

FILED

JAN 08 2009

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY _____ DEPUTY CLERK

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

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11
12 UNITED STATES OF AMERICA,) CASE NO. 1:08-cr-0220 OWW
13)
Plaintiff,) VIOLATIONS: 18 U.S.C. §
14 v.) 1512(c)(2) and (k) - Conspiracy
15 RAUL DeLEON,) to Obstruct Justice;
16) 18 U.S.C. § 1001 - Making a
Defendant.) False, Fictitious or Fraudulent
17) Statement (Four Counts)
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S U P E R S E D I N G I N D I C T M E N T

The Grand Jury charges:

RAUL DeLEON,
defendant herein, as follows:

I.

INTRODUCTION

1. At all times relevant herein, the Central Valley Gang Impact Task Force (CVGIT) was an task force comprised of State and Federal law enforcement agencies who worked together to combat gangs and organized crime in the central San Joaquin Valley.

1 2. At all times relevant herein, the Federal Bureau of
2 Investigation (FBI), the Modesto Police Department and the Stanislaus
3 County District Attorney's Office were members of CVGIT.

4 3. At all times relevant herein, CVGIT was conducting an
5 investigation into a criminal enterprise known as the Holloway
6 criminal enterprise. The Holloway criminal enterprise consists of
7 Robert Holloway, Brent Holloway, William Daniel Dugranrut, Road Dog
8 Cycle (located in Denair, California) and individuals associated with
9 Robert Holloway and Road Dog Cycle.

10 4. At all times relevant herein, members of the CVGIT who were
11 involved in the investigation of the Holloway criminal enterprise
12 were concerned about information gathered during the investigation
13 being disseminated to those outside of law enforcement and to those
14 under investigation. Such unauthorized dissemination impeded the
15 investigation in numerous ways, including, but not limited to,
16 altering the methods by which CVGIT conducted the investigation and
17 causing CVGIT to lose its ability to utilize normal avenues of
18 communication with other law enforcement components.

19 5. At all times relevant herein, defendant RAUL DeLEON was
20 employed as a Captain with the Stanislaus County Sheriff's
21 Department. Defendant RAUL DeLEON was also Commander of the
22 Operations Division, which included SWAT, STING (gang unit),
23 detectives and patrol, all of whom reported to defendant RAUL DeLEON.

24 6. At all times relevant herein, CVGIT was involved the
25 execution of search warrants on a residence of William Daniel
26 Dugranrut, a known associate of Robert Holloway.

27 7. At all times relevant herein, during the execution of the
28 search warrant on the residence of William Daniel Dugranrut, Robert

1 Holloway placed a telephone call to defendant RAUL DeLEON to try to
2 ascertain the nature and purpose of the search warrant.

3 8. At all times relevant herein, CVGIT had issued a State grand
4 jury subpoena to defendant RAUL DeLEON requesting that he produce
5 information and documents concerning Kathy Holloway, the spouse of
6 Robert Holloway.

7 II.

8 THE CHARGES

9 COUNT ONE: [18 U.S.C. § 1512(c)(2) and (k) - Conspiracy to Obstruct
10 Justice]

11 The Grand Jury charges:

12 RAUL DeLEON,
13 defendant herein, as follows:

14 9. The allegations contained in paragraphs 1 through 8 of this
15 Indictment are hereby realleged and incorporated herein by this
16 reference.

17 10. Beginning at a time unknown but no later than on or about
18 January 1, 2006, and continuing to on or about December 31, 2007, in
19 the State and Eastern District of California, defendant RAUL DeLEON
20 did knowingly and intentionally combine, conspire, confederate, and
21 agree with other persons known and unknown to the grand jury, to
22 obstruct, influence and impede an official proceeding, to wit, a law
23 enforcement investigation conducted by the Federal Bureau of
24 Investigation, in violation of Title 18, United States Code, Sections
25 1512(c)(2) and (k).

