

**UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO**

UNITED STATES OF AMERICA)	INFORMATION
)	
v.)	Case No. <u>12-CR-00261 MSK</u>
)	
CHRISTOPHER WEAVER,)	
)	
)	Count One: 18 U.S.C. § 371
Defendant)	Count Two: 18 U.S.C. § 201(b)(2)

INFORMATION

The United States of America charges that:

BACKGROUND

1. For the purposes of this Information, the relevant period is that period from in or about January 2010 until at least in or about June 2010 (the "relevant period"). During the relevant period, the United States Department of Defense ("DOD") operated Forward Operating Base ("FOB") Fenty, near Jalalabad, Afghanistan. During the relevant period, defendant CHRISTOPHER WEAVER ("defendant") was a Sergeant in the United States Army, who served as the Brigade Fuel Non-Commissioned Officer in Charge of the 704th Brigade Support Battalion ("BSB"). Person B, a Specialist in the 704th BSB, was defendant's subordinate. At FOB Fenty, defendant and Person B oversaw the delivery and disbursement of fuel, including the work done by the civilian employees of FLUOR Inc. ("FLUOR"), a military contractor that was responsible for Fuel Systems Operation, which entailed staffing and operating the "fuel point," where fuel was stored and disbursed. As enlisted members of the United States Army, defendant and Person B were public officials within the meaning of 18 U.S.C. § 201(a).

2. During the relevant period, Jonathan Hightower (“Hightower”), charged elsewhere, a civilian employee of FLUOR assigned to FOB Fenty, served as a Petroleum Supply Specialist, responsible for receiving and disbursing fuel for use at FOB Fenty or for transport to other military bases within that geographic vicinity.

3. During the relevant period, “Representative 1” was the representative at FOB Fenty of a military contractor that transported fuel from FOB Fenty to other military bases.

4. Initially, during the relevant period, FOB Fenty received fuel for use solely on the military base. In or about February 2010, however, following attacks at FOB Bostic, FOB Fenty began to receive bulk fuel shipments from Pakistan for distribution to other bases in the vicinity. This fuel was stored in large fuel tanks or bladders on FOB Fenty and, as needed, transported via truck by military contractors to other military bases.

5. At FOB Fenty, defendant, assisted by Person B, developed this system of fuel distribution and oversaw when and how much fuel was shipped to other military bases. When another base needed fuel, defendant or Person B notified the military contractor of the need to transport fuel to another base and the military contractor provided a fuel truck — often termed a “jingle truck” — for this purpose. To document the transport of fuel, defendant or Person B generated a Transportation Movement Request (“TMR” or “mission sheet”), which is a military document that authorizes the movement of fuel from FOB Fenty to another location. Defendant or Person B recorded each legitimate mission on a master spreadsheet, created to track the movement of all fuel from FOB Fenty. The identified truck was then filled with fuel at the fuel point, and defendant or Person B gave the corresponding TMR to the driver of the truck, who carried it throughout the fuel transport, and ultimately presented it for verification of delivery at the destination. For every truck uploaded at the fuel point, FLUOR recorded the date, the truck’s

identification number, the number of gallons uploaded, and the originator of the request.

COUNT ONE
18 U.S.C. § 371
(Conspiracy)

Paragraphs 1 through 5 of this Information are incorporated by reference as if fully stated herein, and the following is further alleged:

6. From in or about March 2010 until in or about June 2010, defendant

CHRISTOPHER WEAVER

knowingly and unlawfully conspired, confederated, and agreed with Person B, Hightower, Representative 1, and others known and unknown to commit an offense against the United States, namely bribery, in violation of 18 U.S.C. § 201, by agreeing among themselves and others known and unknown to facilitate the theft of fuel from FOB Fenty, in return for which defendant, Weaver, and/or Person B received cash payments from Representative 1; and defendant and his co-conspirators took overt acts in furtherance of this conspiracy.

Manner and Means of the Conspiracy

7. It was part of the conspiracy that defendant and his co-conspirators would, among other things, do the following:

(a) Person B and Hightower agreed with Representative 1 to facilitate the theft of fuel from FOB Fenty in return for money.

