

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY:  COMPLAINT  INFORMATION  INDICTMENT  SUPERSEDING

OFFENSE CHARGED

18 U.S.C. § 1343 - Wire Fraud  
18 U.S.C. § 1028A - Aggravated Identity Theft

Petty  
 Minor  
 Misdemeanor  
 Felony

PENALTY:

18 U.S.C. § 1343 - 20 years prison, \$250,000 fine, 5 years supervised release, \$100 assessment; 18 U.S.C. § 1028A - 2 years prison - consecutive to underlying felony, \$250,000 fine, 2 years supervised release, \$100 assessment

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

INTERNAL REVENUE SERVICE

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

this is a reprosecution of charges previously dismissed which were dismissed on motion of:

SHOW DOCKET NO.

U.S. Att'y  Defense

this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person Furnishing Information on THIS FORM

U.S. Att'y  Other U.S. Agency

Name of Asst. U.S. Att'y (if assigned) THOMAS MOORE, AUSA, Chief Tax.

Name of District Court, and/or Judge/Magistrate Location  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

DEFENDANT - U.S. 2013 AUG 22 P 12:31

JONATHAN DAVIS, MICHAEL W. WIERING  
DISTRICT COURT NUMBER

CR 13 565 JST

DEFENDANT

IS NOT IN CUSTODY

- 1)  Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges
- 2)  Is a Fugitive
- 3)  Is on Bail or Release from (show District)

IS IN CUSTODY

- 4)  On this charge
  - 5)  On another conviction
  - 6)  Awaiting trial on other charges }  Fed'l  State
- If answer to (6) is "Yes", show name of Institution

Has detainer been filed?  Yes  No } If "Yes" give date filed

DATE OF ARREST Month/Day/Year

Or... if Arresting Agency & Warrant were not Month/Day/Year

DATE TRANSFERRED TO U.S. CUSTODY

This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS  NO PROCESS\*  WARRANT Bail Amount: \_\_\_\_\_

If Summons, complete following:

Arraignment  Initial Appearance

Defendant Address: \_\_\_\_\_

\*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: \_\_\_\_\_

Before Judge: \_\_\_\_\_

Comments: \_\_\_\_\_

United States District Court

FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

VENUE: OAKLAND

FILED

2013 AUG 22 P 12: 36

RICHARD W. WILKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

v.

WIDENSEAL

JST

CR 13 565

JONATHAN DAVIS

DEFENDANT(S).

INDICTMENT

18 U.S.C. § 1343 - Wire Fraud

18 U.S.C. § 1028A(a)(1) and (c)(5) - Aggravated Identity Theft

A true bill.

*Nancy J. Peterson*  
Foreman

Filed in open court this 22<sup>nd</sup> day of

August 2013.

*M. Harrell*  
Clerk

Bail, \$ No bail arrest warrant

*Nathanael Cousins*  
Nathanael Cousins  
United States Magistrate Judge

1 MELINDA HAAG (CABN 132612)  
2 United States Attorney

FILED

2013 AUG 22 P 12: 35

RICHARD W. WIENING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

3  
4  
5  
6  
7  
8 **CONFIDENTIAL**

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 OAKLAND DIVISION

**JST**

11 UNITED STATES OF AMERICA,  
12 Plaintiff,  
13 v.  
14 JONATHAN DAVIS  
15 Defendant.

**CR 13 565**

VIOLATIONS: 18 U.S.C. § 1343 -  
Wire Fraud; 18 U.S.C. §§ 1028A -  
Aggravated Identity Theft

OAKLAND VENUE

16  
17 INDICTMENT

18 The Grand Jury charges:

19 At all times relevant to this Indictment:

20 — INTRODUCTORY ALLEGATIONS

21 1. JONATHAN DAVIS (hereinafter defendant DAVIS), resided at 166 Athol  
22 Avenue, Apartment 209, in Oakland, California.

23 2. Defendant DAVIS prepared and filed federal income tax returns in the names of  
24 other individuals that contained materially false representations, including filing status, income,  
25 and withholding credits.

26 3. A "means of identification" includes any name or number that may be used, alone  
27 or in conjunction with other information, to identify a specific individual, including a name,  
28 Social Security number, or date of birth.

110



1 scheme and artifice.

2 12. Used the means of identification of actual persons to prepare and electronically  
3 file and cause to be filed false federal individual income tax returns, claiming fraudulent tax  
4 refunds.

