

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 05-20878-CR-UNGARO-BENAGES(s)

18 U.S.C. § 1343

18 U.S.C. § 2326

18 U.S.C. § 1957

18 U.S.C. § 2

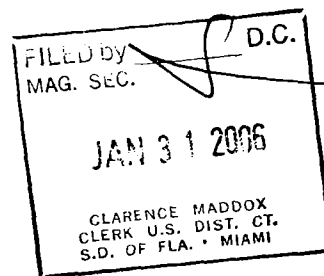
18 U.S.C. § 982

UNITED STATES OF AMERICA

v.

JORGE CASTRO OLMOS,

Defendant.



SUPERSEDING INDICTMENT

The Grand Jury charges that:

GENERAL ALLEGATIONS

At all times relevant to this Superseding Indictment, unless otherwise indicated:

1. Defendant **JORGE CASTRO OLMOS** resided in Costa Rica, where he practiced law.

2. **JORGE CASTRO OLMOS** maintained two bank accounts in his own name at BAC Florida Bank in Coral Gables, in the Southern District of Florida (the "**JORGE CASTRO OLMOS** bank accounts"), which consisted of account #802---983 (hereinafter "Bank Account A") and account #802---434 (hereinafter "Bank Account B").

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COUNTS 1- 29
Wire Fraud
(18 U.S.C. §§ 1343 and 2)

1. Paragraphs 1 and 2 of the General Allegations section of this Superseding Indictment are re-alleged and incorporated by reference as though fully set forth herein.

2. Between June 23, 2003 and October 7, 2003, both dates being approximate and inclusive, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

JORGE CASTRO OLMOS,

did knowingly and with intent to defraud, devise and intend to devise a scheme and artifice to defraud, and to obtain money and property from others by means of materially false and fraudulent pretenses, representations, and promises, knowing that the pretenses, representations, and promises were false and fraudulent when made.

PURPOSE OF THE SCHEME AND ARTIFICE

3. A purpose of the scheme and artifice was for **JORGE CASTRO OLMOS** to unjustly enrich himself by converting to his own use money he fraudulently obtained from victims.

SCHEME AND ARTIFICE

4. **JORGE CASTRO OLMOS** and others caused victims to receive a telephone call in which they told each victim he or she had won hundreds of thousands or millions of dollars in a foreign sweepstakes when, in fact, the defendant and others were neither operating, nor associated with, any sweepstakes and no such prizes existed.

5. **JORGE CASTRO OLMOS** and others instructed victims to wire large sums of money to the **JORGE CASTRO OLMOS** bank accounts in order to claim their purported sweepstakes prizes. The defendant and others told the victims the money was needed to cover insurance, taxes, fees, and duties associated with winning the prizes.

6. The victims wired the money to the **JORGE CASTRO OLMOS** bank accounts but never received the promised sweepstakes prizes.

7. **JORGE CASTRO OLMOS** fraudulently converted the money he received from victims to his own personal use.

USE OF THE WIRES

8. On or about the dates specified below, the defendant, **JORGE CASTRO OLMOS**, for the purpose of executing the aforesaid scheme and artifice to defraud and to obtain money and property from victims by means of materially false and fraudulent pretenses, representations and promises, did knowingly transmit and cause to be transmitted, by means of wire communications in interstate and foreign commerce, certain writings, signs, signals, and sounds, specifically, wire transfers of money from victims to the **JORGE CASTRO OLMOS** bank accounts, as more specifically described below:

COUNT	APPROXIMATE DATE	DESCRIPTION OF WIRE TRANSFER
1	5/08/2003	Wire transfer in the amount of \$25,000 sent by A.L.P. from Toledo, Ohio, to Bank Account A in Coral Gables, Florida.
2	7/21/2003	Wire transfer in the amount of \$15,000 sent by A.L.P. from Toledo, Ohio, to Bank Account A in Coral Gables, Florida.

