

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

UNITED STATES OF AMERICA	:	CRIMINAL NO. <u>11-415</u>
v.	:	DATE FILED: <u>October 27, 2011</u>
DANIEL DUNCAN	:	VIOLATIONS:
	:	18 U.S.C. §§ 1341 (mail fraud -
	:	4 counts)
	:	18 U.S.C. § 1029(a)(3) (possession of
	:	fifteen or more unauthorized access
	:	devices – 1 count)
	:	18 U.S.C. § 1028(a)(1) (unlawful
	:	production of false driver’s licenses -
	:	1 count)
	:	18 U.S.C. § 1028A (aggravated identity
	:	theft - 5 counts)
	:	18 U.S.C. § 2 (aiding and abetting)
	:	Notice of forfeiture

SUPERSEDING INDICTMENT

COUNTS ONE THROUGH FOUR

THE GRAND JURY CHARGES THAT:

THE SCHEME

1. From at least May 2011 through in or about May 24, 2011, defendant

DANIEL DUNCAN

devised and intended to devise a scheme to defraud at least 10 individuals and corporations, and to obtain money and property by means of false and fraudulent pretenses, representations, and promises.

MANNER AND MEANS

It was part of the scheme that:

2. Defendant DANIEL DUNCAN obtained and possessed names, addresses, dates of birth, social security numbers, credit card numbers, and other identifying information for at least 388 individuals who had not authorized him to have their personal information.

3. Defendant DANIEL DUNCAN used at least 300 individuals' identifiers to open credit cards and/or other internet payment accounts in those individuals' names, and/or to compromise existing accounts.

4. Defendant DANIEL DUNCAN also created or obtained email accounts, user accounts with internet merchants, and driver's licenses bearing the names and addresses of these individuals. These driver's licenses in different names all bore the picture of defendant DUNCAN.

5. Defendant DANIEL DUNCAN bought various items – typically airline tickets and gold – from online retailers or other internet merchants using credit cards or internet payment accounts he had obtained in other individuals' names.

6. In many cases, defendant DANIEL DUNCAN ordered the items to be shipped to the address of the individual he had impersonated while buying the item. Then defendant DUNCAN would attempt to pick up the item by intercepting delivery at, among other places, the U.S. Post Offices or interstate carrier's delivery center.

7. By this scheme, defendant DANIEL DUNCAN obtained or attempted to obtain over \$105,000 in goods and services.

8. From at least May 2011 through in or about May 24, 2011, defendant

DANIEL DUNCAN,

for the purpose of executing the scheme described above, and attempting to do so, ordered from

online retailers or other internet merchants items using the accounts of other people without their permission and caused items to be delivered, by mail or commercial interstate carrier, each delivery constituting a separate count:

Count	Approximate date on which item was ordered shipped	Item ordered
1	May 19, 2011	2010 American Buffalo Gold Coin through eBay to P.L. in Newtown, PA
2	May 20, 2011	2006 American Buffalo One Ounce Gold Coin through eBay to B.W. in Bangor, PA
3	May 21, 2011 (attempt)	Men's Champagne Dial Rolex Watch from Melrose Jewelers to K.O. in Newtown, PA
4	May 21, 2011 (attempt)	Pamp Suisse 1 oz. One Troy Ounce Fortuna Gold Ingot through eBay to K.O. in Newtown, PA

All in violation of Title 18, United States Code, Sections 1341, 1349.

COUNTS FIVE THROUGH SEVEN

THE GRAND JURY FURTHER CHARGES THAT:

From at least May 19, 2011 through in or about May 24, 2011, in the Eastern District of Pennsylvania, and elsewhere, defendant

DANIEL DUNCAN

knowingly and without lawful authority possessed a means of identification of another person, that is, the names, social security numbers, and dates of birth of the people below in relation to a mail fraud, each person constituting a separate count:

Count	Individual, identified by initials
5	P.L.
6	B.W.
7	K.O.

All in violation of Title 18, United States Code, Section 1028A(a)(1), (c)(5).

COUNT EIGHT

THE GRAND JURY FURTHER CHARGES THAT:

On or about May 24, 2011, in the Eastern District of Pennsylvania, and elsewhere,
defendant

DANIEL DUNCAN,

knowingly and with intent to defraud, possessed at least fifteen unauthorized access devices, that is, credit card account numbers and personal identification numbers for D.J., K.O., S.H., P.S., P.L., B.S., D.B., G.I., B.W., G.B., R.H., J.S., S.K., J.B., and K.G., and thereby affected interstate and foreign commerce.

All in violation of Title 18, United States Code, Sections 1029(a)(3) and
(c)(1)(a)(i).

COUNT NINE

THE GRAND JURY FURTHER CHARGES THAT:

On or about May 24, 2011, in the Eastern District of Pennsylvania, and elsewhere,
defendant

DANIEL DUNCAN

knowingly and without lawful authority possessed and used, and aided and abetted the possession and use of, a means of identification of another person, that is, the name of D.J., during and in relation to the unlawful production of false identification documents.

In violation of Title 18, United States Code, Sections 1028A(a)(1), (c)(4), and 2.

COUNT TEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about May 24, 2011, in the Eastern District of Pennsylvania, and elsewhere,
defendant

DANIEL DUNCAN

knowingly and without lawful authority produced, and aided and abetted the production of, false identification documents, that is, twelve fraudulent driver's licenses in the names of S.K., S.H., B.W., K.O., N.L., G.B., P.S., D.S., D.J., P.L., J.J., and J.S., and thereby affected interstate commerce.

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

COUNT ELEVEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about May 24, 2011, in the Eastern District of Pennsylvania, and elsewhere,
defendant

DANIEL DUNCAN

knowingly and without lawful authority possessed and used, and aided and abetted the possession and use of, a means of identification of another person, that is, the name of S.H., during and in relation to the unlawful production of false identification documents.

In violation of Title 18, United States Code, Sections 1028A(a)(1), (c)(4), and 2.

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violations of Title 18, United States Code, Sections 1341, 1029 and 1028, as set forth in this indictment, defendant

DANIEL DUNCAN

shall forfeit to the United States of America

(a) any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offenses, including:

- i. Apple lap top computer serial number W80510TNATN and
- ii. Apple I Pad computer serial number J305B2XETV;

(b) any property constituting, or derived from, proceeds obtained directly or indirectly from the commission of such offenses, including:

- i. The sum of \$105,000;
- ii. Apple lap top computer serial number W80510TNATN;
and
- iii. Apple I Pad computer serial number J305B2XETV.

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

- (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 28, United States Code, Section 2461(c), 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 28, United States Code, Section 2461(c) and Title 18, United States Code, Sections 981(a)(1)(C).

A TRUE BILL:

GRAND JURY FOREPERSON

Zane FS Schuch for
ZANE DAVID MEMEGER
UNITED STATES ATTORNEY