

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

UNITED STATES OF AMERICA

v.

CRIMINAL NO. *3:24cr 1-HTW-FKB*

CHARLES FERRELL TRIMM

15 U.S.C. § 1
18 U.S.C. § 1349

CRIMINAL INFORMATION

The United States Attorney charges:

1. **CHARLES FERRELL TRIMM** as a defendant on the charges stated below.

At the times relevant to this Information:

BACKGROUND

2. **CHARLES FERRELL TRIMM** was employed as a sales professional by COMPANY-5, engaged in the sale of sports equipment to schools throughout the Southern District of Mississippi and elsewhere.
3. **CHARLES FERRELL TRIMM** knew that public schools in Mississippi require bids from two separate companies for procurements over \$5,000.00.
4. Schools generally procured sports equipment through the process of requesting and obtaining bids from multiple companies and would typically award a contract for sports equipment to the company that submitted the lowest bid.

CO-CONSPIRATORS

5. COMPANY-1, a company organized under the laws of Delaware, with its principal place of business in Texas, was a distributor of sports equipment engaged in selling sports equipment in the Southern District of Mississippi and elsewhere.

6. COMPANY-2, a company organized under the laws of Mississippi, with its principal place of business in Mississippi, was a retailer and distributor of sports equipment engaged in selling sports equipment in the Southern District of Mississippi and elsewhere.

7. COMPANY-3, a company organized under the laws of Texas, with its principal place of business in Texas, was a distributor of sports equipment. In or around April 2014, COMPANY-1 acquired COMPANY-3.

8. COMPANY-4, a company organized under the laws of Alabama, with its principal place of business in Alabama, was a distributor of sports equipment. In or around December 2017, COMPANY-1 acquired a portion of assets of COMPANY-4.

9. COMPANY-5, a company organized under the laws of Delaware, with its principal place of business in Illinois, was a manufacturer and distributor of sports equipment engaged in selling sports equipment in the Southern District of Mississippi and elsewhere.

10. CO-CONSPIRATOR-1 was employed as an intern by COMPANY-5 and was supervised by **CHARLES FERRELL TRIMM**.

11. CO-CONSPIRATOR-2 was employed as a sales professional by COMPANY-1.

12. CO-CONSPIRATOR-3 was employed as a sales professional by COMPANY-1.

13. CO-CONSPIRATOR-4 was employed as a sales professional by COMPANY-1.

14. CO-CONSPIRATOR-5 was employed as a sales professional by COMPANY-5, and later as a sales professional by COMPANY-1.

15. CO-CONSPIRATOR-6 was employed as a sales professional by COMPANY-1.
16. CO-CONSPIRATOR-7 was employed as a sales professional by COMPANY-1.
17. CO-CONSPIRATOR-8 was employed as a sales professional by COMPANY-5.
18. CO-CONSPIRATOR-9 was employed as a sales professional by COMPANY-2.
19. CO-CONSPIRATOR-10 was employed as a sales professional by COMPANY-2.
20. CO-CONSPIRATOR-11 was employed by COMPANY-2 and was responsible

for Accounts Payable.

21. CO-CONSPIRATOR-12 was employed as a Principal by a public school in Mississippi.
22. CO-CONSPIRATOR-13 was employed by a public school in Mississippi.
23. INDIVIDUAL-1 was employed as a sales professional by COMPANY-1 and formerly employed as a sales professional by COMPANY-4.

DESCRIPTION OF THE OFFENSES

COUNT 1 (15 U.S.C. § 1)

24. Paragraphs 1 through 23 are realleged and incorporated by reference as though fully set forth herein.

25. The relevant period for Count 1 is that period from as least as early as August 2020 through at least as late as November 2022 (“Count 1 relevant period”).

26. During the Count 1 relevant period, **CHARLES FERRELL TRIMM** knowingly entered into and engaged in a conspiracy with COMPANY-1, CO-CONSPIRATOR-1, CO-CONSPIRATOR-2, CO-CONSPIRATOR-3, CO-CONSPIRATOR-4, CO-CONSPIRATOR-5, CO-CONSPIRATOR-6, CO-CONSPIRATOR-7, CO-CONSPIRATOR-8, and other co-conspirators to suppress and eliminate competition by rigging bids to obtain procurements for

sports equipment and related services for schools in the Southern District of Mississippi and elsewhere, in violation of the Sherman Antitrust Act, 15 U.S.C. § 1. The conspiracy engaged in by the defendant and co-conspirators was a *per se* unlawful, and thus unreasonable, restraint of interstate trade and commerce in violation of 15 U.S.C. § 1.

