

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

UNITED STATES OF AMERICA : **CRIMINAL NO. 12-**
v. : **DATE FILED: May 3, 2012**
DARREL JASON DAVIS : **VIOLATIONS:**
: **18 U.S.C. § 371 (conspiracy -1 count)**
: **18 U.S.C. § 1344 (bank fraud - 2 counts)**
: **18 U.S.C. § 1029(a)(5) (fraud in connection**
: **with access devices - 4 counts)**
: **18 U.S.C. § 1028A (aggravated identity**
: **theft - 8 counts)**
: **18 U.S.C. § 2 (aiding & abetting)**
: **Notice of forfeiture**

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

At all times material to this indictment:

1. PNC Bank was a financial institution, the deposits of which were insured by the Federal Deposit Insurance Corporation, certificate number 6384.
2. National Penn Bank was a financial institution, the deposits of which were insured by the Federal Deposit Insurance Corporation, certificate number 7414.
3. From on or about August 6, 2009 through on or about July 30, 2011, in the Eastern District of Pennsylvania and elsewhere, defendant

DARREL JASON DAVIS

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 PNC Bank and National Penn Bank, in violation of Title 18, United States Code, Section

1344, to knowingly and with intent to defraud effect fraudulent transactions with credit issued to other people, in violation of Title 18, United States Code, Section 1029, and to knowingly and without lawful authority use a means of identification of another person, during and in relation to bank fraud and access device fraud, in violation of Title 18, United States Code, Section 1028A(a)(1), (c)(5).

MANNER AND MEANS

4. It was part of the conspiracy that defendant DARREL JASON DAVIS and others used the names, bank account numbers, driver's license numbers and other means of identification of customers of PNC Bank and National Penn 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 and to fraudulently obtain retail store credit accounts in the names of other individuals and make purchases with those fraudulently-obtained accounts.

It was further a part of the conspiracy that:

5. Defendant DARREL JASON DAVIS 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 DARREL JASON DAVIS performed some or all of the following:

a. he received, from Co-Conspirator 1 and Co-Conspirator 2, persons known to the grand jury, and others unknown to the grand jury, personal identifying information for PNC Bank customers E.V., M.W., B.A., D.W.M., D.A.M., T.S., D.A., J.O., A.L., D.Y., C.T., R.H., T.D. and J.W. and National Penn Bank customers W.T., M.H. and D.H., including the bank customers' names, driver's license numbers, and bank account numbers;

b. he received, from Co-Conspirator 1 and Co-Conspirator 2 and others, in addition to the bank customers' account information, false photographic identification in the name of each customer;

c. he was instructed by Co-Conspirator 1 and Co-Conspirator 2 and others to make fraudulent withdrawals from the bank accounts of PNC Bank customers E.V., M.W., B.A., D.W.M., D.A.M., T.S., D.A., J.O., A.L., D.Y., C.T., R.H., T.D. and J.W. and National Penn Bank customers W.T., M.H. and D.H.;

d. he was provided, by Co-Conspirator 1 and Co-Conspirator 2 and others, transportation from Philadelphia, Pennsylvania to and from the banks to make fraudulent withdrawals from the PNC Bank and National Penn Bank customers' accounts;

e. he gave the proceeds received from making each fraudulent withdrawal to Co-Conspirator 1 and Co-Conspirator 2 and others; and

f. he was paid for his services by Co-Conspirator 1 and Co-Conspirator 2 and others for making the fraudulent withdrawals.

6. Defendant DARREL JASON DAVIS fraudulently obtained and attempted to obtain, and aided and abetted the obtaining of, more than \$95,000 from the making of fraudulent withdrawals.

