

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,	)	No. _____
)	
Plaintiff,	)	COUNT ONE
v.	)	Conspiracy
	)	18 U.S.C. § 371
RICARDO CLAY,	)	NMT: 5 Years Imprisonment
[DOB: 02/25/1980],	)	NMT: \$250,000 Fine
	)	NMT: 3 Years Supervised Release
Defendant.	)	Class D Felony
)	
	)	COUNTS TWO through TEN
	)	Aggravated Identity Theft
	)	18 U.S.C. §§ 1028A(1) and 2
	)	Mandatory Sentence: 2 Years
	)	Imprisonment
	)	NMT: \$250,000 Fine
	)	NMT: 3 Years Supervised Release
	)	Class E Felony
)	
	)	COUNTS ELEVEN through THIRTEEN
	)	Access Device Fraud
	)	18 U.S.C. §§ 1029(a)(5) and 2
	)	NMT: 15 Years Imprisonment
	)	NMT: \$250,000 Fine
	)	NMT: 3 Years Supervised Release
	)	Class C Felony
)	
	)	COUNTS FOURTEEN through SIXTEEN
	)	Aggravated Identity Theft
	)	18 U.S.C. §§ 1028A(1) and 2
	)	Mandatory Sentence: 2 Years
	)	Imprisonment
	)	NMT: \$250,000 Fine
	)	NMT: 3 Years Supervised Release
	)	Class E Felony
)	
)	

) Maximum Punishment if Convicted
) on All Counts:
)
) Not less than 2 years imprisonment
) Not more than 72 years imprisonment
) \$3,750,000 Fine
) 3 Years Supervised Release
) Order of Restitution
) \$100 Mandatory Special Assessment
) (Each Count)
)

I N D I C T M E N T

THE GRAND JURY CHARGES THAT:

COUNT ONE
(Conspiracy)

1. Beginning at least as early as on or about March 22, 2009, and continuing to on or about March 16, 2010, in the Western District of Missouri and elsewhere, defendant **RICARDO CLAY**, did knowingly and with intent to defraud, conspire and agree with unindicted co-conspirators in Dhaka, Bangladesh using the names “Mohammed Jibrán” and “Mohammed Solaiman,” (hereinafter “the Bangladesh conspirators”), and with others known and unknown to the Grand Jury, to commit violations of Title 18, United States Code, Sections 1029(a)(2) and (5)(Access Device Fraud), and 1028A(a)(1)(Aggravated Identity Theft), by devising and executing a scheme and artifice to defraud, which was to obtain stolen access device information consisting of credit and debit card numbers, together with the matching cardholder names, expiration dates, security codes, billing addresses, and other means of identification, without the knowledge and without the authority of the cardholders,

hereinafter “identity theft victims,” and without lawful authority, and then transmitting and causing to be transmitted false and fraudulent pretenses, representations, and promises, namely the stolen access device and identity information belonging to the identity theft victims, to make fraudulent purchases on the reservation systems of the domestic airline industry of the United States, in order to effect financial transactions, which were the purchase of airline tickets, by which **RICARDO CLAY** and other conspirators received things of an aggregate value equal to or exceeding \$1,000 during a one-year period from the use of stolen access devices and identity information, and the transactions affected interstate commerce.

2. The object of the conspiracy was to create and operate a nationwide “black market” for the sale of airline tickets by using stolen credit and debit card information of the identity theft victims to make purchases of airline tickets through the telephone reservation systems and Internet websites of the domestic airline industry. **RICARDO CLAY** worked with the Bangladesh conspirators and with others known and unknown to the grand jury to obtain stolen credit card information to make purchases of airline tickets using cellular telephones and computers to obtain the confirmation codes for the tickets, which they forwarded to their customers, who were the passengers purchasing the tickets at a deep discount of their true value. Thus, **RICARDO CLAY**, and other conspirators known and unknown to the grand jury, profited from the scheme by purchasing the stolen credit and debit card information of the identity theft victims from the Bangladesh conspirators and others known and unknown

to the grand jury at a nominal cost, and then used the stolen information to purchase the airline tickets at no cost to **RICARDO CLAY** and other conspirators assisting him. **RICARDO CLAY** and those assisting him sold the confirmation codes of the airline tickets to customers of the conspirators at prices usually about \$100 per ticket.

