

1 McGREGOR W. SCOTT
United States Attorney
2 ROBIN R. TAYLOR
Assistant U.S. Attorney
3 501 I Street, Suite 10-110
Sacramento, California 95814
4 Telephone: (916) 554-2722

FILED

APR 26 2007

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BY _____
DEPUTY CLERK

5
6 IN THE UNITED STATES DISTRICT COURT
7
8 FOR THE EASTERN DISTRICT OF CALIFORNIA

9
10 2:07 - CR - 0164 MCE

11 UNITED STATES OF AMERICA,)
12)
Plaintiff,)

13 v.)

14)
15 TIEN TRUONG NGUYEN,)
16 aka Tim Nguyen,)

17)
18 Defendant.)
19)
20)
21)

C.R. No.

VIOLATIONS: 18 U.S.C. §§ 371 -
Conspiracy to Commit Computer
Fraud and Access Device Fraud; 18
U.S.C. § 1029(a)(2) - Access
Device Fraud; 18 U.S.C.
§ 1029(a)(3) - Possession of More
than 15 Unauthorized Access
Devices; 18 U.S.C. § 1028A -
Aggravated Identity Theft; 18
U.S.C. § 922(g)(1) - Felon in
Possession of a Firearm and
Ammunition; 18 U.S.C. §
982(a)(2)(B), 18 U.S.C. §
1029(c)(1)(C), 18 U.S.C. § 924(d)
and 28 U.S.C. § 2461(c) -
Criminal Forfeiture

22 I N D I C T M E N T

23 COUNT ONE: [18 U.S.C. §§ 371 - Conspiracy to Commit Computer Fraud
and Access Device Fraud]

24 The Grand Jury charges:

25 TIEN TRUONG NGUYEN,
26 aka Tim Nguyen,

27 defendant herein, as follows:

28 ///

1 A. INTRODUCTION

2 At all times material herein:

3 1. GE Capital had computer terminals, which were protected
4 computers, located in retail locations throughout Northern
5 California, including inside Wal-Mart stores. GE Capital also had
6 protected computers located in Georgia. These protected computers
7 were connected to the Internet and used in interstate and foreign
8 commerce and communication. GE Capital used these protected
9 computers to process requests for, and to issue, instant credit.

10 2. GE Capital did not authorize customers to obtain credit in
11 the names of third parties without disclosure and approval by GE
12 Capital.

13 B. THE CONSPIRACY

14 1. Beginning on or about October 15, 2005, and continuing
15 through on or about January 26, 2007, in the State and Eastern
16 District of California, and elsewhere, defendant TIEN TRUONG NGUYEN
17 aka Tim Nguyen (hereinafter "NGUYEN") knowingly combined, conspired,
18 and agreed with co-conspirators R.P. and S.R., not charged herein,
19 and others, both known and unknown to the Grand Jury:

20 a. to knowingly and with the intent to defraud access
21 protected computers, without authorization, and in excess of their
22 authorized access, and by means of such conduct furthered an
23 intended fraud and obtained things of value, other than the use of
24 the computers, valued at more than \$5,000 in any one-year period, in
25 violation of 18 U.S.C. § 1030(a)(4); and

26 b. to knowingly and with the intent to defraud use, and
27 attempt to use, one or more unauthorized access devices during any
28 one-year period within the dates alleged above, and by such conduct

1 obtained things of value aggregating \$1,000 or more during that one-
2 year period, such conduct having an effect on interstate commerce,
3 in violation of 18 U.S.C. § 1029(a)(2).

4 2. It was an object of the conspiracy for defendant NGUYEN and
5 his co-conspirators, including R.P. and S.R., not charged herein, to
6 obtain personal and financial information of third parties, without
7 their consent. This information was used to obtain instant credit
8 card numbers issued by GE Capital without the authorization of, or
9 payment to, GE Capital. The instant credit card numbers were used
10 to further the intended fraud and to obtain things of value other
11 than the use of GE Capital's computers, namely, instant credit,
12 which was used to purchase gift cards and merchandise valued at more
13 than \$200,000.

