

1 TRACY L. WILKISON
 United States Attorney
 2 BENJAMIN J. BARRON
 Assistant United States Attorney
 3 Chief, Santa Ana Branch Office
 CHARLES E. PELL (Cal. State Bar No. 210309)
 4 Assistant United States Attorney
 Santa Ana Branch Office
 5 United States Courthouse
 411 West Fourth Street, Suite 8000
 6 Santa Ana, California 92701
 Telephone: (714) 338-3542
 7 Facsimile: (714) 338-3561
 E-mail: charles.e.pell2@usdoj.gov

8 Attorneys for Plaintiff
 9 UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT
 11 FOR THE CENTRAL DISTRICT OF CALIFORNIA
 12 SOUTHERN DIVISION

13 UNITED STATES OF AMERICA,
 14 Plaintiff,
 15 v.
 16 ROBERT LOUIS CIRILLO,
 17 Defendant.

No. 8:22-cr-00077-DOC
PLEA AGREEMENT FOR DEFENDANT
ROBERT LOUIS CIRILLO

18
 19 1. This constitutes the plea agreement between ROBERT LOUIS
 20 CIRILLO ("defendant") and the United States Attorney's Office for the
 21 Central District of California (the "USAO") in the investigation of
 22 securities fraud and tax crimes. This agreement is limited to the
 23 USAO and cannot bind any other federal, state, local, or foreign
 24 prosecuting, enforcement, administrative, or regulatory authorities.
 25 This agreement is subject to approval by the Tax Division, United
 26 States Department of Justice.

27 DEFENDANT'S OBLIGATIONS

28 2. Defendant agrees to:

1 a. Give up the right to indictment by a grand jury and,
2 at the earliest opportunity requested by the USAO and provided by the
3 Court, appear and plead guilty to a three-count information in the
4 form attached to this agreement as Exhibit A or a substantially
5 similar form, which charges defendant with Securities Fraud in
6 violation of 15 U.S.C. §§ 78j(b), 78ff(a), and 17 C.F.R. § 240.10b-5
7 (count one), Filing False Tax Return in violation of 26 U.S.C.
8 § 7206(1) (count two), and Conspiracy to Commit Wire Fraud in
9 violation of 18 U.S.C. § 1349 (count three).

10 b. Not contest facts agreed to in this agreement.

11 c. Abide by all agreements regarding sentencing contained
12 in this agreement.

13 d. Appear for all court appearances, surrender as ordered
14 for service of sentence, obey all conditions of any bond, and obey
15 any other ongoing court order in this matter.

16 e. Not commit any crime; however, offenses that would be
17 excluded for sentencing purposes under United States Sentencing
18 Guidelines ("U.S.S.G." or "Sentencing Guidelines") § 4A1.2(c) are not
19 within the scope of this agreement.

20 f. Be truthful at all times with the United States
21 Probation and Pretrial Services Office and the Court.

22 g. Pay the applicable special assessments at or before
23 the time of sentencing unless defendant has demonstrated a lack of
24 ability to pay such assessments.

25 h. At or before the time of sentencing, make a
26 prejudgment payment by delivering a certified check or money order to
27 the Fiscal Clerk of the Court in the amount of \$50,000 to be applied
28 to satisfy defendant's anticipated criminal debt. Payments may be

1 made to the Clerk, United States District Court, Fiscal Department,
2 255 East Temple Street, Room 1178, Los Angeles, California 90012.

3 i. Defendant agrees that any and all criminal debt
4 ordered by the Court will be due in full and immediately. The
5 government is not precluded from pursuing, in excess of any payment
6 schedule set by the Court, any and all available remedies by which to
7 satisfy defendant's payment of the full financial obligation,
8 including referral to the Treasury Offset Program.

9 j. Complete the Financial Disclosure Statement on a form
10 provided by the USAO and, within 30 days of defendant's entry of a
11 guilty plea, deliver the signed and dated statement, along with all
12 of the documents requested therein, to the USAO by either email at
13 usacac.FinLit@usdoj.gov (preferred) or mail to the USAO Financial
14 Litigation Section at 300 North Los Angeles Street, Suite 7516, Los
15 Angeles, CA 90012. Defendant agrees that defendant's ability to pay
16 criminal debt shall be assessed based on the completed Financial
17 Disclosure Statement and all required supporting documents, as well
18 as other relevant information relating to ability to pay.

19 k. Authorize the USAO to obtain a credit report upon
20 returning a signed copy of this plea agreement.

21 l. Consent to the USAO inspecting and copying all of
22 defendant's financial documents and financial information held by the
23 United States Probation and Pretrial Services Office.

24 3. Defendant admits that defendant received \$3,420,877 of
25 unreported income for tax years 2015, 2016, and 2017. Defendant
26 agrees that:

27 a. Defendant will file, prior to the time of sentencing,
28 amended returns for the years subject to the above admissions,

1 correctly reporting unreported income; will, if requested to do so by
2 the Internal Revenue Service, provide the Internal Revenue Service
3 with information regarding the years covered by the returns; will pay
4 to the Fiscal Clerk of the Court at or before sentencing all
5 additional taxes and all penalties and interest assessed by the
6 Internal Revenue Service on the basis of the returns; and will
7 promptly pay to the Fiscal Clerk of the Court all additional taxes
8 and all penalties and interest thereafter determined by the Internal
9 Revenue Service to be owing as a result of any computational
10 error(s). Payments may be made to the Clerk, United States District
11 Court, Fiscal Department, 255 East Temple Street, Room 1178, Los
12 Angeles, California 90012.

13 b. Nothing in this agreement forecloses or limits the
14 ability of the Internal Revenue Service to examine and make
15 adjustments to defendant's returns after they are filed.

16 c. Defendant will not, after filing the returns, file any
17 claim for refund of taxes, penalties, or interest for amounts
18 attributable to the returns filed in connection with this plea
19 agreement.

20 d. Defendant is liable for the fraud penalty imposed by
21 the Internal Revenue Code, 26 U.S.C. § 6663 on the understatements of
22 tax liability for tax years 2015, 2016, and 2017.

23 e. Defendant gives up any and all objections that could
24 be asserted to the Examination Division of the Internal Revenue
25 Service receiving materials or information obtained during the
26 criminal investigation of this matter, including materials and
27 information obtained through grand jury subpoenas.

