

FILED

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DAVID GREWS, CLERK
BY D. Adams
Deputy

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 3:17-CR046

JOEL PANDO

18 U.S.C. § 1343
18 U.S.C. § 1349
18 U.S.C. § 1028A
18 U.S.C. § 2

INDICTMENT

The Grand Jury Charges that:

COUNT ONE

1. From on or about August 11, 2015, to on or about January 21, 2016, in the Northern District of Mississippi and elsewhere, JOEL PANDO, defendant, did knowingly and willfully conspire and agree with other individuals both known and unknown to the Grand Jury, to devise a scheme and artifice to defraud others for the purpose of obtaining money by means of false and fraudulent pretenses, representations, and promises through the use of wire communications in interstate commerce in violation of 18 U.S.C. § 1343. Unknown co-conspirators, who worked in conjunction with defendant JOEL PANDO, made unsolicited telephone calls to target victims and identified themselves as IRS employees or representatives of loan companies.

2. If the caller was posing as an IRS employee, the victim would be told that he or she owed money to the IRS and that they must immediately wire funds to a person posing as an IRS employee or else risk arrest, deportation, or suspension of their driver's license. The caller would direct the victim to a certain location, typically a Walmart store, from which the victim could wire funds. The victim would be instructed to wire funds to another conspirator using MoneyGram,

Walmart2Walmart, Ria Financial, or Western Union. The caller would remain on the telephone with the victim to monitor the transactions. The victims were provided a name, location, and dollar amount by the caller in order to complete the wire transfer.

3. If the caller was posing as a representative of a loan company, the victim would be told that he or she had been approved for a loan. Funds would appear to be deposited into the victim's bank account, but immediately thereafter, the conspirator would direct the victim to either transfer the funds to someone else or to return the funds to the lender. The victim would comply with instructions given by the conspirator by wiring funds from a Walmart store to a person designated by the caller, using MoneyGram, Walmart2Walmart, Ria Financial, or Western Union.

4. To receive the money from either of the fraudulent schemes, the defendant PANDO would go to the location where the funds were being sent, typically a Walmart store, show identification in the name of the person designated to receive the funds, and would receive the proceeds of the wire transfer. Names used by PANDO as an alias in the execution of this scheme include Gustavo Kamer, Brian Delon, Bruce Duda, Damon Zabar, Efren Noah, Harold Simmons, Jeffrey Tribiano, Jerry Cardon, Johnny Walker, Joe Richie, John Koskinen, John Dalrymple, John Palmer, Joseph Ramirez, Josh Koskinen, Lornie Yacon, Ociel Ray, Omar Haynes, Orlay Magan, Osmel Hoya, and Conel Noval.

5. Other conspirators would also participate in receiving the wire transfers. The defendant PANDO would further the conspiracy by purchasing airfare and rental vehicles for other conspirators participating in the scheme in order for the conspirators to travel to various locations to receive the wire transfers from victims.

6. During and in furtherance of the conspiracy and to effect the objects of the

conspiracy, at least one of the co-conspirators committed at least one of the following overt acts:

a. On or about October 21, 2015, unknown co-conspirators, who worked in conjunction with the defendant PANDO, contacted Linda Albritton by telephone, falsely and fraudulently representing that Albritton owed back taxes and that if she did not pay her taxes immediately, she would be arrested. The caller instructed Albritton to purchase a Money Gram in the amount of \$300.00 and to send it via interstate wire transfer to Johnny Walker (an alias of defendant PANDO) in Las Vegas, Nevada. Albritton purchased the Money Gram as instructed and drove to the Walmart in Meridian, Mississippi, to send the Money Gram to PANDO under the alias Johnny Walker.

