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8
9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE TERRITORY OF GUAM

11 UNITED STATES OF AMERICA) CRIMINAL CASE NO. 01-00007
12)
Plaintiff,) **SUPERSEDING INDICTMENT**
13)
14) **WIRE FRAUD**
v.) [18 U.S.C. §§ 1343, 1346, & 2]
15) **BRIBERY**
16) [18 U.S.C. § 666(a)(1)(B)]
17) **CONSPIRACY TO RESTRAIN TRADE**
18) [15 U.S.C. § 3, 18 U.S.C. § 2]
19) **MONEY LAUNDERING CONSPIRACY**
AUSTIN J. "SONNY" SHELTON,) [18 U.S.C. § 1956(h)]
20) **MONEY LAUNDERING**
21) [18 U.S.C. §§ 1957 & 2]
22) **FALSE STATEMENT**
23) [18 U.S.C. § 1001]
24) **FORFEITURE ALLEGATION**
25) [18 U.S.C. § 982(a)(1)]
26)

THE GRAND JURY CHARGES:

COUNT ONE
WIRE FRAUD
[18 U.S.C. §§ 1343, 1346 & 2]

INTRODUCTION

1. **AUSTIN J. SHELTON**, also known as **A.J. SONNY SHELTON**, also known as **SONNY SHELTON (SHELTON)**, is indicted and made a Defendant herein.

1 2. Typhoon Paka struck Guam on the night of December 16-17, 1997, causing extensive
2 damage throughout the island. The federal government, through the Federal Emergency Management
3 Agency (FEMA), made in excess of \$70 million in federal funds available for disaster relief in Guam.

4 3. Expecting that the Government of Guam would apply for and receive federal
5 reimbursement, the Legislature of Guam on December 18, 1997 made monies from the Guam General
6 Fund available so that the the Executive Branch could immediately pay for the clean-up and repair
7 of damage caused by Typhoon Paka (“Typhoon Paka Projects”) (Bill No. 467.)

8 4. At all times relevant to this Indictment, the Department of Parks and Recreation
9 (DPR) was an agency of the Government of Guam, and Defendant **SHELTON** was the Director of
10 the DPR and an agent of the DPR. It was his duty, among other things, to establish fees, rules, and
11 regulations to accomplish the purposes of the DPR; administer the DPR; prescribe the duties of
12 assistants, deputies, agents, and other persons employed by the DPR; and manage the Parks fund.

13 5. When the Governor of Guam declared a State of Emergency with regard to DPR, he
14 authorized DPR to spend from the General Fund. He also gave the Defendant **SHELTON** authority
15 to procure goods and services for Typhoon Paka Projects outside of the normal procedures.
16 (Executive Order 97-41.) Defendant **SHELTON** was required to follow certain statutes and
17 regulations in his administration of DPR procurements for Typhoon Paka Projects. Those statutes
18 and regulations included a requirement that **SHELTON** solicit at least three price quotations before
19 awarding a project.

20 6. At a time when the people of Guam were suffering through an emergency, and despite
21 his duty to carry out his responsibilities with loyalty, honesty, integrity, and faithfulness, Defendant
22 **SHELTON** devised and carried out a corrupt scheme and plan, as specified below in Paragraph Nine
23 of this Count. Defendant **SHELTON** used his position dishonestly and corruptly: he rigged the price
24 quotation process for certain Typhoon Paka Projects, and corruptly solicited, demanded, accepted
25 and agreed to accept cash payments totaling at least \$105,000.

26 7. After the Typhoon Paka Emergency, DPR, under Defendant **SHELTON**, failed to

1 provide the Government of Guam’s Recovery Coordination Office (RCO) with the documentation
2 necessary for the RCO to request FEMA reimbursement for the Paseo Light Tower, Wettengel
3 Football Field, Ypao Beach Pavilion and Cabanas, and Agaña Tennis Court / Paseo de Susanna
4 Typhoon Paka Projects. Nonetheless, at all times material to this Indictment, the DPR received
5 federal benefits, in the form of Typhoon Paka relief assistance from FEMA, and assistance from other
6 federal sources, that exceeded \$10,000 within any one year period.

