

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)
)
 v.) No. 11 CR 820
)
 SHARON ANZALDI) Hon. Harry D. Leinenweber
)

**GOVERNMENT'S RESPONSE TO DEFENDANT ANZALDI'S SENTENCING
MEMORANDA**

The UNITED STATES OF AMERICA, by and through its attorney, ZACHARY T. FARDON, United States Attorney for the Northern District of Illinois, respectfully responds as follows to defendant Anzaldi's purported sentencing memoranda.

I. Defendant Anzaldi's Sentencing Memoranda Repackage the Same Non-Sensical and Frivolous Claims She Has Repeatedly Raised Throughout this Case

Yet again, defendant Anzaldi has filed a series of non-sensical and frivolous claims for this Court to consider at her sentencing. In lieu of a sentencing memorandum that challenges her Guidelines calculations, discusses information alleged in her PSR, or considers 18 U.S.C. § 3553(a) and how the factors enumerated there should inform her sentence, defendant Anzaldi has filed multiple memoranda that claim this Court has no jurisdiction over her, she was not properly indicted by a grand jury, she did not receive a signed copy of an arrest warrant, the jury returned its verdict too quickly and therefore must not have considered unspecified exculpatory evidence, the IRS is a private corporation and not part of the government, etc. *See* R. 170, 171, 172, and 173.

The Court has already addressed many of these arguments, and others like them. *See, e.g.,* R. 175, 180. All, or virtually all, of these arguments are frivolous, perfunctory, and

unsupported by pertinent factual or legal authority, and are thus waived. *See, e.g., United States v. Useni*, 516 F.3d 634, 658 (7th Cir. 2008). Accordingly, the Court should dismiss defendant Anzaldi's purported sentencing memoranda. *See, e.g., Morton v. Greer*, 61 F.3d 906 (briefs that contain no identifiable arguments will be dismissed); *Neitzke v. Williams*, 490 U.S. 319, 325 (1989) (Court may dismiss frivolous pleadings filed *in forma pauperis*); *Denton v. Hernandez*, 504 U.S. 25, 32-33 (1992) (same).

II. Defendant's Adjusted Offense Level Should be Enhanced Because She Acted as a Leader/Organizer of a Criminal Activity that Involved Five or More Participants

Defendant's adjusted offense level should be enhanced to reflect her role as the leader/organizer of a criminal activity that involved five or more participants, pursuant to Guideline § 3B1.1(a). The government neglected to include this enhancement in its Government's Version of Events, and the Probation Department also did not catch that the enhancement should apply when preparing the PSR.

Defendant Anzaldi qualifies for the enhancement because she lead and organized the filing of fraudulent returns for more than five individuals, including herself, Alicia Anzaldi, Robert Anzaldi Jr., Lawrence & Irene Noesen, Jeffrey Noesen, Michael & Susan Gibbons, Mark & Dawn Joslyn, Marlene Rizzo, and Caryn Mazzulo. As the trial evidence made clear, it was defendant's idea to file all of the fraudulent returns that were sent to the IRS on behalf of these individuals, it was defendant who physically filled out all or nearly all of these returns, and it was the defendant who exercised complete decision making authority with respect to how these returns were filed and what information was put in them. All of these individuals who testified at trial explained they simply went along with defendant Anzaldi in the filing of these false

returns, and did not really understand why the returns were being filed as they were, or the so-called “logic” behind the returns.

Accordingly, defendant’s revised adjusted offense level is as follows:

Base offense level: 6 (Guideline § 2B1.1(a)(2))

+20 for a loss amount of more than \$7 million but less than \$20 million (\$8,064,928) (Guideline § 2B1.1(b)(1)(K))

+4 for serving as a leader/organizer of a criminal activity that involved 5 or more participants (Guideline § 3B1.1(a))

= 30/I (97 – 121 months’ imprisonment)

III. A Sentence Within the Applicable Guidelines Range is Appropriate in this Case

Title 18 U.S.C. § 3553(a)(1) mandates that a court, when sentencing a defendant, consider “the nature and circumstances of the offense and the history and characteristics of the defendant.” In addition, 18 U.S.C. § 3553(a)(2)(A)-(c) requires that a sentence “reflect the seriousness of the offense,” “promote respect for the law,” “provide just punishment for the offense,” “afford adequate deterrence to criminal conduct,” “protect the public from further crimes of the defendant,” and provide a defendant with “needed educational or vocational training, medical care, or other correctional treatment in the most effective manner.”