b. On or about October 28, 2015, unknown co-conspirators, who worked in conjunction with the defendant PANDO, contacted Svein Saebo by telephone, falsely and fraudulently representing that Saebo owed back taxes and that if he did not pay his taxes immediately, he would be arrested and possibly deported. The caller instructed Saebo to purchase one or more Money Grams in the total approximate amount of \$5,000.00 and to send it via interstate wire transfer to Joe Richie (an alias of defendant PANDO) in Washington state. Saebo purchased two Money Grams, one in the amount of \$3,000.00 and the other in the amount of \$1,987.00, as instructed and drove to the National Cash Advance and subsequently the CVS Pharmacy, both in McComb, Mississippi, to send the Money Grams to PANDO under the alias Joe Richie.

c. On or about November 2, 2015, unknown co-conspirators, who worked in conjunction with the defendant PANDO, contacted Sara Bullock by telephone, falsely and fraudulently representing that Bullock owed back taxes and that she had been sued by the IRS.

The caller instructed Bullock to purchase a Money Gram in the amount of \$3,100.00 and to send it via interstate wire transfer to Joseph Ramirez (an alias of defendant PANDO) in Minnesota, which would lead to the dismissal of the IRS case against her. Bullock purchased the Money Gram as instructed and drove to the Walmart in Flowood, Mississippi, to send the Money Gram to PANDO under the alias Joseph Ramirez.

d. On or about November 17, 2015, unknown co-conspirators, who worked in conjunction with the defendant PANDO, contacted Jonathan Tiblier by telephone, falsely and fraudulently representing that Tiblier owed back taxes and that if he did not pay his taxes immediately, he would be arrested. The caller instructed Tiblier to purchase a Money Gram in the amount of \$3,100.00 and to send it via interstate wire transfer to Osmel Hoya (an alias of defendant PANDO) in Michigan. Tiblier purchased the Money Gram as instructed and drove to the Walmart in D'Iberville, Mississippi, to send the Money Gram to PANDO under the alias Osmel Hoya.

e. On or about November 17, 2015, unknown co-conspirators, who worked in conjunction with the defendant PANDO, contacted Russel Robertson by telephone, falsely and fraudulently representing that Robertson owed back taxes and that if he did not pay his taxes immediately, he would be arrested. The caller instructed Robertson to purchase a Money Gram in the amount of \$3,000.00 and to send it via interstate wire transfer to Osmel Hoya (an alias of defendant PANDO) in Michigan. Robertson purchased the Money Gram as instructed and drove to the Walmart in Pascagoula, Mississippi, to send the Money Gram to PANDO under the alias Osmel Hoya.

f. On or about November 24, 2015, unknown co-conspirators, who worked in

conjunction with the defendant PANDO, contacted Mary Ley by telephone, falsely and fraudulently representing that Ley owed back taxes and that if she did not pay her taxes immediately, she would be arrested, her Social Security benefits taken, and she would lose her home. The caller instructed Ley to wire money in various amounts to satisfy her tax debt. Ley purchased Money Grams in the amounts of \$3,900.00, \$4,900.00, \$5,000.00 and \$5,000.00 as instructed and drove to two separate Walmarts in Ohio where she wired the Money Grams to PANDO under the alias Ociel Ray at four separate locations in Arkansas, including Conway, Little Rock, Jacksonville, and North Little Rock between November 24 and November 28, 2015.

g. On or about January 15, 2016, unknown co-conspirators, who worked in conjunction with the defendant PANDO, contacted Utthej Nukala by telephone, falsely and fraudulently representing that Nukala owed back taxes and that if he did not pay his taxes immediately, he would be arrested. The caller instructed Nukala to purchase two Money Grams in the amounts of \$2,900.00 and \$500.00 and to send them via interstate wire transfer to Conel Noval (an alias of defendant PANDO) in Connecticut. Nukala purchased the Money Grams as instructed and drove to the Walmart in Alpharetta, Georgia, to send the Money Grams to PANDO under the alias Conel Noval.

h. On or about January 15, 2016, unknown co-conspirators, who worked in conjunction with the defendant PANDO, contacted Shivanshu Rai by telephone, falsely and fraudulently representing that Rai owed back taxes in the amount of \$9,900.00 and that if he did not pay his taxes immediately, he would be arrested. Rai purchased four Money Grams in the total amount of \$8,600.00 and sent them via interstate wire transfer from Indianapolis, Indiana, to PANDO under the alias Conel Noval at four separate Walmarts in Connecticut as instructed.

