

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Criminal No. 14-
 :
 v. : 18 U.S.C. §§ 371, 641 & 2
 :
 ALEJANDRO JAVIER : 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:

COUNT ONE
(Conspiracy)

Background

1. At various times relevant to this Information:
 - a. Natural born citizens of the Commonwealth of Puerto Rico were, upon birth, automatically granted United States citizenship.
 - b. Citizens of the Commonwealth of Puerto Rico were, upon application, issued Social Security numbers by the Social Security Administration.
 - c. Citizens of the Commonwealth of Puerto Rico who reside in Puerto Rico were not required to file tax returns with the Internal Revenue Service ("IRS") as long as all of the Puerto Rico residents' income was derived from sources in Puerto Rico.

The Conspiracy

2. From in or about March 2012 through in or about September

2012, in the District of New Jersey, and elsewhere, defendant

ALEJANDRO JAVIER

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 \$1,379,464.09, contrary to Title 18, United States Code, Section 641.

Object of the Conspiracy

3. The object of the conspiracy was for defendant JAVIER 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 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 2012, members of the conspiracy obtained the personally identifiable information, including the names and social security numbers, of certain individuals. Members of the conspiracy obtained, among other things, 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 false and fraudulent U.S. Individual Income Tax Returns, using the identity information of others, including Puerto Rican

citizens, and seeking 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 (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, defendant JAVIER and other members of the conspiracy would cash the Tax Refund Checks in a variety of ways, including at banks and check-cashing establishments.

Overt Acts

8. In furtherance of the conspiracy and to effect its unlawful object, defendant JAVIER 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 30, 2012, defendant JAVIER caused a co-conspirator to cash two Tax Refund Checks in the amounts of approximately \$7,004 and \$8,133 through a check cashing business in New Jersey. The tax

returns associated with these two Tax Refund Checks were filed using the identities of two individuals with the initials "TMRT" and "JAR," both of whom purportedly resided in the State of New York.

b. On or about March 30, 2012, defendant JAVIER received approximately 60% of the funds, or approximately \$9,082, from a co-conspirator for cashing the two Tax Refund Checks mentioned in paragraph 8(a) above.

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

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

ALEJANDRO JAVIER

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 \$1,379,464.09.

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

FORFEITURE ALLEGATION

1. The allegations contained in Counts One and Two 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 offenses charged in Counts One and Two of this Information, the defendant,

ALEJANDRO JAVIER,

shall forfeit to the United States a sum of money equal to at least \$1,379,464.09 in United States currency, for which defendants ALEJANDRO JAVIER, DAVID PINSKI, MICHAEL SENATORE and ROSARIO TERZULLI are jointly and severally liable.

3. If by any act or omission of defendant JAVIER any of the property subject to forfeiture 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 subdivided 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 defendant JAVIER up to the value of the property described above in paragraph 2 above, 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

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District of New Jersey**

UNITED STATES OF AMERICA

v.

ALEJANDRO JAVIER

INFORMATION FOR

18 U.S.C. §§ 371, 641 and 2

PAUL J. FISHMAN

U.S. ATTORNEY

LAKSHMI SRINIVASAN HERMAN

ASSISTANT U.S. ATTORNEY

NEWARK, NEW JERSEY

(973) 645-2700
