

1 McGREGOR W. SCOTT
United States Attorney
2 MARK E. CULLERS
LAUREL J. MONTOYA
3 Assistant U.S. Attorneys
4401 Federal Building
4 2500 Tulare Street
Fresno, California 93721
5 Telephone: (559) 497-4000
6

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

10	UNITED STATES OF AMERICA,)	1:08-CR-00224 OWW
11	Plaintiff,)	
12)	GOVERNMENT’S MOTION FOR
13	v.)	REVOCATION OF MAGISTRATE'S ORDER
14	BRENT HOLLOWAY,)	RELEASING DEFENDANT ON BOND
15	Defendant.)	
16)	

17 The United States of America, by and through McGregor W. Scott, United States Attorney,
18 and Mark E. Cullers and Laurel J. Montoya, Assistant United States Attorneys, hereby respectfully
19 files this motion to revoke the conditions of release ordered by the Honorable Dennis L. Beck.

20 **ORDER SETTING CONDITIONS OF RELEASE**

21 On July 15, 2008, the defendant was arrested pursuant to warrant issued after an indictment
22 was returned charging him with racketeering, racketeering conspiracy, making extortionate
23 extensions of credit, conspiracy to collect extensions of credit by extortionate means, conspiracy to
24 traffic in certain motor vehicles and motor vehicle parts, and conspiracy to operate a chop shop, and
25 operation of a chop shop. He initially appeared in front of the Honorable Gary S. Austin on July 16,
26 2008, and the government requested that he be ordered detained as a danger to the community and a
27 flight risk. The detention hearing was commenced on July 18, 2008 and after taking testimony, the
28 matter was trailed to July 21, 2008 for the government to provide copies of telephone calls and

1 reports referred to by Federal Bureau of Investigation Special Agent Nate Elias at the hearing. On
2 July 21, 2008, Brent Holloway retained separate counsel and his attorney, Richard Mazer, appeared
3 and requested that the detention hearing be continued to July 24, 2008 before the Honorable Dennis
4 L. Beck. An evidentiary hearing was held wherein FBI Special Agent Nate Elias again testified,
5 intercepted telephone calls were played, and other evidence was received. After taking testimony,
6 Judge Beck ordered the defendant's release on conditions including a property bond and electronic
7 monitoring.

8 The government moves this honorable Court to revoke the order releasing the defendant on
9 conditions pursuant to 18 U.S.C. § 3145(a)(1).

10 **FACTS**

11 1. On July 10, 2008, a grand jury sitting in the Eastern District of California, Fresno,
12 returned an indictment charging defendant Brent Holloway with Racketeering, in violation of Title
13 18, United States Code, Section 1962(c) (with a maximum penalty of twenty years imprisonment and
14 a \$250,000 fine); Racketeering Conspiracy, in violation of Title 18, United States Code, Section
15 1962(d) (with a maximum penalty of twenty years imprisonment and a fine of \$250,000); Making
16 Extortionate Extensions of Credit, in violation of Title 18, United States Code, Section 892 (with a
17 maximum penalty of twenty years imprisonment and a fine of \$250,000); Conspiracy to Collect
18 Extensions of Credit by Extortionate Means, in violation of Title 18, United States Code, Section
19 371 (with a maximum penalty of five years, and a fine of \$250,000); Conspiracy to Traffic in Certain
20 Motor Vehicles and Motor Vehicle Parts, in violation of Title 18, United States Code, Sections 371
21 and 2321 (with a maximum penalty of five years and a fine of \$250,000); Conspiracy to Operate a
22 Chop Shop, in violation of Title 18, United States Code, Sections 371 and 2322 (with a maximum
23 penalty of five years and a fine of \$250,000); and Operation of a Chop Shop and Aiding and
24 Abetting, in violation of Title 18, United States Code, Sections 2322 and 2 (with a maximum penalty
25 of fifteen years imprisonment, and a fine of \$250,000).

26 2. As part of Counts One and Two, Racketeering and Racketeering Conspiracy, the
27 indictment charged in part:

28 ///

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

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

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

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

22 The purposes of the defendants included the following:

23 Enriching the members and associates of the enterprise through, among other things,
24 the trafficking in stolen motorcycle parts, the purchase and sale of stolen motorcycles and
25 motorcycle parts, the exportation of stolen motorcycles and motorcycle parts, extortionate
26 credit transactions and chop shop activity.