7 **THE DUTY OF HONEST SERVICES**

8 8. In 1996, the 23rd Guam Legislature passed “AN ACT TO PRESCRIBE
9 STANDARDS OF CONDUCT FOR ELECTED OFFICERS, APPOINTED OFFICERS AND
10 PUBLIC EMPLOYEES OF THE GOVERNMENT OF GUAM AND TO ESTABLISH AN
11 ETHICS COMMISSION BY ADDING A NEW CHAPTER 15 TO TITLE 4, GUAM CODE
12 ANNOTATED; AND TO AMEND 4 GCA §13101, RELATIVE TO FINANCIAL DISCLOSURE
13 REQUIREMENTS” (the Act). The Act established the Guam Ethics Commission and required that
14 the Act be liberally construed to promote the highest standards of ethical conduct within the
15 Territorial government. As Director of the DPR, Defendant **SHELTON**:

16 a. Was subject to the provisions of the act prohibiting him from soliciting,
17 accepting or receiving, directly or indirectly, any gift valued singly or in the aggregate
18 from a single source in excess of \$200, whether in the form of money, prize, service,
19 loan, travel, entertainment, hospitality, thing or promise, or in any other form, when
20 a reasonable person would infer that the gift was intended to influence him in the
21 performance of his official duties or was intended as a reward for any official action
22 on his part;

23 b. Was further subject to the provisions of the act prohibiting him from using or
24 attempting to use his official position to secure or grant unwarranted privileges,
25 exemptions, advantages, contracts, or treatment, for himself or others by either
26 accepting, receiving, or soliciting compensation for the performance of official duties

1 or responsibilities, or soliciting, selling, or otherwise engaging in a financial
2 transaction with a subordinate or a person or business whom he inspects or supervises
3 in his official capacity; and,

4 c. Owed his employer, that is, the Government of the Territory of Guam
5 (Government of Guam) and its citizens, a general duty of loyalty, honesty, integrity
6 and faithfulness.

7 THE SCHEME

8 9. From sometime in about December 1997 until at least sometime in about October
9 1998, within the District of Guam and elsewhere, Defendant **SHELTON** and others known and
10 unknown to the Grand Jury, did devise and intend to devise a scheme and artifice to defraud the
11 Government of Guam and the DPR and to obtain money and property by means of materially false
12 and fraudulent pretenses, representations, and promises, and to deprive the Government of Guam,
13 the DPR, and the citizens of the Territory of Guam of their intangible right to the honest services of
14 Defendant **SHELTON**.

15 THE PURPOSE OF THE SCHEME

16 10. It was a purpose of the scheme and artifice to defraud and deprive (the Scheme) to
17 unlawfully enrich Defendant **SHELTON** through:

18 a. The personal exploitation of information by Defendant **SHELTON** relating
19 to the availability of DPR Typhoon Paka Projects, to which information Defendant
20 **SHELTON** was privy by virtue of his position as Director of the DPR;

21 b. The unlawful solicitations and demands for the benefit of himself and other
22 persons, and the acceptance and agreements to accept, things of value from
23 companies and persons providing goods and services for DPR Typhoon Paka
24 Projects; and

25 c. The concealment by Defendant **SHELTON** of all of the above from the
26 Government of Guam and citizens of the Territory of Guam.

1 conceal the fraudulent Scheme described above, give and cause to be given false and misleading
2 information concerning the cost and status of the DPR Typhoon Paka Projects.

3 **USE OF INTERSTATE WIRE FACILITIES**
4 **IN FURTHERANCE OF THE SCHEME**

5 20. On about the following date, in the District of Guam, Defendant **SHELTON**, for the
6 purpose of executing and attempting to execute the Scheme, did transmit and cause to be transmitted
7 in interstate and foreign commerce by means of a wire communication, certain writings, signs, signals,
8 and sounds: a facsimile transmission accepting an offer to ship lighting equipment, sent on about
9 February 5, 1998 from the offices of D.S. Corporation, doing business as Bunny Hardware, which
10 originated at or near Maite, Guam, to the offices of OSCAR Trading Co., located in Compton,
11 California.

