UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

25-CR-20350-RUIZ/LOUIS
CASE NO. ____________________

18 U.S.C. § 1343
18 U.S.C. § 1349
18 U.S.C. § 981(a)(1)(C)

UNITED STATES OF AMERICA

vs.

JEREMY TODD BRILEY,

Defendant.

______________________________/

INDICTMENT

The Grand Jury charges that:

GENERAL ALLEGATIONS

At times relevant to this Indictment:

1. In general, payment processors provided certain banking services for merchants who were clients of the payment processors. Merchants had their own customers. Acting on behalf of the merchants, payment processors debited the merchants' customers' bank accounts. To conduct the debits, merchants provided payment processors with the names, bank routing and account numbers, and other information about their customers. The payment processors submitted that information to their own banks, thus causing money to be transferred from the customers' bank accounts to the payment processors' bank accounts. The payment processors then caused the money received from the customers' bank accounts to be transferred to bank accounts identified by the merchants, minus fees.

2. Defendant **JEREMY TODD BRILEY** worked as a payment processing broker,

acting on behalf of clients (merchants) to help them find payment processors operating in the United States. **BRILEY**'s two largest clients were Sham Company 1 and Sham Company 2. Sham Company 1 and Sham Company 2 were both set up by Co-Conspirator 1, a Canadian national residing in Quebec. Co-Conspirator 1 used the name of another individual to operate Sham Company 1 and Sham Company 2, and Co-Conspirator 1 impersonated this individual in Co-Conspirator 1's dealings with **BRILEY**.

3. Starting in or around February 2017, **JEREMY TODD BRILEY** obtained payment processing services for Sham Company 1 and later Sham Company 2 from Payment Processor 1, a group of companies based in Illinois. In or around September 2021, Payment Processor 1 stopped providing payment processing services and transitioned Sham Company 2 to Payment Processor 2. Payment Processor 2 was based in the Southern District of Florida and processed payments via interstate wire communications.

4. Payment Processor 1 and Payment Processor 2, and their banks, sometimes monitored the return rates on debits. Return rates were the percentage of debits returned to victims' bank accounts through the banking system, often because victims challenged the debits as unauthorized.

5. Payment Processor 1 used micro transactions, sometimes referred to by **JEREMY TODD BRILEY** as "micros," which were checks made out for small amounts, generally several dollars, that Payment Processor 1 deposited into Payment Processor 1's own bank accounts. Depositing these micro transactions increased the number of deposits but did not change the number of returns, thus artificially lowering the return rate.

COUNT 1
Conspiracy to Commit Wire Fraud
(18 U.S.C. § 1349)

1. The General Allegations section of this Indictment is realleged and incorporated by reference as though fully set forth herein.

2. Beginning in or around February 2017, through in or around December 2023, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

JEREMY TODD BRILEY,

did willfully, that is, with the intent to further the object of the conspiracy, and knowingly combine, conspire, confederate, and agree with Co-Conspirator 1 and others known and unknown to the Grand Jury, to knowingly, and with the intent to defraud, devise and intend to devise a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, knowing that the pretenses, representations, and promises were false and fraudulent when made, and, for the purpose of executing the scheme and artifice, did transmit and cause to be transmitted by means of wire communication in interstate and foreign commerce, certain writings, signs, signals, pictures, and sounds, in violation of Title 18, United States Code, Section 1343.

PURPOSE OF THE CONSPIRACY

3. It was a purpose of the conspiracy for **JEREMY TODD BRILEY** and his co-conspirators to unlawfully enrich themselves by, among other things, fraudulently obtaining money from victim bank accounts through unauthorized debit transactions.

MANNER AND MEANS OF THE CONSPIRACY

The manner and means by which the defendant and his co-conspirators sought to accomplish the object and purpose of the conspiracy included, among other things, the following:

4. **JEREMY TODD BRILEY** and Co-Conspirator 1 used Sham Company 1 and Sham Company 2 to fraudulently debit the bank accounts of victims in the Southern District of Florida and across the United States, causing over $14 million in unauthorized debits and attempted debits. Sham Company 1 and Sham Company 2 falsely represented that they provided online marketing services to businesses.

5. **JEREMY TODD BRILEY** set up and maintained relationships with Payment Processor 1 and Payment Processor 2 and attempted to set up other relationships with payment processors so that they could process fraudulent debits on behalf of Sham Company 1 and Sham Company 2.

