

IN THE UNITED STATES DISTRICT COURT

DEC 15 2010 *P*

FOR THE DISTRICT OF NEW MEXICO

MATTHEW J. DYKMAN

UNITED STATES OF AMERICA,

CLERK

Plaintiff,

CRIMINAL NO. 10cr 3348

vs.

DAVID RIVERA,

Counts 1-10:  
31 U.S.C. § 5324(a)(1) and (d)(1):  
Structuring Transactions to Evade  
Reporting Requirement;

Defendant.

Count 11:  
31 U.S.C. § 5324(a)(3) and (d)(1):  
Structuring Transactions to Evade  
Reporting Requirement.INDICTMENT

The Grand Jury charges:

Counts 1-10

On or about the dates listed below, in Santa Fe County and Bernalillo County, in the District of New Mexico, the Defendant **DAVID RIVERA**, for the purpose of evading the reporting requirements of section 5313(a) and 5325 and any regulation prescribed under any such section, caused and attempted to cause a domestic financial institution to fail to file a report required under 31 U.S.C. § 5313(a) and § 5325 and any regulation prescribed under any such section, by engaging in cash deposits of domestic coin and currency transactions of the amounts listed below, in the total approximate amount of \$168,780:

<u>Count</u>	<u>Date</u>	<u>Deposit Amount</u>	<u>Account Type</u>	<u>Last Four Digits of Account Number</u>	<u>Bank</u>
1	2/2/09	\$9,330 \$8,000	Business Checking	-3301	Wells Fargo Bank

<u>Count</u>	<u>Date</u>	<u>Deposit Amount</u>	<u>Account Type</u>	<u>Last Four Digits of Account Number</u>	<u>Bank</u>
2	5/18/09	\$8,000 \$9,500	Business Checking	-3470	Wells Fargo Bank
3	5/26/09	\$8,000 \$9,000	Business Checking Personal Checking	-3470 -9879	Wells Fargo Bank
4	3/15/10	\$9,900 \$9,700	Business Checking	-3470	Wells Fargo Bank
5	3/22/10	\$9,000 \$9,700	Business Checking	-3470	Wells Fargo Bank
6	3/26/10	\$9,800 \$9,000	Business Checking	-3470	Wells Fargo Bank
7	4/12/10	\$9,950 \$5,800	Business Checking	-3470	Wells Fargo Bank
8	4/19/10	\$5,800 \$2,000 \$8,900	Business Checking	-3470	Wells Fargo Bank
9	4/29/10	\$500 \$6,000 \$3,900	Personal Checking Business Checking Business Checking	-9879 -3470 -3470	Wells Fargo Bank
10	5/10/10	\$9,000 \$8,000	Business Checking	-3470	Wells Fargo Bank

In violation of 31 U.S.C. § 5324 (a)(1) and (d)(1).

Count 11

On approximately 57 days between on or about February 6, 2009, through on or about June 29, 2010, the activity on any single date being sufficient for conviction, in Santa Fe County and Bernalillo County, in the District of New Mexico, the Defendant **DAVID RIVERA**, for the purpose of evading the reporting requirements of section 5313(a) and 5325 and any regulation prescribed under any such section, structured

and assisted in structuring, and attempted to structure and assist in structuring, any transaction with one or more domestic financial institutions, by engaging in approximately 101 cash deposits of domestic coin and currency transactions, in the total approximate amount of \$980,510:

