

ORIGINAL

SEALED

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

2016 AUG -2 PM 4:19

DEPUTY CLERK

UNITED STATES OF AMERICA

v.

CHUKWUMA JONAS OSUAGWU (1)
JAMES W. MITCHELL (2)

Case No.

3 - 16 CR - 0343K

FILED UNDER SEAL

INDICTMENT

The Grand Jury charges:

Introduction

At all times material to this Indictment, unless otherwise indicated:

1. Starting at least as early as September 2006 and continuing through at least November 2007, **Chukwuma Jonas Osuagwu**, a resident of Dallas, Texas, engaged in a series of fraudulent real-estate transactions in which he either personally purchased or sold to one or more straw purchasers or co-conspirators, including **James W. Mitchell**, residential condominium units in Dallas, Texas. **Chukwuma Jonas Osuagwu** was able to personally purchase, or assist others in the purchase of, multiple residential condominium units only by submitting, or causing to be submitted on behalf of others, false, fraudulent, and fictitious statements, documents, and representations, thereby causing one or more financial institutions to issue a mortgage loan they otherwise would not have issued.

2. Starting at least as early as September 2006 and continuing through at least April 2012, **Chukwuma Jonas Osuagwu** earned income through the purchase, sale, and

rental of multiple residential condominium units that he did not accurately disclose to the Internal Revenue Service on his tax returns. In addition, **Chukwuma Jonas Osuagwu** filed amended tax returns falsely reporting two dependents and claiming status as the Head of Household, both in order to maximize a fraudulent income tax refund.

The Mortgage Fraud

3. J.P. Morgan Chase Bank was a financial institution and residential mortgage lender with its deposits insured by the Federal Deposit Insurance Corporation.

4. Bank of America was a financial institution and residential mortgage lender with its deposits insured by the Federal Deposit Insurance Corporation.

5. Wells Fargo Bank was a financial institution and a residential mortgage lender with its deposits insured by the Federal Deposit Insurance Corporation.

6. Fidelity National Title Agency, Inc. ("Fidelity Title") was a title agency that closed real estate transactions and had an office located at 1249 Northwest Highway in Garland, Texas, within the Northern District of Texas.

7. First American Title Insurance Company ("First American Title") was a title agency that closed real estate transactions and had an office located at 5117 Rowlett Road, in Rowlett, Texas, within the Northern District of Texas.

8. The "Unit 801 Property" was a property located at 2828 Hood Street, Unit 801, in Dallas, Texas, within the Northern District of Texas.

9. The "Unit 602 Property" was a property located at 2828 Hood Street, Unit 602, in Dallas, Texas, within the Northern District of Texas.

10. The "Unit 1301 Property" was a property located at 2828 Hood Street, Unit

1301, in Dallas, Texas, within the Northern District of Texas.

11. A Uniform Residential Loan Application (“URLA”) was a document lenders relied upon to provide a true financial picture of the borrower who requested a mortgage loan.

12. A HUD-1 Settlement Statement (“HUD-1”) was a document prepared by a title company and executed by a buyer and seller of real estate at a loan closing that reflected all sums received from and distributed to the parties involved in the transaction. Lending institutions, including J.P. Morgan Chase Bank, Bank of America, and Wells Fargo Bank, relied on HUD-1s to determine whether all funds received in the real estate transaction were properly disbursed.

13. It was material to residential mortgage lenders, when determining whether to make a real estate purchase mortgage loan and how much money to lend that they knew that the URLA contained true financial information of the borrower, such as: the borrower’s current employment and years of service at this current employment; the borrower’s monthly income; the borrower’s bank account balances; and the borrower’s schedule of other real estate owned.

14. It was further material to residential mortgage lenders, when determining whether to make a real estate mortgage loan and how much money to lend that they knew that any documents requested to support the URLA were true and correct and had not been altered in any way.

15. S.P.E. is a person known to the Grand Jury.

16. Inforation, Inc. (“Inforation”) was a company owned by **Chukwuma Jonas**

Osuagwu.

Filing False Tax Returns

17. The Internal Revenue Service is an agency of the United States Department of Treasury responsible for enforcing and administering the tax laws of the United States and collecting taxes owed to the Treasury of the United States.

18. Each year, depending on the amount of taxable income, individual taxpayers are required to file a U.S. Individual Income Tax Return, Form 1040, showing the individual's gross income, exemptions, deductions, and any tax payable or refund due. Generally, an individual's tax return is due on or about April 15 of the calendar year for the income earned in the prior year.

