

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

UNITED STATES OF AMERICA

v.

INDICTMENT

JEREMY FRAZIER,
TONY ACREUS,
TIMOTHY JOHNS,
TODD WARTHEN,
and
JOHN HONORE

4:09cr21-RH

THE GRAND JURY CHARGES:

COUNT ONE

That between in or about December, 2007, and on or about February 15, 2009, in the
Northern District of Florida and elsewhere, the defendants,

JEREMY FRAZIER,
TONY ACREUS,
TIMOTHY JOHNS,
TODD WARTHEN,
and
JOHN HONORE,

did knowingly and willfully conspire, combine, confederate, and agree together and with other
persons, to commit an offense against the United States, that is, to knowingly, willfully, and with
intent to defraud, produce, use, and traffic in one or more counterfeit access devices, that is,
counterfeit credit cards, counterfeit debit cards, and counterfeit gift cards bearing fraudulently

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obtained account numbers, and in so doing, affected interstate commerce, in violation of Title 18, United States Code, Sections 1029(a)(1) and 1029(c).

MANNER AND MEANS OF CONSPIRACY

The manner and means by which the conspiracy was carried out included the following:

1. It was part of the conspiracy that **JEREMY FRAZIER, TONY ACREUS, TIMOTHY JOHNS, TODD WARTHEN, and JOHN HONORE**, and others, would and did obtain approximately two-hundred (200) stolen credit card and debit card account numbers belonging to victims throughout the United States whose account information was fraudulently stolen in a data breach from Heartland Payment Systems, Inc. and elsewhere.
2. It was further part of the conspiracy that unknown conspirators would and did transfer the fraudulently obtained account information onto other credit cards, debit cards, and gift cards, and thereby produced counterfeit credit cards, debit cards, and gift cards.
3. It was further part of the conspiracy that defendants **JEREMY FRAZIER, TONY ACREUS, TIMOTHY JOHNS, TODD WARTHEN, and JOHN HONORE**, and others, would and did use the counterfeit credit cards, debit cards, and gift cards to purchase merchandise and gift cards from retailers such as Wal-Mart, Baja Beach Club, and other stores located in the Northern District of Florida and elsewhere.
4. It was further part of the conspiracy that defendants **JEREMY FRAZIER, TONY ACREUS, TIMOTHY JOHNS, TODD WARTHEN, and JOHN HONORE**, and others, by their conduct did fraudulently obtain and attempt to obtain more than \$100,000 in merchandise

OVERT ACTS OF THE CONSPIRACY

In furtherance of this conspiracy, and to effect the objects thereof, the following overt acts, among others, were committed by the conspirators in the Northern District of Florida, and elsewhere:

1. On or about November 13, 2008, defendant **JEREMY FRAZIER** fraudulently used a counterfeit credit card and Wal-Mart gift cards that had been purchased with counterfeit credit cards to purchase \$1,022.89 in merchandise, to-wit: four (4) iPods, at a Wal-Mart store in Tallahassee, Florida.
2. On or about November 13, 2008, defendant **TONY ACREUS** fraudulently used a counterfeit credit card to purchase \$201.49 in merchandise, to-wit: a gift card and a soda at a Wal-Mart store in Tallahassee, Florida..
3. On or about November 14, 2008, defendant **TODD WARTHEN** fraudulently used a counterfeit credit card to purchase \$202.31 in merchandise, to-wit: a gift card and miscellaneous food items at a Wal-Mart store in Tallahassee, Florida.
4. On or about November 14, 2008, defendant **TODD WARTHEN** fraudulently used a counterfeit credit card to purchase \$200.00 in merchandise, to-wit: a gift card at a Wal-Mart store in Tallahassee, Florida.
5. On or about November 16, 2008, defendant **TIMOTHY JOHNS** attempted to fraudulently use counterfeit credit cards to purchase \$77.54 in merchandise, to-wit: miscellaneous food items at a Wal-Mart store in Tallahassee, Florida.

6. On or about November 17, 2008, defendant **TIMOTHY JOHNS** fraudulently used a counterfeit credit card to purchase \$1,200.00 in merchandise, to-wit: six (6) gift cards at a Wal-Mart store in Tallahassee, Florida.

7. On or about November 17, 2008, defendant **JEREMY FRAZIER** fraudulently used a counterfeit credit card to purchase \$100.00 in merchandise, to-wit: a gift card at a Wal-Mart store in Tallahassee, Florida.

8. On or about November 17, 2008, defendant **TONY ACREUS** fraudulently used a counterfeit credit card to purchase \$201.49 in merchandise, to-wit: a gift card and soda at a Wal-Mart store in Tallahassee, Florida.

