

ORIGINAL

JUDGE SCHEINDLIN

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
:
UNITED STATES OF AMERICA :
:
-v.- :
:
MAGDALENA VILLALOBOS, :
a/k/a "Malena," :
:
Defendant. :
-----x

INDICTMENT

13 Cr **13 CRIM993**

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: **DEC 19 2013**

COUNT ONE

The Grand Jury Charges:

1. From at least in or about July 2006, up to and including at least in or about September 2013, in the Southern District of New York and elsewhere, MAGDALENA VILLALOBOS, a/k/a "Malena," the defendant, and others known and unknown, willfully and knowingly did combine, conspire, confederate and agree together and with each other to commit offenses against the United States, to wit, to violate Title 18, United States Code, Section 641.

2. It was a part and an object of the conspiracy that VILLALOBOS, the defendant, and others known and unknown, would and did embezzle, steal, purloin and knowingly convert to their own use and the use of others money and things of value of the United States and a department and agency thereof, to wit, unemployment benefit payments administered by the Department of Labor pursuant to the Social Security Act of 1935, 42 U.S.C. §§ 501, et seq., which benefits exceeded \$1,000, and would and did receive, conceal, and retain the

same with intent to convert it to their use and gain, knowing it to have been embezzled, stolen, purloined, and converted.

Overt Act

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt act, among others, was committed in the Southern District of New York and elsewhere:

a. On or about September 4, 2013, MAGDALENA VILLALOBOS, a/k/a "Malena," the defendant, placed a telephone call to the New York Department of Labor ("NYDOL"), located in Manhattan, New York, in order to certify the eligibility of another individual for receipt of unemployment benefits and with the purpose of fraudulently inducing the NYDOL to issue such benefits to that individual.

(Title 18, United States Code, Section 371.)

FORFEITURE ALLEGATION

4. As a result of committing the offense charged in Count One of this Indictment, MAGDALENA VILLALOBOS, a/k/a "Malena," the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any and all property, real or personal, constituting or derived from any proceeds traceable to the commission of the offense.

Substitute Assets Provision

5. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendants:

a. cannot be located upon the exercise of due diligence;

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 subdivided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C), Title 21, United States Code, Section 853(p), and Title 28, United States Code, Section 2461(c),

to seek forfeiture of any other property of the defendant up to the value of the forfeitable property.

(Title 18, United States Code, Section 981(a)(1)(C), Title 21, United States Code, Section 853(p), Title 28, United States Code, Section 2461(c).)



FOREPERSON



PREET BHARARA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

MAGDALENA VILLALOBOS,
a/k/a "Malena,"

Defendant.

INDICTMENT

13 Cr.

(18 U.S.C. § 371.)

PREET BHARARA

United States Attorney.

A TRUE BILL


Foreperson.

12/19/13 FILED INDICTMENT CASE ASSIGNED TO JUDGE SCHEINMAN
COTT, USMJ