

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

**INDICTMENT FOR MAIL FRAUD, AGGRAVATED IDENTITY THEFT, AND
IDENTITY THEFT**

UNITED STATES OF AMERICA	*	CRIMINAL NO.
v.	*	SECTION:
SHANTELL MOSES	*	VIOLATION: 18 U.S.C. § 1341
a/k/a SHANTELL MOSES		18 U.S.C. § 1028A
a/k/a TORA YVETTE HODGES	*	18 U.S.C. § 1028(a)(7)
	* * *	

The Grand Jury charges that:

COUNT 1
(Mail Fraud)

A. AT ALL TIMES MATERIAL HEREIN:

1. The defendant, **SHANTELL MOSES, a/k/a Shantell Mosses, a/k/a Tora Yvette Hodges (“MOSES” or the “defendant”)** was born on or about November 21, 1974 in Independence, Louisiana.

2. Tora Yvette Hodges (“Hodges”) was born on September 2, 1971, in Atlanta, Georgia and has resided, for the entirety of her life, in or around the Atlanta, Georgia metropolitan area. Tora Y. Hodges was aware of who the defendant was because the defendant, **MOSES**, had a relationship with an individual with whom Hodges also had a prior relationship.

Tora Y. Hodges never gave defendant **MOSES** permission or authorization to use her name or date of birth in any way.

3. On or about August 29, 2005, Hurricane Katrina struck southeastern Louisiana and shortly thereafter a major disaster was declared. Similarly, a major disaster was declared in Louisiana as a result of Hurricane Rita, which made landfall on September 24, 2005. In response to these hurricanes and the damage inflicted upon the Southeastern Louisiana area, the American Red Cross (“Red Cross”) established assistance centers throughout the region in the late summer and early fall of 2005.

4. At these assistance centers, people affected by the storms were able to apply for a one-time only financial grant of up to \$1,565 from the Red Cross. In order to receive these funds, applicants needed to present legitimate identification to a Red Cross representative that indicated residence in an affected zone. Applicants were also required to attest and affirm that they had not received any additional financial assistance from the Red Cross at any other location.

5. Once approved, the Red Cross made these disaster assistance funds available in one of several ways, including: (1) A personal check made payable to the applicant, issued on-site, and cashed with the assistance of the Red Cross; (2) A Red Cross-issued “Discover” card, pre-loaded with a certain amount of funds, issued on-site, and activated via phone by the applicant; (3) A Red Cross-issued credit/debit/ATM card, issued on-site and activated via phone by the applicant; and (4) A personal check authorized by the Red Cross, issued by “Paychex, Inc.,” and mailed through the United States Postal Service to an address provided by the applicant.

6. Paychex, Inc., a Rochester, New York-based company that had volunteered its services to the Red Cross, processed personal checks to applicants as deemed appropriate and authorized by the Red Cross. These checks were processed and issued to applicants via the United States Postal Service.

7. At the time Hurricane Katrina made landfall in Louisiana, the defendant, **MOSES**, was not a resident of Louisiana.

8. The defendant, **SHANTELL MOSES, a/k/a Shantell Mosses, a/k/a Tora Yvette Hodges**, presented herself to Red Cross assistance centers on eleven (11) occasions between on or about September 22, 2005, to on or about October 7, 2005. During her visits to these assistance centers, the defendant, **MOSES**, claimed to be “Tora Yvette Hodges,” applied for financial assistance in the name of “Tora Yvette Hodges,” and utilized a fraudulent identification card that contained the name “Tora Yvette Hodges” but had a picture of **MOSES**. During her visits where she applied for financial assistance, **MOSES** also falsely and fraudulently stated that, at the time of Hurricane Katrina, she was a resident of Louisiana. Additionally, during her visits where she applied for financial assistance, **MOSES** falsely and fraudulently stated that she had not received any other financial assistance from the Red Cross. As a result of her actions on these eleven applications, **SHANTELL MOSES, a/k/a Shantell Mosses, a/k/a Tora Yvette Hodges**, received direct financial assistance from the Red Cross in one of the manners described above, totaling \$16,915, all of which was fraudulently obtained.

