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EASTERN DISTRICT OF LA.
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

FELONY

INDICTMENT FOR ACCESS DEVICE FRAUD AND CONSPIRACY

UNITED STATES OF AMERICA

*

CRIMINAL NO. **17-164**

v.

*

SECTION: **SECT. R MAG. 4**

JOAO FREIRE DA SILVA NETO
ANDRE LION GONCALVES PEREIRA
HERIK LUCIAN ENEDINO DOS SANTOS
FERNANDO FINATTO MINGUZZI
RUBENS ELEUTERIO DE ALMEIDA
JUNIOR

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VIOLATIONS:
18 U.S.C. § 1029(a)(1)
18 U.S.C. § 1029(a)(3)
18 U.S.C. § 1029(a)(4)
18 U.S.C. § 1029(b)(2)
18 U.S.C. § 1029(c)(1)(A)(i)
18 U.S.C. § 1029(c)(1)(A)(ii)
18 U.S.C. § 2

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The Grand Jury charges that:

COUNT 1
(Conspiracy to Commit Access Device Fraud)

A. AT ALL TIMES MATERIAL HEREIN

1. The defendants, JOAO FREIRE DA SILVA NETO, ANDRE LION GONCALVES PEREIRA, HERIK LUCIAN ENEDINO DOS SANTOS, FERNANDO FINATTO MINGUZZI, and RUBENS ELEUTERIO DE ALMEIDA JUNIOR were Brazilian nationals who were in the United States pursuant to visas.

2. The term “access device” means any card, plate, code, account number, electronic serial number, personal identification number, or other means of account access that can be used, alone or in conjunction with another access device, to obtain money, goods, services, or any other thing of value, or that can be used to initiate a transfer of funds (other than a transfer originated solely by paper instrument).

3. The term “counterfeit access device” means any access device that is counterfeit, fictitious, altered, or forged, or an identifiable component of an access device or a counterfeit access device.

4. The term “unauthorized access device” means any access device that was lost, stolen, expired, revoked, canceled, or obtained with intent to defraud.

5. The term “device-making equipment” means any equipment, mechanism, or impression designed or primarily used for making an access device or a counterfeit access device.

6. The term “produce” means design, alter, authenticate, duplicate, or assemble.

7. The term “traffic” means to transfer, or otherwise dispose of, to another, or obtain control of with intent to transfer or dispose of.

B. THE CONSPIRACY

Beginning at a time unknown to the Grand Jury, but at least on or about April 26, 2017, and continuing through on or about August 3, 2017, in the Eastern District of Louisiana, and elsewhere, the defendants, **JOAO FREIRE DA SILVA NETO, ANDRE LION GONCALVES PEREIRA, HERIK LUCIAN ENEDINO DOS SANTOS, FERNANDO FINATTO MINGUZZI, and RUBENS ELEUTERIO DE ALMEIDA JUNIOR**, together with others, both known and unknown to the Grand Jury, did knowingly, intentionally, and unlawfully combine,

conspire, confederate, and agree, in a manner affecting interstate commerce, and with the intent to defraud:

1. to produce, use, and traffic in one or more counterfeit access devices, in violation of Title 18, United States Code, Section 1029(a)(1);
2. to possess fifteen or more devices which were counterfeit or unauthorized access devices, in violation of Title 18, United States Code, Section 1029(a)(3); and
3. to produce, traffic in, have control and custody of, and possess device-making equipment, in violation of Title 18, United States Code, Section 1029(a)(4).

C. MANNER AND MEANS

Among the manner and means by which the defendants and their co-conspirators carried out the conspiracy were the following:

1. It was part of the conspiracy that co-conspirators obtained counterfeit access devices that had been produced using stolen credit and debit card numbers.
2. It was further part of the conspiracy that co-conspirators possessed fifteen or more counterfeit and unauthorized access devices, including altered gift and prepaid cards.
3. It was further part of the conspiracy that co-conspirators would and did distribute counterfeit and unauthorized access devices among themselves.
4. It was further part of the conspiracy that co-conspirators would and did possess, use, and distribute device-making equipment.
5. It was further part of the conspiracy that co-conspirators would and did use and attempt to use counterfeit and unauthorized access devices to purchase goods and gift cards.

D. OVERT ACTS

In furtherance of the conspiracy, and to effect the objects thereof, members of the conspiracy and others known and unknown to the Grand Jury, committed or caused to be committed the overt acts below, among others, within the Eastern District of Louisiana and elsewhere:

1. On or about June 9, 2017, defendant **ANDRE LION GONCALVES PEREIRA** used false identification and the false name “Paulo Lorenzo” to lease a hotel room in New Orleans.

