

EXHIBITS



Federal Deposit Insurance Corporation
550 17th Street NW, Washington, D.C. 20429-9990

Executive Secretary

CERTIFICATE OF ABSENCE OF PUBLIC RECORD

I, Nicholas S. Kazmerski, a Counsel of the Federal Deposit Insurance Corporation, hereby certify that I have custody of the official records of the Federal Deposit Insurance Corporation, including records which indicate the current and historical federally insured status of depository institutions.

I further certify that I have caused a diligent search of such records and find that

(a) an entity by the name of "Netspend Corporation" or any institution with a substantially similar name operating in Austin, Texas; and

(b) an entity by the name of "Maryland Department of Assessments and Taxation" operating in Baltimore, Maryland,

are not insured depository institutions under the provisions of the

Federal Deposit Insurance Act, 12 U.S.C. §§ 1811-31u; and that, after

diligent search, no record or entry in the official records of the

Federal Deposit Insurance Corporation is found to exist which

indicates that the above referenced entities, or any other

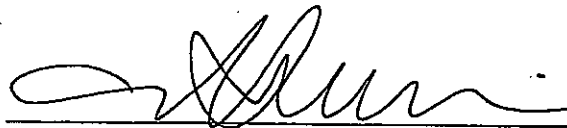
institutions with a substantially similar name operating at the

location referenced above, was ever an insured depository institution
under the Federal Deposit Insurance Act, 12 U.S.C. §§ 1811-31u.

DATED: October 10, 2019

(SEAL)

086132



Nicholas S. Kazmerski
Counsel

FEDERAL DEPOSIT INSURANCE CORPORATION

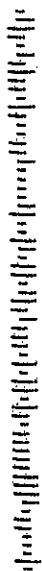
FDIC
Federal Deposit Insurance Corporation

E-1064
Official Business
Penalty for private use, \$300

Daren Kareem Gadsden
41948-037
FCI Butner 2
P.O. Box 1500
Butner, NC 27509

✓

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U.S. Department of Justice

Executive Office for United States Attorneys

Freedom of Information and Privacy Staff

Suite 5.400, 3CON Building
175 N Street, NE
Washington, DC 20530.

(202) 252-6020
FAX (202) 252-6048

September 9, 2019

DaRen Gadsden
Register No.: 41948-037
FCI Butner Low
Federal Correctional Institution
P.O. Box 999
Butner, NC 27509

Re: Request Number: 2015-000605
Date of Receipt: November 19, 2014
Subject of Request: Self

Dear Mr. Gadsden:

Your request for records under the Freedom of Information Act/Privacy Act has been processed. This letter constitutes a reply from the Executive Office for United States Attorneys, the official record-keeper for all records located in this office and the various United States Attorneys' Office.

To provide you with the greatest degree of access authorized by the Freedom of Information Act and the Privacy Act, we have considered your request in light of the provisions of both statutes.

The records you seek are located in a Privacy Act system of records that, in accordance with regulations promulgated by the Attorney General, is exempt from the access provisions of the Privacy Act. 28 CFR § 16.81. We have also processed your request under the Freedom of Information Act and are making all records required to be released, or considered appropriate for release as a matter of discretion, available to you. This letter is a [X] partial release.

Enclosed please find:

169 page(s) are being released in full (RIF);
153 page(s) are being released in part (RIP);
539 page(s) are withheld in full (WIF) (The redacted/withheld documents were reviewed to determine if any information could be segregated for release.) and
 page(s) were duplicate copies of material already processed.

The exemption(s) cited for withholding records or portions of records are marked below. An enclosure to this letter explains the exemptions in more detail.

Exhibit B, FOIA Response (2 pp.)

(b)(6)
(b)(7)(C)
(b)(3) Fed. R. Crim. R. Rule 6(e)

In addition, a review of the material revealed:


[X] Our office located records that originated with another government component. These records were found in the U.S. Attorney's Office files. These records will be referred to the following components listed for review and direct response to you:

M. Anthony Lowe	Denise Higley
Federal Deposit Insurance Corporation	IRS FOIA Request, Stop 211
FOIA	P.O. Box 621506
RM E2022	Atlanta, GA 30362-3006
3501 Fairfax Drive	
Washington DC 22226	

This is the final action on this above-numbered request. If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Six Floor, 441 G Street, NW Washington, DC 20001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following website:
<https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

You may contact our FOIA Public Liaison at the Executive Office for United States Attorneys (EOUSA) for any further assistance and to discuss any aspect of your request. The contact information for EOUSA is 175 N Street, NE, Suite 5.400, Washington, DC 20530; telephone at 202-252-6020; or facsimile 202-252-6048. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,



Kevin Krebs
Assistant Director

1 representations, or promises is guilty of a crime."

