

★ JAN 08 2024 ★

BROOKLYN OFFICE

JMH:EL
F. #2023R00184

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
----- X

UNITED STATES OF AMERICA

- against -

DANIEL VERNON,
also known as
"Daquan Mitchell,"
"Daniel George" and
"Cory Fortune,"
YVELER MARCELLUS,
FELIX MARCIAL and
TATIANA WILLIAMS,

Defendants.

----- X

THE GRAND JURY CHARGES:

INTRODUCTION

At all times relevant to this Indictment, unless otherwise indicated:

A. The Defendants

1. The defendant DANIEL VERNON was a resident of Queens, New York. VERNON maintained, among other bank accounts, a bank account at Bank-1, an entity the identity of which is known to the Grand Jury, with an account number ending in the digits 4046 (the "VERNON 4046 Account"). VERNON purported to be the owner and operator of the following entities: "DV Construction," "DZM Construction" and "DV Communication."

INDICTMENT

Cr. No. CR 24 - 00009

(T. 18, U.S.C., §§ 981(a)(1)(C),
982(a)(1), 982(b)(1), 1349, 1956(h) and
3551 et seq.; T. 21, U.S.C., § 853(p);
T. 28, U.S.C., § 2461(c))

AMON, J.

SCANLON, M.J.

2. The defendant YVELER MARCELLUS was a resident of Brooklyn, New York. MARCELLUS maintained, among other bank accounts, a bank account at Bank-1 with an account number ending in the digits 7906 (the “MARCELLUS 7906 Account”).

3. The defendant FELIX MARCIAL was a resident of Brooklyn, New York. MARCIAL maintained, among other bank accounts, two bank accounts at Bank-1 with account numbers ending in the digits 8157 (the “MARCIAL 8157 Account”) and the digits 1888 (the “MARCIAL 1888 Account”).

4. The defendant TATIANA WILLIAMS was a resident of Miami, Florida. WILLIAMS maintained, among other bank accounts, a bank account at Bank-1 with an account number ending in the digits 5318 (the “WILLIAMS 5318 Account”); and a bank account at Bank-2, an entity the identity of which is known to the Grand Jury, with an account number ending in the digits 6729 (the “WILLIAMS 6729 Account”).

B. The Mailing Addresses

5. The Rosedale Address is a residential address in Queens, New York, within the Eastern District of New York, located at an address known to the Grand Jury.

6. Company-1, an entity the identity of which is known to the Grand Jury, was a company that provided “virtual office” services. A “virtual office” was a type of business that provided various business services to clients, including but not limited to rentable office and meeting spaces, business mailing addresses and telephone answering services. Between January 2022 and March 2023, the defendant DANIEL VERNON opened a series of Company-1 virtual offices (collectively the “VERNON Offices”) using both his own identity and aliases.

7. On or about November 16, 2022, the defendant DANIEL VERNON opened a virtual office in the name “DV Construction” at Company-1 Location A, the location of which is known to the Grand Jury (“Office A”). VERNON opened Office A using his valid United States passport and New York State Driver’s License. Authorized users of Office A included VERNON and the defendant FELIX MARCIAL.

8. On or about December 19, 2022, the defendant DANIEL VERNON opened a virtual office in the name “DZM Construction and Reno” at Company-1 Location B, the location of which is known to the Grand Jury (“Office B”). VERNON opened Office B using a false New Jersey State Driver’s License bearing his photograph and the name “Daquan Mitchell.” Authorized users of Office B included the defendant FELIX MARCIAL, “DZM Construction and Renovation” and “Daquan Mitchell,” an alias for VERNON.

9. On or about March 3, 2023, the defendant DANIEL VERNON opened a virtual office using the alias “Cory Fortune” at Company-1 Location C, the location of which is known to the Grand Jury (“Office C”). VERNON opened Office C using a false New Jersey State Driver’s License bearing his photograph and the alias “Cory Fortune.”

10. On or about March 30, 2023, the defendant DANIEL VERNON opened a virtual office in the name “DV Communication” at Company-1 Location D, the location of which is known to the Grand Jury (“Office D”). VERNON opened Office D using his valid United States passport and New York State Driver’s License, but provided the alias “Daniel George” on the application documents. The defendant FELIX MARCIAL was listed as an authorized user of Office D.

