

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FILED IN OPEN COURT
U.S.D.C. - Atlanta
NOV - 6 2019
By: JAMES N. HATTEN, Clerk
Deputy Clerk

UNITED STATES OF AMERICA

v.

NNAMDI MARCELLUS MGBODILE

Criminal Indictment

No.

1:19-CR-439

THE GRAND JURY CHARGES THAT:

Background

At all times material to the Indictment:

1. A “business email compromise” (BEC) is a type of computer intrusion that occurs when an employee of a company is fooled into interacting with an email message that appears to be, but is not, legitimate. The bogus email usually contains either an attachment or link to a malicious website. Clicking on either will release malicious software (known as “malware”) that subsequently infects the employee’s email account and/or computer. Frequently, the malware spreads throughout the company’s entire computer network. The malware, once executed, can harvest information, including login credentials, and give the intruding party access to sensitive company information, such as email correspondence.

2. In one common BEC scheme, an intruder monitors incoming and outgoing email messages to determine when a large financial transaction is scheduled to take place. After initial transfer or wiring instructions are conveyed between legitimate parties to the transaction, the intruder sends a phony follow-up email

that appears to be coming from the original legitimate sender. This “spoofed” email contains a change of plans, instructing that the money to be wired instead go to a different account – one that is controlled by the intruder, or a conspirator of the intruder, and that is set up for the purpose of receiving and redirecting funds acquired illegally from the BEC scheme.

3. A “romance scam” is a type of online fraud that occurs when individual users of internet dating websites are targeted for fraud by imposters posing as potential paramours. The scammers create fake online dating profiles that depict photographs of attractive men and women alongside descriptions of fictitious personas. The scammers use these fake personas to express strong romantic interest in the targeted users in order to trick them into sending money to the scammers under false pretenses. The scammers frequently target vulnerable individuals who possess significant financial assets, such as retired widows or widowers. The scammers spend weeks and months cultivating romantic relationships with the targeted users through online messaging, emails, text messaging, or voice calls, in order to gain their affection and trust. Eventually the scammers trick the dating website users into sending money through interstate wire transfers to bank accounts controlled by the scammers or their conspirators.

4. In one common romance fraud scheme, the scammers, posing as the fake paramours, provide the targeted users with an elaborate false story about how they are working overseas and in need of money to travel back to the United States. In other instances, the scammers claim they need funds to complete

business deals abroad. In certain cases, the scammers refer the targeted users to other conspirators posing as business associates of the fake paramours, who then corroborate the elaborate stories told by the fake paramours.

5. The defendant, **NNAMDI MARCELLUS MGBODILE**, resided in the metro Atlanta area and aided and abetted persons unknown to the Grand Jury who executed the BEC and romance fraud schemes targeted at companies and individuals across the United States, including in the Northern District of Georgia. Among other things, **MGBODILE**, at least one person working at his direction, and others unknown to the Grand Jury, set up multiple bank accounts specifically for the purpose of receiving funds acquired from criminal activity, including BEC and romance fraud schemes.

6. These bank accounts were for sham companies that did not have physical premises, earn legitimate income, or pay wages to employees. **MGBODILE** or others working at his direction registered the sham companies with the State of Georgia to allow them to open business bank accounts for those companies.

7. When funds obtained through fraud were received into these bank accounts, the illegally obtained funds were typically dispersed quickly through interstate and foreign wire transfers to other bank accounts, or by making cash or check withdrawals.

Counts One and Two
(18 U.S.C. § 1344 - Bank Fraud)

8. Beginning no later than in or about November 2017, and continuing until at least in or about March 2018, in the Northern District of Georgia and

elsewhere, the defendant, **NNAMDI MARCELLUS MGBODILE**, aided and abetted by others known and unknown to the Grand Jury, did knowingly execute and attempt to execute a scheme and artifice to defraud financial institutions, including Bank of America (“BOA”), Northwest Federal Credit Union, and JP Morgan Chase (“JPMC”), the deposits of which were then insured by the Federal Deposit Insurance Corporation and National Credit Union Share Insurance Fund, and to obtain, by means of materially false and fraudulent pretenses, representations, and promises, and by omission of material facts, certain moneys, funds, credits, assets, securities, and other property owned by and under the custody and control of the financial institutions.

