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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	Hon.
	:	
v.	:	Crim. No. 13- 759 - FLW
	:	
RENAULD MEDARD and	:	18 U.S.C. § 1349
WESLY DIEUDONNE	:	18 U.S.C. § 1343
	:	18 U.S.C. § 2

I N D I C T M E N T

The Grand Jury in and for the District of New Jersey,
sitting at Newark, charges:

COUNT ONE
CONSPIRACY TO COMMIT WIRE FRAUD
(18 U.S.C. § 1349)

BACKGROUND

1. At various times relevant to this Indictment:
 - a. Defendant RENAULD MEDARD resided in or near Brooklyn, New York;
 - b. Defendant WESLY DIEUDONNE resided in or near Brooklyn, New York; and
 - c. Home Depot is a home improvement retail store; its headquarters are located in Atlanta, Georgia, and it has thousands of retail locations throughout the United States, including in New Jersey.

THE CONSPIRACY

2. From in or about July 2009 through in or about November 2011, in the District of New Jersey, and elsewhere, defendants

**RENAULD MEDARD and
WESLY DIEUDONNE**

did knowingly and intentionally conspire and agree with each other and others to devise a scheme and artifice to defraud, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, and, for the purpose of executing such scheme and artifice to defraud, did transmit and cause to be transmitted by means of wire communications in interstate and foreign commerce, certain writings, signs, signals, pictures, and sounds, contrary to Title 18, United States Code, Section 1343.

OBJECT OF THE CONSPIRACY

3. It was the object of the conspiracy for defendants RENAULD MEDARD ("MEDARD") and WESLY DIEUDONNE ("DIEUDONNE") to obtain money and property from Home Depot by fraudulently representing that they had purchased goods stolen from Home Depot retail locations and by subsequently returning those stolen goods to Home Depot for Home Depot store credit.

MANNER AND MEANS OF THE CONSPIRACY

4. It was part of the conspiracy that, on hundreds of separate occasions, one or both defendants MEDARD and DIEUDONNE made purchases at various Home Depot retail locations located in New Jersey, Pennsylvania, New York, Connecticut, and Maryland. The individual items purchased by defendants MEDARD and DIEUDONNE were typically high-value items, and the transactions typically totaled in the hundreds of dollars. Defendants MEDARD and DIEUDONNE used cash, credit card, Home Depot store credit and gift cards, or some combination thereof to make the purchases. Defendants MEDARD and DIEUDONNE obtained a valid Home Depot receipt for the goods purchased.

5. It was further part of the conspiracy that, a short time after this initial purchase, one or both of defendants MEDARD and DIEUDONNE returned to the same Home Depot retail store where they retrieved a second set of goods that were identical to the items just purchased. Defendants MEDARD and DIEUDONNE proceeded to a register with the second set of goods, usually to a separate register located elsewhere in the store, such as in the Home Depot Garden Center. At the register, defendants MEDARD and DIEUDONNE typically purchased a low-value item and, with the receipt from the first transaction, represented to the clerk that they had previously paid for purchased the second set of goods when, in fact, they had not

previously paid for this second set of goods. In so doing, defendants MEDARD and DIUEDONNE were permitted to leave the store with the second set of goods, which had never been purchased.

6. It was further part of the conspiracy that one or both of defendants MEDARD and DIEUDONNE went to the same or another Home Depot store with the goods they had previously "purchased" for the purpose of returning those goods. For the goods actually purchased, defendants MEDARD and DIEUDONNE typically presented their valid receipt and received a refund in the form of cash, credit, or store credit, depending on how the original purchase was made. For the goods that were stolen, defendants MEDARD and DIEUDONNE typically did not present a receipt and obtained Home Depot store credit on a store-issued gift card, which defendants MEDARD and DIEUDONNE then used to make subsequent purchases for the purposes of perpetuating their fraudulent scheme.

7. Every time defendants MEDARD and DIEUDONNE used a credit card to make a purchase or to obtain a refund to a credit card in furtherance of the foregoing scheme, defendants MEDARD and DIEUDONNE caused Home Depot, through the credit card reader located at the register-computer, to transmit information via interstate wire in order to complete the credit card transaction.

