

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

UNITED STATES OF AMERICA)
)
v.)
)
SHERMAINE GERMAN,)
Also Known As "Shade,")
RONALD WEBSTER,)
BRENDA JOYCE McDONALD,)
MARLO YVETTE MILLER,)
YVETTE BERRY PINCKNEY,)
CYNTHIA DIANNE WARE,)
IRENE KING DOUGLAS, and)
BARBARA ANN GRIMES)

INDICTMENT

COUNT ONE: [18 U.S.C. § 286]

The Grand Jury charges that:

From in or between January, 2008, through May, 2013, more exact dates being unknown to the Grand Jury, in Madison and Jefferson counties, within the Northern District of Alabama, and elsewhere, the defendants,

**SHERMAINE GERMAN,
Also Known As "Shade,"
RONALD WEBSTER,
BRENDA JOYCE McDONALD,
MARLO YVETTE MILLER,
YVETTE BERRY PINCKNEY,
CYNTHIA DIANNE WARE,
IRENE KING DOUGLAS, and
BARBARA ANN GRIMES,**

and others known and unknown to the Grand jury, unlawfully, willfully, and knowingly agreed, combined, and conspired to defraud the United States by

obtaining and aiding to obtain the payment of false, fictitious, and fraudulent claims.

The defendants agreed to participate in and participated in a conspiracy to obtain payment of false claims for refunds from the Internal Revenue Service (“IRS”), by filing in others’ names false federal income tax returns claiming funds to which they knew they were not entitled. Actions taken to achieve the object of the conspiracy included, but were not limited to, the following:

To achieve the object of the conspiracy, **SHERMAINE GERMAN (GERMAN)** obtained the names, dates of birth, and Social Security Numbers of others and used them to create false income tax returns that contained fabricated amounts of tax withholdings. In filling out the forms, **GERMAN** used the identifying information of T. B., R. C., E. D., and H. T., whose names are known to the Grand Jury, and numerous other individuals. Many of these individuals were prisoners at Donaldson Correctional Facility and included prisoners on death row or who had been sentenced to terms of imprisonment, including terms of imprisonment for life without the possibility of parole. False power of attorney forms were generated in the names of persons named in the false income tax returns. **GERMAN** mailed income tax returns and power of attorney forms from Donaldson Correctional Facility in Bessemer, Alabama where he was a prisoner. The power of attorney forms were notarized by others and used to cash or deposit income tax refund checks which were received as part of the conspiracy.

To further achieve the object of the conspiracy, some of the false income tax returns had a return address of P.O. Box 464 Montgomery, Alabama 36101 (the Montgomery P.O. Box). The Montgomery P.O. Box was owned by

RONALD WEBSTER (WEBSTER). **WEBSTER** collected IRS refund checks which were sent to the Montgomery P.O. Box. **WEBSTER** provided, in person or by mail, the refund checks and power of attorney forms to other co-conspirators, including **MARLO YVETTE MILLER AND CYNTHIA DIANE WARE** in Huntsville, Alabama and **YVETTE BERRY PINCKNEY** in Montgomery, Alabama. **WEBSTER** disbursed funds from fraudulent refund checks which had been cashed or deposited as part of the conspiracy.

To further achieve the object of the conspiracy, **YVETTE PINCKNEY (PINCKNEY)** received power of attorney forms which she notarized. These power of attorney forms were used by **PINCKNEY** and/or her co-conspirators to cash or deposit fraudulent refund checks. **PINCKNEY** provided notarized power of attorney forms to **WEBSTER**. Refund checks and power of attorney forms which **PINCKNEY** notarized were mailed from Montgomery, Alabama to **MARLO MILLER** in Huntsville, Alabama. Proceeds from the conspiracy were deposited into **PINCKNEY's** Regions Bank account, and she distributed various amounts of proceeds from the checks. **PINCKNEY** distributed some of the proceeds from the conspiracy by wire. **PINCKNEY** received some of the proceeds of the conspiracy by mail and by wire. **PINCKNEY** communicated with **GERMAN** in Donaldson Correctional Facility regarding the conspiracy through **GERMAN's** telephone.

To further achieve the object of the conspiracy, **MARLO MILLER** received fraudulent refund checks and power of attorney forms from **WEBSTER**. Power of attorney forms which **MARLO MILLER** used to cash and/or deposit checks were notarized by **PINCKNEY** or another individual. **MARLO**

MILLER deposited refund checks from the conspiracy into Regions Bank and Redstone Federal Credit Union accounts. **MARLO MILLER** wired proceeds from the conspiracy to **PINCKNEY** and others from her Redstone Federal Credit Union account.

