

FILED
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U.S. DISTRICT COURT, E.D.N.Y.
★ JUN 09 2004 ★

BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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S U P E R S E D I N G
I N D I C T M E N T

UNITED STATES OF AMERICA

- against -

Cr. No. 03-133(S-2)(CPS)
(T. 18, U.S.C., §§ 1960(a)
(1994), 1960(a) (2001),
2, 371, 982 and 3551
et seq.; T. 21, U.S.C.,
§ 853)

ABAD ELFGEEH and
AREF ELFGEEH,

Defendants.

-----X

THE GRAND JURY CHARGES:

INTRODUCTION

Prohibition of Unlicensed Money Transmitting Business

At all times relevant to this Indictment, unless
otherwise indicated:

1. Prior to November 1, 2001, the term "illegal money transmitting business" was defined in Title 18, United States Code, Section 1960(b)(1)(A) to include any money transmitting business that affected interstate or foreign commerce in any manner or degree and was intentionally operated without an appropriate money transmitting license in a State where such operation was punishable as a misdemeanor or a felony under State law. After November 1, 2001, the term "unlicensed money transmitting business" was defined in Title 18, United States Code, Section 1960(b)(1)(A) to include any money transmitting business that affected interstate or foreign commerce in any manner or degree and that was operated without an

appropriate money transmitting license in a State where such operation was punishable as a misdemeanor or a felony under State law, regardless of whether the operator knew that the operation was required to be licensed or that the operation was so punishable.

2. The term "money transmitting" was defined in Title 18, United States Code, Section 1960(b)(2) to include transferring funds on behalf of the public by any and all means including but not limited to transfers within the country or to locations abroad by wire, check, draft, facsimile, or courier.

3. Pursuant to New York State Banking Law Section 650(2)(a), the operation of an unlicensed money transmitting business was punishable as a misdemeanor; pursuant to New York State Banking Law Section 650(2)(b)(1), the operation of an unlicensed money transmitting business was punishable as a felony if the business received \$10,000 or more for transmission in a single transaction, \$25,000 or more for transmission in a period of thirty days or less, or \$250,000 for transmission in a period of a year or less.

COUNT ONE

4. The allegations contained in paragraphs one through three are realleged and incorporated as if fully set forth in this paragraph.

5. In or about and between January 1995 and October 2001, both dates being approximate and inclusive, within the

Eastern District of New York and elsewhere, the defendant ABAD ELFGEEH, together with others, did knowingly and intentionally conspire to conduct, control, manage, supervise, direct and own all and part of a business, knowing that the business was an illegal money transmitting business, which affected interstate and foreign commerce, in violation of Title 18, United States Code, Section 1960(a) (1994).

6. In furtherance of the conspiracy and to effect its objectives, within the Eastern District of New York and elsewhere, the defendant ABAD ELFGEEH, together with others, committed and caused to be committed, among others, the following:

OVERT ACTS

(a) On or about October 23, 1995, the defendant ABAD ELFGEEH and a co-conspirator caused a wire transfer in the amount of \$30,000 to be made from a bank account in Brooklyn, New York in the name of Carnival French Ice Cream Supermarket to a bank account in Italy.

(b) On or about May 23, 1996, the defendant ABAD ELFGEEH and a co-conspirator caused a wire transfer in the amount of \$50,000 to be made from a bank account in Brooklyn, New York in the name of Carnival French Ice Cream Supermarket to a bank account in Switzerland.

(c) On or about June 8, 2001, the defendant ABAD ELFGEEH and a co-conspirator caused a wire transfer in the amount of \$140,000 to be made from a bank account in Brooklyn, New York in the name of Carnival French Ice Cream Supermarket to a bank account in Yemen.

(Title 18, United States Code, Sections 371 and 3551 et seq.)

COUNT TWO

7. The allegations contained in paragraphs one through three are realleged and incorporated as if fully set forth in this paragraph.

8. In or about and between January 1995 and October 2001, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant ABAD ELFGEEH did knowingly and intentionally conduct, control, manage, supervise, direct and own all and part of a business, knowing that the business was an illegal money transmitting business, which affected interstate and foreign commerce.

(Title 18, United States Code, Sections 1960(a) (1994) and 3551 et seq.)

COUNT THREE

9. The allegations contained in paragraphs one through three are realleged and incorporated as if fully set forth in this paragraph.

10. In or about and between November 2001 and January 2003, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants ABAD ELFGEEH and AREF ELFGEEH, together with others, did knowingly and intentionally conspire to conduct, control, manage, supervise, direct, and own all and part of an unlicensed money transmitting business, which affected interstate and foreign commerce, in violation of Title 18, United States Code, Section 1960(a) (2001).

11. In furtherance of the conspiracy and to effect its objectives, within the Eastern District of New York and elsewhere, the defendants ABAD ELFGEEH and AREF ELFGEEH, together with others, committed and caused to be committed, among others, the following:

OVERT ACTS

(a) On or about November 6, 2001, the defendants ABAD ELFGEEH and AREF ELFGEEH and a co-conspirator caused a wire transfer in the amount of \$25,000 to be made from a bank account in Brooklyn, New York in the name of Carnival French Ice Cream Supermarket to a bank account in Thailand.

