

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

**UNITED STATES OF AMERICA** : **CRIMINAL NO. 13-**  
**v.** : **DATE FILED: June 6, 2013**  
**DAVID BRISTER** : **VIOLATIONS:**  
: **18 U.S.C. § 371 (conspiracy–1 count)**  
: **18 U.S.C. § 1341 (mail fraud – 5 counts)**  
: **18 U.S.C. § 1343 (wire fraud – 12 counts)**  
: **18 U.S.C. § 500 (transmitting counterfeit money orders – 2 counts)**  
: **18 U.S.C. § 513(a) (passing counterfeit checks – 4 counts)**  
: **18 U.S.C. § 2 (aiding and abetting)**  
: **Notice of Forfeiture**

**INDICTMENT**

**COUNT ONE**

**THE GRAND JURY CHARGES THAT:**

At all times material to this indictment:

1. The Western Union Company (“Western Union”) and MoneyGram International (“MoneyGram”) were companies that facilitated transfers of United States currency across state lines and between locations inside the United States and locations outside of the United States.

2. Money orders were a form of currency that functioned like cash and were issued by MoneyGram and the United States Post Office (“Postal Money Orders”) in exchange for small fees. Genuine Postal Money Orders had security features, such as watermarks, stamps, and other indicia of authenticity.

3. From at January 2008 until at least August 2012, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendant

## **DAVID BRISTER**

conspired and agreed, with other persons, unknown to the grand jury, to commit offenses against the United States, that is: (a) the intentional devising and executing of a scheme to defraud involving the United States mail and interstate carriers, in violation of Title 18, United States Code, Section 1341; (b) the intentional presenting and transmittal of counterfeit money orders, including counterfeit Postal Money Orders, in violation of Title 18, United States Code, Section 500; and (c) the intentional uttering and possession of forged and counterfeit securities of an organization operating in and affecting interstate commerce, in violation of Title 18, United States Code, Section 513(a).

## **MANNER AND MEANS**

It was part of the conspiracy that:

4. Defendant DAVID BRISTER and others unknown to the grand jury, who were located in Nigeria and other foreign countries, sent by United States mail and other interstate carriers counterfeit money orders, including counterfeit Postal Money Orders, counterfeit cashier's checks, and other counterfeit checks (the "counterfeit monetary instruments") to persons located in the United States in connection with multiple Internet-based fraud schemes.

It was further part of the conspiracy that:

5. After sending the counterfeit monetary instruments, defendant DAVID BRISTER and others unknown to the grand jury directed the recipients to deposit the counterfeit monetary instruments into their bank accounts and then wire portions of the deposited funds to BRISTER, via Western Union and/or MoneyGram.

6. The persons who had received the counterfeit monetary instruments from BRISTER and his co-conspirators did not learn the items were counterfeit until after they already

had sent money from their own bank accounts to defendant DAVID BRISTER, thereby suffering financial losses, including the money they had sent to defendant BRISTER and penalties imposed by their banks for having deposited counterfeit funds in the first place and/or for having negative account balances.

7. Defendant DAVID BRISTER, meanwhile, took the money that he had received from his fraud victims, kept a portion of the funds for himself, and sent the rest to his co-conspirators in Nigeria and other countries, via Western Union and/or MoneyGram.

8. The schemes that defendant DAVID BRISTER and his co-conspirators used to deceive their fraud victims took multiple forms, but generally fit into one of two categories: the “Fake Job Offer Scheme,” and the “Fake Delivery Payment Scheme.”

9. In the “Fake Job Offer Scheme,” defendant DAVID BRISTER and persons unknown to the grand jury posted advertisements on Craigslist.com and other Internet websites for fake jobs, including employment as “mystery shoppers” and “personal assistants.” If a person answered the advertisement and was “hired” for the job, defendant BRISTER or an overseas co-conspirator would send counterfeit monetary instruments to the “new employee” along with emailed instructions on what to do with the money and how to complete the supposed employment assignment.

10. For example, “mystery shoppers” were directed to deposit the monetary instruments into their bank accounts, use some of the deposited funds to purchase merchandise “secretly” at a large retailer like Wal-Mart or Target, rate the store’s customer service on an evaluation form, keep some of the deposited funds as payment for this “work,” and send the rest of the money and the evaluation form to defendant DAVID BRISTER, who was identified either as another “mystery shopper” or a company representative.

11. Similarly, “personal assistants” were directed to deposit the monetary instruments into their bank accounts, keep a few hundred dollars for themselves as “salary,” and wire the rest of the money to a charity, such as an orphanage, on behalf of the employer. The contact person for this supposed charity was defendant DAVID BRISTER.

