

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

UNITED STATES OF AMERICA : Hon. Edward S. Kiel
 : :
 : Mag. No. 23-15194 (ESK)
 : :
TERRELL FULLER : **CRIMINAL COMPLAINT**

I, Amanda Brenner, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

SEE ATTACHMENT A

I further state that I am a Special Agent with the Federal Bureau of Investigation, and that this complaint is based on the following facts:

SEE ATTACHMENT B

continued on the attached page and made a part hereof.

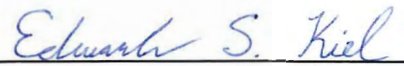


Special Agent Amanda Brenner
Federal Bureau of Investigation

Special Agent Brenner attested to this
Complaint by telephone pursuant to FRCP
4.1(b)(2)(A).

Sworn to and subscribed via telephone, NEW JERSEY
this 9th day of August, 2023 State

HONORABLE EDWARD S. KIEL
UNITED STATES MAGISTRATE JUDGE

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Signature of Judicial Officer

ATTACHMENT A

(Wire Fraud)

From in or around September 2021 through in or around March 2023, in Bergen County, in the District of New Jersey and elsewhere, defendant

TERRELL FULLER

knowingly and intentionally devised and intended 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 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, to wit, a wire transmission sent on or about November 9, 2021, between a location outside of New Jersey and a location inside of New Jersey.

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

ATTACHMENT B

I, Amanda Brenner, a Special Agent with the Federal Bureau of Investigation (“FBI”), having personally participated in an investigation of the conduct of defendant TERRELL FULLER (“FULLER”), and having spoken with other law enforcement officers and individuals and reviewed documents, have knowledge of the following facts. Because this Complaint is submitted for the limited purpose of establishing probable cause, I have not included all facts known to me concerning this investigation. The contents of documents and the actions, statements, and conversations of individuals referenced below are provided in substance and in part, unless otherwise indicated.

Background

1. At various times relevant to this Complaint:
 - a. The Coronavirus Aid, Relief, and Economic Security (“CARES”) Act was a federal law enacted in or around March 2020 that was designed to provide emergency financial assistance to Americans suffering the economic effects of the COVID-19 pandemic. The CARES Act enabled the Small Business Association (“SBA”) to offer funding through the Economic Injury Disaster Loan (“EIDL”) program to business owners negatively affected by the COVID-19 pandemic. The EIDL program provided low-interest financing and grants to small businesses, renters, and homeowners in regions affected by declared disasters, like the COVID-19 pandemic.
 - b. To obtain an EIDL, a qualifying business applied to the SBA and provided certain information about its operations through an online portal. The EIDL approval process required applicants to supply minimal eligibility documentation and to affirm that the information in the application was true and correct under the penalty of perjury and applicable criminal statutes. The amount of an EIDL was based, in part, on the information provided by the applicant—primarily, gross revenue minus cost of goods sold, divided by two.
 - c. Business-1 was located in Louisiana.

The Fraudulent EIDL

2. In or around September 2021, an application (the “Application”) was made to the SBA for an EIDL on behalf of Business-1.

3. In or around November 2021, the SBA began funding the EIDL in response to the Application.

4. In total, the SBA provided approximately \$1,200,000 in response to the Application to a bank account in the name of Business-1 ("Account-1"). For instance, on or about November 9, 2021, the SBA transferred approximately \$500,000 into Account-1 in response to the Application. This transfer caused a wire transfer to occur between a location in Bergen County, New Jersey and a location outside of New Jersey.

5. According to a representative of Business-1, Business-1 did not make the Application.

6. Further, a representative of the SBA told Business-1 in a letter, in substance and in part, that Business-1 did not make the Application, did not receive any benefit, and that the EIDL was fraudulently obtained.

7. Records obtained during the investigation reveal that approximately \$800,000 of the approximate \$1,200,000 issued by the SBA in response to the Application was subsequently transferred or deposited into another bank account ("Account-2").

8. Records obtained during the investigation further reveal that: (a) Account-2 funded approximately seven cashier's checks with an aggregate value of approximately \$400,000 (the "Cashier's Checks"); (b) the Cashier's Checks were all made payable to an entity named T.K. Fuller Enterprises Inc.; and (c) the Cashier's Checks were deposited into two bank accounts in the name of T.K. Fuller Enterprises Inc. ("Account-3" and "Account-4").

