UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

24-20321-CR-RUIZ/LOUIS

Case No. ____________________

18 U.S.C. § 1349
18 U.S.C. § 1343
18 U.S.C. § 1344
18 U.S.C. § 1028A(a)(1)
18 U.S.C. § 982(a)(2)(A)

UNITED STATES OF AMERICA

vs.

MALAINA CHAPMAN,

Defendant.
_____________________________/

INDICTMENT

The Grand Jury charges that:

GENERAL ALLEGATIONS

At all times relevant to this Indictment:

1. The United States Small Business Administration ("SBA") was an executive branch agency of the United States government that provided support to entrepreneurs and small businesses. The mission of the SBA was to maintain and strengthen the nation's economy by enabling the establishment and viability of small businesses and by assisting in the economic recovery of communities after disasters.

2. As part of this effort, the SBA enabled and provided for loans through banks, credit unions, and other lenders. These loans had government-backed guarantees.

The Paycheck Protection Program

3. The Coronavirus Aid, Relief, and Economic Security ("CARES") Act was a federal law enacted in or around March 2020 and designed to provide emergency financial assistance to the millions of business owners who were suffering the economic effects caused by the COVID-19 pandemic. One source of relief provided by the CARES Act was the authorization of forgivable loans to small businesses, including sole proprietorships, for job retention and certain other expenses, through a program referred to as the Paycheck Protection Program ("PPP").

4. In order to obtain a PPP loan, a qualifying sole proprietorship submitted a PPP loan application, which was signed by an authorized representative of the business. The PPP loan application required the sole proprietorship (through its authorized representative) to acknowledge the program rules and make certain affirmative certifications in order to be eligible to obtain the PPP loan. In the PPP loan application (SBA Form 2483-C), a sole proprietorship without employees (through its authorized representative) was required to provide, among other things, the total amount of gross income reported on its 2019 or 2020 Internal Revenue Service ("IRS") Form 1040, Schedule C, line 7 ("Schedule C"). This figure was used to calculate the amount of money the sole proprietorship was eligible to receive under the PPP.

5. A PPP loan application was processed by a participating lender. If a PPP loan application was approved, the participating lender funded the PPP loan using its own monies. While it was the participating lender that issued the PPP loan, the loan was 100% guaranteed by the SBA. Data from the application, including information about the borrower and the total amount of the loan, was transmitted by the lender to the SBA in the course of processing the loan.

6. PPP loan proceeds were required to be used by the business on certain permissible expenses—payroll costs, interest on mortgages, rent, and utilities. The PPP allowed the interest and principal on the PPP loan to be entirely forgiven if the business spent the loan proceeds on

these expense items within a designated period of time and used a defined portion of the PPP loan proceeds on payroll costs.

7. In 2021, "Second Draw" PPP loans became available to PPP applicants who used the full loan amount of their PPP funds on eligible expenses.

The Economic Injury Disaster Loan Program

8. Another related response to the COVID-19 outbreak was an expansion of an existing disaster-related program – the Economic Injury Disaster Loan ("EIDL") – to provide for loan assistance (including $10,000 advances) for small businesses and other eligible entities for loans up to $2 million. The EIDL proceeds could have been used to pay fixed debts, payroll, accounts payable, and other bills that could have been paid had the disaster not occurred; however, such loan proceeds were not intended to replace lost sales or profits, or for the expansion of a business.

9. Unlike certain other types of SBA-guaranteed loans, EIDL funds were issued directly from the United States Treasury, and applicants applied for EIDL funds directly through the SBA via an online portal and application. The EIDL application process, which also used certain outside contractors for system support, collected information concerning the business and the business owner, including: information about the gross revenues for the business prior to January 31, 2020; and the cost of goods sold. Applicants electronically certified that the information provided was true and accurate and were warned that any false statement or misrepresentations to the SBA, or any misapplication of loan proceeds may result in sanctions, including criminal penalties.

