

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

FILED
VANESSA L. ARMSTRONG, CLERK
OCT 18 2017

UNITED STATES OF AMERICA

U.S. DISTRICT COURT
WEST'N. DIST. KENTUCKY

v.

INDICTMENT

NO. 3:17CR-140-JHM

KINGSLEY I. EKPENDU

18 U.S.C. § 981(a)(1)(C)

18 U.S.C. § 1341

28 U.S.C. § 2461(c)

The Grand Jury charges:

COUNTS 1-3

(Mail Fraud)

1. From on or about February 22, 2016, through on or about October 4, 2017, in the Western District of Kentucky, Jefferson County, Kentucky, and elsewhere, the defendant, **KINGSLEY I. EKPENDU**, with the intent to defraud, willfully participated in, with knowledge of its fraudulent nature, a scheme and artifice to defraud and obtain money by materially false and fraudulent pretenses, representations, and promises.

2. As part of the scheme and artifice to defraud, the defendant, **KINGSLEY I. EKPENDU**, and others mailed letters to individuals around the nation. Each letter stated the recipient had won a lottery, listed a phone number for a "claims manager," and included a check for several thousand dollars to cover "insurance and legal fees." When the recipient called the "claims manager," the "claims manager" would instruct the recipient that in order to receive the prize, the recipient needed to deposit the check and send several thousand dollars cash to 15520 Dixie Highway, Louisville, KY 40272. Defendant **KINGSLEY I. EKPENDU** would pick up the parcels containing the cash from the Dixie Highway address. The checks were fraudulent, but the recipient would not realize this until after the recipient had sent the cash.

3. In or around the following dates, in the Western District of Kentucky and elsewhere, for the purpose of executing and attempting to execute the above-described scheme and artifice to defraud, the defendant, **KINGSLEY I. EKPENDU**, knowingly caused to be delivered, by mail and a private and commercial interstate carrier, according to the direction thereon, the following matter:

Count	Date – In or Around	Matter	Shipped From	Shipped To	Shipping Method
1	September 2017	\$5,200	Miami, FL	Louisville, KY	FedEx
2	September 2017	\$7,000	Walnut Creek, CA	Louisville, KY	FedEx
3	October 2017	\$7,000	Pana, IL	Louisville, KY	USPS

In violation of Title 18, United States Code, Section 1341.

NOTICE OF FORFEITURE

4. The allegations contained in Counts 1 through 3 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).

5. Upon conviction of the offenses in violation of Title 18, United States Code, Section 1341, set forth in Counts 1 through 3 of this Indictment, the defendant, **KINGSLEY I. EKPENDU**, shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the offenses.

6. 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;

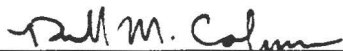
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property, which cannot be divided without difficulty,

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).

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



RUSSELL M. COLEMAN
UNITED STATES ATTORNEY

RMC:AEG:101117

UNITED STATES OF AMERICA v. KINGSLEY I. EKPENDU

PENALTIES

Counts 1-3: NM 20 yrs./\$250,000/both/NM 3 yrs. Supervised Release (each count)
Forfeiture

NOTICE

ANY PERSON CONVICTED OF AN OFFENSE AGAINST THE UNITED STATES SHALL BE SUBJECT TO SPECIAL ASSESSMENTS, FINES, RESTITUTION & COSTS.

SPECIAL ASSESSMENTS

18 U.S.C. § 3013 requires that a special assessment shall be imposed for each count of a conviction of offenses committed after November 11, 1984, as follows:

Misdemeanor:	\$ 25 per count/individual	Felony:	\$100 per count/individual
	\$125 per count/other		\$400 per count/other

FINES

In addition to any of the above assessments, you may also be sentenced to pay a fine. Such fine is due immediately unless the court issues an order requiring payment by a date certain or sets out an installment schedule. You shall provide the United States Attorney's Office with a current mailing address for the entire period that any part of the fine remains unpaid, or you may be held in contempt of court. 18 U.S.C. § 3571, 3572, 3611, 3612

Failure to pay fine as ordered may subject you to the following:

1. **INTEREST and PENALTIES** as applicable by law according to last date of offense.

For offenses occurring after December 12, 1987:

No **INTEREST** will accrue on fines under \$2,500.00.

INTEREST will accrue according to the Federal Civil Post-Judgment Interest Rate in effect at the time of sentencing. This rate changes monthly. Interest accrues from the first business day following the two week period after the date a fine is imposed.

PENALTIES of:

10% of fine balance if payment more than 30 days late.

15% of fine balance if payment more than 90 days late.

2. Recordation of a **LIEN** shall have the same force and effect as a tax lien.
3. Continuous **GARNISHMENT** may apply until your fine is paid.

18 U.S.C. §§ 3612, 3613

If you **WILLFULLY** refuse to pay your fine, you shall be subject to an **ADDITIONAL FINE** of not more than the greater of \$10,000 or twice the unpaid balance of the fine; or **IMPRISONMENT** for not more than 1 year or both. 18 U.S.C. § 3615

RESTITUTION

If you are convicted of an offense under Title 18, U.S.C., or under certain air piracy offenses, you may also be ordered to make restitution to any victim of the offense, in addition to, or in lieu of any other penalty authorized by law. 18 U.S.C. § 3663

APPEAL

If you appeal your conviction and the sentence to pay your fine is stayed pending appeal, the court shall require:

1. That you deposit the entire fine amount (or the amount due under an installment schedule during the time of your appeal) in an escrow account with the U.S. District Court Clerk, or
2. Give bond for payment thereof.

18 U.S.C. § 3572(g)

PAYMENTS

If you are ordered to make payments to the U.S. District Court Clerk's Office, certified checks or money orders should be made payable to the Clerk, U.S. District Court and delivered to the appropriate division office listed below:

LOUISVILLE: Clerk, U.S. District Court
106 Gene Snyder U.S. Courthouse
601 West Broadway
Louisville, KY 40202
502/625-3500

BOWLING GREEN: Clerk, U.S. District Court
120 Federal Building
241 East Main Street
Bowling Green, KY 42101
270/393-2500

OWENSBORO: Clerk, U.S. District Court
126 Federal Building
423 Frederica
Owensboro, KY 42301
270/689-4400

PADUCAH: Clerk, U.S. District Court
127 Federal Building
501 Broadway
Paducah, KY 42001
270/415-6400

If the court finds that you have the present ability to pay, an order may direct imprisonment until payment is made.

FORM DBD-34
JUN.85

No. _____

UNITED STATES DISTRICT COURT

Western District of Kentucky
Louisville Division

THE UNITED STATES OF AMERICA

vs.

KINGSLEY I. EKPENDU

INDICTMENT

**Title 18 U.S.C. § 1341:
Mail Fraud.**

A true bill

Foreman

Filed in open court this 18TH day, of October, 2017.

Clerk

Bail, \$

FILED
WANESEAL ARMSTRONG, CLERK

OCT 18 2017

**U.S. DISTRICT COURT
WEST'N. DIST. KENTUCKY**