

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

|                          |   |                    |
|--------------------------|---|--------------------|
| UNITED STATES OF AMERICA | * | CRIMINAL NO. 19-96 |
| v.                       | * | SECTION: "R"       |
| PENNY JOHNSON            | * |                    |

\* \* \*

**FACTUAL BASIS**

The defendant, **PENNY JOHNSON** ("JOHNSON"), has indicated that she intends to plead guilty as charged to Count 1 of the Indictment, which charges her with conspiracy to commit mail fraud, in violation of 18 U.S.C. § 371.

The United States and **JOHNSON** do hereby stipulate and agree that the allegations in the Indictment and the following facts are true and correct and that, should this matter have proceeded to trial, the government would have proven them beyond a reasonable doubt, through the introduction of competent testimony and admissible tangible and documentary exhibits. This Factual Basis does not attempt to set forth all of the facts known to the United States at this time. The limited purpose of this Factual Basis is to demonstrate that there exists a sufficient legal basis for **JOHNSON**'s guilty plea. By their signatures below, the parties expressly agree that there is a factual basis for the guilty plea that the defendant will tender. The parties also agree that this Factual Basis may, but need not, be used by the United States Probation Office and the Court in determining the applicable advisory guideline range under the United States Sentencing Guidelines or the appropriate sentence under 18 U.S.C. § 3553(a).

AUSA \_\_\_\_\_  
Defendant PJ  
Defense Counsel NJ



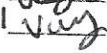
Documents and testimony would be introduced to show that on or around Monday, July 2, 2018, several individuals contacted the United States (U.S.) Post Office – Westwego branch, located in the Eastern District of Louisiana, concerning packages that they ordered on eBay<sup>1</sup>. The individuals claimed that when they tracked their shipments after making various purchases, they noticed that the destination and addressee were changed mid-shipment to 137 Ursula Dr., Avondale, LA 70094. The packages received a new label and a new postal tracking number. Using state and law-enforcement databases, it was discovered that JOHNSON resided at 137 Ursula Dr., Avondale, LA.

On July 2, 2018, JOHNSON was interviewed by U.S. Postal inspectors. JOHNSON stated that she received an email approximately two to three months prior in reference to applying for a “work at home” opportunity. She was also mailed a letter of employment to confirm her employment position and home address. JOHNSON stated that communication with the company was by mail and text only. The business name was “WeTrack,” and the two names communicating with JOHNSON were “July Dukanhidiuss” (Facebook contact) and “Reynaldo Gonzales” (cell phone contact).

JOHNSON was advised that she would receive packages at her residence. Once she received the packages, she was told to open them and explore the contents. After opening the packages, JOHNSON was instructed to take pictures of the contents and text the pictures to the numbers provided. JOHNSON would then receive a mailing label via email within two to three

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<sup>1</sup> eBay, a Delaware corporation with its principal offices in California, was a virtual retail store and auction site wherein consumers could purchase items from individual sellers via the internet. After said purchases were completed, the majority of items bought and sold within the United States were mailed to the individual purchaser using the U.S. Postal Service.

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days after the pictures were sent. **JOHNSON** would print the labels from a store and then re-mail the packages. **JOHNSON** was paid approximately \$650 a month through her PayPal account. The money that was transferred to **JOHNSON**'s account appeared to be from an overseas source.

**JOHNSON** stated that before her interview with U.S. Postal inspectors, she had received a letter from the U.S. Post Office stating that she may be involved in a "reshipping scam." **JOHNSON** relayed this information to Gonzales, who sent her a Facebook message stating that the letter was fake and that this was not a scam business. Gonzales and Dukanhidiuss claimed that it was their competitors trying to ruin their business operations.

At the conclusion of the interview, **JOHNSON** was advised by the U.S. Postal inspectors that she was in fact participating in a mail fraud scheme that was using the U.S. mail. **JOHNSON** was instructed to immediately cease her part of the scheme and was asked to release all packages associated with the scheme to U.S. Postal inspectors.

