

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

<b>UNITED STATES OF AMERICA</b>	<b>:</b>	<b>CRIMINAL NO. 07-344</b>
<b>v.</b>	<b>:</b>	<b>DATE FILED: 06-14-07</b>
<b>RASHIN OWENS,</b>	<b>:</b>	<b>VIOLATIONS:</b>
<b>a/k/a "Ro,"</b>	<b>:</b>	<b>18 U.S.C. § 371 (conspiracy - 1 count)</b>
<b>DAVID TUNNELL,</b>	<b>:</b>	<b>18 U.S.C. § 1344 (bank fraud - 2 counts)</b>
<b>a/k/a "Tom,"</b>	<b>:</b>	<b>18 U.S.C. § 1028A (aggravated identity</b>
<b>VICTOR O'CONNOR,</b>	<b>:</b>	<b>theft - 5 counts)</b>
<b>a/k/a "Vic,"</b>	<b>:</b>	<b>18 U.S.C. § 1030 (use of computer in</b>
<b>CLARISSA GAVIN,</b>	<b>:</b>	<b>connection with bank fraud - 1 count)</b>
<b>DAMOON HOSSEINZADAH,</b>	<b>:</b>	<b>18 U.S.C. § 2 (aiding and abetting)</b>
<b>TOMMY ANTONE MURRAY</b>	<b>:</b>	<b>Notice of forfeiture</b>
	<b>:</b>	

**SUPERSEDING INDICTMENT**

**COUNT ONE**

**THE GRAND JURY CHARGES THAT:**

At all times material to this superseding indictment:

1. Commerce Bank was a financial institution, the deposits of which were insured by the Federal Deposit Insurance Corporation, certificate number 21140.
2. Citizens Bank was a financial institution, the deposits of which were insured by the Federal Deposit Insurance Corporation, certificate number 57282.
3. Defendant DAMOON HOSSEINZADEH worked as a salesman for New Concept Inc., a car dealership located at Norristown, Pennsylvania, where he had access to means of the identity information of the dealership's customers, including names, social security numbers, driver's license numbers, dates of birth, and bank account information.

4. Defendant CLARISSA GAVIN worked as a teller for Citizens Bank at a branch located at Wayne, Pennsylvania, where she had access to the identity information of the bank's customers, including names, social security numbers, dates of birth, and account numbers, as well as account balance information.

5. From in or about March 2007 through on or about May 15, 2007, in Philadelphia, in the Eastern District of Pennsylvania, the District of New Jersey, the Southern District of New York, and elsewhere, defendants

**RASHIN OWENS,  
a/k/a "Ro,"  
DAVID TUNNELL,  
a/k/a "Tom,"  
VICTOR O'CONNOR,  
a/k/a "Vick,"  
CLARISSA GAVIN,  
DAMOON HOSSEINZADEH, and  
TOMMY ANTONE MURRAY**

conspired and agreed together to commit offenses against the United States, that is, to knowingly execute and attempt to execute a scheme to defraud Commerce Bank and Citizens Bank, in violation of Title 18, United States Code, Section 1344, and to knowingly and without lawful authority use a means of identification of another person, during and in relation to a bank fraud, in violation of Title 18, United States Code, Section 1028A(a)(1), (c)(5).

#### **MANNER AND MEANS**

6. The defendants used stolen identification information to cash fraudulent checks and make fraudulent withdrawals and split the proceeds.

7. Defendants RASHIN OWENS and DAVID TUNNELL paid for stolen identification information and used that information to create and cash fraudulent checks.

8. Defendant VICTOR O'CONNOR recruited defendant CLARISSA GAVIN, an employee of Citizens Bank, to provide to defendant O'CONNOR and defendants RASHIN OWENS and DAVID TUNNELL account numbers, account balances, and the names, addresses and social security numbers of Citizens Bank account holders for cash.

9. Defendant CLARISSA GAVIN used her position at Citizens Bank to improperly access computerized account information for Citizens Bank account holders and provided defendants VICTOR O'CONNOR, RASHIN OWENS, and DAVID TUNNELL with names, addresses, social security numbers, dates of birth, and account numbers of Citizens Bank account holders with account balances of more than \$20,000, and also provided defendants O'CONNOR, OWENS, and TUNNELL with account information for Citizens Bank account numbers given to her by defendants O'CONNOR and OWENS.

