

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA
CRIMINAL DIVISION
VENUE: SAN FRANCISCO

FILED

NOV 17 2009

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

CR09

1113

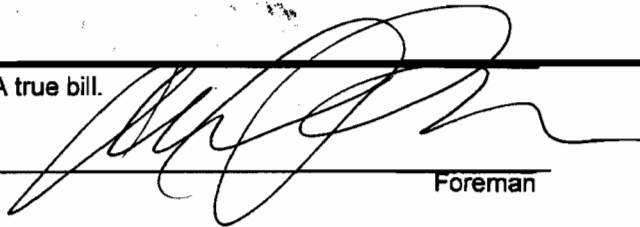
NEFRITITI LUV
a/k/a Phlecia Pierce,
a/k/a Phlecia Rice,
a/k/a Phlecia Rice-Pierce,

DEFENDANT.

INDICTMENT

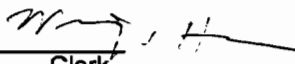
18 U.S.C. § 1341--Mail Fraud
26 U.S.C. § 7203-- Failure to File Tax Return

A true bill.



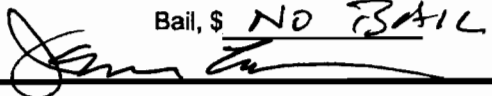
Foreman

Filed in open court this 17th day of

November 2009 

Clerk

Bail, \$ NO BAIL ARREST WARRANT



AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

OFFENSE CHARGED

18 U.S.C. § 1341--Mail Fraud (Counts 1-2) Petty
26 U.S.C. § 7203-- Failure to File Tax Return (Counts 3-4) Minor
 Misdemeanor
 Felony

PENALTY: Counts 1-2: 20 years imprisonment; \$ 250,000 fine or twice gross loss; 3 years supervised release; \$100 special assessment

Counts 3-4: 1 year imprisonment; \$ 25,000 fine; 1 year supervised release; \$ 25 special assessment

Name of District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

FILED
NOV 17 2009

DEFENDANT - U.S. **NEFRITITI LUV a/k/a Phlecia Pierce, a/k/a Phlecia Rice-Pierce**
a/k/a Phlecia Rice-Pierce

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DISTRICT COURT NUMBER

CR09

1113

JSW

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Federal Bureau of Investigation and Internal Revenue Service

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

this is a reprosecution of charges previously dismissed which were dismissed on motion of:

U.S. ATTORNEY DEFENSE

SHOW DOCKET NO.

this prosecution relates to a pending case involving this same defendant

MAGISTRATE, CASE NO.

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person Furnishing Information on this form Joseph P. Russoniello

U.S. Attorney Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned) Tracie L. Brown

IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

1) If not detained give date any prior summons was served on above charges

2) Is a Fugitive

3) Is on Bail or Release from (show District)

IS IN CUSTODY

4) On this charge

5) On another conviction } Federal State

6) Awaiting trial on other charges
If answer to (6) is "Yes", show name of institution

Has detainer been filed? Yes No } If "Yes" give date filed

DATE OF ARREST Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY Month/Day/Year

This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS NO PROCESS* WARRANT

Bail Amount: No Bail

If Summons, complete following:

Arraignment Initial Appearance

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time: _____ Before Judge: _____

Comments:

FILED

1 JOSEPH P. RUSSONIELLO (CSBN 44332)
2 United States Attorney

NOV 17 2009

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

JSW

CR09

1113

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12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15
16 NEFRITITI LUV,
17 a/k/a Phlecia Pierce,
18 a/k/a Phlecia Rice,
19 a/k/a Phlecia Rice-Pierce,

20 Defendant.

Violations: 18 U.S.C. § 1341 – Mail Fraud
(Counts One and Two); 26 U.S.C. § 7203 –
Failure to File Tax Return (Counts Three and
Four)

21 INDICTMENT

22 The Grand Jury charges:

23 BACKGROUND

24 At all times relevant to this Indictment:

25 1. The defendant, NEFRITITI LUV (a/k/a Phlecia Pierce, a/k/a Phlecia Rice, a/k/a
26 Phlecia Rice-Pierce) (“LUV”), was an individual with her primary place of residence in the
27 Northern District of California.

28 2. During the years 2001 to 2004, LUV was a member of the Board of Chicago

INDICTMENT

1a

1 Development and Planning (“Chicago D&P”). LUV was also the ostensible head of a Chicago
2 D&P affiliate called Nasaky Investments (“Nasaky”). LUV earned income from Chicago D&P,
3 which was deposited into Nasaky’s bank account. LUV used Nasaky’s bank account for her own
4 personal expenses, as Nasaky had no legitimate business operations.

5 3. Over the course of approximately five months in late 2005 and early 2006, LUV
6 purchased five different properties in Arizona by lying and making omissions as to certain
7 material matters on loan applications to various mortgage lenders.

