

ORIGINAL

FILED IN OPEN COURT
U.S.D.C. Atlanta

SEP 08 2015

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JAMES N. HATTEN, Clerk
By:  Deputy Clerk

UNITED STATES OF AMERICA

v.

TONY ARCHIE,
HENDY TIRTAWIJAYA,
ALIAKSEI KHARSEYEU,
ALFREDO CAPOTE,
TRUSHAR PATEL,
AND ANTHONY DANIELS

Criminal Indictment

No. 1 : 15 - CR - 338

THE GRAND JURY CHARGES THAT:

**Count One
(Wire Fraud Conspiracy)**

1. On a date unknown to the Grand Jury but at least by on or about October 5, 2010, and continuing until at least on or about August 26, 2014, in the Northern District of Georgia and elsewhere, the defendants,

TONY ARCHIE,
HENDY TIRTAWIJAYA,
ALIAKSEI KHARSEYEU,
ALFREDO CAPOTE,
TRUSHAR PATEL, and
ANTHONY DANIELS

did knowingly and willfully combine, conspire, confederate, agree, and have a tacit understanding with each other and with others known and unknown to the Grand Jury to 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 and representations, and by omission of material facts, well knowing and having reason to know that said pretenses and representations were and would be false and fraudulent when made and caused to be made and that said omissions were and would be material, and, in so doing, caused interstate wire communications to be made in furtherance of the scheme and artifice to defraud, in violation of Title 18, United States Code, Section 1343.

Overview of the Scheme and Artifice to Defraud

2. The defendants, TONY ARCHIE, HENDY TIRTAWIJAYA, ALIAKSEI KHARSEYEU, ALFREDO CAPOTE, TRUSHAR PATEL, and ANTHONY DANIELS engaged in a scheme and artifice to defraud cellular device providers T-Mobile USA, Inc. (“T-Mobile”), Sprint Corporation, Verizon Communications, Inc. (“Verizon”), AT&T Inc., and Apple Inc., whereby the defendants stole and fraudulently obtained cellular devices and resold them to other entities and individuals in the United States and overseas.

Background on Cellular Devices

3. Cellular device providers offer promotions through which a cellular device may be acquired at a discounted rate or under terms that permit deferring all or a portion of the cost of a cellular device until a later date. These promotions reduce the up-front costs of acquiring a cellular device. In general, to avail oneself of these promotions, a customer must submit personally identifying information to the cellular device provider.

Personally identifying information is typically used to establish a cellular service subscription.

4. Asurion Protection Services, LLC (“Asurion”) provides cellular device insurance policies that insure individuals against lost, stolen, and damaged cellular devices. An insurance policy may be purchased when a new cellular device is acquired from a cellular device provider. Asurion permits insured individuals to file claims regarding lost, stolen, and damaged cellular devices via telephone, fax and Internet website. In some circumstances, if the claim is covered by the insurance policy, Asurion supplies a new cellular device to the individual.

Manner and Means of the Conspiracy

5. TONY ARCHIE, from at least on or about October 5, 2010, until on or about August 21, 2012, managed the day-to-day operations of Ace Wholesale’s Atlanta, Georgia store and used that business to acquire and resell stolen and fraudulently obtained cellular devices. ARCHIE and others known and unknown to the Grand Jury would purchase stolen and fraudulently obtained cellular devices from sellers, including HENDY TIRTAWIJAYA, ALIAKSEI KHARSEYEU, ALFREDO CAPOTE, and TRUSHAR PATEL.

6. By at least on or about September 11, 2012, TONY ARCHIE and others known and unknown to the Grand Jury opened Westside Wireless, Inc., in Atlanta, Georgia. From at least on or about September 11, 2012, going forward, through Westside Wireless, ARCHIE and others known and unknown to the Grand Jury sold stolen and

fraudulently obtained cellular devices that were purchased from sellers, including ALFREDO CAPOTE and TRUSHAR PATEL.

7. HENDY TIRTAWIJAYA owned and operated Worldwide Wireless Trade, Inc. in Atlanta, Georgia. Through Worldwide Wireless Trade and individually, TIRTAWIJAYA acquired and sold stolen and fraudulently obtained cellular devices to Ace Wholesale.

8. ALIAKSEI KHARSEYEU owned and operated Best Match Sales, Inc. in Atlanta, Georgia. Through Best Match Sales and individually, KHARSEYEU acquired and sold stolen and fraudulently obtained cellular devices to Ace Wholesale.

