

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. Joseph A. Dickson  
: :  
v. : Mag. No. 12-6699 (JAD)  
: :  
: **CRIMINAL COMPLAINT**  
MANUEL RODRIGUEZ :  
RIGOBERTO TORRES :

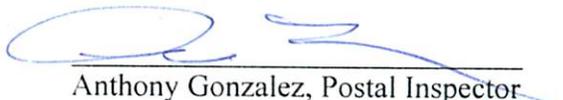
I, Anthony Gonzalez, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

**SEE ATTACHMENT A**

I further state that I am a Postal Inspector with the United States Postal Inspection Service, and that this complaint is based on the following facts:

**SEE ATTACHMENT B**

continued on the attached pages and made a part hereof.

  
Anthony Gonzalez, Postal Inspector  
United States Postal Inspection Service

Sworn to before me and subscribed in my presence,  
September 18, 2012 at Newark, New Jersey

HONORABLE JOSEPH A. DICKSON  
UNITED STATES MAGISTRATE JUDGE

  
Signature of Judicial Officer

ATTACHMENT A

From at least as early as in and around 2007 through in or around August 2012, in the District of New Jersey and elsewhere, defendants

MANUEL RODRIGUEZ  
and  
RIGOBERTO TORRES

did knowingly and intentionally conspire and agree with each other and with others to embezzle, steal, purloin, and knowingly convert to their use and the use of others, money of the United States, specifically United States Treasury checks, contrary to Title 18, United States Code, Section 641, in violation of Title 18, United States Code, Section 371.

**Counts Two through Five**  
**(Theft of Government Property)**

On or about the dates set forth below, defendants

MANUEL RODRIGUEZ  
and  
RIGOBERTO TORRES

did knowingly embezzle, steal, purloin, and knowingly convert to their use and the use of others, money of the United States, specifically United States Treasury checks, in violation of Title 18, United States Code, Sections 641 and 2, as follows:

<b>Count</b>	<b>Defendant</b>	<b>Approximate Date</b>	<b>Approximate Amount</b>
2	RODRIGUEZ	September 22, 2008	\$12,376
3	RODRIGUEZ	October 20, 2008	\$31,388
4	R. TORRES	June 1, 2011	\$7,279
5	R. TORRES	July 26, 2011	\$6,720

## ATTACHMENT B

I, Anthony Gonzalez, have been a Postal Inspector with the United States Postal Inspection Service for approximately seven years, and I have been personally involved in the investigation of this matter. The information contained in this Complaint is based on my personal knowledge and on information obtained from other sources, including: a) statements made or reported by various witnesses with knowledge of relevant facts; b) my review of publicly available information relating to the defendants; and c) my review of business records, bank records and other documents and evidence obtained through Court orders, subpoenas and other sources. Because this Complaint is being submitted for the limited purpose of establishing probable cause, it does not include every fact that I have learned during the course of the investigation. Where the content of documents and the actions, statements, and conversations of individuals are recounted herein, they are recounted in substance and in part.

1. At all times relevant to this Complaint:
  - a. The standard form used by United States citizens to file individual federal income tax returns was the Individual Income Tax Return Form 1040 ("Form 1040"). Taxpayers could file Form 1040s either in paper form or electronically.
  - b. For electronically-filed Form 1040s, the U.S. Treasury was capable of tracing the specific Internet Protocol ("IP") address<sup>1</sup> from which a particular Form 1040 was filed.
  - c. On a Form 1040, taxpayers were required to report, among other things, their wages, withholdings, and applicable tax credits. Based on the information reported in Form 1040s, the United States Treasury Department either required taxpayers to provide additional taxes or paid taxpayers with tax refunds.
  - d. The United States Treasury Department (the "U.S. Treasury") paid tax refunds in the form of checks, which were mailed to taxpayers (the "Tax Refund Treasury Checks") or electronically deposited into accounts designated by the taxpayers.

