

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**

BY:  COMPLAINT  INFORMATION  INDICTMENT  
 SUPERSEDING

**OFFENSE CHARGED**

18 U.S.C. § 1349 - Conspiracy to Commit Wire Fraud  
18 U.S.C. § 2315 - Receiving Stolen Property

- Petty
- Minor
- Misdemeanor
- Felony

PENALTY: see attached.

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

**FILED**

JUL 26 2012

DEFENDANT - U.S.

ALEXANDER KOSMIN

DISTRICT COURT NUMBER  
12-00253 CRB

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

FEDERAL BUREAU OF INVESTIGATION

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCP 20, 21, or 40. Show District

this is a re prosecution of charges previously dismissed which were dismissed on motion of:

U.S. ATTORNEY  DEFENSE

SHOW DOCKET NO.

this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

3-11-71101 JSC

Name and Office of Person Furnishing Information on this form MELINDA HAAG

U.S. Attorney  Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned) MICHELLE J. KANE

**DEFENDANT**

**IS NOT IN CUSTODY**

- 1)  Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges
- 2)  Is a Fugitive
- 3)  Is on Bail or Release from (show District)

NDCA

**IS IN CUSTODY**

- 4)  On this charge
  - 5)  On another conviction }  Federal  State
  - 6)  Awaiting trial on other charges
- If answer to (6) is "Yes", show name of institution

Has detainer been filed?  Yes  No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

This report amends AO 257 previously submitted

**ADDITIONAL INFORMATION OR COMMENTS**

**PROCESS:**

SUMMONS  NO PROCESS\*  WARRANT

Bail Amount: \_\_\_\_\_

If Summons, complete following:

Arraignment  Initial Appearance

\* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time: \_\_\_\_\_ Before Judge: \_\_\_\_\_

Comments:

Penalty Sheet Attachment  
Defendant Alexander Kosmin

Statutory Maximum Penalties

COUNT ONE: (18 U.S.C. § 1349-Conspiracy to Commit Wire Fraud)

20 years imprisonment  
\$250,000 fine  
3 years supervised release  
\$100 special assessment

COUNT TWO: (18 U.S.C. § 2315-Receiving Stolen Property)

10 years imprisonment  
\$250,000 fine  
3 years supervised release  
\$100 special assessment

# United States District Court

FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

VENUE: San Francisco

CR 12-253-CRB

UNITED STATES OF AMERICA,

v.

ALEXANDER KOSMIN,

**FILED**

JUL 26 2012

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

DEFENDANT.

**INDICTMENT**

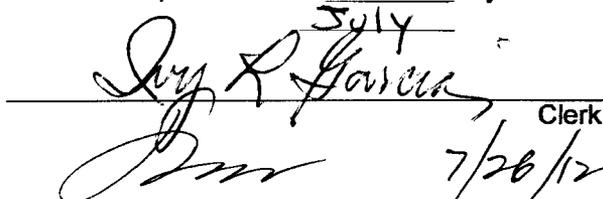
18 U.S.C. § 1349 – Conspiracy to Commit  
Wire Fraud; 18 U.S.C. § 2315 – Receiving  
Stolen Property; 18 U.S.C. § 981(a)(1)(C) –  
Criminal Forfeiture.

A true bill.



Foreman

Filed in open court this 26 day of

July  


Clerk

Bail, \$ no process

1 MELINDA HAAG (CABN 132612)  
United States Attorney

**FILED**

JUL 26 2012

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION  
11

12 UNITED STATES OF AMERICA, )

13 Plaintiff, )

14 v. )

15 ALEXANDER KOSMIN, )

16 Defendant. )  
17

No. CR 12-00253 CRB

VIOLATIONS: 18 U.S.C. § 1349 –  
Conspiracy to Commit Wire Fraud; 18  
U.S.C. § 2315 – Receiving Stolen Property;  
18 U.S.C. § 981(a)(1)(C) – Criminal  
Forfeiture.

SAN FRANCISCO VENUE

18 INDICTMENT

19 The Grand Jury charges:

20 At all times relevant to this Indictment,

21 1. Defendant was an individual living in the Northern District of California.

22 COUNT ONE: (18 U.S.C. § 1349 – Wire Fraud Conspiracy)

23 2. Beginning on a date unknown to the grand jury and continuing to on or about  
24 September 26, 2011, in the Northern District of California and elsewhere, the defendant,

25 ALEXANDER KOSMIN,

26 did conspire and agree with others known and unknown to the grand jury to commit wire fraud,  
27 in violation of Title 18, United States Code, Section 1343.

28 //

U.S. v. KOSMIN  
INDICTMENT

1 PURPOSE OF THE CONSPIRACY

2 3. The purpose of the conspiracy was to unlawfully obtain, and assist in unlawfully  
3 obtaining, money and goods, by using compromised customer account information to place  
4 fraudulent orders for merchandise over the Internet, causing that merchandise to be shipped to  
5 the Northern District of California and elsewhere, and selling it for profit or re-shipping it to co-  
6 conspirators in other countries.