28 f. Defendant will sign closing agreements with the

1 Internal Revenue Service contemporaneously with the signing of this
2 plea agreement, permitting the Internal Revenue Service to assess and
3 collect the total sum of \$675,898 for the defendant's tax years 2015
4 (\$140,725), 2016 (\$127,513), and 2017 (\$407,660), which comprises the
5 tax liabilities, as well as assess and collect the civil fraud
6 penalty for each year and statutory interest, on the tax liabilities,
7 as provided by law.

8 4. Defendant further agrees:

9 a. To forfeit all right, title, and interest in and to
10 any and all monies, properties, and/or assets of any kind, derived
11 from or acquired as a result of the illegal activity to which
12 defendant is pleading guilty, specifically including, but not limited
13 to, the following: TD Ameritrade account numbers XXX-X27004 and XXX-
14 X40165 in the name of defendant, TD Ameritrade account number XXX-
15 X95039 in the name of Blue Ribbon Sports Partners Inc., 2017 Alfa
16 Romeo (VIN ending in 40143), 2015 Jeep (VIN ending in 25092), 2012
17 Mercedes Benz (VIN ending in 24676), and \$5,860USD currency seized
18 from defendant during FBI search in August 2019 (collectively, the
19 "Forfeitable Assets").

20 b. To the Court's entry of an order of forfeiture at or
21 before sentencing with respect to the Forfeitable Assets and to the
22 forfeiture of the assets.

23 c. To take whatever steps are necessary to pass to the
24 United States clear title to the Forfeitable Assets, including,
25 without limitation, the execution of a consent decree of forfeiture
26 and the completing of any other legal documents required for the
27 transfer of title to the United States.

28 d. Not to contest any administrative forfeiture

1 proceedings or civil judicial proceedings commenced against the
2 Forfeitable Assets. If defendant submitted a claim and/or petition
3 for remission for all or part of the Forfeitable Assets on behalf of
4 himself or any other individual or entity, defendant shall and hereby
5 does withdraw any such claims or petitions, and further agrees to
6 waive any right he may have to seek remission or mitigation of the
7 forfeiture of the Forfeitable Assets.

8 e. Not to assist any other individual in any effort
9 falsely to contest the forfeiture of the Forfeitable Assets.

10 f. Not to claim that reasonable cause to seize the
11 Forfeitable Assets was lacking.

12 g. To prevent the transfer, sale, destruction, or loss of
13 any and all assets described above to the extent defendant has the
14 ability to do so.

15 h. To fill out and deliver to the USAO a completed
16 financial statement listing defendant's assets on a form provided by
17 the USAO.

18 i. That forfeiture of Forfeitable Assets shall not be
19 counted toward satisfaction of any special assessment, fine,
20 restitution, costs, or other penalty the Court may impose.

21 THE USAO'S OBLIGATIONS

22 5. The USAO agrees to:

23 a. Not contest facts agreed to in this agreement.

24 b. Abide by all agreements regarding sentencing contained
25 in this agreement.

26 c. At the time of sentencing, provided that defendant
27 demonstrates an acceptance of responsibility for the offenses up to
28 and including the time of sentencing, recommend a two-level reduction

1 in the applicable Sentencing Guidelines offense level, pursuant to
2 U.S.S.G. § 3E1.1, and recommend and, if necessary, move for an
3 additional one-level reduction if available under that section.

4 d. Recommend that defendant be sentenced to a term of
5 imprisonment no higher than the low end of the applicable Sentencing
6 Guidelines range, provided that the offense level used by the Court
7 to determine that range is 28 or higher and provided that the Court
8 does not depart downward in offense level or criminal history
9 category. For purposes of this agreement, the low end of the
10 Sentencing Guidelines range is that defined by the Sentencing Table
11 in U.S.S.G. Chapter 5, Part A, without regard to reductions in the
12 term of imprisonment that may be permissible through the substitution
13 of community confinement or home detention as a result of the offense
14 level falling within Zone B or Zone C of the Sentencing Table.

15 NATURE OF THE OFFENSES

16 6. Defendant understands that for defendant to be guilty of
17 the crime charged in count one of the information, that is,
18 Securities Fraud, in violation of Title 15, United States Code,
19 Sections 78j(b) and 78ff(a), and Title 17, United States Code of
20 Federal Regulations, Section 240.10b-5, the following must be true:
21 (1) Defendant willfully used a device or scheme to defraud someone;
22 (2) Defendant's acts were undertaken in connection with the sale of a
23 security within the meaning of 15 U.S.C. § 78c(a)(10); (3) Defendant
24 directly or indirectly used the interstate wires in connection with
25 these acts; and (4) Defendant acted knowingly.

26 7. Defendant understands that for defendant to be guilty of
27 the crime charged in count two of the information, that is, False Tax
28 Return, in violation of Title 26, United States Code, Section

1 7206(1), the following must be true: (1) Defendant signed and filed a
2 tax return for the year 2017 that he knew contained false information
3 as to a material matter; (2) The return contained a written
4 declaration that it was being signed subject to the penalties of
5 perjury; and (3) In filing the false tax return, defendant acted
6 willfully.

7 8. Defendant understands that for defendant to be guilty of
8 the crime charged in count three of the information, that is,
9 Conspiracy to Commit Wire Fraud, in violation of Title 18, United
10 States Code, Section 1349, the following must be true: (1) Beginning
11 in or around March 2021, and ending in or around April 2021, there
12 was an agreement between two or more persons to commit wire fraud;
13 (2) Defendant became a member of the conspiracy knowing of at least
14 one of its objects and intending to help accomplish it; and (3) One
15 of the members of the conspiracy performed at least one overt act for
16 the purpose of carrying out the conspiracy. To establish a
17 substantive violation of wire fraud in violation of Title 18, United
18 States Code, Section 1343, the following must be true: (a) Defendant
19 knowingly participated in a scheme or plan to defraud, or a scheme or
20 plan for obtaining money or property by means of false or fraudulent
21 pretenses, representations, or promises; (2) The statements made or
22 facts omitted as part of the scheme were material; that is, they had
23 a natural tendency to influence, or were capable of influencing, a
24 person to part with money or property; (3) Defendant acted with the
25 intent to defraud, that is, the intent to deceive and cheat; and
26 (4) Defendant used, or caused to be used, an interstate wire
27 communication to carry out or attempt to carry out an essential part
28 of the scheme.