(b) On or about January 10, 2002, the defendants ABAD ELFGEEH and AREF ELFGEEH and a co-conspirator caused a check drawn on a bank account in the names of "Aref A. ElFgeeh" and "Mahmood ElFgeeh," in the amount of \$9,000, to be deposited in a

bank account in Brooklyn, New York in the name of Carnival French Ice Cream Supermarket.

(c) On or about January 11, 2002, the defendants ABAD ELFGEEH and AREF ELFGEEH and a co-conspirator caused a wire transfer in the amount of \$10,000 to be made from a bank account in Brooklyn, New York in the name of Carnival French Ice Cream Supermarket to a bank account in Thailand.

(Title 18, United States Code, Sections 371 and 3551 et seq.)

COUNT FOUR

12. The allegations contained in paragraphs one through three are realleged and incorporated as if fully set forth in this paragraph.

13. In or about and between November 2001 and January 2003, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants ABAD ELFGEEH and AREF ELFGEEH did knowingly and intentionally conduct, control, manage, supervise, direct, and own all and part of an unlicensed money transmitting business, which affected interstate and foreign commerce, in violation of Title 18, United States Code, Section 1960(a) (2001).

(Title 18, United States Code, Sections 1960(a) (2001), 2 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION

14. The United States hereby gives notice to the defendants charged in Counts One, Two, Three, and Four that, upon their conviction of any such offenses, the government will seek forfeiture in accordance with Title 18, United States Code, Section 982, of all property involved in each offense of conviction in violation of Title 18, United States Code, Section 1960, or conspiracy to commit such offense, and all property traceable to such property, including but not limited to, the following:

- a. all funds on deposit in JP Morgan Chase bank account number 094-0617502-65 in the name of Carnival French Ice Cream Supermarket;
- b. all funds on deposit in Astoria Federal Savings account number 91-514352-4 in the name of Aref A. ElFgeeh and Mahmood ElFgeeh; and
- c. all funds on deposit in JP Morgan Chase bank account number 094-0723858-65 in the name of Prospect Deli.

15. If any of the above-described forfeitable property, as a result of any act or omission of the defendant(s):

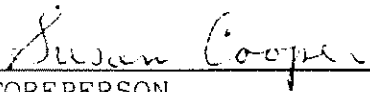
- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;

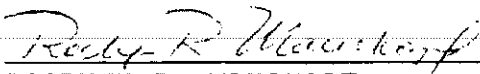
(d) has been substantially diminished in value; or

(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), to seek forfeiture of any other property of such defendant(s) up to the value of the forfeitable property described in subparagraphs 14(a) through (c) above.

(Title 18, United States Code, Section 982; Title 21, United States Code, Section 853(p))

A TRUE BILL


FOREPERSON


ROSLYNN R. MAUSKOPF
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

F. #200eR00130
FORM DEC. 34
JUN. 85

UNITED STATES DISTRICT COURT

EASTERN District of NEW YORK

CRIMINAL Division

THE UNITED STATES OF AMERICA

vs.

ABAD ELFGEEH and ARBF ELFGEEH,

Defendants.

SUPERSEDING INDICTMENT

(T. 18, U.S.C., §§ 1960(a) (1994), 1960(a) (2001),
2, 371, 982 and 3551 et seq.; T. 21 U.S.C., § 853)

A true bill.

Steven A. Chen Foreman

Filed in open court this _____ day,
Of _____ A.D. 20 _____

Clerk

Bail, \$ _____

PAMELA CHEN (718) 254-7575

INFORMATION SHEET

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ JUN 09 2004

BROOKLYN OFFICE

1. Title of Case: United States v. Abad Elfgeeh and Aref Elfgeeh

2. Related Magistrate Docket Number(s) M-03-0614

None ()

CR 03 133

3. Arrest Date: Abad Elfgeeh - 2/3/03 Aref Elfgeeh - 12/22/03

4. Nature of offense(s): Felony
 Misdemeanor

5. Related Civil or Criminal Cases - Title and Docket No(s). (Pursuant to Rule 50.3 of the Local E.D.N.Y. Division of Business Rules): U.S. v. Aref Elfgeeh, CR-04-268

6. Projected Length of Trial: Less than 6 weeks (X)
More than 6 weeks ()

7. County in which crime was allegedly committed: Kings
(Pursuant to Rule 50.1(d) of the Local E.D.N.Y. Division of Business Rules)

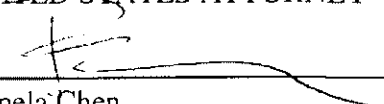
8. Has this indictment been ordered sealed? () Yes (X) No

9. Have arrest warrants been ordered? () Yes (X) No

10. Is a capital count included in the indictment? () Yes (X) No

ROSLYNN R. MAUSKOPF
~~UNITED STATES ATTORNEY~~

By:


Pamela Chen
Assistant U.S. Attorney
(718) 254-7575