

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

OFFENSE CHARGED

COUNT 1, 18 U.S.C. § 1349, Conspiracy to Engage in Wire Fraud; COUNTS 6, 8-9, 18 U.S.C. §§1343 and 2, Wire Fraud; COUNTS 12-14, 18 U.S.C. §§ 1028A and 2, Aggravated Identity Theft

Petty
 Minor
 Misdemeanor
 Felony

PENALTY:

Ct 1, 6, 8-9 - 20 yrs imprisonment, greater of \$250 twice the gross gain/loss, 3 yrs SR, \$100 SA, Res 12-14 - 2 yrs mandatory imprisonment, consecutive felony conviction; \$250,000 fine; 1 yr SR; \$100 S

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)
Federal Bureau of Investigation, SA Leland Castro

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

this is a re prosecution of charges previously dismissed which were dismissed on motion of:

U.S. Att'y Defense

this prosecution relates to a pending case involving this same defendant

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

SHOW DOCKET NO.

MAGISTRATE CASE NO.

Name and Office of Person Furnishing Information on THIS FORM

Melinda Haag

U.S. Att'y Other U.S. Agency

Name of Asst. U.S. Att'y (if assigned)

Denise Marie Barton

Name of District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT - U.S.

HONG LEE WONG, a/k/a William Wong

DISTRICT COURT NUMBER

CR 12 578

DEFENDANT

IN CUSTODY

- 1) If not detained give date any prior summons was served on above charges
- 2) Is a Fugitive
- 3) Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) On this charge
- 5) On another conviction
- 6) Awaiting trial on other charges

Fed'l State

If answer to (6) is "Yes", show name of institution

Has detainer been filed? Yes No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS NO PROCESS* WARRANT Bail Amount: No Bail

If Summons, complete following:

Arraignment Initial Appearance

Defendant Address:

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

OFFENSE CHARGED

COUNT 1, 18 U.S.C. § 1349, Conspiracy to Engage in Wire Fraud; COUNTS 2-9, 18 U.S.C. §§1343 and 2, Wire Fraud; COUNTS 10-14, 18 U.S.C. §§ 1028A and 2, Aggravated Identity Theft

Petty
 Minor
 Misdemeanor

PENALTY:

Ct 1, 2-9 - 20 yrs imprisonment, greater of \$250,000 fin the gross gain/loss, 3 yrs SR, \$100 SA, Restitution; 3 yrs mandatory imprisonment, consecutive to underlying conviction; \$250,000 fine; 1 yr SR; \$100 SA; Restitution

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)
Federal Bureau of Investigation, SA Leland Castro

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

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Name of Asst. U.S. Att'y (if assigned)
Denise Marie Barton

Name of District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT - U.S.

NGOC DUONG, a/k/a Danny Duong

COURT NUMBER

12 578

DEFENDANT

IS NOT IN CUSTODY

- 1) Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges
- 2) Is a Fugitive
- 3) Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) On this charge
- 5) On another conviction
- 6) Awaiting trial on other charges } Fed'l State

If answer to (6) is "Yes", show name of institution

Has detainer been filed? Yes No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

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DATE TRANSFERRED TO U.S. CUSTODY

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Date/Time:

Before Judge:

Comments:

1 MELINDA HAAG (CABN 132612)
2 United States Attorney

FILED
JUL 20 2012
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 UNITED STATES OF AMERICA,)

12 Plaintiff,)

13 v.)

14 NGOC DUONG,)
15 a/k/a Danny Duong, and)
16 HONG LEE WONG,)
17 a/k/a William Wong,)

18 Defendants.)

CR 12 578

VIOLATIONS: 18 U.S.C. § 1349 —
Conspiracy to Commit Wire Fraud; 18
U.S.C. § 1343 — Wire Fraud; 18 U.S.C.
§ 1028A(a)(1) — Aggravated Identity Theft;
18 U.S.C. § 2 — Aiding and Abetting; 18
U.S.C. §§ 981(a)(1)(C) & 28 U.S.C.
§ 2461(c) — Criminal Forfeiture

SI

SAN FRANCISCO VENUE

19
20 INDICTMENT

21 The Grand Jury charges:

22 At all times relevant to this Indictment:

23 Introductory Allegations

24 1. NGOC DUONG, also known as Danny DUONG (DUONG), resided in Fountain
25 Valley, California. DUONG was a partner in Incom Trading Corporation, Inc., which has its
26 principal place of business in Fountain Valley, California. DUONG used email accounts
27 ngoc#####@yahoo.com, ngoc#####@incomtrading.com, ngoc#####@gmail.com, the servers
28 of which were located in Sunnyvale and Mountain View, California.

INDICTMENT

1 interstate commerce, by means of a wire communication, certain writings, signs, and signals, in
2 violation of Title 18, United States Code, Section 1343.

