

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

**UNITED STATES OF AMERICA** : **CRIMINAL NO. 11-\_\_\_\_\_**

**v.** : **DATE FILED:\_\_\_\_\_**

**JENNELL DIGBY** : **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 - 3 counts)**

: **18 U.S.C. § 1030(a)(2)(A) (unauthorized access of record of financial institution - 1 count)**

: **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 indictment:

1. TD Bank was a financial institution, the deposits of which were insured by the Federal Deposit Insurance Corporation, certificate number 21140.
2. Defendant JENNELL DIGBY was employed as a call center representative for TD Bank in Mount Laurel, New Jersey and then as a customer service representative for TD Bank in Trooper, Pennsylvania, where she had access to certain information for the bank's customers, including names, social security numbers, account numbers and account balances.

3. From on or about September 24, 2010 to on or about February 7, 2011, in the Eastern District of Pennsylvania and the District of New Jersey, defendant

**JENNELL DIGBY**

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 TD 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 JENNELL DIGBY and her co-conspirators used stolen identification information to make fraudulent withdrawals against victims' TD Bank accounts.

5. Defendant JENNELL DIGBY was recruited in Philadelphia, Pennsylvania by Kashon Adade, known to the grand jury and charged elsewhere, to confirm bank account information of TD Bank account holders. Kashon Adade provided social security numbers for TD Bank account holders to defendant JENNELL DIGBY, and defendant DIGBY then used her position with TD Bank to improperly access computerized information for those TD Bank account holders and passed on to Adade information concerning the TD Bank accounts of those account holders.

6. Kashon Adade, using the stolen TD Bank account information, arranged for the manufacture of false photographic identifications in the name of those TD Bank account holders, and recruited individuals, known and unknown to the grand jury, and individuals to act as “check runners” to make fraudulent withdrawals from the accounts of those TD Bank account holders.

7. Armed with false identification and the TD Bank customers’ account numbers, the check-runners posed as those TD Bank account holders to make withdrawals in the names of those account holders, totaling more than approximately \$70,000.

### **OVERT ACTS**

In furtherance of the conspiracy, defendant JENNELL DIGBY and her co-conspirators committed the following overt acts in the Eastern District of Pennsylvania and the District of New Jersey:

1. From on or about September 24, 2010 to on or about November 20, 2010, Kashon Adade provided defendant JENNELL DIGBY with the social security numbers of TD Bank account holders, and defendant DIGBY then provided to Kashon Adade bank account information of approximately three TD Bank account holders.

2. From on or about October 27, 2010 to on or about February 7, 2011, Kashon Adade and others known and unknown to the grand jury used the account information received from defendant JENNELL DIGBY to acquire and attempt to acquire approximately \$74,000 from TD Bank by transporting check runners from Philadelphia, Pennsylvania to

New Jersey had having the check runners present fraudulent identification in the name of the account holders to TD Bank tellers to make fraudulent withdrawals against the accounts of TD Bank customers.

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 7 and Overt Acts 1 and 2 of Count One are realleged here.
2. From on or about September 24, 2010 to on or about February 7, 2011, in the Eastern District of Pennsylvania and the District of New Jersey, defendant

### JENNELL DIGBY

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

### THE SCHEME

3. From on or about September 24, 2010 to on or about November 20, 2010, using social security numbers of TD Bank account holders provided by Kashon Adade, defendant JENNELL DIGBY improperly acquired account information for TD Bank accounts belonging to A.N., J.D, and J.G.
4. Defendant JENNELL DIGBY then provided that account information to Kashon Adade, who used that information to fraudulently take and attempt to take approximately \$74,000 from TD Bank by making fraudulent withdrawals against the TD Bank accounts belonging to A.N., J.D, and J.G.
5. In furtherance of the scheme, check runners, known and unknown to the grand jury, were driven from Philadelphia, Pennsylvania to New Jersey by Kashon Adade and others unknown to the grand jury to make the following fraudulent withdrawals:

<u>DATE</u>	<u>LOCATION</u>	<u>VICTIM ACCOUNT HOLDER</u>	<u>AMOUNT</u>
10/22/10	Pennsauken, NJ	A.N.	\$4,300
10/23/10	Cinnaminson, NJ	A.N.	\$4,800
10/24/10	Pennsauken, NJ	A.N.	\$5,400
11/01/10	Cinnaminson, NJ	J.D.	\$6,100
11/01/10	Delran, NJ	J.D.	\$5,300
11/03/10	Haddon Heights, NJ	J.D.	\$3,200
11/03/10	Hi Nella, NJ	J.D.	\$5,300
11/04/05	Cherry Hill, NJ	J.D.	\$5,700
11/05/10	Moorestown, NJ	J.D.	\$6,200 attempt
02/04/11	Voorhees, NJ	J.G.	\$6,700
02/04/11	Marlton, NJ	J.G.	\$7,800
02/05/11	Marlton, NJ	J.G.	\$7,600
02/07/11	Voorhees, NJ	J.G.	\$5,600

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

**COUNTS THREE THROUGH FIVE**

**THE GRAND JURY FURTHER CHARGES THAT:**

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

**JENNELL DIGBY**

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	10/22/10	A.N.
4	11/01/10	J.D
5	02/04/11	J.G.

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

**COUNT SIX**

**THE GRAND JURY FURTHER CHARGES THAT:**

From on or about September 24, 2010 to on or about November 20, 2010, in the District of New Jersey, defendant

**JENNEL DIGBY**

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

**JENNEL DIGBY**

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 \$67,800.

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;

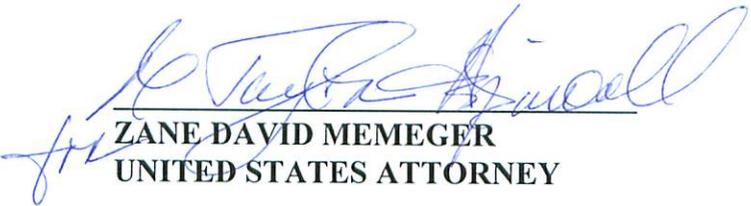
it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b),

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:**

GRAND JURY FOREPERSON

  
**ZANE DAVID MEMEGER**  
**UNITED STATES ATTORNEY**