT C. HOLLOWAY
17 at ROAD DOG CYCLE had been stolen.

18 g. On or about December 3, 2007, an individual spoke to
19 defendant ROBERT C. HOLLOWAY about the possibility that an individual
20 may be a government informant and that defendant ROBERT C. HOLLOWAY
21 needed to be careful around that individual.

22 All in violation of Title 18, United States Code, sections 371
23 and 2322.

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1 COUNT FOURTEEN: [18 U.S.C. §§ 2322 and 2 - Operation of a Chop Shop
2 and Aiding and Abetting]

3 The Grand Jury further charges:

4 ROBERT C. HOLLOWAY,
5 BRENT F. HOLLOWAY,
6 ALFREDO F. RINCON,
7 JOSEPH S. TYLER, and
8 RAY M. HEFFINGTON,

9 defendants herein, as follows:

10 59. Paragraphs 1 through 17 of Count One, and paragraphs 19 and
11 20 of Count Two, and paragraphs 53 through 58 of Count 13, are hereby
12 realleged and incorporated as if fully set forth herein.

13 60. Beginning at a time unknown but no later than on or about
14 March 1, 2003 and continuing to on or about March 1, 2008, in the
15 Eastern District of California, defendants ROBERT C. HOLLOWAY, BRENT
16 F. HOLLOWAY, ALFREDO F. RINCON, JOSEPH S. TYLER and RAY M.
17 HEFFINGTON, knowingly owned, operated, maintained, or controlled a
18 chop shop, or conducted operations in a chop shop, and aided and
19 abetted the same, all in violation of Title 18, United States Code,
20 sections 2322 and 2.

21 RICO FORFEITURE ALLEGATION: [18 U.S.C. 1963]

22 The Grand Jury further charges defendants herein as follows:

23 61. The allegations contained in Counts 1 and 2 of this
24 Indictment are hereby repeated, realleged, and incorporated by
25 reference herein as though fully set forth at length for the purpose
26 of alleging forfeiture pursuant to the provisions of Title 18, United
27 States Code, Section 1963. Pursuant to Rule 32.2, Fed. R. Crim. P.,
28 notice is hereby given to the defendants that the United States will
seek forfeiture as part of any sentence in accordance with Title 18,

1 United States Code, Section 1963 in the event of any defendant's
2 conviction under Counts 1 and 2 of this Indictment.

3 62. The defendant ROBERT C. HOLLOWAY has an interest in real
4 property which afford a source of influence over the enterprise named
5 and described herein which the defendants established, operated,
6 controlled, conducted, and participated in the conduct of, in
7 violation of Title 18, United States Code, Section 1962, which
8 interests, securities, claims, and rights are subject to forfeiture
9 to the United States pursuant to Title 18, United States Code,
10 Section 1963 (a) (2).

11 63. The interests of the defendant subject to forfeiture to the
12 United States pursuant to Title 18, United States Code, Section
13 1963(a) (2), includes but is not limited to:

14 Real property located at 4600/4616 Main Street, Denair,
15 California, APN:024-026-032, including all appurtenances
16 and improvements thereto.

17 64. If any property subject to forfeiture as a result of the
18 offenses alleged in Counts 1 and 2 herein:

- 19 (1) cannot be located upon the exercise of due diligence;
20 (2) has been transferred or sold to, or deposited with, a
21 third person;
22 (3) has been placed beyond the jurisdiction of the Court;
23 (4) has been substantially diminished in value; or
24 (5) has been commingled with other property which cannot be
25 subdivided without difficulty;

26 it is the intent of the United States, pursuant 18 U.S.C. § 1963(m)
27 to seek forfeiture of any other property of said defendant up to the
28

1 value of the property subject to forfeiture. All pursuant to Title
2 18, United States Code, Section 1963.

3 GENERAL FORFEITURE ALLEGATION

4 64. The allegations contained in Counts 6 through 12 of this
5 Indictment are hereby repeated, realleged, and incorporated by
6 reference herein as though fully set forth above for the purpose of
7 alleging forfeiture pursuant to the provisions of Title 18, United
8 States Code, Section 981(a)(1)(C) and Title 28, United States Code,
9 Section 2461(c). Upon conviction of the offenses in violation of
10 Title 18, United States Code, Sections 892, 894 and 2321 set forth in
11 Counts 6-12 of this Indictment, the defendants ROBERT C. HOLLOWAY,
12 BRENT F. HOLLOWAY, MICHAEL OROZCO, ALFREDO F. RINCON and RAY
13 HEFFINGTON, shall forfeit to the United States of America, pursuant
14 to Title 18, United States Code, Section 981(a)(1)(C) and Title 28,
15 United States Code, Section 2461(c), any property, real or personal,
16 which constitutes or is derived from proceeds traceable to the
17 offenses.

18 65. If any property subject to forfeiture as a result of the
19 offenses alleged in 6-12 of this Indictment herein:

- 20 (1) cannot be located upon the exercise of due diligence;
21 (2) has been transferred or sold to, or deposited with, a
22 third person;
23 (3) has been placed beyond the jurisdiction of the Court;
24 (4) has been substantially diminished in value; or
25 (5) has been commingled with other property which cannot be
26 subdivided without difficulty;

27 it is the intent of the United States, pursuant to 18 U.S.C. §
28 981(a)(1)(C) and 28 U.S.C. § 2461(c), incorporating 21 U.S.C. §

1 853(p) to seek forfeiture of any other property of said defendants up
2 to the value of the property subject to forfeiture.

3
4 A TRUE BILL

5 Lauren Lemms Odell
6 FOREPERSON

7 McGREGOR W. SCOTT
8 United States Attorney

9 By

10 Shirley K. Ober
11 MARK E. CULLERS
12 Assistant United States Attorney
13 Chief, Fresno Office
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