

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

07-60187

Case No. **CR-COHN** **MAGISTRATE JUDGE**
SNOW

- 18 U.S.C. §371
- 18 U.S.C. §1341
- 18 U.S.C. §1343
- 18 U.S.C. §1028(a)(7)
- 18 U.S.C. §1349
- 42 U.S.C. §408(a)(7)(C)
- 18 U.S.C. §1028(a)(2)
- 18 U.S.C. §981(a)(1)(C)

FILED BY _____ D.C.
 2007 AUG -7 PM 3:24
 CLERK OF COURT
 S.D. OF FLORIDA

UNITED STATES OF AMERICA,

v.

MARLENE DINNALL,
a/k/a Marlene Morris,
a/k/a Marlene Henry,
a/k/a Marlene Angela Hall,

Defendant.

_____ /

INDICTMENT

The Grand Jury Charges:

GENERAL ALLEGATIONS

At times relevant to this Indictment:

1. National City Mortgage Company ("National City Mortgage,") NovaStar Financial Incorporated ("NovaStar"), Aegis Funding Corporation, Wells Fargo Home Mortgage Inc., Master Financial Inc., and Option One Mortgage Corporation are entities engaged in the business of mortgage lending.

2. Stockton Turner & Company Mortgage Bankers (“Stockton Turner”) is a diversified mortgage banking firm, licensed in the State of Florida as a correspondent lender as of March 31, 1999.

3. From on or about August 27, 2001, to on or about January 1, 2003, defendant **MARLENE DINNALL** acted as a loan originator under the Stockton Turner name, and continued to do so individually until on or about August 15, 2003.

4. During the period August 27, 2001, to on or about August 15, 2003, defendant **MARLENE DINNALL** handled the processing of mortgage applications on behalf of prospective borrowers.

5. The offices of defendant **MARLENE DINNALL** were located at 18800 N.W. 2nd Avenue, Suite 123, Miami, Florida.

6. Various title companies acted as the closing agent and closed the real estate transactions on behalf of the lenders and prepared settlement and closing documents including HUD-1 Forms.

7. Once the loan was approved by the lender, a closing on the property was scheduled. At the closing, a closing agent, usually a title company acting for the lender, was required to prepare a Settlement Statement (Form HUD 1) showing the funds paid by the borrower and due to the seller. Also reflected were the closing costs, prorations, escrow deposits, mortgage amounts and obligations to be satisfied. The closing agent would collect funds due from the borrower and disburse funds due to the seller. After the borrower and seller signed the appropriate legal documents, including the warranty deed, note, mortgage and lender disclosure documents, the closing agent would issue a final title policy to the borrower and lender showing

the new owner, legal description, mortgage amount and exceptions to the policy. Upon completion of the closing, the closing agent would forward the signed documents as required by the lender from the closing to the lenders office and file the deed and mortgage in the land records of Miami-Dade and Broward Counties, Florida.

COUNT 1
(Conspiracy: 18 U.S.C. §371)

8. The allegations set forth in paragraphs 1 through 7 of this Indictment are incorporated herein by reference as though fully set forth herein.

9. Beginning on or about July 7, 2001 and continuing to on or about August 15, 2003, in Miami-Dade and Broward Counties in the Southern District of Florida, and elsewhere, defendant,

MARLENE DINNALL,
a/k/a Marlene Henry,
a/k/a Marlene Morris,
a/k/a Marlene Angela Hall,

and others known and unknown to the Grand Jury, did knowingly and willfully combine, conspire, confederate, and agree to commit offenses against the United States of America, that is:

a. during and in relation to a felony violation of Title 18, United States Code, Chapter 63, to knowingly transfer, possess, and use, without lawful authority, a means of identification of another person, in violation of Title 18, United States Code, Sections 1028(a)(7) and (c)(3)(A); and

b. to knowingly and willfully devise a scheme and artifice to defraud and to obtain money and property from others by means of materially false and fraudulent pretenses, representations and promises, and for the purpose of executing such scheme and artifice and

attempting to do so, to place and cause to be placed, in a post office and authorized depository for mail matter, to be delivered by the U.S. Postal Service, and to deposit and cause to be deposited certain matters and things, to be sent and delivered by a private and commercial interstate carrier, in violation of Title 18, United States Code, Section 1341; and

c. to knowingly and willfully devise a scheme and artifice to defraud and to obtain money and property from others by means of materially false and fraudulent pretenses, representations and promises, and for the purpose of executing such scheme and artifice and attempting to do so, to transmit and cause to be transmitted by means of wire communication in interstate commerce, certain writings, signals, pictures and sounds, in violation of Title 18, United States Code, Section 1343.

OBJECT OF THE CONSPIRACY

The object of the conspiracy was as follows:

10. The defendant and others sought to unlawfully enrich themselves by defrauding mortgage lenders by fraudulently inducing them to fund mortgages on properties located in Miami-Dade and Broward Counties, Florida, and elsewhere, based upon the submission of false and fraudulent mortgage packages.

