

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

UNITED STATES OF AMERICA : **CRIMINAL NO. 10-CR-**
v. : **DATE FILED: _____**

NIEVES MARIANO, : **VIOLATIONS:**
a/k/a "Moe," : **18 U.S.C. § 371 (conspiracy to make, pass**
FELIX PATINO : **and sell counterfeit federal reserve notes -**
: **1 count)**
: **18 U.S.C. § 471 (counterfeiting**
: **Federal Reserve Notes- 1 count)**
: **18 U.S.C. § 472 (possessing counterfeit**
: **Federal Reserve Notes - 4 counts)**
: **18 U.S.C. 473 (dealing in counterfeit**
: **Federal Reserve Notes - 1 count)**
: **18 U.S.C. § 2 (aiding and abetting)**
: **Notice of Forfeiture**

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

1. From in or about September 2009 to in or about February 2010, in Allentown and Bethlehem, in the Eastern District of Pennsylvania and elsewhere, defendants

**NIEVES MARIANO,
a/k/a "Moe," and
FELIX PATINO**

conspired and agreed, together and with others known and unknown to the grand jury, to commit offenses against the United States, that is, with intent to defraud, to

a. falsely make, forge, counterfeit, and alter any obligation and other security of the United States, in violation of Title 18, United States Code, Section 471;

b. possess, pass, utter, publish and sell any falsely made, forged, counterfeited and altered obligation and other security of the United States, in violation of Title 18, United States Code, Section 472; and

c. buy, sell, exchange, transfer, receive and deliver any false, forged, counterfeited, and altered obligation and other security of the United States, with the intent that the same be passed, published, and used as true and genuine, in violation of Title 18, United States Code, Section 473.

MANNER AND MEANS

2. It was part of the conspiracy that defendant NIEVES MARIANO caused counterfeit United States currency (Federal Reserve Notes, hereinafter “FRNs”) to be manufactured and provided them to defendant FELIX PATINO to be exchanged for genuine FRNs.

It was further part of the conspiracy that:

3. Defendant NIEVES MARIANO bleached genuine United States \$5 FRNs and then caused them to then be printed with \$100 FRN markings on the paper.

4. Once defendant NIEVES MARIANO had the genuine \$5 FRN counterfeited into \$100 FRNs by printing on the bleached paper, defendant MARIANO gave the counterfeit bills to defendant FELIX PATINO, and others, to exchange them for genuine United States FRNs.

5. Defendant FELIX PATINO, and others, then cashed the counterfeit FRNs at various retail establishments including Target and Walmart and obtained genuine FRNs in exchange.

6. Defendant NIEVES MARIANO was paid a portion of the genuine FRNs once the exchange had been made by defendant FELIX PATINO and others.

OVERT ACTS

In furtherance of the conspiracy and to accomplish its objects, defendants NIEVES MARIANO and FELIX PATINO committed the following overt acts, among others, in the Eastern District of Pennsylvania and elsewhere:

1. On or about December 13, 2009, defendant FELIX PATINO provided co-conspirator #1, known to the grand jury, ten counterfeit \$100 FRNs, totaling \$1000, that he had obtained from defendant NIEVES MARIANO.

2. On or about December 16, 2009, co-conspirator #1, purchased a money order in the amount of \$1,000 using the counterfeit funds provided to co-conspirator #1 by defendant FELIX PATINO at Walmart, located at 2601 MacArthur Road, Whitehall, Pennsylvania.

3. On or about December 18, 2009, Person #1, whose identity is unknown to the grand jury, on behalf of co-conspirator #1, cashed the \$1000 money order purchased with counterfeit FRNs and obtained genuine United States FRNs.

4. On or about January 26, 2010:

a. Defendant FELIX PATINO told co-conspirator #1, that he had additional counterfeit FRNs available to provide to co-conspirator #1.

b. Co-conspirator #1 met defendant FELIX PATINO in the Arby's Restaurant parking lot in Whitehall, Pennsylvania where defendant PATINO provided co-conspirator #1 with an additional five counterfeit \$100 FRNs totaling \$500, that he had obtained from defendant NIEVES MARIANO.

c. Defendant FELIX PATINO instructed co-conspirator #1, that once co-conspirator #1 exchanged the counterfeit FRNs for genuine United States FRNs, co-conspirator #1 owed defendant PATINO \$250.

5. On or about February 9, 2010:

a. Defendant FELIX PATINO, along with co-conspirator #2, known to the grand jury, and co-conspirator #3, whose identity is unknown to the grand jury, made purchases with counterfeit \$100 FRNs and exchanged the counterfeit \$100 FRNs for genuine United States FRNs at Target, located at 912 Airport Center Drive, Allentown, PA 18109.

b. Co-conspirator #1 met with defendant FELIX PATINO in the parking lot of Panera Bread in Allentown, Pennsylvania and gave him the \$250 co-conspirator #1 owed him for previously providing co-conspirator #1 with counterfeit FRNs.

6. On or about February 16, 2010, defendant FELIX PATINO, possessed 69 counterfeit \$100 FRNs in his motor vehicle while it was parked in Whitehall, Pennsylvania.

