

FILED

SEALED

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

SEP 04 2018 PM 12:18
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY: rew
DEPUTY CLERK

UNITED STATES OF AMERICA

§ INDICTMENT

A18CR 333LV

v.

§ [COUNTS 1-2: 18 U.S.C. § 1349,

§ Conspiracy to Commit Mail and Wire
§ Fraud;

§ COUNT 3: 18 U.S.C. § 1956, Conspiracy to
§ Commit Money Laundering;

§ COUNT 4: 18 U.S.C. § 1028A, Aggravated
§ Identify Theft;

§ COUNT 5: 18 U.S.C. § 1343, Wire Fraud.]
§
§
§
§
§
§
§
§
§
§

HARRY COLE, aka Akintomide Ayoola
Bolu, aka John King, aka Big Bro, aka
Egbon (1),

EMMANUEL OLAWALE AJAYI, aka
Wale, aka Walata (2),

TONY DADA AKINBOBOLA, aka
Lawrence D Awoniyi, aka Boss Tony, aka
Toyin (3),

BOLAJI AKINWUNMI OYEWOLE, aka
BJ, aka Beejay (4),

CLARENCE BAREFIELD, aka CJ (5),

JOEL CALVIN (6),

AKINTOLA AKINMADEYEMI (7),

DONNA LUNDY (8)

THE GRAND JURY CHARGES:

At All Times Material To This Indictment:

INTRODUCTION AND OVERVIEW

1. Coconspirators living in Canada, including HARRY COLE, EMMANUEL OLAWALE AJAYI, TONY DADA AKINBOBOLA, BOLAJI AKINWUNMI OYEWOLE, and others, working in concert with United States-based conspirators, including CLARENCE BAREFIELD, JOEL CALVIN, AKINTOLA AKINMADEYEMI, DONNA LUNDY,

Coconspirator S.O., and others, perpetrated fraud against hundreds of United States citizens. The fraud occurred primarily in two ways: a Sweepstakes scheme and a tax refund scheme. The conspiracy utilized a network of knowing and unknowing participants in the United States to mail the Sweepstakes letters and checks, to receive the money from Sweepstakes victims, to receive the tax refund deposits from the U.S. Treasury, and to send the proceeds of both schemes outside of the United States.

2. The Sweepstakes scheme targeted elderly American citizens by sending a letter falsely telling the victim that he or she had won a sweepstakes or lottery, winning millions of dollars. Attached to each letter was a check for approximately \$8,000. The victim was instructed to deposit the check into his or her personal bank account and then immediately withdraw thousands of dollars in cash or money orders and send the money to a “sweepstakes representative” in the United States to facilitate the victim collecting his or her prize. By the time the victim was notified by the bank that the deposited check was fraudulent, the cash or money order had been sent by the victims and received by conspirators.

3. The tax refund scheme was a Stolen Identify Refund Fraud (SIRF) scheme. SIRF occurs when a fraudulent claim for a tax refund or tax return is filed in the name of a person whose personal identification information (PII) has been stolen or unlawfully acquired. The SIRF scheme involved more than a thousand fraudulently filed returns, targeting high-wealth individuals throughout the United States. The fraudulent tax refund would be routed to a bank account controlled by the conspiracy.

4. In order for the conspirators in Canada to receive the illegal proceeds generated by both the Sweepstakes and SIRF schemes, the money had to be transferred out of the United

States. The Sweepstakes and SIRF schemes used an overlapping network of individuals in the United States to transfer those proceeds to Canada and Nigeria.

SCHEMES

A. Sweepstakes

5. The individuals who operated the Sweepstakes scheme did so with knowing coconspirators in Austin, Texas and Indianapolis, Indiana—among other U.S. locations. Facilitators of the scheme, who may or may not have known the full extent of the scheme, assisted the scheme from Minnesota, Mississippi, New York, and other locations. The hundreds of identified victims sustained more than \$900,000 in actual losses, and, if the scheme had been successful every time, the losses for all of the intended victims would have been in excess of \$250 million dollars.

