

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LA. qK
2019 APR 10 A 9:53
WILLIAM W. BLEVINS
CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

FELONY

BILL OF INFORMATION FOR CONSPIRACY TO
COMMIT WIRE FRAUD AND NOTICE OF FORFEITURE

UNITED STATES OF AMERICA

v.

NICHOLAS ROTUNDA ALLEN

*
*
*
*
*
*
*

CRIMINAL NO.

SECTION:

VIOLATIONS: 18 U.S.C. § 371
18 U.S.C. § 1343

19-00067

SECT. F MAG. 3

The United States Attorney charges that:

COUNT 1

A. AT ALL TIMES MATERIAL HEREIN:

1. Jimmy Autry State Prison was a State of Georgia correctional facility located in Pelham, Georgia. It was operated by the Georgia Department of Corrections.

2. On or about February 22, 2016, NICHOLAS ROTUNDA ALLEN ("ALLEN") was sentenced to a period of incarceration as part of a felony conviction in the State of Georgia. ALLEN was ordered to serve his sentence at the Jimmy Autry State Prison.

3. On or about March 30, 2016, ALLEN was incarcerated (and resided) at Jimmy Autry State Prison.

X Fee USA

Process
X Bktd

ElRmDep

Doc. No.

4. Inmates at the Jimmy Autry State Prison were not permitted to have or keep as property cellular telephones.

5. ALLEN was not, and has never been, a Deputy United States Marshal.

6. Victim A was a resident of Metairie, Louisiana.

B. THE CONSPIRACY:

Beginning at a time unknown, but not later than March 30, 2016, and continuing until at least on or about November 7, 2017, in the Eastern District of Louisiana and elsewhere, the defendant, NICHOLAS ROTUNDA ALLEN, and others known and unknown to the United States Attorney, did knowingly and willfully combine, conspire, and agree to devise and intend to devise a scheme and artifice to defraud, and to obtain money and property by means of false and fraudulent pretenses, representations, and promises and cause wire communications, including writings, signals, and sounds, to be transmitted in interstate commerce for the purpose of executing such scheme, in violation of Title 18, United States Code, Sections 1343.

C. NATURE AND PURPOSE OF THE CONSPIRACY:

7. The nature and purpose of the conspiracy was for ALLEN, and others known and unknown to the United States Attorney, to deceive individuals, including Victim A, into believing that they had been selected for federal grand jury duty, had failed to show up for such duty in violation of federal law, that an arrest warrant had been issued as a result of the failure to appear, and that the individual could pay a specified amount as a “fine” to avoid being arrested as a result of the failure to appear for jury duty.

D. MANNER AND MEANS OF THE CONSPIRACY:

8. The conspiracy was carried out through the following manner and means, among others:

- a. Arranging for cellular telephones to be smuggled into the Jimmy Autry State Prison by non-incarcerated co-conspirators and given to inmates, including ALLEN.
- b. Utilizing a “spoofing” application on the cellular telephone to make it appear as though ALLEN was calling from a local phone number, (504) XXX-5237, when he called Victim A for the purpose of avoiding detection;
- c. Falsely representing to Victim A that ALLEN was a Deputy United States Marshal who worked within the Eastern District of Louisiana;
- d. Fraudulently telling Victim A that because Victim A had failed to appear for jury duty, a warrant had been issued by the United States District Court for the Eastern District of Louisiana for Victim A’s arrest, and that Victim A had the choice of either being arrested on the warrant or paying a fine to have the arrest warrant dismissed;
- e. Directing Victim A to pay the fine by purchasing pre-paid cash cards (a/k/a “Green Dot cards”) and providing the account number for each respective card to ALLEN via telephone; and
- f. Transferring the funds, which totaled approximately \$5,500, from the Green Dot cards purchased by Victim A to other Green Dot cards.

E. OVERT ACTS IN FURTHERANCE OF THE CONSPIRACY:

In furtherance of the conspiracy and to achieve the objects thereof, the defendant, **NICHOLAS ROTUNDA ALLEN**, and others known and unknown to the United States Attorney, committed and caused to be committed the following overt acts, among others, in the Eastern District of Louisiana and elsewhere:

1. A non-incarcerated co-conspirator acting in concert with **ALLEN** smuggled a contraband cellular telephone, which was associated with telephone numbers (404) XXX-6412 and (770) XXX-4316, into the jail, of which ultimately **ALLEN** ultimately took possession.

2. On or about November 6, 2017, **ALLEN**, while in Jimmy Autry State Prison, used a contraband cellular telephone to contact Victim A, falsely represented himself to Victim A as a Deputy United States Marshal, said that a warrant had been issued by the United States District Court for the Eastern District of Louisiana for Victim A's arrest because Victim A failed to appear for grand jury duty, and told Victim A that Victim A had the choice of either being arrested on the warrant or paying a fine to have the arrest warrant dismissed.

3. On or about November 6, 2017, based on **ALLEN's** false and fraudulent misrepresentations, Victim A purchased six Green Dot cards, with a value of \$500 each, at multiple locations in Metairie, Louisiana.

4. On or about November 7, 2017, **ALLEN**, while in Jimmy Autry State Prison, again used a contraband cellular telephone to contact Victim A.

5. On or about November 7, 2017, based on **ALLEN's** false and fraudulent misrepresentations, Victim A purchased five Green Dot cards, with a value of \$500 each, at multiple locations in Metairie, Louisiana.

6. **ALLEN** caused Victim A to give **ALLEN** the account numbers from the Green Dot cards Victim A purchased.

7. **ALLEN** transferred the funds from the Green Dot cards Victim A purchased onto other Green Dot cards.

All in violation of Title 18, United States Code, Section 371.

NOTICE OF FORFEITURE

1. The allegations contained in Count 1 of this Bill of Information are hereby realleged and incorporated by reference for the purpose of alleging forfeitures to the United States of America pursuant to the provisions of Title 18, United States Code, Sections 371, 1343, and 981(a)(1)(C), made applicable through Title 28, United States Code, Section 2461(c).

2. As a result of the offenses alleged in Count 1, defendant, **NICHOLAS ROTUNDA ALLEN**, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C), made applicable through Title 28, United States Code, Section 2461(c), any and all property, real and personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of the offense as a result of the violations of Title 18, United States Code, Sections 371 and 1343.

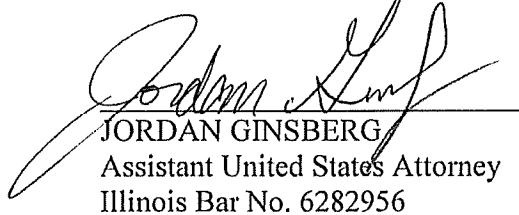
3. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred, 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 853(p), to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property;

All in violation of Title 18, United States Code, Sections 371, 1343, and 981(a)(1)(C),
made applicable through Title 28, United States Code, Section 2461(c).

PETER G. STRASSER
UNITED STATES ATTORNEY



JORDAN GINSBERG
Assistant United States Attorney
Illinois Bar No. 6282956

New Orleans, Louisiana
April 10, 2019