

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Case No. 12-20438-Cr-Huck

UNITED STATES OF AMERICA

vs.

OSCAR SANCHEZ,
Defendant.

MOTION SEEKING PRE-TRIAL DETENTION
BASED ON RISK OF FLIGHT

In the mid-2000s, 70 companies in South Florida submitted approximately \$375 million in claims to Medicare for durable medical equipment, HIV-related drugs, and other medical items. As a result of these claims, Medicare deposited over \$70 million into the corporate bank accounts of these companies. Approximately \$31 million of that money then moved from the United States, to bank accounts in Canada, the Caribbean, and finally Cuba, where the final whereabouts of the money is unknown.

For a commission, Defendant Oscar Sanchez knowingly laundered the proceeds of health care fraud through this international banking operation. He provided cash to health care fraud masterminds who wanted their money out of the U.S. banking system. At the same time, he provided access to money in the banking system to individuals who wanted their cash in Cuba. Benefitting both sides of the transactions, Defendant Oscar Sanchez was a financier for fraudsters and a capitalist for the Cuban banks.

To ensure that Defendant Oscar Sanchez appears for his upcoming trial on the Indictment alleging that he conspired to launder the proceeds of health care fraud, this Court must detain the Defendant. *See* 18 U.S.C. § 3142. The vastness of this conspiracy, the Defendant's ties to a Communist country that will not extradite him, his 78 overseas trips in the past 10 years, and the

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significant sentence that he will likely face all mandate that this Court order the detention of the Defendant at the hearing scheduled for June 18, 2012, at 1:30pm.

FACTUAL PROFFER

I. An International Network Used Health Care Fraud Proceeds to Launder Money to Cuba.

A federal grand jury in the Southern District of Florida returned a one-count Indictment, alleging that Defendant Oscar Sanchez conspired to launder the proceeds of health care fraud, in violation of 18 U.S.C. § 1956(h). The Indictment also seeks forfeiture in the amount of \$22,262,985, or seven properties and two cars as substitute assets. (DE 3.) Although the Indictment is straight forward, this is not a traditional money laundering case.

A. Sending Money from the United States to Cuba through the Banking System

International bank records show that a group of individuals controlling shell companies overseas opened approximately 15 bank accounts with banks in Canada and Trinidad and then used these accounts to transfer over \$63 million from the United States into the Cuban banking system. To do this, these individuals purchased over 20 boxes of money orders, which were deposited into an account at the Royal Bank of Canada in Montreal, Quebec. Frequently, these individuals structured their purchases, paying for small, sequentially numbered money orders, and used aliases (including, in one instance, the name "Bill Clinton"). After the money orders were deposited into the Canadian bank accounts, the money was immediately wired to several bank accounts at Republic Bank in Trinidad. All of the Republic Bank accounts, however, were opened at the branch office of Republic Bank in Havana, Cuba, and at least two of those accounts had standing instructions to the bank to wire all money immediately from the accounts to the Cuban banking system.

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enforcement, it was costly and time consuming. The process required paying fees for the money orders and shipping documents to Canada. In the mid-2000s, the cash-for-Cuba operation needed a more efficient method to launder cash into the international banking system.

B. Withdrawing Health Care Fraud Proceeds from the Banking System

At the same time, a second group of criminals had the reverse problem. Criminal masterminds recruited recent arrivals from Cuba who, for a fee, were willing to become the so-called nominee owners of medical companies in South Florida. The new nominee owners submitted Medicare applications, opened bank accounts, signed blank checks, and - in several instances - left back to Cuba. The involvement of these owners allowed the true masterminds behind these companies to submit approximately \$374,382,266 in claims to Medicare. As a result of these claims, Medicare reimbursed the 70 medical companies approximately \$70,720,927, which was deposited into the corporate bank accounts controlled by the companies submitting the fraudulent claims.

After stealing millions from Medicare, the criminal masterminds wanted to withdraw their proceeds as cash to purchase luxury items or to pay illegal kickbacks. Doing so, however, created risks. Banks have video cameras; checks leave paper trails; and local money launderers, who charge fees, could become witnesses against the masterminds. In the mid-2000s, the health care fraud operation needed a more efficient method to launder money out of the U.S. banking system.

C. Becoming a Financier for Fraudsters and a Capitalist for Cuban Banks

Enter Oscar Sanchez and a syndicate of international money launderers. For a fee, the Defendant provided much-needed cash to the Medicare fraud masterminds. In exchange, the health care fraud masterminds wrote checks or wired money to shell companies in Canada.

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Florida company engaging in fraud to a Canadian bank account. The wire obviated the need for the cash-for-Cuba operation to purchase hundreds of money orders to send to Canada. At the same time, by giving cash from the cash-for-Cuba operation to the Medicare fraud mastermind, Oscar Sanchez obviated the need for the health care fraud leader to hire a local money launderer. The Defendant's money laundering operation was faster, more efficient, and financially benefitted everyone involved, including Defendant Oscar Sanchez who charged a fee for his services. (Attachment 1 (Summary of Money Flow.)

