

GMP:TJS
F. #2016R01882/ OCDEF#NY-NYE-823

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

U.S. DISTRICT COURT
EASTERN DISTRICT
OF NEW YORK

UNITED STATES OF AMERICA

INDICTMENT

- against -

Cr. No. **CR 17**
(T. 18, U.S.C., §§ 1956(a)(3)(B),
1956(h), 982(a)(1), 982(b)(1), 2 and
3551 et seq.; T. 21, U.S.C., § 853(p))

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JAIME ALBERTO GIRALDO ALZATE,

Defendant.

ROSS, J.

THE GRAND JURY CHARGES:

KUO, M.J.

At all times relevant to this Indictment, unless otherwise indicated:

I. Introduction

A. The Participants

i. The Defendant

1. The defendant JAIME GIRALDO ALZATE was a Foreign Business Commercial Manager at an international bank in Colombia, whose identity is known to the Grand Jury (the "International Bank"). ALZATE was a citizen of Colombia and worked at a bank branch located in Barranquilla, Colombia.

ii. The Undercovers

2. An undercover agent with Internal Revenue Service-Criminal Investigations ("IRS-CI") (the "UC"), whose identity is known to the Grand Jury, posed as a narcotics trafficker and arranged meetings with ALZATE relating to the laundering of drug proceeds from the United States to Colombia.

3. Three undercover members of Colombian law enforcement (“UC2,” “UC3” and “UC4”), whose identities are known to the Grand Jury, posed as employees of the UC.

II. The Meetings

4. In or about mid-2016, Special Agents with the IRS received information that ALZATE was laundering money for narcotics traffickers. Through an intermediary, the UC set up two meetings with ALZATE.

A. The November 15, 2016 Meeting

5. On November 15, 2016, ALZATE and the UC met at an office in Barranquilla, Colombia. During the meeting, the UC told ALZATE he wanted to launder money from the United States to Colombia. The UC also told ALZATE that the people the UC worked for were “only interested in two things, selling their coke and money.” ALZATE described the money laundering he could perform. ALZATE stated that he would receive the money via wire transfers to accounts at the International Bank. ALZATE said that he would supply accounts in the names of two companies to receive the money and could receive transfers of up to \$130,000 each week per company. ALZATE told the UC that the price for his service was four percent of the amount of money laundered. ALZATE explained that he would provide checks in Colombia that could be cashed at a branch of the International Bank. ALZATE also told the UC that the checks would have to be cashed at a branch of the International Bank in Barranquilla, Colombia. ALZATE stated: “I don’t know people in Medellin. I don’t know in Bogota. I don’t know in Cali. It has to be here.” ALZATE went on to say: “At the office that I say. And I’ll say ‘Ask for so-and-so’ The

assistant manager will be in charge of talking to the bank teller and the bank teller . . . will pay him.”

6. During the conversation, the UC told ALZATE that another person would pick up the checks on his behalf and cash them. ALZATE told the UC that whoever cashed the checks would need to provide identification for a real person, but that the identification could be for a person other than the person cashing the checks. ALZATE explained that in the past he could make out checks to any name, but now the International Bank’s computer systems checked to make sure that checks were made out to real people. ALZATE also asked the UC to refer to the checks with the code word “documents.” During the conversation, ALZATE also told the UC that he had been “27 years in the bank” and had been “doing this for years.”

B. The January 12, 2017 Meeting

7. On January 12, 2017, ALZATE and the UC met again at a Juan Valdez coffee shop in Barranquilla, Colombia. During this conversation, ALZATE and the UC talked in greater detail about the manner in which the UC would receive the money that he had transmitted from the United States to the accounts controlled by ALZATE. ALZATE stated that after the money was transferred to the accounts ALZATE provided, ALZATE would deliver three checks to a person designated by the UC. ALZATE said that he would direct the UC to go to a particular branch of the International Bank at a particular time and ask for a specific bank employee in order to cash the checks. This would be to ensure that no one asked questions about the transactions. ALZATE stated: “I have the cashier set up; it’s not a problem.” Following the meeting, ALZATE provided wire instructions to the UC via BlackBerry Messenger (“BBM”) for two corporate accounts at the International Bank.

