

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**UNITED STATES OF AMERICA** : **CRIMINAL NO.** \_\_\_\_\_  
**v.** : **DATE FILED:** \_\_\_\_\_  
**GAVIN ROBINSON** : **VIOLATIONS:**  
: **18 U.S.C. § 1341 (mail fraud - 3 counts)**  
: **18 U.S.C. § 1343 (wire fraud - 3 counts)**

**INDICTMENT**

**COUNTS ONE THROUGH THREE**

**THE GRAND JURY CHARGES THAT:**

At all times material to this indictment:

1. Defendant GAVIN ROBINSON lived in Philadelphia, Pennsylvania.
2. eBay was an Internet-based company which operated a commercial interactive online auction service. eBay acted as a broker between sellers of items and potential buyers. When a seller and a buyer were put in contact with each other through eBay's auction service, the finalization of the transaction, including payment for and delivery of the item, was left to be arranged by the buyer and the seller.
3. The UPS Store, formerly known as Mailboxes Etc., located at 93 Old York Road, Jenkintown, Pennsylvania is commercial mail receiving agency (hereinafter CMRA). A CMRA, also known as a mail drop, operates as a private mail box for its customers. A customer of a CMRA can receive mail and other deliveries at the street address of the CMRA rather than the customer's home address.

4. Money Gram is a network of approximately 96,000 locations that allows individuals to send and receive money in approximately 10 minutes. To send money, an individual takes cash to a Money Gram location and completes a form and presents photo identification. The individual receives a reference number to provide to the individual who will receive the money. The Money Gram clerk inputs the information into a computer that sends all the necessary information to the receiving Money Gram location. The receiving individual must present the reference number, photo identification and complete a receiving form at a Money Gram location to receive the cash.

#### **THE SCHEME**

5. From in or about May 2001 to in or about November 2004, defendant

#### **GAVIN ROBINSON**

devised and intended to devise a scheme to defraud, and to obtain money by means of false and fraudulent pretenses, representations and promises.

#### **MANNER AND MEANS**

It was part of the scheme that:

6. Defendant GAVIN ROBINSON trolled the e-Bay auction site, contacting through e-mail individuals who lost auctions to higher bidders. ROBINSON offered the losing bidder the same merchandise as the eBay auction at the same or lower price.

7. Defendant GAVIN ROBINSON instructed through e-mails the individuals who accepted his offers to send their payments by check or money order to him at a given address or by Paypal, Western Union or Money Gram.

8. At least 50 individuals did send payments, totaling approximately \$26,296.46 as instructed by defendant GAVIN ROBINSON for merchandise he offered for sale.

After receiving the payments, ROBINSON did not send the merchandise to the buyer.

9. On or about August 21, 2003, defendant GAVIN ROBINSON, using picture identification, opened a commercial mail receiving box at The UPS Store, 93 Old York Rd, Suite 1, Jenkintown, Pennsylvania. ROBINSON listed his address as 2039 Napa Street, Philadelphia, Pennsylvania, and was assigned box 703.

10. Defendant GAVIN ROBINSON, through the use of computer and internet access, watched the bids placed on items offered for auction on eBay. After the auction closed and a winner was announced, ROBINSON contacted the losing bidders by e-mail and offered the same merchandise for the same or lower price.

11. Through e-mail communication, defendant GAVIN ROBINSON answered questions or concerns of the potential buyers, assuring the buyers of the quality of the merchandise and his legitimacy as a seller.

12. Once the buyer agreed to purchase the item from defendant GAVIN ROBINSON, ROBINSON responded with acceptable payment forms. ROBINSON told the buyers that he would accept personal checks or money orders at an address provided or would discount the item price if the buyer would use Western Union or Money Gram.

13. Defendant GAVIN ROBINSON received Money Grams from his victims at WAL-MART located at 1601 S. Columbus Boulevard, Philadelphia, Pennsylvania.

14. Defendant GAVIN ROBINSON told his victims that once he received the payment, he would send the purchased item via FedEx and provide a tracking number to the buyer.

15. Defendant GAVIN ROBINSON failed to send any merchandise to the buyer after the buyer sent the requested payments, and kept the money for his own use.

**THE MAILINGS**

16. On or about the dates shown below, in the Eastern District of Pennsylvania, and elsewhere, defendant

**GAVIN ROBINSON,**

for the purpose of executing the scheme described above, and attempting to do so, knowingly caused to be delivered by mail according to the directions thereon, any matter or thing, that is, personal check or cashier check described below to and from the locations shown below.

<b>Count</b>	<b>Date</b>	<b>Buyer</b>	<b>Amount</b>	<b>From</b>	<b>To</b>
1	9/6/03	N.H.	\$225 Personal Check	Illinois	93 Old York Rd. Suite 1-703, Jenkintown, Pennsylvania
2	9/10/03	C.M.	\$400 Cashier's Check	Nebraska	93 Old York Rd. Suite 1-703, Jenkintown, Pennsylvania
3	10/13/03	L.K.	\$300 Personal Check	California	93 Old York Rd. Suite 1-703, Jenkintown, Pennsylvania

All in violation of Title 18, United States Code, Section 1341.

**COUNTS FOUR THROUGH SIX**

**THE GRAND JURY FURTHER CHARGES THAT:**

At all times material to this indictment:

1. Paragraphs 1 through 15 of Counts One through Three are incorporated here.

2. On or about each of the dates set forth below, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendant

**GAVIN ROBINSON,**

for the purpose of executing the scheme described above, caused to be transmitted by means of wire communication in interstate commerce the signals and sounds described below for each count, each transmission constituting a separate count:

<b>COUNT</b>	<b>DATE</b>	<b>BUYER</b>	<b>AMOUNT</b>	<b>DESCRIPTION</b>
4	10/4/03	W.H.	\$275	Money Gram, ref. # 91040219 from Ohio to Philadelphia, Pennsylvania
5	10/6/03	R.L.	\$320.40	Money Gram, ref. #50162433 from Missouri to Philadelphia, Pennsylvania
6	11/25/03	B.L.	\$275	Money Gram, ref. #80927860 from California to Philadelphia, Pennsylvania

All in violation of Title 18, United States Code, Section 1343.

**A TRUE BILL:**

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**GRAND JURY FOREPERSON**

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**PATRICK L. MEEHAN**  
United States Attorney