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8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 **-oOo-**

11 UNITED STATES OF AMERICA,	)	SECOND SUPERSEDING CRIMINAL
	)	INDICTMENT
12 Plaintiff,	)	
	)	CR-S-04-262-LDG-(PAL)
13 vs.	)	
	)	VIOLATIONS:
14 DAVID KENT FITCH,	)	18 U.S.C. § 1029(a)(2) - Fraudulent Use of an
aka, David Lee Krause,	)	Access Device;
15 aka, Daniel Joseph O'Hare,	)	18 U.S.C. § 1344 - Bank Fraud;
	)	18 U.S.C. § 1029(a)(2)&(b)(1) - Attempted
16 Defendant.	)	Fraudulent Use of an Access Device;
	)	18 U.S.C. § 1956(a)(1)(B) - Laundering
	)	Monetary Instruments;
	)	18 U.S.C. § 1957 - Money Laundering
	)	18 U.S.C. § 2312 - Transportation of a Stolen
	)	Vehicle;
	)	18 U.S.C. § 2313 - Possession of a Stolen
	)	Vehicle

21 **THE GRAND JURY CHARGES THAT:**

22 **COUNT ONE**  
23 **Fraudulent Use of an Access Device**

24 On or about July 13, 1999, until on or about July 20, 1999, in the State and Federal District  
25 of Nevada and elsewhere,

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**DAVID KENT FITCH,**  
aka, David Lee Krause,  
aka, Daniel Joseph O'Hare,

defendant herein, knowingly and with intent to defraud used one or more unauthorized access devices, i.e., a GM MasterCard credit card, in the name of another person (Kenneth E. Deatherage), and by such conduct fraudulently obtained goods in excess of \$1,000., said use affecting interstate or foreign commerce.

All in violation of Title 18, United States Code, Section 1029(a)(2).

**COUNT TWO**  
Fraudulent Use of an Access Device

From at least on or about September 7, 1999, until on or about February 8, 2000, in the State and Federal District of Nevada, and elsewhere, and affecting interstate commerce,

**DAVID KENT FITCH,**  
aka, David Lee Krause,  
aka, Daniel Joseph O'Hare,

defendant herein, did knowingly and with intent to defraud, use an unauthorized access device, to wit: a Citibank automatic teller machine card (ATM card), in the name of Maria Bozi, within a one-year period, and by such conduct obtained things of value aggregating one thousand dollars (\$1,000) or more during that period, to wit: eight thousand dollars (\$8,000) in United States currency.

All in violation of Title 18, United States Code, Section 1029(a)(2).

**COUNTS THREE THROUGH ELEVEN**  
Bank Fraud

A. Introduction

At all times relevant to this Indictment:

1. Defendant **DAVID KENT FITCH**, aka, David Lee Krause, aka, Daniel Joseph O'Hare, was a part-time resident of Las Vegas, Nevada.
2. Maria Bozi was a citizen of the United Kingdom and maintained a bank account with Citibank.



1 defraud, used Maria Bozi's ATM card and checking account at the following locations to withdraw money  
2 from Citibank.

<u>Count</u>	<u>Date</u>	<u>Location</u>	<u>Amount</u>
3 THREE	9/7/99	Citibank - ATM withdrawal Mall Ring Circle Henderson, NV	\$1,000.
4 FOUR	9/9/99	Citibank - ATM withdrawal Mall Ring Circle Henderson, NV	\$1,000.
5 FIVE	9/9/99	Citibank - ATM withdrawal Mall Ring Circle Henderson, NV	\$1,000.
6 SIX	9/10/99	Citibank - ATM withdrawal Mall Ring Circle Henderson, NV	\$1,000.
7 SEVEN	9/11-13/99	Citibank - check deposit at Norwest Bank Account # 019-6178693 Account holder - David K. Fitch	\$40,000.
8 EIGHT	9/14/99	Citibank - ATM withdrawal Mall Ring Circle Henderson, NV	\$1,000.
9 NINE	9/15/99	Citibank - ATM withdrawal Mall Ring Circle Henderson, NV	\$1,000.
10 TEN	9/16/99	Citibank - ATM withdrawal Mall Ring Circle Henderson, NV	\$1,000.
11 ELEVEN	9/17/99	Citibank - ATM withdrawal Mall Ring Circle Henderson, NV	\$1,000.

12 All in violation of Title 18, United States Code, Section 1344.

13 **COUNT TWELVE**

14 Attempted Fraudulent Use of an Access Device

15 On or about October 5, 1999, in the State and Federal District of Nevada

16 and elsewhere,



1 that is bank fraud as described in counts 3-11, knowing that the transaction was designed in whole and in  
2 part to conceal and disguise the nature, location, source, ownership, and control of the proceeds of said  
3 specified unlawful activity and that while conducting and attempting to conduct such financial transaction knew  
4 that the property involved in the financial transaction, that is funds in the amount of \$2,000.00, represented  
5 the proceeds of some form of unlawful activity.

6 All in violation of Title 18, United States Code, Section 1956(a)(1)(B).

7 **COUNT FIFTEEN**  
8 Laundering Monetary Instruments

9 On or about November 17, 1999, in the State and Federal District of Nevada and  
10 elsewhere,

11 **DAVID KENT FITCH,**  
12 aka, David Lee Krause,  
aka, Daniel Joseph O'Hare,

13 defendant herein, did knowingly and willfully conduct and attempt to conduct a financial transaction affecting  
14 interstate and foreign commerce, to wit: the deposit of funds in the amount of \$27,000.00 into a bank  
15 account at U.S. Bank in the name of David L. Krause, which involved the proceeds of a specified unlawful  
16 activity, that is bank fraud as described in counts 3-11, knowing that the transaction was designed in whole  
17 and in part to conceal and disguise the nature, location, source, ownership, and control of the proceeds of  
18 said specified unlawful activity and that while conducting and attempting to conduct such financial transaction  
19 knew that the property involved in the financial transaction, that is funds in the amount of \$27,000.00,  
20 represented the proceeds of some form of unlawful activity.

21 All in violation of Title 18, United States Code, Section 1956(a)(1)(B).

22  
23 **COUNT SIXTEEN**

24 Money Laundering

25 On or about November 17, 1999, in the State and Federal District of Nevada and  
26 elsewhere,



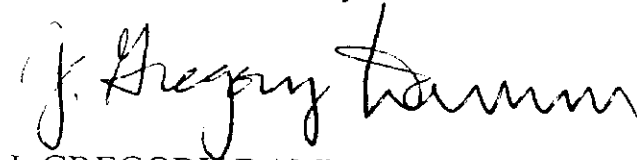
1 taken to the State of Utah and back to the State of Nevada, knowing the same to be stolen. All in violation  
2 of Title 18, United States Code, Section 2313.

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4 **DATED:** this \_\_\_\_\_ day of March 2005.

5 **A TRUE BILL:**

6 \_\_\_\_\_  
7 FOREPERSON OF THE GRAND JURY

8 DANIEL G. BOGDEN  
9 United States Attorney

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11 J. GREGORY DAMM  
12 Assistant United States Attorney  
13 Organized Crime Strike Force

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