

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	No: 18-cr-40031-TSH
	)	
V.	)	VIOLATIONS:
	)	
JESSICA VARGAS	)	18 U.S.C. § 1344 –
	)	Bank Fraud
Defendant.	)	
	)	18 U.S.C. § 656 –
	)	Bank Embezzlement
	)	
	)	18 U.S.C. § 982(a)(2)(A) –
	)	Forfeiture Allegations

**INDICTMENT**

The Grand Jury charges that:

**General Allegations**

At all times relevant to this indictment:

1. Athol Savings Bank was a financial institution whose deposits were federally-insured by the Federal Deposit Insurance Corporation.
2. Defendant Jessica Vargas (“VARGAS”) was a resident of Athol, Massachusetts and an employee of Athol Savings Bank. VARGAS began working as a teller at Athol Savings Bank and was promoted to Branch Supervisor in or around May 2017.
3. Athol Savings Bank requires that customers fill out and sign a withdrawal slip in order to make a cash withdrawal from a bank teller.
4. Customer 1 was an 88-year-old female who resided in Athol, Massachusetts and was a customer of Athol Savings Bank.
5. Customer 2 was an 84-year-old female who resided in Athol, Massachusetts and was a customer of Athol Savings Bank.

**Scheme to Defraud**

6. VARGAS utilized the Athol Savings Bank computer system to access customer accounts without the knowledge or permission of the pertinent bank customers.
7. VARGAS processed certain unauthorized transfers between Athol Savings Bank customer accounts.
8. Between in or about August 2016 through in or about December 2017, VARGAS processed unauthorized cash withdrawals totaling approximately \$108,000 from certain Athol Savings Bank customer accounts, including the following:
  - a. Approximately \$13,000 in unauthorized cash withdrawals from accounts held by Customer 1, including a withdrawal of \$1,950 on or about October 16, 2017 and a withdrawal of 2,000 on or about December 7, 2017; and
  - b. Approximately \$53,000 in unauthorized cash withdrawals from an account held by Customer 2 and her husband, including a withdrawal of \$3,025 on or about October 5, 2017.

**COUNT ONE: (18 U.S.C. § 1344 – Bank Fraud)**

The Grand Jury further charges that:

9. Paragraphs 1 through 8 are re-alleged and incorporated by reference as though fully set forth herein

10. On or about December 7, 2017, at Athol, in the District of Massachusetts, and elsewhere,

**JESSICA VARGAS,**

defendant herein, did knowingly execute a scheme and artifice to defraud a financial institution and to obtain, by means of materially false and fraudulent pretenses, representations and promises, moneys, funds, assets and other property owned by and under the custody and control of a financial institution, to wit: Athol Savings Bank, by processing an unauthorized withdrawal of funds from an Athol Savings Bank customer account in the amount of \$2,000.

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

**COUNT TWO: (18 U.S.C. § 656 – Bank Embezzlement)**

The Grand Jury further charges that:

11. On or about October 5, 2017, at Athol, in the District of Massachusetts,

**JESSICA VARGAS,**

defendant herein, being an agent and employee of Athol Savings Bank, a federally-insured bank, with intent to injure and defraud, willfully misapplied, embezzled, and purloined the sum of approximately \$3,025 of the funds of Athol Savings Bank and of funds intrusted to the custody and care of Athol Savings Bank, in that the defendant processed an unauthorized withdrawal of funds from an Athol Savings Bank customer account.

All in violation of Title 18, United States Code, Section 656.

**COUNT THREE: (18 U.S.C. § 656 – Bank Embezzlement)**

The Grand Jury further charges that:

12. On or about October 16, 2017, at Athol, in the District of Massachusetts,

**JESSICA VARGAS,**

defendant herein, being an agent and employee of Athol Savings Bank, a federally-insured bank, with intent to injure and defraud, willfully misapplied, embezzled, and purloined the sum of approximately \$1,950 of the funds of Athol Savings Bank and of funds intrusted to the custody and care of Athol Savings Bank, in that the defendant processed an unauthorized withdrawal of funds from an Athol Savings Bank customer account.

All in violation of Title 18, United States Code, Section 656.

**FORFEITURE ALLEGATION (18 U.S.C. § 982(a)(2)(A))**

13. Upon conviction of one or more of the offenses in violation of Title 18, United States Code, Section 1344, as set forth in Count One of this Indictment, and Title 18, United States Code, Section 656, set forth in Counts Two and Three of this Indictment,

**JESSICA VARGAS,**

defendant herein, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(2)(A), any property constituting, or derived from, proceeds obtained directly or indirectly, as a result of such offenses. The property to be forfeited includes, but is not limited to, the following:

a. \$108,171, to be entered in the form of a forfeiture money judgment;

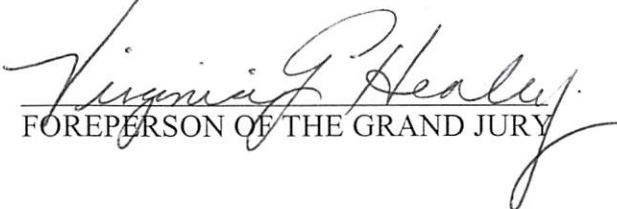
14. If any of the property described in Paragraph 13, above, as being forfeitable pursuant to Title 18, United States Code, Section 982(a)(1), as a result of any act or omission of the defendant –

- (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;

it is the intention of the United States, pursuant to Title 18, United States Code, Section 982(b), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the property described in Paragraph 13 above.

All pursuant to Title 18, United States Code, Section 982(a)(2).

A TRUE BILL

  
FOREPERSON OF THE GRAND JURY

  
William F. Abely  
ASSISTANT U.S. ATTORNEY

DISTRICT OF MASSACHUSETTS; July 12, 2018.

Returned into the District Court by the Grand Jurors and filed.

  
DEPUTY CLERK

12:00 p.

Criminal Case Cover Sheet

U.S. District Court - District of Massachusetts

Place of Offense: \_\_\_\_\_ Category No. II Investigating Agency FBI

City Athol Related Case Information:

County Worcester Superseding Ind./ Inf. \_\_\_\_\_ Case No. \_\_\_\_\_  
Same Defendant \_\_\_\_\_ New Defendant \_\_\_\_\_  
Magistrate Judge Case Number 18-mj-4168-DHH  
Search Warrant Case Number \_\_\_\_\_  
R 20/R 40 from District of \_\_\_\_\_

Defendant Information:

Defendant Name Jessica Vargas Juvenile:  Yes  No

Is this person an attorney and/or a member of any state/federal bar:  Yes  No

Alias Name \_\_\_\_\_

Address (City & State) Athol, Mass.

Birth date (Yr only): 1983 SSN (last4#): 9691 Sex F Race: \_\_\_\_\_ Nationality: \_\_\_\_\_

Defense Counsel if known: Charles McGinty Address 51 Sleeper Street, Boston, Mass.

Bar Number \_\_\_\_\_

U.S. Attorney Information:

AUSA William F. Abely Bar Number if applicable 660281

Interpreter:  Yes  No List language and/or dialect: \_\_\_\_\_

Victims:  Yes  No If yes, are there multiple crime victims under 18 USC§3771(d)(2)  Yes  No

Matter to be SEALED:  Yes  No

Warrant Requested  Regular Process  In Custody

Location Status:

Arrest Date 03/27/2018

Already in Federal Custody as of \_\_\_\_\_ in \_\_\_\_\_

Already in State Custody at \_\_\_\_\_  Serving Sentence  Awaiting Trial

On Pretrial Release: Ordered by: Judge Hennessy on 03/27/2018

Charging Document:  Complaint  Information  Indictment

Total # of Counts:  Petty \_\_\_\_\_  Misdemeanor \_\_\_\_\_  Felony 3

Continue on Page 2 for Entry of U.S.C. Citations

I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.

Date: 07/12/2018

Signature of AUSA: 



**District Court Case Number** (To be filled in by deputy clerk): \_\_\_\_\_

**Name of Defendant** Jessica Vargas

**U.S.C. Citations**

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	<u>18 U.S.C. § 1344</u>	<u>Bank fraud</u>	<u>1</u>
Set 2	<u>18 U.S.C. § 656</u>	<u>Bank embezzlement</u>	<u>2-3</u>
Set 3	_____	_____	_____
Set 4	_____	_____	_____
Set 5	_____	_____	_____
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set 10	_____	_____	_____
Set 11	_____	_____	_____
Set 12	_____	_____	_____
Set 13	_____	_____	_____
Set 14	_____	_____	_____
Set 15	_____	_____	_____

**ADDITIONAL INFORMATION:** \_\_\_\_\_