

FILED

JUN 17 2020

1541
IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CLERK U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 20-124
)	[UNDER SEAL]
MATTHEW HOLMES)	(18 U.S.C. §§ 371, 1029(a)(2),
JUSTIN LIVINGSTON)	1029(b)(1), and 1029(c)(1)(A)(i))

INDICTMENT

COUNT ONE

The grand jury charges:

INTRODUCTION

1. At all times relevant to this Indictment, First Commonwealth Bank and other financial institutions (collectively, the Banks) were federally insured financial institutions.

THE CONSPIRACY AND ITS OBJECTS

2. From in and around July 2018, and continuing thereafter until in and around September 2018, in the Western District of Pennsylvania and elsewhere, the defendants, MATTHEW HOLMES and JUSTIN LIVINGSTON, knowingly and willfully did conspire, combine, confederate and agree together and with each other, and with other persons both known and unknown to the grand jury, to commit offenses against the United States, that is, bank fraud, in violation of Title 18, United States Code, Section 1344(2), and access device fraud, in violation of Title 18, United States Code, Sections 1029(a)(2) and 1029(c)(1)(A)(i).

MANNER AND MEANS OF THE CONSPIRACY

3. It was a part of the conspiracy that members of the conspiracy obtained credit and debit card numbers stolen from customers of the Banks.

4. It was further a part of the conspiracy that members of the conspiracy used the stolen credit and debit card numbers to create counterfeit credit and debit cards.

5. It was further a part of the conspiracy that members of the conspiracy, including the defendants, MATTHEW HOLMES and JUSTIN LIVINGSTON, used the counterfeit credit and debit cards to pay for goods and services, without authorization from the rightful owners of the stolen credit card and debit card numbers.

6. It was further part of the conspiracy that, in furtherance of the unauthorized transactions, and in order to obtain moneys, funds, credits, and other property owned by and under the custody and control of the Banks, members of the conspiracy called the Banks and falsely represented that they were the rightful owners of the stolen credit and debit card numbers when, as they then knew, they were not.

OVERT ACTS

7. In furtherance of the conspiracy, and to effect the objects of the conspiracy, the defendants, MATTHEW HOLMES and JUSTIN LIVINGSTON, did commit and cause to be committed, the following overt acts, among others, in the Western District of Pennsylvania:

(a) On or about July 23, 2018, the defendants, MATTHEW HOLMES and JUSTIN LIVINGSTON, used a stolen debit card number to purchase goods at Walmart in North Huntingdon, Pennsylvania.

(b) On or about September 5, 2018, the defendants, MATTHEW HOLMES and JUSTIN LIVINGSTON, attempted to use a stolen credit card number to purchase goods from Jared's Jeweler's in Monroeville, Pennsylvania.

All in violation of Title 18, United States Code, Section 371.


COUNT TWO

The grand jury further charges:

From in and around July 2018, and continuing thereafter to in and around September 2018, in the Western District of Pennsylvania and elsewhere, the defendants, MATTHEW HOLMES and JUSTIN LIVINGSTON, knowingly and with intent to defraud, used and attempted to use unauthorized access devices, that is, credit and debit card numbers belonging to other people, and by such conduct obtained and attempted to obtain goods with an aggregate value of more than \$1,000, said use affecting interstate and foreign commerce.

All in violation of Title 18, United States Code, Sections 1029(a)(2), 1029(b)(1), and 1029(c)(1)(A)(i).

A True Bill,


Foreperson


SCOTT W. BRADY
United States Attorney
PA ID No. 88352