

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Criminal No. 13-
 :
 v. : 18 U.S.C. §§ 371 & 641
 :
 LUIS MARTINEZ : I N F O R M A T I O N

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. Natural born citizens of the Commonwealth of Puerto Rico are, upon birth, automatically granted United States citizenship.
 - b. Citizens of the Commonwealth of Puerto Rico are, upon application, issued Social Security numbers by the Social Security Administration.
 - c. 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 March 2011 through in or about September 2012, in the District of New Jersey, and elsewhere, defendant

LUIS MARTINEZ

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 \$753,040.78, contrary to Title 18, United States Code, Section 641.

Object of the Conspiracy

3. The object of the conspiracy was for defendant MARTINEZ 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 beginning at least as early as in or about March 2011, 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, once received, MARTINEZ and other members of the conspiracy would cash the Tax Refund Checks in a variety of ways, including at banks and check-cashing establishments.

8. It was further part of the conspiracy that MARTINEZ would deposit into a co-conspirator's bank account the proceeds from the cashed Tax Refund Checks, less his profit or share. The

co-conspirator then withdrew the proceeds from the cashed Tax Refund Checks and, in some instances, provided other co-conspirators with a portion of those proceeds.

Overt Acts

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

a. On or about March 12, 2012, a co-conspirator in Pennsylvania caused MARTINEZ to deposit or cash a Tax Refund Check for \$7,284.15 in a bank account in North Carolina (the "North Carolina Tax Refund Check"). The tax return associated with the North Carolina Tax Refund Check was filed using the identity of an individual with the initials "M.O.V." who purportedly resided in New Jersey.

b. On or about March 15, 2012, the co-conspirator in Pennsylvania caused MARTINEZ to deposit \$5,000 of the cash proceeds of the North Carolina Tax Refund Check in a bank account controlled by the co-conspirator in Pennsylvania.

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 9 of Count One of this Information are realleged and reincorporated as if set forth herein.

2. From in or about March 2011 through in or about September 2012, in the District of New Jersey, and elsewhere, the defendant

LUIS MARTINEZ

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 \$753,040.78.

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

FORFEITURE ALLEGATIONS

1. The allegations contained on Pages 1 through 5 of this Information are incorporated by reference as though set forth in full herein for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

2. Upon conviction of the offense in violation of Title 18, United States Code, Section 641, set forth on Page 6 of this Information, the defendant,

LUIS MARTINEZ,

shall forfeit to the United States the following property that has been previously seized:

(1) one 2008 Land Rover Range Rover Sport,
VIN # SALSH23438A184179, which was seized on or about September 17, 2012.

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



PAUL J. FISHMAN
United States Attorney

CASE NUMBER: _____

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

UNITED STATES OF AMERICA

v.

LUIS MARTINEZ

INFORMATION FOR

18 U.S.C. 371 and 641

PAUL J. FISHMAN

UNITED STATES ATTORNEY, NEWARK, NEW JERSEY

DANIELLE ALFONZO WALSMAN

ASSISTANT U.S. ATTORNEY

NEWARK, NEW JERSEY

(973) 645-2724
