

Factual Summary

If this case were to proceed to trial, the United States could prove each element of the offenses beyond a reasonable doubt. The following facts, among others would be offered to establish the defendant's guilt:

1. On November 12, 2001, Patrick H. Hightower, II was hired as a Federal Air Marshal (FAM) and was employed as a FAM from that date through the present.

2. On November 3, 2002, Burlie Sholar, III was hired as a Federal Air Marshal (FAM) and was employed as a FAM from that date through at least February 9, 2006.

3. On February 9, 2006, the Department of Homeland Security (DHS), Office of Inspector General (OIG), initiated an investigation after the discovery of doctored lodging receipts in the name of Hightower and Sholar, during a search incident to the arrest of Sholar for drug trafficking and bribery.

4. On February 15, 2006, the DHS OIG examined travel vouchers submitted by Sholar and Hightower for the period of September 1, 2005, through February 13, 2006. The DHS OIG conducted a preliminary review of the documents, which disclosed that Hightower submitted vouchers containing duplicative hotel receipts for lodging expenses that were not reflected as charges on his U.S. Government credit card. The review also disclosed that Sholar submitted vouchers containing duplicative hotel receipts for lodging expenses that were not reflected as charges on his U.S. Government credit card.

5. On February 16, 2006 and February 24, 2006, DHS OIG interviewed Hightower regarding the vouchers. Hightower admitted that Sholar and he would doctor hotel-lodging receipts to look as if both had been charged for lodging. Hightower said that this process created two hotel lodging receipts though only one person paid for the lodging. Hightower estimated that

Sholar and he had submitted fraudulent travel vouchers using this process approximately 20 to 24 times since September 2005.

6. On February 18, 2006, DHS OIG was provided with travel vouchers submitted by Sholar and Hightower for the period of February 18, 2005 through January 29, 2006. A review of Sholar and Hightower's travel vouchers disclosed that both Sholar and Hightower had submitted duplicative hotel receipts for lodging expenses. The vouchers showed that Hightower was paid United States currency by the United States government for expenses he had not incurred and was not entitled to, by fabricating lodging receipts. The vouchers showed that Sholar did the same.