

FILED

FEB 10 2005

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

CLERK, U. S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE, FLORIDA

UNITED STATES OF AMERICA

v.

FADL MOHAMMAD MAATOUK
KASSEM ALDIFAHI
ALI MAATOUK

CASE NO. 3:04-cr-323(S1)-J-99MMH
Ct. 1: 21 U.S.C. §§ 846 & 863
Ct. 2-3: 18 U.S.C. § 2 &
21 U.S.C. § 863
Ct. 4-5: 21 U.S.C. § 863
Ct. 6: 18 U.S.C. § 1956(h)
Ct. 7-10: 18 U.S.C. §§ 1956(a)(2)(B)
& 2
Ct. 11: 18 U.S.C. §§1014 & 2
Ct. 12: 18 U.S.C. §371
Cts. 13 -14: 18 U.S.C. §1001
Forfeiture: 21 U.S.C. § 853
18 U.S.C. § 981(a)(1)(C)
and 28 U.S.C. § 2461(c)
18 U.S.C. § 982

SUPERSEDING INDICTMENT

The Grand Jury charges:

COUNT ONE

Between in or about May 2002 and in or about September 2004, at
Jacksonville, in the Middle District of Florida, and elsewhere,

FADL MOHAMMAD MAATOUK,
KASSEM ALDIFAHI,

the defendants herein, did knowingly, willfully, and intentionally combine, conspire,
confederate and agree, with each other, and with other persons known and unknown to
the Grand Jury, to sell and offer for sale drug paraphernalia, in violation of Title 21,
United States Code, Section 863.

It was part of the conspiracy that the defendants would perform acts and make statements to hide and conceal, and cause to be hidden and concealed, the purpose of the conspiracy and the acts committed in furtherance thereof.

All in violation of Title 21, United States Code, Section 846.

COUNT TWO

On or about July 9, 2004, at Jacksonville, in the Middle District of Florida, and elsewhere,

FADL MOHAMMAD MAATOUK,
KASSEM ALDIFAHI,

the defendants herein, did knowingly and intentionally sell and offer for sale drug paraphernalia, and did aid and abet in the sale and offering for sale of drug paraphernalia.

In violation of Title 18, United States Code, Section 2, and Title 21, United States Code, Section 863.

COUNT THREE

On or about July 14, 2004, at Jacksonville, in the Middle District of Florida, and elsewhere,

FADL MOHAMMAD MAATOUK,
KASSEM ALDIFAHI,

the defendants herein, did knowingly and intentionally sell and offer for sale drug

paraphernalia, and did aid and abet in the sale and offering for sale of drug paraphernalia.

In violation of Title 18, United States Code, Section 2, and Title 21, United States Code, Section 863.

COUNT FOUR

On or about September 12, 2004, at Jacksonville, in the Middle District of Florida,

FADL MOHAMMAD MAATOUK,

the defendant herein, did knowingly and intentionally sell and offer for sale drug paraphernalia.

In violation of Title 21, United States Code, Section 863.

COUNT FIVE

On or about September 18, 2004, at Jacksonville, in the Middle District of Florida,

FADL MOHAMMAD MAATOUK,

the defendant herein, did knowingly and intentionally sell and offer for sale drug paraphernalia.

In violation of Title 21, United States Code, Section 863.

COUNT SIX

Between in or about May 2002 and in or about September 2004, at Jacksonville and Orange Park, in the Middle District of Florida, and elsewhere,

FADL MOHAMMAD MAATOUK,
KASSEM ALDIFAHI,

the defendants herein, did knowingly, willfully, and intentionally combine, conspire, confederate and agree, with each other, and other persons known and unknown to the Grand Jury, to transport, transmit and transfer, monetary instruments and funds from a place inside the United States to a place outside the United States, specifically, from Jacksonville and Orange Park to Beirut, Lebanon, knowing that the monetary instruments and funds involved in the transportation, transmission and transfers and attempts to transport, transmit and transfer represented the proceeds of some form of unlawful activity, and knowing that such transportation and transfers were designed, in whole and in part, to a) conceal and disguise the nature, location, source, ownership and control of the proceeds of specified unlawful activity, and b) to avoid a transaction reporting requirement under federal law, specifically, reporting transfers of more than \$10,000 out of the United States, as required by Title 31, United States Code, Section 5316.

All in violation of Title 18, United States Code, Section 1956(h).

