

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

: INDICTMENT

-v.-

: S2 10 Cr. ____ (____)

MELVIN DUARTE,
ROBERT ANTHONY WARREN, and
ROXANNE BROWN,

10 CRIM.

247

Defendants.

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COUNT ONE

(Conspiracy to Defraud the United States
With Respect to Claims)

The Grand Jury charges:

PARTICIPANTS IN THE SCHEME

1. From at least in or about approximately 2002 up to and including in or about May 2008, a co-conspirator not named as a defendant herein ("CC-1") was a letter carrier employed by the United States Postal Service ("USPS").

2. The route on which CC-1 delivered United States mail was located in the Bronx and included addresses located on Topping Avenue, Weeks Avenue, Eastburn Avenue, and East 175th Street in the Bronx.

3. From in or about 2007 up to and including in or about May 2008, ROXANNE BROWN, the defendant, assisted CC-1 in delivering mail on CC-1's letter carrier route, although BROWN was not employed by the USPS.

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4. From at least in or about approximately 2006 up to and including in or about May 2008, ROBERT ANTHONY WARREN, the defendant, was a letter carrier employed by the USPS.

5. The route on which ROBERT ANTHONY WARREN, the defendant, delivered mail was located in the Bronx and included addresses located on East 179th Street, East 180th Street, Clinton Avenue, Hughes Avenue, Oakland Place, and Prospect Avenue.

6. From at least in or about approximately 2002 up to and including in or about May 2008, MELVIN DUARTE, the defendant, resided in the Bronx.

THE FRAUDULENT SCHEME

7. From at least in or about approximately 2002 up to and including in or about May 2008, MELVIN DUARTE, ROBERT ANTHONY WARREN, and ROXANNE BROWN, the defendants, and others known and unknown, engaged in a conspiracy and scheme to:

a. file false and fraudulent U.S. Individual Income Tax returns seeking tax refunds primarily using identification information of citizens of Puerto Rico, including names, dates of birth, and Social Security numbers (the "Puerto Rican identities"); and

b. steal from the United States mail the resulting United States Treasury checks representing the fraudulently obtained tax refunds.

8. Among the means and methods by which MELVIN DUARTE, ROBERT ANTHONY WARREN, and ROXANNE BROWN, the defendants, and others known and unknown, would and did carry out the conspiracy were the following:

a. Members of the conspiracy obtained Puerto Rican identities, including Puerto Rican SSNs.

b. Members of the conspiracy filed with the Internal Revenue Service false and fraudulent U.S. Individual Income Tax Returns, Forms 1040, using the Puerto Rican identities and applied for federal tax refunds that would be paid in the form of United States Treasury checks delivered via United States mail to addresses in the Bronx. The addresses for the fraudulent tax returns were provided by United States Postal Service letter carriers, including WARREN, CC-1, and others.

c. Members of the conspiracy stole from the United States mail the United States Treasury checks representing the refunds that were the product of the false and fraudulent tax returns described in paragraph 8(b), above.

d. Employees of the United States Postal Service, such as CC-1 and ROBERT ANTHONY WARREN, the defendant, were paid by MELVIN DUARTE and others on a per-check basis for every United States Treasury check stolen.

STATUTORY ALLEGATIONS

9. From at least in or about 2002 up to and including on or about May 5, 2008, in the Southern District of New York and

elsewhere, MELVIN DUARTE, ROBERT ANTHONY WARREN, and ROXANNE BROWN, the defendants, and others known and unknown, unlawfully, willfully, and knowingly did agree, combine, and conspire to defraud the United States, and a department and agency thereof, to wit, the Department of the Treasury, Internal Revenue Service, by obtaining and aiding to obtain the payment and allowance of false, fictitious, and fraudulent claims.

OVERT ACTS

10. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York:

a. On or about May 5, 2008 and while in the Bronx, CC-1, who was accompanied by ROXANNE BROWN, the defendant, stole approximately 99 envelopes containing United States Treasury checks and placed them into a mailbox designated for a non-existent apartment so that such envelopes could be retrieved by another person who was not the addressee on any of these United States Treasury checks.

b. On or about May 5, 2008, CC-1 spoke by cellular telephone with ROBERT ANTHONY WARREN, the defendant.

c. On or about May 5, 2008, and while in the Bronx, WARREN placed a cellular telephone call to MELVIN DUARTE, the defendant.

d. On or about May 5, 2008, and while in the Bronx, BROWN received from CC-1 a bag containing approximately

\$30,600 in cash as payment for CC-1's theft of United States Treasury checks.

(Title 18, United States Code, Section 286.)

