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EASTERN DISTRICT OF CALIFORNIA  
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IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,  
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13 Plaintiff,  
14 v.  
15 ALEXANDER FRANCO GUTIERREZ,  
EDUARDO CARTAGENA, and  
16 OLDAIM LOPES,  
17 Defendants.  
18

CASE NO. **2:18-CR-0166-TLN**

18 U.S.C. §§ 1349 and 2326 – Conspiracy to Commit Mail and Wire Fraud, Enhanced Penalties Based on Telemarketing Conduct Victimizing Persons Over Age 55; 18 U.S.C. §§ 1341 and 2326 – Mail Fraud (7 Counts), Enhanced Penalties Based on Telemarketing Conduct Victimizing Persons Over Age 55; 18 U.S.C. §§ 1343 and 2326 – Wire Fraud (31 Counts), Enhanced Penalties Based on Telemarketing Conduct Victimizing Persons Over Age 55; 18 U.S.C. § 1956(h) – Conspiracy to Commit Money Laundering; 18 U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461(c), 18 U.S.C. § 982(a)(1), and 18 U.S.C. § 982(a)(8) - Criminal Forfeiture

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INDICTMENT

21 COUNT ONE: [18 U.S.C. §§ 1349 and 2326 – Conspiracy to Commit Mail and Wire Fraud; Enhanced Penalties Based on Telemarketing Conduct Victimizing Persons Over Age 55]

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23 The Grand Jury charges:

24 ALEXANDER FRANCO GUTIERREZ,

25 defendant herein, as follows:

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I. INTRODUCTION

At all times relevant to this Indictment:

1. ALEXANDER FRANCO GUTIERREZ was an individual residing in Toronto, Canada,

1 and Medellin, Colombia.

2 2. Adedayo Agbayewa, charged elsewhere, was an individual residing in New York City  
3 and Atlanta, Georgia.

4 **II. THE CONSPIRACY**

5 3. Beginning no later than in or about August 2012, and continuing to at least in or about  
6 March 2014, in the State and Eastern District of California and elsewhere, ALEXANDER FRANCO  
7 GUTIERREZ did knowingly combine, conspire, confederate, and agree with Agbayewa and others  
8 known and unknown to the Grand Jury, to execute through the use of the mail and wire communications  
9 and signals in interstate commerce, a material scheme and artifice to defraud, and to obtain money by  
10 means of material false and fraudulent pretenses, representations, and promises, in violation of Title 18,  
11 United States Code, Sections 1341 and 1343.

12 4. The purpose of the conspiracy was to obtain money from elderly individuals in the  
13 Eastern District of California and elsewhere by using false and fraudulent representations that the  
14 individuals had won a lottery or sweepstakes, and that these individuals had to pay “taxes” or “insurance  
15 fees” on the prize money prior to receiving it.

16 **III. MANNER AND MEANS**

17 In furtherance of the conspiracy, GUTIERREZ, Agbayewa, and others known and unknown  
18 (collectively, “the conspirators”), employed the following manner and means, among others:

19 5. The conspirators obtained the names and telephone numbers of elderly individuals  
20 residing in the Eastern District of California and elsewhere.

21 6. The conspirators called the elderly victims and told them that they had won millions of  
22 dollars in a sweepstakes or lottery. The conspirators further stated that the victims had to pre-pay taxes  
23 or insurance on the prize money in order to receive it. The conspirators directed the elderly victims to  
24 send their payments through the mail and by wire to addresses and accounts controlled by the  
25 conspirators. Finally, the conspirators promised the elderly victims that the conspirators would be  
26 visiting the elderly victims in person to present the prize money after the pre-payments were received.

27 7. In fact, these statements to the elderly victims were not true. Instead, first, the elderly  
28 victims had not won any sweepstakes or lottery prize money. Second, the money that the elderly

1 victims mailed and wired as instructed was not to pre-pay taxes or insurance. Third, the callers,  
2 including GUTIERREZ and Agbayewa, did not visit the elderly victims in person to present any prize  
3 money after the pre-payments had been mailed or deposited.

