

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	<b>:</b>	<b>CRIMINAL NO. 09-_____</b>
<b>v.</b>	<b>:</b>	<b>DATE FILED: <u>April 23, 2009</u></b>
<b>KYLIA ALSTON</b>	<b>:</b>	<b>VIOLATIONS:</b>
	<b>:</b>	<b>18 U.S.C. § 371 (conspiracy - 1 count)</b>
	<b>:</b>	<b>18 U.S.C. § 1344 (bank fraud - 1 count)</b>
	<b>:</b>	<b>18 U.S.C. § 1028A (aggravated identity</b>
	<b>:</b>	<b>theft - 7 counts)</b>
	<b>:</b>	<b>18 U.S.C. § 1030(a)(2)(A) (access in excess</b>
	<b>:</b>	<b>of authorization of record of financial</b>
	<b>:</b>	<b>institution - 1 count)</b>
	<b>:</b>	<b>18 U.S.C. § 2 (aiding and abetting)</b>
		<b>Notice of forfeiture</b>

**INDICTMENT**

**COUNT ONE**

**THE GRAND JURY CHARGES THAT:**

At all times material to this indictment:

1. Wachovia Bank was a financial institution, the deposits of which were insured by the Federal Deposit Insurance Corporation, certificate number 33869.
2. Defendant KYLIA ALSTON was employed as a teller for Wachovia Bank at a branch located in Philadelphia, Pennsylvania, where she had access to the identity information of the bank's customers, including names, social security numbers, dates of birth, and account numbers, as well as account balance information.
3. From on or about October 1, 2008 to on or about January 22, 2009, in Philadelphia, in the Eastern District of Pennsylvania and elsewhere, defendant

**KYLIA ALSTON**

conspired and agreed, with others known and unknown to the grand jury, to commit offenses against the United States, that is, to knowingly execute and attempt to execute a scheme to defraud Citizens Bank, in violation of Title 18, United States Code, Section 1344, and to knowingly and without lawful authority use a means of identification of another person, during and in relation to a bank fraud, in violation of Title 18, United States Code, Section 1028A(a)(1), and (c)(5).

#### **MANNER AND MEANS**

4. Defendant KYLIA ALSTON and her co-conspirators used stolen identification information to make fraudulent withdrawals from victims' Wachovia Bank accounts.

5. Defendant KYLIA ALSTON was recruited by Co-Conspirator 1, a person known to the grand jury, to provide account numbers, names, addresses, social security numbers, dates of birth, and signatures of Wachovia Bank account holders.

6. Defendant KYLIA ALSTON used her position at Wachovia Bank to improperly access computerized information for Wachovia Bank account holders, which information she provided to Co-Conspirator 1. The information provided to Co-Conspirator 1 included victim names, addresses, social security numbers, dates of birth, and bank account information.

7. Co-Conspirator 1 provided the stolen Wachovia Bank account holder information to other individuals involved in the scheme who manufactured false photographic identifications in the name of those customers of Wachovia Bank. The false identification contained the picture of individuals recruited to act as "check runners" for use in the making of

fraudulent withdrawals from the accounts of those Wachovia Bank account holders.

8. Armed with false identification, these check-runners, known and unknown to the grand jury, posed as Wachovia Bank account holders to make withdrawals in the name of those customers, totaling more than approximately \$224,800.

### **OVERT ACTS**

In furtherance of the conspiracy, defendant KYLIA ALSTON and her co-conspirators committed the following overt acts in the Eastern District of Pennsylvania and elsewhere:

1. From time to time between on or about October 1, 2008 and on or about December 18, 2008, defendant KYLIA ALSTON provided Co-Conspirator 1 with the bank account and personal information of approximately ten Wachovia Bank account holders, including names, addresses, social security numbers, and bank account numbers.

2. From time to time between on or about October 1, 2008 and on or about January 22, 2009, Co-Conspirator 1 and others, unknown to the grand jury, provided the account and personal information received from defendant KYLIA ALSTON to individuals who used that information to acquire approximately \$224,800 from Wachovia Bank by presenting fraudulent identification in the name of the account holders to tellers in order to make fraudulent withdrawals from Wachovia Bank.

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

## **COUNT TWO**

### **THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1, 2 and 4 through 8 and Overt Acts 1 and 2 of Count One are realleged here.

2. From on or about October 1, 2008 to on or about January 22, 2009, in the Eastern District of Pennsylvania and elsewhere, defendant

### **KYLIA ALSTON**

knowingly executed, and attempted to execute, and aided and abetted the execution of, a scheme to defraud Wachovia Bank, and to obtain monies owned by and under the care, custody and control of Wachovia Bank by means of materially false and fraudulent pretenses, representations and promises.

### **THE SCHEME**

3. From on or about October 1, 2008 to on or about December 18, 2009, defendant KYLIA ALSTON improperly acquired personal and account information for Wachovia Bank accounts belonging to P.A., J.G., D.L.M., R.L., F.A., D.J.M., and J.T.

