

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA : CRIMINAL NO.

v. : (Conspiracy to Use Interstate
 : Communication Facilities in the
TAVON DAMEON DAVIS : Commission of Murder-for-Hire,
and : 18 U.S.C. § 1958(a); Use of Interstate
BRUCE ERIC BYRD : Communication Facilities in the
 : Commission of Murder-for-Hire,
 : 18 U.S.C. § 1958(a), (j);
 : Conspiracy to Murder a Witness, Resulting
 : in Death, 18 U.S.C. §§ 1512(a)(1)(C), (3)(A)
 : and (k); Murder of a Witness, 18 U.S.C. §§
 : 1512(a)(1)(C) and (3)(A); Use and
 : Discharge of a Firearm During and in
 : Relation to Crimes of Violence, Causing
 : Death by Murder, 18 U.S.C. § 924(c);
 : Conspiracy to Commit Bank Fraud, 18
 : U.S.C. § 1349; Aiding and Abetting, 18
 : U.S.C. § 2).

.....

INDICTMENT
(Conspiracy to Commit Murder-for-Hire)

The Grand Jury for the District of Maryland charges that:

From on or about December 29, 2010, until on or about April 11, 2011, in the State and
District of Maryland,

TAVON DAMEON DAVIS
and
BRUCE ERIC BYRD,

the Defendants herein, with each other and with Conspirator #3, whose identity is known to the

grand jury, did knowingly and unlawfully combine, conspire and agree to violate 18 U.S.C. §1958(a), specifically, to use and cause another to use a facility of interstate commerce, to wit: various means, including cellular telephones of the interstate communication system of the United States, with intent that the murder of Isaiah Cortez Callaway (“Callaway”) be committed in violation of the laws of the State of Maryland and the United States, as consideration for the receipt of, and as consideration for a promise and agreement to pay, something of pecuniary value, to wit, a sum of United States currency, resulting in the death of Isaiah Cortez Callaway.

The Conspiracy to Commit the Murder-for-Hire of Isaiah Cortez Callaway

a. From at least in or about May 2009, through November 9, 2011, Defendants TAVON DAMEON DAVIS (“DAVIS”), BRUCE ERIC BYRD (“BYRD”), Conspirator #3 and others known and unknown the grand jury were involved in a scheme to steal money orders and checks and to defraud banks in Maryland and elsewhere. The scheme involved, first, the theft of money orders and checks from rent deposit boxes located at apartment complexes in Maryland and elsewhere. At DAVIS’s direction, individuals were recruited to open fraudulent business savings, checking and payroll accounts at banks, including TD Bank, SunTrust and Bank of America. These individuals used their own identification in addition to documents provided by DAVIS that purported to authenticate the fraudulent businesses for which the accounts were being opened. DAVIS, Conspirator #3 and other members of the fraud conspiracy then altered the payee of the stolen money orders and checks to correspond to the name of a fraudulent business account, deposited the stolen money orders and checks into the fraudulent accounts and then withdrew the deposited funds through ATMs and by other means before the banks discovered that the money orders and checks deposited into the fraudulent accounts were stolen.

b. Between May 2009 and October 2011, DAVIS, BYRD, Conspirator #3 and other members of the fraud conspiracy deposited stolen money orders and checks in the amount of \$154,867 into fraudulent business accounts at SunTrust Bank, following which DAVIS, BYRD and other members of the conspiracy withdrew the deposited funds from the fraudulent business accounts at SunTrust Bank.

c. Between March 2010 and February 2011, DAVIS, BYRD, Conspirator #3 and other members of the fraud conspiracy deposited stolen money orders and checks in the amount of \$211,748 into fraudulent business accounts at Bank of America, following which DAVIS, BYRD and other members of the conspiracy withdrew the deposited funds from the fraudulent business accounts at Bank of America.

d. Between June 2010 and February 2011, DAVIS, BYRD, Conspirator #3 and other members of the fraud conspiracy deposited stolen money orders and checks in the amount of \$146,948 into fraudulent business accounts at TD Bank, following which DAVIS, BYRD and other members of the conspiracy withdrew the deposited funds from the fraudulent business accounts at TD Bank.

