

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**CASE NO. 6:17-CR-185-ORL-31DCI**

**v.**

**ARMANDO LAFUENTE,**

**Defendant.**

**NOTICE OF ESSENTIAL ELEMENTS,  
MAXIMUM PENALTY, AND FACTUAL BASIS**

**ESSENTIAL ELEMENTS**

The essential elements of a violation of 18 U.S.C. § 641, theft of government funds in excess of \$1,000, are as follows:

**First:** The money or property described in the Indictment belonged to the United States;

**Second:** The defendant embezzled, stole or knowingly converted the money or property to his own use or to someone else's use;

**Third:** The defendant knowingly and willfully intended to deprive the owner of the use or benefit of the money or property; and

**Fourth:** The money or property had a value greater than \$1,000.

**MAXIMUM PENALTY**

The penalty for the offense charged in Count One of the Indictment is a maximum sentence of ten years imprisonment, a fine of \$250,000, or twice the gross gain caused by the offense, or twice the gross loss caused by the offense, whichever is greater, a term of supervised release of not more than three years, and a special assessment of \$100.

FACTUAL BASIS

Beginning in or about December 2014, and continuing through in or about January 2017, in the Middle District of Florida, and elsewhere, the defendant, Armando Lafuente (“LAFUENTE”), knowingly and willfully embezzled, stole, purloined, or converted to his use, more than \$1,000 of money of the United States and the Department of Veterans Affairs (“VA”), a Department and agency of the United States, that is, disability benefit payments, with intent to deprive the United States and the VA of the use and benefit of the money.

As a former member of the U.S. Air Force (USAF), LAFUENTE applied for, and received, disability benefit payments from the VA. The VA granted LAFUENTE the full disability rating on July 16, 2012; however, the VA awarded him retroactive payments at the full disability rating going back to November 25, 2009. Between December 1, 2009, and January 30, 2017, LAFUENTE received \$74,425.71 from the VA in monthly compensation payments. In September 2012, LAFUENTE also applied for and received an automobile grant payment from the VA in the amount of \$18,900.

LAFUENTE received the aforementioned VA benefits while living in Brevard County, Florida, in the Middle District of Florida.

An investigation confirmed that LAFUENTE had some use of his feet, and was therefore not entitled to a portion of the VA benefits that he received.

On February 22, 2016, the VA’s Office of Inspector General (VA-OIG) installed a surveillance pole camera at a location that afforded a view of the front of LAFUENTE’s residence in Brevard County. The recordings from the pole camera confirmed that LAFUENTE had some

use of his feet and demonstrated some physical abilities, such as the ability to stand, walk, carry items, use a ladder, wash his vehicle, and mow his law.

On March 30, 2016, LAFUENTE arrived at the VA clinic in Viera, Florida, for a scheduled examination. A VA physician, who consented to special agents from VA-OIG monitoring the examination, conducted the examination. During the examination, LAFUENTE exhibited limited mobility and made various statements, including that he was not able to walk or stand. According to VA personnel, including the VA physician who examined LAFUENTE, the conditions that LAFUENTE said he was suffering from were not consistent with the documented events during which LAFUENTE demonstrated some physical capabilities.

On January 4, 2017, VA-OIG special agents interviewed LAFUENTE at the VA clinic in Viera. During the course of the interview, the agents showed LAFUENTE screenshots of footage recorded from the aforementioned pole camera, which depicted LAFUENTE engaged in various activities in front of his residence. In response, LAFUENTE admitted that, by the year 2013, he was able to do a little bit of walking around his house.

Based on the false representations made by LAFUENTE to the VA, between December 2014 and January 2017, LAFUENTE embezzled, stole, purloined, or converted to his use, more than \$1,000 in funds from the VA in the form of special monthly compensation overpayments that he was not entitled to receive.

Dated this 9th day of November, 2017.

Respectfully submitted,

DONNA LEE ELM  
FEDERAL DEFENDER

/s/ Joshua R. Lukman

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that undersigned electronically filed the foregoing *Notice of Essential Elements, Maximum Penalty, and Factual Basis* with the Clerk of Court (CM/ECF) by using the CM/ECF system which will send a notice of electronic filing to the following: Emily Chang, Assistant United States Attorney, on this 9th day of November, 2017.

s/ Joshua R. Lukman

Joshua R. Lukman  
Assistant Federal Defender