

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA : **CRIMINAL NO.** _____
v. : **DATE FILED:** _____
VIKTOR POPA : **VIOLATIONS:**
IANIC REPESCIUC : **18 U.S.C. § 371 (conspiracy to commit bank**
: **fraud - 1 count)**
: **18 U.S.C. § 1344 (bank fraud - 1 count)**
: **18 U.S.C. §§ 1028A (aggravated identity theft**
: **- 2 counts)**
: **18 U.S.C. § 2 (aiding and abetting)**
: **Notice of forfeiture**

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

1. At all times material to this indictment, TD Bank, N.A. ("TD Bank") was a financial institution, the deposits of which were insured by the Federal Deposit Insurance Corporation, Certificate No. 18409.

2. From on or about June 1, 2014 through on or about October 25, 2014, in the Eastern District of Pennsylvania, the District of Connecticut, the Eastern District of New York, and elsewhere, defendants

**VIKTOR POPA and
IANIC REPESCIUC**

conspired and agreed, together and with others unknown to the grand jury, to commit offenses against the United States, that is, to knowingly execute, and attempt to execute, a scheme to defraud TD Bank, N.A. ("TD Bank"), the deposits of which were insured by the Federal Deposit Insurance Corporation, and to obtain monies owned by and under the care, custody, and control

of those banks by means of false and fraudulent pretenses, representations, and promises, in violation of Title 18, United States Code, Section 1344.

MANNER AND MEANS

It was part of the conspiracy that:

3. Defendants VIKTOR POPA and IANIC REPESCIUC installed card reading devices, commonly known and hereafter referred to as “skimmers,” on the electronic access panels of doors leading into enclosed and secure TD Bank Automated Teller Machine (ATM) stations (ATM areas), in order to surreptitiously record access card account numbers from unsuspecting customers.

4. Defendants VIKTOR POPA and IANIC REPESCIUC installed hidden cameras on the ATMs to record the Personal Identification Numbers (PINs) entered by TD Bank customers as they used the ATM keyboard. The defendants and another individual or individuals unknown to the grand jury could connect the PINs to the account numbers already recorded by the skimmer.

5. After a period of time in which the skimmers and hidden cameras recorded access card numbers and PINs, defendants VIKTOR POPA and IANIC REPESCIUC removed the skimmers and hidden cameras in order to take possession of the stolen access card numbers and PINs.

6. Defendants VIKTOR POPA and IANIC REPESCIUC, and an individual or individuals unknown to the grand jury, used the stolen account numbers and PINs to make cash ATM withdrawals and debit card purchases in the total aggregate amount of at least approximately \$173,612.19.

OVERT ACTS

In furtherance of the conspiracy and to accomplish its objects, defendants VIKTOR POPA and IANIC REPESCIUC, and others known and unknown to the grand jury, committed the following overt acts, among others, in the Eastern District of Pennsylvania and elsewhere:

The Staten Island branch.

1. On or about June 1, 2014, at approximately 4:55 p.m., defendant VIKTOR POPA installed a skimmer on the access panel to the entrance of the ATM area and a hidden camera on the ATM of the TD Bank branch located at 1837 Richmond Avenue, Staten Island, New York (“the Staten Island branch”), and an individual unknown to the grand jury removed the skimmer and hidden camera at approximately 11:17 p.m. that same day.

2. On or about June 14, 2014, at approximately 5:19 p.m., defendant VIKTOR POPA installed a skimmer on the access panel to the entrance of the ATM area and a hidden camera on the ATM of the Staten Island branch, and an individual unknown to the grand jury removed the skimmer and hidden camera at approximately 11:54 p.m. that same day.

3. On or about June 15, 2014, at approximately 4:54 p.m., defendant VIKTOR POPA installed a skimmer on the access panel to the entrance of the ATM area and a hidden camera on the ATM of the Staten Island branch, and an individual unknown to the grand jury removed the skimmer and hidden camera at approximately 11:00 p.m. that same day.

4. On or about June 29, 2014, at approximately 4:30 p.m., defendant VIKTOR POPA installed a skimmer on the access panel to the entrance of the ATM area and a hidden camera on the ATM of the Staten Island branch, and an individual unknown to the grand jury removed the skimmer and hidden camera at approximately 7:49 p.m. that same day.

The Greenwich branch.

5. On or about August 24, 2014, at approximately 4:17 p.m., defendant VIKTOR POPA installed a skimmer on the access panel to the entrance of the ATM area and a hidden camera on the ATM of the TD Bank branch located at 235 Greenwich Avenue, Greenwich, Connecticut (“The Greenwich branch”), and defendant IANIC REPESCIUC removed the skimmer and hidden camera at approximately 12:55 a.m. the next day.

6. On or about August 30, 2014, at approximately 5:08 p.m., defendant VIKTOR POPA installed a skimmer on the access panel to the entrance of the ATM area and a hidden camera on the ATM of the Greenwich branch, and defendant IANIC REPESCIUC removed the skimmer and hidden camera at approximately 2:52 a.m. the next day.

The Hartford branch.

7. On or about August 24, 2014, at approximately 6:04 p.m., defendant VIKTOR POPA installed a skimmer on the access panel to the entrance of the ATM area and a hidden camera on the ATM of the TD Bank branch located at 203 Trumbull Street, Hartford, Connecticut (“the Hartford branch”) and defendant IANIC REPESCIUC removed the skimmer and hidden camera at approximately 11:23 p.m. that same day.

