

OCT 22 2014

US DISTRICT COURT
WESTERN DISTRICT OF NC

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

UNITED STATES of AMERICA,)
)
)
v.)
)
)
ANDREW SMITH (1),)
WINSTON BRISSETT (2),)
WENDY SIMONE WELLINGTON-HEATH (3),)
CHRISTOPHER LEE GRIFFIN (4),)
MARGARET HARRIS (5),)
JINNY JAY PANG MARTINEZ (6),)
CARLOS PERKINS (7),)
and)
MARCO VINICIO FALLAS HERNANDEZ (8),)
)
Defendants.)
_____)

DOCKET NO. 3:14 cr 82 - RJC

**SUPERSEDING BILL OF
INDICTMENT**

Vio: 18 U.S.C. § 1349
18 U.S.C. § 2326
18 U.S.C. § 1343
18 U.S.C. § 1956(h)
18 U.S.C. § 1956(a)(2)(A)
18 U.S.C. § 982
28 U.S.C. § 2461(c)
18 U.S.C. § 2

THE GRAND JURY CHARGES:

At all times relevant to this Indictment:

**COUNT ONE
(CONSPIRACY TO COMMIT WIRE FRAUD - 18 U.S.C. SECTION 1349)**

The Defendants

1. Defendant **ANDREW SMITH**, a citizen of Jamaica, owned, managed, and worked in one or more “call centers” in Costa Rica. These call centers were generally housed in private residences and contained a group of telemarketers engaged in a scheme to solicit individuals for money. Defendant **SMITH** worked in the call centers as both an

“opener,” *i.e.*, the telemarketer who initially calls an individual, and a “loader,” *i.e.*, the telemarketer who re-solicits the same individual. As an opener, SMITH would call an individual and falsely inform him/her that he/she had won a prize in a sweepstakes and that in order to receive the prize, he/she had to send money to Costa Rica for a purported “refundable insurance fee.” As a loader, SMITH would contact the individual again, after he/she had made an initial payment. SMITH would then falsely inform the individual that the prize amount he/she was previously told he/she had won had increased, either because of a clerical error or because another prize winner was disqualified, and that therefore, the individual must send additional money to pay for new purported fees, duties and insurance to retrieve the now larger sweepstakes prize.

2. Defendant **WINSTON BRISSETT**, a citizen of Jamaica, owned, managed and worked with SMITH in telemarketing call centers in Costa Rica as both an opener and a loader.
3. Defendant **WENDY SIMONE WELLINGTON-HEATH**, a citizen of Jamaica, worked with SMITH in telemarketing call centers in Costa Rica as both an opener and a loader.
4. Defendant **CHRISTOPHER LEE GRIFFIN**, a United States citizen, worked with SMITH in telemarketing call centers in Costa Rica as an opener and a loader.
5. Defendant **MARGARET HARRIS**, a United States citizen, worked with SMITH in telemarketing call centers in Costa Rica as an opener and a loader.
6. Defendant **JINNY JAY PANG MARTINEZ**, a citizen of Colombia, worked with SMITH in telemarketing call centers in Costa Rica as an opener and a loader.
7. Defendant **CARLOS PERKINS**, a citizen of Jamaica, worked with SMITH in telemarketing call centers in Costa Rica as an opener and a loader.

8. Defendant **MARCO VINICIO FALLAS HERNANDEZ**, a citizen of Costa Rica, worked with SMITH in the telemarketing call centers in Costa Rica as an opener and a loader.

