

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - x

UNITED STATES OF AMERICA

INDICTMENT

-v.-

S1 13 Cr. 150 (NRB)

MAHAMADOU DAFPE,
a/k/a "Guinaba Sacko,"
a/k/a "Namory Keita,"

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: **NOV 08 2013**

- - - - - x

COUNT ONE
(Conspiracy to Steal Government Funds)

The Grand Jury charges:

1. From at least in or about 2008, through in or about January 2013, in the Southern District of New York and elsewhere, MAHAMADOU DAFPE, a/k/a "Guinaba Sacko," a/k/a "Namory Keita," the defendant, and others known and unknown, willfully and knowingly did combine, conspire, confederate and agree together and with each other to commit an offense against the United States, to wit, to violate Title 18, United States Code, Section 641.

2. It was a part and an object of the conspiracy that MAHAMADOU DAFPE, a/k/a "Guinaba Sacko," a/k/a "Namory Keita," the defendant, and others known and unknown, would and did embezzle, steal, purloin, and knowingly convert to his use and the use of another, vouchers, money and things of value of the United States

and a department and an agency thereof, to wit, the United States Treasury Department, the value of which exceeded \$1,000, and would and did receive, conceal, and retain the same with intent to convert it to their use and gain, knowing it to have been embezzled, stolen, purloined and converted, to wit, DAFPE engaged in a scheme to file fraudulent income tax returns with false Forms W-2 to obtain fraudulent tax refunds.

Overt Act

3. In furtherance of said conspiracy and to effect the unlawful object thereof, the following overt act, among others, was committed in the Southern District of New York and elsewhere:

a. From in or about June 2010, through in or about November 2011, MAHAMADOU DAFPE, the defendant, deposited personal checks from bank accounts funded with fraudulent electronic tax refunds into bank accounts DAFPE opened in Manhattan, New York.

(Title 18, United States Code, Section 371.)

The Grand Jury further charges:

COUNT TWO

(Conspiracy to Steal Government Funds)

4. From at least in or about 2008, through in or about January 2013, in the Southern District of New York and elsewhere, MAHAMADOU DAFPE, a/k/a "Guinaba Sacko," a/k/a "Namory Keita," the defendant, and others known and unknown, willfully and knowingly did combine, conspire, confederate and agree together and with each other

to commit an offense against the United States, to wit, to violate Title 18, United States Code, Section 641.

5. It was a part and an object of the conspiracy that MAHAMADOU DAFFE, a/k/a "Guinaba Sacko," a/k/a "Namory Keita," the defendant, and others known and unknown, would and did embezzle, steal, purloin, and knowingly convert to their use and the use of another, vouchers, money and things of value of the United States and a department and an agency thereof, to wit, the United States Treasury Department, the value of which exceeded \$1,000, and would and did receive, conceal, and retain the same with intent to convert it to their use and gain, knowing it to have been embezzled, stolen, purloined and converted, to wit, DAFFE engaged in a scheme to file fraudulent income tax returns falsely claiming dependents.

Overt Act

6. In furtherance of said conspiracy and to effect the unlawful object thereof, the following overt act, among others, were committed in the Southern District of New York and elsewhere:

a. In or about tax years 2008, 2009, 2010, 2011, and 2012, MAHAMADOU DAFFE, the defendant, prepared and electronically filed tax returns and added false dependents for a fee to enable the taxpayer to receive a larger refund.

(Title 18, United States Code, Section 371.)

The Grand Jury further charges:

COUNT THREE
(Theft of Government Funds)

7. From at least in or about 2008, through in or about January 2013, in the Southern District of New York and elsewhere, MAHAMADOU DAFPE, a/k/a "Guinaba Sacko," a/k/a "Namory Keita," the defendant, knowingly and willfully did embezzle, steal, purloin, and convert to his use and the use of others, vouchers, money and things of value of the United States and a department and an agency thereof, to wit, the United States Treasury Department, the value of which exceeded \$1,000, and did receive, conceal, and retain the same with intent to convert it to their use and gain, knowing it to have been embezzled, stolen, purloined and converted, to wit, DAFPE fraudulently obtained tax refunds using stolen identities.

(Title 18, United States Code, Sections 641 & 2.)

The Grand Jury further charges:

COUNT FOUR
(Theft of Government Funds)

8. From at least in or about 2008, through in or about January 2013, in the Southern District of New York and elsewhere, MAHAMADOU DAFPE, a/k/a "Guinaba Sacko," a/k/a "Namory Keita," the defendant, knowingly and willfully did embezzle, steal, purloin, and convert to his use and the use of others, vouchers, money and things of value of the United States and a department and an agency thereof, to wit, the United States Treasury Department, the value of which

exceeded \$1,000, and did receive, conceal, and retain the same with intent to convert it to their use and gain, knowing it to have been embezzled, stolen, purloined and converted, to wit, DAFPE aided and abetted others in fraudulently obtaining tax refunds by adding false dependents to their tax returns for a fee.