MANNER AND MEANS OF THE CONSPIRACY

The manner and means by which the defendant sought to accomplish the object of the conspiracy included the following:

11. As part of the mortgage lending process, defendant **MARLENE DINNALL** submitted and caused to be submitted fraudulent Uniform Residential Loan Applications and Schedules of Real Estate Owned (Form 1003), Requests for Verification of Employment (Form

1005), IRS Form W-2's, payroll stubs and other information as required by the lenders, to be furnished in the borrowers' names, to the lender for review and credit worthiness approval.

12. As the mortgage broker, defendant **MARLENE DINNALL** was the leader of this scheme and artifice to defraud. Defendant **MARLENE DINNALL** knowingly mailed and faxed fraudulent mortgage applications containing fraudulent information to mortgage lenders, which the mortgage lenders relied on in the mortgage approval process in reviewing and approving the loans.

13. On some loans, defendant **MARLENE DINNALL** would use straw buyers on fraudulent applications sent to lenders using their identities to stand in as borrowers/purchasers, when in fact they had no interest or intent to be the true borrower/owner or to occupy the property.

14. Defendant **MARLENE DINNALL** would knowingly submit and cause to be submitted these false and fraudulent applications to National City Mortgage, NovaStar, Aegis Funding Corporation, Wells Fargo Home Mortgage Inc., Master Financial Inc., and Option One, in order to fraudulently procure mortgage financing for the borrowers. The mortgage lenders just prior to the closing would fund these loans by sending their funds by either check or wire transfers to the bank accounts of the closing agent.

15. Defendant **MARLENE DINNALL** would be paid in her name and the name of Stockton Turner, loan origination fees, mortgage brokerage fees and yield spread premiums from the various lenders in connection with the fraudulently procured loans.

16. On some loans, defendant **MARLENE DINNALL** would create and cause to be created false bank account statements in the names of the buyers, falsely making the accounts

reflect high balances.

17. On some loans, defendant **MARLENE DINNALL** would create and cause to be made false Verification of Employment forms and salary statements in the names of the buyers, making the borrowers appear to be actively employed.

18. Defendant **MARLENE DINNALL** would also cause to be created false and fraudulent IRS W-2 forms and wage stubs in the names of the borrowers which were submitted to the mortgage lenders.

19. Defendant **MARLENE DINNALL** submitted and caused to be submitted at least eleven loan packages to mortgage lenders which were false and fraudulent in some material fashion.

20. Defendant **MARLENE DINNALL** caused mortgage lenders to pay over approximately \$61,535 in mortgage brokerage fees and yield premiums in connection with these fraudulently procured loans to her and to Stockton Turner.

21. The aggregate dollar amount of all loans procured fraudulently by the defendant **MARLENE DINNALL** from the mortgage lenders exceeded \$1.8 million dollars.

OVERT ACTS

In furtherance of the conspiracy and to effect the object thereof, at least one of the following overt acts, among others, was committed by at least one of the conspirators in the Southern District of Florida and elsewhere:

22. 6510 S.W. 8th Street, Pembroke Pines, Florida

A. On or about July 7, 2001, defendant **MARLENE DINNALL** caused to be prepared a false Uniform Residential Loan Application (Form 1003) in the name of P.G. as the

borrower, which contained a false Social Security Number (“SSN”) and false employer for P.G.

B. On or about July 7, 2001, defendant **MARLENE DINNALL** used the SSN xxx-xx-8387 belonging to another person, as the SSN of P.G. in the Uniform Residential Loan Application (Form 1003).

C. On or after July 7, 2001, defendant **MARLENE DINNALL** caused to be prepared false bank statements and wage stubs in the name of P.G.

D. On or about July 27, 2001, defendant **MARLENE DINNALL** caused to be prepared a false Verification of Employment in the name of P.G., as the borrower.

E. On or about August 27, 2001, defendant **MARLENE DINNALL** caused a real estate closing to take place at Countyline Title Group, Inc., in Hollywood, Florida, for the property located at 6510 S.W. 8th Street, Pembroke Pines, Florida.

F. On or about August 27, 2001, defendant **MARLENE DINNALL** caused the lender National City Mortgage Co. to wire transfer approximately \$148,380.83 to the bank account of Countyline Title Group, Inc., at First Union National Bank in Hollywood, Florida.

G. On or about August 27, 2001, defendant **MARLENE DINNALL** caused a warranty deed to be issued in the name of P.G. for said property located at 6510 S.W. 8th Street, Pembroke Pines, Florida.

H. On or about August 28, 2001, defendant **MARLENE DINNALL** caused Countyline Title Group, Inc. to mail the completed closing documents to the lender National City Mortgage Co.

I. On or about September 5, 2001, defendant **MARLENE DINNALL** caused a warranty deed to be recorded for said property located at 6510 S.W. 8th Street,

Pembroke Pines, Florida.

23. 8311 N.W. 53rd Street, Lauderhill, Florida

A. On or about February 20, 2002, defendant **MARLENE DINNALL** caused to be prepared a false Verification of Employment in the name of R.M. as the borrower.

