

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

<b>UNITED STATES OF AMERICA</b>	<b>:</b>	<b>CRIMINAL NO. <u>09-</u></b>
<b>v.</b>	<b>:</b>	<b>DATE FILED: <u>May 14, 2009</u></b>
<b>MELVIN ALLEN</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 - 2 counts)</b>
	<b>:</b>	<b>18 U.S.C. § 2 (aiding &amp; abetting)</b>
	<b>:</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 FDIC, certificate number 33869.
2. TD Bank was a financial institution, the deposits of which were insured by the Federal Deposit Insurance Corporation ("FDIC"), certificate number 21140.
3. Citizens Bank was a financial institution, the deposits of which were insured by the FDIC, certificate number 57282.
4. From on or about October 1, 2008 through on or about March 25, 2009, in the Eastern District of Pennsylvania and elsewhere, defendant

**MELVIN ALLEN**

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, 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 bank fraud, in violation of Title 18, United States Code, Section 1028A(a)(1).

#### **MANNER AND MEANS**

5. It was part of the conspiracy that defendant MELVIN ALLEN and others used the names, dates of births, addresses, social security numbers, bank account numbers, and other means of identification of customers of Wachovia Bank, TD Bank, and 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:

6. Defendant MELVIN ALLEN 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 ALLEN performed some or all of the following:

a. he received, from Co-Conspirator 1, a person known to the grand jury, and others, known and unknown to the grand jury, personal identifying information for customers of Wachovia Bank, TD Bank, and Citizens Bank, including the bank customers' names, dates of birth, social security numbers, and bank account numbers; and

b. he received, in addition to the bank customers' account information, false photographic identification in the name of each customer.

7. Defendant MELVIN ALLEN fraudulently obtained, and aided and abetted the obtaining of, more than \$200,000 from the making of fraudulent withdrawals.

## **OVERT ACTS**

In furtherance of the conspiracy, defendant MELVIN ALLEN and others, known and unknown to the grand jury, committed the following overt acts in the Eastern District of Pennsylvania and elsewhere:

1. From on or about October 1, 2008 to on or about December 18, 2008, a Wachovia Bank employee, known to the grand jury, used his or her position as a teller at a Philadelphia, Pennsylvania branch of Wachovia Bank to improperly acquire account information for the Wachovia Bank accounts belonging to Wachovia Bank account holders D.M. and J.T.
2. The Wachovia Bank employee then gave that account information, including account numbers, to persons known and unknown to the grand jury, who used that information to fraudulently obtain money from the accounts of those Wachovia Bank account holders.
3. On or about the following dates, defendant MELVIN ALLEN fraudulently withdrew funds in the amounts listed below from the accounts of Wachovia Bank account holders, D.M., an Adams County, Pennsylvania, resident and a person known to the grand jury, and J.T., a Bucks County, Pennsylvania resident and a person known to the grand jury, at Wachovia Bank branches in New Jersey, using the account numbers of, and fraudulent identification in the names of D.M. and J.T., which had been provided to defendant ALLEN by others known and unknown to the grand jury:

<u>DATE</u>	<u>LOCATION</u>	<u>ACCOUNT HOLDER</u>	<u>AMOUNT OF WITHDRAWAL</u>
01/21/09	Egg Harbor, NJ	D.M.	\$4,000
01/22/09	Egg Harbor, NJ	D.M.	\$2,500
01/22/09	Turnersville, NJ	J.T.	\$4,800

4. On or about the following dates, defendant MELVIN ALLEN fraudulently withdrew and attempted to withdraw funds in the amounts listed below from the accounts of Citizen Bank account holders, G.S. and A.R., Bucks County, Pennsylvania, residents and persons known to the grand jury, at Wachovia Bank branches, using the account numbers of, and fraudulent identification in the names of G.S. and A.R., which had been provided to defendant ALLEN by others unknown to the grand jury:

<u>DATE</u>	<u>LOCATION</u>	<u>ACCOUNT HOLDER</u>	<u>AMOUNT OF WITHDRAWAL</u>
01/21/09	Sicklerville, NJ	G.S.	\$4,500
01/30/09	Voorhees, NJ	A.R.	\$4,500 attempt

