FILED

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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS
E. ST. LOUIS OFFICE

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CRIMINAL NO. 26-30108-SMY
	)	
DAVID K. ELLIOTT,	)	Title 18,
	)	United States Code,
Defendant.	)	Sections 1344, 1341

INDICTMENT

THE GRAND JURY CHARGES:

COUNT 1
Bank Fraud – 18 U.S.C. § 1344

1. At all times relevant to this indictment:

a. **DAVID K. ELLIOTT** was a lawyer licensed to practice in the state of Illinois, with his primary practice in Bethalto, Madison County, in the Southern District of Illinois.

b. Illinois lawyers, like **ELLIOTT**, may be appointed by a court in connection with a wrongful death settlement payable to a minor beneficiary to act as *guardian ad litem* (GAL) for the minor. A lawyer acting as GAL has a duty to act in the best interests of the minor, and make a report and recommendation to the court on the proposed settlement. If the settlement is approved, a lawyer acting as GAL has the duty to open a bank account in the name of the minor and serve as the custodian over the account until the date when the minor turns eighteen years of age. A lawyer acting as GAL is paid for their services prior to the disbursement of settlement funds, and is not permitted to withdraw funds from the minor's account absent special order from the court.

c. On December 1, 2016, **ELLIOTT** was appointed to serve as the GAL for three minor children, E.A., T.A., and C.A., in connection with a pending lawsuit brought on behalf of their deceased mother in the Circuit Court of Madison County, Illinois. **ELLIOTT** filed his Report and Recommendation on April 13, 2017, and the court entered an order authorizing distribution of settlement proceeds on April 18, 2017.

d. Following the court's order, **ELLIOTT** opened three accounts at US Bank in the names of E.A., T.A., and C.A. Each account was opened in the name of one minor and listed **ELLIOTT** as the custodian of the account. Each account also specified that the account was to be paid only after a certain date—the date that the minor would turn 18—"unless specified by court order." On May 14, 2019, **ELLIOTT** deposited three checks—one in each account in the amount of $194,373.77—totaling $583,119.99. On September 10, 2019, **ELLIOTT** received three additional checks for $22,462.44 each and deposited one in each trust account—totaling $67,387.32.

e. On November 28, 2017, **ELLIOTT** was appointed to serve as the GAL for minor K.R. in connection with a pending lawsuit brought on behalf of her deceased father in the Circuit Court of Madison County, Illinois. **ELLIOTT** filed his Report and Recommendation on August 15, 2018, and the court entered an order authorizing distribution of settlement proceeds on August 20, 2018.

f. Following the court's order, **ELLIOTT** opened an account at US Bank in the name of K.R. The account listed **ELLIOTT** as the custodian, and specified that the account was to be paid only after K.R. turned 18. On November 19, 2019, settlement funds in the amount of $471.13 were deposited into the account for the benefit of K.R.

2. From at least May 21, 2019, through at least October 26, 2022, in Madison County, in the Southern District of Illinois, the defendant,

DAVID K. ELLIOTT,

knowingly devised a scheme to obtain money and funds owned by, and in the custody and control of, US Bank, the deposits of which were insured by the Federal Deposit Insurance Company, by means of materially false and fraudulent pretenses, representations, and promises.

3. It was the object of the fraudulent scheme that **ELLIOTT** fraudulently withdrew more than $400,000 from the US Bank accounts that he opened, and served as custodian of, in the names of E.A., T.A., C.A., and K.R., and used those funds to benefit himself and cover up his fraud.

4. In furtherance of the scheme to defraud, on each occasion, **ELLIOTT** visited the US Bank branch in Bethalto, Illinois, and presented US Bank with a withdrawal slip to withdraw a specific amount from one, and sometimes more than one, of the minors' accounts.

5. In furtherance of the scheme to defraud, in order to appear as if he had legal authority to make withdrawals from the minors' accounts, on most occasions when he presented a withdrawal slip, **ELLIOTT** also provided US Bank with a fraudulent court order that appeared to have been filed in the Madison County, Illinois, Circuit Court and entered by the judge presiding over the underlying lawsuit. Each fraudulent court order allegedly approved additional attorney's fees to be paid to **ELLIOTT** out of the minors' trust accounts. These fraudulent orders were created by **ELLIOTT** and were not legitimate orders of the court. In fact, **ELLIOTT'S** attorney's fees had been paid in full prior to the settlement funds being disbursed to the minors.

6. In furtherance of the scheme to defraud, **ELLIOTT** repeated this process at least monthly, sometimes weekly, withdrawing hundreds of thousands of dollars from the minors' accounts over time.

