

<p>DISTRICT COURT, ARAPAHOE COUNTY, COLORADO</p> <p>7325 South Potomac Street Centennial, Colorado 80112</p> <hr/> <p>THE PEOPLE OF THE STATE OF COLORADO, Plaintiff,</p> <p>v.</p> <p>WILLIAM PAUL BUCKLEY DOB 05/10/1984</p> <p>Defendants.</p>	<p style="text-align: right;">Filed</p> <p style="text-align: center;">JAN 17 2012</p> <p style="text-align: center;">CLERK OF THE COMBINED COURT ARAPAHOE COUNTY, COLORADO</p> <p style="text-align: center; font-size: 2em; opacity: 0.5;">COPY</p> <p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>JOHN W. SUTHERS, Attorney General JODY PILMER, #31347 Senior Assistant Attorneys General* 1525 Sherman Street, 7th Floor Denver, CO 80203 (303) 866-4500 *Counsel of Record</p>	<p>Case No.: <i>12CR94</i></p> <p>Ctrm.: <i>308</i></p>
<p>COLORADO STATE GRAND JURY INDICTMENT</p>	

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|---------------------|--|
| COUNT ONE: | DEFRAUDING A SECURED CREDITOR
§18-5-206(1)(d) C.R.S. (F3)
[1102N] |
| COUNT TWO: | THEFT - SERIES
§18-4-401(1),(4) C.R.S. (F3)
[0801X] |
| COUNT THREE: | THEFT - SERIES
§18-4-401(1),(4) C.R.S. (F3)
[0801X] |
| COUNT FOUR: | COMPUTER CRIME
§18-5.5-102(1)(b) C.R.S. (F3)
[1502T] |

<p>DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO</p> <p>1437 Bannock Street Denver, CO 80202</p> <hr/> <p>THE PEOPLE OF THE STATE OF COLORADO, Plaintiff,</p> <p>v.</p> <p>WILLIAM PAUL BUCKLEY DOB 05/10/1984</p> <p>Defendants.</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>JOHN W. SUTHERS, Attorney General JODY PILMER, 31347 Senior Assistant Attorney General* 1525 Sherman Street, 7th Floor Denver, CO 80203 (303) 866-4500 (303) 866-3955 FAX jody.pilmer@state.co.us *Counsel of Record</p>	<p>Case No.: 11CR00001</p> <p>Ctrm.:</p>
<p>COLORADO STATE GRAND JURY INDICTMENT</p>	

Of the 2011-2012 term of the Denver District Court in the year of 2012, the 2011-2012 State Grand Jurors, chosen, selected and sworn in the name and by the authority of the People of the State of Colorado, upon their oaths, present the following:

COUNT ONE
DEFRAUDING A SECURED CREDITOR, C.R.S. § 18-5-206(1)(d) (F3)

Between and including October 25, 2010 and January 24, 2011, in the State of Colorado, WILLIAM PAUL BUCKLEY, with intent to defraud Chrysler Finance, a creditor, by defeating, impairing, or rendering worthless or unenforceable a security interest, unlawfully and feloniously sold, assigned, transferred, conveyed, or disposed of collateral, namely: 2007 Jeep Wrangler, which was subject to a security interest, and the collateral had a value of twenty thousand dollars or more; in violation of section 18-5-206(1)(d), C.R.S.

The essential facts that support COUNT ONE are as follows:

In October, 2010, Bryan Rasmussen owned a 2007 Jeep Wrangler financed through Chrysler Financial. Bryan Rasmussen's father, Donald Rasmussen was a cosigner on the loan. Bryan Rasmussen was responsible for monthly payments to Chrysler Financial as the result of a lien on the vehicle held by Chrysler Financial. The balance of the loan at the time was approximately \$20,121.

Around October 30, 2010, Bryan Rasmussen allowed William Buckley, doing business as The Lease Brokers, to take possession of his Jeep. Rasmussen's agreement with The Lease Brokers was that the company would locate a third party to purchase the vehicle or otherwise assume Rasmussen's financial obligation to the lien-holder. The Lease Brokers further agreed to make all monthly payments to the lien-holder while locating a willing third party. After making two monthly payments to Chrysler Financial in November, 2010 and December, 2010, Buckley and The Lease Brokers failed to make any additional payments on the lien. In January, 2011, a check on The Lease Brokers bank account was submitted to Chrysler Financial for the full amount of the lien. The check was returned due to insufficient funds. No further payments to the lien-holder or to Rasmussen were made or attempted by The Lease Brokers or Buckley at any time.

