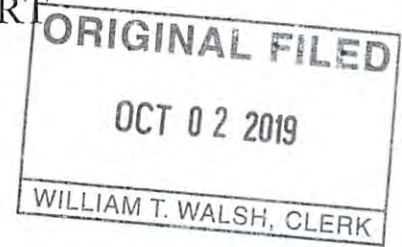


UNITED STATES DISTRICT COURT

for the
District of New Jersey



United States of America
v.

MARK D'AMICO

Case No.

Mag. No. 19-mj-5624 (KMW)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 11/2017 through 9/2018 in the county of Burlington in the
District of New Jersey, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 1349

SEE ATTACHMENT A.

18 U.S.C. § 1956(h)

This criminal complaint is based on these facts:

SEE ATTACHMENT B.

☐ Continued on the attached sheet.

Complainant's signature

Keith Melinson, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

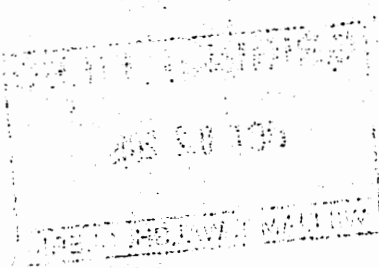
Date: 10/02/2019

Judge's signature

City and state: Camden, New Jersey

Hon. Karen M. Williams, U.S. Magistrate Judge

Printed name and title



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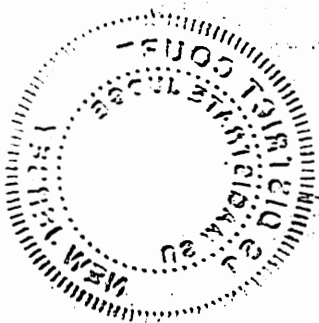
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CONTENTS APPROVED

UNITED STATES ATTORNEY

By: 
Jeffrey B. Bender, Assistant U.S. Attorney

Date: October 2nd, 2019

ATTACHMENT A

COUNT 1: WIRE FRAUD CONSPIRACY

From in or around November 2017 through in or around September 2018, in Burlington County, in the District of New Jersey and elsewhere, defendant

MARK D'AMICO

did knowingly and intentionally conspire and agree with Katelyn McClure ("McClure"), Johnny Bobbitt, Jr. ("Bobbitt"), and others, known and unknown, 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 signs, signals, and sounds, contrary to Title 18, United States Code, Section 1343, in violation of Title 18, United States Code, Section 1349.

It was the object of the conspiracy to obtain money from victims through false and fraudulent statements that Bobbitt was a "good Samaritan" because he provided McClure with money for gasoline after her car became disabled in Philadelphia, Pennsylvania.

As part of the conspiracy, MARK D'AMICO, McClure, and Bobbitt established and updated a GoFundMe crowdfunding campaign webpage that falsely recounted Bobbitt acting as a good Samaritan who provided his last \$20 to McClure for gasoline and falsely claimed that the raised funds would be controlled by Bobbitt and used for his benefit.

COUNT 2: MONEY LAUNDERING CONSPIRACY

On or about December 27, 2017, in Burlington County, in the District of New Jersey and elsewhere, defendant

MARK D'AMICO

did knowingly conspire and agree with McClure and Bobbitt, and with others to engage in a monetary transaction, namely, deposits, withdrawals, transfers and exchanges of United States currency and monetary instruments, by, through and to a financial institution, affecting interstate and foreign commerce, in criminally derived property of a value greater than \$10,000 that was derived from specified unlawful activity, that is, wire fraud, in violation of Title 18, United States Code, Section 1343, contrary to Title 18, United States Code, Section 1957, in violation of Title 18 United States Code, Section 1956(h).

As part of the conspiracy, MARK D'AMICO, McClure, and Bobbitt caused a financial transaction affecting interstate and foreign commerce to occur, that was on or about December 27, 2017, McClure transferred \$25,000 from her bank account and deposited into Bobbitt's bank account.

