

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Criminal Case No. 13-cr-00492-REB

THE UNITED STATES OF AMERICA

Plaintiff,

v.

**1. HECTOR DIAZ,
a/k/a Hector Diaz-Martinez,
a/k/a Hector Josue Diaz-Martinez,
a/k/a Hector J. Diaz-Martinez,**

Filed Under Restriction

Defendant.

**ADVISEMENT REGARDING SUPERSEDING INDICTMENT FILED UNDER
RESTRICTION LEVEL FOUR**

The United States of America, by United States Attorney John F. Walsh, through the undersigned Assistant United States Attorneys M. J. Menendez and Brad Giles, respectfully advises this Honorable Court that a superseding indictment has been returned in this case, and is attached as Exhibit 1. The superseding indictment includes additional charges against Defendant Hector Diaz, and also includes charges against three additional co-defendants as listed in the caption of this pleading. Mr. Diaz has been issued a summons to appear which Defense Counsel Abraham Hutt has agreed to accept on his behalf. The summons to appear is attached as Exhibit 2. Arrest warrants have issued for the other co-defendants. Government counsel has been in contact with counsel for Mr. Diaz, but has not yet been allowed to release the superseding indictment which is sealed pending arrests. Government counsel has not been advised by Defense Counsel for Mr. Diaz as to whether he will be moving for this Honorable

Court for a continuance of the motions hearing and / or trial date due to the return of the superseding indictment.

Dated this 24th day of April, 2013.

BY: s/M.J. Menendez
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ATTORNEY FOR GOVERNMENT

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ATTORNEY FOR GOVERNMENT

Exhibit 1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Criminal Case No. 13-cr-00492-REB

UNITED STATES OF AMERICA,

Plaintiff,

v.

1. **HECTOR DIAZ**

a/k/a Hector Diaz-Martinez

a/k/a Hector Josue Diaz-Martinez

a/k/a Hector J. Diaz-Martinez,

2. **DAVID JEFFREY FURTADO**

3. **LUIS FERNAND URIBE**

a/k/a Luis Fernando Uribe

a/k/a Luis Fernando Uribe-Cristancho,

4. **GERARDO URIBE**

a/k/a Gerardo Uribe-Cristancho

a/k/a Gorardo Uribe-Cristancho,

Defendants.

SUPERSEDING CRIMINAL INDICTMENT

18 U.S.C. § 922(g)(5)(B),

18 U.S.C. §§ 924(a)(2) and 924(d)

18 U.S.C. § 1546

18 U.S.C. § 1956(h)

18 U.S.C. § 1956(a)(2)(A)

18 U.S.C. § 1957

COUNT ONE

Title 18, United States Code, §§ 922(g)(5)(B)

Title 18, United States Code, § 924(a)(2)

On or about February 7, 2013, within the State and District of Colorado, the
Defendant,

HECTOR DIAZ

a/k/a Hector Diaz-Martinez
a/k/a Hector Josue Diaz-Martinez
a/k/a Hector J. Diaz-Martinez,

then being an alien who had been admitted to the United States under a non-immigrant visa, did knowingly possess in and affecting interstate commerce, a firearm, to wit: a Smith and Wesson M&P-15, 5.56mm semi-automatic rifle, bearing serial number SP 52534, said firearm having been shipped and transported in interstate commerce;

All in violation of Title 18, United States Code, Sections 922(g)(5)(B) and 924(a)(2).

COUNT TWO

Title 18, United States Code, § 1546

On or about April 11, 2013 and continuing through November 21, 2013, within the State and District of Colorado and elsewhere, the Defendant,

HECTOR DIAZ

a/k/a Hector Diaz-Martinez
a/k/a Hector Josue Diaz-Martinez
a/k/a Hector J. Diaz-Martinez,

did knowingly make one or more false statements with respect to a material fact, under oath or under penalty of perjury under Title 28 United States Code, § 1746, and did knowingly subscribe as true, one or more false statements with respect to a material fact in any application, affidavit or other document required by the immigration laws or regulations prescribed thereunder, and did furthermore knowingly present any such application, affidavit, or other document which contains any such false statement, or which fails to contain any reasonable basis in law or fact;

It is further alleged that the offense as described herein was committed to facilitate a drug trafficking crime, as defined in Title 18, United States Code, Section 929a;

All in violation of Title 18, United States Code, Section 1546.

COUNT THREE

Title 18, United States Code, § 1956(h)

On or about and between August of 2013 through November of 2013, within the State and District of Colorado and elsewhere, the Defendants,

HECTOR DIAZ

a/k/a Hector Diaz-Martinez
a/k/a Hector Josue Diaz-Martinez
a/k/a Hector J. Diaz-Martinez,

DAVID JEFFREY FURTADO,

LUIS FERNAND URIBE

a/k/a Luis Fernando Uribe
a/k/a Luis Fernando Uribe-Cristancho, and

GERARDO URIBE,

a/k/a Gerardo Uribe-Cristancho
a/ka/ Gorardo Uribe-Cristancho,

did knowingly combine, conspire, and agree with each other and with other persons known and unknown to the Grand Jury to commit offenses against the United States; namely, violations of Title 18, United States Code, Sections 1956(a)(2)(A), and 1957, as further described herein:

MANNER AND MEANS OF THE CONSPIRACY:

- It was part of the conspiracy for its members, acting interdependently, to effect the international transfer of funds from the Republic of Colombia into the United States (“Foreign Funding”) to facilitate the purchase of real property, with existing physical

structures, located at 5200 East Smith Road in Denver, Colorado (the “Subject Property”);

- It was further part of the conspiracy that the defendants intended to use or permit the use of the Subject Property to cultivate, manufacture, and/or distribute marijuana, a Schedule I Controlled Substance, and to further a conspiracy to commit the same, all of which is in violation of Title 21, United States Code, Sections 841(a)(1), (b)(1)(A)(vii) and 846 (said violations which are collectively referred to herein as the “Specified Unlawful Activity”);
- It was further part of the conspiracy that in 2013, Gerardo Uribe filed and/or facilitated the submission of documents with the Colorado Secretary of State to incorporate Colorado West Metals, L.L.C. Attorney David Furtado was the registered agent for the L.L.C. Hector Diaz was listed as the person responsible for forming the corporation;
- It was further part of the conspiracy for David Furtado to open Account *****4901, held in the name of Colorado West Metal, L.L.C., at Wells Fargo Bank. Furtado was the sole signor on that account;
- It was further part of the conspiracy for David Furtado to use his COLTAF account, Wells Fargo Bank Account number *****1139, held in the name of The Furtado Law Firm, L.L.C., to facilitate the purchase of the Subject Property;
- It was further part of the conspiracy for David Furtado, Gerardo Uribe and Hector Diaz to communicate regarding a wire transfer associated with Colorado West

Metals. Those funds were later used to facilitate the purchase of the Subject Property;

- It was further part of the conspiracy to use the wire transfers as charged in Counts 4, 5, and 6, which are incorporated herein by reference, to facilitate the purchase of the Subject Property;
- It was further part of the conspiracy that, on or about November 7, 2013 - two days after the wire transfer alleged in Count 4, David Furtado transferred \$424,000.00 from Wells Fargo account number *****4901, held in the name of Colorado West Metal, LLC, to Colorado First Bank account number *****5047, held in the name of Land Title Guarantee Company;
- It was further part of the conspiracy that, on November 7, 2013, the conspirators caused and/or agreed for Land Title Guarantee Company to transfer those same funds to Westerra Credit Union - the mortgagor for the Subject Property;
- Between November 1, 2013 and November 4, 2013, Furtado made and/or caused to be made two separate wire transfers in the amount of \$200,000.00 each from account number *****1139 into a Colorado First Bank account in the name of Land Title Guarantee Company to facilitate the purchase of the Subject Property;
- It was further part of the conspiracy that members of the conspiracy deposited, and attempted to deposit into financial institutions, and/or converted to cashier's checks, bulk United States currency to facilitate the purchase of the Subject Property. These bulk currency amounts included proceeds from the Specified Unlawful Activity;