e. From May 2009 until April 2011, Isaiah Cortez Callaway participated in the bank fraud scheme at DAVIS's direction. DAVIS directed Callaway to open fraudulent bank accounts; deposit stolen money orders into fraudulent bank accounts; withdraw deposited funds from fraudulent bank accounts; recruit and pay individuals to open the fraudulent business accounts; and to provide these individuals with documentation for presentation to the banks in support of the fraudulent business accounts.

f. On December 29, 2010, Callaway was arrested by the Baltimore County Police while he

was in the process of directing two individuals, A.K and D.S., to open fraudulent business accounts at TD Bank and Bank of America.

g. Pursuant to applicable Maryland criminal statutes, Callaway was charged with possession of counterfeit documents and theft.

h. Following his arrest on December 29, 2010, Callaway was interviewed by Baltimore County Police fraud detectives, in the course of which Callaway admitted his participation in the bank fraud scheme. Callaway told detectives that he was directed in the scheme by another individual who had recruited and paid him.

i. DAVIS learned of Callaway's Baltimore County arrest and met with him immediately upon his pre-trial release on the Baltimore County fraud charges.

j. In January 2011, DAVIS referred Callaway to L.F., a Baltimore County attorney, to represent Callaway in relation to the Maryland criminal fraud charges.

k. In March 2011, M.H., a U.S. Postal Inspector and a federal "law enforcement officer" as defined at 18 U.S.C. § 1515(a)(4), contacted L.F. and informed him that federal law enforcement officers were interested in interviewing Callaway about the bank fraud scheme.

l. In April 2011, T.F., an Assistant United States Attorney ("AUSA") for the District of Maryland, was assisting federal law enforcement officers in their investigation of the bank fraud scheme for which Callaway had been charged in Maryland. On April 5, 2011, AUSA T.F. informed Callaway's attorney, L.F., that the AUSA and federal law enforcement officers wished to interview Callaway in order to obtain information about the fraud scheme, including the identity of other participants.

m. On April 5, 2011, Callaway's attorney, L.F., contacted DAVIS on cellular phone (443)

***1956 and informed DAVIS that a federal prosecutor and federal law enforcement officers were seeking to interview Callaway about the bank fraud scheme.

n. On April 5, 2011, DAVIS used cellular telephone number (443) *** 1956 to call BYRD at cellular telephone number (443) *** 5056 in furtherance of facilitating the murder-for-hire of Callaway by BYRD.

o. Between April 5, 2011, and April 11, 2011, at 2:00 a.m., DAVIS used cellular telephone number (443)***1956 fourteen times to contact BYRD at cellular telephone number (443) *** 5059 to facilitate the murder-for-hire of Callaway by BYRD.

p. Between April 5, 2011, and April 11, 2011, at 2:00 a.m., DAVIS used cellular telephone number (443) *** 1956 forty-seven times to contact BYRD at cellular telephone number (443)*** 7397 to facilitate the murder-for-hire of Callaway by BYRD.

q. Between April 5, 2011, and April 11, 2011, at 12:02 a.m., DAVIS used cellular telephone number (443) *** 6714 sixty-eight times to contact Callaway at cellular telephone number (443) *** 8598 to facilitate the murder-for-hire of Callaway by BYRD.

r. On the afternoon of Sunday, April 10, 2011, DAVIS used cellular telephone number (443) *** 6714 to call Callaway's cellular telephone number, (443) *** 8598, to ostensibly arrange a meeting later that night.

s. In a series of telephone calls between 11:52 p.m. on April 10, 2011 and 2:00 a.m. on April 11, 2011, DAVIS used cellular telephone number (443) *** 6714 to call Callaway at cellular (443) *** 8598 for the purpose of directing Callaway to a meeting with BYRD on the 1700 block of Crystal Avenue, Baltimore, MD; during the same period, DAVIS used cellular telephone (443) *** 1956 to alert BYRD, who had agreed to murder Callaway, that Callaway was on the way and

to coordinate BYRD's rendezvous with Callaway.

t. On April 11, 2011, at approximately 1:29 a.m., at DAVIS's direction, BYRD shot and killed Callaway in order to prevent Callaway from providing information to federal law enforcement authorities about the bank fraud scheme.