10. EIDL applications were received in and processed using computer servers located in the states of Iowa, Virginia, and Washington. EIDL disbursement payments were initiated by

the SBA using computer servers located in the state of Colorado, which transmitted the payment information to the Treasury using computer servers located in the state of Virginia.

The Defendant, Related Individuals, Related Companies and Lenders

11. Lender 1, based in Laguna Hills, California, was an SBA- approved lender of PPP Loans.

12. Lender 2, based in Lake Mary, Florida, was an SBA-approved lender of PPP loans.

13. Lender 3, based in New York, New York, was an SBA-approved lender of PPP loans.

14. Lender 4, based in Coral Gables, Florida, was an SBA-approved lender of PPP loans.

15. Financial Technology Company 1, based in San Francisco, California, provided identification verification services to PPP lenders.

16. **MALAINA CHAPMAN,** a resident of Miami-Dade County, Florida was employed by the SBA as a Disaster Relief Specialist from September 28, 2020, until she resigned on March 18, 2021.

17. DA TRAP LLC ("DA TRAP") was a Florida Corporation that listed its principal place of business as 15757 Pines Blvd. Suite 116 Pembroke Pines, Florida, 33027. **MALAINA CHAPMAN** was listed as the Manager of DA TRAP

18. UPSCALE CREDIT LOUNGE LLC ("UPSCALE CREDIT LOUNGE") was a Florida corporation that listed its principal place of business as 5901 NW 183rd St Miami Gardens, Florida, 33015. **MALAINA CHAPMAN** was listed as the Manager of UPSCALE CREDIT LOUNGE.

19. Credit Union 1 was a credit union that extended traditional banking services to residents of Miami-Dade County and elsewhere. Credit Union 1 was an institution that is insured by the National Credit Union Administration. Credit Union 1 allowed individuals to apply for a Home Equity Line of Credit ("HELOC").

20. Museum 1 was a museum located in Miami-Dade County.

21. The City of Miami Emergency Rental Assistance Program was a Covid-19 program designed to help Miami residents facing economic hardship pay their rent.

22. The State of Florida Emergency Rental Assistance Program was a Covid-19 program designed to help Florida residents facing economic hardship pay their rent.

23. Individual 1 was a resident Brevard County, Florida.

24. Individual 2 was a resident of Miami-Dade County.

25. Individuals 3 and 4 were residents of Miami-Dade County.

26. Individual 5, a resident of Miami-Dade County, is the former domestic partner of **MALAINA CHAPMAN**. Individual 5 was detained by the Miami-Dade County Department of Corrections from June 22, 2020, through August 12, 2022.

27. E.J., a resident of Miami-Dade County, was **MALAINA CHAPMAN'S** mother. According to the Bureau of Vital Statistics, E.J. died on May 25, 2020.

28. Raisha Kelly was a resident Miami-Dade and Palm Beach Counties.

29. Widny Thibaud was a resident of Miami-Dade and Palm Beach Counties.

30. Ricky Norwood was a resident of Miami-Dade County.

<u>COUNT 1</u>
Conspiracy to Commit Wire Fraud
(18 U.S.C. § 1349)

1. Paragraphs 1 through 16 and 23, 24 and 28 through 30 of the General Allegations Section of this Indictment are re-alleged and incorporated by reference as though fully set forth herein.

2. From in or around March of 2021, and continuing through on or about December 30, 2021, in Miami-Dade and Broward Counties, in the Southern District of Florida, and elsewhere, the defendant,

MALAINA CHAPMAN,

did willfully, that is, with the intent to further the object of the conspiracy, and knowingly combine, conspire, confederate, and agree with Raisha Kelly, Widny Thibaud, Ricky Norwood, Individuals 1 and 2, and others known and unknown to the Grand Jury, to knowingly, and with the intent to defraud, devise, and intend to devise, a scheme and artifice to defraud, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, knowing that the pretenses, representations, and promises were false and fraudulent when made, and, for the purpose of executing the scheme and artifice, did knowingly transmit and cause to be transmitted, by means of wire communications in interstate and foreign commerce, certain writings, signs, signals, pictures, and sounds, in violation of Title 18, United States Code, Section 1343.