19. Taxpayers are also able to file an Amended U.S. Individual Income Tax Return, Form 1040X. Taxpayers can file a Form 1040X to correct, adjust, or change filing status, dependents, income, deductions, or credits that were claimed on a previously filed tax return. Adjustments involving another schedule or form must be attached to Form 1040X. A taxpayer must wait to receive their original tax refund claimed on his/her Form 1040 before filing a Form 1040X that is claiming additional tax refund owed to him or her. A taxpayer must file a Form 1040X within three years from the date the original return was filed or within two years of the date the tax was paid, whichever is later.

20. Taxpayers who purchase and sell business and rental properties must report gains and losses from these transactions on IRS Form 4797, which requires listing the property description, date acquired, date sold, gross sale price, depreciation

allowed/allowable, and cost basis. The calculation of gain or loss of each property depends on the sales price, purchase price, any expenses or home improvements not previously deducted, plus any depreciation. The gains and losses for each property are summed and the net gain or loss amount is reported on Line 14 of Form 1040 (or Form 1040X).

21. Rents received as payment for the use of a property must be included in gross income. Taxpayers must report rental income and deductible expenses including depreciation attributed to each property on Part 1 of Schedule E of Form 1040 (or Form 1040X).

22. A taxpayer may claim an exemption deduction for each “qualifying child” or qualifying relative that she claims as a dependent on her tax return if they meet certain requirements. Principally, a qualifying child must: be a relative under the age of 19, who lives with the taxpayer, is a United States citizen, and the qualifying child’s gross income is less than the personal exemption amount for that year, and the taxpayer pays more than half of the support for the child for that year, and the dependent does not file a joint tax return. Dependent exemptions are reported on page 1 of Form 1040 (or Form 1040X).

23. Generally, taxpayers who were unmarried and paid more than 50% of the costs to maintain a home for the entire year in which the qualifying child resides can file as Head of Household. Individuals who qualify as Head of Household are entitled to a higher standard deduction and lower tax rates than single individuals. Filing Status is reported on page 1 of Form 1040 (or Form 1040X).

Count One
Bank Fraud
Violation of 18 U.S.C. § 1344

24. The allegations in paragraphs 1 and 3 through 16 of this Indictment are realleged and incorporated as though fully set forth in this paragraph.

25. Starting in or about November 2006, and continuing until in or about December 2006, within the Northern District of Texas and elsewhere, defendant **Chukwuma Jonas Osuagwu** did knowingly and intentionally devise and execute and attempt to devise and execute a scheme and artifice to defraud Bank of America, a financial institution whose deposits were then insured by the Federal Deposit Insurance Corporation, and to obtain moneys and funds owned by and under the custody and control of Bank of America by means of false and fraudulent pretenses, representations, and promises, in connection with a mortgage loan for S.P.E. to purchase the Unit 801 Property.

26. In furtherance of the scheme and artifice to defraud and to obtain moneys and funds of Bank of America, **Chukwuma Jonas Osuagwu** engaged in at least the following acts:

a. On or about November 6, 2006, **Chukwuma Jonas Osuagwu** executed a sales contract to sell the Unit 801 Property to S.P.E. for \$680,000.

b. On or about December 1, 2006, S.P.E. and/or **Chukwuma Jonas Osuagwu** provided false paystubs to Bank of America in order for S.P.E. to qualify for a mortgage loan to purchase the Unit 801 Property. The paystubs falsely stated that S.P.E. worked for Inforation and made \$282,213.26 per year.

c. On or about December 1, 2006, S.P.E. and/or **Chukwuma Jonas Osuagwu** provided a false bank statement to Bank of America in order for S.P.E. to qualify for a mortgage loan to purchase the Unit 801 Property. The bank statement falsely reported that S.P.E. had an account balance of \$122,733.33.

d. On or about December 6, 2006, **Chukwuma Jonas Osuagwu** assisted S.P.E. in applying for a loan from Bank of America in which S.P.E. falsely stated she was employed by Inforation for the past six years and earned \$24,074 per month. The URLA also falsely reported S.P.E. had a bank account balance of \$122,773. Based on this false information, Bank of America loaned S.P.E. approximately \$680,000 to purchase the Unit 801 Property from **Chukwuma Jonas Osuagwu**.

e. On or about December 6, 2006, **Chukwuma Jonas Osuagwu** closed on the sale of the Unit 801 Property to S.P.E. at Fidelity Title. **Chukwuma Jonas Osuagwu** received sales proceeds of \$170,641.71 from selling the Unit 801 Property.

