

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Criminal Case No.

UNITED STATES OF AMERICA

Plaintiff,

v.

NADEZDA NIKITINA,

Defendant.

**INDICTMENT
18 U.S.C. § 371
18 U.S.C. § 1014
18 U.S.C. § 1343
18 U.S.C. § 1344**

The Grand Jury charges that:

At all times material to this Indictment:

General Allegations

1. Nadezda Nikitina, born March 28, 1986 in Russia, first entered the United States on April 18, 2007, on a K-1 non-immigrant fiancé visa.

2. Defendant Nadezda Nikitina was acting under the direction and control of members of a transnational criminal group.

**Count 1
18 U.S.C. § 371
(Conspiracy to Commit Offenses Against the United States)**

3. From on or about August 2, 2007, and continuing to on or about August 14, 2009, within the State and District of Colorado and elsewhere, defendant Nadezda Nikitina, d/b/a A & N

Enterprises, did knowingly, willfully, and unlawfully conspire, confederate, and agree with persons known and unknown to the grand jury, to commit the following crimes against the United States:

a. False statements to the United States, that is, to knowingly and willfully make and cause to be made a materially, false, fictitious, and fraudulent statement in a matter within the jurisdiction of a department of agency of the United States, in violation of Title 18, United States Code, Section 1001(a)(2);

b. False statements on loan and credit applications, that is, to knowingly make a materially false statement for the purpose of influencing the action of a financial institution insured by the Federal Deposit Insurance Corporation, in connection with a loan or credit application, in violation of Title 18, United States Code, Section 1014;

c. Wire Fraud, that is, having intentionally devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of materially false and fraudulent pretenses, representations, and promises, to knowingly transmit and cause to be transmitted, by means of wire communications in interstate commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice to defraud, in violation of Title 18, United States Code, Section 1343; and

d. Bank Fraud, that is, to knowingly and intentionally execute, and attempt to execute, a scheme and artifice to defraud a financial institution, and to obtain any of the moneys, funds, credits, assets, and securities, and other property owned by, and under the custody and control of a financial institution, by means of materially false and fraudulent pretenses, representations and promises, in violation of Title 18, United States Code, Section 1344.

Purposes of the Conspiracy

4. The purposes of the conspiracy included the following:
 - a. Enriching the defendant and the members and associates of the conspiracy through, among other things, false statements to financial institutions, wire fraud, and bank fraud;
 - b. Transferring the proceeds of the conspiracy in interstate and foreign commerce;
 - c. Promoting and enhancing the conspiracy and its members and associates's activities; and
 - d. Impeding investigation of the conspiracy by law enforcement authorities.

Manner and Means

5. Among the manner and means by which the defendant and her coconspirators and associates conducted and participated in the conspiracy were the following:
 - a. It was part of the conspiracy that the defendant and her coconspirators would form a business entity, A & N Enterprises, and register it with the Colorado Secretary of State.
 - b. It was further part of the conspiracy that the A & N Enterprises was a shell company that existed in name only and transacted little or no legitimate business and owned little or no actual assets.
 - c. It was further part of the conspiracy that the defendant and her coconspirators would apply to financial institutions for business credit card accounts under the name A & N Enterprises, using the defendant's name, address, telephone number, date of birth, social security number, and other identifying information.

d. It was further part of the conspiracy that the defendant and her coconspirators would apply to financial institutions for personal credit card accounts, car loans and leases, and consumer loans using the defendant's name, address, telephone number, date of birth, social security number, and other identifying information.

e. It was further part of the conspiracy that the defendant and her coconspirators would apply to financial institutions for credit card accounts in person, by telephone, and by using the internet.

f. It was further part of the conspiracy that the defendant and her coconspirators would claim in the credit card account and loan applications that the defendant was the owner or an employee of A & N Enterprises.

g. It was further part of the conspiracy that the defendant and her coconspirators would make false statements in their applications to for credit card accounts and car and consumer loans, by overstating the defendant's income derived from A & N Enterprises and the length of time that A & N Enterprises had been operating.

h. It was further part of the conspiracy that the defendant and her coconspirators would conduct little activity on the defendant's credit card accounts and then "bust out" with a splurge of activity during which the defendant and her coconspirators would use the defendant's credit card accounts to obtain cash advances and purchase goods and services up to, and in excess of, the credit limits on the defendant's credit card accounts.

