

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 12-60049-CR- ROSENBAUM/MATTHEWMAN (s)(s)

18 U.S.C. § 1341

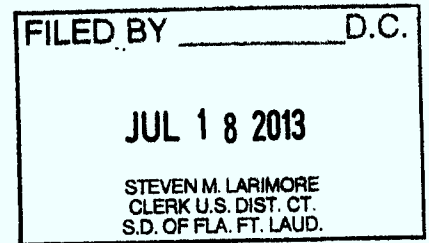
18 U.S.C. § 1001(a)(2)

UNITED STATES OF AMERICA

v.

ROGERIO CHAVES SCOTTON,
aka, "Roger Scotton,"

Defendant.



SECOND SUPERSEDING INDICTMENT

The Grand Jury charges that:

GENERAL ALLEGATIONS

At all times relevant to this indictment:

1. Federal Express Corporation (hereinafter referred to as "FedEx") was a private and commercial interstate carrier.
2. DHL Express (USA), Inc. (hereinafter referred to as "DHL") was a private and commercial interstate carrier.
3. United Parcel Service, Inc. (hereinafter referred to as "UPS") was a private and commercial interstate carrier.
4. An individual or an entity could create an account with FedEx, DHL and UPS (hereinafter, also referred to as the "shippers") which could be used to ship items. The individual's or entity's account was assigned a unique account number and the account would be billed for the shipping services provided.
5. All items submitted to the shippers for delivery were required to have a shipping label affixed to the item. Each shipping label had a tracking number which was unique to each label

and which was used to identify and track the item's progress from the time it was submitted for delivery to its arrival at its final destination.

6. In addition to a shipping label, FedEx, DHL and UPS required that shipments of items to Brazil contain a Commercial Invoice which described, among other things, the item shipped and its total value. The Commercial Invoice provided the basis for the assessment of Brazilian import duties and taxes on the items being shipped to Brazil. Typically, the taxes and duties would be added to the cost of the shipment such that the amount the shippers charged their customers would include their shipping fees, the duty fees and the tax fees.

7. From in or about February 2007 through in or about March 2012, defendant **ROGERIO CHAVES SCOTTON** resided at 398 SE Mizner Blvd., Unit 1921, Boca Raton, Florida.

8. At various times from approximately December 20, 2007 through March 2012, defendant **ROGERIO CHAVES SCOTTON** reported 7797 Golf Circle Drive, Unit 204, Margate, Florida, as his address on his Florida Driver's License.

9. On or about August 31, 2011, defendant **ROGERIO CHAVES SCOTTON** provided 7797 Golf Circle Drive, Unit 204, Margate, Florida, as his address to the United States Citizenship and Immigration Services, United States Department of Homeland Security.

10. Defendant **ROGERIO CHAVES SCOTTON** incorporated and caused to be incorporated several Florida corporations, whose names were variations of "Brasil Express" including, among others:

- A. Brasil Express Inc. (incorporated on or about February 15, 2007);
- B. Brasil Express USA Inc. (incorporated on or about February 6, 2008);
- C. Brasilusa Express Inc. (incorporated on or about May 22, 2008); and
- D. Brasil Express Online Inc. (incorporated on or about September 9, 2008).

11. Defendant **ROGERIO CHAVES SCOTTON** owned and operated an online retailer which offered consumer goods for sale, primarily electronic items, called Brazil Express Import and Export (hereinafter, "Brazil Express") which had an internet address at

www.Brazilexpressonline.com, and which he marketed to the Brazilian community. Brazil Express also offered shipping and freight services.

12. Defendant **ROGERIO CHAVES SCOTTON** incorporated and caused to be incorporated several Florida corporations, whose names were variations of “Sky Air” including, among others:

- A. Sky Air Express Inc. (incorporated on or about March 4, 2009);
- B. Sky Air Online Corp. (incorporated on or about March 17, 2010); and
- C. Sky Air Global Inc. (incorporated on or about December 9, 2010).