6. To fraudulently debit victims' bank accounts, Co-Conspirator 1 obtained personal and financial information about potential victims, including their names, addresses, and bank account routing and account numbers. Co-Conspirator 1 sent the victims' information to Payment Processor 1 and Payment Processor 2, which used the victims' information to debit the victims' bank accounts on behalf of Sham Company 1 and Sham Company 2.

7. **JEREMY TODD BRILEY** and Co-Conspirator 1, together with others, caused payment processors to submit fraudulent checks and other debits to banks that falsely made it appear that the victims had authorized debits from their bank accounts when they in fact had not authorized such debits.

8. **JEREMY TODD BRILEY** obtained and maintained payment processing relationships for Sham Company 1 and Sham Company 2 despite repeatedly receiving information about consumer and law enforcement complaints reporting that the debits processed on behalf of Sham Company 1 and Sham Company 2 were not authorized by the victims. For example, in August 2018, Payment Processor 1 emailed **BRILEY** about Sham Company 1: "The problem with [sic] the

banks have with them is the phone calls come into the banks from police detectives and [i]rate clients saying that they've never purchased this product or have no idea what it is." Similarly, in February 2019, Payment Processor 1 wrote to **BRILEY** and Co-Conspirator 1: "We have also taken many phone calls from police departments on fictitious charges as well." And, in January 2022, **BRILEY** emailed Co-Conspirator 1 about Sham Company 2, stating that "the number of customer services calls to [the owner of Payment Processor 2] are staggering."

9. **JEREMY TODD BRILEY** interacted with payment processors on behalf of Sham Company 1 and Sham Company 2 despite knowing of high return rates associated with Sham Company 1's and Sham Company 2's debits. For example, in July 2017, **BRILEY** emailed Co-Conspirator 1: "I just got a call from the process[or] and he said the unauthorized % is above 25%." The next month, **BRILEY** emailed Co-Conspirator 1 that "the unauthorized climbed to 35%." Similarly, in December 2021, **BRILEY** emailed Co-Conspirator 1 to inform Co-Conspirator 1 that Sham Company 2 was "averaging a 20% return rate." The next month, when returns appeared to increase to a "50% return rate," **BRILEY** asked Co-Conspirator 1, "Why Is your business so dirty!"

10. Starting in or around February 2017, knowing that Sham Company 1 would have high return rates, **JEREMY TODD BRILEY** found a payment processor—Payment Processor 1—that would deceive the payment processor's banks by using micro transactions. Payment Processor 1 used micro transactions to manipulate return rates so that they appeared lower than they actually were, so as to induce the banks to continue processing the debits of victims' accounts. For example, in February 2017, **BRILEY** touted Payment Processor 1's use of micro transactions to Co-Conspirator 1: "I was told they do Micros to even [t]he returns out." By contrast, in August 2017, **BRILEY** emailed Co-Conspirator 1 that a different payment processor might not be viable because they do not do micro transactions: "I'm not 100% sure it's a great fit because they don't do micros."

11. **JEREMY TODD BRILEY** and Co-Conspirator 1 concealed the fraudulent activities of Sham Company 1 and Sham Company 2 in other ways. For example, in July and August 2021, **BRILEY** coordinated with Co-Conspirator 1 and Payment Processor 1 to conduct a "complete rebrand" of Sham Company 1 into Sham Company 2. The rebrand occurred after Payment Processor 1 had emailed **BRILEY** and Co-Conspirator 1 about "a bank that is requesting updated info on your account." Instead of providing the bank with information about Sham Company 1, **BRILEY**, Payment Processor 1, and Co-Conspirator 1 agreed to change Sham Company 1 into Sham Company 2. **BRILEY** emailed Co-Conspirator 1 that "a complete rebrand is very much needed. You can have the same owner info but all new everything else, also need a good customer service info, better online presence. There need to be no offilation [sic] with [Sham Company 1], and this needs to be done ASAP[.]" **BRILEY** sent additional emails to Co-Conspirator 1 and Payment Processor 1 to facilitate the speedy name change. The "complete rebrand" allowed **BRILEY** and Co-Conspirator 1 to continue fraudulently debiting bank accounts, now using Sham Company 2, without attracting attention from the bank that had requested information about Sham Company 1.

12. **JEREMY TODD BRILEY** relayed to Co-Conspirator 1 various ways that payment processors could process payments for Sham Company 1 and Sham Company 2 to enable Sham Company 1 and Sham Company 2 to continue to obtain unauthorized debits from victims' accounts, such as "spreading the trans[actions] across 3-4 different banks" and using a payment processor "who specializes in payday loans, and can hide your business well." When Payment Processor 1 purported to do an audit of Sham Company 2, **BRILEY** emailed Co-Conspirator 1 that "we just have to [be] careful and cover our butts on all ends" and that the operators of Payment Processor 1 "have been very good to us, and protect your account the best I've seen. These audits are a great way to make sure everything is in order so these guys can cover for you."

13. When Payment Processor 1 stopped providing payment processor services to Sham Company 2 in or around September 2021, **JEREMY TODD BRILEY** helped Co-Conspirator 1 find an alternative payment processor. **BRILEY** recognized in an email to Co-Conspirator 1 that it would be harder to find another payment processing option: "Unfortunately we had it very easy previously with [owner of Payment Processor 1], and to my knowledge was one of the only processing fraudulently, hence the fast exit from his processing portfolio." Several months later, **BRILEY** emailed Co-Conspirator 1 that the owner of Payment Processor 1 "may be in trouble legally so I'm staying far away from him."

14. In or about September 2021, **JEREMY TODD BRILEY** contacted Payment Processor 2 and arranged for Payment Processor 2 to provide payment processing services for Sham Company 2.

15. **JEREMY TODD BRILEY** concealed his and Co-Conspirator 1's fraudulent activity from law enforcement when he was interviewed by law enforcement agents in December 2023. During the interview, **BRILEY** made false and misleading statements to law enforcement agents, including denying his involvement with Sham Company 1 and Sham Company 2.

16. **JEREMY TODD BRILEY** was paid a commission by payment processors for debits processed on behalf of Sham Company 1 and Sham Company 2. Initially, from Payment Processor 1, **BRILEY** generally received about 2% of the amount of fraudulent debits processed on behalf of Sham Company 1. Later, Payment Processor 1 and Payment Processor 2 generally paid **BRILEY** about 3% of the amount of fraudulent debits processed on behalf of Sham Company 2.

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

COUNT 2
Wire Fraud
(18 U.S.C. § 1343)

1. The General Allegations section of this Indictment is realleged and incorporated by reference as though fully set forth herein.

2. Beginning in or around February 2017, through in or around December 2023, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

JEREMY TODD BRILEY,

did knowingly, and with intent to defraud, devise, and intend to devise, a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, knowing that the pretenses, representations, and promises were false and fraudulent when made, and, for the purpose of executing the scheme and artifice, did transmit and cause to be transmitted, by means of wire communications, in interstate and foreign commerce, certain writings, signs, signals, pictures, and sounds.

PURPOSE OF THE SCHEME AND ARTIFICE

3. It was a purpose of the scheme for **JEREMY TODD BRILEY** and his accomplices to unlawfully enrich themselves by, among other things, fraudulently obtaining money from victim bank accounts thorough unauthorized debit transactions.

THE SCHEME AND ARTIFICE

4. The Manner and Means section of Count 1 of this Indictment is realleged and incorporated by reference as though fully set forth herein as a description of the scheme and artifice.

USE OF THE WIRES

On or about January 19, 2023, **JEREMY TODD BRILEY**, for the purpose of executing and in furtherance of the aforesaid scheme and artifice, did transmit and cause to be transmitted, by means of wire communication in interstate and foreign commerce, certain writings, signs, signals, pictures, and sounds, that is, an email from **BRILEY** to Co-Conspirator 1 in Canada and Payment Processor 2 in the Southern District of Florida.

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

FORFEITURE
(18 U.S.C. § 981(a)(1)(C))

1. The allegations of this Indictment are hereby re-alleged and by this reference fully incorporated herein for the purpose of alleging forfeiture to the United States of America of certain property in which the defendant, **JEREMY TODD BRILEY**, has an interest.

2. Upon conviction of a violation of, or a conspiracy to violate, Title 18, United States Code, Section 1343, as alleged in this Indictment, the defendant shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(l)(C), any property, real or personal, which constitutes or is derived from proceeds traceable to such violation.

