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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

United States District Court
Southern District of Texas
FILED

SEP 10 2009

Clerk

UNITED STATES OF AMERICA

v.

EMMA VIGIL

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CRIMINAL NO. M-09-1307

INDICTMENT

THE GRAND JURY CHARGES:

I. INTRODUCTION

1. At all times relevant to this indictment, defendant EMMA VIGIL was employed as a loan officer of Lone Star National Bank (LSNB), located in McAllen, Texas.

2. At all times relevant to this indictment, LSNB was a financial institution whose deposits were insured by the Federal Deposit Insurance Corporation.

**COUNTS 1-3
18 U.S.C. § 1344 (1) and (2)
(Bank Fraud)**

II. THE SCHEME AND ARTIFICE TO DEFRAUD

3. Beginning on or about November 13, 2007, and continuing through at least March 17, 2008, in the McAllen Division of the Southern District of Texas and elsewhere,

EMMA VIGIL

did knowingly execute and attempt to execute a scheme and artifice to defraud Lone Star National Bank, a financial institution the deposits of which were insured by the Federal Deposit Insurance Corporation, and to obtain moneys, funds and other property owned by and under the custody and

control of Lone Star National Bank, by means of false and fraudulent pretenses, representations, and promises, which thereby placed Lone Star National Bank at the risk of civil liability and financial loss.

4. The scheme and artifice to defraud was accomplished, in substance, in the following manner:

5. Defendant EMMA VIGIL would and did complete LSNB withdrawal slips using the account information of a joint LSNB savings account belonging to victims F.S. and M.L., without the authorization or knowledge of victims F.S. and M.L.

6. Defendant EMMA VIGIL would and did present these unauthorized withdrawal slips to LSNB tellers and, as a result, receive cash from the savings account of victims F.S. and M.L., without the authorization or knowledge of victims F.S. and M.L.

III. EXECUTION OF THE SCHEME AND ARTIFICE

7. On or about the following dates, within the McAllen District of the Southern District of Texas and elsewhere, Defendant EMMA VIGIL, knowingly executed and attempted to execute the aforementioned scheme and artifice to defraud Lone Star National Bank by committing the following acts, among others:

Count	Date	Act
1	11/13/07	VIGIL conducted an unauthorized withdrawal of \$3,954.55 in cash from LSNB savings account, ending in 8921, of victims F.S and M.L.
2	2/15/08	VIGIL conducted an unauthorized withdrawal of \$3,954.55 in cash from LSNB savings account, ending in 8921, of victims F.S. and M.L.
3	3/17/08	VIGIL conducted an unauthorized withdrawal of \$3,954.55 in cash from LSNB savings account, ending in 8921, of victims F.S. and M.L.

In violation of Title 18, United States Code, Sections 1344(1) and (2) and Title 18, United States Code, Section 2.

COUNTS 4-5
18 U.S.C. § 1344 (1) and (2)
(Bank Fraud)

IV. THE SCHEME AND ARTIFICE TO DEFRAUD

8. Beginning on or about September 7, 2007, and continuing through at least April 11, 2008 in the McAllen Division of the Southern District of Texas and elsewhere,

EMMA VIGIL

did knowingly execute and attempt to execute a scheme and artifice to defraud Lone Star National Bank, a financial institution the deposits of which were insured by the Federal Deposit Insurance Corporation, and to obtain moneys, funds and other property owned by and under the custody and control of Lone Star National Bank, by means of false and fraudulent pretenses, representations, and promises, which thereby placed Lone Star National Bank at the risk of civil liability and financial loss.

9. This scheme and artifice to defraud was accomplished, in substance, in the following manner:

10. Defendant EMMA VIGIL would and did generate fraudulent loan documents in which she used fictitious "applicant" names, forged "applicant" signatures, falsified financial statements, and used other individuals' means of identification, among other fraudulent acts, to secure LSNB's funding of the loans.

11. Defendant EMMA VIGIL would and did submit the aforementioned fraudulent loan documents to LSNB which caused LSNB to fund the loans, the proceeds of which were controlled and used by VIGIL for her own personal use and benefit.

V. EXECUTION OF THE SCHEME AND ARTIFICE

12. On or about the following dates, within the McAllen District of the Southern District of Texas and elsewhere, Defendant EMMA VIGIL, knowingly executed and attempted to execute the aforementioned scheme and artifice to defraud Lone Star National Bank by committing the following acts, among others:

Count	Dates	Act
4	9/7/07	VIGIL knowingly submitted materially false information to LSNB in loan documents related to a \$45,000 loan (account ending in 768) by using the false and fictitious name of applicant "Gumecindo Ramirez," among other false identifiers, including a false date of birth and drivers license number.
5	3/6/08	VIGIL knowingly submitted materially false information to LSNB in loan documents related a \$179,500 loan (account ending in numbers 752) by using the false and fictitious name of applicant "Gilberto Posada Arana," among other false identifiers, including a date of birth and passport number that belonged to victim R.T.

In violation of Title 18, United States Code, Sections 1344(1) and (2) and Title 18, United States Code, Section 2.

COUNT 6
18 U.S.C. § 1028A
(Aggravated Identity Theft)

13. On or about March 6, 2008, in the McAllen Division of the Southern District of Texas and elsewhere,

EMMA VIGIL

did knowingly transfer, possess and use, without lawful authority, a means of identification of another person, to wit, a date of birth of 8/16/19XX and passport number ending in 0116 that belonged to a third-party victim with the initials R.T., during and in relation to a felony violation of Title 18, United States Code, Section 1344 (Bank Fraud).

In violation of Title 18, United States Code, Sections 1028A and Title 18, United States Code, Section 2.

NOTICE OF FORFEITURE

14. As a result of the foregoing violations of Title 18, United States Code, Section 1344, defendant

EMMA VIGIL

shall forfeit to the United States all of her interest in all property constituting or derived from proceeds she obtained directly or indirectly as a result of such violations involved in or traceable to that offense pursuant to Title 18, United States Code, Section 982(a)(2).

If any property forfeitable by Title 18, United States Code, Section 982(a)(2), as a result of any act or omission of the defendant:

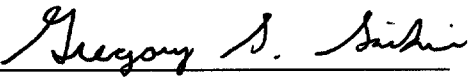
- (1) cannot be located upon the exercise of due diligence,
- (2) has been transferred or sold to a third party,
- (3) has been placed beyond the jurisdiction of the Court,
- (4) has been substantially diminished in value, or
- (5) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b)(1), to seek forfeiture of any and all property of said defendant as substitute assets for those properties whose forfeiture is impeded for the reasons (1), (2), (3), (4), or (5) described above.

A TRUE BILL

FOREPERSON OF THE GRAND JURY

TIM JOHNSON
United States Attorney


GREGORY S. SAIKIN
Assistant United States Attorney