26 B. MANNER AND MEANS OF THE CONSPIRACY

27 11. Defendant RAUL DeLEON, and others, implemented the
28 conspiracy through the following manner and means:

1 a. Defendant RAUL DeLEON, in his capacity as a law
2 enforcement officer with the Stanislaus County Sheriff's Department,
3 would obtain information concerning law enforcement's ongoing
4 investigation of Robert Holloway and his associates and relay that
5 information to Robert Holloway, and the defendant would obtain
6 information from Robert Holloway concerning illegal activities of
7 Robert Holloway and his associates and conceal that information from
8 law enforcement.

9 b. When questioned about whether he had knowledge of the
10 illegal activities of associates of Robert Holloway, the nature of
11 his relationship with Robert Holloway, and whether he had relayed law
12 enforcement information to Robert Holloway, defendant RAUL DeLEON was
13 evasive and untruthful in his answers.

14 C. OVERT ACTS

15 12. In furtherance of the conspiracy, and to effect the objects
16 and purposes of the conspiracy, the following overt acts, among
17 others, were committed in the Eastern District of California, and
18 elsewhere:

19 a. On or about October 16, 2007, at approximately 3:49
20 p.m., defendant RAUL DeLEON spoke on the telephone to a co-
21 conspirator.

22 b. On or about October 16, 2007, at approximately 4:20
23 p.m., defendant RAUL DeLEON telephoned a co-conspirator.

24 c. On or about October 16, 2007, at approximately 4:22
25 p.m., defendant RAUL DeLEON telephoned a co-conspirator.

26 All in violation of Title 18, United States Code, Sections
27 1512(c)(2) and (k).

1 COUNT TWO: [18 U.S.C. § 1001 - Making a False, Fictitious or
2 Fraudulent Statement]

3 The Grand Jury charges:

4 RAUL DeLEON,
5 defendant herein, as follows:

6 13. The allegations contained in paragraphs 1 through 12 of
7 this Indictment are hereby realleged and incorporated herein by this
8 reference.

9 14. On or about November 20, 2007, in the County of Stanislaus,
10 Eastern District of California, in a matter within the jurisdiction
11 of the Federal Bureau of Investigation, an agency of the United
12 States, defendant RAUL DeLEON did knowingly and willfully make a
13 false, fraudulent and fictitious material statement and
14 representation; that is, defendant RAUL DeLEON during an interview
15 with the FBI and other CVGIT members, denied that Robert Holloway had
16 informed him that William Daniel Dugranrut was attempting to hide and
17 secrete evidence from law enforcement while he was evading the
18 execution of the search warrant, when in fact, as the defendant then
19 and there knew, Robert Holloway had so informed defendant RAUL DeLEON
20 during the course of a telephone conversation on October 16, 2007.

21 15. Specifically, defendant RAUL DeLEON was asked the following
22 question and gave the following answer:

23 Q: Was there anything other than just the time away from
24 the service of the search warrant, that he basically
25 needed that time to just talk to an attorney before he
26 surrendered himself? Armendariz said, and this is
27 what Armendariz told me, is that Bob told him that he
28 wanted to make sure that, he being Dugranrut, that his
patch and his bike and all of his club sh_ _ was
safely put away before he was arrested.

A: He didn't say anything like that to me.

1 All in violation of Title 18, United States Code, Section 1001.

2 COUNT THREE: [18 U.S.C. § 1001 - Making a False, Fictitious or
3 Fraudulent Statement]

4 The Grand Jury further charges:

5 RAUL DeLEON,

6 defendant herein, as follows:

7 16. The allegations contained in paragraphs 1 through 12 of
8 this Indictment are hereby realleged and incorporated herein by this
9 reference.

10 17. On or about November 20, 2007, in the County of Stanislaus,
11 Eastern District of California, in a matter within the jurisdiction
12 of the Federal Bureau of Investigation, an agency of the United
13 States, defendant RAUL DeLEON did knowingly and willfully make a
14 false, fraudulent and fictitious material statement and
15 representation; that is, defendant RAUL DeLEON during an interview
16 with the FBI and other CVGIT members, denied that he had informed
17 Robert Holloway about the State grand jury subpoena that had been
18 served upon defendant RAUL DeLEON, when in fact, as the defendant
19 then and there knew, he had so informed Robert Holloway during the
20 course of a telephone conversation on October 16, 2007.

21 18. Specifically, defendant RAUL DeLEON was asked the following
22 question and gave the following answer:

23 A: I'm, I'm thinking yeah, but you know because its not
24 ah, it wasn't a real big issue with me, I can't
25 remember exactly who with anybody, specifically, that
I said, "Hey, I got a subpoena on Kathy Holloway."

26 Q: But no attorneys or target subjects, like Bob?

27 A: Oh, absolutely not, no, no, that's what pissed me off
28 about Mary Lynn Belsher saying that I called.

28 All in violation of Title 18, United States Code, Section 1001.

1 COUNT FOUR: [18 U.S.C. § 1001 - Making a False, Fictitious or
2 Fraudulent Statement]

3 The Grand Jury further charges:

4 RAUL DeLEON,
5 defendant herein, as follows:

6 19. The allegations contained in paragraphs 1 through 12 of
7 this Indictment are hereby realleged and incorporated herein by this
8 reference.

9 20. On or about November 20, 2007, in the County of Stanislaus,
10 Eastern District of California, in a matter within the jurisdiction
11 of the Federal Bureau of Investigation, an agency of the United
12 States, defendant RAUL DeLEON did knowingly and willfully make a
13 false, fraudulent and fictitious material statements and
14 representations; that is, defendant RAUL DeLEON during an interview
15 with the FBI and other CVGIT members, denied that he had a friendly,
16 personal relationship with Robert Holloway, when in fact, as the
17 defendant then and there knew, he had a friendly relationship with
18 Robert Holloway.

19 21. Specifically, defendant RAUL DeLEON was asked the following
20 question and gave the following answer:

21 Q: But you're saying a prior friendship but you would
22 consider yourself now more of an acquaintance?

23 A: Oh, yeah, yeah.

24 Q: How long ago would you say you were in that friendship
25 capacity?

26 A: Probably while he worked here.

27 All in violation of Title 18, United States Code, Section 1001.
28

1 COUNT FIVE: [18 U.S.C. § 1001 - Making a False, Fictitious or
2 Fraudulent Statement]

3 The Grand Jury further charges:

4 RAUL DeLEON,
5 defendant herein, as follows:

6 22. The allegations contained in paragraphs 1 through 12 of
7 this Indictment are hereby realleged and incorporated herein by this
8 reference.

9 23. On or about November 20, 2007, in the County of Stanislaus,
10 Eastern District of California, in a matter within the jurisdiction
11 of the Federal Bureau of Investigation, an agency of the United
12 States, defendant RAUL DeLEON did knowingly and willfully make a
13 false, fraudulent and fictitious material statements and
14 representations; that is, defendant RAUL DeLEON during an interview
15 with the FBI and other CVGIT members, gave a false account of his
16 encounter with Robert Holloway on September 19, 2007.

17 24. Specifically, defendant RAUL DeLEON was asked the following
18 question and gave the following answer:

19 Q: That was...would have been August, like mid-August?
20 No, school had just started, so it was mid-September.
I remember Gonzo was working on that from your shop.

21 A: Well, I had just been in Patterson because I had my,
22 our HR Manager. We have a new HR Manager and I was
23 taking him around introducing him to , you know, our
24 substations and our Chiefs and stuff, and we were
25 coming back from Patterson and we were on Keyes Road,
26 Keyes and Geer, at the four way stop sign there.
27 There was a truck in front of us that said, "Road
Dog." So I knew it was Bob. Well, I think I scared
the hell out of him because I hit my lights and
immediately pulled over, and I get out, "Hey, Bob, how
are you doing, just wanted to say hi." And he said,
"You scared the sh__ out, I thought you were one of
those gang guys." And Marcus was with me, our HR guy.

1 And I get back at, no, I just want to see, how are you
2 doing, you know, and I'm looking in his truck, he's
3 clean as usual.

4 All in violation of Title 18, United States Code, Section
5 1001.

6 A TRUE BILL

7 /s/ Signature on file w/AUSA

8 FOREPERSON

9
10 LAWRENCE G. BROWN
11 Acting United States Attorney

12 By


Sheila K. Oberto *So*

13 MARK E. CULLERS
14 Assistant United States Attorney
15 Chief, Fresno Office
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UNITED STATES DISTRICT COURT **FILED**

Eastern District of California
Criminal Division

JAN 08 2009

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY 
DEPUTY CLERK

THE UNITED STATES OF AMERICA

vs.

RAUL DELEON

SUPERSEDING INDICTMENT

VIOLATION(S):

18 U.S.C. § 1212(c)(2) and (k) - Conspiracy to Obstruct Justice;
18 U.S.C. § 1001 - Making a False, Fictitious
or Fraudulent Statement (Four Counts)

A true bill,

15

Foreman.

Filed in open court this

8th

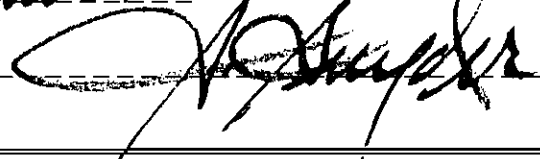
day

of January, A.D. 20

09

Clerk.

Bail,

Remain released as set.


DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION -- IN U.S. DISTRICT COURT

By COMPLAINT INFORMATION INDICTMENT

Name of District Court, and/or Judge Magistrate Location (city)
EASTERN DISTRICT OF CALIFORNIA
FRESNO, CALIFORNIA

OFFENSE CHARGED
SEE INDICTMENT
Petty _____
Minor _____
Misdemeanor _____
Felony

Place of Offense
STANISLAUS COUNTY
U.S.C. Citation
18 U.S.C. § 1512(c)&(k); and
18 U.S.C. § 1001

DEFENDANT -- U.S. vs.
RAUL DELEON
Address { 1:08-CR-0220 OWW
Birth Date _____ Male _____ Alien
Date _____ Female (if applicable)
(Optional unless a juvenile)

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)
FBI / HUBERTY
 this person is awaiting trial in another Federal or State Court, give name of court.
 this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21, or 40. Show District
 this is a reprosecution of charges previously dismissed which were dismissed on motion of:
 U.S. Att'y Defense } SHOW DOCKET NO.
1:08CR220 OWW
 this prosecution relates to a pending case involving this same defendant
 prior proceeding or appearance(s) before U.S. Magistrate regarding this defendant were recorded under
MAGISTRATE CASE NO.

DEFENDANT

IS NOT IN CUSTODY
1) Has not been arrested, pending outcome this proceeding if not detained give date any prior summons was served on above charges
2) Is a Fugitive
3) Is on Bail or Released from (show District)
IS IN CUSTODY
4) On this charge
5) On another conviction Fed'l State
6) Awaiting trial on other charges
If answer to (6) is "Yes", show name of institution
Has detainer been filed? Yes _____ If "Yes" give date _____
No _____
DATE OF ARREST ▶ Mo. Day Year
Or ... if arresting Agency & Warrant were not Federal
DATE TRANSFERRED TO U.S. CUSTODY ▶ Mo. Day Year

Name and Office of Person Furnishing information on
THIS FORM
NORA A. McBRIDE
 U.S. Att'y _____ Other U.S. Agency
Name of Asst. U.S. Att'y
MARK E. CULLERS

This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PENALTY SLIP.

DEFENDANT: RAUL DELEON

VIOLATIONS: 18 U.S.C. § 1212(c)(2) and (k) - Conspiracy to Obstruct Justice

PENALTIES: 20 years /\$250,000 fine

**VIOLATIONS: 18 U.S.C. § 1001: Making a False, Fictitious
or Fraudulent Statement (Three Counts)**

PENALTIES: 5 years/\$250,00 fine