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<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> <p>JUL 23 2007</p> </div>	
<p>CLERK U S DISTRICT COURT DISTRICT OF ARIZONA</p>	
BY _____	DEPUTY

James Davis Bennett/Reg # 32589-112

Name and Prisoner Number/Alien Registration Number

Federal Correction Institute-Safford
Place of Confinement

FCI Safford
Mailing Address

P.O. Box 9000, Safford, AZ 85548
City, State, Zip Code

(Failure to notify the Court of your change of address may result in dismissal of this action.)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

James Davis Bennett
(Full Name of Petitioner)

Petitioner,

vs.

Jeffrey Thomas-Facility Warden
(Name of Warden, Jailor or authorized person
having custody of Petitioner)

Respondent.

CASE NO. CV 07-394-TUC-FLZ
(To be supplied by the Clerk)

**PETITION UNDER 28 U.S.C. § 2241
FOR A WRIT OF HABEAS CORPUS
BY A PERSON IN FEDERAL CUSTODY**

PETITION

1. What are you challenging in this petition?
 - Immigration detention
 - Bureau of Prisons sentence calculation or loss of good-time credits
 - Probation, parole or supervised release
 - Other (explain): Charges not brought by Sworn Grand Jury

2. (a) Name and location of the agency or court that made the decision you are challenging: Federal District Court For the Central District of California at Santa Ana.
 - (b) Case or opinion number: SA CR 03-0025 (B) AHS
 - (c) Decision made by the agency or court: Court Refused to address issues

(d) Date of the decision: Indictment Date 9-7-05 Sentencing Date 10-6-06

3. Did you appeal the decision to a higher agency or court? Yes No

If yes, answer the following:

(a) First appeal:

(1) Name of the agency or court: Ninth Circuit Court of Appeals

(2) Date you filed: 10-6-06

(3) Opinion or case number: 06-50580-No Decision

(4) Result: Pending

(5) Date of result: N/A

(6) Issues raised: Ineffective Assistance of Counsel, Amendment of Indictment, Lack of Jurisdiction in counts 5-10, Statute of Limitation in Counts 1-3, Illegal Search, Insufficiency of evidence.

Attach, if available, a copy of any brief filed on your behalf and a copy of the decision.

(b) Second appeal:

(1) Name of the agency or court: _____

(2) Date you filed: _____

(3) Opinion or case number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

Attach, if available, a copy of any brief filed on your behalf and a copy of the decision.

(c) Third appeal:

(1) Name of the agency or court: _____

(2) Date you filed: _____

(3) Opinion or case number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

Attach, if available, a copy of any brief filed on your behalf and a copy of the decision.

4. If you did not appeal the decision to a higher agency or court, explain why you did not: _____

5. Other than the appeals listed above, have you filed any other petitions, applications or motions concerning the issues raised in this petition? Yes No

If yes, answer the following:

(a) Name of the agency or court: _____

(b) Date you filed: _____

(c) Opinion or case number: _____

(d) Result: _____

(e) Date of result: _____

(f) Issues raised: _____

Attach, if available, a copy of any brief filed on your behalf and a copy of the decision.

6. For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

CAUTION: To proceed in the federal court, you must ordinarily first exhaust (use up) your available administrative remedies on each ground on which you request action by the federal court.

GROUND ONE: The Indictment was issued by the Government and
not by a duly sworn Grand Jury

(a) Supporting FACTS (Do not argue or cite law. Just state the specific facts that support your claim.):
The Government admits it charged the case. The Indictment
has no Grand Jury Foreperson signature. The Government and
court refuses to address the issue at sentencing. The Govern-
ment continued to change the charges throughout trial with
court Instructions. See attached brief.

(b) Did you exhaust all available administrative remedies relating to Ground One? Yes No

Administrative remedies not applicable.

