

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE

UNITED STATES OF AMERICA)
)
vs.) PRESENTENCE INVESTIGATION REPORT
)
) Docket No.: 0651 2:17CR20238-007
Olufolajimi Abegunde)
a/k/a "FJ," a/k/a "EFJAY")

Prepared for: The Honorable Sheryl H. Lipman
United States District Judge

Prepared by: Andrew W. Granberry
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Sentence Date: June 20, 2019 2:00 PM

Offense: Count 1 Conspiracy to Commit Wire and Bank Fraud; 18 U.S.C. §
1349;
Not more than 30 years imprisonment/\$1,000,000 fine
(Class B Felony)
0 years to 5 years supervised release
\$100.00 special assessment

Count 3 Conspiracy to Commit Money Laundering; 18 U.S.C. § 1956(h);
Not more than 20 years imprisonment/\$500,000 fine or twice the value of the funds involved;
(Class C Felony)
0 years to 3 years supervised release
\$100.00 special assessment

Count 4 Conspiracy to Commit Marriage Fraud; 18 U.S.C. § 371;
Not more than 5 years imprisonment/\$250,000 fine
(Class D Felony)
0 years to 3 years supervised release
\$100.00 special assessment

Count 5 Witness Tampering; 18 U.S.C. §§ 1512(b)(2)(A) and 2;
Not more than 20 years imprisonment/\$250,000 fine
(Class C Felony)
0 years to 3 years supervised release
\$100.00 special assessment

Release Status: February 7, 2018: Arrested and detained.

Detainers: None.

Codefendants: Babatunde Martins - 0651 2:17CR20238-1, Pending trial
Victor Daniel Fortune Okorhi - 0651 2:17CR20238-2, Pending trial
Benard Emurhowhoriogho Okorhi - 0651 2:17CR20238-3, Pending trial
Maxwell Peter - 0651 2:17CR20238-4, Pending trial
Dennis Miah - 0651 2:17CR20238-5, Pending trial
Sumaila Hardi Wumpini - 0651 2:17CR20238-6, Pending trial
Ayodeji Olumide Ojo - 0651 2:17CR20238-8, Pending trial
Dana Brady - 0651 2:17CR20238-9, Pending sentencing
James Dean - 0651 2:17CR20238-10, Pending sentencing
Javier Luis Ramos Alonso - 0651 2:17CR20238-11, Pending sentencing

Related Cases: Edchae Caffey - 0651 2:18CR20221-001
Marie Theresa Zamora - 0651 2:18CR20250-001
Rashid Abdulai - 0651 2:18CR20061-001

Identifying Data:

Date of Birth: October 23, 1986
Age: 32
Race: Black or African American
Hispanic Origin: Non-Hispanic origin
Sex: Male

SSN#: 677-46-2905
FBI#: 65ER4ELN7
USM#: 71343-019
State ID#: None
ICE#: A214166759
PACTS#: 3954463

Education: Master's Degree
Dependents: 1
Citizenship: Citizen of Another Country
Immigration Status: Temporary Visa (travel, student, employment)
Country of Birth: Nigeria
Place of Birth: Kaduna, Nigeria

Legal Address: West Tennessee Detention Facility
6299 Finde-Naifeh Drive
Mason, Tennessee 38049

Residence Address: West Tennessee Detention Facility
6299 Finde-Naifeh Drive
Mason, Tennessee 38049

Alias(es): Also Known As: "Efjay"
Also Known As: "FJ"
Also Known As: Abegunde, Olufolajimi Ayodeji

Alternate IDs: None.

Restrictions on Use and Rediscovery of Presentence Investigation Report. Disclosure of this presentence investigation report to the Federal Bureau of Prisons and rediscovery by the Bureau of Prisons is authorized by the United States District Court solely to assist administering the offender's prison sentence (i.e., classification, designation, programming, sentence calculation, pre-release planning, escape apprehension, prison disturbance response, sentence commutation, or pardon) and other limited purposes, including deportation proceedings and federal investigations directly related to terrorist activities. If this presentence investigation report is rediscovered by the Federal Bureau of Prisons upon completion of its sentence administration function, the report must be returned to the Federal Bureau of Prisons or destroyed. It is the policy of the federal judiciary and the Department of Justice that further rediscovery of the presentence investigation report is prohibited without the consent of the sentencing judge.

PART A. THE OFFENSE

Charge(s) and Conviction(s)

1. On August 24, 2017, a Federal Grand Jury sitting in the Western District of Tennessee returned a 14-count indictment against Babatunde Martins, Victor Daniel Fortune Okorhi, Benard Emurhowhoariogho Okorhi, Maxwell Peter, Dennis Miah, Sumaila Hardi Wumpini, **Olufolajimi Abegunde**, Ayodeji Olumide Ojo, Dana Brady, James Dean, and Javier Luis Ramos Alonso. **Olufolajimi Abegunde** was charged in counts one, nine and 12.
2. On August 29, 2018, a five-count superseding indictment was filed against **Olufalajimi Abegunde, a/k/a "FJ," a/k/a "EFJAY"** and Javier Luis Ramos Alonso. **Olufalajimi Abegunde, a/k/a "FJ," a/k/a "EFJAY"** is named in counts one, three, four, and five of the superseding indictment.

Count 1: Charges Conspiracy to Commit Wire and Bank Fraud from at least on or about July 2014, through August 28, 2018, in violation of 18 U.S.C. § 1349.

Count 3: Charges Conspiracy to Commit Money Laundering beginning in at least July 2014, and continuing thereafter until at least March 2018, in violation of 18 U.S.C. § 1956(h).

Count 4: Charges Conspiracy to Commit Marriage Fraud from at least on or about April 2016, through up and until the time of indictment (August 24, 2017), in violation of 18 U.S.C. § 371.

Count 5: Charges Witness Tampering on or about April 14, 2018, in violation of 18 U.S.C. §§ 1512(b)(2)(A) and 2.

3. On March 11, 2019, the case proceeded to trial. On March 20, 2019, the defendant was found guilty by jury trial of counts one, three, four and five of the superseding indictment.
4. Sentencing in this case is set for June 20, 2019.

The Offense Conduct

5. Beginning in 2012 or earlier, a group of individuals, many of whom were citizens of Nigeria living in Ghana, Africa, initiated a scheme to enrich themselves and each other by conducting multiple complex financial fraud schemes utilizing the Internet. The various fraud schemes included, but were not limited to, business email compromise, romance scams, fraudulent check scams, gold buying scams, advance fee scams, and credit card scams. The proceeds of these scams, both money and goods, were shipped and/or transferred from the United States to Accra, Ghana and other locations in Nigeria and South Africa through a complex network of both complicit and unwitting individuals recruited through the various internet scams.

