

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Crim. No. 17-
:
: Hon. John Michael Vazquez
v. :
: 18 U.S.C. § 371
YERFRI CASTILLO : 18 U.S.C. § 641
: 18 U.S.C. § 1028A
: 18 U.S.C. § 2

INFORMATION

The defendant having waived in open court prosecution by indictment, the United States Attorney for the District of New Jersey charges:

COUNT ONE
(Conspiracy to Steal Government Funds)

The Conspiracy

1. From in or around January 2013 through in or around May 2015, in the District of New Jersey, and elsewhere, the defendant,

YERFRI CASTILLO,

did knowingly and willfully conspire and agree with Jhan Luis Mejia Marcelino, Odanys Orlando Rojas, and others to embezzle, steal, purloin, and knowingly convert to his use and the use of others, money of the United States, specifically United States Treasury checks, the value of which exceeded the sum of \$1,000.00, contrary to Title 18, United States Code, Section 641.

Purpose of the Conspiracy

2. The purpose of the conspiracy was for defendant CASTILLO and his co-conspirators to unlawfully enrich themselves by procuring the stolen

personal identifying information of other individuals and using that information to file materially false and fraudulent income tax returns intended to generate tax refund checks issued by the United States Treasury.

Manner and Means of the Conspiracy

3. It was part of the conspiracy that defendant CASTILLO, Jhan Luis Mejia Marcelino, Odanys Orlando Rojas, and others first obtained stolen personal identifiable information (“PII”), including names and Social Security numbers, of victims located in New Jersey, Puerto Rico, and elsewhere (the “Victims”).

4. It was further part of the conspiracy that defendant CASTILLO, Jhan Luis Mejia Marcelino, Odanys Orlando Rojas, and others then used the PII to complete and file fraudulent tax returns with the Internal Revenue Service (“IRS”). The fraudulent tax returns contained, among other things, falsified wages earned, taxes withheld, and other data (collectively, the “Fraudulent Tax Returns”), designed to ensure that the Fraudulent Tax Returns generated a tax refund Treasury Check (collectively, the “Fraudulent Treasury Checks”).

5. It was further part of the conspiracy that defendant CASTILLO, Jhan Luis Mejia Marcelino, Odanys Orlando Rojas, and others would then obtain the Fraudulent Treasury Checks once they were issued, often by diverting them from the mail stream before delivery.

6. It was further part of the conspiracy that defendant CASTILLO, Jhan Luis Mejia Marcelino, Odanys Orlando Rojas, and others would then convert the Fraudulent Treasury Checks into cash or other proceeds for their own benefit.

7. It was further part of the conspiracy that, from in or around January 2013 through in or around May 2015, defendant CASTILLO, Jhan Luis Mejia Marcelino, Odanys Orlando Rojas, and others caused more than approximately \$2,893,052 in Fraudulent Treasury Checks to be issued from the U.S. Treasury.

OVERT ACTS

8. In furtherance of the conspiracy and to effect its unlawful purposes, defendant CASTILLO and his co-conspirators committed and caused to be committed the following overt acts, among others, in the District of New Jersey and elsewhere:

a. On or about February 28, 2014, defendant CASTILLO caused to be filed a Fraudulent Tax Return in the name of Victim One, using an address in or around Bergen County, New Jersey, and claiming a total tax refund of approximately \$5,992 (the "February 28 Fraudulent Tax Return").

b. On or about March 14, 2014, based on the filing of the February 28 Fraudulent Tax Return, the IRS issued a Fraudulent Treasury Check made payable to Victim One in the amount of approximately \$5,992.

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

COUNT TWO

(Theft of Government Funds)

1. The allegations set forth in paragraphs 3 through 8 of Count One of this Information are realleged and incorporated as if set forth in full herein.

2. From in or around January 2013 through in or around May 2015, in the District of New Jersey, and elsewhere, the defendant,

YERFRI CASTILLO,

did willfully and knowingly embezzle, steal, purloin, and knowingly convert to his use and the use of others, money of the United States, specifically United States Treasury checks, the value of which exceeded the sum of \$1,000.00.

In violation of Title 18, United States Code, Section 641 and Section 2.

COUNT THREE
(Aggravated Identity Theft)

1. The allegations set forth in paragraphs 3 through 8 of Count One of this Information are realleged and incorporated as if set forth in full herein.

2. On or about February 28, 2014, in Bergen County, in the District of New Jersey, and elsewhere, the defendant,

YERFRI CASTILLO,

did knowingly transfer, possess, and use, without lawful authority, a means of identification of another person, namely, the name and social security number of Victim One, during and in relation to a felony violation of a provision contained in Chapter 63 of the United States Code, to wit, theft of government funds, in violation of Title 18, United States Code, Section 641, charged in Count Two of this Information, knowing that the means of identification belonged to another actual person.

In violation of Title 18, United States Code, Section 1028A(a)(1) and Section 2.

FORFEITURE ALLEGATIONS


1. The allegations contained in this Information are hereby realleged 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).

2. The United States hereby gives notice to the defendant charged in this Information that, upon conviction of the offenses charged in this Information, the defendant shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any and all property, real or personal, which constitutes or is derived from proceeds traceable to the offense.

3. If by any act or omission of the defendant, any of the property subject to forfeiture described in paragraph 2 herein:

- 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 subdivided without difficulty; the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

All pursuant to Title 18, United States Code, Section 981(a)(1)(C) and
Title 28, United States Code, Section 2461(c).



PAUL J. FISHMAN
United States Attorney

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