9. ALFREDO CAPOTE owned and operated Brilliant Mind Brothers Entertainment, L.L.C. Through Brilliant Mind Brothers Entertainment and individually, CAPOTE acquired and sold stolen and fraudulently obtained cellular devices to Ace Wholesale and Westside Wireless.

10. From on or about June 28, 2011, until at least February 5, 2014, TONY ARCHIE and ALFREDO CAPOTE stole and fraudulently obtained cellular devices from AT&T and Asurion by (i) purchasing and causing to be purchased cellular devices and corresponding Asurion cellular device insurance at AT&T stores using the identities of other individuals, and (ii) reporting or causing to be reported to Asurion, via telephone, fax, and Internet, that the cellular devices had been damaged or stolen and required replacement, when in fact, the cellular devices functioned properly and had not been stolen.

11. AT&T and Asurion, relying on TONY ARCHIE's and ALFREDO CAPOTE's false and fraudulent representations that a cellular device had been damaged or stolen, shipped a new cellular device to an address supplied by the defendants. Through this fraud, two cellular devices were acquired: one from the AT&T store and the other for free from AT&T and Asurion. Any further charges associated with the two cellular devices were billed to the account of the individual whose identity was used to purchase the original cellular device.

12. From on or about December 10, 2010, until at least on or about June 11, 2012, TRUSHAR PATEL, aided and abetted by others known and unknown to the Grand Jury, created and caused to be created new corporate entities or used the name of existing corporate entities without the permission of the rightful owners to order cellular devices from cellular device providers. In doing so, PATEL, via telephone, fax, and Internet, submitted or caused to be submitted to cellular device providers orders for cellular devices on behalf of corporate entities. In some instances, PATEL provided false and fraudulent business records, including bank account statements, to the cellular device provider on behalf of a corporate entity.

13. TRUSHAR PATEL contracted for or caused contracts to be entered into for virtual office space services at locations in the Northern District of Georgia and elsewhere. These virtual office space services permitted packages to be received at the virtual office space addresses. In ordering cellular devices from cellular device

providers, PATEL provided a virtual office space service address as the address of the corporate entity ordering the cellular devices.

14. The cellular device providers, relying on TRUSHAR PATEL's false and fraudulent representations regarding the corporate entities, shipped cellular devices to the addresses provided by PATEL with the understanding that the corporate entities would pay the full amount due. Instead, the corporate entities defaulted on the payments and PATEL and HENDY TIRTAWIJAYA later sold the fraudulently obtained cellular devices to TONY ARCHIE.

15. ANTHONY DANIELS acquired and sold stolen and fraudulently obtained cellular devices to HENDY TIRTAWIJAYA.

16. ANTHONY DANIELS made and caused to be made fraudulent identification documents to be used while purchasing cellular devices from cellular device providers and retail stores. To facilitate the acquisition of fraudulently obtained cellular devices, HENDY TIRTAWIJAYA provided DANIELS with contact information for co-conspirators unknown to the Grand Jury who were seeking fraudulent identification documents. DANIELS caused false and fraudulent identification documents to be made for those co-conspirators.

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

**Counts Two through Eight
(Wire Fraud)**

17. The factual allegations contained within paragraphs 2 through 16 are realleged and incorporated herein.

18. On or about the dates set forth in the table below, in the Northern District of Georgia and elsewhere, the defendants specified in the table below, aided and abetted by each other and others unknown to the Grand Jury, for the purpose of executing and attempting to execute the scheme and artifice described above in paragraphs 2 through 16, such scheme and artifice having been devised and intended to be devised to defraud, and for the purpose of obtaining money and property by means of materially false and fraudulent pretenses, representations, and promises, as well as by omissions of material facts, knowing and having reason to know that the pretenses, representations, promises, and omissions were and would be material, caused the following wire communications to be transmitted in interstate commerce:

Count	Date	Defendant(s)	Wire Communication
2	May 16, 2012	ARCHIE, PATEL, TIRTAWIJAYA	Facsimile containing false and fraudulent bank statements for an account purportedly belonging to AZ Fabrication Inc. transmitted to Sprint.
3	April 10, 2013	ARCHIE, CAPOTE	Telephone call placed from telephone number 251-459-1968 to Asurion regarding cellular device insurance claim number 31953230 for E.W.
4	April 10, 2013	ARCHIE, CAPOTE	Telephone call placed from telephone number 251-459-1968 to Asurion regarding cellular device insurance claim number 31953089 for J.B.

