

JUDGE DANIELS

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SEALED INDICTMENT

UNITED STATES OF AMERICA

20 Cr. ____ (____)

- v. -

GUTEMBERG DOS SANTOS,

20 CRIM 398

Defendant.

----- X

COUNT ONE

(Wire Fraud Conspiracy)

The Grand Jury charges:

1. From at least in or about September 2015 through at least in or about July 2020, in the Southern District of New York and elsewhere, GUTEMBERG DOS SANTOS, the defendant, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit wire fraud in violation of Title 18, United States Code, Section 1343.

2. It was a part and an object of the conspiracy that GUTEMBERG DOS SANTOS, the defendant, and others known and unknown, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, would and did transmit and cause to be transmitted by means of wire, radio, and television

communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, in violation of Title 18, United States Code, Section 1343, to wit, DOS SANTOS conspired with others known and unknown to fraudulently induce investor victims to invest money in AirBit Club by falsely promising those investors guaranteed returns on their investments, and did so through the use of interstate wires, including interstate email and other electronic communications.

(Title 18, United States Code, Section 1349.)

COUNT TWO
(Bank Fraud Conspiracy)

The Grand Jury further charges:

3. From at least in or about September 2015 through at least in or about July 2020, in the Southern District of New York and elsewhere, GUTENBERG DOS SANTOS, the defendant, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit bank fraud in violation of Title 18, United States Code, Section 1344.

4. It was a part and an object of the conspiracy that GUTENBERG DOS SANTOS, the defendant, and others known and unknown, would and did knowingly execute and attempt to execute

a scheme and artifice to defraud financial institutions, the deposits of which were then insured by the Federal Deposit Insurance Corporation, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, such financial institutions, by means of false and fraudulent pretenses, representations, and promises, in violation of Title 18, United States Code, Section 1344, to wit, DOS SANTOS conspired with others known and unknown to fraudulently obtain funds held in accounts in the United States and to transfer those funds to accounts overseas by means of false and fraudulent pretenses regarding the purpose of the underlying financial transactions.

(Title 18, United States Code, Section 1349.)

COUNT THREE

(Conspiracy to Commit Money Laundering)

The Grand Jury further charges:

5. From at least in or about September 2015 through at least in or about July 2020, in the Southern District of New York and elsewhere, GUTEMBERG DOS SANTOS, the defendant, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit money laundering, in violation of Title 18, United States Code, Sections 1956(a)(1)(A)(i) and 1956(a)(1)(B)(i).

6. It was a part and an object of the conspiracy that GUTEMBERG DOS SANTOS, the defendant, and others known and unknown, knowing that the property involved in certain financial transactions, to wit, cash transactions and wire transfers, represented the proceeds of some form of unlawful activity, would and did conduct and attempt to conduct such financial transactions, which in fact involved the proceeds of specified unlawful activity, as defined in Title 18, United States Code, Section 1956(c)(7)(A), to wit, wire fraud and bank fraud in violation of Title 18, United States Code, Sections 1343 and 1344, with the intent to promote the carrying on of specified unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i).

7. It was a further part and an object of the conspiracy that GUTEMBERG DOS SANTOS, the defendant, and others known and unknown, knowing that the property involved in certain financial transactions, to wit, cash transactions and wire transfers, represented the proceeds of some form of unlawful activity, would and did conduct and attempt to conduct such financial transactions, which in fact involved the proceeds of specified unlawful activity as defined in Title 18, United States Code, Section 1956(c)(7)(A), to wit, wire fraud and bank

fraud in violation of Title 18, United States Code, Sections 1343 and 1344, knowing that the transactions were designed in whole and in part to conceal and disguise the nature, the location, the source, the ownership, and the control of the proceeds of specified unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i).

(Title 18, United States Code, Section 1956(h).)

FORFEITURE ALLEGATIONS

8. As a result of committing the offenses alleged in Counts One and Two of this Indictment, GUTENBERG DOS SANTOS, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of said offenses, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offense.

9. As a result of committing the offense alleged in Count Three of this Indictment, GUTENBERG DOS SANTOS, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), any and all property,

real or personal, involved in the offense alleged in Count Three of this Indictment, and any property traceable to such property.

Substitute Assets Provision

10. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third person;

c. has been placed beyond the jurisdiction of the Court;

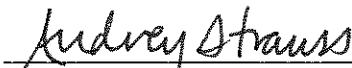
d. has been substantially diminished in value;
or

e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853 (p), and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property.

(Title 18, United States Code, Sections 981 & 982;
Title 21, United States Code, Section 853; and
Title 28, United States Code, Section 2461.)


FOREPERSON


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Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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(18 U.S.C. §§ 1349 and 1956.)



Foreperson

AUDREY STRAUSS
Acting United States Attorney.
