

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X
:
UNITED STATES OF AMERICA :
:
- v. - :
:
HENRY PEREZ, :
ASHLEY GOMEZ, and :
MISTY ALIZETTE INFANTE, :
:
Defendants. :
:
- - - - - X

SEALED INDICTMENT

19 Cr. ()

19 CRIM 880

COUNT ONE
(Conspiracy to Commit Wire Fraud)

The Grand Jury charges:

OVERVIEW OF THE SCHEME

1. From at least in or around June 2017 up to and including in or around December 2019, HENRY PEREZ, ASHLEY GOMEZ, and MISTY ALIZETTE INFANTE, the defendants, and others known and unknown, were members of a criminal fraud ring (the "Fraud Ring") based in the United States that committed cellphone account takeover fraud and identity theft across the United States, including in the Southern District of New York. The primary objective of the Fraud Ring's fraud scheme was to obtain new, valuable technological devices, including iPhones, but to charge these purchases to someone else's account, without the knowledge or consent of that victim account holder. Over the course of the conspiracy, the Fraud Ring attempted to gain

access, without authorization, to more than 300 victim cellphone accounts with a particular cellphone service provider ("Provider-1"), and many of these attempts were successful. During the conspiracy, the Fraud Ring attempted to fraudulently obtain more than \$1 million worth of devices and, in fact, fraudulently obtained more than \$500,000 worth of devices.

MEANS AND METHODS OF THE CONSPIRACY

2. The scheme generally worked as follows. First, members of the Fraud Ring, including HENRY PEREZ, the defendant, used stolen identity information to impersonate a legitimate accountholder who had a cellphone account with Provider-1. The Fraud Ring placed telephone calls to customer service representatives of Provider-1, and made various misrepresentations, including about identity and their need to reobtain access to their account. Through these representations, the member of the Fraud Ring was able to persuade Provider-1 that the Fraud Ring in fact was the legitimate accountholder, and gain control of and access to, without authorization, accounts belonging to victim accountholders. Once they gained access, the Fraud Ring made various unauthorized changes to victim accounts, so that fraud alerts, and/or emails notifying an accountholder of account changes, were sent to the Fraud Ring, rather than the legitimate accountholders. The Fraud Ring then used their unauthorized

control of victim accounts to purchase new electronic devices -- typically but not exclusively iPhones, which cost more than \$1,000 -- which they charged to victim accounts, without the knowledge or consent of victim accountholders.

3. In many instances, the Fraud Ring had these new, expensive devices shipped to addresses under their control. In other instances, members of the Fraud Ring, including HENRY PEREZ, ASHLEY GOMEZ, and MISTY ALIZETTE INFANTE, the defendants, personally entered Provider-1 stores in order to pick up fraudulently obtained devices. Members of the Fraud Ring conducted in-store pickups of fraudulently obtained devices in the Southern District of New York and elsewhere in New York, and in at least nine other states, including New Jersey, Connecticut, Massachusetts, Pennsylvania, Delaware, Maryland, Florida, Ohio, and Washington, D.C.

4. Once the Fraud Ring had successfully exploited a particular victim's account, the Fraud Ring typically relinquished control of that account, and moved on to exploiting other victim accounts. During the period in which the Fraud Ring compromised, and retained control of, a particular victim's cellphone account, that victim typically lost cellphone service and access to his or her account.

5. Over the course of the conspiracy, the Fraud Ring attempted to fraudulently obtain more than \$1 million worth of

devices and in fact fraudulently obtained more than approximately 470 devices, which are worth more than \$500,000. Provider-1 ultimately absorbed these financial losses, which otherwise would have been charged to the legitimate accountholders whose accounts were compromised by the Fraud Ring.

STATUTORY ALLEGATIONS

6. From at least in or around June 2017 up to and including in or around December 2019, in the Southern District of New York and elsewhere, HENRY PEREZ, ASHLEY GOMEZ, and MISTY ALIZETTE INFANTE, 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.

7. It was a part and an object of the conspiracy that HENRY PEREZ, ASHLEY GOMEZ, and MISTY ALIZETTE INFANTE, 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, to wit, PEREZ, GOMEZ, and INFANTE engaged in a cellphone account takeover fraud and identity theft scheme in which they obtained new, valuable devices, including iPhones, but charged these purchases to others' accounts, without the knowledge or consent of those victim accountholders, and were able to do so by impersonating these victim accountholders, and sent and received interstate text messages and phone calls to and from the Southern District of New York and elsewhere, in furtherance of this scheme.

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

COUNT TWO
(Wire Fraud)

The Grand Jury further charges:

8. The allegations contained in paragraphs 1 through 5 of this Indictment are repeated and realleged as if fully set forth herein.