III. The Transactions

A. January 2017 Transactions

8. On January 17, 2017, IRS-CI agents initiated a wire transfer from an undercover IRS account at a bank in Brooklyn, New York, to an account (“Account 1”) that ALZATE designated at the International Bank. The wire transfer was in the amount of \$96,439.

9. On January 18, 2017, IRS-CI agents initiated a wire transfer from an undercover IRS account at a bank in Brooklyn, New York to another account (“Account 2”) that ALZATE designated at the International Bank. The wire transfer was in the amount of \$28,561.

10. On January 19, 2017, ALZATE told the UC via BBM: “Documents available.”

11. On January 24, 2017, UC2 met with ALZATE at a Juan Valdez coffee shop in Barranquilla, Colombia. ALZATE provided UC2 with three checks in the amounts of 135,030,000 Colombian Pesos (“COP”), 135,000,000 COP and 79,970,000 COP. After UC2 had picked up the checks, ALZATE told the UC via BBM that UC2 “should ask for [Bank Employee 1] tomorrow” and gave the address of a branch of the International Bank.

12. On January 25, 2017, UC2, UC3 and UC4 met with Bank Employee 1 at a branch of the International Bank in Barranquilla, Colombia. UC2 presented the three checks ALZATE had provided the day earlier and Colombian identification documents for a different person. UC2 was provided cash in the amount of 350,000,000 COP. This represented the amount sent from the undercover IRS account less a 4 percent fee.

B. April 2017 Transactions

13. In early March 2017, the UC informed ALZATE via BBM that he was gathering “documents” and hoped to send them soon. On April 3, 2017, ALZATE provided wire instructions via BBM for two accounts at the International Bank.

14. On April 3, 2017, IRS-CI agents initiated a wire transfer from an undercover IRS account at a bank in Brooklyn, New York, to an account (“Account 3”) at the International Bank provided by ALZATE earlier that day. The wire transfer was in the amount of \$83,763. Later that day, IRS-CI agents initiated a wire transfer from an undercover IRS account at a bank in Brooklyn, New York to the second account (“Account 4”) at the International Bank provided by ALZATE earlier that day. The wire transfer was in the amount of \$41,237.

15. On April 7, 2017, UC2 met with ALZATE at a Juan Valdez coffee shop in Barranquilla, Colombia. ALZATE provided UC2 with four checks in the amounts of 120,000,000 COP, 108,200,000 COP, 62,100,000 COP and 50,216,000 COP.

16. On April 17, 2017, UC2 and UC3 attempted to cash the checks at a branch of the International Bank in Barranquilla, Colombia. UC2 and UC3 asked for Bank Employee 1, but Bank Employee 1 was not available. UC2 and UC3 left without cashing the checks after a bank employee began asking questions about the transaction.

17. Later that day, ALZATE directed the UC via BBM to send UC2 and UC3 to the branch again and ask for a different bank employee (“Bank Employee 2”) who ALZATE said should be available. UC2 and UC3 went to the branch and met with Bank Employee 2. However, Bank Employee 2 would not cash the checks because two of the signatures on the checks did not match the signatures on file.

18. When the UC told ALZATE what had happened, ALZATE arranged to meet with UC2 and UC3 on April 18, 2017, at the Juan Valdez coffee shop in Barranquilla, Colombia, where he and the UC had met previously. On April 18, 2017, UC2 and UC3 met with ALZATE at the coffee shop. ALZATE apologized for the problem cashing the checks and then took them to another branch of the International Bank.

