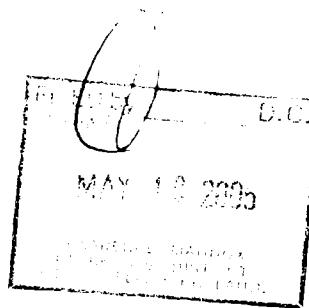


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 04-60273-CR-COHN (s)

18 U.S.C. 371
18 U.S.C. 1341
18 U.S.C. 1343
18 U.S.C. 401(3)
18 U.S.C. 1956(h)



UNITED STATES OF AMERICA,

v.

SPENCER P. GOLDEN a/k/a Peter Calderon,

Defendant.

SUPERSEDING INDICTMENT

The Grand Jury Charges:

At all times material to this indictment:

1. Defendant **SPENCER P. GOLDEN**, also known as Peter Calderon, was a resident of Fort Lauderdale, Florida.

COUNT ONE
CONSPIRACY TO COMMIT MAIL AND WIRE FRAUD
18 U.S.C. § 371

2. From in or about June 1997, and continuing through in or about December 2002, the exact dates being unknown to the Grand Jury, at Broward County, in the Southern District of Florida and elsewhere, the defendant,

SPENCER P. GOLDEN

did unlawfully, knowingly, and willfully, combine, conspire, confederate and agree with others known and unknown to the grand jury, together, to commit offenses against the United States: that is,

- (a) to devise a scheme and artifice to defraud and to obtain money and property from customers by means of materially false and fraudulent pretenses, representations, and promises, and to use the United States Mail and private and commercial interstate carriers for the purpose of executing such scheme in violation of Title 18, United States Code, Section 1341; and
- (b) to devise a scheme and artifice to defraud and to obtain money and property from customers by means of materially false and fraudulent pretenses, representations, and promises, and to use wire communications for the purpose of executing such scheme in violation of Title 18, United States Code, Section 1343.

PURPOSE OF THE CONSPIRACY

3. It was a purpose of the conspiracy that defendant, **SPENCER P. GOLDEN**, John Doe #1, Jane Doe #1 and others known and unknown to the grand jury, would and did unlawfully enrich themselves by advertising and selling, through false promises, and deceptive and false advertising, putative "informational" booklets for the purported purpose of soliciting postal employment. During the period of the conspiracy, defendant, **SPENCER P. GOLDEN**, and others, received approximately \$10 million from the sale of bogus job "information" packages to unwitting customers.

MANNER AND MEANS

The manner and means by which the conspiracy was sought to be accomplished, included, among other things, the following:

4. Defendant, **SPENCER P. GOLDEN**, and others, would and did operate as a telemarketing enterprise, under various names, from on or about June 1997 until December 2002, that sold putative "information" packages for postal jobs to customers located throughout the United States by making materially false and misleading representations and promises and omitting to state material facts. The fraudulent enterprise involved the sale of these information packages for the ostensible purpose of assisting customers to secure a job with the United States Postal Service ("Postal Service").

5. Defendant, **SPENCER P. GOLDEN**, and others began operation in or around June 1997 under the name Federal Data Service Inc. which was located in Margate, Florida. Federal Data Service Inc. was shut down by the Federal Trade Commission in April 2000. In or around May 2000, defendant, **SPENCER P. GOLDEN**, resumed operation under the name Advantage Information Service, which was located in Pompano Beach, Florida. Advantage Information Service Inc. ceased operation in or around November 2000. In or around December 2000, defendant, **SPENCER P. GOLDEN**, resumed operation under the name Countrywide Data, Inc. located in Margate, Florida. Countrywide Data ceased operation in or around June 2001. In or around September 2001, defendant, **SPENCER P. GOLDEN**, resumed operation using three different companies, MC Outsourcing Inc., Regional Publishing Inc. , and Liberty Preparation Inc.

