

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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	:	
UNITED STATES OF AMERICA	:	<u>SUPERSEDING INDICTMENT</u>
	:	
- v. -	:	S2 22 Cr. 650 (JPO)
	:	
JOEL ZUBAID,	:	
	:	
JULIAN REBIGA,	:	
a/k/a "Iulian Rebiga," and	:	
	:	
MARTIN MIZRAHI,	:	
a/k/a "Marty Mizrahi"	:	
	:	
Defendants.	:	
	:	
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**COUNT ONE**

**(Conspiracy to Commit Wire Fraud and Bank Fraud)**

The Grand Jury charges:

**OVERVIEW**

1. From at least in or about April 2021 through at least in or about June 2021, in the Southern District of New York and elsewhere, JOEL ZUBAID, JULIAN REBIGA, a/k/a "Iulian Rebiga," and MARTIN MIZRAHI, a/k/a "Marty Mizrahi," the defendants, participated in a conspiracy to defraud corporations, banks, credit card companies, and other entities and to launder the fraud proceeds received from those victims.

2. As part of their participation in the conspiracy, JOEL ZUBAID, JULIAN REBIGA, a/k/a "Iulian Rebiga," and MARTIN MIZRAHI, a/k/a "Marty Mizrahi," the defendants, engaged in business email compromise ("BEC") schemes and credit fraud, among other things.

3. To effectuate the BEC schemes, the conspirators sent email messages to victims

that fraudulently appeared to come from a known source making a legitimate request. Through those emails, the conspirators requested that the victims send money to bank accounts under the control of, among others, JOEL ZUBAID and JULIAN REBIGA, a/k/a “Iulian Rebiga,” the defendants, which was then quickly transferred and disbursed to bank accounts and cryptocurrency wallets, including accounts under the control of ZUBAID, REBIGA, and MARTIN MIZRAHI, a/k/a “Marty Mizrahi,” the defendant, and other co-conspirators.

4. To effectuate the credit card fraud scheme, JOEL ZUBAID, JULIAN REBIGA, a/k/a “Iulian Rebiga,” and MARTIN MIZRAHI, a/k/a “Marty Mizrahi,” the defendants, submitted charges using stolen credit card information from cards issued in the names of third parties, without the authorization or consent of those parties.

**Corporation-1 Business Email Compromise**

5. By at least in or about May 2021, co-conspirators of JOEL ZUBAID, JULIAN REBIGA, a/k/a “Iulian Rebiga,” and MARTIN MIZRAHI, a/k/a “Marty Mizrahi,” the defendants, had obtained access to the business email account of the Chief Financial Officer (“CFO-1”) of a community development corporation (“Corporation-1”). CFO-1’s email was then used to send fraudulent interstate wire instructions to a bank where Corporation-1 held an account (“Bank-1”).

6. In response to those fraudulent wire instructions, between on or about May 12, 2021 and on or about June 1, 2021, Bank-1 released a series of wires, totaling approximately \$3,488,000, from Corporation-1’s account at Bank-1 to accounts at other financial institutions, including an account (the “CC-1 Account”) controlled by JOEL ZUBAID, the defendant, and another co-conspirator (“CC-1”) at another financial institution (“Bank-2”). During this time period, approximately \$1,570,000 was sent from Corporation-1’s account at Bank-1 to the CC-1

Account.

7. After Corporation-1's funds were fraudulently received in the CC-1 Account, these funds were laundered by JOEL ZUBAID and MARTIN MIZRAHI, a/k/a "Marty Mizrahi," the defendants, and others known and unknown, in a manner designed to conceal the source, ownership, and control of those funds. Among other things, funds sent to the CC-1 Account were quickly transferred to other accounts under the control of MIZRAHI and other co-conspirators and converted into Bitcoin.

8. At a certain point, Bank-2 froze the CC-1 Account. JOEL ZUBAID, the defendant, and CC-1, subsequently made multiple attempts to free the funds in the CC-1 Account, including by making misrepresentations to Bank-2 about the purpose of the transfer of funds from Corporation-1 to the CC-1 Account and the intended use for those funds.

