

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: INFORMATION INDICTMENT

Matter Sealed: Juvenile Other than Juvenile

Pre-Indictment Plea Superseding Defendant Added
 Indictment Charges/Counts Added
 Information

Name of District Court, and/or Judge/Magistrate Location (City)
 UNITED STATES DISTRICT COURT California (Northern)
 DISTRICT OF Divisional Office

Name and Office of Person Furnishing Information on THIS FORM Joseph P. Russoniello
 U.S. Atty Other U.S. Agency
 Phone No. (415) 436-7200

Name of Asst. U.S. Attorney (if assigned) Jeffrey Finigan

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)
FBI

person is awaiting trial in another Federal or State Court (give name of court)

this person/proceeding transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

this is a reprosecution of charges previously dismissed which were dismissed on motion of:
 U.S. Atty Defense

this prosecution relates to a pending case involving this same defendant. (Notice of Related Case must still be filed with the Clerk.)

prior proceedings or appearance(s) before U.S. Magistrate Judge regarding this defendant were recorded under

SHOW DOCKET NO.

MAG. JUDGE CASE NO.

Place of offense San Francisco County San Francisco

CASE NO. _____

USA vs. Monther Al Saleh

Defendant: _____

Address: _____

Interpreter Required Dialect: _____

Birth Date 4/24/1963 Male Alien
 Female (if applicable)

Social Security Number _____

FILED
 2010 APR 29 P 2:37
 RICHARD W. WIEKING
 CLERK U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

VRW

DEFENDANT

Issue: Warrant Summons

Location Status:
 Arrest Date _____ or Date Transferred to Federal Custody _____

Currently in Federal Custody
 Currently in State Custody
 Writ Required
 Currently on bond
 Fugitive

Defense Counsel (if any): _____

FPD CJA RET'D
 Appointed on Target Letter

This report amends AO 257 previously submitted

OFFENSE CHARGED - U.S.C. CITATION - STATUTORY MAXIMUM PENALTIES - ADDITIONAL INFORMATION OR COMMENTS

Total # of Counts 1

Set	Title & Section/Offense Level (Petty = 1 / Misdemeanor = 3 / Felony = 4)	Description of Offense Charged	Count(s)
1	18 USC Section 1349	Conspiracy to Commit Mail Fraud	1
2	18 USC Section 1341	Mail Fraud	2-15
	(All counts: 20 yrs BOP; \$250,000 fine; 3 yrs supervised release; \$100 assessment)		

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- prior proceedings or appearance(s) before U.S. Magistrate Judge regarding this defendant were recorded under

SHOW DOCKET NO.

 MAG. JUDGE CASE NO.

Place of offense: San Francisco County San Francisco

CASE NO. _____
 USA vs. _____
 Defendant: Sergio Cordero
 Address: CA 10 030
 Interpreter Required Dialect: _____
 Birth Date 12/7/1963 Male Alien
 Female (if applicable)
 Social Security Number _____

ORIGINAL FILED
 2010 APR 29 P 2:37
 RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 FOR THE DISTRICT OF CALIFORNIA

VRW

DEFENDANT

Issue: Warrant Summons
 Location Status:
 Arrest Date _____ or Date Transferred to Federal Custody _____
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 Writ Required
 Currently on bond
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 Defense Counsel (if any): _____
 FPD CJA RET'D
 Appointed on Target Letter

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FILED

2010 APR 29 P 2:36

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

1 JOSEPH P. RUSSONIELLO (CSBN 44332)
2 United States Attorney



3
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7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11
12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15
16 SERGIO IVAN GUTIERREZ, and
17 MONTHER AL SALEH,
18 a/k/a Armando Al Saleh,
19 a/k/a Monther Hasan Alsaleh,

20 Defendants.

CR 10 03-30
No.:

VRW

VIOLATIONS: 18 U.S.C. § 1349 – Conspiracy
to Commit Mail Fraud; 18 U.S.C. § 1341 – Mail
Fraud

21 INDICTMENT

22 The Grand Jury charges:

23 BACKGROUND

24 At all times relevant to this Indictment:

25 1. Defendant Sergio Ivan GUTIERREZ was an individual living in San Francisco,
26 California, and operating two businesses: Examiner One and California Association Security
27 Heritage (“CASH”) on Mission Street in San Francisco.

28 2. Defendant Monther Al SALEH was an individual living in the Northern District

INDICTMENT

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA
CRIMINAL DIVISION

VENUE: SAN FRANCISCO

FILED

2010 APR 29 P 2:35

RICHARD W. BUEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA



CR 10 0349

UNITED STATES OF AMERICA,

v.