Defendant’s adjusted offense level is 30/I, resulting in a range of 97 – 121 months’ imprisonment. The government submits that a sentence of 121 months’ imprisonment, at the high end of the range, is appropriate in this case.

A. Defendant Anzaldi Victimized Numerous Individuals as Part of Her Fraud

Defendant Anzaldi victimized numerous individuals as part of her fraud. First, she and

her co-defendants victimized the IRS by tricking them into paying over \$1 million in fraudulent refunds. Next, by bringing the idea for filing fraudulent returns to each of the individuals listed above, she caused the IRS to levy large financial penalties and interest against some of them. Larry Noesen, for example, has been forced to leave retirement and return to work in an effort to pay back the significant penalties and interest levied against him. Although the Noesens returned the bulk of their fraudulent refund shortly after receiving it, they continue to accrue penalties and interest on the amounts they spent before returning the money. To add insult to injury, as was demonstrated at trial, Anzaldi charged \$31,000 for her “services” to the Noesens in preparing their fraudulent tax return – money that Anzaldi has never repaid. Like the Noesens, Alicia Anzaldi and Robert Anzaldi Jr. also incurred monetary penalties upon filing their fraudulent returns.

Defendant Anzaldi further victimized the Noesens when, as part of gathering their mortgage and debt information to claim the information as interest income, she used their credit card to pay for her cellular telephone bill. Needless to say, the Noesens never authorized Anzaldi to use their credit card information in this way.

B. Defendant Anzaldi perpetrated Multiple Mortgage Frauds During the Time She Worked as a Certified Real Estate Appraiser

Defendant Anzaldi became a licensed real estate salesperson in 1986, a licensed real estate broker in 1988, and a certified real estate appraiser in 1993.¹ While working in the real estate industry, Anzaldi founded and served as the president of several real estate companies, including Homes Realty, Yorkfield Ltd., and Market Value. Anzaldi also belonged to the

¹ In 1997, the Illinois Department of Financial and Professional Regulation suspended Anzaldi’s real estate sales license after determining that she stole the \$1800 security deposit of one of her clients.

National Association of Independent Fee Appraisers.

Despite these qualifications, Anzaldi has perpetrated multiple mortgage frauds over the past several years. For example, financial records reveal that on October 20, 2006 defendant applied for and received a \$300,000 mortgage from Executive Home Mortgage. Defendant applied for the mortgage in connection with a Willowbrook condominium she had recently purchased. When asked in her EMC mortgage application whether she had an ownership interest in any property, she falsely claimed she did not. As title records confirm, defendant owned a home at 4018 Martin Luther King Drive at the time she applied for the EMC mortgage, and had owned the home for almost ten years. In her EMC mortgage application, defendant claimed only to be renting the MLK home.

Defendant also falsely claimed in her EMC mortgage application that she was employed at a company called "The Air Conditioning and Heating Company," in Carol Stream, Illinois, and had worked there for the past five years. As an interview with a manager of the company confirmed, Anzaldi had never worked at the Air Conditioning and Heating Company, and she submitted false verifications of employment forms in support of her fraudulent loan application.

Ten days after committing the EMC mortgage fraud, Anzaldi committed her second mortgage fraud. Financial records confirm that on November 1, 2006 she applied for a \$675,000 mortgage from Countrywide. Defendant applied for the loan because she was attempting to refinance her home at 4018 Martin Luther King Drive. Once again, defendant falsely claimed to work at the "Air Conditioning and Heating Company," and claimed she had done so for the past 5 years. As with the fraudulent EMC mortgage application, defendant submitted false verifications of employment to Countrywide certifying that she was employed at

the Air Conditioning and Heating Company.²

Approximately one year after committing these mortgage frauds, defendant committed a third mortgage fraud when she again attempted to refinance her mortgage on the MLK home. On December 4, 2007, defendant applied for an \$850,000 loan from Midwest Home Funding. When asked about her employment, defendant claimed she worked as a real estate appraiser, and said she had done so for the past 22 years. Defendant, however, had only been certified as a real estate appraiser for 14 years – not 22 years. Moreover, when asked about her monthly income in this application, defendant claimed to earn \$26,583 per month – an amount that would equal \$318,999 per year. According to defendant's 2007 tax return filed with the IRS, however, she had earned \$33,300 during 2007 – not \$318,999.