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<sup>1</sup> Typically, computers or devices on the Internet are referenced by a unique Internet Protocol address the same way every telephone has a unique telephone number. An IP address is a series of four numbers separated by a period, and each number is a whole number between 0 and 254. Each time an individual accesses the Internet, the computer from which that individual initiates access is assigned an IP address. A central authority provides each Internet Service Provider ("ISP") a limited block of IP addresses for use by that ISP's customers or subscribers. Most ISPs employ dynamic IP addressing, that is, they allocate any unused IP address at the time of initiation of an Internet session each time a customer or subscriber accesses the Internet. A dynamic IP address is reserved by an ISP to be shared among a group of computers over a period of time. The ISP logs the date, time, and duration of the Internet session for each IP address and can identify the user of that IP address for such a session from these records. Therefore, if a customer's ISP employs dynamic IP addressing, the customer's IP address can change over time, even though the customer remains the same and maintains the same account with the ISP.

- e. Stolen Identity Refund Fraud (“SIRF”) was a common type of fraud committed against the United States government that resulted in over \$2 billion in losses annually to the United States Treasury.<sup>2</sup>

### Background on SIRF

2. From my training and experience, I know that SIRF schemes are a significant and growing problem across the United States. SIRF schemes generally share a number of hallmarks:
  - a. First, SIRF perpetrators obtain personal identifying information, including Social Security Numbers and dates of birth, from unwitting individuals, who often reside in the Commonwealth of Puerto Rico.<sup>3</sup>
  - b. Second, SIRF participants complete Form 1040s using the fraudulently-obtained information, and falsifying wages earned, taxes withheld and other data (the “Fraudulent Form 1040s”). Perpetrators use data to make it appear that the “taxpayers” listed on the Fraudulent Form 1040s are entitled to tax refunds – when in fact, the various tax withholdings indicated on the Fraudulent Form 1040 taxes have not been paid by the listed “taxpayers,” and no refunds are due.
  - c. Third, SIRF perpetrators direct Tax Refund Treasury Checks generated by the Fraudulent Form 1040s to locations they control or can access, in various ways, including:
    - i. Listing addresses on Fraudulent Form 1040s that the perpetrators could access, and employing runners to remove Tax Refund Treasury Checks from mailboxes at those addresses;
    - ii. Enlisting corrupt mail carriers to divert Tax Refund Treasury Checks from the mail stream before delivery; and
    - iii. Designating refunds to be electronically deposited into bank accounts under their control.
  - d. Fourth, with Tax Refund Treasury Checks now in hand, SIRF perpetrators generate cash proceeds. Certain SIRF perpetrators sell Tax Refund Treasury Checks at a discount to face value. In turn, the buyers then cash the Tax Refund Treasury Checks, either themselves or using straw account holders, by cashing

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<sup>2</sup> SIRF is also targeted at state taxing authorities in much the same way. Fraudulent state tax returns are submitted in the names of individuals who are not the actual filers in order to obtain fraudulently issued state tax refunds based on false representations of wages and taxes withheld, among others.

<sup>3</sup> Puerto Rican citizens are issued Social Security numbers, but are not required to pay Federal income tax unless they derive income from United States-based companies or from the United States government. Therefore, Social Security numbers assigned to Puerto Ricans are a valuable commodity for perpetrators of SIRFs, because these Social Security numbers are normally not already associated with a Form 1040.

checks at banks or check cashing businesses, or by depositing checks into bank accounts. When cashing or depositing Tax Refund Treasury Checks, SIRF perpetrators often present false or fraudulent identification documents in the names of the “taxpayers” to whom the checks are payable.

3. The multiple steps in a SIRF scheme often require the participation of numerous individuals, who usually occupy specific and distinct roles in the scheme.