(b) Defendant subsequently joined Person B, Hightower, and Representative 1 in the scheme to steal fuel from FOB Fenty.

(c) Defendant or Person B instructed Representative 1 to provide fuel trucks over and above those required for legitimate fuel transportation.

(d) Representative 1 provided these additional fuel trucks.

(e) Once on FOB Fenty, these additional fuel trucks, along with the legitimate ones, were uploaded with fuel at the fuel point, often by defendant.

(f) Defendant or Person B created a fraudulent TMRs, which purported to authorize the transport of fuel from FOB Fenty to another military base, even though no legitimate fuel transportation was required. Defendant or Person B gave the fraudulent TMRs to the drivers of the additional fuel trucks, who presented these fraudulent TMRs at FOB Fenty's departure checkpoint in order to justify their departure from FOB Fenty.

(g) In return for facilitating the theft of this fuel from FOB Fenty, defendant, Person B, and/or Hightower received payments from Representative 1, which they generally apportioned among themselves.

(h) Defendant repatriated the money he received as payments to the United States, in part, by mailing from Afghanistan inside a stuffed bear.

Overt Acts

8. In furtherance of the conspiracy and to effect its unlawful objects, defendant and his co-conspirators committed the following overt acts, among others:

(a) In or about mid-March 2010, defendant agreed to join Person B, Hightower, and Representative 1 in a scheme to steal fuel from FOB Fenty.

(b) From in or about March 2010 until in or about May 2010, defendant and his co-conspirators facilitated the theft of approximately 100 fuel trucks from FOB Fenty.

(c) In or about the end of May 2010, defendant mailed from Afghanistan to the United States a package containing a stuffed bear, inside of which defendant had secreted a portion of the proceeds of this conspiracy.

(d) In or about early June 2010, defendant exchanged emails with an individual to whom he had given approximately \$25,000 in cash proceeds of this conspiracy, and asked that individual to mail the cash from Afghanistan to the United States secreted inside the folds of an American flag.

(e) On or about June 8, 2010, defendant deposited \$5,000 in cash into his bank account at Chase Bank, which constituted proceeds of this conspiracy.

(f) On or about June 28, 2010, defendant deposited \$3,000 in cash into that account, which constituted proceeds of this conspiracy.

(g) On or about July 19, 2010, defendant deposited an additional \$2,900 in cash into that account, which constituted proceeds of this conspiracy.

All in violation of Title 18, United States Code, Section 371, and pursuant to the extraterritorial venue provision of Title 18, United States Code, Section 3238.

COUNT TWO
18 U.S.C. § 201(b)(2)
(Bribery)

Paragraphs 1 through 5 of this Information are incorporated by reference as if fully stated herein, and the following is further alleged:

9. From in or about March 2010 until in or about May 2010, defendant
CHRISTOPHER WEAVER,
a public official, knowingly and unlawfully, directly and indirectly, corruptly demanded, sought, received, accepted, and agreed to receive and accept money in return for being influenced in the performance of official acts, and in return for being influenced to commit and aid in committing,

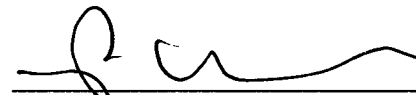
and collude in and allow any fraud and make the opportunity for the commission of any fraud on the United States, that is, defendant corruptly demanded, sought, received, and accepted money from Representative 1 in return for aiding and facilitating the theft of fuel at FOB Fenty.

All in violation of Title 18, United States Code, Section 201(b)(2), and pursuant to the extraterritorial venue provision of Title 18, United States Code, Section 3238.

DATED: June 12, 2012, at Denver, Colorado

Respectfully submitted,

DENIS McINERNEY, Chief
Fraud Section
Criminal Division



Mark W. Pletcher
Trial Attorney
United States Department of Justice
Criminal Division
Fraud Section
1400 New York Ave., NW, 11th Floor
Washington, DC 20005