

Approved: J.
JASON P.W. HALPERIN
Assistant United States Attorney

Before: HONORABLE PAUL E. DAVISON
United States Magistrate Judge
Southern District of New York

13 MAG 9867

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: UNITED STATES OF AMERICA : SEALED COMPLAINT
: :
: - v. - : Violations of
: : 18 U.S.C. §§ 1343, 287
MELANIE FERREIRA, : 1344, and 2
: :
Defendant. : County of Offense:
: :
----- x Dutchess

SOUTHERN DISTRICT OF NEW YORK, ss.:

ANTHONY RAUSA, JR., being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation, and charges as follows:

COUNT ONE

From in or about early 2009 through in or about April 2010, in the Southern District of New York and elsewhere, MELANIE FERREIRA, the defendant, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, transmitted and caused to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, a writing, sign, signal, picture, and sound for the purpose of executing such scheme and artifice, to wit, FERREIRA filed two U.S. Individual Income Tax Returns, Forms 1040, which falsely represented that she had received hundreds of thousands of dollars in income and on which she had had taxes withheld, thereby obtaining from the Internal Revenue Service ("IRS") a refund in the amount of \$440,924, to which FERREIRA was not entitled.

(Title 18, United States Code, Sections 1343 and 2.)

COUNT TWO

From in or about early 2009 through in or about April 2010, in the Southern District of New York and elsewhere, MELANIE FERREIRA, the defendant, made and presented to the United States Treasury Department, through the IRS, claims against the United States for payment, specifically, U.S. Individual Income Tax Returns seeking refunds of taxes purportedly paid, for tax years 2008 and 2009, knowing each such claim to be false, fictitious, and fraudulent, to wit, FERREIRA submitted Form 1040s to the IRS containing false and fraudulent claims for refunds of \$440,924 in tax year 2008 and \$332,033 in tax year 2009.

(Title 18, United States Code, Sections 287 and 2).

COUNT THREE

From in or about 2010 through in or about June 2012, in the Southern District of New York and elsewhere, MELANIE FERREIRA, the defendant, willfully and knowingly executed and attempted to execute a scheme and artifice to defraud a financial institution and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, a financial institution, by means of false and fraudulent pretenses, representations and promises, to wit, FERREIRA sent a \$305,000 check to Bank of America ("BOA") from a separate bank account that was closed and that contained no funds, in an effort to fraudulently satisfy the mortgage on her home in Dutchess County, New York.

(Title 18, United States Code, Sections 1344 and 2.)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

1. I have been a Special Agent with the Federal Bureau of Investigation ("FBI") for approximately nine years and I have personally participated in the investigation of this matter. This affidavit is based on my conversations with other law enforcement agents and persons, and my examination of reports, records, and documents. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of

others are reported herein, they are reported in substance and in part, except where otherwise indicated.

2. Based on my investigation, which has included reviewing documents, interviewing witnesses, and discussing this matter with other law enforcement officers, I have learned that MELANIE FERREIRA, the defendant, and her ex-husband bought a single-family house ("House 1") in Lagrangeville, New York in Dutchess County, New York in or about 2003. The personal information for FERREIRA on the mortgage records for House 1 is the same as the personal information provided for FERREIRA on the 2008 and 2009 tax returns discussed further herein, as is the personal information provided for FERREIRA on Department of Motor Vehicles ("DMV") records. Moreover, I have seen a photograph from the driver's license for FERREIRA. In or about March 2012, FBI agents interviewed FERREIRA at House 1 and at the time, she provided the name "Melanie Ferreira" and gave her address as that of House 1. The person interviewed looked substantially the same to the person in the DMV photograph for FERREIRA to the agent who interviewed her.

3. I have reviewed records from the Internal Revenue Service ("IRS") indicating the following:

a. On or about October 15, 2009, MELANIE FERREIRA, the defendant, filed a U.S. Individual Income Tax Return, Form 1040, for the year 2008 ("2008 Return"). In her 2008 Return, FERREIRA, listing her address as that of House 1 in Dutchess County, falsely reported interest income of \$661,600 from three different banks ("Bank 1", "Bank 2", and "Bank 3"). FERREIRA then falsely claimed that she had paid taxes in the amount of \$661,536 to the IRS for Tax Year 2008. On that basis, FERREIRA claimed a refund of \$440,924. An individual who served as FERREIRA's accountant (the "Accountant") electronically filed the 2008 Return.

b. The IRS has no document substantiating the claim that MELANIE FERREIRA, the defendant, received \$661,600 in interest income from the three banks she listed on her 2008 Return. Contrary to the information in the 2008 Return, the records received by the IRS from Bank 1, Bank 2, and Bank 3, including Forms 1099-INT, reflect that for the 2008 Tax Year, FERREIRA earned, in total, only \$17 in interest income.

