

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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 UNITED STATES OF AMERICA : Hon. William J. Martini
 :
 v. : Criminal No. 09-369 (WJM)
 :
 PAUL BERGRIN, :
 YOLANDA JAUREGUI, :
 a/k/a "Yolanda Bracero," : 18 U.S.C. §§ 1962, 1958
 THOMAS MORAN, : 1952, 1512, 1349, 1343,
 ALEJANDRO BARRAZA-CASTRO : 981, 982, 371 & 2,
 a/k/a "George," : 21 U.S.C. §§ 841,
 VICENTE ESTEVES, : 846, 853, 856,
 a/k/a "Vinny," : 26 U.S.C. § 7206,
 ALONSO BARRAZA-CASTRO, : 28 U.S.C. § 2461 and
 JOSE JIMENEZ and : 31 U.S.C. § 5324
 SUNDIATA KOONTZ :
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S U P E R S E D I N G I N D I C T M E N T

COUNT ONE

(Racketeering)

(Defendants Bergrin, Jauregui, Moran and Alejandro Barraza-Castro)

The Grand Jury in and for the District of New Jersey, sitting in Newark, charges:

The Enterprise

1. At various times relevant to this Superseding Indictment, in the District of New Jersey and elsewhere, defendants PAUL BERGRIN, YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," THOMAS MORAN, ALEJANDRO BARRAZA-CASTRO, a/k/a "George," and others, including Vicente Esteves, a/k/a "Vinny," were members and associates of a criminal organization, hereinafter referred to as "The Bergrin Law Enterprise," that operated

principally in Essex County, New Jersey.

2. The Bergrin Law Enterprise operated primarily as a business that in addition to providing legitimate attorney services, also committed and conspired to commit acts of murder, drug trafficking, prostitution, fraud, money laundering and other crimes for the benefit of members and associates of The Bergrin Law Enterprise. Defendant PAUL BERGRIN, a lawyer, was the leader of The Bergrin Law Enterprise. Defendant PAUL BERGRIN and other members and associates of The Bergrin Law Enterprise formed and used various corporations, including Law Office of Paul W. Bergrin P.C., P.B.& V., P.A. ("PB&V"), Premium Realty Investment Corp., Inc., and Isabella's International Restaurant, Inc., to conceal and otherwise assist them in their criminal activities. As the leader of The Bergrin Law Enterprise, and through his ownership interest in those corporations, defendant PAUL BERGRIN exercised control over those corporations.

3. The Bergrin Law Enterprise, including its leadership, membership and associates, constituted an "enterprise," as defined by Title 18, United States Code, Section 1961(4), that is, a group of individuals and legal entities associated in fact. The Bergrin Law Enterprise constituted an ongoing organization whose members functioned as a continuing unit for the common purpose of achieving the objectives of The Bergrin Law Enterprise. The Bergrin Law Enterprise was engaged

in, and its activities affected, interstate and foreign commerce.

Purposes of The Bergrin Law Enterprise

4. The purposes of The Bergrin Law Enterprise included the following:

a. providing The Bergrin Law Enterprise and its leaders, members and associates with an expanding base of clients for legal and illegal services;

b. generating, preserving and protecting The Bergrin Law Enterprise's profits and client base through acts of, among other things, witness tampering, murder, conspiracy to commit murder, traveling in aid of racketeering enterprises, bribery, drug trafficking, prostitution, wire fraud and money laundering;

c. protecting and preserving defendant PAUL BERGRIN's status as a licensed attorney;

d. enhancing defendant PAUL BERGRIN's reputation as a criminal defense attorney;

e. promoting and enhancing The Bergrin Law Enterprise and its leaders', members' and associates' activities;

f. enriching the leaders, members and associates of The Bergrin Law Enterprise; and

g. concealing and otherwise protecting the criminal activities of The Bergrin Law Enterprise and its members and associates from detection and prosecution.

Methods and Means of the Enterprise

5. Among the methods and means by which the defendants and other members and associates of The Bergrin Law Enterprise conducted and participated in the conduct of the affairs of The Bergrin Law Enterprise were the following:

6. Defendants and other members and associates of The Bergrin Law Enterprise would provide illegal services to various criminals, criminal organizations and members of criminal organizations ("Client Criminals") who hired or otherwise used the services of The Bergrin Law Enterprise. As part of those services, defendants and other members and associates of The Bergrin Law Enterprise would use the special privileges granted to licensed attorneys to engage in and assist Client Criminals to engage in criminal activities. Those services included committing and assisting Client Criminals in committing witness tampering, murder, conspiracy to commit murder, bribery of witnesses, intimidation of witnesses, traveling in aid of racketeering enterprises, drug trafficking, wire fraud, prostitution and money laundering. Some examples of those services are set forth below.

A. The Murder of a Witness Against Client Criminal W.B. (As Charged in Racketeering Act One)

7. Under the guise of providing legitimate attorney services through PB&V, defendant PAUL BERGRIN and other members and associates of The Bergrin Law Enterprise, among other things,

assisted a Client Criminal, whose initials are "W.B.," in murdering a person, whose initials were "K.D.M.," because K.D.M. was a witness in a pending drug prosecution against W.B. in United States District Court in New Jersey (the "Federal Drug Case"). Defendant PAUL BERGRIN was W.B.'s attorney on the Federal Drug Case.

8. W.B. was a drug trafficker who sold crack cocaine to K.D.M. Unbeknownst to W.B., K.D.M. was cooperating with law enforcement when he purchased crack cocaine from W.B. After his arrest, W.B. decided to have K.D.M. murdered and, in a private attorney visit, told defendant PAUL BERGRIN, among other things, that K.D.M. was the law enforcement witness to whom he had sold crack cocaine. Defendant PAUL BERGRIN then met with W.B.'s drug trafficking associates, told them K.D.M. was the witness against W.B., told them that if they did not kill K.D.M., W.B. would spend the rest of his life in jail, and told them that if they did kill K.D.M., defendant PAUL BERGRIN would win the Federal Drug Case and W.B. would go free. Thereafter, W.B.'s drug trafficking associates searched for, located and murdered K.D.M.

B. The Conspiracy to Murder Witnesses Against Client Criminal Vicente Esteves, a/k/a "Vinny"
(As Charged in Racketeering Acts Two and Three)

9. Under the guise of providing legitimate attorney services to Client Criminals through Law Office of Paul W. Bergrin P.C., defendants PAUL BERGRIN, YOLANDA JAUREGUI, a/k/a

"Yolanda Bracero," and THOMAS MORAN and other members and associates of The Bergrin Law Enterprise, among other things, assisted Client Criminal Vicente Esteves, a/k/a "Vinny," in plotting to murder witnesses in a drug prosecution (the "Monmouth County Witnesses") then pending against Vicente Esteves, a/k/a "Vinny," in Superior Court in Monmouth County, New Jersey (the "Monmouth County Case"). Defendant PAUL BERGRIN was the attorney for Vicente Esteves, a/k/a "Vinny," in the Monmouth County Case.

10. Prior to his arrest on the Monmouth County Case, Vicente Esteves, a/k/a "Vinny," operated a drug trafficking business. Since Vicente Esteves, a/k/a "Vinny," was detained in jail pending trial on the Monmouth County Case, he was hampered in operating his drug trafficking business. Vicente Esteves, a/k/a "Vinny," wanted to kill the Monmouth County Witnesses so he could secure his release from jail and resume his drug trafficking business (the "Plot to Kill the Monmouth County Witnesses"). Vicente Esteves, a/k/a "Vinny," hired The Bergrin Law Enterprise to assist him in the Plot to Kill the Monmouth County Witnesses.

11. In connection with the Plot to Kill the Monmouth County Witnesses, defendant PAUL BERGRIN, defendant THOMAS MORAN and Vicente Esteves, a/k/a "Vinny," solicited a person (the "Hitman") to locate and kill the Monmouth County Witnesses. From July 2008 through December 2008, defendants PAUL BERGRIN and

THOMAS MORAN had face to face meetings with the Hitman during which they discussed details of the Plot to Kill the Monmouth County Witnesses. The Hitman traveled between Illinois and New Jersey to attend those meetings. On one occasion, defendant PAUL BERGRIN traveled from New Jersey to Illinois to attend one of those meetings with the Hitman. Defendant PAUL BERGRIN and Vicente Esteves, a/k/a "Vinny," also engaged in telephone conversations with the Hitman regarding the Plot to Kill the Monmouth County Witnesses.

12. Defendant YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," also attended meetings with the Hitman. After several weeks of meetings, defendant YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," expressed concern that the Hitman was taking too long to locate and kill the Monmouth County Witnesses. Defendant YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," stated that she had done a background check on the Hitman and that she was worried that the Hitman may have been a law enforcement cooperator rather than an actual hitman. Defendant YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," stated she would have the Hitman "boxed and sent home (killed)" if she learned that the Hitman was cooperating with law enforcement. Defendant YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," nevertheless attended subsequent meetings with the Hitman.

13. During a subsequent meeting between the Hitman and

defendant THOMAS MORAN, the Hitman informed defendant THOMAS MORAN that the Hitman had located one of the Monmouth County Witnesses. In response, defendant THOMAS MORAN offered to assist the Hitman in obtaining a gun so that the Hitman could kill that witness. At another meeting later that same day, defendant PAUL BERGRIN told the Hitman to make the murder of that witness appear as if it were part of a home invasion robbery rather than the murder of a witness.

14. In connection with the Plot to Kill the Monmouth County Witnesses, the Hitman delivered \$20,000 in cash to defendant PAUL BERGRIN as payment for the services that The Bergrin Law Enterprise had provided to Vicente Esteves, a/k/a "Vinny." Defendant PAUL BERGRIN failed to report his receipt of the \$20,000 in cash as required by Internal Revenue Service regulations.

C. Bribery of a Witness Against Client Criminal R.J.
(As Charged in Racketeering Act Four)

15. Under the guise of providing legitimate attorney services through Law Office of Paul W. Bergrin P.C., defendants PAUL BERGRIN, YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," and THOMAS MORAN, among other things, bribed and assisted in bribing a witness, whose initials are "M.P.," to testify falsely in a criminal case then pending in Superior Court in Essex County, New Jersey against a Client Criminal whose initials are "R.J." (the "Essex County Case"). R.J. had been charged with robbing M.P. in

the Essex County Case. Defendant PAUL BERGRIN was R.J.'s attorney on the Essex County Case.

16. Defendants PAUL BERGRIN and YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," solicited the assistance of another person, whose initials are "M.C.," to convince M.P. to accept the bribe and testify falsely in the Essex County Case. Defendants PAUL BERGRIN and YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," had and caused M.C. to have telephone conversations which furthered the plot to bribe M.P. Defendants PAUL BERGRIN, YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," and THOMAS MORAN paid and assisted in paying M.P. \$3,000 in cash in exchange for M.P.'s promise to falsely exculpate R.J. in the Essex County Case.

D. Operating The Drug Trafficking Business
(As Charged in Racketeering Acts Five through Seven)

17. Under the guise of conducting legitimate business through Law Office of Paul W. Bergrin P.C., PB&V, Premium Realty Investment Corp., Inc. and Isabella's International Restaurant, Inc., defendant PAUL BERGRIN and other members and associates of The Bergrin Law Enterprise engaged in and assisted Client Criminals who engaged in drug trafficking. In particular, defendants PAUL BERGRIN, YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," and ALEJANDRO BARRAZA-CASTRO, a/k/a "George," operated and assisted in operating a drug trafficking business that distributed multi-kilogram quantities of cocaine.

18. In connection with that drug trafficking business,

defendants PAUL BERGRIN, YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," and ALEJANDRO BARRAZA-CASTRO, a/k/a "George," among other things, supplied Client Criminals with kilogram quantities of cocaine and collected the proceeds of cocaine sales. In addition, defendants PAUL BERGRIN, YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," and ALEJANDRO BARRAZA-CASTRO, a/k/a "George," among other things, maintained a drug "stash house" at the location of Isabella's International Restaurant, Inc., 710 Summer Avenue, Newark, New Jersey, which they used to store multi-kilogram quantities of cocaine and the proceeds of cocaine sales. Defendants PAUL BERGRIN, YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," and ALEJANDRO BARRAZA-CASTRO, a/k/a "George," among other things, met with drug customers at 710 Summer Avenue, Newark, New Jersey.