6. Babatunde Martins is a citizen of Nigeria who resided in Ghana and operated Afriocan LTD in Accra, Ghana. Victor Daniel Fortune Okorhi is a citizen of Nigeria who resided in Ghana. Okorhi operated Vicdary Company LTD located in Accra, Ghana. Benard Emurhowhoriogho Okorhi (Benard Okorhi) is a citizen of Nigeria who resided in Ghana and operated Coolben Royal Links LTD in Accra, Ghana. Maxwell Peter, a/k/a Peter Maxwell is a citizen of Ghana who controlled various email accounts and a Facebook account. Dennis Miah, a/k/a Dennis Brown, a/k/a Dr. Den Brown, is a citizen of Ghana who controlled various email accounts as well as a Twitter and Facebook accounts. Sumaila Hardi Wumpini is a resident of Ghana who controlled an email account and Facebook account. **Olufolajimi Abegunde** is a Nigerian citizen who resided in Atlanta, Georgia. Ayodeji Olumide Ojo is a Nigerian citizen who resided in Nigeria, but who also stayed with **Abegunde** in Atlanta, Georgia when visiting the United States. Javier Luis Ramos Alonso was a resident of the United States who resided in California. Olubunmi Makinwa was a citizen of Nigeria who resided with **Abegunde** in Atlanta, Georgia.
7. Martins, Maxwell, Victor Okorhi, Benard Okorhi and Miah would obtain Internet protocol (IP) addresses of susceptible individuals and target those individuals through various internet schemes. They would also obtain IP addresses for potentially vulnerable email and business servers and target those servers for intrusion. These individuals would also use United States based IP addresses and virtual private networks (VPNs) to mask the international locations from which they were accessing the Internet because many websites and servers, such as credit card transaction processors and dating websites, actively block access sought through IP addresses based in Africa. These individuals used a business email compromise (BEC) network intrusion virus (also known as “malware”) to monitor email to determine when a large financial transaction was going to take place. They targeted financial transactions involving real estate including a real estate company based in Memphis, Tennessee. After the initial transfer or wiring instructions were conveyed between legitimate parties to the transaction, these individuals would generate a “spoofed” email which contained a change of plans and instructed that the funds being wired instead go to a different account that they controlled.
8. Martins, Maxwell, Victor Okorhi, Benard Okorhi and Miah obtained personal identifying information of individuals as well as compromised credit card numbers, banking information and IP addresses by purchasing this information which had been stolen by “hackers” who engaged in the theft of such information utilizing the Internet. This information was used by Martins, Maxwell, Victor Okorhi, Benard Okorhi and Miah in furtherance of their schemes to defraud.
9. Martins, Maxwell, Victor Okorhi, Benard Okorhi, Miah and Wumpini used cellular phones and voice-over-Internet-protocol phone accounts established in the United States. This allowed phone calls from Africa to the United States to appear as if the call had originated in the United States.
10. Martins, Maxwell, Victor Okorhi, Benard Okorhi and Miah used false identities on dating websites and established email accounts under fictitious names. They sought out and identified potential victims through online romance scams, gold buying scams and advance fee scams. These individuals would carry on a fictitious online romantic

relationship with the victim in order to convince them to carry out various acts that furthered the objective of the conspiracy. These acts included, among other things, receiving and shipping merchandise, depositing and forwarding counterfeit checks, and transferring the proceeds of the conspiracy via wire, U.S. Mail, Ocean freight and express package delivery services.

11. Some individuals in the United States were recruited through social media accounts to participate in the scheme by allowing their bank accounts to be used to receive intercepted and misdirected funds transfers. These “money mules” would then be directed to transfer funds to other participants through various means, including wire transfers, or use the transferred funds to purchase goods, including construction materials, cellular phones and other electronics. They would then ship these purchased goods to Ghana to be used or sold by the conspirators and their associates residing in Ghana.
12. **Abegunde** and Javier Alonso and others would open, or cause to be opened, bank accounts for the purpose of receiving fraudulently obtained funds, and then send fraudulently obtained funds to other accounts under the control of other co-conspirators or unwitting victims. When bank accounts were closed due to suspicion of fraudulent activity, co-conspirators lied to bank investigators and/or law enforcement, and then perpetuated the conspiracy by opening additional accounts.
13. In or about January 2015, Ojo opened bank accounts ending in 3770 and 0845 with Bank of America. In or about June 2016, these accounts were flagged for suspicion of fraud and subsequently closed.
14. In or about August 2016, Ojo opened a new account ending in 9962 at Wells Fargo Bank and, with permission, used **Abegunde’s** address and phone number to register the account. **Abegunde** knew that Ojo needed a United States address because Ojo was a resident of Nigeria and did not reside in the United States. Ojo’s wife, Oluwabukola Oguntoye also opened a Wells Fargo Bank account ending in 0759 which was used by **Abegunde**.
15. On July 25, 2016 a BEC occurred and redirected funds from a real estate transaction conducted by Crye-Leike realtors based in Memphis. As a result of this BEC, **\$154,371.58** was transferred into a Bank of America account ending in 9483 in the name of Luis Javier Ramos Alonso of Seaside, California. Alonso had been recruited and groomed under false pretenses to assist in receiving and sending funds which were obtained fraudulently by the participants. At the direction of a person he knew as “Tammy,” Ramos Alonso withdrew and transferred these funds to unknown individuals. On October 3, 2016, Ramos Alonso received another transfer of funds for **\$60,563.51**, the proceeds of a BEC of Whatcom Land Title Company. Between October 4, 2016, and October 6, 2016, at the direction of “Tammy,” Ramos Alonso conducted approximately seven wire transfers for \$10,000 or less that were sent to bank accounts around the United States. Among these financial transfers, “Tammy” directed Ramos Alonso to transfer \$9,000.00 from the October 3, 2016, BEC to a Wells Fargo account no. xxxx9962 in the name of Ayodeji Olumide Ojo; however, the account address and phone number belonged to **Abegunde**. Due to suspected fraud, Wells Fargo representatives called the

phone number on the account. The phone number belonged to **Abegunde**. On October 11, 2016, **Abegunde**, posing as Ojo, spoke to a Wells Fargo investigator and lied or misrepresented the source and disposition of the funds in the account. On the same date, Ramos Alonso spoke to the Wells Fargo investigator and admitted to receiving a large wire transfer of funds and then sending smaller amounts to individuals whose true identities were unknown to him.

