

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon.
 :
 v. : Crim. No. 22-
 :
 ALIQUE JORDAN CLARKE : 18 U.S.C. § 1349
 : 18 U.S.C. § 371

INFORMATION

The defendant having waived in open court prosecution by Indictment, the United States Attorney for the District of New Jersey charges:

COUNT ONE
(Conspiracy to Commit Bank Fraud)

Background

1. At all times relevant to this Information:
 - a. Defendant Alique Jordan Clarke (“CLARKE”) was a resident of Bronx, New York.
 - b. Victim 1 was a resident of Towaco, New Jersey.
 - c. Victim 2 was a resident of Towaco, New Jersey.
 - d. Bank 1, Bank 2, Bank 3, Bank 4, and other victim banks (collectively, the “Victim Banks”) were “financial institutions” whose deposits were insured by the Federal Deposit Insurance Corporation or whose accounts were insured by the National Credit Union Share Insurance Fund.
 - e. Accountholder 1 was a resident of Bronx, New York, and held an account at Bank 2.
 - f. Accountholder 2 was a resident of Stone Mountain, Georgia, and held an account at Bank 4.

The Conspiracy

2. From at least in or about February 2020 through at least in or about November 2020, in the District of New Jersey and elsewhere, defendant

ALIQUE JORDAN CLARKE

knowingly and intentionally conspired and agreed with others to execute a scheme and artifice to defraud financial institutions, as defined in Title 18, United States Code, Section 20, namely, the Victim Banks, whose deposits were insured by the Federal Deposit Insurance Corporation or whose accounts were insured by the National Credit Union Share Insurance Fund, and to obtain money, funds, assets, and other property owned by and under the custody and control of those financial institutions, by means of materially false and fraudulent pretenses, representations, and promises, contrary to Title 18, United States Code, Section 1344.

Goal of the Conspiracy

3. The goal of the conspiracy was for CLARKE and others (his “Co-Conspirators”) to enrich themselves and others by using stolen checks to obtain money from the Victim Banks.

Manner and Means of the Conspiracy

4. It was part of the conspiracy that:

a. From at least in or about February 2020 through in or about November 2020, CLARKE and his Co-Conspirators stole mail from mailboxes located in Morris, Essex, Somerset, and Passaic Counties, New Jersey, among other locations.

b. After stealing the mail, CLARKE and his Co-Conspirators identified the pieces of mail that contained checks, which they altered by modifying the payee and payment amount. They then deposited the altered and fraudulent checks into accounts controlled by CLARKE and/or his Co-Conspirators and fraudulently transferred or withdrew money from those accounts, leaving the Victim Banks to bear the losses of the scheme.

c. For example, on or about March 30, 2020, CLARKE and his Co-Conspirators stole a check from the curbside mailbox in front of Victim 1's residence in Towaco, New Jersey. The original check had been issued by Victim 1 from an account at Bank 1. CLARKE and his Co-Conspirators then altered the check stolen from Victim 1 by changing, among other items, the name of the payee. On or about March 30, 2020, CLARKE and his Co-Conspirators deposited via automated teller machine ("ATM") the stolen and altered check into the account of Accountholder 1 at Bank 2. Following the deposit of Victim 1's stolen and altered check, CLARKE and his Co-Conspirators made ATM cash withdrawals from the account of Accountholder 1 at Bank 2.

d. Over the course of the conspiracy, the Victim Banks suffered total losses in excess of \$550,000.

All in violation of Title 18, United States Code, Section 1349.

COUNT TWO
(Conspiracy to Receive and Possess Stolen Mail)

1. The allegations in paragraphs 1, 3 and 4 of Count One of this Information are re-alleged here.

2. From at least in or about February 2020 through at least in or about November 2020, in the District of New Jersey and elsewhere, defendant

ALIQUE JORDAN CLARKE

knowingly and intentionally conspired and agreed with others to buy, receive, conceal, and unlawfully have in his possession, any letter, postal card, package, bag, and mail, and any article and thing contained therein, which has been so stolen, taken, embezzled, and abstracted, as herein described, knowing the same to have been stolen, taken, embezzled, and abstracted, contrary to Title 18, United States Code, Section 1708.

3. As part of the conspiracy, CLARKE and his Co-Conspirators received and possessed mail stolen from mailboxes located in Morris, Essex, Somerset, and Passaic Counties, New Jersey, among other locations.

Overt Acts

4. In furtherance of the conspiracy and to effect the illegal objects of the conspiracy, the following overt acts, among others, were committed in the District of New Jersey and elsewhere.

a. On or about March 30, 2020, CLARKE and his Co-Conspirators received and possessed mail containing a check stolen from the curbside mailbox in front of Victim 2's residence in Towaco, New Jersey. The original check had been issued by Victim 2 from an account at Bank 3.

b. CLARKE and his Co-Conspirators then altered the check stolen from Victim 2 by changing, among other items, the name of the payee.

c. On or about June 30, 2020, CLARKE and his Co-Conspirators deposited via ATM the stolen and altered check into the account of Accountholder 2 at Bank 4. Following the deposit of Victim 2's stolen and altered check, CLARKE and his Co-Conspirators made ATM cash withdrawals from the account of Accountholder 2 at Bank 4.

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

FORFEITURE ALLEGATION AS TO COUNT ONE

1. As a result of committing the offenses charged in Count One of this Information, defendant ALIQUE JORDAN CLARKE shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(2)(A), any property, real or personal, constituting, or derived from, proceeds obtained directly or indirectly as a result of the offenses charged in Count One of this Information.

FORFEITURE ALLEGATION AS TO COUNT TWO


2. As a result of committing the offenses charged in Count Two of this Information, defendant ALIQUE JORDAN CLARKE 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 property, real or personal, constituting or derived from proceeds traceable to the offenses alleged in Count Two of this Information.

Substitute Assets Provision
(Applicable to All Forfeiture Allegations)

3. 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,

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1) and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of such defendant up to the value of the forfeitable property described in paragraphs 1 and 2.


PHILIP R. SELLINGER
United States Attorney

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INFORMATION FOR

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