6. DONNA LUNDY emailed lists of elderly potential victims and their addresses to HARRY COLE in Canada. COLE and other conspirators based in the Toronto, Canada metropolitan area shipped packages containing thousands of pre-addressed, sealed envelopes from Canada to coconspirators and facilitators in the United States. Each of these pre-addressed envelopes contained the fraudulent check and sweepstakes letter claiming the recipient had won millions of dollars. U.S. based coconspirators and facilitators then mailed the pre-addressed envelopes containing the Sweepstakes letters and fraudulent checks to the elderly potential victims.

7. Conspirators also produced the Sweepstakes scam letter and the fraudulent checks inside the U.S. Specifically, Coconspirator S.O. manufactured Sweepstakes mailings under instructions from the conspiracy leaders in Canada. On or about December 17, 2015, law

enforcement seized ledgers, equipment used to produce the Sweepstakes mailer and fraudulent checks, and printed fraudulent checks from Coconspirator S.O.'s residence in Austin, Texas.

8. The elderly U.S. victims receiving the mailings often responded to the solicitation by calling a phone number listed in the sweepstakes letter. Individuals referred to as "closers" answered the phone calls and convinced the victims the letter was legitimate. Coconspirator K.B., and her husband, Coconspirator A.B., along with multiple other conspirators, acted as "closers" from Canada. The "closers" told the victims to deposit the enclosed fraudulent check (which usually had a fraudulent value of approximately \$8000) into their personal bank accounts and immediately withdraw \$5,000 to \$7,000 in cash or money orders. The victims were advised that the cash or money orders must be sent to sweepstakes representatives within the U.S. in order to expedite the settlement of outstanding fees and taxes associated with the sweepstakes prize. The victims were instructed to send the cash or money orders via trackable FedEx, UPS, or USPS packages to addresses within the United States, including addresses in the Austin, Texas; Houston, Texas; and Indianapolis, Indiana metropolitan areas.

9. The U.S. addresses provided to the victims by the "closers" were often vacant residences. Conspirators abroad tracked the packages containing the victim funds and shared that information with the U.S. conspirators to help ensure the victim funds were received. U.S. based coconspirators arrived at the vacant addresses and collected the overnight mailings that contained the cash or money orders when they were delivered. In most cases, by the time the victims learned that the deposited check was fraudulent, the parcels were already delivered and the funds lost.

B. SIRF

10. Some participants in the Sweepstakes scheme also simultaneously operated the SIRF scheme. One of the Toronto-based Sweepstakes conspirators, EMMANUEL OLAWALE AJAYI, was a leader in the SIRF scheme and utilized individuals who were already facilitating the Sweepstakes scheme to perpetrate the SIRF scheme.

11. From January 2015 through June of 2015, this SIRF scheme used online tax software to file 1,243 returns with stolen PII, targeting mainly high-wealth individuals and requesting high-dollar tax refunds. Internal Revenue Service (IRS) analysis determined that this scheme resulted in actual losses of approximately \$3.4 million dollars paid from the U.S. Treasury with an intended loss of approximately \$25 million based on the requested refunds filed with the IRS.

12. The scheme attempted to disguise the fraudulent returns by using stolen Electronic Filing Identification Numbers (EFIN) on the tax filings. EFINS are given to professional tax preparer businesses, and other individuals who file tax returns on behalf of others, by the IRS. This allows them to file tax returns for other individuals electronically.

13. When filing the tax returns electronically, the conspirators designated the bank accounts to which the U.S. Treasury was supposed to send the tax refunds. EMMANUEL OLAWALE AJAYI used bank accounts of people already working for the Sweepstakes scheme to receive some of the SIRF proceeds. AJAYI then used the existing Sweepstakes scheme network to move the SIRF proceeds out of the U.S. Additionally, some of the proceeds from the SIRF scheme were used to pay individuals who were facilitating the Sweepstakes scheme.

C. Money Laundering

14. In order to acquire the money generated by the Sweepstakes and SIRF schemes, the conspirators operated a money laundering conspiracy in the United States. That conspiracy employed knowing and unknowing participants to conduct financial transactions with the goals of moving the fraud proceeds outside of the U.S. without detection by law enforcement.

