

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

UNITED STATES OF AMERICA	:	CRIMINAL NO. 09-_____
v.	:	DATE FILED: <u>February 5, 2009</u>
JONATHAN BATTLES	:	VIOLATIONS:
TAMIKA BOOKER	:	18 U.S.C § 371 (conspiracy to commit
ANGELIQUE TORRES	:	bank fraud -1 count)
		18 U.S.C. § 1344 (bank fraud - 1 count)

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

At all times material to this indictment:

1. Commerce Bank, N.A. (“Commerce”), was a financial institution, the deposits of which were insured by the Federal Deposit Insurance Corporation (“FDIC”), certificate number 21140.
2. J.P.Morgan Chase Bank, N.A. (“J.P. Morgan”), was a financial institution, the deposits of which were insured by the FDIC, certificate number 628.
3. The City of Arlington, Texas (“Arlington”) maintained checking accounts at J.P. Morgan.
4. Defendant ANGELIQUE TORRES was an employee of Arlington. Defendant TORRES had access to checks written by Arlington on accounts maintained at J.P. Morgan and payable to various individuals and entities.
5. B.T., J.B.W., J.N.W., and G.R., persons known to the grand jury, were payees of checks written by Arlington on accounts maintained at J.P. Morgan.

6. Stabile & Wynn, Inc., was a vendor for Arlington and was a payee of checks issued by the Arlington on accounts maintained at J.P. Morgan.

7. From on or about February 2, 2007, through at least on or about July 6, 2007, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendants

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conspired and agreed, together and with others known and unknown to the grand jury, to commit offenses against the United States, that is, to knowingly execute, attempt to execute, and aid and abet the execution of, a scheme to defraud J.P. Morgan and Commerce, and to obtain monies owned by and under the care, custody, and control of these banks, by means of false and fraudulent pretenses, representations, and promises, in violation of Title 18, United States Code, Sections 1344 and 2.

MANNER AND MEANS

8. It was part of the conspiracy that the defendants stole checks written on Arlington's accounts, deposited them in bank accounts opened in Philadelphia, and attempted to withdraw the fraudulently obtained funds from these accounts.

It was further part of the conspiracy that:

9. Defendant ANGELIQUE TORRES sent stolen Arlington checks to defendant JONATHAN BATTLES.

10. Defendant JONATHAN BATTLES provided the stolen checks to defendant TAMIKA BOOKER.

11. Defendant TAMIKA BOOKER opened an account at Commerce in

Philadelphia, Pennsylvania, and then fraudulently endorsed and deposited the stolen Arlington checks into accounts at Commerce.

12. The defendants then attempted to withdraw funds from the Commerce accounts.

OVERT ACTS

In furtherance of the conspiracy, defendants JONATHAN BATTLES, TAMIKA BOOKER, ANGELIQUE TORRES, and others known and unknown to the grand jury, committed the following overt acts in the Eastern District of Pennsylvania and elsewhere:

1. At various times between on or about February 2, 2007 and on or about June 8, 2007, defendant ANGELIQUE TORRES stole checks, payable to B.T., J.B.W., J.N.W., and G.R., written on the Arlington payroll account at J.P. Morgan.

2. On or about June 29, 2007, defendant ANGELIQUE TORRES stole a check payable to Stabile & Winn, Inc., written on an Arlington account at J.P. Morgan.

3. At various times between on or about February 2, 2007, and on or about July 2, 2007, defendant ANGELIQUE TORRES provided the stolen checks to defendant JONATHAN BATTLES.

4. On or about March 2, 2007, defendant TAMIKA BOOKER opened an account at Commerce at the Jefferson Hospital branch, located at 11 South 11th Street, Philadelphia, Pennsylvania.

5. On or about the dates below, defendant TAMIKA BOOKER deposited stolen Arlington checks in the amounts below into the Commerce branch at 1500 JFK Boulevard, Philadelphia, Pennsylvania:

Date	Check Number	Payee	Amount
April 17, 2007	1821625	B.T.	\$5,836.12
May 11, 2007	1825878	J.B.W.	\$6,888.84
May 25, 2007	1826129	J.N.W.	\$8,396.94
June 8, 2007	1827330	G.R.	\$8,110.51

6. On or about June 29, 2007, defendant TAMIKA BOOKER opened a business checking account in the name of “Stabil & Winn, LLC,” at the Commerce branch located at 1500 JFK Boulevard, Philadelphia, Pennsylvania.

7. On or about June 29, 2007, defendant TAMIKA BOOKER deposited stolen Arlington check number 70006, payable to Stabile & Winn, Inc., in the amount of \$140,262.53, into the Commerce branch located at 1500 JFK Boulevard, Philadelphia, Pennsylvania.

8. Between on or about July 4, 2007, and on or about July 6, 2007, defendant TAMIKA BOOKER withdrew approximately \$41,900 from the Stabil & Winn account at Commerce.

9. On or about July 6, 2007, defendant TAMIKA BOOKER transferred approximately \$85,000 from the Stabil & Winn account at Commerce to her personal account at Commerce.

10. Between on or about April 18, 2007, and on or about July 6, 2007, defendant TAMIKA BOOKER withdrew approximately \$38,594 from her personal account at Commerce.

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

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1-6 and 8-12 and overt acts 1-10 of Count One are realleged here.

2. From on or about March 2, 2007, through on or about July 6, 2007, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendants

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knowingly executed, and attempted to execute, a scheme to defraud Commerce and J.P. Morgan, and to obtain monies owned by and under the care, custody, and control of Commerce and J.P. Morgan by means of false and fraudulent pretenses, representations, and promises.

THE SCHEME

3. Defendant ANGELIQUE TORRES stole Arlington checks and provided them to defendant JONATHAN BATTLES, who in turn gave them to defendant TAMIKA BOOKER.

4. Defendant TAMIKA BOOKER opened accounts at Commerce for the purpose of depositing stolen and falsely endorsed Arlington checks.

5. Defendant TAMIKA BOOKER deposited stolen and falsely endorsed Arlington checks into accounts at Commerce as described below.

<u>DATE</u>	<u>CHECK NUMBER</u>	<u>PAYEE</u>	<u>AMOUNT OF CHECK</u>
4/17/07	1821625	B.T.	\$5,836.12
5/11/07	1825878	J.B.W.	\$6,888.84

5/25/07	1826129	J.N.W.	\$8,396.94
6/08/07	1827330	G.R.	\$8,110.51
6/29/07	70006	Stabile & Winn, Inc.	\$14,0262.53

6. Defendant TAMIKA BOOKER withdrew approximately \$80,494, from the accounts at Commerce into which she had deposited stolen checks.

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

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

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

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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 indictment, including, but not limited to, the sum of \$80,494.

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:

FOREPERSON

LAURIE MAGID
Acting United States Attorney