2. On or about July 26, 2017, defendant **JOAO FREIRE DA SILVA NETO** used false identification and the false name “Caio Lima” to lease a hotel room in New Orleans.

3. On or about August 2, 2017, defendant **RUBENS ELEUTERIO DE ALMEIDA JUNIOR** attempted to mail a package from Oklahoma to **JOAO FREIRE DA SILVA NETO** in Louisiana under the false name “Caio Lima.” The package contained contraband including blank credit cards, pre-embossed credit cards, and a pinhole camera intended for installation on an automated teller machine (“ATM”).

4. On or about August 3, 2017, defendants **JOAO FREIRE DA SILVA NETO**, **ANDRE LION GONCALVES PEREIRA**, **HERIK LUCIAN ENEDINO DOS SANTOS**, and **FERNANDO FINATTO MINGUZZI** possessed counterfeit credit cards, re-encoded gift cards, an embosser, and other items used to create counterfeit access devices.

5. On or about August 3, 2017, defendant **RUBENS ELEUTERIO DE ALMEIDA JUNIOR** possessed counterfeit credit cards, blank credit cards, an ATM skimmer, pinhole cameras, memory cards, an embosser, and other items used to create counterfeit access devices.

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

COUNT 2
(Access Device Fraud)

A. AT ALL TIMES MATERIAL HEREIN

The allegations in Section A of Count 1 are incorporated as though fully set forth herein.

B. THE OFFENSE OF ACCESS DEVICE FRAUD

On or about August 3, 2017, in the Eastern District of Louisiana, and elsewhere, the defendants, **JOAO FREIRE DA SILVA NETO, ANDRE LION GONCALVES PEREIRA, HERIK LUCIAN ENEDINO DOS SANTOS, and FERNANDO FINATTO MINGUZZI**, did knowingly and with intent to defraud possess fifteen or more counterfeit and unauthorized access devices, and by such conduct affect interstate commerce.

All in violation of Title 18, United States Code, Sections 1029(a)(3), (c)(1)(A)(i), and 2.

COUNT 3
(Access Device Fraud)

A. AT ALL TIMES MATERIAL HEREIN

The allegations in Section A of Count 1 are incorporated as though fully set forth herein.

B. THE OFFENSE OF ACCESS DEVICE FRAUD

On or about August 3, 2017, in the Eastern District of Louisiana, and elsewhere, the defendants, **JOAO FREIRE DA SILVA NETO, ANDRE LION GONCALVES PEREIRA, HERIK LUCIAN ENEDINO DOS SANTOS, and FERNANDO FINATTO MINGUZZI**, did knowingly and with the intent to defraud, traffic in, possess, and have control and custody over device-making equipment, and by such conduct affect interstate commerce.

All in violation of Title 18, United States Code, Sections 1029(a)(4), (c)(1)(A)(ii), and 2.

NOTICE OF ACCESS DEVICE FRAUD FORFEITURE

1. The allegations of Counts 1 through 3 of this Indictment are realleged and incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture to the United States of America pursuant to the provisions of Title 18, United States Code, Sections 982(a)(2)(B) and 1029(c)(1)(C).

2. Upon conviction of the offenses in violation of Title 18, United States Code, Section 1029 set forth in Counts 1 through 3 of this Indictment, the defendants, **JOAO FREIRE DA SILVA NETO, ANDRE LION GONCALVES PEREIRA, HERIK LUCIAN ENEDINO DOS SANTOS, FERNANDO FINATTO MINGUZZI, and RUBENS ELEUTERIO DE ALMEIDA JUNIOR**, shall forfeit to the United States of America

- a. pursuant to Title 18, United States Code, Section 982(a)(2)(B), any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of such violations;
- b. pursuant to Title 18, United States Code, Section 1029(c)(1)(C), any personal property used or intended to be used to commit the offenses;

3. If any of the property described above, 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 party;
- 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 divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title

21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Sections 982(b)(1) and 1029(c)(2) and Title 28, United States Code, Section 2461(c).

All pursuant to Title 18, United States Code, Sections 982(a)(2)(B) and 1029(c)(1)(C).

A TRUE BILL:



FOREPERSON

DUANE A. EVANS
ACTING UNITED STATES ATTORNEY

A handwritten signature in black ink, appearing to read "Matthew R. Payne", written over a horizontal line.

MATTHEW R. PAYNE
La. Bar Roll No. 32631
Assistant United States Attorney

New Orleans, Louisiana
August 31, 2017