

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

UNITED STATES OF AMERICA : **CRIMINAL NO.** _____
v. : **DATE FILED:** _____
DAVID GARNETT : **VIOLATIONS:**
SHAWN JAMES : **18 U.S.C. § 1343 (wire fraud - 2 counts)**
: **18 U.S.C. § 2 (aiding and abetting)**

INDICTMENT

COUNTS ONE AND TWO

THE GRAND JURY CHARGES THAT:

At all times material to this indictment:

1. DirecTV was a company which provided satellite subscription television service. DirecTV was based in El Segundo, California, with customer service call centers located throughout the United States.
2. Defendant DAVID GARNETT resided in a row home on the 6600 block of Guyer Avenue, Philadelphia, in the Eastern District of Pennsylvania (“the Guyer Avenue address”).
3. Defendant SHAWN JAMES was lead technician for the southwest Philadelphia team of one of the installation companies responsible for installing DirecTV equipment in Philadelphia, PA. Defendant JAMES’s installation team covered the area around the Guyer Avenue address. The installation company was paid by DirecTV for technicians completing the installation of DirecTV equipment.

THE SCHEME

4. Between in or about November 2003 and in or about August 2005, defendants

DAVID GARNETT and SHAWN JAMES

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

5. It was the object of the scheme for defendants DAVID GARNETT and SHAWN JAMES to steal money and property from DirecTV by creating bogus customer accounts and bogus upgrade requests at DirecTV for the purpose of generating payment for work that was not performed by defendant JAMES and receiving DirecTV equipment that was sold by defendant GARNETT.

MANNER AND MEANS

It was part of the scheme that:

6. Defendant DAVID GARNETT placed hundreds of telephone calls to DirecTV purportedly to order new DirecTV service and equipment or upgraded DirecTV service and equipment. Defendant GARNETT opened approximately 184 bogus customer accounts using false names and false social security numbers, and routinely upgraded each account. Initially, defendant GARNETT used the Guyer Avenue address as the customer address on the bogus accounts. At the time he placed the calls, defendant GARNETT had no intention of paying for DirecTV services or equipment.

7. Based upon the work orders generated by the bogus customer accounts, defendant SHAWN JAMES delivered DirecTV equipment to defendant DAVID GARNETT.

Rather than install DirecTV equipment and wire the residence for DirecTV services, defendant JAMES simply handed the equipment over to defendant GARNETT. At defendant JAMES'S request, defendant GARNETT routinely signed defendant JAMES'S work orders in the false name of the bogus customer, certifying that defendant JAMES had performed installation services, even though defendant JAMES did not perform any installation.

8. Defendant DAVID GARNETT took some of the equipment to pawn shops, sold the equipment, and kept the money for his own personal use.

9. Defendant SHAWN JAMES was paid for installing approximately 287 pieces of equipment on the bogus accounts, even though he performed no installation services.

10. During the scheme, defendant SHAWN JAMES alerted defendant DAVID GARNETT that the volume of orders to the Guyer Avenue address was attracting suspicion at the installation company. Defendant JAMES told defendant GARNETT to choose different addresses for the bogus customer accounts. Defendant JAMES advised defendant GARNETT of defendant JAMES'S geographic work area to ensure that defendant JAMES could be assigned the bogus installation orders. Defendant GARNETT continued to call DirecTV to open bogus customer accounts in different addresses, sometimes using addresses of vacant homes or vacant properties, all within defendant JAMES's geographic work area.

11. By these means, defendants DAVID GARNETT and SHAWN JAMES stole more than approximately \$169,000 from DirecTV, including approximately \$136,000 in equipment, and \$33,000 in installation services.

12. On or about the dates set forth below, in the Eastern District of Pennsylvania and elsewhere, defendants

**DAVID GARNETT and
SHAWN JAMES,**

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, each transmission constituting a separate count:

COUNT	DATE	DESCRIPTION
ONE	March 13, 2005	Telephone call from defendant DAVID GARNETT in the Eastern District of Pennsylvania to DirecTV call center in Omaha, Nebraska requesting DirecTV services.
TWO	March 27, 2005	Telephone call from defendant DAVID GARNETT in the Eastern District of Pennsylvania to DirecTV call center in Omaha, Nebraska requesting DirecTV services.

All in violation of Title 18, United States Code, Sections 1343 and 2.

A TRUE BILL:

GRAND JURY FOREPERSON

**PATRICK L. MEEHAN
UNITED STATES ATTORNEY**