

IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 14-12 Erie
)	
DOHERTY KUSHIMO)	(Under Seal)
SABURI ADEYEMI)	
ABIODUN BAKRE)	
ADETUNJI GBADEGESHI)	
a/k/a Rasaan Adesina)	
ADEBOLA MEJULE)	
MICHAEL IDOWU OLUGBADE)	
a/k/a Gbade Idowu Mejule)	
a/k/a Emmanuel Ibukunolu Idowu Olugbade)	
XERXES SHEVAR)	
GCOBISA KEHLE)	
LOYISO KULA)	
ABIODUN TIJANI)	
a/k/a Dakova)	
FUNMILAYO ALIYU)	
a/k/a Aliu)	
BOLA PETERS)	
a/k/a Bola M. Kassim)	
a/k/a Muti Kassim)	
a/k/a Renee Copley)	
a/k/a Elizabeth Brown)	
SAMUEL SOBALOU)	
DANIEL FREEMAN)	
NANA BAFFOUR)	
KWAME ASAMOAH)	
ROBERT WIREKO)	
ALAIRE SANYA)	

FOURTH SUPERSEDING INDICTMENT MEMORANDUM

AND NOW comes the United States of America, by its attorneys, David J. Hickton, United States Attorney for the Western District of Pennsylvania, and Christian A. Trabold,

Assistant United States Attorney for said District, and submits this Fourth Superseding Indictment Memorandum to the Court:

I. THE SUPERSEDING INDICTMENT

A Federal Grand Jury returned a thirteen-count Fourth Superseding Indictment against the above-named defendants for alleged violations of federal law:

<u>COUNT</u>	<u>OFFENSE/DATE</u>	<u>TITLE/SECTION</u>	<u>DEFENDANT(S) CHARGED</u>
1	Conspiracy to commit wire fraud From in and around December 2005 to in and around November 2014	18 USC §1349	All
2-13	Aggravated identity Theft In and around March 2011 to in and around October 2012	18 USC §1028A(a)(1)	Kushimo Bakre

II. ELEMENTS OF THE OFFENSES

A. As to Count 1:

In order for the crime of conspiracy to commit wire fraud, in violation of 18 U.S.C. §1349, to be established, the government must prove all of the following essential elements beyond a reasonable doubt:

1. That the conspiracy, agreement, or understanding to commit violations of 18 U.S.C. § 1343 as

described in the Fourth Superseding Indictment, was formed, reached, or entered into by two or more persons.

2. At some time during the existence of the conspiracy, agreement or understanding, the defendant knew the purpose of the agreement, and, with that knowledge, then deliberately joined the conspiracy, agreement or understanding.

O'Malley, Grenig and Lee, 2 Federal Jury Practice and Instructions § 31.03 (2002) (revised to exclude overt act requirement, see Whitfield v. United States, 125 S.Ct. 687, 691 (2005); United States v. Shabani, 513 U.S. 10, 16 (1994)).

B. As to Counts 2 through 13:

In order for the crime of aggravated identity theft, in violation of 18 U.S.C. §1028A(a)(1), to be established, the government must prove all of the following essential elements beyond a reasonable doubt:

1. That the defendant committed a felony violation of a statute listed in 18 U.S.C. §1028A(c), other than aggravated identity theft, in violation of 18 U.S.C. §1028A(a)(1); and

2. That the defendant, during and in relation to said felony violation, knowingly transferred, possessed or used, without lawful authority, a means of identification of another person.

18 U.S.C. §1028A(a)(1).

I. PENALTIES

A. As to Count 1: Conspiracy to commit fraud (18 U.S.C. §1349):

1. Imprisonment of not more than twenty (20) years (18 U.S.C. §§1343 and 1349).

2. A fine not more than the greater of:

(a) \$250,000 (18 U.S.C. § 3571(b)(3))

or

(b) an alternative fine in an amount not more than the greater of twice the gross pecuniary gain to any person or twice the pecuniary loss to any person other than the defendant, unless the imposition of this alternative fine would unduly complicate or prolong the sentencing process (18 U.S.C. § 3571(d)).

3. A term of supervised release of not more than three (3) years (18 U.S.C. §§ 3559 and 3583).

4. Any or all of the above.

B. As to Counts 2 through 13: Aggravated identity theft (18 U.S.C. §1028A(a)(1)):

1. A term of imprisonment of two years to run consecutively with any other term imposed, except as stated in 18 U.S.C. §1028A(b)(4) (18 U.S.C. §1028A(a)(1)).

2. A fine of \$250,000 (18 U.S.C. §3571(b)(3)).

3. A term of supervised release of not more than one (1) year (18 U.S.C. §3583).

4. Any or all of the above.

IV. MANDATORY SPECIAL ASSESSMENT

A mandatory special assessment of \$100.00 must be imposed on each count upon which the defendant is convicted, pursuant to 18 U.S.C. §3013.

V. RESTITUTION

Restitution may be required in this case as to Counts One through Thirteen, together with any authorized penalty, as part of the defendant's sentence pursuant to 18 U.S.C. §§3663, 3663A and 2259.

VI. FORFEITURE

As set forth in the indictment, forfeiture may be applicable in this case.

Respectfully submitted,

DAVID J. HICKTON
United States Attorney


CHRISTIAN A. TRABOLD
Assistant U.S. Attorney
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