

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

v.

MARK D'AMICO

Crim. No.

18 U.S.C. § 1349

18 U.S.C. § 1343

18 U.S.C. § 2

18 U.S.C. § 1956(h)

18 U.S.C. § 1957

18 U.S.C. § 1956(a)(1)(B)(i)

INDICTMENT

The Grand Jury in and for the District of New Jersey, sitting at Camden, charges:

COUNT 1  
(Conspiracy to Commit Wire Fraud)

People and Entities

1. At all times relevant to this indictment:
  - a. DEFENDANT MARK D'AMICO was a resident of Florence Township, New Jersey.
  - b. Katelyn McClure, who was a co-conspirator but not named as a defendant herein (hereinafter "McClure"), was a resident of Florence Township, New Jersey.
  - c. Johnny Bobbitt, Jr., who was a co-conspirator but not named as a defendant herein (hereinafter "Bobbitt"), was a resident of Philadelphia, Pennsylvania and Florence Township, New Jersey.
  - d. Company 1, headquartered in Redwood City, California, maintained a crowd sourcing fundraising website that allowed individuals and

organizations to raise money online for a variety of causes and circumstances. Company 1 used a third-party payment processor, Company 2, also headquartered in Redwood City, California, to pay out the donations.

The Wire Fraud Conspiracy

2. From on or about November 10, 2017 through on or about December 11, 2017, in Burlington County, in the District of New Jersey and elsewhere, defendant

MARK D'AMICO

did knowingly and intentionally conspire and agree with McClure, Bobbitt, and others, known and unknown, to devise a scheme and artifice to defraud individuals and to obtain money and property from individuals by means of materially false and fraudulent pretenses, representations, and promises, and, for the purpose of executing such scheme and artifice, transmitted and caused to be transmitted by means of wire communications in interstate and foreign commerce, certain writings, signs, signals, pictures and sounds, contrary to Title 18, United States Code, Section 1343.

The Object of the Wire Fraud Conspiracy

3. It was the object of the conspiracy to obtain money from victims through false and fraudulent statements that Bobbitt was a “good Samaritan” because he provided McClure with money for gasoline after her car became disabled in Philadelphia, Pennsylvania.

Manner and Means of the Wire Fraud Conspiracy

4. It was part of the conspiracy that defendant MARK D'AMICO and

McClure created a false and fraudulent story that McClure ran out of gas while in Philadelphia, Pennsylvania and that Bobbitt, who was homeless, provided his last \$20 to McClure for gasoline.

5. It was further part of the conspiracy that defendant MARK D'AMICO and McClure established a crowd source funding page on Company 1's website entitled "Paying it Forward" that falsely and fraudulently recounted Bobbitt acting as a good Samaritan.

6. It was further part of the conspiracy that at various times defendant MARK D'AMICO and McClure updated the crowd source funding page on Company 1's website with false and fraudulent claims that the raised funds would be controlled by Bobbitt and used for his benefit.

7. It was further part of the conspiracy that at various times defendant MARK D'AMICO and McClure promoted and caused the promotion of their crowd source funding page using, among other means, social media and electronic messaging platforms.

8. It was further part of the conspiracy that defendant MARK D'AMICO and McClure caused victims from across the United States and internationally to submit in excess of \$400,000 of donations to Company 1 on behalf of Bobbitt, based on the false and fraudulent information from defendant MARK D'AMICO and McClure.

In violation of Title 18, United States Code, Section 1349.

COUNTS 2 THROUGH 5  
(Wire Fraud)

1. Paragraphs 1 and 3 through 8 of Count One of this Indictment are realleged as if set forth in full herein.

The Wire Fraud Scheme

2. On or about each of the dates set forth below, in the District of New Jersey and elsewhere, defendant

MARK D'AMICO

did knowingly and intentionally devise and intend to devise a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations and promises, and for the purpose of executing such scheme and artifice to defraud, did knowingly and intentionally transmit and cause to be transmitted by means of wire communication in interstate and foreign commerce certain writings, signs, signals, pictures and sounds, as set forth more fully below, each transmission constituting a separate count:

COUNT	APPROXIMATE DATE	DESCRIPTION
2	November 13, 2017	Facebook messages from D'AMICO to Victim 1 soliciting donations for the crowd source funding campaign
3	November 13, 2017	\$50 Visa debit card payment from Victim 1 to Company 1 via Company 2 for the crowd source funding campaign

