

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,
Plaintiff,

v.

[1] JOSE ANDRES COLON-SANTOS
(Counts 1-35), and
[2] ERIKA YAZMIN ROSADO-MATIAS
(Counts 1-10, 18-23, 30-32),
Defendants.

CRIMINAL NO. 17- 372 (ADD)

INDICTMENT

18 USC §§ 1349 and 1344 (Count 1)
18 USC §§ 1344 and 2 (Counts 2-17)
18 USC §§ 1028A and 2 (Counts 18-29)
18 USC §§ 1341 and 2 (Counts 30-32)
18 USC § 1951 (Counts 33-34)
18 USC § 1512(b)(1) (Counts 35)

35 COUNTS AND
FORFEITURE ALLEGATIONS

2017 JUN 20 PM 5:25

RECEIVED AND FILED
CLERK'S OFFICE
U.S. DISTRICT COURT
SAN JUAN, PR

The Grand Jury charges:

At times material to this Indictment:

GENERAL ALLEGATIONS

1. Banco Popular de Puerto Rico (BPPR) and Scotiabank were financial institutions insured by the Federal Deposit Insurance Corporation.
2. Credit cards are access devices used by financial institutions in order to provide their customers access to funds the customers are borrowing from the financial institution on a revolving credit account.
3. A debit card is an access device used by financial institutions in order to provide their customers access to the funds deposited in their accounts.
4. Debit cards provide customers access to moneys belonging to the customers and deposited in the financial institution for safe keeping.
5. A PIN number is a unique combination of numbers used as a security code and assigned to an individual credit/debit card issued by a financial institution in order to authorize access to the funds assigned to a particular account, whether it be a revolving credit account or a deposit account.

COUNT ONE
Conspiracy to Commit Bank Fraud
Title 18 U.S.C. §§ 1349 and 1344

6. Between on or about March, 2016 through the date of this Indictment, in the District of Puerto Rico and elsewhere, within the jurisdiction of this Court, the defendants,

[1] JOSE ANDRES COLON-SANTOS, and
[2] ERIKA YAZMIN ROSADO-MATIAS,

knowingly and intentionally combined, conspired, confederated and agreed together and with each other, and with other persons known and unknown to the Grand Jury, to knowingly execute a scheme and artifice to obtain moneys, funds, credits, assets or other property owned by, or under the custody or control, of financial institutions, as defined under Title 18, United States Code, Section 20, by means of false or fraudulent pretenses, representations or promises. All in violation of Title 18, United States Code, Sections 1349 and 1344.

MATERIALITY

7. In each execution of the scheme and artifice to defraud the defendants knowingly concealed from the financial institution that the credit and debit cards or personal identifying information used to withdraw the funds had been fraudulently procured. Such representation was material because the financial institutions relied on the false or fraudulent fact that the credit and debit cards used to withdraw the funds had been validly issued, or that the person completing the transaction was an account holder with capacity to authorize the disbursement of funds from the account, in order to proceed with the disbursement of funds within the bank's custody and control.

PURPOSE OF THE CONSPIRACY

8. It was the purpose of the conspiracy for **[1] JOSE ANDRES COLON-SANTOS,**
[2] ERIKA YAZMIN ROSADO-MATIAS, and their coconspirators to unlawfully enrich

themselves by obtaining bank account information and personal identifying information, and using that information to withdraw funds from the victim's accounts for their own benefit and use.

MANNER AND MEANS OF THE CONSPIRACY

9. [1] **JOSE ANDRES COLON-SANTOS** would identify bank customers by obtaining their names and telephone numbers from a telephone book.

10. [1] **JOSE ANDRES COLON-SANTOS** would contact the targeted bank customer (the "Victim") by calling the Victim's residential landline and identifying himself as a bank fraud investigator.

11. [1] **JOSE ANDRES COLON-SANTOS** would then indicate to the Victim that he was conducting an investigation into a suspected illegal purchase conducted at a local hardware store in excess of \$1,500.00 using the Victim's bank account and bank account access devices.

12. [1] **JOSE ANDRES COLON-SANTOS** would then request that the Victim confirm the Victim's bank account number and personal identification information alleging that he needed that information to reverse or invalidate the suspect illegal transaction at the hardware store.

13. Through this conversation [1] **JOSE ANDRES COLON-SANTOS** would obtain the Victim's name, social security number, date of birth, and address as well as his/her credit/debit card and PIN numbers.

14. If there were spouses or other individuals authorized to use the Victim's bank accounts, or having been issued credit/debit cards against the Victim's accounts, [1] **JOSE ANDRES COLON-SANTOS** would also seek to confirm the personal identification information of the person who shared privileges in the account thereby obtaining their information.

