

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

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GRAND JURY B-12-1

U.S. DISTRICT COURT
BRIDGEPORT, CONN

UNITED STATES OF AMERICA : CRIMINAL NO. 3:13CR10 (MPS)
v. :
NOUEL ALBA : VIOLATIONS:
18 U.S.C. § 1001 [False Statements]

INDICTMENT

The Grand Jury Charges that at all times relevant to this Indictment:

COUNT ONE

False Statements to the Government
18 U.S.C. § 1001

1. Defendant NOUEL ALBA resided in the State of New York.
2. ALBA has control over a Facebook account under the screen name Victorian Glam Fairys ("VGF") and is the owner of a PayPal account under the e-mail address of nouelalba453@gmail.com.
3. On December 14, 2012, Adam Lanza shot and killed 26 individuals, including 20 children ages six or seven, at Sandy Hook Elementary School in Newtown, Connecticut.
4. On or about December 14, 2012 at approximately 1:30 p.m., ALBA posted on another Facebook user's page falsely claiming to be the aunt of a child who attended Sandy Hook Elementary School and to have provided pictures to law enforcement officers to help identify victims.
5. Also on or about December 14, 2012, ALBA posted on her Facebook page "My heart is entirely destroyed knowing my little man is gone." At that time, ALBA had posted on

her Facebook page pictures of children killed in the Newtown school shooting, including the child ALBA falsely claimed was her nephew.

6. On or about December 15, 2012, ALBA posted the following false information on her Facebook page:

We've set up a funeral fund for my brother and families. Anyone willing to make a donation can make one either through paypal @ REDACTED¹ or by Direct Deposit @ JP Morgan Chase Bank NA & JPMC Routing Number 0REDACTED Account Number REDACTED . We like to Thank everyone for your prayers. We ask that you continue to not just pray for us but for the families who have lost their kids and parents today as well as for all those kids who experienced this nightmare. That need our support right now. Yesterday has been a complete nightmare for many of us. Many of us had hope that our loved ones where else where safe. Reality set in when they asked for photos and if our loved ones had any marks on their body that they could have identify. A part of me regrets having to be the one to identify my nephews body. I don't think I could ever fully recover from what I saw and his lifeless body just laying there. I couldn't help but to hold my nephew in my arms and than give my brother and sister in law the bad news. . . .

7. ALBA also spoke on the telephone with VICTIM DONOR #1, a resident of the State of New York, and falsely claimed to have gone into Sandy Hook Elementary School to identify her nephew's body.

8. ALBA also wrote the following in text messages to VICTIM DONOR #1:

a. "Im staying strong. Just finished the funeral arrangement. I posted it in the grooup an fb"

b. Purporting to be in attendance at a prayer service held at Newtown High School: "I just died and went.to heaven hearing the rabbi sing [at] Newtown high for the service pres is here met with most the families."

c. In response to VICTIM DONOR #1's question about whether ALBA was still at the prayer service when President Barak Obama spoke: "No im sitting in my car.

Emotionally I cant deal.with it right now ..tomorrow ill see [ALBA's purported nephew] in a casket and that will be hard enough to handle. Good God. Im sure hell give a good speech. He met with us hugged us even cryd with us. Hes. Really down to earth”

d. In response to VICTIM DONOR #1's inquiry as to ALBA's emotional well-being: “Ima mess. Not looking forward to see that casket and [ALBA's purported nephew] in it. Scary feeling cause that is what will kill us all today. 11 gun shot in his little body or take those bullets. The guilt we have just keeps building up. I can't bare the pain the fear he went through. We always promised to protect him and the 1time we needed to be there we weren't there to protect him”

e. “It's hard havinh to leave your baby at a cemetery but harder hearing my sister in law keep saying how she is suppose to live without her baby. Harder for her hese kids already lost a brother they can't lose their mother. Me cause i can't think as [ALBA's purported nephew's] aunt anymore. I've seen people in her state of mind and the outcome is never a good one. Which is why ima stick anround.”

9. Based on ALBA's false Facebook postings and text messages, individuals, including VICTIM DONOR #1, donated money to ALBA's PayPal account between December 15, 2012 and December 18, 2012.

10. On or about December 21, 2012, ALBA voluntarily participated in a telephone interview with Special Agents of the Federal Bureau of Investigation (“FBI”).

11. It was material to the FBI's investigation to determine, among other things:

a. whether ALBA had control over her Facebook page and was responsible for posting misrepresentations concerning her personal connection with the Newtown school shooting and for posting solicitations for donations;

b. whether ALBA had used other means to solicit donations from victim-donors; and

c. whether ALBA had control over her PayPal account, to which victim-donors had sent their donations.

12. On or about December 21, 2012, within the District of Connecticut and elsewhere, defendant NOUEL ALBA, in a matter within the jurisdiction of the Federal Bureau of Investigation, an agency of the executive branch of the Government of the United States, did knowingly and willfully make a false, fraudulent, and fictitious material statement and representation, in that:

a. ALBA falsely stated to the FBI Special Agents that she was not involved in any postings on her Facebook page regarding her personal connection to Newtown school shooting; in truth and in fact, as ALBA well knew, ALBA had used her Facebook page to misrepresent that she was the aunt of a Newtown school shooting victim and was collecting donations for her nephew's funeral fund, inducing victim-donors, including VICTIM DONOR #1, to send money to ALBA's PayPal account;

b. ALBA falsely stated to the FBI Special Agents that she did not have any phone contact with any person about posts on her Facebook page regarding the Newtown school shooting; in truth and in fact, as ALBA well knew, ALBA had repeated, confirmed and expanded on the misrepresentations posted on her Facebook page—including that she was the aunt of a Newtown school shooting victim and was collecting donations for her nephew's funeral fund—in text messages and telephone calls with victim-donors, including with VICTIM DONOR #1, inducing them to send money to ALBA's PayPal account;

c. ALBA falsely stated to the FBI Special Agents that, when her PayPal account information was posted to her Facebook page on December 15, 2012, ALBA's PayPal account was inactive and that did not even know the password because she had not used it for so long; in truth and in fact, as ALBA well knew, ALBA had logged into her PayPal account on December 14, 2012.

All in violation of Title 18, United States Code, Section 1001(a).

A TRUE BILL

/s/

FOREPERSON

UNITED STATES OF AMERICA

/s/

DAVID B. FEIN
UNITED STATES ATTORNEY

/s/

JONATHAN N. FRANCIS
ASSISTANT UNITED STATES ATTORNEY