E. Operating a Prostitution Business
(As Charged in Racketeering Acts Eight and Nine)

19. Under the guise of conducting legitimate business through Law Office of Paul W. Bergrin P.C., PB&V and Premium Realty Investment Corp., Inc., defendant PAUL BERGRIN and other members and associates of the Bergrin Law Enterprise operated and assisted a Client Criminal whose initials are "J.I." in operating a prostitution business in New York.

20. For a period of time, J.I. was on parole in New Jersey while he operated the prostitution business in New York. J.I.'s New Jersey parole restricted his ability to travel to New

York and otherwise operate the prostitution business. Defendant PAUL BERGRIN provided attorney services to J.I. in connection with J.I.'s New Jersey parole. In connection with providing attorney services, defendant PAUL BERGRIN, among other things, mailed letters to New Jersey Parole Board Officials falsely stating that J.I. was employed by Law Office of Paul W. Bergrin so that J.I. could evade his New Jersey parole restrictions and operate the prostitution business in New York. In addition, defendant PAUL BERGRIN, among other things, provided J.I. with photocopies of checks purportedly drawn on a Premium Realty Investment Corp., Inc. bank account and made payable to J.I., to support J.I.'s false claims to New Jersey Parole Board Officials that he was legitimately employed by defendant PAUL BERGRIN.

21. In connection with operating the prostitution business, J.I. was subsequently charged in New York Supreme Court with violations of New York State law ("J.I.'s New York Case"). Defendant PAUL BERGRIN was J.I.'s attorney on J.I.'s New York Case. Since J.I. was detained in jail on J.I.'s New York Case, J.I. was hampered further in operating the prostitution business. Defendant PAUL BERGRIN, among other things, managed the prostitution business after J.I. was detained in jail.

22. In connection with operating the prostitution business, defendant PAUL BERGRIN was subsequently charged in New York State Supreme Court with violations of New York State

criminal law ("PAUL BERGRIN's New York Case"). A person whose initials are "J.C." was a witness against defendant PAUL BERGRIN in PAUL BERGRIN's New York Case. Defendant YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," among other things, solicited the person identified above as M.C. to murder J.C., because J.C. was a witness against defendant PAUL BERGRIN in PAUL BERGRIN's New York Case. Defendant YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," among other things, gave M.C. the identity and location of J.C. and discussed the timing of when she wanted M.C. to have J.C. murdered. Defendant YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," agreed to pay M.C. \$10,000 in exchange for murdering J.C.

F. The Fraudulent Mortgage Loan Transactions
(As Charged in Racketeering Acts Ten through Thirteen)

23. Under the guise of conducting legitimate business through Law Office of Paul W. Bergrin P.C. and Premium Realty Investment Corp., Inc., defendant PAUL BERGRIN and other members and associates of The Bergrin Law Enterprise committed and assisted Client Criminals, including Sundiata Koontz and a person whose initials are "D.D.," in committing wire fraud. Among other things, defendants PAUL BERGRIN and YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," sold real estate properties they owned to persons they knew had fraudulently obtained mortgage loans to pay for such real estate properties. At least one of those properties was owned by defendants PAUL BERGRIN and YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," through Premium Realty

Investment Corp., Inc. Among other things, defendant PAUL BERGRIN and other attorneys acting on his behalf from Law Office of Paul W. Bergrin were closing attorneys on real estate transactions which defendant PAUL BERGRIN knew involved fraudulently obtained mortgage loans.

Roles of Defendants and Other Members and Associates of The Bergrin Law Enterprise

24. The members and associates of The Bergrin Law Enterprise included both persons and corporations. Under the direction of defendant PAUL BERGRIN, The Bergrin Law Enterprise members and associates, including defendant YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," defendant THOMAS MORAN, defendant ALEJANDRO BARRAZA-CASTRO, a/k/a "George," Vicente Esteves, a/k/a "Vinny," Law Office of Paul W. Bergrin P.C., PB&V, Premium Realty Investment Corp., Inc., and Isabella's International Restaurant, Inc., participated in unlawful and other activities in furtherance of the conduct of The Bergrin Law Enterprise's affairs, as further described below:

a. Defendant PAUL BERGRIN was the leader of The Bergrin Law Enterprise. Among other activities, he directed other members and associates of The Bergrin Law Enterprise in carrying out unlawful and other activities in furtherance of the conduct of The Bergrin Law Enterprise's affairs.

b. Defendant YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," conducted the affairs of The Bergrin Law Enterprise by,

among other things, engaging in conspiracy to murder witnesses, traveling in aid of racketeering enterprises, bribery of a witness, drug trafficking, solicitation to murder a witness and wire fraud.

c. Defendant THOMAS MORAN conducted the affairs of The Bergrin Law Enterprise by, among other things, engaging in conspiracy to murder witnesses, traveling in aid of racketeering enterprises and bribery of a witness.

d. Defendant ALEJANDRO BARRAZA-CASTRO, a/k/a "George," conducted the affairs of The Bergrin Law Enterprise by, among other things, engaging in drug trafficking.

e. Vicente Esteves, a/k/a "Vinny," conducted the affairs of The Bergrin Law Enterprise by, among other things, engaging in conspiracy to murder witnesses and traveling in aid of racketeering enterprises.

f. Law Office of Paul W. Bergrin was a corporation owned by defendant PAUL BERGRIN that engaged in the business of providing attorney services. Law Office of Paul W. Bergrin was one of the corporations through which defendant PAUL BERGRIN operated his law practice. Members and associates of The Bergrin Law Enterprise used Law Office of Paul W. Bergrin to assist The Bergrin Law Enterprise in, among other things, conspiracy to murder witnesses, traveling in aid of racketeering enterprises, bribery of a witness, drug trafficking, prostitution

and wire fraud.

g. PB&V was a corporation that engaged in the business of providing attorney services. Defendant PAUL BERGRIN was fifty percent (50%) owner of PB&V. PB&V was one of the corporations through which defendant PAUL BERGRIN operated his law practice. Members and associates of The Bergrin Law Enterprise used PB&V to assist The Bergrin Law Enterprise in, among other things, witness tampering, conspiracy to murder witnesses, murder, drug trafficking and wire fraud.

h. Premium Realty Investment Corp., Inc. was a corporation owned by defendants PAUL BERGRIN and YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," which purported to engage in the real estate investment business. Members and associates of The Bergrin Law Enterprise used Premium Realty Investment Corp., Inc. to assist The Bergrin Law Enterprise in, among other things, drug trafficking, prostitution and wire fraud.

i. Isabella's International Restaurant, Inc. was a corporation owned by defendants PAUL BERGRIN and YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," which purported to engage in the restaurant business. Members and associates of The Bergrin Law Enterprise used Isabella's International Restaurant, Inc. to assist The Bergrin Law Enterprise in, among other things, drug trafficking.

The Racketeering Violation

25. From in or about November 2003 through on or about May 21, 2009, in the counties of Essex, Hudson and Monmouth, in the District of New Jersey and elsewhere, defendants

PAUL BERGRIN,
YOLANDA JAUREGUI, a/k/a "Yolanda Bracero,"
THOMAS MORAN and
ALEJANDRO BARAZZA-CASTRO, a/k/a "George,"

together with others, being persons employed by and associated with The Bergrin Law Enterprise described above, an enterprise engaged in, and the activities of which affected, interstate and foreign commerce, unlawfully and knowingly conducted and participated, directly and indirectly, in the conduct of the affairs of The Bergrin Law Enterprise through a pattern of racketeering activity, that is, through the commission of the following acts: Racketeering Acts One through Thirteen, as set forth below.

The Pattern of Racketeering Activity

26. The pattern of racketeering activity as defined in Title 18, United States Code, Sections 1961(1) and 1961(5), consisted of the following acts:

27. Racketeering Act One:
Murder of a Witness in a Case
Against Client Criminal W.B.

Defendant PAUL BERGRIN committed the following acts, any one of which alone constitutes the commission of Racketeering Act One:

a. Conspiracy to Murder
a Witness in a Case
Against Client Criminal W.B.

From on or about November 25, 2003 through on or about March 2, 2004, in the counties of Hudson and Essex, in the District of New Jersey and elsewhere, defendant PAUL BERGRIN did knowingly and intentionally conspire and agree with others to kill another person, namely, K.D.M., with malice aforethought and with intent to prevent the attendance and testimony of K.D.M. in an official proceeding, specifically, a criminal case, which killing is a murder as defined in Title 18, United States Code, Section 1111(a), in that in furtherance of the conspiracy a co-conspirator did unlawfully kill K.D.M. willfully, deliberately, maliciously, and with premeditation, contrary to Title 18, United States Code, Sections 1512(a)(1)(A) and (a)(3)(A). In violation of Title 18, United States Code, Section 1512(k).

b. Murder of a Witness in a
Case Against Client Criminal W.B.

From on or about November 25, 2003 through on or about March 2, 2004, in the counties of Hudson and Essex, in the District of New Jersey and elsewhere, defendant PAUL BERGRIN did knowingly and intentionally aid, abet, counsel and induce others to kill another person, namely, K.D.M., with malice aforethought and with intent to prevent the attendance and testimony of K.D.M. in an official proceeding, specifically, a criminal case, which

killing is a murder as defined in Title 18, United States Code, Section 1111(a), in that such killing was done unlawfully, willfully, deliberately, maliciously, and with premeditation. In violation of Title 18, United States Code, Sections 1512(a)(1)(A) and (a)(3)(A) and Section 2.

c. Conspiracy to Murder K.D.M.

From on or about November 25, 2003 through on or about March 2, 2004, in the counties of Hudson and Essex, in the District of New Jersey and elsewhere, defendant PAUL BERGRIN did knowingly and intentionally conspire and agree with others to cause the death and serious bodily injury resulting in death of another person, namely, K.D.M., contrary to N.J.S.A. Sections 2C:11-3 (1) & (2), in violation of N.J.S.A. Section 2C:5-2.

d. Murder of K.D.M.

From on or about November 25, 2003 through on or about March 2, 2004, in the counties of Hudson and Essex, in the District of New Jersey and elsewhere, defendant PAUL BERGRIN did purposely and knowingly cause the death and serious bodily injury resulting in death of another person, namely, K.D.M., in violation of N.J.S.A. Sections 2C:11-3 (1) & (2) and 2C:2-6.