12. In a typical “Fake Delivery Payment Scheme,” defendant DAVID BRISTER or a person unknown to the grand jury contacted someone who had placed an advertisement on the Internet for the sale of merchandise and agreed to buy the item(s) listed. Defendant BRISTER then sent a parcel to the seller that contained both a counterfeit monetary instrument in an amount higher than the agreed-upon sales price, and a letter explaining that the additional funds were to pay for the use of a third-party delivery/moving company. The seller was directed to deposit the money order or check into the seller’s bank account, take some of the money above the agreed-upon sales price and send it to defendant BRISTER on behalf of the delivery/moving company, and keep the remainder.

13. In both the Fake Job Offer Scheme and the Fake Delivery Payment Scheme, defendant DAVID BRISTER received wire transfers of thousands of dollars, via Western Union and/or MoneyGram, from the people to whom he previously had sent counterfeit monetary instruments.

14. Between October 2009 and August 2012, defendant DAVID BRISTER received more than \$98,000, via interstate wire transmissions, from people whom he and his co-conspirators had defrauded. Defendant BRISTER then transmitted by international wire more than \$64,000 of those fraudulent proceeds to persons unknown to the grand jury in Nigeria and other foreign countries.

15. Defendant DAVID BRISTER and his co-conspirators also intended to send more than \$5.8 million worth of additional counterfeit monetary instruments to persons in the United States in an effort to induce them to deposit such funds into their bank accounts and then wire money from such accounts to defendant BRISTER.

### **OVERT ACTS**

In furtherance of the conspiracy and to accomplish its objects, defendant DAVID BRISTER and his co-conspirators committed the following overt acts in the Eastern District of Pennsylvania and elsewhere:

1. On or about January 8, 2010, defendant DAVID BRISTER and others unknown to the grand jury sent by United States Postal Service express mail a counterfeit cashier's check that appeared to be issued by Citizens Bank for \$3,420 to R.M.

2. On or about January 11, 2010, defendant DAVID BRISTER and others unknown to the grand jury sent by United States Postal Service express mail a counterfeit cashier's check that appeared to be issued by Citizens Bank for \$3,420 to W.B.

3. On or about July 29, 2010, defendant DAVID BRISTER and others unknown to the grand jury sent by United States Postal Service express mail a counterfeit check for \$4,850 to S.R.

4. On or about May 16, 2011, defendant DAVID BRISTER and others unknown to the grand jury sent by United States mail or other interstate carrier a counterfeit MoneyGram money order for \$1,400 to J.J.

5. On or about July 22, 2011, defendant DAVID BRISTER and others unknown to the grand jury sent by United States Postal Service express mail two counterfeit Postal Money Orders, each with an apparent face value of \$900.35, to J.T.

6. On or about January 31, 2012, defendant DAVID BRISTER and others unknown to the grand jury sent by United States Postal Service express mail a counterfeit cashier's check for \$2,350 to C.J.

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

**COUNTS TWO THROUGH SIX**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1, 2, and 4 through 15 of Count One are realleged here.

**THE SCHEME**

2. From at least January 2008 through at least August 2012, defendant

**DAVID BRISTER**

devised and intended to devise, and aided and abetted the devising of a scheme to defraud people living in the United States, and to obtain money and property by means of false and fraudulent pretenses, representations and promises.

**MANNER AND MEANS**

It was part of the scheme that:

3. Defendant DAVID BRISTER engaged in the manner and means described in paragraphs 4 through 15 of Count One of this indictment

4. On or about each of the dates set forth below, in Philadelphia, in the Eastern District of Pennsylvania defendant

**DAVID BRISTER,**

for the purpose of executing the scheme described above, and attempting to do so, and aiding and abetting its execution, knowingly caused to be delivered by United States mail and/or another interstate carrier, according to the directions thereon, the following documents, each mailing constituting a separate count:

<b>COUNT</b>	<b>DATE</b>	<b>DESCRIPTION</b>
2	January 8, 2010	A parcel addressed to R.M. in New Jersey containing a counterfeit cashier's check that appeared to be issued by Citizens Bank for approximately \$3,420.
3	January 11, 2010	A parcel addressed to W.B. in Colorado containing a counterfeit cashier's check that appeared to be issued by Citizens Bank for approximately \$3,420.
4	July 29, 2010	A parcel addressed to S.R. in Massachusetts containing a counterfeit check for approximately \$4,850.
5	July 27, 2011	A parcel addressed to J.T. in Oregon containing two counterfeit money orders, each with an apparent face value of approximately \$900.35.
6	January 31, 2012	A parcel addressed to C.J. in Texas containing a counterfeit cashier's check for approximately \$2,350.

