

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

**UNITED STATES OF AMERICA** : **CRIMINAL NO. 10-221**

**v.** : **DATE FILED: 4-13-10**

**DINA PANNELL** : **VIOLATION:**  
: **18 U.S.C. § 1029(b)(2) (conspiracy to**  
: **commit access device fraud - 1 count)**  
: **18 U.S.C. § 1029(a)(2) (access device**  
: **fraud - 1 count)**  
: **18 U.S.C. § 1028A(a)(1), (c)(4)**  
: **(aggravated identity theft - 1 count)**  
: **18 U.S.C. § 2 (aiding and abetting)**

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**INFORMATION**

**COUNT ONE**

**THE UNITED STATES ATTORNEY CHARGES THAT:**

At all times material to this information:

1. Defendant DINA PANNELL worked as a waitress at Ruby Tuesday's on Chestnut Street in Philadelphia, Pennsylvania.
2. American Express and Diamond Credit Union did business in interstate commerce.
3. A skimming device, or skimmer, is a device that is capable of reading and recording the information stored on the magnetic strips of credit or debit cards, and is capable of transferring that information to another electronic storage device, such as a computer, by use of connecting cables.

4. An encoding device, or encoder, is a device that is capable of reading the information stored on the magnetic strips of credit or debit cards and also writing information to the magnetic strips on credit or debit cards.

5. From in or about October 2008, to in or about April 2009, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendant

**DINA PANNELL**

conspired and agreed, together and with Michael Lewis, charged elsewhere, S.W., D.H., and others known to the United States Attorney, to commit an offense against the United States, that is, to knowingly and with intent to defraud traffic in and use unauthorized credit card and debit card numbers during a one-year period, and by such conduct obtain something of value aggregating \$1,000 or more during that period, in violation of Title 18, United States Code, Section 1029(a)(2).

**MANNER AND MEANS**

It was part of the conspiracy that:

6. Defendant DINA PANNELL used a skimming device at her place of employment to steal the credit and debit card numbers of unsuspecting restaurant customers and provided those stolen card numbers to Michael Lewis, who used an encoding device to record the stolen numbers onto the magnetic strips of other white plastic cards and gift cards so that he and defendant PANNELL could use the stolen numbers to buy things of value.

It was further a part of the conspiracy that:

7. In approximately July 2008, S.W., a friend of defendant DINA PANNELL'S who is known to the United States Attorney, and who was already using a

skimming device for Michael Lewis at another restaurant in Philadelphia, recruited defendant PANNELL to use a skimming device for Lewis also. S.W. introduced defendant PANNELL to Lewis, who provided defendant PANNELL with a skimming device and explained how to use it to steal customers' credit and debit card numbers.

8. In approximately October 2008, defendant DINA PANNELL began using the skimming device to steal customers' credit and debit card numbers. After defendant PANNELL had secretly recorded the credit and debit card numbers of restaurant customers, she either provided the skimming device to S.W. so that S.W. could provide it to Michael Lewis, or defendant PANNELL provided it directly to Michael Lewis.

9. When defendant DINA PANNELL and Michael Lewis met, Lewis attached the skimming device to his computer to look at the information defendant PANNELL had recorded.

10. Using an encoding device, Michael Lewis transferred the stolen card numbers from defendant DINA PANNELL'S skimming device to the magnetic strips on white plastic cards and gift cards so that the stolen numbers could be used to make purchases.

11. Michael Lewis paid defendant DINA PANNELL with gift cards that he had encoded with stolen credit and debit card numbers.

12. Defendant DINA PANNELL used the gift cards encoded with stolen card numbers to go shopping and buy clothes and other things of value. During the period of her involvement in the conspiracy, defendant PANNELL used stolen credit and debit card numbers to make purchases totaling approximately \$5,000.

13. Defendant DINA PANNELL also brought D.H., a friend and waitress at Ruby Tuesday's, into the scheme by introducing her to Michael Lewis, who recruited her to use a skimming device for him. D.H., a person known to the United States Attorney, used a skimming device to steal approximately 300 credit and debit card numbers, which she provided to Michael Lewis.

### **OVERT ACTS**

In furtherance of the conspiracy and to accomplish its object, defendant DINA PANNELL, Michael Lewis, S.W., D.H., and others known to the United States Attorney, committed the following overt acts, among others, in the Eastern District of Pennsylvania and elsewhere:

1. From in or about October 2008, through in or about April 2009, defendant DINA PANNELL used a skimming device at Ruby Tuesday's to steal approximately 75 to 100 credit and debit card numbers, which she provided to Michael Lewis.

2. On or about October 17, 2008, defendant DINA PANNELL used a skimming device secretly to record the American Express credit card number ending in 3007, in the name of a victim with the initials M.S., which she provided to Michael Lewis.

3. From on or about October 23, 2008, to on or about October 27, 2008, defendant DINA PANNELL and Michael Lewis used the American Express credit card number ending in 3007 to make unauthorized purchases totaling \$392.99.

4. On or about March 21, 2009, defendant DINA PANNELL used a skimming device secretly to record the Diamond Credit Union credit card number ending in 4452, in the name of a victim with the initials J.W., which she provided to Michael Lewis.

5. From on or about April 21, 2009, to on or about April 22, 2009, defendant DINA PANNELL and Michael Lewis used the Diamond Credit Union credit card number ending in 4452 to make unauthorized purchases totaling \$682.01.

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

**COUNT TWO**

**THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:**

1. Paragraphs 1 through 4 and 6 through 13, and Overt Acts 1 through 5 of Count One are incorporated here.

2. From in or about October 2008, to in or about April 2009, in the Eastern District of Pennsylvania, and elsewhere, defendant

**DINA PANSELL**

knowingly and with the intent to defraud used, and aided and abetted and willfully caused the use of, two unauthorized access devices, that is, credit cards ending in 3007 and 4452, to obtain things of value aggregating \$1,000 or more during a one-year period, for a total of approximately \$1,075, thereby affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Sections 1029(a)(2) and 2.

**COUNT THREE**

**THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:**

1. Paragraphs 1 through 4 and 6 through 13, and Overt Acts 1 through 5 of Count One are incorporated here.

2. On or about October 17, 2008, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**DINA PANSELL**

knowingly and without lawful authority transferred, possessed, and used, and aided and abetted the transfer, possession, and use of, a means of identification of another person, that is, the American Express credit card number ending in the last four digits 3007 and the name of the person to whom that card was issued, whose initials are M.S., during and in relation to access device fraud.

In violation of Title 18, United States Code, Sections 1028A(a)(1), (c)(4), and 2.

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**MICHAEL L. LEVY  
UNITED STATES ATTORNEY**