

ALB:CPK:DEZ/TTF
F. #2011R01958

FILED
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U.S. DISTRICT COURT E.D.N.Y.
★ SEP 04 2018 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
-----X

LONG ISLAND OFFICE

UNITED STATES OF AMERICA

INFORMATION

- against -

Cr. No. **CR 18 452**
(T. 18, U.S.C., §§ 981(a)(1)(C), 1349
and 3551 et seq.; T. 21, U.S.C.,
§ 853(p); and T. 28, U.S.C., § 2461(c))

RICHARD M. WINTERS,

Defendant.

SEYBERT, J.

-----X

BROWN, M. J.

THE UNITED STATES CHARGES:

INTRODUCTION

At times relevant to this Information, unless otherwise indicated:

1. The defendant RICHARD M. WINTERS was a resident of Nassau County, New York, until late 2016, when he became a resident of Collier County, Florida.
2. In or about and between April 2012 and May 2017, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant RICHARD M. WINTERS, together with others, engaged in a direct-mail scheme that sent fraudulent prize promotion mailings to thousands of consumers across the United States. The mailings induced consumers (the "Victims") to pay a fee in exchange for a falsely promised large cash prize. The object and purpose of the scheme was to obtain money from the Victims by means of false and fraudulent statements and material concealments of fact in the mailings. None of the Victims who sent a fee to WINTERS and

his co-conspirators in response to a fraudulent prize promotion mailing from the direct-mail scheme ever received a large cash prize.

CONSPIRACY TO COMMIT MAIL FRAUD

3. The allegations contained in paragraphs one and two are realleged and incorporated as if fully set forth in this paragraph.

4. In or about and between July 2013 and May 2017, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant RICHARD M. WINTERS, together with others, did knowingly and intentionally conspire to devise a scheme and artifice to defraud the Victims, and to obtain money and property from the Victims by means of materially false and fraudulent pretenses, representations, and promises, and for the purpose of executing such scheme and artifice, to place matters and things in a post office and authorized depository for mail matter, to be sent and delivered by the United States Postal Service, and to take and receive therefrom, any such matter and thing, contrary to Title 18, United States Code, Section 1341.

(Title 18, United States Code, Sections 1349 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION

5. The United States hereby gives notice to the defendant that, upon his conviction of the offense charged herein, the government will seek forfeiture in accordance with Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), which require any person convicted of such offense to forfeit any property,

real or personal, constituting, or derived from, proceeds obtained directly or indirectly as a result of such offense.

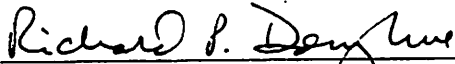
6. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (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;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of forfeitable property described in the forfeiture allegation.

(Title 18, United States Code, Section 981(a)(1)(C); Title 21, United States Code, Section 853(p); Title 28, United States Code, Section 2461(c))


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UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

GUSTAV W. EYLER
ACTING DIRECTOR
CONSUMER PROTECTION BRANCH

offense to forfeit any property, real or personal, constituting, or derived from, proceeds obtained directly or indirectly as a result of such offense.

6. If any of the above-described forfeitable property, 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

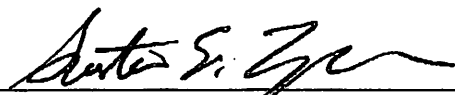
divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p),

to seek forfeiture of any other property of the defendant up to the value of forfeitable property described in the forfeiture allegation.

(Title 18, United States Code, Section 981(a)(1)(C); Title 21, United States Code, Section 853(p); Title 28, United States Code, Section 2461(c)).

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FORM DBD-34
JUN. 85

No. _____

UNITED STATES DISTRICT COURT

EASTERN *District of* NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

RICHARD M. WINTERS,

Defendant.

INFORMATION

(T. 18, U.S.C., §§ 981(a)(1)(C), 1349 and 3551 et seq.; T. 21, U.S.C., § 853(p); and T. 28, U.S.C., § 2461(c).)

A true bill.

Foreperson

Filed in open court this ----- *day,*

of ----- *A.D. 20* -----

Clerk

Bail, \$ -----

Charles P. Kelly, Assistant U.S. Attorney (631) 715-7866

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★ **AUG 21 2018** ★
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