10. Defendant DAMOON HOSSEINZADEH used his position at New Concept Inc. to improperly access customer files for New Concept Inc. customers and to provide defendants VICTOR O'CONNOR, RASHIN OWENS and DAVID TUNNELL with names, addresses, social security numbers, dates of birth, driver's license numbers, and bank account numbers of customers of New Concept Inc.

11. Defendant RASHIN OWENS, with the assistance of defendants DAVID TUNNELL and VICTOR O'CONNOR, purchased names, addresses, social security numbers, dates of birth, driver's license numbers, and bank account information for account holders of Citizens Bank and Commerce Bank from defendants CLARISSA GAVIN and DAMOON HOSSEINZADEH.

12. Defendant RASHIN OWENS instructed defendant DAMOON HOSSEINZADEH to use code words when they discussed account balances, dates of birth, social security numbers and driver's license numbers.

13. Defendant RASHIN OWENS instructed defendant DAMOON HOSSEINZADEH on how to use the 1-800 automated telephone systems of the banks to access customer account information and to learn about the available account balances of bank customers.

14. Defendant RASHIN OWENS accessed customers' account information provided to him using the 1-800 automated telephone systems of Citizens Bank and Commerce Bank.

15. With the information purchased from defendants CLARISSA GAVIN and DAMOON HOSSEINZADEH, defendant RASHIN OWENS arranged for the manufacture of false photographic identifications in the name of customers of the banks, using the picture of defendant DAVID TUNNELL on those false identifications, and then provided the customer account information, false identifications, and counterfeit checks made payable to those customers to defendant TUNNELL. Defendant OWENS also aided in obtaining false photographic identification in the name of a customer of Citizens Bank, which identification contained the picture of defendant TOMMY ANTONE MURRAY, and providing MURRAY with the customer account information, false identification and counterfeit check made payable to that customer.

16. Defendants DAVID TUNNELL and TOMMY ANTONE MURRAY acted as “check-runners,” individuals who posed as customers of the banks to cash or attempt to cash checks made payable to those customers, or withdraw or attempt to withdraw money from those customers’ accounts, totaling an amount in excess of \$91,000.

17. In the capacity of “check-runner,” defendants DAVID TUNNELL and TOMMY ANTONE MURRAY obtained from defendant RASHIN OWENS and others false photographic identification in the names of the banks’ customers, with their pictures on those false identifications, and used those false identifications to cash or attempt to cash counterfeit checks made payable to those customers, or to withdraw or attempt to withdraw money from those customers’ accounts.

18. By this scheme, defendants RASHIN OWENS and DAVID TUNNELL obtained approximately \$55,900 from the cashing of fraudulent checks, defendant VICTOR O’CONNOR was paid approximately \$2,000, defendant CLARISSA GAVIN was paid approximately \$900, defendant DAMOON HOSSEINZADEH was paid approximately \$3,200, and defendant TOMMY ANTONE MURRAY obtained approximately \$3,500 from a fraudulent withdrawal.

### **OVERT ACTS**

In furtherance of the conspiracy, defendants RASHIN OWENS, DAVID TUNNELL, VICTOR O’CONNOR, CLARISSA GAVIN, DAMOON HOSSEINZADEH and TOMMY ANTONE MURRAY committed the following overt acts in the Eastern District of Pennsylvania and elsewhere:

1. On or about March 17, 2007, defendant VICTOR O'CONNOR recruited defendant CLARISSA GAVIN to improperly access computerized account information of customers of Citizens Bank and to provide him with names, addresses, social security numbers, dates of birth, and account numbers for Citizens Bank customers who had account balances in excess of \$20,000 in exchange for \$1,000.00 per account.

2. On or about March 18, 2007, defendant VICTOR O'CONNOR, via cell phone text messaging, provided defendant CLARISSA GAVIN with Citizens Bank account numbers for which he wanted account information.

3. On or about March 18, 2007, defendant CLARISSA GAVIN used her position at Citizens Bank to improperly access the Citizens Bank computer system and to obtain account information on the account numbers given to her by defendant VICTOR O'CONNOR, and then provided that account information to defendant O'CONNOR.