6. Defendant, **SPENCER P. GOLDEN**, and others would and did place classified advertisements in the employment sections of newspapers located throughout the United States, which advertisements announced the availability of postal jobs and invited readers to dial a toll-free telephone number for application and exam information.

7. Defendant, **SPENCER P. GOLDEN**, and others would and did cause the advertisements to be placed without regard to whether the jobs advertised with the Postal Service actually were available in the area of the newspaper's circulation.

8. Defendant, **SPENCER P. GOLDEN**, and others, would and did cause salespersons to create the false impression to callers who were interested in positions with the Postal Service that positions with the Postal Service were available in the caller's geographic area. Telemarketers told consumers that they would send information on available jobs, application materials, and the dates and locations where examinations for those jobs would be offered. In most instances, the telemarketers were uninformed of the actual locations where jobs with the Postal Service were available or where the Postal Service was accepting applications for the postal entrance examination.

9. Defendant, **SPENCER P. GOLDEN**, and others, would and did prepare, review, and revise false and misleading scripts which contained detailed "sales pitches" that telephone operators were instructed to use in talking to and responding to questions from potential customers who called the number in the advertisement.

10. Defendant, **SPENCER P. GOLDEN**, and others, would and did cause telemarketers to falsely guarantee that if the caller purchased a postal job information package, the caller would receive a refund if he or she did not obtain a position with the Postal Service so long as the caller "applied in good faith." Defendant Golden would also institute policies that were designed to thwart many customers' efforts to obtain a refund.

11. Defendant, **SPENCER P. GOLDEN**, and others, would and did cause telemarketers to induce callers to purchase postal job "information" packages that allegedly contained useful

practice exams, handbooks and pamphlets in exchange for a "service fee" ranging from \$46.95 to \$79.90.

OVERT ACTS

12. In furtherance of the conspiracy and to effect the objects of the conspiracy, the defendant, **SPENCER P. GOLDEN**, and others known and unknown to the grand jury, committed the following overt acts, among others, at Broward County, in the Southern District of Florida, and elsewhere:

a. Defendant, **SPENCER P. GOLDEN**, directed that Articles of Incorporation for the following Florida companies be filed listing the following persons as officers on or about the following dates:

Overt Act	Company	Officers	Date of Filing
1	Federal Data Service, inc.	John Doe 1 as sole officer and director	6/20/97
2	Consolidated Data Services, Inc.	defendant, SPENCER P. GOLDEN , as sole officer and director	5/14/98
3	Advantage Information Services, Inc.	Christopher Love as the sole officer and director	5/3/00
4	Countrywide Data, Inc.	Daniel Maldonado as the sole officer and director	12/18/00
5	Regional Publishing Network, Inc.	John Doe 2 as the sole officer and director	1/29/02
6	Liberty Preparation, Inc.	Jane Doe 2 as the sole officer and director	7/19/02
7	MC Outsourcing, Inc.	John Doe 3 as the sole officer and director	8/6/02

b. The defendant, **SPENCER P. GOLDEN**, caused to be sent and delivered by United States Mail the following described materials from the following locations to the following addresses on or about the following dates:

Overt Act	Date	Mail Matter	Recipient	Sent From	Sent To
8	9/28/99	ad insertion order	<i>Daily Evening Item</i>	Margate, FL	Lynn, MA
9	11/4/99	ad insertion order	<i>Daily Evening Item</i>	Margate, FL	Lynn, MA
10	12/14/00	ad insertion order	<i>Macoupin County Enquirer</i>	Pompano Beach, FL	Carlinville, IL
11	11/4/02	ad insertion order	Territorial Newspapers	Margate, FL	Tucson, Az
12	11/14/02	ad insertion order	<i>The Pioneer</i>	Margate, FL	Hayword, CA
13	11/18/02	ad insertion order	Territorial Newspapers	Margate, FL	Tucson, AZ
14	12/5/02	ad insertion order	Territorial Newspapers	Margate, FL	Tucson, AZ

c. The defendant, **SPENCER P. GOLDEN**, caused the following telephone calls to be made by the following consumers from the following locations to the following companies and locations on or about the following dates:

Overt Act	Date	Caller	Called From	Called To
15	1/25/00	J.R.	Hammond, IN	Federal Data Service, Margate, FL.
16	9/00	N.C.	Whitmore Lake, MI	Advantage Information Services, Pompano Beach, FL.
17	9/00	D.H.	Loveland, CO	Advantage Information Services, Pompano Beach, FL.
18	6/01	E.B.	Blasdell, NY	Countrywide Data, Margate, FL.
19	6/01	A.H.	Vineland, NJ	Countrywide Data, Margate, FL.

20	2002	M.S.	Lakewood, CO	Regional Publishing, Margate, FL.
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d. The defendant, **SPENCER P. GOLDEN**, directed that Federal Data Service, Inc.

write the following checks in the following amounts on or about the following dates from its

Washington Mutual Bank account number 0219472 payable to Consolidated Data Services:

Overt Act	Check Number	Date of Check	Amount of Check	Disposition of Check
21	1041	5/20/99	\$20,000	deposited into Consolidated Data Services' bank account
22	1044	6/7/99	\$14,000	cashed at a commercial check cashing facility
23	1047	7/16/99	\$18,000	cashed at a commercial check cashing facility
24	1049	8/16/99	\$20,000	cashed at a commercial check cashing facility
25	1052	9/17/99	\$20,000	deposited into Consolidated Data Services' bank account
26	1055	9/30/99	\$10,000	deposited into Consolidated Data Services' bank account
27	1061	10/29/99	\$10,000	deposited into Consolidated Data Services' bank account
28	1068	12/22/99	\$28,000	deposited into Consolidated Data Services' bank account
29	1073	2/18/00	\$18,000	deposited into Consolidated Data Services' bank account

e. The defendant, **SPENCER P. GOLDEN**, directed that Federal Data Service, Inc.

write the following checks in the following amounts on or about the following dates from its

Washington Mutual Bank account number 8310504233 payable to Consolidated Data Services:

Overt Act	Check Number	Date of Check	Amount of Check	Disposition of Check
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30	1308	9/30/99	\$20,000	deposited into Consolidated Data Services' bank account
31	1314	10/15/99	\$20,000	cashed at a commercial check cashing facility
32	1319	10/27/99	\$30,000	cashed at a commercial check cashing facility
33	1329	12/22/99	\$19,500	deposited into Consolidated Data Services' bank account
34	1330	12/22/99	\$19,500	deposited into Consolidated Data Services' bank account
35	1331	12/22/99	\$39,000	deposited into Consolidated Data Services' bank account
36	1346	2/16/00	\$10,000	deposited into Consolidated Data Services' bank account
37	1351	2/18/00	\$40,000	deposited into Consolidated Data Services' bank account
38	1354	2/24/00	\$25,000	deposited into Consolidated Data Services' bank account
39	1362	3/20/00	\$26,000	deposited into Consolidated Data Services' bank account
40	1366	3/27/00	\$40,000	deposited into Consolidated Data Services' bank account

f. The defendant, **SPENCER P. GOLDEN**, directed that Federal Data Service, Inc. write the following check in the following amounts on or about the following date from its Bank Atlantic account number 55120107 payable to Consolidated Data Services:

Overt Act	Check Number	Date of Check	Amount of Check	Disposition of Check
41	19854	10/15/99	\$30,000	deposited into Consolidated Data Services' bank account

g. The defendant, **SPENCER P. GOLDEN**, directed that Consolidated Data Service, Inc. write the following checks in the following amounts on or about the following dates

from its Washington Mutual Bank account number 1793560468 payable to his investment account at J.B. Oxford & Co:

Overt Act	Check Number	Date of Check	Amount of Check	Disposition of Check
42	15011	10/6/98	\$2,731	deposited into defendant SPENCER P. GOLDEN 's investment account at J.B. Oxford & Co.
43	15020	10/14/98	\$7,167.50	deposited into defendant SPENCER P. GOLDEN 's investment account at J.B. Oxford & Co.
44	15037	10/23/98	\$3,489	deposited into defendant SPENCER P. GOLDEN 's investment account at J.B. Oxford & Co.
45	15110	1/12/99	\$40,188	deposited into defendant SPENCER P. GOLDEN 's investment account at J.B. Oxford & Co.
46	15113	1/14/99	\$3,622.21	deposited into defendant SPENCER P. GOLDEN 's investment account at J.B. Oxford & Co.
47	15157	2/22/99	\$3,780	deposited into defendant SPENCER P. GOLDEN 's investment account at J.B. Oxford & Co.
48	15221	4/12/99	\$20,000	deposited into defendant SPENCER P. GOLDEN 's investment account at J.B. Oxford & Co.
49	wire transfer	4/20/99	\$50,000	deposited into defendant SPENCER P. GOLDEN 's investment account at J.B. Oxford & Co.
50	15290	6/7/99	\$5,500	deposited into defendant SPENCER P. GOLDEN 's investment account at J.B. Oxford & Co.
51	15365	8/6/99	\$14,000	deposited into defendant SPENCER P. GOLDEN 's investment account at J.B. Oxford & Co.

52	15437	10/4/99	\$5,902.91	deposited into defendant SPENCER P. GOLDEN 's investment account at J.B. Oxford & Co.
53	15452	10/18/99	\$14,000	deposited into defendant SPENCER P. GOLDEN 's investment account at J.B. Oxford & Co.
54	15462	10/21/99	\$9,400	deposited into defendant SPENCER P. GOLDEN 's investment account at J.B. Oxford & Co.
55	15463	10/21/99	\$4,600	deposited into defendant SPENCER P. GOLDEN 's investment account at J.B. Oxford & Co.

All in violation of Title 18, United States Code, Section 371.

COUNTS TWO - SEVEN
MAIL FRAUD
18 U.S.C. § 1341

13. The Grand Jury realleges all the allegations contained in Paragraphs 1, and 3 through 12, and incorporates them by reference as though set forth in full herein.

14. On or about the dates listed below, at Broward County, in the Southern District of Florida, and elsewhere, the defendant,

SPENCER P. GOLDEN,

for the purpose of executing the scheme and artifice to defraud and to obtain money and property from customers by means of materially false and fraudulent pretenses, representations, and promises, did knowingly place and cause to be placed in post offices or authorized depositories for mail matter the following described matters and things to be sent and delivered by the Postal Service from the locations listed to the addresses listed in each count set forth below:

Count	Date	Mail Matter	Recipient	Sent From	Sent To
Two	11/4/99	ad insertion order	<i>Daily Evening Item</i>	Margate, FL	Lynn, MA
Three	12/14/00	ad insertion order	<i>Macoupin County Enquirer</i>	Pompano Beach, FL	Carlinville, IL
Four	11/4/02	ad insertion order	Territorial Newspapers	Margate, FL	Tucson, Az
Five	11/14/02	ad insertion order	<i>The Pioneer</i>	Margate, FL	Hayword, CA
Six	11/18/02	ad insertion order	Territorial Newspapers	Margate, FL	Tucson, AZ
Seven	12/5/02	ad insertion order	Territorial Newspapers	Margate, FL	Tucson, AZ

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

COUNTS EIGHT - THIRTEEN
WIRE FRAUD
18 U.S.C. § 1343

15. The Grand Jury realleges all the allegations contained in Paragraphs 1, and 3 through 12, and incorporates them by reference as though set forth in full herein.

