

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon.
v. : Criminal Number: 18-
ROY DEPACK, : 18 U.S.C. § 1349
a/k/a "Ray Depack,"
a/k/a "Roy Soriano,"
a/k/a "John Soriano"

I N F O R M A T I O N
(Conspiracy to Commit Mail and Wire Fraud)

The defendant having waived in open court prosecution by
Indictment, the United States Attorney for the District of New Jersey charges:

Introduction

1. At various times relevant to this Information:

The Defendant and Other Parties

- a. Defendant Roy Depack resided in Essex and Union Counties, New Jersey.
- b. An individual not named as a defendant herein was a co-conspirator ("Co-Conspirator One").
- c. An individual not named as a defendant herein was a co-conspirator ("Co-Conspirator Two").
- d. An individual not named as a defendant herein was a co-conspirator ("Co-Conspirator Three").

e. An individual not named as a defendant herein was a co-conspirator (“Co-Conspirator Four”).

f. An individual not named as a defendant herein was a co-conspirator and operated a restaurant in Union, New Jersey (“Co-Conspirator Five”).

The Victim Companies

g. A company (“Company One”), headquartered in Ohio, sold merchandise to businesses and the public.

h. A company (“Company Two”), headquartered in Georgia, sold merchandise to businesses and the public. Company Two maintained a fleet of delivery trucks that operated throughout the United States.

i. A company (“Company Three”), headquartered in Illinois, sold merchandise to businesses and the public.

j. A company (“Company Four”), headquartered in Illinois, sold merchandise to businesses and the public.

k. A company (“Company Five”), headquartered in Wisconsin, sold merchandise to businesses and the public.

l. A company (“Company Six”), headquartered in New York, sold merchandise to businesses and the public.

The Conspiracy

2. From in or about mid-2014 through in or about April 2017, in Union and Essex Counties, in the District of New Jersey and elsewhere, defendant

ROY DEPACK

knowingly and intentionally conspired and agreed with Co-Conspirator One, Co-Conspirator Two, Co-Conspirator Three, Co-Conspirator Four, Co-Conspirator Five, and others to: (a) devise and intend to devise a scheme and artifice to defraud the Victim Companies, and to obtain money and property by means of materially false and fraudulent pretenses, presentations and promises, and to do so by means of private and commercial interstate carriers, contrary to Title 18, United States Code, Section 1341; and (b) devise a scheme and artifice to defraud the Victim Companies, and to obtain money and property, by means of materially false and fraudulent pretenses, representations, and promises, and for the purpose of executing the scheme and artifice to defraud, to transmit and cause to be transmitted, by means of wire communication in interstate and foreign commerce, certain writings, signs, signals, pictures, and sounds, contrary to Title 18, United States Code, Section 1343.

Object of the Conspiracy

3. The object of the conspiracy was to profit by fraudulently obtaining merchandise from the Victim Companies.

Manner and Means of the Conspiracy

4. It was part of the conspiracy that defendant Depack called the Victim Companies and fraudulently ordered merchandise, including televisions, restaurant equipment, commercial and residential appliances and supplies, computers and electronic devices, and power tool kits. During these calls, defendant Depack falsely claimed to be a representative of food distributors, hotel and restaurant chains, management and realty companies, and other companies.

5. It was further part of the conspiracy that defendant Depack directed the Victim Companies to deliver the fraudulently ordered merchandise to locations in New Jersey and elsewhere.

6. It was further part of the conspiracy that defendant Depack, Co-Conspirator One, Co-Conspirator Two, and others took possession of the fraudulently obtained merchandise from commercial and private interstate shippers.

7. It was further part of the conspiracy that defendant Depack, Co-Conspirator One, and Co-Conspirator Two monetized the fraudulently obtained merchandise by selling the merchandise to others, including pawn stores.

8. For example:

a. On or about April 28, 2014, defendant Depack, using the name "John Smith" and falsely claiming to be a representative of a foodservice distributor, ordered one walk-in freezer, valued at approximately \$10,290, from Company One and directed shipment to Elizabeth, New Jersey. On or about May 2, 2014, a commercial interstate shipping company delivered the merchandise as directed.

b. On or about April 8, 2015, defendant Depack, using the name "John Williams" and falsely claiming to be a representative of a property management company, ordered four Samsung televisions, valued at approximately \$1,990, from Company Two and directed shipment to Newark, New Jersey. On or after April 8, 2015, Company Two delivered the merchandise as directed.

c. On or about September 9, 2016, defendant Depack, using the name "Tony Johnson" and falsely claiming to be a representative of a restaurant chain, ordered one gas backpack blower and one gas snow blower, collectively valued at approximately \$2,835, from Company Three and directed shipment to Newark, New Jersey.

d. On or about December 28, 2016, defendant Depack fraudulently ordered two digital scales, valued at approximately \$3,865.40, from Company Six. On or about December 29, 2016, defendant Depack took possession of the digital scales from a commercial interstate shipping company.

Thereafter, defendant Depack and Co-Conspirator Three traveled together to a pawn store in Elizabeth, New Jersey, where they attempted to sell the fraudulently obtained digital scales.

e. On or about January 30, 2017, defendant Depack, falsely claiming to be a representative of a company in Arizona, ordered two Milwaukee tool kits, collectively valued at approximately \$1,908, from Company Five and directed shipment to New York. On or about January 31, 2017, defendant Depack and Co-Conspirator One traveled to New York to take possession of the fraudulently ordered merchandise.

f. On or about February 24, 2017, defendant Depack, falsely claiming to be a representative of a company in Utah, ordered two Apple iMacs and one HP ink cartridge, collectively valued at approximately \$3,160.54, from Company Four and directed shipment to Newark, New Jersey. On or about February 25, 2017, a commercial interstate shipping company delivered the merchandise as directed. On or about February 25, 2017, Depack sold two Apple iMacs and one ink cartridge to a pawn store in Newark, New Jersey.

g. On or about April 10, 2017, defendant Depack, using the name "Mike Clarke" and falsely claiming to be a representative of a food distribution company, ordered one digital scale, valued at approximately \$3,614, from Company Six and directed delivery to Elizabeth, New Jersey. On or about April 11, 2017, a commercial interstate shipping company delivered the

merchandise as directed. Thereafter, defendant Depack and Co-Conspirator One sold the scale to a pawn store in Newark, New Jersey for approximately \$700.

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


CRAIG CARPENITO
United States Attorney

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INFORMATION FOR

Title 18, United States Code, Section 1349

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