I. It was further part of the conspiracy that the defendant and her coconspirators would make fraudulent payments on the defendant's credit card accounts to inflate the available credit lines.

j. It was further part of the conspiracy that the defendant and her coconspirators would obtain automobiles secured by loans in the defendant's name.

k. It was further part of the conspiracy that the defendant and her coconspirators would not make legitimate payments on the defendants credit card accounts and car loans and leases.

l. It was further part of the conspiracy that the defendant and her coconspirators would apply for a home equity line of credit for a property owned in the defendant's name.

m. It was further part of the conspiracy that the defendant and her coconspirators would not disclose in the home equity line of credit application that the property was mortgaged to another lien holder.

n. It was further part of the conspiracy that the defendant and her coconspirators would withdraw funds from the home equity line of credit and not make payments on the account.

o. It was further part of the conspiracy that the defendant and her coconspirators would enrich themselves and cause a financial loss to financial institutions and other lenders.

p. It was further part of the conspiracy that the defendant and her coconspirators would lie to law enforcement authorities to conceal their criminal activities.

Overt Acts

6. In furtherance of the conspiracy and to effect and accomplish the objects thereof, the following overt acts, among others, were committed in the State and District of Colorado, and elsewhere:

A & N Enterprises

1. On or about August 2, 2007, the defendant Nadezda Nikitina and her coconspirators registered a business entity, A & N Enterprises, with the Colorado Secretary of State.

Citibank Credit Card Account Ending in # 3554

2. On or about September 7, 2007, the defendant Nadezda Nikitina and her coconspirators applied via the internet for a credit card account from Citibank (South Dakota), N.A. using the defendant's name and personal identifying information, and stating that the defendant was employed by A & N Enterprises for 5 years and earned \$180,000 per year from A & N Enterprises.
3. On or about September 27, 2007, Citibank (South Dakota), N.A. issued a credit card to defendant Nadezda Nikitina with an account number ending in # 3554 and a \$25,000 credit limit.
4. On or about May 16, 2008, defendant Nadezda Nikitina and her coconspirators obtained a \$5,000 cash advance from the defendant's (South Dakota), N.A. credit card account ending in # 3554 at a Washington Mutual Bank branch in Denver, Colorado.
5. On or about May 16, 2008, defendant Nadezda Nikitina and her coconspirators obtained a \$5,000 cash advance from the defendant's Citibank (South Dakota), N.A. credit card account ending in # 3554 at a Wells Fargo branch in Aurora, Colorado.

6. On or about May 17, 2008, defendant Nadezda Nikitina and her coconspirators obtained a \$5,000 cash advance from the defendant's Citibank (South Dakota), N.A. credit card account ending in # 3554 at a Wells Fargo branch in Denver, Colorado.
7. On or about May 17, 2008, defendant Nadezda Nikitina and her coconspirators obtained a \$5,000 cash advance from the defendant's Citibank (South Dakota), N.A. credit card account ending in # 3554 at a Wells Fargo branch in Aurora, Colorado.
8. On or about May 19, 2008, defendant Nadezda Nikitina and her coconspirators obtained a \$4,500 cash advance from the defendant's Citibank (South Dakota), N.A. credit card account ending in # 3554 at a Wells Fargo branch in Aurora, Colorado.
9. On or about June 11, 2008, defendant Nadezda Nikitina and her coconspirators made a fraudulent \$25,000 payment to defendant's Citibank (South Dakota), N.A. credit card account ending in # 3554 using a check from a closed account.
10. On or about June 13, 2008, defendant Nadezda Nikitina and her coconspirators made a purchase of \$24,000 using the defendant's Citibank (South Dakota), N.A. credit card account ending in # 3554 at C & H Auto in Rosemead, California.
11. On or about June 23, 2008, defendant Nadezda Nikitina and her coconspirators made a fraudulent \$7,400 payment to defendant's Citibank

(South Dakota), N.A. credit card account ending in # 4486 using a check from a closed account.

Sovereign Bank Home Equity Line of Credit Account Ending in # 8534

12. On or about April 23, 2008, defendant Nadezda Nikitina and her coconspirators applied to Sovereign Bank for a home equity line of credit account in the amount of \$193,000 secured by property owned in the defendant's name located at 1650 S. Dayton Street, Denver, Colorado. In the loan application, defendant Nadezda Nikitina stated that there were no existing liens on the property.
13. On or about May 7, 2008, defendant Nadezda Nikitina signed a Grantors Limited Title Agreement in connections with the home equity line of credit confirming that Sovereign Bank would be in the first lien position and that there were no existing liens on the property.
14. On or about May 12, 2008, a home equity line of credit account with a number ending in # 8534 was opened in the name and social security number of defendant Nadezda Nikitina by Sovereign Bank in the amount of \$193,000 secured by property owned in defendant Nadezda Nikitina's name located at 1650 S. Dayton Street, Denver, Colorado.
15. On or about May 20, 2008, defendant Nadezda Nikitina and her coconspirators made and deposited check # 101 for \$100,700, payable to the defendant and drawn on the defendant's Sovereign Bank home equity line of

credit account ending in # 8534, to defendant's Washington Mutual Bank account ending in # 7320.

