

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. **16-20912**

CA-MOORE

18 U.S.C. § 1349
18 U.S.C. § 1341
18 U.S.C. § 1343
18 U.S.C. § 1951(a)
18 U.S.C. § 2

McALILEY

FILED by *T.B.C.*
DEC 06 2016
STEVEN M. LARIMORE
CLERK U.S. DIST. CT.
S. D. of FLA. - MIAMI

UNITED STATES OF AMERICA

vs.

JESUS GERARDO GUTIERREZ ROJAS,
MARIA DE GUADALUPE ALEXANDRA PODESTA BENGOA,
VIRGILIO IGNACIO POLO DAVILA, and
OMAR ALFREDO PORTOCARRERO CACERES,

Defendants.

INDICTMENT

The Grand Jury charges that:

GENERAL ALLEGATIONS

At various times relevant to this Indictment:

1. Fonomundo FC ("Fonomundo") was incorporated in the State of Florida on August 19, 2010, with its principal place of business listed as 100 SE 1st Street, Miami, Florida, 33131. Fonomundo operated call centers in Peru and maintained payment and shipping operations in Miami. Fonomundo employees and employees at other affiliated call centers in Peru placed cold calls to Spanish-speaking residents of the United States.
2. Fonomundo purportedly offered low-quality cell phones and natural products for sale.

3. Defendant **JESUS GERARDO GUTIERREZ ROJAS** was the general manager of Fonomundo. **GUTIERREZ** oversaw Fonomundo's operations in Peru, including its partnerships with other affiliated call centers in Peru.

4. Defendant **MARIA DE GUADALUPE ALEXANDRA PODESTA BENGOA** was the owner and operator of a call center in Peru that was affiliated with Fonomundo.

5. Defendant **VIRGILIO IGNACIO POLO DAVILA** was the owner and operator of a call center in Peru that was affiliated with Fonomundo.

6. Defendant **OMAR ALFREDO PORTOCARRERO CACERES** was the owner and operator of a call center in Peru that was affiliated with Fonomundo.

7. Cesar Kou Reyna was the owner and operator of Fonomundo. Kou oversaw Fonomundo's operations from Peru.

COUNT 1
Conspiracy to Commit Mail and Wire Fraud
(18 U.S.C. § 1349)

1. Paragraphs 1 through 7 of the General Allegations section of this Indictment are realleged and incorporated by reference as though fully set forth herein.

2. From at least as early as in or around January 2012, until at least as late as July 2015, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants,

JESUS GERARDO GUTIERREZ ROJAS,
MARIA DE GUADALUPE ALEXANDRA PODESTA BENGOA,
VIRGILIO IGNACIO POLO DAVILA, and
OMAR ALFREDO PORTOCARRERO CACERES,

did willfully, that is, with the intent to further the objects of the conspiracy, and knowingly combine, conspire, confederate and agree with Cesar Kou Reyna, with each other and others, known and unknown to the Grand Jury, to commit certain offenses against the United States, that is:

(a) to knowingly, and with intent to defraud, devise, and intend to devise, a scheme and artifice to defraud, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, knowing that they were false and fraudulent when made, and, for the purpose of executing such scheme and artifice, did cause to be placed in a post office and authorized depository for mail matter, matter to be sent and delivered by the United States Postal Service, in violation of Title 18, United States Code, Section 1341; and

(b) to knowingly, and with intent to defraud, devise, and intend to devise, a scheme and artifice to defraud, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, knowing that they were false and fraudulent when made, and, for the purpose of executing such scheme and artifice, did transmit and cause to be transmitted, by means of wire communications in interstate and foreign commerce, certain writings, signs, signals, pictures, and sounds, in violation of Title 18, United States Code, Section 1343.

PURPOSE OF THE CONSPIRACY

3. It was the purpose of the conspiracy for the defendants and their co-conspirators to unlawfully enrich themselves by obtaining money from Spanish-speaking victims by means of materially false and fraudulent statements and representations concerning, among other things, victims' purported failure to receive and pay for delivery of products, threatened fines and legal proceedings for the supposed failure to receive delivery of products, the consequences of victims' failure to pay to settle the threatened fines and legal proceedings, and the victims' entitlement to large restitution payments if they made small initial payments.

