

4. On or about July 19, 2005, Edmund Ford as a City Councilman with the City of Memphis voted in favor of the special use permit for the property located at 3403 Elvis Presley Blvd. Prior to voting in favor of the special use permit, Edmund Ford spoke in favor of the resolution approving the special use permit.

COUNT ONE

1. The allegation contained in background paragraphs 1 through 4 of this Indictment are hereby re-alleged and incorporated by reference into Count One.
2. March 27, 2007, in the Western District of Tennessee, the defendant,

-----**DENNIS CHURCHWELL**-----

while under oath as a witness in a proceeding conducted before the federal grand jury for the Western District of Tennessee, did knowingly make a false declaration, that is to say:

3. At the time and place of for said, the grand jury was conducting an investigation to determine whether violations of title 18, United States Code, Sections 666 and 1951 had been committed, and if such violations had been committed, to determine who caused the commission of, and conspired to commit such violations. It was material to that investigation that the grand jury ascertain if DENNIS CHURCHWELL had forgiven rent owed by Edmund Ford in return for Edmund Ford's assistance in obtaining a special use permit from the Memphis City Council for property controlled by DENNIS CHURCHWELL.
4. At the time and place alleged, DENNIS CHURCHWELL, appearing as a witness under oath at a proceeding before the grand jury, knowingly made the following declarations in response to questions with respect to the material matters alleged in paragraph 3 as follows:

Q. All right, sir. So by January 1 of 2006, is it your testimony that Mr. Ford had been good on his obligations and he had been paid up?

A. Coming into 2006?

Q. I'm saying by December 31st of 2005, the end of 2005, was Mr. Ford paid up?

A. Yes.

Q. I want to show you one of the letters that you gave me. This letter is dated February 28th of 2006.

A. That letter is what made him pay up.

Q. Well, let's - - this letter states that he was delinquent to you as of the date of this letter in the amount of \$24,500. Let me have you take a look at it.

A. That's correct.

Q. Okay. All right. So - - well, that must mean that he had not paying you in 2005.

A. Like I said, in 2000 - - at the end of 2005, he was paid up.

Q. Okay.

A. My attorney would send him an eviction notice, and he would bring me 5 or \$10,000. In 2005 at the end of the year, he was paid up. Yes.

9. The aforesaid underscored testimony of DENNIS CHURCHWELL, as he then and there well knew and believed, was false in that as of December 31, 2005, Edmund Ford was behind on his rental payments to the Churchwells for 3390 Elvis Presley, Memphis, Tennessee.

All in violation of Title 18, United States Code, Section 1623.

COUNT TWO

1. The allegation contained in background paragraphs 1 through 4 of this Indictment are hereby re-alleged and incorporated by reference into Count Two.
2. On or about March 27, 2007, in the Western District of Tennessee, the defendant,

----- **DENNIS CHURCHWELL** -----

while under oath as a witness in a proceeding conducted before the federal grand jury for the Western District of Tennessee, did knowingly make a false declaration, that is to say:

3. At the time and place of for said, the grand jury was conducting an investigation to determine whether violations of title 18, United States Code, Sections 666 and 1951 had been committed, and if such violations had been committed, to determine who caused the commission of, and conspired to commit such violations. It was material to that investigation that the grand jury ascertain if DENNIS CHURCHWELL had forgiven rent owed by Edmund Ford in return for Edmund Ford's assistance in obtaining a special use permit from the Memphis City Council for property controlled by DENNIS CHURCHWELL.
4. At the time and place alleged, DENNIS CHURCHWELL, appearing as a witness under oath at a proceeding before the grand jury, knowingly made the following declarations in response to questions with respect to the material matters alleged in paragraph 3 as follows:

Q. - - in fact, I'm still a little confused. Just one last time. And I do apologize.

Did he owe you any money at the end of 2005? .

A. No, sir. Not that I recall. That was all - - like I said, he brought me payments at different times.

Q. No, sir. Listen to my question.

A. Yes. He was paid up.

5. The aforesaid underscored testimony of DENNIS CHURCHWELL, as he then and there well knew and believed, was false in that as of December 31, 2005 Edmund Ford, was behind on his rental payments to the Churchwells for 3390 Elvis Presley, Memphis, Tennessee.

All in violation of Title 18, United States Code, Section 1623.

COUNT THREE

1. The allegation contained in background paragraphs 1 through 4 of this Indictment are hereby re-alleged and incorporated by reference into Count Three.

2. On or about March 27, 2007, in the Western District of Tennessee, the defendant,

-----**DENNIS CHURCHWELL**-----

while under oath as a witness in a proceeding conducted before the federal grand jury for the Western District of Tennessee, did knowingly make a false declaration, that is to say:

3. At the time and place of for said, the grand jury was conducting an investigation to determine whether violations of title 18, United States Code, Sections 666 and 1951 had been committed, and if such violations had been committed, to determine who caused the commission of, and conspired to commit such violations. It was material to that investigation that the grand jury ascertain if DENNIS CHURCHWELL had forgiven rent owed by Edmund Ford in return for Edmund Ford's assistance in obtaining a special use permit from the Memphis City Council for property controlled by DENNIS CHURCHWELL.

4. At the time and place alleged, DENNIS CHURCHWELL, appearing as a witness under oath at a proceeding before the grand jury, knowingly made the following declarations in response to questions with respect to the material matters alleged in paragraph 3 as follows:

Q. Well, if he was paid up in 2005, why did you send him a letter in February of 2006 saying that he owed you \$24,500?

A. I don't know why my attorney sent it. I mean, you know, he had a nervous breakdown, and he's done a bunch of things he shouldn't have done, but he did.