28. Racketeering Act Two:
The Plot To Murder Witnesses
Against Vicente Esteves

Defendants PAUL BERGRIN, THOMAS MORAN and YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," committed the following acts,

any one of which alone constitutes the commission of Racketeering Act Two:

a. Conspiracy to Murder Witnesses
Against Vicente Esteves

From in or about June 2008 through in or about April 2009, in the counties of Monmouth and Essex, in the District of New Jersey and elsewhere, defendants PAUL BERGRIN, THOMAS MORAN and YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," did knowingly and intentionally conspire and agree with each other and with others to cause the death and serious bodily injury resulting in death of another person, namely, D.C., and C.N., contrary to N.J.S.A. Sections 2C:11-3 (1) & (2), in violation of N.J.S.A. Section 2C:5-2.

b. Interstate Travel and Transportation in Aid
of Drug Trafficking Business (The July 7,
2008 Travel From Illinois to New Jersey)

On or about July 7, 2008, in the counties of Monmouth and Essex, in the District of New Jersey and elsewhere, defendant PAUL BERGRIN and others did knowingly and intentionally travel in and use facilities in interstate commerce, and cause the travel in and the use of facilities in interstate commerce with the intent to commit a crime of violence to further an unlawful activity, that is, the distribution of a controlled substance, contrary to Title 21, United States Code, Sections 841 and 846, and thereafter, did perform and attempt to perform an act to commit a crime of violence to further such unlawful

activity. In violation of Title 18, United States Code, Section 1952(a)(2) and Section 2.

c. Interstate Travel and Transportation in Aid of Drug Trafficking Business (The August 5, 2008 Travel From New Jersey to Illinois)

On or about August 5, 2008, in the counties of Monmouth and Essex, in the District of New Jersey and elsewhere, defendant PAUL BERGRIN and others did knowingly and intentionally travel in and use facilities in interstate commerce, and cause the travel in and the use of facilities in interstate commerce with the intent to commit a crime of violence to further an unlawful activity, that is, the distribution of a controlled substance, contrary to Title 21, United States Code, Sections 841 and 846, and thereafter, did perform and attempt to perform an act to commit a crime of violence to further such unlawful activity. In violation of Title 18, United States Code, Section 1952(a)(2) and Section 2.

d. Interstate Travel and Transportation in Aid of Drug Trafficking Business (The August 21, 2008 Telephone Call)

On or about August 21, 2008, in the counties of Monmouth and Essex, in the District of New Jersey and elsewhere, defendants PAUL BERGRIN, THOMAS MORAN and others did knowingly and intentionally use and cause the use of facilities in interstate commerce with the intent to commit a crime of violence to further an unlawful activity, that is, the distribution of a

controlled substance, contrary to Title 21, United States Code, Sections 841 and 846, and thereafter, did perform and attempt to perform an act to commit a crime of violence to further such unlawful activity. In violation of Title 18, United States Code, Section 1952(a)(2) and Section 2.

e. Interstate Travel and Transportation
in Aid of Drug Trafficking Business
(The September 5, 2008 Telephone Call)

On or about September 5, 2008, in the counties of Monmouth and Essex, in the District of New Jersey and elsewhere, defendant PAUL BERGRIN and others did knowingly and intentionally use and cause the use of facilities in interstate commerce with the intent to commit a crime of violence to further an unlawful activity, that is, the distribution of a controlled substance, contrary to Title 21, United States Code, Sections 841 and 846, and thereafter, did perform and attempt to perform an act to commit a crime of violence to further such unlawful activity. In violation of Title 18, United States Code, Section 1952(a)(2) and Section 2.

f. Interstate Travel and Transportation in Aid
of Drug Trafficking Business (The December 8,
2008 Travel From Illinois to New Jersey)

On or about December 8, 2008, in the counties of Monmouth and Essex, in the District of New Jersey and elsewhere, defendants PAUL BERGRIN, THOMAS MORAN and others did knowingly and intentionally travel in and use facilities in interstate

commerce, and cause the travel in and the use of facilities in interstate commerce, with the intent to commit a crime of violence to further an unlawful activity, that is, the distribution of a controlled substance, contrary to Title 21, United States Code, Sections 841 and 846, and thereafter, did perform and attempt to perform an act to commit a crime of violence to further such unlawful activity. In violation of Title 18, United States Code, Section 1952(a)(2) and Section 2.

29. Racketeering Act Three:
Evading Currency Transaction
Reporting Requirements

On or about September 4, 2008, in the county of Essex, in the District of New Jersey and elsewhere, defendant PAUL BERGRIN did knowingly and for the purposes of evading the reporting requirements of Title 31, United States Code, Section 5331, and the regulations issued thereunder, cause a nonfinancial trade or business, namely Law Office of Paul W. Bergrin P.C., to fail to file a report required under Title 31, United States Code, Section 5331, in connection with the receipt by Law Office of Paul W. Bergrin P.C. of United States currency in amounts over \$10,000. In violation of Title 31, United States Code, Section 5324(b), and Title 18, United States Code, Section 2.

30. Racketeering Act Four:
Bribery of a Witness in a
Criminal Case Against Client Criminal R.J.

Defendants PAUL BERGRIN, THOMAS MORAN and YOLANDA

JAUREGUI, a/k/a "Yolanda Bracero," committed the following acts, any one of which alone constitutes the commission of Racketeering Act Four:

a. Bribery of a Witness in a Criminal Case Against Client Criminal R.J.

From on or about January 5, 2009 through on or about February 19, 2009, in the county of Essex, in the District of New Jersey and elsewhere, defendants PAUL BERGRIN, YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," THOMAS MORAN and others did offer, confer and agree to confer upon a witness and informant, namely, M.P., a benefit in consideration for the witness and informant to testify and inform falsely. In violation of N.J.S.A. Sections 2C:28-5(d) and 2C:2-6.

b. Interstate Travel and Transportation in Aid of Bribery (The January 8, 2009 Telephone Call)

On or about January 8, 2009, in the county of Essex, in the District of New Jersey and elsewhere, defendant PAUL BERGRIN and others did knowingly and intentionally travel in and use facilities in interstate commerce and cause the travel in and use of facilities in interstate commerce with the intent to promote, manage, establish, carry on, and facilitate the promotion, management, establishment and carrying on of an unlawful activity, that is, the bribery of a witness in a criminal case, contrary to N.J.S.A. Sections 2C:28-5(d) and 2C:2-6, and thereafter, did perform and attempt to perform an act

to promote, manage, establish, carry on and facilitate the promotion, management, establishment, and carrying on of such unlawful activity. In violation of Title 18, United States Code, Section 1952(a)(3) and Section 2.

c. Interstate Travel and Transportation
in Aid of Bribery
(The January 9, 2009 Telephone Call)

On or about January 9, 2009, in the county of Essex, in the District of New Jersey and elsewhere, defendant YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," and others did knowingly and intentionally travel in and use facilities in interstate commerce and cause the travel in and use of facilities in interstate commerce with the intent to promote, manage, establish, carry on, and facilitate the promotion, management, establishment and carrying on of an unlawful activity, that is, the bribery of a witness in a criminal case, contrary to N.J.S.A. Sections 2C:28-5(d) and 2C:2-6, and thereafter, did perform and attempt to perform an act to promote, manage, establish, carry on and facilitate the promotion, management, establishment, and carrying on of such unlawful activity. In violation of Title 18, United States Code, Section 1952(a)(3) and Section 2.

31. Racketeering Act Five:
Conspiracy to Distribute
5 Kilograms or More of Cocaine

Defendants PAUL BERGRIN, YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," and ALEJANDRO BARRAZA-CASTRO, a/k/a "George,"

committed the following acts, any one of which alone constitutes the commission of Racketeering Act Five:

a. Conspiracy to Distribute
5 Kilograms or More of Cocaine

From at least as early as in or about January 2005 through on or about May 21, 2009, in the counties of Essex and Passaic, in the District of New Jersey and elsewhere, defendants PAUL BERGRIN, YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," and ALEJANDRO BARRAZA-CASTRO, a/k/a "George," did knowingly and intentionally conspire and agree with each other and with others to distribute and to possess with intent to distribute 5 kilograms or more of a mixture or substance which contained cocaine, a Schedule II controlled substance, contrary to Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A). In violation of Title 21, United States Code, Section 846.

b. Maintaining Drug-Involved Premises

From at least as early as in or about January 2005 through on or about May 21, 2009, in the county of Essex, in the District of New Jersey and elsewhere, defendants PAUL BERGRIN, YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," and others did manage and control a place, that is, a building located at 710 Summer Avenue, Newark, New Jersey, as an owner and occupant, and knowingly and intentionally rent, profit from and make available for use such place for the purpose of unlawfully storing and distributing a controlled substance, that is, a quantity of

cocaine, a Schedule II controlled substance. In violation of Title 21, United States Code, Section 856(a)(2), and Title 18, United States Code, Section 2.

c. Maintaining Drug-Involved Premises

From at least as early as in or about January 2005 through on or about May 21, 2009, in the county of Essex, in the District of New Jersey and elsewhere, defendant ALEJANDRO BARRAZA-CASTRO, a/k/a "George," and others did knowingly open, lease, rent, use and maintain a place, that is, a building located at 710 Summer Avenue, Newark, New Jersey, for the purpose of unlawfully storing and distributing a controlled substance, that is, a quantity of cocaine, a Schedule II controlled substance. In violation of Title 21, United States Code, Section 856(a)(1), and Title 18, United States Code, Section 2.

32. Racketeering Act Six:
Possession with Intent to Distribute
5 Kilograms or More of Cocaine

On or about May 21, 2009, in the county of Essex, in the District of New Jersey and elsewhere, defendant ALEJANDRO BARRAZA-CASTRO, a/k/a "George," and others did knowingly and intentionally distribute and possess with intent to distribute 5 kilograms or more of a mixture or substance which contained cocaine, a Schedule II controlled substance. In violation of Title 21, United States Code, Sections 841(a) & (b)(1)(A), and Title 18, United States Code, Section 2.

33. Racketeering Act Seven:
Distribution of 500 grams or More of Cocaine

On or about December 8, 2008, in the county of Essex, in the District of New Jersey and elsewhere, defendants YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," ALEJANDRO BARRAZA-CASTRO, a/k/a "George," and others did knowingly and intentionally distribute and possess with intent to distribute 500 grams or more of a mixture or substance which contained cocaine, a Schedule II controlled substance. In violation of Title 21, United States Code, Sections 841(a) & (b)(1)(B), and Title 18, United States Code, Section 2.

34. Racketeering Act Eight:
Interstate Travel and Transportation
in Aid of Prostitution Business

Defendant PAUL BERGRIN committed the following acts, either one of which alone constitutes the commission of Racketeering Act Eight:

a. The December 10, 2004 Letter

On or about December 10, 2004, in the counties of Essex, Mercer and Hudson, in the District of New Jersey, and elsewhere, defendant PAUL BERGRIN and others did knowingly and intentionally travel in and use the mail and facilities in interstate commerce and cause the travel in and use of the mail and facilities in interstate commerce, with the intent to promote, manage, establish, carry on, and facilitate the promotion, management, establishment and carrying on of an

unlawful activity, that is, prostitution offenses, contrary to New York State Penal Law Section 230.25(1), and thereafter, did perform and attempt to perform an act to promote, manage, establish, carry on and facilitate the promotion, management, establishment, and carrying on of such unlawful activity. In violation of Title 18, United States Code, Section 1952(a)(3) and Section 2.

b. The January 12, 2005 Travel
Between New Jersey and New York

On or about January 12, 2005, in the District of New Jersey, and elsewhere, defendant PAUL BERGRIN and others did knowingly and intentionally travel in and use facilities in interstate commerce and cause the travel in and use of facilities in interstate commerce, with the intent to promote, manage, establish, carry on, and facilitate the promotion, management, establishment and carrying on of an unlawful activity, that is, prostitution offenses, contrary to New York State Penal Law Section 230.25(1), and thereafter, did perform and attempt to perform an act to promote, manage, establish, carry on and facilitate the promotion, management, establishment, and carrying on of such unlawful activity. In violation of Title 18, United States Code, Section 1952(a)(3) and Section 2.

35. Racketeering Act Nine:
Attempted Murder of a
Witness in a Criminal Case (J.C.)

From on or about August 13, 2008 through on or about

August 14, 2008, in the county of Essex, in the District of New Jersey and elsewhere, defendant YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," did purposely and knowingly attempt to cause the death and serious bodily injury resulting in death of another person, namely, J.C., in violation of N.J.S.A. Sections 2C:11-3 (1) & (2) and 2C:5-1.

36. Racketeering Act Ten:
Wire Fraud - 46 Eaton Place

From on or about May 19, 2005 through on or about October 26, 2005, in the county of Essex, in the District of New Jersey and elsewhere, defendant PAUL BERGRIN and others, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of materially false and fraudulent pretenses, representations, and promises, did knowingly transmit and cause to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, a writing, sign, signal, picture, and sound, that is, a wire money transfer from Atlantic Home Loans to L.& C. Search and Abstract and a wire money transfer from J.P. Morgan Chase Bank to J.P. Morgan Chase Bank, for the purpose of executing such scheme or artifice. In violation of Title 18, United States Code, Section 1343 and Section 2.

37. Racketeering Act Eleven:
Wire Fraud - 13 Edgerton Terrace

From on or about July 11, 2005 through on or about

August 2, 2005, in the county of Essex, in the District of New Jersey and elsewhere, defendants PAUL BERGRIN, YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," and others, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of materially false and fraudulent pretenses, representations, and promises, did knowingly transmit and cause to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, a writing, sign, signal, picture, and sound, that is, a wire money transfer from America's Wholesale Lender to L.& C. Search and Abstract, for the purpose of executing such scheme or artifice. In violation of Title 18, United States Code, Section 1343 and Section 2.