7 MANNER AND MEANS OF THE CONSPIRACY

8 4. The methods employed by the defendant and his co-conspirators to carry out the  
9 conspiracy and effect its unlawful object included the following:

10 a. Members of the conspiracy gained unauthorized access over the Internet to  
11 online customer accounts for mobile telephone service providers, including AT&T and  
12 Verizon.

13 b. Members of the conspiracy changed the billing information, e-mail  
14 address, and shipping address on the compromised accounts.

15 c. Members of the conspiracy placed orders for new mobile telephones to be  
16 charged to the compromised accounts and directed that the orders be shipped to hotels  
17 located in the Northern District of California. The co-conspirators caused the shipments  
18 to be addressed to a name that did not belong to the customer on the account.

19 d. The defendant presented a fraudulent identity document in the name on the  
20 shipment to a hotel employee and thereby caused the employee to give him the  
21 fraudulently ordered telephone.

22 e. After securing the telephone, the defendant either sold the telephone and  
23 transferred a portion of the proceeds to co-conspirators in Russia, or mailed the telephone  
24 to co-conspirators in Russia.

25 5. It was further part of the conspiracy that defendant and his co-conspirators used  
26 instant messaging services to send information to each other over the Internet regarding the  
27 fraudulently ordered phones. It was further part of the conspiracy that defendant and his co-  
28 conspirators used text messages on mobile phones to send information to each regarding the

1 fraudulently ordered phones.

2 6. It was further part of the conspiracy that the defendant and his co-conspirators  
3 caused wire transfers to be made using the proceeds from the sale of the fraudulently ordered  
4 phones.

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

6 COUNT TWO: (18 U.S.C. § 2315 – Receiving Stolen Property)

7 7. Beginning on a date unknown, and continuing through May 5, 2011, in the  
8 Northern District of California and elsewhere, the defendant,  
9  
10 ALEXANDER KOSMIN,  
11 did knowingly receive, possess, conceal, store, sell, and dispose of property of the value of  
12 \$5,000 or more, which crossed a State boundary after being stolen, unlawfully converted, and  
13 taken, knowing the same to have been stolen, unlawfully converted, and taken; to wit: the  
14 defendant received cellular telephones of the value of \$5,000 or more, which defendant knew had  
15 been stolen and otherwise unlawfully converted and taken, and which were shipped to the  
16 Northern District of California from Texas.

16 All in violation of Title 18, United States Code, Section 2315.

17 CRIMINAL FORFEITURE ALLEGATION NUMBER ONE

18 8. The allegations contained in Count One of this Indictment are hereby realleged  
19 and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United  
20 States Code, Section 981(a)(1)(C) and Title 28 United States Code, Section 2461(c).

21 9. Upon conviction of the offenses in violation of Title 18, United States Code,  
22 Section 1349 set forth in Count One of this Indictment, the defendant,

23 ALEXANDER KOSMIN,  
24 shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section  
25 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any property, real or personal,  
26 which constitutes or is derived from proceeds traceable to the offense, including but not limited  
27 to the sum of money equal to the total amount of proceeds defendant obtained or derived from,  
28 directly or indirectly, from the violation.

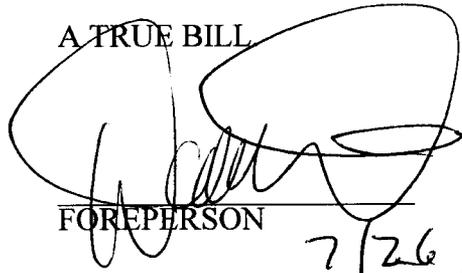


- 1 c. has been placed beyond the jurisdiction of the court;
- 2 d. has been substantially diminished in value; or
- 3 e. has been commingled with other property which cannot be divided without
- 4 difficulty,

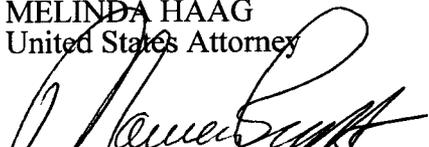
5 the United States of America shall be entitled to forfeiture of substitute property pursuant to Title  
6 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section  
7 2461(c).

8 All pursuant to Title 18 United States Code, Section 981(a)(1)(C) and Title 28 United  
9 States Code, Section 2461(c).

11 Dated:

A TRUE BILL  
  
FOREPERSON  
7/26/12

16 MELINDA HAAG  
United States Attorney

17   
18 MATTHEW PARRELLA  
19 Chief, CHIP Unit

20   
21 (Approved as to form: AUSA MICHELLE J. KANE)