12 ALL IN VIOLATION OF TITLE 18, UNITED STATES CODE, SECTIONS 1343, 1346
13 AND 2.

14 **COUNT TWO**

15 **WIRE FRAUD**
16 **[18 U.S.C. §§ 1343, 1346, 2]**

17 21. Paragraphs One through Nineteen of this Indictment are repeated and realleged as if
18 fully set forth in Count Two.

19 22. On about the following date, in the District of Guam, Defendant **SHELTON**, for the
20 purpose of executing and attempting to execute the Scheme, did transmit and cause to be transmitted
21 in foreign commerce by means of a wire communication, certain writings, signs, signals, and sounds:
22 a facsimile transmission entitled “pro forma invoice” for roofing materials, sent on about February
23 12, 1998, from the offices of ATCO, located at or near Tamuning, Guam to the offices of Tilling
24 Timber PTY, LTD., located in Australia, a foreign nation.

25 ALL IN VIOLATION OF TITLE 18, UNITED STATES CODE, SECTIONS 1343, 1346
26 AND 2.

1 **COUNTS THREE THROUGH EIGHT**

2 **BRIBERY**
3 **[18 U.S.C. § 666(a)(1)(B)]**

4 23. Paragraphs One through Seven of this Indictment are repeated and realleged as if fully
5 set forth in Counts Three through Eight.

6 24. All acts charged in Counts Three through Eight were conceived and carried out, in whole
7 or in part, within the District of Guam within five years preceding this Indictment.

8 25. As specified below for Counts Three through Eight of this Paragraph, on or about the
9 dates set forth below in this Paragraph, in the District of Guam, Defendant **SHELTON**, being an
10 agent of a territorial government agency, which territorial government agency received federal
11 assistance in excess of \$10,000 in a one-year period, did corruptly solicit and demand for the benefit
12 of any person, and accept and agree to accept, anything of value from any person, intending to be
13 influenced and rewarded in connection with any business, transaction, and series of transactions of
14 such territorial government agency involving anything of value of \$5,000 or more, to wit: Defendant
15 **SHELTON**, being the Director of DPR, corruptly solicited, accepted, and agreed to accept things
16 of value specified below in this Paragraph from the individuals specified below in this Paragraph,
17 intending to be influenced and rewarded in connection with the Typhoon Paka Projects specified
18 below in this Paragraph.

19

COUNT	TYPHOON PAKA PROJECT(S)	PAYOR	APPROXIMATE DATE	APPROXIMATE PAYMENT
20 3	Paseo Light Tower Q82599-055	Young Soo Yoon	Between February 1998 and July 1998	\$15,000 cash
21 4	Wettengel Football Field Q82599-051	Young Soo Yoon	Between February 1998 and July 1998	\$15,000 cash
22 5	Ypao Beach Pavilion and Cabanas Q82599-052	Young Soo Yoon	Between February 1998 and July 1998	\$25,000 cash

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6	Ypao Beach Pavilion and Cabanas Q82599-052	Young Soo Yoon	Between February 1998 and July 1998	\$20,000 cash
7	Debris Removal / Heavy Equip. Rental Q82599-030 Q82599-032 Q82599-034 Q82599-048	Young Soo Yoon and an Associate	Between December 1997 and February 1998	\$10,000 cash
8	Agaña Tennis Court / Paseo de Susanna Q82599-020 Q82599-021	Primitivo Carlos	Between February 1998 and July 1998	\$25,000 (cash plus debt forgiveness)

ALL IN VIOLATION OF TITLE 18, UNITED STATES CODE, SECTION
666(a)(1)(B).

COUNTS NINE THROUGH ELEVEN

**CONSPIRACY TO RESTRAIN TRADE
[15 U.S.C. § 3; 18 U.S.C. § 2]**

26. The allegations set forth in Paragraphs One through Seven of this Indictment are repeated and realleged as if fully set forth in Counts Nine through Eleven.