8. Similarly, every time defendants MEDARD and DIEUDONNE obtained Home Depot store credit by returning items without a receipt in furtherance of the foregoing scheme, defendants MEDARD and DIEUDONNE caused Home Depot to transmit information via interstate wire in order to complete the return and generate store credit. Specifically, per Home Depot's policy, any time an item is returned to Home Depot without a receipt, the customer may obtain store credit. However, Home Depot requires that the customer present a valid driver's license or other identifying document in order to receive the store credit. The clerk at the retail location enters this identifying information into the register-computer, which transmits the information to Home Depot's computer servers located in Austin, Texas or Atlanta, Georgia. This transfer is conducted via wire. If the information is facially valid, authorization to process the refund and issue Home Depot store credit is sent back from these remote servers to the retail location's register-computer via wire. The entire process takes just seconds, or sometimes minutes. Store credit is typically issued by allotting the refund amount to a Home Depot gift card, which can be used to make purchases at Home Depot on future occasions.

9. As a result of the conspiracy, defendants MEDARD and DIEUDONNE caused Home Depot to suffer a loss of \$257,462.95.

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

COUNTS TWO THROUGH FIVE
(WIRE FRAUD)

1. The allegations set forth in paragraphs 1 and 3 through 9 of Count One of this Indictment are realleged and incorporated as if set forth herein.

2. On or about the dates listed below, in the District of New Jersey, and elsewhere, defendant

RENAULD MEDARD

did knowingly and intentionally devise and intend to devise a scheme and artifice to defraud Home Depot, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, and, for the purpose of executing and attempting to execute such scheme and artifice to defraud, did transmit and cause to be transmitted by means of wire communications in interstate and foreign commerce to New Jersey, certain writings, signs, signals, and sounds, namely the specified wire transfers described below:

Count	Date	Store Location	Amount
2	9/3/2009	Newark, N.J.	\$603.45
3	6/7/2011	Dover, N.J.	\$1,015.82
4	6/9/2011	Clifton, N.J.	\$852.91
5	7/13/2011	Hackettstown, N.J.	\$949.08

3. For each of the foregoing wire transactions, defendant MEDARD returned Home Depot goods without a receipt, causing Home Depot to issue store credit via interstate wire

transfer, as described in paragraph 8 of Count One, all in furtherance of the fraudulent scheme described in Count One.

In violation of Title 18, United States Code, Section 1343 and Section 2.

COUNTS SIX THROUGH NINE
(WIRE FRAUD)

1. The allegations set forth in paragraphs 1 and 3 through 9 of Count One of this Indictment are realleged and incorporated as if set forth herein.

2. On or about the dates listed below, in the District of New Jersey, and elsewhere, defendant

WESLY DIEUDONNE

did knowingly and intentionally devise and intend to devise a scheme and artifice to defraud Home Depot, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, and, for the purpose of executing and attempting to execute such scheme and artifice to defraud, did transmit and cause to be transmitted by means of wire communications in interstate and foreign commerce to New Jersey, certain writings, signs, signals, and sounds, namely the specified wire transfers described below:

Count	Date	Store Location	Amount
6	8/26/2011	Colonia, N.J.	\$897.73
7	8/30/2011	Bridgewater, N.J.	\$801.43
8	9/28/2011	E. Windsor, N.J.	\$339.19
9	10/10/2011	Robbinsville, N.J.	\$1,053.95

3. For each of the foregoing wire transactions, defendant DIUEDONNE returned Home Depot goods without a receipt, causing Home Depot to issue store credit via interstate wire transfer,

as described in paragraph 8 of Count One, all in furtherance of the fraudulent scheme described in Count One.

In violation of Title 18, United States Code, Section 1343 and Section 2.

FORFEITURE ALLEGATION

1. The allegations contained in this Indictment are incorporated by reference as though set forth in full herein for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

2. The United States hereby gives notice to the defendants charged in Counts One through Nine, that upon conviction of such offense, the government will seek forfeiture in accordance with Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), which requires any person convicted of such offense to forfeit any property constituting or derived from proceeds obtained directly or indirectly as a result of such offense.

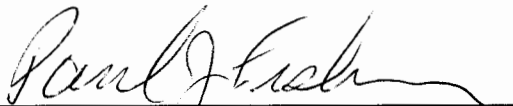
3. If any of the above-described forfeitable property, as a result of any act or omission of a defendant:

- 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 21,
United States Code, Section 853(p), as incorporated by Title 28,
United States Code, Section 2461(c) and Title 18, United States
Code, Section 982(b)(1), to seek forfeiture of any other
property of such defendant up to the value of the forfeitable
property described in this forfeiture allegation.

~~FOR~~PERSON


PAUL J. FISHMAN
United States Attorney

CASE NUMBER: 13 cr 759-PZw

United States District Court
District of New Jersey

UNITED STATES OF AMERICA
v.
RENAULD MEDARD and
WESLY DIEUDONNE

INDICTMENT FOR

18 U.S.C. §§ 1349, 13431 and 2

A True Bill,

Forepers,

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(Ed. 1/97)