ATTACHMENT B

AFFIDAVIT

1. I Keith Melinson, (the "affiant"), state that I am a Special Agent with the Federal Bureau Investigation ("FBI"). The information set forth in this Affidavit in support of a criminal complaint is based on my personal observations, my training and experience, information obtained from other agents and witnesses, and a review of records and reports. Since this Affidavit is submitted for the sole purpose of establishing probable cause to support the issuance of a complaint, I have not included each and every fact known by the government concerning this investigation. Except as otherwise indicated, the actions, conversations, and statements of others identified in this Affidavit are reported in substance and in part. Similarly, dates and times are approximations, and should be read as on or about, in or about, or at or about the date or time provided.

2. I have been an FBI agent since 1995. I am assigned to the Trenton Resident Agency. I have investigated, among other things, fraud and money laundering offenses. My experience as an FBI agent has included the investigation of cases involving the use of cellular telephones to commit violations of federal law. I have received training and have gained experience in interview and interrogation techniques, arrest procedures, search warrant applications, and the execution of searches. I have completed training through the FBI Academy in Quantico, Virginia.

BACKGROUND

3. The Federal Bureau of Investigation (hereinafter “FBI”) and Internal Revenue Service – Criminal Investigation (hereinafter “IRS-CI”) are currently conducting an investigation of wire fraud, money laundering, and conspiracy perpetrated by defendant Mark D’Amico (hereinafter, “D’Amico”), his then-girlfriend Katelyn McClure (hereinafter, “McClure”), and Johnny Bobbitt, Jr. (hereinafter, “Bobbitt”), between November 2017 and September 2018.¹

4. During this time, D’Amico and McClure lived together in a residence in Bordentown, New Jersey (hereinafter, “Bordentown address”). Bobbitt was a resident of Philadelphia, Pennsylvania prior to moving to near the Bordentown address.

5. The co-conspirators utilized the Internet platform GoFundMe to obtain over \$400,000 from more than 14,320 donors by claiming that they wanted to reward Bobbitt, a homeless man, for his generosity in buying gas for McClure after she ran out of gas and was stranded in Philadelphia. In fact, McClure was never stranded, Bobbitt did not purchase gas for her, and a

¹ As explained below, McClure and Bobbitt have entered guilty pleas in connection with this investigation before the Honorable Jerome B. Simandle, Senior United States District Judge. On March 6, 2019, McClure pled guilty to a single-count Information charging her with conspiracy to commit wire fraud, in violation of 18 U.S.C. § 1349. On the same day, Bobbitt pled guilty to a single-count Information charging him with conspiracy to commit money laundering, in violation of 18 U.S.C. § 1956(h). See Crim. Nos. 19-174 (NLH) and 19-170 (NLH).

substantial portion of the raised funds were utilized by McClure and D'Amico for personal purposes unrelated to Bobbitt.

THE GOFUNDME CAMPAIGN

6. GoFundMe, headquartered in Redwood City, California, is an Internet platform utilized by individuals or groups to fundraise through "crowdfunding." Most commonly, an individual, called a "campaign organizer," will set a target fundraising goal for a self-selected purpose and seek small donations from many individual donors to reach the target. In order to raise funds, the campaign organizer creates and shares via social media a GoFundMe webpage with stories, photos, and/or videos encouraging people to contribute money. GoFundMe used a third-party payment processor, WePay, to pay out the donations.

7. On or about November 10, 2017, at approximately 5:48 p.m.,² D'Amico created a new GoFundMe campaign entitled "Paying it forward" using his name and an email address containing text that included "mdamico" with an AOL domain name. The campaign webpage reflected a location of Bordentown, New Jersey, sought to raise \$10,000, and included a photo of McClure and Bobbitt taken from the shoulder of a highway. The campaign did not include any text with the photo, other than the "Paying it forward" title.³

² I have reviewed records that utilize various time zones. All times referenced in this affidavit are in Eastern Standard Time ("EST"). When source records reflect a different time zone, I have converted the time to EST.