B. On or about March 3, 2002, defendant **MARLENE DINNALL** caused to be prepared a false Uniform Residential Loan Application (Form 1003) in the name of R.M., as the borrower, which contained false employment and income information.

C. On or about April 12, 2002, defendant **MARLENE DINNALL** caused a real estate closing to take place at Countyline Title, in Hollywood, Florida, for the property located at 8311 N.W. 53rd Street, Lauderhill, Florida.

D. On or about April 12, 2002, defendant **MARLENE DINNALL** caused the lender NovaStar to wire transfer approximately \$160,773.39 to the bank account of Countyline Title at First Union National Bank, in Hollywood, Florida.

E. On or about April 12, 2002, defendant **MARLENE DINNALL** caused a warranty deed to be issued in the name of R.M. for said property located at 8311 N.W. 53rd Street, Lauderhill, Florida.

F. On or about April 15, 2002, defendant **MARLENE DINNALL** caused Countyline Title to mail the completed closing documents to the lender NovaStar.

G. On or about May 14, 2002, defendant **MARLENE DINNALL** caused a warranty deed to be recorded for said property located at 8311 N.W. 53rd Street, Lauderhill, Florida.

24. 20530 N.W. 24th Avenue, Opa Locka, Florida

A. On or about March 26, 2002, defendant **MARLENE DINNALL** caused to be prepared a false Uniform Residential Loan Application (Form 1003) in the name of Y.W. as the borrower, which contained false income information.

B. On or about March 26, 2002, defendant **MARLENE DINNALL** caused to be prepared a false Verification of Employment in the name of Y.W. as the borrower.

C. On or about March 26, 2002, defendant **MARLENE DINNALL** caused to be prepared fraudulent bank statements in the name of Y.W. as the borrower.

D. On or about May 30, 2002, defendant **MARLENE DINNALL** caused a real estate closing to take place at Countyline Title Group, Inc., in Hollywood, Florida.

E. On or about May 30, 2002, defendant **MARLENE DINNALL** caused the lender National City Mortgage Co. to wire transfer approximately \$82,318.33 to the bank account of Countyline Title Group, Inc. at the First Union National Bank, in Hollywood, Florida.

F. On or about July 16, 2002, defendant **MARLENE DINNALL** caused a warranty deed to be recorded for said property located at 20530 N.W. 24th Avenue, Opa Locka, Florida.

25. 1320 N.E. 203rd Street, Miami, Florida

A. On or about May 2, 2002, defendant **MARLENE DINNALL** caused to be prepared a false payroll stub and false W-2 forms in the name of G.C-T. for the years 2000 and 2001.

B. On or about May 2, 2002, defendant **MARLENE DINNALL** caused to be prepared a false Verification of Employment form in the name of G.C-T. as the borrower.

C. On or about May 3, 2002, defendant **MARLENE DINNALL** caused a contract for sale to be fraudulently signed using the identity of G.C-T. as purchaser, on the property known as 1320 N.E. 203rd Street, Miami, Florida, in the amount of \$165,000.00.

D. On or about June 26, 2002, defendant **MARLENE DINNALL** caused to be prepared a false Uniform Residential Loan Application (Form 1003) in the name of G.C-T. as the borrower which contained false employment information.

E. On or about June 26, 2002, defendant **MARLENE DINNALL** caused a false gift letter to be prepared which stated that N.G., sister of G.C-T., made a gift of \$4,590.00 to G.C-T. to be applied toward the purchase price of the property.

F. On or about June 26, 2002, defendant **MARLENE DINNALL** caused a real estate closing to take place at Countyline Title Group, Inc., in Hollywood, Florida with G.C-T. as the straw buyer of the property located at 1320 N.E. 203rd Street, Miami, Florida.

G. On or about June 26, 2002, defendant **MARLENE DINNALL** caused the lender National City Mortgage Co. to wire transfer approximately \$154,276.80 to the bank account of Countyline Title Group, Inc., at the First Union National Bank, in Hollywood, Florida.

H. On or about June 26, 2002, defendant **MARLENE DINNALL** caused a warranty deed to be executed conveying said property located at 1320 N.E. 203rd Street, Miami, Florida, to G.C-T.

I. On or about June 27, 2002, defendant **MARLENE DINNALL** caused Countyline Title Group, Inc. to mail the completed closing documents to the lender National City Mortgage Co.

J. On or about July 16, 2002, defendant **MARLENE DINNALL** caused a warranty deed to be recorded for said property located at 1320 N.E. 203rd Street, Miami, Florida.

26. 3117 N.W. 203rd Lane, Miami, Florida

A. On or about October 1, 2002, defendant **MARLENE DINNALL** caused a contract for sale to be fraudulently signed using the identity of L.P. as purchaser, on the property located at 3117 N.W. 203rd Lane, Miami, Florida, in the amount of \$92,000.00.

B. On or about October 31, 2002, defendant **MARLENE DINNALL** caused to be prepared a false Uniform Residential Loan Application (Form 1003) in the name of L.P., as the borrower, which contained false employment and income information.