COUNT TWO

(Conspiracy to Steal and Receive Stolen Mail Matter)

The Grand Jury further charges:

11. The allegations set forth in paragraphs 1 through 8 and 10 are repeated and realleged as if set forth fully herein.

12. From at least in or about 2002 up to and including on or about May 5, 2008, in the Southern District of New York and elsewhere, MELVIN DUARTE, ROBERT ANTHONY WARREN, and ROXANNE BROWN, the defendants, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, to violate Title 18, United States Code, Section 1708.

13. It was a part and an object of the conspiracy that MELVIN DUARTE, ROBERT ANTHONY WARREN, and ROXANNE BROWN, the defendants, unlawfully, willfully, and knowingly would and did steal, take, and abstract, and by fraud and deception obtain, and attempt to obtain, from and out of the mail, a post office, and a station thereof, letter box, mail receptacle, and a mail route and other authorized depository for mail matter, and from a letter and mail carrier, a letter, postal card, package, bag, and mail, and abstract and remove from such letter, package, bag, and

mail, an article and thing contained therein, and secrete, embezzle, and destroy such letter, postal card, package, bag, and mail, and an article and a thing contained therein, in violation of Title 18, United States Code, Section 1708.

OVERT ACTS

14. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about May 5, 2008 and while in the Bronx, CC-1, who was accompanied by ROXANNE BROWN, the defendant, stole approximately 99 envelopes containing United States Treasury checks and placed them into a mailbox designated for a non-existent apartment so that such envelopes could be retrieved by another person who was not the addressee on any of these United States Treasury checks.

b. On or about May 5, 2008, CC-1 spoke by cellular telephone with ROBERT ANTHONY WARREN, the defendant.

c. On or about May 5, 2008, and while in the Bronx, WARREN placed a cellular telephone call to MELVIN DUARTE, the defendant.

d. On or about May 5, 2008, and while in the Bronx, CC-1 gave BROWN a bag containing approximately \$30,600 in

cash as payment for CC-1's theft of United States Treasury checks.

(Title 18, United States Code, Section 371.)

COUNT THREE

(Theft and Receipt of Stolen Mail Matter)

The Grand Jury further charges:

15. The allegations set forth in paragraphs 1 through 8 and 10 are repeated and realleged as if set forth fully herein.

16. From at least in or about 2002 up to and including on or about May 5, 2008, in the Southern District of New York, MELVIN DUARTE, ROBERT ANTHONY WARREN, and ROXANNE BROWN, the defendants, unlawfully, willfully, and knowingly stole, took, and abstracted, and by fraud and deception obtained, and attempt so to obtain, from and out of the mail, a post office, and a station thereof, letter box, mail receptacle, and a mail route and other authorized depository for mail matter, and from a letter and mail carrier, a letter, postal card, package, bag, and mail, and abstracted and removed from such letter, package, bag, and mail, an article and thing contained therein, and secreted, embezzled, and destroyed such letter, postal card, package, bag, and mail, and an article and a thing contained therein, to wit, WARREN, CC-1, and BROWN stole, and aided and abetted the theft of, envelopes containing United States Treasury checks and provided such envelopes, directly and indirectly, to DUARTE.

(Title 18, United States Code, Sections 1708 and 2.)

FORFEITURE ALLEGATIONS

17. As a result of committing the offense alleged in Count Three of this Indictment, MELVIN DUARTE, ROBERT ANTHONY WARREN, and ROXANNE BROWN, the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(A), and Title 28, United States Code, Section 2461, property constituting, and derived from, proceeds obtained directly and indirectly as the result of such violations, including but not limited to the following:

a. Over at least approximately \$15,000,000 in United States currency, in that such sum in aggregate is property representing the amount of proceeds obtained by DUARTE, WARREN, and BROWN as a result of the offense.

SUBSTITUTE ASSET PROVISION

18. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third person;

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 subdivided without difficulty,
it is the intent of the United States, pursuant to Title 18,
United States Code, Section 982(b), to seek forfeiture of any
other property of said defendants up to the value of the above
forfeitable property.

(Title 18, United States Code, Section 981; and
Title 28, United States Code, Section 2461.)

[REDACTED]

FOREPERSON

Preet Bharara
PREET BHARARA
United States Attorney

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SOUTHERN DISTRICT OF NEW YORK

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MELVIN DUARTE,
ROBERT ANTHONY WARREN,
and ROXANNE BROWN,

Defendants.

INDICTMENT

S2 10 Cr. _____ (_____)

(Title 18, United States Code,
Sections 286, 371, 1708 and 2.)

PREET BHARARA
United States Attorney.

A TRUE BILL

Foreperson.
