

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN JOSE

FILED
2015 SEP 29 P 2:05
SUSAN T. SCONG
CLERK, US DISTRICT COURT
NO. DIST. OF CA.

UNITED STATES OF AMERICA,
V.

NEAL MORTON

CR 15 0472

DEFENDANT(S).

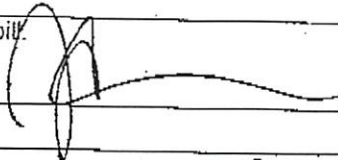
EJD PSG

INDICTMENT

18 U.S.C. § 1344(2) – Bank Fraud;

18 U.S.C. § 1028A – Aggravated Identity Theft

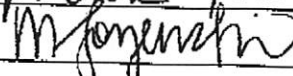
A true bill.



Foreman

Filed in open court this 29 day of

September, 2015



Clerk

SALLIE KIM

Bail, \$ Summons 30 days - 10/24/15

CR 15-0472-DM

BRIAN J. STRETCH (CABN 163973)
Acting United States Attorney

FILED
2015 SEP 29 P 2:05
SUSAN Y. SOONG
CLERK, US DISTRICT COURT
NO. DIST. OF CA.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

UNITED STATES OF AMERICA,

CR 15 0472
CASE NO.

Plaintiff,

v.

NEAL MORTON,

Defendant.

VIOLATIONS: 18 U.S.C. § 1344(2) –
Bank Fraud; 18 U.S.C. § 1028A –
Aggravated Identity Theft

PSG

SAN JOSE VENUE

INDICTMENT

The Grand Jury charges:

INTRODUCTORY ALLEGATIONS

At all times relevant to this Indictment, with all dates being approximate:

1. NEAL MORTON resided in Salinas, California.
2. Tehama Golf Club was a privately owned entity located in Carmel, California.
3. NEAL MORTON was employed in the accounting department at Tehama Golf Club from at least 2009 through February 4, 2014.
4. Tehama Golf Club used bank accounts at Union Bank and Santa Barbara Bank & Trust. Union Bank acquired Santa Barbara Bank & Trust on December 3, 2012.
5. Santa Barbara Bank & Trust and Union Bank were "insured depository institutions," meaning that their deposits were insured by the Federal Deposit Insurance Corporation. Union Bank

INDICTMENT

1 and Santa Barbara Bank & Trust each were, therefore, a "financial institution" as defined at Title 18,
2 United States Code, Section 20(1).

3 THE SCHEME TO DEFRAUD

4 6. From 2009 through and including February 4, 2014, MORTON devised a scheme to
5 embezzle funds from the Tehama Golf Club. As part of the scheme, he issued or caused to be issued
6 checks drawn on the Tehama Golf Club bank accounts that were made payable to himself. To conceal
7 the scheme, MORTON either made or caused to be made entries in Tehama Golf Club's accounting
8 records falsely reflecting that the checks were for valid business expenses when in fact they were made
9 payable to himself. MORTON deposited the proceeds from the fraudulent checks into a bank account
10 he controlled.

11 7. Many of the fraudulent checks MORTON signed were required to be co-signed by
12 another authorized signatory at Tehama Golf Club. To evade this requirement, and in furtherance of his
13 fraudulent scheme, MORTON forged those signatures using electronic copies of them he had saved on
14 his computer. In at least one instance, MORTON also forged a co-signer's signature by hand.

15 COUNTS ONE THROUGH TWELVE: (18 U.S.C. § 1344 – Bank Fraud)

16 8. Paragraphs 1 through 7 are incorporated and realleged as if fully set forth here.

17 9. On the dates set forth in each of Counts One through Twelve below, in the Northern
18 District of California and elsewhere, the defendant,

19 NEAL MORTON,

20 knowingly executed and attempted to execute a scheme and artifice to obtain money, funds, credits,
21 assets, securities, and other property owned by, and under the custody and control of a financial
22 institution, namely, Union Bank, by means of materially false and fraudulent pretenses, representations,
23 and promises:

24 //

25 //

26 //

27 //

28 //

Count:	Forged Signature on Check	Date of Check	Amount of Check	Payee As Listed in TGC Accounting Records
1	J.K.	11/25/2013	\$2,412.62	P.G. & E.
2	J.K.	11/12/2013	\$1,544.00	A.D.C.
3	J.K.	11/02/2013	\$2,021.06	P.G. & E.
4	J.K.	10/22/2013	\$1,354.26	F. & K.
5	J.K.	08/22/2013	\$3,387.50	G.T.R. & B.
6	D.T.	10/03/2012	\$2,519.72	P.G. & E.
7	D.T.	01/06/2013	\$2,520.37	P.G. & E.
8	D.T.	02/05/2013	\$2,519.06	P.G. & E.
9	D.T.	04/01/2013	\$2,523.61	P.G. & E.
10	D.T.	05/06/2013	\$2,440.08	P.G. & E.
11	D.T.	07/01/2013	\$1,762.42	Comm. Hosp.
12	D.T.	07/15/2013	\$2,580.16	P.G. & E.