3 All in violation of Title 18, United States Code, Section 1349.

4 COUNTS TWO - NINE: 18 U.S.C. § 1343 – Wire Fraud; 18 U.S.C. § 2 – Aiding and Abetting

5 12. The factual allegations of paragraphs 1 through 9 of this Indictment are re-alleged
6 and incorporated herein as if set forth in full.

7 13. On or about the dates set forth below, within the Northern District of California
8 and elsewhere, the defendants named below, for the purpose of executing and attempting to
9 execute the material scheme and artifice to defraud Cheery Way and Zheijang, and to obtain
10 money and property by means of materially false and fraudulent pretenses, representations, and
11 promises, did knowingly transmit and cause to be transmitted the following wire
12 communications in interstate commerce:

COUNT	DEFENDANT	DATE OF WIRE	NATURE OF WIRE COMMUNICATION
2	NGOC DUONG, a/k/a Danny Duong	9/20/2010	Email from DUONG to WONG and W.S. titled "Re: Insurance Certificate"
3	NGOC DUONG, a/k/a Danny Duong	10/21/2010	Email from DUONG to WONG and W.S. titled "Six Flag Contract" with attachment titled "Services Agreement"
4	NGOC DUONG, a/k/a Danny Duong	12/17/2010	Email from DUONG to WONG and W.S. titled "Letter for six flags assist clean-up"
5	NGOC DUONG, a/k/a Danny Duong	1/4/2011	Email from DUONG to W.S. and J.C. titled "Delay for six flags assist clean-up"
6	NGOC DUONG, a/k/a Danny Duong, and HONG LEE WONG, a/k/a William Wong	1/27/2011	Email from WONG to T.S, W.S., and J.C. forwarding 1/27/2011 emails from DUONG to WONG titled "Request for Independent Inspector"
7	NGOC DUONG, a/k/a Danny Duong	2/7/2011	Emails from DUONG to WONG, W.S., and J.C. titled "Six flags clean-up Schedule"
8	NGOC DUONG, a/k/a Danny Duong, and HONG LEE WONG, a/k/a William Wong	5/17/2011	Email from WONG to T.S., J.C., and W.S. forwarding 5/16/2011 email from DUONG to WONG titled "The (Jazz Land) Six Flags Theme Park Proposal Up-Dated"

9	NGOC DUONG, a/k/a Danny Duong, and HONG LEE WONG, a/k/a William Wong	8/18/2011	Email from WONG to T.S., W.S., and J.C. forwarding Email from DUONG titled "Schedule to Proceed - New Orleans East Redevelopment Opportunity"
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All in violation of Title 18, United States Code, Sections 1343 and 2.

COUNT TEN: 18 U.S.C. § 1028A(a)(1) — Aggravated Identity Theft

14. The factual allegations of paragraphs 1 through 9 of this Indictment are re-alleged and incorporated herein as if set forth in full.

15. On or about September 1, 2010, in the Northern District of California and elsewhere, the defendant, during and in relation to a felony violation enumerated in 18 U.S.C. § 1028A(c)(5),

NGOC DUONG,
a/k/a Danny Duong,

did knowingly transfer, possess, and use, without lawful authority, the means of identification of another person, that is, the defendant used the name of a real person, Brian F., in a letter sent to Cheery Way, to commit a violation of 18 U.S.C. § 1349, as charged in Count One of this Indictment.

All in violation of Title 18, United States Code, Section 1028A(a)(1).

COUNT ELEVEN: 18 U.S.C. § 1028A(a)(1) — Aggravated Identity Theft

16. The factual allegations of paragraphs 1 through 9 of this Indictment, and the transaction alleged in Count 3, are re-alleged and incorporated herein as if set forth in full.

17. On or about October 21, 2010, in the Northern District of California and elsewhere, the defendant, during and in relation to a felony violation enumerated in 18 U.S.C. § 1028A(c)(5),

NGOC DUONG,
a/k/a Danny Duong,

did knowingly transfer, possess, and use, without lawful authority, the means of identification of another person, that is, the defendant used the name of a real person, George P., in a document titled "Services Agreement" that was attached to an email sent to WONG and W.S., to commit violations of 18 U.S.C. §§ 1349 and 1343, as charged in Counts One and Three of this

1 Indictment.

2 All in violation of Title 18, United States Code, Section 1028A(a)(1).

3 COUNT TWELVE: 18 U.S.C. § 1028A(a)(1) — Aggravated Identity Theft; 18 U.S.C. § 2 –
4 Aiding and Abetting

5 18. The factual allegations of paragraphs 1 through 9 of this Indictment, and the
6 transactions alleged in Counts Four through Seven, are re-alleged and incorporated herein as if
7 set forth in full.

8 19. Between approximately December 17, 2010, and February 7, 2011, in the
9 Northern District of California and elsewhere, the defendants, during and in relation to a felony
10 violation enumerated in 18 U.S.C. § 1028A(c)(5),

11 NGOC DUONG,
12 a/k/a Danny Duong,
13 and
14 HONG LEE WONG,
15 a/k/a William Wong,

16 did knowingly transfer, possess, and use, without lawful authority, the means of identification of
17 another person, that is, the name of the real individual Edward Q., in letters that were attached to
18 emails sent by DUONG and WONG, to commit violations of 18 U.S.C. §§ 1349 and 1343, as
19 charged in Counts One and Four through Seven of this Indictment.