15. In order to facilitate the schemes, the conspirators used unknowing participants they recruited in various ways, including a “Work From Home” ruse. In that ruse, individuals who posted a resume to an online job search site looking for a legitimate work from home job were contacted by conspirators located abroad, who expressed an interest in “hiring” the individual for roles such as “project manager” and “office manager.” Once “employed,” the individuals were directed to open bank accounts, mail packages, and other various tasks necessary to facilitate the fraud and money laundering. These “Work From Home” participants assisted directly in the Sweepstakes schemes by sending the Sweepstakes mailer and also facilitated money laundering by sending proceeds of both schemes to conspirators in the U.S. and Canada.

16. Knowing conspirators also laundered the fraud proceeds. Coconspirator S.O. resided in the Western District of Texas and acted at the direction of conspirators in Canada, including HARRY COLE and EMMANUEL OLAWALE AJAYI. Coconspirator S.O. purchased numerous money orders with victim proceeds and sent these money orders to Canada. Coconspirator S.O. structured his purchases of money orders so as to prevent the issuing entity from filing reports with the United States Government. Coconspirator S.O. would then hide money orders inside of magazines and mail packages containing the magazines to residences in Canada controlled by coconspirators. Other coconspirators, including CLARENCE

BAREFIELD, JOEL CALVIN, AKINTOLA AKINMADEYEMI, and others, also acted as knowing money launderers in the United States for the schemes.

17. The conspiracy also utilized individuals to move funds from the United States to off-shore bank accounts via intermediary bank accounts.

ROLES OF THE DEFENDANTS

18. HARRY COLE:

- Acquired lists of potential victims and distributed portions of those lists to other coconspirators who sent out Sweepstakes scam letters.
- Distributed Sweepstakes scam letters and fraudulent checks.
- Caused pre-addressed envelopes containing Sweepstakes scheme mailers and fraudulent checks to be sent in bulk to individuals in the United States, who would in turn purchase postage and mail the envelopes to the elderly potential victims.
- Hired “closers” to field calls from potential Sweepstakes victims.
- Created a company in Canada to receive proceeds from the Sweepstakes scheme.
- Sent the tracking numbers of packages that contained victim funds to the conspirators who were receiving the funds.
- Sent instructions to conspirators to direct victim proceeds to off-shore bank accounts and to pay individuals working in furtherance of the fraud conspiracy.

19. EMMANUEL OLAWALE AJAYI:

- Hired and managed the work from home participants described in this indictment, among others.

- Communicated with coconspirators in Canada, the United States, and elsewhere, to facilitate the filing of SIRF returns and move the proceeds of both the Sweepstakes and SIRF schemes.
- Received fraud proceeds in Canada.
- Sent the tracking numbers of packages that contained victim funds to Coconspirator S.O. who was receiving the funds.

20. TONY DADA AKINBOBOLA:

Fraud ^{*mcg*}

- Controlled a company in Canada, TTR African/Plus, that received fraudulent proceeds from Coconspirator S.O.
- Tracked packages of hundreds of pre-addressed envelopes containing fraudulent Sweepstakes mailers that were sent to an individual working for the Sweepstakes conspiracy.

21. BOLAJI AKINWUNMI OYEWOLE:

- Received proceeds from fraud sent by Coconspirator S.O.
- Communicated with Coconspirator S.O. about where to send fraud proceeds.
- Sent the tracking numbers of packages that contained victim funds to a conspirator who was receiving the funds.
- Sent instructions to a conspirator to direct victim proceeds to off-shore bank accounts.

22. CLARENCE BAREFIELD:

- Hired by Coconspirator S.O. to receive funds sent by Sweepstakes victims and received those funds.
- Provided Coconspirator S.O. with a bank account used to conduct financial transactions of fraudulent proceeds.

23. JOEL CALVIN:

- Opened a bank account that was used to receive SIRF and Sweepstakes victim funds.
- Purchased money orders and sent them to coconspirators in Canada.
- Assisted Coconspirator S.O. in producing Sweepstakes mailers.

24. AKINTOLA AKINMADEYEMI:

- Received packages of pre-addressed envelopes containing fraudulent Sweepstakes mailers.
- Received packages containing Sweepstakes scheme victim funds.
- Purchased postage and sent the envelopes to potential victims.
- Purchased money orders with fraud proceeds and sent those money orders to conspirators in Canada.

25. DONNA LUNDY:

- Owned and operated a business that collected and purchased PII of elderly people in the United States.
- Sold lists of elderly potential victims, including all of their PII, to multiple scammers in Canada, including HARRY COLE.
- Charged \$1 per name and address; made in excess of \$700,000 by selling that PII during the conspiracy.
- Used numerous associates to receive transfers of funds from HARRY COLE and others as payment for the lists. Previously mailed Sweepstakes mailers.

OVERT ACTS

26. The fraud and money laundering conspirators committed many overt acts in furtherance of fraudulently obtaining funds from victims and then moving those fraud proceeds out of the United States. Some of those overt acts included:

- a. On or about December 11, 2014, Victim L.J. sent U.S. Postal Service Priority Mail Express parcel EK673363890US, to an address in Austin, Texas. The parcel was delivered as addressed and recovered by Coconspirator S.O. within the Western District of Texas, on or about December 13, 2014. The victim had received a fraudulent sweepstakes mailer and in response had placed \$5,500 in the package.
- b. In December 2014, two separate Sweepstakes victims sent packages containing cash (\$5,500 and \$6,500 respectively) to CLARENCE BAREFIELD's home address in Austin, Texas. The packages were addressed to the fake name "Melvin Leon." CLARENCE BAREFIELD received both packages knowing they contained fraud proceeds.
- c. From at least December 2014 through at least May 2015, HARRY COLE sent dozens and dozens of text messages to Coconspirator S.O. with package tracking numbers and dollar amounts to facilitate Coconspirator S.O.'s retrieval of Sweepstakes scheme victim funds.
- d. On or about December 29, 2014, HARRY COLE sent a text message to Coconspirator S.O. with DONNA LUNDY's name and bank account. On or about December 29, 2014, Coconspirator S.O. deposited \$2,000 cash into DONNA LUNDY's bank account ending in 4996. The deposit was made at a Wells Fargo

bank branch in Austin, Texas and was payment for DONNA LUNDY providing lists of potential victim PII to HARRY COLE. On or about December 29, 2014, Coconspirator S.O. sent a text message to HARRY COLE stating “2k dep Lundy completed.”

- e. On or about January 15, 2015, HARRY COLE sent a text message to Coconspirator S.O. with DONNA LUNDY’s name and bank account. On or about January 15, 2015, Coconspirator S.O. deposited \$3,000 cash into DONNA LUNDY’s bank account ending in 4996. The deposit was made at a Wells Fargo bank branch in Austin, Texas and was payment for DONNA LUNDY providing lists of potential victim PII to HARRY COLE. On or about January 15, 2015, Coconspirator S.O. sent a text message to HARRY COLE stating “3k deposit to Lundy completed.”
- f. On or about January 18, 2015, HARRY COLE, utilizing the email account art.travel70@gmail.com, sent an electronic message via interstate wires to Coconspirator S.O. containing a sweepstakes scam lottery letter, template for mailing envelopes, fraudulent check information, and a list of persons residing in the United States to receive the mailings.
- g. Between February 2015 and July 2015, Facilitator S.K., who EMMANUEL OLAWALE AJAYI hired using a “Work From Home” ruse, received at least 20 packages from Canada; each contained hundreds of Sweepstakes scheme mailers. Facilitator S.K. would then buy postage from local post offices and mail the envelopes containing the Sweepstakes mailers to potential victims.