13. Defendant **ROGERIO CHAVES SCOTTON** owned and operated an online retailer which offered consumer goods for sale, primarily electronic items, called Sky Air Express (hereinafter referred to as “Sky Air”), which had an internet address at www.skyaironline.com, and which he marketed to the Brazilian community. Sky Air also offered shipping and freight services.

14. Sometime in or about 2005, defendant **ROGERIO CHAVES SCOTTON** applied for and obtained a Post Office (“P.O.”) Box, that is P.O. Box 629, at the Downtown Boca Raton Post Station, 170 NE 2nd Street, Boca Raton, FL 33432.

15. A Commercial Mail Receiving Agency (“CMRA”) is a private entity which, for a fee, accepts mail on behalf of individuals and entities who enter into an agreement with the CMRA to do so. The CMRA assigns the individual/entity a box, analogous to a “P.O. Box,” and the individual’s/entity’s mail is delivered to the box at the CMRA. The CMRA derives its authorization to receive U.S. Mail as a third party by having its customers fill out a United States Postal Service Application for Delivery of Mail Through Agent, PS Form 1583, which is filed at the CMRA and the U.S. Post Office that delivers to it.

16. Pak Mail Center of America (hereinafter, “Pak Mail”) is a CMRA with numerous store locations, including several in the Southern District of Florida.

17. On or about October 30, 2008, defendant **ROGERIO CHAVES SCOTTON** leased box

number 327 from the Pak Mail store located at 2234 North Federal Highway, Boca Raton, Florida.

18. On or about December 29, 2009, defendant **ROGERIO CHAVES SCOTTON** leased box number 329 from the Pak Mail store located at 934 North University Drive, Coral Springs, Florida.

19. Super Postal Center, Inc. is a CMRA located at 160 West Camino Real, Boca Raton, Florida. On or about April 27, 2009, defendant **ROGERIO CHAVES SCOTTON** leased box number 152 at this Super Postal Center store.

COUNTS 1-27

20. The General Allegations set forth in paragraphs 1 through 19 are realleged and incorporated herein by reference.

21. From in or about February 2006 through in or about February 2012, in Broward County, in the Southern District of Florida, and elsewhere, the defendant,

**ROGERIO CHAVES SCOTTON,
aka "Roger Scotton,"**

knowingly, and with intent to defraud, devised a scheme and artifice to defraud and for obtaining money and property by means of false and fraudulent pretenses, representations and promises, knowing that they were false and fraudulent when made, and did knowingly cause to be sent and delivered certain mail matter by a private and commercial interstate carrier, according to the directions thereon, for the purpose of executing the scheme and artifice.

PURPOSE OF THE SCHEME AND ARTIFICE

22. It was the purpose of the scheme and artifice that the defendant would unlawfully enrich himself by using false and fictitious information to open shipping accounts with FedEx, DHL, and UPS under names and addresses other than his own, using these fraudulently created accounts to ship thousands of packages and not paying FedEx, DHL, and UPS for their shipping services, thereby eliminating the shipping costs associated with his internet businesses and increasing his profit margin.

MANNER AND MEANS OF THE SCHEME AND ARTIFICE

The manner and means by which the scheme and artifice was accomplished included, among other things, the following:

23. Defendant **ROGERIO CHAVES SCOTTON** would offer merchandise for sale through his internet commercial retail websites, including but not limited to, Brazil Express and Sky Air. The defendant would offer to ship the merchandise to the country of Brazil and elsewhere at favorable shipping rates.

24. Defendant **ROGERIO CHAVES SCOTTON** would open FedEx, DHL, and UPS accounts under his own name and names of entities which he controlled including, among others, the following:

- A. Brazil Express (UPS);
- B. Brasil Express Online, Inc. (FedEx);
- C. Brazil Express, Inc. (FedEx);
- D. Sky Air Express (FedEx);
- E. Scotom (sic) Racing LLC (DHL);
- F. Matte Lion (FedEx and DHL); and
- G. Rio Motor Sports (FedEx and DHL).

25. Defendant **ROGERIO CHAVES SCOTTON** would incur large bills on his accounts and the accounts of entities which he controlled and would not pay the shipping invoices in full as required by the terms of his accounts. Ultimately, FedEx, DHL, and UPS would terminate the accounts which had large balances due and owing from defendant **ROGERIO CHAVES SCOTTON**.