C. On or about October 31, 2002, defendant **MARLENE DINNALL** caused to be prepared a false Verification of Employment in the name of L.P. as the borrower.

D. On or after October 31, 2002, defendant **MARLENE DINNALL** caused to be prepared false bank statements, wage stubs, and W-2 forms in the name of L.P. for the years 2000 and 2001.

E. On or about November 18, 2002, defendant **MARLENE DINNALL** caused a real estate closing to take place at Countyline Title Group, Inc., in Hollywood, Florida, with L.P. as the straw buyer for the property located at 3117 N.W. 203rd Lane, Miami, Florida.

F. On or about November 18, 2002, defendant **MARLENE DINNALL** caused the lender National City Mortgage to wire transfer approximately \$89,643.88 to the bank account of Countyline Title at First Union National Bank, in Hollywood, Florida.

G. On or about November 18, 2002, defendant **MARLENE DINNALL** caused a warranty deed to be issued in the name of L.P. for said property located at 3117 N.W.

203rd Lane, Miami, Florida.

H. On or about November 21, 2002, defendant **MARLENE DINNALL** caused Countyline Title to mail the completed closing documents to the lender National City Mortgage Co.

I. On or about December 10, 2002, defendant **MARLENE DINNALL** caused a warranty deed to be recorded for said property located at 3117 N.W. 203rd Lane, Miami, Florida.

27. 8452 Sheraton Drive, Miramar, Florida

A. On or about August 19, 2002, defendant **MARLENE DINNALL** caused to be prepared a false Uniform Residential Loan Application (Form 1003) in the name of D.L., as the borrower, which contained stolen identity information, false banking information, and false employment information.

B. On or about August 28, 2002, defendant **MARLENE DINNALL** caused a contract for sale to be fraudulently signed using the identity of D.L. as purchaser, on the property located at 8452 Sheraton Drive, Miramar, Florida, in the amount of \$167,000.00.

C. On or about September 18, 2002, defendant **MARLENE DINNALL** caused to be prepared a false Verification of Employment in the name of D.L. as the borrower which contained false employment information, and false income information for J & J Transportation.

D. On or after September 18, 2002, defendant **MARLENE DINNALL** caused to be prepared false bank statements and wage stubs in the name of D.L.

E. On or about September 19, 2002, defendant **MARLENE DINNALL** caused to be prepared a false Verification of Previous Employment in the name of D.L. as the borrower which contained false employment and income information for A Specialty Transportation.

F. On or about October 23, 2002, defendant **MARLENE DINNALL** caused a real estate closing to take place at Countyline Title Group, Inc., in Hollywood, Florida, for the property located at 8452 Sheraton Drive, Miramar, Florida.

G. On or about October 23, 2002, defendant **MARLENE DINNALL** caused the lender National City Mortgage to wire transfer approximately \$170,668.13 to the bank account of Countyline Title at First Union National Bank, in Hollywood, Florida.

H. On or about October 23, 2002, defendant **MARLENE DINNALL** caused a warranty deed to be issued in the name of D.L. for said property located at 8452 Sheraton Drive, Miramar, Florida.

I. On or about November 16, 2002, defendant **MARLENE DINNALL** caused a warranty deed to be recorded for said property located at 8452 Sheraton Drive, Miramar, Florida.

28. 2100 N.W. 91st Way, Fort Lauderdale, Florida

A. On or about March 5, 2003, defendant **MARLENE DINNALL** caused to be prepared a false Verification of Employment form in the name of R.T. as the borrower.

B. On or about March 10, 2003, defendant **MARLENE DINNALL** caused a prepared a false Uniform Residential Loan Application (Form 1003) in the name of R.T. as the borrower which contained false employment and income information.

C. On or after March 10, 2003, defendant **MARLENE DINNALL** caused to be prepared false bank statements in the name of R.T.

D. On or about March 12, 2003, defendant **MARLENE DINNALL** caused a warranty deed to be executed conveying said property located at 2100 N.W. 91st Way, Sunrise, Florida.

E. On or about April 14, 2003, defendant **MARLENE DINNALL** caused a real estate closing to take place at Affinity Title Services Inc., in Deerfield Beach, Florida for the property located at 2100 N.W. 91st Way, Fort Lauderdale, Florida.

F. On or about April 15, 2003, defendant **MARLENE DINNALL** caused Affinity Title Services Inc., to mail the completed closing documents to the lender Wells Fargo Home Mortgage Inc., in St. Petersburg, Florida.

G. On or about April 30, 2003, defendant **MARLENE DINNALL** caused a warranty deed to be recorded for said property located at 2100 N.W. 91st Way, Sunrise, Florida.

29. 6020 South Sable Circle, Margate, Florida

A. On or about May 16, 2003, defendant **MARLENE DINNALL** caused to be prepared a false Verification of Employment in the name of T.W. as the borrower which contained false employment and income information for Gneiss Corporation.

B. On or after May 16, 2003, defendant **MARLENE DINNALL** caused to be prepared false wage stubs and W-2 forms in the name of T.W. for the years 2001 and 2002.