27. Description of the Offense.

a. During the periods specified below for Counts Nine through Eleven in this Paragraph, the exact dates being unknown to the Grand Jury, Defendant **SHELTON** and others entered into and engaged in combinations and conspiracies, identified below in this Paragraph, to suppress and restrain competition for Typhoon Paka Projects, in unreasonable restraint of territorial trade and commerce, in violation of the Sherman Act, Title 15, United States Code, Section 3.

b. The Defendant **SHELTON** aided, abetted, counseled, commanded, induced, and procured each combination and conspiracy charged in Counts Nine through Eleven, listed

1 below in this Paragraph, and willfully caused others to perform acts and make statements in
 2 furtherance of the charged combinations and conspiracies, in violation of Title 18, United
 3 States Code, Section 2.
 4

COUNT (SEPARATE COMBINATION AND CONSPIRACY)	TYPHOON PAKA PROJECTS SUBJECT TO COMBINATION AND CONSPIRACY, AND RIGGED CONTRACT AMOUNTS	TERM OF COMBINATION AND CONSPIRACY
9	Paseo Light Tower \$134,000 Q82599-055 Wettengel Football Field \$126,000 Q82599-051 Ypao Beach Pavilion \$145,000 and Cabanas Q82599-052	Beginning as early as December 1997 and lasting until at least July 1998
10	Agaña Tennis Court / Paseo de Susanna \$175,000 Q82599-020 Q82599-021	Beginning as early as December 1997 and lasting until at least July 1998
11	Paseo Billboard \$13,750 Q992500-102 Paseo Scoreboard \$23,500 Q992500-103 Paseo Flagpole \$22,700 Q992500-104	Beginning as early as April 1999 and lasting until at least October 1999

20 c. The combinations and conspiracies charged in Counts Nine through Eleven
 21 each consisted of an agreement, understanding, and concert of action among Defendant
 22 **SHELTON** and co-conspirators, the substantial terms of which were to rig price quotations
 23 offered for, and to allocate, Typhoon Paka Projects, as specified in this paragraph.
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1 d. For the common purpose of forming and carrying out each combination and
2 conspiracy charged in Counts Nine through Eleven, Defendant **SHELTON** and others
3 conspired, among other things, to:

- 4 (1) allocate upcoming Typhoon Paka Projects to particular persons;
- 5 (2) discuss price quotations on upcoming Typhoon Paka Projects;
- 6 (3) agree on the price quotations they would submit for that work;
- 7 (4) submit artificially high, non-competitive amounts in their price
8 quotations offered for that work;
- 9 (5) perform the work at artificially high, non-competitive prices;
- 10 (6) submit to DPR invoices and other documents as required; and
- 11 (7) receive compensation from DPR for the work.

12 28. Co-conspirators. Various individuals and corporations not made defendants in this
13 Indictment participated as co-conspirators in each combination and conspiracy charged in Counts
14 Nine through Eleven of this Indictment and performed acts and made statements in furtherance of it.

15 29. Territorial commerce. During the periods covered by Counts Nine through Eleven,
16 each and every Typhoon Paka Project specified above in Counts Nine through Eleven involved
17 substantial trade and commerce in the Territory of Guam. Price quotation, invoicing, work, and
18 payment on each Typhoon Paka Project occurred in the Territory of Guam.

19 30. Jurisdiction and venue. Each combination and conspiracy charged in Counts Nine
20 through Eleven was planned, discussed, and implemented, among other places: where the work was
21 to occur and did occur; in Defendant **SHELTON**'s office at Paseo de Susanna; and in the offices of
22 co-conspirators and those whom Defendant **SHELTON** aided and abetted, all in the Territory of
23 Guam, within the five years preceding the return of this Indictment.

24 ALL IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 3, AND TITLE 18,
25 UNITED STATES CODE, SECTION 2.

1 COUNT TWELVE

2 **MONEY LAUNDERING CONSPIRACY**
3 **[18 U.S.C. §1956(h)]**

4 INTRODUCTION

5 31. Paragraphs One through Seven of this Indictment are repeated and realleged as if fully
6 set forth in Count Twelve.

7 32. Among the DPR Typhoon Paka Projects were the Paseo Light Tower and Ypao
8 Beach Pavilion and Cabanas.

9 CONSPIRACY

10 33. Beginning as early as about December 17, 1997, a more exact date being unknown
11 to the Grand Jury, and continuing thereafter to about May 26, 1998, in the District of Guam and
12 elsewhere, Defendant **SHELTON** did conspire, confederate and agree with others known and
13 unknown to the Grand Jury, to commit certain offenses under Title 18, United States Code, Section
14 1957, as follows:

- 15 a. to knowingly engage and attempt to engage in monetary transactions,
16 affecting interstate and foreign commerce, in criminally derived property that was of
17 a value greater than \$10,000, such property having been derived from specified
18 unlawful activity, that is wire fraud, a violation of Title 18, United States Code,
19 Section 1343.

20 MANNER AND MEANS OF THE CONSPIRACY

21 The objects of the conspiracy were to be accomplished and were accomplished as follows:

22 34. It was part of the conspiracy that Defendant **SHELTON** would benefit from the
23 wire fraud activity.

24 35. It was further part of the conspiracy that on about January 12, 1998 Defendant
25 **SHELTON**, on behalf of DPR, accepted two artificially high, non-competitive price quotations
26 for the Paseo Light Tower project. Each of these two price quotations was dated December 31,

1 1997.

2 36. It was further part of the conspiracy that on about January 12, 1998 Defendant
3 **SHELTON**, on behalf of DPR, accepted a third artificially high, non-competitive price quotation
4 for the Paseo Light Tower project that was lower than the other two price quotations, and
5 designated by a co-conspirator to win the contract at an artificially high price of \$134,000. This
6 price quotation was dated January 12, 1998.

7 37. It was further part of the conspiracy that on about January 15, 1998 Defendant
8 **SHELTON**, on behalf of DPR, awarded the Paseo Light Tower project to the designated
9 contractor.

10 38. It was further part of the conspiracy that on about January 15, 1998 Defendant
11 **SHELTON** signed and dated a Government of Guam Requisition document authorizing the
12 Paseo Light Tower project in the amount of \$134,000.

13 39. It was further part of the conspiracy that on about February 12, 1998 Defendant
14 **SHELTON** accepted a billing invoice from a co-conspirator requesting partial payment in the
15 amount of \$85,500 on the Paseo Light Tower project.

16 40. It was further part of the conspiracy that on about February 20, 1998 Defendant
17 **SHELTON** caused the Government of Guam to prepare and distribute a check made payable to
18 the project contractor in the amount of \$85,500 in partial payment for work on the Paseo Light
19 Tower project, which monies were proceeds of the wire fraud activity.

20 41. It was further part of the conspiracy that on about February 26, 1998 the project
21 contractor utilized a portion of the check funds to purchase a cashier's check in the amount of
22 \$70,000 made payable to a co-conspirator.

23 42. It was further part of the conspiracy that on about February 27, 1998 the co-
24 conspirator caused the cashier's check, in the amount of \$70,000 to be deposited into a bank
25 account that did not belong to him but to which he had access.

26 43. It was further part of the conspiracy that on about February 20, 1998 Defendant

1 **SHELTON** solicited a bribe from a co-conspirator to compensate him for his role in fraudulently
2 awarding the government contract for the Paseo Light Tower project. Defendant **SHELTON**
3 specified that his bribe be paid to him in the form of cash.

4 44. It was further part of the conspiracy that on about March 3, 1998, Defendant
5 **SHELTON** accepted a bribe in the amount of \$15,000 in cash from a co-conspirator in
6 connection with the Paseo Light Tower project.

7 45. It was further part of the conspiracy that on about April 7, 1998 Defendant
8 **SHELTON** accepted a billing invoice from a co-conspirator requesting final payment in the
9 amount of \$48,500 on the Paseo Light Tower project.

10 46. It was further part of the conspiracy that on about May 26, 1998 Defendant
11 **SHELTON** caused the Government of Guam to prepare and distribute a check made payable to
12 the project contractor in the amount of \$48,500 in final payment for work on the Paseo Light
13 Tower project, which monies were proceeds of the wire fraud activity.