c. I have reviewed records relating to Bank 1, Bank 2, and Bank 3. Contrary to the representations on the 2008 Return of MELANIE FERREIRA, the defendant, these records show

that FERREIRA did not earn any interest income from Bank 1, Bank 2, and Bank 3 in the 2008 Tax Year. In fact, according to records from Bank 1, from which FERREIRA claimed she had earned \$329,000 in interest income, FERREIRA did not actually have an account at Bank 1. Similarly, with respect to Bank 2, from which FERREIRA claimed she had earned \$282,600 in interest income in the 2008 tax year, Bank 2's records establish that Bank 2 had become dormant (and stopped doing business) several years earlier and therefore that in 2008, FERREIRA did not have an account at Bank 2. With respect to Bank 3, FERREIRA claimed \$50,000 in interest income although she opened the account in or about October 2009, the same month that she filed her 2008 Return. Moreover, Bank 3's records show that she had earned no interest income at all as of that time.

d. IRS records, including the Forms 1099-INT for Banks 1, 2, and 3, reflect that as of on or about October 15, 2009, when she filed her 2008 Return, MELANIE FERREIRA, the defendant, had paid only \$236 in federal taxes for the year 2008.

4. According to bank records I have reviewed from another bank at which MELANIE FERREIRA, the defendant, had a bank account ("Bank 4"), I have learned the following:

a. On or about October 23, 2009, the IRS wired \$440,924.00 to FERREIRA at Bank 4 in an entry entitled "US Treasury 220 Tax Refund."

b. On or about the same day, October 23, 2009, after she received the \$440,924.00 wire transfer referenced in paragraph a, supra, FERREIRA caused three wire transfers to be sent from the Lagrangeville, New York branch of Bank 4 in the amount of \$96,800.00, \$88,127.20, and \$44,100.00. That same day, FERREIRA withdrew \$8,800 in cash from Bank 4 from a branch in Lagrangeville, New York in Dutchess County.

c. Three days later, on or about October 26, 2009, FERREIRA withdrew \$9,900 in cash from a Bank 4 branch in Hopewell Junction, New York in Dutchess County, and also withdrew \$9,800 in cash from a Bank 4 branch in Manhattan. That same day, FERREIRA obtained an official bank check drawn on her account at Bank 4's Hopewell Junction branch in the amount of \$160,000.00. FERREIRA then deposited that check into an account held in her name at Bank 3. FERREIRA then made numerous cash

withdrawals from Bank 3, all under \$10,000, over the next several weeks. In total, FERREIRA withdrew approximately \$126,900 in cash.

d. By on or about November 3, 2009, i.e., approximately 11 days after receiving the \$440,924.00 wire transfer, FERREIRA's Bank 4 account had a balance of -\$94.80. Similarly, by on or about December 3, 2009, FERREIRA's Bank 3 account was virtually depleted.

5. I have reviewed records from the Internal Revenue Service ("IRS") indicating the following:

a. On or about April 15, 2010, the 2009 U.S. Individual Income Tax Return, Form 1040 ("2009 Return") of MELANIE FERREIRA, the defendant, was electronically filed. In her 2009 Return, FERREIRA falsely reported interest income of \$495,232 from Bank 3, Bank 4, and another bank ("Bank 5"). FERREIRA then falsely claimed that she had paid taxes in the amount of \$494,951 to the IRS for Tax Year 2009. On that basis, FERREIRA claimed she was entitled to a refund of \$332,033. The Accountant electronically filed FERREIRA's 2009 Return.

b. The IRS has no record at all showing that MELANIE FERREIRA, the defendant, ever received \$495,081 in interest income from Bank 3, Bank 4, and Bank 5, collectively, as represented on her 2009 Return. Contrary to the information in the 2009 Return, the records received by the IRS from Bank 3, Bank 4, and Bank 5, including Forms 1099-INT, reflect that for the 2009 Tax Year, FERREIRA earned only \$126 in interest income.

c. I have reviewed records from the Bank 3, Bank 4, and Bank 5, which indicate that MELANIE FERREIRA, the defendant, did not earn the amount of interest income from these three banks that she claimed for the 2009 Tax Year. For Bank 3, FERREIRA claimed to have earned \$50,000 in interest income, when, in fact, she had earned \$0 in interest income. For Bank 4, FERREIRA claimed to have earned \$445,082 in interest income, when, in fact, she had earned only \$1 in interest income from Bank 4.

d. IRS records reflect that as of on or about April 15, 2010, when she filed her 2009 Return, MELANIE FERREIRA, the defendant, had paid only \$70 in federal taxes for the 2009 tax year.

6. IRS records show that the IRS did not issue any tax refund to MELANIE FERREIRA, the defendant, on her 2009 Return.

7. Based on additional documents I have reviewed, including BOA documents, in or about May 2010, FERREIRA caused a forged cashier's check purporting to be drawn on the Federal Reserve Bank of Cleveland, Ohio ("FERREIRA's Check 1") to be sent via certified mail to BOA, to satisfy FERREIRA's mortgage on House 1. FERREIRA caused an acquaintance in Colorado to send FERREIRA's Check 1 to BOA in the amount of \$316,966.05. BOA initially filed a satisfaction of mortgage with respect to House 1 with the Dutchess County Clerk's Office on or about June 30, 2010, deeming FERREIRA's Check 1 legitimate. BOA subsequently determined that FERREIRA's Check 1 was fraudulent and filed suit in New York State Supreme Court seeking the reinstatement of the Mortgage on House 1. The mortgage on House 1 was subsequently reinstated.