9. On or about November 17, 2008, defendant **TONY ACREUS** fraudulently used a counterfeit credit card to purchase \$1,800.00 in merchandise, to-wit: nine (9) gift cards at a Wal-Mart store in Tallahassee, Florida.

10. On or about November 17, 2008, defendant **TONY ACREUS** fraudulently used a counterfeit credit card to purchase \$800.00 in merchandise, to-wit: four (4) gift cards at a Wal-Mart store in Tallahassee, Florida.

11. On or about November 18, 2008, defendant **TONY ACREUS** fraudulently used a counterfeit credit card to purchase \$7,001.49 in merchandise, to-wit: twelve (12) gift cards and a soda at a Wal-Mart store in Tallahassee, Florida.

12. On or about November 18, 2008, defendant **TONY ACREUS** fraudulently used a counterfeit credit card to purchase \$3,000.00 in merchandise, to-wit: three (3) gift cards at a Wal-Mart store in Tallahassee, Florida.

13. On or about November 18, 2008, defendant **TONY ACREUS** fraudulently used a counterfeit credit card to purchase \$1,000.00 in merchandise, to-wit: one (1) gift card at a Wal-Mart store in Tallahassee, Florida.

14. On or about November 19, 2008, defendant **TIMOTHY JOHNS** fraudulently used Wal-Mart gift cards that had been purchased with counterfeit credit cards and attempted to fraudulently use counterfeit credit cards to purchase \$3,113.20 in merchandise, to-wit: two (2) televisions at a Wal-Mart store in Tallahassee, Florida.

15. On or about November 19, 2008, defendant **JEREMY FRAZIER** fraudulently used Wal-Mart gift cards that had been purchased with counterfeit credit cards and attempted to fraudulently use counterfeit credit cards to purchase \$1,716.78 in merchandise, to-wit: a television at a Wal-Mart store in Tallahassee, Florida.

16. On or about November 20, 2008, defendant **JOHN HONORE** attempted to fraudulently use three (3) counterfeit credit cards to purchase \$500.00 in merchandise, to-wit: a gift card at a Wal-Mart store in Tallahassee, Florida.

17. On or about November 20, 2008, defendant **JOHN HONORE** fraudulently used a counterfeit credit card to purchase \$500.00 in merchandise, to-wit: a gift card at a Wal-Mart store in Tallahassee, Florida.

18. On or about December 4, 2008, in Tallahassee, Florida, defendant **TONY ACREUS** possessed Wal-Mart gift cards that had been purchased using counterfeit credit cards.

19. On or about February 7, 2009, defendant **TONY ACREUS** fraudulently used counterfeit credit cards to purchase \$400.00 in merchandise, to-wit: two (2) gift cards at a Wal-Mart store in Tallahassee, Florida.

20. On or about February 7, 2009, defendant **TIMOTHY JOHNS** fraudulently used counterfeit credit cards to purchase \$1,430.00 in merchandise, to-wit: six (6) gift cards at a Wal-Mart store in Tallahassee, Florida.

21. On or about February 9, 2009, in Tallahassee, Florida, defendant **TONY ACREUS** possessed counterfeit credit cards, counterfeit debit cards, and counterfeit gift cards, that had been fraudulently encoded with account information from victims of identity theft.

22. On or about February 9, 2009, in Tallahassee, Florida, defendant **TONY ACREUS** possessed Wal-Mart gift cards that had been purchased using counterfeit credit cards.

23. On or about February 9, 2009, in Tallahassee, Florida, defendant **TONY ACREUS** and defendant **JEREMY FRAZIER** possessed in the vehicle in which they were traveling, counterfeit credit cards and Wal-Mart gift cards that had been purchased with counterfeit credit cards, and merchandise which had been purchased using Wal-Mart gift cards purchased with counterfeit credit cards.

All in violation of Title 18, United States Code, Sections 371 and 1029(b)(2).

COUNT TWO

That between on or about October 28, 2008, and on or about February 15, 2009, in the Northern District of Florida and elsewhere, the defendants,

**JEREMY FRAZIER,
TONY ACREUS,
TIMOTHY JOHNS,
TODD WARTHEN,
and
JOHN HONORE,**

did knowingly, willfully, and with intent to defraud, produce, use, and traffic in one or more

counterfeit access devices, that is, counterfeit credit cards bearing fraudulently obtained account numbers, and in doing so, affected interstate commerce in violation of Title 18, United States Code, Sections 1029(a)(1), 1029(c), and 2.

COUNT THREE

That on or about November 13, 2008, in the Northern District of Florida, the defendant,

JEREMY FRAZIER,

did knowingly possess and use, without lawful authority, a means of identification of another person, namely, access devices, further described as two (2) sixteen-digit credit and debit card account numbers, the last four digits of which were 9223 and 3476, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), that is, conspiracy to produce, use, and traffic in counterfeit access devices as charged in Count One of this Indictment and producing, using and trafficking in counterfeit access devices as charged in Count Two of this Indictment.

