

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

BRW APR 04 2017
JAMES W. MCCORMACK, CLERK
By: *[Signature]* DEP. CLERK

UNITED STATES OF AMERICA)
)
v.) 4:16-CR-124-JM
)
DENNIS DELGADO CABALLERO,) 18 U.S.C. §1349
JENIFFER VALERINO NUÑEZ,) 18 U.S.C. §1343
YOSVANY PADILLA,) 18 U.S.C. §3237
RICARDO FONTANELLA CABALLERO,)
LAZARO HERNANDEZ FLEITAS,)
ESEQUIEL BRAVO DIAZ,)
ANGEL CHAPOTIN CARRILLO,)
ALEJANDRO VALDES,)
ALFREDO ECHEVARRIA RIOS,)
and ELIO CARBALLO CRUZ)

SUPERSEDING INDICTMENT

THE GRAND JURY CHARGES THAT:

COUNT 1

A. INTRODUCTION

At all times material herein:

1. MoneyGram and Walmart-2-Walmart are services that can be used to wire money from one location to another. Through MoneyGram, an individual can wire an amount of money up to \$20,000 at one store in one day. An individual must first receive MoneyGram's express approval to send more than \$9,100 at one time. With Walmart-2-Walmart, a customer can wire up to \$900 at a time. Both money wiring services are available in Walmart stores across the United States. MoneyGram is also available in other locations.

2. Customers are able to wire money to another person using these services by going to a location where the service is available and providing their personal identifying information, the amount of money they want to send, and the state where the intended recipient will collect

the money. The customer then receives a reference number from the wiring service that the customer can provide to the recipient that allows the recipient to obtain the wired funds.

3. A recipient can retrieve the money by going to a location where MoneyGram or Walmart-2-Walmart is available. If Walmart-2-Walmart is used to send the money, the recipient need only have the sender name and reference number in order to obtain the money. If MoneyGram is used and the amount of the transfer is greater than \$900, the recipient is also required to verify their identity by providing photo identification. If the amount of the transfer is greater than \$3,000, the recipient is required to provide identification, plus a second form of legal identification, such as a Social Security number. In any event, a transfer recipient is required to complete receiving documents listing, at a minimum, the recipient's name and phone number.

B. THE CHARGE

From in or about March 2015 to in or about May 2016, in the Eastern District of Arkansas and elsewhere, the defendants,

DENNIS DELGADO CABALLERO,
JENIFFER VALERINO NUÑEZ, YOSVANY PADILLA, RICARDO FONTANELLA
CABALLERO, LAZARO HERNANDEZ FLEITAS, ESEQUIEL BRAVO DIAZ, ANGEL
CHAPOTIN CARRILLO, ALEJANDRO VALDES, ALFREDO ECHEVARRIA RIOS, and
ELIO CARBALLO CRUZ

knowingly and intentionally conspired with each other and others known and unknown to the Grand Jury, to devise and participate in a scheme to defraud and for obtaining money by means of false and fraudulent pretenses, representations, and promises in violation of Title 18, United States Code, Section 1343.

C. MEANS AND MANNER

As a part of the conspiracy, the following occurred:

1. Taxpayers located across the United States would receive telephone calls from persons who falsely represented themselves to be employees of the Internal Revenue Service (IRS). The caller(s) would tell the taxpayer that the taxpayer owed money to the IRS from an outstanding tax debt when, in fact, the taxpayer did not.

2. The caller(s) would use various methods of intimidation and threats to convince the taxpayer to pay money to resolve the supposed tax debt by going to a location nearby that offered wiring services, that is, either MoneyGram or Walmart-2-Walmart. The caller(s) told the taxpayer how much was owed and instructed the taxpayer to wire the money to a particular IRS employee. The caller(s) provided the taxpayer with the fictitious IRS employee's name and the state where the money was to be sent.

