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DISTRICT OF NEVADA  
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6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF NEVADA**  
8 **-oOo-**

9 UNITED STATES OF AMERICA,  
10 Plaintiff,  
11 VS.  
12 BRIAN K. JACKSON,  
13 Defendant.

CRIMINAL INDICTMENT  
2:09-cr- 438  
VIOLATIONS:  
18 U.S.C. § 1349 - Conspiracy to Commit  
Bank Fraud, Mail Fraud, and Wire Fraud

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15 **THE GRAND JURY CHARGES THAT:**

16 **DEFINITIONS**

17 1. A "straw buyer" is an individual who allows residential real estate ("property")  
18 to be purchased in his or her name to facilitate the acquisition of property and to conceal the  
19 identity of the true purchaser from the lender.

20 2. A "third party disbursement" is the issuance of money at the closing of a  
21 mortgage loan to a person or entity that is not typically entitled to money at the close of the  
22 transaction as are the seller, and the parties that facilitated the transaction such as the  
23 realtor, mortgage company, mortgage broker, lender, and the title and escrow company.

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1           d. Defendant caused title and escrow companies to transmit loan  
2 applications, supporting documentation, and financial instruments to lenders by commercial  
3 interstate couriers and interstate wire communications.

4           e. Defendant caused financial institutions to transmit through commercial  
5 interstate couriers and interstate wire communications money to payoff prior mortgage loans  
6 and to fund new mortgage loans.

7           f. Defendant caused title and escrow companies to make third party  
8 disbursements of loan funds to entities controlled by defendant for his own use and benefit.

9           g. Defendant caused renter(s) to occupy the real estate.

10          h. Defendant caused the real estate mortgages to default.

11          7. Defendant committed or caused to be committed overt acts which include,  
12 but are not limited to, the following:

13           a. From in or about March 2002, to on or about April 16, 2002, defendant  
14 caused Timra Galdeira (hereinafter "Galdeira") to act as the straw buyer of 2061 Scenic  
15 Sunrise Drive in Las Vegas, Nevada (hereinafter "Scenic Sunrise").

16           b. Defendant caused to be placed material false information in Galdeira's  
17 loan application regarding her employer, income, assets and intent to occupy Scenic Sunrise  
18 as her primary residence, when defendant then and there well knew that each of those  
19 representations was false and fraudulent.

20           c. From in or about September 2002, to in or about October 2002,  
21 defendant caused Melissa Branske (hereinafter "Branske") to act as the straw buyer of  
22 Scenic Sunrise from Galdeira.

23           d. Defendant caused to be placed materially false and fraudulent  
24 information in Branske's loan application regarding her employer, income and intent to  
25 occupy Scenic Sunrise as her primary residence, when defendant then and there well knew  
26 that each of those representations was false and fraudulent.

1 e. On or about October 23, 2002, defendant caused approximately  
2 \$23,801.63 to be disbursed to himself from the closing of the Branske straw purchase.

3 f. In or about June 2004, defendant purchased Scenic Sunrise from  
4 Branske. Defendant caused to be made the material misrepresentation in his loan  
5 application and supporting documentation that he intended to occupy Scenic Sunrise as his  
6 primary residence when defendant then and there well knew that he had no intention of  
7 occupying Scenic Sunrise as his primary residence.

8 g. On or about July 2, 2004, defendant caused United Title of Nevada  
9 to disburse \$155,209.33 to Unlimited Properties, a limited-liability company controlled by  
10 defendant.

11 h. From on or about September 24, 2002, through in or about November  
12 2004, defendant rented Scenic Sunrise to Frank Stapleton (hereinafter "Stapleton").  
13 Defendant also sold Stapleton an option to purchase Scenic Sunrise. The option gave  
14 Stapleton until September 30, 2004 to purchase Scenic Sunrise for \$230,000. Defendant  
15 then and there well knew that the property was owned in the name of Galdeira and that he,  
16 defendant, was in the process of having Branske purchase Scenic Sunrise from Galdeira.  
17 Stapleton resided in Scenic Sunrise from September 2002, through November 2004.

18 i. On or about May 14, 2008, defendant allowed his mortgage on Scenic  
19 Sunrise to default.

20 All in violation of Title 18, United States Code, Section 1349.

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1 All pursuant to Title 18, United States Code, Section 981(a)(1)(C); Title 28, United  
2 States Code, Section 2461(c); Title 18, United States Code, Sections 1341, 1343, and 1344,  
3 specified unlawful activities as defined in 18 U.S.C. §1956(c)(7)(A) and 1961(1)(B); Title 18,  
4 United States Code, Sections 1349; and Title 21, United States Code, Section 853(p).

5 **FORFEITURE ALLEGATION TWO**  
6 Conspiracy to Commit Mail Fraud, Wire Fraud, and Bank Fraud

7 1. The allegations contained in this Indictment are hereby realleged and  
8 incorporated herein by reference for the purpose of alleging forfeiture pursuant to the  
9 provisions of Title 18, United States Code, Section 982(a)(2)(A).

10 2. Upon conviction of the felony offense charged in this Indictment,

11 **BRIAN K. JACKSON,**

12 defendant herein, shall forfeit to the United States of America any property constituting, or  
13 derived from, proceeds obtained directly or indirectly in violation of Title 18, United States  
14 Code, Sections 1341, 1343, 1344, and 1349, a conspiracy to commit such offense, pursuant  
15 to Title 18, United States Code, Section 982(a)(2)(A), for a criminal forfeiture money  
16 judgment up to \$815,500.00 in United States Currency.

17 3. If any property subject to forfeiture pursuant to Title 18, United States Code,  
18 Section 982(a)(2), as a result of any act or omission of the defendants -

- 19 a. cannot be located upon the exercise of due diligence;  
20 b. has been transferred or sold to, or deposited with, a third party;  
21 c. has been placed beyond the jurisdiction of the court;  
22 d. has been substantially diminished in value; or  
23 e. has been commingled with other property that cannot be divided  
24 without difficulty;

25 it is the intent of the United States, pursuant to Title 18, United States Code, Section  
26 982(b)(1), and Title 21, United States Code, Section 853, to seek forfeiture of properties of

