



1 **II. THE CONSPIRACY**

2 3. Beginning at a date unknown but no later than in or about August 2012, and continuing to  
3 at least in or about March 2014, in the State and Eastern District of California, and elsewhere,  
4 ADEDAYO AGBAYEWA, defendant herein, did knowingly and intentionally agree, combine, and  
5 conspire with Coconspirator A, and other persons both known and unknown, (1) to execute, through the  
6 use of the mails, a material scheme to defraud and to obtain money and property by means of material  
7 false and fraudulent pretenses, representations, promises, in violation of Title 18, United States Code,  
8 Section 1341, and (2) to knowingly conduct and attempt to conduct financial transactions affecting  
9 interstate commerce and foreign commerce, which transactions involved the proceeds of specified  
10 unlawful activity, that is, mail fraud, knowing that the transactions were designed in whole or in part to  
11 conceal and disguise the nature, location, source, ownership, and control of the proceeds of specified  
12 unlawful activity, and that while conducting and attempting to conduct such financial transactions, knew  
13 that the property involved in the financial transactions represented the proceeds of some form of  
14 unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i).

15 **III. MANNER AND MEANS**

16 In furtherance of the conspiracy, AGBAYEWA, Coconspirator A, and other conspirators  
17 employed the following ways and means, among others:

18 4. AGBAYEWA and Coconspirator A obtained the telephone numbers of elderly  
19 individuals residing in the Eastern District of California and elsewhere.

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

27 6. 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 or deposited as instructed was not to pre-pay taxes or insurance. Third, AGBAYEWA  
2 and Coconspirator A did not visit the elderly victims in person to present any prize money after the pre-  
3 payments had been mailed or deposited.

4 7. AGBAYEWA and Coconspirator A also took steps to avoid detection so that the  
5 conspiracy could continue. AGBAYEWA and Coconspirator A sometimes instructed the elderly  
6 victims not to tell anyone about the prize winnings. Other times, AGBAYEWA and Coconspirator A  
7 told the elderly victims to make specific false statements to bank tellers or family members who might  
8 ask about the purpose behind mailing or depositing the pre-payment checks that AGBAYEWA and  
9 Coconspirator A instructed the victims to send. Moreover, AGBAYEWA and Coconspirator A used the  
10 following false names, among others, in communicating with elderly victims: "Richard Walton,"  
11 "William Nichols," "Stan Peterson," and "David Walsh." AGBAYEWA and Coconspirator A presented  
12 the elderly victims with falsified identification information such as fabricated driver's license images in  
13 order to induce the victims to send more money and trust that the conspirators were who they said they  
14 were on the phone. Finally, AGBAYEWA and Coconspirator A changed phones and email accounts  
15 frequently, attempted to block caller identification when calling victims, and set up their email accounts  
16 in others' names.

17 8. It was further part of the conspiracy to conduct and attempt to conduct financial  
18 transactions involving the victims' money in order to conceal the nature of that money before it reached  
19 accounts held in the names of AGBAYEWA and Coconspirator A, among others. First, conspirators  
20 working with AGBAYEWA and Coconspirator A opened and maintained mailboxes using false and  
21 misappropriated identity information. AGBAYEWA and Coconspirator A then directed victims in the  
22 Eastern District of California and elsewhere to mail their pre-payment checks to these mailboxes and  
23 other addresses associated with the scheme. Next, conspirators working with AGBAYEWA and  
24 Coconspirator A opened and maintained domestic and international bank accounts using false and  
25 misappropriated identity information. The conspirators, including AGBAYEWA and Coconspirator A,  
26 then caused the victims' checks to be deposited into these bank accounts. From these accounts, the  
27 fraudulently-obtained victim money was transferred to other bank accounts opened under false or  
28 misappropriated names and controlled by AGBAYEWA, Coconspirator A, and their coconspirators.

1 These secondary bank accounts were often located outside the United States. Eventually,  
2 AGBAYEWA, Coconspirator A, and their coconspirators caused the transfer of victim money from  
3 these secondary accounts back to accounts controlled directly by AGBAYEWA and Coconspirator A in  
4 order to spend the money obtained through the scheme. These multiple transfers involving shell and  
5 nominee bank accounts, often located abroad, were designed to conceal the nature of the deposits into  
6 accounts held by AGBAYEWA and Coconspirator A.