i. On or about December 18, 2015, unknown co-conspirators, who worked in conjunction with the defendant PANDO, contacted Pam Wade by telephone, falsely and fraudulently representing that she had been approved for a loan, then subsequently falsely appearing to deposit \$790.00 into Wade's bank account, but then requiring Wade, as a "show of good faith" to send \$790.00 to another party via interstate wire transfer. PANDO, using the alias Gustavo Kamer, received the wire transfer, reference number 24162020, at Walmart store number 848 in Southaven, Mississippi.

j. On or about December 18, 2015, unknown co-conspirators, who worked in conjunction with the defendant PANDO, contacted Ronald Hughes by telephone, falsely and fraudulently representing to Hughes that they were associated with the loan company with whom Hughes had recently applied for a loan. Hughes was told that to qualify for the loan, he must first send a Money Gram in the amount of \$484.00 to Gustavo Kamer, an alias of defendant PANDO. Hughes complied with the request and purchased the Money Gram in the required amount, then sent it to PANDO, using the alias Gustavo Kamer, from Walmart in Montevideo, Minnesota. PANDO, using the alias Gustavo Kamer, received the wire transfer, reference number 51109366, at Walmart store number 2846 in Olive Branch, Mississippi.

k. On or about December 19, 2015, unknown co-conspirators, who worked in conjunction with the defendant PANDO, contacted Rusty Hammond by telephone, falsely and fraudulently representing to Hammond that he had been approved for a loan, then subsequently falsely appearing to deposit funds into Hammond's bank account, but then requiring Hammond to return the funds after an "error" had been discovered. Hammond complied with the request and purchased a Money Gram in the amount of \$950.00, then sent it to PANDO, using the alias

Gustavo Kamer, from Walmart in Leesburg, Florida. PANDO, using the alias Gustavo Kamer, received the wire transfer, reference number 22326026, at Walmart store number 3593 in Horn Lake, Mississippi.

l. On or about November 30, 2015, unknown co-conspirators, who worked in conjunction with the defendant PANDO, contacted Matthew Myles by telephone, falsely and fraudulently representing to Myles that he owed money to the IRS and that he was subject to penalties including arrest if he did not satisfy the debt immediately. Myles sent the money to PANDO, using the alias Omar Haynes, via two interstate wire transfers, reference numbers 66715824 and 98061292, both originating from Walmart store number 5419 in Hernando, Mississippi, and received by PANDO, using the alias Omar Haynes, at two separate Walmart stores in Independence and Raytown, Missouri.

m. On or about December 14, 2015, unknown co-conspirators, who worked in conjunction with the defendant PANDO, contacted Ronald Tomko by telephone, falsely and fraudulently representating to Tomko that he owed money to the IRS, causing Tomko to purchase a Money Gram in the approximate amount of \$4,900.00 and attempt to send the money to PANDO, using the alias Damon Zabar, via interstate wire transfer, reference number 72603636, originating from the Walmart store in Booneville, Mississippi. Money Gram suspected the transaction was associated with fraud and cancelled the transaction before it was completed. Tomko took the \$4,900.00 refunded from the first wire and sent it to another conspirator via interstate wire transfer originating from the Walmart in Ripley, Mississippi.

All in violation of 18 U.S.C. § 1349.

COUNT TWO

7. From on or about August 11, 2015, to on or about January 21, 2016, in the Northern District of Mississippi and elsewhere, JOEL PANDO, defendant, aided and abetted by others known and unknown to the grand jury, did knowingly devise and intend to devise a scheme and artifice to defraud and for obtaining money by means of false and fraudulent pretenses, representations and promises through the use of wire communication in interstate commerce.

