

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

MAY 6 2009

DAVID J. MALAND, CLERK
BY DEPUTY _____

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

UNITED STATES OF AMERICA,

-vs-

TAHMEANE ELROD
a/k/a Tami Elrod,

Defendant

§
§
§
§
§
§

No. 6 : 09 - CR - 57

Schneider / Lowe

INDICTMENT

The Grand Jury charges that:

COUNT ONE

Violation: 18 U.S.C. §371
(Conspiracy to Commit Wire Fraud)

1. From on or about September 2007 to on or about December 2008, in the Eastern District of Texas, TAHMEANE ELROD, also known as Tami Elrod, Defendant, knowingly and willfully did combine, conspire, confederate and agree with others, known and unknown to the Grand Jury, to commit an offense against the United States, that is, the offense of wire fraud, in violation of Title 18, United States Code, § 1343. Defendant Elrod devised a scheme and artifice to defraud mortgage financing companies and others and to obtain money by means of false and fraudulent pretenses, representations and promises, and for the purpose of executing such a scheme, did knowingly cause to be transmitted by means of wire communication in interstate commerce a writing, sign and signal, specifically a false and fraudulent Request for Verification of Employment form on or about November 9, 2007 as part of loan application package.

B. THE OBJECT OF THE CONSPIRACY

2. It was the object of the conspiracy that ELROD and others known and unknown to the Grand Jury would obtain money from various mortgage financing companies by means of false and fraudulent pretenses, representations and promises. Specifically, Elrod would create and submit, and would cause other co-conspirators whose names are known to the Grand Jury to create and submit, false and fraudulent documents in support of their financial statements and loan applications in order to qualify for mortgages and other financing from the mortgage financing companies for the purchase of a residential property.

C. MANNER AND MEANS OF THE CONSPIRACY

It was part of the manner and means of the conspiracy that:

3. In or about October and November, 2007, Defendant Elrod met with a co-conspirator whose name is known to the Grand Jury, who was interested in purchasing a residential property as an investment, but who did not qualify for financing.

4. Defendant Elrod assembled and completed the loan application on behalf of the conspirators. In order to qualify the co-conspirator for financing from the mortgage financing company, Defendant Elrod forged certain documents from the co-conspirator's employer to create the appearance that the co-conspirator earned adequate income. Elrod created and had others create false pay stubs to further bolster the loan application and create the appearance that the co-conspirator earned adequate income.

5. Elrod knew that the loan application package contained false and fraudulent information when it was submitted with the loan application to the mortgage financing company.

6. On or about November 9, 2007, in the Eastern District of Texas, Defendant Elrod knowingly caused a false and fraudulent Request for Verification of Employment to be

transmitted by wire communication in interstate commerce to the mortgage financing company. Specifically, Elrod reported false and fraudulently inflated levels of earned income for the co-conspirator and forged the signature of the co-conspirator's employer on the Request for Verification of Employment form.

In violation of Title 18, United States Code §1341, and all in violation of Title 18, United States Code §371.

COUNT TWO

Violation: 18 U.S.C. §1343
(Wire Fraud)

7. The Grand Jury incorporates by reference paragraphs 1 through 6.
8. In the Eastern District of Texas, on or about November 9, 2008, Defendant Elrod, for the purpose of executing and carrying out the scheme and artifice, and for the purpose of attempting to do so, did knowingly and willfully transmit in interstate commerce by means of wire communication a writing, sign and signal, specifically a false and fraudulent Request for Verification of Employment form.

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

NOTICE OF INTENTION TO SEEK FORFEITURE

1. Upon conviction of the offense in violation of Title 18, United States Code, Section 1343 set forth in Count Two of the Indictment, the defendant, Tamheane Elrod, shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the offenses.

3. If any of the property described above, as a result of any act or omission of the defendant:
- a. cannot be located upon the exercise of due diligence;
 - b. has been transferred or sold to, or deposited with, a third party;
 - c. has been placed beyond the jurisdiction of the court;
 - d. has been substantially diminished in value; or
 - e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

All pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c).

A TRUE BILL

Date: 5/6/09

RA
GRAND JURY FOREPERSON

Respectfully submitted,
John M. Bales
United States Attorney
Arnold A. Spencer
Arnold A. Spencer
Assistant United States Attorney
110 North College, Suite 700
Tyler, Texas 75702
Phone 903/ 590-1400
Fax: 903/590-1439

SPECIAL RULES CONCERNING FINES, RESTITUTION,
SPECIAL ASSESSMENTS, AND SUPERVISED RELEASE

FINES (18 U.S.C. §3571):

A defendant who has been found guilty of an offense may be sentenced to pay a fine. Except as otherwise provided, the authorized fines are:

1. If the defendant is an individual:

- (a) for a felony, or for a misdemeanor resulting in the loss of human life, not more than \$250,000;
- (b) for any other misdemeanor, not more than \$100,000.

RESTITUTION (18 U.S.C. §3663):

The court may order in addition to or in lieu of any other penalty authorized by law that the defendant make restitution as defined in their section to any victim of the offense.

SPECIAL ASSESSMENT (18 U.S.C. §3013):

The court shall assess the amount of \$100.00 on any person convicted of a felony offense against the United States.

SUPERVISED RELEASE (18 U.S.C. §3583):

Except as otherwise provided, the authorized terms of supervised release are--

- (1) for a Class A (life imprisonment or death) or a Class B (25 years or more) felony, not more than 5 years;
- (2) for a Class C (less than 25 years, but 10 or more years) or a Class D (less than 10 years, but 5 or more years) felony, not more than 3 years;
- (3) for a Class E (less than 5 years, but more than 1 year) felony or misdemeanor (other than a petty offense), not more than 1 year.

Title 18 U.S.C. §3559 sets forth the classification of offenses for sentencing purposes.

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

UNITED STATES OF AMERICA

vs.

TAHMEANE ELROD,
Defendant

§
§
§
§
§
§

Case No. 6:09 cr
Judge

NOTICE OF PENALTY

COUNT ONE

Violation: 18 U.S.C. §371
(Conspiracy to Commit Wire Fraud)

Penalty: A fine of not more than \$250,000
and/or imprisonment for not more
than five (5) years; and a period of
supervised release of not more than 3
years;

COUNT TWO

Violation: 18 U.S.C. §1343
(Wire Fraud)

Penalty: A fine of not more than \$250,000
and/or imprisonment for not more
than twenty (20) years; and a period
of supervised release of not more
than 3 years.