

~~SEALED~~

CASE UNSEALED PER ORDER OF COURT (2/8/2017)  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED  
FEB 8 2017  
CLERK US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
BY DEPUTY

ARREST ON OUT-OF-DISTRICT OFFENSE 17MJ0379

CASE NUMBER: \_\_\_\_\_

The person charged as Cristina Montijo now  
appears before this United States District Court for an initial appearance as a result of the  
following charges having been filed in the United States District Court for the Southern  
District of New York with: Conspiracy to commit wire fraud and bank fraud;  
wire fraud; and bank fraud, in violation of: 18 U.S.C. s. 1349, 1343, and 1344.

The charging documents and warrant for the arrest of the defendant which was issued by  
the above United States District Court are attached hereto.

I hereby swear under penalty of perjury that the foregoing is true and correct to the best of  
my knowledge, information and belief.

DATED: 02/08/17

Cliff P. Spell #4681  
Detective Clifford P. Spell  
New York City Police Department

Reviewed and Approved

Dated: 2/8/2017  
[Signature]  
Assistant United States Attorney

Mod AO 442 (09/13) Arrest Warrant AUSA Name & Telno: Catherine Geddes 212-637-1114

UNITED STATES DISTRICT COURT

for the

Southern District of New York

17 MAG 739

United States of America  
v.  
CRISTINA MONTIJO

Case No. 17 Mag.

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay

(name of person to be arrested) CRISTINA MONTIJO

who is accused of an offense or violation based on the following document filed with the court:

- Indictment
- Superseding Indictment
- Information
- Superseding Information
- Complaint
- Probation Violation Petition
- Supervised Release Violation Petition
- Violation Notice
- Order of the Court

This offense is briefly described as follows:

Conspiracy to commit wire fraud and bank fraud, 18 U.S.C. § 1349  
Wire fraud, 18 U.S.C. §§ 1343 and 2  
Bank fraud, 18 U.S.C. §§ 1344 and 2

Date: 01/31/2017

*Katharine H. Parker*  
Issuing officer's signature

City and state: New York, New York

Hon. Katharine H. Parker, U.S. Magistrate Judge  
Printed name and title

Return

This warrant was received on (date) \_\_\_\_\_, and the person was arrested on (date) \_\_\_\_\_  
at (city and state) \_\_\_\_\_.

Date: \_\_\_\_\_

Arresting officer's signature

Printed name and title

17 MAG

739

Approved: Cath Geddes  
CATHERINE E. GEDDES  
Assistant United States Attorney

Before: THE HONORABLE KATHARINE H. PARKER  
United States Magistrate Judge  
Southern District of New York

----- X	:	<u>SEALED COMPLAINT</u>
UNITED STATES OF AMERICA	:	
- v. -	:	Violations of
	:	18 U.S.C. §§ 1343,
	:	1344, 1349, and 2
CRISTINA MONTIJO,	:	
Defendant.	:	COUNTY OF OFFENSE:
----- X	:	NEW YORK

SOUTHERN DISTRICT OF NEW YORK, ss.:

CLIFORD P. SPELL, being duly sworn, deposes and says that he is a Detective with the New York City Police Department ("NYPD"), and charges as follows:

COUNT ONE

(Conspiracy to Commit Wire Fraud and Bank Fraud)

1. From at least in or about November 2015 through at least in or about July 2016, in the Southern District of New York and elsewhere, CRISTINA MONTIJO, the defendant, and others known and unknown, willfully and knowingly, did combine, conspire, confederate, and agree together and with each other to commit wire fraud, in violation of Title 18, United States Code, Section 1343, and bank fraud, in violation of Title 18, United States Code, Section 1344.

2. It was a part and an object of the conspiracy that CRISTINA MONTIJO, the defendant, and others known and unknown, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, would and did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of

executing such scheme and artifice, in violation of Title 18, United States Code, Section 1343.

3. It was further a part and an object of the conspiracy that CRISTINA MONTIJO, the defendant, and others known and unknown, willfully and knowingly, would and did execute and attempt to execute a scheme and artifice to defraud a financial institution, the deposits of which were then insured by the Federal Deposit Insurance Corporation, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, such financial institution, by means of false and fraudulent pretenses, representations, and promises, in violation of Title 18, United States Code, Section 1344.

(Title 18, United States Code, Section 1349.)

COUNT TWO  
(Wire Fraud)

4. From at least in or about November 2015 up to and including at least in or about July 2016, in the Southern District of New York and elsewhere, CRISTINA MONTIJO, the defendant, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds, for the purpose of executing such scheme and artifice, to wit, MONTIJO received wire transfers from victims of a fraud scheme into bank accounts controlled by MONTIJO and then attempted to withdraw or transfer said funds.

(Title 18, United States Code, Section 1343 and 2.)