8 THE SCHEME TO DEFRAUD

9 4. Beginning at a time unknown to the grand jury, but no later than in or about
10 October 2005, and continuing through about February 2006, in the Northern District of
11 California and elsewhere, the defendant,

12
13 NEFRITITI LUV,
14 a/k/a Phlecia Pierce,
a/k/a Phlecia Rice,
a/k/a Phlecia Rice-Pierce,

15 did knowingly and intentionally devise a material scheme and artifice to defraud mortgage
16 lenders, and to obtain money and property from mortgage lenders by means of materially false
17 and fraudulent pretenses, representations, promises, and omissions of material facts, knowing
18 that the pretenses, representations, promises, and omissions were false and fraudulent when
19 made.

20 MANNER AND MEANS OF THE SCHEME TO DEFRAUD

21 5. As part of the scheme to defraud mortgage lenders, and in order to obtain money
22 from the lenders, LUV engaged in certain conduct and made certain material false
23 representations, promises, and omissions in her loan applications, including, but not limited to,
24 the following:

25 a. On or about November 23, 2005, in connection with her purchase of 5730
26 West Abraham Lane in Glendale, Arizona, LUV claimed on her loan application that she had
27 been a recruiter for a company called “Stage One Development” for 10 years, and that she earned
28 \$14,000 per month in income.

ONE	11/28/2005	Federal Express shipment of notarized deeds of trust, in connection with purchase of 23014 West Roy Rogers Court	LUV in Oakland, California	Security Title in Scottsdale, Arizona
TWO	12/1/2005	Federal Express shipment of a refund check for \$5,741.71 and closing documents, in connection with purchase of 23014 West Roy Rogers Court	Security Title in Scottsdale, Arizona	LUV in Oakley, California

All in violation of Title 18, United States Code, Section 1341.

COUNT THREE: (26 U.S.C. § 7203 – Failure to File Tax Return)

9. Paragraphs 1 and 2 are realleged as if fully set forth herein.

10. During the calendar year 2003, the defendant,

NEFRITITI LUV,
a/k/a Phlecia Pierce,
a/k/a Phlecia Rice,
a/k/a Phlecia Rice-Pierce,

who was a resident of the Northern District of California, had and received gross income in excess of \$7,800. By reason of such gross income, she was required by law, following the close of the calendar year 2003 and on or before April 15, 2004, to make an income tax return to the Internal Revenue Service Center, at Fresno, California, to a person assigned to receive returns at the local office of the Internal Revenue Service, or to another Internal Revenue Service office permitted by the Commissioner of Internal Revenue, stating specifically the items of her gross income and any deductions and credits to which she was entitled. Well knowing all of the foregoing, she did willfully fail, on or about April 15, 2004, in the Northern District of California and elsewhere, to make an income tax return, in violation of Title 26, United States Code, Section 7203.

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1 COUNT FOUR: (26 U.S.C. § 7203 – Failure to File Tax Return)

2 11. Paragraphs 1 and 2 are realleged as if fully set forth herein.

3 12. During the calendar year 2004, the defendant,

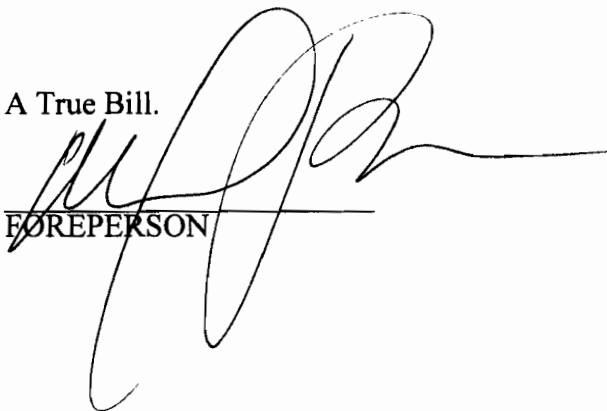
4 NEFRITITI LUV,
5 a/k/a Phlecia Pierce,
6 a/k/a Phlecia Rice,
7 a/k/a Phlecia Rice-Pierce,

8 who was a resident of the Northern District of California, had and received gross income in
9 excess of \$7,950. By reason of such gross income, she was required by law, following the close
10 of the calendar year 2004 and on or before April 15, 2005, to make an income tax return to the
11 Internal Revenue Service Center, at Fresno, California, to a person assigned to receive returns at
12 the local office of the Internal Revenue Service, or to another Internal Revenue Service office
13 permitted by the Commissioner of Internal Revenue, stating specifically the items of her gross
14 income and any deductions and credits to which she was entitled. Well knowing all of the
15 foregoing, she did willfully fail, on or about April 15, 2005, in the Northern District of California
16 and elsewhere, to make an income tax return, in violation of Title 26, United States Code,
17 Section 7203.

18 Dated:

A True Bill.

19 Nov 17 2009

20 
21 FOREPERSON

22 JOSEPH P. RUSSONIELLO
23 United States Attorney

24 
25 BRIAN J. STRETCH
26 Chief, Criminal Division

27 (Approved as to form: 
28 AUSAs BROWN/FINIGAN