7 9. AGBAYEWA, Coconspirator A, and their coconspirators took additional steps using  
8 victim money to lull victims into believing that the lottery or sweepstakes was legitimate and to disguise  
9 and conceal the nature of the fraud proceeds. Specifically, AGBAYEWA, Coconspirator A, and their  
10 coconspirators would occasionally route one victim's check to a second victim, under the false pretenses  
11 that the check was from an "investor" who was advancing the second victim money to help him or her  
12 pay their "taxes" or "insurance" fees. In fact, these checks were not from "investors," but from other  
13 victims. The second victim was then directed by AGBAYEWA, Coconspirator A, and their  
14 coconspirators to send the "investor" money as part of their pre-payment to mailboxes controlled by the  
15 conspirators. These additional steps created the false impression that the lottery or sweepstakes had  
16 legitimate investors, when it in fact did not, and helped conceal the nature of the proceeds sent to the  
17 conspirators' mailboxes, as the original victim's fraudulently obtained proceeds had been routed through  
18 an innocent victim.

19 **IV. OVERT ACTS**

20 In furtherance of the conspiracy, and to achieve the objects thereof, AGBAYEWA,  
21 Coconspirator A, and others known and unknown, performed, among others, the following overt acts in  
22 the State and Eastern District of California and elsewhere:

23 10. On or about July 3, 2013, Joseph Nkunzi, charged elsewhere and a coconspirator of  
24 AGBAYEWA and Coconspirator A, caused to be deposited into a J.P. Morgan Chase account ending  
25 x5720, held in the name of "Steve Williams," a check for \$3,250 from Victim 1.

26 11. On or about July 10, 2013, Nkunzi caused to be deposited into a J.P. Morgan Chase  
27 account ending x5720, held in the name of "Steve Williams," a check for \$19,250 from Victim 1.

28 12. On or about July 19, 2013, Nkunzi caused an international wire to be sent from the J.P.

1 Morgan Chase account ending x5720, held in the name of "Steve Williams," in the amount of \$16,800  
2 to an account held by Entity A, located in Canada.

3 13. On or about July 23, 2013, Nkunzi caused to be deposited into a J.P. Morgan Chase  
4 account ending x5720, held in the name of "Steve Williams," a check for \$27,250 from Victim 1.

5 14. On or about August 5, 2013, Coconspirator A called Victim 1 and told her that she  
6 "absolutely" would get her sweepstakes money because she had "done everything on [her] part."

7 15. On or about August 6, 2013, Coconspirator A called Victim 1 and informed her that her  
8 "tax rate" was "pretty low" compared to prior "winners"; that once Victim 1 made "the last payment,"  
9 the conspirators were "going to be there within the next couple days"; and that, after Victim 1 "paid the  
10 state tax, the longest it takes" to receive her sweepstakes prize would be "about 72 hours."

11 16. On or about August 6, 2013, Coconspirator A called Victim 1 and encouraged her to "just  
12 write a check, dear" because he was "getting pressure from [the] board of directors to get this finished";  
13 told Victim 1 that "3.7 million dollars" would set her "financially free for a lot of years" but did not  
14 "want it to become a headache for" Victim 1; and that Victim 1 should send the check by "United States  
15 Post Office" and "keep this confidential until the end."

16 17. On or about August 30, 2013, Coconspirator A called Victim 1 and told her that she  
17 would be receiving checks from "investors" who were advancing her money to help her meet additional  
18 prepayment tax obligations on her lottery winnings.

19 18. On or about September 11, 2013, Victim 1 placed into the United States mail in Vallejo,  
20 California, an envelope containing two checks, each for \$34,000, directed to a U.P.S. commercial  
21 mailbox in Winchester, Virginia.

22 19. On or about September 12, 2013, a coconspirator of AGBAYEWA and Coconspirator A  
23 retrieved a package from a U.P.S. commercial mailbox in Winchester, Virginia, containing checks that  
24 Victim 1 had mailed from Vallejo, California.

25 All in violation of Title 18, United States Code, Section 371.  
26  
27  
28

1 Dated: *June 29, 2018*

MCGREGOR W. SCOTT  
United States Attorney

2  
3 By:

*Matthew M. Yelovich*  
MATTHEW M. YELOVICH  
Assistant United States Attorney

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

**United States v. ADEDAYO AGBAYEWA**

**Penalties for Information**

**COUNT 1:**           **ADEDAYO AGBAYEWA**

**VIOLATION:**       18 U.S.C. § 371 – Conspiracy to Commit Mail Fraud and Money Laundering

**PENALTIES:**       A maximum of up to 5 years in prison; or  
Fine of up to \$250,000; or both fine and imprisonment  
Maximum of up to 3 years of supervised release

**SPECIAL ASSESSMENT:** \$100