

Apr 26, 2007

CLARENCE MADDOX  
CLERK U.S. DIST. CT.  
S.D. OF FLA. - MIAMI

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
**07-20309-CR-HUCK/SIMONTON**  
CASE NO. \_\_\_\_\_

18 U.S.C. § 1029(a)(1)  
18 U.S.C. § 1029(b)(2)  
18 U.S.C. § 1028A(a)(1)  
18 U.S.C. § 1028(a)(2)  
18 U.S.C. § 2

UNITED STATES OF AMERICA

vs.

ARIEL MONTERO,  
JAVIER PADRON-BRAVO,  
EDUARDO PRIETO-KU,  
    a/k/a "CHINO,"  
MIGUEL ALEGRIA,  
    a/k/a "CHINO," and  
RAYNIER PUPO,  
    a/k/a "RAY,"

Defendants.

\_\_\_\_\_ /

**INDICTMENT**

The Grand Jury charges that:

**COUNT 1**  
CONSPIRACY  
(18 U.S.C. § 1029(b)(2))

1. From in or about 2003, the exact date being unknown to the Grand Jury, and continuing through on or about February 7, 2007, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants,

**ARIEL MONTERO,**

**JAVIER PADRON-BRAVO,  
EDUARDO PRIETO-KU,  
a/k/a "CHINO,"  
MIGUEL ALEGRIA,  
a/k/a "CHINO," and  
RAYNIER PUPO,  
a/k/a "RAY,"**

did knowingly and intentionally combine, conspire, confederate, and agree with each other and with other persons known and unknown to the Grand Jury, including Julio Lopez, a/k/a "Blinky," to commit an offense against the United States, that is:

a. to knowingly and with intent to defraud produce, use and traffic in one or more counterfeit access devices, said conduct affecting interstate and foreign commerce, in violation of Title 18, United States Code, Section 1029(a)(1);

b. to knowingly and with intent to defraud possess fifteen or more counterfeit and unauthorized access devices, said conduct affecting interstate and foreign commerce, in violation of Title 18, United States Code, Section 1029(a)(3);

c. to knowingly and with intent to defraud have control and custody of, and possess device-making equipment, said conduct affecting interstate and foreign commerce, in violation of Title 18, United States Code, Section 1029(a)(4).

**Purpose Of The Conspiracy**

2. It was the purpose of the conspiracy for the defendants and their co-conspirators to unlawfully enrich themselves by obtaining stolen credit card numbers, and using them to produce counterfeit and fictitious credit cards which were sold to other persons and used by the defendants for their own personal benefit.

**Overt Acts in Furtherance of the Conspiracy**

In furtherance of this conspiracy and in order to accomplish its objects and purpose, the defendants and their co-conspirators committed and caused to be committed at least one of the following overt acts, among others, in the Southern District of Florida, and elsewhere:

1. On or about June 20, 2005, Julio Lopez, a/k/a "Blinky," received via email approximately 1,750 unauthorized credit card numbers.
2. On or about May 10, 2006, Julio Lopez, a/k/a "Blinky," possessed approximately 90,000 unauthorized credit card numbers in his e-mail account.
3. On or about August 10, 2006, **ARIEL MONTERO** transferred seventeen (17) counterfeit credit cards encoded with stolen legitimate Mastercard credit card numbers to a cooperating witness ("CW").
4. On or about August 18, 2006, **ARIEL MONTERO** transferred an additional four (4) counterfeit credit cards encoded with stolen legitimate American Express and Visa credit card numbers to the CW.
5. On or about August 24, 2006, **ARIEL MONTERO** directed **MIGUEL ALEGRIA**, a/k/a "**CHINO**," to provide the CW a counterfeit State of Florida driver's license in the name "Carlos Suarez."
6. On or about September 1, 2006, **ARIEL MONTERO** transferred to the CW twenty-one (21) counterfeit credit cards encoded with stolen legitimate Mastercard credit card numbers.
7. On or about September 14, 2006, **ARIEL MONTERO** directed **JAVIER PADRON-BRAVO** to transfer to the CW four (4) counterfeit credit cards encoded with stolen legitimate American Express credit card numbers.

8. On or about September 29, 2006, **ARIEL MONTERO** directed **EDUARDO PRIETO-KU, a/k/a "CHINO,"** to transfer to the CW seven (7) counterfeit credit cards embossed with the name "Carlos Suarez."

