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2021R00169/JRE

**UNITED STATES DISTRICT COURT RECEIVED IN THE CHAMBERS OF
DISTRICT OF NEW JERSEY**

FEB 21 2023

UNITED STATES OF AMERICA

Hon. ~~HON CATHY L WALDOR~~
Evelyn Padin

v.

Crim. No. 23- 137 (EP)

ASMAR EARP

18 U.S.C. § 1343
18 U.S.C. § 1028A(a)(1)
18 U.S.C. § 2

INDICTMENT

The Grand Jury in and for the District of New Jersey, sitting at Newark,
charges as follows:

COUNTS ONE and TWO
(Wire Fraud)

Background

1. At various times relevant to this Indictment:

a. Defendant Asmar Earp ("EARP") was in a romantic relationship with V.W., with whom he shared a residence in Newark, New Jersey (the "Residence").

b. The Social Security Administration ("SSA") administers a program called Supplemental Security Income ("SSI"), which makes monthly payments to people who have low income, few resources, and are either 65 years old or older, blind, or disabled.

c. In or around September 2016, V.W. applied for SSI benefits from the SSA on behalf of her minor son ("Victim-1"), whom the SSA determined was eligible to receive such benefits pursuant to the criteria listed above. In connection with the application, V.W. provided the SSA with information about

herself including her name, address, phone number, date of birth, and social security number (“SSN”).

d. SSI benefits are distributed to the beneficiary in monthly payments (the “SSI Payments”). The SSA administers SSI Payments through a program called Direct Express, whereby a prepaid debit card (the “Debit Card”) is issued by a commercial bank and funded and refilled monthly by the United States Treasury. Once issued, the Debit Card can be used to make retail purchases and withdraw cash at automated teller machines (“ATMs”).

e. On or about May 5, 2017, V.W. was appointed by the SSA as Victim-1’s Representative Payee because the SSA determined that Victim-1, a minor, was not capable of managing the SSI benefits on his own. Thereafter, V.W. was advised that she would receive all SSI Payments on a Debit Card issued in V.W.’s name at the Residence. That Debit Card was issued on May 2, 2017. A replacement Debit Card was issued on December 3, 2017 (the “Second Debit Card”).

f. On or about December 24, 2017, V.W. went missing and her whereabouts have remained unknown through at least in or around February 2023.

g. The SSA administered monthly SSI Payments to V.W. as the Representative Payee of Victim-1 until on or about February 28, 2020.

The Scheme to Defraud

2. From on or about December 30, 2017 through on or about February 28, 2020, in Essex County, in the District of New Jersey, and elsewhere, the defendant,

ASMAR EARP,

did knowingly and intentionally devise, and intend to devise, a scheme and artifice to defraud, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, as set forth below.

Goal of the Scheme to Defraud

3. The goal of the scheme was for EARP to enrich himself by fraudulently obtaining SSI Payments that were payable to V.W. as Victim-1's Representative Payee and intended exclusively for Victim-1's benefit.

Manner and Means of the Scheme to Defraud

4. It was part of the scheme to defraud that:
- a. On or about December 30, 2017, EARP gained access to the Second Debit Card and changed the personal identification number ("PIN number") associated with the Second Debit Card. Thereafter, on several occasions, EARP, and others acting at EARP's direction, withdrew SSI Payments intended exclusively for Victim-1 from the Second Debit Card in and around New Jersey.
 - b. On or about March 5, 2018, EARP called Direct Express Debit Card Services ("Customer Service") and fraudulently identified himself as V.W.

After providing V.W.'s name, phone number, address, date of birth, and SSN, EARP requested that a replacement for the Second Debit Card (the "Third Debit Card") be sent to the Residence. Thereafter, on several occasions, EARP, and others acting at EARP's direction, withdrew SSI Payments intended exclusively for Victim-1 from the Third Debit Card in and around New Jersey.

c. On or about April 27, 2018, EARP called Customer Service and fraudulently identified himself as V.W. After providing V.W.'s name, phone number, address, date of birth, and SSN, EARP requested that a replacement for the Third Debit Card (the "Fourth Debit Card") be sent to the Residence. Thereafter, on several occasions, EARP, and others acting at EARP's direction, withdrew SSI Payments intended exclusively for Victim-1 from the Fourth Debit Card in and around New Jersey and Ohio.

d. In total, EARP caused the SSA to pay EARP, and others acting at his direction, approximately \$19,797 in SSI Payments that were payable to V.W. as Victim-1's Representative Payee and intended exclusively for Victim-1's benefit.

5. On or about the dates set forth below, for the purpose of executing and attempting to execute the scheme and artifice to defraud, in the District of New Jersey, and elsewhere, the defendant,

ASMAR EARP,

knowingly transmitted and caused to be transmitted by means of wire communication in interstate and foreign commerce, the following writings, signs,

signals, pictures, and sounds, each constituting a separate count of this Indictment:

Count	Approximate Date	Description
ONE	March 5, 2018	Interstate wire, namely a telephone call from a location in New Jersey to a location in Pennsylvania, to fraudulently obtain the Third Debit Card
TWO	April 27, 2018	Interstate wire, namely a telephone call from a location in New Jersey to a location in Pennsylvania, to fraudulently obtain the Fourth Debit Card

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

COUNTS THREE and FOUR
(Aggravated Identity Theft)

6. The allegations in paragraphs 1, 3 and 4 of this Indictment are realleged here.

7. On or about the dates set forth below, in Essex County, in the District of New Jersey, and elsewhere, the defendant,

ASMAR EARP,

knowingly transferred, possessed, and used, without lawful authority, a means of identification of another person, namely, the name, date of birth, and social security number of V.W., during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), that is, wire fraud, in violation of Title 18, United States Code, Section 1343, as charged in the related Counts of this Indictment set forth below, knowing that the means of identification belonged to another actual person:

Count	Approximate Date	Related Count
THREE	March 5, 2018	Count One
FOUR	April 27, 2018	Count Two

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

FORFEITURE ALLEGATIONS AS TO COUNTS ONE AND TWO

1. Upon conviction of the offenses charged in Counts One and Two of this Indictment, the government will seek forfeiture from defendant EARP, in accordance with Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 981(a)(1)(C), of any and all property, real or personal, that constitutes or is derived from proceeds traceable to the violations of Title 18, United States Code, Section 1343.

SUBSTITUTE ASSET PROVISIONS

2. If by any act or omission of defendant EARP any of the property subject to forfeiture herein:

- 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, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of defendant EARP up to the value of the property described in this forfeiture allegation.

A TRUE BILL



FOREPERSON

Philip R. Sellinger
PHILIP R. SELLINGER
United States Attorney

CASE NUMBER: 23 -137 (EP)

**United States District Court
District of New Jersey**

UNITED STATES OF AMERICA

v.

ASMAR EARP

INDICTMENT FOR

**18 U.S.C. § 1343
18 U.S.C. § 1028A(a)(1)
18 U.S.C. § 2**

A True Bill.

Foreperson

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FOR THE DISTRICT OF NEW JERSEY

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