14 47. It was further part of the conspiracy that on or about May 28, 1998 the project
15 contractor utilized a portion of the check funds to purchase a cashier's check in the amount
16 \$19,640 made payable to a business entity as designated by a co-conspirator.

17 48. It was further part of the conspiracy that on or about May 26, 1998 the co-
18 conspirator caused the cashier's check, in the amount of \$19,640 to be deposited into a bank
19 account that did not belong to him but to which he had access.

20 49. It was further part of the conspiracy that on about December 30, 1997 Defendant
21 **SHELTON**, on behalf of DPR, accepted two artificially high, non-competitive price quotations
22 for the Ypao Beach Pavilion and Cabanas project.

23 50. It was further part of the conspiracy that on about December 30, 1997 Defendant
24 **SHELTON**, on behalf of DPR, accepted an artificially high, non-competitive price quotation for
25 the Ypao Beach Pavilion and Cabanas project that was lower than the other two price quotations,
26 was designated by a co-conspirator to win the contract at an artificially high price of \$145,000,

1 and was supported by other artificially high, non-competitive price quotations.

2 51. It was further part of the conspiracy that on about December 30, 1997 Defendant
3 **SHELTON** solicited a bribe from the co-conspirator to compensate him for his role in
4 fraudulently awarding the government contract for the Ypao Beach Pavilion and Cabanas project.
5 Defendant **SHELTON** and the co-conspirator agreed to the bribe amount of \$45,000. Defendant
6 **SHELTON** specified that his bribe be paid to him in the form of cash.

7 52. It was further part of the conspiracy that on about January 14, 1998 Defendant
8 **SHELTON**, on behalf of DPR, awarded the Ypao Beach Pavilion and Cabanas project to the
9 designated contractor co-conspirator.

10 53. It was further part of the conspiracy that on about January 14, 1998 Defendant
11 **SHELTON** signed and dated a Government of Guam Requisition document authorizing the Ypao
12 Beach Pavilion and Cabanas project in the amount of \$145,000.

13 54. It was further part of the conspiracy that on about February 12, 1998 Defendant
14 **SHELTON** accepted a billing invoice for an amount of \$101,500 from a co-conspirator
15 requesting partial payment on the Ypao Beach Pavilion and Cabanas project.

16 55. It was further part of the conspiracy that on about February 20, 1998 Defendant
17 **SHELTON** caused the Government of Guam to prepare and distribute a check made payable to
18 the project contractor in the amount of \$101,500 in partial payment for work on the Ypao Beach
19 Pavilion and Cabanas project, which monies were proceeds of the wire fraud activity.

20 56. It was further part of the conspiracy that on about February 26, 1998 the project
21 contractor co-conspirator prepared and issued checks in amounts of \$26,951, \$12,746, \$9,552.20
22 and \$8,750.80 payable to two business entities and an individual for the benefit of Defendant
23 **SHELTON** and a co-conspirator. The co-conspirator utilized these funds to obtain cash which
24 would be used, in part, to pay Defendant **SHELTON** the bribe that he requested.

25 57. It was further part of the conspiracy that beginning on about February 27, 1998
26 and then within several days following Defendant **SHELTON** accepted bribes aggregating

1 \$45,000, in cash, from a co-conspirator in connection with the Ypao Beach Pavilion and Cabanas
2 project.

3 58. It was further part of the conspiracy that on about April 9, 1998 Defendant
4 **SHELTON** accepted a billing invoice for an amount of \$43,500 from a co-conspirator requesting
5 final payment on the Ypao Beach Pavilion and Cabanas project.

6 59. It was further part of the conspiracy that on about May 26, 1998 Defendant
7 **SHELTON** caused the Government of Guam to prepare and distribute a check made payable to
8 the project contractor co-conspirator in the amount of \$43,500 in final payment for work on the
9 Ypao Beach Pavilion and Cabanas project, which monies were proceeds of the wire fraud activity.