7. In furtherance of the scheme to defraud, when the first of the minor children—E.A.—approached the age of 18 and would gain access to his account, **ELLIOTT** concealed his fraud by withdrawing $40,000 from each of E.A.'s brothers'—T.A. and C.A.—accounts and deposited those funds into E.A.'s account.

8. As a result of the scheme to defraud and **ELLIOTT'S** embezzlement from their accounts, at least two of the minors, C.A. and K.R., never received any of their respective settlement funds. T.A. only received a small portion of his settlement funds.

9. On or about May 21, 2019, in Madison County, within the Southern District of Illinois,

DAVID K. ELLIOTT,

defendant herein, for the purpose of executing the scheme to defraud, did knowingly and with the intent to defraud, submit a withdrawal slip and fraudulent court order to withdraw $3,176.00 from a US Bank account held for the benefit of C.A. ending in 7159, in order to obtain funds owned by, and in the custody and control of, US Bank.

All in violation of Title 18, United States Code, Section 1344(2).

COUNT 2
Bank Fraud – 18 U.S.C. § 1344

1. Paragraphs 1 through 8 of Count 1 of this Indictment are realleged here.

2. On or about May 21, 2019, in Madison County, within the Southern District of Illinois,

DAVID K. ELLIOTT,

defendant herein, for the purpose of executing the scheme to defraud, did knowingly and with the intent to defraud, submit a withdrawal slip and fraudulent court order to withdraw $3,176.00 from a US Bank account held for the benefit of E.A. ending in 7134, in order to obtain funds owned by, and in the custody and control of, US Bank.

In violation of Title 18, United States Code, Section 1344(2).

COUNT 3
Bank Fraud – 18 U.S.C. § 1344

1. Paragraphs 1 through 8 of Count 1 of this Indictment are realleged here.

2. On or about May 21, 2019, in Madison County, within the Southern District of Illinois,

DAVID K. ELLIOTT,

defendant herein, for the purpose of executing the scheme to defraud, did knowingly and with the intent to defraud, submit a withdrawal slip and fraudulent court order to withdraw $3,176.00 from a US Bank account held for the benefit of T.A. ending in 7142, in order to obtain funds owned by, and in the custody and control of, US Bank.

In violation of Title 18, United States Code, Section 1344(2).

COUNT 4
Bank Fraud – 18 U.S.C. § 1344

1. Paragraphs 1 through 8 of Count 1 of this Indictment are realleged here.

2. On or about September 16, 2020, in Madison County, within the Southern District of Illinois,

DAVID K. ELLIOTT,

defendant herein, for the purpose of executing the scheme to defraud, did knowingly and with the intent to defraud, submit a withdrawal slip and fraudulent court order to withdraw $4,675.00 from a US Bank account held for the benefit of T.A. ending in 7142, in order to obtain funds owned by, and in the custody and control of, US Bank.

In violation of Title 18, United States Code, Section 1344(2).

COUNT 5
Bank Fraud – 18 U.S.C. § 1344

1. Paragraphs 1 through 8 of Count 1 of this Indictment are realleged here.

2. On or about September 16, 2020, in Madison County, within the Southern District of Illinois,

DAVID K. ELLIOTT,

defendant herein, for the purpose of executing the scheme to defraud, did knowingly and with the intent to defraud, submit a withdrawal slip and fraudulent court order to withdraw $4,675.00 from a US Bank account held for the benefit of C.A. ending in 7159, in order to obtain funds owned by, and in the custody and control of, US Bank.

In violation of Title 18, United States Code, Section 1344(2).

COUNT 6
Bank Fraud – 18 U.S.C. § 1344

1. Paragraphs 1 through 8 of Count 1 of this Indictment are realleged here.

2. On or about September 16, 2020, in Madison County, within the Southern District of Illinois,

DAVID K. ELLIOTT,

defendant herein, for the purpose of executing the scheme to defraud, did knowingly and with the intent to defraud, submit a withdrawal slip and fraudulent court order to withdraw $4,675.00 from a US Bank account held for the benefit of E.A. ending in 7134, in order to obtain funds owned by, and in the custody and control of, US Bank.

In violation of Title 18, United States Code, Section 1344(2).

<u>COUNT 7</u>
Bank Fraud – 18 U.S.C. § 1344

1. Paragraphs 1 through 8 of Count 1 of this Indictment are realleged here.

2. On or about April 5, 2021, in Madison County, within the Southern District of Illinois,

DAVID K. ELLIOTT,

defendant herein, for the purpose of executing the scheme to defraud, did knowingly and with the intent to defraud, submit a request to withdraw and fraudulent court order to withdraw $40,000.00 from a US Bank account held for the benefit of C.A. ending in 7159, in order to obtain funds owned by, and in the custody and control of, US Bank.

In violation of Title 18, United States Code, Section 1344(2).

