

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LA.
2019 FEB -7 P 4: 23
WILLIAM W. BLEVINS
CLERK cc

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

FELONY

INDICTMENT FOR CONSPIRACY TO COMMIT WIRE FRAUD, WIRE FRAUD, AND NOTICE OF FORFEITURE **SEALED**

UNITED STATES OF AMERICA

v.

ESTEBAN RAMIREZ, III
HEATHER TOLSON
JOSE FERNANDEZ MOREL
a/k/a Benny Veintitres
a/k/a Robert McCane
a/k/a Domi

* CRIMINAL NO.

* SECTION:

* VIOLATIONS:

*

*

* * *

19-018

SECT. R MAG 1

18 U.S.C. § 371
18 U.S.C. § 1343
18 U.S.C. § 2

The Grand Jury charges that:

COUNT 1

(Conspiracy to Commit Wire Fraud)

A. AT ALL TIMES MATERIAL HEREIN:

1. Defendants, ESTEBAN RAMIREZ, III ("RAMIREZ") and HEATHER TOLSON ("TOLSON"), lived in Lorain, OH and were involved in a relationship.

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2. Defendant, **JOSE FERNANDEZ MOREL, a/k/a Benny Veintitres, a/k/a Robert McCane, a/k/a Domi** (“**FERNANDEZ**”), was a citizen of the Dominican Republic and on or about August 16, 2016, **FERNANDEZ** agreed to voluntarily depart the United States pursuant to findings from an official immigration proceeding.

3. Prior to his removal from the United States, **FERNANDEZ** lived in Lorain, OH and was an acquaintance of **RAMIREZ** and **TOLSON**.

4. On or about February 5, 2017, Individual A was arrested in Terrebonne Parish, LA for operating a motor vehicle while intoxicated.

5. Individual A was a citizen of Mexico and possessed an expired U.S. H-2B Temporary Worker Visa.

6. U.S. Immigration authorities encountered Individual A at the Terrebonne Parish Criminal Justice Complex in order to investigate his immigration status.

7. Individual A advised U.S. Immigration Officials that he was amenable to removal from the United States under provisions of the Immigration and Nationality Act.

8. Individual A was transferred to the Pine Prairie Correctional Center in Pine Prairie, LA pending the resolution of his immigration case.

9. Individual A’s cousin and his cousin’s wife (“Individual A’s family members”) lawfully resided in the United States.

10. Individual A’s family members assisted Individual A with hiring an attorney who would provide legal representation for Individual A and assist him with his pending immigration matter.

11. Individual A's family members contacted an individual named "Robert McCane" ("McCane") who represented himself to be immigration attorney associated with the law firm of "Micheal (sic) Browns Immigration Attorneys," 4207 Parliament Drive, Alexandria, LA 71303.

12. "Robert McCane" was the fictitious name of an immigration attorney and "Micheal Browns Immigration Attorneys" was a fictitious law firm.

13. Western Union Company ("Western Union") was an American financial services and communications company that facilitated the transfer of money from one location to another. Western Union had approximately 550,000 agent locations in over 200 countries and territories.

14. Western Union had an agent branch in the Piggly Wiggly store, 5308 Highway 56, Chauvin, LA, located in the Eastern District of Louisiana.

15. Western Union also operated agent branch locations in Lorain, OH at Shaks Korner (sic), 2009 West 21st Street; Walgreens #10222, 2730 Broadway Avenue; and the Discount Drug Mart #19, 2253 Colorado Avenue.

16. Western Union also operated an agent location in the Sirena Villa Mella near the intersection of Avenidas Hermanas Mirabel Esq and Charles De Gaulle in Villa Mella, Santo Domingo Norte, Republica Dominicana ("Dominican Republic").

17. Western Union wire transfers were electronically transmitted to and processed by Western Union's central platform located in the state of Colorado. After being processed, the funds and recipient information were relayed to the designated Western Union agent payment location.

18. Chase Bank was the U.S. consumer banking business of JP Morgan Chase & Co., a global financial services firm with operations worldwide.

19. Chase Bank operated a branch location at 573 Grand Caillou Road in Houma, LA, in the Eastern District of Louisiana.

20. Chase Bank also operated branch locations in Lorain, OH at 1949 Broadway Avenue, 115 West 21st Street, and 2232 Fairless Drive.

21. Chase Bank's teller system utilized a network of computers connected to computer servers located in the state of Delaware. Chase deposits and withdrawals resulted in electronic wire communications from the corresponding branch to Chase computer servers in Delaware. Chase account deposit and withdrawal transactions were updated once the Chase teller system validated the account information and the availability of the funds.

