

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

FILED

Nov 16 12 30 PM '84

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIF.

BY [Signature]  
DEPUTY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

May 1984 Grand Jury

UNITED STATES OF AMERICA,	)	Criminal Case No. '841022E
	)	
Plaintiff,	)	<u>I N D I C T M E N T</u>
	)	
v.	)	Title 18, U.S.C., Secs. 371 and
	)	510(a)(1) - Conspiracy to Forge
HILMA MARIE WITTE,	)	a United States Treasury Check;
ERIC AUGUST WITTE,	)	Title 18, U.S.C., Sec. 510(a)(1) -
	)	Forging a United States Treasury
Defendants.	)	Check; Title 18, U.S.C., Secs.
	)	371 and 510(a)(2) - Conspiracy
	)	to Utter a Forged United States
	)	Treasury Check; Title 18, U.S.C.,
	)	Sec. 510(a)(2) - Uttering a
	)	Forged United States Treasury
	)	Check; Title 18, U.S.C., Sec. 2 -
	)	Aiding and Abetting

The grand jury charges:

COUNT ONE

Beginning at a date unknown to the grand jury and continuing up to and including November 7, 1984, within the

//  
//

PH:ch:San Diego County  
11/15/83

*[Handwritten mark]*

*[Handwritten mark]*

1 Southern District of California, and elsewhere, defendants  
2 HILMA MARIE WITTE and ERIC AUGUST WITTE did knowingly and  
3 willfully combine, conspire and agree with each other, and  
4 with divers other persons known and unknown to the grand  
5 jury, to knowingly and intentionally commit offenses against  
6 the United States, to wit, to falsely make and forge endorse-  
7 ments and signatures on United States treasury checks with  
8 intent to defraud; in violation of Title 18, United States  
9 Code, Sections 371 and 510(a)(1).

10

OVERT ACTS

11

12 In pursuance of said conspiracy, and to further the  
13 objects thereof, the following overt acts, among others, were  
14 committed within the Southern District of California, and  
15 elsewhere:

16

17

18

19

20

21

22

23

24

25

26

27

28

1. In or about December, 1983, in Trail Creek, Indiana, defendant HILMA MARIE WITTE and a juvenile not herein named discussed killing Elaine Witte in order to obtain both money presently possessed by her and monies to be received by her in the future.

2. In or about January, 1984, in Trail Creek, Indiana, defendant HILMA MARIE WITTE caused the juvenile to shoot Elaine Witte in the chest with a crossbow as she slept at her residence located at 320 Johnson Road, Trail Creek, Indiana.

3. In or about January, 1984, in Trail Creek, Indiana, defendants HILMA MARIE WITTE, ERIC AUGUST WITTE and others dismembered the body of Elaine Witte and stored the parts in a freezer.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

4. On various dates between January and August, 1984, in the State of Indiana, defendants HILMA MARIE WITTE, ERIC AUGUST WITTE and others disposed of parts of Elaine Witte's body.

5. On various dates between January and August, 1984, in the State of Indiana, defendant HILMA MARIE WITTE forged the name of Elaine Witte on United States treasury checks.

6. On various dates between January and August, 1984, in the State of Indiana, defendant HILMA MARIE WITTE presented the United States treasury checks for payment.

7. Sometime during the summer of 1984, defendants HILMA MARIE WITTE and ERIC AUGUST WITTE transported inside a garbage bag contained in a cooler, what remained of Elaine Witte's body from the State of Indiana to San Diego in a mobile home.

8. On or about July 28, 1984, defendant ERIC AUGUST WITTE rented Space No. 162 at a mobile home park located at 4141 San Ysidro Boulevard, San Diego, California.

9. On or about August 4, 1984, defendant ERIC AUGUST WITTE rented Post Office Box No. 5277 in Chula Vista, California under the name E. Witte.

10. In or about September, 1984, defendants HILMA MARIE WITTE and ERIC AUGUST WITTE disposed of what was left of Elaine Witte's remains in the Otay landfill, San Diego, California.

11. In or about October, 1984, defendants HILMA MARIE WITTE and ERIC AUGUST WITTE contacted various banks in

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

the Southern District of California to ascertain which bank would allow them to take a signature card home.