#### Summary of the Investigation

4. Federal law enforcement agencies, recognizing that SIRF was a serious problem, created a multi-agency task force in New Jersey led by investigators from the United States Postal Inspection Service and the Internal Revenue Service with support from the United States Secret Service, Homeland Security Investigations, and the Drug Enforcement Administration (the “New Jersey Task Force”).
5. An investigation led by the New Jersey Task Force has revealed that between at least as early as 2007 and the present, dozens of individuals in the New Jersey and New York area have been engaged in a large-scale, long running SIRF scheme (the “Scheme”). In total, the Scheme has caused more than 8,000 Fraudulent Form 1040s to be filed, seeking more than approximately \$65 million in tax refunds, with losses to the U.S. Treasury of more than approximately \$11.3 million.
6. The Scheme was carried out by JOSE TORRES, a/k/a “Jose Quilestorres” (“TORRES”), ROBERTO DIAZ, ELIAN MATLOVSKY, PORFIRIO PAREDES, ROSA MARMOL, LUIS MARTINEZ, ENNIO GUZMAN, ALEJANDRO JAVIER, ROBERT PINSKI, MICHAEL SENATORE, ROSARIO TERZULLI, MANUEL RODRIGUEZ, RIGOBERTO TORRES (“R. TORRES”) and others (collectively, the “Conspirators”).
7. Each Conspirator played a specific role in the Scheme. For example:
  - a. **Obtaining Personal Identifying Information from Puerto Rican Citizens:** TORRES, RODRIGUEZ, and others obtained personal identifiers, such as dates of birth and social security numbers, belonging to Puerto Rican citizens.
  - b. **Creating Fraudulent Form 1040s:** TORRES, RODRIGUEZ and others used those identifiers to create Fraudulent Form 1040s, which falsely reported wages purportedly earned by the “taxpayers” and taxes purportedly withheld, to create the appearance that the “taxpayers” were entitled to tax refunds. Of course, the amounts were fraudulent.
  - c. Moreover, the Fraudulent Form 1040s submitted by TORRES, RODRIGUEZ, and others listed the same employers and home addresses for numerous different “taxpayers.”

- d. **Filing the Fraudulent Form 1040s:** The Fraudulent Form 1040s made in furtherance of the Scheme were created and filed electronically. By tracing the specific IP addresses that submitted the electronically-filed Form 1040s, law enforcement officers learned that just a handful of IP addresses created many of the Fraudulent Form 1040s used in the Scheme. These Fraudulent Form 1040s in turn led to the issuance of Tax Refund Treasury Checks that the Conspirators obtained, sold, cashed, and spent.
- e. **Obtaining the Fraudulently-Issued Tax Refund Treasury Checks:** TORRES, RODRIGUEZ and others then gained control of Tax Refund Treasury Checks, in various ways, which followed the pattern of a classic SIRF scheme:
- i. Sometimes, Conspirators obtained Tax Refund Treasury Checks by bribing mail carriers to intercept checks and deliver them to other Conspirators. One such mail carrier, BENNIE HAYNES, who delivered mail along a route in Somerset, New Jersey, has previously been charged. In exchange for cash payments, HAYNES gave Tax Refund Treasury Checks to Conspirators. These Conspirators gave the checks to TORRES and others. In turn, TORRES then sold these checks to yet other Conspirators. Tax Refund Treasury Checks mailed to addresses along HAYNES's mail route in Somerset, New Jersey were deposited into accounts controlled by DIAZ, MATLOVSKY, RODRIGUEZ and R. TORRES.
  - ii. TORRES and others also purchased "mail routes," that is, lists of addresses covered by a single mail carrier, from other Conspirators, including DIAZ. Again, once the mail route was purchased, TORRES and others applied for Tax Refund Treasury Checks, inserted addresses along the mail route as the purported home addresses of the "taxpayers," and obtained the Tax Refund Treasury Checks sent to the addresses.
  - iii. In other instances, the Conspirators applied for checks using addresses otherwise controlled by, or accessible by, certain Conspirators, and collected the checks after they were delivered to those addresses. For example, during the course of the Scheme, hundreds of Tax Refund Treasury Checks were mailed to just a few different addresses in a few different towns, including Nutley, Somerset and Newark, New Jersey, and Shirley, New York.
- f. **Selling the Tax Refund Treasury Checks to Other Conspirators:** TORRES and others then sold Tax Refund Treasury Checks to DIAZ, PAREDES, JAVIER, RODRIGUEZ, and others.
- g. **Depositing and Cashing the Tax Refund Treasury Checks:** After buying the Tax Refund Treasury Checks from TORRES and others, DIAZ, PAREDES,

JAVIER, RODRIGUEZ, and others deposited and cashed the checks. Again, the Conspirators used several methods:

- i. They induced third parties (the “Straw Account Holders”), including MATLOVSKY and GUZMAN, to open bank accounts at various banks in New Jersey and elsewhere. Once the Tax Refund Treasury Checks were deposited into the Straw Account Holders’ accounts or accounts controlled by Conspirators, DIAZ, MATLOVSKY, GUZMAN PAREDES, JAVIER, PINSKI, RODRIGUEZ, R. TORRES, MARMOL, MARTINEZ and others caused proceeds of the fraud to be withdrawn, and spent those funds or transferred a portion of the funds to other Conspirators.
- ii. RODRIGUEZ, PAREDES, SENATORE, PINSKI, JAVIER, TERZULLI and others also obtained proceeds from Tax Refund Treasury Checks by causing checks to be cashed at check cashing institutions, and then causing the proceeds to be deposited into bank accounts controlled by Conspirators.
- iii. They bought, or tried to buy, check cashing businesses, so that they would have more stable venues for cashing Tax Refund Treasury Checks. TORRES, DIAZ, and GUZMAN, among others, discussed purchasing a check cashing business to further the Scheme.

#### Making Connections Between Conspirators – the Scope of the Scheme

8. As set forth above, each Conspirator played a particular role in the Scheme. Not every Conspirator engaged with every other Conspirator, and so certain Conspirators are charged in separate complaints. But computer analysis, along with statements from cooperating witnesses, intercepted communications, consensually-recorded meetings, surveillance, subpoenaed records, and other investigative techniques, have revealed the web of connections between and among the Conspirators.
9. As just a couple of examples, law enforcement has identified specific IP addresses linked to TORRES (who is charged by separate Complaint), which were used to file thousands of Fraudulent Form 1040s.
10. One IP address linked to TORRES was discovered after law enforcement officers introduced a confidential informant (“CI-1”) to DIAZ. Law enforcement officers provided CI-1 with a mail route for addresses in Cliffside Park, New Jersey (the “Cliffside Park Mail Route”). In or around June 2011, CI-1 gave DIAZ the Cliffside Park Mail Route. CI-1 told DIAZ that the mail carrier for the Cliffside Park Mail Route was complicit in the scheme, and would remove Tax Refund Treasury Checks from the mail stream for the Conspirators.

11. Shortly thereafter, DIAZ provided the Cliffside Park Mail Route to TORRES. Subsequently, dozens of Fraudulent Form 1040s were created from a single IP address, using addresses along the Cliffside Park Mail Route (“IP Address 1”).
12. Law enforcement officers then analyzed IP Address 1, and discovered that IP Address 1 had created a total of approximately 2,033 Fraudulent Form 1040s, all bearing Puerto Rican names. Moreover, other Conspirators, including DIAZ, MATLOVSKY, GUZMAN, PAREDES, and R. TORRES, had deposited or caused to be deposited Tax Refund Treasury Checks, which had been issued based on Fraudulent Form 1040s filed from IP Address 1, in furtherance of the Scheme.
13. On or about August 19, 2011, DIAZ caused a Tax Refund Treasury Check he obtained from TORRES to be deposited into an account MATLOVSKY controlled. The IP address that filed the Fraudulent Form 1040 for this check (“IP Address 2”) was also associated with the filing of approximately 1,648 Fraudulent Form 1040s. Moreover, PAREDES and R. TORRES, too, deposited or caused to be deposited Tax Refund Treasury Checks that resulted from Fraudulent Form 1040s filed from IP Address 2.
14. In total, Tax Refund Treasury Checks resulting from Fraudulent Form 1040s filed utilizing the IP addresses linked to TORRES were deposited by DIAZ, MATLOVSKY, GUZMAN, R. TORRES, and PAREDES, among others.
15. Consensually recorded conversations further linked the Conspirators together. During recorded conversations with a Cooperating Witness (“CW-1”), TORRES referred to PINSKI and JAVIER, and stated that he believed PINSKI and JAVIER had been arrested and/or were under investigation for engaging in the Scheme.
16. In addition, intercepted communications laid bare yet other connections between Conspirators. Law enforcement officers maintained a Court-authorized wiretap on PINSKI’s cellular telephone for approximately three months in or around 2012. During conversations intercepted through this wiretap, PINSKI, JAVIER, and SENATORE engaged in dozens of conversations relating to the Scheme, and discussed, in granular detail, the specifics of SIRFs, and of the Scheme in particular.