16. On November 2, 2016, **Abegunde** registered FJ Williams, a company allegedly devoted to alcohol importation, with the Georgia Secretary of State, listing himself as Chief Executive Officer and Ayodeji Olumide Ojo as Chief Financial Officer. The previous day, **Abegunde** had arranged for Ojo to travel from Nigeria to the United States. While in the United States, Ojo resided with **Abegunde**.
17. On March 15, 2017, **Abegunde** was interviewed by case agents. **Abegunde** advised that FJ Williams was a start-up company that also imported alcohol into the United States. For income he relied on savings from the sale of his Nigerian digital marketing and IT company. **Abegunde** reported that he was friends with Ayodeji Ojo and that Ojo was a Nigerian banker. **Abegunde** advised that he was not aware of Ojo's involvement with transferring money to Nigeria or whether Ojo knew people in California or Texas. **Abegunde** stated that Ojo was a person with integrity and would not participate in fraud schemes. **Abegunde** advised that he had spoken with Ojo regarding FJ Williams becoming a money transfer business. **Abegunde** needed a Nigerian banker to help get a license with the Central Bank of Nigeria. He was trying to make FJ Williams a competitor against Western Union. **Abegunde** stated that that FJ Williams complied with applicable U.S. anti-money laundering and "know your customer" regulations. According to **Abegunde**, FJ Williams offered an online wire transfer service that eliminated the need for physical store locations. **Abegunde** was aware of the extent of fraudulent activity that occurred in Nigeria and condemned it. In Nigeria there was a black market currency exchange that offered better rates than the Central Bank of Nigeria. A Nigerian that needed U.S. currency contacted a seller and paid him in Naira. The seller then contacted an associate in the U.S. who had obtained U.S. currency from U.S. citizens by false information. The associate then deposited the U.S. currency into the Nigerian's U.S. bank account. The Nigerian used the money to pay for things like medical bills. **Abegunde** was convinced that only the person who first obtained U.S. currency by false information was committing fraud.
18. On the same day, Ojo contacted the case agents and advised that **Abegunde** had let him know that the agents had stopped by his residence. Ojo stated that he had used **Abegunde's** address to open a Wells Fargo Bank account, but not for anything else. Ojo reported that he was not in a business relationship with **Abegunde**. Ojo would bring things like food to **Abegunde** from Nigeria. According to Ojo, **Abegunde** had asked for help with getting a money transmitter license in Nigeria. Ojo reported that he visited the United States for vacations and he was recently in the United States for the birth of his child in El Paso, Texas. Ojo needed U.S. currency to pay for the birth which he received from Leke Adenuga via a wire transfer into his Wells Fargo account from Javier Alonso; however, the bank took the money back and closed Ojo's account. Ojo advised that he had made similar transactions in the past to pay for medical treatments for his wife. Ojo

acknowledged that he had sent money from the U.S. to Nigeria several times in amounts around \$10,000, but he did not have details. Ojo stated the money was left over from vacations.

19. Following the interview, **Abegunde** contacted Ojo via WhatsApp messenger and told Ojo, “Your name is in FJ Williams. I lied about that.” In July 2017, while discussing numerous financial transactions with Ojo, **Abegunde** warned that “the anti-money laundering policy reason for flagging is 10k.” Despite the warning, **Abegunde** conducted numerous transactions during the conspiracy of just below the \$10,000.00 threshold.
20. **Abegunde** was married to Olubunmi Elizabeth Makinwa on March 18, 2014 in Lagos, Nigeria. The couple divorced in Nigeria on April 26, 2016.
21. On November 10, 2014, Ahmed Alimi, who was a U.S. citizen serving in the U.S. Army, married Abioye Osiberu. This marriage was suggested by Alimi’s friend Samuel Komolafe. According to Komolafe, Osiberu wanted to marry a U.S. citizen and Komolafe assumed the reason was to gain legal status in the U.S. Alimi and Osiberu subsequently divorced. Osiberu told Komolafe that her cousin, **Abegunde** wanted to marry a U.S. citizen. Komolafe recalled that he subsequently spoke to **Abegunde** by phone and **Abegunde** stated he was looking for a spouse to marry who was a U.S. citizen.
22. Alimi was interviewed and confirmed that he had married Osiberu at the suggestion of Komolafe. According to Alimi, Komolafe arranged a two-year marriage contract between Alimi and Osiberu. Alimi was to receive \$7,500.00 and in return enter into marriage with Osiberu and sponsor her for naturalized U.S. citizenship. Osiberu and Alimi spoke primarily through WhatsApp, with Alimi living in Fayetteville, North Carolina and Osiberu attending college in Florida. After marrying, Osiberu asked Alimi to sign several immigration documents related to sponsoring her for permanent residence in the United States. While married to Osiberu, Alimi became concerned when he saw large deposits into their joint bank account followed by immediate withdrawals and wire transfers. When confronted, Osiberu explained that she was operating a financial exchange by converting U.S. dollars to Nigerian Naira. Alimi was aware of Nigerian fraud schemes and suspected Osiberu might be involved in criminal activity. At the end of the two-year marriage contract, Komolafe offered him more money to stay in the marriage. Alimi reported that every time he tried to divorce Osiberu there were excuses and delays from her and Komolafe. In April 2018, Alimi signed divorce papers and had them served on Osiberu while she was living in Canada. Alimi did not think Osiberu was able to obtain legal U.S. residency due to their divorce.
23. In 2014, while legally married to Osiberu, Alimi began a relationship with Edchae Caffey. In approximately April of 2016, Osiberu told Alimi that she had a friend named “**FJ**” (**Abegunde**) who was a Nigerian national living in the U.S. and he needed to marry a U.S. citizen in order to obtain permanent legal status. Osiberu proposed that **Abegunde** and Caffey enter into a marriage contract similar to the one Osiberu and Alimi had. Alimi told Caffey that she should go forward with the marriage contract because she was having financial difficulties involving her trying to adopt her niece. Alimi told Caffey to ask for

\$8,000.00 from **Abegunde**, which she did. Caffey and **Abegunde** agreed to enter into the marriage contract, and **Abegunde** traveled to Fayetteville, North Carolina where the two were married on May 6, 2016. Alimi took photographs of **Abegunde** and Caffey at various locations at **Abegunde's** request so he could use them for immigration paperwork. After marrying **Abegunde**, Caffey petitioned United States authorities for an "Alien Relative" adjustment to **Abegunde's** immigration status, which permitted him temporary authority to live in the United States. Caffey also opened and maintained at least three joint bank accounts with **Abegunde**. Following the wedding, **Abegunde** returned to Atlanta, Georgia and Caffey was deployed with the U.S. Army to South Korea. Caffey subsequently contacted Alimi when she noticed suspicious transactions in her joint bank account with **Abegunde**. Alimi contacted **Abegunde** regarding the transactions and **Abegunde** stated that he operated a money transfer business and converted U.S. dollars to Nigerian Naira. Alimi did not believe that **Abegunde's** business was legitimate and he explained the Nigerian fraud schemes to Caffey. Caffey again contacted Alimi after **Abegunde** missed a payment due to her per their marriage contract. Alimi contacted **Abegunde** regarding the missed payment and **Abegunde** forwarded the missed \$2,000.00 payment to Alimi.