2 To prove the Defendant guilty of bank fraud, the
3 Government must prove each of the following things beyond a
4 reasonable doubt: First, that there was a scheme to obtain
5 money or funds owned or under the custody or control of banks
6 by means of materially false or fraudulent pretenses,
7 representations, or promises as charged in the Indictment;
8 second, that the Defendant executed or attempted to execute
9 the scheme with the intent to defraud the banks; and, third,
10 that, at the time of the execution of the scheme, the banks
11 had their deposits insured by the Federal Deposit Insurance
12 Corporation.

13 The scheme to defraud is charged in Counts 2 through 9 of
14 the Indictment.

15 The first thing that the Government must prove beyond a
16 reasonable doubt is that there was a scheme to defraud banks
17 as described in the Indictment. A scheme to defraud is
18 defined as, one, a pattern or course of conduct concerning a
19 material matter designed to deceive a federally-insured bank
20 into releasing property with the intent to cause the bank to
21 suffer an actual or potential loss, or, two, a scheme to
22 obtain money or property owned by or under the custody and
23 control of a bank by means of false and fraudulent pretenses,
24 representations, or promises as described in the Indictment.

25 A representation is fraudulent if it was made with the

MAY 02 2012

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

Criminal No. WDQ-11-0302

v.

DAREN KAREEM GADSDEN,

(Conspiracy to Commit Bank Fraud,
18 U.S.C. § 1349; Bank Fraud, 18 U.S.C.
§ 1344; Aggravated Identity Theft,
18 U.S.C. § 1028A; Attempted Evidence
Tampering, 18 U.S.C. § 1512(c)(1);
Forfeiture, 18 U.S.C. § 982)

a/k/a "D,"

Defendant.

THIRD SUPERSEDING INDICTMENT

COUNT ONE

(Bank Fraud Conspiracy)

The Grand Jury for the District of Maryland charges that:

INTRODUCTION

Relevant Persons and Entities

At all times relevant to this Third Superseding Indictment:

1. Defendant DAREN KAREEM GADSDEN, a/k/a "D," was a resident of the District of Maryland.
2. Tyeast Brown, a/k/a "Peaches," was a resident of either the District of Maryland or the District of Columbia.
3. William Alvin Darden and Keith Eugene Daughary were residents of the District of Columbia.
4. Bank of America, National Association ("Bank of America") was a financial institution whose deposits were insured by the Federal Deposit Insurance Corporation (FDIC). Bank of America had branches located throughout the District of Maryland.

5. PNC Bank, National Association ("PNC Bank") was a financial institution whose deposits were insured by the FDIC. PNC Bank had branches located throughout the District of Maryland and also in the District of Columbia.

6. The Housing Authority of Baltimore City ("Housing Authority") was a government agency that provided federally-funded public housing programs and related services for Baltimore's low-income residents. The Housing Authority maintained an account ending in -7784 at Bank of America from which rent payments on behalf of Baltimore's low-income residents and other disbursements were made.

7. Automated Clearing House (ACH) was an electronic network for financial transactions in the United States. Customers using the ACH network could transfer funds between accounts at different financial institutions. Both Bank of America and PNC Bank participated in the ACH network.

8. ACE Cash Express ("ACE") was a business that provided its customers with various financial services, including the ability to purchase Netspend debit cards onto which funds could be directly deposited, and from which cash could be withdrawn. ACE had several physical locations in the District of Maryland and in the District of Columbia.

**Unauthorized ACH Debits of Housing Authority Funds
Into Gadsden's Bank Account in Early 2010**

9. In 2009, defendant GADSDEN owned a property located at 1207 East 43rd Street in Baltimore, Maryland. GADSDEN rented this property to a low-income individual, whose rental payments were paid by the Housing Authority directly from its account at Bank of America ending in -7784 into an account at Citibank ending in -9479 that was owned and operated by GADSDEN.

10. Defendant **GADSDEN** also maintained an account at PNC Bank ending in -9168. In late 2009 and early 2010, he made several calls to PNC Bank's toll-free help-line in which he asked questions about how to use his computer to make ACH transfers to and from his PNC Bank account.

11. In or about early 2010, the Housing Authority lost a few thousand dollars when a series of unauthorized ACH transfers debited funds out of the Housing Authority's account ending in -7784 at Bank of America and sent them into **GADSDEN**'s PNC account ending in -9168.