The Conspiracy

9. Beginning in or about 2007, the exact date being unknown to the Grand Jury, and continuing until in or about ~~June~~ March 2014, in Mecklenburg County, within the Western District of North Carolina, and elsewhere, defendants,

**ANDREW SMITH,
WINSTON BRISSETT,
WENDY SIMONE WELLINGTON-HEATH,
CHRISTOPHER LEE GRIFFIN,
MARGARET HARRIS,
JINNY JAY PANG MARTINEZ,
CARLOS PERKINS,
and
MARCO VINICIO FALLAS HERNANDEZ,**

-with other conspirators, both known and unknown to the Grand Jury, knowingly combined, conspired, confederated and agreed together, and with each other, to commit the following offense:

To knowingly and intentionally devise a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, and to transmit and cause to be transmitted, by means of wire, radio and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds, specifically, Western Union wire transfers which were all routed through Western Union facilities in Charlotte, Mecklenburg County, North Carolina, for the purpose of executing such scheme and artifice and attempting to do so, in violation of Title 18, United

States Code, Section 1343.

Purpose of the Conspiracy

10. A purpose of the conspiracy was to fraudulently induce individuals to pay thousands of dollars to SMITH and his co-conspirators by falsely representing to those individuals that they had won valuable prizes which would be sent to them after they first made a payment to the defendants.

Manner and Means Used in the Conspiracy

11. Among the manner and means by which

**ANDREW SMITH,
WINSTON BRISSETT,
WENDY SIMONE WELLINGTON-HEATH,
CHRISTOPHER LEE GRIFFIN,
MARGARET HARRIS,
JINNY JAY PANG MARTINEZ,
CARLOS PERKINS,
and
MARCO VINICIO FALLAS HERNANDEZ,**

and their co-conspirators carried out the purpose of the conspiracy were the following:

- a. Beginning in or about 2007, SMITH and his co-conspirators operated telemarketing "call centers" in San Jose, Costa Rica;
- b. SMITH and BRISSETT, as owners of the call center, would and did frequently change the location of the call centers to avoid investigation by law enforcement authorities;
- c. SMITH and his co-conspirators would and did use aliases when contacting United States residents to solicit money from them;
- d. SMITH and his co-conspirators would and did make false representations to United States residents, including:

1. SMITH and his co-conspirators, as openers, would and did falsely inform United States residents, at least ten (10) of whom were over the age of 55, that they had won in excess of \$350,000 from a sweepstakes contest;
 2. SMITH and his co-conspirators would and did falsely inform these individuals that they were required to send funds to Costa Rica to purchase insurance coverage for the delivery of their prizes;
 3. SMITH and his co-conspirators would and did falsely state that any funds sent to Costa Rica would be fully refundable and returned to the individuals along with their prize winnings;
 4. SMITH and his co-conspirators would and did falsely represent themselves as being agents of the "Federal Trade Commission," or another United States government agency and that they were responsible for ensuring that sweepstakes winners received their money;
 5. SMITH and his co-conspirators would and did inform callers that the sweepstakes was legitimate and their prizes were verified; and
 6. After receiving funds, SMITH and his co-conspirators, as loaders, would and did re-contact individuals who had already sent payment and falsely state that a mistake had occurred and the individuals actually won the first prize of \$3,500,000 or more, requiring additional payments;
- e. SMITH and his co-conspirators would and did call individuals using Voice over Internet Protocol (VoIP), utilizing numbers with area codes associated with Washington, D.C. to make it appear that the calls originated from within the United States rather than from Costa Rica;

- f. SMITH and his co-conspirators would and did provide individuals with telephone numbers for prize verification which were answered in the call centers;
- g. SMITH and his co-conspirators would and did tell these individuals to send the required funds via Western Union or MoneyGram;
- h. SMITH and his co-conspirators would and did cause United States residents to continue to send funds to them until these United States residents either ran out of money or realized that they were being defrauded; and
- i. SMITH and his co-conspirators would and did keep the funds received to pay the continued costs of operating the call center and for their personal benefit.

All in violation of Title 18, United States Code, Sections 1349 and 2326(2)(A) & (B).

**COUNTS 2 THROUGH 11
(WIRE FRAUD - 18 U.S.C. SECTION 1343)**

- 12. The allegations in paragraphs 1 through 8 of this Indictment are hereby realleged and incorporated by reference as if fully set forth herein.