24. The investigation revealed that on the same day Caffey and **Abegunde** married, Caffey established a Bank of America joint account with **Abegunde** (account no. xxxx0875) and a \$5,000.00 counter credit was applied. On May 10, 2016, Caffey withdrew \$4,954.00. On May 13, 2016, **Abegunde** received a wire transfer into the account for \$9,855.00 and again on May 20, 2016, there was a second wire transfer into the account in the amount of \$9,855.00.
25. After getting married, Caffey asked if **Abegunde** would be requesting a military dependent ID for his daughter from his actual marriage. **Abegunde** responded, "Let me speak with my wife. I will let you know." In May 2016, Caffey asked **Abegunde** when she would receive payment for her marriage agreement, to which **Abegunde** responded, "We agreed end of June, July, and August [of 2016] ...[but]...[I]ets talk when you get the chance" because "it's too sensitive to chat."
26. After sending a marriage payment to their USAA account, **Abegunde** texted Caffey that he would be "grateful if [Caffey] took [the money] out in piecemeal" because he wanted to "try to create the perception of realistic activities on the account. If [Caffey] remove[d] all the money at one swoop, it raises some eyebrow." On or about July 5, 2016, after **Abegunde** apparently missed a payment, Caffey warned that the delinquent disbursement would result in her cutting him "off from everything" and filing for divorce, which she described as "[n]othing personal just business."
27. The investigation determined that after the marriage to Caffey, **Abegunde** continued to live as husband and wife with Olunmi Elizabeth Makinwa. Text messages between the two revealed that the couple subsequently had a second child.
28. **Abegunde** was arrested on February 7, 2018.

29. On March 2, 2018, a search warrant was executed at 1014 Brookwood Valley Circle NE, Atlanta, Georgia which is the residence of **Abegunde**. Olubinmi Makinwa and Chimyere Makinwa were present when the warrant was executed. Makinwa was reported to be in a fraudulent marriage scheme of her own.
30. After **Abegunde** was arrested in February 2018, Army investigators interviewed Caffey about her marriage and **Abegunde's** business practices. Caffey lied and/or misrepresented numerous facts during the interview, including the basis for her marriage to **Abegunde** and the nature of his financial activities. For example, Caffey told investigators she had no knowledge of her husband's financial activities, but text messages recovered from **Abegunde's** cell phone revealed conversations between Caffey and **Abegunde** discussing wire transfers and transactions on both their joint USAA and Bank of America accounts. Shortly after her interview with the Army investigators, Caffey closed their joint USAA account that had been used to receive payments for the fraudulent marriage, transferring the money to a USAA account held only in her name.
31. On or about May 9, 2018, Caffey and **Abegunde** had a phone conversation in which she admitted to the scheme. Caffey indicated that "[t]his shit is not sitting well with me," and that "I think the cat is out of the bag already." After **Abegunde** mentioned that they, as married individuals, enjoyed certain "privileged rights," Caffey responded, "No, that shit don't apply when, when you are breaking the law!"
32. The aforementioned May 9, 2018, conversation between Caffey and **Abegunde** occurred while **Abegunde** was in custody and after the agents had talked to Caffey about the evidence in this case. During the conversation, Caffey told **Abegunde** they had everything (referring to the agents having bank documents and their text messages).
33. Caffey subsequently confirmed that she and **Abegunde** had engaged in marriage fraud. She and Alimi were in the Army and Alimi was known to set up fake marriages so participants could gain additional benefits from the Army. Caffey asked Alimi to set her up for a fraudulent marriage so she could make some extra money. Alimi coordinated all the details of **Abegunde** and Caffey's marriage including helping with the green cards and taking photos of the couple to make their marriage appear more legitimate. For her part in the marriage, **Abegunde** paid Caffey approximately \$8,000.00. **Abegunde** requested that they setup a joint Bank of America account. She received her first payment from **Abegunde** for the marriage through this account. After withdrawing the payment, she left the account alone and did not monitor it. After approximately six weeks she received a letter from Bank of America advising her that the account had been closed on the suspicion of fraud. Caffey was angry with **Abegunde** because she knew this could draw attention to their fraudulent marriage. She talked to Alimi who provided her with information about various Nigerian financial scams. Caffey knew that if **Abegunde** was ever caught, she would be caught too. After **Abegunde's** arrest, he contacted her and told her that the government had nothing on him and that everything was fine. He tried to convince her not to cooperate with the government.

34. The investigation determined that in an attempt to convince Caffey not to cooperate in the case, **Abegunde** prepared a handwritten motion to dismiss which he asked his attorney to file. When his attorney refused to file the motion, a typed version of the motion to dismiss was prepared and subsequently transmitted to Caffey by **Abegunde's** friend, Wale Hameed. Caffey testified at trial that she received the motion and since there had been previous requests from **Abegunde** encouraging her not to cooperate, she took the motion as an indication that there was no reason for her to cooperate because the case was going to be dismissed.
35. As a result of his marriage to Caffey, **Abegunde** received a U.S. Uniformed Services dependent's identification card and he and his daughter, Olakitan Abegunde, were eligible to receive medical benefits through Tricare. **Abegunde** and his daughter subsequently received **\$7,429.59** in Tricare benefits in off-post services.
36. The investigation determined that **Abegunde** conducted financial transactions amounting to over \$650,000.00 through his FJ Williams bank accounts. He did not follow the appropriate procedures for conducting financial business transactions. These accounts were subsequently closed by the financial institutions due to the suspicious financial activity. It is likely that these transactions constitute money laundering; however, the supporting evidence is limited. Financial transactions conducted by **Abegunde** through third party bank accounts which constitute money laundering activity is detailed below. According to the case agent, this chart represents a conservative estimate of the money laundering involved in this case.