9. In addition, after Bank-2 sought to recoup funds transferred from the CC-1 Account to an account controlled by MARTIN MIZRAHI, a/k/a "Marty Mizrahi," the defendant, (the "Mizrahi Account"), MIZRAHI made misrepresentations to Bank-2 about the purpose of the transfer to the Mizrahi Account in an effort to prevent Bank-2 from seizing the funds.

#### **Corporation-2 Business Email Compromise**

10. By at least in or about June 2021, co-conspirators of JOEL ZUBAID, JULIAN REBIGA, a/k/a "Julian Rebiga," and MARTIN MIZRAHI, a/k/a "Marty Mizrahi," the defendants, had obtained access to the business email account of an employee ("Employee-1") of a portfolio company owned by a private equity fund ("Corporation-2"). On or about June 28, 2021, Employee-1's compromised email was used to send fraudulent interstate wire instructions for a contractual payment due to Employee-1 to an account at Bank-2 controlled by ZUBAID and REBIGA (the "Rebiga Account").

11. In response to those fraudulent wire instructions, on or about July 1, 2021, Corporation-2 caused a wire transfer for approximately \$2,008,034.76 to the Rebiga Account.

12. After these funds were fraudulently received in the Rebiga Account, the funds were laundered by JOEL ZUBAID and JULIAN REBIGA, a/k/a “Julian Rebiga,” the defendants, and others known and unknown, in a manner designed to conceal their ownership, including by quickly transferring funds from the Rebiga Account to multiple other accounts controlled by REBIGA.

13. In or about July 2021, Bank-2 froze the Rebiga Account. After the Rebiga Account was frozen, JOEL ZUBAID and JULIAN REBIGA, a/k/a “Julian Rebiga,” the defendants, and other co-conspirators, made numerous attempts to free the funds in the Rebiga Account, including by making misrepresentations to Bank-2 about the purpose of the transfer of funds from Corporation-2 to the Rebiga Account.

#### **Credit Card Fraud**

14. From in or about April 2021 to in or about June 2021, JOEL ZUBAID, JULIAN REBIGA, a/k/a “Julian Rebiga,” and MARTIN MIZRAHI, a/k/a “Marty Mizrahi,” the defendants, and others known and unknown, conducted a series of charges, totaling at least approximately \$3,840,149, on multiple credit cards issued in the names of third parties without those parties’ consent. These charges were conducted through point-of-sale credit card machines associated with companies controlled by MIZRAHI and REBIGA.

15. After multiple fraudulent credit card charges were disputed by card holders, JOEL ZUBAID and MARTIN MIZRAHI, a/k/a “Marty Mizrahi,” the defendants, prepared false justifications for the charges, which were sent to the credit card companies via emails that traveled interstate. In addition, CC-1, and others known and unknown, prepared fraudulent forms

purporting to authorize certain of the underlying charges that JULIAN REBIGA, a/k/a “Iulian Rebiga,” the defendant, submitted to the credit card companies.

**STATUTORY ALLEGATION**

16. From at least in or about April 2021 through at least in or about June 2021, in the Southern District of New York and elsewhere, JOEL ZUBAID, JULIAN REBIGA, a/k/a “Iulian Rebiga,” and MARTIN MIZRAHI, a/k/a “Marty Mizrahi,” the defendants, and others known and unknown, willfully and knowingly, did combine, conspire, confederate, and agree together and with each other to commit wire fraud, in violation of Title 18, United States Code, Section 1343, and bank fraud, in violation of Title 18, United States Code, Section 1344.

17. It was a part and an object of the conspiracy that JOEL ZUBAID, JULIAN REBIGA, a/k/a “Iulian Rebiga,” and MARTIN MIZRAHI, a/k/a “Marty Mizrahi,” the defendants, and others known and unknown, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, would and did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, to wit, ZUBAID, REBIGA, and MIZRAHI participated in a scheme to defraud corporations, credit card companies and other entities through BEC schemes and by making unauthorized credit card charges using stolen credit card information, using interstate wires, including wire transfer requests and emails, in violation of Title 18, United States Code, Section 1343.