- h. On or about January 24, 2015, a SIRF tax return was filed with the IRS electronically, utilizing interstate wires, in the names of married victims J.D. and E.D. The tax return fraudulently requested a tax refund of \$85,101. That amount was deposited into Facilitator S.K.'s bank account in Minnesota on February 6, 2015.
- i. On or about February 17, 2015, Facilitator S.K. sent an email to jduvast@yahoo.com, an email account controlled by EMMANUEL OLAWALE AJAYI, that contained a picture of a \$32,417.88 wire transfer Facilitator S.K. had sent from the \$85,101 SIRF tax return to JOEL CALVIN's DBA (doing business as) Pflugerville, Texas bank account in the name of Consolidated Ventures Group.
- j. On or about February 19, 2015, Coconspirator S.O., who had been in communication with EMMANUEL OLAWALE AJAYI about the transfer from Facilitator S.K., sent a text message to JOEL CALVIN with the name of Coconspirator K.B. and her address in Canada. On or about February 19, 2015, JOEL CALVIN used the Consolidated Ventures Group bank account that had just received SIRF scheme proceeds to purchase three U.S. Postal Service Money Orders valued at a total of \$2,000. All three money orders were negotiated in Canada by the spouse of Coconspirator K.B. as payment for Sweepstakes scheme work done by Coconspirators K.B. and A.B.
- k. On or about February 22, 2015, BOLAJI AKINWUNMI OYEWOLE sent a text message to Coconspirator S.O. saying in sum and substance that he spoke to "Egbon" (HARRY COLE) and that he (OYEWOLE) should deal with the cost of

stamps for the Sweepstakes mailers, but that HARRY COLE would pay for the labor of sending the letters.

- l. In March of 2015, Facilitator C.D. was contacted by “MDXX Architectural Group”, which expressed an interest in hiring her as an executive assistant to manage a project by receiving funds and paying funds to settle debts owed by the business. Facilitator C.D. was in fact “hired” as part of a “Work From Home” ruse. From April to May 2015, Facilitator C.D. was sent at least 10 packages from Canada, each containing hundreds of pre-addressed envelopes. Facilitator C.D. was instructed via interstate communication to affix postage to each envelope and mail them via U.S. Postal Service. The envelopes contained fraudulent Sweepstakes mailers and fraudulent checks.
- m. On April 28, 2015, TONY DADA AKINBOBOLA sent a text message to Coconspirator S.O. relaying his (TONY DADA AKINBOBOLA’s) address in Canada to Coconspirator S.O. so that Coconspirator S.O. could mail him fraud proceeds.
- n. Between May 2015 and October of 2015, HARRY COLE sent TONY DADA AKINBOBOLA at least 10 emails containing voluminous lists of potential Sweepstakes scheme victims, including the potential victims’ PII.
- o. On or about June 3, 2015, EMMANUEL OLAWALE AJAYI, utilizing the email account anapilling@yahoo.ca, sent an electronic message via interstate wires to Coconspirator S.O. containing shipping invoices related to electronics purchased by Coconspirator S.O. for EMMANUEL OLAWALE AJAYI with fraud proceeds.

- p. On or about June 6, 2015, EMMANUEL OLAWALE AJAYI, utilizing the email account anapilling@yahoo.ca, sent an electronic message via interstate wires to Coconspirator S.O. containing the name, date of birth, social security numbers, anticipated refund amount (\$440,277), and an anticipated refund payment date (June 10, 2015) of SIRF Married Victims M.R. & L. R., whose fraudulent tax return had been filed on May 12, 2015.
- q. On or about June 30, 2015, BOLAJI AKINWUNMI OYEWOLE received a \$9,850 wire transfer of fraud proceeds into his Canadian Imperial Bank of Commerce account from Coconspirator S.O.
- r. On or about August 4, 2015, TONY DADA AKINBOBOLA received a \$9,400 wire transfer of fraud proceeds from Coconspirator S.O. into a Toronto-Dominion bank account TONY DADA AKINBOBOLA controlled in the name of TTR African Food Plus.
- s. In September 2015, AKINTOLA AKINMADEYEMI received \$8,000 from Victim F.B. Victim F.B. sent the \$8,000 to an address on Barbary Lane in Indianapolis. Victim F.B. sent the money in response to a Sweepstakes scheme mailer; the mailer had been sent to Victim F.B. from Austin, Texas.
- t. Conspirators in Canada sent two packages from Toronto, Canada addressed to Brooklyn, New York. On or about September 18, 2015, U.S. Postal Service intercepted the two inbound packages and found that each package contained approximately 750 preaddressed envelopes containing sweepstakes/lottery solicitations and counterfeit checks which were very similar to the solicitations and counterfeit checks received by the victims identified in this indictment. The

packages were addressed to Facilitator I.L., an individual working for the Sweepstakes conspiracy in New York.

- u. On or about October 1, 2015, in Austin, Texas, Coconspirator S.O. mailed U.S. Postal Service Global Express Guaranteed parcel 8318434972, addressed to: Coconspirator K.B., in London, Ontario Canada from Pflugerville, Texas. The parcel was delivered as addressed on or about October 5, 2015, resulting in the shipment of international money orders totaling \$10,000 which had been purchased using fraud proceeds.
- v. On or about October 14, 2015, TONY DADA AKINBOBOLA received a \$5,400 wire transfer of fraud proceeds from Coconspirator S.O. into a Toronto-Dominion bank account TONY DADA AKINBOBOLA controlled in the name of TTR African Food Plus.
- w. On or about November 4, 2015, AKINTOLA AKINMADEYEMI sent a package from Indianapolis, Indiana via U.S. Postal Service express mail to an associate of HARRY COLE in Canada. The package was intercepted and it was found to contain a magazine with \$10,000 in money orders hidden inside.
- x. Six different EFINs were stolen and used to file the fraudulent tax returns as part of the SIRF scheme. One of those EFINs belonged to an individual residing in the San Antonio area, within the Western District of Texas.

COUNT ONE
Conspiracy to Commit Fraud: SWEEPSTAKES
[18 U.S.C. § 1349]

27. Count One incorporates by reference, as if fully set forth herein, paragraphs one

through twenty-six (including through 26(x)) of this Indictment.

28. Beginning sometime before 2012, the exact date being unknown, and continuing until on or about June 2016, the exact date being unknown, in the Western District of Texas, Northern District of Texas, Southern District of Texas, Southern District of Indiana, Nigeria, Canada, and elsewhere, the Defendants,

HARRY COLE, aka Akintomide Ayoola Bolu, aka John King, aka Big Bro, aka Egbon (1),
EMMANUEL OLAWALE AJAYI, aka Wale, aka Walata (2),
TONY DADA AKINBOBOLA, aka Lawrence D Awoniyi, aka Boss Tony, aka Toyin (3),
BOLAJI AKINWUNMI OYEWOLE, aka BJ, aka Beejay (4),
CLARENCE BAREFIELD, aka CJ (5),
JOEL CALVIN (6),
AKINTOLA AKINMADEYEMI (7),
DONNA LUNDY (8),

did knowingly and intentionally conspire and agree with others known and unknown to the Grand Jury to commit certain offenses against the United States, namely:

- a. *Wire Fraud, in violation of 18 U.S.C. § 1343*, that is, knowingly and with intent to defraud, having devised and having intended 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, in this case, a fraudulent Sweepstakes scheme as described above, for the purpose of executing the scheme and artifice, transmitted and caused to be transmitted by means of wire, radio and television communication in interstate commerce certain writings, signs, signals, pictures and sounds; and
- b. *Mail Fraud, in violation of 18 U.S.C. § 1341*, that is, with the intent to defraud, having devised and having intended to devise a scheme and artifice to defraud, and to obtain

money and property by materially false and fraudulent pretenses, representations, and promises, in this case, a fraudulent Sweepstakes scheme as described above, for the purpose of executing the scheme and artifice, or attempting to do so, sent by the U.S. Postal Service and private carriers, and caused to be sent by the U.S. Postal Service and private carriers, any matter and thing.

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

COUNT TWO
Conspiracy to Commit Fraud: SIRF
[18 U.S.C. § 1349]

29. Count Two incorporates by reference, as if fully set forth herein, paragraphs one through twenty-six (including through 26(x)) of this Indictment.

30. Beginning sometime in January 2015, the exact date being unknown, and continuing until on or about June 2015, the exact date being unknown, in the Western District of Texas, Nigeria, Canada, and elsewhere, the Defendant,

EMMANUEL OLAWALE AJAYI, aka Wale, aka Walata (2),

did knowingly and intentionally conspire and agree with others known and unknown to the Grand Jury to commit certain offenses against the United States, namely:

- a. *Wire Fraud, in violation of 18 U.S.C. § 1343*, that is, knowingly and with intent to defraud, having devised and having intended 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, in this case, a Stolen Identity Refund Fraud (SIRF) scheme as described above, with a total attempted loss of approximately \$25 million, for the purpose of executing the scheme and artifice, transmitted and caused to

be transmitted by means of wire, radio and television communication in interstate commerce certain writings, signs, signals, pictures and sounds.

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

COUNT THREE
Conspiracy to Commit Money Laundering
[18 U.S.C. § 1956(h)]

31. Count Three incorporates by reference, as if fully set forth herein, paragraphs one through twenty-six (including through 26(x)) of this Indictment.

32. Beginning sometime in 2012, the exact date being unknown, and continuing until on or about June 2016 in the Western District of Texas, Northern District of Texas, Southern District of Texas, Southern District of Indiana, Nigeria, Canada, and elsewhere, the Defendants,

HARRY COLE, aka Akintomide Ayoola Bolu, aka John King, aka Big Bro, aka Egbon (1),
EMMANUEL OLAWALE AJAYI, aka Wale, aka Walata (2),
TONY DADA AKINBOBOLA, aka Lawrence D Awoniyi, aka Boss Tony, aka Toyin (3),
BOLAJI AKINWUNMI OYEWOLE, aka BJ, aka Beejay (4),
CLARENCE BAREFIELD, aka CJ (5),
JOEL CALVIN (6),
AKINTOLA AKINMADEYEMI (7),
DONNA LUNDY (8),

did knowingly combine, conspire, and agree with other persons known and unknown to the Grand Jury to commit offenses against the United States in violation of Title 18, United States Code, Section 1956, namely:

- a. To knowingly conduct and attempt to conduct financial transactions affecting interstate commerce and foreign commerce, which transactions involved the proceeds of specified unlawful activity, that is, Wire Fraud, Mail Fraud, and Conspiracy to Commit Fraud as described in Counts 1 and 2 of this Indictment, knowing that the

transactions were designed in whole or in part to conceal and disguise the nature, location, source, ownership, and control of the proceeds of specified unlawful activity, and that while conducting and attempting to conduct such financial transactions, knew that the property involved in the financial transactions represented the proceeds of some form of unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i); and

- b. To knowingly transport, transmit, transfer and attempt to transport, transmit, transfer funds and monetary instruments, from a place in the United States to a place outside the United States, knowing that the funds and monetary instruments involved in the transportation, transmittal, and transfer represented the proceeds of some form of unlawful activity and knowing that such transportation, transmittal, and transfer was designed in whole or in part to conceal and disguise the nature, location, source, ownership, and control of the proceeds of specified unlawful activity, that is, Wire Fraud, Mail Fraud, and Conspiracy to Commit Fraud as described in Counts 1 and 2 of this Indictment, in violation of Title 18, United States Code, Section 1956(a)(2)(B)(i).

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

COUNT FOUR
Aggravated Identity Theft
[18 U.S.C. § 1028A]

33. On or about June 6, 2015, in the Western District of Texas, Canada, and elsewhere, the Defendant,

EMMANUEL OLAWALE AJAYI, aka Wale, aka Walata (2),

did knowingly use, and aid, abet, induce, and procure the use of, without lawful authority, a means of identification of another person, to wit, a name, date of birth, address, and social security number belonging to SIRF Married Victims M.R. and L.R., during and in relation to a felony violation enumerated in 18 U.S.C. § 1028A(c), namely Conspiracy to Commit Wire Fraud, as charged in Count 2 of this Indictment, knowing that the means of identification belonged to another actual person.

All in violation of Title 18, United States Code, Section 1028A(a)(1).