Law Enforcement Officers Intercept More than \$22 Million in Tax Refund Treasury Checks, Mitigating the Harm Caused by the Scheme

17. During the course of the investigation, members of the New Jersey Task Force identified certain “hot spots” of activity related to the Scheme – that is, Conspirators were directing millions of dollars worth of Tax Refund Treasury Checks to just a few towns and cities in and around New Jersey. New Jersey Task Force members then interacted with United States Postal Service employees in these hot spots, and identified the characteristics of Tax Refund Treasury Checks connected to the Scheme. As a result of these efforts, more than \$22 million in fraudulently-applied for Tax Refund Treasury Checks that had been issued by the U.S. Treasury were not delivered to the Conspirators or others, but rather were interdicted by law enforcement officers.

## Certain Conspirators Engage in Lavish Personal Spending with Stolen Public Money

18. Several of the Conspirators used the proceeds of the fraud to enjoy a lavish lifestyle. As just one example, DIAZ, who purportedly worked in the grocery business, resided in a house worth over \$1.6 million, and paid over \$13,000 per month – from accounts associated with the fraud – in mortgage payments on this house; he gambled over \$250,000 at casinos in New Jersey and elsewhere; he purchased two Mercedes-Benz automobiles; and he took high-end vacations to Miami and elsewhere, spending thousands of dollars a night on luxury hotels.
19. As another example, MATLOVSKY, who was a school teacher, charged approximately \$123,000 on a single credit card in just one year, including such charges as:
  - a. Tens of thousands of dollars in hotel and airfare for numerous luxury vacations to Cancun, Miami Beach, Panama City, Atlantic City, Fort Lauderdale, Puerto Rico, the Dominican Republic, Israel, and elsewhere;
  - b. Over \$4,000 in shopping on a single day;
  - c. Restaurant tabs of over \$1,300 for a single meal; and
  - d. Tens of thousands of dollars in high-end furniture.

## The Roles of the Defendants

20. RODRIGUEZ resided in or around New Brunswick, New Jersey, and previously owned a retail furniture business. R. TORRES resided in or around New Brunswick, New Jersey, and owned a trucking company.

## RODRIGUEZ

21. From in or around October 2007 to in and around October 2010, RODRIGUEZ caused to be deposited into bank accounts he controlled more than \$3.9 million in Tax Refund Treasury Checks, and more than \$500,000 in State Tax Refund Checks, many of which he obtained from or through TORRES.
  - a. As just two examples, on or about September 22, 2008, RODRIGUEZ caused approximately two Tax Refund Treasury Checks, totaling approximately \$12,376, to be deposited into an account in the name of “International Furniture Gallery, Corp.,” which RODRIGUEZ controlled; and on or about October 20, 2008, RODRIGUEZ caused approximately 12 Tax Refund Treasury Checks, totaling approximately \$31,388, to be deposited into an account in the name of “International Furniture Gallery, Corp.,” which RODRIGUEZ controlled.

22. In addition to depositing approximately 1204 Tax Refund Treasury Checks into bank accounts he controlled, RODRIGUEZ also prepared fraudulent tax filings, including Fraudulent Form 1040s, which resulted in the direct deposit of tax refunds into accounts over which he exercised control. Specifically, RODRIGUEZ caused fraudulently obtained federal tax refunds totaling approximately \$118,000, and \$11,778 in fraudulently obtained state tax refunds, to be deposited directly into accounts under his control.
23. RODRIGUEZ utilized approximately 50 bank accounts at approximately 6 different financial institutions to deposit Tax Refund Treasury Checks and State Tax Refund Checks, and to receive electronic deposits of tax refunds resulting from fraudulent tax returns that he filed electronically. From those accounts, RODRIGUEZ withdrew proceeds as cash, some of which he provided to TORRES and other Conspirators.
24. Approximately four of the accounts RODRIGUEZ utilized were individual checking accounts in his own name, which were used for both legitimate and fraudulent activity. Into these approximately four accounts, RODRIGUEZ deposited approximately \$339,094 in fraudulent tax refunds.
25. Approximately five of the accounts RODRIGUEZ utilized were business accounts. Approximately two accounts were maintained in the name of RODRIGUEZ's business, International Furniture Gallery, which were used for both legitimate and fraudulent activity. Another approximately three business accounts were opened by RODRIGUEZ using his own identity, but which were never used for legitimate activity. Rather, these accounts were used by RODRIGUEZ solely to deposit and process fraudulently-obtained Tax Refund Treasury Checks and State Tax Refund Checks.
26. Approximately 41 of the accounts maintained by RODRIGUEZ were individual checking accounts opened at Bank of America in the names of third parties, and over which RODRIGUEZ exercised control (the "RODRIGUEZ Third Party Accounts"). RODRIGUEZ established these accounts without the knowledge or authorization of the third parties in whose names the accounts were opened.