MANNER AND MEANS OF THE CONSPIRACY

The manner and means by which the defendants and their co-conspirators sought to accomplish the objects and purpose of the conspiracy included, among others, the following:

4. **JESUS GERARDO GUTIERREZ ROJAS, MARIA de GUADALUPE ALEXANDRA PODESTA BENGOA, VIRGILIO IGNACIO POLO DAVILA, OMAR ALFREDO PORTOCARRERO CACERES** and Cesar Kou Reyna obtained the names and contact information of Spanish-speaking residents of the United States (the “victims”) who had previously purchased products from unaffiliated companies. **GUTIERREZ** and Kou provided these spreadsheets with victim information to **PODESTA, POLO,** and **PORTOCARRERO** so that employees of their call centers could contact victims as part of the conspiracy to defraud.

5. **JESUS GERARDO GUTIERREZ ROJAS** assisted **MARIA de GUADALUPE ALEXANDRA PODESTA BENGOA, VIRGILIO IGNACIO POLO DAVILA,** and **OMAR ALFREDO PORTOCARRERO CACERES** in setting up their affiliated call centers (“network call centers” or “networks.”). **GUTIERREZ** served as the primary liaison between these network call centers and Fonomundo. **GUTIERREZ** helped the networks by facilitating the processing of payments, responding to victim complaints associated with calls they made, approving transactions for processing, suggesting tactics to use to deceive victims, and taking steps to help evade detection.

6. As part of the conspiracy, **JESUS GERARDO GUTIERREZ ROJAS, MARIA de GUADALUPE ALEXANDRA PODESTA BENGOA, VIRGILIO IGNACIO POLO DAVILA, OMAR ALFREDO PORTOCARRERO CACERES** and Cesar Kou Reyna prepared and shared scripts to be used by co-conspirators at the call centers when placing calls to victims. The scripts used included various false statements designed to induce the victims to send payments

to Fonomundo. For example, one such script directed the callers to falsely and fraudulently claim to be government attorneys and to state that the victims faced lawsuits and fines for not paying for or receiving packages. Other scripts included similar stories where the callers falsely claimed to be attorneys with courts or credit bureaus in the United States.

7. Co-conspirators at network call centers operated by **MARIA de GUADALUPE ALEXANDRA PODESTA BENGOA, VIRGILIO IGNACIO POLO DAVILA,** and **OMAR ALFREDO PORTOCARRERO CACERES** falsely and fraudulently claimed during victim calls that they were lawyers, sometimes calling from a “legal department” of a state or city in the United States. These co-conspirators falsely and fraudulently told each victim that he or she had failed to pay for products that they had agreed to purchase and receive, and that the victims were therefore liable for costs and fines.

8. Co-conspirators at network call centers operated by **MARIA de GUADALUPE ALEXANDRA PODESTA BENGOA, VIRGILIO IGNACIO POLO DAVILA,** and **OMAR ALFREDO PORTOCARRERO CACERES** falsely and fraudulently threatened to sue the victims, including victims M.P., L.R., and L.S., but claimed that the victims could resolve the claims and avoid going to court by paying settlement fees for hundreds of dollars.

9. Co-conspirators at network call centers operated by **MARIA de GUADALUPE ALEXANDRA PODESTA BENGOA, VIRGILIO IGNACIO POLO DAVILA,** and **OMAR ALFREDO PORTOCARRERO CACERES** threatened victims with negative marks on their credit reports, deportation and other immigration consequences, arrest, and imprisonment in response to victims who objected to making payments because they had never ordered, let alone failed to accept delivery of, any products.

10. **JESUS GERARDO GUTIERREZ ROJAS** and co-conspirators at Fonomundo caused packages to be sent to victims via the U.S. Postal Service so that **GUTIERREZ** and his co-conspirators could subsequently claim that a transaction was legitimate if victims attempted to recoup payments through chargeback requests with their credit card companies. **GUTIERREZ** and his co-conspirators claimed that these shipping records proved Fonomundo sent consumers packages the victims agreed to receive.

11. **JESUS GERARDO GUTIERREZ ROJAS** arranged for **MARIA de GUADALUPE ALEXANDRA PODESTA BENGOA, VIRGILIO IGNACIO POLO DAVILA,** and **OMAR ALFREDO PORTOCARRERO CACERES** to work with Fonomundo employees to confirm victims' payment information with the victims and to process the victims' payments. **GUTIERREZ** closely monitored operations and provided strategic advice to the Fonomundo employees on what to say to the victims and how best to ensure that their payments were received and kept in accounts Fonomundo controlled. Through his management and control of the scheme, **GUTIERREZ** limited the ability of victims to obtain chargebacks or refunds of fraudulently obtained funds, despite the many complaints made about Fonomundo operations.

12. **JESUS GERARDO GUTIERREZ ROJAS, MARIA de GUADALUPE ALEXANDRA PODESTA BENGOA, VIRGILIO IGNACIO POLO DAVILA,** and **OMAR ALFREDO PORTOCARRERO CACERES'** co-conspirators falsely told victims that their payments would resolve the dispute with the unaffiliated companies that were supposedly bringing lawsuits against them. There were never any such lawsuits. Ultimately, the payments were delivered to Fonomundo bank accounts and other bank accounts controlled by Cesar Kou Reyna and the proceeds were then shared with **GUTIERREZ, PODESTA, POLO, PORTOCARRERO** and their co-conspirators.

13. **JESUS GERARDO GUTIERREZ ROJAS** and **VIRGILIO IGNACIO POLO DAVILA** told certain victims that they would receive large restitution payments if they made small initial payments. In reality, no restitution had been recovered by the co-conspirators and no payments were made to the victims who paid.

14. To fraudulently induce victims to pay money, **JESUS GERARDO GUTIERREZ ROJAS, MARIA de GUADALUPE ALEXANDRA PODESTA BENGEOA, VIRGILIO IGNACIO POLO DAVILA, OMAR ALFREDO PORTOCARRERO CACERES,** and their co-conspirators made, and caused others to make, materially false statements including, among other things, the following:

Materially False Statements

- a. That the callers were attorneys and were calling from a government entity on behalf of another company;
- b. That victims had agreed to pay for and receive delivery of product shipments but failed to do so;
- c. That victims had agreed to memberships with unaffiliated companies and had failed to make payments associated with the memberships;
- d. That the victims' failure to receive and pay for product shipments had resulted in costs;
- e. That victims were facing impending lawsuits;
- f. That fines would be imposed on the victims for failure to pay for and receive the product shipments;

- g. That victims who failed to make payments could ultimately face negative marks on their credit records, deportation and other immigration consequences, arrest, and imprisonment; and
- h. That, with respect to certain victims, the victims would receive large restitution payments if they made small initial payments.

All in violation of Title 18, United States Code, Section 1349.

COUNTS 2-7
Mail Fraud
(18 U.S.C. § 1341)

- 1. Paragraphs 1 through 7 of the General Allegations section of this Indictment are realleged and incorporated by reference as though fully set forth herein.
- 2. On or about the dates specified as to each count below, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants,

**JESUS GERARDO GUTIERREZ ROJAS,
MARIA DE GUADALUPE ALEXANDRA PODESTA BENGEOA,
VIRGILIO IGNACIO POLO DAVILA, and
OMAR ALFREDO PORTOCARRERO CACERES,**

did knowingly, and with intent to defraud, devise, and intend to devise, a scheme and artifice to defraud, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, knowing that they were false and fraudulent when made, and, for the purpose of executing such scheme and artifice, did knowingly cause to be placed in a post office and authorized depository for mail matter, matter to be sent and delivered by the United States Postal Service.

PURPOSE OF THE SCHEME AND ARTIFICE

- 3. It was the purpose of the scheme and artifice for the defendants and their accomplices to unlawfully enrich themselves by obtaining money from Spanish-speaking victims by means of

materially false and fraudulent statements and representations concerning, among other things, victims' purported failure to receive and pay for delivery of products, threatened fines and legal proceedings for the supposed failure to receive delivery of products, the consequences of victims' failure to pay to settle the threatened fines and legal proceedings, and the victims' entitlement to large restitution payments if they made small initial payments.

THE SCHEME AND ARTIFICE

4. Paragraphs 4 through 14 of the Manner and Means section of Count 1 of this Indictment are realleged and incorporated by reference as though fully set forth herein as a description of the scheme and artifice.

