

**SUSHKO**

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 By: *[Signature]* Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 COUNTY OF SACRAMENTO  
 CRIMINAL DIVISION

**THE PEOPLE OF THE STATE OF CALIFORNIA,**  
 Plaintiff,  
 v.  
**ALEKSANDR SUSHKO,**  
 Defendant.

Case No.  
**19FE013041**

**FELONY COMPLAINT**

The Attorney General of the State of California hereby accuses **ALEKSANDR SUSHKO** of the following criminal offenses:

**COUNT ONE**  
**(Fraudulent Security Scheme)**

Between December 2014 and June 2016, at and in the County of Sacramento, State of California, defendant **ALEKSANDR SUSHKO** did willfully and unlawfully, in violation of section 25541 of the Corporations Code of the State of California, employ, directly or indirectly,

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1 any device, scheme, or artifice to defraud in connection with the offer, purchase, or sale of any  
2 security or willfully engage, directly or indirectly, in any act, practice, or course of business  
3 which operates or would operate as a fraud or deceit upon any person in connection with the  
4 offer, purchase, or sale of any security to wit: Serhiy and Svitlana Kybych, Yaroslav and Irina  
5 Treshchuk, Nikolay Palnikov and Valentina Palnikova, Nadezhda Shvets, and the Slavic  
6 Assistance Center, who combined invested \$146,598 in Smart Choice.

7 **COUNT TWO**  
8 **(Fraud in the Sale of a Security)**

9 For a further and separate cause of action, being a different offense from but connected in  
10 its commission as the charges set forth above: On or between December 15, 2015 through June 1,  
11 2016, at and in the County of Sacramento, State of California, defendant ALEKSANDR  
12 SUSHKO, did willfully and unlawfully, in violation of sections 25401 and 25540(b) of the  
13 Corporations Code of the State of California, offer or sell a security to a person or persons by  
14 means of a written or oral communication that included an untrue statement of a material fact or  
15 omitted to state a material fact necessary to make the statement made, in light of the  
16 circumstances under which the statement was made, not misleading, to wit: a \$5,499 investment  
17 from Serhiy and Svitlana Kybych in Smart Choice.

18 **COUNT THREE**  
19 **(Fraud in the Sale of a Security)**

20 For a further and separate cause of action, being a different offense from but connected in  
21 its commission as the charges set forth above: On or about January 26, 2015, at and in the  
22 County of Sacramento, State of California, defendant ALEKSANDR SUSHKO, did willfully and  
23 unlawfully, in violation of sections 25401 and 25540(b) of the Corporations Code of the State of  
24 California, offer or sell a security to a person or persons by means of a written or oral  
25 communication that included an untrue statement of a material fact or omitted to state a material  
26 fact necessary to make the statement made, in light of the circumstances under which the  
27 statement was made, not misleading, to wit: a \$100,000 investment from Serhiy and Svitlana  
28 Kybych in Smart Choice.

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**COUNT FOUR**  
**(Grand Theft)**

For a further and separate cause of action, being a different offense from but connected in its commission as the charges set forth above: Between December 2014 and June 2016, at and in the County of Sacramento, State of California, defendant ALEKSANDR SUSHKO, in violation of Penal Code section 487(a), a felony, willfully and unlawfully took personal property of a value exceeding nine hundred and fifty dollars (\$950), to wit: \$105,499 belonging to Serhiy and Svitlana Kybych.

**COUNT FIVE**  
**(Fraud in the Sale of a Security)**

For a further and separate cause of action, being a different offense from but connected in its commission as the charges set forth above: On or about October 13, 2015, at and in the County of Sacramento, State of California, defendant ALEKSANDR SUSHKO, did willfully and unlawfully, in violation of sections 25401 and 25540(b) of the Corporations Code of the State of California, offer or sell a security to a person or persons by means of a written or oral communication that included an untrue statement of a material fact or omitted to state a material fact necessary to make the statement made, in light of the circumstances under which the statement was made, not misleading, to wit: a \$99.00 investment from Yaroslav and Irina Treshchuk in Smart Choice.

**COUNT SIX**  
**(Fraud in the Sale of a Security)**

For a further and separate cause of action, being a different offense from but connected in its commission as the charges set forth above: On or about November 3, 2015, at and in the County of Sacramento, State of California, defendant ALEKSANDR SUSHKO, did willfully and unlawfully, in violation of sections 25401 and 25540(b) of the Corporations Code of the State of California, offer or sell a security to a person or persons by means of a written or oral communication that included an untrue statement of a material fact or omitted to state a material fact necessary to make the statement made, in light of the circumstances under which the

1 statement was made, not misleading, to wit: a \$6,000.00 investment from Yaroslav and Irina  
2 Treshchuk in Smart Choice.

