

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	Criminal No.
)	
v.)	Violations:
)	
KOKOU KUAKUMENSAH)	<u>Counts One - Four</u> : Wire Fraud
)	(18 U.S.C. § 1343)
)	
Defendant)	<u>Counts Five - Eight</u> : Aggravated Identity Theft
)	(18 U.S.C. § 1028A)
)	
)	<u>Forfeiture Allegation</u> :
)	(18 U.S.C. § 981(a)(1)(C) and
)	28 U.S.C. § 2461)

INDICTMENT

At times relevant to this Indictment:

General Allegations

1. The defendant Kokou KUAKUMENSAH was a resident of Worcester, Massachusetts.
2. The Massachusetts Bay Transport Authority (“MBTA”) was a public transportation agency that operated subway trains, buses and commuter rail trains in the Commonwealth of Massachusetts.
3. The MBTA sold commuter rail passes at fare vending machines at various MBTA stations throughout the MBTA system, including stations that service subway and commuter rail trains. These fare vending machines were self-service machines. Individuals could purchase both subway and commuter rail passes at these fare vending machines using both cash and credit cards. As to purchases by credit card, an individual would swipe a credit card at the fare vending machine to purchase the pass.

4. The MBTA sells commuter rail passes for monthly periods of time. This monthly price varies depending on the distance covered by the particular pass. Each commuter rail station is located in what the MBTA calls a fare zone. The price of a monthly commuter rail pass depends on those zones in which a customer's boarding and exiting stations are located.

Scheme to Defraud

5. From in or about January 2019 until in or about March 2020, the defendant engaged in a scheme to defraud the MBTA by using stolen identities to purchase commuter rail passes.

6. The defendant used credit card accounts belonging to other real persons, without authorization, to purchase monthly MBTA commuter rail passes at MBTA fare vending machines.

7. The defendant then used the internet to advertise for sale the MBTA commuter rail passes that he had obtained fraudulently.

8. The defendant then resold the MBTA monthly commuter rail passes at prices lower than the face value of the monthly commuter rail passes, including at the Grafton MBTA station in Worcester County.

9. The aggregate face value of the MBTA commuter rail passes that the defendant fraudulently obtained between January 2019 and March 2020 was more than \$100,000.

COUNTS ONE - FOUR
Wire Fraud
(18 U.S.C. § 1343)

The Grand Jury charges:

10. The Grand Jury re-alleges and incorporates by reference paragraphs 1-9 of this Indictment.

11. From in or about January 2019 through in or about January 2020, in the District of Massachusetts, and elsewhere, the defendant,

KOKOU KUAKUMENSAH,

having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of materially false and fraudulent pretenses, representations, and promises, did transmit and cause to be transmitted by means of wire communications in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing the scheme to defraud, as set forth below:

Count	Approximate Date	Description
1	January 28, 2019	Purchase and Sale of February 2019 Commuter Rail Pass
2	November 27, 2019	Purchase and Sale of December 2019 Commuter Rail Pass
3	December 25, 2019	Purchase and Sale of January 2020 Commuter Rail Pass
4	January 27, 2020	Purchase and Sale of February 2020 Commuter Rail Pass

All in violation of Title 18, United State Code, Section 1343.

COUNTS FIVE - EIGHT
 Aggravated Identity Theft
 (18 U.S.C. § 1028A(a)(1))

The Grand Jury further charges:

12. On or about the dates set forth below, in the District of Massachusetts, and elsewhere, the defendant,

KOKOU KUAKUMENSAH,

did knowingly transfer, possess, and use, without lawful authority, a means of identification of another person during and in relation to a felony violation enumerated in 18 U.S.C. § 1028A(c), that is, wire fraud, as charged in Counts One through Four of this Indictment:

Count	Approximate Date	Last Four Digits of Credit Card Used
5	January 28, 2019	-4817
6	November 27, 2019	-6375
7	December 25, 2019	-7021
8	January 27, 2020	-5656

All in violation of Title 18, United States Code, Section 1028A(a)(1).

FORFEITURE ALLEGATION
(18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c))

13. Upon conviction of one or more of the offenses in violation of 18 U.S.C. § 1343, set forth in Counts One through Four, the defendant,

KOKOU KUAKUMENSAH,

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the offenses.

14. If any of the property described in Paragraph 13, above, as being forfeitable pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), 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;

it is the intention of the United States, pursuant to Title 28, United States Code, Section 2461(c), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the property described in Paragraph 13 above.

All pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c).

A TRUE BILL



FOREPERSON



JOHN T. MULCAHY
ASSISTANT UNITED STATES ATTORNEY
DISTRICT OF MASSACHUSETTS

District of Massachusetts: OCTOBER 29, 2020
Returned into the District Court by the Grand Jurors and filed.

Dawn M. King 10/29/20 12:35pm
DEPUTY CLERK