

**FILED**

UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

UNITED STATES DISTRICT COURT

JUL 31 2013

FOR THE DISTRICT OF NEW MEXICO

**MATTHEW J. DYKMAN**



**CLERK**

UNITED STATES OF AMERICA, )

Plaintiff, )

vs. )

**VERONICA BENAVIDEZ,** )

Defendant. )

CRIMINAL NO. 12-3285 MV

18 U.S.C. § 1341: Wire Fraud (one count).

INFORMATION

The United States Attorney charges:

General Allegations

1. From approximately January 1, 2010, and continuing through approximately December 31, 2010, in Bernalillo County, in the District of New Mexico and elsewhere, the defendant, **VERONICA BENAVIDEZ**, with the intent to defraud, knowingly and intentionally devised a scheme and artifice both to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations and promises.

2. As part of the defendant's scheme and artifice, the defendant contacted numerous large-box stores around the United States, primarily Wal Mart stores, falsely claiming that she had bought merchandise from those stores which thereafter mistakenly was sent by the stores to other customers. The defendant requested and received refunds for the merchandise which she claimed she had bought but had not received, when, in fact, she had not purchased the merchandise for which she sought refunds, and was not entitled to any refunds from any of the stores.

3. As part of her scheme and artifice, the defendant requested that the refunds be sent

to her at various locations in New Mexico, including Rio Rancho, New Mexico, and Albuquerque, New Mexico, primarily in the forms of MoneyGram wire transfers and Wal-Mart pre-paid money cards.

4. As part of the scheme, the defendant requested refunds in her own name and other names, including the following: Angelina Montoya; Veronica Montoya; Veronica Lucero; Yvonne McCann, and Veronica Martinez.

5. In order to obtain refunds from the various stores, the defendant contacted the stores located outside New Mexico by using cell phones with the following phone numbers: 505-261-6447 and 505-804-6353. Cell tower records show that calls were made from these phone numbers, from places within New Mexico, to stores located outside New Mexico.

6. As a result of the defendant's fraudulent claims for refunds, the stores caused funds to be wired to the defendant in New Mexico, in the approximate total amount of \$12,599.58.

Execution of the Scheme

7. The allegations contained in paragraphs 1 through 6 above are hereby reincorporated and re-alleged as if fully set forth herein.

8. On or about the dates shown below, in the District of New Mexico and elsewhere, for the purposes of executing and attempting to execute the scheme and artifice described above, the defendant, **VERONICA BENAVIDEZ**, transmitted and caused to be transmitted by means of wire communications in interstate commerce, cellular phone calls to the stores listed below:

<u>Date</u>	<u>Calls From the Defendant</u>	<u>To Stores</u>
01/12/10	505-261-6447 in Bernalillo County, NM	715-235-6565, WalMart Store #1819, 180 Cedar Falls Road, Monomonic, WI

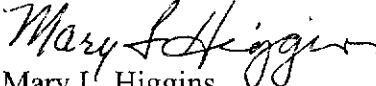
<u>Date</u>	<u>Calls From the Defendant</u>	<u>To Stores</u>
01/21/10	505-261-6447 in Bernalillo County, NM	260-484-4198, Wal-Mart Store # 1419, Coldwater Rd., Fort Wayne, IN
01/23/10	505-261-6447 Bernalillo County, NM	612-788-1303, Wal-Mart Store # 3404, 3800 Silver Lake Rd., Minneapolis, MN
02/01/10	505-261-6447 Bernalillo County, NM	985-652-8994, Wal-Mart Store #961, 1616 West Airline Hwy, Laplace, LA
02/05/10	505-261-6447 Bernalillo County, NM	360-456-6550, Wal-Mart Store # 3531, 1401 Galaxy Dr., NE, Lacey, WA
02/06/10	505-261-6447 Bernalillo County, NM	209-524-4733, Wal-Mart Store # 1587, 2225 Plaza, Modesto, CA
04/22/10	505-804-6353 Bernalillo County, NM	209-491-0200, Home Depot Store, 131 Oamond Ave., Modesto, CA
04/24/10	505-804-6353 Bernalillo County, NM	606-789-8920, Wal-Mart Store # 1233, 470 N. Mayo Trail, Paintsville, KY
04/28/10	505-804-6353 Bernalillo County, NM	801-966-2986, Wal-Mart Store # 3568, 3180 S. 5600 West, West Valley City, UT
05/06/10	505-804-6353 Bernalillo County, NM	817-306-1468, Wal-Mart Store # 5316, 1401 N. Saginaw Blvd., Saginaw, TX
05/19/10	505-804-6353 Bernalillo County, NM	303-512-0122, King Soopers #72, 2750 S. Colorado Blvd., Denver, CO
05/27/10	505-804-6353 Bernalillo County, NM	816-792-4644, Wal-Mart Store # 234, 8301 N. Church Rd., Kansas City, MO

<u>Date</u>	<u>Calls From the Defendant</u>	<u>To Stores</u>
05/28/10	505-804-6353 Bernalillo County, NM	817-421-4770, Wal-Mart Store # 266, 1601 W. State Highway 114, Grapevine, TX
07/01/10	505-804-6353 Bernalillo County, NM	512-837-9886, Wal-Mart Store # 3569, 12900 No. I-35 SVC Rd., SB, Austin, TX
07/07/10	505-804-6353 Bernalillo County, NM	406-628-3000, Wal-Mart Store # 4412, 101 Bernhardt Rd., Laurel, MT
10/25/10	505-804-6353 Bernalillo County, NM	985-493-2874, Lowe's Home Improvement Store, 614 N. Canal Blvd., Thibodaux, LA
10/27/10	505-804-6353 Bernalillo County, NM	614-476-2070, Wal-Mart Store # 2098, 3900 Morse Rd., Columbus, OH
10/28/10	505-804-6353 Bernalillo County, NM	614-539-8560, Wal-Mart Store # 5466, 1693 Stringtown Rd., Grove City, OH
11/15/10	505-804-6353 Bernalillo County, NM	561-683-8300, Wal-Mart Store # 3731, 4225 45 <sup>th</sup> St., West Palm Beach, FL
11/17/10	505-804-6353 Bernalillo County, NM	270-527-1605, Wal-Mart Store # 143, 310 W. 5 <sup>th</sup> St., Benton, KY
11/17/10	505-804-6353 Bernalillo County, NM	847-855-1230, Wal-Mart Store # 1668, 6590 Grand Ave., Gurnee, IL
12/04/10	505-804-6353 Bernalillo County, NM	317-462-3420, Wal-Mart Store # 1141, 1965 N. State St., Greenfield, IN

<u>Date</u>	<u>Calls From the Defendant</u>	<u>To Stores</u>
12/13/10	505-804-6353 Bernalillo County, NM	334-272-0263, Wal-Mart Store # 938, 6495 Atlanta Hwy, Montgomery, AL
12/18/10	505-804-6353 Bernalillo County, NM	863-533-5400, Wal-Mart Store # 580, 1050 East Van Fleet Dr., Bartow, FL
12/24/10	505-804-6353 Bernalillo County, NM	610-494-2535, Wal-Mart Store # 3252, 605 Conchester Hwy, Boothwyn, PA
12/31/10	505-804-6353 Bernalillo County, NM	517-817-0343, Wal-Mart Store # 5160, 1700 West Michigan Ave., Jackson, MI

In violation of 18 U.S.C. § 1343.

KENNETH J. GONZALES  
United States Attorney

  
Mary L. Higgins  
Assistant United States Attorney