

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION**

UNITED STATES OF AMERICA)	
)	
v.)	
)	
AIMAN AKRAM KAIF,)	
<i>aka "Dior,"</i>)	
DAMION WAYNE SCARLETT,)	
<i>aka "Dash,"</i>)	
DHRUV GARGI,)	
<i>aka "Panda,"</i>)	
DAVID JAMES PARK,)	Case No.
<i>aka "Plutus,"</i>)	
ANDRE JOHANNES ISCHLER)	
SIMONET,)	
<i>aka "Chief,"</i>)	
NICHOLAS JOHN CARUSO,)	
<i>aka "Deaf,"</i>)	
JENNIFER MIREYA PALMA,)	
<i>aka "Bianca,"</i>)	
CK CHIKONG TRAN,)	
<i>aka "Radiant," and</i>)	
TYREE SAMUEL TINSLEY,)	
<i>aka "Tysamtin,"</i>)	
)	
Defendants.)	

INDICTMENT

The Grand Jury charges that:

INTRODUCTION

At all times material to this Indictment:

1. Telegram was a cloud-based instant messaging service that offered users the ability to send and receive end-to-end encrypted messages. A Telegram channel allowed users to disseminate messages to Telegram users who subscribed to the channel. Each Telegram user had a username, also known as a handle, that identified the user's account. The handle is preceded by an "@" symbol.

2. United Parcel Service ("UPS") and Federal Express ("FedEx") are American private and commercial interstate carriers that ship and receive packages.

3. "Refund fraud" was a fraud by which complicit parties purchased an item, had the purchase refunded, and then, through various means, kept the refunded item for personal use or to sell for profit. Refund fraud included the submission of fraudulent warranty claims to retailers for the purpose of obtaining products. Fraudsters who engage in refund fraud were known as "refunders."

4. "Noir's Organization" was a group organized through Telegram and other internet-based services. Noir's Organization defrauded retailers through online refund fraud. Noir's Organization operated several Telegram channels devoted to refund fraud, including Noir's Luxury Refunds.

5. Noir's Organization operated a "concierge" refund service where it offered refund fraud services to the public through the Noir's Luxury Refunds

Telegram channel. After a customer purchased a product, the customer would contact Noir's Organization to perform a fraudulent refund of the order on the customer's behalf. In exchange for this service, the customer would pay Noir's Organization a portion of the product price.

6. Noir's Organization marketed itself as having the expertise to commit refund fraud against retailers across the world in a wide range of industries. Noir's Organization also marketed itself as having the ability to commit refund fraud and obtain expensive products like computers, iPads, and appliances. Through Noir's Organization's service, customers effectively received a product for a steep discount, Noir's Organization collected a fee, and retailers suffered a loss because they had provided the product to the customer but had ultimately not collected the purchase price.

7. AIMAN AKRAM KAIF was a member of Noir's Organization who used the Telegram handle @Dior. KAIF resided in New York County, New York.

8. DAMIAN WAYNE SCARLETT was a member of Noir's Organization who used the Telegram handle @Dash. SCARLETT resided in Orange County, New York.

9. DHRUV GARGI was a member of Noir's Organization who used the Telegram handle @AncientBananaOld with the display name "Panda." GARGI resided in Essex County, New Jersey.

10. DAVID JAMES PARK was a member of Noir's Organization who used the Telegram handle @Plutus. PARK resided in Maricopa County, Arizona.

11. ANDRE JOHANNES ISCHLER SIMONET was a member of Noir's Organization who used the Telegram handle @Imchief2 with the display name "Chief." SIMONET resided in Rice County, Minnesota.

12. NICHOLAS JOHN CARUSO was a member of Noir's Organization who used the Telegram handle @Deaf. CARUSO resided in Dallas County, Texas.

13. JENNIFER MIREYA PALMA was a member of Noir's Organization who used the Telegram handle @Bianca and @J. PALMA resided in Los Angeles County, California.

14. CK CHIKONG TRAN was a member of Noir's Organization who used the Telegram handle @Radiant. TRAN resided in New York County, New York.

15. TYREE SAMUEL TINSLEY was a member of Noir's Organization who used the Telegram handles @YGOTrader and @Tysamtin. TINSLEY resided in Chesterfield County, Virginia.

16. INDIVIDUAL 1 was a person who resided in the Northern District of Alabama. INDIVIDUAL 1's address in Anniston, Alabama, was used by Noir's Organization to receive products obtained through refund fraud.

COUNT ONE: [18 U.S.C. §§ 1341, 1343, and 1349]

17. The allegations in paragraphs 1 through 16 of this Indictment are re-alleged as though fully set forth herein.

18. Beginning in or around July 2020 and continuing until a date unknown but no earlier than on or about July 2022, more exact dates being unknown to the Grand Jury, in Calhoun and Madison counties, within the Northern District of Alabama, and elsewhere, the defendants,

AIMAN AKRAM KAIF, *aka* “Dior,”
DAMION WAYNE SCARLETT, *aka* “Dash,”
DHRUV GARGI, *aka* “Panda,”
DAVID JAMES PARK, *aka* “Plutus,”
ANDRE JOHANNES ISCHLER SIMONET, *aka* “Chief,”
NICHOLAS JOHN CARUSO, *aka* “Deaf,”
JENNIFER MIREYA PALMA, *aka* “Bianca,”
CK CHIKONG TRAN, *aka* “Radiant,” and
TYREE SAMUEL TINSLEY, *aka* “Tysamtin,”

knowingly and willfully conspired and agreed with each other and with other persons known and unknown to the Grand Jury, to transmit and cause to be transmitted by means of wire communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds, and to cause to be delivered by mail and private and commercial interstate carriers according to the direction thereon and at the place at which it was directed to be delivered by the person to whom it was addressed for the purposes of executing such scheme and artifice, in violation of Title 18, United States Code, Sections 1341 and 1343.

