

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

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| UNITED STATES OF AMERICA | : | CRIMINAL NO. <u>09-</u> |
| v. | : | DATE FILED: <u>April 23, 2009</u> |
| RALPH GUY | : | VIOLATIONS: |
| | : | 18 U.S.C. § 371 (conspiracy - 1 count) |
| | : | 18 U.S.C. § 1344 (bank fraud - 1 count) |
| | : | 18 U.S.C. § 1028A (aggravated identity |
| | : | theft - 10 counts) |
| | : | 18 U.S.C. § 2 (aiding and abetting) |
| | : | Notice of forfeiture |
| | : | |

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

At all times material to this information:

1. Citizens Bank was a financial institution, the deposits of which were insured by the Federal Deposit Insurance Corporation ("FDIC"), with certificate number 57282.
2. From on or about November 18, 2005 through on or about February 14, 2006, in the Eastern District of Pennsylvania and elsewhere, defendant

RALPH GUY

conspired and agreed, with Co-Conspirators 1 and 2, known to the grand jury, and others, known and unknown to the grand jury, to commit offenses against the United States, that is, to knowingly execute, and attempt to execute, and aid and abet the execution of, bank fraud, 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).

MANNER AND MEANS

3. It was part of the conspiracy that defendant RALPH GUY and others used the names, dates of births, addresses, social security numbers, bank account numbers, and other means of identification of customers of Citizens Bank to enrich themselves and defraud these banks by posing as customers of the banks at the teller windows and withdrawing funds from the customers' accounts.

It was further a part of the conspiracy that:

4. Defendant RALPH GUY acted as a "check runner," posing as various bank customers to make fraudulent withdrawals from the bank accounts of those customers. In that capacity, defendant GUY performed some or all of the following:

- a. he received, from Co-Conspirators 1 and 2 and others, personal identifying information for customers of Citizens Bank, including the bank customers' names, dates of birth, social security numbers, and bank account numbers;
- b. he received, from Co-Conspirators 1 and 2 and others, in addition to the bank customers' account information, false photographic identification in the name of each customer; and
- c. he cashed fraudulent checks against the accounts of bank customers, using the customers' account information and false photographic identification.

5. Defendant RALPH GUY fraudulently obtained, and aided and abetted the obtaining of, more than \$150,000 by the cashing of fraudulent checks.

OVERT ACTS

In furtherance of the conspiracy, defendant RALPH GUY, Co-Conspirators 1 and 2, and others committed the following overt acts in the Eastern District of Pennsylvania and elsewhere:

1. On or about the following dates, defendant RALPH GUY, accompanied by Co-Conspirators 1 and 2 and others, fraudulently withdrew or attempted to withdraw funds in the amounts listed below, from Citizens Bank, in the names of Citizens Bank account holders identified below, using the account number of, and fraudulent identification in the name of, the account holders, which had been provided to defendant GUY by Co-Conspirators 1 and 2 and others.

| <u>DATE</u> | <u>LOCATION</u> | <u>VICTIM ACCOUNT HOLDER</u> | <u>AMOUNT OF CHECKS CASHED</u> |
|---------------------|-----------------|--------------------------------------|------------------------------------|
| 11/18/05 | Pennsylvania | H.W. | \$9,278 |
| 12/05/05 - 12/06/05 | Vermont | R.D. | \$9,283 |
| 12/06/05 | Vermont | G.B. | \$18,543 |
| 12/06/05 | Vermont | G.B. | \$4,633 |
| 12/06/05 | Vermont | M.S. | \$9,310 |
| 12/23/05 | Pennsylvania | A.P. | \$14,156 |
| 1/12/06 | Ohio | H.D.W. | \$29,039 |
| 1/13/06 | Ohio | J.L. | \$9,730 |
| 1/13/06 | Ohio | J.S. | \$9,744 |
| 2/02/06 | Michigan | K.D. | \$14,515 |
| 2/02/06 | Michigan | A.B. | \$9,680 |
| 2/03/06 | Michigan | A.T.W. | \$14,570 |

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| 2/03/06 | Michigan | K.P. | \$4,861 |
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2. On or about February 13 and February 14, 2006, defendant RALPH GUY accompanied Co-Conspirators 1 and 2 and others on a trip to Indiana to cash fraudulent checks at branches of Citizens Bank.