THE SCHEME

The following were parts of the scheme and artifice to defraud:

8. Unknown co-conspirators, who worked in conjunction with defendant JOEL PANDO, made unsolicited telephone calls to target victims and identified themselves as IRS employees or representatives of loan companies. If the caller was posing as an IRS employee, the victim would be told that he or she owed money to the IRS and that they must immediately wire funds to a person posing as an IRS employee or else risk arrest, deportation, or suspension of their driver's license. The caller would direct the victim to a certain location, typically a Walmart store, from which the victim could wire funds. The victim would be instructed to wire funds to the impersonator using MoneyGram, Walmart2Walmart, Ria Financial, or Western Union. The caller would remain on the telephone with the victim to monitor the transactions. The victims were provided a name, location, and dollar amount by the caller in order to complete the wire transfer.

9. If the caller was posing as a representative of a loan company, the victim would be told that he or she had been approved for a loan. Funds would appear to be deposited into the victim's bank account, but immediately thereafter, the caller would direct the victim to either

transfer the funds to someone else or to return the funds to the lender. The victim would comply with instructions given by the caller by wiring funds from a Walmart store to a person designated by the caller, using MoneyGram, Walmart2Walmart, Ria Financial, or Western Union.

10. To receive the money from either of the schemes, the defendant PANDO would go to the location where the funds were being sent, typically a Walmart store, show identification in the name of the person designated to receive the funds, and would receive the proceeds of the wire transfer. Names used by PANDO as an alias in the execution of this scheme include Gustavo Kamer, Brian Delon, Bruce Duda, Damon Zabar, Efren Noah, Harold Simmons, Jeffrey Tribiano, Jerry Cardon, Johnny Walker, Joe Richie, John Koskinen, John Dalrymple, John Palmer, Joseph Ramirez, Josh Koskinen, Lornie Yacon, Ociel Ray, Omar Haynes, Orlay Magan, Osmel Hoya, and Conel Noval.

EXECUTION OF THE SCHEME

11. On or about December 18, 2015, for the purpose of executing the aforesaid scheme and artifice to defraud, the defendant, JOEL PANDO, using the alias Gustavo Kamer, aided and abetted by others known and unknown to the grand jury, did cause Pam Wade to send via interstate wire transfer approximately \$790.00 to the defendant under false and fraudulent pretenses. Unknown co-conspirators, who worked in conjunction with the defendant PANDO, falsely and fraudulently represented to Wade that she had been approved for a loan, then subsequently falsely appeared to deposit \$790.00 into Wade's bank account, but required Wade, as a "show of good faith" to send \$790.00 to another party via interstate wire transfer. PANDO, using the alias Gustavo Kamer, received the wire transfer, reference number 24162020, at Walmart store number 848 in Southaven, Mississippi. The misrepresentations and actions set forth herein constitute wire

fraud in violation of 18 U.S.C. §§ 1343 and 2.

COUNT THREE

12. The allegations of paragraphs 7-10 of Count Two are realleged and incorporated herein by reference.

13. On or about December 18, 2015, for the purpose of executing the aforesaid scheme and artifice to defraud, the defendant, JOEL PANDO, using the alias Gustavo Kamer, aided and abetted by others known and unknown to the grand jury, did cause Ronald Hughes to send via interstate wire transfer approximately \$484.00 to the defendant, under false and fraudulent pretenses. On or about that date, approximately four individuals, who worked in conjunction with the defendant PANDO, called Hughes, falsely and fraudulently representing to Hughes that they were associated with the loan company with whom Hughes had recently applied for a loan. Hughes was told that to qualify for the loan, he must first send a Money Gram in the amount of \$484.00 to Gustavo Kamer, an alias of defendant PANDO. Hughes complied with the request and purchased the Money Gram in the required amount, then sent it to PANDO, using the alias Gustavo Kamer, from Walmart in Montevideo, Minnesota. PANDO, using the alias Gustavo Kamer, received the wire transfer, reference number 51109366, at Walmart store number 2846 in Olive Branch, Mississippi. The misrepresentations and actions set forth herein constitute wire fraud in violation of 18 U.S.C. §§ 1343 and 2.

