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2. The purpose of this conspiracy was to use various schemes to defraud victims of money, which the conspirators then used to unlawfully enrich themselves. Conspirators primarily contacted and communicated with victims by telephone. Calls to victims originated from a call center that Pathan operated with others in his home city of Ahmedabad, which is the largest city in the state of Gujarat in India.

3. Contact with victims typically started through the use of automated, previously recorded calls, commonly referred to as “robocalls.” These robocalls usually contained messages designed to create a sense of urgency with the call recipient, and included instructions for next steps the victim was to take. Their messages typically told recipients that they had some sort of serious legal problem, usually criminal in nature, and that if they did not act immediately in accordance with the demands of the callers, then there would be drastic consequences. These consequences included threats of arrest and/or significant financial penalties. Recipients would be instructed to hold the line or call back a particular number to speak with someone about the serious matter. Eventually victims would end up speaking with one or more live persons during the course of their particular schemes who persuaded the victims to send money. These live persons who persuaded victims to send money were referred to within the conspiracy as “closers.” Closers used a variety of scripts incorporating different fraud schemes to mislead victims. Three such scripts that were representative, though certainly not all-inclusive, of those used by Pathan’s conspiracy are described below.

4. One frequently used script involved conspirators impersonating an official with a law enforcement agency, such as the Federal Bureau of Investigation (“FBI”) or the Drug Enforcement Administration (“DEA”). Closers using these scripts would convince victims that

they were the subjects of criminal investigations, often involving the prospective seizure of all of the victims' financial assets. Victims would be persuaded, coerced and cajoled to ship packages of cash or preloaded payment cards to addresses that were supposedly official government receiving addresses. This, the victims were told, would help them avoid immediate drastic consequences that included arrest and criminal prosecution. Victims were promised that the money would be returned to them, sometimes with interest, if they were ultimately cleared of wrongdoing.

5. A variation on the above script used by closers was to falsely claim to be acting on behalf of a federal agency like the Social Security Administration regarding benefits the victims were entitled to receive, or the Internal Revenue Service regarding potential tax penalties. Here again victims were persuaded or coerced to send packages of cash and/or preloaded payment cards, or to wire funds, as directed by their closers. The victims were told that their moneys would be used to restore funds that had been depleted for one reason or another from their benefits accounts, or would be used to pay tax bills.

6. A third frequently-used script involved telling victims that they had been approved for loans. Conspirators would then discuss the purported terms of the loan with the victims. Victims were told that to finalize their loans they needed to send a payment representing earnest money or an initial loan installment by wire transfer, specifically Western Union, MoneyGram or Walmart2Walmart wire transfers. The typical amounts for such wire transfers ranged from several hundred dollars up to three thousand dollars.

7. Codefendant Pathan played a central role in the conspiracy. In addition to operating the call center in Ahmedabad, Pathan recruited, supervised and operated a network of

“money mules” living in the United States. Included among the defendant’s roster of money mules was defendant PATEL.

8. Pathan’s primary method of communicating with PATEL and other money mules was through the use of a secure messaging application called WhatsApp. Utilizing WhatsApp, Pathan would send the money mules information regarding packages of cash that were being shipped by victims. This information typically included: 1) the sender’s name and address; 2) the amount of cash; 3) the address to which the cash was being sent; 4) the alias name for the money mule that was designated as the recipient; and 5) the FedEx, UPS or U.S. Postal Service (“USPS”) tracking number for the package. These cash packages were shipped to addresses that had been provided to Pathan by other members of the conspiracy, or alternatively to a FedEx or UPS store or kiosk location. Pathan would tell money mules what was their “cut” of the victim’s cash, and also provide instructions regarding how to deposit the victim’s money.

9. As a security measure, Pathan directed money mules to video themselves opening packages from victims and counting the cash. The money mules would then send Pathan these videos via WhatsApp. They also photographed bank deposit slips, which they sent to Pathan using WhatsApp.

10. Pathan’s network of money mules was located in multiple states, including but not limited to California, Connecticut, Illinois, Minnesota, New Jersey, South Carolina, Texas and Virginia. In support of the money mule’s activities, Pathan would have money mules send him a passport-type photo of themselves via WhatsApp along with some personal descriptors like age, height and weight. Using the photo and information, Pathan would then obtain counterfeit driver’s licenses bearing the money mule’s photo but other peoples’ personal

identifiers, which he would ship to the money mules for their use in picking up packages or wires.

11. On December 4, 2019, PATHAN arrived at George Bush Intercontinental Airport in Houston, Texas, after flying aboard an Emirates Airlines flight from Ahmedabad, India. On December 11, 2019, FBI agents arrested Pathan pursuant to a warrant issued by the United States District Court for the Eastern District of Virginia, Richmond Division. At his arrest agents seized an Apple iPhone 11 Pro from Pathan. Investigators obtained a search warrant authorizing the search of Pathan's iPhone.

