

DMP:AMC
F. #2017R00428

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U.S. DISTRICT COURT E.D.N.Y.
★ MAR - 1 2017 ★
BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA

- against -

MICHAEL BRATTON,

Defendant.

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THE GRAND JURY CHARGES:

INDICTMENT
CR 17 00111

Cr. No. _____
(T. 42, U.S.C., § 408(a)(8); T. 18, U.S.C.,
§§ 371, 1028(a)(7), 1028(b)(2)(B),
1028(c)(3)(A), 1028A(a)(1), 1028A(b),
1028A(c)(11), 1029(a)(2), 1029(a)(3), 2 and
3551 et seq.)

DeARCY HALL, J.
KUO, M.J.

INTRODUCTION

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

1. The defendant MICHAEL BRATTON was a resident of Queens, New York.
2. The Internal Revenue Service ("IRS") was an agency of the United States Department of Treasury, responsible for administering and enforcing the tax laws of the United States.
3. U.S. Individual Income Tax Returns, IRS Forms 1040, required the taxpayer to provide his or her Social Security number on the tax returns. The IRS used, among other things, the Social Security numbers provided on tax returns to track and record for each particular tax year who had filed an income tax return, and who had claimed a tax refund and received a tax refund.

4. Personal Identifying Information (“PII”) was information that either alone or in combination with other information could be used to uniquely identify, contact, or locate a person. PII included, but was not limited to, names, addresses, Social Security numbers, and dates of birth.

COUNT ONE
(Conspiracy)

5. The allegations contained in paragraphs one through four are realleged and incorporated as if fully set forth in this paragraph.

6. In or about and between December 2011 and July 2012, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant MICHAEL BRATTON, together with others, did knowingly and intentionally conspire to defraud the United States and an agency thereof, to wit: the IRS, for the purpose of impeding, impairing, obstructing, and defeating the lawful government functions of the IRS, to wit: the ascertainment, computation, assessment, and collection of income taxes.

7. In furtherance of the conspiracy and to effect its objects, within the Eastern District of New York and elsewhere, the defendant MICHAEL BRATTON, together with others, did commit and cause to be committed the following:

OVERT ACTS

a. On or about and between December 30, 2011 and January 19, 2012, both dates being approximate and inclusive, the defendant MICHAEL BRATTON purchased, for the purpose of obtaining false federal tax refunds, the stolen PII of approximately 41 individuals, to wit: John and Jane Does #1 – 41, individuals whose identities are known to the Grand Jury, from Co-conspirator A.

b. On or about and between December 30, 2011 and July 30, 2012, both dates being approximate and inclusive, the defendant MICHAEL BRATTON provided the stolen PII of John and Jane Does #1 – 41, to Co-conspirator B, an individual whose identity is known to the Grand Jury, for the purpose of preparing fraudulent Forms 1040 and obtaining false federal tax refunds.

c. On or about the dates set forth below, Co-conspirator B used the PII of the individuals set forth below to file, with the IRS, fraudulent tax returns for the tax years set forth below:

Overt Act	Individual	Filing Date	Tax Year
c(1)	Jane Doe #1	January 25, 2012	2009
c(2)	John Doe #2	January 30, 2012	2008
c(3)	John Doe #2	February 15, 2012	2009
c(4)	John Doe #2	July 30, 2012	2010
c(5)	Jane Doe #3	June 5, 2012	2009
c(6)	Jane Doe #3	June 5, 2012	2010
c(7)	Jane Doe #4	February 7, 2012	2009
c(8)	John Doe #5	June 8, 2012	2009
c(9)	John Doe #5	June 8, 2012	2010

(Title 18, United States Code, Sections 371 and 3551 et seq.)

COUNT TWO

(Fraud and Related Activity in Connection with Means of Identification)

8. On or about June 5, 2012, within the Eastern District of New York and elsewhere, the defendant MICHAEL BRATTON, together with others, did knowingly and

intentionally transfer, possess and use, without lawful authority, a means of identification of another person, to wit: Jane Doe #3, with the intent to commit, and to aid and abet, and in connection with, unlawful activity that constituted a violation of Federal law, to wit: Title 42, United States Code, Section 408(a)(8), in and affecting interstate and foreign commerce.

(Title 18, United States Code, Sections 1028(a)(7), 1028(b)(2)(B), 1028(c)(3)(A), 2 and 3551 et seq.)