B. THE SCHEME TO DEFRAUD:

9. From on or about September 22, 2005, to on or about October 7, 2005, in the Eastern District of Louisiana and elsewhere, the defendant, **SHANTELL MOSES, a/k/a**

Shantell Mosses, a/k/a Tora Yvette Hodges, did knowingly and willfully devise and intend to devise a scheme and artifice to defraud and to obtain money and property from the Red Cross, by means of false representations, pretenses, and promises, by falsely and fraudulently obtaining financial assistance from the Red Cross.

10. It was part of the scheme and artifice to defraud that on or about October 6, 2005, in the Eastern District of Louisiana, the defendant, **MOSES**, stated that she had not received any other Hurricane Katrina or Rita financial assistance from the Red Cross at any other assistance center when, in truth and in fact, she had received such assistance on prior occasions.

11. It was further part of the scheme and artifice to defraud that on each of the Red Cross applications filled out and submitted by **MOSES**, from on or about September 22, 2005, through on or about October 7, 2005, in the Eastern District of Louisiana and elsewhere, she falsely and fraudulently claimed that she resided at 2603 Salem Street, Kenner, Louisiana 70062, at the time of Hurricane Katrina when, in truth and in fact, **MOSES** was not residing in Louisiana at the time Hurricane Katrina made landfall.

C. THE MAILING:

12. On or about October 6, 2005, in the Eastern District of Louisiana, the defendant, **SHANTELL MOSES, a/k/a Shantell Mosses, a/k/a Tora Yvette Hodges**, for the purpose of executing the scheme and artifice to defraud, as alleged in Part B above, did knowingly cause to be delivered to an address of P.O. Box 1143, Independence, Louisiana, 70443, through the United States Mail, a personal check authorized by the Red Cross and issued by Paychex, Inc., on or about October 14, 2005, numbered 1015010881, in the amount of \$1,565.00.

All in violation of Title 18, United States Code, Section 1341.

COUNT 2
(Aggravated Identity Theft)

A. AT ALL TIMES MATERIAL HEREIN:

13. The allegations contained in Count 1 are hereby realleged and incorporated herein in their entirety.

14. The Louisiana Office of Motor Vehicles (“OMV”) was an agency of the State of Louisiana that was responsible for administering motor vehicle registration and driver licensing laws.

15. On or about May 28, 2003, **MOSES** appeared at an office of the OMV and applied for a Louisiana identification card using the name “Tora Yvette Hodges,” signing the application as “Tora Hodges,” and representing her date of birth to be Tora Y. Hodges’s date of birth.

16. As a result of her application on or about May 28, 2003, the OMV issued a Louisiana identification card to **MOSES** in the name “Tora Yvette Hodges” with a Louisiana Identification Number of 008599611.

17. On or about September 22, 2005, **MOSES** again appeared at an office of the OMV and applied for a Louisiana identification card in the name “Tora Yvette Hodges,” signing the application as “Tora Hodges,” and representing her date of birth to be Tora Y. Hodges’s date of birth.

18. As a result of her application on or about September 22, 2005, the OMV issued a Louisiana identification card to **MOSES** in the name of “Tora Yvette Hodges” with a Louisiana Identification Number of 008599611.

B. THE OFFENSE:

19. On or about October 4, 2005, in the Eastern District of Louisiana, the defendant, **SHANTELL MOSES, a/k/a Shantell Mosses, a/k/a Tora Yvette Hodges**, did knowingly transfer, possess, and use, without lawful authority, a means of identification of another person, namely the name and date of birth of Tora Yvette Hodges, during and in relation to offenses under Title 18, United States Code, Section 1341, including the mail fraud scheme set forth above in Count 1, an offense enumerated under Title 18, United States Code, Section 1028A(c)(1).

All in violation of Title 18, United States Code, Section 1028A(a)(1).

