

CRIMINAL COVER SHEET

U.S. District Court, Western District of Oklahoma

Petty Misdemeanor Felony

Case No. CR 11-354 D

Number of Counts 3 + Forf Number of Defendants 1

USAOID No. 2011R00710 By: ml

INDICTMENT Sealed: Yes No OCDEF: Yes No Notice Summons Writ Warrant to Issue

DEFENDANT: SAFIYYAH TAHIR BATTLES		NOV 15 2011	
Alias(es):		Address: Oklahoma City, OK	
		Phone:	
Age&DOB: xx/xx/1976 [35]	SS#: xxx-xx-0246	Juvenile: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Interpreter: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
SEX: M <input type="checkbox"/> F <input checked="" type="checkbox"/>	RACE: African-American	Language/Dialect:	

Defendant Status:

<input checked="" type="checkbox"/> Not in Custody	Type of Bond Recommended on this Charge: OR <input type="checkbox"/> Cash <input type="checkbox"/> 10% <input type="checkbox"/> Unsecured <input checked="" type="checkbox"/> Surety <input type="checkbox"/>
Bond set at: \$ _____ Date: _____ Current Bond on Other Charge Federal <input type="checkbox"/> State <input type="checkbox"/>	Bond in Amount of: \$5,000
<input type="checkbox"/> In Jail at: _____ Under Prisoner/Register No.: _____	Detention <input type="checkbox"/>

Prior Proceedings or Appearance(s) Before U.S. Magistrate Judge:

Case No. M-	Government Motion to Detain: Yes <input type="checkbox"/> No <input type="checkbox"/>
Complaint: Yes <input type="checkbox"/> No <input type="checkbox"/>	Bond Set: _____ Date: _____

Related Case Information:

Previous Case No.	Rule 20/Rule 5 from District of:
Additional Defendants: Yes <input type="checkbox"/> No <input type="checkbox"/>	Total Number of defendants: _____

Attorney Information:

Defense Counsel: MARNA FRANKLIN	AUSA: SCOTT E. WILLIAMS/CHRIS STEPHENS	
Address: 620 North Robinson, Suite 203 Oklahoma City, OK 73102	Phone: 405/553-8700	Fax: 405/553-8888
Phone: 405/239-2454	Fax: 405/605-2284	Federal Agent/Agency: FBI; IRS
Retained <input type="checkbox"/> CJA Panel <input checked="" type="checkbox"/> Public Defender <input type="checkbox"/>	Local Agent/Agency:	

<u>Count(s)</u>	<u>USC Citation(s)</u>	<u>Offense(s) Charged</u>	<u>Penalty</u>
1	18 USC § 1014; 18 USC § 2	Fraud - Loan and credit applications etc.; Aiding and Abetting	NMT 30 yrs., NMT \$1,000,000, or both; NMT 5 yrs. Supervised Release; \$100 Special Assessment. [If revoked, NMT 3 yrs.]

2	18 USC § 1343; 18 USC § 2	Fraud by wire, radio, or television; Aiding and Abetting	NMT 20 yrs., NMT \$250,000, or both; NMT 3 yrs. Supervised Release; \$100 Special Assessment. [If revoked, NMT 2 yrs.]
3	18 USC § 1957(a); 18 USC § 2	Monetary transactions w/property from unlawful act; Aiding and Abetting	NMT 10 yrs., NMT \$250,000, or both; NMT 3 yrs. Supervised Release; \$100 Special Assessment. [If revoked, NMT 2 yrs.]
Forfeiture Allegations	18 USC § 981(a)(1)(C); 28 USC § 2461(c); 18 USC § 982(a)(1)	Criminal Forfeiture	Forfeit to the United States any proceeds of Count 2 and any property, real or personal, involved in Count 3, or any property traceable to such property.

Date: 11/14/11

Signature of AUSA _____

FILED

NOV 15 2011

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF O
BY Mary Khas DEPUT

UNITED STATES OF AMERICA,)	No. CR 11-354 D
)	
Plaintiff,)	Violations: 18 U.S.C. § 1014
)	18 U.S.C. § 2
-vs-)	18 U.S.C. § 1343
)	18 U.S.C. § 1957(a)
SAFIYYAH TAHIR BATTLES,)	18 U.S.C. § 981(a)(1)(C)
)	28 U.S.C. § 2461(c)
Defendant.)	18 U.S.C. § 982(a)(1)

INDICTMENT

The Federal Grand Jury charges:

Introduction

At all times relevant to this Indictment:

1. **SAFIYYAH TAHIR BATTLES** was a real estate broker affiliated with T&T Realty in Oklahoma City.

2. First Security Bank was a financial institution with offices in Oklahoma City that maintained deposits insured by the Federal Deposit Insurance Corporation.

3. Saxon Mortgage, Inc., was in the business of lending money for the purchase and re-financing of residential real estate. It had its principal place of business in Fort Worth, Texas, and maintained a bank account at JPMorgan Chase Bank.

4. Lawyers Title of Oklahoma City, Inc., was a title company that conducted residential real estate closings at various locations in the Oklahoma City metropolitan area, including Midwest City, Oklahoma. It maintained a bank account at Arvest Bank.

COUNT 1
False Statement to a Financial Institution

5. The Federal Grand Jury incorporates paragraphs 1 and 2 by reference.

6. During the summer of 2006, First Security Bank agreed to finance the construction of a residence at 5404 North Lottie Avenue in Oklahoma City on land owned by **TAHIR BATTLES**. On or about August 3, 2006, **TAHIR BATTLES** signed a secured promissory note in the amount of \$305,000.00 in favor of First Security Bank for construction expenses at 5404 North Lottie Avenue. On or about February 16, 2007, **TAHIR BATTLES** signed a second secured promissory note in the amount of \$72,400.00 in favor of First Security Bank for construction expenses at 5404 North Lottie Avenue.