38. Racketeering Act Twelve:
Wire Fraud - 484 South 20th Street

From on or about February 10, 2006 through on or about March 22, 2006, in the county of Essex, in the District of New Jersey and elsewhere, defendant PAUL BERGRIN and others, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of materially false and fraudulent pretenses, representations, and promises, did knowingly transmit and cause to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, a writing, sign, signal, picture, and sound, that is, a wire money transfer from Bear Stearns to M.S. Title Agency, for

the purpose of executing such scheme or artifice. In violation of Title 18, United States Code, Section 1343 and Section 2.

39. Racketeering Act Thirteen:
Wire Fraud - 266 Wainwright Street

From on or about February 10, 2006 through on or about April 6, 2006, in the county of Essex, in the District of New Jersey and elsewhere, defendant PAUL BERGRIN and others, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of materially false and fraudulent pretenses, representations, and promises, did knowingly transmit and cause to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, a writing, sign, signal, picture, and sound, that is, a wire money transfer from Bear Stearns to A.T.& S. Services, for the purpose of executing such scheme or artifice. In violation of Title 18, United States Code, Section 1343 and Section 2.

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

COUNT TWO

(Racketeering Conspiracy)

(Defendants Bergrin, Jauregui, Moran and Alejandro Barraza-Castro)

1. Paragraphs one through twenty-four of Count One of this Superseding Indictment are hereby realleged and incorporated as if fully set forth herein.

2. From in or about November 2003 through on or about May 21, 2009, in the counties of Essex, Hudson and Monmouth, in the District of New Jersey and elsewhere, defendants

PAUL BERGRIN,
YOLANDA JAUREGUI, a/k/a "Yolanda Bracero,"
THOMAS MORAN and
ALEJANDRO BARAZZA-CASTRO, a/k/a "George,"

together with other persons, being persons employed by and associated with The Bergrin Law Enterprise described above, an enterprise, which engaged in, and the activities of which affected, interstate commerce, knowingly and intentionally conspired to violate Title 18, United States Code, Section 1962(c), that is, to conduct and participate, directly and indirectly, in the conduct of the affairs of The Bergrin Law Enterprise through a pattern of racketeering activity, as that term is defined by Title 18, United States Code, Sections 1961(1) and (5). The pattern of racketeering activity through which defendants agreed to conduct the affairs of The Bergrin Law Enterprise consisted of the acts set forth in paragraphs twenty-six through thirty-nine of Count One of this Superseding

Indictment, which are realleged and incorporated as if fully set forth herein.

3. It was a part of the conspiracy that defendants agreed that a conspirator would commit at least two acts of racketeering activity in the conduct of the affairs of The Bergrin Law Enterprise.

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

COUNT THREE

(Violent Crimes In Aid of Racketeering)
(Defendants Bergrin, Jauregui, Moran and Esteves)

1. The allegations contained in paragraphs one through twenty-four of Count One of this Superseding Indictment are hereby realleged and incorporated by reference as though set forth fully herein.

2. At all times relevant to Count Three of this Superseding Indictment, in the District of New Jersey and elsewhere, defendants PAUL BERGRIN, YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," THOMAS MORAN and VICENTE ESTEVES, a/k/a "Vinny," were members or associates of The Bergrin Law Enterprise, as more fully described in paragraphs one through twenty-four of Count One of this Superseding Indictment. This criminal organization constituted an enterprise as defined in Title 18, United States Code, Section 1959(b)(2), that is, a group of individuals associated in fact, which engaged in, and the activities of which affected, interstate commerce.

3. At all times relevant to Count Three of this Superseding Indictment, the Bergrin Law Enterprise, through its members and associates, engaged in racketeering activity as defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1), that is:

a. acts involving murder and bribery under the laws of the state of New Jersey;

b. murder and conspiracy to commit murder, in violation of Title 18, United States Code, Section 1512;

c. traveling in aid of a racketeering enterprise, in violation of Title 18, United States Code, Section 1952;

d. drug distribution and conspiracy to commit drug distribution, in violation of Title 21, United States Code, Sections 841 and 846;

e. maintaining a drug-involved premises, in violation of Title 21, United States Code, Section 856;

f. wire fraud, in violation of Title 18, United States Code, Sections 1343; and

g. evading currency transaction reporting requirements, in violation of Title 31, United States Code, Section 5324.

4. From in or about June 2008 through in or about April 2009, in the counties of Essex and Monmouth, in the District of New Jersey and elsewhere, defendants

PAUL BERGRIN,
YOLANDA JAUREGUI, a/k/a "Yolanda Bracero,"
THOMAS MORAN and
VICENTE ESTEVES, a/k/a "Vinny,"

as consideration for the receipt of and as consideration for a promise and agreement to pay anything of pecuniary value from The Bergrin Law Enterprise and for the purpose of gaining entrance into, maintaining and increasing his or her position in The

Bergrin Law Enterprise, which enterprise was engaged in racketeering activity, did knowingly and intentionally conspire and agree with each other and with others to murder another person, contrary to N.J.S.A. Sections 2C:5-2 and 2C:11-3 (1) & (2).

In violation of Title 18, United States Code, Section 1959(a)(5).

COUNT FOUR

(Conspiracy to Murder a Witness Against Client Criminal W.B.)
(Defendant Bergrin)

1. From in or about January 2003 through in or about November 2003, Federal law enforcement agents conducted an investigation into the drug trafficking activities of the person referred to in Count One of this Superseding Indictment as W.B.

2. The person referred to in Count One of this Superseding Indictment as "K.D.M." provided information and assistance to Federal law enforcement agents in connection with the investigation into the drug trafficking activities of W.B. As part of the investigation, K.D.M., while acting as a cooperating confidential witness under the supervision and surveillance of Federal law enforcement agents, purchased crack cocaine from W.B. on six separate occasions.

3. On or about November 18, 2003, a United States Magistrate Judge for the District of New Jersey signed a criminal complaint and issued an arrest warrant charging W.B. with distributing five grams or more of crack cocaine in violation of Federal law (the "Federal Drug Case").

4. The affidavit of a Federal law enforcement agent (the "Agent's Affidavit") submitted in support of the criminal complaint and arrest warrant set forth, in substance and in part, that K.D.M., identified in the Agent's Affidavit only as the "confidential witness," assisted law enforcement by making

purchases of crack cocaine from W.B.

5. On or about November 25, 2003, W.B. was arrested on the above-described arrest warrant and appeared in United States Court for the District of New Jersey. Defendant PAUL BERGRIN appeared as defense counsel for W.B. in connection with the Federal Drug Case. At that Court proceeding, W.B. and defendant PAUL BERGRIN were informed of the crime with which W.B. was charged and received a copy of the criminal complaint and the Agent's Affidavit.

6. On that same day, after learning of the allegations in the criminal complaint and the Agent's Affidavit, W.B. determined that K.D.M. was the person identified in the Agent's Affidavit as the "confidential witness."

The Conspiracy

7. From on or about November 25, 2003 through on or about March 2, 2004, in the counties of Hudson and Essex, in the District of New Jersey and elsewhere, defendant

PAUL BERGRIN

did knowingly and intentionally conspire and agree with others to kill another person, namely, K.D.M., with malice aforethought and with intent to prevent the attendance and testimony of K.D.M. in an official proceeding, specifically, a criminal case, which killing is a murder as defined in Title 18, United States Code, Section 1111(a), in that in furtherance of the conspiracy, a

co-conspirator did unlawfully kill K.D.M. willfully, deliberately, maliciously, and with premeditation, contrary to Title 18, United States Code, Sections 1512(a)(1)(A) and (a)(3)(A).

The Object of the Conspiracy

8. It was the object of the conspiracy to kill K.D.M. to prevent his attendance and testimony at official proceedings pertaining to the Federal Drug Case against W.B.

Manner and Means of the Conspiracy

9. It was part of the conspiracy that after co-conspirator W.B. determined the identity of the "confidential witness," W.B. informed defendant PAUL BERGRIN that the identity of the "confidential witness" was K.D.M.

10. It was further part of the conspiracy that defendant PAUL BERGRIN thereafter told other co-conspirators, including a co-conspirator with the initials H.C., that the identity of the "confidential witness" was K.D.M.

11. It was further part of the conspiracy that defendant PAUL BERGRIN met with other co-conspirators, including H.C., and those with the initials R.B. and A.Y., reiterated to them that the identity of the "confidential witness" was K.D.M., stressed to the co-conspirators that if they did not kill K.D.M., W.B. would spend the rest of his life in jail, and told the co-conspirators that if they did kill K.D.M. defendant PAUL BERGRIN

would win the Federal Drug Case and W.B. would go free.

12. It was a further part of the conspiracy that on or about March 2, 2004, A.Y., a co-conspirator, shot K.D.M. and caused the death of K.D.M.

In violation of Title 18, United States Code, Section 1512(k).

COUNT FIVE

(Murder of a Witness Against Client Criminal W.B.)
(Defendant Bergrin)

1. Paragraphs one through six and nine through twelve of Count Four of this Superseding Indictment are hereby realleged and incorporated as though set forth in full herein.

2. From on or about November 25, 2003 through on or about March 2, 2004, in the counties of Hudson and Essex, in the District of New Jersey and elsewhere, defendant

PAUL BERGRIN

did knowingly and intentionally aid, abet, counsel and induce others to kill another person, namely, K.D.M., with malice aforethought and with intent to prevent the attendance and testimony of K.D.M. in an official proceeding, specifically, a criminal case, which killing is a murder as defined in Title 18, United States Code, Section 1111(a), in that such killing was done unlawfully, willfully, deliberately, maliciously, and with premeditation.

In violation of Title 18, United States Code, Sections 1512(a)(1)(A) and (a)(3)(A) and Section 2.

COUNT SIX

(Conspiracy to Travel in Aid of Vicente Esteves's Drug
Trafficking Business)
(Defendants Bergrin, Moran and Esteves)

1. At all times relevant to Count Six of this Superseding Indictment:
 - a. Defendant VICENTE ESTEVES, a/k/a "Vinny," operated a drug trafficking business.
 - b. Defendant VICENTE ESTEVES, a/k/a "Vinny," was charged in Superior Court in Monmouth County, New Jersey with drug trafficking in violation of New Jersey State criminal law (the "Monmouth County Case").
 - c. Defendant PAUL BERGRIN was a lawyer who represented defendant VICENTE ESTEVES, a/k/a "Vinny," in the Monmouth County Case.
 - d. Defendant THOMAS MORAN was a lawyer who assisted PAUL BERGRIN in the Monmouth County Case.
 - e. Defendant VICENTE ESTEVES, a/k/a "Vinny," was detained in the Monmouth County Correctional Institution pending trial on the Monmouth County Case, and thus, was hampered in operating his drug trafficking business.

The Conspiracy

2. From in or about June 2008 through in or about April 2009, in the counties of Monmouth and Essex, in the District of New Jersey and elsewhere, defendants

PAUL BERGRIN,
THOMAS MORAN, and
VICENTE ESTEVES, a/k/a "Vinny,"

did knowingly and intentionally conspire and agree with each other and with others to travel in and to use the mail and facilities in interstate commerce, and to cause the travel in and the use of the mail and facilities in interstate commerce with the intent: (a) to promote, manage, establish, carry on, and facilitate the promotion, management, establishment and carrying on of an unlawful activity, that is, the distribution of a controlled substance, contrary to Title 21, United States Code, Sections 841 and 846, and to thereafter perform acts to promote, manage, establish, carry on and facilitate the promotion, management, establishment, and carrying on of such unlawful activity, contrary to Title 18, United States Code, Section 1952(a)(3); and (b) to commit a crime of violence to further an unlawful activity, that is, the distribution of a controlled substance, and to thereafter perform an act to commit a crime of violence to further such unlawful activity, contrary to Title 18, United States Code, Section 1952(a)(2).

Object of the Conspiracy

3. It was the object of the conspiracy for defendants PAUL BERGRIN, THOMAS MORAN and VICENTE ESTEVES, a/k/a "Vinny," to prevent witnesses in the Monmouth County Case from testifying against defendant VICENTE ESTEVES, a/k/a "Vinny," so that defendant VICENTE ESTEVES, a/k/a "Vinny," could thwart the prosecution of the Monmouth County Case, secure his release from the Monmouth County Correctional Institution and resume his drug trafficking business.

