



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. **19-20622**
18 U.S.C. § 1343
18 U.S.C. § 1956(a)(1)(B)(i)
18 U.S.C. § 1028A
18 U.S.C. § 981
18 U.S.C. § 982

CR-UNGARO
/O'SULLIVAN

UNITED STATES OF AMERICA

vs.

ALDO MARCHENA,

Defendant.

INDICTMENT

The Grand Jury charges that:

GENERAL ALLEGATIONS

At various times relevant to this Indictment:

1. Defendant **ALDO MARCHENA** was a resident of Boca Raton, Florida and the owner/ operator of Green Rock Energy, Inc. and Achieve GEA, LLC.
2. Green Rock Energy, Inc. was a Florida corporation with its principal place of business located at 701 Brickell Avenue, Suite 1500, Miami, Florida 33131.
3. Achieve GEA, LLC, was a Florida corporation with its principal place of business located at 2385 NW Executive Center Drive, Suite 100, Boca Raton, Florida.
4. Victim 1 was a resident of Spain.
5. Victim 2 was the son of Victim 1 and a resident of Spain.
6. **ALDO MARCHENA** was the personal banker of Victim 1.

7. Victim 1 entrusted **ALDO MARCHENA** to invest approximately \$400,000 in U.S. dollars on behalf of himself and his son, Victim 2.

COUNTS 1-3
Wire Fraud
(18 U.S.C. § 1343)

1. Paragraphs 1 through 7 of the General Allegations section of this Indictment are re-alleged and incorporated by reference as though fully set forth herein.

2. From in or around April 2014, through on or about January 10, 2017, in Miami-Dade and Palm Beach Counties, in the Southern District of Florida, and elsewhere, the defendant,

ALDO MARCHENA,

did knowingly, and with intent to defraud, devise, and intend to devise, a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, knowing that the pretenses, representations, and promises were false and fraudulent when made, and transmitted and caused to be transmitted in interstate commerce, by means of wire communication, certain writings, signs, signals, pictures, and sounds, for the purpose of executing the scheme and artifice, in violation of Title 18, United States Code, Section 1343.

PURPOSE OF THE SCHEME AND ARTIFICE

3. It was the purpose of the scheme and artifice to defraud for the defendant to unlawfully enrich himself and others by obtaining money to safe-keep and invest for Victim 1, for the benefit of Victims 1 and 2, and falsely and fraudulently representing in financial

statements an increasing balance of funds while the defendant was stealing the funds and using them for his own benefit and the benefit of others.

MANNER AND MEANS OF THE SCHEME AND ARTIFICE

The manner and means by which the defendant sought to accomplish the purpose of the scheme and artifice, included, among others, the following:

1. Between 2004 and 2008, the defendant, **ALDO MARCHENA**, received approximately \$400,000 from Victim 1 to safe-keep and invest on behalf of Victim 2.

2. Between in or around 2008 through March of 2014, **ALDO MARCHENA** maintained and invested the approximately \$400,000 provided to him by Victim 1, increasing the value of the investment to over one million dollars (\$1,000,000.00).

3. In or around March of 2014, **ALDO MARCHENA** opened an Interactive Brokers account ending in 4932 on behalf of Victim 1, for the benefit of Victim 2, and transferred over five hundred thousand dollars (\$500,000.00) belonging to Victim 1 and Victim 2 into the account.

4. Thereafter, **ALDO MARCHENA** falsely and fraudulently opened bank accounts in the name of Victim 1 and Victim 2, in order to steal money out of the Interactive Brokers account.

5. For instance, in or around June of 2014, **ALDO MARCHENA** falsely and fraudulently opened a Wells Fargo Bank account ending in 0265, in the name of Victim 1 without the knowledge or consent of Victim 1.

6. Thereafter, **ALDO MARCHENA** used Victim 2's name and other personal identification to access the Interactive Brokers account without Victim 2's knowledge or

consent, and transferred over one million dollars (\$1,000,000.00) from the account into various bank accounts controlled by **MARCHENA**.

7. To hide the theft, **ALDO MARCHENA** created and sent false and fraudulent account statements to Victim 1, representing that the victims' Interactive Brokers account ending in 4932 contained over one million dollars (\$1,000,000.00), when in truth and fact it contained far less.

8. **ALDO MARCHENA** deposited some of the stolen funds into shell company accounts at Bank of America, controlled by **MARCHENA** and registered to another individual known to the Grand Jury.

9. **ALDO MARCHENA** spent the stolen funds for his own personal benefit and for the benefit of others.

