

**FILED**

**APR 22 2009**

**U. S. DISTRICT COURT  
E. DISTRICT OF MO.**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 v. ) No.  
 )  
 PASSARO FRANGO, )  
 A/K/A PASSARO FRANCO, )  
 A/K/A FRANCO PASSARO, )  
 A/K/A MAMANDOU SOW, and )  
 A/K/A SOW MAMANDOU, )  
 )  
 Defendant. )

**4:09CR 00294CAS**

**INDICTMENT**

**COUNTS ONE AND TWO**

The Grand Jury charges that:

1. At all times relevant, Nike, Inc., ("Nike") owned trademarks, which Nike registered for use in connection with the sale of goods and services on the principal register of the United States Patent and Trademark Office. Nike sold goods using its marks in interstate and foreign commerce, including in the Eastern District of Missouri.

2. At all times relevant, **PASSARO FRANGO**, the defendant herein, owned and operated a retail store known as West African Art, located at 2623 Cherokee St., St. Louis, Missouri. **PASSARO FRANGO** also operated another retail store, known as F & A Fashions, located at 6212 C Dr. Martin Luther King Blvd., Wellston, Missouri.

3. Between no later than September 30, 2005, and continuing until at least February 26, 2009, in the Eastern District of Missouri, **PASSARO FRANGO** sold counterfeit goods at West

African Art and F & A Fashions, including counterfeit goods bearing the trademarks of Nike, as well as numerous other companies, including clothing companies.

4. At all times relevant, **PASSARO FRANGO** used aliases including PASSARO FRANCO, FRANCO PASSARO, MAMANDOU SOW, and SOW MAMANDOU. **PASSARO FRANGO** used some of these aliases in connection with his counterfeit goods businesses, including to open and maintain bank accounts and to make banking transactions.

5. On or about the dates listed below, in the Eastern District of Missouri,

**PASSARO FRANGO,  
A/K/A PASSARO FRANCO,  
A/K/A FRANCO PASSARO,  
A/K/A MAMANDOU SOW, and  
A/K/A SOW MAMANDOU,**

the defendant herein, did intentionally traffic in and attempt to traffic in goods or services, including clothing items, knowingly using on or in connection with such goods or services one or more counterfeit marks, including spurious marks identical to and substantially indistinguishable from marks owned by Nike, which marks are and were in use and are and were registered for such goods or services on the principal register of the United States Patent and Trademark Office, the use of which counterfeit marks is and was likely to cause confusion, to cause mistake, and to deceive.

<u>COUNT</u>	<u>DATE</u>
<b>ONE</b>	March 25, 2008
<b>TWO</b>	February 26, 2009

In violation of Title 18, United States Code, Sections 2320(a) and 2.

**COUNT THREE**

The Grand Jury further charges that:

1. The Grand Jury realleges and incorporates by reference herein paragraphs 1 through 4 of Count One.

2. On or about February 23, 2009, in the Eastern District of Missouri and elsewhere,

**PASSARO FRANGO,  
A/K/A PASSARO FRANCO,  
A/K/A FRANCO PASSARO,  
A/K/A MAMANDOU SOW, and  
A/K/A SOW MAMANDOU,**

the defendant herein, did fraudulently and knowingly receive, conceal, sell, and facilitate the transportation of merchandise imported contrary to law, including clothing bearing counterfeit trademarks, after the importation thereof, the defendant then knowing that said merchandise had been imported and brought into the United States contrary to and in violation of Title 18, United States Code, Section 2320.

In violation of Title 18, United States Code, Sections 545 and 2.

**COUNT FOUR**

The Grand Jury further charges that:

1. The Grand Jury realleges and incorporates by reference herein paragraphs 1 through 4 of Count One.

2. At all times relevant, the defendant maintained bank accounts relative to his counterfeit goods businesses, including accounts at Bank of America, in the Eastern District of Missouri.

3. On or about February 20, 2008, in the Eastern District of Missouri,

**PASSARO FRANGO,  
A/K/A PASSARO FRANCO,  
A/K/A FRANCO PASSARO,  
A/K/A MAMANDOU SOW, and  
A/K/A SOW MAMANDOU,**

defendant herein, did knowingly engage and attempt to engage in monetary transactions in and affecting interstate commerce, and involving the use of financial institutions which were engaged in the activities which affected interstate commerce, in criminally derived property of a value greater than \$10,000 and said property having been derived from specified unlawful activity, that is, a violation of Title 18, United States Code, Section 2320, said monetary transaction being further described as a deposit of approximately \$10,608.00 into a Bank of America account.

In violation of Title 18, United States Code, Sections 1957 and 2.

A TRUE BILL.

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FOREPERSON

MICHAEL W. REAP  
Acting United States Attorney

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JOHN M. BODENHAUSEN, #94806  
Assistant United States Attorney