It was further part of the conspiracy that:

7. Defendant DARREL JASON DAVIS, using the name, address, date of birth and social security number of others, provided to him by Co-Conspirator 1 and Co-Conspirator 2 and others unknown to the grand jury, obtained credit cards in the names of other

individuals, and made purchases using the fraudulently-obtained credit cards. In that capacity, defendant DAVIS performed some or all of the following:

a. he received from Co-Conspirator 1 and Co-Conspirator 2 and others the name, address, date of birth and social security number of K.Z., K.M., J.E., D.A., J.Y., M.D., B.P. and R.H., persons known to the grand jury.

b. at the direction of Co-Conspirator 1 and Co-Conspirator 2 and others, he obtained credit accounts in the names of K.Z., K.M., J.E., D.A., J.Y., M.D., B.P. and R.H., using the information provided to him by Co-Conspirator 1 and others;

c. at the direction of Co-Conspirator 1 and Co-Conspirator 2 and others, he made purchases, totaling more than \$13,000 with the fraudulent credit accounts obtained in the names of K.Z., K.M., J.E., D.A., J.Y., M.D., B.P. and R.H.

OVERT ACTS

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

1. On or about August 6, 2009, using the name, address, social security number and date of birth of K.Z. provided by Co-Conspirator 1 and others, and at the direction of Co-Conspirator 1 and others, defendant DARREL JASON DAVIS fraudulently obtained Home Depot, Target and Toys R Us charge accounts in the name of K.Z., a Lehigh County, Pennsylvania resident, and then used those fraudulently-obtained charge cards to make approximately \$3,298.80 in purchases at Home Depot, Target and Toys R Us stores in New Jersey.

2. On or about September 2, 2009, defendant DARREL JASON DAVIS, at the direction of Co-Conspirator 1 and others, using fraudulent identification in the name of National Penn Bank customer W.T., a Chester County, Pennsylvania resident, made fraudulent withdrawals totaling approximately \$2,000 against the National Penn Bank account of W.T. at National Penn Bank branches located in Montgomery County and Chester County, Pennsylvania.

3. On or about October 22, 2009, defendant DARREL JASON DAVIS, at the direction of Co-Conspirator 1 and others, using fraudulent identification in the name of National Penn Bank customer M.H., a York County, Pennsylvania resident, made a fraudulent withdrawal in the amount of approximately \$350 against the National Penn Bank account of M.H. at a National Penn Bank branch located in Montgomery County, Pennsylvania.

4. On or about October 26, 2009, defendant DARREL JASON DAVIS, at the direction of Co-Conspirator 1 and others, using fraudulent identification in the name of National Penn Bank customer D.H., a Berks County, Pennsylvania resident, made and attempted to make fraudulent withdrawals totaling approximately \$3,000 against the National Penn Bank account of D.H. at National Penn Bank branches located in Berks County, Pennsylvania.

5. On or about November 18, 2009, defendant DARREL JASON DAVIS, at the direction of Co-Conspirator 1 and others, using fraudulent identification in the name of PNC Bank customer E.V., made fraudulent withdrawals totaling approximately \$5,300 against the PNC Bank account of E.V. at PNC Bank branches located in New Jersey.

6. On or about November 20, 2009, defendant DARREL JASON DAVIS, at the direction of Co-Conspirator 1 and others, using fraudulent identification in the name of PNC Bank customer B.A., a Chester County, Pennsylvania resident, made and attempted to make fraudulent withdrawals totaling approximately \$3,650 against the PNC Bank account of B.A. at PNC Bank branches located in New Jersey.

7. On or about November 23, 2009, using the name, address, social security number and date of birth of K.M. provided by Co-Conspirator 1 and others, and at the direction of Co-Conspirator 1 and others, defendant DARREL JASON DAVIS fraudulently obtained Target and Nordstroms charge accounts in the name of K.M., a Montgomery County, Pennsylvania resident, and then used those fraudulently-obtained charge accounts to make approximately \$4,104.08 in purchases at Target and Nordstroms stores in Cherry Hill, New Jersey.

8. On or about November 30, 2009, defendant DARREL JASON DAVIS, at the direction of Co-Conspirator 1 and others, using fraudulent identification in the name of PNC Bank customer M.W., a Butler County, Pennsylvania resident, made fraudulent withdrawals totaling approximately \$4,700 against the PNC Bank account of M.W. at PNC Bank branches located in New Jersey.

