

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA :

- v. - :

SUPERSEDING  
INDICTMENT

MICHAEL A. ROSEBORO, :

a/k/a "Mike Ross," :

a/k/a "Mike Rose," :

a/k/a "Michael Rosenborough," :

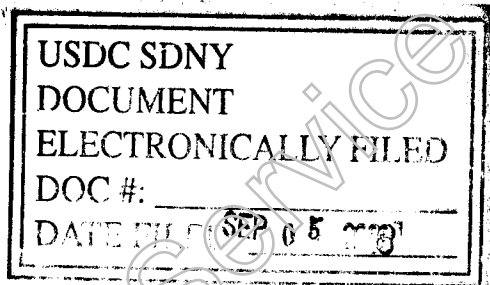
a/k/a "Michael Johnson," :

a/k/a "Michael Smith," and :

KAREEM HOLMES, :

Defendants. :

- - - - -X



COUNT ONE

The Grand Jury charges:

1. From at least in or about October 2005, up to and including August 12, 2008, in the Southern District of New York and elsewhere, MICHAEL A. ROSEBORO, a/k/a "Mike Ross," a/k/a "Mike Rose," a/k/a "Michael Rosenborough," a/k/a "Michael Johnson," a/k/a "Michael Smith," and KAREEM HOLMES, the defendants, and others known and unknown, unlawfully, willfully, and knowingly, did combine, conspire, confederate, and agree together and with each other to violate Title 18, United States Code, Section 1029(a)(5).

2. It was a part and an object of the conspiracy that MICHAEL A. ROSEBORO, a/k/a "Mike Ross," a/k/a "Mike Rose," a/k/a "Michael Rosenborough," a/k/a "Michael Johnson," a/k/a "Michael Smith," and KAREEM HOLMES, the defendants, and others known and unknown, unlawfully, willfully, knowingly, and with intent to

defraud as part of an offense affecting interstate commerce, did effect and attempt to effect transactions with access devices issued to other persons, to receive payment and other things of value during a one-year period the aggregate value of which exceeded \$1,000, in violation of Title 18, United States Code, Sections 1029(a) (5) and 1029(b) (1).

Overt Acts

3. In furtherance of the conspiracy, and to effect the unlawful object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a) On or about February 6, 2006, MICHAEL A. ROSEBORO, a/k/a "Mike Ross," a/k/a "Mike Rose," a/k/a "Michael Rosenborough," a/k/a "Michael Johnson," a/k/a "Michael Smith," the defendant, attempted to purchase a diamond for \$13,250 from a jeweler in Arkansas using a credit card belonging to another individual who did not authorize the purchase;

b) On or about January 23, 2008, in New York, New York, MICHAEL A. ROSEBORO, a/k/a "Mike Ross," a/k/a "Mike Rose," a/k/a "Michael Rosenborough," a/k/a "Michael Johnson," a/k/a "Michael Smith," the defendant, signed for a Federal Express package in someone else's name knowing that the package contained merchandise purchased using a credit card belonging to an individual who did not authorize the purchase of the item.

b) On or about January 30, 2008, in New York, New York, KAREEM HOLMES, the defendant, signed for a Federal Express package in someone else's name knowing that the package contained merchandise purchased using a credit card belonging to an individual who did not authorize the purchase of the item.

(Title 18, United States Code, Section 1029(b)(2).)

COUNT TWO

The Grand Jury further charges:

4. From at least in or about October 2005, up to and including August 12, 2008, in the Southern District of New York and elsewhere, MICHAEL A. ROSEBORO, a/k/a "Mike Ross," a/k/a "Mike Rose," a/k/a "Michael Rosenborough," a/k/a "Michael Johnson," a/k/a "Michael Smith," the defendant, unlawfully, willfully, knowingly, and with intent to defraud as part of an offense affecting interstate commerce, did effect and attempt to effect transactions, with one and more access devices issued to another person and persons, to receive payment and any other thing of value during a one-year period, the aggregate value of which is equal to and greater than \$1,000, to wit, ROSEBORO effected and attempted to effect the purchase of merchandise from retailers around the country using credit cards belonging to other individuals without their authorization, the value of which exceeded \$1,000 during a one-year period.

(Title 18, United States Code, Sections 1029(a)(5),  
1029(b)(1) and 2.)

COUNT THREE

The Grand Jury further charges:

5. On or about January 30, 2008, in the Southern District of New York and elsewhere, KAREEM HOLMES, the defendant, unlawfully, willfully, knowingly, and with intent to defraud as part of an offense affecting interstate commerce, did effect and attempt to effect transactions, with one and more access devices issued to another person and persons, to receive payment and any other thing of value during a one-year period, the aggregate value of which is equal to and greater than \$1,000, to wit, HOLMES helped effect the purchase of merchandise from retailers around the country using credit cards in names of other individuals without authorization of these individuals, the value of which exceeded \$1,000 during a one-year period.

(Title 18, United States Code, Sections 1029(a)(5),  
1029(b)(1) and 2.)

COUNT FOUR

The Grand Jury further charges:

6. From at least in or about October 2005, up to and including August 12, 2008, in the Southern District of New York and elsewhere, MICHAEL A. ROSEBORO, a/k/a "Mike Ross," a/k/a "Mike Rose," a/k/a "Michael Rosenborough," a/k/a "Michael Johnson," a/k/a "Michael Smith," the defendant, unlawfully, willfully, and 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 Section 1028A(c), to wit, ROSEBORO, possessed, used, and transferred the names and other personal identification information of other persons to commit access device fraud and to participate in a conspiracy to commit access device fraud as charged in Counts One and Two of this Indictment.

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

COUNT FIVE

The Grand Jury further charges:

7. On or about January 30, 2008, in the Southern District of New York and elsewhere, KAREEM HOLMES, the defendant, unlawfully, willfully, and 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 Section 1028A(c), to wit, HOLMES, possessed, used, and transferred the name of another person to commit access device fraud and to participate in a conspiracy to commit access device fraud as charged in Counts One and Three of this Indictment.

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

FORFEITURE ALLEGATION

8. As a result of committing one or more of the foregoing offenses alleged in Counts One, Two, Three, Four, and Five of this Indictment, MICHAEL A. ROSEBORO, a/k/a "Mike Ross,"

a/k/a "Mike Rose," a/k/a "Michael Rosenborough," a/k/a "Michael Johnson," a/k/a "Michael Smith," and KAREEM HOLMES, the defendants, shall forfeit to the United States, pursuant to 18 U.S.C. § 982, any property constituting or derived from proceeds obtained directly or indirectly as a result of the said offenses.

Substitute Asset Provision

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

(1) cannot be located upon the exercise of due diligence;

(2) has been transferred or sold to, or deposited with, a third person;

(3) has been placed beyond the jurisdiction of the Court;


(4) has been substantially diminished in value; or

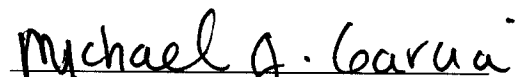
(5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 18 U.S.C.

§ 982(b), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 982 and Title 18, United States Code, Sections 2, 1028A, 1029.)

  
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FOREPERSON

  
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MICHAEL J. GARCIA  
United States Attorney

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SOUTHERN DISTRICT OF NEW YORK

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KAREEM HOLMES,

Defendants.

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SUPERSEDING  
INDICTMENT

S1 08 Cr. 660 (VM)

(18 U.S.C. §§ 1029(a)(5),  
1029(b)(1), 1029(b)(2), 1028A, and 2)

MICHAEL J. GARCIA  
United States Attorney.

A TRUE BILL

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 Foreperson.

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