All in violation 18 U.S.C. § 1344.

Count Two
Bank Fraud
Violation of 18 U.S.C. § 1344

27. The allegations in paragraphs 1 and 3 through 16 of this Indictment are realleged and incorporated as though fully set forth in this paragraph.

28. In or about November 2006, within the Northern District of Texas and elsewhere, defendant **Chukwuma Jonas Osuagwu** did knowingly and intentionally devise and execute and attempt to devise and execute a scheme and artifice to defraud J.P. Morgan Chase Bank, a financial institution whose deposits were then insured by the Federal Deposit Insurance Corporation, and to obtain moneys and funds owned by and under the custody and control of J.P. Morgan Chase Bank by means of false and fraudulent pretenses, representations, and promises, in connection with a mortgage loan to purchase the Unit 602 Property.

29. In furtherance of the scheme and artifice to defraud and to obtain moneys and funds of J.P. Morgan Chase Bank, **Chukwuma Jonas Osuagwu** engaged in at least the following acts:

a. On or about November 6, 2006, **Chukwuma Jonas Osuagwu** executed a sales contract to purchase the Unit 602 Property for \$485,000.

b. On or about November 22, 2006, **Chukwuma Jonas Osuagwu** applied for a loan from J.P. Morgan Chase Bank and signed a URLA which falsely stated he earned \$12,773.95 per month in base employment income from Cingular.

c. On or about November 22, 2006, **Chukwuma Jonas Osuagwu** provided a letter to J.P. Morgan Chase Bank that was allegedly from his employer,

Cingular, which contained false information that his annual salary was \$153,287.42.

d. On or about November 22, 2006, **Chukwuma Jonas Osuagwu** provided false paystubs to J.P. Morgan Chase Bank to qualify for a mortgage loan to purchase the Unit 602 Property. The paystubs falsely stated that **Chukwuma Jonas Osuagwu** had an annual pay rate of \$153,287.42 from Cingular.

e. On or about November 22, 2006, **Chukwuma Jonas Osuagwu** provided a false 2005 IRS Form W-2 to J.P. Morgan Chase Bank to qualify for a mortgage loan to purchase the Unit 602 Property. The 2005 IRS Form W-2 falsely stated that **Chukwuma Jonas Osuagwu** earned \$124,631.45 from Cingular Wireless, LLC.

f. On or about November 22, 2006, **Chukwuma Jonas Osuagwu** closed on the sale of the Unit 602 Property at Fidelity Title. Based on the false information and documentation, J.P. Morgan Chase Bank loaned **Chukwuma Jonas Osuagwu** funds of approximately \$485,000.

All in violation of 18 U.S.C. § 1344.

Count Three
Bank Fraud
Violation of 18 U.S.C. § 1344

30. The allegations in paragraphs 1 and 3 through 16 of this Indictment are realleged and incorporated as though fully set forth in this paragraph.

31. In or about December 2006, within the Northern District of Texas and elsewhere, defendant **Chukwuma Jonas Osuagwu** did knowingly and intentionally devise and execute and attempt to devise and execute a scheme and artifice to defraud Bank of America, a financial institution whose deposits were then insured by the Federal Deposit Insurance Corporation, and to obtain moneys and funds owned by and under the custody and control of Bank of America by means of false and fraudulent pretenses, representations, and promises, in connection with a mortgage loan to purchase the Unit 1301 Property.

32. In furtherance of the scheme and artifice to defraud and to obtain moneys and funds of Bank of America, **Chukwuma Jonas Osuagwu** engaged in at least the following acts:

a. On or about December 19, 2006, **Chukwuma Jonas Osuagwu** provided false paystubs to Bank of America to qualify for a mortgage loan to purchase the Unit 1301 Property. The paystubs falsely stated that **Chukwuma Jonas Osuagwu** had an annual pay rate of \$153,287.42 from Cingular.

b. On or about December 19, 2006, **Chukwuma Jonas Osuagwu** provided false bank statements to Bank of America in order to qualify for a mortgage loan to purchase the Unit 1301 Property. The bank statements falsely reported that

Chukwuma Jonas Osuagwu had an account balance of \$119,281.12.

c. On or about December 27, 2006, **Chukwuma Jonas Osuagwu** applied for a loan from Bank of America and signed a URLA which falsely stated he earned \$16,966 per month from Cingular and had a bank account balance of \$119,281.

d. On or about December 27, 2006, **Chukwuma Jonas Osuagwu** closed on the sale of the Unit 1301 Property at Fidelity Title. Based on the false information and documentation, Bank of America loaned **Chukwuma Jonas Osuagwu** funds of approximately \$332,500.