COUNTS SEVEN THROUGH TEN

On or about the dates listed below, at Jacksonville and Orange Park, in the Middle District of Florida, and elsewhere,

FADL MOHAMMAD MAATOUK,

the defendant herein, did knowingly and willfully transport, transmit, and transfer, and did attempt to transport, transmit, and transfer, monetary instruments and funds from a place in the United States to a place outside the United States, specifically, from Jacksonville and Orange Park to Beirut, Lebanon, knowing that the monetary instruments and funds involved in the transportation, transmission and transfers and attempts to transport, transmit and transfer represented the proceeds of some form of unlawful activity, and knowing that such transportation, transmission and transfers were designed, in whole and in part, to a) conceal and disguise the nature, location, source, ownership and control of the proceeds of specified unlawful activity, and b) to avoid a transaction reporting requirement under federal law, specifically, reporting transfers of more than \$10,000 out of the United States, as required by Title 31, United States Code, Section 5316, and did aid, abet, counsel and procure such transportation, transmission, and transfers, and attempts:

<u>Count</u>	<u>Date</u>	<u>Description</u>	<u>Amount</u>
7	3/8/04	Western Union money transfer to Ramez Maatouk, Beirut, Lebanon	\$900
8	3/26/03	Wire transfer from Vystar Credit Union to Ahmed Dahboul, Beirut, Lebanon	\$10,000
9	12/15/03	Cash taken on flight from Jacksonville to Beirut, Lebanon	\$62,000 (Est.)
10	6/26/04	Money orders sent via DHL from Orange Park to Mona Maatouk, Beirut Lebanon	\$15,000

All in violation of Title 18, United States Code, Sections 1956(a)(2)(B)

and 2.

COUNT ELEVEN

On or about July 16, 2002, at Orange Park and Jacksonville, in the Middle District of Florida,

FADL MOHAMMAD MAATOUK,

the defendant herein, did knowingly and willfully make, and cause to be made, false statements and reports to a financial institution, that is, Bank of America, N.A., a financial institution whose deposits were insured by the Federal Deposit Insurance Corporation, to wit: by submitting false IRS-Form 1040 federal income tax returns for the years 2000 and 2001, as part of a mortgage loan application.

In violation of Title 18, United States Code, Sections 1014 and 2.

COUNT TWELVE

A. The Conspiracy

Between in or about December 2001, through in or about November 2004, at Jacksonville and Orange Park, in the Middle District of Florida, and elsewhere,

FADL MOHAMMAD MAATOUK,
ALI MAATOUK,

the defendants herein, did unlawfully, knowingly and willfully combine, conspire, confederate and agree, with each other and with other persons known and unknown to the grand jury, to commit in offense against the United States, namely: to knowingly enter into a marriage for the purpose of evading a provision of the immigration laws, specifically for ALI MAATOUK to become a conditional resident alien, and lawful permanent resident alien, based on a fraudulent marriage to a United States citizen, in violation of Title 8, United States Code, Section 1325(c).

B. The Manner and Means

1. It was part of the conspiracy that the defendants would and did persuade a woman who was a United States Citizen to marry defendant ALI MAATOUK.

2. It was further part of the conspiracy that defendant FADL MOHAMMAD MAATOUK would and did pay the airfare and other travel expenses of the woman in order for her to meet and then marry ALI MAATOUK in the area of Beirut, Lebanon.

3. It was further part of the conspiracy that the defendants would and did make false statements on an application for an immigration visa to include false statements that defendant ALI MAATOUK and the woman would live together in the United States as husband and wife, and would reside at the residence of defendant FADL MOHAMMAD MAATOUK in Orange Park, Florida.

4. It was further part of the conspiracy that defendant ALI MAATOUK would and did make false statements to United States State Department officials at Nicosia, Cyprus, to include false statements that defendant ALI MAATOUK and the woman he married would live together in the United States as husband and wife, and would reside at the residence of defendant FADL MOHAMMAD MAATOUK.

5. It was further part of the conspiracy that the defendants would and did cause the woman ALI MAATOUK married to travel to Nicosia, Cyprus and make false statements to United States State Department officials, to include the false statements that she and defendant ALI MAATOUK would live together in the United States as husband and wife, and would reside at the residence of defendant FADL MOHAMMAD MAATOUK.

6. It was further part of the conspiracy that the defendants would misrepresent, hide and conceal, and cause to be hidden and concealed, the purposes of the acts done in furtherance of the conspiracy.

C. Overt Acts

In furtherance of the conspiracy, and to effect the objects thereof, in the Middle District of Florida, and elsewhere, one or more of the defendants committed the following overt acts, among others:

1. In or around December 2001, FADL MOHAMMAD MAATOUK, at Jacksonville, Florida, loaned money to a woman and, during the same month told her she could re-pay the debt by marrying his brother, AL MAATOUK, in Beirut, Lebanon.

2. On or about January 20, 2002, FADL MOHAMMAD MAATOUK accompanied the woman to be married to ALI MAATOUK on air travel from Jacksonville, Florida to Beirut, Lebanon. He paid the travel expenses.

