

MAR 18, 2008

STEVEN M. LARIMORE
CLERK U.S. DIST. CT.
S.D. OF FLA. - MIAMI

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
08-20216-CR-MORENO/SIMONTON
CASE NO.

18 U.S.C. § 371
18 U.S.C. § 1028(a)(2)
18 U.S.C. § 1544
18 U.S.C. § 1028(a)(5)
18 U.S.C. § 1028A(a)(1)

UNITED STATES OF AMERICA

vs.

ALVIN L. FOWLER,
a/k/a "Big Al,"
and
WARREN M. FOWLER,

Defendants.

INDICTMENT

The Grand Jury charges that:

GENERAL ALLEGATIONS

At all times relevant to this Indictment:

Passport Expediting Service

1. The passport expediting service company, (hereinafter referred to as "The Company") is a private company, in Atlanta, Georgia, whose function is to provide a handling service to those who want to expedite the passport application process outside of those services already offered by the U.S. Government. The Company must meet Department of State criteria in order to obtain appointments at U.S. passport offices for their clients. An applicant who chooses to go to The Company instead of a U.S. passport office must still execute the application in front of an authorized

U.S. Government representative, and pays an extra fee for The Company's expedited service, the amount depending on the urgency of the expedited request.

The Defendants

2. **ALVIN L. FOWLER** is the brother of **WARREN M. FOWLER**, and maintained a residence in Vicksburg, Mississippi, and a mailing address at a "Pack & Ship" store in Pompano Beach, Florida. From February 7, 2008, through March 6, 2008, **ALVIN L. FOWLER**, maintained a temporary residence at an economy studio hotel in Fort Lauderdale, Florida.

3. **WARREN M. FOWLER** was employed at The Company, in Atlanta, Georgia, as a "Document Specialist."

COUNT 1

1. Paragraphs 1 through 3 of the General Allegations section of this Indictment are realleged and incorporated by reference as though fully set forth herein.

2. Beginning on or about November 1, 2007, continuing through on or about March 6, 2008, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants,

ALVIN L. FOWLER,
a/k/a "Big Al,"
and
WARREN M. FOWLER,

did knowingly and intentionally combine, conspire, confederate, and agree with each other, to commit an offense against the United States, that is, to willfully and knowingly furnish and deliver a passport to any person, for use by another than the person for whose use it was originally issued and designed, in violation of Title 18, United States Code, Section 1544.

MANNER AND MEANS

The manner and means by which **ALVIN L. FOWLER** and **WARREN M. FOWLER** sought to accomplish the object and purpose of the conspiracy included, among others, the following:

3. **WARREN M. FOWLER**, while employed at The Company, in Atlanta, Georgia, stole U.S. passports from The Company, and personal identification information of applicants from their passport applications, Form DS-11, to include name, date of birth, and social security number.
4. **WARREN M. FOWLER** provided the U.S. passports, and identifying information of the individual applicants, to his brother, **ALVIN L. FOWLER**.
5. **ALVIN L. FOWLER** offered the stolen U.S. passports for sale, ranging from \$5,500 to \$7,500 per passport, accompanied by false identification documents, to include birth certificates and Social Security verification letters.
6. **ALVIN L. FOWLER** created the false identification documents using the personal identifying information provided by **WARREN L. FOWLER**, and using blank birth certificates from various states, blank Social Security verification letters, blank W-2 Wage and Tax forms, and blank United States Individual Income Tax Return 1040 forms.
7. Prior to the sale of the U.S. passports, **ALVIN L. FOWLER**, emailed scanned copies of the stolen U.S. passports to the buyer for the buyer's review.
8. **ALVIN L. FOWLER** sent packages, via U.S. mail, containing the stolen U.S. passports, and accompanying false identification documents, to a P.O. Box in Miami-Dade County, in the Southern District of Florida.

9. **ALVIN L. FOWLER** and **WARREN M. FOWLER** communicated via cellular telephones to discuss the supply of stolen U.S. passports for sale, and obtaining personal identifying information.

