

DVS/2013 R 771

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	
	:	Criminal No. 13-480(CCC)
	:	
v.	:	
	:	
	:	18 U.S.C. § 1349
STEPHEN GUNN	:	
	:	<u>I N D I C T M E N T</u>

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

RELEVANT INDIVIDUALS AND ENTITIES

1. At various times relevant to this Indictment:

a. Defendant STEPHEN GUNN was a resident of Chicago,
Illinois.

b. George Greene, who is named as a coconspirator but not
as a defendant herein, resided in Bell County, Texas, and was employed
as a courier/driver by Federal Express.

c. Marion Samuel Perkins, who is named as a coconspirator
but not as a defendant herein, resided in Bell County, Texas, and
also was employed as a courier/driver by Federal Express.

d. Company #1 was a provider of telecommunications
products and services headquartered in New Jersey. A significant
portion of Company #1's technical infrastructure was also located
in New Jersey.

THE CONSPIRACY

2. From in or about 2010 through in or about October 2011, in Basking Ridge, Somerset County, in the District of New Jersey and elsewhere, defendant

STEPHEN GUNN

did knowingly and intentionally conspire and agree with coconspirators George Greene, Marion Samuel Perkins, and others 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 such scheme and artifice, to cause to be transmitted by means of wire communications in interstate commerce, writings, signs, signals, pictures and sounds, contrary to Title 18, United States Code, Section 1343.

THE OBJECT OF THE CONSPIRACY

3. The object of the conspiracy was for defendant STEPHEN GUNN to unlawfully obtain electronics equipment from Company #1 by placing unauthorized orders using the accounts of Company #1's customers.

MANNER AND MEANS OF THE CONSPIRACY

4. It was part of the conspiracy that defendant STEPHEN GUNN gained unauthorized access to the online accounts of dozens of

Company #1's customers (the "Victim Accounts"), including several customers located in New Jersey.

5. It was further part of the conspiracy that defendant STEPHEN GUNN used his control of the Victim Accounts to order more than one thousand electronics products, including Apple iPhones and iPads, Blackberry devices and Motorola phones.

6. It was further part of the conspiracy that defendant STEPHEN GUNN directed that the fraudulently ordered products be shipped, via Federal Express, to addresses in Bell County, Texas, including several addresses in Bell County, Texas, that did not exist.

7. It was further part of the conspiracy that at defendant STEPHEN GUNN's direction, George Greene and Marion Samuel Perkins intercepted the shipments, removed the contents, and re-shipped the contents to addresses in Illinois provided by defendant STEPHEN GUNN. In exchange, defendant STEPHEN GUNN paid George Greene and Marion Samuel Perkins each thousands of dollars.

8. It was further part of the conspiracy that defendant STEPHEN GUNN sent, or caused to be sent, numerous interstate wires in furtherance of the scheme.

9. In this fashion, defendant STEPHEN GUNN and his coconspirators caused more than \$1 million in losses.

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

FORFEITURE ALLEGATION

1. The allegations contained in this Indictment are hereby realleged and incorporated by reference for the purpose of noticing forfeitures pursuant to Title 18, United States Code, Section 982(a)(2)(A).

2. The United States hereby gives notice to the defendant that, upon conviction of the offense charged in this Indictment, the government will seek forfeiture in accordance with Title 18, United States Code, Section 982(a)(2)(A), of any and all property constituting or derived from proceeds obtained directly or indirectly as a result of such offense.

3. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- 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 divided without difficulty; it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1), to

seek forfeiture of any other property of the defendant up to the value of the forfeitable property described in this forfeiture allegation.

A TRUE BILL



PAUL J. FISHMAN
United States Attorney

FOREPERSON

CASE NUMBER:

13-CR-480(CCC)

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

UNITED STATES OF AMERICA

v.

STEPHEN GUNN

INDICTMENT FOR

18 U.S.C. § 1349

A True Bill,

Foreperson

PAUL J. FISHMAN

U. S. ATTORNEY

NEWARK, NEW JERSEY

DANIEL V. SHAPIRO

ASSISTANT U. S. ATTORNEY

(973) 353-6087

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