Date	Bank	Account Ending	Name on Account	Amount
1/19/2016	Wells Fargo	4350	Mosunmola Odunuga	\$ 2,550.00
2/10/2016	Ecobank	0479	Ojo Olugbenga Nathan	\$15,000.00
4/6/2016	Wells Fargo	0762	Olubunmi Makinwa	\$10,000.00
4/13/2016	Wells Fargo	0762	Olubunmi Makinwa	\$10,000.00
4/22/2016	Bank of America	9319	Abioye Osiberu	\$8,000.00
4/22/2016	Wells Fargo	0762	Olubunmi Makinwa	\$6,000.00
4/27/2016	Wells Fargo	0762	Olubunmi Makinwa	\$9,500.00
4/28/2016	Bank of America	7793	Theodore Nwanne	\$10,510.00
5/1/2016	Bank of America	7793	Theodore Nwanne	\$10,000.00
5/16/2016	Wells Fargo	6240	Abioye Osiberu	\$9,500.00
5/16/2016	Wells Fargo	6240	Abioye Osiberu	\$4,000.00
5/23/2016	Chase	8069	Adeboye Ogunyemi	\$7,370.00
5/24/2016	N/A	N/A	Meredith Grundy	\$5,000.00
6/29/2016	Wells Fargo	0762	Olubunmi Makinwa	\$9,000.00
8/19/2016	Wells Fargo	0762	Olubunmi Makinwa	\$9,000.00
8/22/2016	Wells Fargo	0762	Olubunmi Makinwa	\$2,000.00
8/25/2016	Wells Fargo	0762	Olubunmi Makinwa	\$5,000.00
8/26/2016	Bank of America	2636	Olubunmi Makinwa	\$9,850.00
8/26/2016	N/A	N/A	Osanupe	\$4,000.00
8/29/2016	N/A	N/A	Osanupe	\$3,000.00

8/29/2016	N/A	N/A	Abioye Osiberu	\$5,000.00
9/1/2016	Wells Fargo	0762	Olubunmi Makinwa	\$2,000.00
9/2/2016	Wells Fargo	0762	Olubunmi Makinwa	\$2,500.00
9/8/2016	Wells Fargo	7743	Koko-Ete Obott	\$5,000.00
9/8/2016	Bank of America	2636	Olubunmi Makinwa	\$7,500.00
9/8/2016	Wells Fargo	0762	Olubunmi Makinwa	\$8,000.00
9/8/2016	Wells Fargo	0762	Olubunmi Makinwa	\$7,500.00
9/9/2016	Bank of America	2636	Olubunmi Makinwa	\$200.00
9/12/2016	Wells Fargo	7743	Koko-Ete Obott	\$5,000.00
9/17/2016	Wells Fargo	6466	Friday Airhia	\$7,000.00
9/17/2016	Bank of America	2946	Friday Airhia	\$3,000.00
9/21/2016	Bank of America	2636	Olubunmi Makinwa	\$2,000.00
10/3/2016	Wells Fargo	9962	Ayodeji Ojo	\$9,000.00 (previously referenced)
10/3/2016	Bank of America	2636	Olubunmi Makinwa	\$7,000.00
5/16/2017	Wells Fargo	7743	Koko-Ete Obott	\$8,000.00
5/16/2017	N/A	N/A	Opeyemi Odeyale	\$50,000.00*
5/17/2017	Wells Fargo	7743	Koko-Ete Obott	\$9,500.00
5/24/2017	Wells Fargo	7743	Koko-Ete Obott	\$4,250.00
5/24/2017	Wells Fargo	6283	Semi Gbadamosi	\$8,000.00
6/5/2017	Bank of America	8489	Kayode Alhassan	\$5,000.00
6/12/2017	Wells Fargo	6283	Semi Gbadamosi	\$5,500.00
6/17/2017	Bank of America	2604	Vidya Sagar Reddy Thummala	\$10,000.00
6/19/2017	Bank of America	5561	Prince Magbegor	\$20,000.00
6/19/2017	Wells Fargo	8360	Prithviraj Chougule	\$15,000.00
6/21/2017	Bank of America	5561	Prince Magbegor	\$5,000.00
6/21/2017	Bank of America	7816	Oluwagbenga Osiberu	\$4,000.00
7/3/2017	Bank of America	8489	Kayode Alhassan	\$3,000.00
7/3/2017	Bank of America	5364	Babajida Akeredolu	\$9,000.00
7/3/2017	N/A	N/A	Adediran Moyo	\$8,000.00
7/3/2017	N/A	N/A	Prince Magbegor	\$13,000.00
7/11/2017	Bank of America	7900	Omole Oreka	\$9,900.00
7/30/2017	Bank of America	7038	Oluwabusola Odeyale	\$6,000.00
7/30/2017	Bank of America	7038	Oluwabusola Odeyale	\$8,913.00
7/31/2017	Wells Fargo	5898	Gregory Adeligba	\$9,000.00
8/11/2017	Bank of America	7038	Oluwabusola Odeyale	\$5,000.00
8/13/2017	Bank of America	7038	Oluwabusola Odeyale	\$7,000.00
8/16/2017	Bank of America	7038	Oluwabusola Odeyale	\$6,500.00
8/23/2017	Bank of America	7038	Oluwabusola Odeyale	\$10,000.00
8/25/2017	Bank of America	8489	Kayode Alhassan	\$2,000.00
8/25/2017	Wells Fargo	3042	Olayinka Oremade	\$5,000.00
8/31/2017	Bank of America	8489	Kayode Alhassan	\$2,500.00
9/1/2017	Bank of America	7038	Oluwabusola Odeyale	\$2,500.00

9/2/2017	Bank of America	1349	Igoche Mark	\$10,000.00
9/5/2017	Bank of America	7038	Oluwabusola Odeyale	\$2,500.00
9/7/2017	Bank of America	1349	Igoche Mark	\$7,000.00
9/7/2017	Wells Fargo	6283	Semiu Gbadamosi	\$6,500.00
9/13/2017	Bank of America	7038	Oluwabusola Odeyale	\$2,000.00
9/14/2017	Wells Fargo	6283	Semiu Gbadamosi	\$7,000.00
9/19/2017	Bank of America	1349	Igoche Mark	\$14,000.00
9/20/2017	Bank of America	1349	Igoche Mark	\$2,000.00
10/2/2017	Bank of America	7038	Oluwabusola Odeyale	\$2,800.00
10/2/2017	Bank of America	7038	Oluwabusola Odeyale	\$2,500.00
10/3/2017	Bank of America	1349	Igoche Mark	\$2,900.00
10/7/2017	Bank of America	1349	Igoche Mark	\$3,100.00
10/10/2017	Bank of America	1349	Igoche Mark	\$5,000.00
10/10/2017	Bank of America	2635	Olukayode Yinka Opasanya	\$2,500.00
10/10/2017	Bank of America	7038	Oluwabusola Odeyale	\$1,500.00
10/16/2017	N/A	N/A	Adesanya	\$9,000.00
10/19/2017	Bank of America	1349	Igoche Mark	\$400.00
1/8/2018	Wells Fargo	1952	Atinuke Adebayo	\$3,000.00
5/2016 – 6/2016	Bank of America	0875	Edchae Caffey joint account	\$24,840.01
			Total	\$580,083.01
			Previously referenced	-\$9,000.00
				\$571,083.01

*Funds were used to pay Ojo for his stake in FJ Williams. The funds were laundered through Odeyale's account.