PURPOSE OF THE CONSPIRACY

3. It was the purpose of the conspiracy for the defendant and her co-conspirators to unjustly enrich themselves by, among other things: (a) submitting and causing the submission of false and fraudulent applications for loans made available through the SBA to provide relief for the economic effects caused by the COVID-19 pandemic, including PPP loans; and (b) diverting fraud proceeds for their personal use, the use and benefit of others, and to further the conspiracy.

MANNER AND MEANS OF THE CONSPIRACY

The manner and means by which the defendant and her co-conspirators sought to accomplish the object and purpose of the conspiracy included, among others, the following:

4. **MALAINA CHAPMAN,** Raisha Kelly, Widny Thibaud, Ricky Norwood and Individuals 1 and 2 submitted and caused the submission of fraudulent PPP and EIDL loan applications, on behalf of themselves and corporate entities that they controlled.

5. In furtherance of the scheme, **MALAINA CHAPMAN**, Raisha Kelly, Widny Thibaud, Ricky Norwood and Individuals 1 and 2 submitted and caused the submission of false and fraudulent information and documentation in support of the PPP loan applications, including falsified IRS forms, created by **CHAPMAN**, that falsely and fraudulently represented the annual gross receipts and tentative profits of the sole proprietorships and corporate entities they controlled.

6. In furtherance of the scheme, **MALAINA CHAPMAN** prepared false and fraudulent Schedule C's and emailed them to Raisha Kelly.

7. **MALAINA CHAPMAN**, Raisha Kelly, Widny Thibaud, Ricky Norwood and Individuals 1 and 2 and their co-conspirators used the proceeds from the scheme to enrich themselves and others and to further the scheme.

All in violation of Title 18, United States Code, Section 1349.

COUNTS 2-5
Wire Fraud
(18 U.S.C. § 1343)

1. Paragraphs 1 through 16 and 23, 24 and 28 through 30 of the General Allegations Section of this Indictment are re-alleged and incorporated by reference as though fully set forth herein.

2. On or about the dates specified below, in Miami-Dade and Broward Counties, in the Southern District of Florida, and elsewhere, the defendant,

MALAINA CHAPMAN,

did knowingly, and with the intent to defraud, devise, and intend to devise, a scheme and artifice to defraud, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, knowing that the pretenses, representations, and promises were false and fraudulent when made, and, for the purpose of executing the scheme and artifice, did knowingly transmit and cause to be transmitted, by means of wire communication in interstate commerce, certain writings, signs, signals, pictures, and sounds, in violation of Title 18, United States Code, Section 1343.

PURPOSE OF THE SCHEME AND ARTIFICE

3. It was the purpose of the scheme and artifice for the defendant and her accomplices to unlawfully enrich themselves by, among other things: (a) submitting and causing the submission of false and fraudulent applications for loans made available through the SBA to provide relief for the economic effects caused by the COVID-19 pandemic, including PPP loans; (b) diverting fraud proceeds for her personal use, the use and benefit of others, and to further the scheme and artifice.

THE SCHEME AND ARTIFICE

4. The allegations contained in paragraphs 4 through 7 of the Manner and Means Section of Count 1 of this Indictment are re-alleged and incorporated by reference as though fully set forth herein as a description of the scheme and artifice.

USE OF WIRES

5. On or about the dates enumerated below, the defendant, **MALAINA CHAPMAN,** for the purpose of executing and in furtherance of the aforesaid scheme and artifice to defraud, and

to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, knowing that the pretenses, representations, and promises were false and fraudulent when made, did knowingly transmit and cause to be transmitted in interstate and foreign commerce, by means of wire communication, certain writings, signs, signals, pictures, and sounds, as described below:

COUNT	APPROXIMATE DATE	DESCRIPTION OF WIRE
2	**April 12, 2021**	Electronic transmission from the Southern District of Florida to outside of the State of Florida of pictures of Widny Thibaud to Financial Technology Company 1
3	**April 12 , 2021**	Electronic transmission from the Southern District of Florida to outside the State of Florida of pictures of Ricky Norwood to Financial Technology Company 1
4	**April 13, 2021**	Electronic transmission from the Southern District of Florida to outside of the State of Florida of pictures of Individual 2 to Financial Technology Company 1.
5	**May 15, 2021**	Electronic Transmission from the Southern District of Florida to outside the State of Florida of information notifying the SBA of the disbursement of a loan to Individual 1 by Lender 4.

