

NOV 15 2012

US DISTRICT COURT  
WESTERN DISTRICT OF NC

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

UNITED STATES of AMERICA,

v.

JESSICA ANNE BROWN,  
and  
JASON DEAN BROWN,  
Defendants

DOCKET NO. 3:12-cr-370 -

RJC

**BILL OF INDICTMENT**

Vio: 18 U.S.C. § 1349  
18 U.S.C. § 2326  
18 U.S.C. § 1343  
18 U.S.C. § 1956(h)  
18 U.S.C. § 1956(a)(2)(A)  
18 U.S.C. § 982  
28 U.S.C. § 2461(c)  
18 U.S.C. § 2

**THE GRAND JURY CHARGES:**

At all times relevant to this Indictment:

**COUNT ONE**  
**(CONSPIRACY TO COMMIT WIRE AND MAIL FRAUD - 18 U.S.C. SECTION 1349)**

The Defendants

1. Defendant **JESSICA ANNE BROWN**, a United States citizen, owned and operated illegal telemarketing call centers in Costa Rica with her husband, defendant **JASON DEAN BROWN**. Defendant **JESSICA ANNE BROWN** worked as both an opener and a loader in the call centers. As the “opener” she falsely informed the victims that they had won a prize in a sweepstakes and that in order to receive the prize the victims had to send money to Costa Rica. A “loader” is the telemarketer who takes over the contact with the victim after the victim has made an initial payment as a result of the misrepresentations made by another telemarketer who known as the “opener.” As a “loader,” **JESSICA ANNE BROWN** would falsely inform victims that the prize amount they were previously told they won had increased,

either because of a clerical error or because another prize winner had been disqualified and therefore the victim had to send additional moneys to allegedly pay for various fees, duties and insurance to retrieve the sweepstakes prize.

2. Defendant **JASON DEAN BROWN**, a United States citizen, owned and operated illegal telemarketing call centers in Costa Rica with his wife, defendant **JESSICA ANNE BROWN**. Defendant **JASON DEAN BROWN** worked as both an opener and a loader in the call centers.

#### The Conspiracy

3. Beginning in or about 2007, the exact date being unknown to the Grand Jury, and continuing until in or about September 2012, in Mecklenburg County, within the Western District of North Carolina, and elsewhere, defendants

**JESSICA ANNE BROWN,**  
and  
**JASON DEAN BROWN,**

together with other conspirators, both known and unknown to the Grand Jury, knowingly combined, conspired, confederated and agreed together, and with each other, to commit the following offenses:

A. To knowingly and intentionally 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 to transmit and cause to be transmitted, by means of wire, radio and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds, specifically, Western Union wire-transfers which were routed through Western Union facilities in Charlotte, Mecklenburg County, North Carolina, for the purpose of executing such scheme and artifice and attempting to do so,

contrary to Title 18, United States Code, Section 1343; and

B. To knowingly and intentionally devise a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, for the purpose of executing such scheme and artifice and attempting to do so, place and caused to be placed in a post office and authorized depository for mail matter, to be sent and delivered by the Postal Service and deposited matters and things to be delivered by private and commercial interstate carriers, specifically lists of victims' contact information, contrary to Title 18, United States Code, Section 1341.

Purpose of the Conspiracy - Scheme to Defraud

4. A purpose of the conspiracy was to fraudulently induce the victims to pay thousands of dollars to the defendants and their co-conspirators by falsely representing that the victims had won valuable prizes, which would be sent to them after they first made a payment to the defendants.

Manner and Means Used in the Conspiracy

6. Among the manner and means by which the defendants and their conspirators carried out the purpose of the conspiracy were the following:

7. Beginning in or about 2007, the defendants and their conspirators operated "call centers" in San Jose, Costa Rica. As used in this indictment, a call center is a business that engages in an illegal telemarketing scheme.

8. The defendants and their conspirators defrauded United States residents by deceiving them into believing that they had won a large monetary prize in a sweepstakes contest.

9. The defendants and other telemarketers in the call centers often used aliases,

concealed and frequently changed the location of the call centers, and did business from Costa Rica.

