

SEALED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 12-60186-CR-ZLOCH ~~NEWMAN~~

18 U.S.C. § 1349
18 U.S.C. § 1343
18 U.S.C. § 2326
18 U.S.C. § 982(a)(8)

FILED by _____ D.C.

AUG - 9 2012

STEVEN M. LARIMORE
CLERK U. S. DIST. CT.
S. D. of FLA. - FT. LAUD.

UNITED STATES OF AMERICA

v.

ONEIKE MICKHALE BARNETT
and
DAMION BRYAN BARRETT,

Defendants.

_____ /

INDICTMENT

The Grand Jury charges that:

GENERAL ALLEGATIONS

1. The Western Union Company (hereinafter, "Western Union") offers consumer-to-consumer money transfer services. Consumers in the United States can send funds at agent locations, by phone, or online. Receivers can pick up available funds at an agent location. Western Union has agent locations across the United States, in Jamaica, and elsewhere.

2. Moneygram International Inc. (hereinafter, "MoneyGram") offers consumer-to-consumer money transfer services. Consumers in the United States can send funds at agent locations. Receivers can pick up available funds at an agent location. MoneyGram has agent locations across the United States, in Jamaica, and elsewhere.

3. Jamaica National Overseas (USA) Inc. (hereinafter, "Jamaica National") is a subsidiary of Jamaican National Building Society, a Jamaican financial institution, which offers

consumer-to-consumer money transfer services. Jamaica National provides international money transfer services between Jamaica and other countries, including the United States.

COUNT 1
Conspiracy
(18 U.S.C. §§ 1349 and 2326)

4. The allegations contained in paragraphs 1 through 3 of this Indictment are realleged and incorporated by reference as though fully set forth herein.

5. From in or about October 2008, through in or about January 2012, in Broward County, in the Southern District of Florida, and elsewhere, the defendants,

ONEIKE MICKHALE BARNETT
and
DAMION BRYAN BARRETT,

in connection with the conduct of telemarketing, did knowingly and willfully combine, conspire, confederate and agree with each other and others, known and unknown to the Grand Jury, to commit wire fraud, that is, to knowingly and with intent to defraud devise and intend to devise a scheme and artifice to defraud, and to obtain money and property from others by means of materially false and fraudulent pretenses, representations, and promises, knowing that they were false and fraudulent when made, and did transmit and cause to be transmitted certain wire communications in interstate and foreign commerce, for the purpose of executing the scheme and artifice, in violation of Title 18, United States Code, Section 1343.

OBJECT OF THE CONSPIRACY

6. The object of the conspiracy was for the defendants **ONEIKE MICKHALE BARNETT** and **DAMION BRYAN BARRETT**, and their co-conspirators, to fraudulently enrich themselves by falsely informing elderly victims that the victims had won a large amount of money in a lottery, inducing the victims to pay fees in advance of receiving their purported

lottery winnings, and keeping the victims' money for the defendants' and their co-conspirators' own benefit without paying any lottery winnings.

MANNER AND MEANS OF THE CONSPIRACY

The manner and means by which defendants **ONEIKE MICKHALE BARNETT** and **DAMION BRYAN BARRETT**, and their co-conspirators, sought to accomplish the object of the conspiracy included the following:

7. Defendants **ONEIKE MICKHALE BARNETT** and **DAMION BRYAN BARRETT**, residents of the Country of Jamaica, contacted and caused to be contacted, elderly victims in the United States who were falsely informed that they had won millions of dollars in a lottery. Defendants **ONEIKE MICKHALE BARNETT** and **DAMION BRYAN BARRETT** persuaded and caused the elderly victims to be persuaded that they needed to pay bogus fees of several hundred to several thousand dollars in order to collect their purported lottery winnings.

8. Defendants **ONEIKE MICKHALE BARNETT** and **DAMION BRYAN BARRETT** sent and caused to be sent communications to elderly victims in the United States that purported to be from a genuine sweepstakes company and federal agencies, including the Internal Revenue Service and the Federal Reserve. These communications discussed the victims' purported lottery winnings.

