

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

UNITED STATES OF AMERICA

v.

CASE NO. 6:19-cr-21-Orl-18DCI

MELVIN MACK GATLIN

**NOTICE OF MAXIMUM PENALTIES,  
ELEMENTS OF OFFENSE, AND FACTUAL BASIS**

The United States of America, by Maria Chapa Lopez, United States Attorney for the Middle District of Florida, hereby files this Notice of Maximum Penalties, Elements of Offense, and Factual Basis, stating as follows:

**ESSENTIAL ELEMENTS**

The essential elements of counterfeit access device fraud, in violation of 18 U.S.C. § 1029(a)(1), as charged in Counts 1, 2, and 3 are as follows:

- First: the Defendant knowingly produced or used a counterfeit access device;
- Second: the Defendant knew the access device was counterfeit, and acted with intent to defraud or deceive; and
- Third: the Defendant's conduct affected interstate or foreign commerce.

The essential elements of aggravated identity theft in violation of 18 U.S.C. § 1028A, as charged in Count 4 of the Indictment, are as follows:

- First: the Defendant knowingly transferred, possessed, or used another person's means of identification;
- Second: without lawful authority; and;
- Third: during and in relation to the eligible felony alleged in the indictment.

MAXIMUM PENALTIES

Counts One, Two and Three carry a maximum sentences of 10 years imprisonment, fines of \$250,000 or twice the gross gain caused by the offense, or twice the gross loss caused by the offense, whichever is greater, terms of supervised release of not more than 3 years, and a special assessment of \$100 per count.

Count Four carries a mandatory additional two years of incarceration to run consecutive to any other sentence of incarceration imposed in this case, a term of supervised release of not more than one year and a special assessment of \$100.

With respect to certain offenses, the Court shall order the defendant to make restitution to any victim of the offenses, and with respect to other offenses, the Court may order the defendant to make restitution to any victim of the offenses, or to the community.

Additionally, the defendant must forfeit property, pursuant to 18 U.S.C. §§ 982(a)(2)(B) and 1029(c)(1)(C) as outlined in the Indictment.

FACTUAL BASIS

On April 1, 2018, MELVIN MACK GATLIN checked into a room at an Orlando resort under the name of an individual with the initials R.P., a real individual who lives in Illinois. GATLIN checked in for three nights for a total of \$1,042.88. At check-in, GATLIN presented an Illinois driver license and a credit card to pay for the room, both of which were counterfeit and bore the name of the victim R.P. The license showed the name, the license number, address, and month and day of birth of R.P., but it showed GATLIN's picture and gave GATLIN's weight, height and year of birth. The credit card GATLIN presented also bore R.P.'s name and had been modified so that the charges from the card would be incurred by a stolen credit card account that was different from the one shown on the front of the card.

On April 2, 2018, GATLIN entered the gift shop of the resort and purchased 11 theme park passes for \$1,582.95, using a counterfeit credit card in R.P.'s name and showing the fake driver's license in R.P.'s name. The card GATLIN used for the purchase, again, was modified so that the charges would be incurred on a stolen credit card account that did not appear on the front of the card.

On April 3, 2018, GATLIN again entered the gift shop of the resort and purchased 11 theme park passes for \$1,962.75 using a counterfeit credit card in

R.P.'s name and showing the fake driver's license in R.P.'s name. This card, too, was modified so that charges would be incurred by a stolen account that was not the same as the number appearing on the front of the card. The transactions at the resort gift shop were captured on video surveillance.

On April 3, 2018, resort security personnel learned that one of the resort's guests going by the name R.P. may have made fraudulent transactions at other locations and received a photo of the individual. The resort security initiated an investigation and resort personnel identified GATLIN as the individual who purchased theme park passes in the resort gift shop under the name R.P. The resort contacted the Orlando Police Department. After officers found discrepancies between the R.P driver's license used by GATLIN and the true driver's license held by the individual R.P., Officers requested that the resort contact them when they observed the guest on the property.

Later that evening, the Orlando PD responded when the resort identified the guest R.P. in the pool area of the resort. Officers approached R.P. and asked for his name and identification. GATLIN gave his real name and provided his Georgia driver's license. GATLIN provided his room number and, when told that it was registered to R.P. he told officers that R.P. checked him in but that he didn't know R.P. very well. Officers detained GATLIN and found that he was carrying an Illinois Driver's license in the

name of R.P. and four credit cards with the name R.P. GATLIN consented to the search of his vehicle in the parking lot. Inside, Officers found an additional four credit cards in R.P.'s name. Officers also found that all eight credit cards had been re-encoded to so that charges would be incurred on other stolen credit card accounts. Among the credit cards recovered, Officers found the cards that were used in the resort gift shop.

After waiving his *Miranda* rights, GATLIN spoke to officers and admitted that the cards were counterfeit and that he purchased them on the dark web approximately one month ago. GATLIN admitted that he used the counterfeit cards to check into the hotel and purchase theme park tickets. GATLIN admitted that the laptop and credit card encoder that he used were in his hotel room.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 20, 2019, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to the following:

Michael Ryan, Esq., attorney for defendant

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