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

BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT ☐ SUPERSEDING

Name of District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

OFFENSE CHARGED

8 U.S.C. § 286 - Conspiracy to File False Claims

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY:

18 U.S.C. § 286 - 10 years prison, $250,000 fine, 3 years supervised release, $100 assessment

DEFENDANT - U.S.

TONYA GILARD

DISTRICT COURT NUMBER

CR 12 616 YGR

PROCEEDING

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

INTERNAL REVENUE SERVICE

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

☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:
☐ U.S. Att'y ☐ Defense

SHOW DOCKET NO.

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

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

MAGISTRATE CASE NO.

Name and Office of Person Furnishing Information on THIS FORM: MELINDA HAAG

☒ U.S. Att'y ☐ Other U.S. Agency

Name of Asst. U.S. Att'y (if assigned): THOMAS NEWMAN, AUSA, Tax Division

DEFENDANT

IS *NOT* IN CUSTODY

1) ☒ Has not been arrested, pending outcome 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

DATE OF ARREST Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY Month/Day/Year

☐ This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

☐ SUMMONS ☐ NO PROCESS* ☒ WARRANT Bail Amount:

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

**Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment*

Defendant Address:

Date/Time:

Before Judge:

Comments:

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DEFENDANT - U.S.

EDRICK HARVEY

DISTRICT COURT NUMBER

CR 12 616 YGR

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OAKLAND DIVISION

OFFENSE CHARGED

8 U.S.C. § 286 - Conspiracy to File False Claims

☐ Petty ☐ Minor ☐ Misde-meanor ☒ Felony

PENALTY:

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DEFENDANT - U.S.

TIERRE CRUMMIE

DISTRICT COURT NUMBER

CR 12 616 YGR

PROCEEDING

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United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: OAKLAND

FILED
AUG 16 2012
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

E-filing

UNITED STATES OF AMERICA,

V.

CR 12 616
YGR

TONYA GILARD, EDRICK HARVEY &
TIERRE CRUMMIE

DEFENDANT(S).

INDICTMENT

18 U.S.C. § 286 - Conspiracy to File False Claims

A true bill

Foreman

Filed in open court this 16 day of August

K. Seeks Clerk

Bail, $ No bail warrant for all defendants

MELINDA HAAG (CABN 132612)
United States Attorney

FILED
AUG 16 2012
RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

E-filing

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

UNITED STATES OF AMERICA, Plaintiff, v. TONYA GILARD, EDRICK HARVEY, and TIERRE CRUMMIE, Defendants.	No. CR 12 616 YGR VIOLATIONS: 18 U.S.C. § 286 - Conspiracy to File False Claims OAKLAND VENUE

INDICTMENT

The Grand Jury charges:

COUNT ONE: (18 U.S.C. § 286 - Conspiracy to File False Claims)

1. Beginning in January 2009, and continuing until in or about April 2009, within the Northern District of California and elsewhere, the defendants,

TONYA GILARD,
EDRICK HARVEY, and
TIERRE CRUMMIE,

and others, both known and unknown to the Grand Jury, entered into an agreement, combination and conspiracy to defraud the Internal Revenue Service ("IRS"), an agency of the United States, by obtaining and aiding to obtain the payment and allowance of false, fictitious, and fraudulent claims.

Document No. 1
District Court
Criminal Case Processing

MANNER AND MEANS OF THE CONSPIRACY

2. TONYA GILARD ("GILARD"), EDRICK HARVEY ("HARVEY"), TIERRE CRUMMIE ("CRUMMIE"), all residents of Pittsburg, California, during the conspiracy, and others, both known and unknown to the Grand Jury, filed, or helped others file, false claims with the IRS requesting refunds in their own names or in the names of others claiming fraudulent refunds totaling $688,687.

3. GILARD, HARVEY, CRUMMIE, or their co-conspirators procured the names and identities of individual taxpayers through illegal means or by agreement with participants in the scheme.

4. GILARD, HARVEY, CRUMMIE, or their co-conspirators electronically filed with the IRS, or assisted in filing with the IRS, false federal income tax returns for these taxpayers, which included false and fictitious claims for the first-time home buyer's tax credit.

5. The false federal income tax returns filed by GILARD, HARVEY, CRUMMIE, or their co-conspirators requested refunds from the IRS to which the taxpayers listed on the federal income tax returns were not entitled.

6. As part of the scheme, GILARD, HARVEY, CRUMMIE, or their co-conspirators, opened personal bank accounts and solicited personal bank account information from others. GILARD, HARVEY, CRUMMIE, or their co-conspirators reported, or assisted in reporting, this personal bank account information on the fraudulent federal income tax returns as the bank account into which the fraudulent refunds from the IRS were to be deposited.

7. After a fraudulent refund was deposited into one of these accounts, GILARD, HARVEY, CRUMMIE, or their co-conspirators agreed to divide the proceeds from the fraudulent refund among themselves.

All in violation of Title 18, United States Code, Section 286.

///

A True Bill

FOREPERSON

Dated: 16/8/12

MELINDA HAAG
United States Attorney

J. Douglas Wilson for
MIRANDA KANE
Chief, Criminal Division

Approved as to Form

CHARLES PARKER
Special Assistant United States Attorney
Tax Division