12. Upon being confronted by Housing Authority officials in May 2010, **GADSDEN** denied any wrongdoing but agreed to pay the Housing Authority \$1,400 in order to cover some of its losses.

13. On or about May 20, 2010, **GADSDEN** took out a United States Postal Service money order for \$700.00, which he made out to the "Baltimore Housing Authority" and mailed to the Housing Authority. On or about June 10, 2010, **GADSDEN** took out another money order for \$700.00, which he also made out to the Housing Authority and mailed to its address.

**Unauthorized ACH Debits of Housing Authority Funds
Into Fisher Consulting LLC's Bank Account in April & May 2010**

14. In or about April 2010, defendant **GADSDEN** submitted an application to enroll an account at Bank of America ending in -8723 in the name of "Fisher Consulting LLC" into the ACH network, via a third-party vendor named Pathfinder Payment Solutions.

15. "Fisher Consulting LLC" was a sham business that existed in name only. Moreover, the contact information provided on its ACH enrollment application, including its telephone number ("240-601-1884") and its e-mail address ("jamesfisherconsulting@gmail.com"), were controlled by defendant **GADSDEN**.

16. Along with the ACH enrollment application, defendant **GADSDEN** submitted to Pathfinder Payment Solutions a fraudulent consulting agreement purporting to show a services contract between Fisher Consulting LLC and the Baltimore Housing Authority. In fact, no such consulting arrangement existed, and the Housing Authority did not owe Fisher Consulting LLC any money.

17. Shortly after Fisher Consulting LLC's account at Bank of America ending in -8723 was enrolled into the ACH network, defendant **GADSDEN** caused several unauthorized transfers to be made from the Housing Authority's disbursement account at Bank of America ending in -7784 into Fisher Consulting LLC's account. To effect these unauthorized transfers, **GADSDEN** submitted fraudulent forms to Pathfinder Payment Solutions that purported to authorize ACH debits out of the Housing Authority's account.

18. The unauthorized transfers occurred in April and May 2010 and totaled \$7,775.00, more or less.

THE CONSPIRACY AND SCHEME TO DEFRAUD

The Charge

19. From in or about early 2010, the exact date being unknown to the Grand Jury, until at least September 17, 2010, in the District of Maryland and elsewhere, the defendant,

DAREN KAREEM GADSDEN,
a/k/a "D,"

and others known and unknown to the Grand Jury, including Tyeast "Peaches" Brown, William Alvin Darden, and Keith Eugene Daughtry, conspired and agreed to knowingly and willfully commit bank fraud in violation of 18 U.S.C. § 1344, that is to execute and attempt to execute a scheme and artifice to defraud financial institutions, namely, Bank of America and PNC Bank,

and to obtain and attempt to obtain monies, funds, and credits of financial institutions, namely, Bank of America and PNC Bank, and under the custody and control of financial institutions, namely, Bank of America and PNC Bank, through false and fraudulent pretenses, representations, and promises.

Manner and Means of the Conspiracy and Scheme to Defraud

20. It was a part of the conspiracy and scheme to defraud that defendant **GADSDEN** contacted **Tyeast Brown** in order to plan and execute the fraud.

21. It was further a part of the conspiracy and scheme to defraud that **Brown**, in turn, made individual contact with **William Alvin Darden** and with **Keith Eugene Daughtry**, both of whom recently had been released from prison.

22. It was further a part of the conspiracy and scheme to defraud that **Daughtry** provided the conspirators with his social security card and birth certificate, which were eventually given to **Darden**.

23. It was further a part of the conspiracy and scheme to defraud that on or about May 19, 2010, **Darden** obtained a Maryland driver's license in **Daughtry's** name, but bearing **Darden's** photograph (hereafter "fraudulent Daughtry driver's license"), using **Daughtry's** social security card and birth certificate as proof of identity.

24. It was further a part of the conspiracy and scheme to defraud that on or about May 25, 2010, **Darden** traveled to a PNC Bank branch located at 6196 Oxon Hill Road in Oxon Hill, Maryland, where **GADSDEN** met with **Darden** in the bank's parking lot and provided him with certain documents.

25. It was further a part of the conspiracy and scheme to defraud that **Darden** entered the PNC Bank branch and opened an account ending in -1981 for "Keith Daughtry Contracting LLC." **Darden** used the fraudulent Daughtry driver's license to open the account.

