SEALED

E-FILED
Wednesday, 24 February, 2010, 12:57:18 PM
Clerk, U.S. District Court, ILCD

COPY

FILED
FEB 24 2010
PAMELA E. ROBINSON, CLERK
U.S. DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS

IN THE UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF ILLINOIS

AT PEORIA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Criminal No. 10- 10030
	)	
RODERICK SMITH,	)	VIO: Title 18, United States Code,
	)	Sections 1343, 1341, and 287
Defendant.	)	

INDICTMENT

THE GRAND JURY CHARGES:

COUNTS 1 - 3
(Wire Fraud)

INTRODUCTION

1. At all times material, the federal First Time Homebuyer's Credit (hereafter "FTHC") provided for a credit to those who purchase a home and otherwise meet certain other legal requirements.

SCHEME TO DEFRAUD

2. Beginning in or about 2008 and continuing to the present, at Peoria, in the Central District of Illinois and elsewhere,

RODERICK SMITH,

defendant herein, knowingly devised and participated in a scheme and artifice to defraud clients, the Internal Revenue Service, and others and to obtain money and property therefrom, by means of materially false and fraudulent pretenses, representations, and promises, knowing that such pretenses, representations, and promises were false and fraudulent when made, which scheme is described in substance in the following paragraphs.

3. It was a part of the scheme and artifice to defraud that SMITH, on occasion, represented himself as an attorney. SMITH provided business cards identifying himself as an "attorney, President and CEO of Roderick E. Smith & Associates, Inc., Tax and Legal Consultant." In truth and fact, SMITH was not an attorney.

4. It was further a part of the scheme that SMITH prepared income tax returns for others. As part of that process, clients provided SMITH with their W-2 employment income data and other information.

5. It was further a part of the scheme and artifice that SMITH falsely claimed on the income tax returns that clients were entitled to the FTHC and other deductions and credits.

6. It was further a part of the scheme that SMITH did not identify himself on the tax returns as the return preparer.

7. It was further a part of the scheme and artifice to defraud that SMITH electronically filed false tax returns claiming tax refunds for the clients.

8. It was further a part of the scheme that SMITH caused Refund Anticipation Loans to be issued for the tax refunds and deposited electronically into an account held in the name of another individual and controlled by SMITH.

9. It was further a part of the scheme that SMITH falsely represented to his clients the amount of tax refund, quoting an amount less than that which had been issued. SMITH provided a check for the lesser amount to the client, keeping the excess for himself. On some occasions, SMITH kept all of the money.

10. As a result of the scheme, SMITH falsely claimed over $100,000.00 in tax refunds.

WIRE COMMUNICATIONS

11. On or about the dates set forth below, at Peoria, in the Central District of Illinois and elsewhere,

RODERICK SMITH,

defendant herein, for the purpose of executing and attempting to execute, the scheme and artifice to defraud, and to obtain money by means of materially false

and fraudulent pretenses, representations, and promises, did transmit and cause to be transmitted by means of wire communications in interstate and foreign commerce, certain writings, signs, signals, sounds, and images, more particularly, the wire transfer of funds from California to an account in Peoria, Illinois:

Count	Date	Communication
1	4/24/09	Wire transfer of $8,138.53 to A.Y.'s account
2	2/13/09	Wire transfer of $6,518.29 to R.S.'s account
3	2/13/09	Wire transfer of $7,974.99 to R.S.'s account

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

COUNTS 4 - 5
(Mail Fraud)

1. The Grand Jury realleges and incorporates by reference herein the allegations of paragraphs 1-10 of Counts 1- 3 of this Indictment as if fully set forth herein.

2. On or about the below-listed dates, at Peoria, in the Central District of Illinois, and elsewhere,

RODERICK SMITH,

defendant herein, having devised and intending to devise a scheme and artifice to defraud clients, the Internal Revenue Service, and others, and to obtain money

and property by means of materially false and fraudulent pretenses, representations, and promises, and for the purpose of executing the scheme and artifice, and attempting so to do, did knowingly cause income tax refund checks to be delivered by the Postal Service, according to the directions thereon, as set forth below:

Count	Date	Addressee
4	3/05/09	S.C. East Peoria, IL 61611
5	3/11/09	A.Y. Peoria, IL 61604

All in violation of Title 18, United States Code, Section 1341.

COUNTS 6 - 9
(False Claim)

On or about the below-listed dates, in the Central District of Illinois, and elsewhere,

RODERICK SMITH,

defendant herein, did present and cause to be presented to the Internal Revenue Service, an agency of the Treasury Department, a Department of the United States of America, a claim for a tax refund, knowing the claim to be false, fictitious and fraudulent when made:

Count	Date	Amount of Refund Claimed
6	1/31/09	$16,088.00 for S.S.
7	2/2/09	$14,703.00 for A.S.
8	4/10/09	$ 8,314.00 for N.P.
9	5/1/09	$ 8,182.00 for T.J.

In violation of Title 18, United States Code, Section 287.

A True Bill
s/Foreperson

Foreperson

s/Bradley W. Murphy for

JEFFREY B. LANG
ACTING UNITED STATES ATTORNEY

DJK/dlh