

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA :
:
- v. - : SEALED SUPERSEDING
:
:
APOCALYPSE BELLA, : INDICTMENT
a/k/a "Dias Yumba," : S3 21 Cr. 247 (PAE)
:
MACKENZY TOUSSAINT, :
a/k/a "Mack," :
:
AMOS MUNDENDI, :
a/k/a "Mos," :
a/k/a "El Ashile Mundi," :
:
ALVIN MAXWELL, and :
:
BRANDON JACKSON, :
:
Defendants. :
:
- - - - - X

COUNT ONE
(Conspiracy to Commit Major Fraud Against and
Defraud the United States)

The Grand Jury charges:

OVERVIEW OF PAYCHECK PROTECTION PROGRAM FRAUD SCHEME

1. From at least in or about March 2020 to May 2021, APOCALYPSE BELLA, a/k/a "Dias Yumba," MACKENZY TOUSSAINT, a/k/a "Mack," AMOS MUNDENDI, a/k/a "Mos," a/k/a "El Ashile Mundi," and ALVIN MAXWELL, the defendants, were involved in an extensive scheme to prepare and submit fraudulent applications to the Small Business Administration ("SBA") and to at least one company which processes certain SBA loan applications ("Loan

Company-1"), in order to obtain at least approximately \$30 million in government-guaranteed loans for various companies through the SBA's Paycheck Protection Program ("PPP"), designed to provide financial relief to qualifying companies during the novel coronavirus/COVID-19 pandemic. This scheme resulted in the approval of fraudulent loans for two companies ("Company-1" and "Company-2"), both located in the Southern District of New York, totaling approximately \$4 million, and the distribution of the proceeds of these fraudulently obtained funds to a series of bank accounts located in the United States and elsewhere, including to bank accounts controlled by TOUSSAINT and BELLA.

2. APOCALYPSE BELLA, a/k/a "Dias Yumba," MACKENZY TOUSSAINT, a/k/a "Mack," AMOS MUNDENDI, a/k/a "Mos," a/k/a "El Ashile Mundi," and ALVIN MAXWELL, the defendants, devised and executed this fraudulent scheme by conspiring with individuals (the "Straw Applicants"), who owned, operated or otherwise were affiliated with businesses (the "Straw Companies"), such as Company-1 and Company-2. BELLA, TOUSSAINT, MUNDENDI, MAXWELL, and other co-conspirators supervised and coordinated the submission of fraudulent PPP loan applications for the Straw Companies, and in some cases, completed and/or submitted the fraudulent applications themselves.

3. The PPP loan applications for Company-1 and Company-2 ("Company-1 PPP Loan Application" and "Company-2 PPP Loan

Application") were false, designed to maximize fraud proceeds to scheme participants. Specifically, applications for Company-1 and Company-2 contained material differences from loan applications submitted for both companies under the Economic Injury Disaster Loan ("EIDL") program just months earlier. For instance, the Company-1 PPP Loan Application represented that Company-1 had over 100 employees. However, an earlier EIDL loan application for Company-1, dated on or about March 30, 2020, represented that Company-1 had only four employees. The Company-2 PPP Loan Application was substantially similar to that of Company-1, in terms of the listed number of employees and the size of its payroll, although a previously submitted EIDL loan application for Company-2 also claimed that Company-2 had many fewer employees. Moreover, the Company-1 and Company-2 PPP Loan Applications both contained false information about the number of employees, size of payroll, and other financial information relating to Company-1 and Company-2. These false representations appear to have been designed to result in the procurement of PPP loans just shy of \$2 million for each company, the largest PPP loan that was allowed by Loan Company-1 at the time that the Company-1 and Company-2 PPP Loan Applications were submitted.

4. In early July 2020, the PPP loan applications for both Company-1 and Company-2 were approved, resulting in the

disbursement of a total of nearly \$4 million in fraudulently procured loans to TOUSSAINT, BELLA, and other members of the conspiracy.

5. Between July and August 2020, there were significant disbursements from a bank account belonging to Company-1 that did not appear to meet the requirements for the use of PPP funds, including large transfers of funds abroad, the movement of funds to an investment management company, and the payment of approximately \$729,550 in funds to a bank account which was controlled by APOCALYPSE BELLA, a/k/a "Dias Yumba," the defendant, and approximately \$138,000 to a bank account which was controlled by MACKENZY TOUSSAINT, a/k/a "Mack," the defendant.

6. Starting in or about February 2021, AMOS MUNDENDI, a/k/a "Mos," a/k/a "El Ashile Mundi," the defendant, began to facilitate the process of fraudulently applying for a second round of PPP loans, including for Company-1 and Company-2. This resulted in a second fraudulent PPP Loan Application being prepared and submitted in the name of Company-1, requesting an additional \$2 million in PPP funds. That loan was never funded.

