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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 **-oOo-**

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 vs.

12 DIMITR DIMITROV, also known as Fero,

13 Defendant.

2:10-cr-00216-PMP-PAL

GOVERNMENT'S RESPONSE IN
TO DEFENDANT'S SENTENCING
MEMORANDUM
(Docket #93)

14 The United States of America, by and through Daniel G. Bogden, United States Attorney,
15 and Eric Johnson, Chief, Organized Crime Strike Force, hereby submits the following response to
16 defendant's sentencing memorandum (Doc. #93).

17 **ARGUMENT**

18 **THE GOVERNMENT CONCURS IN PROBATIONS FACTUAL INFORMATION**
19 **AND SENTENCING CALCULATIONS AND JUSTIFICATIONS IN**
20 **DIMITROV'S PRESENTENCE REPORT**

21 The Government concurs with Probations calculations of the Sentencing Guidelines in
22 defendant Dimitr Dimitrov's case. Pursuant to the plea agreement, the Government and defendant
23 agreed on the following guideline calculations, leaving only the issue of leadership role for argument
24 to the Court:

1. The base offense level for conspiracy to commit access device fraud is six (6).
U.S.S.G. § 2B1.1(a)(1).

1
2 2. Plus 2 for more than 10 but less than 50 victims. U.S.S.G. § 2B1.1 (b)(2)(A).

3 3. Plus 12 based on the readily provable amount of fraud over \$200,000 to \$400,000 in
4 loss. U.S.S.G. § 2B1.1 (b)(1)(H).

5 4. Plus 2 for sophisticated means. U.S.S.G. § 2B1.1 (b)(9).

6 5. Plus 2 for the possession or use of counterfeit or unauthorized access devices § 2B1.1
7 (b)(10)(B), based on known relevant conduct, resulting in an offense level of 24.

8 As expressed in the Plea Agreement, the Government asserts that Dimitrov should receive an
9 additional four level enhancement for leader or organizer of five or more individuals, bringing his
10 offense level to 28. See U.S.S.G. § 3B1.1. The Government agreed to let defendant Dimitrov's
11 counsel argue whether Dimitrov should be considered a leader or organizer of five or more people.
12 If the enhancement is applied, defendant Dimitrov's final offense level prior to any credit for
13 acceptance of responsibility or group plea would be 28. After reductions in offense level for
14 acceptance of responsibility (3 levels) and for the Group Plea in this case (3 levels), defendant
15 Dimitrov's final offense level should be 22. With no Criminal History, defendant Dimitrov's
16 guideline range is 41 to 57 months. The defendant agreed not to seek a variance or reduction in
17 sentence below the guideline range found by the court. The Government agreed to recommend the
18 low end of the guideline range, in this instance 41 months.

19 Defendant Dimitrov has made numerous objections to the Presentence Report. Generally,
20 defendant's objections fall into four categories. Defendant challenges the Presentence Report's
21 description of the ATM skimming conspiracy (Objections 5, 6, 7, 8 and 9). Defendant challenges
22 Probation's application of the leader/organizer offense enhancement to Dimitrov in reaching its
23 Sentencing Guidelines calculations (Objections 4, 18, 19, 20, 26, 29 and 30). Defendant challenges
24 the nature and extent of his participation in the automobile fraud conspiracy charged in United States

1 v. Taskov, et al., 2:10-cr-217-PMP-PAL (Objections 2, 11, 12 and 13). Defendant challenges the
2 nature and extent of his involvement with his wife in his obtaining of a firearm as a felon as charged
3 in United States v. Dimitrov and Dimitrova, 2:10-cr-215-KJD (Objections 3, 14, 15 and 16).

4 Through his objections, defendant has attempted to minimize his criminal responsibility as a leader
5 of a Bulgarian criminal cell. The Government will provide below a discussion of some of the
6 evidence supporting Probation's Presentence Report for defendant Dimitrov.

7 **DIMITROV WAS A LEADER/ORGANIZER OF ATM**
8 **SKIMMING CREWS INVOLVING FIVE OR MORE**
9 **INDIVIDUALS (Dimitrov, Georgiev, Iordanov, Tchanev, Johnson and others)**

10 In both his objections to the Probation Office and his Sentencing Memorandum, defendant
11 Dimitrov denies that he was a leader/organizer of the ATM skimming operation charged in this case.
12 The Government in plea negotiations agreed to allow the defendant to argue this point to the Court.
13 However, defendant Dimitrov goes beyond merely denying his leadership role and dishonestly seeks
14 to minimize further his participation in his criminal conduct.

15 Defendant in his correspondence with Probation and Sentencing Memorandum claims that
16 while in Arizona at the time his crew was arrested for ATM skimming, he had only been asked by
17 the others in the crew "to act as a 'look-out.'" Defendant does not stop there in trying to minimize his
18 role, but goes on to claim that "he had become fearful and ended up drinking in excess, becoming
19 highly intoxicated, and staying behind in the Motel 6 hotel room watching movies for a large part of
20 the trip." Dimitrov Letter of November 20, 2011, Obj. 5; Dimitrov Sentencing Memorandum, at 4-5.
21 Dimitrov further claims that "on the morning May 26, 2009, at the time of his arrest, he was still so
22 intoxicated and was essentially throwing up on himself." Id.

23 The evidence the Government developed in this case demonstrates that defendant Dimitrov was
24 the leader/organizer of the skimming crew. His suggestion that he was only brought along during the
Arizona operation as a look-out and became too drunk to do his assignment is quite simply a lie to this

1 Court. Witness interviews, intercepted conversations and documentary evidence establish his leadership
2 role by a preponderance of the evidence, if not beyond a reasonable doubt. Significantly, in months of
3 intercepted conversations, many of which involved Dimitrov discussing his arrest in Arizona, defendant
4 Dimitrov did not at any time claim that he was merely a look out or mention that he was drunk and
5 throwing up on himself while in Arizona. As will be discussed below, Dimitrov acknowledged in his
6 intercepted conversations that he was the "boss" of the group and was with them to make sure they did
7 not steal what was owed him and his boss in Bulgaria. Rather than complain about drinking and
8 throwing up, Dimitrov complained in intercepted conversations that others in his crew were disloyal to
9 him, had stolen money from him, had not paid him what he was owed for the ATM skimming operation
10 and did not attempt to exculpate him from responsibility for their crimes. Consequently, as
11 demonstrated below, defendant is lying to the Court about his conduct. Defendant Dimitrov was the
12 leader/organizer of the crew and went with his codefendants to Arizona, not to act as a look-out, but
13 to insure that the people in his crew did not cheat him and his Bulgarian overseer of their share of
14 the money they fraudulently took out of the ATMs.

15 In his calls with various conspirators and associates, Dimitrov made clear that he was the
16 leader of the skimming crew arrested in Arizona. He also made clear that his crew had engage in
17 fraudulent skimming operations in other cities including, Las Vegas, San Francisco, New York,
18 Seattle. Dimitrov also discussed at least one other crew he oversaw in the Miami area. Finally,
19 Dimitrov in his intercepted conversations made clear that he was essentially the American overseer
20 of a Bulgarian organized crime boss.

21 Section 3B1.1(a) of the U.S. Sentencing Guidelines provides for a four level offense
22 enhancement if the defendant was a leader or organizer of criminal activity involving five or more
23 participants. The Sentencing Commission in its commentary to this section explains that the Court
24 in determining if a defendant was a leader or organizer may consider:

1 exercise of decision making authority, the nature of participation in the commission of the
2 offense, the recruitment of accomplices, the claimed right to a larger share of the fruits of the
3 crime, the degree of participation in planning or organizing the offense, the nature and scope
4 of the illegal activity, and the degree of control and authority exercised over others. There
can, of course, be more than one person who qualifies as a leader or organizer of a criminal
association or conspiracy.