MANNER AND MEANS

3. The manner and means by which the conspiracy was sought to be accomplished included, among others, the following:

- a. The conspirators used cellular telephones, email accounts, and other forms of electronic communication and storage, to communicate with each other and their customers in furtherance of the conspiracy and to transfer, possess, and use stolen credit and debit card information and means of identification of the identity theft victims to make fraudulent purchases of airline tickets. The instrumentalities of the electronic communication and storage included the email accounts: dawk002@yahoo.com and justbreatatl@yahoo.com, used by defendant **RICARDO CLAY**, and nazybaby_01@yahoo.com, geezybeary@yahoo.com, and geezybear@ymail.com used by the Bangladesh conspirators. **RICARDO CLAY** had other sources for stolen credit card information who used email addresses militarypreppy@hotmail.com, lil4u09@gmail.com,

militarywinner@hotmail.com, dennis3203@yahoo.com, tscocoa@yahoo.com, slenderboi9@yahoo.com, and adonis_chi2000@yahoo.com. Further, defendant **RICARDO CLAY** used cellular telephones 678-357-5053 and 678-852-4594 to communicate with his customers who purchased airline tickets from him and to communicate with the airline reservation systems where he provided the stolen credit and debit card information to pay for airline ticket confirmation codes.

- b. **RICARDO CLAY** obtained stolen credit and debit card information belonging to identity theft victims in the United States from the Bangladesh conspirators, and other sources known and unknown to the grand jury, via email messages to his email account dawk002@yahoo.com. **RICARDO CLAY** would pay for the stolen credit and debit card information by sending wire transfers via Western Union to the Bangladesh conspirators.
- c. Once in possession of the stolen credit and debit card information, **RICARDO CLAY** and other conspirators working with him would use the information to purchase airline tickets for customers of the scheme by accessing the reservation systems of the airlines by either making a

voice call to the reservations centers or using the Internet to access the online reservation systems.

- d. Upon successfully purchasing airline tickets in this manner, **RICARDO CLAY** and other conspirators working with him would obtain confirmation numbers for the tickets, which their customers could use to obtain boarding passes allowing them to board aircraft as if a ticket had been legitimately purchased.

OVERT ACTS

4. In furtherance of the conspiracy and to effect the objects of the conspiracy, the following overt acts, among others, were committed in the Western District of Missouri and elsewhere, and such acts were in and affected interstate commerce:

- a. On or about March 27, 2009, a Bangladesh conspirator using geezybeary@yahoo.com sent an email to **RICARDO CLAY**, at dawk002@yahoo.com, containing nine VISA credit card numbers, including a Bank of America VISA card number ending in 0617, with the expiration date, security code, cardholder name, billing address, telephone number, and email address belonging to KP of Gladstone, Missouri, who did not authorize the possession, transfer, and sale of such information from the Bangladesh conspirator to **RICARDO CLAY**.

- b. On or about March 29, 2009, a Bangladesh conspirator using geezybeary@yahoo.com sent an email to **RICARDO CLAY**, at dawk002@yahoo.com, containing four VISA card numbers, including a Landmark Bank VISA debit card number ending in 1791, with the expiration date, security code, cardholder name, billing address, telephone number, and email address belonging to LB of Columbia, Missouri, who did not authorize the possession, transfer, and sale of such information from the Bangladesh conspirator to **RICARDO CLAY**.
- c. On or about March 29, 2009, a Bangladesh conspirator using geezybeary@yahoo.com sent an email to **RICARDO CLAY**, at dawk002@yahoo.com, containing three VISA credit card numbers, including a Chase VISA card number ending in 3085, with the expiration date, security code, cardholder name, billing address, telephone number, and email address belonging to RW of Springfield, Missouri, who did not authorize the possession, transfer, and sale of such information from the Bangladesh conspirator to **RICARDO CLAY**.
- d. On or about May 6, 2009, a Bangladesh conspirator using nazybaby_01@yahoo.com sent an email to **RICARDO CLAY**, at

dawk002@yahoo.com, containing four MasterCard credit card numbers, including a CitiBank MasterCard number ending in 8253, with the expiration date, security code, cardholder name, billing address, and telephone number, belonging to MS of Gladstone, Missouri, who did not authorize the possession, transfer, and sale of such information from the Bangladesh conspirator to **RICARDO CLAY**.

- e. On or about May 9, 2009, a Bangladesh conspirator using nazybaby_01@yahoo.com sent an email to **RICARDO CLAY**, at dawk002@yahoo.com, containing ten VISA and MasterCard credit and debit card numbers, including a Commerce Bank VISA number ending in 7003, with the expiration date, security code, cardholder name, billing address, telephone number, and email address, belonging to CK of Springfield, Missouri, who did not authorize the possession, transfer, and sale of such information from the Bangladesh conspirator to **RICARDO CLAY**.
- f. On or about August 2, 2009, a Bangladesh conspirator using nazybaby_01@yahoo.com sent an email to **RICARDO CLAY**, at dawk002@yahoo.com, containing six VISA credit card numbers,

including a Chase Bank VISA number ending in 7812, with the expiration date, security code, cardholder name, billing address, telephone number, and email address, belonging to SS of Springfield, Missouri, who did not authorize the possession, transfer, and sale of such information from the Bangladesh conspirator to **RICARDO CLAY**.

