

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

FILED IN OPEN COURT
10-11-18
CLERK, U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE, FLORIDA

UNITED STATES OF AMERICA

v.

CASE NO. 3:18-cr-185-J-20MER
Cts. 1-5: 18 U.S.C. § 1343

LEPOLEON SPIKES

INDICTMENT

The Grand Jury charges:

COUNTS ONE - THREE
(WIRE FRAUD)

A. Introduction

At all times material to this Indictment:

1. The Federal Emergency Management Agency ("FEMA") was an agency of the United States within the Department of Homeland Security. FEMA's responsibilities included, among other things, providing disaster assistance to individuals in an area declared a major disaster.
2. On or about July 3, 2012, the President of the United States of America declared that a major disaster existed in Florida due to Tropical Storm Debby. As a result of that presidential declaration, people in areas affected by Tropical Storm Debby were eligible to apply for disaster assistance from FEMA.

3. On or about October 8, 2016, the President of the United States of America declared that a major disaster existed in Florida due to Hurricane Matthew. As a result of that presidential declaration, people in areas affected by Hurricane Matthew were eligible to apply for disaster assistance from FEMA.

4. On or about September 10, 2017, the President of the United States of America declared that a major disaster existed in Florida due to Hurricane Irma. As a result of that presidential declaration, people in areas affected by Hurricane Irma were eligible to apply for disaster assistance from FEMA.

5. FEMA offered different types of disaster assistance to people in the areas affected by Tropical Storm Debby, Hurricane Matthew, and Hurricane Irma, including through the Individuals and Households Program ("IHP"). The IHP provided financial assistance and direct services to eligible persons.

6. Financial Housing Assistance was one component of the IHP. Financial Housing Assistance provided money, up to a program maximum, to eligible beneficiaries who lacked the means to meet serious needs, including

housing-related expenses such as rent and lodging, home repair costs, and home replacement costs.

7. To be eligible for Financial Housing Assistance, an applicant, among other things, had to incur losses in a presidentially declared disaster area, and the applicant's affected home had to be where the applicant usually lived and where the applicant was living at the time of the major disaster (referred to herein as the "primary residence").

8. FEMA also provided Critical Needs Assistance under the IHP. Critical Needs Assistance consisted of financial assistance to individuals and households who, as a result of a major disaster, had immediate or critical needs because they were displaced from their primary residence. Immediate or critical needs included life-saving and life-sustaining items such as water, food, first aid, prescriptions, infant formula, diapers, consumable medical supplies, durable medical equipment, personal hygiene items, and fuel for transportation. Critical Needs Assistance consisted of a one-time \$500 payment from FEMA to eligible households.

9. To make Critical Needs Assistance available to a particular area, the State had to request that FEMA authorize Critical Needs Assistance in a major disaster for specific geographic areas that were expected to be

inaccessible for an extended period of time (that is, seven days or longer). The eligibility period for Critical Needs Assistance corresponded to the standard registration period for the IHP, which was 60 days from the date of the President's Major Disaster Declaration.

10. To be eligible for Critical Needs Assistance, an applicant, among other things, had to have critical needs and require financial assistance for those needs and expenses; the applicant's pre-disaster primary residence had to be located in a county that was designated for Critical Needs Assistance; and the applicant had to be displaced from their pre-disaster primary residence as a result of the major disaster.

B. The Scheme and Artifice

From on or about July 6, 2012, and continuing through on or about October 25, 2013, in the Middle District of Florida, and elsewhere, the defendant,

LEPOLEON SPIKES,

did knowingly, willfully, and with intent to defraud, devise, and intend to devise, a scheme and artifice to defraud and for obtaining money and property by means of materially false and fraudulent pretenses, representations and promises, the substance of which scheme and artifice is described below.

C. Manner and Means

The substance of the scheme and artifice, and the manner and means used to accomplish its ends, included, among other things, the following:

11. It was part of the scheme and artifice that LEPOLEON SPIKES would and did unlawfully execute a scheme and artifice to defraud FEMA out of money, funds, assets and property belonging to the United States and FEMA by submitting to FEMA materially false, fictitious, and fraudulent claims for disaster assistance.

