

AO 257 (Rev. 6/78)

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

BY: COMPLAINT INFORMATION INDICTMENT SUPERSEDING

Name of District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

OFFENSE CHARGED

18 U.S.C. § 1343 - Wire Fraud;
18 U.S.C. § 1028A - Aggravated
Identity Theft; 18 U.S.C. § 981(a)
(1)(C) and 28 U.S.C. § 2461(c) -
Fraud Forfeiture

Petty
 Minor
 Misdemeanor
 Felony

PENALTY:

18 U.S.C. § 1343-20 yrs prison, \$250k fine, 5 yrs superv. rel.,
\$100 assessment; 18 U.S.C. § 1028A-2 yrs prison, \$250k
fine, 2 yrs superv. rel., \$100 assessment; 18 U.S.C. § 981(a)
(1)(C) and 28 U.S.C. § 2461(c) - Fraud Forfeiture

DEFENDANT - U.S.

CONSUELO PUENTE, aka CONNIE PUENTE,

DISTRICT COURT NUMBER

CR 14 138

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

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 Month/Day/Year

DATE TRANSFERRED TO U.S. CUSTODY

This report amends AO 257 previously submitted

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 reprosecution 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 MELINDA HAAG THIS FORM

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

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

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:

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: OAKLAND

FILED
MAR 18 P 3:37
CLERK OF DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

v.

CR 14 138

CONSUELO PUENTE, aka CONNIE
PUENTE,

YGR

DEFENDANT(S). 

INDICTMENT

18 U.S.C. § 1343 – Wire Fraud
18 U.S.C. § 1028A - Aggravated Identity Theft;
18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) – Fraud Forfeiture

A true bill.

J. Scheu

Foreman

Filed in open court this 18 day of

March 2014

J. Cousins

Clerk

no bail arrest warrant

Bail, \$ 0

Nathanael Cousins

Nathanael Cousins
United States Magistrate Judge

1 MELINDA HAAG (CABN 132612)
United States Attorney

FILED
2014 MAR 18 P 3:38
CLERK OF DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
[Signature]



8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

YGR

10 OAKLAND DIVISION

CR 14 138

11 UNITED STATES OF AMERICA,
12 Plaintiff,

13 v.

14 CONSUELO PUENTE, aka CONNIE
15 PUENTE,
16 Defendant.

) CASE NO.
) VIOLATIONS: 18 U.S.C. § 1343 – Wire Fraud;
) 18 U.S.C. § 1028A - Aggravated Identity Theft;
) 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) –
) Fraud Forfeiture
) OAKLAND VENUE

17
18 I N D I C T M E N T

19 The Grand Jury charges:

20 Introductory Allegations

- 21 1. CONSUELO PUENTE, aka CONNIE PUENTE (hereinafter defendant PUENTE),
- 22 resided in Sacramento, California, at all relevant times.
- 23 2. PUENTE was employed by a corporation (Company A) in Concord, California, from
- 24 May 19, 2008, to June 18, 2013.
- 25 3. In January 2009, PUENTE was assigned to Company A's payroll department.
- 26 4. Company A employed a payroll processing company to handle Company A's payroll
- 27 obligations with respect to its employees.

28 //

Doc No. 14
[Signature]

1 5. PUENTE was Company A's only employee responsible for handling payroll with the
2 payroll processing company. PUENTE was responsible for submitting the required payroll information
3 to the payroll processing company. That information included the employees' means of identification
4 and wage information.

5 6. A "means of identification" includes any name or number that may be used, alone or in
6 conjunction with other information, to identify a specific individual, including a name, Social Security
7 number, or date of birth.

8 7. The direct deposit transactions identified below originated from Company A's Wells
9 Fargo Bank account in California and were transmitted in interstate commerce over the wires through
10 the Federal Reserve Bank or the Clearing House Interbank Payments System in Texas, Virginia, New
11 Jersey, New York, or North Carolina.

12 COUNTS ONE THROUGH THREE: (18 U.S.C. § 1343 – Wire Fraud)

13 8. Paragraphs 1 through 7 are re-alleged and incorporated by reference as though fully set
14 forth herein.

15 9. From on or about June 2009, to on or about June 18, 2013, within the Northern District of
16 California and elsewhere, the defendant,

17 CONSUELO PUENTE, aka CONNIE PUENTE,

18 having knowingly and intentionally devised and intending to devise a scheme and artifice to defraud the
19 Company A, and to obtain money by means of material false and fraudulent pretenses, representations,
20 and promises, and, for the purpose of executing such scheme and artifice to defraud, did transmit or
21 cause to be transmitted by means of wire communications in interstate commerce, certain signs, signals,
22 and writings.

23 THE SCHEME AND ARTIFICE

24 10. PUENTE obtained the means of identification of three former employees, K.H, M.G. and
25 E.V., of Company A from their personnel files.

26 11. PUENTE, using the means of identification of the three former employees, changed their
27 status to current employees of Company A so that Company A would pay wages in their names although
28 they were not then employed by Company A, nor did they then perform any work or other services for

1 Company A.

2 12. PUENTE listed her bank account information as the bank account to receive wages paid
3 in the names of the three former employees.