C. On or about June 25, 2003, defendant **MARLENE DINNALL** caused to be prepared a false Uniform Residential Loan Application (Form 1003) in the name of T.W., as the borrower, which contained false employment and income information.

D. On or about July 9, 2003, defendant **MARLENE DINNALL** caused a real estate closing to take place at Countyline Title Group, Inc., in Hollywood, Florida, for the property located at 6020 South Sable Circle, Margate, Florida.

E. On or about July 9, 2003, defendant **MARLENE DINNALL** caused a warranty deed to be issued in the name of T.W. for said property located at 6020 South Sable Circle, Margate, Florida.

F. On or about July 14, 2003, defendant **MARLENE DINNALL** caused Countyline Title Group, Inc. to mail the completed closing documents to the lender Aegis Funding Corporation.

G. On or about July 24, 2003, defendant **MARLENE DINNALL** caused a warranty deed to be recorded for said property located at 6020 South Sable Circle, Margate, Florida.

30. 3930 N.W. 173rd Terrace , Miami, Florida

A. On or before June 26, 2003, defendant **MARLENE DINNALL** caused a contract for sale to be fraudulently signed using the identity of D.T.-G. as purchaser, on the property located at 3930 N.W. 173rd Terrace, Miami, Florida, in the amount of \$140,000.00.

B. On or about June 26, 2003, defendant **MARLENE DINNALL** caused to be prepared a false Uniform Residential Loan Application (Form 1003) in the name of D.T.-G., as the borrower, which contained false information about the buyer, false employment and income information.

C. On or after June 26, 2003, defendant **MARLENE DINNALL** caused to be prepared false wage stubs.

D. On or about July 17, 2003, defendant **MARLENE DINNALL** caused a real estate closing to take place at Countyline Title Group, Inc., in Hollywood, Florida, with D.T.-G. as the straw buyer for D.K., for the property located at 3930 N.W. 173rd Terrace, Miami, Florida.

E. On or about July 17, 2003, defendant **MARLENE DINNALL** caused the lender Master Financial Inc., to wire transfer approximately \$134,463.00 to the bank account of Countyline Title at Wachovia Bank, in Hollywood, Florida.

F. On or about July 17, 2003, defendant **MARLENE DINNALL** caused a warranty deed to be issued in the name of D.T.-G. for said property located at 3930 N.W. 173rd Terrace, Miami, Florida.

G. On or about July 18, 2003, defendant **MARLENE DINNALL** caused Countyline Title to mail the completed closing documents to the lender Master Financial Inc., in Orange, California.

H. On or about August 15, 2003, defendant **MARLENE DINNALL** caused a warranty deed to be recorded for said property located at 3930 N.W. 173rd Terrace, Miami, Florida.

31. 80 N.E. 174th Drive, Miami, Florida

A. On or about January 16, 2003, defendant **MARLENE DINNALL** caused to be prepared a false Uniform Residential Loan Application (Form 1003) in the name of H.C., as the borrower, which contained a false Social Security number.

B. On or about February 26, 2003, defendant **MARLENE DINNALL** caused a real estate closing to take place at Countyline Title Group, Inc., in Hollywood, Florida, for the

property located at 80 N.E. 174th Drive, Miami, Florida.

C. On or about February 26, 2003, defendant **MARLENE DINNALL** caused a warranty deed to be issued in the name of H.C. for said property located at 80 N.E. 174th Drive, Miami, Florida.

D. On or about March 26, 2003, defendant **MARLENE DINNALL** caused a warranty deed to be recorded for said property located at 80 N.E. 174th Drive, Miami, Florida.

← CPE
8/17/07

32. 19499 S.W. 24th Street, Miramar, Florida

A. On or about December 1, 2002, defendant **MARLENE DINNALL** caused to be prepared a false Uniform Residential Loan Application (Form 1003) in the name of Marlene Henry, as the borrower, which contained false employment, income and banking information.

B. On or after December 1, 2002, defendant **MARLENE DINNALL** caused to be prepared false bank statements, a wage stub, and a W-2 form in the name of Marlene Henry for the year 2001.

C. On or about January 23, 2003, defendant **MARLENE DINNALL** caused a warranty deed to be issued in the name of Marlene Henry for said property located at 19499 S.W. 24th Street, Miramar, Florida.

D. On or about January 31, 2003, defendant **MARLENE DINNALL** caused a real estate closing to take place at The Greater Title Services Inc., in Miami, Florida, for the property located at 19499 S.W. 24th Street, Miramar, Florida.

E. On or about February 4, 2003, defendant **MARLENE DINNALL** caused The Greater Title Services Inc., in Miami, Florida, to mail the completed closing documents to

the lender Option One Mortgage Corporation, in Maitland, Florida.

F. On or about February 25, 2003, defendant **MARLENE DINNALL** caused a warranty deed to be recorded for said property located at 19499 S.W. 24th Street, Miramar, Florida.

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

COUNTS 2-6
(Mail Fraud: 18 U.S.C. §1341)

33. The allegations set forth in paragraphs 1 through 7 and 10 through 21 of this Indictment are incorporated herein by reference as though fully set forth herein.

