2011R00011

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	Hon.
	:	
v.	:	Crim. No.
	:	
HAKEEM AWE	:	18 U.S.C. §§ 1341, 287,
	:	1028A, and 2

I N D I C T M E N T

The Grand Jury in and for the District of New Jersey, sitting at Newark, charges:

COUNT ONE
(Mail Fraud)

1. From in or about February 2008 through in or about September 2011, in the District of New Jersey, and elsewhere, the defendant

HAKEEM AWE

did knowingly devise and intend to devise a scheme and artifice to defraud the United States, and obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, which scheme and artifice in substance is set forth below.

Object of the Scheme

2. The object of the scheme to defraud was for defendant AWE to fraudulently obtain money for his personal

benefit by obtaining United States Treasury Checks by filing fraudulent income tax returns with the Internal Revenue Service ("IRS").

Means and Method of the Scheme

3. It was part of the scheme and artifice to defraud that defendant AWE obtained the names and Social Security numbers ("SSNs") of other individuals. In virtually all cases, these individuals were victims of identity theft and were unaware that defendant AWE had obtained their personal identifying information. The victims included both adults and children under the age of eighteen.

4. It was further part of the scheme and artifice to defraud that defendant AWE used these names and SSNs to file federal income tax returns, putatively on behalf of these individuals but in reality for his own benefit.

5. It was further part of the scheme and artifice to defraud that, when completing these tax returns, defendant AWE supplied fictitious financial information that made it appear as if the filers were entitled to tax refunds. In particular, defendant AWE provided false information about the filer's income and number of dependent children so as to qualify for the Earned Income Tax Credit ("EITC"), a refundable tax credit for low- and medium-income families.

6. It was further part of the scheme and artifice to defraud that, when completing the tax returns, defendant AWE supplied mailing addresses that corresponded with post office boxes he had opened in and around northern New Jersey. In doing so, defendant AWE ensured that any refund checks issued and mailed by the IRS would be sent to him and not to any of his unwitting identity theft victims.

7. It was further part of the scheme and artifice to defraud that, after receiving the refund checks (in the form of U.S. Treasury Checks), defendant AWE deposited the checks into one of several bank accounts under his control. These bank accounts were opened using the names and SSNs of other individuals who were unaware that defendant AWE had obtained their personal identifying information. After depositing the fraudulently obtained U.S. Treasury Checks, defendant AWE would use the money in these accounts for his own personal benefit.

8. In all, by the above means, defendant AWE obtained no less than approximately $1,000,000 in United States Treasury Checks by filing fraudulent federal income tax returns on behalf of others.

9. On or about June 27, 2009, in the District of New Jersey, and elsewhere, for the purpose of executing and attempting to execute this scheme and artifice to defraud, and for obtaining money and property by means of false and

fraudulent pretenses, representations, and promises, the defendant

HAKEEM AWE

did knowingly and intentionally place in an authorized depository for mail matter, any matter and thing whatever to be sent and delivered by the Postal Service, namely an envelope addressed to the "Department of Treasury, Internal Revenue Service" containing an Form 1040 (U.S. Individual Income Tax Return) for tax year 2008, bearing the name and SSN of "C.A." that falsely claimed C.A. was entitled to a tax refund of $8,697.00.

In violation of Title 18, United States Code, Sections 1341 and 2.

COUNT TWO

(False Claims)

1. Paragraphs 1 to 9 of Count One of this Indictment are hereby incorporated and realleged as if fully set forth herein.

2. From in or about February 2008 through in or about September 2011, in the District of New Jersey, and elsewhere, the defendant

HAKEEM AWE

did knowingly and intentionally make and present to the United States and a department and agency thereof, namely the Internal Revenue Service, claims upon and against the United States, knowing such claims to be false, fictitious, and fraudulent.

In violation of Title 18, United States Code, Sections 287 and 2.

COUNT THREE

(Aggravated Identity Theft: False Tax Returns)

1. Paragraphs 1 to 9 of Count One of this Indictment are hereby incorporated and realleged as if fully set forth herein.

2. On or about June 27, 2009, in the District of New Jersey, and elsewhere, the defendant

HAKEEM AWE

did knowingly transfer, possess, and use, without lawful authority, the name and Social Security number of another person, namely C.A., for the purpose of filing a false income tax return, during and in relation to felony violations of federal law, namely, mail fraud (18 U.S.C. § 1341).

In violation of Title 18, United States Code, Sections 1028A and 2.

COUNT FOUR

(Aggravated Identity Theft: Bank Accounts)

1. Paragraphs 1 to 9 of Count One of this Indictment are hereby incorporated and realleged as if fully set forth herein.

2. From in or about February 2008 through at least in or about December 2010, in the District of New Jersey, and elsewhere, the defendant

HAKEEM AWE

did knowingly transfer, possess, and use, without lawful authority, the name and Social Security number of another person, namely D.B., for the purpose of maintaining a bank account used to deposit fraudulently obtained U.S. Treasury Checks, during and in relation to felony violations of federal law, namely, mail fraud (18 U.S.C. § 1341).

In violation of Title 18, United States Code, Sections 1028A and 2.

FORFEITURE ALLEGATION

1. The allegations contained in Count One 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 Title 28, United States Code, Section 2461(c).

2. Upon conviction of the offenses in violation of Title 18, United States Code, Section 1341 set forth in Count One of this Indictment, the defendant

HAKEEM AWE

shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the offenses. The property to be forfeited includes, but is not limited to, a money judgment in an amount to be determined by the Court but no less than $1,000,000.

3. If any of the property described above, 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,

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).

All pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

A TRUE BILL

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FOREPERSON

PAUL J. FISHMAN
United States Attorney

CASE NUMBER: _____

United States District Court
District of New Jersey

UNITED STATES OF AMERICA

v.

HAKEEM AWE

INDICTMENT FOR

18 U.S.C. §§ 1341, 287,
1028A, and 2

A True Bill,

_____

Foreperson

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