

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
NORTH COUNTY DIVISION

By: J. Trinh

THE PEOPLE OF THE STATE OF
CALIFORNIA

Plaintiff,

vs.

Walter Willis McWilson

Defendant.

DECLARATION IN SUPPORT OF
ARREST WARRANT

Case No. CN2009096

D.A. No. CBH463

I, Micheal Brown, declare I am a peace officer employed by the Oceanside Police Department and I have read and reviewed the official reports of the Oceanside Police Department, which state the following:

On 05/07/08, victim, Richard Day, came to the Oceanside Police Department to report that his former office manager, Aimee Rich, had embezzled money from Royal Pacific Construction, Inc., which is located at 4011 Avenida De La Plata, Suite 301, in Oceanside. Day and his business partner, Keith Kulberg, began noticing problems with Rich's performance, which culminated in company cell phone bills and vehicle payments not being paid. Day began examining the company's financial records in detail, to find out why the bills were not being paid and to ascertain if Rich had stolen money from the company. Day's examination revealed a series of thefts committed by Rich dating back to 2004. From 2004 to 2008, Rich had used company lines of credit with American Express, Visa, Home Depot and Lowe's to purchase merchandise for herself and her friends. She had also issued checks totaling \$39,836.45 to her friends, for work that was never done.

On 05/14/08, the Oceanside Police Department began investigating Mr. Day's allegations. Ms. Rich was interviewed and admitted to committing a series of thefts from the company using various schemes to take the money. The majority of the money was stolen using Royal Pacific Construction's credit cards to make purchases for Rich and her friends. Rich initially declined to tell detectives the names of her friends who possessed a large quantity of the property she had purchased through embezzlement. On 06/12/08, detectives of the Oceanside Police Department served a Search Warrant at the residence of Aimee Rich. During the search, detectives seized a refrigerator, washer & dryer and patio furniture that were confirmed to have been unlawfully charged to Royal Pacific Construction's Home Depot charge account. In addition, detectives located copies of both Richard Day and Keith Kulberg's Royal Pacific Construction credit card statements that should not have been in Rich's possession.

During approximately the second week of August of 2008, Oceanside Police Sgt. Walter McWilson came to my desk and inquired about the Rich investigation. He told me that an old friend, Aimee Rich, told him I was going to arrest her for taking money from the company she had worked for. Sgt. McWilson asked me what he could tell Ms. Rich regarding the circumstances of her pending arrest. I provided Sgt. McWilson with the details of the case, so he could tell Rich how strong the case against her was and that it was in her best interest to attempt to collect any outstanding stolen

property from her friends, so it could be returned. Among the information I provided to Sgt. McWilson was that Rich had confessed to using Royal Pacific Construction's Home Depot credit account to purchase items, such as cleaning supplies, household goods, appliances and TVs for herself and friends. Specifically, I told him that she had purchased several high end flat screen televisions and other items and had given the stolen items to friends. Rich refused to tell me the names of the friends, or where I could recover the stolen property, because she did not want to get her friends involved. I told Sgt. McWilson he should tell Rich that it was in her best interest to gather up anything that she had purchased unlawfully and turn it over to me. In addition, she should attempt to recover the stolen property she had given to friends, so her friends would not become liable for possessing stolen property.

It should be noted that during our conversation, Sgt. McWilson did not tell me that Rich had ever given him gifts. On 12/28/08, while reviewing all of the records and evidence received in this case, I noticed that Detectives had seized a receipt for a mattress from Aimee Rich's residence. The receipt listed the name Walter McWilson. At this time, I remembered that Sgt. McWilson had inquired about this case in mid August of 2008. On 12/30/08, I interviewed Sgt. McWilson regarding the receipt. Sgt. McWilson told me he met Aimee Rich in 2005. The two became friends. During their friendship, Rich purchased several gifts for McWilson. The gifts included a knob for his stereo, dinners on occasion, a shirt, a microphone, a keyboard and a mattress. McWilson said he had no idea that Rich was taking money from her employer, or that she was involved in criminal activity.

