

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Criminal No.  
v. : 18 U.S.C. §§ 371, 641, 1709  
BENNIE HAYNES :  
: INFORMATION  
:

The defendant having waived in open court prosecution by indictment, the United States Attorney for the District of New Jersey charges that:

COUNT ONE  
(Conspiracy)

BACKGROUND

1. At all times relevant to this Information:
  - a. Defendant BENNIE HAYNES was employed by the United States Postal Service as a postal carrier. Defendant HAYNES was assigned a specific mail route in Somerset, New Jersey.
  - b. Natural born citizens of the Commonwealth of Puerto Rico are, upon birth, automatically granted United States citizenship.

c. Citizens of the Commonwealth of Puerto Rico are, upon application, issued Social Security numbers by the Social Security Administration.

d. Citizens of the Commonwealth of Puerto Rico who reside in Puerto Rico are not required to file tax returns with the Internal Revenue Service ("IRS") as long as all of the Puerto Rico residents' income is derived from sources in Puerto Rico.

### The Conspiracy

2. From in or about February 2010 through in or about December 2011, in the District of New Jersey, and elsewhere, defendant

BENNIE HAYNES

did knowingly and intentionally conspire and agree with others to embezzle, steal, purloin, and knowingly convert to his own use and the use of another, money, and things of value of the United States, namely United States Treasury Checks in the approximate amount of \$415,786.81, contrary to Title 18, United States Code, Section 641.

### Object of the Conspiracy

3. The object of the conspiracy was for defendant HAYNES and his co-conspirators to obtain and ultimately cash income tax

refund checks that were generated through the filing of materially false and fraudulent individual income tax returns with the IRS and State tax agencies, and to use the resulting illicit cash proceeds for their personal benefit.

Manner and Means of the Conspiracy

4. It was part of the conspiracy that members of the conspiracy obtained the personally identifiable information, including the names and social security numbers, of certain individuals. Among other things, members of the conspiracy obtained the social security numbers of Puerto Rican citizens.

5. It was further part of the conspiracy that members of the conspiracy filed with the IRS and State tax agencies false and fraudulent U.S. Individual Income Tax Returns, using the identity information of others, including Puerto Rican citizens, and seeking state and federal tax refunds (collectively, the "Tax Returns") to which the members of the conspiracy were not entitled. The objective in doing so was to generate false and fraudulent income tax refund checks issued by the United States Department of the Treasury and State tax agencies (the "Tax Refund Checks").

6. It was further part of the conspiracy that, while members of the conspiracy used the personally identifiable

information of certain individuals, including Puerto Rican citizens, to generate the Tax Refund Checks, they had the Tax Refund Checks issued and sent to different addresses that were in and around the District of New Jersey and elsewhere and were controlled by members of the conspiracy. Members of the conspiracy did this so that the Tax Refund Checks would be directed to addresses where they could retrieve them.

7. It was further part of the conspiracy that, in exchange for payment, defendant HAYNES would supply addresses along his mail route in Somerset, New Jersey to certain conspirators to be used in connection with fraudulent income tax filings. Members of the conspiracy directed Tax Refund Checks to be mailed to such addresses along HAYNES' mail route.

8. It was further part of the conspiracy that, in exchange for payment, defendant HAYNES removed Tax Refund Checks generated from the fraudulently filed tax returns from the mail stream and provided them to co-conspirators.

9. It was further part of the conspiracy that, once received, members of the conspiracy would negotiate the Tax Refund Checks in a variety of ways, including at banks and check-cashing establishments and use the proceeds for their personal benefit.

10. It was further part of the conspiracy that, in order to avoid detection of the illegal activity of the conspirators, HAYNES stole from the mail numerous pieces of correspondence sent by the Internal Revenue Service to addresses along his mail route. This correspondence was sent by the Internal Revenue Service after Tax Refund Checks had been delivered to addresses along HAYNES' mail route on days when HAYNES was not working. Without HAYNES there to intercept the checks and provide them to his co-conspirators, the residents at the delivery addresses returned the checks to the Internal Revenue Service. The Internal Revenue Service sent follow up correspondence in an attempt locate the payees of the returned refunds.