<u>Date</u>	<u>Deposit Amount</u>	<u>Bank</u>	<u>Account Type</u>	<u>Last Digits of Account Number</u>
2/6/09	\$9,000	Guadalupe Credit Union	Checking	-3000-71
	\$8,800	Wells Fargo Bank	Business Checking	-3301
2/11/09	\$8,700	Guadalupe Credit Union	Savings	-3000-0
	\$8,000	Wells Fargo Bank	Personal Checking	-9879
2/17/09	\$9,000	Wells Fargo Bank	Personal Checking	-9879
2/18/09	\$8,000		Business Checking	-3470
3/16/09	\$8,500	Guadalupe Credit Union	Savings	-3000-0
	\$8,000	Wells Fargo Bank	Business Checking	-3470
3/23/09	\$8,000	Guadalupe Credit Union	Savings	-3000-0
	\$8,000	Los Alamos National Bank	Savings	-0320
	\$9,000	Wells Fargo Bank	Business Checking	-3470
4/14/09	\$7,500	Guadalupe Credit Union	Savings	-3000-0
	\$8,000	Los Alamos National Bank	Savings	-0320
	\$7,000	Wells Fargo Bank	Personal Checking	-9879
4/27/09	\$8,000	Wells Fargo Bank	Business Checking	-3470
	\$8,000	Guadalupe Credit Union	Savings	-3000-0
5/8/09	\$9,000	Guadalupe Credit Union	Savings	-3000-0
	\$9,000	Wells Fargo Bank	Business Checking	-3470
5/13/09	\$9,000	Guadalupe Credit Union	Savings	-3000-0
	\$9,000	Wells Fargo Bank	Business Checking	-3470
6/9/09	\$7,000	Guadalupe Credit Union	Savings	-3000-0
	\$8,000	Los Alamos National Bank	Savings	-0320
	\$8,000	Wells Fargo Bank	Personal Checking	-9879
6/15/09	\$9,000	Guadalupe Credit Union	Savings	-3000-0
	\$9,000	Wells Fargo Bank	Business Checking	-3470
6/18/09	\$8,000	Guadalupe Credit Union	Savings	-3000-0

<u>Date</u>	<u>Deposit Amount</u>	<u>Bank</u>	<u>Account Type</u>	<u>Last Digits of Account Number</u>
	\$9,000	Wells Fargo Bank	Personal Checking	-9879
6/23/09	\$9,000 \$7,000	Los Alamos National Bank Wells Fargo Bank	Savings Personal Checking	-0320 -9879
6/30/09	\$7,000 \$8,000	Guadalupe Credit Union Wells Fargo Bank	Savings Personal Checking	-3000-0 -9879
7/6/09	\$9,000 \$9,500	Guadalupe Credit Union Wells Fargo Bank	Savings Personal Checking	-3000-0 -9879
7/21/09	\$9,000 \$9,000 \$9,000	Guadalupe Credit Union Los Alamos National Bank Wells Fargo Bank	Savings Savings Business Checking	-3000-0 -0320 -3470
8/5/09	\$8,000 \$8,000	Guadalupe Credit Union Wells Fargo Bank	Savings Business Checking	-3000-0 -3470
8/10/09 8/11/09	\$8,600 \$7,900	Wells Fargo Bank	Business Checking	-3470
8/12/09	\$9,000 \$9,500	Guadalupe Credit Union Wells Fargo Bank	Savings Business Checking	-3000-0 -3470
8/14/09	\$9,000 \$9,400	Guadalupe Credit Union Wells Fargo Bank	Savings Business Checking	-3000-0 -3470
8/17/09 8/18/09	\$9,000 \$9,070	Wells Fargo Bank	Business Checking	-3470
9/15/09	\$8,000 \$8,000	Wells Fargo Bank Guadalupe Credit Union	Business Checking Savings	-3470 -3000-0
9/21/09	\$8,900 \$9,000	Wells Fargo Bank Guadalupe Credit Union	Business Checking Savings	-3470 -3000-0
9/23/09	\$9,000 \$9,000	Wells Fargo Bank Guadalupe Credit Union	Business Checking Savings	-3470 -3000-0
10/2/09	\$7,000 \$7,000	Wells Fargo Bank Guadalupe Credit Union	Business Checking Savings	-3470 -3000-0
10/5/09	\$7,800 \$9,000	Guadalupe Credit Union Wells Fargo Bank	Savings Business Checking	-3000-0 -3470
10/23/09	\$9,000	Wells Fargo Bank	Business Checking	-3470

