

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA

FILED
AUG 19 2008
U.S. DISTRICT COURT
ELKINS WV 26241

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHARLES E. WAMSLEY, JR. &
MICHAEL P. WAMSLEY,
Defendants.

Criminal No. 1:08cr65

Violations: 18 U.S.C. § 2
18 U.S.C. § 152(1)
18 U.S.C. § 1623

INDICTMENT

The Grand Jury charges that:

COUNT ONE

(Bankruptcy Fraud – Asset Concealment)

Beginning on or about September 11, 2002, and continuing through on or about June 4, 2003, in the Northern District of West Virginia, **CHARLES E. WAMSLEY, JR.**, knowingly and fraudulently concealed from a custodian, trustee, marshal and other officer of the Bankruptcy Court charged with the control and custody of property, and, in connection with a case under Title 11 of the United States Code from creditors and the United States Trustee, the following property belonging to the bankruptcy estate: a parcel of real estate measuring approximately one-eighth (1/8) acre conveyed from **CHARLES E. WAMSLEY, JR.** to his wife on January 23, 2002.

All in violation of Title 18, United States Code, Section 152(1).

COUNT TWO

(Bankruptcy Fraud – Asset Concealment)

Beginning on or about September 11, 2002, and continuing through on or about June 4, 2003, in the Northern District of West Virginia, **CHARLES E. WAMSLEY, JR.**, knowingly and fraudulently concealed from a custodian, trustee, marshal and other officer of the Bankruptcy Court charged with the control and custody of property, and, in connection with a case under Title 11 of the United States Code, from creditors and the United States Trustee, the following property belonging to the bankruptcy estate: a parcel of real estate measuring approximately 1.9 acres conveyed from **CHARLES E. WAMSLEY, JR.** and his brother to that same brother on January 23, 2002.

All in violation of Title 18, United States Code, Section 152(1).

COUNT THREE

(Bankruptcy Fraud – Asset Concealment)

Beginning on or about September 11, 2002, and continuing through in or about June, 2003, in the Northern District of West Virginia and elsewhere, **CHARLES E. WAMSLEY, JR.**, knowingly and fraudulently concealed from a custodian, trustee, marshal and other officer of the Bankruptcy Court charged with the control and custody of property, and, in connection with a case under Title 11 of the United States Code, from creditors and the United States Trustee, the following property belonging to the bankruptcy estate: a John Deere 310D Backhoe, SN# T0310DG806820.

All in violation of Title 18, United States Code, Section 152(1).

COUNT FOUR

(Bankruptcy Fraud – Asset Concealment)

Beginning on or about September 11, 2002, and continuing through on or about the date of this Indictment, in the Northern District of West Virginia and elsewhere, **CHARLES E. WAMSLEY, JR.**, knowingly and fraudulently concealed from a custodian, trustee, marshal and other officer of the Bankruptcy Court charged with the control and custody of property, and, in connection with a case under Title 11 of the United States Code, from creditors and the United States Trustee, the following property belonging to the bankruptcy estate: a John Deere 310C Backhoe, SN# T0310CC745694.

All in violation of Title 18, United States Code, Section 152(1).

COUNT FIVE

(Bankruptcy Fraud – Asset Concealment)

Beginning on or about September 11, 2002, and continuing through the date of this Indictment, in the Northern District of West Virginia and elsewhere, **CHARLES E. WAMSLEY, JR.**, aided and abetted by **MICHAEL P. WAMSLEY**, knowingly and fraudulently concealed from a custodian, trustee, marshal and other officer of the Bankruptcy Court charged with the control and custody of property, and, in connection with a case under Title 11, from creditors and the United States Trustee, the following property belonging to the bankruptcy estate: a Case 450C Crawler Dozer, SN# 3079024.

All in violation of Title 18, United States Code, Sections 152(1) and 2.

COUNT SIX

(Perjury)

1. On or about February 22, 2006, in Clarksburg, West Virginia, within the Northern District of West Virginia, **CHARLES E. WAMSLEY, JR.**, while under oath as a witness in an adversary proceeding then being tried before the United States Bankruptcy Court for the Northern District of West Virginia entitled, United States Trustee v. Charles E. Wamsley, Jr., (Adversary Proceeding No. 04-00044), knowingly made a false material declaration, that is to say:

2. In the aforementioned adversary proceeding, the United States Trustee initiated an action to revoke the bankruptcy discharge received by **CHARLES WAMSLEY, JR.** in his bankruptcy case, entitled In re: Charles E. Wamsley, Jr. (Bk. Case No. 02-22959). The United States Trustee alleged in part that, within a year before filing his bankruptcy petition in Case No. 02-22959 and without consideration, **CHARLES WAMSLEY, JR.** fraudulently conveyed his interest in approximately 1.9 acres of real estate (noted in Count Two of this Indictment). This real estate interest had been previously conveyed to **CHARLES WAMSLEY, JR.** by his parents. Therefore, it was a material matter in the adversary proceeding trial to determine whether **CHARLES WAMSLEY, JR.** knowingly conveyed this real estate interest within the year before his bankruptcy filing.

3. At the time and place alleged in paragraph 1, **CHARLES WAMSLEY, JR.**, while under oath, knowingly made the following declarations before the Bankruptcy Court with respect to the material matter alleged in paragraph 2:

Q: One piece of real estate we have not discussed yet is the real estate that your mother

and father deeded to you and Mike. You're familiar with that property, obviously?

A: Yes.

Q: Probably grew up in it?

A: Yes.

Q: . . . Did you ever discuss with your parents the fact that they were going to transfer real estate to you and Michael?

A: No.

Q: Okay. Do you know who saw to having that deed prepared?

A: No.

Q. Do you recall signing that deed?

A: No, I do not.

Q: . . . Were you aware that you owned it when you filed the petition?

A: No, I was not.

Q: When did you become aware that you owned it?

A: I believe it was at the last 341 hearing when Mitch Klein presented it to me.

Q: Okay. Now, he showed you a deed that—that was signed by Michael Wamsley and has a signature of Charles Wamsley also. Do you recall signing that deed?

A: I never signed a deed that I can remember, no.

4. The aforesaid testimony of **CHARLES WAMSLEY, JR.**, as he then and there well knew and believed, was false in that, on or about January 22, 2002, **CHARLES WAMSLEY, JR.** knew that his attorney prepared a deed that conveyed **CHARLES WAMSLEY, JR.**'s interest in the 1.9 acres of real estate to his brother, Michael, and that **CHARLES WAMSLEY, JR.** signed that deed on or about January 23, 2002.

All in violation of 18 U.S.C. § 1623.

A True Bill,

151
Grand Jury Foreperson
(Signature on File)

/s/ Andrew R. Cogar *for*
Sharon L. Potter
United States Attorney