

**FILED**

FEB 13 2018

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

CLERK  
U.S. DISTRICT COURT  
MIDDLE DIST. OF ALA.

UNITED STATES OF AMERICA )  
 )  
 v. )  
 )  
 ALITA BAKER EDEKER, )  
 a/k/a "Alita Baker," )  
 a/k/a "Alita Thrower" )  
 )  
 )  
 )

CR. NO. 3:18 CR 28-WKW  
[18 U.S.C. § 1343;  
26 U.S.C. § 7206(1)]

INDICTMENT

The Grand Jury charges that:

INTRODUCTION

At all times relevant to this Indictment:

1. Defendant ALITA BAKER EDEKER resided in Valley, Alabama, within the Middle District of Alabama.
2. ALITA BAKER EDEKER was employed by Company A from in or about December 2005 through in or about May 2014.
3. Company A's offices were located in Auburn, Alabama, within the Middle District of Alabama. Company A sold products for scientific testing and other purposes, and allowed its clients to pay for orders of its products using, among other methods of payment, debit and credit cards. Company A was a wholly owned subsidiary of Company B.
4. ALITA BAKER EDEKER was the accounts manager and was responsible for collecting and processing debit and credit card payments for products from clients of Company A.

5. The Internal Revenue Service (“IRS”) was an agency of the United States Department of Treasury responsible for administering the tax laws of the United States, and collecting taxes owed to the United States.

*Debit and Credit Card Payment Processing*

6. From in or about at least January 2009 through in or about October 2012, Company A processed debit and credit card payments from Company A’s clients using a payment processor called First Data, which was owned by Bank of America Merchant Services. First Data’s servers were located outside of the state of Alabama.

7. From in or about November 2012 through in or about May 2014, Company A processed debit and credit card payments from Company A’s clients using a payment processor called Chase Paymentech, which was owned by JPMorgan Chase. Chase Paymentech’s servers were located outside of the state of Alabama.

*Bank Accounts, Debit Cards, and Credit Cards*

8. ALITA BAKER EDEKER maintained numerous bank accounts, credit cards, and debit cards, including but not limited to the following:

- a. From in or about February 2007 through at least in or about May 2014, ALITA BAKER EDEKER maintained an account ending in 7580 at CharterBank. Debit card ending in 16043, and other debit cards, were linked to this account.
- b. From in or about November 2007 through at least in or about May 2014, ALITA BAKER EDEKER and Individual 1 maintained a joint account ending in 5283 at CharterBank. Debit card ending in 20716, and other debit cards, were linked to this account.

COUNTS 1-6  
Wire Fraud  
(18 U.S.C. § 1343)

The allegations contained in Paragraphs 1 through 8 of the Introduction of this Indictment are realleged and incorporated as if fully set forth herein.

From in or about February 2007 through in or about May 2014, in the Middle District of Alabama and elsewhere,

ALITA BAKER EDEKER,

defendant herein, did knowingly and with the intent to defraud, devise and intend to devise a scheme and artifice to defraud, and for the purpose of obtaining money and property from others by means of materially false and fraudulent pretenses, representations, and promises, and by omissions of material fact, and for the purpose of executing the scheme and artifice to defraud, did knowingly transmit and cause to be transmitted by means of wire communication in interstate commerce, certain writings, signs, signals, pictures and sounds, to wit: entering commands on behalf of Company A into First Data and Chase Paymentech processors, such commands being input for the purpose of diverting funds meant for Company B to debit and credit cards controlled by the defendant and for her benefit, and by falsifying Company A and B's books and records to conceal her embezzlement.

THE SCHEME AND ARTIFICE

It was a part of the scheme and artifice to defraud that from in or about February 2007 through in or about May 2014, ALITA BAKER EDEKER would and did embezzle over \$700,000 of Company B's funds in order to enrich herself and to pay for items including her home mortgage, utility bills, and a car payment.

It was a part of the scheme and artifice to defraud that ALITA BAKER EDEKER would and did use First Data and Chase Paymentech processors to divert payments for products from clients of Company A, and meant for Company B, to debit and credit cards she controlled.

It was a part of the scheme and artifice to defraud that ALITA BAKER EDEKER would and did falsify Company A and B's books and records in order to conceal her embezzlement.

It was a part of the scheme and artifice to defraud that ALITA BAKER EDEKER would and did make false statements, representations, and take other steps in an attempted to conceal her embezzlement of Company B's funds.