COUNT	APPROXIMATE DATE	DESCRIPTION
4	November 23, 2017	Campaign update including the following text: "I've seen some things about mark or I deciding where this 'extra' money will go. That couldn't be further from the truth. . . . It will be [Bobbitt's] decision and his decision only on what organizations and or private parties he decides to help!!"
5	November 27, 2017	Campaign update including the following text: "We've received a lot of comments and questions about what [Bobbitt's] plans are for this money and how it will be used. Hopefully this will answer them while keeping his privacy and the privacy of the people he is helping also. The first thing on the list is a NEW Home which [Bobbitt] will own!! He will never have to worry about a roof over his head again!! Second will be the dream truck he's always wanted... a 1999 ford ranger (yes I'm serious). There will also be 2 trusts set up in his name . . ."

In violation of Title 18, United States Codes, Sections 1343 and 2.

COUNT 6  
(Conspiracy to Engage in Monetary Transactions  
in Property Derived From Wire Fraud)

1. Paragraphs 1 and 3 through 8 of Count One of this Indictment are realleged as if set forth in full herein.

The Money Laundering Conspiracy

2. From on or about November 16, 2017 through in or around March 2018, in Burlington County, in the District of New Jersey and elsewhere, defendant

MARK D'AMICO

did knowingly conspire and agree with McClure and Bobbitt, and with others, known and unknown, to engage and attempt to engage, in monetary transactions by, through or to a financial institution, affecting interstate and foreign commerce, in criminally derived property of a value greater than \$10,000 that was derived from a specified unlawful activity, that is, wire fraud, in violation of Title 18, United States Code, Section 1343, contrary to Title 18, United States Code, Section 1957.

Manner and Means of the Money Laundering Conspiracy

3. It was part of the conspiracy that defendant MARK D'AMICO and McClure withdrew funds from Company 1 and used the funds to pay for luxury items, such as a BMW and expensive hand bags; go on trips; purchase virtual currency; and to gamble at casinos in New Jersey, Pennsylvania, and Las Vegas, Nevada.

4. It was a further part of the conspiracy that defendant MARK

D'AMICO and McClure caused, among others, the following monetary transactions affecting interstate and foreign commerce and involving property having been derived from wire fraud:

a. On or about November 22, 2019, defendant MARK D'AMICO and McClure caused Company 1 to electronically transfer \$12,765.45 to Company 2 for deposit onto McClure's Green Dot bank card.

b. On or about November 27, 2019, defendant MARK D'AMICO and McClure caused Company 1 to electronically transfer \$327,893.59 to Company 2 for deposit into McClure's PNC bank account.

c. On or about December 5, 2017, defendant MARK D'AMICO and McClure purchased a 2018 Palomino Solaire Recreational Vehicle for \$18,850.

d. On or about December 27, 2017, McClure transferred \$25,000 from her PNC bank account to a PNC account opened in Bobbitt's name with defendant MARK D'AMICO's assistance on or about December 20, 2017.

e. On or about February 21, 2018, defendant MARK D'AMICO and McClure purchased a 2015 BMW for \$24,432.

In violation of Title 18, United States Code, Section 1956(h).

COUNTS 7 THROUGH 11

(Engaging in Monetary Transactions in Property Derived From Wire Fraud)

1. Paragraphs 1 and 3 through 8 of Count One of this Indictment are realleged as if set forth in full herein.

2. On or about the dates set forth below, in the District of New Jersey and elsewhere, defendant

MARK D'AMICO

did knowingly engage and attempt to engage in the following monetary transactions by through or to a financial institution, affecting interstate and foreign commerce, in criminally derived property of a value greater than \$10,000, that is, the deposit, withdrawal, transfer, and exchange of U.S. currency, funds, and monetary instruments, such property having been derived from a specified unlawful activity, that is, wire fraud, in violation of Title 18, United States Code, Section 1343:

COUNT	APPROXIMATE DATE	MONETARY TRANSACTION
7	November 22, 2017	Deposit of \$12,765.45 from Company 1 through Company 2 to McClure's Green Dot bank card
8	November 27, 2017	Deposit of \$327,893.59 from Company 1 through Company 2 to McClure's PNC bank account
9	December 5, 2017	Purchase of 2018 Palomino Solaire Recreational Vehicle for \$18,850
10	December 27, 2017	Transfer of \$25,000 from McClure's PNC bank account to Bobbitt's PNC bank account
11	February 21, 2018	Purchase of 2015 BMW for \$24,432

In violation of Title 18, United States Codes, Sections 1957 and 2.



