

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

UNITED STATES OF AMERICA	:	CASE NO. 3:12CR037
v.	:	JUDGE TIMOTHY S. BLACK
<b>AL-IDU AL-GAHEEM (1)</b> <b>f/k/a Lawrence Phillips</b>	:	<b>ORDER TO UNSEAL INDICTMENT</b>
	:	
<b>ABDUL R. QADIR (2)</b> <b>f/k/a Frank Appleberry, Jr.</b>	:	
	:	
<b>ABDUL H. YAMINI, SR. (3)</b> <b>f/k/a Larry Shipp</b>	:	
	:	
<b>OMAR S. YAHYA (4)</b> <b>f/k/a Darnell Bernard Watts</b>	:	

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Upon motion of the United States, and for the reason that the above captioned defendants will be summoned into Court, the above captioned case is hereby ordered unsealed.

DATE: 3/22/2012

s/ Timothy S. Black  
JUDGE TIMOTHY S. BLACK  
UNITED STATES DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

FILED  
JAMES BONINI  
CLERK

2012 MAR 20 PM 3: 53

UNITED STATES OF AMERICA :

CASE NO. 3 :

v. :

AL-IDU AL-GAHEEM, (1) :  
f/k/a Lawrence Phillips :  
(Counts 1-10, 33-39, 40-45) :

INDICTMENT

7 U.S.C. § 2024(b)  
18 U.S.C. § 2  
18 U.S.C. § 371  
18 U.S.C. § 922(g)(1) and 924(a)(2)  
18 U.S.C. § 1343  
18 U.S.C. § 1956(a)(1)(A)(i)  
18 U.S.C. § 1956(h)  
31 U.S.C. § 5324(a)(3) and (d)(2)

ABDUL R. QADIR, (2) :  
f/k/a Frank Appleberry, Jr. :  
(Counts 1-2, 11-21, 22-32) :

ABDUL H. YAMINI, SR., (3) :  
f/k/a Larry Shipp :  
(Counts 1-2, 11-32, 40-45) :

FORFEITURE

OMAR S. YAHYA, (4) :  
f/k/a Darnell Bernard Watts :  
(Counts 1-2, 33-39, 46) :

Defendants. :

THE GRAND JURY CHARGES THAT:

COUNT 1  
[18 U. S. C. § 1956(h)]

**INTRODUCTION**

1. The Supplemental Nutrition Assistance Program (SNAP), formerly known as the Food Stamp Program is a federally funded national nutrition program jointly administered by the United States Department of Agriculture (USDA) and the Food and Nutrition Service (FNS) together with various state agencies. Pursuant to the Food Nutrition Act, recipients are only permitted to exchange SNAP benefits for eligible food items. SNAP transactions are completed via the use of an Electronic Benefit Transfer (EBT) access devices.

FILED  
JAMES BONINI, CLERK  
BY: [Signature]  
DEPUTY CLERK  
I CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL FILED IN MY OFFICE  
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2. During all times relevant to Count 1 of this indictment, the defendants **AL-IDU AL-GAHEEM a/k/a Lawrence Phillips, ABDUL R. QADIR, a/k/a Frank Appleberry, Jr., ABDUL H. YAMINI, SR., a/k/a Larry Shipp and OMAR S. YAHYA, a/k/a Darnell Bernard Watts** together with others, both known and unknown, owned, operated and were employed at an inner-city retail grocery store known as Five Pillars Market and Restaurant (hereinafter referred to as "Five Pillars") located at 1263 West Riverview Ave., Dayton, Ohio

3. From on or about January 200<sup>0</sup>~~9~~, and continuing through on or about May 11, 2011, both dates being approximate and inclusive, while in the Southern District of Ohio, the defendants **AL-IDU AL-GAHEEM, ABDUL R. QADIR, ABDUL H. YAMINI, SR., and OMAR S. YAHYA** together with other individuals, both known and unknown, did knowingly, willfully and unlawfully combine, conspire, confederate, and agree between themselves, to commit and engage in financial transactions affecting interstate commerce involving certain property which represented the proceeds and profits of some form of unlawful activity, and did so conduct and attempt to conduct such financial transactions which, in fact involved the proceeds of specified unlawful activity with the intent to promote the carrying on of specified unlawful activities, in violation of 18 U.S.C. § 1956(a)(1)(A)(i), and 18 U.S.C. § 2.

**OBJECTS OF THE CONSPIRACY**

4. It was an object of the conspiracy that financial transactions were completed knowing that the property and money involved in said transactions represented proceeds and profits from various forms of specified unlawful activities to include: wire fraud in violation of 18 U.S.C. § 1343; USDA SNAP benefits fraud in violation of 7 U.S.C. § 2024(b); and money laundering in violation of 18 U.S.C. § 1956(a)(1)(A)(i).

5. It was further an object of the conspiracy that financial transactions be completed with the intent to promote the carrying on of acts of wire fraud in violation of 18 U.S.C. § 1343; USDA SNAP benefits fraud in violation of 7 U.S.C. § 2024(b), and money laundering in violation of 18 U.S.C. § 1956(a)(1)(A)(i).

6. It was further an object of the conspiracy to allow the conspirators to enjoy the benefits of the criminal proceeds received through their wire fraud, USDA SNAP benefits fraud and money laundering activities while attempting to insulate themselves from criminal prosecution.

#### THE MANNER AND MEANS

7. During all times relevant to Count 1 of this indictment, the defendant **AL-IDU AL-GAHEEM**, maintained a U.S. Bank, N.A. account no. xxxx-0518 held in the name of "Five Pillars Market and Restaurant." He held exclusive signatory authority over this account.

8. During all times relevant to Count 1 of this indictment, the defendant **OMAR S. YAHYA**, maintained a U.S. Bank, N.A. account no. xxxx-0086 held in the name of "Omar S. Yahya d/b/a Al-Nisa Cleaning." He held exclusive signatory authority over this account.

9. During all times relevant to Count 1 of this indictment, the defendant **ABDUL R. QADIR**, possessed an debit/credit automatic teller card for U.S. Bank, N.A. account no. xxxx-0518 held in the name of "Five Pillars Market and Restaurant."