On August 27, 2018, **JOHNSON** was then served a cease-and-desist letter by U.S. Postal inspectors at her residence. **JOHNSON** read the cease-and-desist letter and agreed to its terms. She signed it on August 27, 2018, and the cease and desist was subsequently signed by Diane Mego, Associate Judicial Officer, on October 4, 2018.

In September 2018, U.S. Postal inspectors were alerted of eBay packages that were purchased using stolen credit card information being delivered to the **JOHNSON**/Ursula Drive residence. The addressee was listed as "Vektor, LLC." It was determined that there is no Vektor, LLC registered in Louisiana to that particular address. A search of law-enforcement databases revealed that Vektor, LLC is likely a Russian company.

On October 4, 2018, U.S. Postal inspectors again interviewed **JOHNSON** in reference to the Vektor, LLC packages. When questioned about the packages, **JOHNSON** stated that she had



no idea what was in the packages (a number in her house were unopened). She stated that she had stopped assisting in the reshipping scheme and had stopped all contact with her employer, WeTrack. After questioning, inspectors spoke with a witness who knew **JOHNSON**. The witness stated that **JOHNSON** was lying to them. According to the witness, **JOHNSON** was fully aware of the scheme that now included the Vektor, LLC packages.

U.S. Postal inspectors returned and questioned **JOHNSON** again. **JOHNSON** stated to inspectors that she does in fact work for the same people. **JOHNSON** stated that she stopped talking to Dukanhidiuss and Reynaldo, but then later in the interview admitted to continued communications. **JOHNSON** stated that she has not been paid for the new packages. When questioned why she would not open U.S. Postal packages addressed as Vektor, LLC, **JOHNSON** stated that she did not want to get in trouble again with the U.S. Postal Service and thereafter she only accepted FedEx and UPS deliveries. **JOHNSON** stated that most of the packages that she would receive contained expensive shoes.

On or about October 19, 2018, members of the conspiracy, known and unknown, texted **JOHNSON** "Penny let me pay you \$400 and move last lists via FEDEX and no more."



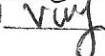
On or about October 19, 2018, **JOHNSON** texted a member of the conspiracy "I'm gonna need more than \$400 though."

On or about October 20, 2018, **JOHNSON** texted a member of the conspiracy "My every instinct is telling me not to trust you, but I really need the money so badly... That's the only reason I'm doing this."

On or about October 21, 2018, a member of the conspiracy texted JOHNSON "Good Morning Penny. No Lets down and i will fulfill my part on the deal, I will email you the lists to drop at the post office on Tuesday...."

On October 24, 2018, U.S. Postal inspectors questioned JOHNSON again to see if she had continued her involvement with the reshipping scheme and if she was in communication with her "employers." JOHNSON stated to U.S. Postal inspectors that she stopped all communication and work with her reshipping contacts, but a witness later stated that JOHNSON was continuing in the reshipping scheme. JOHNSON then admitted that she received mailing labels and check information from two email accounts. Search warrants confirmed communications with a third party, who was giving JOHNSON instructions about the reshipping scheme.

JOHNSON further admitted that she had been to FedEx recently and mailed packages related to the reshipping scheme. JOHNSON also stated that she has continued to receive a few packages, but she does not know when they are coming. JOHNSON consented to handing over a few packages that she had opened but not mailed. The opened packages included stolen/diverted items such as a paintball gun, a drone, two Dyson vacuum cleaners, women's shoes, two Apple Air Mac books, and a smart phone.

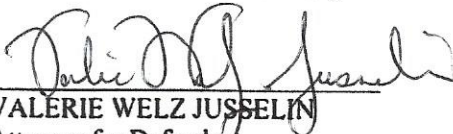
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In addition, phone records, U.S. Postal records, items seized from JOHNSON's residence, the testimony of victims of the reshipping scam and U.S. Postal inspectors, would be introduced at trial to prove the facts set forth above.

**APPROVED AND AGREED TO:**

  
EDWARD J. RIVERA  
Assistant United States Attorney

8/14/20  
Date

  
VALÉRIE WELZ JUSSÉLIN  
Attorney for Defendant

8-16-2020  
Date

  
PENNY JOHNSON  
Defendant

8/14/20  
Date