16. On or about the dates listed below, at Broward County, in the Southern District of Florida, and elsewhere, the defendant,

SPENCER P. GOLDEN,

for the purpose of executing the scheme and artifice to defraud and to obtain money and property from customers by means of materially false and fraudulent pretenses, representations, and promises, did knowingly cause to be transmitted by means of wire communications in interstate commerce, certain signs, signals and sounds, that is, he caused the following telephone calls to be made by consumers from the below listed locations to the entities and locations listed below:

Count	Date	Caller	Called From	Called To
Eight	January 25, 2000	J.R.	Hammond, IN	Federal Data Service, Margate, FL.
Nine	September 2000	N.C.	Whitmore Lake, MI	Advantage Info. Service, Pompano Beach, FL.
Ten	September 2000	D.H.	Loveland, CO	Advantage Info Service, Pompano Beach, FL.
Eleven	June 2001	E.B.	Blasdell, NY	Countrywide Data, Margate, FL.
Twelve	June 2001	A.H.	Vineland, NJ	Countrywide Data, Margate, FL.
Thirteen	2002	M.S.	Lakewood, CO	Regional Publishing, Margate, FL.

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

COUNT FOURTEEN
CRIMINAL CONTEMPT
18 U.S.C. § 401(3)

17. The Grand Jury realleges all the allegations contained in Paragraphs 1, and 3 through 12, and incorporates them by reference as though set forth in full herein.

18. On or about April 3, 2000, the Federal Trade Commission (“FTC”), pursuant to Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), filed a lawsuit in the United States District Court for the Southern District of Florida captioned FTC v. Federal Data Service, Inc., et al., Case No. 00-6462-CIV-Ferguson. The complaint alleged that defendant, **SPENCER P. GOLDEN**, and others, in the course of telemarketing employment packages, violated Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), by (1) misrepresenting the availability of postal or government wildlife positions, (2) misrepresenting that consumers who purchased their materials were likely to obtain postal or government wildlife positions, (3) misrepresenting the starting salaries that consumers

could expect to receive, (4) misrepresenting their refund policy, and (5) making unauthorized charges to consumers' credit cards, debit cards or checking accounts.

19. Together with its complaint, the FTC filed a motion for a temporary restraining order prohibiting the defendant **SPENCER P. GOLDEN** and others from violating Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), which prohibits unfair or deceptive acts or practices in or affecting commerce.

20. On or about April 11, 2000, the Court entered an Ex Parte Temporary Restraining Order ("TRO"). On or about April 12, 2000, the TRO was served on defendant **SPENCER P. GOLDEN**.

21. Paragraph I of the TRO restrained and enjoined defendant **SPENCER P. GOLDEN** and others from making or assisting others in making, directly or by implication, any false or misleading oral or written misrepresentation in connection with the advertising, promotion, offering for sale, or sale of employment goods or services, including misrepresenting (1) the availability of jobs, (2) that consumers who purchase any good or service are likely to obtain permanent jobs, and (3) a refund policy.

22. The TRO also placed Federal Data Service, Inc., a defendant in the FTC action and a company controlled by defendant **SPENCER P. GOLDEN** and others, in receivership. In or around May 2000, the receiver shut down Federal Data Service Inc. and its operations and began the process of winding up the company and liquidating its assets.

23. From in or about June 2000 until in or about November 2000, the defendant,

SPENCER P. GOLDEN,

knowing the terms and requirements of the TRO, did willfully disobey and violate this lawful order of the Court, by making and assisting others at Advantage Information Service in making, directly and by implication, false and misleading oral and written misrepresentation in connection with the advertising, promotion, offering for sale, and sale of employment goods and services, including misrepresenting regarding the availability of jobs with the Postal Service.

All in violation of Title 18, United States Code, Section 401(3).

COUNT FIFTEEN
CRIMINAL CONTEMPT
18 U.S.C. § 401(3)

24. The Grand Jury realleges all of the allegations contained in Paragraphs 1, and 3 through 12, 18 through 22, and incorporates them by reference as though set forth in full herein.
25. From in or about December 2000 until on or about February 5, 2001, the defendant,

SPENCER P. GOLDEN,

knowing the terms and requirements of the TRO, did willfully disobey and violate this lawful order of the Court by making and assisting others at Countrywide Data in making, directly and by implication, false and misleading oral and written misrepresentation in connection with the advertising, promotion, offering for sale, and sale of employment goods and services, including misrepresenting regarding the availability of jobs with the Postal Service.

