

2008R00002

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	
	:	Hon.
	:	
v.	:	Criminal No. 09- 197(SDW)
	:	
	:	18 U.S.C. § 1028(a)(7) & (b)(1)
YOMI JAGUNNA,	:	18 U.S.C. § 1028(f)
a/k/a "Donald S. Elam,"	:	18 U.S.C. § 2
a/k/a "dselam"	:	

INDICTMENT

The Grand Jury in and for the District of New Jersey,
sitting at Newark, charges:

COUNT 1

(Conspiracy to Transfer, Possess,
and Use Means of Identification)
18 U.S.C. § 1028(f)

1. At all times relevant to this Indictment:
 - a. Defendant Yomi Jagunna, a/k/a "Donald S. Elam,"
a/k/a "dselam" (hereinafter "defendant Jagunna"), resided in New
York City.
 - b. Coconspirator 1 ("CC1") and Coconspirator 2
("CC2"), who are not charged as defendants herein, resided in New
York City.
 - c. Credit Union A, a federal credit union operating
in Somerset County, New Jersey, was a financial institution
within the meaning of Title 18, United States Code, Section 20.

2. Between at least as early as in or about May 2006 and in or about November 2008, in Morris County, in the District of New Jersey, and elsewhere, defendant

YOMI JAGUNNA,
a/k/a "Donald S. Elam",
a/k/a "dselam"

did knowingly conspire and agree with CC1, CC2, and others to transfer, possess, and use, without lawful authority, in a manner affecting interstate commerce, means of identification of other persons with the intent to commit, and to aid and abet, and in connection with, unlawful activity, namely: (1) bank fraud, in violation of Title 18, United States Code, Section 1344, and (2) access device fraud, in violation of Title 18, United States Code, Section 1029(a)(2), contrary to Title 18, United States Code, Sections 1028(a)(7) and (b)(1).

OBJECT OF THE CONSPIRACY

3. It was the object of the conspiracy for defendant Jagunna, CC1, CC2, and others to enrich themselves by buying, selling, and otherwise exchanging personal identification information of unwitting victims in order to obtain money and other property to which defendant Jagunna and his coconspirators were not entitled.

MANNER AND MEANS OF THE CONSPIRACY

4. It was part of the conspiracy that defendant Jagunna, CC1, CC2, and others would use computers to gather from commercial databases personal identifying information of potential victims, including names, addresses, dates of birth, and Social Security numbers, among other information ("Personal Identifying Information").

5. It was further part of conspiracy that defendant Jagunna and others would subscribe to commercial databases in the name of a collection agency in order to gain access to Personal Identifying Information without arousing suspicion.

6. It was further part of the conspiracy that CC1, CC2, and others would use computers to obtain credit reports regarding potential victims that included the account numbers and balances of bank accounts, credit lines, and credit cards of potential victims, among other information ("Banking and Credit Information").

7. It was further part of the conspiracy that defendant Jagunna, CC1, CC2, and others would communicate with each other and would share Personal Identifying Information by e-mail and telephone.

8. It was further part of the conspiracy that, when accessing the Internet and speaking on telephones in furtherance of the conspiracy, defendant Jagunna, CC1, CC2, and others would

conceal their identities by obtaining cell phone, e-mail and other accounts in false names.

9. It was further part of the conspiracy that CC1, CC2, and others would contact federally insured banks, credit unions, and credit card companies and would impersonate the account holders whose Personal Identifying Information defendant Jagunna, CC1, CC2, and others had acquired.

10. It was further part of the conspiracy that CC1, CC2, and others would obtain money and other things of value by substantially depleting the balances of victims' accounts through wire transfers, withdrawals, and checks drawn upon victims' bank accounts and credit lines, as well as through unauthorized charges to victims' credit card accounts.

