
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Honorable Cathy L. Waldor
: :
: Mag. No. 19-7131
v. : :
: : **CRIMINAL COMPLAINT**
TAMMY MARTINEZ : :
a/k/a "Tamara Martinez" : :
a/k/a "Tammy Oliveira" : :

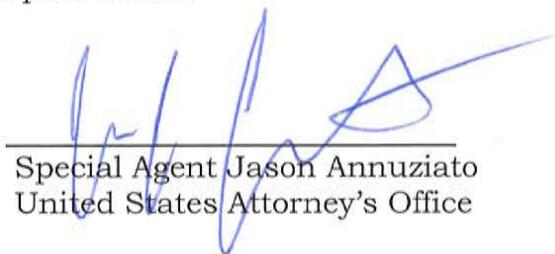
I, Jason Annuziato, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

SEE ATTACHMENT A

I further state that I am a Special Agent with the United States Attorney's Office, and that this complaint is based on the following facts:

SEE ATTACHMENT B

continued on the attached page and made a part hereof:


Special Agent Jason Annuziato
United States Attorney's Office

Sworn to before me and subscribed in my presence,
June 5, 2019 in Newark, New Jersey

s/Cathy L. Waldor

HONORABLE CATHY L. WALDOR
UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A

COUNT ONE
(Bank Fraud)

From in or about January 2014 through in or about March 2019, in Essex County, in the District of New Jersey and elsewhere, the defendant,

TAMMY MARTINEZ
a/k/a “Tamara Martinez”
a/k/a “Tammy Oliveira”

did knowingly and intentionally execute and attempt to execute a scheme and artifice to defraud a financial institution, namely TD Bank, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control thereof, by means of materially false and fraudulent pretenses, representations, and promises.

In violation of Title 18, United States Code, Section 1344 and Section 2.

FORFEITURE ALLEGATIONS

1. The allegations contained in this Complaint are re-alleged and incorporated by reference as though set forth in full herein for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 982(a)(2)(A).

2. Upon conviction of the offense in violation of Title 18, United States Code, Section 1344 charged in this Complaint, defendant TAMMY MARTINEZ shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(2)(A), any and all property constituting or derived from any proceeds the defendant obtained directly or indirectly as a result of the commission of said offense, and all property traceable thereto.

Substitute Assets Provision

3. If any of the above-described forfeitable 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 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,

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

ATTACHMENT B

I, Jason Annuziato, am a Special Agent with the United States Attorney's Office. I am fully familiar with the facts set forth herein based on my own investigation, my conversations with other law enforcement officers, and my review of reports, documents, and photographs of the evidence. Where statements of others are related herein, they are related in substance and part. Because this complaint is being submitted for a limited purpose, I have not set forth each and every fact that I know concerning this investigation. Where I assert that an event took place on a particular date, I am asserting that it took place on or about the date alleged.

BACKGROUND

1. At all times relevant in this complaint:

a. Company A was a company based in Newark, New Jersey.

b. Defendant TAMMY MARTINEZ ("defendant MARTINEZ") was employed by Company A as an office manager and bookkeeper. Beginning in 2013, defendant MARTINEZ's duties included managing Company A's financial records and processing Company A's invoices and payments. Company A had a business checking account at TD Bank, N.A., ("TD Bank").

c. TD Bank was a bank whose deposits were insured by the Federal Deposit Insurance Corporation. As a result, TD Bank was a "financial institution" as defined in Title 18, United States Code, Section 20.

2. As set forth in more detail below, there is probable cause to believe that defendant MARTINEZ engaged in a fraudulent scheme to obtain approximately \$1.7 million dollars from Company A's TD Bank account by creating fraudulent checks that defendant MARTINEZ converted into cash or deposited into a personal bank account.

THE SCHEME TO DEFRAUD

3. According to representatives of Company A, an internal investigation revealed that from in or around January 2014 to in or around March 2019, defendant MARTINEZ used her position as the bookkeeper at Company A to issue fraudulent checks made payable to defendant MARTINEZ or cash and forged the signature of a manager at Company A ("Individual 1") on fraudulent checks.

4. According to representatives of Company A, defendant MARTINEZ's fraudulent check writing scheme caused TD Bank to release more than approximately \$1.7 million from Company A's checking account from 2014

through 2019.

