

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS
(KANSAS CITY DOCKET)

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No: 19-20073-CM-JPO
)	
SABAH HASAN SACHET a/k/a)	
“Benjamin Spock,”)	
)	
Defendant.)	
_____)	

INDICTMENT

The Grand Jury charges that:

GENERAL ALLEGATIONS

At all times relevant to this Indictment, unless otherwise specified:

1. Defendant Sabah Hasan SACHET was a citizen of the United States and of Iraq.
2. The United States Army was an agency and department of the United States government. Official United States Army emails came from email addresses ending with @mail.mil.
3. Company A was an Iraqi company based in Basra, Iraq.
4. Company B was an Iraqi company with operations in Iraq and Kuwait.
5. Co-Conspirator 1 (“CC-1”) was the user of the email address USARMY.IRAQ@secretary.net.

Purposes of the Scheme to Defraud

6. It was the purpose of the scheme to defraud for SACHET and his co-conspirators to enrich themselves and others by fraudulently obtaining items of value from companies doing business in Iraq, and to conceal the conspiracy.

7. It was the purpose of the scheme to defraud for SACHET and his co-conspirators to impersonate United States officials and employees in order to fraudulently obtain items of value from companies doing business in Iraq, and to conceal the conspiracy.

8. It was the purposes of the scheme to defraud for SACHET and his co-conspirators to use forged documents that contained false and fraudulent seals of the U.S. government and its agencies in order to fraudulently obtain items of value from companies doing business in Iraq, and to conceal the conspiracy.

Overview of the Scheme to Defraud

9. The members of the conspiracy would communicate with companies based in the Middle East via email, and would use email to send forged documents purporting to be U.S. government contracts and documents.

10. The members of the conspiracy set up in-person meetings with victims, during which SACHET and his co-conspirators impersonated U.S. government officials, collected items of value from Companies A and B and other Iraqi companies, and presented falsified U.S. government documents to Companies A and B and other Iraqi companies.

11. SACHET and his co-conspirators ultimately received thousands of dollars as part of their conspiracy to defraud Companies A and B.

The Scheme to Defraud

12. On or about March 26, 2019, CC-1, emailed Company A using the email address USARMY.IRAQ@secretary.net, via a server in the District of Kansas, with an invitation to bid on a falsified U.S. Army contract to provide steel bars to a base in Mosul, Iraq. Attached to the email was a falsified RFQ containing a falsified U.S. Army seal.

13. On or about April 4, 2019, CC-1 emailed Company A from the USARMY.IRAQ@secretary.net address, from a server in the District of Kansas, attaching a letter awarding a falsified U.S. Army contract to provide steel bars worth approximately \$43,452,000. The letter of award contained a falsified U.S. Army seal.

14. In or about April or May 2019, SACHET paid \$500 to an unknown individual to create a counterfeit Department of Defense Common Access Card (“CAC”) with the name Lieutenant Colonel (“LTC”) Benjamin Spock using SACHET’s picture. The fake identification card included a false seal of the U.S. Army.

15. On or about May 29, 2019, from the email address USARMY.IRAQ@secretary.net, via a server in the District of Kansas, CC-1 sent Company A an email with the subject line “invitation to sign a contract” and discussed a meeting to sign a contract on June 1, 2019 with “Mr. Benjamin.”

16. On or about June 1, 2019, a representative of Company A met with SACHET, who was posing as LTC Benjamin Spock.

17. In or about June 2019, SACHET, again posing as LTC Benjamin Spock, met with a representative of Company A.

18. On or about July 1, 2019, SACHET was found in possession of a counterfeit CAC belonging to “Benjamin Spock” and bearing the rank of LTC.

19. On or about May 28, 2019, from a server in the District of Kansas, CC-1 emailed SACHET from the USARMY.IRAQ@secretary.net email address, attaching a falsified U.S. Army contract for Company B to deliver vehicles. The falsified U.S. Army contract contained a false seal of the U.S. Army.

20. In or about June 2019, SACHET, posing as LTC Benjamin Spock, received \$25,000 cash from the owner of Company B in exchange for a falsified government contract to provide vehicles worth \$40,000,000.

21. In or about June 2019, SACHET received instructions from CC-1, to send the \$25,000 to Baghdad, Iraq, with a particular driver. SACHET received a phone call from the driver and met him, and gave him the \$25,000 he had collected from Company B.

22. In or about June 2019, a representative of Company B and another individual asked SACHET for two additional U.S. government contracts.

23. On or about June 30, 2019, CC-1 from the address USARMY.IRAQ@secretary.net, from a server located in the District of Kansas, emailed SACHET falsified U.S. Army RFQs.

24. On or about June 30, 2019, SACHET emailed CC-1 at the address USARMY.IRAQ@secretary.net, to a server located in the District of Kansas, to ask CC-1 questions about the falsified U.S. Army RFQs.

