

FILED IN OPEN COURT
ON 12/2/15 *JR*
Julie Richards Johnston, Clerk
US District Court
Eastern District of NC

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:15-CR-364-1 (1)

UNITED STATES OF AMERICA)
)
 v.) INDICTMENT
)
 Wilfredo Acosta Hidalgo)

The Grand Jury charges that:

COUNT ONE
(Title 18, United States Code, Section 371 - Conspiracy)

Introduction

At all times relevant herein,

1. Defendant WILFREDO ACOSTA HIDALGO ("HIDALGO"), was a resident of Raleigh, North Carolina, within the Eastern District of North Carolina.

2. The Internal Revenue Service ("IRS") was an agency of the United States Department of the Treasury responsible for administering the tax laws of the United States and collecting taxes owed to the United States.

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

4. HIDALGO brought United States Treasury-issued income tax refund checks in the names of third-party payees to check cashers known to the Grand Jury and referred to herein as Co-Conspirator A and Co-Conspirator B. The tax refunds were based on the filing of false income tax returns with fraudulent claims for tax refunds.

5. North Carolina law established a limit on the fee a check casher may charge. The co-conspirator check cashers charged, and HIDALGO paid a fee, to cash the fraudulently endorsed income tax refund checks, sometimes in excess of the fee allowed by North Carolina law.

The Conspiracy

6. Beginning no later than February 2011, through in or about May 2012, within the Eastern District of North Carolina and elsewhere, HIDALGO did knowingly and intentionally conspire and agree with others known and unknown to the Grand Jury to commit an offense against the United States, to wit, to embezzle, steal, purloin, and knowingly convert to their own use and the use of others, money and things of value of the United States, in excess of \$1,000, in violation of Title 18, United States Code, Section 641.

Manner and Means of the Conspiracy

7. It was part of the conspiracy that HIDALGO, in order to enrich himself and others, would and did obtain from others and give to co-conspirator check cashers United States Treasury tax refund checks payable to third persons in whose names false tax returns were filed.

8. It was further part of the conspiracy that HIDALGO would not and did not have authorization from the third-party payees to cash the United States Treasury checks in his possession. HIDALGO did not present identification for any of the third-party payees to the co-conspirator check cashers.

9. It was further part of the conspiracy that co-conspirator check cashers would and did deposit or cause to be deposited the United States Treasury checks into their business bank accounts.

10. It was further part of the conspiracy that co-conspirator check cashers would and did give HIDALGO the cash in amounts equivalent to the total face amounts of the United States Treasury checks cashed, less the co-conspirator check cashers' fees.

Overt Acts of the Conspiracy

11. In furtherance of the conspiracy, and to effect the

object thereof, HIDALGO and his co-conspirators committed and caused to be committed the following overt acts, among others, within the Eastern District of North Carolina and elsewhere:

12. On or about the dates listed below, HIDALGO gave to Co-Conspirator A the following United States Treasury checks, identified below by the payee initials, approximate amounts, and portions of the addresses printed on the checks:

Overt Act	Date	Payee	Amount	Address
a	January 6, 2012	W.A.O.	\$4,443	Hillsborough, NC
b	January 12, 2012	W.A.O.	\$4,495	Hillsborough, NC
c	February 24, 2012	D.E.D.M.	\$7,960	Naples, FL
d	February 24, 2012	J.O.N.	\$7,525	Bonita Springs, FL
e	February 30, 2012	A.J.C.R.	\$8,014	Nutley, NJ
f	March 5, 2012	C.J.C.L.	\$8,498	Cary, NC
g	March 5, 2012	C.L.	\$8,185	Allentown, PA
h	March 6, 2012	A.G.B.	\$7,874	Wilmington, DE
i	March 6, 2012	J.T.R.	\$7,994	Covington, VA
j	March 12, 2012	G.N.	\$8,191	Reading, PA
k	April 30, 2012	A.M.	\$8,191	Lancaster, PA

13. On or about the dates listed below, HIDALGO gave to Co-Conspirator B the following United States Treasury checks, identified below by the payee initials, approximate amounts, and portions of the addresses printed on the checks:

Overt Act	Date	Payee	Amount	Address
l	January 9, 2012	C.I.V.R.	\$7,634	Hyattsville, MD
m	February 8, 2012	A.T.G.	\$8,243	Nutley, NJ
n	February 28, 2012	C.M.	\$8,994	Allentown, PA
o	March 8, 2012	L.M.	\$8,380	Allentown, PA
p	March 12, 2012	M.C.Q.	\$8,903	Lancaster, PA
q	March 13, 2012	C.C.A.	\$7,809	Nutley, NJ

r	March 13, 2012	A.R.S.	\$8,347	Nutley, NJ
s	March 20, 2012	S.M.	\$8,036	Allentown, PA
t	March 20, 2012	S.M.L.	\$7,774	Easton, PA
u	March 28, 2012	W.N.R.	\$7,961	Passaic, NJ
v	April 11, 2012	A.R.T.	\$8,215	Nutley, NJ

All in violation of Title 18, United States Code, Section 371.

