

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

| | | |
|-----------------------------------|---|--|
| UNITED STATES OF AMERICA | : | CRIMINAL NO. <u>14-473</u> |
| | : | DATE FILED: <u>December 18, 2014</u> |
| v. | : | |
| | : | VIOLATIONS: |
| ROBERT DURANDIS | : | 18 U.S.C. § 371 (conspiracy - 1 count) |
| DONALD CHARLES | : | 18 U.S.C. § 1029(a)(3) (possession of |
| GILBERT PIERRE-CHARLES, | : | counterfeit access devices - 3 counts) |
| a/k/a Gilbert P. Charles” | : | 18 U.S.C. § 1029(a)(1) (counterfeit access |
| MANUEL REYES-GONZALEZ, | : | device fraud - 2 counts) |
| a/k/a “Manuel R. Gonzalez” | : | 18 U.S.C. § 1029(a)(5) (access device fraud |
| | : | - 4 counts) |
| | : | 18 U.S.C. § 1028A (aggravated identity |
| | : | theft - 14 counts) |
| | : | 18 U.S.C. § 2 (aiding & abetting) |
| | : | Notices of Forfeiture |

SUPERSEDING INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

1. From on or about November 23, 2013 to on or about July 24, 2014, in the Eastern District of Pennsylvania and elsewhere, defendants

**ROBERT DURANDIS,
DONALD CHARLES,
GILBERT PIERRE-CHARLES,
a/k/a “Gilbert P. Charles,”
and
MANUEL REYES-GONZALEZ,
a/k/a “Manuel R. Gonzalez”**

conspired and agreed together and with others known and unknown to the grand jury, to commit offenses against the United States, that is, to knowingly and with intent to defraud produce, use or traffic in counterfeit access devices, in violation of Title 18, United States Code, Section 1029(a)(1), to knowingly and with intent to defraud effect transactions with one or more access

devices issued to other persons to obtain things of value aggregating \$1,000 or more during a one-year period, in violation of Title 18, United States Code, Section 1029(a)(5), to knowingly and with intent to defraud possess fifteen or more counterfeit or unauthorized access devices, in violation of Title 18, United States Code, Section 1029(a)(3), and to knowingly and without lawful authority use means of identification of other persons, during and in relation to access device fraud, in violation of Title 18, United States Code, Section 1028A(a)(1), (c)(4).

MANNER AND MEANS

2. It was part of the conspiracy that defendants ROBERT DURANDIS, DONALD CHARLES, GILBERT PIERRE-CHARLES and MANUEL REYES-GONZALEZ obtained counterfeit credit cards and gift cards that were encoded with the account numbers of other individuals, and used those fraudulently encoded cards to make purchases, including gift cards and cigarettes, totaling approximately at least \$19,600 at retail stores.

3. It was further a part of the conspiracy that defendants ROBERT DURANDIS, DONALD CHARLES, GILBERT PIERRE-CHARLES and MANUEL REYES-GONZALEZ traveled in cars rented by other individuals, including J.C. and D.G., both known to the grand jury, from Philadelphia, Pennsylvania to convenience stores and other stores in multiple counties in Pennsylvania and Maryland where they made purchases with the fraudulently encoded cards.

OVERT ACTS

In furtherance of the conspiracy, defendants ROBERT DURANDIS, DONALD CHARLES, GILBERT PIERRE-CHARLES and MANUEL REYES-GONZALEZ, and others known and unknown to the grand jury, committed the following overt acts in the Eastern District of Pennsylvania and elsewhere:

1. On or about March 6, 2014, defendant MANUEL REYES-GONZALEZ, GILBERT PIERRE-CHARLES and an unidentified male drove from Philadelphia, Pennsylvania to convenience stores in Lebanon County, Pennsylvania, in a Dodge SUV, Pennsylvania registration ECH0024, which had been rented by J.C. from an Avis location at 10600 Roosevelt Boulevard, Philadelphia, Pennsylvania on or about March 6, 2014, and purchased cigarettes and other items, totaling approximately \$527.26, using counterfeit access devices encoded with the following legitimate account numbers issued by various financial institutions to other individuals:

| <u>Store, No. & Location</u> | <u>Time</u> | <u>Actor</u> | <u>Total of Fraudulent Purchases</u> | <u>Items Purchased</u> | <u>Last 4 Digits of Legitimate Card Number Encoded On Card</u> |
|----------------------------------|-------------|--------------------------|--------------------------------------|--|--|
| Sheetz, No. 370 Lebanon, PA | 6:13 pm | Manuel Reyes-Gonzalez | \$327.76 | 5 cartons Newport cigarettes, other items | Mastercard 3528 |
| Sheetz, No. 211 Palmyra, PA | 7:53 pm | Unidentified male | \$199.50 | 3 cartons Newport cigarettes, other items | Mastercard 4570 |