PENALTIES AND RESTITUTION

1
2 9. Defendant understands that the statutory maximum sentence
3 that the Court can impose for a violation of Title 15, United States
4 Code, Sections 78j(b), 78ff(a), and 17 C.F.R. § 240.10b-5, is: 20
5 years' imprisonment; a three-year period of supervised release; a
6 fine of \$5,000,000 or twice the gross gain or gross loss resulting
7 from the offense, whichever is greatest; and a mandatory special
8 assessment of \$100.

9 10. Defendant understands that the statutory maximum sentence
10 that the Court can impose for a violation of Title 26, United States
11 Code, Section 7206(1), is: 3 years' imprisonment; a one-year period
12 of supervised release; a fine of \$250,000 or twice the gross gain or
13 gross loss resulting from the offense, whichever is greatest; and a
14 mandatory special assessment of \$100.

15 11. Defendant understands that the statutory maximum sentence
16 that the Court can impose for a violation of Title 18, United States
17 Code, Section 1349, is: 20 years' imprisonment; a three-year period
18 of supervised release; a fine of \$250,000 or twice the gross gain or
19 gross loss resulting from the offense, whichever is greatest; and a
20 mandatory special assessment of \$100.

21 12. Defendant understands, therefore, that the total maximum
22 sentence for all offenses to which defendant is pleading guilty is:
23 43 years of imprisonment; a three-year period of supervised release;
24 a fine of \$5,500,000 or twice the gross gain or gross loss resulting
25 from the offenses, whichever is greatest; and a mandatory special
26 assessment of \$300.

27 13. Defendant understands that defendant will be required to
28 pay full restitution to the victim(s) of the securities fraud offense

1 (count one) and wire fraud conspiracy offense (count three) to which
2 defendant is pleading guilty. Defendant agrees that, in return for
3 the USAO's compliance with its obligations under this agreement, the
4 Court may order restitution to persons other than the victim(s) of
5 the offenses to which defendant is pleading guilty and in amounts
6 greater than those alleged in the counts to which defendant is
7 pleading guilty. In particular, defendant agrees that the Court may
8 order restitution to any victim of any of the following for any
9 losses suffered by that victim as a result: any relevant conduct, as
10 defined in U.S.S.G. § 1B1.3, in connection with the securities fraud
11 offense to which defendant is pleading guilty. The parties currently
12 believe that the applicable amount of restitution is approximately
13 \$2,693,331 for the securities fraud scheme and approximately \$399,550
14 for the wire fraud conspiracy, but recognize and agree that those
15 amounts could change based on facts that come to the attention of the
16 parties prior to sentencing.

17 14. Defendant agrees to make full restitution to the IRS as a
18 victim of the tax offense (count two) to which defendant is pleading
19 guilty. Defendant agrees that, in return for the USAO's compliance
20 with its obligations under this agreement, the Court may order
21 restitution to persons other than the victim(s) of the offense to
22 which defendant is pleading guilty and in amounts greater than those
23 alleged in the count to which defendant is pleading guilty. In
24 particular, defendant agrees that the Court may order restitution to
25 any victim of any of the following for any losses suffered by that
26 victim as a result: any relevant conduct, as defined in U.S.S.G.
27 § 1B1.3, in connection with the offense to which defendant is
28 pleading guilty. The parties currently believe that the applicable

1 amount of restitution due to the IRS is approximately \$675,898, but
2 recognize and agree that this amount could change based on facts that
3 come to the attention of the parties prior to sentencing.

4 15. In addition, defendant understands and agrees that the
5 Court: (a) may order defendant to pay restitution in the form of any
6 additional taxes, interest, and penalties that defendant owes to the
7 United States based upon the count of conviction (count two); and
8 (b) must order defendant to pay the costs of prosecution, which may
9 be in addition to the statutory maximum fine stated above.

10 16. Defendant understands that supervised release is a period
11 of time following imprisonment during which defendant will be subject
12 to various restrictions and requirements. Defendant understands that
13 if defendant violates one or more of the conditions of any supervised
14 release imposed, defendant may be returned to prison for all or part
15 of the term of supervised release authorized by statute for the
16 offense that resulted in the term of supervised release, which could
17 result in defendant serving a total term of imprisonment greater than
18 the statutory maximum stated above.

19 17. Defendant understands that, by pleading guilty, defendant
20 may be giving up valuable government benefits and valuable civic
21 rights, such as the right to vote, the right to possess a firearm,
22 the right to hold office, and the right to serve on a jury. Defendant
23 understands that he is pleading guilty to a felony and that it is a
24 federal crime for a convicted felon to possess a firearm or
25 ammunition. Defendant understands that the convictions in this case
26 may also subject defendant to various other collateral consequences,
27 including but not limited to revocation of probation, parole, or
28 supervised release in another case and suspension or revocation of a

1 professional license. Defendant understands that unanticipated
2 collateral consequences will not serve as grounds to withdraw
3 defendant's guilty pleas.

4 18. Defendant and his counsel have discussed the fact that, and
5 defendant understands that, if defendant is not a United States
6 citizen, the convictions in this case makes it practically inevitable
7 and a virtual certainty that defendant will be removed or deported
8 from the United States. Defendant may also be denied United States
9 citizenship and admission to the United States in the future.

10 Defendant understands that while there may be arguments that
11 defendant can raise in immigration proceedings to avoid or delay
12 removal, removal is presumptively mandatory and a virtual certainty
13 in this case. Defendant further understands that removal and
14 immigration consequences are the subject of a separate proceeding and
15 that no one, including his attorney or the Court, can predict to an
16 absolute certainty the effect of his convictions on his immigration
17 status. Defendant nevertheless affirms that he wants to plead guilty
18 regardless of any immigration consequences that his pleas may entail,
19 even if the consequence is automatic removal from the United States.

20 FACTUAL BASIS

21 19. Defendant admits that defendant is, in fact, guilty of the
22 offenses to which defendant is agreeing to plead guilty. Defendant
23 and the USAO agree to the statement of facts provided below and agree
24 that this statement of facts is sufficient to support pleas of guilty
25 to the charges described in this agreement and to establish the
26 Sentencing Guidelines factors set forth in paragraph 21 below but is
27 not meant to be a complete recitation of all facts relevant to the
28 underlying criminal conduct or all facts known to either party that

1 relate to that conduct.

2 From in or around 2014 through in or around 2021, within the
3 Central District of California, defendant orchestrated and operated a
4 securities fraud scheme where he defrauded victims from Orange and
5 San Bernardino Counties into investing money with him by making false
6 promises of huge returns on their investments, when in fact,
7 defendant was using the victim-investors' funds for personal expenses
8 or to make small lulling payments to previous victim-investors.
9 During his fraudulent scheme, defendant tricked more than 100 victims
10 into giving him a total of more than \$3,200,000 for his bogus
11 investments, with false promises and concealment of material facts.
12 Specifically, defendant solicited investments from the victim-
13 investors by falsely telling the victim-investors that he would be
14 investing their funds in short-term construction loans that would pay
15 large return rates that varied from approximately 15% to 30% for a 30
16 to 90-day period. However, those representations by defendant were
17 false because defendant was not investing any of the investors' funds
18 into any such construction loans or any other investment; instead,
19 defendant was using most of the victim-investors' funds for his
20 personal benefit. Defendant was selling investments that constituted
21 "securities" within the meaning of the Securities Exchange Act of
22 1934, which defendant knew while conducting his fraudulent scheme,
23 especially because he previously had been a Series 7 licensed broker
24 with FINRA (Financial Industry Regulatory Authority). To effectuate
25 his fraudulent scheme, defendant used different nominee entities,
26 including Napoli Partners, Inc., Davinci Equity Partners, Inc., Genco
27 Partners, Inc., Milano Partners, Inc., and Flamingo 9.

28 During meetings with potential and existing investors, defendant

1 would make false statements about how much he had in the bank for the
2 purported investments and how well the purported investments were
3 doing. To support those false representations and to induce victim-
4 investors to invest, defendant would show fake documents to potential
5 and existing victim-investors. For example, on different occasions
6 in 2017 and 2018, defendant showed potential and existing investors a
7 fabricated Zurich bank statement in the name of one of the entities
8 he was using, DA VINCI EQUITY PARTNERS [sic] INC., for the period
9 04/01/16 to 06/30/16, which showed an account balance of \$3,076,952.
10 A hard copy of this same false document was found during the federal
11 search of defendant's residence in August 2019. Defendant also
12 showed potential and existing investors a similar fabricated Zurich
13 bank statement in the name of NAPOLI PARTNERS, INC. that showed an
14 account balance of \$3,303,207. Those statements were completely
15 fabricated, because defendant had no such accounts at Zurich Bank in
16 the names of those entities, and defendant never had anywhere near
17 those amounts at any bank. When defendant was interviewed by federal
18 agents during the August 2019 search of his residence and again in
19 June 2021, he admitted that those documents were fabricated and that
20 he had shown them to potential or existing victim-investors to induce
21 them to invest with him.

22 Defendant never invested the victim-investors' funds into any
23 type of construction loan investment, contrary to what he was telling
24 potential and existing victim-investors. Instead, defendant would
25 deposit the victim-investors' funds into various bank accounts that
26 he controlled, and thereafter, defendant would spend those funds or
27 withdraw them in cash, rather than using them for legitimate
28 investment. For example, for Bank of America bank account ending in

1 9750 in the name of Napoli Partners, Inc., from February 2015 to May
2 2016, approximately \$1,134,000 was deposited, most of which came from
3 victim-investors, and by the end of May 2016, the account was empty.
4 The withdrawals during that 18-month period included approximately
5 \$369,000 in cash, \$138,000 at Caesar's Palace in Las Vegas, and more
6 than \$100,000 for credit card payments for defendant's personal
7 expenditures. Likewise, for Wells Fargo Bank account ending in 7063
8 in the name of Napoli Partners, Inc., from May 2016 to February 2018,
9 approximately \$2,460,000 was deposited, most of which came from
10 victim-investors, and by the end of February 2018, the account was
11 empty and closed. During that approximate 19-month period, defendant
12 withdrew more than \$1,000,000 in cash. Moreover, over a several day
13 period in July 2017, defendant used scheme proceeds to make a \$12,000
14 cash down payment for a Jeep vehicle and a \$10,000 cash down payment
15 for an Alfa Romeo vehicle. Defendant also used scheme proceeds to
16 make more than \$7,500 in car payments for defendant's Alpha Romeo.

17 Even though defendant knew that he would never pay the victim-
18 investors, defendant would continually promise the victims that their
19 payments would be coming the next week or the next month, claiming
20 that the investment would be paid sometime soon "100%" "Guaranteed!!"

21 During his fraudulent scheme, defendant would also provide or
22 cause to be provided purported investment payment checks to victim-
23 investors, even though defendant knew that at the time he was
24 providing those checks to the victim-investors, there were
25 insufficient funds in the bank accounts to cover those checks. For
26 example, on or about August 15, 2018, defendant signed and provided
27 to victim-investor R.M. DA VINCI EQUITY PARTNERS INC check number
28 1052 from Comerica Bank account ending in 8688 in the amount of

1 \$5,000 and check number 818 from defendant's Bank of America account
2 ending in 2238 in the amount of \$150,000. Both of those checks
3 bounced when deposited by victim-investor R.M., because there were
4 insufficient funds in those bank accounts, which defendant knew at
5 the time he provided those checks to victim-investor R.M. Likewise,
6 on or about September 13, 2018, defendant signed and provided to
7 victim-investor F.P. GENCO PARTNERS, INC. check number 1060 from
8 Citibank account ending in 3140 in the amount of \$12,000, which also
9 bounced because there were insufficient funds in that bank account.
10 Further, from August through November 2018, defendant wrote a total
11 of more than \$75,000 in checks to victim-investor R.G., which
12 defendant knew would not clear because the bank account had
13 insufficient funds. During his fraudulent scheme, defendant provided
14 at least 15 checks totaling more than \$649,000 to victim-investors,
15 even though defendant knew that there were insufficient funds for
16 those checks to clear.