All in violation of 18 U.S.C. § 1344.

Count Four
Bank Fraud
Violation of 18 U.S.C. § 1344

33. The allegations in paragraphs 1 and 3 through 16 of this Indictment are realleged and incorporated as though fully set forth in this paragraph.

34. In or about July 2007, within the Northern District of Texas and elsewhere, defendants **Chukwuma Jonas Osuagwu** and **James W. Mitchell** did knowingly and intentionally devise and execute and attempt to devise and execute a scheme and artifice to defraud Bank of America, a financial institution whose deposits were then insured by the Federal Deposit Insurance Corporation, and to obtain moneys and funds owned by and under the custody and control of Bank of America by means of false and fraudulent pretenses, representations, and promises, in connection with a mortgage loan to purchase the Unit 602 Property.

35. In furtherance of the scheme and artifice to defraud and to obtain moneys and funds of Bank of America, **Chukwuma Jonas Osuagwu** and **James W. Mitchell** engaged in at least the following acts:

a. On or about July 25, 2007, **Chukwuma Jonas Osuagwu** and **James W. Mitchell** executed a sales contract for **James W. Mitchell** to purchase the Unit 602 Property from **Chukwuma Jonas Osuagwu** for \$635,000.

b. On or about July 25, 2007, **James W. Mitchell** applied for a loan from Bank of America and signed a URLA which falsely stated he was employed by Infonation for the past four years, earning \$23,333 per month. Based on this false information, Bank of America loaned **James W. Mitchell** approximately \$571,500.

c. On or about July 25, 2007, **Chukwuma Jonas Osuagwu** and **James W. Mitchell** closed on the sale of the Unit 602 Property at First American Title. **Chukwuma Jonas Osuagwu** and **James W. Mitchell** falsely reported on the HUD-1 that **James W. Mitchell** had paid **Chukwuma Jonas Osuagwu** \$63,500 outside of closing. **Chukwuma Jonas Osuagwu** received sales proceeds of \$56,406.26 from selling the Unit 602 Property to **James W. Mitchell**.

All in violation of 18 U.S.C. § 1344.

Count Five
Bank Fraud
Violation of 18 U.S.C. § 1344

36. The allegations in paragraphs 1 and 3 through 16 of this Indictment are realleged and incorporated as though fully set forth in this paragraph.

37. Starting in or about October 2007, and continuing until in or about November 2007, within the Northern District of Texas and elsewhere, defendants **Chukwuma Jonas Osuagwu** and **James W. Mitchell** did knowingly and intentionally devise and execute and attempt to devise and execute a scheme and artifice to defraud Wells Fargo Bank, a financial institution whose deposits were then insured by the Federal Deposit Insurance Corporation, and to obtain moneys and funds owned by and under the custody and control of Wells Fargo Bank by means of false and fraudulent pretenses, representations, and promises, in connection with a mortgage loan to purchase the Unit 1301 Property.

38. In furtherance of the scheme and artifice to defraud and to obtain moneys and funds of Wells Fargo Bank, **Chukwuma Jonas Osuagwu** and **James W. Mitchell** engaged in at least the following acts:

a. On or about October 9, 2007, **Chukwuma Jonas Osuagwu** and **James W. Mitchell** executed a sales contract for **James W. Mitchell** to purchase the Unit 1301 Property from **Chukwuma Jonas Osuagwu** for \$550,000.

b. On or about October 24, 2007, **James W. Mitchell** and/or **Chukwuma Jonas Osuagwu** provided false retirement documentation to Wells Fargo Bank in order for **James W. Mitchell** to qualify for the loan. The documentation falsely

stated that **James W. Mitchell** worked for Inforation and had a pension balance of \$26,168.37 and a 401(K) savings balance of \$81,525.57.