10. On or about January 8, 2007, defendant **AL-IDU AL-GAHEEM**, prepared and submitted a USDA SNAP Application for Stores dated December 28, 2006 on behalf of Five Pillars. This application listed the business as a sole proprietorship and the defendant **AL-IDU AL-GAHEEM** as the "owner". This form contained a statement that the defendant **AL-IDU**

**AL-GAHEEM** assumed all responsibility on behalf of the business for any violations of the Food Stamp Program.

11. On or about January 29, 2007, defendant **AL-IDU AL-GAHEEM**, signed and submitted an Ohio Retailer Settlement Authorization Form and an Ohio Retailer Agreement Electronic Benefits Transfer Program Form on behalf of Five Pillars. This form also authorized ACS State & Local Solutions, Inc. (ACS) National Retail Management Center, a U.S. Government contractor based out of Austin, Texas through its designated financial institution Wells Fargo Bank, N.A. to electronically transfer U. S. Government funds to Five Pillars' U.S. Bank, N.A. account no. xxxx-0518 located in Dayton, Ohio for activity related to the USDA's EBT SNAP Program.

12. On or about May 1, 2008, defendant **AL-IDU AL-GAHEEM**, submitted a USDA SNAP Re-Authorization of an USDA Application for Stores bearing his signature dated May 6, 2008 on behalf of Five Pillars. This re-authorization listed the business as a sole proprietorship and the defendant **AL-IDU AL-GAHEEM** as the "owner". This form contained a statement that the defendant **AL-IDU AL-GAHEEM** assumed all responsibility on behalf of the business for any violations of the SNAP Program.

13. As a result of the applications completed and filed by defendant **AL-IDU AL-GAHEEM** afore described in paragraphs 10, 11 and 12 above, Five Pillars was authorized to accept USDA SNAP benefits from patrons in exchange for eligible food items. SNAP benefits cannot legally be exchanged or redeemed for U.S. currency or ineligible items such as alcoholic beverages, tobacco products, clothing, drugs, firearms or ammunition.

14. During all times relevant to Count 1 of this indictment, the defendants **AL-IDU AL-GAHEEM, ABDUL R. QADIR, ABDUL H. YAMINI, SR., and OMAR S. YAHYA** knowingly and illegally exchanged and redeemed USDA SNAP benefits for U. S. currency and other ineligible items to include counterfeit clothes, merchandise, firearms and ammunition on over a thousand separate occasions.

15. From January 2009 through May 11, 2011, the defendants **AL-IDU AL-GAHEEM, ABDUL R. QADIR, ABDUL H. YAMINI, SR., and OMAR S. YAHYA** caused in excess of \$3.8 million in USDA SNAP EBT wire transfers to be deposited into the Five Pillars' U.S. Bank, N.A. account no. xxxx-0518 located in Dayton, Ohio.

16. From January 2009 through November 2010, defendants **AL-IDU AL-GAHEEM, ABDUL R. QADIR, and OMAR S. YAHYA** caused in excess of \$1.2 million in currency withdrawals to be made from the Five Pillars' U.S. Bank, N.A. account no. xxxx-0518 located in Dayton, Ohio in a manner and fashion such that U.S. Bank, N.A. failed to file required Currency Transaction Reports.

All in violation of 18 U.S.C. § 1956(h).

**COUNT 2**  
**[18 U.S.C. § 371]**

17. From on or about January 2009, and continuing through on or about May 11, 2011, both dates being approximate and inclusive, while in the Southern District of Ohio, the defendants **AL-IDU AL-GAHEEM, ABDUL R. QADIR, ABDUL H. YAMINI, SR., and OMAR S. YAHYA** together with other individuals, both known and unknown, did knowingly, willfully and unlawfully combine, conspire, confederate, and agree between themselves, to accomplish a common unlawful plan to devise a scheme and artifice to defraud the USDA SNAP

program of money, benefits and property by means of false and fraudulent pretenses, representations and promises, by unlawfully acquiring, possessing EBT access devices to gain SNAP benefits by committing certain offenses against the United States to include:

- a. Illegally acquiring, possessing and using USDA SNAP benefits in violation of 7 U.S.C. § 2024(b);
- b. Engaging in acts of wire fraud in violation of 18 U.S.C. § 1343; and
- c. Illegally structuring transactions to evade reporting requirements in violation of 31 U.S.C. §§ 5324(a)(3) and (d)(2).

**OBJECTS OF THE CONSPIRACY**

18. It was an object of this conspiracy for the conspirators to illegally acquire, possess and use SNAP benefits obtained through EBT access devices issued to Federal SNAP recipients, a program administered by the USDA's Food and Nutrition Service (FNS) together with the Ohio Department of Job and Family Services (ODJFS).

19. It was further an object of the conspiracy for the conspirators to fraudulently obtain U. S. Government money and property in the form of SNAP benefits.

20. It was further an object of this conspiracy for the conspirators to devise a scheme and artifice to defraud the U.S. Government by means of false and fraudulent pretenses, representations and promises and use interstate wire and electronic communications for the purpose of executing said scheme.

21. It was further an object of this conspiracy to avoid detection by the Internal Revenue Service by illegally structuring, assisting in the structuring and attempting to structure financial transactions with domestic financial institutions for the purpose of evading the currency transaction reporting requirements established by 31 U.S.C. § 5313(a).

22. It was further an object of this conspiracy for the conspirators to conceal, disguise and insulate their respective roles in carrying out the aforesaid criminal scheme.

**THE MANNER AND MEANS OF THE CONSPIRACY**

23. The United States Attorney realleges all of the allegations contained in paragraphs 1 - 16 of Count 1 of this indictment as if they were fully reproduced herein.

**OVERT ACTS**

24. In furtherance of this conspiracy, and to effect the objects thereof, at least one conspirator knowingly committed one or more of the below listed overt acts while in the Southern District of Ohio:

- a. On or about September 8, 2010, the defendants **AL-IDU AL-GAHEEM, ABDUL R. QADIR, ABDUL H. YAMINI, SR., and OMAR S.** YAHYA caused ACS to initiate a money wire transfer deposit from Wells Fargo Bank, N.A. in San Francisco, California, into the Five Pillars' U.S. Bank, N.A. account no. xxxx-0518 located in Dayton, Ohio in the amount of approximately \$23,588.79.
- b. On or about October 6, 2010, the defendants **AL-IDU AL-GAHEEM, ABDUL R. QADIR, ABDUL H. YAMINI, SR., and OMAR S.** YAHYA caused ACS to initiate a money wire transfer deposit into the Five Pillars' U.S. Bank, N.A. account no. xxxx-0518 located in Dayton, Ohio in the amount of approximately \$25,514.99.
- c. On or about March 4, 2011, the defendants **AL-IDU AL-GAHEEM, ABDUL R. QADIR, ABDUL H. YAMINI, SR., and OMAR S.** YAHYA caused ACS to initiate a money wire transfer deposit from Wells Fargo Bank, N.A. into the Five Pillars' U.S. Bank, N.A. account no. xxxx-0518 located in Dayton, Ohio in the amount of approximately \$22,291.30.
- d. On or about March 7, 2011, the defendants **AL-IDU AL-GAHEEM, ABDUL R. QADIR, ABDUL H. YAMINI, SR., and OMAR S.** YAHYA caused ACS to initiate a money wire transfer deposit from Wells Fargo Bank, N.A. into the Five Pillars' U.S. Bank, N.A. account no. xxxx-0518 located in Dayton, Ohio in the amount of approximately \$27,364.69.