The Scheme and Artifice to Defraud

- 13. The allegations in paragraphs 11 of this Indictment are hereby realleged and incorporated by reference as if fully set forth herein, as describing the defendants' scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises.
- 14. On or about the respective dates set forth below, each such date constituting a separate count of this Indictment, in Mecklenburg County, within the Western District of North Carolina, and elsewhere, defendants,

**ANDREW SMITH,
WINSTON BRISSETT,
WENDY SIMONE WELLINGTON-HEATH,
CHRISTOPHER LEE GRIFFIN,
MARGARET HARRIS,
JINNY JAY PANG MARTINEZ,
CARLOS PERKINS,
and
MARCO VINICIO FALLAS HERNANDEZ,**

having devised and intending to devise the scheme and artifice to defraud described above and to obtain money and property by means of materially false and fraudulent schemes, representations, and promises, knowingly transmitted and caused to be transmitted, by means of wire communications in interstate and foreign commerce the following writings, signs, signals, pictures and sounds, specifically Western Union wire transfers which were all electronically routed to and processed in Charlotte, Mecklenburg County, North Carolina prior to being sent to their ultimate destination, for the purpose of executing the scheme and artifice and attempting to do so:

Count	Sender's Initials	Wire Transfer Sent From	Wire Transfer Received In	Date	Amount
2	MW	Seattle, WA	Costa Rica	5/01/2009	\$950
3	DH	Erin, TN	Costa Rica	5/05/2009	\$1,500
4	YK	Willowgrove, PA	Costa Rica	9/16/2009	\$4,980
5	YK	Willowgrove, PA	Costa Rica	9/17/2009	\$4,875
6	JR	Weirton, WV	Costa Rica	12/07/2009	\$2,787
7	FG	Weirton, WV	Costa Rica	1/29/2010	\$2,850
8	RH	Lawrence, KS	Costa Rica	6/10/2010	\$2,000
9	CJ	Ridgeland, SC	Costa Rica	7/13/2010	\$2,275
10	JS	Tulsa, OK	Costa Rica	7/16/2010	\$1,000
11	SH	Shrewsbury, PA	Costa Rica	6/16/2014	\$990

All in violation of Title 18, United States Code, Sections 1343, 2326(2)(A) & (B), and 2.

COUNT 12
(CONSPIRACY TO COMMIT MONEY LAUNDERING - 18 U.S.C. Section 1956(h))

15. The allegations in paragraphs 1 through 8 and 11 of this Indictment are hereby realleged and incorporated by reference as if fully set forth herein.

16. In or about 2007 and continuing until in or about ~~June~~^{March} 2014, in Mecklenburg County, within the Western District of North Carolina, and elsewhere, defendants,

ANDREW SMITH,
WINSTON BRISSETT,
WENDY SIMONE WELLINGTON-HEATH,
CHRISTOPHER LEE GRIFFIN,
MARGARET HARRIS,
JINNY JAY PANG MARTINEZ,
CARLOS PERKINS,
and
MARCO VINICIO FALLAS HERNANDEZ,

did unlawfully and knowingly combine, conspire, confederate, and agree with each other, and with others known and unknown to the Grand Jury, to transport, transmit, and transfer monetary instruments and funds from a place in the United States to and through a place outside the United States, with the intent to promote the carrying on of specified unlawful activity, namely, wire fraud, in violation of Title 18, United States Code, Section 1956(a)(2)(A).

All in violation of Title 18, United States Code, Section 1956(h)._____

COUNTS 13 THROUGH 21
(MONEY LAUNDERING – INTERNATIONAL - 18 U.S.C. Section 1956(a)(2)(A))

17. The allegations in paragraphs 1 through 8 and 11 of this Indictment are hereby realleged and incorporated by reference as if fully set forth herein.
18. On or about the respective dates set forth below, each such date constituting a separate count of this Indictment, in Mecklenburg County, within the Western District of North Carolina, and elsewhere, defendants,