OBJECT OF THE CONSPIRACY

19. It was a purpose of the conspiracy for the defendants,

AIMAN AKRAM KAIF, *aka* “Dior,”
DAMION WAYNE SCARLETT, *aka* “Dash,”
DHRUV GARGI, *aka* “Panda,”
DAVID JAMES PARK, *aka* “Plutus,”
ANDRE JOHANNES ISCHLER SIMONET, *aka* “Chief,”
NICHOLAS JOHN CARUSO, *aka* “Deaf,”
JENNIFER MIREYA PALMA, *aka* “Bianca,”
CK CHIKONG TRAN, *aka* “Radiant,” and
TYREE SAMUEL TINSLEY, *aka* “Tysamtin,”

and other co-conspirators to unlawfully enrich themselves and others by, among other things, tricking online retailers into issuing refunds and replacement products under false and fraudulent pretenses and through false and fraudulent representations.

MANNER AND MEANS OF THE CONSPIRACY

20. Among the manner and means used by the conspiracy to achieve its unlawful objects and in furtherance of the scheme were the following:

21. Noir’s Organization developed and deployed different methods to conduct refund fraud. Tactics often evolved in response to retailers’ changing their refund policies and procedures to counteract fraud. Among the refund fraud methods used by Noir’s Organization were the following:

- A. “Did Not Arrive (DNA)”: Noir’s Organization contacted the retailer and claimed that the purchased item was not delivered. The retailer issued a refund in response.

- B. “Empty Box Fraud”: Noir’s Organization contacted the retailer and claimed that a package was delivered by the retailer but that it was empty. The retailer issued a refund in response.
- C. “Fake Tracking Identification (FTID)”: Noir Organization used manipulated return shipping labels. These manipulated labels would remove identifying customer information, change the shipping address on the label, or both. Through this method, retailers were deceived into believing they had received a return when they had not.
- D. “False Warranty Claim”: Noir’s Organization submitted a warranty claim for a product, fraudulently claiming that it was defective. The retailer shipped a replacement product in response.
- E. “Insiders”: Noir’s Organization recruited retailer customer service employees to process fraudulent refunds on behalf of the conspiracy.
- F. “Double Dips”: Noir’s Organization would attempt to have a second item as a replacement for the initially purchased item, effectively giving the refunder two items to keep or sell rather than one.

22. Noir’s Luxury Refunds customers would purchase items and then have Noir’s Organization refund it using false and fraudulent pretenses and representations to the retailer. In exchange for conducting the fraudulent refund on behalf of the purchaser, the customer paid a portion of the purchase price to Noir’s Organization as a fee.

23. At one point, Noir’s Organization would take refund orders using Google Forms and track them using Google Sheets. These documents reflect that

Noir's Organization refunded or attempted to refund millions of dollars' worth of products, including electronics, designer clothing and apparel, as well as home furnishings and appliances.

24. Noir's Organization would also obtain retail products through refund fraud and then sell or attempt to sell them on markets like eBay and in bulk to wholesale resale services.

25. Noir's Organization established storage and reshipping locations throughout the United States to facilitate the conspiracy's resale operation. Noir's Organization would send products obtained through refund fraud to these addresses and then would have them forwarded to other members of the organization.

26. On one occasion, Noir's Organization obtained IronWolf 18TB hard drives from Seagate through refund fraud. Seagate shipped the hard drives from California to INDIVIDUAL 1's address in Anniston, Alabama, through UPS on January 25, 2022.

27. On one occasion, Noir's Organization obtained a Hewlett Packard STP 651 printer through refund fraud. Hewlett Packard shipped the printer from California to INDIVIDUAL 1's address in Anniston, Alabama, through UPS on January 26, 2022.

28. Once items were received at INDIVIDUAL 1's address, Noir's Organization had them shipped to TINSLEY's residence in Richmond, Virginia, through FedEx.

All in violation of Title 18, United States Code, Section 1349.

NOTICE OF FORFEITURE
[18 U.S.C. §§ 981(a)(1)(C), 982(a)(2)(A), and 28 U.S.C. § 2461(c)]

29. The factual allegations contained in paragraph 1 through 28 of this Indictment are re-alleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and 982(a)(2)(A), and Title 28, United States Code, Section 2461(c).

30. Upon conviction of the offenses in violation of Title 18, United States Code, Section 1349, set forth in Count One of this Indictment, the defendants shall forfeit to the United States, pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and 982(a)(2)(A), and Title 28, United States Code, Section 2461(c), any and all property constituting, or derived from, proceeds the defendants obtained directly or indirectly, as a result of the commission of said offenses, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses.

31. If any of the above-described forfeitable property, 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 shall be entitled to forfeiture of substitute property, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1) and Title 28, United States Code, Section 2461(c).

A TRUE BILL

/s/ Electronic Signature

FOREPERSON OF THE GRAND JURY

PRIM F. ESCALONA
United States Attorney

/s/ Electronic Signature

JOHN M. HUNDSCHIED
Assistant United States Attorney

/s/ Electronic Signature

EDWARD J. CANTER
Assistant United States Attorney