(c) If yes, did you present the issue to:

- The Board of Immigration Appeals
- The Office of General Counsel
- The Parole Commission
- Other: _____

(d) If you did not exhaust all available administrative remedies relating to Ground One, explain why:

GROUND THREE: Can not assess additional grounds related to
28 USC 2241 without Government response to Identification
of proper charges as they refused to respond.

(a) Supporting FACTS (Do not argue or cite law. Just state the specific facts that support your claim.):
Government and Court refused to identify counts and charges. See
exhibit I Sentencing Transcripts attached to supporting Brief.

(b) Did you exhaust all available administrative remedies relating to Ground Three? Yes No N/A

(c) If yes, did you present the issue to:

- The Board of Immigration Appeals
- The Office of General Counsel
- The Parole Commission
- Other: _____

(d) If you did not exhaust all available administrative remedies relating to Ground Three, explain why:

Please answer these additional questions about this petition:

7. Are you challenging your conviction or sentence in any of the grounds raised above? Yes No *
(Claims challenging a federal conviction or sentence may only be raised in a motion under 28 U.S.C. § 2255, unless the § 2255 motion is legally inadequate or ineffective.)

Only challenging the Jurisdiction for the trial on charges not issued by Grand Jury & then changed during trial in such a way it is not determinable without verdict forms, other challenges after Government response

(a) Have you filed a motion under 28 U.S.C. § 2255? Yes No

If yes, answer the following:

(1) Name of court: _____

(2) Case number: _____

(3) Opinion or case number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

Attach, if available, a copy of any brief filed on your behalf and a copy of the decision.

(b) Explain why the remedy under § 2255 is inadequate or ineffective: _____

8. If this case concerns immigration removal proceedings, answer the following:

(a) Date you were taken into immigration custody: _____

(b) Date of removal or reinstatement order: _____

(c) Did you file an appeal with the Board of Immigration Appeals? Yes No

(1) Date you filed: _____

(2) Case number: _____

(3) Result: _____

(4) Date of result: _____

(5) Issues raised: _____

Attach, if available, a copy of any brief filed on your behalf and a copy of the decision.

(d) Did you file an appeal with the federal court of appeals? Yes No

(1) Name of the court: _____

(2) Date you filed: _____

(3) Case number: _____

(4) Result: _____

(5) Date of result: _____

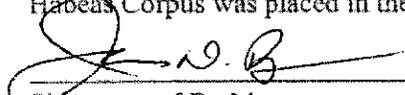
(6) Issues raised: _____

Attach, if available, a copy of any brief filed on your behalf and a copy of the decision.

9. Petitioner asks that the Court grant the following relief: Release or an order directing the Government to produce verdict forms related to all 25 uncharged counts they mention in Exhibit C included in attached brief as well as their explanation how Jurisdiction is obtained without a Grand Jury Indictment.

or any other relief to which Petitioner may be entitled. (Money damages are not available in habeas corpus cases.)

I declare under penalty of perjury that the foregoing is true and correct and that this Petition for Writ of Habeas Corpus was placed in the ~~post office~~ on JULY 20, 2007 (month, day, year).
~~US Mail~~ Federal express



Signature of Petitioner

Signature of attorney, if any

JULY 20, 2007

Date

STATEMENT OF FACTS

Petitioner was tried on an Indictment where there was no Grand Jury Foreperson signature validating its' authenticity.¹ The Government never presented Grand Jury Ballots proving the Indictment was properly issued. Prior to trial the Government and the Court Appointed Attorney submitted various verdict forms for use in tabulating 25 counts each having 5 violations of Federal Law alleged.² The Indictment only contained a total of 12 counts; one of which was dismissed with prejudice during trial the rest had the number of violations alleged increased by 4.