ANDREW SMITH,
WINSTON BRISSETT,
WENDY SIMONE WELLINGTON-HEATH,
CHRISTOPHER LEE GRIFFIN,
MARGARET HARRIS,
JINNY JAY PANG MARTINEZ,
CARLOS PERKINS,
and
MARCO VINICIO FALLAS HERNANDEZ,

together with others known and unknown to the Grand Jury, did knowingly transport, transmit and transfer monetary instruments and funds from a place in the United States to and through a place outside of the United States, with the intent to promote the carrying on of specified unlawful activity, namely wire fraud:

Count	Sender's Initials	Wire Transfer Sent From	Wire Transfer Received In	Date	Amount
13	MW	Seattle, WA	Costa Rica	4/29/2009	\$970
14	OB	Owings Mills, MD	Costa Rica	5/14/2009	\$2,425
15	YK	Roslyn, PA	Costa Rica	8/17/2009	\$4,897
16	YK	Abington, PA	Costa Rica	8/24/2009	\$4,670
17	FG	Weirton, WV	Costa Rica	1/21/2010	\$2,850
18	JR	Weirton, WV	Costa Rica	2/16/2010	\$2,000

Count	Sender's Initials	Wire Transfer Sent From	Wire Transfer Received In	Date	Amount
19	RH	Ottawa, KS	Costa Rica	6/11/2010	\$4,000
20	CJ	Hampton, SC	Costa Rica	7/21/2010	\$1,200
21	SH	Shrewsbury, PA	Costa Rica	6/30/2014	\$950

All in violation of Title 18, United States Code, Section 1956(a)(2)(A), and 2.

NOTICE OF FORFEITURE AND FINDING OF PROBABLE CAUSE

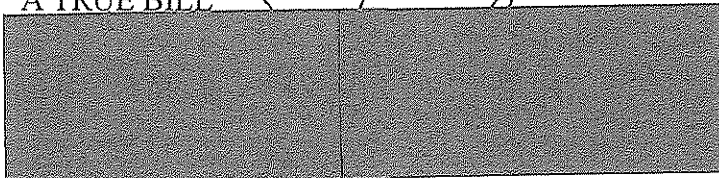
Notice is hereby given of 18 U.S.C. § 982 and 28 U.S.C. § 2461(c). Under Section 2461(c), criminal forfeiture is applicable to any offenses for which forfeiture is authorized by any other statute, including but not limited to 18 U.S.C. § 981 and all specified unlawful activities listed or referenced in 18 U.S.C. § 1956(c)(7), which are incorporated as to proceeds by Section 981(a)(1)(C). The following property is subject to forfeiture in accordance with Section 982 and/or 2461(c):

- a. All property which constitutes or is derived from gross proceeds of the violations set forth in this bill of indictment;
- b. All property used or intended to be used to commit, to facilitate, or to promote the violations;
- c. All property involved in such violations or traceable to property involved in such violations; and
- d. If, as set forth in 21 U.S.C. § 853(p), any property described in (a), (b), or (c) cannot be located upon the exercise of due diligence, has been transferred or sold to, or deposited with, a third party, has been placed beyond the jurisdiction of the

court, has been substantially diminished in value, or has been commingled with other property which cannot be divided without difficulty, all other property of the defendant/s to the extent of the value of the property described in (a), (b), and (c).

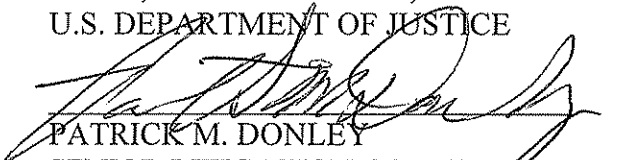
The Grand Jury finds probable cause to believe that the following property is subject to forfeiture on one or more of the grounds stated above: a forfeiture money judgment in the amount of at least \$10,691,642.65, such amount constituting the gross proceeds of the violations set forth in this bill of indictment.

A TRUE BILL



ANNE M. TOMPKINS
UNITED STATES ATTORNEY

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CHIEF, FRAUD SECTION, CRIMINAL DIVISION
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