26. In some instances, defendant **ROGERIO CHAVES SCOTTON** would call the customer service centers of FedEx, DHL and UPS pretending to be a representative of an established commercial entity and would fraudulently establish a new shipping account or subaccount under the name of the commercial entity which he was pretending to represent. Defendant **ROGERIO CHAVES SCOTTON** would be given a new account number and his request for monthly

invoice billing would be honored.

27. Defendant **ROGERIO CHAVES SCOTTON** would use these new shipping accounts to ship packages throughout the United States and to the country of Brazil on behalf of his customers who purchased merchandise from Brazil Express and Sky Air and who utilized his freight forwarding services.

28. When the commercial entity under whose name the defendant had established the fraudulent account would receive an invoice for the account, a true representative of the company would advise FedEx, DHL, and UPS that the commercial entity had not created that account and that the shipments under the account were not authorized. The shipping companies would credit the legitimate customer and sustain the financial loss for the shipping services they provided to defendant **ROGERIO CHAVES SCOTTON** under the fraudulently created accounts.

29. In some instances, FedEx, DHL, and UPS would discover the fraudulent shipments on their own and either seize the package if it had not been delivered, or, if the package had been delivered, would not bill the entity under whose name the fraudulent account was created.

30. To sustain the continuity of his fraudulent activity, defendant **ROGERIO CHAVES SCOTTON** opened many different fraudulent shipping accounts under the names of established commercial entities, including, among others, the following fraudulent accounts:

- A. Citrix Online LLC (FedEx);
- B. Trufino Specialty Foods Corporation (FedEx);
- C. Co-Pilot Express (FedEx);
- D. SunMoon Online (FedEx);
- E. B & H Photo (FedEx);
- F. Wal-Mart (FedEx and DHL);
- G. Impulse Energy Drink (FedEx);
- H. Havoc Distributions Inc. (DHL);
- I. Apple Inc. (DHL);
- J. Apple Computer (DHL);

- K. Amazon (FedEx and DHL);
- L. Sun and Moon Corp. (DHL);
- M. Soundstream (UPS);
- N.. Target (DHL);
- O. Citrix Systems, Inc. (DHL);
- P. U.S. Trade International (DHL);
- Q. Sunshine Express (DHL); and
- R. Eletronika (DHL).

USE OF THE MAIL

31. On or about the date as specified as to each count below, the defendant, **ROGERIO CHAVES SCOTTON**, for the purpose of executing and in furtherance of the scheme and artifice described above, did knowingly cause to be delivered certain matters and things by private and commercial interstate carrier, as specified below, according to the directions thereon, as described in each count below:

COUNT	APPROX. DATE SHIPPED	DESCRIPTION OF MAILING	ENTITY UNDER WHOSE NAME FRAUDULENT ACCOUNT CREATED
1	12/3/2007	DHL package with a waybill tracking number of 88 4061 8684, a return address of Sun and Moon Corp., PO Box 629, Boca Raton, FL 74563, shipped to J.P. in Mutum, Brazil.	Sun and Moon Corp. (Acct. No. 803612374)
2	8/8/2008	FedEx package with a tracking number of 7919 4818 9000, a return address of D.F. Citrix Online, 851 West Cypress Creek Road, Fort Lauderdale, FL, shipped to I.S., in Brasilia, Brazil.	Citrix Online LLC (Acct. No, 438211047)
3	8/11/2008	UPS package with a tracking number of 1Z 716 R9Y 04 9896 0084, return address of Thomas, 398 SE Mizsner [sic] Blvd., Boca Raton, FL 33442, shipped to E.N. in Barbalia, Brazil.	Trufino Specialty Foods (Acct. No. 716R9Y)