37. The total loss in this case is determined to be **\$793,447.69**.
38. At trial, **Abegunde** testified that he ran a legitimate business. He testified that he did not make payments to Caffey pursuant to an arranged marriage. Further, **Abegunde** testified that he and Olubunmi Elizabeth Makinwa had one child together.

Victim Impact

39. The provisions of the Mandatory Victim Restitution Act of 1996 apply to this Title 18 offense. Whatcom Land Title Company, Inc., Crye-Leike Inc. and Tricare are the identified victims.
40. A victim impact and declaration of loss was received from Whatcom Land Title Company, Inc. reflecting a loss of \$34,082.03. The company advised that the total stolen was \$60,563.51; however, the company was able to recover \$26,481.48. The company noted that the loss represented a substantial loss of a retirement, education, or other savings or investment fund. The following victim impact statement was provided:

Whatcom Land Title Company, Inc. is a licensed Title Insurance and Escrow Company doing business for over 37 years. Our clients place their trust in our company with their proceeds to purchase, or refinance their home; or with the proceeds from the sale of their home. A person's home is most often the biggest financial investment a person will ever make in their life, in addition to the huge emotional attachment. To learn Olufolajimi Abegunde and Javier Luis Ramos-Alonso stole our client's funds was devastating not only to our employees and company, but to our clients and the parties involved in the transaction. We were fortunate to have savings on hand to immediately pay our client but this has been a hardship to our company financially. We had never been a victim of fraud and criminal scheming until we fell victim to these criminal in 2016. This incident has taken a great toll on the reputation of our company and related professionals in our community. They stole almost \$40,000 from our savings which had been allocated as employee bonuses for our then approximately 60 employees. I, together with our employees and community business leaders hope a precedent is set in sentencing these criminals to the maximum sentence so the message is received by any and all criminals involved in business email compromises of all types. Wire fraud and stealing someone's life savings and their trust in humanity is not a victimless crime!!

41. A victim impact and declaration of loss was received from Crye-Leike, Inc. reporting a loss of \$68,998.43. This loss was the result of two events. In the first event which occurred in 2015, an affiliated company paid \$69,035.00 to cover the loss of funds to purchase real estate that belonged to a buyer when an employee of the company followed fraudulent wire instructions in an email. The total loss to the company after a lawsuit involving another title company was \$55,497.43. In the second event, which occurred in 2016, a buyer followed fraudulent wiring instructions that were in an email believed to be from the closing attorney that forwarded by an affiliated real estate licensee. The total loss was \$13,500.00 when the company paid for part of the buyer's lost money.

Adjustment for Obstruction of Justice

42. According to USSG §3C1.1, if (1) the defendant willfully obstructed or impeded, or attempted to obstruct or impede, the administration of justice with respect to the investigation, prosecution, or sentencing of the instant offense of conviction, and (2) the obstructive conduct related to (A) the defendant's offense of conviction and any relevant conduct; or (B) a closely related offense, increase the offense level by two levels. According to USSG §3C1.1 Application Note 4(B), committing, suborning, or attempting to suborn perjury, including during the course of a civil proceeding if such perjury pertains to conduct that forms the basis of the offense of conviction is an example of the type of conduct for which the obstruction of justice enhancement applies. In this case, count five, Witness Tampering, represents obstructive conduct as to count four.

43. Section 3C1.1 Application Note 4 notes that committing perjury is an example of conduct to which the obstruction of justice enhancement applies. At trial, the defendant testified that he ran a legitimate business when the evidence at trial indicated a substantial amount of money laundering activity. The defendant testified that he did not make payments to Caffey pursuant to their arranged marriage and he testified that he and Olubunmi Elizabeth Makinwa have only one child together. The defendant's testimony appears to constitute perjury.

Adjustment for Acceptance of Responsibility

44. As of completion of the presentence investigation, the defendant has not clearly demonstrated acceptance of responsibility. This case proceeded to trial; therefore, no statement was taken.

Offense Level Computation

45. The 2018 Guidelines Manual, incorporating all guideline amendments, was used to determine the defendant's offense level. USSG §1B1.11.
46. Counts 1, 3, and 4 are grouped for guideline calculation purposes because the offense level is determined largely on the basis of the total amount of harm or loss, the quantity of a substance involved, or some other measure of aggregate harm, or if the offense behavior is ongoing or continuous in nature and the offense guideline is written to cover such behavior. USSG §3D1.2(d). Count 5 is grouped with counts 1, 3 and 4 for guideline calculation purposes because one of the counts embodies conduct that is treated as a specific offense characteristic in, or other adjustment to, the guideline applicable to another of the count(s). USSG §3D1.2(c).

Counts 1, 3, 4 and 5: Conspiracy to Commit Wire and Bank Fraud, Conspiracy to Commit Money Laundering, Conspiracy to Commit Marriage Fraud and Witness Tampering

47. **Base Offense Level:** The guideline for a violation of 18 U.S.C. § 1956(h) is USSG §2S1.1. The base offense level is 22 (eight plus 14 from the table at §2B1.1 for loss of more than \$550,000 but less than \$1,500,000). USSG §2S1.1(a)(2). **22**
48. **Specific Offense Characteristics:** Pursuant to USSG §2S1.1(b)(2)(C), if (i) subsection (a)(2) applies; and (ii) the defendant was in the business of laundering funds, increase by four levels. The defendant operated FJ Williams, a business that was regularly involved in money laundering. **+4**
49. **Victim Related Adjustment:** None. **0**
50. **Adjustment for Role in the Offense:** None. **0**
51. **Adjustment for Obstruction of Justice:** The defendant willfully obstructed or impeded, or attempted to obstruct or impede, the administration of justice with respect to the investigation, prosecution, or sentencing of the instant offense of

conviction, and the obstructive conduct related to the defendant's offense of conviction and any relevant conduct; or a closely related offense; therefore, two levels are added. USSG §3C1.1. As noted above, the conduct representing the Witness Tampering was obstructive conduct as to the Marriage Fraud. Also, it appears that the defendant committed perjury when he testified at trial. +2

52. **Adjusted Offense Level (Subtotal):** 28

53. **Chapter Four Enhancement:** None. 0

54. **Acceptance of Responsibility:** As of completion of the presentence investigation, the defendant has not clearly demonstrated acceptance of responsibility for the offense. USSG §3E1.1. 0

55. **Total Offense Level:** 28

Offense Behavior Not Part of Relevant Conduct:

56. None.

PART B. THE DEFENDANT’S CRIMINAL HISTORY

Juvenile Adjudication(s)

57. None.

Adult Criminal Conviction(s)

58. None.

Criminal History Computation

59. The criminal convictions above result in a subtotal criminal history score of zero.

60. The total criminal history score is zero. According to the sentencing table in USSG Chapter 5, Part A, a criminal history score of zero establishes a criminal history category of I.