<u>COUNT 8</u>
Bank Fraud – 18 U.S.C. § 1344

1. Paragraphs 1 through 8 of Count 1 of this Indictment are realleged here.

2. On or about April 5, 2021, in Madison County, within the Southern District of Illinois,

DAVID K. ELLIOTT,

defendant herein, for the purpose of executing the scheme to defraud, did knowingly and with the intent to defraud, submit a request to withdraw and fraudulent court order to withdraw $40,000.00 from a US Bank account held for the benefit of T.A. ending in 7142, in order to obtain funds owned by, and in the custody and control of, US Bank.

In violation of Title 18, United States Code, Section 1344(2).

COUNT 9
Bank Fraud – 18 U.S.C. § 1344

1. Paragraphs 1 through 8 of Count 1 of this Indictment are realleged here.

2. On or about August 4, 2021, in Madison County, within the Southern District of Illinois,

DAVID K. ELLIOTT,

defendant herein, for the purpose of executing the scheme to defraud, did knowingly and with the intent to defraud, submit a withdrawal slip and fraudulent court order to withdraw $2,750.00 from a US Bank account held for the benefit of C.A. ending in 7159, in order to obtain funds owned by, and in the custody and control of, US Bank.

In violation of Title 18, United States Code, Section 1344(2).

COUNT 10
Bank Fraud – 18 U.S.C. § 1344

1. Paragraphs 1 through 8 of Count 1 of this Indictment are realleged here.

2. On or about September 4, 2021, in Madison County, within the Southern District of Illinois,

DAVID K. ELLIOTT,

defendant herein, for the purpose of executing the scheme to defraud, did knowingly and with the intent to defraud, submit a withdrawal slip and fraudulent court order to withdraw $3,750.00 from a US Bank account held for the benefit of T.A. ending in 7142, in order to obtain funds owned by, and in the custody and control of, US Bank.

In violation of Title 18, United States Code, Section 1344(2).

<u>COUNT 11</u>
Bank Fraud – 18 U.S.C. § 1344

1. Paragraphs 1 through 8 of Count 1 of this Indictment are realleged here.

2. On or about April 23, 2022, in Madison County, within the Southern District of Illinois,

DAVID K. ELLIOTT,

defendant herein, for the purpose of executing the scheme to defraud, did knowingly and with the intent to defraud, submit a request to withdraw and fraudulent court order to withdraw $4,375.00 from a US Bank account held for the benefit of C.A. ending in 7159, in order to obtain funds owned by, and in the custody and control of, US Bank.

In violation of Title 18, United States Code, Section 1344(2).

<u>COUNT 12</u>
Bank Fraud – 18 U.S.C. § 1344

1. Paragraphs 1 through 8 of Count 1 of this Indictment are realleged here.

2. On or about March 7, 2022, in Madison County, within the Southern District of Illinois,

DAVID K. ELLIOTT,

defendant herein, for the purpose of executing the scheme to defraud, did knowingly and with the intent to defraud, submit a withdrawal slip and fraudulent court order to withdraw $1,650.00 from a US Bank account held for the benefit of T.A. ending in 7142, in order to obtain funds owned by, and in the custody and control of, US Bank.

In violation of Title 18, United States Code, Section 1344(2).

COUNT 13
Bank Fraud – 18 U.S.C. § 1344

1. Paragraphs 1 through 8 of Count 1 of this Indictment are realleged here.

2. On or about October 26, 2022, in Madison County, within the Southern District of Illinois,

DAVID K. ELLIOTT,

defendant herein, for the purpose of executing the scheme to defraud, did knowingly and with the intent to defraud, submit a withdrawal slip to withdraw $471.21 from a US Bank account held for the benefit of K.R. ending in 7914, in order to obtain funds owned by, and in the custody and control of, US Bank.

In violation of Title 18, United States Code, Section 1344(2).

COUNT 14
Mail Fraud – 18 U.S.C. § 1341

1. Paragraphs 1, and 3 through 8 of Count 1 of this Indictment are realleged here.

2. From at least April 5, 2021, through at least October 21, 2022, in Madison County, within the Southern District of Illinois, and elsewhere,

DAVID K. ELLIOTT,

defendant herein, knowingly devised a scheme to defraud T.A. by means of materially false and fraudulent pretenses, representations, and promises, and for the purpose of executing the scheme, and attempting to do so, knowingly to cause to be delivered by United States Mail certain items.

3. It was the object of the scheme to defraud that **ELLIOTT** concealed the fact that he had made fraudulent withdrawals from the US Bank accounts held in the names of E.A., C.A., and T.A. that he acted as GAL over.

4. In furtherance of the scheme to defraud, when the first of the minors—E.A.—approached the age of 18 and would gain access to his account, **ELLIOTT** concealed his fraud by withdrawing $40,000 from each of E.A.'s brothers'—T.A. and C.A.—accounts and deposited those funds into E.A.'s account.