16. On or about May 22, 2008, defendant Nadezda Nikitina and her coconspirators made check # 103 for \$22,025 to a person with the initials L. A., drawn on the defendant's Sovereign Bank home equity line of credit account ending in # 8534.

17. On or about May 22, 2008, defendant Nadezda Nikitina and her coconspirators made check # 105 for \$9,650 to a person with the initials I. T., drawn on the defendant's Sovereign Bank home equity line of credit account ending in # 8534.

18. On or about May 27, 2008, defendant Nadezda Nikitina and her coconspirators made check # 104 for \$39,600, payable to EDP Company, drawn on the defendant's Sovereign Bank home equity line of credit account ending in # 8534.

19. On or about May 27, 2008, defendant Nadezda Nikitina and her coconspirators made check # 102 for \$22,025, payable to a person with the initials A. S. drawn on the defendant's Sovereign Bank home equity line of credit account ending in # 8534

Capital One Auto Finance

20. On or about May 12, 2008, defendant Nadezda Nikitina and her coconspirators applied for an automobile loan with Capital One Auto Finance, Inc.

Chase Bank Circuit City Rewards Visa Credit Card Ending in # 4826

21. On or about May 14, 2008, the defendant Nadezda Nikitina and her coconspirators applied for a Circuit City Rewards Visa credit card account from Chase Bank USA, N.A., using the defendant's name and personal identifying information, and stating that the defendant was self-employed as the owner of EGN ENTERPRACI for 8 years and 4 months and earned \$9,999 monthly.

Vickery Motorsports

22. On or about May 15, 2008, at Vickery Motorsports in Denver, Colorado, defendant Nadezda Nikitina and her coconspirators applied for a loan from GE Consumer Finance for the purchase of 3 jet skis for \$31,007.60.
23. On or about May 15, 2008, Vickery Motorsports submitted defendant Nadezda Nikitina's loan application to GE Consumer Finance by wire communications.
24. On or about May 30, 2008, at Vickery Motorsports, defendant Nadezda Nikitina falsely stated to FBI Special Agent Jimmy R. Johnson that she owned A & N Enterprises, a trucking company, with her husband.

BMW Financial Services

25. On or about May 22, 2008, at McKenna BMW in Norwalk, California, defendant Nadezda Nikitina signed an application to lease a 2008 BMW 335I Coupe to BMW Financial Services at a cost of approximately \$43,980.

26. On or about May 22, 2008, defendant Nadezda Nikitina and her coconspirators caused McKenna BMW in Norwalk, California to wire the lease application to BMW Financial Services in Hilliard, Ohio.

Toyota Motor Credit Corporation

27. On or about May 24, 2008, at DCH Toyota in Simi Valley, California, defendant Nadezda Nikitina signed an application to lease a 2009 Toyota Camry from Toyota Motor Credit Corporation at a cost of approximately \$25,839.
28. On or about May 24, 2008, defendant Nadezda Nikitina and her coconspirators caused DCH Toyota to wire the lease application to Toyota Motor Credit Corporation.

Target Nation Bank Credit Card Account Ending in # 7632

29. On or about May 27, 2008, defendant Nadezda Nikitina and her coconspirators incurred an \$8,784.25 charge on the defendant's Target National Bank Credit card ending in # 7632 at American Global Corporation in Long Beach, California.

Washington Mutual Bank Checking Account Ending in # 7320

30. On or about June 4, 2008, defendant Nadezda Nikitina withdrew \$5,000 from her Washington Mutual Bank personal checking account ending in # 7320 at a Washington Mutual Bank branch located at 6300 Van Nuys Boulevard, Van Nuys, California.

31. On or about June 4, 2008, defendant Nadezda Nikitina withdrew \$5,000 from her Washington Mutual Bank personal checking account ending in # 7320 at a Washington Mutual Bank branch located at 14111 Riverside Drive, Sherman Oaks, California.

