

2018R00358/JRE

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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

AT 9:30 *JS* 1:47AM
CLERK, U.S. DISTRICT COURT - DNJ

UNITED STATES OF AMERICA	:	Hon. William J. Martini
	:	
v.	:	Crim. No. 23- 327 (WJM)
	:	
WARREN GUERRIER,	:	18 U.S.C. § 1349
a/k/a "Moo,"	:	18 U.S.C. § 1343
a/k/a "Pike"	:	18 U.S.C. § 1028A(a)(1)
	:	18 U.S.C. § 2

INDICTMENT

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

COUNT ONE

(Conspiracy to Commit Wire Fraud)

Individuals and Entities

1. At various times relevant to this Indictment:

a. DEFENDANT WARREN GUERRIER ("GUERRIER") resided in Hackensack, New Jersey.

b. Company 1, headquartered in San Francisco, California, maintained a classified advertisements website and mobile application that allowed individuals to advertise for sale various items, including vehicles, on its online marketplace.

c. Company 2, headquartered in Bellevue, Washington, maintained a classified advertisements website and mobile application that allowed individuals to advertise for sale various items, including vehicles, on its online marketplace.

The Conspiracy

2. From in or around November 2016 through in or around June 2020, in the District of New Jersey and elsewhere, the defendant,

WARREN GUERRIER,
a/k/a "Moo,"
a/k/a "Pike,"

did knowingly and intentionally conspire and agree with others, to devise a scheme and artifice to defraud individuals and to obtain money and property from individuals by means of materially false and fraudulent pretenses, representations, and promises, and, for the purpose of executing such scheme and artifice, transmitted and caused to be transmitted by means of wire communications in interstate and foreign commerce, certain writings, signs, signals, pictures, and sounds, contrary to Title 18, United States Code, Section 1343.

The Object of the Conspiracy

3. It was the object of the conspiracy to obtain money and property by stealing vehicles, advertising them for sale through the websites of Company 1 and Company 2, and then selling the stolen vehicles to buyer victims that viewed the advertisements for cash (the "Scheme"). In all, the Scheme involved at least forty (40) stolen vehicles, of which approximately thirty (30) were sold to buyer victims, as a result of which GUERRIER and his co-conspirators collected approximately \$285,000 in cash.

Manner and Means of the Conspiracy

4. It was part of the conspiracy that:

a. GUERRIER and his co-conspirators identified vehicles to steal in New Jersey, Pennsylvania, and Virginia; took photographs of those vehicles; and attached a global positioning system (“GPS”) tracker on the vehicles to acquire a pattern-of-life of the vehicles’ owners and to track their locations.

b. GUERRIER and his co-conspirators posted the vehicles for sale on the websites of Company 1 and Company 2, utilizing the photographs that GUERRIER and his co-conspirators previously took of the vehicles.

c. GUERRIER and his co-conspirators communicated via telephone and text messages with potential buyers of the vehicles that viewed the posts on the websites of Company 1 and Company 2 and, once a buyer was identified, scheduled an in-person meeting at a pre-arranged location to conduct the sale of the stolen vehicles.

d. Prior to the arranged meeting, GUERRIER and his co-conspirators utilized the GPS trackers placed on the vehicles to locate the vehicles that they previously posted for sale and stole them using unlawfully obtained valet keys (“Valet Keys”). A Valet Key is a key fob that can be electronically programmed, using a device called a scanner, to initiate the operation of a vehicle. A scanner typically renders all other keys to the vehicle other than the programmed Valet Key inoperable.

e. At the meetings with the victim buyers, GUERRIER’s co-conspirators provided the buyers with the programmed Valet Keys and fraudulent documents including, but not limited to, a fraudulent certificate of title. If requested by the victim buyers, the co-conspirators also provided them

with a fraudulent driver's license that contained a photograph of the co-conspirators and utilized an otherwise false identity.