7. On or about February 24, 2010:

a. Defendant NIEVES MARIANO purchased at two stores in Bethlehem and Whitehall, Pennsylvania, a bleaching agent as an aid to converting lower denomination genuine United States FRNs into counterfeit higher denomination FRNs.

b. Defendant NIEVES MARIANO took larger denominations of genuine United States FRNs and exchanged them at the Sands Casino in Bethlehem, Pennsylvania, for genuine \$5 FRNs to be used to make into counterfeit \$100 FRNs.

8. On or about March 9, 2010, defendant NIEVES MARIANO, possessed 53 counterfeit \$100 FRNs in his residence in Bethlehem, Pennsylvania.

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

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 2 through 6, and Overt Acts 1 through 8 of Count One of this indictment are incorporated here.

2. From in or about September 2009 to in or about February 2010, in Bethlehem, in the Eastern District of Pennsylvania and elsewhere, defendant

**NIEVES MARIANO,
a/k/a "Moe,"**

with intent to defraud, falsely made, forged, and counterfeited, and aided and abetted the false making, forging, and counterfeiting of, obligations of the United States, that is, approximately \$70,000, in counterfeit \$100 Federal Reserve Notes.

In violation of Title 18, United States Code, Section 471 and 2.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 2 through 6, and Overt Acts 4(a) and (b) of Count One of this indictment are incorporated here.

2. On or about January 26, 2010, in Allentown, in the Eastern District of Pennsylvania, and elsewhere, defendants

**NIEVES MARIANO,
a/k/a "Moe," and
FELIX PATINO**

with intent to defraud, possessed, concealed and passed, and aided and abetted the possession, concealment and passing of, falsely made, forged, and counterfeited obligations of the United States, that is, approximately \$500 in counterfeit \$100 Federal Reserve Notes.

In violation of Title 18, United States Code, Sections 472 and 2.

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 2 through 6, and Overt Act 5(a) of Count One of this indictment are incorporated here.

2. On or about February 9, 2010, in Allentown, in the Eastern District of Pennsylvania, and elsewhere, defendants

**NIEVES MARIANO,
a/k/a "Moe," and
FELIX PATINO**

with intent to defraud, possessed, concealed and passed, and aided and abetted the possession, concealment and passing of, falsely made, forged, and counterfeited obligations of the United States, that is, approximately \$400 in counterfeit \$100 Federal Reserve Notes.

In violation of Title 18, United States Code, Sections 472 and 2.

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 2 through 6, and Overt Act 6 of Count One of this indictment are incorporated here.

2. On or about February 16, 2010, in Allentown, in the Eastern District of Pennsylvania, and elsewhere, defendants

**NIEVES MARIANO,
a/k/a "Moe," and
FELIX PATINO**

with intent to defraud, possessed, concealed and passed, and aided and abetted the possession, concealment and passing of, falsely made, forged, and counterfeited obligations of the United States, that is, approximately \$6900 in counterfeit \$100 Federal Reserve Notes.

In violation of Title 18, United States Code, Sections 472 and 2.

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 2 through 6, and Overt Act 8 of Count One of this indictment are incorporated here.

2. On or about March 9, 2010, in Bethlehem, in the Eastern District of Pennsylvania, defendant

**NIEVES MARIANO
a/k/a "Moe"**

with intent to defraud, possessed and concealed, falsely made, forged, and counterfeited obligations of the United States, that is, approximately \$5300 in counterfeit \$100 Federal Reserve Notes.

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

COUNT SEVEN

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 2 through 6, and Overt Acts 1 through 8 of Count One of this indictment are incorporated here.

2. From in or about September 2009 to in or about February 2010, in Allentown and Bethlehem, in the Eastern District of Pennsylvania and elsewhere, defendants

**NIEVES MARIANO,
a/k/a "Moe," and
FELIX PATINO**

knowingly sold, transferred, and delivered, and aided and abetted the sale, transfer and delivery of, counterfeit obligations of the United States, that is, approximately \$70,000 in counterfeit Federal Reserve Notes, with the intent that the counterfeit Federal Reserve Notes be passed, published, and used as true and genuine.

In violation of Title 18, United States Code, Section 473 and 2.

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violations of Title 18, United States Code, Sections 471, 472 and 473 set forth in this indictment, defendants

**NIEVES MARIANO,
a/k/a “Moe,” and
FELIX PATINO**

shall forfeit to the United States of America:

a. Pursuant to Title 18, United States Code, Section 492, any and all counterfeits of any obligations and securities of the United States, and any articles, devices and other things made, possessed and used in these violations, and any material or apparatus used or fitted or intended to be used in the making of such counterfeits, articles, devices and things; and

b. Pursuant to Title 18, United States Code, Section 982(a)(2)(B), any and all property, real and personal, constituting and derived from proceeds obtained directly or indirectly as a result of such violations.

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 492 and 982, and Title 28, United States Code, Section 2461.

A TRUE BILL:

GRAND JURY FOREPERSON

MICHAEL L. LEVY
United States Attorney