- g. On or about September 2, 2009, a Bangladesh conspirator using geezybear@ymail.com sent an email to **RICARDO CLAY**, at dawk002@yahoo.com, containing ten VISA credit card numbers, including a Capitol One VISA number ending in 3228, with the expiration date, security code, cardholder name, billing address, and telephone number, belonging to KG of Branson, Missouri, who did not authorize the possession, transfer, and sale of such information from the Bangladesh conspirator to **RICARDO CLAY**.
- h. On or about September 3, 2009, **RICARDO CLAY** forwarded the Capitol One VISA card number ending in 3228, to an unknown conspirator using the email address glutnyhoe@yahoo.com, without the authority of the cardholder, KG of Branson, Missouri.
- i. On or about November 9, 2009, a Bangladesh conspirator using geezybear@ymail.com sent an email to **RICARDO CLAY**, at

dawk002@yahoo.com, containing six VISA and MasterCard credit card numbers, including a BankcorpSouth MasterCard number ending in 3228, with the expiration date, security code, cardholder name, billing address, telephone number, and email address belonging to CG of Brookline, Missouri, who did not authorize the possession, transfer, and sale of such information from the Bangladesh conspirator to **RICARDO CLAY**.

j. On or about January 22, 2010, an unindicted co-conspirator using militarypreppy@hotmail.com sent an email to **RICARDO CLAY**, at dawk002@yahoo.com, containing eight American Express, VISA, and MasterCard credit card numbers, including an American Express Card number ending in 52000, with the expiration date, security code, cardholder name, and billing address belonging to MS of Columbia, Missouri, who did not authorize the possession, transfer, and sale of such information from the unindicted co-conspirator to **RICARDO CLAY**.

k. On or about January 23, 2010, **RICARDO CLAY** used the stolen American Express Card number belonging to MS of Columbia, Missouri, to book two tickets on United Airlines for passengers Caya Williams and Matthew Tran to fly later the same day on flights out of

Dallas, Texas. Both tickets were booked online by **RICARDO CLAY** who used his email address justbreatatl@yahoo.com to make the bookings.

1. On or about February 21, 2010, **RICARDO CLAY**, using 678-357-5053, received a voice call from a customer who requested airline tickets for five passengers, four of whom needed to fly from Chicago, Illinois to Springfield, Missouri. **RICARDO CLAY** instructed the customer to send text messages to 678-357-5053 to transmit the passenger names and to transmit the Green Dot card information to pay \$100 for each ticket. Once the customer complied, **RICARDO CLAY** used 678-357-5053 to send a text message to the customer to transmit the United Airlines confirmations codes for the tickets, which were purchased with stolen credit card information. Three of the tickets for the flights from Chicago to Springfield were purchased with a stolen USAA American Express Card number ending in 77615, belonging to GS of Nashville, Tennessee, who did not authorize the charges for the United Airlines tickets, which totaled \$2,516.10. The other Chicago to Springfield ticket was purchased with a stolen American Express Card ending in 31007, belonging to a business in Alpharetta, Georgia, and owners of the business did not authorize the charge.

m. On or about February 22, 2010, **RICARDO CLAY**, using 678-357-5053, received a voice call from a customer who requested airline tickets for four passengers to fly from Springfield, Missouri, to Los Angeles, California. **RICARDO CLAY** instructed the customer to send text messages to 678-357-5053 to transmit the passenger names and to transmit the Green Dot card information to pay \$100 for each ticket. Once the customer complied, **RICARDO CLAY** used the email address dawk002@yahoo.com to send an email to the customer to transmit the United Airlines confirmation codes for the tickets, which were purchased with stolen credit card information. Two of the tickets were purchased with a stolen American Express Card number ending in 82018, belonging to SK of Newton, New Jersey, who did not authorize the charges, which totaled \$1,270.80. The other two tickets were purchased with a stolen American Express Card ending in 02023, belonging to TG of Barrington, Illinois, who did not authorize the charges, which totaled \$1,270.80.

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

COUNTS TWO through TEN
(Aggravated Identity Theft)

1. The Grand Jury incorporates by reference paragraphs one through four of Count One of the Indictment as if fully set forth herein.

