

# United States District Court

Eastern

DISTRICT OF

New York

UNITED STATES OF AMERICA

v.

## WARRANT FOR ARREST

SUHAIL SARWER

CASE NUMBER:

TO: The United States Marshal and any  
Authorized United States Officer and/or the

# M 01-1761

YOU ARE HEREBY COMMANDED to arrest. SUHAIL SARWER  
Name

and bring him or her forthwith to the nearest Magistrate Judge to answer a(n)

- Indictment
- Information
- Complaint
- Order of the Court
- Violation Notice
- Probation Violation Petition

charging him or her with (brief description of offense)

CREDIT CARD FRAUD

A TRUE COPY  
ATTEST

DATED 3/20/02  
ROBERT C. HEINEMANN  
CLERK

BY [Signature]  
DEPUTY CLERK

in violation of Title 18 United States Code, Section(s) 1029

ARLENE R. LINDSAY

Name of Issuing Officer

UNITED STATES MAGISTRATE JUDGE

Title of Issuing Officer

[Signature]  
Signature of Issuing Officer

11/5/01; CENTRAL ISLIP, NY

Date and Location

Bail Fixed at \_\_\_\_\_

By: \_\_\_\_\_  
Name of Judicial Officer

### RETURN

This warrant was received and executed with the arrest of the above-named defendant at \_\_\_\_\_

DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST		

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

- - - - - x

UNITED STATES OF AMERICA

-against-

CHOUDHRY HUSSAEN,  
KHALID AWAN,  
SUHAIL SARWER,

Defendants.

COMPLAINT AND AFFIDAVIT  
IN SUPPORT OF APPLICATION  
FOR AN ARREST WARRANTS

(T. 18, U.S.C., 1029)

- - - - - x

EASTERN DISTRICT OF NEW YORK, SS:

GREGORY HAGARTY, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation, duly appointed according to law and acting as such.

Upon information and belief, on or about and between June 2001 and September 2001, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant CHOUDHRY HUSSAIN, KHALID AWAN and SUHAIL SARWER did knowingly and with intent to defraud use one or more unauthorized access devices during any one-year period, and by such conduct obtain anything of value aggregating \$1,000 or more during that period.

(Title 18, United States Code, Section 1029)

The source of your deponents information and the grounds for his belief are as follows:

1. I have conducted a criminal investigation into the fraudulent activities discussed herein.

2. In September 2001, law enforcement authorities were advised of possible criminal or suspicious activities related to Apartment 15-C, which is an apartment in a complex of garden apartments located at 125 Terryville Road, Port Jefferson Station, New York. After being advised of this information, members of the Federal Bureau of Investigation proceeded to the Apartment. Interviews with representatives of the apartment complex revealed that at least two middle-eastern males, resided in that apartment until late August or early September 2001.

3. Agents were advised by the representatives of the rental management office that beginning in July 2000 there were two tenants of the apartment, the defendants KHALID AWAN and SUHAIL SARWER. Lease records reveal that KHALID AWAN was the tenant of record beginning in July 2000. On November 15, 2000, the defendant KHALID AWAN forwarded a letter to the management company stating that KHALID AWAN had been living with SUHAIL SARWER from the commencement of the lease and that KHALID AWAN wanted the lease be placed in SUHAIL SARWER's name. The tenants occupying the Apartment have not been seen since late August or early September even though the lease on the Apartment was not schedule to expire until October 30, 2001. Although the tenants have abandoned

the Apartment, they made no effort to recover their security deposit.

4. An inquiry with the United States Postal Service (the "USPS") revealed that starting in late August or early September, the residents of the Apartment ceased picking up the mail delivered to their mailbox. The mail was held at the local post office.

5. An examination of this mail revealed numerous letters addressed to various different names, including the following: Michael James, SUHAIL SARWER, Muhammad Sarwer, Farhat Siddiq, and Tee Jays Fashion. The majority of the letters were sent from various financial institutions, including CitiBank, Consumers National Bank, Fleet Bank, Household Savings Bank, and HBSC.

