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STEVEN M. LARIMORE
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S.D. OF FLA. - MIAMI

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
13-20542-CR-UNGARO/TORRES
CASE NO.

18 U.S.C. § 1349
18 U.S.C. § 1341
18 U.S.C. § 1951
18 U.S.C. § 2326
18 U.S.C. § 2

UNITED STATES OF AMERICA,

vs.

DANIEL CARRASCO and
FEDERICO MARTIN GIOJA,

Defendants.

_____ /

INDICTMENT

The Grand Jury charges that:

GENERAL ALLEGATIONS

At various times relevant to this Indictment:

1. **DANIEL CARRASCO** was a corporate officer and director of several companies, including SIAL Inc., Cargio Investments, Inc., American Trading and Sales Corp., Danmar Investments Group, Inc., Brasan Inc., GZGC Group, Inc., SGTV LLC, Urban Scapes 1 LLC, Giocar Investments, Inc., and CONLUC Inc. **CARRASCO** exercised control over these firms.

2. **FEDERICO MARTIN GIOJA** was a corporate officer and director of several companies, including SIAL Inc., Cargio Investments, Inc., American Trading and Sales Corp., Danmar Investments Group, Inc., Brasan Inc., GZGC Group, Inc., SGTV LLC, Urban Scapes 1

LLC, Giocar Investments, Inc., Sisamax Inc., Sisamax I Inc., and CONLUC Inc. **GIOJA** exercised control over these firms.

3. American Trading and Sales Corp. (“American Trading”) was incorporated in the State of Florida on November 4, 2002, and its principal place of business was listed as 19430 S.W. 30th Street, Miramar, Florida. Corporate records listed **DANIEL CARRASCO** as president and **FEDERICO MARTIN GIOJA** as vice president. American Trading also did business under the names American Lab, American Labs, AMLAB, American Sales and Trading, and A.T.

4. Danmar Investments Group, Inc. (“Danmar”) was incorporated in the State of Florida on February 24, 2006, and its principal place of business was listed as 19430 S.W. 30th Street, Miramar, Florida. Corporate records listed **DANIEL CARRASCO** as president and **FEDERICO MARTIN GIOJA** as vice president.

5. SGTV LLC (“SGTV”) was incorporated in the State of Florida on August 9, 2007, and its principal place of business was listed as 17828 Pembroke Pines, Florida. Corporate records listed **DANIEL CARRASCO** and **FEDERICO MARTIN GIOJA** as managing members of SGTV.

6. Cargio Investments, Inc. (“Cargio”) was incorporated in the State of Florida on August 16, 2011. Cargio’s principal place of business was initially listed as 19430 S.W. 30th Street, Miramar, Florida, but was changed to 2392 W. 80 Street, Suite 1, Hialeah, Florida on April 24, 2013. Corporate records listed **DANIEL CARRASCO** as president and **FEDERICO MARTIN GIOJA** as vice president. Cargio also did business under the names AMER, CAL, Cargo, LATAM, LPM, and GIFTV.

7. SIAL Inc. (“SIAL”) was incorporated in the State of Florida on February 17, 2012, and was voluntarily dissolved on April 25, 2013. SIAL’s principal place of business was listed as 19430 S.W. 30th Street, Miramar, Florida. Corporate records listed **FEDERICO MARTIN GIOJA** as president. SIAL also did business under the names NATSOL and AMER.

8. Brasan Inc. (“Brasan”) was incorporated in the State of Florida on February 24, 2012. Brasan’s principal place of business was listed as 19430 S.W. 30th Street, Miramar, Florida, but was changed to 2392 W. 80 Street, Suite 1, Hialeah, Florida on April 24, 2013. Corporate records listed **DANIEL CARRASCO** as president. Brasan also did business under the name HHS.

9. GZGC Group, Inc. (“GZGC”) was incorporated in the State of Florida on April 15, 2012, and its principal place of business was listed as 22624 Middletown Drive, Boca Raton, Florida. Corporate records listed **DANIEL CARRASCO** and **FEDERICO MARTIN GIOJA** as directors.

10. CASNY Corp. (“CASNY”) was incorporated in the State of Florida on January 9, 2013, and its principal place of business was listed as 2392 W. 80 Street, Suite 1, Hialeah, Florida. **DANIEL CARRASCO** and **FEDERICO MARTIN GIOJA** controlled CASNY, which, together with American Trading and Sales Corp., American Lab, American Labs, AMLAB, American Sales and Trading, A.T., Danmar Investments Group, Inc., SGTV LLC, Cargio Investments, Inc., AMER, CAL, Cargo, LATAM, LPM, GIFTV, SIAL Inc., NATSOL, AMER, Brasan Inc., HHS, and GZGC Group, Inc., are hereinafter collectively referred to as the “Products Companies.”

