

**FILED**  
UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

IN THE UNITED STATES DISTRICT COURT

FEB 28 2012 *MD*

FOR THE DISTRICT OF NEW MEXICO

**MATTHEW J. DYKMAN**  
CLERK

UNITED STATES OF AMERICA, )  
)  
Plaintiff, )  
)  
vs. )  
)  
**JOSHUA FERDMAN,** )  
**AMIR MEIR LEVI,** )  
**JEFFREY P. CONTELLA and** )  
**JOSEPH COHEN,** )  
)  
Defendants. )

CRIMINAL NO. 12-411  
Count 1: 18 U.S.C. § 371: Conspiracy;  
Count 2: 18 U.S.C. § 1029(a)(2): Access Device  
Fraud and 18 U.S.C. § 2: Aiding and Abetting.

INDICTMENT

The Grand Jury charges:

General Allegations

1. Sprint Nextel Corporation ("Sprint") is a nationwide provider of wireless communication services. In addition to providing wireless telephone and data service, Sprint also sells wireless telephones and related equipment. Sprint maintains a nationwide network of retail stores at which customers can purchase Sprint communications services and wireless telephone equipment.

2. When an individual or organization contracts with Sprint for wireless telephone service, a Sprint account is created for that individual or organization. Thereafter, that individual or organization can buy additional phones or services from Sprint and have such items or services billed to their Sprint account.

3. This system is subject to periodic abuse. Account numbers can be stolen and Sprint phones can be fraudulently obtained in any number of ways. Sprint takes steps to combat

such fraud. Of particular relevance to the present indictment, each cellular telephone, including each Sprint phone, has a unique "Electronic Serial Number" ("ESN"). In order to prevent and deter fraud, when Sprint learns that a phone has been lost, stolen, or obtained by fraud, Sprint essentially "blacklists" the ESN corresponding to that phone, such that the phone can never again be activated on the Sprint network. Such a phone is colloquially known as having a "bad ESN." Although phones can also receive a "bad ESN" designation as a result of non-payment of bills, the vast majority of "bad ESN" phones are the product of theft, loss, or fraud.

4. Despite their inability to be activated on the Sprint network, however, there is still a market for "bad ESN" phones. Such phones can be "flashed" or have their factory settings erased, such that they can be activated on another network, including networks operating overseas.

5. At all times relevant to this indictment, the defendants **JOSHUA FERDMAN** ("**FERDMAN**"), **AMIR MEIR LEVI** ("**LEVI**"), **JEFFREY P. CONTELLA** ("**CONTELLA**") and **JOSEPH COHEN** ("**COHEN**") resided in the greater Los Angeles area.

6. At all times relevant to this indictment, **COHEN** owned and operated ICT Global, Inc. ICT's primary business was the purchase and resale of various type of electronic devices, including cellular phones. ICT maintained a physical storefront in Van Nuys, California, but also sold a significant portion of merchandise through Icelltech, a on-line store hosted by Ebay. The proceeds from the sales of this merchandise were regularly received into **COHEN**'s Paypal account and from there were regularly transferred to a bank account at Bank of America held in the name of ICT Global, Inc.

Count 1

7. Between May 8, 2011 and May 26, 2011, both dates being approximate and inclusive, in Bernalillo County, in the district of New Mexico and elsewhere, the defendants, **JOSHUA FERDMAN, AMIR MEIR LEVI, JEFFREY P. CONTELLA** and **JOSEPH COHEN** knowingly, unlawfully and wilfully combined, conspired, confederated and agreed with one another and with others unknown to the Grand Jury to commit the following offenses against the United States, to wit,

a. transporting, transmitting and transferring in interstate commerce goods of the value of \$5,000 or more, knowing the same to have been stolen, converted or taken by fraud, contrary to 18 U.S.C. § 2314; and

b. knowingly and with intent to defraud, using one or more unauthorized access devices during any one-year period, and by such conduct obtaining anything of value aggregating \$1,000 or more during that period, contrary to 18 U.S.C. § 1029(a)(2).

Manner and Means

8. The manner and means by which the defendants, **FERDMAN, LEVI, CONTELLA** and **COHEN** sought to accomplish the objectives of the conspiracy included, among other things the following:

- a. Using unauthorized account numbers, names, and other personal identification information for Sprint customers;
- b. Traveling to Sprint stores throughout California, Arizona and New Mexico and impersonating an authorized representative of the account holder, both in person and by telephone;

- c. Purchasing significant quantities of high-value Sprint phones while fraudulently instructing the store clerk that such phones should be billed to the victim account holder thereby obtaining such phones free of charge;
- d. Shipping the stolen phones via Federal Express from Arizona to co-defendants in California;
- e. Negotiating prices for the sale and resale of the stolen phones and selling the stolen phones through established business outlets, including ICT Global, Inc.

Overt Acts

9. In furtherance of the conspiracy, and to effect the objects thereof, the following overt acts, among others, were committed in the District of New Mexico, and elsewhere:

- a. On or about May 10, 2011, **FERDMAN** and **LEVI** fraudulently attempted to obtain cellular phones from a Sprint store in Fullerton, California by impersonating a Sprint account holder;
- b. On or about May 13, 2011, **FERDMAN** and **LEVI** fraudulently attempted to obtain cellular phones from a Sprint store in Los Angeles, California by impersonating a Sprint account holder;
- c. On or about May 14, 2011, in furtherance of the conspiracy, **CONTELLA** rented a Toyota Corolla from a Budget Car Rental outlet in Hollywood, California;
- d. On or about May 15, 2011, **FERDMAN** and **LEVI** traveled to the San

Francisco area for purposes of fraudulently obtaining cellular phones from Sprint stores in that area;

- e. On or about May 15, 2011, **FERDMAN** and **LEVI** fraudulently obtained cellular phones from a Sprint store in Sacramento, California by impersonating a Sprint account holder;
- f. On or about May 16, 2011, **FERDMAN** and **LEVI** fraudulently obtained cellular phones from a Sprint store in Folsom, California by impersonating a Sprint account holder;
- g. On or about May 21, 2011, through Icelltech, his on-line store hosted by Ebay, **COHEN** sold a Google Nexus 4G Sprint Samsung Android phone, which had been fraudulently obtained by **FERDMAN** and **LEVI** from a Sprint store in Sacramento, California on May 15, 2011, the proceeds of such sale being received into a Paypal account used and controlled by **COHEN**;
- h. From on or about May 21, 2011 to on or about May 24, 2011, **CONTELLA** and **FERDMAN** drove the rented Corolla from the Los Angeles area to various Sprint stores in Arizona and New Mexico for purposes of fraudulently obtaining Sprint smartphones;
- i. On or about May 22, 2011, through unauthorized use of a Sprint customer account number, **FERDMAN**, **CONTELLA** and **LEVI** fraudulently obtained 10 HTC Evo A9292 smartphones from a Sprint store in Yuma, Arizona;

- j. On or about May 23, 2011, **LEVI** sent U.S. currency by Western Union to **FERDMAN** and **CONTELLA** in Arizona;
- k. On or about May 24, 2011, **FERDMAN** sent an unknown quantity of stolen cell phones from the Tucson, Arizona area to **LEVI** in Encino, California via Federal Express;
- l. On or about May 25, 2011, **LEVI** accepted the Federal Express delivery of stolen phones from **FERDMAN** and delivered those phones to **COHEN** to be resold;
- m. On or about May 25, 2011, **COHEN** sold and received payment for certain stolen phones he received from **FERDMAN** and **LEVI**;
- n. On or about May 25, 2011, **COHEN** wrote a check from the ICT Global, Inc. account at Bank of America, in the amount of \$4,950 to **CONTELLA** as payment for the stolen phones delivered by **LEVI**;
- o. On or about May 25, 2011, through unauthorized use of a Sprint customer account number, **FERDMAN**, **CONTELLA** and **LEVI** fraudulently obtained 13 smartphones of various makes and models from a Sprint store in Albuquerque, New Mexico;
- p. On or about May 25, 2011, through unauthorized use of a Sprint customer account number, **FERDMAN**, **CONTELLA** and **LEVI** attempted to fraudulently obtain an additional 6 smartphones of various makes and models from a Sprint store in Albuquerque, New Mexico.

In violation of 18 U.S.C. § 371.

Count 2

10. On or about May 25, 2011, in Bernalillo County, in the district of New Mexico and elsewhere, the defendants, **JOSHUA FERDMAN, AMIR MEIR LEVI, JEFFREY P. CONTELLA,** and **JOSEPH COHEN** knowingly and with intent to defraud used one or more unauthorized access devices and, by such conduct, obtained goods of value aggregating \$1,000 or more.

In violation of 18 U.S.C. § 1029(a)(2) and 18 U.S.C. § 2.

Forfeiture Allegation

11. Paragraphs 1-10 of this Indictment are incorporated as part of this section of the indictment as if fully re-alleged herein for the purpose of alleging forfeiture to the United States pursuant to 18 U.S.C. § 1029(c)(1)(C) and 18 U.S.C. § 982(a)(2)(B).

12. Upon conviction of any offense in violation of 18 U.S.C. § 1029, the defendants, **JOSHUA FERDMAN, AMIR MEIR LEVI, JEFFREY P. CONTELLA,** and **JOSEPH COHEN,** shall forfeit to the United States pursuant to 18 U.S.C. § 1029(c)(1)(C) and 18 U.S.C. § 982(a)(2)(B), any personal property used or intended to be used to commit the offense and any real or personal property constituting, or derived from, proceeds obtained directly or indirectly, as a result of such violation.

13. Property to be forfeited to the United States includes but is not limited to the following:

FUNDS:

All United States currency, funds, or other monetary instruments credited to account

number ending in 7060, in the name of ICT Global, Inc. located at Bank of America, NA.

All United States currency, funds, or other monetary instruments credited to account number ending in 2385 in the name of G.A., an individual whose identity is known to Grand Jury, located at Paypal, Inc.

SUBSTITUTE ASSETS:


If any of the above described forfeitable property, as a result of any act or omission of the defendants:

1. cannot be located upon exercise of due diligence;
2. has been transferred or sold to, or deposited with, a third person;
3. has been placed beyond the jurisdiction of the Court;
4. has been substantially diminished in value; or
5. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 982(b)(1) and 28 U.S.C. § 2461(c), to seek forfeiture of any other property of defendants up to the value of the forfeitable property described above.

A TRUE BILL:

/s/  
FOREPERSON OF THE GRAND JURY

  
Assistant United States Attorney  
02/27/12 4:53pm