On November 10, 2010, William Buckley sold Bryan Rasmussen's 2007 Jeep Wrangler to Guy Panarello for approximately \$16,400. Panarello contacted Buckley in response to an advertisement for the sale of the vehicle on the internet website *eBay.com*. Buckley did not inform Rasmussen of the sale. Buckley never delivered title to the Jeep to Panarello. The Jeep remains in Panarello's possession and it is currently not known whether he has been able to secure clear title to the vehicle. The 2007 Jeep Wrangler's value around the time it was sold to Panarello was approximately \$20,045 according to Kelly Blue Book.

Buckley is the registered agent, owner, and operator of The Lease Brokers. Moreover, Buckley is the sole signor on bank accounts registered to The Lease Brokers. Attempts by the affected parties to contact Buckley went unanswered beginning in January, 2011. On January 25, 2011, Buckley made a transaction through his Lease Brokers US Bank account in Mexico and his current whereabouts are unknown.

COUNT TWO

THEFT - SERIES, C.R.S. § 18-4-401(1)(b),(4) (F3)

Between and including September 1, 2010 and January 24, 2011, in the State of Colorado, WILLIAM PAUL BUCKLEY, unlawfully, feloniously, and knowingly obtained or exercised control over things of value, namely: automobiles, of Bryan and Donald Rasmussen, Regina Hilton, Joseph Squire, Sylvie Hazen, Nissan Motor Acceptance Corp., Stephen Gunlock, Matthew Slames, John and Joshua Hammill, Stephen Selheim, Toyota Financial Services, Matt Sodnicar, Michael and Tasha Brossard, Chase Bank, Ivan Poloniecki, Volkswagen Credit Leasing, and Diana Mercer twice or more within a period of six months, with an aggregate value of twenty thousand dollars or more, without authorization, or by threat or deception, and knowingly used, concealed, or abandoned the things of value in such manner as to permanently deprive Bryan and Donald Rasmussen, Regina Hilton, Joseph Squire, Sylvie Hazen, Nissan Motor Acceptance Corp., Stephen Gunlock, Matthew Slames, John and Joshua Hammill, Stephen Selheim, Toyota Financial Services, Matt Sodnicar, Michael and Tasha Brossard, Chase

Bank, Ivan Poloniecki, Volkswagen Credit Leasing, and Diana Mercer of their use or benefit; in violation of section 18-4-401(1)(b),(4), C.R.S.

COUNT THREE
THEFT-SERIES, C.R.S. § 18-4-401(1)(b),(4) (F3)

Between and including September 1, 2010 and January 24, 2011, WILLIAM PAUL BUCKLEY unlawfully, feloniously, and knowingly obtained or exercised control over things of value, namely: money, of 2B Auto Sales, Scott Compton, Robert Wyrick, New Start Auto, and Jimmy Leffler twice or more within a period of six months, with an aggregate value of twenty thousand dollars or more, without authorization, or by threat or deception, and knowingly used, concealed, or abandoned the thing of value in such manner as to permanently deprive 2B Auto Sales, Scott Compton, Robert Wyrick, and New Start Auto of its use or benefit; in violation of section 18-4-401(1)(b),(4), C.R.S.

The essential facts that support COUNTS TWO and THREE are as follows:

The facts supporting Counts One and Four are incorporated by reference. In addition to obtaining possession of and reselling the vehicle addressed in Count One, William Buckley obtained possession and disposed of the following eleven vehicles in a manner as to permanently deprive the owners of their use and benefit. Buckley retained proceeds from sales of many of the same vehicles.

2009 Chevrolet Traverse – Hilton

Around November 15, 2010, William Buckley, doing business as The Lease Brokers, took possession of a 2009 Chevrolet Traverse owned by Regina Hilton and financed through Credit Union of the Rockies. The balance of Hilton's loan at the time was over \$30,000. Buckley agreed to make Hilton's monthly payments on the vehicle loan while locating a third party to assume Hilton's financial obligations or while renting the vehicle to third parties at rates sufficient to quickly satisfy the lien. No payments were ever made to Hilton or her lien-holder. Around November 29, 2010, Buckley advertised Hilton's Chevrolet Traverse on the internet website *eBay.com* and sold it to Jeff Kinard in Bella Vista, Arkansas for approximately \$23,500 without Hilton's knowledge. Buckley never delivered title to the Traverse to Kinard. The vehicle remains in Kinard's possession and it is not currently known whether he has been able to obtain title. The approximate value of the vehicle around the time it was sold to Kinard was \$22,825 according to NADA Bluebook.