COUNT FIVE
Wire Fraud
[18 U.S.C. § 1343]

34. Count Five incorporates by reference, as if fully set forth herein, paragraphs one through twenty-six (including through 26(x)) of this Indictment.

35. Beginning sometime in 2012, the exact date being unknown, and continuing until on or about June 2016 in the Western District of Texas, Northern District of Texas, Canada, and elsewhere, the Defendant,

DONNA LUNDY (8)

with the intent to defraud, devised and intended to devise a scheme and artifice to defraud and to obtain money and property by materially false and fraudulent pretenses, representations and promises, as described above, transmitted or caused to be transmitted by means of wire communication in interstate commerce the signals and sounds described in Paragraph 26, Sections d and e, specifically the payments made to her from Austin, Texas by Coconspirator S.O. under orders from HARRY COLE, in violation of Title 18, United States Code, Section 1343.

NOTICE OF GOVERNMENT'S DEMAND FOR FORFEITURE

I. Forfeiture Statutes for Fraud and Conspiracy
[18 U.S.C. § 981(a)(1)(C), as made applicable by 28 U.S.C. § 2461(c)]

As a result of the foregoing criminal violations set forth in Counts One, Two, and Five, the United States gives notice that it intends to forfeit, but is not limited to, the below-listed property from Defendants HARRY COLE (1), EMMANUEL OLAWALE AJAYI (2), TONY DADA AKINBOBOLA (3), BOLAJI AKINWUNMI OYEWOLE (4), CLARENCE BAREFIELD (5), JOEL CALVIN (6), AKINTOLA AKINMADEYEMI (7), and DONNA LUNDY (8). Defendants shall forfeit all right, title, and interest in said property to the United States pursuant to FED. R. CRIM. P. 32.2 and 18 U.S.C. § 981(a)(1)(C), which is made applicable to criminal forfeiture by 28 U.S.C. § 2461(c). In pertinent part, Section 981 provides:

18 U.S.C. § 981. Civil Forfeiture

(a)(1) The following property is subject to forfeiture to the United States:

* * *

(C) Any property, real or personal, which constitutes or is derived from proceeds traceable to . . . any offense constituting "specified unlawful activity" (as defined in section 1956(c)(7) of this title), or a conspiracy to commit such offense.

II. Forfeiture Statute for Money Laundering

[18 U.S.C. § 982(a)(1)]

As a result of the foregoing criminal violation set forth in Count Three, the United States gives notice that it intends to forfeit, but is not limited to, the below-listed property from Defendants HARRY COLE (1), EMMANUEL OLAWALE AJAYI (2), TONY DADA AKINBOBOLA (3), BOLAJI AKINWUNMI OYEWOLE (4), CLARENCE BAREFIELD (5), JOEL CALVIN (6), AKINTOLA AKINMADEYEMI (7), and DONNA LUNDY (8). Defendants shall forfeit all right, title, and interest in said property to the United States pursuant to FED. R. CRIM. P. 32.2 and 18 U.S.C. § 982(a)(1), which states:

18 U.S.C. § 982. Criminal Forfeiture

(a)(1) The court, in imposing sentence on a person convicted of an offense in violation of section 1956, 1957, or 1960 of this title, shall order that the person forfeit to the United States any property, real or personal, involved in such offense, or any property traceable to such property.

III. Subject Property

This Notice of Demand for Forfeiture includes, but is not limited, to the following:

Money Judgment:

A sum of money that represents the property involved in and/or the amount of proceeds traceable, directly or indirectly, to the violations set forth in Counts One, Two, Three, and Five for which Defendants are liable.

Substitute Assets:

If any of the property described above, as a result of any act or omission of Defendants:

- 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;

it is the intent of the United States to seek the forfeiture of any other property owned by Defendants up to the value of said Money Judgment as substitute assets, pursuant to FED. R. CRIM. P. 32.2 and 21 U.S.C. § 853(p).

A TRUE BILL.

**ORIGINAL SIGNATURE
REDACTED PURSUANT TO
E-GOVERNMENT ACT OF 2002**

JOHN F. BASH
United States Attorney

By: _____


MICHAEL C. GALDO
Assistant United States Attorney