USE OF THE WIRES

On or about the dates specified as to each count below, the defendant, **ALDO MARCHENA**, for the purpose of executing and in furtherance of the aforesaid scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, knowing that the pretenses, representations, and promises were false and fraudulent when made, did knowingly transmit and cause to be transmitted in interstate commerce, by means of wire communication, certain writings, signs, signals, pictures, and sounds, as more particularly described below:

Count	Approximate Date	Execution of the Scheme and Artifice
1	08/14/2015	ALDO MARCHENA transferred approximately \$50,000 from an Interactive Brokers account ending in 4932, in the name of Victim 2, to a Wells Fargo bank account ending in 0265, fraudulently in the name of Victim 1 and controlled by ALDO MARCHENA , causing a wire transmission from Greenwich, Connecticut to the Southern District of Florida.
2	10/05/2016	ALDO MARCHENA transferred approximately \$60,000 from an Interactive Brokers account ending in 4932, in the name of Victim 2, to a Wells Fargo bank account ending in 0265, fraudulently in the name of Victim 1 and controlled ALDO MARCHENA , causing a wire transmission from Greenwich, Connecticut to the Southern District of Florida.
3	01/04/2017	ALDO MARCHENA transferred approximately \$126,980 from an Interactive Brokers account ending in 4932, in the name of Victim 2, to a Wells Fargo Bank account ending in 0265, fraudulently in the name of Victim 1 and controlled by ALDO MARCHENA , causing a wire transmission from Greenwich, Connecticut to the Southern District of Florida.

In violation of Title 18, United States Code, Sections 1343 and 2.

COUNTS 4-8
MONEY LAUNDERING
(18 U.S.C. §1956(a)(1)(B)(i))

1. The allegations contained in paragraphs 1 through 7 of the General Allegations of this Indictment are realleged and incorporated as though fully set forth herein.

2. On or about the dates set forth below, in Miami-Dade and Palm Beach Counties, within the Southern District of Florida, and elsewhere, defendant,

ALDO MARCHENA,

did knowingly conduct and attempt to conduct a financial transaction affecting interstate commerce, which financial transaction involved the proceeds of specified unlawful activity, knowing that the property involved in the financial transaction represented the proceeds of some form of unlawful activity, and knowing that the transaction was designed, in whole and in part, to conceal and disguise the nature, the location, the source, the ownership, and the control of the proceeds of specified unlawful activity:

Count	Approximate Date	Financial Transaction
4	08/25/2015	A Citi Card online payment for approximately \$24,900, from a Wells Fargo Bank account ending in 0265, fraudulently in the name of Victim 1 and controlled by ALDO MARCHENA , to a Citibank credit card ending in 3052, issued to the wife of ALDO MARCHENA, J.M.
5	10/05/2016	A wire transfer of approximately \$15,000 from a Wells Fargo bank account ending in 0265, fraudulently in the name of Victim 1 and controlled by ALDO MARCHENA , to a Bank of America bank account ending in 7816 in the name of GREEN ROCK ENERGY, INC., controlled by ALDO MARCHENA .
6	10/05/2016	A wire transfer of approximately \$13,840, from a Bank of America bank account ending in 7816, in the name of GREEN ROCK ENERGY, INC., controlled by ALDO MARCHENA , to a Bank of America account ending in 7803, in the name of ACHIEVE GEA, LLC., controlled by ALDO MARCHENA .
7	01/10/2017	A wire transfer of approximately \$120,000 from a Wells Fargo bank account ending in 0265, fraudulently in the name of Victim 1, controlled by ALDO MARCHENA , to a Bank of America bank account ending in 7816, in the name of GREEN ROCK ENERGY, INC., controlled by ALDO MARCHENA .
8	01/10/2017	An account transfer of approximately \$119,950 between Bank of America account ending 7816 in the name of GREEN ROCK ENERGY, INC., controlled by ALDO MARCHENA , to Bank of America account ending in 7803 in the name of ACHIEVE GEA, LLC., controlled by ALDO MARCHENA .

It is further alleged that the specified unlawful activity is wire fraud, in violation of Title 18, United States Code, Section 1343.

In violation of Title 18, United States Code, Sections 1956(a)(1)(B)(i) and 2.

COUNT 9
Aggravated Identity Theft
(18 U.S.C. § 1028A)

On or about August 14, 2015, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

ALDO MARCHENA,

during and in relation to a felony violation of Title 18, United States Code, Section 1343, that is, knowingly, and with intent to defraud, devising, and intending to devise, a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, knowing that the pretenses, representations, and promises were false and fraudulent when made, and transmitting and caused to be transmitted in interstate commerce, by means of wire communication, certain writings, signs, signals, pictures, and sounds, for the purpose of executing the scheme and artifice, as charged in Count 1, did knowingly possess and use, without lawful authority, the means of identification of another person, that is, the name and Interactive Brokers account number ending in 4932, belonging to Victim 2, in violation of Title 18, United States Code, Section 1028A(a)(1).

