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FILED

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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA

PJH

OAKLAND DIVISION

CR 14 582

14 UNITED STATES OF AMERICA,

) No.

15 v.

)

) VIOLATIONS: 15 U.S.C. § 1 –

) Bid Rigging (Count One);

16 ALVIN FLORIDA, JR.;

) 18 U.S.C. § 1341 – Mail Fraud (Counts

17 ROBERT ALHASHASH RASHEED;

) Two through Nine); 18 U.S.C. §

18 JOHN LEE BERRY, III, a/k/a “JB”;

) 981(a)(1)(C); 28 U.S.C. § 2461(c) –

19 REFUGIO DIAZ, a/k/a “Cuco”;

) Forfeiture

20 STEPHAN ALEXANDER FLORIDA;

)

21 Defendants.

)

)

22 INDICTMENT

23 The Grand Jury charges that:

24 BACKGROUND

25 1. At all times relevant to this Indictment, when California homeowners defaulted on
26 their mortgages, mortgage holders could institute foreclosure proceedings and sell the properties
27 through non-judicial public real estate foreclosure auctions (“public auctions”). These public
28 auctions were governed by California Civil Code, Section 2924, *et seq.* Typically, a trustee was

1 appointed to oversee the public auctions. These public auctions usually took place at or near the
2 courthouse of the county in which the properties were located. The auctioneer, acting on behalf
3 of the trustee, sold the property to the bidder offering the highest purchase price. Proceeds from
4 the sale were then used to pay the mortgage holders, other holders of debt secured by the
5 property, and, in some cases, the defaulting homeowner (collectively "beneficiaries").

6 2. During the period covered by this Indictment, defendant ALVIN FLORIDA, JR.,
7 was a bidder at and purchased real estate at public auctions in Alameda County, California, and
8 directed employee defendants JOHN LEE BERRY, III, REFUGIO DIAZ, and STEPHAN
9 ALEXANDER FLORIDA, and others to bid on and purchase real estate at public auctions in
10 Alameda County, California.

11 3. During the period covered by this Indictment, defendant ROBERT ALHASHASH
12 RASHEED was a bidder at and purchased real estate at public auctions in Alameda County,
13 California.

14 4. During the period covered by this Indictment, defendants JOHN LEE BERRY,
15 III, REFUGIO DIAZ, and STEPHAN ALEXANDER FLORIDA were bidders at and purchased
16 real estate at public auctions in Alameda County, California, on behalf of defendant ALVIN
17 FLORIDA, JR., and others.

18 **COUNT ONE: 15 U.S.C. § 1 – Bid Rigging**

19 5. The following individuals are hereby indicted and made defendants on the charge
20 contained in Count One below:

- 21 a. ALVIN FLORIDA, JR.;
- 22 b. ROBERT ALHASHASH RASHEED;
- 23 c. REFUGIO DIAZ;
- 24 d. JOHN LEE BERRY, III; and
- 25 e. STEPHAN ALEXANDER FLORIDA.

26 **THE COMBINATION AND CONSPIRACY**

27 6. Paragraphs 1 through 4 of this Indictment are re-alleged and incorporated herein
28 as if fully set forth in this Count.

1 **COUNTS TWO THROUGH NINE: 18 U.S.C. § 1341 – Mail Fraud**

2 The Grand Jury further charges that:

3 **SCHEME TO DEFRAUD**

4 13. Paragraphs 1 through 4 of this Indictment are re-alleged and incorporated herein
5 as if fully set forth in these Counts.

6 14. Beginning as early as May 2008 and continuing until in or about December 2010,
7 the exact dates being unknown to the Grand Jury, in Alameda County in the Northern District of
8 California, the defendants, ALVIN FLORIDA, JR., ROBERT ALHASHASH RASHEED,
9 REFUGIO DIAZ, JOHN LEE BERRY, III, and STEPHAN ALEXANDER FLORIDA, and
10 others known and unknown to the Grand Jury, did knowingly and with intent to defraud, devise
11 and participate in a scheme and artifice to defraud beneficiaries and to obtain money and
12 property from beneficiaries by means of materially false and fraudulent pretenses,
13 representations, and promises, and for purposes of executing such scheme, did use and
14 knowingly cause to be used the United States mail and private or commercial interstate carriers.

15 15. The purpose of the scheme was to fraudulently acquire title to hundreds of
16 selected properties sold at public auctions in Alameda County and to divert money to co-
17 schemers that would have gone to beneficiaries.

18 **MEANS AND METHODS OF THE SCHEME TO DEFRAUD**

19 16. For the purpose of forming and carrying out the charged scheme to defraud, the
20 defendants and co-schemers did those things that they schemed to do, including, among other
21 things:

- 22 a. holding second, private auctions, known as “rounds,” to determine payoff
23 amounts and the schemers who would be awarded the selected properties;
24 b. making and causing to be made materially false and misleading statements
25 that trustees relied upon to distribute proceeds to beneficiaries and to
26 convey title to selected properties;
27 c. paying co-schemers monies that otherwise would have gone to
28 beneficiaries;

Count	Defendants	Approx. Date	To	From	Description
2	Alvin Florida, Jr.; Refugio Diaz	12/11/2009	22538 Mission Blvd., Hayward, California	California Reconveyance Company	Trustee's Deed Upon Sale for 2335 94th Ave., Oakland, California
3	Alvin Florida, Jr.; Refugio Diaz	1/22/2010	437 Delvin Rd., Ste. 102, Napa, California	Priority Posting and Publishing	Purchase Money and Auction Paperwork for 5830 E. 17th Ave., Oakland, California
4	Alvin Florida, Jr.; Robert Alhashash Rasheed; John Lee Berry, III; Stephan Alexander Florida	3/4/2010	268 Saint Henry Dr., Fremont, California	CR Title Services, Inc.	Trustee's Deed Upon Sale for 5985 Corte Arboles, Pleasanton, California
5	Alvin Florida Jr.; John Lee Berry, III	3/31/2010	41111 Mission Blvd., Fremont, California	ReconTrust Company, N.A.	Trustee's Deed Upon Sale for 554 Andrews St., Livermore, California
6	Alvin Florida, Jr.	8/4/2010	585 Mandana Blvd. #9, Oakland, California	California Reconveyance Company	Trustee's Deed Upon Sale for 3058 Berlin Way, Oakland, California
7	Alvin Florida, Jr.; Robert Alhashash Rasheed; John Lee Berry, III	8/17/2010	2141 5th Ave., San Diego, California	ASAP Sales, Lender Processing Services, Inc.	Purchase Money and Auction Paperwork for 11830 Kilcullin Ct., Dublin, California
8	Alvin Florida, Jr.; Robert Alhashash Rasheed; Stephan Alexander Florida	9/9/2010	2100 Lakeshore Ave. Suite D, Oakland, California	Cal-Western Reconveyance Corporation	Trustee's Deed Upon Sale for 2100 66th Ave., Oakland, California
9	Alvin Florida, Jr.; Robert Alhashash Rasheed; John Lee Berry, III; Stephan Alexander Florida	11/23/2010	22538 Mission Blvd., Hayward, California	Cal-Western Reconveyance Corporation	Trustee's Deed Upon Sale for 2326 Maywood Ave., Oakland, California

JURISDICTION AND VENUE

1
2 19. The scheme and artifice to defraud charged in Counts Two through Nine was
3 carried out, in part, in the Northern District of California, within the five years preceding the
4 return of this Indictment.

5 ALL IN VIOLATION OF TITLE 18, UNITED STATES CODE, SECTION 1341.

6 **FORFEITURE ALLEGATION: 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c)**

7 20. Paragraphs 1 through 4 and Paragraphs 13 through 19 of this Indictment are
8 hereby re-alleged as if fully set forth herein for the purpose of alleging forfeiture pursuant to the
9 provisions of Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States
10 Code, Section 2461(c).

11 21. Pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28,
12 United States Code, Section 2461(c), upon conviction of the offenses alleged in Counts Two
13 through Nine of this Indictment, each defendant so convicted shall be jointly and severally liable
14 to forfeit to the United States any property constituting, or derived from, proceeds obtained
15 directly or indirectly from the scheme and artifice to defraud alleged in said Counts.

16 22. If, as a result of any act or omission of the defendants, any of said property:

- 17 a. cannot be located upon the exercise of due diligence;
- 18 b. has been transferred or sold to, or deposited with,
19 a third party;
- 20 c. has been placed beyond the jurisdiction of the Court;
- 21 d. has been substantially diminished in value; or
- 22 e. has been commingled with other property that cannot be divided
23 without difficulty,

24 any and all interest that the defendants have in any other property, up to the value of the property
25 described in Paragraph 21, above, shall be forfeited to the United States pursuant to Title 21,

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28 //

1 United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section
2 2461(c).


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4 Dated: 11-18-2014

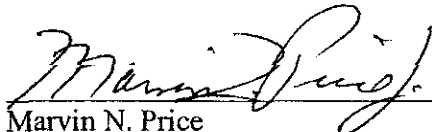
A TRUE BILL.

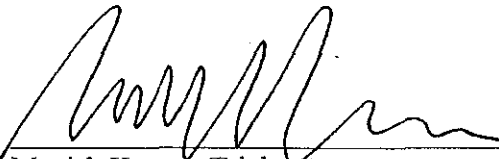


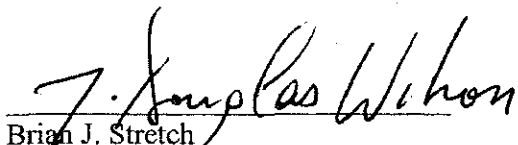
FOREPERSON

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33 by 28 U.S.C. § 515