(Title 18, United States Code, Sections 641 & 2.)

The Grand Jury further charges:

COUNT FIVE
(False Claims Conspiracy)

9. From at least in or about 2008 through in or about January 2013, in the Southern District of New York and elsewhere, MAHAMADOU DAFPE, a/k/a "Guinaba Sacko," a/k/a "Namory Keita," the defendant, and others known and unknown, knowingly entered into an agreement, combination, and conspiracy to defraud the United States, and a department and agency thereof, by obtaining and aiding to obtain the payment and allowance of false, fictitious and fraudulent claims, to wit, DAFPE engaged in a scheme to electronically file false tax returns to obtain fraudulent tax refunds by using false Forms W-2.

(Title 18, United States Code, Section 286.)

The Grand Jury further charges:

COUNT SIX
(False Claims Conspiracy)

10. From at least in or about 2008 through in or about January 2013, in the Southern District of New York and elsewhere, MAHAMADOU DAFPE, a/k/a "Guinaba Sacko," a/k/a "Namory Keita," the

defendant, and others known and unknown, knowingly entered into an agreement, combination, and conspiracy to defraud the United States, and a department and agency thereof, by obtaining and aiding to obtain the payment and allowance of false, fictitious and fraudulent claims, to wit, DAFFE engaged in a scheme to electronically file fraudulent income tax returns falsely claiming dependents.

(Title 18, United States Code, Section 286.)

The Grand Jury further charges:

COUNT SEVEN
(Conspiracy to Commit Wire Fraud)

11. From at least in or about 2008 through in or about January 2013, in the Southern District of New York and elsewhere, MAHAMADOU DAFFE, a/k/a "Guinaba Sacko," a/k/a "Namory Keita," the defendant, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other, to violate Title 18, United States Code, Section 1343.

12. It was a part and an object of the conspiracy that MAHAMADOU DAFFE, a/k/a "Guinaba Sacko," a/k/a "Namory Keita," the defendant, and others known and unknown, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations and promises, would and did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and

artifice, to wit, DAFFE caused fraudulent tax returns to be electronically filed.

(Title 18, United States Code, Section 1349.)

The Grand Jury further charges:

COUNT EIGHT
(Aggravated Identity Theft)

13. From at least in or about 2008 through in or about January 2013, in the Southern District of New York and elsewhere, MAHAMADOU DAFFE, a/k/a "Guinaba Sacko," a/k/a "Namory Keita," the defendant, willfully and knowingly did transfer, possess, and use, without lawful authority, a means of identification of another person, during and in relation to a felony violation enumerated in Section 1028A(c), to wit, DAFFE used the names and personal identifying information, including social security numbers, of other persons during and in relation to the offenses charged in Counts Three, Four, and Seven of this Indictment.

(Title 18, United States Code, Sections 1028A and 2.)

FORFEITURE ALLEGATION

14. As the result of committing the offenses alleged in Counts One through Four, and Seven of this Indictment, MAHAMADOU DAFPE, a/k/a "Guinaba Sacko," a/k/a "Namory Keita," the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, all property, real or personal, constituting or derived from proceeds traceable to the offense.

(Title 18, United States Code, Section 981 and Title 28, United States Code, Section 2461.)

SUBSTITUTE ASSET PROVISION

15. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

(1) cannot be located upon the exercise of due diligence;

(2) has been transferred or sold to, or deposited with, a third person;

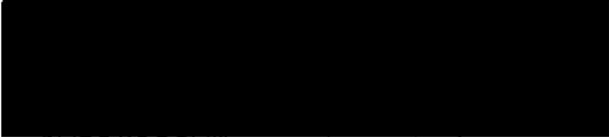
(3) has been placed beyond the jurisdiction of the Court;

(4) has been substantially diminished in value;
or

(5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981; Title 21, United States Code, Section 853; and Title 28, United States Code, Section 2461.)



FOREPERSON

Preet Bharara

PREET BHARARA

United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

MAHAMADOU DAFPE,
a/k/a "Guinaba Sacko,"
a/k/a "Namory Keita,"

Defendant.

INDICTMENT

13 Cr. 150 (NRB)

18 U.S.C. §§ 286, 371, 641 & 2, 1349, 1028A.

PREET BHARARA

United States Attorney.

A TRUE BILL



11-6-13
MB

Filed [51] superseding indictment... Ellis, USAET