All in violation of Title 18, United States Code, Section 401(3).

COUNT SIXTEEN
CRIMINAL CONTEMPT
18 U.S.C. § 401(3)

26. The Grand Jury realleges all of the allegations contained in Paragraphs 1, and 3 through 12, 18 through 22, and incorporates them by reference as though set forth in full herein.

27. On or about January 9, 2001, the United States District Court for the Southern District of Florida entered a Stipulated Final Order for Permanent Injunction and Settlement of Claims ("Final Order") in the case FTC v. Federal Data Service, Inc., et al., Case No. 00-6462-CIV-Ferguson. On or about February 5, 2001, defendant, **SPENCER P. GOLDEN**, was served with a copy of the Final Order.

28. Paragraph II of the Final Order permanently restrained and enjoined the defendant **SPENCER P. GOLDEN** and others from promoting, offering for sale, or selling any employment good or service, and assisting others engaged in the promotion, offer for sale, or sale of any employment good or service.

29. From on or about February 5, 2001 until in or about June 2001, the defendant,

SPENCER P. GOLDEN,

knowing the terms and requirements of the Final Order, did willfully disobey and violate this lawful order of the Court by promoting, offering for sale, and selling, and assisting others at Countrywide Data engaged in the promotion, offer for sale, and sale of, employment goods and services.

All in violation of Title 18, United States Code, Section 401(3).

COUNT SEVENTEEN
CRIMINAL CONTEMPT
18 U.S.C. § 401(3)

30. The Grand Jury realleges all of the allegations contained in Paragraphs 1, and 3 through 12, 18 through 22, and 27 through 28, and incorporates them by reference as though set forth in full herein.

31. From on or about September 2001 until in or about December 2002, the defendant,

SPENCER P. GOLDEN,

knowing the terms and requirements of the Final Order, did willfully disobey and violate this lawful order of the Court by promoting, offering for sale, and selling, and assisting others at MC Outsourcing, Regional Publishing Network and Liberty Preparation engaged in the promotion, offer for sale, and sale of, employment goods and services.

All in violation of Title 18, United States Code, Section 401(3).

COUNT EIGHTEEN
CRIMINAL CONTEMPT
18 U.S.C. § 401(3)

32. The Grand Jury realleges all of the allegations contained in Paragraphs 1, and 3 through 12, 18 through 22, and 27 through 28, and incorporates them by reference as though set forth in full herein.

33. Paragraph III of the Final Order permanently restrains and enjoins the defendant **SPENCER P. GOLDEN** from engaging in telemarketing and assisting others engaged in telemarketing, unless they first obtain a performance bond in the principal sum of one hundred thousand dollars (\$100,000), and provide such bond to the FTC at least ten business days before the commencement of telemarketing or assisting others in engaged in telemarketing..

34. In or about November 2003, the exact dates being unknown to the Grand Jury, the defendant **SPENCER P. GOLDEN**, using the name Fabian Blanco of Lake Worth, Florida, and others would and did cause to be created two Internet websites, www.monthlyprescriptions.com and www.rxmonthly.com. The websites purport to offer discount prescription medication to consumers. The website lists a toll-free telephone number for consumers to call for more information.

35. Defendant, **SPENCER P. GOLDEN**, using the name Peter Calderon, would and did establish a telemarketing call center in San Jose, Costa Rica for the purpose of calling consumers

who respond to the Internet websites. Defendant **SPENCER P. GOLDEN** would and did prepare, review, and revise scripts that telephone operators were instructed to use when talking to and responding to questions from potential customers who were called by the telemarketers.

36. Defendant, **SPENCER P. GOLDEN**, would and did cause telemarketers to solicit customers living in the Southern District of Florida and elsewhere to purchase discount prescription medications.