4. On or about March 25, 2007, defendants RASHIN OWENS, DAVID TUNNELL, VICTOR O'CONNOR, CLARISSA GAVIN, and DAMOON HOSSEINZADEH met so that defendant OWENS could explain to defendants GAVIN and HOSSEINZADEH how the counterfeit check cashing scheme operated, to give defendant GAVIN approximately ten additional Citizens Bank account numbers for which he wanted her to provide account information, to pay defendant GAVIN approximately \$900 for the account information she had already provided, and to give defendant HOSSEINZADEH approximately \$1,000 for account information to be provided in the future.

5. From on or about March 25, 2007 through on or about March 27, 2007, defendant DAMOON HOSSEINZADEH used his position at New Concept Inc. to improperly gain access to the customer files of New Concept Inc. He then stole names, addresses, social security numbers, dates of birth, driver's license numbers, and bank account numbers of approximately twenty New Concept Inc. customers from those customer files, and accessed approximately six customers' bank account information using the 1-800 automated telephone systems of Citizens Bank and Commerce Bank to obtain those customers' account balances.

6. On or about March 27, 2007, defendant DAMOON HOSSEINZADEH met with defendants RASHIN OWENS, DAVID TUNNELL, and VICTOR O'CONNOR, gave defendant OWENS the names, addresses, social security numbers, dates of birth, driver's license numbers, and bank account numbers of approximately twenty New Concept Inc. customers that he had stolen from New Concept Inc.'s customer files. Defendant OWENS paid defendant HOSSEINZADEH approximately \$600 for the stolen identity information.

7. From on or about March 26, 2007 through on or about April 2, 2007, defendant CLARISSA GAVIN used her position at Citizens Bank to improperly gain access to the Citizens Bank computer system. She then stole account information on the approximately ten account numbers given to her by defendant RASHIN OWENS and also took names, addresses, social security numbers, dates of birth, and account numbers for approximately ten additional Citizens Bank customers.

8. On or about April 3, 2007, defendants DAMOON HOSSEINZADEH and VICTOR O'CONNOR spoke by telephone to discuss the sale of New Concept Inc.'s customers' stolen account information.

9. On or about April 3, 2007, defendant DAMOON HOSSEINZADEH met with defendants RASHIN OWENS and DAVID TUNNELL, gave defendant OWENS the Citizens Bank customer account information that defendant CLARISSA GAVIN had stolen, and was paid approximately \$900 by defendant OWENS for that information.

10. From on or about March 30, 2007, to on or about April 26, 2007, defendant DAVID TUNNELL, posing as various Citizens Bank and Commerce Bank customers and carrying false identification, visited various Citizens Bank and Commerce Bank branches and cashed and attempted to cash counterfeit checks, and withdrew or attempted to withdraw money from customers' accounts, totaling at least \$83,000.

11. From on or about April 18, 2007, to on or about April 20, 2007, defendant TOMMY ANTONE MURRAY, posing as a Citizens Bank customer for whom defendant CLARISSA GAVIN had provided information to defendant RASHIN OWENS, and carrying false identification in the name of that Citizens Bank customer, visited a Citizens Bank branch, and withdrew and attempted to withdraw money from the customer's account, totaling approximately \$8,500.

12. On or about May 4, 2007, defendants RASHIN OWENS and DAMOON HOSSEINZADEH spoke by telephone to discuss the purchase by defendant OWENS of stolen bank account information of additional customers from defendant HOSSEINZADEH.



13. On or about May 15, 2007, defendants RASHIN OWENS and DAMOON HOSSEINZADEH arranged the purchase of additional stolen identity information. Defendants OWENS and DAVID TUNNELL met with defendant HOSSEINZADEH, paid defendant HOSSEINZADEH \$500, and agreed to pay defendant HOSSEINZADEH an additional \$2,000, for what they believed to be stolen customer information.

All in violation of Title 18, United States Code, Section 371.

## **COUNT TWO**

### **THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1, 3, 6, 7 and 10-18, and Overt Acts 4-6, 8-10, 12 and 13 of Count One are realleged here.