26. It was further a part of the conspiracy and scheme to defraud that **Darden** also presented to PNC Bank what purported to be the articles of incorporation for "Keith Daughtry Contracting LLC," an entity incorporated in the State of Maryland. This company, however, existed in name only; **GADSDEN** had registered the entity with the Maryland Department of Assessments and Taxation only days before, under a different, misspelled name.

27. It was further a part of the conspiracy and scheme to defraud that the account opening documents for the PNC Bank account ending in -1981 listed a mailing address for "Keith Daughtry Contracting LLC" at "12138 Central Avenue, Apartment 527, Mitchellville, Maryland." "Apartment 527" was a mailbox at a commercial mailing store located at 12138 Central Avenue, Mitchellville, Maryland, which mailbox the conspirators had rented earlier in May 2010.

28. It was further a part of the conspiracy and scheme to defraud that in late May 2010 the conspirators enrolled the "Keith Daughtry Contracting LLC" account at PNC Bank ending in -1981 into the ACH network.

29. It was further a part of the conspiracy and scheme to defraud that beginning in July 2010 the conspirators transferred funds through ACH debits out of the Housing Authority's -7784 account at Bank of America and into the Keith Daughtry Contracting LLC account at PNC Bank ending in -1981. These debits were fraudulent because they were unauthorized; Keith Daughtry Contracting LLC had provided no services to the Housing Authority requiring payment or compensation.

30. It was further a part of the conspiracy and scheme to defraud that the conspirators drained the stolen Housing Authority funds from the Keith Daughtry Contracting LLC account ending in -1981 through various means, including through (1) ACH transfers onto Netspend debit cards in the names of other individuals, at least two of whose identities had been stolen; (2) ACH transfers into accounts at other banks; and (3) in-person cash withdrawals from PNC Bank tellers and from automated teller machines (ATMs) in the greater Washington, D.C. area.

**Use of Netspend Debit Cards to Further
the Conspiracy and Scheme to Defraud**

31. It was a part of the conspiracy and scheme to defraud that Tyeast Brown, for instance, recruited several individuals during the summer of 2010 to open Netspend debit cards in their names at ACE stores in the greater Washington, D.C. area.

32. It was further a part of the conspiracy and scheme to defraud that the conspirators transferred several hundreds of thousands of dollars in stolen Housing Authority funds from the Keith Daughtry Contracting LLC account onto these debit cards, via ACH transfers.

33. It was further a part of the conspiracy and scheme to defraud that Brown directed her recruits to withdraw most of these funds off the debit cards, through cash withdrawals at local ACE stores or from ATMs. Brown demanded that the recruits provide her with this cash, though she did permit them to keep certain amounts for themselves.

34. It was further a part of the conspiracy and scheme to defraud that the conspirators, including defendant GADSDEN and Brown, periodically checked the account balances on the various Netspend debit cards in other individuals' names described in ¶ 31.

35. It was further a part of the conspiracy and scheme to defraud that in or about the morning of August 2, 2010, defendant GADSDEN withdrew over \$900.00 in cash off the

Netspend debit card in the name of J.F., whose identity he had stolen. GADSDEN made this withdrawal at an ATM located at 5416 Wisconsin Avenue, N.W., in the District of Columbia.

36. It was further a part of the conspiracy and scheme to defraud that in or about the morning of August 2, 2010, defendant GADSDEN withdrew over \$1,000.00 in cash off the Netspend debit card in the name of M.G., whose identity was also stolen. GADSDEN made this withdrawal from an ATM located at 5416 Wisconsin Avenue, N.W., in the District of Columbia.

**Use of Accounts at Other Banks to Further
the Conspiracy and Scheme to Defraud**

37. It was a part of the conspiracy and scheme to defraud that the conspirators also transferred several hundreds of thousands of dollars in stolen Housing Authority funds from the Keith Daughtry Contracting LLC account at PNC Bank into accounts at several other banks around the nation, via ACH transfers.

38. It was further a part of the conspiracy and scheme to defraud that between June 2010 and September 2010, the conspirators, for instance, transferred approximately \$250,000 in stolen Housing Authority funds into the account at Bank of America ending in -8723 in the name of "Fisher Consulting LLC," described above.

39. It was further a part of the conspiracy and scheme to defraud that defendant GADSDEN made cash withdrawals in late August 2010 in Las Vegas, Nevada using a debit card tied to the Fisher-Consulting LLC account at Bank of America ending in -8723.