In violation of Title 18, United States Code, Sections 1343 and 2.

<u>COUNT 6</u>
Conspiracy to Commit Wire Fraud
(18 U.S.C. § 1349)

1. Paragraphs 1 through 18 and 25 through 27 of the General Allegations Section of this Indictment are re-alleged and incorporated by reference as though fully set forth herein.

2. From in or around April 2020, and continuing through on or about December 30, 2021, in Miami-Dade and Broward Counties, in the Southern District of Florida, and elsewhere, the defendant,

MALAINA CHAPMAN,

did willfully, that is, with the intent to further the object of the conspiracy, and knowingly combine, conspire, confederate, and agree with and Individuals 3 and 4, and others known and unknown to the Grand Jury, to knowingly, and with the intent to defraud, devise, and intend to devise, a scheme and artifice to defraud, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, knowing that the pretenses, representations, and promises were false and fraudulent when made, and, for the purpose of executing the scheme and artifice, did knowingly transmit and cause to be transmitted, by means of wire communications in interstate and foreign commerce, certain writings, signs, signals, pictures, and sounds, in violation of Title 18, United States Code, Section 1343.

PURPOSE OF THE CONSPIRACY

3. It was the purpose of the conspiracy for the defendant and her co-conspirators to unjustly enrich themselves by, among other things: (a) submitting and causing the submission of false and fraudulent applications for loans made available through the SBA to provide relief for the economic effects caused by the COVID-19 pandemic, including PPP and EIDL loans; and (b) diverting fraud proceeds for their personal use, the use and benefit of others, and to further the conspiracy.

MANNER AND MEANS OF THE CONSPIRACY

The manner and means by which the defendant and her co-conspirators sought to accomplish the object and purpose of the conspiracy included, among others, the following:

4. **MALAINA CHAPMAN,** and Individuals 3 and 4 submitted and caused the submission of fraudulent PPP and EIDL loan applications, on behalf of themselves and corporate entities that they controlled.

5. In furtherance of the scheme, **MALAINA CHAPMAN** and Individuals 3 and 4

submitted and caused the submission of false and fraudulent information and documentation in support of the PPP loan applications, including falsified IRS forms among other things, that falsely and fraudulently represented the annual gross receipts and tentative profits of the sole proprietorships and corporate entities they controlled.

6 In furtherance of the scheme, on March 31, 2021, **MALAINA CHAPMAN** submitted and caused the submission of a falsified PPP loan application on behalf of Individual 5 which answered "No" to the question "Is the applicant or the owner of the applicant presently incarcerated, or for any felony, subject to an Indictment, Criminal Information or other means by which formal criminal charges are brought in any jurisdiction?" when in truth and in fact, as **CHAPMAN** then and there well knew, Individual 5 was incarcerated by the Miami-Dade Department of Corrections and charged with a felony by Information in the State of Florida.

7. **MALAINA CHAPMAN**, and Individuals 3 and 4 and their co-conspirators used the proceeds from the scheme to enrich themselves and others and to further the scheme.

All in violation of Title 18, United States Code, Section 1349.

COUNTS 7-12
Wire Fraud
(18 U.S.C. § 1343)

1. Paragraphs 1 through 18 and 28 through 30 of the General Allegations Section of this Indictment are re-alleged and incorporated by reference as though fully set forth herein.

