

UNITED STATES DISTRICT COURT

for the

Eastern District of California

United States of America

v.

Case No.

Maria Santa

Defendant(s)

FILED

AUG 29 2016

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY  DEPUTY CLERK

2:16-mj-00163 DB

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 10, 2014 in the county of Sacramento in the
Eastern District of California, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 3146

Failure to Surrender for Service of Sentence

18 U.S.C. § 1503

Obstruction of Justice

This criminal complaint is based on these facts:

(see attached Affidavit of Special Agent Christopher Fitzpatrick)

☒ Continued on the attached sheet.



Complainant's signature

Christopher Fitzpatrick, Special Agent, IRS

Printed name and title

Sworn to before me and signed in my presence.

Date: August 29, 2016



Judge's signature

City and state: Sacramento, California

Deborah L. Barnes, U.S. Magistrate Judge

Printed name and title

Affidavit of SA Chris Fitzpatrick in Support of Criminal Complaint

I, Christopher S. Fitzpatrick, having been duly sworn, do hereby depose and state the following:

I. Introduction: Agent's Background and Experience

1. I am a Special Agent with Treasury Department, Internal Revenue Service - Criminal Investigation ("IRS-CI"), presently assigned to the Sacramento office. I have been employed as a Special Agent since September 2001. In the course of my employment with the IRS-CI, I have conducted or been involved in more than 100 investigations of alleged criminal violations, which have included: aiding or assisting in the preparation of false tax returns (26 U.S.C. § 7206(2)); conspiring to defraud the United States with respect to claims (18 U.S.C. § 286); money laundering (18 U.S.C. §§ 1956, 1957); identity fraud (18 U.S.C. § 1028); conducting an unlicensed money transmitting business (18 U.S.C. § 1960); structuring cash transactions (31 U.S.C. § 5324); mail fraud (18 U.S.C. § 1341); wire fraud (18 U.S.C. § 1343); bank fraud (18 U.S.C. § 1344); false statements in connection with loan applications (18 U.S.C. § 1014); theft, embezzlement, or misapplication by bank officers or employees (18 U.S.C. § 656); assisting in the unlawful interception and reception of communications services offered over a cable system (47 U.S.C. § 553(a)(1)); importing controlled substances (21 U.S.C. § 952); distributing controlled substances (21 U.S.C. § 841(a)(1)); making a false statement (18 U.S.C. § 1001); criminal conspiracy (18 U.S.C. §§ 371, 1349) and forfeiture (18

U.S.C. §§ 981, 982). Most of these investigations focused on individual deriving property from illegal activity.

2. I have attended more than 1,000 hours of training in various aspects of criminal investigation, and I have attended classes and seminars dealing specifically with money laundering, various financial crime techniques, and related financial investigative techniques.

3. During the course of my employment as an IRS-CI Special Agent, I have participated in excess of 100 criminal investigations. I have participated in Federal and State search warrants involving the seizure of the aforementioned criminal violations. To successfully conduct these investigations, I have utilized a variety of investigative techniques and resources, including physical and electronic surveillance and various types of infiltration, including undercover agents, informants and cooperating sources.

II. Nature of Application

4. This affidavit is made in support of a criminal complaint for Maria Santa, for a violation of 18 U.S.C. § 3146 – Failure to Surrender for Service of Sentence and 18 U.S.C. § 1503 – Obstruction of Justice.

III. Probable Cause

5. On March 18, 2008, Maria Santa and Virgil Santa (husband and wife) were charged in the Eastern District of California by criminal complaint with participating in a mortgage fraud scheme. After protracted litigation, on November 14, 2012, Maria Santa pleaded guilty to Count Three of a Superseding Indictment.

As part of that agreement, the government agreed to dismiss all charges against Virgil Santa.

6. On August 21, 2013, Maria Santa was sentenced to 20 months of incarceration and ordered to surrender for service of that sentence on January 6, 2014. Despite waiving her right to appeal pursuant to the terms of the plea agreement, on September 9, 2013, Ms. Santa filed a notice of appeal. On December 26, 2013, the district court denied Ms. Santa's motion to stay her sentence. Ms. Santa responded by filing a motion to stay her sentence in the Ninth Circuit pending appeal, which resulted in an automatic stay.

7. On January 30, 2014, the Ninth Circuit entered an order denying Ms. Santa's motion for bail pending appeal, finding that her appeal failed to raise a substantial question of law or fact.

8. That same day, AUSA Matthew Segal contacted Ms. Santa's counsel, Alin Cintean, to arrange for self-surrender. Attorney Cintean requested a surrender date of February 10, 2014. AUSA Segal indicated that the February 10 date was acceptable, so long as the stipulation provided that Ms. Santa would not further delay her self-surrender. In response, Attorney Cintean stated, "Let me have a chance to talk to her tonight and let you know tomorrow morning. I think she's out of options anyway regarding turning herself in."

9. On Monday, February 3, 2014, Santa's husband, Virgil, reported to the Sacramento County Sheriff's Department that he woke up that morning and his wife was gone. The police arrived at the Santa home at approximately 10:42 a.m.

