

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)	12 CR 170
)	
v.)	Violations: Title 18, United States
)	Code, Sections 371, 1956, and
MOHAMMAD AL SAKHLEH and)	2342.
MAHMOUD AL QAISI)	
)	

COUNT ONE

The SPECIAL SEPTEMBER 2011 GRAND JURY charges:

1. At times material to this indictment:

a. As used in this indictment, “contraband cigarettes” means a quantity in excess of 10,000 cigarettes which bear no evidence of the payment of applicable taxes of the State of Illinois and Cook County, Illinois, which require a stamp or other indication to be placed on packages and other containers of cigarettes to evidence payment of such cigarette taxes.

b. Defendants MOHAMMAD AL SAKHLEH and MAHMOUD AL QAISI were not persons authorized to possess contraband cigarettes within the meaning of Title 18, United States Code, Section 2341(2).

2. Beginning no later than in or about March 2011, and continuing to at least in or about April 2011, at Hickory Hills, in the Northern District of Illinois, and elsewhere,

MOHAMMAD AL SAKHLEH and
MAHMOUD AL QAISI,

defendants herein, did conspire with each other and others known and unknown to the Grand Jury to: (a) possess and sell counterfeited tax stamps which are a part of, and which constitute interstate and foreign commerce, knowing the stamps to have been counterfeited, in violation of Title 18, United States Code, Section 2315, and (b) did knowingly receive, possess, purchase, and distribute in excess of 10,000 cigarettes, in violation of Title 18, United States Code, Section 2342(a).

Manner and Means of the Conspiracy

3. It was part of the conspiracy that defendant AL SAKHLEH obtained contraband cigarettes bearing counterfeit New York and New Jersey tax stamps.

4. It was further part of the conspiracy that defendants AL SAKHLEH and AL QAISI agreed that defendant AL QAISI would find buyers for defendant AL SAKHLEH's contraband cigarettes bearing counterfeit tax stamps.

5. It was further part of the conspiracy that in March and April 2011, defendant AL QAISI met with a person who was a confidential source cooperating with law enforcement agents, to discuss traveling to New York and New Jersey to purchase contraband cigarettes from defendant AL SAKHLEH.

6. It was further part of the conspiracy that defendants AL SAKHLEH and AL QAISI knowingly sold to the confidential source approximately 4,000 cartons of contraband cigarettes bearing counterfeit tax stamps in exchange for approximately \$100,000 in United States Currency.

Overt Acts

7. To effect the object of the conspiracy, defendants AL SAKHLEH and AL QAISI committed and caused to be committed the following overt act, among others:

a. On or about March 17, 2011, in Oak Lawn, Illinois, defendant AL QAISI provided the confidential source with two counterfeit packs of Marlboro cigarettes bearing counterfeit New York and New Jersey tax stamps.

b. On or about April 6, 2011, in Bridgeview, Illinois, defendant AL QAISI sold the confidential source approximately 300 cartons of contraband cigarettes bearing counterfeit tax stamps in exchange for approximately \$9,600 in United States Currency.

c. On or about April 27, 2011, in Clifton, New Jersey, defendants AL SAKHLEH and AL QAISI sold approximately 2,000 cartons of contraband cigarettes bearing counterfeit tax stamps to the confidential source in exchange for approximately \$50,000 in United States Currency.

d. On or about April 28, 2011, in Patterson, New Jersey, defendants AL SAKHLEH and AL QAISI sold approximately 2,000 cartons of contraband cigarettes bearing counterfeit tax stamps to the confidential source in exchange for approximately \$50,000 in United States Currency.

e. On or about May 4, 2011, in Patterson, New Jersey, defendant AL QAISI accepted approximately 258 cartons of unstamped cigarettes from the confidential source.

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

COUNT TWO

The SPECIAL SEPTEMBER 2011 GRAND JURY further charges:

1. The allegations in paragraph 1 of Count One of this indictment are incorporated here.

2. On or about May 27, 2011, at Hickory Hills, in the Northern District of Illinois, Eastern Division, and elsewhere,

MOHAMMAD AL SAKHLEH,

defendant herein, did knowingly receive, purchase, possess, and distribute in excess of 10,000 contraband cigarettes;

In violation of Title 18, United States Code, Section 2342(a).

