

FILED  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF LA.  
2016 OCT 20 A 11: 29  
WILLIAM W. ZELF  
CLERK

**FELONY**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

SUPERSEDING INDICTMENT FOR THEFT OF GOVERNMENT FUNDS  
AND NOTICE OF FORFEITURE

UNITED STATES OF AMERICA

\* CRIMINAL NO. 16-176

v.

\* SECTION: "I"

MICHAELLE MARTINEZ

\* VIOLATION: 18 U.S.C. § 641

\*  
\* \* \*

The Grand Jury charges that:

COUNT 1

THEFT OF GOVERNMENT FUNDS

A. AT ALL TIMES MATERIAL HEREIN:

1. Social Security was a social insurance program that provided eligible applicants with retirement, disability, and survivor benefits.

2. The Social Security Administration ("SSA") was a government agency responsible for the management of the Social Security program, as defined in the Social Security Act.

Fee USA  
 Process \_\_\_\_\_  
 Dktd \_\_\_\_\_  
 CtRmDep \_\_\_\_\_  
 Doc. No. \_\_\_\_\_

3. The SSA was headquartered in Woodlawn, Maryland and operated service centers throughout the United States.

4. The defendant, **MICHAELLE MARTINEZ** (“**MARTINEZ**”), was employed for approximately the past eight years as a Claims Representative/Social Insurance Specialist GS-105-11, in the SSA District Office located at 115 Terry Parkway, Terrytown, Louisiana.

5. As a Claims Representative, **MARTINEZ** was responsible for the adjudication and authorization of SSA benefits of behalf of the SSA. The SSA entrusted **MARTINEZ** with the authority to investigate, suspend, resume, adjust, or terminate a SSA beneficiary’s eligibility. Further, **MARTINEZ** had the ability to reduce or terminate benefits.

6. The U.S. Department of the Treasury preferred SSA benefits to be paid electronically.

7. NetSpend was headquartered in Austin, Texas. NetSpend was a provider of prepaid commercial cards, including prepaid Visa and Master Cards, and was available to Social Security recipients as a method of receiving their SSA benefits.

8. MetaBank was a federally chartered savings bank headquartered in Sioux Falls, South Dakota. MetaBank was a provider of prepaid commercial cards, including prepaid Visa and Master Cards, and was available to Social Security recipients as a method of receiving their SSA benefits.

9. ACE Cash Express was a service provider for MetaBank where individuals could establish accounts in order to withdraw their SSA benefits.

10. On or about October 23, 2015, **MARTINEZ** opened an account with the ACE Cash Express located at 624 Terry Parkway, Terrytown, Louisiana.

**B. THE OFFENSE:**

Beginning on or about October 23, 2015, and continuing until on or about March 17, 2016, in the Eastern District of Louisiana and elsewhere, the defendant, **MICHAELLE MARTINEZ**, did knowingly embezzle, steal, purloin, and convert to her use, money belonging to the United States and a department and agency thereof, namely, money of the Social Security Administration, to which she knew she was not entitled, when she electronically transferred approximately \$15,104.56 in federal funds into MetaBank and NetSpend accounts that were under the control of **MARTINEZ**, thereby allowing her to withdraw the stolen funds at various times and locations, including, but not limited to, ACE Cash Express and WalMart.

All in violation of Title 18, United States Code, Section 641.

**NOTICE OF FORFEITURE**

1. The allegations of Count 1 of this Superseding Indictment are realleged and incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture to the United States of America pursuant to the provisions of Title 18, United States Code, Sections 641 and 981(a)(1)(C), made applicable through Title 28, United States Code, Section 2461(c).

2. As a result of the offense alleged in Count 1, defendant, **MICHAELLE MARTINEZ**, shall forfeit to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(C), made applicable through Title 28, United States Code, Section 2461(c), any and all property, real or personal, which constitutes or is derived from proceeds traceable to violations of Title 18, United States Code, Section 641, including but not limited to the following property:

- a. At least \$15,104.56 in United States Currency and all interest and proceeds traceable thereto.
- b. The government specifically provides notice of its intent to seek a personal money judgment against the defendant in the amount of the fraudulently-obtained proceeds.

3. 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 person;
- 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 subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

All in violation of Title 18, United States Code, Sections 641 and 981(a)(1)(C), made applicable through Title 28, United States Code, Section 2461(c).

A TRUE BILL:



KENNETH ALLEN POLITE, JR.  
UNITED STATES ATTORNEY

A handwritten signature in black ink, appearing to read "B M Klebba", written over a horizontal line.

BRIAN M. KLEBBA  
Assistant United States Attorney  
New York Bar Reg. No. 2938728

New Orleans, Louisiana  
October 20, 2016

FORM OBD-34

No. 16-176 "I"

**UNITED STATES DISTRICT COURT**  
Eastern District of Louisiana  
Criminal Division

**THE UNITED STATES OF AMERICA**

vs.  
**MICHAELLE MARTINEZ**

**SUPERSEDING INDICTMENT**


**SUPERSEDING INDICTMENT FOR THEFT OF  
GOVERNMENT FUNDS AND  
NOTICE OF FORFEITURE**

**VIOLATION: 18 U.S.C. § 641**

A true bill.  


Filed in open court this \_\_\_\_\_ day of \_\_\_\_\_  
A.D. 2016.  
Clerk

Bail, \$ \_\_\_\_\_

  
Brian M. Klebba, Assistant United States Attorney