

**REQUEST FOR ASSISTANCE FROM THE CENTRAL AUTHORITY OF JAMAICA
TO THE CENTRAL AUTHORITY OF THE UNITED STATES**

Our re: JAMLA 68

November 17, 2009

Dear Sirs:

**Re: Request for Assistance in the Prosecution of ANDREW HEMMINGS for
Obtaining Credit by Fraud**

The Central Authority of Jamaica requests the assistance of the Central Authority of The United States of America, pursuant to the Treaty of Mutual Assistance entered into between the Governments of Jamaica and the United States of America.

Information contained in this request is based upon investigations carried out by the Area One Fraud Squad, a specialized unit of the Jamaica Constabulary Force.

Summary of Facts

1. On December 17, 2008, Mr. Julio Fillippo, Loss Prevention Manager for Spirit Airlines, Miramar, Florida in the United States of America was alerted to possible credit card fraud emanating from Jamaica and investigations commenced.
2. His subsequent investigations revealed the following:
 - (a) Four (4) flight reservations were made in the name of ANDREW HEMMINGS ('Hemmings'), a Jamaican citizen of [REDACTED] Montego Bay, St. James and [REDACTED] Montego Bay, St. James on October 27, 2008; November 27, 2008; December 18, 2008 and January 4, 2009
 - (b) All four (4) reservations were paid for directly and indirectly by credit card transactions, all in his name
 - (c) Indirect credit card transactions amounted to a number of previous cancelled reservations made by Hemmings that were applied to all four (4) reservations as credits
 - (d) The credit card providers confirmed that the transactions were fraudulent but would not provide any other details.

3. Hemmings traveled on two (2) occasions between October 2008 and December 2008 on Spirit Airlines between Montego Bay Jamaica and Fort Lauderdale, Florida, U.S.A.
4. He attempted to travel on Spirit Airlines on two (2) occasions between December 2008 and January 2009 based on the reservations made but was prevented from doing so because he did not produce a valid credit card, nor did he use any other form of payment.
5. On the reservation for December 18, 2008 when Mr. Hemmings presented himself at Spirit Airlines at Sangster International Airport, Montego Bay he was asked to show his credit card. He advised passenger service that his credit cards were stolen after purchasing the airline tickets.
6. On January 7, 2009 Spirit Airlines located at Sangster International Airport reported the matter to the Area One Fraud Squad, a division of the Jamaica Constabulary Force
7. On January 8, 2009 Hemmings went to Sangster International Airport and checked in for Spirit Airlines Flight #268 destined for Fort Lauderdale, Florida, U.S.A. However before he could board the flight he was arrested by members of the Area One Fraud Squad.
8. On January 12, 2009 members of the Area One Fraud Squad traveled to the Spirit Airlines Head Quarters, in Miramar, Florida and collected statements from their security and fraud personnel. Through this process they obtained the names of the credit card providers.
9. By January 15, 2009 Hemmings was charged and placed before the Montego Bay Resident Magistrate's Court in the parish of Saint James.
10. Members of the Area One Fraud Squad have made several attempts to obtain information in regard to the credit card accounts but have had no success therefore the matter is incomplete.

The offence for which Hemmings is to be indicted is **Obtaining Credit by Fraud contrary to Section 36 of the Larceny Act and Attempting to Obtain Credit by Fraud contrary to Common law.** These are indictable offences in Jamaica.

The Law

The Larceny Act [J] Section 36

"Every person who, in incurring any debt or liability, obtains credit under false pretences or by means of any other fraud shall be guilty of a misdemeanour, and on

conviction thereof, shall be liable to imprisonment with or without hard labour for any term not exceeding two years."