OVERT ACTS

During the course of and in furtherance of the conspiracy, and to effect the objects thereof, at least one of the coconspirators committed the following acts, among others, in the State and District of Maryland:

1. On several occasions between December 29, 2010, and April 11, 2011, DAVIS, BYRD and Conspirator #3 met to discuss the murder for hire of Isaiah Cortez Callaway in order to prevent Callaway from providing federal law enforcement officers with information about the bank fraud scheme in which DAVIS, BYRD, Conspirator #3 and others known and unknown to the grand jury were involved.

2. On fourteen occasions between April 5, 2011, and April 11, 2011, each of which is an overt act, DAVIS, BYRD, and Conspirator #3 used and caused to be used cellular telephone number (443) *** 5056 to arrange and facilitate the murder-for-hire of Callaway.

3. On forty-seven occasions between April 6, 2011, and April 11, 2011, at 2:00 a.m., each of which is an overt act, DAVIS used and caused to be used cellular telephone number (443) *** 1956 to communicate with BYRD on cellular telephone number (443) *** 7397 in order to direct BYRD to murder Isaiah Cortez Callaway and to facilitate payment of BYRD for the murder of Callaway.

4. On sixty-eight occasions between April 5, 2011, and April 11, 2011, at

12:02 a.m., each of which is an overt act, DAVIS used and caused to be used cellular number (443) *** 6714 to contact Callaway on telephone number (443) *** 8598 for the purpose of directing Callaway to the 1700 block of Crystal Avenue, Baltimore, MD, where Callaway was shot and killed by BYRD at the direction of DAVIS.

5. At approximately 1:29 a.m. on April 11, 2011, BYRD used and discharged a 10mm semi-automatic handgun against Callaway while Callaway was seated in the driver's seat of a vehicle parked on the 1700 block of Crystal Avenue, Baltimore, MD, resulting in the death of Isaiah Cortez Callaway.

6. On April 11, 2011, DAVIS met with BYRD and paid him \$2000 for the murder of Callaway. Conspirator #3 contributed to this payment.

18 U.S.C. § 1958(a)

COUNT TWO
(Murder for Hire)

The Grand Jury for the District of Maryland further charges that:

From on or about December 29, 2010, until on or about April 11, 2011, in the State and District of Maryland,

TAVON DAMEON DAVIS
and
BRUCE ERIC BYRD,

the Defendants herein, did use and cause another to use a facility of interstate commerce, to wit: various means, including cellular telephones that are part of the interstate telecommunication system of the United States, as described in Count One, which is incorporated herein, with intent that the murder of Isaiah Cortez Callaway be committed in violation of the laws of the State of Maryland and the United States as consideration for the receipt of, and as consideration for a promise and agreement to pay, something of pecuniary value, to wit: a sum of United States currency, resulting in the death of Isaiah Cortez Callaway.

18 U.S.C. §1958(a)
18 U.S.C. § 2

COUNT THREE
(Conspiracy to Murder a Witness)

The Grand Jury for the District of Maryland further charges that:

From on or about December 29, 2010, until on or about April 11, 2011, in the State and District of Maryland,

TAVON DAMEON DAVIS
and
BRUCE ERIC BYRD,

the Defendants herein, with each other and with Conspirator #3, whose identity is known to the grand jury, did knowingly and unlawfully combine, conspire and agree to kill a person with intent to prevent the communication by any person to a law enforcement officer of the United States of information relating to the commission and possible commission of a Federal offense, to wit: bank fraud and conspiracy to commit bank fraud, in violation of 18 U.S.C. §§ 1344 and 1349, respectively, which killing is a first-degree murder as defined in 18 U.S.C. § 1111, in that the Defendants, with malice aforethought, unlawfully killed a human being, Isaiah Cortez Callaway, willfully, deliberately, maliciously and with premeditation.

OVERT ACTS

During the course of and in furtherance of the conspiracy, and to effect the objects thereof, at least one of the coconspirators committed overt acts in the State and District of Maryland, including the overt acts set forth in Count One of this Indictment, which is incorporated herein.

