

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION

UNITED STATES OF AMERICA

v.

SEALED INDICTMENT

JA'BAREE VAZQUEZ ALLEN  
RONALD EDWARD BROWN  
ANRE' JUARDON DAVIS  
ADDRAIN MONTEZ MCMILLAN  
RASHARD LAVONTA MCMILLIAN  
JASMINE JUNAE ROBINSON  
DARIA PATRICE SIMMONS  
JAZZMAN SHABAZZ SIMMONS  
JOHN WALTER SIMMONS  
and  
MERCEDES SHEVON SUTTON

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4:15cr48-mw

THE GRAND JURY CHARGES:

COUNT ONE

A. THE CONSPIRACY

Between on or about January 11, 2011, and on or about April 8, 2014, in the  
Northern District of Florida and elsewhere, the defendants,

JA'BAREE VAZQUEZ ALLEN,  
RONALD EDWARD BROWN,  
ANRE' JUARDON DAVIS,  
ADDRAIN MONTEZ MCMILLAN,  
RASHARD LAVONTA MCMILLIAN,  
JASMINE JUNAE ROBINSON,  
DARIA PATRICE SIMMONS,  
JAZZMAN SHABNAZZ SIMMONS,  
JOHN WALTER SIMMONS,  
and  
MERCEDES SHEVON SUTTON,

CERTIFIED A TRUE COPY  
Jessica J. Lyublanovits

By: 

Deputy Clerk

Filed 11031505 DCF in 4 PM 0419

did knowingly and willfully combine, conspire, confederate, and agree together and with other persons to devise and intend to devise a scheme to defraud and to obtain money and property by means of material false and fraudulent pretenses, representations, and promises, and, for the purpose of executing this scheme, to cause wire communications to be transmitted in interstate commerce, in violation of Title 18, United States Code, Section 1343.

#### **B. MANNER AND MEANS**

It was part of this conspiracy that:

1. The conspirators fraudulently obtained and stored personal identifying information (“PII”) of approximately 2,800 individuals, including the names, dates of birth, and social security numbers of these persons (“victims”), without the victims’ knowledge or consent.
2. The conspirators obtained PII from multiple sources, including an insurance provider, AmeriGroup, and the online death database, DOBSEARCH.COM.
3. The conspirators prepared and electronically filed fraudulent federal income tax returns using, without authorization, the victims’ PII.
4. The conspirators caused the Internal Revenue Service to issue tax refunds in the names of the victims.
5. The conspirators caused fraudulently obtained tax refunds: (a) to be electronically loaded onto debit cards, (b) to be issued in the form of U.S. Treasury checks, and (c) to be deposited into bank accounts controlled by the conspirators.

6. By this conduct, the conspirators fraudulently obtained, and attempted to obtain, tax refunds totaling approximately \$11.1 million.

All in violation of Title 18, United States Code, Section 1349.

### **COUNT TWO**

On or about November 13, 2012, in the Northern District of Florida and elsewhere, the defendants,

**ADDRAIN MONTEZ MCMILLAN,  
JAZZMAN SHABAZZ SIMMONS,  
and  
JOHN WALTER SIMMONS,**

did knowingly and willfully steal and convert to their own use and the use of another, money of the United States, that is, a United States income tax refund of approximately \$8,374.

In violation of Title 18, United States Code, Sections 641 and 2.

### **COUNT THREE**

On or about November 13, 2012, in the Northern District of Florida and elsewhere, the defendants,

**ADDRAIN MONTEZ MCMILLAN,  
JAZZMAN SHABAZZ SIMMONS,  
and  
JOHN WALTER SIMMONS,**

did knowingly possess and use, without lawful authority, a means of identification of another person, that is, the name, date of birth, and social security number of D.M., during and in relation to a felony violation enumerated in Title 18, United States Code,

Section 1028A(c), namely, theft of government funds, as charged in Count Two of this Indictment.

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

**COUNT FOUR**

On or about November 14, 2012, in the Northern District of Florida and elsewhere, the defendants,

**RONALD EDWARD BROWN,  
JAZZMAN SHABAZZ SIMMONS,  
and  
JOHN WALTER SIMMONS,**

did knowingly and willfully steal and convert to their own use and the use of another, money of the United States, that is, a United States tax refund in the amount of \$8,374.

In violation of Title 18, United States Code, Sections 641 and 2.