6. Investigation into one of the addressees of the mail discussed above, "Michael James", established another possible address used by "Michael James", namely, Apartment #1B, 6 South Dorado Circle, Hauppauge, New York. On October 7, 2001, other agents contacted an individual at the South Dorado Circle apartment, who identified himself as CHOUDRY HUSSAIN.

7. HUSSAIN voluntarily agreed to be interviewed by law enforcement. During this interview, HUSSAIN admitted that he was from Pakistan and entered the United States illegally. HUSSAIN stated that he had no documentation

concerning his immigration status. Checks with the Immigration and Naturalization Service ("INS") revealed no record concerning the entry of or immigration status for an individual named CHOUDHRY HUSSAIN.

8. HUSSAIN voluntarily consented to the search of his Hauppauge apartment. That search revealed checks in the business name of Omega Techno Corporation ("Omega"), birth certificate and social security cards, multiple credit cards in various names and three credit card "swiping" machines. HUSSAIN acknowledged that the birth certificate and social security cards were fraudulently obtained for \$4,000. HUSSAIN further acknowledged that he and others including the residents of the Port Jefferson Apartment had been engaged in a scheme to defraud using credit cards.

9. In substance, HUSSAIN stated that Omega had been established and used to carry out the fraud scheme. Omega was purportedly a computer sales company, but was in fact a shell company set up to establish accounts with credit card clearing houses and banks, so that HUSSAIN and his co-conspirators could transact fictitious sales using credit cards. As a part of this scheme, HUSSAIN established business checking accounts in Omega's name. HUSSAIN stated that he obtained valid credit cards and credit card numbers from the residents of the Port Jefferson Apartment and then charged phony purchases at Omega. According to HUSSAIN, the

credit card issuers/banks would thereafter wire funds into checking account set up in Omega's name. After the funds were wired to Omega's account, HUSSAIN wrote checks to his co-conspirators representing those funds.

10. Analysis of the records to date indicates that this fraudulent scheme was what is referred to as a "bust out" scheme. The goal of the scheme was for HUSSAIN's co-conspirators to open multiple credit cards and obtain increasingly high credit limits. The co-conspirators would then "bust out" the credit cards by charging large amounts of phony purchases that would never be paid for. As a result, Omega would be wired large sums of money, which HUSSAIN forwarded to KHALID AWAN, SUHAIL SARWER and others living at the Port Jefferson Apartment.

11. HUSSAIN voluntarily consented to the search of Omega's office located in Bohemia, New York. During the search of these premises, which consisted of a small office with no inventory, law enforcement seized credit card and bank records related to Omega. An examination of this material confirmed the information provided by HUSSAIN. Specifically, the records disclosed numerous credit charges for the purported purchase of computer equipment at Omega. The records reveal that following the credit transaction, a credit clearinghouse, one of which was Universal Payment Processing, would transfer funds to Omega's EAB and Fleet

checking accounts. EAB and Fleet records reveal that a short time following the wire transfer from Universal Payment Processing, HUSSAIN wrote checks reflecting these amounts to Tee Jay Fashions, KHALID AWAN and SUHAIL SARWER.

12. An examination of these records including checks, which have been negotiated, disclose payments from July 2001 through September 2001 of approximately \$86,000 to KHALID AWAN, \$52,200 to Tee Jays and \$5,000 to SUHAIL SARWER. The checks made out to Tee Jays reveals that these checks were likely endorsed and negotiated by SUHAIL SARWER.

13. On October 25, 2001, FBI agents arrested Khalid Awan at his residence at 464 Old Country Road, Garden City, New York. This arrest was pursuant to a warrant issued by the United States District Court for the Southern District of New York. Awan was in the process of moving out of the Garden City residence and stated that he stayed the previous night at a room in a friend's home at 38 Whitney Avenue in Floral Park, New York. Following his arrest, Awan agreed to be interviewed and consented to the search of the room in Floral Park and his residence in Garden City.

