

CAUSE NUMBER 1514048

CAUSE NUMBER 1568511

THE STATE OF TEXAS

§

IN THE 183RD DISTRICT COURT

V.

§

OF

EARLEANA MONIQUE TAFESSE

§

HARRIS COUNTY, TEXAS

STATE'S PUNISHMENT MEMORANDUM

ROBERT BUSS
ASSISTANT DISTRICT ATTORNEY
HARRIS COUNTY, TEXAS
500 JEFFERSON STREET # 600
HOUSTON, TEXAS 77002

COMES NOW THE STATE OF TEXAS, by and through her Assistant District Attorney and files this punishment memorandum. The defendant, Earleana Monique Tafesse, is currently charged with felony theft over \$200,000.00, a first degree felony offense, in cause number 1514048. The defendant is also charged with False Statement to Obtain Credit in amount over \$30,000 but less than \$150,000, a third degree felony, in cause number 1568511. The defendant is eligible for straight probation having not been previously convicted of a felony offense; however, the State of Texas recommends TDCJ time for this defendant.

The defendant is facing a sentence of five (5) years to ninety-nine (99) years or life in the Texas Department of Criminal Justice; Institutional Division in cause number 1514048 and two (2) to ten years in the Texas Department of Criminal Justice; Institutional Division in cause number 1568511.

The defendant has not yet entered a plea of guilty to the instant offenses. On September 5, 2018, counsel for the defendant and the State approached the Honorable Vanessa Velasquez and expressed an intent to enter into a plea without an agreed recommendation. The Honorable Vanessa Valasquez asked for Pre-Sentence Investigation to be conducted prior to the defendant entering a plea of guilty with punishment to be decided by the Court on October 31, 2018.

FACTS OF THE CHARGED OFFENSES:

Cause Number 1514048

On March 23, 2013, the defendant went to Garnet Motors in Houston, Texas and purchased a 2011 Mercedes E-350 for \$41,888.00. The defendant purchased the vehicle with a loan and used false information to obtain the loan. She falsely stated her income was over \$100,000 a year and presented a fictitious pay stub from I Bar Rio, a business that had been closed since 2008, as proof of current income.

On August 8, 2013, the defendant obtained cash advances and a cashier's check from Prime Way Federal Credit Union totaling \$4,950.00. The defendant later filed a false police report claiming she was a victim of identity theft and submitted the report to the credit bureaus to remove the charges from her credit. This caused Prime Way Federal Credit Union to take a financial loss.

On September 20, 2013, the defendant applied for credit on-line with Simmons bank and obtained a line of credit by submitting a fictitious I Bar Rio paystub as proof of income. The defendant withdrew \$20,000 in cash advances at a Houston area credit union on the line of credit which resulted in a loss for Simmons Bank.

The defendant again used the fictitious I Bar Rio paystub to obtain another vehicle from Garnet Motors on December 4, 2013. The second vehicle was a 2012 BMW 535I valued at \$45,250.00. Both loans at Garnet Motors were secured by Ally Bank and no payments had been made on either of the loans at the time charges which resulted in a loss to Ally Bank.

On June 4, 2014, the defendant used the fictitious I Bar Rio pay stub to obtain a loan and credit card at Harris County Federal Credit Union. The defendant ran up \$16,481.17 in charges and then fraudulently submitted a report that she had been the victim of identity theft which nullified her debt and resulted in a loss to Harris County Federal Credit Union.

On March 25, 2015, the defendant purchased a 2012 BMW 650I at BMW West in Houston, Texas for \$55,172.69. The vehicle was purchased with a loan through Randolph Brooks Federal Credit Union. The defendant used a fictitious I Bar Rio pay stub to obtain the vehicle loan as well as a credit card through Randolph Brooks Credit Union. The defendant ran up \$6,900 in charges on the credit card and did not make any payments on the vehicle loan or credit card before this criminal charge was filed resulting in a loss to Randolph Brooks Federal Credit Union.

On December 30, 2015, the defendant used a fictitious pay stub from the State of Texas to obtain a loan from Riverland Federal Credit Union for \$20,532.00. The defendant transferred the money obtained to another account and then filed a fictitious report stating she was the victim of identity theft resulting in a loss to Riverland Federal Credit Union.

The defendant admitted to using false pay checks to obtain vehicles and credit on May 22nd, 2016 during a meeting with Houston Police Department and in an audio recorded interview with the Houston Police Department on June 17, 2016. The defendant was charged with the offense the same day.

Examples of some, but not all, of the false pay stubs used by the defendant are attached to this memorandum as Exhibit 1, Exhibit 2 and Exhibit 3.

Cause Number 1568511

Less than three months after the defendant was indicted for First Degree Felony Theft, on December 17, 2016, the defendant obtained a 2017 Mercedes Benz 300 from Mercedes Benz of Houston-Greenway for \$60,501.53. The vehicle was obtained through a loan secured by United Heritage Credit Union. The defendant used a false pay stub from Mary-Kay to report her wages in order obtain the loan. On the same day, using the same false pay stub, the defendant obtained a personal loan from United Heritage Credit Union for \$7,226.73. United Heritage Credit Union took a loss for the unpaid portion of the personal loan and from the vehicle loan. The false pay stub used to obtain the loan is attached to this memorandum as Exhibit 4.