15. [1] **JOSE ANDRES COLON-SANTOS** would call the bank, pretending to be the Victim and using the Victim's personal identifying information to obtain access to the account, to

confirm the balance in the Victim's account and to complete one, or several, of the following transactions against the Victim's account:

- a. a change of the address for the mailing of statements and credit/debit cards,
- b. the issuance of new PIN numbers for the credit/debit cards,
- c. the issuance of new credit/debit cards,
- d. a change of the telephone numbers to be used by the bank to contact the account holder,
- e. wire transfers to withdraw funds from the Victim's account, and
- f. withdrawal of funds from the Victim's accounts using credit/debit cards issued against the Victim's account, including withdrawals at automated teller machines ("ATM").

16. If the account holder happened to be a female, when **[1] JOSE ANDRES COLON-SANTOS** placed the telephone call to the bank, defendant **[2] ERIKA YAZMIN ROSADO-MATIAS** would get on the line and pretend to be the Victim.

17. **[2] ERIKA YAZMIN ROSADO-MATIAS** would then use the Victim's personal identifying information to obtain access to the account, proceed to confirm the balance in the Victim's account and complete one, or several, of the following transactions against the Victim's account:

- a. a change of the address for the mailing of statements and credit/debit cards,
- b. the issuance of new PIN numbers for the credit/debit cards,
- c. the issuance of new credit/debit cards,
- d. a change of the telephone numbers to be used by the bank to contact the account holder,
- e. wire transfers to withdraw funds from the Victim's account, and

f. withdrawal of funds from the Victim's accounts using credit/debit cards issued against the Victim's account, including withdrawals at automated teller machines ("ATM").

18. On several instances, after obtaining the Victim's bank account number, personal identifying information and PIN numbers for any credit/debit cards issued against the Victim's accounts, [1] **JOSE ANDRES COLON-SANTOS** would require the Victim to deliver all credit/debit cards issued against the account to a messenger [1] **JOSE ANDRES COLON-SANTOS** represented that he would send on behalf of the bank.

19. [1] **JOSE ANDRES COLON-SANTOS** himself would then drive to or nearby to the Victim's residence, and take the allegedly compromised credit/debit cards, as well as the PIN number assigned to each card, from the Victim while pretending to be a bank employee.

20. After retrieving the allegedly compromised credit/debit cards from the Victim, [1] **JOSE ANDRES COLON-SANTOS** would use the credit/debit cards to make withdrawals of funds against the Victim's accounts at ATMs.

COUNTS TWO TO SEVENTEEN

Bank Fraud

Title 18 U.S.C. § 1344 and 2

21. Paragraphs One through Five of the General Allegations and the Manners and Means of Count One in Paragraphs Nine through Twenty are realleged and incorporated by reference as if fully set forth herein.

22. Between on or about March, 2016 through the date of this Indictment, in the District of Puerto Rico and elsewhere, within the jurisdiction of this Court, the defendants listed below in each count, aiding and abetting each other, for the purpose of executing the scheme described in the Manners and Means of Count One above, and attempting to do so, did knowingly participate in the scheme and obtained moneys, funds, credits, assets or other property owned by, or under the custody or control, of a financial institution by means of false or fraudulent pretenses,

representations or promises, in violation of Title 18, United States Code, Section 1344, on the dates listed below, each instance constituting a separate count and act through which the defendants executed and attempted to execute the scheme.

Count	Defendants	Card # (Account Ending)	Amount	Victim	Date Withdrawal	Location
2	[1] JOSE ANDRES COLON-SANTOS, and [2] ERIKA YAZMIN ROSADO-MATIAS	Scotiabank XX0831	\$500.00	IMR	4/12/16 1:59 PM	BPPR ATH PR11472
3	[1] JOSE ANDRES COLON-SANTOS, and [2] ERIKA YAZMIN ROSADO-MATIAS	Scotiabank XX0831	\$500.00	IMR	4/13/16 12:01 AM	BPPR ATH PR11472
4	[1] JOSE ANDRES COLON-SANTOS, and [2] ERIKA YAZMIN ROSADO-MATIAS	BPPR XX0818	\$500.00	LRDB	4/13/16 12:02 AM	BPPR ATH PR11472
5	[1] JOSE ANDRES COLON-SANTOS, and [2] ERIKA YAZMIN ROSADO-MATIAS	BPPR XX4388	\$500.00	ORR	10/12/16 12:14 AM	BPPR ATH PR095381
6	[1] JOSE ANDRES COLON-SANTOS, and [2] ERIKA YAZMIN ROSADO-MATIAS	BPPR XX5831	\$500.00	FRV	10/12/16 12:15 AM	BPPR ATH PR095381
7	[1] JOSE ANDRES COLON-SANTOS, and [2] ERIKA YAZMIN ROSADO-MATIAS	BPPR XX6558	\$500.00	SRM NMC	12/17/16 12:14 AM	BPPR ATH PR0108441
8	[1] JOSE ANDRES COLON-SANTOS, and [2] ERIKA YAZMIN ROSADO-MATIAS	BPPR XX7034	\$500.00	OMRR	12/9/2016 06:24 AM	BPPR ATH PR095381