Manner and Means of the Conspiracy

4. It was part of the conspiracy that defendants PAUL BERGRIN, THOMAS MORAN and VICENTE ESTEVES, a/k/a "Vinny," would identify persons whom they believed were cooperating with law enforcement and were likely to be witnesses for the prosecution against VICENTE ESTEVES, a/k/a "Vinny," in the Monmouth County Case (collectively, the "Monmouth County Witnesses").

5. It was further part of the conspiracy that defendants PAUL BERGRIN, THOMAS MORAN and VICENTE ESTEVES, a/k/a "Vinny," would devise a plan to ensure that the Monmouth County Witnesses did not cooperate with law enforcement and testify against defendant VICENTE ESTEVES, a/k/a "Vinny," in the Monmouth County Case.

6. It was further part of the conspiracy that defendants PAUL BERGRIN and VICENTE ESTEVES, a/k/a "Vinny," would

solicit and obtain the services of another individual (the "Hitman") to kill the Monmouth County Witnesses and prevent their further cooperation with law enforcement.

7. It was further part of the conspiracy that defendants PAUL BERGRIN, THOMAS MORAN and VICENTE ESTEVES, a/k/a "Vinny," would travel in interstate commerce and use the mail and telephones and cause others to travel in and use telephones in furtherance of their plot to prevent the Monmouth County Witnesses from cooperating with law enforcement.

Overt Acts

8. In furtherance of the conspiracy and to effect the illegal object thereof, defendants PAUL BERGRIN, THOMAS MORAN and VICENTE ESTEVES, a/k/a "Vinny," and others committed and caused to be committed the following overt acts, among others, in the District of New Jersey and elsewhere:

a. On or about June 12, 2008, defendant VICENTE ESTEVES, a/k/a "Vinny," caused a letter to be mailed to the Hitman, in which defendant VICENTE ESTEVES, a/k/a "Vinny," informed the Hitman that the person who is referred to in Count One as "D.C." was "a lying c--- sucker" and that none of defendant VICENTE ESTEVES's, a/k/a "Vinny," co-defendants in the Monmouth County Case were cooperating with law enforcement.

b. On or about July 7, 2008, the Hitman traveled by air flight from Illinois to New Jersey to meet with defendant

PAUL BERGRIN.

c. On or about July 10, 2008, defendant PAUL BERGRIN met with the Hitman and told the Hitman that defendant VICENTE ESTEVES, a/k/a "Vinny," wanted the Hitman to make sure that the Monmouth County Witnesses did not cooperate with law enforcement and testify against defendant VICENTE ESTEVES, a/k/a "Vinny."

d. On or about July 17, 2008, defendant PAUL BERGRIN met with the Hitman and told the Hitman that defendant VICENTE ESTEVES, a/k/a "Vinny," wanted the Hitman to assist defendant VICENTE ESTEVES, a/k/a "Vinny," in his drug trafficking business.

e. On or about July 31, 2008, defendant PAUL BERGRIN met with the Hitman and discussed, among other things, traveling to Panama to locate a witness in the Monmouth County Case known as "Junior" (who is also referred to in Count One as "D.C.").

f. On or about August 5, 2008, defendant PAUL BERGRIN traveled by air flight from New Jersey to Illinois to meet with the Hitman.

g. On or about August 5, 2008, defendant PAUL BERGRIN met with the Hitman and told the Hitman, among other things, that an individual known as "Junior the Panamanian," (who is also referred to in Count One as "D.C.") was the "f---king

rat," that is, a potential witness against defendant VICENTE ESTEVES, a/k/a "Vinny," and that defendant PAUL BERGRIN would provide instructions designed to assist the Hitman in locating Junior the Panamanian.

h. On or about August 19, 2008, defendant PAUL BERGRIN met with the Hitman and told the Hitman that he would provide the Hitman and VICENTE ESTEVES, a/k/a "Vinny," each with cellphones that were to be used exclusively for the Hitman to speak with defendant VICENTE ESTEVES, a/k/a "Vinny," regarding the plot to kill the Monmouth County Witnesses.

i. On or about August 21, 2008, defendant THOMAS MORAN met with the Hitman, gave the Hitman a cellphone and told the Hitman he also was going to give defendant VICENTE ESTEVES, a/k/a "Vinny," a cellphone so that the Hitman and defendant VICENTE ESTEVES, a/k/a "Vinny," could have a telephone conversation later that day regarding the plot to kill the Monmouth County Witnesses.

j. On or about August 21, 2008, defendant VICENTE ESTEVES, a/k/a "Vinny," had a telephone conversation with the Hitman in which defendant VICENTE ESTEVES, a/k/a "Vinny," confirmed that he wanted the Hitman to kill Junior the Panamanian and two other persons whom defendant VICENTE ESTEVES, a/k/a "Vinny," believed were witnesses against him in the Monmouth County Case. During that telephone conversation, defendant

VICENTE ESTEVES, a/k/a "Vinny," also said he would involve the Hitman in defendant VICENTE ESTEVES's, a/k/a "Vinny," drug trafficking business in exchange for the Hitman's killing the witnesses against him in the Monmouth County Case.

k. On or about September 4, 2008, defendant PAUL BERGRIN met with the Hitman, told the Hitman that Junior the Panamanian had been seen in New Jersey, and agreed to set up a meeting between the Hitman and another person, M.L., who defendant PAUL BERGRIN said could provide the Hitman with more details regarding the location of Junior the Panamanian.

l. On or about September 5, 2008, defendant PAUL BERGRIN placed a telephone call to the Hitman and discussed with the Hitman that the Hitman had met with M.L., but that M.L. had not provided the Hitman with information regarding the current location of Junior the Panamanian.

m. On or about October 2, 2008, defendant PAUL BERGRIN met with the Hitman and told the Hitman that he would introduce the Hitman to a second person who would help the Hitman locate Junior the Panamanian so that the Hitman could kill Junior the Panamanian.

n. On or about November 17, 2008, defendants PAUL BERGRIN and THOMAS MORAN met with the Hitman and provided the Hitman with a document identifying other persons (including the person referred to in Count One as "C.N."), whom defendant

VICENTE ESTEVES, a/k/a "Vinny," wanted killed in order to prevent their testimony against him in the Monmouth County Case.

o. On or about December 8, 2008, the Hitman traveled by air flight from Illinois to New Jersey to meet with defendants PAUL BERGRIN and THOMAS MORAN.

p. On or about December 8, 2008, defendant THOMAS MORAN offered to assist the Hitman in obtaining a gun so that the Hitman could kill Junior the Panamanian.

q. On or about December 8, 2008, defendant THOMAS MORAN placed a telephone call to another individual in order to obtain a gun for the Hitman.

r. On or about December 8, 2008, subsequent to the telephone call described above in paragraph 8(q), defendant THOMAS MORAN drove the Hitman to a meeting with defendant PAUL BERGRIN.

s. On or about December 8, 2008, defendant PAUL BERGRIN met with the Hitman and instructed the Hitman to make the murder of Junior the Panamanian appear as if it were part of a home invasion robbery, rather than the murder of a witness.

All in violation of Title 18, United States Code, Section 371.

COUNTS SEVEN THROUGH ELEVEN

(Travel in Aid of Vicente Esteves's Drug Trafficking Business)
(Defendants Bergrin, Moran and Esteves)

1. Paragraphs one and four through nine of Count Six of this Superseding Indictment are hereby realleged and incorporated as though set forth in full herein.

2. On or about the dates set forth below, in the counties of Monmouth and Essex, in the District of New Jersey and elsewhere, defendants

PAUL BERGRIN,
THOMAS MORAN and
VICENTE ESTEVES, a/k/a "Vinny,"

did knowingly and intentionally travel in and use facilities in interstate commerce and cause the travel in and the use of facilities in interstate commerce with the intent to commit a crime of violence to further an unlawful activity, that is, the distribution of a controlled substance, contrary to Title 21, United States Code, Sections 841 and 846, and thereafter, did perform and attempt to perform an act to commit a crime of violence to further such unlawful activity, as follows:

COUNT	DEFENDANT	DATE	TRAVEL/ FACILITY	ACT PERFORMED THEREAFTER
SEVEN	PAUL BERGRIN and VICENTE ESTEVES, a/k/a "Vinny"	7/7/2008	The Air Flight Set Forth in Count Six Paragraph 8(b)	The Acts Set Forth in Count Six Paragraphs 8(c), (d) and (e)

EIGHT	PAUL BERGRIN and VICENTE ESTEVEZ, a/k/a "Vinny"	8/5/2008	The Air Flight Set Forth in Count Six Paragraph 8(f)	The Acts Set Forth in Count Six Paragraphs 8(g), (h) and (i)
NINE	PAUL BERGRIN, THOMAS MORAN and VICENTE ESTEVEZ, a/k/a "Vinny"	8/21/2008	The Telephone Call Set Forth in Count Six Paragraph 8(j)	The Acts Set Forth in Count Six Paragraph 8(k)
TEN	PAUL BERGRIN and VICENTE ESTEVEZ, a/k/a "Vinny"	9/5/2008	The Telephone Call Set Forth in Count Six Paragraph 8(l)	Acts Set Forth in Count Six Paragraphs 8(m) and (n)
ELEVEN	PAUL BERGRIN, THOMAS MORAN and VICENTE ESTEVEZ, a/k/a "Vinny"	12/8/2008	The Air Flight Set Forth in Count Six Paragraph 8(o)	Acts Set Forth in Count Six Paragraphs 8(p), (q), (r) and (s)

In violation of Title 18, United States Code, Section
1952(a)(2) and Section 2.

COUNT TWELVE

(Evading Currency Transaction Reporting Requirements)
(Defendant Bergrin)

1. At all times relevant to Count Twelve of this Superseding Indictment:

a. Law Office of Paul W. Bergrin P.C., was a nonfinancial trade or business within the meaning of Title 31, United States Code, Sections 5331 and 5324(b) and the regulations issued thereunder.

b. Title 31, United States Code, Section 5331 and the regulations issued thereunder required that each nonfinancial trade or business that, in the course of such trade or business, received more than \$10,000 in coins or currency in one transaction or two or more related transactions, file a report with the Financial Crimes Enforcement Network.

2. On or about September 4, 2008, the person referred to in Counts One and Six of this Superseding Indictment as the "Hitman" gave defendant PAUL BERGRIN \$20,000 in United States Currency as payment for services defendant PAUL BERGRIN's law firm had rendered to defendant VICENTE ESTEVES, a/k/a "Vinny."

3. Defendant PAUL BERGRIN was required to file a form with the Internal Revenue Service reporting his receipt of the \$20,000 in United States Currency from the Hitman. Defendant PAUL BERGRIN failed to file the form with the Internal Revenue Service reporting the receipt of the \$20,000 from the Hitman.

4. On or about September 4, 2008, in the county of Essex, in the District of New Jersey and elsewhere, defendant

PAUL BERGRIN

did knowingly and for the purposes of evading the reporting requirements of Title 31, United States Code, Section 5331 and the regulations issued thereunder, cause a nonfinancial trade or business, namely Law Office of Paul W. Bergrin P.C., to fail to file a report required under Title 31, United States Code, Section 5331, in connection with the receipt by Law Office of Paul W. Bergrin P.C. of United States currency in amounts over \$10,000.

In violation of Title 31, United States Code, Section 5324(b), and Title 18, United States Code, Section 2.

COUNT THIRTEEN

(Conspiracy to Travel in Aid of Bribery)
(Defendants Bergrin and Jauregui)

1. At all times relevant to Count Thirteen of this Superseding Indictment:

a. Defendant PAUL BERGRIN was a lawyer who represented a defendant, who is referred to in Count One of this Superseding Indictment as "R.J.," in a criminal case that was pending in Superior Court in Essex County, New Jersey (the "Essex County Case").

b. R.J. was charged in the Essex County Case with armed robbery in violation of New Jersey State criminal law.

c. The person referred to in Count One of this Superseding Indictment as "M.P.," was going to be a witness against R.J. in the Essex County Case.