Specific Acts in Furtherance of the Conspiracy

5. In furtherance of the conspiracy to affect its objects, defendant GUERRIER and his co-conspirators committed the following acts, among others:

Vehicle 1

6. On or about March 29, 2017, Owner Victim 1 reported to the Parsippany, New Jersey Police Department that Vehicle 1 had been stolen from Owner Victim 1. Surveillance footage reveals that, on or about March 29, 2017, GUERRIER, driving a van associated with GUERRIER ("GUERRIER Vehicle 1"), dumped the personal belongings of Owner Victim 1, including an identification card, into a dumpster in Millburn, New Jersey.

7. On or about March 28, 2017, Buyer Victim 1 viewed an advertisement posted on the website of Company 1 for Vehicle 1. Buyer Victim 1 negotiated with a member of the conspiracy for the sale of Vehicle 1. On or about March 30, 2017, during the meeting to complete the fraudulent sale of Vehicle 1, a co-conspirator of GUERRIER ("Co-Conspirator 1"), who identified himself using the fraudulent identity T.B., provided Buyer Victim 1 with, among other things, Valet Keys and a fraudulent New Jersey certificate of title to Vehicle 1 in exchange for \$8,500 in cash.

8. A photograph of Vehicle 1's vehicle identification number ("VIN"), as well as the personal identifying information ("PII") of T.B., subsequently was found on one of GUERRIER's cellular phones ("GUERRIER Device 1").

Vehicle 2

9. On or about July 15, 2017, Owner Victim 2 reported to the Paterson, New Jersey Police Department that Vehicle 2 had been stolen from Owner Victim 2.

10. On or about July 13, 2017, Buyer Victim 2 viewed an advertisement posted on the website of Company 1 for Vehicle 2. Buyer Victim 2 negotiated with a member of the conspiracy for the sale of Vehicle 2. On or about July 19, 2017, during the meeting to complete the fraudulent sale of Vehicle 2, a co-conspirator of GUERRIER ("Co-Conspirator 2"), who identified himself using the fraudulent identity M.H., provided Buyer Victim 2 with, among other things, Valet Keys and a fraudulent New Jersey certificate of title to Vehicle 2 in exchange for \$6,000 in cash.

11. GUERRIER Device 1 subsequently was found to have been used to access a website used for GPS tracking (the "GPS Tracking Website"), which contained GPS tracking information for Vehicle 2 shortly before it was stolen.

Vehicle 3

12. On or about July 18, 2017, Owner Victim 3 reported to the Rockaway Township, New Jersey Police Department that Vehicle 3 had been stolen from Owner Victim 3 the day before.

13. On or about July 14, 2017, Buyer Victim 3 viewed an advertisement posted on the website of Company 1 for Vehicle 3. Buyer Victim 3 negotiated with a member of the conspiracy for the sale of Vehicle 3. On or about July 19, 2017, during the meeting to complete the fraudulent sale of Vehicle 3, Co-Conspirator 2, who identified himself using the fraudulent identity M.H., provided Buyer Victim 3 with, among other things, Valet Keys and a fraudulent New Jersey certificate of title to Vehicle 3 in exchange for \$8,500 in cash.

14. GUERRIER Device 1 subsequently was found to have been used to access the GPS Tracking Website, which contained GPS tracking information for Vehicle 3 shortly before it was stolen.

Vehicle 4

15. On or about April 21, 2018, Owner Victim 4 reported to the Mount Laurel, New Jersey Police Department that Vehicle 4 had been stolen from Owner Victim 4.

16. On or about April 17, 2018, Buyer Victim 4 viewed an advertisement posted on the website of Company 1 for Vehicle 4. Buyer Victim 4 negotiated with a member of the conspiracy for the sale of Vehicle 4. On or about April 21, 2018, during the meeting to complete the fraudulent sale of Vehicle 4, a co-conspirator of GUERRIER ("Co-Conspirator 3"), who identified himself using the fraudulent identity T.A.H., provided Buyer Victim 4 with, among other things, Valet Keys and a fraudulent New Jersey certificate of title to Vehicle 4 in exchange for \$15,000 in cash.

17. Surveillance footage near the site of the sale shows a vehicle associated with GUERRIER ("GUERRIER Vehicle 2") as well as GUERRIER and Co-Conspirator 3, walking near the site of the sale of Vehicle 4 around the time of the sale.

Vehicle 5

18. On or about August 31, 2017, M.W. reported to the East Orange, New Jersey Police Department that M.W.'s vehicle had been stolen from M.W. Documents containing M.W.'s PII were in M.W.'s vehicle at the time of the theft.

19. On or about August 25, 2018, Owner Victim 5 reported to the Fairfax County, Virginia Police Department that Vehicle 5 had been stolen from Owner Victim 5.

20. On or about August 24, 2018, Buyer Victim 5 viewed an advertisement posted on the website of Company 2 for Vehicle 5. Buyer Victim 5 negotiated with a member of the conspiracy for the sale of Vehicle 5. On or about August 27, 2018, during the meeting to complete the fraudulent sale of Vehicle 5 in Woodbridge, Virginia, a co-conspirator of GUERRIER ("Co-Conspirator 4"), who identified herself under the fraudulent identity M.W., provided Buyer Victim 5 with, among other things, Valet Keys and a fraudulent Virginia certificate of title to Vehicle 5 in exchange for \$11,000 in cash.

21. Co-Conspirator 4 also provided Buyer Victim 5 with a fraudulent Pennsylvania driver's license that contained a photograph of Co-Conspirator 4 but fraudulently used M.W.'s name and date of birth.

22. GUERRIER Device 1 subsequently was found to have been used to access the GPS Tracking Website, which contained GPS tracking information for M.W.'s vehicle shortly before it was stolen.

Vehicle 6

23. On or about October 22, 2018, Owner Victim 6 reported to the New Jersey Transit Police that Vehicle 6 had been stolen from Owner Victim 6 near the train station in Edison, New Jersey.

24. On or about October 20, 2018, Buyer Victim 6 viewed an advertisement posted on the website of Company 1 for Vehicle 6. Buyer Victim 6, while at home in New York, subsequently negotiated via telephone with a member of the conspiracy who at the time was located in New Jersey, for the sale of Vehicle 6. On or about October 22, 2018, during the meeting to complete the fraudulent sale of Vehicle 6 in Piscataway, New Jersey, Co-Conspirator 2, who identified himself under the fraudulent identity M.B., provided Buyer Victim 6 with, among other things, Valet Keys and a fraudulent New Jersey certificate of title to Vehicle 6 in exchange for \$14,000 in cash.

25. Records from a cellular phone associated with GUERRIER establishes that GUERRIER, at all relevant times, was (i) near the site of the theft of Vehicle 6 in Edison, New Jersey, (ii) near the site of the fraudulent sale of Vehicle 6 in Piscataway, New Jersey, and (iii) communicating with Co-Conspirator 2.

Vehicle 7

26. On or about November 4, 2018, Owner Victim 7 reported to the Bridgewater, New Jersey Police Department that Vehicle 7 had been stolen from Owner Victim 7.

27. On or about November 4, 2018, Buyer Victim 7, while in New Jersey, viewed an advertisement posted on the website of Company 1 for Vehicle 7. Buyer Victim 7 negotiated with a member of the conspiracy for the sale of Vehicle 7. On or about November 5, 2018, during the meeting to complete fraudulent sale of Vehicle 7 in Bound Brook, New Jersey, a co-conspirator of GUERRIER ("Co-Conspirator 5"), who identified himself under the fraudulent identity M.B., provided Buyer Victim 7's employee with, among other things, Valet Keys and a fraudulent New Jersey certificate of title to Vehicle 7 in exchange for \$12,500 in cash.

28. Records from a cellular phone associated with GUERRIER establish that GUERRIER, at all relevant times, was (i) near the site of the fraudulent sale of Vehicle 7 in Bound Brook, New Jersey, and (ii) communicating with Co-Conspirator 5.