B. THE CONSPIRACY:

Beginning at a time unknown, and continuing until the date of this indictment, in the Eastern District of Louisiana and elsewhere, the defendants, **JOSE FERNANDEZ MOREL, ESTEBAN RAMIREZ, III, and HEATHER TOLSON**, and others known and unknown to the grand jury, willfully and knowingly did combine, conspire, confederate, and agree to devise a scheme and artifice to defraud and to obtain money and property from various victims who were misled into believing they had hired legitimate immigration attorneys to represent their family members by means of materially false and fraudulent pretenses, representations, and promises, by use of interstate wire transmissions, in violation of Title 18, United States Code, Section 1343.

C. THE SCHEME TO DEFRAUD:

It was part of the scheme and artifice to defraud that beginning at an unknown time, but prior to on or about February 27, 2017, **FERNANDEZ** devised a scheme to defraud by fraudulently representing himself as an immigration attorney.

It was further part of the scheme and artifice to defraud that beginning at an unknown time, but prior to on or about February 27, 2017, **FERNANDEZ** and other coconspirators known or unknown to the grand jury and acting at his direction, created the fictitious law firm of “Micheal Browns Immigration Attorneys” with an address of 4207 Parliament Drive, Alexandria, LA 71303.

It was further part of the scheme and artifice to defraud that **FERNANDEZ** enlisted the assistance of **RAMIREZ** and **TOLSON** to receive funds from unknown individuals who were victims of **FERNANDEZ**'s scheme.

It was further part of the scheme and artifice to defraud that **RAMIREZ** and **TOLSON** agreed to wire via Western Union the fraudulently obtained funds they received to **FERNANDEZ** in the Dominican Republic.

It was further part of the scheme and artifice to defraud that **FERNANDEZ** would split the fraudulently obtained funds with **RAMIREZ** and **TOLSON**.

It was further part of the scheme and artifice to defraud that **FERNANDEZ** fraudulently represented himself as an attorney named “Robert McCane.”

It was further part of the scheme and artifice to defraud that **FERNANDEZ**, **RAMIREZ**, and **TOLSON** fraudulently represented themselves as employees with the “Micheal Browns Immigration Attorneys” law firm.

It was further part of the scheme and artifice to defraud that **FERNANDEZ**, **RAMIREZ**, and **TOLSON** represented to Individual A's family members that “McCane” was an attorney associated with the “Micheal Browns Immigration Attorneys” law firm located in Alexandria, LA.

It was further part of the scheme and artifice to defraud that **FERNANDEZ**, **RAMIREZ**, and **TOLSON** fraudulently utilized various email accounts to communicate with Individual A's family members in an effort to promote the scheme.

It was further part of the scheme and artifice to defraud that **FERNANDEZ, RAMIREZ,** and **TOLSON** created a “Legal Services Agreement” that was emailed to Individual A’s family members which referenced a \$4,980.00 fee and a \$980.00 initial deposit for “attorney’s fees and cost incurred by clients.”

It was further part of the scheme and artifice to defraud that **FERNANDEZ, RAMIREZ,** and **TOLSON** fraudulently obtained money from Individual A’s family members under the guise of collecting a retainer to provide legal services for Individual A.

It was further part of the scheme and artifice to defraud that **FERNANDEZ, RAMIREZ,** and **TOLSON** fraudulently obtained money from Individual A’s family members under the guise of posting a bond to secure the release of Individual A from immigration custody.

It was further part of the scheme and artifice to defraud that **TOLSON** opened a bank account at a Chase Bank branch in Lorain, OH in order to receive fraudulently obtained payments from Individual A’s family members.

It was further part of the scheme and artifice to defraud that **FERNANDEZ, RAMIREZ,** and **TOLSON** utilized various Chase Bank locations in Lorain, OH to conduct cash transactions to withdraw fraudulently obtained payments from Individual A’s family members.

It was further part of the scheme and artifice to defraud that **FERNANDEZ, RAMIREZ,** and **TOLSON** utilized Western Union to fraudulently obtain payments from Individual A’s family members.

It was further part of the scheme and artifice to defraud that **RAMIREZ** and **TOLSON** utilized Western Union to wire fraudulently obtained payments to **FERNANDEZ** in the Dominican Republic.

It was further part of the scheme and artifice to defraud that **FERNANDEZ, RAMIREZ,** and **TOLSON** falsely represented themselves as an employee of the U.S. Department of Homeland Security.

