

# United States District Court

FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO

**FILED**

JUL 12 2012

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

v.

**E-filing**

CYRINTHIA GARY, aka CYRINTHIA  
ADAMS, ANGELA PELLETTE,  
CHARMETRA URSSERY,

DEFENDANT(S)

**CR 12**

**556**

## INDICTMENT

**JSW**

18 U.S.C. § 286 - Conspiracy to File False Claim

18 U.S.C. § 287 - Filing False Claim

A true bill.

*Richard A. [Signature]*

Foreman

Filed in open court this 12<sup>th</sup> day of

July, 2012

*Rose Maher [Signature]*

ROSE MAHER

Clerk

Bail, \$

*[Signature]*

- ① Cynthia Gary: no bail warrant
- ② Angela Pellette
- ③ Charmetra Urssery: summons
- ④ US [Signature]: summons
- ⑤ Charmetra Urssery: no bail warrant

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

BY:  COMPLAINT  INFORMATION  INDICTMENT  
 SUPERSEDING

**OFFENSE CHARGED**

18 U.S.C. § 286 - Conspiracy to File False Claim

*W* 18 U.S.C. § 287 - Filing False Claim

Petty  
 Minor  
 Misdemeanor  
 Felony

**PENALTY:**

18 U.S.C. § 286 - 10 years prison, \$250,000 fine, 3 years supervised release, \$100 assessment; 18 U.S.C. § 287 - 5 years prison, \$250,000 fine, 3 years supervised release, \$100 assessment

**PROCEEDING**

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

INTERNAL REVENUE SERVICE

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

this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

this is a re prosecution 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

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

SHOW DOCKET NO.

MAGISTRATE CASE NO.

Name and Office of Person Furnishing Information on THIS FORM  
MELINDA HAAG

U.S. Att'y  Other U.S. Agency

Name of Asst. U.S. Att'y (if assigned) THOMAS NEWMAN, AUSA, Tax Division

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

DEFENDANT - U.S.

CYRINTHIA GARY, aka CYRINTHIA GARY

DISTRICT COURT NUMBER

**CR 12 556**

DEFENDANT

**IS NOT IN CUSTODY**

1)  Has not been arrested, pending outcome 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

DATE OF ARREST Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY Month/Day/Year

This report amends AO 257 previously submitted

**ADDITIONAL INFORMATION OR COMMENTS**

**PROCESS:**

SUMMONS  NO PROCESS\*  WARRANT Bail Amount: \_\_\_\_\_

If Summons, complete following:

Arraignment  Initial Appearance

Defendant Address: \_\_\_\_\_

\*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: \_\_\_\_\_

Before Judge: \_\_\_\_\_

Comments: \_\_\_\_\_

*E-filing*

**FILED**

JUL 12 2012

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

*ISW*

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 Minor  
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NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

**FILED**  
JUL 12 2012

DEFENDANT - U.S.

ANGELA PELLETTE

DISTRICT COURT NUMBER

**CR 12 556**

**JSW**

*E-filing*

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U.S. Att'y  Other U.S. Agency

Name of Asst. U.S. Att'y (if assigned) THOMAS NEWMAN, AUSA, Tax Division

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Defendant Address: \_\_\_\_\_

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Before Judge: \_\_\_\_\_

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

BY:  COMPLAINT  INFORMATION  INDICTMENT  SUPERSEDING

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Petty  Minor  Misdemeanor  Felony

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Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

DEFENDANT - U.S.

CHARMETRA URSSERY

DISTRICT COURT NUMBER

CR 12 556

FILED  
JUL 12 2012

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

E-filing

PROCEEDING

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

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this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

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SHOW DOCKET NO.

MAGISTRATE CASE NO.

Name and Office of Person

Furnishing Information on MELINDA HAAG

THIS FORM

U.S. Att'y  Other U.S. Agency

Name of Asst. U.S. Att'y

(if assigned)

THOMAS NEWMAN, AUSA, Tax Division

DEFENDANT

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Arraignment  Initial Appearance

Defendant Address: \_\_\_\_\_

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Date/Time: \_\_\_\_\_

Before Judge: \_\_\_\_\_

Comments: \_\_\_\_\_

MELINDA HAAG (CABN 132612)  
United States Attorney

**FILED**

JUL 12 2012

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

E-filing

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
CYRINTHIA GARY, aka CYRINTHIA )  
ADAMS, ANGELA PELLETTE, )  
CHARMETRA URSSERY, )  
 )  
Defendants. )

VIOLATIONS:  
18 U.S.C. § 286 (Conspiracy to File False Claim); 18 U.S.C. § 287 (Filing False Claim)

SAN FRANCISCO VENUE

**CR 12 556**

INDICTMENT

**JSW**

The Grand Jury charges:

COUNT ONE: (18 U.S.C. § 286 - Conspiracy to File False Claim)

1. Beginning in on or about July 2008, and continuing until in or about March 2009, in the Northern District of California and elsewhere,

CYRINTHIA GARY, aka CYRINTHIA ADAMS,

and others, both known and unknown to the Grand Jury, unlawfully, willfully, and knowingly agreed, combined, and conspired with others or each other to defraud the Internal Revenue Service, an agency of the United States, by obtaining or aiding to obtain the payment or allowance of false, fictitious, and fraudulent claims.

