

#2

1545

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 18-140
)	
KRISTOFF CAIN)	(18 U.S.C. §§ 1349, 1343, and 1341)

INDICTMENT

FILED

COUNT ONE

JUN 05 2018

The grand jury charges:

CLERK U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

INTRODUCTION

1. At all times material to this indictment, the United Parcel Service (UPS) and Federal Express were commercial interstate carriers.

THE CONSPIRACY AND ITS OBJECTS

2. From in and around September 2013, and continuing thereafter until in and around April 2018, in the Western District of Pennsylvania and elsewhere, the defendant, KRISTOFF CAIN, knowingly and willfully did conspire, combine, confederate and agree with other persons known and unknown to the grand jury, to commit an offense against the United States, that is, wire fraud, in violation of Title 18, United States Code, Section 1343.

MANNER AND MEANS OF THE CONSPIRACY

3. It was a part of the conspiracy that a person or persons associated with the conspiracy, including the defendant, KRISTOFF CAIN, contacted private individuals in the United States (hereinafter "victims") by telephone and, through a variety of means, induced those victims to send money to specified addresses or recipients.

4. It was further a part of the conspiracy that a person or persons associated with the conspiracy, including the defendant, KRISTOFF CAIN, informed certain victims (hereinafter “lottery victims”) by telephone that the victims had won large cash prizes in a lottery and that the victims needed to send money to specified addresses or recipients to pay taxes or other assessments in order to claim the cash prizes.

5. It was further a part of the conspiracy that, as the person or persons who contacted the lottery victims, including the defendant, KRISTOFF CAIN, well knew, they were not associated with any lottery or cash prize award, and the lottery victims did not need to send money to the specified addresses or recipients to pay taxes or other assessments on any cash prizes.

6. It was further a part of the conspiracy that a person or persons associated with the conspiracy, including the defendant, KRISTOFF CAIN, contacted certain other victims (hereinafter “investigation victims”) by telephone; represented themselves to be law enforcement officers with the Federal Bureau of Investigation (FBI) or another law enforcement agency; and informed the victims that they needed to send money to specified addresses or recipients in connection with investigations involving the individuals’ bank accounts.

7. It was further a part of the conspiracy that, as the person or persons who contacted the investigation victims, including the defendant, KRISTOFF CAIN, well knew, they were not law enforcement officers with the FBI or any other agency; they were not involved in any investigation involving the relevant bank accounts; and the investigation victims did not need to send money to the specified addresses or recipients in connection with any investigation.

8. It was further a part of the conspiracy that recipients of the funds sent by the victims, as was reasonably foreseeable to the defendant, KRISTOFF CAIN, caused wire transfers to be transmitted in interstate and foreign commerce, including MoneyGram wire

transactions from the Commonwealth of Pennsylvania to Jamaica, in furtherance of the wire fraud scheme.

All in violation of Title 18, United States Code, Section 1349.

COUNT TWO

The grand jury further charges that:

INTRODUCTION

9. At all times material to this indictment, the United Parcel Service (UPS) and Federal Express were commercial interstate carriers.

THE SCHEME AND ARTIFICE

10. From in and around September 2013, and continuing thereafter to in and around April 2018, in the Western District of Pennsylvania and elsewhere, the defendant, KRISTOFF CAIN, and others known and unknown to the grand jury, did devise, and intend to devise, a scheme and artifice to defraud and for obtaining money and other property by means of false and fraudulent pretenses, representations, and promises, well knowing at the time that the pretenses, representations, and promises were false and fraudulent when made.

11. It was part of the scheme and artifice to defraud that a person or persons associated with the scheme and artifice, including the defendant, KRISTOFF CAIN, would contact private individuals in the United States (hereinafter "victims") by telephone and, through a variety of means, induce those victims to send money to specified addresses or recipients.

12. It was part of the scheme and artifice to defraud that a person or persons associated with the scheme and artifice, including the defendant, KRISTOFF CAIN, would inform certain victims (hereinafter "lottery victims") by telephone that the victims had won large cash prizes in a lottery and that the victims needed to send money to specified addresses or recipients to pay taxes or other assessments in order to claim the cash prizes.