Count	Date	Defendant(s)	Wire Communication
5	April 10, 2013	ARCHIE, CAPOTE	Telephone call placed from telephone number 251-459-1968 to Asurion regarding cellular device insurance claim number 31953296 for E.W.
6	April 24, 2013	ARCHIE, CAPOTE	Telephone call placed from telephone number 251-459-1968 to Asurion regarding cellular device insurance claim number 32073779 for A.F.
7	April 25, 2013	ARCHIE, CAPOTE	Telephone call placed from telephone number 251-459-1968 to Asurion regarding cellular device insurance claim number 32073705 for A.F.
8	May 8, 2013	ARCHIE, CAPOTE	Telephone call placed from telephone number 251-459-1968 to Asurion regarding cellular device insurance claim number 32181949 for D.G.

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

**Counts Nine through Seventeen
(Mail Fraud)**

19. The factual allegations contained within paragraphs 2 through 16 are realleged and incorporated herein.

20. On or about the dates set forth in the table below, in the Northern District of Georgia and elsewhere, the defendants specified in the table below, aided and abetted by each other and others unknown to the Grand Jury, for the purpose of executing and attempting to execute the scheme and artifice to defraud described above in paragraphs 2 through 16, knowingly and willfully caused to be delivered, by the Postal Service and by

private and commercial interstate carriers, one or more cellular devices with the tracking number and to the address listed in the following table:

Count	Date	Defendant(s)	Sender	Address	Tracking Number
9	Feb. 12, 2011	PATEL, TIRTAWIJAYA	T-Mobile	201 17th Street NW, Atlanta, GA	Ending in '3641
10	Feb. 13, 2011	PATEL, TIRTAWIJAYA	T-Mobile	201 17th Street NW, Atlanta, GA	Ending in '3844
11	Feb. 25, 2011	PATEL, TIRTAWIJAYA	T-Mobile	201 17th Street NW, Atlanta, GA	Ending in '8997
12	May 9, 2012	PATEL	Sprint	60 E. Rio Salado Parkway, Suite 900, Tempe, AZ	Ending in '0488
13	May 24, 2012	PATEL, TIRTAWIJAYA	Regus Management Group	857 Collier Road, Suite 14B, Atlanta, GA	Ending in '0445
14	May 31, 2012	PATEL, TIRTAWIJAYA	Regus Management Group	857 Collier Road, Suite 14B, Atlanta, GA	Ending in '3516
15	June 11, 2012	PATEL, TIRTAWIJAYA	Regus Management Group	857 Collier Road, Suite 14B, Atlanta, GA	Ending in '5668
16	Sep. 11, 2012	ARCHIE, CAPOTE	AT&T	573 Joseph E. Lowery Boulevard SW, Atlanta, GA	Ending in '2890
17	Sep. 11, 2012	ARCHIE, CAPOTE	AT&T	573 Joseph E. Lowery Boulevard SW, Atlanta, GA	Ending in '3192

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

**Counts Eighteen through Thirty-One
(Money Laundering)**

21. The factual allegations contained within paragraphs 2 through 16 are realleged and incorporated herein.

22. On or about the dates specified below, in the Northern District of Georgia, the defendants specified in the table below, aided and abetted by others known and unknown to the Grand Jury, did knowingly conduct and attempt to conduct the following financial transactions affecting interstate commerce, which involved the proceeds of a specified unlawful activity, that is, wire fraud in violation of 18 U.S.C. § 1343, with the intent to promote the carrying on of said specified unlawful activity, and, while conducting and attempting to conduct such financial transactions, knew that the property involved in the financial transactions, that is monetary transactions in the amounts set forth in the following table, represented the proceeds of some form of unlawful activity:

Count	Date	Defendant(s)	Description of Transaction	Amount
18	Feb. 15, 2013	ARCHIE, CAPOTE	Wire transfer from Westside Wireless's Suntrust Bank account ending in '5341 to CAPOTE's Regions Bank account ending in '7732.	\$20,000
19	April 30, 2013	ARCHIE, CAPOTE	Wire transfer from Westside Wireless's Suntrust Bank account ending in '5341 to CAPOTE's Regions Bank account ending in '7732.	\$5,000