14. In these searches, agents seized among other items, \$15,000 in cash, approximately \$6,000 in traveler's checks, multiple credit cards in the name of KHALID AWAN and a \$6,000 check made payable to AWAN from Long Island Fashions, which the investigation has shown is a company

associated with SUHAIL SARWER.<sup>1</sup> In the Garden City residence, agents seized a letter from a credit card company to "Michael James," one of the identities used in connection with the bust out scheme discussed above and a name used by the residents of the Port-Jefferson Apartment and Choudhry HUSSAIN. Furthermore, agents seized a check book for Tee Jays Fashions, another company discussed above, to which HUSSAIN wrote checks in connection with the fraud scheme.


15. Given the confidential nature of this continuing investigation, I respectfully request that this Affidavit and all papers submitted herewith be maintained under seal until this court or another court of competent jurisdiction orders otherwise.

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<sup>1</sup>In connection with the lease for the Port Jefferson Apartment, Sarwer claimed that he was employed by Long Island Fashions.



WHEREFORE, your deponent respectfully requests that arrest warrants be issued for the defendants CHOUDHRY HUSSAIN, KHALID AWAN and SUHAIL SARWER so that they may be dealt with according to law.

  
\_\_\_\_\_  
GREGORY HAGARTY  
Special Agent  
Federal Bureau of Investigation

Sworn to before me this  
5th day of November, 2001

  
\_\_\_\_\_  
UNITED STATES MAGISTRATE JUDGE  
EASTERN DISTRICT OF NEW YORK

CR 01 1328

JRC:JFC:jfc  
F.#2001R02268  
hussain.ind

SEYBERT, J.

WALL, M.J.

FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

DEC 04 2001

12/1/01 \*  
SD

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

LONG ISLAND OFFICE

UNITED STATES OF AMERICA

I N D I C T M E N T

- against -

CHOUDHRY HUSSAIN,  
KHALID AWAN and  
SUHAIL SARWER,

Cr. No. \_\_\_\_\_  
(T. 18, U.S.C., §§ 1029(a)(2),  
1029(c)(1)(A)(i), 2 and 3551  
et seq.)

Defendants.

THE GRAND JURY CHARGES:

In or about and between February 2001 and October 2001,  
both dates being approximate and inclusive, within the Eastern  
District of New York, the defendants CHOUDHRY HUSSAIN, KHALID  
AWAN and SUHAIL SARWER, together with others, in a manner  
affecting interstate commerce, did knowingly and with intent to  
defraud use one or more unauthorized access devices, to wit:

A TRUE COPY  
ATTEST  
DATED.....3-19-2002  
ROBERT C. HEINEMANN  
..... CLERK  
BY..... DEPUTY CLERK

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credit cards, during a one-year period, and by such conduct did obtain things of value aggregating \$1,000.00 or more during such period.

(Title 18, United States Code, Sections 1029(a)(2), 1029(c)(1)(A)(i), 2 and 3551 et seq.).

A TRUE BILL

Mark Caspell  
FOREPERSON

\_\_\_\_\_  
ALAN VINEGRAD  
UNITED STATES ATTORNEY  
EASTERN DISTRICT OF NEW YORK

BY: [Signature]  
ACTING UNITED STATES ATTORNEY  
PURSUANT TO 28 C.F.R. 0.131

No. \_\_\_\_\_

**UNITED STATES DISTRICT COURT**

EASTERN District of NEW YORK  
Criminal Division

THE UNITED STATES OF AMERICA

vs.

CHOUDHRY HUSSAIN, KHALID AWAN and  
SUHAIL SARWER,

**INDICTMENT**

(T. 18, U.S.C., Sections 1029(a) (2),  
1029(C) (1), 2 and 3551 et seq.)

a true bill.

*Mad. Cerpellini*

Foreman

Filed in open court this \_\_\_\_\_ day,  
of \_\_\_\_\_ A.D.

Clerk

Bail, \$ \_\_\_\_\_