7. In or about February of 2007, in the Western District of Oklahoma,

_____ **SAFIYYAH TAHIR BATTLES** _____

knowingly made and caused to be made a false statement to First Security Bank for the purpose of influencing the action of First Security Bank. In

particular, **TAHIR BATTLES** caused to be delivered to First Security Bank a document that purported to be a federal income tax return for the 2006 calendar year that she had filed jointly with her husband when in fact she did not file her 2006 tax return until 2009 and reported substantially different income to the IRS.

All in violation of Title 18, United States Code, Section 1014, and Title 18, United States Code, Section 2.

COUNT 2
Wire Fraud

8. The Federal Grand Jury incorporates paragraphs 1-4 by reference.

The Scheme to Defraud

9. It was part of the scheme that in early 2007, **TAHIR BATTLES** decided to re-finance 5404 North Lottie Avenue in Oklahoma City, which she owned and occupied. On or about May 4, 2007, **TAHIR BATTLES** completed a uniform residential loan application seeking credit from Saxon Mortgage in the amount of \$500,000.00. The closing took place at Lawyers Title in Midwest City on or about May 4, 2007, with disbursement to take place on or about May 9, 2007.

10. It was further part of the scheme that **TAHIR BATTLES** falsely represented on the loan application that her gross monthly income was

\$28,723.16.

11. It was further part of the scheme that **TAHIR BATTLES** falsely represented on the loan application that she had \$165,907.70 on deposit in account number XXXX-423-4 at First Security Bank when she actually had less than \$1,000.00 in that account.

12. It was further part of the scheme that **TAHIR BATTLES** supported her loan application with personal bank statements for account number XXXX-423-4 at First Security Bank that had been falsified by inflating account balances by more than \$100,000.00 each month.

13. It was further part of the scheme that **TAHIR BATTLES** caused the settlement statement to state falsely that \$102,630.01 would be paid to an individual other than **TAHIR BATTLES**. As **TAHIR BATTLES** was aware, employees of Saxon Mortgage and Lawyers Title believed falsely that this individual had performed construction work on the property. On or about May 9, 2007, the day that the lender funded the mortgage loan, **TAHIR BATTLES** took possession of the \$102,630.01 check, which was payable to the other individual, and deposited it into a personal account under her control at First Security Bank.

The Wiring in Furtherance of the Scheme

14. On or about May 9, 2007, in the Western District of Oklahoma and elsewhere,

————— SAFIYYAH TAHIR BATTLES, —————

for the purpose of executing a scheme to defraud in a material manner, and with intent to defraud, knowingly caused signals to be transmitted by means of wire communications in interstate commerce. In particular, **TAHIR BATTLES** caused JPMorgan Chase to use interstate wire communications to transmit \$495,842.80 from an account owned by Saxon Mortgage, Inc., to an account owned by Lawyers Title of Oklahoma City, Inc., at Arvest Bank for the purpose of re-financing 5404 North Lottie Avenue in Oklahoma City, Oklahoma.

All in violation of Title 18, United States Code, Section 1343, and Title 18, United States Code, Section 2.

COUNT 3
Money Laundering

15. The Federal Grand Jury incorporates paragraphs 1, 2, and 9-14 by reference.

16. On or about May 11, 2007, in the Western District of Oklahoma,

————— SAFIYYAH TAHIR BATTLES —————

knowingly engaged in a monetary transaction by, through, and to a financial institution, affecting interstate commerce, in criminally derived property of a value greater than \$10,000.00. In particular, **TAHIR BATTLES** caused a debit in the amount of \$15,000.00 from an account under her control at First

Security Bank by writing a \$15,000.00 check to T.T., after these funds had been derived from wire fraud, a specified unlawful activity pursuant to Title 18, United States Code, Sections 1956(c)(7)(A) and 1961(1).

All in violation of Title 18, United States Code, Section 1957(a), and Title 18, United States Code, Section 2.

FORFEITURE ALLEGATIONS

A. The Federal Grand Jury incorporates paragraphs 1-4 and 8-16 for the purpose of alleging forfeiture.

B. Upon conviction of the offense alleged in Count Two, **SAFIYYAH TAHIR BATTLES** shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), any property constituting or derived from proceeds obtained directly or indirectly as a result of the offense, including but not limited to a money judgment in an amount equal to the proceeds obtained as a result of the offense.

C. Upon conviction of the offense alleged in Count Three, **SAFIYYAH TAHIR BATTLES** shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), any property involved in the offense and any property traceable to such property.

D. Pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), and Title 18,

United States Code, Section 982(b)(1), **SAFIYYAH TAHIR BATTLES** shall forfeit substitute property, up to the amounts described in paragraphs B and C, if, by any act or omission of the defendant, the property described in paragraphs B or C, or any portion of that property, cannot be located upon the exercise of due diligence; has been transferred or sold to, or deposited with, a third person; has been placed beyond the jurisdiction of the Court; has been substantially diminished in value; or has been commingled with other property that cannot be subdivided without difficulty.

All in accordance with Title 18, United States Code, Section 981(a)(1)(C), Title 28, United States Code, Section 2461(c), and Title 18 United States Code, Section 982(a)(1).

A TRUE BILL:

FOREPERSON OF THE GRAND JURY

SANFORD C. COATS
United States Attorney

SCOTT E. WILLIAMS
CHRIS M. STEPHENS
Assistant U.S. Attorneys