17 Further, as part of his fraudulent scheme, to attempt to trick
18 East West Bank into honoring a fraudulent check for \$620,480 payable
19 to DaVinci Equity Partners Inc., defendant caused a fraudulent letter
20 dated in May 2019 to be created, which falsely represented that the
21 check was payment of an invoice. Defendant deposited that fraudulent
22 check, knowing it was fraudulent and that it contained forgeries in
23 the names of D.B. and T.V.

24 To effectuate, and in connection with, his fraudulent scheme,
25 defendant directly and indirectly used the means and
26 instrumentalities of interstate commerce, including interstate wire
27 communications and transfers. For example, as part of his
28 securities/investment fraud scheme, on or about June 8, 2017,

1 defendant received a wire transfer of \$25,000 from victim-investor
2 J.H. into one of the scheme bank accounts.

3 Defendant's scheme was also an "affinity crime," which exploited
4 the trust and friendship that exist in groups of people who have
5 something in common. Here, in his fraudulent securities/investment
6 fraud scheme, defendant targeted members of the Hispanic community,
7 including by using respected and/or trusted leaders in the Hispanic
8 community to spread the word about defendant's scheme, convincing the
9 victim-investors - many of whom were of limited means - that his
10 investments were legitimate and worthwhile.

11 When victim-investors began to realize that defendant had
12 defrauded them, defendant would threaten some victim-investors to
13 attempt to keep them quiet. For example, when defendant was notified
14 that a victim-investor may sue him, in July 2019, defendant told a
15 third party: "Let him get a lawyer and watch what happens, OK. Wants
16 to make [expletive] problems for me, I'll cost him a million dollars
17 in lawyer fees. You tell him I said that. Or he could always elect
18 to go, rather to go, for the [expletive] hole in the [expletive]
19 desert. Tell him to test me." After an initial story in 2019, in
20 around July 2020, Spanish language channel Univision ran a story
21 about defendant's scheme, entitled "*La pirámide del fraude:
22 investigación de Univision 34 sobre inversiones dudosas gana premio
23 de periodismo*" (roughly translated as "The pyramid scheme: Univision
24 34's investigation into questionable investments wins journalism
25 award"), reporting that various victims had invested their life
26 savings with defendant, which they ending up losing, and quoting
27 various victims, including one who noted that s/he "was sad because
28 the little [money] s/he had was now gone." Thereafter, some victim-

1 investors contacted defendant and informed him that they would be
2 reporting him to federal authorities, to which defendant responded:
3 "I'm not a thief go f[] yourself go to the feds better yet do it
4 tomorrow you will be served so fast your f[]ing head will spin."
5 Moreover, shortly before a victim-investor was scheduled to go to a
6 meeting of victim-investors to discuss getting their money back from
7 defendant, in or around June 2019, defendant texted that victim-
8 investor a photograph of that victim-investor's residence, which the
9 victim-investor interpreted as a threat by defendant against him.
10 During the August 2019 search of defendant's residence, a copy of
11 that same photograph was found on one of defendant's digital devices.

12 In his fraudulent securities/investment fraud scheme, defendant
13 victimized more than 100 individuals, which resulted in substantial
14 financial hardship to more than 25 victims. For example, victim-
15 investor M.Z. invested her life savings of \$20,000 with defendant's
16 scheme, which she had planned to use to retire. When victim-investor
17 M.Z. contacted defendant, defendant promised to pay the investment
18 proceeds to victim-investor M.Z. on a specific date, but that date
19 came and went, and like usual, defendant failed to pay. After that,
20 defendant would not answer victim-investor M.Z.'s calls, and he never
21 paid. The victim-investors would often beg defendant for their money
22 back, informing him how much they really needed the money. For
23 example, on or about July 19, 2019, victim-investor I.M. texted
24 defendant: "With all that money I could have done many things for my
25 family and especially to my mom. You have no idea how bad I need my
26 money." The day before, victim J.H. sent defendant a similar text
27 message: "Really hoping for good news, Nadia's grandma (Mary's mom)
28 is in the hospital and not doing well I'd like to help out with if I

1 can. E-Jay is also struggling pretty bad." On or about June 23,
2 2019, an victim-investor notified defendant that the victim-investor
3 really needed the money back: "I just want you to know that I'm very
4 bad economically and that I need my money as soon as possible I have
5 my wife sick and my dad I have to operate in Mexico."

6 While defendant was orchestrating his securities/investment
7 fraud scheme, defendant would also communicate about other fraudulent
8 schemes, money laundering, and identity theft. For example, in or
9 around April 2019, defendant discussed laundering counterfeit money
10 at a Las Vegas Casino, stating:

11 I need you to make a call, I know you know
12 people, and get me some counterfeit notes, some bills,
13 hundreds, the good ones that pass the test. If you
14 could get them over to me by tomorrow, here at
15 Caesar's Palace, in Las Vegas, if you could get like
16 \$50,000 worth, or \$100,000 worth, I'll clean and wash
17 the money here. It will take me about three hours,
18 and I'll send you half the money back. Guaranteed.
19 I'll clean and wash the money here, 'cause I can use
20 it in the casino, and you make a quick \$25,000
21 tomorrow..

22 The next month, in or around May 2019, defendant discussed committing
23 a different scheme - credit card fraud and identity theft, stating
24 "you tell me what names you want them in, and um, then I can have the
25 IDs sent to you..." Defendant would trick victim-investors into using
26 their mailing addresses to receive fraudulently obtained credit
27 cards. During the August 2019 search of defendant's residence,
28 agents found evidence of credit card/identity theft fraud, including

1 a photograph of a fraudulently obtained credit card in the name of
2 E.I., which had resulted from a fraudulent application defendant had
3 caused in that identity.

4 Defendant's securities/investment fraud scheme involved
5 sophisticated means, including using multiple nominee entities and
6 creating and using multiple fabricated bank documents.