2. On or about March 20, 2014, defendants ROBERT DURANDIS, MANUEL REYES-GONZALEZ and GILBERT PIERRE-CHARLES drove from Philadelphia, Pennsylvania, to convenience stores in Berks County, Pennsylvania, in that same Dodge SUV, Pennsylvania registration ECH0024, which had been rented by J.C. in Philadelphia, and purchased and attempted to purchase gift cards, cigarettes and other items, totaling approximately \$1,915.73, using counterfeit access devices encoded with the following legitimate account numbers issued by various financial institutions to other individuals:

| <u>CARD PROVIDER</u> | <u>CARD HOLDER</u> | <u>LAST 4 DIGITS OF LEGITIMATE CARD</u> | <u>DATE OF FRAUD</u> | <u>AMOUNT OF FRAUD</u> | <u>LOCATION OF FRAUD</u> |
|----------------------|--------------------|---|----------------------|------------------------|--------------------------|
| Visa | J.R. | 5514 | 03/27/14 | \$67 | Mountville, PA |
| Visa | R.F. | 9175 | 03/27/14 | \$69 | York, PA |
| Visa | H.D. | 4181 | 03/27/14 | \$65 | Palmyra, PA |
| Visa | A.V. | 5683 | 03/27/14 | \$128 | Dallastown, PA |
| Visa | M.B. | 6125 | 03/27/14 | \$131 | York, PA |

5. On or about March 27, 2014, defendants ROBERT DURANDIS and DONALD CHARLES, while driving eastbound on the Pennsylvania Turnpike in that same red Chrysler Town & Country SUV, Florida registration ECH0024, which had been rented by J.C. in Philadelphia, Pennsylvania, possessed:

- a. inside the case of an Apple iPhone, a fraudulent New York driver's license in the name of J.V., known to the grand jury, with a photograph of defendant DURANDIS;
- b. an expired Pennsylvania identification card in the name of defendant GILBERT PIERRE-CHARLES;
- c. approximately 80 unopened cartons of Newport cigarettes; and
- d. over 250 counterfeit access devices, approximately fifteen of which were embossed with the name Gilbert P. Charles (a name used by defendant GILBERT PIERRE-CHARLES), one of which was embossed with the name Manuel R. Gonzalez (a name used by defendant MANUEL REYES-GONZALEZ), one of which was embossed with the name of J.V., and including the following cards, encoded with legitimate account numbers issued by various financial institutions to other individuals, on which had been made approximately \$13,000 in fraudulent purchases, including:

7. On or about July 23, 2014, after defendant GILBERT PIERRE-CHARLES and MANUEL REYES GONZALEZ had purchased and attempted to purchase more than \$4,500 in gift cards with counterfeit credit cards at Food Lion stores in Westminster and Taneytown, Carroll County, Maryland, and, while defendants PIERRE-CHARLES and GONZALEZ and D.G., known to the grand jury, were driving in a white Cadillac, New York registration GFM8533, which had been rented in Philadelphia in the name of C.C., known to the grand jury, defendants PIERRE-CHARLES and GONZALEZ and D.G. possessed approximately 89 fraudulent credit, debit and gift cards, many in the names of Gilbert P. Charles and Manuel R. Gonzalez and all encoded with the credit and debit cards of victims, a fraudulent credit card in the name of defendant ROBERT DURANDIS, purchase receipts and money order receipts, a carton of Newport cigarettes and a skimming device, which is used to capture credit or debit account numbers from legitimate access devices.

8. On or about November 23, 2013, defendant MANUEL REYES-GONZALEZ drove from Philadelphia, Pennsylvania to York County, Pennsylvania in a Chrysler Dodge Caravan, Pennsylvania registration JGR 6509, which had been rented by D.G. from an Payless Rent A Car location in Philadelphia, Pennsylvania, and attempted to purchase four cartons of Newport cigarettes, totaling approximately \$128, using counterfeit access devices, which were fraudulently encoded with account numbers issued by various financial institutions to legitimate card holders, including the following:

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 2 and 3, and Overt Act 2 of Count One are incorporated here.
2. On or about March 20, 2014, in the Eastern District of Pennsylvania,

defendants

**ROBERT DURANDIS,
MANUEL REYES-GONZALEZ,
a/k/a "Manuel R. Gonzalez,"
and
GILBERT PIERRE-CHARLES,
a/k/a "Gilbert P. Charles"**

knowingly and with the intent to defraud, effected, attempted to effect, and aided and abetted the effecting of, transactions with the following access devices issued to other persons to obtain things of value aggregating \$1,000 or more during a one-year period, for a total of approximately \$1,915.73, thereby affecting interstate commerce:

| <u>CARD PROVIDER</u> | <u>LAST 4 DIGITS OF LEGITIMATE CARD</u> | <u>DATE OF FRAUD</u> | <u>AMOUNT OF FRAUD</u> | <u>LOCATION OF FRAUD</u> |
|-----------------------------|--|-----------------------------|-------------------------------|--|
| Mastercard | 6256 | 03/20/14 | \$211.90 Attempt | Turkey Hill Blandon, PA |
| Mastercard | 5689 | 03/20/14 | \$80.51 | Family Dollar, Leesport, PA |
| Mastercard | 5689 | 03/20/14 | \$65.51 | Family Dollar, Leesport, PA |
| Mastercard | 1388 | 03/20/14 | \$212.49 | Sheetz, No. 293 Leesport, PA |
| Mastercard | 0944 | 03/20/14 | \$213.79 | Sheetz, No. 293 Leesport, PA |
| Mastercard | 6407 | 03/20/14 | \$116.54 | Sheetz, No. 256 Shoemakersville, PA |

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the property subject to forfeiture.

All pursuant to Title 18, United States Code, Section 982(a)(2).

A TRUE BILL:

GRAND JURY FOREPERSON



ZANE DAVID MEMEGER
United States Attorney