

'Check Gang' Indicted in Massive Mail Theft and Bank Fraud Scheme

LOS ANGELES - A federal grand jury has indicted three alleged members of the "Check Gang," a criminal enterprise accused of stealing mail, robbing post offices, and engaging in an extensive bank fraud conspiracy that aimed to steal \$800,000 from financial institutions.

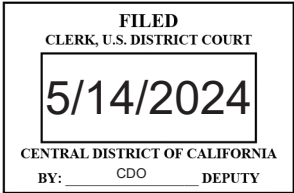
The 28-count indictment, unsealed Monday, charges Antonio Hernandez, Ivan Murillo-Hernandez, and Alexis Garcia Martinez with conspiracy to commit bank fraud, aggravated identity theft, mail theft, and the robbery of a post office. The defendants, all residents of the Los Angeles area, allegedly recruited individuals through social media to provide access to their bank accounts to deposit stolen checks.

According to the indictment, the defendants and their co-conspirators, including three minors, targeted United States Post Office locations across Los Angeles, Orange, Riverside, and San Bernardino counties. The group allegedly stole mail from back docks and workroom floors, using force and violence in at least one incident where a postal employee was punched while attempting to photograph their getaway vehicle's license plate.

Prosecutors say the defendants sifted through the stolen mail to find checks, which they then fraudulently deposited into the accounts of co-conspirators or sold to others. In one instance, Mr. Hernandez allegedly used the name and bank account number of an identity theft victim to deposit a \$1,800 check and withdraw the funds from an ATM.

The defendants flaunted their illicit gains on social media, posting photographs of large amounts of cash and openly advertising their check fraud scheme on Instagram. In one brazen post, Mr. Hernandez allegedly sought bank account holders to participate in the scheme, specifically requesting accounts open for more than two years to circumvent fraud protections.

READ THE FULL INDICTMENT ON FOLLOWING PAGES



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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

January 2024 Grand Jury

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANTONIO HERNANDEZ,
aka "5tonio0,"
aka "Tonio,"
IVAN MURILLO-HERNANDEZ,
aka "ivann_1973," and
ALEXIS GARCIA MARTINEZ,
aka "KrayHam,"
aka "Krayster,"
aka "007Krayster,"

Defendants.

CR No. 2:24-cr-00305-MRA

I N D I C T M E N T

[18 U.S.C. § 1349: Conspiracy to Commit Bank Fraud; 18 U.S.C. § 1028A(a)(1): Aggravated Identity Theft; 18 U.S.C. § 1344(2): Bank Fraud; 18 U.S.C. § 2114(a): Robbery of a Post Office; 18 U.S.C. § 1708: Mail Theft; 18 U.S.C. §§ 982, 981(a)(1)(C), 924 and 28 U.S.C. § 2461(c): Criminal Forfeiture]

The Grand Jury charges:

COUNT ONE

[18 U.S.C. § 1349]

[ALL DEFENDANTS]

A. INTRODUCTORY ALLEGATIONS

At times relevant to this Indictment:

1. Bank of America, N.A. ("Bank of America" or "BoFA"), Citibank, N.A. ("Citibank"), Wells Fargo Bank, N.A. ("Wells Fargo"),

1 JP Morgan Chase Bank, N.A. ("Chase"), and Union Bank, N.A. ("Union
2 Bank" and, collectively, the "Financial Institutions") were financial
3 institutions insured by the Federal Deposit Insurance Corporation.

4 2. Defendants ANTONIO HERNANDEZ, also known as ("aka")
5 "5tonio0," aka "Tonio," IVAN MURILLO-HERNANDEZ, aka "ivann_1973," and
6 ALEXIS GARCIA MARTINEZ, aka "KrayHam," aka "Krayster," aka
7 "007Krayster," were members of a criminal conspiracy. In furtherance
8 of a scheme to fraudulently obtain money from bank accounts, members
9 of the conspiracy engaged in, among other things, bank fraud, mail
10 theft, aggravated identity theft, and robbery of Post Offices. The
11 conspiracy operated in the Central District of California and
12 elsewhere.

