

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

D-1 MARKITTA WASHINGTON  
D-2 MARTEZ LEAR,

Defendants.

Case:2:14-cr-20642  
Judge: Leitman, Matthew F.  
MJ: Whalen, R. Steven  
Filed: 10-14-2014 At 03:44 PM  
SEALED MATTER (LH)

**INDICTMENT**

THE GRAND JURY CHARGES:

**General Allegations**

At all times pertinent to this Indictment:

1. **Personal Identifying Information** (PII) includes all means of identification which may be used alone or with other information to identify a specific individual, such as a credit card account number or a driver's license number, as well as any other unique personal identifying information.
2. **Access device** means any card, account number, personal identification number, or other means of account access which can be used, alone or in conjunction with another access device, to obtain money, goods, services or other things of value, or can be used to initiate a transfer of funds.

3. **Counterfeit access device** means any access device that is counterfeit, fictitious, altered or forged.
4. D-1 MARKITTA WASHINGTON, acting without authorization, removed patient records, including PII, from two different Metro Detroit hospitals where she worked and used such information to file false tax returns in other peoples' names.
5. During the execution of a search warrant in January 2014 in the city of Farmington Hills, MI at WASHINGTON's residence, which she shared with D-2 MARTEZ LEAR, numerous documents containing other peoples' PII were recovered. Specifically, there were bank account information, credit cards, stacks of hospital patient records, and notebooks containing handwritten notes. These handwritten notes included, among other things, individuals' names, dates of birth, and social security numbers. In total, personal information belonging to approximately 1,400 individuals was recovered from the residence during the execution of the search warrant.
6. Victim H.R. was one of the individuals whose PII was recovered from WASHINGTON's home in the form of a hospital patient record. H.R. stated that he/she had been a patient at one of the hospitals which employed WASHINGTON. Victim H.R. further stated that fraudulent tax returns had been filed in his/her name for tax year 2012.

7. According to IRS records, a fraudulent tax return was filed using victim H.R.'s identity for tax year 2012. The refund amount, totaling \$1,077, was sent, via United States Mail, in the form of a United States Treasury check to a Detroit address which was previously a registered address for WASHINGTON.
8. On March 19, 2013, a United States Treasury tax refund check for tax year 2012, in the name of victim H.R., was deposited into a checking account which was opened and controlled by WASHINGTON.
9. Victim V.B. was another individual whose PII was recovered from WASHINGTON's residence. V.B. stated that he/she was a patient at one of the hospitals which employed WASHINGTON. V.B. further stated that false tax returns had been filed for tax year 2012 using his/her identity.
10. According to IRS records, a fraudulent tax return was filed under V.B.'s identity for tax year 2012. The tax refund, in the amount of \$1,323, was authorized to be credited to a NetSpend debit card number 4039951204558689.
11. According to Netspend records, on March 20, 2013, a U.S. Treasury tax refund was credited to the aforementioned account in the amount of \$1,323 and the account holder of record was victim V.B. Debits to the account

balance were made to a PayPal account which was frequently used by WASHINGTON.

12. Additionally, the physical Netspend card was recovered from WASHINGTON's belongings during the search warrant at her residence.
13. The aforementioned false tax filing scheme was repeated in similar fashion for at least 305 victims, with a total loss amount of approximately \$489,000 from false tax returns alone.
14. Seven (7) false tax returns were filed from IP address 76.112.165.62. That IP address was also used to file WASHINGTON's 2011 federal income tax return. Another thirty-nine (39) false tax returns were filed from IP address 99.39.149.128. That IP address was used to file WASHINGTON's 2012 federal income tax return.
15. WASHINGTON's use of the internet to file false tax returns and to access bank accounts online as well as her other activities associated with the above described scheme caused signs, signals and sounds to travel via wire in interstate commerce.

