

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.

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**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

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**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

Code, Section 2461(c).

2. Upon conviction of the violation alleged in Count One of this Superseding Criminal Indictment, involving violations of Title 18, United States Code, Section 922(g)(5)(B), the defendant,

**HECTOR DIAZ**

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

shall forfeit to the United States pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), all firearms and ammunition involved in the commission of the offense, including but not limited to a Smith and Wesson M&P-15, 5.56mm semi-automatic rifle bearing serial number SP 52534.

If any of the property described above, 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 subdivided

without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of said defendant[s] up to the value of the forfeitable property.

3. The allegations listed above in this Indictment relating to violations of Title 18, United States Code, Sections 1956 and 1957 are hereby re-alleged and incorporated by reference for the purpose of alleging forfeiture pursuant to the provisions of: Title 21, United States Code, Section 853; Title 18, United States Code, Section 982(a)(1); Title 18, United States Code, Section 981(a)(1)(C); and Title 28, United States Code, Section 2461(c).

As a result of the foregoing offenses alleging violations of Title 18, United States Code, Sections 1956(h), 1957, and 1956(a), 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,

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), any and all property, real or personal, involved in such offense, or all property traceable to such property, including, but not limited to a money judgment in the amount of proceeds obtained as a result of the foregoing offenses for which the defendants share joint and several liability.

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

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

- (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

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United States Attorney

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