2. From on or about March 17, 2007, through on or about May 15, 2007, in the Eastern District of Pennsylvania, the District of New Jersey and elsewhere, defendants

**RASHIN OWENS,  
a/k/a "Ro,"  
DAVID TUNNELL,  
a/k/a "Tom,"  
VICTOR O'CONNOR,  
a/k/a "Vick,"  
CLARISSA GAVIN, and  
DAMOON HOSSEINZADEH**

knowingly executed, attempted to execute, and aided and abetted the execution of, a scheme to defraud Commerce Bank, and to obtain monies owned by and under the care, custody, and control of that bank by means of false and fraudulent pretenses, representations, and promises.

### **THE SCHEME**

3. The defendants used stolen account information and false identification documents to cash fraudulent checks and to share the proceeds.

4. In furtherance of the scheme, defendant DAVID TUNNELL cashed or attempted to cash the following counterfeit checks and made or attempted to make the following fraudulent withdrawals:

<u>DATE</u>	<u>LOCATION</u>	<u>VICTIM ACCOUNT HOLDER</u>	<u>AMOUNT</u>
3/30/07	Pennsauken, NJ	K.A.	\$4,700
3/31/07	Cherry Hill, NJ	K.A.	\$5,700
4/02/07	Pennsauken, NJ	K.A.	\$5,000
4/04/07	Pennsauken, NJ	K.A.	\$4,500
4/06/07	Pennsauken, NJ	K.A.	\$9,000
4/07/07	Pennsauken, NJ	K.A.	\$9,000

All in violation of Title 18, United States Code, Sections 1344 and 2.

### **COUNT THREE**

#### **THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 2-4 and 6-18 and Overt Acts 1-13 of Count One are realleged here.

2. From on or about March 17, 2007, through on or about May 15, 2007, in the Eastern District of Pennsylvania, the Southern District of New York, and elsewhere, defendants

**RASHIN OWENS,  
a/k/a "Ro,"  
DAVID TUNNELL,  
a/k/a "Tom,"  
VICTOR O'CONNOR,  
a/k/a "Vick,"  
CLARISSA GAVIN,  
DAMOON HOSSEINZADEH, and  
TOMMY ANTONE MURRAY**

knowingly executed, attempted to execute, and aided and abetted the execution of, a scheme to defraud Citizens Bank, and to obtain monies owned by and under the care, custody, and control of that bank by means of false and fraudulent pretenses, representations, and promises.

#### **THE SCHEME**

3. The defendants used stolen account information and false identification documents to cash fraudulent checks or make fraudulent withdrawals and share the proceeds:

4. In furtherance of the scheme, defendant DAVID TUNNELL cashed or attempted to cash the following counterfeit checks and made or attempted to make the following fraudulent withdrawals:

<u>DATE</u>	<u>LOCATION</u>	<u>VICTIM ACCOUNT HOLDER</u>	<u>AMOUNT</u>
4/16/07	Royersford, PA	Bru. B.	\$4,500
4/17/07	Royersford, PA	Bru. B.	\$4,500
4/18/07	Yonkers, NY	G.W.	\$15,000
4/19/07	Royersford, PA	Bru. B.	\$4,200
4/19/07	Royersford, PA	Bru. B.	\$4,900
4/25/07	New Rochelle, NY	Bri. B.	\$3,000
4/26/07	New Rochelle, NY	Bru. B.	\$9,000

5. In furtherance of the scheme, defendant TOMMY ANTONE

MURRAY made or attempted to make the following fraudulent withdrawals:

<u>DATE</u>	<u>LOCATION</u>	<u>VICTIM ACCOUNT HOLDER</u>	<u>AMOUNT</u>
4/18/07	Royersford, PA	J.G.	\$3,500
4/20/07	Royersford, PA	J.G.	\$5,000

All in violation of Title 18, United States Code, Sections 1344 and 2.

**COUNT FOUR**

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**THE GRAND JURY FURTHER CHARGES THAT:**

On or about April 16, 2007, through on or about April 19, 2007, in the Eastern District of Pennsylvania, defendants

**RASHIN OWENS,  
a/k/a “Ro,”  
DAVID TUNNELL,  
a/k/a “Tom,”  
VICTOR O’CONNOR,  
a/k/a “Vick,”  
CLARISSA GAVIN, and  
DAMOON HOSSEINZADEH**

knowingly and without lawful authority possessed and used, attempted to use, and aided and abetted the use of, a means of identification of another person, that is, the name and identifying information of Bru. B., during and in relation to bank fraud.