14 C. WAYS AND MEANS

15 In connection with the aforesaid conspiracy, defendant NGUYEN,
16 R.P. and S.R., not charged herein, and others, both known and
17 unknown to the Grand Jury, employed, among others, the following
18 ways and means:

19 1. As part of the conspiracy and the fraud, defendant NGUYEN
20 fraudulently posted web sites on the Internet which appeared
21 identical to legitimate web sites maintained by banks and other
22 businesses, such as Pay Pal.

23 2. As part of the conspiracy and the fraud, defendant NGUYEN
24 sent e-mail messages, often in bulk, to induce third parties to
25 disclose personal and financial information such as credit card and
26 debit card numbers, bank account numbers, and identification
27 information, on the fraudulently created web sites and by e-mail.

28 3. As part of the conspiracy and the fraud, defendant NGUYEN

1 fraudulently obtained thousands of credit and debit card numbers, as
2 well as the names, addresses, telephone numbers, and e-mail
3 addresses of third parties.

4 4. As part of the conspiracy and the fraud, NGUYEN and R.P.
5 and S.R., not charged herein, discussed via e-mail "chat" how to use
6 this information to obtain credit and to commit fraud.

7 5. As part of the conspiracy and the fraud, defendant NGUYEN
8 provided this information to R.P. and S.R., not charged herein, and
9 others, who used it to fraudulently apply for instant credit from GE
10 Capital.

11 6. As further part of the conspiracy and the fraud, R.P. and
12 S.R., not charged herein, and others, used the instant credit card
13 numbers to fraudulently purchase gift cards and merchandise at Wal-
14 Mart stores.

15 D. OVERT ACTS

16 In furtherance of the conspiracy, and to effect the objects
17 thereof, defendant NGUYEN, R.P, and S.R., not charged herein, and
18 others, both known and unknown to the Grand Jury, committed and
19 caused to be committed the following overt acts in the State and
20 Eastern District of California:

21 1. On or about April 6, 2006, R.P., not charged herein,
22 fraudulently applied for instant credit in the name Sherman N., at a
23 Wal-Mart located in Lodi, California.

24 2. On or about April 6, 2006, R.P., not charged herein, made
25 fraudulent purchases at a Wal-Mart in Lodi, California in the amount
26 of \$1,600 using credit card number xxxx-xxxx-xxxx-8309.

27 3. On or about June 10, 2006, defendant NGUYEN sent e-mail
28 "chat" messages to S.R., not charged herein, discussing how to

1 obtain instant credit and commit fraud.

2 4. On or about July 16, 2006, S.R., not charged herein,
3 fraudulently obtained instant credit in the name of Tracy R. at a
4 Wal-Mart located in Yuba City, California.

5 5. On or about July 16, 2006, S.R., not charged herein, made
6 fraudulent purchases at a Wal-Mart located in Yuba City, California
7 in the amount of \$772.11 using credit card number xxxx-xxxx-xxxx-
8 2063.

9 6. On or about July 16, 2006, S.R., not charged herein,
10 fraudulently obtained instant credit in the name of Jo W. at a Wal-
11 Mart located in Yuba City, California.

12 7. On or about July 16, 2006, S.R., not charged herein, made
13 fraudulent purchases at a Wal-Mart located in Yuba City, California
14 in the amount of \$1,416.38 using credit card number xxxx-xxxx-xxxx-
15 2030.

16 8. On or about July 16, 2006, S.R., not charged herein,
17 fraudulently obtained instant credit in the name of Timothy N. at a
18 Wal-Mart located in Yuba City, California.

19 9. On or about July 16, 2006, S.R., not charged herein, made
20 fraudulent purchases at a Wal-Mart located in Yuba City, California
21 in the amount of \$2,123.32 using credit card number xxxx-xxxx-xxxx-
22 2048.

23 10. On or about July 20, 2006, S.R., not charged herein,
24 fraudulently obtained instant credit in the name of Frank H. at a
25 Wal-Mart located in Lodi, California.

26 11. On or about July 20, 2006, S.R., not charged herein, made
27 fraudulent purchases at a Wal-Mart located in Lodi, California in
28 the amount of \$700.99 using credit card number xxxx-xxxx-xxxx-4077.