9. From on or about December 27, 2009 to on or about December 28, 2009, using the name, address, social security number and date of birth of J.E. provided by Co-Conspirator 1 and others, and at the direction of Co-Conspirator 1 and others, defendant DARREL JASON DAVIS fraudulently obtained Best Buy and Target charge accounts in the name of J.E., a Montgomery County, Pennsylvania resident, and then used those fraudulently-obtained charge

accounts to make approximately \$4,636.08 in purchases at Best Buy and Target stores in Bucks County, Pennsylvania.

10. On or about January 6, 2010, defendant DARREL JASON DAVIS, at the direction of Co-Conspirator 1 and others, using fraudulent identification in the name of PNC Bank customer D.W.M., an Allegheny County, Pennsylvania resident, made fraudulent withdrawals totaling approximately \$9,000 against the PNC Bank account of D.W.M. at PNC Bank branches located in Pennsylvania.

11. On or about January 19, 2010, defendant DARREL JASON DAVIS, at the direction of Co-Conspirator 1 and others, using fraudulent identification in the name of PNC Bank customer D.A.M., an Allegheny County, Pennsylvania resident, made fraudulent withdrawals totaling approximately \$9,500 against the PNC Bank account of D.A.M. at PNC Bank branches located in Lancaster County, Pennsylvania.

12. On or about January 27, 2010, using the name, address, social security number and date of birth of D.A. provided by Co-Conspirator 1 and others, and at the direction of Co-Conspirator 1 and others, defendant DARREL JASON DAVIS fraudulently obtained a Target charge account in the name of D.A., an Allegheny County, Pennsylvania resident, and then used that fraudulently-obtained charge card to make approximately \$1,522.53 in purchases at a Target store in Upper Providence Township, Montgomery County, Pennsylvania.

13. On or about January 23, 2010, defendant DARREL JASON DAVIS, at the direction of Co-Conspirator 1 and others, using fraudulent identification in the name of PNC Bank customer T.S., an Allegheny County, Pennsylvania resident, made fraudulent withdrawals totaling

approximately \$9,850 against the PNC Bank account of T.S. at PNC Bank branches located in Pennsylvania.

14. From on or about January 28, 2010 to on or about January 30, 2010, defendant DARREL JASON DAVIS, at the direction of Co-Conspirator 1 and others, using fraudulent identification in the name of PNC Bank customer D.A., made fraudulent withdrawals totaling approximately \$6,310 against the PNC Bank account of D.A. at PNC Bank branches located in Pennsylvania.

15. On or about March 29, 2010, using the name, address, social security number and date of birth of J.Y. provided by Co-Conspirator 1 and others, and at the direction of Co-Conspirator 1 and others, defendant DARREL JASON DAVIS fraudulently obtained a Target charge account in the name of J.Y., a Montgomery County, Pennsylvania resident, and then used that fraudulently-obtained charge account to make approximately \$996.41 in purchases at a Target stores in Bucks County, Pennsylvania.

16. On or about May 24, 2010, defendant DARREL JASON DAVIS, at the direction of Co-Conspirator 1 and others, using fraudulent identification in the name of PNC Bank customer J.O., a Wyoming County, Pennsylvania resident, made a fraudulent withdrawal in the amount of approximately \$3,100 against the PNC Bank account of J.O. at a PNC Bank branch located in Pennsylvania.

17. On or about May 24, 2010, defendant DARREL JASON DAVIS, at the direction of Co-Conspirator 1 and others, using fraudulent identification in the name of PNC Bank customer A.L., a Chester County, Pennsylvania resident, made fraudulent withdrawals totaling

approximately \$6,610 against the PNC Bank account of A.L. at PNC Bank branches located in Pennsylvania.

18. On or about June 2, 2010, defendant DARREL JASON DAVIS, at the direction of Co-Conspirator 1 and others, using fraudulent identification in the name of PNC Bank customer D.Y., an Allegheny County, Pennsylvania resident, made fraudulent withdrawals totaling approximately \$6,100 against the PNC Bank account of D.Y. at PNC Bank branches located in Pennsylvania.

