

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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No. 13-10267

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D.C. Docket No. 2:11-cr-00080-JES-SPC-1

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ALFREDO J. SARARO, III,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Middle District of Florida

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(September 23, 2014)

Before HULL, MARCUS and HILL, Circuit Judges.

PER CURIAM:

Alfredo J. Sararo, III appeals his convictions on five counts of wire fraud, in violation of 18 U.S.C. §§ 1343 and 2, and four counts of filing a false tax return, in

violation of 26 U.S.C. § 7206(1). Sararo was charged with making wire communications to execute a fraudulent real estate investment scheme and misrepresenting the income he derived from the fraud on his tax returns. After a 15-day trial, a jury found Sararo guilty on five out of seven counts of wire fraud and all four counts of tax fraud. The district court sentenced Sararo to 108 months' imprisonment for the wire fraud counts and 36 months' imprisonment for the tax fraud counts, to be served concurrently.<sup>1</sup>

On appeal, Sararo raises five challenges to his convictions. First, Sararo argues that the prosecutor engaged in misconduct by (1) knowingly presenting perjured testimony, (2) commenting on Sararo's right not to testify, and (3) attempting to shift the burden of proof onto Sararo. Second, Sararo argues that the district court erred in denying his motion for judgment of acquittal due to insufficient evidence that the alleged wire communications were part of the fraud or of an effort to lull his victims into a false sense of security. Third, Sararo argues that the district court abused its discretion in excluding, as self-serving hearsay, Sararo's recorded statements to his tax preparer showing that he lacked the requisite intent to commit tax fraud. Fourth, Sararo argues that the district court abused its discretion in denying his motion for new trial based on a juror's failure

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<sup>1</sup>Sararo does not appeal his sentences.

to disclose her prior employment in the real estate industry during voir dire. Fifth, Sararo argues that cumulative error deprived him of a fair trial.

After review and oral argument, we conclude that all of Sararo's arguments lack merit, and thus affirm Sararo's convictions.

**AFFIRMED.**