2010 Chevrolet Camaro – Squire/2B Auto Sales/Compton

Around December 10, 2010, William Buckley, doing business as The Lease Brokers, took possession of a 2010 Chevrolet Camaro owned by Joseph Squire and financed through Ally Bank. The balance of Squire's loan at the time was over \$40,000. Buckley agreed to make Squire's monthly payments on the vehicle loan while locating a third party to either purchase the vehicle or otherwise assume Squire's financial obligations to his lien-holder. On approximately December 21, 2010, Buckley sold Squire's Camaro to 2B Auto Sales in Texas for \$28,000

through an advertisement and auction on the internet website *eBay.com* without Squire's knowledge. Buckley shipped the vehicle to 2B Auto Sales shortly thereafter, but never delivered title. Around January 18, 2011, Buckley agreed to sell the same vehicle to Scott Compton in Indiana by placing it for sale through an auction on the internet website *eBay.com*. Compton wired \$26,700 to The Lease Brokers US Bank account controlled by Buckley at Buckley's request. The vehicle was never shipped to Compton. Buckley failed to make any payments to Squire or his lien-holder after taking possession of the vehicle. The vehicle was eventually relinquished by 2B auto and returned to the lien-holder. The approximate value of the vehicle around the time it was sold by Buckley was \$23,425 according to NADA Bluebook.

2010 Nissan Rogue – Nissan Motor Acceptance Corp./Hazen

In October, 2010, William Buckley, doing business as The Lease Brokers, took possession of a 2010 Nissan Rogue from Sylvie Hazen at her residence in Rock River, Ohio and transported it to The Lease Brokers' Colorado office. Hazen had leased the vehicle and was responsible for monthly payments to Nissan Motor Acceptance Corp. Hazen's agreement with The Lease Brokers was that the company would locate a third party to assume Hazen's financial obligation to Nissan. The Lease Brokers further agreed to make all monthly payments to Nissan while locating a willing third party. After making approximately two monthly payments to Nissan Motor Acceptance Corp., Buckley and The Lease Brokers failed to make any further payments on the lease and never satisfied Hazen's financial obligation to Nissan. Around October 13, 2010, Buckley sold Hazen's 2010 Nissan Rogue to Shan Tse for \$18,100 after Ms. Tse responded to an advertisement for the sale of the vehicle posted on the internet website *craigslist.com*. Buckley never delivered title to the vehicle to Tse. The Rogue remains in Tse's possession and she is currently attempting to obtain clear title through legal action. Hazen was never made aware of this sale and neither her, nor Nissan, received any proceeds from the transaction. The approximate value of the Nissan Rogue around the time it was sold to Tse was \$20,900 according to NADA Blue Book.

2007 Ford Mustang – Gunlock/Wyrick

Around September 22, 2010, William Buckley, doing business as The Lease Brokers, took possession of a 2007 Ford Mustang owned by Stephen Gunlock and financed through Capital One Auto Finance. The balance of Gunlock's loan at the time was over \$13,000. Buckley agreed to make Gunlock's monthly payments on the vehicle loan while locating a third party to purchase the vehicle. On approximately October 30, 2010, Buckley sold Gunlock's Mustang to Robert Wyrick for \$9,369 through an advertisement on the internet website *craigslist.com* without Gunlock's knowledge. Buckley failed to deliver title to the Mustang to Wyrick. After making approximately two payments, Buckley failed to make any further payments to Gunlock or his lien-holder at any time after taking possession of the vehicle. The vehicle was relinquished by Wyrick and returned to either Gunlock or the lien-holder. The approximate value of the vehicle around the time it was sold by Buckley was \$14,000 according to NADA Bluebook.

2008 Subaru Impreza – Slames/New Start Auto

Around October 1, 2010, William Buckley, doing business as The Lease Brokers, took possession of a 2008 Subaru Impreza owned by Matthew Slames and financed through Alaska USA Federal Credit Union. Buckley agreed to make Slames' monthly payments on the vehicle loan while locating a third party to purchase the vehicle or otherwise assume Slames' financial obligation to his lien-holder. On approximately December 6, 2010, Buckley sold Slames' Subaru to New Start Auto in Norfolk, Virginia for \$13,960 through an advertisement and auction on the internet website *eBay.com* without Slames' knowledge. Buckley shipped the vehicle to New Start Auto shortly thereafter, but never delivered title. Buckley failed to make any payments to Slames or his lien-holder after taking possession of the vehicle. The vehicle was eventually relinquished by New Start Auto and repossessed by the lien-holder. The approximate value of the vehicle around the time it was sold by Buckley was \$22,825 according to NADA Bluebook.