Each in violation of Title 18, United States Code, Section 1344(2).

COUNTS THIRTEEN THROUGH TWENTY: (18 U.S.C. § 1028A – Aggravated Identity Theft)

10. Paragraphs 1 through 7 are incorporated and realleged as if fully set forth here.

11. On the dates set forth in each of Counts Thirteen through Twenty below, within the Northern District of California and elsewhere, the defendant,

NEAL MORTON,

during and in relation to a felony violation of 18 U.S.C. § 1344(2), knowingly transferred, possessed, and used, without lawful authority, a means of identification of another person, that is, the names of the persons identified by their initials in the table below:

//

//

INDICTMENT

Count:	Forged Signature on Check	Date of Check	Amount of Check	Payee Listed on Check
13	J.K.	11/25/2013	\$2,412.62	Neal Morton
14	J.K.	11/12/2013	\$1,544.00	Neal Morton
15	J.K.	11/02/2013	\$2,021.06	Neal Morton
16	J.K.	10/22/2013	\$1,354.26	Neal Morton
17	J.K.	08/22/2013	\$3,387.50	Neal Morton
18	D.T.	10/03/2013	\$2,519.72	Neal Morton
19	D.T.	01/06/2013	\$2,520.37	Neal Morton
20	D.T.	02/05/2013	\$2,519.06	Neal Morton


Each in violation of Title 18, United States Code, Section 1028A(a)(1).

A True Bill


Dated: Sep. 29, 2015


FOREPERSON

BRIAN J. STRETCH
Acting United States Attorney


DAVID R. CALLAWAY
Chief, Criminal Division

Approved as to Form


THOMAS NEWMAN
JOSE OLIVERA
Assistant United States Attorneys
Tax Division

INDICTMENT

AO 257 (Rev. 5/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING

OFFENSE CHARGED

18 U.S.C. § 1344(2) - Bank Fraud
 18 U.S.C. § 1028A - Aggravated Identity Theft

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY: 18 U.S.C. § 1344(2) - 30 years imprisonment; \$1,000,000 fine; 5 years supervised release; and \$100 special assessment; 18 U.S.C. § 1028A - 2 yrs prison, \$250,000 fine, 2 yrs superv. release, \$100 assessment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

DEFENDANT - U.S.

NEAL MORTON

DISTRICT COURT NUMBER

CR 15 0472 EJD

DEFENDANT

IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

- 1) ☒ If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction } ☐ Federal ☐ State
- 6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

IRS

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCP 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person Furnishing Information on this form

BRIAN STRETCH

Acting ☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned)

THOMAS NEWMAN, AUSA

PROCESS:

☒ SUMMONS ☐ NO PROCESS* ☐ WARRANT

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

Bail Amount:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: 10/29/15 2:30 pm Before Judge: PSG

Comments:

United States District Court
Northern District of California

CRIMINAL COVER SHEET

Instructions: Effective January 3, 2012, this Criminal Cover Sheet must be completed and submitted, along with the Defendant Information Form, for each new criminal case.

Case Name:

USA v. NEAL MORTON

CR 15 0472

Case Number:

EJD

Total Number of Defendants:

1 ☒2-7 ☐8 or more ☐

Is This Case Under Seal?

Yes ☐No ☒

PSG

Does this case involve ONLY charges under 8 U.S.C. § 1325 and/or 1326?

Yes ☐No ☒

Venue (Per Crim. L.R. 18-1):

SF ☐OAK ☐SJ ☒EUR ☐MON ☐

Is any defendant charged with a death-penalty-eligible crime?

Yes ☐No ☒

Assigned AUSA (Lead Attorney):

THOMAS NEWMAN, AUSA

Is this a RICO Act gang case?

Yes ☐No ☒

Date Submitted:

9/29/15

Comments:

Save

Print

Clear Form