13. It was part of the scheme and artifice to defraud that, as the person or persons who contacted the lottery victims, including the defendant, KRISTOFF CAIN, well knew, they were not associated with any lottery or cash prize award, and the lottery victims did not need

to send money to the specified addresses or recipients in order to pay taxes or other assessments on any cash prizes.

14. It was part of the scheme and artifice to defraud that a person or persons associated with the scheme and artifice, including the defendant, KRISTOFF CAIN, would contact certain other victims (hereinafter “investigation victims”) by telephone; represent themselves to be law enforcement officers with the Federal Bureau of Investigation (FBI) or with another law enforcement agency; and tell the victims that they needed to send money to specified addresses or recipients in connection with investigations involving the individuals’ bank accounts.

15. It was part of the scheme and artifice to defraud that, as the person or persons who contacted the investigation victims, including the defendant, KRISTOFF CAIN, well knew, they were not law enforcement officers with the FBI or with any other law enforcement agency; they were not involved in an investigation involving the relevant bank accounts; and the investigation victims did not need to send money to the specified addresses or recipients in connection with any investigation.

16. It was part of the scheme and artifice to defraud that a person or persons associated with the scheme and artifice, including the defendant, KRISTOFF CAIN, used the alias “Patrick Williams” to contact Unindicted Co-Conspirator A, a resident of the Western District of Pennsylvania, by telephone and by other means.

17. It was part of the scheme and artifice to defraud that Unindicted Co-Conspirator A received packages sent by victims and containing proceeds of the fraud.

18. It was part of the scheme and artifice to defraud that a person or persons associated with the scheme and artifice, including the defendant, KRISTOFF CAIN, informed Unindicted Co-Conspirator A, including by telephone, of the times that certain packages sent by

victims were expected to arrive, and of false names that Unindicted Co-Conspirator A would need to use when accepting some of the packages.

19. It was part of the scheme and artifice to defraud that a person or persons associated with the scheme and artifice, including the defendant, KRISTOFF CAIN, instructed Unindicted Co-Conspirator A, including by telephone, how to send proceeds of the fraud to other persons associated with the scheme and artifice, including to persons located in Jamaica and other foreign countries, and including by MoneyGram or Western Union wire transactions.

20. It was part of the scheme and artifice to defraud that Unindicted Co-Conspirator A did send proceeds of the fraud from the Western District of Pennsylvania to certain persons associated with the scheme and artifice, including to persons located in Jamaica and other foreign countries, and including by MoneyGram or Western Union wire transactions.

21. It was part of the scheme and artifice to defraud that, between September 2013 and December 2016, Unindicted Co-Conspirator A wired in excess of \$210,000 via MoneyGram and Western Union wire transactions to multiple recipients in Jamaica and other foreign countries.

Victim #1: A.H. (South Carolina)

22. It was part of the scheme and artifice to defraud that, on or about December 18, 2015, the defendant, KRISTOFF CAIN, contacted A.H., an 82-year-old victim in South Carolina, by telephone, and falsely represented himself to be an FBI Agent named "Trooper Phillips."

23. It was part of the scheme and artifice to defraud that, on or about December 18, 2015, the defendant, KRISTOFF CAIN, falsely represented to A.H. that there were discrepancies with A.H.'s bank account, and instructed A.H. to send \$25,000.00 in cash to

Unindicted Co-Conspirator A at a specified address in Pittsburgh, PA, known to the grand jury as Residence #1, in connection with the purported discrepancies.

24. It was part of the scheme and artifice to defraud that, on or about December 18, 2015, the false representations of the defendant, KRISTOFF CAIN, induced A.H. to send a package containing approximately \$25,000.00 in cash via UPS from South Carolina to Unindicted Co-Conspirator A at Residence #1, Pittsburgh, PA.