To further achieve the object of the conspiracy, **WEBSTER** provided **CYNTHIA WARE (WARE)** with refund checks and power of attorney forms. **WARE** used the power of attorney forms to cash and/or deposit refund checks. **WARE** gave **WEBSTER** some of the proceeds from the checks. **WARE** mailed **PINCKNEY** some of the proceeds from the checks.

To further achieve the object of the conspiracy, **IRENE KING DOUGLAS (DOUGLAS)** sent blank tax returns to Donaldson Correctional Facility. **DOUGLAS** received and cashed or deposited proceeds from the checks. **DOUGLAS** cashed or deposited refund checks using power of attorney forms which **DOUGLAS** had another individual notarize. **DOUGLAS** mailed some of the proceeds from the refund checks from Huntsville, Alabama to Montgomery, Alabama. **DOUGLAS** wired some of the proceeds from the refund checks to Donaldson Correctional Facility.

To further achieve the object of the conspiracy, **GERMAN** used the return address of **BRENDA JOYCE McDONALD (McDONALD)** at 2223 Bonaparte Boulevard, Apartment G, Montgomery, Alabama 36116 (the Montgomery apartment). Refund checks were then mailed to the Montgomery apartment. **McDONALD** provided refund checks to **WEBSTER**.

To further achieve the object of the conspiracy, **GERMAN** and his co-conspirators used the return address of P.O. Box 6051, Mobile, Alabama

36660 (the Mobile P.O. Box). Refund checks and power of attorney forms were sent to the Mobile P.O. Box and were provided to or obtained by **BARBARA ANN GRIMES (GRIMES)**. **GRIMES** had the power of attorney forms notarized and used them to cash and/or deposit refund checks. **GRIMES** kept some and distributed the remainder of the proceeds from the refund checks.

All in violation of Title 18, United States Code, Section 286.

COUNTS TWO through NINE: [18 U.S.C. §§ 287 and 2]

The Grand Jury further charges that:

On or between the 13th day of November, 2010, and the 11th day of February, 2012, more exact dates being unknown to the Grand Jury, in Jefferson County, within the Northern District of Alabama, and elsewhere, the defendants,

**SHERMAINE GERMAN,
Also Known As “Shade,” and
RONALD WEBSTER,**

aided and abetted by each other and by others, knowingly made and presented and caused to be made and presented to the Internal Revenue Service, an agency of the Department of Treasury, claims against the United States for payment, which they knew to be false, fictitious, and fraudulent, by preparing and filing and causing to be filed federal income tax returns for the individuals listed below, whose names are known to the Grand Jury, wherein claims for income tax refunds for the amounts listed below were made with the knowledge that such claims were false, fictitious, and fraudulent.

<u>Count</u>	<u>Name</u>	<u>Date Filed</u>	<u>Refund Year</u>	<u>Amount Claimed</u>
TWO	Shermaine German	11/13/10	2008	\$1,515.00
THREE	Shermaine German	1/8/11	2009	\$1,572.00
FOUR	R. C.	4/30/11	2008	\$1,515.00
FIVE	E. D.	2/11/12	2009	\$1,572.16
SIX	E. D.	2/11/12	2010	\$1,515.16
SEVEN	H. T.	2/11/12	2010	\$1,515.07
EIGHT	T. B.	2/11/12	2009	\$1,572.16
NINE	T. B.	2/11/12	2010	\$1,515.15

All in violation of Title 18, United States Code, Sections 287 and 2.

COUNTS TEN through FIFTEEN: [18 U.S.C. §§ 1341 and 2]

The Grand Jury hereby incorporates by reference and realleges Counts One through Nine of this indictment as though fully set forth herein.

The Grand Jury further charges that:

From in or about April, 2011, through March, 2012, more exact dates being unknown to the Grand Jury, in Jefferson County, within the Northern District of Alabama, and elsewhere, the defendant,

SHERMAINE GERMAN
Also Known As "Shade,"

aided and abetted by others, with the intent to defraud, for the purpose of

executing a scheme and artifice to obtain money by means of materially false and fraudulent pretenses and representations and attempting to do so, did knowingly cause United States Treasury refund checks to be deposited for delivery by the United States Postal Service, to wit: United States Treasury refund checks, to be sent and delivered to P.O. Box 464, Montgomery, Alabama, 36101 and 2223 Bonaparte Boulevard, Apt. G, Montgomery, Alabama from the Department of Treasury at the place at which the checks were directed to be delivered by the defendant.

<u>Count</u>	<u>Name</u>	<u>Issue Date</u>
TEN	R. C.	5/20/11
ELEVEN	E.D.	3/9/12
TWELVE	E.D.	3/23/12
THIRTEEN	H. T.	3/16/12
FOURTEEN	T. B.	3/9/12
FIFTEEN	T.B.	3/16/12

All in violation of Title 18, United States Code, Sections 1341 and 2.

