

FILED

JUN 19 2018

**U.S. DISTRICT COURT
ELKINS WV 26241**

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**SHANE MORGAN and
RUSSELL MORGAN,**

Defendants.

Criminal No.

2:18cr8

Violations:

18 U.S.C. § 2

18 U.S.C. § 371

18 U.S.C. § 641

18 U.S.C. § 1001(a)(3)

INDICTMENT

The Grand Jury charges that:

Introduction

1. The United States Property and Fiscal Office, West Virginia ("USPFO-WV"), located in Buckhannon, West Virginia, is part of the Department of Defense and the West Virginia Army National Guard. The USPFO-WV receives and repurposes federal government equipment that has come to the end of its administrative life cycle.

2. At all relevant times, Sergeant First Class Shane Morgan was a full-time Title 32 Federal Technician with the West Virginia Army National Guard, serving at the USPFO-WV.

3. Master Sergeant (Retired) Russell Morgan is the father of SFC Shane Morgan and served as the Warehouse Supervisor of USPFO-WV from June 2009 to August 2016.

COUNT ONE

(Conspiracy to Embezzle Government Property)

The Conspiracy and Its Object

4. From on or about August 24, 2010, to on or about October 18, 2017, the exact dates unknown to the Grand Jury, in Upshur County, in the Northern District of West Virginia, defendants **SHANE MORGAN** and **RUSSELL MORGAN** knowingly and intentionally combined, conspired, confederated, and agreed together with each other and persons known and unknown to the Grand Jury to commit an offense against the United States, i.e., embezzling, stealing, purloining, conveying, and selling government property without authority in violation of Title 18, United States Code, Section 641.

5. The purpose and object of the conspiracy was to steal, convert and sell property owned by the United States for personal gain.

Manner and Means of the Conspiracy

6. As part of the conspiracy, defendants **SHANE MORGAN** and **RUSSELL MORGAN** embezzled and stole without authority at least eighty (80) items of United States government property by using their official positions at the USPFO-WV Warehouse to access and take possession of the property, which had an aggregate value of more than \$80,000.

7. As further part of the conspiracy, defendants **SHANE MORGAN** and **RUSSELL MORGAN**, used some of the stolen property for their personal purposes, sold some of the stolen property, and donated other items of the stolen property.

Overt Acts

8. In furtherance of the conspiracy and to effect the objects of the conspiracy, a conspirator committed at least one of the following overt acts, and others, in the Northern District of West Virginia:

- a. In or about 2013, defendants **SHANE MORGAN** and **RUSSELL MORGAN** conveyed six (6) parachute packing tables from the USPFO-WV to the Pickens Volunteer Fire Department.
- b. In or about the fall of 2014, defendant **SHANE MORGAN** sold without authority a John Deere Gator from the USPFO-WV to a third party.
- c. On or about July 20, 2016, defendant **SHANE MORGAN** forged a government form regarding an inflatable bounce house received by the USPFO-WV.
- d. On or about July 20, 2016, defendant **SHANE MORGAN** embezzled an inflatable bounce house received by the USPFO-WV.
- e. Between June 2017 and October 2017, defendant **RUSSELL MORGAN** stored the inflatable bounce house at his residence.
- f. On or about October 18, 2017, defendant **RUSSELL MORGAN** falsely claimed that he purchased the inflatable bounce house at a flea market.

All in violation of Title 18, United States Code, Section 371.

COUNT THREE

(Embezzlement of Government Property)

In or about July 2016, in Upshur County, in the Northern District of West Virginia, defendant **SHANE MORGAN**, aided and abetted by defendant **RUSSELL MORGAN**, willfully and knowingly did embezzle, steal, and purloin an inflatable bounce house, property of the United States having a total value exceeding \$1,000; in violation of Title 18, United States Code, Sections 641 and 2.

COUNT FOUR

(False Written Statement)

On or about July 20, 2016, in Upshur County, in the Northern District of West Virginia, in a matter within the jurisdiction of the executive branch of the Government of the United States, that is, the Department of Defense, defendant **SHANE MORGAN** did knowingly and willfully make and use a false writing and document, knowing the same to contain a materially false, fictitious, and fraudulent statement and entry, by forging the condition code of turn-in form DD 1348-1A by hand from "A" (indicating that the property is serviceable or usable) to "H" (indicating that the property is unserviceable or condemned) for an inflatable bounce house delivered to USPFO-WV, well knowing and believing that such a change in the condition code was not warranted, in violation of Title 18, United States Code, Section 1001(a)(3).

FORFEITURE ALLEGATION

Pursuant to Title 18, United States Code, Section 981(a)(1)(c), Title 28, United States Code, Section 2461, the government will seek the forfeiture of property as part of the sentence imposed in this case, i.e., any property constituting, or derived from, proceeds obtained directly or indirectly, as a result of such offense, including, but not limited to, a money judgment of at least \$11,000 against defendants **SHANE MORGAN** and **RUSSELL MORGAN**.

A true bill,

/s/ _____
Foreperson

/s/ _____
WILLIAM J. POWELL
United States Attorney

ANDREW R. COGAR
Assistant U.S. Attorney