

**FILED**

2017R00477/JLH/DWF

MAR 12 2020

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

AT 8:30 3:30 P.M.  
WILLIAM T. WALSH  
CLERK

|                          |   |                           |
|--------------------------|---|---------------------------|
| UNITED STATES OF AMERICA | : | Hon. John Michael Vazquez |
|                          | : |                           |
| v.                       | : | Crim. No. 17-220 (JMV)    |
|                          | : |                           |
| JAMES OLLA               | : | 18 U.S.C. § 371           |
|                          | : | 18 U.S.C. § 1343          |
|                          | : | 18 U.S.C. § 1349          |
|                          | : | 18 U.S.C. § 2315          |
|                          | : | 18 U.S.C. § 2             |

**SUPERSEDING INDICTMENT**

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

**COUNT ONE**  
**(Conspiracy to Sell, Receive, or Possess Stolen Goods)**

**Relevant Persons and Entities**

1. At all times relevant to Count One of this Superseding Indictment:
  - a. Defendant JAMES OLLA (“OLLA”) was a resident of New York, New York.
  - b. Credit cards, issued by banks and other financial institutions (the “Card Issuers”), allowed consumers to obtain goods and services with the understanding that the consumers would repay the Card Issuers pursuant to contractual agreements between the consumers and the Card Issuers.

c. Gift cards, sold by retailers and financial institutions, were prepaid instruments denominated in various dollar amounts that allowed consumers to purchase goods and services from retailers, often the retailers who sold the gift cards. The denomination of a gift card at the time of its initial purchase from a retailer or financial institution was known as its “face value.” For example, if a consumer bought a gift card from a retailer for \$500, then the card’s face value was \$500.

d. Certain individuals fraudulently obtained credit card information and then used that credit card information to purchase gift cards from retailers (the “Stolen Gift Cards”).

e. Company 1 was headquartered in or around Cupertino, California, and was engaged in the business of, among other things, the sale of gift cards to customers throughout the United States, including in New Jersey. Company 1 offered at least two kinds of gift cards: those that could be redeemed for merchandise, including computers and smartphones (“Company 1 Merchandise Gift Cards”), and those that could be redeemed for online media, including music and videos, at Company 1’s online digital media store (“Company 1 Digital Media Gift Cards”).

f. Company 2 was headquartered in or around Minneapolis, Minnesota, and was engaged in the business of, among other things, the sale of gift cards to customers throughout the United States, including in New Jersey.

g. Company 3 was headquartered in or around Bentonville, Arkansas, and was engaged in the business of, among other things, the sale of gift cards to customers throughout the United States, including in New Jersey.

**Overview of the Conspiracy**

2. Defendant OLLA and others, including E.R., A.P., and Co-Conspirator 1 (“CC-1”) (collectively, the “Co-Conspirators”), served as third-party brokers for Stolen Gift Cards. The Co-Conspirators purchased Stolen Gift Cards for less than their face value, knowing that these Stolen Gift Cards had been obtained through illegal means. The Co-Conspirators then resold the Stolen Gift Cards for a profit. Some Stolen Gift Cards were ultimately redeemed in New Jersey after having crossed state lines.

**The Conspiracy**

3. From at least as early as in or about July 2014 through in or about June 2015, in the District of New Jersey, and elsewhere, the defendant,

**JAMES OLLA,**

did knowingly and intentionally conspire and agree with E.R., A.P., CC-1, and others to receive, possess, conceal, store, barter, sell, and dispose of goods, wares, and merchandise, securities, and money of the value of \$5,000 or more, which crossed a State boundary after having being stolen, unlawfully converted, and taken, knowing the same to have been stolen, unlawfully converted, and taken, contrary to Title 18, United States Code, Section 2315.

**The Goal of the Conspiracy**

4. The goal of the conspiracy was for the Co-Conspirators, including defendant OLLA, to profit unlawfully by transacting in Stolen Gift Cards.