COUNT SIXTEEN: [18 U.S.C. § 1349]

The Grand Jury hereby incorporates by reference and realleges Counts One through Fifteen of this indictment as though fully set forth herein.

The Grand Jury further charges that:

From in or about January, 2008, through May, 2013, more exact dates being unknown to the Grand Jury, in Madison and Jefferson counties, within the Northern District of Alabama, and elsewhere, the defendants,

**SHERMAINE GERMAN,
Also Known As “Shade,”
RONALD WEBSTER,
BRENDA JOYCE McDONALD, and
BARBARA ANN GRIMES,**

and others known and unknown to the Grand Jury, knowingly conspired and agreed together and with each other to commit mail fraud against the Department of Treasury, an agency of the United States, in violation of Title 18, United States Code, Section 1341, all in violation of Title 18, United States Code, Section 1349.

COUNT SEVENTEEN:[18 U.S.C. §§ 1028A (a) (1) and 2]

The Grand Jury further charges that:

On or about the 1st day of April, 2011, a more exact date being unknown to the Grand Jury, in Jefferson County, within the Northern District of Alabama, and elsewhere, the defendants,

**SHERMAINE GERMAN,
Also Known As “Shade,” and
RONALD WEBSTER,**

aided by each other and others, did knowingly transfer, possess, and use, without lawful authority, a means of identification of another actual person, to wit, the

name, date of birth, and Social Security Number of R. C., whose name is known to the Grand Jury, during and in relation to the felony violations of Title 18, United States Code, Sections 1341 and 1349, to wit, Mail Fraud and Conspiracy to Commit Mail Fraud as charged in Counts Ten and Sixteen, all in violation of Title 18, United States Code, Sections 1028A (a) (1) and 2.

COUNT EIGHTEEN: [18 U.S.C. §§ 1028A (a) (1) and 2]

The Grand Jury further charges that:

On or about the 1st day of February, 2012, a more exact date being unknown to the Grand Jury, in Jefferson County, within the Northern District of Alabama, and elsewhere, the defendants,

**SHERMAINE GERMAN,
Also Known As “Shade,” and
RONALD WEBSTER,**

aided by each other and others, did knowingly transfer, possess, and use, without lawful authority, a means of identification of another actual person, to wit, the name, date of birth, and Social Security Number of E. D., whose name is known to the Grand Jury, during and in relation to the felony violations of Title 18, United States Code, Sections 1341 and 1349, to wit, Mail Fraud and Conspiracy to Commit Mail Fraud as charged in Counts Eleven, Twelve, and Sixteen, all in violation of Title 18, United States Code, Sections 1028A (a) (1) and 2.

COUNT NINETEEN: [18 U.S.C. §§ 1028A (a) (1) and 2]

The Grand Jury further charges that:

On or about the 1st day of February, 2012, a more exact date being unknown to the grand Jury, in Jefferson County, within the Northern District of Alabama, and elsewhere, the defendants,

**SHERMAINE GERMAN,
Also Known As “Shade,” and
RONALD WEBSTER,**

aided by each other and others, did knowingly transfer, possess, and use, without lawful authority, a means of identification of another actual person, to wit, the name, date of birth, and Social Security Number of H. T., whose name is known to the Grand Jury, during and in relation to the felony violations of Title 18, United States Code, Sections 1341 and 1349, to wit, Mail Fraud and Conspiracy to Commit Mail Fraud as charged in Counts Thirteen and Sixteen, all in violation of Title 18, United States Code, Sections 1028A (a) (1) and 2.

COUNT TWENTY: [18 U.S.C. §§ 1028A (a) (1) and 2]

The Grand Jury further charges that:

On or about the 1st day of February, 2012, a more exact date being unknown to the grand Jury, in Jefferson County, within the Northern District of Alabama, and elsewhere, the defendants,

**SHERMAINE GERMAN,
Also Known As “Shade,” and
RONALD WEBSTER,**

aided by each other and others, did knowingly transfer, possess, and use, without lawful authority, a means of identification of another actual person, to wit, the name, date of birth, and Social Security Number of T. B., whose name is known to the Grand Jury, during and in relation to the felony violations of Title 18, United States Code, Sections 1341 and 1349, to wit, Mail Fraud and Conspiracy to Commit Mail Fraud as charged in Counts Fourteen, Fifteen, and Sixteen, all in violation of Title 18, United States Code, Section 1028A (a) (1).

A TRUE BILL

/s/ electronic signature

FOREPERSON OF THE GRAND JURY

JOYCE WHITE VANCE
United States Attorney

/s/ electronic signature

RUSSELL E. PENFIELD
Assistant United States Attorney