3. On or about January 26, 2002, ALI MAATOUK married the same woman in a suburb of Beirut called Haret Hreik-Baabda.

4. On or about May 18, 2004, FADL MOHAMMAD MAATOUK caused the same woman to travel by air from Jacksonville, Florida to Beirut. He paid the travel expenses.

5. On or about June 23, 2004, ALI MAATOUK filled out and signed a form which was necessary to obtain an immigrant visa. In it, he indicated his marriage of January 26, 2002.

6. Between on or about June 24, 2004 and June 26, 2004, ALI MAATOUK traveled by air from Beirut to Nicosia, Cyprus, and brought with him the same woman.

7. On or about June 25, 2004, ALI MAATOUK submitted to an interview at the United States Embassy in Nicosia, Cyprus, in order to obtain an immigrant visa.

8. On or about September 11, 2004 ALI MAATOUK arrived in the United States at Atlanta, Georgia, presenting his immigrant visa and signing his Notice of Conditional Permanent Resident Alien Status, and then, later that day, arrived at Jacksonville, Florida.

9. On or about September 11, 2004, FADL MOHAMMAD MAATOUK permitted ALI MAATOUK to stay at his residence in Orange Park, Florida.

All in violation of Title 18, United States Code, Section 371.

COUNT THIRTEEN

Between on or about May 27, 2004 at Orange Park and Heathrow, in the Middle District of Florida,

FADL MOHAMMAD MAATOUK,

the defendant herein, did knowingly and willfully make a false document, knowing that it contained materially false entries, in a matter within the jurisdiction of the Citizenship and Immigration Services, a department or agency of the United States, specifically in an Application for Naturalization, which represented the defendant a) never committed a crime or offense for which he had not been arrested, b) never helped anyone to enter or try to enter the United States illegally and c) never lied to any government official to gain

entry or admission into the United States, which statements the defendant then knew to be false, fictitious and fraudulent.

In violation of Title 18, United States Code, Section 1001.

COUNT FOURTEEN

On or about February 1, 2005, at Jacksonville, in the Middle District of Florida,

FADL MOHAMMAD MAATOUK,

the defendant herein, did knowingly and willfully make materially false statements in a matter within the jurisdiction of the Citizenship and Immigration Services (CIS) a department or agency of the United States, in that, during an interview with a CIS examiner the defendant falsely stated : a) that he never committed a crime or offense for which he had not been arrested, b) that he never engaged in a fraud or conspiracy for himself or another to enter the United States or obtain an immigration benefit, c), that he had never lied to any government official to gain entry or admission into the United States, which statements the defendant then knew to be false, fictitious, and fraudulent.

In Violation of Title 18, United States Code, Section 1001.

FORFEITURES

COUNTS ONE THROUGH FIVE

1. The allegations contained in Counts One through Five of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to the provision of Title 21, United States Code, Section 853.

2. From their engagement in the violations alleged in Counts One through Five of this Indictment, punishable by imprisonment for more than one year, the defendants,

FADL MOHAMMAD MAATOUK - Counts One through Five,

KASSEEM ALDIFAHI - Counts One through Three,

shall forfeit to the United States of America, pursuant to Title 21, United States Code, Section 853(a)(1) and (2), all of their interest in:

a. Property constituting, or derived from, any proceeds the defendants obtained, directly or indirectly, as a result of such violations; and

b. Property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violations, including but not limited to the following:

1. A sum of money equal to \$87,900.00 in United States currency, representing the amount of proceeds obtained as a result of the offense, 21 U.S.C. §§ 846 and 863, for which the defendants are jointly and severally liable;
2. 2003 Chevrolet Tahoe, VIN 1GNEC13Z53J338688, Florida License Tag 173QNJ;
3. 2003 Chevrolet Suburban-V8 Utility C1500 LS 2WD, VIN 3GNEC16ZX3G313492;
4. 2003 Chevrolet Venture-V6 Extended Van, 4 Door, VIN 1GNDX03E03D223454; and
5. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 661 Custer Circle, Orange Park, Clay County, Florida, Parcel Number 12-04-25-012902-000-00, more particularly described as:

LOT 7 BLK 9
BELLAIR WEST AS
REC O R 2076 PG
1271.

3. If any of the property described above, as a result of any act or omission of the defendants:

- 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,

the United States of America shall be entitled to forfeiture of substitute property under the provision of Title 21, United States Code, Section 853(p).

COUNT SIX

1. The allegations contained in Count Six of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to the provisions of Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), and/or Title 18, United States Code, Section 982(a)(1).