COUNTS TWO THROUGH TWENTY-THREE
(Title 18, United States Code, Section 641 and 2 - Theft of Public Money and Aiding/Abetting the Same)

14. The factual allegations contained in Paragraphs 1 through 5 and 7 through 10, 12 and 13 of this Indictment are re-alleged and incorporated as if fully set forth herein.

15. On or about the dates listed below, within the Eastern District of North Carolina, HIDALGO, aiding and abetting others, did steal, purloin, and knowingly convert to his own use and the use of another, money of the United States, namely, funds in excess of \$1,000 in the form of U.S. Treasury checks, identified below by the payee initials, approximate amounts, and portions of the addresses printed on the checks:

Count	Overt Act	Date	Payee	Amount	Address
Two	a	January 6, 2012	W.A.O.	\$4,443	Hillsborough, NC
Three	b	January 12, 2012	W.A.O.	\$4,495	Hillsborough, NC
Four	c	February 24, 2012	D.E.D.M.	\$7,960	Naples, FL
Five	d	February 24, 2012	J.O.N.	\$7,525	Bonita Springs, FL
Six	e	February 30, 2012	A.J.C.R.	\$8,014	Nutley, NJ

Seven	f	March 5, 2012	C.J.C.L.	\$8,498	Cary, NC
Eight	g	March 5, 2012	C.L.	\$8,185	Allentown, PA
Nine	h	March 6, 2012	A.G.B.	\$7,874	Wilmington, DE
Ten	i	March 6, 2012	J.T.R.	\$7,994	Covington, VA
Eleven	j	March 12, 2012	G.N.	\$8,191	Reading, PA
Twelve	k	April 30, 2012	A.M.	\$8,191	Lancaster, PA
Thirteen	l	January 9, 2012	C.I.V.R.	\$7,634	Hyattsville, MD
Fourteen	m	February 8, 2012	A.T.G.	\$8,243	Nutley, NJ
Fifteen	n	February 28, 2012	C.M.	\$8,994	Allentown, PA
Sixteen	o	March 8, 2012	L.M.	\$8,380	Allentown, PA
Seventeen	p	March 12, 2012	M.C.Q.	\$8,903	Lancaster, PA
Eighteen	q	March 13, 2012	C.C.A.	\$7,809	Nutley, NJ
Nineteen	r	March 13, 2012	A.R.S.	\$8,347	Nutley, NJ
Twenty	s	March 20, 2012	S.M.	\$8,036	Allentown, PA
Twenty-One	t	March 20, 2012	S.M.L.	\$7,774	Easton, PA
Twenty-Two	u	March 28, 2012	W.N.R.	\$7,961	Passaic, NJ
Twenty-Three	v	April 11, 2012	A.R.T.	\$8,215	Nutley, NJ

Each entry in the above table constituting a separate violation of Title 18, United States Code, Sections 641 and 2.

FORFEITURE ALLEGATION

16. The allegations contained in Counts 1 through 23 of this Indictment are re-alleged and incorporated and fully referenced herein for the purpose of alleging forfeiture to the United States of America pursuant to the provisions of Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

17. Upon conviction for any of the offenses in violation

of or of conspiracy to violate 18 U.S.C. Section 641 as alleged in Counts 1 through 23, HIDALGO shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), any and all property, real or personal, which constitutes or is derived from proceeds traceable to said violations.

18. If any of the property subject to forfeiture, as a result of any act or omission of HIDALGO,

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- 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 divided without difficulty,

the United States shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section

2461(c), up to the value of the forfeitable property described above.

A TRUE BILL:

REDACTED VERSION

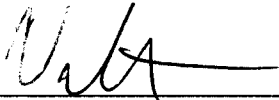
Pursuant to the E-Government Act and the federal rules, the unredacted version of this document has been filed under seal.

FOREPERSON *U'*

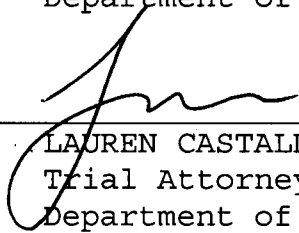
12-2-15

DATE

THOMAS G. WALKER
United States Attorney



By: NATHAN BROOKS
Trial Attorney
Department of Justice, Tax Division



By: LAUREN CASTALDI
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DATE: