

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA	:	Hon.
	:	
v.	:	Crim. No. 23-
	:	
ANYANWU BENJAMIN CHIZITERE	:	18 U.S.C. § 1349
	:	18 U.S.C. § 1343
	:	17 U.S.C. § 506(a)(1)(A)
	:	18 U.S.C. § 2

**INDICTMENT**

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

**COUNT ONE**  
(Conspiracy to Commit Wire Fraud)

**Overview**

1. From in or around February 2018 through at least as recently as in or around April 2022, defendant ANYANWU BENJAMIN CHIZITERE (“CHIZITERE”) and others (the “Co-Conspirators”) engaged in an unlawful wire and copyright fraud scheme (the “Fraud Scheme”) predicated on the creation of audiobooks of written works to which neither CHIZITERE nor the Co-Conspirators held reproduction or distribution rights. As a result of the Fraud Scheme, the Co-Conspirators collectively were paid more than approximately \$250,000 in royalties based on downloads of the infringing audiobooks.

**Individuals and Entities**

2. At various times relevant to this Indictment:

- a. CHIZITERE was a citizen of, and resided in, Nigeria.
- b. Co-Conspirator-1 resided in Bangladesh.
- c. Company-1 was an online audiobook and podcast service with headquarters in Newark, New Jersey. Company-1 operated a website and mobile application that enabled Company-1 users to access Company-1's offerings, which included hundreds of thousands of audiobooks. Company-1 was a wholly owned subsidiary of Company-2, a multinational technology company headquartered in the State of Washington.
- d. Service-1 was a service offered through Company-1 whereby independent authors and voice actors, or "producers," could connect and contract with each other to create audiobooks and other content.
- e. Company-3 was a financial services company that provided online money transfer and digital payment services. CHIZITERE maintained an account at Company-3 ending in 1099 (the "CHIZITERE Company-3 Account").
- f. Victim-1 was a published author who resided in New Jersey. Victim-1 was the author of Title-1 and held exclusive production and distribution rights for Title-1.
- g. Victim-2 was a published author who resided in Vancouver, Canada. Victim-2 was the author of Title-2.
- h. Company-4 was an independent publishing company headquartered in Oakland, California that held exclusive production and distribution rights for Title-2.

i. Victim-3 was a published author who resided in Australia. Victim-3 was the author of Title-3 and held exclusive production and distribution rights for Title-3.

### **The Conspiracy**

3. From in or around February 2018 through at least in or around April 2022, in the District of New Jersey, and elsewhere, the defendant,

ANYANWU BENJAMIN CHIZITERE,

did knowingly and intentionally conspire with Co-Conspirator-1 and others to devise and intend to devise a scheme and artifice to defraud Company-1 and others, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, and, for the purpose of executing and attempting to execute such scheme and artifice to defraud, did transmit and cause to be transmitted by means of wire communications in interstate and foreign commerce, certain writings, signs, signals, pictures, and sounds, contrary to Title 18, United States Code, Section 1343.

### **Goal of the Conspiracy**

4. The goal of the conspiracy was for CHIZITERE and others to enrich themselves through the Fraud Scheme.

### **Manner and Means of the Conspiracy**

5. It was part of the conspiracy that:  
a. CHIZITERE, using Service-1, posed as the rights holder for more than 800 books (the “Protected Works”), including Titles-1 through -3, and contracted with more than 600 voice actors, or “producers,” (the “Victim

Producers”) to produce audiobooks of the Protected Works (the “Infringing Content”).

b. CHIZITERE electronically entered into “Book Posting Agreements” with Company-1 in which CHIZITERE falsely represented that he was legally entitled to make the Infringing Content available for production and distribution as audiobooks because he was either (1) the author of the Protected Works; or (2) a person to whom the author of the Protected Works transferred production and distribution rights.

c. CHIZITERE registered and controlled hundreds of accounts with Service-1, which CHIZITERE used to facilitate the Fraud Scheme.

d. CHIZITERE published the Infringing Content created by the Victim Producers through Company-1’s website and mobile application.

e. CHIZITERE directed others, including Co-Conspirator-1, to purchase the Infringing Content using Company-1 promotional codes that were provided to CHIZITERE upon opening accounts through Service-1.

f. CHIZITERE directed others to leave positive reviews of the Infringing Content to increase its visibility on Company-1’s platform and thereby increase the likelihood that others would download the Infringing Content resulting in greater royalty payments to CHIZITERE.

g. Company-1 paid more than approximately \$250,000 in royalties on downloads of the Infringing Content posted by CHIZITERE. At least approximately \$160,305.28 in royalties were paid by Company-1 to the CHIZITERE Company-3 Account.

h. The Victim Producers were never compensated by CHIZITERE for producing the Infringing Content, resulting in hundreds of thousands of dollars in aggregate losses to the Victim Producers.