27 Preserving and protecting the power, territory and profits of the enterprise through the
28 use of intimidation, threats of violence, violence and assaults.

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

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

Means and Methods of the Defendants:

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

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

3 b. Members of the enterprise and their associates committed, attempted and
4 threatened to commit acts of violence, including robbery and extortion, to protect and expand
5 the enterprise's criminal operations.

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

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

10 e. Members of the enterprise and their associates utilized sources within the law
11 enforcement community to aid in the concealment of the enterprise's operations and to
12 protect the enterprise's criminal operations.

13 3. As noted above, the indictment charges defendant Brent Holloway with additional
14 violations including making extortionate extension of credit and conspiracy to collect extensions of
15 credit by extortionate means as well as charges relating to operating a chop shop.

16 4. The charges arose as a result of a long term investigation of Robert Holloway, Brent
17 Holloway and Road Dog Cycle (RDC). The Holloway Criminal Enterprise is based on the
18 association of Robert Cliff Holloway, III, his son Brent Frank Holloway, and RDC. Robert Cliff
19 Holloway, a.k.a. Bob Holloway, is the founder and co-owns and co-operates RDC with Brent
20 Holloway. As described further below, Robert Holloway conducts his business affairs and operates
21 his enterprise with the aid of his son Brent Holloway, whereby Brent Holloway serves as second to
22 Robert Holloway in leadership within the enterprise. The business, criminal enterprise, officers and
23 associates are described below as follows:

24 a. ROAD DOG CYCLE is a motorcycle business which is located in Denair,
25 California, within Stanislaus County, and within the Eastern District of California. ROAD DOG
26 CYCLE is known as a new and used parts dealer, used motorcycle dealer and broker, and a
27 motorcycle repair facility. Based on this investigation, RDC conducts both legal and illegal business
28 in the same location, as well as storage units and residences located off site. Of the legal business,
parts, repairs, and sales are conducted through the course of normal operations. Illegal operations
being conducted through RDC include chop shop operations, namely the purchase, sale,
dismantlement, tampering, altering, and exportation of stolen motorcycles and motorcycle parts.

1 Illegal operations also include the theft of motorcycles via extortionate means. ROAD DOG
2 CYCLE has become a haven for outlaw motorcycle gangs in the region, including the Hells Angels,
3 Jus Brothers, Alky Haulers, Top Hatters, East Bay Dragons, and other outlaw motorcycle gangs.
4 Members from several of these clubs have become key participants, or associates, of the Holloway
5 CE. ROAD DOG CYCLE has also been known to employ retired law enforcement officers, some of
6 which are engaged in and act as key participants of the Holloway CE. Furthermore, investigation has
7 revealed it is the intent of Bob Holloway to turn the operations of RDC over to Brent Holloway.

8 b. The Holloway Criminal Enterprise (CE) is a group of individuals, united under
9 Bob Holloway, who conduct the illegal operations through both RDC and private locations outside
10 of RDC. Bob Holloway is the driving force of the Holloway CE whereby nearly all decisions are
11 made by and cleared through him. Brent Holloway serves as second in command of the Holloway
12 CE and acts in accordance with Bob Holloway's direction. Documents filed with the State of
13 California list defendant Brent Holloway as the Vice President of RDC, and on another document
14 lists the defendant as having a 5% interest. He is listed on documents as "parts manager", has access
15 to the RDC Washington Mutual bank account, and has equal available balance on the RDC credit
16 cards. Bob and Brent Holloway act as officers of the CE. Underneath the direction of Bob and/or
17 Brent Holloway, investigation has revealed that certain associates act as key participants of the
18 Holloway CE.

19 c. A key associate has been identified as a person who has an interest in the success
20 of the Holloway CE and is participating in criminal activities in furtherance of the objectives of the
21 Holloway CE. These associates include: Hells Angels Merced Chapter President Ray Heffington;
22 Hells Angels Merced Chapter member and former RDC employee Kellen Brenton; Hells Angels
23 Nomad Chapter member William Daniel Dugranrut (now deceased); Hells Angels Nomad Chapter
24 member Eddie "Buddy" Taylor; Hells Angels Nomad Chapter member Gary Lavendusky; Jus
25 Brothers outlaw motorcycle gang Chapter President Paul "Boston" Pedrosa; Alky Haulers outlaw
26 motorcycle gang Chapter President Mike "Spike" Orozco; East Bay Dragons outlaw motorcycle gang
27 member Alfredo Rincon; Former Merced County Sheriff's Deputy Joe Tyler; Former CEO of Indian
28 Motorcycles Reyaldo Sotelo; and Kathy Holloway, wife of Bob Holloway, as well as others known

1 and those yet to be identified.

