

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)
) No. 12 CR 166
)
 v.)
) Violations: Title 18, United States
) Code, Sections 1956 and 2342 and
 MUSTAFA MOHD SHAIKH)
) Title 26, United States Code, Section
) 7206(1)
)

COUNTS ONE THROUGH SEVENTEEN

The SPECIAL SEPTEMBER 2011 GRAND JURY charges:

1. At times material to this indictment:

a. As used in this indictment, “contraband cigarettes” means a quantity in excess of 10,000 cigarettes, which bear no evidence of the payment of applicable taxes of the State of Illinois and Cook County, Illinois, which require a stamp or other indication to be placed on packages and other containers of cigarettes to evidence payment of cigarette taxes.

b. Defendant MUSTAFA MOHD SHAIKH was not a person authorized to possess contraband cigarettes within the meaning of Title 18, United States Code, Section 2341(2).

2. On or about the dates set forth below, in the Northern District of Illinois, Eastern Division, and elsewhere,

MUSTAFA MOHD SHAIKH,

defendant herein, did knowingly receive, possess, purchase, and distribute in excess of 10,000 contraband cigarettes:

Count	Date
One	June 2, 2010
Two	June 10, 2010

Count	Date
Three	June 14, 2010
Four	June 30, 2010
Five	February 22, 2011
Six	February 24, 2011
Seven	April 7, 2011
Eight	April 19, 2011
Nine	May 4, 2011
Ten	June 7, 2011
Eleven	June 24, 2011
Twelve	June 28, 2011
Thirteen	August 24, 2011
Fourteen	October 18, 2011
Fifteen	November 3, 2011
Sixteen	November 17, 2011
Seventeen	November 22, 2011

Each in violation of Title 18, United States Code, Section 2342(a).

COUNT EIGHTEEN

The SPECIAL SEPTEMBER 2011 GRAND JURY further charges:

On or about February 2, 2012, in the Northern District of Illinois, Eastern Division, and elsewhere,

MUSTAFA MOHD SHAIKH,

defendant herein, did knowingly conduct and cause to be conducted a financial transaction affecting interstate commerce, namely, the deposit of a check for approximately \$60,000 at Bank of America, which involved the proceeds of a specified unlawful activity, namely, the receipt, purchase, possession, and distribution of contraband cigarettes, in violation of Title 18, United States Code, Section 2342(a), knowing that the transaction was designed in whole and in part to conceal and disguise the nature, location, source, ownership, and control of the specified unlawful activity and that the property involved in the transaction represented the proceeds of some form of specified unlawful activity;

In violation of Title 18, United States Code, Section 1956(a)(1)(B)(i).

COUNT NINETEEN

The SPECIAL SEPTEMBER 2011 GRAND JURY further charges:

On or about July 7, 2011, in the Northern District of Illinois, Eastern Division, and elsewhere,

MUSTAFA MOHD SHAIKH,

defendant herein, did attempt to transport, transmit, and transfer United States currency from a place in the United States, namely, Hickory Hills, Illinois, to and through a place outside the United States, namely, Jordan, knowing that the funds involved in the transportation, transmission, and transfer represented the proceeds of some form of unlawful activity and knowing that such transportation, transmission, and transfer was designed in whole and in part to conceal and disguise the nature, the location, the source, the ownership, and the control of the proceeds of a specified unlawful activity, namely the receipt, possession, purchase, and distribution of contraband cigarettes, in violation of Title 18, United States Code, Section 2342(a);

In violation of Title 18, United States Code, Section 1956(a)(2)(B)(i).

COUNT TWENTY

The SPECIAL SEPTEMBER 2011 GRAND JURY further charges:

1. At times material to this indictment:
 - a. Defendant MUSTAFA MOHD SHAIKH resided in Illinois.
 - b. During calendar years 2010 and 2011, defendant SHAIKH engaged in the receipt, possession, purchase, and distribution of contraband cigarettes, in violation of Title 18, United States Code, Section 2342, and earned income from that criminal activity.
 - c. Defendant SHAIKH was required to report his income to the Internal Revenue Service, including gross or net income derived from criminal activity on his federal income tax return (Form 1040).
2. On or about February 14, 2011, in the Northern District of Illinois, Eastern Division, and elsewhere,

MUSTAFA MOHD SHAIKH,

defendant herein, willfully did make and subscribe, and cause to be made and subscribed, a United States Individual Income Tax Return (Form 1040 and accompanying schedules) for calendar year 2010, on behalf of himself, which return was verified by PIN number under penalties of perjury, and was electronically filed with the Internal Revenue Service, and which return he did not believe to be true and correct as to every material matter, in that it was stated in that return, line 22, that defendant's total income was \$42,491, when, in fact, defendant knew and believed that his total income substantially exceeded that amount;

In violation of Title 26, United States Code, Section 7206(1).