13 3. "Co-conspirator A," "Co-conspirator B," "Co-conspirator C,"
14 and "Co-conspirator D" were minors under the age of 18 who each
15 participated in the theft of mail from multiple post office back
16 docks and, at times, communicated with other co-conspirators to plan
17 back dock thefts.

18 4. Instagram was a social media platform that defendants
19 HERNANDEZ and MURILLO-HERNANDEZ, and other co-conspirators, used to
20 share photographs and videos with followers related to the fraudulent
21 scheme and to communicate privately with each other. Instagram users
22 could post an Instagram "story," which was a temporary post visible
23 to the user's Instagram followers that would disappear after 24
24 hours. Instagram stories could contain photographs, videos, and/or
25 text, and followers could interact with such stories by liking,
26 commenting, or sending an Instagram direct message to the story's
27 creator. An Instagram direct message was a private message that
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1 Instagram users could send to one or more other users and could
2 include text, photographs, videos, and voice messages.

3 B. THE OBJECT OF THE CONSPIRACY

4 5. Beginning no later than on or about November 14, 2022, and
5 continuing through at least on or about August 18, 2023, in Los
6 Angeles, Orange, Riverside, and San Bernardino Counties, within the
7 Central District of California, and elsewhere, defendants HERNANDEZ,
8 MURILLO-HERNANDEZ, and GARCIA MARTINEZ, and Co-Conspirator A, Co-
9 conspirator B, Co-conspirator C, and Co-conspirator D conspired with
10 each other and with others known and unknown to commit bank fraud, in
11 violation of Title 18, United States Code, Section 1344(2).

12 C. THE MANNER AND MEANS OF THE CONSPIRACY

13 6. The object of the conspiracy was carried out, and was to be
14 carried out, in substance, as follows:

15 a. Defendants HERNANDEZ and MURILLO-HERNANDEZ, and other
16 co-conspirators, would steal mail from United States Post Office
17 docks or other locations in the mail stream, including by using
18 threats of force, with the aim of stealing mail containing checks
19 belonging to various victims.

20 b. Defendant GARCIA MARTINEZ would provide vehicles to
21 defendant HERNANDEZ, Co-conspirator A, and other co-conspirators to
22 use in traveling to post offices to commit back dock thefts, and
23 would advise Co-conspirator A how to commit back dock thefts and
24 engage in other illegal conduct without being caught by law
25 enforcement.

26 c. Defendants HERNANDEZ and MURILLO-HERNANDEZ, and other
27 co-conspirators, would solicit bank account holders through social
28 media to provide their debit cards and bank account information to

1 the co-conspirators, promising these account holders a cut of any
2 fraudulent funds deposited into their accounts in return. To
3 circumvent the fraud protections of the financial institutions, the
4 co-conspirators would specifically request bank accounts that had
5 been open for a certain amount of time so the co-conspirators could
6 get access to the stolen funds more quickly.

7 d. Third-party bank account holders who were aware of the
8 advertisements and/or defendants' scheme would contact defendants
9 HERNANDEZ and MURILLO-HERNANDEZ, and other co-conspirators, about
10 participating in the check fraud.

11 e. Defendants HERNANDEZ and MURILLO-HERNANDEZ, and other
12 co-conspirators, would exchange the bank account information obtained
13 from bank account holders with each other and other co-conspirators.

14 f. Defendants HERNANDEZ and MURILLO-HERNANDEZ, and other
15 co-conspirators, would deposit the stolen checks into the bank
16 accounts that had been sourced as described in sub-paragraphs 6.d and
17 6.e. In doing so, the co-conspirators falsely represented that they
18 were the payees on the checks and were entitled to the funds and
19 concealed that they were not the payees on the stolen checks and that
20 they were not authorized to deposit the checks or receive the payees'
21 funds.

