

FILED

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

MAR 22 2013
CENTRAL DISTRICT SUPERIOR COURT
SAN BERNARDINO COUNTY

THE PEOPLE OF THE STATE OF CALIFORNIA,) COURT CASE NO **FSB** 1301129
)
Plaintiff)
)
vs.)
)
Scot Matthew Spencer ,) FELONY COMPLAINT
Felice G. Luciano)
)
)
Defendant) DA CASE NO 2013-00-0014606

The undersigned is informed and believes that:

COUNT 1

On or about July 23, 2008, through May 23, 2011, in the above named judicial district, the crime of CONSPIRACY TO COMMIT A CRIME, in violation of PENAL CODE SECTION 182(a)(1), a felony, was committed by Scot Matthew Spencer and Felice G. Luciano, who did unlawfully conspire together and with another person and persons whose identity is unknown to commit the crime of Grand Theft, in violation of Section 487(a) of the Penal Code, a felony; that pursuant to and for the purpose of carrying out the objects and purposes of the aforesaid conspiracy, the said defendants committed the following overt act and acts at and in the County of San Bernardino:

On July 29, 2008, Scot Spencer, through an attorney, submitted a draft claim to the San Bernardino International Airport Authority seeking compensation of \$1.75 million. The claim fraudulently stated that SBD Aircraft Services (SBDAS) faxed a letter to the Democratic National Committee (DNC) on July 24, 2008, in which SBDAS purported to cancel a lease agreement with DNC for use of an aircraft. The claim stated that the cancellation was due to the inability of SBDAS and Norton Aircraft Maintenance Services (NAMS) to occupy a hangar at San Bernardino International Airport, which was required to prepare the aircraft for the non-existent lease.

On March 26, 2010, Scot Spencer traveled to New York City and met with Felice Luciano at the Blue Water Grill. At Spencer's urging, Luciano signed an "Aircraft Lease Agreement" purporting to

arrange for the lease of an aircraft from SBDAS to Unique Aviation Properties (Unique Aviation), for the purpose of providing the aircraft to DNC no later than August 23, 2008. Scot Spencer signed the agreement on behalf of SBDAS, while Luciano signed the agreement on behalf of Unique Aviation.

On March 29, 2010, Scot Spencer, through an unindicted co-conspirator, provided a copy of the fraudulent lease agreement between SBDAS and Unique Aviation in response to a court order.

On May 3, 2010, Scot Spencer testified falsely under oath regarding his relationship with NAMS, the fraudulent agreement and his criminal history.

On May 23, 2011, Scot Spencer testified falsely under oath regarding his relationship with NAMS.

It is further alleged as to count(s) 1 that in the commission of the above offense(s) the said defendant(s) Scot Matthew Spencer, with the intent to do so, took, damaged, and destroyed property of a value exceeding \$1,000,000, within the meaning of Penal Code section 12022.6(a)(3).

It is further alleged as to count(s) 1 that in the commission of the above offense(s) the said defendant(s) Felice G. Luciano, with the intent to do so, took, damaged, and destroyed property of a value exceeding \$1,000,000, within the meaning of Penal Code section 12022.6(a)(3).

COUNT 2

On or about March 26, 2010 through May 23, 2011, in the above named judicial district, the crime of CONSPIRACY TO COMMIT A CRIME, in violation of PENAL CODE SECTION 182(a)(1), a felony, was committed by Scot Matthew Spencer and Felice G. Luciano, who did unlawfully conspire together and with another person and persons whose identity is unknown to commit the crime of False Documents to Be Used in Evidence, in violation of Section 134 of the Penal Code, a felony; that pursuant to and for the purpose of carrying out the objects and purposes of the

aforsaid conspiracy, the said defendant(s)s committed the following overt act and acts at and in the County of San Bernardino:

On July 29, 2008, Scot Spencer, through an attorney, submitted a draft claim to the San Bernardino International Airport Authority seeking compensation of \$1.75 million. The claim fraudulently stated that SBD Aircraft Services (SBDAS) faxed a letter to the Democratic National Committee (DNC) on July 24, 2008, in which SBDAS purported to cancel a lease agreement with DNC for use of an aircraft. The claim stated that the cancellation was due to the inability of SBDAS and Norton Aircraft Maintenance Services (NAMS) to occupy a hangar at San Bernardino International Airport, which was required to prepare the aircraft for the non-existent lease.

