

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

UNITED STATES OF AMERICA

v.

INDICTMENT

**RANDOLPH BRANHAM
a/k/a "Randy Branham"
a/k/a "Randolph Stucki"**

3:12CR85 JAC

THE GRAND JURY CHARGES:

COUNTS ONE THROUGH FIVE

A. INTRODUCTION

1. The First National Bank of Florida (hereinafter "First National Bank") was a financial institution, the deposits of which were insured by the Federal Deposit Insurance Corporation (hereinafter "FDIC").

2. Trustmark National Bank (hereinafter "Trustmark Bank") was a financial institution, the deposits of which were insured by the FDIC.

3. First City Bank of Florida (hereinafter "First City Bank") was a financial institution, the deposits of which were insured by the FDIC.

4. IndyMac Bank, F.S.B. (hereinafter "IndyMac Bank"), was a financial institution, the deposits of which were insured by the FDIC.

5. Bank of America, N.A. (hereinafter "Bank of America"), was a financial institution, the deposits of which were insured by the FDIC.

Filed 11/27/12 JSD:CF in 1 PM0232

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6. SunTrust Mortgage, Inc. (hereinafter "SunTrust"), was a residential mortgage lender.

7. The property known as 1403 Turtleback Trail, Panama City Beach, Florida, with the legal description of Wild Heron, Phase I 5D, Lot B1-44 (hereinafter "1403 Turtleback Trail"), was located in the Northern District of Florida.

8. The property known as 1727 Lost Cove Lane, Panama City Beach, Florida, with the legal description of Wild Heron Phase X, Lot BX-14 (hereinafter "1727 Lost Cove Lane"), was located in the Northern District of Florida.

9. The residence 101 Bay Breeze Drive, Freeport, Florida (hereinafter "101 Bay Breeze Drive"), was located in the Northern District of Florida.

10. The property known as Lot 7, Block D, Frangista Beach Second Addition, according to the map or plat thereof as recorded in Plat Book 3, Page(s) 41, Public Records of Walton County, Florida (hereinafter "Lot 7, Block D of Frangista Beach"), was located in the Northern District of Florida.

11. The residence 74 Stingray Street, Destin, Florida (hereinafter "74 Stingray Street"), was located in the Northern District of Florida.

12. The residence 1 Wimbledon Court, 1D, Destin, Florida (hereinafter "1 Wimbledon Court"), was located in the Northern District of Florida.

B. MANNER AND MEANS

It was part of the scheme to defraud that:

1. Beginning on or about June 1, 2003, and continuing through on or about June 1, 2006, defendant **RANDOLPH BRANHAM, a/k/a "Randy Branham," a/k/a "Randolph Stucki" (hereinafter "RANDOLPH BRANHAM")**, applied for mortgage loans to fund his purchase of, and refinance on, seven pieces of real property located in the Northern District of Florida.

2. Beginning on or about January 1, 2005, and continuing through on or about June 1, 2006, defendant **RANDOLPH BRANHAM** began overstating his income to the financial institutions and mortgage lenders from which he applied for mortgage loans. Between those dates, **BRANHAM** applied for and obtained mortgage loans to purchase and refinance prior purchases of six pieces of property. During the loan application process, **BRANHAM** fraudulently claimed a higher income than he had earned. While applying for loans on the six pieces of property, **BRANHAM** fraudulently claimed that his income was \$180,000, \$240,000, \$250,000, \$300,000, \$402,900, and \$500,004. In support of his claimed income, **BRANHAM** also submitted and caused to be submitted letters from individuals claiming that **BRANHAM** had earned more income in the prior period or year than he had actually earned.

3. For tax year 2004, defendant **RANDOLPH BRANHAM** reported to the Internal Revenue Service (hereinafter "IRS") that his gross income was \$149,199. For tax year 2005, **BRANHAM** reported to the IRS that his gross income was \$115,483. For tax

year 2006, **BRANHAM** reported to the IRS that his gross income was \$7,650.

4. Once the loans were funded and title passed to defendant **RANDOLPH BRANHAM**, **BRANHAM** eventually stopped making the mortgage payments and foreclosures were initiated and completed on five of the pieces of property.

C. THE CHARGE

On or about the dates listed below, in the Northern District of Florida and elsewhere, the defendant,

RANDOLPH BRANHAM,
a/k/a "Randy Branham,"
a/k/a "Randolph Stucki,"

did knowingly and willfully execute and attempt to execute a scheme and artifice to defraud the federally insured financial institutions listed below, and to obtain moneys owned by and under the custody and control of such financial institutions, by means of materially false and fraudulent pretenses, representations, and promises, to purchase and refinance the properties listed below:

COUNT	CLOSING DATE	PROPERTY ADDRESS	FINANCIAL INSTITUTION	TOTAL LOAN AMOUNT
1	1/14/05	1403 Turtle Back Trail	First National Bank	\$372,000
2	8/19/05	101 Bay Breeze Drive	Trustmark Bank	\$300,000
3	9/1/05	Lot 7, Block D of Frangista Beach	First City Bank	\$300,000
4	9/27/05	74 Stingray Street	IndyMac Bank	\$700,000
5	5/17/06	1 Wimbledon Court	Bank of America	\$369,000

In violation of Title 18, United States Code, Section 1344.

CRIMINAL FORFEITURE

The allegations contained in Counts One through Five of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures to the United States pursuant to the provisions of Title 18, United States Code, Section 982(a)(2)(A).

Upon the conviction of the violations alleged in Counts One through Five of this Indictment, the defendant,

**RANDOLPH BRANHAM,
a/k/a "Randy Branham,"
a/k/a "Randolph Stucki,"**

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(2)(A), any and all property, real or personal, involved in the aforementioned offenses and all property traceable to such property as a result of such violations.

If any of the property described above as being subject to forfeiture pursuant to Counts One through Five of the Indictment, as a result of any act or omission of any defendant:

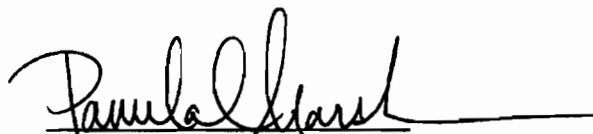
- i. cannot be located upon the exercise of due diligence;
- ii. has been transferred or sold to, or deposited with, a third person;
- iii. has been placed beyond the jurisdiction of this Court;
- iv. has been substantially diminished in value; or
- v. has been commingled with other property that cannot be divided without difficulty;

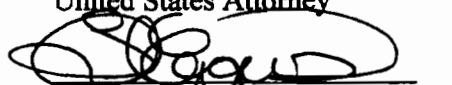
the United States shall be entitled to forfeiture of substitute property up to the value of the property subject to forfeiture under the provisions of Title 21, United States Code, Section 853(p), which is incorporated by reference in Title 18, United States Code, Section 982.

A TRUE BILL:

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FOREPERSON _____

11/27/2012
DATE _____


PAMELA C. MARSH
United States Attorney


TIFFANY H. EGGERS
Assistant United States Attorney