

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
KENTUCKY

United States v. Ronald Keith Collins

424 F. Supp. 465 (E.D. Ky. 1977) · No. Cr. A. No. 76-29 · Decided January 6, 1977

SUMMARY

The court considers whether a suspended police officer's potential claim for back wages constituted property under 18 U.S.C. § 152 and whether the defendant knowingly and fraudulently concealed that claim during bankruptcy proceedings. Although the court determined that the claim was property, it found the evidence insufficient beyond a reasonable doubt to establish knowing and fraudulent concealment. The defendant was therefore acquitted on the remaining count.

CASE DETAILS

COURT	United States District Court for the Eastern District of Kentucky
WRITING FOR THE COURT	Siler, District Judge
JURISDICTION	Kentucky
DECIDED	January 6, 1977
DOCKET	Cr. A. No. 76-29
DISPOSITION	other
PROCEDURAL POSTURE	The defendant was tried by the court without a jury on a two-count indictment. The court granted a judgment of acquittal on Count 1 and decided Count 2, charging concealment of a bankruptcy asset under 18 U.S.C. § 152, after submission of memoranda.
STANDARD OF REVIEW	The government was required to prove the elements of the criminal concealment offense beyond a reasonable doubt.
PRECEDENTIAL VALUE	Published federal district court memorandum opinion
PARTIES	United States of America v. Ronald Keith Collins

TOPICS

- bankruptcy fraud
- discharge
- bankruptcy
- criminal procedure
- statutory interpretation

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Collins's contingent potential claim for back wages constituted property within the meaning of the bankruptcy concealment statute.
2. Whether the government proved beyond a reasonable doubt that Collins knowingly and fraudulently concealed that potential claim from the bankruptcy trustee and creditors.

HOLDINGS

1. Collins's claim for back wages for past services was property within the meaning of the Bankruptcy Act, although the characterization of bankruptcy-related claims must be determined case by case.
2. The government failed to prove beyond a reasonable doubt that Collins knowingly and fraudulently concealed the potential back-wage claim from the trustee and creditors.

KEY QUOTATIONS

"The term [property] has never been given a precise or universal definition." (467)

"Omission of any assets from the schedule indicates concealment, but this taken alone is not conclusive. The conduct of the bankrupt, the relative extent of the omission, the character of the asset itself and the reasons given . . . are the other circumstances in every case." (467)

"Knowledge and fraud must be inferred from all circumstances surrounding the case, but, in view of the uncertainty of the law, this Court cannot state that it is convinced beyond a reasonable doubt that Ronald Keith Collins concealed this claim knowingly and fraudulently." (468)

FACTUAL BACKGROUND

Collins was suspended from the Newport Police Department after being indicted, and a state court stated that he should be reinstated with back pay if acquitted. While the suspension and potential back-pay claim existed, Collins filed for bankruptcy and stated that he had no contingent or unliquidated claims; he also denied having claims at the creditors' meeting. After his acquittal, Newport reinstated him and awarded him \$10,145 in back wages, but he did not notify the bankruptcy trustee or court.

PROCEDURAL HISTORY

Collins filed a bankruptcy petition on August 8, 1975, while suspended from the Newport Police Department and potentially entitled to back wages if reinstated after acquittal on a criminal charge. He failed to list the potential claim in his bankruptcy schedules or disclose it during the creditors' meeting. After Collins was acquitted in the underlying criminal case, Newport reinstated him and awarded \$10,145 in back pay. In the federal criminal prosecution, the court acquitted him on Count 1 and found the government had not proved beyond a reasonable doubt that he knowingly and fraudulently concealed the potential back-wage claim under Count 2.

DISPOSITION

other

CASES CITED

- Kokoszka v. Belford, 417 U.S. 642, 645, 94 S. Ct. 2431, 2433, 41 L. Ed. 2d 374 (1974)
- Segal v. Rochelle, 382 U.S. 375, 86 S. Ct. 511, 15 L. Ed. 2d 428 (1966)
- Lines v. Frederick, 400 U.S. 18, 91 S. Ct. 113, 27 L. Ed. 2d 124 (1970)
- Local Loan Co. v. Hunt, 292 U.S. 234, 54 S. Ct. 695, 78 L. Ed. 1230 (1934)
- United States v. Shapiro, 101 F.2d 375, 378-379 (7th Cir. 1939)

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