25. It was part of the scheme and artifice to defraud that, on or about December 21, 2015, in the Western District of Pennsylvania, Unindicted Co-Conspirator A received the package sent by A.H. via UPS and containing approximately \$25,000.00 in cash.

26. It was part of the scheme and artifice to defraud that, after receiving the funds sent by A.H., Unindicted Co-Conspirator A sent the following MoneyGram wire transactions from facilities located in the Western District of Pennsylvania to an individual using the name "Damian Lorenzo Williams" in Jamaica, totaling \$8,000:

APPROX. DATE AND TIME (EST):	AMOUNT:
12/21/2015, 9:42 AM	\$1,900
12/21/2015, 11:17 AM	\$1,900
12/21/2015, 12:27 PM	\$1,800
12/22/2015, 9:01 AM	\$1,000
12/22/2015, 10:52 AM	\$1,400

27. It was part of the scheme and artifice to defraud that, after each of the Moneygram wire transactions in paragraph 26 were sent by Unindicted Co-Conspirator A to

Jamaica, an individual using the name “Damian Lorenzo Williams” picked up the funds from those transactions in Jamaica.

28. It was part of the scheme and artifice to defraud that, on or about December 21, 2015, the defendant, KRISTOFF CAIN, again contacted A.H. by telephone, instructed A.H. to send additional funds in connection with the purported discrepancies with A.H.’s bank account, and falsely represented that law enforcement officers would cause harm to A.H. if A.H. did not send the additional funds.

Victim #2: C.S. (New York)

29. It was part of the scheme and artifice to defraud that, on or about May 18, 2016, the defendant, KRISTOFF CAIN, contacted C.S., an 85-year-old victim in New York state, by telephone, and falsely represented himself to be a law enforcement officer named “Trooper Phillips.”

30. It was part of the scheme and artifice to defraud that, on or about May 18, 2016, the defendant, KRISTOFF CAIN, falsely represented to C.S. that there was an ongoing law enforcement investigation into fraudulent credit card activity involving C.S.’s bank account, and instructed C.S. to send \$23,000.00 in cash to a specified address in Portland, ME, in connection with the purported investigation.

31. It was part of the scheme and artifice to defraud that, on or about May 18, 2016, the false representations of the defendant, KRISTOFF CAIN, induced C.S. to send a package containing approximately \$23,000.00 in cash via Federal Express from New York state to the specified address in Portland, ME.

32. It was part of the scheme and artifice to defraud that, on or about May 19, 2016, Unindicted Co-Conspirator B picked up the package containing approximately \$23,000.00

in cash and sent by C.S. via Federal Express at the hotel located at the specified address in Portland, ME.

33. It was part of the scheme and artifice to defraud that, after receiving the funds sent by C.S., Unindicted Co-Conspirator B sent the following MoneyGram wire transactions from facilities located in Maine to certain individuals in Jamaica, including the defendant, KRISTOFF CAIN, totaling \$5,970:

APPROX. DATE AND TIME (EDT):	AMOUNT:	RECIPIENT:
5/19/2016, 11:01 AM	\$1,990	Omar RICKETTS
5/20/2016, 7:38 AM	\$1,990	Omar RICKETTS
5/21/2016, 9:55 AM	\$1,990	Kristoff CAIN

34. It was part of the scheme and artifice to defraud that, after the 5/19/2016 and 5/20/2016 Moneygram wire transactions in paragraph 33 were sent by Unindicted Co-Conspirator B to Jamaica, an individual using the name "Omar Ricketts" picked up the funds from those transactions in Jamaica.

35. It was part of the scheme and artifice to defraud that, in or around May 2016, after Unindicted Co-Conspirator B received the funds sent by C.S., the defendant, KRISTOFF CAIN, met with Unindicted Co-Conspirator B in New York City and received a portion of the cash that had been sent by C.S.

36. It was part of the scheme and artifice to defraud that, on or about May 27, 2016, the defendant, KRISTOFF CAIN, again spoke with C.S. by telephone and instructed C.S. to send an additional \$19,000.00 in cash to a specified address in Falmouth, ME, in connection with the purported investigation involving C.S.'s bank account.

