

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO.
v.	:	DATE FILED
YAHAIRA DIAZ	:	VIOLATIONS:
	:	18 U.S.C. § 1341 (mail fraud – 3 counts)
	:	18 U.S.C. § 1029(a)(2) (access device fraud – 1 count)
	:	18 U.S.C. § 1028A(a)(1), (c)(4) (aggravated identity theft – 1 count)
	:	18 U.S.C. § 2 (aiding and abetting)
		Notices of Forfeiture

INFORMATION

COUNTS ONE THROUGH THREE

THE UNITED STATES ATTORNEY CHARGES THAT:

THE SCHEME

1. In or around January and February 2018, in the Eastern District of Pennsylvania and elsewhere, defendant

YAHAIRA DIAZ,

alone and with co-schemers known and unknown to the United States Attorney, devised and intended to devise a scheme to defraud and to obtain money and property by means of false and fraudulent pretenses, representations, and promises; that is, defendant DIAZ and her co-schemers fraudulently persuaded elderly individuals to send thousands of dollars in cash to the schemers purportedly to help the elderly individuals' grandchildren pay legal or other expenses in connection with alleged vehicular accidents.

MANNER AND MEANS

2. Defendant YAHAIIRA DIAZ'S co-schemers telephoned elderly individuals ("the grandparents") throughout the United States and, while posing as a lawyer or court official, told them that their loved one, generally their grandchild, had been involved in a vehicular accident in Pennsylvania and needed a particular sum of money, at least several thousand dollars, to pay for legal and other expenses resulting from the accident, such as bail to be released from prison or legal fees.

3. In some instances, the co-schemers also posed on the telephone as the grandchild, often crying into the phone, to make an emotional plea with the grandparents and further convince them that their grandchild needed money.

4. In those telephone calls, the co-schemers then directed the grandparents to send cash for their grandchild to a particular address where the co-schemers would collect the cash.

5. In those telephone calls, to further convince the grandparents to send the cash, the co-schemers described the grandchild's situation as increasingly serious, by claiming the following: that the grandchild had been arrested for driving under the influence; that a pregnant woman was involved in the accident; that the pregnant woman and her unborn child were injured or killed; that the grandchild would not be released from prison without additional funds; and that legal and other fees were mounting.

6. To increase the likelihood that the scheme would succeed and to help conceal it from authorities, the co-schemers told the grandparents that the situation was embarrassing for the grandchild and that that the grandparents should not share the information with other family members.

7. To ensure that the victims' cash would arrive safely with the co-schemers, the co-schemers directed the grandparents to tape cash inside a magazine, place the magazine in packaging for mailing, and then send the package to a designated address via an overnight service such as the United States Postal Service Priority Mail, Federal Express, and United Parcel Service.

8. If the grandparents sent cash as directed by the co-schemers, the co-schemers would call the grandparents again and ask for more cash, claiming that additional funds were necessary for their grandchild's legal expenses or bail and, at times, the grandparents complied with these demands. The co-schemers would continue to call the grandparents and demand additional funds until they stopped sending money.

9. To further the scheme and ensure its success, defendant YAHAIIRA DIAZ identified residential locations in Pennsylvania, including in Allentown and Bethlehem, in the Eastern District of Pennsylvania, for the elderly victims to send the packages of cash. Defendant DIAZ identified locations that were either vacant or were owned and controlled by other individuals whom DIAZ recruited to assist her in this scheme.

10. Defendant YAHAIIRA DIAZ also recruited individuals to assist her in retrieving the packages of cash when they were delivered to the residential locations that she selected, and to retrieve the packages from the United States Post Office or other commercial carrier if the packages were not delivered to the residential locations.

11. Defendant YAHAIIRA DIAZ and her co-schemers retrieved the packages of cash from the locations to which they were delivered and then distributed the fraud proceeds to others involved in the scheme.

12. As a result of this scheme, defendant YAHAIIRA DIAZ and her co-schemers defrauded at least 10 elderly victims of at least \$158,800 and attempted to defraud those victims of at least an additional \$69,000.

MAIL FRAUD

13. On or about each of the following dates, in the Eastern District of Pennsylvania and elsewhere, defendant

YAHAIIRA DIAZ

alone and with co-schemers known and unknown to the United States Attorney, for the purpose of executing the scheme described above, and attempting to do so, and aiding and abetting its execution, knowingly caused to be delivered by United States Mail and commercial interstate carriers, according to the directions thereon, the following:

COUNT	DATE	FROM	TO	DESCRIPTION OF MAILING
ONE	2/3/18	V.C., a victim known to the U.S. Attorney, in Grapevine, Texas	Allentown, Pennsylvania	Approximately \$13,000 in United States currency sent via Federal Express
TWO	2/9/18	V.O., a victim known to the U.S. Attorney, in Mill Creek, Washington	Allentown, Pennsylvania	Approximately \$9,500 in United States currency sent via Federal Express
THREE	2/21/18	W.W., a victim known to the U.S. Attorney, in Lake Village, Arkansas	Bethlehem, Pennsylvania	Approximately \$5,000 in United States currency sent via United States Postal Service Priority Mail

All in violation of Title 18, United States Code, Sections 1341 and 2.