2. On or about the dates specified below, in Miami-Dade and Broward Counties, in the Southern District of Florida, and elsewhere, the defendant,

MALAINA CHAPMAN,

did knowingly, and with the intent to defraud, devise, and intend to devise, a scheme and artifice to defraud, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, knowing that the pretenses, representations, and promises were false and fraudulent when made, and, for the purpose of executing the scheme and artifice, did knowingly transmit and cause to be transmitted, by means of wire communication in interstate commerce, certain writings, signs, signals, pictures, and sounds, in violation of Title 18, United States Code, Section 1343.

PURPOSE OF THE SCHEME AND ARTIFICE

3. It was the purpose of the scheme and artifice for the defendant and her accomplices to unlawfully enrich themselves by, among other things: (a) submitting and causing the submission of false and fraudulent applications for loans made available through the SBA to provide relief for the economic effects caused by the COVID-19 pandemic, including PPP and EIDL loans; (b) diverting fraud proceeds for her personal use, the use and benefit of others, and to further the scheme and artifice.

THE SCHEME AND ARTIFICE

4. The allegations contained in paragraphs 4 through 7 of the Manner and Means Section of Count 6 of this Indictment are re-alleged and incorporated by reference as though fully set forth herein as a description of the scheme and artifice.

USE OF WIRES

5. On or about the dates enumerated below, the defendant, **MALAINA CHAPMAN**, for the purpose of executing and in furtherance of the aforesaid scheme and artifice to defraud, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, knowing that the pretenses, representations, and promises were false and fraudulent when made, did knowingly transmit and cause to be transmitted in interstate

and foreign commerce, by means of wire communication, certain writings, signs, signals, pictures, and sounds, as described below:

COUNT	APPROXIMATE DATE	DESCRIPTION OF WIRE
7	**February 10, 2021**	Electronic transmission from the Southern District of Florida to outside of the State of Florida of a Schedule C that falsely and fraudulently misrepresented to Lender 3 that UPSCALE CREDIT LOUNGE had gross revenues of $103,674.
8	**February 19, 2021**	Electronic transmission from the Southern District of Florida to outside of the State of Florida of a PPP loan application in which she falsely mispresented to Lender 3 that DA TRAP had four employees and an average monthly payroll of $14,191.
9	**March 9, 2021**	Electronic transmission from the Southern District of Florida to outside of the State of Florida of a PPP loan application that falsely and fraudulently misrepresented to Lender 3 that Individual 5 was not incarcerated on March 9, 2021.
10	**April 10, 2021**	Electronic transmission from the Southern District of Florida to outside of the State of Florida a Schedule C that falsely and fraudulently misrepresented to Lender 1 that **MALAINA CHAPMAN** had a sole proprietorship property management business with gross revenues of $123,950.
11	**May 4, 2021**	Electronic transmission from the Southern District of Florida to outside the State of Florida of information notifying the SBA of the disbursement of a loan to Individual 3 by Lender 4
12	**June 3, 2021**	Electronic Transmission from the Southern District of Florida to outside the State of Florida of information notifying the SBA of the disbursement of a loan to Individual 4 by Lender 4

In violation of Title 18, United States Code, Sections 1343 and 2.

COUNT 13
Bank Fraud
(18 U.S.C. § 1344)

1. Paragraphs 16, 19 and 20 of the General Allegations section of this Indictment are re-alleged and incorporated fully herein by reference.

2. From on or about May 11, 2023, through June 11, 2023, in Miami-Dade and Broward Counties, in the Southern District of Florida, and elsewhere, the defendant,

MALAINA CHAPMAN,

did knowingly, and with intent to defraud, execute, and attempt to execute, and cause the execution of, a scheme and artifice to defraud one or more financial institutions, including Credit Union 1, which scheme and artifice employed a material falsehood, and did knowingly, and with intent to defraud, execute, and attempt to execute, and cause the execution of, a scheme and artifice to obtain moneys and funds owned by, and under the custody and control of one or more financial institutions by means of materially false and fraudulently pretenses, representations, and promises, relating to a material fact, in violation of Title 18, United States Code, Section 1344(1) and (2).