27. In furtherance of the conspiracy, **CHARLES FERRELL TRIMM** and co-conspirators did, among other things, the following:

- a. agreed in advance of some bids which co-conspirator would win the bid;
- b. agreed to provide and submit complementary bids (that is, intentionally higher-priced bids) to schools;
- c. requested and received complementary bids from co-conspirators;
- d. submitted complementary bids to schools on behalf of COMPANY-5;
- e. provided complementary bids to co-conspirators to submit on behalf of COMPANY-1; and
- f. received procurements on behalf of COMPANY-5 for school sports equipment and related service where complementary bids were submitted.

28. The conspiracy to rig bids affected at least \$135,795.24 of sales to COMPANY-5 from at least 12 procurements. **CHARLES FERRELL TRIMM** received commission payments from his employer, COMPANY-5, based on some of these sales.

29. During the Count 1 relevant period, the business activities of **CHARLES FERRELL TRIMM** and his co-conspirators that are the subject of the conspiracy charged in Count 1 were within the flow of, and substantially affected, interstate trade and commerce.

All in violation of Title 15, United States Code, Section 1.

COUNT 2 (15 U.S.C. § 1)

30. Paragraphs 1 through 23 are realleged and incorporated by reference as though fully set forth herein.

31. The relevant period for Count 2 is that period from as least as early as May 2021 through at least as late as February 2023 (“Count 2 relevant period”).

32. During the Count 2 relevant period, **CHARLES FERRELL TRIMM** knowingly entered into and engaged in a conspiracy with COMPANY-2, CO-CONSPIRATOR-9, CO-CONSPIRATOR-10, CO-CONSPIRATOR-11, and other co-conspirators to suppress and eliminate competition by rigging bids to obtain procurements for sports equipment and related services sold to schools in the Southern District of Mississippi, in violation of the Sherman Antitrust Act, 15 U.S.C. § 1. The conspiracy engaged in by the defendant and co-conspirators was a *per se* unlawful, and thus unreasonable, restraint of interstate trade and commerce in violation of 15 U.S.C. § 1.

33. In furtherance of the conspiracy, **CHARLES FERRELL TRIMM** and co-conspirators did, among other things, the following:

- a. agreed in advance of some bids which co-conspirator would win the bid;
- b. agreed to provide and submit complementary bids (that is, intentionally higher-priced bids) to schools;
- c. requested and received complementary bids from co-conspirators;
- d. submitted complementary bids to schools on behalf of COMPANY-5;
- e. provided complementary bids to co-conspirators to submit on behalf of COMPANY-2; and

f. received procurements on behalf of COMPANY-5 for school sports equipment and related services where complementary bids were submitted.

34. The conspiracy to rig bids affected at least \$122,594.00 of sales to COMPANY-5 from at least 11 procurements. **CHARLES FERRELL TRIMM** received commission payments from his employer, COMPANY-5, based on some of these sales.

35. During the Count 2 relevant period, the business activities of **CHARLES FERRELL TRIMM** and his co-conspirators that are the subject of the conspiracy charged in Count 2 were within the flow of, and substantially affected, interstate trade and commerce.

All in violation of Title 15, United States Code, Section 1.

COUNT 3 (18 U.S.C. § 1349)

36. Paragraphs 1 through 23 are realleged and incorporated by reference as though fully set forth herein.

37. The relevant period for Count 3 is that period from as least as early as May 2016 through at least as late as May 2023 (“Count 3 relevant period”).

38. During the Count 3 relevant period, **CHARLES FERRELL TRIMM** knowingly, and with specific intent to defraud, engaged in a conspiracy with CO-CONSPIRATOR-1, CO-CONSPIRATOR-5, CO-CONSPIRATOR-8, CO-CONSPIRATOR-12, CO-CONSPIRATOR-13, and other co-conspirators to commit wire fraud through a scheme to obtain money from school sports procurements awarded to COMPANY-5 by submitting false bids to schools in the Southern District of Mississippi and elsewhere.

39. In furtherance of the conspiracy, **CHARLES FERRELL TRIMM** and co-conspirators did, among other things, the following:

- a. agreed to participate in a scheme to submit false bids in order to obtain money from schools for sports equipment and related services;
- b. submitted false bids on bidding forms that appeared to be from COMPANY-3 and COMPANY-4, though they were in fact not. Neither COMPANY-3 nor COMPANY-4 were operational as team sports dealers to schools after their acquisitions;
- c. used INDIVIDUAL-1's identity in furtherance of the fraudulent bid scheme, including by forging INDIVIDUAL-1's signature on many of the false bids;
- d. submitted and caused to be submitted at least 396 false bids to schools in connection with requests from schools for bids for school sports equipment;
- e. subverted schools' procurement process in order to obtain payments for COMPANY-5 by the submission of false, noncompetitive bids; and
- f. used wire communications in interstate commerce to communicate with co-conspirators and submit bids.