10 ALL IN VIOLATION OF TITLE 18, UNITED STATES CODE, SECTION 1956(h).

11 **COUNTS THIRTEEN AND FOURTEEN**

12 **ENGAGING IN MONETARY TRANSACTIONS**
13 **IN PROPERTY DERIVED FROM SPECIFIED UNLAWFUL ACTIVITY**
14 **[18 U.S.C. §§1957 and 2]**

15 60. Paragraphs One through Seven of this Indictment are repeated and realleged as if
16 fully set forth in Counts Thirteen and Fourteen.

17 61. As specified in Counts Thirteen and Fourteen below, on about the dates set forth
18 below, in the District of Guam and elsewhere, the Defendant **SHELTON**, did knowingly engage,
19 attempt to engage, cause to engage and attempt to cause to engage in monetary transactions,
20 affecting interstate and foreign commerce, in criminally derived property that was of a value
21 greater than \$10,000, that is deposits of funds and monetary instruments in the amounts set forth
22 below, such property having been derived from specified unlawful activity, that is wire fraud, a
23 violation of Title 18, United States Code, Section 1343:
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COUNT	ACCOUNT NAME	BANK NAME	DATE OF DEPOSIT	CHECK AMOUNT
13	Lee Yoon	Oceanic Bank	February 27, 1998	\$70,000
14	Guam Korean Television	Bank of Guam	February 27, 1998	\$26,951

ALL IN VIOLATION OF TITLE 18 UNITED STATES CODE, SECTIONS 1957 AND 2.

COUNT FIFTEEN

FALSE STATEMENT

[18 U.S.C. §§ 1001 & 2]

62. Paragraph One of this Indictment is repeated and realleged as if fully set forth in this Count.

63. On about February 1, 2001, within the District of Guam, in a matter within the jurisdiction of the United States Probation Office (“Probation Office”) for the District of Guam, an agency of the United States, Defendant **SHELTON**, knowingly and willfully made and caused to be made false, fictitious and fraudulent statements and representations as to material facts.

64. The false, fictitious and fraudulent statements and representations were made to Rossanna Villagomez-Aguon, a Pretrial Services Officer for the Probation Office, for use in preparing a Probation Office Financial Information sheet. Pretrial Services Officer Rossanna Villagomez-Aguon (“Officer Villagomez-Aguon”) utilized that Financial Information sheet to prepare a Pretrial Services Report and to make a recommendation as to bail and conditions for bail.

65. Defendant **SHELTON** stated to Officer Villagomez-Aguon that his only source of income were wages from his job with the Territorial Government of Guam. Defendant **SHELTON** also stated to Officer Villgomez-Aguon that he did not have any other debts than those he had told her about.

1 70. The United States intends to forfeit property of Defendant **SHELTON** including,
2 but not limited to, the following:

3 a. The sum of money equal to the sum involved in the violations set forth in
4 Counts Twelve, Thirteen and Fourteen;

5 b. All property involved in the violations set forth in Counts Twelve,
6 Thirteen, and Fourteen of this Indictment, and all property traceable thereto;

7 c. All other property of Defendant **SHELTON**, up to the value of any
8 property described in subparagraphs a. and b. above, if by any act or omission of
9 Defendant **SHELTON** said property, or any portion thereof, cannot be located upon the
10 exercise of due diligence; has been transferred, sold to or deposited with a third party; has
11 been placed beyond the jurisdiction of the court; has been substantially diminished in
12 value; or has been commingled with other property which cannot be divided without
13 difficulty, in which case such other property shall be substituted and forfeited to the
14 United States pursuant to Title 21, United States Code, Section 853(p), as incorporated
15 by Title 18, United States Code, Section 982(b).

16 ALL IN VIOLATION OF TITLE 18, UNITED STATES CODE, SECTION 982(a)(1).

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A TRUE BILL.

_____/s/_____
[REDACTED TEXT]
Foreperson

FREDERICK A. BLACK
United States Attorney
Districts of Guam and NMI

By: _____/s/_____
JOSEPH F. WILSON
Assistant U.S. Attorney