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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
MEDFORD DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

1:13-CR-00 420-PA

v.

INDICTMENT

GREGORY STEPHEN BROOKS,
MICHELLE RENEE LUSTIG,

Defendants.

18 U.S.C. § 371
18 U.S.C. § 1708
18 U.S.C. § 1344
18 U.S.C. § 1349
18 U.S.C. § 1028A(c)
18 U.S.C. § 982(a)(2)(A)

THE FEDERAL GRAND JURY CHARGES:

COUNT 1

CONSPIRACY TO COMMIT MAIL THEFT

Beginning in and about March 2013 and continuing to in and about July 2013, in the District of Oregon, defendants GREGORY STEPHEN BROOKS and MICHELLE RENEE LUSTIG, did unlawfully and knowingly conspire, confederate and agree with each other and with others known and unknown to the grand jury to steal and take from or out of the United States mail, mail receptacles or other authorized mail depositories, and to receive, conceal and unlawfully have in their possession United States mail and the contents thereof knowingly stolen from the mail.

The Manner and Means of the Scheme

1. Conspirators broke into mail boxes of over 400 victims in communities located in Jackson and Josephine Counties, Oregon to steal mail containing checks, credit cards and other financial instruments and personal identifying information of the victims.
2. Conspirators used the contents of the stolen mail in their possession to open credit card accounts in victim's names, deposit stolen and fraudulent checks into victim's accounts and make subsequent fraudulent purchases and cash withdrawals.

Overt Acts

3. In furtherance of the conspiracy and in order to effect the objects thereof, one or more of the conspirators committed and caused to be committed one or more of the following acts during the course of the conspiracy, among others:
4. Between on or about March 23 and 25, 2013, conspirators BROOKS and LUSTIG, possessed a US Bank debit card and Personal Identification Number (PIN) on the US Bank account of "CL" which had been knowingly stolen from the mail.
5. On or about April 26, 2013, conspirators BROOKS and LUSTIG, possessed a US Bank debit card and Personal Identification Number (PIN) on the US Bank account of "CM" which had been knowingly stolen from the mail.
6. Between on or about May 20 and 23, 2013, conspirators BROOKS and LUSTIG, possessed various checks which had been knowingly stolen from the mail and submitted for deposit into the US Bank account of "RK."
7. On or about June 7, 2013, conspirator LUSTIG possessed Barclays Bank credit cards of "MB" and "JB" which had been knowingly stolen from the mail.

8. Between on or about July 6 and 10, 2013, conspirator LUSTIG possessed the Citi Bank credit card of "SF" which had been knowingly stolen from the mail.
9. During June and July, 2013, conspirators BROOKS and LUSTIG, possessed numerous pieces of mail including financial instruments, belonging to more than 405 residents of Jackson and Josephine Counties, Oregon and recovered by law enforcement authorities on July 13, 2013, which had been knowingly stolen from the mail.
10. On or about August 2, 2013, conspirator LUSTIG possessed approximately 24 pieces of stolen mail located in a 2002 Saturn vehicle.

All in violation of Title 18, United States Code, Sections 371 and 1708.

COUNT 2

CONSPIRACY TO COMMIT BANK FRAUD

Beginning in and about March 2013 and continuing to in and about July 2013, in the District of Oregon, defendants GREGORY STEPHEN BROOKS and MICHELLE RENEE LUSTIG, did unlawfully and knowingly conspire, confederate and agree with each other and with others known and unknown to the grand jury to commit bank fraud by knowingly execute and attempt to execute a material scheme and artifice to defraud financial institutions whose deposits were then insured by the Federal Deposit Insurance Corporation, and to obtain money, funds and property owned by, or under the custody and control of the financial institutions, by means of false and fraudulent pretenses and representations in violation of Title 18, United States Code, Section 1344.

The Manner and Means of the Scheme

1. Conspirators broke into mail boxes of residents and businesses of over 400 victims in Jacksons and Josephine Counties, Oregon to steal checks, credit cards and other financial

instruments, and personal identifying information of the victims to use in unlawfully obtaining money and property from financial institutions, victim accounts and merchants.

2. Conspirators used stolen debit cards and victim's personal identification numbers to deposit stolen and fraudulent checks into bank accounts of their victims and others and make subsequent withdrawals of cash from those accounts at financial institutions, as well as make fraudulent purchases with account debit cards.

3. Conspirators used stolen credit cards from federally insured financial institutions in the name of various victims to make fraudulent purchases.

Overt Acts

4. In furtherance of the conspiracy and in order to effect the objects thereof, one or more of the conspirators committed and caused to be committed one or more of the following acts during the course of the conspiracy, among others:

5. On or about March 23, 2013, conspirator LUSTIG, using a US Bank debit card and Personal Identification Number (PIN) on the US Bank account of "CL" without lawful authority, presented to a US Bank ATM for deposit counterfeit and fictitious check number 3084, drawn on the non-existent Chase Bank Card Services account of "JA" in the amount of \$675.00 and, thereafter, obtained funds from the said US Bank.