10. The defendants and their conspirators would target residents of the United States, at least ten of whom were over the age of 55, and would inform them by telephone that they had won second prize in a sweepstakes. The defendants and their conspirators would tell their victims that in order to receive the prize, the victims had to send from one thousand to several thousand dollars for a purported "refundable insurance fee," via Western Union money wire-transfers, to an alleged "insurance entity." Once these wire transfers were made by the victims the defendants and their conspirators would then keep these purported "refundable insurance fees" for their own personal benefit.

11. In order to induce their victims to wire money, the defendants and their conspirators would often falsely represent themselves as being agents of the "Federal Trade Commission," or another United States government agency, charged with ensuring that sweepstakes winners received their purported prize money.

12. The defendants and their conspirators called their victims from Costa Rica, using Voice over Internet Protocol (VoIP), which utilized computers to make telephone calls over the Internet. This practice permitted the defendants and their conspirators to use recognizable United States area codes, such as the Washington, D.C. area code, to make it falsely appear on the victims' caller identification devices that the calls were made from somewhere within the United States when, in fact, the defendants and their conspirators were calling from Costa Rica.

13. When an intended victim asked to validate the legality of the sweepstakes company that purportedly had awarded the prize, the defendants and their conspirators would give the intended victim telephone numbers with United States area codes, but which actually

were answered by the defendants and their conspirators. The defendants and their conspirators, posing as a representative of the non-existent sweepstakes company, would answer these telephone calls and would falsely reassure victims that they had indeed won a sweepstakes prize.

14. After a victim had been induced to send money, the defendants and their conspirators would call that victim and would thereafter tell the victim that among other false and misleading misrepresentations: 1) a mistake had been made; 2) the victim had actually won first prize; and 3) the victim had to wire thousands of additional dollars in further fees to ensure the safe delivery of the winning proceeds. The defendants and their conspirators would then continue to contact each victim and provide additional bogus reasons as to why the victim had to wire more money. This practice would continue as long as the victim continued to wire money.

15. The defendants and their conspirators would unjustly enrich themselves by retaining the proceeds of this fraud.

#### Overt Acts

16. In furtherance of the conspiracy and to effect the objects thereof, the defendants and their conspirators committed the following overt acts, among others, in the Western District of North Carolina, and elsewhere.

17. The defendants and their conspirators made telephone calls using VoIP from their call center in Costa Rica to the following victims in the United States on or about the following dates:

Overt Act	Initials of Victim	Date
A	DW	09/19/2008
B	BQ	12/06/2008
C	DW	12/09/2008

Overt Act	Initials of Victim	Date
D	BQ	01/03/2009
E	RJ	03/22/2010
F	TM	03/25/2010
G	TM	03/31/2010
H	GC	10/12/2010

18. On or about the following dates (as well as other dates), in the approximate amounts listed below, the defendants and their conspirators caused the below-listed victims to wire transfer money via Western Union or other similar services to accounts controlled by the defendants and their co-conspirators:

Overt Act	Victim Initials	Wire Transfer Sent From	Received	Date	Amount
A	DW	Prescott Valley, AZ	Heredia, Costa Rica	09/19/2008	\$525
B	BQ	Espanola, NM	San Jose, Costa Rica	12/06/2008	\$1,000
C	DW	Prescott Valley, AZ	Heredia, Costa Rica	12/09/2008	\$525
D	RJ	National City, CA	Escazu, Costa Rica	03/22/2010	\$895
E	TM	Paintsville, KY	Guadalupe, Costa Rica	03/25/2010	\$1,000
F	GC	Buena Park, CA	Heredia, Costa Rica	10/12/2010	\$2,250

19. The wire transfers set forth in Counts 2 through 9 of the Indictment are incorporated by reference as if fully restated herein as further overt acts of the conspiracy.

All in violation of Title 18, United States Code, Sections 1349 and 2326(2)(A) & (B).

**COUNTS TWO THROUGH NINE  
(WIRE FRAUD - 18 U.S.C. SECTION 1343)**

20. The allegations in paragraphs 1 through 2 inclusive of Count 1 of this Indictment are hereby realleged and incorporated by reference as if fully set forth herein.