c. On or about October 24, 2007, **James W. Mitchell** and/or **Chukwuma Jonas Osuagwu** provided a false bank statement to Wells Fargo Bank in order for **James W. Mitchell** to qualify for a mortgage loan to purchase the Unit 1301 Property from **Chukwuma Jonas Osuagwu**. The bank statement falsely reported that **James W. Mitchell** had an account balance of \$374,430.04.

d. On or about October 24, 2007, **James W. Mitchell** and/or **Chukwuma Jonas Osuagwu** provided false 2005 and 2006 IRS Form W-2s to Wells Fargo Bank in order for **James W. Mitchell** to qualify for a mortgage loan to purchase the Unit 1301 Property from **Chukwuma Jonas Osuagwu**. The IRS Form W-2s falsely stated that that **James W. Mitchell** earned \$220,171.17 from Inforation in 2005 and \$225,864.91 in 2006.

e. On or about October 25, 2007, **James W. Mitchell** and/or **Chukwuma Jonas Osuagwu** provided a false 2005 IRS Form 1040 in **James W. Mitchell's** name to Wells Fargo Bank in order for **James W. Mitchell** to qualify for a mortgage loan to purchase the Unit 1301 Property from **Chukwuma Jonas Osuagwu**.

f. On or about October 25, 2007, **James W. Mitchell** and/or **Chukwuma Jonas Osuagwu** provided false 2005 and 2006 IRS Forms 1120 in the name of Inforation, Inc. to Wells Fargo Bank in order for **James W. Mitchell** to qualify for a mortgage loan to purchase the Unit 1301 Property from **Chukwuma Jonas Osuagwu**.

g. On or about November 1, 2007, **James W. Mitchell** applied for a

loan from Wells Fargo Bank and signed a URLA which falsely stated he was employed by Inforation for the past six years and earned \$21,250 per month. The URLA also falsely reported **James W. Mitchell** had an account balance of \$374,430.04 with JP Morgan Chase Bank. Based on this false information, Wells Fargo Bank loaned **James W. Mitchell** approximately \$467,500.

h. On or about November 1, 2007, **Chukwuma Jonas Osuagwu** and **James W. Mitchell** closed on the sale of the Unit 1301 Property at First American Title. **Chukwuma Jonas Osuagwu** and **James W. Mitchell** falsely reported on the HUD-1 that **James W. Mitchell** had paid **Chukwuma Jonas Osuagwu** \$86,171.03 outside of closing. **Chukwuma Jonas Osuagwu** received sales proceeds of \$129,275.64 from selling the Unit 1301 Property to **James W. Mitchell**.

All in violation of 18 U.S.C. § 1344.

Count Six
Conspiracy to Commit Bank Fraud
Violation of 18 U.S.C. § 1349 (18 U.S.C. § 1344)

39. The allegations in paragraphs 1 and 3 through 16 of this Indictment are realleged and incorporated as though fully set forth in this paragraph.

40. Starting in or about July 2007, and continuing through November 2007, within the Northern District of Texas and elsewhere, defendants **Chukwuma Jonas Osuagwu** and **James W. Mitchell** knowingly and willfully combined, conspired, confederated, and agreed together to knowingly execute a scheme and artifice to defraud and to obtain money and property owned by and under the custody and control of financial institutions by means of materially false and fraudulent pretenses, in connection with mortgage loans concerning the 602 Unit Property and the 1301 Unit Property, as more particularly described in paragraphs 36 through 40 of this Indictment, all in violation of 18 U.S.C. § 1349 (18 U.S.C. § 1344)).

Count Seven

Subscribing to a False and Fraudulent U.S. Individual Income Tax Return
Violation of 26 U.S.C. § 7206(1)

41. The allegations in paragraphs 1, 2, 9, 10, and 17 through 23 of this Indictment are realleged and incorporated as though fully set forth in this paragraph.

42. On or about March 24, 2011, in the Dallas Division of the Northern District of Texas, defendant **Chukwuma Jonas Osuagwu**, a resident of Dallas, Texas, did willfully make and subscribe a United States Amended Individual Income Tax Return, Form 1040X, for tax year 2007, which was verified by a written declaration that it was made under the penalties of perjury and filed with the Internal Revenue Service, which said income tax return **Chukwuma Jonas Osuagwu** did not believe to be true and correct as to every material matter in that **Chukwuma Jonas Osuagwu** omitted the gains on sales of the Unit 602 Property and the Unit 1301 Property and falsely reported his dependents and filing status, when in truth and in fact, as he then well knew and believed, he had received gains from the sales of the Unit 602 Property and the Unit 1301 Property, did not have any dependents, and was ineligible to file as head of household.

