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4 UNITED STATES DISTRICT COURT  
5 SOUTHERN DISTRICT OF CALIFORNIA

6 November 2019 Grand Jury

7 UNITED STATES OF AMERICA,

Case No. '21 CR822 GPC

8  
9 v.

INDICTMENT

10 JEAN-FRANCOIS EAP (1),  
11 aka "888888",  
12 THOMAS HERDMAN (2),  
13 Defendants.

Title 18, U.S.C., Sec. 1962(d) —  
**Racketeering Conspiracy to Conduct Enterprise Affairs (RICO Conspiracy);**  
Title 21, U.S.C., Secs. 841(a)(1) and 846 —  
**Conspiracy to Distribute Controlled Substances;** Title 18, U.S.C. Sec. 2 —  
**Aiding and Abetting;** Title 18, U.S.C., Sec. 1963, and Title 21, U.S.C., Sec. 853 —  
**Criminal Forfeiture**

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15  
16 The grand jury charges at all times material to this Indictment:

17 SKY GLOBAL OVERVIEW

18 1. SKY GLOBAL is a Canadian-based company that sells encryption services and  
19 devices to transnational criminal organizations to facilitate illegal activity. JEAN-  
20 FRANCOIS EAP and others started SKY GLOBAL in approximately 2010. SKY GLOBAL's  
21 devices are specifically designed to prevent law enforcement from actively monitoring the  
22 communications between members of transnational criminal organizations. As part of its  
23 services, SKY GLOBAL guarantees that messages stored on its devices can be (and will be)  
24 remotely deleted by the company if the device is seized by law enforcement or otherwise  
25 compromised.

26 2. SKY GLOBAL devices are dedicated data devices housed inside an iPhone,  
27 Google Pixel, Blackberry, or Nokia handset. Whereas the standard iPhone, Google Pixel,  
28 Blackberry, or handset is sold to the public with the capability for voice communication, GPS

1 navigation, camera, Internet access, and the Messenger services, when SKY GLOBAL  
2 receives the devices, their technical team removes the internal hardware/software  
3 responsible for the GPS, camera, Internet, and voice communications. SKY GLOBAL then  
4 installs sophisticated encryption software and routes the data through encrypted servers  
5 located in Canada and France. There are at least 70,000 SKY GLOBAL devices in use  
6 worldwide, including in the United States. For more than a decade, SKY GLOBAL has  
7 generated hundreds of millions of dollars in profit by facilitating the criminal activity of  
8 transnational criminal organizations and protecting these organization from law  
9 enforcement.

### 10 The Defendants

11 3. JEAN-FRANCOIS EAP, aka "888888", ("EAP") is a citizen of Canada and  
12 resident of Vancouver, Canada. He is the founder and CEO of SKY GLOBAL. He controlled  
13 SKY GLOBAL operations as set forth below, including frequent communication with  
14 Distributors, including co-defendant THOMAS HERDMAN, ("HERDMAN") and others.

15 4. THOMAS HERDMAN, ("HERDMAN") is a citizen of Canada, and a resident of  
16 Vancouver, Canada. Until approximately December 2020, HERDMAN was responsible for  
17 international distribution of SKY GLOBAL devices, including distribution in the United  
18 States (including Southern California), Mexico, Central America, South America, Europe,  
19 and Australia.

### 20 The Enterprise

21 5. Defendants EAP and HERDMAN, and others, were leaders, members, and  
22 associates of a criminal organization, hereinafter, the SKY GLOBAL ENTERPRISE, whose  
23 members engaged in acts involving drug trafficking and obstruction of justice. Leaders,  
24 members and associates of SKY GLOBAL ENTERPRISE operated throughout the world,  
25 including Canada, Colombia, Mexico, Belgium, the Netherlands, Australia, and throughout  
26 the United States, including in the Southern District of California.

27 6. SKY GLOBAL ENTERPRISE, including its leadership, members, and  
28 associates, constituted an "enterprise," as defined in Title 18, United States Code,

1 Section 1961(4), that is, a group of individuals associated in fact, although not a legal entity.  
2 The enterprise constituted an ongoing organization whose members functioned as a  
3 continuing unit for a common purpose of achieving the objectives of the enterprise. The  
4 enterprise was engaged in, and its activities affected, interstate and foreign commerce.