COUNT TWENTY-ONE

The SPECIAL SEPTEMBER 2011 GRAND JURY further charges:

1. The allegations in paragraph 1 of Count Twenty of this indictment are incorporated here.
2. On or about March 5, 2012, in the Northern District of Illinois, Eastern Division, and elsewhere,

MUSTAFA MOHD SHAIKH,

defendant herein, willfully did make and subscribe, and cause to be made and subscribed, a United States Individual Income Tax Return (Form 1040 and accompanying schedules) for calendar year 2011, on behalf of himself, which return was verified by a written declaration that it was made under penalties of perjury, and was filed with the Internal Revenue Service, and which return he did not believe to be true and correct as to every material matter, in that it was stated in that return, line 22, that defendant's total income was \$62,702, when, in fact, defendant knew and believed that his total income substantially exceeded that amount;

In violation of Title 26, United States Code, Section 7206(1).

FORFEITURE ALLEGATION ONE

The SPECIAL SEPTEMBER 2011 GRAND JURY further charges:

1. The allegations of Counts One through Seventeen are incorporated here for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

2. As a result of the violations of Title 18, United States Code, Section 2342(a), as alleged in the indictment,

MUSTAFA MOHD SHAIKH,

defendant herein, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), any and all right, title, and interest in property, real and personal, which constitutes and is derived from proceeds traceable to the charged offenses.

3. The interest of the defendant subject to forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c) includes, but is not limited to, United States currency in the form of proceeds from the sale of contraband cigarettes, which includes but is not limited to:

(1) at least \$600,000 in United States currency seized at Hickory Hills, Illinois on or about March 13, 2012;

(2) at least \$35,000 in United States currency seized from Bank of America saving account number 291008213297 on or about March 14, 2012;

(3) at least \$800 in United States currency seized from Chase Bank checking account number 957046840 on or about March 14, 2012;

(4) at least \$1,400 in United States currency seized from 17966 Semmler Drive, Tinley Park, Illinois on or about March 13, 2012;

(5) a 2012 Infiniti QX56, VIN: JN8AZ2NE3C9015526 seized on or about March 13, 2012;

(6) a 2009 Nissan Altima VIN: 1N4AL21EX9N420887 seized on or about March 13, 2012.

4. If any forfeitable property, including the property described above, as a result of any act or omission by the 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 under the provisions of Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c);

All pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

FORFEITURE ALLEGATION TWO

The SPECIAL SEPTEMBER 2011 GRAND JURY further charges:

1. The allegations of Count Eighteen are incorporated here for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 982(a)(1).

2. As a result of the violation of Title 18, United States Code, Section 1956(a)(1)(B)(i), as alleged in the foregoing indictment,

MUSTAFA MOHD SHAIKH,

defendant herein, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), any and all right, title, and interest in property, real and personal, involved in the charged offense or any property traceable to such property.

3. The interest of the defendants subject to forfeiture pursuant to Title 18, United States Code, Section 982(a)(1) includes, but is not limited to, at least \$60,000 in United States currency.

4. If any of the forfeitable property described above, as a result of any act or omission by the 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 under the provisions of Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States

Code, Section 982(b)(1).

All pursuant to Title 18, United States Code, Section 982(a)(1).

FORFEITURE ALLEGATION THREE

The SPECIAL SEPTEMBER 2011 GRAND JURY further charges:

1. The allegations of Count Nineteen are incorporated here for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 982(a)(1).

2. As a result of the violation of Title 18, United States Code, Section 1956(a)(2)(B)(i), as alleged in the foregoing indictment,

MUSTAFA MOHD SHAIKH,

defendant herein, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), any and all right, title and interest in property, real and personal, involved in the charged offense or any property traceable to such property.

3. The interest of the defendant subject to forfeiture pursuant to Title 18, United States Code, Section 982(a)(1) includes, but is not limited to, at least \$20,000 in United States currency.

4. If any of the forfeitable property described above, as a result of any act or omission by the 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 under the provisions of Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1).

All pursuant to Title 18, United States Code, Section 982(a)(1).

A TRUE BILL:

FOREPERSON

UNITED STATES ATTORNEY