**COUNT FIVE**

On or about November 14, 2012, in the Northern District of Florida and elsewhere, the defendants,

**RONALD EDWARD BROWN,  
JAZZMAN SHABAZZ SIMMONS,  
and  
JOHN WALTER SIMMONS,**

did knowingly possess and use, without lawful authority, a means of identification of another person, that is, the name, date of birth, and social security number of A.B., during and in relation to a felony violation enumerated in Title 18, United States Code, Section



1028A(c), namely, theft of government funds, as charged in Count Four of this Indictment.

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

**COUNT SIX**

On or about November 20, 2012, in the Northern District of Florida and elsewhere, the defendants,

**RASHARD LAVONTA MCMILLIAN,  
JAZZMAN SHABAZZ SIMMONS,  
and  
JOHN WALTER SIMMONS,**

did knowingly and willfully steal and convert to their own use and the use of another, money of the United States, that is, a United States tax refund in the amount of \$8,374.

In violation of Title 18, United States Code, Sections 641 and 2.

**COUNT SEVEN**

On or about November 20, 2012, in the Northern District of Florida and elsewhere, the defendants,

**RASHARD LAVONTA MCMILLIAN,  
JAZZMAN SHABAZZ SIMMONS,  
and  
JOHN WALTER SIMMONS,**

did knowingly possess and use, without lawful authority, a means of identification of another person, that is, the name, date of birth, and social security number of G.M., during and in relation to a felony violation enumerated in Title 18, United States Code,

Section 1028A(c), namely, theft of government funds, as charged in Count Six of this Indictment.

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

**COUNT EIGHT**

On or about April 28, 2013, in the Northern District of Florida and elsewhere, the defendants,

**JASMINE JUNAE ROBINSON,  
JAZZMAN SHABAZZ SIMMONS,  
and  
JOHN WALTER SIMMONS,**

did knowingly and willfully steal and convert to their own use and the use of another, money of the United States, that is, a United States tax refund in the amount of \$9,677.

In violation of Title 18, United States Code, Sections 641 and 2.

**COUNT NINE**

On or about April 28, 2013, in the Northern District of Florida and elsewhere, the defendants,

**JASMINE JUNAE ROBINSON,  
JAZZMAN SHABAZZ SIMMONS,  
and  
JOHN WALTER SIMMONS,**

did knowingly possess and use, without lawful authority, a means of identification of another person, that is, the name, date of birth, and social security number of E.M., during and in relation to a felony violation enumerated in Title 18, United States Code,

Section 1028A(c), namely, theft of government funds, as charged in Count Eight of this Indictment.

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

**COUNT TEN**

On or about May 8, 2013, in the Northern District of Florida and elsewhere, the defendants,

**JA'BAREE VAZQUEZ ALLEN,  
DARIA PATRICE SIMMONS,  
JAZZMAN SHABAZZ SIMMONS,  
and  
JOHN WALTER SIMMONS,**

did knowingly and willfully steal and convert to their own use and the use of another, money of the United States, that is, a United States tax refund in the amount of \$8,502.71.

In violation of Title 18, United States Code, Sections 641 and 2.

**COUNT ELEVEN**

On or about May 8, 2013, in the Northern District of Florida and elsewhere, the defendants,

**JA'BAREE VAZQUEZ ALLEN,  
DARIA PATRICE SIMMONS,  
JAZZMAN SHABAZZ SIMMONS,  
and  
JOHN WALTER SIMMONS,**

did knowingly possess and use, without lawful authority, a means of identification of another person, that is, the name, date of birth, and social security number of A.Q., during

and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), namely, theft of government funds, as charged in Count Ten of this Indictment.

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

**COUNT TWELVE**

On or about July 23, 2013, in the Northern District of Florida and elsewhere, the defendants,

**ANRE' JUARDON DAVIS,  
JAZZMAN SHABAZZ SIMMONS,  
and  
JOHN WALTER SIMMONS,**

did knowingly and willfully steal and convert to their own use and the use of another, money of the United States, that is, a United States tax refund in the amount of \$13,286.

In violation of Title 18, United States Code, Sections 641 and 2.

**COUNT THIRTEEN**

On or about July 23, 2013, in the Northern District of Florida and elsewhere, the defendants,

**ANRE' JUARDON DAVIS,  
JAZZMAN SHABAZZ SIMMONS,  
and  
JOHN WALTER SIMMONS,**

did knowingly possess and use, without lawful authority, a means of identification of another person, that is, the name, date of birth, and social security number of I.T., during and in relation to a felony violation enumerated in Title 18, United States Code, Section



1028A(c), namely, theft of government funds, as charged in Count Twelve of this Indictment.