OVERT ACTS

In furtherance of the conspiracy, and to accomplish its purpose and objects, at least one of the co-conspirators committed and caused to be committed, in the Southern District of Florida, and elsewhere, at least one of the following overt acts, among others:

10. On or about November 2, 2007, **ALVIN L. FOWLER** emailed a picture of a female to a confidential source (CS) as part of an offer for sale of a U.S. passport.

11. On or about December 13, 2007, **ALVIN L. FOWLER** emailed the CS scanned U.S. passport pictures of three valid U.S. passports, which included name, picture, date of birth, and passport number, as part of an offer for sale of these passports.

12. On or about February 2, 2008, **ALVIN L. FOWLER** offered to sell the CS three stolen U.S. passports for \$21,000, and four U.S. passports for \$28,000.

13. On or about February 12, 2008, **ALVIN L. FOWLER** consummated the sale, via cellular telephone, with the CS, of one stolen U.S. passport for \$7,500.

14. On or about February 12, 2008, **ALVIN L. FOWLER** and **WARREN L. FOWLER** discussed, via cellular telephones, the method and amount of splitting the proceeds from the sale of the stolen U.S. passports.

15. On or about February 12, 2008, **ALVIN L. FOWLER** mailed one U.S. passport, and accompanying identification documents to the CS, in Miami, Florida.

16. On or about February 12, 2008, **ALVIN L. FOWLER** and **WARREN M. FOWLER** discussed, via cellular telephones, **WARREN M. FOWLER** retrieving from The Company a Social Security number to correspond to a stolen U.S. passport that had been sold to the CS to produce a false Social Security verification letter.

17. On or about February 16, 2008, **ALVIN L. FOWLER** mailed one stolen U.S. passport, and accompanying identification documents to the CS, in Miami, Florida.

18. On or about February 20, 2008, **ALVIN L. FOWLER** emailed the CS a message containing the names, dates of birth, and Social Security numbers of 18 individuals.

19. On or about February 20, 2008, **ALVIN L. FOWLER** discussed with the CS the purchase of an additional stolen U.S. passport, and a sale was consummated for \$7,000.

20. On or about February 29, 2008, **ALVIN L. FOWLER** and **WARREN M. FOWLER**, discussed, via cellular telephones, the fact that **WARREN M. FOWLER** was in possession of two additional stolen U.S. passports, and discussed the identifying features of these two individuals.

21. On or about February 29, 2008, **WARREN M. FOWLER**, provided, via cellular telephone, a Post Office tracking number in reference to a package sent to **ALVIN L. FOWLER**, containing the two stolen U.S. passports.

22. On or about March 3, 2008, in an offer for sale, **ALVIN L. FOWLER** emailed the CS scanned pictures of two stolen U.S. passports, which included name, picture, date of birth, and passport number.

23. On or about March 6, 2006, **ALVIN L. FOWLER** maintained in his possession four stolen U.S. passports, a notebook containing approximately eight-hundred names, with

corresponding dates of births, and Social Security Account Numbers, all originating from the top portion of the DS-11 passport application, blank W-2 wage and tax statements, blank 1040 tax forms, blank birth certificates from various states, a reference material entitled "Understanding U.S. Identity Documents," FedEx packaging materials, and Post Office packaging materials.

24. On March 6, 2008, **WARREN M. FOWLER** maintained in his possession six boxes containing approximately six-hundred to eight-hundred Form DS-11 passport applications in each box.

All in violation of Title 18, United State Code, Section 371.

COUNTS 2-8

On or about the dates set forth below, as to each count, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants,

ALVIN L. FOWLER,
a/k/a "Big Al,"
and
WARREN M. FOWLER,

did knowingly, and without lawful authority, transfer a false identification document, in and effecting interstate commerce, that is a birth certificate and Social Security verification letter, knowing that such document was produced without lawful authority, as specified below:

Count	Date	Victim's Initials	Victim's SSN
2	11/06/07	A.W.B.	xxx-xx-6486
3	11/21/07	M.L.L.	xxx-xx-3003
4	11/21/07	K.T.M.	xxx-xx-0367
5	11/30/07	A.M.G.	xxx-xx-3712
6	11/30/07	C.A.V.	xxx-xx-4413
7	11/30/07	W.B.W.	xxx-xx-3365
8	12/10/07	S.W.H.	xxx-xx-0778

