

UNITED STATES DISTRICT COURT

Filed 2-9-07  
Clerk, U. S. District Court  
Western District of Texas  
By [Signature]  
Deputy

SE DOCUMENT PURSUANT TO E GOVERNMENT WESTERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA  
V.  
ALVIN BYRD

CRIMINAL COMPLAINT

Case Number: SA 07-98M

(Name and Address of Defendant)

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about \_\_\_\_\_ in Bexar County, in the Western District of Texas defendant(s) did,

(Track Statutory Language of Offense)

unlawfully, knowingly, and intentionally devise and execute a scheme or artifice to defraud for obtaining money or property by means of false or fraudulent pretenses, representation, causing to transmit by means of wire interstate communication,

in violation of Title 18 United States Code, Section(s) 1343

I further state that I am a(n) Special Agent, FBI, and that this complaint is based on the following facts:

Official Title

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part of this complaint:  Yes  No

[Signature]  
Signature of Complainant

ANGELICA SOTO-CLASS  
Printed Name of Complainant

Sworn to before me and signed in my presence,

2/9/2007  
Date

at San Antonio, Texas  
City State

NANCY STEIN NOWAK, U.S. Magistrate Judge  
Name of Judge Title of Judge

[Signature]  
Signature of Judge

STATE OF TEXAS )  
 )  
COUNTY OF BEXAR )

AFFIDAVIT IN SUPPORT OF COMPLAINT

I, Angelica Soto-Class, being duly sworn do hereby depose and state as follows:

I am employed as a Special Agent with the Federal Bureau of Investigation (FBI) and have been so employed for more than one year. I am currently assigned to San Antonio, Texas and have been so assigned for approximately one and a half years.

As an FBI agent, I work with the federal and state law enforcement officers in the investigation of violations of federal laws, including Title 18 of the United States Code.

Based upon my experience and training as a fraud investigator, I am familiar with the statutes proscribing wire fraud, mail fraud, bank fraud, and other financial crimes.

I have personally participated in this investigation and am thoroughly familiar with the information contained in this affidavit through personal investigation. The following information is derived from my personal observation, interviewing witnesses, and my review of physical evidence, as well as the review of reports of, and discussions with the bank investigators and other persons who have personal knowledge of the matter covered in those reports and discussions. All of the facts set forth below are true and correct to the best of my knowledge:

1. Alvin Winford Byrd, date of birth [REDACTED] social security number [REDACTED] [REDACTED] has an extensive criminal history to include an active arrest warrant issued by the Arapahoe County Sheriff's Office - Colorado, for larceny, theft, and forgery. Colorado state has advised it will not extradite.

2. On or about December 11th, 2006, Alvin Byrd, along with his realtor, Ivory Banks of Silver Dollar Properties, approached Kyle Hood doing business as Desktop Properties, LLC, to buy a property listed at \$395,000 located at 25307 Mesa Ranch, San Antonio, Texas. Hood agreed to offer owner financing at 92 percent of the sales price which required Byrd to be

responsible for 8 percent. As part of the agreement, Alvin Byrd promised to buy out the owner financing note within 60 to 90 days. As part of the agreement, Alvin Byrd convinced Kyle Hood to give him \$192,000 cash back at closing to be held as collateral to assist Alvin Byrd in obtaining sufficient funds for the real estate closing.

3. On or about January 11, 2007, a closing was scheduled at Alamo Title Company, 10010 San Pedro, Suite 100, San Antonio, Texas to complete the sale of the property located at 25307 Mesa Ranch, San Antonio, Texas. At the time of the closing, Alvin Byrd was required to provide guaranteed funds to Alamo Title Company for the amount of \$325,843.11. Instead, Alvin Byrd gave Alamo Title Company personal check number 128, in the amount of \$325,843.11, drawn against Merrill Lynch account [REDACTED] Merrill Lynch's checks are processed through Bank One, Columbia, Maryland. Alamo Title Company informed Alvin Byrd that personal checks were not accepted and the closing was not completed.