Vehicle 8

29. On or about November 21, 2018, Owner Victim 8 reported to the Piscataway, New Jersey Police Department that Vehicle 8 had been stolen from Owner Victim 8 the day before.

30. On or about November 20, 2018, Buyer Victim 8, while in New Jersey, viewed an advertisement on the website of Company 2 for the sale of

Vehicle 8. Buyer Victim 8 negotiated with a member of the conspiracy for the sale of Vehicle 8. On or about November 23, 2018, during the meeting to complete the fraudulent sale of Vehicle 8 in Bound Brook, New Jersey, Co-Conspirator 2, who identified himself under the fraudulent identity M.O., provided Buyer Victim 8 with, among other things, Valet Keys and a fraudulent New Jersey certificate of title to Vehicle 8 in exchange for \$12,000 in cash.

31. Records from a cellular phone associated with GUERRIER establish that GUERRIER, at all relevant times, was (i) near the site of the fraudulent sale of Vehicle 8 in Bound Brook, New Jersey, and (ii) communicating with Co-Conspirator 2.

Vehicle 9

32. On or about December 23, 2018, Owner Victim 9 reported to the Piscataway, New Jersey Police Department that Vehicle 9 had been stolen from Owner Victim 9.

33. On or about December 22, 2018, Buyer Victim 9 viewed an advertisement on the website of Company 1 for the sale of Vehicle 9. Buyer Victim 9, while at his residence in New York, subsequently negotiated via telephone with a member of the conspiracy who at the time was located in New Jersey, for the sale of Vehicle 9. On or about December 23, 2018, Buyer Victim 9 met with Co-Conspirator 2 to inspect Vehicle 9. The following day, on or about December 24, 2018, during the meeting to complete the fraudulent sale of Vehicle 9 in Union City, New Jersey, Co-Conspirator 2, who identified himself under the fraudulent identity J.M., provided Buyer Victim 9 with, among other

things, Valet Keys and a fraudulent New Jersey certificate of title to Vehicle 9 in exchange for \$11,000 in cash.

34. Surveillance footage reveals that (i), on or about December 23, 2018, Co Conspirator 2 entered GUERRIER's vehicle ("GUERRIER Vehicle 3") near the time of a meeting with Buyer Victim 9 in order to inspect Vehicle 9, and (ii), on or about December 24, 2018, GUERRIER Vehicle 3 was located at the site of the fraudulent sale of Vehicle 9.

35. Additionally, records from a cellular phone associated with GUERRIER establish that GUERRIER, at all relevant times during the inspection and sale of Vehicle 9, was (i) near the site of the fraudulent sale of Vehicle 9 in Union City, New Jersey, and (ii) communicating with Co-Conspirator 2.

Vehicle 10

36. On or about June 27, 2020, Owner Victim 10 reported to the Philadelphia, Pennsylvania Police Department that Vehicle 10 had been stolen from Owner Victim 10.

37. On or about June 23, 2020, Buyer Victim 10, while at his home in New Jersey, viewed an advertisement on the website of Company 2 for the sale of Vehicle 10. Buyer Victim 10 negotiated with a member of the conspiracy for the sale of Vehicle 10. On or about June 27, 2020, during the meeting to complete the fraudulent sale of Vehicle 10 in Elkins Park, Pennsylvania, a co-conspirator of GUERRIER ("Co-Conspirator 6"), who identified himself under the fraudulent identity E.B., provided Buyer Victim 10 with, among other things,

Valet Keys and a fraudulent Pennsylvania certificate of title to Vehicle 10 in exchange for \$10,200 in cash.

38. Information detailing Vehicle 10's VIN, the location in Pennsylvania from where Vehicle 10 was stolen, and photographs of paperwork associated with Owner Victim 10 were found on one of GUERRIER's cellular phones ("GUERRIER Device 2"). Also found on GUERRIER Device 2 was a document containing (i) the email address that was used to post the advertisement for Vehicle 10 on Company 2, and (ii) the phone number that was used to communicate with Buyer Victim 10 about the fraudulent sale of Vehicle 10.

