

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

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UNITED STATES OF AMERICA

v.

CASE NO. 8:23-cr-388-TPB-CPT

MATTHEW FREDERIC BERGWALL
a/k/a "MXB"

18 U.S.C. § 371
(Computer Fraud Conspiracy)

18 U.S.C. § 1349
(Mail Fraud Conspiracy)

18 U.S.C. § 1341
(Mail Fraud)

INDICTMENT

The Grand Jury charges:

SEALED

COUNT ONE
(Computer Fraud Conspiracy)

A. Introduction

At times material to this Indictment:

1. Defendant MATTHEW FREDERIC BERGWALL, a/k/a "MXB," was a resident of the State of Florida.
2. The Victim Company was a private, multinational shipping, receiving, and supply chain management company. The Victim Company served as a common carrier for hundreds of retailers all over the world, including those within the Middle District of Florida. Employee #1,

Employee #2, Employee #3, Employee #4, and Employee #5 (collectively, “the Victim Employees”) were employees of the Victim Company. The Victim Company Application (“VCA”) was a proprietary application used by the Victim Company to track pickup and delivery events during the shipment of merchandise.

3. BERGWALL gained unauthorized access to the Victim Employees’ VCA accounts. BERGWALL and co-conspirators then used these accounts to submit false and fraudulent tracking information, referred to herein as a “scan,” for certain merchandise shipped by the Victim Company on behalf of victim-retailers located in the Middle District of Florida and elsewhere. This allowed BERGWALL and co-conspirators located in the Middle District of Florida and elsewhere to pursue full refunds from victim-retailers while maintaining physical possession of merchandise, such as high-end electronics, jewelry, and designer clothing and accessories. BERGWALL offered this service for sale, which was marketed as “FTID” (Fraudulent Tracking ID). The FTID fraud scheme caused nearly 10,000 fraudulent returns and resulted in more than \$3.5 million in lost product and sales revenue to the victim-retailers.

B. The Conspiracy

4. Beginning on an unknown date, but no later than on or about December 28, 2021, and continuing through at least on or about April 14, 2022, in the Middle District of Florida and elsewhere, the defendant,

MATTHEW BERGWALL,
a/k/a “MXB,”

did knowingly and willfully conspire and agree with others, both known and unknown to the Grand Jury, to commit an offense against the United States, that is, to knowingly cause the transmission of a program, information, code, and command, and as a result of such conduct, intentionally cause damage without authorization to a protected computer, and the offense caused and would, if completed, have caused loss to one or more persons during a one-year period and loss from a related course of conduct affecting one or more protected computers, aggregating at least \$5,000 in value, in violation of 18 U.S.C. § 1030(a)(5)(A), (c)(4)(A)(i)(I), and (c)(4)(B)(i).

C. Manner and Means

5. The manner and means by which the conspirators sought to accomplish the object of the conspiracy included, among others, the following:

a. It was part of the conspiracy that BERGWALL would and did gain unauthorized access to the Victim Company’s tracking platform.

b. It was further part of the conspiracy that BERGWALL and co-conspirators would and did order merchandise known to be shipped by the Victim Company from victim-retailers located in the Middle District of Florida and elsewhere.

c. It was further part of the conspiracy that BERGWALL and co-conspirators located in the Middle District of Florida and elsewhere would and did receive merchandise from victim-retailers that had been shipped by the Victim Company.

d. It was further part of the conspiracy that BERGWALL and co-conspirators would and did cause false and fraudulent information to be entered into the Victim Company's tracking platform, making it appear as if merchandise purchased by BERGWALL and co-conspirators had been returned by the Victim Company, prompting victim-retailers to issue refunds.

e. It was further part of the conspiracy that BERGWALL and co-conspirators would and did receive refunds from victim-retailers for merchandise that had never been returned, and co-conspirators would and did pay BERGWALL a portion of these proceeds.

f. It was further part of the conspiracy that the conspirators would and did perform acts and make statements to misrepresent, hide and conceal, and cause to be misrepresented, hidden and concealed, the purpose of the conspiracy and the acts committed in furtherance thereof.

D. Overt Acts

6. In furtherance of the conspiracy and to effect its object, BERGWALL and co-conspirators committed the following overt acts, among others, in the Middle District of Florida and elsewhere:

a. On or about July 10, 2019, BERGWALL subscribed to a mobile phone number ending in -2874 (“Mobile Number 2874”).

b. On or about December 28, 2021, using Mobile Number 2874, BERGWALL gained unauthorized access to Employee #1’s VCA account.

c. On or about February 11, 2022, a fraudulent scan was submitted in relation to a \$600.25 TeamGee H2O Electric Skateboard shipped from Baltimore, Maryland, to BERGWALL in Coral Gables, Florida.

d. On or about February 16, 2022, two fraudulent scans were submitted in relation to an \$82.29 pair of Reebok shoes shipped from Tempe, Arizona, to BERGWALL in Coral Gables, Florida.

e. On or about February 16 and 17, 2022, four fraudulent scans were submitted in relation to a \$353.09 Samsung 43-inch Smart UHD TV shipped from Naples, Florida, to BERGWALL in Coral Gables, Florida.

