

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X
:
UNITED STATES OF AMERICA :
:
- v. - :
:
STEPHEN DECKER, and :
LUIS MERCADO, :
:
Defendants. :
:
- - - - - X

SEALED INDICTMENT

17 Cr.

17 CRIM 738

COUNT ONE

(Conspiracy to Commit Wire Fraud)

The Grand Jury charges:

Relevant Persons

1. STEPHEN DECKER and LUIS MERCADO, the defendants, at all times relevant to this indictment, resided in the United States and were employed at an apartment building in Manhattan, New York (the "Building").

DECKER and MERCADO's Scheme to Obtain Money Through Fraud

2. From at least in or about March 2016, up to and including at least in or about February 2017, STEPHEN DECKER and LUIS MERCADO, the defendants, and others known and unknown, engaged in a wire fraud scheme designed to steal over \$2,000,000 from a deceased woman (the "Victim"), who lived in an apartment in the Building prior to her death in or about March 2016.

3. As part of the scheme, in or around 2016, STEPHEN DECKER and LUIS MERCADO, the defendants, and others known and

unknown, stole stock certificates valued at over \$2,000,000 from the Victim's apartment in the Building after the Victim's death.

4. In or about August 2016, based on false representations made by STEPHEN DECKER and LUIS MERCADO, the defendants, and others known and unknown, a financial institution ("Company-1") opened a brokerage account (the "Account") in the Victim's name. DECKER and MERCADO deposited the stolen stock certificates into the Account.

5. In or about September 2016, based on false representations made by STEPHEN DECKER and LUIS MERCADO, the defendants, and others known and unknown, Company-1 sold the shares in the brokerage account opened in the Victim's name, resulting in a cash balance in the Account of more than \$2,000,000.

6. In or about November 2016, STEPHEN DECKER and LUIS MERCADO, the defendants, and others known and unknown, fraudulently issued a \$75,000 check from the Account. The check was later deposited into another bank account.

7. From in or about December 2016, up to and including at least in or about February 2017, STEPHEN DECKER and LUIS MERCADO, the defendants, and others known and unknown, attempted to purchase over \$2,000,000 in gold coins using the assets in the Account. As part of their efforts, and among other things,

DECKER and MERCADO caused a telephone call to be placed to a gold broker in California in furtherance of the scheme.

Statutory Allegations

8. From at least in or about March 2016, up to and including at least in or about February 2017, in the Southern District of New York and elsewhere, STEPHEN DECKER and LUIS MERCADO, the defendants, and others known and unknown, willfully and knowingly, did combine, conspire, confederate, and agree together and with each other to commit wire fraud, in violation of Title 18, United States Code, Section 1343.

9. It was a part and object of the conspiracy that STEPHEN DECKER and LUIS MERCADO, the defendants, and others known and unknown, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, would and did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, in violation of Title 18, United States Code, Section 1343.

(Title 18, United States Code, Section 1349.)

COUNT TWO
(Wire Fraud)

The Grand Jury further charges:

10. The allegations contained in paragraphs 1 through 7 of this Indictment are repeated and realleged as if fully set forth herein.

11. From at least in or about March 2016, up to and including at least in or about February 2017, in the Southern District of New York and elsewhere, STEPHEN DECKER and LUIS MERCADO, the defendants, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds, for the purpose of executing such scheme and artifice, to wit, DECKER, MERCADO, and others caused an interstate telephone call to be placed in furtherance of a scheme to use fraudulently obtained moneys to attempt to purchase over \$2,000,000 worth of gold coins.

(Title 18, United States Code, Sections 1343 and 2.)

COUNT THREE

(Aggravated Identity Theft)

The Grand Jury further charges:

12. The allegations contained in paragraphs 1 through 7 of this Indictment are repeated and realleged as if fully set forth herein.

13. From at least in or about March 2016, up to and including at least in or about February 2017, in the Southern District of New York and elsewhere, STEPHEN DECKER and LUIS MERCADO, the defendants, knowingly did transfer, possess, and use, without lawful authority, a means of identification of another person, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), to wit, DECKER, MERCADO, and others used and transferred the name of another person during and in relation to the offenses charged in Counts One and Two of this Indictment.

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

FORFEITURE ALLEGATION

14. As a result of committing the offenses alleged in Counts One and Two of this Indictment, STEPHEN DECKER and LUIS MERCADO, the defendants, 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 property, real and personal, that constitutes or is derived from

proceeds traceable to the commission of said offenses, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses.

Substitute Asset Provision

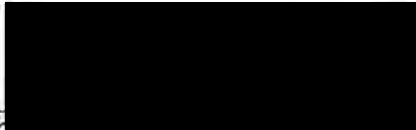
6. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- 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) and Title 28, United States

Code, Section 2461(c), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981;
Title 21, United States Code, Section 853; and
Title 28, United States Code, Section 2461.)



FOR PERSON

A handwritten signature in cursive script that reads "Joon H. Kim".

JOON H. KIM

Acting United States Attorney

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SOUTHERN DISTRICT OF NEW YORK

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v.

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LUIS MERCADO,

Defendants.


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(18 U.S.C. §§ 1028A, 1343, 1349, and
2.)

JOON H. KIM

Acting United States Attorney


Foreperson
