



WANTED



by the
**U.S. Environmental Protection Agency
CRIMINAL INVESTIGATION DIVISION**

Name: Mxkl'Rcwlf qf f
Alias: P qpg
Sex: Male
Race: Y j kg
Date of Birth: 07/37/199;
Place of Birth: Ecpcf c
Height 5' : "
Weight 457 lbs
Eyes: Brng
Hair: Btqy p
Scars/Tattoos:
FBI #:
NIC #:
Last Known Address: O cr rg'Tkf i g."DE"



Additional Photo in Packet

Case Summary:

- Mxkl'Rcwlf qf f 'ku'y cpvgf 'lp'eqppgevkp'y kj 'c'hgf gtcn'lpf levo gpv'lpqxqrlpi 'vj g' wprcy hwnko r qtcvkp'cpf 'ucrg'qh'go kuukpu'f ghgc'f gxlegu'hqt'f kgugn'twem0F qf f."c" Ecpcf kcp'P cvkqpen'ku'cmgi gf 'q'j cxg'eqpur ktgf 'q'xlqrvg'vj g'Engcp'CKt'Cev'd{ "uo wi i rpi "cpf 'f kntkdwkpi 'f gxlegu'f guki pgf 'q'f kucdrg'xgj lerg'go kuukp'eqptqnu0F qf f" qr gtcvgf 'vj tqwi j 'dwulpguugu'lpemf kpi 'Gxqnwkq'CWq'Rgthqto cpeg'cpf 'Gxq'Vwpgu'Kpe0

Anyone with information regarding this fugitive should contact the U.S. Environmental Protection Agency, Criminal Investigation Division – San Diego California Office at: 1-619-557-2920 or complete the form located at: [EPA Fugitive - Report Location](#)

Additional Photograph(s)



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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Oct 18, 2024

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN WESLEY OWENS,
JOSHUA WESLEY OWENS,
DIESEL TRUCK PRODUCTS, INC.
d/b/a DPF DELETE SHOP, INC.,
FULFILLMENT SOLUTIONS &
MORE, LLC,
KEVIN PAUL DODD,
EVOLUTION AUTO
PERFORMANCE,
EVO TUNES INC.,
PHILIP JOHN SWEENEY, and
KX WHEELS,

Defendants.

No. 2:24-CR-140-TOR

INDICTMENT

Vios: 18 U.S.C. § 371; 42 U.S.C. §
7413(c)(2)(C); 18 U.S.C. §
545
Conspiracy To Violate the
Clean Air Act and to Smuggle
Goods into the United States
(Counts 1 - 2)

18 U.S.C. § 545, 2
Smuggling Goods Into the
United States
(Counts 3 - 5)

18 U.S.C. § 1956(h)
Conspiracy To Engage in
Monetary Transactions in
Property Derived from
Specified Unlawful Activity
(Count 6)

18 U.S.C. § 982, 18 U.S.C.
§ 545, 28 U.S.C. § 2461(c)
Forfeiture Allegations

1 The Grand Jury charges:

2 INTRODUCTION

3 1. Beginning no later than December 30, 2015, and continuing until at
4 least on or about November 28, 2023, Defendants JOSHUA WESLEY OWENS
5 and JOHN WESLEY OWENS, and their companies, Defendants DIESEL TRUCK
6 PRODUCTS, INC. d/b/a DPF DELETE SHOP, INC. and FULFILLMENT
7 SOLUTIONS & MORE, LLC, together with Defendant KEVIN PAUL DODD and
8 his companies, Defendant EVOLUTION AUTO and EVO TUNES,¹ and others
9 known and unknown to the Grand Jury, conspired to illegally smuggle “defeat
10 devices” that are designed to violate, and that are prohibited by, the Clean Air Act
11 into the United States from Canada, and further conspired to violate the Clean Air
12 Act by distributing and using those defeat devices to tamper with federally-
13 mandated monitoring devices on diesel trucks.

14 2. Beginning no later than March 15, 2020, and continuing until at least
15 on or about November 28, 2023, Defendants JOSHUA WESLEY OWENS and
16 JOHN WESLEY OWENS, and their companies, Defendants DIESEL TRUCK
17 PRODUCTS, INC. d/b/a DPF DELETE SHOP, INC. and FULFILLMENT
18 SOLUTIONS & MORE, LLC, together with Defendants PHILIP JOHN
19 SWEENEY and KX WHEELS, and others known and unknown to the Grand Jury,
20 conspired to illegally smuggle “defeat devices” that are designed to violate, and
21 that are prohibited by, the Clean Air Act into the United States from Canada, and
22 further conspired to violate the Clean Air Act by distributing and using those
23 defeat devices to tamper with federally-mandated monitoring devices on diesel
24 trucks.

25
26
27

¹ Except where specifically noted, Defendants EVOLUTION AUTO
28 PERFORMANCE and EVO TUNES are hereinafter collectively referred to as
Defendant EVOLUTION AUTO in this Indictment.

1 system components that are illegal under the Clean Air Act and cannot be legally
2 imported into the United States or sold in the United States.

3 8. During times relevant to this Indictment, Defendant DIESEL TRUCK
4 PRODUCTS, INC. d/b/a DPF DELETE SHOP, INC. was registered with the
5 Washington Secretary of State with the street and mailing address of 144 E
6 Johnson Ave, Unit 1241, Chelan, WA, 98816. Defendant JOSHUA WESLEY
7 OWENS was the registered owner and a governor of Defendant DIESEL TRUCK
8 PRODUCTS, INC. d/b/a DPF DELETE SHOP, INC. At times relevant to this
9 Indictment, Defendant DIESEL TRUCK PRODUCTS, INC. d/b/a DPF DELETE
10 SHOP INC. maintained a website where it sold to United States customers
11 electronic tuning devices and exhaust system components that are illegal under the
12 Clean Air Act and cannot be legally imported into the United States or sold in the
13 United States.

14 9. Defendant FULFILLMENT SOLUTIONS & MORE, LLC is
15 registered with the Washington Secretary of State with the street and mailing
16 address of 909 Kinsey Road, Manson, WA 98831. Defendant JOHN WESLEY
17 OWENS is the registered owner of Defendant FULFILLMENT SOLUTIONS &
18 MORE, LLC. Defendant JOHN WESLEY OWENS managed and operated
19 Defendant FULFILLMENT SOLUTIONS & MORE, LLC, which received the
20 illegal merchandise, stored it, and shipped it to customers across the country.

21 Defendant KEVIN PAUL DODD and His Companies

22 10. At all times relevant to this Indictment, Defendant KEVIN PAUL
23 DODD was a resident of Maple Ridge, British Columbia, Canada, and is a
24 Canadian citizen. Defendant KEVIN PAUL DODD conducted business in the
25 Eastern District of Washington at times relevant to this Indictment by selling,
26 importing, and transporting products to Defendants JOHN WESLEY OWENS,
27 JOSHUA WESLEY OWENS, and DIESEL TRUCK PRODUCTS, INC. d/b/a
28 DPF DELETE SHOP, INC. Defendant KEVIN PAUL DODD is the owner of two

1 related companies, Defendant EVOLUTION AUTO PERFORMANCE and
2 Defendant EVO TUNES.

3 11. Defendant EVOLUTION AUTO PERFORMANCE is a Canadian
4 company, with its principal place of business located at 20170 Stewart Crest, Ste.
5 470, Maple Ridge, British Columbia, that sold, distributed, and transported
6 electronic tuning devices and exhaust system components to companies within the
7 United States, including Defendants DIESEL TRUCK PRODUCTS, INC. d/b/a
8 DPF DELETE SHOP, INC., that are illegal under the Clean Air Act and may not
9 be shipped, imported, or sold in or into the United States.

10 12. Defendant EVO TUNES is a Canadian company, with its principal
11 place of business located at 20120 Stewart Crescent, Unit 106, Maple Ridge,
12 British Columbia. Defendant EVO TUNES conducts business that is substantially
13 the same as Defendant EVOLUTION AUTO PERFORMANCE and sold,
14 distributed, and transported electronic tuning devices and exhaust system
15 components to companies within the United States, including Defendants DIESEL
16 TRUCK PRODUCTS, INC. d/b/a DPF DELETE SHOP, INC., that are illegal
17 under the Clean Air Act and may not be shipped, imported, or sold in or into the
18 United States.

19 Defendant PHILIP JOHN SWEENEY

20 13. At all times relevant to this Indictment, Defendant PHILIP JOHN
21 SWEENEY was a resident of Coquitlam, British Columbia and is a Canadian
22 citizen. Defendant PHILIP JOHN SWEENEY conducted business in the Eastern
23 District of Washington at times relevant to this Indictment by selling, importing,
24 and transporting products to Defendants JOHN WESLEY OWENS, JOSHUA
25 WESLEY OWENS, and DIESEL TRUCK PRODUCTS, INC. d/b/a DPF
26 DELETE SHOP, INC. and FULFILLMENT SOLUTIONS & MORE, LLC.
27 Defendant PHILIP JOHN SWEENEY is the registered owner of Defendant KX
28 WHEELS.

1 14. Defendant KX WHEELS is a Canadian company with its principal
2 place of business located at 5525 272 Street, Unit A105, Langley, British
3 Columbia, that sold and distributed electronic tuning devices and exhaust system
4 components within the United States, including to Defendants DIESEL TRUCK
5 PRODUCTS, INC. d/b/a DPF DELETE SHOP, INC., that are illegal under the
6 Clean Air Act, and may not be legally sold, imported, or shipped in or into the
7 United States.

8 The Clean Air Act and Required Pollution Controls and Monitoring Devices

9 15. The Clean Air Act directs the United States Environmental Protection
10 Agency (EPA) to issue regulations limiting the amount of pollutants that motor
11 vehicles, including diesel vehicles, can emit. To meet these emission standards,
12 vehicle manufacturers design and install certain hardware devices as components
13 of an emissions control system to manage and treat engine exhaust. This reduces
14 the levels of pollutants such as nitrogen oxides, particulate matter, carbon
15 monoxide, and non-methane hydrocarbons that are emitted into the air from
16 tailpipe exhaust and keeps those emissions within regulatory limits. For diesel
17 engines, such emissions control devices include diesel particulate filters (“DPF”),
18 exhaust gas recirculation (“EGR”) systems, diesel oxidation catalysts (“DOC”),
19 and selective catalytic reduction (“SCR”) systems. These hardware emissions
20 control devices are critical components of a diesel vehicle’s emissions control
21 system and are essential to ensuring that the vehicle complies with the Clean Air
22 Act’s emissions standards.

23 16. EPA regulations also require manufacturers to install on-board
24 diagnostic (“OBD”) systems on vehicles and engines to ensure that emissions
25 control systems continue to operate properly. OBD systems must be capable of
26 monitoring all emission-related engine systems or components, including the EGR
27 system, the DOC, the DPF, and the SCR system.