After presenting the 25 un-charged counts and resting their case the Government tells the court that it will not be restricted to alleging one violation per each count but would instead be alleging Bank Fraud, Wire Fraud, Mail Fraud, Wire Fraud Affecting a Financial Institution and Mail Fraud Affecting a Financial Institution against each of the 25 un-charged counts 10 of which had there Indicted charges increased by 4.³

In addition to the four un-indicted violations which were alleged against counts 1-10 within the Indictment these counts had two additional un-indicted Crimes alleged through Court Instruction number 5, 7, and 24 and these two crimes were alleged disjunctively which allowed the Jury a choice between two Federal Violations in each count.⁴ Instruction 5 and 24 alleged Wire Fraud or Aiding and Abetting Wire Fraud in counts 1-4. Instruction 7 and 24 alleged Bank Fraud or Aiding and Abetting Bank Fraud in counts 5-10. Instruction 26 alleged Bank Fraud, Wire Fraud Affecting a Financial Institution, and Mail Fraud Affecting a Financial Institution against the 10 Indicted counts as well as the 15 counts that never appear in the Indictment.

1. Exhibit A-Second Superseding Indictment, 2. Exhibit B-Verdict Forms, 3. Exhibit C-United States Attorney refuses to narrow the number of violations per count, 4. Exhibit D-Court Instructions 5,7,24 and 26.

STATEMENT OF FACTS

The Petitioner had warned the Court that the Government was planning to do something unethical based on the misleading methods it used to obtain the search warrant, the Indictment, and the witness testimony. He also notified the Court that the Appointed attorney did not take steps to prevent the Government's behavior; therefore he requested to be allowed to hire counsel or to represent himself.⁵ The Court refused both requests.

January 10, 2006 the Jury returned convictions in 11 of the 25 counts none of which were mentioned within the indictment or the court instructions with the exception of count 12 on the Indictment. This count was later acquitted through a FRCP Rule 29 Motion.⁶

Prior to Sentencing the court allowed the Petitioner to proceed in Pro Se.⁷ Petitioner then filed a motion for Discovery and Bill of Particulars to sort out the violations alleged against each count; otherwise it was impossible to prepare and to present viable arguments for, FRCP Rule 29 Motion, Sentencing, and Appeal.⁸ All motions were denied.

On October 6, 2006 the Petitioner was sentenced to a 121 Month prison term with various Probation and Restitution. During the hearing Petitioner ask the Court which specific violation related to each of the 25 counts. The Court refused to answer. He then ask what were the violations which formed the foundation for the Prison term. The Court stated "Counts 1 through 10 of the Second Superseding Indictment." Petitioner then asks "What were the violations that were returned?". The Court responds " I believe you were here, sir" and not only refused to answer the question but refuses to show any of the 25 verdict forms.⁹

5. Exhibit E-Motion for retained Counsel or Self representation, 6. Exhibit F-Rule 29 Opinion, 7. Exhibit G-Order to proceed in Pro Se, 8. Exhibit H-Discovery and Bill of Particulars, 9. Exhibit I-Sentencing Transcripts.

STATEMENT OF FACTS

A quick comparison shows that the sentencing violations within the Court's signed final judgment¹⁰ contradict the Indictment, the Court Instructions, the proposed verdict forms presented by the Government & the court appointed Attorney, and the comments by the United States Attorney related to alleging 5 violations per count.¹¹ The only way to determine the Jury decision is to produce all 25 verdict forms. The Sentencing Transcripts makes it unequivocally clear that the Sentencing Judge will never produce the verdict forms and nor will the Government.

10. Exhibit J-Final Judgment. 11. Compare Exhibits A,B,C,D and J then read the Sentencing Transcripts in Exhibit I.

ISSUES, ARGUMENTS, AND CONCLUSIONS

ISSUE ONE: The Government Attorney slips and admits that the Government charged the case¹², the indictment has no Grand Jury Foreman Signature¹³, and the government openly admits to "uncharged counts"¹⁴; can the Petitioner continue to be detained on an Indictment never issued by a sworn Grand Jury.

