



*United States Attorney
District of New Jersey*

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**FOUR DEFENDANTS SENTENCED FOR THEIR ROLES IN A \$30 MILLION
INTERNATIONAL BANK FRAUD AND IDENTITY THEFT RING**

TRENTON N.J. – Four of 17 defendants, all of whom were convicted of conspiring to engage in an international telemarketing and identity theft scheme to defraud financial institutions and tens of thousands of account holders out of millions of dollars through the unauthorized debit of customer bank accounts (the “Telemarketing and Identity Theft Conspiracy”), were sentenced by United States District Court Judge Garrett E. Brown on August 3, and August 4, 2010, U.S. Attorney Paul J. Fishman announced.

Shaun Rosiere, of Evergreen, Colorado, who pleaded guilty on September 17, 2009 to the Telemarketing and Identity Theft Conspiracy as well as a conspiracy to defraud investors out of millions of dollars via a fraudulent foreign exchange trading scheme, was sentenced to 73 months of imprisonment and \$1,768,690 in restitution. Diego Hernandez, of Miami, Florida, who was convicted by a federal jury on February 16, 2010 (after a five week trial) of one count of conspiracy to commit mail and wire fraud; one count of conspiracy to commit bank fraud; three counts of substantive wire fraud; and three counts of aggravated identity theft, was sentenced to 61 months of imprisonment and \$52,877 in victim restitution. Robert Agostini, of Miami, Florida, who pleaded guilty on August 13, 2008, to the Telemarketing and Identity Theft Conspiracy, was sentenced to four months of home confinement, four months in a residential incarceration facility, five years of probation, and \$251,927.99 in victim restitution. Jan Ludvik, who pleaded guilty on May 21, 2009, to the Telemarketing and Identity Theft Conspiracy as well as a separate conspiracy to defraud financial institutions and their account holders out of millions of dollars via the unauthorized debit of their accounts, was sentenced to 82 months of imprisonment, the Court having adjourned the issue of restitution to a later date.

To date, 12 of the 17 defendants have been sentenced for engaging in the Telemarketing and Identity Theft Conspiracy, having received sentences ranging from home confinement to 82 months of imprisonment.

Co-conspirators Siamak Saleki, 43, and Jan Ludvik, 26, a.k.a. “Thomas Palmer,” both of Montreal, Canada, were responsible for collecting and providing the names and personal banking account information of unsuspecting consumers to their co-conspirators in the United States. Rosiere, Hernandez, Agostini and other co-conspirators, then charged the accounts of these unwitting victims using false and fraudulent demand drafts (checks not actually written by the customers, but instead generated by the co-conspirators), or Account Clearinghouse (“ACH”) debits (electronic withdrawals). The majority of these fraudulent transactions subsequently were reversed through the banking system because they were drawn upon accounts that were

nonexistent, closed, contained insufficient funds, or because customers alerted their bank in time to reverse the transaction. A smaller yet still significant percentage of the debits and withdrawals were not returned to the bank because the victim did not alert the bank in time to reverse the transaction.

In addition to the restitution ordered by Judge Brown, the government already has seized close to \$2 million in illegal proceeds.

In determining an actual sentence, Judge Brown consulted the advisory U.S. Sentencing Guidelines, which provide appropriate sentencing ranges that take into account the severity and characteristics of the offense, the defendants' criminal history, if any, and other factors. The judge, however, was not bound by those guidelines in determining a sentence.

Parole has been abolished in the federal system. Defendants who are given custodial terms must serve nearly all that time.

Fishman credited Postal Inspectors with the Newark Division of the U.S. Postal Inspection Service, under the direction of Inspector in Charge David Collins, and Postal Inspectors with the Denver Division, under the direction of Postal Inspector in Charge Shawn Tiller; Secret Service Agents in Miami, Florida, under the direction of Special Agent in Charge Michael K. Fithen, with the investigation leading to the Indictment.

Fishman gave special thanks to the Assistant U.S. Attorneys in the Southern District of Florida, under the direction of U.S. Attorney Jeffrey H. Sloman; the Middle District of Florida, under the direction of U.S. Attorney A. Brian Albritton; and the District of Colorado, under the direction of U.S. Attorney David M. Gaouette, for their fine work on the case.

The government is represented by Assistant U.S. Attorneys John J. Hoffman and Peter Katz of the Criminal Division in Trenton.

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Defense Attorneys:

Shaun Rosiere – John Feiner, Esq.
Diego Hernandez – Robert Haney, Esq.
Robert Agostini – David Schafer, Esq.
Jan Ludvik – John Mitchell, Esq., Jerome Ballarotto, Esq.