7. In or about June 2020, ALVIN MAXWELL, the defendant, worked together with MACKENZY TOUSSAINT, the defendant, to submit a fraudulent PPP loan application for a third company ("Company-3") as part of the scheme, and facilitated the

transmission of a fraudulent PPP loan application for Company-3, which resulted in the disbursement of over \$1.6 million in PPP loan funds.

Statutory Allegations

8. From at least in or about March 2020 to May 2021, in the Southern District of New York and elsewhere, APOCALYPSE BELLA, a/k/a "Dias Yumba," MACKENZY TOUSSAINT, a/k/a "Mack," AMOS MUNDENDI, a/k/a "Mos," a/k/a "El Ashile Mundi," and ALVIN MAXWELL, the defendants, together with others known and unknown, willfully and knowingly combined, conspired, confederated, and agreed together and with each other to commit an offense against the United States and to defraud the United States and an agency thereof, to wit, the SBA, in violation of Title 18, United States Code, Section 1031.

9. It was a part and an object of the conspiracy that APOCALYPSE BELLA, a/k/a "Dias Yumba," MACKENZY TOUSSAINT, a/k/a "Mack," AMOS MUNDENDI, a/k/a "Mos," a/k/a "El Ashile Mundi," and ALVIN MAXWELL, the defendants, together with others known and unknown, willfully and knowingly would and did execute and attempt to execute, a scheme and artifice with the intent to defraud the United States, and to obtain money and property by means of false and fraudulent pretenses, representations, and promises, in a grant, contract, subcontract, subsidy, loan, guarantee, insurance, and other form of Federal assistance,

including through an economic stimulus, recovery and rescue plan provided by the Government, the value of which was \$1,000,000 and more, to wit, BELLA, TOUSSAINT, MUNDENDI, and MAXWELL engaged in a scheme to obtain at least approximately \$30 million in Government-guaranteed PPP loans for various companies, including Company-1, Company-2, Company-3 by means of false and fraudulent pretenses, representations, and documents.

10. It was a further part and an object of the conspiracy that APOCALYPSE BELLA, a/k/a "Dias Yumba," MACKENZY TOUSSAINT, a/k/a "Mack," AMOS MUNDENDI, a/k/a "Mos," a/k/a "El Ashile Mundi," and ALVIN MAXWELL, the defendants, together with others known and unknown, willfully and knowingly would and did defraud the United States, and an agency thereof, to wit, BELLA, TOUSSAINT, MUNDENDI, and MAXWELL engaged in a scheme to obtain at least approximately \$30 million in Government-guaranteed PPP loans for various companies, including Company-1, Company-2, and Company-3, by means of false and fraudulent pretenses, representations, and documents.

Overt Acts

11. In furtherance of the conspiracy and to effect the illegal objects thereof, APOCALYPSE BELLA, a/k/a "Dias Yumba," MACKENZY TOUSSAINT, a/k/a "Mack," AMOS MUNDENDI, a/k/a "Mos," a/k/a "El Ashile Mundi," and ALVIN MAXWELL, the defendants, and others known and unknown, committed the following overt acts,

among others, in the Southern District of New York and elsewhere:

a. In or about July 2020, a co-conspirator not named herein ("CC-1"), who was located in the Southern District of New York and was acting as an agent of both Company-1 and Company-2, caused a total of approximately \$729,550 in proceeds from fraudulently procured PPP loans to be transferred from a bank account located in the Southern District of New York to a bank account controlled by BELLA.

b. In or about August 2020, CC-1, who was located in the Southern District of New York, caused a total of approximately \$138,000 in proceeds from fraudulently procured PPP loans to be transferred from a bank account located in the Southern District of New York to an account controlled by TOUSSAINT.

c. In or about February 2021 and March 2021, MUNDENDI communicated with CC-1, who was located in the Southern District of New York, and caused to be prepared a fraudulent PPP application for Company-2, which was transmitted to CC-1.

d. In or about June 2020, MAXWELL aided and abetted the submission of a fraudulent PPP loan application for Company-3, which resulted in the disbursement of over \$1.6

million in PPP loan funds.

(Title 18, United States Code, Section 371).

COUNT TWO
(Major Fraud Against the United States)

The Grand Jury further charges:

12. The allegations set forth in paragraphs 1 to 7 are repeated and realleged, and incorporated by reference as if fully set forth herein.