ARGUMENT: The Indictment was not issued by a duly sworn Grand Jury therefore jurisdiction does not vest and Petitioner should be released.

In order for Jurisdiction to attach to an Indictment The 5th Amendment requires that it be issued by a duly sworn Grand Jury. FRCP Rule 6(c) mandates that all Indictments be signed by the Grand Jury Foreperson. FRCP Rule 6(f) requires a minimum of 12 jurors concurring prior to the issuance of an Indictment and that it must be returned in open court to a magistrate judge. FRCP Rule 7(c) requires that the Government Attorney sign the Indictment.

"The importance of an Indictment makes rational the triple authentication which the rules have seen fit to require; viz., that it be signed both by the attorney for the government and by the foreman, and that it be returned by the Grand Jury to a judge in open court. All doubt will thus be removed as to whether the Indictment is really the act of the Grand Jury." United States v. Cox 342 F.2d at 177.

The Government openly admits to "uncharged counts" and that it charged the case. This is supported by the filed Indictment which has no Grand Jury Foreperson's signature appearing anywhere on the document.

CONCLUSION: The Indictment is not valid and Petitioner should be released as jurisdiction for detention is not present.

12. See exhibit C lines 7 & 8, 13. See Exhibit A page 7, 14. See Exhibit C lines 2-3 and 11-14.

ISSUES, ARGUMENTS, AND CONCLUSIONS

ISSUE TWO: The Court signs the final judgment mandating a 121 month prison term for convictions of Aiding and Abetting Wire Fraud in counts 1-4(18 USC 1343 & 2(a)) & Aiding and Abetting Bank Fraud in counts 5-10(18 USC 1344 & 2(a))¹⁵, during sentencing the Court tells the Petitioner that the prison term was based on "Counts 1 through 10 of the Second Superseding Indictment"¹⁶ which are Wire Fraud and Causing an Act to be Done in counts 1-4(18 USC 1343 & 2(b)) & Bank Fraud and Causing an Act to be Done in counts 5-10(18 USC 1344 & 2(b))¹⁷ the Court refuses to identify the counts of imprisonment by name¹⁸ because it knows that court instructions 5, 7, and 24 tells the Jury to deliberate on violations not mentioned in the Government's Charged Indictment¹⁹; can the Petitioner continue to be detained on a Final Judgment mandating prison for violations of law which the Jury never deliberated on?

ARGUMENT: The Jury never deliberated on nor did it return any convictions in any of the Violations appearing in the Government's Indictment. There are no verdict forms which support any convictions on charges within the indictment; therefore Jurisdiction does not vest and Petitioner should be released.

In order for Jurisdiction to attach to a final Judgment there must be convictions in violations properly returned within a Grand Jury's Indictment and there must be Verdict Forms supporting those convictions otherwise the 5th Amendment Grand Jury prerequisite has not been satisfied.

"No person shall be.....deprived of lif, liberty, or property without due process of law.....". The Fifth Amendment of the United States Constitution.

15. See Exhibit J-Final Judgment, 16. See Exhibit I page 5 lines 22-25 and page 6 lines 1-9, 17. See Exhibit A page 1 line 19, page 2 lines 20-26 page 3 lines 1-24 and page 5 line 2, 18. See Exhibit I pages 9 & 10, 19. See Exhibit D-Court Instructions 5,7, & 24.

ISSUES, ARGUMENTS, AND CONCLUSIONS

"....An offense (other than criminal contempt) must be prosecuted by an indictment if it is punishable: B) by imprisonment for more than one year". Rule 7(a)(1) Federal Rules of Criminal Procedure for the United States.

"Arraignment shall be conducted in open court and shall consist of reading the indictment or information to the defendant or stating to the defendant the substance of the charge and calling on the defendant to plead thereto. The defendant shall be given a copy of the indictment or information before being called upon to plead". Rule 10 Federal Rules of Criminal Procedures for the United States.

