

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon.
 :
 v. : Crim. No. 16-_____
 :
 JERRY GUIDICE : 18 U.S.C. §§ 1343 and 2

I N F O R M A T I O N

The defendant having waived in open court prosecution by indictment, the United States Attorney for the District of New Jersey charges:

Background

1. At all times relevant to this Information:
 - a. Defendant JERRY GUIDICE was a resident of Florida and an owner of a trucking company (the “Trucking Company”) with its principal place of business in Georgia.
 - b. “Factoring Company A” was a New Jersey limited liability company with its principal place of business in Bergen County, New Jersey. Among other things, Factoring Company A purchased accounts receivable from companies in the transportation industry.
 - c. In or about July 2015, the Trucking Company entered into an agreement with Factoring Company A. Pursuant to the agreement the Trucking Company assigned the rights to collect on invoices (accounts receivable) concerning a vendor (the “Vendor”) to Factoring Company A in return for short-

term financing. Factoring Company A would then collect the full amount of the invoice from the transportation company's customer.

The Scheme to Defraud

2. From at least in or about September 2015 through in or about February 2016, in Bergen County, in the District of New Jersey, and elsewhere, defendant

JERRY GUIDICE

did knowingly and intentionally devise and intend to devise a scheme and artifice to defraud Factoring Company A, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises concerning the sale of purported accounts receivable from the Trucking Company to Factoring Company A, which scheme and artifice was in substance as set forth below.

3. The object of the scheme and artifice to defraud was for defendant GUIDICE to enrich himself by submitting fake invoices to Factoring Company A for advance payment of services that were never rendered.

4. It was part of the scheme and artifice to defraud that defendant GUIDICE e-mailed to Factoring Company A fake invoices purporting to show actual accounts receivable of the Trucking Company in order to obtain advance payment on those invoices. At all times, defendant GUIDICE knew these invoices were fraudulent and that the Vendor did not owe the Trucking Company the amounts reflected on the invoices.

5. It was further part of the scheme and artifice to defraud that defendant GUIDICE, using the methods described above, caused Factoring Company A to wire transfer more than \$1,500,000 to the Trucking Company.

6. On or about January 4, 2016, for the purpose of executing and attempting to execute the aforesaid scheme and artifice to defraud, in Bergen County, in the District of New Jersey, and elsewhere, defendant

JERRY GUIDICE

knowingly transmitted and caused to be transmitted by means of wire communications in interstate and foreign commerce, certain writings, signs, signals, pictures, and sounds, namely, an e-mail attaching multiple invoices totaling more than \$30,000, for work allegedly performed by the Trucking Company for the Vendor, which work was never actually performed.

In violation of Title 18, United States Code, Section 1343 and Section 2.

Forfeiture Allegation

1. The allegations contained in this Information are realleged and incorporated by reference as though set forth in full herein for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461.

2. Upon conviction of the offense charged in this Information, defendant GUIDICE shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offense, and all property traceable to such property.

3. If by any act or omission of defendant GUIDICE any of the property subject to forfeiture herein:

- 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 shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by 28 U.S.C. § 2461(c).

All pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title
28, United States Code, Section 2461(c).


PAUL J. FISHMAN
United States Attorney

CASE NUMBER: _____

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UNITED STATES OF AMERICA

v.

JERRY GUIDICE

INFORMATION FOR

18 U.S.C. § 1343

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