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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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UNITED STATES OF AMERICA

Hon. Mark Falk

v.

Mag. No. 12-3618

ANDREW CLARKE  
LLEWELLYN CLARKE

**CRIMINAL COMPLAINT**


I, Sean C. Larmon, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

SEE ATTACHMENT A

I further state that I am a Special Agent with Immigration and Customs Enforcement, Homeland Security Investigations, and that this complaint is based on the following facts:

SEE ATTACHMENT B


continued on the attached page and made a part hereof.

  
Sean C. Larmon, Special Agent  
ICE/HSI

Sworn to before me, and  
subscribed in my presence

May 21, 2012 at  
Newark, New Jersey

HONORABLE MARK FALK  
United States Magistrate Judge

  
Signature of Judicial Officer

**ATTACHMENT A**

**COUNT ONE**

From on or about August 17, 2011, through at least on or about September 23, 2011, in Essex County, in the District of New Jersey and elsewhere, the defendants,

**ANDREW CLARKE and  
LLEWELLYN CLARKE**

did transport in interstate and foreign commerce a 2011 Porsche motor vehicle, and two a 2011 Mercedes-Benz S550 motor vehicles knowing the same to have been stolen, in violation of Title 18, United States Code, Section 2312 and Section 2.

## ATTACHMENT B

I, Sean C. Larmon, am a Special Agent with Immigration and Customs Enforcement, Homeland Security Investigations ("HSI"), assigned to the Newark Division. I am fully familiar with the facts set forth herein based on my own investigation, my conversations with other law enforcement officers, and my review of reports, documents, and items of evidence. Where statements of others are related herein, they are related in substance and part. Where I assert that an event took place on a particular date, I am asserting that it took place on or about the date alleged. Because this complaint is being submitted for a limited purpose, I have not set forth each and every fact that I know concerning this investigation.

1. This investigation has revealed that ANDREW CLARKE and LLEWELLYN CLARKE were responsible for exporting stolen luxury motor vehicles through the Port of Elizabeth. In August 2011, ANDREW CLARKE was in communication on a regular basis with an individual identified in the course of this investigation as Manuel DeJesus Olivares., who has been charged in a separate complaint filed in this court in connection with the transportation of stolen motor vehicles. Manuel DeJesus Olivares, in turn, introduced ANDREW CLARKE to CS1. ANDREW CLARKE and LLEWELLYN CLARKE told CS1 that they wanted CS1 to assist them in exporting stolen vehicles. After their initial introduction, CS1, ANDREW CLARKE, and LLEWELLYN CLARKE arranged to ship three stolen luxury vehicles from New Jersey to Hong Kong.
2. On August 17, 2011, ANDREW CLARKE and CS1 had a recorded telephone conversation in which they discussed CS1 assisting ANDREW CLARKE to export three stolen cars. During that conversation, ANDREW CLARKE introduced himself to CS1 by telling CS1 that CS1 had met earlier that day with LLEWELLYN CLARKE by saying, "Yeah, how you doing? Uh, my brother met with you earlier... we're gonna need, uh, uh..what is it, a forty foot container?" CS1 asked, "Forty foot container, right?" ANDREW CLARKE then responded, "Yeah, for three cars." CS1 and ANDREW CLARKE then began to discuss the use of a shipping line to ship the cars.
3. During the course of another recorded telephone conversation later that day, CS1 told ANDREW CLARKE "You gotta get me the name of the port...it's not going to be more than four-thousand dollars but I have to get the name of the port so I can give you the exact number." Based upon my training and experience, the "port" referenced herein is the destination for shipping a container overseas and is needed in order to determine the actual price of the shipment from the Non-Vessel Operating Common Carrier (NVOCC). A NVOCC is a company licensed by the Federal Maritime Commission (FMC) that is

bonded and insured for purposes of exporting goods in foreign commerce. Individual persons or entities who are not licensed with the FMC obtain the services of NVOCC to ship goods overseas. The NVOCC leases containers and guarantees space on vessels being operated by major shipping carriers who will only do business with entities who are bonded and insured. The NVOCC do not take physical custody of the goods or containers. Instead, they process documents required by customs and the shipping carriers who actually ship the goods in foreign commerce, such as a Shipper's Export Declaration, bill of lading and dock receipts.

4. Between August 18, 2011 and August 24, 2011, ANDREW CLARKE and CS1 engaged in a series of recorded telephone conversations relating to the shipment of stolen vehicles. On August 18, 2011 ANDREW CLARKE and CS1 had a recorded telephone conversation in which ANDREW CLARKE told CS1 that he wanted to meet him in person and that he had "all the info."

On August 19, 2011, ANDREW CLARKE and CS1 had a recorded telephone conversation in which ANDREW CLARKE told CS1, "I'm not in that area...but, uh, my brother, I'll send him to give you, you know, that thing...you know what I'm saying?"

On August 20, 2011, ANDREW CLARKE and CS1 had a recorded telephone conversation in which ANDREW CLARKE told CS1, that they had to "get ready for Monday, right? So what? Bring all the paperwork and the money?" During the course of several subsequent intercepted calls, ANDREW CLARKE and CS1 agreed to meet in person.

5. On August 24, 2011, CS1 met with ANDREW CLARKE, LLEWELLYN CLARKE, and a third individual identified only as "RAZ" at a fenced in lot located at 90 West Street, Englewood, New Jersey so that CS1 could load three stolen vehicles onto a shipping container for transport to Hong Kong. Two other confidential sources, who acted as associates of CS1 also attended the meeting. One of the confidential sources, CS2, delivered the shipping container in which the vehicles were to be loaded. The other confidential source, CS3, drove a flatbed truck used to load the vehicles into the container CS1 wore a recording device during the course of that meeting. The meeting was also video-recorded by law enforcement agents located in covert surveillance locations.
6. During the meeting, ANDREW CLARKE, LLEWELLYN CLARKE, and RAZ provided CS1 with three new luxury vehicles to be loaded into the container:

- a 2011 Porsche, registered in New Jersey;
- a 2011 Mercedes-Benz S550, registered in New York; and
- a 2011 Mercedes-Benz S550, registered in New York.

In the presence of ANDREW CLARKE, LLEWELLYN CLARKE, and RAZ, CS2 and CS3 loaded the three stolen vehicles into the shipping container. ANDREW CLARKE provided a device, known as a "jack," to assist CS2 and CS3 in loading the vehicles onto

the container. They used the "jack" to suspend the Porsche vehicle inside the container, so that the two Mercedes vehicles could fit onto the container.

7. After the vehicles were loaded into the container LLEWELLYN CLARKE paid CS3 \$300.00. Additionally, LLEWELLYN CLARKE paid CS1 \$2,000.00 which was half of CS1's fee for shipping the container. LLEWELLYN CLARKE also gave CS1 Georgia Certificates of Title for the two Mercedes vehicles that were loaded into the container. Neither ANDREW CLARKE nor LLEWELLYN CLARKE had a third title for the Porsche vehicle. Since proof of title would be necessary to legally ship any vehicle, ANDREW CLARKE, LLEWELLYN CLARKE, and CS1 agreed to falsify the shipping records relating to this transaction. Specifically, they agreed to falsely claim they were shipping the two Mercedes vehicles and 40 boxes of personal effects, when in fact, they were actually shipping two Mercedes vehicles and one Porsche vehicle.
8. The titles LLEWELLYN CLARKE provided to CS1 were fraudulent. A check a motor vehicle database maintained by the State of Georgia revealed that: (a) those titles were part of a batch of blank Georgia title documents stolen in 2007; and (b) the State of Georgia did not issue titles for the two Mercedes vehicles referenced above.
9. On August 30, 2011 law enforcement officers conducted a border search the container referenced in paragraphs 8 through 10 above, prior to having it loaded onto a vessel for shipment to Hong Kong. During the course of that search, those officers located the three cars listed above and determined that each had an altered VIN attached to it. The officers also determined the true VIN for each vehicle. An inquiry to the National Crime Information Center for those vehicles showed that the 2011 Porsche was stolen from Colts Neck, New Jersey on August 9, 2011. That same check revealed that one of the 2011 Mercedes was stolen in New York on August 9, 2011 while the other Mercedes was stolen in New York on July 20, 2011. In addition, law enforcement observed evidence of the "jack" ANDREW CLARKE had provided at the August 24, 2011 meeting, namely, the Porsche was hoisted and suspended in the container to make room for the two Mercedes vehicles to fit inside the container.
10. On August 31, 2011, ANDREW CLARKE and CS1 had a recorded telephone conversation in which ANDREW CLARKE stated, "I would like to see you man. I got a whole bunch more stuff, man." CS1 replied, "Okay, no problem. Let's meet up today. I got paperwork for you too." ANDREW CLARKE continued, "I gave you a, a jack to use and you...you're not using it. You have to give that back so I can put that in rotation somewhere (referring to the 'jack' ANDREW CLARKE provided during the August 24, 2011 meeting described in paragraph 6 above)."
11. On September 18, 2011, ANDREW CLARKE and Manuel DeJesus Olivares had a recorded telephone conversation in which ANDREW CLARKE told Manuel DeJesus Olivares that "the guy you introduced me to do that box (referring to CS1)" had

paperwork that he needed and that he was not able to contact him. Manuel DeJesus Olivares assured ANDREW CLARKE that he would in fact contact his "friend" to speak with him.

12. During a subsequent intercepted conversation, Manuel DeJesus Olivares told ANDREW CLARKE that he just spoke to "him" and that "He'll see you tomorrow." ANDREW CLARKE asked Manuel DeJesus Olivares whether "he" could be trusted, and Manuel DeJesus Olivares reassured ANDREW CLARKE by telling him that he could be trusted and that "he" dealt with another target of this investigation charged in a separate complaint.
13. On September 23, 2011, CS1 met with ANDREW CLARKE , LLEWELLYN CLARKE and RAZ so that ANDREW CLARKE could pay CS1 the balance of CS1's fee for shipping the stolen vehicles. Law enforcement agents conducted a surveillance of that meeting. ANDREW CLARKE , LLEWELLYN CLARKE and RAZ arrived at the meeting together. ANDREW CLARKE paid CS1 \$2,000.00 in the presence of LLEWELLYN CLARKE and RAZ.
14. On October 18, 2011, ANDREW CLARKE and CS1 had a recorded telephone conversation in which they discussed that one of the three stolen vehicles was damaged during transport to Hong Kong. During that call, CS1 informed ANDREW CLARKE that they had "some little problems...the thing that went over there to your boy in China." ANDREW CLARKE replied, "It's got crashes." CS1 responded, "Yeah, yeah. But he's rejecting it. He's not picking it up." ANDREW CLARKE replied, "He's there now. I just spoke to him. He just sent pictures of the damages...he has it open....he e-mailed me pictures of the damages." CS1 asked, "Damages?" ANDREW CLARKE replied, "damages to the...the one that was underneath the thing. You know." According to CS1, the vehicles shipped in this matter were damaged during the shipping because of the manner in which they were packed into the container.