34. On or about the dates enumerated as to each count below, at Miami-Dade and Broward Counties, in the Southern District of Florida, and elsewhere, defendant,

MARLENE DINNALL,
a/k/a Marlene Henry,
a/k/a Marlene Morris,
a/k/a Marlene Angela Hall,

devised and intended to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, and for the purpose of executing and in furtherance of such scheme and artifice to defraud and for obtaining money by means of false and fraudulent pretenses, representations, and promises, and attempting to do so, the defendant did knowingly and willfully cause to be sent by private and commercial interstate carrier such matters and things, as more particularly described for each count below:

COUNT	DATE	PROPERTY ADDRESS	DESCRIPTION OF MAILING
2	11/21/2002	3117 N.W. 203 rd Lane, Miami, Florida	Closing file from Countyline Title, Hollywood, Florida, via UPS Next Day Air Number 1ZFSE6212210067532 to National City Mortgage, Fort Lauderdale, Florida
3	2/4/2003	19499 S.W. 24 th Street, Miramar, Florida	Closing file from Greater Title Services, Miami, Florida, via Airborne Express Number 8742042971 to Option One, Maitland, Florida
4	4/15/2003	2100 N.W. 91 st Way, Sunrise, Florida	Closing file from Affinity Title Services Inc., Deerfield Beach, Florida, via FedEx Airbill Number 839043360260 to Wells Fargo, St. Petersburg, Florida
5	7/14/2003	6020 South Sable Circle, Margate, Florida	Closing file from Countyline Title, Hollywood, Florida, via UPS Next Day Air Number 1ZFSE6212210079092 to Aegis Funding, Baton Rouge, Louisiana
6	7/18/2003	3930 N.W. 173 rd Terrace, Miami, Florida	Closing file from Countyline Title, Hollywood, Florida, via UPS Next Day Air Number 1ZFSE6212210079412 to Master Financial Inc., Orange, California

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

COUNTS 7-9
(Wire Fraud: 18 U.S.C. §1343)

35. The allegations set forth in paragraphs 1 through 7 and 10 through 21 of this Indictment are incorporated herein by reference as though fully set forth herein.

36. On or about the dates set forth below at Miami-Dade and Broward Counties, in the Southern District of Florida, and elsewhere, the defendant,

MARLENE DINNALL,
a/k/a Marlene Henry,
a/k/a Marlene Morris,

a/k/a Marlene Angela Hall,

did knowingly, willfully and with an intent to defraud devise a scheme and artifice to defraud and to obtain money from mortgage lenders by means of false and fraudulent pretenses, representations, and promises, knowing the representations and promises were false when made, and for the purpose of executing and in furtherance of such scheme and artifice to defraud and for obtaining money by means of false and fraudulent pretenses, representations, and promises, and attempting to do so, did knowingly and willfully cause to be transmitted in interstate commerce by means of wire communications certain signals and sounds, as more particularly described for each count below:

COUNT	DATE	PROPERTY ADDRESS	DESCRIPTION OF WIRE FRAUD COMMUNICATION
7	10/23/2002	8452 Sheraton Drive, Miramar, Florida	Wire transfer of \$170,668.19 from National City Mortgage bank account at National City Bank in Cleveland, Ohio to Countyline Title bank account at First Union National Bank, in Hollywood, Florida (Escrow Account No. 2000008243663)
8	11/18/2002	3117 N.W. 203 rd Land, Miami, Florida	Wire transfer of approximately \$89,643.88 from National City Mortgage bank account at National City Bank in Cleveland, Ohio, to Countyline Title bank account at First Union National Bank in Hollywood, Florida (Escrow Account No. 2000008243663)
9	7/17/2003	3930 N.W. 173 rd Terrace, Miami, Florida	Wire transfer of approximately \$134,463.00 from Master Financial bank account at Bank One, Chicago, Illinois to Countyline Title bank account at Wachovia Bank, Hollywood, Florida (Escrow Account No. 2000015613338)

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

COUNTS 10-11
(Fraudulent Use of a Means of Identification: 18 U.S.C. 1028(a)(7))

37. On or about the dates listed below, at Miami-Dade and Broward Counties, in the Southern District of Florida and elsewhere, the defendant,

**MARLENE DINNALL,
a/k/a Marlene Henry,
a/k/a Marlene Morris,
a/k/a Marlene Angela Hall,**

during and in relation to felony violations of Title 18, United States Code, Chapter 63, that is, felony violations of Title 18, United States Code, Sections 1341(mail fraud) and 1343(wire fraud), did knowingly use and caused to be used, without lawful authority, a means of identification of another person, that is, a Social Security number, assigned to another person, as described below:

COUNT	DATE	MEANS OF IDENTIFICATION
10	1/16/2003	Used Social Security number of individual with the initials "R.H.C." (xxx-xx-3485) on Form 1003 to obtain a mortgage on property located at 80 N.E. 174 th Drive, Miami, Florida
11	4/14/2003	Used Social Security Number of an individual with the initials "W.L.S." (xxx-xx-4417) on Form 1003 to obtain a mortgage on property located at 2100 N.W. 91 st Way, Sunrise, Florida

All in violation of Title 18, United States Code, Sections 1028(a)(7), (b)(2)(B), (c)(3)(A) and 2.