D. OVERT ACTS IN FURTHERANCE OF THE CONSPIRACY:

1. Beginning at an unknown time, but prior to on or about February 27, 2017, **FERNANDEZ** and other co-conspirators known or unknown to the grand jury acting at his direction, created the fictitious law firm of “Micheal Browns Immigration Attorneys” with an address of 4207 Parliament Drive, Alexandria, LA 71303.

2. Beginning in or about February 2017, Individual A’s family members began communicating with **FERNANDEZ** and other co-conspirators known or unknown to the grand jury and acting at his direction, who used the name “Robert McCane.” “McCane” represented to Individual A’s family members that he was an attorney associated with the “Micheal Browns Immigration Attorneys” law firm located in Alexandria, LA.

3. In or about February 2017, “McCane” requested money from Individual A’s family members as a retainer to hire his firm and to post a bond for Individual A.

4. Prior to on or about February 27, 2017, “McCane” gave account information to Individual A’s family members account along with instructions for wiring money to **RAMIREZ** via Western Union.

5. On or about February 27, 2017, Individual A’s family members wired approximately \$1,000.00 via a Western Union agent located in Chauvin, LA to **RAMIREZ** in Lorain, OH.

6. On or about February 27, 2017, **RAMIREZ** went to the Western Union agent located at Shaks Korner in Lorain, OH and withdrew approximately \$1,000.00 that had been wired from Individual A's family members in Chauvin, LA.

7. On or about March 1, 2017, **TOLSON** opened bank account no. xxxxxx9369 at a Chase Bank branch located in Lorain, OH.

8. At a date unknown, but after on or about March 1, 2017, "McCane" represented to Individual A's family members that **TOLSON** and **RAMIREZ** handled the finances for the law firm.

9. At a date unknown, but after on or about March 1, 2017, "McCane" represented to Individual A's family members that the law firm had locations in Alexandria, LA, as well as New York and Ohio.

10. On or about March 3, 2017, Individual A's family members received an email from "McCane" that contained a "Legal Services Agreement" from the "Micheal Browns Immigration Attorneys" law firm that referenced a \$4,980.00 fee and a \$980.00 initial deposit for "attorney's fees and cost incurred by clients."

11. Prior to on or about March 6, 2017, "McCane" gave Individual A's family members **TOLSON's** Chase account number and instructions for completing a bank transfer of funds.

12. On or about March 6, 2017, Individual A's family members withdrew approximately \$980.00 from account no. xxxxxx2866 from the Chase Bank branch at 573 Grand Caillou Road, Houma, LA and deposited the \$980.00 into **TOLSON's** Chase Bank account no. xxxxxx9369.

13. On or about March 6, 2017, **TOLSON** went to the Chase Bank branch at 2232 Fairless Drive, Lorain, OH and withdrew approximately \$980.00 from account no. xxxxxx9369.

14. On or about March 6, 2017, **TOLSON** went to the Western Union agent in the Walgreens at 2730 Broadway, Lorain, OH and wired approximately \$350.00 to **FERNANDEZ** in the Dominican Republic.

15. On or about March 6, 2017, **FERNANDEZ** went to a Western Union agent in Villa Mella, Santo Domingo Norte, Santo Domingo and collected approximately \$350.00 that **TOLSON** wired from Lorain, OH.

16. On or about March 7, 2017, **RAMIREZ** went to the Western Union agent in the Walgreens at 2730 Broadway, Lorain, OH and wired approximately \$70.00 to **FERNANDEZ** in the Dominican Republic.

17. On or about March 7, 2017, **FERNANDEZ** went to a Western Union agent in Villa Mella, Santo Domingo Norte, Santo Domingo and collected approximately \$70.00 that **RAMIREZ** wired from Lorain, OH.

18. Prior to on or about March 10, 2017, "McCane" gave Individual A's family members **TOLSON's** Chase account number and instructions for completing a second bank transfer of funds.

19. On or about March 10, 2017, Individual A's family members withdrew approximately \$6,300.00 from account no. xxxxx2866 from the Chase Bank branch at 573 Grand Caillou Road, Houma, LA and deposited the \$6,300.00 into **TOLSON's** Chase Bank account no. xxxxx9369.

20. On or about March 10, 2017, **TOLSON** went to the Chase Bank branch at 1949 Broadway Avenue, Lorain, OH and withdrew approximately \$6,000.00 from account no. xxxxx9369.

21. On or about March 10, 2017, **RAMIREZ** and a person known to the grand jury, went to the Chase Bank drive-up location at 115 West 21st Street, Lorain, OH and withdrew approximately \$300.00 from account no. xxxxxx9369.