28 17. The OBD system operates within a vehicle’s engine control module

1 (“ECM”) (sometimes referred to as the engine or electronic control unit or
2 “ECU”). The OBD is composed of software and sensors that monitor emissions-
3 related engine systems and components for malfunctions that may increase
4 emissions. If an emissions-related malfunction or problem occurs, the OBD system
5 causes a malfunction indicator light (“MIL”) to be illuminated on the vehicle’s
6 dashboard to alert the driver and a diagnostic trouble code (“DTC”) to be stored in
7 the OBD’s memory. These functions facilitate the detection and diagnosis of a
8 malfunction in the emissions control system. Removal, disconnection, or
9 malfunction of certain powertrain components, including emissions control
10 hardware, may cause the control system to limit the top speed of some vehicles to
11 as low as five miles per hour (an effect commonly referred to as “limp mode” or
12 “power reduced mode”), providing an incentive for the vehicle’s operator to seek
13 repairs and to prevent damage to other components.

14 18. OBD systems are monitoring devices or methods required to be
15 maintained or followed under the Clean Air Act to ensure that both the emissions-
16 monitoring computer software and the hardware emissions control devices of
17 vehicles are functioning properly.

18 19. Persons seeking to evade the Clean Air Act’s pollution controls for
19 diesel vehicles have developed methods of modifying or removing emissions
20 control systems and rendering the OBDs inaccurate. These modifications may be
21 undertaken to avoid repair and maintenance costs associated with emissions
22 controls and to improve the horsepower, torque, fuel efficiency, or other
23 characteristics of diesel engines. These unlawful modifications result in a dramatic
24 increase in multiple pollutants being emitted by each vehicle.

25 20. One method of disabling a manufacturer-installed emissions control
26 system is to remove the portion of the vehicle’s exhaust system that contains some
27 of the emissions control equipment, such as the DPF, DOC and SCR catalyst, and
28 replace it with a section of hollow exhaust tubing sometimes referred to as a

1 “straight pipe.” These “straight pipes” funnel the vehicle’s exhaust through the
2 tailpipe, with no reduction in pollutants.

3 21. The EGR can be disabled through the installation of “block plates”
4 that cover the EGR valve and prevent the recirculation of exhaust.

5 22. Additionally, certain functions of emissions control components can
6 be electronically disabled.

7 23. To prevent an OBD system from detecting that the emissions controls
8 have been modified or removed, the ECM is reprogrammed to disable at least
9 some of the OBD monitoring functions and to modify other engine functions
10 related to the operation of emissions controls (e.g., turning off diesel exhaust fluid
11 (“DEF”) injection, turning off DPF regenerations, and remapping other parameters
12 to account for the removed or disabled emissions controls). If an ECM is not
13 reprogrammed after modification or removal of emissions control equipment, a
14 properly functioning OBD will detect the malfunction or removal of the emissions
15 control equipment, trigger a MIL alert, store a DTC and, in certain instances, cause
16 the vehicle to go into limp mode.

17 24. The act of tampering with, disabling, or removing emissions-related
18 software or hardware is sometimes referred to as “deletion” or “deleting.”
19 Reprogramming the ECM, including the OBD system, as part of the emissions
20 control deletion can be referred to as “tuning” or “reflashing” the vehicle. One
21 common method used to prevent the OBD from detecting a malfunction in the
22 emission control system installing a tune file on the vehicle’s OBD using an
23 electronic tuning device (sometimes referred to as a “tuner”) that is connected to
24 the OBD through the OBD port. Such tune files and tuning devices are sometimes
25 referred to as “delete tunes” and “delete tuners,” respectively.

26 25. EGR “block plates” are often sold as part of a kit containing the block
27 plates and other hardware necessary to disable the EGR, commonly referred to as
28 an “EGR delete kit.” Additionally, electronic tuning devices, straight pipes, and

1 other vehicle parts and devices designed to evade diesel truck emissions controls
2 are often sold as a package referred to as a “DPF delete kit.”

3 26. Reprogramming an OBD to prevent it from detecting the removal or
4 disabling of emission control systems components constitutes tampering with and
5 rendering inaccurate a monitoring device required under the Clean Air Act and is a
6 felony under the Clean Air Act. 42 U.S.C. § 7413(c)(2)(C).

7 27. The Clean Air Act also prohibits and makes it contrary to law for any
8 person to sell, or offer to sell, or install any part or component intended for use
9 with, or as part of, any motor vehicle or motor vehicle engine, where a principal
10 effect of the part or component is to bypass, defeat, or render inoperative emissions
11 controls required under the Clean Air Act, and where the person knows or should
12 know that such part or component is being offered for sale or installed for such use
13 or put to such use. 42 U.S.C. § 7522(a)(3)(B). “Defeat devices,” such as straight
14 pipes, EGR delete kits, DPF delete kits, and electronic tuning devices sold for use
15 with tune files to reprogram the OBD to prevent it from detecting the removal or
16 disabling of emission control system components, are therefore all prohibited and
17 contrary to law under the Clean Air Act, and may not be sold, distributed, or
18 imported into the United States.

19 Count 1

20 28. The allegations in paragraphs 1 through 27 of this Indictment are
21 incorporated as though realleged herein.

22 29. Beginning no later than on or about December 30, 2015, and
23 continuing through at least on or about November 28, 2023, Defendants JOSHUA
24 WESLEY OWENS, JOHN WESLEY OWENS, DIESEL TRUCK PRODUCTS,
25 INC. d/b/a DPF DELETE SHOP, INC., KEVIN PAUL DODD, and EVOLUTION
26 AUTO PERFORMANCE and EVO TUNES INC. knowingly and intentionally
27 combined and conspired with one another and with persons known and unknown
28 to the Grand Jury, including certain employees of said companies and certain of

1 Defendants' customers, to tamper with and render inaccurate monitoring devices
2 and methods required under the Clean Air Act, in violation of Title 42 U.S.C. §
3 7413(c)(2)(C), and to smuggle defeat devices that are illegal under the Clean Air
4 Act from Canada into the United States, in violation of 18 U.S.C. § 545.

5 30. An object of the conspiracy was to generate revenue for Defendants
6 JOSHUA WESLEY OWENS and JOHN WESLEY OWENS, along with their
7 companies, including Defendant DIESEL TRUCK PRODUCTS, INC. d/b/a DPF
8 DELETE SHOP, INC. and FULFILLMENT SOLUTIONS & MORE, LLC, by
9 purchasing and smuggling into the United States hardware defeat devices designed
10 to disable emission control components on customer vehicles and electronic tuners
11 with custom "delete tune" files designed to tamper with OBD monitoring systems
12 on vehicles. Defendants JOSHUA WESLEY OWENS, JOHN WESLEY OWENS,
13 and DIESEL TRUCK PRODUCTS, INC. d/b/a DPF DELETE SHOP, INC. then
14 re-sold and distributed those products to customers within the United States for use
15 in privately- and commercially-owned diesel truck vehicles, who used the devices
16 to tamper with required OBD monitoring systems, all in violation of the Clean Air
17 Act.

18 31. Another object of the conspiracy was to generate revenue for
19 Defendant KEVIN PAUL DODD and his company, Defendant EVOLUTION
20 AUTO, by creating, selling, distributing, and importing into the United States
21 electronic tuning devices as well as other defeat devices, and transporting those
22 products to Defendants JOSHUA WESLEY OWENS, JOHN WESLEY OWENS,
23 DIESEL TRUCK PRODUCTS, INC. d/b/a DPF DELETE SHOP, INC.
24 Defendants KEVIN PAUL DODD and EVOLUTION AUTO created custom
25 "delete tunes" for specific vehicles based upon specifications provided by
26 Defendants JOSHUA WESLEY OWENS, JOHN WESLEY OWENS, DIESEL
27 TRUCK PRODUCTS, INC. d/b/a DPF DELETE SHOP, INC. After creating these
28 custom "delete tune" files, Defendants KEVIN PAUL DODD and EVOLUTION

1 AUTO would smuggle electronic tuning devices from Canada into the United
2 States, where they were received by Defendants JOSHUA WESLEY OWENS,
3 JOHN WESLEY OWENS, DIESEL TRUCK PRODUCTS, INC. d/b/a DPF
4 DELETE SHOP, INC., and FULFILLMENT SOLUTIONS & MORE, LLC. The
5 smuggled electronic tuning devices were sometimes preloaded with custom “delete
6 tunes,” but at other times the delete tunes were downloaded by the end user from a
7 cloud server made available by Defendants.

8 32. Another object of the conspiracy was for customer co-conspirators,
9 both known and unknown to the Grand Jury (hereinafter, “customers”), to disable
10 emission control systems and to tamper with and render inaccurate monitoring
11 devices and methods required under the Clean Air Act, in violation of 42 U.S.C. §
12 7413(c)(2)(C). Using illegal products smuggled into the United States contrary to
13 law and sold and distributed by Defendants, customers disabled and tampered with
14 emission control and monitoring systems to avoid the cost and burden associated
15 with maintaining their diesel vehicles, and to benefit from the real and perceived
16 increased vehicle performance, fuel efficiency, and engine power characteristics of
17 the vehicles, all while causing the release of substantial quantities of harmful and
18 toxic substances into communities in the Eastern District of Washington and
19 elsewhere.

20 Manner and Means of the Conspiracy

21 As part of the conspiracy:

22 33. Defendants JOSHUA WESLEY OWENS, JOHN WESLEY OWENS,
23 DIESEL TRUCK PRODUCTS, INC. d/b/a DPF DELETE SHOP, INC.,
24 FULFILLMENT SOLUTIONS & MORE, LLC, KEVIN PAUL DODD, and
25 EVOLUTION AUTO, and others known and unknown to the Grand Jury,
26 combined, conspired, and agreed to create, sell, import, distribute, and install
27 delete tune files on diesel trucks to tamper with the OBDs on diesel trucks, for the
28 purpose of disabling and removing emissions control components on diesel trucks.

34. Beginning no later than on or about December 30, 2015, and continuing until at least on or about November 28, 2023, Defendants JOSHUA WESLEY OWENS and DIESEL TRUCK PRODUCTS, INC. d/b/a DPF DELETE SHOP, INC. purchased delete tuners from Defendants KEVIN PAUL DODD and EVOLUTION AUTO, and smuggled the delete tuners into the United States from Canada. Defendants JOSHUA WESLEY OWENS, DIESEL TRUCK PRODUCTS, INC. d/b/a DPF DELETE SHOP, INC. then sold the delete tuners to United States customers, who used the delete tuners to tamper with the OBD monitoring system on diesel trucks, in violation of the Clean Air Act. Defendants JOHN WESLEY OWENS and FULFILLMENT SOLUTIONS & MORE, LLC assisted in receiving and storing the devices and shipping the devices to customers.

35. Defendants JOHN WESLEY OWENS, JOSHUA WESLEY OWENS, DIESEL TRUCK PRODUCTS, INC. d/b/a DPF DELETE SHOP, INC., FULFILLMENT SOLUTIONS & MORE LLC, KEVIN PAUL DODD, EVOLUTION AUTO, and others known and unknown to the Grand Jury, smuggled illegal and contrary to law goods, including but not limited to delete tuners, “straight pipes,” and EGR “block plates,” from Canada into the United States to Defendant JOHN WESLEY OWENS’ warehouses located in Manson, Washington, in the Eastern District of Washington. Defendants JOHN WESLEY OWENS, JOSHUA WESLEY OWENS, and DIESEL TRUCK PRODUCTS, INC. d/b/a DPF DELETE SHOP, INC., and FULFILLMENT SOLUTIONS & MORE, LLC then sold and distributed these illegal products to United States customers for the purpose of disabling emissions control systems and tampering with OBD monitoring systems in violation of the Clean Air Act.

