

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO

FILED
2014 OCT 28 P 3:19
RICHARD D. WICKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
v.

CRB

CR 14 538

EBONY STANDIFER

DEFENDANT(S).

INDICTMENT

18 U.S.C. § 286 - Conspiracy to File False Claims;
18 U.S.C. § 1343 - Wire Fraud;
18 U.S.C. § 1028A - Aggravated Identity Theft

A true bill.

[Signature]
Foreman

Filed in open court this 28th day of

October 2014
Stephen Ybarra
Clerk

[Signature] ^{arrest}
Bail, \$ no bail warrant

AO 257 (Rev. 6/78)

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 Claims; 18 U.S.C. § 1343 - Wire Fraud; 18 U.S.C. § 1028A - Aggravated Identity Theft

Petty Minor Misdemeanor Felony

PENALTY:

18 U.S.C. § 286 - 10 yrs prison, \$250,000 fine, 3 yrs superv. rel., \$100 assess.; 18 U.S.C. § 1343 - 20 yrs prison, \$250,000 fine, 5 yrs superv. rel., \$100 assess.; 18 U.S.C. § 1028A - 2 yrs prison, \$250,000 fine, 2 yrs superv. rel., \$100 assessm.

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:

SHOW DOCKET NO.

U.S. Att'y Defense

this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

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

Name and Office of Person Furnishing Information on THIS FORM

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

FILED

DEFENDANT

EBONY STANDIFER AND W. WIEKING NORTHERN DISTRICT OF CALIFORNIA DISTRICT COURT NUMBER

CRB

CR 14 538

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:

1 MELINDA HAAG (CABN 132612)
2 United States Attorney

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RICHARD KLIVICHING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

CRB

11 UNITED STATES OF AMERICA,)
12)
13 Plaintiff,)
14 v.)
15 EBONY STANDIFER,)
16 Defendant.)

CR CASE NO. **14 538**

VIOLATIONS: 18 U.S.C. § 286 –
Conspiracy to File False Claims; 18 U.S.C.
§ 1343 – Wire Fraud; 18 U.S.C. § 1028A –
Aggravated Identity Theft

17
18 INDICTMENT

19 The Grand Jury charges:

20 INTRODUCTORY ALLEGATIONS

- 21 1. EBONY STANDIFER, resided in Pittsburg, California, at all relevant times.
22 2. A “means of identification” includes any name or number that may be used, alone or in
23 conjunction with other information, to identify a specific individual, including a name, Social Security
24 number, or date of birth.
25 3. A “debit card” is a card linked to an account at a financial institution that can be used to
26 receive deposits electronically, like a traditional bank account, and can be used to make purchases and
27 cash withdrawals with funds in the account, like a traditional debit card.

28 //

1 4. The amount of tax that is reported as “withheld” on a federal income tax return is the
2 amount of income tax that employers are required to deduct from employees’ wages pursuant to 26
3 U.S.C. § 3402.

4 5. The Internal Revenue Service (“IRS”) is an agency of the United States within the
5 Department of the Treasury of the United States responsible for enforcing and administering the tax
6 laws of the United States.

7 6. The electronically-filed federal income tax returns identified below were transmitted to
8 the IRS’s transmission centers located in either Memphis, Tennessee, or in Martinsburg, West Virginia.

9 7. Individual filers of tax returns with IRS are required to sign, under penalties of perjury, a
10 jurat certifying that the person examined the tax return and the information is true, correct, and accurate.

11 8. Tax returns that are electronically filed are submitted after entering an electronic
12 signature using a PIN code when the tax return is submitted.

13 COUNT ONE: (18 U.S.C. § 286 – Conspiracy to File False Claims)

14 9. Beginning in May 2010, and continuing until in or about February 2012, in the Northern
15 District of California and elsewhere,

16 EBONY STANDIFER,

17 and others, both known and unknown to the Grand Jury, entered into an agreement, combination and
18 conspiracy with others and each other to defraud the IRS, an agency of the United States, by obtaining
19 and aiding to obtain the payment and allowance of false, fictitious, and fraudulent claims.

20 MANNER AND MEANS OF THE CONSPIRACY
21 AND THE SCHEME TO DEFRAUD

22 10. EBONY STANDIFER, and others, both known and unknown to the Grand Jury, filed, or
23 helped others file, false claims with the IRS requesting refunds in the names of others.

24 11. As part of the scheme, EBONY STANDIFER procured the names and identities of
25 individual taxpayers, through illegal means or by agreement with participants in the scheme.

26 12. EBONY STANDIFER electronically filed with the IRS, or assisted in filing with the IRS,
27 false federal income tax returns using the identities obtained as part of the scheme.

28 //

1 13. The false tax returns were submitted from the Northern District of California and
2 transmitted to the IRS's transmission centers located in either Memphis, Tennessee, or in Martinsburg,
3 West Virginia.