COUNT 3
(Aggravated Identity Theft)

A. AT ALL TIMES MATERIAL HEREIN:

20. The allegations of Section A of Counts 1 and 2 are hereby realleged and incorporated herein in their entirety.

B. THE OFFENSE:

21. On or about October 6, 2005, in the Eastern District of Louisiana, the defendant, **SHANTELL MOSES, a/k/a Shantell Mosses, a/k/a Tora Yvette Hodges**, did knowingly transfer, possess, and use, without lawful authority, a means of identification of another person, namely the name and date of birth of Tora Yvette Hodges, during and in relation to offenses under Title 18, United States Code, Section 1341, including the mail fraud scheme set forth above in Count 1, an offense enumerated under Title 18, United States Code, Section 1028A(c)(1).

All in violation of Title 18, United States Code, Section 1028A(a)(1).

COUNT 4
(Identity Theft)

A. AT ALL TIMES MATERIAL HEREIN:

22. The allegations of Section A of Counts 1 and 2 are hereby realleged and incorporated herein in their entirety.

B. THE OFFENSE:

23. On or about October 7, 2005, in the Eastern District of Louisiana, the defendant, **SHANTELL MOSES, a/k/a Shantell Mosses, a/k/a Tora Yvette Hodges**, did knowingly possess and use, in and affecting interstate commerce, without lawful authority, a means of identification of another person, to wit: the name “Tora Yvette Hodges” with the intent to commit, and aid and abet, and in connection with, unlawful activity that constitutes a violation of Federal Law, that is, the mail fraud scheme as set forth above in Count 1 in violation of 18 U.S.C. § 1341, and by such conduct the defendant obtained items of value aggregating \$1,000 or more during a one year period;

All in violation of 18 U.S.C. § 1028(a)(7).

NOTICE OF FRAUD FORFEITURE

1. The allegations in this Indictment are re-alleged and incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture to the United States of America pursuant to the provisions of Title 18, United States Code, Sections 1341 and 981(a)(1)(C), made applicable through Title 28, United States Code, Section 2461(c).

2. As a result of the offenses alleged, in Count 1, the defendant, **SHANTELL MOSES, a/ka/ Shantell Mosses, a/k/a Tora Yvette Hodges**, shall forfeit to the United States pursuant to Title 18, United States Code, Sections 1341 and 981(a)(1)(C), made applicable through Title 28, United States Code, Section 2461, any and all property, real or personal, which constitutes or is derived from proceeds traceable to violations of Title 18, United States Code, Sections 1341, including, but not limited, to the following:

- a. \$16,915 in United States Currency and all interest and proceeds traceable thereto.

3. If any of the property subject to forfeiture pursuant to Paragraph 2 of this Notice of Forfeiture, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- 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 subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

All in violation of Title 18, United States Code, Sections 1341 and 981(a)(1)(C), made applicable through Title 28, United States Code, Section 2461.

NOTICE OF IDENTITY THEFT FORFEITURE

1. The allegations of Count 4 of this Indictment are realleged and incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture to the United States of America pursuant to the provisions of Title 18, United States Code, Sections 1028(a)(7) and 982(a)(2)(B).

2. As a result of the offenses alleged in Count 4, the defendant, **SHANTELL MOSES, a/k/a Shantell Mosses, a/k/a Tora Yvette Hodges**, shall forfeit to the United States any personal property used to facilitate the violations alleged in Count 4 and all property real or personal, constituting, or derived from, proceeds the defendant obtained directly or indirectly, as a result of identity fraud, in violations of Title 18, United States Code, Section 1028, including, but not limited, to the following property:

- a. \$16,915 in United States Currency and all interest and proceeds traceable thereto.

3. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- 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 subdivided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b)(1) and Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

All in violation of Title 18, United States Code, Section 982.

A TRUE BILL:

Foreperson

JIM LETTEN
United States Attorney
La. Bar Roll No. 8517

JAN MASELLI MANN
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New Orleans, Louisiana
September 17, 2010