18. It was further a part and an object of the conspiracy that JOEL ZUBAID, JULIAN REBIGA, a/k/a “Iulian Rebiga,” and MARTIN MIZRAHI, a/k/a “Marty Mizrahi,” the defendants, and others known and unknown, would and did execute, and attempt to execute, a



scheme and artifice to defraud a financial institution, as that term is defined in Title 18, United States Code, Section 20, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, such financial institution, by means of false and fraudulent pretenses, representations, and promises, to wit, ZUBAID, REBIGA, and MIZRAHI participated in a scheme to defraud financial institutions by submitting false information to banks and credit card companies regarding the purpose, intended use, and authorizations for wire transfers and credit card charges, using interstate wires, including emails, in violation of Title 18, United States Code, Section 1344.

(Title 18, United States Code, Section 1349.)

**COUNT TWO**

**(Wire Fraud)**

The Grand Jury further charges:

19. The allegations set forth in paragraphs 1 through 15 are repeated and realleged as if set forth fully herein.

20. From at least in or about April 2021 through at least in or about June 2021, in the Southern District of New York and elsewhere, JOEL ZUBAID, JULIAN REBIGA, a/k/a “Julian Rebiga,” and MARTIN MIZRAHI, a/k/a “Marty Mizrahi,” the defendants, knowingly having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations and promises, transmitted and caused to be transmitted by means of wire, radio, and television communication in interstate commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, to wit, ZUBAID, REBIGA, and MIZRAHI participated in a scheme to defraud corporations, credit card companies and other entities through BEC schemes and by

making unauthorized credit card charges using stolen credit card information, using interstate wires, including wire transfer requests and emails.

(Title 18, United States Code, Sections 1343 and 2.)

**COUNT THREE**

**(Bank Fraud)**

The Grand Jury further charges:

21. The allegations set forth in paragraphs 1 through 15 are repeated and realleged as if set forth fully herein.

22. From at least in or about April 2021 through at least in or about June 2021, in the Southern District of New York and elsewhere, JOEL ZUBAID, JULIAN REBIGA, a/k/a “Julian Rebiga,” and MARTIN MIZRAHI, a/k/a “Marty Mizrahi,” the defendants, knowingly executed, and attempted to execute, a scheme and artifice to defraud a financial institution, as that term is defined in Title 18, United States Code, Section 20, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, such financial institution, by means of false and fraudulent pretenses, representations, and promises, to wit, ZUBAID, REBIGA, and MIZRAHI participated in a scheme to defraud financial institutions by submitting false information to banks and credit card companies regarding the purpose, intended use, and authorizations for wire transfers and credit card charges, using interstate wires, including emails.

(Title 18, United States Code, Sections 1344 and 2.)

**COUNT FOUR**

**(Conspiracy to Commit Money Laundering)**

The Grand Jury further charges:

23. The allegations set forth in paragraphs 1 through 15 are repeated and realleged as if set forth fully herein.

24. From at least in or about February 2021 through at least in or about May 2021, JOEL ZUBAID, JULIAN REBIGA, a/k/a “Julian Rebiga,” and MARTIN MIZRAHI, a/k/a “Marty Mizrahi,” the defendants, participated in a scheme to launder bulk cash narcotics proceeds by converting it into cryptocurrency, among other things, on behalf of individuals involved in a drug trafficking organization. ZUBAID, and others known and unknown, picked up large amounts of bulk cash and gave it to, among others, REBIGA, who would transfer it to others who could provide cryptocurrency, or MIZRAHI, who converted the funds into cryptocurrency and then sent that cryptocurrency to cryptocurrency wallets controlled by the individuals who had provided the bulk cash.

25. From at least in or about February 2021 through at least in or about June 2021, in the Southern District of New York and elsewhere, JOEL ZUBAID, JULIAN REBIGA, a/k/a “Julian Rebiga,” and MARTIN MIZRAHI, a/k/a “Marty Mizrahi,” the defendants, and others known and unknown, knowingly did combine, conspire, confederate, and agree together and with each other to violate Title 18, United States Code, Sections 1956(a)(1)(B)(i) and 1957(a).