22 g. Defendants HERNANDEZ and MURILLO-HERNANDEZ, and other
23 co-conspirators, would then rapidly deplete the fraudulently
24 deposited funds from the account holders' accounts by making cash
25 withdrawals, electronic transfers, and/or debit card purchases.

26 h. Defendants HERNANDEZ and MURILLO-HERNANDEZ, and other
27 co-conspirators, would also sell or attempt to sell stolen checks to
28 others who would fraudulently cash them.

1 i. To further the scheme, defendants HERNANDEZ, MURILLO-
2 HERNANDEZ, and GARCIA MARTINEZ, and other co-conspirators, would aid,
3 abet, counsel, command, induce, procure, and cause the commission of
4 mail theft and the endorsement and depositing of stolen checks by
5 others, including at least three individuals whom defendants knew to
6 be minors under the age of 18.

7 7. During their fraudulent scheme, defendants intended to
8 cause at least approximately \$800,000 in losses to the Financial
9 Institutions.

10 D. OVERT ACTS

11 8. On or about the following dates, in furtherance of the
12 conspiracy and to accomplish its object, defendants HERNANDEZ,
13 MURILLO-HERNANDEZ, and GARCIA MARTINEZ, together with others known
14 and unknown to the Grand Jury, committed the following overt acts,
15 among others, within the Central District of California, and
16 elsewhere:

17 Overt Act No. 1: On November 28, 2022, at a Wells Fargo
18 Automated Teller Machine ("ATM") in Highland Park, California,
19 defendant HERNANDEZ and Co-conspirator A cashed a check in the amount
20 of \$1,800 from Victim D.D. to Victim A.R. using a Wells Fargo bank
21 account ending in 7626 that belonged to Co-conspirator A and without
22 the victims' permission.

23 Overt Act No. 2: On December 17, 2022, defendant HERNANDEZ
24 and Co-conspirator A stole mail from an apartment building in
25 Highland Park, California.

26 Overt Act No. 3: On December 18, 2022, defendant HERNANDEZ
27 posted a story on his Instagram account advertising the sale of
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1 stolen checks and seeking third parties with BofA accounts older than
2 two years in which to deposit the stolen checks.

3 Overt Act No. 4: On December 28, 2022, Co-conspirator A and
4 other co-conspirators stole mail from a post office in Studio City,
5 California.

6 Overt Act No. 5: On December 29, 2022, using coded language,
7 defendant HERNANDEZ sent a direct Instagram message to an unknown
8 individual identified as "Blinker," in which defendant HERNANDEZ said
9 he had checks available if "Blinker" had a BofA account at least two
10 years old.

11 Overt Act No. 6: On December 29, 2022, defendant HERNANDEZ
12 sent a direct Instagram message to an unknown individual advertising
13 that if the unknown person "wanna make money . . . lmk if u got any
14 checking account 2+ years."

15 Overt Act No. 7: On December 29, 2022, Co-conspirator A sent
16 defendant HERNANDEZ an Instagram direct message that said, using
17 coded language, that Co-conspirator A was planning to sell a stolen
18 check in the amount of \$10,000 from a BofA account with an address in
19 Studio City, because "we can't do nun with it."

20 Overt Act No. 8: On December 29, 2022, defendant HERNANDEZ
21 responded to Co-conspirator A's direct Instagram message, "Fuck it."

22 Overt Act No. 9: On December 31, 2022, defendant HERNANDEZ
23 posted an Instagram story depicting a \$1,500 deposit at a BofA ATM
24 with the caption, using coded language, soliciting responses from
25 users who had a checking account at least two years old or users who
26 had a joint bank account.

27 Overt Act No. 10: In January 2023, defendant HERNANDEZ posted
28 an Instagram story depicting several checks made out to other people

1 from addresses in Studio City, including the \$10,000 BofA check
2 referenced above.

