

FILED

AUG 11 2016

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY  DEPUTY CLERK

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Attorneys for the
United States of America

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARCI JESSIE RAMIREZ,

Defendant.

Case No. **1:16 CR 000128 LJO SKO**

VIOLATION: 18 U.S.C. § 1344(1) -
Bank Fraud (Three Counts); 18
U.S.C. § 1341 - Mail Fraud (Two
Counts); 18 U.S.C. §
1028A(a)(1) - Aggravated Identity
Theft (Two Counts); 18 U.S.C. §
1029(a)(4) - Possession of Device-
Making Equipment (Two Counts); 18
U.S.C. §§ 982(a)(2)(A) & (B) and
1029(a)(1)(C) - Criminal
Forfeiture

I N D I C T M E N T

COUNTS ONE THROUGH THREE: [18 U.S.C. § 1344(1) - Bank Fraud]

The Grand Jury charges:

MARCI JESSIE RAMIREZ,

defendant herein, as follows:

I. PARTIES, PERSONS AND ENTITIES

At times material to this Indictment:

1. Defendant MARCI JESSIE RAMIREZ resided in Fresno
County, in the State and Eastern District of California.

2. Bank of America and Wells Fargo Bank were financial
institutions as defined by Title 18, United States Code, Section
20.

1 3. The identities of JL, MJ, MP, H&RB, MM, RG, and GRG,
2 are known to the Grand Jury.

3 II. SCHEME TO DEFRAUD

4 4. Beginning on a date unknown to the Grand Jury, but not
5 later than on or about July 31, 2013, and continuing thereafter
6 to on or about October 31, 2015, within the State and Eastern
7 District of California and elsewhere, the defendant, with others
8 known and unknown to the Grand Jury, did knowingly execute and
9 attempt to execute a material scheme and artifice to defraud a
10 financial institution.

11 III. MANNER AND MEANS OF SCHEME TO DEFRAUD

12 5. During the above-described time period, the defendant
13 executed the scheme and artifice to defraud by the following
14 manner, means, and acts, among others:

15 6. RAMIREZ misappropriated other peoples' personal
16 identifying information [PII] (including names, dates of birth
17 and social security numbers) and, without those peoples'
18 knowledge or consent, used that PII for her own personal gain,
19 including through her unauthorized use of such information to
20 open and use bank accounts at financial institutions, such as
21 Wells Fargo and Bank of America. RAMIREZ obtained such PII from,
22 among other sources, client information forms she accessed at her
23 place of employment while under the supervision of her mother.

24 7. In furtherance of the scheme, RAMIREZ illicitly
25 obtained and deposited counterfeit or altered checks, and
26 otherwise fraudulently procured deposits into the fraudulently-
27 opened bank accounts described above. RAMIREZ ultimately
28 withdrew cash from these deposits or used funds from the deposits

for personal purchases.

8. On or about the dates set forth below, in the State and Eastern District of California and elsewhere, for the purpose of executing and attempting to execute the material scheme and artifice as set forth above, RAMIREZ committed and aided and abetted the commission of the following acts:

| COUNT | APPROXIMATE DATE | DESCRIPTION |
|-------|------------------|---|
| ONE | 7/14/2014 | Deposit into Bank of America account x7611 of Wells Fargo cashier's check (\$1,313.84) payable to JL and/or MJ |
| TWO | 7/28/2014 | Deposit into Bank of America account x7611 of altered/counterfeit H&RB check (\$8,448.06) payable to MM and/or MJ |
| THREE | 8/22/2014 | Deposit into Bank of America account x7611 of altered/counterfeit MP check (\$5,427.62) payable to MJ and GRG |

All in violation of Title 18, United States Code, Section 1344(1).

COUNTS FOUR THROUGH FIVE: [18 U.S.C. § 1341 - Mail Fraud]

The Grand Jury further charges:

MARCI JESSIE RAMIREZ,
defendant herein, as follows:

9. Paragraphs 1 and 6 of Counts One through Three are incorporated here.

10. Beginning on a date unknown, but not later than in and about August 2014, and continuing thereafter to in and around April 2015, within the State and Eastern District of California and elsewhere, with others known and unknown to the Grand Jury, did knowingly devise and intend to devise a material scheme and

artifice to defraud others of money and property, and to obtain money and property from such people, by means of materially false and fraudulent pretenses, representations, and promises, and by concealment of material facts.

11. In executing the scheme and artifice to defraud, RAMIREZ, working with others, used credit card information of others, including RG, without their authorization to purchase various goods and other items for her own personal benefit.

