

ORIGINAL

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

2016 JUN 21 PM 12:40

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UNITED STATES OF AMERICA

v.

ARNOLDO PEREZ MIRABAL

CRIMINAL NO.

3-16 CR 269-B

INDICTMENT

The Grand Jury Charges:

Introduction

At all times relevant to this indictment:

1. The Internal Revenue Service (IRS) was a federal agency of the United States. The IRS was charged with collecting tax revenues and enforcing the Internal Revenue Code of the United States.
2. MoneyGram, principally located in Frisco, Texas, was a money-wiring service that would allow customers to send funds via electronic wire between MoneyGram locations across the United States.
3. Wal-Mart Stores, Inc., principally located in Bentonville, Arkansas, provided a money-wiring service called Walmart-2-Walmart, which allowed customers to wire funds via electronic transfer between Walmart locations across the United States. Walmart-2-Walmart wiring services are powered by a company called Ria Money Transfer.

4. Funds wired using MoneyGram's or Walmart-2-Walmart's services were wired through an entity called Acxiom, which had servers located in Conway, Arkansas.

Acxiom acted as a third-party transmitter by confirming authorization for wire transactions made via both MoneyGram and Walmart-2-Walmart Services (using Ria Money Transfer).

5. If Acxiom received wire signals requesting the transfer of funds, Acxiom relayed a request to authorize funds to either MoneyGram or Ria Money Transfer, depending on what service the customer used. MoneyGram or Ria Money Transfer issued authorization for the funds, which was transmitted back to Acxiom via electronic signals. That authorization was then wired to the originating sender (and ultimate recipient) via electronic signals.

Count One
Conspiracy to Commit Wire Fraud
18 U.S.C. § 1349

6. Paragraphs 1 through 5 are re-alleged and re-incorporated by reference.
7. Beginning in or around September 2015, the exact date being unknown to the Grand Jury, and continuing thereafter until in or around April 2016, in the Dallas Division of the Northern District of Texas and elsewhere, the defendant, **Arnoldo Perez Mirabal**, did knowingly and willfully combine, conspire, confederate, and agree with others known and unknown to the Grand Jury to commit the offense of wire fraud, in violation of 18 U.S.C. § 1343, by transmitting and causing to be transmitted in interstate commerce, by means of wire and radio communications, certain writings, signs, signals, and sounds, for the purpose of executing and attempting to execute a scheme and artifice to defraud and to obtain money and property from taxpayers by means of materially false and fraudulent pretenses, representations, and promises.

Manner and Means of the Conspiracy

It was part of the scheme and artifice to defraud that:

8. **Mirabal** or individuals unknown to the grand jury would make unsolicited phone calls to unsuspecting taxpayers claiming to be agents or employees of the IRS and tell the taxpayer that they owed the IRS an outstanding debt that must be paid immediately. This IRS impersonator would typically threaten the taxpayer with arrest or a lawsuit if the funds were not immediately paid.

9. **Mirabal** or individuals unknown to the grand jury would direct the taxpayer to settle this purported IRS debt by wiring funds to **Mirabal** via MoneyGram or Walmart-2-Walmart services at a location in the Northern District of Texas or elsewhere. **Mirabal** would collect the money transfer at a Walmart location in the Northern District of Texas or elsewhere.

10. As a result of these false and fraudulent representations, from October 2015 through November 2015, **Mirabal** received a total of \$7,005.00, excluding purchase fees, from taxpayers who believed they were required to wire funds to satisfy an outstanding tax debt.

All in violation of 18 U.S.C. § 1349.

Counts Two and Three
Wire Fraud
(Violation of 18 U.S.C. § 1343)

11. Paragraphs 1 through 10 are re-alleged and re-incorporated by reference.

The Scheme and Artifice to Defraud

12. Beginning in or around October 2015 and continuing through in or around at least November 2015, in the Dallas Division of the Northern District of Texas and elsewhere, for the purpose of knowingly executing the scheme and artifice to defraud, the defendant, **Arnoldo Perez Mirabal**, did cause to be transmitted in interstate commerce, certain wire and radio communications, signs, signals, and sounds in order to obtain money and property by means of false and fraudulent pretenses.

13. Paragraphs 1 through 10 are re-alleged and incorporated by reference as though fully set forth herein as a description of the scheme and artifice.

The Wire Communications

14. On or about the dates set forth below, in the Dallas Division of the Northern District of Texas and elsewhere, the defendant, **Arnoldo Perez Mirabal**, for the purpose of executing the above scheme and artifice and attempting to do so, did knowingly cause to be transmitted by means of wire communications in interstate commerce the signals and sounds described below for each count, each transmission constituting a separate count:

Count	Date	Victim	Wire Transfer Amount	Originating City	Receiving City
2	October 30, 2015	M.L.	\$500	Coppell, Texas	La Porte, Texas
3	November 5, 2015	W.H.	\$600	Bloomington, Indiana	Richardson, Texas

Each is a separate violation of 18 U.S.C. § 1343.

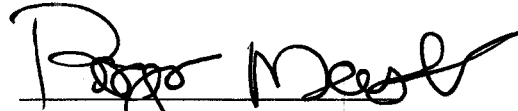
Forfeiture Notice
(18 U.S.C. §§ 981(a)(1)(C) and 26 U.S.C. § 2461(c))

15. The allegations contained in counts One through Three of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

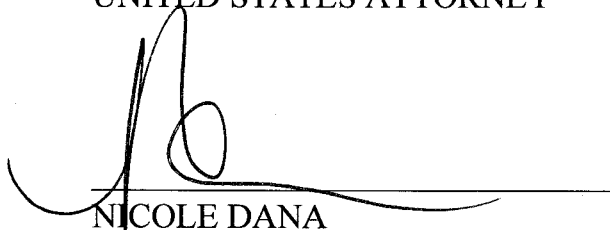
16. Upon conviction for the offense alleged in Counts One through Three of this Indictment, the defendant, **Arnoldo Perez Mirabal**, shall forfeit to the United States, pursuant to 18 U.S.C. §§ 981(a)(1)(C) and 26 U.S.C. § 2461(c), any property which constitutes or is derived from proceeds of the offense.

17. If any of the property described above, 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 party; 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 divided without difficulty, the United States shall be entitled to forfeiture of substitute property pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 982(b)(1) and 28 U.S.C. § 2461(c).

A TRUE BILL


FOREPERSON

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INDICTMENT

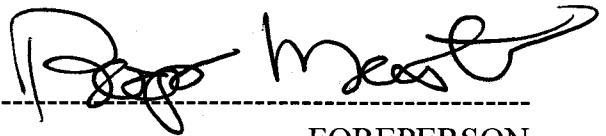
18 U.S.C. § 1349
Conspiracy to Commit Wire Fraud

18 U.S.C. § 1343
Wire Fraud

18 U.S.C. § 981(a)(1)(C) and 26 U.S.C. § 2461(c)
Forfeiture Notice

3 Counts

A true bill rendered




DALLAS

FOREPERSON

Filed in open court this 21st day of June, 2016.

Defendant in Federal Custody since 5/26/2016



UNITED STATES MAGISTRATE JUDGE
Magistrate Court Number: 3:16-MJ-426-BH