Count	Date	Defendant(s)	Description of Transaction	Amount
20	June 3, 2013	ARCHIE, CAPOTE	Wire transfer from Westside Wireless's Suntrust Bank account ending in '5341 to CAPOTE's Regions Bank account ending in '7732.	\$17,655
21	June 17, 2013	ARCHIE, CAPOTE	Wire transfer from Westside Wireless's Suntrust Bank account ending in '5341 to CAPOTE's Regions Bank account ending in '7732.	\$12,985
22	Sep. 3, 2013	TIRTAWIJAYA, KHARSEYEU	Wire transfer from Best Match Sales's Fifth Third Bank account ending in '9883 to Worldwide Wireless Trade's Chase Bank account ending in '0983.	\$60,000
23	Sep. 4, 2013	TIRTAWIJAYA, KHARSEYEU	Deposit of check drawn from Best Match Sales's Suntrust Bank account ending in '2817 made payable to Worldwide Wireless Trade into Worldwide Wireless Trade's Chase Bank account ending in '0983.	\$40,000
24	Jan. 27, 2014	TIRTAWIJAYA, KHARSEYEU	Wire transfer from Worldwide Wireless Trade's Metro City Bank account ending in '9123 to Best Match Sales's Fifth Third Bank account ending in '9883.	\$140,000
25	Feb. 19, 2014	TIRTAWIJAYA, KHARSEYEU	Deposit of check drawn from Worldwide Wireless Trade's Metro City Bank account ending in '9123 made payable to Best Match Sales into Best Match Sales's Fifth Third Bank account ending in '9883.	\$40,000
26	Feb. 20, 2014	TIRTAWIJAYA, KHARSEYEU	Deposit of check drawn from Worldwide Wireless Trade's Metro City Bank account ending in '9123 made payable to Best Match Sales into Best Match Sales's Fifth Third Bank account ending in '9883.	\$20,000

Count	Date	Defendant(s)	Description of Transaction	Amount
27	Feb. 21, 2014	TIRTAWIJAYA, KHARSEYEU	Deposit of check drawn from Worldwide Wireless Trade's Metro City Bank account ending in '9123 made payable to Best Match Sales into Best Match Sales's Fifth Third Bank account ending in '9883.	\$30,000
28	Feb. 25, 2014	TIRTAWIJAYA, KHARSEYEU	Wire transfer from Worldwide Wireless Trade's Metro City Bank account ending in '9123 to Best Match Sales's Fifth Third Bank account ending in '9883.	\$91,000
29	Feb. 28, 2014	TIRTAWIJAYA, KHARSEYEU	Deposit of check drawn from Worldwide Wireless Trade's Metro City Bank account ending in '9123 made payable to Best Match Sales into Best Match Sales's Fifth Third Bank account ending in '9883.	\$50,000
30	March 3, 2014	TIRTAWIJAYA, KHARSEYEU	Deposit of check drawn from Worldwide Wireless Trade's Metro City Bank account ending in '9123 made payable to Best Match Sales into Best Match Sales's Fifth Third Bank account ending in '9883.	\$40,000
31	March 5, 2014	TIRTAWIJAYA, KHARSEYEU	Deposit of check drawn from Worldwide Wireless Trade's Metro City Bank account ending in '9123 made payable to Best Match Sales into Best Match Sales's Fifth Third Bank account ending in '9883.	\$40,000

All in violation of Title 18, United States Code, Sections 1956(a)(1)(A)(i) and 2.

**Count Thirty-Two
(Money Laundering)**

23. The factual allegations contained within paragraphs 2 through 16 are realleged and incorporated herein.

24. On or about April 22, 2013, in the Northern District of Georgia, the defendant, TONY ARCHIE, did knowingly engage and attempt to engage in a monetary transaction in criminally derived property of a value greater than \$10,000, that is, the deposit, withdrawal, and transfer, in and affecting interstate and foreign commerce, of monetary instruments, including U.S. currency, by, through, and to a financial institution, specifically, the transfer of \$18,500 from Westside Wireless's Suntrust Bank account ending in '5341 to a Bank of New York Mellon account ending in '6870, such property having been derived from a specified unlawful activity, wire fraud, in violation of 18 U.S.C. § 1343.

All in violation of Title 18, United States Code, Section 1957.