In violation of Title 18, United States Code, Sections 1028A and 2.

COUNT FOUR

That on or about November 13, 2008, in the Northern District of Florida, the defendant,

TONY ACREUS,

did knowingly possess and use, without lawful authority, a means of identification of another person, namely, access devices, further described as one (1) sixteen-digit debit card account number, the last four digits of which was 1011, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), that is, conspiracy to produce, use, and traffic in counterfeit access devices as charged in Count One of this Indictment and

producing, using and trafficking in counterfeit access devices as charged in Count Two of this Indictment.

In violation of Title 18, United States Code, Sections 1028A and 2.

COUNT FIVE

That on or about November 14, 2008, in the Northern District of Florida, the defendant,

TODD WARTHEN,

did knowingly possess and use, without lawful authority, a means of identification of another person, namely, access devices, further described as three (3) sixteen-digit credit and debit card account numbers, the last four digits of which were 0237, 4967, and 9609, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), that is, conspiracy to produce, use, and traffic in counterfeit access devices as charged in Count One of this Indictment and producing, using and trafficking in counterfeit access devices as charged in Count Two of this Indictment.

In violation of Title 18, United States Code, Sections 1028A and 2.

COUNT SIX

That on or about November 14, 2008, in the Northern District of Florida, the defendant,

TODD WARTHEN,

did knowingly possess and use, without lawful authority, a means of identification of another person, namely, access devices, further described as one (1) sixteen-digit debit card account number, the last four digits of which was 9609, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), that is, conspiracy to produce, use, and traffic in counterfeit access devices as charged in Count One of this Indictment and

producing, using and trafficking in counterfeit access devices as charged in Count Two of this Indictment.

In violation of Title 18, United States Code, Sections 1028A and 2.

COUNT SEVEN

That on or about November 16, 2008, in the Northern District of Florida, the defendants,

**TIMOTHY JOHNS,
and
JEREMY FRAZIER,**

did knowingly possess and use, without lawful authority, a means of identification of another person, namely, access devices, further described as five (5) sixteen-digit credit and debit card account numbers, the last four digits of which were 7526, 8045, 7575, 7505, and 6492, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), that is, conspiracy to produce, use, and traffic in counterfeit access devices as charged in Count One of this Indictment and producing, using and trafficking in counterfeit access devices as charged in Count Two of this Indictment.

In violation of Title 18, United States Code, Sections 1028A and 2.

COUNT EIGHT

That on or about November 17, 2008, in the Northern District of Florida, the defendant,

TIMOTHY JOHNS,

did knowingly possess and use, without lawful authority, a means of identification of another person, namely, access devices, further described as one (1) sixteen-digit credit card account number, the last four digits of which was 9590, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), that is, conspiracy to produce, use,

and traffic in counterfeit access devices as charged in Count One of this Indictment and producing, using and trafficking in counterfeit access devices as charged in Count Two of this Indictment.

In violation of Title 18, United States Code, Sections 1028A and 2.

COUNT NINE

That on or about November 17, 2008, in the Northern District of Florida, the defendant,

JEREMY FRAZIER,

did knowingly possess and use, without lawful authority, a means of identification of another person, namely, access devices, further described as one (1) sixteen-digit credit card account number, the last four digits of which was 7226, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), that is, conspiracy to produce, use, and traffic in counterfeit access devices as charged in Count One of this Indictment and producing, using and trafficking in counterfeit access devices as charged in Count Two of this Indictment.

In violation of Title 18, United States Code, Sections 1028A and 2.

COUNT TEN

That on or about November 17, 2008, in the Northern District of Florida, the defendant,

TONY ACREUS,

did knowingly possess and use, without lawful authority, a means of identification of another person, namely, access devices, further described as four (4) sixteen-digit credit and debit card account numbers, the last four digits of which were 7720, 8355, 6284, and 2098, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), that

is, conspiracy to produce, use, and traffic in counterfeit access devices as charged in Count One of this Indictment and producing, using and trafficking in counterfeit access devices as charged in Count Two of this Indictment.

In violation of Title 18, United States Code, Sections 1028A and 2.

COUNT ELEVEN

That on or about November 18, 2008, in the Northern District of Florida, the defendant,

TONY ACREUS,

did knowingly possess and use, without lawful authority, a means of identification of another person, namely, access devices, further described as four (4) sixteen-digit credit and debit card account numbers, the last four digits of which were 7226, 7841, 1750, and 2982, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), that is, conspiracy to produce, use, and traffic in counterfeit access devices as charged in Count One of this Indictment and producing, using and trafficking in counterfeit access devices as charged in Count Two of this Indictment.