COUNT THREE

The SPECIAL SEPTEMBER 2011 GRAND JURY further charges:

1. The allegations in paragraph 1 of Count One of this indictment are incorporated here.

2. On or about July 21, 2011, at Hickory Hills, in the Northern District of Illinois, Eastern Division, and elsewhere,

MAHMOUD AL QAISI,

defendant herein, did knowingly receive, purchase, possess, and distribute in excess of 10,000 contraband cigarettes;

In violation of Title 18, United States Code, Section 2342(a).

COUNT FOUR

The SPECIAL SEPTEMBER 2011 GRAND JURY further charges:

1. The allegations in paragraph 1 of Count One of this indictment are incorporated here.

2. On or about August 11, 2011, at Hickory Hills, in the Northern District of Illinois, Eastern Division, and elsewhere,

MAHMOUD AL QAISI,

defendant herein, did knowingly receive, purchase, possess, and distribute in excess of 10,000 contraband cigarettes;

In violation of Title 18, United States Code, Section 2342(a).

COUNT FIVE

The SPECIAL SEPTEMBER 2011 GRAND JURY further charges:

On or about June 1, 2011, at Lisle, in the Northern District of Illinois, Eastern Division, and elsewhere,

MOHAMMAD AL SAKHLEH,

defendant herein, did transport, transmit, and transfer funds in the amount of approximately \$159,000 in United States Currency to a place in the United States, namely, Lisle, Illinois, from and through a place outside the United States, namely, Hong Kong, with the intent to promote the carrying on of specified unlawful activity, namely, the unlawful receipt, purchase, possession, and distribution of contraband cigarettes in violation of Title 18, United States Code, Section 2342(a);

In violation of Title 18, United States Code, Section 1956(a)(2)(A).

FORFEITURE ALLEGATION ONE

The SPECIAL SEPTEMBER 2011 GRAND JURY further alleges:

1. The allegations contained in Counts Two, Three, and Four of the indictment are incorporated here for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 982(a)(1), and Title 28, United States Code, Section 2461(c).

2. As a result of the violations of Title 18, United States Code, Section 2342(a), as alleged in the foregoing indictment,

MOHAMMAD AL SAKHLEH and
MAHMOUD AL QAISI,

defendants herein, 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 right, title, and interest in property, real and personal, which constitutes and is derived from proceeds traceable to the charged offenses.

3. The interests of defendants AL SAKHLEH and AL QAISI are subject to forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), include but are not limited to, United States Currency in the form of proceeds from the sale of contraband cigarettes, including \$100,000 seized by law enforcement agents on March 13, 2012.

4. If any of the property subject to forfeiture and described above, as a result of any act or omission of the defendant:

- 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 divided without difficulty;

the United States of America shall be entitled to forfeiture of substitute property under the provisions of Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

All pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c).

FORFEITURE ALLEGATION TWO

The SPECIAL SEPTEMBER 2011 GRAND JURY further alleges:

1. The allegations contained in Count Five of the indictment are incorporated here for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 982(a)(1).

2. As a result of the violation of Title 18, United States Code, Section 1956(a)(2)(A), as alleged in the foregoing indictment,

MOHAMMAD AL SAKHLEH,

defendant herein, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), any and all right, title, and interest in property, real and personal, involved in the charged offense or any property traceable to such property.

3. The interests of defendant AL SAKHLEH subject to forfeiture pursuant to Title 18, United States Code, Section 982(a)(1), include but are not limited to approximately \$159,000.

4. If any of the property subject to forfeiture and described above, as a result of any act or omission of the defendant:

- 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 divided without difficulty;

the United States of America shall be entitled to forfeiture of substitute property under the provisions of Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1).

All pursuant to Title 18, United States Code, Section 982(a)(1).

A TRUE BILL:

FOREPERSON

UNITED STATES ATTORNEY