32. On or about June 5, 2008, defendant Nadezda Nikitina withdrew \$5,000 from her Washington Mutual Bank personal checking account ending in # 7320 at a Washington Mutual Bank branch located at 6300 Van Nuys Boulevard, Van Nuys, California.

33. On or about June 5, 2008, defendant Nadezda Nikitina again withdrew \$5,000 from her Washington Mutual Bank personal checking account ending in # 7320 at a Washington Mutual Bank branch located at 6300 Van Nuys Boulevard, Van Nuys, California.

Bamford Liquor, North Hollywood, California

34. On or about July 10, 2008, defendant Nadezda Nikitina and her coconspirators cashed out \$63,000 in U.S. currency at Bamford Liquor, 10575 Magnolia Boulevard, North Hollywood, California.

Washington Mutual Bank Credit Card Ending in # 0308

35. On or about July 3, 2008, defendant Nadezda Nikitina, d/b/a A & N Enterprises and her coconspirators made a fraudulent \$9,800 payment to the defendant's Washington Mutual Bank credit card account ending in # 0308.

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

Count 2
18 U.S.C. § 1014
(False Statement on Loan and Credit Applications)

7. Paragraphs 1 through 6 above are incorporated as if fully set forth herein.

8. On or about September 7, 2007, in the State and District of Colorado and elsewhere, defendant Nadezda Nikitina, d/b/a A & N Enterprises, knowingly made a material false statement, for the purpose of influencing Citibank (South Dakota), N.A., a financial institution insured by the Federal Deposit Insurance Corporation, in connection with a credit card account application, in that the defendant stated she was employed by A & N Enterprises for 5 years and earned \$180,000 per year, when in truth and in fact, as the defendant well knew, such statement was false in that she had not been employed by A & N Enterprises for 5 years and she did not earn \$180,000 per year.

All in violation of Title 18, United States Code, Sections 1014 and 2.

Count 3
18 U.S.C. § 1014
(False Statement on Loan and Credit Applications)

9. Paragraphs 1 through 6 above are incorporated as if fully set forth herein.

10. On or about April 23, 2008, in the State and District of Colorado and elsewhere, defendant Nadezda Nikitina, d/b/a A & N Enterprises, knowingly made a material false statement, for the purpose of influencing Sovereign Bank, a financial institution insured by the Federal Deposit Insurance Corporation, in connection with a home equity line of credit account secured by property owned in the defendant's name located at 1650 S. Dayton Street, Denver, Colorado, in that:

a. the defendant stated there was no existing mortgage on said property, when in truth and in fact, as the defendant well knew, such statement was false in that there was an existing mortgage on said property held by American Sterling Bank; and

b. the defendant stated that she employed by A &N Enterprises and earned \$126,000 per year, when in truth and in fact, as the defendant well knew, such statement was false in that she did not earn \$126,000 per year from A & N Enterprises.

All in violation of Title 18, United States Code, Sections 1014 and 2.

Count 4
18 U.S.C. § 1014
(False Statement on Loan and Credit Applications)

11. Paragraphs 1 through 6 above are incorporated as if fully set forth herein.

12. On or about May 14, 2008, in the State and District of Colorado and elsewhere, defendant Nadezda Nikitina, d/b/a A & N Enterprises, knowingly made a material false statement, for the purpose of influencing Chase Bank USA, N.A., a financial institution insured by the Federal Deposit Insurance Corporation, in connection with a credit card account application, in that the defendant stated she was self-employed as the owner of EGN ENTERPRACI for 8 years and 4 months and earned \$9,999 monthly, when in truth and in fact, as the defendant well knew, such statement was false in that she was not self-employed as the owner of EGN ENTERPRACI, had not been the owner of EGN ENTERPRACI for 8 years and 4 months, and did not earn \$9,999.monthly form EGN ENTERPRACI.

All in violation of Title 18, United States Code, Sections 1014 and 2.

Count 5
18 U.S.C. § 1344
(Bank Fraud)

13. Paragraphs 1 through 6 above are incorporated as if fully set forth herein.

The Scheme

14. From on or about August 2, 2007 and ending on or about May 29, 2009, in the State and District of Colorado and elsewhere, defendant Nadezda Nikitina, d/b/a A & N Enterprises, and her coconspirators devised a scheme and artifice to defraud Sovereign Bank, a financial institution insured by the Federal Deposit Insurance Corporation, and to obtain monies, funds, credits, and other property owned by, and under the custody and control of Sovereign Bank by means of materially false or fraudulent pretenses, representations, and promises.