The Grand Jury "came to be regarded as an the institution by which the subject was rendered secured against oppression from unfounded prosecution....". Ex Parte Bain, 7 S.ct 781.

"Purpose of requirement that a man be indicted by Grand Jury is to limit his jeopardy to offenses charged by a group of his fellow citizens acting independently of either prosecuting attorney or judge". Stirone v U.S., 80 S.ct 270.

"If it be once held that charges can be made by consent or order of the court in the body of the indictment as presented by the Grand Jury, and the prisoner can be called upon to answer to the indictment as thus changed, the restriction which the constitution places upon the power of the court in regard to the prerequisite of an indictment in reality no longer exists. It is of no avail, under such circumstances to say the court still has jurisdiction of the person of the crime...". Ex Parte Bain 7 S.ct 781.

The Petitioner was never indicted by a Grand Jury, he was never arraigned on the violations he was tried or sentenced on and the Court never sentenced the Petitioner on violations which the Jury deliberated on.

CONCLUSION: Because the Petitioner was not Indicted by Grand Jury, arraigned, convicted or sentenced on violations returned by a Grand Jury there is no jurisdiction for further detention and he must be released.

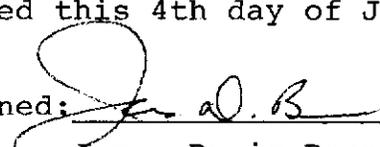
WHY WRIT SHOULD ISSUE

The Writ should issue and Petitioner should be released because the Government provides no supporting documentation which the Court may justify continued detention because:

1. the indictment was not returned by Grand Jury,
2. the indictment has no authenticating Foreperson signature,
3. the Government admits to charging the case,
4. the Government admits to "uncharged counts",
5. the Courts signed judgment indicates prison for Aiding and Abetting Wire Fraud & Bank Fraud which is 18 USC 2(a) & the Indictment charges Causing an Act to be Done in Wire Fraud and Bank Fraud²⁰ which is 18 USC 2(b),
6. Court Instruction# 5,7, and 24 prove the Jury never deliberated on 18 USC 2(b) which is within the Indictment,
7. the Court refused to name the convictions of imprisonment,
8. there are no verdict forms supporting the sentencing violations and
9. during sentencing the Court refuses to address the legitimate issues presented to it.

In accordance with the above there is his no Jurisdiction for detention.

Dated this 4th day of July 2007

Signed: 

James Davis Bennett
FCI Safford/Reg#32589-112
P.O. Box 9000
Safford, AZ 85548

20. Exhibit K- 18 USC 2(a) & (B).

EXHIBIT A-SECOND SUPERSEDING INDICTMENT

2/11/01

COPY

FILED
 CLERK, U.S. DISTRICT COURT
 SEP - 7 2005
 CENTRAL DISTRICT OF CALIFORNIA
 BY DEPUTY

UNITED STATES DISTRICT COURT
 FOR THE CENTRAL DISTRICT OF CALIFORNIA
 October 2004 Grand Jury

10 UNITED STATES OF AMERICA,) No. SA CR 03-25(B)-AHS
 11 Plaintiff,)
 12 v.) S E C O N D
) S U P E R S E D I N G
) I N D I C T M E N T
 13 JAMES DAVIS BENNETT,) [18 U.S.C. § 1343: Wire Fraud;
 14 Defendant.) 18 U.S.C. § 1344: Bank Fraud;
) 18 U.S.C. § 225: Continuing
) Financial Crimes Enterprise; 18
) U.S.C. § 2(b): Aiding and
) Abetting]

The Grand Jury charges:

COUNTS ONE THROUGH FOUR
 [18 U.S.C. §§ 1343 and 2(b)]

INTRODUCTION

At all times relevant to this indictment:

1. Defendant JAMES DAVIS BENNETT ("BENNETT") was the owner
 of West Belle Realty, a company in the business of representing
 buyers and sellers in real estate transactions, West Belle
 Mortgage, a company in the business of originating mortgage loans

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1 for real estate transactions, and West Belle Mortgage Escrow, a
2 company in the business of providing escrow services for real
3 estate transactions (collectively "West Belle").