COUNT 12
(Attempted Bank Fraud: 18 U.S.C. §1349)

38. Washington Mutual Bank was a financial institution whose accounts were insured by the Federal Deposit Insurance Corporation (FDIC) and which had branches in Miami-Dade County and throughout the Southern District of Florida. Washington Mutual Bank was an organization that operated in and the activities of which affected interstate and foreign commerce.

39. On or about August 12, 2002, in Miami-Dade County, in the Southern District of Florida, the defendant,

MARLENE DINNALL,
a/k/a Marlene Henry,
a/k/a Marlene Morris,
a/k/a Marlene Angela Hall,

did knowingly and willfully attempt to execute a scheme and artifice to defraud Washington Mutual and to obtain moneys, funds and assets owned by and under the custody and control of Washington Mutual, by means of false and fraudulent pretenses, representations, and promises, in that the defendant knowingly and willfully attempted to cause the opening of an equity line of credit in the amount of \$800,000 for an individual with the initials "C.W.," in the name of a business with the initials "T.M.," by providing fraudulent and false tax returns and financial statements for the years 2000-2001, in violation of Title 18, United States Code, Sections 1349 and 2.

COUNT 13
(Sale of Social Security Card: 42 U.S.C. §408(a)(7)(C))

40. On or about August 30, 2002, in Miami-Dade County, in the Southern District of Florida, the defendant,

**MARLENE DINNALL,
a/k/a Marlene Henry,
a/k/a Marlene Morris,
a/k/a Marlene Angela Hall,**

for the purpose of obtaining for another person a payment and a benefit to which the other person was not entitled, and for the purpose of obtaining something of value from another person, and for other purposes, did knowingly cause and aid and abet the selling of a card that was and purported to be a Social Security card issued by the Commissioner of Social Security, in violation of 42 U.S.C. § 408(a)(7)(C), and Title 18, United States Code, Section 2.

**COUNT 14
(Sale of Social Security Card: 42 U.S.C. §408(a)(7)(C))**

41. On or about September 11, 2002, in Miami-Dade County, in the Southern District of Florida, the defendant,

**MARLENE DINNALL,
a/k/a Marlene Henry,
a/k/a Marlene Morris,
a/k/a Marlene Angela Hall,**

for the purpose of obtaining for another person a payment and a benefit to which the other person was not entitled, and for the purpose of obtaining something of value from another person, and for other purposes, did knowingly cause and aid and abet the selling of a card that was and purported to be a Social Security card issued by the Commissioner of Social Security, in violation of 42 U.S.C. § 408(a)(7)(C), and Title 18, United States Code, Section 2.

**COUNT 15
(Transfer of False Identification Documents: 18 U.S.C. §1028(a)(2))**

42. On or about September 11, 2002, in Miami-Dade County, in the Southern District of Florida, the defendant,

**MARLENE DINNALL,
a/k/a Marlene Henry,
a/k/a Marlene Morris,
a/k/a Marlene Angela Hall,**

did knowingly cause and aid and abet the transfer of false identification documents, knowing that such documents were produced without lawful authority, that is, a Social Security card, two employment authorization cards, and a resident alien card, said false identification documents appearing to be issued by and under the authority of the United States, in violation of Title 18, United States Code, Sections 1028(a)(2), (b)(1)(A), (c)(1) and 2.

FORFEITURE

Conspiracy, Mail Fraud and Wire Fraud Forfeiture

A. The allegations of Counts 1 through 9 of this Indictment are realleged and by this reference fully incorporated herein for the purpose of alleging forfeitures to the United States of America of certain property in which the defendant,

**MARLENE DINNALL,
a/k/a Marlene Henry,
a/k/a Marlene Morris,
a/k/a Marlene Angela Hall,**

has an interest, pursuant to the provisions of Title 28, United States Code, Section 2461, Title 18, United States Code, Sections 981(a)(1)(C), and the procedures outlined at Title 21, United States Code, Section 853.

B. Upon conviction of any of the offenses charged in Counts 1 through 9 of this Indictment, the defendant,

**MARLENE DINNALL,
a/k/a Marlene Henry,
a/k/a Marlene Morris,
a/k/a Marlene Angela Hall,**

shall forfeit to the United States any personal property, real or personal, which constitutes or is derived from proceeds, traceable to such violations. Such forfeiture shall include, but is not limited to:

1. Approximately \$61,535 in United States currency, representing a money judgment for the amount of proceeds obtained by the defendant, directly and indirectly from her illegal activities during the period charged in Counts 1 through 9, in violation of Title 18, United States Code, Sections 371, 1341, 1343, and 981.