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

COUNT 9-13

On or about the dates set forth below, as to each count, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants,

ALVIN L. FOWLER,
a/k/a "Big Al,"
and
WARREN M. FOWLER,

did willfully and knowingly furnish and deliver a passport to any person, for use by another than the person for whose use it was originally issued and designed, as specified below:

Count	Date	Victim's Initials	Victims SSN
9	2/14/08	V.A.C.	xxx-xx-9811
10	2/19/08	J.H.J.	xxx-xx-4589
11	2/21/08	J.W.W.	xxx-xx-3600
12	2/27/08	A.D.C.	xxx-xx-7328
13	2/29/08	W.U.N.	xxx-xx-0409

In violation of Title 18, United States Code, Sections 1544 and 2.

COUNT 14

On or about March 6, 2008, in Broward County, in the Southern District of Florida, the defendant,

ALVIN L. FOWLER,
a/k/a/ "Big Al,"

did knowingly possess, in and effecting interstate commerce, a document-making implement and authentication feature, that is a typewriter, blank birth certificates, blank Social Security verification letters, blank W-2 wage and tax forms, and blank U.S. Individual Income Tax Return 1040 forms, with the intent that such document-making implement and authentication feature be used in the

production of a false identification document, in violation of Title 18, United States Code, Section 1028(a)(5).

COUNTS 15-19

On or about the dates set forth below, as to each count, in Miami-Dade County, in the Southern District of Florida, the defendants,

**ALVIN L. FOWLER, a/k/a "Big Al,"
and
WARREN M. FOWLER,**

during and in relation to a felony violation of Title 18, United States Code, Section 1544, that is willfully and knowingly furnishing and delivering a passport to any person, for use by another than the person for whose use it was originally issued and designed, knowingly and willfully transferred, used, and possessed, without lawful authority, a means of identification of another person, as specified below:

Count	Date	Victim's Initials	Victims SSN
15	2/14/08	V.A.C.	xxx-xx-9811
16	2/19/08	J.H.J.	xxx-xx-4589
17	2/21/08	J.W.W.	xxx-xx-3600
18	2/27/08	A.D.C.	xxx-xx-7328
19	2/29/08	W.U.N.	xxx-xx-0409

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

CRIMINAL FORFEITURE

a. The allegations of Counts 1-14 of this Indictment are realleged and by this reference fully incorporated herein for the purpose of alleging forfeitures to the United States of America of certain property in which one or more of the defendants has an interest, pursuant to the provisions of Title 18, United States Code, Section 1028(b)(5) and Title 18, United States Code, Section 982(a)(2)(B) and Title 18, United States Code, Section 982(a)(6)(A).

b. Upon conviction of the any of the offenses charged in Counts 1 and 9 through 13, the defendants **ALVIN L. FOWLER**, and **WARREN M. FOWLER**, shall forfeit to the United States (1) any property, real or personal, constituting or derived from or traceable to proceeds the person obtained directly or indirectly as the result of the afore stated offenses; (2) any property, real or personal (including any conveyance), used in the commission of or used or intended to be used to facilitate the commission of, the afore said offenses.

c. Upon conviction of the any of the offenses charged in Counts 2 through 8 and 14, the defendants **ALVIN L. FOWLER**, and **WARREN M. FOWLER**, shall forfeit to the United States (1) any personal property used, or intended to be used to commit such violation(s) and (2) any property constituting or derived from any proceeds which the defendant obtained, directly or indirectly, as the result of such violation(s).

d. The property subject to forfeiture includes but is not limited to the following:

1. \$33,700.
2. Brother Electronic Typewriter, Model: GX-6750, S/N: H3E691734
3. Dell laptop computer, Model: Inspiron P/N: J7301-A03
4. HP Deskjet Scanner/Printer, Model: F335 S/N CN68SJ70VX

e. Pursuant to Title 21, United States Code, Section 853(p), as incorporated by reference by Title 18, United States Code, Section 1028(g) and Title 18, United States Code, Section 982(b), if any of the forfeitable property, or any portion thereof, as a result of any act or omission of the defendants:

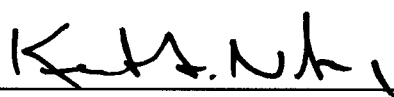
- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred, or sold to, or deposited with a third party;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States to seek the forfeiture of other property of the defendants up to the value of the above-described forfeitable property.