9. On or about January 25, 2007, Julio Lopez, a/k/a "Blinky," agreed to produce and provide fifty (50) credit card plastics with counterfeit graphics and security features to an undercover agent ("UCA") for \$15.00 each.

10. On or about January 25, 2007, Julio Lopez, a/k/a "Blinky," directed the UCA to wire the payment for the fifty (50) credit card plastics with counterfeit graphics and security features to "Jose Diaz" in Miami, Florida.

11. On or about January 30, 2007, **RAYNIER PUPO, a/k/a "RAY,"** and Julio Lopez, a/k/a "Blinky," mailed fifty (50) credit card plastics with counterfeit graphics and security features to the UCA.

12. On or about February 7, 2007, **JULIO LOPEZ, a/k/a "BLINKY,"** maintained in his possession at his residence a card encoder, and several counterfeit credit cards, including some cards that were embossed with the name **ARIEL MONTERO.**

All in violation of Title 18, United States Code, Section 1029(b)(2).

**COUNTS 2-8**  
**ACCESS DEVICE FRAUD**  
**(18 U.S.C. §§ 1029(a)(1) and 2)**

On or about the dates listed below, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants, as listed in the Counts below, did knowingly and with intent to defraud produce, use and traffic in one or more counterfeit access devices, specifically, counterfeit credit cards, said conduct affecting interstate and foreign commerce:

<b>Count</b>	<b>Approx. Date</b>	<b>Defendant(s)</b>	<b>Conduct</b>
2	8/10/2006	<b>ARIEL MONTERO</b>	Transfer to another seventeen (17) counterfeit Mastercard credit cards.
3	8/18/2006	<b>ARIEL MONTERO</b>	Transfer to another two (2) counterfeit American Express credit cards and two (2) counterfeit Visa credit cards.
4	9/1/2006	<b>ARIEL MONTERO</b>	Transfer to another twenty-one (21) counterfeit Mastercard credit cards.
5	9/14/2006	<b>ARIEL MONTERO and JAVIER PADRON-BRAVO</b>	Transfer to another four (4) counterfeit American Express credit cards.
6	9/21/2006	<b>ARIEL MONTERO</b>	Transfer to another four (4) counterfeit American Express credit cards.
7	9/29/2006	<b>ARIEL MONTERO and EDUARDO PRIETO-KU, a/k/a "CHINO"</b>	Transfer to another five (5) counterfeit Discover credit cards and two (2) counterfeit American Express credit cards embossed with the name "Carlos Suarez."
8	1/30/2007	<b>RAYNIER PUPO, a/k/a "Ray"</b>	Transfer to another fifty (50) non-encoded credit cards plastics with counterfeit graphics and security features.

In violation of Title 18, United States Code, Sections 1029(a)(1) and 2.

**COUNTS 9-14**  
**AGGRAVATED IDENTITY THEFT**  
**(18 U.S.C. §§ 1028A(a)(1) and 2)**

On or about the dates listed below, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants, as listed in the Counts below, during and in relation to a

felony violation of Title 18, United States Code, Sections 1029(a)(1) and (b)(2), knowingly transferred, possessed and used, and caused to be transferred, possessed and used, without lawful authority, a means of identification of another person:

<b>Count</b>	<b>Approx. Date</b>	<b>Defendant(s)</b>	<b>Means Of Identification</b>
9	8/10/2006	<b>ARIEL MONTERO</b>	Mastercard account number in the name of an individual with the initials D.H.
10	8/18/2006	<b>ARIEL MONTERO</b>	American Express account number in the name of an individual with the initials S.P.
11	9/1/2006	<b>ARIEL MONTERO</b>	Mastercard account number in the name of an individual with the initials B.N.
12	9/14/2006	<b>ARIEL MONTERO and JAVIER PADRON-BRAVO</b>	American Express account number in the name of an individual with the initials E.G.
13	9/21/2006	<b>ARIEL MONTERO</b>	American Express account number in the name of an individual with the initials I.A.
14	9/29/2006	<b>ARIEL MONTERO and EDUARDO PRIETO-KU, a/k/a "CHINO"</b>	American Express account number in the name of an individual with the initials S.D.

In violation of Title 18, United States Code, Sections 1028A(a)(1) and (c)(4), and 2.