7 Instead of using the victim-investors' funds for investment or
8 other legitimate business purposes, defendant used those funds for
9 personal expenditures, which thus constituted taxable income to
10 defendant that he was required to report to the IRS and for which he
11 was required to pay federal income taxes. Defendant willfully failed
12 to report to the IRS any of that income or any of the money that he
13 received, even though he knew that he was required to do so under
14 federal tax law. Further, although defendant hired a tax return
15 preparer for some of the years at issue, he failed to tell his tax
16 return preparer about any of the bank accounts and entities that he
17 was using to receive the millions of dollars of income from his
18 scheme, and defendant further intentionally concealed from her that
19 he was using those funds for cash withdrawals and personal
20 expenditures. Instead, for tax years 2015 through 2017, defendant
21 willfully filed false tax returns that failed to report a total of
22 more than \$3,000,000 in income, including failing to report
23 approximately \$742,271 in income for 2015, \$692,707 for 2016, and
24 \$1,985,899 for 2017. On or about June 25, 2018, defendant filed a
25 Form 1040, U.S. Individual Income Tax Return, for himself and his
26 wife that reported total income of only \$30,985, which defendant knew
27 was false because it failed to report any of the more than \$1,900,000
28 in income that he had received during 2017 from his fraudulent

1 scheme. Specifically, on line 12 of that tax return, entitled
2 "Business income or (loss)," defendant listed only \$33,985 in income,
3 when the true figure was more than \$1,900,000. Because defendant
4 reported such a low amount of income, he also claimed the EIC (Earned
5 income credit), which is a credit designed to help low- to moderate-
6 income workers and families get a tax break. On that tax return,
7 defendant listed his occupation as "INVESTMENT ADVISOR." Defendant
8 filed that tax return under the penalties of perjury, and on or about
9 June 25, 2018, he signed IRS Form 8879 (IRS e-file Signature
10 Authorization). When filing his 2015, 2016, and 2017 false federal
11 tax returns, defendant acted willfully, that is, defendant knew that
12 federal tax law imposed a duty on him to accurately report the
13 omitted income, but defendant nevertheless intentionally and
14 voluntarily violated that duty. Further demonstrating defendant's
15 willfulness, while he was reporting only approximately \$31,000 in
16 income to the IRS for tax year 2017, defendant applied for an auto
17 loan from Chase Bank in June 2017, wherein he represented that his
18 yearly income was \$150,000.

19 In addition to and separate from his multi-million dollar
20 securities/investment fraud scheme, from in or around March 2021 to
21 April 2021, defendant participated in a fraudulent scheme with others
22 to defraud victim D.Q., a senior citizen, of approximately \$400,000.
23 In that fraudulent scheme, defendant's co-schemers tricked victim
24 D.Q. into believing that his grandson had been arrested by the
25 Sacramento Police Department for possession of illegal narcotics,
26 which was false. As part of that fraudulent scheme and to trick
27 victim D.Q., defendant's co-schemers also pretended to be other
28 people when communicating with victim D.Q., including posing as a

1 sergeant with the Sacramento PD, a public defender, and D.Q.'s
2 grandson. Through their fraudulent statements, defendant's co-
3 schemers convinced victim D.Q. to send a total of approximately
4 \$400,000 in payments for his grandson's bail. To receive the
5 victim's funds, defendant opened a bank account in the name of a
6 nominee entity by using his California driver's license, which bank
7 account only defendant controlled. On or about March 17, March 24,
8 April 2, and April 14, 2021, victim D.Q. sent interstate wire
9 transfer payments to that bank account in the amounts of \$88,000,
10 \$95,000, \$56,700, and \$150,000, respectively. Defendant then used
11 the money from that account for his personal benefit, including more
12 than \$65,000 transferred directly to defendant's TD Ameritrade
13 account and other personal expenditures. Defendant knowingly
14 participated in this fraudulent scheme to defraud victim D.Q. while
15 defendant was in the Central District of California, and defendant
16 acted with the intent to defraud and cheat.

17 The parties agree that for purposes of this plea agreement, the
18 applicable loss from defendant's securities fraud scheme is
19 approximately \$3,237,262, the applicable loss from defendant's wire
20 fraud conspiracy is approximately \$399,550, and the applicable tax
21 loss is approximately \$675,898.

22 SENTENCING FACTORS

23 20. Defendant understands that in determining defendant's
24 sentence the Court is required to calculate the applicable Sentencing
25 Guidelines range and to consider that range, possible departures
26 under the Sentencing Guidelines, and the other sentencing factors set
27 forth in 18 U.S.C. § 3553(a). Defendant understands that the
28 Sentencing Guidelines are advisory only, that defendant cannot have

1 any expectation of receiving a sentence within the calculated
 2 Sentencing Guidelines range, and that after considering the
 3 Sentencing Guidelines and the other § 3553(a) factors, the Court will
 4 be free to exercise its discretion to impose any sentence it finds
 5 appropriate up to the maximum set by statute for the crimes of
 6 conviction.

7 21. Defendant and the USAO agree to the following applicable
 8 Sentencing Guidelines factors:

9 Count One (securities fraud):

10	Base Offense Level	7	U.S.S.G. § 2B1.1(a) (1)
11	\$1.5mm < loss < \$3.5mm	+16	U.S.S.G. § 2B1.1(b) (1) (I)
12	Substantial financial hardship ≥ 25 victims	+6	U.S.S.G. § 2B1.1(b) (2) (C)
13	Sophisticated means	+2	U.S.S.G. § 2B1.1(b) (10) (C)

14 Count Two (false tax return):

15	Base Offense Level	20	U.S.S.G. § 2T1.1(a) (1),
16	(\$550k < tax loss < \$1.5mm)		2T4.1 (H)
17	>\$10,000 criminal activity:	+2	U.S.S.G. § 2T1.1(b) (1)

18 Count Three (wire fraud conspiracy):

19	Base Offense Level	7	U.S.S.G. § 2B1.1(a) (1)
20	\$250,000 < loss < \$550,000	+12	U.S.S.G. § 2B1.1(b) (1) (G)
21	Sophisticated means	+2	U.S.S.G. § 2B1.1(b) (10) (C)
22	Vulnerable victim	+2	U.S.S.G. § 3A1.1(b) (1)

23 Combined offense level calculation:

24	Group One (counts 1 and 3):	1 unit	U.S.S.G. § 3D1.4(a)
25	Group Two (count 2):	½ unit	U.S.S.G. § 3D1.4(b)
26	Total Units:	1 ½ units	