6. On or about March 24 and 25, 2013, conspirator LUSTIG, using a US Bank debit card and Personal Identification Number (PIN) on the US Bank account of "CL" without lawful authority: 1) presented to a US Bank ATM for deposit counterfeit and fictitious check numbers 3641 and 4043, drawn on the non-existent Chase Bank Card Services account of "JA" and "FA" in the amount of \$600.00 and, thereafter, attempted to obtain funds from the said US Bank

and, 2) conducted transactions that included attempted transfers between accounts and attempted cash withdrawals.

7. On or about April 26, 2013, conspirators BROOKS and LUSTIG, using a US Bank debit card and Personal Identification Number (PIN) on the US Bank account of "CM" without lawful authority: 1) conducted transactions including two cash withdrawals in the amounts of \$300 and \$200 at a US Bank ATM located at the Albertsons store in Grants Pass, Oregon, 2) conducted transactions including a transfer of \$500 between accounts of "CM" at a US Bank ATM located on 6th Street in Grants Pass, Oregon, and 3) attempted to conduct two retail purchases at the Wal-Mart store in Grants Pass, Oregon.

8. On or about April 26, 2013, conspirator LUSTIG purchased a check making software program and a toner refill kit for a printer using a JP Morgan Chase credit card on the account of "KB," without lawful authority and after she unlawfully opened the account in the name of victim "KB."

9. Between on or about May 20 and 23, 2013, conspirators BROOKS and LUSTIG presented to US Bank ATM's for deposit into the US Bank account of "RK" stolen and forged checks and, thereafter, obtained funds from the said US Bank.

10. On or about June 7, 2013, conspirator LUSTIG used stolen Barclays Bank credit cards of "MB" and "JB" to make and attempt to make various retail purchases without lawful authority.

11. Between on or about July 6 and 10, 2013, conspirator LUSTIG used a stolen Citi Bank credit card of "SF" to make and attempt to make various retail purchases without lawful authority.

All in violation of Title 18, United States Code, Sections 1344 and 1349.

COUNTS 3 THROUGH 5

AGGRAVATED IDENTITY THEFT

On or about the dates listed for each count below, in the District of Oregon, defendants GREGORY STEPHEN BROOKS and MICHELLE RENEE LUSTIG aided and abetted by others known and unknown to the grand jury, knowingly transferred, possessed or used, without lawful authority, a means of identification of another person as alleged in each count below, during and in relation to a federal felony enumerated in 18 U.S.C. § 1028A(c), to wit: conspiracy to commit bank fraud in violation of Title 18, United States Code, Sections 1344 and 1349:

COUNT 3

Date: March 23, 2013

Defendant: LUSTIG

Description: Unlawful use of the US Bank account, name and Personal Identification Number (PIN) of victim "CL" and use of the name of victim "JA" on a counterfeit and fictitious check drawn on the non-existent Chase Bank Card Services account of "JA" in the amount of \$675.00 during the commission of the bank fraud conspiracy as alleged in Count 2.

COUNT 4

Date: April 26, 2013

Defendants: BROOKS and LUSTIG

Description: Unlawful use of the US Bank account, name and Personal Identification Number (PIN) of victim "CM" for two cash withdrawals in the amounts of \$300 and \$200 at a US Bank ATM located at the Albertsons store in Grants Pass, Oregon during the commission of the bank fraud conspiracy as alleged in Count 2.

COUNT 5

Date: April 26, 2013

Defendants: BROOKS and LUSTIG

Description: Unlawful use of the US Bank account, name and Personal Identification Number (PIN) of victim "CM" for conducting a transfer of \$500 between accounts of "CM" at a US Bank ATM located on 6th Street in Grants Pass, Oregon during the commission of the bank fraud conspiracy as alleged in Count 2.

All in violation of Title 18, United States Code, Section 1028A(a)(1).

FORFEITURE ALLEGATION

Upon conviction of one or more of the offenses set forth in Counts 2 through 5 of this Indictment, the defendants to which those specific counts apply, shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 982(a)(2)(A), any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of such violation(s).

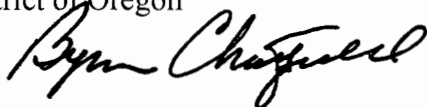
DATED this 12th day of September, 2013.

A TRUE BILL. *AC*

Presented by:

/s/ Grand Jury Foreperson

S. AMANDA MARSHALL
United States Attorney
District of Oregon



BYRON CHATFIELD
Assistant U.S. Attorney

INDICTMENT