All in violation of 26 U.S.C. § 7206(1).

Count Eight

Subscribing to a False and Fraudulent U.S. Individual Income Tax Return
Violation of 26 U.S.C. § 7206(1)

43. The allegations in paragraphs 1 and 2 and 17 through 23 of this Indictment are realleged and incorporated as though fully set forth in this paragraph.

44. On or about March 24, 2011, in the Dallas Division of the Northern District of Texas, defendant **Chukwuma Jonas Osuagwu**, a resident of Dallas, Texas, did willfully make and subscribe a United States Amended Individual Income Tax Return, Form 1040X, for tax year 2008, which was verified by a written declaration that it was made under the penalties of perjury and filed with the Internal Revenue Service, which said income tax return **Chukwuma Jonas Osuagwu** did not believe to be true and correct as to every material matter in that **Chukwuma Jonas Osuagwu** falsely reported his dependents and filing status, when in truth and in fact, as he then well knew and believed, he did not have any dependents, and was ineligible to file as head of household.

All in violation of 26 U.S.C. § 7206(1).

Count Nine

Subscribing to a False and Fraudulent U.S. Individual Income Tax Return
Violation of 26 U.S.C. § 7206(1)

45. The allegations in paragraphs 1 and 2 and 17 through 23 of this Indictment are realleged and incorporated as though fully set forth in this paragraph.

46. On or about March 24, 2011, in the Dallas Division of the Northern District of Texas, defendant **Chukwuma Jonas Osuagwu**, a resident of Dallas, Texas, did willfully make and subscribe a United States Amended Individual Income Tax Return, Form 1040X, for tax year 2009, which was verified by a written declaration that it was made under the penalties of perjury and filed with the Internal Revenue Service, which said income tax return **Chukwuma Jonas Osuagwu** did not believe to be true and correct as to every material matter in that **Chukwuma Jonas Osuagwu** falsely reported rental income from residential condominium units and falsely reported his dependents and filing status, when in truth and in fact, as he then well knew and believed, he had received additional rental income from residential condominium units, did not have any dependents, and was ineligible to file as head of household.

All in violation of 26 U.S.C. § 7206(1).

Count Ten
Subscribing to a False and Fraudulent U.S. Individual Income Tax Return
Violation of 26 U.S.C. § 7206(1)

47. The allegations in paragraphs 1 and 2 and 17 through 23 of this Indictment are realleged and incorporated as though fully set forth in this paragraph.

48. On or about March 17, 2011, in the Dallas Division of the Northern District of Texas, defendant **Chukwuma Jonas Osuagwu**, a resident of Dallas, Texas, did willfully make and subscribe a United States Individual Income Tax Return, Form 1040, for tax year 2010, which was verified by a written declaration that it was made under the penalties of perjury and filed with the Internal Revenue Service, which said income tax return **Chukwuma Jonas Osuagwu** did not believe to be true and correct as to every material matter in that **Chukwuma Jonas Osuagwu** falsely reported rental income from residential condominium units and falsely reported his dependents and filing status, when in truth and in fact, as he then well knew and believed, he had received additional rental income from residential condominium units, did not have any dependents, and was ineligible to file as head of household.

All in violation of 26 U.S.C. § 7206(1).

Count Eleven

Subscribing to a False and Fraudulent U.S. Individual Income Tax Return
Violation of 26 U.S.C. § 7206(1)

49. The allegations in paragraphs 1 and 2 and 17 through 23 of this Indictment are realleged and incorporated as though fully set forth in this paragraph.

50. On or about March 14, 2012, in the Dallas Division of the Northern District of Texas, defendant **Chukwuma Jonas Osuagwu**, a resident of Dallas, Texas, did willfully make and subscribe a United States Individual Income Tax Return, Form 1040, for tax year 2011, which was verified by a written declaration that it was made under the penalties of perjury and filed with the Internal Revenue Service, which said income tax return **Chukwuma Jonas Osuagwu** did not believe to be true and correct as to every material matter in that **Chukwuma Jonas Osuagwu** falsely reported rental income from residential condominium units and falsely reported his dependents and filing status, when in truth and in fact, as he then well knew and believed, he had received additional rental income from residential condominium units, did not have any dependents, and was ineligible to file as head of household.

All in violation of 26 U.S.C. § 7206(1).