27 ///

28 ///

FINAL COMBINED OFFENSE LEVEL

Total offense level count-1:	31	
Increase from grouping:	+1	U.S.S.G. § 3D1.4
Acceptance of responsibility:	<u>-3</u>	U.S.S.G. § 3E1.1
Combined Total Offense Level:	29	

The USAO will agree to a two-level downward adjustment for acceptance of responsibility (and, if applicable, move for an additional one-level downward adjustment under U.S.S.G. § 3E1.1(b)) only if the conditions set forth in paragraphs 2, 3, and 4 are met and if defendant has not committed, and refrains from committing, acts constituting obstruction of justice within the meaning of U.S.S.G. § 3C1.1, as discussed below. Subject to paragraph 34 below, defendant and the USAO agree not to seek, argue, or suggest in any way, either orally or in writing, that any other specific offense characteristics, adjustments, or departures relating to the offense level be imposed. Defendant agrees, however, that if, after signing this agreement but prior to sentencing, defendant were to commit an act, or the USAO were to discover a previously undiscovered act committed by defendant prior to signing this agreement, which act, in the judgment of the USAO, constituted obstruction of justice within the meaning of U.S.S.G. § 3C1.1, the USAO would be free to seek the enhancement set forth in that section and to argue that defendant is not entitled to a downward adjustment for acceptance of responsibility under U.S.S.G. § 3E1.1..

22. Defendant understands that there is no agreement as to defendant's criminal history or criminal history category.

23. Defendant and the USAO reserve the right to argue for a sentence outside the sentencing range established by the Sentencing

1 Guidelines based on the factors set forth in 18 U.S.C. § 3553(a)(1),
2 (a)(2), (a)(3), (a)(6), and (a)(7).

3 WAIVER OF CONSTITUTIONAL RIGHTS

4 24. Defendant understands that by pleading guilty, defendant
5 gives up the following rights:

6 a. The right to persist in a plea of not guilty.

7 b. The right to a speedy and public trial by jury.

8 c. The right to be represented by counsel -- and if
9 necessary have the Court appoint counsel -- at trial. Defendant
10 understands, however, that, defendant retains the right to be
11 represented by counsel -- and if necessary have the Court appoint
12 counsel -- at every other stage of the proceeding.

13 d. The right to be presumed innocent and to have the
14 burden of proof placed on the government to prove defendant guilty
15 beyond a reasonable doubt.

16 e. The right to confront and cross-examine witnesses
17 against defendant.

18 f. The right to testify and to present evidence in
19 opposition to the charges, including the right to compel the
20 attendance of witnesses to testify.

21 g. The right not to be compelled to testify, and, if
22 defendant chose not to testify or present evidence, to have that
23 choice not be used against defendant.

24 h. Any and all rights to pursue any affirmative defenses,
25 Fourth Amendment or Fifth Amendment claims, and other pretrial
26 motions that have been filed or could be filed.

27 WAIVER OF APPEAL OF CONVICTION

28 25. Defendant understands that, with the exception of an appeal

1 based on a claim that defendant's guilty pleas were involuntary, by
2 pleading guilty defendant is waiving and giving up any right to
3 appeal defendant's convictions on the offenses to which defendant is
4 pleading guilty. Defendant understands that this waiver includes,
5 but is not limited to, arguments that the statutes to which defendant
6 is pleading guilty are unconstitutional, and any and all claims that
7 the statement of facts provided herein is insufficient to support
8 defendant's pleas of guilty.

9 WAIVER OF APPEAL AND COLLATERAL ATTACK

10 26. Defendant gives up the right to appeal all of the
11 following: (a) the procedures and calculations used to determine and
12 impose any portion of the sentence; (b) the term of imprisonment
13 imposed by the Court, including, to the extent permitted by law, the
14 constitutionality or legality of defendant's sentence, provided it is
15 within the statutory maximum; (c) the fine imposed by the Court,
16 provided it is within the statutory maximum; (d) the amount and terms
17 of any restitution order, provided it requires payment of no more
18 than \$4,000,000; (e) the term of probation or supervised release
19 imposed by the Court, provided it is within the statutory maximum;
20 and (f) any of the following conditions of probation or supervised
21 release imposed by the Court: the conditions set forth in Second
22 Amended General Order 20-04 of this Court; the drug testing
23 conditions mandated by 18 U.S.C. §§ 3563(a)(5) and 3583(d); and the
24 alcohol and drug use conditions authorized by 18 U.S.C. § 3563(b)(7);
25 and any conditions of probation or supervised release agreed to by
26 defendant in paragraph 2 above.

27 27. Defendant also gives up any right to bring a post-
28 conviction collateral attack on the convictions or sentence,

1 including any order of restitution, except a post-conviction
2 collateral attack based on a claim of ineffective assistance of
3 counsel, a claim of newly discovered evidence, or an explicitly
4 retroactive change in the applicable Sentencing Guidelines,
5 sentencing statutes, or statutes of conviction. Defendant
6 understands that this waiver includes, but is not limited to,
7 arguments that the statutes to which defendant is pleading guilty are
8 unconstitutional, and any and all claims that the statement of facts
9 provided herein is insufficient to support defendant's pleas of
10 guilty.

11 28. This agreement does not affect in any way the right of the
12 USAO to appeal the sentence imposed by the Court.

13 RESULT OF WITHDRAWAL OF GUILTY PLEA

14 29. Defendant agrees that if, after entering guilty pleas
15 pursuant to this agreement, defendant seeks to withdraw and succeeds
16 in withdrawing defendant's guilty pleas on any basis other than a
17 claim and finding that entry into this plea agreement was
18 involuntary, then (a) the USAO will be relieved of all of its
19 obligations under this agreement; and (b) should the USAO choose to
20 pursue any charge that was either dismissed or not filed as a result
21 of this agreement, then (i) any applicable statute of limitations
22 will be tolled between the date of defendant's signing of this
23 agreement and the filing commencing any such action; and
24 (ii) defendant waives and gives up all defenses based on the statute
25 of limitations, any claim of pre-indictment delay, or any speedy
26 trial claim with respect to any such action, except to the extent
27 that such defenses existed as of the date of defendant's signing this
28 agreement.

1 speedy trial claim with respect to any such action, except to the
2 extent that such defenses existed as of the date of defendant's
3 signing this agreement.