³ GoFundMe terminated this campaign several weeks later before the campaign received any donations.

8. Approximately nine minutes later (5:57 p.m. on November 10, 2017), McClure created a new GoFundMe campaign entitled “Paying it Forward” using her name and an email address known to law enforcement with a Comcast domain name. This campaign webpage reflected the same location of Bordentown, New Jersey, sought to achieve the same \$10,000 goal, and included the same, or nearly the same, photo of McClure and Bobbitt as the campaign created by D’Amico minutes earlier. In contrast to the campaign created using D’Amico’s name, McClure’s campaign included a story describing how “Johnny [Bobbitt]” used “his last 20 dollars” to purchase gas to help McClure when she ran out of gas on Interstate 95 in Philadelphia. McClure’s story indicated that McClure sought to raise money for Bobbitt, specifically enough funds to “get him the first and last month’s rent at an apartment, a reliable vehicle, and 4-6 months worth of expenses.” The GoFundMe campaign went live the same night.

9. The GoFundMe campaign created by McClure raised approximately \$769 by midday on November 14, 2017, around which time the Burlington County Times ran a news article on the campaign. After the newspaper article was published, the campaign received donations at an increasing rate. The following day, D’Amico and McClure recorded a video of them telling Bobbitt about the campaign, showing Bobbitt the newspaper article, and telling him the campaign raised to date more than \$1,700. The video was later posted on the Internet.

10. During the next few weeks, D’Amico, McClure, and Bobbitt received an increasing amount of media coverage, to include national television interviews,

which coincided with an increasing amount of donations. In addition to participating in media interviews, McClure, D'Amico, and Bobbitt also shared more than twenty "updates" on the GoFundMe campaign webpage. For example, on or about November 23, 2017, an update was posted to the campaign webpage that contained, in part, the following text:

Hey guys, just to clear it up real fast. I've seen some things about mark or I deciding where this "extra" money will go. That couldn't be further from the truth. The second we told Johnny about this, his first thought was to pay forward the pay it forward. He is fully aware of the world wide interest in this over the last few days. It will be his decision and his decision only on what organizations and or private parties he decides to help!!

On or about November 27, 2017, an update was posted to the campaign webpage that contained, in part, the following text:

There will also be 2 trusts set up in [Bobbitt's] name, one essentially giving him the ability to collect a small "salary" each year and another retirement trust which will be wisely invested by a financial planner which he will have access to in a time frame he feels comfortable with so when the time comes he can live his retirement dream of owning a piece of land and a cabin in the country. A bank account will be set up for him with funds for every day needs that will get him through until he finds a job. And lastly, he will be donating to a few organizations and people who over the last couple of years have helped him get through this rough patch in his life.

On or about November 29, 2017, an approximately 295-word update was posted to the campaign webpage that began "Hey guys, this is Johnny, for real this time!" and ended "Thanks again, JBJ."

11. On or about December 11, 2017, when donations slowed to only hundreds of dollars per day, McClure caused the campaign to stop accepting donations. At that time, the campaign had received more than \$400,000 from more than 14,320 donors from New Jersey and elsewhere.

DISPOSITION OF FUNDS

12. Records obtained as part of the investigation show the disposition of some of the funds raised via the GoFundMe campaign. Between on or about November 16, 2017 and November 22, 2017, approximately \$19,541 was transferred from GoFundMe's bank accounts through WePay to GreenDot prepaid debit cards registered to McClure at the Bordentown address and D'Amico at a prior New Jersey address.

13. When the campaign raised too much money to transfer onto GreenDot prepaid debit cards, the funds were transferred into a bank account. Between on or about November 27, 2017 and December 12, 2017, approximately \$347,567 was transferred from GoFundMe's bank accounts through WePay to McClure's personal bank account ending 7611 at PNC Bank.⁴ Funds were spent directly from this account or transferred to other accounts opened in McClure's name using the Bordentown address. Expenditures from McClure's personal bank accounts between November 2017 and March 2018 included the following:

- a. The purchase of an RV for \$18,850 titled in McClure's name, used by Bobbitt at the Bordentown address and later sold.
- b. The payment of checks totaling approximately \$9,500 to D'Amico's relatives.