USE OF THE MAILS

5. On or about the dates specified as to each count below, the defendants, **JESUS GERARDO GUTIERREZ ROJAS, MARIA de GUADALUPE ALEXANDRA PODESTA BENGOA, VIRGILIO IGNACIO POLO DAVILA, and OMAR ALFREDO PORTOCARRERO CACERES**, for the purpose of executing and in furtherance of the aforesaid scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, did knowingly cause to be placed in a post office and authorized depository for mail matter, matter to be sent and delivered by the United States Postal Services, as identified in each count below:

COUNT	APPROX. DATE	DESCRIPTION OF MAILING
2	April 2012	Package sent via U.S. mail from the Southern District of Florida to victim J.P. in Austin, TX
3	September 2012	Package sent via U.S. mail from Miami-Dade County to victim O.D. in Wellington, FL
4	September 2012	Package sent via U.S. mail from Miami-Dade County to victim W.L. in Key West, FL

COUNT	APPROX. DATE	DESCRIPTION OF MAILING
5	January 2013	Package sent via U.S. mail from the Southern District of Florida to victim M.M. in Evans, CO
6	April 2014	Package sent via U.S. mail from the Southern District of Florida to victim M.L. in Ocoee, FL
7	July 2014	Package sent via U.S. mail from the Southern District of Florida to victim G.L. in Norristown, PA

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

COUNTS 8-22
Wire Fraud
(18 U.S.C. § 1343)

1. Paragraphs 1 through 7 of the General Allegations section of this Indictment are realleged and incorporated by reference as though fully set forth herein.

2. On or about the date specified as to each count below, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants,

**JESUS GERARDO GUTIERREZ ROJAS,
 MARIA DE GUADALUPE ALEXANDRA PODESTA BENGEOA,
 VIRGILIO IGNACIO POLO DAVILA, and
 OMAR ALFREDO PORTOCARRERO CACERES,**

did knowingly, and with intent to defraud, devise, and intend to devise, a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, knowing that they were false and fraudulent when made, and, for the purpose of executing such scheme and artifice, did transmit and cause to be transmitted, by means of wire communications, in interstate and foreign commerce, certain writings, signs, signals, pictures, and sounds.

PURPOSE OF THE SCHEME AND ARTIFICE

3. It was the purpose of the scheme and artifice for the defendants and their accomplices conspirators to unlawfully enrich themselves by obtaining money from Spanish-

speaking victims by means of materially false and fraudulent statements and representations concerning, among other things, victims’ purported failure to receive and pay for delivery of products, threatened fines and legal proceedings for the supposed failure to receive delivery of products, the consequences of victims’ failure to pay to settle the threatened fines and legal proceedings, and the victims’ entitlement to large restitution payments if they made small initial payments.

THE SCHEME AND ARTIFICE

4. Paragraphs 4 through 14 of the Manner and Means section of Count 1 of this Indictment are realleged and incorporated by reference as though fully set forth herein as a description of the scheme and artifice.

USE OF THE WIRES

5. On or about the dates specified as to each count below, **JESUS GERARDO GUTIERREZ ROJAS, MARIA de GUADALUPE ALEXANDRA PODESTA BENGEOA, VIRGILIO IGNACIO POLO DAVILA, and OMAR ALFREDO PORTOCARRERO CACERES**, for the purpose of executing and in furtherance of the aforesaid scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, did transmit and cause to be transmitted, by means of wire communications in interstate and foreign commerce, certain writings, signs, signals, pictures and sounds, as set forth below:

COUNT	APPROX. DATE	DESCRIPTION OF WIRE
8	April 2012	Telephone call between caller in Peru and victim J.M.O. in the Southern District of Florida
9	September 2012	Telephone call between caller in Peru and victim O.D. in the Southern District of Florida

COUNT	APPROX. DATE	DESCRIPTION OF WIRE
10	September 2012	Telephone call between caller in Peru and victim J.M.S. in the Southern District of Florida
11	September 2012	Telephone call between caller in Peru and victim W.L. in the Southern District of Florida
12	November 2012	Telephone call between caller in Peru and victim Y.P. in the Southern District of Florida
13	April 2013	Telephone call between caller in Peru and victim I.P. in the Southern District of Florida
14	May 2013	Telephone call between caller in Peru and victim M.R. in the Southern District of Florida
15	May 2013	Telephone call between caller in Peru and victim F.L. in the Southern District of Florida
16	April 2014	Telephone call between caller in Peru and victim Y.V. in the Southern District of Florida
17	April 2014	Telephone call between caller in Peru and victim A.P. in the Southern District of Florida
18	August 2014	Telephone call between caller in Peru and victim J.C. in the Southern District of Florida
19	September 2014	Telephone call between caller in Peru and victim C.R. in the Southern District of Florida
20	November 2014	Telephone call between caller in Peru and victim J.S. in the Southern District of Florida
21	November 2014	Telephone call between caller in Peru and victim A.A. in the Southern District of Florida
22	July 2015	Telephone call between caller in Peru and victim M.V. in the Southern District of Florida

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

COUNTS 23-34
Extortion
(18 U.S.C. § 1951(a))

1. Paragraphs 1 through 7 of the General Allegations section of this Indictment are realleged and incorporated by reference as though fully set forth herein.

