



U.S. Department of Justice
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Western District of New York

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PRESS RELEASE

January 8, 2004

RE: UNITED STATES v. MOHAMED ALBANNA, ALI A. ALBANNA a/k/a ALI SALEH a/k/a ALI SALEH ALBANNA a/k/a SALEH, ALI TAHER ELBANEH and ABDUL WALI KUSHASHA a/k/a ABDUL KUSHASHA a/k/a ABDULWALI KUSHASHA a/k/a ABDUL

United States Attorney Michael A. Battle announced today that a federal grand jury returned a Superseding Indictment against Mohamed Albanna, age 51, 167 Lehigh Street, Lackawanna, New York, Ali A. Albanna a/k/a Ali Saleh a/k/a Saleh Albanna a/k/a Saleh, age 29, 58 Ingham Avenue, Lower, Lackawanna, New York, Ali Taher Elbaneh, age 52, 58 Wilkesbarre Street, Lackawanna, New York, and Abdul Wali Kushasha a/k/a Abdul Kushasha a/k/a Abdulwali Kushasha a/k/a Abdul, Sanaa, Yemen. The five count Superseding Indictment charges the defendants with conspiring to operate an illegal money transmitting business, in violation of Title 18, United States Code, Section 371, operating an illegal money transmitting business, in violation of Title 18, United States Code, 1960(a), and failing to file a currency transaction report, in violation of Title 31, United States Code, Sections 5313(a) and 5322(b). The conspiracy and the illegal money transmitting charges carry a maximum penalty of five years in prison, a \$250,000 fine, or both. The charge for failing to file a currency transaction report carries a maximum penalty of ten years in prison,

a \$500,000 fine, or both. The Superseding Indictment also charges Mohamed Albanna with two counts of willfully aiding in the filing of a false return, in violation of Title 26, United States Code, Section 7206(2), which carries a maximum penalty of three years in prison, a \$250,000 fine, or both on each count. The Superseding Indictment also seeks the forfeiture of \$3,520,984.00.

It should be noted that the fact that a defendant has been charged with a crime . . . is merely an accusation and the defendant is presumed innocent until and unless proved guilty. (Disciplinary Rule 7-107(B)(6)).

According to Assistant United States Attorney Timothy C. Lynch, who presented the evidence to the grand jury, the Superseding Indictment charges that the defendants were operating an illegal money transmitting business between on or about November 1, 2001 and on or about December 17, 2002. It also charges that during the times relevant to the Superseding Indictment, the defendants were not licensed by the State of New York to operate a money transmitting business, as required by state banking laws, and were not registered with the United States Department of Treasury, as required by federal law and federal regulations.

The investigation revealed that this illegal money transmitting business was operated, in part, out of Queen City Cigarettes and Candy, a candy and cigarette wholesale store, located at 1282 Clinton Street, Buffalo, New York. Queen City Cigarettes and Candy is managed by Mohamed Albanna. The Superseding Indictment discloses that the main

objective of the illegal money transmitting business was to earn substantial amounts of money for the defendants through commissions earned by the illegal transferring of millions of dollars of currency from locations in the United States to locations abroad, principally Yemen. According to the Superseding Indictment, between the November 1, 2001 and December 17, 2002, the defendants sent approximately \$3,520,984 from the Western District of New York to Yemen.

The investigation further revealed that Mohamed Albanna substantially under-reported on Queen City's 2001 and 2002 corporate income tax returns the amount of commissions the corporation received as a result of the money transmitting service being operated out of Queen City.

The Superseding Indictment was the result of an investigation by the Department of Homeland Security, Immigration and Customs Enforcement, Drug Enforcement Administration, the Internal Revenue Service, and the Federal Bureau of Investigation's Joint Terrorism Task Force. William J. Hochul, Jr., Chief of the Anti-Terrorism Unit, assisted in the investigation and will assist in the trial of this case.

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