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

**COUNT FIVE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about April 18, 2007, in the Eastern District of Pennsylvania and the Southern District of New York, defendants

**RASHIN OWENS,  
a/k/a “Ro,”  
DAVID TUNNELL,  
a/k/a “Tom,”  
VICTOR O’CONNOR,  
a/k/a “Vick,”  
CLARISSA GAVIN, and  
DAMOON HOSSEINZADEH**

knowingly and without lawful authority possessed and used, attempted to use, and aided and abetted the use of, a means of identification of another person, that is, the name and identifying information of G.W., during and in relation to bank fraud.

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

**COUNT SIX**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about April 25, 2007 through on or about April 26, 2007, in the Eastern District of Pennsylvania and the Southern District of New York, defendants

**RASHIN OWENS,  
a/k/a “Ro,”  
DAVID TUNNELL,  
a/k/a “Tom,”  
VICTOR O’CONNOR,  
a/k/a “Vick,”  
CLARISSA GAVIN, and  
DAMOON HOSSEINZADEH**

knowingly and without lawful authority possessed and used, attempted to use, and aided and abetted the use of, a means of identification of another person, that is, the name of and identifying information Bri. B., during and in relation to bank fraud.

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



**COUNT SEVEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about March 30, 2007 through on or about April 7, 2007, in the Eastern District of Pennsylvania and the District of New Jersey, defendants

**RASHIN OWENS,  
a/k/a “Ro,”  
DAVID TUNNELL,  
a/k/a “Tom,”  
VICTOR O’CONNOR,  
a/k/a “Vick,”  
CLARISSA GAVIN, and  
DAMOON HOSSEINZADEH**

knowingly and without lawful authority possessed and used, attempted to use, and aided and abetted the use of, a means of identification of another person, that is, the name and identifying information of K.A., during and in relation to bank fraud.

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

**COUNT EIGHT**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about April 18, 2007 through on or about April 20, 2007, in the Eastern District of Pennsylvania and the District of New Jersey, defendants

**RASHIN OWENS,  
a/k/a “Ro,”  
DAVID TUNNELL,  
a/k/a “Tom,”  
VICTOR O’CONNOR,  
a/k/a “Vick,”  
CLARISSA GAVIN,  
DAMOON HOSSEINZADEH, and  
TOMMY ANTONE MURRAY**

knowingly and without lawful authority possessed and used, attempted to use, and aided and abetted the use of, a means of identification of another person, that is, the name and identifying information of J.G., during and in relation to bank fraud.

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

**COUNT NINE**

**THE GRAND JURY FURTHER CHARGES THAT:**

From on or about March 17, 2007 through on or about May 15, 2007, in the Eastern District of Pennsylvania, defendant

**CLARISSA GAVIN**

knowingly, and without authorization or in excess of authorized access, obtained information contained in a financial record of Citizens Bank, a federally insured financial institution doing business in interstate commerce.

In violation of Title 18, United States Code, Section 1030.

## **NOTICE OF FORFEITURE**

1. As a result of the violations of Title 18, United States Code, Sections 371, 1344 and 1028A, set forth in this indictment, defendants

**RASHIN OWENS,  
a/k/a “Ro,”  
DAVID TUNNELL,  
a/k/a “Tom,”  
VICTOR O’CONNOR,  
a/k/a “Vick,”  
CLARISSA GAVIN,  
DAMOON HOSSEINZADEH, and  
TOMMY ANTONE MURRAY**

shall forfeit to the United States of America any property, real or personal, that constitutes or is derived from proceeds traceable to the commission of such offenses, as charged in this indictment, including, but not limited to, the sum of \$91,500.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the property subject to forfeiture.

All pursuant to Title 18, United States Code, Section 982(a)(2).

**A TRUE BILL:**

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**FOREPERSON**

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**PATRICK L. MEEHAN**  
**United States Attorney**