26. It was a part and an object of the conspiracy that JOEL ZUBAID, JULIAN REBIGA, a/k/a “Julian Rebiga,” and MARTIN MIZRAHI, a/k/a “Marty Mizrahi,” the defendants, and others known and unknown, knowing that the property involved in certain financial transactions represented the proceeds of some form of unlawful activity, would and did



conduct and attempt to conduct a financial transaction, which transaction affected interstate and foreign commerce and involved the use of a financial institution which was engaged in, and the activities of which affected, interstate and foreign commerce, and which in fact involved the proceeds of specified unlawful activity, to wit, the wire fraud and bank fraud charged in Counts Two and Three of this Indictment, and the sale and distribution of narcotics, in violation of Title 21, United States Code, Section 841, knowing that the transactions were designed in whole and in part to conceal and disguise the nature, the location, the source, the ownership and the control of the proceeds of said specified unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i).

27. It was a further part and an object of the conspiracy that JOEL ZUBAID, JULIAN REBIGA, a/k/a "Julian Rebiga," and MARTIN MIZRAHI, a/k/a "Marty Mizrahi," the defendants, and others known and unknown, within the United States, knowingly would and did engage and attempt to engage in a monetary transaction, as defined in Title 18, United States Code, Section 1957(f)(1), in criminally derived property of a value greater than \$10,000 that was derived from specified unlawful activity, to wit, the wire fraud and bank fraud charged in Counts Two and Three of this Indictment, and the sale and distribution of narcotics, in violation of Title 21, United States Code, Section 841, in violation of Title 18, United States Code, Section 1957(a).

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

#### **COUNT FIVE**

#### **(Money Laundering)**

The Grand Jury further charges:

28. The allegations set forth in paragraphs 1 through 15 are repeated and realleged as

if set forth fully herein.

29. From at least in or about February 2021 through at least in or about June 2021, in the Southern District of New York and elsewhere, JOEL ZUBAID, JULIAN REBIGA, a/k/a “Julian Rebiga,” and MARTIN MIZRAHI, a/k/a “Marty Mizrahi,” the defendants, knowing that the property involved in financial transactions represented the proceeds of some form of unlawful activity, conducted and attempted to conduct such a financial transaction, which transaction affected interstate and foreign commerce and involved the use of a financial institution which was engaged in, and the activities of which affected, interstate and foreign commerce, and which in fact involved the proceeds of a specified unlawful activity, to wit, the wire fraud and bank fraud charged in Counts Two and Three of this Indictment, and the sale and distribution of narcotics, in violation of Title 21, United States Code, Section 841, knowing that the transaction was designed in whole and in part to conceal and disguise the nature, the location, the source, the ownership, and the control of the proceeds of specified unlawful activity.

(Title 18, United States Code, Sections 1956(a)(1)(b)(i) and 2.)

### **COUNT SIX**

#### **(Aggravated Identity Theft)**

The Grand Jury further charges:

30. The allegations set forth in paragraphs 1 through 15 are repeated and realleged as if set forth fully herein.

31. From at least in or about April 2021 through at least in or about June 2021, in the Southern District of New York and elsewhere, JOEL ZUBAID, JULIAN REBIGA, a/k/a “Julian Rebiga,” and MARTIN MIZRAHI, a/k/a “Marty Mizrahi,” the defendants, knowingly transferred, possessed, and used, without lawful authority, a means of identification of another

person, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), to wit, in connection with the offenses alleged in Counts One, Two, and Three of this Indictment, in or about May 2021, a co-conspirator sent ZUBAID pictures of a driver's license and credit card of a third party ("Victim-1"), which ZUBAID sent to, among others, REBIGA and MIZRAHI along with directions for making charges on Victim-1's card, after which time REBIGA and MIZRAHI used this information to make charges on Victim-1's card and subsequently sent receipts for the charges to ZUBAID.

(Title 18, United States Code, Sections 1028A and 2.)

**COUNT SEVEN**  
**(Conspiracy to Operate an Unlicensed Money Transmitting Business)**

The Grand Jury further charges:

32. From at least in or about February 2021 through at least in or about June 2021, in the Southern District of New York and elsewhere, JOEL ZUBAID, JULIAN REBIGA, a/k/a "Julian Rebiga," and MARTIN MIZRAHI, a/k/a "Marty Mizrahi," the defendants, and others known and unknown, willfully and knowingly combined, conspired, confederated, and agreed together and with each other to commit an offense against the United States, to wit, operation of an unlicensed money transmitting business, in violation of Title 18, United States Code, Section 1960.

