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D.A. BROWN: ALLEGED “SPIDERMAN” EBAY SCAMMER SNARED IN WEB FRAUD
Out-Of-State Buyer Allegedly Paid \$10,000 For Spidey Comic Books That Were Never Delivered

Queens District Attorney Richard A. Brown announced today that a 20-year-old East Elmhurst man has been charged with defrauding a Manassas, Virginia, resident out of \$10,000 in an online auction fraud in which the defendant allegedly sold on Ebay a collection of Spiderman comic books that he neither owned nor possessed.

District Attorney Brown said, “Selling comic books is big business today with some comic books commanding several thousand dollars apiece. In most cases, the highly collectible comics being bought and sold on Ebay and other auction web sites are aimed at serious collectors and investors and not children. Such consumers, however, should be aware that in exchange for the convenience of the Internet in trading such highly valued commodities as comic books they also may be unwittingly opening their front doors to schemers and grifters.”

The District Attorney identified the defendant as Gabriel Mitchell, 20, of 106-02 32nd Avenue in East Elmhurst. He was arraigned this afternoon in Criminal Court in Kew Gardens on a charge of Grand Larceny in the Third Degree, a Class D felony punishable by up to seven years in prison. Judge Robert Raciti, who presided at arraignment, set bail at \$25,000 and ordered a return date of May 18, 2006.

The District Attorney said that, according to the charges, the defendant, using the e-mail address of gabjmitch106@msn.com, offered to sell at auction a collection of Spiderman comic books on Ebay between February 14 - 23, 2005. A winning bid of \$19,000 was entered by Shawn Key, of Manassas, Virginia. During this time, seller and buyer corresponded via e-mails and faxes, and, during one such communication, the defendant represented that the comic books had been rated by CGS, a company which examines comic books, grades them and then registers them by placing a bar code on tamper evident cases before returning the comics to their owner. As proof of the comics’ ratings, the defendant e-mailed 31 images to the buyer showing the bar codes and serial numbers assigned by CGC. The defendant then instructed the victim to wire \$10,000 plus \$200 in shipping costs to the defendant’s bank account. The wire transfer was sent and received on February 23, 2005, and later that day a person using the name Gabriel Mitchell drew a counter check on the account for \$10,000 and cashed it. Thereafter, the victim, expecting to receive half the collection, instead received a package containing blank papers from the defendant.

The investigation was conducted by Investigators Christopher Behun and Robert Wright of the New York State Police, Manhattan, under the supervision of Senior Investigator Lawrence Wood and Lieutenant Robert Willis, and by NYPD Detective David Gilbert of the Queens District Attorney’s NYPD Squad, under the supervision Sergeant Frank Horvath and Captain John M, Zanfardino, Squad Commander.

Assistant District Attorney Robert D. Alexander, Chief of the District Attorney’s Computer Crimes Unit, is prosecuting the case under the supervision of Assistant District Attorney Anthony M. Communiello, Bureau Chief of the District Attorney’s Special Proceedings Bureau, and the overall supervision of Executive Assistant District Attorney for Investigations Peter A. Crusco and Deputy Executive Assistant District Attorney for Investigations Linda M. Cantoni.

It should be noted that a complaint is merely an accusation and that a defendant is presumed innocent until proven guilty.

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