- e. On or about March 8, 2011, the defendants **AL-IDU AL-GAHEEM, ABDUL R. QADIR, ABDUL H. YAMINI, SR., and OMAR S.** YAHYA caused ACS to initiate a money wire transfer deposit from Wells Fargo Bank, N.A. into the Five Pillars' U.S. Bank, N.A. account no. xxxx-0518 located in Dayton, Ohio in the amount of approximately \$23,802.61.
- f. On or about April 6, 2011, the defendants **AL-IDU AL-GAHEEM, ABDUL R. QADIR, ABDUL H. YAMINI, SR., and OMAR S.** YAHYA caused ACS to initiate a money wire transfer deposit from Wells Fargo Bank, N.A. into the Five Pillars' U.S. Bank, N.A. account no. xxxx-0518 located in Dayton, Ohio in the amount of approximately \$24,063.77.
- g. On or about May 6, 2011, the defendants **AL-IDU AL-GAHEEM, ABDUL R. QADIR, ABDUL H. YAMINI, SR., and OMAR S.** YAHYA caused ACS to initiate a money wire transfer deposit from Wells Fargo Bank, N.A. into the Five Pillars' U.S. Bank, N.A. account no. xxxx-0518 located in Dayton, Ohio in the amount of approximately \$25,204.96.
- h. On or about May 9, 2011, the defendants **AL-IDU AL-GAHEEM, ABDUL R. QADIR, ABDUL H. YAMINI, SR., and OMAR S.** YAHYA caused ACS to initiate a money wire transfer deposit from Wells Fargo Bank, N.A. into the Five Pillars' U.S. Bank, N.A. account no. xxxx-0518 located in Dayton, Ohio in the amount of approximately \$23,821.62.
- i. From January 2009 through May 11, 2011, the defendants **AL-IDU AL-GAHEEM, ABDUL R. QADIR, ABDUL H. YAMINI, SR., and OMAR S.** YAHYA caused in excess of \$3.8 million in USDA SNAP EBT wire transfers from Wells Fargo Bank, N.A. to be deposited into the Five Pillars' U.S. Bank, N.A. account no. xxxx-0518 located in Dayton, Ohio.
- j. From January 2009 through November 2012, defendants **AL-IDU AL-GAHEEM, ABDUL R. QADIR, and OMAR S.** YAHYA caused in excess of \$1.2 million in currency withdrawals to be made from the Five Pillars' U.S. Bank, N.A. account no. xxxx-0518 located in Dayton, Ohio in a manner and fashion such that U.S. Bank, N.A. failed to file required Currency Transaction Reports.
- k. On or about October 14, 2009, the defendant **ABDUL R. QADIR** illegally exchanged \$205.00 in SNAP EBT benefits for \$100 in U.S. Currency while employed at Five Pillars Market in Dayton, Ohio.

- l. On or about October 23, 2009, the defendant **ABDUL H. YAMINI, SR.** illegally exchanged \$295.47 in SNAP EBT benefits for \$100 in U.S. Currency while employed at Five Pillars Market in Dayton, Ohio.
- m. On or about November 13, 2009, the defendant **ABDUL H. YAMINI, SR.** illegally exchanged \$249.43 in SNAP EBT benefits for \$120 in U.S. Currency while employed at Five Pillars Market in Dayton, Ohio.
- n. On or about November 18, 2009, the defendant **ABDUL H. YAMINI, SR.** illegally exchanged \$200.00 in SNAP EBT benefits for \$100 in U.S. Currency while employed at Five Pillars Market in Dayton, Ohio.
- o. On or about December 10, 2009, the defendant **ABDUL R. QADIR** illegally exchanged \$540.00 in SNAP EBT benefits for \$270 in U.S. Currency while employed at Five Pillars Market in Dayton, Ohio.
- p. On or about December 14, 2009, the defendant **ABDUL R. QADIR** illegally exchanged \$1,055.78 in SNAP EBT benefits for \$350 in U.S. Currency while employed at Five Pillars Market in Dayton, Ohio.
- q. On or about January 22, 2010, the defendants **ABDUL R. QADIR** and **ABDUL H. YAMINI, SR.** illegally exchanged \$540.43 in SNAP EBT benefits for \$270 in U.S. Currency while employed at Five Pillars Market in Dayton, Ohio.
- r. On or about June 17, 2010, the defendant **ABDUL H. YAMINI, SR.** illegally exchanged \$414.73 in SNAP EBT benefits for \$207 in U.S. Currency while employed at Five Pillars Market in Dayton, Ohio.
- s. On or about July 16, 2010, the defendant **ABDUL H. YAMINI, SR.** illegally exchanged \$540.00 in SNAP EBT benefits for \$270 in U.S. Currency while employed at Five Pillars Market in Dayton, Ohio.
- t. On or about September 16, 2010, the defendant **ABDUL R. QADIR** illegally exchanged \$329.00 in SNAP EBT benefits for \$163 in U.S. Currency while employed at Five Pillars Market in Dayton, Ohio.
- u. On or about March 11, 2011, the defendant **ABDUL H. YAMINI, SR.** illegally exchanged \$540.18 in SNAP EBT benefits for \$270 in U.S. Currency while employed at Five Pillars Market in Dayton, Ohio.
- v. On or about April 12, 2011, the defendant **ABDUL H. YAMINI, SR.** illegally exchanged \$184.00 in SNAP EBT benefits for \$95 in U.S. Currency while employed at Five Pillars Market in Dayton, Ohio.