19. At the bank branch, ALZATE took the four checks and presented them to another bank employee ("Bank Employee 3"). Bank Employee 3 told ALZATE, UC2 and UC3 that he could cash two checks that day and two the following day because the branch did not have the funds to cash all of the checks at that time. Bank Employee 3 returned two of the checks to UC2 and UC3. ALZATE then left and Bank Employee 3 subsequently provided UC2 and UC3 with cash in the amount of 228,200,000 COP.

20. On April 19, 2017, UC2 and UC3 met with Bank Employee 3 at the same branch. UC2 and UC3 presented the two remaining checks. Bank Employee 3 called ALZATE. After speaking with ALZATE, Bank Employee 3 provided UC2 and UC3 with cash in the amount 112,316,000 COP. The total amount received on April 18, 2017 and April 19, 2017 was 340,516,000 COP. This represented the amount sent from the undercover IRS account less a 4 percent fee.

21. On April 19, 2017, ALZATE told the UC via BBM: "Everything turned out fine today; I deeply apologize for the inconveniences it caused."

COUNT ONE
(Money Laundering Conspiracy)

22. The allegations contained in paragraphs 1 through 21 are realleged and incorporated as if fully set forth in this paragraph.

23. In or about and between November 2016 and April 2017, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant JAIME ALBERTO GIRALDO ALZATE, together with others, did knowingly and intentionally conspire to conduct one or more financial transactions in and affecting foreign commerce and transactions involving a financial institution the activities of which had an effect on interstate commerce and foreign commerce, which transactions involved property represented by a person at the direction of, and with the approval of, a federal official authorized to investigate violations of Title 18, United States Code, Section 1956, to be the proceeds of specified unlawful activity, to wit: narcotics trafficking, in violation of Title 21, United States Code, Section 841, with the intent to conceal and disguise the nature, location, source, ownership and control of property believed to be the proceeds of such specified unlawful activity, contrary to Title 18, United States Code, Section 1956(a)(3)(B).

(Title 18, United States Code, Sections 1956(h) and 3551 et seq.)

COUNT TWO
(Money Laundering)

24. The allegations contained in paragraphs 1 through 21 are realleged and incorporated as if fully set forth in this paragraph.

25. In or about and between November 2016 and April 2017, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant JAIME ALBERTO GIRALDO ALZATE, together with others, did knowingly and

intentionally conduct one or more financial transactions in and affecting foreign commerce and transactions involving a financial institution the activities of which had an effect on interstate and foreign commerce, which transactions involved property represented by a person at the direction of, and with the approval of, a federal official authorized to investigate violations of Title 18, United States Code, Section 1956, to be the proceeds of specified unlawful activity, to wit: narcotics trafficking, in violation of Title 21, United States Code, Section 841, with the intent to conceal and disguise the nature, location, source, ownership and control of property believed to be the proceeds of such specified unlawful activity.

(Title 18, United States Code, Sections 1956(a)(3)(B), 2 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION

26. The United States hereby gives notice to the defendant that, upon his conviction of either of the offenses charged herein, the government will seek forfeiture in accordance with Title 18, United States Code, Section 982(a)(1), which requires any person convicted of such offenses to forfeit any property, real or personal, involved in such offenses, or any property traceable to such property.

27. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Sections 982(a)(1) and 982(b)(1); Title 21, United States Code, Section 853(p))

A TRUE BILL

FORFEITURE

BRIDGET M. ROHDE
ACTING UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

F. # 2016R01882
FORM DBD-34
JUN. 85

No. _____

UNITED STATES DISTRICT COURT

EASTERN *District of* NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

JAIME ALBERTO GIRALDO ALZATE,

Defendant.

INDICTMENT

(T. 18, U.S.C., §§ 1956(a)(3)(B), 1956(h), 982(a)(1),
982(b)(1), 3551 et seq.; T. 21, U.S.C., § 853(p))

A true bill.

erson

Filed in open court this _____ *day,*

of _____ *A.D. 20* _____

Clerk

Bail, \$ _____

Tyler Smith, Assistant U.S. Attorney (718) 254-6186