COUNT THREE  
(Bank Fraud)

5. In or about July 2016, in the Southern District of New York and elsewhere, CRISTINA MONTIJO, the defendant, did knowingly execute a scheme and artifice to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, a financial institution insured by the Federal Deposit Insurance Corporation, by means of material false and fraudulent pretenses, representations, and

promises, to wit, MONTIJO attempted to deposit fraudulent checks into bank accounts controlled by MONTIJO.

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

The bases for my knowledge and for the foregoing charge are, in part, as follows:

6. I am a Detective with the NYPD. I have been personally involved in the investigation of this matter, and I base this affidavit on that experience, on my conversations with other law enforcement officials, and on my examination of various reports and records. Because this affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

7. Based on my participation in this investigation, my conversations with other law enforcement officers and other individuals (including victims), and my review of documents (including bank records and emails), I have learned the following, among other things:

a. On or about June 21, 2016, an individual ("Victim-1") who was in the process of purchasing a home received an email that purported to be from Victim-1's real estate attorney. This email instructed Victim-1 to wire \$190,000 to a bank account at a San Diego credit union ("Bank Account-1"). The email stated that this money was to be held in escrow for the home that Victim-1 was attempting to purchase, and included a copy of the residential contract of sale for the property.

b. Victim-1 wired the requested funds from a credit card company in the Southern District of New York to Bank Account-1 and called Victim-1's real estate attorney to confirm the wire was received. Victim-1 was told that the attorney had not requested a wire. Victim-1 then realized that the email address differed from the real estate attorney's true email address by one character. Victim-1 recalled the wire, and the funds were not deposited into Bank Account-1.

c. Victim-1 later received an email from the same email address supplying an additional bank account for Victim-1

to deposit the funds into ("Bank Account-2"), because the funds had not successfully been transferred into Bank Account-1.

8. Based on my review of bank records from an FDIC-insured bank, I have learned that Bank Account-1 is registered to CRISTINA MONTIJO, the defendant. Bank Account-1 was opened on or about June 16, 2016, and was closed or about June 23, 2016 due to suspected fraud.

9. Through my conversations with law enforcement officers and review of law enforcement reports, I have become aware of additional victims of a similar scheme:

a. From my review of law enforcement reports, I have learned that on or about November 3, 2015, an individual in Tennessee ("Victim-2") received what Victim-2 thought was an email from Victim-2's realtor, but which Victim-2 later realized was from an email address that resembled the realtor's email address but was, in fact, different by one character. Victim-2 was directed to wire approximately \$181,000 to a certain bank account ("Bank Account-3") but became suspicious and, after contacting Victim-2's realtor, did not wire any money.

b. I have learned through my review of bank records that Bank Account-3, which was opened on or about October 3, 2015, is registered to CRISTINA MONTIJO, the defendant.

c. From my review of law enforcement reports and an interview with the victim, I have learned that on or about November 24, 2015, an individual in Hawaii ("Victim-3") received what Victim-3 thought were emails from Victim-3's escrow officer and realtor, but which Victim-3 later realized were from email addresses that resembled these individuals' email addresses but were, in fact, different by one character. Based on direction from these fraudulent emails, Victim-3 wired approximately \$331,000 to a certain bank account ("Bank Account-4").

d. I have learned through my review of bank records that Bank Account-4, which was opened or about November 13, 2015, is registered to a business called Fountain Co-Cooperative LLC ("Fountain Co."). Bank Account-4 was closed on or about December 10, 2015, due to suspected fraud in the account.

e. I have learned through public records that Fountain Co. is a California limited liability corporation registered in October 2015 with a business address on Chamoune Avenue in San Diego, California (the "Chamoune Address").

"Cristina H. Montijo" is the sole registered agent of Fountain Co. I have learned through public records and credit reports that CRISTINA MONTIJO, the defendant, has resided at the Chamoune Address since at least 1993. Bank records for Bank Account-4 list the Chamoune Address as the registered address for the account.

f. On or about November 25, 2015, MONTIJO wired approximately \$181,050 from Bank Account-4 to a bank account in Malaysia. On or about November 27, 2015, MONTIJO wired approximately \$118,200 from Bank Account-4 to a bank account in South Africa.

g. In or about April 2016, an individual in San Francisco ("Victim-4") received an email which purported to be from the real estate agent involved in a real estate transaction for Victim-4. The email instructed Victim-4 to wire approximately \$127,791 to be held in escrow at a certain bank ("Bank Account-5"). Victim-4 wired the funds as directed to Bank Account-5, and later discovered that the email address was one character different from the true email address with which Victim-4 believed he was communicating.

h. I have learned through bank records that Bank Account-5, which was opened on or about March 31, 2016, is registered to Fountain Co. Bank Account-5 was closed on or about April 5, 2016.

