

1 MICHAEL J. YAMAGUCHI
United States Attorney
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3 Attorney for Plaintiff
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FILED
96 JUN 19 AM 11:52
U.S. DISTRICT COURT
NO. DIST. OF CA., S.T.

6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA

LHK PSG

9 UNITED STATES OF AMERICA,
10 Plaintiff,
11 v.
12 ZAHID ALI,
13 RIFFAT ALI, a/k/a
14 RIFFAT MEHMOOD,
REFAT HUSAIN, and
15 MUJEEBULLAH MUJAHID KHAN,
16 Defendants.

CR 96 20094 JWW

No.

Violations:

Count 1: (All Defendants)

18 U.S.C. § 1344(1) and (2)
Bank Fraud

Count 2: (Riffat Ali)

18 U.S.C. § 2314
Transporting Stolen Monies

17 I N D I C T M E N T
18

19 COUNT ONE: (18 U.S.C. § 1344(1) and (2))

20 The Grand Jury charges that:

21 1. Beginning on or about July 2, 1994, and continuing
22 through and including at least on or about September 9, 1994,
23 in the State and Northern District of California, and
24 elsewhere,

25 ZAHID ALI,
26 RIFFAT ALI, a/k/a RIFFAT MEHMOOD, REFAT HUSAIN, and
MUJEEBULLAH MUJAHID KHAN,
defendants herein, did knowingly, and with intent to defraud,

I N D I C T M E N T

1
Court
Criminal Processing

1 execute, and attempt to execute, a scheme and artifice to
2 defraud Home Savings of America, a financial institution the
3 deposits of which were then insured by the Federal Deposit
4 Insurance Corporation, and to obtain the monies and funds of
5 Home Savings of America by means of false and fraudulent
6 pretenses, representations and promises.

7 2. It was the scheme of the defendants to defraud and to
8 obtain the monies and funds of Home Savings of America through
9 the submission of a loan application that contained false and
10 fraudulent material information, that was supported by
11 fraudulent documents and documents containing false material
12 information, and that was submitted in the name of a "straw
13 borrower," that is, a person who had no intent personally to
14 repay the loan.

15 3. In furtherance of the scheme and as a part thereof,
16 the defendants caused money to be deposited into an account of
17 the straw borrower in order to inflate his apparent net worth
18 to be reported on the fraudulent loan application.

19 4. In furtherance of the scheme and as part thereof,
20 ZAHID ALI submitted to MUJEEBULLAH MUJAHID KHAN in his capacity
21 as loan consultant at Home Savings of America, a false and
22 fraudulent loan application in the name of the straw borrower,
23 Niteshkumar M. Bhatt, with supporting documents, for the
24 purpose of causing further forwarding of the application for
25 the approval of the loan and resulting disbursement of funds,
26 thereby obtaining the monies and funds of Home Savings of
America.

1 5. In furtherance of the scheme and as part thereof, the
2 participants knowingly caused Home Savings of America to
3 disburse funds in the amount of approximately \$438,866.

4 All in violation of 18 U.S.C. §§ 2 and 1344(1) and (2).

5
6 COUNT TWO: (18 U.S.C. § 2314)

7 The Grand Jury further charges that:

8 On or about September 20, 1994, in the State and Northern
9 District of California, and elsewhere,

10 RIFFAT ALI, a/k/a
11 RIFFAT MEHMOOD and REFAT HUSAIN,

12 defendant herein, did aid, abet, counsel, command, induce and
13 procure and did willfully cause the transporting, transmitting,
14 and transferring, in foreign commerce, money of the value of
15 \$5,000 or more, that is, \$80,000, knowing the same to have been
16 stolen and taken by fraud from Home Savings of America.

17 All in violation of 18 U.S.C. §§ 2 and 2314.

18 Dated: June 19, 1996

19 A TRUE BILL.

20 *Janabelle Pyle*
21 _____
22 FOREPERSON

23 *Michael J. Yamaguchi*
24 _____
25 MICHAEL J. YAMAGUCHI
26 United States Attorney *(SJA)*

(Approved as to form: *JL*)
AUSA: LPC

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

BY COMPLAINT INFORMATION INDICTMENT

OFFENSE CHARGED

COUNT ONE: Bank Fraud
 COUNT TWO: Transporting Stolen Monies Petty Minor Misdemeanor Felony

PENALTIES: Attached

Place of offense U.S.C. Citation
 18 U.S.C. §1344(1) & (2)
 18 U.S.C. §2314

Name of District Court, and/or Judge/Magistrate Judge Location (City)
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE, CALIFORNIA

CR 96 20094

DEFENDANT -- U.S. vs.

ZAHID ALI

Address {
 Birth Date { Male Female Allen (if applicable)
 (Optional unless a juvenile)

96 JUN 19 AM 11:55
 U.S. DISTRICT COURT
 NO. DIST. OF CA. S.
 RICHARD J. PETERSON
 CLERK

FILED

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)
S/A Henry Belch, FBI

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) FRCrP 20,21, or 40. Show District

this is a reprosecution of charges previously dismissed which were dismissed on motion of:
 U.S. Att'y Defense

SHOW DOCKET NO.

this prosecution relates to a pending case involving this same defendant

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

MAGISTRATE JUDGE CASE NO.

