IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

UNITED STATES OF AMERICA

v.

JOE NICHOLAS CATALA
NICOLAS CARL RAMIREZ
and
CLONET JUNIOR CHARMANT
______________________________/

SEALED
INDICTMENT

4:21cr36-ACW

THE GRAND JURY CHARGES:

COUNT ONE

A. INTRODUCTION

At all times material to this Indictment:

Financial Institutions

1. Austin Telco Federal Credit Union (hereinafter "ATFCU"), Innovations Federal Credit Union (hereinafter "IFCU"), and The Golden 1 Credit Union (hereinafter "G1CU") were financial institutions, namely, credit unions with accounts insured by the National Credit Union Share Insurance Fund. ATFCU, IFCU, and G1CU offered online banking, credit cards, and debit cards to their customers.

2. Bank of America, N.A. (hereinafter "BOA"), Bank of Hawaii (hereinafter "BOH"), Branch Banking & Trust Company (hereinafter "BB&T"), Discover Bank (hereinafter "Discover"), First Republic Bank (hereinafter "FRB"), GBC International Bank (hereinafter "GBC"), JPMorgan Chase Bank, N.A. (hereinafter "Chase"), Pacific Premier Bank (hereinafter "PPB"), TD Bank, N.A. (hereinafter "TD Bank"), UMB Bank (hereinafter "UMB") were financial institutions, the deposits of which were insured by the Federal Deposit Insurance Corporation, which offered online banking, credit cards, and debit cards to their customers.

Zelle and Victims K.F., D.F., D.L., M.R., S.E., S.R., S.P., R.D., and N.N

3. Zelle, a service offered by Early Warning Services, LLC, headquartered in the state of Arizona, was a way to send money directly between U.S. bank accounts. If a bank or credit union offered Zelle, then its customers were able to use their bank or credit union's online banking website to send and receive money using Zelle. Otherwise, customers were required to use a smartphone to access the Zelle application ("app") to send and receive money.

4. The defendants, **JOE NICHOLAS CATALA, NICOLAS CARL RAMIREZ,** and **CLONET JUNIOR CHARMANT,** had accounts with BB&T and Chase.

5. The defendants, **JOE NICHOLAS CATALA, NICOLAS CARL RAMIREZ,** and **CLONET JUNIOR CHARMANT** used Zelle to send and receive funds to and from their respective BB&T and Chase accounts.

6. K.F., D.F., D.L., and M.R. were individuals who had accounts with BOH, which was headquartered in the State of Hawaii.

7. S.E. was an individual who had an account with ATFCU, which was headquartered in the State of Texas.

8. S.R. was an individual who had an account with UMB, which was headquartered in the State of Missouri.

9. R.D. was an individual who had an account with GBC, which was headquartered in the State of California.

10. S.P. was an individual who lived in Gainesville, Florida, and who had an account with IFCU, which was headquartered in Panama City, Florida.

<u>Victims D.C., P.F., E.G., and A.C.</u>

11. D.C. was an individual who had an account with PPB, which was headquartered in the State of California.

12. P.F., E.G., and A.C. were individuals who had accounts with FRB, which was headquartered in the State of California.

The CARES Act and Victim A.H.

1. On March 27, 2020, Congress passed the $2.2 trillion Coronavirus Aid, Relief, and Economic Security ("CARES") Act, which in part provides economic relief for taxpayers nationwide in response to the COVID-19 pandemic. The aid package included an Economic Impact Payment [("EIP"), also known as a "Coronavirus Stimulus check" or "Coronavirus Stimulus payment"] of $1,200 to individuals, so long as their last annual adjusted gross income was less than $75,000. Payments were distributed by the United States Treasury via direct deposit, or by mail using the latest address on file with the Internal Revenue Service ("IRS").

