

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

vs.

CASE NUMBER: 08-1023, 1 AND 2

MARCUS ROGOZINSKI
AND
VIRA HONG

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about December 28, 2007, in Orange County, in the Middle District of Florida, the defendants, aiding and abetting each other:

1. Knowingly execute, or attempt to execute a scheme or artifice to obtain any of the moneys, funds, credits, assets securities, or other property owned by, or under the custody or control of, a financial institutions by means of false or pretenses, representations, and
2. With intent to defraud passed a fictitious obligation of the United States, in violation of Title 18, United States Code, Section(s) 1344 and 514(a)(2). I further state that I am a(n) Special Agent with United States Secret Service, and that this Complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No


Signature of Complainant
Roy D. Dolson, SA USSS

Sworn to before me and subscribed in my presence,

January 18, 2008

at

Orlando, Florida

DAVID A. BAKER
United States Magistrate Judge
Name & Title of Judicial Officer


Signature of Judicial Officer

STATE OF FLORIDA

Case No. 08-mj-1023-1 and 2

COUNTY OF ORANGE

AFFIDAVIT OF SPECIAL AGENT ROY D. DOTSON, JR.

I, Roy D. Dotson, Jr., am a Special Agent ("SA") of the United States Secret Service ("USSS"), and have been so employed for approximately four and one half years. I am currently assigned to the Orlando Field Office. Among my duties as a Special Agent, I am charged with the investigation of financial crimes, including check fraud, identity fraud, credit card fraud, bank and wire fraud and the manufacturing, possession and passing of counterfeit United States currency. Prior to my employment with the USSS, I was employed by the Brevard County Sheriff's Office for nine years. My last assignment was that of a Federal Task Force Agent with the Drug Enforcement Administration. Among my duties as a Task Force Agent, I was charged with investigating large criminal organizations that distributed and sold controlled substances and financial crimes involving money laundering. Several of the investigations resulted in the seizures of criminally derived property, including, but not limited to, monetary instruments. I am a case agent assigned to this matter. Being duly sworn, I state as follows:

I. **Introduction**

1. The information contained in this affidavit is based on my firsthand knowledge, information obtained through witness interviews performed by me or by other law enforcement officers and review of records.

2. Based on my investigation, Marcus ROGOZINSKI and VIRA HONG a/ka : Queen Hong Bey, a/k/a Queen H. Bey, a/ka/ Queen H. Ney, a/k/a Vira Karnal-Vy, a/k/a

Queen Hong have committed 1) A Bank Fraud in violation of Title 18 U.S.C. § 1344; and 2) Possession and Transportation of Fictitious Obligations of the United States in violation of Title 18 U.S.C. § 514(a)(2).

II. **Facts**

3. On December 28, 2007, I received a telephone call from Bank of America Investigator, Garry Collins ("Investigator Collins"), regarding a possible counterfeit U.S. Treasury check that had been negotiated through their financial institution. According to Investigator Collins, on December 14, 2007, account holder Marcus ROGOZINSKI had deposited a U.S. Treasury check in the amount of \$10,901,508.17 into his Bank of America account [REDACTED]. The check listed the payee as "TREASURY/UCC Contract Trust, Prepaid Exemption Account," 1500 Pennsylvania Ave., N.W., Washington, D.C., 20220. The check was to be processed through the TT&L Account, TREAS NY/Funds (Account [REDACTED]) Transfer by Fedwire R/T-[REDACTED]. The check was to be paid to the "MARCUS ROGOZINSKI SOVRAN TRUST." The check was processed and the funds were deposited into the "MARCUS ROGOZINSKI SOVRAN TRUST" account. Due to the Bank of America's normal operating practices, a hold was placed on the funds for 10 days. On December 26, 2007, the hold was due to be released; however, Bank of America, having suspicions that the check may be fraudulent, placed an extended hold on the check pending further investigation. Investigator Collins said he tried to contact ROGOZINSKI to question the authenticity of the check, but all phone numbers listed on his account were inaccurate. Investigator Collins further stated that in reviewing the "MARCUS ROGOZINSKI SOVRAN TRUST"

account he found the account was originally opened on May 5, 2006, with a \$140.00 deposit. The only other transaction was a deposit for \$1,800.00.

