

DEC 11 2018

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

US DISTRICT COURT
WESTERN DISTRICT OF NC

UNITED STATES OF AMERICA)
)
v.)
)
ERIK RAYMOND MAGANA)
)
_____)

DOCKET NO. 3:18CR386-RJC

BILL OF INDICTMENT

Violations:
18 U.S.C. § 1708
18 U.S.C. § 1028A
18 U.S.C. § 1344

THE GRAND JURY CHARGES:

INTRODUCTION

1. Beginning in at least 2016, Defendant ERIK RAYMOND MAGANA (“MAGANA”), was a resident of Charlotte, North Carolina. MAGANA drove a 2017 Mercedes Benz E-class.

2. Between at least 2016 and in or about November 28, 2018, MAGANA frequently stole and took mail matter from and out of mail boxes in affluent neighborhoods in and around Charlotte, North Carolina. MAGANA used the stolen mail, including stolen personal and business checks and credit cards, to commit bank fraud, resulting in an actual fraud loss of hundreds of thousands of dollars.

COUNT 1

(Theft of Mail – 18 U.S.C. § 1708)

3. The Grand Jury realleges and incorporates by reference herein all of the allegations contained in paragraphs 1 and 2 of the Bill of Indictment, and further alleges that:

4. On or about November 27, 2018, in the Western District of North Carolina, Defendant ERIK RAYMOND MAGANA, did steal and take from and out of an authorized depository for mail matter located at 2513 Landing View Lane, Charlotte, North Carolina, a letter or mail addressed to A.P. at 2513 Landing View Lane, Charlotte, North Carolina.

All in violation of Title 18, United States Code, Section 1708.

COUNT 2

(Aggravated Identity Theft – 18 U.S.C. § 1028A(a)(1))

5. The Grand Jury realleges and incorporates by reference herein all of the allegations contained in paragraphs 1 and 2 of the Bill of Indictment, and further alleges that:

6. On or about August 18, 2018, in the Western District of North Carolina, and elsewhere, Defendant ERIK RAYMOND MAGANA, did knowingly use, without lawful authority, a means of identification of another person, to wit: the name of Identity Theft victim G.G., during and in relation to the commission of one or more felony violations, to wit, bank fraud (18 U.S.C. § 1344).

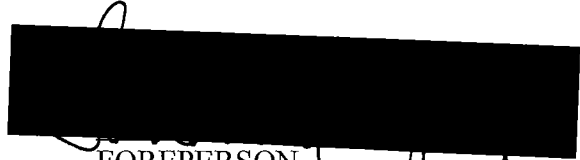
All in violation of Title 18, United States Code, Section 1028A(a)(1).

NOTICE OF FORFEITURE AND FINDING OF PROBABLE CAUSE

Notice is hereby given of 18 U.S.C. § 982 and 28 U.S.C. § 2461(c). Under Section 2461(c), criminal forfeiture is applicable to any offenses for which forfeiture is authorized by any other statute, including but not limited to 18 U.S.C. § 981 and all specified unlawful activities listed or referenced in 18 U.S.C. § 1956(c)(7), which are incorporated as to proceeds by Section 981(a)(1)(C). The following property is subject to forfeiture in accordance with Section 982 and/or 2461(c):

- a. All property which constitutes or is derived from proceeds of the violations set forth in this bill of indictment; and
- b. If, as set forth in 21 U.S.C. § 853(p), any property described in (a) cannot be located upon the exercise of due diligence, has been transferred or sold to, or deposited with, a third party, has been placed beyond the jurisdiction of the court, has been substantially diminished in value, or has been commingled with other property which cannot be divided without difficulty, all other property of the defendant/s to the extent of the value of the property described in (a).

A TRUE BILL:


FOREPERSON

R. ANDREW MURRAY
UNITED STATES ATTORNEY



CARYN FINLEY
ASSISTANT UNITED STATES ATTORNEY