9. From at least in or around June 2017 up to and including in or around December 2019, in the Southern District of New York and elsewhere, HENRY PEREZ, ASHLEY GOMEZ, and MISTY ALIZETTE INFANTE, 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,

transmitted and caused 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, and aided and abetted the same, to wit, PEREZ, GOMEZ, and INFANTE engaged in a cellphone account takeover fraud and identity theft scheme in which they obtained new, valuable devices, including iPhones, but charged these purchases to others' accounts, without the knowledge or consent of those victim accountholders, and were able to do so by impersonating these victim accountholders, and sent and received, and caused others to send and receive, interstate text messages and phone calls, to and from the Southern District of New York and elsewhere, in furtherance of that scheme.

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

COUNT THREE
(Aggravated Identity Theft)

The Grand Jury further charges:

10. The allegations contained in paragraphs 1 through 5 of this Indictment are repeated and realleged as if fully set forth herein.

11. From at least in or around June 2017 up to and including in or around December 2019, in the Southern District of New York and elsewhere, HENRY PEREZ, ASHLEY GOMEZ, and MISTY

ALIZETTE INFANTE, 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, PEREZ, GOMEZ, and INFANTE each possessed, used, and transferred the name, cellphone account number, and other personal identification information of other individuals to commit the wire fraud offenses charged in Counts One and Two of this Indictment, and aided and abetted the same.

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

COUNT FOUR
(Computer Intrusion - Unauthorized Access in Furtherance of Fraud)

The Grand Jury further charges:

12. The allegations contained in paragraphs 1 through 5 of this Indictment are repeated and realleged as if fully set forth herein.

13. From at least in or around June 2017 up to and including in or around December 2019, in the Southern District of New York and elsewhere, HENRY PEREZ, the defendant, knowingly and with intent to defraud, accessed a protected computer without authorization and exceeded authorization and by means of such conduct furthered the intended fraud and obtained things of value in excess of \$5,000 during a one-year period, to wit, PEREZ obtained unauthorized access to victim cellphone accounts,

and used such access to fraudulently purchase and obtain new smartphones and tablets, and aided and abetted the same.

(Title 18, United States Code, Sections 1030(a)(4), (c)(3)(A), and 2.)

COUNT FIVE

(Intentional Damage to a Protected Computer)

The Grand Jury further charges:

14. The allegations contained in paragraphs 1 through 5 of this Indictment are repeated and realleged as if fully set forth herein.

15. From at least in or around June 2017 up to and including in or around December 2019, in the Southern District of New York and elsewhere, HENRY PEREZ, the defendant, knowingly caused the transmission of a program, information, code, and command, and, as a result of such conduct, intentionally caused damage without authorization to a protected computer, and caused loss to one or more persons during a one-year period affecting protected computers aggregating at least \$5,000 in value, to wit, after obtaining unauthorized access to victim cellphone accounts, PEREZ impaired the integrity of those accounts by making changes to the data in those accounts, including changing the contact email address and mailing address of record, and impaired the availability of the accounts, by making them

unavailable to victim accountholders, and aided and abetted the same.

(Title 18, United States Code, Sections 1030(a)(5)(A), 1030(c)(4)(A)(i)(I), (c)(4)(B)(i), and 2.)

COUNT SIX
(Aggravated Identity Theft)

The Grand Jury further charges:

16. The allegations contained in paragraphs 1 through 5 of this Indictment are repeated and realleged as if fully set forth herein.

17. On or about January 31, 2019, in the Southern District of New York and elsewhere, HENRY PEREZ, the defendant, 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, PEREZ possessed, used, and transferred the name and other personal identification information of other individuals in connection with the computer intrusion offenses charged in Counts Four and Five of this Indictment, and aided and abetted the same.

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

FORFEITURE ALLEGATIONS

18. As the result of committing the offenses charged in Counts One and Two of this Indictment, HENRY PEREZ, ASHLEY GOMEZ, and MISTY ALIZETTE INFANTE, 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.

19. As the result of committing the offenses charged in Counts Four and Five of this Indictment, HENRY PEREZ, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 1030(i), any and all property, real or personal, constituting or derived from proceeds obtained directly or indirectly, as a result 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, and any and all personal property that was used or intended to be used to commit or to facilitate the commission of said offenses.

Substitute Assets Provision

20. 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 person;

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 subdivided 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, to seek forfeiture of any other property of the defendants up to the value of the forfeitable property described above.

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



FOREPERSON


GEOFFREY S. BERMAN
United States Attorney

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UNITED STATES OF AMERICA

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HENRY PEREZ,
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MISTY ALIZETTE INFANTE,

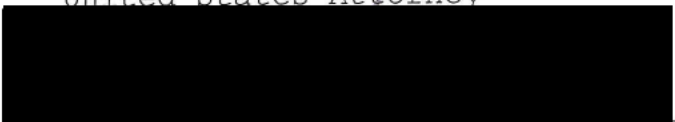
Defendants.

INDICTMENT

19 Cr. ()

(18 U.S.C. §§ 1349, 1343, 1030, 1028A, & 2.)

GEOFFREY S. BERMAN
United States Attorney


Foreperson
