

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS
(WICHITA DOCKET)

FILED
U.S. DISTRICT COURT
DISTRICT OF KANSAS
07 MAY 30 P3:37

RALPH L. DELOACH
CLERK
BY: *[Signature]*
AT WICHITA, KS.

UNITED STATES OF AMERICA,)
)
Plaintiff,) Criminal Action
)
v.) No. 07-10102-01- MLB
)
TRACY HARRIS,)
)
Defendant.)
_____)

SUPERSEDING INDICTMENT

The Grand Jury charges:

Count 1

On or about May 1, 2007, in the District of Kansas, the defendant,

TRACY HARRIS,

having been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess, in and affecting commerce, a firearm, to-wit: Ruger model P 95 DC 9mm handgun, which had been shipped and transported in interstate commerce.

In violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

Count 2

On or about and between February 1, 2007 and May 1, 2007, in the District of Kansas, the defendant,

TRACY HARRIS,

the defendant herein, did unlawfully, knowingly and intentionally possess with intent to distribute a mixture and substance containing a detectable amount of cocaine, a controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1).

Count 3

Beginning on or about January 3, 2007, and continuing through April 1, 2007, in the District of Kansas, and elsewhere,

TRACY HARRIS,

the defendant herein, for the purpose of executing a scheme and artifice to defraud, and for obtaining money by means of false and fraudulent pretenses and representations, did knowingly devise and intend to devise a plan which caused to be transmitted in interstate commerce by means of wire communications certain writings, signs, signals and sounds which transmitted information concerning an application for a loan (number 158356366) to purchase 8916 Red Cedar Lane in Sedgwick County, Kansas, in the amount of \$251,200.00, when the defendant knew that he provided information in the application to Countrywide Home Loans, Inc., that was false and fraudulent in order to obtain approval for the loan.

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

Count 4

Beginning on or about April 1, 2007, and continuing through April 19, 2007, in the District of Kansas, and elsewhere,

TRACY HARRIS,

the defendant herein, for the purpose of executing a scheme and artifice to defraud, and for obtaining money by means of false and fraudulent pretenses and representations, did knowingly devise and intend to devise a plan which caused to be transmitted in interstate commerce by means of wire communications certain writings, signs, signals and sounds which transmitted information concerning an application for a loan (number SCH011669) to purchase 5201 Looman Street in Sedgwick County, Kansas, in the amount of \$69,200.00, when the defendant knew that he provided information in the application to BNC Mortgage, Inc., that was false and fraudulent in order to obtain approval for the loan.

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

Forfeiture Allegations

The Grand Jury further alleges:

Count 5

As a result of committing the foregoing offenses alleged in Count 2 of this Superseding Indictment, the defendant,

TRACY HARRIS,

shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property, real and personal, constituting, or derived from, proceeds obtained, directly or indirectly, as a result of the said violations and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the said violations, including but not limited to the following:

A. Real Property

1. A residence commonly known as 8916 N. Red Cedar Lane, Park City, Kansas with the legal description:

Lot 14, Block 2, Bearhill Estates, Park City, Kansas

All in violation of Title 21, United States Code, Section 853.

Count 6

As a result of committing the foregoing offenses alleged in Counts 3 and 4 of this Superseding Indictment, the defendant,

TRACY HARRIS,

shall forfeit to the United States pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, all property, real and personal, constituting or derived from proceeds obtained directly or indirectly as a result of the said violations, including but not limited to the following:

A. Real Property

1. A residence commonly known as 8916 N. Red Cedar Lane, Park City, Kansas with the legal description:

Lot 14, Block 2, Bearhill Estates, Park City, Kansas.

2. A residence commonly known as 5201 Looman Street, Wichita, Kansas, with the legal description:

Lot 1, Block 4, Beacon Village, an Addition to Wichita, Sedgwick County, Kansas.

All in violation of Title 18, United States Code, Section 981 and Title 28, United States Code, Section 2461.

If any of the above-described forfeitable property listed in the forfeiture allegations, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described above.

A TRUE BILL

5 | 30 | 07

DATE

FOREMAN OF THE GRAND JURY



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Ks. S. Ct. No. 12430

(It is requested that trial be held in Wichita, Kansas.)

Returned in open court this 30th day of May, 2007.


UNITED STATES DISTRICT MAGISTRATE JUDGE