11. Offices A, B and D were each located in the Eastern District of New York. Office C was located in Manhattan, New York.

C. The Fraudulent Schemes

12. In or about and between January 2022 and May 2023, both dates being approximate and inclusive, the defendants DANIEL VERNON, TATIANA WILLIAMS, FELIX MARCIAL and YVELER MARCELLUS, together with others, agreed to engage in the fraudulent “Tech Scheme” and “Mortgage Refinancing Scheme” (collectively the “Fraudulent Schemes”), to steal money from their victims, including Victims-1 through -5, individuals whose identities are known to the Grand Jury.

13. Through the Tech Scheme, the conspirators falsely represented by telephone the following to individual victims: money held in the victim’s bank account was compromised; individuals were attempting to access the victim’s computer to gain access to the victim’s funds; individuals at the victim’s financial institution were involved in the scheme to steal the victim’s money; and the victim’s money would be kept safe if the victim sent the funds to the individual on the telephone. Each victim was then directed to send a check, money order or cash to an address provided by the conspirators, under the guise that the victim’s funds would be kept safe with that person.

14. Through the Mortgage Refinancing Scheme, the conspirators falsely represented by telephone the following to individual victims: the victim could refinance the victim’s mortgage at a beneficial interest rate by sending the victim’s mortgage payment to an address provided to the victim by the conspirators. Each victim was then directed to send a check, money order or cash to an address provided by the conspirators, under the guise that the payment was being made toward the victim’s refinanced mortgage.

15. Through the Fraudulent Schemes, the conspirators falsely induced the victims to mail the payments to addresses located in the Eastern District of New York and elsewhere, including, but not limited to, the Rosedale Address and the VERNON Offices. After the parcels containing the payments were delivered to the provided address, the defendants and their co-conspirators collected the parcels and deposited the payments into their own bank accounts.

16. For example:

(a) In or about and between March 2022 and March 2023, Victim-1 was a victim of both Fraudulent Schemes. In total, Victim-1 was fraudulently induced to send approximately \$4.8 million in one or more cashier's checks by mail from Wisconsin to various addresses in the Eastern District of New York.

(b) In or about and between December 2022 and March 2023, Victim-2 was a victim of the Tech Scheme. In total, Victim-2 was fraudulently induced to send approximately \$80,000 in one or more cashier's checks by FedEx from California to "DZM Construction" at the Rosedale Address in the Eastern District of New York.

(c) In or about December 2022, Victim-3 was a victim of the Tech Scheme. In total, Victim-3 was fraudulently induced to send approximately \$125,000 in one or more cashier's checks by FedEx from New Jersey to Office A in the Eastern District of New York.

(d) In or about January 2023, Victim-4 and Victim-5, a married couple, were victims of the Tech Scheme. In total, Victim-4 and Victim-5 were fraudulently induced to send approximately \$120,000 in one or more cashier's checks by FedEx from

Pennsylvania to “DV Construction” at the Office A address in the Eastern District of New York.

17. Through the Fraudulent Schemes, the defendants, together with others, wrongfully obtained over \$7.5 million dollars from more than 50 victims.

COUNT ONE
(Conspiracy to Commit Mail Fraud and Wire Fraud)

18. The allegations contained in paragraphs one through 17 are realleged and incorporated as if fully set forth in this paragraph.

19. In or about and between January 2022 and May 2023, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants DANIEL VERNON, also known as “Daquan Mitchell,” “Daniel George” and “Cory Fortune,” YVELER MARCELLUS, FELIX MARCIAL and TATIANA WILLIAMS, together with others, did knowingly and intentionally conspire to (a) devise a scheme and artifice to defraud Victims-1 through -5, and to obtain money and property from them by means of materially false and fraudulent pretenses, representations and promises, and for the purpose of executing such scheme and artifice, to place and cause to be placed in a post office or authorized depository for mail matter one or more matters and things to be sent and delivered by the United States Postal Service and/or private and commercial interstate carriers, by mail according to the directions thereon, contrary to Title 18, United States Code, Section 1341; and (b) devise a scheme and artifice to defraud Victims-1 through -5, and to obtain money and property from them by means of materially false and fraudulent pretenses, representations and promises, and for the purpose of executing such scheme and artifice, to transmit and cause to be transmitted by means of wire communication in interstate

commerce, one or more writings, signs, signals, pictures and sounds, contrary to Title 18, United States Code, Section 1343.

