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FILED

AUG 27 2015

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY [Signature]
DEPUTY CLERK

Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

SYLVIA OCHOA and
SHANNE LEAVELL,

Defendants.

CASE NO. 1:15 CR 00234 AWI/BAM

VIOLATIONS: 18 USC 1349 – Conspiracy to
Commit Bank Fraud; 18 U.S.C. § 1344 – Bank Fraud
(Four Counts); 18 U.S.C. § 656 - Embezzlement by
Bank Employee; and 18 U.S.C. §§ 981(a)(1)(C),
982(a)(2)(B), 982(a)(6), 982(a)(6)(A)(i),
982(a)(6)(A)(ii), 1029(c)(2), and 28 U.S.C. § 2461 -
Criminal Forfeiture

INDICTMENT

COUNT ONE: [18 U.S.C. § 1349 – Conspiracy to Commit Bank Fraud]

The Grand Jury charges:

SYLVIA OCHOA and
SHANNE LEAVELL,

defendants herein, as follows:

I. PARTIES, PERSONS, AND ENTITIES

At all times relevant to this Indictment:

1. Defendant Sylvia OCHOA was a resident of Fresno County, California, in the State and Eastern District of California. She was an employee of Bank of America from 2005 through, at least October 4, 2013. In 2009, she was promoted to Banking Center Manager III and remained, at all times

relevant to this indictment, a manager of the Bank of America branch located at 4445 E. Tulare Street in Fresno, California ("Tulare Branch").

2. Defendant Shanne LEAVELL was a resident of Fresno County, California, in the State and Eastern District of California.

3. Bank of America is a multinational banking and financial services corporation headquartered in Charlotte, North Carolina. Bank of America is federally-insured by the Federal Deposit Insurance Corporation (FDIC).

4. The Bank of America Tulare Branch required two bank employees (typically one manager and one teller) to balance the bank vault and automatic teller machine (ATM) at the Tulare Branch at the close of business each day. Each employee was responsible for counting and verifying the cash on hand in the vault and ATM at the end of each day and to record the amounts daily on an end of day balance sheet (EOD). The totals for the bank vault and ATM were then required to be entered into the Bank of America computer system using the data from the daily EOD.

II. CONSPIRACY

5. Beginning at a time unknown to the Grand Jury, but no later than in or around March 2013, and continuing through on or about October 4, 2013 in the State and Eastern District of California, defendants SYLVIA OCHOA and SHANNE LEAVELL did knowingly conspire, combine, and confederate with each other, and with others unknown to the Grand Jury, to defraud a financial institution, and to obtain moneys, funds, assets, and other property under the custody and control of a financial institution, by means of materially false and fraudulent pretenses, representations, and promises, in violation of Title 18, United States Code, Section 1344.

III. MANNER AND MEANS OF CONSPIRACY

6. The defendants conspired to defraud Bank of America and to obtain moneys, credits, and funds from Bank of America by the following manner, means and acts:

7. In furtherance of the conspiracy, defendant OCHOA prohibited and prevented other bank employees from counting the cash in the vault and ATM at the Tulare Branch. OCHOA either told employees what amounts were to be written down on the EOD, or she would complete the EOD herself without obtaining a signature from the other custodian. Defendant OCHOA also prevented others from

1 having access to the vault. OCHOA then made false statements in the EOD and in the Bank of America
2 system related to how much cash was in the bank vault. For example, on October 2, 2013, OCHOA
3 initialed an EOD in which she confirmed that there was approximately \$700,000 in cash in the bank
4 vault. When the vault was audited on October 4, 2013, however, auditors found only approximately
5 \$70,000 in cash in the vault at the Tulare Branch.

6 8. On multiple occasions during the relevant time period, defendant OCHOA entered the
7 bank vault after the Tulare Branch was closed and the other employees had left, and removed cash.
8 Defendants OCHOA and LEAVELL then used the cash OCHOA removed from the vault to purchase
9 personal items, including a GMC Sierra Denali truck for \$24,000 and tires for the truck for \$2,051.73
10 OCHOA maintained a secondary Bank of America checking account. Although no direct deposits from
11 her employer were made into that account, OCHOA made regular cash deposits into this account during
12 the time of the conspiracy at various ATMs in Fresno County.

