

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
GAINESVILLE DIVISION

UNITED STATES OF AMERICA ::

CRIMINAL INFORMATION

v. :

: NO. \_\_\_\_\_

WENDELL RAY SPELL :

THE UNITED STATES ATTORNEY CHARGES THAT:

The Scheme and Artifice to Defraud

1. From in or about February 2005 through in or about October 2008, in the Northern District of Georgia and elsewhere, defendant WENDELL RAY SPELL devised, intended to devise, and participated in a scheme and artifice to defraud and for obtaining money by means of materially false and fraudulent pretenses, representations, and promises, and by omissions of material fact.
2. The object and purpose of the scheme and artifice to defraud was for defendant WENDELL RAY SPELL to enrich himself unjustly at the expense of the people he defrauded.
3. It was a part of the scheme and artifice to defraud that,  
at all times material to this Information:
  - a. Defendant WENDELL RAY SPELL was in the business of buying and selling construction equipment in

Gainesville, Georgia.

[2]

b. Defendant WENDELL RAY SPELL did business in the names of NORTH GEORGIA EQUIPMENT SALES LLC and CORNERSTONE INTERNATIONAL INVESTMENTS, LLC.

c. Defendant WENDELL RAY SPELL sought and obtained from investors the necessary funds to purchase specific pieces of construction equipment, based upon his promise that he could and would quickly re-sell such equipment to third parties for a substantial profit.

d. Defendant WENDELL RAY SPELL promised some of the investors that he would split the profits with them on a 50/50 basis, and he promised other investors that he would pay them interest at the rate of 3% per month, that is, 36% per year.

e. Defendant WENDELL RAY SPELL obtained more than \$60 million from more than 50 investors in Gainesville, Georgia and elsewhere.

f. Defendant WENDELL RAY SPELL led the investors to believe that he had used their money to purchase specific pieces of construction equipment, which he knew he had not purchased.

[3]

g. Defendant WENDELL RAY SPELL prepared and provided to the investors bogus bills of sale and other counterfeit documents to make it appear that he had purchased specific pieces of construction equipment as promised, thereby lulling the investors into a false sense of security and delaying or preventing their complaint to law enforcement authorities, and thereby causing them to invest additional funds in his scheme to defraud.

h. Defendant WENDELL RAY SPELL used a substantial portion of the fraud proceeds to pay phantom profits to the investors, to pay his own personal expenses, and to purchase a variety of real and personal property for himself and his family members.

## **COUNT ONE**

### **18 U.S.C. § 1343**

#### **WIRE FRAUD**

4. All of the allegations set forth in paragraphs 1 through 3 of this Criminal Information, and all sub-parts thereof, are incorporated herein by reference, as if fully restated.

5. On or about September 18, 2008, for the purpose of

executing the aforesaid scheme and artifice to defraud, and attempting to do so, defendant WENDELL RAY SPELL, willfully, and

1 All financial account numbers referred to in this Information have been redacted to the last four digits.

[4]

with an intent to defraud, caused to be transmitted by means of a wire communication in interstate commerce certain writings, signs, signals, pictures, and sounds, that is, a wire transfer of funds in the amount of \$200,000 from account # 82981 at First National Bank in Talladega, Alabama, in the name of an account holder whose initials are JNM, Jr., to account # 5131 at Hometown Community Bank in Braselton, Georgia, in the name of CORNERSTONE INTERNATIONAL INVESTMENTS, LLC.

All in violation of Title 18, United States Code, Sections 1343 and 2.

#### FORFEITURE PROVISION

6. All of the allegations set forth in paragraphs 1 through 5 of this Criminal Information, and all sub-parts thereof, are incorporated herein by reference, as if fully restated.

7. Upon conviction of the wire fraud offense set forth in Count 1 of this Criminal Information, in violation of Title 18, United States Code, Section 1343, defendant WENDELL RAY SPELL shall forfeit to the United States, pursuant to Title 18, United States

Code, Section 981(a)(1)(C) and Title 28, United States Code,  
Section 2461(c), all property, real or personal, which constitutes  
or is derived from proceeds traceable to the offense of conviction  
[5]

and all relevant conduct. The property to be forfeited includes,  
but is not limited to, the following:

- a. 2000 Caterpillar model 953C, serial number  
2ZN03238;
- b. 1997 Caterpillar model D5M, serial number 3CR00537;
- c. 1997 Caterpillar model 953C, serial number  
2ZN00922;
- d. 1999 Caterpillar model 953C, serial number  
2ZN02617;
- e. 2005 Caterpillar model D4GXL, serial number  
HYD00734;
- f. 2005 Caterpillar, model D3G, serial number  
BYR01023;
- g. 2006 BOMAG model BW124PDH-3, serial number  
901581381237;
- h. 2006 BOMAG model BW177DH-3, serial number  
901581541106;
- i. 2006 BOMAG model BW117PDH-3, serial number  
901581551158; and

j. 2007 BOMAG model BW211PD40, serial number  
901583261035;

8. If, as a result of any act or omission of the defendant,  
any of the above-described property subject to forfeiture cannot be  
located upon the exercise of due diligence; has been transferred  
to, sold to, or deposited with, a third party; has been placed  
beyond the jurisdiction of the court; has been substantially  
diminished in value; or has been commingled with other property,  
which cannot be divided without difficulty, it is the intent of the  
United States, pursuant to Title 21, United States Code, Section

[6]