12. On or about October 17, 1984, defendant HILMA MARIE WITTE forged Elaine Witte's name on a signature card from the Pacific Commerce Bank, 1196 Third Avenue, Chula Vista, California.

13. On or about October 17, 1984, defendants HILMA MARIE WITTE and ERIC AUGUST WITTE opened a checking account at the Pacific Commerce Bank in the names of Elaine Witte, Hilma Marie Witte and Eric Witte.

14. On or about October 18, 1984, defendant HILMA MARIE WITTE forged Elaine Witte's name on United States treasury check no. 11,014,426, Symbol 3118, dated October 3, 1984, in the amount of \$472.00.

15. On or about October 18, 1984, defendant HILMA MARIE WITTE went into the Pacific Commerce Bank and presented the United States treasury check referred to in Overt Act No. 14 for payment.

16. On or about October 19, 1984, defendant HILMA MARIE WITTE forged Elaine Witte's name on United States treasury check No. 44,189,171, Symbol 2081, dated October 1, 1984, in the amount of \$195.57.

17. On or about October 19, 1984, defendant HILMA MARIE WITTE went into the Pacific Commerce Bank and presented the United States treasury check referred to in Overt Act No. 16 for payment.

//

1 18. In or about October, 1984, defendants HILMA MARIE  
2 WITTE and ERIC AUGUST WITTE split the proceeds from the  
3 forged Treasury checks negotiated at the Pacific  
4 Commerce Bank.

5 19. On or about November 7, 1984, defendant HILMA  
6 MARIE WITTE forged Elaine Witte's name on United States  
7 treasury check No. 44,324,629, Symbol 2081, dated  
8 November 1, 1984, in the amount of \$195.57.

9 20. On or about November 7, 1984, defendant HILMA  
10 MARIE WITTE forged Elaine Witte's name on United States  
11 treasury check No. 66,489,834, Symbol 3118, dated  
12 November 2, 1984, in the amount of \$472.00

13 21. On or about November 7, 1984, defendants ERIC AUGUST  
14 WITTE and HILMA MARIE WITTE went to the Pacific Commerce  
15 Bank.

16 22. On or about November 7, 1984, at the Pacific  
17 Commerce Bank, defendant HILMA MARIE WITTE presented  
18 the United States treasury checks referred to in Overt Acts  
19 19 and 20 for payment.

20 23. In or about November, 1984, defendants HILMA  
21 MARIE WITTE and ERIC AUGUST WITTE made arrangements to  
22 leave San Diego, California.

23 //  
24 //  
25 //  
26 //  
27 //

28

COUNT TWO

On or about October 8, 1984, within the Southern District of California, defendants HILMA MARIE WITTE and ERIC AUGUST WITTE, with intent to defraud, did falsely make and forge an endorsement and signature on a United States Treasury check, No. 11,014,426, Symbol 3118, dated October 3, 1984, having a face value of \$472.00; all in violation of Title 18, United States Code, Sections 510(a)(1) and 2.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

COUNT THREE

On or about October 19, 1984, within the Southern District of California, defendants HILMA MARIE WITTE and ERIC AUGUST WITTE, with intent to defraud, did falsely make and forge an endorsement and signature on a United States Treasury check, No. 44,189,171, Symbol 2081, dated October 1, 1984, having a face value of \$195.57; all in violation of Title 18, United States Code, Sections 510(a)(1) and 2.

COUNT FOUR

On or about November 7, 1984, within the Southern District of California, defendants HILMA MARIE WITTE and ERIC AUGUST WITTE, with intent to defraud, did falsely make and forge endorsements and signatures on a United States Treasury checks, No. 44,324,629, Symbol 2081, dated November 1, 1984, having face values of \$195.57; and No. 66,489,834, Symbol 3118, dated November 2, 1984, having a face value in the amount of \$472.00; all in violation of Title 18, United States Code, Sections 510(a)(1) and 2.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

COUNT FIVE

Beginning at a date unknown to the grand jury and continuing up to and including November 7, 1984, within the Southern District of California, and elsewhere, defendants HILMA MARIE WITTE and ERIC AUGUST WITTE did knowingly and willfully combine, conspire and agree with each other, and divers other persons known and unknown to the grand jury, to knowingly and intentionally defraud, pass, utter and publish, and attempt to pass, utter and publish, United States treasury checks bearing falsely made and forged endorsements and signatures, an offense against the United States in violation of Title 18, United States Code, Sections 371 and 510(a)(2).

