

SUPPRESSED

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

FILED

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
JEFFREY WITT,)
)
Defendant.)

DEC 11 2013

U. S. DISTRICT COURT
E. DIST. OF MO.

4:13CR512 JAR/TIA

INDICTMENT

THE GRAND JURY CHARGES:

COUNT 1

BANK FRAUD

A. INTRODUCTION

At all times relevant to the Indictment:

1. Bremen Bank and Trust Company (hereinafter referred to as "Bremen") was a financial institution with its deposits insured by the Federal Deposit Insurance Corporation, with several branch locations in the St. Louis, Missouri area.

2. The defendant, **JEFFREY WITT**, was an attorney and sole practitioner with an office located at 4119 Old Highway 94 in St. Charles, Missouri.

3. P. W. owned and lived in a home on Viewroyal Drive in the St. Louis, Missouri area. P. W.'s home was held in a legal trust in P. W.'s name, and P. W. was the sole Trustee of that trust.

4. M. M. was a female client of defendant, **JEFFREY WITT**.

B. SCHEME TO DEFRAUD

5. Beginning on or about September 1, 2013, and continuing through September 30, 2013, both dates being approximate and inclusive, in the Eastern District of Missouri and elsewhere, defendant,

JEFFREY WITT,

devised, intended to devise, and knowingly participated in a scheme to defraud and obtain money, funds, assets, and other property owned by or under the custody or control of Bremen Bank and Trust Company, by means of materially false and fraudulent pretenses, representations, and promises.

6. It was a part of the scheme that defendant **JEFFREY WITT** submitted a loan application in the name of P. W. to Bremen in order to obtain a \$100,000 line of credit loan secured by a second deed of trust on P. W.'s Viewroyal Drive home. P. W. had no knowledge defendant **JEFFREY WITT** had submitted this loan application in her name, and had not authorized defendant to submit the loan application.

7. It was a further part of the scheme that on or about September 20, 2013, defendant **JEFFREY WITT** appeared at Bremen in order to participate in the closing on the \$100,000 line of credit loan application in P. W.'s name. Defendant **JEFFREY WITT** was accompanied to the loan closing at Bremen by M. M. who, at defendant **JEFFREY WITT's** direction, pretended to be and impersonated P. W. Defendant **JEFFREY WITT** had provided M. M. with a Missouri driver's license in P. W.'s name which M. M. used for the purpose of identifying herself as P. W. to the Bremen loan officer. Defendant **JEFFREY WITT** also provided Bremen with the date of birth and Social Security number of P. W. P. W. had no

knowledge of the loan closing, and had not authorized M. M. to impersonate her at the loan closing.

8. It was a further part of the scheme that defendant **JEFFREY WITT** submitted a false and forged trust agreement to Bremen falsely representing that defendant **JEFFREY WITT** was a co-trustee on P. W.'s trust which held the home on Viewroyal Drive.

9. It was a further part of the scheme that, at defendant **JEFFREY WITT's** direction, M. M. executed and forged the signature of P. W. on one and more documents in support of the \$100,000 line of credit loan, including but not limited to: 1) a Promissory Note in the amount of \$100,000 in P. W.'s name; 2) a Disbursement Request in P. W.'s name requesting the immediate disbursement of \$60,000; 3) and a Deed of Trust securing the Viewroyal Drive home as collateral for the loan, which Bremen duly recorded with the St. Louis County Recorder of Deeds. P. W. had no knowledge that M. M. had forged her signature on these loan documents at defendant **JEFFREY WITT's** direction, and had not authorized the signatures. Bremen relied upon these false representations and forged documents in determining to make and issue the line of credit loan in the name of P. W.

10. It was a further part of the scheme that, after closing the loan, Bremen issued a portion of the loan proceeds in the form of a \$60,000 Treasurer's Check in the name of P. W., which check was provided by Bremen to defendant **JEFFREY WITT** and M. M. at defendant **JEFFREY WITT's** request. At defendant **JEFFREY WITT's** direction, M. M. endorsed and forged P. W.'s signature on this Treasurer's Check which was subsequently deposited by defendant **JEFFREY WITT** into his own law firm bank account at PNC Bank. Defendant **JEFFREY WITT** used these moneys for his own personal use without the knowledge or authority of P. W.

11. Subsequent to the loan closing, P. W. learned of defendant **JEFFREY WITT's** actions in taking out the loan secured by her home and P. W. confronted defendant. As a further part of the scheme, and in order to conceal the scheme, defendant **JEFFREY WITT** falsely represented to P. W. that he had caused Bremen to rescind and cancel the loan, and that Bremen had released the Deed of Trust which had secured the loan with P. W.'s home. Defendant **JEFFREY WITT** created a letter on fake Bremen letterhead and forged the signature of a Bremen Vice President to the fake letter which purported to rescind and cancel the loan he had obtained in P. W.'s name, and defendant **JEFFREY WITT** created and forged a fake "Deed of Release" which purportedly released the Deed of Trust on P. W.'s home securing the loan. Defendant **JEFFREY WITT** provided these fake and forged documents to P. W. in order to further and conceal his scheme.

All in violation of Title 18, United States Code, Sections 1344 and 2.

COUNT 2

AGGRAVATED IDENTITY THEFT

On or about September 20, 2013, in the Eastern District of Missouri, the defendant,

JEFFREY WITT,

did knowingly possess, transfer, and use, without lawful authority, a means of identification of another person, to wit, the name, Social Security number, Missouri driver's license number, and date of birth of P. W., during and in relation to the commission of the felony offense of bank

fraud, in violation of Title 18, United States Code, Section 1344.

In violation of Title 18, United States Code, Sections 1028A and 2.

A TRUE BILL.

FOREPERSON

RICHARD G. CALLAHAN
United States Attorney

HAL GOLDSMITH, 62501
Assistant United States Attorney