COUNT FOUR

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

In or around February 2018, in the Eastern District of Pennsylvania and elsewhere, defendant

YAHAIRA DIAZ

knowingly and with the intent to defraud, used, and aided and abetted the use of, one or more unauthorized access devices during a one-year period, and by such conduct, obtained and aided and abetted the obtaining of, things of value aggregating \$1,000 or more during that period.

In violation of Title 18, United States Code, Sections 1029(a)(2) and 2.

COUNT FIVE

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

In or around February 2018, in the Eastern District of Pennsylvania, and elsewhere, defendant

YAHAIRA DIAZ,

during and in relation to access device fraud, knowingly and without lawful authority, transferred, possessed, and used, and aided and abetted the transfer, possession, and use of, means of identification of another person, that is, the name, social security number, date of birth, and access device of J.W., a person known to the United States Attorney.

In violation of Title 18, United States Code, Sections 1028A(a)(1), (c)(4) and 2.

NOTICE OF FORFEITURE No. 1

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

1. As a result of the violations of Title 18, United States Code, Section 1341 set forth in this information, defendant

YAHAIRA DIAZ

shall forfeit to the United States of America any property constituting, or derived from, proceeds obtained directly or indirectly from the commission of such offense, including but not limited to \$158,800.

2. If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred to, sold to, or deposited with a third party;
- c. has been placed beyond the jurisdiction of this Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

it is the intention of the United States, pursuant to Title 28, United States Code, Section 2461(c) incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the property subject to forfeiture.

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

NOTICE OF FORFEITURE No. 2

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

1. As a result of the violation of Title 18, United States Code, Section 1029(a)(1) set forth in this information, defendant

YAHAIRA DIAZ

shall forfeit to the United States of America any property constituting, or derived from, proceeds the defendant obtained directly or indirectly, as a result of such violation, including, but not limited to \$6,508.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

- (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 divided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of

any other property of the defendant up to the value of the property subject to forfeiture.

All pursuant to Title 18, United States Code, Section 982(a)(2)(B).



WILLIAM M. MCSWAIN
UNITED STATES ATTORNEY

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

INFORMATION

DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

19 cr 342

Address of Plaintiff: 615 Chestnut Street, Suite 1250, Philadelphia, PA 19106-4476

Post Office: Philadelphia

County: Philadelphia

City and State of Defendant: Philadelphia, Pennsylvania

County: Philadelphia Register Number: N/A

Place of accident, incident, or transaction: Eastern District of Pennsylvania

Post Office: Philadelphia

County: Philadelphia

2018R00284

RELATED CASE, IF ANY:

Criminal cases are deemed related when the answer to the following question is "yes".

Does this case involve a defendant or defendants alleged to have participated in the same action or transaction, or in the same series of acts or transactions, constituting an offense or offenses? **NO**

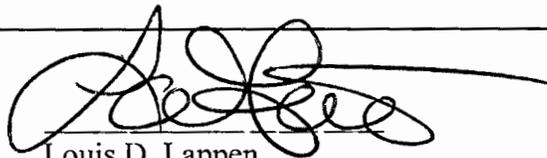
Case Number: _____ Judge: _____

CRIMINAL: (Criminal Category - FOR USE BY U.S. ATTORNEY ONLY)

- 1. Antitrust
- 2. Income Tax and other Tax Prosecutions
- 3. Commercial Mail Fraud
- 4. Controlled Substances
- 5. Violations of 18 U.S.C. Chapters 95 and 96 (Sections 1951-55 and 1961-68) and Mail Fraud other than commercial
- 6. General Criminal
 - 18 U.S.C. § 1341 (mail fraud – 3 counts)
 - 18 U.S.C. § 1029(a)(2) (access device fraud - 1 count)
 - 18 U.S.C. § 1028A(a)(1), (c)(4) (aggravated identity theft – 1 count)
 - 18 U.S.C. § 2 (aiding and abetting)
 - Notice of Forfeiture

(U.S. ATTORNEY WILL PLEASE DESIGNATE PARTICULAR CRIME AND STATUTE CHARGED TO BE VIOLATED AND STATE ANY PREVIOUS CRIMINAL NUMBER FOR SPEEDY TRIAL ACT TRACKING PURPOSES)

DATE: June 14, 2019



Louis D. Lappen
Deputy United States Attorney

File No. 2018R00284
US v. YAHAIRA DIAZ