

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS
(Kansas City Docket)**

UNITED STATES OF AMERICA)	
)	
Plaintiff,)	
)	
v.)	Case No. 09- 20107-01/02 JWL/JPO
)	
WILDOR WASHINGTON, SR.,)	
aka "Bill Washington")	
and)	
EMMA JEAN HOLMES,)	
)	
Defendants.)	

INDICTMENT

The Grand Jury charges that:

COUNT ONE

THE CONSPIRACY

1. During the period from in or about July, 2004, and continuing until in or about September, 2004, the exact dates being unknown, in the District of Kansas and elsewhere, the defendants,

**WILDOR WASHINGTON, SR.,
a/k/a "Bill Washington"
and
EMMA JEAN HOLMES,**

knowingly and willfully combined, conspired, confederated and agreed with each other and with other persons known and unknown to the Grand Jury to commit and conceal offenses against the United States, by:

- A. Voluntarily and intentionally devising and executing and attempting to execute by interstate wire a scheme and artifice to defraud and

obtain money and other property by means of false and fraudulent pretenses, representations, and omissions of material fact, in violation of Title 18, United States Code, Sections 1343 and 2; and

- B. Voluntarily and intentionally devising a scheme and artifice to defraud and obtain money by means of false pretense, and for the purpose of executing and in order to effect the scheme and artifice to defraud and obtain money, causing a matter and thing to be sent, delivered and moved by a commercial carrier, in violation of Title 18, United States Code, Sections 1341 and 2.

OBJECT OF THE CONSPIRACY AND MANNER AND MEANS

2. The object of the conspiracy and scheme to defraud was to enrich the conspirators by submitting materially false and fraudulent loan applications to lenders in order to obtain home loans. The applications were submitted in the name of defendant EMMA JEAN HOLMES.

3. It was part of the conspiracy and in furtherance of it that the conspirators submitted loan applications that grossly overstated the borrower, defendant EMMA JEAN HOLMES' monthly income.

4. The conspirators, for the purpose of increasing the likelihood of the loan getting approved, submitted loan applications and "affidavits of occupancy" which stated the property for which the loan was being obtained would be the borrower's primary residence, when in fact they knew the borrower never intended to occupy the property.

5. During the course of the conspiracy, the conspirators submitted loan applications stating the down payment being used to purchase the property was supplied by the borrower, when in fact the down payment was supplied by other conspirators.

6. The conspirators submitted loan applications containing grossly inflated values for the borrower's assets, including fraudulently inflating the balance of the

borrower's checking, savings, and 401K retirement accounts and inflating the value of the borrower's "other" assets, specifically, "Household Items".

7. During the course of the conspiracy conspirators would supply the borrower, defendant EMMA JEAN HOLMES, with funds to deposit into her personal bank account in order to artificially inflate the balance of the her account. This gave HOLMES the appearance of having substantial assets in order to deceive the lender into approving the loan. The conspirators then stopped payment on the funds, thereby retrieving the funds from HOLMES' account.

8. It was also part of the conspiracy and in furtherance of it that the conspirators would submit multiple fraudulent loan applications for multiple properties in rapid succession. This was done to exploit the lag in time it takes for real estate transactions to be recorded in the public record and on the borrower's credit report and thereby avoiding detection of their scheme by the lenders.

OVERT ACTS

It was part of the conspiracy and in furtherance of it the defendants committed and caused to be committed and aided and abetted the following acts:

79XX W. 155th Place Overland Park Kansas

9. On or about July 12, 2004, the exact date being unknown, WILDOR WASHINGTON, SR. and EMMA JEAN HOLMES caused the preparation and submission of a loan application to National City Mortgage showing EMMA JEAN HOLMES as the "Borrower" for the purchase of property located at 79XX 155th Place Overland Park, Kansas, which the defendants knew contained false and fraudulent statements and

representations including that the borrower's monthly income was \$7,886.00 when in fact the borrower's monthly income was approximately \$3,000;

**78XX W. 155th Place
Overland Park, Kansas**

10. On or about August 27, 2004, the exact dates being unknown, the defendants WILDOR WASHINGTON, SR. and EMMA JEAN HOLMES caused the preparation and submission of a loan application to BNC Mortgage showing EMMA JEAN HOLMES as the "Borrower" for the purchase of real property located at 78XX 155th Place Overland Park, Kansas, which the defendants knew contained false and fraudulent statements and representations including that the borrower's monthly income was \$8,311.00 when, in fact, the borrower's monthly income was approximately \$3,000.