f. On or about February 20, 2022, three fraudulent scans were submitted in relation to a \$600.25 TeamGee H2O Electric Skateboard shipped from Fresno, Texas, to BERGWALL in Coral Gables, Florida.

g. On or about February 16, 2022, using Mobile Number 2874, BERGWALL gained unauthorized access to Employee #2's VCA account.

h. On or about February 23, 2022, BERGWALL subscribed to a mobile phone number ending in -9523 ("Mobile Number 9523").

i. On or about February 23, 2022, using Mobile Number 9523, BERGWALL gained unauthorized access to Employee #3's VCA account.

j. On or about March 8, 2022, using Mobile Number 9523, BERGWALL gained unauthorized access to Employee #4's VCA account.

k. On or about March 10, 2022, a fraudulent scan was submitted in relation to a \$41,470 Rolex President Day-Date shipped from Long Island City, New York, to BERGWALL in Miami, Florida.

1. On or about March 10, 2022, using Mobile Number 9523, BERGWALL gained unauthorized access to Employee #5's VCA account.

m. On or about March 11, 2022, four fraudulent scans were submitted in relation to a \$41,470 Rolex President Day-Date shipped from Long Island City, New York, to BERGWALL in Miami, Florida.

All in violation of 18 U.S.C. § 371.

COUNT TWO
(Mail Fraud Conspiracy)

7. The allegations contained in Sections A and C of Count One of this Indictment are incorporated by reference as though fully set forth herein.

8. Beginning on an unknown date, but no later than on or about December 28, 2021, and continuing through at least on or about April 14, 2022, in the Middle District of Florida and elsewhere, the defendant,

MATTHEW BERGWALL,
a/k/a "MXB,"

did knowingly and willfully combine, conspire, confederate, and agree with others, both known and unknown to the Grand Jury, to commit mail fraud, in violation of 18 U.S.C. § 1341.

All in violation of 18 U.S.C. § 1349.

COUNT THREE
(Mail Fraud)

9. The allegations contained in Sections A and C of Count One of this Indictment are incorporated by reference as though fully set forth herein.

10. On or about February 15, 2022, in the Middle District of Florida and elsewhere, the defendant,

MATTHEW BERGWALL,
a/k/a "MXB,"

for the purpose of executing or attempting to execute the above-described scheme and artifice to defraud, and for obtaining money and property by means of materially false and fraudulent pretenses, representations and promises, did knowingly cause to be delivered by a private and commercial interstate carrier, according to the direction thereon and at the place at which it was directed to be delivered by the person to whom it was addressed, a Samsung 43-inch Smart UHD TV.

In violation of 18 U.S.C. §§ 1341 and 2.

FORFEITURE

1. The allegations contained in Counts One, Two, and Three of this Indictment are incorporated by reference for the purpose of alleging forfeiture pursuant to 18 U.S.C. §§ 981(a)(1)(C), 982(a)(2)(B), 1030(i), and 28 U.S.C. § 2461(c).

2. Upon conviction of a conspiracy to violate 18 U.S.C. § 1030, in violation of 18 U.S.C. § 371, the defendant shall forfeit to the United States, pursuant to 18 U.S.C. § 982(a)(2)(B) and 18 U.S.C. § 1030(i), any property constituting, or derived from, any proceeds the defendant obtained, directly or indirectly, as a result of such violation, and pursuant to 18 U.S.C. § 1030(i), any personal property used or intended to be used to commit the offense.

3. Upon conviction of a violation of 18 U.S.C. § 1341 and/or conspiracy to violate 18 U.S.C. § 1341, in violation of 18 U.S.C. § 1349, the defendant shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the offense.

4. The property to be forfeited includes, but is not limited to, a judgment in the amount of proceeds obtained from the offenses.

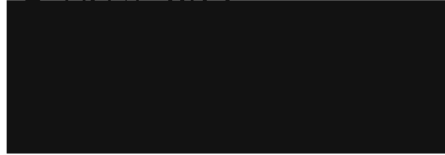
5. If any of the property described above, as a result of any act or omission of the defendant:

- 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,


the United States of America shall be entitled to forfeiture of substitute
property under the provisions of 21 U.S.C. § 853(p), as incorporated by 18
U.S.C. § 982(b)(1).

A TRUE BILL



ROGER B. HANDBERG
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By: 
Carlton C. Gammons
Assistant United States Attorney

By: 
Rachelle DesVaux Bedke
Assistant United States Attorney
Chief, Economic Crimes Section

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UNITED STATES DISTRICT COURT
Middle District of Florida
Tampa Division

THE UNITED STATES OF AMERICA

vs.

SEALED

MATTHEW FREDERIC BERGWALL
a/k/a "MXB"

INDICTMENT

Violations: 18 U.S.C. §§ 371 and 1030 (a)(5)(A),
18 U.S.C. §§ 1341, 361, and 1349,
18 U.S.C. § 1341

A true bill,



Filed in open court this 25th day

of October 2023.

Ashley Sanders
Clerk

Bail \$ _____