13 9. OCHOA made fraudulent counter credits and transfers into accounts over which she had
14 control at Bank of America. Counter credits indicated that money was deposited at the teller station.
15 OCHOA either entered counter credits or directed tellers at the Tulare Branch to make counter credits
16 into these accounts despite that fact that no cash or credits were deposited into the account.

17 10. In furtherance of the conspiracy, in March 2013, defendant OCHOA directed the opening
18 of accounts in the name of defendant LEAVELL at the Tulare Branch where she was a manager,
19 including checking account ending 5439 and savings account ending 7161. Between March 2013 and
20 October 2013, OCHOA deposited or transferred counter credits of at least \$69,210 into LEAVELL's
21 accounts at the Tulare Branch. Defendant OCHOA also opened account ending 6561 at the Tulare
22 Branch in the name of J.M., over which OCHOA had custody and control. In furtherance of the
23 conspiracy, defendant OCHOA made counter credit deposits into account ending 6561 at the Tulare
24 Branch without the accountholder's knowledge. In furtherance of the conspiracy, OCHOA deposited
25 counter credit into these accounts, transferred credits from J.M.'s account to LEAVELL's accounts, and
26 directed others at the Tulare Branch to deposit counter credits into LEAVELL's accounts.

27 11. In furtherance of the conspiracy, defendant OCHOA also removed cash from at least one
28 cash can. A cash can is assigned to bank tellers and contains cash belonging to Bank of America that

1 the teller uses to transact bank business during each business day. Teller cash cans are balanced daily
2 and locked in the vault at night. Although cash cans are not assigned to personal bankers typically,
3 OCHOA assigned a teller cash can to a personal banker, C.R., in or around June 2013. Defendant
4 OCHOA then stole approximately \$41,000 from the cash can assigned to C.R. between June 2013 and
5 October 4, 2013.

6 12. LEAVELL and OCHOA used proceeds of the conspiracy to pay for personal expenses,
7 including travel, designer handbags, jewelry, and clothing. For example, on June 20, 2013, OCHOA
8 credited LEAVELL's account with \$2,500 in counter credits. The same day, LEAVELL charged
9 \$2,537.00 from that account at a Louis Vuitton store. OCHOA and LEAVELL also spent proceeds of
10 the conspiracy to gamble. On September 27, 2013, OCHOA transferred \$9,000 in counter credits to
11 LEAVELL's account ending 5439. On the same day, the defendants spent these proceeds of the
12 conspiracy at Table Mountain Casino.

13 All in violation of Title 18, United States Code, Section 1349.

14 COUNTS TWO through FIVE: [18 U.S.C. § 1344 – Bank Fraud]

15 The grand jury further charges the defendants identified below as follows:

16 13. The grand jury realleges and incorporates by reference the allegations in paragraphs 1-4
17 and 6 through 12 of this indictment.

18 14. Beginning at a time unknown, but not later than on or about March 2013 and continuing
19 through on or about October 4, 2013, in the State and Eastern District of California, with the intent to
20 defraud, knowingly executed and attempted to execute a scheme and artifice to defraud a federally
21 insured financial institution, and to obtain moneys funds, credits, assets, and other property from the
22 custody and control of such financial institution, to wit, Bank of America, by means of materially false
23 and fraudulent pretenses, representations, and promises, in violation of Title 18, United States Code,
24 Section 1344.

25 15. On or about the dates listed below, within the State and Eastern District of California, for
26 the purpose of executing and attempting to execute the material scheme and artifice to defraud as set
27 forth above, the defendants identified below caused the commission of the following acts:

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COUNT	DATE	DESCRIPTION	AMOUNT	Defendant
2	September 24, 2013	Transfer into account ending 6561 from account ending 5439	\$6,619.98	SYLVIA OCHOA
3	May 29, 2013	Deposit/counter credit into account ending 7161	\$9,960	SYLVIA OCHOA
4	June 24, 2013	Debit to account ending 5439 at Louis Vuitton store	\$2,537.00	SYLVIA OCHOA SHANNE LEAVELL
5	September 27, 2013	Deposit/counter credit into account ending 5439	\$9,000	SYLVIA OCHOA SHANNE LEAVELL

All in violation of Title 18, United States Code, Section 1344.

COUNT SIX:

[18 U.S.C. § 656 - Embezzlement by Bank Employee]

The Grand Jury further charges:

SYLVIA OCHOA,

defendant herein, as follows:

16. The grand jury realleges and incorporates by reference the allegations in paragraphs 1-4 and 6 through 12 of this indictment.