4. On December 28, 2007, your Affiant made contact with the U.S. Treasury, Financial Management Services, regarding the authenticity of the check. According to the U.S. Treasury representative, the check appeared to be counterfeit. The check number, 2070, was not the appropriate sequence of numbers for a standard U.S. Treasury check. Also, any issued U.S. Treasury checks would be titled "U.S. Treasury"; this check was titled "TREASURY/UCC Contract Trust." On December 28, 2007, your Affiant faxed a copy of the check to the U.S. Treasury for further analysis. After reviewing the copy of the check, it was confirmed to be fraudulent.

5. On December 28, 2007, ROGOZINSKI made contact with Bank of America representatives at their South Orlando branch and inquired as to the availability of his funds. ROGOZINSKI was told that there was still a hold on the funds and he stated that these funds were a partial settlement for a foreign lawsuit titled "Cat Scratch Fever." Details of the alleged lawsuit are still being investigated, but Mr. ROGOZINSKI has since indicated that the above-referenced "lawsuit" was not a formal lawsuit filed with a court of law. ROGOZINSKI has indicated, the above-referenced lawsuit was merely a "personal lawsuit" with a woman who had agreed to pay him \$25,000,000.00. Thus far, ROGOZINSKI has not been able to produce any supporting documents confirming the details of this "personal lawsuit."

6. On 01/02/08, SA Roy Dotson conducted a voluntary interview at the Orlando Secret Service office with ROGOZINSKI regarding the source of the fraudulent check. ROGOZINSKI identified the source as Vera HONG.

7. On 01/08/08, a query of a public database was conducted to try and identify VERA HONG. The query indicated that Hong's first name is spelled Vira. The query indicated Hong used the following alias: Queen Hong Bey, Queen H. Bey, Queen H. Ney, Vira Karnal-Vy, Queen Hong. Hong had a date of birth of _____ an Asian Refugee Number of _____. Hong was listed as an owner of properties at _____ MD; 19112 Wheatfield Drive, Germantown, MD; and _____ MD. A query in the DHSMV database found a Florida driver's license (_____) in the name of Vira Hong, _____ FL, 34292. The driver's license was issued on 09/14/07.

8. On 01/09/08, ROGOZINSKI was shown a photo lineup containing a photo of HONG. ROGOZINSKI positively identified photograph #1 (HONG) as the person from whom he received the fraudulent check.

9. On 01/09/08, I directed ROGOZINSKI to call HONG's cellular telephone, _____ and discuss that the bank hold had been released from the funds and discuss her travel to Orlando to pick up her proceeds.


10. On 01/15/08, I directed ROGOZINSKI to make a controlled phone call from the Orlando FO to HONG's cellular telephone, _____. During the telephone call they discussed HONG's trip to Orlando.

11. On 01/15/08, ROGOZINSKI, TFA Erin Carmichael and I drove to Ace Cash Services, 2509 E. Colonial Drive, Orlando, FL, 32803, to send HONG \$750 via Money Gram. At 12:23 PM, the money was wired to Germantown, MD, utilizing HONG's son's name, Vladimir Vy, via Money Gram.

brought him another check. HONG said her roommate had taken the magnetic ink needed to make the checks; therefore, making it impossible to make another one. HONG said the funds were taken from a Treasury account, related to Social Security that she was entitled to.

16. On 01/18/08, I conducted a Mirandized interview with HONG following her arrest and she admitted to sending the fraudulent check to ROGOZINSKI. HONG admitted to manufacturing the check on her computer. HONG said she had manufactured other checks but that they were much smaller dollar amounts. HONG said she was allowed to manufacture her own checks because she was pulling from her personal Treasury account. HONG said she was entitled to the money because she paid social security taxes from previous employment. I asked HONG if she had ever made ten million dollars in her career and she said no. HONG said ROGOZINSKI was not innocent in this matter and that he had continually asked her to send him a check. HONG said she originally met ROGOZINSKI at a UCC conference where they talked about individuals entitlement to Treasury funds.