4 14. The tax returns that EBONY STANDIFER filed, or assisted in filing, falsely claim that
5 the individuals listed on the returns earned wages in amounts specified on, *inter alia*, fictitious Forms
6 W-2 that were filed with the tax returns.

7 15. EBONY STANDIFER forged the purported filers' electronic signature on the false tax
8 returns that she filed or assisted in filing.

9 16. The false federal income tax returns filed by EBONY STANDIFER requested refunds,
10 including claims for withheld taxes, from the IRS to which the taxpayers listed on the federal income tax
11 returns were not entitled.

12 17. As part of the scheme, EBONY STANDIFER requested that the IRS transmit some of the
13 fraudulent refunds into accounts that were opened at various banks in the Northern District of California
14 and elsewhere.

15 18. Fraudulent tax returns that EBONY STANDIFER filed or assisted in filing also requested
16 that the IRS deposit the fraudulent tax refunds onto debit cards.

17 19. In some instances, EBONY STANDIFER agreed to pay co-conspirators for identities that
18 were supplied in order to be used in the scheme.

19 20. When a payment was paid to one of the individuals listed on a fraudulent tax return,
20 EBONY STANDIFER sprayed the individual with bear repellent and physically assaulted the individual
21 in order to take from her the fraudulent refund issued by the IRS and paid to that person.

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

23 COUNTS TWO THROUGH SIX: (18 U.S.C. § 1343 and § 2(b) – Wire Fraud)

24 21. Paragraphs 1 through 20 above are re-alleged and by this reference fully incorporated
25 herein.

26 22. On or about the dates listed below, in the Northern District of California and elsewhere,
27 the defendant,

28 EBONY STANDIFER,

1 did knowingly and intentionally devise a material scheme and artifice to defraud, and to obtain money,
 2 by means of material false and fraudulent pretenses, and representations made on false claims filed with
 3 the IRS, and for the purpose of executing such scheme and artifice did transmit and cause to be
 4 transmitted, by means of wire communications in interstate commerce, certain writings, signs, signals,
 5 and sounds, including the interstate wires transmitting false federal income tax returns as described
 6 below:

Count	Date of Wire Requesting Tax Refund	Payment Requested	Initials of Individual Listed on False Claim
2	01/19/2011	\$3,588	Y.B.
3	01/20/2011	\$8,513	M.F.
4	01/19/2011	\$7,727	K.N.
5	01/18/2011	\$5,317	N.H.
6	10/16/2011	\$5,784	R.T.

13
 14 All in violation of Title 18, United States Code, Section 1343 and 2(b).

15 COUNT SEVEN: (18 U.S.C. § 1028A – Aggravated Identity Theft and § 2(b))

16 23. On or about January 19, 2011, in the Northern District of California, the defendant,

17 EBONY STANDIFER,

18 did knowingly possess and use, without lawful authority, a means of identification of another person,
 19 specifically, Y.B.'s name and Social Security number, during and in relation to a felony violation of
 20 Title 18, United States Code, Section 1343.

21 All in violation of Title 18, United States Code, Section 1028A(a)(1).

22 COUNT EIGHT: (18 U.S.C. § 1028A – Aggravated Identity Theft and § 2(b))

23 25. On or about January 19, 2011, in the Northern District of California, the defendant,

24 EBONY STANDIFER,

25 did knowingly possess and use, without lawful authority, a means of identification of another person,
 26 specifically, K.N.'s name and Social Security number, during and in relation to a felony violation of
 27 Title 18, United States Code, Section 1343.

28 All in violation of Title 18, United States Code, Section 1028A(a)(1).

1 COUNT NINE: (18 U.S.C. § 1028A – Aggravated Identity Theft and § 2(b))

2 26. On or about January 18, 2011, in the Northern District of California, the defendant,

3 EBONY STANDIFER,

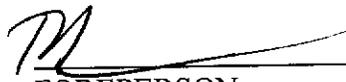
4 did knowingly possess and use, without lawful authority, a means of identification of another person,
5 specifically, N.H.'s name and Social Security number, during and in relation to a felony violation of
6 Title 18, United States Code, Section 1343.

7 All in violation of Title 18, United States Code, Section 1028A(a)(1).

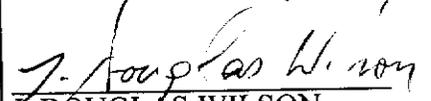
8 A True Bill

9 Dated: _____

10/28/14


FOREPERSON

13 MELINDA HAAG
United States Attorney

14 
15 J. DOUGLAS WILSON
16 Assistant United States Attorney
17 Chief, Criminal Division

18 Approved as to Form

19 
20 THOMAS NEWMAN
21 Assistant United States Attorney
22 Tax Division
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