4 8. The conspirators also took steps to avoid detection so that the conspiracy could continue  
5 to obtain money from victims. The conspirators told victims not to tell anyone about the prize winnings.  
6 Other times, the conspirators told the elderly victims to make specific false statements to bank tellers  
7 and family members who might ask about the purpose behind mailing and wiring the money that the  
8 conspirators instructed the victims to send. Moreover, GUTIERREZ and Agbayewa used false names in  
9 communicating with elderly victims, including aliases "Richard Walton," "William Nichols," "Stan  
10 Peterson," and "David Walsh," among others. The conspirators presented the elderly victims with  
11 falsified identification information such as fabricated driver's license images in order to induce the  
12 victims to send more money and trust that the conspirators were who they said they were on the phone.

13 9. The conspirators also used some victims to lull other victims into believing that the  
14 lottery or sweepstakes was real. To do so, GUTIERREZ, Agbayewa, and their conspirators would direct  
15 one victim to mail their payment to a second victim under the false pretense that the money was from an  
16 "investor" who was helping the second victim pay his or her "taxes" or "insurance" fees. In fact, these  
17 checks were not from investors, but from other victims of the fraud. GUTIERREZ, Agbayewa, and their  
18 conspirators then directed the second victim to send the "investor" money as part of their own pre-  
19 payment to mailboxes and accounts controlled by the conspirators. These additional steps created the  
20 false impression that the lottery or sweepstakes was real since it had "investors" sending real money to  
21 individuals. Moreover, these steps helped avoid detection of the scheme by creating additional  
22 transactions before the first victim's proceeds reached the conspirators.

23 10. In all, GUTIERREZ, Agbayewa, and their conspirators caused victims to lose  
24 approximately \$1.4 million.

25 ENHANCED PENALTIES FOR TELEMARKETING FRAUD

26 11. The conspiracy described in Count One of this Indictment was committed in connection  
27 with the conduct of telemarketing as it involved a plan, program, promotion, and campaign that was  
28 conducted to induce participation in a fraudulent contest or sweepstakes by use of one or more interstate

1 telephone calls and emails initiated by a person conducting the plan, program, promotion, and campaign,  
2 and by a prospective contest or sweepstakes participant, and targeted victims over the age of 55.

3 12. The conspiracy described in Count One of this Indictment was committed in connection  
4 with the conduct of telemarketing and victimized at least 30 victims over the age of 55.

5 All in violation of Title 18, United States Code, Sections 2, 1349, and 2326.

6 COUNTS TWO THROUGH EIGHT: [18 U.S.C. §§ 1341 and 2326 – Mail Fraud; Enhanced Penalties  
7 Based on Telemarketing Conduct Victimizing Persons Over  
8 Age 55]

9 The Grand Jury further charges: T H A T

10 ALEXANDER FRANCO GUTIERREZ,

11 defendant herein, as follows:

12 1. Paragraphs 1, 2, and 5 through 10 of Count One of this Indictment are incorporated as if  
13 fully set forth herein.

14 2. Beginning no later than in or about August 2012, and continuing to at least in or about  
15 March 2014, in the State and Eastern District of California and elsewhere, ALEXANDER FRANCO  
16 GUTIERREZ and others known and unknown to the Grand Jury, knowingly devised, intended to devise,  
17 participated in, and executed, a material scheme to defraud and to obtain money and property by means  
18 of materially false and fraudulent pretenses, representations, and promises, and the concealment of  
19 material facts.

20 3. On or about the dates set forth below, in the Eastern District of California, for the purpose  
21 of executing and attempting to execute the aforementioned scheme and artifice to defraud, and  
22 attempting to do so, ALEXANDER FRANCO GUTIERREZ knowingly caused to be delivered by the  
23 Postal Service and any private and commercial interstate carrier, according to direction thereon, the  
24 items more specifically described below:  
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Count	Approx. Date	From	To	Mailing Description
2	Aug. 20, 2013	Santa Ana, CA	Dinuba, CA	\$3,250 "investor" check to Victim C
3	Sept. 11, 2013	Vallejo, CA	Winchester, VA	Two checks for \$34,000 each from Victim D
4	Sept. 11, 2013	Vallejo, CA	Santa Rosa, CA	\$86,000 check from Victim D
5	Sept. 16, 2013	Carmichael, CA	Winchester, VA	\$17,000 check from Victim B
6	Sept. 18, 2013	Chico, CA	White Post, VA	\$3,260 check from Victim A
7	Oct. 3, 2013	Chico, CA	Sumas, WA	\$33,620 check from Victim A
8	Oct. 10, 2013	San Francisco, CA	Chico, CA	\$4,890 "investor" check to Victim A

ENHANCED PENALTIES FOR TELEMARKETING FRAUD

4. The scheme to defraud described in Counts Two through Eight of this Indictment was committed in connection with the conduct of telemarketing as it involved a plan, program, promotion, and campaign that was conducted to induce participation in a fraudulent contest or sweepstakes by use of one or more interstate telephone calls and emails initiated by a person conducting the plan, program, promotion, and campaign, and by a prospective contest or sweepstakes participant, and targeted victims over the age of 55.