5. On or about March 25, 2019, an employee at Company A video recorded a conversation between defendant MARTINEZ and Individual 1. Law enforcement has reviewed this recording, during which defendant MARTINEZ was informed that she was being recorded and was confronted regarding the fraudulent check writing scheme. Defendant MARTINEZ said, in substance and in part the following:

a. Defendant MARTINEZ stated, "I would just go cash them, I never put them in anything" when she was asked about what she did with a fraudulent Company A check she cashed in 2014. When Defendant MARTINEZ was asked if she deposited the money she fraudulently obtained from Company A's TD Bank account, Defendant MARTINEZ then stated, "I just cash them when I go to the bank";

b. Defendant MARTINEZ stated, "I will reimburse you" when she was confronted about a fraudulent check she cashed on March 22, 2019;

c. Defendant MARTINEZ stated, "I don't know where it is...I have this problem that I need money every day" when she was asked about the whereabouts of \$28,000 dollars she took from Company A's TD Bank account during March of 2019;

d. Defendant MARTINEZ stated, "It's all gone" when she was asked about what she did with the money she took from Company A's TD Bank account;

e. Defendant MARTINEZ told Individual 1 "I will do what I have to do. I will take a loan out on my house...and I will somehow give you back a good portion"; and

f. Defendant MARTINEZ told Individual 1 that she would "rather not" involve law enforcement.

6. Law enforcement has obtained surveillance footage from TD Bank that shows an individual matching the description of Defendant MARTINEZ engaging in transactions at a TD Bank branch in Newark, New Jersey (the "Newark TD Bank Branch") on March 18th, 19th, 20th, and 22nd of 2019 at approximately the same times that Company A checks made payable to Defendant MARTINEZ were cashed at the Newark TD Bank Branch.

7. On or about March 25, 2019, defendant MARTINEZ voluntarily gave a sworn video recorded statement to Newark Police detectives (the "detectives"). Law enforcement has reviewed this recording, during which defendant MARTINEZ said, in substance and in part, the following:

a. Defendant MARTINEZ stated that prior to speaking with the detectives, she told Individual 1, "I'm not denying it" when she was confronted about her fraudulent check writing scheme. Defendant MARTINEZ stated, "I basically told [Individual 1] I did take money from [Individual 1], the company";

b. MARTINEZ stated that she served as Company A's "office manager" and her responsibilities included tending to "anything to do with financial" matters for Company A including printing checks through the company's computerized check writing system;

c. Defendant MARTINEZ stated Individual 1 and another manager at Company A ("Individual 2") were the only individuals with the authority to sign checks;

d. Defendant MARTINEZ answered "yes" when the detectives questioned if she generated Company A checks and signed Individual 1's name on the checks;

e. Defendant MARTINEZ answered "yes" when the detectives questioned if the fraudulent Company A checks she generated were made payable to cash and herself;

f. Defendant MARTINEZ stated in "late 2014" she began writing fraudulent Company A checks. Defendant MARTINEZ stated, "I wrote checks out to myself";

g. When the detectives asked Defendant MARTINEZ if she deposited the fraudulent Company A checks into her bank account, Defendant MARTINEZ stated, "if I did five checks a week, one, maybe, would get deposited";

h. When the detectives questioned Defendant MARTINEZ about what she did with the fraudulent Company A checks she did not deposit, Defendant MARTINEZ stated, "I would go to the bank and...TD Bank and present my ID to cash the check";

i. Defendant MARTINEZ described an incident where she altered the amount of a Company A check made out to her for petty cash that was signed by Individual 1. Defendant MARTINEZ stated, "One check [Individual 1] did sign, I remember the amount, it should have been \$325 dollars...written out to me for petty cash, but I wrote it out for \$3,250 dollars"; and

j. Defendant MARTINEZ stated she last cashed a fraudulent Company A Check on "Friday", [March 22, 2019] in the amount of "2,900,

3,100,... I can't remember exactly."

8. Law enforcement has obtained a copy of a Company A check dated March 22, 2019 made payable to Defendant MARTINEZ in the amount of \$3,178. Law enforcement has also obtained surveillance footage that shows an individual matching the description of Defendant MARTINEZ engaging in a transaction at the Newark TD Bank Branch at approximately the same time that the \$3,178 check was cashed at the Newark TD Bank Branch.