36. Between on or about December 30, 2015, and on or about November 28, 2023, Defendants JOSHUA WESLEY OWENS, JOHN WESLEY OWENS, and DIESEL TRUCK PRODUCTS, INC. d/b/a DPF DELETE SHOP, INC. purchased more than \$21,000,000 in merchandise from Defendants KEVIN DODD

1 and EVOLUTION AUTO—much of which was illegal defeat devices—that was
2 shipped into the United States contrary to law for storage, sale, and redistribution
3 to customers throughout the United States.

4 37. Defendants JOSHUA WESLEY OWENS, JOHN WESLEY OWENS,
5 and DIESEL TRUCK PRODUCTS, INC. d/b/a DPF DELETE SHOP, INC.
6 continued to illegally purchase, import, sell, and distribute defeat devices even
7 after they were advised of concerns that they were operating in violation of United
8 States law. For example, on July 2, 2019, the United States Environmental
9 Protection Agency (EPA) provided notification via email to Defendants JOSHUA
10 WESLEY OWENS and DIESEL TRUCK PRODUCTS, INC. (before its re-
11 branding as DPF DELETE SHOP, INC.) that it would be requesting information
12 concerning their compliance with the Clean Air Act. On July 23, 2019, EPA
13 mailed a letter outlining a request for information under Section 208(a) of the
14 Clean Air Act, 42 U.S.C. § 7542(a), to Defendants JOSHUA WESLEY OWENS
15 and DIESEL TRUCK PRODUCTS, INC., and notifying Defendants JOSHUA
16 WESLEY OWENS and DIESEL TRUCK PRODUCTS, INC. that the purpose of
17 the request was that the EPA had opened an inquiry to determine whether
18 Defendants JOSHUA WESLEY OWENS and DIESEL TRUCK PRODUCTS,
19 INC. were in compliance with the Clean Air Act and the implementing regulations,
20 and requiring Defendants JOSHUA WESLEY OWENS and DIESEL TRUCK
21 PRODUCTS, INC. to provide information pursuant to EPA's enforcement
22 authority. On April 22, 2020, EPA sent a second information request letter to
23 Defendants JOSHUA WESLEY OWENS and DIESEL TRUCK PRODUCTS,
24 INC. via email. In addition to communication from EPA, Defendants were advised
25 on multiple occasions by a private company and individuals of concerns that their
26 marketing, sale, and distribution of defeat devices violated the Clean Air Act and
27 was illegal.
28

1 38. Defendants JOSHUA WESLEY OWENS and DIESEL TRUCK
2 PRODUCTS, INC. did not respond to the EPA's request for information.

3 39. Instead, Defendants JOSHUA WESLEY OWENS shut down
4 Defendant DIESEL TRUCK PRODUCTS, INC.'s then-website,
5 www.dieseltruckproducts.com. Defendants JOSHUA WESLEY OWENS and
6 JOHN WESLEY OWENS began conducting business using a different web
7 domain, www.dpfdeleteshop.com, and began conducting business under a new
8 business name – DPF Delete Shop. Defendants JOSHUA WESLEY OWENS and
9 JOHN WESLEY OWENS further represented that the company was located in the
10 Cayman Islands and, therefore, not subject to United States law. However, the
11 underlying business entity, Defendant DIESEL TRUCK PRODUCTS, INC., now
12 d/b/a DPF DELETE SHOP, INC., remained the same and continued to purchase,
13 import, sell, and distribute defeat devices into and within the United States.

14 40. During the course of the conspiracy, based on sales data maintained
15 by an e-commerce platform utilized by Defendants JOSHUA WESLEY OWENS
16 and DIESEL TRUCK PRODUCTS d/b/a DPF DELETE SHOP, INC., Defendants
17 JOSHUA WESLEY OWENS, JOHN WESLEY OWENS and DIESEL TRUCK
18 PRODUCTS, INC. d/b/a DPF DELETE SHOP, INC. received and benefitted from
19 the following approximate yearly gross revenue through the sale of defeat devices
20 through online sales to United States customers:

- 21 • 2017: \$11,603
- 22 • 2018: \$1,043,682
- 23 • 2019: \$7,081,596
- 24 • 2020: \$12,136,661
- 25 • 2021: \$22,880,240
- 26 • 2022: \$20,095,522
- 27 • 2023: \$11,357,658

41. During the course of the conspiracy, based on banking records of accounts utilized by Defendants JOSHUA WESLEY OWENS and DIESEL TRUCK PRODUCTS d/b/a DPF DELETE SHOP, INC., Defendants JOHN WESLEY OWENS and FULFILLMENT SOLUTIONS & MORE, LLC were paid approximately \$1,600,000 for storage and shipment of illegal defeat devices on behalf of Defendant DIESEL TRUCK PRODUCTS d/b/a DPF DELETE SHOP, INC.

Overt Acts of the Conspiracy

42. Paragraphs 1 through 41 of this Indictment are hereby realleged and incorporated as if fully set forth herein. Moreover, the allegations in all other counts of this Indictment are hereby incorporated as if fully set forth herein.

43. In furtherance of the conspiracy, and to accomplish one or more of its objects, Defendants JOSHUA WESLEY OWENS, JOHN WESLEY OWENS, DIESEL TRUCK PRODUCTS, INC. d/b/a DPF DELETE SHOP, INC., FULFILLMENT SOLUTIONS & MORE, LLC, KEVIN PAUL DODD, and EVOLUTION AUTO, and others both known and unknown to the Grand Jury, undertook, and caused to be undertaken, the following overt acts in furtherance of the conspiracy, within the Eastern District of Washington and elsewhere:

OA43a. On December 30, 2015, Defendant JOSHUA WESLEY OWENS emailed Defendant KEVIN PAUL DODD to set up a business relationship selling illegal and contrary to law tuners loaded with delete tune files: “Kevin, Josh from The PowerShop. The PowerShop recently closed down. I started my own business doing essentially the same exact thing. We[’]re back up and running and trying to get the ball rolling again. I will give you call a little bit later today. I’ve got 2 mini maxx’s with bad SD cares , and that bully dog we could never get to work.”² “Mini maxx” and

² Here, and throughout this Indictment, all quotations leave spelling, grammar, and punctuation errors as in the original documents.

1 “bully dog” are brand name of electronic tuning devices commonly used to
2 tamper with OBDs, which are federally required monitoring systems, and
3 disable and remove required emissions controls. The PowerShop was a
4 business entity that, prior to December 2015, had been operated by
5 Defendants JOHN WESLEY OWENS and JOSHUA WESLEY OWENS.

6 OA43b. Later that day, Defendant KEVIN PAUL DODD emailed
7 Defendant JOSHUA WESLEY OWENS: “Good to hear from you Merry
8 Christmas. I want to work out a more aggressive pricing structure so you
9 can compete better with [].” The company referenced by Defendant KEVIN
10 PAUL DODD is and was a well-known purveyor of illegal defeat devices,
11 including Mini Maxx delete tuners, based in North Carolina.

12 OA43c. On January 4, 2016, Defendant JOSHUA WESLEY OWENS
13 emailed Defendant KEVIN PAUL DODD: “Send me over that invoice.
14 Already have some Mini maxx’s on backorder.”

15 OA43d. On January 4, 2016, Defendant EVOLUTION AUTO sent an
16 invoice to Defendant DIESEL TRUCK PRODUCTS d/b/a DPF DELETE
17 SHOP, INC. for 47 delete tuners purchased by Defendant DIESEL TRUCK
18 PRODUCTS d/b/a DPF DELETE SHOP, INC. from Defendant
19 EVOLUTION AUTO, for \$32,900.00. On January 5, 2016, Defendant
20 KEVIN PAUL DODD emailed Defendant JOSHUA WESLEY OWENS “I
21 sent out 10 today I’ll have the rest asap.” On January 6, 2016, Defendant
22 JOSHUA WESLEY OWENS emailed Defendant KEVIN PAUL DODD:
23 “Did the wire go thru?” Defendant KEVIN PAUL DODD responded: “Yes
24 it came through...all good!” On January 8, 2016, Defendant JOSHUA
25 WESLEY OWENS emailed Defendant KEVIN PAUL DODD, “Sold those
26 10 you sent. Are more on the way?” On January 12, 2016, Defendant
27 KEVIN PAUL DODD responded via email, “I sent 16 overnight and the rest
28 ground.”

1 OA43e. Defendant JOSHUA WESLEY OWENS received an invoice
2 via United Parcel Service (UPS) dated January 21, 2016. The invoice shows
3 that, consistent with Defendant KEVIN PAUL DODD's January 12, 2016
4 email, Defendant EVOLUTION AUTO shipped and imported 16 "diesel
5 tuners" from Maple Ridge, British Columbia, Canada on January 12, 2016,
6 to Defendants JOSHUA WESLEY OWENS, JOHN WESLEY OWENS,
7 and DIESEL TRUCK PRODUCTS, INC. d/b/a DPF DELETE SHOP, INC.,
8 at "the Power Shop" in Enumclaw, Washington. These tuners were illegal
9 defeat devices under the Clean Air Act that could not be legally sold or
10 offered for sale in the United States and were therefore imported into the
11 United States contrary to law.

12 OA43f. On August 14, 2017, Defendant KEVIN PAUL DODD
13 emailed Defendant JOSHUA WESLEY OWENS describing the software
14 that he utilized to create delete tune files that he then would upload onto
15 tuners: "Have you thought at all about doing the MM3 tuners? I know you
16 already to the Ultra's but it seems like the MM3's are selling and people are
17 looking for them. Next week i'm going to start building the tune for my
18 2017, I've played around with the software and it looks pretty easy, unlike
19 the SCT software. Once I get mine done and test thoroughly it'll be easy to
20 use the same tune from 2013-up." "MM3" and "Ultra" are types of
21 electronic tuning devices and are illegal defeat devices.

22 OA43g. Defendants JOSHUA WESLEY OWENS and KEVIN PAUL
23 DODD worked through issues together to find solutions when a delete tune
24 file would not properly upload to a customer's truck. As one example, on
25 January 8, 2018, Defendant JOSHUA WESLEY OWENS emailed
26 Defendant KEVIN PAUL DODD, stating "Getting several people with
27 Duramax' getting error codes. Not just 2009 trucks" and included a
28 screenshot of a customer message stating "I would like to return my H&s

1 mini maxx tuner for 2013 duramax lml. It is throwing error code 316 and I
2 have done trouble shooting with every possible solution.” Defendant
3 KEVIN PAUL DODD responded via email: “I have a short term and
4 working on a permanent solution for it, what time are you in at I’ll call you!”
5 On January 9, 2018, Defendant KEVIN PAUL DODD responded in the
6 same email thread: “I’m thinking in the short term I can send tuners with the
7 old programming and you can send those to clients that you know are
8 installing on that vehicle. I can also just make them all the old style
9 programming until we fix the 312 issue. I think we can have something
10 sorted within a couple weeks. The first attempt didn’t work.”

