

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

<b>UNITED STATES OF AMERICA</b>	<b>:</b>	<b>CRIMINAL NO. <u>10-</u></b>
<b>v.</b>	<b>:</b>	<b>DATE FILED: _____</b>
<b>DAVIDA HOGGARD</b>	<b>:</b>	<b>VIOLATION:</b>
	<b>:</b>	<b>18 U.S.C. § 1029(b)(2) (conspiracy to commit access device fraud - 1 count)</b>
	<b>:</b>	<b>18 U.S.C. § 1029(a)(2) (access device fraud - 1 count)</b>
	<b>:</b>	<b>18 U.S.C. § 1028A(a)(1), (c)(4) (aggravated identity theft - 1 count)</b>
	<b>:</b>	<b>18 U.S.C. § 2 (aiding and abetting)</b>

**INFORMATION**

**COUNT ONE**

**THE UNITED STATES ATTORNEY CHARGES THAT:**

At all times material to this information:

1. Defendant DAVIDA HOGGARD worked as a waitress at Ruby Tuesday's on Chestnut Street in Philadelphia, Pennsylvania.
2. Bank of America 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 December 2008, to in or about April 2009, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendant

**DAVIDA HOGGARD**

conspired and agreed, together with Michael Lewis and Dina Pannell, charged elsewhere, 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 DAVIDA HOGGARD 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 HOGGARD could use the stolen numbers to buy things of value.

It was further a part of the conspiracy that:

7. In approximately December 2008, Dina Pannell, defendant DAVIDA HOGGARD'S friend and co-waitress at Ruby Tuesday's, and who was already using a skimming device to steal credit and debit cards for Michael Lewis, introduced defendant HOGGARD to Lewis. Defendant HOGGARD agreed with Lewis and Pannell to use a skimming device to steal credit and debit card numbers for Lewis, too.

8. In approximately December 2008, defendant DAVIDA HOGGARD began to share with Dina Pannell the skimming device Lewis had provided to Pannell, and to steal restaurant customers' credit and debit card numbers.

9. In approximately February 2009, Michael Lewis provided defendant DAVIDA HOGGARD with her own skimming device, which she continued to use to steal restaurant customers' credit and debit card numbers.

10. After defendant DAVIDA HOGGARD had secretly recorded the credit and debit card numbers of restaurant customers, she delivered the skimming device to Michael Lewis.

11. When defendant DAVIDA HOGGARD and Michael Lewis met, defendant HOGGARD provided the skimming device to Lewis, and Lewis attached it to his computer to look at the information defendant HOGGARD had recorded.

12. Using an encoding device, Michael Lewis transferred the stolen card numbers from defendant DAVIDA HOGGARD'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.

13. Michael Lewis paid defendant DAVIDA HOGGARD with gift cards that he had encoded with stolen credit and debit card numbers.

14. Defendant DAVIDA HOGGARD used the gift cards encoded with stolen card numbers to go shopping and buy things of value. During the period of her involvement in the conspiracy, defendant HOGGARD used stolen credit and debit card numbers to make purchases totaling approximately \$3,000.

## **OVERT ACTS**

In furtherance of the conspiracy and to accomplish its object, defendant DAVIDA HOGGARD , Michael Lewis, Dina Pannell, 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 December 2008, through in or about April 2009, defendant DAVIDA HOGGARD used a skimming device at Ruby Tuesday's to steal approximately 300 credit and debit card numbers, which she provided to Michael Lewis.

2. On or about January 14, 2009, defendant DAVIDA HOGGARD used a skimming device to secretly record the Bank of America credit card number ending in 4689, in the name of a victim with the initials C.H., which she provided to Michael Lewis.

3. From on or about January 19, 2009, to on or about February 4, 2009, defendant DAVIDA HOGGARD and Michael Lewis used the Bank of America credit card number ending in 4689 to make unauthorized purchases totaling \$1,617.80.

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 14, and Overt Acts 1 through 3 of Count One are incorporated here.

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

**DAVIDA HOGGARD**

knowingly and with the intent to defraud used, and aided and abetted and willfully caused the use of, an unauthorized access device, that is, a Bank of America credit card ending in 4689, to obtain things of value aggregating \$1,000 or more during a one-year period, for a total of approximately \$1,617.80, 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 14, and Overt Acts 1 through 3 of Count One are incorporated here.

2. On or about January 14, 2009, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**DAVIDA HOGGARD**

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 Bank of America credit card number ending in the last four digits 4689 and the name of the person to whom that card was issued, whose initials are C.H., 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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**ZANE DAVID MEMEGER**  
**UNITED STATES ATTORNEY**