5. The aforesaid underscored testimony of DENNIS CHURCHWELL, as he then and there well knew and believed, was false in that, DENNIS CHURCHWELL directed his attorney, John Moore to send Edmund Ford a letter in February of 2006 demanding Edmund Ford to pay back rent in the amount of \$24,500. All in violation of Title 18, United States Code, Section 1623.

COUNT FOUR

1. The allegation contained in background paragraphs 1 through 4 of this Indictment are hereby re-alleged and incorporated by reference into Count Four.

2. On or about March 27, 2007, in the Western District of Tennessee, the defendant,

-----**DENNIS CHURCHWELL**-----

while under oath as a witness in a proceeding conducted before the federal grand jury for the Western District of Tennessee, did knowingly make a false declaration, that is to say:

3. At the time and place of for said, the grand jury was conducting an investigation to determine whether violations of title 18, United States Code, Sections 666 and 1951 had been committed, and if such violations had been committed, to determine who caused the commission of, and conspired to commit such violations. It was material to that investigation that the grand jury ascertain if DENNIS CHURCHWELL had forgiven rent owed by Edmund Ford in return for Edmund Ford's assistance in obtaining a special use permit from the Memphis City Council for property controlled by DENNIS CHURCHWELL.

4. At the time and place alleged, DENNIS CHURCHWELL, appearing as a witness under oath at a proceeding before the grand jury, knowingly made the following declarations in response to questions with respect to the material matters alleged in paragraph 3 as follows:

Q. And do you recall another letter going out on August 3rd of 2006 from Mr. Moore telling Mr. Ford that Mr. Ford owes you in excess of \$20,000?

A. I didn't even know he sent Mr. Ford those letters until Mr. Ford asked me was he being evicted.

Q. Well, then, let me ask it again this way: Did you tell your attorney, John Moore, that Mr. Ford owed you \$20,000?

A. In '06?

Q. In '06, August of '06?

A. Not that I recall. No.

5. The aforesaid underscored testimony of DENNIS CHURCHWELL, as he then and there well knew and believed, was false in that, DENNIS CHURCHWELL directed his attorney, John Moore to send Edmund Ford a letter dated August 3, 2006 informing Mr. Ford he was delinquent in his monthly rent in excess of \$20,000 and requested that he vacate the premises.

All in violation of Title 18, United States Code, Section 1623.

COUNT FIVE

1. The allegation contained in background paragraphs 1 through 4 of this Indictment are hereby re-alleged and incorporated by reference into Count Five.

2. On or about March 27, 2007, in the Western District of Tennessee, the defendant,

----- **DENNIS CHURCHWELL** -----

while under oath as a witness in a proceeding conducted before the federal grand jury for the Western District of Tennessee, did knowingly make a false declaration, that is to say:

3. At the time and place of for said, the grand jury was conducting an investigation to determine whether violations of title 18, United States Code, Sections 666 and 1951 had been committed, and if such violations had been committed, to determine who caused the commission of, and conspired to commit such violations. It was material to that investigation that the grand jury ascertain if DENNIS CHURCHWELL had forgiven rent owed by Edmund Ford in return for Edmund Ford's assistance in obtaining a special use permit from the Memphis City Council for property controlled by DENNIS CHURCHWELL.

4. At the time and place alleged, DENNIS CHURCHWELL, appearing as a witness under oath at a proceeding before the grand jury, knowingly made the following declarations in response to questions with respect to the material matters alleged in paragraph 3 as follows:

Q. Have you filed your tax return for 2006?

A. Right. Yes.

5. The aforesaid underscored testimony of DENNIS CHURCHWELL, as he then and there well knew and believed, was false in that, on March 27, 2007 DENNIS CHURCHWELL, had not filed his tax return for 2006.

All in violation of Title 18, United States Code, Section 1623.

COUNT SIX

1. The allegation contained in background paragraphs 1 through 4 of this Indictment are hereby re-alleged and incorporated by reference into Count Six.

2. On or about March 27, 2007, in the Western District of Tennessee, the defendant,

-----**DENNIS CHURCHWELL**-----

while under oath as a witness in a proceeding conducted before the federal grand jury for the Western District of Tennessee, did knowingly make a false declaration, that is to say:

3. At the time and place of for said, the grand jury was conducting an investigation to determine whether violations of title 18, United States Code, Sections 666 and 1951 had been committed, and if such violations had been committed, to determine who caused the commission of, and conspired to commit such violations. It was material to that investigation that the grand jury ascertain if DENNIS CHURCHWELL had forgiven rent owed by Edmund Ford in return for Edmund Ford's assistance in obtaining a special use permit from the City Council for property controlled by DENNIS CHURCHWELL.

4. At the time and place alleged, DENNIS CHURCHWELL, appearing as a witness under oath at a proceeding before the grand jury, knowingly made the following declarations in response to questions with respect to the material matters alleged in paragraph 3 as follows:

Q. You file separately your tax return. Right?

A. Right.

Q. Have you filed this year?

A. No, sir.

Q. Did you file last year?

A. Yes, sir.

5. The aforesaid underscored testimony of DENNIS CHURCHWELL, as he then and there well knew and believed, was false in that, by March 27, 2007, DENNIS CHURCHWELL, had not filed his federal income tax for the year 2006.

All in violation of Title 18, United States Code, Section 1623.

A TRUE BILL

S/GRAND JURY FOREMAN

DATE:

July 10, 2007


UNITED STATES ATTORNEY