Manner and Means

15. It was part of the scheme and artifice to defraud that the defendant and her coconspirators would, on or about August 2, 2007, form a business entity, A & N Enterprises, and register it with the Colorado Secretary of State.

16. It was further part of the scheme and artifice to defraud that the defendant and her coconspirators would, on or about April 23, 2008, apply via fax to Sovereign Bank for a home equity line of credit account secured by property owned in the defendant's name located at 1650 S. Dayton Street, Denver, Colorado.

17. It was further part of the scheme and artifice to defraud that the defendant and her coconspirators would, in the home equity line of credit account application to Sovereign Bank, falsely claim that there were no existing liens on the property owned in her name located at 1650 S. Dayton Street, Denver, Colorado.

18. It was further part of the scheme and artifice to defraud that the defendant and her coconspirators would, in the home equity line of credit account application to Sovereign Bank, falsely claim that she was employed by A & N Enterprises and earned \$126,000 per year.

19. It was further part of the scheme and artifice to defraud that the defendant and her coconspirators would, on or about May 12, 2008, receive a home equity line of credit account from Sovereign Bank with an account number ending in # 8534 and a \$193,000 credit limit.

20. It was further part of the scheme and artifice to defraud that the defendant and her coconspirators would from on or about May 20, 2008 to on or about May 27, 2008, drew five checks on the Sovereign Bank home equity line of credit account ending in # 8534, for a total of approximately \$194,000.

21. It was further part of the scheme and artifice to defraud that the defendant and her coconspirators would make no payments to the Sovereign Bank for the home equity credit line account ending in # 8534 and keep approximately \$194,00 drawn on the account.

Execution

22. On or about May 20, 2008, in the State and District of Colorado and elsewhere, defendant Nadezda Nikitina, d/b/a A & N Enterprises and her coconspirators, executed and attempted to execute the scheme and artifice to defraud, as set forth above, in that the defendant drew upon her Sovereign Bank home equity line of credit with an account number ending in # 8534, by making and uttering check number 101 for \$100,700 payable to defendant Nadezda Nikitina.

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

Count 6
18 U.S.C. § 1344
(Bank Fraud)

23. Paragraphs 1 through 6 above are incorporated as if fully set forth herein.

The Scheme

24. From on or about August 2, 2007 and ending in or about July 2008, in the State and District of Colorado and elsewhere, defendant Nadezda Nikitina, d/b/a A & N Enterprises, devised a scheme and artifice to defraud Citibank (South Dakota), N.A., a financial institution insured by the Federal Deposit Insurance Corporation, and to obtain monies, funds, credits, and other property owned by, and under the custody and control of Citibank (South Dakota), N.A. by means of materially false or fraudulent pretenses, representations, and promises.

Manner and Means

25. It was part of the scheme and artifice to defraud that the defendant would, on or about August 2, 2007, form a business entity, A & N Enterprises, and register it with the Colorado Secretary of State.

26. It was further part of the scheme and artifice to defraud that the defendant would, on or about September 7, 2007, apply via the internet for a credit card account from Citibank (South Dakota), N.A.

27. It was further part of the scheme and artifice to defraud that the defendant would, in the credit card account application to Citibank (South Dakota), N.A., falsely claim that she was employed for 5 years by A & N Enterprises and earned \$180,000 per year.

28. It was further part of the scheme and artifice to defraud that the defendant would, after September 7, 2010, receive a credit card account from Citibank (South Dakota), N.A. with an account number ending in # 3554 and a \$25,000 credit limit.

29. It was further part of the scheme and artifice to defraud that the defendant would from on or about May 16, 2008 to on or about May 19, 2008, obtain 5 cash advances on her Citibank (South Dakota), N.A. credit card account ending in # 3554 totaling approximately \$24,500.

30. It was further part of the scheme and artifice to defraud that the defendant would, on or about June 11, 2008, make a fraudulent \$25,000 payment to her Citibank (South Dakota), N.A. credit card account ending in # 3554 from an account with non-sufficient funds.

31. It was further part of the scheme and artifice to defraud that the defendant would, after June 11, 2008, make no further payments to her Citibank (South Dakota), N.A. credit card account, ending in # 3554 and keep approximately \$24,500 in cash advances, and cause a financial loss to Citibank (South Dakota), N.A.