Other Criminal Conduct

61. None.

Pending Charges

62. None.

Other Arrests

63. None.

PART C. OFFENDER CHARACTERISTICS

Personal and Family Data

64. The defendant was born on October 23, 1986 in Kaduna, Nigeria to Oluwagbemiga Abegunde and Oluseyi Sonoiki. The defendant's father, who was an attorney and human rights activist, died in an auto accident in 1992. The defendant's mother was the director of the Nigerian Ministry of Information. The defendant was raised in Lagos, Nigeria by his mother and other relatives. He related that he was well cared for and enjoyed a middle class upbringing. He enjoyed playing soccer and played often. The defendant was active in various leadership positions as a student. He was a member of the literary club, debate club, press club, and science and technology club. He was the president of Interact, which was described as the high school division of Rotary International. After graduating from high school, the defendant attended college in Nigeria where he studied computer science and obtained a bachelor's degree. In 2014, he came to the United States where he resided in College Station, Texas and attended Texas A&M University. In 2016, after receiving his Master of Business Administration degree, he moved to Atlanta, Georgia where he was residing when arrested on the instant offense.
65. The defendant reported that he has one brother, Anjola Abegunde (age 34), who is an attorney and lives in Lagos, Nigeria. The defendant's mother is recently retired and lives in Lagos, Nigeria.
66. On March 18, 2014, the defendant married Olubunmi Elizabeth Makinwa in Lagos, Nigeria. The couple divorced in Nigeria on April 19, 2016. The defendant and his ex-wife have a daughter, Olakitan Abegunde (age 4). The case information indicates that the defendant and his ex-wife have another child together. The defendant's ex-wife and children currently live in Lagos, Nigeria. The defendant married Edchae Monya Caffey on May 6, 2016 in Cumberland County, North Carolina. Ms. Caffey is charged in a related case.
67. The defendant advised that he has an uncle, Seun Sonoiki (age 59), who resides in Houston, Texas; however, contact information has not been provided.

Physical Condition

68. The defendant reported to be five feet, 10 inches tall and to weigh 160 pounds. He has no tattoos. The defendant reported to be healthy with no history of health problems. He currently takes omeprazole 20 mg to control heartburn.

Mental and Emotional Health

69. The defendant reported that he has no history of mental or emotional health problems.
70. The defendant reported that he has no history of gambling problems and he has no history of affiliation with gangs or subversive groups.

Substance Abuse

71. The defendant reported that he has no history of use or abuse of controlled substances. He reported drinking alcohol socially with no associated drinking problems.

Educational, Vocational and Special Skills

72. The defendant advised that he graduated from Government College in Lagos, Nigeria in 2000.
73. The defendant reported that he attended college at Babcock University in Ogun, Nigeria where he studied computer science and graduated with a Bachelor of Science degree in 2006. The defendant advised that his grade point average was 3.44.
74. The defendant attended Texas A&M University in College Station, Texas from September 2014 to December 2015. The college confirmed that on December 18, 2015, the defendant received a Master of Business Administration degree. The defendant's transcript was not provided. The defendant advised that his grade point average was 3.0.
75. The defendant reported that he took additional classes at Texas A&M University, including conflict management, conflict resolution, negotiation strategy and product management, which are not reflected on his transcript.
76. The defendant is fluent in Yoruba, his native language. He is also fluent in English.

Employment Record

77. The defendant reported the following employment history:

	<u>Start Date</u>	<u>End Date</u>	<u>Employer</u>	<u>Gross/Other Monthly Income</u>	<u>Hours/Week</u>
78.	09/01/2016	02/07/2018	FJ Williams Inc. Atlanta, Georgia	\$8,750.00	40.00

The defendant advised that he is the chief executive officer for this financial technology start-up business.

79.	05/01/2015	08/01/2015	Cox Automotive Atlanta, Georgia	\$9,000.00	40.00
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The defendant advised that he was a marketing manager/MBA intern for three months in 2015 working on digital marketing. He reported earning \$27,000.00 during this three-month period of employment.

80. 11/01/2009 07/01/2014 FJ Williams \$2,500.00 40.00
 Limited
 Lagos, Nigeria

The defendant advised that he was the chief executive officer for his company which was a digital agency that developed website software applications and corporate branding. This company had approximately ten employees.

81. 02/01/2008 10/01/2009 Computer \$1,250.00 40.00
 Warehouse Group
 Lagos, Nigeria

The defendant advised that he was employed as a project manager for this company which is the biggest information and communication technology company in Nigeria. The defendant reported being paid \$1,250.00 per month and he left this job for a better opportunity operating his own company.

Financial Condition: Ability to Pay

82. The defendant submitted a signed financial statement reflecting no current income or expenses. He reported owing an unknown amount in credit card debt and debt on a 2016 Toyota Avalon. He also reported owing approximately \$1,279.00 on a student loan. The defendant valued his company at \$3,000,000.00 based on “potential future cash flow projections.” He reported having a pending lawsuit against Mudafiaiotaobayomi Akande in Union City, New Jersey for which he expects to receive \$15,000.00.

83. A consumer credit check revealed the following:

<u>Account Name</u>	<u>Type</u>	<u>Balance</u>
State Farm Bank	Bank Debt	\$3,165.00
USAA Savings Bank	Credit Card	\$2,108.00
American Express	Bank Card	\$2,515.00
CBNA	Bank Debt	\$7,216.00
Capital One	Bank Debt	\$4,074.00
SYNCB/Amazon	Mail Order	\$972.00
American Express	Bank Card	\$2,510.00
Chase Card	Credit Card	\$1,498.00
SYNCB/Ban	Credit	\$335.00
Discover	Credit Card	\$10,961.00
American Express	Bank Card	\$8,760.00
City Bank LUB	Bank Card	\$16.00
CitiBank	Collection	\$8,771.00
Comcast Cable	Collection	\$150.00
Toyota Motors	Auto Financing	\$18,025.00
WFB CD SVC	Bank Debt	\$35.00

84. Records from the Internal Revenue Service (IRS) have been requested for tax years 2015 to 2018. To date, no records have been received.
85. Based on the defendant's financial condition, it does not appear that the defendant has the ability to pay a fine.