**Manner and Means of the Conspiracy**

5. It was part of the conspiracy that:
- a. certain Co-Conspirators, including defendant OLLA, obtained Stolen Gift Cards, knowing that these Stolen Gift Cards had been obtained through illegal means.
  - b. certain Co-Conspirators, including defendant OLLA, sought to resell Stolen Gift Cards quickly after acquiring them, in part to avoid the possibility that the Stolen Gift Cards would be deactivated if the Card Issuers or the retailers discovered that the Stolen Gift Cards had been unlawfully obtained.
  - c. certain Co-Conspirators, including defendant OLLA, used cellular phones to negotiate and arrange transactions involving Stolen Gift Cards.
  - d. certain Co-Conspirators, including defendant OLLA, resold Stolen Gift Cards for a profit.
  - e. certain Co-Conspirators, including defendant OLLA, took steps to conceal their illegal activities, including but not limited to:
    - i. using multiple different cellular phones;
    - ii. exchanging Stolen Gift Cards for cash, often inside cars; and

iii. failing to report income to tax authorities, so as to conceal their illegal profits.

f. after being resold by defendant OLLA and others, certain Stolen Gift Cards were transported across state lines and redeemed in New Jersey and elsewhere for merchandise or yet other gift cards.

**Overt Acts**

6. In furtherance of the conspiracy and to achieve its illegal objectives, Co-Conspirators, including defendant OLLA, committed the following overt acts, among others, in the District of New Jersey, and elsewhere:

a. On or about March 12, 2015, defendant OLLA sold E.R. a quantity of Stolen Gift Cards issued by Company 3.

b. On or about March 14, 2015, defendant OLLA sold E.R. a quantity of Stolen Gift Cards issued by Company 3, including gift cards that OLLA had previously purchased from A.P.

c. On or about March 22, 2015, defendant OLLA sold E.R. a quantity of Stolen Gift Cards issued by Company 3.

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

**Count Two**  
**(Sale, Receipt, or Possession of Stolen Goods)**

1. The allegations in paragraphs 1-2 and 5-6 of Count One of this Superseding Indictment are re-alleged and incorporated as if set forth fully herein.

2. On or about March 12, 2015, in the District of New Jersey, and elsewhere, the defendant,

**JAMES OLLA,**

did knowingly receive, possess, conceal, store, barter, sell, and dispose of goods, wares, and merchandise, securities, and money of the value of \$5,000 or more, which crossed a State boundary after being stolen, unlawfully converted, and taken, knowing the same to have been stolen, unlawfully converted, and taken.

In violation of Title 18, United States Code, Section 2315 and Section 2.

**Count Three**  
**(Sale, Receipt, or Possession of Stolen Goods)**

1. The allegations in paragraphs 1-2 and 5-6 of Count One of this Superseding Indictment are re-alleged and incorporated as if set forth fully herein.

2. On or about March 14, 2015, in the District of New Jersey, and elsewhere, the defendant,

**JAMES OLLA,**

did knowingly receive, possess, conceal, store, barter, sell, and dispose of goods, wares, and merchandise, securities, and money of the value of \$5,000 or more, which crossed a State boundary after being stolen, unlawfully converted, and taken, knowing the same to have been stolen, unlawfully converted, and taken.

In violation of Title 18, United States Code, Section 2315 and Section 2.

**Count Four**  
**(Sale, Receipt, or Possession of Stolen Goods)**

1. The allegations in paragraphs 1-2 and 5-6 of Count One of this Superseding Indictment are re-alleged and incorporated as if set forth fully herein.

2. On or about March 22, 2015, in the District of New Jersey, and elsewhere, the defendant,

**JAMES OLLA,**

did knowingly receive, possess, conceal, store, barter, sell, and dispose of goods, wares, and merchandise, securities, and money of the value of \$5,000 or more, which crossed a State boundary after being stolen, unlawfully converted, and taken, knowing the same to have been stolen, unlawfully converted, and taken.