20 All in violation of Title 18, United States Code, Section 1028A(a)(1).

21 COUNT THIRTEEN: 18 U.S.C. § 1028A(a)(1) — Aggravated Identity Theft; 18 U.S.C. § 2 –
22 Aiding and Abetting

23 20. The factual allegations of paragraphs 1 through 9 of this Indictment, and the
24 transactions alleged in Count Eight, are re-alleged and incorporated herein as if set forth in full.

25 21. Between approximately May 16, 2011, through May 17, 2011, in the Northern
26 District of California and elsewhere, the defendants, during and in relation to a felony violation
27 enumerated in 18 U.S.C. § 1028A(c)(5),

28 NGOC DUONG,
a/k/a Danny Duong,
and
HONG LEE WONG,
a/k/a William Wong,

1 knowingly transfer, possess, and use, without lawful authority, the means of identification of
2 another person, that is, the name and email address of the real individual Aimee Q. in emails and
3 a letter attached to the emails sent by DUONG and WONG, to commit violations of 18 U.S.C. §§
4 1349 and 1343, as charged in Counts One and Eight of this Indictment.

5 All in violation of Title 18, United States Code, Sections 1028A(a)(1) and 2.

6 COUNT FOURTEEN: 18 U.S.C. § 1028A(a)(1) — Aggravated Identity Theft; 18 U.S.C. § 2 –
7 Aiding and Abetting

8 22. The factual allegations of paragraphs 1 through 9 of this Indictment, and the
9 transactions alleged in Count Nine, are re-alleged and incorporated herein as if set forth in full.

10 23. On or about August 18, 2011, in the Northern District of California and
11 elsewhere, the defendant, during and in relation to a felony violation enumerated in 18 U.S.C. §
12 1028A(c)(5),

13 NGOC DUONG,
14 a/k/a Danny Duong,
15 and
16 HONG LEE WONG,
17 a/k/a William Wong,

18 did knowingly transfer, possess, and use, without lawful authority, the means of identification of
19 another person, that is, the name and email address of the real individual Nathaniel C., in emails
20 sent by DUONG and WONG, to commit violations of 18 U.S.C. §§ 1349 and 1343, as charged in
21 Counts One and Nine of this Indictment.

22 All in violation of Title 18, United States Code, Sections 1028A(a)(1) and 2.

23 FORFEITURE ALLEGATION: 18 U.S.C. §§ 981(a)(1)(C) & 28 U.S.C. § 2461(c) —

24 Criminal Forfeiture

25 24. All of the allegations contained in this Indictment are re-alleged and by this
26 reference fully incorporated herein for the purpose of alleging forfeiture pursuant to the
27 provisions of Title 18, United States Code, Sections 981(a)(1)(C) and Title 28, United States
28 Code, Section 2461(c).

29 25. Upon a conviction for the offenses alleged in Counts One through Nine, the
30 defendants,

1 NGOC DUONG,
2 a/k/a Danny Duong,
3 and
4 HONG LEE WONG,
5 a/k/a William Wong,

6 shall forfeit to the United States, all right, title and interest in property, real and personal, that
7 constitutes or is derived from, directly or indirectly, gross proceeds traceable to the commission
8 of the offense, including but not limited to a sum of money equal to the gross proceeds obtained
9 as a result of the offense.

10 26. If any of the aforementioned property, as a result of any act or omission of the
11 defendant —

- 12 a. cannot be located upon the exercise of due diligence;
13 b. has been transferred or sold to, or deposited with, a third person;
14 c. has been placed beyond the jurisdiction of the Court;
15 d. has been substantially diminished in value; or
16 e. has been commingled with other property that cannot be divided without
17 difficulty,

18 any and all interest the defendant has in other property shall be vested in the United States and
19 forfeited to the United States pursuant to 21 U.S.C. § 853p, as incorporated by 28 U.S.C.
20 § 2461(c).

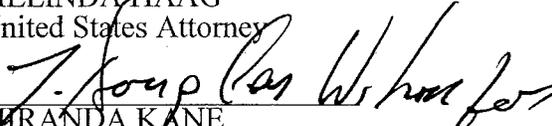
21 All in violation of Title 18, United States Code, Sections 981(a)(1)(C) and Title 28,
22 United States Code, Section 2461(c), and Rule 32.2 of the Federal Rules of Criminal Procedure.

23 DATED: July 19, 2012

A TRUE BILL.

24 
FOREPERSON

25 MELINDA HAAG
26 United States Attorney

27 
MIRANDA KANE
28 Chief, Criminal Division

(Approved as to form: 
AUSA BARTON