9. Records obtained during the investigation revealed that: (a) the sole signatory for Account-3 and Account-4 is Fuller; and (b) the contact telephone number associated with Account-3 and Account-4 is subscribed to by Fuller.

Fraudulent Check-1

10. On or about December 5, 2022, an individual opened a business bank account ("Account-5") at a financial institution ("Financial Institution-1") in the name of a specific entity ("Company-1").

11. On or about December 16, 2022, a check worth approximately \$150,000 was deposited into Account-5 ("Check-1"). Prior to the deposit of Check-1, Account-5 had a balance of approximately \$100.

12. According to a representative of the payor listed on Check-1 (the “Check-1 Payor”): (a) the payor information on Check-1 was accurate; and (b) the payee’s name and address listed on Check-1 had been changed.

13. Through this investigation, law enforcement identified a Telegram Messenger¹ account used by FULLER (the “FULLER Telegram Account”) and obtained certain messages and documents sent by FULLER through the FULLER Telegram Account. A review of messages and documents FULLER sent through the FULLER Telegram Account revealed that on or about December 18, 2022, FULLER stated in substance and in part that Check-1 had been deposited.

14. A review of messages associated with the FULLER Telegram Account further revealed that on or about February 20, 2023, FULLER sent images of: (a) Check-1; and (b) the “original” check. Specifically, in reference to the images, FULLER stated, in substance and in part, the “bottom” is the “original,” the “top” is what was “dropped.” FULLER additionally stated, “we changed the check”. Consistent with the statements made by the Check-1 Payor, a review of the two check images sent by FULLER revealed that a difference between the two checks was the name of the payee. Based upon my training and experience, the messages and images described above demonstrate that: (a) someone illegally obtained the “original” check; (b) Check-1 was created to match in certain respects to the original check but listed a different payee; (c) Check-1 was deposited into Account-5 as part of the fraud scheme and to fraudulently obtain money.

15. On or about February 6, 2023, Financial Institution-1 returned approximately \$105,000 of the \$150,000 from the deposit of Check-1 into Account-5 to an account held by the Check-1 Payor. The funds were returned after the Check-1 Payor’s financial institution made a claim for return of funds stating, in substance and in part, that Check-1 was a counterfeit check.

16. The investigation has revealed that prior to February 6, 2023, approximately \$45,000 of the \$150,000 of funds in Account-5 resulting from Check-1 being deposited at Financial Institution-1 had been withdrawn from Account-5.

The Fraudulent Attempts

17. In or around February 2023, an account (“Account-6”) was opened at a financial services company in the name of an entity (the “Entity”). On or

¹ Telegram Messenger is a messaging application that can be installed on electronic devices, including cellular telephones. The application also provides end-to-end encrypted chats and video calling, among other features.

about February 28, 2023, a check in the amount of approximately \$50,000 ("Check-2") was deposited into Account-6.

18. According to a representative of the listed payor on Check-2, the check was legitimate.

19. The investigation has revealed that on or about January 25, 2023, the United States Post Office received a change of address request for the Entity. According to a representative of the Entity: (a) the Entity never received the check; (b) did not open Account-6; and (c) did not submit the change of address request. Based upon my training and experience, and the investigation to date, I believe the change of request was submitted to intercept and fraudulently profit from mail, including Check-2, that was intended for delivery to the Entity. A representative of the financial services company stated, in substance and in part, that the financial services company returned the approximately \$50,000 to the Entity's bank account.

20. The investigation has revealed that: (a) a telephone number known to be used by FULLER contacted the financial services company about Account-6; and (b) an internet protocol address associated with FULLER'S suspected residence logged into Account-6 on numerous occasions. The investigation also revealed that a bank account that FULLER has access to and uses paid for an account with a technology company in the name of the Entity. A representative of the Entity stated, in substance and in part, that the Entity did not create this account.

21. In or around March 2023, FULLER attempted to open a business bank account in a different entity's name. As part of the process of attempting to open that account, FULLER provided the financial institution with a driver's license as proof of identification. A review of the driver's license revealed that the picture of the license appears to be FULLER, but that the name on the driver's license is not FULLER and is instead the name of an individual law enforcement has determined to be a victim of identity theft.