⁴ The remaining portion of the approximately \$400,000 raised constituted GoFundMe's fees.

- c. Transfers of approximately \$11,828 to Coinbase for the purchase of Bitcoin or other virtual currency using an account opened on or about December 1, 2017 in the names of "Mark Damico" and McClure. The account was opened using an email address containing text that included "markd" with a Gmail domain name, along with McClure's Social Security number, her birthday, and the Bordentown address.
- d. A \$25,000 transfer on December 27, 2017 in Hamilton, New Jersey, to a PNC account opened in Bobbitt's name with D'Amico's assistance on December 20, 2017. This transfer was made just prior to D'Amico and McClure going on a multi-day trip to Las Vegas, Nevada.
- e. A \$9,432 check toward the purchase of a 2015 BMW for \$24,432 titled in McClure's name, with the balance of the purchase price paid by D'Amico in cash in Freehold, New Jersey.

14. In addition to the expenditures above, bank records reflect approximately \$150,000 in cash and ATM withdrawals. The majority of this cash was withdrawn from ATMs in or near casinos in Philadelphia, Pennsylvania, Las Vegas, Nevada, and Atlantic City, New Jersey. By March 2018, all of the GoFundMe funds had been spent from McClure's bank accounts.

ELECTRONIC EVIDENCE

15. On or about September 6, 2018, New Jersey state law enforcement executed court-authorized searches in conjunction with their investigation into the GoFundMe scheme and seized, among other items, McClure's cellphone.

McClure's cellphone included many messages sent and received regarding the GoFundMe scheme, including the following:⁵

- a. On November 10, 2017 at 5:44 pm, 5:45 pm, and 5:52 pm, D'Amico texted McClure the photos of McClure and Bobbit that were used on the GoFundMe webpage. Metadata from the photos show that they were taken at 5:42 pm, slightly before they were texted from D'Amico to McClure. (D'Amico created the first, dormant GoFundMe campaign at 5:48 pm, and McClure created the second, successful GoFundMe campaign at 5:57 pm.)
- b. On November 13, 2017, McClure forwarded to D'Amico a message from McClure's mother asking if the GoFundMe story really happened and asked D'Amico what she should tell her mother. The following conversation ensued:
 - i. McClure to D'Amico: "I'm just worried about the lying part not anything else."
 - ii. D'Amico to McClure: "Just tell her everything that really happened and that will be a tiny little lie / Everything else is tru / Me and u text about it over a month ago."
 - iii. McClure to D'Amico: "So tell her the story is true?"
 - iv. D'Amico to McClure: "Yea."
 - v. McClure to D'Amico: "Okay."
 - vi. D'Amico to McClure: "Tell her everything we did and all / Tell her everything just lie about that little thing / And tell her we're not handing him cash."

⁵ For the purposes of this affidavit, I have used slashes to indicate breaks between messages, maintained the original spelling in the messages, and added a period or comma at the end of messages where there was none.

- c. On November 15, 2017 around 8:00 am, after McClure messaged her friend a link to the Burlington County times article about the GoFundMe campaign, the friend messaged, "This gas story is gonna backfire lmfa0," followed by, "They're gonna [interview] him one day and ask him! / But you need to tell him first / Make sure he knows." McClure responded, "Yeah we will tell him / This week we have to." Minutes later, McClure messaged D'Amico, "We need to go to him really soon," followed by, "Tonight if we can??" (That night, McClure and D'Amico recorded the video described in ¶ 9 above showing Bobbitt the Burlington County newspaper article.)
- d. On November 17, 2017, prior to 8:00 am, McClure messaged D'Amico, "I don't trust you with any money at all whatsoever and this all needs to be accounted for / Like I'm really freaking out right now, just being honest," to which D'Amico replied "OK I understand but I'm telling you it's fine / Trust me with this it was all my idea I'm not going to do anything." (The first transfer of GoFundMe funds was on or about February 16, 2017 at 9:42 pm to D'Amico's GreenDot card.)
- e. On November 27, 2017 at 1:02 pm, D'Amico messaged McClure the text of a proposed update to the GoFundMe campaign website, followed by, "I'm seriously special / That's like a professional speech / You gotta put that in the story part / And put it in the update part / So wherever they look they see it / It's good right." The same text was used to update the GoFundMe page approximately 24 minutes