3 **COUNT SEVEN**  
4 **(Grand Theft)**

5 For a further and separate cause of action, being a different offense from but connected in  
6 its commission as the charges set forth above: Between October 2015 and November 2015, at  
7 and in the County of Sacramento, State of California, defendant ALEKSANDR SUSHKO, in  
8 violation of Penal Code section 487(a), a felony, willfully and unlawfully took personal property  
9 of a value exceeding nine hundred and fifty dollars (\$950), to wit: \$6,099.00 belonging to  
10 Yaroslav and Irina Treshchuk.

11 **COUNT EIGHT**  
12 **(Fraud in the Sale of a Security)**

13 For a further and separate cause of action, being a different offense from but connected in  
14 its commission as the charges set forth above: On or about February 18, 2015, at and in the  
15 County of Sacramento, State of California, defendant ALEKSANDR SUSHKO, did willfully and  
16 unlawfully, in violation of sections 25401 and 25540(b) of the Corporations Code of the State of  
17 California, offer or sell a security to a person or persons by means of a written or oral  
18 communication that included an untrue statement of a material fact or omitted to state a material  
19 fact necessary to make the statement made, in light of the circumstances under which the  
20 statement was made, not misleading, to wit: a \$6,000.00 investment from Nikolay Palnikov and  
21 Valentina Palnikova in Smart Choice.

22 **COUNT NINE**  
23 **(Fraud in the Sale of a Security)**

24 For a further and separate cause of action, being a different offense from but connected in  
25 its commission as the charges set forth above: On or about July 23, 2015, at and in the County of  
26 Sacramento, State of California, defendant ALEKSANDR SUSHKO, did willfully and  
27 unlawfully, in violation of sections 25401 and 25540(b) of the Corporations Code of the State of  
28 California, offer or sell a security to a person or persons by means of a written or oral

1 communication that included an untrue statement of a material fact or omitted to state a material  
2 fact necessary to make the statement made, in light of the circumstances under which the  
3 statement was made, not misleading, to wit: a \$6,000.00 investment from Nikolay Palnikov and  
4 Valentina Palnikova in Smart Choice.

5 **COUNT TEN**  
6 **(Grand Theft)**

7 For a further and separate cause of action, being a different offense from but connected in  
8 its commission as the charges set forth above: Between February 2015 through July 2015, at and  
9 in the County of Sacramento, State of California, defendant ALEKSANDR SUSHKO, in  
10 violation of Penal Code section 487(a), a felony, willfully and unlawfully took personal property  
11 of a value exceeding nine hundred and fifty dollars (\$950), to wit: \$12,000.00 belonging to  
12 Nikolay Palnikov and Valentina Palnikova.

13 **COUNT ELEVEN**  
14 **(Fraud in the Sale of a Security)**

15 For a further and separate cause of action, being a different offense from but connected in  
16 its commission as the charges set forth above: On or about July 3, 2015, at and in the County of  
17 Sacramento, State of California, defendant ALEKSANDR SUSHKO, did willfully and  
18 unlawfully, in violation of sections 25401 and 25540(b) of the Corporations Code of the State of  
19 California, offer or sell a security to a person or persons by means of a written or oral  
20 communication that included an untrue statement of a material fact or omitted to state a material  
21 fact necessary to make the statement made, in light of the circumstances under which the  
22 statement was made, not misleading, to wit: a \$6,000.00 investment from Nadezhda Shvets in  
23 Smart Choice.

24 **COUNT TWELVE**  
25 **(Grand Theft)**

26 For a further and separate cause of action, being a different offense from but connected in  
27 its commission as the charges set forth above: On or about July 3, 2015, at and in the County of  
28 Sacramento, State of California, defendant ALEKSANDR SUSHKO, in violation of Penal Code

1 section 487(a), a felony, willfully and unlawfully took personal property of a value exceeding  
2 nine hundred and fifty dollars (\$950), to wit: \$6,000.00 belonging to Nadezhda Shvets.