9. Defendants **ONEIKE MICKHALE BARNETT** and **DAMION BRYAN BARRETT** contacted and caused to be contacted the elderly victims who were instructed on how, and to whom, to send the bogus fees. Defendants **ONEIKE MICKHALE BARNETT** and **DAMION BRYAN BARRETT** instructed and caused the victims to be instructed to wire the money through Western Union and MoneyGram to themselves and to other people. At other times, defendants instructed and caused the victims to be instructed to send the money through the U.S. mail and a private courier to another person.

10. Defendants **ONEIKE MICKHALE BARNETT** and **DAMION BRYAN BARRETT** caused an individual who used the aliases “Keith Jones,” “Duriel Green,” “Reginald Oden,” and variations of those names, to receive victims’ money in Broward County, in the Southern District of Florida.

11. Defendant **ONEIKE MICKHALE BARNETT** recruited an individual whose initials were R.R. to receive victims’ money in Broward County, in the Southern District of Florida.

12. Defendants **ONEIKE MICKHALE BARNETT** and **DAMION BRYAN BARRETT** caused the individual who used the aliases “Keith Jones,” “Duriel Green,” “Reginald Oden,” as well as R.R., and others (the “middlemen”) to transmit the victims’ money to them in Jamaica. The middlemen would keep a portion of the victims’ money for themselves and transmit the rest to the defendants via Western Union, MoneyGram, Jamaica National, and other means.

13. Defendants **ONEIKE MICKHALE BARNETT** and **DAMION BRYAN BARRETT** received the victims’ money via Western Union, MoneyGram, Jamaica National, and other means, while residing in Jamaica.

14. Defendant **ONEIKE MICKHALE BARNETT** directed R.R. to travel from the United States to Jamaica with victims’ money that R.R. had received from the elderly victims. R.R. met defendant **ONEIKE MICKHALE BARNETT** in Jamaica and gave him the victims’ money.

15. An individual whose initials were M.Y. transmitted money from the United States to defendant **ONEIKE MICKHALE BARNETT** via Western Union and Jamaica National.

16. Defendants **ONEIKE MICKHALE BARNETT** and **DAMION BRYAN**

BARRETT contacted and caused elderly victims to be contacted numerous times with additional requests for bogus fees. Defendants falsely told and caused some of the victims to be told that the victim's lottery winnings were delayed due to an administrative difficulty. Defendants falsely told and caused some victims to be told that the lottery prize was larger than originally thought. This process continued for as long as the particular victim could be persuaded to send additional money.

17. Defendants **ONEIKE MICKHALE BARNETT** and **DAMION BRYAN BARRETT** used different methods designed to make their scheme appear legitimate, including claiming, at times, to be a lawyer and a banker, and utilizing Voice Over Internet Protocol technology to make it appear to victims that the defendants were calling from telephones located in the United States.

18. Defendants **ONEIKE MICKHALE BARNETT** and **DAMION BRYAN BARRETT**, and their co-conspirators, victimized at least ten persons over the age of 55.

All in violation of Title 18, United States Code, Sections 1349 and 2326.

COUNTS 2 - 38
Wire Fraud
(18 U.S.C. §§ 1343 and 2326)

19. The allegations contained in paragraphs 1 through 3, and 7 through 18, of this Indictment are realleged and incorporated by reference as though fully set forth herein.

20. From in or about October 2008, through in or about January 2012, in Broward County, in the Southern District of Florida, and elsewhere, the defendants,

ONEIKE MICKHALE BARNETT
and
DAMION BRYAN BARRETT,

in connection with the conduct of telemarketing, did knowingly and with intent to defraud devise

and intend to devise a scheme and artifice to defraud and to obtain money by means of materially false and fraudulent pretenses, representations, and promises, knowing that they were false and fraudulent when made, and did transmit and cause to be transmitted, by means of wire communications in interstate and foreign commerce, certain writings, signs, signals, pictures, and sounds.

PURPOSE OF THE SCHEME AND ARTIFICE

The purpose of the scheme and artifice was as follows:

21. The defendants **ONEIKE MICKHALE BARNETT** and **DAMION BRYAN BARRETT**, and other participants in the scheme, would fraudulently enrich themselves by falsely informing elderly victims that the victims had won a large amount of money in a lottery, inducing the victims to pay fees in advance of receiving their purported lottery winnings, and keeping the victims' money for the defendants' and other participants' own benefit without paying any lottery winnings.

THE SCHEME AND ARTIFICE

22. Paragraphs 7 through 18 of the Manner and Means section of Count 1 of this Indictment are re-alleged and incorporated by reference as though fully set forth herein as a description of the scheme and artifice.