2. On or about the dates specified as to each count below, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants,

**JESUS GERARDO GUTIERREZ ROJAS,
MARIA DE GUADALUPE ALEXANDRA PODESTA BENGEOA,
VIRGILIO IGNACIO POLO DAVILA, and
OMAR ALFREDO PORTOCARRERO CACERES,**

did knowingly obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, by means of extortion, as the terms “commerce” and “extortion” are defined in Title 18, United States Code, Section 1951(b)(2) and (b)(3), in that the defendants did obtain money and other property not due to them from another, with his consent, induced by the wrongful use of actual or threatened force, violence or fear, as set forth below:

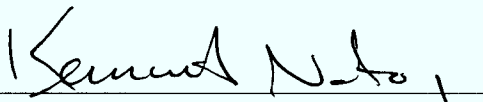
COUNT	APPROX. DATE	DESCRIPTION OF PAYMENT AND THREAT
23	April 2012	Payment sent from victim J.P. in Austin, TX, to the Southern District of Florida based, in part, on threat of damage to victim's credit
24	September 2012	Payment sent from victim W.L. in Key West, FL, to Miami-Dade County based, in part, on threat of consequences to immigration status and arrest
25	September 2012	Payment sent from victim J.M.S. in Miami, FL, based, in part, on threat of consequences to immigration status and arrest
26	October 2012	Payment sent from victim J.L. in Austin, TX, to the Southern District of Florida based, in part, on threat of deportation
27	May 2013	Payment sent from victim M.Q. in Richmond, VA, to the Southern District of Florida based, in part, on threat of problems with law enforcement
28	May 2013	Payment sent from victim M.R. in Fort Lauderdale, FL, to Miami-Dade County based, in part, on threat of imprisonment
29	May 2013	Payment sent from victim F.L. in Miami, FL, based, in part, on threat of criminal penalties
30	June 2013	Payment sent from victim A.P.A. in Alexandria, VA, to the Southern District of Florida based, in part, on threat of arrest
31	February 2014	Payment sent from victim A.R. in Cape Coral, FL, to the Southern District of Florida based, in part, on threat of arrest
32	July 2014	Payment sent from victim A.J. in Chantilly, VA, to the Southern District of Florida based, in part, on threat of arrest

COUNT	APPROX. DATE	DESCRIPTION OF PAYMENT AND THREAT
33	July 2014	Payment sent from victim G.L. in Norristown, PA, to the Southern District of Florida based, in part, on threat of immigration consequences
34	November 2014	Payment sent from victim A.A. in Boca Raton, FL, to Miami-Dade County based, in part, on threats of arrest, imprisonment and immigration consequences

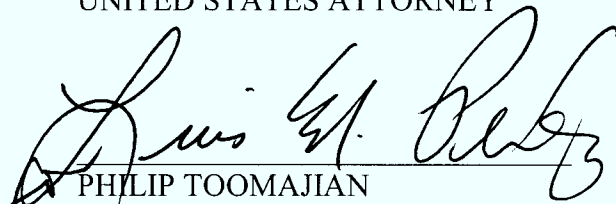
In violation of Title 18, United States Code, Sections 1951(a) and 2.

A TRUE BILL

FOREPERSON



WIFREDO A. FERRER
UNITED STATES ATTORNEY



PHILIP TOOMAJIAN
TRIAL ATTORNEY
U.S. DEPARTMENT OF JUSTICE
CONSUMER PROTECTION BRANCH

UNITED STATES OF AMERICA

CASE NO. _____

vs.

CERTIFICATE OF TRIAL ATTORNEY*

**JESUS GERARDO GUTIERREZ ROJAS,
MARIA DE GUADALUPE ALEXANDRA PODESTA BENGEOA,
VIRGILIO IGNACIO POLO DAVILA, and
OMAR ALFREDO PORTOCARRERO CACERES,**
Defendants.