4 c. Defendant agrees that: (i) any statements made by
5 defendant, under oath, at the guilty plea hearing (if such a hearing
6 occurred prior to the breach); (ii) the agreed to factual basis
7 statement in this agreement; and (iii) any evidence derived from such
8 statements, shall be admissible against defendant in any such action
9 against defendant, and defendant waives and gives up any claim under
10 the United States Constitution, any statute, Rule 410 of the Federal
11 Rules of Evidence, Rule 11(f) of the Federal Rules of Criminal
12 Procedure, or any other federal rule, that the statements or any
13 evidence derived from the statements should be suppressed or are
14 inadmissible.

15 COURT AND UNITED STATES PROBATION AND PRETRIAL SERVICES

16 OFFICE NOT PARTIES

17 33. Defendant understands that the Court and the United States
18 Probation and Pretrial Services Office are not parties to this
19 agreement and need not accept any of the USAO's sentencing
20 recommendations or the parties' agreements to facts or sentencing
21 factors.

22 34. Defendant understands that both defendant and the USAO are
23 free to: (a) supplement the facts by supplying relevant information
24 to the United States Probation and Pretrial Services Office and the
25 Court, (b) correct any and all factual misstatements relating to the
26 Court's Sentencing Guidelines calculations and determination of
27 sentence, and (c) argue on appeal and collateral review that the
28 Court's Sentencing Guidelines calculations and the sentence it

1 chooses to impose are not error, although each party agrees to
2 maintain its view that the calculations in paragraph 20 are
3 consistent with the facts of this case. While this paragraph permits
4 both the USAO and defendant to submit full and complete factual
5 information to the United States Probation and Pretrial Services
6 Office and the Court, even if that factual information may be viewed
7 as inconsistent with the facts agreed to in this agreement, this
8 paragraph does not affect defendant's and the USAO's obligations not
9 to contest the facts agreed to in this agreement.

10 35. Defendant understands that even if the Court ignores any
11 sentencing recommendation, finds facts or reaches conclusions
12 different from those agreed to, and/or imposes any sentence up to the
13 maximum established by statute, defendant cannot, for that reason,
14 withdraw defendant's guilty pleas, and defendant will remain bound to
15 fulfill all defendant's obligations under this agreement. Defendant
16 understands that no one -- not the prosecutor, defendant's attorney,
17 or the Court -- can make a binding prediction or promise regarding
18 the sentence defendant will receive, except that it will be within
19 the statutory maximum.

20 NO ADDITIONAL AGREEMENTS

21 36. Defendant understands that, except as set forth herein,
22 there are no promises, understandings, or agreements between the USAO
23 and defendant or defendant's attorney, and that no additional
24 promise, understanding, or agreement may be entered into unless in a
25 writing signed by all parties or on the record in court.

26 PLEA AGREEMENT PART OF THE GUILTY PLEA HEARING

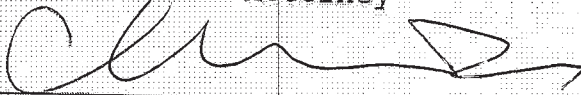
27 37. The parties agree that this agreement will be considered
28 part of the record of defendant's guilty plea hearing as if the

1 entire agreement had been read into the record of the proceeding.

2 AGREED AND ACCEPTED


3 UNITED STATES ATTORNEY'S OFFICE
4 FOR THE CENTRAL DISTRICT OF
CALIFORNIA

5 TRACY L. WILKISON
6 United States Attorney




7 CHARLES E. PELL
8 Assistant United States Attorney

06.03.2022
Date

9 
10 ROBERT LOUIS CIRILLO
Defendant

5/19/22
Date

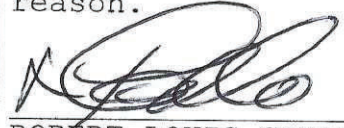
11 
12 RON HEDDING
Attorney for Defendant
13 ROBERT LOUIS CIRILLO

5/19/22
Date

14 CERTIFICATION OF DEFENDANT

15 I have read this agreement in its entirety. I have had enough
16 time to review and consider this agreement, and I have carefully and
17 thoroughly discussed every part of it with my attorney. I understand
18 the terms of this agreement, and I voluntarily agree to those terms.
19 I have discussed the evidence with my attorney, and my attorney has
20 advised me of my rights, of possible pretrial motions that might be
21 filed, of possible defenses that might be asserted either prior to or
22 at trial, of the sentencing factors set forth in 18 U.S.C. § 3553(a),
23 of relevant Sentencing Guidelines provisions, and of the consequences
24 of entering into this agreement. No promises, inducements, or
25 representations of any kind have been made to me other than those
26 contained in this agreement. No one has threatened or forced me in
27 any way to enter into this agreement. I am satisfied with the
28 representation of my attorney in this matter, and I am pleading

1 guilty because I am guilty of the charges and wish to take advantage
2 of the promises set forth in this agreement, and not for any other
3 reason.

4 

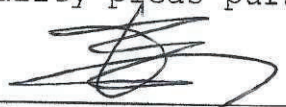
5 ROBERT LOUIS CIRILLO
6 Defendant

5/19/22

7 Date

8 CERTIFICATION OF DEFENDANT'S ATTORNEY

9 I am ROBERT LOUIS CIRILLO's attorney. I have carefully and
10 thoroughly discussed every part of this agreement with my client.
11 Further, I have fully advised my client of his rights, of possible
12 pretrial motions that might be filed, of possible defenses that might
13 be asserted either prior to or at trial, of the sentencing factors
14 set forth in 18 U.S.C. § 3553(a), of relevant Sentencing Guidelines
15 provisions, and of the consequences of entering into this agreement.
16 To my knowledge: no promises, inducements, or representations of any
17 kind have been made to my client other than those contained in this
18 agreement; no one has threatened or forced my client in any way to
19 enter into this agreement; my client's decision to enter into this
20 agreement is an informed and voluntary one; and the factual basis set
21 forth in this agreement is sufficient to support my client's entry of
22 guilty pleas pursuant to this agreement.

23 

24 RON HEDDING
25 Attorney for Defendant
26 ROBERT LOUIS CIRILLO

5/19/22

27 Date