USE OF THE WIRES

23. On or about the dates specified as to each count below, in the Southern District of Florida and elsewhere, defendants **ONEIKE MICKHALE BARNETT** and **DAMION BRYAN BARRETT**, for the purpose of executing the aforesaid scheme and artifice did knowingly cause to be transmitted, by means of wire communications in interstate and foreign commerce, certain writings, signs, signals, pictures, and sounds, as more particularly described

below:

| COUNT | APPROXIMATE DATE | DESCRIPTION OF WIRE COMMUNICATION |
|-------|------------------|--|
| 2 | April 2, 2009 | \$450 Western Union money transfer from victim D.U. in Burnsville, North Carolina, to "Keith Jones" in Lauderhill, Florida. |
| 3 | April 3, 2009 | \$250 Western Union money transfer from victim D.U. in Burnsville, North Carolina, to "Keith Jones" in Wilton Manors, Florida. |
| 4 | April 7, 2009 | \$800 Western Union money transfer from victim D.U. in Burnsville, North Carolina, to "Keith Jones" in Oakland Park, Florida. |
| 5 | April 10, 2009 | \$300 Western Union money transfer from victim D.U. in Spruce Pine, North Carolina, to "Keith Jones" in Oakland Park, Florida. |
| 6 | April 14, 2009 | \$300 Western Union money transfer from victim E.S. in Manitowoc, Wisconsin, to "Kieth Jones" [sic] in Oakland Park, Florida. |
| 7 | April 17, 2009 | \$1,000 Western Union money transfer from victim D.U. in Spruce Pine, North Carolina, to "Keith Jones" in Wilton Manors, Florida. |
| 8 | April 17, 2009 | \$2,350 Western Union money transfer from "Reginald Oden" in Miramar, Florida, to ONEIKE MIKHALE BARNETT in Montego Bay, Jamaica. |

| COUNT | APPROXIMATE DATE | DESCRIPTION OF WIRE COMMUNICATION |
|-------|------------------|---|
| 9 | April 23, 2009 | \$100 Western Union money transfer from victim D.U. in Burnsville, North Carolina, to "Keith Jones" in Miramar, Florida. |
| 10 | May 7, 2009 | \$750 Western Union money transfer from victim D.U. in Burnsville, North Carolina, to "Keith Jones" in Fort Lauderdale, Florida. |
| 11 | June 11, 2009 | \$1,740 Western Union money transfer from "Reginald Oden" in Pembroke Pines, Florida, to DAMION BRYAN BARRETT in Montego Bay, Jamaica. |
| 12 | June 17, 2009 | \$150 Western Union money transfer from victim O.Y. in Lakewood, Colorado, to "Keith Jones" in Miami, Florida. |
| 13 | June 18, 2009 | \$200 Western Union money transfer from victim O.Y. in Lakewood, Colorado, to "Keith Jones" in Wilton Manors, Florida. |
| 14 | June 18, 2009 | \$2,500 Western Union money transfer from victim O.Y. in Lakewood, Colorado, to "Keith Jones" in Fort Lauderdale, Florida. |
| 15 | June 19, 2009 | \$200 Western Union money transfer from victim O.Y. in Lakewood, Colorado, to "Keith Jones" in Oakland Park, Florida. |
| 16 | July 24, 2010 | \$2,500 Western Union money transfer from M.Y. in Lauderhill, Florida, to ONEIKE MICKHALE BARNETT in Jamaica. |