All pursuant to Title 18, United States Code, Section 1028(g); Title 18, United States Code, Section 982(a) and Title 21, United States Code, Section 853.

A TRUE BILL


FOREPERSON


R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY


RUSSELL KOONIN
ASSISTANT UNITED STATES ATTORNEY

UNITED STATES OF AMERICA

CASE NO. _____

vs.

CERTIFICATE OF TRIAL ATTORNEY*

ALVIN L. FOWLER, a/k/a "Big Al,"
and
WARREN M. FOWLER,
Defendants.

Superseding Case Information:

Court Division: (Select One)

X Miami _____ Key West _____
_____ FTL _____ WPB _____ FTP _____New Defendant(s) _____
Number of New Defendants _____
Total number of counts _____

Yes _____ No _____

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.

3. Interpreter: (Yes or No) No
List language and/or dialect _____

4. This case will take 3-5 days for the parties to try.

5. Please check appropriate category and type of offense listed below:
(Check only one) (Check only one)

I	0 to 5 days	<u>X</u>	Petty	_____
II	6 to 10 days	_____	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) _____

If yes:

Judge: _____

Case No. _____

(Attach copy of dispositive order)

Has a complaint been filed in this matter? _____

(Yes or No)

Yes

If yes:

Magistrate Case No. _____

08-2282-WCT

Related Miscellaneous numbers: _____

Defendant(s) in federal custody as of _____

March 6, 2008


Defendant(s) in state custody as of _____

Rule 20 from the _____

District of _____

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

- Does this case originate from a matter pending in the U.S. Attorney's Office prior to April 1, 2003? _____ Yes X No
- Does this case originate from a matter pending in the U. S. Attorney's Office prior to April 1, 1999? _____ Yes X No
If yes, was it pending in the Central Region? _____ Yes X No
- 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
- Does this case originate from a matter pending in the Narcotics Section (Miami) prior to May 18, 2003? _____ Yes X No
- 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


RUSSELL KOONIN
ASSISTANT UNITED STATES ATTORNEY
Florida Bar No. 0474479

*Penalty Sheet(s) attached

REV.9/11/07

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: WARREN M. FOWLER

Case No: _____

Count #: 1

Conspiracy to Commit Misuse of Passport

Title 18, United States Code, Section 371

*Max. Penalty: Five Years' Imprisonment

Count #: 2-8

Transfer of Identification Document

Title 18, United State Code, Section 1028(a)(2)

*Max. Penalty: Fifteen Years' Imprisonment

Count #: 9-13

Misuse Of Passport

Title 18, United States Code, Section 1544

*Max. Penalty: Ten Years' Imprisonment

Count #: 15-19

Aggravated Identity Theft

Title 18, United States Code, Section 1028A(a)(1)

*Max. Penalty: Two Years' Imprisonment

***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

Page 1 of 2

Defendant's Name: ALVIN L. FOWLER , a/k/a "Big Al,"

Case No: _____

Count #: 1

Conspiracy to Commit Misuse of Passport

Title 18, United States Code, Section 371

*Max. Penalty: Five Years' Imprisonment

Count #: 2-8

Transfer of Identification Document

Title 18, United State Code, Section 1028(a)(2)

*Max. Penalty: Fifteen Years' Imprisonment

Count #: 9-13

Misuse Of Passport

Title 18, United States Code, Section 1544

*Max. Penalty: Ten Years' Imprisonment

Count #: 14

Possession of Document-Making Implement

Title 18, United States Code, Section 1028(a)(5)

*Max. Penalty: Fifteen Years' Imprisonment

***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

Page 2 of 2

Defendant's Name: ALVIN L. FOWLER, a/k/a "Big Al,"

Count #: 15-19

Aggravated Identity Theft

Title 18, United States Code, Section 1028A(a)(1)

*Max. Penalty: Two Years' Imprisonment

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