3. The taxpayer then wired the money to the name and state provided by the caller using either MoneyGram or Walmart-2-Walmart. DENNIS DELGADO CABALLERO, JENIFFER VALERINO NUÑEZ, YOSVANY PADILLA, RICARDO FONTANELLA CABALLERO, LAZARO HERNANDEZ FLEITAS, ESEQUIEL BRAVO DIAZ, ANGEL CHAPOTIN CARRILLO, ALEJANDRO VALDES, ALFREDO ECHEVARRIA RIOS, and ELIO CARBALLO CRUZ, each using the fictitious IRS-employee identities provided by the caller(s), collected the wired money.

4. The defendants travelled to multiple states including Oklahoma, Colorado, Indiana, Minnesota, Wisconsin, Utah, Idaho, Kansas, Missouri, Florida, Illinois, Iowa, Louisiana, Texas, Tennessee, Mississippi, Alabama, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Maryland, New Jersey, Pennsylvania, Massachusetts, Rhode Island, New Hampshire, and Arkansas, and Washington, D.C., to collect money wired by unsuspecting

taxpayers. The defendants and their co-conspirators, using approximately 80 different false identities, received monies totaling over \$8,800,000 from more than 7,000 taxpayers.

5. Among these transfers, there were approximately 94 separate wires of funds transmitted from taxpayers outside the state of Arkansas to multiple cities in the Eastern District of Arkansas, where defendants DENNIS DELGADO CABALLERO and JENIFFER VALERINO NUÑEZ collected the funds. These transfers total approximately \$120,000.

All in violation of Title 18, United States Code, Sections 1349 and 3237.

COUNTS 2 –22

Paragraphs 1–3 of Section A, Count 1, and Paragraphs 1–5 of Section C, Count 1, are hereby realleged and incorporated as though set forth in full herein.

On or about the dates set forth below, in the Eastern District of Arkansas, the defendants,

DENNIS DELGADO CABALLERO and
JENIFFER VALERINO NUÑEZ,

having devised and participated in the above described scheme to defraud and to obtain money by means of false and fraudulent pretenses and representations, for the purpose of executing the scheme, knowingly caused wire communications to be transmitted in interstate commerce, that is, transfers of money from taxpayers outside the State of Arkansas to a Walmart location in the Eastern District of Arkansas on or about the dates and in the amounts as follows:

<u>Count</u>	<u>Date</u>	<u>Amount</u>	<u>From Victim Location</u>	<u>To Defendant Location</u>
2	12/03/2015	\$4,900.00	Redondo Beach, CA	Dardanelle, AR
3	12/03/2015	\$1,000.00	Farmingdale, NY	Morrilton, AR
4	12/03/2015	\$1,229.00	Albuquerque, NM	Russellville, AR

5	12/04/2015	\$4,800.00	Park City, UT	Batesville, AR
6	12/04/2015	\$2,000.00	Erie, PA	Beebe, AR
7	12/04/2015	\$4,900.00	Redondo Beach, CA	Cabot, AR
8	12/04/2015	\$4,900.00	Hawthorne, CA	Heber Springs, AR
9	12/04/2015	\$900.00	Orlando, FL	Jacksonville, AR
10	12/04/2015	\$1,800.00	Bristol, PA	Little Rock, AR
11	12/04/2015	\$2,950.00	Erie, PA	North Little Rock, AR
12	12/04/2015	\$2,000.00	Madison Heights, MI	Newport, AR
13	12/04/2015	\$4,900.00	Hawthorne, CA	Searcy, AR
14	12/04/2015	\$2,650.00	Myrtle Beach, SC	Sherwood, AR
15	12/07/2015	\$620.44	Seffner, FL	Benton, AR
16	12/07/2015	\$2,000.00	Overland Park, KS	Bryant, AR
17	12/08/2015	\$1,450.00	Tyler, TX	Clinton, AR
18	12/08/2015	\$4,900.00	Saddle Brook, NJ	Conway, AR
19	12/08/2015	\$2,700.00	Latham, NY	Damascus, AR
20	12/08/2015	\$1,000.00	McKinney, TX	Greenbrier, AR
21	12/08/2015	\$1,000.00	Statesville, NC	Maumelle, AR
22	12/09/2015	\$3,700.00	Laredo, TX	Lonoke, AR

All in violation of Title 18, United States Code, Section 1343.

(End of text. Signature page to follow.)