PURPOSE OF THE SCHEME AND ARTIFICE

3. It was the purpose of the scheme and artifice for the defendant to attempt to unlawfully enrich herself by submitting false and fraudulent documents in support of a HELOC application submitted to Credit Union 1.

SCHEME AND ARTIFICE

4. On May 11, 2023, **MALAINA CHAPMAN** applied for a HELOC in the amount of $115,000 for the real property she owned at 7487 NW 167th Hialeah Florida 33015.

5. On June 7, 2023, **MALAINA CHAPMAN** submitted a false and fraudulent paystub that purported to document wages she purportedly received from Museum 1 when she was never employed by Museum 1.

EXECUTION OF THE SCHEME AND ARTIFICE

6. On or about June 7, 2023, the defendant, **MALAINA CHAPMAN**, did execute, and attempt to execute, and cause the execution of, a scheme and artifice to obtain moneys and funds owned by, and under the custody and control of one or more financial institutions by means of materially false and fraudulently pretenses, representations, and promises, relating to a material fact, to wit, the submission of a false and fraudulent pay stub that purportedly documented the income of **CHAPMAN.**

In violation of Title 18, United States Code, Sections 1344 and 2.

COUNT 14
Wire Fraud
(18 U.S.C. § 1343)

1. Paragraphs 16 and 21 of the General Allegations Section of this Indictment is re-alleged and incorporated by reference as though fully set forth herein.

2. From on or about April 13, 2022, through June 22, 2022, in Miami Dade and Broward Counties, in the Southern District of Florida, and elsewhere, the defendant,

MALAINA CHAPMAN,

did knowingly, and with the intent to defraud, devise, and intend to devise, a scheme and artifice to defraud, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, knowing that the pretenses, representations, and promises were false and fraudulent when made, and, for the purpose of executing the scheme and artifice, did knowingly transmit and cause to be transmitted, by means of wire communication in interstate commerce, certain writings, signs, signals, pictures, and sounds, in violation of Title 18, United States Code, Section 1343.

PURPOSE OF THE SCHEME AND ARTIFICE

3. It was the purpose of the scheme and artifice for the defendant and her accomplices to unlawfully enrich themselves by, among other things: (a) submitting and causing the submission of a false and fraudulent application for assistance under the City of Miami Emergency Rental Assistance Program; and (b) causing the City of Miami to make payments to the landlord of an apartment leased by **MALAINA CHAPMAN.**

THE SCHEME AND ARTIFICE

4. On or about April 13, 2022, **MALAINA CHAPMAN** submitted and caused the submission of a false and fraudulent application for assistance under the City of Miami Emergency Rental Assistance Program.

5. In her application, **MALAINA CHAPMAN** falsely stated that she had no assets valued at more than $5000 when, in truth and in fact, **CHAPMAN** was the owner of three single family residences that had a tax assessed value of $727,000 in 2022.

6. In her application, **MALANIA CHAPMAN** falsely certified that she received no rental income from real or personal property when, in truth and in fact, **CHAPMAN** received rental income from several properties she rented out on internet-based rental websites.

7. As a result of the false and fraudulent statements in her application, the City of Miami made payments on behalf of **MALAINA CHAPMAN** to her landlord.

USE OF WIRES

8. On or about June 22, 2022, the defendant, **MALAINA CHAPMAN** for the purpose of executing and in furtherance of the aforesaid scheme and artifice to defraud, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, knowing that the pretenses, representations, and promises were false and fraudulent when made, did knowingly transmit and cause to be transmitted in interstate and foreign

commerce, by means of wire communication, certain writings, signs, signals, pictures, and sounds, to wit: a wire transmission from the Southern District of Florida to outside the State of Florida associated with the remote deposit of a City of Miami Check in the amount of $14,425.00.

In violation of Title 18, United States Code, Sections 1343 and 2.

COUNT 15
Wire Fraud
(18 U.S.C. § 1343)

1. Paragraphs 16 and 22 of the General Allegations Section of this Indictment are re-alleged and incorporated by reference as though fully set forth herein.

2. From on or about October 13, 2021, through in or around February of 2022, in Miami Dade and Broward Counties, in the Southern District of Florida, and elsewhere, the defendant,

MALAINA CHAPMAN,

did knowingly, and with the intent to defraud, devise, and intend to devise, a scheme and artifice to defraud, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, knowing that the pretenses, representations, and promises were false and fraudulent when made, and, for the purpose of executing the scheme and artifice, did knowingly transmit and cause to be transmitted, by means of wire communication in interstate commerce, certain writings, signs, signals, pictures, and sounds, in violation of Title 18, United States Code, Section 1343.

PURPOSE OF THE SCHEME AND ARTIFICE

3. It was the purpose of the scheme and artifice for the defendant and her accomplices to unlawfully enrich themselves by, among other things: (a) submitting and causing the submission of a false and fraudulent application for assistance under the State of Florida Emergency Rental

Assistance Program (b) causing the State of Florida to make payments to a landlord for property purportedly leased by the defendant.

THE SCHEME AND ARTIFICE

4. **MALAINA CHAPMAN** submitted and caused the submission of a false and fraudulent application for assistance under the State of Florida Emergency Rental Assistance Program.

5. In support of her application, **MALAINA CHAPMAN** submitted a lease for the real property located at 2614 NW 55th Terrace Miami, FL 33142 that was purportedly signed by E.J. on October 3, 2020, even though E.J. had died on May 25, 2020.

6. On January 20, 2022, in support of her application, **MALAINA CHAPMAN** submitted a document titled "FLORIDA THREE (3) DAY NOTICE TO PAY RENT OR QUIT" that was purportedly signed by E.J. on December 7, 2021, even though E.J. had died on May 25, 2020.

7. As a result of the misstatements in her application, **MALAINA CHAPMAN** received payments into a bank account she controlled that were intended to go to E.J.

USE OF WIRES

8. On or about January 20, 2022, the defendant, **MALAINA CHAPMAN** for the purpose of executing and in furtherance of the aforesaid scheme and artifice to defraud, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, knowing that the pretenses, representations, and promises were false and fraudulent when made, did knowingly transmit and cause to be transmitted in interstate and foreign commerce, by means of wire communication, certain writings, signs, signals, pictures, and sounds, to wit, a wire transmission from inside the Southern District of Florida to outside the State of

Florida associated with the submission of a document titled "FLORIDA THREE (3) DAY NOTICE TO PAY RENT OR QUIT" to the State of Florida Emergency Rental Assistance program.

In violation of Title 18, United States Code, Sections 1343 and 2

COUNT 16
Aggravated Identity Theft
(18 U.S.C. § 1028A(a)(1))

On or about January 20, 2022, in Miami-Dade and Broward Counties, in the Southern District of Florida and elsewhere, the defendant,

MALAINA CHAPMAN,

during and in relation to a felony violation of Title 18, United States Code, Section 1343, that is, wire fraud, as charged in Count 15 in this Indictment, did knowingly transfer, possess, and use, without lawful authority, the means of identification of another person, to wit, the name and signature of E.J.

In violation of Title 18, United States Code, Sections 1028(A)(a)(1) and 2.

FORFEITURE ALLEGATIONS

1. The allegations of this Indictment are hereby re-alleged and by this reference fully incorporated herein for the purpose of alleging forfeiture to the United States of America of certain property in which the defendant, **MALAINA CHAPMAN,** has an interest.

2. Upon conviction of a violation of, and/or a conspiracy to violate, Title 18, United States Code, Section(s) 1343 and/or 1344, as alleged in this Indictment, the defendant shall forfeit to the United States any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of such offense, pursuant to Title 18, United States Code, Section 982(a)(2)(A).

All pursuant to Title 18, United States Code, Section 982(a)(2)(A) and the procedures set forth at Title 21, United States Code, Section 853, as incorporated by Title 18, United States Code, Section 982(b)(1).