OVERT ACTS

In pursuance of said conspiracy, and to further the objects thereof, the following overt acts, among others, were committed within the Southern District of California, and elsewhere:

1. In or about December, 1983, in Trail Creek, Indiana, defendant HILMA MARIE WITTE and a juvenile not herein named discussed killing Elaine Witte in order to obtain both money presently possessed by her and monies to be received by her in the future.

2. In or about January, 1984, in Trail Creek, Indiana, defendant HILMA MARIE WITTE caused the juvenile to shoot Elaine Witte in the chest with a crossbow as

//

1 she slept at her residence located at 320 Johnson  
2 Road, Trail Creek, Indiana.

3 3. In or about January, 1984, in Trail Creek, Indiana,  
4 defendants HILMA MARIE WITTE, ERIC AUGUST WITTE and  
5 others dismembered the body of Elaine Witte and stored  
6 the parts in a freezer.

7 4. On various dates between January and August, 1984,  
8 in the State of Indiana, defendants HILMA MARIE WITTE,  
9 ERIC AUGUST WITTE and others disposed of parts of Elaine  
10 Witte's body.

11 5. On various dates between January and August, 1984,  
12 in the State of Indiana, defendant HILMA MARIE WITTE  
13 forged the name of Elaine Witte on United States treasury  
14 checks.

15 6. On various dates between January and August, 1984,  
16 in the State of Indiana, defendant HILMA MARIE WITTE  
17 presented the United States treasury checks for payment.

18 7. Sometime during the summer of 1984, defendants  
19 HILMA MARIE WITTE and ERIC AUGUST WITTE transported  
20 inside a garbage bag contained in a cooler, what re-  
21 mained of Elaine Witte's body from the State of  
22 Indiana to San Diego in a mobile home.

23 8. On or about July 28, 1984, defendant ERIC AUGUST  
24 WITTE rented Space No. 162 at a mobile home park lo-  
25 cated at 4141 San Ysidro Boulevard, San Diego, California.

26 9. On or about August 4, 1984, defendant ERIC AUGUST  
27 WITTE rented Post Office Box No. 5277 in Chula Vista,  
28 California under the name E. Witte.

1 10. In or about September, 1984, defendants HILMA MARIE  
2 WITTE and ERIC AUGUST WITTE disposed of what was left  
3 of Elaine Witte's remains in the Otay landfill, San  
4 Diego, California.

5 11. In or about October, 1984, defendants HILMA MARIE  
6 WITTE and ERIC AUGUST WITTE contacted various banks in  
7 the Southern District of California to ascertain which  
8 bank would allow them to take a signature card home.

9 12. On or about October 17, 1984, defendant HILMA  
10 MARIE WITTE forged Elaine Witte's name on a signature  
11 card from the Pacific Commerce Bank, 1196 Third Avenue,  
12 Chula Vista, California.

13 13. On or about October 17, 1984, defendants HILMA  
14 MARIE WITTE and ERIC AUGUST WITTE opened a checking  
15 account at the Pacific Commerce Bank in the names of  
16 Elaine Witte, Hilma Marie Witte and Eric Witte.

17 14. On or about October 18, 1984, defendant HILMA  
18 MARIE WITTE forged Elaine Witte's name on United States  
19 treasury check no. 11,014,426, Symbol 3118, dated  
20 October 3, 1984, in the amount of \$472.00.

21 15. On or about October 18, 1984, defendant HILMA  
22 MARIE WITTE went into the Pacific Commerce Bank and  
23 presented the United States treasury check referred  
24 to in Overt Act No. 14 for payment.

25 16. On or about October 19, 1984, defendant HILMA  
26 MARIE WITTE forged Elaine Witte's name on United States  
27 treasury check No. 44,189,171, Symbol 2081, dated  
28 October 1, 1984, in the amount of \$195.57.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

17. On or about October 19, 1984, defendant HILMA MARIE WITTE went into the Pacific Commerce Bank and presented the United States treasury check referred to in Overt Act No. 16 for payment.

18. In or about October, 1984, defendants HILMA MARIE WITTE and ERIC AUGUST WITTE split the proceeds from the forged Treasury checks negotiated at the Pacific Commerce Bank.

19. On or about November 7, 1984, defendant HILMA MARIE WITTE forged Elaine Witte's name on United States treasury check No. 44,324,629, Symbol 2081, dated November 1, 1984, in the amount of \$195.57.

20. On or about November 7, 1984, defendant HILMA MARIE WITTE forged Elaine Witte's name on United States treasury check No. 66,489,834, Symbol 3118, dated November 2, 1984, in the amount of \$472.00

21. On or about November 7, 1984, defendants ERIC AUGUST WITTE and HILMA MARIE WITTE went to the Pacific Commerce Bank.

22. On or about November 7, 1984, at the Pacific Commerce Bank, defendant HILMA MARIE WITTE presented the United States treasury checks referred to in Overt Acts 19 and 20 for payment.

23. In or about November, 1984, defendants HILMA MARIE WITTE and ERIC AUGUST WITTE made arrangements to leave San Diego, California.

//

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

COUNT SIX

On or about October 18, 1984, within the Southern District of California, defendants HILMA MARIE WITTE and ERIC AUGUST WITTE, with intent to defraud, did pass, utter and publish a United States Treasury check, No. 11,014,426, Symbol 3118, dated October 3, 1984, having a face value of \$472.00, and bearing a falsely made and forged endorsement and signature; all in violation of Title 18, United States Code, Sections 510(a)(2) and 2.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

COUNT SEVEN

On or about October 19, 1984, within the Southern District of California, defendants HILMA MARIE WITTE and ERIC AUGUST WITTE, with intent to defraud, did pass, utter and publish a United States Treasury check, No. 44,189,171, Symbol 2081, dated October 1, 1984, having a face value of \$195.57, and bearing a falsely made and forged endorsement and signature; all in violation of Title 18, United States Code, Sections 510(a)(2) and 2.

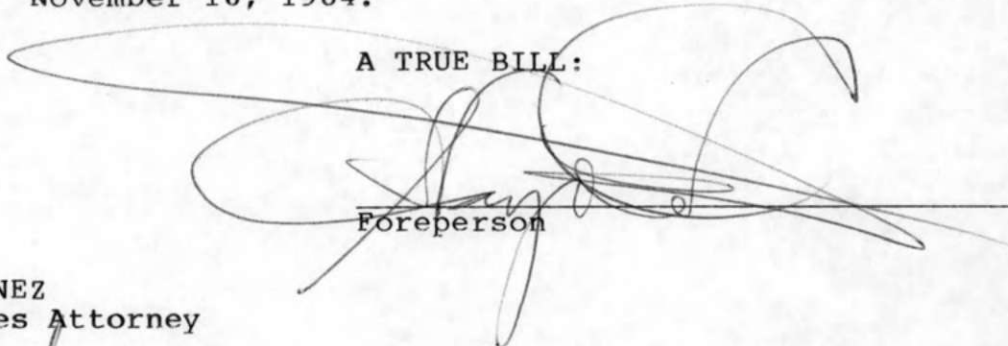
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

COUNT EIGHT

On or about November 7, 1984, within the Southern District of California, defendants HILMA MARIE WITTE and ERIC AUGUST WITTE, with intent to defraud, did pass, utter and publish United States Treasury checks, No. 44,324,629, Symbol 2081, dated November 1, 1984, having a face value of \$195.57; and No. 66,489,834, Symbol 3118, dated November 2, 1984, having a face value of \$472.00, and bearing falsely made and forged endorsements and signatures; all in violation of Title 18, United States Code, Sections 510(a)(2) and 2.

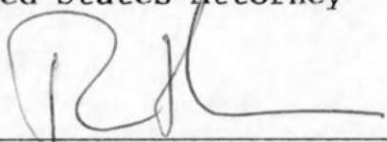
DATED: November 16, 1984.

A TRUE BILL:



Foreperson

PETER K. NUNEZ  
United States Attorney

By:   
PHILLIP L. HALPERN  
Assistant U.S. Attorney