25. In or about June 2019, SACHET gave a falsified U.S. Army RFQ to the individual described in paragraph 22 in exchange for \$7,000 cash.

COUNT ONE

(18 U.S.C. § 371 – Conspiracy to Commit Wire Fraud, Impersonate an Officer or Employee and Wrongfully Use Government Seals)

26. Paragraphs 1 through 25 of this Indictment are re-alleged and incorporated by reference as though fully set forth herein.

27. From at least in or around March 2019 through in or around July 2019, in the District of Kansas, and elsewhere, defendant,

SABAH HASAN SACHET,

did knowingly and intentionally, that is, with the intent to advance the conspiracy, combine, conspire, and agree with other individuals known and unknown, to commit certain offenses against the United States, namely wire fraud, that is, to knowingly and willfully, and with the intent to defraud, having devised and intending to devise a scheme and artifice to defraud, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, knowing such pretenses, representations, and promises were false and fraudulent when made, transmit and cause to be transmitted, by means of wire communications in interstate and foreign commerce, writings, signs, signals, pictures, and sounds, for the purposes of executing such scheme and artifice, in violation of Title 18, United States Code, Section 1343.

28. From at least in or around March 2019 through in or around July 2019, in the District of Kansas, and elsewhere, defendant,

SABAH HASAN SACHET,

did knowingly and intentionally, that is, with the intent to advance the conspiracy, combine, conspire, and agree with other individuals known and unknown, to commit certain offenses against the United States, namely, impersonating an officer or employee of the United States, that is, to falsely assume and pretend to be an officer and employee acting under the authority of the United States and a department and any agency thereof, namely the United States Army, and to act as such, and in such pretended character to demand or obtain any money, paper, document, or thing of value, in violation of Title 18, United States Code, Section 912.

29. From at least in or around March 2019 through in or around July 2019, in the District of Kansas, and elsewhere, defendant,

SABAH HASAN SACHET,

did knowingly and intentionally, that is, with the intent to advance the conspiracy, combine, conspire, and agree with other individuals known and unknown, to commit certain offenses against the United States, namely, wrongful use of government seals, that is, to fraudulently and wrongfully affix and impress the seal of a department and agency of the United States, to and upon a certificate, instrument, commission, document, and paper, and with knowledge of its fraudulent character, with wrongful or fraudulent intent, to use, buy procure, sell, or transfer to another any such certificate, instrument, commission, document and paper, to which or upon which said seal has been so fraudulently affixed or impressed, in violation of Title 18, United States Code, Section 1017.

Objects of the Conspiracy

30. The objects of the conspiracy were the same as the purposes of the scheme to defraud set forth in paragraphs 6 through 8 of this Indictment, which are realleged and incorporated by reference as though fully set forth herein.

Manner and Means of the Conspiracy

31. In furtherance of this conspiracy, and to accomplish its objects, the methods, manner and means that were used are described in paragraphs 9 through 11 of this Indictment, which are realleged and incorporated by reference as though fully set forth herein.

Overt Acts in Furtherance of the Conspiracy

32. In furtherance of the conspiracy and to accomplish its objects, the overt acts that were committed in the District of Kansas and elsewhere, among others, are described in paragraphs 12 through 25 of this Indictment, which are realleged and incorporated by reference as though fully set forth herein.

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

COUNTS TWO THROUGH SEVEN
(18 U.S.C. §§ 1343 and 2 – Wire Fraud)

33. Paragraphs 1 through 25 of this Indictment are realleged and incorporated by reference as though fully set forth herein.

34. From at least in or around March 2019 through in or around June 2019, in the District of Kansas and elsewhere, defendant,

SABAH HASAN SACHET,

aided and abetted by others known and unknown to the Grand Jury, and aiding and abetting others known and unknown to the Grand Jury, did knowingly, willfully, and with the intent to defraud, having devised and intending to devise a scheme and artifice to defraud, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, knowing such pretenses, representations, and promises were false and fraudulent when made, transmit and cause to be transmitted, by means of wire communications in interstate and foreign commerce, writings, signals, pictures, and sounds, for the purpose of executing such scheme and artifice.

Purpose of the Scheme and Artifice to Defraud

35. The Grand Jury realleges and incorporates by reference paragraphs 6 through 8 of this Indictment as though fully set forth herein as a description of the purpose of the scheme and artifice.

The Scheme and Artifice to Defraud

36. The Grand Jury realleges and incorporates by reference paragraphs 9 through 25 of this Indictment as though fully set forth herein as a description of the scheme and artifice.