**The Scheme**

21. The allegations in paragraphs 4 through 19 of this Indictment are hereby realleged and incorporated by reference as if fully set forth herein, as describing the defendant's scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations and promises.

22. On or about the dates set forth below, in the Western District of North Carolina, and elsewhere, defendants,

**JESSICA ANNE BROWN,  
and  
JASON DEAN BROWN,**

knowingly transmitted and caused to be transmitted, by means of wire and radio communication in interstate and foreign commerce the following signals and sounds, specifically Western Union wire-transfers which were all electronically routed to and processed in Charlotte, Mecklenburg County, North Carolina prior to being sent to their ultimate destination in Costa Rica, for the purpose of executing the scheme and artifice and attempting to do so on or about the dates indicated and in the approximate amounts indicated:

<b>Count</b>	<b>Victim Initials</b>	<b>Wire Transfer Sent From</b>	<b>Received</b>	<b>Date</b>	<b>Amount</b>
2	BQ	Espanola, NM	San Jose,	12/10/2008	\$1,500

Count	Victim Initials	Wire Transfer Sent From	Received	Date	Amount
			Costa Rica		
3	BQ	Espanola, NM	San Jose, Costa Rica	12/18/2008	\$1,500
4	BQ	Espanola, NM	San Jose, Costa Rica	01/03/2009	\$1,000
5	RJ	National City, CA	Escazu, Costa Rica	03/23/2010	\$2,250
6	TM	Paintsville, KY	Escazu, Costa Rica	03/31/2010	\$625
7	DW	Prescott Valley, AZ	Heredia, Costa Rica	04/16/2010	\$750
8	DW	Prescott Valley, AZ	Heredia, Costa Rica	04/19/2010	\$500
9	DW	Prescott Valley, AZ	Heredia, Costa Rica	10/14/2010	\$595

All in violation of Title 18, United States Code, Sections 1343, 2326(2)(A) & (B), and 2.

**COUNT TEN**  
**(CONSPIRACY TO COMMIT MONEY LAUNDERING - 18 U.S.C. Section 1956(h))**

23. The allegations in paragraphs 1, 2, and 4 through 15 of Count 1 of this Indictment are hereby realleged and incorporated by reference as if fully set forth herein.

24. In or about 2007 and continuing until in or about September, 2012, within the Western District of North Carolina, and elsewhere, defendants

**JESSICA ANNE BROWN,**  
and  
**JASON DEAN BROWN,**

did unlawfully, willfully and knowingly combine, conspire, confederate and agree together and with each other, and with others known and unknown to the Grand Jury, knowingly combined,



conspired, and agreed to transport, transmit, and transfer monetary instruments and funds from a place in the United States to a place outside the United States, with the intent to promote the carrying on of specified unlawful activity, namely, wire fraud, in violation of Title 18 United States Code, Section 1956(a)(2)(A).

All in violation of Title 18, United States Code, Section 1956(h).

**COUNTS ELEVEN THROUGH FOURTEEN  
(MONEY LAUNDERING – INTERNATIONAL - 18 U.S.C. Section 1956(a)(2)(A))**

25. The allegations in paragraphs 1, 2, and 4 through 19 of Count 1 of this Indictment are hereby realleged and incorporated by reference as if fully set forth herein.

26. On or about the dates set forth below, within the Western District of North Carolina, and elsewhere, defendants,

**JESSICA ANNE BROWN,  
and  
JASON DEAN BROWN,**

together with others known and unknown to the Grand Jury, did transport, transmit and transfer monetary instruments and funds from and through a place in the United States to a place outside of the United States with the intent to promote the carrying on of specified unlawful activity, specifically, wire fraud on or about the dates indicated and in the approximate amounts indicated:

Count	Victim Initials	Wire Transfer Sent From	Received	Date	Amount
11	BQ	Espanola, NM	Heredia, Costa Rica	06/12/2009	\$1,500

Count	Victim Initials	Wire Transfer Sent From	Received	Date	Amount
12	TM	Paintsville, KY	San Antonio, Costa Rica	04/09/2010	\$600
13	DW	Prescott Valley, AZ	Heredia, Costa Rica	09/23/2010	\$591
14	GC	Buena Park, CA	Escazu, Costa Rica	10/13/2010	\$2,700

All in violation of Title 18, United States Code, Section 1956(a)(2)(A), and 2.