2. One Parcel of Real Estate located at 19499 S.W. 24th Street, Miramar, Florida 33029, more particularly described as:

LOT 58, BLOCK 1, HARBOR LAKE ESTATES,
ACCORDING TO THE PLAT THEREOF,
RECORDED IN PLAT BOOK 169, PAGE 48, OF
THE PUBLIC RECORDS OF BROWARD
COUNTY, FLORIDA.

C. Pursuant to Title 21, United State Code, Section 853(p), if any of the forfeitable property, or any portion thereof, as a result of any act or omission of the defendants:

1. cannot be located upon the exercise of due diligence;
2. has been transferred or sold to, or deposited with a third person;
3. has been placed beyond the jurisdiction of the Court;
4. has been substantially diminished in value; or
5. has been commingled with other property which cannot be subdivided without difficulty;

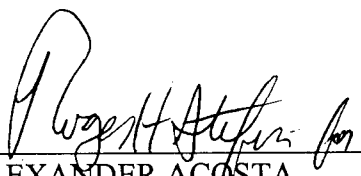
it is the intent of the United States to seek forfeiture of other property of the defendant up to the value of the above-described forfeitable property.

All pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 21, United States Code, Section 853.

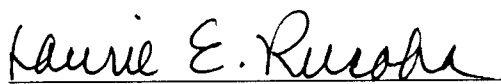
A TRUE BILL



FOREPERSON



R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY



LAURIE E. RUCOBA
ASSISTANT UNITED STATES ATTORNEY

UNITED STATES OF AMERICA

CASE NO. _____

vs.
MARLENE DINNALL,
a/k/a Marlene Morris,
a/k/a Marlene Henry,
a/k/a Marlene Angela Hall,
Defendant.

CERTIFICATE OF TRIAL ATTORNEY*

Superseding Case Information:

Court Division: (Select One)

____ Miami _____ Key West
x FTL _____ WPB _____ FTP

New Defendant(s) Yes _____ No _____
Number of New Defendants _____
Total number of counts _____

I do hereby certify that:

- 1. I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
- 2. I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.

3. Interpreter: (Yes or No) No
List language and/or dialect _____

4. This case will take 20 days for the parties to try.

5. Please check appropriate category and type of offense listed below:
(Check only one) (Check only one)

I	0 to 5 days	_____	Petty	_____
II	6 to 10 days	_____	Minor	_____
III	11 to 20 days	<u>X</u>	Misdem.	_____
IV	21 to 60 days	_____	Felony	<u>X</u>
V	61 days and over	_____		

6. Has this case been previously filed in this District Court? (Yes or No) No

If yes: Judge: _____ Case No. _____
(Attach copy of dispositive order)

Has a complaint been filed in this matter? (Yes or No) No

If yes: Magistrate Case No. _____
Related Miscellaneous numbers: _____
Defendant(s) in federal custody as of _____
Defendant(s) in state custody as of _____
Rule 20 from the _____ District of _____

Is this a potential death penalty case? (Yes or No) No

- 7. Does this case originate from a matter pending in the U.S. Attorney's Office prior to April 1, 2003? _____ Yes X No
- 8. Does this case originate from a matter pending in the U. S. Attorney's Office prior to April 1, 1999? _____ Yes X No
If yes, was it pending in the Central Region? _____ Yes X No
- 9. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to October 14, 2003? _____ Yes X No
- 10. Does this case originate from a matter pending in the Narcotics Section (Miami) prior to May 18, 2003? _____ Yes X No

Laurie E. Rucoba

Laurie E. Rucoba
ASSISTANT UNITED STATES ATTORNEY
Court Bar No. A5500052

*Penalty Sheet(s) attached

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name MARLENE DINNALL Case No: _____

Count #: 1

Conspiracy, in violation of 18: U.S.C. §371

***Max. Penalty:** 5 years' imprisonment; 3 years' supervised release; \$250,000 fine

Counts #: 2-6

Mail Fraud, in violation of 18: U.S.C. §1341

*** Max. Penalty:** 20 years' imprisonment; 3 years' supervised release; \$250,000 fine

Counts #: 7-9

Wire Fraud, in violation of 18: U.S.C. §1343

***Max. Penalty:** 20 years' imprisonment; 3 years' supervised release; \$250,000 fine

Counts #: 10-11

Fraudulent Use of Means of Identification, in violation of 18: U.S.C. §1028(a)(7)

***Max. Penalty:** 5 years' imprisonment; 3 years' supervised release; \$1 million fine

Count #: 12

Attempted Bank Fraud, in violation of 18 U.S.C. §1349

***Max. Penalty:** 30 years' imprisonment; 5 years' supervised release; \$1 million fine

Counts #: 13 and 14

Causing the sale of fraudulent SS card, in violation of 42: U.S.C. §408(a)(7)(C)

***Max. Penalty:** 5 years' imprisonment; 3 years' supervised release; \$250,000 fine

Count #: 15

Transfer of false identification documents, in violation of 18 U.S.C. §1028(a)(2),(b)1(A) & (c)(1)

***Max. Penalty:** 15 years' imprisonment; 3 years' supervised release; \$250,000 fine

*Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms or forfeitures that may be applicable.