3 Overt Act No. 11: On January 2, 2023, Co-conspirator A posted
4 an Instagram story depicting the same \$10,000 BofA check with the
5 caption, "Need a boaa [i.e., a Bank of America account] asap."

6 Overt Act No. 12: On January 3, 2023, Co-conspirator A sent a
7 co-conspirator Telegram messages listing the addresses of multiple
8 post offices, including the address of a post office in Azusa,
9 California.

10 Overt Act No. 13: On January 3, 2023, Co-conspirator A sent
11 defendant HERNANDEZ Telegram messages listing the addresses of
12 multiple post offices, including the address of a post office in
13 Azusa, California.

14 Overt Act No. 14: On January 10, 2023, co-conspirators stole
15 mail from a post office in Azusa, California.

16 Overt Act No. 15: On January 15, 2023, defendant HERNANDEZ
17 published an Instagram story depicting himself holding a large amount
18 of fanned-out cash.

19 Overt Act No. 16: On February 1, 2023, defendant HERNANDEZ
20 possessed without authorization two checks made out to other people
21 with return addresses in Studio City, California.

22 Overt Act No. 17: On March 2, 2023, co-conspirators drove to a
23 post office in La Mirada, California, where they intended to steal
24 mail.

25 Overt Act No. 18: On March 2, 2023, co-conspirators approached
26 the back dock of a post office in La Mirada, California, but fled
27 after an employee approached them.

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1 Overt Act No. 19: On April 3, 2023, Co-conspirator A and other
2 co-conspirators arranged via text messages with defendant GARCIA
3 MARTINEZ to obtain a car to use for back dock thefts in exchange for
4 \$600.

5 Overt Act No. 20: On April 3, 2023, Co-conspirator A sent
6 Telegram messages to Co-conspirator B containing a list of post
7 offices, including post offices in Upland and Anaheim, California.

8 Overt Act No. 21: Between April 3 and April 4, 2023, Co-
9 conspirator A, Co-conspirator B, and Co-conspirator C coordinated
10 over Instagram direct messages their transportation to multiple post
11 offices using the car Co-conspirator A had arranged to obtain from
12 defendant GARCIA MARTINEZ.

13 Overt Act No. 22: On April 4, 2023, defendant GARCIA MARTINEZ
14 drove a silver Toyota Camry (the "silver Camry") from Lynwood,
15 California to defendant HERNANDEZ's address of record to lend the car
16 to defendant HERNANDEZ and Co-Conspirator A.

17 Overt Act No. 23: On April 4, 2023, a co-conspirator picked up
18 defendant MURILLO-HERNANDEZ, Co-conspirator B, and Co-conspirator C
19 in the silver Camry.

20 Overt Act No. 24: On April 4, 2023, defendants HERNANDEZ and
21 MURILLO-HERNANDEZ, and Co-Conspirator A, Co-conspirator B, and Co-
22 conspirator C traveled to a post office in La Canada, California in
23 the silver Camry.

24 Overt Act No. 25: On April 4, 2023, defendants HERNANDEZ and
25 MURILLO-HERNANDEZ, and Co-conspirator A and Co-conspirator B, tried
26 to break into a post office in La Canada, California, to steal mail,
27 but did not do so because the door was locked.

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1 Overt Act No. 26: On April 4, 2023, Co-conspirator C drove the
2 silver Camry, in which defendants HERNANDEZ and MURILLO-HERNANDEZ and
3 Co-Conspirator A and Co-conspirator B were passengers, to a post
4 office in Upland, California.

5 Overt Act No. 27: On April 4, 2023, defendants HERNANDEZ and
6 MURILLO-HERNANDEZ, and Co-Conspirator A and Co-conspirator B, entered
7 a post office in Upland, California through the back dock and stole
8 mail.

9 Overt Act No. 28: On April 4, 2023, defendant HERNANDEZ
10 punched a United States Postal Service employee, Victim E.E., after
11 Victim E.E. tried to photograph the license plate of the silver Camry
12 as defendants HERNANDEZ and MURILLO-HERNANDEZ and Co-Conspirator A
13 and Co-conspirator B attempted to flee a post office in Upland,
14 California, after stealing mail from that post office.