Count Twelve
Corruptly Endeavoring to Obstruct and Impede
the Due Administration of the Internal Revenue Laws
Violation of 26 U.S.C. § 7212(a)

51. The allegations in paragraphs 1 and 2 and 17 through 23 of this Indictment are realleged and incorporated as though fully set forth in this paragraph.

52. Beginning on or about June 20, 2011, and continuing thereafter until at least January 24, 2013, in the Northern District of Texas, defendant **Chukwuma Jonas Osuagwu** did corruptly endeavor to obstruct and impede the due administration of the internal revenue laws by providing false, fictitious, and fraudulent documents and information to employees of the Internal Revenue Service.

In violation of 26 U.S.C. § 7212(a).

Forfeiture Notice

18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c); 18 U.S.C. § 982(a)(2)(A)

Pursuant to 18 U.S.C. § 981(a)(1)(C), 18 U.S.C. § 982(a)(2)(A), and 28 U.S.C. § 2461(c), upon conviction of the offenses alleged in Counts One through Six of the Indictment, defendants **Chukwuma Jonas Osuagwu** (as to Counts One through Six) and **James W. Mitchell** (as to Counts Four, Five, and Six) shall forfeit to the United States any property, real or personal, which constitutes or is derived from proceeds traceable to the respective offense, whether directly or indirectly, including the total proceeds derived from the offense (commonly referred to as a “money judgment”).

----- NOTHING FURTHER ON THIS PAGE -----

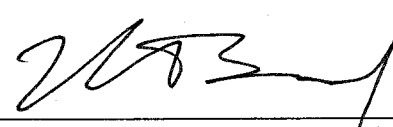
Pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 982(b), if any property subject to forfeiture, as a result of any act or omission of the defendant, cannot be located upon the exercise of due diligence; has been transferred or sold to, or deposited with, a third person; has been placed beyond the jurisdiction of the Court; has been substantially diminished in value; or has been commingled with other property which cannot be subdivided without difficulty, it is the intent of the United States of America to seek forfeiture of any other property of the defendant up to the value of the property subject to forfeiture.

A TRUE BILL



FOREPERSON

JOHN R. PARKER
UNITED STATES ATTORNEY



J. NICHOLAS BUNCH
Assistant United States Attorney
Texas Bar No. 24050352
1100 Commerce Street, Third Floor
Dallas, Texas 75242
Telephone: 214.659.8836
Facsimile: 214.767.4100
Email: nick.bunch@usdoj.gov

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

THE UNITED STATES OF AMERICA

v.

CHUKWUMA JONAS OSUAGWU (01)
JAMES W. MITCHELL (2)

SEALED INDICTMENT

18 U.S.C. § 1344

Bank Fraud

18 U.S.C. § 1349 (18 U.S.C. § 1344)

Conspiracy to Commit Bank Fraud

26 U.S.C. § 7206(1)

Subscribing to a False and Fraudulent U.S. Individual Income Tax Return

26 U.S.C. § 7212(a)

Corruptly Endeavoring to Obstruct and Impede the Due Administration of the Internal
Revenue Laws

18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c); 18 U.S.C. § 982(a)(2)(A)

Forfeiture Notice

12 Counts

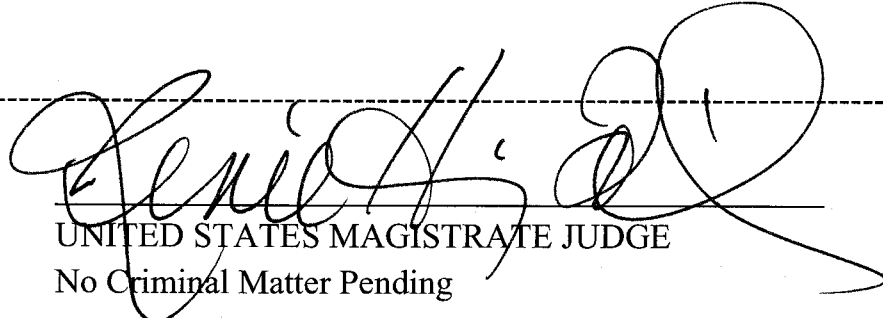
A true bill rendered

DALLAS


FOREPERSON

Filed in open court this 2nd day of August, 2016.

Warrant to be Issued


UNITED STATES MAGISTRATE JUDGE
No Criminal Matter Pending