5 Dimitrov described himself as a “boss” over the members of his crews here in the United
6 States. From his conversations with Mihalev, his boss in Bulgaria, Dimitrov explained how he had
7 either recruited or been sent people to use in skimming operations, complaining at one point to
8 Mihalev about how he knew when Stefan Georgiev was sent to him that Georgiev would take
9 advantage of Dimitrov once he learned the business. Dimitrov's role in the organization was that of
10 a leader and organizer in that Dimitrov himself didn't generally participate in the actual use of
11 skimming equipment or the running of ATM cards. Instead, Dimitrov had others go out and do the
12 dirty work, insulating him from detection and liability. Dimitrov, as he explained in his
13 conversations, was responsible for making sure the crews operating under his oversight paid up to
14 Dimitrov so that he could pay up to Mihalev, who was supposed to get the majority or large portion
15 of the proceeds. In this role, Dimitrov was entitled to a larger share of the skimming operation's
16 proceeds than his confederates in the United States. Consequently, Dimitrov appropriately can be
17 considered the leader organizer of his skimming operations. Dimitrov also operated at least one
18 other crew in the Miami area and his crews operated throughout the United States.

19 **DIMITROV WAS EXTENSIVELY INTERCEPTED IN TELEPHONE CALLS**
20 **DISCUSSING HIS LEADERSHIP ROLE IN HIS SKIMMING OPERATIONS**

21 On October 22, 2009, at approximately 6:00 p.m., an individual identified as Moni called
22 Dimitrov in Las Vegas. Dimitrov commented to Moni that he had many connections and that while
23 he was a boss to Brian Johnson and Angel Iordinov, he was a middleman for other bosses,
presumably referring to Nencho Mihalev, also known as Neno, operating in Bulgaria. Exhibit A.

24 On October 27, 2009, at approximately 8:36 a.m., Dimitrov called Mihalev in Bulgaria.

1 Dimitrov told Mihalev that Georgiev had been lying to Mihalev about some of the ATM cards that
2 Georgiev still had and had used to make ATM withdrawals around New Years (January 1, 2009).
3 Dimitrov complained that Georgiev had taken the money from the ATM cards and Dimitrov
4 received only \$8,000 of the \$107,000 from one operation. Mihalev said that was between Dimitrov
5 and Georgiev. Dimitrov commented that Georgeiv had changed over four months. Mihalev
6 indicated that he was holding Dimitrov responsible for the crew getting arrested in Arizona and was
7 still expecting Dimitrov and the crew to pay him his share of the proceeds from the ATM skimming
8 operation even though the crew was arrested. Exhibit B.

9 On November 6, 2009, at approximately 7:43 p.m., Dimitrov called Teodora Kostova.
10 Dimitrov said that he was angry with Stefan Georgiev, because Georgiev could have got Dimitrov
11 off the hook, but he got scared and didn't say anything [in court]. Dimitrov stated that Georgiev hid
12 money in his boots because he went to withdraw money [from ATM's] without Dimitrov. Dimitrov
13 said that Georgiev got cocky and started talking to Kantcho [Kantchev] on Skype and had Kantchev
14 launder some money for him. Dimitrov commented that he was in charge to make sure the money
15 didn't get stolen. Dimitrov stated that they collected \$600,000 to \$700,000 dollars [from ATM's]
16 and was going to take it [the money] away and say that some gaffe happened. Dimitrov bragged that
17 he was a great scam artist and would have involved Kostova and got her \$150,000 to \$200,000
18 dollars. Dimitrov said that he would have taken 600 [thousand dollars]. Kostova warned Dimitrov
19 that their conversations were not suitable to be carried out over the phone. Dimitrov interrupted
20 Kostova and kept talking. In this conversation, Dimitrov admitted that his group, consisting of
21 Georgiev, Tchanev, Johnson, and Iordanov, had stolen approximately \$700,000 dollars from bank
22 ATM's before they were caught in May of 2009. Dimitrov also admitted that he was responsible for
23 the money. This call, along with Dimitrov's calls to Mihalev, demonstrate that Dimitrov is a higher-
24 level crime figure in Las Vegas and is expected to pay a portion of the money his group stole from

1 ATM machines to a higher-level organized crime figure in Bulgaria. Exhibit C.

2 On November 7, 2009, at approximately 5:36 p.m., Dimitrov called Teodora Kostova.
3 During the conversation, Dimitrov complained that he had received three years probation in
4 Arizona. Dimitrov commented that the previous year he had been making money from 15 different
5 things, but because of his probation restrictions he could not go anywhere or organize anything.
6 Kostova asked Dimitrov if Mihalev paid for his attorney. Dimitrov said Mihalev did pay \$20,000
7 for his attorney and [co-defendant Stefan] Georgiev's attorney, but Mihalev expected the money to
8 be paid back. Dimitrov then commented to Kostova that Mihalev was a party, referring to the ATM
9 scam, and half of all profits went to him. Exhibit D.

10 On November 18, 2009, at approximately 9:40 a.m. Dimitrov called an individual known as
11 Petrychef. Dimitrov commented to Petrychef that his boss [Mihalev] had asked him why he went
12 with the guys to Phoenix. Dimitrov said that he explained to his boss that he went with the crew
13 because they were stealing a lot. Dimitrov mentioned that his boss commented to him that Dimitrov
14 also stole from his boss but Dimitrov had at least paid up the largest amount of money to his boss
15 from his crimes. Dimitrov in this conversation also talked about other crimes he committed while he
16 lived in Bulgaria. Dimitrov stated that he had racketeered prostitutes, embezzled from truck drivers
17 from foreign countries, and bribed policemen, customs officers and Bulgarian State Security agents.
18 Significantly, Dimitrov stated that at one time he worked for Ivo Karamanski, who the FBI and
19 European law enforcement authorities have identified as a one-time Bulgarian organized crime boss.
20 Exhibit E.

21 On January 26, 2010, at approximately 11:00 a.m., Dimitrov called Mihalev. Mihalev was
22 upset and claimed he had not made any money, apparently referring to the ATM fraud scheme,
23 because Dimitrov and Georgiev were the ones splitting the money. Dimitrov angrily told Mihalev:
24 what are you talking about not taking money? He [Georgiev] was always saying "this is

1 Neno's money, that is Neno's money," and he was giving me crumbs man. Out of \$107,000
2 and three cards left to use, he gave me 8G [\$8,000], man. It's 20 percent, right? He gave me
3 only eight {\$8,000}. What expenses are you talking about? He sent lots of money to
4 numerous people and took people to expensive joints. I knew that when he gets stronger he
will be stealing from me, will be lying to me, but now I am the one getting the whole
punishment, and now you want money from me. That guy ran away with \$60,000, and the
cops are breathing in my neck.

5 In this conversation, Dimitrov complained to Mihalev that when Stefan Georgiev became involved
6 with his crew, he was concerned that Georgiev would start stealing from him and lying to him once
7 Georgiev got more experienced with the scam. Dimitrov reference to Mihalev that he was to get 20
8 percent of the money stolen from the ATMs demonstrates his predominant role in the group.

9 Exhibit F.

10 On January 26, 2010 at approximately 11:04 a.m., Dimitrov called Teodora Kostova. During
11 the conversation, Dimitrov admitted that he and Georgiev were committing crimes, apparently
12 referring to the fraudulent withdrawals of cash from the ATMs. He commented that Mihalev had
13 taken all of Georgiev's money, possibly referring to Georgiev paying up to Mihalev. Dimitrov said
14 that Mihalev was involved in the scam, referring to the ATM fraud, and that Mihalev was entitled to
15 half of the profits. Exhibit G.

