

NB:JRS
F. #2023R00567

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
----- X

UNITED STATES OF AMERICA

- against -

TYQUAN ROBINSON,
ADA TAVAREZ and
MARKEL WASHINGTON

Defendants.

----- X

THE GRAND JURY CHARGES:

INTRODUCTION

At all times relevant to this Indictment, unless otherwise indicated:

I. The Criminal Justice Act

1. The Sixth Amendment of the United States Constitution provides that “[i]n all criminal prosecutions, the accused shall enjoy the right . . . to have the Assistance of Counsel for his defence.” U.S. Const. amend. VI.

2. In 1964, Congress expanded this constitutional guarantee by passing the Criminal Justice Act (“CJA”). The CJA established a robust system for federal courts to appoint and compensate legal representatives for accused persons who are financially unable to retain counsel in federal criminal proceedings. The CJA provides for the payment of hourly compensation rates as well as the reimbursement of certain out-of-pocket expenses for court-appointed criminal defense lawyers.

FILED
IN CLERK’S OFFICE
US DISTRICT COURT E.D.N.Y.
* FEBRUARY 1, 2024 *
BROOKLYN OFFICE

I N D I C T M E N T

Cr. No. 24-CR-51
(T. 18, U.S.C., §§ 982(a)(2), 982(b)(1),
1028A(a)(1), 1028A(b), 1028A(c)(5),
1344, 1349, 2 and 3551 et seq.; T. 21,
U.S.C., § 853(p))

Judge Ann M. Donnelly
Magistrate Judge Lois Bloom

3. In most circumstances, lawyers appointed by the court pursuant to the CJA keep track of their time and expenditures related to their cases and then submit requests for reimbursement to the court. Upon approval of the reimbursement request by the court, the United States Department of the Treasury (“Department of the Treasury”) then issues a check to the lawyer, which is sent by mail via the United States Postal Service to the lawyer’s address of record.

II. The Defendants’ Fraudulent Scheme

4. In or about June 2023, the defendants TYQUAN ROBINSON, ADA TAVAREZ and MARKEL WASHINGTON, together with others, devised and executed a scheme and artifice to defraud a lawyer who was appointed to represent criminal defendants in federal court pursuant to the CJA.

5. CJA Lawyer Victim-1, an individual whose identity is known to the Grand Jury, is a member of the CJA panel in the Eastern and Southern Districts of New York and serves as court-appointed counsel for indigent defendants who cannot afford an attorney to defend them in federal criminal prosecutions. CJA Lawyer Victim-1 maintains a law office in Brooklyn, New York.

6. On or about May 23, 2023, the Department of the Treasury issued a check to CJA Lawyer Victim-1 in the amount of \$125,386.81. This check was compensation for CJA Lawyer Victim-1’s work on behalf of a criminal defendant whom the court had appointed CJA Lawyer Victim-1 to represent pursuant to the CJA. This check stated, “Pay to the order of [CJA Lawyer Victim-1],” under which was listed the mailing address of CJA Lawyer Victim-1’s law office in Brooklyn, New York.

7. On or about June 22, 2023, the defendant ADA TAVAREZ visited a branch of Bank-1, a financial institution the identity of which is known to the Grand Jury, located in New York, New York. TAVAREZ opened a checking account and a savings account (the “fraudulent accounts”) in the name of CJA Lawyer Victim-1.

8. During her visit to Bank-1 on or about June 22, 2023, the defendant ADA TAVAREZ presented an employee of Bank-1 with a fraudulent New Jersey driver’s license on which was printed CJA Lawyer Victim-1’s name and birthdate, but which included a photograph of TAVAREZ. TAVAREZ also presented a fraudulent social security card, which contained CJA Lawyer Victim-1’s name and social security number, as well as an Internal Revenue Service Form W-9 Request for Taxpayer Identification Number and Certification, which contained CJA Lawyer Victim-1’s name and social security number. On the account opening paperwork, TAVAREZ provided Bank-1 with an email account that contained CJA Lawyer Victim-1’s personal identifiers in the email account name. CJA Lawyer Victim-1 did not create or use said email account.

9. Bank-1 subsequently opened the fraudulent accounts without CJA Lawyer Victim-1’s authorization.

10. On or about June 26, 2023, the defendant ADA TAVAREZ deposited the \$125,386.81 check issued to CJA Lawyer Victim-1 by the Department of the Treasury at a branch of Bank-1 in New York, New York. TAVAREZ deposited CJA Lawyer Victim-1’s check into the savings account that she had opened in CJA Lawyer Victim-1’s name without CJA Lawyer Victim-1’s authorization. CJA Lawyer Victim-1’s signature was forged on the back of the check.

11. On or about June 27, 2023, the defendant MARKEL WASHINGTON accessed the fraudulent accounts opened at Bank-1 in CJA Lawyer Victim-1's name via the internet, i.e., "online." At that time, Bank-1 had flagged the fraudulent accounts and the deposited funds were "held" and unavailable for withdrawal.

