

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
CLERK U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

UNITED STATES OF AMERICA)
)
 v.) Criminal No. 09-32 Erie
)
 RICHARD A. RASPATELLO) (18 U.S.C. § 1349)
 JOSHUA Z. ATWELL)

I N D I C T M E N T

The grand jury charges:

1. At all times material to this Indictment, Community First Bank, PNC Bank, Wacopse Federal Credit Union, Kish Bank, Citizens Bank, Northwest Savings Bank, Hamlin Bank and Trust Company, 1st Summit Bank, Indiana First Bank, and Sovereign Bank were federally insured financial institutions.

2. From in and around November 2007, to in and around October 2008, in the Western District of Pennsylvania, and elsewhere, the defendants, RICHARD A. RASPATELLO and JOSHUA Z. ATWELL, knowingly and willfully did conspire, combine, confederate and agree to commit an offense against the United States, that is, bank fraud, in violation of Title 18, United States Code, Section 1344(1) by knowingly executing or attempting to execute a scheme and artifice to defraud a financial institution.

MANNER AND MEANS OF THE CONSPIRACY

3. It was part of the conspiracy that the defendant, RICHARD A. RASPATELLO, had a checking account at National City

Bank, account number 9812xxxxx, in the name "Richard Raspatello Excavating and Trucking."

4. It was further a part of the conspiracy that the defendant, RICHARD A. RASPATELLO, issued checks from his aforementioned National City checking account to the defendant, JOSHUA Z. ATWELL, which checks were known by both defendants to have been drawn on insufficient funds.

5. It was further a part of the conspiracy that the checks provided by the defendant, RICHARD A RASPATELLO, to the defendant, JOSHUA Z. ATWELL, often included the notation "Scrap" or "Scrap Salvage."

6. It was further a part of the conspiracy that the defendant, JOSHUA Z. ATWELL, in an effort to aid his passing and uttering of the Raspatello checks, would often open a savings and/or checking account at various financial institutions before he would present the Raspatello checks to the various financial institutions.

7. It was further a part of the conspiracy that the defendant, JOSHUA Z. ATWELL, would then deposit a portion of the Raspatello checks into his newly opened savings and/or checking account(s), knowing that there were insufficient funds in the Raspatello checking account to cover the amounts listed on the checks.

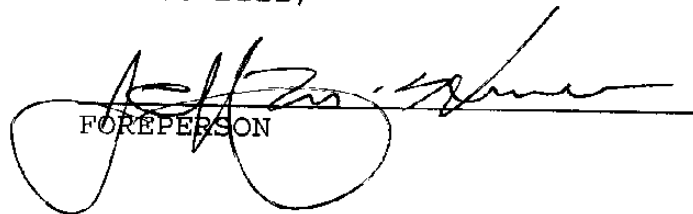
8. It was further a part of the conspiracy that the defendant, JOSHUA Z. ATWELL, would then cash the remaining,

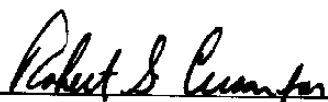
typically much larger, portion of the Raspatello checks that had not been deposited, prior to the banks discovering that the checks were not supported by sufficient funds.

9. It was further a part of the conspiracy that the defendant, JOSHUA Z. ATWELL, would then keep a small amount of money as payment for cashing the checks and then return the remaining portion of the money to the defendant, RICHARD A. RASPATELLO, thereby defrauding the bank.

In violation of Title 18, United States Code, Section 1349.

A True Bill,


FOREPERSON


MARY BETH BUCHANAN
United States Attorney
PA ID No. 50254