The Conspiracy

2. From on or about January 6, 2009 through on or about February 19, 2009, in the county of Essex, in the District of New Jersey and elsewhere, defendants

PAUL BERGRIN and
YOLANDA JAUREGUI, a/k/a "Yolanda Bracero,"

did knowingly and intentionally conspire and agree with each other and with others to travel in and use facilities in interstate commerce, and to cause the travel in and the use of facilities in interstate commerce with the intent to promote, manage, establish, carry on, and facilitate the promotion,

management, establishment and carrying on of an unlawful activity, that is, the bribery of a witness in a criminal case, namely, M.P., contrary to N.J.S.A. Sections 2C:28-5 and 2C:2-6, and to thereafter perform acts to promote, manage, establish, carry on and facilitate the promotion, management, establishment, and carrying on of such unlawful activity, contrary to Title 18, United States Code, Section 1952(a)(3).

Object of the Conspiracy

3. It was the object of the conspiracy for defendants PAUL BERGRIN and YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," to pay a bribe to M.P. so that M.P. would provide false testimony exculpating R.J. in order to thwart prosecution of the Essex County Case.

Manner and Means of the Conspiracy

4. It was part of the conspiracy that defendants PAUL BERGRIN and YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," would pay a sum of money to M.P. in exchange for M.P.'s falsely testifying that R.J. did not commit the armed robbery for which he was charged in the Essex County Case.

5. It was further part of the conspiracy that defendants PAUL BERGRIN and YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," would use the person referred to in Count One of this Superseding Indictment as "M.C.," to assist them in bribing M.P. to testify falsely in the Essex County Case.

6. It was further part of the conspiracy that defendant PAUL BERGRIN would influence another witness to testify falsely in the Essex County Case.

7. It was further part of the conspiracy that defendants PAUL BERGRIN and YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," would use and cause others to use telephones in connection with their plot to bribe M.P.

Overt Acts

8. In furtherance of the conspiracy and to effect the illegal object thereof, defendants PAUL BERGRIN, YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," and others committed and caused to be committed the following overt acts, among others, in the District of New Jersey and elsewhere:

a. On or about January 8, 2009, defendant PAUL BERGRIN met with M.C. and directed M.C. to meet with M.P. in order to convince M.P. to testify falsely in the Essex County Case in exchange for a payment of money.

b. On or about January 8, 2009, defendant PAUL BERGRIN caused M.C. to make a telephone call to M.P. during which M.C. confirmed that M.P. would testify falsely in the Essex County Case in exchange for payment from defendant PAUL BERGRIN.

c. On or about January 9, 2009, defendant YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," met M.P. at a location in Essex County for the purpose of confirming that M.P. would

testify falsely in the Essex County Case in exchange for payment.

d. On or about January 9, 2009, defendant YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," placed a telephone call to M.C. during which she told M.C. that she first had to meet with defendant PAUL BERGRIN, that she then was going to pick up money and that she thereafter was coming right back to meet with and pay M.P. in exchange for M.P.'s providing false testimony in the Essex County Case.

e. On or about January 9, 2009, defendant PAUL BERGRIN met M.P. at a location in Essex County for the purpose of instructing M.P. to provide false testimony in the Essex County Case.

f. On or about January 9, 2009, defendant YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," met M.P. at a location in Essex County for the purpose of paying M.P. \$1500 in exchange for M.P.'s providing false testimony in the Essex County Case.

g. On or about January 9, 2009, defendant YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," paid M.P. \$1500 in exchange for M.P.'s providing false testimony in the Essex County Case.

h. On or about January 23, 2009, defendant PAUL BERGRIN gave M.C. \$500 and instructed M.C. to pay M.P. that \$500 in exchange for M.P.'s false testimony in the Essex County Case.

i. On or about February 6, 2009, defendant PAUL

BERGRIN gave M.C. \$500 and instructed M.C. to pay M.P. that \$500 in exchange for M.P.'s false testimony in the Essex County Case.

j. On or about February 19, 2009, THOMAS MORAN gave M.C. \$500 so that M.C. could pay M.P. that \$500 in exchange for M.P.'s false testimony in the Essex County Case.

All in violation of Title 18, United States Code, Section 371.

COUNTS FOURTEEN AND FIFTEEN

(Travel in Aid of Bribery)

(Defendant Bergrin)

1. Paragraphs one and four through seven of Count Thirteen of this Superseding Indictment are hereby realleged and incorporated as though set forth in full herein.

2. On or about the dates set forth below, in the county of Essex, in the District of New Jersey, and elsewhere, defendants

PAUL BERGRIN and
YOLANDA JAUREGUI, a/k/a "Yolanda Bracero,"

did knowingly and intentionally travel in and use facilities in interstate commerce and cause the travel in and use of facilities in interstate commerce with the intent to promote, manage, establish, carry on, and facilitate the promotion, management, establishment and carrying on of an unlawful activity, that is, the bribery of a witness in a criminal case, namely, M.P., contrary to N.J.S.A. Sections 2C:28-5 and 2C:2-6, and thereafter, did perform and attempt to perform an act to promote, manage, establish, carry on and facilitate the promotion, management, establishment, and carrying on of such unlawful activity as follows:

COUNT	DEFENDANT	DATE	FACILITY	ACT PERFORMED THEREAFTER
FOURTEEN	PAUL BERGRIN	1/8/2009	The Telephone Call Set Forth in Count Thirteen Paragraph 8(b)	The Acts Set Forth in Count Thirteen Paragraphs 8(e), (h), (i) and (j)
FIFTEEN	YOLANDA JAUREGUI, a/k/a "Yolanda Bracero"	1/9/2009	The Telephone Call Set Forth in Count Thirteen Paragraph 8(d)	The Acts Set Forth in Count Thirteen Paragraphs 8(f) and (g)

In violation of Title 18, United States Code, Section 1952(a)(3) and Section 2.

COUNT SIXTEEN

(Conspiracy to Distribute Cocaine)
(Defendants Bergrin, Jauregui, Alejandro Barraza-Castro, Alonso Barraza-Castro and Jiminez)

From in or about January 2005 through on or about May 21, 2009, in the counties of Essex and Passaic, in the District of New Jersey and elsewhere, defendants

PAUL BERGRIN,
YOLANDA JAUREGUI, a/k/a "Yolanda Bracero,"
ALEJANDRO BARRAZA-CASTRO, a/k/a "George,"
ALONSO BARRAZA-CASTRO and
JOSE JIMENEZ

did knowingly and intentionally conspire and agree with each other and with others known and unknown to distribute and to possess with intent to distribute 5 kilograms or more of a mixture or substance which contained cocaine, a Schedule II controlled substance, contrary to Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A).

In violation of Title 21, United States Code, Section 846.

COUNT SEVENTEEN

(Distribution of Cocaine)

(Defendants Alejandro Barraza-Castro, Alonso Barraza-Castro and Jimenez)

On or about May 21, 2009, in the county of Essex, in the District of New Jersey and elsewhere, defendants

ALEJANDRO BARRAZA-CASTRO, a/k/a "George,"
ALONSO BARRAZA-CASTRO and
JOSE JIMENEZ

did knowingly and intentionally distribute and possess with intent to distribute 5 kilograms or more of a mixture or substance which contained cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A), and Title 18, United States Code, Section 2.

COUNT EIGHTEEN

(Distribution of Cocaine)

(Defendants Jauregui and Alejandro Barraza-Castro)

On or about December 8, 2008, in the county of Essex,
in the District of New Jersey and elsewhere, defendants

YOLANDA JAUREGUI, a/k/a, "Yolanda Bracero," and
ALEJANDRO BARRAZA-CASTRO, a/k/a "George,"

did knowingly and intentionally distribute and possess with
intent to distribute 500 grams or more of a mixture or substance
which contained cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections
841(a) & (b)(1)(B), and Title 18, United States Code, Section 2.

COUNT NINETEEN

(Maintaining Drug-Involved Premises)
(Defendants Bergrin and Jauregui)

From at least as early as in or about January 2005 through on or about May 21, 2009, in the county of Essex, in the District of New Jersey and elsewhere, defendants

PAUL BERGRIN and
YOLANDA JAUREGUI, a/k/a, "Yolanda Bracero,"

did manage and control a place, that is, a building located at 710 Summer Avenue, Newark, New Jersey, as an owner and occupant, and knowingly and intentionally rent, profit from and make available for use such place for the purpose of unlawfully storing and distributing a controlled substance, that is, a quantity of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 856(a)(2), and Title 18, United States Code, Section 2.

COUNT TWENTY

(Maintaining Drug-Involved Premises)

(Defendants Alejandro Barraza-Castro, Alonso Barraza-Castro and Jimenez)

From at least as early as in or about January 2005 through on or about May 21, 2009, in the county of Essex, in the District of New Jersey and elsewhere, defendants

ALEJANDRO BARRAZA-CASTRO, a/k/a "George,"
ALONSO BARRAZA-CASTRO and
JOSE JIMENEZ

did knowingly open, lease, rent, use and maintain a place, that is, a building located at 710 Summer Avenue, Newark, New Jersey for the purpose of unlawfully storing and distributing a controlled substance, that is, a quantity of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 856(a)(1), and Title 18, United States Code, Section 2.

COUNT TWENTY-ONE

(Conspiracy to Travel in Aid of Prostitution Business)
(Defendant Bergrin)

1. At various times relevant to Count Twenty-One of this Superseding Indictment:

a. Defendant PAUL BERGRIN was a lawyer who represented the person referred to in Count One of this Superseding Indictment as "J.I.," on a violation of parole proceeding pending in the State of New Jersey and a criminal case pending in Supreme Court in New York County, New York.

b. J.I. operated a prostitution business located in New York.

c. J.I. was on parole in the State of New Jersey which restricted J.I.'s ability to travel ("J.I.'s Travel Restrictions"), thus hampering J.I.'s ability to continue operating the prostitution business.

d. As part of J.I.'s Travel Restrictions, J.I. was permitted to travel outside of his residence to engage in legitimate employment.

e. On or about August 20, 2004, J.I. was charged with violating his New Jersey State parole (the "New Jersey Parole Violation").

f. J.I. was temporarily detained pending the resolution of the New Jersey Parole Violation, and thus was hampered further in operating the prostitution business.

g. On or about January 10, 2005, J.I. was charged with operating a prostitution business and money laundering in violation of New York State law ("J.I.'s New York Case").

h. J.I. was detained in the Rikers Island Jail, East Elmhurst, New York, pending trial on J.I.'s New York Case, and thus was hampered further in operating the prostitution business.

The Conspiracy

2. From on or about July 24, 2004 through on or about March 2, 2005, in the counties of Essex, Mercer and Hudson, in the District of New Jersey and elsewhere, defendant

PAUL BERGRIN

did knowingly and intentionally conspire and agree with others to travel in and use facilities in interstate commerce, and to cause the travel in and the use of facilities in interstate commerce with the intent to promote, manage, establish, carry on, and facilitate the promotion, management, establishment and carrying on of an unlawful activity, that is, prostitution offenses, contrary to New York State Penal Law Section 230.25(1), and to thereafter perform acts to promote, manage, establish, carry on and facilitate the promotion, management, establishment, and carrying on of such unlawful activity, contrary to Title 18, United States Code, Section 1952(a)(3).

Object of the Conspiracy

3. It was the object of the conspiracy for defendant PAUL BERGRIN and others to promote, manage and carry on a prostitution business.

Manner and Means of the Conspiracy

4. It was part of the conspiracy that defendant PAUL BERGRIN and others would devise a scheme to manipulate the New Jersey State Parole Board and its representatives (the "New Jersey Parole Board") so that J.I. could continue to operate the prostitution business.

5. It was further part of the conspiracy that defendant PAUL BERGRIN, J.I., and others would falsely represent to the New Jersey Parole Board that J.I. was employed by defendant PAUL BERGRIN so that J.I. could evade J.I.'s Travel Restrictions.

6. It was further part of the conspiracy that defendant PAUL BERGRIN, among other things, would falsely represent to the New Jersey Parole Board that J.I. traveled outside of J.I.'s residence to perform legitimate work for defendant PAUL BERGRIN, when in fact, J.I. had actually traveled outside J.I.'s residence to operate the prostitution business.