COUNT	APPROXIMATE DATE	DESCRIPTION OF WIRE TRANSFER
3	8/07/2003	Wire transfer in the amount of \$89,000 sent by A.L.P. from Toledo, Ohio, to Bank Account A in Coral Gables, Florida.
4	9/16/2003	Wire transfer in the amount of \$74,000 sent by A.L.P. from Toledo, Ohio, to Bank Account A in Coral Gables, Florida.
5	6/25/2003	Wire transfer in the amount of \$8,721 sent by A.G.E. from St. Albans, New York, to Bank Account A in Coral Gables, Florida.
6	7/18/2003	Wire transfer in the amount of \$10,000 sent by A.G.E. from St. Albans, New York, to Bank Account A in Coral Gables, Florida.
7	10/10/2003	Wire transfer in the amount of \$150,000 sent by B.T.B. from Goodyear, Arizona, to Bank Account A in Coral Gables, Florida.
8	10/31/2003	Wire transfer in the amount of \$70,000 sent by B.T.B. from Goodyear, Arizona, to Bank Account A in Coral Gables, Florida.
9	8/20/2003	Wire transfer in the amount of \$28,800 sent by J.D.W. from Crescent City, California, to Bank Account A Coral Gables, Florida.
10	9/18/2003	Wire transfer in the amount of \$119,000 sent by J.D.W. from Crescent City, California, to Bank Account A in Coral Gables, Florida.
11	10/21/2003	Wire transfer in the amount of \$15,000 sent by J.D.W. from Crescent City, California, to Bank Account B in Coral Gables, Florida.
12	5/20/2003	Wire transfer in the amount of \$19,800 sent by L.P.O. from San Diego, California, to Bank Account A in Coral Gables, Florida.
13	10/10/2003	Wire transfer in the amount of \$22,400 sent by L.C. from Canandiaqua, New York, to Bank Account A in Coral Gables, Florida.

COUNT	APPROXIMATE DATE	DESCRIPTION OF WIRE TRANSFER
14	5/14/2003	Wire transfer in the amount of \$65,298 sent by M.A.D. from Las Cruces, New Mexico, to Bank Account A in Coral Gables, Florida.
15	6/04/2003	Wire transfer in the amount of \$40,000 sent by M.A.D. from Las Cruces, New Mexico, to Bank Account A in Coral Gables, Florida.
16	6/27/2003	Wire transfer in the amount of \$135,000 sent by M.A.D. from Las Cruces, New Mexico, to Bank Account A in Coral Gables, Florida.
17	7/10/2003	Wire transfer in the amount of \$50,000 sent by N.R.S. from Fishkill, New York, to Bank Account A in Coral Gables, Florida.
18	9/26/2003	Wire transfer in the amount of \$30,000 sent by N.E.H. from Vista, California, to Bank Account A in Coral Gables, Florida.
19	10/03/2003	Wire transfer in the amount of \$39,600 sent by N.E.H. from Vista, California, to Bank Account A in Coral Gables, Florida.
20	10/17/2003	Wire transfer in the amount of \$15,000 sent by N.E.H. from Vista, California, to Bank Account A in Coral Gables, Florida.
21	10/08/2003	Wire transfer in the amount of \$26,600 sent by O.R.G. from Ponca City, Oklahoma, to Bank Account A in Coral Gables, Florida.
22	10/22/2003	Wire transfer in the amount of \$60,000 sent by O.R.G. from Ponca City, Oklahoma, to Bank Account A in Coral Gables, Florida.
23	7/01/2003	Wire transfer in the amount of \$8,750 sent by R.M. from Frederick, Maryland, to Bank Account A in Coral Gables, Florida.
24	9/10/2003	Wire transfer in the amount of \$20,000 sent by V.C. from Birmingham, Alabama, to Bank Account A in Coral Gables, Florida.

COUNT	APPROXIMATE DATE	DESCRIPTION OF WIRE TRANSFER
25	10/17/2003	Wire transfer in the amount of \$14,880 sent by V.H. from Bellingham, Washington, to Bank Account B in Coral Gables, Florida.
26	10/20/2003	Wire transfer in the amount of \$40,000 sent by A.M.K. from El Cajon, California, to Bank Account B in Coral Gables, Florida.
27	9/8/2003	Wire transfer in the amount of \$74,384 sent by D.M. from Clinton, Maryland, to Bank Account A in Coral Gables, Florida.
28	9/30/2003	Wire transfer in the amount of \$50,000 sent by D.M. from Clinton, Maryland, to Bank Account A in Coral Gables, Florida.
29	10/24/2003	Wire transfer in the amount of \$64,600 sent by G.H. from El Paso, Texas, to Bank Account B in Coral Gables, Florida.

All in violation of Title 18, United States Code, Sections 1343, 2326, and 2.

COUNTS 30 - 45
Money Laundering
(18 U.S.C. §§ 1957 and 2)

1. Paragraphs 1 and 2 of the General Allegations section are re-alleged and incorporated by reference as though fully set forth herein.