i. I have learned from discussions with law enforcement officers in New Jersey, that on or about April 28, 2016, an individual ("Victim-5") received an email from an individual who Victim-5 thought was Victim-5's attorney, but Victim-5 later learned that the attorney's email account had been compromised or hacked. At the direction of these fraudulent emails, once of which referenced the sender's "account secretary Cristina Montijo who is a trustee to the trust account," Victim-5 wired approximately \$250,000 to a certain bank account ("Bank Account-6").

j. A law enforcement information technology officer who later analyzed the fraudulent emails sent to Victim-5 traced the originating IP address to South Africa.

k. I have learned through bank records that Bank Account-6, which was opened on or about March 31, 2016, is registered to MONTIJO and Fountain Co. Prior to the wire from Victim-5, Bank Account-6 had an approximately \$20 balance. Bank

Account-6 was closed on or about May 6, 2016 due to suspected fraud in the account.

l. On or about May 4, 2016, MONTIJO attempted to wire approximately \$35,000 from Bank Account-6 to an account at another bank ("Bank Account-7") for the benefit of "Cristina H Montijo." Bank Account-7 was jointly registered to MONTIJO and "Alberto Montijo," who, based on my participation in this investigation, appears to be the deceased husband of MONTIJO.

m. On or about May 6, 2016, MONTIJO was informed by bank employees that the wire was potentially fraudulent. MONTIJO claimed in sum and substance that she had been owed the funds from Victim-5 from a real estate transaction from several years ago, and that the wire was legitimate. MONTIJO also stated in sum and substance that she had business partners abroad.

n. On or about May 6, 2016, Bank Account-6 was closed by the bank, and a cashier's check payable to Fountain Co. was issued in the amount of approximately \$214,520 and deposited into Bank Account-7. On or about May 13, 2016, upon being notified that the \$250,000 wire from Victim-5 was fraudulent, MONTIJO wrote to the Bank Account-7 bank that the funds had been sent by Victim-5 in order to "purchase two houses in South Africa for investment." MONTIJO described herself as the "manager" of Fountain Co. and stated that she was responsible for the business. MONTIJO requested that the fraudulent funds be returned to the sender. Bank Account-7 was closed on or about June 16, 2016, due to suspected fraud in the account.

o. I have learned from discussions with law enforcement officers in Rockland County, New York, that on or about June 30, 2016, an individual located in the Southern District of New York ("Victim-6") received an email from an individual who Victim-6 thought was Victim-6's attorney, but later learned that the attorney's email account had been compromised or hacked. At the direction of these fraudulent emails, Victim-6 wired approximately \$240,000 from a bank in the Southern District of New York to a certain bank account ("Bank Account-8").

p. I have learned through bank records that Bank Account-8, which was opened on or about June 28, 2016, is registered to Fountain Co. Bank Account-8 was closed on or about July 6, 2016 due to suspected fraud in the account.



Through my review of bank records, I have learned the following about Bank Account-8:

i. On or about July 5, 2016, MONTIJO, on behalf of Fountain Co., attempted to wire approximately \$80,500 from Bank Account-8 to an entity called "Refunds LLC" allegedly for the purpose of a "refund owed." Based on my review of bank records, the \$80,500 wire was sent to a bank account in the name of "Reofunds LLC" which has two authorized signers, "Reofunds LLC" and an individual ("Individual-1"). Based on my review of Secretary of State business incorporation records, "Reofunds LLC" was incorporated by Individual-1 in Nevada in or about August 2014.

ii. On or about July 6, 2016, MONTIJO attempted to wire approximately \$56,000 from Bank Account-8 to an individual in China, allegedly for the purpose of "family member business."

iii. On or about July 6, 2016, MONTIJO attempted to wire approximately \$82,000 from Bank Account-8 to an individual in London, allegedly for the purpose of a "down payment for mortgage."

iv. MONTIJO was subsequently informed by bank employees that the \$240,000 wire was potentially fraudulent. After being informed the funds were stolen, on or about July 14, 2016, MONTIJO returned approximately \$95,739 to Victim-6.

10. I have learned from a review of financial records that between December 22, 2015, and May 8, 2016, CRISTINA MONTIJO, the defendant, sent at least nine wires through Moneygram totaling approximately \$17,884 to four recipients inside and outside the United States, including seven wires to individuals in South Africa, the same country to which at least one of the fraudulent emails referenced above has been traced, see *supra* ¶ 9(j).

11. On or about February 19, 2016, a business called "All Cover LLC" ("All Cover") was registered in the state of California for the purpose of "buying/selling real estate." From my review of bank records, I have learned that CRISTINA MONTIJO, the defendant, paid the filing fee to the Secretary of State for All Cover on or about February 13, 2016 from Bank Account-7. MONTIJO is listed in incorporation documents as the All Cover manager and agent for service of process, and the Chamoune Address is listed as All Cover's business address.