In violation of Title 18, United States Code, Sections 1341 and 2.



**COUNTS SEVEN THROUGH SEVENTEEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1, 2 and 4 through 15 of Count One are realleged here.

**THE SCHEME**

2. From at least January 2008 through at least August 2012, defendant

**DAVID BRISTER**

devised and intended to devise, and aided and abetted the devising of a scheme to defraud dozens of people living in the United States, and to obtain money and property by means of false and fraudulent pretenses, representations and promises.

**MANNER AND MEANS**

It was part of the scheme that:

3. Defendant DAVID BRISTER engaged in the manner and means described in paragraphs 4 through 15 of Count One of this indictment

4. On or about each of the dates set forth below, in Philadelphia, in the Eastern District of Pennsylvania defendant

**DAVID BRISTER,**

for the purpose of executing the scheme described above, and aiding and abetting its execution, knowingly caused to be transmitted by means of wire communication in interstate commerce the signals and sounds described below for each count, each transmission constituting a separate count:

<b>COUNT</b>	<b>DATE</b>	<b>DESCRIPTION</b>
7	December 10, 2009	A wire transfer payment of approximately \$900 from a branch of Western Union in Texas to a branch of Western Union located in Pennsylvania.
8	January 13, 2010	A wire transfer payment of approximately \$2,830 from a branch of Western Union in New Jersey to a branch of Western Union located in Pennsylvania.
9	January 19, 2010	A wire transfer payment of approximately \$1,295 from a branch of Western Union in Colorado to a branch of Western Union located in Pennsylvania.
10	February 14, 2010	A wire transfer payment of approximately \$1,644 from a branch of Western Union in Texas to a branch of Western Union located in Pennsylvania.
11	July 8, 2010	A wire transfer payment of approximately \$1,600 from a branch of Western Union in Virginia to a branch of Western Union located in Pennsylvania.
12	August 3, 2010	A wire transfer payment of approximately \$2,500 from a branch of Western Union in Massachusetts to a branch of Western Union located in Pennsylvania.
13	November 19, 2010	A wire transfer payment of approximately \$1,340 from a branch of Western Union in Florida to a branch of Western Union located in the Eastern District of Pennsylvania.
14	November 24, 2010	A wire transfer payment of approximately \$2,980 from a branch of Western Union in Florida to a branch of Western Union located in Pennsylvania.
15	December 3, 2010	A wire transfer payment of approximately \$1,340 from a branch of Western Union in Tennessee to a branch of Western Union located in Pennsylvania.
16	July 27, 2011	A wire transfer payment of approximately \$1,125 from a branch of Western Union in Oregon to a branch of Western Union located in Pennsylvania.
17	March 8, 2012	A wire transfer payment of approximately \$1,530 from a branch of Western Union in South Carolina to a branch of Western Union located in Pennsylvania.

In violation of Title 18, United States Code, Sections 1343 and 2.

## COUNT EIGHTEEN

### THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraph 1 of Count One is realleged here.

#### **THE SCHEME**

2. From at least May 31, 2001 through at least June 6, 2001, defendant

#### **DAVID BRISTER**

devised and intended to devise, and aided and abetted the devising of a scheme to defraud D.C., and to obtain money and property by means of false and fraudulent pretenses, representations and promises.

#### **MANNER AND MEANS**

3. It was part of the scheme that defendant DAVID BRISTER and others unknown to the grand jury posted an advertisement on the Internet for vacation rental property located in San Diego, California, which did not exist.

4. When an individual living in Arizona, D.C., responded to the advertisement and asked about the vacation rental, a person using the email address of "heidimartin@bluemail.org" told D.C. that defendant DAVID BRISTER owned the property and would rent it for \$50 per night.

5. When D.C. indicated that he wanted to rent the property for three nights, from June 3, 2011 until June 6, 2011, he was told that the total rental price would be \$150, but he would have to provide a security deposit of \$200. D.C. was instructed to wire half of the rental fee plus the security deposit, for a total of \$275, to defendant DAVID BRISTER in Philadelphia, via Western Union, in order to hold the reservation for the rental.

6. D.C. made the wire transfer to defendant DAVID BRISTER on or about June 2, 2011, and went to the address listed for the vacation rental only to discover that the property did not exist. Defendant BRISTER accepted the wire transfer of funds from D.C.

