

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

UNITED STATES OF AMERICA)

CR. NO. 8:15-218

18 U.S.C. § 1344

18 U.S.C. § 1957

18 U.S.C. § 981(a)(1)(C)

vs.)

18 U.S.C. § 982(a)(1)

18 U.S.C. § 982(a)(2)

28 U.S.C. § 2461(c)

BENJAMIN LEE HIOTT)

INDICTMENT

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COUNT ONE

THE GRAND JURY CHARGES:

1. At all times relevant to this Indictment, Community First Bank was a financial institution with deposits insured by the Federal Deposit Insurance Corporation.

2. Beginning at least in or around 2010 up to and continuing through February 2011, in the District of South Carolina, the Defendant, BENJAMIN LEE HIOTT, did knowingly and willfully devise and intend to devise a scheme and artifice to defraud Community First Bank, and to obtain moneys, funds, credits, assets, securities, and other property of Community First Bank, by means of materially false and fraudulent pretenses, representations, and promises.

3. It was part of the scheme and artifice that the Defendant, BENJAMIN LEE HIOTT, would transfer Community First Bank funds to Community First Bank customer D.B.B. Trust account ending in #xxxxx1950. The defendant would attempt to conceal the transactions by making false and fraudulent entries into the Community First Bank general ledger.

4. On or about February 23, 2011, in the District of South Carolina, the Defendant, BENJAMIN LEE HIOTT, knowingly and willfully did execute the scheme and artifice to defraud as set forth above, in that he did transfer \$285,233.34 into the D.B.B. Trust account #xxxxx1950, said transfer originating from his withdrawal of \$285,250.00 from Community First Bank's Accrued Interest account funds on the same day.

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

COUNT TWO

THE GRAND JURY FURTHER CHARGES:

On or about August 11, 2010, in the District of South Carolina, the Defendant, BENJAMIN LEE HIOTT, did knowingly engage and attempt to engage in a monetary transaction by, through, or to a financial institution, affecting interstate commerce, in criminally derived property of a value greater than \$10,000.00, that is the wire transfer of funds from the D.B.B. Trust account #xxxxx1950, such property having been derived from a specific unlawful activity, that is bank fraud in violation of Title 18, United States Code, Section 1344;

All in violation of Title 18, United States Code, Section 1957.

COUNT THREE

THE GRAND JURY FURTHER CHARGES:

On or about February 23, 2011, in the District of South Carolina, the Defendant, BENJAMIN LEE HIOTT, did knowingly engage and attempt to engage in a monetary transaction by, through, or to a financial institution, affecting interstate commerce, in criminally derived property of a value greater than \$10,000, that is the purchase of a cashier's check from the D.B.B. Trust account #xxxxx1950, such property having been derived from a specific unlawful activity, that is bank fraud in violation of 18 U.S.C. § 1344;

All in violation of Title 18, United States Code, Section 1957.

FORFEITURE

Upon conviction for one or more violations of Title 18, as charged in Counts 1, 2 and 3 of this Indictment, the Defendant, BENJAMIN LEE HIOTT, shall forfeit to the United States all of Defendant's right, title, and interest in and to property, real and personal,

- (1) which constitutes, or is derived from, any proceeds the Defendant obtained, directly or indirectly, as the result of such violations, and any property traceable to such property, and
- (2) which was involved in violation(s) of Title 18, United States Code, Section 1957, and any property traceable to such property.

PROPERTY:

A. Pursuant to Title 18, United States Code, Sections 982(a)(2), 982(a)(1), 981(a)(1), and Title 28, United States Code, Section 2461(c), the property which is subject to forfeiture upon conviction of the Defendant for the offenses charged in this Indictment includes, but is not limited to, the following:

- 1. Proceeds/ Money Judgment:
 - (a) A sum of money in an amount to be determined and all interest and proceeds traceable thereto, in that such sum equals the value of the property constituting or derived from proceeds the Defendant obtained, directly or indirectly, for which the Defendant is liable.

SUBSTITUTION OF ASSETS:

If any of the property described above as being subject to forfeiture, as a result of any act or omission of the Defendant(s) -

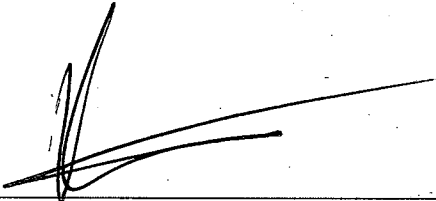
- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or

(5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b)(1), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the said Defendant up to an amount equivalent to the value of the above-described forfeitable property;

Pursuant to Title 18, United States Code, Sections 981(a)(1)(C), 982(a)(1), 982(a)(2), and Title 28, United States Code, Section 2461(c), and any other forfeiture statute applicable to the substantive violations for which the Defendant is convicted.

A True Bill



WILLIAM N. NETTLES (CFS/twd)
United States Attorney

REDACTED
Foreperson

RECORD OF GRAND JURY BALLOT

c/ 8:15-218

THE UNITED STATES OF AMERICA v. BENJAMIN LEE HIOTT
(SEALED UNTILL FURTHER ORDER OF THE COURT)