5 7. Leaders, members, and associates of SKY GLOBAL ENTERPRISE had defined  
6 roles in the enterprise. At all times relevant to this Indictment, defendant EAP and  
7 HERDMAN, and others, participated in the operation and management of the enterprise as  
8 follows:

9 **Administrators:**

10 8. Administrators are SKY GLOBAL ENTERPRISE's front office staff who have  
11 physical control of the SKY GLOBAL ENTERPRISE's network and can initiate new  
12 subscriptions, remove accounts, remotely delete (i.e, wipe), and reset devices. EAP, as the  
13 Chief Executive Officer, is the key administrator.

14 **Distributors:**

15 9. Distributors coordinate agents and resellers of SKY GLOBAL ENTERPRISE  
16 devices, receive payments for ongoing subscription fees, send associated funds (minus  
17 personal profit) back to the parent company, and provide second level technical support. The  
18 distributors can also remotely delete and reset devices. The distributors communicate  
19 directly with SKY GLOBAL ENTERPRISE's administrators. HERDMAN was a distributor  
20 for SKY GLOBAL ENTERPRISE up until approximately December 2020. HERDMAN and  
21 EAP communicated directly in furtherance of the SKY GLOBAL ENTERPRISE.

22 **Agents:**

23 10. Agents physically source and engage with new customers to sell and deliver  
24 devices with initial subscriptions. The agents earn profit on the sale of the handset only and  
25 provide first-level technical support to their small group of customers.

26 **Purposes of the Enterprise**

27 11. SKY GLOBAL ENTERPRISE's purposes included the following:  
28

1           A.     To create, maintain, and control a method of secure communication to  
2 facilitate the importation, exportation, and distribution of illegal drugs into Australia, Asia,  
3 Europe, and North America, including the United States and Canada, and to launder the  
4 proceeds of such drug trafficking conduct;

5           B.     To obstruct investigations of drug trafficking and money laundering  
6 organizations by creating, maintaining, and controlling a system whereby SKY GLOBAL  
7 would remotely delete evidence of such activities;

8           C.     To enrich the leaders, members, and associates of the enterprise by  
9 taking payment from the sale of each SKY GLOBAL device;

10          D.     To promote and enhance the reputation and standing of SKY GLOBAL  
11 and its leaders, members, and associates;

12          E.     To preserve and protect SKY GLOBAL's profits and client base through  
13 acts of money laundering;

14          F.     To protect SKY GLOBAL and its leaders, members, and associates from  
15 detection, apprehension, and prosecution by law enforcement;

16          G.     To avoid detection of its illicit conduct by, among other things, laundering  
17 its illegal proceeds, communicating with encrypted devices, and transferring illegally  
18 obtained funds into cryptocurrency, specifically Bitcoin;

19          H.     To evade law enforcement by, among other things, maintaining the  
20 organization's technical infrastructure outside United States; and

21          I.     To enhance its power and financial profits by promoting SKY GLOBAL's  
22 activities with customers and potential customers.

23                               **Manner and Means of the Enterprise**

24         12.     The means and methods by which the defendants, and other members and  
25 associates of SKY GLOBAL, agreed to conduct and participate in the affairs of the enterprise  
26 included, by were not limited to, the following:

27           A.     SKY GLOBAL Administrators operated the SKY GLOBAL NETWORK,  
28 which used SKY GLOBAL devices to send and receive encrypted messages. To stay outside

1 the reach of law enforcement of the United States, SKY GLOBAL maintained its servers in  
2 Canada and France, and used proxy servers to further disguise the physical locations of its  
3 servers.

4 B. SKY GLOBAL Distributors and Agents provided SKY GLOBAL devices  
5 to their clients and collected a subscription fee of approximately \$1,200 – \$2,000 USD per six  
6 month period.

7 C. SKY GLOBAL's Administrators, Distributors, and Agents employed an  
8 "ask nothing/do nothing" approach toward its clients. SKY GLOBAL adopted this approach  
9 shortly after the takedown of Phantom Secure and allowed for its Administrators,  
10 Distributors, and Agents to have plausible deniability from the activities of their clients that  
11 they knew or had reason to know participated in illegal activities, including international  
12 drug trafficking.

13 D. SKY GLOBAL Administrators, Distributors, Agents, and clients strove  
14 to achieve shared anonymity, in order to evade law enforcement and escape the other  
15 consequence of their criminal activities. To that end, SKY GLOBAL's Administrators,  
16 Distributors, Agents, and clients remained anonymous even to each other. SKY GLOBAL  
17 Administrators, Distributors, and Agents do not request, track or record their clients' real  
18 names, and interacted only via username, email handles, or nicknames.

19 E. SKY GLOBAL Administrators, Distributors, Agents, and clients  
20 distributed and facilitated the distribution of federally controlled substances, including  
21 heroin, cocaine, and methamphetamine, using SKY GLOBAL devices.