COUNT 1
Conspiracy to Commit Mail Fraud
(18 U.S.C. §§ 1349 and 2326)

1. Paragraphs 1 through 10 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 March 2011, until in or around June 2013, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants,

DANIEL CARRASCO and
FEDERICO MARTIN GIOJA,

in connection with the conduct of telemarketing, did willfully, that is, with the intent to further the object of the conspiracy, and knowingly combine, conspire, confederate and agree with each other and others, known and unknown to the Grand Jury, 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, 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, and did cause to be sent and delivered certain mail matter by private and commercial interstate carriers, according to the directions thereon, in violation of Title 18, United States Code, Section 1341.

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 consumers by means of materially false and fraudulent statements and representations and the concealment of material facts concerning, among other things, the type and quality of products and services that would be provided to consumers, the availability of gifts that purportedly would be provided to

consumers, defendants' affiliation with certain television networks, and the consequences of consumers' failure to pay for such products.

MANNER AND MEANS OF THE CONSPIRACY

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

4. **DANIEL CARRASCO** and **FEDERICO MARTIN GIOJA** used Spanish-language television commercials and cold calls from a phone room in Argentina to contact Spanish speaking consumers in the United States, including in the Southern District of Florida. Telemarketers used by **CARRASCO** and **GIOJA** offered consumers a variety of products, including but not limited to skin care products, vitamin and dietary supplements, and English-language learning products. Consumers typically paid between \$150 and \$300 for the products delivered to their residences.

5. At times during the conspiracy, telemarketers used by **DANIEL CARRASCO** and **FEDERICO MARTIN GIOJA** falsely and fraudulently represented to consumers that they were affiliated with Spanish-language television networks.

6. At times during the conspiracy, telemarketers used by **DANIEL CARRASCO** and **FEDERICO MARTIN GIOJA** falsely and fraudulently represented to consumers that the consumers would receive free gifts. These gifts included expensive watches and perfumes, gift cards for retail stores worth hundreds of dollars, and medical assistance and insurance.

7. Once consumers agreed to purchase the products, **DANIEL CARRASCO** and **FEDERICO MARTIN GIOJA** caused packages to be sent to the consumers via the U.S. Postal Service and commercial interstate carriers such as FedEx and the United Parcel Service.

Consumers were required to pay upon delivery by either providing cash on delivery (“C.O.D.”) or a money order.

8. **DANIEL CARRASCO** and **FEDERICO MARTIN GIOJA** caused packages to be sent to consumers with products the consumers did not order and without the gifts that had been promised. At times during the conspiracy, consumers continued receiving packages they had not ordered for which they were charged additional fees.

9. When consumers refused delivery of a package sent by **DANIEL CARRASCO’s** and **FEDERICO MARTIN GIOJA’s** companies, they frequently were contacted again by the Argentinian phone room employees who claimed that the consumers had agreed to receive the products and pay for them, and further threatened the consumers if they refused to accept the packages. As a result of these threats, many consumers paid **CARRASCO’s** and **GIOJA’s** companies for products they never ordered fearing the consequences of failing to do so. At times during the conspiracy, among other threats, callers threatened consumers with arrest, deportation, and fines on their gas and electric bills.

10. In order to avoid detection, **DANIEL CARRASCO** and **FEDERICO MARTIN GIOJA** changed the names of their companies after they determined that consumer complaints presented an obstacle to sales and their continued operation. Over the course of approximately two years, **CARRASCO** and **GIOJA** used the names of the Products Companies to perpetrate their scheme.

11. To fraudulently induce Spanish-speaking consumers to purchase products, **DANIEL CARRASCO** and **FEDERICO MARTIN GIOJA** made, and caused others to make, materially false statements, and omitted and concealed, and caused others to omit and conceal, material facts, including, among other things, the following:

Materially False Statements

- a. That consumers would receive products that **DANIEL CARRASCO**, **FEDERICO MARTIN GIOJA**, and their companies did not have and did not intend to send to consumers;
- b. That consumers would receive free gifts their companies did not have and did not intend to send to consumers, including expensive watches and perfumes, valuable coupons, retail gift cards worth hundreds of dollars, medical assistance and insurance, and others;
- c. That **CARRASCO's** and **GIOJA's** companies were affiliated with Spanish-language television networks; and
- d. That consumers who failed to pay for packages shipped by **CARRASCO's** and **GIOJA's** companies would be arrested, deported, and fined on their gas and electric bills.

Omission/Concealment of Material Facts

That **DANIEL CARRASCO** and **FEDERICO MARTIN GIOJA** changed the names of their companies to avoid the negative impact from the customer complaints concerning their companies' sales practices.