COUNTS 12 THROUGH 16  
(Engaging in Financial Transactions Designed to Conceal)

1. Paragraphs 1 and 3 through 8 of Count One of this Indictment are realleged as if set forth in full herein.
2. On or about the dates set forth below, in the District of New Jersey and elsewhere, defendant

MARK D'AMICO

did knowingly conduct and attempt to conduct the following financial transactions affecting interstate and foreign commerce and engage and attempt to engage in the following financial transactions, which involved the proceeds of a specified unlawful activity, that is, wire fraud, in violation of Title 18, United States Code, Section 1343, knowing that the transactions were designed in whole and in part to conceal and disguise the nature, location, source, ownership, and control of the proceeds of said specified unlawful activity and that while conducting and attempting to conduct such financial transactions knew that the property involved in the financial transactions represented the proceeds of some form of unlawful activity:

COUNT	APPROXIMATE DATE	FINANCIAL TRANSACTION
12	December 1, 2017	\$1,000.00 in purchases of virtual currency by defendant MARK D'AMICO from McClure's PNC bank account ending 7314
13	January 16, 2018	\$1,504.99 withdrawal by defendant MARK D'AMICO from McClure's PNC bank account ending 7314 using an ATM located at 1 Borgata Way in Atlantic City, New Jersey
14	January 25, 2018	\$500.00 withdrawal by defendant MARK D'AMICO from McClure's PNC bank account ending 7314 using an ATM located on Route 130 North in Burlington, New Jersey
15	January 25, 2018	\$404.99 withdrawal by defendant MARK D'AMICO from McClure's PNC bank account ending 7314 using an ATM located at 1 Borgata Way in Atlantic City, New Jersey
16	January 26, 2018	\$400.00 withdrawal by defendant MARK D'AMICO from McClure's PNC bank account ending 7314 using an ATM located on Route 130 North in Burlington, New Jersey

In violation of Title 18, United States Code, Sections 1956(a)(1)(B)(i) and 2.

FIRST FORFEITURE ALLEGATION  
(Counts One through Five)

1. The allegations contained in all paragraphs of Counts One through Five of this Indictment are hereby realleged and incorporated by reference for the purpose of noticing forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c).

2. The United States hereby gives notice that, upon conviction of one or more of the offenses charged in Counts One through Five of this Indictment, defendant MARK D'AMICO shall forfeit to the United States of America, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), all property, real and personal, the defendant obtained that constitutes or is derived from proceeds traceable to the commission of the offense charged in each such count, and all property traceable thereto, including, but not limited to, a sum of money equal to at least approximately \$400,000, representing the proceeds of the wire fraud conspiracy offense charged in Count One of this Indictment, and all property traceable to such property.

SECOND FORFEITURE ALLEGATION  
(Money Laundering)

1. The allegations contained in all paragraphs of Counts Six through Sixteen of this Indictment are hereby realleged and incorporated by reference for the purpose of noticing forfeiture pursuant to 18 U.S.C. § 982(a)(1).

2. The United States hereby gives notice that, upon conviction of one or more of the offenses charged in Counts Six through Sixteen of this Indictment, defendant MARK D'AMICO shall forfeit to the United States of America, pursuant to 18 U.S.C. § 982(a)(1), all property, real and personal, involved in the money laundering offense charged in each such count, and all property traceable to such property, including but not limited to a money judgment in the amount of at least approximately \$400,000, representing the property involved in the money laundering conspiracy offense charged in Count Six, and all property traceable to such property.

SUBSTITUTE ASSETS PROVISION  
(Applicable to All Counts)

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 subdivided without difficulty,

the United States of America will be entitled to forfeiture of any other property of the defendant up to the value of the above-described forfeitable property, pursuant to 21 U.S.C. § 853(p), as incorporated by 28 U.S.C. § 2461(c) and 18 U.S.C. § 982(b).

A TRUE BILL

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FOREPERSON

  
\_\_\_\_\_  
CRAIG CARPENITO  
United States Attorney

CASE NUMBER: 20-

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United States District Court  
District of New Jersey

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UNITED STATES OF AMERICA

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18 U.S.C. § 1349  
18 U.S.C. § 1343  
18 U.S.C. § 2  
18 U.S.C. § 1956(h)  
18 U.S.C. § 1957  
18 U.S.C. § 1956(a)(1)(B)(i)

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CRAIG CARPENITO  
U.S. ATTORNEY, NEWARK, NEW JERSEY

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