2. On or about the dates set forth below, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

JORGE CASTRO OLMOS,

did knowingly engage and attempt to engage in monetary transactions, in and affecting interstate commerce, by and through a financial institution, in criminally derived property of a value greater than \$10,000, specifically withdrawals by check and wire transfers from

the **JORGE CASTRO OLMOS** bank accounts, when that property was in fact derived from specified unlawful activity:

COUNT	APPROXIMATE DATE	MONETARY TRANSACTION
30	5/14/2003	Payment of \$15,000.00 to JORGE CASTRO OLMOS on check number 249 written by JORGE CASTRO OLMOS and debited from Bank Account A maintained at BAC Florida Bank.
31	5/17/2003	Payment of \$16,000.00 to JORGE CASTRO OLMOS on check number 251 written by JORGE CASTRO OLMOS and debited from Bank Account A maintained at BAC Florida Bank.
32	5/22/2003	Payment of \$12,000.00 to JORGE CASTRO OLMOS on check number 253 written by JORGE CASTRO OLMOS and debited from Bank Account A maintained at BAC Florida Bank.
33	5/28/2003	Wire transfer of \$12,500.00 to Empresas Dual LTDA from Bank Account A maintained at BAC Florida Bank.
34	6/30/2003	Payment of \$25,000.00 to JORGE CASTRO OLMOS on check number 263 written by JORGE CASTRO OLMOS and debited from Bank Account A maintained at BAC Florida Bank.
35	7/9/2003	Wire transfer of \$145,368.00 to Grupo Juliana Cristina LTDA from Bank Account A maintained at BAC Florida Bank.
36	8/18/2003	Payment of \$76,000.00 to Grupo Juliana Cristina LTDA on check number 270 written by JORGE CASTRO OLMOS and debited from Bank Account A maintained at BAC Florida Bank.
37	9/23/2003	Payment of \$100,000.00 to Empresa Dual LTDA on check number 282 written by JORGE CASTRO OLMOS and debited from Bank Account A maintained at BAC Florida Bank.
38	9/23/2003	Payment of \$30,000.00 to JORGE CASTRO OLMOS on check number 281 written by JORGE CASTRO OLMOS and debited from Bank Account A maintained at BAC Florida Bank.
39	10/7/2003	Payment of \$21,000.00 to JORGE CASTRO OLMOS on check number 288 written by JORGE CASTRO OLMOS and debited from Bank Account A maintained at BAC Florida Bank.
40	10/7/2003	Payment of \$80,000.00 to Empresas Dual LTDA on check number 289 written by JORGE CASTRO OLMOS and debited from Bank Account A maintained at BAC Florida Bank.
41	10/14/2003	Wire transfer of \$100,000.00 to Empresas Dual LTDA from Bank Account A maintained at BAC Florida Bank.
42	10/22/2003	Payment of \$60,835.00 to JORGE CASTRO OLMOS on check number 119 written by JORGE CASTRO OLMOS and debited from Bank Account B maintained at BAC Florida Bank.

COUNT	APPROXIMATE DATE	MONETARY TRANSACTION
43	10/28/2003	Payment of \$58,140.00 to Empresa Dual LTDA on check number 120 written by JORGE CASTRO OLMOS and debited from Bank Account B maintained at BAC Florida Bank.
44	10/28/2003	Payment of \$36,000.00 to Empresa Dual LTDA on check number 298 written by JORGE CASTRO OLMOS and debited from Bank Account A maintained by BAC Florida Bank.
45	11/12/2003	Wire transfer of \$83,282.00 to Empresas Dual LTDA from Bank Account A maintained at BAC Florida Bank.

All in violation of Title 18, United States Code, Sections 1957 and 2.

NOTICE OF WIRE FRAUD FORFEITURE
18 U.S.C. § 982(a)(8)

1. Paragraphs 1 and 2 of the General Allegations section and paragraphs 3 through 7 of Counts 1 through 29 of this Superseding Indictment are re-alleged and incorporated fully herein by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 982(a)(8).

2. Upon conviction of any of the offenses in violation of Title 18, United States Code, Section 1343, set forth in Counts 1 through 29 of this Superseding Indictment, which involved telemarketing as that term is used in Title 18, United States Code, Section 2325, the defendant,

JORGE CASTRO OLMOS,

shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 982(a)(8), up to a value of \$1,400,000;

- (a) used or intended to be used to commit, to facilitate, or to promote the commission of such offenses; and
- (b) any real or personal property, constituting, derived from, or traceable to the gross proceeds obtained directly or indirectly as a result of the offenses.