11 OA43h. During the course of the conspiracy, Defendants KEVIN
12 PAUL DODD and JOSHUA WESLEY OWENS began utilizing different
13 brands of electronic tuning devices and new methods for uploading delete
14 tune files for customer trucks. On June 5, 2019, Defendant KEVIN PAUL
15 DODD sent Defendant JOSHUA WESLEY OWENS an email describing his
16 process for creating and distributing delete tune files: “For these bully dog
17 tuners, I’ve tried 3 now and they have all worked well and clients were very
18 happy. . . It may take a bit to figure out how to do this but the way it works
19 is one tuner will only do one year model of truck. To avoid having to stock
20 a pile of different part numbers for the model years I thought of an idea. The
21 way these tuners work is on a cloud based system, when the client goes to
22 install the tuner it connects via wifi and grabs any tunes that are stored in the
23 cloud. So essentially if you sell one we can have the cloud updated while its
24 in transit so its ready for use when the customer receives it. There is 2
25 devices we can do like this, the BDX as well as the GTX. BDX is more of a
26 flash only device and the GTX has a nice monitor that comes with it.”
27 “BDX” and “GTX” are types of electronic tuning devices.
28

1 OA43i. Defendants JOSHUA WESLEY OWENS and KEVIN PAUL
2 DODD regularly communicated via email so Defendant KEVIN PAUL
3 DODD could create custom delete tune files specific to the vehicle of the
4 customer to which Defendants JOSHUA WESLEY OWENS and DIESEL
5 TRUCK PRODUCTS, INC. d/b/a DPF DELETE SHOP, INC. sold a tuner.
6 As one example, on August 1, 2019, Defendant JOSHUA WESLEY
7 OWENS sent an email to Defendant KEVIN PAUL DODD with customer
8 vehicle information, including the make, year, body style, and serial number
9 of the truck. After creating the custom delete tune file and uploading it to
10 the cloud server, Defendant KEVIN PAUL DODD emailed on August 2,
11 2019: "Uploaded!"

12 OA43j. Defendant JOSHUA WESLEY OWENS sold electronic
13 tuning devices with delete tune files to customers for the express purpose of
14 defeating emissions control systems and unlawfully tampering with the OBD
15 monitoring systems on customers' vehicles. Defendant KEVIN PAUL
16 DODD created delete tune files that were designed to tamper with the OBD
17 monitoring system in violation of the Clean Air Act. Defendants KEVIN
18 PAUL DODD and JOSHUA WESLEY OWENS further expressly
19 communicated and discussed how to assist customers in using their products
20 to tamper with OBDS and to remove and disable required emissions controls.
21 For example, on August 23, 2019, Defendant JOSHUA WESLEY OWENS
22 emailed Defendant KEVIN PAUL DODD about a complaint from a
23 customer of Defendant DIESEL TRUCK PRODUCTS, INC. d/b/a DPF
24 DELETE SHOP, INC.: "From our customer: 'We purchased a bully dog
25 tuner from you recently. Order 8587. You advertised this is A dpf delete
26 tuner for Ford powerstroke. After receiving part and attempting to install it
27 in our customer's vehicle. We realized it is not a dfp delete tuner. We
28 contacted bully dog to verify this. I would like to return this item for a

1 refund please. We Had to go another route to take care of our customer.”
2 Defendant KEVIN PAUL DODD responded via email: “They probably
3 checked the part number and its preloaded wth tunes from bullydog that
4 aren’t dpf deleted. Once they plug into wifi it will automatically get the dpf
5 delete tunes specific for their truck and download them to the unit. Then
6 they just need to upload them to their truck.”

7 OA43k. On September 14, 2019, Defendant JOSHUA WESLEY
8 OWENS emailed Defendant KEVIN PAUL DODD: “Time to expand the
9 product lines. Whats all available from SCT & Bully Dog. Right now we
10 just do the BDX is there a monitor version we can start selling?” “SCT” and
11 “Bully Dog” are brands of electronic tuners that have a principal purpose of
12 and frequently are outfitted with illegal delete tune files in order to tamper
13 with OBDs and disable and remove required emissions controls.

14 OA43l. On September 25, 2019, Defendant JOSHUA WESLEY
15 OWENS communicated with Defendant KEVIN PAUL DODD concerning
16 an email that he had received from an acquaintance warning him that federal
17 agencies were investigating the sale of delete tuners: “One of my Friends
18 that sells these mm tuners on ebay just got a letter 3 days ago from the
19 federal government to appear before a gran jury in 1 week . . . There trying
20 to figure out why these are still being sold and if h&s is still helping people
21 flash derive systems devices ect. doesn’t sound good at all. So be carful.”
22 That same day, Defendant JOSHUA WESLEY OWENS forwarded the
23 email to Defendant KEVIN PAUL DODD.

24 OA43m. On October 3, 2019, Defendant JOHN WESLEY OWENS
25 sent an email to Defendant JOSHUA WESLEY OWENS titled “First load of
26 mm” with attached photographs depicting shelving that had been installed in
27 the warehouse on Defendant JOHN WESLEY OWENS’s property in
28 Manson, Washington. Defendant JOHN WESLEY OWENS eventually

1 used the shelving to store defeat devices and other products. Defendant
2 JOSHUA WESLEY OWENS responded to the email: “Now that’s a million
3 dollar view.”

4 OA43n. On November 13, 2019, Defendant JOSHUA WESLEY
5 OWENS received a letter from legal counsel for Company A, a
6 manufacturer of certain electronic tuning devices that are frequently used to
7 upload and install delete tune files designed to tamper with OBD monitoring
8 systems on diesel trucks and disable and remove required emissions
9 controls. The letter directed Defendant DIESEL TRUCK PRODUCTS,
10 INC. d/b/a DPF DELETE SHOP, INC. to immediately cease and desist from
11 selling Company A’s products because “Your advertisements violate these
12 laws because they advertise [Company A] products in a manner where they
13 are characterized as, or directly or indirectly coupled, bundled, promoted,
14 shown, displayed, sold or otherwise presented together with, in conjunction
15 with or in association with, Emissions Defeat Products. Your
16 advertisements may be viewed by the EPA and state regulatory agencies as
17 an intentional effort to market and sell such products for unlawful use on
18 pollution-controlled vehicles to be operated on public roadways.” Later that
19 day, Defendant JOSHUA WESLEY OWENS emailed Defendant KEVIN
20 PAUL DODD notifying him of the cease and desist letter and stating “Got
21 an email from Bully Dogs legal dept. They want me to stop selling the
22 BDX. Saying I’m an unauthorized dealer, etc. I think too many people have
23 been calling them for tech support and they’ve finally had enough. I’ve
24 looked into it and seems like legally I’m ok.”

25 OA43o. Defendant JOSHUA WESLEY OWENS explored the
26 possibility of selling his business, Defendant DIESEL TRUCK
27 PRODUCTS, INC. d/b/a DPF DELETE SHOP, INC. through a third-party
28 brokerage firm. On November 28, 2019, Defendant JOSHUA WESLEY

1 OWENS emailed the brokerage agent stating: "Some recent legal
2 developments have come up with the EPA which directly targets the
3 products I sell." The email included a link to a news article titled "EPA's
4 Initiative Against Illegal Aftermarket Parts Deleting Defeat Devices."
5 Defendant JOSHUA WESLEY OWENS's email also stated: "Not sure if
6 any company would want to take on that risk. I would think this essentially
7 makes the business unmarketable. Other than that business has never been
8 better but might be on borrowed time. Sept, Oct & Nov sales were \$1mill+
9 each month."

10 OA43p. On or about January 8, 2020, Defendant JOHN WESLEY
11 OWENS traveled to Aruba for a conference put on by a distributor of defeat
12 devices, Company B. Company B paid for Defendant JOHN WESLEY
13 OWENS's flights and accommodations for the trip.

14 OA43q. On December 21, 2018, Defendants KEVIN PAUL DODD
15 and EVOLUTION AUTO purchased and gifted a lesson to fly a helicopter
16 for Defendant JOSHUA WESLEY OWENS. Defendant KEVIN PAUL
17 DODD thanked Defendant JOSHUA WESLEY OWENS "for your
18 continued support and business in 2018..."

19 OA43r. On April 22, 2020, Defendants JOSHUA WESLEY OWENS
20 and DIESEL TRUCK PRODUCTS, INC. d/b/a DPF DELETE SHOP, INC.
21 received a formal request for information from EPA. The letter required
22 production of information, pursuant to EPA's legal Clean Air Act authority,
23 to determine whether Defendants JOSHUA WESLEY OWENS and
24 DIESEL TRUCK PRODUCTS, INC. d/b/a DPF DELETE SHOP, INC.
25 were complying with the Clean Air Act. Defendants JOSHUA WESLEY
26 OWENS and DIESEL TRUCK PRODUCTS, INC. d/b/a DPF DELETE
27 SHOP, INC. failed to respond to the EPA's request for information.
28

1 OA43s. Instead, approximately two weeks later, on May 8, 2020,
2 Defendant JOSHUA WESLEY OWENS sent Defendant KEVIN PAUL
3 DODD an email titled “switching things up.” In the email, Defendant
4 JOSHUA WESLEY OWENS wrote: “In June I’m winding down this ‘legal
5 entity’ and starting up another one. Feels like I’m on borrowed time with the
6 EPA. Also, it will look like good timing with Covid. Advice I got from
7 Attorneys if I want to prolong being able to sell this stuff. Going to take
8 some time off as well. June sales will be pretty low. Wanted to give you a
9 heads up so your not sitting on a bunch of inventory or bringing inventory in
10 wondering what’s going on.” Later that day, Defendant KEVIN PAUL
11 DODD responded, “How do you feel it will affect sales? Your just going to
12 open up another business name?”

13 OA43t. On June 3, 2020, Defendant JOSHUA WESLEY OWENS
14 emailed Defendant KEVIN PAUL DODD: “Last day site will be live is June
15 12th. We have enough inventory for now. Plan is to take a month of, build
16 the new site and start back up July 12th. Any luck on a Cayman or Canada
17 address I can use?” Later that day, Defendant KEVIN PAUL DODD
18 emailed Defendant JOSHUA WESLEY OWENS: “Yeah I can get you either
19 one!”

