

Akron Beacon Journal

Akron Beacon Journal

pocketed more than \$1 million in food stamp scam, prosecutors say

Staff Writer Akron Beacon Journal

Published 11:00 a.m. ET May 13, 2015

Prosecutors told a Summit County jury Wednesday that a man operating a small Akron store on Andrus Street cheated the state and federal government out of more than \$1 million in food stamp benefits after opening his business in 2009.

Over the next 2½ years, Johnnie Byrd III, who had a previous felony conviction from 2002, received about \$1.5 million in electronically transferred benefits in his store bank account, and allegedly pocketed \$1,018,120.70 in a series of small ATM withdrawals, prosecutors said.

Jurors saw that exact figure on a big-screen monitor Wednesday in the prosecution's opening statement at Byrd's financial crimes trial.

"You will find there is no way that he engaged in that amount of business on legitimate food stamp sales. This was a con, and the majority of his sales would go into his pocket," Summit Assistant Prosecutor Colleen Sims told the panel.

Byrd, 45, is charged with engaging in a pattern of corrupt activity. The supporting charges filed under the state's racketeering law are two counts of grand theft, two counts of telecommunications fraud and money laundering.

He also is charged with illegal use of food stamps under the Ohio Food Assistance Program, also known as "SNAP benefits" — the U.S. government's Supplemental Nutrition Assistance Program.

Under the vast program, Sims said, the needy are supposed to use their benefits only for nutritional foods such as bread, milk, cereal, fruits, vegetables and dairy products.

What Byrd was doing, Sims said, was running a scam with a government-issued Electronic Benefits Transfer card.

Byrd generally would run the card for slightly more than \$100, give his customer \$50, which the customer then often used to buy prohibited items such as beer, wine, liquor and cigarettes, Sims said. Byrd then kept and stashed the rest for himself, she said.

Akron Beacon Journal

Simms said wired investigators from the Ohio Department of Public Service found that Byrd initially did about \$9,000 per month in food stamp sales. But that number later jumped to nearly \$100,000 per month — nowhere near what other similar stores were doing in that area.

Court records show Byrd had two previous felony arrests and one conviction.

In 2002, he was convicted of cocaine trafficking and spent three years in prison. He also was fined \$5,000.

He was arrested in 1997 and charged with one count of theft, but that case was dismissed a month later when the grand jury returned a no bill.

In a 3½-minute opening statement, lead defense lawyer Noah Munyer said the evidence against Byrd “is circumstantial, it is speculative and it’s not enough to convict” under the high standard of guilt beyond a reasonable doubt.

Common Pleas Judge Amy Corrigall Jones is handling the case. The trial is expected to last through the middle of next week.

Ed Meyer can be reached at 330-996-3784 or at emeyer@thebeaconjournal.com.