13. From at least in or about March 2020 to May 2021, in the Southern District of New York and elsewhere, APOCALYPSE BELLA, a/k/a "Dias Yumba," MACKENZY TOUSSAINT, a/k/a "Mack," AMOS MUNDENDI, a/k/a "Mos," a/k/a "El Ashile Mundi," and ALVIN MAXWELL, the defendants, willfully and knowingly executed, and attempted to execute, a scheme and artifice with the intent to defraud the United States, and to obtain money and property by means of false and fraudulent pretenses, representations, and promises, in a grant, contract, subcontract, subsidy, loan, guarantee, insurance, and other form of Federal assistance, including through an economic stimulus, recovery and rescue plan provided by the Government, the value of which was \$1,000,000 and more, to wit, BELLA, TOUSSAINT, MUNDENDI, and MAXWELL in a scheme to obtain at least approximately \$30 million in Government-guaranteed PPP loans by means of false and fraudulent

pretenses, representations, and documents, including for Company-1 and Company-2, and Company-3.

(Title 18, United States Code, Sections 1031 and 2.)

COUNT THREE
(Wire Fraud Conspiracy)

The Grand Jury further charges:

14. The allegations set forth in paragraphs 1 to 7 are repeated and realleged, and incorporated by reference as if fully set forth herein.

15. From at least in or about March 2020 through at least in or about May 2021, in the Southern District of New York and elsewhere, APOCALYPSE BELLA, a/k/a "Dias Yumba," MACKENZY TOUSSAINT, a/k/a "Mack," AMOS MUNDENDI, a/k/a "Mos," a/k/a "El Ashile Mundi," and ALVIN MAXWELL, the defendants, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit wire fraud, in violation of Title 18, United States Code, Section 1343.

16. It was a part and an object of the conspiracy that APOCALYPSE BELLA, a/k/a "Dias Yumba," MACKENZY TOUSSAINT, a/k/a "Mack," AMOS MUNDENDI, a/k/a "Mos," a/k/a "El Ashile Mundi," and ALVIN MAXWELL, the defendants, and others known and unknown, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and

property by means of false and fraudulent pretenses, representations, and promises, knowingly transmitted and caused to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds, for the purpose of executing such scheme and artifice, to wit, BELLA, TOUSSAINT, MUNDENDI, and MAXWELL engaged in a scheme to obtain at least approximately \$30 million in Government-guaranteed PPP loans by means of false and fraudulent pretenses, representations, and documents, including Company-1, Company-2, and Company-3, including through the online submission of PPP loan applications transmitted from the Southern District of New York.

(Title 18, United States Code, Sections 1349.)

COUNT FOUR
(Wire Fraud)

The Grand Jury further charges:

17. The allegations set forth in paragraphs 1 to 7 are repeated and realleged, and incorporated by reference as if fully set forth herein.

18. From at least in or about March 2020 to May 2021, in the Southern District of New York and elsewhere, APOCALYPSE BELLA, a/k/a "Dias Yumba," MACKENZY TOUSSAINT, a/k/a "Mack," AMOS MUNDENDI, a/k/a "Mos," a/k/a "El Ashile Mundi," and ALVIN MAXWELL, the defendants, having devised and intending to devise

a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, knowingly transmitted and caused to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds, for the purpose of executing such scheme and artifice, to wit, BELLA, TOUSSAINT, MUNDENDI, and MAXWELL engaged in a scheme to obtain at least approximately \$30 million in Government-guaranteed PPP loans by means of false and fraudulent pretenses, representations, and documents, including for Company-1, Company-2, and Company-3, including through the online submission of PPP loan applications transmitted from the Southern District of New York.

(Title 18, United States Code, Sections 1343 and 2.)

COUNT FIVE
(Wire Fraud Conspiracy)

The Grand Jury further charges:

OVERVIEW OF ECONOMIC INJURY DISASTER LOAN PROGRAM FRAUD SCHEME

19. From at least May 2020 to at least in or about April 2021, in the Southern District of New York and elsewhere, MACKENZY TOUSSAINT, a/k/a "Mack," and BRANDON JACKSON, the defendants, were engaged in a scheme to submit to submit fraudulent Economic Injury Disaster Loan ("EIDL") applications, frequently through the use of synthetic identities (involving a

fake name with the real personal identifying information of another person). JACKSON and TOUSSAINT frequently used Social Security numbers belonging to minors as part of the synthetic identities created for the fraud.

20. In addition, BRANDON JACKSON, the defendant, at the direction of MACKENZY TOUSSAINT, a/k/a "Mack," the defendant, created a number of falsified documents, including bank records, to submit in support of the fraudulent EIDL applications. At least approximately \$1.7 million in EIDL loans were funded as a result of the fraudulent applications created by JACKSON and TOUSSAINT.

21. Once the fraud proceeds were deposited into bank accounts in the names of the synthetic identities, BRANDON JACKSON, the defendant, transferred the proceeds via check into a bank account that he controlled (the "JACKSON Account"). On numerous occasions, the check deposits into the JACKSON Account took place at a bank branch located in New York, New York.