2007 Volkswagen GTI – Hammill/Brossard

Around November 23, 2010, William Buckley, doing business as The Lease Brokers, took possession of a 2007 Volkswagen GTI owned by Joshua Hammill and financed through ENT Auto Finance. The balance of Hammill's loan at the time was approximately \$14,000. Buckley had agreed with Joshua Hammill's father, John Hammill, to make Hammill's monthly payments on the vehicle loan while locating a third party to either purchase the vehicle or otherwise assume Hammill's financial obligations to his lien-holder. No payments were ever made by Buckley or The Lease Brokers to Hammill or his lien-holder. On approximately January 18, 2011, Buckley loaned Hammill's Volkswagen to Michael and Tasha Brossard as collateral for an unrelated transaction without Hammill's knowledge or permission and never contacted the Brossards for its return. The vehicle was returned to Hammill only after the Brossards learned that it had been reported stolen by Hammill and requested that police respond to take possession of it. The approximate value of the vehicle around the time it was given to the Brossards was \$17,125 according to NADA Bluebook.

2010 Toyota Rav 4 – Toyota Financial Services/Selheim

Around December 13, 2010, William Buckley, doing business as The Lease Brokers, took possession of a 2010 Toyota Rav 4 from Steven Selheim. Selheim had leased the vehicle and was responsible for monthly payments to Toyota Financial Services. Buckley agreed to make Selheim's monthly payments on the lease while locating a third party to assume Selheim's financial obligation to Toyota Financial Services. One monthly payment was attempted but not accepted by Toyota. No further payments were ever made by Buckley or The Lease Brokers to Selheim or Toyota. On approximately January 6, 2011, Buckley left Selheim's Toyota Rav 4 at an autobody shop for repairs and never returned to retrieve it. The approximate value of the Toyota Rav 4 around the time of the transaction was \$22,000 according to NADA Bluebook.

2006 Toyota Matrix – Toyota Financial Services/Sodnicar

Around December 15, 2010, William Buckley, doing business as The Lease Brokers, took possession of a 2006 Toyota Matrix from Matthew Sodnicar. Sodnicar had leased the

vehicle and was responsible for monthly payments to Toyota Financial Services. Buckley agreed to make Sodnicar's monthly payments on the lease while locating a third party to assume Sodnicar's financial obligations to Toyota. No monthly payments were ever made by Buckley or The Lease Brokers to Sodnicar or Toyota. On February 16, 2011, Sodnicar's Toyota Matrix was recovered by police parked near Buckley's former residence at 2200 Market Street in Denver, Colorado. Buckley had apparently abandoned the residence and his whereabouts remain unknown. The approximate value of the vehicle around the time of the transaction was \$11,350 according to NADA Bluebook.

2010 Subaru Legacy – Chase Bank/Brossard

In September, 2010, William Buckley, doing business as The Lease Brokers, took possession of a 2010 Subaru Legacy from Michael and Tasha Brossard. The Brossards had leased the vehicle and were responsible for monthly payments to Chase Bank. Buckley agreed to assume the Brossards' financial obligations to Chase Bank while locating a third party to assume that responsibility. Buckley failed to make monthly payments on the Brossards' lease. In Early December, 2010, Buckley loaned the Brossards' Subaru Legacy to Britt Buckley without the Brossards' knowledge or permission and never returned it. When Britt Buckley learned that the vehicle had been reported stolen, he surrendered it to police. Chase Bank repossessed the vehicle after it was recovered by police. The approximate value of the vehicle around the time of the transaction was \$28,250 according to NADA Bluebook.

2008 Volkswagen Jetta – Volkswagen Credit Leasing/Mercer/Vejrostek

Around November 10, 2010, Diana Mercer allowed William Buckley, doing business as The Lease Brokers, to take possession of the 2008 Volkswagen Jetta that she had leased from Volkswagen Credit Leasing. Mercer was responsible for monthly payments on the lease. Mercer's agreement with The Lease Brokers was that the company would assume Mercer's financial obligation to Volkswagen and attempt to transfer the obligation to a willing third party. The Lease Brokers further agreed to make all monthly payments to Volkswagen while in possession of the vehicle and to return the vehicle to Volkswagen after the expiration of the lease. Buckley and The Lease Brokers never returned the vehicle to Mercer or to Volkswagen and failed to make any payments to Volkswagen Credit Leasing. Mercer's insurance provider, Progressive Insurance, covered the loss of her vehicle.

Around December 17, 2010, Buckley transferred possession of Mercer's 2008 Volkswagen Jetta to Nacole Vejrostek after Vejrostek responded to an advertisement posted on the internet website *craigslist.com*. Vejrostek paid Buckley a down-payment of \$3,100 for the vehicle and agreed to make monthly payments of \$348.00 directly to The Lease Brokers for sixteen months, beginning on February 3, 2011. Buckley and Vejrostek agreed that at the end of the sixteen month period, she would have the option of returning the vehicle to Volkswagen Credit Leasing or purchasing it.