Manner and Means – Romance Scheme to Defraud S.H.

9. The Grand Jury re-alleges and incorporates by reference the factual allegations set forth in Paragraphs 1 through 7 of this Indictment as if fully set forth herein.

10. Victim S.H. lived in Virginia during the times material to the Indictment. At the time of the events described in this Indictment, S.H. was 58 years old. S.H. was a user of Match.com, an online dating website. Match.com is headquartered in Dallas, Texas, and has computer servers located outside the State of Georgia.

11. On or about November 24, 2017, S.H. received a message on Match.com from user Vivelimousine (Alexander) regarding his “best friend” “James Deere,” who had allegedly seen S.H.’s Match.com profile and was interested in S.H. because he was looking for a life partner and S.H. had caught his eye.

Alexander provided S.H. with "James Deere's" email address and encouraged S.H. to contact him. Alexander specifically told S.H. to "tell him Alexander advised you to contact him, he will understand trust me." When S.H. was initially contacted by Alexander, she was a trustee of the "H Trust."

12. On or about November 25, 2017, S.H. emailed "Deere" and requested information about "Deere." Between approximately November 25, 2017 and December 18, 2017, S.H. and "Deere" exchanged multiple emails. In these emails, "Deere" expressed his interest in S.H., his desire to start a relationship with S.H., and his excitement that S.H. was in his life. "Deere" also stated that he wanted to move back "home" and start a new life with S.H.

13. "Deere" also claimed to be a fund manager with Perpetual Investment International and was leaving to attend meetings in Texas, the United Kingdom, and Dubai with individuals from Fidelity Investment and other companies to discuss investment opportunities concerning "oil blocks."

14. Between approximately December 18, 2017 and December 28, 2017, "Deere" offered S.H. a fictitious investment opportunity regarding one of his alleged clients. According to "Deere," he would receive a 10% commission for his services to this client totaling approximately \$11.6 million ("the Funds"). "Deere" wanted S.H. to be his "representative partner" and have the Funds deposited into her bank account because this consulting deal allegedly would be a conflict of interest for him.

15. In terms of a life together, "Deere" promised S.H. that he would "fly down to the United States for a new life" with S.H. and that they would "have a

long discussion about us on where we will live, where we will buy the new house, start a new business and settle down in our world and get old together.” “Deere’s” claims about the investment and a life with S.H. were all fictitious and false.

16. Between approximately December 28, 2017 and February 8, 2018, S.H. received email communications from “Deere” and other unknown individuals requesting that she pay various fees via wire transfers so that the Funds could be released.

17. Between approximately January 2, 2018 and February 12, 2018, and in response to representations made by “Deere” and others regarding the Funds, S.H. made twenty-five interstate wire transfers totaling more than \$6.5 million from the H Trust’s bank account at Northwest Federal Credit Union into various bank accounts. At least four of these wire transfers were made to accounts controlled by **MGBODILE**, namely a business bank account at Bank of America ending in x7929, and a business bank account at JP Morgan Chase ending in x0069, both of which were in the name GI WAMPS LLC.

18. On or about April 27, 2017, **MGBODILE** registered GI WAMPS LLC as a Georgia limited liability company, listing J.L. as the organizer.

19. On or about May 2, 2017, J.L., acting at **MGBODILE**’s direction, opened the GI WAMPS LLC business account ending in x7929 at a Bank of America branch in Atlanta, Georgia. A Certified Copy of Liability Company Resolutions (“Resolutions”) was among the documentation submitted in connection with

opening the account. The Resolutions listed J.L. as a member of GI WAMPS LLC. In actuality, **MGBODILE** controlled this account.

20. On or about January 3, 2018, a letter addressed to JP Morgan Chase advised that the ownership of GI WAMPS LLC was being transferred from J.L. to **MGBODILE**. The letter was purportedly signed by both **MGBODILE** and J.L.

21. On or about January 17, 2018, **MGBODILE** opened the GI WAMPS LLC business account ending in x0069 at a JP Morgan Chase branch in Los Angeles, California. The subscriber for the phone number listed on this account is **MGBODILE**.