1 12. On or about August 22, 2006, S.R., not charged herein,
2 fraudulently obtained instant credit in the name of Jennifer G. at a
3 Wal-Mart located in Chico, California.

4 13. On or about August 22, 2006, S.R., not charged herein,
5 made fraudulent purchases at a Wal-Mart located in Chico, California
6 in the amount of \$675.17 using credit card number xxxx-xxxx-xxxx-
7 4053.

8 14. On or about August 31, 2006, S.R., not charged herein,
9 fraudulently obtained instant credit in the name of Lloyd B. at a
10 Wal-Mart located in Dixon, California.

11 15. On or about August 31, 2006, S.R., not charged herein,
12 made fraudulent purchases at a Wal-Mart located in Dixon, California
13 in the amount of \$3,611.68 using credit card number xxxx-xxxx-xxxx-
14 7832.

15 16. On or about September 4, 2006, defendant NGUYEN sent e-
16 mail "chat" messages to R.P., not charged herein, discussing the
17 fact that instant credit was obtained from GE Capital in the names
18 Lloyd B., Lazar G., and Losa M., and Steve P.

19 All in violation of Title 18, United States Code, Section 371.

20 COUNT TWO: [18 U.S.C. § 1029(a)(2) - Access Device Fraud]

21 The Grand Jury further charges: T H A T

22 TIEN TRUONG NGUYEN,
23 aka Tim Nguyen,

24 defendant herein, beginning at a date unknown, but not later than on
25 or about October 15, 2005, and continuing through on or about
26 January 26, 2007, in the State and Eastern District of California,
27 and elsewhere, did knowingly and with the intent to defraud use, and
28 attempt to use, one or more unauthorized access devices during any

1 one-year period, specifically, within the dates alleged above, and
2 by such conduct obtained, and attempted to obtain, things of value
3 aggregating \$1,000 or more during that one-year period, such conduct
4 having an effect on interstate commerce, all in violation of Title
5 18, United States Code, Sections 1029(a)(2) and 2.

6 COUNT THREE: [18 U.S.C. § 1029(a)(3) - Possession of More than
7 Fifteen Unauthorized Access Devices]

8 The Grand Jury further charges: T H A T

9 TIEN TRUONG NGUYEN,
10 aka Tim Nguyen,

11 defendant herein, on or about January 26, 2007, in the State and
12 Eastern District of California, and elsewhere, did knowingly and
13 with the intent to defraud possess fifteen or more unauthorized
14 access devices, such conduct having an affect on interstate
15 commerce, in violation of Title 18, United States Code, Sections
16 1029(a)(3) and 2.

17 COUNT FOUR: [18 U.S.C. § 1028A(a)(1) - Aggravated Identity Theft]

18 The Grand Jury further charges: T H A T

19 TIEN TRUONG NGUYEN,
20 aka Tim Nguyen,

21 defendant herein, from on or about October 15, 2005, and continuing
22 through on or about January 26, 2007, in the State and Eastern
23 District of California, did knowingly possess and use, without
24 lawful authority, a means of identification of another person, to
25 wit, names, driver's license numbers, and social security numbers of
26 Lloyd B., Lazar G., Losa M., and Steve P., which were used during
27 and in relation to a felony enumerated in 18 U.S.C. § 1028A(c), to
28 wit, fraud and related activity in connection with access devices,
in violation of 18 U.S.C. §§ 1029(a)(2) and 1029(a)(3),

1 all in violation of Title 18, United States Code, Sections
2 1028A(a) (1) and 2.

3 COUNT FIVE: [18 U.S.C. § 922(g)(1) - Felon in Possession of a
4 Firearm and Ammunition]

5 The Grand Jury further charges: T H A T

6 TIEN TRUONG NGUYEN,
7 aka Tim Nguyen,

8 defendant herein, on or about January 26, 2007, in the State and
9 Eastern District of California, having been convicted in Superior
10 Court, County of Orange, of a crime punishable by a term of
11 imprisonment exceeding one year, that is, Receipt of Stolen Property
12 and Making and Passing Fictitious Checks, in violation of Section
13 496 of the California Penal Code; Fraudulent Use of a
14 Telephone/Telegraph, in violation of Section 502.7(B)(1) of the
15 California Penal Code; and Possession of a Controlled Substance, in
16 violation of Section 11377(A) of the Health and Safety Code; all on
17 or about January 21, 1999; did knowingly possess a firearm and
18 ammunition, to wit: a Remington 870 Magnum Express shotgun, Serial
19 Number D950177M, and approximately 10 rounds of Remington 12 gauge
20 shotgun shells; in and affecting commerce, in that said firearm and
21 ammunition had been transported in interstate and foreign commerce,
22 in violation of Title 18, United States Code, Section 922(g)(1).