5. The scheme to defraud described in Counts Two through Eight of this Indictment was committed in connection with the conduct of telemarketing and victimized at least 30 victims over the age of 55.

All in violation of Title 18, United States Code, Sections 2, 1341, and 2326.

COUNTS NINE THROUGH FORTY: [18 U.S.C. §§ 1343 and 2326 – Wire Fraud; Enhanced Penalties Based on Telemarketing Conduct Victimizing Persons Over Age 55]

The Grand Jury further charges: T H A T

ALEXANDER FRANCO GUTIERREZ,

defendant herein, as follows:

1           1.       Paragraphs 1, 2, and 5 through 10 of Count One of this Indictment are incorporated as if  
2 fully set forth herein.

3           2.       Beginning no later than in or about August 2012, and continuing to at least in or about  
4 March 2014, in the State and Eastern District of California and elsewhere, ALEXANDER FRANCO  
5 GUTIERREZ and others known and unknown to the Grand Jury, knowingly devised, intended to devise,  
6 participated in, and executed, a material scheme to defraud and to obtain money and property by means  
7 of materially false and fraudulent pretenses, representations, and promises, and the concealment of  
8 material facts.

9           3.       On or about the dates set forth below, in the Eastern District of California, for the purpose  
10 of executing and attempting to execute the aforementioned scheme and artifice to defraud, and  
11 attempting to do so, ALEXANDER FRANCO GUTIERREZ knowingly transmitted and caused to be  
12 transmitted by means of wire communication in interstate commerce certain writings, signs, signals,  
13 pictures, and sounds, as more specifically set forth below:

Count	Approx. Date	Wire Description
9	Sept. 4, 2013	Call to Victim C in Dinuba, CA, regarding investors committed to helping Victim C pay amount owed
10	Sept. 13, 2013	Call to Victim B in Carmichael, CA, stating that Victim B owes \$17,000 in taxes
11	Sept. 13, 2013	Fax to Victim B in Carmichael, CA, regarding "guarantee" of \$3.7 million to "winner" Victim B
12	Sept. 16, 2013	Call to Victim B in Carmichael, CA, inquiring as to \$17,000 check owed by Victim B
13	Sept. 16, 2013	Call to Victim B in Carmichael, CA, regarding sweepstakes documents sent to Victim B
14	Sept. 16, 2013	Call to Victim B in Carmichael, CA, informing Victim B that sweepstakes winnings are in escrow and "only reason" Victim B has not received winnings is failure to pay taxes
15	Sept. 17, 2013	Fax to Victim A received in Chico, CA, regarding need to pay insurance on \$3.7 million sweepstakes prize
16	Sept. 24, 2013	Call to Victim A in Chico, CA, regarding tax implications of sweepstakes
17	Sept. 24, 2013	Call to Victim B in Carmichael, CA, regarding \$17,000 check mailed on Sept. 16, 2013
18	Oct. 1, 2013	Fax to Victim C in Dinuba, CA, notifying Victim C of release date for \$3.7 million prize
19	Oct. 1, 2013	Fax to Victim C in Dinuba, CA, requesting \$64,950 wire