17. Beginning at a time unknown, but not later than on or about March 2013 and continuing through on or about October 4, 2013, in the State and Eastern District of California, defendant OCHOA, an being an employee of Bank of America, a bank whose deposits were insured by the Federal Deposit Insurance Corporation, willfully misapplied, embezzled, and purloined moneys, funds, assets, or credits of Bank of America, and moneys, funds, assets and securities entrusted to the custody or care of Bank of America, to wit, over \$600,000, with the intent to injure and defraud Bank of America, in violation of Title 18, United States Code, Section 656.

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FORFEITURE ALLEGATION: [18 U.S.C. §§ 981(a)(1)(C), 982(a)(2)(B), 982(a)(6), 982(a)(6)(A)(i), 982(a)(6)(A)(ii), 1029(b), and 28 U.S.C. § 2461 - Criminal Forfeiture]

The Grand Jury further alleges that:

18. The allegations set forth in the above Indictment are incorporated by reference as though fully set forth herein for the purpose of alleging forfeiture pursuant to 18 U.S.C. §§ 981(a)(1)(C), 982(a)(2)(B), 982(a)(6), 982(a)(6)(A)(i), 982(a)(6)(A)(ii) and 28 U.S.C. § 2461.

19. Pursuant to one or more of the following: 18 U.S.C. §§ 981(a)(1)(C), 982(a)(2)(B), 982(a)(6)(A)(ii), and 28 U.S.C. § 2461, and upon conviction for any of the offenses alleged in this Indictment, the defendant shall forfeit to the United States any property, real or personal, which constitutes or is derived from proceeds of the criminal conduct, and/or scheme, and/or conspiracy, alleged in this Indictment, or any property traceable to such property.

20. Pursuant to one or more of the following: 18 U.S.C. §§ 982(a)(6), 982(a)(6)(A)(i), 982(a)(6)(A)(ii), 1028(b), and 28 U.S.C. § 2461, and upon conviction of one or more of the offenses alleged in this Indictment, the defendant shall forfeit to the United States any property, real or personal, that constitutes, or is derived from, or is traceable to the proceeds obtained directly or indirectly from the commission of the criminal conduct alleged in this Indictment, and/or that is used or is intended to be used to facilitate, or is used or intended to be used commit the criminal conduct alleged in this Indictment, or is involved in or intended to be involved in the criminal conduct alleged in this Indictment, or any property traceable to such property.

21. Pursuant to 18 U.S.C. §§ 981(a)(1)(C), 982(a)(2)(B), 982(a)(6), 982(a)(6)(A)(i), 982(a)(6)(A)(ii), 1028(b), and 28 U.S.C. § 2461, if any property subject to forfeiture, as a result of any act or omission of defendants or agents of defendants or upon direction by the defendants:

- 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

1 e. has been commingled with other property which cannot be
2 divided without difficulty,
3 the United States of America shall be entitled to forfeiture of any other property of the defendants, up to
4 the value of the property subject to forfeiture, including but not limited to a personal forfeiture money
5 judgment, Title 18, United States Code, Section 982(b)(1).

6 A TRUE BILL.

7
8 **/s/ Signature on file w/AUSA**

9 **Mark E. Cullers**
10 **FOREPERSON**

11 **MARK E. CULLERS**
12 Assistant United States Attorney,
13 Chief, Fresno Office
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No. _____

UNITED STATES DISTRICT COURT

Eastern District of California

Criminal Division

THE UNITED STATES OF AMERICA

vs.

**SYLVIA OCHOA
SHANNE LEAVELL**

1:15 CR 00234 AWI BAM

INDICTMENT

VIOLATION(S):

18 U.S.C. § 1349- Conspiracy to Commit Bank Fraud, 18 U.S.C. § 1344- Bank Fraud, and
18 U.S.C. § 656- Embezzlement by Bank Employee, 18 U.S.C. § § 981(a)(1)(C),
982(a)(2)(B), 982(a)(6), 982(a)(6)(A)(i), 982(a)(6)(A)(ii), 1029(c)(2), and
28 U.S.C. § 2461-Criminal Forfeiture

A true bill,

15/
Foreman.

Filed in open court this _____ day

of _____, A.D. 20 _____

Clerk.

