

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

I certify the foregoing to be a true  
and correct copy of the original.  
SHERYL L. LOESCH, Clerk  
United States District Court  
Middle District of Florida  
By: *[Signature]*  
Deputy Clerk

UNITED STATES OF AMERICA

v.

CLAYTON JOHN, and  
CHRISTOPHER HERNANDEZ

CASE NO.

2:09-CR-115-F+H-995PC  
18 U.S.C. § 1014  
18 U.S.C. § 2  
18 U.S.C. § 982(2)  
(Forfeiture)

FILED  
2009 DEC -2 PM 2:03  
U.S. DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS, FLORIDA

INDICTMENT

The Grand Jury charges:

COUNT ONE

(Loan and Credit Application Fraud - 18 U.S.C. §§ 1014 and 2)

On or about May 11, 2006, in Lee County, in the Middle District of Florida,

CLAYTON JOHN, and  
CHRISTOPHER HERNANDEZ,

defendants herein, aided and abetted by others, for the purpose of influencing the actions of Valley Bank, an institution the accounts of which were insured by the Federal Deposit Insurance Corporation, upon applications, commitments, and loans in the amount of \$244,000, applied for and received by Christopher Hernandez, did knowingly make and cause to be made false statements, in that the defendants caused to be stated and represented, that:

- (a) Applicant's monthly income, length of employment, and bank account were misrepresented. The applicant omitted the existence of newly obtained mortgages on other properties, so stating as to qualify for the aforesaid loans,

SCANNED

whereas, in truth and fact as the defendant then and there well knew such information was false.

In violation of Title 18, United States Code, Sections 1014 and 2.

**COUNT TWO**

(Loan and Credit Application Fraud - 18 U.S.C. §§ 1014 and 2)

On or about August 31, 2006, in Lee County, in the Middle District of Florida,

CLAYTON JOHN,

defendant herein, aided and abetted by others, for the purpose of influencing the actions of First Franklin, an institution the accounts of which were insured by the Federal Deposit Insurance Corporation, upon applications, commitments, and loans in the amount of \$270,000, applied for and received by Emerald Gokool, did knowingly make and cause to be made false statements, in that the defendant caused to be stated and represented, that:

- (a) Applicant's bank account was represented to have \$40,000 on August 31, 2006, to fraudulently qualify for the loan. The Applicant, after qualifying for the loan, returned money to the defendant at the direction of the defendant the day after the closing on September 1, 2006.

In violation of Title 18, United States Code, Sections 1014 and 2.

**COUNT THREE**

(Loan and Credit Application Fraud - 18 U.S.C. §§ 1014 and 2)

On or about September 14, 2006, in Lee County, in the Middle District of Florida,

CLAYTON JOHN,

defendant herein, aided and abetted by others, for the purpose of influencing the actions of Lendmark, an institution the accounts of which were insured by the Federal Deposit Insurance Corporation, upon applications, commitments, and loans in the amount of \$280,000, applied for and received by Emerald Gokool, did knowingly make and cause to be made false statements, in that the defendant caused to be stated and represented, that:

- (a) Applicant's bank account was represented to have \$28,000 on September 14, 2006, to fraudulently qualify for the loan, which was a falsely created balance. The Applicant, after qualifying for the loan, returned money to the defendant at the direction of the defendant the day after the closing on September 15, 2006.

In violation of Title 18, United States Code, Sections 1014 and 2.

### **FORFEITURE**

1. The allegations contained in Counts One through Three of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to the provisions of Title 18, United States Code, Section 982.

2. The defendants shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 982(a)(2), and property constituting, or derived from, proceeds the defendants obtained directly or indirectly, as the result of such violations of Title 18, United States Code, Section 1014, as alleged in Counts One through Three of this Indictment.

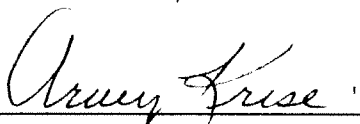
3. If any of the property described above, as a result of any act or omission of the defendants:

- 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,

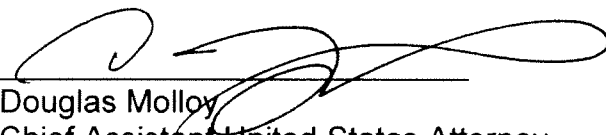
the United States of America shall be entitled to forfeiture of substitute property under the provisions of Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1)(2).

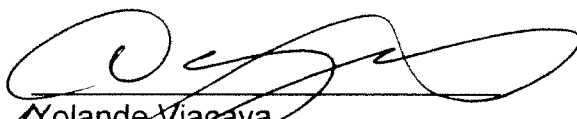
Dated: 12-2-09

A TRUE BILL,

  
\_\_\_\_\_  
Foreperson

A. BRIAN ALBRITTON  
United States Attorney

By:   
\_\_\_\_\_  
Douglas Molloy  
Chief Assistant United States Attorney  
Trial Counsel

By:   
\_\_\_\_\_  
Yolande Viacava  
Assistant United States Attorney  
Asset Forfeiture Attorney

No.

**UNITED STATES DISTRICT COURT**

Middle District of Florida  
Fort Myers Division

THE UNITED STATES OF AMERICA

vs.

CLAYTON JOHN, and  
CHRISTOPHER HERNANDEZ

**INDICTMENT**

Violations:

- 18 U.S.C. § 1014
- 18 U.S.C. § 2
- 18 U.S.C. § 982(a)(2) (Forfeiture)

A true bill,

*Cheryl Krue*

Foreperson

Filed in open court this 2nd day

of December, A.D. 2009.

\_\_\_\_\_  
Clerk

Bail \$ \_\_\_\_\_