In violation of Title 18, United States Code, Sections 1028A and 2.

COUNT TWELVE

That on or about November 19, 2008, in the Northern District of Florida, the defendant,

TIMOTHY JOHNS,

did knowingly possess and use, without lawful authority, a means of identification of another person, namely, access devices, further described as five (5) sixteen-digit credit and debit card account numbers, the last four digits of which were 0992, 5467, 4484, 1205, and 2783, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c),

that is, conspiracy to produce, use, and traffic in counterfeit access devices as charged in Count One of this Indictment and producing, using and trafficking in counterfeit access devices as charged in Count Two of this Indictment.

In violation of Title 18, United States Code, Sections 1028A and 2.

COUNT THIRTEEN

That on or about November 19, 2008, in the Northern District of Florida, the defendant,

JEREMY FRAZIER,

did knowingly possess and use, without lawful authority, a means of identification of another person, namely, access devices, further described as four (4) sixteen-digit credit and debit card account numbers, the last four digits of which were 5231, 8841, 0317, and 6521 during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), that is, conspiracy to produce, use, and traffic in counterfeit access devices as charged in Count One of this Indictment and producing, using and trafficking in counterfeit access devices as charged in Count Two of this Indictment.

In violation of Title 18, United States Code, Sections 1028A and 2.

COUNT FOURTEEN

That on or about November 20, 2008, in the Northern District of Florida, the defendant,

JOHN HONORE,

did knowingly possess and use, without lawful authority, a means of identification of another person, namely, access devices, further described as four (4) sixteen-digit credit and debit card account numbers, the last four digits of which were 1734, 9581, 9757, and 2856, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), that

is, conspiracy to produce, use, and traffic in counterfeit access devices as charged in Count One of this Indictment and producing, using and trafficking in counterfeit access devices as charged in Count Two of this Indictment.

In violation of Title 18, United States Code, Sections 1028A and 2.

COUNT FIFTEEN

That on or about February 7, 2009, in the Northern District of Florida, the defendant,

TONY ACREUS,

did knowingly possess and use, without lawful authority, a means of identification of another person, namely, access devices, further described as four (4) sixteen-digit credit and debit card account numbers, the last four digits of which were 9803, 6654, 0025, and 7568, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), that is, conspiracy to produce, use, and traffic in counterfeit access devices as charged in Count One of this Indictment and producing, using and trafficking in counterfeit access devices as charged in Count Two of this Indictment.

In violation of Title 18, United States Code, Sections 1028A and 2.

COUNT SIXTEEN

That on or about February 7, 2009, in the Northern District of Florida, the defendant,

TIMOTHY JOHNS,

did knowingly possess and use, without lawful authority, a means of identification of another person, namely, access devices, further described as four (4) sixteen-digit credit and debit card account numbers, the last four digits of which were 4928, 8447, 8901, and 9801, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), that

is, conspiracy to produce, use, and traffic in counterfeit access devices as charged in Count One of this Indictment and producing, using and trafficking in counterfeit access devices as charged in Count Two of this Indictment.

In violation of Title 18, United States Code, Sections 1028A and 2.

CRIMINAL FORFEITURE

The allegations contained in Counts One and Two of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to the provisions of Title 18, United States Code, Sections 982(a)(2)(B) and 1029(c)(2).

From his engagement in any or all of the violations alleged in Counts One and Two of this Indictment, the defendants,

**JEREMY FRAZIER,
TONY ACREUS,
TIMOTHY JOHNS,
TODD WARTHEN,
and
JOHN HONORE,**

shall forfeit to the United States, pursuant to Title 18, United States Code, Sections 982(a)(2)(b) and 1029(c)(2), any and all of the defendant's right, title and interest in any property, real and personal, constituting, and derived from proceeds traceable to such offenses. Specifically, the following property is alleged: a 2006 Dodge Magnum bearing VIN 2D4GV57256H516480, and \$1,217.00 of U.S. currency.

If any of the property described above as being subject to forfeiture, as a result of acts or omissions of the defendants:

1. cannot be located upon the exercise of due diligence;
2. has been transferred or sold to or deposited with a third party;

3. has been placed beyond the jurisdiction of the Court;
4. has been substantially diminished in value; or
5. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendants up to the value of the forfeitable property

A TRUE BILL:

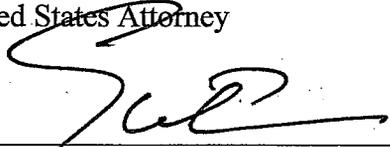
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FOREPERSON

March 3, 2009
DATE



THOMAS F. KIRWIN
United States Attorney



ERIC K. MOUNTIN
Assistant United States Attorney