Assistance Requested

The Central Authority of The United States is requested to provide the following assistance:

1. To furnish documentation and information to verify if Andrew Hemmings is the credit card holder, whether exclusively or jointly of any of the accounts listed herein.
2. To cause local Law Enforcement Officers or some other appropriate individuals to conduct interviews and collect statements from the Managers in charge of Credit Card operations or a suitable representative at the institutions listed below;
 - (a) Credit Card # 4266902020268239
Issued by – Chase Bank USA, National Asso. 301 N. Walnut St, DEI – 1287, Wilmington Delaware, 19801-3935
 - (b) Credit Card #4828536225178016
Issued by – Wachovia Bank, National Asso., 1525 West W.T. Harris Blvd., Charlotte, North Carolina 28288-029
 - (c) Credit Card #4608190020473887
Issued by – Suncoast Schools federal Credit Union, P.O. Box 30495, TA – 18, TAMPA, Florida, 33630
 - (d) Credit Card #5256502250726150
Issued by – Citibank South Dakota, NA, 701 E 60th St, MO, Sioux Falls, SD 57117
 - (e) Credit Card #4217661422846733
Issued by – Bank of America, Nativa Asso, 1825 E. Buckeye Road, A29-503-02-10, Phoenix, Arizona, 85034-4216
 - (f) Credit Card # 5262251990475205
Issued by – Citibank N.A. One Court Square, Long Island City, NY 11120
 - (g) Credit Card # 4719268566163041
Issued by – US Bank National Asso. ND, 200 South 6th St, Mail Station EP –MM-L27M, Minneapolis, Minnesota, 555402
3. Ascertain the willingness of any of the witness mentioned in two (2) above to travel to Jamaica and to give evidence in person, if necessary.

- 4. We further request that all necessary Court Orders be obtained to facilitate the acquisition of the information requested.

Special Requirements

If the information requested above is to be produced by computer, there should be someone who is able to say by way of witness statement that:-

- (a) at the material time, the computer was operating properly and not subject to any malfunction;
- (b) there was no alteration to the computer's mechanism or process that might alter the validity or accuracy of the content of the document;
- (c) the computer was properly programmed;
- (d) there is no reasonable cause to believe that there was an error in the preparation of the data from which the document was produced and the accuracy or validity of the document has not been affected by the use of any improper process or procedure or by inadequate safeguards in the use of the computer.

Witness Statements

We ask that all statements collected in this matter be signed on each page by the relevant Manager in charge of Credit Operations or his designated representative (hereinafter referred to as the Maker i.e. the person who is giving the statement) and that at the close of each statement this also **must** be signed by the Maker of the statement:-

This statement consisting of [] page(s) was given by me on the [] day of [] 200[] at [] in the State of [], U.S.A. I was told that I could add, alter or make corrections to it. After the statement was read over by/to me I signed it as true and correct.

Signature of Maker
Date

This statement consisting of [] pages and made by me is true to the best of my knowledge and belief and I make it knowing that I shall be liable to prosecution if I state in it anything which I know to be false or do not genuinely believe to be true.

Signature of Maker
Date

Additionally, the following certificate **must** appear after the Maker's certificate and this is to be signed by the person who recorded the witness' statement (i.e. the Taker):-

Taken down by me this [] day of [] 200[] at [] in the State of [], U.S.A. This statement was read over by/to the maker who signed it as true and correct.

Signature of Taker (Law Enforcement Officer)
Date

Reciprocity

The Central Authority of Jamaica assures the Central authority of the United States of America that Jamaica is able to execute a similar request if made of her.

Time Constraints

This matter is time sensitive and we ask that you treat it as urgent as a November trial date has already been set. We are however cognizant of the fact that based on the nature of the Request it is likely that all information may not be available in time but we would appreciate the matter being expedited as much as is possible.

Contact Information

It is requested that your response be directed to the Director of Public Prosecutions for the attention of Miss. Dahlia Findlay, Crown Counsel or Miss Marsha Baker, Para-Legal, Mutual Legal Assistance Unit.

Address: Office of the Director of Public Prosecutions
Public Buildings West
King Street
Kingston
Jamaica

Telephone: 1-876-922-6321 to 5

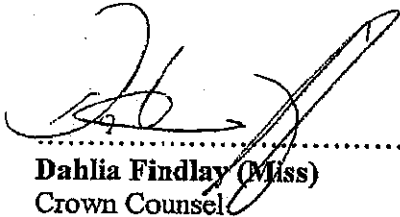
Fax: 1-876-922-4318

Yours truly,



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Diahann Gordon-Harrison (Mrs.)
Deputy Director of Public Prosecutions
For Director of Public Prosecutions
Central Authority of Jamaica

Yours truly,



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Dahlia Findlay (Miss)
Crown Counsel
For Director of Public Prosecutions
Central Authority of Jamaica