**COUNT 15**  
**FRAUD IN CONNECTION WITH IDENTITY DOCUMENTS**  
**(18 U.S.C. §§ 1028(a)(2) and 2)**

On or about August 25, 2006, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants,

**ARIEL MONTERO, and**  
**MIGUEL ALEGRIA,**  
**a/k/a “CHINO,”**

did knowingly transfer, and cause to be transferred, a false identification document, that is, a counterfeit State of Florida driver’s license bearing a fictitious name, knowing that such document was produced without lawful authority, said conduct affecting interstate and foreign commerce, in violation of Title 18, United States Code, Sections 1028(a)(2) and 2.

**FORFEITURE**

1. The allegations of Counts 1-8 of this Indictment are realleged and by this reference fully incorporated herein for the purpose of alleging forfeitures to the United States of certain property in which one or more of the defendants has an interest, pursuant to the provisions of Title 18, United States Code, Section 1029(c) and Title 18, United States Code, Section 982(a)(2)(B).

2. Upon conviction of any of the offenses charged in Counts 1-8, defendants **ARIEL MONTERO, JAVIER PADRON-BRAVO, EDUARDO PRIETO-KU, a/k/a “CHINO,” MIGUEL ALEGRIA, a/k/a “CHINO,”** and/or **RAYNIER PUPO, a/k/a “RAY,”** shall forfeit to the United States: (a) any personal property used, or intended to be used to commit such violations; and (b) any property constituting or derived from any proceeds which the defendants obtained, directly or indirectly, as the result of such violations.

3. Pursuant to Title 21, United States Code, Section 853(p), as incorporated by reference by Title 18, United States Code, Section 1029(c)(2) and Title 18, United States Code, Section


982(b), if any of the forfeitable property, or any portion thereof, as a result of any act or omission of defendants **ARIEL MONTERO, JAVIER PADRON-BRAVO, EDUARDO PRIETO-KU, a/k/a "CHINO," MIGUEL ALEGRIA, a/k/a "CHINO,"** and/or **RAYNIER PUPO, a/k/a "RAY:"**

- (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 subdivided without difficulty:

it is the intent of the United States to seek the forfeiture of other property of the defendants up to the value of the above-described forfeitable property.

All pursuant to Title 18, United States Code, Section 1029(c)(2), Title 18, United States Code, Section 982(b), and Title 21, United States Code Section 853.

  
\_\_\_\_\_  
FOREPERSON

  
\_\_\_\_\_  
R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

  
\_\_\_\_\_  
KIMBERLY A. SELMORE  
ASSISTANT UNITED STATES ATTORNEY

UNITED STATES OF AMERICA

CASE NO. \_\_\_\_\_

vs.

Ariel Montero,  
Javier Padron-Bravo,  
Eduardo Prieto-Ku,  
a/k/a "Chino,"  
Miguel Alegria,  
a/k/a "Chino," and  
Raynier Pupo,  
a/k/a "Ray,"

**CERTIFICATE OF TRIAL ATTORNEY\***

Defendants /

**Superseding Case Information:**

**Court Division:** (Select One)

New Defendant(s) Yes \_\_\_\_\_ No \_\_\_\_\_  
Number of New Defendants \_\_\_\_\_  
Total number of counts \_\_\_\_\_

X Miami \_\_\_\_\_ Key West \_\_\_\_\_  
\_\_\_\_\_ FTL \_\_\_\_\_ WPB \_\_\_\_\_ FTP \_\_\_\_\_

I do hereby certify that:

- I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
- I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.

3. Interpreter: (Yes or No) Yes  
List language and/or dialect Spanish

4. This case will take 10 days for the parties to try.

5. Please check appropriate category and type of offense listed below:  
(Check only one) (Check only one)

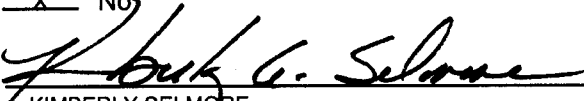
I	0 to 5 days	_____	Petty	_____
II	6 to 10 days	<u>X</u>	Minor	_____
III	11 to 20 days	_____	Misdem.	_____
IV	21 to 60 days	_____	Felony	<u>X</u>
V	61 days and over	_____		

