

FILED

FEB 28 2007

RALPH L. DeLOACH, Clerk
By W. O. Kelly Deputy

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS
(KANSAS CITY DOCKET)

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. 07-20020-01-02 JWL/JPO

WILLIAM KENDRICK
and
DWAYNE GILES,

Defendants.

INDICTMENT

The Grand Jury charges:

Count 1

1. At all times relevant hereto:

(a) Local 238 of the American Postal Workers Union (hereinafter "Local 238"), in Kansas City, Kansas, was a labor organization engaged in an industry affecting commerce.

(b) Defendant WILLIAM KENDRICK was the treasurer of Local 238.

(c) Defendant DWAYNE GILES was the president of Local 238.

(d) Local 238 had a checking account at Security Bank of Kansas City, in Kansas City, Kansas; a check could be written on that account if it had the signatures of two of the people who held the positions of president, vice president, and treasurer of Local 238.

2. From on or about April 14, 2003, and continuing through on or about August 25, 2004, in the District of Kansas and elsewhere, the defendants,

WILLIAM KENDRICK
and
DWAYNE GILES,

knowingly and intentionally conspired and agreed to commit an offense against the United States in violation of Title 29, United States Code, Section 501(c), that offense being to embezzle, steal, and unlawfully and willfully convert to their own use the money of Local 238 while acting in their capacities as officers of Local 238. In furtherance of the conspiracy and to effect and accomplish the objects of it, one or more of the conspirators committed one or more of the following overt acts, among others:

(a) On or about each date as set forth below, WILLIAM KENDRICK and DWAYNE GILES co-signed Local 238 checks payable to WILLIAM KENDRICK for amounts to which he was not entitled, allowing WILLIAM KENDRICK to embezzle, steal, and unlawfully and willfully convert to his own use money of Local 238:

<u>Date</u>	<u>Check No.</u>	<u>Amount</u>
4-14-2003	14601	\$ 346.31
5-20-2003	14658	\$ 346.31
8-22-2003	14821	\$ 346.31
9-8-2003	14846	\$ 346.31
10-20-2003	14932	\$ 346.31
11-21-2003	15007	\$ 346.31
8-6-2004	15421	\$ 175.00
8-25-2004	15448	\$ 517.62

(b) On or about each date as set forth below, WILLIAM KENDRICK and DWAYNE GILES co-signed Local 238 checks payable to "Kansas Payment Center" to satisfy child support obligations owed by DWAYNE GILES, instead of making deductions from his salary, and in so doing DWAYNE GILES was able to embezzle, steal, and unlawfully and willfully convert to his own use money of Local 238:

<u>Date</u>	<u>Check No.</u>	<u>Amount</u>
7-31-2003	14790	\$ 236.31
8-13-2003	14799	\$ 236.31
9-11-2003	14850	\$ 236.31
9-25-2003	14894	\$ 236.31
10-3-2003	14916	\$ 236.31
10-31-2003	14953	\$ 236.31
11-13-2003	14973	\$ 266.31
11-18-2003	14985	\$ 236.31
12-15-2003	15044	\$ 236.31
1-5-2004	15071	\$ 236.31
3-15-2004	15154	\$ 236.31
5-5-2004	15275	\$ 236.31

All of the foregoing was done in violation of Title 18, United States Code, Section 371.

A TRUE BILL.

Dated: 2/28/07

Leon Patton 11782 ALIA

For
ERIC F. MELGREN
United States Attorney
District of Kansas
1200 Epic Center
301 North Main
Wichita, Kansas 67202
Ks. S. Ct. No. 12430

(It is requested that trial of the above captioned case be held in Kansas City, Kansas.)

The Court acknowledges the return of this indictment in open court.

John W. Singleton
U.S. DISTRICT JUDGE

Penalties: A term of imprisonment of not more than five years, a fine of not more than \$250,000 or twice the gross pecuniary gain from the offense or twice the gross pecuniary loss (whichever is greater), a term of supervised release of not more than three years, and a special assessment of \$100.00.