12. On or about June 27, 2023, three telephone calls were made to Bank-1 inquiring about the fraudulent accounts opened in CJA Lawyer Victim-1's name. These telephone calls were made using a cellular telephone used by the defendant MARKEL WASHINGTON. During these calls, which were recorded by Bank-1, the caller inquired about Bank-1's hold on the proceeds of the check issued to CJA Lawyer Victim-1.

13. Additionally, saved in an Apple iCloud account over which the defendant MARKEL WASHINGTON had access and control, were four photographs of the defendant ADA TAVAREZ that were included on the fraudulent New Jersey driver's license containing CJA Lawyer Victim-1's name and birthdate that was submitted to Bank-1.

14. On or about June 27, 2023, the defendant TYQUAN ROBINSON accessed the email account that contained CJA Lawyer Victim-1's personal identifiers that had been provided to Bank-1 to open the fraudulent accounts in CJA Lawyer Victim-1's name. This email account contained multiple emails received from Bank-1 with account details for the fraudulent accounts opened in CJA Lawyer Victim-1's name. Additionally, the recovery SMS telephone number used to open this email account is a cellular telephone number for which ROBINSON is a user.

COUNT ONE

(Conspiracy to Commit Wire Fraud and Bank Fraud)

15. The allegations contained in paragraphs 1 through 14 are realleged and incorporated as if fully set forth in this paragraph.

16. In or about June 2023, within the Eastern District of New York and elsewhere, the defendants TYQUAN ROBINSON, ADA TAVAREZ and MARKEL WASHINGTON, together with others, did knowingly and intentionally conspire to execute a scheme and artifice, to wit:

(a) to defraud and obtain money and property from Bank-1, which was a federally-insured financial institution, by means of one or more materially false and fraudulent pretenses, representations and promises, and to transmit and cause to be transmitted by means of wire communications in interstate commerce, writings, signs, signals, pictures and sounds, for the purpose of executing the scheme to defraud, contrary to Title 18, United States Code, Section 1343; and

(b) to defraud Bank-1, a financial institution, and to obtain money, funds, credits and other property owned by and under the custody and control of Bank-1, by means of one or more materially false and fraudulent pretenses, representations and promises, contrary to Title 18, United States Code, Section 1344.

(Title 18, United States Code, Sections 1349 and 3551 et seq.)

COUNT TWO

(Bank Fraud)

17. The allegations contained in paragraphs 1 through 14 are realleged and incorporated as if fully set forth in this paragraph.

18. In or about June 2023, within the Southern District of New York and elsewhere, the defendants TYQUAN ROBINSON, ADA TAVAREZ and MARKEL WASHINGTON, together with others, did knowingly and intentionally execute and attempt to execute a scheme and artifice to defraud Bank-1, the deposits of which were insured by the Federal Deposit Insurance Corporation, and to obtain moneys, funds, credits and other property owned by, and under the custody and control of, Bank-1 by means of materially false and fraudulent pretenses, representations and promises.

(Title 18, United States Code, Sections 1344, 2 and 3551 et seq.)

COUNT THREE
(Aggravated Identity Theft)

19. The allegations contained in paragraphs 1 through 14 are realleged and incorporated as if fully set forth in this paragraph.

20. In or about June 2023, within the Eastern District of New York and elsewhere, the defendant ADA TAVAREZ, together with others, during and in relation to the crimes charged in Count One and Count Five, did knowingly and intentionally transfer, possess and use, without lawful authority, one or means of identification of one or more persons, to wit: the name, date of birth and social security number of CJA Lawyer Victim-1.

(Title 18, United States Code, Sections 1028A(a)(1), 1028A(b), 1028A(c)(5), 2 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION
AS TO COUNTS ONE THROUGH TWO

21. The United States hereby gives notice to the defendants that, upon their conviction of any of the offenses charged in Counts One and Two, the government will seek forfeiture in accordance with Title 18, United States Code, Section 982(a)(2), which requires any

person convicted of such offenses to forfeit any property constituting, or derived from, proceeds obtained directly or indirectly as a result of such offenses.

22. If any of the above-described forfeitable property, 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 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1), to seek forfeiture of any other property of the defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Sections 982(a)(2) and 982(b)(1); Title 21, United States Code, Section 853(p))

A TRUE BILL


FOREPERSON


BREON PEACE
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

No. _____

UNITED STATES DISTRICT COURT

EASTERN *District of* NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.


TYQUAN ROBINSON, ADA TAVAREZ
and MARKEL WASHINGTON,

Defendants.

INDICTMENT

(T. 18, U.S.C., §§ 982(a)(2), 982(b)(1), 1028A(a)(1), 1028A(b),
1028A(c)(5), 1343, 1344, 1349, 1956(h), 2 and 3551 et seq.;
T. 21, U.S.C., § 853(p))

A true bill.

[Handwritten signature]

[Redacted name]
Clerk

Filed in open court this _____ day.

of _____ A.D. 20 _____

Clerk

Bail, \$ _____

James R. Simmons, Assistant U.S. Attorney (718) 254-7511