Execution

32. On or about May 16, 2008, in the State and District of Colorado and elsewhere, defendant Nadezda Nikitina, d/b/a A & N Enterprises, executed and attempted to execute the scheme and artifice to defraud, as set forth above, in that the defendant drew upon her Citibank (South Dakota), N.A. credit card account with an account number ending in # 3554, by obtaining a \$5,000 cash advance Washington Mutual Bank branch in Denver, Colorado.

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

Count 7
18 U.S.C. § 1344
(Bank Fraud)

33. Paragraphs 1 through 6 above are incorporated as if fully set forth herein.

The Scheme

34. From on or about August 2, 2007 and ending in or about July 2008, in the State and District of Colorado and elsewhere, defendant Nadezda Nikitina, d/b/a A & N Enterprises, devised a scheme and artifice to defraud Target National Bank, a financial institution insured by the Federal Deposit Insurance Corporation, and to obtain monies, funds, credits, and other property owned by, and under the custody and control of Target National Bank by means of materially false or fraudulent pretenses, representations, and promises.

Manner and Means

35. It was part of the scheme and artifice to defraud that the defendant would, on or about August 2, 2007, form a business entity, A & N Enterprises, and register it with the Colorado Secretary of State.

36. It was further part of the scheme and artifice to defraud that the defendant would apply for a credit card account from Target National Bank.

37. It was further part of the scheme and artifice to defraud that the defendant would, receive a credit card account from Target National Bank with an account number ending in # 7632.

38. It was further part of the scheme and artifice to defraud that the defendant would from on or about May 23 to May 27, 2008, incur \$12,385.85 in charges on her Target National Bank credit card account ending in # 7632.

39. It was further part of the scheme and artifice to defraud that the defendant would make no payments on her Target National Bank credit card account ending in # 7632, and cause a financial loss to Target National Bank.

Execution

40. On or about May 27, 2008, in the State and District of Colorado and elsewhere, defendant Nadezda Nikitina, d/b/a A & N Enterprises, executed and attempted to execute the scheme and artifice to defraud, as set forth above, in that the defendant drew upon her Target National Bank credit card account with an account number ending in # 7632, by incurring a charge of \$8,784.25 at American Global Corporation in Long Beach, California.

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

Count 8
18 U.S.C. § 1344
(Bank Fraud)

41. Paragraphs 1 through 6 above are incorporated as if fully set forth herein.

The Scheme

42. From on or about August 2, 2007 and ending in or about July 2008, in the State and District of Colorado and elsewhere, defendant Nadezda Nikitina, d/b/a A & N Enterprises, devised a scheme and artifice to defraud Washington Mutual Bank, a financial institution insured by the Federal Deposit Insurance Corporation, and to obtain monies, funds, credits, and other property owned by, and under the custody and control of Washington Mutual Bank by means of materially false or fraudulent pretenses, representations, and promises.

Manner and Means

43. It was part of the scheme and artifice to defraud that the defendant would, on or about August 2, 2007, form a business entity, A & N Enterprises, and register it with the Colorado Secretary of State.

44. It was further part of the scheme and artifice to defraud that the defendant would, on or about May 14, 2008, apply for a credit card account from Washington Mutual Bank.

45. It was further part of the scheme and artifice to defraud that the defendant would, after May 14, 2008, receive a credit card account from Washington Mutual Bank with an account number ending in # 0308 and a credit limit of \$10,000.

46. It was further part of the scheme and artifice to defraud that the defendant would from on or about May 23 to July 5, 2008, incur \$20,118.93 in charges on her Washington Mutual Bank credit card account ending in # 0308.

47. It was further part of the scheme and artifice to defraud that the defendant would, on or about July 3, 2008, make a fraudulent \$9,800 payment of her Washington Mutual Bank credit card account ending in # 0308 to inflate her credit limit.

48. It was further part of the scheme and artifice to defraud that the defendant would make no further payments on her Washington Mutual Bank credit card account ending in # 0308, and cause a financial loss to Washington Mutual Bank.

Execution

49. On or about July 3, 2008, in the State and District of Colorado and elsewhere, defendant Nadezda Nikitina, d/b/a A & N Enterprises, executed and attempted to execute the scheme and artifice to defraud, as set forth above, in that the defendant made a fraudulent \$9,800 payment to her Washington Mutual Bank credit card account ending in # 0308, said payment being returned for non-sufficient funds.