Count	Defendants	Card # (Account Ending)	Amount	Victim	Date Withdrawal	Location
9	[1] JOSE ANDRES COLON-SANTOS, and [2] ERIKA YAZMIN ROSADO-MATIAS	BPPR XX1198	\$5,908.84	OMRR	12/12/2016	Wire transfer to pay account of SRM ending in XX2422
10	[1] JOSE ANDRES COLON-SANTOS, and [2] ERIKA YAZMIN ROSADO-MATIAS	BPPR XX9045	\$15,993.98	ALRR	12/12/2016	Wire transfer to pay credit card of SRM ending in XX4471
11	[1] JOSE ANDRES COLON-SANTOS	BPPR XX5103	\$500.00	GRF	1/5/2017 7:17 AM	BPPR ATH PR094641
12	[1] JOSE ANDRES COLON-SANTOS	BPPR XX5103	\$500.00	GRF	1/19/2017 9:08 AM	BPPR ATH PR094641
13	[1] JOSE ANDRES COLON-SANTOS	BPPR XX6007	\$340.00	MRR	2/1/2017 12:31 PM	BPPR ATH PR092521
14	[1] JOSE ANDRES COLON-SANTOS	BPPR XX9107	\$500.00	ERR	2/1/2017 12:20 PM	BPPR ATH PR092521
15	[1] JOSE ANDRES COLON-SANTOS	BPPR XX9009	\$500.00	JRR	2/2/2017 4:13 PM	BPPR ATH PR092521
16	[1] JOSE ANDRES COLON-SANTOS	BPPR XX5169	\$500.00	GNR	2/2/2017 1:17 PM	BPPR ATH PR092131
17	[1] JOSE ANDRES COLON-SANTOS	BPPR XX2982	\$500.00	RMM	5/24/2017 9:33 AM	BPPR ATH PR94641
Total:			\$26,242.82			

In the execution of each count, the defendants knowingly concealed from the financial institution that the credit and debit cards or personal identifying information used to withdraw the funds had been fraudulently procured. Such representation was material in that the financial institutions relied on the false or fraudulent fact that the credit and debit cards used to withdraw the funds had

been validly issued, or that the person completing the transaction was an account holder with capacity to authorize the disbursement of funds from the account. All in violation of Title 18, United States Code, Sections 1344 and 2.

COUNTS EIGHTEEN TO TWENTY-NINE

Aggravated Identity Theft

18 U.S.C. §§ 1028A(a)(1) and 2

23. Paragraphs One through Five of the General Allegations and the Manners and Means of Count One in Paragraphs Nine through Twenty are realleged and incorporated by reference as if fully set forth herein.

24. Between on or about March, 2016 through the date of this Indictment, in the District of Puerto Rico and elsewhere, within the jurisdiction of this Court, the defendants listed below in each count, aiding and abetting each other, did knowingly, transfer, possess, and use, without lawful authority, a means of identification of the other persons detailed below and identified through their initials during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), to wit bank fraud in violation of Title 18, United States Code, Sections 1344 and 2, knowing that the means of identification belonged to another actual person, in violation of Title 18, United States Code, Section 1028A(a)(1), each such transfer, possession, and use constituting a separate count:

Count	Defendants	Card # (Account Ending)	Amount	Victim	Date	Location
18	[1] JOSE ANDRES COLON-SANTOS, and [2] ERIKA YAZMIN ROSADO-MATIAS	BPPR XX4388	\$500.00	ORR	10/12/16 12:14 AM	BPPR ATH PR095381
19	[1] JOSE ANDRES COLON-SANTOS, and [2] ERIKA YAZMIN ROSADO-MATIAS	BPPR XX5831	\$500.00	FRV	10/12/16 12:15 AM	BPPR ATH PR095381
20	[1] JOSE ANDRES COLON-SANTOS, and	BPPR XX6558	\$500.00	SRM NMC	12/17/16 12:14 AM	BPPR ATH PR0108441