4. According to Charles Martin, a bank investigator at Merrill Lynch, Merrill Lynch account number [REDACTED], styled Alvin W. Byrd, Jr., was not an active account on January 11, 2007.

5. On or about January 12, 2007, Kyle Hood and Alvin Byrd met in person to discuss the closing. Alvin Byrd promised that funds would be wire transferred to Alamo Title Company prior to January 30, 2007. As a guarantee, Alvin Byrd gave Kyle Hood a post-dated check number 1078, payable to Desktop Properties, LLC, drawn on Smith Barney Financial Management, Citibank, Englewood Cliffs, New Jersey, Account # [REDACTED] in the amount of \$325,843.11, and a signed contract. The signed contract indicated that in the event that funds were not received by Alamo Title Company, the check could be negotiated on January 30, 2007. However, in return, Alvin Byrd requested that Kyle Hood provide him with a check in the amount of \$192,000, that Kyle Hood promised he would give Alvin Byrd after closing. Kyle Hood gave check number 5109, in the amount of \$192,000. Byrd immediately negotiated the check.

7. According to Harry Schell, a bank investigator for Citibank, account number [REDACTED] was not a valid account on January 12, 2007. Account number [REDACTED], in the name of AWB REAL ESTATE, LLC, was opened by Alvin Byrd in November of 2003 and cancelled by Citibank in November of 2004 for having a balance under \$2,000.00. There was one initial check

order given to Byrd upon opening the account. The check numbers ranged from 1001-1100. Schell indicated that from Citibank's initial investigation, Byrd has tried to pass many more checks to be drawn on this account but they have all bounced because the account is no longer existent.

8. On or about January 30, 2007, Kyle Hood deposited check number 1078 in the amount of \$325,843.11 into his bank account at JPMorgan Chase Bank, as agreed.

9. On or about February 2, 2007, check number 1078 was returned unpaid.

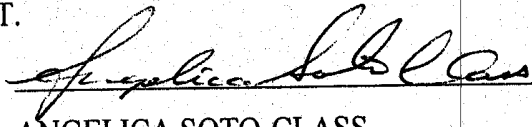
10. To further the scheme, on three separate occasions, January 10, 2007 at 7:24 am, January 10, 2007 at 1:02 pm, and February 7, 2007 at 12:13 am, Alvin Byrd communicated via electronic mail (email) messages with Kyle Hood in furtherance of their agreement. Messages from Byrd, [REDACTED].com, to Hood, [REDACTED].com, are attached.

7. Alvin Byrd utilized cellular telephone number [REDACTED] to communicate with Kyle Hood throughout the negotiations process. The "703" area code is assigned to the state of Virginia.

11. A suspicious activity report, dated October 24, 2003, prepared by First Service Bank in Mclean, Virginia, alleged suspicious transactions and possible wire fraud involving account [REDACTED]. This account was opened by Alvin Byrd on May 5, 2003.

12. Based on the above information, I believe that Alvin Byrd acted with the intent to defraud Kyle Hood, doing business as Desktop Properties, LLC in order to receive financial gain. Alvin Winford. Byrd, Jr. did unlawfully, knowingly, and intentionally write checks on accounts which were non-existent and therefore, had no funds. Byrd did also send three email messages which traveled interstate through the world wide web, in furtherance of his scheme. Byrd did also utilize his cellular telephone number from Virginia in furtherance of his scheme. Alvin Byrd did unlawfully, knowingly, and intentionally devise and execute a scheme or artifice to defraud for obtaining money or property by means of false or fraudulent pretenses, representation, causing to transmit by means of wire interstate communication. All this in violation of Title 18 United States Code 1343.

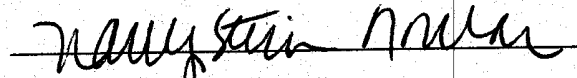
FURTHER AFFIANT SAYETH NOT.

  
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ANGELICA SOTO-CLASS

Federal Bureau of Investigation

Sworn to before me on ~~January~~ <sup>Feb</sup> 9, 2007

  
\_\_\_\_\_

United States Magistrate Judge