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

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 and 3 through 5 and Overt Act 1 of Count One are incorporated here.
2. From on or about November 18, 2005 to on or about February 3, 2006, in the Eastern District of Pennsylvania and elsewhere, defendant

RALPH GUY

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

THE SCHEME

3. Defendant RALPH GUY used stolen account information and false identification documents of H.W., R.D. G.B., M.S., A.P., H.D.W., J.L., J.S., K.D., A.B., A.T.W., and K.P., account holders of Citizens Bank, to fraudulently withdraw money from the accounts of H.W., R.D. G.B., M.S., A.P., H.D.W., J.L., J.S., K.D., A.B., A.T.W., and K.P., and share the proceeds with others.

4. In furtherance of the scheme, defendant RALPH GUY cashed the following fraudulent checks:

| <u>DATE</u> | <u>LOCATION</u> | <u>VICTIM ACCOUNT HOLDER</u> | <u>AMOUNT OF CHECK CASHED</u> |
|--------------------|------------------------|---|--|
| 11/18/05 | Pennsylvania | H.W. | \$4,627 |
| 11/18/05 | Pennsylvania | H.W. | \$4,651 |

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| 12/05/05 | Vermont | R.D. | \$4,652 |
| 12/06/05 | Vermont | R.D. | \$4,631 |
| 12/06/05 | Vermont | G.B. | \$4,622 |
| 12/06/05 | Vermont | G.B. | \$4,614 |
| 12/06/05 | Vermont | G.B. | \$4,674 |
| 12/06/05 | Vermont | G.B. | \$4,633 |
| 12/06/05 | Vermont | M.S. | \$4,649 |
| 12/06/05 | Vermont | M.S. | \$4,661 |
| 12/23/05 | Pennsylvania | A.P. | \$4,733 |
| 12/23/05 | Pennsylvania | A.P. | \$4,708 |
| 12/23/05 | Pennsylvania | A.P. | \$4,715 |
| 1/12/06 | Ohio | H.D.W. | \$4,851 |
| 1/12/06 | Ohio | H.D.W. | \$4,827 |
| 1/12/06 | Ohio | H.D.W. | \$4,814 |
| 1/12/06 | Ohio | H.D.W. | \$4,863 |
| 1/12/06 | Ohio | H.D.W. | \$4,813 |
| 1/12/06 | Ohio | H.D.W. | \$871 |
| 1/13/06 | Ohio | J.L. | \$4,857 |
| 1/13/06 | Ohio | J.L. | \$4,873 |
| 1/13/06 | Ohio | J.S. | \$4,867 |
| 1/13/06 | Ohio | J.S. | \$4,877 |
| 2/02/06 | Michigan | K.D. | \$4,857 |
| 2/02/06 | Michigan | K.D. | \$4,824 |
| 2/02/06 | Michigan | K.D. | \$4,834 |
| 2/02/06 | Michigan | A.B. | \$4,825 |
| 2/02/06 | Michigan | A.B. | \$4,855 |

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| 2/03/06 | Michigan | A.T.W. | \$4,851 |
| 2/03/06 | Michigan | A.T.W. | \$4,864 |
| 2/03/06 | Michigan | A.T.W. | \$4,200 |
| 2/03/06 | Michigan | K.P. | \$4,861 |

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

COUNTS THREE THROUGH TWELVE

THE GRAND JURY FURTHER CHARGES THAT:

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

RALPH GUY

knowingly and without lawful authority, used, and aided and abetted the 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 | 11/18/05 | H.W. |
| 4 | 12/05/05 | R.D. |
| 5 | 12/06/05 | G.B. |
| 6 | 12/23/05 | A.P. |
| 7 | 1/12/06 | H.D.W. |
| 8 | 1/13/06 | J.L. |
| 9 | 1/13/06 | J.S. |
| 10 | 2/02/06 | K.D. |
| 11 | 2/02/06 | A.B. |
| 12 | 2/03/06 | A.T.W. |

All in violation of Title 18, United States Code, Sections 1028A(a)(1),

(c)(5) and 2.

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 information, defendant

RALPH GUY

shall forfeit to the United States of America any property that constitutes, or is derived from proceeds obtained directly or indirectly from the commission of such offenses, including, but not limited to, the sum of \$152,054.

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

GRAND JURY FOREPERSON