COUNT FOUR

14. The allegations of paragraphs 7-10 of Count Two are realleged and incorporated herein by reference.

15. On or about December 19, 2015, for the purpose of executing the aforesaid scheme

and artifice to defraud, the defendant, JOEL PANDO, using the alias Gustavo Kamer, aided and abetted by others known and unknown to the grand jury, did cause Rusty Hammond to send via interstate wire transfer approximately \$950.00 to the defendant under false and fraudulent pretenses. Unknown co-conspirators, who worked in conjunction with the defendant PANDO, falsely and fraudulently represented to Hammond that he had been approved for a loan, then subsequently falsely appeared to deposit funds into Hammond's bank account, but required Hammond to return the funds after an "error" had been discovered. Hammond complied with the request and purchased a Money Gram in the amount of \$950.00, then sent it to PANDO, using the alias Gustavo Kamer, from Walmart in Leesburg, Florida. PANDO, using the alias Gustavo Kamer, received the wire transfer, reference number 22326026, at Walmart store number 3593 in Horn Lake, Mississippi. The misrepresentations and actions set forth herein constitute wire fraud in violation of 18 U.S.C. §§ 1343 and 2.

COUNT FIVE

16. The allegations of paragraphs 7-10 of Count Two are realleged and incorporated herein by reference.

17. On or about November 30, 2015, for the purpose of executing the aforesaid scheme and artifice to defraud, the defendant, JOEL PANDO, using the alias Omar Haynes, aided and abetted by others known and unknown to the grand jury, did cause Matthew Myles, Sr., to send via interstate wire transfer approximately \$800.00 to the defendant under false and fraudulent pretenses in two separate wire transactions. Unknown co-conspirators, who worked in conjunction with the defendant PANDO, falsely and fraudulently represented to Myles that he owed money to the IRS and that he was subject to penalties including arrest if he did not satisfy

the debt immediately. Myles sent the money to PANDO, using the alias Omar Haynes, via two interstate wire transfers, reference numbers 66715824 and 98061292, both originating from Walmart store number 5419 in Hernando, Mississippi, and received by PANDO, using the alias Omar Haynes, at two separate Walmart stores in Independence and Raytown, Missouri. The misrepresentations and actions set forth herein constitute wire fraud in violation of 18 U.S.C. §§ 1343 and 2.

COUNT SIX

18. The allegations of paragraphs 7-10 of Count Two are realleged and incorporated herein by reference.

19. On or about December 14, 2015, for the purpose of executing the aforesaid scheme and artifice to defraud, the defendant, JOEL PANDO, using the alias Damon Zabar, aided and abetted by others known and unknown to the grand jury, did cause Ronald Tomko to attempt to send via interstate wire transfer approximately \$4,900.00 to the defendant under false and fraudulent pretenses. Unknown co-conspirators, who worked in conjunction with the defendant PANDO, made false and fraudulent representations to Tomko, causing Tomko to purchase a Money Gram and attempt to send the money to PANDO, using the alias Damon Zabar, via interstate wire transfer, reference number 72603636, originating from the Walmart store in Booneville, Mississippi. Money Gram suspected the transaction was associated with fraud and cancelled the transaction before it was completed. The misrepresentations and actions set forth herein constitute wire fraud in violation of 18 U.S.C. §§ 1343 and 2.


COUNT SEVEN

20. The allegations of paragraphs 1-6 of Count One are realleged and incorporated

herein by reference.

21. From on or about August 11, 2015, to on or about January 21, 2016, in the Northern District of Mississippi and elsewhere, JOEL PANDO, defendant, did knowingly use, without lawful authority, one or more means of identification of another person, to wit, the names of John Koskinen, IRS Commissioner, John Dalrymple, IRS Deputy Commissioner, Jeffrey Tribiano, IRS Deputy Commissioner for Operations Support, and Johnny Walker, IRS Tax Specialist, during and in relation to the offense of Conspiracy to Commit Wire Fraud, a felony violation enumerated in 18 U.S.C. § 1028A(c)(5), all in violation of 18 U.S.C. § 1028A(a)(1).

A TRUE BILL



ACTING UNITED STATES ATTORNEY

/s/redacted signature

FOREPERSON