18 U.S.C. §§ 1512(a)(1)(C), (3)(A) and (k)

COUNT FOUR
(Murder of a Witness)

The Grand Jury for the District of Maryland further charges that:

On or about April 11, 2011, in the State and District of Maryland,

TAVON DAMEON DAVIS
and
BRUCE ERIC BYRD,

the Defendants herein, did knowingly and unlawfully kill a person with intent to prevent the communication by any person to a law enforcement officer of the United States of information relating to the commission and possible commission of a Federal offense, to wit: bank fraud and conspiracy to commit bank fraud, in violation of 18 U.S.C. §§ 1344 and 1349, respectively, which killing is a first-degree murder as defined in 18 U.S.C. § 1111, in that the Defendants, with malice aforethought, unlawfully killed a human being, Isaiah Cortez Callaway, willfully, deliberately, maliciously and with premeditation.

18 U.S.C. §§ 1512(a)(1)(C) and (3)(A)
18 U.S.C. § 2

COUNT FIVE
(Use of Firearm In Relation to Crimes of Violence)

The Grand Jury for the District of Maryland further charges that:

On or about April 11, 2011, in the State and District of Maryland,

TAVON DAMEON DAVIS
and
BRUCE ERIC BYRD,

the Defendants herein, did knowingly use, carry and discharge a firearm during and in relation to crimes of violence for which they may be prosecuted in a court of the United States, to wit:

a. Violation of 18 U.S.C. § 1958, to wit: conspiracy to use and cause another to use a facility in interstate commerce with intent that a murder be committed in violation of the laws of the State of Maryland and the United States, which resulted in the death of Isaiah Cortez Callaway, as charged in Count One of this Indictment, which is incorporated herein; and,

b. Violation of 18 U.S.C. § 1958, to wit: using and causing another to use a facility in interstate commerce with intent that a murder be committed in violation of the laws of the State of Maryland and the United States, which resulted in the death of Isaiah Cortez Callaway, as charged in Count Two of this Indictment, which is incorporated herein; and,

c. Violation of 18 U.S.C. § 1512(a)(1)(C), to wit: conspiracy to kill a person with intent to prevent the communication by any person to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense, as set forth in Count Three of this Indictment, which is incorporated herein; and,

d. Violation of 18 U.S.C. § 1512(a)(1)(C), to wit: killing a person with intent to prevent the communication by any person to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense, as set forth in

Count Four of this Indictment, which is incorporated herein.

18 U.S.C. § 924(c)(1)(A)(iii)

18 U.S.C. § 2

COUNT SIX
(Conspiracy to Commit Bank Fraud)

The Grand Jury for the District of Maryland further charges that:

Introduction

At all times relevant to this Indictment:

1. DAVIS, BYRD, Conspirator #3, and Isaiah Cortez Callaway were residents of Baltimore, Maryland.

2. The following banking and credit card companies (the "financial institutions") were financial institutions as defined by Section 20 of Title 18, United States Code, and were doing business in Maryland: (a) TD Bank; (b) SunTrust Bank; and (c) Bank of America.

3. Between at least in or about May 2009 and in or about November 2011, in the District of Maryland and elsewhere, DAVIS, BYRD, Conspirator #3 and other persons known and unknown to the Grand Jury engaged in a scheme and artifice to defraud the financial institutions and to obtain monies from fraudulent third party bank accounts owned by, and under the custody of, such financial institutions ("the scheme to defraud").

4. The allegations and description of the offense set forth in Count One are incorporated by reference herein.

The Conspiracy and Scheme to Defraud

5. It was part of the conspiracy and scheme to defraud that DAVIS, BYRD, Conspirator #3 and other persons known and unknown to the Grand Jury stole money orders and checks that had been placed by tenants in rent collection receptacles at apartment complexes in Maryland, Virginia, Delaware and elsewhere. The stolen money orders and checks had been sold by the United States Postal Service, financial institutions such as Woodforest National Bank, and various money order

companies including Money Gram, Western Union, and Global Express.