**In-Person Cash Withdrawals in Furtherance
of the Conspiracy and Scheme to Defraud**

40. It was a part of the conspiracy and scheme to defraud that William Alvin Darden, on or about July 17, 2010, withdrew \$6,500.00 in United States currency directly from the fraudulent "Keith Daughtry Contracting LLC" account ending in -1981 at a PNC Bank branch

located at 650 Pennsylvania Avenue, S.E., in the District of Columbia. As proof of identity, **Darden** presented the fraudulent Daughtry driver's license.

41. It was further a part of the conspiracy and scheme to defraud that **Darden**, on or about August 7, 2010, withdrew \$3,000.00 in United States currency directly from the fraudulent "Keith Daughtry Contracting LLC" account ending in -1981 at a PNC Bank branch located at 650 Pennsylvania Avenue, S.E., in the District of Columbia. As proof of identity, **Darden** again presented the fraudulent Daughtry driver's license.

42. It was further a part of the conspiracy and scheme to defraud that **Keith Eugene Daughtry**, on or about August 17, 2010, withdrew \$3,500.00 in United States currency directly from the "Keith Daughtry Contracting LLC" account ending in -1981 at a PNC Bank branch located at 833 7th Street, N.W., in the District of Columbia.

43. It was further a part of the conspiracy and scheme to defraud that defendant **GADSDEN**, on or about September 11, 2010, withdrew \$600.00 in United States currency directly from the "Keith Daughtry Contracting LLC" account ending in -1981 using an ATM located at 1201 Wisconsin Avenue, N.W., in the District of Columbia.

44. As a result of this conspiracy and scheme to defraud, between July 2010 and September 2010, the conspirators initiated and caused to be initiated over thirty unauthorized ACH debits, which transferred \$1.4 million, more or less, in Baltimore Housing Authority funds maintained under the custody and control of Bank of America into the fraudulent "Keith Daughtry Contracting LLC" account ending in -1981 at PNC Bank, much of which the conspirators then converted into cash through a variety of means as described above.

COUNTS TWO THROUGH NINE
(Bank Fraud)

The Grand Jury for the District of Maryland further charges that:

1. Paragraphs 1 through 18, and 20 through 44 of Count One are re-alleged here and constituted a scheme and artifice to defraud financial institutions and to obtain monies, funds, credits, assets, securities owned by and under the control of financial institutions, by means of false and fraudulent pretenses, representations and promises ("the scheme to defraud").

2. On or about the dates set forth below, in the District of Maryland and elsewhere,

DAREN KAREEM GADSDEN,
a/k/a "D,"

the defendant herein, did knowingly and willfully execute and attempt to execute the scheme to defraud by committing the acts below:

Count	Date	Act in Execution
2	April 23, 2010	Opened a Netspend debit card linked to account number *****0289 in the name of J.F.
3	April 27, 2010	Opened a Netspend debit card linked to account number *****4133 in the name of M.G.
4	May 19, 2010	Filed articles of organization for "Kieth [sic] Daughtry Contracting LLC" with the Maryland Department of Assessments and Taxation in Baltimore, Maryland.
5	June 29, 2010	Called PNC Bank's toll-free help-line using a cell phone bearing the number (410) 905-9814, falsely identified himself as "Keith Daughtry," and inquired about how to make ACH funds transfers.
6	July 7, 2010	Caused an unauthorized ACH transfer of \$9,000 from the Housing Authority's account at Bank of America ending in -7784 to the Keith Daughtry Contracting LLC account at PNC Bank ending in -1981.

7	August 27, 2010	Purchased items from a Nordstrom's department store located at 3200 Las Vegas Boulevard South in Las Vegas, Nevada using a card linked to the Keith Daughtry Contracting LLC account at PNC Bank ending in -1981.
8	September 7, 2010	Withdrew funds from the Keith Daughtry Contracting LLC account at PNC Bank ending in -1981 using an ATM located at Hartsfield-Jackson International Airport in Atlanta, Georgia.
9	September 11, 2010	Withdrew funds from the Keith Daughtry Contracting LLC account at PNC Bank ending in -1981 using an ATM located at 1201 Wisconsin Avenue, N.W., in the District of Columbia.

18 U.S.C. § 1344

COUNT TEN
(Aggravated Identity Theft)

The Grand Jury for the District of Maryland further charges that:

1. Paragraphs 1 through 18, and 20 through 44 of Count One are ~~re-alleged~~ here.
2. On or about April 23, 2010, in the District of Maryland and elsewhere,

DAREN KAREEM GADSDEN,
a/k/a "D,"

the defendant herein, during and in relation to a felony violation enumerated in 18 U.S.C. § 1028A(c), did knowingly use, without lawful authority, a means of identification of another person, knowing that the means of identification belonged to another person, to wit: the defendant used and caused to be used the name, social security number (***-**-1206), and date of birth (***/1972) of J.F. during and in relation to a bank fraud under 18 U.S.C. § 1344, as charged in Count Two of this Third Superseding Indictment, that is, defendant GADSDEN opened a Netspend debit card account in the name of J.F.

18 U.S.C. §§ 1028A(a)(1) & (c)(5)

COUNT ELEVEN
(Aggravated Identity Theft)

The Grand Jury for the District of Maryland further charges that:

1. Paragraphs 1 through 18, and 20 through 44 of Count One are ~~re~~-alleged here.
2. On or about April 27, 2010, in the District of Maryland and elsewhere,

DAREN KAREEM GADSDEN,
a/k/a "D,"

the defendant herein, during and in relation to a felony violation enumerated in 18 U.S.C. § 1028A(c), did knowingly use, without lawful authority, a means of identification of another person, knowing that the means of identification belonged to another person, to wit: the defendant used and caused to be used the name, social security number (**-**-1910), and date of birth (***/1974) of M.G. during and in relation to a bank fraud under 18 U.S.C. § 1344, as charged in Count Three of this Third Superseding Indictment, that is, defendant GADSDEN opened a Netspend debit card account in the name of M.G.

18 U.S.C. §§ 1028A(a)(1) & (c)(5)

COUNT TWELVE
(Attempt To Tamper With Evidence; Evidence Tampering)

The Grand Jury for the District of Maryland further charges that:

1. Paragraphs 1 through 18, and 20 through 44 of Count One are re-alleged here.
2. In or about late 2010, the United States Attorney's Office for the District of Maryland, the Federal Bureau of Investigation (FBI), and a federal Grand Jury sitting in Baltimore, Maryland commenced an investigation into the theft of Baltimore Housing Authority funds described in Count One.
3. On or about April 14, 2011, a special agent of the FBI visited defendant **DAREN KAREEM GADSDEN**'s home and left his business card. **GADSDEN** called the special agent that same day and inquired what the matter was.
4. The FBI agent stated that the agency was investigating a bank fraud and that he, the agent, wished to interview **GADSDEN** and to show him some photographs. **GADSDEN** said he would call the agent back. **GADSDEN** did not call the agent back.
5. On or about April 16, 2011, at approximately 2:04 p.m. Coordinated Universal Time (UTC), **GADSDEN** logged into an e-mail account bearing the address "jamesfisherconsulting@gmail.com." The conspirators had provided this e-mail address as a point of contact for the Netspend debit card opened in the name of J.F., the individual whose identity was stolen as described in Paragraph 2 of Count Ten. The conspirators transferred approximately \$50,000 in stolen Housing Authority funds onto this card between June 28, 2010 and August 4, 2010.

6. On or about April 21, 2011, at approximately 2:26 p.m. UTC, in the District of Maryland and elsewhere,

DAREN KAREEM GADSDEN,
a/k/a "D,"

the defendant herein, logged into the "jamesfisherconsulting@gmail.com" account again and attempted to and did corruptly alter, destroy, mutilate, and conceal a record, document, or other object, with the intent to impair the object's integrity or availability for use in an official proceeding, namely, the Grand Jury's, the United States Attorney's Office's, and the FBI's investigation of the theft of Housing Authority funds.

18 U.S.C. § 1512(c)(1)

COUNT THIRTEEN
(Attempt To Tamper With Evidence; Evidence Tampering)

The Grand Jury for the District of Maryland further charges that:

1. Paragraphs 1 through 18, and 20 through 44 of Count One, and paragraphs 2 through 5 of Count Twelve, are re-alleged here.
2. On or about April 16, 2011, at approximately 8:10 p.m. UTC, defendant **GADSDEN** logged into an e-mail account bearing the address "dkgcredit1@gmail.com." The conspirators had provided this e-mail address as a point of contact for the debit card opened in the name of M.G., the individual whose identity was stolen as described in Paragraph 2 of Count Eleven. The conspirators transferred approximately \$50,000 in stolen Housing Authority funds onto this debit card between June 28, 2010 and August 4, 2010.

3. On or about April 16, 2011, in the District of Maryland and elsewhere,

DAREN KAREEM GADSDEN,
a/k/a "D,"

the defendant herein, attempted to and did corruptly alter, destroy, mutilate, and conceal a record, document, or other object, with the intent to impair the object's integrity or availability for use in an official proceeding, namely, the Grand Jury's, the United States Attorney's Office's, and the FBI's investigation of the theft of Housing Authority funds.