23 FORFEITURE ALLEGATION: [18 U.S.C. § 982(a)(2)(B), 18 U.S.C. §
24 1029(c)(1)(C), 18 U.S.C. § 924(d) and 28
25 U.S.C. § 2461(c) - Criminal Forfeiture]

26 The Grand Jury further charges: T H A T

27 TIEN TRUONG NGUYEN,
28 aka Tim Nguyen,

defendant herein, upon conviction for violating and attempting to
violate 18 U.S.C. §§ 371, 1030 and 1029, as alleged in any of the

1 Counts One through Three above, shall forfeit to the United States
2 pursuant to 18 U.S.C. § 982(a)(2)(B) and 18 U.S.C. § 1029(c)(1)(C),
3 his interest in any of the property used, and intended to be used,
4 in any manner or part, to commit, and to facilitate the commission
5 of such violation(s) and any property constituting, and derived
6 from, any proceeds the person obtained, directly or indirectly, as a
7 result of such violation, including:

- 8 1. \$523.00 cash;
- 9 2. Forty-four (44) Pre-paid Gift Cards;
- 10 3. Three (3) pre-paid credit cards;
- 11 4. Fifteen (15) pre-Paid Visa Cards;
- 12 5. Sirius Satellite radio system (new in the box);
- 13 6. Eight (8) new Nano Ipods;
- 14 7. Toshiba laptop computer, Serial Number: 26234221Q;
- 15 8. New in Box Aspire "Acer" laptop computer;
- 16 9. HP Laptop Computer, Serial Number: 82K5T;
- 17 10. Magnovox computer monitor;
- 18 11. Gateway monitor;
- 19 12. Dell Computer desktop, Serial Number: 37NQC61;
- 20 13. Bluetooth virtual keyboard;
- 21 14. ADS Tech Drive Kit;
- 22 15. Linksys wireless system;
- 23 16. Linksys wireless Router;
- 24 17. WYFY Hotspot Finder;
- 25 18. Web Cam;
- 26 19. Samsung CPU, Serial Number: 255H93BL901098;
- 27 20. Pelican PSP Starter kit;
- 28 21. Targus laptop Chill Mat (new in the box);
- 29 22. Portable USB Keyboard (new in the box);
- 30 23. "VOLP" SYBE computer phone;
- 31 24. Kogi monitor;
- 32 25. Network storage device;
- 33 26. Infared LED night light;
- 34 27. "Nightowl" night vision scope;
- 35 28. Credit Card Encoder/Reader, Serial Number 11052634;
- 36 29. WYSE Com Security Camera (new in the box);
- 37 30. Com Security Camera (new in the box);
- 38 31. Security remote for cameras;
- 39 32. Wireless alert security system (new in the box);
- 40 33. Laser Shield security system;
- 41 34. Cobra 40 channel CB Radio (new in box);
- 42 35. Midland 2 in 1 portable CB (new);
- 43 36. Two Cobra hand-held Radios;
- 44 37. Garmin GPS Unit 350 navigation system (new in the box);
- 45 38. TOM TOM GPS navigation device;
- 46 39. Movado woman's watch (new in the box);
- 47 40. Toshiba flat panel television;
- 48 41. One "Coach" purse (new);

- 1 42. Cobra radar detector; and a
2 43. Nintendo accessory game kit.

3 All in violation of Title 18, United States Code, Sections 371,
4 and 1030(a)(4), 1029(a)(2), and 1029(a)(3).

5 Upon conviction of one or more of the offenses alleged in Count
6 Five of this Indictment, defendant shall forfeit to the United
7 States pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), all
8 firearms and ammunition involved in or used in the knowing
9 commission of the offense, including but not limited to the
10 following:

- 11 a. Remington 870 Express Magnum Shotgun Serial
12 Number D950177M; and
13 b. Ten (10) 12 Gauge shotgun shells.

