United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO

FILED
JUL 12 2012
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

V.

E-filing

CYRINTHIA GARY, aka CYRINTHIA ADAMS, ANGELA PELLETTE, CHARMETRA URSSERY,

DEFENDANT(S).

CR 12 556 JSW

INDICTMENT

18 U.S.C. § 286 - Conspiracy to File False Claim

18 U.S.C. § 287 - Filing False Claim

A true bill.

Foreman

Filed in open court this 12th day of

July, 2012

ROSE MAHER

Clerk

Bail, $

(1) Cynthia Gary: No Bail warrant
(2) Angela Pellette ~~Adams~~: summons
(3) Charmetra Urssery: no bail warrant

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

BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT ☐ SUPERSEDING

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

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OFFENSE CHARGED

18 U.S.C. § 286 - Conspiracy to File False Claim

18 U.S.C. § 287 - Filing False Claim

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

DEFENDANT - U.S.

CYRINTHIA GARY, aka CYRINTHIA ADAMS

DISTRICT COURT NUMBER

CR 12 556 JSW

PENALTY:

18 U.S.C. § 286 - 10 years prison, $250,000 fine, 3 years supervised release, $100 assessment; 18 U.S.C. § 287 - 5 years prison, $250,000 fine, 3 years supervised release, $100 assessment

PROCEEDING

Name of Complaintant 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:
☐ U.S. Att'y ☐ Defense

☐ this prosecution relates to a pending case involving this same defendant

SHOW DOCKET NO.

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

MAGISTRATE CASE NO.

Name and Office of Person Furnishing Information on THIS FORM: MELINDA HAAG

☒ U.S. Att'y ☐ Other U.S. Agency

Name of Asst. U.S. Att'y (if assigned): THOMAS NEWMAN, AUSA, Tax Division

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

DATE TRANSFERRED TO U.S. CUSTODY Month/Day/Year

☐ 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:

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18 U.S.C. § 286 - Conspiracy to File False Claim

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☐ Minor
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PENALTY:

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SAN FRANCISCO DIVISION

FILED
JUL 12 2012
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CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT - U.S.

ANGELA PELLETTE

DISTRICT COURT NUMBER

CR 12 556 JSW

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BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT ☐ SUPERSEDING

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SAN FRANCISCO DIVISION

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CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT - U.S.

CHARMETRA URSSERY

DISTRICT COURT NUMBER

CR 12 556

PROCEEDING

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

INTERNAL REVENUE SERVICE

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

Date/Time:

Before Judge:

Comments:

MELINDA HAAG (CABN 132612)
United States Attorney

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JUL 12 2012
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

E-filing

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, Plaintiff, v. CYRINTHIA GARY, aka CYRINTHIA ADAMS, ANGELA PELLETTE, CHARMETRA URSSERY, Defendants.	VIOLATIONS: 18 U.S.C. § 286 (Conspiracy to File False Claim); 18 U.S.C. § 287 (Filing False Claim) SAN FRANCISCO VENUE **CR 12 556** **JSW**

INDICTMENT

The Grand Jury charges:

COUNT ONE: (18 U.S.C. § 286 - Conspiracy to File False Claim)

1. Beginning in on or about July 2008, and continuing until in or about March 2009, in the Northern District of California and elsewhere,

CYRINTHIA GARY, aka CYRINTHIA ADAMS,

and others, both known and unknown to the Grand Jury, unlawfully, willfully, and knowingly agreed, combined, and conspired with others or each other to defraud the Internal Revenue Service, an agency of the United States, by obtaining or aiding to obtain the payment or allowance of false, fictitious, and fraudulent claims.

MANNER AND MEANS

2. GARY and others, both known and unknown to the Grand Jury, agreed to participate in, and participated in, a scheme to obtain or help others to obtain payment of false claims for refunds from the Internal Revenue Service ("IRS") by filing in their own names, or filing in the names of others, and by causing others to file, false 2007 and 2008 federal income tax returns claiming refunds to which they knew they were not entitled.

3. It was part of the conspiracy that GARY procured the names and identities of others, through illegal means or by agreement with participants in the scheme, to file false federal tax returns using that identifying information.

4. As part of the scheme, GARY electronically filed with the IRS, or assisted in filing, false federal income tax returns using names GARY acquired by agreement or through illegal means.