The property to be forfeited includes, but is not limited to a sum of money representing the amount of proceeds obtained as a result of any of the offenses for which defendant is convicted.

3. If any of the property described above, as a result of any act or omission of the defendant:

- (a) cannot be located upon 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 18, United States Code, Section 982(b)(1).

NOTICE OF MONEY LAUNDERING FORFEITURE
18 U.S.C. § 982(a)(1)

1. Paragraphs 1 and 2 of the General Allegations section and paragraphs 3 through 7 of Counts 1 through 29 of this Superseding Indictment are re-alleged and incorporated fully herein by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 982(a)(1).

2. Pursuant to Title 18, United States Code, Section 982(a)(1), upon conviction of any of the offenses set forth in Counts 30 through 45, the defendant, **JORGE CASTRO OLMOS**, shall forfeit to the United States any property involved in the offenses, in violation of Title 18, United States Code, Section 1957, and all property traceable to such property, including, without limitation, the following:

- (a) \$1,400,000 (one million four hundred thousand dollars);
- (b) All money and other property that was the subject of each transaction in violation of Title 18, United States Code, Section 1957;

- (c) All commissions, fees and other property constituting proceeds obtained as a result of those violations; and
- (d) All property used in any manner or part to commit or to facilitate the commission of those violations.

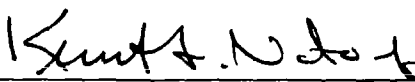
3. If any of the property described above, as a result of any act or omission of the defendant:


- (a) cannot be located upon 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 18, United States Code, Section 982(b).

A TRUE BILL


FOREPERSON


R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY


PETER B. LOEWENBERG
TRIAL ATTORNEY
FRAUD SECTION, CRIMINAL DIVISION
U.S. DEPARTMENT OF JUSTICE

UNITED STATES OF AMERICA
vs.

CASE NO. 05-20878-CR-UNGARO-BENAGES(s)

CERTIFICATE OF TRIAL ATTORNEY*

JORGE CASTRO OLMOS,

Defendant.

Superseding Case Information:

Court Division: (Select One)

Miami Key West
 FTL WPB FTP

New Defendant(s) Yes No
Number of New Defendants
Total number of counts 45

I do hereby certify that:

- I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
- I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.
- Interpreter: (Yes or No) Yes
List language and/or dialect Spanish
- This case will take 5 days for the parties to try.
- Please check appropriate category and type of offense listed below:
(Check only one) (Check only one)

I	0 to 5 days	<u>X</u>	Petty	<u> </u>
II	6 to 10 days	<u> </u>	Minor	<u> </u>
III	11 to 20 days	<u> </u>	Misdem.	<u> </u>
IV	21 to 60 days	<u> </u>	Felony	<u>X</u>
V	61 days and over	<u> </u>		

6. Has this case been previously filed in this District Court? (Yes or No) Yes

If yes:
Judge: Ungaro-Benages Case No. 05-20878-CR

(Attach copy of dispositive order)
Has a complaint been filed in this matter? (Yes or No) Yes


If yes:
Magistrate Case No. M05-0483 (SDNY)

Related Miscellaneous numbers: 10/28/05

Defendant(s) in federal custody as of
Defendant(s) in state custody as of
Rule 20 from the District of

Is this a potential death penalty case? (Yes or No) No

- Does this case originate from a matter pending in the U.S. Attorney's Office prior to April 1, 2003? Yes No
- Does this case originate from a matter pending in the U. S. Attorney's Office prior to April 1, 1999? Yes No
If yes, was it pending in the Central Region? Yes No
- Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to October 14, 2003? Yes No
- Does this case originate from a matter pending in the Narcotics Section (Miami) prior to May 18, 2003? Yes No


PETER B. LOEWENBERG
DOJ TRIAL ATTORNEY

*Penalty Sheet(s) attached

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: Jorge Castro Olmos **Case No:** 05-20878-CR-Ungaro-Benages(s)

Counts #: 1 - 29

18 U.S.C. §§ 1343, 2326, and 2

Wire Fraud

***Max Penalty:** 30 years' imprisonment as to each count

Counts #: 30 - 45

18 U.S.C. § 1957

Money Laundering

***Max Penalty:** 10 years' imprisonment as to each count

Count #:

***Max Penalty:**

Count #:

***Max Penalty:**

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**