



***U.S. Department of Justice***  
*United States Attorney Kenneth J. Gonzales*  
*District of New Mexico*

**PRESS RELEASE**

---

**CONTACTS:**

**Albuquerque**

Elizabeth Martinez  
Executive Assistant U.S. Attorney  
Public Affairs Officer  
elizabeth.martinez@usdoj.gov  
505.224.1469

**Las Cruces**

Terri Abernathy  
Senior Litigation Counsel  
terri.abernathy@usdoj.gov  
575.522.2338 ext. 233

**For Immediate Release**

**March 9, 2012**

**FEDERAL INDICTMENT ACCUSES FOUR CALIFORNIA MEN WITH  
PERPETUATING FRAUDULENT CELLPHONE SCHEME**

ALBUQUERQUE – Yesterday afternoon the U.S. District Court in Albuquerque unsealed an indictment charging four men from California in connection with a scheme to fraudulently obtain high-value cellular phones from retail stores in California, Arizona and New Mexico and re-sell the cellular phones for profit. The indictment was unsealed after three of the four men were arrested in California earlier this week and made their initial appearances in federal court in Los Angeles.

The two-count indictment, which was filed under seal on February 28, 2012, charges **Joshua Ferdman**, 31, **Jeffrey Contella**, 27, and **Joseph Cohen**, 25, of Los Angeles, Cal., and **Amir Meir Levi**, 35, of Sherman Oaks, Cal., with (1) conspiracy to transport stolen property and commit access device fraud, and (2) access device fraud. The maximum penalty for a conviction on the conspiracy charge is five years of imprisonment, a \$250,000 fine and three years of supervised release. The maximum penalty for a conviction on the access device fraud charge is ten years of imprisonment, a \$250,000 fine and three years of supervised release.

Levi and Cohen were arrested in Los Angeles on March 5, 2012, and made their initial appearances in federal court in Los Angeles on March 6, 2012. Cohen was released on conditions of release under pretrial supervision and ordered to appear in federal court in Albuquerque on March 21, 2012. Levi remains in custody based on a detainer filed by a Washington State court. Ferdman was arrested in Los Angeles on March 6, 2012, and made his

initial appearance in federal court in Los Angeles on March 7, 2012. Ferdman is scheduled for a detention hearing in federal court in Los Angeles this afternoon. Contella has yet to be arrested and is considered a fugitive.

According to the indictment, in May 2011, the defendants engaged in a scheme to fraudulently obtain high-value cellphones, including smartphones, from Sprint stores, and to resell the cellphones in a Van Nuys, Cal., store owned by Cohen and through an on-line store hosted by Ebay. The indictment alleges that the defendants traveled to Sprint stores throughout California, Arizona and New Mexico and fraudulently obtained significant quantities of cellphones by impersonating Sprint customers and the unauthorized use of the customers' account numbers. The defendants allegedly obtained the phones free of cost by instructing store clerks to bill the cost of the phones to the accounts of the unwitting Sprint customers.

The indictment alleges that from May 10, 2011 through May 16, 2011, Ferdman and Levi traveled to various Sprint stores in California, including stores in Fullerton, Los Angeles, Hollywood, San Francisco, Sacramento and Folsom, to perpetuate their fraudulent scheme. From May 21, 2011 to May 24, 2011, Ferdman and Contella allegedly traveled to various Sprint stores in Arizona and New Mexico for that same purpose. During this period, Levi allegedly wired cash to Ferdman and Contella; Ferdman allegedly sent cellphones to Levi via Federal Express; Levi allegedly delivered the cellphones to Cohen; and Cohen allegedly sold the cellphones.

According to the indictment, on May 25, 2011, Ferdman, Contella and Levi fraudulently obtained 13 smartphones from a Sprint store in Albuquerque through the unauthorized use of a Sprint customer's account number. That same day, Ferdman, Contella and Levi attempted to purchase an additional six smartphones from a Sprint store in Albuquerque.

The indictment seeks forfeiture of all property used by the defendants to commit the offenses charged in the indictment. It also seeks forfeiture of all proceeds obtained by the defendants as a result of their alleged illegal conduct, including funds in a bank account in the name of Cohen's business and a PayPal, Inc., account. Approximately \$250,000 were seized from those accounts pursuant to court-authorized seizure warrants.

U.S. Attorney Kenneth J. Gonzales said that the case was investigated by the U.S. Secret Service and the Albuquerque Police Department's Organized Crime Unit, and is being prosecuted by Assistant U.S. Attorney John C. Anderson.

An indictment is merely an allegation and defendants are presumed innocent unless and until proven guilty beyond a reasonable doubt in a court of law.

###