12. On or about the dates set forth below, within the State and Eastern District of California and elsewhere, for the purpose of executing and attempting to execute the aforementioned scheme and artifice to defraud, RAMIREZ, with the intent to defraud, knowingly caused the mail matter described below to be placed in an authorized depository for mail matter to be sent and delivered by the U.S. Postal Service or delivered by a private or commercial interstate carrier, according to the directions thereon:

| COUNT | APPROXIMATE DATE OF MAILING | SENT VIA U.S. MAIL OR CARRIER TO: | DESCRIPTION |
|-------|-----------------------------------|--|---|
| FOUR | 9/10/2014 | Jess Ramirez, 2930 N. Fresno St., Fresno, CA | United Parcel Service mailing of Magicard Prima 4 Duo Reverse Transfer Printer (\$4,949.99) |
| FIVE | 9/19/2014 | MJ Ramirez, 1017 W. Simpson Ave., Fresno, CA | United Parcel Service mailing of 500 CR80 30mil White PVC Credit Cards with HiCo Magnetic Stripe (\$29.99) |

All in violation of Title 18, United States Code, Section 1341.

1 COUNT SIX: [18 U.S.C. § 1028A(a)(1) - Aggravated Identity Theft]

2 The Grand Jury further charges:

3 MARCI JESSIE RAMIREZ,

4 defendant herein, as follows:

5 13. Paragraphs 1, 2, 6 and 8 of Counts One through Three are
6 incorporated here.

7 14. Beginning on or about June 14, 2014 and continuing to on
8 or about April 22, 2015, within the State and Eastern District of
9 California and elsewhere, did knowingly use and possess, without
10 lawful authority, a means of identification of another real
11 person, to wit, the name and signature and/or social security
12 number or date of birth of MJ, during and in relation to a federal
13 felony enumerated in 18 U.S.C. § 1028A(c), namely, Bank Fraud, in
14 violation of 18 U.S.C. § 1344(1), as alleged in Count Two,
15 incorporated herein by reference, all in violation of Title 18,
16 United States Code, Section 1028A(a)(1).

17 COUNT SEVEN: [18 U.S.C. § 1028A(a)(1) - Aggravated Identity Theft]

18 The Grand Jury further charges:

19 MARCI JESSIE RAMIREZ,

20 defendant herein, as follows:

21 15. Paragraphs 1, 2 and 6 of Counts One through Three, and
22 paragraphs 11 and 12 of Counts Four through Five are incorporated
23 here.

24 16. Beginning on or about September 10, 2014 and continuing
25 to on or about September 19, 2014, within the State and Eastern
26 District of California and elsewhere, did knowingly use and
27 possess, without lawful authority, a means of identification of
28 another real person, to wit, the name and credit card account

1 number of RG, during and in relation to a federal felony
2 enumerated in 18 U.S.C. § 1028A(c), namely, Mail Fraud, in
3 violation of 18 U.S.C. § 1341, as alleged in Count Four,
4 incorporated herein by reference, all in violation of Title 18,
5 United States Code, Section 1028A(a)(1).

6 COUNT EIGHT: [18 U.S.C. § 1029(a)(4) - Fraudulent Possession of
7 Device-Making Equipment]

8 The Grand Jury further charges:

9 MARCI JESSIE RAMIREZ,
10 defendant herein, on or about April 10, 2015, within the State and
11 Eastern District of California and elsewhere, did knowingly and
12 with intent to defraud, have control and custody over and
13 possessed device-making equipment, to wit, a Magicard printer and
14 blank plastic cards bearing magnetic strips, with said control,
15 custody and possession having an effect on interstate commerce,
16 all in violation of Title 18, United States Code, Section
17 1029(a)(4).

18 COUNT NINE: [18 U.S.C. § 1029(a)(4) - Fraudulent Possession of
19 Device-Making Equipment]

20 The Grand Jury further charges:

21 MARCI JESSIE RAMIREZ,
22 defendant herein, on or about September 3, 2015, within the State
23 and Eastern District of California and elsewhere, did knowingly
24 and with intent to defraud, have control and custody over and
25 possessed device-making equipment, to wit, blank plastic cards
26 bearing magnetic strips, a manually-operated card die cutter, a
27 card embosser, and a laminator, with said control, custody and
28 possession having an effect on interstate commerce, all in
violation of Title 18, United States Code, Section 1029(a)(4).

1 FORFEITURE ALLEGATION: [18 U.S.C. §§ 981(a)(2)(A) & (B) and
2 1029(c)(1)(C) - Criminal Forfeiture]

3 17. Upon conviction of one or more of the offenses alleged
4 in Counts One through Five of this Indictment, defendant MARCI
5 RAMIREZ shall forfeit to the United States, pursuant to Title 18,
6 United States Code, Section 982(a)(2)(A), any property
7 constituting or derived from proceeds obtained directly or
8 indirectly, as a result of said violations, including but not
9 limited to the following:

10 a) A sum of money equal to the amount of proceeds
11 obtained directly or indirectly, as a result of such offenses,
12 for which defendant is convicted.

13 18. Upon conviction of one or more of the offenses alleged
14 in Counts Eight and Nine of this Indictment, defendant MARCI
15 RAMIREZ shall forfeit to the United States, pursuant to Title 18,
16 United States Code, Section 982(a)(2)(B), any property
17 constituting or derived from proceeds obtained directly or
18 indirectly, as a result of such violations; and pursuant to Title
19 18, United States Code, Section 1029(c)(1)(C), any personal
20 property used or intended to be used to commit the offenses,
21 including but not limited to the following:

22 a) A sum of money equal to the total amount of
23 proceeds obtained as the result of the offenses, for which
24 defendant is convicted.

25 19. If any property subject to forfeiture, as a result of
26 the offense alleged in Counts One through Six and Nine and Ten of
27 this Indictment, for which defendant is convicted:

28 a) cannot be located upon the exercise of due

1 diligence;
2 b) has been transferred or sold to, or deposited
3 with, a third party;
4 c) has been placed beyond the jurisdiction of the
5 court;
6 d) has been substantially diminished in value; or
7 e) has been commingled with other property which
8 cannot be divided without difficulty,
9 it is the intent of the United States, pursuant to 18 U.S.C. §§
10 982(b)(1) and 1029(c)(1)(C)(2), incorporating 21 U.S.C. § 853(p),
11 to seek forfeiture of any other property of said defendant, up to
12 the value of the property subject to forfeiture.

13
14 A TRUE BILL.

15 **/s/ Signature on file w/AUSA**

16 FOREPERSON

17 PHILLIP A. TALBERT
Acting United States Attorney

18 By: **KIRK E. SHERRIFF**
19 KIRK E. SHERRIFF
Assistant U.S. Attorney
20 Chief, Fresno Office
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No. _____

7: 1 6 CR 0 0 0 1 2 8 LJO SKO

UNITED STATES DISTRICT COURT

Eastern District of California

Criminal Division

FILED

AUG 11 2016

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY  DEPUTY CLERK

THE UNITED STATES OF AMERICA

vs.

MARCI JESSIE RAMIREZ

I N D I C T M E N T

VIOLATION(S): 18 U.S.C. § 1344(1) - Bank Fraud (Three Counts);
18 U.S.C. § 1341 - Mail Fraud (Two Counts);
18 U.S.C. § 1028A(a)(1) - Aggravated Identity Theft (Two Counts);
18 U.S.C. § 1029(a)(4) - Possession of Device-Making
Equipment (Two Counts); 18 U.S.C. §§ 982(a)(2)(A) & (B) and
1029(a)(1)(C) - Criminal Forfeiture

A true bill,

/s/

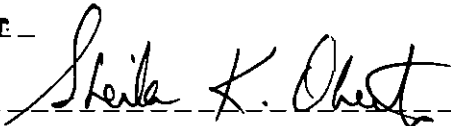
Foreman.

Filed in open court this _____ day

of _____, A.D. 20____

Clerk.

Bail, \$ **NO BAIL WARRANT**



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

BY ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING: Case No. _____
OFFENSE CHARGED

- ☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

Place of offense
 Fresno County

U.S.C. Citation
 See Indictment

Name of District Court, and/or Judge/Magistrate Judge Location (City)
 Fresno, California

DEFENDANT -- U.S. vs.
MARCI JESSIE RAMIREZ

Address {

Birth Date

- ☐ Male ☐ Alien
☐ Female (if applicable)

(Optional unless a juvenile)

PROCEEDING

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

FBI -- Chet Johnston

- ☐ person is awaiting trial in another Federal or State Court, give name of court _____

- ☐ this person/proceeding is transferred from another district per FRCrP ☐ 20 ☐ 21 ☐ 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 Judge regarding this defendant were recorded under

MAGISTRATE
 JUDGE CASE NO.

Name and Office of Person
 Furnishing Information on
 THIS FORM

Donna McCloskey

☒ U.S. Att'y ☐ Other U.S. Agency

Name of Asst. U.S.
 Att'y (if assigned)

CHRISTOPHER D. BAKER

DEFENDANT**IS NOT IN CUSTODY**

- 1) ☒ Has not been arrested, pending outcome of 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 _____
 Mo. Day Year

DATE OF
 ARREST

Or ... if Arresting Agency & Warrant were not Federal

Mo. Day Year

DATE TRANSFERRED
 TO U.S. CUSTODY

☐ This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

☒ **ADD FORFEITURE UNIT (Check if Forfeiture Allegation)**

Penalties -- see penalty slip. Please issue no bail warrant.


AUSA INITIALS

PENALTY SLIP

DEFENDANT: MARCI JESSIE RAMIREZ

COUNTS ONE THROUGH THREE:

VIOLATION: 18 U.S.C. §1344(1) - Bank fraud

PENALTY: 30 years maximum imprisonment
\$1,000,000 fine
5 years supervised release.

COUNTS FOUR AND FIVE:

VIOLATION: 18 U.S.C. § 1341 - Mail Fraud

PENALTY: 20 years maximum imprisonment
\$250,000 fine
3 years supervised release

COUNTS SIX AND SEVEN:

VIOLATION: 18 U.S.C. § 1028A (a) (1) - Aggravated
Identity Theft

PENALTY: 2 years mandatory imprisonment
\$250,000 fine
1 year supervised release

COUNTS EIGHT AND NINE:

VIOLATION: 18 U.S.C. §1029(a) (4)

PENALTY: 15 years maximum imprisonment
\$250,000 fine
3 years supervised release

FORFEITURE ALLEGATION:

18 U.S.C. §§982(a) (2) (a) & (B) and 1029(a) (1) (C)