(Title 18, United States Code, Sections 1349 and 3551 et seq.)

COUNT TWO

(Conspiracy to Commit Money Laundering)

20. The allegations contained in paragraphs one through 17 are realleged and incorporated as if fully set forth in this paragraph.

21. In or about and between January 2022 and May 2023, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants DANIEL VERNON, also known as “Daquan Mitchell,” “Daniel George” and “Cory Fortune,” YVELER MARCELLUS, FELIX MARCIAL and TATIANA WILLIAMS, together with others, did knowingly and intentionally conspire to (a) conduct and attempt to conduct financial transactions affecting interstate commerce, which transactions involved the proceeds of specified unlawful activity, to wit: conspiracy to commit mail fraud and wire fraud, in violation of Title 18, United States Code, Section 1349, knowing that the property involved in such financial transactions represented the proceeds of some form of unlawful activity, and knowing that such transactions were designed in whole and in part to conceal and disguise the nature, the location, the source, the ownership and the control of the proceeds of the specified unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i); and (b) engage and attempt to engage in monetary transactions, in and affecting interstate commerce, in criminally derived property that was of a value greater than \$10,000 and that was derived from specified unlawful activity, to wit: conspiracy to commit mail fraud and wire fraud, in violation of Title 18, United States Code, Section 1349,

knowing that the property involved in such monetary transactions represented the proceeds of some form of unlawful activity, in violation of Title 18, United States Code, Sections 1957(a) and 1957(b).

(Title 18, United States Code, Sections 1956(h) and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION
AS TO COUNT ONE

22. The United States hereby gives notice to the defendants that, upon their conviction of the offense charged in Count One, the government will seek forfeiture in accordance with Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), which require any person convicted of such offense to forfeit any property, real or personal, constituting, or derived from, proceeds obtained directly or indirectly as a result of such offense, including but not limited to approximately \$229,274.02 seized on or about October 26, 2023, from Bank of America Account No. XXXX7938, held in the name of Tatiana Williams, and all proceeds traceable thereto.

23. 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 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;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1), to seek forfeiture of any other property of the defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Section 981(a)(1)(C) and 982(b)(1); Title 21, United States Code, Section 853(p); Title 28, United States Code, Section 2461(c))

CRIMINAL FORFEITURE ALLEGATION
AS TO COUNT TWO

24. The United States hereby gives notice to the defendants that, upon their conviction of the offense charged in Count Two, the government will seek forfeiture in accordance with Title 18, United States Code, Section 982(a)(1), which requires any person convicted of such offense to forfeit any property, real or personal, involved in such offense, or any property traceable to such property, including but not limited to approximately \$229,274.02 seized on or about October 26, 2023, from Bank of America Account No. XXXX7938, held in the name of Tatiana Williams, and all proceeds traceable thereto.

25. 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 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;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1), to seek forfeiture of any other property of the defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Section 982(a)(1) and 982(b)(1); Title 21, United States Code, Section 853(p))

A TRUE BILL

[REDACTED]

FOREPERSON

[REDACTED]

BREON PEACE
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

No.

UNITED STATES DISTRICT COURT

EASTERN District of NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

DANIEL VERNON, also known as "Daquan Mitchell,"
"Daniel George" and "Cory Fortune," YVELER MARCELLUS,
FELIX MARCIAL and TATIANA WILLIAMS,

Defendants.

INDICTMENT

(T. 18, U.S.C., §§ 981(a)(1)(C), 982(a)(1), 982(b)(1), 1349, 1956(h)
and 3551 et seq.; T. 21, U.S.C., § 853(p); T. 28, U.S.C., § 2461(c))

At



Foreperson

Filed in open court this _____ day,
of _____ A.D. 20 _____

Clerk

Bail, \$ _____

Elias Laris, Assistant U.S. Attorney, (718) 254-6599