

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

FILED
MAR 29 2018
U.S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 JABBAAR SMITH,)
)
 Defendant.)

No. **4:18CR00275 ERW/NCC**

INDICTMENT

The Grand Jury charges:

COUNTS 1 THROUGH 7

(Identity Theft)

A. INTRODUCTION

1. **JABBAAR SMITH** was employed as the Social Services Director at a nursing home facility located in the Eastern District of Missouri in 2015 and 2016.

2. His duties included purchasing items for the facility's residents from funds maintained in their personal accounts. Since accounts with funds more than \$2,000.00 rendered the residents ineligible to receive Medicaid, **JABBAAR SMITH** was required to keep track of their balances.

3. Between December 2015 and January 2016, **JABBAAR SMITH** purchased items from an internet vendor on behalf of four residents who were over the age of 60, L.J., J.M., P.M., and H.T. When **JABBAAR SMITH** returned some of the merchandise, the vendor mailed refund checks made payable to the residents.

4. **JABBAAR SMITH** intercepted the refund checks, and forged the residents' names as endorsements before depositing the checks into his personal bank account without the knowledge and authority of the residents.

5. On January 13, 2016, **JABBAAR SMITH**, or someone at his behest, impersonated A.J.A., a resident of the nursing home who was more than 60 years of age, during a telephone call with the Social Security Administration. Based upon **JABBAAR SMITH'S** response to identifying questions, the administrative agency changed A.J.A.'s direct deposit information so that any payments from the Social Security Administration would be deposited into **JABBAAR SMITH'S** personal financial account. A.J.A. did not authorize the change.

6. **JABBAAR SMITH** also forged the signature of other individuals on checks that represented payments made on behalf of, or to, the nursing home between November 2015 and January 2016, including, but not limited to, the signature of C.W., a nursing home employee, and O.F., the owner of a funeral home that did business with the nursing home.

7. Between November 2015 and February 2016, **JABBAAR SMITH** used his employment in defrauding the elderly residents and the nursing home of more than \$29,000.00.

B. FRAUDULENT TRANSACTIONS

On or about the dates listed below, within the Eastern District of Missouri, the defendant, **JABBAAR SMITH**, in a matter affecting interstate commerce, knowingly transferred, possessed, and used, without lawful authority, the means of identification of another, that being the names of the persons listed below, with the intent to commit, and in connection to the felony crime of forgery, in violation of Missouri Revised Statutes 570.090:

<u>COUNT</u>	<u>DATE</u>	<u>NAME</u>	<u>PAYEE OF FORGED CHECK</u>
1	11/19/2015	C.W.	St. Louis Place Health and Rehabilitation
2	12/28/2015	O.F.	Ozella Foster Funeral Services
3	12/30/2015	L.J.	L.J.
4	12/31/2015	J.M.	J.M.
5	12/31/2015	P.M.	P.M.
6	1/8/2016	O.F.	Ozella Foster Funeral Services
7	1/20/2016	H.T.	H.T.

In violation of Title 18, United States Code, Section 1028(a)(7).

COUNT 8

(Aggravated Identity Theft)

The Grand Jury realleges the facts set forth in paragraphs 1 through 7 of Counts 1 through 7.

On or about January 13, 2016, in the Eastern District of Missouri, the defendant,

JABBAAR SMITH,

did knowingly possess, transfer, and use, without lawful authority, a means of identification of another person, to wit, the name, social security number and date of birth of A.J.A., during and in relation to the commission of the felony offenses of: theft of government funds, Title 18, United States Code, Section 641; making false statements, Title 18, United States Code, Section 1001; and, social security fraud, Title 42, United States Code, Section 408(a)(7)(B).

In violation of Title 18, United States Code, Section 1028A and 2.

COUNT 9

(Aggravated Identity Theft)

The Grand Jury realleges the facts set forth in paragraphs 1 through 7 of Counts 1 through 7.

On or about February 4, 2016, in the Eastern District of Missouri, the defendant,

JABBAAR SMITH,

did knowingly use, without lawful authority, a means of identification of another person, to wit, the name and payee identification number of A.J.A., during and in relation to the commission of the felony offenses of: theft of government funds, Title 18, United States Code, Section 641 and social security fraud, Title 42, United States Code, Section 408(a)(7)(B).

In violation of Title 18, United States Code, Section 1028A.

A TRUE BILL.

FOREPERSON

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