12. It was a further part of the scheme and artifice that LEPOLEON SPIKES would and did submit an application to FEMA for IHP for Financial Housing Assistance and/or Critical Needs Assistance in which the defendant falsely claimed to have needed rental assistance due to damage sustained at 8146 Maple Street, Jacksonville, Florida due to Tropical Storm Debby.

13. It was a further part of the scheme and artifice that LEPOLEON SPIKES would and did submit an application to FEMA for IHP for Financial Housing Assistance and/or Critical Needs Assistance in which the defendant provided a fraudulent lease agreement for 8317 Morning Glory, Jacksonville, Florida in support of his application and falsely claimed to have needed rental assistance, transient accommodations, and/or that he sustained personal

property loss, due to damage sustained at 8146 Maple Street, Jacksonville, Florida due to Tropical Storm Debby.

14. It was a further part of the scheme and artifice that LEPOLEON SPIKES would and did submit an application to FEMA for IHP for Financial Housing Assistance and/or Critical Needs Assistance in which the defendant provided a fraudulent lease agreement for 2600 Orchard Street, #1, Jacksonville, Florida in support of his application and falsely claimed to have needed rental assistance, transient accommodations, and/or that he sustained personal property loss, due to damage sustained at 2600 Orchard Street, #1, Jacksonville, Florida, due to Hurricane Matthew.

15. It was a further part of the scheme and artifice that LEPOLEON SPIKES would and did submit an application to FEMA for IHP for Financial Housing Assistance and/or Critical Needs Assistance in which the defendant provided a fraudulent lease agreement for 13345 Pate Road West, Jacksonville, Florida in support of his application and falsely claimed to have needed rental assistance, transient accommodations, and/or that he sustained personal property loss, due to damage sustained at 2600 Orchard Street, #1, Jacksonville, Florida, due to Hurricane Matthew.

16. It was a further part of the scheme and artifice that LEPOLEON SPIKES would and did submit an application to FEMA for IHP for Financial Housing Assistance and/or Critical Needs Assistance in which the defendant falsely claimed to have needed rental assistance due to damage sustained at 10276 Magnolia Ridge, Jacksonville, Florida, due to Hurricane Irma.

17. It was a further part of the scheme and artifice that LEPOLEON SPIKES would and did submit an application to FEMA for IHP for Financial Housing Assistance and/or Critical Needs Assistance in which the defendant provided a fraudulent lease agreement for 5368 Shirley Avenue, Jacksonville, Florida in support of his application and falsely claimed to have needed rental assistance, transient accommodations, and/or that he sustained personal property loss, due to damage sustained at 10276 Magnolia Ridge, Jacksonville, Florida, due to Hurricane Irma.

18. It was a further part of the scheme and artifice that FEMA would and did rely on those material misrepresentations and sent by interstate wire, payments to LEPOLEON SPIKES for rental assistance, lodging expense, reimbursement, home repair assistance, home replacement assistance, and/or critical needs assistance for Tropical Storm Debby, Hurricane Matthew, and/or Hurricane Irma-related needs.

19. It was a further part of the scheme and artifice that LEPOLEON SPIKES would and did perform acts and make statements to hide and conceal, and cause to be hidden and concealed, the purpose of the scheme and artifice to defraud and the acts committed in furtherance thereof.

D. Wire

On or about the dates set forth below, in the Middle District of Florida, and elsewhere, the defendant,

LEPOLEON SPIKES,

for the purpose of executing the aforesaid scheme and artifice to defraud and for obtaining money and property by means of materially false and fraudulent pretenses, representations and promises, did knowingly, and with intent to defraud, transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, the following writings, signs, signals, pictures, and sounds:

Count	Date	Wire
1	October 25, 2013	\$1,509.00 disbursement of disaster assistance related to Tropical Storm Debby.
2	October 25, 2013	\$538.00 disbursement of disaster assistance related to Tropical Storm Debby.
3	October 25, 2013	\$82.00 disbursement of disaster assistance related to Tropical Storm Debby.

All in violation of 18 U.S.C. § 1343.

COUNT FOUR
(WIRE FRAUD)

A. Introduction

Part A of Count One of this Indictment, Introduction, is realleged and incorporated by reference, as if fully set forth herein.