INDICTMENT  
CR-12-

MANNER AND MEANS

2. GARY and others, both known and unknown to the Grand Jury, agreed to participate in, and participated in, a scheme to obtain or help others to obtain payment of false claims for refunds from the Internal Revenue Service ("IRS") by filing in their own names, or filing in the names of others, and by causing others to file, false 2007 and 2008 federal income tax returns claiming refunds to which they knew they were not entitled.

3. It was part of the conspiracy that GARY procured the names and identities of others, through illegal means or by agreement with participants in the scheme, to file false federal tax returns using that identifying information.

4. As part of the scheme, GARY electronically filed with the IRS, or assisted in filing, false federal income tax returns using names GARY acquired by agreement or through illegal means.

5. In order to obtain the fraudulent payment, GARY agreed, combined, and conspired to used bank accounts of other individuals to receive payment. As part of the scheme, GARY and others involved in the scheme requested on the false tax returns that the IRS directly deposit the fraudulent tax refund into the accounts used in the scheme.

All in violation of Title 18, United States Code, Section 286.

COUNT TWO: (18 U.S.C. § 286 - Conspiracy to File False Claim)

6. Beginning in on or about August 2008, and continuing until in or about March 2009, in the Northern District of California and elsewhere,

ANGELA PELLETTE,

and others, both known and unknown to the Grand Jury, unlawfully, willfully, and knowingly agreed, combined, and conspired with others or each other to defraud the Internal Revenue Service, an agency of the United States, by obtaining or aiding to obtain the payment or allowance of false, fictitious, and fraudulent claims.

MANNER AND MEANS

7. PELLETTE and others, both known and unknown to the Grand Jury, agreed to participate in, and participated in, a scheme to obtain or help others to obtain payment of false

1 claims for refunds from the Internal Revenue Service (“IRS”) by filing in their own names, or  
2 filing in the names of others, and by causing others to file, false 2007 and 2008 federal income  
3 tax returns claiming refunds to which they knew they were not entitled.

4 8. It was part of the conspiracy that PELLETTE procured the names and identities of  
5 others, through illegal means or by agreement with participants in the scheme, to file false federal  
6 tax returns using that identifying information.

7 9. As part of the scheme, PELLETTE electronically filed with the IRS, or assisted in  
8 filing, false federal income tax returns using names PELLETTE acquired by agreement or  
9 through illegal means.

10 10. In order to obtain the fraudulent payment, PELLETTE agreed, combined, and  
11 conspired to used bank accounts of other individuals to receive payment. As part of the scheme,  
12 PELLETTE and others involved in the scheme requested on the false tax returns that the IRS  
13 directly deposit the fraudulent tax refund into the accounts used in the scheme.

14 All in violation of Title 18, United States Code, Section 286.

15 COUNT THREE: (18 U.S.C. § 286 - Conspiracy to File False Claim)

16 11. Beginning in on or about June 2008, and continuing until in or about August  
17 2009, in the Northern District of California and elsewhere,

18 **CHARMETRA URSSERY,**

19 and others, both known and unknown to the Grand Jury, unlawfully, willfully, and knowingly  
20 agreed, combined, and conspired with others or each other to defraud the Internal Revenue  
21 Service, an agency of the United States, by obtaining or aiding to obtain the payment or  
22 allowance of false, fictitious, and fraudulent claims.

23 MANNER AND MEANS

24 12. URSSERY and others, both known and unknown to the Grand Jury, agreed to  
25 participate in, and participated in, a scheme to obtain or help others to obtain payment of false  
26 claims for refunds from the Internal Revenue Service (“IRS”) by filing in their own names, or  
27 filing in the names of others, and by causing others to file, false 2007 and 2008 federal income  
28 tax returns claiming refunds to which they knew they were not entitled.



1           13.     It was part of the conspiracy that URSSERY procured the names and identities of  
2 others, through illegal means or by agreement with participants in the scheme, to file false federal  
3 tax returns using that identifying information.

4           14.     As part of the scheme, URSSERY electronically filed with the IRS, or assisted in  
5 filing, false federal income tax returns using names URSSERY acquired by agreement or through  
6 illegal means.

7           15.     In order to obtain the fraudulent payment, URSSERY agreed, combined, and  
8 conspired to used bank accounts of other individuals to receive payment. As part of the scheme,  
9 URSSERY and others involved in the scheme requested on the false tax returns that the IRS  
10 directly deposit the fraudulent tax refund into the accounts used in the scheme.

11           All in violation of Title 18, United States Code, Section 286.

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

13           16.     On or about August 9, 2008, in the Northern District of California, the defendant,  
14                           CYRINTHIA GARY, aka CYRINTHIA ADAMS,  
15 made and presented to the United States Treasury Department a claim against the United States  
16 for payment of a refund of taxes, which she then and there knew to be false, fictitious, and  
17 fraudulent. GARY made the claims by preparing and causing to be prepared, false 2007 U.S.  
18 Individual Income Tax Returns, Forms 1040, which were presented to the United States Treasury  
19 Department, through the Internal Revenue Service.

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

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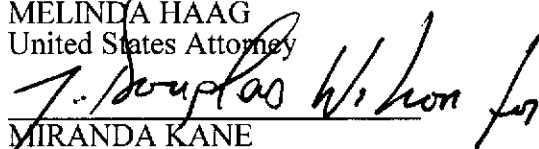
A True Bill

FOREPERSON


Dated: July 12, 2012

  
\_\_\_\_\_

MELINDA HAAG  
United States Attorney

  
MIRANDA KANE  
Chief, Criminal Division

Approved as to Form

  
MICHAEL G. PITMAN  
Assistant United States Attorney  
Tax Division

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