

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

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

**v.** : **DATE FILED** \_\_\_\_\_

**YESSINA LAVAYEN** : **VIOLATIONS:**  
**JOSEPH LOMBARDI** : **18 U.S.C. Section § 371 (conspiracy to**  
**a/k/a “Marc Ayed”)** : **commit an offense against the United States**  
**CESAR MALO** : **- 1 count**  
: **18 U.S.C. Section 472 (uttering counterfeit**  
: **currency - 9 counts)**  
: **18 U.S.C. Section 2**  
: **Notice of forfeiture**  
:

**INDICTMENT**

**COUNT ONE**

**THE GRAND JURY CHARGES THAT:**

At all times relevant to this indictment:

**PARTIES AND ENTITIES**

1. The Vanity Fair Outlet Center was a shopping center located in Reading, Pennsylvania which advertised itself as selling first-quality name brands at discounted prices.
2. The Berkshire Mall was an enclosed shopping mall in Wyomissing, Pennsylvania, a suburb to the west of Reading in Berks County, Pennsylvania. Housed within the enclosed mall were number of merchants that sold a variety of goods and services.
3. YESSINA LAVAYEN was a resident of New York, New York.
4. JOSEPH LOMBARDI (a/k/a/ “Marc Ayed”) was a resident of New York, New York.
5. CESAR MALO was a resident of Corona, New York.

## **THE CONSPIRACY**

6. Beginning at time unknown to the grand jury and continuing to on or about February 7, 2011 in the Eastern District of New York and the Eastern District of Pennsylvania, defendants

**YESSINA LAVAYEN  
JOSEPH LOMBARDI  
(a/k/a “Marc Ayed”)  
CESAR MALO**

conspired and agreed with others, known and unknown to the grand jury, to commit offenses against the United States, that is, to pass, utter, publish, or sell or attempt to pass, utter, publish or sell falsely made, forged, counterfeited or altered obligations or other security of the United States in violation of Title 18, United States Code, Section 472.

## **MANNER AND MEANS**

7. The manner and means by which defendants YESSINA LAVAYEN, JOSEPH LOMBARDI (a/k/a “Marc Ayed”) and CEDAR MALO sought to accomplish the object of the conspiracy included, among other things, the following:

- a. possessing approximately \$5,000 in counterfeit \$100 federal reserve notes;
- b. traveling from New York State to shopping malls in Berks County Pennsylvania for the purpose of converting the counterfeit currency into genuine United States currency; and
- c. purchasing merchandise at retail stores at Vanity Fair Outlets and the Berkshire Mall and paying for the merchandise, which was usually modestly priced, with

\$100 counterfeit federal reserve notes, with the intent of receiving genuine United States currency as change from the purchase price of the merchandise.

### OVERT ACTS

In furtherance of the conspiracy and to effect its object, defendants YESSINA LAVAYEN, JOSEPH LOMBARDI (a/k/a “Marc Ayed”) and CESAR MALO committed, among others, the following overt acts in Eastern District of New York, the Eastern District of Pennsylvania, and elsewhere:

1. on or about February 7, 2011, defendants YESSINA LAVAYEN, JOSEPH LOMBARDI (a/k/a “Marc Ayed”), and CESAR MALO traveled by car from New York State to Berks County, Pennsylvania carrying approximately \$5,000 in counterfeit currency.

It was further part of the conspiracy that:

2. after arriving in Berks County, Pennsylvania on or about February 7, 2011, defendants YESSINA LAVAYEN, JOSEPH LOMBARDI (a/k/a “Marc Ayed”) and CESAR MALO purchased merchandise at the following stores and received the following amount of genuine currency as change from counterfeit \$100 federal reserve notes:

Retailer	Cost of Merchandise	\$100 counterfeit Federal Reserve Note Used?	Change Received from the Counterfeit Bill
Deb’s Shop	\$14.99	Yes	\$85.01
Norman’s Hallmark	\$13.77	Yes	\$86.23
Body Central	\$4.13	Yes	\$96.12
Hot Topic	\$14.84	Yes	\$85.16

Victoria's Secret	\$9.50	Yes	\$90.50
Claire's Boutique	\$7.42	Yes	\$92.58
Bath's Body	\$12.72	Yes	\$87.28
Spencer's	\$9.90	Yes	\$90.10
Smart Toys	\$7.41	Yes	92.59

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

**COUNTS TWO THROUGH TEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1 through 5 of Count One of this indictment are incorporated here.

2. On or about February 7, 2001 in the Eastern District of New York, the Eastern District of Pennsylvania and elsewhere, defendants

**YESSINA LAVAYEN  
JOSEPH LOMBARDI  
(a/k/a “Marc Ayed”)  
CESAR MALO**

with intent defraud, passed, uttered, published, and sold falsely made, forged and counterfeit obligations of the United States, that is, Federal Reserve Notes in the denomination of one hundred dollars, at the retail outlets described in the chart below, which they then knew to be counterfeited:

<b>Count</b>	<b>Retailer</b>	<b>Cost of Merchandise</b>	<b>Denomination of Counterfeit Currency Used</b>	<b>Genuine U.S. Currency Received As Change</b>
2	Deb's Shop	\$14.99	\$100	\$85.01
3	Norman's Hallmark	\$13.77	\$100	\$86.23
4	Body Central	\$4.13	\$100	\$96.12
5	Hot Topic	\$14.84	\$100	\$85.16
6	Victoria's Secret	\$9.50	\$100	\$90.50
7	Clair's Boutique	\$7.42	\$100	\$92.58

8	Bath's Body	\$12.72	\$100	\$87.28
9	Spencer's	\$9.90	\$100	\$90.10
10	Smart Toys	\$7.41	\$100	\$92.59

All in violation of 18 U.S.C. Sections 472 and 2

**NOTICE OF FORFEITURE**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. As a result of the violations of Title 18, United States Code, Section 472, as charged in this indictment, defendant

**YESSINA LAVAYEN  
JOSEPH LOMBARDI  
(a/k/a “Marc Ayed”)  
CESAR MALO**

shall forfeit to the United States any and all property, real or personal, involved in such offenses, or any property traceable to such property, including, but not limited to a sum of money equal to \$ 5,000 in United States Currency.

2. If any of the forfeitable property, as describe above, as a result of any act or omission of the defendant:

- (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 divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the property described above.

In violation of Title 18, United States Code, Section 982 (a)(1).

**A TRUE BILL:**

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**GRAND JURY FOREPERSON**

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**ZANE DAVID MEMEGER  
UNITED STATES ATTORNEY**























COUNTS TWO THROUGH TEN