

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

COPY

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UNITED STATES OF AMERICA	:
	:
- v. -	:
	:
	: <u>INDICTMENT</u>
	: S3 19 Cr. 781 (PKC)
GUILLERMO PEREZ,	:
	:
Defendant.	:
	:
-----	x

COUNT ONE
(Conspiracy to Commit Wire Fraud and Bank Fraud)

The Grand Jury charges:

1. ~~From at least in or about October 2018 through at~~
least in or about October 2019, in the Southern District of New York and elsewhere, GUILLERMO PEREZ, 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, and bank fraud, in violation of Title 18, United States Code, Section 1344.

2. It was a part and an object of the conspiracy that GUILLERMO PEREZ, the defendant, and others known and unknown, 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, to wit, PEREZ participated in a scheme to fraudulently obtain funds of others that involved impersonating individuals, professionals, and businesses in the course of otherwise ordinary financial transactions, fraudulently inducing counterparties to those transactions to transfer funds to bank accounts controlled and operated by PEREZ and other co-conspirators, and withdrawing the proceeds from those accounts in cash, by check, and via transfers to other accounts controlled by PEREZ and other co-conspirators, in violation of Title 18, United States Code, Section 1343.

3. It was further a part and an object of the conspiracy that GUILLERMO PEREZ, the defendant, and others known and unknown, would and did execute, and attempt to execute, a scheme and artifice to defraud a financial institution, the deposits of which were then federally insured, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, such financial institution, by means of false and fraudulent pretenses, representations, and promises, in violation of Title 18, United States Code, Section 1344, to wit, PEREZ participated in a scheme to deceive federally insured banks into opening business bank accounts on

behalf of entities by providing the banks with false and misleading information regarding, and by omitting material facts pertaining to Perez's co-conspirators' affiliations with the entities for which they obtained such bank accounts, and the nature of those entities and their respective business activities, and thereby obtain money of, or under the custody and control of, those financial institutions.

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

COUNT TWO
(Conspiracy to Commit Money Laundering)

The Grand Jury further charges:

4. From at least in or about October 2018 through in or about October 2019, in the Southern District of New York and elsewhere, GUILLERMO PEREZ, the defendant, and others known and unknown, knowingly did combine, conspire, confederate, and agree together and with each other to violate Title 18, United States Code, Sections 1956(a)(1)(B)(i) and 1957(a).

5. It was a part and an object of the conspiracy that GUILLERMO PEREZ, the defendant, and others known and unknown, knowing that the property involved in certain financial transactions, to wit, cash transactions, check 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, to wit, the wire fraud and bank fraud conspiracy charged in Count One of this Indictment, 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 said specified unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i).

6. It was a further part and an object of the conspiracy that GUILLERMO PEREZ, the defendant, and others known and unknown, within the United States, knowingly would and did engage and attempt to engage in monetary transactions in criminally derived property of a value greater than \$10,000 that was derived from specified unlawful activity, to wit, the wire fraud and bank fraud conspiracy charged in Count One of this Indictment, in violation of Title 18, United States Code, Section 1957(a).

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

FORFEITURE ALLEGATION

7. As a result of committing the wire fraud object of the conspiracy offense alleged in Count One of this Indictment, GUILLERMO PEREZ, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any and all property, real or personal, that constitutes or is

derived from proceeds traceable to the commission of said offense, 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.

8. As a result of committing the bank fraud object of the conspiracy offense alleged in Count One of this Indictment, GUILLERMO PEREZ, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(2)(A), any and all property constituting, or derived from, proceeds obtained directly or indirectly, as a result of the commission of said offense, 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 Two of this Indictment, GUILLERMO PEREZ, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), any and all property, real and personal, involved in said offense, or any property traceable to such property, including but not limited to a sum of money in United States currency representing the amount of property involved in said offense.

Substitute Assets Provision


10. If any of the above-described forfeitable property, 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 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;

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 above forfeitable property.

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


Foreperson



AUDREY STRAUSS
United States Attorney

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

GUILLERMO PEREZ,

Defendant.

INDICTMENT

S3 19 Cr. 781 (PKC)

(18 U.S.C. §§ 1349, 1956(h).)

AUDREY STRAUSS

United States Attorney