On 01/06/09, I met with Sgt. McWilson again and requested a detailed list of the items that Rich gave him. During that conversation, Sgt. McWilson told me Rich had also given him three TVs. On 01/21/09, Sgt. McWilson provided an itemized list of everything Rich had given him. The list showed Rich gave McWilson the following items as gifts: one pair of Bow Flex dumbbells, one Korg Keyboard, one Neumann Microphone, Audio Foam, one Desk, one Roland Phantom XR sample module, one Apple Ipod, two 32 inch Panasonic flat screen TVs, one 42 inch Magnavox flat screen TV, one 48 inch Magnavox flat screen TV, one Apple notebook computer and one Mattress. On 01/23/09, Sgt. McWilson brought most of the items described above to the police department. On 05/20/09, Sgt. McWilson turned over an Ultimate Support microphone boom stand and a Proline 3 tier keyboard stand to me at the Oceanside Police Department that he also obtained from Aimee Rich, but had not previously disclosed.

On 05/26/09, I interviewed Walter McWilson a second time regarding his relationship with Aimee Rich and the circumstances surrounding Ms. Rich giving McWilson numerous gifts throughout their relationship. McWilson said Rich began giving him gifts very early in their relationship. The gifts ranged from things as small as clothing or a shirt and progressed to expensive items, such as the TVs and the musical equipment that he turned in to the Oceanside Police Department as a result of this investigation. He insisted that he did not know that Rich was stealing the items. However, he admitted that he had intentionally lied to me during our initial interview. He was aware that he still possessed the TVs and musical equipment during our initial interview, but had failed to disclose this fact, because he was afraid when the details regarding his involvement with Rich came out, it would cause him problems with his relationship with his live-in girlfriend. Sgt. McWilson told me that Aimee Rich had not provided him with any other property that had not been discussed during this interview.

On 07/30/09, Aimee Rich agreed to provide a statement regarding the stolen property that Rich had provided to Sgt. McWilson. Rich stated that Sgt. McWilson became aware that she was

using her Royal Pacific Construction company Home Depot credit card to purchase items for her personal use. He became aware of this sometime during 2006 when he accompanied her through a Home Depot checkout lane. She was purchasing cleaning supplies for herself. She pulled out her Royal Pacific Construction Home Depot credit card that had Royal Pacific Construction and her name clearly embossed on the front of the card. She believed that Sgt. McWilson saw the company name on the credit card, because Sgt. McWilson asked her if she would get in trouble at work if she purchased items for him using the company credit card. Rich told Sgt. McWilson that her employer would not notice if she charged some personal items on the card. At that point, Sgt. McWilson began asking her to make purchases for him. She said she agreed to do so.

Rich said that Sgt. McWilson wanted to install a new hardwood floor in his residence. He asked Rich to purchase the flooring for him, using Royal Pacific's credit card. She agreed and purchased a quantity of hardwood flooring for Sgt. McWilson, which Rich charged to Royal Pacific's Home Depot credit card. She provided the stolen flooring to Sgt. McWilson and personally saw that he installed the flooring in an open area in the upstairs portion of his residence. Sgt. McWilson also asked her to purchase television sets for him using Royal Pacific's Home Depot card. She purchased a TV for Sgt. McWilson and gave it to him. Sgt. McWilson asked her to purchase a second TV, which he planned on selling to his neighbor. She purchased the second TV as requested. Both TVs were paid for with Royal Pacific's Home Depot credit card. Rich also stated that Sgt. McWilson requested that she purchase a quantity of Travertine tile for his residence. She purchased the tile as requested using Royal Pacific's Home Depot credit card. Sgt. McWilson allegedly installed the tile on the ground floor of the residence. Rich said she made several purchases of musical equipment at Sgt. McWilson's request, using Keith Kulberg's Royal Pacific Construction American Express card to pay for the equipment. Rich insisted that Sgt. McWilson was fully aware that she was purchasing the gifts for him, using Royal Pacific's credit cards.