4	8/11/2008	UPS package with a tracking number of 1Z 716 R9Y 04 9814 0862, return address of Jhon, 7797 Golf Circle Dr #204, Margate, FL 33063, shipped to M.C. in Macae, RJ, Brazil.	Trufino Specialty Foods (Acct. No. 716R9Y)
COUNT	APPROX. DATE SHIPPED	DESCRIPTION OF MAILING	ENTITY UNDER WHOSE NAME FRAUDULENT ACCOUNT CREATED
5	8/11/2008	UPS package with a tracking number of 1Z 716 R9Y 04 9348 2092, return address of Jhon, 7797 Golf Circle Dr #204, Margate, FL 33063, shipped to E.A. in Sao Joao De Meriti, RJ, Brazil.	Trufino Specialty Foods (Acct. No. 716R9Y)
6	8/11/2008	UPS package with a tracking number of 1Z 716 R9Y 04 9774 5872, return address of Jhon, 7797 Golf Circle Dr #204, Margate, FL 33063, shipped to M.B. in Rio De Janeiro, Brazil.	Trufino Specialty Foods (Acct. No. 716R9Y)
7	8/11/2008	UPS package with a tracking number of 1Z 716 R9Y 04 9896 1056, return address of Jhon, 7797 Golf Circle Dr #204, Margate, FL 33063, shipped to W.S. in Joao Pessoa, PB, Brazil.	Trufino Specialty Foods (Acct. No. 716R9Y)
8	8/11/2008	UPS package with a tracking number of 1Z 716 R9Y 04 9128 5479, return address of Jhon, 7797 Golf Circle Dr #204, Margate, FL 33063, shipped to F.S. in Patos De Minas, MG, Brazil.	Trufino Specialty Foods (Acct. No. 716R9Y)
9	8/11/2008	UPS package with a tracking number of 1Z 716 R9Y 04 9770 2444, return address of Jhon, 7797 Golf Circle Dr #204, Margate, FL 33063, shipped to A.L. in Rio De Janeiro, RJ, Brazil.	Trufino Specialty Foods (Acct. No. 716R9Y)
10	8/11/2008	FedEx package with a tracking number of 7993 6256 6720 return address of D.F. 398 SE Mizner Blvd, #1921, Boca Raton, FL, shipped to V.S. in Sao Jose Da	Citrix Online LLC (Acct. No. 438211047)

		Lapa, Brazil.	
COUNT	APPROX. DATE SHIPPED	DESCRIPTION OF MAILING	ENTITY UNDER WHOSE NAME FRAUDULENT ACCOUNT CREATED
11	1/14/2009	FedEx package with a tracking number of 7972 4970 5639, return address of S.B., Impulse Energy Drink, 2234 N Federal HYW, Boca Raton, FL 33432, shipped to M.M. in Margate, FL.	Impulse Energy Drink (Acct. No. 455022266)
12	1/14/2009	FedEx package with a tracking number of 7972 4972 0640, return address of Paulo, Impulse Energy Drink, POBox 629, Boca Raton, FL 33429, shipped to M.M. in Houston, TX	Impulse Energy Drink (Acct. No. 455022266)
13	4/7/2010	FedEx package with a tracking number of 7985 4731 1212, return address of Sky, BHPV 934 N University Dr 329 Coral Springs, FL 33071 shipped to R.D. in Sao Paulo, Brazil.	B & H Photo (aka BHPV) (Acct. No. 236553027)
14	4/7/2010	FedEx package with a tracking number of 7934 2589 0090, return address of Sky, BHPV 934 N University Dr 329 Coral Springs, FL 33071, shipped to D. in Atlanta, GA	B & H Photo (aka BHPV) (Acct. No. 236553027)
15	4/7/2010	FedEx package with a a tracking number of 7934 2429 7014, return address of Sky, BHPV 934 N University Dr 329 Coral Springs, FL 33071, shipped to K.D.Q.M.C. in Alpharetta, GA	B & H Photo (aka BHPV) (Acct. No. 236553027)
16	4/29/2010	DHL package with a waybill number of 74 0258 2095, return address of A Computer, Fernando, 934 N University Dr 329, Coral Springs, FL, shipped to C.S. in Salvador, BA, Brazil.	Apple Computer (Acct. No. 775429527)
	4/29/2010	DHL package with a waybill	Apple Computer