later and was also made part of the story so that it would be displayed prominently on the campaign webpage. This text is described in ¶ 10 above.

f. On November 29, 2017, McClure and Bobbitt exchanged multiple messages addressing a forthcoming update to the GoFundMe campaign website:

- i. McClure to Bobbitt at 7:41 pm: "If you wanna send mark the update before you post it, do that. He's a brilliant wordsmith, you know."
- ii. Bobbitt to McClure at 7:43 pm: "I just texted em."
- iii. McClure to Bobbitt at 7:45 pm: "Okie."
- iv. Bobbitt to McClure at 7:56 pm: "Going to smoke and then let's do this! Call you in a few."
- v. McClure to Bobbitt at 7:56, 7:57 pm: "Sweet sounds good!! / He said he can write the whole thing for you and you can look it over and s**t if you want it's up to you."
- vi. Bobbitt to McClure at 9:48 pm: [Content of 295-word update referenced in ¶ 10 above.] / "You can post it if you would like."
- vii. McClure to Bobbitt at 9:58 pm: "Damn dude I'm crying, that was perfect. It is posted!!"

(The update was posted to the GoFundMe campaign webpage at 9:53 pm that night.)

g. On November 30, 2017, D'Amico and McClure exchanged the following messages:

- i. D'Amico to McClure: "Like take out cash use checks for his s**t and get a card each."
- ii. McClure to D'Amico: "Why a card each? I feel like we're gonna f***ing blow through this money, we need to set up accounts before we start spending."
- iii. D'Amico to McClure: "Just cause we have a card doesn't mean we spend / Just so we both have one / I just dropped over 300k in ur s**t get the f***ing card."
- iv. McClure to D'Amico: "You?!"

- v. D'Amico to McClure: "Yes me."
- h. On December 2, 2017, McClure and Bobbitt exchanged multiple messages addressing Bobbitt's desire to spend some of the funds:
 - i. Bobbitt to McClure: "You're not bothering me at all! I need to know the money situation like how much I can give out total and then I can decide how much who and what gets. You know what I mean? / I hope I'm not bothering y'all."
 - ii. McClure to Bobbitt: "Yeah we're gonna sit down and talk about that soon, but if you have a list of people, it'll be easier to write down a number next to their name."
 - iii. Bobbitt to McClure: "I'm saying I need to know how much I have to work with total so then I am able to decide how much I am able to give people."
 - iv. McClure to Bobbitt: "Okay mark said well go over the number on our end and you do the list of names and then we'll put the two lists together? Is that cool?"
 - v. Bobbitt to McClure: "Ok. I'm confused but ok. Ask him just off the top of his head was it 50 grand we talked about to give away?"
 - vi. McClure to Bobbitt: "Mark said roughly / Work with that number he said."
- i. On December 6, 2017, McClure messaged D'Amico that she got him \$1,000, to which he replied, "No I need 5 too / Sorry / 1000 for truck one buy in for me." (Based on my investigation, I understand D'Amico's response to mean that he wanted additional cash to play poker at a casino.)
- j. On December 11, 2017, at 7:43 pm, D'Amico messaged McClure, "You can shut down gfm whenever." (The GoFundMe campaign stopped accepting donations less than one hour later.)
- k. On December 19, 2017, McClure messaged D'Amico: "We still gotta have normal jobs for the time being / [Other messages] / Seriously

though, whether you get jobs and pay people to do them and keep the rest or whatever you gotta do, you still gotta bring in income,” to which D’Amico replied, “You think I’m planning on never working off 100k?? / That’s a weekend to me.”