**Accounts controlled by RODRIGUEZ**

<b>Financial Institution</b>	<b>Account Name</b>	<b>Appx. Total Refunds</b>
Chase	Manuel Rodriguez	\$ 124,745.02
Bank of America	Manuel Rodriguez	\$ 37,065.23
Wachovia	Manuel Rodriguez	\$ 4,525.00
Valley National	Manuel Rodriguez	\$ 688.25
New Millennium	Int'l Furniture Gallery, Corp.	\$ 265,854.40
PNC	Int'l Furniture Gallery, Corp.	\$ 51,225.45
PNC	Int'l Meat & Vegetable Corp.	\$ 72,561.75
Bank of America	WJ and K Express Corp.	\$ 53,630.29
Valley National	American Discount	\$ 2,700.82
Bank of America	Approximately 41 Accounts in the Names of Third Parties	\$ 3,328,730.35
	<b>Total:</b>	<b>\$ 3,941,726.56</b>

27. For approximately 34 of the approximately 41 RODRIGUEZ Third Party Accounts, the initial deposit into the account was a Tax Refund Treasury Check, for which the payee matched the name of the third party account holder. Subsequent deposits were made into the accounts by RODRIGUEZ, or other Conspirators, acting at his direction. In one of the RODRIGUEZ Third Party Accounts, held in the name of an individual with the initials J.P., RODRIGUEZ deposited or caused to be deposited at least one Tax Refund Treasury Check addressed to an address in Somerset, New Jersey along the mail route of BENNY HAYNES, who, as noted above, was a mail carrier previously charged for intercepting fraudulently obtained refund checks in exchange for bribes.
28. The approximately 41 RODRIGUEZ Third Party Accounts were opened by a select few bank employees. Approximately 20 RODRIGUEZ Third Party Accounts were opened at the direction of RODRIGUEZ by a Bank of America employee, E.V. An additional approximately 11 RODRIGUEZ Third Party Accounts third party accounts were opened at the direction of RODRIGUEZ by another Bank of America employee, Z.C.
29. Another Bank of America employee, K.O., opened at least two RODRIGUEZ Third Party Accounts, and also assisted RODRIGUEZ, or those acting at his direction, in processing deposits of Tax Refund Treasury Checks into the RODRIGUEZ Third Party Accounts, as well as withdrawals of cash from those accounts. RODRIGUEZ processed more than \$1.5 million in transactions involving Tax Refund Treasury Checks and State Tax Refund Checks with the assistance of K.O.
30. In opening the RODRIGUEZ Third Party Accounts, RODRIGUEZ presented false identification documents and information in the name of the account holders to bank employees, including driver's licenses, state identification cards, foreign identification cards, as well as handwritten passport numbers and addresses.