4 2. Steven Brian Rogers ("Rogers") was a realtor and loan
5 agent at West Belle.

6 3. Donna M. Simon ("Simon") was a loan agent at Long Beach
7 City Mortgage, a company in the business of originating mortgage
8 loans for real estate transactions.

9 4. Benny Ibarra ("Ibarra") and Ricardo Omar Garcia
10 ("Garcia") were employees of West Belle.

11 THE FRAUDULENT SCHEME

12 5. Beginning on a date unknown and continuing through in
13 or about January 2002, in Los Angeles and Orange Counties, within
14 the Central District of California, and elsewhere, Defendant
15 BENNETT, Rogers, Simon, Ibarra, Garcia and others knowingly
16 devised, participated in, and executed a scheme to defraud
17 mortgage lenders and to obtain money and property by means of
18 materially false and fraudulent pretenses, representations and
19 promises.

20 6. In carrying out this scheme, Defendant BENNETT, Rogers,
21 Simon, Ibarra, Garcia and others engaged in and caused others to
22 engage in the following fraudulent and deceptive acts, practices
23 and devices, among others:

24 a. Defendant BENNETT, Rogers, Simon, Ibarra, and
25 other co-schemers would identify residential real estate (the
26 "properties") for sale.

27 //

1 b. Defendant BENNETT, Rogers, Simon, Ibarra, and
2 other co-schemers would recruit relatives and associates (the
3 "intermediaries") to enter into escrows to purchase the
4 properties at or near fair market value.

5 c. Defendant BENNETT, Rogers, Simon, Ibarra, and
6 other co-schemers would recruit other relatives and associates
7 (the "straw buyers") to enter into other escrows to purchase the
8 properties from the intermediaries at inflated prices.

9 d. To obtain mortgage loans for the straw buyers,
10 Defendant BENNETT, Rogers, Simon, Ibarra, and Garcia prepared and
11 caused others to prepare fraudulent loan packages concealing the
12 double escrows and falsely representing that the straw buyers
13 were purchasing the properties directly from the original sellers
14 at the inflated prices and that the straw buyers were
15 creditworthy. To support these fraudulent loan packages,
16 Defendant BENNETT, Rogers, Simon, Ibarra, and Garcia prepared and
17 caused others to prepare false and fabricated documentation,
18 including false settlement statements, grant deeds, title
19 reports, down payment checks, pay stubs, W-2 statements, and bank
20 statements.

21 e. Defendant BENNETT, Rogers, Simon, Ibarra, and
22 other co-schemers submitted and caused others to submit these
23 fraudulent loan packages to mortgage lenders in Orange and Los
24 Angeles Counties.

25 7. Based on the fraudulent acts, practices and devices,
26 the mortgage lenders funded the loans. At the close of escrow,
27 Defendant BENNETT, Rogers, Simon, Ibarra, Garcia and other co-

1 schemers received fees, commissions and profits.

2 8. Within months of the resale of the residential
3 properties, the straw buyers typically defaulted on the loan
4 payments, leaving mortgage lenders with losses in excess of
5 \$1,000,000.

6 THE WIRINGS

7 9. On or about the dates set forth below, in the Central
8 District of California and elsewhere, for the purpose of
9 executing the above-described scheme to defraud and attempting to
10 do so, Defendant BENNETT, Rogers, Simon, Ibarra, Garcia, and
11 others caused to be transmitted in interstate commerce by wire
12 communications the following wire transfers from mortgage
13 lenders' accounts outside California to title insurance company
14 and escrow accounts in California.

