

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

UNITED STATES OF AMERICA

v.

CASE NO.: 4:16-cr-47/MW

HENRY FLERIJEAN
_____ /

STATEMENT OF FACTS

The Defendant admits that, if this case were to proceed to trial, the Government could prove the following facts beyond a reasonable doubt.

On February 21, 2012, the Defendant was traveling west bound in Madison, Florida on I-10 driving at 84 MPH and was pulled over for speeding by the Madison County Sheriff's Office. The deputy approached the vehicle and smelled marijuana coming from the vehicle. The Defendant admitted that he had marijuana in the vehicle.

Law enforcement searched the car and found a book bag with 7.5 grams of marijuana in it and approximately \$21,427 in currency. Inside the carpet lining of the trunk, the deputy recovered two separate stacks of debit cards in other people's names. Law enforcement recovered thirty-one (31) counterfeit debit cards.

During an inventory search of the vehicle, law enforcement also recovered two computers, in addition to a notebook with names, social security numbers, and

dates of birth. The names from the notebook matched some of the names found on the debit cards in the vehicle. Law enforcement also found several receipts in the vehicle for purchases made at three Tallahassee Walmarts from February 19, 2012 and February 20, 2012 (the day before the Defendant's arrest).

The Defendant waived his *Miranda* rights and was interviewed by law enforcement. He admitted that the individuals' identities found in his notebook were real people, and he obtained money by filing false tax returns. He also admitted that money from those false tax returns would be on two or three of the counterfeit cards found in the vehicle.

Law enforcement took the Walmart receipts from the vehicle and went to the Tallahassee Walmarts to determine who made the purchases. All of the receipts show that one particular card was used, ending in number 2278. Surveillance footage from three of the Tallahassee Walmarts show the Defendant using the card.

The card ending in 2278 was issued in the name of B.A. At the time, B.A. was an 88-year-old woman from Summitville, Indiana. She passed away in March 2013. B.A.'s social security number, date of birth, and debit card information were found in the Defendant's notebook.

An analysis of the computers found in the vehicle shows that on January 17, 2012, Turbo Tax software was used on the computer to file a tax return in B.A.'s

name using her social security number. The claim was to obtain a refund of \$9,992.00. On February 14, 2012, \$9930.23 was loaded onto a debit card ending in 2278 from that refund (after taking costs).

The card used to make the purchases (ending in 2278) was not recovered in the vehicle, but was used the morning of February 21, 2012, when the Defendant purchased gas at a Shell station in Tallahassee. He was arrested a little over two hours after that last purchase.

Law enforcement obtained a search warrant to search the two computers found in the vehicle. In the computers, law enforcement found sixty fraudulently submitted tax returns (fifty-five on one computer and five on the other), which include several duplicates. There were fifteen refunds generated by fraudulent returns found on the laptops that were paid to credit cards seized from the Defendant's vehicle. Personal identifying information of seven of those individuals was found in the Defendant's notebook.

Agents from the Internal Revenue Service interviewed those seven individuals (or those who prepared their taxes), and all of them confirmed that these taxes were fraudulently filed and not their actual tax returns. An analysis of these sixty filings also reveals that thirty-four of those filings were filed from a particular IP address, which was (at the time) registered to the home of the Defendant's then-girlfriend, in

Tampa, Florida.

ELEMENTS

COUNT ONE (18 U.S.C. § 641)
Theft of Government Money

The Defendant can be found guilty of this crime only if all the following elements are proved beyond a reasonable doubt:

- (1) The money or property described in the indictment belonged to the United States;
- (2) The Defendant knowingly and willfully received, concealed, or retained the money or property intending to convert it to his own use or the use of others;
- (3) The Defendant knew that the money was embezzled, stolen, or converted; and
- (4) The money or property had a value greater than \$1,000.

COUNT TWO (18 U.S.C. § 1029(a)(3))
Possession of Fifteen or More Counterfeit or Unauthorized Access Devices

The Defendant can be found guilty of this crime only if all the following elements are proved beyond a reasonable doubt:


- (1) The Defendant possessed fifteen or more counterfeit or unauthorized access devices;
- (2) The Defendant knowingly acted with the intent to defraud or deceive; and
- (3) The Defendant's conduct affected interstate commerce.

COUNT THREE (18 U.S.C. § 1028A)
Aggravated Identity Theft

The Defendant can be found guilty of this crime only if the following acts are proved beyond a reasonable doubt:

- (1) The Defendant knowingly transferred, possessed, or used another person's means of identification;
- (2) The Defendant did so without lawful authority;
- (3) The Defendant knew the means of identification belonged to an actual person; and
- (4) The Defendant transferred, possessed, or used the means of identification during and in relation to a violation of the theft of government property.

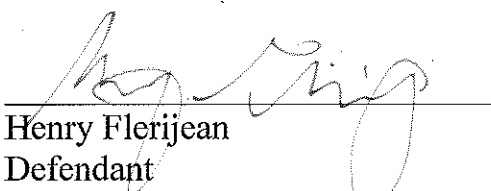
CHRISTOPHER P. CANOVA
United States Attorney



Mark Jon O'Brien
Attorney for Defendant

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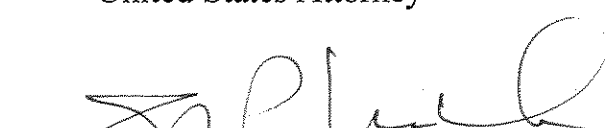
Date



Henry Flerijeau
Defendant

3/23/18

Date



Michael J. Harwin
Assistant United States Attorney
Georgia Bar No. 335605
Northern District of Florida
111 N. Adams Street, Fourth Floor
Tallahassee, FL 32301
(850) 942-8430
michael.harwin@usdoj.gov