

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ORIGINAL FILED

NOV 16 2010

MADELINE COX ARLEO
U.S. MAG. JUDGE

UNITED STATES OF AMERICA : CRIMINAL COMPLAINT
 :
 v. : Mag. No. 10-8279
 :
 LUIS COLON : HON. MADELINE COX ALREO

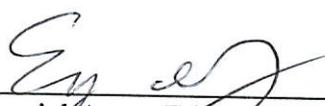
I, Edgar W. Koby, Jr., the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

SEE ATTACHMENT A

I further state that I am a Special Agent with the Federal Bureau of Investigation, and that this Complaint is based on the following facts:

SEE ATTACHMENT B

continued on the attached pages and made a part hereof.



Special Agent Edgar W. Koby, Jr.
Federal Bureau of Investigation

Sworn to before me and subscribed in my presence,

November 16, 2010, at Newark, in the District of New Jersey

HONORABLE MADELINE COX ARLEO
UNITED STATES MAGISTRATE JUDGE



Signature of Judicial Officer

ATTACHMENT A

From at least in or about December 2009 through in or about March 2010, in Hudson County, in the District of New Jersey, and elsewhere, defendant

LUIS COLON

did knowingly conspire and agree with others to use, with the intent to defraud, one or more unauthorized access devices, namely credit cards, during a one-year period, in a manner affecting interstate or foreign commerce, and by such conduct obtained something of value aggregating \$1,000 or more during this period, contrary to Title 18, United States Code, Section 1029(a)(2).

OVERT ACT

In furtherance of the conspiracy and to effect the objects thereof, the following overt act was committed in Hudson County, in the District of New Jersey, and elsewhere:

On or about January 27, 2010, charges from a pest control supply company totaling approximately \$1,432 were placed on a credit card jointly belonging to individuals "R.B." and "A.B." without the knowledge or authority of R.B. or A.B.

In violation of Title 18, United States Code, Section 1029(b)(2).

ATTACHMENT B

I, Edgar W. Koby, Jr., a Special Agent with the Federal Bureau of Investigation, having conducted an investigation, having spoken with other individuals, and having reviewed reports, am aware of the following facts:

1. On or about January 27, 2010, a telephone caller claiming to be "Jennifer Hernandez" (hereinafter, the "Caller") placed an order for 20 one-gallon lawn sprayers (hereinafter, the "Sprayers") with a pest control sprayer company, located in Grimes, Iowa, (hereinafter, "Company A"). The Caller provided Company A with the number of a credit card account at National City Bank jointly belonging to individuals hereinafter identified as "R.B." and "A.B." As a result, Company A charged \$1,432.91 to the joint credit card account of R.B. and A.B. The charge was not authorized by R.B. or A.B. The Caller requested that the order be shipped to 5114 Hudson Avenue, Unit 7, West New York, New Jersey (hereinafter, the "West New York address").
2. On or about January 28, 2010, the Sprayers were delivered via United Parcel Service to the West New York address. New Jersey Department of Motor Vehicle records indicate that an individual herein identified as "CC1" resides at the West New York address.
3. Bank records reveal that, on or about January 27, 2010, the credit card number described in Paragraph 1 was also used to incur charges at the following companies: 1) a pest control supply company in the amount of \$1,517.60; 2) another pest control sprayer company in the amount of \$1,050.00; and 3) a cable television company in the amount of \$258.92. None of these charges was authorized by R.B. or A.B.
4. On or about March 4, 2010, CC1 was interviewed by law enforcement officers. During that interview, he stated, in substance and in part, that he resides with his father at the West New York address. CC1 stated that he met defendant LUIS COLON (hereinafter, "defendant COLON") in December 2009. CC1 saw defendant COLON select names of individuals from the Yellow Pages in the Michigan area. Defendant COLON then called the telephone numbers associated with those individuals, posing as a representative from Consumer Energy in Detroit. Defendant COLON invited the individuals to participate in a purported budget plan and obtained credit card account numbers from interested individuals. Defendant COLON then used the credit card account numbers to purchase pesticides. Defendant COLON arranged for the pesticides to be delivered to the West New York address. Defendant COLON and CC1 subsequently transported the pesticides to Philadelphia, Pennsylvania and sold them to a pest control shop. CC1 was paid \$150 per trip. CC1 received several shipments of pesticides at the West New York address. Defendant COLON had been sending pesticides to defendant CC1's apartment since December 2009.
5. From in or about December 2009 through in or about March 2010, more than \$30,000 worth of pest control products were shipped to the West New York address.