15 Overt Act No. 29: On April 4, 2023, Co-conspirator C drove the
16 silver Camry, in which defendants HERNANDEZ and MURILLO-HERNANDEZ and
17 Co-Conspirator A and Co-conspirator B were passengers, to a post
18 office in Riverside, California, and conducted surveillance of that
19 post office.

20 Overt Act No. 30: On April 4, 2023, Co-conspirator C drove the
21 silver Camry, in which defendants HERNANDEZ and MURILLO-HERNANDEZ and
22 Co-Conspirator A and Co-conspirator B were passengers, to a post
23 office in Corona, California, and conducted surveillance of that post
24 office.

25 Overt Act No. 31: On April 4, 2023, Co-conspirator C drove the
26 silver Camry, in which defendants HERNANDEZ and MURILLO-HERNANDEZ and
27 Co-Conspirator A and Co-conspirator B were passengers, to a post
28 office in Anaheim, California, where defendants HERNANDEZ and

1 MURILLO-HERNANDEZ and Co-Conspirator A and Co-conspirator B stole
2 mail from the loading dock of the post office.

3 Overt Act No. 32: On April 4, 2023, Co-conspirator C drove the
4 silver Camry, in which defendants HERNANDEZ and MURILLO-HERNANDEZ and
5 Co-Conspirator A and Co-conspirator B were passengers, to a parking
6 lot behind a restaurant on South State College Boulevard in Anaheim
7 and parked behind a trash dumpster, where defendants HERNANDEZ and
8 MURILLO-HERNANDEZ and Co-Conspirator A and Co-conspirator B opened
9 mail they had stolen, separated and kept checks they found, and took
10 turns carrying large amounts of discarded mail to the dumpster.

11 Overt Act No. 33: On April 4, 2023, after a marked Anaheim
12 Police Department ("APD") unit approached the silver Camry containing
13 defendants HERNANDEZ and MURILLO-HERNANDEZ and Co-Conspirator A, Co-
14 Conspirator B, and Co-Conspirator C, the silver Camry fled at a high
15 speed, ultimately leading police on a high-speed pursuit on both the
16 57 and 60 Freeways; the occupants dumped mail out of the window of
17 the silver Camry as it fled along the freeway.

18 Overt Act No. 34: On April 4, 2023, in Rowland Heights,
19 California, after leading law enforcement on a high-speed chase in
20 the silver Camry, defendants HERNANDEZ and MURILLO-HERNANDEZ, and Co-
21 Conspirator A, Co-Conspirator B, and Co-Conspirator C fled the silver
22 Camry on foot to evade law enforcement.

23 Overt Act No. 35: On April 4, 2023, after defendant HERNANDEZ
24 and Co-conspirator A successfully evaded law enforcement, Co-
25 conspirator A texted defendant GARCIA MARTINEZ "Pusey / We got away /
26 Me tonio . . . if they ask about me and tonio say we neighbor and
27 been in the car before."

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1 Overt Act No. 36: On April 4, 2023, via text messages, Co-
2 conspirator A told defendant GARCIA MARTINEZ that the police likely
3 found the keys to the silver Camry because Co-conspirator A threw
4 them in the grass, that the occupants of the car had to “throw the
5 slips” [i.e., threw some of the checks and mail out of the car
6 window], and sent a photograph of an envelope full of checks.

7 Overt Act No. 37: On April 4, 2023, Co-conspirator B posted a
8 video on Instagram taken from inside the silver Camry depicting a
9 pursuing police car as seen in the front passenger side rear view
10 mirror for followers and potential stolen check customers to “like,”
11 a screenshot of which is below:



22 Overt Act No. 38: On April 4, 2023, Co-conspirator B published
23 an Instagram story containing a photograph depicting the same
24 envelope of checks that Co-conspirator A texted to defendant GARCIA
25 MARTINEZ that same day; Co-conspirator B captioned the photograph,
26 “Moments before disaster.”