**COUNT ONE**

*(18 U.S.C. §1341 – Mail Fraud)*

D-1 MARKITTA WASHINGTON

16. Paragraphs 1 through 15, above, are hereby realleged and incorporated by reference.

17. From in or about January 2011, and continuing through in or about June 2014, in the Eastern District of Michigan, Southern Division, defendant MARKITTA WASHINGTON (D-1), did knowingly, willfully and unlawfully, devise and execute a scheme to defraud and to obtain money and property from others by means of false and fraudulent pretenses and representations, and for the purpose of executing and attempting to execute the scheme, used or caused the use of the United States Postal services and commercial carriers, in a manner affecting interstate commerce.
18. All in violation of Title 18, United States Code, Section 1341.

**COUNT TWO**

*(18 U.S.C. §1343 – Wire Fraud)*

D-1 MARKITTA WASHINGTON

19. Paragraphs 1 through 15, above, are hereby realleged and incorporated by reference.
20. From in or about January 2011, and continuing through in or about June 2014, in the Eastern District of Michigan, Southern Division, defendant MARKITTA WASHINGTON (D-1), did knowingly, willfully and unlawfully devise and execute a scheme to defraud and to obtain money and property from others by means of false and fraudulent pretenses and representations, and for the purpose of executing and attempting to execute

the scheme did transmit and cause to be transmitted by means of wire communications in interstate commerce, writings, signs, signals and sounds.

21. All in violation of Title 18, United States Code, Section 1343.

**COUNT THREE**

*(18 U.S.C. §§ 1029(a)(1) and 2 – Production, Use or Trafficking in Counterfeit Access Devices, Aiding and Abetting)*

D-1 MARKITTA WASHINGTON  
D-2 MARTEZ LEAR

22. Paragraphs 1 through 15, above, are hereby realleged and incorporated by reference.
23. From in or about January 2011, and continuing through in or about June 2014, in the Eastern District of Michigan, Southern Division, D-1 MARKITTA WASHINGTON and D-2 MARTEZ LEAR, knowingly and with the intent to defraud produced, used or trafficked in, or aided and abetted others in producing, using or trafficking in, one or more counterfeit access devices, namely, re-encoded credit cards, gift cards, debit cards, and other PII, in a manner affecting interstate commerce.
24. All in violation of Title 18, United States Code, Sections 1029(a)(1) and 2.

**COUNT FOUR**

*(18 U.S.C. §§ 1029(a)(3) and 2 - Production, Use or Trafficking in Counterfeit Access Devices, Aiding and Abetting)*

D-1 MARKITTA WASHINGTON

D-2 MARTEZ LEAR

25. Paragraphs 1 through 15, above, are hereby realleged and incorporated by reference.
26. From in or about January 2011, and continuing through in or about June 2014, in the Eastern District of Michigan, Southern Division, D-1 MARKITTA WASHINGTON and D-2 MARTEZ LEAR, knowingly and with the intent to defraud produced, used or trafficked in, or aided and abetted others in producing, using or trafficking in, possessed, or aided and abetted others in possessing, 15 or more counterfeit access devices, namely, re-encoded credit cards, gift cards, debit cards, and other PII, in a manner affecting interstate commerce.
27. All in violation of Title 18, United States Code, Sections 1029(a)(3) and 2.

**COUNT FIVE**

*(18 U.S.C. §§ 1028A and 2 - Aggravated Identity Theft, Aiding and Abetting)*

D-1 MARKITTA WASHINGTON

D-2 MARTEZ LEAR

28. Paragraphs 1 through 15, above, are hereby realleged and incorporated by reference.

29. From in or about January 2011, and continuing through in or about June 2014, in the Eastern District of Michigan, Southern Division, D-1 MARKITTA WASHINGTON and D-2 MARTEZ LEAR, knowingly and with the intent to defraud used, or aided and abetted others in using, without lawful authority, and in a manner affecting interstate commerce, a means of identification of another person, namely social security numbers, dates of birth, credit and debit card account numbers, and PII, belonging to unwitting victims, during and in relation to the felony violation of Production, Use or Trafficking in Counterfeit Access Devices, 18 U.S.C. § 1029(a)(1), specified in Count Two of this Indictment, and possession of fifteen or more counterfeit access devices, 18 U.S.C. § 1029(a)(3), specified in Count Three of this Indictment.
30. All in violation of Title 18, United States Code, Sections 1028A and 2.

