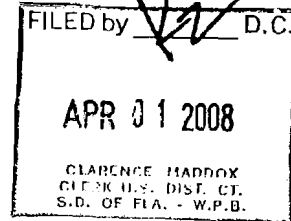


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No: 07-80187 **CR - MIDDLEBROOKS / JOHNSON (S)(S)(S)**

18 U.S.C. 1349
18 U.S.C. 1343
18 U.S.C. 1341
18 U.S.C. 2
26 U.S.C. 7203
26 U.S.C. 7201



UNITED STATES OF AMERICA

Plaintiff,

vs.

GREGORY CLAUDE BROWN,
MONICA MARTINEZ,
a/k/a Monica Dolores Martinez, and
WILFREDO MARTINEZ,

Defendants.

THIRD SUPERSEDING INDICTMENT

The Grand Jury charges that:

GENERAL ALLEGATIONS

At all times material to this Indictment:

1. On or about February 7, 2003, Global Dynamics Consulting, LLC, a Florida limited liability company, was formed. At the inception of the company GREGORY C. BROWN was named as the managing member.

2. On an unknown date but at least as early as May 31, 2003, a bank account in the name of "Global Dynamics Cons." was established at Bank One.

3. On a corporate resolution for Global Dynamics Consulting, LLC., dated on or about August 15, 2003, MONICA D. MARTINEZ was listed as an officer of Global Dynamics Consulting LLC and became the owner of twenty-five percent of the company. This document was used to secure a lease for a motor vehicle.

4. On or about July 14, 2004, a bank account in the name of Global Dynamics Consulting LLC was established at Wachovia Bank. GREGORY C. BROWN and MONICA MARTINEZ were the designated signatories on the account.

5. On or about September 22, 2004, MONICA MARTINEZ was added to the documents filed with the Florida Secretary of State as a managing member of Global Dynamics Consulting, LLC.

6. On or about February 1, 2005, MONICA MARTINEZ was removed from the position of managing member of the company on the documents filed with the Florida Secretary of State.

7. On or about May 1, 2006, GREGORY C. BROWN and an individual known as TJF were listed as a manager of Global Dynamics Consulting, LLC, on the documents filed with the Florida Secretary of State.

COUNT 1
(CONSPIRACY TO COMMIT WIRE FRAUD)

8. The general allegations at paragraphs one through seven are realleged and incorporated herein.

9. From at least as early as February 7, 2003, the exact date being unknown to the grand jury, and continuing through December 11, 2007, in Palm Beach County, in the Southern District of Florida, and elsewhere, the defendants,

**GREGORY CLAUDE BROWN,
MONICA MARTINEZ,
a/k/a Monica Dolores Martinez, and
WILFREDO MARTINEZ,**

did knowingly and willfully combine, conspire, confederate, agree and reach a tacit understanding with each other and with other persons known and unknown to the Grand Jury to commit an offense against the United States, that is, the offense of wire fraud, in violation of Title 18, United States Code, Section 1343.

OBJECT OF THE CONSPIRACY

10. It was the object of the conspiracy for the defendants to unlawfully enrich themselves by causing mortgage companies to provide money to the defendants, in the form of mortgages, for the purchase of real property by making false representations as to material facts stated in the applications for the mortgages for properties located at the following addresses:

- a. 326 Kenilworth Boulevard, West Palm Beach, Florida;
- b. 186 Yale Circle, Lake Worth, Florida;
- c. 2409 Zeder Avenue, Delray Beach, Florida;
- d. 245 Fordham Drive, Lake Worth, Florida;
- e. 109 Paradise Harbor Drive, North Palm Beach, Florida;
- f. 4607 Arlette Court, Lake Worth, Florida; and
- g. 5585 Coconut Road, West Palm Beach, Florida.

MANNER AND MEANS OF THE CONSPIRACY

The manner and means by which defendants GREGORY CLAUDE BROWN, MONICA MARTINEZ and WILFREDO MARTINEZ sought to induce mortgage companies to provide money to the defendants, in the form of mortgages, included the following:

11. Defendants GREGORY C. BROWN, MONICA MARTINEZ and WILFREDO MARTINEZ, provided false information about their employment when completing one or more applications for mortgages.

12. Defendants GREGORY C. BROWN and MONICA MARTINEZ provided false information in the form of letters to support statements about payment of rent made on one or more applications for mortgages.

13. Defendant GREGORY C. BROWN falsely understated liabilities on one or more applications for mortgages.

14. Defendants GREGORY C. BROWN and WILFREDO MARTINEZ provided false verification of employment documents for one or more applications for mortgages.

15. Based upon the false information in the loan applications, the defendants obtained more than \$1,600,000.00, in loan funds from mortgage companies to which they would not otherwise have been entitled.

All in violation of Title 18, United States Code, Section 1349.