14 If any of the property described above as being subject to
15 forfeiture, as a result of any act or omission of the defendant
16 NGUYEN aka Tim Nguyen: (1) cannot be located; (2) has been
17 transferred or sold, or deposited, with a third person; (3) has been
18 placed beyond the jurisdiction of the court; (4) has substantially
19 diminished in value; and/or (5) has been commingled with other
20 property which cannot be subdivided without difficulty; it is the
21 intent of the United States, pursuant to Title 18, United States
22 Code, Section 982(b), incorporating Title 21, United States Code,
23 Section 853(p) and Title 28, United States Code, Section 2461(c) to

24 ///

25 ///

26 ///

27 ///

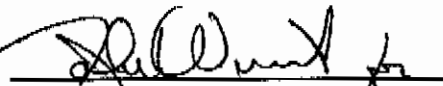
28 ///

1 seek forfeiture of any other property of the defendant NGUYEN, up to
2 the value of the above forfeitable property.

3 A TRUE BILL.

4 [REDACTED]

5 FOREPERSON

6 
7 McGREGOR W. SCOTT
United States Attorney

8 [REDACTED]

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT

Eastern District of California

Criminal Division

THE UNITED STATES OF AMERICA

vs.

TIEN TRUONG NGUYEN

INDICTMENT

VIOLATION(S): 18 U.S.C. §§ 371 - Conspiracy to Commit Computer Fraud and Access Device Fraud; 18 U.S.C. § 1029(a)(2) - Access Device Fraud; 18 U.S.C. § 1029(a)(3) - Possession of More than 15 Unauthorized Access Devices; 18 U.S.C. § 1028A - Aggravated Identity Theft; 18 U.S.C. § 922(g)(1) - Felon in Possession of a Firearm and Ammunition; 18 U.S.C. § 982(a)(2)(B), 18 U.S.C. § 1029(c)(1)(C), 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c) - Criminal Forfeiture

A true bill,

/s/

Foreman.

Filed in open court this 26th day

of April, A.D. 20 07

C. Schultz
Clerk.

Bail, \$ No Bail - Previously Ordered Detained.

Dale A. Iyer

PENALTY SLIP

2:07 - CR - 0164 MCE

DEFENDANT: TIEN TRUONG NGUYEN

COUNT 1 **18 U.S.C. § 371- Conspiracy to Commit Computer Fraud and Access Device Fraud**

PENALTY: Not more than \$ 250,000 or not more than the gross gain or gross loss ;
Not more than 5 years imprisonment, or both
Not more than 3 years of supervised release

COUNT 2
VIOLATION: **18 U.S.C. §1029(a)(2) - Access Device Fraud**

PENALTY: Not more than \$ 250,000 or not more than the gross gain or gross loss;
Not more than 5 years imprisonment, or both
Not more than 3 years of supervised release

COUNT 3:
VIOLATION: **18 U.S.C. § 1029(a)(3)- Possession of More than 15 Unauthorized Access Devices**

PENALTY: Not more than \$250,000 or not more than the gross gain or gross loss;
Not more than 10 years imprisonment, or both
Not more than 3 years of supervised release

COUNT 4:
VIOLATION: **18 U.S.C. § 1028A(a)(1)- Aggravated Identity Theft**

PENALTY: Not more than \$250,000 or not more than the gross gain or gross loss;
Not less than 2 years imprisonment, or both
Not more than 3 years of supervised release

COUNT 5:
VIOLATION: **18 U.S.C. § 922(g)(1)- Felon in Possession of a Firearm and Ammunition**

PENALTY: Not more than \$250,000 fine, or
Not more than 10 years imprisonment, or both
Not more than 3 years of supervised release

FORFEITURE ALLEGATION:

VIOLATION: **18 U.S.C. § 982(a)(2)(B) and 18 U.S.C. § 1029(c)(1)(C) - Criminal Forfeiture**

PENALTY: As Indicated in the Indictment

PENALTY ASSESSMENT: \$100.00 special assessment each count