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UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

**BRISA RAMOS,**

Defendant

)  
)  
) CRIMINAL NO. 11 - 2232  
)  
) Counts 1 - 40: 18 U.S.C. § 656: Theft,  
) Embezzlement, or Misapplication by  
) Bank Employee  
)  
) Count 41: 18 U.S.C. § 1028A:  
) Aggravated Identity Theft

INDICTMENT

The Grand Jury charges:

Introduction

1. Beginning in or about 1999 and continuing through in or about September 2008, in the District of New Mexico, the defendant, **BRISA RAMOS**, was employed by the First National Bank of Alamogordo, New Mexico ("FNB"). At the time of her resignation in or about September 2008, **RAMOS** held the position of Account Services Supervisor.
2. Beginning in or about October 2003 and continuing through in or about December 2008, **RAMOS** willfully misapplied, embezzled, abstracted and purloined several hundred thousand dollars from FNB. She accomplished this by withdrawing cash from customer accounts, causing cashier's checks to be issued to third parties from those accounts, and transferring funds from customer accounts to the customer accounts from which she took funds, all of which was done without authorization.

Counts 1 - 40

3. Paragraphs 1 - 2 of this indictment are incorporated as if fully re-alleged herein.

4. In the District of New Mexico, the defendant, **BRISA RAMOS**, being an employee of, and connected in a capacity with, FNB, a bank whose deposits are insured by the Federal Deposit Insurance Corporation, with intent to injure and defraud FNB, did embezzle, abstract, purloin and willfully misapply the moneys, funds and credits of such bank and the moneys, funds, assets and securities intrusted to the custody and care of such bank, on or about the dates and by the transactions as follows:

COUNT	DATE	TRANSACTION
1	March 13, 2007	Withdrew \$5,000.00 cash from account xxx330
2	May 5, 2007	Issued cashier's check in the amount of \$1,500.00 from account xxx627 payable to Otero Federal Credit Union
3	May 8, 2007	Issued cashier's check in the amount of \$2,500.00 from account xxx627 payable to Otero Federal Credit Union
4	September 20, 2007	Changed identity of customer on account xxx927
5	September 20, 2007	Changed identity of customer on account xxx233
6	September 20, 2007	Changed identity of customer on account xxx429
7	October 31, 2007	Closed account xxx429 and deposited \$104,252.77 to account xxx330

COUNT	DATE	TRANSACTION
8	October 31, 2007	Issued cashier's check in the amount of \$1,500.00 from account xxx627 payable to GMAC
9	November 19, 2007	Issued \$2,500.00 cashier's check from account xxx927 payable to Otero Federal Credit Union
10	November 19, 2007	Withdrew \$75,479.68 from account xxx927 by depositing \$72,979.68 to account xxx627, and issuing cashier's check of \$2,500.00 to Otero Federal Credit Union
11	November 27, 2007	Withdrew \$4,000.00 cash from account xxx330
12	November 28, 2007	Issued cashier's check of \$10,000.00 from account xxx627 payable to Otero Federal Credit Union
13	November 28, 2007	Issued cashier's check in amount of \$17,153.68 from account xxx627 payable to GMAC
14	December 13, 2007	Transferred \$32,662.53 from account xxx233 to account xxx834
15	December 13, 2007	Transferred \$26,300.00 from account xxx233 to account xxx830
16	December 13, 2007	Transferred \$32,500.00 from account xxx233 to account xxx527
17	December 13, 2007	Withdrew \$4,491.09 cash from account xxx233
18	December 24, 2007	Issued cashier's check for \$9,000.00 from account xxx627 to account xxx206