18 U.S.C. § 1512(c)(1)

FORFEITURE

The Grand Jury further finds that:

1. Pursuant to 18 U.S.C. § 982(a)(2), upon conviction of an offense in violation of 18 U.S.C. § 1349, as alleged in Count One, or in violation of 18 U.S.C. § 1344, as alleged in Counts Two through Nine, the defendant,

DAREN KAREEM GADSDEN,
a/k/a "D,"

shall forfeit to the United States of America all property, real and personal, which constitutes and is derived from proceeds traceable to the scheme to defraud:

2. The property to be forfeited includes, but is not limited to, the following:
 - a. A sum of money equal to the value of the proceeds of the scheme to defraud, which amount is at least \$1,399,700, more or less.
3. If any of the property described above, 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, the United States of America shall be entitled to forfeiture of

substitute property pursuant to Title 21, United States Code, Section
853(p), as incorporated by Title 18, United States Code, Section 982(b)(1).

18 U.S.C. § 982(a)(2)

Rod J. Rosenstein / SR
ROD J. ROSENSTEIN
UNITED STATES ATTORNEY

A TRUE BILL:

SIGNATURE REDACTED

Foreperson U

05/02/2012
Date

United States District Court

District of Maryland

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE
 (For Offenses Committed on or After November 1, 1987)

v.

Case Number: WDQ-1-11-CR-00302-003

Daren Kareem Gadsden

Defendant's Attorney: David W. Fischer
 Assistant U.S. Attorney: Sujit Raman

THE DEFENDANT:

- ☐ pleaded guilty to count(s) _____
☐ pleaded nolo contendere to count(s) _____, which was accepted by the court.
☒ was found guilty on counts 1-13 of the third superseding indictment after a plea of not guilty.

Title & Section	Nature of Offense	Offense Concluded	Count Number(s)
18§1349	Conspiracy to commit bank fraud	September 17, 2010	1
18§1344	Bank fraud	April 23, 2010	2
18§1344	Bank fraud	April 27, 2010	3
18§1344	Bank fraud	May 19, 2010	4
18§1344	Bank fraud	June 29, 2010	5
18§1344	Bank fraud	July 7, 2010	6
18§1344	Bank fraud	August 27, 2010	7
18§1344	Bank fraud	September 7, 2010	8
18§1344	Bank fraud	September 11, 2010	9
18§1344	Bank fraud	September 11, 2010	10
18§1028A	Aggravated identity theft	April 23, 2010	11
18§1028A	Aggravated identity theft	April 27, 2010	12
18§1512(c)(1)	Attempted evidence tampering	April 21, 2010	13
18§1512(c)(1)	Attempted evidence tampering	April 16, 2010	13

The defendant is adjudged guilty of the offenses listed above and sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984 as modified by U.S. v. Booker, 125 S. Ct. 738 (2005).

- ☐ The defendant has been found not guilty on count(s) _____
☒ The Second Superseding Indictment is dismissed on the motion of the United States.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

FILED
 U.S. DISTRICT COURT
 DISTRICT OF MARYLAND
 2013 DEC -5 PM
 CLERK'S OFFICE
 AT BALTIMORE

BY: _____

November 21, 2013

Date of Imposition of Judgment

William D. Quarles, Jr.
 William D. Quarles, Jr.
 United States District Judge

12/5/13
 Date

Name of Court Reporter: Martin Giordano

DEFENDANT: Daren Kareem Gadsden

CASE NUMBER: WDQ-1-11-CR-00302-003

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 262 months as to counts 1-9, 240 months as to counts 12 and 13 to run concurrent to counts 1-9 and 24 months as to counts 10 & 11 to run consecutive to counts 1-9 and 12-13 for a total term of 286 months with credit for time served in federal custody since December 22, 2011.

☒ The court makes the following recommendations to the Bureau of Prisons:

The defendant be designated to the CTF in Washington D.C. for service of his sentence or to FCI Petersburg, VA

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ a.m./p.m. on _____.

☐ as notified by the United States Marshal.

☐ The defendant shall surrender, at his/her own expense, to the institution designated by the Bureau of Prisons at the date and time specified in a written notice to be sent to the defendant by the United States Marshal. If the defendant does not receive such a written notice, defendant shall surrender to the United States Marshal:

☐ before 2 p.m. on _____.

