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U.S. Department of Justice
United States Attorney
Northern District of California
1th Floor, Federal Building
450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
Phone: (415) 436-7200
Fax: (415) 436-7234
Contact: Ross W. Nadel
Assistant United States Attorney
(408) 535-5035
Matthew J. Jacobs
(415) 436-7181

San Francisco Man Sentenced For Selling Fake Derek Jeter and Normar Garciaparra

Baseball Bats On eBay

The United States Attorney's Office for the Northern District of California announced today that Herbert John Derungs was sentenced yesterday afternoon to 21 months in prison for mail fraud and fraud by wire. The sentence was handed down by U.S. District Court Judge James Ware following guilty pleas on six counts in violation of 18 U.S.C. §§ 1341 (mail fraud) and 1343 (fraud by wire). Mr. Derungs, 32, of San Francisco, was indicted by a federal grand jury on December 18, 2001. He was charged with three counts of mail fraud in violation of 18 U.S.C. § 1341, three counts of fraud by wire in violation of 18 U.S.C. § 1343, and one count of utilizing a telecommunications device in interstate communications with intent to threaten and harass in violation of 47 U.S.C. § 223(a)(1)(C). After his arrest, Mr. Derungs was ordered to be detained in custody by a U.S. Magistrate Judge who found him to be a danger to other persons and the community. Mr. Derungs was found to be a danger based on his prior criminal history including crimes involving violence and the threatening e-mail that he allegedly sent to a San Francisco Giants employee. Mr. Derungs pled guilty to all six of the mail and wire fraud counts. In pleading guilty, Mr. Derungs admitted to having devised a scheme to defraud and to obtain money and property by means of false representations. As part of the scheme, Mr. Derungs (a) impersonated Major League Baseball players Derek Jeter and Nomar Garciaparra and ordered and obtained baseball bats in their names from The Original Maple Bat Company, which is located in Ottawa, Ontario; (b) offered Derek Jeter and Nomar Garciaparra game-used baseball bats for sale through the online auction company known as eBay, Inc., which is located in San Jose, California; (c) falsely represented to potential buyers that the Derek Jeter and Nomar Garciaparra baseball bats were authentic, game-used baseball bats; (d) sold baseball bats with the names Derek Jeter and Nomar Garciaparra on them; and (e) failed to disclose to buyers of the baseball bats the material facts that the bats were not authentic, game-used baseball bats of Derek Jeter and Nomar Garciaparra, and that instead he had ordered and obtained the bats from The Original Maple Bat Company. For the purpose of executing his scheme to defraud, Mr. Derungs

knowingly caused various packages to be delivered by U.S. mail in the Northern District of California, and transmitted various wire communications in interstate commerce in the Northern District of California.

Judge Ware sentenced Mr. Derungs to 21 months in federal prison, restitution, as well as a three year period of supervised release to follow the term of imprisonment. Judge Ware also ordered special conditions of supervised release, including barring Mr. Derungs from any contact with the Giants employee who was the victim of the alleged threatening e-mail and prohibiting Mr. Derungs from coming within 1,000 feet of Pacific Bell Park. This prosecution was the result of an investigation by the U.S. Postal Inspector with the assistance of the FBI. Major League Baseball and the San Francisco Giants also assisted law enforcement in the investigation. Ross W. Nadel, Chief of the U.S. Attorney's Office Computer Hacking and Intellectual Property (CHIP) Unit, is the Assistant U.S. Attorney who prosecuted the case with the assistance of Lauri Gomez. A copy of this press release and related court documents may be found on the U.S. Attorney's Office's website at www.usdoj.gov/usao/can. # # #