7. It was further part of the conspiracy that after J.I. was subsequently charged in J.I.'s New York Case, defendant PAUL BERGRIN, and others, including persons referred to herein as

H.O. and J.C., would manage and operate the prostitution business in J.I.'s absence.

Overt Acts

8. In furtherance of the conspiracy and to effect the illegal object thereof, defendant PAUL BERGRIN, co-conspirators J.I., H.O. and J.C. and others committed and caused to be committed the following overt acts, among others, in the District of New Jersey and elsewhere:

a. On or about August 26, 2004, defendant PAUL BERGRIN, in a letter, falsely represented to the New Jersey Parole Board that J.I. violated his curfew because he had been performing legitimate work for defendant PAUL BERGRIN.

b. On or about September 15, 2004, defendant PAUL BERGRIN caused a letter to be sent to the New Jersey Parole Board falsely stating that J.I. was to be employed as a paralegal at defendant PAUL BERGRIN's law firm, and that J.I.'s hours of employment were from 5:00 p.m. until 1:00 a.m.

c. On or about December 10, 2004, defendant PAUL BERGRIN caused a letter to be sent to the New Jersey Parole Board falsely stating that J.I. would be working for defendant PAUL BERGRIN at an office located in New York.

d. On or about December 21, 2004, defendant PAUL BERGRIN made a telephone call to the New Jersey Parole Board and requested that J.I. be allowed to work for defendant PAUL BERGRIN

until 3:00 a.m.

e. On or about December 31, 2004, J.I. caused a check to be drafted in the amount of \$1500 drawn on a bank account of Tribeca Models LLC, and made payable to defendant PAUL BERGRIN.

f. On or about January 12, 2005, defendant PAUL BERGRIN traveled from New Jersey to New York, met with other persons, including J.C., and discussed plans to operate the prostitution business in J.I.'s absence.

g. On or about January 25, 2005, defendant PAUL BERGRIN caused to be filed articles of incorporation for a business entity known as "NY Confidential Escorts, Inc." with the New York State Department of State.

h. On or about February 3, 2005, defendant PAUL BERGRIN, aiding and abetting H.O., caused a check to be drafted in the amount of \$3000 as payment for rent on 247 East 32nd Street, Apartment 1, New York, New York.

i. On or about February 4, 2005, defendant PAUL BERGRIN, aiding and abetting H.O., caused a check to be drafted in the amount of \$810 as payment to a third party.

In violation of Title 18, United States Code, Section 371.

COUNT TWENTY-TWO AND TWENTY-THREE
(Travel in Aid of Prostitution Business)
(Defendant Bergrin)

1. Paragraphs one and four through eleven of Count Twenty-One of this Superseding Indictment are hereby realleged and incorporated as though set forth in full herein.

2. On or about the dates set forth below, in the counties of Hudson and Essex, in the District of New Jersey and elsewhere, defendant

PAUL BERGRIN

did knowingly and intentionally travel in and use facilities in interstate commerce and cause the travel in and the use of the mail and facilities in interstate commerce with the intent to promote, manage, establish, carry on, and facilitate the promotion, management, establishment and carrying on of an unlawful activity, that is, prostitution offenses, contrary to New York State Penal Law Section 230.25(1), and thereafter, did perform and attempt to perform an act to promote manage establish, carry on and facilitate the promotion, management, establishment, and carrying on of such unlawful activity, as follows:

COUNT	DATE	TRAVEL/MAILING	ACT PERFORMED THEREAFTER
TWENTY-TWO	12/10/2004	The Letter Set Forth in Count Twenty-One Paragraph (c)	The Acts Set Forth in Count Twenty-One Paragraphs 11(d) and(e)
TWENTY-THREE	1/12/2005	The Travel Set Forth in Count Twenty-One Paragraph (f)	The Acts Set Forth in Count Twenty-One Paragraphs 11(g), (h) and (i)

In violation of Title 18, United States Code, Section 1952(a)(3) and Section 2.

COUNT TWENTY-FOUR
(Wire Fraud Conspiracy)
(Defendants Bergrin, Jauregui, Koontz)

1. At various times relevant to Count Twenty-Four of this Superseding Indictment:

a. Atlantic Home Loans, J.P. Morgan Chase Bank, America's Wholesale Lender and Bear Stearns Residential Mortgage Corporation, were lending institutions that administered mortgage loan programs which allowed borrowers who could meet income, credit eligibility, and down payment underwriting requirements, among other things, to obtain financing secured by real estate.

b. Defendant PAUL BERGRIN was an attorney who owned properties located in Essex County and elsewhere. Defendant PAUL BERGRIN acted as a seller or as a closing attorney in connection with fraudulent real estate transactions.

c. Defendant YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," owned properties in Essex County and elsewhere with defendant PAUL BERGRIN, and also participated in fraudulent real estate transactions.

d. Defendant SUNDIATA KOONTZ acted as both a buyer and a seller in connection with fraudulent real estate transactions in concert with defendants PAUL BERGRIN, YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," and others.

e. The co-conspirator referred to in Count One of this Superseding Indictment as "D.D." facilitated fraudulent

real estate transactions on behalf of and in concert with defendants PAUL BERGRIN, YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," SUNDIATA KOONTZ and others.

The Conspiracy

2. From on or about May 19, 2005 through on or about April 6, 2006, in the county of Essex, in the District of New Jersey and elsewhere, defendants

PAUL BERGRIN
YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," and
SUNDIATA KOONTZ

did knowingly and intentionally conspire and agree with each other and others known and unknown to execute a scheme and artifice to defraud lending institutions, and to obtain approximately \$1,107,000 from those lending institutions, by means of materially false and fraudulent pretenses, representations, and promises, and to use interstate and foreign wire communications for the purpose of executing such scheme and artifice, contrary to Title 18, United States Code, Section 1343.

Object of the Conspiracy

3. It was the object of the conspiracy for defendants PAUL BERGRIN, YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," SUNDIATA KOONTZ and others, to obtain money by fraudulently inducing lending institutions to approve mortgage loans.

Manner and Means of the Conspiracy

4. It was part of the conspiracy that defendants PAUL

BERGRIN and YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," would seek the assistance of co-conspirator D.D. in recruiting buyers who would purchase real estate properties owned by defendants PAUL BERGRIN and YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," or companies they owned, at inflated prices in connection with fraudulent real estate transactions.

5. It was further part of the conspiracy that co-conspirator D.D. would recruit other co-conspirators, including defendant SUNDIATA KOONTZ, to purchase properties, including properties owned by defendants PAUL BERGRIN and YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," or companies they owned, at inflated prices in connection with fraudulent real estate transactions.

6. It was further part of the conspiracy that the co-conspirator buyers, including defendant SUNDIATA KOONTZ, would apply for and obtain mortgage loans to purchase real estate properties by submitting false information and documents to lending institutions, including false representations about down payments on the properties which were in fact not made, and false earnings information.

7. It was further part of the conspiracy that co-conspirator D.D. would assist the co-conspirator buyers, including defendant SUNDIATA KOONTZ, with submitting documents and information to lending institutions that: (a) falsely

inflated the value and purchase price of the properties; and (b) falsely portrayed the co-conspirator buyers' credit-worthiness.

8. It was further part of the conspiracy that the conspirators would fraudulently cause the lending institutions to approve the co-conspirator buyers' mortgage loan applications and disburse funds to the conspirators or their settlement agents.

9. It was further part of the conspiracy that the conspirators would share the proceeds of the fraudulently obtained mortgage loans.

10. It was further part of the conspiracy that, in connection with the fraudulent real estate transactions, co-conspirators, including defendant PAUL BERGRIN, would act as the closing attorney for co-conspirator buyers and sellers.

11. It was further part of the conspiracy that, in connection with some fraudulent real estate transactions, defendant SUNDIATA KOONTZ would act as the seller.

12. It was further part of the conspiracy that the defendants and their co-conspirators would use interstate wire transactions, including the electronic transfers of mortgage funds, to facilitate the fraudulent real estate transactions.

13. It was further part of the conspiracy that once the closings were completed, in substantially all of the mortgage loans obtained pursuant to the scheme described herein, the buyer would default on the loan.

Wire Transfers

14. To effect the object of the conspiracy, defendants PAUL BERGRIN, YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," SUNDIATA KOONTZ and others used interstate and foreign wire communications, including those communications set forth below in Counts Twenty-Five through Twenty-Nine of this Superseding Indictment.

All in violation of Title 18, United States Code, Section 1349.

COUNTS TWENTY-FIVE THROUGH TWENTY-NINE

(Wire Fraud)

(Defendants Bergrin, Jauregui and Koontz)

1. Paragraphs one and four through fourteen of Count Twenty-Four of this Superseding Indictment are hereby realleged and reincorporated as though set forth in full herein.

2. On or about the dates set forth below, in the county of Essex, in the District of New Jersey and elsewhere, the defendants

PAUL BERGRIN,
YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," and
SUNDIATA KOONTZ

having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of materially false and fraudulent pretenses, representations, and promises, which scheme is set forth in Count Twenty-Four, and for the purpose of executing and attempting to execute such scheme and artifice did knowingly transmit and cause to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, a writing, sign, signal, picture, and sound, namely the wire money transfers from the lending institutions and in the amounts set forth below, each representing a separate count of this Superseding Indictment:

COUNT	DEFENDANT	DATE	FROM	TO	PROPERTY	AMOUNT
TWENTY-FIVE	PAUL BERGRIN, and SUNDIATA KOONTZ	9/27/05	Atlantic Home Loans, (NJ)	L. & C. Search and Abstract, (PA)	46 Eaton Place, East Orange, New Jersey	\$101,500
TWENTY-SIX	PAUL BERGRIN, and SUNDIATA KOONTZ	10/25/05	J.P. Morgan Chase Bank, (NY)	J.P. Morgan Chase Bank (NJ)	46 Eaton Place, East Orange, New Jersey	\$170,000
TWENTY-SEVEN	PAUL BERGRIN, YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," and SUNDIATA KOONTZ	7/21/05	America's Wholesale Lender, (FL)	L. & C. Search and Abstract, (PA)	13 Edgerton Place, South Orange, New Jersey	\$237,500
TWENTY-EIGHT	PAUL BERGRIN, and SUNDIATA KOONTZ	3/7/06	Bear Stearns, (PA)	M.S. Title Agency, (NJ)	484 South 20 th Street, Newark, New Jersey	\$313,500
TWENTY-NINE	PAUL BERGRIN, and SUNDIATA KOONTZ	3/28/06	Bear Stearns, (AZ)	A.T. & S. Services, (NJ)	266 Wainwright Street, Newark, New Jersey	\$285,000

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

COUNTS THIRTY THROUGH THIRTY-SIX

(Filing False Tax Returns)

(Defendant Bergrin)

1. At all times relevant to Counts Thirty through Thirty-Six of this Superseding Indictment:
 - a. Defendant PAUL BERGRIN was a resident of New Jersey.
 - b. Defendant PAUL BERGRIN was a fifty percent shareholder in Premium Realty Investment Corp., Inc., a New Jersey corporation with its principal place of business located at 572 Market Street, Newark, New Jersey. Premium Realty Investment Corp., Inc. was purportedly engaged in the business of real estate investments.
 - c. Defendant PAUL BERGRIN was a one hundred percent shareholder in Law Office of Paul W. Bergrin P.C., a New Jersey corporation with its principal place of business located at 50 Park Place, Newark, New Jersey. Law Office of Paul W. Bergrin P.C. was purportedly engaged in the business of providing attorney services.
 - d. Internal Revenue Service regulations required defendant PAUL BERGRIN to accurately report all income he earned to the Internal Revenue Service each tax year on United States Individual Income Tax Return, Form 1040.
 - e. Defendant PAUL BERGRIN elected to designate both Premium Realty Investment Corp., Inc. and Law Office of Paul

W. Bergrin P.C. as "S-Corporations" for the purposes of reporting income earned by Premium Realty Investment Corp., Inc. and Law Office of Paul W. Bergrin P.C. to the Internal Revenue Service.

f. Internal Revenue Service regulations required defendant PAUL BERGRIN to accurately report business income earned and expenses incurred by Premium Realty Investment Corp., Inc. and Law Office of Paul W. Bergrin P.C. to the Internal Revenue Service each tax year on United States Income Tax Return for an S-Corporation, Form 1120S.