2. A.H. was an individual who qualified for a CARES Act Coronavirus Stimulus check. A.H. resided at apartment unit 1223 in a complex known as "The Social 2700 Student Spaces" (formerly known as "Villa Del Lago") in Tallahassee, Florida ("Unit 1223") until on or about July 31, 2019. Each apartment unit at The Social 2700 Student Spaces had an assigned locked mailbox, and the residents of each apartment unit were provided a key to the assigned mailbox.

3. Between on or about August 1, 2019, and on or about November 20, 2019, the defendant, **JOE NICHOLAS CATALA**, resided in A.H.'s previous apartment, Unit 1223. **CATALA** had access to the locked mailbox assigned to Unit 1223. Even after he vacated Unit 1223, **CATALA** frequently visited his

friends and former roommates with whom he resided at Unit 1223. **CATALA** had access to a mailbox key for Unit 1223 between on or about March 1, 2020, and on or about May 4, 2020, when one of the residents of Unit 1223 vacated and gave his mailbox key to **CATALA**.

4. Between on or about April 24, 2020, and on or about May 4, 2020, the United States Treasury mailed a Coronavirus Stimulus check, payable to A.H., to Unit 1223.

B. THE CHARGE

Between on or about April 1, 2019, and on or about May 2, 2020, in the Northern District of Florida and elsewhere, the defendants,

JOE NICHOLAS CATALA,
NICOLAS CARL RAMIREZ,
and
CLONET JUNIOR CHARMANT,

did knowingly and willfully combine, conspire, confederate, and agree together and with other persons to commit offenses against the United States, namely:

1. execute and attempt to execute a scheme and artifice to defraud a federally insured financial institution, that is, ATFCU, BOA, BOH, BB&T, Discover, FRB, GBC, IFCU, Chase, TD Bank, and UMB, and to obtain moneys owned by and under the custody and control of such financial institutions, by

means of materially false and fraudulent pretenses, representations, and promises, in violation of Title 18, United States Code, Section 1344.

2. to devise, and intend to devise, a scheme to defraud and for obtaining money and property by means of material false and fraudulent pretenses, representations, and promises, and to cause wire communications to be transmitted in interstate commerce for the purpose of executing such scheme, and this violation affected a financial institution, in violation of Title 18, United States Code, Section 1343.

C. MANNER AND MEANS

The manner and means by which this conspiracy was committed included the following:

1. **JOE NICHOLAS CATALA, NICOLAS CARL RAMIREZ**, and **CLONET JUNIOR CHARMANT** used the Internet, text messaging, email, messaging apps, and the United States Mail to unlawfully obtain and share with each other and others the credit card and debit card numbers, bank account numbers, and personal identifying information (hereinafter "PII") that belonged to third parties without authorization.

2. **JOE NICHOLAS CATALA, NICOLAS CARL RAMIREZ**, and **CLONET JUNIOR CHARMANT** communicated with each other and others by email, cell phone, text messaging, and messaging apps about how the scheme

would be executed and how they would share the proceeds of the scheme. For instance, **CHARMANT** shared a fraud instructional guide titled "Virtual Carding Handbook 2.0" with **CATALA**. **CATALA, RAMIREZ**, and **CHARMANT** used phone apps, including Telegram, to share bank identification numbers (hereinafter "BINs"), credit card and debit card numbers, and PII that belonged to third parties without authorization.

3. **JOE NICHOLAS CATALA, NICOLAS CARL RAMIREZ**, and **CLONET JUNIOR CHARMANT** fraudulently transferred funds and attempted to transfer funds from accounts belonging to customers of ATFCU, BOA, BOH, BB&T, Discover, FRB, GBC, G1CU, IFCU, Chase, PPB, PNC, TD Bank, UMB, Wells Fargo, including those of K.F., D.F., D.L., M.R., S.E., S.R., S.P., R.D., N.N, and A.I. to accounts belonging to **CATALA, RAMIREZ, CHARMANT**, and others using Zelle and the Internet.

