

U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

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CAROL L. HIGDON
CLERK

SEALED

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

FELONY

**INDICTMENT FOR CONSPIRACY TO COMMIT
BANK FRAUD, BANK FRAUD, AND THEFT OF MAIL**

UNITED STATES OF AMERICA

* CRIMINAL NO.

22-00119

v.

* SECTION:

SECT. JMAG.2

GREGORY JOSEPH HERNANDEZ

* VIOLATIONS: 18 U.S.C. § 371
* 18 U.S.C. § 1344(2)
* 18 U.S.C. § 1708

* * *

The Grand Jury charges that:

COUNT 1

(Conspiracy to Commit Bank Fraud)

A. AT ALL MATERIAL TIMES HEREIN:

1. GREGORY JOSEPH HERNANDEZ (“HERNANDEZ”) resided in New Orleans, Louisiana.

2. IberiaBank, Capital One Bank, Whitney Bank, Wells Fargo Bank, First Horizon Bank, and TD Bank Group were financial institutions (“Financial Institutions”) doing business in the Eastern District of Louisiana whose deposits were insured by the Federal Deposit Insurance Corporation (“FDIC”).

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3. On or about June 28, 2019, **HERNANDEZ** opened an IberiaBank account ending in [REDACTED].

4. In or around 2020, IberiaBank merged with Memphis-based First Horizon Corporation and began doing business as First Horizon Bank.

5. In or around 2022, First Horizon Bank announced a merger with Toronto-based TD Bank Group.

B. THE CONSPIRACY:

Beginning at a time unknown but not later than June 3, 2019, and continuing until the date of this Indictment, in the Eastern District of Louisiana and elsewhere, the defendant, **GREGORY JOSEPH HERNANDEZ** [REDACTED], [REDACTED], 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 financial institutions by means of materially false and fraudulent pretenses, representations, and promises, for the purpose of executing or attempting to execute the scheme and artifice to defraud set forth below, in violation of Title 18, United States Code, Section 1344(2).

C. THE SCHEME AND ARTIFICE TO DEFRAUD:

1. It was part of the scheme and artifice to defraud that **HERNANDEZ** stole legitimate checks belonging to other individuals and companies, including from United States Postal Service mailboxes and receptacles.

2. It was further a part of the scheme and artifice to defraud that **HERNANDEZ** fraudulently altered and forged information on said stolen checks.

3. It was further a part of the scheme and artifice to defraud that **HERNANDEZ** fraudulently changed the payee information on the stolen checks to add his own name or the name of a co-conspirator.

4. It was further a part of the scheme and artifice to defraud that **HERNANDEZ** sometimes fraudulently added information to the memo lines on the stolen checks.

5. It was further a part of the scheme and artifice to defraud that **HERNANDEZ** endorsed and deposited altered and stolen checks into his IberiaBank account [REDACTED] in the New Orleans area.

6. It was further a part of the scheme and artifice to defraud that **HERNANDEZ** provided altered and stolen checks to one or more co-conspirators and caused his co-conspirators to fraudulently deposit and attempt to deposit and cash these checks.

7. It was further a part of the scheme and artifice to defraud that **HERNANDEZ** caused false representations to be made to the Financial Institutions when he and his co-conspirators cashed and deposited altered and stolen checks.

D. OVERT ACTS:

1. On a date unknown but between May 23, 2019 and June 3, 2019, **HERNANDEZ** altered check number [REDACTED] in the approximate amount of \$31,819.60 drawn on Capital One Bank to insert [REDACTED]'s name as a payee and to add "Job Related Personal Injury Settlement" in the memo line.

2. On a date unknown but between May 23, 2019 and June 3, 2019, **HERNANDEZ** provided check number [REDACTED] to [REDACTED].

3. On or about June 3, 2019, P.M. went into the IberiaBank located at [REDACTED] [REDACTED] in New Orleans, Louisiana and opened an account ending in [REDACTED].