CRIMINAL HISTORY

The Defendant does not have criminal history other than the cases currently before the Court.

COMPLEX NATURE OF THE OFFENSE

The theft offense (cause number 1514048) involved repeated acts of deception over the course of nearly two years. The scheme is not a single falsehood but rather an elaborate tapestry of lies presented to a multitude of complainants. All transactions made the basis of these offenses involved acts of fraud and falsehood. The defendant created false documentation and filled out credit applications at multiple dealerships and financial institutions to obtain luxury automobiles, loans and credit cards aggregately valued over \$200,000.

The False Statement to Obtain Credit offense (cause number 1568511) is a single instance of the same scheme used in cause number 1514048 committed while the defendant was on bond in cause number 1568511. Like cause number 1514048, cause number 1568511 involves presenting false documentation to secure a loan on a luxury automobile and to obtain other credit.

RESTITUTION

Some of the complainant financial institutions have been repaid by the defendant and others have entered into settlement agreements with the defendant. A number of the financial institutions have recovered portions of their losses through repossessions and/or partial repayment. The complainant financial institutions which suffered losses that have not been fully repaid or otherwise settled are itemized in the bullet points below.

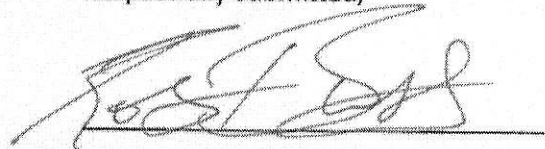
- Cause 1514048 – Restitution Breakdown (Total = \$97,268.07)
 - Shell Credit Union – amount of loss = \$9,971.17
 - 2005 Center St., Deer Park, Texas 77536 P - 713-844-1100
 - Harris County Federal Credit Union – amount of loss = \$17,623.10
 - 1400 Franklin Street, Houston, Texas 77002 P - 713-755-3983
 - River Land Federal Credit Union – amount of loss = \$20,469.48
 - 639 Loyola Avenue #200, New Orleans, LA 70113 P - 504-576-5741

- Randolph Brooks Federal Credit Union – amount of loss = \$49,204.32
 - 1 Randolph Brooks Parkway, Live Oak, Texas 78233 P – 210-945-3392
- Cause # 1568511 – Restitution Breakdown
 - United Heritage Credit Union – amount of loss = \$23,774.16
 - 12208 N Mo Pac Expy. Austin, TX 78758 P – 512-435-4545 Ext. 4537

CONCLUSION

The massive theft amount, calculated nature of the crime, length of the crime, and the financial harm and impact to the investment community justifies prison time for the defendant. The fact that the defendant committed a second offense utilizing the same modus operandi as the first while on bond demonstrates that the defendant cannot be trusted on community supervision and deserves stern punishment. The state requests a substantial prison term with restitution owed as a condition of parole.

Respectfully Submitted,



Robert Buss

Assistant D.A.

Harris County, Texas

IBAR RIO				13620	
Employee		SSN		Status (Fed/State)	
EARLEANA TAFESSE		XXX-XX-8879		S-1	
Pay Period		02/23/2013 - 03/08/2013		Pay Date 03/15/13	
Earnings and Hours		Qty	Rate	Current	YTD Amount
Salary				5,415.07	32,500.02
Deductions				Current	YTD Amount
Federal Withholding				1191.87	7150.02
Social Security Employee				335.54	2015.01
Medicare Employee				78.54	471.25
Total Deductions				1606.05	9636.28
Net Pay				3,810.62	22,863.74
				THIS CHECK AMOUNT 3,810.62	

Exhibit 1

DETACH AND RETAIN FOR YOUR RECORDS			
Period Beg. Date:	05-09-2014	IBAR RIO	
Period End Date:	05-25-2014	506 MAIN ST	
Check Payment Date:	06-01-2014	HOUSTON, TX 77002	
DEPARTMENT NO: A-085		PAYROLL DATA ENTRY AUDIT REPORT SUMMARY OPTIONS	
EMPLOYEE NUMBER	ENT. NO.	NAME	CURRENT AMOUNT
MEED	1	TAFESSE, EARLEANA	
SS # XXX-XX-8879		DESCRIPTION	
		WAGES	5,415.00
YEAR-TO-DATE EARNINGS:		DEDUCTIONS:	
05,298.00		Fed. With	1,191.87
YEAR-TO-DATE DEDUCTIONS:		Fed. F.I.C.A.	335.54
16,807.00		Fed. Medicare	78.54
YEAR-TO-DATE NET EARNINGS:		With/Ins	86.02
40,730.14		Total Ded.	1,713.24
		Check Amount	3,701.74