g. Pursuant to Internal Revenue Service regulations, the S-Corporations Premium Realty Investment Corp., Inc. and Law Office of Paul W. Bergrin P.C. did not themselves incur a tax liability for the net income they earned for a given tax year. Instead, the tax liability for net income earned or loss incurred by Premium Realty Investment Corp., Inc. and Law Office of Paul W. Bergrin P.C. flowed through to shareholders of those S-Corporations and was required to be reported on the shareholders' United States Individual Income Tax Return, Form 1040.

h. As a fifty percent shareholder in Premium Realty Investment Corp., Inc., defendant PAUL BERGRIN was required to report on his United States Individual Income Tax Return, Form 1040, fifty percent of the net income earned or loss incurred by Premium Realty Investment Corp., Inc. in each tax

year.

i. As a one hundred percent shareholder in Law Office of Paul W. Bergrin P.C., defendant PAUL BERGRIN was required to report on his United States Individual Income Tax Return, Form 1040, one hundred percent of the net income earned or loss incurred by Law Office of Paul W. Bergrin P.C. in each tax year.

j. In tax year 2005, defendant PAUL BERGRIN signed, filed and caused to be filed the following three false Income Tax Returns:

i. a false United States Income Tax Return for an S-Corporation, Form 1120S for Premium Realty Investment Corp., Inc. in which he failed to report income gained from the sale of real estate property owned by Premium Realty Investment Corp., Inc. and falsely claimed non-deductible personal expenses as deductible business expenses, thereby fraudulently under-reporting the net income for Premium Realty Investment Corp., Inc. that he was also required to report on his United States Individual Income Tax Returns, Form 1040;

ii. a false United States Income Tax Return for an S-Corporation, Form 1120S for Law Office of Paul W. Bergrin P.C. in which he falsely claimed non-deductible personal expenses as deductible business expenses, thereby fraudulently under-reporting the net income for Law Office of Paul W. Bergrin

P.C. that he was also required to report on his United States Individual Income Tax Returns, Form 1040; and

iii. a false United States Individual Income Tax Returns, Form 1040, for himself and his spouse, in which he falsely under-reported the net income he earned from Premium Realty Investment Corp., Inc. and Law Office of Paul W. Bergrin P.C. and falsely claimed that he incurred a short term capital loss on his Schedule D, thereby fraudulently reducing his tax liability for tax year 2005.

k. In tax year 2006, defendant PAUL BERGRIN signed, filed and caused to be filed the following two false Income Tax Returns:

i. a false United States Income Tax Return for an S-Corporation, Form 1120S for Law Office of Paul W. Bergrin P.C. in which he falsely claimed non-deductible personal expenses as deductible business expenses, thereby fraudulently under-reporting the net income for Law Office of Paul W. Bergrin P.C. that he was also required to report on his United States Individual Income Tax Returns, Form 1040; and

ii. a false United States Individual Income Tax Returns, Form 1040, for himself and his spouse, in which he falsely under-reported the net income he earned from Law Office of Paul W. Bergrin P.C., thereby fraudulently reducing his tax liability for tax year 2006.

1. In tax year 2007, defendant PAUL BERGRIN signed, filed and caused to be filed the following two false Income Tax Returns:

i. A false United States Income Tax Return for an S-Corporation, Form 1120S for Law Office of Paul W. Bergrin P.C. in which he falsely claimed non-deductible personal expenses as deductible business expenses, thereby fraudulently under-reporting the net income for Law Office of Paul W. Bergrin P.C. that he was also required to report on his United States Individual Income Tax Returns, Form 1040; and

ii. A false United States Individual Income Tax Returns, Form 1040, for himself and his spouse, in which he falsely under-reported the income he earned from Law Office of Paul W. Bergrin P.C., thereby fraudulently reducing his tax liability for tax year 2007.

2. On or about the dates set forth below, in the counties of Essex and Monmouth, in the District of New Jersey, and elsewhere, defendant

PAUL BERGRIN

did knowingly and willfully make and subscribe and present to the Internal Revenue Service, United States Individual Income Tax Returns, Forms 1040, and United States Income Tax Returns for an S-Corporation, Forms 1120S, which returns were false and fraudulent as to material matters, as summarized below, and which

returns contained and were verified by a written declaration that they were made under the penalties of perjury, knowing that the returns were false and fraudulent:

COUNT	DATE FILED ON OR BEFORE	TAX YEAR	TYPE OF RETURN	TAXPAYER	UNREPORTED INCOME	FALSE DEDUCTIONS
THIRTY	9/21/2006	2005	1120S	PREMIUM REALTY INVESTMENT CORP., INC.	\$29,582	\$9,200
THIRTY-ONE	11/27/2006	2005	1120S	LAW OFFICE OF PAUL W. BERGRIN P.C.	\$0	\$12,786
THIRTY-TWO	3/20/2008	2005	1040	PAUL BERGRIN & SPOUSE	\$32,177	\$100,000
THIRTY-THREE	12/10/2007	2006	1120S	LAW OFFICE OF PAUL W. BERGRIN P.C.	\$0	\$28,250
THIRTY-FOUR	10/8/2007	2006	1040	PAUL BERGRIN & SPOUSE	\$28,250	\$0
THIRTY-FIVE	7/1/2008	2007	1120S	LAW OFFICE OF PAUL W. BERGRIN P.C.	\$0	\$24,750
THIRTY-SIX	7/24/2008	2007	1040	PAUL BERGRIN & SPOUSE	\$24,750	\$0

All in violation of Title 26, United States Code, Section 7206(1).

COUNTS THIRTY-SEVEN THROUGH THIRTY-NINE

(Filing False Tax Returns)

(Defendant Koontz)

1. At all times relevant to Counts Thirty-Seven through Thirty-Nine of this Superseding Indictment:
 - a. Defendant SUNDIATA KOONTZ was a resident of New Jersey.
 - b. Defendant SUNDIATA KOONTZ owned real estate properties.
 - c. Defendant SUNDIATA KOONTZ earned income from, among other things, purchasing and selling real estate properties.
 - d. Internal Revenue Service regulations required defendant SUNDIATA KOONTZ to report all income he earned, including that earned from real estate transactions, to the Internal Revenue Service each tax year on United States Individual Income Tax Return, Form 1040.
 - e. Defendant SUNDIATA KOONTZ signed, filed and caused to be filed false United States Individual Income Tax Returns, Forms 1040, for tax years 2004, 2005 and 2006, by failing to report earned income, in order to avoid payment of taxes owed on that earned income.

2. On or about the dates set forth below, in the county of Essex, in the District of New Jersey, and elsewhere, defendant

SUNDIATA KOONTZ

did knowingly and willfully make and subscribe and present to the Internal Revenue Service, United States Individual Income Tax Returns, Forms 1040, which returns were false and fraudulent as to material matters, as summarized below, and which returns contained and were verified by a written declaration that they were made under the penalties of perjury, knowing that the returns were false and fraudulent.

COUNT	DATE FILED ON OR BEFORE	TAX YEAR	UNREPORTED INCOME
THIRTY-SEVEN	2/16/2006	2004	\$23,065
THIRTY-EIGHT	4/15/2006	2005	\$210,008
THIRTY-NINE	4/15/2007	2006	\$225,726

All in violation of Title 26, United States Code, Section 7206(1).

NOTICE OF SPECIAL FINDINGS

1. The allegations of Counts Four and Five of this Superseding Indictment are hereby realleged and reincorporated as though set forth in full herein.

2. As to Counts Four and Five of this Superseding Indictment, the defendant PAUL BERGRIN:

a. was 18 years of age or older at the time of the offense. 18 U.S.C. § 3591(a).

b. intentionally participated in an act, contemplating that the life of a person would be taken and intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and the victim died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(C).

c. intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and the victim died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(D).

d. committed the offense as consideration for the receipt, and in the expectation of the receipt, of anything of pecuniary value. 18 U.S.C. § 3592(c)(8).

e. committed the offense after substantial
planning and premeditation to cause the death of a person. 18
U.S.C. § 3592(c)(9).

FORFEITURE ALLEGATION ONE

1. The Grand Jury realleges and incorporates by reference the allegations contained in counts Sixteen through Twenty of this Superseding Indictment for the purpose of noticing forfeiture pursuant to Title 21, United States Code, Section 853.

2. Pursuant to Title 21, United States Code, Section 853, upon conviction for violating any of the controlled substance offenses alleged in Counts Sixteen through Twenty of this Superseding Indictment, defendants PAUL BERGRIN, YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," ALEJANDRO BARRAZA-CASTRO, a/k/a "George," ALONSO BARRAZA-CASTRO and JOSE JIMENEZ shall forfeit to the United States: any and all property constituting, or derived from, any proceeds the said defendants obtained directly or indirectly as a result of the said violation; and any and all property used or intended to be used in any manner or part to commit or to facilitate the commission of the said violation, including but not limited to, all that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 710 Summer Avenue, Newark, New Jersey.

3. Pursuant to Title 21, United States Code, Section 853(p), defendants PAUL BERGRIN, YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," ALEJANDRO BARRAZA-CASTRO, a/k/a "George," ALONSO BARRAZA-CASTRO and JOSE JIMENEZ shall forfeit substitute

property, up to the value of the property described in paragraph 2, if, by any act and omission of defendants PAUL BERGRIN, YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," ALEJANDRO BARRAZA-CASTRO, a/k/a "George," ALONSO BARRAZA-CASTRO and JOSE JIMENEZ, that property or any portion thereof:

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.

FORFEITURE ALLEGATION TWO

1. The Grand Jury realleges and incorporates by reference the allegations contained in Counts Twenty-Four, Twenty-Five, and Twenty-Seven through Twenty-Nine of this Superseding Indictment for the purpose of noticing forfeiture pursuant to Title 18, United States Code, Section 981 and Title 28, United States Code, Section 2461.

2. The Grand Jury realleges and incorporates by reference the allegations contained in Counts Twenty-Four and Twenty-Six of this Superseding Indictment for the purpose of noticing forfeiture pursuant to Title 18, United States Code, Section 982.

3. Pursuant to Title 18, United States Code, Section 981(a)(1)(c) and Title 28, United States Code, Section 2461(c), upon conviction of any of the wire fraud conspiracy offenses set forth in Counts Twenty-Four, Twenty-Five, and Twenty-Seven through Twenty-Nine of this Superseding Indictment: defendants PAUL BERGRIN, YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," and SUNDIATA KOONTZ shall forfeit to the United States, any property, real or personal, which constitutes or is derived from proceeds traceable to the commission of the scheme to defraud of which the defendants are convicted, including but not limited to the following:

a. a sum of money equal to approximately

\$1,107,000 in United States currency, representing proceeds that defendants PAUL BERGRIN, YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," and SUNDIATA KOONTZ obtained as a result of said offenses; and

b. all that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 346 Little Street, Nutley, New Jersey.

4. Pursuant to Title 18, United States Code, Section 982(a)(2)(A), upon conviction of any of the wire fraud conspiracy offenses set forth in Counts Twenty-Four and Twenty-Six of this Superseding Indictment: defendants PAUL BERGRIN, YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," and SUNDIATA KOONTZ shall forfeit to the United States any property constituting, or derived from, proceeds obtained directly or indirectly as a result of such violation(s), including:

a. a sum of money equal to approximately \$1,107,000 in United States currency, representing proceeds that defendants PAUL BERGRIN, YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," and SUNDIATA KOONTZ obtained as a result of said offenses; and

b. all that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 346 Little Street, Nutley, New Jersey.

5. Pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b) and Title 28, United States Code, Section 2461(c),

defendants PAUL BERGRIN, YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," and SUNDIATA KOONTZ shall forfeit substitute property, up to the value of the property described in paragraphs 3 and 4, if, by any act and omission of defendants PAUL BERGRIN, YOLANDA JAUREGUI, a/k/a "Yolanda Bracero," and SUNDIATA KOONTZ, that property or any portion thereof:

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.

A TRUE BILL

FOREPERSON

PAUL J. FISHMAN
UNITED STATES ATTORNEY