COUNTS 2 THROUGH 11
(WIRE FRAUD)

16. The allegations of paragraphs one through seven, and nine through fifteen, are re-alleged and incorporated herein by reference.

17. From at least as early as February 7, 2003, the exact date being unknown to the Grand Jury, and continuing through December 11, 2007, in Palm Beach County, in the Southern District of Florida, and elsewhere, the defendants,

**GREGORY CLAUDE BROWN,
MONICA MARTINEZ,
a/k/a Monica Dolores Martinez, and
WILFREDO MARTINESZ,**

did knowingly and willfully devise and intend to devise a scheme and artifice to defraud and for obtaining money and property from mortgage companies throughout the United States 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 ten through fifteen of this indictment.

OBJECT OF THE SCHEME AND ARTIFICE TO DEFRAUD

18. It was the object of the scheme to defraud for the defendants to unlawfully enrich themselves by causing mortgage companies to provide money to the defendants, in the form of mortgages, for the purchase of real property by making false representations as to material facts stated in the applications for the mortgages.

USE OF THE WIRES

19. On or about the dates enumerated as to each count, in Palm Beach, Broward and Miami-Dade 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 defendants enumerated as to each count 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>DEFENDANTS</u> | <u>DESCRIPTION OF WIRE COMMUNICATION</u> |
|--------------|------------------|---|---|
| 2 | November 1, 2004 | GREGORY CLAUDE BROWN and MONICA MARTINEZ, a/k/a Monica Dolores Martinez | Wire transfer of \$453,814.00, from BNC Mortgage Inc. through Deutch Bank Trust Company America in New York, to Community Bank in Miami, Florida, for the account of Key Title & Escrow for the benefit of the escrow account of Monica Martinez. |
| 3 | March 4, 2005 | GREGORY CLAUDE BROWN and MONICA MARTINEZ, a/k/a Monica Dolores Martinez | Wire transfer of \$366,100.20, from People's Choice Home Loan through Deutch Bank Trust Company America, in New York, New York, to Commercial Bank in Miami, Florida, for the account of Citizens Title for the benefit of the escrow account of Gregory Brown. |
| 4 | March 25, 2005 | GREGORY CLAUDE BROWN | Wire transfer of \$271,399.04, from Residential Mortgage and Investment Inc., through Fidelity National Bank, West Memphis, Arkansas, to McCabe & Samiljan, Attorneys Trust Account, at Riverside National Bank, West Palm Beach, Florida. |

| <u>COUNT</u> | <u>DATE</u> | <u>DEFENDANTS</u> | <u>DESCRIPTION OF WIRE COMMUNICATION</u> |
|--------------|--------------------|---|--|
| 5 | April 7, 2005 | GREGORY CLAUDE BROWN and MONICA MARTINEZ, a/k/a Monica Dolores Martinez | Wire transfer of \$226,168.20, from BNC Mortgage Inc., through Deutch Bank Trust Company America in New York, to Sun Trust Bank in Florida, for the account of Cypress Land Title for the benefit of the Brown escrow account |
| 6 | April 29, 2005 | GREGORY CLAUDE BROWN and MONICA MARTINEZ, a/k/a Monica Dolores Martinez | Wire transfer of \$255,942.46, from Aames Funding Corporation, dba Aames Home Loans, in California, through Bank of New York, in New York, to Riverside National Bank in Florida for the account of United Title Agencies Inc., for the benefit of Brown escrow account. |
| 7 | September 21, 2005 | GREGORY CLAUDE BROWN | Wire in the amount of \$10,901.00, from Global Dynamics Consulting LLC, account at Wachovia Bank, West Palm Beach, Florida, to Grand Canyon Title Agency, Inc., account at Alliance Bank of Arizona, Mesa, Arizona |

| <u>COUNT</u> | <u>DATE</u> | <u>DEFENDANTS</u> | <u>DESCRIPTION OF WIRE COMMUNICATION</u> |
|--------------|--------------------|--|--|
| 8 | September 22, 2005 | GREGORY CLAUDE BROWN | Wire transfer of \$259,711.11, from Oak Street Mortgage through J.P. Morgan Chase, New York, New York, to Citizens Title Services, Inc., account at Commercial Bank, Miami, Florida. |
| 9 | April 6, 2006 | GREGORY CLAUDE BROWN | Wire transfer of \$496,022.75, from Argent Mortgage Funding account for Ameriquet Mortgage Company at DBTCO, New York, New York, to Ward Damon & Posner, P.A., account at Wachovia Bank, N.A. FL, West Palm Beach, Florida |
| 10 | June 7, 2006 | GREGORY CLAUDE BROWN and WILFREDO MARTINEZ | Facsimile of a title commitment from Citizens Title, Inc., Coral Springs, Florida, to Freedom Financial and Mortgage Services Corporation, Chandler, Arizona. |
| 11 | June 8, 2006 | GREGORY CLAUDE BROWN and WILFREDO MARTINEZ | Facsimile of payoff remittance information from Citizens Title Services, Inc., Coral Springs, Florida, to Freedom Financial and Mortgage Services Corporation, Chandler, Arizona. |

All in violation of Title 18, United States Code, Sections 1343 and 2.

