

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No: **08-80106-CR-RYSKAMP/HOPKINS**

18 U.S.C. 1343

18 U.S.C. 1029(a)(5) and (c)(1)(A)(ii)

18 U.S.C. 1028(a)(7) and (b)(1)(D)

UNITED STATES OF AMERICA

Plaintiff,

vs.

ORLANDO M. GONZALEZ,

Defendant.

INFORMATION

THE UNITED STATES ATTORNEY CHARGES THAT:

GENERAL ALLEGATIONS

1. From on or about February 13, 2004, to on or about March 29, 2008, ORLANDO M. GONZALEZ occupied a residence located at 11672 South Breeze Place, Wellington, Florida.
2. On or about February 13, 2004, the home at 11672 South Breeze Place, Wellington, Florida, was purchased and placed in the name of an individual whose initials are JB, and is the mother-in-law of ORLANDO M. GONZALEZ. The mortgage applications were completed by ORLANDO M. GONZALEZ for two mortgages providing one hundred percent financing in the name of JB utilizing false income information. The mortgages were obtained from First Franklin, a division of National City Bank, in the amounts of \$583,200 and \$145,800.

3. On or about November 2, 2004, the \$583,200 mortgage, obtained from First Franklin, a division of National City Bank, on the property at 11672 South Breeze Place, Wellington, Florida, was refinanced for \$680,521, in the name of JB, by applying to Long Beach Mortgage Company, a division of Washington Mutual Bank. The mortgage application for the \$680,521 mortgage obtained from Long Beach Mortgage Company was filled out by ORLANDO M. GONZALEZ in the name of JB, his mother-in-law, and contained false income information.

4. On or about November 17, 2005, the home at 11672 South Breeze Place, Wellington, Florida, was purchased from JB and placed in the name of an individual whose initials are MG, and is the mother of ORLANDO M. GONZALEZ. The mortgage applications were completed by ORLANDO M. GONZALEZ, for two mortgages providing one hundred percent financing in the name of MG, utilizing false employment and false income information. The mortgages were obtained from First Franklin, a division of National City Bank, in the amounts of \$842,400 and \$210,600.

5. On or about November 20, 2006, ORLANDO M. GONZALEZ filled out two mortgage applications, also known as Form 1003, in the names of individuals whose initials are LBH and NZH, in which the income from employment for LBH was overstated and fictitious income from rental property held by LBH and NZH was recorded.

6. On or about November 20, 2006, the home at 11672 South Breeze Place, Wellington, Florida, was purchased from MG and placed in the names of two individuals whose initials are LBH and NZH, and are friends of ORLANDO M. GONZALEZ, at which time first and second mortgages were granted for the purchase of the home based upon the two mortgage applications (Form 1003) completed by ORLANDO M. GONZALEZ for LBH and NZH, for one hundred percent financing.

The mortgages were obtained from First Franklin, a division of National City Bank, in the amounts of \$940,000 and \$235,000.

7. In or around January 2007, ORLANDO M. GONZALEZ filled out an application for an American Express credit card in the name of LBH, on the internet, utilizing personal identification information for LBH, without the knowledge or consent of LBH.

8. In or around February 2007, American Express mailed a credit card in the name of LBH to 11672 South Breeze Place, Wellington, Florida, which was taken into possession by ORLANDO M. GONZALEZ.

9. On or about May 23, 2007, American Express mailed courtesy checks for the credit card account in the name of LBH to 11672 South Breeze Place, Wellington, Florida, which were taken into possession by ORLANDO M. GONZALEZ.

10. Between in or around January 2007 and December 19, 2007, ORLANDO M. GONZALEZ used the American Express credit card and the courtesy checks for the credit card account obtained in the name of LBH to obtain at least \$33,452.00, from American Express.

COUNTS 1 AND 2
(18 U.S.C. §1343: Wire Fraud)

11. The general allegations of paragraphs 1 through 6 are re-alleged and incorporated herein.

12. On or about November 20, 2006, in Palm Beach and Broward Counties, in the Southern District of Florida, and elsewhere, the defendant,

ORLANDO M. GONZALEZ,

did knowingly and willfully devise and intend to devise a scheme and artifice to defraud for the purpose of obtaining money, for the purchase of property, from a mortgage lending company by means of materially false and fraudulent pretenses, representations and promises, well knowing that the pretenses, representations and promises would be and were false and fraudulent when made as more particularly described in paragraphs 13 through 21 of this information.

OBJECT OF THE SCHEME AND ARTIFICE TO DEFRAUD

13. It was the object of the scheme to defraud for the defendant to unlawfully enrich himself by causing a mortgage lending company to provide money to the defendant, in the form of two mortgages, for the purchase of real property, by making false representations as to material facts stated on the applications for the mortgages.