19. On or about June 2, 2010, defendant DARREL JASON DAVIS, at the direction of Co-Conspirator 1 and others, using fraudulent identification in the name of PNC Bank customer C.T., an Allegheny County, Pennsylvania resident, made fraudulent withdrawals totaling approximately \$6,200 against the PNC Bank account of C.T. at PNC Bank branches located in Pennsylvania.

20. On or about November 22, 2010, defendant DARREL JASON DAVIS, at the direction of Co-Conspirator 1 and others, using fraudulent identification in the name of PNC Bank customer J.S., a Montgomery County, Pennsylvania resident, made and attempted to make fraudulent withdrawals totaling approximately \$11,335 against the PNC Bank account of J.S. at a PNC Bank branch located in Chester County, Pennsylvania.

21. On or about February 13, 2011, using the name, address, social security number and date of birth of M.D. provided by Co-Conspirator 1 and Co-Conspirator 2 and others, and at the direction of Co-Conspirator 1 and Co-Conspirator 2 and others, defendant DARREL JASON DAVIS fraudulently obtained a Macy's charge account in the name of M.D., a Bucks

County, Pennsylvania resident, and then used that fraudulently-obtained charge accounts to make approximately \$1,786.87 in purchases at Macy's stores in New Jersey.

22. From on or about May 29, 2011 to on or about June 1, 2011, using the name, address, social security number and date of birth of B.P. provided by Co-Conspirator 2 and others, and at the direction of Co-Conspirator 2 and others, defendant DARREL JASON DAVIS fraudulently obtained Target, Apple, Best Buy and Home Depot charge accounts in the name of B.P., a Chester County, Pennsylvania resident, and then used those fraudulently-obtained charge accounts to make approximately \$6,426.31 in purchases at Target, Apple, Best Buy and Home Depot stores in Lehigh County, Northampton County and Montgomery County, Pennsylvania.

23. On or about July 2, 2011, using the name, address, social security number and date of birth of R.H. provided by Co-Conspirator 2 and others, and at the direction of Co-Conspirator 2 and others, defendant DARREL JASON DAVIS fraudulently obtained Best Buy and Target charge accounts in the name of R.H., a Lycoming County, Pennsylvania resident, and then used those fraudulently-obtained charge accounts to make approximately \$2,898.24 in purchases at Best Buy and Target stores in Luzerne County, Pennsylvania.

24. On or about July 11, 2011, defendant DARREL JASON DAVIS, at the direction of Co-Conspirator 2 and others, using fraudulent identification in the name of PNC Bank customer R.H., made a fraudulent withdrawal in the amount of approximately \$600 against the PNC Bank account of R.H. at a PNC Bank branch located in Philadelphia, Pennsylvania.

25. On or about July 20, 2011, defendant DARREL JASON DAVIS, at the direction of Co-Conspirator 2 and others, using fraudulent identification in the name of PNC Bank customer T.D., a Montgomery County, Pennsylvania resident, made fraudulent withdrawals

totaling approximately \$3,250 against the PNC Bank account of T.D. at PNC Bank branches located in Delaware.

26. On or about July 30, 2011, defendant DARREL JASON DAVIS, at the direction of Co-Conspirator 2 and others, using fraudulent identification in the name of PNC Bank customer J.W., an Allegheny County, Pennsylvania resident, made fraudulent withdrawals totaling approximately \$3,810 against the PNC Bank account of J.W. at PNC Bank branches located in Pennsylvania.

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

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 2 and 4 through 6, and Overt Acts 2 through 4 of Count One are incorporated here.

2. From on or about September 2, 2009 to or about October 26, 2009, in the Eastern District of Pennsylvania, defendant

DARREL JASON DAVIS

knowingly executed and attempted to execute, and aided and abetted the execution of, a scheme to defraud National Penn 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 DARREL JASON DAVIS used stolen account information and false identification documents of W.T., M.H. and D.H., account holders of National Penn Bank, to fraudulently withdraw and attempt to withdraw money from the account of those account holders, and share the proceeds with Co-Conspirator 1 and Co-Conspirator 2 and others.

