

COUNT 2

(AGGRAVATED IDENTIFICATION THEFT)

2. The allegations made in Paragraph 1 are incorporated by reference.

3. In or about September 2010, in the District of Rhode Island and elsewhere, the defendant, HENRY A. FELLELA, JR., during and in relation to the commission of credit card fraud, in violation of 18 U.S.C. § 1029(a)(2), did knowingly possess and use without lawful authority, a means of identification of another person, that is, the name "R.H." and a Citibank Sears Department Store MasterCard account number ending in 6428,

All in violation of 18 U.S.C. §§ 1028A(a)(1) and (c)(4).

COUNT 3

(SOCIAL SECURITY FRAUD)

4. On or about March 28, 2004, and continuing through on or about June 1, 2012, within the District of Rhode Island, defendant HENRY A. FELLELA, in a matter within the jurisdiction of the Social Security Administration, having knowledge of the occurrence of an event affecting his initial and continued right to payment of Title XVI Supplemental Security Income benefits ("SSI"), concealed and failed to disclose such event with the intent to fraudulently secure payment in an amount greater than was due him, or when no payment was authorized. Specifically,

on an Application For Supplemental Security Income, defendant HENRY A. FELLELA, concealed from and failed to disclose to the Social Security Administration, that he was living with his wife in their marital domicile by falsely stating that he was "Homeless'" and did "not live anywhere permanently," with the intent to deceive the Social Security Administration into making benefit payments totaling \$58,207.34, more or less,

All in violation of 42 U.S.C. § 1383a(a)(3).

COUNT 4

(THEFT OF GOVERNMENT FUNDS)

5. On or about June 23, 2004, and continuing through on or about June 1, 2012, in the District of Rhode Island, the defendant, HENRY A. FELLELA, willfully and knowingly did embezzle, steal, purloin, and convert to his own use, money and things of value, that is: \$58,207.34, more or less, property of the Social Security Administration, a department or agency of the United States,

All in violation of 18 U.S.C. § 641.

COUNT 5

(THEFT OF GOVERNMENT FUNDS)

6. On or about June 23, 2004, and continuing through on or about June 1, 2012, in the District of Rhode Island, the defendant, HENRY A. FELLELA, willfully and knowingly did receive, conceal, and retain, stolen property of the Social Security Administration, a department or agency of the United States, namely, Supplemental Security Income Benefits disability benefits ("SSI") to which he was not entitled, having a value of approximately \$58,207.34, more or less, with the intent to convert it to his use or gain, knowing said property money to have been embezzled, stolen, purloined, and converted,

All in violation of 18 U.S.C. § 641.

A TRUE BILL:

Linda B. Hammond
Grand Jury Foreperson

PETER F. NERONHA
UNITED STATES ATTORNEY

R. W. R.
RICHARD W. ROSE
Assistant U.S. Attorney

Adi Goldstein
ADI GOLDSTEIN
Assistant U.S. Attorney

Dated: 7/24/13

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: INFORMATION INDICTMENT COMPLAINT

CASE NO. **CR 13 097M**

Matter Sealed: Juvenile Other than Juvenile
 Pre-Indictment Plea Superseding Defendant Added
 Indictment Charges/Counts Added
 Information

USA vs.

Defendant: Henry A. Fellela, Jr.

Address: 

Name of District Court, and/or Judge/Magistrate Location (City)
 UNITED STATES DISTRICT COURT RHODE ISLAND
 DISTRICT OF Divisional Office

Name and Office of Person Furnishing Information on THIS FORM PETER F. NERONHA
 U.S. Atty Other U.S. Agency
 Phone No. (401) 709-5043
 Name of Asst. U.S. Attorney (if assigned) Richard W. Rose

Interpreter Required Dialect: _____

Birth Date  1958 Male Alien
 Female (if applicable)

Social Security Number 

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)
U.S. Postal Inspection Service

person is awaiting trial in another Federal or State Court (give name of court)

this person/proceeding transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

this is a reprosecution of charges previously dismissed which were dismissed on motion of:

U.S. Atty Defense

this prosecution relates to a pending case involving this same defendant. (Notice of Related Case must still be filed with the Clerk.)

prior proceedings or appearance(s) before U.S. Magistrate Judge regarding this defendant were recorded under

SHOW DOCKET NO.

MAG. JUDGE CASE NO.

Place of offense RHODE ISLAND County _____

DEFENDANT

Issue: Warrant Summons

Location Status:

Arrest Date _____ or Date Transferred to Federal Custody _____

Currently in Federal Custody

Currently in State Custody

Writ Required

Currently on bond

Fugitive

Defense Counsel (if any): _____

FPD CJA RET'D

Appointed on Target Letter

This report amends AO 257 previously submitted

OFFENSE CHARGED - U.S.C. CITATION - STATUTORY MAXIMUM PENALTIES - ADDITIONAL INFORMATION OR COMMENTS

Total # of Counts 4

Set	Title & Section/Offense Level (Petty = 1 / Misdemeanor = 3 / Felony = 4)	Description of Offense Charged	Felony/Misd.
	See Attached Sheet.	See Attached Sheet.	<input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
			<input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
			<input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
			<input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
		Estimate Trial Days:	<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor

United States v. Henry A. Fellela, Jr.

INDICTMENT COVER SHEET ATTACHMENT

Count 1: (Credit Card Fraud, 18 U.S.C. § 1029(a)(2))

MAX PENALTY

- a. 10 years imprisonment;
- b. \$250,000 fine;
- c. 3 years supervised release; and
- d. \$100 special assessment.

Count 2: (Aggravated Identity Theft, 18 U.S.C. §§ 1028A(a)(1) and (c)(4))

MAX PENALTY

- a. 2 years imprisonment (consecutive);
- d. \$100 special assessment.

Count 3: (Social Security Fraud, 42 U.S.C. § 1383a(a)(3))

MAX PENALTY

- a. 5 years imprisonment;
- b. \$250,000 fine;
- c. 3 years supervised release; and
- d. \$100 special assessment.

Counts 4 & 5: (Theft of Government Property, 18 U.S.C. § 641)

MAX PENALTY FOR EACH COUNT

- a. 10 years imprisonment;
- b. \$250,000 fine;
- c. 3 years supervised release; and
- d. \$100 special assessment.