_____/

Superseding Case Information:

Court Division: (Select One)

X Miami Key West
 FTL WPB FTP

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

I do hereby certify that:

- 1. 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.
- 2. 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.

3. Interpreter: (Yes or No) YES
List language and/or dialect SPANISH

4. This case will take 14 days for the parties to try.

5. Please check appropriate category and type of offense listed below:

(Check only one)		(Check only one)
I	0 to 5 days <u> </u>	Petty <u> </u>
II	6 to 10 days <u> </u>	Minor <u> </u>
III	11 to 20 days <u> X </u>	Misdem. <u> </u>
IV	21 to 60 days <u> </u>	Felony <u> X </u>
V:	61 days and over <u> </u>	

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

If yes: Judge: _____ Case No. _____
(Attach copy of dispositive order)

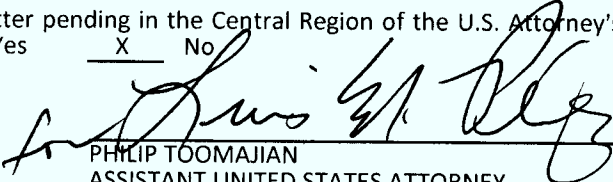
Has a complaint been filed in this matter? (Yes or No) No

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

7. 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 X No

8. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to September 1, 2007? Yes X No



PHILIP TOOMAJIAN
ASSISTANT UNITED STATES ATTORNEY
COURT NO. A5501275

*Penalty Sheet(s) attached

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: JESUS GERARDO GUTIERREZ ROJAS

Case No: _____

Count #: 1

18 U.S.C. § 1349

Conspiracy to Commit Mail and Wire Fraud

***Max Penalty:** Twenty (20) years' imprisonment.

Counts #: 2 – 7

18 U.S.C. § 1341

Mail Fraud

***Max Penalty:** Twenty (20) years' imprisonment.

Counts #: 8 – 22

18 U.S.C. § 1343

Wire Fraud

***Max Penalty:** Twenty (20) years' imprisonment.

Counts #: 23 – 34

18 U.S.C. § 1951(a)

Extortion

***Max Penalty:** Twenty (20) years' imprisonment

***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

PENALTY SHEET

Defendant's Name: MARIA DE GUADALUPE ALEXANDRA PODESTA BENGOA

Case No: _____

Count #: 1

18 U.S.C. § 1349

Conspiracy to Commit Mail and Wire Fraud

***Max Penalty:** Twenty (20) years' imprisonment.

Counts #: 2 – 7

18 U.S.C. § 1341

Mail Fraud

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Counts #: 8 – 22

18 U.S.C. § 1343

Wire Fraud

***Max Penalty:** Twenty (20) years' imprisonment.

Counts #: 23 – 34

18 U.S.C. § 1951(a)

Extortion

***Max Penalty:** Twenty (20) years' imprisonment

***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

PENALTY SHEET

Defendant's Name: VIRGILIO IGNACIO POLO DAVILA

Case No: _____

Count #: 1

18 U.S.C. § 1349

Conspiracy to Commit Mail and Wire Fraud

***Max Penalty:** Twenty (20) years' imprisonment.

Counts #: 2 – 7

18 U.S.C. § 1341

Mail Fraud

***Max Penalty:** Twenty (20) years' imprisonment.

Counts #: 8 – 22

18 U.S.C. § 1343

Wire Fraud

***Max Penalty:** Twenty (20) years' imprisonment.

Counts #: 23 – 34

18 U.S.C. § 1951(a)

Extortion

***Max Penalty:** Twenty (20) years' imprisonment

***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

PENALTY SHEET

Defendant's Name: OMAR ALFREDO PORTOCARRERO CACERES

Case No: _____

Count #: 1

18 U.S.C. § 1349

Conspiracy to Commit Mail and Wire Fraud

***Max Penalty:** Twenty (20) years' imprisonment.

Counts #: 2 – 7

18 U.S.C. § 1341

Mail Fraud

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Counts #: 8 – 22

18 U.S.C. § 1343

Wire Fraud

***Max Penalty:** Twenty (20) years' imprisonment.

Counts #: 23 – 34

18 U.S.C. § 1951(a)

Extortion

***Max Penalty:** Twenty (20) years' imprisonment

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