4. **JOE NICHOLAS CATALA, NICOLAS CARL RAMIREZ**, and **CLONET JUNIOR CHARMANT** used such fraudulently-obtained credit card and debit card numbers, bank account numbers, and PII, including those belonging to D.C., P.F., E.G., and A.C., to:

a. send the proceeds of the scheme to themselves and other individuals,

b. purchase merchandise and services from merchants such as OG Subs, Best Buy, and Walmart, and

c. make cash withdrawals at automated teller machines (hereinafter "ATMs").

5. **JOE NICHOLAS CATALA** fraudulently used the name, address, and BB&T debit card and credit card number of R.H. to purchase tickets to Busch Gardens theme park.

6. **JOE NICHOLAS CATALA** fraudulently used the name, address, and BB&T debit card and credit card number of L.P. to purchase tickets to Universal Studios theme park.

7. **JOE NICHOLAS CATALA** and **NICOLAS CARL RAMIREZ** fraudulently and unlawfully received and retained mail and identification that belonged to and was in the name of third parties at Unit 1223.

8. **JOE NICHOLAS CATALA** and **NICOLAS CARL RAMIREZ** fraudulently applied for a Discover credit card and fraudulently opened a BOA account using the PII of W.B. and a mailing address of Unit 1223.

9. **JOE NICHOLAS CATALA** made and caused to be made false and fraudulent representations in a Chase account application to open an account in the name of A.I., using A.I.'s social security number and date of birth. **CATALA**

used the falsely-opened Chase account to send funds via Zelle to **CLONET JUNIOR CHARMANT**.

10. **JOE NICHOLAS CATALA** made and caused to be made false and fraudulent representations in a TD Bank account application to open an account in the name of A.H., using A.H.'s social security number and date of birth. **CATALA** used the falsely-opened TD Bank account to receive the proceeds of A.H.'s stolen Coronavirus Stimulus check. **CATALA** electronically transferred some of the proceeds of A.H.'s Coronavirus Stimulus check to **CLONET JUNIOR CHARMANT** using Zelle.

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

COUNTS TWO THROUGH TEN

A. INTRODUCTION

The allegations of Section A of Count One are hereby realleged and incorporated by reference as if fully set forth herein.

B. THE CHARGE

Between on or about April 1, 2019, and on or about May 2, 2020, in the Northern District of Florida and elsewhere, the defendants,

JOE NICHOLAS CATALA,
NICOLAS CARL RAMIREZ,
and
CLONET JUNIOR CHARMANT,

did execute and attempt to execute a scheme and artifice to defraud a federally insured financial institution, that is, ATFCU, BOA, BOH, BB&T, Discover, FRB, GBC, G1CU, IFCU, Chase, PPB, PNC, TD Bank, UMB, Wells Fargo, and to obtain moneys owned by and under the custody and control of such financial institutions, by means of materially false and fraudulent pretenses, representations, and promises, in violation of Title 18, United States Code, Section 1344.

C. THE FRAUDULENT SCHEME

The allegations of Section C of Count One are hereby realleged and incorporated by reference as if fully set forth herein.

D. EXECUTION OF THE SCHEME

On or about the following dates, for the purpose of executing and attempting to execute the scheme to defraud, the defendants did knowingly and willfully commit the following acts:

COUNT	DATE	DEFENDANT(S)	ACT
TWO	May 26, 2019	JOE NICHOLAS CATALA	Causing a total of $300 to be transferred from the IFCU account of S.P. to the BB&T account belonging to Joe Nicholas Catala
THREE	May 26, 2019	NICOLAS CARL RAMIREZ	Causing $200 to be transferred from the IFCU account of S.P. to the Chase account belonging to Nicolas Carl Ramirez
FOUR	April 6, 2020	JOE NICHOLAS CATALA	Causing a Chase account to be opened in the name of, and using the social security number and date of birth of, A.I. without A.I.'s permission or knowledge