8. I have also reviewed records from BOA that demonstrate that on or about June 2, 2012, a check signed by MELANIE FERREIRA, the defendant, was mailed to BOA in the amount of \$305,000 ("FERREIRA's Check 2") purporting to pay off the balance of FERREIRA's mortgage from BOA on House 1 in Dutchess County. BOA records indicate that when BOA tried to negotiate FERREIRA's Check 2, FERREIRA's Check 2 was returned, because the originating bank account, i.e., FERREIRA's account at Bank 4, was closed. In addition, I have learned from reviewing BOA records and from interviewing witnesses that for at least four years before FERREIRA mailed FERREIRA's Check 2 to BOA on or about June 2, 2012, FERREIRA had made no mortgage payments for this loan, although regular monthly mortgage payments had been made to BOA by FERREIRA's now ex-husband. Moreover, I have learned from reviewing BOA records and from interviewing witnesses that FERREIRA has not made any other mortgage payments for this loan since she mailed FERREIRA's Check 2 to BOA on or about June 2, 2012.

9. I have obtained the original of FERREIRA's Check 2 from Bank 4. On FERREIRA's Check 2, MELANIE FERREIRA, the defendant, wrote in red ink in the memo section, "FOR DISCHARGE OF DEBT EFT ONLY." On the back of FERREIRA's Check 2, FERREIRA wrote the following, on multiple lines:

[in red ink] "NOT FOR DEPOSIT
 EFT ONLY
 FOR DISCHARGE

OF DEBT" [and then in black ink:] "6/2/12"
FERREIRA then signed her name in blue ink and
under her name, she wrote:
"Authorized Representative"

[in red ink:] "WITHOUT RECOURSE"

FERREIRA sent to BOA not only FERREIRA's Check 2, described above, but also, an "Affidavit of Status of Melanie Ferreira" ("FERREIRA's Affidavit"). In FERREIRA's Affidavit, in which she listed her address as that of House 1, FERREIRA wrote, among other things, "Your Affiant is a living, breathing, sentient being on the land, a Natural Person, and therefore is not and cannot be any ARTIFICIAL PERSON and, therefore, is exempt from any and all identifications, treatments, and requirements as any ARTIFICIAL PERSON pursuant to any process, law, code, or statute or any color thereof."

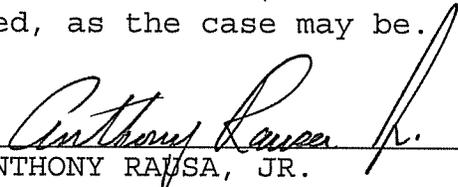
10. According to bank records I have reviewed, FERREIRA was the only account holder for the account at Bank 4. On or about June 4, 2005, FERREIRA opened her account at Bank 4 in her own name, and used the address for House 1. Records from Bank 4 indicate that FERREIRA closed her account at Bank 4 on or about December 14, 2009, i.e., approximately two-and-a-half years before she wrote the \$305,000 check from Bank 4 to attempt to fraudulently pay off her mortgage from BOA on House 1.

11. Based on: (a) my review of FERREIRA's Check 1, (b) my review of FERREIRA's Check 2 and FERREIRA's Affidavit, (c) my review of other documents created and sent by MELANIE FERREIRA, the defendant, (d) my discussions with witnesses and other agents, and (e) my training and experience, I believe that FERREIRA is using a well-known electronic funds transfer ("EFT") scheme often used by members of the Sovereign Citizens Movement ("Sovereign Citizens"). Based on my training and experience, I know that the scheme usually works as follows: individuals use a closed bank account in the individual's true name to "set off," or discharge debt using a check from a closed bank account, in an effort to falsely persuade the bank that the mortgage or debt has been satisfied. Individuals employing such schemes typically state, in the memo line of the check, "EFT Only for Discharge of Debt" or "Not for Deposit For EFT Only for Discharge of Debt," or words to that effect. The back of the check contains language such as "Do Not Deposit; EFT Only; For Discharge of Debt" and "Authorized Representative Without Recourse." In addition to mailing the check to a financial institution or lending company, individuals may also include fraudulent documents such as an Affidavit of Notary

Presentment/Affidavit of Notary Certificate of Service or a Notice of Acceptance. Generally, based on my training and experience, I know that the Sovereign Citizens are generally anti-government extremists who believe that even though they physically reside in this country, they are separate or sovereign from the United States. As a result, many Sovereign Citizens do not believe they have to answer to any government authority, including courts, taxing entities, motor vehicle departments, or law enforcement.

12. I have reviewed records from BOA indicating that at all times relevant to this Complaint, BOA was FDIC-insured.

WHEREFORE, deponent prays that a warrant be issued for the arrest of MELANIE FERREIRA, the defendant, and that she be arrested and imprisoned or bailed, as the case may be.



ANTHONY RAUSA, JR.
Special Agent
Federal Bureau of Investigation

Sworn to before me this
16 day of April 2013



THE HONORABLE PAUL E. DAVISON
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK