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UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	Hon. Dennis M. Cavanaugh
	:	
	:	
v.	:	Criminal No. 11-757
	:	
	:	
LUIS COLON,	:	18 U.S.C. §§ 371, 1028A(a)(1),
a/k/a "Mike,"	:	1029(a)(2), (b)(1) &
a/k/a "Junito"	:	(b)(2), and 3146(a)(1),
	:	(b)(1)(A)(ii) &
	:	(b)(1)(A)(iii)
	:	18 U.S.C. § 2

SUPERSEDING INDICTMENT

The Grand Jury, in and for the District of New Jersey, sitting at Newark, charges:

COUNT 1 - CONSPIRACY  
(18 U.S.C. § 371)

1. At times relevant to this Superseding Indictment:

a. Defendant LUIS COLON, a/k/a "Mike," a/k/a "Junito," resided in Union City, New Jersey.

2. From in or about December 2009 through in or about April 2010, in Hudson County, in the District of New Jersey, and elsewhere, the defendant,

LUIS COLON,  
a/k/a "Mike,"  
a/k/a "Junito,"

did knowingly and intentionally conspire and agree with a co-conspirator herein identified as "A.H." and others, to use, with the intent to defraud, one or more unauthorized access devices, namely credit card and debit card account numbers, during a

one-year period, in a manner affecting interstate commerce, and by such conduct obtained something of value, that is, pest control products and bus tickets, aggregating \$1,000 or more during this period, contrary to Title 18, United States Code, Sections 1029(a)(2) and (b)(2).

Object of the Conspiracy

3. The object of the conspiracy was for defendant COLON, co-conspirator A.H., and others, to steal credit card and debit card account numbers from individuals, use the credit card and debit card account numbers to purchase pest control products via telephone or the internet from wholesale suppliers of such products (hereinafter, the "wholesale suppliers"), and resell such products for cash.

Manner and Means of the Conspiracy

4. It was a part of the conspiracy that defendant COLON, co-conspirator A.H., and others, obtained credit card and debit card account numbers via telephone from individuals in the State of Michigan, by posing as representatives of a local utility company.

5. It was further a part of the conspiracy that defendant COLON, co-conspirator A.H., and others, used the stolen credit card and debit card account numbers to purchase pest control products, such as pesticides and pesticide applicators, from the wholesale suppliers.

6. It was further a part of the conspiracy that

defendant COLON, co-conspirator A.H., and others, directed the wholesale suppliers, all of which were located outside of the State of New Jersey, to send the pest control products to defendant COLON's residence in Union City, New Jersey (hereinafter, "COLON's Residence"); to co-conspirator A.H.'s residence in West New York, New Jersey (hereinafter, "A.H.'s Residence"); to a residence on North Darien Street in Philadelphia, Pennsylvania (hereinafter, the "North Darien Street Residence"); and to a residence on East Tigoa Street in Philadelphia, Pennsylvania (hereinafter, the "East Tigoa Street Residence").

7. It was further a part of the conspiracy that, following the delivery of the pest control products, defendant COLON, co-conspirator A.H., and others, transported certain of the pest control products by car and bus to a pesticide retailer, located in or around Philadelphia, Pennsylvania, who purchased the pest control products with cash.

8. It was further a part of the conspiracy that defendant COLON, co-conspirator A.H., and others, used the stolen credit card and debit card account numbers to purchase bus tickets to a destination in or around Philadelphia, Pennsylvania.

#### Overt Acts

9. In furtherance of this conspiracy and to effect the object thereof, defendant COLON and his co-conspirators committed, and caused to be committed, the following overt acts,

among others, within the District of New Jersey, and elsewhere:

a. Between on or about December 10, 2009 and on or about December 17, 2009, defendant COLON and others, claiming to be a person named "Jessica Fernandez," used credit card or debit card account numbers belonging to the following individuals to charge pest control products via telephone or the internet at Wholesale Supplier No. 1, located in or around Riverside, Missouri, in the following amounts and on the following dates, with instructions that the products be shipped to A.H.'s Residence:

Approximate Date	Credit Card or Debit Card Account Holder	Approximate Amount
12/10/09	J.B.	\$1,500
12/10/09	A.R.	\$1,200
12/14/09	B.L. & A.L.	\$1,964
12/14/09	B.L. & A.L.	\$1,964
12/17/09	B.B.	\$2,230
12/17/09	B.B.	\$2,230

b. On or about December 21, 2009, defendant COLON and others, claiming to be persons named "Maria Hernandez" and "Henry Colon," used unauthorized access devices belonging to the following individuals to charge pest control products via telephone or the internet at Wholesale Supplier No. 2, located in or around Duluth, Georgia, in the following amounts, with instructions that the products be shipped to the following destinations:

Credit Card or Debit Card Account Holder	Approximate Amount	Shipping Destination
A.K.H.	\$2,552	A.H.'s Residence
E.B.	\$1,620	Colon's Residence

c. On or about January 4, 2010, defendant COLON and others, claiming to be a person named "Jennifer Hernandez," used an unauthorized access device belonging to B.P. to charge pest control products via telephone or the internet at Wholesale Supplier No. 3, located in or around Norcross, Georgia, in two amounts of approximately \$2,150 each, with instructions that the products be shipped to A.H.'s Residence.

d. On or about January 27, 2010, defendant COLON and others, claiming to be a person named "Jennifer Hernandez," used an unauthorized access device belonging to R.B. and A.B. to charge pest control products via telephone or the internet at Wholesale Supplier No. 4, located in or around Grimes, Iowa, in the amount of approximately \$1,432, with instructions that the products be shipped to A.H.'s Residence.

e. On or about January 27, 2010, defendant COLON and others, claiming to be a person named "Jennifer H. Colon," used an unauthorized access device belonging to R.B. and A.B. to charge pest control products via telephone or the internet at Wholesale Supplier No. 5, located in or around Spring Valley, New York, in the amount of approximately \$1,050, with instructions that the products be shipped to COLON's Residence.

f. Between on or about January 26, 2010 and on or about February 15, 2010, defendant COLON and others, claiming to be a person named "Jennifer Colon," used unauthorized access devices belonging to the following individuals to charge pest control products via telephone or the internet at Wholesale Supplier No. 6, located in or around Rochester, Washington, in the following amounts and on the following dates, with instructions that the products be shipped to the following destinations:

Approximate Date	Credit Card or Debit Card Account Holder	Approximate Amount	Shipping Destination
1/26/10	R.B. & A.B.	\$1,517	Colon's Residence
2/11/10	A.D.	\$1,866	Colon's Residence
2/11/10	A.D.	\$470	Colon's Residence
2/15/10	B.H.	\$2,276	A.H.'s Residence

g. On or about February 3, 2010, defendant COLON and others, claiming to be a person named "Jennifer Hernandez," used an unauthorized access device belonging to B.N. to charge pest control products via telephone or the internet at Wholesale Supplier No. 7, located in or around Grayson, Georgia, in the amount of approximately \$192, with instructions that the products be shipped to COLON's Residence.

h. On or about February 3, 2010, defendant COLON and others, claiming to be a person named "Vannessa Hernandez" used an unauthorized access device belonging to B.N. to charge

pest control products via telephone or the internet at Wholesale Supplier No. 7, located in or around Grayson, Georgia, in the amount of approximately \$1,803, with instructions that the products be shipped to either Colon's Residence or A.H.'s Residence.

i. Between on or about February 3, 2010 and on or about February 17, 2010, defendant COLON and others, claiming to be a person named "Jennifer Fernandez," used unauthorized access devices belonging to the following individuals to charge pest control products via telephone or the internet at Wholesale Supplier No. 8, located in or around New Port Richey, Florida, in the following amounts and on the following dates, with instructions that the products be shipped to A.H.'s Residence:

Approximate Date	Credit Card or Debit Card Account Holder	Approximate Amount
2/3/10	B.N.	\$2,515
2/17/10	A.M.B. & C.B.	\$5,148

j. On or about February 24, 2010, defendant COLON and others, claiming to be a person named "Maria Colon," used an unauthorized access device belonging to D.P. to charge pest control products via telephone or the internet at Wholesale Supplier No. 9, located in or around Marietta, Georgia, in the amount of approximately \$2,870, with instructions that the products be shipped to A.H.'s Residence.

k. On or about March 2, 2010, defendant COLON and

others, claiming to be a person named "Rosa Fernandez," used an unauthorized access device belonging to B.L.S. to charge pest control products via telephone or the internet at Wholesale Supplier No. 10, located in or around Gainesville, Georgia, in amounts of approximately \$1,113, \$2,000, and \$2,500, with instructions that the products be shipped to A.H.'s Residence.