Vejrostek attempted to make monthly payments as agreed by mailing checks to The Lease Brokers at 2870 S. Broadway in Englewood, Colorado. Each check was returned by the post office stamped "not at this address." Vejrostek was never able to contact Buckley again after her first check was returned in February, 2011, as the phone number she had been given was disconnected. The Volkswagen Jetta remains in Ms. Vejrostek's possession and she obtained title on January 4, 2012 after negotiating with Progressive Insurance, who had become

the title-holder as the result of covering Mercer's loss. The approximate value of the Volkswagen Jetta around the time it was taken from Mercer was \$15,000, as determined by Progressive Insurance.

2010 Lexus IS-250 – Toyota Financial Services/Poloniecki/Leffler

In November or December, 2010, William Buckley, doing business as The Lease Brokers, took possession of a 2010 Lexus IS-250 from Ivan Poloniecki at his residence in Las Vegas, Nevada. Poloniecki leased the vehicle and was responsible for monthly payments to Toyota Financial Services. Buckley agreed to assume Poloniecki's financial obligations to Toyota while locating a third party to assume that responsibility. Buckley failed to make payments to either Poloniecki or Toyota Financial Services. Around January 21, 2011, Buckley sold Poloniecki's Lexus to Jimmy Lefler through the internet auction website, *eBay.com*. At Buckley's request, Lefler wired \$25,735 to a Lease Brokers US Bank account controlled by Buckley. Neither the vehicle nor title to the vehicle were sent to Lefler at his home in Broken Arrow, Oklahoma. Neither Poloniecki nor Toyota Financial Services received any proceeds of that transaction. On February 7, 2011, Poloniecki's Lexus was located by police in a parking spot assigned to Buckley at his residence at 2200 Market Street in Denver, Colorado. Buckley abandoned the residence and his whereabouts remain unknown. The recent approximate value of the Lexus IS-250 is \$32,000 according to Kelley Blue Book.

Most affected parties were either unable to contact or experienced significant difficulties reaching Buckley by telephone or electronic mail during January, 2011. On January 25, 2011, Buckley made a transaction through his Lease Brokers US Bank account in Mexico.

COUNT FOUR

COMPUTER CRIME, C.R.S. § 18-5.5-102(1)(b) (F3)

Between and including September 1, 2010 and January 24, 2011, William Paul Buckley unlawfully, feloniously, and knowingly accessed a computer, computer network, or computer system, or any part thereof, for the purpose of devising or executing a scheme or artifice to defraud, and the loss, damage, value of services, or thing of value taken, or cost of restoration or repair was twenty thousand dollars or more; in violation of section 18-5.5-102(1)(b), C.R.S.

The essential facts that support COUNT FOUR are as follows:

The facts supporting all other counts in this indictment are incorporated by reference. At all times relevant to this indictment, William Buckley was the owner and operator of The Lease Brokers. Buckley used a website to advertise his business and to attract customers. He initially operated the business from 511 Crossing Drive, Suite 204 in Lafayette, Colorado. He relocated the business in September or October of 2010 to 2870 South Broadway, Englewood, Colorado.

Buckley employed at least two people to use the internet to search for vehicles that had been advertised for sale by their owners. He specifically instructed employees to use internet websites like *craigslist.com* in order to locate prospective vehicles. He instructed employees to contact the vehicle owners and offer to take possession of the vehicle in question and to take over existing leases or loan payments while locating third parties who would either purchase the vehicle or assume the owner's financial obligations. Buckley intended to make a profit by

charging a down payment to buyers or sublessees and slightly inflating monthly payments.

With the exception of Joseph Squires, each of the original vehicle owners named in this indictment were either contacted by a representative of The Lease Brokers as the result of internet research or contacted The Lease Brokers as the result of internet research that led to the Lease Brokers internet website maintained by Buckley.

As previously described herein, Buckley used the internet website *eBay.com* to advertise and eventually sell vehicles obtained under false pretenses to unwitting purchasers in Colorado and other states.

JOHN W. SUTHERS
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Financial Fraud Unit
Criminal Justice Section

The 2011-2012 Colorado Statewide Grand Jury presents the within Indictment, and the same is hereby ORDERED FILED this 12 day of July 2012.

Pursuant to § 13-73-107, C.R.S., the Court designates Arapahoe County, Colorado as the county of venue for the purposes of trial.

Dated this 12 of July, 2012.



Robert S. Hyatt
Chief Judge, Denver District Court