- w. On or about March 11, 2011, defendant **AL-IDU AL-GAHEEM**, entered the U.S. Bank, N.A Branch located at Courthouse Square Plaza, Dayton, Ohio and withdrew \$9,000 in U.S. Currency from his Five Pillars account no. xxxx-0518.
- x. Subsequent to the events transpiring in Overt Act w., on or about March 11, 2011, defendant **AL-IDU AL-GAHEEM** traveled to Five Pillars located at 1263 West Riverview Ave., Dayton, Ohio with the \$9,000 in U.S. Currency.
- y. On or about March 11, 2011, the defendant **ABDUL H. YAMINI, SR.** illegally exchanged \$540.00 in SNAP EBT benefits for \$270 in U.S. Currency while employed at Five Pillars Market in Dayton, Ohio. A portion of this currency originated from the \$9,000 received by defendant **AL-IDU AL-GAHEEM**, from his U.S. Bank, N.A. account no. xxxx-0518 referenced in Overt Act w.
- z. On or about March 11, 2011, the defendant **ABDUL H. YAMINI, SR.** illegally exchanged \$240.00 in SNAP EBT benefits for \$118 in U.S. Currency while employed at Five Pillars Market in Dayton, Ohio. A portion of this currency originated from the \$9,000 received by defendant **AL-IDU AL-GAHEEM**, from his U.S. Bank, N.A. account no. xxxx-0518 referenced in Overt Act w.
- aa. On or about March 11, 2011, the defendant **ABDUL H. YAMINI, SR.** illegally exchanged \$520.00 in SNAP EBT benefits for \$260 in U.S. Currency while employed at Five Pillars Market in Dayton, Ohio. A portion of this currency originated from the \$9,000 received by defendant **AL-IDU AL-GAHEEM**, from his U.S. Bank, N.A. account no. xxxx-0518 referenced in Overt Act w.
- bb. On or about April 12, 2011, defendant **AL-IDU AL-GAHEEM**, entered the U.S. Bank, N.A Branch located at Courthouse Square Plaza, Dayton, Ohio and withdrew \$9,500 in U.S. Currency from his Five Pillars account no. xxxx-0518.
- cc. Subsequent to the events transpiring in Overt Act bb., on or about April 12, 2011, defendant **AL-IDU AL-GAHEEM** traveled to Five Pillars located at 1263 West Riverview Ave., Dayton, Ohio with the \$9,500 in U.S. Currency.
- dd. On or about April 12, 2011, the defendant **ABDUL H. YAMINI, SR.**, illegally exchanged \$184.00 in SNAP EBT benefits for \$95 in U.S. Currency while employed at Five Pillars Market in Dayton, Ohio. A portion of this currency originated from the \$9,500 received by defendant

**AL-IDU AL-GAHEEM**, from his U.S. Bank, N.A. account no. xxxx-0518 referenced in Overt Act bb.

- ee. On or about April 12, 2011, the defendant **ABDUL H. YAMINI, SR.** illegally exchanged \$520.00 and \$540.00 in SNAP EBT benefits from a single patron who tendered two separate EBT cards. The defendant **ABDUL H. YAMINI, SR.** in turn provided this patron with \$260 and \$270 respectively in U.S. Currency while employed at Five Pillars Market in Dayton, Ohio. A portion of this \$530 in currency originated from the \$9,500 received by defendant **AL-IDU AL-GAHEEM**, from his U.S. Bank, N.A. account no. xxxx-0518 referenced in Overt Act bb.

All in violation of Title 18, United States Code, Section 371.

**COUNTS 3-10**  
**[18 U.S.C. §1343]**

25. From on or about January 2007, and continuing through on or about May 11, 2011, both dates being approximate and inclusive, while in the Southern District of Ohio and elsewhere, the defendant **AL-IDU AL-GAHEEM**, unlawfully and knowingly devised and intended to devise a scheme and artifice to defraud the Supplemental Nutrition Assistance Program (SNAP), a federally funded national nutrition program jointly administered by the United States Department of Agriculture (USDA) and the Food and Nutrition Service (FNS) together with various state agencies, to obtain money and property by means of false and fraudulent pretenses, representations and promises.

26. It was further part of the scheme and artifice to defraud and to obtain money and property by means of false and fraudulent pretenses, representations and promises that the defendant would and did accept USDA SNAP benefits from patrons in exchange for U.S. currency and ineligible items such as alcoholic beverages, tobacco products, clothing, drugs, firearms or ammunition.

27. It was further part of the scheme and artifice to defraud and to obtain money and property by means of false and fraudulent pretenses, representations and promises that the defendant would and did, on over a thousand separate occasions, exchange and redeem USDA SNAP benefits for U.S. currency and other ineligible items in order that the defendant could defraud the SNAP through his receipt of interstate transfers of funds by wire.

28. On or about the dates set forth in the schedule below, while in the Southern District of Ohio, having devised a scheme and artifice to defraud the USDA SNAP Program of U.S. Government money, benefits and property by means of false and fraudulent pretenses, representations and promises, by unlawfully acquiring, possessing and using EBT SNAP benefits access devices, the defendant **AL-IDU AL-GAHEEM** for the purpose of executing and attempting to execute the aforesaid scheme and artifice to defraud did knowingly cause ACS State & Local Solutions, Inc.'s National Retail Management Center located in Austin, Texas to electronically transmit in interstate commerce, writings, signs and signals, i.e. U. S. Government fund money wire transfers from Wells Fargo Bank, N.A., located at 420 Montgomery St., San Francisco, California, its designated financial institution, to Five Pillars' U.S. Bank, N.A. account no. xxxx-0518 located in Dayton, Ohio where it was subsequently deposited. by means of wire communications.

<u>Count</u>	<u>Date</u>	<u>Wire Transfer Amount</u>
3	9/8/10	\$23,588.79
4	10/6/10	\$25,514.99
5	3/4/11	\$22,291.30
6	3/7/11	\$27,364.69

7	3/8/11	\$23,802.61
8	4/6/11	\$24,063.77
9	5/6/11	\$25,204.96
10	5/9/11	\$23,821.62

In violation of 18 U.S.C. § 1343.

**COUNTS 11-21**  
**[18 U.S.C. §1343]**

29. From on or about January 2007, and continuing through on or about May 11, 2011, both dates being approximate and inclusive, while in the Southern District of Ohio and elsewhere, the defendants **ABDUL R. QADIR**, and **ABDUL H. YAMINI, SR.**, unlawfully and knowingly devised and intended to devise a scheme and artifice to defraud the Supplemental Nutrition Assistance Program (SNAP), a federally funded national nutrition program jointly administered by the United States Department of Agriculture (USDA) and the Food and Nutrition Service (FNS) together with various state agencies, to obtain money and property by means of false and fraudulent pretenses, representations and promises.