**COUNT SIX**

*(18 U.S.C. §§ 641 and 2 - Theft of Public Money, Aiding and Abetting)*

D-1 MARKITTA WASHINGTON

31. Paragraphs 1 through 19, above, are hereby realleged and incorporated by reference.
32. From in or about January 2011, and continuing through in or about June 2014, in the Eastern District of Michigan, Southern Division, D-1 MARKITTA WASHINGTON, willfully and knowingly stole and purloined,



or aided and abetted others in stealing, cash and tax refund checks, of a total value exceeding \$1,000, of the goods and property of the United States.

33. All in violation of Title 18, United States Code, Sections 641 and 2.

**FORFEITURE ALLEGATIONS**

34. Pursuant to Fed.R.Cr.P. 32.2(a), the government hereby provides notice to the defendant of its intention to seek forfeiture of all proceeds, direct or indirect, or property traceable thereto; all property that facilitated the commission of the violations alleged, or property traceable thereto; and all property involved in, or property traceable thereto, of the violations set forth in this Indictment.

THIS IS A TRUE BILL.

/s/ Foreperson of the Grand Jury  
FOREPERSON OF THE GRAND JURY

BARBARA McQUADE  
United States Attorney

/s/ Abed Hammoud  
ABED HAMMOUD  
Assistant U.S. Attorney  
211 W. Fort, Suite 2001  
Detroit, Michigan 48226  
(313) 226-9524  
[abed.hammoud@usdoj.gov](mailto:abed.hammoud@usdoj.gov)

/s/John Neal  
JOHN NEAL  
Assistant U.S. Attorney  
Chief, White Collar Crime Unit

Dated: October 14, 2014

Case: 2014-cr-20642  
 Judge: Leitman, Matthew F.  
 MJ: Whalen, R. Steven  
 Filed: 10-14-2014 At 03:44 PM  
 SEALED MATTER (LH)

United States District Court Eastern District of Michigan	<b>Criminal Case Cover</b>
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NOTE: It is the responsibility of the Assistant U.S. Attorney signing this form to complete it accurately in all respects.

**Reassignment/Recusal Information** This matter was opened in the USAO prior to August 15, 2008 [ ]

<b>Companion Case Information</b>	Companion Case Number:
This may be a companion case based upon LCrR 57.10 (b)(4) <sup>1</sup> :	Judge Assigned:
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	AUSA's Initials: <i>AWA</i>

Case Title: USA v. Markitta Washington; and Martez Lear

County where offense occurred : Oakland County

Check One:       Felony                       Misdemeanor                       Petty

- Indictment/\_\_\_ Information --- no prior complaint.
- Indictment/\_\_\_ Information --- based upon prior complaint [Case number: \_\_\_\_\_]
- Indictment/\_\_\_ Information --- based upon LCrR 57.10 (d) [Complete Superseding section below].

**Superseding Case Information**

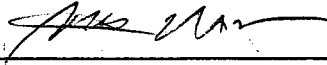
Superseding to Case No: \_\_\_\_\_ Judge: \_\_\_\_\_

- Original case was terminated; no additional charges or defendants.
- Corrects errors; no additional charges or defendants.
- Involves, for plea purposes, different charges or adds counts.
- Embraces same subject matter but adds the additional defendants or charges below:

<u>Defendant name</u>	<u>Charges</u>	<u>Prior Complaint (if applicable)</u>
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Please take notice that the below listed Assistant United States Attorney is the attorney of record for the above captioned case.

October 14, 2014  
Date

  
 \_\_\_\_\_  
 Abed Hammoud  
 Assistant U.S. Attorney  
 211 W. Fort, Suite 2001  
 Detroit, Michigan 48226  
 (313) 226-9524  
 abed.hammoud@usdoj.gov

<sup>1</sup> Companion cases are matters in which it appears that (1) substantially similar evidence will be offered at trial, (2) the same or related parties are present, and the cases arise out of the same transaction or occurrence. Cases may be companion cases even though one of them may have already been terminated. 04/13