

AHM/WCA: Oct 2007
GJ # 13

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA)
)
 v.) **CASE No.**
)
DONALD MOULTON, SR.)

INDICTMENT

The Grand Jury charges that:

COUNT ONE
Mail Fraud
Title 18, United States Code, Section 1341

1. From in or about July 2003 until in or about September 2004, within Jefferson County in the Northern District of Alabama and elsewhere, the defendant,

DONALD MOULTON, SR.,

devised and intended to devise a scheme and artifice to defraud and obtain money and property belonging to others by means of false and fraudulent pretenses, representations, and promises.

2. It was part of the scheme and artifice that defendant MOULTON submitted an application to American Express to open a corporate account for Magic City, Inc.

3. It was part of the scheme and artifice that defendant MOULTON, in support of this application, submitted to American Express a copy of a Form 1120 Corporate Tax

Return which purported to document the financial condition of Magic City, Inc., but which was in fact false and fraudulent, and which was never filed with the Internal Revenue Service.

4. It was part of the scheme and artifice that defendant MOULTON's false and fraudulent application was approved by American Express, and American Express credit cards were provided to him.

5. It was part of the scheme and artifice that defendant MOULTON utilized the American Express credit cards he fraudulently obtained to purchase goods and services in an amount excess of \$200,000 for his own use and benefit, and for the use and benefit of others.

6. It was part of the scheme and artifice that defendant MOULTON sought to conceal and extend the duration of his fraudulent activity by purporting to make periodic payments to American Express, which payments, as defendant well knew, lacked sufficient funds.

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7. On or about August 9, 2003, the defendant,

DONALD MOULTON, SR.,

having devised said scheme and artifice, for the purpose of executing and attempting to execute such scheme and artifice, did cause to placed in an authorized depository for

mail matter certain American Express credit cards issued for account number XXXX-XXXXXX-31005, to be sent and delivered from Omaha, Nebraska to Birmingham, Alabama.

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

COUNT TWO
False Statements in Loan and Credit Applications
Title 18, United States Code, Section 1014

On or about June 3, 2004, within Jefferson County in the Northern District of Alabama, and elsewhere, the defendant,

DONALD MOULTON, SR.,

knowingly made false statements and reports to RBMG, Inc., a financial institution the deposits of which were insured by the Federal Deposit Insurance Corporation, for the purpose of influencing the action of RBMG, Inc., upon an application, advance, commitment and loan, in that the defendant signed and submitted a loan application seeking a mortgage loan on real property located at 524 Karey Drive, Birmingham, Alabama which indicated that defendant's social security number was XXX-XX-6218, when, in truth and in fact, as the defendant well knew at the time, his true social security number was XXX-XX-6295.

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

COUNT THREE
False Statements in Loan and Credit Applications
Title 18, United States Code, Section 1014

On or about October 19, 2004, within Jefferson County in the Northern District of Alabama, and elsewhere, the defendant,

DONALD MOULTON, SR.,

knowingly made false statements and reports to Wachovia Mortgage Corporation, a financial institution the deposits of which were insured by the Federal Deposit Insurance Corporation, for the purpose of influencing the action of Wachovia Mortgage Corporation, upon an application, advance, commitment and loan, in that the defendant signed and submitted a loan application seeking a mortgage loan on real property located at 1909 Nova Scotia Circle, Bessemer, Alabama which indicated that defendant's social security number was XXX-XX-6218, when, in truth and in fact, as the defendant well knew at the time, his true social security number was XXX-XX-6295.

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

COUNT FOUR
Aggravated Identity Theft
Title 18, United States Code, Section 1028A

That on or about October 19, 2004, within the Northern District of Alabama, the defendant,

DONALD MOULTON, SR.,

did knowingly possess and use, without lawful authority, a means of identification of another person, to wit, social security number XXX-XX-6218, during and in relation to a felony violation enumerated in 18 U.S.C. §1028A(c), that is, Making a False Statement to a Federally Insured Financial Institution, as charged in Count Three of this Indictment.

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

COUNTS FIVE THROUGH EIGHT
Misuse of Social Security Number
Title 42, United States Code, Section 408(a)(7)(B)

On or about the dates set forth below, within the Northern District of Alabama, the defendant,

DONALD MOULTON, SR.,

for the purpose of obtaining something of value and for other purposes, knowingly, and with the intent to deceive, falsely represented his Social Security Number, when in fact, as the defendant well knew, this Social Security Account Number was not assigned to the defendant, as more particularly described in each count below:

<u>COUNT</u>	<u>DATE</u>	<u>SSN USED BY DEFENDANT</u>
5	6/19/04	XXX-XX-1324
6	06/03/04	XXX-XX-6218
7	10/19/04	XXX-XX-6218
8	12/02/04	XXX-XX-2995

All in violation of Title 42, United States Code, Section 408(a)(7)(B).

A TRUE BILL

/s/

FOREMAN OF THE GRAND JURY

ALICE H. MARTIN
United States Attorney

/s/
WILLIAM C. ATHANAS
Assistant United States Attorney