30. It was part of the scheme and artifice to defraud and to obtain money and property by means of false and fraudulent pretenses, representations and promises that the defendants would and did unlawfully acquire, possess, and use EBT SNAP benefits access devices.

31. It was further part of the scheme and artifice to defraud and to obtain money and property by means of false and fraudulent pretenses, representations and promises that the defendants would and did on multiple occasions, cause USDA EBT point of sale devices to electronically transmit interstate EBT SNAP benefit access device balance inquiries in order that the defendants could defraud the SNAP.

32. On or about the dates set forth in the schedule below, while in the Southern District of Ohio, having devised a scheme and artifice to defraud the USDA SNAP Program of U.S. Government money, benefits and property by means of false and fraudulent pretenses, representations and promises, by unlawfully acquiring, possessing and using EBT SNAP benefits access devices, the defendants **ABDUL R. QADIR**, and **ABDUL H. YAMINI, SR.**, for the purpose of executing and attempting to execute the aforesaid scheme and artifice to defraud did knowingly cause a USDA EBT point of sale device installed at Five Pillars located at 1263 West Riverview Ave., Dayton, Ohio to electronically transmit in interstate commerce, writings, signs and signals, i.e. EBT SNAP benefits access device balance inquiries to ACS State & Local Solutions, Inc.'s National Retail Management Center located in Austin, Texas by means of wire communications.

<u>Count</u>	<u>Date</u>	<u>EBT Card Balance</u>	<u>Price Paid</u>	<u>Defendant</u>
11	10/14/09	\$205.00	\$100	Abdul R. Qadir
12	10/23/09	\$295.47	\$100	Abdul H. Yamini, Sr.
13	11/13/09	\$249.43	\$120	Abdul H. Yamini, Sr.
14	11/18/09	\$200.00	\$100	Abdul H. Yamini, Sr.
15	12/10/09	\$540.00	\$270	Abdul R. Qadir
16	1/22/10	\$540.43	\$270	Both Defendants
17	6/17/10	\$414.73	\$207	Abdul H. Yamini, Sr.
18	7/16/10	\$540.00	\$270	Abdul H. Yamini, Sr.
19	9/16/10	\$329.00	\$163	Abdul R. Qadir
20	3/11/11	\$520.00	\$260	Abdul H. Yamini, Sr.

21                    4/12/11                    \$184.00                    \$95                    Abdul H. Yamini, Sr.

In violation of 18 U.S.C. § 1343.

**COUNTS 22-32**  
**[7 U.S.C. § 2024(b)]**

33.     On or about the dates set forth in the schedule below, while in the Southern District of Ohio, defendants **ABDUL R. QADIR** and **ABDUL H. YAMINI**, did on the below listed dates and times knowingly acquire, possess and use USDA EBT SNAP benefits access devices as defined by 7 U.S.C. § 2012 (a) and (I), each having a value in excess of \$100, in a manner not authorized by 7 U.S.C., Chapter 51 and the regulations issued pursuant thereto (7 C.F.R. §§ 271-285), in that they knowingly and unlawfully purchased said EBT SNAP benefits access devices for certain consideration, and thereafter used said devices to unlawfully acquire various food items and other commodities.

<u>Count</u>	<u>Date</u>	<u>EBT Card Balance</u>	<u>Price Paid</u>	<u>Defendant</u>
22	10/14/09	\$205.00	\$100	Qadir
23	10/23/09	\$295.47	\$100	Yamini
24	11/13/09	\$249.43	\$120	Yamini
25	11/18/09	\$200.00	\$100	Yamini
26	12/10/09	\$540.00	\$270	Qadir
27	1/22/10	\$540.43	\$270	Both
28	6/17/10	\$414.73	\$207	Yamini
29	7/16/10	\$540.00	\$270	Yamini
30	9/16/10	\$329.00	\$163	Qadir
31	3/11/11	\$520.00	\$260	Yamini

32                      4/12/11                      \$184.00                      \$95                      Yamini

In violation of 7 U.S.C. § 2024(b).

**COUNTS 33-39**  
**[31 U.S.C. § 5324(a)(3) and (d)(2)]**

34.        On or about the dates set forth in the schedule below, while in the Southern District of Ohio, the defendants, **AL-IDU AL-GAHEEM** and **OMAR S. YAHYA** knowingly and for the purpose of evading the reporting requirements established under 31 U.S.C. § 5313(a), and the regulations promulgated thereunder, to wit: 31 C.F.R. § 103.11 and § 103.22, did structure, attempt to structure, and assist in structuring the following U.S. currency transactions with U.S. Bank, N.A., a domestic financial institution, at the following bank branches, to wit: Courthouse Square Plaza, Dayton, Ohio and 2198 Gettysburg, Dayton, Ohio, utilizing bank accounts numbered xxxx-0518 held in the name of “Five Pillars Market and Restaurant” and xxx-0086 held in the name of “Omar S. Yahya d/b/a Al-Nisa Cleaning,” both of which directly or indirectly received deposits of U.S. Government EBT SNAP benefit funds originating from ACS State & Local Solutions, Inc.’s National Retail Management Center located in Austin, Texas transmitted via its designated financial institution Wells Fargo Bank, N.A., in San Francisco, California, each such structured currency transaction being a separate count of this indictment, and did so while violating other laws of the United States:

<u>Count</u>	<u>Date/Time</u>	<u>Defendant</u>	<u>Bank</u>	<u>Amount</u>	<u>Account</u>
33	11/4/09/12:02	Al-Gaheem	U.S. Bank	\$8,500	xxxx-0518
	11/4/09/3:22	Al-Gaheem	U.S. Bank	\$2,000	xxxx-0518
34	9/3/10/3:26	Al-Gaheem	U.S. Bank.	\$8,000	xxxx-0518
	9/3/10/8:45	Yahya	U.S. Bank	\$5,000	xxxx-0086
35	9/14/10/11:55	Al-Gaheem	U.S. Bank	\$9,000	xxxx-0518
	9/14/10/8:36	Yahya	U.S. Bank	\$4,500	xxxx-0518

36	10/7/10/8:41	Al-Gaheem	U.S. Bank	\$7,000	xxxx-0518
	10/7/10/8:42	Yahya	U.S. Bank	\$5,000	xxxx-0518
37	10/8/10/9:00	Al-Gaheem	U.S. Bank	\$9,000	xxxx-0518
	10/8/10/9:05	Yahya	U.S. Bank	\$7,000	xxxx-0518
38	10/18/10/8:49	Al-Gaheem	U.S. Bank	\$7,600	xxxx-0518
	10/18/10/8:52	Yahya	U.S. Bank	\$2,399.99	xxxx-0086
39	12/7/10/9:12	Al-Gaheem	U.S. Bank	\$6,200	xxxx-0518
	12/7/10/10:10	Al-Gaheem	U.S. Bank	\$4,000	xxxx-0518

In violation of 31 U.S.C. §§ 5324(a)(3) and (d)(2), 31 C.F.R. §§ 103.11 and 103.22 and 18 U.S.C. § 2.