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

**COUNTS TWO THROUGH SEVEN**

(Wire Fraud)

1. The allegations in paragraphs 1, 2, 4, and 5 of Count One of this Indictment are re-alleged here.

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

ANYANWU BENJAMIN CHIZITERE,

did knowingly and intentionally 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, and, for purposes of executing and attempting to execute such scheme and artifice to defraud, did knowingly and intentionally transmit and cause to be transmitted by means of wire communications in interstate and foreign commerce certain writings, signs, signals, pictures, and sounds, as set forth more fully below, each such wire transmission constituting a separate count of this Indictment:

<b>Count</b>	<b>Date</b>	<b>Description</b>
Count 2	5/27/20	Electronically entered into a Book Posting Agreement with Service-1 regarding Title-3.
Count 3	6/16/20	Electronically entered into a Book Posting Agreement with Service-1 regarding Title-1.
Count 4	6/20/20	Electronically entered into a Book Posting Agreement with Service-1 regarding Title-2.
Count 5	11/2/20	Wire transfer of approximately \$8,704.38 from Company-1 to the CHIZITERE Company-3 Account.
Count 6	6/1/21	Wire transfer of approximately \$4,134.72 from Company-1 to the CHIZITERE Company-3 Account.
Count 7	7/29/21	Wire transfer of approximately \$6,162.52 from Company-1 to the CHIZITERE Company-3 Account.

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

**COUNTS EIGHT THROUGH TEN**  
(Copyright Fraud)

1. The allegations in paragraphs 1, 2, 4, and 5 of Count One of this Indictment are re-alleged here.

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

ANYANWU BENJAMIN CHIZITERE,

did willfully, and for the purpose of commercial advantage and private financial gain, infringe the copyrights of Victim-1, Victim-2, Victim-3, and Company-4 through the preparation, reproduction, and distribution of derivative works based on the copyrighted works, as set forth more fully below, each such infringement constituting a separate count of this Indictment:

<b>Count</b>	<b>Date(s)</b>	<b>Description</b>
Count 8	5/27/20 - 6/24/20	Audiobook of Title-3
Count 9	6/20/20 - 8/21/20	Audiobook of Title-2
Count 10	6/16/20 - 9/10/20	Audiobook of Title-1

In violation of Title 17, United States Code, Section 106(2) and Section 506(a)(1)(A), and Title 18, United States Code, Section 2319(b)(1)(3) and Section

2.

**FORFEITURE ALLEGATION AS TO COUNTS ONE THROUGH SEVEN**

1. As the result of committing the wire fraud offenses alleged in Counts One through Seven of this Indictment, the defendant,

ANYANWU BENJAMIN CHIZITERE,

shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C), and 28 U.S.C. § 2461(c), all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offenses charged in Counts One through Seven of this Indictment, and all property traceable thereto.

**FORFEITURE ALLEGATION AS TO COUNTS EIGHT THROUGH TEN**

2. As a result of committing the copyright fraud offenses charged in Counts Eight through Ten of this Indictment, the defendant,

ANYANWU BENJAMIN CHIZITERE,

shall forfeit to the United States, pursuant to 18 U.S.C. § 2323, any and all articles, the making or trafficking of which is prohibited under 17 U.S.C. § 506 and 18 U.S.C. § 2319, as alleged in Counts Eight through Ten, respectively, of this Indictment; any and all property used, or intended to be used, in any manner or part to commit or facilitate the commission of such offenses; and any and all property, real and personal, constituting or derived from proceeds obtained directly or indirectly as a result of such offenses, and all property traceable to such property.



**Substitute Assets Provision**  
**(Applicable to All Forfeiture Allegations)**

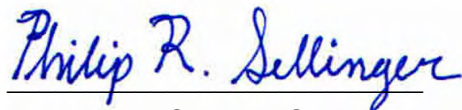
2. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third person;
- (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 subdivided without difficulty,

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), as incorporated by 28 U.S.C. § 2461(c), to seek forfeiture of any other property of the defendant up to the value of the above-described forfeitable property.

A True Bill,

\_\_\_\_\_  
Foreperson

  
\_\_\_\_\_  
PHILIP R. SELLINGER  
United States Attorney