COUNT 12
USE OF THE MAIL

20. The allegations of paragraphs one through seven, and nine through fifteen, are alleged and incorporated herein by reference.

21. From at least as early as February 7, 2003, the exact date being unknown to the Grand Jury, and continuing through December 11, 2007, in Palm Beach County, in the Southern District of Florida, and elsewhere, the defendant,

GREGORY CLAUDE BROWN,

did knowingly and willfully devise and intend to devise a scheme and artifice to defraud and for obtaining money and property from mortgage companies throughout the United States 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 ten through fifteen of this indictment.

OBJECT OF THE SCHEME AND ARTIFICE TO DEFRAUD

22. It was the object of the scheme to defraud for the defendants to unlawfully enrich himself by causing a mortgage company to provide money to the defendant, in the form of a mortgage, for the purchase of real property by making false representations as to material facts stated in the application for the mortgage.

23. On or about the date April 27, 2006, in Palm Beach County, 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 false and fraudulent pretenses, representations and promises, the defendant,

GREGORY CLAUDE BROWN,

did knowingly cause to be delivered by the United States Postal Service, or by private or commercial interstate carrier according to the direction thereon, mail matter, that is, a Federal Express Overnight mailing from Ward Damon & Posner PA., West Palm Beach, Florida, containing a Mortgage Title Insurance Policy and original recorded Mortgage, delivered to Countrywide Home Loans, Inc., Van Nuys, California .

All in violation of Title 18, United States Code, Sections 1341 and 2.

COUNT 13

FAILURE TO TIMELY FILE FEDERAL INCOME TAX RETURN

24. During the calendar year 2001, GREGORY CLAUDE BROWN, who was a resident of Palm Beach County, Florida, had and received gross income in excess of \$ 9,550, and net earnings from self-employment of at least \$400; that by reason of such gross income and net earnings from self-employment BROWN was required by law, following the close of the calendar year 2001, and on or before April 15, 2002, to make an income tax return to the person assigned to receive returns at the local offices of the Internal Revenue Service in West Palm Beach, Florida, and Plantation, Florida, in the Southern District of Florida, or to the Director, Internal Revenue Service Center, at Atlanta, Georgia, or any other proper officer of the United States, stating specifically the items of his gross income and any deductions and credits to which he was entitled; that well-knowing and believing all the foregoing, the defendant,

GREGORY CLAUDE BROWN,

did wilfully fail to make an income tax return on or before April 15, 2002, to said person assigned to receive returns at the local offices of the Internal Revenue Service, to said director of the Internal Revenue Service Center, or to any other proper officer of the United States.

All in violation of Title 26, United States Code, Section 7203.

COUNT 14

FAILURE TO TIMELY FILE FEDERAL INCOME TAX RETURN

25. During the calendar year 2002, GREGORY CLAUDE BROWN, who was a resident of Palm Beach County, Florida, had and received gross income in excess of \$9,900, and net earnings from self-employment of at least \$400; that by reason of such gross income and net earnings from self-employment BROWN was required by law, following the close of the calendar year 2002, and on or before April 15, 2003, to make an income tax return to the person assigned to receive returns at the local offices of the Internal Revenue Service in West Palm Beach, Florida, and Plantation, Florida, in the Southern District of Florida, or to the Director, Internal Revenue Service Center, at Atlanta, Georgia, or any other proper officer of the United States, stating specifically the items of his gross income and any deductions and credits to which he was entitled; that well-knowing and believing all the foregoing, the defendant,

GREGORY CLAUDE BROWN,

did wilfully fail to make an income tax return on or before April 15, 2003, to said person assigned to receive returns at the local offices of the Internal Revenue Service, to said director of the Internal Revenue Service Center, or to any other proper officer of the United States.

All in violation of Title 26, United States Code, Section 7203.

COUNT 15

FAILURE TO TIMELY FILE FEDERAL INCOME TAX RETURN

26. The allegations of paragraphs 1, 2, 4, and 10, are realleged and incorporated herein by reference.

27. During the calendar year 2003, GREGORY CLAUDE BROWN, who was a resident of Palm Beach County, Florida, had and received gross income in excess of \$10,050, and net earnings from self-employment of at least \$400; that by reason of such gross income and net earnings from self-employment BROWN was required by law, following the close of the calendar year 2003, and on or before April 15, 2004, to make an income tax return to the person assigned to receive returns at the local offices of the Internal Revenue Service in West Palm Beach, Florida, and Plantation, Florida, in the Southern District of Florida, or to the Director, Internal Revenue Service Center, at Atlanta, Georgia, or any other proper officer of the United States, stating specifically the items of his gross income and any deductions and credits to which he was entitled; that well-knowing and believing all the foregoing, the defendant,

GREGORY CLAUDE BROWN,

did wilfully fail to make an income tax return on or before April 15, 2004, to said person assigned to receive returns at the local offices of the Internal Revenue Service, to said director of the Internal Revenue Service Center, or to any other proper officer of the United States.

