

FILED

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

2009 DEC -9 PM 3:31

CLERK
FOR THE UNITED STATES DISTRICT
COURT OF INDIANA

UNITED STATES OF AMERICA)	INDICTMENT
)	(31 counts)
)	
)	
v.)	18 U.S.C. § 1343
)	18 U.S.C. § 1341
)	18 U.S.C. § 1957
BYRON LEVON CANADA)	18 U.S.C. § 371
aka BARNEY L. CANADA and)	
aka THE VERY REVEREND)	
FATHER BARNEY (01);)	
TRINITY TRUST FINANCIAL)	
SERVICES LLC (02);)	
PROVIDENCE FUNDING INC. (03))	

3:09CR 156

THE GRAND JURY CHARGES:

**Counts 1 - 24
(wire fraud)**

In or around 2004 through 2009, in the Northern District of Indiana, and elsewhere,

**BYRON LEVON CANADA, TRINITY TRUST FINANCIAL SERVICES LLC,
and PROVIDENCE FUNDING INC.,**

defendants herein, having devised a scheme an artifice to defraud and for obtaining money by means of false and fraudulent pretenses, representations, and promises caused to be transmitted by means of wire and radio communication in interstate commerce

writings, signals, and sounds for the purpose of executing such scheme and artifice, as follows.

<u>Count</u>	<u>Date*</u>	<u>Interstate item</u>
1	December 23, 2004	Fax re attorney information (A)
2	January 31, 2005	Wire transfer for \$25,000 (B)
3	April 7, 2006	Wire transfer for \$9,500 (C)
4	April 13, 2006	Wire transfer for \$25,000 (D)
5	July 17, 2006	Wire transfer for \$20,000 (E)
6	September 15, 2006	Wire for \$20,000 (F)
7	November 6, 2006	Wire transfer for \$15,000 (G)
8	April 26, 2007	Wire transfer for \$20,000 (H)
9	June 28, 2007	Wire transfer for \$25,000 (I)
10	July 18, 2007	Wire transfer for \$20,000 (J)
11	September 7, 2007	Wire transfer for \$200,000(K)
12	October 15, 2007	Wire transfer for \$10,000 (L)
13	October 18-19, 2007	Wire transfer for \$25,000 (M)
14	November 28, 2007	Wire transfer for \$25,000 (N)
15	January 18, 2008	Wire transfer for \$100,000 (O)
16	March 26, 2008	Wire transfer for \$125,000 (P)
17	April 2, 2008	Wire transfer for \$125,000 (Q)

18	May 2, 2008	Wire transfer for \$25,000 (R)
19	May 15, 2008	Wire transfer for \$110,000 (S)
20	May 19, 2008	Wire transfer for \$25,000 (T)
21	May 27, 2008	Wire transfer for \$70,000 (U)
22	May 28, 2008	Wire transfer for \$25,000 (V)
23	September 3, 2008	Wire transfers for \$14,000 (W)
24	September 4, 2008	Wire transfer for \$11,000 (X)

In violation of Title 18, United States Code, Sections 1343.

* all dates on or about.

THE GRAND JURY FURTHER CHARGES:

**Count 25-26
(mail fraud)**

In or around 2004 through 2009, in the Northern District of Indiana, and elsewhere,

**BYRON LEVON CANADA, TRINITY TRUST FINANCIAL SERVICES LLC,
and PROVIDENCE FUNDING INC.,**

defendant herein, having devised a scheme an artifice to defraud and for obtaining money by means of false and fraudulent pretenses, representations, and promises caused to be deposited matters and things to be sent and delivered by the Postal Service and private/commercial interstate carriers for the purpose of executing such scheme and artifice, as follows.

<u>Count</u>	<u>Date*</u>	<u>Mailed/sent item</u>
25	April 2007	Sent check for \$5,000 (Y)
26	October 2007	Sent check for \$100,000 (Z)

In violation of Title 18, United States Code, Section 1341.

* all dates on or about.

THE GRAND JURY FURTHER CHARGES:

**Counts 27-30
(Unlawful Transactions - Money Laundering)**

On or about the dates set forth below, in the Northern District of Indiana, and elsewhere,

**BYRON LEVON CANADA, TRINITY TRUST FINANCIAL SERVICES LLC,
and PROVIDENCE FUNDING INC.,**

defendants herein, knowingly engaged and attempted to engage in monetary transactions by, through, or to a financial institution affecting interstate or foreign commerce in criminally derived property of a value greater than \$10,000, that is the withdrawal, transfer, and exchange of U.S. currency, funds, and monetary instruments, such property having been derived from a specified unlawful activity, that is, wire/mail fraud.