4. On or about June 3, 2019, [REDACTED] deposited the fraudulently altered check number [REDACTED] into account [REDACTED].

5. On a date unknown but between February 18, 2022 and March 21, 2022, **HERNANDEZ** altered check number [REDACTED] in the approximate amount of \$912.86 drawn on First Horizon Bank to insert [REDACTED] name as a payee.

6. On or about March 21, 2022, **HERNANDEZ** and [REDACTED] went to the First Horizon Bank located [REDACTED] [REDACTED] [REDACTED] New Orleans, Louisiana, where **HERNANDEZ** waited outside while [REDACTED] attempted to cash check number [REDACTED].

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

COUNTS 2-7
(Bank Fraud)

A. AT ALL MATERIAL TIMES HEREIN:

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

B. AT ALL MATERIAL TIMES HEREIN:

On or about the dates and in the approximate amounts listed below, in the Eastern District of Louisiana and elsewhere, the defendant, **GREGORY JOSEPH HERNANDEZ**, for the purpose of executing the scheme and artifice to defraud set forth in Part C of Count 1, knowingly defrauded the Financial Institutions, the deposits of which were insured by the FDIC, and to obtain monies, funds, credits, and assets owned by and under the custody and control of the Financial Institutions by means of false and fraudulent pretenses, representations, and promises, when the defendant deposited altered and forced forged checks into IberiaBank account [REDACTED] at IberiaBank locations in the New Orleans area:

COUNT	DATE	APPROXIMATE AMOUNT	FINANCIAL INSTITUTION CHECK WAS DRAWN ON
2	07/12/2019	\$433.33	Whitney Bank
3	07/12/2019	\$433.00	Whitney Bank
4	07/15/2019	\$13,230.16	Wells Fargo Bank
5	08/19/2019	\$1,198.66	Whitney Bank
6	08/19/2019	\$1,708.06	Whitney Bank
7	08/19/2019	\$1,263.27	Whitney Bank

All in violation of Title 18, United States Code, Section 1344(2).

COUNT 8
(Theft of Mail)

On or about the 9th day of August, 2019, in the Eastern District of Louisiana, the defendant, **GREGORY JOSEPH HERNANDEZ**, did steal and take from and abstract from and out of a letter box and authorized depository for mail matter located at 5004 Prytania Street, New Orleans, Louisiana, mail addressed to Company A at [REDACTED] Prytania Street, New Orleans, Louisiana; in violation of Title 18, United States Code, Section 1708.

COUNT 9
(Theft of Mail)

On or about the 13th day of August, 2019, in the Eastern District of Louisiana, the defendant, **GREGORY JOSEPH HERNANDEZ**, did steal and take from and abstract from and out of a letter box and authorized depository for mail matter located at 5004 Prytania Street, New Orleans, Louisiana, mail addressed to Company A at [REDACTED] Prytania Street, New Orleans, Louisiana; in violation of Title 18, United States Code, Section 1708.

NOTICE OF FORFEITURE

1. The allegations of Counts 1 through 9 of this Indictment are incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture to the United States.

2. As a result of the offenses alleged in Counts 2 through 7 the defendant, **GREGORY JOSEPH HERNANDEZ**, shall forfeit to the United States pursuant to Title 18, United States Code, Section 982(a), any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of such offenses and any real or personal property used or intended to be used to commit, to facilitate, or to promote the commission of said offenses.

3. As a result of the offenses alleged in Counts 1, 8 and 9, the defendant, **GREGORY JOSEPH HERNANDEZ**, 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, any property, real or personal, which constitutes or is derived from proceeds traceable to, or a conspiracy to commit such offenses.

4. If any of the above-described property, 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;

the United States shall seek a money judgment and, pursuant to Title 21, United States Code, Section 853(p), forfeiture of any other property of the defendant up to the value of said property.

A TRUE BILL:


FOREPERSON

DUANE A. EVANS
UNITED STATES ATTORNEY



MARIA M. CARBONI
Assistant United States Attorney

New Orleans, Louisiana
June 10, 2022