40. The submission of false bids was material to school officials involved in the procurement process. **CHARLES FERRELL TRIMM's** material misrepresentations through the submission of the false bids affected at least \$2,095,725.80 of sales to COMPANY-5. **CHARLES FERRELL TRIMM** received commission payments from his employer, COMPANY-5, based on some of these sales.

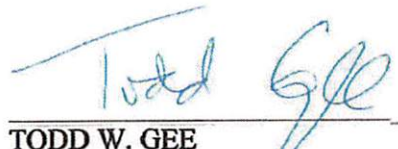
41. When submitting false bids, **CHARLES FERRELL TRIMM** and co-conspirators sometimes took steps to conceal the fact that they were submitting false bids, and

therefore concealed the offense. **CHARLES FERRELL TRIMM** and co-conspirators did so by asking others to scan false bids and submit the false bids using separate email addresses, forging **INDIVIDUAL-1's** signature on false bids, and asking others to forge **INDIVIDUAL-1's** signature on false bids.

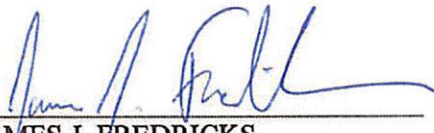
All in violation of Title 18, United States Code, Section 1349.



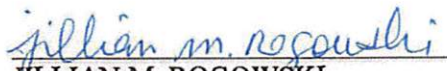
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FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHER DIVISION

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v.

CRIMINAL NO.: 3:24cr1-HTW-FKB

CHARLES FERRELL TRIMM

NOTICE OF MAXIMUM PENALTY

Charge:

Counts 1, 2:

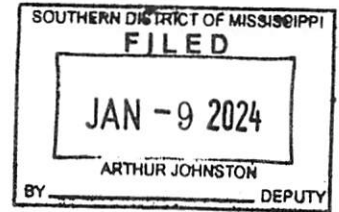
**Bid Rigging in Violation of the Sherman Act
15 U.S.C. § 1**

- Not more than ten (10) years of imprisonment
- Not more than a \$1,000,000 fine
- Not more than three (3) years supervised release
- \$100 special assessment

Count 3:

**Conspiracy to Commit Wire Fraud
18 U.S.C. § 1349**

- Not more than twenty (20) years of imprisonment
- Not more than a \$250,000 fine
- Not more than three (3) years supervised release
- \$100 special assessment



CRIMINAL CASE COVER SHEET
 U.S. District Court
 PLACE OF OFFENSE:

CITY: Jackson
 COUNTY: Hinds

RELATED CASE INFORMATION:

SUPERSEDING INDICTMENT _____ DOCKET # 3:24cr1-HTW-FKB
 SAME DEFENDANT _____ NEW DEFENDANT _____
 MAGISTRATE JUDGE CASE NUMBER _____
 R 20/ R 40 FROM DISTRICT OF _____

DEFENDANT INFORMATION:

JUVENILE: ___ YES X NO

MATTER TO BE SEALED: X YES ___ NO

NAME/ALIAS: CHARLES FERRELL TRIMM

U.S. ATTORNEY INFORMATION:

AUSA Charles W. Kirkham BAR # 102022

INTERPRETER: X NO ___ YES LIST LANGUAGE AND/OR DIALECT: _____

LOCATION STATUS: ARREST DATE _____

___ ALREADY IN FEDERAL CUSTODY AS OF _____
 ___ ALREADY IN STATE CUSTODY
 ___ ON PRETRIAL RELEASE

U.S.C. CITATIONS

TOTAL # OF COUNTS: 3 _____ PETTY _____ MISDEMEANOR 3 _____ FELONY

(CLERK'S OFFICE USE ONLY)	INDEX KEY/CODE	DESCRIPTION OF OFFENSE CHARGED	COUNT(S)
Set 1	<u>15: 1.F</u>	<u>15 USC § 1</u>	<u>Bid Rigging in Violation of the Sherma</u> <u>1, 2</u>
Set 2	<u>18:1349.F</u>	<u>18 USC § 1349</u>	<u>Conspiracy to Commit Wire Fraud</u> <u>3</u>
Set 3	_____	_____	_____
Set 4	_____	_____	_____
Set 5	_____	_____	_____

SIGNATURE OF AUSA: Charles W. Kirkham