

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**UNITED STATES OF AMERICA** : **CRIMINAL NO. 10-\_\_\_\_\_**

**v.** : **DATE FILED: December 16, 2010**

**JAMES FULTON** : **VIOLATIONS:**

: **18 U.S.C. § 371 (conspiracy to deal in counterfeit**

: **currency - 1 count)**

: **18 U.S.C. § 472 (passing counterfeit currency- 14**

: **counts)**

: **18 U.S.C. § 922(g) (possession of a firearm by a**

: **convicted felon - 1 count)**

**Notice of forfeiture**

**INDICTMENT**

**COUNT ONE**

**THE GRAND JURY CHARGES THAT:**

1. From on or about April 6, 2010, to on or about October 28, 2010, in the Eastern District of Pennsylvania and elsewhere, defendant

**JAMES FULTON**

conspired and agreed with others known and unknown to the grand jury, to commit an offense against the United States, that is, to possess, pass, utter, and conceal falsely made, forged and counterfeited obligations of the United States with intent to defraud, that is, counterfeit \$100 and \$20 United States Federal Reserve Notes, in violation of Title 18, United States Code, Section 472.

## **MANNER AND MEANS**

2. It was part of the conspiracy that defendant JAMES FULTON bought counterfeit United States Federal Reserve Notes from individuals known and unknown to the Grand Jury.

It was further a part of the conspiracy that:

3. Defendant JAMES FULTON took this counterfeit currency to various stores where he bought and attempted to use it to buy merchandise.

## **OVERT ACTS**

In furtherance of the conspiracy, defendant JAMES FULTON and others known and unknown to the grand jury, committed the following overt acts in the Eastern District of Pennsylvania and elsewhere:

1. Between on or about April 6, 2010, and on or about October 28, 2010, defendant JAMES FULTON bought counterfeit currency from individuals known and unknown to the grand jury.

2. On or about April 6, 2010, defendant JAMES FULTON attempted to pass 20 counterfeit \$20 Federal Reserve Notes to purchase merchandise at a Target Store in Philadelphia, Pennsylvania.

3. On or about April 27, 2010, defendant JAMES FULTON passed two counterfeit \$100 United States Federal Reserve Notes to purchase merchandise at a Target Store in Philadelphia, Pennsylvania.

4. On or about April 29, 2010, defendant JAMES FULTON passed one counterfeit \$100 United States Federal Reserve Note to purchase merchandise at a Target Store

in Philadelphia, Pennsylvania.

5. On or about April 30, 2010, defendant JAMES FULTON passed five counterfeit \$100 United States Federal Reserve Notes to purchase merchandise at Target Stores in Philadelphia, Pennsylvania.

6. On or about May 1, 2010, defendant JAMES FULTON passed two counterfeit \$100 United States Federal Reserve Notes to purchase merchandise at a Target Store in Philadelphia, Pennsylvania.

7. On or about May 11, 2010, defendant JAMES FULTON passed three counterfeit \$100 United States Federal Reserve Notes to purchase merchandise at a Target Store in Philadelphia, Pennsylvania.

8. On or about May 13, 2010, defendant JAMES FULTON passed three counterfeit \$100 United States Federal Reserve Notes to purchase merchandise at a Target Store in Philadelphia, Pennsylvania.

9. On or about May 14, 2010, defendant JAMES FULTON attempted to pass three counterfeit \$100 United States Federal Reserve Notes to purchase merchandise at a Target Store in Philadelphia, Pennsylvania.

10. On or about May 14, 2010, defendant JAMES FULTON passed three counterfeit \$100 United States Federal Reserve Notes to purchase merchandise at a Sears Store in Philadelphia, Pennsylvania.

11. On or about May 19, 2010, defendant JAMES FULTON passed three counterfeit \$100 United States Federal Reserve Notes to purchase merchandise at a Sears Store in Philadelphia, Pennsylvania.

12. On or about May 20, 2010, defendant JAMES FULTON passed three counterfeit \$100 United States Federal Reserve Notes to purchase merchandise at a K-Mart Store in Philadelphia, Pennsylvania.

13. On or about May 21, 2010, defendant JAMES FULTON passed three counterfeit \$100 United States Federal Reserve Notes to purchase merchandise at a K-Mart Store in Philadelphia, Pennsylvania.

14. On or about August 6, 2010, defendant JAMES FULTON passed three counterfeit \$20 United States Federal Reserve Notes to purchase merchandise at a Pathmark Store in Philadelphia, Pennsylvania.

15. On or about October 28, 2010, defendant JAMES FULTON attempted to pass four counterfeit \$100 United States Federal Reserve Notes to purchase merchandise at a Target Store in Philadelphia, Pennsylvania.

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

**COUNTS TWO THROUGH FIFTEEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about the dates and at the stores listed below, each instance constituting a separate count, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**JAMES FULTON,**

with intent to defraud, possessed, passed and uttered, and attempted to pass and utter, falsely made, forged, and counterfeited obligations of the United States, that is, the counterfeit Federal Reserve Notes identified below.

<b>COUNT</b>	<b>DATE</b>	<b>STORE</b>	<b>AMOUNT</b>
Two	April 6, 2010	Target	\$400
Three	April 27, 2010	Target	\$200
Four	April 29, 2010	Target	\$100
Five	April 30, 2010	Target	\$500
Six	May 1, 2010	Target	\$200
Seven	May 11, 2010	Target	\$300
Eight	May 13, 2010	Target	\$300
Nine	May 14, 2010	Target	\$300
Ten	May 14, 2010	Sears	\$300
Eleven	May 19, 2010	Sears	\$300
Twelve	May 20, 2010	K-Mart	\$300
Thirteen	May 21, 2010	K-Mart	\$300
Fourteen	August 6, 2010	Pathmark	\$60
Fifteen	October 28, 2010	Target	\$400

In violation of Title 18, United States Code, Section 472.

**COUNT SIXTEEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about October 28, 2010, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**JAMES FULTON,**

having been convicted in a court in the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed, in and affecting interstate commerce, a firearm, that is, a black Charter Arms .38 caliber revolver with an obliterated serial number, loaded with five live rounds of ammunition.

In violation of Title 18, United States Code, Section 922(g)(1).

**NOTICE OF FORFEITURE (NO. 1)**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. As a result of the violations of Title 18, United States Code, Sections 371, and 472 set forth in this indictment, defendant

**JAMES FULTON**

shall forfeit to the United States of America any and all property that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of the offenses, including, but not limited to, \$2,460 in currency, any property involved in such offenses, and any property traceable to such property.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b) incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other

property of the defendants up to the value of the property subject to forfeiture.

All pursuant to Title 18, United States Code, Sections 982(a)(2)(B) and 492 and Title 28, United States Code, Section 2461.

**NOTICE OF FORFEITURE (NO. 2)**

**THE GRAND JURY FURTHER CHARGES THAT:**

As a result of the violation of Title 18, United States Code, Section 922(g)(1), set forth in this indictment, defendant

**JAMES FULTON**

shall forfeit to the United States of America the firearm involved in the commission of this offense, including, but not limited to a black Charter Arms .38 caliber revolver with an obliterated serial number, and five live rounds of ammunition.

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 924(d).

**A TRUE BILL:**

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**GRAND JURY FOREPERSON**

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**ZANE DAVID MEMEGER**  
**United States Attorney**