Documents have been obtained during the course of this investigation, which reveal the following. On 09/23/06, Thomasville mahogany hardwood flooring, valued at \$2025.57 was charged to Aimee Rich's Royal Pacific Construction Home Depot credit card. I have been to Sgt. McWilson's former residence and observed that flooring of the same make and model is currently installed in the residence in the location that Rich stated Sgt. McWilson had installed the stolen flooring. Sgt. McWilson did not disclose that Rich provided such flooring to him. On 11/10/06, 40 cartons of 18 by 18 inch Travertine floor tile valued at \$1154.30, was charged to Aimee Rich's Royal Pacific Construction Home Depot credit card. I have observed that there is currently 18 by 18 inch Travertine flooring installed throughout the downstairs portion of Sgt. McWilson's former residence. This is where Rich told me Sgt. McWilson had installed the stolen tile. Sgt. McWilson did not disclose that Rich provided such tile to him. On 12/21/06, musical equipment valued at \$2616.61 was charged to Keith Kulberg's Royal Pacific Construction American Express credit card at The Guitar Center, located at 712 Center Drive, in San Marcos. Sgt. McWilson turned in musical equipment of the same make, model and serial # listed on the receipt, stating Rich had provided the equipment to him. On 12/22/06, musical equipment valued at \$861.98, was charged to Keith Kulberg's Royal Pacific Construction American Express credit card at The Guitar Center, located at 712 Center Drive, in San Marcos. Sgt. McWilson later turned in musical equipment of the same make and model listed on the receipt, stating Rich had provided the equipment to him. On 01/18/07, musical equipment valued at \$954.72, was charged to Keith Kulberg's Royal Pacific Construction American Express credit card at The Guitar Center, located at 712 Center Drive, in San Marcos. Sgt. McWilson later turned in musical equipment of the same make and model listed on the receipt,

stating Rich had provided the equipment to him. On 12/22/06, a 50 inch Magnavox plasma TV valued at \$1722.92, was charged to Aimee Rich's Royal Pacific Construction Home Depot credit card. I have interviewed one of Sgt. McWilson's former neighbors, who told me he and his wife were in the market to purchase a TV in approximately December of 2006. The neighbor had mentioned this to Sgt. McWilson. Sgt. McWilson told his neighbors that he could get them a TV for a good price if they provided him with cash. They provided Sgt. McWilson with \$1200.00 in cash and shortly thereafter, Sgt. McWilson came to their residence with a TV still in the box. I have examined and seized this TV and found that it was the same make and model TV as that listed on the Home Depot receipt. On 11/10/06, a 50 inch Magnavox plasma TV valued at \$2153.92, was charged to Aimee Rich's Royal Pacific Construction Home Depot credit card. Sgt. McWilson turned in the same make and model TV as listed on this receipt to the Oceanside Police Department on 01/23/09.

Between approximately the second week of August of 2008 and 12/28/08, Sgt. McWilson failed to notify the case investigator that Aimee Rich had given him numerous gifts. It was only after I discovered the existence of the mattress receipt and spoke to Sgt. McWilson about the receipt that he disclosed that Rich had given him gifts. Even after the 12/30/08 interview where Sgt. McWilson claimed Rich gave him a knob for his stereo, dinners on occasion, a shirt, a microphone, a keyboard and a mattress, Sgt. McWilson concealed and withheld most of the above listed stolen property until 01/23/09. He did not advise the case investigator of the existence of and turn in the remaining stolen property until 05/20/09.

WHEREFORE, your declarant prays for the issuance of a warrant for the arrest of the above-named defendant for violations of

- Count 1: PC 182(a)(4) Conspiracy to Defraud Another of Property
- Count 2: PC 496(a) Receiving and Concealing Stolen Property
- Count 3: PC 487(a) Grand Theft
- Count 4: PC 496(a) Receiving Stolen Property
- Count 5: PC 487(a) Grand Theft
- Count 6: PC 496(a) Receiving Stolen Property
- Count 7: PC 487(a) Grand Theft
- Count 8: PC 496(a) Receiving Stolen Property
- Count 9: PC 487(a) Grand Theft
- Count 10: PC 496(a) Receiving Stolen Property
- Count 11: PC 487(a) Grand Theft
- Count 12: PC 496(a) Receiving Stolen Property

Count 13: PC 487(a) Grand Theft

Count 14: PC 496(a) Receiving Stolen Property

The description of Walter McWilson is as follows:

DOB: 05/08/72 EC: Brown HC: Black HT: 6'2" WT: 225 RACE: Black SEX: Male SSN: [REDACTED]
DL: [REDACTED] California

I declare on information and belief that the foregoing is true and correct under penalty of perjury.

Executed in San Diego County, California, on the day of November 10, 2009.

M. Bunn 11/10/09
Declarant

Bail Recommendation: \$270,000
Pen Bail Schedule

Reviewed for legal sufficiency by

[Signature]
Deputy District Attorney

Declaration read;
Probable cause to arrest found;
Warrant to issue.

R. G. Mandy
Judge of the Superior Court

The defendant is to be admitted to bail
in the sum of \$270,000 dollars.
Pen Bail Schedule
Nov 9, 2009
Date

FILED
Clerk of the Superior Court

NOV 10 09

By: J. Trinh

11-10-09