27 Overt Act No. 39: On April 5, 2023, defendant GARCIA MARTINEZ
28 advised Co-conspirator A over text message, “[Co-conspirator B] takes

1 the hit . . . Ima [sic] say he took [the car] without permission,"
2 and told Co-conspirator A that Co-conspirator A and defendant
3 HERNANDEZ should get their driver's licenses so that they "would have
4 stopped got a ticket but not search car . . . Be smart bro."

5 Overt Act No. 40: On June 8, 2023, two co-conspirators stole
6 mail from the back dock of a post office in El Segundo, California,
7 and fled in a black sedan.

8 Overt Act No. 41: On June 8, 2023, at least three co-
9 conspirators stole mail from the workroom of a post office in West
10 Hills, California, and fled in a black Mercedes Benz sedan.

11 Overt Act No. 42: On June 8, 2023, defendant HERNANDEZ
12 published an Instagram story of a video depicting a hand sorting
13 through dozens of different checks, including a light pink check in
14 the amount of \$555,099.25 from the Chase Bank account of Victim
15 Business E.R.C. located in West Hills, California.

16 Overt Act No. 43: On June 9, 2023, defendant HERNANDEZ
17 reposted an Instagram story from Co-conspirator D depicting three
18 pink checks from the Chase Bank account of Victim Business E.R.C. in
19 which Co-conspirator D wrote, "The lil homie came through with the
20 slips / Thank you my boy," and tagged defendant HERNANDEZ's Instagram
21 account as an advertisement to Instagram followers.

22 Overt Act No. 44: On June 9, 2023, Co-conspirator A published
23 an Instagram story depicting six pink checks from Victim Business
24 E.R.C. and a seventh check bearing an account owner's address in El
25 Segundo, California captioned for followers, "LMK ON BANKS / get
26 paid / got slips ready," as an advertisement to sell stolen checks
27 and/or to deposit stolen checks to user bank accounts in exchange for
28 a fee.

1 Overt Act No. 45: In or around June 2023, defendant HERNANDEZ
2 deposited two of Victim Business E.R.C.'s checks in the amount of
3 \$3,446.24 and \$1,725 into third-party checking accounts at BofA and
4 U.S. Bank, respectively.

5 Overt Act No. 46: On June 12, 2023, three co-conspirators
6 stole mail from the workroom floor of a post office in Anaheim,
7 California, and fled in a black Mercedes Benz sedan.

8 Overt Act No. 47: On June 12, 2023, defendant HERNANDEZ posted
9 on Instagram a photograph of a person sitting in the driver's seat of
10 a black Mercedes Benz sedan holding a large amount of cash fanned in
11 front of the person's face, a copy of which is below:



22 Overt Act No. 48: On June 12, 2023, defendant HERNANDEZ
23 published an Instagram story depicting several checks, including a
24 Chase Bank check in the amount of \$2,926.83 with the caption,
25 "BANKS!! BOA CHASE NAVY FEDERAL WELLS FARGO!"
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1 Overt Act No. 49: On June 15, 2023, defendant HERNANDEZ
2 published an Instagram story depicting an ATM screen showing the
3 deposit of a check in the amount of \$2,926.83.

4 Overt Act No. 50: On August 18, 2023, after law enforcement
5 searched the residence of defendant HERNANDEZ and Co-conspirator A,
6 Co-conspirator A published an Instagram story depicting law
7 enforcement outside his window.