2. From their engagement in the violations alleged in Count Six of this Indictment, punishable by imprisonment for more than one year, the defendants,

FADL MOHAMMAD MAATOUK,
KASSEM ALDIFAHI,

shall forfeit to the United States of America:

- a. pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), all of their interest in any property

constituting or derived from proceeds obtained directly or indirectly as a result of the said violations obtained as a result of the offense, 18 U.S.C. § 1956(h), for which the defendants are jointly and severally liable; and/or

b. pursuant to Title 18, United States Code, Section 982, any and all right, title, and interest they may have in any property, real or personal, involved in such offenses, or any property traceable to such property, as a result of such violation of 18 U.S.C. § 1956(h);

including but not limited to the following:

1. A sum of money equal to \$87,900.00 in United States currency, representing the amount of proceeds obtained as a result of the offense, 21 U.S.C. §§ 846 and 863, for which the defendants are jointly and severally liable;

3. If any of the property described above, as a result of any act or omission of the defendants:

- 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,

the United States of America shall be entitled to forfeiture of substitute property under the provisions of Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), and/or Title 18, United States Code, Section 982(b)(1).

COUNTS SEVEN THROUGH TEN

1. The allegations contained in Counts Seven through Ten of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to the provisions of Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), and/or Title 18, United States Code, Section 982(a)(1).

2. From his engagement in the violations alleged in Counts Seven through Ten of this Indictment, punishable by imprisonment for more than one year, the defendant, FADL MOHAMMAD MAATOUK, shall forfeit to the United States of America:

a. pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), all of his interest in any property constituting or derived from proceeds obtained directly or indirectly as a result of the violations of 18 U.S.C. § 1956(a)(2)(B); and/or

b. pursuant to Title 18, United States Code, Section 982, any and all right, title, and interest they may have in any property, real or personal, involved in such offenses, or any property traceable to such property, as a result of such violation of 18 U.S.C. § 1956(a)(2)(B); including but not limited to a sum of money equal to \$87,900.00 in United States currency, representing the combined total of proceeds obtained as a result of the offense, 18 U.S.C. § 1956(a)(2)(B).

3. If any of the property described above 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 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,

the United States of America shall be entitled to forfeiture of substitute property under the provisions of Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), and/or Title 18, United States Code, Section 982(b)(1).

COUNT ELEVEN

1. The allegations contained in Count Eleven of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to the provisions of Title 18, United States Code, Section 982(a)(2).

2. The defendant, FADL MOHAMMAD MAATOUK, shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 982(a)(2), any and all right, title, and interest he may have in any property constituting, or derived from, proceeds obtained directly or indirectly, as a result of such violations of 18 U.S.C. §§ 1014 and 2, including but not limited to the following:

- a. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 661 Custer Circle, Orange Park, Clay County, Florida, Parcel Number 12-04-25-012902-000-00, more particularly described as:

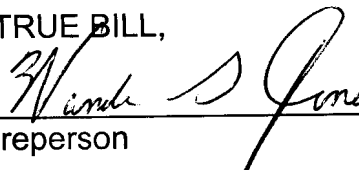
LOT 7 BLK 9 BELLAIR WEST AS
REC O R 2076 PG 1271.

3. If any of the property described above, 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 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,

the United States of America shall be entitled to forfeiture of substitute property under the provisions of Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1).

A TRUE BILL,

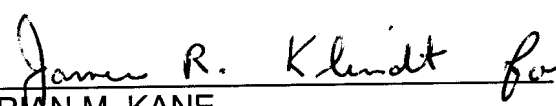

Foreperson

PAUL I. PEREZ
United States Attorney

By:


DALE R. CAMPION
Assistant United States Attorney

By:


BRIAN M. KANE
Assistant United States Attorney
Chief, Jacksonville Division

No.

UNITED STATES DISTRICT COURT

Middle District of Florida
Jacksonville Division

THE UNITED STATES OF AMERICA

vs.

FADL MOHAMMAD MAATOUK
KASSEM ALDIFAH
ALI MAATOUK

INDICTMENT

Violations:

- Ct. 1: 21 U.S.C. §§ 846, 863
- Cts. 2-3: 18 U.S.C. § 2 & 21 U.S.C. § 863
- Cts. 4-5: 21 U.S.C. § 863
- Ct. 6: 18 U.S.C. § 1956(h)
- Cts. 7-10: 18 U.S.C. §§ 1956(a)(2)(B) & 2
- Ct. 11: 18 U.S.C. §§ 1014 and 2
- Ct. 12: 18 U.S.C. § 371
- Cts. 13-14: 18 U.S.C. § 1001

A true bill

[Signature]

Foreperson

Filed in open court this 10th day

of February, A.D. 2005.

[Signature]

Clerk

Bail \$