37. Defendant, **SPENCER P. GOLDEN**, has not obtained a performance bond in the principal amount of one hundred thousand dollars, and delivered a copy of such bond to the FTC as required by Section II of the Final Order.

38. From on or about November 2003 and continuing thereafter, the defendant,

SPENCER P. GOLDEN,

knowing the terms and requirements of the Final Order, did willfully disobey and violate this lawful order of the Court by engaging in telemarketing, and assisting others associated with www.monthlyprescriptions.com and www.rxmonthly.com engaged in telemarketing without first obtaining a performance bond in the principal sum of one hundred thousand dollars (\$100,000) and delivering such bond to the FTC.

All in violation of Title 18, United States Code, Section 401(3).

COUNT NINETEEN
MONEY LAUNDERING CONSPIRACY
18 U.S.C. § 1956(h)

39. The Grand Jury realleges all of the allegations contained in Paragraphs 1, and 3 through 12, and incorporates them by reference as though set forth in full herein.

40. From in or about June 1997, and continuing through in or about December 2002, the exact dates being unknown to the Grand Jury, at Broward County, in the Southern District of Florida and elsewhere, the defendant,

SPENCER P. GOLDEN,

did knowingly, willfully and unlawfully combine, conspire, confederate and agree with others known and unknown to the grand jury, to commit certain offenses under Title 18, United States Code, Sections 1956 and 1957, as follows:

- (a) to conduct and attempt to conduct financial transactions affecting interstate commerce, which transaction involved the proceeds of specified unlawful activity, that is mail and wire fraud in violation of Title 18, United States Code, Sections 1341 and 1343, knowing that the transaction was designed in whole or in part to conceal and disguise the nature, location, source, ownership, and control of the proceeds of said specified unlawful activity, and that while conducting and attempting to conduct such financial transaction knew that the property involved in the financial transaction, represented the proceeds of some form of unlawful activity, in violation of 18 U.S.C. § 1956(a)(1)(B)(i);
- (b) to engage or attempt to engage in monetary transactions in criminally derived property of a value greater than \$10,000 which was derived from specified unlawful activity, that is mail and wire fraud in violation of Title 18, United States Code, Sections 1341 and 1343, in violation of 18 U.S.C. § 1957(a).

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

FORFEITURE
18 U.S.C. § 982(a)

41. The Grand Jury realleges all of the allegations contained in paragraphs 1, and 3 through 16, and 39 through 40, and incorporates them by reference as though set forth in full herein, for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Sections 982(a)(1) and (8).

42. Between June 1997 and December 2002, at Broward County, in the Southern District of Florida and elsewhere, the defendant,

SPENCER P. GOLDEN,

did knowingly and willfully commit the violations of Title 18, United States Code, Sections 371, 1341, 1342, 1343, and 1956 as alleged in Counts One through Thirteen and Nineteen of this Indictment.

43. Pursuant to Title 18, United States Code, Sections 982(a)(1) and (8), upon conviction of any one or more of the offenses set forth in Counts 1 through 14, the defendant shall forfeit to the United States all right, title, and interest in any and all real or personal property (A) used or intended to be used to commit, to facilitate, or to promote the commission of such offenses, and (B) constituting, derived from, or traceable to the gross proceeds that the defendant obtained directly or indirectly as a result of the offenses.

44. If property described above, as a result of any act or omission of the defendant, (1) cannot be located upon the exercise of due diligence, (2) has been transferred or sold to, or deposited with a third party, (3) has been placed beyond the jurisdiction of the court, (4) has been substantially diminished in value, and/or (5) has been commingled with other property which cannot be divided without difficulty, it is the intent of the United States, pursuant to Title 18,

United States Code, Section 982(b)(1), to seek forfeiture of any other property of said defendant up to the value of the property involved in such offenses.

All pursuant to Title 18, United States Code, Section 982(a)(1) and (8) and (b).