PART D. SENTENCING OPTIONS

Custody

86. **Statutory Provisions: Count 1:** The **maximum term** of imprisonment is **30 years**. 18 U.S.C. § 1349. **Count 3:** The **maximum term** of imprisonment is **20 years**. 18 U.S.C. § 1956(h). **Count 4:** The **maximum term** of imprisonment is **five years**. 18 U.S.C. § 371. **Count 5:** The **maximum term** of imprisonment is **20 years**. 18 U.S.C. § 1512(b).
87. **Guideline Provisions:** Based upon a total offense level of **28** and a criminal history category of **I**, the guideline imprisonment range is **78 months to 97 months**.
88. Pursuant to §5G1.2(c), if the sentence imposed on the count carrying the highest statutory maximum is adequate to achieve the total punishment, then the sentences on all counts shall run concurrently, except to the extent otherwise required by law.

Impact of Plea Agreement

89. Not applicable.

Supervised Release

90. **Statutory Provisions: Count 1:** The Court may impose a term of supervised release of **not more than 5 years**. 18 U.S.C. § 3583(b)(1). **Count 3:** The Court may impose a term of supervised release of **not more than 3 years**. 18 U.S.C. § 3583(b)(2). **Count 4:** The Court may impose a term of supervised release of **not more than 3 years**. 18 U.S.C. § 3583(b)(2). **Count 5:** The Court may impose a term of supervised release of **not more than 3 years**. 18 U.S.C. § 3583(b)(2).
91. Multiple terms of supervised release shall run concurrently. 18 U.S.C. § 3624(e).
92. **Guideline Provisions: Count 1:** Since the offense is a Class B Felony, the guideline range for a term of supervised release is **2 years to 5 years**. USSG §5D1.2(a)(1). **Count 3:** Since the offense is a Class C Felony, the guideline range for a term of supervised release is **1 year to 3 years**. USSG §5D1.2(a)(2). **Count 4:** Since the offense is a Class D Felony, the guideline range for a term of supervised release is **1 year to 3 years**. USSG §5D1.2(a)(2). **Count 5:** Since the offense is a Class C Felony, the guideline range for a term of supervised release is **1 year to 3 years**. USSG §5D1.2(a)(2).

Probation

93. **Statutory Provisions: Count 1:** The defendant is **ineligible for probation** because the offense is a Class B Felony. 18 U.S.C. § 3561(a)(1). **Count 3:** Because the offense is a Class C Felony, the defendant is eligible for **not less than one nor more than five years of probation**. 18 U.S.C. § 3561(c)(1). One of the following must be imposed as a condition of probation unless extraordinary circumstances exist: a fine, restitution, or community service. **Count 4:** Because the offense is a Class D Felony, the defendant is eligible for **not less than one nor more than five years of probation**. 18 U.S.C. § 3561(c)(1). One of the following must be imposed as a condition of probation unless extraordinary circumstances exist: a fine, restitution, or community service. **Count 5:** Because the offense is a Class C Felony, the defendant is eligible for **not less than one nor more than five years of probation**. 18 U.S.C. § 3561(c)(1). One of the following must be imposed as a condition of probation unless extraordinary circumstances exist: a fine, restitution, or community service.
94. Multiple terms of probation shall run concurrently. 18 U.S.C. § 3564(b).
95. **Guideline Provisions: Count 1:** The defendant is **ineligible for probation** because the offense is a Class B Felony. USSG §5B1.1(b)(1). **Counts 3, 4 and 5:** Since the applicable guideline range is in Zone D of the Sentencing Table, the defendant is **ineligible for probation**. USSG §5B1.1, comment.(n.2).

Fines

96. **Statutory Provisions: Count 1:** The maximum fine is **\$1,000,000**. 18 U.S.C. § 1349. **Count 3:** The maximum fine is **\$250,000**. 18 U.S.C. § 3571(b). **Count 4:** The maximum fine is **\$250,000**. 18 U.S.C. § 3571(b). **Count 5:** The maximum fine is **\$250,000**. 18 U.S.C. § 3571(b).
97. **Count 1:** A special assessment of **\$100** is mandatory. 18 U.S.C. § 3013. **Count 3:** A special assessment of **\$100** is mandatory. 18 U.S.C. § 3013. **Count 4:** A special assessment of **\$100** is mandatory. 18 U.S.C. § 3013. **Count 5:** A special assessment of **\$100** is mandatory. 18 U.S.C. § 3013.
98. **Guideline Provisions:** The fine range for this offense is from **\$25,000 to \$1,000,000**. USSG §5E1.2(c)(3).
99. Costs of prosecution shall be imposed on the defendant as required by statute. USSG §5E1.5. In determining whether to impose a fine and the amount of such fine, the Court shall consider, among other factors, the expected costs to the government of any term of probation, or term of imprisonment and term of supervised release imposed. USSG §5E1.2(d)(7) and 18 U.S.C. § 3572(a)(6). These costs may include drug and alcohol treatment, electronic monitoring, and/or contract confinement costs. The most recent advisory from the Administrative Office of the United States Courts, dated August 1, 2018, provides the following monthly cost data:

	<u>Bureau of Prisons Facilities</u>	<u>Community Correction Centers</u>	<u>Supervision by Probation Officer</u>
Daily	\$99	\$89	\$12
Monthly	\$3,025	\$2,692	\$364
Annually	\$36,300	\$32,309	\$4,369

Restitution

100. **Statutory Provisions:** Pursuant to 18 U.S.C. § 3663A, restitution in the amount of \$47,582.03 shall be ordered in this case. Restitution as set forth below, is due and owing to the following victims:

101. Restitution appears appropriate to Whatcom Land Title Company, Inc. in the amount of \$34,082.03. Restitution should be forwarded to:

Whatcom Land Title Company, Inc.
 Attn: Michael Baldwin, Co-Owner/COO
 2011 Young Street, Suite 102
 Bellingham, Washington 98225
 Ph: 360-676-8484

102. Restitution appears appropriate to Crye-Leike, Inc. in the amount of \$13,500.00.

Crye-Leike, Inc.
 Attn: Robert B. Robinson
 6525 Quail Hollow Road, Suite 100
 Memphis, Tennessee 38120
 Ph: 901-756-8900

103. **Guideline Provisions:** Restitution shall be ordered. USSG §5E1.1.

Denial of Federal Benefits

104. **Statutory Provisions:** None.

105. **Guideline Provisions:** None.

PART E. FACTORS THAT MAY WARRANT DEPARTURE

106. The probation officer has not identified any factors that would warrant a departure from the applicable sentencing guideline range.

**PART F. FACTORS THAT MAY WARRANT A SENTENCE OUTSIDE OF THE
ADVISORY GUIDELINE SYSTEM**

107. The probation officer has not identified any factors under 18 U.S.C. § 3553(a) that may warrant a variance and imposition of a non-guideline sentence.

Respectfully Submitted,



By: Andrew W. Granberry
United States Probation Officer Specialist

Reviewed by:



Michelle A. Gonzalez
Supervising United States Probation Officer