22. The business bank accounts set up by **MGBODILE** or at his direction were for a sham company. GI WAMPS LLC did not have physical premises, earn legitimate income, or pay wages to employees. By registering GI WAMPS LLC with the State of Georgia, it allowed **MGBODILE** to open business bank accounts in this entity's name.

23. On or about January 30, 2018, S.H. received an email from "attorney.james.b@presidency.com" directing S.H. to wire funds to a number of accounts, including \$300,000 to the GI WAMPS LLC JP Morgan Chase account ending in x0069 and \$200,000 to the GI WAMPS LLC Bank of America account ending in x7929. The email falsely represented that the purpose of this wire was to make necessary income tax payments in order for the Funds to be released. S.H. wired the funds from H Trust's bank account at Northwest Federal Credit Union.

24. On or about February 8, 2018, S.H. received another email from “attorney.james.b@presidency.com” directing S.H. to wire funds to a number of accounts, including \$300,000 to both the GI WAMPS LLC JP Morgan Chase account ending in x0069 and the GI WAMPS LLC Bank of America account ending in x7929. Earlier emails falsely claimed that this was to cover additional fees in order to get the Funds released. S.H. wired the funds from H Trust’s bank account at Northwest Federal Credit Union.

25. On or about February 21, 2018, the GI WAMPS LLC JP Morgan Chase account ending in x0069 was closed by the bank because of suspected fraud.

26. In furtherance of the scheme to defraud, on or about the dates identified below, in the Northern District of Georgia, **NNAMDI MARCELLUS MGBODILE**, aided and abetted by others known and unknown to the Grand Jury, caused and attempted to cause the withdrawal of funds from JP Morgan Chase, which funds had been fraudulently obtained from S.H., who had wired them into the JP Morgan Chase account ending in x0069 controlled by **MGBODILE**, as set forth below:

Count	Date	JP Morgan Chase Location	Victim Bank	Activity
1	2/9/18	Piedmont Road NE, Atlanta, GA	JP Morgan Chase	Cash withdrawal of \$3,000
2	2/13/18	Piedmont Road NE, Atlanta, GA	JP Morgan Chase	Cash withdrawal of \$3,000

All in violation of Title 18, United States Code, Section 1344 and Section 2.

Counts Three through Seventeen
(18 U.S.C. § 1957 - Money Laundering)

27. The Grand Jury re-alleges and incorporates by reference the factual allegations set forth in Paragraphs 1 through 7 and 10 through 25 of this Indictment as if fully set forth herein.

28. On or about the dates listed below, in the Northern District of Georgia and elsewhere, the defendant, **NNAMDI MARCELLUS MGBODILE**, aided and abetted by others known and unknown to the Grand Jury, did knowingly engage and attempt to engage in the following monetary transactions by, through, and to a financial institution, affecting interstate and foreign commerce, knowing that such transactions involved criminally derived property of a value greater than \$10,000, such property having been derived from a specified unlawful activity, that is, bank fraud, in violation of Title 18, United States Code, Sections 1344:

Count	Date	Transaction Type	Originating Account	Recipient	Amount
3	2/1/2018	International Wire	JPMC Account ending x0069	Yamaha Music Gulf FZE Account at Citibank, Dubai United Arab Emirates	\$95,000
4	2/1/2018	Intrabank account transfer	BOA Account ending x7929	MGBODILE's BOA Account ending x0817	\$20,000

5	2/1/2018	Wire	BOA Account ending x7929	M.C.'s Wells Fargo account ending x7384	\$19,999
6	2/2/2018	International Wire	BOA Account ending x7929	Yamaha Music Gulf FZE Account at Citibank, Dubai United Arab Emirates	\$94,999
7	2/5/2018	International Wire	JPMC ending x0069	Yamaha Music Gulf FZE Account at Citibank, Dubai United Arab Emirates	\$96,999
8	2/5/2018	International Wire	BOA Account ending x7929	Yamaha Music Gulf FZE Account at Citibank, Dubai United Arab Emirates	\$54,999
9	2/7/2018	International Wire	JPMC ending x0069	Sanitary Ware CO Ltd Account at Bank of China, Limited Head Office, Beijing, China	\$98,000
10	2/12/2018	International Wire	JPMC ending x0069	Zhejiang Doyin Pump Industry CO Ltd Account at Agricultural Bank of China Limited Beijing China	\$98,000
11	2/12/2018	Intrabank account transfer	BOA Account ending x7929	MGBODILE's BOA Account ending x0817	\$18,500
12	2/12/2018	International Wire	BOA Account ending x7929	GX Enterprises Ltd Account at Ping An Bank, China	\$96,999