15	<u>Count</u>	<u>Date</u>	<u>Funds Wired</u>
16	One	7/27/99	The CIT Group's \$270,000 mortgage loan for
17			the purchase of 2612 Griffith Avenue, Los
18			Angeles, California
19	Two	10/14/99	Mortgage Portfolio Services' \$233,750
20			mortgage loan for the purchase of 760 East
21			43rd Place, Los Angeles, California
22	Three	3/1/00	Greenpoint Mortgage Funding, Inc.'s \$225,250
23			mortgage loan for the purchase of 615 West
24			Imperial Highway, Los Angeles, California
25	Four	2/27/01	Laguna Capital Mortgage Corporation's
26			\$248,000 mortgage loan for the purchase of
27			860 Cerritos Avenue, Long Beach, California

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COUNTS FIVE THROUGH ELEVEN

[18 U.S.C. §§ 1344 and 2(b)]

10. The Grand Jury hereby incorporates by reference and realleges each and every allegation of paragraphs one through eight of this indictment.

11. Flagstar Bank, Equicredit Corporation, and First Union Mortgage Corporation were financial institutions and wholly owned subsidiaries of financial institutions the deposits of which were insured by the Federal Deposit Insurance Corporation.

12. On or about the dates set forth below, within the Central District of California, Defendant BENNETT, Rogers, Simon, Garcia, and others, for the purpose of executing the above-described scheme to defraud the following financial institutions and to obtain monies and funds owned by and in the custody and control of these financial institutions by means of materially false and fraudulent pretenses, representations and promises, caused these financial institutions to disburse loan proceeds in the amounts listed below for the purchase of the properties listed below:

<u>Count</u>	<u>Date</u>	<u>Financial Institution, Loan Amount, Property</u>
Five	8/6/99	Flagstar Bank's \$256,000 mortgage loan for the purchase of 245 West 56th Street, Los Angeles, California
Six	8/16/99	Flagstar Bank's \$252,000 mortgage loan for the purchase of 1412 West 94th Place, Los Angeles, California

- 1 Seven 9/17/99 Flagstar Bank's \$247,500 mortgage loan for
2 the purchase of 768 East 43rd Place, Los
3 Angeles, California
- 4 Eight 11/22/00 Equicredit Corporation's \$200,000 mortgage
5 loan for the purchase of 1495 Alamitos
6 Avenue, Long Beach, California
- 7 Nine 11/28/00 Equicredit Corporation's \$232,000 mortgage
8 loan for the purchase of 1105 Ohio Avenue,
9 Long Beach, California
- 10 Ten 3/2/01 Equicredit Corporation's \$248,000 mortgage
11 loan for the purchase of 1304-1306 Junipero
12 Avenue, Long Beach, California
- 13 Eleven 1/8/02 First Union Mortgage Corporation's \$227,500
14 mortgage loan for the purchase of 1052 North
15 Loma Vista Drive, Long Beach, California

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COUNT TWELVE

[18 U.S.C. § 225]

13. The Grand Jury hereby incorporates by reference and realleges each and every allegation of paragraphs one through twelve of this indictment.

14. Beginning on a date unknown and continuing through in or about January 2002, in Los Angeles and Orange Counties, within the Central District of California, Defendant BENNETT knowingly conducted a continuing financial crimes enterprise, in that Defendant BENNETT committed a series of violations under Title 18, United States Code, Sections 1341, 1343, and 1344, which violations were undertaken by Defendant BENNETT, in concert with at least three other persons whom Defendant BENNETT organized, managed, and supervised, and from which continuing series of violations Defendant BENNETT received in excess of \$5,000,000 in gross receipts from on or about April 2, 1999, and ending on or about March 2, 2001.

A TRUE BILL

Foreperson

DEBRA W. YANG
United States Attorney

THOMAS P. O'BRIEN
Assistant United States Attorney
Chief, Criminal Division


KENNETH B. JULIAN
Assistant United States Attorney
Acting Chief, Santa Ana Branch Office