MANNER AND MEANS OF THE SCHEME TO DEFRAUD

14. On or about February 13, 2004, knowing that he would not qualify for the mortgages necessary to effect the purchase of 11672 South Breeze Place, Wellington, Florida, ORLANDO M. GONZALEZ submitted two applications to First Franklin, a division of National City Bank, for mortgages in the amount of \$583,200, and \$145,800, in the name of JB, GONZALEZ's mother-in-law. The applications, which are known as Form 1003, were filled out by ORLANDO M. GONZALEZ and submitted on behalf of JB, and contained false statements as to employment earnings which GONZALEZ knew to be false. Within two months of purchasing the residence at 11672 South Breeze Place, Wellington, Florida, GONZALEZ began to fall behind on the mortgage payments.

15. On or about November 2, 2004, knowing that the First Franklin was bringing a foreclosure action on the mortgages previously obtained, ORLANDO M. GONZALEZ filled out

another application for a mortgage in the name of JB, also containing false statements as to employment earnings, and submitted the application to Long Beach Mortgage Company to obtain a mortgage in the amount of \$680,521. The Long Beach Mortgage Company mortgage was used to satisfy the \$583,200 mortgage from First Franklin. Within a short period GONZALEZ once again began to fall into arrears on the two outstanding mortgages.

16. On or about November 17, 2005, knowing that the payments to Long Beach Mortgage Company and First Franklin were in arrears, ORLANDO M. GONZALEZ arranged for MG, his mother, to purchase the home at 11672 South Breeze Place, Wellington, Florida, from JB, GONZALEZ'S mother-in-law. ORLANDO M. GONZALEZ filled out two mortgage applications in the name of MG, which contained false employment and earnings information to obtain mortgages in the amounts of \$842,400 and \$210,600. GONZALEZ immediately fell behind on the payments of these two mortgages which had been obtained from First Franklin, a division of National City Bank.

17. On or about November 20, 2006, knowing that the payments to First Franklin for the mortgages in the name of MG were in arrears, ORLANDO M. GONZALEZ arranged for LBH and NZH, his friends, to purchase the home at 11672 South Breeze Place, Wellington, Florida, from MG, GONZALEZ'S mother.

18. On or about November 20, 2006, ORLANDO M. GONZALEZ submitted an application to First Franklin, a division of National City Bank, for a mortgage in the amount of \$940,000.00, on behalf of individuals known as LBH and NZH, which contained false statements as to employment, employment earnings and rental income.

19. On or about November 20, 2006, ORLANDO M. GONZALEZ submitted an application to First Franklin, a division of National City Bank, for a second mortgage in the amount of \$235,000.00, on behalf of individuals known as LBH and NZH, which contained false statements as to employment, employment earnings and rental income.

20. On or about November 20, 2006, ORLANDO M. GONZALEZ caused a closing to occur for the purchase of the home by LBH and NZH at 11672 South Breeze, Place, Wellington, Florida, from MG, to be conducted at East Cost Title Company of Florida, in Hollywood, Florida.

21. On or about March 27, 2008, the property was sold for a total price of \$780, 000, resulting in a loss to National City Bank in the amount of \$395,000.

USE OF THE WIRES

22. On or about the dates enumerated as to each count, in Palm Beach and Broward Counties, in the Southern District of Florida, and elsewhere, for the purpose of executing the aforesaid scheme and artifice to defraud and for obtaining money and property by means of materially false and fraudulent pretenses, representations and promises, the defendant did knowingly transmit or cause to be transmitted in interstate or foreign commerce, by means of wire communications, certain signs, signals and sounds, as more particularly described below in each count:

| <u>COUNT</u> | <u>DATE</u> | <u>DESCRIPTION OF WIRE COMMUNICATION</u> |
|--------------|-------------------|--|
| 1 | November 20, 2006 | Wire transfer of \$950,446.31, from National City Bank, Indianapolis, Indiana, to the account of East Coast Title Company of Florida at Wachovia Bank, Hollywood, Florida, for the benefit of the escrow account of LBH and NZH for the purchase of 11672 South Breeze Place, Wellington, Florida. |
| 2 | November 20, 2006 | Wire transfer of \$228,004.35, from National City Bank, Indianapolis, Indiana, to the account of East Coast Title Company of Florida at Wachovia Bank, Hollywood, Florida, for the benefit of the escrow account of LBH and NZH for the purchase of 11672 South Breeze Place, Wellington, Florida. |

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

COUNT 3

(18 U.S.C. §1029: Unlawful Use of Access Device)

22. The general allegations of paragraphs 7 through 10 are re-alleged and incorporated herein.

23. Between January, 2007, the exact date being unknown, and December 19, 2007, in Wellington, in Palm Beach County, in the Southern District of Florida, and elsewhere, the defendant,

ORLANDO M. GONZALEZ,

did knowingly and with intent to defraud, effect transactions, with access devices issued to another person, to receive payment and other things of value during a one-year period, the aggregate value of which was at least \$1,000, with an effect on interstate commerce; all in violation of Title 18, United States Code, Section 1029(a)(5) and (c)(1)(A)(ii).