4 13. PUENTE input false payroll information for the three former employees into Company
5 A's payroll system, which caused Company A to erroneously transfer funds in the names of the former
6 employees into PUENTE's bank account. As a result of PUENTE's entry of false payroll information,
7 Company A erroneously transferred funds of \$627,907.53 from 2009 through 2013.

8 14. PUENTE, to account for the wages paid in the names of the former employees, prepared
9 and submitted IRS Forms W-2 for each of the former employees.

10 THE WIRE COMMUNICATIONS

11 On or about the dates listed below, for the purpose of executing the scheme described above,
12 defendant PUENTE transmitted and caused to be transmitted by means of wire communication in
13 interstate commerce the signals described below for each count, each transmission constituting a
14 separate count:

COUNT	DATE	WIRE COMMUNICATION
1	July 9, 2009	Electronically deposited a net wage payment of \$2,297.70 in the name of K.H. from Company A's Wells Fargo Bank account to PUENTE's U.S. Bank account
2	May 26, 2011	Electronically deposited a net wage payment of \$4,400.81 in the name of M.G. from Company A's Wells Fargo Bank account to PUENTE's Bank of America account
3	May 10, 2012	Electronically deposited a net wage payment of \$6,786.88 in the name of E.V. from Company A's Wells Fargo Bank account to PUENTE's Bank of America account

25 All in violation of Title 18, United States Code Section 1343.

26 COUNTS FOUR THROUGH SIX: (18 U.S.C. § 1028A – Aggravated Identity Theft)

27 15. Paragraphs 1 and 14 are re-alleged and incorporated by reference as though fully set forth
28 herein.

1 16. On or about the dates identified below, within the Northern District of California, the
2 defendant,

3 CONSUELO PUENTE, aka CONNIE PUENTE,
4 knowingly transferred, possessed and used without lawful authority a means of identification of another
5 person during and in relation to the felony offenses in this Indictment identified as related counts below,
6 that is, she knowingly transferred, possessed and used the names and Social Security numbers of actual
7 persons, listed by their initials below, while attempting to obtain the fraudulent wages by committing
8 wire fraud as described in the related counts listed below:

COUNT	DATE OF OFFENSE	INDIVIDUAL	RELATED COUNT
4	July 7, 2009	K.H.	1
5	May 24, 2011	M.G.	2
6	May 8, 2012	E.V.	3

13
14 All in violation of Title 18, United States Code Section 1028A.

15 FORFEITURE ALLEGATION: (18 U.S.C. §§ 981(a)(1)(C) and 28 U.S.C. § 2461)

16 17. The allegations contained in Counts One through Three of this Indictment are re-alleged
17 and by this reference fully incorporated herein for the purpose of alleging forfeiture pursuant to the
18 provisions of Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code,
19 Section 2461(c).

20 18. Upon conviction of any of the offenses alleged in Counts One through Three of this
21 Indictment, the defendant,

22 CONSUELO PUENTE, aka CONNIE PUENTE,
23 shall forfeit to the United States of America pursuant to Title 18, United States Code, Section
24 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any property, real or personal, which
25 constitutes or is derived from proceeds traceable to the offense.

26 19. If, as a result of any act or omission of the defendant, any of said property

27 a) cannot be located upon the exercise of due diligence;

28 b) has been transferred or sold to or deposited with, a third person;

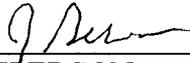
- c) has been placed beyond the jurisdiction of the Court;
- d) has been substantially diminished in value; or
- e) has been commingled with other property which cannot be divided without difficulty;

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).

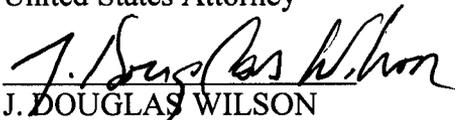
All pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

A True Bill

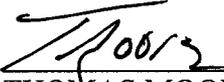
DATED: 3-18-14


 FOREPERSON

MELINDA HAAG
 United States Attorney


 J. DOUGLAS WILSON
 Chief, Criminal Division

Approved as to Form


 THOMAS MOORE
 Assistant United States Attorney
 Chief, Tax Division

United States District Court
Northern District of California

CRIMINAL COVER SHEET

Instructions: Effective January 3, 2012, this Criminal Cover Sheet must be completed and submitted, along with the Defendant Information Form, for each new criminal case.

Case Name: [REDACTED]

Case Number:

USA v. CONSUELO PUENTE, aka CONNIE PUENTE

CR 14-138 YGR

Total Number of Defendants:

Is This Case Under Seal?

1 2-7 8 or more

Yes No

Does this case involve ONLY charges under 8 U.S.C. § 1325 and/or 1326?

Yes No

Venue (Per Crim. L.R. 18-1):

SF OAK SJ EUR MON

Is any defendant charged with a death-penalty-eligible crime?

Yes No

Assigned AUSA (Lead Attorney):

THOMAS MOORE, Chief Tax

Is this a RICO Act gang case?

Yes No

Date Submitted:

3/18/14

CR14-138 YGR

Comments:

Save

Print

Clear Form