This concludes my affidavit.



ROY D. DOTSON, JR., SPECIAL AGENT
UNITED STATES SECRET SERVICE

Sworn to and subscribed before
me this 18th day of January 2008.



DAVID A. BAKER
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

FILED
2008 FEB 13 PM 3:36

U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

UNITED STATES OF AMERICA

v.

MARCUS ROGOZINSKI
VIRA HONG

CASE NO. 6:08-cr-28-ORL-31-KRS

18 U.S.C. § 371

18 U.S.C. § 1344

18 U.S.C. § 514(a)(2)

18 U.S.C. § 982(a)(2)(A) - Forfeiture

18 U.S.C. § 981(a)(1)(C) - Forfeiture

18 U.S.C. § 492 - Forfeiture

28 U.S.C. § 2461(c) - Forfeiture

INDICTMENT

The Grand Jury charges:

INTRODUCTION

At all time relevant to this Indictment:

1. The Federal Deposit Insurance Corporation was an agency of the United States, established to protect depositors against substantial loss and thus to instill public confidence in the nation's banks and prevent bank collapse.

2. Bank of America was a financial institution with deposits insured by the Federal Deposit Insurance Corporation.

COUNT ONE

A. Introduction

3. The allegations contained in paragraphs 1 and 2 of this Indictment are hereby realleged and incorporated herein by reference.

4. Beginning on or about a date unknown and continuing until on or about January 18, 2008, in Orange County, Florida, in the Middle District of Florida, and elsewhere,

**MARCUS ROGOZINSKI
and
VIRA HONG**

the defendants herein, did unlawfully, willfully, and knowingly combine, conspire, confederate and agree with each other to commit the following offenses against the United States:

(a) To knowingly and willfully execute and attempt to execute a scheme and artifice to defraud Bank of America, a federally insured financial institution, and to obtain, by means of false and fraudulent pretenses, representations and promises, the moneys, funds, assets and property owned by, and under the custody and control of, Bank of America, a federally insured financial institution, in violation of Title 18, United States Code, Section 1344; and

(b) To, with intent to defraud, knowingly pass, present, and utter, and attempt to pass, present, and utter, a false and fictitious instrument purporting, through scheme and artifice, to be an actual financial instrument issued under the authority of the United States, in violation of Title 18, United States Code, Section 514(a)(2).

B. Manner and Means

5. It was part of the conspiracy that **MARCUS ROGOZINSKI** and **VIRA HONG** would and did engage in a scheme by which **VIRA HONG** manufactured a false and fictitious instrument in the amount of \$10,901,508.17.

6. It was a further part of the conspiracy that **VIRA HONG** and **MARCUS ROGOZINSKI** would obtain account information for an account controlled by the United States Treasury at the Federal Reserve Bank of New York.

7. It was a further part of the conspiracy that **VIRA HONG** would include said account information on the false and fictitious instrument in order to convert funds held by the United States Treasury for **VIRA HONG** and **MARCUS ROGOZINSKI'S** own use by depositing said false and fictitious instrument into an account controlled by **MARCUS ROGOZINSKI** at Bank of America.

8. It was a further part of the conspiracy that **VIRA HONG** and **MARCUS ROGOZINSKI** would list the payee on the false and fictitious instrument as "TREASURY/UCC Contract Trust, Prepaid Exemption Account," located at 1500 Pennsylvania Ave., N.W., Washington, D.C., 20220, in order to give the appearance to Bank of America that the false and fictitious instrument was a legitimate check from the United States Treasury.

9. It was a further part of the conspiracy that **VIRA HONG** would mail the false and fictitious instrument to **MARCUS ROGOZINSKI** at his home in Orlando, Florida.

