

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

CASE NO.: 9:19-cv-80315

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SHAMARE A. SMITH,

Defendant.

**UNITED STATES OF AMERICA’S COMPLAINT FOR
PERMANENT INJUNCTION**

Plaintiff, the United States of America (“United States”), through its undersigned counsel, hereby sues Defendant Shamare A. Smith (“Defendant”) and alleges as follows:

INTRODUCTION

1. Starting as early as 2017 and continuing to the present, Defendant has assisted and facilitated a predatory mail and wire fraud scheme that primarily victimizes senior citizens of the United States. Participants in the scheme contact potential victims, falsely claim that those victims have won a sweepstakes or lottery, and thereby induce the victims to transmit money to Defendant to account for taxes and fees purportedly associated with victims’ falsely promised winnings.

2. The United States seeks to prevent continuing and substantial injury to victims of this fraudulent scheme by bringing this action for a permanent injunction and other equitable relief under 18 U.S.C. § 1345 to enjoin the ongoing commission of mail fraud and wire fraud in violation of 18 U.S.C. §§ 1341 and 1343.

JURISDICTION AND VENUE

3. The Court has subject matter jurisdiction over this action under 18 U.S.C. § 1345 and 28 U.S.C. §§ 1331 and 1345.

4. Venue is proper in this district under 28 U.S.C. § 1391(b)(1).

PARTIES

5. Plaintiff is the United States.

6. Defendant is a resident of West Palm Beach, Florida. Defendant engaged, and continues to engage, in the conduct described in this Complaint from within the Southern District of Florida.

FRAUDULENT SCHEME

7. Since at least as early as 2017, Defendant has assisted and facilitated a fraud scheme by accepting victim payments and providing participants of the scheme with access to those payments.

8. Operators of the fraud scheme engage in a sweepstakes or lottery scam. Callers associated with the fraud scheme contact victims, who often are senior citizens, and falsely claim that the victims have won the lottery. Typically, the callers then tell the victim that he or she needs to wire or otherwise transmit money to pay for fees and/or taxes allegedly associated with winning the lottery. These claims are false and fraudulent, as the members of the scheme know the victim has not won the lottery and that there is no need for the victim to wire fees and/or taxes associated with winning the lottery.

9. Since at least 2017, victims have been harmed by the fraudulent scheme facilitated by Defendant. Defendant plays a critical role in the scheme by receiving victim payments by through the mail, and then sending the payments, less a payment to himself, to individuals in Jamaica engaged in the scheme. Defendant sent the payments to Jamaica and to

other individuals located in the United States and associated with the scheme by Western Union, Jamaica National Overseas, and by Zelle, a money transfer service offered by several U.S. banks.

DEFENDANT'S KNOWLEDGE OF FRAUD

10. Upon information and belief, the United States alleges that Defendant has knowledge that his conduct facilitates a mail and wire fraud scheme.

HARM TO VICTIMS

11. Victims suffer financial losses from the mail and wire fraud scheme facilitated by Defendant.

12. The scheme disproportionately affects elderly victims.

13. Absent injunctive relief by this Court, Defendant's conduct will continue to cause injury to victims.

COUNT I
(18 U.S.C. § 1345 – Injunctive Relief)

14. The United States re-alleges and incorporates by reference Paragraphs 1 through 13 of this Complaint as though fully set forth herein.

15. By reason of the conduct described herein, Defendant violated, is violating, and is about to violate 18 U.S.C. §§ 1341 and 1343 by facilitating a scheme and artifice to defraud and obtain money or property by means of false or fraudulent representations with the intent to defraud, and, in so doing, use the United States mails and interstate or foreign wire communications.

16. Upon a showing that Defendant is committing or about to commit mail or wire fraud, the United States is entitled, under 18 U.S.C. § 1345, to seek a permanent injunction restraining all future fraudulent conduct and to any other action that this Court deems just and proper to prevent a continuing and substantial injury to victims.

17. As a result of the foregoing, the Court should enjoin Defendant's conduct under 18 U.S.C. § 1345.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, United States of America, requests of the Court the following relief:

A. That the Court issue a permanent injunction, pursuant to 18 U.S.C. § 1345, ordering that Defendant is restrained from engaging, participating, or assisting in any lottery scam or money transmitting business; and

B. That the Court order such other and further relief as the Court shall deem just and proper.

DATED: March 6, 2019

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