A TRUE BILL

[redacted]

FOREPERSON

MARKENZY LAPOINTE
UNITED STATES ATTORNEY

DANIEL BERNSTEIN
ASSISTANT UNITED STATES ATTORNEY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA **CASE NO.:** 24-20321-CR-RUIZ/LOUIS

v.

CERTIFICATE OF TRIAL ATTORNEY

MALAINA CHAPMAN, ____________________________/
Defendant.

Court Division (select one)
☒ Miami ☐ Key West ☐ FTP
☐ FTL ☐ WPB

Superseding Case Information:
New Defendant(s) (Yes or No) ______
Number of New Defendants ______
Total number of counts ______

I do hereby certify that:

1. I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
2. I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. §3161.

3. Interpreter: (Yes or No) No
   List language and/or dialect: ______________

4. This case will take 6 days for the parties to try.

5. Please check appropriate category and type of offense listed below:

(Check only one)		(Check only one)
I	☐ 0 to 5 days	☐ Petty
II	☒ 6 to 10 days	☐ Minor
III	☐ 11 to 20 days	☐ Misdemeanor
IV	☐ 21 to 60 days	☒ Felony
V	☐ 61 days and over	

6. Has this case been previously filed in this District Court? (Yes or No) No
   If yes, Judge ______________ Case No. ______________
7. Has a complaint been filed in this matter? (Yes or No) Yes
   If yes, Magistrate Case No. 24-mj-03358-GOODMAN
8. Does this case relate to a previously filed matter in this District Court? (Yes or No) Yes
   If yes, Judge Moreno Case No. 24-20079-CR-FAM(s)
9. Defendant(s) in federal custody as of ______________
10. Defendant(s) in state custody as of ______________
11. Rule 20 from the ________ District of ______________
12. Is this a potential death penalty case? (Yes or No) No
13. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to August 8, 2014 (Mag. Judge Shaniek Maynard? (Yes or No) No
14. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to October 3, 2019 (Mag. Judge Jared Strauss? (Yes or No) No
15. Did this matter involve the participation of or consultation with now Magistrate Judge Eduardo I. Sanchez during his tenure at the U.S. Attorney's Office, which concluded on January 22, 2023? No

By: ______________________
Daniel Bernstein
Assistant United States Attorney
FL Bar No. 17973

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: MALAINA CHAPMAN

Case No: ______

Counts #: 1, 6

Conspiracy to Commit Wire Fraud

Title 18, United States Code, Section 1349
*** Max. Term of Imprisonment: Twenty (20) years**
*** Mandatory Min. Term of Imprisonment (if applicable): No**
*** Max. Supervised Release: Three (3) years**
*** Max. Fine: $250,000**

Counts #: 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 14, 15

Wire Fraud

Title 18, United States Code, Section 1343
*** Max. Term of Imprisonment: Twenty (20) years**
*** Mandatory Min. Term of Imprisonment (if applicable): No**
*** Max. Supervised Release: Three (3) years**
*** Max. Fine: $250,000**

Count #: 13

Bank Fraud

Title 18, United States Code, Section 1344
*** Max. Term of Imprisonment: Thirty (30) years**
*** Mandatory Min. Term of Imprisonment (if applicable): No**
*** Max. Supervised Release: Five (5) years**
*** Max. Fine: $250,000**

Count #: 16

Aggravated Identity Theft

Title 18, United States Code, Section 1028A(a)(1)
*** Max. Term of Imprisonment: Two (2) years**
*** Mandatory Min. Term of Imprisonment (if applicable): two years consecutive to any**

***Refers only to possible term of incarceration, supervised release and fines. It does not include restitution, special assessments, parole terms, or forfeitures that may be applicable.**

other sentence imposed
*** Max. Supervised Release: One (1) year**
*** Max. Fine: $250,000**

***Refers only to possible term of incarceration, supervised release and fines. It does not include restitution, special assessments, parole terms, or forfeitures that may be applicable.**