COUNT 4
(18 U.S.C. §1028: Identity Theft)

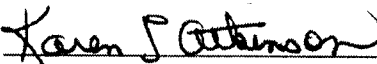
24. The general allegation of paragraph 7 is re-alleged and incorporated herein.

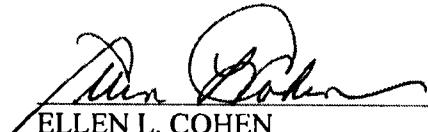
22. On or about January 2007, the exact date being unknown, in Wellington, in Palm Beach County, in the Southern District of Florida, and elsewhere, the defendant,

ORLANDO M. GONZALEZ,

did knowingly transfer and use, without lawful authority, a means of identification of another person, to wit, a social security number, with the intent to commit, or aid or abet, or in the connection with, an unlawful activity that constitutes a violation of Federal law, to wit, the unlawful use of an access device, in violation of Title 18, United States Code, Section 1029(a)(5) and (c)(1)(A)(ii), the said means of identification was transported in interstate commerce and in the course of said transfer and use, and as a result of the offense, the defendant, obtained anything of value aggregating \$1,000 or more during any one calendar year.

All in violation of Title 18, United States Code, Sections 1028(a)(7) and (b)(1)(D).


for R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY


ELLEN L. COHEN
ASSISTANT UNITED STATES ATTORNEY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

CASE NO. _____

vs.

CERTIFICATE OF TRIAL ATTORNEY*

ORLANDO M. GONZALEZ,

Defendant.

_____ /

Superseding Case Information:

Court Division: (Select One)

____ Miami _____ Key West
____ FTL X WPB _____ FTP

New Defendant(s) Yes _____ No _____
Number of New Defendants _____
Total number of counts _____

I do hereby certify that:

1. I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.

2. I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.

3. Interpreter: (Yes or No) No
List language and/or dialect _____

4. This case will take 5 days for the parties to try.

5. Please check appropriate category and type of offense listed below:

(Check only one)

(Check only one)

| | | | | |
|-----|------------------|------------|---------|------------|
| I | 0 to 5 days | <u> X </u> | Petty | _____ |
| II | 6 to 10 days | _____ | Minor | _____ |
| III | 11 to 20 days | _____ | Misdem. | _____ |
| IV | 21 to 60 days | _____ | Felony | <u> X </u> |
| V | 61 days and over | _____ | | |

6. Has this case been previously filed in this District Court? (Yes or No) No

If yes:
Judge: _____ Case No. _____


(Attach copy of dispositive order)
Has a complaint been filed in this matter? (Yes or No) No

If yes:
Magistrate Case No. None
Related Miscellaneous numbers: None
Defendant(s) in federal custody as of No
Defendant(s) in state custody as of 0
Rule 20 from the _____ District of _____

Is this a potential death penalty case? (Yes or No) No

7. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to October 14, 2003? _____ Yes X No

8. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to September 1, 2007? _____ Yes X No



ELLEN L. COHEN
ASSISTANT UNITED STATES ATTORNEY
Florida Bar No./Court No. 0739472

*Penalty Sheet(s) attached

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: ORLANDO M. GONZALEZ

Case No: _____

Counts #: 1 & 2

Use of the Wires

18 U.S.C. § 1343

*** Max. Penalty:** 20 years imprisonment; \$250,000 fine; 3 years supervised release

Count #: 3

Unlawful Use of Access Devices

18 U.S.C. § 1029(a)(5) and (c)(1)(A)(ii)

***Max. Penalty:** 15 years imprisonment; \$250,000 fine; 3 years supervised release

Count #: 4

Identity Theft

18 U.S.C. § 1028(a)(7) and (b)(1)(D)

***Max. Penalty:** 15 years imprisonment; \$250,000 fine; 3 years supervised release

Count #:

***Max. Penalty:** _____


***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

BOND RECOMMENDATION

DEFENDANT: ORLANDO M. GONZALEZ

RECOMMENDATION: \$250,000.00 Personal Surety Bond



ELLEN L. COHEN
ASSISTANT UNITED STATES ATTORNEY

COPY

AO 455 (Rev. 5/85) Waiver of Indictment

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

WAIVER OF INDICTMENT

UNITED STATES OF AMERICA

v.

CASE NUMBER: **08-80106-CR-RYSKAMP/HOPKINS**

ORLANDO M. GONZALEZ

MAGISTRATE JUDGE

I, ORLANDO M. GONZALEZ, the above named defendant, who is accused of

use of the wires, in violation of Title 18, United States Code, Section 1343, unlawful use of access devices, in violation of Title 18, United States Code, Section 1029(a)(5) and (c)(1)(A)(ii) and identity theft, in violation of Title 18, United States Code, Section 1028(a)(7) and (b)(1)(D),

being advised of the nature of the charge(s), the proposed information, and of my rights, hereby waive in open court on _____ prosecution by indictment and consent that the proceeding may be by
Date

information rather than by indictment.

ORLANDO M. GONZALEZ
Defendant

Counsel for Defendant

Before _____
Judicial Officer