6. It was further part of the conspiracy and scheme to defraud that DAVIS, Conspirator #3, and persons known and unknown to the Grand Jury recruited more than seventeen individuals to use their identification to open over fifty-seven fraudulent business savings and checking accounts at various banks in Maryland and elsewhere, including branches of TD Bank, SunTrust and Bank of America.

7. It was further part of the conspiracy and scheme to defraud that DAVIS and BYRD recruited Isaiah Cortez Callaway to cash, and direct others to cash, stolen money orders and checks at various check cashing stores and businesses; to deposit stolen money orders into fraudulent bank accounts; to obtain and create documentation for fraudulent bank accounts; to recruit and pay numerous individuals to use their identification to open fraudulent bank accounts; to drive individuals to various banks to open fraudulent accounts; and to withdrawal cash proceeds from the fraudulent bank accounts.

8. It was further part of the conspiracy and scheme to defraud that DAVIS and persons known and unknown to the Grand Jury provided individuals recruited to open the fraudulent accounts with supporting documentation, to include corporate charters and articles of incorporation issued by the State of Maryland.

9. It was further part of the conspiracy and scheme to defraud that DAVIS, BYRD, Conspirator #3 and persons known and unknown to the Grand Jury altered the stolen money orders and checks by “washing” the name of the intended payee and replacing the payee with the name of one of the fraudulent accounts.

10. It was further part of the conspiracy and scheme to defraud that DAVIS, BYRD,

Conspirator #3 and persons known and unknown to the Grand Jury deposited the stolen money orders and checks into the various fraudulent accounts, after which the deposited funds were withdrawn for the coconspirators' own personal benefit. DAVIS, BYRD, Conspirator #3 and other members of the conspiracy also cashed stolen money orders and checks and used the proceeds to purchase "clean" money orders, which were then deposited into the fraudulent accounts. Between May 2009 and February 2011, DAVIS directed the deposit of stolen money orders and checks into fraudulent accounts in the following amounts:

SunTrust (from May 2009 to October 2010)	\$154,867
TD Bank (from June 2010 to February 2011)	\$146,948
Bank of America (from March 2010 to February 2011)	\$211,748

11. It was further part of the conspiracy and scheme to defraud that DAVIS, BYRD, Conspirator #3 and persons known and unknown to the Grand Jury used various cellphones to facilitate the operation of the bank fraud scheme, including cellphones (443) *** 6714 and (443)*** 1956, which DAVIS used, and (443) *** 8598, which Callaway used.

12. It was further part of the conspiracy and scheme to defraud that after Callaway was arrested in Baltimore County in December 2010, DAVIS, BYRD, Conspirator #3 met together several times in the course of which they agreed to murder Callaway. Pursuant to that agreement, on April 11, 2011, BYRD, DAVIS and Conspirator #3 murdered Callaway in order to prevent Callaway from identifying them as members of the bank fraud scheme to federal law enforcement officers; to prevent the federal prosecution of DAVIS, BYRD, Conspirator #3 and other members of the conspiracy; to protect the ongoing operation of the bank fraud scheme; to prevent the identification of fraudulent bank accounts opened by members of the conspiracy; to prevent Callaway from disclosing the identity

of persons used to open fraudulent bank accounts; to prevent Callaway from identifying other persons with knowledge of the bank fraud scheme to federal law enforcement officers; and to prevent Callaway from revealing details of the manner and means of the money order theft and bank fraud scheme to federal law enforcement officers.

The Charge

13. Between at least in or about May 2009 and in or about November 2011, in the District of Maryland and elsewhere,

**TAVON DAMEON DAVIS
and
BRUCE ERIC BYRD,**

the Defendants herein, did conspire and agree with each other, with Conspirator #3 and with other persons known and unknown to the Grand Jury to knowingly and willfully execute and attempt to execute a scheme and artifice to defraud financial institutions and to obtain monies, funds, credits, assets, and securities owned by and under the control of financial institutions, by means of false and fraudulent pretenses, representations and promises, in violation of 18 U.S.C. § 1344.

18 U.S.C. § 1349

Date

Rod J. Rosenstein
United States Attorney

A TRUE BILL:

Foreperson

Date