16 **Interview With Dragomir Logofetov**

17 On April 19, 2009, agents interviewed Dragomir Logofetov. Logofetov said that prior to
18 Iordanov's arrest in Arizona for ATM skimming, defendant Iordanov had been recruiting people to
19 join the group for the purpose of withdrawing money from ATMs. Iordanov approached Logofetov
20 and told him that Iordanov's team would be paid approximately 15% of the money successfully
21 withdrawn from ATMs. Iordanov explained that Dimitrov was to be paid 25% of the total and the
22 remaining money would be sent to individuals in Bulgaria. Iordanov said Dimitrov was said to be
23 running similar teams for several years. The teams would steal approximately \$300,000 to \$500,000
24 during each "harvest" cycle. Exhibit H.

1 **Paid Log Found On Laptop Computer Seized From Defendants At Their Arrest In Arizona**

2 Arizona law enforcement officers seized a laptop computer from the defendants when they
3 were arrested on May 26, 2009. The computer had the Windows log in of "Stefan" which would be
4 consistent with the name of codefendant Stefan Georgiev. On the computer was a document that
5 appears to be a paid log relating to various ATM skimming operations in which Georgiev
6 participated. Exhibit I. The log has an upper row that makes reference to what appears to be
7 locations, referencing "sincity" "Apple 1" "Apple 2" and "San Francisco [in Bulgarian]" and Total.
8 There is a column referencing "D," "S," and "N." Under each location and next to each letter are
9 amounts. Based on the participants in the ATM skimming fraud and Dimitrov's calls to Mihalev,
10 who goes by the name of "Neno," the reference to D in the log is to Dimitr Dimitrov, S in the log is
11 to Stefan Georgiev and N is to Mihalev, also known as Neno. Consequently, according to the log,
12 Dimitrov received \$60,000 for Sincity, \$37,000 for Apple 1, \$104,000 for Apple 2 and nothing for
13 San Francisco for a total of \$201,000. Stefan Georgiev then received \$28,000 for sincity, \$8000 for
14 Apple 1, \$14,000 for Apple 2 and \$22,000 for San Francisco for a total of \$72,000. Mihalev
15 received \$30,000 for sincity, nothing for Apple 1, \$2700 for Apple 2 and nothing for San Francisco
16 for a total of \$32,700. Totaling up all the amounts for the three men, the total was \$305,700. This
17 log does not reference payments that would have been made to the other conspirators working as
18 part of the skimming team here in the United States, codefendants Jordanov, Tchanev and Brian
19 Johnson or other skimming operations besides the ones in Las Vegas, San Francisco, and New York.

20 Significantly, the paid log from Stefan Georgiev's laptop seized in Arizona shows Dimitrov
21 and his crew operating literally around the country. The paid log shows that Dimitrov and his
22 coconspirators operated in multiple cities, including Las Vegas, San Francisco, and New York.
23 Other communications and evidence obtained during the course of the investigation, also
24 demonstrates that Dimitrov was operating frauds in Miami and Seattle.

DIMITROV OPERATED A SKIMMING CREW IN NEW YORK

1
2 On October 24, 2009, at 14:53 PST, Dimitrov received a call from Peyko Tzenov. Dimitrov
3 during the conversation commented that Brian Johnson had money in Bulgaria, explaining Johnson
4 had made some \$70,000 from the salary Dimitrov had paid him for ten months. Dimitrov
5 commented Johnson spent some money on attorneys, but that was a lot of money for him. Dimitrov
6 stated, "I am his boss . . . I instructed them. . . you cannot snitch out on me, nobody can snitch out on
7 me. . . he withdrew money, so what? They gave him cards and he has withdrawn, well, we destroyed
8 in the Bronx, we marched there all day long there, you saw us there during the summertime, didn't
9 you?" By referring to using cards to withdraw and "destroy[ing]" in the Bronx, Dimitrov appeared
10 to be speaking in regard to committing the ATM skimming fraud in New York. Exhibit J.

11 We know that Dimitrov was in New York on or about the end of November 2008, along with
12 other members of his ATM skimming fraud crew, including Georgiev. Mihalev (Neno) also flew
13 into New York during this time. JetBlue Airlines records show that Dimitrov purchased a JetBlue
14 ticket from Las Vegas to JFK Airport for travel in November 2008. Camera photographs found on
15 the laptop seized from the defendants in Arizona show the defendants in New York around this time.
16 One photograph shows Strippoli (Kostova) and Dimitrov in New York on November 12, 2008.
17 Another photograph shows Stefan Georgiev and Strippoli (Kostova) in New York on November 12,
18 2008. The photographs also show Stefan Georgiev and Johnson in a bar on November 14, 2008, and
19 Mihalev (Neno) and a woman named Georgieva in New York on December 10, 2008, and Stefan
20 Georgiev and Georgieva together in New Yrk on December 6, 2008. Exhibit K. Dimitrov also had
21 credit card charges for Macy's, Yonkers, New York on November 11, 2008, Café Fiorello, New
22 York on November 12, 2008, Shell Oil, Yonkers, New York on November 25, 2008, Avis Rent a
23 Car, Jamaica, New York on November 26, 2008, Avis Rent a Car, Jamaica, New York on December
24 1, 2008, Avis Rent a Car in Jamaica, New York on December 10, 2008, and Howard Johnson,

1 Woodside, New York on December 11, 2008. Exhibit L.

2 As explained by Angel Mladenski, on or about November 15, 2008, Taskov asked
3 Mladenski if he would drive a black Lexus to Dimitrov in New York. In exchange, Taskov said
4 that Dimitrov would pay Mladenski \$1,000 dollars and an airline ticket for Mladenski to fly back to
5 Las Vegas from New York. Mladenski picked up the black Lexus from the garage attached to
6 Dimitrov's residence. At the time Mladenski was stopped in Illinois and the Lexus was searched,
7 agents found the receipt for a one-way flight reservation on Jet Blue airlines, flight 195, in the names
8 of Mladenski and Taskov's wife, Nora Angelova. Flight 195 was scheduled to depart on November
9 19, 2008, from John F. Kennedy Airport in New York and was bound for McCarran Airport in Las
10 Vegas, Nevada. The flight reservation was paid for by Dimitrov's wife, Viarka Dimitrova, at 6494
11 Willow Breeze Lane, Las Vegas, Nevada. Mladenski had instructions to contact Dimitrov by cell
12 phone when he arrived in New York to provide Mladenski with instructions on where to drop the car
13 off. Exhibit M.

14 On June 29, 2010, agents interviewed Kantcho Kantchev in reference to his cash deposits
15 and wire transfers to Bulgaria in November and December 2008 and January 2009. Initially,
16 Kantchev said that Dimitrov and Georgiev had been in New York for several weeks a couple of
17 years previously, in the fall or winter months, but denied holding or transferring any money for
18 Dimitrov. He was then shown his bank accounts and wire transfer documents. Subsequently,
19 Kantchev replied "after 20 years it has come to this." He admitted that Dimitrov and Georgiev
20 showed up at his residence when they were in New York. Dimitrov told Kantchev that he owed
21 money to some people in Bulgaria and asked Kantchev to help him pay them. Kantchev kept the
22 money in his safe and started depositing the money into his bank account in small amounts as
23 instructed by Dimitrov. Each roll of money was to contain \$1,000. Dimitrov had previously known
24 that Kantchev was to travel to Bulgaria in early 2010, so that was why he asked Kantchev to deposit

1 the money in his account and wire it to his account in Bulgaria. Once Kantchev did arrived in
2 Bulgaria he called an unknown male, as instructed by Dimitrov, to whom he gave the money.
3 Kantchev said he withdrew \$130,000. Exhibit N. Bank records show cash deposits into Kantchev's
4 Chase financial accounts from November 8, 2008 to January 7, 2008. These deposit totaled
5 \$142,042.92. Subsequently, Kantchev wired \$34,600 to Bulgaria bank accounts from November 8
6 to January 9, 2009.

7 **DIMITROV OPERATED A SKIMMING CREW IN SAN FRANCISCO**

8 Dimitrov has credit card charges at O'Neil's Irish Pub, San Francisco on October 18, 2008,
9 at Safeway, San Mateo, California on October 18, 2008, at Safeway, San Francisco on November 1,
10 2008, and at the Starbucks, San Francisco on November 2, 2008. The laptop computer seized from
11 the defendants at the time of their arrest in Arizona and with the Windows log on of "Stefan" had a
12 number of digital photographs downloaded. Some of the photos showed Georgiev and Dimitrov
13 (separately) in front of Alcatraz. These photographs were taken on October 25, 2008. A photograph
14 shows Georgiev and Dimitrov (together) in front of the Golden Gate Bridge. This photograph was
15 taken on October 28, 2008. Exhibit O.

16 As charged in United States v. Taskov, et al., 2:10cr217-PMP, Codefendant Dragomir
17 Taskov had his automobile fraud crew fraudulently obtained a Lexus automobile on in March 20,
18 2008 from Lexus of Las Vegas, 6600 Sahara, Las Vegas. After the car was recovered, a review of
19 the car's internal GPS system showed GPS coordinates for three addresses in San Francisco,
20 including a Citibank Complex at 580 Green St., San Francisco, California. Exhibit P. Mladenski
21 picked the Lexus up from Dimitrov's house on or about November 16, 2008, when he had agreed to
22 take the car to Dimitrov in New York. The Lexus was stopped by law enforcement in Illinois. In the
23 car at the time it was recovered were Bank of the West envelops with names and amounts
24 handwritten on them and a brochure for Fisherman's Warf, Pier 45. Exhibit M.

1 During a February 22, 2010, interview with agents, Mladenski stated that previously, Taskov
2 told Mladenski that Dimitrov was using the Lexus 350IS to illegally withdraw money from ATMs.
3 Exhibit Q. This was the Lexus that Mladenski was driving to Dimitrov at the time he was stopped in
4 Illinois.

5 **DIMITROV WAS OVERSEEING A SKIMMING CREW IN THE MIAMI AREA**

6 Dimitrov in various intercepted conversations with Atanas Atanasov and Mihalev (Neno),
7 discussed that he was overseeing a skimming operation Atanasov was handling in the southern
8 United States, around Miami and North Carolina. Atanasov was responsible for the crew and
9 appeared to be having problems with skimming equipment used in the operation. Dimitrov was
10 overseeing Atanasov's crew for Mihalev who clearly had an interest in its operation.

11 Initially, records obtained during the course of the investigation show that on February 20,
12 2009, Dimitrov purchased ticket on American Airlines to travel from Las Vegas to Miami. Miami,
13 Florida is the home area of Atanas Atanasov, also known as Nasko. Receipts for the flight itinerary
14 were found at Dimitrov's residence during execution of the May 2010 search warrant. The flight
15 was booked using Viarka Dimitrova's credit card. Dimitrov had credit card charges at Rustic Inn, Ft.
16 Lauderdale, Florida on February 23, 2009, at Hoteria Romana, Miami Beach on February 24, 2009,
17 and at Carpaccio, Bal Harbour, Florida on February 25, 2009.

18 On October 5, 2009, Dimitrov was intercepted calling Atanasov at approximately 4:35 p.m.
19 Dimitrov told Atanasov that he was calling so that Nasko [Atanasov] could report to him. Atanasov
20 told Dimitrov that those things [ATM devices] were broke and they didn't work. Dimitrov got
21 annoyed and commented that Atanasov had been suspicious, cautious and scared all his life and that
22 was why he couldn't make a buck. Dimitrov said if they were broke, he had some. He asked
23 Atanasov "Do you want me to give you some [ATM devices]? I've got the latest ones [devices].
24 Fuck you." Atanasov commented that it didn't work to pretend to be important. Dimitrov said he

1 didn't pretend anything. He had proven himself. "Nobody has given me anything. My wife works
2 as a house keeper and I make \$40-50,000 per month, every month. . . .I've got money to live for a
3 hundred years. . . . They call me Fernandel. I've got a name. I have a name, name, name. They
4 know that I'm not going to trick anybody. I'm not going to steal a penny. I paid [up] \$740,000."

5 Exhibit R.

6 On October 7, 2009, at approximately 2:01 p.m., Dimitrov called Atanas Atanasov.

7 Atanasov said he swore the things got broken, explaining some people had painted them, or tried to
8 paint them. Dimitrov interrupted him and said he did not care; he could give him new ones as he
9 had more. Dimitrov commented he was not afraid, he had good attorneys and friends, and he would
10 never make a deal with the police, saying he had been living his whole life on the street and the
11 street feeds him. Atanasov repeatedly said that they (the devices) had broke. Atanasov said the
12 devices cost a lot of money and someone painted them and broke them. Dimitrov then said that the
13 people who did it were not professionals, but idiots. Dimitrov continued, "One has to go with a
14 small knife easily and nicely to clean the windows." Atanasov started yelling at Dimitrov as to why
15 he was explaining this over the phone. Dimitrov tried to cover up the fact that he was discussing
16 ATM skimming devices by saying to Atanasov that he was trying to explain to Atanasov how people
17 fix cars. Then, however, Dimitrov said that he did not care if he was being recorded. Dimitrov
18 stated, "Honestly speaking, I have made 230 K, I don't care . . . let them record me, come on, you
19 can record me as well . . . 230K." Atanasov asked, "What do I gain from the whole thing to tell you
20 that they are broken?" Dimitrov told Atanasov that he is constantly suspicious, thinking that
21 someone will betray him, trick him or swindled him. Dimitrov told Atanasov not to be afraid.
22 Dimitrov mentioned that someone explained to him that people who do not ask and do not know
23 how to put them (install ATM devices), their whole thing got destroyed. Atanasov said that he could
24 not talk then, saying they just got broken. Exhibit S.

1 On October 12, 2009, at approximately 12:42 p.m., Dimitrov was intercepted placing a call
2 to a Bulgarian phone number being used by Mihalev (Neno). Dimitrov asked Mihalev if Mihalev
3 could get on Skype. Mihalev told Dimitrov that they could communicate over Skype the next
4 morning. Dimitrov stated that they [Dimitrov and Mihalev] did not share secrets and assured
5 Mihalev that no one was listening to their phones. Dimitrov told Mihalev that the boys [Atanasov'S
6 group] in Miami were working slowly and nicely, although they painted over some of the devices
7 [skimming devices]. Dimitrov stated that there were good places for business [criminal activity] in
8 Buenos Aires, Argentina, and the most luxurious resorts in Mexico. Dimitrov stated that he would
9 like to go to Mexico and Argentina with Stefan [Georgiev] and one more respectable person that
10 Mihalev could give to him. In this conversation Dimitrov was reporting back to Mihalev about the
11 criminal cell Dimitrov was overseeing for Mihalev. This cell was installing ATM skimming devices
12 in Miami. Dimitrov was also suggesting to Mihalev for him to take codefendant Georgiev and
13 another person to Mexico and Argentina for the purpose of installing ATM skimming devices in
14 those countries as well. Exhibit T.

15 On October 28, 2009, North Carolina State Highway Patrol (NCHSP) conducted a vehicle
16 stop on a vehicle occupied by three Bulgarian nationals, later identified as Atanas Atanasov,
17 Doroteya Evgenieva, and Dimitrov Plamen. The NCHSP Trooper received written consent from the
18 occupants to search the vehicle. The Trooper located two tool boxes which contained ATM
19 skimming equipment. All three subjects were detained.

20 Special Agent Anton Fickey with the United States Secret Service responded to assist with
21 the investigation. Exhibit U. Upon SA Fickey's arrival, he immediately recognized Plamen from
22 numerous bank surveillance photos where Plamen had been recorded fraudulently withdrawing
23 money from bank ATM machines. Raleigh Police Department, North Carolina, Detective Greg
24 Boman obtained seven arrest warrants for Plamen and Plamen was booked in Raleigh, North

1 Carolina. Interviews were also conducted with Atanasov and Evgenieva, but both subjects were
2 released. During the course of SA Fickey's interview with Atanasov, Atanasov provided his cell
3 phone number as 917-497-2966. This was the same phone number that Atanasov was using to
4 communicate with Dimitrov over Dimitrov's telephone. After October 28, 2009, Dimitrov made
5 several attempts to contact Atanasov at phone number 917-497-2966; however the calls went right to
6 voicemail.

7 **DIMITROV OPERATED A SKIMMING CREW IN SEATTLE**

8 The laptop computer seized from the defendants in Arizona and with the Windows log on of
9 "Stefan" has digital photographs which show Iordanov, Georgiev and Johnson standing in front of
10 the Seattle Space Needle. The computer files for these photographs indicate they were taken on or
11 about February 12, 2009. The computer also has a photograph showing the screen of a Bank of
12 America ATM. In the picture Iordanov and Georgiev are reflected in the glass covering the ATM's
13 camera. The computer file for this photograph indicates it was taken on February 1, 2009. Exhibit
14 V.

15 A "Notepad" file titled "ADVR" was also found on the laptop computer. This file was
16 created on February 12, 2009. The file had addresses for bank ATMs, noting surcharge fees, 24
17 hour unrestricted access and how far the ATMs were from an unknown location. A total of ten
18 ATM locations are noted in the file.

19 **DIMITROV CLAIMS OF LIMITED ROLE ARE NOT SUBSTANTIATED BY INFORMED 20 OR RELIABLE STATEMENTS OR EVIDENCE**

21 In attempting to minimize Dimitrov's leadership role in the skimming conspiracy, defendant
22 points the Court to two Arizona law enforcement officers' accounts of the circumstances surround
23 Dimitrov's and his coconspirators' arrests. Defendant includes an interview with Det. Paul Sy in
24 which Det. Sy repeated Dimitrov's false exculpatory statements at the time of his arrest. Defendant

1 argues that his statement should be given weight because he was admonished to tell the truth.
2 However, as defendant's intercepted conversations above make clear, Dimitrov was lying to the
3 Detectives at the time of his arrest and attempting to minimize his responsibility. Defendant notes
4 that Det. Mike Pazelli might have indicated in his comments that he didn't believe Dimitrov was the
5 leader of the conspiracy in Arizona. Det. Pazelli in making his comments was referring at best to his
6 limited investigation of events in Arizona. The law enforcement officials in Arizona were
7 conducting their investigation independent of the Government's investigation in the instant matter.
8 They were unaware of the extent of Dimitrov's skimming operations and the nature of his role in the
9 operation and in dealing with Mihalev in Bulgaria and did not have the benefit of extensive
10 electronic surveillance.

11 Dimitrov also points to codefendant Iordanov's statement to agents at the time of his arrest in
12 the instant case. Like Dimitrov at his arrest Arizona, Iordanov was less than honest with agents,
13 minimizing his contact with Dimitrov. However, Iordanov's statements do mark Dimitrov as the
14 leader of the conspiracy in that Iordanov claims to have no idea why Dimitrov was with them in
15 Arizona as he can't recall anything Dimitrov did. Yet, Iordanov admits Dimitrov was getting a
16 share of the money, the amount of which he didn't know. The fact that Dimitrov was getting a share
17 of the proceeds despite no participation in the actual criminal acts is consistent with Dimitrov having
18 a leadership role in the operation and is consistent with his subsequent intercepted communications
19 with Mihalev and others. Significantly, Iordanov's statement is dramatically different from his
20 conversation with Dragomir Logofetov, reported above, when he attempted to recruit Logofetov for
21 Dimitrov's skimming crew.

22 Dimitrov attempts to use several intercepted conversations to suggest he did not have a
23 leadership role. Defendant notes that in his November 6, 2009 and January 15, 2009 calls with
24 Brian Johnson he complained that Stefan Georgiev shorted Dimitrov on money he was due from the

1 ATM skimming in New York, noting that Dimitrov was to get 20 percent. Dimitrov's complaints
2 about Georgiev are better understood in the context of his January 26, 2010 call with Mihalev,
3 discussed above, where he explained to Mihalev that he knew that when Georgiev came on to his
4 crew that he would be cheating him once he learned the business. Mihalev commented that
5 Dimitrov stole too, apparently referring to Mihalev's belief that Dimitrov didn't always pay up to
6 him as he should. The fact that there may be no honor among thieves does not mean that Dimitrov
7 did not have a leadership role in the skimming operation; it only means that at time thieves will take
8 advantage of their superiors.

9 Dimitrov was a leader and organizer of his skimming operations. While Dimitrov himself
10 didn't generally participate in the actual use of skimming equipment or the running of ATM cards,
11 he oversaw and had others working in his operation go out and do the dirty work, insulating him
12 from detection and liability. Dimitrov was responsible for making sure his crews paid up to
13 Dimitrov so that he could pay up to Mihalev, who was supposed to get a substantial portion of the
14 proceeds. In this role, Dimitrov was entitled to a larger share of the skimming operation's proceeds
15 than his confederates. Probation correctly applied the four level offense enhancement for leadership
16 role in this case.

17 **DIMITROV WAS INVOLVED WITH THE Taskov ORGANIZATION IN THE**
18 **FRAUDULENT OBTAINING OF AUTOMOBILES AND THEIR ILLEGAL**
19 **DISPOSITIONS**

20 Dimitrov objects to the inclusion of information in the Presentence Report about his relevant
21 conduct concerning his involvement with the Dragomir Taskov organization in the fraudulent
22 obtaining of automobiles for illegal sale, lease and export. Dimitrov requests that the Presentence
23 Report include a paragraph that the allegations have not been proven true. While under the plea
24 agreement, the Government agreed to dismiss these charges against Dimitrov in favor of him
pleading to the charges concerning the ATM fraud organization that he led, the evidence obtained

1 during the course of the investigation establishes Dimitrov's significant involvement with Taskov in
2 the automobile fraud and is relevant conduct for the court's consideration in determining an
3 appropriate sentence for defendant Dimitrov. As noted above, Angel Mladenski has explained to
4 agents that in November 2008 he was delivering the fraudulently obtained Lexus IS350 to Dimitrov
5 in New York, at the request of Taskov. Intercepted Phone conversations show Dimitrov describing
6 the shipment of a Subaru Tribeca, which was fraudulently obtained by Vesko Simeonov, to Varna
7 Bulgaria. Other intercepted phone conversations involve Dimitrov coordinating the transport of an
8 Audi A3, which was fraudulently purchased by Vesko Simeonov, from New York to Las Vegas.
9 Intercepted phone conversations between Dimitrov and Svetoslav Stefanov include Dimitrov
10 directing Stefanov to "hide" the Jeep Wrangler fraudulently purchased by Vesko Simeonov. Some
11 of these conversations are summarized below.

12 **DIMITROV'S INVOLVMENT IN THE JEEP WRANGLER FRAUDULENTLY**
13 **PURCHASED BYROSSEN DRASKALOV**

14 On June 19, 2008, agents observed the Jeep Wrangler fraudulently purchased by Rossen
15 Daskalov under the name of Vesko Simeonov parked in the driveway of Dimitrov's residence. On
16 June 18, 2010, New York police recovered the Jeep approximately two blocks from Stefanov's
17 residence. Exhibit W.

18 On October 19, 2009, at approximately 5:15 p.m. Dimitrov called Stefanov and asked when
19 his registration on the Jeep Wrangler would expire. Stefanov replied that it expired in November.
20 Dimitrov instructed Stefanov to fax him the vehicle registration and he would give it to "Drago"
21 (Dragomir Taskov), so that Taskov could go to the DMV and take care of it (renewing the vehicle
22 registration). Dimitrov indicated that he made \$2,500 from the sale of the vehicle to Stefanov.
23 Exhibit X.

24 On October 19, 2009, at approximately 5:44 p.m., Stefanov called Dimitrov. Stefanov

1 explained that the insurance for the vehicle was set to expire before the registration. Dimitrov
2 indicated that the insurance was fraudulent. Stefanov asked for Taskov's telephone number to
3 inquire how much money it would cost to renew the vehicle registration. Dimitrov instructed
4 Stefanov to inform Taskov that Stefanov was driving a Jeep which was Dimitrov's. Exhibit Y.

5 On October 20, 2009, at approximately 9:18 a.m. Dimitrov called and instructed Stefanov to
6 send him \$510 to renew the registration of the Jeep. Dimitrov explained that the registration would
7 cost \$310, Taskov would be paid \$150, and Taskov would keep another \$50 to "make the
8 insurance." Exhibit Z.

9 On October 27, 2009, at approximately 9:25 a.m., Dimitrov called and instructed Stefanov to
10 send \$200 more. Dimitrov explained the benefits to having a fake/fraudulent insurance card for the
11 Jeep. Dimitrov indicated that he had been driving his vehicle for five years (with a fake insurance
12 card) and had not had any problems. Dimitrov informed Stefanov that all that could happen was that
13 he would have to pay a \$250 fine, but that he would save a minimum of \$1,200 a year in insurance
14 costs. Exhibit AA.

15 On November 2, 2009, at approximately 11:58 a.m., Svetoslav Stefanov called and told
16 Dimitrov that he would fax him his name and address. Dimitrov stated that Drago [Taskov] had
17 several cars to take care of, and as soon as he got it [vehicle registration] Dimitrov would mail it [the
18 vehicle registration] overnight to Stefanov. At this time, Stefanov was in possession of a 2008 Jeep
19 Wrangler which was fraudulently obtained by Vesko Simeonov. In a subsequent interview after the
20 indictment and arrests in this case, Stefanov admitted he was paying Dimitrov and Taskov to get the
21 Nevada registration renewed for the fraudulently obtained Jeep Wrangler. The conversation
22 continued, and Dimitrov told Stefanov that he sold Nasko's [Kostadinov's] Audi [A3] to some guys
23 in California, and stated that there wouldn't be any more cars soon although many people were
24 asking about cars. Dimitrov discussed how tough it was to get a car loan. Dimitrov said that he

1 asked a guy who was going back to Bulgaria to buy a Mercedes S-class for him, and Dimitrov would
2 pay him fifteen or twenty thousand dollars for the car. The unknown male said that his credit was
3 bad and wouldn't even qualify for a Ford. Stefanov commented that the banks got cheated by many
4 people. Dimitrov agreed and said that Bobby [Boyan Gueorguiev] took thirteen (13) [cars], this
5 other guy, "the ant" [a nickname for Yuliyen Milushev], took eleven (11) [cars], and my other guy
6 [Vesko Simeonov] took six (6) [cars]. Dimitrov added that he knew five guys in Las Vegas who
7 took 50 to 60 [cars]. During the aforementioned conversation, Dimitrov confirmed the number of
8 vehicles that were fraudulently purchased by Yuliyen Milushev, Vesko Simeonov, and Boyan
9 Gueorguiev. Furthermore, Dimitrov stated that there were five other individuals who had
10 fraudulently obtained 50 to 60 other cars, from the Las Vegas area. Exhibit BB.

11 On November 10, 2009, at approximately 11:35 a.m., Taskov called Dimitrov. Dimitrov told
12 Taskov to go to the DMV for the registration on a Jeep. Taskov told Dimitrov about losing the 2008
13 Honda Accord. Dimitrov asked which one it was. Taskov explained that it looked like Vesko
14 Simeonov's Honda Civic, the same color, silver, but it was an Accord. Taskov explained how the
15 vehicle was towed, and that a hold was placed on the car by the bank. Dimitrov asked if Taskov
16 warned people when he rented them the cars. Taskov replied that he does not tell them that the car
17 was not being paid for but tells them that the car was leased and not to do anything stupid because it
18 would create issues and the car would be taken. Taskov then told Dimitrov that he [Taskov]
19 couldn't tell them it's [the car is] not being paid for. Taskov then told Dimitrov that this was the
20 fourth car that he had lost in 20 years. The Jeep that Dimitrov and Taskov were talking about
21 registering was the 2008 Jeep Wrangler that was fraudulently obtained by Vesko Simeonov.
22 Additionally, the 2008 Honda Accord that Taskov told Dimitrov he lost was the same 2008 Honda
23 Accord that was fraudulently purchased by Boyan Gueorguiev. Exhibit CC.

24 On November 13, 2009, at approximately 5:10 p.m., Dimitrov called Taskov. Taskov

1 explained that the DMV said that Vesko Simeonov and the vehicle had to both be there to register
2 the vehicle again. Dimitrov said that he would give Stefanov back the money that Stefanov gave
3 Dimitrov for the registration of the vehicle. Dimitrov said that he was thinking of sending the Jeep
4 to Bulgaria, to KOLIO. Dimitrov asked Taskov if that could be arranged and Taskov says that he
5 knew people that could do it. Exhibit DD.

6 During an incoming call from Stefanov, on November 13, 2009, at approximately 5:26 p.m.
7 PST, Dimitrov informed Stefanov that the DMV has a "law enforcement" hold on the registration
8 for the Jeep. Dimitrov instructed Stefanov that he should obtain dealer's tags, or drive the vehicle to
9 Canada and ship it (to Bulgaria), or go to the New York DMV with the Power of Attorney document
10 and register the vehicle. Dimitrov explained that Stefanov should not use his address for the
11 registration. Stefanov inquired about needing the title for the Jeep in order to register it in New
12 York. Dimitrov replied that he did not need the title because he had brought a car (the 2006 black
13 Audi A6 that Dimitrov drove) from Florida. Stefanov indicated that he paid \$10,000 for the Jeep
14 and that he feared that he would lose that money. Exhibit EE.

15 On November 16, 2009, at approximately 8:44 a.m., Stefanov called Dimitrov. Stefanov
16 said he wanted to contact an attorney to discuss how he could get the Jeep registered. Dimitrov
17 instructed Stefanov to lie about the person who had purchased the Jeep (Rossen Daskalov) and
18 Stefanov should just produce the Power of Attorney document. A short time later in the call,
19 Dimitrov instructed Stefanov to hide the Jeep until Taskov would be able to register the Jeep in three
20 to four years. Exhibit FF.

21 Approximately one hour later on November 16, 2009, Dimitrov contacted Stefanov and
22 informed him that Taskov had said that Stefanov should not consult with any attorneys regarding the
23 Jeep. Taskov indicated that the cops will lose interest in the Jeep after one or two years. Dimitrov
24 suggested that Stefanov should just hide the Jeep in a garage somewhere. Dimitrov said that after

1 some time, he would check the status of the Jeep in San Francisco, where the Jeep had been
2 registered at one time. Exhibit GG.

3 On November 20, 2009, Stefanov called Dimitrov at 9:13 a.m. Dimitrov tried to explain
4 again that Taskov was trying to pay the insurance and to renew the registration but he could not do
5 it. Dimitrov explained Taskov was the one taking care of all the renewals of vehicles for people in
6 California and Florida, vehicles that had been purchased by Simeonov and other guys. Dimitrov
7 commented that a Dodge Sprinter Diesel that Bobby [Boyan Gueorguiev] had bought was stopped
8 and seized the previous day in Oklahoma. Bobby had purchased 13 vehicles and the cops assumed
9 this was a scam. Dimitrov said that Taskov was mad because three of his vehicles had been seized.
10 Dimitrov said that Taskov was renting out about 12 cars and has boats, jet skies and ATVs.
11 Dimitrov said that he, Taskov and another guy divided the purchased vehicles among themselves
12 and a Lexus was seized and the Jeep Wrangler could not be renewed. Exhibit HH.

13 On July 7, 2010, agents interviewed Stefanov in New York. Stefanov stated that he bought
14 the Jeep for \$10,000 from Atanas Kostadinov, who was a friend of Dimitrov. Stefanov said that
15 once he bought the car, he worked through Dimitrov to get the Jeep registered in his name.
16 Dimitrov indicated that he was working with "Drago" [Taskov] to get the car registered. Ultimately,
17 Dimitrov told him that they could not get it registered and Stefanov parked the Jeep in a garage.
18 When he heard Dimitrov had been arrested, Stefanov explained that he parked the car on the street
19 because he didn't want to have any problems. Exhibit II.

20 **DIMITROV'S INVOLVEMENT WITH THE SUBARU TRIBECA FRAUDULENTLY**
21 **PURCHASED BY ROSSEN DASKALOV**

22 On February 20, 2010, at approximately 7:01 a.m., Dimitrov called a maled referred to as
23 Zhani in Bulgaria. Dimitrov told Zhani that there was a small boat, for five people, with a Mercury
24 engine for sale. Dimitrov said that he could get the boat for \$2,500 or \$3,000 dollars, but he didn't

1 know how to “legalize” the trailer and how to transport it. Zhani said that they [Zhani and his
2 girlfriend] might come [to Las Vegas] around March 15th [2010]. Zhani said that he might pay for
3 the boat and take it. Dimitrov told Zhani that the boat was easy to legalize, but there are problems
4 with the legalizing of the trailer, because it [the trailer] had the same title as a car. Dimitrov said that
5 the boat was good for the Danube [River]. Zhani said that he would take it [the boat] to Ohrid Lake
6 [in Macedonia]. Zhani told Dimitrov that he called Macedonia to see about transporting
7 [fraudulently obtained vehicles] there and finding a buyer. Dimitrov complained that they [the
8 government] made a lot of problems in Bulgaria [regarding importing vehicles], even if there was
9 nothing irregular [with the vehicle]. Dimitrov commented that since the Macedonians are not in the
10 European Union, they [the Macedonians] have different laws and react in different ways to things.
11 Dimitrov asked if Zhani had a reliable person [in Macedonia]. Zhani said, “I do.” Dimitrov advised
12 Zhani to hold on to that guy and not to spoil the relationship with him. Investigation demonstrated
13 that Dimitrov illegally exported a Subaru Tribeca, which was fraudulently obtained by Vesko
14 Simeonov, to Zhani in Varna, Bulgaria. The Bulgarian Ministry of the Interior has confirmed that
15 on March 2, 2009, police at the port of Varna, Bulgaria, seized a 2008 Subaru with Nevada License
16 199-VEW. Exhibit JJ. This is the vehicle license registration for the Subaru Tribeca vehicle
17 fraudulently obtained by Rossen Daskalov, using the name of Vesko Simeonov. Based on the
18 aforementioned conversation, Dimitrov and Zhani have identified the country of Macedonia as a
19 favorable location for the future exportation of fraudulently obtained vehicles. Exhibit KK.

20 **DIMITROV’S INVOLVEMENT WITH AUDI A3 FRAUDULENTLY PURCHASED BY**
21 **ROSSEN DASKALOV**

22 On October 9, 2009, at approximately 11:18 a.m., Dimitrov called Taskov. Dimitrov
23 informed Taskov that Hristo Hristov had called Dimitrov earlier asking about the registration for the
24 Audi [A3] that Hristov was about to bring from Las Vegas to New York. Dimitrov told Taskov to

1 check the registration of the Audi. Taskov said that Taskov told Hristov what documents to send,
2 and Dimitrov asked why Hristov called Taskov. Taskov told Hristov to send the registration [for the
3 Audi A3]. Exhibit XX.

4 On October 10, 2009, at approximately 7:13 a.m., Dimitrov called Hristov. Dimitrov told
5 Hristov to send Dimitrov the Audi registration [for the Audi A3 fraudulently purchase by
6 Simeonov], and Dimitrov would go with Taskov to the DMV to check the status of the registration.
7 Hristov said that he sent the Audi registration to Drago [Taskov]. Dimitrov stated that he hoped that
8 everything would be okay with the registration [for the Audi] and asked Hristov when Hristov would
9 be coming to Las Vegas. Hristov said that once he heard that everything was okay [with the Audi
10 registration], he would leave New York in a few days. Dimitrov reiterated that Dimitrov and Taskov
11 would check the registration, and if everything was all right Hristov should bring the Audi. Hristov
12 said that Hristov should have at least some card [or document] for the Audi. Exhibit YY.

13 On October 10, 2009, at approximately 11:40 a.m., Dimitrov called Atanasov. Atanasov
14 reiterated that he wanted to buy the Audi A3 that Hristo Hristov was about to bring to Las Vegas.
15 Dimitrov told Atanasov that he needed to hurry up if he wanted the Audi A3. Dimitrov told
16 Atanasov that he needed to have a definite answer that night if Atanasov was going to New York to
17 pick the Audi A3 up [as Hristov was planning to drive it to Las Vegas]. Dimitrov stated that he
18 wanted the money for the Audi A3 first. Atanasov said that he would give the money to Hristov.
19 Dimitrov agreed and said that he wanted \$4,000 dollars for the Audi A3. Atanasov stated that he
20 had no money and tried to lower the price of the Audi A3 to \$3,000 dollars. Dimitrov stated that his
21 wife [Viarka DimitrovA] only made \$2,400 dollars a month, plus tips, and Dimitrov spent it quickly.
22 Dimitrov said that if Atanasov did not take the Audi A3, Hristov would bring the Audi A3 to Las
23 Vegas, and Dimitrov would rent it out for \$300 dollars a month. Dimitrov added that there were
24 plenty of pizza delivery guys who would take it. Atanasov said that he would let Dimitrov know

1 about the car [the Audi A3] either that day [October 10, 2009] or the next day [October 11, 2009],
2 and would call Dimitrov. Dimitrov said that he would send Atanasov a legitimate power of attorney
3 if Atanasov wanted one. The 2008 Audi A3, which was fraudulently purchased by Simeonov, had a
4 current blue book value of \$35,195 dollars. Dimitrov could only sell the Audi A3 for \$4,000 dollars
5 because Dimitrov knew that the vehicle was stolen, and could only sell it to a third party buyer who
6 was willing to purchase a known stolen vehicle. Exhibit ZZ.

7 On November 9, 2009, at approximately 7:59 p.m., Taskov called Zarko Mutchukian.
8 Mutchukian asked Taskov about an Audi A3 that was for sale. Taskov explained that the Audi was
9 sold to Nikolai Mladenov. Taskov explained that the car was obtained by Vesko Simeonov and was
10 sold by Dimitrov. Exhibit LL.

11 On December 31, 2009, at approximately 6:16 p.m., Dimitrov called a male referred to as
12 Pepi [aka "The Blonde"]. Dimitrov and PEPI discussed that Rossen Daskalov (aka Vesko
13 Simeonov), "Van Dame," planned to return to Bulgaria by May 2010, because the Canadian
14 authorities were chasing him, and he could not get any documents to stay in Canada. Dimitrov
15 stated that he used Vesko Simeonov, saying, "I used him, because . . . I used him to purchase five
16 cars, one boat, one jet ski, etc., but the cars are gone. That guy Nasko did not pay his, the other car
17 has been stopped, one of them was confiscated by the police. Those, our cops, i.e., the Lexus."
18 Exhibit MM.