13	2/13/2018	International Wire	BOA Account ending x7929	GX Enterprises Ltd Account at Ping An Bank, China	\$94,999
14	2/14/2018	International Wire	JPMC ending x0069	Sumec Machinery and Electric CO Ltd account at Bank of China, Limited Head Office Beijing, China	\$96,500
15	2/14/2018	Intrabank account transfer	BOA Account ending x7929	MGBODILE's BOA Account ending x0817	\$22,500
16	2/15/2018	Wire	BOA Account ending x7929	M.C.'s Wells Fargo account ending x7384	\$20,000
17	2/15/2018	Wire	BOA Account ending x7929	MGBODILE's Fifth Third Account ending x0547	\$49,500

All in violation of Title 18, United States Code, Section 1957 and Section 2.

Count Eighteen

(18 U.S.C. § 1349 - Conspiracy to Commit Bank Fraud)

29. Beginning no later than on or about May 3, 2018, and continuing until at least on or about March 29, 2019, the defendant, **NNAMDI MARCELLUS MGBODILE**, and others known and unknown to the Grand Jury, did knowingly and willfully combine, conspire, confederate, agree, and have a tacit understanding with each other to violate Title 18, United States Code, Section 1344, that is, to knowingly execute and attempt to execute a scheme and artifice to defraud Synovus and SunTrust Bank, financial institutions whose deposits were at that time insured by the Federal Deposit Insurance Corporation, and to

obtain certain moneys, funds, credits, assets, securities, and other property owned by and under the custody and control of these financial institutions by means of materially false and fraudulent pretenses, representations, and promises, and by the omission of material facts, knowing and having reason to know that said pretenses, representations, and promises were and would be false and fraudulent when made and that said omissions of fact were material.

Manner and Means -
Attempted BEC of Victim Company A

30. The Grand Jury re-alleges and incorporates by reference the factual allegations set forth in Paragraphs 1 through 7 of this Indictment as if fully set forth herein.

31. On or about May 3, 2018, **MGBODILE** contacted L.B. to set up a bank account to deposit fraudulently obtained funds. Prior to this date, **MGBODILE** and L.B. had been involved in BEC and romance scams, including opening fraudulent business bank accounts in order to receive fraudulent funds from these schemes.

32. On or about December 21, 2018, a SunTrust business checking account ending in x8614 was established (“the SunTrust Account”). This account was opened in the Northern District of Georgia for the purpose of receiving fraudulent funds.

33. On or about January 22, 2019, **MGBODILE** and L.B. exchanged electronic messages regarding the SunTrust Account. In substance, **MGBODILE** advised L.B. that he was not currently in the United States, but would contact L.B. upon his return. L.B. advised **MGBODILE** that a bank account – the SunTrust

Account – was ready to receive fraudulent funds. **MGBODILE** responded, “OK perfect timing will let you know.”

34. On or about January 28, 2019, **MGBODILE** contacted L.B. requesting the SunTrust Account information. **MGBODILE** advised L.B. that he needed the account information as soon as possible because “his people” had called and were ready to send “something” (*i.e.*, fraudulently obtained funds). L.B. thereafter provided **MGBODILE** with the SunTrust Account information via WhatsApp.

35. On or about March 27, 2019, conspirators unknown to the Grand Jury sent and caused to be sent an email to Victim Company A, which is located in the Northern District of Georgia, from what Victim Company A believed to be Oxford Finance. Victim Company A had obtained financing from Oxford Finance. The email stated that due to an audit, Victim Company A’s ordinary quarterly invoice payment would not be drawn via ACH for March 2019. Rather, the email directed Victim Company A to send the funds via wire transfer.

36. On or about March 27, 2019, an unknown member or members of the conspiracy sent another email purporting to be from Oxford Finance to Victim Company A. This email contained wiring instructions directing Victim Company A to send \$343,361.10 to the SunTrust Account. Neither of the emails purporting to be sent from Oxford Finance was actually sent by Oxford Finance. Rather, these “spoof emails” were both sent from a domain, “oxfordfinance.com,” which appeared to be Oxford Finance’s, but was not.

Oxford Finance's actual domain is "oxfordfinance.com" (only one "i" in finance). The emails also appeared to come from Oxford Finance because the purported sender is an actual employee of Oxford Finance and the email's signature line contained Oxford Finance's correct physical address.

37. On or about March 28, 2019, a \$343,361.10 wire was sent from Victim Company A's account at Synovus to the SunTrust Account.

38. On or about March 29, 2019, **MGBODILE** sent L.B. an electronic message via WhatsApp stating, "Call and make sure that shit good." L.B. understood this to mean that **MGBODILE** wanted to make sure that the SunTrust Account was not locked out and could receive funds. Later that day, L.B. advised **MGBODILE** that a credited wire transfer appeared in the SunTrust Account.

39. On or about March 29, 2019, **MGBODILE** provided L.B. detailed instructions on where to wire the funds from the SunTrust Account. Specifically, **MGBODILE** advised L.B. to wire \$149,500 to a PNC business account ending in x9925 in the name of GI Quality Imports LLC, and wire \$150,000 to a Bank of Weifang China account in the name of Shandong Jinli Imp. and Exp. Co., LTD. Unbeknownst to **MGBODILE** the funds never left the SunTrust Account.

40. GI Quality Imports LLC is a registered Georgia limited liability company whose sole registered agent is **MGBODILE**. The registered address for GI Quality Imports LLC is 2383 Monte Ville Courts, Marietta, GA.

41. On or about April 11, 2018, **MGBODILE** opened the business account ending in x9925 in the name of GI Quality Imports at PNC Bank. The physical address associated with the account was 2383 Monte Ville Courts, Marietta, GA.

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

Counts Nineteen and Twenty
(18 U.S.C. § 1957 - Money Laundering)

42. The Grand Jury re-alleges and incorporates by reference the factual allegations set forth in Paragraphs 1 through 7 and 31 through 41 of this Indictment as if fully set forth herein.

43. On or about the dates listed below, in the Northern District of Georgia and elsewhere, the defendant, **NNAMDI MARCELLUS MGBODILE**, aided and abetted by others known and unknown to the Grand Jury, did knowingly engage and attempt to engage in the following monetary transactions by, through, and to a financial institution, affecting interstate and foreign commerce, knowing that such transactions involved criminally derived property of a value greater than \$10,000, such property having been derived from a specified unlawful activity, that is, bank fraud and conspiracy to commit bank fraud, in violation of Title 18, United States Code, Sections 1344 and 1349:

Count	Date	Transaction Type	Originating Account	Recipient	Amount
19	3/29/2019	Wire Transfer	SunTrust Account ending x8614	GI Quality Imports LLC PNC account controlled by MGBODILE	\$149,500
20	3/29/2019	International Wire	SunTrust Account ending x8614	Shandong Jinli Imp. and Exp. Co., LTD Bank of Weifang China account	\$150,000

All in violation of Title 18, United States Code, Section 1957 and Section 2.

FORFEITURE PROVISION

44. Upon conviction of one or more of the offenses alleged in Counts One, Two, and Eighteen (bank fraud and conspiracy to commit bank fraud,) of this Indictment, the defendant, **NNAMDI MARCELLUS MGBODILE**, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), any property, real or personal, that constitutes or is derived from proceeds traceable to such offenses. The property to be forfeited includes, but is not limited to, the following:

MONEY JUDGMENT: A sum of money in United States currency, representing the amount of proceeds obtained as a result of the offenses alleged in Indictment.

45. Upon conviction of one or more of the offenses alleged in Counts Three through Seventeen and Nineteen through Twenty (money laundering) of this

Indictment, the defendant, **NNAMDI MARCELLUS MGBODILE**, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(2), any and all property, real or personal, involved in such offenses and all property traceable to such offenses. The property to be forfeited includes, but is not limited to, the following:

MONEY JUDGMENT: A sum of money in United States currency, representing the total amount of money involved in the offenses alleged in Indictment.

46. If any of the above-described forfeitable property, 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 Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1) and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of said defendant up to the value of the forfeitable property described above.

A TRUE BILL


FOREPERSON

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