B. The Scheme and Artifice

From on or about October 27, 2016, and continuing through on or about March 24, 2017, in the Middle District of Florida, and elsewhere, the defendant,

LEPOLEON SPIKES,

did knowingly, willfully, and with intent to defraud, devise, and intend to devise, a scheme and artifice to defraud and for obtaining money and property by means of materially false and fraudulent pretenses, representations and promises, the substance of which scheme and artifice is described below.

C. Manner and Means

Part C of Count One of this Indictment, Manner and Means, is realleged and incorporated by reference, as if fully set forth herein.

D. Wire

On or about the date set forth below, in the Middle District of Florida,
and elsewhere, the defendant,

LEPOLEON SPIKES,

for the purpose of executing the aforesaid scheme and artifice to defraud and
for obtaining money and property by means of materially false and fraudulent
pretenses, representations and promises, did knowingly, and with intent to
defraud, transmit and cause to be transmitted by means of wire, radio, and
television communication in interstate and foreign commerce, the following
writings, signs, signals, pictures, and sounds:

Count	Date	Wire
4	November 14, 2016	\$4,053.49 disbursement of disaster assistance related to Hurricane Matthew.

All in violation of 18 U.S.C. § 1343.

COUNT FIVE
(WIRE FRAUD)

A. Introduction

Part A of Count One of this Indictment, Introduction, is realleged and
incorporated by reference, as if fully set forth herein.

B. The Scheme and Artifice

From on or about September 25, 2017, and continuing through on or about April 12, 2018, in the Middle District of Florida, and elsewhere, the defendant,

LEPOLEON SPIKES,

did knowingly, willfully, and with intent to defraud, devise, and intend to devise, a scheme and artifice to defraud and for obtaining money and property by means of materially false and fraudulent pretenses, representations and promises, the substance of which scheme and artifice is described below.

C. Manner and Means

Part C of Count One of this Indictment, Manner and Means, is realleged and incorporated by reference, as if fully set forth herein.

D. Wire

On or about the date set forth below, in the Middle District of Florida, and elsewhere, the defendant,

LEPOLEON SPIKES,

for the purpose of executing the aforesaid scheme and artifice to defraud and for obtaining money and property by means of materially false and fraudulent pretenses, representations and promises, did knowingly, and with intent to

defraud, transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, the following writings, signs, signals, pictures, and sounds:

Count	Date	Wire
5	November 2, 2017	\$12,279.70 disbursement of disaster assistance related to Hurricane Irma.

All in violation of 18 U.S.C. § 1343.

FORFEITURE

1. The allegations contained in Counts One through Five are incorporated by reference for the purpose of alleging forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c).

2. Upon conviction of a violation of 18 U.S.C. § 1343, the defendant shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the violation.


3. The property to be forfeited includes, but is not limited to, the sum of at least \$57,689.19, which represents the proceeds of the offense.

4. If any of the property 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;

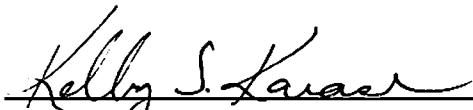
the United States shall be entitled to forfeiture of substitute property under the provisions of 21 U.S.C. § 853(p), as incorporated by 28 U.S.C. § 2461(c).

A TRUE BILL,


Foreperson

MARIA CHAPA LOPEZ
United States Attorney

By: 
Kevin C. Frein
Assistant United States Attorney

By: 
Kelly Karase
Assistant United States Attorney
Deputy Chief, Jacksonville Division

UNITED STATES DISTRICT COURT
Middle District of Florida
Jacksonville Division

THE UNITED STATES OF AMERICA

vs.

LEPOLEON SPIKES

INDICTMENT

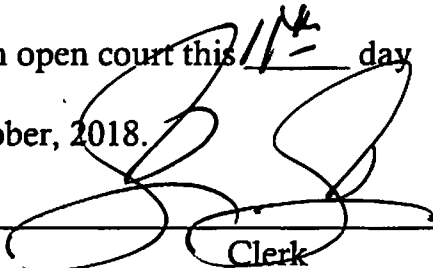
Violations: 18 U.S.C. § 1343

A true bill,



Foreperson

Filed in open court this 11th day
of October, 2018.



Clerk

Bail \$ _____