7. On or about June 2, 2011, in Philadelphia, in the Eastern District of Pennsylvania defendant

**DAVID BRISTER,**

for the purpose of executing the scheme described above, and aiding and abetting its execution, knowingly caused to be transmitted by means of wire communication in interstate commerce a Western Union transfer of approximately \$275 from Arizona to Pennsylvania.

In violation of Title 18, United States Code, Sections 1343 and 2.

**COUNT NINETEEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about July 27, 2011, in the Eastern District of Pennsylvania, and elsewhere, defendant

**DAVID BRISTER**

knowingly transmitted, presented, and caused to be transmitted and presented, and aided and abetted the transmittal and presentation of postal money order number 18723345976, dated June 21, 2011, in the approximate amount of \$900.35, with the intent to defraud J.T., knowing such postal money order to contain material alterations unlawfully made.

In violation of Title 18, United States Code, Sections 500 and 2.

**COUNT TWENTY**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about July 27, 2011, in the Eastern District of Pennsylvania, and elsewhere, defendant

**DAVID BRISTER**

knowingly transmitted, presented, and caused to be transmitted and presented, and aided and abetted the transmittal and presentation of postal money order number 18723345977, dated June 21, 2011, in the approximate amount of \$900.35, with the intent to defraud J.T., knowing such postal money order to contain material alterations unlawfully made.

In violation of Title 18, United States Code, Sections 500 and 2.

**COUNT TWENTY-ONE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about January 8, 2010, in the Eastern District of Pennsylvania, and elsewhere, defendant

**DAVID BRISTER,**

with intent to deceive, knowingly made, uttered, and possessed, and aided and abetted the making, uttering, and possessing of, a forged and counterfeit security of an organization operating in and affecting interstate commerce, that is, a forged and counterfeit cashier's check of Citizens Bank, dated January 5, 2010, Check Number 31225692, made payable to R.M., in the approximate amount of \$3,420.

In violation of Title 18, United States Code, Sections 513(a) and 2.

**COUNT TWENTY-TWO**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about January 11, 2010, in the Eastern District of Pennsylvania, and elsewhere, defendant

**DAVID BRISTER,**

with intent to deceive, knowingly made, uttered, and possessed, and aided and abetted the making, uttering, and possessing of, a forged and counterfeit security of an organization operating in and affecting interstate commerce, that is, a forged and counterfeit cashier's check of Citizens Bank, dated January 5, 2010, Check Number 31225680, made payable to W.B., in the approximate amount of \$3,420.

In violation of Title 18, United States Code, Sections 513(a) and 2.



**COUNT TWENTY-THREE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about June 25, 2010, in the Eastern District of Pennsylvania, and elsewhere, defendant

**DAVID BRISTER,**

with intent to deceive, knowingly made, uttered, and possessed, and aided and abetted the making, uttering, and possessing of, a forged and counterfeit security of an organization operating in and affecting interstate commerce, that is, a forged and counterfeit check of a business known to the grand jury as Etalos, Inc., Check Number 9090, made payable to D.B., in the approximate amount of \$3,850.

In violation of Title 18, United States Code, Sections 513(a) and 2.

**COUNT TWENTY-FOUR**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about July 29, 2010, in the Eastern District of Pennsylvania, and elsewhere, defendant

**DAVID BRISTER,**

with intent to deceive, knowingly made, uttered, and possessed, and aided and abetted the making, uttering, and possessing of, a forged and counterfeit security of an organization operating in and affecting interstate commerce, that is, a forged and counterfeit check of a business known to the grand jury as Econocaribe Consolidators, Inc., Check Number 9087, made payable to S.R., in the approximate amount of \$4,850.

In violation of Title 18, United States Code, Sections 513(a) and 2.

## **NOTICE OF FORFEITURE**

1. As a result of the violations of Title 18, United States Code, Sections 1341 and 1343, described in Counts Two through Eighteen of this indictment, defendant

### **DAVID BRISTER**

shall forfeit to the United States of America, any property, real or personal, which constitutes or is derived from proceeds traceable to any offense constituting “specified unlawful activity,” that is, mail fraud and wire fraud, including, but not limited to the following:

- (a) The sum of \$98,538 in United States currency (forfeiture money judgment).

2. If any of the property subject to forfeiture, 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; it is the intent of the United States, pursuant to Title 28, United States Code, Section 2461(c), 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).

**A TRUE BILL:**

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**GRAND JURY FOREPERSON**

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**ZANE DAVID MEMEGER**  
United States Attorney