VRW

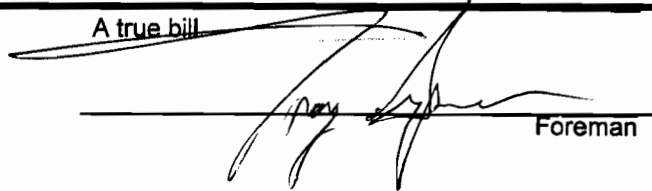
MONTHER AL SALEH

DEFENDANT.

INDICTMENT

18 U.S.C. § 1349- Conspiracy to Commit Mail Fraud
18 U.S.C. § 1341- Mail Fraud

A true bill


Foreman

Filed in open court this 29th day of
April, 2010

Clerk

Bail, \$ No bail warrant

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA
CRIMINAL DIVISION

VENUE: SAN FRANCISCO

CR 10 0349

UNITED STATES OF AMERICA,

v.

SERGIO GUTIERREZ

FILED

2010 APR 29 P 2:36

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

VRW

DEFENDANT.

INDICTMENT

18 U.S.C. § 1349- Conspiracy to Commit Mail Fraud
18 U.S.C. § 1341- Mail Fraud

A true bill.

Foreman

Filed in open court this 29th day of

April, 2010

Clerk

ADA YIU

Bail, \$

No bail wanted

1 of California and operating a business named M&P Corporation.

2 THE SCHEME TO DEFRAUD

3 3. Beginning at a time unknown to the grand jury, but no later than in or about
4 March 2007, and continuing through about January 2009, in the Northern District of California
5 and elsewhere, the defendants,

6 SERGIO IVAN GUTIERREZ, and
7 MONTHER AL SALEH,

8 and others, did knowingly and intentionally devise a material scheme and artifice to defraud
9 various individuals as to material matters, and to obtain money and property from various
10 individuals by means of materially false and fraudulent pretenses, representations, promises, and
11 omissions, knowing that the pretenses, representations, promises, and omissions were false and
12 fraudulent when made.

13 MANNER AND MEANS OF THE SCHEME TO DEFRAUD

14 4. As part of the scheme to defraud, and in order to obtain money from victims,
15 GUTIERREZ and SALEH engaged in certain conduct and made, in sum and substance, certain
16 materially false and fraudulent pretenses, representations, promises, and omissions, namely,
17 GUTIERREZ and SALEH advised victims that victims could eliminate their mortgage
18 obligations by participating in a program offered by GUTIERREZ and SALEH.

19 5. It was further part of the scheme to defraud that victims would pay GUTIERREZ
20 and SALEH in order to enter the program. GUTIERREZ and SALEH told victims that once they
21 entered into the program, GUTIERREZ and SALEH would provide them with various
22 documents to execute, notarize, and mail to their mortgage lenders. According to GUTIERREZ
23 and SALEH, the purpose of the documents provided by GUTIERREZ and SALEH was to notify
24 the victims' mortgage lenders that the victims' mortgages were fraudulently obtained and that the
25 victims therefore did not have to pay the mortgages.

26 6. It was further part of the scheme to defraud that GUTIERREZ and SALEH told
27 victims that they would also provide the victims with documents to file in court in order to
28 initiate lawsuits against the victims' mortgage lenders. GUTIERREZ and SALEH advised the

1 victims that the lawsuits would result in the victims obtaining court orders cancelling the
2 victims' mortgage contracts, thus resulting in the victims owning their homes free and clear of
3 their existing mortgage obligations.

4 7. It was further part of the scheme to defraud that victims could obtain the
5 aforementioned documents from SALEH, GUTIERREZ, or individuals working for
6 GUTIERREZ at Examiner One.

7 8. It was further part of the scheme to defraud that GUTIERREZ and SALEH
8 provided victims with the aforementioned documents and that victims mailed such documents to
9 their mortgage lenders and filed such documents in United States District Court, Northern
10 District of California, as directed by GUTIERREZ and SALEH.

11 9. None of the victims achieved the results represented by GUTIERREZ and
12 SALEH. The victims' mortgage lenders rejected the victims' claims set forth in the documents
13 the victims obtained from GUTIERREZ and SALEH and demanded that the victims continue to
14 pay their mortgage obligations. Likewise, the victims' lawsuits were all determined to be
15 without merit and were ordered dismissed by various District Court Judges in the United States
16 District Court, Northern District of California. The victims either continued to pay their
17 mortgage obligations as they became due or lost their ownership interest in their property through
18 foreclosure.