COUNT 10
Aggravated Identity Theft
(18 U.S.C. § 1028A)

On or about October 5, 2016, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

ALDO MARCHENA,

during and in relation to a felony violation of Title 18, United States Code, Section 1343, that is, knowingly, and with intent to defraud, devising, and intending to devise, a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, knowing that the pretenses, representations, and promises were false and fraudulent when made, and transmitting and caused to be transmitted in interstate commerce, by means of wire communication, certain writings, signs, signals, pictures, and sounds, for the purpose of executing the scheme and artifice, as charged in Count 2, did knowingly possess and use, without lawful authority, the means of identification of another person, that is, the name and Interactive Brokers account number ending in 4932, belonging to Victim 2, in violation of Title 18, United States Code, Section 1028A(a)(1).

COUNT 11

**Aggravated Identity Theft
(18 U.S.C. § 1028A)**

On or about January 4, 2017, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

ALDO MARCHENA,

during and in relation to a felony violation of Title 18, United States Code, Section 1343, that is, knowingly, and with intent to defraud, devising, and intending to devise, a scheme and artifice to defraud and to obtain money and property by means of materially false and

fraudulent pretenses, representations, and promises, knowing that the pretenses, representations, and promises were false and fraudulent when made, and transmitting and caused to be transmitted in interstate commerce, by means of wire communication, certain writings, signs, signals, pictures, and sounds, for the purpose of executing the scheme and artifice, as charged in Count 3, did knowingly possess and use, without lawful authority, the means of identification of another person, that is, the name and Interactive Brokers account number ending in 4932, belonging to Victim 2, in violation of Title 18, United States Code, Section 1028A(a)(1).

FORFEITURE

1. The allegations of this Indictment are hereby re-alleged and by this reference fully incorporated herein for the purpose of alleging forfeiture to the United States of America of certain property in which defendant, **ALDO MARCHENA**, has an interest.

2. Upon conviction of a violation of Title 18, United States Code, Section 1343, as alleged in this Indictment, the defendant shall forfeit to the United States any proceeds, real or personal, which constitutes or is derived from proceeds traceable to such offense, pursuant to Title 18, United States Code, Section 981(a)(1)(C).

3. Upon conviction of a violation of Title 18, United States Code, Section 1956, as alleged in this Indictment, the defendant shall forfeit to the United States any property, real or personal, involved in such offense, and any property traceable to such property, pursuant to Title 18, United States Code, Section 982(a)(1).

4. If any of the property described above, as a result of any act or omission of the defendant:

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

the United States shall be entitled to the forfeiture of substitute property under the provisions of Title 21, United States Code, Section 853(p).

All pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and 982(a)(1), and the procedures set forth in Title 21, United States Code, Section 853, as incorporated by Title 18, United States Code, Section 982(b)(1) and Title 28, United States Code, Section 2461(c).

A TRUE BILL

FOREPERSON



ARIANA FAJARDO ORSHAN
UNITED STATES ATTORNEY



BROOKE WATSON
ASSISTANT UNITED STATES ATTORNEY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

CASE NO. _____

v.

CERTIFICATE OF TRIAL ATTORNEY*

ALDO MARCHENA,

Defendant. _____/

Superseding Case Information:

Court Division: (Select One)

☒ Miami ☐ Key West
☐ FTL ☐ WPB ☐ FTP

 New defendant(s) Yes ☐ No ☐
 Number of new defendants _____
 Total number of counts _____

- I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
- I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.
- Interpreter: (Yes or No) Yes _____
List language and/or dialect Spanish
- This case will take 4-5 days for the parties to try.
- Please check appropriate category and type of offense listed below:

(Check only one)

 I 0 to 5 days ☒
 II 6 to 10 days _____
 III 11 to 20 days _____
 IV 21 to 60 days _____
 V 61 days and over _____

(Check only one)

 Petty _____
 Minor _____
 Misdem. _____
 Felony ☒

- Has this case previously been filed in this District Court? (Yes or No) No

If yes: Judge

Case No. _____

(Attach copy of dispositive order)

Has a complaint been filed in this matter?

(Yes or No) No

If yes: Magistrate Case No. _____

Related miscellaneous numbers: _____

Defendant(s) in federal custody as of _____

Defendant(s) in state custody as of _____

Rule 20 from the District of _____

Is this a potential death penalty case? (Yes or No) No

- Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to August 9, 2013 (Mag. Judge Alicia O. Valle)? Yes ☐ No ☒
- Does this case originate from a matter pending in the Northern Region U.S. Attorney's Office prior to August 8, 2014 (Mag. Judge Shaniek Maynard)? Yes ☐ No ☒


 BROOKE WATSON
 ASSISTANT UNITED STATES ATTORNEY
 COURT NO. A5501844

*Penalty Sheet(s) attached

REV 8/13/2018

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: ALDO MARCHENA

Case No: _____

Counts #: 1-3

Wire Fraud

18 U.S.C. § 1343

*Max. Penalty: 20 Years' Imprisonment

Counts #: 4-8

Money Laundering

18 U.S.C. § 1956(a)(1)(B)(i))

*Max. Penalty: 20 Years' Imprisonment

Counts #: 9-11

Aggravated Identity Theft

18 U.S.C. § 1028A

*Max. Penalty: 2 Years' Consecutive To Any Other Sentence

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**