10. It was a further part of the conspiracy that **MARCUS ROGOZINSKI** would deposit the false and fictitious instrument into an account controlled by **MARCUS ROGOZINSKI** (account _____) at Bank of America, a federally insured financial institution.

11. It was a further part of the conspiracy that **VIRA HONG** and **MARCUS ROGOZINSKI** would cause Bank of America to process and deposit funds from the United States Treasury into a Bank of America account controlled by **MARCUS**

ROGOZINSKI by Bank of America clearing the false and fictitious instrument based upon the appearance of the false and fictitious instrument.

C. Overt Acts

12. In furtherance of the conspiracy and to effect the objects thereof, the following overt acts were committed within the Middle District of Florida and elsewhere:

a. On or about a date unknown to the Grand Jury, but on or before December 12, 2007, **VIRA HONG** and **MARCUS ROGOZINSKI** obtained account information for an account controlled by the United States Treasury at the Federal Reserve Bank of New York.

b. On or about November 8, 2007, **VIRA HONG** mailed the false and fictitious instrument to **MARCUS ROGOZINSKI**.

c. On or about December 14, 2007, in Orange County, Florida, in the Middle District of Florida, **MARCUS ROGOZINSKI** deposited the false and fictitious instrument into an account controlled by **MARCUS ROGOZINSKI** (account _____) at Bank of America, a federally insured financial institution.

All in violation of Title 18, United States Code, Section 371.

COUNT TWO

13. The allegations contained in paragraphs 1 and 2 of this Indictment are hereby realleged and incorporated herein by reference.

14. Beginning on or about a date unknown and continuing until on or about January 18, 2008, in Orange County, Florida, in the Middle District of Florida, and elsewhere,

**MARCUS ROGOZINSKI
and
VIRA HONG**

the defendants herein, aiding and abetting each other, did knowingly execute and attempt to execute a scheme and artifice to defraud Bank of America and to obtain moneys, funds, and credits owned by and under the custody and control of Bank of America by means of false and fraudulent pretenses, representations, and promises, which scheme and artifice to defraud is described as follows:

A. Manner and Means

15. The substance of the scheme and artifice to defraud and its manner and means are set forth in paragraphs 5 through 11 of Count One of the Indictment, the allegations of which are repeated and realleged as if fully set forth herein.

B. Execution of the Scheme

16. On or about December 14, 2007, in Orange County, Florida, in the Middle District of Florida,

**MARCUS ROGOZINSKI
and
VIRA HONG**

the defendants herein, aiding and abetting each other, knowingly and willfully executed and attempted to execute the scheme and artifice to defraud Bank of America, as described above, by knowingly depositing a false and fictitious United States Treasury check in the amount of \$10,901,508.17 into an account controlled by **MARCUS**

ROGOZINSKI, when, as the defendants then and there well knew, the check was false and fictitious.

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

COUNT THREE

17. The allegations contained in paragraphs 1 and 2 of this Indictment are hereby realleged and incorporated herein by reference.

18. On or about December 14, 2007, in Orange County, Florida, in the Middle District of Florida,

**MARCUS ROGOZINSKI
and
VIRA HONG**

defendants herein, aiding and abetting each other, with the intent to defraud, did knowingly pass, present, and utter, and attempt to pass, present, and utter, a false and fictitious instrument purporting, through scheme and artifice, to be an actual financial instrument issued under the authority of the United States, that is, a false and fictitious United States Treasury check in the amount of \$10,901,508.17.

All in violation of Title 18, United States Code, Sections 514(a)(2) and 2.

FORFEITURES

1. The allegations contained in Counts One and Two of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to the provisions of Title 18, United States Code, Sections 982(a)(2)(A).

2. From their engagement in the violations alleged in Counts One and Two of this Indictment, punishable by imprisonment for more than one year, the defendants

**MARCUS ROGOZINSKI
and
VIRA HONG**

shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 982(a)(2)(A), any and all right, title, and interest they have in any property constituting, or derived from, proceeds the person obtained directly or indirectly, as a result of such violation of Title 18, United States Code, Section 1344.