1	20	Oct. 1, 2013	Fax to Victim C in Dinuba, CA, with tax forms related to sweepstakes pool
2			
3	21	Oct. 1, 2013	Call to Victim A in Chico, CA, regarding name and address for sending tax liability for sweepstakes winnings
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5			
6	22	Oct. 2, 2013	Call to Victim A in Chico, CA, directing Victim A to bank for certified check for tax liability
7			
8	23	Oct. 2, 2013	Call to Victim A in Chico, CA, directing Victim A on how to address check, with mailing instructions to follow
9			
10			
11	24	Oct. 2, 2013	Call to Victim A in Chico, CA, providing mailing address in Sumas, WA for sending check
12			
13	25	Oct. 3, 2013	Call to Victim A in Chico, CA, requesting tracking number for certified mailing of check to Sumas, WA
14			
15	26	Oct. 3, 2013	Fax to Victim C in Dinuba, CA, with driver's license images for "Stan Peterson" and "William Nichols," callers' aliases
16			
17			
18	27	Oct. 4, 2013	Fax to Victim C in Dinuba, CA, requesting Victim C wire \$64,329 to Philadelphia, PA
19			
20	28	Oct. 4, 2013	Call to Victim C in Dinuba, CA, asking whether Victim C received faxes and \$88,000 investor check
21			
22	29	Oct. 4, 2013	Call to Victim C in Dinuba, CA, regarding when Victim C will go to the bank and discussing booked travel to give Victim C prize money in person
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24			
25	30	Oct. 4, 2013	Call to Victim C in Dinuba, CA, regarding need for Victim C to go to the bank and not to mention sweepstakes or winnings
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27			
28			



31	Oct. 4, 2013	Call to Victim C in Dinuba, CA, regarding need for Victim C to stay calm, go to the bank, and focus on \$3.7 million prize
32	Oct. 4, 2013	Call to Victim C in Dinuba, CA, instructing Victim C to go to Fresno and try wiring from a bank there, and discussing Victim C inviting family members to prize ceremony but not mentioning prize until then
33	Oct. 4, 2013	Call to Victim C in Dinuba, CA, discussing travel to visit Victim C the following week once Victim C sends check
34	Oct. 9, 2013	Call to Victim A in Chico, CA, informing Victim A that check had arrived in Sumas, WA, and discussing travel to Sacramento from New York to present Victim A with sweepstakes winnings
35	Oct. 10, 2013	Call to Victim A in Chico, CA, regarding need to pay California state taxes on winnings
36	Oct. 10, 2013	Call to Victim A in Chico, CA, informing Victim A of "investor" check coming to Victim A to help satisfy California state taxes on winnings
37	Oct. 18, 2013	Call to Victim A in Chico, CA, instructing Victim A to wire \$38,250 to an address in Bethlehem, PA
38	Oct. 22, 2013	Call to Victim A in Chico, CA, regarding taxes of about "a hundred and some thousand dollars," and incoming investor checks to Victim A to help Victim A pay such taxes
39	Oct. 23, 2013	Call to Victim A in Chico, CA, instructing Victim A to deposit \$87,500 investor check arriving by FedEx

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	40	Oct. 23, 2013  Call to Victim A in Chico, CA, discussing investor check as money to help Victim A pay taxes on prize
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ENHANCED PENALTIES FOR TELEMARKETING FRAUD

4. The scheme to defraud described in Counts Nine through Forty of this Indictment was committed in connection with the conduct of telemarketing as it involved a plan, program, promotion, and campaign that was conducted to induce participation in a fraudulent contest or sweepstakes by use of one or more interstate telephone calls and emails initiated by a person conducting the plan, program, promotion, and campaign, and by a prospective contest or sweepstakes participant, and targeted victims over the age of 55.

5. The scheme to defraud described in Counts Nine through Forty of this Indictment was committed in connection with the conduct of telemarketing and victimized at least 30 victims over the age of 55.

All in violation of Title 18, United States Code, Sections 2, 1343, and 2326.

COUNT FORTY-ONE: [18 U.S.C. § 1956(h) – Conspiracy to Commit Money Laundering]

The Grand Jury further charges: T H A T

ALEXANDER FRANCO GUTIERREZ,  
EDUARDO CARTAGENA, and  
OLDAIM LOPES,

defendants herein, as follows:

**I. INTRODUCTION**

At all times relevant to this Indictment:

1. Paragraphs 1, 2, and 5 through 10 of Count One of this Indictment are incorporated as if fully set forth herein.

2. EDUARDO CARTAGENA was an individual residing in Medellin, Colombia.

3. OLDAIM LOPES was an individual residing in Calgary, Canada.

**II. THE CONSPIRACY**

4. From no later than in or about June 2013 through in or about March 2014, in the State and Eastern District of California and elsewhere, ALEXANDER FRANCO GUTIERREZ, EDUARDO

