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JUL 29 2015

CLERK OF DISTRICT COURT
SOUTHERN DISTRICT OF IOWA

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA

UNITED STATES OF AMERICA,

v.

BRADLEY J. PRUCHA,

Defendant.

)
) Criminal No. 4:15-CR-00079
)
)
) SUPERSEDING
) INDICTMENT
) T. 18 U.S.C. § 2
) T. 18 U.S.C. § 371
) T. 18 U.S.C. § 981(a)(1)(C)
) T. 18 U.S.C. § 1341
) T. 18 U.S.C. § 2251(a)
) T. 18 U.S.C. § 2252(a)(4)(B)
) T. 18 U.S.C. § 2252(b)(2)
) T. 18 U.S.C. § 2253
) T. 18 U.S.C. § 2256
) T. 21 U.S.C. § 841(a)(1)
) T. 21 U.S.C. § 859

THE GRAND JURY CHARGES:

COUNT 1
(Conspiracy)

A. The Conspiracy

1. Beginning at least as early as on or about October 2013, and continuing to on or about May 2015, in the Southern District of Iowa and elsewhere, the Defendant:

BRADLEY J. PRUCHA,

together with other persons known and unknown to the Grand Jury, knowingly and willfully conspired and agreed to commit the following offense against the United States:

a. receive, possess, store, sell, and dispose of merchandise of the value of \$5,000 or more, which have crossed a State boundary after being stolen, knowing the same to have been stolen, in violation of Title 18, United States Code, Section 2315; and

b. to cause to be delivered by the United States Postal Service or interstate carrier matters and things for the purpose of executing a scheme and artifice to defraud various retailers and to obtain money and property from retailers by means of false pretenses, representations and promises, in violation of Title 18, United States Code, Section 1341.

B. Manner and Means of the Conspiracy

2. The manner and means by which the objects of the conspiracy were accomplished included, but were not limited to, the following:

3. It was part of the conspiracy that BRADLEY J. PRUCHA printed adhesive bar codes.

4. It was further part of the conspiracy that BRADLEY J. PRUCHA and his co-conspirators applied the adhesive bar codes onto merchandise in stores, in order to cause the merchandise to be sold at a fraction of the actual price of the item.

5. It was further part of the conspiracy that BRADLEY J. PRUCHA instructed co-conspirators on how to identify unsophisticated sales clerks to ring up the merchandise containing the adhesive bar codes.

6. It was further part of the conspiracy that BRADLEY J. PRUCHA, and his co-conspirators, purchased the merchandise containing the adhesive bar codes.

7. It was further part of the conspiracy that BRADLEY J. PRUCHA, and his co-conspirators, transported stolen merchandise across state lines.

8. It was further part of the conspiracy that BRADLEY J. PRUCHA stored the merchandise.

9. It was further part of the conspiracy that BRADLEY J. PRUCHA, and his co-conspirators, removed tags and stickers from the stolen merchandise.

10. It was further part of the conspiracy that BRADLEY J. PRUCHA sold the stolen merchandise to buyers outside of the state of Iowa.

11. It was further part of the conspiracy that BRADLEY J. PRUCHA recruited persons under the age of eighteen (18) and others into the conspiracy, including those persons identified in Counts 12, 13, and 16 of this Indictment.

12. It was further part of the conspiracy that BRADLEY J. PRUCHA paid persons under the age of eighteen (18) and others a portion of the unlawfully obtained proceeds from the conspiracy for their involvement in the conspiracy.

13. It was further part of the conspiracy that BRADLEY J. PRUCHA used unlawfully obtained proceeds from the conspiracy to pay minor females to engage in sexual activity.

C. Overt Acts

In furtherance of the conspiracy, and to effect the objects thereof, the Defendant, BRADLEY J. PRUCHA, and his co-conspirators and agents committed and caused to be committed the following overt acts, among others, on or about the following dates in the Southern District of Iowa and elsewhere:

14. On or about February 23, 2015, through on or about February 25, 2015, Defendant BRADLEY J. PRUCHA and others known and unknown to the grand jury stole goods and merchandise, namely, toys known as “Air Hogs” from retailers outside of the state of Iowa.

15. On or about February 26, 2015, through on or about March 2, 2015, Defendant BRADLEY J. PRUCHA stored stolen “Air Hogs” in the Southern District of Iowa.

16. On or about March 2, 2015, Defendant BRADLEY J. PRUCHA listed for sale the stolen “Air Hogs” on the website “eBay”.

17. From on or about March 2, 2015, through on or about March 19, 2015, Defendant BRADLEY J. PRUCHA sold approximately twelve stolen “Air Hogs” to buyers located in Michigan, Puerto Rico, New York, Kentucky, Kansas, Virginia, California, Florida, and Texas.

18. On or about the dates set forth in Counts 2 through 11 of this Indictment, Defendant BRADLEY J. PRUCHA performed or caused to be performed the acts as alleged in these Counts; and said allegations of Counts 2 through 11 are alleged and incorporated as though fully set forth herein as separate overt acts.

This is a violation of Title 18, United States Code, Section 371.

THE GRAND JURY FURTHER CHARGES:

COUNTS 2-11
(Mail Fraud)

A. The Scheme and Artifice to Defraud

1. Beginning in or about October 2013 and continuing through in or about May 2015, in the Southern District of Iowa and elsewhere, the Defendant, BRADLEY J. PRUCHA, knowingly devised and attempted to devise a scheme and artifice to defraud, as set out in sections A and B of Count 1. The allegations in sections A and B of Count 1 of this Indictment are restated and realleged as if fully set forth herein.