19 COUNT ONE: (18 U.S.C. § 1349 – Conspiracy to Commit Mail Fraud)

20 10. Paragraphs 1 through 9 are realleged as if fully set forth herein.

21 11. Beginning at a time unknown to the grand jury, but no later than in or about
22 March 2007, and continuing through about January 2009, in the Northern District of California
23 and elsewhere, the defendants,

24
25 **SERGIO IVAN GUTIERREZ, and
MONTHER AL SALEH,**

26 and others, did knowingly conspire to devise and intend to devise a material scheme and artifice
27 to defraud various individuals, and to obtain money and property from various individuals, by
28 means of materially false and fraudulent pretenses, representations, promises, and omissions,

1 namely, by knowingly and intentionally stating that victims could eliminate their mortgage
 2 obligations by participating in a program offered by GUTIERREZ and SALEH, and did
 3 knowingly cause the United States mails to be used for the purpose of executing and attempting
 4 to execute this scheme, all in violation of Title 18, United States Code, Section 1349.

5 COUNTS TWO THROUGH FIFTEEN: (18 U.S.C. § 1341 – Mail Fraud)

6 12. Paragraphs 1 through 9 are realleged as if fully set forth herein.

7 13. On or about the dates set forth below, in the Northern District of California, and
 8 elsewhere, for the purpose of executing the material scheme to defraud and to obtain money by
 9 materially false and fraudulent pretenses, representations, promises, and omissions, the
 10 defendants,

11 SERGIO IVAN GUTIERREZ, and
 12 MONTHER AL SALEH,

13 did knowingly cause to be delivered by the United States Postal Service and private and
 14 commercial interstate carriers the following:

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16

17 TWO	8/7/2007	Letter from C.E. to HOMEQ Servicing	Hughson, CA	Sacramento, CA
18 THREE	8/7/2007	Letter from R.G. to World Saving	Modesto, CA	San Antonio, TX
19 FOUR	8/13/2007	Conditional Acceptance	Millbrae, CA	Dallas, TX
20 FIVE	8/15/2007	Certificate of Dishonor	Millbrae, CA	Chatsworth, CA
21 SIX	9/8/2007	Conditional Acceptance	Millbrae, CA	Phoenix, AZ

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2	SEVEN	9/12/2007	Letter from H.R. to Washington Mutual	Millbrae, CA Phoenix, AZ
3				
4	EIGHT	9/21/2007	Petition for Libel of Review of an Administrative Judgment	Millbrae, CA Pittsburgh, PA
5				
6	NINE	9/28/2007	Letter from J.V. to Citi Mortgage, Inc.	Millbrae, CA Saint Louis, MO
7				
8	TEN	10/9/2007	Letter from M.Q. to Litton Loan Servicing	Millbrae, CA Houston, TX
9				
10	ELEVEN	10/10/2007	Letter from V.C. to GMAC Mortgage	Modesto, CA Phoenix, AZ
11				
12	TWELVE	10/10/2007	Letter from S.M. to Countrywide Home Loans	Ripon, CA Van Nuys, CA
13				
14	THIRTEEN	10/23/2007	Letter from F.S. to HOMEQ Servicing	Modesto, CA Sacramento, CA
15				
16	FOURTEEN	11/20/2007	Letter from Pite Duncan, LLP to R.A.	Santa Ana, CA San Francisco, CA
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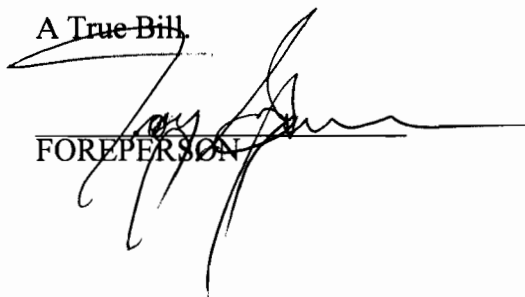
FIFTEEN	11/28/2007	Certificate of Non-Response	San Francisco, CA	Beaverton, OR

All in violation of Title 18, United States Code, Section 1341.

Dated:

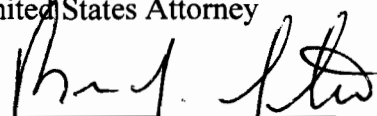
04/29/10

A True Bill



FOREPERSON

JOSEPH P. RUSSONIELLO
United States Attorney



BRIAN J. STRETCH
Chief, Criminal Division

(Approved as to form:



AUSA FINIGAN