4. In furtherance of the scheme, having been driven from Philadelphia, Pennsylvania by one of his co-conspirators, defendant DARREL JASON DAVIS made and attempted to make the following fraudulent transactions:

<u>DATE</u>	<u>LOCATION</u>	<u>VICTIM</u> (PA county of residence)	<u>AMOUNT OF FRAUDULENT WITHDRAWAL</u>
09/02/09	Royersford, PA	W.T. (Chester)	\$1,000

<u>DATE</u>	<u>LOCATION</u>	<u>VICTIM</u> (PA county of residence)	<u>AMOUNT OF FRAUDULENT WITHDRAWAL</u>
09/02/09	Eagle, PA	W.T. (Chester)	\$1,000
10/22/09	Pottstown, PA	M.H. (York)	\$350
10/26/09	Dougllassville, PA	D.H. (Berks)	\$2,000
10/26/09	Reading, PA	D.H. (Berks)	\$1,000 attempt

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

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 and 4 through 6, and Overt Acts 5, 6, 8, 10, 11, 13, 14, 16 through 20, and 24 through 26 of Count One are incorporated here.

2. From on or about November 18, 2009 to or about July 30, 2010, in the Eastern District of Pennsylvania and elsewhere, defendant

DARREL JASON DAVIS

knowingly executed and attempted to execute, and aided and abetted the execution of, a scheme to defraud PNC 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 DARREL JASON DAVIS used stolen account information and false identification documents of E.V., M.W., B.A., D.W.M., D.A.M., T.S., D.A., J.O., A.L., D.Y., C.T., T.D. and J.W., account holders of PNC Bank, to fraudulently withdraw and attempt to withdraw money from the account of those account holders, and share the proceeds with Co-Conspirator 1 and Co-Conspirator 2 and others.

4. In furtherance of the scheme, having been driven from Philadelphia, Pennsylvania by one of his co-conspirators, defendant DARREL JASON DAVIS made and attempted to make the following fraudulent transactions:

<u>DATE</u>	<u>LOCATION</u>	<u>VICTIM</u> (PA county of residence)	<u>AMOUNT OF TRANSACTION</u>
11/18/09	Monroe Township, NJ	E.V. (Philadelphia)	\$2,500
11/18/09	East Brunswick, NJ	E.V. (Philadelphia)	\$2,800
11/20/09	Edison, NJ	B.A. (Chester)	\$750
11/20/09	Edison, NJ	B.A. (Chester)	\$2,900 attempt
11/30/09	North Bergen, NJ	M.W. (Butler)	\$2,500
11/30/09	Jersey City, NJ	M.W. (Butler)	\$2,200
01/16/10	Mechanicsburg, PA	D.W.M. (Allegheny)	\$3,000
01/16/10	Mechanicsburg, PA	D.W.M. (Allegheny)	\$3,000
01/16/10	Dillsburg, PA	D.W.M. (Allegheny)	\$3,000
01/19/10	Lancaster, PA	D.A.M. (Allegheny)	\$3,100
01/19/10	Lancaster, PA	D.A.M. (Allegheny)	\$3,000
01/19/10	Lancaster, PA	D.A.M. (Allegheny)	\$3,400
01/23/10	Hershey, PA	T.S. (Allegheny)	\$3,150
01/23/10	Hershey, PA	T.S. (Allegheny)	\$3,200
01/23/10	Harrisburg, PA	T.S. (Allegheny)	\$3,500

<u>DATE</u>	<u>LOCATION</u>	<u>VICTIM</u> (PA county of residence)	<u>AMOUNT OF TRANSACTION</u>
01/28/10	Carlisle, PA	D.A. (Allegheny)	\$3,300
01/28/10	Mount Holly Springs, PA	D.A. (Allegheny)	\$3,010
01/30/10	Lancaster, PA	D.A. (Allegheny)	unknown attempt
05/24/10	Jeannette, PA	J.O. (Wyoming)	\$3,100
05/24/10	Pittsburgh, PA	A.L. (Chester)	\$3,100
05/24/10	Pittsburgh, PA	A.L. (Chester)	\$2,500
05/24/10	Pittsburgh, PA	A.L. (Chester)	\$3,010
06/02/10	Pittsburgh, PA	D.Y. (Allegheny)	\$3,000
06/02/10	Pittsburgh, PA	D.Y. (Allegheny)	\$3,100
06/02/10	Pittsburgh, PA	C.T. (Allegheny)	\$3,200
06/02/10	Pittsburgh, PA	C.T. (Allegheny)	\$3,000
11/22/10	Chadds Ford, PA	J.S. (Montgomery)	\$11,335 loss and attempt
07/11/11	Philadelphia, PA	R.H. (Lycoming)	\$600
07/20/11	Dover, DE	T.D. (Montgomery)	\$3,000
07/20/11	Milford, DE	T.D. (Montgomery)	\$250