STATUTORY ALLEGATIONS

22. From at least May 2020 to at least in or about April 2021, in the Southern District of New York and elsewhere, MACKENZY TOUSSAINT, a/k/a "Mack," and BRANDON JACKSON, the defendants, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together

and with each other to commit wire fraud, in violation of Title 18, United States Code, Section 1343.

23. It was a part and an object of the conspiracy that MACKENZY TOUSSAINT, a/k/a "Mack," and BRANDON JACKSON, the defendants, and others known and unknown, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, knowingly transmitted and caused to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds, for the purpose of executing such scheme and artifice, to wit, TOUSSAINT and JACKSON engaged in a scheme to obtain at least approximately \$1.7 million in Government-guaranteed loans from the SBA's EIDL Program, by submitting fraudulent loan applications, including applications using fake names and the true Social Security numbers of minors, and sent interstate wires in furtherance of that scheme.

(Title 18, United States Code, Sections 1349 and 2.)

COUNT SIX
(Major Fraud Against the United States)

The Grand Jury further charges:

24. The allegations set forth in paragraphs 19 to 21 are repeated and realleged, and incorporated by reference as if fully set forth herein.

25. From at least in or about May 2020 to at least in or about April 2021, in the Southern District of New York and elsewhere, MACKENZY TOUSSAINT, a/k/a "Mack," and BRANDON JACKSON, the defendants, willfully and knowingly executed, and attempted to execute, a scheme and artifice with the intent to defraud the United States, and to obtain money and property by means of false and fraudulent pretenses, representations, and promises, in a grant, contract, subcontract, subsidy, loan, guarantee, insurance, and other form of Federal assistance, including through an economic stimulus, recovery and rescue plan provided by the Government, the value of which was \$1,000,000 and more, to wit, TOUSSAINT and JACKSON engaged in a scheme to obtain at least approximately \$1.7 million in Government-guaranteed loans from the EIDL Program, by submitting fraudulent loan applications, including applications using fake names and the true Social Security numbers of minors.

(Title 18, United States Code, Sections 1031 and 2.)

COUNT SEVEN
(Aggravated Identity Theft)

The Grand Jury further charges:

26. The allegations set forth in paragraphs 19 to 21 are repeated and realleged, and incorporated by reference as if fully set forth herein.

27. From at least in or about May 2020 to at least in or about April 2021, MACKENZY TOUSSAINT, a/k/a "Mack," and BRANDON JACKSON, the defendants, knowingly did transfer, possess, and use, without lawful authority, a means of identification of another person, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), to wit, TOUSSAINT and JACKSON used the true Social Security numbers of multiple minor individuals, in connection with the submission of fraudulent EIDL applications to the SBA, during and in relation to the fraud offenses charged in Counts Five and Six of this Indictment.

(Title 18, United States Code, Sections 1028A(a)(1), (b) & (c)(4)-(5), and 2.)

FORFEITURE ALLEGATIONS

28. As the result of committing the offenses charged in Counts Three and Four of this Indictment, APOCALYPSE BELLA, a/k/a "Dias Yumba," MACKENZY TOUSSAINT, a/k/a "Mack," AMOS MUNDENDI, a/k/a "Mos," a/k/a "El Ashile Mundi," and ALVIN MAXWELL, the defendants, 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 and all property constituting, or derived from, proceeds 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.

29. As the result of committing the offense charged in Count Five of this Indictment, MACKENZY TOUSSAINT, a/k/a "Mack," and BRANDON JACKSON, the defendants, 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 and all property constituting, or derived from, proceeds obtained directly or indirectly, as a result of the commission of said offense, 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.

Substitute Assets Provision

30. 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 person;

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 subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendants up to the value of the forfeitable property described above.

(Title 18, United States Code, Section 981;
Title 21, United States Code, Section 853; and
Title 28, United States Code, Section 2461.)


FOREPERSON


DAMIAN WILLIAMS
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

APOCALYPSE BELLA, a/k/a "Dias Yumba,"
MACKENZY TOUSSAINT, a/k/a "Mack,"
AMOS MUNDENDI, a/k/a "Mos,"
a/k/a "El Ashile Mundi,"
ALVIN MAXWELL, and
BRANDON JACKSON.

Defendants.

SEALED SUPERSEDING INDICTMENT

S3 21 Cr. 247 (PAE)

(18 U.S.C. §§ 371, 1028A, 1031, 1343, 1349,
and 2.)

DAMIAN WILLIAMS
United States Attorney

A TRUE BILL

Brian Gaudi

Foreperson

12/6/21 from SUPERSEDING INDICTMENT, W. 000000 135000

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