Incorporation documents also list "Maria Cristina Flores Guevora" as a California registered corporate agent for All Cover. From my review of bank records and public records and my involvement in this case, I believe Guevora is MONTIJO's mother or mother-in-law.

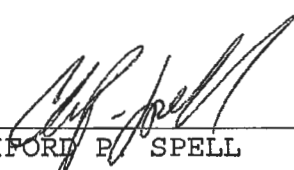
12. I have learned through a review of bank records and discussions with bank employees that on or about July 15, 2016, CRISTINA MONTIJO, the defendant, attempted to cash four checks made out to All Cover totaling approximately \$46,500 (the "Fraudulent Checks-1") into an account ("Bank Account-9") that had been opened on or about July 8, 2016, in the account name "All Cover LLC" and for which MONTIJO was an authorized signatory. I have spoken with representatives of each of the three companies which supposedly issued the Fraudulent Checks-1 (at least one of which is located in the Southern District of New York), and each has confirmed that the Fraudulent Checks-1 are fraudulent, and were not written out to All Cover. After the checks were returned unpaid due to check alteration, MONTIJO was contacted by the bank. MONTIJO informed the bank in sum and substance that the checks were for a \$30,000 investment she had made in an energy company in September 2015. MONTIJO further stated in sum and substance that she had received the checks from an individual named "Jordan" who was the manager of the investment company, whom she had met in a coffee house in Los Angeles. MONTIJO refused to provide "Jordan's" last name or the name of the investment company, could not provide any additional information about the energy company, and later stated that the investment was \$50,000, not \$30,000. Bank Account-9 was closed on or about July 15, 2016 due to suspected fraud in the account.

13. On or about July 15, 2016, CRISTINA MONTIJO, the defendant, attempted to cash three checks made out to "Cristina Montijo" totaling approximately \$43,700 (the "Fraudulent Checks-2") into an account ("Bank Account-10") that had been opened on or about May 16, 2016. I have spoken with each of the three companies who supposedly issued the Fraudulent Checks-2 - which are the same three companies that issued the Fraudulent Checks-1 - and each has confirmed that the Fraudulent Checks-2 are fraudulent, and were not written out to "Cristina Montijo." MONTIJO was informed that the checks were fraudulent and was not able to deposit them into Bank Account-10. As of September 22, 2016, Bank Account-10 had not been closed but the account activity was limited and no wire transfers or check deposits were permitted.

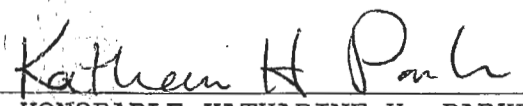
14. On or about July 15, 2016, CRISTINA MONTIJO, the defendant, attempted to cash two checks made out to "Maria Cristina Flores Guevara" totaling approximately \$28,450 (the "Fraudulent Checks-3") into an account ("Bank Account-11") that had been opened on or about November 7, 2015 in the name of Fountain Co. I have spoken with representatives of each of the two companies which supposedly issued the Fraudulent Checks-3 - which are the same as two of the companies that issued the Fraudulent Checks-1 and Fraudulent Checks-2 - and both have confirmed that the Fraudulent Checks-3 are fraudulent, and were not written out to "Maria Cristina Flores Guevara."

15. On or about July 15, 2016, CRISTINA MONTIJO, the defendant, attempted to cash two checks made out to Fountain Co. totaling approximately \$40,550 (the "Fraudulent Checks-4") into an account ("Bank Account-12") that had been opened on or about July 15, 2016. I have spoken with representatives of each of the two companies which supposedly issued the Fraudulent Checks-4 - which are the same as two of the companies that issued the Fraudulent Checks-1 and Fraudulent Checks-2 - and both have confirmed that the Fraudulent Checks-4 are fraudulent, and were not written out to Fountain Co. MONTIJO was informed that the checks were fraudulent and was not able to deposit them into Bank Account-12, which was closed on or about August 2, 2016, due to suspected fraud in the account.

WHEREFORE, the deponent respectfully requests that a warrant be issued for the arrest of CRISTINA MONTIJO, the defendant, and that she be arrested and imprisoned or bailed, as the case may be.

  
\_\_\_\_\_  
CLIFFORD P. SPELL  
Detective  
New York City Police Department

Sworn to before me this  
31st day of January, 2017

  
\_\_\_\_\_  
THE HONORABLE KATHARINE H. PARKER  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK

First: Cristina Mid. Huerta Last: Montijo - \_\_\_\_\_

Case No. \_\_\_\_\_

RAP SHEET SUMMARY CHART

Conviction Date	Conviction Court	Charge	Prison Term	Points
				0
		ON PAROLE/PROBATION		
		TOTAL POINTS		0
		CRIMINAL HISTORY CATEGORY		
		DEPORTATIONS		
		DATE OF MOST RECENT DEPORTATION		