8 Overt Act No. 51: On August 18, 2023, after law enforcement
9 searched the residence of defendant HERNANDEZ Co-conspirator A,
10 defendant HERNANDEZ published an Instagram story with the text, "I
11 got raided by FBI earlier delete anything you got of [sic] me."
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COUNT TWO

[18 U.S.C. §§ 1344(2), 2(a)]

[DEFENDANT HERNANDEZ]

9. The Grand Jury re-alleges paragraphs 1 through 4, 6, and 7 of this Indictment here.

A. THE SCHEME TO DEFRAUD

10. Beginning on a date unknown to the Grand Jury, but no later than on or about November 14, 2022, and continuing through at least on or about August 18, 2023, in Los Angeles, Orange, Riverside, and San Bernardino Counties, within the Central District of California, and elsewhere, defendant ANTONIO HERNANDEZ, also known as ("aka") "5tonio0," aka "Tonio," together with Co-conspirator A, and others known and unknown to the Grand Jury, knowingly and with intent to defraud, devised and executed a scheme to obtain moneys, funds, assets, and other property owned by and in the custody and control of Wells Fargo Bank, N.A. by means of material false and fraudulent pretenses, representations, and promises, and the concealment of material facts.

11. The fraudulent scheme operated and was carried out, in substance, as described in paragraphs 6 and 7 of this Indictment.

B. EXECUTION OF THE FRAUDULENT SCHEME

12. On or about November 28, 2022, in Los Angeles County, within the Central District of California, and elsewhere, defendant HERNANDEZ and Co-conspirator A, each aiding and abetting the other, deposited a stolen check in the amount of \$1,800, made out from Victim D.D. and payable to A.R., without Victim D.D.'s or payee A.R.'s permission or authorization, into Co-conspirator A's Wells Fargo bank account ending in 7626 ("Co-conspirator A's Wells Fargo

1 account") and withdraw \$1,800 in cash from Co-conspirator A's Wells
2 Fargo account at an ATM in Highland Park, California.

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COUNT THREE

[18 U.S.C. §§ 1028A(a)(1), 2(a)]

[DEFENDANT HERNANDEZ]

1 On or about November 28, 2022, in Los Angeles County, within the
2 Central District of California, and elsewhere, defendant ANTONIO
3 HERNANDEZ, also known as ("aka") "5tonio0," aka "Tonio," together
4 with Co-conspirator A and others known and unknown to the Grand Jury,
5 each aiding and abetting the others, knowingly possessed and used,
6 without lawful authority, a means of identification that defendant
7 HERNANDEZ knew belonged to another person, namely, the name and bank
8 account number of Victim D.D., during and in relation to the offenses
9 of Conspiracy to Commit Bank Fraud, a felony violation of Title 18,
10 United States Code, Section 1349, as charged in Count One of this
11 Indictment, and Bank Fraud, a felony violation of Title 18, United
12 States Code, Section 1344(2), as charged in Count Two of this
13 Indictment.
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COUNT FOUR

[18 U.S.C. §§ 2114(a), 2(a)]

[DEFENDANT HERNANDEZ]

On or about April 4, 2023, in San Bernardino County, within the Central District of California, defendant ANTONIO HERNANDEZ, also known as ("aka") "5tonio0," aka "Tonio," and others known and unknown to the Grand Jury, each aiding and abetting the others, knowingly and intentionally robbed Victim E.E. and others having lawful charge, custody, and control of mail matter and other property of the United States, in their official capacity as United States Postal Service Clerks, of mail matter and property of the United States, by means of force and violence.

COUNT FIVE

[18 U.S.C. §§ 1708, 2(a)]

[DEFENDANTS HERNANDEZ and MURILLO-HERNANDEZ]

On or about April 4, 2023, in Orange County, within the Central District of California, defendants ANTONIO HERNANDEZ, also known as ("aka") "5tonio0," aka "Tonio," and IVAN MURILLO-HERNANDEZ, aka "ivann_1973," and others known and unknown to the Grand Jury, each aiding and abetting the others, stole, took, and abstracted mail and mail matter from and out of a post office, postal station, letter box, mail receptacle, and authorized depository for mail matter, namely, the premises of the United States Post Office, located at 2320 East Lincoln Avenue, Anaheim, California, with the intent to deprive the owners of the mail and mail matter, temporarily and permanently, of its use and benefit.