19 **DIMITROV USED HIS WIFE TO PURCHASE A FIREARM BECAUSE HE WAS A**
20 **PROHIBITED PERSON**

21 Dimitrov objects to the inclusion of information in the Presentence Report about his relevant
22 conduct concerning his use of his wife to purchase and provide him a firearm as a prohibited person.
23 Dimitrov requests that the Presentence Report include a paragraph that the allegations have not been
24 proven true. While under the plea agreement, the Government agreed to dismiss these charges

1 against Dimitrov in favor of him pleading to the charges concerning the ATM fraud organization
2 that he led, the evidence obtained during the course of the investigation establishes Dimitrov's
3 possession of a firearm as a prohibited person and is relevant conduct for the court's consideration in
4 determining an appropriate sentence for defendant Dimitrov.

5 On October 5, 2009, at 11:14 a.m., Dimitrov made an outgoing call to Bulgaria, as identified
6 from the country code and number being called. Dimitrov greeted a male identified as Lyubomir
7 and told him that he was in a gun store with his wife buying a gun (Beretta) and buying it in his
8 wife's name. Lyubomir asked why Dimitrov needed the gun and Dimitrov responded that he needed
9 it and he would also buy Sig Sauer (gun) so he could have two guns under his arms, commenting
10 that when he had to run away people around him would be pleased. Exhibit NN.

11 On October 5, 2009, at 2:55 p.m. Dimitrov was intercepted telling Kantchev that he went and
12 bought a 9 mm Beretta x 4 Storm. Both men discussed the gun and Dimitrov said his wife bought it
13 in her name otherwise they would not have sold it to him. Dimitrov said he would be given the gun
14 in 72 hours. However, Dimitrov explained that he would be gone [in Arizona being sentenced on
15 his felony skimming case there] and told them he would pick it up the following Monday. Dimitrov
16 said he would show the gun on Skype for Kantchev to see it. Dimitrov's call was disconnected and
17 he called Kantchev again at 2:57 p.m. Dimitrov said he bought the gun at American Shooters.
18 Dimitrov said he was offered another gun but finally bought the Beretta. He commented that he
19 would try the gun and show Kantchev on Skype. Exhibit OO.

20 On October 5, 2009, at approximately 3:12 p.m., an incoming call from Atanas Atanasov to
21 Dimitrov was intercepted. Dimitrov told Atanasov about the handgun, a 9 mm Beretta, that he
22 bought for \$800 dollars today. Dimitrov explained that he had to do it [buy the gun] under his
23 wife's name [Viarka Dimitrova] because there was a pending court case under his name [referring
24 to Dimitrov's May 26, 2009, arrest in Mesa, Arizona]. Dimitrov explained that he would get the gun

1 in 72 hours because they had to do a background check on his wife [Viarka DimitrovA], but she was
2 clean [no criminal history]. Dimitrov stated that he already had a shotgun with eight rounds ready to
3 fire at his house, and that the Beretta would be under his pillow. Dimitrov told Atanasov that
4 Dimitrov would be going on October 9 [2009] to his court hearing [in Phoenix, Arizona], but
5 Dimitrov knew that he would get 6 months unsupervised probation and pay \$1,000 dollar fine to the
6 state. Exhibit PP.

7 On October 9, 2009, in Mesa Arizona, Dimitrov was sentenced to three years probation for
8 felony aggravated identity theft, forgery of credit card, and theft by credit card.

9 American Shooter Supplies records shows that Viarka Dimitrova of 6434 Willow Breeze
10 Lane, Las Vegas, Nevada purchased a Beretta PX4, serial number PX82334 pistol on October 5,
11 2009, and the pistol was transferred to her on October 12, 2009. On her form for purchasing the
12 gun, Viarka Dimitrova represented the gun was for her. Exhibit QQ.

13 In an interview on June 3, 2010, David Johnson with American Shooters said that Dimitrov
14 was with Dimitrova when she was making her purchase of the pistol and Dimitrov assisted her with
15 the choice of firearm. Exhibit RR.

16 On October 13, 2009, at approximately 7:15 p.m., Simeon Petrov called Dimitrov at
17 approximately 7:15 p.m. Petrov suggested meeting Dimitrov and his wife the next day to go to the
18 shooting range. Dimitrov agreed and said that he would take the gun and some papers that they gave
19 his wife to take to the training course so that she could carry the gun with her. Petrov suggested that
20 when they were in the car that Dimitrov carry the gun. Dimitrov said he couldn't because "I'm a
21 convicted felon. I can't carry a firearm, are you crazy."

22 On October 14, 2009, at 5:12 p.m., Dimitrov called Atanasov and told him that he was at the
23 shooting range test firing his gun and that he just gave the gun to his wife to practice shooting.
24 Atanasov started talking about telemarketers and beating one up. Shots could be heard in the

1 background. Dimitrov explained that his wife was shooting. Exhibit SS.

2 American Shooters has a sales receipt for October 14, 2009, showing the purchase of range
3 time on the pistol range in the name of Dimitar Rolissev Dimitrov, 6434 Willow Breeze Lane, Las
4 Vegas, Nevada. The receipt shows that Dimitrov paid for two shooting range fees with one fee
5 being waived because it was Ladies Day. The receipt shows that Dimitrov also rented two sets of
6 eyes and ears protective gear. He also purchased four targets. The receipt also shows Dimitrov
7 purchasing 9 mm ammunition which would be consistent with the Beretta. Exhibit TT.

8 On October 14, 2009, at 6:22 p.m., Brian Johnson spoke to Dimitrov. Dimitrov said he just
9 got back from the shooting range. Johnson said that Dimitrov had no right to own weapons.
10 Dimitrov said his wife bought it and she had a right. Johnson said Dimitrov had no right to touch a
11 weapon. Dimitrov said he didn't get those instructions. Exhibit UU.

12 On October 26, 2009, at 1:41 p.m. Dimitrov called Kantchev. Dimitrov talked about his
13 shooting skills and how Moni was teaching him to shoot. Dimitrov says he had shot over 400
14 bullets so far. He tried to go shooting the previous day but remembered that he had a few alcoholic
15 drinks and so he went back home. Dimitrov told Kantchev that he wanted to buy a gun with a barrel
16 "Smith Wesson," saying that if he killed someone the bullets wouldn't come out. Dimitrov said he
17 had already checked in the store for military supplies. Dimitrov said that he wanted to spend a few
18 thousand dollars on firearms. He said that when he bought the handgun, he wanted to take it apart
19 and send the different parts through different people overseas so that he could reassemble it there
20 when he went overseas.

21 On January 15, 2010, at 4:26 p.m., Simeon Petrov called Dimitrov. Dimitrov told Petrov that
22 he wanted to go shooting with Petrov. Dimitrov explained that he wanted to practice shooting for
23 the head because they had started wearing [bulletproof] vests. Exhibit VV.

24 Agents eventually recovered the Beretta from a closet located at Dimitre Dimitrov's

1 residence. Based on phone conversations, agents believed that Dimitrov had hidden the gun at
2 Dimitre Dimitrov's residence. In an interview at the time of the seizure on May 19, 2010, Dimitre
3 Dimitrov explained that Dimitrov had come to him and asked if he could place the gun at his
4 residence. Dimitrov said that his probation officer had told him that he could not have any guns at
5 his residence, but that he could give his guns to somebody to hold. Exhibit WW.

6 CONCLUSION

7 WHEREFORE, after consideration of the included facts and arguments, the United States
8 respectfully requests that this Court adopt Probation's responses to defendant Dimitrov's objections
9 to his Presentence Report and follow Probation's Sentencing Guidelines calculations. If the Court
10 finds a guideline range of 41 to 57 months imprisonment, the defendant pursuant to the plea
11 agreement cannot seek a sentence variance below 41 months. In keeping with the agreement, the
12 Government recommends a sentence at the low end of the guideline range.

13 DATED this 9th day of FEBRUARY, 2012.

14 DANIEL G. BOGDEN
15 United States Attorney

16 */s/ Eric Johnson*

17 _____
18 ERIC Johnson
19 Chief, Organized Crime Strike Force
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