20 OA43u. On or about July 27, 2020, Defendant JOSHUA WESLEY
21 OWENS started a new website: www.dpfdeleteshop.com. Defendant
22 JOSHUA WESLEY OWENS did not form a new business entity, but rather
23 utilized the existing business entity, Diesel Truck Products, Inc., but doing
24 business as “DPF Delete Shop, Inc.” Consistent with the communication
25 between Defendant KEVIN PAUL DODD and Defendant JOSHUA
26 WESLEY OWENS, the website represented that the business was located in
27 the Cayman Islands.
28

1 OA43v. On September 13, 2021, Defendant DIESEL TRUCK
2 PRODUCTS, INC. d/b/a DPF DELETE SHOP, INC. received a “cease and
3 desist” letter from legal counsel for Company A. that was substantially
4 similar to the November 13, 2019, letter. The letter directed Defendant
5 DIESEL TRUCK PRODUCTS, INC. d/b/a DPF DELETE SHOP, INC. to
6 immediately cease and desist from selling Company A’s products: “Your
7 advertisements violate these laws because they advertise Derive products in
8 a manner where they are characterized as, or directly or indirectly coupled,
9 bundled, promoted, shown, displayed, sold or otherwise presented together
10 with, in conjunction with or in association with, Emissions Defeat Products.
11 Your advertisements may be viewed by the EPA and state regulatory
12 agencies as an intentional effort to market and sell such products for
13 unlawful use on pollution-controlled vehicles to be operated on public
14 roadways.”

15 OA43w. Between December 30, 2015, and November 28, 2023,
16 Defendants JOSHUA WESLEY OWENS, JOHN WESLEY OWENS, and
17 KEVIN PAUL DODD repeatedly smuggled into the United States delete
18 tuners and hardware defeat devices including but not limited to “straight
19 pipes” and EGR “block plates” to customers of Defendant DIESEL TRUCK
20 PRODUCTS, INC. d/b/a DPF DELETE SHOP, INC., which were then in
21 turn distributed and sold to, and used by customers to remove and disable
22 emissions control systems and tamper with OBD monitoring systems in
23 violation of the Clean Air Act.

24 OA43x. As one example among many, on October 4, 2022,
25 Defendants JOSHUA WESLEY OWENS, JOHN WESLEY OWENS,
26 DIESEL TRUCK PRODUCTS, INC. d/b/a DPF DELETE SHOP, INC.,
27 KEVIN PAUL DODD, and EVOLUTION AUTO, smuggled illegal straight
28 pipes into the United States from Canada. On October 4, 2022, Defendant

1 JOHN WESLEY OWENS texted a co-conspirator known to the Grand Jury
2 referred to herein as Co-Conspirator 1: “Going down to Manson unload
3 order from Kevin.” Later that day, Defendant JOHN WESLEY OWENS
4 texted Co-Conspirator 1 “Just unloaded” with an image of an import form.
5 On the customs import form dated October 4, 2022, the “shipper/seller” is
6 identified as “Evotes, Inc.” and the contact is identified as Defendant
7 KEVIN PAUL DODD. The “consignee” is identified as Defendant DIESEL
8 TRUCK PRODUCTS, INC. d/b/a DPF DELETE SHOP, INC. and
9 Defendant JOSHUA WESLEY OWENS’ email address is listed. The form
10 indicates that the goods were imported from Canada into the United States.
11 The description of goods on the form lists three different stainless steel
12 exhaust pipes with three different product codes: CFAL458; CFAL457; and
13 CDAL439. Exhaust pipes with product codes CFAL458, CFAL457, and
14 CDAL439 are designed to defeat emissions control systems and they are
15 therefore illegal to sell, offer for sale, import, distribute, or market in the
16 United States under the Clean Air Act.

17 OA43y. Defendant JOSHUA WESLEY OWENS and employees of
18 Defendant DIESEL TRUCK PRODUCTS, INC. d/b/a DPF DELETE
19 SHOP, INC. regularly communicated with customers regarding not only
20 their order of delete tuners, but also provided instruction to customers on
21 how to upload delete tune files and tamper with emissions control systems,
22 in order to ensure that their products could and would be used to illegally
23 tamper with required monitoring devices and disable and remove required
24 emissions controls. As one example, on April 28, 2023, a customer of
25 Defendant DIESEL TRUCK PRODUCTS, INC. d/b/a DPF DELETE SHOP
26 INC. emailed the store email address, stating “I’ve received the kit I Ordered
27 (minus the air intake yet to come). There were no instructions included with
28 the pipe. Like what’s supposed to happen with anll kf [sic] the electrical

1 connectors removed from the old pipe sections, And the selections for
2 instructions of the switch don't match up with my part numbers." On May
3 2, 2023, Defendant JOSHUA WESLEY OWENS responded via email, "All
4 the sensors get removed from the exhaust." The email also referred the
5 customer to a tech support number for a third party that built the electronic
6 tuners. The email instructs the customer "If they ask if your from Canada
7 just say YES. Otherwise you will not get any delete tuning tech support."

8 OA43z. No later than November 2021, Defendant KEVIN PAUL
9 DODD began personally smuggling delete tuners, straight pipes, and other
10 defeat devices into the United States and transporting them to Defendants
11 JOHN WESLEY OWENS, JOSHUA WESLEY OWENS, DIESEL TRUCK
12 PRODUCTS, INC. d/b/a DPF DELETE SHOP, INC., and FULFILLMENT
13 SOLUTIONS & MORE, LLC, using a 26-foot box truck, rather than using
14 third-party shipping companies such as UPS. Defendant KEVIN PAUL
15 DODD and his employees transported the illegal defeat devices from Maple
16 Ridge, British Columbia to Defendant JOHN WESLEY OWENS in
17 Manson, Washington, where they were then stored, distributed, and shipped
18 to customers throughout the United States.

19 OA43aa. On November 15, 2021, JOHN WESLEY OWENS and
20 unnamed co-conspirator 1, as representatives of "Fulfillment Solutions,"
21 entered into a commercial lease agreement to rent warehouse space located
22 at 135 Wapato Way, Manson, WA 98831. JOSHUA WESLEY OWENS,
23 JOHN WESLEY OWENS, DIESEL TRUCK PRODUCTS, INC. d/b/a DPF
24 DELETE SHOP, INC., and FULFILLMENT SOLUTIONS & MORE, LLC
25 received and stored illegal defeat devices that had been smuggled into the
26 United States at the rented warehouse space, which were then distributed
27 and shipped to customers throughout the United States.
28

1 OA43bb. On November 30, 2021, Defendant KEVIN PAUL DODD
2 texted Defendant JOHN WESLEY OWENS “Hey John, GPS says I’ll be
3 there around 11.” Defendant JOHN WESLEY OWENS texted back, “Hey
4 can you do me a favor and give me a short list of what part numbers you’re
5 bringing if that’s possible while you’re driving. I will also text you the
6 address of the new warehouse it’s basically 10 minutes from were we’re at.”
7 Defendant KEVIN PAUL DODD responded via text, “It’ll be hard to get
8 you a lost [sic] while driving. I did send Josh an invoice.”

9 OA43cc. On February 4, 2022, Defendant KEVIN PAUL DODD
10 texted Defendant JOHN WESLEY OWENS: “I guess they don’t care about
11 the pallets, we got xrayed and inspected last night and they didn’t say
12 anything about it.” Defendant JOHN WESLEY OWENS responded
13 “Crazystuff see u Monday.”

14 OA43dd. Beginning no later than on or about October 2, 2019,
15 Defendant JOHN WESLEY OWENS began construction on a warehouse
16 and an addition to his house on his property located in Manson, Washington.
17 Defendant JOHN WESLEY OWENS utilized the warehouse to receive,
18 store, and ship delete tuners and hardware defeat devices, all contrary to law
19 and in violation of the Clean Air Act.

20 OA43ee. Between October 2, 2019 and November 28, 2023,
21 Defendant JOSHUA WESLEY OWENS directed Defendant JOHN
22 WESLEY OWENS on the receipt, storage, and shipping of delete tuners and
23 hardware defeat devices that were sold to customers of Defendants DIESEL
24 TRUCK PRODUCTS, INC. d/b/a DPF DELETE SHOP, INC.

25 OA43ff. Between December 30, 2015 and November 28, 2023,
26 Defendant JOSHUA WESLEY OWENS regularly communicated via email
27 and other means with customers of Defendants DIESEL TRUCK
28

1 PRODUCTS, INC. d/b/a DPF DELETE SHOP, INC. regarding the delete
2 tuners sold to them.

3 OA43gg. On February 28, 2020, a customer sent an email to the email
4 account associated with Defendant DIESEL TRUCK PRODUCTS, INC.
5 d/b/a DPF DELETE SHOP, INC. and stated: "After some checking through
6 others diesel sites, I found out the H & s Mini Maxx is illegal to be used or
7 sold to customers. My order number is 19052, I expect to here from you and
8 have my money returned, if not I'll have no choice but to call a lawyer, the
9 EPA and who ever else I can to have my money refunded. Thank you I look
10 froward to hearing from you." Later that day, Defendant JOSHUA
11 WESLEY OWENS responded "FYI. Very few people can get these and
12 those that cant fear monger. Its illegal to remove a mattress sticker as
13 well..."

14 OA43hh. On February 25, 2020, a customer of Defendant DIESEL
15 TRUCK PRODUCTS, INC. d/b/a DPF DELETE SHOP, INC. sent an email
16 to the company's email account asking for instructions for a Mini Maxx
17 tuner. Defendant JOSHUA WESLEY OWENS responded via email later
18 that day: "No instructions were included since the EPA fined them 1 million
19 for showing people how to delete emissions components." The email also
20 contained a link to a website with instructions. On February 26, 2020, the
21 customer responded by asking for "the procedure" to "'hook' this thing up."
22 Defendant JOSHUA WESLEY OWENS responded later that day via email:
23 "You have a OBD2 block that goes into the OBD2 port on your truck. The
24 HDMI cable plugs into that. The other end of the HDMI plugs into the back
25 of the mini maxx."

26 OA43ii. On March 8, 2020, a customer sent a message via Defendant
27 DIESEL TRUCK PRODUCTS, INC. d/b/a DPF DELETE SHOP, INC.'s
28 online store contact form: "are you guys taking any dealers at this time?"

1 Later that day, Defendant JOSHUA WESLEY OWENS responded via email
2 “No, sorry. Limited inventory with no ETA for restock.” The customer
3 responded via email: “damn okay. despite that are you guys liquidating? i
4 buy quite a bit of your stuff...” Defendant JOSHUA WESLEY OWENS
5 responded: “Ok, that was just a line incase you’re the EPA. LOL. Didn’t
6 realize you bought stuff in the past. Supply is tight but we still have access.”

7 OA43jj. On June 3, 2021, a customer of Defendant DIESEL TRUCK
8 PRODUCTS, INC. d/b/a DPF DELETE SHOP, INC. sent an email to the
9 company email account, stating: “I’ll be returning the EZ Lynk I’ll dispute
10 the charge maybe they accept it maybe the don’t. You could have easily not
11 proceeded. I reached out within hours of ordering to cancel once I
12 discovered it’s a federal offense via the EPA Clean air act to tamper with
13 emissions equipment on my Truck. Live and learn.” After receiving this
14 and other correspondence regarding the illegality of the delete defeat device
15 being sold, Defendant JOSHUA WESLEY OWENS and DIESEL TRUCK
16 PRODUCTS, INC. d/b/a DPF DELETE SHOP, INC. continued to sell the
17 delete defeat device via the website.