Execution of the Scheme and Artifice

37. On or about the dates specified as to each count below, in the District of Kansas and elsewhere, the defendant, for the purpose of executing the aforesaid scheme and artifice to defraud, and attempting to do so, did knowingly transmit and cause to be transmitted, by means of wire, radio, and television communication, writings, signals, pictures, and sounds in interstate and foreign commerce for the purposes of executing such scheme and artifice, as set forth below:

Count	On or About Date	Wire location	Description of Wire
2	March 26, 2019	Kansas to Iraq	Email from USARMY.IRAQ@secretary.net to Company A inviting it to bid on a false contract.
3	April, 4 2019	Kansas to Iraq	Email from USARMY.IRAQ@secretary.net to Company A awarding a false contract.
4	May 28, 2019	Kansas to Iraq	Email from USARMY.IRAQ@secretary.net to SACHET attaching a falsified U.S. contract.
5	May 29, 2019	Kansas to Iraq	Email from USARMY.IRAQ@secretary.net to Company A to set up a meeting to sign a false contract.
6	June 30, 2019	Kansas to Iraq	Email from USARMY.IRAQ@secretary.net to SACHET attaching false RFQs.
7	June, 30 2019	Iraq to Kansas	Email from SACHET to USARMY.IRAQ@secretary.net asking for more information regarding false RFQs.

In violation of Title 18, United States Code, Sections 1343 and 2.

COUNT EIGHT

(18 U.S.C. §§ 912 and 2 – False Impersonation of an Officer or Employee of the United States)

38. Paragraphs 1 through 25 of this Indictment are realleged and incorporated by reference as though fully set forth herein.

39. On or about June 1 and 26, 2019, defendant,

SABAH HASAN SACHET,

aided and abetted by others known and unknown to the Grand Jury and aiding and abetting others known and unknown to the Grand Jury, falsely assumed and pretended to be an officer and

employee acting under the authority of the United States and a department and any agency thereof, namely the United States Army, and acted as such.

40. On or about June 1 and 26, 2019, defendant,

SABAH HASAN SACHET,

aided and abetted by others known and unknown to the Grand Jury and aiding and abetting others known and unknown to the Grand Jury, falsely assumed and pretended to be an officer and employee acting under the authority of the United States and a department and any agency thereof, namely, the United States Army, and in such pretended character demanded or obtained any money, paper, document, or thing of value.

In violation of Title 18, United States Code, Sections 912 and 2.

COUNT NINE
(18 U.S.C. §§ 1017 and 2 – Wrongful Use of Government Seals)

41. Paragraphs 1 through 25 of this Indictment are realleged and incorporated by reference as though fully set forth herein.

42. In or about April and May 2019, and on or about March 26, 2019, April 4, 2019, May 28, 2019, and June 1, 2019, defendant,

SABAH HASAN SACHET,

aided and abetted by others known and unknown to the Grand Jury and aiding and abetting others known and unknown to the Grand Jury, fraudulently and wrongfully affixed and impressed the seal of a department and agency of the United States, namely, the United States Army, to and upon a certificate, instrument, commission, document, and paper, and with knowledge of its fraudulent character, with wrongful or fraudulent intent, used, bought, procured, sold, and transferred to another any such certificate, instrument, commission, document and paper, to which or upon which said seal has been so fraudulently affixed or impressed.

In violation of Title 18, United States Code, Sections 1017 and 2.

FORFEITURE ALLEGATION

The Grand Jury further charges that:

43. The allegations contained in paragraphs 1 through 42 of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) and 28 United States Code, Section 2461(c).

44. Pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), upon conviction of an offense in violation of Counts One through Seven, as alleged in this Indictment, defendant,

SABAH HASAN SACHET,

shall forfeit to the United States of America all property, real and personal, which constitutes and is derived from proceeds traceable to the scheme to defraud. The property to be forfeited includes, but is not limited to, a money judgment in the amount of the total loss caused by defendant's criminal conduct, as determined by the Court at sentencing.

45. If any of the property described above, as a result of any act or omission of 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,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

THIS IS A TRUE BILL.

s/ Foreperson
FOREPERSON

ROBERT A. ZINK
Chief
Criminal Division, Fraud Section
United States Department of Justice

By: s/ Michael P. McCarthy & Katie Rasor
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Dated: November 20, 2019

(It is requested that trial of the above-captioned case be held in Kansas City, Kansas.)

Penalties

Ct. 1: NMT 5 years imprisonment; NMT \$250,000 or 2xgain or 2xloss fine; NMT 3 years supervised release; \$100 special assessment; forfeiture allegation

Cts. 2-7: NMT 20 years imprisonment; NMT \$250,000 or 2xgain or 2xloss fine; NMT 3 years supervised release; \$100 special assessment; forfeiture allegation

Ct. 8: NMT 3 years imprisonment; NMT \$250,000 or 2xgain or 2xloss fine; NMT 1 year supervised release; \$100 special assessment

Ct. 9: NMT 5 years imprisonment; NMT \$250,000 or 2xgain or 2xloss fine; NMT 3 years supervised release; \$100 special assessment