

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA :
:
- v. - :
:
MARCOS ELIAS, :
:
Defendant. :
:
----- -X

SEALED INDICTMENT

18 Cr.

18 CRIM 419

COUNT ONE

(Conspiracy to Commit Wire Fraud)

The Grand Jury charges:

1. From at least in or about 2014 up to and including at least in or about July 2015, in the Southern District of New York and elsewhere, MARCOS ELIAS, the defendant, and others known and unknown, willfully and knowingly, did combine, conspire, confederate, and agree together and with each other to commit wire fraud, in violation of Title 18, United States Code, Section 1343.

2. It was a part and object of the conspiracy that MARCOS ELIAS, the defendant, and others known and unknown, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, would and did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate

and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, and by such conduct, would and did affect a financial institution, in violation of Title 18, United States Code, Section 1343, to wit, ELIAS engaged in a scheme together with others to fraudulently obtain more than approximately \$750,000 in accounts at financial institutions by means of false and fraudulent pretenses and representations transmitted through email using the Internet.

(Title 18, United States Code, Section 1349.)

COUNT TWO

(Wire Fraud)

The Grand Jury further charges:

3. From at least in or about 2014 up to and including at least in or about July 2015, in the Southern District of New York and elsewhere, MARCOS ELIAS, the defendant, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds, for the purpose of executing such scheme and artifice, and by such conduct, did affect a financial institution, to wit,

ELIAS engaged in a scheme to fraudulently obtain more than approximately \$750,000 in accounts at financial institutions by means of false and fraudulent pretenses and representations transmitted through email using the Internet.

(Title 18, United States Code, Sections 1343 and 2.)

COUNT THREE

(Receipt of Stolen Money)

The Grand Jury further charges:

4. In or about July 2014, in the Southern District of New York and elsewhere, MARCOS ELIAS, the defendant, knowingly received, possessed, concealed, stored, bartered, sold, and disposed of goods, wares, merchandise, securities, and money, of the value of \$5,000 and more, which had crossed a state boundary after being stolen, unlawfully converted, and taken, knowing the same to have been stolen, unlawfully converted, and taken, to wit, ELIAS received more than approximately \$750,000 in fraud proceeds from an account at a financial institution headquartered in New York, New York which were transferred to a bank account owned by ELIAS in Luxembourg.

(Title 18, United States Code, Sections 2315 and 2.)

COUNT FOUR

(Aggravated Identity Theft)

The Grand Jury further charges:

5. From at least in or about 2014 up to and including at least in or about July 2015, MARCOS ELIAS, the defendant, knowingly did transfer, possess, and use, without lawful authority, a means of identification of another person, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), to wit, ELIAS used the name of another person ("Individual-1") to fraudulently obtain more than \$750,000 in an account at a financial institution during and in relation to the wire fraud offenses charged in Counts One and Two of this Indictment.

(Title 18, United States Code, Sections 1028A(a)(1) and (b), and 2.)

COUNT FIVE

(Aggravated Identity Theft)

The Grand Jury further charges:

6. From at least in or about 2014 up to and including at least in or about July 2015, MARCOS ELIAS, the defendant, knowingly did transfer, possess, and use, without lawful authority, a means of identification of another person, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), to wit, ELIAS used the name and purported passport of another person ("Individual-2")

to attempt to fraudulently obtain money during and in relation to the wire fraud offenses charged in Counts One and Two of this Indictment.

(Title 18, United States Code, Sections 1028A(a)(1) and (b), and 2.)

FORFEITURE ALLEGATION

7. As the result of committing the offenses charged in Counts One, Two and Three of this Indictment, MARCOS ELIAS, the defendant, 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 property, real or personal, which constitutes or is derived from proceeds traceable to the commission of said offenses, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses that the defendant personally obtained.

Substitute Assets Provision

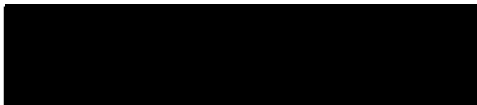
8. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- 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), to seek forfeiture of any
other property of the defendant up to the value of the forfeitable
property described above.

(Title 18, United States Code, Section 981;
Title 21, United States Code, Section 853; and
Title 28, United States Code, Section 2461.)



Foreperson

Geoffrey Berman

GEOFFREY S. BERMAN TH
United States Attorney

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SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

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MARCOS ELIAS,

Defendant.

INDICTMENT

18 Cr.

(18 U.S.C. §§ 1028A, 1343, 1349, 2315,
and 2.)

GEOFFREY S. BERMAN

United States Attorney


Foreperson