Exhibit 2

STATE OF TEXAS Nondis Bury - Secretary Of State P O BOX 12287 AUSTIN, TEXAS 78711-0287 BARLEANA TAFESSE 1817 LEWIS ST. HOUSTON, TEXAS 77008 Social Security # XXX-XX-8679 Department BF-1852 Employee ID 37788 Pay-period - Monthly Period Beginning 10/27/2015 Period Ending 11/26/2015 Check Date 12/02/2015 Check Number 2898852 <table border="1"> <tr> <th></th> <th>Current</th> <th>YTD</th> </tr> <tr> <td>Holiday</td> <td>528.00</td> <td>5,584.24</td> </tr> <tr> <td>Sick</td> <td>0.00</td> <td>3,035.04</td> </tr> <tr> <td>Vacation</td> <td>1,011.68</td> <td>5,058.40</td> </tr> </table>			Current	YTD	Holiday	528.00	5,584.24	Sick	0.00	3,035.04	Vacation	1,011.68	5,058.40	<table border="1"> <tr> <th></th> <th>Rate</th> <th>Hours</th> <th>Amount</th> <th>YTD</th> </tr> <tr> <td>Guaranteed Wages</td> <td></td> <td></td> <td>10,859.38</td> <td>131,512.56</td> </tr> <tr> <td>Total Wages</td> <td></td> <td></td> <td>10,859.38</td> <td>131,512.56</td> </tr> </table> <table border="1"> <tr> <th colspan="4">Withholdings:</th> </tr> <tr> <td>FICA - SS</td> <td>0.00</td> <td>7,347.00</td> <td></td> </tr> <tr> <td>FICA - Med</td> <td>158.91</td> <td>1,806.84</td> <td></td> </tr> <tr> <td>Federal WH</td> <td>2,174.00</td> <td>26,088.00</td> <td></td> </tr> <tr> <td>Total Withholdings</td> <td></td> <td>2,332.91</td> <td>35,341.84</td> </tr> </table>					Rate	Hours	Amount	YTD	Guaranteed Wages			10,859.38	131,512.56	Total Wages			10,859.38	131,512.56	Withholdings:				FICA - SS	0.00	7,347.00		FICA - Med	158.91	1,806.84		Federal WH	2,174.00	26,088.00		Total Withholdings		2,332.91	35,341.84	<div style="text-align: right;">2898852</div> <table border="1"> <tr> <th colspan="3">Other Deductions</th> </tr> <tr> <th>Deductions</th> <th>Amount</th> <th>YTD</th> </tr> <tr> <td>HealthLife</td> <td>164.52</td> <td>1,874.24</td> </tr> <tr> <td>Dental</td> <td>11.24</td> <td>134.88</td> </tr> <tr> <td>Chwr - UP</td> <td>9.00</td> <td>60.00</td> </tr> <tr> <td>St. Lin</td> <td>28.10</td> <td>313.20</td> </tr> <tr> <td>Cx. PL</td> <td>5.18</td> <td>62.16</td> </tr> <tr> <td>403-B</td> <td>547.95</td> <td>6,575.40</td> </tr> <tr> <td>Total Other Deductions</td> <td>759.99</td> <td>8,119.88</td> </tr> </table> <table border="1"> <tr> <th colspan="2">Net Pay</th> </tr> <tr> <th>Amount</th> <th>YTD</th> </tr> <tr> <td>7,866.48</td> <td>87,080.74</td> </tr> </table>		Other Deductions			Deductions	Amount	YTD	HealthLife	164.52	1,874.24	Dental	11.24	134.88	Chwr - UP	9.00	60.00	St. Lin	28.10	313.20	Cx. PL	5.18	62.16	403-B	547.95	6,575.40	Total Other Deductions	759.99	8,119.88	Net Pay		Amount	YTD	7,866.48	87,080.74
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Exhibit 3

Employee BARLEANA TAFESSE 2561 W. 14th 1/2 St. HOUSTON, TX 77008				SSN XXX-XX-8679	Employee Number H9839	127131 Allowance/Extra Fed-1/072-1/0 Pay Date: 12/15/2015
Pay Period 11/09/2015 - 12/08/2015 Payroll: Monthly				Mary Kay, Inc. 16251 Dallas Parkway Addison, Tx 75001		
Earnings & Hours		Hours Qty	\$ Rate	Current	YTD Amount	
Earnings (Salary)				7,500.00	80,000.00	
Less Health Ins.				220.15	1,441.80	
Total Taxable Earnings				7,279.85	88,558.20	
Deductions						
Federal Withholding				1,255.00	15,060.00	
Social Security Employee				457.55	5,490.61	
Medicare Employee				107.01	1,284.10	
Other				0.00	0.00	
Total Deductions				1,819.56	21,834.71	
Net Earnings				5,460.29	66,723.49	
				THIS CHECK AMOUNT		5,500.29

Exhibit 4



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this April 29, 2022

Certified Document

Marilyn Burgess, DISTRICT CLERK
HARRIS COUNTY, TEXAS