Count	Defendants	Card # (Account Ending)	Amount	Victim	Date	Location
	[2] ERIKA YAZMIN ROSADO-MATIAS					
21	[1] JOSE ANDRES COLON-SANTOS, and [2] ERIKA YAZMIN ROSADO-MATIAS	BPPR XX7034	\$500.00	OMRR	12/9/2016 06:24 AM	BPPR ATH PR095381
22	[1] JOSE ANDRES COLON-SANTOS, and [2] ERIKA YAZMIN ROSADO-MATIAS	BPPR XX1198	\$5,908.84	OMRR	12/12/2016	Wire transfer to pay account of SRM ending in XX2422
23	[1] JOSE ANDRES COLON-SANTOS, and [2] ERIKA YAZMIN ROSADO-MATIAS	BPPR XX9045	\$15,993.98	ALRR	12/12/2016	Wire transfer to pay credit card of SRM ending in XX4471
24	[1] JOSE ANDRES COLON-SANTOS	BPPR XX5103	\$500.00	GRF	1/19/2017 9:08 AM	BPPR ATH PR094641
25	[1] JOSE ANDRES COLON-SANTOS	BPPR XX6007	\$340.00	MRR	2/1/2017 12:31 PM	BPPR ATH PR092521
26	[1] JOSE ANDRES COLON-SANTOS	BPPR XX9107	\$500.00	ERR	2/1/2017 12:20 PM	BPPR ATH PR092521
27	[1] JOSE ANDRES COLON-SANTOS	BPPR XX9009	\$500.00	JRR	2/2/2017 4:13 PM	BPPR ATH PR092521
28	[1] JOSE ANDRES COLON-SANTOS	BPPR XX5169	\$500.00	GNR	2/2/2017 1:17 PM	BPPR ATH PR092131
29	[1] JOSE ANDRES COLON-SANTOS	BPPR XX2982	\$500.00	RMM	5/24/2017 9:33 AM	BPPR ATH PR94641

All in violation of Title 18, United States Code, Sections 1028A(a)(1) and 2.

COUNTS THIRTY TO THIRTY-TWO**Mail Fraud**

Title 18 U.S.C. § 1341 and 2

25. Paragraphs One through Five of the General Allegations and the Manners and Means of Count One in Paragraphs Nine through Twenty are realleged and incorporated by reference as if fully set forth herein.

26. Between on or about March, 2016 through the date of this Indictment, in the District of Puerto Rico and elsewhere, within the jurisdiction of this Court, the defendants listed below in Counts Thirty through Thirty-Two, for the purpose of executing or attempting to execute the scheme and artifice to defraud and obtain money and property by materially false and fraudulent pretenses, representations, and promises, as described in the Manners and Means of Count One, aiding and abetting each other, knowingly, caused credit/debit cards issued by financial institutions to be delivered by mail according to the direction thereon to addresses under the custody and control of both or either of the defendants:

Count	Defendants	Account Ending	Amount	Victim	Date Withdrawal	Transaction
30	[1] JOSE ANDRES COLON-SANTOS, and [2] ERIKA YAZMIN ROSADO-MATIAS	XX2469	\$500.00	IMR	5/19/2016	Telephone call to bank requesting mailing of access devices to residential address
31	[1] JOSE ANDRES COLON-SANTOS, and [2] ERIKA YAZMIN ROSADO-MATIAS	XX0704	\$500.00	ORR	10/06/16	Telephone call to bank requesting mailing of access devices to residential address

Count	Defendants	Account Ending	Amount	Victim	Date Withdrawal	Transaction
32	[1] JOSE ANDRES COLON-SANTOS, and [2] ERIKA YAZMIN ROSADO-MATIAS	XX2446	\$500.00	SRM	11/15/2016	Telephone call to victim requesting mailing of access devices to business address

All in violation of Title 18, United States Code, Sections 1341 and 2.

COUNTS THIRTY-THREE THROUGH THIRTY-FOUR
Interference with Commerce by Extortion Consisting Of Threats, Violence or Fear
18 U.S.C. § 1951

27. Paragraphs One through Five of the General Allegations and the Manners and Means of Count One in Paragraphs Nine through Twenty are realleged and incorporated by reference as if fully set forth herein.

28. Between on or about March, 2016 through the date of this Indictment, in the District of Puerto Rico and elsewhere, within the jurisdiction of this Court, the elderly individuals identified through their initials in the following table, were engaged in banking activities with financial institutions, as defined under Title 18, United States Code, Section 20, doing business in interstate and foreign commerce:

Count	Defendant	Bank Account Ending	Victim	Date Extortion or Attempted Extortion
33	[1] JOSE ANDRES COLON-SANTOS	XX2446	SRM NMC	1/4/2017
34	[1] JOSE ANDRES COLON-SANTOS	XX3813	ERR	2/1/2017

29. Between on or about March, 2016 through the date of this Indictment, in the District of Puerto Rico and elsewhere, within the jurisdiction of this Court, the defendant,

[1] JOSE ANDRES COLON-SANTOS,

did unlawfully obstruct, delay and affect, and attempt to obstruct, delay and affect, commerce as that term is defined in Title 18, United States Code, Section 1951, and the movement of articles and commodities in such commerce, by extortion, as that term is defined in Title 18, United States Code, Section 1951, in that the defendant did obtain and attempt to obtain moneys, funds, credits, assets or other property under the custody or control, of a financial institution, as defined under Title 18, United States Code, Section 20, which were the property of and belonged to the elderly individuals identified above through their initials with their consent after the defendant induced each such elderly individual on the dates indicated above to relinquish control of those moneys, funds and assets by the wrongful use of actual and threatened force, violence and fear, in that the defendant did threaten each elderly individual with threat of physical harm to themselves or others if they in any manner obstructed the defendant's wrongful appropriation of the elderly individual's funds by notifying the defendant's wrongful activities to bank officers or law enforcement agents, each threat of a separate individual constituting a separate count and criminal offense. All in violation of Title 18, United States Code, Section 1951.

COUNT THIRTY-FIVE

**Tampering with a Witness, Victim, or Informant by Intimidation, Threats,
Corrupt Persuasion or Misleading Conduct
18 U.S.C. §§ 1512(b)(1)**

30. Paragraphs One through Five of the General Allegations and the Manners and Means of Count One in Paragraphs Nine through Twenty are realleged and incorporated by reference as if fully set forth herein.

31. Between on or about May 18 and on or about May 28, 2017, in the District of Puerto Rico and elsewhere, within the jurisdiction of this Court, the defendant,

[1] JOSE ANDRES COLON-SANTOS,

did knowingly engage in misleading conduct toward and attempt to, and intimidate, threaten, or corruptly persuade the following elderly individual by impersonating a bank fraud investigator and by threatening this elderly woman with physical harm if she in any manner provided information, testimony and material facts to law enforcement agents involved in an official proceeding, to wit, a grand jury investigation being conducted by the United States Postal Inspection Service into the defendant's fraudulent scheme to defraud financial institutions, with the intent to influence, delay or prevent the testimony of the following elderly woman in the official proceeding:

Count	Date of Tampering	Bank Account Ending	Victim
35	5/18/2017 through 5/28/2017	XXX5237	RMM

All in violation of Title 18, *United States Code*, Sections 1512(b)(1).

FORFEITURE ALLEGATION

The allegations contained in Counts One through Seventeen and Counts Thirty through Thirty-Two of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, *United States Code*, Section 982(a)(2). Upon conviction of the offenses in violation of Title 18, *United States Code*, Section 1344 set forth in Counts One through Seventeen of this Indictment, the defendants,

[1] JOSE ANDRES COLON-SANTOS, and
[2] ERIKA YAZMIN ROSADO-MATIAS,

shall forfeit to the United States of America, pursuant to Title 18, *United States Code*, Section 982(a)(2), any real or personal property constituting, derived from, or traceable to the proceeds obtained directly or indirectly as a result of the offenses. The property to be forfeited includes, but is not limited to, the following: **Money Judgment**, a sum of money equal to **\$133,025.00** in

United States currency, representing the amount of proceeds obtained as a result of the offense for which the defendants are liable.


If any of the property described above, as a result of any act or omission of the defendants:

- 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 of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1) and Title 28, United States Code, Section 2461(c). All pursuant to Title 18, United States Code, Section 982(a)(2).

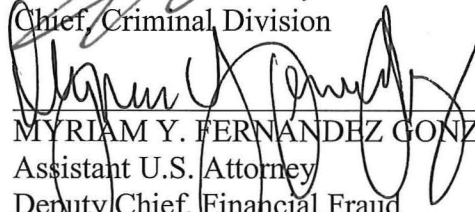
ROSA EMILIA RODRIGUEZ-VELEZ
UNITED STATES ATTORNEY

TRUE BILL



JOSE CAPO IRIARTE
Assistant U.S. Attorney
Chief, Criminal Division

FOREPERSON
Date: 6/20/2017



MYRIAM Y. FERNANDEZ GONZALEZ
Assistant U.S. Attorney
Deputy Chief, Financial Fraud
and Corruption Unit



DENNISE N. LONGO QUINONES
Assistant United States Attorney