1 CARTAGENA, and OLDAIM LOPES (the “conspirators”) did knowingly combine, conspire, and agree  
2 with each other and with persons known and unknown to the Grand Jury to commit offenses against the  
3 United States in violation of Title 18, United States Code, Section 1956, to wit: to transport, transmit,  
4 and transfer, and attempt to transport, transmit, and transfer a monetary instrument or funds involving  
5 the proceeds of specified unlawful activity, that is, conspiracy to commit mail and wire fraud, and mail  
6 and wire fraud, in violation of Title 18, United States Code, Sections 1349, 1341, and 1343, from a place  
7 in the United States to or through a place outside the United States, knowing that the funds involved in  
8 the transportation, transmission, and transfer represented the proceeds of some form of unlawful activity  
9 and knowing that such transportation, transmission, and transfer was designed in whole or in part to  
10 conceal and disguise the nature, location, source, ownership, and control of the proceeds of specified  
11 unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(2)(B)(i).

12 **III. MANNER AND MEANS**

13 The manner and means used to accomplish the objectives of the conspiracy included, among  
14 others, the following:

15 5. Acting with conspirators based in the United States and abroad, GUTIERREZ,  
16 CARTAGENA, and LOPES arranged for commercial mailboxes and nominee bank accounts to be  
17 opened using fictitious names.

18 6. GUTIERREZ and Agbayewa directed victims of the lottery or sweepstakes scheme to  
19 mail and wire their “prepayment” or “taxes” to these commercial mailboxes and bank accounts.

20 7. GUTIERREZ, CARTAGENA, and LOPES then directed conspirators based in the  
21 United States to pick up the victims’ checks from the commercial mailboxes and deposit the proceeds  
22 into the nominee bank accounts.

23 8. In order to conceal the nature of the proceeds, GUTIERREZ, CARTAGENA, and  
24 LOPES and their domestic conspirators transferred the proceeds from the nominee bank accounts to  
25 secondary nominee accounts located within and outside the United States.

26 9. Further, GUTIERREZ, CARTAGENA, and LOPES directed domestic conspirators to  
27 wire victim proceeds abroad in small amounts designed to avoid detection.

28 10. Finally, GUTIERREZ, CARTAGENA, and LOPES arranged for the transfer and

1 transportation of the proceeds from the nominee accounts located in the United States and abroad to  
2 accounts within their control in Canada, the United Kingdom, and elsewhere.

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

4 FORFEITURE ALLEGATION: [18 U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461(c), 18 U.S.C.  
5 § 982(a)(1), and 18 U.S.C. § 982(a)(8) – Criminal Forfeiture]

6 1. Upon conviction of the offense alleged in Count One of this Indictment, defendant  
7 ALEXANDER FRANCO GUTIERREZ shall forfeit to the United States, pursuant to 18 U.S.C.  
8 § 981(a)(1)(C) and 28 U.S.C. § 2461(c), all property, real and personal, which constitutes or is derived  
9 from proceeds traceable to such violation, including but not limited to the following:

10 a. A sum of money equal to the amount of proceeds traceable to such offense, for which  
11 defendant is convicted.

12 2. Upon conviction of one or more of the offenses alleged in Counts Two through Forty of  
13 this Indictment, defendant ALEXANDER FRANCO GUTIERREZ shall forfeit to the United States,  
14 pursuant to 18 U.S.C. § 982(a)(8), any property constituting, derived from, or traceable to the gross  
15 proceeds obtained directly or indirectly, as a result of said offenses; and any property used or intended to  
16 be used to commit, to facilitate, or to promote the commission of said offenses, including but not limited  
17 to the following:

18 a. A sum of money equal to the amount of proceeds obtained directly or indirectly,  
19 as a result of such offenses, for which defendant is convicted.

20 3. Upon conviction of the offense alleged in Count Forty-One of this Indictment, defendants  
21 ALEXANDER FRANCO GUTIERREZ, EDUARDO CARTAGENA, and OLDAIM LOPES shall  
22 forfeit to the United States, pursuant to 18 U.S.C. § 982(a)(1), all property, real or personal, involved in  
23 such offense, and any property traceable to such property, including but not limited to the following:

24 a. A sum of money equal to the amount of money involved in the offense, for which  
25 defendants are convicted.

26 4. If any property subject to forfeiture as a result of the offenses alleged in Counts One  
27 through Four of this Indictment, for which defendants are convicted:

28 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;

it is the intent of the United States, pursuant to 18 U.S.C. § 982(b)(1) and 28 U.S.C. § 2461(c), incorporating 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendants, up to the value of the property subject to forfeiture.