31. For their assistance in opening RODRIGUEZ Third Party Accounts and processing transactions involving Tax Refund Treasury Checks, RODRIGUEZ offered cash payments and discounts at his furniture store to bank employees.
32. RODRIGUEZ attempted to create the appearance of legitimate activity in the bank accounts he utilized to process fraudulently obtained Tax Refund Treasury Checks and State Tax Refund Checks. For example:
  - a. RODRIGUEZ wrote "buffering" checks to transfer proceeds between and among the accounts he controlled. "Buffering" refers to a technique whereby checks for small amounts were included among deposits of Tax Refund Treasury Checks, to aid in disguising the fraudulent deposits by making them appear part of a legitimate series of deposits. From my training and experience, I know that criminals use such buffering checks to avoid detection of fraudulent schemes by bank employees who process the deposits. This "buffering" practice was observed in many of the deposits involving Tax Refund Treasury Checks in the accounts detailed.
  - b. RODRIGUEZ also wrote checks drawn on accounts under his control to provide cash to Conspirators and to create the appearance of legitimate transaction activity. In particular, RODRIGUEZ wrote checks from third party accounts as well as the American Discount account to a company owned by R. TORRES.
  - c. RODRIGUEZ also wrote checks drawn on accounts under his control payable to fictitious payees, or payees whose identities had been stolen – in effect written payable to RODRIGUEZ. RODRIGUEZ, or Conspirators acting at his direction, then cashed such checks at various check cashing businesses in New Brunswick, New Jersey.

**R. TORRES**

33. During the conspiracy, R. TORRES cashed Tax Refund Treasury Check and/or State Tax Refund Checks at the direction of RODRIGUEZ.
34. Also during the conspiracy, R. TORRES maintained three accounts at Chase, held in his own name, that of his wife and a shell company, Brunswick Cargo Express, into which he deposited 124 Tax Refund Treasury Checks, totaling approximately \$779,324, and 5 State Tax Refund Checks totaling approximately \$7,000.

<b>Accounts controlled by R. TORRES</b>			
<b>Financial Institution</b>	<b>Account Name</b>	<b>Appx. No. of Checks</b>	<b>Appx. Total Refunds</b>
Chase	Rigoberto Torres		\$290,297.68
Chase	S.T. (wife)		\$ 334,018.14
Chase	Brunswick Cargo Express		<u>\$ 155,008.47</u>
<b>Total:</b>			<b>\$ 779,324.29</b>

35. R. TORRES wrote checks drawn on accounts under his control to provide cash to Conspirators and to create the appearance of legitimate transaction activity. In particular, R. TORRES wrote checks from his legitimate business account payable to American Discount in order to “buffer” transactions in accounts maintained by RODRIGUEZ. Similarly, R. TORRES wrote checks made payable to at least one of the individuals in whose name RODRIGUEZ had opened a third party account.
36. R. TORRES deposited or caused to be deposited into his wife’s account several Tax Refund Treasury Checks addressed to addresses in Somerset, New Jersey along the mail route of BENNY HAYNES, the mail carrier previously described.
37. In addition, R. TORRES deposited numerous Tax Refund Treasury Checks connected to TORRES.
  - a. For example, R. TORRES deposited at least three Tax Refund Treasury Checks into accounts under his control, which resulted from tax filings made from IP Address 1. As one example of these, on or about July 26, 2011, R. TORRES deposited into his Chase account a Tax Refund Treasury Check payable to “Damien Diaz Ramos,” in the approximate amount of \$6,720, which resulted from a Fraudulent Form 1040 filed from IP Address 1.
  - b. R. TORRES also deposited or caused to be deposited approximately four Tax Refund Treasury Checks into accounts under his control, which resulted from tax filings made from IP Address 2. In particular, on or about June 1, 2011, R. Torres deposited or caused to be deposited into his wife’s Chase account a Tax Refund Treasury Check payable to “Lilia Mauras Mendoza,” in the approximate amount of \$7,279 which resulted from a Fraudulent Form 1040 filed from IP Address 2

## FORFEITURE ALLEGATIONS

1. The allegations contained in paragraphs 1 through 37 of this Complaint are hereby realleged and incorporated by reference for the purpose of noticing forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).
2. The United States hereby gives notice to the defendants that, upon conviction of the offenses charged in this Complaint, the government will seek forfeiture, in accordance with Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), of any and all property, real or personal, which constitutes or is derived from proceeds obtained directly or indirectly traceable to such offenses, including but not limited to a sum of money equal to at least \$4,721,050.85, for which the defendants are jointly and severally liable.
3. If by any act a result of any act or omission of the defendants, any of the property subject to forfeiture described in paragraph 2 herein:
  - 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 defendants up to the value of the forfeitable property described in paragraph 2.