3 **COUNT THIRTEEN**  
4 **(Fraud in the Sale of a Security)**

5 For a further and separate cause of action, being a different offense from but connected in  
6 its commission as the charges set forth above: On or about May 19, 2015, at and in the County of  
7 Sacramento, State of California, defendant ALEKSANDR SUSHKO, did willfully and  
8 unlawfully, in violation of sections 25401 and 25540(b) of the Corporations Code of the State of  
9 California, offer or sell a security to a person or persons by means of a written or oral  
10 communication that included an untrue statement of a material fact or omitted to state a material  
11 fact necessary to make the statement made, in light of the circumstances under which the  
12 statement was made, not misleading, to wit: a \$6,000.00 investment from The Slavic Assistance  
13 Center in Smart Choice.

14 **COUNT FOURTEEN**  
15 **(Fraud in the Sale of a Security)**

16 For a further and separate cause of action, being a different offense from but connected in  
17 its commission as the charges set forth above: On or about October 26, 2015, at and in the  
18 County of Sacramento, State of California, defendant ALEKSANDR SUSHKO, did willfully and  
19 unlawfully, in violation of sections 25401 and 25540(b) of the Corporations Code of the State of  
20 California, offer or sell a security to a person or persons by means of a written or oral  
21 communication that included an untrue statement of a material fact or omitted to state a material  
22 fact necessary to make the statement made, in light of the circumstances under which the  
23 statement was made, not misleading, to wit: a \$6,000.00 investment from The Slavic Assistance  
24 Center in Smart Choice.

25 **COUNT FIFTEEN**  
26 **(Fraud in the Sale of a Security)**

27 For a further and separate cause of action, being a different offense from but connected in  
28 its commission as the charges set forth above: On or about October 27, 2015, at and in the

1 County of Sacramento, State of California, defendant ALEKSANDR SUSHKO, did willfully and  
2 unlawfully, in violation of sections 25401 and 25540(b) of the Corporations Code of the State of  
3 California, offer or sell a security to a person or persons by means of a written or oral  
4 communication that included an untrue statement of a material fact or omitted to state a material  
5 fact necessary to make the statement made, in light of the circumstances under which the  
6 statement was made, not misleading, to wit: a \$5,000.00 investment from The Slavic Assistance  
7 Center in Smart Choice.

8 **COUNT SIXTEEN**  
9 **(Grand Theft)**

10 For a further and separate cause of action, being a different offense from but connected in  
11 its commission as the charges set forth above: Between May 2015 and October 2015, at and in  
12 the County of Sacramento, State of California, defendant ALEKSANDR SUSHKO, in violation  
13 of Penal Code section 487(a), a felony, willfully and unlawfully took personal property of a value  
14 exceeding nine hundred and fifty dollars (\$950), to wit: \$17,000.00 belonging to The Slavic  
15 Assistance Center.

16 **SPECIAL ALLEGATION**  
17 **(Excessive Takings)**

18 It is further alleged as to Counts One through Sixteen that in the commission of the above  
19 offenses the said defendant, ALEKSANDR SUSHKO, with the intent to do so, took, damaged  
20 and destroyed property of a value exceeding \$100,000, within the meaning of Penal Code section  
21 1203.045.

22 **SENTENCING ENHANCEMENT**  
23 **(White Collar Crime Enhancement)**

24 It is further alleged that the crimes charged in Counts One through Sixteen are related  
25 felonies, a material element of which is fraud and embezzlement, that involve a pattern of related  
26 felony conduct, and the pattern of related felony conduct involves the taking of more than one  
27 hundred thousand dollars (\$100,000), within the meaning of Penal Code section 186.11(a)(1).

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**TOLLING OF THE STATUTE OF LIMITATIONS**

IT IS FURTHER ALLEGED, as described in Penal Code section 803 (c), that each of the above violations were not discovered until September 27, 2017, at the earliest, by the victims named in Counts One through Sixteen when Svitlana Kybych submitted a Request for Assistance to the California Department of Insurance. No victims of said violations and no law enforcement agency chargeable with the investigation and prosecution of said violations had actual and constructive knowledge of said violations prior to September 27, 2017. In the few instances, when the victims' investments came due, Defendant would ensure the victims that even though he did not have their money at present, he would make good on the obligation and issue them a promissory note. Defendant reassured the victims that they would get their money back if they were patient.

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Pursuant to Penal Code Section 1054.5, subdivision (b), the People of the State of California hereby informally request that defense counsel provide to the People of the State of California all discovery as required by Penal Code Section 1054.3.


**DECLARATION**

I verify under information and belief, pursuant to Penal Code section 806, that the foregoing is true and correct.

Dated: July 24, 2019

Respectfully Submitted,

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 Attorney General of California  
 JAMES ROOT  
 Senior Assistant Attorney General  
 BRETT J. MORRIS  
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