3. The allegations contained in Count Three of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to the provisions of Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

4. From their engagement in the violations alleged in Count Three of this Indictment, punishable by imprisonment for more than one year, the defendants

**MARCUS ROGOZINSKI
and
VIRA HONG**

shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), all of their interest in any property constituting or derived from proceeds obtained directly or indirectly as a result of the said violation.

5. The allegations contained in Count Three are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to the provisions of Title 18, United States Code, Section 492 and Title 28, United States Code, Section 2461(c).

6. The defendants, **MARCUS ROGOZINSKI and VIRA HONG**, shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 492 and Title 28, United States Code, Section 2461(c), all counterfeits of any coins or obligations or other securities of the United States or of any foreign government, or any articles, devices, and other things made, possessed, or used in violation of this chapter or of sections 331-333, 335, 336, 642 or 1720, of this title, or any material or apparatus used or fitted or intended to be used, in the making of such counterfeits, articles, devices or things, found in the possession of any person without authority from the Secretary of the Treasury or other proper officer.

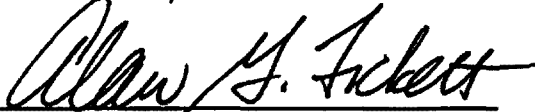
7. If any of the property described above, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property under the provisions of Title 21, United States Code, Section 853(p), as incorporated by Title

18, United States Code, Section 982(b)(1) and Title 28, United States Code, Section 2461(c).

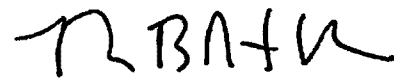
A TRUE BILL,


Foreperson

ROBERT E. O'NEILL
United States Attorney

By: 
Nicole M. Andrejko
Assistant United States Attorney

By: 
Carlos A. Perez-Irizarry
Assistant United States Attorney

By: 
Roger B. Handberg
Assistant United States Attorney
Acting Chief, Orlando Division

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

UNITED STATES OF AMERICA

v.

Case No. 6:08-cr-28-Orl-31KRS

MARCUS ROGOZINSKI

UNITED STATES' MOTION FOR COMPETENCY DETERMINATION

The United States of America, by and through its undersigned Assistant United States Attorney, moves this court to hold a hearing to determine the defendant's mental competency to stand trial, pursuant to Title 18, United States Code, Section 4241.

Title 18, United States Code, Section 4241 provides in pertinent part that "[a]t any time after the commencement of a prosecution for an offense and prior to the sentencing of the defendant...the attorney for the Government may file a motion for a hearing to determine the mental competency of the defendant.

The bases for this motion are an oral pretrial services report provided to United States Magistrate Judge David A. Baker at a hearing on January 18, 2008. At that hearing, Magistrate Judge Baker was advised that the defendant was undergoing mental counseling and the court incorporated said counseling as part of the defendant's conditions of release.

In addition, the undersigned has been advised that on June 25, 2007, the Department of Homeland Security Federal Air Marshal Service, placed the defendant on administrative leave due to reports indicating that the defendant was psychologically unfit for duty. The defendant was referred to a fitness for duty exam. Said examination

occurred and the defendant was found unfit for duty.

Undersigned counsel has concerns about the defendant's mental competency, which should be addressed in advance of trial, since trial preparation will be extensive, and numerous witnesses will be subpoenaed.

Defense counsel opposes this application.

WHEREFORE, the government requests that this Court enter its order directing that a psychiatric examination and report be conducted and prepared pursuant to Title 18, United States Code, Sections 4241(b), 4247(b), and 4247(cc), and that a hearing be held as soon as practicable to address issues concerning the defendant's mental competency.

Respectfully submitted,

ROBERT E. O'NEILL
United States Attorney

s/Carlos A. Perez-Irizarry
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CERTIFICATE OF SERVICE

I hereby certify that on March 14, 2008, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to the following:

Clarence W. Counts, Jr.

s/Carlos A. Perez-Irizarry

Carlos A. Perez-Irizarry
Assistant United States Attorney
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