17		number of 74 0257 4911, return address of A Computer, Fernando, 934 N University Dr 329, Coral Springs, FL, shipped to G.D. in Belo Horizonte, Brazil	(Acct. No. 775429527)
COUNT	APPROX. DATE SHIPPED	DESCRIPTION OF MAILING	ENTITY UNDER WHOSE NAME FRAUDULENT ACCOUNT CREATED
18	4/29/2010	DHL package with a waybill number of 74 0266 4721, return address of Airexpress, 934 N University Dr 329, Coral Springs, FL, shipped to F.P. in Anapolis, Brazil	Apple Computer (Acct. No. 775429527)
19	4/30/2010	DHL package with a waybill tracking number of 74 0311 0304, a return address of Apple Computer, Scott, 7797 Golf Circle Dr #204, Margate, FL, shipped to F.D. in Picos, PL, Brazil.	Apple Computer (Acct. No. 775429527)
20	4/30/2010	DHL package with a waybill tracking number of 74 0323 9756, a return address of A Computer, Fernando, 934 N University Dr 329, Coral Springs, FL, shipped to S.B. in Niteroi, RJ, Brazil.	Apple Computer (Acct. No. 775429527)
21	4/30/2010	DHL package with a waybill tracking number of 74 0316 4764, a return address of APPLEMPUTER, M. Cancado, 934 N University dr (SIC), Coral Springs, FL 33071, shipped to A.S. in Salvador, Brazil.	Apple Computer (Acct. No. 775429527)
22	4/30/2010	DHL package with a waybill tracking number of 74 0316 6514, a return address of APPLEMPUTER, M. Cancado, 934 N University dr (SIC), Coral Springs, FL 33071, shipped to J.P. in Taquara, Brazil.	Apple Computer (Acct. No. 775429527)
23	4/30/2010	DHL package with a waybill tracking number of 74 0316 8382, a return address of APPLEMPUTER, M. Cancado,	Apple Computer (Acct. No. 775429527)

		934 N University dr (SIC), Coral Springs, FL 33071, shipped to J.B. in Goiania, Brazil.	
COUNT	APPROX. DATE SHIPPED	DESCRIPTION OF MAILING	ENTITY UNDER WHOSE NAME FRAUDULENT ACCOUNT CREATED
24	4/30/2010	DHL package with a waybill tracking number of 74 0314 9294, a return address of APPEMPUTER, M. Cancado, 934 N University dr (SIC), Coral Springs, FL 33071, shipped to A.N. in Niteroi, Brazil.	Apple Computer (Acct. No. 775429527)
25	4/30/2010	DHL package with a waybill tracking number of 74 0315 1884, a return address of APPEMPUTER, M. Cancado, 934 N University dr (SIC), Coral Springs, FL 33071, shipped to A.N. in Niteroi, Brazil	Apple Computer (Acct. No. 775429527)
26	5/3/2010	DHL package with a waybill tracking number of 74 0372 7520, a return address of Apple Computer, Scott, 7797 Golf Circle Dr #204, Margate, FL, shipped to F.M. in Petropolis, PL, Brazil.	Apple Computer (Acct. No. 775429527)
27	3/15/2011	DHL package with a waybill number of 81 2794 6503, return address of Citrix Inc./ M. Templeton, 851 W. Cypress Creek Rd FL 33309, Fort Lauderdale, FL, shipped to G.O. in Belo Horizonte, Brazil.	Citrix Systems, Inc. (Acct. No. 802397001)

All in violation of Title 18, United States Code, Section 1341.

COUNT 28

On or about July 13, 2010, in Broward County, in the Southern District of Florida, in a matter within the jurisdiction of the United States Department of Homeland Security, United States Citizenship and Immigration Services, an agency of the executive branch of the Government of the United States, the defendant,

**ROGERIO CHAVES SCOTTON,
aka "Roger Scotton,"**

did knowingly and willfully make a materially false, fraudulent and fictitious statement and representation, in that the defendant represented on his I-485 Application, that he was residing with a Cuban admitted and paroled into the United States after January 1, 1959, and that the date of his last arrival in the United States was April 13, 1992, when in truth and in fact, as the defendant then and there well knew, he was not residing with a Cuban admitted and paroled into the United States after January 1, 1959, and the date of his last arrival in the United States was sometime after April 2, 2008, in violation of Title 18, United States Code, Section 1001(a)(2).