| COUNT | APPROXIMATE DATE | DESCRIPTION OF WIRE COMMUNICATION |
|-------|--------------------|---|
| 17 | July 26, 2010 | \$2,500 Western Union money transfer from M.Y. in Lauderhill, Florida, to ONEIKE MICKHALE BARNETT in Jamaica. |
| 18 | July 27, 2010 | \$2,400 Western Union money transfer from M.Y. in Lauderhill, Florida, to ONEIKE MICKHALE BARNETT in Jamaica. |
| 19 | August 19, 2010 | \$2,500 Western Union money transfer from M.Y. in Tamarac, Florida, to ONEIKE MICKHALE BARNETT in Jamaica. |
| 20 | August 20, 2010 | \$2,500 Western Union money transfer from M.Y. in Lauderhill, Florida, to ONEIKE MICKHALE BARNETT in Jamaica. |
| 21 | August 21, 2010 | \$2,500 Western Union money transfer from M.Y. in Lauderhill, Florida, to ONEIKE MICKHALE BARNETT in Jamaica. |
| 22 | August 23, 2010 | \$2,500 Western Union money transfer from M.Y. in Lauderhill, Florida, to ONEIKE MICKHALE BARNETT in Jamaica. |
| 23 | September 28, 2010 | \$2,500 Jamaica National money transfer from R.R. in Lauderhill, Florida, to ONEIKE MICKHALE BARNETT in Jamaica. |
| 24 | October 5, 2010 | \$2,500 Jamaica National money transfer from R.R. in Lauderhill, Florida, to ONEIKE MICKHALE BARNETT in Jamaica. |
| 25 | October 9, 2010 | \$2,500 Jamaica National money transfer from R.R. in Lauderhill, Florida, to ONEIKE MICKHALE BARNETT in Jamaica. |
| 26 | October 11, 2010 | \$2,500 Jamaica National money transfer from R.R. in Lauderhill, Florida, to ONEIKE MICKHALE BARNETT in Jamaica. |

| COUNT | APPROXIMATE DATE | DESCRIPTION OF WIRE COMMUNICATION |
|-------|-------------------|---|
| 27 | October 14, 2010 | \$2,500 Jamaica National money transfer from R.R. in Lauderhill, Florida, to ONEIKE MICKHALE BARNETT in Jamaica. |
| 28 | October 25, 2010 | \$2,500 Jamaica National money transfer from R.R. in Lauderhill, Florida, to ONEIKE MICKHALE BARNETT in Jamaica. |
| 29 | October 29, 2010 | \$2,500 Jamaica National money transfer from R.R. in Lauderhill, Florida, to ONEIKE MICKHALE BARNETT in Jamaica. |
| 30 | November 6, 2010 | \$765 Jamaica National money transfer from M.Y. in Lauderhill, Florida, to ONEIKE MICKHALE BARNETT in Jamaica. |
| 31 | September 1, 2011 | \$600 Jamaica National money transfer from R.R. in Lauderhill, Florida, to ONEIKE MICKHALE BARNETT in Jamaica. |
| 32 | September 1, 2011 | \$280 Western Union money transfer from R.R. in Fort Lauderdale, Florida, to ONEIKE MICKHALE BARNETT in Jamaica. |
| 33 | September 1, 2011 | \$280 Western Union money transfer from R.R. in Fort Lauderdale, Florida, to ONEIKE MICKHALE BARNETT in Jamaica. |
| 34 | September 2, 2011 | \$300 Western Union money transfer from R.R. in Fort Lauderdale, Florida, to ONEIKE MICKHALE BARNETT in Jamaica. |
| 35 | September 3, 2011 | \$1,020 Jamaica National money transfer from M.Y. in Lauderhill, Florida, to ONEIKE MICKHALE BARNETT in Jamaica. |

| COUNT | APPROXIMATE DATE | DESCRIPTION OF WIRE COMMUNICATION |
|-------|--------------------|--|
| 36 | September 10, 2011 | \$450 Western Union money transfer from R.R. in Lauderhill, Florida, to ONEIKE MICKHALE BARNETT in Jamaica. |
| 37 | September 12, 2011 | \$450 Western Union money transfer from R.R. in Lauderhill, Florida, to ONEIKE MICKHALE BARNETT in Jamaica. |
| 38 | September 14, 2011 | \$450 Western Union money transfer from R.R. in Lauderhill, Florida, to ONEIKE MICKHALE BARNETT in Jamaica. |

All in violation of Title 18, United States Code, Sections 1343, 2326, and 2.

FORFEITURE

1. The allegations of Counts 1 through 38 of this Indictment are re-alleged and incorporated by reference as though fully set forth herein, for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 982(a)(8) and Title 28, United States Code, Section 2461(c).

2. Upon conviction of any of the offenses alleged in Counts 1 through 38 of this Indictment, the defendants shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(8), any property, real or personal, constituting, derived from, or traceable to the gross proceeds that the defendants obtained, directly or indirectly, as the result of the violations of Title 18, United States Code, Sections 1349, 1343, and 2326, and any property, real or personal, that was used or intended to be used to commit, to facilitate, or to promote the commission of such offense.