5. On or about the following dates, defendant MELVIN ALLEN fraudulently withdrew funds in the amounts listed below from the accounts of TD Bank account holders, T.H., R.Ra., E.F., M.F., M.S., K.M., R.J., S.S., and R.Ru., Pennsylvania residents and persons known to the grand jury, at TD Bank branches in New Jersey and New York, using the account numbers of, and fraudulent identification in the names of T.H., R.Ra., E.F., M.F., M.S., K.M., R.J., S.S., and R.Ru., which had been provided to defendant ALLEN by others unknown to the grand jury:

<b><u>DATE</u></b>	<b><u>LOCATION</u></b>	<b><u>ACCOUNT HOLDER</u></b>	<b><u>AMOUNT OF WITHDRAWAL</u></b>
01/30/09	Blackwood, NJ	T.H.	\$2,000 attempt
02/05/09	Cherry Hill, NJ	R.Ra.	\$4,000
02/05/09	Atlantic City, NJ	E.F.	\$6,000
02/06/09	Atlantic City, NJ	E.F.	\$6,000
02/07/09	Atlantic City, NJ	E.F.	\$7,000
02/10/09	Atlantic City, NJ	E.F.	\$8,000
02/13/09	Atlantic City, NJ	E.F.	\$6,000
02/14/09	Atlantic City, NJ	E.F.	\$6,000
02/17/09	Atlantic City, NJ	E.F.	\$6,000
02/18/09	Turnersville, NJ	E.F.	\$6,000
02/19/09	Turnersville, NJ	E.F.	\$6,000
02/20/09	Atlantic City, NJ	E.F.	\$6,000
02/21/09	Atlantic City, NJ	E.F.	\$6,100
02/22/09	Atlantic City, NJ	E.F.	\$6,000
02/24/09	Turnersville, NJ	E.F.	\$6,200
02/25/09	Turnersville, NJ	E.F.	\$6,000
02/26/09	Atlantic City, NJ	E.F.	\$6,500
02/27/09	Atlantic City, NJ	E.F.	\$7,000
02/28/09	Atlantic City, NJ	E.F.	\$8,000
03/01/09	Atlantic City, NJ	E.F.	\$8,000
03/03/09	Atlantic City, NJ	E.F.	\$8,000
03/11/09	New York, NY	M.F.	\$6,000
03/13/09	New York, NY	M.F.	\$2,100
03/11/09	New York, NY	M.S.	\$4,000
03/11/09	New York, NY	K.M.	\$6,000

03/13/09	New York, NY	K.M.	\$6,000
03/11/09	New York, NY	R.J.	\$6,000
03/13/09	New York, NY	R.J.	\$7,000
03/18/09	New York, NY	S.S.	\$6,300
03/18/09	New York, NY	R.Ru.	\$6,000
03/18/09	New York, NY	R.Ru.	\$6,000 attempt

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

## **COUNT TWO**

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

1. Paragraphs 1 and 5 through 7, and Overt Acts 1 through 3 of Count One are incorporated here.

2. From on or about January 21, 2009 to or about January 22, 2009, in the Eastern District of Pennsylvania and elsewhere, defendant

### **MELVIN ALLEN**

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 that bank by means of false and fraudulent pretenses, representations, and promises.

### **THE SCHEME**

3. Defendant MELVIN ALLEN used stolen account information and false identification documents of D.M. and J.T., account holders of Wachovia Bank, to fraudulently withdraw money from the accounts of D.M. and J.T. and share the proceeds with others.

4. In furtherance of the scheme, defendant MELVIN ALLEN made the following fraudulent withdrawals from Wachovia Bank accounts:

<b><u>DATE</u></b>	<b><u>LOCATION</u></b>	<b><u>ACCOUNT HOLDER</u></b>	<b><u>AMOUNT OF WITHDRAWAL</u></b>
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.

**COUNT THREE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about January 21, 2009 and January 22, 2009, in the Eastern District of Pennsylvania and elsewhere, defendant

**MELVIN ALLEN**

knowingly and without lawful authority, 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 identifying information of D.M., during and in relation to bank fraud.

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



**COUNT FOUR**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about January 21, 2009, in the Eastern District of Pennsylvania and elsewhere, defendant

**MELVIN ALLEN**

knowingly and without lawful authority, 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 identifying information of J.T., during and in relation to bank fraud.

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, Section 1344, set forth in this indictment, defendant

**MELVIN ALLEN**

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 \$194,000.

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:**

  
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**LAURIE MAGID**  
United States Attorney

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**GRAND JURY FOREPERSON**