11. In order to further the object of the conspiracy, the following acts were committed by coconspirators in the District of New Jersey and elsewhere:

The G.K. Transaction

a. On or about December 12, 2007, defendant Jagunna used a commercially available database to research information regarding "G.K.," a resident of Morris County, New Jersey who was an account holder at Credit Union A.

b. On or about December 12, 2007, defendant Jagunna provided G.K.'s Social Security number and other Personal

Identifying Information to CC1 in exchange for a cash payment.

c. On or about December 17, 2007, CC1 telephoned Credit Union A, identified himself as G.K., and requested that Credit Union A transfer approximately \$675,500 from G.K.'s home equity line of credit to an account at the Bank of Tokyo Mitsubishi.

d. On or about December 17, 2007, CC1 caused Credit Union A to complete the requested transfer by diverting to a cell phone that CC1 controlled an outbound telephone call that Credit Union A attempted to place to the actual G.K. in order to verify the transfer request.

The 39 Compromised Identities

e. On or about May 8, 2008, CC2 sent an e-mail to CC1 containing the names and addresses of approximately 39 individuals, including the name and address of "M.Y.," a resident of Ocean County, New Jersey ("the 39 Compromised Identities").

f. On or about May 9, 2008, CC1 forwarded the 39 Compromised Identities to defendant Jagunna at the e-mail address dselam[xxxx]@[xxxxx].com.

g. On or about May 10, 2008, defendant Jagunna used a commercial database to acquire Personal Identifying Information, including the Social Security numbers associated with the 39 Compromised Identities, among other information.

h. On or about May 10, 2008, defendant Jagunna called CC1 and discussed the reliability and accuracy of the information regarding the 39 Compromised Identities.

i. In or about November 2008, a coconspirator used an American Express charge card in the name of M.Y. to make approximately \$8,000 in unauthorized charges at New York City retail locations.

In violation of Title 18, United States Code, Section 1028(f).

COUNTS 2 THROUGH 41
(Transfer, Use and Possession of
Means of Identification)
18 U.S.C. § 1028(a)(7) & (b)(1)
18 U.S.C. § 2

1. The allegations in paragraphs 1 and 3 through 11 of Count 1 are realleged as if set forth herein.

2. On or about the dates set forth below, in the District of New Jersey and elsewhere, defendant

YOMI JAGUNNA,
a/k/a "Donald S. Elam",
a/k/a "dselam"

did knowingly transfer, possess, and use the means of identification of others as set forth below without lawful authority, in a manner affecting interstate commerce, with the intent to commit, and to aid and abet, and in connection with, unlawful activity, namely, bank fraud contrary to Title 18, United States Code, Section 1344, and access device fraud, contrary to Title 18, United States Code, Section 1029(a)(2):

Count	Date	Individual
2	12/12/07	G.K.
3	05/10/08	D.M.
4	05/10/08	B.B.
5	05/10/08	D.Y.
6	05/10/08	K.P.
7	05/10/08	K.G.
8	05/10/08	D.M.
9	05/10/08	B.R.

Count	Date	Individual
10	05/10/08	D.R.
11	05/10/08	F.R.
12	05/10/08	S.B.
13	05/10/08	M.W.
14	05/10/08	J.E.
15	05/10/08	R.L.
16	05/10/08	K.J.
17	05/10/08	F.V.
18	05/10/08	J.H.
19	05/10/08	D.E.
20	05/10/08	L.A.
21	05/10/08	S.R.
22	05/10/08	K.L.
23	05/10/08	J.B.
24	05/10/08	A.E.
25	05/10/08	T.B.
26	05/10/08	D.C.
27	05/10/08	R.W.
28	05/10/08	M.Y.
29	05/10/08	S.L.
30	05/10/08	J.L.
31	05/10/08	S.V.
32	05/10/08	P.G.
33	05/10/08	J.S.
34	05/10/08	R.M.
35	05/10/08	R.B.
36	05/10/08	P.K.

Count	Date	Individual
37	05/10/08	G.L.
38	05/10/08	S.S.
39	05/10/08	J.B.
40	05/10/08	J.E.
41	05/10/08	E.B.

In violation of Title 18, United States Code, Sections 1028(a)(7) and (b)(1) and Section 2.

A TRUE BILL



RALPH J. MARRA, JR.
Acting United States Attorney

CASE NUMBER: 09-197(SDW)

**United States District Court
District of New Jersey**

UNITED STATES OF AMERICA

v.

**YOMI JAGUNNA,
a/k/a "Donald S. Elam"
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INDICTMENT

18 U.S.C. § 1028(a)(7) & (b)(1)
18 U.S.C. § 1028(f)
18 U.S.C. § 2

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