1. On February 10, 2018, Bobbitt and McClure were messaging about D’Amico when Bobbitt messaged McClure, “Tell him we need him, he’s our publicist, our (fixer),” to which McClure replied, “RIGHT OMG what would we do without him?! For real!!!!”
- m. On February 16, 2018, McClure messaged D’Amico, “I want to get that car because I’d like to have something tangible after you spend every cent we have on gambling. So next week sometime.” (They purchased a BMW on February 21, 2018 for \$24,432.)
- n. On February 21, 2018, McClure messaged D’Amico, “You gotta watch what you’re doing with the account , . like if you take out, put back in. This is the 4th time I’ve had to transfer money in cause it’s negative.” They exchanged additional messages, at which point D’Amico responded, “We have 10-15k coming in in the next month or so / I have 12k in crypto / And I’m gonna make 5k a week with poker. Plus at some point actually work.”
- o. On February 22, 2018, D’Amico messaged McClure to “Stop at the bank and get 6k out. That’s gonna be my ‘allowence’ til we start putting money back in the account. I’ll give you my card,” to which McClure responded, “Okay / Yeah seriously / Just keep it at the

house, don't take it all in one night / You lose, you lose, It's whatever. You gotta take a break when that happens cause it never gets better."

- p. On February 27, 2018, McClure messaged D'Amico, "Really cause if I add up how much you've withdrawn since November I could probably buy 5 of them [cars]. . ."
- q. On March 3, 2018, Bobbitt messaged McClure, "I hate asking you already but can you send me some money?" After McClure asked how much Bobbitt needed, he responded that she "could send \$500 again and [Bobbitt] will make it last this time." Later that night, McClure sent messages to Bobbitt indicating that D'Amico and McClure were on their way home from "playing cards," did poorly, and as a result, it was not fun for D'Amico.
- r. On March 9, 2018, McClure messaged D'Amico, "In a year you'll be laughing about when you blew hundreds of thousands / just like 45k / just like 15k / No?! / You can't tell me you haven't done this before. This is just a lot worse."
- s. On March 20, 2018, D'Amico messaged McClure, "I agree that the last few months I f***ed up. I said that the other day. So stop."

CO-CONSPIRATOR GUILTY PLEAS AND ADMISSIONS

16. On or about March 6, 2019, Bobbitt pleaded guilty in the District of New Jersey to one count of money laundering, in violation of 18 U.S.C. § 1956(h). As part of the plea, Bobbitt admitted that he met D'Amico and McClure while

panhandling in Philadelphia. Bobbitt further admitted that D'Amico and McClure told Bobbitt that they made up a story about Bobbitt spending his last \$20 to provide McClure gas when she became stranded. Bobbitt admitted that the story was false but that he later asked D'Amico and McClure for access to the money. Consequently, D'Amico assisted Bobbitt in opening a bank account in his name, and McClure deposited \$25,000 into Bobbitt's account. Bobbitt admitted that he used some of the funds he received from D'Amico and McClure to buy drugs.

17. Bobbitt also pleaded guilty to New Jersey conspiracy to commit theft by deception related to the GoFundMe scheme.

18. On or about March 6, 2019, McClure pleaded guilty in the District of New Jersey to one count of wire fraud conspiracy, in violation of 18 U.S.C.

§ 1349. As part of the plea, McClure admitted that she established the GoFundMe campaign to raise money based on the false story concocted by D'Amico about Bobbitt helping McClure when she ran out of gas. She admitted that she transferred the funds from GoFundMe onto GreenDot debit cards and into her personal bank account. She further admitted that both she and D'Amico used the funds to pay for luxury items, travel, and gambling. She also admitted her role in transferring \$25,000 into Bobbitt's account.

19. McClure also pleaded guilty to New Jersey theft by deception related to the GoFundMe scheme.