All pursuant to Title 18, United States Code, Sections 982(a)(8) and 982(b)(1); and the procedures of Title 21, United States Code, Section 853.


A TRUE BILL

~~FOR~~PERSON


WIFREDO A. FERRER
UNITED STATES ATTORNEY


BERTHA R. MITRANI
ASSISTANT UNITED STATES ATTORNEY


JEFFREY STEGER
SENIOR LITIGATION COUNSEL
U.S. DEPARTMENT OF JUSTICE


KATHRYN M. DRENNING
TRIAL ATTORNEY
U.S. DEPARTMENT OF JUSTICE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

CASE NO. _____

vs.

CERTIFICATE OF TRIAL ATTORNEY*

**Oneike Mickhale Barnett and
Damion Bryan Barrett,
Defendants.**

_____ /

Superseding Case Information:

Court Division: (Select One)

_____ Miami _____ Key West
X FTL _____ WPB _____ FTP

New Defendant(s) Yes _____ No _____
Number of New Defendants _____
Total number of counts _____

I do hereby certify that:

- I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
- I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.
- Interpreter: (Yes or No) No
List language and/or dialect _____
- This case will take 10 days for the parties to try.
- Please check appropriate category and type of offense listed below:

| | |
|--------------------------------|-----------------------|
| (Check only one) | (Check only one) |
| I 0 to 5 days _____ | Petty _____ |
| II 6 to 10 days <u>X</u> _____ | Minor _____ |
| III 11 to 20 days _____ | Misdem. _____ |
| IV 21 to 60 days _____ | Felony <u>X</u> _____ |
| V 61 days and over _____ | |

6. Has this case been previously filed in this District Court? (Yes or No) No

If yes:
Judge: _____ Case No. _____

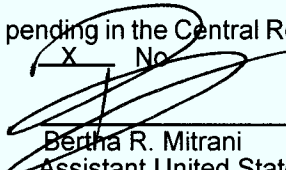
(Attach copy of dispositive order)
Has a complaint been filed in this matter? (Yes or No) No

If yes:
Magistrate Case No. _____
Related Miscellaneous numbers: _____
Defendant(s) in federal custody as of _____
Defendant(s) in state custody as of _____
Rule 20 from the _____ District of _____

Is this a potential death penalty case? (Yes or No) No

7. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to October 14, 2003? _____ Yes X No

8. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to September 1, 2007? _____ Yes X No



Bertha R. Mitrani
Assistant United States Attorney
Florida Bar No./Court No.88171

*Penalty Sheet(s) attached

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: Damion Bryan Barrett

Case No: _____

Counts #: 1

Conspiracy to Commit Wire Fraud

in violation of 18 U.S.C. § 1349 and 2326

*** Max. Penalty:** Thirty (30) years imprisonment; five (5) year supervised release; \$250,000 fine or not more than the greater of twice the gross gain or twice the gross loss, unless imposition of a fine under this subsection would unduly complicate or prolong the sentencing process

Counts #: 2-38

Wire Fraud

in violation of 18 U.S.C. § 1343 and 2326

***Max. Penalty:** Thirty (30) years imprisonment; five (5) year supervised release; \$250,000 fine or not more than the greater of twice the gross gain or twice the gross loss, unless imposition of a fine under this subsection would unduly complicate or prolong the sentencing process

Count #:

***Max. Penalty:**

Count #:

***Max. Penalty:**

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: Oneike Mickhale Barnett

Case No: _____

Counts #: 1

Conspiracy to Commit Wire Fraud

in violation of 18 U.S.C. § 1349 and 2326

*** Max. Penalty:** Thirty (30) years imprisonment; five (5) year supervised release; \$250,000 fine or not more than the greater of twice the gross gain or twice the gross loss, unless imposition of a fine under this subsection would unduly complicate or prolong the sentencing process

Counts #: 2-38

Wire Fraud

in violation of 18 U.S.C. § 1343 and 2326

***Max. Penalty:** Thirty (30) years imprisonment; five (5) year supervised release; \$250,000 fine or not more than the greater of twice the gross gain or twice the gross loss, unless imposition of a fine under this subsection would unduly complicate or prolong the sentencing process

Count #:

***Max. Penalty:**

Count #:

***Max. Penalty:**

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**