#### THE WIRES

On or about the dates set forth below, within the Middle District of Alabama and elsewhere, ALITA BAKER EDEKER, as set forth in each count below, for the purpose of executing the aforementioned scheme and artifice to defraud and for obtaining money by materially false and fraudulent pretenses, representation and promises, and omissions of material fact, did knowingly transmit or cause to be transmitted by means of a wire communication in interstate commerce, certain signs, signals, pictures, and sounds, as more specifically described as follows:

| <b>COUNT</b> | <b>APPROXIMATE DATE</b> | <b>WIRE COMMUNICATION</b>  |
|--------------|-------------------------|--|
| 1            | December 12, 2013       | Directed Chase Paymentech to pay \$923.04 to debit card ending 20716 |
| 2            | December 18, 2013       | Directed Chase Paymentech to pay \$568.01 to debit card ending 20716 |
| 3            | January 30, 2014        | Directed Chase Paymentech to pay \$961.32 to debit card ending 16043 |

|   |                   |  |
|---|-------------------|--|
| 4 | February 18, 2014 | Directed Chase Paymentech to pay \$428.09 to debit card ending 16043 |
| 5 | March 3, 2014     | Directed Chase Paymentech to pay \$986.04 to debit card ending 16043 |
| 6 | April 2, 2014     | Directed Chase Paymentech to pay \$905.06 to debit card ending 16043 |

All in violation of Title 18, United States Code, Sections 1343.

COUNT 7  
False Return  
(26 U.S.C. § 7206(1))

The allegations contained in Paragraphs 1 through 8 of the Introduction of this Indictment are realleged and incorporated as if fully set forth herein.

On or about February 12, 2012, in the Middle District of Alabama and elsewhere,

ALITA BAKER EDEKER,

defendant herein, did willfully make and subscribe a U.S. Individual Income Tax Return, Form 1040, for tax year 2011, which was verified by a written declaration that it was made under penalties of perjury and which she did not believe to be true and correct as to every material matter. That U.S. Individual Income Tax Return, Form 1040, which was prepared and signed in the Middle District of Alabama and was filed with the IRS, reported total income on line 22 of \$94,446, whereas, as she then and there knew, the amount of total income was substantially greater.

All in violation of Title 26, United States Code, Section 7206(1).

COUNT 8  
False Return  
(26 U.S.C. § 7206(1))

The allegations contained in Paragraphs 1 through 8 of the Introduction of this Indictment are realleged and incorporated as if fully set forth herein.

On or about April 10, 2013, in the Middle District of Alabama and elsewhere,

ALITA BAKER EDEKER,

defendant herein, did willfully make and subscribe a U.S. Individual Income Tax Return, Form 1040, for tax year 2012, which was verified by a written declaration that it was made under penalties of perjury and which she did not believe to be true and correct as to every material matter. That U.S. Individual Income Tax Return, Form 1040, which was prepared and signed in the Middle District of Alabama and was filed with the IRS, reported total income on line 22 of \$132,004, whereas, as she then and there knew, the amount of total income was substantially greater.

All in violation of Title 26, United States Code, Section 7206(1).

COUNT 9  
False Return  
(26 U.S.C. § 7206(1))

The allegations contained in Paragraphs 1 through 8 of the Introduction of this Indictment are realleged and incorporated as if fully set forth herein.

On or about April 11, 2014, in the Middle District of Alabama and elsewhere,

ALITA BAKER EDEKER,

defendant herein, did willfully make and subscribe a U.S. Individual Income Tax Return, Form 1040, for tax year 2013, which was verified by a written declaration that it was made under penalties of perjury and which she did not believe to be true and correct as to every material

matter. That U.S. Individual Income Tax Return, Form 1040, which was prepared and signed in the Middle District of Alabama and was filed with the IRS, reported total income on line 22 of \$82,785, whereas, as she then and there knew, the amount of total income was substantially greater.

All in violation of Title 26, United States Code, Section 7206(1).

FORFEITURE ALLEGATION

A. The allegations contained in Counts 1 through 6 of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

B. Upon conviction of the offenses in violation of Title 18, United States Code, Section 1343, set forth in Counts 1 through 6 of this Indictment, the defendant,

ALITA BAKER EDEKER,  
a/k/a Alita Baker,  
a/k/a Alita Thrower,

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), all proceeds obtained, directly or indirectly, from the offenses in violation of Title 18, United States Code, Section 1343, including, but not limited to, a forfeiture money judgment in the amount of \$375,639, more or less.

C. If any of the property described in this forfeiture allegation, as a result of any act or omission of the defendant:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third party;
- (3) has been placed beyond the jurisdiction of the court;
- (4) has been substantially diminished in value; or

(5) has been commingled with other property which cannot be divided without difficulty,

the United States shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

All pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

A TRUE BILL

  
FOREPERSON

  
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United States Attorney

By:   
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