6. Has this case been previously filed in this District Court? (Yes or No) \_\_\_\_\_

If yes:  
Judge: \_\_\_\_\_ Case No. \_\_\_\_\_  
(Attach copy of dispositive order)  
Has a complaint been filed in this matter? (Yes or No) Yes \_\_\_\_\_  
If yes:  
Magistrate Case No. 07-2545-CMM  
Related Miscellaneous numbers: \_\_\_\_\_  
Defendant(s) in federal custody as of Ariel Montero and Javier Padron-Bravo as of 4/19/07  
Defendant(s) in state custody as of \_\_\_\_\_  
Rule 20 from the District of \_\_\_\_\_

Is this a potential death penalty case? (Yes or No) \_\_\_\_\_

- Does this case originate from a matter pending in the U.S. Attorney's Office prior to April 1, 2003? \_\_\_\_\_ Yes X No
- Does this case originate from a matter pending in the U. S. Attorney's Office prior to April 1, 1999? \_\_\_\_\_ Yes X No  
If yes, was it pending in the Central Region? \_\_\_\_\_ Yes \_\_\_\_\_ No
- Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to October 14, 2003? \_\_\_\_\_ Yes X No
- Does this case originate from a matter pending in the Narcotics Section (Miami) prior to May 18, 2003? \_\_\_\_\_ Yes X No

  
KIMBERLY SELMORE  
ASSISTANT UNITED STATES ATTORNEY  
Florida Bar No. 0616524

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: Ariel Montero

Case No: \_\_\_\_\_

Count #: 1

Conspiracy

18 U.S.C. § 1029(b)(2)

**\* Max. Penalty** 10 years' imprisonment

Counts #: 2-7

Access Device Fraud

18 U.S.C. § 1029(a)(1)

**\* Max. Penalty** 20 years' imprisonment

Counts #: 9-14

Aggravated Identity Theft

18 U.S.C. § 1028A(a)(1)

**\* Max. Penalty** 2 years' consecutive imprisonment

Count #: 15

Fraud In Connection With Identity Documents

18 U.S.C. § 1028(a)(2)

**\*Max. Penalty:** 15 years' imprisonment

**\*Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: Javier Padron-Bravo

Case No: \_\_\_\_\_

Count #: 1

Conspiracy

18 U.S.C. § 1029(b)(2)

**\* Max. Penalty** 7 ½ years' imprisonment

Count #: 5

Access Device Fraud

18 U.S.C. § 1029(a)(1)

**\* Max. Penalty** 10 years' imprisonment

Count #: 12

Aggravated Identity Theft

18 U.S.C § 1028A(a)(1)

**\* Max. Penalty** 2 years' consecutive imprisonment

Count #:

\_\_\_\_\_  
\_\_\_\_\_

**\*Max. Penalty:**

**\*Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: Eduardo Prieto-Ku a/k/a "Chino"

Case No: \_\_\_\_\_

Count #: 1

Conspiracy

18 U.S.C. § 1029(b)(2)

**\* Max. Penalty** 7 ½ years' imprisonment

Count #: 7

Access Device Fraud

18 U.S.C. § 1029(a)(1)

**\* Max. Penalty** 10 years' imprisonment

Count #: 14

Aggravated Identity Theft

18 U.S.C § 1028A(a)(1)

**\* Max. Penalty** 2 years' consecutive imprisonment

Count #:

\_\_\_\_\_

\_\_\_\_\_

**\*Max. Penalty:**

**\*Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: Miguel Alegria a/k/a "Chino"

Case No: \_\_\_\_\_

Count #: 1

Conspiracy

18 U.S.C. § 1029(b)(2)

**\* Max. Penalty** 10 years' imprisonment

Count #: 15

Fraud In Connection With Identity Documents

18 U.S.C. § 1028(a)(2)

**\* Max. Penalty** 15 years' imprisonment

Count #:

\_\_\_\_\_

\_\_\_\_\_

**\* Max. Penalty** \_\_\_\_\_

Count #:

\_\_\_\_\_

\_\_\_\_\_

**\*Max. Penalty:**

**\*Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: Raynier Pupo a/k/a "Ray"

Case No: \_\_\_\_\_

Count #: 1

Conspiracy

18 U.S.C. § 1029(b)(2)

**\* Max. Penalty** 7 ½ years' imprisonment

Count #: 8

Access Device Fraud

18 U.S.C. § 1029(a)(1)

**\* Max. Penalty** 10 years' imprisonment

Count #:

\_\_\_\_\_

\_\_\_\_\_

**\* Max. Penalty** \_\_\_\_\_

Count #:

\_\_\_\_\_

\_\_\_\_\_

**\*Max. Penalty:**

**\*Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**