FIVE	April 15, 2020	JOE NICHOLAS CATALA and CLONET JUNIOR CHARMANT	Transferring and receiving the name, PPB debit card number, PPB debit card Card Verification Value ("CVV"), PPB debit card expiration date, address, and email address of D.C.
SIX	April 15, 2020	JOE NICHOLAS CATALA and CLONET JUNIOR CHARMANT	Transferring and receiving the name, FRB debit card number, FRB debit card CVV, FRB debit card expiration date, address, and email address of E.G.
SEVEN	April 15, 2020	JOE NICHOLAS CATALA and CLONET JUNIOR CHARMANT	Transferring and receiving the name, FRB debit card number, FRB debit card CVV, FRB debit card expiration date, address, and email address of P.F.
EIGHT	April 18, 2020	JOE NICHOLAS CATALA and CLONET JUNIOR CHARMANT	Causing a purchase at OG Subs in the amount of $33.59 to be made using the name, FRB debit card number, and FRB debit card CVV of E.G.
NINE	April 27, 2020	JOE NICHOLAS CATALA and CLONET JUNIOR CHARMANT	Transferring and receiving the name, FRB debit card number, FRB debit card CVV, FRB debit card expiration date, address, and email address of A.C.
TEN	May 1, 2020	JOE NICHOLAS CATALA	Causing a TD Bank account to be opened in the name of, and using the social security number and date of birth of, A.H., and causing a $1,200 Coronavirus Stimulus check made payable to A.H. to be deposited into said TD Bank account, without A.H.'s permission or knowledge

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

COUNT ELEVEN

On or about April 15, 2020, in the Northern District of Florida and elsewhere, the defendants,

JOE NICHOLAS CATALA
and
CLONET JUNIOR CHARMANT,

did knowingly transfer, possess, and use, without lawful authority, a means of identification of another person, to wit, the name, debit card number, debit card

CVV, debit card expiration date, and address of D.C. with the intent to commit, to aid and abet, and in connection with, an unlawful activity that constitutes a violation of Federal law, to wit, bank fraud in violation of Title 18, United States Code, Section 1344, and such transfer, possession, and use occurred in and affected interstate commerce.

In violation of Title 18, United States Code, Sections 1028(a)(7) and 1028(b)(2).

COUNT TWELVE

On or about April 15, 2020, in the Northern District of Florida and elsewhere, the defendants,

JOE NICHOLAS CATALA
and
CLONET JUNIOR CHARMANT,

did knowingly transfer, possess, and use, without lawful authority, a means of identification of another person, to wit, the name, debit card number, debit card CVV, debit card expiration date, address, and email address of E.G. with the intent to commit, to aid and abet, and in connection with, an unlawful activity that constitutes a violation of Federal law, to wit, bank fraud in violation of Title 18, United States Code, Section 1344, and such transfer, possession, and use occurred in and affected interstate commerce.

In violation of Title 18, United States Code, Sections 1028(a)(7) and 1028(b)(2).

COUNT THIRTEEN

On or about April 15, 2020, in the Northern District of Florida and elsewhere, the defendants,

JOE NICHOLAS CATALA
and
CLONET JUNIOR CHARMANT,

did knowingly transfer, possess, and use, without lawful authority, a means of identification of another person, to wit, the name, debit card number, debit card CVV, debit card expiration date, address, and phone number of P.F. with the intent to commit, to aid and abet, and in connection with, an unlawful activity that constitutes a violation of Federal law, to wit, bank fraud in violation of Title 18, United States Code, Section 1344, and such transfer, possession, and use occurred in and affected interstate commerce.

In violation of Title 18, United States Code, Sections 1028(a)(7) and 1028(b)(2).

COUNT FOURTEEN

On or about April 27, 2020, in the Northern District of Florida and elsewhere, the defendants,

JOE NICHOLAS CATALA
and
CLONET JUNIOR CHARMANT,

did knowingly transfer, possess, and use, without lawful authority, a means of identification of another person, to wit, the name, debit card number, debit card CVV, debit card expiration date, address, phone number, and email address of A.C. with the intent to commit, to aid and abet, and in connection with, an unlawful activity that constitutes a violation of Federal law, to wit, bank fraud in violation of Title 18, United States Code, Section 1344, and such transfer, possession, and use occurred in and affected interstate commerce.