**COUNTS 40-45**  
**[18 U.S.C. § 1956(a)(1)(A)(i)]**

35. On or about the dates set forth in the schedule below, while in the Southern District of Ohio, defendants **AL-IDU AL-GAHEEM** and **ABDUL H. YAMINI, SR.**, did knowingly conduct and attempt to conduct financial transactions affecting interstate commerce, to wit, the tendering U.S. currency to holders of USDA EBT access devices for illegal access to SNAP benefits, which in fact involved proceeds of a specified unlawful activity, namely USDA SNAP benefit fraud in violation of 7 U.S.C. § 2024(b) and wire fraud in violation of 18 U.S.C. § 1343, with the intent to promote the carrying on of the specified unlawful activity of USDA SNAP benefit fraud in violation of 7 U.S.C. § 2024(b), and while conducting and attempting to conduct said financial transactions the defendants **AL-IDU AL-GAHEEM**, and **ABDUL H. YAMINI, SR.** knew that the property involved in the financial transactions, that is the USDA SNAP benefits, money and property, represented the proceeds of some form of unlawful activity.

<u>Count</u>	<u>Date</u>	<u>Amount of EBT Card Benefits</u>	<u>Amount Paid</u>
40	3/11/11	\$540.00	\$270.00

41	3/11/11	\$240.00	\$118.00
42	3/11/11	\$520.00	\$260.00
43	4/12/11	\$520.00	\$260.00
44	4/12/11	\$540.00	\$270.00
45	4/12/11	\$184.00	\$95.00

In violation of 18 U.S.C. §§ 1956(a)(1)(A)(i) and 2.

**COUNT 46**  
**[18 U.S.C. §§ 922(g)(1) and 924(a)(2)]**

36. On or about November 19, 2009, in the Southern District of Ohio, defendant **OMAR S. YAHYA**, being a person who had been convicted of a crime punishable by imprisonment for a term exceeding one year, that is, on or about June 28, 1983, the defendant, **OMAR S. YAHYA**, f/k/a/ Darnell Bernard Watts, was convicted in the State of Arkansas, Circuit Court of Jefferson County, in Case Number CR 82-334-2, of Aggravated Robbery, did knowingly possess, in commerce and affecting commerce, a certain firearm, to wit: one (1) Stallard Arms, Inc., Model JS-9mm black semi-automatic handgun bearing Serial Number 042037.

In violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).

**FORFEITURE ALLEGATIONS**

1. Upon conviction of the offense alleged in Count 1 of this Indictment, a) the defendants, **AL-IDU AL-GAHEEM, ABDUL R. QADIR, ABDUL H. YAMINI, SR., and OMAR S. YAHYA**, shall forfeit to the United States pursuant to 18 U.S.C. §982(a)(1) any property, real or personal, involved in such offense, or any property traceable to such property, including but not limited to the following:

1. U.S. Bank, N.A., Account No. \*\*\*\*0518, in the amount of \$52,817.96;
2. U.S. Bank, N.A., Account No. \*\*\*\*0518, in the amount of \$13,884.40;
3. \$4,000.00 U.S. Currency seized from Five Pillars Market and Restaurant;
4. \$1,650.00 U.S. Currency seized from Abdul H. Yamini, Sr.;
5. \$917.00 U.S. Currency seized from Al-Idu Al-Gaheem;
6. \$6,600.00 U.S. Currency seized from 660 N. Broadway, Dayton, OH;
7. \$340.00 U.S. Currency seized from 660 N. Broadway, Dayton, OH;
8. Smith & Wesson Firearm, SN: AJV7358;
9. Taurus Firearm, SN: 395752 and ammunition;
10. Smith & Wesson Firearm, SN: 8594568310 and ammunition;
11. Browning Firearm, SN: 420532 and ammunition; and
12. A money judgment in the amount of money involved in the offense; and

b) the defendants, **AL-IDU AL-GAHEEM, ABDUL R. QADIR, ABDUL H.**

**YAMINI, SR., and OMAR S. YAHYA,** shall forfeit to the United States pursuant to 18 U.S.C.

§924(d)(1) and 28 U.S.C. §2461(c), all firearms and ammunition involved in or used in any

violation of any criminal law of the United States, including but not limited to:

1. Smith & Wesson Firearm, SN: AJV7358;
2. Taurus Firearm, SN: 395752 and ammunition;
3. Smith & Wesson Firearm, SN: 8594568310 and ammunition; and
4. Browning Firearm, SN: 420532 and ammunition.

2. Upon conviction of the offense alleged in Count 2 of this Indictment,

a) the defendants, **AL-IDU AL-GAHEEM, ABDUL R. QADIR, ABDUL H. YAMINI, SR.,** and **OMAR S. YAHYA,** shall forfeit to the United States pursuant to 18 U.S.C. §981(a)(1)© and 28 U.S.C. §2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to said violation, including but not limited to the following:

1. U.S. Bank, N.A., Account No. \*\*\*\*0518, in the amount of \$52,817.96;
2. U.S. Bank, N.A., Account No. \*\*\*\*0518, in the amount of \$13,884.40;
3. \$4,000.00 U.S. Currency seized from Five Pillars Market and Restaurant;
4. \$1,650.00 U.S. Currency seized from Abdul H. Yamini, Sr.;
5. \$917.00 U.S. Currency seized from Al-Idu Al-Gaheem;
6. \$6,600.00 U.S. Currency seized from 660 N. Broadway, Dayton, OH;
7. \$340.00 U.S. Currency seized from 660 N. Broadway, Dayton, OH;
8. Smith & Wesson Firearm, SN: AJV7358;
9. Taurus Firearm, SN: 395752 and ammunition;
10. Smith & Wesson Firearm, SN: 8594568310 and ammunition;
11. Browning Firearm, SN: 420532 and ammunition; and
12. A money judgment in the amount of the proceeds of the offense; and

b) the defendants, **AL-IDU AL-GAHEEM, ABDUL R. QADIR, ABDUL H. YAMINI, SR.,** and **OMAR S. YAHYA,** shall forfeit to the United States pursuant to 31 U.S.C. §5317(a)(1), any property, real or personal, involved in such offense, or any property traceable to such property, including but not limited to the following:

1. U.S. Bank, N.A., Account No. \*\*\*\*0518, in the amount of \$52,817.96;
  2. U.S. Bank, N.A., Account No. \*\*\*\*0518, in the amount of \$13,884.40;
  3. \$4,000.00 U.S. Currency seized from Five Pillars Market and  
Restaurant;
  4. \$1,650.00 U.S. Currency seized from Abdul H. Yamini, Sr.;
  5. \$917.00 U.S. Currency seized from Al-Idu Al-Gaheem;
  6. \$6,600.00 U.S. Currency seized from 660 N. Broadway, Dayton, OH;
  7. \$340.00 U.S. Currency seized from 660 N. Broadway, Dayton, OH;
  8. Smith & Wesson Firearm, SN: AJV7358;
  9. Taurus Firearm, SN: 395752 and ammunition;
  10. Smith & Wesson Firearm, SN: 8594568310 and ammunition;
  11. Browning Firearm, SN: 420532 and ammunition; and
  12. A money judgment in the amount money involved in offense; and
- c) the defendants, **AL-IDU AL-GAHEEM, ABDUL R. QADIR, ABDUL H.**

**YAMINI, SR., and OMAR S. YAHYA,** shall forfeit to the United States pursuant to 18 U.S.C. §924(d)(1) and 28 U.S.C. §2461(c), all firearms and ammunition involved in or used in any violation of any criminal law of the United States, including but not limited to:

1. Smith & Wesson Firearm, SN: AJV7358;
2. Taurus Firearm, SN: 395752 and ammunition;
3. Smith & Wesson Firearm, SN: 8594568310 and ammunition; and
4. Browning Firearm, SN: 420532 and ammunition.

3. Upon conviction of an offense alleged in Counts 3-10 of this Indictment,

a) the defendant, **AL-IDU AL-GAHEEM**, shall forfeit to the United States pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to said offense, including but not limited to the following:

1. U.S. Bank, N.A., Account No. \*\*\*\*0518, in the amount of \$52,817.96;
2. U.S. Bank, N.A., Account No. \*\*\*\*0518, in the amount of \$13,884.40;
3. \$4,000.00 U.S. Currency seized from Five Pillars Market and Restaurant;
4. \$1,650.00 U.S. Currency seized from Abdul H. Yamini, Sr.;
5. \$917.00 U.S. Currency seized from Al-Idu Al-Gaheem;
6. \$6,600.00 U.S. Currency seized from 660 N. Broadway, Dayton, OH;
7. \$340.00 U.S. Currency seized from 660 N. Broadway, Dayton, OH;
8. Smith & Wesson Firearm, SN: AJV7358;
9. Taurus Firearm, SN: 395752 and ammunition;
10. Smith & Wesson Firearm, SN: 8594568310 and ammunition;
11. Browning Firearm, SN: 420532 and ammunition; and
12. A money judgment in the amount of the proceeds of the offense; and

b) the defendant, **AL-IDU AL-GAHEEM**, shall forfeit to the United States pursuant to 18 U.S.C. §924(d)(1) and 28 U.S.C. §2461(c), all firearms and ammunition involved in or used in any violation of any criminal law of the United States, including but not limited to:

1. Smith & Wesson Firearm, SN: AJV7358;

2. Taurus Firearm, SN: 395752 and ammunition;
  3. Smith & Wesson Firearm, SN: 8594568310 and ammunition; and
  4. Browning Firearm, SN: 420532 and ammunition.
4. Upon conviction of an offense alleged in Counts 11-21 of this Indictment,
- a) the defendants, **ABDUL R. QADIR**, and **ABDUL H. YAMINI, SR.**, shall forfeit to the United States pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to said offense, including but not limited to the following:

1. U.S. Bank, N.A., Account No. \*\*\*\*0518, in the amount of \$52,817.96;
  2. U.S. Bank, N.A., Account No. \*\*\*\*0518, in the amount of \$13,884.40;
  3. \$4,000.00 U.S. Currency seized from Five Pillars Market and Restaurant;
  4. \$1,650.00 U.S. Currency seized from Abdul H. Yamini, Sr.;
  5. \$917.00 U.S. Currency seized from Al-Idu Al-Gaheem;
  6. \$6,600.00 U.S. Currency seized from 660 N. Broadway, Dayton, OH;
  7. \$340.00 U.S. Currency seized from 660 N. Broadway, Dayton, OH;
  8. Smith & Wesson Firearm, SN: AJV7358;
  9. Taurus Firearm, SN: 395752 and ammunition;
  10. Smith & Wesson Firearm, SN: 8594568310 and ammunition;
  11. Browning Firearm, SN: 420532 and ammunition; and
  12. A money judgment in the amount of the proceeds of the offense; and
- b) the defendants, **ABDUL R. QADIR**, and **ABDUL H. YAMINI, SR.**, shall

forfeit to the United States pursuant to 18 U.S.C. §924(d)(1) and 28 U.S.C. §2461(c), all firearms and ammunition involved in or used in any violation of any criminal law of the United States, including but not limited to:

1. Smith & Wesson Firearm, SN: AJV7358;
2. Taurus Firearm, SN: 395752 and ammunition;
3. Smith & Wesson Firearm, SN: 8594568310 and ammunition;
4. Browning Firearm, SN: 420532 and ammunition.
5. Upon conviction of an offense alleged in Counts 22-32 of this Indictment:
  - a) the defendants, **ABDUL R. QADIR, ABDUL H. YAMINI, SR.**, shall forfeit to the United States pursuant to 7 U.S.C. § 2024(e), any non-food items, moneys, negotiable instruments, securities, or other things of value furnished in exchange for benefits, or anything of value obtained by use of an access device, in any manner contrary to Chapter 51 of Title 7 or the regulations issued under such chapter; and
  - b) the defendants, **ABDUL R. QADIR, ABDUL H. YAMINI, SR.**, shall forfeit to the United States pursuant to 7 U.S.C. §2024(f); all property, real or personal, used in a transaction or attempted transaction, to commit, or to facilitate the commission of the violation, including but not limited to the following:
    1. U.S. Bank, N.A., Account No. \*\*\*\*0518, in the amount of \$52,817.96;
    2. U.S. Bank, N.A., Account No. \*\*\*\*0518, in the amount of \$13,884.40;
    3. \$4,000.00 U.S. Currency seized from Five Pillars Market and Restaurant;
    4. \$1,650.00 U.S. Currency seized from Abdul H. Yamini, Sr.;