18 OA43kk. On October 3, 2021, a customer sent an email to Defendant
19 DIESEL TRUCK PRODUCTS, INC. d/b/a DPF DELETE SHOP INC.’s
20 email account, stating: “I am sending you this email to follow up on the
21 status of my claim with the bank the mechanic who purchased these pipes
22 with my credit card never told me they were illegal to use in the United
23 States on a street vehicle and also after contacting law enforcement they
24 explained to me it was illegal to be sold in the United States due to the
25 emissions eliminating those pipes and those pipes and the DEF on my truck
26 is prohibited by law it’s prohibited by law and is a crime also selling those
27 pipes to a person to do those modifications is also a crime in the United
28 States I will like a full refund please I have no problem in sending you back

1 the pipes.” After receiving this and other correspondence regarding the
2 illegality of the delete defeat device being sold, Defendant JOSHUA
3 WESLEY OWENS and DIESEL TRUCK PRODUCTS, INC. d/b/a DPF
4 DELETE SHOP, INC. continued to sell the delete defeat device via the
5 website.

6 OA43ll. On April 13, 2022, a customer of Defendant DIESEL
7 TRUCK PRODUCTS, INC. d/b/a DPF DELETE SHOP, INC. sent an email
8 to the company account asking for a refund because the shipment was taking
9 too long. On April 14, 2022, Defendant JOSHUA WESLEY OWENS
10 responded via email: “Always a pleasure dealing with morons who cant read
11 and throw a self entitled bitch fit.” The customer responded via email:
12 “You’re a piece of shit company I’m sure the epa would love to hear you are
13 doing sales in the us.” Defendant JOSHUA WESLEY OWENS responded
14 via email: “Good luck with that. With a bullshit threat like that there are
15 about to have your address and vehicle info.”

16 OA43mm. On July 20, 2022, a customer of Defendant DIESEL
17 TRUCK PRODUCTS, INC. d/b/a DPF DELETE SHOP, INC. sent an email
18 asking for a refund due to delete tune files that the customer did not receive:
19 “I paid for tunes for a customer and y’all failed to deliver tunes in a
20 reasonable time.” On July 22, 2022, the customer emailed Defendant
21 DIESEL TRUCK PRODUCTS, INC. d/b/a DPF DELETE SHOP, INC.’s
22 email account: “I will move forward next week if I don’t hear back, I will
23 not be stolen from. I will do whatever necessary to get my story out and tag
24 the EPA and their hotline if I have to. It’s not right what you did to me and
25 very unprofessional business practice. You might be surprised by my
26 reach.” On July 23, 2022, Defendant JOSHUA WESLEY OWENS emailed
27 the customer: “Why did you do a chargeback fro [sic] the exhaust that you
28 received? Your going to tell the EPA you bought parts for your truck and

1 the company you bought them from??? makes a ton of sense. I guess if you
2 want a \$10k fine as well.” On August 16, 2022, the customer sent an email
3 to Defendant DIESEL TRUCK PRODUCTS, INC. d/b/a DPF DELETE
4 SHOP, INC.’s email account: “After asking my 350k followers what they
5 would do (without giving your company name) i have decided I’m not going
6 to spend a dime and reach out to every EPA email and government outlet I
7 can to put you at risk and take a chance you will have to spend a lot of
8 money if they come knocking. Maybe nothing will come of it and that’s ok,
9 but I’m going to share my story with your information and the information
10 on who you use to accept payment publicly and ask my following to help me
11 email all the epa addresses I provide.” Later that day, Defendant JOSHUA
12 WESLEY OWENS responded via email: “Sent you a refund for the tunes.
13 Regardless, not going to forget your threat... You’ll be at the top of our list
14 of someone we sold parts to.” On August 24, 2022, the customer responded
15 via email, “Appreciate it, I’m a man of my word and I have kept names
16 private and will forget any of this happened.”

17 OA43nn. On February 25, 2023, a customer of Defendant DIESEL
18 TRUCK PRODUCTS, INC. d/b/a DPF DELETE SHOP, INC. sent an email
19 to the company email address to request a refund: “If I don’t receive a
20 refund by the end of the weekend I’m filing papers. Calling epa which a
21 friend of mine got hit for every unit he sold 118,000 dollars later he doesn’t
22 have a business Let’s play if you want to play. You clearly don’t know who
23 your dealing with. Don’t fuck with peoples money and time. Figure it out.
24 You lying asshole.” Later that day, Defendant JOSHUA WESLEY OWENS
25 responded via email: “Sent you a refund, if you want to return everything
26 else we’ll give you a refund for that as well. Benn in this business for
27 20yrs+ and never had someone rattle off so much bullshit. We have all your
28

1 info. You'll be the guy we serve up on a silver platter to the EPA if it comes
2 down to that."

3 OA43oo. On June 28, 2023, a customer of Defendant DIESEL
4 TRUCK PRODUCTS, INC. d/b/a DPF DELETE SHOP, INC. sent an email
5 to the company email address: "Wanted you to know that my truck runs
6 great. Went from 8 mpg to 15 mpg. I couldn't be happier. My son has
7 2014 Chevy Cruz 2.0 diesel. Constant problems. Needs all the EPA shit
8 removed. Any chance you can help me out? Or point me in a direction?"

9 OA43pp. On July 2, 2023, a customer of Defendant DIESEL TRUCK
10 PRODUCTS, INC. d/b/a DPF DELETE SHOP, INC. sent a message to the
11 online store's contact form: "The Cummins dpf delete kit with custom tunes.
12 Is it possible to get a custom smoke tune?" Later that day, Defendant
13 JOSHUA WESLEY OWENS responded via email, "No, sorry. Kinda the
14 reason the EPA is shutting everyone down. Worst thing you can do is bring
15 attention to diesel trucks by rolling coal."

16 OA43qq. On July 18, 2023, a customer of Defendant DIESEL
17 TRUCK PRODUCTS, INC. d/b/a DPF DELETE SHOP, INC. sent an email
18 to the company's email address: "So if I purchase the tunes can I remove all
19 the emissions garbage off of my truck. It is going into regen mode and I am
20 not going to fix it. I want to remove everything. Yes I know it is illegal. I
21 just need to know if it is possible to delete it with your company or if I need
22 to buy a box tuner." Later that day, Defendant JOSHUA WESLEY
23 OWENS responded via email, "Yes, it will work with all the deletes."

24 OA43rr. On December 11, 2022, Defendant JOSHUA WESLEY
25 OWENS texted Defendant JOHN WESLEY OWENS "Heard of ChatGPT?
26 AI chat bot. It's incredible." Defendant JOHN WESLEY OWENS
27 responded: "No." Defendant JOSHUA WESLEY OWENS responded with
28 a screenshot and a text message stating: "Going to crush the competition

1 with this content. Took 30'seconds to generate.” The screen shot contained
2 an image of a prompt entered into the ChatGPT website, and the AI response
3 generated from the prompt. The prompt entered by Defendant JOSHUA
4 WESLEY OWENS stated: “Generate a 1000 word article about the
5 advantages of doing a dpf delete. Dont mention anything about it being
6 illegal.”

7 All in violation of 18 U.S.C. § 371; 18 U.S.C. § 545; 42 U.S.C. § 7413(c)(2)(C).

8 Count 2

9 44. The allegations in paragraphs 1 through 43 of this Indictment are
10 incorporated as though realleged herein. Moreover, the allegations in all other
11 counts of this Indictment are hereby incorporated as if fully set forth herein.

12 45. Beginning no later than on or about February 18, 2020, and
13 continuing through at least November 28, 2023, Defendants JOSHUA WESLEY
14 OWENS, JOHN WESLEY OWENS, DIESEL TRUCK PRODUCTS, INC. d/b/a
15 DPF DELETE SHOP, INC., PHILIP JOHN SWEENEY, and KX WHEELS
16 knowingly and intentionally conspired with one another and with persons known
17 and unknown to the Grand Jury, including certain employees of said companies
18 and certain of Defendants' customers, to tamper with and render inaccurate
19 monitoring devices and methods required under the Clean Air Act, in violation of
20 Title 42 U.S.C. § 7413(c)(2)(C), and to smuggle delete tuners and other defeat
21 devices that are illegal under the Clean Air Act from Canada into the United States,
22 in violation of 18 U.S.C. § 545.

23 46. An object of the conspiracy was to generate revenue for Defendants
24 JOSHUA WESLEY OWENS and JOHN WESLEY OWENS, along with their
25 companies, Defendants DIESEL TRUCK PRODUCTS, INC. d/b/a DPF DELETE
26 SHOP, INC. and FULFILLMENT SOLUTIONS & MORE, LLC, by selling delete
27 tuners and hardware defeat devices, all of which is in violation of the Clean Air
28 Act.

1 47. Another object of the conspiracy was to generate revenue for
2 Defendants PHILIP JOHN SWEENEY and KX WHEELS by creating,
3 distributing, and selling electronic tuning devices with delete tunes to customers of
4 Defendants JOSHUA WESLEY OWENS, JOHN WESLEY OWENS, DIESEL
5 TRUCK PRODUCTS, INC. d/b/a DPF DELETE SHOP, INC.

6 Manner and Means of the Conspiracy:

7 As part of the conspiracy:

8 48. Defendants PHILIP JOHN SWEENEY and KX WHEELS created
9 delete tune files for use with electronic tuning devices, which were then sold to
10 Defendants JOSHUA WESLEY OWENS, JOHN WESLEY OWENS, DIESEL
11 TRUCK PRODUCTS, INC. d/b/a DPF DELETE SHOP, INC. Defendants PHILIP
12 JOHN SWEENEY and KX WHEELS smuggled and imported illegal delete tuners
13 and hardware defeat devices from Canada into the United States, where they were
14 received by Defendants JOSHUA WESLEY OWENS, JOHN WESLEY OWENS,
15 DIESEL TRUCK PRODUCTS, INC. d/b/a DPF DELETE SHOP, INC. and
16 FULFILLMENT SOLUTIONS & MORE, LLC. The smuggled electronic tuning
17 devices were preloaded with custom “delete tunes,” or sold to customers as a
18 package with custom “delete tunes” the customer downloaded after receiving the
19 tuner. Defendants JOSHUA WESLEY OWENS, JOHN WESLEY OWENS,
20 DIESEL TRUCK PRODUCTS, INC. d/b/a DPF DELETE SHOP, INC., and
21 FULFILLMENT SOLUTIONS & MORE, LLC then sold, shipped, and distributed
22 the defeat devices, all contrary to the Clean Air Act, to customer co-conspirators,
23 who then in turn used the illegal defeat devices to tamper with OBD monitoring
24 systems in violation of the Clean Air Act and to remove and disable required
25 emissions controls.