Count Thirty-Three
(Possession of a Document-making Implement)

25. On or about May 28, 2014, in the Northern District of Georgia, defendant, ANTHONY DANIELS, aided and abetted by HENDY TIRTAWIJAYA and others unknown to the Grand Jury, did knowingly produce, transfer, and possess a document-making implement and authentication feature—to wit, computer files, computer hardware, and computer software—with the intent such document-making implement and authentication feature would be used in the production of a false identification document and another document-making implement and authentication feature which would be so used, and the production, transfer, and possession of the authentication

feature and document-making implement was in and affected interstate and foreign commerce.

All in violation of Title 18, United States Code, Sections 1028(a)(5), (b)(1), and (c)(3)(A), and 2.

Count Thirty-Four
(Possession of Five or More False Identification Documents)

26. On or about May 28, 2014, in the Northern District of Georgia, defendant, ANTHONY DANIELS, aided and abetted by others known and unknown to the Grand Jury, did knowingly possess with intent to use unlawfully and transfer unlawfully at least five false identification documents, and the transfer, possession and use of the false identification documents was in and affected interstate and foreign commerce.

All in violation of Title 18, United States Code, Sections 1028(a)(3), (b)(1), and (c)(3)(A), and 2.

Count Thirty-Five
(Felon in Possession of a Firearm)

27. On or about May 28, 2014, in the Northern District of Georgia, defendant, ANTHONY DANIELS, having been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess in and affecting interstate and foreign commerce a firearm, that is, a Mossberg shotgun, Model 500, 12 gauge, bearing serial number T933445, in violation of Title 18, United States Code, Section 922(g)(1).

Forfeiture

28. As a result of committing an offense alleged in Counts One through Seventeen of this Indictment, the defendants, TONY ARCHIE, HENDY TIRTAWIJAYA, ALIAKSEI KHARSEYEU, ALFREDO CAPOTE, TRUSHAR PATEL, and ANTHONY DANIELS, shall forfeit to the United States of America, under Title 18, United States Code, Sections 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of such offenses.

29. As a result of committing an offense alleged in Counts Eighteen through Thirty-Two of this Indictment, the defendants, TONY ARCHIE, HENDY TIRTAWIJAYA, ALIAKSEI KHARSEYEU, and ALFREDO CAPOTE, shall forfeit to the United States, under 18 U.S.C. § 981(a)(1)(A), 18 U.S.C. § 982(a)(1), and 28 U.S.C. § 2461, all property, real and personal, involved in the offense and all property traceable to such property.

30. As a result of committing an offense alleged in Counts Thirty-Three and Thirty-Four of this Indictment, the defendants, ANTHONY DANIELS and HENDY TIRTAWIJAYA, shall forfeit to the United States, under 18 U.S.C. § 1028(b)(5), (g), and (h), and 21 U.S.C. § 853, all personal property used or intended to be used to commit the offense.


31. As a result of committing the offense alleged in Count Thirty-Five of this Indictment, the defendant, ANTHONY DANIELS, shall forfeit to the United States pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), all firearms and ammunition involved in the commission of the offense, including, but not limited to:

- a. one Mossberg shotgun, Model 500, 12 gauge, bearing serial number T933445;
- b. one Bryco .25 caliber pistol, Model 25, bearing serial number 1216417;
- c. one Springfield 9mm caliber pistol, Model XD9, bearing serial number US124713;
- d. 6 rounds of .25 caliber ammunition;
- e. 97 rounds of unknown caliber ammunition;
- f. 10 rounds of 12 gauge shotgun ammunition; and,
- g. 16 rounds of 9mm caliber ammunition.

32. If, as a result of any act or omission of the defendants, TONY ARCHIE, HENDY TIRTAWIJAYA, ALIAKSEI KHARSEYEU, ALFREDO CAPOTE, TRUSHAR PATEL, and ANTHONY DANIELS, any property subject to forfeiture: cannot be located upon the exercise of due diligence; has been transferred or sold to, or deposited with, a third person; has been placed beyond the jurisdiction of the Court; has been substantially diminished in value; or has been commingled with other property which cannot be subdivided without difficulty, the United States intends, pursuant to 21 U.S.C. § 853(p),

as incorporated by 18 U.S.C. § 981(b)(1) and 28 U.S.C. § 2461(c), to seek forfeiture of any other property of such defendant up to the value of the forfeitable property.

A TRUE BILL


FOREPERSON

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