2 d. These associates serve various roles and functions within the enterprise and act in
3 a manner which supports the illegal operations of the enterprise. These associates not only unite
4 with the Holloway CE to conduct criminal activities, but they have relationship to the Holloway CE
5 beyond their criminal affairs.

6 5. The investigation revealed that when Road Dog Cycle extended credit to members of,
7 or affiliates of an outlaw motorcycle club, the debts were collected differently that persons who were
8 not club affiliated. The intercepts and interviews revealed that the president of the outlaw
9 motorcycle gang (OMG) was contacted regarding the debts of members and the president or the club
10 was then responsible for the debt collection. Intercepts and interviews revealed that force was often
11 used to collect the debts. Co-defendant and co-conspirator Robert Holloway was intercepted telling
12 the Chapter President of the East Bay Dragons OMG that he 'did not call the cops and he does not go
13 to court.'

14 6. Intercepted telephone calls were made by defendant Brent Holloway to Kellen (Kelly)
15 Brenton, a member of the Hells Angels, and Ray Heffington regarding a debt owed to RDC by Brian
16 Henson. Brent Holloway told Robert Holloway that Heffington, a co-defendant and President of the
17 Merced chapter of the Hells Angels, had told Brent Holloway at the Hells Angels Halloween party
18 that he would "take care of it" when Brent talked to him about Henson's debt.

19 7. Intercepted telephone calls show that Brent Holloway was trying to locate Carl Ellis
20 regarding a debt and had contacted Micah Dizney, a violent felon who was committing home
21 invasion robberies at the time, to be the enforcer and collect the debt. Dizney located Ellis and this
22 resulted in a meeting between co-conspirator Robert Holloway, Dizney, and Ellis. The meeting was
23 described during an intercepted telephone call as very heated. After this surveilled meeting, Ellis
24 was notified by the agents that he needed to be mindful of people to whom he owed debts and the
25 potential for harm. SA Elias testified at the detention hearing that Ellis stole a motorcycle in a home
26 invasion robbery and defendant Brent Holloway picked up the motorcycle as satisfaction of the debt
27 owed to RDC. Defendant Brent Holloway and co-defendant Robert Holloway worked together to
28 satisfy this debt owed to RDC by Carl Ellis.

1 8. During the detention hearing, an intercepted telephone call was played that occurred
2 between defendant Brent Holloway and his brother Bobby Holloway discussing debts owed to RDC.
3 The defendant had contacted Jus Brother President Paul “Boston” Pedrosa regarding a debt owed by
4 “Jimbo”, who was determined to be Jim Bowers, a former Jus Brother who had tried to start an
5 OMG in Oregon. During the call, Bobby and Brent discuss the debt and are trying to determine the
6 actual amount owed - \$952.00 vs. the \$4,000.00 or \$5,000.00 that Pedrosa thinks Bowers owes. The
7 defendant tells Bobby that telling Pedrosa to tell Bowers to pay what he thinks he owes may come
8 down to ‘somebody getting...you know...something might happen.’ The agent’s interpretation is that
9 defendant Brent Holloway is concerned that giving Jus Brother President Pedrosa the wrong
10 information could result in violence and he did not want to make that decision without talking to
11 their father, Robert Holloway, who was vacationing in Hawaii at the time.

12 9. An telephone call intercepted September 21, 2007 was played where RDC office
13 employee Lynette Petrie describes a beating she heard while she was working there the night before.
14 Danny Dugranrut beat his son Rowdy for an incident that had happened at school. Petrie told her
15 friend Debra that she “heard the door go back, the service doors go down, and that happens once in a
16 while when um, they have to teach a customer a lesson you know, somebody that hasn’t paid a bill or
17 whatever and they take them back there and thump them around a little bit.” She continued saying,
18 “...And he had the guys close the doors and I heard you know yelling and screaming and you know
19 things hitting the walls and stuff and I thought it was, you know, somebody that they were thumping,
20 I really didn’t think that much of it. And then I heard and then Jimmy came up and said something
21 to Brent (the defendant) about it, that it was Rowdy (getting beaten). And I just f----- lost it, you
22 know, I just lost it.”