33. It was a part and object of the conspiracy that JOEL ZUBAID, JULIAN REBIGA, a/k/a "Julian Rebiga," and MARTIN MIZRAHI, a/k/a "Marty Mizrahi," the defendants, and others known and unknown, would and did knowingly conduct, control, manage, supervise, direct, and own all and part of an unlicensed money transmitting business, which affected interstate or foreign commerce and was operated without an appropriate money transmitting license in a State where such operation is punishable as a misdemeanor and a felony under State law, failed to comply with

the money transmitting business registration requirements under Section 5330 of Title 31, United States Code, and regulations prescribed under such section, and otherwise involved the transportation or transmission of funds that were known to the defendant to have been derived from a criminal offense and were intended to be used to promote or support unlawful activity, in violation of Title 18, United States Code, Section 1960.

Overt Acts

34. In furtherance of the conspiracy, and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. In or about May 2021, co-conspirators of JOEL ZUBAID, JULIAN REBIGA, a/k/a “Julian Rebiga,” and MARTIN MIZRAHI, a/k/a “Marty Mizrahi,” the defendants, sent fraudulent wire instructions to Bank-1, which is located in the Southern District of New York, causing Bank-1 to release a series of wires, totaling approximately \$3,488,000 to, among other accounts, the CC-1 account, a portion of which funds were then transferred to the Mizrahi Account and converted into Bitcoin.

b. In or about June 2021, co-conspirators of ZUBAID, REBIGA, and MIZRAHI sent fraudulent wire instructions to Corporation-2, which is headquartered in the Southern District of New York, causing a wire transfer of approximately \$2,008,034.76 to be approved by Corporation-2 employees located in the Southern District of New York and then sent to the Rebiga Account for the purpose of such funds being converted into Bitcoin.

c. From at least in or about April 2021, up to and including at least in or about June 2021, over the course of approximately twenty-eight additional transactions, MIZRAHI transferred at least approximately \$3,655,305.58 to Bitcoin wallets provided by ZUBAID in

exchange for money provided in cash or by wire transfer.

(Title 18, United States Code, Section 371.)

**FORFEITURE ALLEGATION**

35. As a result of committing the offenses alleged in Counts One, Two, and Three of this Indictment, JOEL ZUBAID, JULIAN REBIGA, a/k/a “Julian Rebiga,” and MARTIN MIZRAHI, a/k/a “Marty Mizrahi,” the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Sections 981(a)(1)(C) 982(a)(2)(A), and Title 28 United States Code, Section 2461(c), any and all property, real or personal, that constitutes or is derived from proceeds traceable to the commission of said offenses, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses and the following specific property:

a. \$690,000.00 in United States Currency formerly on deposit in Bank of America, N.A. Account Number XXXXXXXXX2359 held in the name of LV.Net LLC LV Net; and

b. \$81,284.03 in United States currency formerly on deposit in Bank of America, N.A. Account Number XXXXXXXXX2488 held in the name of California Iolita Trust Accounts Madaen Law Inc.

36. As a result of committing the offenses alleged in Count Four and Five of this Indictment, JOEL ZUBAID, JULIAN REBIGA, a/k/a “Julian Rebiga,” and MARTIN MIZRAHI, a/k/a “Marty Mizrahi,” the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), any and all property, real and personal, involved in said offenses, or any property traceable to such property, including but not limited to a sum of



money in United States currency representing the amount of property involved in said offenses and the following specific property:

a. \$690,000.00 in United States Currency formerly on deposit in Bank of America, N.A. Account Number XXXXXXXXX2359 held in the name of LV.Net LLC LV Net; and

b. \$81,284.03 in United States currency formerly on deposit in Bank of America, N.A. Account Number XXXXXXXXX2488 held in the name of California Iolta Trust Accounts Madaen Law Inc.

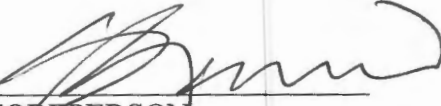
**Substitute Assets Provision**

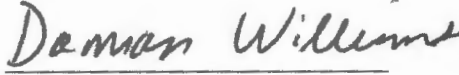
37. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- 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;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981;  
Title 18, United States Code, Section 982;  
Title 21, United States Code, Section 853; and  
Title 28, United States Code, Section 2461.)

  
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FOREPERSON

  
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DAMIAN WILLIAMS  
United States Attorney