11. Based on his involvement in the conspiracy, defendant BENNIE HAYNES was responsible for assisting in the theft of approximately \$415,786.81 in Tax Refund Treasury Checks.

Overt Acts

12. In furtherance of the conspiracy and to effect the unlawful object thereof, defendant HAYNES and his co-conspirators committed and caused to be committed the following overt acts in the District of New Jersey and elsewhere:

- a. Between in or around February 2010 to December 2011, HAYNES provided to co-conspirators Evandro de Jesus

Batista and others addresses along his mail route in Somerset, New Jersey to be used in connection with fraudulent tax filings.

- b. On or about February 9, 2010, a tax refund check made payable to an individual identified as "K.S.A.," in the amount of \$11,755.00, addressed to a residential address on Hamilton Street in Somerset, New Jersey along defendant HAYNES' mail route which HAYNES supplied to co-conspirators, was deposited into an account at TD Bank held in the name of "945 Meat & Produce," which was controlled by co-conspirator, Robert Diaz.
- c. On or about February 19, 2010, a tax refund check made payable to an individual identified as "J.R.A.," in the amount of \$4,437.47, addressed to a residential address on Hamilton Street in Somerset, New Jersey along defendant HAYNES' mail route, which HAYNES supplied to co-conspirators, was deposited into an account at Bank of America controlled by co-conspirator Manuel Rodriguez.
- d. On or about December 19, 2011, a tax refund check made payable to an individual identified as "J.L.S.M.," in

the amount of \$6787.00, addressed to a residential address on Churchill Avenue in Somerset, New Jersey along defendant HAYNES' mail route, which HAYNES supplied to co-conspirators, was deposited into an account at Chase Bank controlled by co-conspirator Rigoberto Torres.

In violation of Title 18, United States Code, Section 371.

COUNT TWO  
(Theft of Government Property)

1. The allegations set forth in paragraphs 1 and 4 through 12 of Count One of this Information are realleged and reincorporated as if set forth herein.

2. From in or about February 2010 through in or about December 2011, in the District of New Jersey, and elsewhere, defendant

BENNIE HAYNES

did knowingly and intentionally embezzle, steal, purloin, and convert to his own use and the use of others, money, and things of value of the United States, namely United States Treasury Checks in the approximate amount of \$415,786.81.

In violation of Title 18, United States Code, Section 641 and Section 2.

COUNT THREE

(Theft of Mail by a Postal Employee)

1. The allegations set forth in paragraphs 1 and 4 through 12 of Count One of this Information are realleged and reincorporated as if set forth herein.

2. From in or about February 2010 through in or around December 2011, in the District of New Jersey, and elsewhere, defendant

BENNIE HAYNES

did knowingly and intentionally embezzle any letter, postal card, package, bag, and mail, and any article or thing contained therein entrusted to him or which came into his possession intended to be conveyed by mail, and carried and delivered by any carrier, messenger, agent, or other person employed in any department of the Postal Service, or forwarded through or delivered from any post office or station thereof established by authority of the Postmaster General or of the Postal Service.

In violation of Title 18, United States Code, Section 1709.

### FORFEITURE ALLEGATION

1. The allegations contained in this Information are hereby realleged and incorporated by reference for the purpose of noticing forfeiture pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

2. The United States hereby gives notice to the defendant, that upon his conviction of the offense charged in this Information, the government will seek forfeiture in accordance with Title 18, United States Code, Sections 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), which requires any person convicted of such offense to forfeit any property constituting or derived from proceeds obtained directly or indirectly as a result of such offense.

3. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (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; it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of such defendant up to the value of the forfeitable property described in paragraph 2.

  
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PAUL J. FISHMAN  
United States Attorney

CASE NUMBER: \_\_\_\_\_

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**United States District Court  
District of New Jersey**

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**UNITED STATES OF AMERICA**

**v.**

**BENNIE HAYNES**

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**INFORMATION FOR**

18 U.S.C. §§ 371, 641, 1709, and 2

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**PAUL J. FISHMAN**

*UNITED STATES ATTORNEY, NEWARK, NEW JERSEY*

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MALA AHUJA HARKER  
ASSISTANT U.S. ATTORNEY  
NEWARK, NEW JERSEY  
(973) 645-2730

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