37. It was part of the scheme and artifice to defraud that, on or about May 28, 2016, Unindicted Co-Conspirator B picked up a package sent by C.S. via Federal Express from New York state to the motel located at the specified address in Falmouth, ME.

Victim #3: L.D. (Minnesota)

38. It was part of the scheme and artifice to defraud that, in or around September 2016, a person associated with the scheme and artifice contacted L.D., a 74-year-old victim in Minnesota, by telephone, and falsely represented himself to be an FBI Agent named “James Glasgow.”

39. It was part of the scheme and artifice to defraud that, in or around September 2016, the person purporting to be FBI Agent “James Glasgow” falsely represented to L.D. that L.D.’s bank account was in jeopardy and that law enforcement was investigating purported misconduct at L.D.’s bank, and instructed L.D. to send cash from L.D.’s account to “Jennifer Lennox” at a specified address in Pittsburgh, PA, known to the grand jury as Residence #2, Pittsburgh, PA, in connection with the purported investigation.

40. It was part of the scheme and artifice to defraud that, from on or about September 6, 2016 to on or about September 8, 2016, the false representations of the person purporting to be FBI Agent “James Glasgow” fraudulently induced L.D. to send the following three packages, containing a total of approximately \$32,937.78, in cash via UPS from Minnesota to “Jennifer Lennox” at Residence #2, Pittsburgh, PA:

DATE SENT:	DATE AND TIME (EDT) PACKAGE SIGNED FOR:
9/6/2016	9/7/2016, 7:46 AM
9/7/2016	9/8/2016, 7:19 AM
9/8/2016	9/9/2016, 7:23 AM

41. It was part of the scheme and artifice to defraud that, on or about September 7, 2016, in the Western District of Pennsylvania, Unindicted Co-Conspirator A received one of the packages sent by L.D. via UPS and containing cash.

42. It was part of the scheme and artifice to defraud that, on or about September 8, 2016, in the Western District of Pennsylvania, Unindicted Co-Conspirator A received one of the packages sent by L.D. via UPS and containing cash, and falsely signed "Lennox" to receive the package.

43. It was part of the scheme and artifice to defraud that, on or about September 9, 2016, in the Western District of Pennsylvania, Unindicted Co-Conspirator A received one of the packages sent by L.D. via UPS and containing cash, and falsely signed "Lennox" to receive the package.

Victim #4: M.R. (Massachusetts)

44. It was part of the scheme and artifice to defraud that, in or around February 2017, a person associated with the scheme and artifice contacted M.R., a 90-year-old victim in Massachusetts, by telephone, and falsely represented that M.R. had won a \$3.5 million prize.

45. It was part of the scheme and artifice to defraud that, in or around February 2017, the person who contacted M.R. by telephone instructed M.R. to send cash to Unindicted Co-Conspirator A at Residence #2, Pittsburgh, PA, in order to claim the purported prize.

46. It was part of the scheme and artifice to defraud that, on or about February 16, 2017, the false representations of the person who contacted M.R. fraudulently induced M.R. to send a package via Federal Express to Unindicted Co-Conspirator A at Residence #2, Pittsburgh, PA.

47. It was part of the scheme and artifice to defraud that, on or about February 17, 2017, in the Western District of Pennsylvania, Unindicted Co-Conspirator A received the package sent by M.R. via Federal Express.

48. It was part of the scheme and artifice to defraud that, on or about February 21, 2017, the false representations of the person who contacted M.R. fraudulently induced M.R. to send a package containing approximately \$4,000.00 in cash via U.S. Postal Service Express Mail to Unindicted Co-Conspirator A at Residence #2, Pittsburgh, PA.

THE DELIVERY BY COMMERCIAL INTERSTATE CARRIER

49. On or about December 21, 2015, in the Western District of Pennsylvania and elsewhere, the defendant, KRISTOFF CAIN, for the purpose of executing and attempting to execute the scheme and artifice to defraud, did knowingly cause to be delivered by a private or commercial interstate carrier, namely the United Parcel Service, to Unindicted Co-Conspirator A in Pittsburgh, Pennsylvania, according to the directions thereon, a package containing approximately \$25,000.00 in U.S. currency, sent by A.H. from South Carolina.