**157XX Birch St.
Overland Park, Kansas**

11. On or about September 2, 2004, the exact date being unknown, the defendants WILDOR WASHINGTON, SR. and EMMA JEAN HOLMES caused the preparation and submission of a loan application to People's Choice Home Loan, Inc. showing EMMA JEAN HOLMES as the "Borrower" for the purchase of real property located at 157XX Birch St, Overland Park, Kansas, which the defendants knew contained false and fraudulent statements and representations including that the borrower's monthly income was \$7,861.00 when, in fact, the borrower's monthly income was approximately \$3,000.

This was in violation of Title 18, United States Code, Section 371.

COUNT TWO

12. On or about September 14, 2004, in the District of Kansas and elsewhere, the defendants,

**WILDOR WASHINGTON, SR.,
a/k/a “Bill Washington”
and
EMMA JEAN HOLMES,**

for the purpose of executing and attempting to execute a scheme and artifice to defraud did unlawfully cause to be transmitted by means of wire in interstate commerce, writings, signs, signals and pictures for the purpose of executing such scheme and artifice, that is, the faxing of a title commitment for the purchase of property located at 78XX 155th Place, Overland Park, Kansas, sent from Missouri Secured Title in the State of Missouri, to another person at Amstar Mortgage in the District of Kansas.

This was in violation of Title 18, United States Code, Sections 1343 and 2.

COUNT THREE

13. On or about September 2, 2004, the exact date being unknown, in the District of Kansas and elsewhere, the defendants,

**WILDOR WASHINGTON, SR.,
a/k/a “Bill Washington”
and
EMMA JEAN HOLMES,**

devised a scheme and artifice to defraud and obtain money by means of false pretense, and for the purpose of executing and in order to effect the scheme and artifice to defraud and obtain money, caused a loan application prepared by the defendants which showed EMMA JEAN HOLMES as the “Borrower” for the purchase of property located at 157XX

Birch St., Overland Park, Kansas, to be sent, delivered and moved by FedEx, a commercial interstate carrier.

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

COUNT FOUR

14. On or about September 10, 2004, in the District of Kansas and elsewhere, the defendants,

**WILDOR WASHINGTON, SR.,
a/k/a "Bill Washington"
and
EMMA JEAN HOLMES,**

and others known and unknown to the Grand Jury did knowingly conduct, attempt to conduct and cause a financial transaction affecting interstate and foreign commerce, that is, the withdrawal by check of \$312,617.80 payable to South and Associates, PC, for the pay off of the first mortgage held on property located at 157XX Birch Street, Overland Park, Kansas, which involved the proceeds of a specified unlawful activity, that is, mail fraud in violation of Title 18, United States Code, Section 1341, with the intent to promote the carrying on of a specified unlawful activity to wit: mail fraud in violation of Title 18, United States Code, Section 1341, and that while conducting and attempting to conduct such financial transaction knew that the property involved in the financial transaction represented the proceeds of some form of unlawful activity.

This was in violation of Title 18, United States Code, Sections 1956(a)(1)(A)(I) and 2.

COUNT FIVE

15. On or about August 25, 2006, in the District of Kansas, in a matter within the jurisdiction of the Internal Revenue Service (IRS), the defendant,

WILDOR WASHINGTON, SR.,

did knowingly and willfully make a false, fraudulent, and fictitious material statement and representation, that is, during an interview with IRS Special Agent Henry Herron the defendant WILDOR WASHINGTON, SR. stated that Victoria "Ima" Bennett did not work for Amstar Mortgage, a statement he knew to be false.

This was in violation of Title 18, United States Code, Section 1001.

A TRUE BILL.

DATED: August 12, 2009

s/ Foreperson
FOREPERSON

s/ D. Christopher Oakley #19248 for
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Ks. S. Ct. No. 13267

(It is requested that trial of the above captioned case be held in Kansas City, Kansas.)

PENALTIES:

Count 1 - **Conspiracy**
18 U.S.C. § 371, Class D Felony

- NMT 5 years incarceration;
- \$250,000 fine;
- NMT 3 years supervised release
- \$100.00 Special Assessment

Counts 2 and 3 - **Wire and Mail Fraud**
18 U.S.C. §1343 and 1341, Class B Felonies

- NMT 20 years incarceration; (unless financial institution is affected, then NMT 30 years)
- \$250,000 fine; (unless financial institution is affected, then NMT \$1,000,000)
- NMT 5 years supervised release;
- \$100.00 Special Assessment

Count 4 - **Money Laundering**
18 USC 1956(a)(1)(A)(I), Class B Felony

- NMT 20 years incarceration
- NMT \$500,000 fine, or twice the value of the property involved in the transaction, whichever is greater
- NMT 5 years supervised release
- \$100.00 Special Assessment

Count 5 - **False Statement**
18 USC 1001, Class D Felony

- NMT 5 years incarceration;
- \$250,000 fine;
- NMT 3 years supervised release;
- \$100.00 Special Assessment