<u>Count</u>	<u>Date*</u>	<u>Monetary Transaction</u>
27	October 2007	Withdrawal of funds and purchase of \$20,139.47 cashier's check
28	November 2007	Withdrawal of funds and purchase of \$23,900 cashier's check
29	November 2008	Cashier's Check for \$20,000 deposited into Amanda Canada's account at Bank of America
30	January 2009	Check for \$10,570.42 to pay 2005 tax liability of the defendant

In violation of Title 18, United States Code, Sections 1957 and 2.

* all dates on or about.

THE GRAND JURY FURTHER CHARGES:

**Count 31
(Conspiracy)**

1. The allegations of Counts 1 through 30 above are incorporated here as if set forth in full.

2. From in or around 2004, the exact date being unknown to the Grand Jury, and continuing to in or around 2009, in the Northern District of Indiana, and elsewhere,

**BYRON LEVON CANADA, TRINITY TRUST FINANCIAL SERVICES LLC,
and PROVIDENCE FUNDING INC.**

defendants herein, did unlawfully and knowingly conspire, combine, confederate, and agree with other persons to commit offenses against the United States, specifically, mail and wire fraud as well as money laundering.

Overt Acts

3. In furtherance of the conspiracy, the following overt acts were committed in the Northern District of Indiana and elsewhere:

a. the defendants caused advertisements to be run in USA Today in order to attract victims to their advance fee scheme.

b. the defendants used websites and online solicitations in order to attract victims to their advance fee scheme.

c. defendant Canada represented himself to be a priest and dressed in cleric garb when meeting with victims in order to give the defendants' advance fee scheme an

aura of legitimacy and honesty.

d. the defendants suggested and represented that they were affiliated with other financial firms better known in order to give the advance fee scheme an aura of legitimacy.

e. defendant Canada misrepresented Provident Funding Inc. and Trinity Trust Financial LLC as direct lenders with their own source of funds. In particular, on or about May 24, 2008, defendant Canada submitted a declaration to a U.S. Bankruptcy in the Southern District of California attesting that he was the President of Providence Funding Inc. and that Providence “was a direct lender with its own source of funds.” In another proceeding, in Broward County, Florida, defendant Canada testified under oath on April 9, 2008 that Providence was a “commercial private lender.” In truth, Providence and Trinity were not direct lenders with their own source of funds.

f. the defendants used an attorney located in South Bend, Indiana to assist in establishing the corporate form of the corporate defendants and with communications with victims of the advance fee scheme. Defendant Trinity Trust Financial LLC was set up in 2002 and Providence Funding Inc. was set up in 2005.

g. the defendants used accounts they maintained at Notre Dame Federal Credit Union and LaSalle Bank (later Bank of America) to receive monies from victims of the advance fee scheme.

h. the defendants falsely represented the amount of loans that they have

closed. For example, defendant Canada falsely testified under oath on April 9, 2008 in the Circuit Court of Broward County, Florida that Providence Funding Inc. had closed \$30-40 million in loans in the prior 90 days. In that same proceeding, defendant Canada falsely testified that he and Providence had previously financed (loaned money) for marina facilities.

In violation of Title 18, United States Code, Section 371.

FORFEITURE ALLEGATION

Upon conviction of one or more of the offenses alleged in Counts 1 through 31 of this Indictment, the defendants shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1), 28 U.S.C. § 2461, and 18 U.S.C. § 982, any property, real or personal, involved in the transactions or attempted transactions in violation of Title 18, United States Code, Section 1957, or any property traceable to such property, as well as any property, real or personal, which constitutes or is derived from proceeds traceable to the offenses alleged this Indictment, including but not limited to the following:

1. MONEY JUDGMENT - A sum of money equal to \$2,700,000 in United States currency, representing the amount of proceeds obtained as a result of the offenses.

If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (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;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p) as incorporated by

18 U.S.C. § 982(b), to seek forfeiture of any other property of said defendant up to the value of the forfeitable property described above.

Dated: December 9, 2009

A TRUE BILL:

s/ Foreperson

Grand Jury Foreperson

DAVID A. CAPP
UNITED STATES ATTORNEY

s/ Donald J. Schmid
By: _____
Donald J. Schmid
Assistant United States Attorney