26 49. Defendants JOHN WESLEY OWENS JOSHUA WESLEY OWENS,
27 DIESEL TRUCK PRODUCTS, INC. d/b/a DPF DELETE SHOP, INC.,
28 FULFILLMENT SOLUTIONS & MORE, LLC, PHILIP JOHN SWEENEY, KX

1 WHEELS, and other co-conspirators known and unknown to the Grand Jury,
2 smuggled, contrary to law, illegal goods including but not limited to delete tuners
3 and hardware defeat devices from Canada into the United States to Defendant
4 JOHN WESLEY OWENS' warehouses located in Manson, Washington.
5 Defendants JOHN WESLEY OWENS, JOSHUA WESLEY OWENS, and
6 DIESEL TRUCK PRODUCTS, INC. d/b/a DPF DELETE SHOP, INC. and
7 FULFILLMENT SOLUTIONS & MORE, LLC, then sold, shipped, and distributed
8 these illegal goods to customers for the purpose of disabling emissions control
9 systems and tampering with OBD monitoring systems in violation of the Clean Air
10 Act.

11 50. During the course of their conspiracy, Defendants JOSHUA
12 WESLEY OWENS, JOHN WESLEY OWENS, and DIESEL TRUCK
13 PRODUCTS, INC. d/b/a DPF DELETE SHOP, INC. purchased at least
14 \$12,306,919 in merchandise, much of which was contrary to the Clean Air Act and
15 therefore illegal to sell, offer for sale, import, or distribute into the United States,
16 from Defendants PHILIP JOHN SWEENEY and KX WHEELS, that was
17 smuggled into the United States contrary to law.

18 51. Defendants PHILIP JOHN SWEENEY and KX WHEELS continued
19 to illegally purchase, export, sell, and distribute defeat devices even after they were
20 advised of concerns that they were operating in violation of United States law. For
21 example, on April 23, 2021, EPA emailed a letter to Defendants PHILIP JOHN
22 SWEENEY and KX WHEELS informing them that EPA had information
23 indicating that they had been selling and importing into the United States products
24 that violate the laws of the United States. The letter further informed Defendants
25 PHILIP JOHN SWEENEY and KX WHEELS that the manufacture, sale, offer for
26 sale, and installation of these products in the United States constitutes a violation
27 of Section 203(a) of the Clean Air Act, 42 U.S.C. § 7522(a). EPA requested that
28 Defendants PHILIP JOHN SWEENEY and KX WHEELS provide additional

1 information so that EPA could further evaluate their compliance with the Clean Air
2 Act.

3 52. Defendants PHILIP JOHN SWEENEY and KX WHEELS did not
4 respond to the EPA's request for information.

5 Overt Acts in Furtherance of the Conspiracy

6 53. Paragraphs 1 through 52 of this Indictment are hereby realleged and
7 incorporated as if fully set forth herein. Moreover, the allegations in all other
8 counts of this Indictment are hereby incorporated as if fully set forth herein.

9 54. In furtherance of the conspiracy, and to accomplish one or more of its
10 objects, Defendants JOSHUA WESLEY OWENS, JOHN WESLEY OWENS,
11 DIESEL TRUCK PRODUCTS, INC. d/b/a DPF DELETE SHOP, INC.,
12 FULFILLMENT SOLUTIONS & MORE, LLC, PHILIP JOHN SWEENEY and
13 KX WHEELS, and others known and unknown to the Grand Jury, undertook, and
14 caused to be undertaken, the following overt acts in furtherance of the conspiracy,
15 within the Eastern District of Washington and elsewhere:

16 OA54a. On February 17, 2020, a co-conspirator known to the Grand
17 Jury and referred to herein as Co-Conspirator 2, an employee of Defendant
18 KX WHEELS, emailed Defendant JOSHUA WESLEY OWENS about
19 setting up a deal for Defendant KX WHEELS to supply illegal delete tuners
20 to Defendant DIESEL TRUCK PRODUCTS, INC. d/b/a DPF DELETE
21 SHOP, INC.: "Hey, I've actually been working on building you a program
22 that we can go over. Just going to throw all the prices at you and let me
23 know where we need to be at. I have a partner that does all my bdx. The
24 tunes are perfect have been around for a long time . . ." Later that day,
25 Defendant JOSHUA WESLEY OWENS emailed back: "Do you need serial
26 number and vehicle info so the tunes can be created and downloadable from
27 the cloud for the end user?" Co-Conspirator 2 responded via email: "Ok
28 yeah, that is the easiest. Normally if we're just dropping the tuner for you,

1 it's already preloaded to the serial number on the cloud." The next day, on
2 February 18, 2020, Defendant JOSHUA WESLEY OWENS responded via
3 email: "If you around \$600, ill [sic] start sending orders your way."

4 OA54b. On April 22, 2020, Co-Conspirator 2 emailed Defendant
5 JOSHUA WESLEY OWENS to discuss defeat devices that Defendant KX
6 WHEELS could sell and smuggle from Canada into the United States to
7 Defendant DIESEL TRUCK PRODUCTS, INC. d/b/a DPF DELETE
8 SHOP, INC in the Eastern District of Washington. For instance, Co-
9 Conspirator 2 wrote: "If there are still exhaust parts that you are stocking, let
10 me know what it is that you are buying and we can always go to [] and see if
11 they can compete. With the worse Canadian dollar, that might help on a
12 bulk order." Co-Conspirator 2 also discussed selling and smuggling delete
13 tuners to Defendant DIESEL TRUCK PRODUCTS, INC. d/b/a DPF
14 DELETE SHOP, INC.: "When it comes to Mini Maxx, its still our #1 seller.
15 Usually keeping 400-500 in stock all the time (regardless of what the
16 systems says). I don't know where we would need to be price wise on those,
17 but if it makes sense to drop ship or ship with exhaust systems, we could
18 definitely work with you on it."

19 OA54c. Defendant KX WHEELS disguised electronic tuners while
20 smuggling them from Canada to the United States to Defendant DIESEL
21 TRUCK PRODUCTS, INC. d/b/a DPF DELETE SHOP, INC. in the Eastern
22 District of Washington. On July 20, 2023, Defendant JOHN WESLEY
23 OWENS texted Defendant JOSHUA WESLEY OWENS: "We just got for
24 [sic] exhaust systems show up from KX. No part numbers on them. Do you
25 know anything about these?" Defendant JOSHUA WESLEY OWENS
26 responded: "4 exhaust kits? Not a clue." Defendant JOHN WESLEY
27 OWENS responded via text: "They disguise the MM's in exhaust boxes.
28 250 MM's." "MM's" refers to a type of illegal delete tuner known as "Mini

1 Maxx.” Defendant JOSHUA WESLEY OWENS responded: “Heat on the
2 border sounds like. That’s how [] got busted. Putting tuners in exhaust
3 boxes.” Defendant JOHN WESLEY OWENS responded: “I think that’s part
4 of the reason why they like to use Fulfillment solution and more on all the
5 paperwork. It says automotive exhaust boxed goods on pallet.” A customs
6 import form dated July 20, 2023 shows the shipper to be Defendant KX
7 WHEELS, located in Langley, British Columbia, Canada. The consignee is
8 “Fulfillment Solutions & more,” located in Manson, Washington in the
9 Eastern District of Washington. Consistent with the communications
10 between Defendant JOHN WESLEY OWENS and Defendant JOSHUA
11 WESLEY OWENS, the form indicates that the description of articles being
12 shipped across the U.S.-Canadian border is “Automotive Exhaust – boxed
13 goods on pallet.” As Defendants knew, “Mini Maxx” electronic tuning
14 devices have a principal purpose of disabling or tampering with required
15 emissions controls and OBD systems and are illegal to sell, offer for sale,
16 import, or distribute in the United States under the Clean Air Act.

17 OA54d. Between on or about March 15, 2020, and November 28,
18 2023, Defendants JOSHUA WESLEY OWENS, JOHN WESLEY OWENS,
19 DIESEL TRUCK PRODUCT, INC. d/b/a DPF DELETE SHOP INC.,
20 PHILIP JOHN SWEENEY, and KX WHEELS smuggled millions of dollars
21 worth of defeat devices that are illegal under the Clean Air Act from Canada
22 into the United States. As one example, on or about January 16, 2023,
23 Defendants KX WHEELS, PHILIP JOHN SWEENEY, JOSHUA WESLEY
24 OWENS, JOHN WESLEY OWENS, and DIESEL TRUCK PRODUCTS,
25 INC. d/b/a DPF DELETE SHOP, INC., illegally smuggled and imported 250
26 illegal “EGR Delete Kits” from Canada into the United States and the
27 Eastern District of Washington. A U.S. Customs import form dated January
28 16, 2023 identifies the shipper as Defendant KX WHEELS, located in

1 Langley, British Columbia, Canada. The consignee is “Fulfillment
2 Solutions & more,” located in Manson, Washington in the Eastern District of
3 Washington. “Fulfillment Solutions & more” is a company registered to
4 Defendant JOHN WESLEY OWENS. An invoice dated January 13, 2023
5 from Defendant KX WHEELS to “Fulfillment Solutions & More LLC”
6 shows the sale of 250 units of “GDP620003 07-21 Dodge Cummins Pickup
7 Cooler Upgrade Kit 07-21, GDP.” The SKU number GDP620003 refer to
8 an “EGR Delete Kit,” which is a product designed to remove the EGR from
9 the emissions control system and is illegal to sell, offer for sale, or import
10 into the United States under the Clean Air Act.

11 OA54e. Between on or about August 19, 2022 and November 28,
12 2023, Defendant PHILIP JOHN SWEENEY regularly communicated with
13 Defendants JOSHUA WESLEY OWENS and JOHN WESLEY OWENS
14 regarding orders of illegal delete tuners and other defeat devices. As one
15 example on August 19, 2022, Defendant PHILIP JOHN SWEENEY sent
16 Defendant JOHN WESLEY OWENS an email with the subject line “UP
17 COMMING MINI ORDER.” The email states “This is for the next order of
18 mini, it almost ready to ship and we will charge it when it leaves.” “Mini”
19 refers to a type of illegal delete tuner known as a “MiniMaxx” tuner. The
20 email also contained a picture of an invoice which listed “Diesel Truck
21 Products” as the customer and stated: “SHIP TO FULFILMENT
22 SOLUTIONS ADDRESS.” The invoice was for 250 illegal delete tuners,
23 with a total price of \$118,750, that Defendants KX WHEELS, PHILIP
24 JOHN SWEENEY, JOHN WESLEY OWENS, JOSHUA WESLEY
25 OWENS, DIESEL TRUCK PRODUCTS, INC. d/b/a DPF DELETE SHOP,
26 INC., and FULFILLMENT SOLUTIONS & MORE, LLC smuggled into the
27 United States contrary to law for the purpose of violating the Clean Air Act.
28

OA54f. On May 27, 2022, Defendant JOHN WESLEY OWENS emailed Defendant PHILIP JOHN SWEENEY about information necessary to complete an international shipment: “Hello Phil, I think Josh is not wanting to share the info. That is needed on the form with shipping this order. I’m not sure he has talked to you about this or not.” That same day, Defendant PHILIP JOHN SWEENEY responded to Defendant JOHN WESLEY OWENS’s email: “John We have lots of ways that we can get stuff across the border, I will give you a call later I just need you to be complacent and how we do it and I don’t wanna do it over email. I understand Josh’s concern.”

All in violation of 18 U.S.C. § 371; 18 U.S.C. § 545; 42 U.S.C. § 7413(c)(2)(C).