<u>Date</u>	<u>Deposit Amount</u>	<u>Bank</u>	<u>Account Type</u>	<u>Last Digits of Account Number</u>
	\$8,650	Guadalupe Credit Union	Savings	-3000-0
10/30/09	\$7,000 \$9,000 \$5,000	Guadalupe Credit Union Wells Fargo Bank Los Alamos National Bank	Savings Business Checking Savings	-3000-0 -3470 -0320
11/6/09	\$9,400 \$8,000	Wells Fargo Bank Guadalupe Credit Union	Business Checking Savings	-3470 -3000-0
11/13/09	\$8,000 \$9,000	Guadalupe Credit Union Wells Fargo Bank	Savings Business Checking	-3000-0 -3470
11/18/09	\$9,000 \$9,000	Guadalupe Credit Union Wells Fargo Bank	Savings Business Checking	-3000-0 -3470
11/23/09 11/24/09	\$8,000 \$9,700	Wells Fargo Bank	Business Checking	-3470
12/7/09 12/8/09	\$7,700 \$9,000	Wells Fargo Bank	Business Checking	-3470
1/4/10 1/5/10	\$8,750 \$7,700	Wells Fargo Bank	Business Checking Personal Checking	-3470 -9879
1/12/10	\$8,000 \$8,000	Guadalupe Credit Union Wells Fargo Bank	Savings Personal Checking	-3000-0 -9879
1/19/10	\$8,500 \$3,000	Guadalupe Credit Union Wells Fargo Bank	Savings Business Checking	-3000-0 -3470
1/25/10	\$3,000 \$8,700	Guadalupe Credit Union Los Alamos National Bank	Savings Savings	-3000-0 -0320
2/2/10	\$9,000 \$9,000	Guadalupe Credit Union Wells Fargo Bank	Savings Business Checking	-3000-0 -3470
2/10/10	\$6,200 \$9,000	Guadalupe Credit Union Wells Fargo Bank	Savings Business Checking	-3000-0 -3470
2/16/10	\$7,800 \$8,500 \$8,800	Guadalupe Credit Union Wells Fargo Bank Los Alamos National Bank	Savings Business Checking Savings	-3000-0 -3470 -0320
2/19/10	\$8,000 \$8,900	Guadalupe Credit Union Wells Fargo Bank	Savings Business Checking	-3000-0 -3470

<u>Date</u>	<u>Deposit Amount</u>	<u>Bank</u>	<u>Account Type</u>	<u>Last Digits of Account Number</u>
2/25/10	\$8,000	Los Alamos National Bank	Savings	-0320
	\$8,000	Wells Fargo Bank	Business Checking	-3470
3/1/10	\$9,000	Los Alamos National Bank	Savings	-0320
	\$9,000	Wells Fargo Bank	Business Checking	-3470
3/23/10	\$9,600	Wells Fargo Bank	Business Checking	-3470
3/24/10	\$9,400			
3/25/10	\$9,900			
5/25/10	\$9,500	Los Alamos National Bank	Savings	-0320
	\$9,500	Wells Fargo Bank	Business Checking	-3470
6/21/10	\$9,800	Los Alamos National Bank	Savings	-0320
6/22/10	\$9,900			
6/28/10	\$9,800	Los Alamos National Bank	Savings	-0320
6/29/10	\$9,000			

In violation of 31 U.S.C. § 5324 (a)(3) and (d)(1).

### **FORFEITURE ALLEGATION**

Upon conviction of one or more of the offenses alleged in Counts 1 through 11 of this Indictment, the defendant **DAVID RIVERA** shall forfeit to the United States pursuant to 31 U.S.C. § 5317(c)(1) or 21 U.S.C. § 853 any property, real or personal, involved in the offense and any property traceable thereto, including but not limited to the following:

**MONEY JUDGMENT:** A sum of money equal to at least **\$1,920,440** United States currency, representing the amount of money derived from or involved in the offenses.

BANK ACCOUNTS: Funds totaling \$520,171.62 seized the following amounts from the following bank accounts on July 1, 2010:

1. \$231,950 from Guadalupe Credit Union, account number -3000-0;
2. \$6,500 from Guadalupe Credit Union, certificate of deposit account -3000-84;
3. \$1,500 from Guadalupe Credit Union, account number -3000-71;
4. \$227,500 from Los Alamos National Bank, account number -0320;
5. \$50,320.18 from Wells Fargo Bank, account number -3470;
6. \$900 from Wells Fargo Bank, account number -3470;
7. \$648.50 from Wells Fargo Bank, account number-4183; and
8. \$852.94 from Wells Fargo Bank, account number -9879.

SUBSTITUTE ASSETS: If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

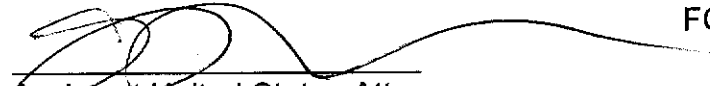
- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value;
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 982(b), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described above.

A TRUE BILL:

/s/

FOREPERSON OF THE GRAND JURY



Assistant United States Attorney

12/10/10 3:09pm