

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

UNITED STATES OF AMERICA	:	CRIMINAL NO. 16- 159
		DATE FILED: April 14, 2016
v.	:	
		VIOLATIONS:
CARL PIERRE-CHARLES	:	18 U.S.C. § 371 (conspiracy - 1 count)
	:	18 U.S.C. § 1029(a)(1) (use of
	:	counterfeit access devices - 1 count)
	:	18 U.S.C. § 1028A (aggravated identity
	:	theft - 2 counts)
	:	18 U.S.C. § 2 (aiding & abetting)
	:	Notice of Forfeiture

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

1. From on or about July 11, 2014 to on or about September 3, 2015, in the Eastern District of Pennsylvania, defendant

CARL PIERRE-CHARLES

conspired and agreed, with others known to the grand jury, to commit offenses against the United States, that is, to knowingly and with intent to defraud produce, use or traffic in counterfeit access devices, in violation of Title 18, United States Code, Section 1029(a)(1), and to knowingly and without lawful authority use means of identification of other persons, during and in relation to access device fraud, in violation of Title 18, United States Code, Section 1028A(a)(1), (c)(4).

MANNER AND MEANS

2. It was part of the conspiracy that defendant CARL PIERRE-CHARLES obtained, from co-conspirator Gilbert Pierre-Charles, known to the grand jury and charged elsewhere, counterfeit access device cards that were encoded with the credit account numbers of

other individuals, and, at the direction of co-conspirator Gilbert Pierre-Charles, defendant CARL PIERRE-CHARLES used those fraudulently encoded cards to make purchases of cigarettes, totaling approximately \$484.36 at Wawa stores.

3. It was further part of the conspiracy that defendant CARL PIERRE-CHARLES provided a car for the use of co-conspirator Gilbert Pierre-Charles in the scheme to use counterfeit access device cards for the fraudulent purchase of gift cards and other items.

4. It was further part of the conspiracy that defendant CARL PIERRE-CHARLES possessed counterfeit access device cards in the names of co-conspirator Gilbert Pierre-Charles and others and encoded with the stolen credit account numbers of other individuals.

OVERT ACTS

In furtherance of the conspiracy, defendant CARL PIERRE-CHARLES and co-conspirator GILBERT PIERRE-CHARLES and others known and unknown to the grand jury, committed the following overt acts in the Eastern District of Pennsylvania:

1. On or about July 11, 2014, defendant CARL PIERRE-CHARLES rented a car from Hertz Corporation in Philadelphia, Pennsylvania for Gilbert Pierre-Charles, who, with co-conspirator Manuel Reyes-Gonzalez, known to the grand jury and charged elsewhere, and D.G., known to the grand jury, drove in that rented car to Maryland to purchase gift cards and other items with counterfeit access devices encoded with the stolen credit account numbers of other individuals.

2. On or about June 1, 2015, at a Wawa store in Roslyn, Abington Township, Montgomery County, Pennsylvania, and at the direction of co-conspirator Gilbert Pierre-Charles,

defendant CARL PIERRE-CHARLES purchased cartons of cigarettes and other items, totaling approximately \$277.15, using a counterfeit access device encoded with the legitimate TruMark Financial Visa account number, ending in 3267, of victim D.T., that had been provided to defendant CARL PIERRE-CHARLES by co-conspirator Gilbert Pierre-Charles.

3. On or about July 9, 2015, at the same Wawa store in Roslyn, Abington Township, Montgomery County, Pennsylvania, and at the direction of co-conspirator Gilbert Pierre-Charles, defendant CARL PIERRE-CHARLES purchased cartons of cigarettes and other items, totaling approximately \$207.21, using a counterfeit access device encoded with the legitimate Citibank Mastercard account number, ending in 0643, belonging to victim G.M., that had been provided to defendant CARL PIERRE-CHARLES by co-conspirator Gilbert Pierre-Charles.

4. On or about September 3, 2015, defendant CARL PIERRE-CHARLES possessed counterfeit access devices, embossed with the names of other individuals, including the name of co-conspirator GILBERT PIERRE-CHARLES, and encoded with the stolen credit account numbers of other individuals.

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

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraph 2, and Overt Acts 1 and 2 of Count One are incorporated here.
2. From on or about June 1, 2015 to on or about July 9, 2015, in the Eastern

District of Pennsylvania, defendant

CARL PIERRE-CHARLES

knowingly and with the intent to defraud, produced, used or trafficked in, and aided and abetted the production, use, or trafficking of one or more counterfeit access devices, including a counterfeit access device encoded with a TruMark Financial Visa account number, ending in 3267, belonging to victim D.T., and a counterfeit access device encoded with a Citibank Mastercard account number, ending in 0643, belonging to victim G.M., thereby affecting interstate commerce.

In violation of Title 18, United States Code, Sections 1029(a)(1) and 2.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about June 1, 2015, in the Eastern District of Pennsylvania, defendant

CARL PIERRE-CHARLES

knowingly and without lawful authority, possessed and used means of identification of another person, that is, the TruMark Financial Visa account number of D.T., during and in relation to access device fraud.

In violation of Title 18, United States Code, Section 1028A(a)(1), (c)(4).

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about July 9, 2015, in the Eastern District of Pennsylvania, defendant

CARL PIERRE-CHARLES

knowingly and without lawful authority, possessed and used means of identification of another person, that is, the Citibank Visa account number of G.M., during and in relation to access device fraud.

In violation of Title 18, United States Code, Section 1028A(a)(1), (c)(4).

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violation of Title 18, United States Code, Section 1029(a)(1), set forth in this information, defendant

CARL PIERRE-CHARLES

shall forfeit to the United States of America any property, real or personal, that constitutes or is derived from proceeds traceable to the commission of such offenses, as charged in this information, including, but not limited to, the sum of \$484.36.

2. If any of the property 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 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 defendant 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