1. Between on or about March 3, 2010 and on or about March 10, 2010, defendant COLON and others, claiming to be a person named "Michael Rivera," used unauthorized access devices belonging to the following individuals to charge pest control products via telephone or the internet at Wholesale Supplier No. 11, located in or around Brandon, Florida, in the following amounts and on the following dates, with instructions that the products be shipped to the North Darien Street Residence:

Approximate Date	Credit Card or Debit Card Account Holder	Approximate Amount
3/3/10	B.S.	\$930
3/3/10	B.S.	\$1,200
3/9/10	A.J.H.	\$3,361
3/10/10	A.J.H.	\$7,867

m. Between on or about March 15, 2010 and on or about April 8, 2010, defendant COLON and others, claiming to be a person named "Maria Colone," used unauthorized access devices belonging to the following individuals to charge pest control products via telephone or the internet at Wholesale Supplier No. 12, located in or around McKinney, Texas, in the following



amounts and on the following dates, with instructions that the products be shipped to the following destinations:

Approximate Date	Credit Card or Debit Card Account Holder	Approximate Amount	Shipping Destination
3/15/10	A.J.H.	\$4,725	East Tioga Street Residence
4/08/10	A.A.H. and R.H.	\$3,008	North Darien Street Residence
4/08/10	A.A.H. and R.H.	\$3,009	North Darien Street Residence

n. Between on or about February 5, 2010 and on or about March 17, 2010, defendant COLON and others used unauthorized access devices belonging to the following individuals to charge bus tickets in the following amounts and on the following dates:

Approximate Date	Credit Card or Debit Card Account Holder	Approximate Amount
2/5/10	B.N.	\$94
2/13/10	A.D.	\$102
2/14/10	A.D.	\$102
2/19/10	B.H.	\$94
3/8/10	B.S.	\$90
3/12/10	A.J.H.	\$170
3/12/10	A.J.H.	\$94
3/13/10	A.J.H.	\$98
3/17/10	A.J.H.	\$94

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

**Counts 2 THROUGH 18 - ACCESS DEVICE FRAUD**  
**(18 U.S.C. §§ 1029(a)(2) & (b)(1))**

1. The allegations contained in Paragraphs 1 and 3 through 9 of Count 1 are realleged as if set forth in full herein.

2. On or about the dates listed below, in Hudson County, in the District of New Jersey, and elsewhere, the defendant,

LUIS COLON,  
a/k/a "Mike,"  
a/k/a "Junito,"

did knowingly, and with intent to defraud, traffic in and use, and attempt to traffic in and use, one or more unauthorized access devices, namely credit card and debit card account numbers, during a one-year period, in a manner affecting interstate commerce, and by such conduct obtain something of value, that is, pest control products and bus tickets, aggregating \$1,000 or more during that period, as follows:

Count	Approximate Date	Credit Card or Debit Card Account Holder	Approximate Total Amount
2	12/10/09	J.B.	\$1,500
3	12/10/09	A.R.	\$1,200
4	12/14/09	B.L. and A.L.	\$3,928
5	12/17/09	B.B.	\$4,460
6	12/21/09	A.K.H.	\$2,552
7	12/21/09	E.B.	\$1,620
8	1/4/10	B.P.	\$4,300
9	1/26/10 - 1/27/10	R.B and A.B.	\$3,999
10	2/3/10 - 2/5/10	B.N.	\$4,604
11	2/11/10 - 2/14/10	A.D.	\$2,540
12	2/15/10 - 2/19/10	B.H.	\$2,370
13	2/17/10	A.M.B. and C.B.	\$5,148
14	2/24/10	D.P.	\$2,870
15	3/2/10	B.L.S	\$5,613
16	3/3/10 - 3/8/10	B.S.	\$2,220
17	3/9/10 - 3/17/10	A.J.H.	\$16,409
18	4/8/10	A.A.H. and R.H.	\$6,017

In violation of Title 18, United States Code, Sections 1029(a)(2) and (b)(1).

**COUNTS 19 AND 20 - AGGRAVATED IDENTITY THEFT**  
**(18 U.S.C. §§ 1028A(a)(1) & (2))**

1. The allegations contained in Paragraphs 1 and 3 through 9 of Count 1 are realleged as if set forth in full herein.

2. On or about the dates listed below, in Hudson County, in the District of New Jersey, and elsewhere, the defendant,

LUIS COLON,  
a/k/a "Mike,"  
a/k/a "Junito,"

did knowingly transfer, possess, and use, without lawful authority, and with knowledge that the identification belonged to a real person, a means of identification of another person, that is, credit card or debit card account numbers of the individuals identified below, during and in relation to a felony violation of a provision contained in Chapter 47, United States Code, that is, access device fraud and attempted access device fraud, in violation of Title 18, United States Code, Section 1029(a)(2) and (b)(1) as follows:

Count	Approximate Date	Credit Card or Debit Card Account Holder	Description
19	12/17/09	B.B.	As charged in Count 5 of this Superseding Indictment
20	3/3/10 - 3/8/10	B.S.	As charged in Count 16 of this Superseding Indictment

In violation of Title 18, United States Code, Section 1028A(a)(1) and Section 2.

Count 21 - FAILURE TO APPEAR

(18 U.S.C. §§ 3146(a)(1), (b)(1)(A)(ii) and (b)(1)(A)(iii))

On or about November 14, 2011, in Essex County, in the District of New Jersey, and elsewhere, the defendant,

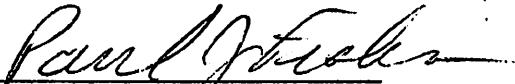
LUIS COLON,  
a/k/a "Mike,"  
a/k/a "Junito,"

having been charged with violations of Title 18, United States Code, Section 371 (an offense punishable by imprisonment for a term of 5 years or more), violations of Title 18, United States Code, Sections 1029(a)(2) and (b)(1) (offenses punishable by a term of imprisonment of 5 years or more), and violations of Title 18, United States Code, Sections 1028A(a)(1) and 2 (offenses punishable by a mandatory term of imprisonment of two years), and having been released pursuant to Chapter 207 of Title 18, United States Code, in connection with charges imposed in Case No. 10-8279, entitled *United States v. Luis Colon*, and having been required to appear by the conditions of release for an appearance before the Honorable Dennis M. Cavanaugh, U.S.D.J., in Case No. 11-757, entitled *United States v. Luis Colon, a/k/a "Mike," a/k/a "Junito,"* did knowingly fail to appear before a court as required by the conditions of release.

In violation of Title 18, United States Code, Sections 3146(a)(1), (b)(1)(A)(ii) and (b)(1)(A)(iii).

A TRUE BILL

**SIGNATURE REDACTED**



PAUL J. FISHMAN  
United States Attorney

CASE NUMBER: 11-CR-957(DMC)

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**United States District Court  
District of New Jersey**

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**UNITED STATES OF AMERICA**

v.

**LUIS COLON,  
a/k/a "Mike,"  
a/k/a "Junito"**

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**SUPERSEDING INDICTMENT FOR**

**18 U.S.C. §§ 371, 1028A(a)(1)  
1029(a)(2), (b)(1) & (b)(2), and  
3146(a)(1), (b)(1)(A)(ii) & (b)(1)(A)(iii)  
18 U.S.C. § 2**

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**SIGNATURE REDACTED**

**PAUL J. FISHMAN  
UNITED STATES ATTORNEY  
NEWARK, NEW JERSEY**

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**KATHLEEN P. O'LEARY  
ASSISTANT U.S. ATTORNEY  
973-645-2841**

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U.S. DISTRICT COURT  
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