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Richard W. Winkler
Clerk, U.S. District Court
Northern District of California
San Jose

1 MELINDA HAAG (CABN 132612)
United States Attorney
2
3 J. DOUGLAS WILSON (DCBN 412811)
Chief, Criminal Division
4 PHILIP A. GUENTERT (CABN 147374)
Assistant United States Attorney
5 150 Almaden Boulevard, Suite 900
San Jose, CA 95113
6 Telephone: (408) 535-5079
Fax: (408) 535-5066
7 E-Mail: philip.guentert@usdoj.gov

8 Attorneys for Plaintiff

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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

BLF

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 JOHN NYUNT,

17 Defendant.
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CASE NO. **CR14 00235**

) VIOLATIONS: 18 U.S.C. § 1201 – Extortion; 18
) U.S.C. § 1343 – Wire Fraud; 18 U.S.C. §
) 981(a)(1)(C) and 28 U.S.C. § 2461(c) – Forfeiture of
) Criminally Derived Proceeds

) SAN JOSE VENUE

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20 INFORMATION

21 The United States Attorney charges:

22 INTRODUCTORY ALLEGATIONS

23 At times relevant to this Information:

24 Defendant and Relevant Entities

25 1. JOHN NYUNT was a commander in the Pacific Grove Police Department (hereinafter
26 “the Department”).

27 2. NYUNT and Individual A operated a private investigation agency called “Nyunt
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INFORMATION

1 Consulting and Investigative Services Corporation,” which was a business affecting interstate
2 commerce.

3 3. Individual B was the victim of a crime who reported it to NYUNT at the Department.

4 4. “Accurint for Law Enforcement” (hereinafter “Accurint LE”) is a commercial database
5 available on-line to subscribers who pay for access and use. The Department was a subscriber to
6 Accurint LE, and it gave passwords and access to selected Department officials, including NYUNT. By
7 the contractual terms of use and Departmental policy, Accurint LE was available only to authorized law
8 enforcement officials for official use.

9 COUNT ONE: (18 U.S.C. § 1951—Extortion)

10 5. In or about August of 2010, in the Northern District of California, the defendant,
11 JOHN NYUNT,
12 did knowingly obstruct, delay, and affect in any way and degree commerce and the movement of articles
13 and commodities in commerce by extortion; that is, defendant obtained property not due defendant or
14 his office, from Individual B, with Individual B’s consent, induced by the wrongful use of fear, and
15 under color of official right.

16 All in violation of Title 18, United States Code, Section 1951.

17 COUNT TWO: (18 U.S.C. § 1343--Wire Fraud)

18 6. Paragraphs 1 through 4 and alleged and incorporated as if fully set forth here.

19 7. From no later than in or about July of 2011 until in or about January of 2012, in the
20 Northern District of California and elsewhere, the defendant,

21 JOHN NYUNT.

22 knowingly devised, intended to devise, and participated in a scheme and artifice to defraud the
23 Department, and to obtain property from the Department by means of materially false and fraudulent
24 pretenses, representations, promises, and material omissions, which scheme is described further below.

25 8. It was part of the scheme that NYUNT gave Individual A his Departmental password,
26 and access to, the Accurint LE database, so that she could obtain financial and personal information
27 belonging to various individuals.

1 9. It was further part of the scheme that NYUNT did so without the authorization or
2 knowledge of the Department.

3 10. It was further part of the scheme that Individual A, with the knowledge of NYUNT,
4 presented herself falsely as an authorized Departmental user of Accurint LE and did, in fact, conduct
5 searches of on-line databases, obtaining financial and personal information belonging to various
6 individuals.

7 11. It was further part of the scheme that NYUNT did conceal and hide, and cause to be
8 concealed and hidden, the acts done and the purpose of the acts done in furtherance of the scheme, in
9 part by making false statements to Department officials.

10 12. As a result of the scheme, the Department was defrauded of property, namely the
11 information available to it as a subscriber to Accurint LE, its right to the exclusive control and official
12 use of that information, and the fees paid by the Department as a result of Individual A's unauthorized
13 searches.

14 13. On or about July 6, 2011, in the Northern District of California and elsewhere, the
15 defendant,

16 JOHN NYUNT,

17 for the purpose of executing said scheme and artifice to defraud, did cause to be transmitted, by means
18 of wire and radio communication in interstate commerce, certain writings, signs, and signals, namely
19 Individual A's Accurint LE search queries transmitted from California to Florida.

20 All in violation of Title 18, United States Code, Section 1343.

21 FORFEITURE ALLEGATION: (18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461 -

22 Forfeiture of Extortion and Fraud Proceeds)

23 14. The allegations of Counts One and Two of this Information are re-alleged and
24 incorporated herein pursuant to the provisions of 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c).

25 15. Upon conviction of any of the offenses alleged in Counts One and Two, the defendant,

26 JOHN NYUNT,

27 shall forfeit to the United States any property, real or personal, which constitutes or is derived from
28 proceeds traceable to said offense, including but not limited to a sum of money equal to the total
proceeds from the commission of said offense.

INFORMATION

1 16. If, as a result of any act or omission of the defendant, any of said property

- 2 a. cannot be located upon the exercise of due diligence;
3 b. has been transferred or sold to or deposited with, a third person;
4 c. has been placed beyond the jurisdiction of the Court;
5 d. has been substantially diminished in value; or
6 e. has been commingled with other property which cannot be divided without
7 difficulty;

8 any and all interest defendant has in any other property up to the value of the property described in
9 paragraph 5 and 12 above, shall be forfeited to the United States pursuant to 21 U.S.C. § 853(p), as
10 incorporated by 28 U.S.C. § 2461.

11 All in violation of Title 18, United States Code, Sections 981(a)(1)(C), 1343 and 1951; Title 28,
12 United States Code, Section 2461; and Rule 32.2 of the Federal Rules of Criminal Procedure.

13 DATED: April 24, 2014

MELINDA HAAG
United States Attorney


JEFFREY D. NEDROW
Assistant United States Attorney

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19 (Approved as to form: Philip A. Guentert)
20 AUSA Philip A. Guentert
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