FORFEITURE ALLEGATION ONE

[18 U.S.C. § 982]

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3 1. Pursuant to Rule 32.2(a) of the Federal Rules of Criminal
4 Procedure, notice is hereby given that the United States of America
5 will seek forfeiture as part of any sentence, pursuant to Title 18,
6 United States Code, Section 982(a)(2), in the event of any
7 defendant's conviction of the offenses set forth in any of Counts One
8 through Four of this Indictment.

9 2. Any defendant so convicted shall forfeit to the United
10 States of America the following:

11 (a) All right, title, and interest in any and all property,
12 real or personal, constituting, or derived from, any proceeds
13 obtained, directly or indirectly, as a result of the offense; and

14 (b) To the extent such property is not available for
15 forfeiture, a sum of money equal to the total value of the property
16 described in subparagraph (a).

17 3. Pursuant to Title 21, United States Code, Section 853(p),
18 as incorporated by Title 18, United States Code, Section 982(b), any
19 defendant so convicted shall forfeit substitute property, up to the
20 total value of the property described in the preceding paragraph if,
21 as the result of any act or omission of the defendant, the property
22 described in the preceding paragraph, or any portion thereof: (a)
23 cannot be located upon the exercise of due diligence; (b) has been
24 transferred, sold to or deposited with a third party; (c) has been
25 placed beyond the jurisdiction of the court; (d) has
26 been substantially diminished in value; or (e) has been commingled
27 with other property that cannot be divided without difficulty.

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FORFEITURE ALLEGATION TWO

[18 U.S.C. §§ 981(a)(1)(C) and 924, and 28 U.S.C. § 2461(c)]

1 Pursuant to Rule 32.2 of the Federal Rules of Criminal
2 Procedure, notice is hereby given that the United States of America
3 will seek forfeiture as part of any sentence, pursuant to Title 18,
4 United States Code, Sections 981(a)(1)(C) and 924 and Title 28,
5 United States Code, Section 2461(c), in the event of any defendant's
6 conviction of the offense set forth in Count Five of this Indictment.
7

8
9 2. Any defendant so convicted shall forfeit to the United
10 States of America the following:

11 (a) All right, title, and interest in any and all
12 property, real or personal, constituting, or derived from, any
13 proceeds traceable to the offenses;

14 (b) All right, title, and interest in any firearm or
15 ammunition involved in or used in any such offense; and

16 (c) To the extent such property is not available for
17 forfeiture, a sum of money equal to the total value of the property
18 described in subparagraph (a) and (b).

19 3. Pursuant to Title 21, United States Code, Section 853(p),
20 as incorporated by Title 28, United States Code, Section 2461(c), any
21 defendant, if so convicted, shall forfeit substitute property, up to
22 the value of the property described in the preceding paragraph if, as
23 the result of any act or omission of the defendant, the property
24 described in the preceding paragraph or any portion thereof (a)
25 cannot be located upon the exercise of due diligence; (b) has been
26 transferred, sold to, or deposited with a third party; (c) has been
27 placed beyond the jurisdiction of the court; (d) has been
28

1 substantially diminished in value; or (e) has been commingled with
2 other property that cannot be divided without difficulty.

3
4 A TRUE BILL

5
6 _____ /s/
7 Foreperson

8 E. MARTIN ESTRADA
9 United States Attorney

10 MACK E. JENKINS
11 Assistant United States Attorney
12 Chief, Criminal Division



13 SCOTT M. GARRINGER
14 Assistant United States Attorney
15 Deputy Chief, Criminal Division

16 BENEDETTO L. BALDING
17 Assistant United States Attorney
18 Deputy Chief, General Crimes
19 Section

20 ANGELA C. MAKABALI
21 Assistant United States Attorney
22 Cyber & Intellectual Property
23 Crimes Section
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25
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