On March 26, 2010, Scot Spencer traveled to New York City and met with Felice Luciano at the Blue Water Grill. At Spencer's urging, Luciano signed an "Aircraft Lease Agreement" purporting to arrange for the lease of an aircraft from SBDAS to Unique Aviation Properties (Unique Aviation), for the purpose of providing the aircraft to DNC no later than August 23, 2008. Scot Spencer signed the agreement on behalf of SBDAS, while Luciano signed the agreement on behalf of Unique Aviation.

On March 29, 2010, Scot Spencer, through an unindicted co-conspirator, provided a copy of the fraudulent lease agreement between SBDAS and Unique Aviation in response to a court order.

On May 3, 2010, Scot Spencer testified falsely under oath regarding his relationship with NAMS, the fraudulent agreement and his criminal history.

On May 23, 2011, Scot Spencer testified falsely under oath regarding his relationship with NAMS.

COUNT 3

On or about May 3, 2010, in the above named judicial district, the crime of PERJURY UNDER OATH, in violation of PENAL CODE SECTION 118, a felony, was committed by Scot Matthew Spencer, who, being a person, having taken an oath that he would testify, declare, depose, and certify truly before a competent tribunal, officer, and person, to wit, Scot Spencer, in a

case in which such an oath may by law be administered, to wit, testimonial, did contrary to such oath state as true a material matter which hee knew to be false, to wit: regarding his relationships with NAMS, the fraudulent agreement and his criminal history..

COUNT 4

On or about May 23, 2011, in the above named judicial district, the crime of PERJURY UNDER OATH, in violation of PENAL CODE SECTION 118, a felony, was committed by Scot Matthew Spencer, who being a person, having taken an oath that he would testify, declare, depose, and certify truly before a competent tribunal, officer, and person, to wit, regarding his relationship with NAMS, in a case in which such an oath may by law be administered, to wit, , did contrary to such oath state as true a material matter which he knew to be false, to wit: regarding his relationship with NAMS

COUNT 5

On or about March 29, 2010, in the above named judicial district, the crime of PREPARING FALSE DOCUMENTARY EVIDENCE, in violation of PENAL CODE SECTION 134, a felony, was committed by Scot Matthew Spencer, who did unlawfully prepare a false and ante-dated book, paper, record, instrument in writing, and other matter and thing, with intent to produce it, and to allow it to be produced for a fraudulent and deceitful purpose, as genuine and true, upon a trial, proceeding, and inquiry whatever, authorized by law.

* * * * *

NOTICE TO DEFENDANT AND DEFENDANT'S ATTORNEY

Pursuant to Penal Code Sections 1054.5.(b), the People are hereby informally requesting that defense counsel provide discovery to the People as required by Penal Code Section 1054.3.

NOTICE TO ATTORNEY

The materials accompanying this notice may include information about witnesses. If so, these materials are disclosed to you pursuant to Penal Code section 1054.2 which provides: "No attorney may disclose or permit to be disclosed to a defendant the address or telephone number of a victim or witness whose name is disclosed to the attorney pursuant to subdivision (a) of Section

1054.1 unless specifically permitted to do so by the court after a hearing and a showing of good cause."

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THIS COMPLAINT CONSISTS OF 5 COUNT(S).

Executed at San Bernardino, California, on March 22, 2013.

DECLARANT AND COMPLAINANT

Agency: FBI Riverside

Prelim Est. 00:00

Defendant
Scot Matthew Spencer
Felice G. Luciano

Birth Date

Booking No.

CII No.

NCIC