4. Defendant KYLIA ALSTON then provided that personal and account information to Co-Conspirator 1, who forwarded the information to others who used it to fraudulently take approximately \$224,800 from Wachovia Bank by making fraudulent withdrawals from accounts belonging to P.A., J.G., D.L.M., R.L., F.A., D.J.M., and J.T.

5. In furtherance of the scheme, other individuals cashed or attempted to cash the following counterfeit checks and made or attempted to make the following fraudulent withdrawals:

<u>DATE</u>	<u>LOCATION</u>	<u>VICTIM ACCOUNT HOLDER</u>	<u>AMOUNT</u>
11/10/08	New York, NY	P.A.	\$7,000
11/12/08	New York, NY	P.A.	\$7,000
11/14/08	New York, NY	P.A.	\$8,000
11/17/08	New York, NY	P.A.	\$8,000
11/19/08	New York, NY	P.A.	\$8,000
11/21/08	New York, NY	P.A.	\$8,000
11/24/08	New York, NY	P.A.	\$8,000
11/26/08	New York, NY	P.A.	\$8,000
11/28/08	New York, NY	P.A.	\$8,000
12/01/08	New York, NY	P.A.	\$8,000
12/02/08	New York, NY	P.A.	\$8,000
12/03/08	New York, NY	P.A.	\$8,000
12/15/08	New York, NY	P.A.	\$8,000
11/20/08	New York, NY	J.G.	\$7,000
12/01/08	Margate City, NJ	D.L.M.	\$6,500
12/02/08	Margate City, NJ	D.L.M.	\$4,000
12/01/08	Atlantic City, NJ	R.L.	\$6,500
12/02/08	Atlantic City, NJ	R.L.	\$9,000
12/04/08	Atlantic City, NJ	R.L.	\$9,000
12/05/08	Atlantic City, NJ	R.L.	\$9,000
12/08/08	Atlantic City, NJ	R.L.	\$9,000

12/09/08	Atlantic City, NJ	R.L.	\$9,000
12/11/08	Atlantic City, NJ	R.L.	\$9,000
12/12/08	Atlantic City, NJ	R.L.	\$9,000
12/15/08	Atlantic City, NJ	R.L.	\$9,000
12/16/08	Atlantic City, NJ	R.L.	\$9,000
12/02/08	Atlantic City, NJ	F.A.	\$6,500
01/21/09	Egg Harbor, NJ	D.J.M.	\$4,000
01/22/09	Egg Harbor, NJ	D.J.M.	\$2,500
01/22/09	Turnersville, NJ	J.T.	\$4,800

All in violation of Title 18, United States Code, Sections 1344 and 2.

**COUNTS THREE THROUGH NINE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about the dates set forth below, in the Eastern District of Pennsylvania and elsewhere, defendant

**KYLIA ALSTON**

knowingly and without lawful authority, transferred, possessed and used, and aided and abetted the transfer, possession and use of, a means of identification of another person, that is, the name and personal identifying information of the persons indicated below, each person constituting a separate count, during and in relation to bank fraud.

<u>COUNT</u>	<u>DATE</u>	<u>ACCOUNT HOLDER</u>
3	10/02/08	J.G.
4	10/06/08	J.T.
5	10/07/08	P.A.
6	11/13/08	R.L.
7	11/13/08	D.L.M.
8	11/13/08	D.J.M.
9	12/02/08	F.A.

In violation of Title 18, United States Code, Sections 1028A(a)(1), (c)(5) and 2.

**COUNT TEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

From on or about October 1, 2008 to on or about December 18, 2008, in the Eastern District of Pennsylvania, defendant

**KYLIA ALSTON**

intentionally accessed a protected computer and exceeded authorized access, and thereby obtained information contained in a financial record of a financial institution, that is, Wachovia Bank.

In violation of Title 18, United States Code, Section 1030(a)(2)(A).



## **NOTICE OF FORFEITURE**

### **THE GRAND JURY FURTHER CHARGES THAT:**

1. As a result of the violations of Title 18, United States Code, Sections 371 and 1344, set forth in this indictment, defendant

**KYLIA ALSTON**

shall forfeit to the United States of America any property, real or personal, that constitutes or is derived from proceeds traceable to the commission of such offenses, as charged in this information, including, but not limited to, the sum of \$224,800.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

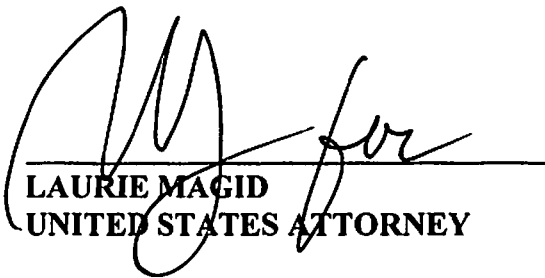
- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot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

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b),

incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the property subject to forfeiture.

All pursuant to Title 18, United States Code, Section 982(a)(2).

**A TRUE BILL:**



LAURIE MAGID  
UNITED STATES ATTORNEY

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**GRAND JURY FOREPERSON**