COUNT THREE

(Fraud and Related Activity in Connection with Means of Identification)

9. On or about June 8, 2012, within the Eastern District of New York and elsewhere, the defendant MICHAEL BRATTON, together with others, did knowingly and intentionally transfer, possess and use, without lawful authority, a means of identification of another person, to wit: John Doe #5, with the intent to commit, and to aid and abet, and in connection with, unlawful activity that constituted a violation of Federal law, to wit: Title 42, United States Code, Section 408, in and affecting interstate and foreign commerce.

(Title 18, United States Code, Sections 1028(a)(7), 1028(b)(2)(B), 1028(c)(3)(A), 2 and 3551 et seq.)

COUNT FOUR

(Misuse of a Social Security Number)

10. On or about and between December 30, 2011 and July 30, 2012, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant MICHAEL BRATTON, together with others, did knowingly and intentionally disclose and use the Social Security number of John Doe #2, in the course of knowingly and with intent to defraud using one or more unauthorized access devices, to wit: John Doe #2's Social

Security number, during a one-year period and by such conduct, obtaining things of value aggregating \$1,000 or more, in violation of Title 18, United States Code, Section 1029(a)(2).

(Title 42, United States Code, Section 408(a)(8); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT FIVE

(Misuse of a Social Security Number)

11. On or about and between December 30, 2011 and July 30, 2012, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant MICHAEL BRATTON, together with others, did knowingly and intentionally disclose and use the disclosure of the Social Security number of Jane Doe #3, in the course of knowingly and with intent to defraud using one or more unauthorized access devices, to wit: Jane Doe #3's Social Security number, during a one-year period and by such conduct, obtaining things of value aggregating \$1,000 or more, in violation of Title 18, United States Code, Section 1029(a)(2).

(Title 42, United States Code, Section 408(a)(8); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT SIX

(Misuse of a Social Security Number)

12. On or about and between December 30, 2011 and July 30, 2012, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant MICHAEL BRATTON, together with others, did knowingly and intentionally disclose and use the Social Security number of John Doe #5, in the course of knowingly and with intent to defraud using one or more unauthorized access devices, to wit: John Doe #5's Social

Security number, during a one-year period and by such conduct, obtaining things of value aggregating \$1,000 or more, in violation of Title 18, United States Code, Section 1029(a)(2).

(Title 42, United States Code, Section 408(a)(8); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT SEVEN
(Aggravated Identity Theft)

13. On or about July 30, 2012, within the Eastern District of New York and elsewhere, the defendant MICHAEL BRATTON, together with others, during and in relation to the crime charged in Count Four, did knowingly and intentionally transfer, possess and use, without lawful authority, one or more means of identification of another person, to wit: John Doe #2, knowing that the means of identification belonged to another person.

(Title 18, United States Code, Sections 1028A(a)(1), 1028A(b), 1028A(c)(11), 2 and 3551 et seq.)

COUNT EIGHT
(Aggravated Identity Theft)

14. On or about June 5, 2012, within the Eastern District of New York and elsewhere, the defendant MICHAEL BRATTON, together with others, during and in relation to the crime charged in Count Five, did knowingly and intentionally transfer, possess and use, without lawful authority, one or more means of identification of another person, to wit: Jane Doe #3, knowing that the means of identification belonged to another person.

(Title 18, United States Code, Sections 1028A(a)(1), 1028A(b), 1028A(c)(11), 2 and 3551 et seq.)

COUNT NINE
(Aggravated Identity Theft)

15. On or about June 8, 2012, within the Eastern District of New York and elsewhere, the defendant MICHAEL BRATTON, together with others, during and in relation to the crime charged in Count Six, did knowingly and intentionally transfer, possess and use, without lawful authority, one or more means of identification of another person, to wit: John Doe #5, knowing that the means of identification belonged to another person.

(Title 18, United States Code, Sections 1028A(a)(1), 1028A(b), 1028A(c)(11), 2 and 3551 et seq.)



ROBERT L. CAPERS
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

A TRUE BILL



FOREPERSON

85
UNITED STATES DISTRICT COURT

EASTERN District of NEW YORK

CRIMINAL Division

THE UNITED STATES OF AMERICA

vs.

Michael Bratton

Defendant.

INDICTMENT

T. 42, USC, § 408(a)(8), T. 18, USC, §§ 371, 1028(a)(1)
1028(b)(2)(B), 1028(c)(3)(A), 1028 A(a)(1), 1028 A(b)
1028 A(c)(11), 1029(a)(2), 2 and 3551 et seq.

A true bill.



Foreman

Filed in open court this _____ day.

of _____ A.D. 19 _____

Clerk

Bail, \$ _____