Name and Office of Person Furnishing Information on THIS FORM
 MICHAEL J. YAMAGUCHI
 U.S. Att'y Other U.S. Agency

Name of Asst. U.S. Att'y (if assigned) LEO P. CUNNINGHAM

DEFENDANT

IS NOT IN CUSTODY

- 1) Has not been arrested, pending outcome this proceeding. 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 Fed'l 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
 Mo. Day Year

DATE OF ARREST

Or...if Arresting Agency & Warrant were not Federal Mo. Day Year

DATE TRANSFERRED TO U.S. CUSTODY

This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

11

PENALTY SHEET

COUNT ONE: (18 U.S.C. § 1344) (Class A Felony)

30 years imprisonment; \$1,000,000 fine; 5 years supervised release and restitution. 18 U.S.C. § 3561(a) precludes a sentence of probation for this offense.

COUNT TWO: (18 U.S.C. §2314) (Class C Felony)

10 years imprisonment; \$250,000 fine; 3 years supervised release and restitution.

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

BY COMPLAINT INFORMATION INDICTMENT

OFFENSE CHARGED

COUNT ONE: Bank Fraud

COUNT TWO: Transporting Stolen Monies

Petty

Minor

Misdemeanor

Felony

PENALTIES: Attached

Place of offense

U.S.C. Citation
18 U.S.C. §1344(1) & (2)
18 U.S.C. §2314

PROCEEDING

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

S/A Henry Belch, FBI

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. Att'y Defense

this prosecution relates to a pending case involving this same defendant

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

SHOW DOCKET NO.

MAGISTRATE JUDGE CASE NO.

Name and Office of Person Furnishing Information on THIS FORM

MICHAEL J. YAMAGUCHI

U.S. Att'y Other U.S. Agency

Name of Asst. U.S. Att'y (if assigned)

LEO P. CUNNINGHAM

Name of District Court, and/or Judge/Magistrate Judge Location
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE, CALIFORNIA

CR 96 20094
LHK
PSG

DEFENDANT U.S. vs.

RIFFAT ALI, a/k/a Riffat Mehmood, Refat Husain

Address

Birth Date

(Optional unless a juvenile)

96 JUN 19 AM 11:55
FILED
U.S. DISTRICT COURT
NO. DIST. OF CA.
SAN JOSE, CALIF.

DEFENDANT

IS NOT IN CUSTODY

- 1) Has not been arrested, pending outcome this proceeding 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 Fed'l 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

Mo. Day Year

DATE OF ARREST

Or...if Arresting Agency & Warrant were not Federal

Mo. Day Year

DATE TRANSFERRED TO U.S. CUSTODY

This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

Δ2

PENALTY SHEET

COUNT ONE: (18 U.S.C. § 1344) (Class A Felony)

30 years imprisonment; \$1,000,000 fine; 5 years supervised release and restitution. 18 U.S.C. § 3561(a) precludes a sentence of probation for this offense.

COUNT TWO: (18 U.S.C. §2314) (Class C Felony)

10 years imprisonment; \$250,000 fine; 3 years supervised release and restitution.

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

BY: COMPLAINT INFORMATION INDICTMENT

OFFENSE CHARGED

COUNT ONE: Bank Fraud

COUNT TWO: Transporting Stolen Monies

PENALTIES: Attached

- Petty
- Minor
- Misdemeanor
- Felony

Place of offense

U.S.C. Citation
 18 U.S.C. §1344(1) & (2)
 18 U.S.C. §2314

PROCEEDING

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

S/A Henry Belch, FBI

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:

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this prosecution relates to a pending case involving this same defendant

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

SHOW DOCKET NO.

MAGISTRATE JUDGE CASE NO.

Name and Office of Person
Furnishing Information on
THIS FORM

MICHAEL J. YAMAGUCHI

U.S. Att'y Other U.S. Agency

Name of Asst. U.S.
Att'y (if assigned)

LEO P. CUNNINGHAM

Name of District Court, and/or Judge/Magistrate Judge Location (City)
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE, CALIFORNIA

DEFENDANT — U.S. vs.

Mujeebullah Mujahid Khan

Address

Birth Date

(Optional unless a juvenile)

96 JUN 19 AM 11:56
 U.S. DISTRICT COURT
 NO. DIST. OF CA. S.

Alien (if applicable)

DEFENDANT

IS NOT IN CUSTODY

- 1) Has not been arrested, pending outcome this proceeding. 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 Fed'l 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

Mo. Day Year

DATE OF ARREST

Or...if Arresting Agency & Warrant were not Federal

Mo. Day Year

DATE TRANSFERRED TO U.S. CUSTODY

This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PENALTY SHEET

COUNT ONE: (18 U.S.C. § 1344) (Class A Felony)

30 years imprisonment; \$1,000,000 fine; 5 years supervised release and restitution. 18 U.S.C. § 3561(a) precludes a sentence of probation for this offense.

COUNT TWO: (18 U.S.C. §2314) (Class C Felony)

10 years imprisonment; \$250,000 fine; 3 years supervised release and restitution.