All in violation of Title 18, United States Code, Sections 1349 and 2326.

COUNTS 2-8
Mail Fraud
(18 U.S.C. §§ 1341, 2326 and 2)

1. Paragraphs 1 through 10 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 below as to each count, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants,

**DANIEL CARRASCO and
FEDERICO MARTIN GIOJA,**

in connection with the conduct of telemarketing, 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, 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, and did knowingly cause to be deposited matter to be sent and delivered by a private and commercial interstate carrier, according to the directions thereon.

PURPOSE OF THE SCHEME AND ARTIFICE

3. It was the purpose of the scheme for the defendants to unlawfully enrich themselves by obtaining money from Spanish-speaking consumers by means of materially false and fraudulent statements and representations and the concealment of material facts concerning, among other things, the type and quality of products and services that would be provided to buyers, the availability of free gifts that purportedly would be provided to buyers, defendants' affiliation with certain television networks, and the consequences of consumers' failure to pay for such products.

MANNER AND MEANS OF THE SCHEME AND ARTIFICE

4. Paragraphs 4 through 11 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 MAILS

5. On or about the dates specified as to each count below, the defendants, **DANIEL CARRASCO** and **FEDERICO MARTIN GIOJA**, 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 delivered by the United States Postal Service and by a private and commercial interstate carrier, according to the directions thereon, the items identified below in each count:

COUNT	APPROX. DATE	DESCRIPTION OF MAILING
2	March 2012	Package sent via UPS from the Southern District of Florida to victim Z.C. in Palm Harbor, Florida
3	July 2012	Package sent via FedEx from the Southern District of Florida to victim R.O in Altadena, California
4	July 2012	Package sent via FedEx from the Southern District of Florida to victim F.R. in Hartford, Connecticut
5	October 2012	Package sent via FedEx from the Southern District of Florida to victim C.S. in Miami Beach, Florida
6	October 2012	Package sent via FedEx from the Southern District of Florida to victim M.J. in Union City, New Jersey

7	October 2012	Package sent via U.S. Postal Service from the Southern District of Florida to victim Y.R. in Florida City, Florida
8	October 2012	Package sent via U.S. Postal Service from the Southern District of Florida to victim P.H. in Carpenterville, Illinois

In violation of Title 18, United States Code, Sections 1341, 2326 and 2.

COUNT 9
Conspiracy to Commit Extortion
(18 U.S.C. §§ 1951(a))

1. From at least as early as in or around March 2011, until in or around June 2013, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants,

DANIEL CARRASCO and
FEDERICO MARTIN GIOJA,

did knowingly and willfully combine, conspire, confederate, and agree with each other and others known and unknown to the Grand Jury to 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 agree and plan to obtain money and property not due to them from another, with his consent, induced by the wrongful use of actual and threatened force, violence and fear.

PURPOSE OF THE CONSPIRACY

2. It was the purpose of the conspiracy for the defendants and their co-conspirators to unlawfully enrich themselves by obtaining money from Spanish-speaking consumers by means of threats of arrest, deportation, and fines.

MANNER AND MEANS OF THE CONSPIRACY

3. Paragraphs 4 through 11 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 Manner and Means of this conspiracy.

All in violation of Title 18, United States Code, Section 1951(a).

COUNTS 10-12
Attempted Extortion
(18 U.S.C. §§ 1951(a) and 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, **DANIEL CARRASCO** and **FEDERICO MARTIN GIOJA**, did knowingly and unlawfully attempt to 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, Sections 1951(b)(2) and (b)(3), in that the defendants did attempt to obtain money and other property not due to them from another, with his consent, induced by the wrongful use of actual and threatened force, violence and fear:

COUNT	APPROX. DATE	DESCRIPTION OF PAYMENT AND THREAT
10	March 2012	Payment sent from victim P.H. in Carpenterville, Illinois, to the Southern District of Florida based on threat of arrest, and effect on immigration status
11	July 2012	Payment sent from victim R.O. in Altadena, California, to the Southern District of Florida based, in part, on threat to cut off electricity
12	July 2012	Payment sent from victim F.R. in Hartford, Connecticut, to the Southern District of Florida based on threat of fine

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

FORFEITURE

1. Paragraphs 1 through 10 of the General Allegations section and each Count of this Indictment are re-alleged and by this reference fully incorporated herein for the purpose of alleging forfeiture to the United States of America of certain property in which the defendants have an interest.