In violation of Title 18, United States Code, Sections 1028(a)(7) and 1028(b)(2).

COUNT FIFTEEN

Between on or about April 24, 2020, and on or about May 4, 2020, in the Northern District of Florida, the defendant,

JOE NICHOLAS CATALA,

did knowingly steal and take, and attempt to steal and take, a letter, package, bag, and mail from and out of a letter box, mail receptacle, and authorized depository for mail matter.

In violation of Title 18, United States Code, Section 1708.

COUNT SIXTEEN

Between on or about April 24, 2020, and on or about May 4, 2020, in the Northern District of Florida and elsewhere, the defendant,

JOE NICHOLAS CATALA,

knowingly and with intent to defraud, did pass, utter, and publish, and attempt to pass, utter, and publish a $1,200 United States Treasury check, bearing the falsely made and forged endorsement of A.H.

In violation of Title 18, United States Code, Section 510(a)(2).

COUNT SEVENTEEN

Between on or about April 1, 2019, and on or about May 28, 2019, in the Northern District of Florida and elsewhere, the defendants,

JOE NICHOLAS CATALA
and
NICOLAS CARL RAMIREZ,

did knowingly possess and use, without lawful authority, a means of identification of another person, to wit: the name and bank account number of S.P. during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), to wit: bank fraud as charged in Counts Two and Three of this Indictment.

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

COUNT EIGHTEEN

Between on or about April 1, 2019, and on or about May 2, 2020, in the Northern District of Florida and elsewhere, the defendants,

JOE NICHOLAS CATALA
and
CLONET JUNIOR CHARMANT,

did knowingly possess and use, without lawful authority, a means of identification of another person, to wit: the name and bank account number of D.C., E.G., P.F., A.C. during and in relation to a felony violation enumerated in Title 18, United

States Code, Section 1028A(c), to wit: bank fraud as charged in Counts Five, Six, Seven, Eight, and Nine of this Indictment.

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

COUNT NINETEEN

Between on or about April 6, 2020, and on or about May 4, 2020, in the Northern District of Florida and elsewhere, the defendant,

JOE NICHOLAS CATALA,

did knowingly possess and use, without lawful authority, a means of identification of another person, to wit: the name, date of birth, drivers license number, and social security number of A.I. and A.H. during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), to wit: bank fraud as charged in Counts Four and Ten of this Indictment.

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

CRIMINAL FORFEITURE

The allegations contained in Counts One through Nineteen of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture. From their engagement in the violations alleged in Counts One through Nineteen of this Indictment, the defendants,

JOE NICHOLAS CATALA,
NICOLAS CARL RAMIREZ,
and

CLONET JUNIOR CHARMANT,

shall forfeit to the United States, pursuant to Title 18, United States Code, Sections 981(a)(1)(C), 982(a)(1) and 982(a)(2), and Title 28, United States Code, Section 2461(c), any and all of the defendants' right, title, and interest in any property, real and personal, constituting, and derived from, proceeds traceable to such offenses.

The property subject to forfeiture includes, but is not limited to, the following:

1. U.S. currency in the amount of $1,800.

2. An Apple iPhone 7 containing a serial number of F72C38G6HG6W.

If any of the property described above as being subject to forfeiture, as a result of acts or omissions of the defendants:

i. cannot be located upon the exercise of due diligence;

ii. has been transferred, sold to, or deposited with a third party;

iii. has been placed beyond the jurisdiction of this Court;

iv. has been substantially diminished in value; or

v. has been commingled with other property that cannot be subdivided without difficulty,

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of said defendants up to the value of the forfeitable property.

A TRUE BILL:

8/3/2021
DATE

JASON R. COODY
Acting United States Attorney

JUSTIN M. KEEN
Assistant United States Attorney