- It was further part of the conspiracy that on October 31, 2013, David Furtado met with Gerardo Uribe and obtained \$449,980.00 in U.S. currency. Those funds represented the proceeds of the Specified Unlawful Activity, as derived through the operation of the “VIP Wellness Center”, operated by Gerardo Uribe, Luis Fernand Uribe, and others. The conspirators arranged for the attempted deposit of that currency, as alleged in Count 7, to further facilitate the purchase of the Subject Property;

All in violation of Title 18, United States Code, Section 1956(h).

COUNT FOUR

Title 18, United States Code, § 1956(a)(2)(A)

Title 18, United States Code, § 2

On or about November 5, 2013, within the State and District of Colorado and elsewhere, the Defendants,

HECTOR DIAZ

a/k/a Hector Diaz-Martinez

a/k/a Hector Josue Diaz-Martinez

a/k/a Hector J. Diaz-Martinez,

DAVID JEFFREY FURTADO, and

GERARDO URIBE

a/k/a Gerardo Uribe-Cristancho

a/ka/ Gorardo Uribe-Cristancho,

did transport, transmit, and transfer, and attempt to transport, transmit, and transfer monetary instruments and funds to a place within the United States from or through a place outside the United States, namely they wire transferred and caused the wire transfer of \$424,000.00 U.S. dollars from the Banco Bilbao Vizcaya Argenteria (BBVA) in the Republic of Colombia, to Wells Fargo Bank NA, Account Number *****4901, with the intent to promote a specified unlawful activity, namely the cultivation, manufacture, and

distribution of marijuana, a Schedule I Controlled Substance, and conspiracy to commit the same, which is in violation of Title 21, United States Code, Sections 841(a)(1), (b)(1)(A)(vii) and 846, respectively, and did aid and abet, counsel, command, induce and procure the same;

All in violation of Title 18, United States Code, Section 1956(a)(2)(A), and Title 18, United States Code, Section 2.

COUNT FIVE

Title 18, United States Code, § 1956(a)(2)(A)
Title 18, United States Code, § 2

On or about and October 23, 2013, within the State and District of Colorado and elsewhere, the Defendant,

DAVID JEFFREY FURTADO,

did transport, transmit, and transfer, and attempt to transport, transmit, and transfer monetary instruments and funds to a place within the United States from or through a place outside the United States, namely, he wire transferred and caused the wire transfer of \$100,000.00 U.S. dollars from the from the Banco de Occidente, in the Republic of Colombia, to Wells Fargo account number *****1139, with the intent to promote a specified unlawful activity, namely the cultivation, manufacture, and distribution of marijuana, a Schedule I Controlled Substance, and conspiracy to commit the same, which is in violation of Title 21, United States Code, Sections 841(a)(1), (b)(1)(A)(vii) and 846, respectively, and did aid and abet, counsel, command, induce and procure the same;

All in violation of Title 18, United States Code, Section 1956(a)(2)(A), and Title 18, United States Code, Section 2.

COUNT SIX

Title 18, United States Code, § 1956(a)(2)(A)
Title 18, United States Code, § 2

On or about November 1, 2013, within the State and District of Colorado and elsewhere, the Defendant,

DAVID JEFFREY FURTADO,

did transport, transmit, and transfer, and attempt to transport, transmit, and transfer monetary instruments and funds to a place within the United States from or through a place outside the United States; namely, the wire transfer of \$20,000.00 U.S. dollars from the from the Banco de Occidente, in the Republic of Colombia, to Wells Fargo account number *****1139, with the intent to promote a specified unlawful activity, namely the cultivation, manufacture, and distribution of marijuana, a Schedule I Controlled Substance, and conspiracy to commit the same, which is in violation of Title 21, United States Code, Sections 841(a)(1), (b)(1)(A)(vii) and 846, respectively, and did aid and abet, counsel, command, induce and procure the same;

All in violation of Title 18, United States Code, Section 1956(a)(2)(A), and Title 18, United States Code, Section 2.