Bail, \$

McAniff 8/27/15

GPO 863 525

FILED

AUG 27 2015

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY *[Signature]*
DEPUTY CLERK

NO BAIL WARRANT

ORDERED DETAINED

both defendants

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION -- IN U.S. DISTRICT COURT

BY ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING: Case No.

Name of District Court, and/or Judge/Magistrate Judge Location (City)
EASTERN DISTRICT OF CALIFORNIA

OFFENSE CHARGED
PLEASE SEE INDICTMENT

☐ Petty
☐ Misdemeanor
☒ Felony

Place of offense
FRESNO COUNTY

U.S.C. Citation

DEFENDANT -- U.S. vs.

Address { SYLVIA OCHOA

Birth Date

☐ Male ☐ Alien
☒ Female (if applicable)

(Optional unless a juvenile)

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI-KEVIN LUKE

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per. FRCrP ☐ 20 ☐ 21 ☐ 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. Att'y ☐ Defense

☐ this prosecution relates to a pending case involving this same defendant

SHOW
DOCKET NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate Judge regarding this defendant were recorded under

MAGISTRATE
JUDGE CASE NO.

Name and Office of Person
Furnishing Information on

THIS FORM

MICHELLE HOLLIDAY

☒ U.S. Att'y ☐ Other U.S. Agency

Name of Asst. U.S.
Att'y (if assigned)

MIA A. GIACOMAZZI

☐ This report amends AO 257 previously submitted

DEFENDANT

IS NOT IN CUSTODY

- 1) ☒ Has not been arrested, pending outcome of this proceeding
If not detained, give date any prior summons was served on above charges
2) ☐ Is a Fugitive
3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☐ On this charge
5) ☐ On another conviction
6) ☐ Awaiting trial on other charges } ☐ Fed'l ☐ State
If answer to (6) is "Yes," show name of institution

Has detainer
been filed?

☐ Yes
☐ No

If "Yes,"
give date
filed

Mo. Day Year

DATE OF
ARREST

Or ... if Arresting Agency & Warrant were not Federal

Mo. Day Year

DATE TRANSFERRED
TO U.S. CUSTODY

ADDITIONAL INFORMATION OR COMMENTS

☒ ADD FORFEITURE UNIT (Check if Forfeiture Allegation)

PLEASE ISSUE NO BAIL WARRANT


AUSA INITIALS

PENALTY SLIP

DEFENDANT: SYLVIA OCHOA

COUNT ONE:

VIOLATION: 18 U.S.C. § 1349
Conspiracy to Commit Bank Fraud

PENALTY: 30 Years Imprisonment
\$1,000,000 Fine
3 Year Supervised Release
\$100 Special Assessment

COUNT TWO-FIVE:

VIOLATION: 18 U.S.C. § 1344
Bank Fraud

PENALTY: 30 Years Imprisonment
\$1,000,000 Fine
3 Year Supervised Release
\$100 Special Assessment

COUNT SIX:

VIOLATION: 18 U.S.C. § 656
Embezzlement by Bank Manager

PENALTY: 30 Years Imprisonment
\$1,000,000 Fine
3 Year Supervised Release
\$100 Special Assessment

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BY ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING: Case No.

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OFFENSE CHARGED
PLEASE SEE INDICTMENT

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U.S.C. Citation

DEFENDANT -- U.S. vs.

Address { SHANNE LEAVELL

Birth Date

☒ Male ☐ Alien
☐ Female (if applicable)

(Optional unless a juvenile)

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FBI-KEVIN LUKE

☐ person is awaiting trial in another Federal or State Court, give name of court

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Att'y (if assigned)

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Mo. Day Year

DATE OF
ARREST

Or ... if Arresting Agency & Warrant were not Federal

Mo. Day Year

DATE TRANSFERRED
TO U.S. CUSTODY

ADDITIONAL INFORMATION OR COMMENTS

☒ ADD FORFEITURE UNIT (Check if Forfeiture Allegation)

PLEASE ISSUE NO BAIL WARRANT


AUSA INITIALS

PENALTY SLIP

DEFENDANT: SHANNE LEAVELL

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VIOLATION: 18 U.S.C. § 1349
Conspiracy to Commit Bank Fraud

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3 Year Supervised Release
\$100 Special Assessment

COUNT TWO-FIVE:

VIOLATION: 18 U.S.C. § 1344
Bank Fraud

PENALTY: 30 Years Imprisonment
\$1,000,000 Fine
3 Year Supervised Release
\$100 Special Assessment