5. \$917.00 U.S. Currency seized from Al-Idu Al-Gaheem;
6. \$6,600.00 U.S. Currency seized from 660 N. Broadway, Dayton, OH;
7. \$340.00 U.S. Currency seized from 660 N. Broadway, Dayton, OH;
8. Smith & Wesson Firearm, SN: AJV7358;
9. Taurus Firearm, SN: 395752 and ammunition;
10. Smith & Wesson Firearm, SN: 8594568310 and ammunition;
11. Browning Firearm, SN: 420532 and ammunition; and
12. A money judgment in the amount of the proceeds of the offense; and

c) the defendants, **ABDUL R. QADIR** and **ABDUL H. YAMINI, SR.**, shall

forfeit to the United States pursuant to 18 U.S.C. §924(d)(1) and 28 U.S.C. §2461(c), all firearms and ammunition involved in or used in any violation of any criminal law of the United States, including but not limited to:

1. Smith & Wesson Firearm, SN: AJV7358;
2. Taurus Firearm, SN: 395752 and ammunition;
3. Smith & Wesson Firearm, SN: 8594568310 and ammunition; and
4. Browning Firearm, SN: 420532 and ammunition.

6. Upon conviction of an offense alleged in Counts 33- 39 of this Indictment,

a) the defendants, **AL-IDU AL-GAHEEM**, and **OMAR S. YAHYA**, shall

forfeit to the United States pursuant to 31 U.S.C. §5317(a)(1), any property, real or personal, involved in such offense, or any property traceable to such property, including but not limited to the following:

1. U.S. Bank, N.A., Account No. \*\*\*\*0518, in the amount of \$52,817.96;

2. U.S. Bank, N.A., Account No. \*\*\*\*0518, in the amount of \$13,884.40;
3. \$4,000.00 U.S. Currency seized from Five Pillars Market and Restaurant;
4. \$1,650.00 U.S. Currency seized from Abdul H. Yamini, Sr.;
5. \$917.00 U.S. Currency seized from Al-Idu Al-Gaheem;
6. \$6,600.00 U.S. Currency seized from 660 N. Broadway, Dayton, OH;
7. \$340.00 U.S. Currency seized from 660 N. Broadway, Dayton, OH;
8. Smith & Wesson Firearm, SN: AJV7358;
9. Taurus Firearm, SN: 395752 and ammunition;
10. Smith & Wesson Firearm, SN: 8594568310 and ammunition;
11. Browning Firearm, SN: 420532 and ammunition; and
12. A money judgment in the amount of money involved in the offense; and

b) the defendants, **AL-IDU AL-GAHEEM**, and **OMAR S. YAHYA**, shall forfeit to the United States pursuant to 18 U.S.C. §924(d)(1) and 28 U.S.C. §2461(c), all firearms and ammunition involved in or used in any violation of any criminal law of the United States, including but not limited to:

1. Smith & Wesson Firearm, SN: AJV7358;
  2. Taurus Firearm, SN: 395752 and ammunition;
  3. Smith & Wesson Firearm, SN: 8594568310 and ammunition; and
  4. Browning Firearm, SN: 420532 and ammunition.
7. Upon conviction of an offense alleged in Counts 40-45 of this Indictment,
- a) the defendants, **AL-IDU AL-GAHEEM** and **ABDUL H. YAMINI, SR.**,

shall forfeit to the United States pursuant to 18 U.S.C. §982(a)(1) any property, real or personal, involved in such offense, or any property traceable to such property including but not limited to the following:

1. U.S. Bank, N.A., Account No. \*\*\*\*0518, in the amount of \$52,817.96;
2. U.S. Bank, N.A., Account No. \*\*\*\*0518, in the amount of \$13,884.40;
3. \$4,000.00 U.S. Currency seized from Five Pillars Market and Restaurant;
4. \$1,650.00 U.S. Currency seized from Abdul H. Yamini, Sr.;
5. \$917.00 U.S. Currency seized from Al-Idu Al-Gaheem;
6. \$6,600.00 U.S. Currency seized from 660 N. Broadway, Dayton, OH;
7. \$340.00 U.S. Currency seized from 660 N. Broadway, Dayton, OH;
8. Smith & Wesson Firearm, SN: AJV7358;
9. Taurus Firearm, SN: 395752 and ammunition;
10. Smith & Wesson Firearm, SN: 8594568310 and ammunition;
11. Browning Firearm, SN: 420532 and ammunition; and
12. A money judgment in the amount of money involved in the offense; and

b) the defendants, **AL-IDU AL-GAHEEM**, and **ABDUL H. YAMINI, SR.**, shall forfeit to the United States pursuant to 18 U.S.C. §924(d)(1) and 28 U.S.C. §2461(c), all firearms and ammunition involved in or used in any violation of any criminal law of the United States, including but not limited to:

1. Smith & Wesson Firearm, SN: AJV7358;
2. Taurus Firearm, SN: 395752 and ammunition;

3. Smith & Wesson Firearm, SN: 8594568310 and ammunition; and
4. Browning Firearm, SN: 420532 and ammunition.

Substitute Assets

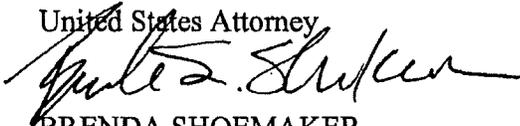
8. If any of the forfeitable property described in forfeiture allegations 1-7, as a result of any act or omission of any defendant:

- 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), as incorporated by 18 U.S.C. §982(b) and 28 U.S.C. §2461(c), to seek forfeiture of any other property of said defendants up to the value of the forfeitable property described above.

A T R U E B I L L

/s/ FOREPERSON  
F O R E M A N

CARTER M. STEWART  
United States Attorney

  
BRENDA SHOEMAKER  
Financial Crimes Chief