A TRUE BILL.

**/s/ Signature on file w/AUSA**

\_\_\_\_\_  
FOREPERSON

  
\_\_\_\_\_  
MCGREGOR W. SCOTT  
United States Attorney

No. \_\_\_\_\_

**UNITED STATES DISTRICT COURT**

*Eastern District of California*

*Criminal Division*

**2:18-CR-0166 TLN**

**THE UNITED STATES OF AMERICA**

vs.

**ALEXANDER FRANCO GUTIERREZ,  
EDUARDO CARTAGENA, and  
OLDAIM LOPES,**

**INDICTMENT**

**VIOLATION(S):** 18 U.S.C. §§ 1349 and 2326 – Conspiracy to Commit Mail Fraud, Enhanced Penalties Based on Telemarketing Conduct Victimizing Persons Over Age 55;  
18 U.S.C. §§ 1341 and 2326 – Mail Fraud, Enhanced Penalties Based on Telemarketing Conduct Victimizing Persons Over Age 55 (7 Counts);  
18 U.S.C. §§ 1343 and 2326 – Wire Fraud, Enhanced Penalties Based on Telemarketing Conduct Victimizing Persons Over Age 55 (31 Counts);  
18 U.S.C. § 1956(h) – Conspiracy to Commit Money Laundering;  
18 U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461(c), 18 U.S.C. § 982(a)(1), and 18 U.S.C. § 982(a)(8) - Criminal Forfeiture

*A true bill,*

**/s/ Signature on file w/AUSA**

\_\_\_\_\_  
*Foreman.*

Filed in open court this 23 day

of August, A.D. 2018

\_\_\_\_\_  
*Clerk.*

Bail, \$ \_\_\_\_\_

**NO BAIL WARRANT**

*as to each defendant*  
*[Signature]*

United States v. Gutierrez, et al.

Penalties for Indictment

2:18-CR-0166 TLN

Defendants

**ALEXANDER FRANCO GUTIERREZ, EDUARDO CARTAGENA, OLDAIM LOPES**

**COUNT 1: ALEXANDER FRANCO GUTIERREZ**

**VIOLATION:** 18 U.S.C. § 1349 – Conspiracy to Commit Mail and Wire Fraud; 18 U.S.C. § 2326 – Enhanced Penalties Based on Telemarketing Conduct that Targets Persons Over the Age of 55

**PENALTIES:** Not more than 30 years imprisonment, or  
Fine of up to \$250,000; or both fine and imprisonment  
3 years of supervised release

**SPECIAL ASSESSMENT:** \$100 (mandatory on each count)

**COUNTS 2–8: ALEXANDER FRANCO GUTIERREZ**

**VIOLATION:** 18 U.S.C. § 1341 – Mail Fraud; 18 U.S.C. § 2326 – Enhanced Penalties Based on Telemarketing Conduct that Targets Persons Over the Age of 55

**PENALTIES:** Not more than 30 years imprisonment, or  
Fine of up to \$250,000; or both fine and imprisonment  
3 years of supervised release

**SPECIAL ASSESSMENT:** \$100 (mandatory on each count)

**COUNTS 9–40: ALEXANDER FRANCO GUTIERREZ**

**VIOLATION:** 18 U.S.C. § 1343 – Wire Fraud; 18 U.S.C. § 2326 – Enhanced Penalties Based on Telemarketing Conduct that Targets Persons Over the Age of 55

**PENALTIES:** Not more than 30 years imprisonment, or  
Fine of up to \$250,000; or both fine and imprisonment  
3 years of supervised release

**SPECIAL ASSESSMENT:** \$100 (mandatory on each count)

**COUNT 41: ALL DEFENDANTS**

**VIOLATION:** 18 U.S.C. § 1956(h) – Conspiracy to Commit Money Laundering

**PENALTIES:** Not more than 20 years imprisonment, or  
Fine of up to \$500,000, or twice the value of the monetary instrument or funds involved, whichever is greater;  
3 years of supervised release

SPECIAL ASSESSMENT: \$100 (mandatory on each count)

**FORFEITURE ALLEGATION: all Defendants**

VIOLATION: 18 U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461(c), 18 U.S.C. § 982(a)(1), and  
18 U.S.C. § 982(a)(8) – Criminal Forfeiture

PENALTIES: As stated in the charging document