3. The property subject to forfeiture as a result of the alleged offense includes, but is not limited to, a sum of money equal in value to the total amount of funds involved in or derived from the alleged offenses, which may be sought as a forfeiture money judgment.

[THIS SPACE INTENTIONALLY LEFT BLANK]

All pursuant to Title 18, United States Code, Section 981(a)(1)(C), and the procedures set forth in Title 21, United States Code, Section 853, as incorporated by Title 28, United States Code, Section 2461(c).

A TRUE BILL

[redacted]

FOREPERSON

HAYDEN O'BYRNE
UNITED STATES ATTORNEY
SOUTHERN DISTRICT OF FLORIDA

LISA K. HSIAO, ACTING DIRECTOR
CONSUMER PROTECTION BRANCH
U.S. DEPARTMENT OF JUSTICE

DANIEL ZYTNICK
SPEARE HODGES
TRIAL ATTORNEYS
CONSUMER PROTECTION BRANCH
U.S. DEPARTMENT OF JUSTICE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

v.

JEREMY TODD BRILEY,

_______________________________/
Defendant.

CASE NO.: 25-CR-20350-RUIZ/LOUIS

CERTIFICATE OF TRIAL ATTORNEY

Superseding Case Information:
New Defendant(s) (Yes or No) _____
Number of New Defendants _____
Total number of new counts _____

Court Division (select one)
☑ Miami ☐ Key West ☐ FTP
☐ FTL ☐ WPB

I do hereby certify that:

1. I have carefully considered the allegations of the Indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
2. I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, 28 U.S.C. §3161.
3. Interpreter: (Yes or No) No
   List language and/or dialect: ____________
4. This case will take 6 days for the parties to try.
5. Please check appropriate category and type of offense listed below:

(Check only one)		(Check only one)
I	☐ 0 to 5 days	☐ Petty
II	☑ 6 to 10 days	☐ Minor
III	☐ 11 to 20 days	☐ Misdemeanor
IV	☐ 21 to 60 days	☑ Felony
V	☐ 61 days and over	

6. Has this case been previously filed in this District Court? (Yes or No) No
   If yes, Judge ____________ Case No. ____________
7. Has a complaint been filed in this matter? (Yes or No) No
   If yes, Judge ____________ Magistrate Case No. ____________
8. Does this case relate to a previously filed matter in this District Court? (Yes or No) Yes
   If yes, Judge Jacqueline Becerra Case No. 23-CV-24497
9. Defendant(s) in federal custody as of ____________
10. Defendant(s) in state custody as of ____________
11. Rule 20 from the ________ District of ____________
12. Is this a potential death penalty case? (Yes or No) No
13. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to October 3, 2019 (Mag. Judge Jared M. Strauss)? (Yes or No) No
14. Did this matter involve the participation of or consultation with Magistrate Judge Eduardo I. Sanchez during his tenure at the U.S. Attorney's Office, which concluded on January 22, 2023? No
15. Did this matter involve the participation of or consultation with Magistrate Judge Marty Fulgueira Elfenbein during her tenure at the U.S. Attorney's Office, which concluded on March 5, 2024? No
16. Did this matter involve the participation of or consultation with Magistrate Judge Ellen F. D'Angelo during her tenure at the U.S. Attorney's Office, which concluded on October 7, 2024? No

By: AUSA [signature] for
DANIEL ZYTNICK
DOJ Trial Attorney
SDFL Court ID No. A5502537

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: **JEREMY TODD BRILEY**

Case No: ______________________________

Count #: 1

Title 18, United States Code, Section 1349

Conspiracy to Commit Wire Fraud

*** Max. Term of Imprisonment: 20 years**
*** Mandatory Min. Term of Imprisonment (if applicable): N/A**
*** Max. Supervised Release: 3 years**
*** Max. Fine: $250,000 or twice the gross gain or loss from the offense**

Count #: 2

Title 18, United States Code, Section 1343

Wire Fraud

*** Max. Term of Imprisonment: 20 years**
*** Mandatory Min. Term of Imprisonment (if applicable): N/A**
*** Max. Supervised Release: 3 years**
*** Max. Fine: $250,000 or twice the gross gain or loss from the offense**

***Refers only to possible term of incarceration, supervised release and fines. It does not include restitution, special assessments, parole terms, or forfeitures that may be applicable.**