

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

UNITED STATES OF AMERICA	:	CRIMINAL NUMBER: _____
v.	:	DATE FILED: _____
EARL ROMEO RUSSELL,	:	VIOLATIONS:
a/k/a “Ernest Steve Russell,”	:	18 U.S.C. § 1001(a)(2) (false statement-1 count)
a/k/a “Ernest Steve Benders”	:	18 U.S.C § 1036(a)(3) (entry by false pretense into a secure or restricted area of a seaport-1 count)

SUPERSEDING INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

At all times material to this indictment:

INTRODUCTION

1. The Transportation Security Administration (“TSA”) was a constituent agency within the United States Department of Homeland Security, an executive branch organization within the United States government. TSA was created to strengthen the security of the nation’s transportation systems and ensure the freedom of movement for people and commerce.

2. Congress directed the TSA, through the Maritime Transportation Security Act (“MTSA”), to issue a biometric security credential to individuals who required unescorted access to secure areas of facilities and vessels and all mariners holding Coast Guard-issued credentials or qualification documents.

THE FEDERAL TWIC PROGRAM

3. Coast Guard-credentialed merchant mariners, port facility employees, longshore workers, truck drivers, and others requiring unescorted access to secure areas of maritime facilities, and vessels regulated by MTSA, were required to obtain Transportation Workers Identification Credentials (“TWIC”) which was a common identification for all personnel requiring unescorted access to secure areas of MTSA regulated facilities and vessels, and all mariners holding Coast Guard-issued credentials.

4. In order to obtain a TWIC, an individual had to be a United States citizen or fall into an eligible immigration category. In addition, the applicant must not have been convicted of certain crimes or connected to terrorist activity or lack mental capacity.

5. The TWIC regulations included a list of various immigration categories that were eligible to apply for a TWIC, including nationals, refugees, lawful non-immigrants with unrestricted work authorization, and certain professionals with restricted work authorization.

6. Applicants who were denied a TWIC were sent a letter by TSA which explained the reason for the denial and were instructed on how to apply for an appeal or waiver in order to obtain a TWIC.

7. Individuals who met TWIC eligibility requirements were issued a tamper-resistant credential containing the worker's biometric (fingerprint template) which permitted a positive link between the card and the individual.

THE DEFENDANT

8. Defendant EARL ROMEO RUSSELL was a native and citizen of Saint Kitts-Nevis, a West Indies Confederation of two nation states.

9. On or about March 27, 2008, defendant EARL ROMEO RUSSELL applied for a TWIC. As part of the TWIC application process, RUSSELL completed TSA Form 2212 (“Form 2212”), the TWIC Disclosure and Certification Form. RUSSELL falsely stated on the Form 2212 that he met the immigration status requirements.

10. Although defendant EARL ROMEO RUSSELL did not meet the immigration qualifications for a TWIC, on or about April 25, 2008, TSA erroneously issued a TWIC to RUSSELL with an expiration date of May 7, 2013.

11. On or about April 15, 2013, defendant EARL ROMEO RUSSELL attempted to renew his 2008 TWIC. RUSSELL completed the requisite application and filed the application with TSA. Russell made two statements in the application which contradicted each other. In one section of the application, RUSSELL stated that he was a United States Citizen or a United States National. Yet, in the same section of the application, RUSSELL stated that he was not a United States Citizen or United States National, but that he was otherwise qualified to hold a TWIC under provisions of TSA’s regulations.

12. On or about October 23, 2013, TSA notified defendant EARL ROMEO RUSSELL, by United States Mail, that a preliminary determination had been made that he was not eligible to receive a TWIC. TSA asked RUSSELL to provide documentary evidence which verified either his United States citizenship, or his immigration eligibility, to work within the United States.

13. Following RUSSELL’s failure to give TSA the documentary evidence the agency had requested, the agency reaffirmed its earlier rejection of defendant EARL ROMEO RUSSELL’s application for a new TWIC.

14. On or about April 15, 2013 in the Eastern District of Pennsylvania, at Philadelphia,
Defendant

**EARL ROMEO RUSSELL,
a/k/a “Ernest Steve Russell,”
a/k/a “Ernest Steve Benders,”**

willfully and knowingly made a materially false, fictitious and fraudulent statement and representation in a matter within the jurisdiction of the executive branch of the Government of the United States by stating on Form TSA Form 2212, in response to question 5 that he was both (1) a United States Citizen; and (2) he was not a United States Citizen or a United States National, but fell within a category of individuals that permitted him to hold a TWIC. The statements and representations were false because, as Defendant RUSSELL then and there knew, he was not a United States Citizen, a United States National, or a person otherwise qualified under TWIC regulations to possess a TWIC for use as an official pass which authorized his entry into the Greenwich Marine Terminal.

In violation of Title 18, United States Code, Section 1001(a)(2).

COUNT TWO

THE GRAND JURY FURTHER CHARGES

1. Paragraphs One to Thirteen of Count One are incorporated here.
2. On or about October 23, 2014, in the Eastern District of Pennsylvania, at

Philadelphia, defendant

**EARL ROMEO RUSSELL,
a/k/a “Ernest Steve Russell,”
a/k/a “Ernest Steve Benders,”**

by fraud and false pretense gained entry to, and attempted to enter, the Greenwich Marine Seaport Terminal, a restricted area, designated as secure in an approved security plan as required under Title 46, United States Code, Section 70103.

In violation of Title 18, United States Code, Section 1036(a)(3).

A TRUE BILL:

GRAND JURY FOREPERSON

**ZANE DAVID MEMEGER
UNITED STATES ATTORNEY**