

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED
DEC 05 2017

CLERK

UNITED STATES OF AMERICA,

CR 17-40104

Plaintiff,

REDACTED INDICTMENT

vs.

Wire Fraud

ROGER KAPPEL,

18 U.S.C. § 1343

Defendant.

The Grand Jury charges:

COUNTS 1-10.

A. Introduction:

Beginning in approximately June 2009, and continuing through approximately December 31, 2016, in the District of South Dakota and elsewhere, Defendant Roger Kappel devised and intended to devise a scheme and artifice to defraud and to obtain money and property from others by means of materially false and fraudulent pretenses, representations, and promises. Defendant knowingly faxed requests to Jackson National Life, requesting issuance of checks from the account of [REDACTED] (hereinafter [REDACTED]), on which Defendant then forged [REDACTED]'s signature and deposited those checks into accounts he controlled and used those funds for his own purposes. Defendant acted voluntarily and intentionally for the purpose of personally enriching himself, all as described and set forth below.

B. Object of the Scheme and Artifice:

The object of Defendant's scheme and artifice to defraud was to enrich himself by fraudulently obtaining funds.

C. Manner and Means of the Scheme and Artifice:

1. Beginning in approximately June 2009, and continuing until approximately December 31, 2016, Defendant faxed requests to Jackson National Life to obtain checks issued on [REDACTED]'s account. [REDACTED] did not know about the requests, nor were they authorized by him.

2. During that time frame, Defendant obtained multiple checks issued to [REDACTED] from Jackson National Life, then forged [REDACTED]'s signature on the checks and deposited those checks into accounts Defendant controlled. [REDACTED] did not authorize Defendant's use of the funds or his signature on the checks.

3. Defendant provided altered statements from the Jackson National Life account to [REDACTED].

4. Defendant converted the unauthorized funds to his own use.

D. The Wire Communications:

Beginning in approximately June 2009, and continuing through approximately December 31, 2016, all dates approximate and inclusive, in the District of South Dakota and elsewhere, Defendant, having devised the above-described scheme and artifice to defraud, caused communications to be sent and did knowingly use and cause communications to be transmitted in interstate

commerce, by means of electronic wire communications, writings, signs, signals, pictures, and sounds, for the purpose of executing such scheme and artifice to defraud.

Defendant caused, among others, the following wire communications to be sent, with each such transmission constituting a separate count:

Count	Date of Wire Transmission (on or about)	Type of Wire Transmission	Description of Interstate Wire Transmission
1	04/24/2013	Fax request for issuance of check for transfer of funds	Fax sent from Dell Rapids, SD to Lansing, Michigan
2	11/22/2013	Fax request for issuance of check for transfer of funds	Fax sent from Dell Rapids, SD to Lansing, Michigan
3	06/14/2014	Fax request for issuance of check for transfer of funds	Fax sent from Dell Rapids, SD to Lansing, Michigan
4	09/22/2014	Fax request for issuance of check for transfer of funds	Fax sent from Dell Rapids, SD to Lansing, Michigan
5	10/06/2014	Fax request for issuance of check for transfer of funds	Fax sent from Dell Rapids, SD to Lansing, Michigan
6	07/15/2015	Fax request for issuance of check for transfer of funds	Fax sent from Dell Rapids, SD to Lansing, Michigan
7	12/28/2015	Fax request for issuance of check for transfer of funds	Fax sent from Dell Rapids, SD to Lansing, Michigan
8	03/12/2016	Fax request for issuance of check for transfer of funds	Fax sent from Dell Rapids, SD to Lansing, Michigan

Count	Date of Wire Transmission (on or about)	Type of Wire Transmission	Description of Interstate Wire Transmission
9	05/17/2016	Fax request for issuance of check for transfer of funds	Fax sent from Dell Rapids, SD to Lansing, Michigan
10	12/19/2016	Fax request for issuance of check for transfer of funds	Fax sent from Dell Rapids, SD to Lansing, Michigan

Defendant's actions were all in violation of 18 U.S.C. § 1343.

A TRUE BILL:

Name Redacted

Foreperson

RANDOLPH J. SEILER
United States Attorney

By:  _____