23 10. Photographs of three shoplifters were introduced into evidence at the detention
24 hearing along with the reports generated by the Stanislaus County Sheriff’s Department. One of the
25 suspects appears to have been beaten worse than the other two. This photograph was found not only
26 in Robert Holloway’s computer but at defendant Brent Holloway’s residence as well.

27 11. After search warrants were served February 1, 2008 at locations including the
28 defendant’s residence, Robert Holloway’s residence, and RDC, two witnesses that were referred to

1 in the search warrant attachments have been moved for their protection.

2 **PRE-TRIAL SERVICES INFORMATION**

3 Pretrial Services Officer Montgomery Olson authored a report prior to the detention hearing.
4 The information set forth below was obtained from the report.

5 1. Family Ties and Ties to the Community

6 According to the report, the defendant is a native of Modesto, California and has lived there
7 his entire life. He and his wife Tiffany purchased their home in Modesto eight years ago. In addition
8 to his father and co-defendant Robert Holloway, other relatives including his mother, two brothers,
9 his maternal grandmother, a maternal aunt, two maternal uncles, and several maternal uncles all
10 reside in the Modesto area. He has daily contact with his father by virtue of their business and has
11 contact with his mother approximately three times a week.

12 2. Financial Resources.

13 The defendant is employed at Road Dog Cycle and has been since 1997 when he left his
14 former employer after having to have hernia surgery. Prior to working at RDC, he was employed by
15 D. Cummins between 1989 and 1997. The defendant's wife reported that he was made a 1% owner
16 of RDC so his father could avoid paying workers compensation premiums. This information is
17 contradicted by the evidence as noted above. The defendant reported a monthly income of \$4,000.00
18 and his wife's income from Costco was reported to be \$1,000.00 per month.

19 Also noted in the pre-trial services report were the following assets: personal property valued
20 at approximately \$5,000.00, \$2,000.00 in cash, investment accounts totaling approximately
21 \$200,000.00, his wife's retirement account valued at approximately \$50,000.00, and two vehicles..
22 The defendant's residence is valued at \$500,000.00 with \$203,000.00 owed.

23 3. Prior Record.

24 The defendant has a 1991 conviction for malicious mischief that was dismissed pursuant to
25 Penal Code Section 1203.4. The defendant was arrested in 2005 for driving under the influence and
26 hit and run resulting in property damage however the charges appear to have been reduced to the
27 Vehicle Code violation following too close.

28 ///

1 4. Recommendation.

2 The Court followed the recommendation in the Pretrial Services report with a few
3 modifications. The court ordered that the defendant be released on the following conditions:

- 4 1. You shall be released on a \$500,000.00 bond secured by property owned by the
5 defendant and Linda Kendall, the defendant's mother;
- 6 2. You shall report to and comply with the rules and regulations of the Pretrial Services
7 Agency;
- 8 3. You shall report in person to the Pretrial Services Agency on the first working day
9 following your release from custody;
- 10 4. You are released to the third party custody of Linda Kendall and Tiffany Holloway;
- 11 5. You shall reside at a residence approved by the Pretrial Services Officer, and not
12 move or absent yourself from this residence for more than 24 hours without the prior
13 approval of the Pretrial Services Officer;
- 14 6. Your travel is restricted to Stanislaus County and Fresno for court appearances unless
15 otherwise approved in advance by the Pretrial Services Officer;
- 16 7. You shall seek and/or maintain employment, and provide proof thereof to the Pretrial
17 Services Officer upon request. You shall not work at Road Dog Cycle or any
18 motorcycle shop;
- 19 8. Your shall not go to Road Dog Cycle unless pre-approved in advance by the Pretrial
20 Services Officer;
- 21 9. You shall not associate or have any contact, either direct or indirect, with Robert
22 Holloway, Alfredo Rincon, Michael Orozco, Joseph Tyler, Reynaldo Sotello,
23 Frederick Noreberg, Ray Heffington, John Bird, or Daniel Martell unless in the
24 presence of counsel or otherwise approved in advance by the Pretrial Services Officer.
25 Further, you shall not associate or have any contact with any member of any OMG or
26 club.
- 27 10. You shall surrender your passport;
- 28 11. You shall not possess a firearm, destructive device, or other dangerous weapon.