22 F. SKY GLOBAL Administrators, Distributors, and Agents obstructed law  
23 enforcement by deleting (i.e. wiping) devices that they were made aware had been seized by  
24 law enforcement to destroy evidence that the devices contained. SKY GLOBAL  
25 Administrators, Distributors, and Agents also suspended service and deleted the contents of  
26 a device if SKY GLOBAL suspected law enforcement or an informant was using the device  
27 as part of an investigation.

28

1 G. SKY GLOBAL Administrators, Distributors, and Agents facilitated the  
2 illegal activities of its clients, including drug trafficking and money laundering;

3 H. SKY GLOBAL Administrators, Distributors, and Agents used digital  
4 currencies, including Bitcoin, to facilitate illegal transactions on the website, to protect the  
5 membership's anonymity, and to facilitate the laundering of the membership's ill-gotten  
6 gains. SKY GLOBAL Administrators, Distributors, and Agents also set up and maintained  
7 shell companies to hide the proceeds generated by selling its encryption services and devices.

8 **Count 1**

9 **(RACKETEERING CONSPIRACY)**

10 13. Paragraphs 1 through 12 are re-alleged and incorporated by reference herein.

11 14. Beginning at least as early as 2010 and continuing up to and including  
12 March 12, 2021, within the Southern District of California and elsewhere, defendants JEAN-  
13 FRANCOIS EAP, aka "888888", THOMAS HERDMAN, and others, being persons employed  
14 by and associated with SKY GLOBAL, an enterprise which was engaged in, and the activities  
15 of which affected interstate and foreign commerce, did knowingly and intentionally conspire  
16 with each other, and with others, to violate Title 18, United States Code, Section 1962(c),  
17 that is to conduct and participate, directly and indirectly, in the conduct of SKY GLOBAL's  
18 affairs through a pattern of racketeering activity consisting of:

19 A. Multiple offenses involving trafficking in controlled substances in  
20 violation of Title 21, United States Code, Sections 841(a)(1), 846, 952, 960, and 963;

21 B. Multiple acts indictable under Title 18, United States Code, Section 1512  
22 (obstruction of justice).

23 15. It was a part of the conspiracy that each defendant agreed that a conspirator  
24 would commit at least two acts of racketeering activity in the conduct of the affairs of the  
25 SKY GLOBAL ENTERPRISE.

26 All in violation of Title 18, United States Code, Section 1962(d).

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1 Count 2

2 **(Conspiracy to Distribute Illegal Drugs and Aiding and Abetting)**

3 16. Beginning as early as 2010 and continuing up to and including March 12, 2021,  
4 within the Southern District of California and elsewhere, defendants JEAN-FRANCOIS  
5 EAP, aka "888888", and THOMAS HERDMAN, did knowingly and intentionally conspire  
6 with each other and others to aid and abet the distribution of at least 5 kilograms and more  
7 of a mixture and substance containing a detectable amount of cocaine, a Schedule II  
8 Controlled Substance; in violation of Title 21, United States Code, Sections 841(a)(1) and  
9 846, and Title 18, United States Code, Section 2.

10 Forfeiture Allegations

11 **(RACKETEERING CONSPIRACY FORFEITURE)**

12 17. The allegations contained in Paragraphs 1 through 15 are re-alleged and by  
13 their reference fully incorporated herein for the purpose of alleging forfeiture to the United  
14 States of America under Title 18, United States Code, Section 1963.

15 18. Upon conviction of the violation of Title 18, United States Code, Section 1962,  
16 as alleged in Count 1, defendants JEAN-FRANCOIS EAP, aka "888888", and THOMAS  
17 HERDMAN, shall forfeit to the United States:

18 A. all interests acquired and maintained in violation of Title 18, United  
19 States Code, Section 1962, which interests are subject to forfeiture to the United States  
20 under Title 18, United States Code, Section 1963(a)(1);

21 B. all interests in, security of, claims against, and property and contractual  
22 rights affording a source of influence, over SKY GLOBAL, which these defendants  
23 established, operated, controlled, conducted, and participated in the conduct of, in violation  
24 of Title 18, United States Code, Section 1962, which interests, securities, claims, and rights  
25 are subject to forfeiture to the United States under Title 18, United States Code,  
26 Section 1963(a)(2); and

27 C. all property constituting and derived from proceeds obtained, directly  
28 and indirectly, from racketeering activity, in violation of Title 18, United States Code,

1 Section 1962, which property is subject to forfeiture to the United States under Title 18,  
2 United States Code, Section 1963(a)(3).