Evidence overwhelming establishes Defendant Oscar Sanchez' role in this conspiracy before, during, and after the movement of the bulk of the money. First, Florida Department of State, banking information, and other records demonstrate that the Defendant and his wife attempted a similar operation using United States banks. Because of stringent banking regulations, however, these banks repeatedly shut down the Defendant's efforts to deposit money orders and health care funds into US banks, and to wire that money overseas. When questioned about his early efforts, Oscar Sanchez admitted that he did not have the proper money remitting licenses and that he cashed the health care checks because no one else would.

Second, evidence shows that Sanchez was intimately involved in the vast laundering operation while it was occurring. Numerous cooperators told law enforcement a consistent story: Oscar Sanchez provided them with cash after they provided him with checks and wires from companies engaging in fraud. All the cooperators made clear to Sanchez that their companies were defrauding Medicare, a fact that did not stop Sanchez from taking their money.

Travel records, meanwhile, corroborate their statements that Sanchez was involved while the bulk of the money was moving through Canada to Cuba. In November 2005, Sanchez (a Cuban

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national with U.S. citizenship) traveled to Havana, Cuba; and in February 2003, May 2006, and January 2009, the Defendant traveled to Montreal, Quebec, where the shell companies were located. In addition, from June 2002, to February 2012, Sanchez took 61 flights to Cancun, Mexico, including at least one flight where he traveled with the owner of fraudulent health care companies that wired money to Cuba, through Canada and Trinidad. (Attachment 2 (Summary of Travel Records).) When questioned by law enforcement when he was arrested, Sanchez also admitted to traveling to Cuba in 2008 and 2009 to visit family.

Third, Oscar Sanchez cannot deny knowing about the shell companies in Canada. On or about February 21, 2007, after the bulk of the health care fraud proceeds were deposited in Canada, the Defendant wired \$38,357.72 from his personal bank account in the United States to an account of one of the Canadian shell companies that received the proceeds of health care fraud.

ARGUMENT

Applying the factors in 18 U.S.C. § 3142(g), this Court must conclude that more than a preponderance of the evidence establishes that Oscar Sanchez is a risk of flight. *See United States v. King*, 849 F.2d 485, 489 (11th Cir. 1988) (preponderance standard); *United States v. Medina*, 775 F.2d 1398 (11th Cir. 1985).

I. The Nature of the Crime Demands Detention.

The nature and circumstances of the charged offense in this case warrant detention. This broader investigation involves \$375 million of health care fraud, \$31 million of international money laundering, and the flow of over \$63 million from the United States into the Cuban banking system. The location of millions of dollars is unknown, and a vast fortune is likely sitting in a Communist country that will not extradite Oscar Sanchez, a Cuban national, back to the United States to face

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criminal charges.

Furthermore, although only charged with one count in this Indictment, the Defendant could face numerous additional counts if he does not plead guilty. A conviction for any count of money laundering exposes Oscar Sanchez to a lengthy prison term. The recommended Guidelines sentence after Sanchez is convicted at trial will likely be approximately 13 years, because the government can prove that Sanchez laundered between \$20 million and \$50 million of health care fraud proceeds, was in the business of laundering money, and committed a violation of Section 1956. Even if the Defendant were to plead guilty, he still faces a severe sentence. This Court could find sufficient bases on these facts to impose the statutory maximum sentence of 20 years' imprisonment, even though the likely non-binding Guidelines recommended sentence will be approximately 10 years' imprisonment.

Given the severe sentence and the nature of the crimes, the Defendant poses a flight risk.

II. The Weight of the Evidence is Overwhelming.

The evidence against the Defendant is strong. First, the Defendant's own statements tie him to a check-cashing operation and travel to Cuba and Canada. Second, numerous cooperating defendants identify Oscar Sanchez as the individual who provided them with cash for the proceeds of health care fraud. In addition, they described how Sanchez was fully aware of the Canadian and Trinidad laundering operation and the existence of Medicare fraud. Third, travel records corroborate the cooperators. Sanchez traveled to Havana, Cuba; Montreal, Quebec, Canada; and Cancun, Mexico; the very locations - as it turns out - where the fraud was perpetrated. Fourth, and perhaps most damaging, the Defendant wired over \$30,000 from his personal bank account into a Canadian bank account belonging to the same shell company that was used to launder the proceeds of health

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care fraud. A federal grand jury already found probable cause supporting the Indictment, and, on these facts, the government will be able to prove its case beyond a reasonable doubt.¹

III. The History and Characteristics of the Defendant Show He is a Flight Risk.

The government anticipates that the Defendant will raise several points relating to his history and characteristics to justify his release. First, the Defendant will argue that he deserves a bond because he is a United States citizen who traveled on a U.S. passport since at least 2002. Second, the Defendant will argue that he is a family man, with a wife and children. Third, the Defendant will point to his established ties to the community and purchases of numerous properties. These arguments do not justify pre-trial release.