12. Analysis of WhatsApp communications from Pathan's iPhone revealed extensive communications between Pathan and PATEL regarding packages and wires from victims. FBI investigators have corroborated a very large percentage of these victim transactions through witness interviews, as well as review of documents obtained pursuant to grand jury subpoenas to FedEx, Western Union, MoneyGram, Ria Financial (i.e., Walmart2Walmart), and multiple banks, including Wells Fargo and Bank of America. These WhatsApp communications included, but were not limited to, information relating the following specific activities in furtherance of the conspiracy:

- a. From September 6, 2018, to September 8, 2018, a third person acting on behalf of PATEL sent Pathan several messages that collectively contained the defendant's name, address in Groton, Connecticut, biographical descriptions such as height, weight, hair and eye color, and a passport-type photograph of PATEL;
- b. On September 28, 2018, a message from Pathan to PATEL, which forwarded an image of a delivery confirmation for a FedEx package sent from Ahmedabad,

India, to Groton, Connecticut, that contained 20 counterfeit IDs that Pathan shipped to PATEL;

- c. A subsequent message from Pathan to PATEL, also dated September 28, 2018, directing PATEL to send Pathan “one pic of id”;
- d. On September 28, 2018, a message from PATEL to Pathan that forwarded an image of a counterfeit Pennsylvania driver’s license bearing PATEL’s photograph described in paragraph 12.a. above and the name of an individual identified herein as J.D.R.;
- e. On January 31, 2019, a message from PATEL to Pathan that forwarded an image of a counterfeit Oklahoma driver’s license bearing PATEL’s photograph described in paragraph 12.a. above and the name of an individual identified herein as N.M.B., with an address in Stillwater, Oklahoma. The driver’s license displayed license number T081383824 which, according to database checks, is legally assigned to an individual with the initials M.L.B. whose address is in Oklahoma City, Oklahoma;
- f. On February 11, 2019, multiple messages between Pathan and PATEL a wire transfer sent to an individual with the same names as N.M.B. described in the paragraph above but with the first and last names reversed, i.e., B.M.N.;
- g. On February 11, 2019, a message from Pathan to PATEL advising PATEL of an incoming Western Union transfer of \$710.11 with a reference number of “7949038031” sent by a victim in Virginia Beach, Virginia, to a receiver B.M.N. (same individual as in paragraph 12.f. above) in Richmond, Virginia;

- h. A message from PATEL to Pathan, also dated February 11, 2019, confirming receipt of the money transfer for \$710.11 described in paragraph 12.g. above;
- i. On February 22, 2019, a message from Pathan to PATEL notifying PATEL that a victim from Corpus Christi, Texas, had sent a FedEx package (tracking # 785622241748) to an individual identified herein as A.Y.M., at an address on Willis Road in Richmond, Virginia, containing \$9,200 cash;
- j. Several messages from PATEL to Pathan, also dated February 22, 2019, which attached videos of the FedEx package (tracking # 785622241748) being opened and cash being removed from the envelope and counted. Two money envelopes, one containing 50 \$100 bills and the other 42 \$100 bills, totaling \$9,200 cash, are counted on the videos.

13. Investigators' examination of the entirety of WhatsApp messages between Pathan and PATEL, coupled with the analysis of business records, determined that from October 15, 2018, to March 29, 2019, PATEL retrieved over 250 individual wires from 230 individual victims on behalf of Pathan. These wires varied in amount from \$380 to \$2450, and totaled \$219,520.98. PATEL received these wires in the states of Connecticut, Rhode Island and Virginia, and deposited the funds as instructed by Pathan. The wires PATEL received in Virginia were all received at addresses in the Richmond area. PATEL also received eight packages of cash sent by victims via FedEx. The total amount of cash contained in the eight packages is unknown, but investigators have definitively determined that four packages contained a total of \$56,200 in cash. PATEL received all eight FedEx packages at a hotel in Chesterfield County, Virginia, where he was staying at the time.

14. PATEL was unaware of the precise factual details of the robocall scheme outlined in paragraphs two through six above. He did know, however, that Pathan was obtaining the money through illegal means. It was this knowledge that he was knowingly assisting and participating in Pathan's illegal activities that later compelled PATEL to withdraw from the conspiracy in early April 2019.

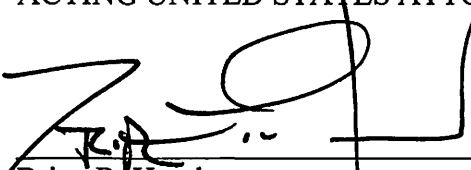
15. The automated and live-person calls placed by conspiracy members to victims were wire transmissions that passed in interstate and foreign commerce, thus satisfying the jurisdictional element for wire fraud, in violation of 18 U.S.C. § 1343. The transfer of funds by victims through the use of Western Union, MoneyGram and Walmart2Walmart wire transfers were also wire transmissions passing in interstate and foreign commerce. The conspirators' persuading and causing victims to send parcels of cash via the commercial carriers FedEx and UPS, along with the USPS, were mailings that satisfied the jurisdictional element for mail fraud, in violation of 18 U.S.C. § 1341.

16. The defendant acknowledges that the foregoing statement of facts does not describe all of the defendant's conduct relating to the offense charged in this case nor does it identify all of the persons with whom the defendant may have engaged in illegal activities. This statement of facts includes those facts necessary to support the plea agreement between the defendant and the United States. It does not include each and every fact known to the defendant or to the United States, and it is not intended to be a full enumeration of all of the facts surrounding the defendant's case.

Respectfully submitted,

RAJ PAREKH
ACTING UNITED STATES ATTORNEY

By:



Brian R. Hood
Kaitlin G. Cooke
Assistant United States Attorneys

After consulting with my attorney and pursuant to the plea agreement entered into this day between the defendant, SUMER KANTILAL PATEL, and the United States, I hereby stipulate that the above Statement of Facts is true and accurate, and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.


02/22/21
Date



SUMER KANTILAL PATEL
Defendant

I am counsel for defendant, SUMER KANTILAL PATEL. I have carefully reviewed this Statement of Facts with him and, to my knowledge, his decision to agree to this Statement of Facts is an informed and voluntary decision.

2/22/21
Date



Elliott Bruce Bender, Esquire
Counsel for Defendant