3 19. The interests of said defendants subject to forfeiture to the United States under  
4 Title 18, United States Code, Section 1963(a)(1), (a)(2), and (a)(3), include but are not limited  
5 to at least \$100,000,000 and all interests and proceeds traceable thereto, including but not  
6 limited to the following assets:

7 A. All right, title, and interest in the following Blackberry Unified Endpoint  
8 Management (UEM), Server Routing Protocol Identifiers (SRPIDs):

9 S49231435  
10 S57849247  
11 S39136777  
12 S12077336  
13 S63359470  
14 S80608512  
15 S34223055

16 B. All right, title, and interest in the following Google Android for Work  
17 Enterprise Account:

18 Enterprise Name: Sky Global Holdings, Inc.  
19 Enterprise Android for Work Admin: developer@skyglobal.com  
20 Enterprise ID: LC00xosx2o  
21 Enterprise Mobility Management (EMM): Blackberry

22 C. All right, title, and interest in at least 40 SKY GLOBAL HOLDINGS  
23 domain names:

24 www.skyglobal.com  
25 www.skyeconline.com  
26 www.skyecc.com  
27 www.skysecure.com  
28 www.skysecure.us  
www.skychat.info  
www.skywork.com  
www.skywork.net  
www.skychat.net  
www.skysecure.cc  
www.skysecure.info  
www.skysecure.mobi  
www.skysecure.co  
www.skysecure.me  
www.skysecure.org



1 www.skyglobal.org  
2 www.skyglobal.co  
3 www.skyglobal.ca  
4 www.skyecc.mobi  
5 www.skyuem.com  
6 www.skychat.mobi  
7 www.sky.global  
8 www.skywork.mobi  
9 www.skywork.online  
10 www.skychat.biz  
11 sky.skysecure.im  
12 ios.skysecure.im  
13 ios.a.skysecure.im  
14 ios.b.skysecure.im  
15 skya.skysecure.im  
16 skyb.skysecure.im  
17 sky3.skysecure.im  
18 ns.skysecure.im  
19 smtp.skysecure.im  
20 dev.skysecure.im  
21 hermes.skysecure.im  
22 mx.skysecure.im  
23 mx2.skysecure.im  
24 im.skysecure.im  
25 nox.skysecure.im

17 **(DRUG CONSPIRACY FORFEITURE)**

18 20. The allegations contained in Paragraph 16 are re-alleged and by their reference  
19 fully incorporated herein for the purpose of alleging forfeiture to the United States of  
20 America under Title 21, United States Code, Section 853.

21 21. Upon conviction of the felony violation of Title 21, United States Code,  
22 Sections 841(a)(1) and 846, as alleged in Count 2, which offense is subject to imprisonment  
23 for more than one year, defendants JEAN-FRANCOIS EAP, aka "888888", and THOMAS  
24 HERDMAN, shall forfeit to the United States all property constituting or derived from any  
25 proceeds the defendants obtained, directly or indirectly, as a result of the violation, and any  
26 of the defendants' property(ies) used or intended to be used, in any manner or part, to commit  
27 or to facilitate the commission of the violation set forth in Count 2.

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1 Substitute Property Forfeiture

2 22. If any of the above-described forfeitable property, as a result of any act or  
3 omission of said defendants —

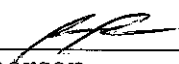
- 4 A. cannot be located upon the exercise of due diligence;  
5 B. has been transferred or sold to, or deposited with, a third party;  
6 C. has been placed beyond the jurisdiction of the Court;  
7 D. has been substantially diminished in value; or  
8 E. has been commingled with other property which cannot be subdivided  
9 without difficulty;

10 it is the intent of the United States, pursuant to Title 18, United States Code,  
11 Section 1963(m) and Title 21, United States Code, Section 853(p), to seek forfeiture of any  
12 other property of said defendants up to the value of the property listed above as being subject  
13 to forfeiture.

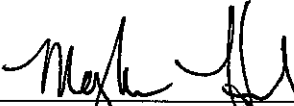
14 All pursuant to Title 18, United States Code, Section 1963, and Title 21, United States Code,  
15 Section 853.

16 DATED: March 12, 2021.

17 A TRUE BILL:

18   
19 \_\_\_\_\_  
Foreperson

20 RANDY S. GROSSMAN  
Acting United States Attorney

21  
22 By:   
23 \_\_\_\_\_  
MEGHAN E. HEESCH  
24 JOSHUA C. MELLOR  
Assistant U.S. Attorneys  
25  
26  
27  
28