In violation of Title 18, United States Code, Section 2315 and Section 2.

**Count Five**  
**(Wire Fraud Conspiracy)**

1. The allegations in paragraphs 1-2 and 5-6 of Count One of this Superseding Indictment are re-alleged and incorporated as if set forth fully herein.

2. From at least as early as in or about April 2015 through in or about May 2015, in the District of New Jersey, and elsewhere, the defendant,

**JAMES OLLA,**

did knowingly and intentionally conspire and agree with others to devise a scheme and artifice to defraud, and to obtain money and property from victims by means of false and fraudulent pretenses, representations, and promises, and, for the purpose of executing such scheme and artifice to defraud, to 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.

**The Goal of the Conspiracy**

3. It was the goal of the conspiracy for OLLA and others (the “Fraud Co-Conspirators”) to enrich themselves and others by purchasing gift cards with credit cards encoded with fraudulently obtained credit card information (“Fraud Credit Cards”).

**Manner and Means of the Conspiracy**

4. It was part of the conspiracy that:

a. the Fraud Co-Conspirators, including OLLA, used cellular phones to receive and send text communications that identified which Fraud Credit Cards should be used to finance purchases of Company 2 gift cards at Company 2 locations, often by specifying the last four digits of the particular Fraud Credit Card to be used; and

b. OLLA and others caused Company 2 to transmit electronic signals to process purchases of Company 2 gift cards with Fraud Credit Cards.

In violation of Title 18, United States Code, Section 1349 and Section 2.

**Counts Six and Seven**  
**(Wire Fraud)**

1. The allegations in paragraphs 1-2 and 5-6 of Count One and paragraphs 4-5 of Count Five of this Superseding Indictment are re-alleged and incorporated as if set forth fully herein.

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

**JAMES OLLA,**

did knowingly and intentionally devise a scheme and artifice to defraud, and to obtain money and property from victims by means of false and fraudulent pretenses, representations, and promises, and, for the purpose of executing 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, as set forth more fully below, each such wire transmission constituting a separate count of this Superseding Indictment:

|             |             |  |
|-------------|-------------|--|
| Count Six   | May 1, 2015 | Purchase of Company 2 gift cards with Fraud Credit Card ending in "0113" |
| Count Seven | May 6, 2015 | Purchase of Company 2 gift cards with Fraud Credit Card ending in "8913" |

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

**FORFEITURE ALLEGATION**

1. The allegations contained in Counts One through Seven of this Superseding Indictment are hereby re-alleged and incorporated by reference for the purpose of noticing forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, and Title 18, United States Code, Section 982(a)(2)(A).

2. Upon conviction of any of the offenses charged in Counts One through Seven of this Superseding Indictment, defendant OLLA shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 982(a)(2)(A), any and all property constituting or derived from proceeds the defendant obtained directly or indirectly as a result of such violation.

3. If any of the above-described forfeitable property, 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 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 and 18 U.S.C. § 982(b)(1), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described above.

^ TRUE BILL

FORWARDED

  
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CRAIG CARPENITO  
United States Attorney

**CASE NUMBER: 17-CR-220 (JMV)**

**United States District Court  
District of New Jersey**

**UNITED STATES OF AMERICA**

**v.**

**JAMES OLLA**

**SUPERSEDING INDICTMENT FOR**

**18 U.S.C. § 371  
18 U.S.C. § 1343  
18 U.S.C. § 1349  
18 U.S.C. § 2315  
18 U.S.C. § 2**

**A True Bill,**

**CRAIG CARPENITO  
UNITED STATES ATTORNEY  
FOR THE DISTRICT OF NEW JERSEY**

**DAVID W. FEDER  
JOSHUA L. HABER  
ASSISTANT U.S. ATTORNEYS  
NEWARK, NEW JERSEY  
973-645-2871**