B. The Execution of the Scheme to Defraud

2. On or about the dates and as more fully alleged in Counts 2-11 below, in the Southern District of Iowa and elsewhere, the Defendant, BRADLEY J. PRUCHA, for the purpose of executing the above-described scheme and artifice to defraud, and in attempting to do so, in the manner set forth in the respective count, did knowingly cause to be placed in a post office and authorized depository for mail matter, packages containing the mail matter set forth

below, to be sent or delivered by the United States Postal Service according to the directions thereon, or did cause to be delivered by FedEx, a commercial interstate carrier, packages containing the mail matter set forth below according to the directions thereon.

Count	Date	Description	Destination	Manner
2	February 4, 2015	RoundUp	Sacramento, CA	FedEx
3	February 8, 2015	RoundUp	Sierra Vista, AZ	FedEx
4	February 10, 2015	Aqua Mix Sealer	Orlando, FL	U.S. Postal Service
5	February 12, 2015	Air Hogs	Gibsonburg, OH	U.S. Postal Service
6	February 19, 2015	Aqua Mix Sealer	Apollo Beach, FL	U.S. Postal Service
7	February 19, 2015	Aqua Mix Sealer	Wellington, FL	U.S. Postal Service
8	March 3, 2015	Air Hogs	Frankenmuth, MI	U.S. Postal Service
9	March 13, 2015	Air Hogs	Homestead, FL	U.S. Postal Service
10	March 15, 2015	Air Hogs	Lithonia, GA	U.S. Postal Service
11	May 12, 2015	RoundUp	Corning, CA	U.S. Postal Service

Each of the offenses alleged in Counts 2 through 11 are a violation of Title 18, United States Code, Section 1341.

THE GRAND JURY FURTHER CHARGES:

COUNT 12

(Sexual Exploitation of a Child/Production of Child Pornography)

On or about January 20, 2015, in the Southern District of Iowa, Defendant BRADLEY J. PRUCHA did knowingly employ, use, persuade, induce, entice, and coerce a minor, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, namely a video of a minor female believed to be approximately 16 years old lasciviously exhibiting her genitals and pubic area, using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer.

This is a violation of Title 18, United States Code, Sections 2251(a), 2256, and 2.

THE GRAND JURY FURTHER CHARGES:

COUNT 13

(Sexual Exploitation of a Child/Production of Child Pornography)

On or about January 20, 2015, in the Southern District of Iowa, Defendant BRADLEY J. PRUCHA did knowingly employ, use, persuade, induce, entice, and coerce a minor, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, namely a video of an adult male engaging in oral-genital and genital-genital sexual intercourse with a minor female believed to be approximately 16 years old, using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer.

This is a violation of Title 18, United States Code, Sections 2251(a), 2256, and 2.

THE GRAND JURY FURTHER CHARGES:

COUNT 14
(Sexual Exploitation of a Child/Production of Child Pornography)

On or about March 12, 2015, in the Southern District of Iowa, Defendant BRADLEY J. PRUCHA did knowingly employ, use, persuade, induce, entice, and coerce a minor, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, namely a video of an adult male engaging in oral-genital sexual intercourse with a minor female believed to be approximately 16 years old, using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer.

This is a violation of Title 18, United States Code, Sections 2251(a), 2256, and 2.

THE GRAND JURY FURTHER CHARGES:

COUNT 15
(Possession of Child Pornography)

On or about June 2015, in the Southern District of Iowa, Defendant BRADLEY J. PRUCHA, did knowingly possess at least one matter which contains a visual depiction that had been shipped or transported using any means or facility of interstate or foreign commerce, or in or affecting interstate commerce, or which was produced using materials that had been mailed, or so shipped or transported by any means including by computer, the production of such visual depictions having involved the use of a minor engaging in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256(2), and said visual depictions being of such conduct.

This is a violation of Title 18, United States Code, Sections 2252(a)(4)(B), 2252(b)(2), 2256, and 2.

THE GRAND JURY FURTHER CHARGES:

COUNT 16
(Distribution to Persons Under Age Twenty-One)

Between January, 2015 and May, 2015, in the Southern District of Iowa, and elsewhere, the Defendant, BRADLEY J. PRUCHA, a person at least eighteen years of age, knowingly and intentionally distributed a mixture and substance containing a detectable amount of Xanax, a Schedule IV controlled substance, to persons under twenty-one years of age.

This is a violation of Title 21, United States Code, Sections 841(a)(1), and 859.

THE GRAND JURY FINDS:

NOTICE OF FORFEITURE

1. The allegations contained in Counts 1 through 11 of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

2. Pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), upon conviction of a conspiracy to violate Title 18, United States Code, Section 2315, in violation of Title 18, United States Code, Section 371, the defendant, BRADLEY J. PRUCHA, shall forfeit to the United States of America any property, real or personal, which constitutes or is derived from proceeds traceable to said violation. The property to be forfeited includes, but is not limited to, a forfeiture money judgment in the amount of proceeds the defendant obtained as a result of such offense.

3. 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 divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

THE GRAND JURY FURTHER FINDS:

NOTICE OF FORFEITURE

If the Defendant, BRADLEY J. PRUCHA, is convicted of any of the offenses alleged in Counts 12 through 15 of this Indictment, the defendant shall forfeit to the United States his interest in the following property:

- a. Any and all visual depictions of minors engaging in sexually explicit conduct, including any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of Title 18, United States Code, Chapter 110.

b. Any property, real or personal, used or intended to be used to commit or to promote the commission of such offense.

This is pursuant to Title 18, United States Code, Section 2253.

A TRUE BILL.

/s/
FOREPERSON

Nicholas A. Klinefeldt
United States Attorney

By: /s/ Virginia M. Bruner
Virginia M. Bruner
Assistant United States Attorney