All in violation of Title 26, United States Code, Section 7203.

COUNT 16
FAILURE TO TIMELY FILE FEDERAL INCOME TAX RETURN

28. The allegations of paragraphs 1, 2, 4, and 10 are realleged and incorporated herein by reference.

29. During the calendar year 2004, GREGORY CLAUDE BROWN, who was a resident of Palm Beach County, Florida, had and received gross income in excess of \$10,250, and net earnings from self-employment of at least \$400; that by reason of such gross income and net earnings from self-employment BROWN was required by law, following the close of the calendar year 2004, and on or before October 17, 2005, to make an income tax return to the person assigned to receive returns at the local offices of the Internal Revenue Service in West Palm Beach, Florida, and Plantation, Florida, in the Southern District of Florida, or to the Director, Internal Revenue Service Center, at Atlanta, Georgia, or any other proper officer of the United States, stating specifically the items of his gross income and any deductions and credits to which he was entitled; that well-knowing and believing all the foregoing, the defendant,

GREGORY CLAUDE BROWN,

did wilfully fail to make an income tax return on or before October 17, 2005, to said person assigned to receive returns at the local offices of the Internal Revenue Service, to said director of the Internal Revenue Service Center, or to any other proper officer of the United States.

All in violation of Title 26, United States Code, Section 7203.

COUNT 17
FAILURE TO TIMELY FILE FEDERAL INCOME TAX RETURN

30. The allegations of paragraphs 1, 2, 4, and 10 are realleged and incorporated herein by reference.

31. During the calendar year 2005, GREGORY CLAUDE BROWN, who was a resident of Palm Beach County, Florida, had and received gross income in excess of \$ 10,500, and net earnings from self-employment of at least \$400; that by reason of such gross income and net earnings from self-employment BROWN was required by law, following the close of the calendar year 2005, and on or before October 16, 2006, to make an income tax return to the person assigned to receive returns at the local offices of the Internal Revenue Service in West Palm Beach, Florida, and Plantation, Florida, in the Southern District of Florida, or to the Director, Internal Revenue Service Center, at Atlanta, Georgia, or any other proper officer of the United States, stating specifically the items of his gross income and any deductions and credits to which he was entitled; that well-knowing and believing all the foregoing, the defendant,

GREGORY CLAUDE BROWN,

did wilfully fail to make an income tax return on or before October 16, 2006, to said person assigned to receive returns at the local offices of the Internal Revenue Service, to said director of the Internal Revenue Service Center, or to any other proper officer of the United States.

All in violation of Title 26, United States Code, Section 7203.

COUNT 18
EVASION OF PAYMENT

32. The allegations of paragraphs 1, 2,3, 4, 5, 6, and 10 are realleged and incorporated herein by reference.

33. From at June 14, 2000, the exact date being unknown to the Grand Jury, and continuing thereafter up to and including the date of this superseding indictment, in the Southern District of Florida and elsewhere, defendant,

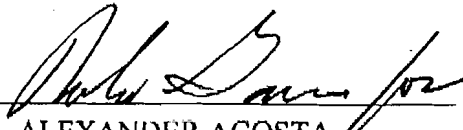
GREGORY CLAUDE BROWN,

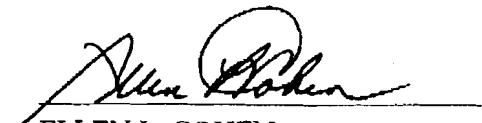
did willfully attempt to evade and defeat the payment of a large part of the income taxes, penalties, and interest due and owing by BROWN to the United States of America for the calendar years 1998, 1999, and 2001 through 2005, by failing to timely pay his federal tax liabilities for 1998, 1999, and 2001 through 2005, in the approximate amount of at least \$214,299.00, and by committing at least one affirmative act of evasion including, among other things, concealing and attempting to conceal assets

and income from the Internal Revenue Service; filing and causing to be filed false documents with the Internal Revenue Service; and placing and causing to be placed funds and property in the names of nominees.

All in violation of Title 26, United States Code, Section 7201.

A TRUE BILL


R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY


ELLEN L. COHEN
ASSISTANT UNITED STATES ATTORNEY


STEPHANIE D. EVANS
TRIAL ATTORNEY