5. In furtherance of the scheme to defraud, as T.A. was approaching the age of 18, in September 2022, **ELLIOTT** participated in a phone call with T.A.'s father, Chris, during which he informed Chris that T.A. would not be able to receive his funds until he turned 21 years old due to changes in the court's practices. This was not true. In reality, **ELLIOTT** had embezzled over $200,000 from T.A.'s account and it was left with an insufficient balance to pay T.A. his settlement when he turned 18.

6. In furtherance of the scheme to defraud, **ELLIOTT** sent follow-up correspondence to T.A. falsely explaining that:

> "[T]here have been some significant changes regarding these types of settlements and the approval of said distribution. Previously, once an individual turned eighteen (18) the Court's [sic] simply entered an order and distributed the sums directly to said individual similar to your brother, [E.A.]'s, settlements. However, due to some issues that occurred with other individuals, the Court has made some changes to its policies and regulations to hold these types of accounts in trust and distribute 'per court order until the age of 21'. This means that the money can be distributed to the individual as ordered by the court from the time the individual turns 18 until they turn 21."

7. In furtherance of the scheme to defraud, **ELLIOTT** instructed T.A. to complete a "financial affidavit" so **ELLIOTT** could petition the court to release some of the settlement funds to T.A. immediately. T.A. completed the form and sent it back to **ELLIOTT**.

8. In furtherance of the scheme to defraud, **ELLIOTT** sent T.A. follow up correspondence that included a fraudulent court order dated October 18, 2022, that appeared to have been filed in Madison County, Illinois, Circuit Court and entered by the judge presiding over the underlying lawsuit. The fraudulent order stated that as a matter of "Illinois Law and the policy of this Court any and all funds claimed on behalf of a minor shall be held until that minor reaches the age of twenty-one (21)." This was false, and the fraudulent order was created by **ELLIOTT** to conceal his fraud and delay the release of the settlement funds to T.A.

9. In furtherance of the scheme to defraud, the fraudulent court order created by **ELLIOTT** dated October 18, 2022, also stated that the court granted **ELLIOTT'S** motion to distribute funds prior to T.A. turning 21 and gave "authority" to **ELLIOTT** to distribute $20,000 to T.A.

10. In furtherance of the scheme to defraud, following the fraudulent court order dated October 18, 2022, **ELLIOTT** made two lulling payments to T.A. totaling $20,000.

11. As a result of **ELLIOTT'S** fraudulent scheme, when T.A. turned 21, he and his father went to US Bank to withdraw the remainder of the funds. At that time, they learned that both of the accounts in the names of T.A. and C.A. had balances of zero dollars.

12. On or about September 23, 2022, in Madison County, within the Southern District of Illinois, and elsewhere,

DAVID K. ELLIOTT,

defendant herein, for the purpose of executing the scheme to defraud, and attempting to do so, knowingly caused to be delivered by mail, according to the direction thereon, an envelope containing a letter dated September 23, 2022, in which **ELLIOTT** represented that T.A. would not be able to access the funds in his account until he turned 21 without further order of the court, that envelope being delivered to T.A. at his address in Federal Way, Washington.

All in violation of Title 18, United States Code, Section 1341.

COUNT 15
Mail Fraud – 18 U.S.C. § 1341

1. Paragraphs 1, and 3 through 8 of Count 1, and paragraphs 1 through 11 of Count 14 of this Indictment are realleged here.

2. On or about October 21, 2022, in Madison County, within the Southern District of Illinois, and elsewhere,

DAVID K. ELLIOTT,

defendant herein, for the purpose of executing the scheme to defraud alleged in Count 14, and attempting to do so, knowingly caused to be delivered by mail, according to the direction thereon, an envelope containing a fraudulent Madison County court order dated October 18, 2022, purportedly approving the disbursement of $20,000 to T.A., that envelope being delivered to T.A. at his address in Federal Way, Washington.

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

FORFEITURE ALLEGATION

As a result of the commission of the offenses described in Counts 1 through 15 of this Indictment,

DAVID K. ELLIOTT,

defendant herein, shall forfeit to the United States, pursuant to Title 18, United States Code, Sections 982(a)(2) and 981(a)(1)(C), and Title 28, United States Code, Section 2461(c) any and all property constituting, or derived from, any proceeds said defendant obtained, directly or indirectly, as a result of said violations.

A TRUE BILL

[redacted]

Digitally signed by STEVEN WEINHOEFT
Date: 2026.08.14 19:32:56 -05'00'

STEVEN D. WEINHOEFT
United States Attorney

ZOE J. GROSS
Assistant United States Attorney