<u>DATE</u>	<u>LOCATION</u>	<u>VICTIM</u> (PA county of residence)	<u>AMOUNT OF TRANSACTION</u>
07/30/11	Yardley, PA	J.W. (Allegheny)	\$3,500
07/30/11	Newton, PA	J.W. (Allegheny)	\$310 attempt

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

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 4 and 7, and Overt Act 1 of Count One are incorporated here.
2. On or about August 6, 2009, in the Eastern District of Pennsylvania and elsewhere, defendant

DARREL JASON DAVIS

knowingly and with the intent to defraud, effected transactions with one or more access devices, that is, a Home Depot credit account, a Target credit account and a Toys R Us credit account in the name of K.Z. to obtain things of value aggregating \$1,000 or more during a one-year period, for a total of at least \$3,200, thereby affecting interstate commerce.

In violation of Title 18, United States Code, Section 1029(a)(5).

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 4 and 7, and Overt Act 10 of Count One are incorporated here.
2. On or about January 27, 2010, in the Eastern District of Pennsylvania and

elsewhere, defendant

DARREL JASON DAVIS

knowingly and with the intent to defraud, effected transactions with one or more access devices, that is, a Target credit account in the name of D.A. to obtain things of value aggregating \$1,000 or more during a one-year period, for a total of at least \$1,500, thereby affecting interstate commerce.

In violation of Title 18, United States Code, Section 1029(a)(5).

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 4 and 7, and Overt Act 18 of Count One are incorporated here.
2. On or about February 13, 2011, in the Eastern District of Pennsylvania and elsewhere, defendant

DARREL JASON DAVIS

knowingly and with the intent to defraud, effected transactions with one or more access devices, that is, a Macy's credit account in the name of M.D. to obtain things of value aggregating \$1,000 or more during a one-year period, for a total of at least \$1,700, thereby affecting interstate commerce.

In violation of Title 18, United States Code, Section 1029(a)(5).

COUNT SEVEN

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 4 and 7, and Overt Act 19 of Count One are incorporated here.
2. From on or about May 29, 2011 to on or about June 1, 2011, in the Eastern

District of Pennsylvania and elsewhere, defendant

DARREL JASON DAVIS

knowingly and with the intent to defraud, effected transactions with one or more access devices, that is, a Target credit account, an Apple credit account, a Best Buy credit account and a Home Depot credit account in the name of B.P. to obtain things of value aggregating \$1,000 or more during a one-year period, for a total of at least \$6,000, thereby affecting interstate commerce.

In violation of Title 18, United States Code, Section 1029(a)(5).

COUNTS EIGHT THROUGH FIFTEEN

THE GRAND JURY FURTHER CHARGES THAT:

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

DARREL JASON DAVIS

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 or access device fraud:

<u>COUNT</u>	<u>DATE</u>	<u>ACCOUNT HOLDER</u>
8	09/02/09	W.T.
9	01/19/10	D.A.M.
10	01/27/10	D.A.
11	11/22/10	J.S.
12	05/29/11	B.P.
13	07/11/11	R.H.
14	07/20/11	T.D.
15	07/30/11	J.W.

All in violation of Title 18, United States Code, Sections 1028A(a)(1), (c)(4),

(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 1029 and 1344, set forth in this indictment, defendant

DARREL JASON DAVIS

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 \$105,200.33.

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


J. LANE DAVID MEMEGER
United States Attorney