1 convincing evidence" that "no condition or combination of conditions will reasonably assure . . . the
2 safety of the community." 18 U.S.C. § 3142(e) and (f). The Bail Reform Act defines a "crime of
3 violence" as an offense that has as one of its elements the "attempted use, or threatened use of
4 physical force against the person or property of another". 18 U.S.C. § 3156(a)(4)(A).

5 In this case, the defendant has been charged in both a racketeering count and a racketeering
6 conspiracy count, the objects of which were to carry on the enterprise through violence, intimidation
7 and threats of violence. This court can consider the objectives and means of the racketeering
8 enterprise as a whole in determining whether the RICO charged is a crime of violence. United States
9 v. Ciccone, 312 F.3d 535, 542 (2nd Cir. 2002).

10 In addition, the defendant has been charged in two substantive counts (Counts Eight and
11 Nine) with making extortionate extensions of credit and conspiracy to collect extensions of credit by
12 extortionate means. An "extortionate means" is "any means which involves the use, or an express or
13 implicit threat of use, of violence or other criminal means to cause harm to the person, reputation, or
14 property of any person." 18 U.S.C. § 891(7). Extortion has been held to be a "crime of violence"
15 under the Bail Reform Act. Id.; United States v. Defede, 7 F.Supp.2d 390, 391 (S.D.N.Y. 1998). A
16 defendant need not be shown to have personally engaged in acts of physical violence before being
17 found to be a danger to the community. United States v. Colombo, 777 F.2d 96, 98 (2nd Cir. 1985).
18 A leader of a criminal enterprise with the ability to order members of that enterprise or others to
19 engage in criminal actions may be a danger to the community despite the lack of evidence that he
20 directly participated in many, if any, of the charged crimes. United States v. Orena, 986 F.2d 628,
21 632 (2nd Cir. 1993); United States v. Bellomo, 944 F.Supp. 1160, 1166 (S.D.N.Y. 1996).

22 Virtually all of the factors set forth above militate in favor of detention. The defendant is
23 charged with violent offenses resulting from the unlawful business practices of RDC, to wit: the
24 extortionate extension of credit and the collection of credit extensions by extortionate means. The
25 weight of the evidence against the defendant is strong. The defendant's past conduct clearly show a
26 propensity for violence. He enlists the aid of outlaw motorcycle gang members and violent felons to
27 assist in the collection of debts owed to the business. The investigation revealed that often violence
28 or threats of violence is resorted to when collecting these debts that are owed to the defendant's

1 business. The government submits that there is a serious risk that the defendant will obstruct justice
2 or attempt to intimidate witnesses based on the threats that have already been directed toward
3 witnesses necessitating their relocation after the service of the search warrant.

4 The photographs introduced showing the shoplifters that were beaten and detained indicate a
5 propensity for violence on the part of the defendant. Additionally, the information received during
6 the telephone conversation involving RDC employee Lynette Petrie speaks volumes of the business
7 practices utilized by RDC. Believing it was just another customer who had paid a bill and was being
8 taught a lesson, she did not think anything of the beating that was taking place in the mechanics bay.
9 Just another day at the office.

10 The government submits that the evidence produced at the hearing and proffered herein
11 proves by clear and convincing evidence that there are no conditions or combination of conditions
12 that will assure the safety of the community.

13 **Conclusion**

14 Based on the foregoing, the United States requests that the District Court find that the
15 government has proven by clear and convincing evidence that there are no conditions or combination
16 of conditions that will assure the safety of the community, and therefore, that the defendant be
17 detained in the custody of the United States Marshal pending trial.

18 DATED: July 28, 2008

Respectfully submitted,

19 McGREGOR W. SCOTT
20 United States Attorney

21 By /s/ Mark E. Cullers
22 MARK E. CULLERS
Assistant U.S. Attorney

23 /s/ Laurel J. Montoya
24 LAUREL J. MONTOYA
Assistant U.S. Attorney

25
26
27
28