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**FILED**

OCT 25 2006

U.S. DISTRICT COURT  
BAY CITY, MICHIGAN

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Crim. No. 06-CR-06-20514-BC

v.

PATRICK B. KALAHAR,

Defendant.

\_\_\_\_\_ /

**FIRST SUPERSEDING INDICTMENT**

THE GRAND JURY CHARGES:

**COUNT 1**  
**(18 USC § 1344)**

On or about **July 28, 2004**, in the Eastern District of Michigan, Northern Division, Patrick B. Kalahar, defendant herein, did knowingly execute a scheme and artifice to defraud Credit Union Plus, a financial institution as defined in Title 18, United States Code, section 20, and to obtain any of the monies, funds, credits, assets, securities and other property owned by and under the custody and control of Credit Union Plus by means of false and fraudulent pretenses, representations, and promises, and did attempt to do so, in that on or about July 28, 2004, Patrick B.

Kalahar deposited or caused to be deposited an Individual Retirement Account (IRA) disbursement check in the approximate amount of \$63,860.72 into his business account at Credit Union Plus, well knowing that a stop payment had been issued on the check and that he was not entitled to the funds represented by the check, and then subsequently withdrew money from his account from the deposited funds, contrary to Title 18, United States Code, section 1344.

**COUNT 2**  
**(18 USC § 1344)**

On or about **July 29, 2004**, in the Eastern District of Michigan, Northern Division, Patrick B. Kalahar, defendant herein, did knowingly execute a scheme and artifice to defraud Credit Union Plus, a financial institution as defined in Title 18, United States Code, section 20, and to obtain any of the monies, funds, credits, assets, securities and other property owned by and under the custody and control of Credit Union Plus by means of false and fraudulent pretenses, representations, and promises, and did attempt to do so, in that on or about July 29, 2004, Patrick B. Kalahar deposited or caused to be deposited a check in the approximate amount of \$80,500 drawn on his business account at Prairie Bank & Trust, well knowing that it did not have sufficient funds and that he was not entitled to the funds represented by the check, and then subsequently withdrew money from his account from the

deposited funds, contrary to Title 18, United States Code, section 1344.

**COUNT 3**  
**(18 USC § 1344)**

On or about **July 30, 2004**, in the Eastern District of Michigan, Northern Division, Patrick B. Kalahar, defendant herein, did knowingly execute a scheme and artifice to defraud Credit Union Plus, a financial institution as defined in Title 18, United States Code, section 20, and to obtain any of the monies, funds, credits, assets, securities and other property owned by and under the custody and control of Credit Union Plus by means of false and fraudulent pretenses, representations, and promises, and did attempt to do so, in that on or about July 30, 2004, Patrick B. Kalahar deposited or caused to be deposited a check in the approximate amount of \$90,810, drawn on business account at Prairie Bank & Trust, well knowing that it did not have sufficient funds and that he was not entitled to the funds represented by the check, and then subsequently withdrew money from his account from the deposited funds, contrary to Title 18, United States Code, section 1344.

**COUNT 4**  
**(18 USC § 152)**

That on or about **June 15, 2005**, in the Eastern District of Michigan, Northern Division, Patrick B. Kalahar, defendant herein, did knowingly and

fraudulently make a false material declaration and certification under penalty of perjury in relation to a bankruptcy matter, Bankruptcy Case No. 05-22477, in that he filed or caused to be filed with the Clerk of the United States Bankruptcy Court for the Eastern District of Michigan, a Declaration Concerning Debtor's Schedules in which he certified that Credit Union Plus had two outstanding claims (against the Bankruptcy Estate), one for \$8,000 and the other for \$1,854.83.

In truth and fact, as the defendant then well knew, he was then being pursued for collection on a claim in excess of \$100,000 separate from the two claims enumerated above by Credit Union Plus for a debt incurred to that credit union in approximately late July or August, 2004. In violation of Title 18, United States Code, section 152.

**COUNT 5**  
**(18 USC § 152)**

That on or about **June 15, 2005**, in the Eastern District of Michigan, Northern Division, Patrick B. Kalahar, defendant herein, did knowingly and fraudulently make a false material declaration and certification under penalty of perjury in relation to a bankruptcy matter, Bankruptcy Case No. 05-22477, in that he filed or caused to be filed with the Clerk of the United States Bankruptcy Court for the Eastern District of Michigan, a Statement of Financial Affairs in which he

was specifically asked for and required to list all financial accounts and instruments that had been closed within the one year of the commencement of his bankruptcy. The defendant falsely stated and represented "none". In truth and fact, as the defendant then well knew, one or more financial accounts held in his name or for his benefit at Credit Union Plus had been closed within the time period called for by bankruptcy court form, in violation of Title 18, United States Code, section 152.

Dated: October 25, 2006

THIS IS A TRUE BILL

s/Grand Jury Foreperson 2006-1

STEPHEN J. MURPHY  
United States Attorney

s/Michael Hluchaniuk (P15007)  
Supervisory Assistant U.S. Attorney

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United States District Court Eastern District of Michigan	<b>Criminal Case Cover Sheet</b>	Case Number 06-20514
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NOTE: It is the responsibility of the Assistant U.S. Attorney signing this form to complete it accurately in all respects.

<b>Companion Case Information</b>	Companion Case Number:
This may be a companion case based upon LCrR 57.10 (b)(4) <sup>1</sup> :	Judge Assigned:
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	AUSA's Initials: <b>FILED</b>

Case Title: USA v. Patrick B. Kalahar

OCT 25 2006

County where offense occurred : Bay

U.S. DISTRICT COURT  
BAY CITY, MICHIGAN

Check One:       Felony       Misdemeanor       Petty

- Indictment/  Information --- no prior complaint.  
 Indictment/  Information --- based upon prior complaint [Case number: ]  
 Indictment/  Information --- based upon LCrR 57.10 (d) [Complete Superseding section below].

**Superseding Case Information:**

Superseding to Case No: 06-20514

Judge: Thomas L. Ludington

- Original case was terminated; no additional charges or defendants.  
 Corrects errors; no additional charges or defendants.  
 Involves, for plea purposes, different charges or adds counts.  
 Embraces same subject matter but adds the additional defendants or charges below:

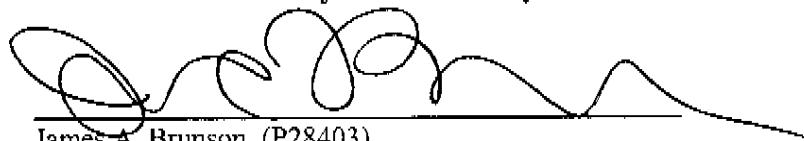
Defendant name

Charges

18 USC § 152

Please take notice that the below listed Assistant United States Attorney is the attorney of record for the above captioned case.

25 OCT 06  
Date



James A. Brunson (P28403)  
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<sup>1</sup> Companion cases are matters in which it appears that (1) substantially similar evidence will be offered at trial, (2) the same or related parties are present, and the cases arise out of the same transaction or occurrence. Cases may be companion cases even though one of them may have already been terminated.