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

Count 9
18 U.S.C. § 1343
(Wire Fraud)

50. Paragraphs 1 through 6 above are incorporated as if fully set forth herein.

The Scheme

51. From on or about August 2, 2007 to on or about May 30, 2008, in the State and District of Colorado and elsewhere, defendant Nadezda Nikitina, d/b/a A & N Enterprises, devised and intended to devise a scheme to defraud GE Consumer Finance, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises.

Manner and Means

52. It was part of the scheme and artifice to defraud that the defendant would, on or about August 2, 2007, form a business entity, A & N Enterprises, and register it with the Colorado Secretary of State.

53. It was further part of the scheme and artifice to defraud that the defendant would, on or about May 15, 2008, at Vickery Motorsports in Denver, Colorado, apply for a loan from GE Consumer Finance to purchase of 3 jet skis at a cost of approximately \$31,007.60.

54. It was further part of the scheme and artifice to defraud that the defendant would, on or about May 15, 2008, falsely state in the loan application to GE Consumer Finance that she was employed by A & N Enterprises since April 2003, and earned \$180,000 per year.

55. It was further part of the scheme and artifice to defraud that the defendant would, on or about May 15, 2008, falsely state in the loan application to GE Consumer Finance that she owned her residence at 1650 S. Dayton Street, Denver, Colorado for 8 years.

56. It was further part of the scheme and artifice to defraud that the defendant would, on or about May 15, 2008, cause Vickery Motorsports to submit the loan application by wire communications to GE Consumer Finance.

Execution

57. On or about May 15, 2008, in the State and District of Colorado and elsewhere, the defendant Nadezda Nikitina, d/b/a A & N Enterprises, for the purpose of executing the scheme described above, and attempting to do so, caused to be transmitted by means of wire communication in interstate commerce the signals and sounds of a loan application to GE Consumer Finance containing materially false and fraudulent statements.

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

Count 10
18 U.S.C. § 1343
(Wire Fraud)

58. Paragraphs 1 through 6 above are incorporated as if fully set forth herein.

The Scheme

59. From on or about August 2, 2007 to on or about May 22, 2008, in the State and District of Colorado and elsewhere, defendant Nadezda Nikitina, d/b/a A & N Enterprises, devised and intended to devise a scheme to defraud BMW Financial Services, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises.

Manner and Means

60. It was part of the scheme and artifice to defraud that the defendant would, on or about August 2, 2007, form a business entity, A & N Enterprises, and register it with the Colorado Secretary of State.

61. It was further part of the scheme and artifice to defraud that the defendant would, on or about May 22, 2008, at McKenna BMW in Norwalk California, apply for a car lease to BMW Financial Services for a 2008 BMW 335I Coupe for \$43,980.

62. It was further part of the scheme and artifice to defraud that the defendant would, on or about May 22, 2008, falsely state in the car lease application to BMW Financial Services that she was employed by AN Enterprises for five years and had an annual income of \$144,000 from AN Enterprises.

63. It was further part of the scheme and artifice to defraud that the defendant would, on or about May 22, 2008, cause McKenna BMW in Norwalk, California to submit the car lease application by wire communications to BMW Financial Services in Hilliard, Ohio.

64. It was further part of the scheme and artifice to defraud that the defendant would obtain possession of the BMW 335I Coupe and default on her lease payments to BMW Financial Services.

Execution

65. On or about May 22, 2008, in the State and District of Colorado and elsewhere, the defendant Nadezda Nikitina, d/b/a A & N Enterprises, for the purpose of executing the scheme described above, and attempting to do so, caused to be transmitted by means of wire communication in interstate commerce the signals and sounds of a car lease application to BMW Financial Services containing materially false and fraudulent statements.

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

Count 11
18 U.S.C. § 1343
(Wire Fraud)

66. Paragraphs 1 through 6 above are incorporated as if fully set forth herein.

The Scheme

67. From on or about August 2, 2007 to on or about May 24, 2008, in the State and District of Colorado and elsewhere, defendant Nadezda Nikitina, d/b/a A & N Enterprises, devised and intended to devise a scheme to defraud Toyota Motor Credit Corporation, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises.

Manner and Means

68. It was part of the scheme and artifice to defraud that the defendant would, on or about August 2, 2007, form a business entity, A & N Enterprises, and register it with the Colorado Secretary of State.

69. It was further part of the scheme and artifice to defraud that the defendant would, on or about May 24, 2008, at DCH Toyota in Simi Valley, California, sign an application to lease a 2009 Toyota Camry from Toyota Motor Credit Corporation at a cost of approximately \$25,839.