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

**COUNT FOURTEEN**

On or about January 31, 2014, in the Northern District of Florida, the defendant,

**JOHN WALTER SIMMONS,**

having previously been convicted of a crime punishable by a term of imprisonment exceeding one year, did knowingly possess a firearm and ammunition in and affecting interstate and foreign commerce, that is:

1. a. On or about December 7, 2001, **JOHN WALTER SIMMONS,**  
was convicted in the State of Florida of Possession of Cocaine  
With Intent To Sell;
- b. On or about December 7, 2001, **JOHN WALTER SIMMONS,**  
was convicted in the State of Florida of Failure to Appear;
- c. On or about December 7, 2001, **JOHN WALTER SIMMONS,**  
was convicted in the State of Florida of Possession of Marijuana  
With Intent To Sell;
- d. On or about December 7, 2001, **JOHN WALTER SIMMONS,**  
was convicted in the State of Florida of Failure to Appear; and

e. On or about February 23, 2006, **JOHN WALTER SIMMONS**,  
was convicted in the State of Florida of Driving While License  
Suspended or Revoked.

2. For each of these crimes, **JOHN WALTER SIMMONS** was subject to  
punishment by a term of imprisonment exceeding one year.

3. Thereafter, **JOHN WALTER SIMMONS** did knowingly possess a  
firearm, namely, a Norinco 9 millimeter handgun and Speer 9 millimeter ammunition.

4. This firearm and ammunition previously had been shipped and transported  
in interstate and foreign commerce.

In violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

#### **CRIMINAL FORFEITURE**

The allegations contained in Counts One, Two, Four, Six, Eight, Ten, and Twelve  
of this Indictment are hereby realleged and incorporated by reference for the purpose of  
alleging forfeiture, pursuant to the provisions of Title 18, United States Code, Section  
981(a)(1)(C), and Title 28, United States Code, Section 2461(c).

From their engagement in any or all of the violations alleged in Counts One, Two,  
Four, Six, Eight, Ten, and Twelve of this Indictment, the defendants,

**JA'BAREE VAZQUEZ ALLEN,  
RONALD EDWARD BROWN,  
ANRE' JUARDON DAVIS,  
ADDRAIN MONTEZ MCMILLAN,  
RASHARD LAVONTA MCMILLIAN,  
JASMINE JUNAE ROBINSON,  
DARIA PATRICE SIMMONS,  
JAZZMAN SHABNAZZ SIMMONS,**

**JOHN WALTER SIMMONS,  
and  
MERCEDES SHEVON SUTTON,**

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), any and all of their rights, title, and interest in any property, real and personal, constituting, and derived from, proceeds traceable to such offenses.

If any of the property described above as being subject to forfeiture, as a result of acts or omissions of the defendants:

- i. cannot be located upon the exercise of due diligence;
- ii. has been transferred, sold to, or deposited with a third party;
- iii. has been placed beyond the jurisdiction of this Court;
- iv. has been substantially diminished in value; or
- v. has been commingled with other property that cannot be subdivided without difficulty,

it is the intent of the United States, pursuant to Title 28, United States Code, Section 2461(c), and Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendants up to the value of the forfeitable property.

**FIREARM FORFEITURE**

The allegation contained in Count Fourteen of this Indictment is hereby realleged and incorporated by reference. Because the defendant,

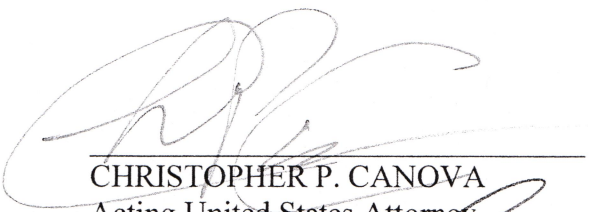
**JOHN WALTER SIMMONS,**

knowingly committed the violation set forth in Count Fourteen of this Indictment, any and all interest that the defendant has in the firearm and ammunition involved in this violation is vested in the United States and hereby forfeited to the United States pursuant to Title 18, United States Code, Section 3665.

A TRUE BILL:

Redacted

11-3-15  
DATE



CHRISTOPHER P. CANOVA  
Acting United States Attorney



JASON R. COODY  
Assistant United States Attorney