First, although he is a U.S. citizen, Oscar Sanchez traveled extensively overseas. Travel records show that he took 61 trips to Cancun, Mexico (2 trips in 2012, 7 trips in 2011, 8 trips each in 2010 and 2009); 3 trips to Montreal, Quebec (in February 2003, May 2006, and January 2009), and 5 trips to the Dominican Republic. The Defendant was also born in Cuba, a country that will not extradite to the United States and has family who resides there.

Second, although the Defendant does have a family, his wife has potential criminal exposure in this case. Florida records show that both the Defendant and his wife were corporate officers of a company that received money orders and checks from health care companies in the early phases of the conspiracy. Releasing the Defendant on any bond will create an incentive for both him and his wife to flee to avoid criminal prosecution.

¹The government recognizes that, although there is overwhelming evidence that the Defendant conspired to launder the proceeds of health care fraud, it cannot show that Oscar Sanchez personally laundered all \$31.4 million of the health care fraud proceeds that was deposited in Canada. Indeed, it is likely that there were other conspirators involved, and it is possible that Sanchez did not operate alone. This fact, however, does not diminish Sanchez' important role in the conspiracy.

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Third, although the Defendant does have extensive properties in the Naples, Florida area, these properties were purchased or financed during conspiracy and the United States already filed *lis pendens* to have those properties seized as substitute forfeiture assets. (DE 7-13.) Simply put, these properties cannot bind the Defendant to the Southern District of Florida because he will likely lose them after a conviction.

CONCLUSION

The overwhelming evidence establishes that Oscar Sanchez played both sides of illegal transactions. He provided cash to health care fraud masterminds, while providing access to money in the banking system for vast cash-to-Cuba operation. His ties to Cuba, extensive travel, likely sentence, and movement of cash all mandate that this Court order the detention of the Defendant.

Respectfully submitted,

WIFREDO A. FERRER
UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

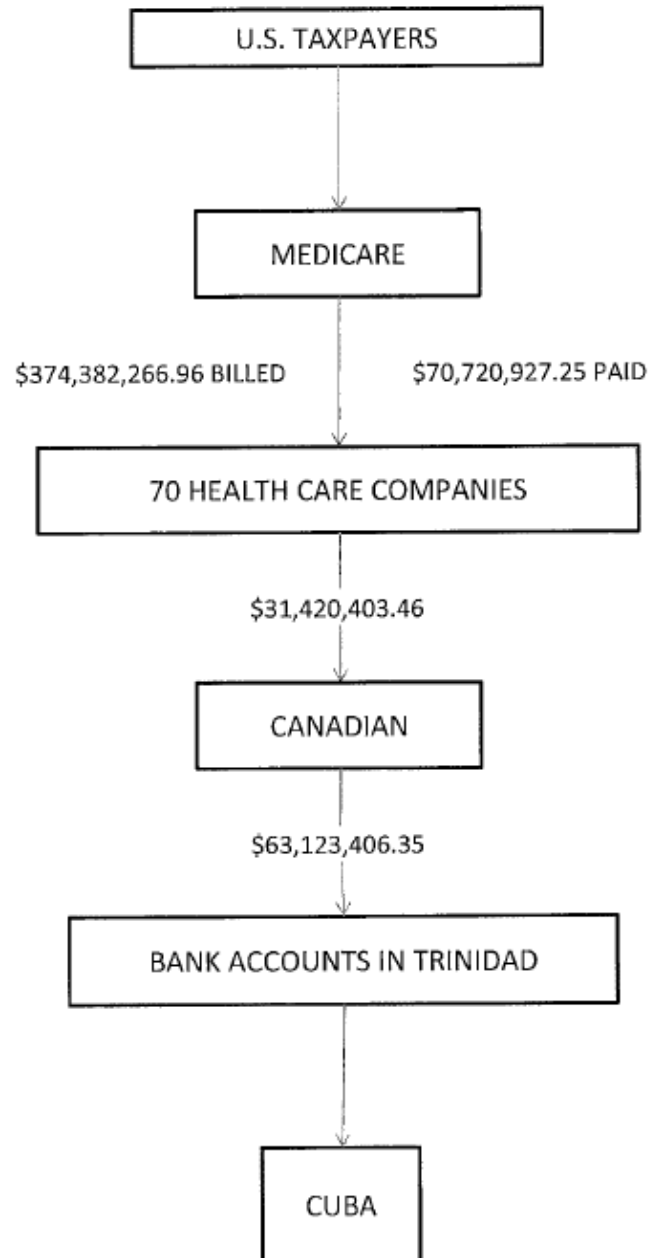
I HEREBY CERTIFY that I electronically filed the foregoing document with the Clerk of the Court using CM/ECF on June 17, 2012.

S/H. Ron Davidson
Assistant United States Attorney

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S/ H. .Ron Davidson Assistant United States Attorney



U.S. TAXPAYERS

/

MEDICARE

70 HEALTH CARE COMPANIES

█

CANADIAN

█

BANK ACCOUNTS IN TRINIDAD

CU BA