In violation of Title 18, United States Code, Section 1341.

COUNTS THREE THROUGH SEVEN

The grand jury further charges that:

50. Paragraphs 9 through 48 of the Indictment above are hereby realleged and incorporated by reference herein, as if fully stated.

51. On or about the dates set forth below, in the Western District of Pennsylvania and elsewhere, the defendant, KRISTOFF CAIN, for the purpose of executing and attempting to execute the scheme and artifice to defraud, as set forth above in paragraphs 9 through 48, did cause to be transmitted in interstate and foreign commerce, by means of a wire communication, the following MoneyGram wire transactions sent by Unindicted Co-Conspirator A from Pittsburgh, Pennsylvania to Jamaica, with each wire being a separate count of this Indictment as described below:

<u>COUNT</u>	<u>APPROX. DATE AND TIME (EST) OF WIRE</u>	<u>AMOUNT</u>
3	12/21/2015, 9:42 AM	\$1,900
4	12/21/2015, 11:17 AM	\$1,900
5	12/21/2015, 12:27 PM	\$1,800
6	12/22/2015, 9:01 AM	\$1,000
7	12/22/2015, 10:52 AM	\$1,400

In violation of Title 18, United States Code, Section 1343.

FORFEITURE ALLEGATION

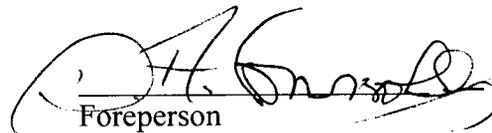
1. The United States hereby gives notice to the defendant charged in Counts One through Seven that, upon his conviction of any such offense, the government will seek forfeiture in accordance with Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), which require any person convicted of such offense to forfeit any property constituting or derived from proceeds obtained directly or indirectly as a result of such offense.

2. If any of the above-described forfeitable property, 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 be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of such defendant up to the value of the forfeitable property described in this forfeiture allegation.

A True Bill,


Foreperson


SCOTT W. BRADY
United States Attorney
PA ID No. 88352

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

KRISTOFF CAIN

Criminal No.

18-140

CERTIFICATION AND NOTICE FOR FILING PRETRIAL MOTIONS

I hereby certify that I have been notified by the United States Magistrate Judge that all pretrial motions must be filed within fourteen (14) days of Arraignment unless the Court extends the time upon written application made within said fourteen (14) day period.

Date

Attorney for Defendant
KRISTOFF CAIN

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

Criminal No.

18-140

KRISTOFF CAIN

ARRAIGNMENT PLEA

Defendant KRISTOFF CAIN

being arraigned, pleads _____

in open Court this _____ day of

_____, 20 _____

(Defendant's Signature)

(Attorney for Defendant)

Date arrested or date continuous U.S. custody began: April 21, 2018

Defendant: X is in custody is not in custody

Name of Institution: Allegheny County Jail

Custody is on: this charge X another charge
 another conviction

X State Federal

Detainer filed: X yes no

Date detainer filed: May 9, 2018

Total defendants: 1

Total counts: 7

Data below applies to defendant No.: 1

Defendant's name: Kristoff Cain

SUMMARY OF COUNTS

<u>COUNT</u>	<u>U.S. CODE</u>	<u>OFFENSE</u>	<u>FELONY</u>	<u>MISDEMEANOR</u>
1	18 U.S.C. § 1349	Conspiracy to Commit Wire Fraud	X	
2	18 U.S.C. § 1341	Mail Fraud	X	
3-7	18 U.S.C. § 1343	Wire Fraud	X	

FORFEITURE ALLEGATIONS

I certify that to the best of my knowledge the above entries are true and correct.

DATE: JUN 05 2018


 ADAM N. HALLOWELL
 Assistant U.S. Attorney
 IL ID No. 6312978