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

COUNTS TWO through SIX
(Wire Fraud)

39. The allegations in paragraphs 1 through 5 and 23 through 38 of this Indictment are realleged here.

40. On or about the dates set forth below, in the District of New Jersey and elsewhere, the defendant,

WARREN GUERRIER,
a/k/a "Moo,"
a/k/a "Pike,"

did knowingly and intentionally devise, and intend 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 defraud, did knowingly and intentionally transmit and cause to be transmitted by means of wire communication in interstate and foreign commerce certain writings, signs, signals, pictures, and sounds, as set forth more fully below, each transmission constituting a separate count of this Indictment:

Count	Approximate Date	Description
TWO	October 20, 2018	Interstate wire, namely a cell phone call regarding the fraudulent sale of Vehicle 6 between a member of the conspiracy located in New Jersey and Buyer Victim 6 located in New York.
THREE	November 4, 2018	Interstate wire, namely Buyer Victim 7, while located in New Jersey, accessing an Internet post for the fraudulent sale of Vehicle 7, which was transmitted from Company 1's servers located in Virginia and California.
FOUR	November 20, 2018	Interstate wire, namely Buyer Victim 8, while located in New Jersey, accessing

		an Internet post for the fraudulent sale of Vehicle 8, which was transmitted from Company 2's servers located in Virginia.
FIVE	December 22, 2018	Interstate wire, namely a cell phone call regarding the fraudulent sale of Vehicle 9 between a member of the conspiracy located in New Jersey and Buyer Victim 9 located in New York.
SIX	June 23, 2020	Interstate wire, namely Buyer Victim 10, while located in New Jersey, accessing an Internet post for the fraudulent sale of Vehicle 10, which was transmitted from Company 2's servers located in Virginia.

In violation of Title 18, United States Code, Section 1343 and Section 2.

COUNT SEVEN
(Aggravated Identity Theft)

1. The allegations in paragraphs 1 through 4 and 18 through 22 of this Indictment are realleged here.

2. On or about August 27, 2018, in the District of New Jersey, and elsewhere, the defendant,

WARREN GUERRIER,
a/k/a "Moo,"
a/k/a "Pike,"

did knowingly possess without lawful authority a means of identification of another person during and in relation to a felony violation enumerated in 18 U.S.C. § 1028A(c), to wit, Title 18, United States Code, Section 1349, charged in Count One of this Indictment, knowing that the means of identification belonged to another actual person.

In violation of Title 18, United States Code, Section 1028A(a)(1) and Section 2.

FORFEITURE ALLEGATION AS TO COUNTS ONE THROUGH SIX

1. Upon conviction of the offenses in violation of 18 U.S.C. §§ 1343 and 1349, as charged in Counts One through Six of this Indictment, defendant GUERRIER shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), all property, real and personal, the defendant obtained that constitutes or is derived from proceeds traceable to the commission of the said offenses, the value of which totaled at least \$285,000.

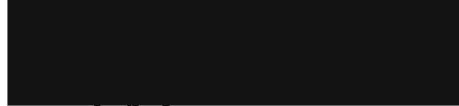
Substitute Assets Provision

2. If any of the property described above, 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 21 U.S.C. § 853(p), as incorporated by 28 U.S.C. § 2461(c), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

A TRUE BILL



FOR PERSON

Philip R. Sellinger
PHILIP R. SELLINGER
United States Attorney

CASE NUMBER: 23-327 (WJM)

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

UNITED STATES OF AMERICA

v.

**WARREN GUERRIER,
a/k/a "Moo,"
a/k/a "Pike"**

INDICTMENT FOR

**18 U.S.C. § 1349
18 U.S.C. § 1343
18 U.S.C. § 1028A
18 U.S.C. § 2**

A True Bill,


Foreperson

PHILIP R. SELLINGER
UNITED STATES ATTORNEY
FOR THE DISTRICT OF NEW JERSEY

JESSICA R. ECKER
ASSISTANT U.S. ATTORNEY
NEWARK, NEW JERSEY
973-645-2700