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COUNT SEVEN

Title 18, United States Code, § 1957
Title 18, United States Code, § 2

On or about October 31, 2013, within the State and District of Colorado, the
Defendants,

DAVID JEFFREY FURTADO,
LUIS FERNAND URIBE
a/k/a Luis Fernando Uribe
a/k/a Luis Fernando Uribe-Cristancho, and
GERARDO URIBE
a/k/a Gerardo Uribe-Cristancho
a/ka/ Gorardo Uribe-Cristancho,

did knowingly engage, and attempt to engage, in a monetary transaction by and through or to a financial institution, affecting interstate or foreign commerce, in criminally derived property of a value greater than \$10,000.00; that is, the attempted deposit of \$449,980.00 in U.S. currency into Wells Fargo Bank, such property having been derived from a specified unlawful activity, to wit: the cultivation, manufacture, and distribution of marijuana, a Schedule I Controlled Substance, and a conspiracy to commit the same, all of which is in violation of Title 21, United States Code, Sections 841(a)(1), (b)(1)(A)(vii) and 846, and did aid, abet, counsel, command or procure the same;

All in violation of Title 18, United States Code, Section 1957, and Title 18 United States Code, Section 2.

FORFEITURE ALLEGATION

1. The allegations contained in Count One of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeiture pursuant to the provisions of Title 18, United States Code, Section 924(d) and Title 28, United States

- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; and
- (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), and as incorporated by Title 18, United States Code, Section 982(b) and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of said Defendants up to the value of the above forfeitable property.

A TRUE BILL:

Ink signature on file in Clerk's Office
FOREPERSON

JOHN WALSH
United States Attorney

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Exhibit 2

AO 83 (Rev. 06/09) Summons in a Criminal Case

UNITED STATES DISTRICT COURT

for the
District of Colorado

United States of America)
v.)
HECTOR DIAZ)
a/k/a Hector Diaz-Martinez) Case No. 13-cr-00492-REB
a/k/a Hector Josue Diaz-Martinez)
a/k/a Hector J. Diaz-Martinez)
Defendant)

SUMMONS IN A CRIMINAL CASE

YOU ARE SUMMONED to appear before the United States district court at the time, date, and place set forth below to answer to one or more offenses or violations based on the following document filed with the court:

- Indictment [] Superseding Indictment [x] Information [] Superseding Information [] Complaint []
- Probation Violation Petition [] Supervised Release Violation Petition [] Violation Notice [] Order of Court []

Place: Alfred A. Arraj Courthouse 901 19th Street Denver, Colorado 80294	Courtroom No.: A401
	Date and Time: 04/30/2014 9:00 am

This offense is briefly described as follows:

Possession of a Firearm by a Prohibited Possessor, in violation of Title 18, United States Code, Section 922(g)(5)(B) and 924(a)(2); False Statements with Respect to a Material Fact, in violation of Title 18, United States Code, Section 1546; Conspiracy to Commit Money Laundering, in violation of Title 18, United States Code, Section 1956(h) and Money Laundering and aiding and abetting the same, in violation of Title 18, United States Code, Sections 1956(a)(2)(A) and 2

Prior to court appearance, defendant shall report to probation at 9:00 a.m., 1929 Stout Street, Denver, CO and the U.S. Marshal's Service; 901 19th Street, Denver, CO at 10:00 a.m.

Date: 04/22/2014



s/K Lyons
Issuing officer's signature
Jeffrey P. Colwell, Clerk, U.S. District Court
Printed name and title

I declare under penalty of perjury that I have:

- Executed and returned this summons [] Returned this summons unexecuted []

Date: _____
Server's signature
Printed name and title