2. On or about the dates listed below, in the Western District of Missouri and elsewhere, in furtherance of the conspiracy to commit access device fraud and aggravated identity theft and to accomplish the goals of the conspiracy's scheme to defraud the airlines, the credit card companies and their cardholders, who were the identity theft victims, by transferring, possessing, and using means of identification of the identity theft victims consisting of stolen credit and debit card numbers, together with the cardholder names, expiration dates, security codes, and billing addresses to traffic in and use one or more unauthorized access devices, and by such conduct obtain things of value, consisting of confirmation codes for airline tickets, the passenger seats associated with each ticket confirmation code, and payments of money from customers requesting the tickets, the aggregate value of which was in excess of \$1,000 during a one-year period, **RICARDO CLAY**, defendant herein, together with the Bangladesh conspirators and others known and unknown to the grand jury, did knowingly and without lawful authority transfer, use, and possess one or more means of identification of another person, as identified in each count below, during and in relation to a predicate felony offense, that being access device fraud as defined by Chapter 47, Title 18, United States Code, Section 1029(a)(2), and such actions were in or affected interstate commerce, as follows:

<u>Count</u>	<u>Date</u>	<u>Means of Identification Received From:</u>	<u>ID Theft Victim</u>
2	03/27/09	geezybeary@yahoo.com	KP, Gladstone, Missouri
3	03/29/09	geezybeary@yahoo.com	LB, Columbia, Missouri
4	03/29/09	geezybeary@yahoo.com	RW, Springfield, Missouri
5	05/06/09	nazybaby_01@yahoo.com	MS, Gladstone, Missouri
6	05/09/09	nazybaby_01@yahoo.com	CK, Springfield, Missouri
7	08/02/09	nazybaby_01@yahoo.com	SS, Springfield, Missouri
8	06/26/09	geezybear@ymail.com	KG, Branson, Missouri
9	11/09/09	geezybear@ymail.com	CG, Brookline, Missouri
10	01/22/10	militarypreppy@hotmail.com	MS, Columbia, Missouri

All in violation of Title 18, United States Code, Sections 1028A(a)(1) and 2.

COUNTS ELEVEN through THIRTEEN
(Access Device Fraud)

1. The Grand Jury incorporates by reference paragraphs one through four of Count One of the Indictment as if fully set forth herein.

2. On or about February 21 and 22, 2010, in the Western District of Missouri and elsewhere, in furtherance of the conspiracy to commit access device fraud and aggravated identity theft and to accomplish the goals of the conspiracy's scheme to defraud the airlines, defendant **RICARDO CLAY** and his accomplices did knowingly and with intent to defraud, effect financial transactions using access devices consisting of the accounts described in each

count below and issued in the names of the identity theft victims below, by which **RICARDO CLAY** and his accomplices received things of an aggregate value equal to and exceeding \$1,000 during a one-year period, and which transactions affected interstate commerce, as follows:

<u>Count</u>	<u>Amount</u>	<u>Credit Issuer</u>	<u>ID Theft Victim</u>
11	\$2,561.10	USAA Savings Bank	GS, Nashville, TN
12	\$1,270.80	American Express	SK, Newton, NJ
13	\$1,270.80	American Express	TG, Barrington, IL

All in violation of Title 18, United States Code, Sections 1029(a)(5) and 2.

COUNTS FOURTEEN through SIXTEEN
(Aggravated Identity Theft)

1. The Grand Jury incorporates by reference paragraphs one through four of Count One of the Indictment as if fully set forth herein.

2. On or about the dates listed below, in the Western District of Missouri and elsewhere, in furtherance of the conspiracy to commit access device fraud and aggravated identity theft and to accomplish the goals of the conspiracy's scheme to defraud the airlines, the credit card companies and their cardholders, who were the identity theft victims, by transferring, possessing, and using means of identification of the identity theft victims consisting of stolen credit and debit card numbers, together with the cardholder names, expiration dates, security codes, and billing addresses to effect transactions with access devices issued to the identity theft victims to receive payment and things of value, consisting

of confirmation codes for airline tickets, the passenger seats associated with each ticket confirmation code, and payments of money from customers requesting the tickets, the aggregate value of which was in excess of \$1,000 during a one-year period, **RICARDO CLAY**, defendant herein, did knowingly and without lawful authority transfer, use, and possess one or more means of identification of another person, as identified in each count below, during and in relation to a predicate felony offense, that being access device fraud as defined by Chapter 47, Title 18, United States Code, Section 1029(a)(5), and such actions were in or affected interstate commerce, as follows:

<u>Count</u>	<u>Date</u>	<u>Airline Tickets Purchased:</u>	<u>ID Theft Victim</u>
14	02/21/10	Chicago, Illinois to Springfield, Missouri	GS, Nashville, Tennessee
15	02/22/10	Springfield, Missouri Los Angeles, California	SK, Newton, New Jersey
16	02/22/10	Springfield, Missouri Los Angeles, California	TG, Barrington, Illinois

All in violation of Title 18, United States Code, Sections 1028A(a)(1) and 2.

A TRUE BILL.

/s/ Carver K. Bonine
FOREPERSON OF THE GRAND JURY

/s/ John E. Cowles
John E. Cowles #11797
Assistant United States Attorney

/s/ John E. Cowles FOR
Matt Hiller
Assistant United States Attorney

Date 4/7/10