

1 MELINDA HAAG (CABN 132612)
2 United States Attorney

FILED
2013 MAR 21 P 4:50
U.S. DISTRICT COURT
SAN FRANCISCO, CALIFORNIA

3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

EMC

10 SAN FRANCISCO DIVISION

CR 13 191
No.

11 UNITED STATES OF AMERICA,)
12 Plaintiff,)
13 v.)
14 ERIC FLENTOL,)
15 Defendant.)

VIOLATIONS: 18 U.S.C. § 1029(a)(2) -
Access Device Fraud; 18 U.S.C. § 1028A -
Aggravated Identity Theft; 18 U.S.C. § 287 -
Filing False Claims; 18 U.S.C.
§ 982(a)(2)(B) - Forfeiture of Identity Theft
Proceeds

SAN FRANCISCO VENUE

16
17
18 INDICTMENT

19 The Grand Jury charges:

20 COUNT ONE: (18 U.S.C. § 1029(a)(2) - Access Device Fraud)

21 From on or about May 31, 2012, through June 11, 2012, in the Northern District of
22 California, the defendant

23 ERIC FLENTOL,

24 in transactions affecting interstate commerce, knowingly and with the intent to defraud
25 used unauthorized access devices, and by such conduct, obtained things of value, their value
26 together totaling \$1,000 or more.

27 All in violation of 18 U.S.C. § 1029(a)(2).

28 //

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

2 On or about May 31, 2012, in the Northern District of California, the defendant,
3 ERIC FLENTAOL,
4 did knowingly transfer, possess, and use, without lawful authority, a means of identification of
5 another person during and in relation to a violation of 18 U.S.C. § 1029(a)(2).

6 All in violation of 18 U.S.C. §1028A.

7 COUNT THREE: (18 U.S.C. § 287 - Filing False Claim)

8 On or about February 13, 2012, in the Northern District of California, the defendant,
9 ERIC FLENTAOL,
10 a resident of San Francisco, California, made and presented to the Internal Revenue Service, an
11 agency of the United States Department of Treasury, a claim against the United States for
12 payment of a refund of taxes in the amount of \$2,915, which he then and there knew to be false,
13 fictitious, and fraudulent. FLENTAOL made the claim by preparing and causing to be prepared,
14 and presenting and causing to be presented to said agency, a U.S. Individual Income Tax Return,
15 Form 1040, for the year 2011 in the name of A.R. that requested a refund to which the defendant
16 knew he was not entitled.

17 All in violation of Title 18, United States Code, Section 287.

18 COUNT FOUR: (18 U.S.C. § 287 - Filing False Claim)

19 On or about February 12, 2012, in the Northern District of California, the defendant,
20 ERIC FLENTAOL,
21 a resident of San Francisco, California, made and presented to the Internal Revenue Service, an
22 agency of the United States Department of Treasury, a claim against the United States for
23 payment of a refund of taxes in the amount of \$2,071, which he then and there knew to be false,
24 fictitious, and fraudulent. FLENTAOL made the claim by preparing and causing to be prepared,
25 and presenting and causing to be presented to said agency, a U.S. Individual Income Tax Return,
26 Form 1040, for the year 2011 that requested a refund to which the defendant knew he was not
27 entitled.

28 All in violation of Title 18, United States Code, Section 287.

1 FORFEITURE ALLEGATION: (18 U.S.C. § 982(a)(2)(B) – Forfeiture of Identity Theft
2 Proceeds)

3 The factual allegations contained in Count Two of this Indictment are realleged and by this
4 reference fully incorporated here for the purpose of alleging forfeiture pursuant to Title 18,
5 United States Code, Section 982(a)(2)(B).

6 Upon a conviction of the offense alleged in Count Two above in violation of Title 18, United
7 States Code, Section 1029(a)(2), the defendant,

8 ERIC FLENTOIL,

9 shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(2)(B)
10 any property constituting, or derived from, proceeds defendant obtained directly or indirectly, as
11 a result of said violation, including but not limited to the \$40,000 IRS check which defendant
12 falsely obtained and deposited in Bank of America account No. xxxx-xxxx-8829.

13 If any of said property described in the preceding paragraph, as a result of any act or omission
14 of the defendant

- 15 (a) cannot be located upon the exercise of due diligence;
- 16 (b) has been transferred or sold to or deposited with, a third person;
- 17 (c) has been placed beyond the jurisdiction of the Court;
- 18 (d) has been substantially diminished in value; or
- 19 (e) has been commingled with other property which cannot be divided without
20 difficulty;

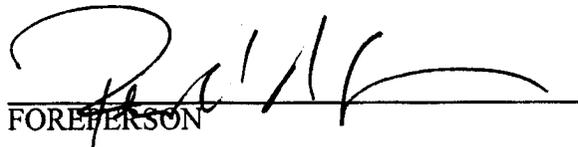
21 any and all interest defendant has in any other property, up to value of the property described in
22 the preceding paragraph, shall be forfeited to the United States, pursuant to Title 21, United

23 //
24 //
25 //
26 //
27 //
28

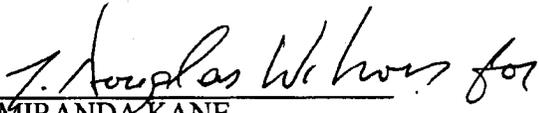
1 States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1)
2 and Federal Rule of Criminal Procedure 32.2.

3
4 A True Bill

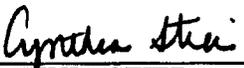
5 Dated: March 21, 2013

6 
FOREPERSON

7
8 MELINDA HAAG
United States Attorney

9
10 
11 MIRANDA KANE
Chief, Criminal Division

12
13 Approved as to Form

14
15 
16 CYNTHIA STIER
Assistant United States Attorney
17 Tax Division