COUNT	DATE	TRANSACTION
19	December 24, 2007	Issued cashier's check for \$9,026.00 from account xxx627 to Otero Federal Credit Union
20	January 16, 2008	Issued cashier's check in the amount of \$3,500.00 from account xxx627 payable to Otero Federal Credit Union
21	March 13, 2008	Issued \$5,000.00 cashier's check from account xxx627 payable to Otero Federal Credit Union
22	March 17, 2008	Issued \$2,939.50 cashier's check from account xxx627 payable to First Travel Center
23	April 15, 2008	Issued cashier's check in the amount of \$2,543.50 from account xxx627 payable to First Travel Center
24	April 21, 2008	Withdrew \$6,500.00 cash from account xxx330
25	April 21, 2008	Issued cashier's check in the amount of \$1,500.00 from account xxx627 payable to Otero Federal Credit Union
26	May 14, 2008	Issued cashier's check in the amount of \$5,000.00 from account xxx834 payable to First Travel Center
27	July 1, 2008	Issued cashier's check in the amount of \$5,252.00 from account xxx527 payable to First Travel Center
28	July 21, 2008	Issued \$17,000.00 cashier's check from account xxx330 payable to wedding caterer
29	July 23, 2008	Changed customer identification on account xxx234

COUNT	DATE	TRANSACTION
30	July 29, 2008	Wire transfer in the amount of \$90,153.66 from account xxx234 to Bank of America
31	August 6, 2008	Withdrew \$6,050.00 cash from account xxx330
32	August 12, 2008	Changed customer identification on account xxx234
33	August 12, 2008	Changed customer identification on account xxx527
34	August 9, 2008	Issued cashier's check in amount of \$2,500.00 from account xxx527 payable to Otero Federal Credit Union
35	August 21, 2008	Withdrew \$2,500.00 cash from account xxx330
36	August 25, 2008	Withdrew \$30,645.43 from account xxx420 after changing customer's name on account
37	August 27, 2008	Issued cashier's check in amount of \$28,995.02 from account xxx627 payable to Honda Financial
38	August 29, 2008	Withdrew \$21,701.56 from account xxx020 after changing account customer's name
39	December 22, 2008	Issued \$5,300.00 cashier's check numbered 107102 from account xxx330 payable to Suntrust
40	December 22, 2008	Issued \$5,300.00 cashier's check numbered 107103 from account xxx330 payable to Suntrust

In violation of 18 U.S.C. § 656.

Count 41

5. On or about December 22, 2008, in the District of New Mexico, the defendant, **BRISA RAMOS**, did knowingly use, without lawful authority, a means of identification of another person, to wit:

forging a FNB customer's signature on a letter addressed to FNB, purporting to authorize the issuance of two cashier's checks, each in the amount of \$5,300.00, payable to SunTrust, during and in relation to the crimes of theft by a bank employee, as alleged in Counts 39 and 40 of the Indictment.

In violation of 18 U.S.C. § 1028A(a)(1).

Forfeiture Allegation

Upon conviction of the offenses alleged in this Indictment, the defendant, **BRISA RAMOS**, shall forfeit to the United States pursuant to 18 U.S.C. § 982(a)(2) any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of the offenses in violation of 18 U.S.C. § 656 for which the defendant is convicted, and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the said offense, and shall forfeit to the United States pursuant to 18 U.S.C. § 982(a)(1) all property, real and personal, including but not limited to the following:

Money Judgment

A sum of money equal to at least **\$493,686** in United States currency, representing the amount of money derived from or involved in the offenses, for which the defendant is liable.

If any of the above described forfeitable property, as a result of any act or omission of the defendant:

- A. cannot be located upon exercise of due diligence;
- B. has been transferred or sold to, or deposited with, a third person;
- C. has been placed beyond the jurisdiction of the Court;
- D. has been substantially diminished in value; or
- E. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 982(b) and 28 U.S.C. § 2461(c), to seek forfeiture of any other property of defendant up to the value of the forfeitable property described above.

A TRUE BILL:

*/s/*  
\_\_\_\_\_  
FOREPERSON OF THE GRAND JURY

*Jessica Jenkins*  
\_\_\_\_\_  
Assistant United States Attorney

*ajp*