22. On or about March 10, 2017, “McCane” advised Individual A’s family members that the \$6,300.00 payment was for Individual A’s bond but the payment had been transferred to the wrong section of the U.S. Department of Homeland Security (“DHS”), resulting in a delay of Individual A’s release from custody.

23. On or about March 15, 2017, **TOLSON** went to the Western Union agent in the Discount Drug Mart at 2253 Colorado Avenue, Lorain, OH and wired approximately \$750.00 to **FERNANDEZ** in the Dominican Republic.

24. On or about March 15, 2017, **FERNANDEZ** went to a Western Union agent in Villa Mella, Santo Domingo Norte, Santo Domingo and collected approximately \$750.00 that **TOLSON** wired from Lorain, OH.

25. On or about March 15, 2017, Individual A’s family members contacted “McCane” to request a refund. “McCane” told Individual A’s family members that a refund would take approximately 7-14 days and they would receive an email from a DHS employee named Ysidra Polanco. “McCane” then requested an additional \$6,300.00 to secure the release of Individual A.

26. On or about March 15, 2017, Individual A’s family members received an email from a Gmail account from a fictitious DHS employee named Ysidra Polanco. The email was signed “Robert McCane Immigration Attorneys.”

All in violation of Title 18, United States Code, Section 371.

COUNTS 2 - 4
(Wire Fraud)

A. AT ALL TIMES MATERIAL HEREIN:

The allegations contained in Parts A, C, and D of Count 1 are hereby re-alleged and incorporated herein by reference.

B. THE OFFENSE:

On or about the dates and in the approximate amounts listed below, in the Eastern District of Louisiana and elsewhere, the defendants, **JOSE FERNANDEZ MOREL, ESTEBAN RAMIREZ, III, and HEATHER TOLSON**, for the purpose of executing the scheme and artifice to defraud set forth in Part C of Count 1, caused to be transmitted by means of a wire communication in interstate and foreign commerce the writings, signs, signals, pictures, and sounds described below:

COUNT	DATE	DESCRIPTION OF USE OF WIRE
2	February 27, 2017	\$1,000.00 wire transfer of funds sent by Individual A's family members from a Western Union agent in Chauvin, LA to payee ESTEBAN RAMIREZ who collected said funds at the Western Union agent located at Shaks Korner in Lorain, OH on the same day.
3	March 6, 2017	\$980.00 withdrawal from Individual A's family member's Chase Bank account no. xxxxx2866 in Houma, LA and deposited into HEATHER TOLSON's Chase Bank account no. xxxxx9369 in Lorain, OH. Said funds were withdrawn by TOLSON on the same day from the Chase Bank branch at 2232 Fairless Drive, Lorain, OH.

COUNT	DATE	DESCRIPTION OF USE OF WIRE
4	March 10, 2017	\$6,300.00 withdrawal of funds from Individual A's family member's Chase Bank account no. xxxxx2866 in Houma, LA and deposited into HEATHER TOLSON's Chase Bank account no. xxxxx9369 in Lorain, OH. \$6,000.00 of said funds were withdrawn by TOLSON from the Chase Bank branch at 1949 Broadway, Lorain, OH, and \$300.00 were withdrawn by RAMIREZ and a person known to the grand jury at the Chase Bank drive-up located at 115 West 21 st Street, Lorain, OH.

All in violation of Title 18, United States Code, Sections 1343 and 2.

NOTICE OF WIRE FRAUD FORFEITURE

1. The allegations of Counts 1 - 4 of this Indictment are realleged and incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture to the United States of America pursuant to the provisions of Title 18, United States Code, Sections 371, 1343, and 981(a)(1)(C), made applicable through Title 28, United States Code, Section 2461(c).

2. As a result of the offenses alleged in Counts 1 - 4, defendants, **JOSE FERNANDEZ MOREL, ESTEBAN RAMIREZ, III, and HEATHER TOLSON**, shall forfeit to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(C), made applicable through Title 28, United States Code, Section 2461(c), any and all property, real or personal, which constitutes or is derived from proceeds traceable to violations of Title 18, United States Code, Sections 371 and 1343.

3. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

- 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 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

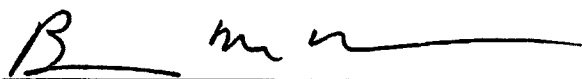
All in violation of Title 18, United States Code, Sections 371, 1343, and 981(a)(1)(C), made applicable through Title 28, United States Code, Section 2461(c).

A TRUE BILL: 



FOREPERSON

PETER G. STRASSER
UNITED STATES ATTORNEY



BRIAN M. KLEBBA
Assistant United States Attorney

New Orleans, Louisiana
February 7, 2019