Santa's husband said that he found a suicide note. A Sheriff's detective gave a copy of the note and the police report to me

10. Based on both the investigation by the Sacramento County Sheriff's Department and my own knowledge from the case, I was suspicious that Santa had not committed suicide, but had instead fled the country. First, Santa's suicide note, ostensibly written to her husband, was in English. However, throughout the district court proceedings, Virgil Santa used the services of the Romanian interpreter. Second, Sheriff's Department officers "pinged" Santa's phone and determined that it had been switched off for more than 48 hours.

11. Because of Santa's suspicious disappearance, an investigation was initiated to investigate potential violations of federal law, including failure to surrender for service of sentence.

12. In connection with that investigation, I reviewed toll records for Virgil Santa's phone. On February 3, 2014, his phone sent two text messages to Santa's phone approximately five minutes before Sacramento County Sheriff's detectives arrived at the Santa home. Later that afternoon, he placed two attempted phone calls to his wife's cell phone. On February 4, 2014, at approximately 1:00 pm, he attempted an additional phone call to his wife's cell phone. This activity is the only known contact Virgil Santa attempted to his wife's known phone number using his cellular telephone.

13. On August 26, 2016, at approximately 0630 hours, I received a voicemail message from an ex-family member of Maria Santa stating that he/she

had just went by Santa's mother's house, located at 7324 Kara Drive, Sacramento, California and observed Virgil Santa's vehicle parked out front.

14. Based upon the voicemail, on August 26, 2016, at approximately 8:30 a.m., I established surveillance at 7324 Kara Drive address. I observed a 2004 Nissan Sentra parked in front of the residence. According to California DMV, the vehicle is registered to Virgil Santa.

15. At approximately 9:50 a.m., I observed Virgil Santa and Maria Santa walk from the direction of the back side of the house. I observed both Virgil Santa and Maria Santa enter the Nissan Sentra and drive away. Virgil Santa was driving the vehicle while Maria was sitting in the front passenger seat. Once the vehicle proceeded north on Kara Drive, I called 911 and I asked for an officer with the California Highway Patrol ("CHP") to conduct a traffic stop. I provided the location of the vehicle to the 911 dispatcher until a marked CHP officer could conduct a traffic stop. Eventually, multiple CHP officers were in position to affect a track stop and the vehicle was pulled over in front of Circle K located at 2801 Evergreen Avenue, West Sacramento, CA. At approximately 10:10 a.m., a CHP Officer and I approached the passenger side of the vehicle and I asked Maria Santa to exit the vehicle. I told Maria Santa that she was under arrest and I placed handcuffs on her.

16. After she was arrested, Maria Santa gave me consent to search her purse that was seized at the time of her arrest. Among other things, I found an expired California Driver's License in the name of Maria Santa's sister, M.C. Based

upon my past experience in this investigation, I know that M.C. is the twin sister to Maria Santa.

17. On August 26, 2016, at approximately 2:00 p.m., Virgil Santa consented to an interview at the IRS-CI office located in Sacramento with myself and another agent. At the very beginning of the interview, I thanked Virgil Santa for consenting to the voluntary interview. Among other things, I also advised Virgil Santa that he could stop the interview at any time and he could take a bathroom break.

18. Virgil Santa said approximately 6-7 months after he notified the Sheriff's Department that his wife was missing, he received a telephone call from an unknown male. The unknown male told Virgil Santa that Maria Santa was fine and that she was living in Canada. Approximately 3-4 months after the telephone call from the unknown person, Virgil Santa received a telephone call from Maria Santa. Virgil Santa estimated that he received the telephone call from Maria Santa around Christmas 2014. Among other things, Maria Santa told Virgil Santa that she was scared and that was why she fled.

19. Virgil Santa said approximately in May 2016, he received a telephone call from Maria Santa. Maria told Virgil that she was physically located at a Motel 6 in Sacramento. Upon receiving the telephone call from Maria, Virgil met with Maria at the hotel. Virgil was asked why he did not turn in his wife since he was aware she was wanted by law enforcement. Virgil said those problems was Maria's issues and he didn't want to get involved.

IV. Conclusion

20. Based on the above, there is probable cause to believe that, in the Eastern District of California, Maria Santa committed violations of 18 U.S.C. 3146 (Failure to Surrender for Service of Sentence) and 18 U.S.C. 1503 (Obstruction of Justice).



Christopher Fitzpatrick
IRS – Criminal Investigations

Sworn before me and subscribed in my presence this 29th day of August,

2016.



Deborah L. Barnes
United States Magistrate Judge

United States v. Maria Santa
Penalties for Criminal Complaint

Defendant
MARIA SANTA

COUNT 1: **MARIA SANTA**

VIOLATION: 18 U.S.C. § 3146 – Failure to Surrender for Service of Sentence

PENALTIES: Not more than 10 years in prison; or
Fine of up to \$250,000; or both fine and imprisonment
Supervised release of up to 3 years

COUNT 2: **MARIA SANTA**

VIOLATION: 18 U.S.C. § 1503 – Obstruction of Justice

PENALTIES: Not more than 10 years in prison; or
Fine of up to \$250,000; or both fine and imprisonment
Supervised release of up to 3 years