A defendant who fails to report either to the designated institution or to the United States Marshal as directed shall be subject to the penalties of Title 18 U.S.C. §3146. If convicted of an offense while on release, the defendant shall be subject to the penalties set forth in 18 U.S.C. §3147. For violation of a condition of release, the defendant shall be subject to the sanctions set forth in Title 18 U.S.C. §3148. Any bond or property posted may be forfeited and judgment entered against the defendant and the surety in the full amount of the bond.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____ at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By: _____
DEPUTY U.S. MARSHAL

DEFENDANT: Daren Kareem Gadsden

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SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for 5 years as to counts 1 - 9; 1 year as to counts 10 and 11; 3 years as to counts 12 and 13; to run concurrent for a total term of five (5) years.

The defendant shall comply with all of the following conditions:

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

A. STATUTORY CONDITIONS OF SUPERVISED RELEASE

- 1) The defendant shall not commit any federal, state or local crime.
- 2) In any felony case, the defendant shall not possess a firearm or ammunition as defined in 18 U.S.C. §921.
- 3) The defendant shall not illegally use or possess a controlled substance.
- 4) The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer.
- ☒ The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- 5) Pursuant to Pub. Law 108-405, Revised DNA Collection Requirements Under the Justice for All Act of 2004, if applicable, the defendant shall cooperate in the collection of DNA while incarcerated in the Bureau of Prisons, or as directed by the probation officer.
- 6) If this judgment imposes any criminal monetary penalty, including special assessment, fine, or restitution, it shall be a condition of supervised release that the defendant pay any such monetary penalty that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment. The defendant shall notify the court of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay restitution, fines, or special assessments.

B. STANDARD CONDITIONS OF SUPERVISION

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) The defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer;
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) The defendant shall support his or her dependents and meet other family responsibilities;
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) The defendant shall notify the probation officer ten days prior to any change in residence or employment;
- 7) The defendant shall refrain from excessive use of alcohol;
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any persons convicted of a felony unless granted permission to do so by the probation officer;
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) The defendant shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer;
- 12) The defendant shall notify the probation officer within 72 hours of being charged with any offense, including a traffic offense;
- 13) The defendant shall not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the court;
- 14) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

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**C. SUPERVISED RELEASE
ADDITIONAL CONDITIONS**

The defendant shall satisfactorily participate in a treatment program approved by the probation officer relating to substance and/or alcohol abuse, which may include evaluation, counseling, and testing as deemed necessary by the probation officer.

The defendant shall provide the probation officer with access to any requested financial information.

The defendant shall not incur new credit charges or open additional lines of credit without approval of the probation officer.

The defendant shall not possess or use any computer, except that with prior permission of the probation Officer.

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CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 1,300.00	\$ -0-	\$ 1,399,700.00
<input type="checkbox"/> CVB Processing Fee \$25.00			

☐ The determination of restitution is deferred until Click here to enter a date.. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.

☒ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Clerk, US District Court 101 W. Lombard Street Baltimore, Maryland 21201	\$1,399,700.00	\$1,399,700.00	

TOTALS \$ 1,399,700.00 \$ 1,399,700.00

☐ Restitution amount ordered pursuant to plea agreement _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☒ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☒ the interest requirement is waived for the ☐ fine ☒ restitution

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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SCHEDULE OF PAYMENTS

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

Payment of the total fine and other criminal monetary penalties shall be due as follows:

- A ☒ In full immediately; or
- B ☐ \$ _____ immediately, balance due (in accordance with C, D, or E); or
- C ☐ Not later than _____; or
- D ☐ Installments to commence _____ day(s) after the date of this judgment.
- E ☐ In _____ (e.g. *equal weekly, monthly, quarterly*) installments of \$ _____ over a period of _____ year(s) to commence when the defendant is placed on supervised release.

The defendant will receive credit for all payments previously made toward any criminal monetary penalties imposed.

Unless the court expressly orders otherwise, if this judgment imposes a period of imprisonment, payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalties except those payments made through the Bureau of Prisons Inmate Financial Responsibility Program, are to be made to the Clerk of the Court.

If the entire amount of criminal monetary penalties is not paid prior to the commencement of supervision, the balance shall be paid:

- ☐ in equal monthly installments during the term of supervision; or
- ☒ on a nominal payment schedule of \$ 50.00 per month during the term of supervision.

The U.S. probation officer may recommend a modification of the payment schedule depending on the defendant's financial circumstances.

Special instructions regarding the payment of criminal monetary penalties:

- ☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☒ The defendant shall forfeit the defendant's interest in the following property to the United States:

See Order of Forfeiture