A TRUE BILL

Ronald Carey
Foreperson

60

Ronald Carey
MARCO DANIEL JIMENEZ
UNITED STATES ATTORNEY

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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

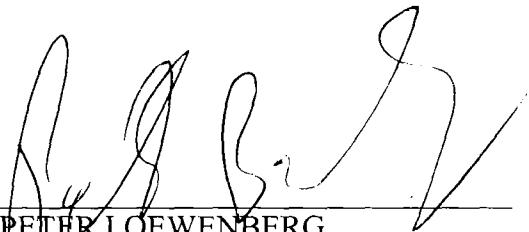
04-60273-CR-COHN(s)

BOND RECOMMENDATION

DEFENDANT: SPENCER GOLDEN

No bond
(Surety) (Recognizance) (Corp. Surety) (Cash) (Jail)
CSB) (No Bond) (Warrant) (Summons) (Marshal's Custody)

By:



PETER LOEWENBERG
TRIAL ATTORNEY
FL Bar number: 0170488
DOJ, Criminal Division, Fraud Section
Room 4418, Bond Building
1400 New York Ave. NW
Washington, DC 20005

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
PENALTY SHEET**

Defendant's Name: SPENCER GOLDENCase No: 04-60273-CR-COHN(s)

Count #: 1

Conspiracy18 U.S.C. § 371*** Max. Penalty:** 5 Years' Imprisonment, \$250,000 Fine, 3 Years Supervised Release

Count #: 2-7

Mail Fraud18 U.S.C. § 1341***Max. Penalty:** 20 Years' Imprisonment, \$250,000 Fine, 3 Years' Supervised Release

Count #: 8-13

Wire Fraud18 U.S.C. § 1343***Max. Penalty:** 20 Years' Imprisonment, \$250,000 Fine, 3 Years' Supervised Release

Count #: 14-18

Criminal Contempt18 U.S.C. § 401(3)***Max. Penalty:** 18 U.S.C. § 401(3) does not specify a maximum sentence that the Court can impose. The sentence is within the sound discretion of the Court. The Court can order a term of supervised release of up to 5 years.

Count #: 19

Money Laundering Conspiracy18 U.S.C. § 1956(h)***Max. Penalty:** 20 years' imprisonment, \$500,000 Fine, 3 Years' Supervised Release

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

CASE NO. 04-60273-CR-COHN(s)

V.

SPENCER GOLDEN

Court Division (Select One)

Miami Key West
 FTL WPB FTP

CERTIFICATE OF TRIAL ATTORNEY*

Superseding Case Information:

New Defendant(s) Yes No
 Number of New Defendants _____
 Total number of counts 19

I do hereby certify that:

- I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
- I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.
- Interpreter: (Yes or No) No
 List language and/or dialect English
- This case will take 21 days for the parties to try.
- Please check appropriate category and type of offense listed below:

(Check only one) (Check only one)

I	0 to 5 days	_____	Petty	_____
II	6 to 10 days	_____	Minor	_____
III	11 to 20 days	_____	Misdem.	_____
IV	21 to 60 days	X	Felony	X
V	61 days and over	_____		

- Has this case been previously filed in this District Court? (Yes or No) Yes

If yes:

Judge: Jordan Case No. 04-60273-CRCOHN

(Attach copy of dispositive order)

Has a complaint been filed in this matter? (Yes or No) No

If yes:

Magistrate Case No. _____

Related Miscellaneous numbers: _____

Defendant(s) in federal custody as of _____

Defendant(s) in state custody as of _____

Rule 20 from the _____ District of _____

Is this a potential death penalty case? (Yes or No) No

- Does this case originate from a matter pending in the U.S. Attorney's Office prior to April 1, 2003? Yes No
- Does this case originate from a matter pending in the U. S. Attorney's Office prior to April 1, 1999? Yes No
 If yes, was it pending in the Central Region? Yes No
- Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to October 14, 2003? Yes No
- Does this case originate from a matter pending in the Narcotics Section (Miami) prior to May 18, 2003? Yes No

PETER LOEWENBERG
 TRIAL ATTORNEY
 FL Bar Number: 0170488