

FILED

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CLERK OF DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MURDYTHA STUBBS,

Defendant.

INDICTMENT

1 : 03 CR

CR. NO.

Title 29, Sections 439(c) and
501(c), United States Code; and
Title 18, Sections 3742 and 3743, United
States Code

JUDGE OLIVER

COUNT 1

The Grand Jury charges:

1. That all times hereinafter mentioned and within the meaning of Sections 3(i) and 3(j) of the Labor-Management Reporting and Disclosure Act of 1959, 29 U.S.C. §§402(i) and 402(j), hereinafter referred to as the Act:

(a) United Steelworkers of America, Local 3586, hereinafter referred to as the Union, was and is a labor organization representing employees in an industry affecting commerce and has conducted and conducts its operations in Cleveland, Ohio, and maintains an

office in Cleveland, Ohio.

(b) At all times relevant herein, the defendant, MURDYTHA STUBBS, was the Vice President of the Union and as such was an officer and an employee of a labor organization within the meaning of Sections 3(f) and 3(n) of the Act [29 U.S.C. §§402(f) and (n)].

2. That from approximately December 1998, through December 1999, in the Northern District of Ohio, Eastern Division, and elsewhere, the defendant, MURDYTHA STUBBS, did unlawfully and willfully embezzle, steal, and abstract and convert to his own use, and the use of others, namely: Cynthia Barner and Enner Ree Edwards, formerly known as Enner Ree Swanson, approximately four thousand three hundred and nine dollars and thirty-nine cents (\$4,309.39), which monies and funds belong to said Union.

All in violation of said Act, Title 29, Section 501(c), United States Code, and Title 18, Section 2, United States Code.

COUNT 2

The Grand Jury further charges:

1. Paragraphs 1 and 2 of Count 1 are incorporated as if fully realleged herein.
2. From on or about December 1998, through on or about December 1999, in the Northern District of Ohio, Eastern Division, and elsewhere, the defendant, MURDYTHA STUBBS, did willfully make false entries in records of the Union required to be kept by Sections 436 and 431 of Title 29, United States Code, that is, the Union's checks, check stubs, journal, expense vouchers and expense records, in that the defendant, MURDYTHA STUBBS, entered, and caused to be entered, in the above mentioned Union records, false information and

false reasons for the payments to the defendant and his coconspirators so as to make it appear that said payments were for reimbursements and payments for legitimate Union expenses and purposes.

All in violation of Title 29, United States Code, Section 439(c) and Title 18, United States Code, Section 2.

COUNT 3

The Grand Jury further charges:

1. Paragraphs 1 and 2 of Count 1 are hereby incorporated as if fully rewritten herein.
2. From in or about December 1998, and continuing through in or about December 1999, the exact dates being unknown, in the Northern District of Ohio, Eastern Division, and elsewhere, the defendant, MURDYTHA STUBBS, together with Enner Ree Edwards, formerly known as Enner Ree Swanson, and Cynthia Barner, and others known and unknown, unlawfully, willfully, and knowingly, combined, conspired, confederated, and agreed together and with each other, and with others known and unknown to the Grand Jury, to commit an offenses against the United States, to wit:
 - a) to unlawfully and willfully embezzle, steal, and abstract and convert to his own use, and the use of others, namely: Cynthia Barner and Enner Ree Edwards, formerly known as Enner Ree Swanson, approximately four thousand three hundred and nine dollars and thirty-nine cents (\$4,309.39), which monies and funds belong to the United Steelworkers of America, Local 3586, hereinafter referred to as the Union, all in violation of Title 29, United States Code, Section 501(c); and

b) to willfully make false entries in records of the Union required to be kept by Sections 436 and 431 of Title 29, United States Code, that is, the Union's checks, check stubs, journal, expense vouchers and expense records, in violation of Title 29, United States Code, Section 439(c).

The Objects of the Conspiracy

3. It was part of the Conspiracy that the defendant, MURDYTHA STUBBS, entered into an agreement with certain other officers of the Union, namely, Enner Ree Edwards, formerly known as Enner Ree Swanson, and Cynthia Barner, to embezzle, steal, and abstract and convert to their own use, certain Union monies by writing, and causing to be written, various Union checks to each other, and to falsify, and cause to be falsified, various Union records so as to make it appear that these checks were for payments or reimbursement for legitimate Union purposes.

Overt Acts

4. In furtherance of the conspiracy, and to effect its illegal objects, the following overt acts, among others, were committed in the Northern District of Ohio and elsewhere:

a. On or about December 14, 1998, the defendant, MURDYTHA STUBBS signed and received a Union check in the amount of \$250.00 made payable to himself, purportedly for payment or reimbursement for an "expense."

b. On or about December 14, 1998, the defendant, MURDYTHA STUBBS, signed two Union checks, each in the amount of \$250.00 made payable to Enner Ree Swanson and Cynthia Barner, purportedly as payment or reimbursement for an "expense."

c. On or about December 14, 1998, the defendant, MURDYTHA STUBBS, prepared, and caused to be prepared, a Union Salary, Lost Time and Expense Voucher which indicated that he was entitled to a payment or reimbursement of \$250.00 as the result of an "expense trip."

d. On or about December 14, 1998, Enner Ree Edwards and Cynthia Barner each prepared, and caused to be prepared, a Union Salary, Lost Time and Expense Voucher which indicated that they were entitled to a payment or reimbursement of \$250.00 as the result of an "expense trip."

e. On or about December 21, 1998, the defendant, MURDYTHA STUBBS signed and received a Union check in the amount of \$383.00 made payable to himself, purportedly for payment or reimbursement for "Lost Time."

f. On or about December 21 1998, the defendant, MURDYTHA STUBBS, signed two Union checks made payable to Enner Ree Swanson and Cynthia Barner, in the amounts of \$333.20 and \$343.20, respectively, purportedly as payment or reimbursement for "Lost Time."

g. On or about December 18, 1998, the exact date being unknown, Enner Ree Edwards and Cynthia Barner each prepared, and caused to be prepared, a Union Salary, Lost Time and Expense Voucher which indicated that they was entitled to a payment or reimbursement of \$333.20 and 343.20, respectively, as the result of "wk lost wage" or "wk lost time."

h. On or about December 17, 1999, the defendant, MURDYTHA STUBBS shared with Enner Ree Edwards and Cynthia Barner, the proceeds of a Union check made payable to Charmaine Ray, supposedly for "catering," in the amount of \$2,500.00.

All in violation of Title 18, United States Code, Section 371.

A TRUE BILL.

FOREPERSON

GREGORY A. WHITE
UNITED STATES ATTORNEY