

FILED

APR -8 2021

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY                       
DEPUTY CLERK

UNITED STATES OF AMERICA

Plaintiff,

v.

NEPHTALI LUNA, (1), and  
DEVON LUNA, (2),

Defendants.

§ INFORMATION

§ CRIMINAL NO.:

§ COUNT ONE:

§ 18 U.S.C. § 371, Conspiracy.

§ COUNTS TWO AND THREE:

§ 18 U.S.C. § 513(a), Making, Uttering, and  
§ Possessing Counterfeited and Forged  
§ Securities.

§ COUNTS FOUR AND FIVE:

§ 49 U.S.C. §§ 32705(a) and 32709(b),  
§ Providing False Odometer Statements.

SA21 CR0156

JKP

THE UNITED STATES OF AMERICA CHARGES:

At all times relevant and material to this Information, Defendants

NEPHTALI LUNA, (1) and  
DEVON LUNA, (2)

were engaged in the business of buying and selling used motor vehicles at various locations, including a location in San Antonio, Texas.

Defendants purchased used motor vehicles from a credit union located in San Antonio, Texas, and sold most of the vehicles at two auto auctions located in San Antonio, Texas. At times, prior to sale of the vehicles, Defendants caused the odometers of the vehicles to be altered to reflect false, lower mileages. Defendants also caused the title documents accompanying these vehicles to state similar false, lower mileages. When Defendants then sold these vehicles, they represented

as accurate the false, lower mileages appearing on the vehicles' odometers and accompanying titles.

The offenses charged in this Information were part of a pattern of criminal conduct committed by Defendants between approximately November 2016 and March 2018. As a result of this pattern of criminal conduct, Defendants received higher sales prices for the vehicles than they would have received if they had informed buyers of the vehicles' true mileages. Buyers of the vehicles paid more for the vehicles than they would have paid if they had known the vehicles' true mileages. Defendants NEPHTALI LUNA and DEVON LUNA knowingly sold and caused the sale of at least 225 vehicles in this way with "rolled-back" odometers, including the vehicles specifically noted in this Information.

**COUNT ONE**  
**[18 U.S.C. § 371]**

Beginning in or around November 2016 and continuing through at least in or around March 2018, in the Western District of Texas, Defendant

**NEPHTALI LUNA, (1)**

did combine, conspire, confederate, and agree with others, including DEVON LUNA, to commit offenses against the United States, that is:

- (a) knowingly and willfully to make, utter, and possess, and cause to be made, uttered, and possessed, forged and counterfeited securities of the State of Texas, with the intent to deceive other persons, organizations, and governments, in violation of Title 18, United States Code, Section 513(a); and
- (b) knowingly and willfully to give and cause to be given, in making the written disclosures to the buyers of used motor vehicles required by Title 49, United States Code, Section

32705(a), and Title 49, Code of Federal Regulations, Part 580, false statements relating to the actual mileage of the vehicles, in violation of Title 49, United States Code, Sections 32705(a) and 32709(b).

It was the purpose of the conspiracy to cause both the immediate and subsequent buyers of used motor vehicles, including ultimate consumers, to pay more for the vehicles than they would have paid if they had known the vehicles' correct mileage readings.

It was a part of the conspiracy that Defendant NEPTHALI LUNA and DEVON LUNA would purchase numerous used motor vehicles (mostly late-model, high-mileage vehicles), cause the odometers of those vehicles to be rolled back to lower mileage figures, and resell the vehicles to purchasers in the Western District of Texas and elsewhere, representing to the purchasers that the false low-mileage readings were the vehicles' correct mileage readings.

To accomplish the purpose of the conspiracy, NEPTHALI LUNA committed multiple overt acts. Among those overt acts, NEPTHALI LUNA: (1) knowingly directed an automotive electronics business in San Antonio, Texas, to program into the electronic odometers of used vehicles false, low mileage readings; and (2) knowingly altered and caused to be altered the existing Texas titles of many of those vehicles by having the same false, low mileages written on the odometer disclosure section of the titles.

All in violation of Title 18, United States Code, Section 371.

**COUNTS TWO and THREE**  
**[18 U.S.C. § 513(a)]**

On or about the dates listed below, in the Western District of Texas, Defendant

**DEVON LUNA, (2)**

did knowingly make, utter, and possess, and cause to be made, uttered, and possessed, forged and counterfeited securities of the State of Texas, with the intent to deceive other persons, organizations, and governments; specifically, Defendant DEVON LUNA altered and caused to be altered the existing Texas titles of the vehicles listed below, by writing the false mileages listed below, to deceive automobile dealerships and individuals regarding the vehicles' true mileages, each such instance being a separate and additional Count of this Information:

<u>Count</u>	<u>Date</u>	<u>Vehicle</u>	<u>VIN</u> <u>(ending in)</u>	<u>Title No.</u> <u>(ending in)</u>	<u>False</u> <u>Mileage</u>
2	Feb. 8, 2018	2012 Nissan Sentra	723442	6160536	69,433
3	Mar. 13, 2018	2013 Nissan Pathfinder	660491	7153537	61,343

In violation of Title 18, United States Code, Section 513(a).

**COUNTS FOUR and FIVE**  
**[49 U.S.C. §§ 32705(a) and 32709(b)]**

On or about the dates listed below, in the Western District of Texas, Defendant

**DEVON LUNA, (2),**

did knowingly and willfully give and cause to be given, in making the written disclosures to the buyers of used motor vehicles required by Title 49, United States Code, Section 32705(a), and Title 49, Code of Federal Regulations, Part 580, false statements relating to the cumulative mileage registered on the odometers of the motor vehicles listed below, in that Defendant certified as accurate the false mileages listed below, when in fact the odometers of the vehicles had registered the high mileages listed below when Defendant acquired the vehicles, each such instance being a separate and additional Count of this Information:

<u>Count</u>	<u>Date</u>	<u>Vehicle</u>	<u>VIN</u> <u>(ending in)</u>	<u>High</u> <u>Mileage</u>	<u>False</u> <u>Mileage</u>
4	Feb. 8, 2018	2012 Nissan Sentra	723442	96,725	69,438
5	Mar. 13, 2018	2013 Nissan Pathfinder	660491	83,811	61,377

In violation of Title 49, United States Code, Sections 32705(a) and 32709(b).

GUSTAV W. EYLER  
Director  
Consumer Protection Branch  
U.S. Department of Justice

By: **ARTURO DECASTRO**  
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