
**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA : **CRIMINAL COMPLAINT**
 :
 v. : Mag. No. 12-3723
 :
 : Honorable Mark Falk
 RENAULD MEDARD and :
 WESLY DIEUDONNE :

I, Jeffrey Breen, being duly sworn, state the following is true and correct to the best of my knowledge and belief.

SEE ATTACHMENT A

I further state that I am a Special Agent with the United States Secret Service, and that this Complaint is based on the following facts:

SEE ATTACHMENT B

continued on the attached page and made a part hereof.



Jeffrey Breen, Special Agent,
United States Secret Service

Sworn to before me and subscribed in my presence,

December 5, 2012
Date

at Newark, New Jersey
City and State

Honorable Mark Falk
United States Magistrate Judge
Name and Title of Judicial Officer



Signature of Judicial Officer

ATTACHMENT A

From at least as early as in or about July 2009, through in or about November 2011, in the District of New Jersey and elsewhere, the defendants,

RENAULD MEDARD and WESLY DIEUDONNE

did knowingly and intentionally conspire and agree with each other and others to devise a scheme and artifice to defraud Home Depot, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, and, for the purpose of executing such scheme and artifice to defraud, did transmit and cause to be transmitted by means of wire communications in interstate and foreign commerce, certain signs, signals, and sounds, for the purpose of executing such scheme and artifice, contrary to Title 18, United States Code, Section 1343.

In violation of Title 18, United States Code, Section 1349.

ATTACHMENT B

I, Jeffrey Breen, am a Special Agent with the United States Secret Service. I have knowledge of the facts set forth below from my involvement in the investigation, a review of reports and discussions with other law enforcement personnel. Because this Complaint is being submitted for the limited purpose of establishing probable cause, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts which I believe are necessary to establish probable cause. Any statements attributed to individuals are described in substance and in part. In addition, where I assert that an event took place on a particular date, I am asserting that it took place on or about the date alleged.

1. At all times relevant to this Complaint, Home Depot was a home improvement retail company with a number of locations throughout the United States, including New Jersey.

The Conspiracy to Defraud Home Depot

2. From at least as early as in or about July 2009 through in or about November 2011, defendants RENAULD MEDARD (“MEDARD”) and WESLY DIEUDONNE (“DIEUDONNE”) conspired with each other and others to fraudulently obtain money, property and items of value from Home Depot.

3. Specifically, the investigation has revealed that defendants MEDARD and DIEUDONNE routinely made purchases of various items from Home Depot locations in, among other places, New Jersey, New York, Maryland, Connecticut and Pennsylvania. During such purchases, defendants MEDARD and DIEUDONNE assembled two shopping carts containing identical items. Leaving one cart of merchandise stashed in a location in the store (“Cart 2”), defendants MEDARD and DIEUDONNE purchased the identical set of items contained in the other cart (“Cart 1”). Defendants MEDARD and DIEUDONNE would typically purchase the items in Cart 1 using cash, credit cards, fraudulently obtained store credit or a combination of the three. Defendants MEDARD and DIEUDONNE would then leave the store with the items in Cart 1, as well as the receipt issued by the store for the purchase, leaving Cart 2 inside the store.

4. After purchasing the items in Cart 1, defendants MEDARD and DIEUDONNE would return to the store almost immediately with a receipt corresponding to the items in Cart 1, but not the items purchased. They would then retrieve Cart 2, containing items identical to those in Cart 1. Under the guise that they had forgotten to purchase an item, usually an inexpensive one, defendants MEDARD and DIEUDONNE would return to the register with Cart 2, and purchase only the one additional small item. In doing so, defendants MEDARD and DIEUDONNE would present the receipt for the items previously purchased from Cart 1 in the prior transaction, and attempt to deceive the cashier into believing that the items in Cart 2 had already been purchased.

5. Thereafter, defendants MEDARD and DIEUDONNE went back into the same Home Depot store or traveled to different Home Depot store locations for the purpose of returning the items. In some instances, defendants MEDARD and DIEUDONNE presented a receipt in order to effectuate the return. In other instances, defendants MEDARD and DIEUDONNE obtained a refund for store credit without presenting a receipt (a "Non-Received Refund").

6. For Non-Received Refunds, Home Depot's policy required defendants MEDARD and DIEUDONNE to present a driver's license or other identifying document in order to receive a store gift card programmed with a balance in the amount of the refund. As is standard practice throughout all Home Depot locations, relevant information from these identifying documents is entered into a register-computer which transmits the relevant information, via wire, to host servers located in Austin, Texas and Atlanta, Georgia for purposes of preliminary validation. If the information is facially valid, the servers transmit authorization, again via wire, back to the individual Home Depot store location to process a refund for store credit using the store's register-computer. The investigation has revealed that defendants MEDARD and DIEUDONNE observed this process taking place while waiting for the verification to be processed and, ultimately, the store gift card containing the refunded amount.

7. I have obtained and examined the photographs of defendants MEDARD and DIEUDONNE appearing on their driver's licenses issued to them by the State of New York. I have compared these photographs with the surveillance videos provided by Home Depot and have determined that the individuals appearing on the driver's licenses issued to defendants MEDARD and DIEUDONNE are the same individuals appearing in Home Depot surveillance videos carrying out the scheme described herein.

The Defendants Stole More Than \$257,000 from Home Depot

8. Based on, among other things, the purchase receipts, return receipts, video surveillance tapes, and the identification information submitted in connection with Non-Received Refunds, between at least as early as in or about July 2009, and in or about November 2011, defendants MEDARD and DIEUDONNE perpetuated their fraudulent scheme hundreds of times at various Home Depot locations in numerous states. Over the course of this scheme, defendants MEDARD and DIEUDONNE fraudulently obtained Home Depot store credit and refunds in differing amounts, totaling at least \$257,462.95

A Sample Transaction on July 13, 2011

9. As just one example of defendants' conduct in furtherance of the conspiracy, on or about July 13 2011, at approximately 10:50 a.m., using a combination of fraudulently obtained store credit, cash and a credit card in the name of defendant MEDARD, defendant MEDARD purchased items from a shopping cart (Cart 1) totaling approximately \$949.08 at a Home Depot store located in Hackettstown, New Jersey. Immediately thereafter, at approximately 10:56 a.m.,

video surveillance reveals that defendant DIEUDONNE entered the store with an unidentified male. DIEUDONNE and the male entered the store without any merchandise and retrieved a second shopping cart, which contained identical items to those that MEDARD purchased minutes earlier (Cart 2). Defendant DIEUDONNE and the male, with Cart 2, then entered the garden section of the store and selected a bottle of fertilizer to purchase. They then approached the register and purchased the fertilizer in the amount of \$17.59 using cash. In doing so, defendant DIEUDONNE and the male presented the receipt for MEDARD'S purchase of the items in Cart 1 minutes before, and indicated to store personnel that the items in Cart 2 had been purchased already. Defendant DIEUDONNE and the male then left the store with the items in Cart 2, which contained merchandise collectively valued at over \$900, having only paid \$17.59 for fertilizer.

10. On the same day, a short while later, at approximately 11:20 a.m., defendant MEDARD entered the same Home Depot store in Hackettstown, New Jersey, and obtained a receipted refund for the items purchased from Cart 1, obtaining back \$949.08 in cash, store credit, and credit to defendant MEDARD's credit card.