Counts Three through Five

55. The allegations contained in paragraphs 1 through 54 are hereby realleged and incorporated as if fully set forth in this paragraph.

56. On or about the dates set forth below, within the Eastern District of Washington and elsewhere, the identified defendants did knowingly, intentionally, and fraudulently import and bring into the United States merchandise contrary to law, each importation event constituting a separate count:

COUNT	DATE	DEFENDANTS	ILLEGAL MERCHANDISE
3	10/04/2022	JOSHUA WESLEY OWENS; JOHN WESLEY OWENS; DIESEL TRUCK PRODUCTS d/b/a DPF DELETE SHOP, INC.; KEVIN PAUL DODD; EVOLUTION AUTO PERFORMANCE and EVO TUNES INC.; FULFILLMENT	CFAL458: Exhaust Pipes (80) CFAL457: Exhaust Pipes (66) CDAL439: Exhaust Pipes (90)

		SOLUTIONS & MORE, LLC	
4	07/20/2023	JOSHUA WESLEY OWENS; JOHN WESLEY OWENS; DIESEL TRUCK PRODUCTS, INC. d/b/a DPF DELETE SHOP, INC.; FULFILLMENT SOLUTIONS & MORE, LLC; PHILIP JOHN SWEENEY; KX WHEELS	250 “Mini Maxx” electronic tuning devices
5	01/16/2023	JOSHUA WESLEY OWENS; JOHN WESLEY OWENS; DIESEL TRUCK PRODUCTS, INC. d/b/a DPF DELETE SHOP, INC.; FULFILLMENT SOLUTIONS & MORE, LLC; PHILIP JOHN SWEENEY; KX WHEELS	250 EGR Delete Kits – GDP620003

All in violation of 18 U.S.C. § 545, 2.

Count Six

57. The allegations contained in paragraphs 1 through 56 are hereby realleged and incorporated as if fully set forth in this paragraph.

58. Beginning no later than on or about January 1, 2020, and continuing through at least November 28, 2023, Defendants JOSHUA WESLEY OWENS, JOHN WESLEY OWENS, DIESEL TRUCK PRODUCTS, INC. d/b/a DPF DELETE SHOP, INC., and FULFILLMENT SOLUTIONS & MORE, LLC knowingly and intentionally combined and conspired with one another and with persons known and unknown to the Grand Jury, including certain employees of

1 said companies and certain of Defendants' customers, to knowingly conduct and
2 attempt to conduct a financial transaction affecting interstate commerce, which
3 involved the proceeds of a specified unlawful activity, that is, Smuggling Goods
4 into the United States in violation of 18 U.S.C. § 545, and with the intent to
5 promote the carrying on that specified unlawful activity, and knowing that the
6 property involved in the financial transactions represented the proceeds of some
7 form of unlawful activity, all of which is in violation of 18 U.S.C. §
8 1956(a)(1)(A)(i); 18 U.S.C. § 1956(h).

9 59. An object of the conspiracy was for Defendants JOSHUA WESLEY
10 OWENS, JOHN WESLEY OWENS, FULFILLMENT SOLUTIONS & MORE,
11 LLC, and DIESEL TRUCK PRODUCTS, INC. d/b/a DPF DELETE SHOP, INC.
12 to spend the proceeds of a specified unlawful activity—namely, smuggling illegal
13 delete tuners and hardware defeat devices from Canada—to further promote
14 illegally smuggling merchandise from Canada by using the proceeds of smuggling
15 to buy illegal delete tuners and hardware defeat devices, including from
16 Defendants KEVIN PAUL DODD, EVOLUTION AUTO, PHILIP JOHN
17 SWEENEY, and KX WHEELS, which were in turn smuggled from Canada into
18 the United States.

19 Manner and Means of Conspiracy

20 As part of the scheme and conspiracy:

21 60. Defendants JOSHUA WESLEY OWENS, DIESEL TRUCK
22 PRODUCTS, INC. d/b/a DPF DELETE SHOP, INC., JOHN WESLEY OWENS,
23 and FULFILLMENT SOLUTIONS & MORE, LLC, together with co-conspirators
24 both known and unknown to the Grand Jury, smuggled delete tuners and hardware
25 defeat devices that are illegal under the Clean Air Act into the United States.
26 Defendants JOSHUA WESLEY OWENS and DIESEL TRUCK PRODUCTS,
27 INC. d/b/a DPF DELETE SHOP, INC. would in turn sell the smuggled
28 merchandise to customers.

61. Defendants JOSHUA WESLEY OWENS, JOHN WESLEY OWENS, and DIESEL TRUCK PRODUCTS, INC. d/b/a DPF DELETE SHOP, INC. used the proceeds of the specified unlawful activity of smuggling to purchase the defeat devices from suppliers in Canada, including from Defendants KEVIN PAUL DODD, EVOLUTION AUTO, PHILIP JOHN SWEENEY, and KX WHEELS, and others known and unknown to the Grand Jury, which were in turn smuggled into the United States. Defendants JOSHUA WESLEY OWENS, JOHN, WESLEY OWENS, and DIESEL TRUCK PRODUCTS, INC. d/b/a DPF DELETE SHOP, INC. regularly made these purchases via financial institutions, either with credit card or wire transfer.

62. Defendants JOSHUA WESLEY OWENS, JOHN WESLEY OWENS, FULFILLMENT SOLUTIONS & MORE, LLC, and DIESEL TRUCK PRODUCTS, INC. d/b/a DPF DELETE SHOP, INC. knew that the illegal tuning devices and hardware defeat devices, which were subsequently sold to customers were the proceeds of a specified unlawful activity—namely, smuggling.

63. Defendants JOSHUA WESLEY OWENS, JOHN WESLEY OWENS, FULFILLMENT SOLUTIONS & MORE, LLC, and DIESEL TRUCK PRODUCTS, INC. d/b/a DPF DELETE SHOP, INC. intended to use the proceeds of smuggling to promote smuggling by purchasing even more illegal tuning devices and hardware defeat devices, including from Defendants KEVIN PAUL DODD, EVOLUTION AUTO, PHILIP JOHN SWEENEY, and KX WHEELS. These illegal devices were then smuggled into the United States from Canada. All in violation of 18 U.S.C. § 1956(h).

NOTICE OF CRIMINAL FORFEITURE ALLEGATIONS

The allegations set forth in this Indictment are hereby re-alleged and incorporated herein by this reference for the purpose of alleging forfeitures.

Money Laundering

Pursuant to 18 U.S.C. § 982(a)(1), upon conviction of one or more of the

monetary transaction offenses in violation of 18 U.S.C. § 1956, as set forth in this Indictment, the Defendants, JOHN WESLEY OWENS, JOSHUA WESLEY OWENS, DIESEL TRUCK PRODUCTS, INC. d/b/a DPF DELETE SHOP, INC., and FULFILLMENT SOLUTIONS & MORE, LLC, shall forfeit to the United States of America, any property, real or personal, involved in such offenses, or any property traceable to such property. The property to be forfeited includes, but is not limited to:

U.S. CURRENCY

\$336,994.00 in United States currency

MONEY JUDGMENT

A sum of money in United States currency representing the amount of proceeds obtained by the Defendants as a result of the offenses.

REAL PROPERTY

Real property known as 456 South 150 East, Mapleton, Utah, legally described as follows:

Lot 4, Copperhead Estates, Plat "A", according to the official plat thereof, on file and of record in the office of the Utah County Recorder, State of Utah.

Together with all appurtenances, fixtures, attachments, and improvements thereto and thereupon.

Subject to all easements, restrictions, reservations and covenants of record.

Tax Serial No. 65-558-0004

If any of the property described above, as a result of any act or omission of the Defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or

1 e. has been commingled with other property which cannot be divided
2 without difficulty,

3 the United States of America shall be entitled to forfeiture of substitute property
4 pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 982(b)(1) and 28
5 U.S.C. § 2461(c).

6 Smuggling Goods

7 Pursuant to 18 U.S.C. § 982(a)(2)(B), upon conviction of an offense(s) in
8 violation of 18 U.S.C. § 545, as set forth in this Indictment, the Defendants, JOHN
9 WESLEY OWENS, JOSHUA WESLEY OWENS, DIESEL TRUCK
10 PRODUCTS, INC. d/b/a DPF DELETE SHOP, INC., FULFILLMENT
11 SOLUTIONS & MORE, LLC, KEVIN PAUL DODD, EVOLUTION AUTO
12 PERFORMANCE, EVO TUNES INC., PHILIP JOHN SWEENEY, and KX
13 WHEELS, shall forfeit to the United States of America, any property constituting,
14 or derived from, proceeds obtained, directly or indirectly, as a result of the
15 smuggling offense(s), and, pursuant to 18 U.S.C. § 545 and 28 U.S.C. § 2461(c),
16 any merchandise introduced into the United States in violation of § 545, or the
17 value thereof. The property to be forfeited includes, but is not limited to:

18 U.S. CURRENCY

19 \$336,994.00 in United States currency

20 REAL PROPERTY

21 Real property known as 456 South 150 East, Mapleton, Utah, legally
22 described as follows:

23 Lot 4, Copperhead Estates, Plat "A", according to the official plat
24 thereof, on file and of record in the office of the Utah County
25 Recorder, State of Utah.

26 Together with all appurtenances, fixtures, attachments, and
27 improvements thereto and thereupon.

1 Subject to all easements, restrictions, reservations and covenants of
2 record.

3 Tax Serial No. 65-558-0004.

4 MERCHANDISE

5
6 Any and all merchandise introduced into the United States as a result of the
violations.

7 MONEY JUDGMENT

8 A sum of money in United States currency, representing the amount
9 of proceeds obtained by the Defendants as a result of the violations.

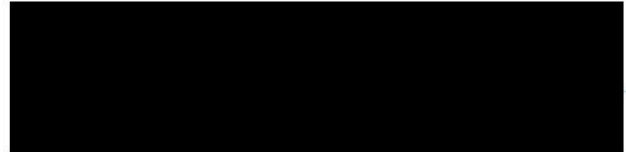
10 If any of the property described above, as a result of any act or omission of
11 the Defendants:

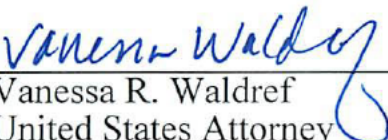
- 12 a. cannot be located upon the exercise of due diligence;
13 b. has been transferred or sold to, or deposited with, a third party;
14 c. has been placed beyond the jurisdiction of the court;
15 d. has been substantially diminished in value; or
16 e. has been commingled with other property which cannot be divided
without difficulty,

17 the United States of America shall be entitled to forfeiture of substitute property
18 pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 982(b) and 28
19 U.S.C. § 2461(c). All pursuant to 18 U.S.C. §§ 545 and 982(a)(2)(B) and 28
20 U.S.C. § 2461(c).

DATED October 18th, 2024.

A TRUE BILL




Vanessa R. Waldref
United States Attorney


Jacob E. Brooks
Assistant United States Attorney


Dan Fruchter
Assistant United States Attorney


Gwendolyn Russell
Special Assistant United States Attorney