COUNT 29

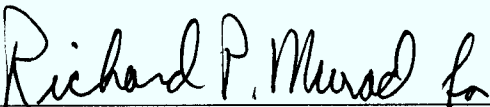
On or about August 31, 2011, in Broward County, in the Southern District of Florida, in a matter within the jurisdiction of the United States Department of Homeland Security, United States Citizenship and Immigration Services, an agency of the executive branch of the Government of the United States, the defendant,

**ROGERIO CHAVES SCOTTON,
aka "Roger Scotton,"**

did knowingly and willfully make a materially false, fraudulent and fictitious statement and representation, in that the defendant represented to an officer of the United States Citizenship and Immigration Services, that he was residing with an individual whose initials are A.M, when in truth and in fact, as the defendant then and there well knew, he was not residing with A.M., in violation of Title 18, United States Code, Section 1001(a)(2).


A TRUE BILL

FOREPERSON



WIFREDO A. FERRER
UNITED STATES ATTORNEY

Richard P. Murad



BERTHA R. MITRANI
ASSISTANT UNITED STATES ATTORNEY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

CASE NO. 12-60049-CR-ROSENBAUM/MATTHEWMAN(s)(s)

vs.

ROGERIO CHAVES SCOTTON,
aka, "Roger Scotton"

CERTIFICATE OF TRIAL ATTORNEY*

Defendant.

_____ /

Superseding Case Information:

Court Division: (Select One)

X Miami Key West
FTL WPB FTP

New Defendant(s) Yes No X
Number of New Defendants
Total number of counts 29

I do hereby certify that:

- I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
- I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.
- Interpreter: (Yes or No) Yes
List language and/or dialect Portuguese (Brazilian)
- This case will take 6 days for the parties to try.
- Please check appropriate category and type of offense listed below:

(Check only one)	(Check only one)
I 0 to 5 days <u> </u>	Petty <u> </u>
II 6 to 10 days <u>X</u>	Minor <u> </u>
III 11 to 20 days <u> </u>	Misdem. <u> </u>
IV 21 to 60 days <u> </u>	Felony <u>X</u>
V 61 days and over <u> </u>	

6. Has this case been previously filed in this District Court? (Yes or No) No

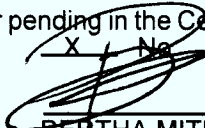
If yes:
Judge: _____ Case No. _____
(Attach copy of dispositive order)

Has a complaint been filed in this matter? (Yes or No) No

If yes:
Magistrate Case No. _____
Related Miscellaneous numbers: _____
Defendant(s) in federal custody as of March 15, 2012
Defendant(s) in state custody as of _____
Rule 20 from the _____ District of _____

Is this a potential death penalty case? (Yes or No) No

- Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to October 14, 2003? Yes X No
- Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to September 1, 2007? Yes X No



 BERTHA MITRANI
 ASSISTANT UNITED STATES ATTORNEY
 Florida Bar No. 88171

*Penalty Sheet(s) attached

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: Rogério Chaves Scotton, aka "Roger Scotton"

Case No: 12-60049-CR-ROSENBAUM/MATTHEWMAN(s)(s)

Counts #: 1-27

Mail Fraud

Title 18, United States Code, Section 1341

*** Max. Penalty:** Twenty (20) years` imprisonment; five (5) years` supervised release; \$250,000 fine twice the gross gain or twice the gross loss, whichever is greater

Counts #: 28-29

False Statement

Title 18, United States Code, Section 1001(a)(2)

***Max. Penalty:** Five (5) years` imprisonment; three (3) years` supervised release; \$250,000 fine

Count #:

***Max. Penalty:**

Count #:

***Max. Penalty:**

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms or forfeitures that may be applicable.**