5. In order to obtain the fraudulent payment, GARY agreed, combined, and conspired to used bank accounts of other individuals to receive payment. As part of the scheme, GARY and others involved in the scheme requested on the false tax returns that the IRS directly deposit the fraudulent tax refund into the accounts used in the scheme.

All in violation of Title 18, United States Code, Section 286.

COUNT TWO: (18 U.S.C. § 286 - Conspiracy to File False Claim)

6. Beginning in on or about August 2008, and continuing until in or about March 2009, in the Northern District of California and elsewhere,

ANGELA PELLETTE,

and others, both known and unknown to the Grand Jury, unlawfully, willfully, and knowingly agreed, combined, and conspired with others or each other to defraud the Internal Revenue Service, an agency of the United States, by obtaining or aiding to obtain the payment or allowance of false, fictitious, and fraudulent claims.

MANNER AND MEANS

7. PELLETTE and others, both known and unknown to the Grand Jury, agreed to participate in, and participated in, a scheme to obtain or help others to obtain payment of false

claims for refunds from the Internal Revenue Service ("IRS") by filing in their own names, or filing in the names of others, and by causing others to file, false 2007 and 2008 federal income tax returns claiming refunds to which they knew they were not entitled.

8. It was part of the conspiracy that PELLETTE procured the names and identities of others, through illegal means or by agreement with participants in the scheme, to file false federal tax returns using that identifying information.

9. As part of the scheme, PELLETTE electronically filed with the IRS, or assisted in filing, false federal income tax returns using names PELLETTE acquired by agreement or through illegal means.

10. In order to obtain the fraudulent payment, PELLETTE agreed, combined, and conspired to used bank accounts of other individuals to receive payment. As part of the scheme, PELLETTE and others involved in the scheme requested on the false tax returns that the IRS directly deposit the fraudulent tax refund into the accounts used in the scheme.

All in violation of Title 18, United States Code, Section 286.

COUNT THREE: (18 U.S.C. § 286 - Conspiracy to File False Claim)

11. Beginning in on or about June 2008, and continuing until in or about August 2009, in the Northern District of California and elsewhere,

CHARMETRA URSSERY,

and others, both known and unknown to the Grand Jury, unlawfully, willfully, and knowingly agreed, combined, and conspired with others or each other to defraud the Internal Revenue Service, an agency of the United States, by obtaining or aiding to obtain the payment or allowance of false, fictitious, and fraudulent claims.

MANNER AND MEANS

12. URSSERY and others, both known and unknown to the Grand Jury, agreed to participate in, and participated in, a scheme to obtain or help others to obtain payment of false claims for refunds from the Internal Revenue Service ("IRS") by filing in their own names, or filing in the names of others, and by causing others to file, false 2007 and 2008 federal income tax returns claiming refunds to which they knew they were not entitled.

13. It was part of the conspiracy that URSSERY procured the names and identities of others, through illegal means or by agreement with participants in the scheme, to file false federal tax returns using that identifying information.

14. As part of the scheme, URSSERY electronically filed with the IRS, or assisted in filing, false federal income tax returns using names URSSERY acquired by agreement or through illegal means.

15. In order to obtain the fraudulent payment, URSSERY agreed, combined, and conspired to used bank accounts of other individuals to receive payment. As part of the scheme, URSSERY and others involved in the scheme requested on the false tax returns that the IRS directly deposit the fraudulent tax refund into the accounts used in the scheme.

All in violation of Title 18, United States Code, Section 286.

<u>COUNT FOUR</u>: (18 U.S.C. § 287 - Filing False Claim)

16. On or about August 9, 2008, in the Northern District of California, the defendant,

CYRINTHIA GARY, aka CYRINTHIA ADAMS,

made and presented to the United States Treasury Department a claim against the United States for payment of a refund of taxes, which she then and there knew to be false, fictitious, and fraudulent. GARY made the claims by preparing and causing to be prepared, false 2007 U.S. Individual Income Tax Returns, Forms 1040, which were presented to the United States Treasury Department, through the Internal Revenue Service.

All in violation of Title 18, United States Code, Section 287.

///

Dated: July 12, 2012

A ~~True Bill~~

FOREPERSON

MELINDA HAAG
United States Attorney

J. Douglas Wilson for

MIRANDA KANE
Chief, Criminal Division

Approved as to Form

MICHAEL G. PITMAN
Assistant United States Attorney
Tax Division