8. On or about August 30, 2014, at approximately 6:49 p.m., defendant VIKTOR POPA installed a skimmer on the access panel to the entrance of the ATM area and a hidden camera on the ATM of the Hartford branch, and an individual unknown to the grand jury removed the skimmer and hidden camera at approximately 1:13 a.m. the next day.

The Huntingdon Valley branch.

9. On or about October 12, 2014, at approximately 5:17 p.m., defendant VIKTOR POPA installed a skimmer on the access panel to the entrance of the ATM area and a

hidden camera on the ATM of the TD Bank branch located at 2550 Philmont Avenue, Huntingdon Valley, Pennsylvania (“the Huntingdon Valley branch”), and defendant IANIC REPESCIUC removed the skimmer and hidden camera at approximately 5:30 a.m. the next day.

10. On or about October 18, 2014, at approximately 4:45 p.m., defendant VIKTOR POPA installed a skimmer on the access panel to the entrance of the ATM area and a hidden camera on the ATM of the Huntingdon Valley branch, and defendant IANIC REPESCIUC removed the skimmer and hidden camera at approximately 11:06 p.m. that same day.

The Southhampton branch.

11. On or about October 12, 2014, at approximately 5:34 p.m., defendant VIKTOR POPA installed a skimmer on the access panel to the entrance of the ATM area and a hidden camera on the ATM of the TD Bank branch located at 25 2nd Street Pike, Southampton Valley, Pennsylvania (“the Southampton branch”), and an individual unknown to the grand jury removed the skimmer and hidden camera at approximately 5:46 a.m. the following day.

12. On or about October 18, 2014, at approximately 5:01 p.m., defendant VIKTOR POPA installed a skimmer on the access panel to the entrance of the ATM area and a hidden camera on the ATM of the Southampton branch, and defendant IANIC REPESCIUC removed the skimmer and hidden camera at approximately 11:30 p.m. that same day.

Return to the Huntingdon Valley branch.

13. On or about October 25, 2014, at approximately 5:17 p.m., defendants VIKTOR POPA and IANIC REPESCIUC together returned to the Huntingdon Valley branch in possession of a skimmer and a camera commonly used to capture PIN numbers, which defendant REPESCIUC attempted to conceal from police by hiding them in the waistband of his pants.

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

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraph 1 of Count One of this Indictment is incorporated here.
2. From on or about February 1, 2014 though in or about October 25, 2014, in the Eastern District of Pennsylvania, the District of Connecticut, the Eastern District of New York, and elsewhere, defendants

**VIKTOR POPA and
IANIC REPESCIUC**

and others unknown to the grand jury knowingly executed, and attempted to execute, a scheme to defraud TD Bank, and to obtain monies owned by and under the care, custody, and control of that bank by means of false and fraudulent pretenses, representations, and promises.

THE SCHEME

3. Paragraphs 3 through 6 and Overt Acts 1 through 13 of Count One are incorporated here.
4. On or about February 1, 5, 8, and 22, 2014, an individual or individuals unknown to the grand jury installed a skimmer on the access panel to the entrance of the ATM area and a hidden camera on the ATM of the TD Bank branch located at 2700 Coney Island Avenue, Brooklyn, New York, and an individual or individuals unknown to the grand jury removed the skimmer and hidden camera hours after the installations.
5. Through this scheme, defendants VIKTOR POPA and IANIC REPESCIUC, and an individual or individuals unknown to the grand jury, defrauded and attempted to defraud TD Bank of at least approximately \$173,612.19.

All in violation of 18 United States Code, Section 1344.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about August 24, 2014, in Hartford, in the District of Connecticut and elsewhere, defendants

**VIKTOR POPA and
IANIC REPESCIUC**

knowingly and without lawful authority possessed, and aided and abetted in the possession of, a means of identification of another person, that is, the name C.R. and his TD Bank Personal Identification Number associated with his TD bank account, and his TD bank account number ending in 8485, during and in relation to a bank fraud.

In violation of Title 18, United States Code, Section 1028A(a)(1), (c)(5), and 2.

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about October 18, 2014, in Huntingdon Valley, in the Eastern District of Pennsylvania and elsewhere, defendants

**VIKTOR POPA and
IANIC REPESCIUC**

knowingly and without lawful authority possessed, and aided and abetted in the possession of, a means of identification of another person, that is, the name D.P. and his TD Bank Personal Identification Number associated with his TD bank account, and his TD bank account number ending in 5093, during and in relation to a bank fraud.

In violation of Title 18, United States Code, Section 1028A(a)(1), (c)(5), and 2.

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violations of Title 18, United States Code, Sections 371 and 1344, set forth in this indictment, defendants

**VIKTOR POPA and
IANIC REPESCIUC**

shall forfeit to the United States of America any property that constitutes, or is derived from, proceeds obtained directly or indirectly from the commission of such violations including, but not limited to, the sum of \$178,986.18.

2. If any of the property subject to forfeiture, 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 18, United States Code, Section 982(b), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the property subject to forfeiture.

All pursuant to Title 18, United States Code, Section 982(a)(2).

A TRUE BILL:

GRAND JURY FOREPERSON

**ZANE DAVID MEMEGER
UNITED STATES ATTORNEY**