2. Upon conviction of any violation of Title 18, United States Code, Sections 1349 or 1341, and a finding that the offenses involved telemarketing as defined by Title 18, United States Code, Section 2325, the defendants shall forfeit to the United States any property (a) used or intended to be used to commit, to facilitate, or to promote the commission of such offense; and (b) any property constituting, derived from, or traceable to the gross proceeds that the defendants obtained directly or indirectly as the result of such offense, pursuant to Title 18, United States Code, Section 982(a)(8).

3. Upon conviction of any violation of Title 18, United States Code, Section 1951(a), the defendants shall forfeit to the United States any property, real or personal, which constitutes or is derived from proceeds traceable to such a violation, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461.

4. The property subject to forfeiture includes, but is not limited to, a money judgment in the amount of \$4,143,671.90, which represents the proceeds obtained by the defendants as the result of their offenses.

5. If the property described above as being subject to forfeiture, as a result of any act or omission of the defendants **DANIEL CARRASCO** and **FEDERICO MARTIN GIOJA**,

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with a third person;

- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided 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 the above forfeitable property.

All pursuant to Title 18, United States Code, Section 982(a)(8) and Section 981(a)(1)(C), as made applicable by Title 28, United States Code, Section 2461 and the procedures set forth at Title 21, United States Code, Section 853.

A TRUE BILL


WIFREDO A. FERRER
UNITED STATES ATTORNEY


RICHARD GOLDBERG
ASSISTANT DIRECTOR
U.S. DEPARTMENT OF JUSTICE
CONSUMER PROTECTION BRANCH

UNITED STATES OF AMERICA

CASE NO. _____

vs.

CERTIFICATE OF TRIAL ATTORNEY*

**DANIEL CARRASCO and
FEDERICO MARTIN GIOJA,**

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:

- 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.

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) YES

If yes: Magistrate Case No. 13-2934-WCT
Related Miscellaneous numbers: _____
Defendant(s) in federal custody as of June 26, 2013
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

RICHARD GOLDBERG
DOJ TRIAL ATTORNEY
Court No. A5500676

*Penalty Sheet(s) attached

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

PENALTY SHEET

Defendant's Name: DANIEL CARRASCO **Case No:** _____

Count #: 1

Title 18, United States Code, Sections 1349 and 2326

Conspiracy to Commit Mail Fraud

***Max Penalty:** Twenty-five (25) years' imprisonment

Counts #: 2 - 8

Title 18, United States Code, Sections 1341 and 2326

Mail Fraud

***Max Penalty:** Twenty-five (25) years' imprisonment as to each count

Count #: 9

Title 18, United States Code, Section 1951(a)

Conspiracy to Commit Extortion

***Max Penalty:** 20 years' imprisonment

Counts #: 10 - 12

Title 18, United States Code, Section 1951(a)

Attempted Extortion

***Max Penalty:** Twenty (20) years' imprisonment as to each count

***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: FEDERICO MARTIN GIOJA **Case No:** _____

Count #: 1

Title 18, United States Code, Sections 1349 and 2326

Conspiracy to Commit Mail Fraud

***Max Penalty:** Twenty-five (25) years' imprisonment

Counts #: 2 - 8

Title 18, United States Code, Sections 1341 and 2326

Mail Fraud

***Max Penalty:** Twenty-five (25) years' imprisonment as to each count

Count #: 9

Title 18, United States Code, Section 1951(a)

Conspiracy to Commit Extortion

***Max Penalty:** 20 years' imprisonment

Counts #: 10 - 12

Title 18, United States Code, Section 1951(a)

Attempted Extortion

***Max Penalty:** Twenty (20) years' imprisonment as to each count

***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**

CASE NUMBER: _____

BOND RECOMMENDATION

DEFENDANT: DANIEL CARRASCO

PRE-TRIAL DETENTION

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

By:


AUSA: DOJ Atty Richard Goldberg

Last Known Address: _____

What Facility: _____

Agent(s): Postal Insp. Bryan Masmela

(FBI) (SECRET SERVICE) (DEA) (IRS) (ICE) (**OTHER**)

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

CASE NUMBER: _____

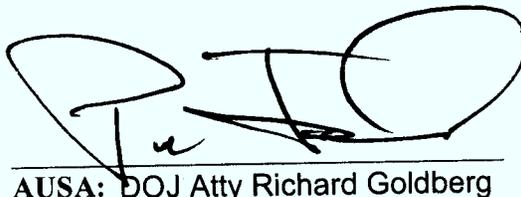
BOND RECOMMENDATION

DEFENDANT: FEDERICO MARTIN GIOJA

PRE-TRIAL DETENTION

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

By:


AUSA: DOJ Atty Richard Goldberg

Last Known Address: _____

What Facility: _____

Agent(s): Postal Insp. Bryan Masmela
(FBI) (SECRET SERVICE) (DEA) (IRS) (ICE) (**OTHER**)