

FILED
CHARLOTTE, NC

OCT 22 2014

US DISTRICT COURT
WESTERN DISTRICT OF NC

UNDER SEAL

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

UNITED STATES of AMERICA,

v.

PAUL R. TOTH JR.,
a/k/a P.J. Toth,

Defendant.

UNDER SEAL

DOCKET NO. 3:14-cr-195-RJC

BILL OF INDICTMENT

Vio: 18 U.S.C. § 1956(h)
18 U.S.C. § 1956(a)(2)(B)(i)
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 MONEY LAUNDERING - 18 U.S.C. SECTION 1956(h))

Defendant

1. Defendant **PAUL R. TOTH JR. (TOTH)**, a United States citizen residing in Bloomingdale, Ohio, worked for one or more “call centers” in Costa Rica as a domestic “runner,” receiving and forwarding victims’ money from the United States to Costa Rica.

Conspirator

2. Christopher Lee Griffin (Griffin), who is separately charged, is a United States citizen who was involved in an illegal telemarketing scheme located in Costa Rica that solicited United States citizens.

The Conspiracy

3. Beginning in or about November of 2009, the exact date being unknown to the Grand Jury, and continuing until in or about November 2010, in Mecklenburg County, within the Western District of North Carolina, and elsewhere, defendant,

PAUL R. TOTH JR.,

along with Griffin and other conspirators both known and unknown to the Grand Jury, knowingly combined, conspired, confederated, and agreed together, and with each other, to transport, transmit, and transfer, and attempt to transport, transmit, and transfer, funds from a place in the United States to or through a place outside the United States, that is Costa Rica, knowing that the funds involved in the transportation, transmission, and transfer represented the proceeds of some form of unlawful activity, and knowing that the funds involved in the transportation, transmission, and transfer were designed in whole and in part to conceal and disguise the nature, location, source, ownership, and control of the proceeds of specified unlawful activity, namely wire fraud, Title 18, United States Code, Section 1343, in violation of Title 18, United States Code, Section 1956(a)(2)(B)(i).

Purpose of the Conspiracy

4. The purpose of the conspiracy was to conceal and disguise the nature, location, source, ownership, and control of funds generated through the specified unlawful activity and to retain a portion of the funds for **TOTH's** and his co-conspirators' personal benefit.

Manner and Means Used in the Conspiracy

5. Among the manner and means by which

PAUL R. TOTH JR.

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

- a. Beginning in or about November of 2009, Griffin and others solicited victims to send funds to bank accounts controlled by **TOTH** and others;
- b. Once received, **TOTH** converted, or caused to be converted, the victims' funds into currency, making tracing of the funds more difficult;
- c. **TOTH** would keep a portion of the victims' funds and either personally, or through the arranged actions of another person, send the remainder of the victims' funds, by way of Western Union wire transfers, to Griffin or his designee in Costa Rica;
- d. All of **TOTH**'s arranged Western Union wire transfers containing victim funds were received, processed, and stored in Mecklenburg County, North Carolina, which is within the Western District of North Carolina.

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

COUNTS 2 THROUGH 7
(MONEY LAUNDERING CONCEALMENT - 18 U.S.C. SECTION 1956(a)(2)(B)(i))

6. The allegations in paragraphs 1 through 5 of this Indictment are hereby realleged and incorporated by reference as if fully set forth herein.
7. 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, defendant,

PAUL R. TOTH JR.,

transported, transmitted, and transferred funds, including Western Union wire transfers, from the identified places within the United States to Costa Rica, a place outside the United States, knowing that the funds in the transportation, transmission, and transfer represented the proceeds of some form of unlawful activity, and knowing that the transportation, transmission, and transfer were designed in whole and in part to conceal and disguise the nature, location, source, ownership, and control of the proceeds of specified unlawful activity, namely wire fraud, in violation of Title 18, United States Code, Section 1343.

Count	Sender's Initials	Wire Transfer Sent From	Wire Transfer Received In	Date	Amount
2	PT	Wintersville, Ohio	Costa Rica	11/13/2009	\$2,500
3	PT	Steubenville, Ohio	Costa Rica	11/14/2009	\$2,500
4	PT	Wintersville, Ohio	Costa Rica	11/23/2009	\$2,200
5	PT	Steubenville, Ohio	Costa Rica	11/23/2009	\$2,200
6	PT	Weirton, WV	Costa Rica	3/08/2010	\$2,900
7	PT	Weirton, WV	Costa Rica	3/12/2010	\$2,900

All in violation of Title 18, United States Code, Sections 1956(a)(2)(B)(i) and 2.

NOTICE OF FORFEITURE AND FINDING OF PROBABLE CAUSE

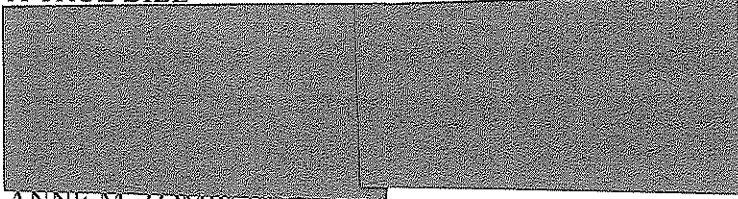
1. The allegations contained in Counts 1 through 7 of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 982(a)(1).
2. Pursuant to Title 18, United States Code, Section 982(a)(1), upon conviction of an offense in violation of Title 18, United States Code, Section 1956, the defendant, **PAUL R. TOTH JR.**, shall forfeit to the United States of America any property, real or personal, involved in such offense, including a money judgment of at least \$307,702, and any property traceable to such property.

3. If any of the property described above, 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,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1) and Title 28, United States Code, Section 2461(c).

A TRUE BILL



ANNE M. TOMPKINS
UNITED STATES ATTORNEY

WILLIAM STELLMACH
ACTING CHIEF, FRAUD SECTION, CRIMINAL DIVISION
U.S. DEPARTMENT OF JUSTICE

A handwritten signature in cursive script, appearing to read "Patrick M. Donley", is written over a horizontal line.

PATRICK M. DONLEY
SENIOR LITIGATION COUNSEL
WILLIAM H. BOWNE
ANNA G. KAMINSKA
TRIAL ATTORNEYS
FRAUD SECTION, CRIMINAL DIVISION