

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
NORTHERN DIVISION
COVINGTON

Eastern District of Kentucky
FILED

DEC 12 2019

AT COVINGTON
ROBERT R. CARR
CLERK U.S. DISTRICT COURT

UNITED STATES OF AMERICA

V.

INDICTMENT NO. 19-75-DLB-CJS

MELISSA LYNN PHELPS

* * * * *

THE GRAND JURY CHARGES:

COUNTS 1-32
18 U.S.C. § 1344

INTRODUCTION

1. At all times relevant to this Indictment, **MELISSA LYNN PHELPS** served as a caregiver for her ailing and elderly grandmother, an individual known to the grand jury as R.J.
2. At all times relevant to this Indictment, **MELISSA LYNN PHELPS** was not an authorized signatory on the financial accounts of R.J. held at US Bank in Kenton County, Kentucky. Other than R.J., the only authorized signatories on these accounts were **MELISSA LYNN PHELPS'** mother, R.R., and aunt, I.S.
3. At all times relevant to this Indictment, US Bank was insured by the Federal Deposit Insurance Corporation (FDIC).

SCHEME OR ARTIFICE TO DEFRAUD

4. **MELISSA LYNN PHELPS** obtained account numbers for two accounts that R.J.

maintained at US Bank in Kenton County, Kentucky: a checking account number ending 3191 and money market account number ending 2678.

5. Beginning on or about September 14, 2017, and continuing through on or about February 9, 2018, **MELISSA LYNN PHELPS** made checks payable to herself on R.J.'s checking account ending 3191 in amounts varying from approximately \$365 to approximately \$35,000. **MELISSA LYNN PHELPS** had no authority to make checks payable to herself, and did so without the knowledge of R.J. or the other two signatories on the account, I.S. and R.R.
6. **MELISSA LYNN PHELPS**, after making checks payable to herself, negotiated the checks at various US Bank branches in Boone and Kenton Counties, causing the bank to suffer a loss in the approximate amounts alleged below.
7. In an effort to maintain a consistent balance in the checking account and for the purpose of avoiding detection, **MELISSA LYNN PHELPS** posed as R.R. (an authorized signatory on the accounts) to transfer funds from R.J.'s money market account to R.J.'s checking account.

EXECUTION OF SCHEME

On or about the dates set forth in the summary chart below, in Kenton County, in the Eastern District of Kentucky, and elsewhere,

MELISSA LYNN PHELPS

knowingly executed a scheme and artifice to defraud and to obtain moneys under the custody and control of US Bank located at 5262 Madison Pike, Independence, Kentucky, a federally insured financial institution, by means of false and fraudulent pretenses,

representations, and promises, that is, by presenting unauthorized checks written on the account of R.J.:

Count	Approximate Date	Check Amount
1	9/14/2017	\$440
2	9/21/2017	\$1,650
3	9/27/2017	\$3,153.63
4	9/30/2017	\$4,000
5	10/3/2017	\$512
6	10/4/2017	\$365
7	10/13/2017	\$6,800
8	10/18/2017	\$2,850
9	10/26/2017	\$2,106
10	11/2/2017	\$4,600
11	11/8/2017	\$1,700
12	11/15/2017	\$2,250
13	11/22/2017	\$2,500
14	11/30/2017	\$2,650
15	12/6/2017	\$3,600
16	12/13/2017	\$3,500
17	12/16/2017	\$4,600
18	12/20/2017	\$3,800
19	12/27/2017	\$3,200
20	12/28/2017	\$35,000
21	1/1/2018	\$2,633
22	1/2/2018	\$3,200
23	1/2/2018	\$7,500
24	1/4/2018	\$5,500
25	1/10/2018	\$3,300
26	1/16/2018	\$5,225
27	1/19/2018	\$5,700
28	1/21/2018	\$6,643.12
29	1/22/2018	\$8,600
30	1/26/2018	\$4,200
31	2/2/2018	\$8,637
32	2/9/2018	\$9,250

Each count in violation of 18 U.S.C. § 1344.

COUNTS 33-64
18 U.S.C. § 1028A

1. Paragraphs 1-7 of Counts 1-32 of this Indictment are hereby incorporated and re-alleged as if fully set forth herein.

2. On or about the approximate dates set forth in the summary chart below, in Kenton and Boone Counties, in the Eastern District of Kentucky,

MELISSA LYNN PHELPS

knowingly transferred, possessed, and used, without lawful authority, means of identification of another person, specifically, the name and the US Bank account number (ending in 3191) of R.J., during and in relation to the felony offense charged in Counts 1-32 of this Indictment (that is, bank fraud):

Count	Approximate Date	Check Amount	Check No.	Signer	Underlying Substantive Count
33	9/14/2017	\$440	3420	R.J.	1
34	9/21/2017	\$1,650	3424	R.J.	2
35	9/27/2017	\$3,153.63	3427	R.J.	3
36	9/30/2017	\$4,000	3430	R.J.	4
37	10/3/2017	\$512	3431	R.J.	5
38	10/4/2017	\$365	3436	R.J.	6
39	10/13/2017	\$6,800	3440	R.J.	7
40	10/18/2017	\$2,850	3475	R.J.	8
41	10/26/2017	\$2,106	3476	R.J.	9
42	11/2/2017	\$4,600	3479	I.S.	10
43	11/8/2017	\$1,700	3485	I.S.	11
44	11/15/2017	\$2,250	3488	I.S.	12
45	11/22/2017	\$2,500	3490	I.S.	13
46	11/30/2017	\$2,650	3493	I.S.	14
47	12/6/2017	\$3,600	3496	I.S.	15
48	12/13/2017	\$3,500	3501	I.S.	16
49	12/16/2017	\$4,600	3503	I.S.	17
50	12/20/2017	\$3,800	3505	I.S.	18

51	12/27/2017	\$3,200	3507	I.S.	19
52	12/28/2017	\$35,000	3508	I.S.	20
53	1/1/2018	\$2,633	3510	I.S.	21
54	1/2/2018	\$3,200	3509	I.S.	22
55	1/2/2018	\$7,500	3511	I.S.	23
56	1/4/2018	\$5,500	3512	I.S.	24
57	1/10/2018	\$3,300	3515	I.S.	25
58	1/16/2018	\$5,225	3517	I.S.	26
59	1/19/2018	\$5,700	3520	I.S.	27
60	1/21/2018	\$6,643.12	3521	I.S.	28
61	1/22/2018	\$8,600	3522	I.S.	29
62	1/26/2018	\$4,200	3524	I.S.	30
63	2/2/2018	\$8,637	3525	I.S.	31
64	2/9/2018	\$9,250	3528	I.S.	32

Each count in violation of 18 U.S.C. § 1028A.

A TRUE BILL

Elie K. J. [Signature] for:
ROBERT M. DUNCAN, JR.
UNITED STATES ATTORNEY

PENALTIES

COUNTS 1-32: Not more than 30 years of imprisonment, a \$1,000,000 fine, and 5 years supervised release.

COUNTS 33-64: On the first count of conviction, 2 years of imprisonment to run consecutively with any term of imprisonment imposed, \$250,000 fine, and 1 year of supervised release.

On subsequent counts of conviction, 2 years of imprisonment to run consecutively or concurrently with any term of imprisonment imposed at the discretion of the Court.

PLUS: Mandatory special assessment of \$100 per count.

PLUS: Restitution, if applicable.