5 13. Directed that the refunds be paid in a manner that enabled the defendant to  
6 exercise dominion and control over the fraudulently obtained refunds.

7 THE WIRE COMMUNICATIONS

8 14. On or about the dates listed below, for the purpose of executing the scheme  
9 described above, the defendant DAVIS transmitted and caused to be transmitted by means of  
10 wire communication in interstate commerce the signals described below for each count, each  
11 transmission constituting a separate count:

12

COUNT	DATE	WIRE COMMUNICATION
13 1	01/15/2012	Electronically filed 2011 Form 1040 in the name of A.G. claiming a \$4,351 tax refund
14 2	01/16/2012	Electronically filed 2011 Form 1040 in the name of A.R. claiming a \$4,351 tax refund
15 3	01/16/2012	Electronically filed 2011 Form 1040 in the name of A.C. claiming a \$4,351 tax refund
16 4	01/15/2012	Electronically filed 2011 Form 1040 in the name of A.W. claiming a \$4,358 tax refund
17 5	01/15/2012	Electronically filed 2011 Form 1040A in the name of C.J. claiming a \$4,346 tax refund
18 6	01/15/2012	Electronically filed 2012 Form 1040 in the name of L.J. claiming a \$4,358 tax refund
19 7	01/16/2012	Electronically filed 2011 Form 1040A in the name of M.B. claiming a \$4,346 tax refund
20 8	01/16/2012	Electronically filed 2011 Form 1040A in the name of S.L. claiming a \$4,349 tax refund
21 9	01/16/2012	Electronically filed 2011 Form 1040A in the name of T.M. claiming a \$4,346 tax refund
22 10	01/30/2013	Electronically filed 2012 Form 1040 in the name of K.P. claiming a \$4,542 tax refund
23 11	02/19/2013	Electronically filed 2012 Form 1040 in the name of S.L. claiming a \$1,942 tax refund

24  
25  
26  
27  
28

1 All in violation of Title 18, United States Code Section 1343.

2 COUNTS TWELVE THROUGH TWENTY-TWO: (18 U.S.C. §1028A(a)(1) and (c)(5) -  
3 Aggravated Identity Theft)

4 15. On or about the dates identified below, within the Northern District of California,  
5 the defendant,

6 JONATHAN DAVIS,

7 during and in relation to a felony violation of Title 18, United States Code Section 1343,  
8 knowingly transferred, possessed and used without lawful authority a means of identification  
9 of another person during and in relation to the offenses in this Indictment identified as related  
10 counts below, that is, he knowingly transferred, possessed and used the names and Social  
11 Security numbers of actual persons, listed by their initials below, to commit wire fraud by  
12 attempting to obtain the fraudulent income tax refunds identified below:

13

COUNT	DATE OF OFFENSE	INDIVIDUAL	RELATED COUNT
14 12	01/15/2012	A.G.	Ct. 1 - wire fraud with respect to a 2011 tax return
15 13	01/16/2012	A.R.	Ct. 2 - wire fraud with respect to a 2011 tax return
16 14	01/16/2012	A.C.	Ct. 3 - wire fraud with respect to a 2011 tax return
17 15	01/15/2012	A.W.	Ct. 4 - wire fraud with respect to a 2011 tax return
18 16	01/15/2012	C.J.	Ct. 5 - wire fraud with respect to a 2011 tax return
19 17	01/15/2012	L.J.	Ct. 6 - wire fraud with respect to a 2011 tax return
20 18	01/16/2012	M.B.	Ct. 7 - wire fraud with respect to a 2011 tax return

21  
22  
23  
24  
25  
26  
27  
28

19	01/16/2012	S.L.	Ct. 8 - wire fraud with respect to a 2011 tax return
20	01/16/2012	T.M.	Ct. 9 - wire fraud with respect to a 2011 tax return
21	01/30/2013	K.P.	Ct. 10 - wire fraud with respect to a 2012 tax return
22	02/19/2013	T.B.	Ct. 11 - wire fraud with respect to a 2012 tax return

All in violation of Title 18, United States Code Sections 1028A(a)(1) and (c)(5).

A True Bill

DATED: August 22, 2013

Nancy J. Peterson  
FOREPERSON

MELINDA HAAG  
United States Attorney

Douglas W. Wilson  
J. DOUGLAS WILSON  
Chief, Criminal Section

Approved as to Form

Thomas Moore  
THOMAS MOORE  
Assistant United States Attorney  
Chief, Tax Division