**NOTICE OF FORFEITURE AND FINDING OF PROBABLE CAUSE**

Notice is hereby given of 18 U.S.C. § 982 and 28 U.S.C. § 2461(c). Under Section 2461(c), criminal forfeiture is applicable to any offenses for which forfeiture is authorized by any other statute, including but not limited to 18 U.S.C. § 981 and all specified unlawful activities listed or referenced in 18 U.S.C. § 1956(c)(7), which are incorporated as to proceeds by Section 981(a)(1)(C). The following property is subject to forfeiture in accordance with Section 982 and/or 2461(c):

- a. All property which constitutes or is derived from proceeds of the violations set forth in this bill of indictment;
- b. All property involved in such violations or traceable to property involved in such violations; and
- c. If, as set forth in 21 U.S.C. § 853(p), any property described in (a) or (b) cannot be located upon the exercise of due diligence, has been transferred or sold to, or deposited with, a third party, has been placed beyond the jurisdiction of the court, has been substantially diminished in value, or has been commingled with other

property which cannot be divided without difficulty, all other property of the defendant/s to the extent of the value of the property described in (a) and (b).

The Grand Jury finds probable cause to believe that the following property is subject to forfeiture on one or more of the grounds stated above:

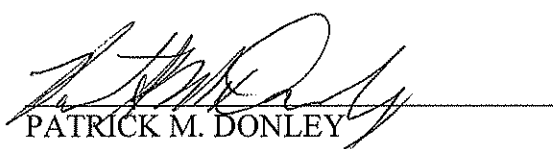
- a. A forfeiture money judgment in the amount of at least \$3,947,393.00 such amount constituting the proceeds of the violations set forth in this bill of indictment;

A TRUE BILL



ANNE M. TOMPKINS  
UNITED STATES ATTORNEY

DENIS J. MCINERNEY  
CHIEF, FRAUD SECTION, CRIMINAL DIVISION  
U.S. DEPARTMENT OF JUSTICE



PATRICK M. DONLEY  
SENIOR LITIGATION COUNSEL  
WILLIAM H. BOWNE  
TRIAL ATTORNEY  
FRAUD SECTION, CRIMINAL DIVISION

**NEW CRIMINAL CASE COVER SHEET**

**U. S. DISTRICT COURT**

*(To be used for all new Bills of Indictments and Bills of Information)*

**CASE SEALED:**    ☒ Yes                      ☐ No

**DOCKET NUMBER:**

312CR370

*(If case is to be sealed, a Motion to Seal and proposed Order **must** be attached.)*

**CASE NAME**                      :        **U.S. v. Jessica Ann Brown, et al**

**COUNTY OF OFFENSE**        :        **Mecklenburg**

**RELATED CASE INFORMATION**        :

*Magistrate Judge Case Number*        :        \_\_\_\_\_

*Search Warrant Case Number*        :        \_\_\_\_\_

*Miscellaneous Case Number*        :        \_\_\_\_\_

*Rule 20b*                                        :        \_\_\_\_\_

**SERVICE OF PROCESS** - Arrest Warrants

**U.S.C. CITATIONS** *(Mark offense carrying greatest weight):*

☐ Petty

☐ Misdemeanor

☒ Felony

Title 18 U.S.C. Section 1349

**JUVENILE**        :        Yes                      ☒ No

**ASSISTANT U. S. ATTORNEY**        :

Patrick M. Donley

*(Include Only if there are victims in the case)*

**VICTIM / WITNESS COORDINATORS:**

Shirley.Rutledge@usdoj.gov

Ulricia.Kennedy@usdoj.gov

**INTERPRETER NEEDED**                      :

**LIST LANGUAGE AND/OR DIALECT:**

**REMARKS AND SPECIAL INSTRUCTIONS:**