70. It was further part of the scheme and artifice to defraud that the defendant would, on or about May 24, 2008, falsely state in the car lease application to Toyota Motor Credit Corporation that she was employed by A and N Enterprises for five years and earned a gross monthly income of \$12,000 from A and N Enterprises.

71. It was further part of the scheme and artifice to defraud that the defendant would, on or about May 24, 2008, cause DCH Toyota to wire the lease application to Toyota Motor Credit Corporation.

72. It was further part of the scheme and artifice to defraud that the defendant would obtain possession of the 2009 Toyota Camry and default on her lease payments to Toyota Motor Credit Corporation.

Execution

73. On or about May 24, 2008, in the State and District of Colorado and elsewhere, the defendant Nadezda Nikitina, d/b/a A & N Enterprises, for the purpose of executing the scheme described above, and attempting to do so, caused to be transmitted by means of wire communication in interstate commerce the signals and sounds of a car lease application to Toyota Motor Credit Corporation containing materially false and fraudulent statements.

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

Forfeiture Allegation 1
(18 U.S.C. § 371 - Conspiracy)

74. The allegations contained in Counts 1 through 11 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).

75. Pursuant to Title 18, United States Code, Section 981(a)(1)(c) and Title 28, United States Code, Section 2461(c), upon conviction of Count , conspiracy to violate sections 1001, 1014, 1343, and 1344 of Title 18, United States Code, in violation of Title 18, United States Code, Section 371, the defendant Nadezda Nikitina and her coconspirators shall forfeit to the United States of America any property, real or personal, which constitutes or is derived from proceeds traceable to said violations. The property to be forfeited includes, but is not limited to, the following:

- a. At least \$414,345.44.

b. The property located at 1650 S. Dayton Street, Denver, Colorado, owned in the name of defendant Nadezda Nikitina.

76. If any of the property described above, 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,

the United States of America 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 18 U.S.C. § 981(a)(1)(c) and 28 U.S.C. § 2461(c).

Forfeiture Allegation 2
(18 U.S.C. § 1014 - False Statements on Bank Loan Applications)

77. The allegations contained in Counts 1 through 11 of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 982(a)(2)(A).

78. Upon conviction of the offenses in violation of Title 18, United States Code, Section 1014 set forth in Counts 2 through 4 of this Indictment, defendant Nadezda Nikitina shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 982(a)(2)(A), any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of such violation(s), including, but not limited to:

a. At least \$249,021.66.

b. The property located at 1650 S. Dayton Street, Denver, Colorado, owned in the name of defendant Nadezda Nikitina.

79. If any of the property described above, 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,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1) and Title 28, United States Code, Section 2461(c).

All pursuant to 18 U.S.C. § 982(a)(2)(A) and 28 U.S.C. § 2461(c).

Forfeiture Allegation 3
(18 U.S.C. § 1344 - Bank Fraud)

80. The allegations contained in Counts 1 through 11 of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 982(a)(2)(A).

81. Upon conviction of the offenses in violation of Title 18, United States Code, Section 1344 set forth in Counts 5 through 8 of this Indictment, the defendant Nadezda Nikitina shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 982(a)(2)(A), any

property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of such violation(s). The property to be forfeited includes, but is not limited to, the following:

- a. At least \$275,004.78
- b. The property located at 1650 S. Dayton Street, Denver, Colorado, owned in the name of defendant Nadezda Nikitina.

82. If any of the property described above, 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,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1) and Title 28, United States Code, Section 2461(c)

All pursuant to 18 U.S.C. § 982(a)(2)(A) and 28 U.S.C. § 2461(c).

Forfeiture Allegation 4
(18 U.S.C. § 1343 - Wire Fraud)

83. The allegations contained in Counts 1 through 11 of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 982(a)(2)(A).

84. Upon conviction of the offense in violation of Title 18, United States Code, Section 1343 set forth in Counts 9 through 11 of this Indictment, defendant Nadezda Nikitina shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 982(a)(2)(A), any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of such violation(s). The property to be forfeited includes, but is not limited to, at least \$69,819.

85. If any of the property described above, 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,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1) and Title 28, United States Code, Section 2461(c).

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All pursuant to 18 U.S.C. § 982(a)(2)(A) and 28 U.S.C. § 2461(c).

A TRUE BILL:

Ink signature on file in the Clerk's Office

FOREPERSON

JOHN F. WALSH
United States Attorney

BRUCE G. OHR
Chief, Organized Crime and Racketeering Section
Criminal Division
U.S. Department of Justice

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