Both EMC and Countrywide provided mortgage loans to defendant. Defendant later defaulted on her home mortgages, and both the Willowbrook and MLK homes went into foreclosure.

C. Defendant Lied to Lighthouse Financial in Order to an Additional Loan

In addition to lying in the three mortgage applications detailed above, defendant also applied for a \$1600 loan from Lighthouse Financial. In exchange, defendant provided Lighthouse a security interest in her car. In the Lighthouse loan application, defendant was asked whether she had ever filed for bankruptcy, and she affirmed that she had not. In fact, defendant had twice filed for bankruptcy – once in 1997, and again in 2002. Defendant ultimately defaulted on paying back the full amount of this loan.

² Defendant also appears to have lied about her monthly income in each of these mortgage applications. In her EMC mortgage application, defendant claimed to earn \$7000 per month. Ten days later, in the Countrywide application, defendant claimed to earn \$14,000 per month.

D. Since Being Indicted, Defendant has Filed Multiple Frivolous and Harassing Law Suits Against Judges, Prosecutors, and Case Agents, and Has Filed Documents Relating to One of the Lawsuits on Property Records Held by the Cook County Recorder of Deeds

Since being indicted in this case, defendant has filed multiple frivolous and harassing law suits against the FBI and IRS case agents, the undersigned AUSA, former U.S. Attorney Gary Shapiro, and Magistrate Judges Cole, Gilbert, and Ashman. *See* 12 C 2987 (Shadur, J.) and 13 C 3198 (Tharpe, J.). In case 12 C 2987, defendant went to great lengths to attempt to serve Magistrate Judge Ashman, who had recently passed away. *See* 12 C 2987 at R. 21. Needless to say, both suits were dismissed with prejudice.

In addition to filing these baseless “canards,” as Judge Shadur described them, defendant has also filed a “notice” with the Cook County Recorder of Deeds relating to the 12 C 2987 suit. That “notice” comes up when searching the undersigned AUSAs property records in Cook County. The “notice” also brings up the names of Magistrate Judges Cole and Gilbert, and the names of the case agents. A copy of the “notice” will be provided to the Court at sentencing.

Judge Shadur referred the pleadings filed in case 12 C 2987 to this Court to consider for obstruction purposes at the time of defendant’s sentencing. As Judge Shadur suggested, this Court should consider these frivolous, harassing, and abusive lawsuits as matters in aggravation at defendant’s sentencing. Defendant’s frivolous lawsuits have served no purpose but to clutter up an already over-burdened court system. In addition, the false allegations contained in the suits are scurrilous, as is defendant’s posting of false allegations on the undersigned (and possibly others’) property records. These actions should be considered as matters in aggravation at defendant’s sentencing.

E. Defendant Has Sent Threatening Correspondence to the U.S. Attorney

In addition to suing former U.S. Attorney Gary Shapiro in case 13 C 3198, defendant Anzaldi recently sent him a letter, attached as Exhibit A. In the letter defendant complains about being prosecuted, and asks Mr. Shapiro to “void the case.” Anzaldi then writes:

I choose not to take this to a higher level, out of consideration for you, and your career, however, based on the aggression of the DOJ, this information has been safely placed in the hands of many people around the country that are watching this case very closely, as the truth always has a way of revealing itself. I will not move forward unless you choose to bring additional harm toward any of us. I wish to end this travesty peacefully and amicably, as I have been severely damaged, along with the other two defendants, which has negatively impacted our family, friends, reputation, credibility, and defamed our character.

Such threats have no place in the proper administration of justice. Defendant’s letter is nothing more than an attempt to intimidate the government prosecutors in this case, and should be considered by the Court in aggravation.

F. Conclusion

The IRS wrongly paid out \$1,252,030 as a result of this scheme. The money defendant stole and assisted in stealing could have, and should have, been used for national social programs. A sentence of 121 months’ imprisonment accounts for defendant’s multiple false returns; the harm she caused numerous individuals, and especially the Noesens; her uncharged mortgage frauds; her frivolous and harassing lawsuits; her frivolous “notice” filed against the

property records of undersigned counsel; and her continued refusal to accept responsibility for her crimes.

Respectfully submitted,

ZACHARY T. FARDON
United States Attorney

By: /s/ Rachel M. Cannon
RACHEL M. CANNON
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Dated: November 27, 2013

October 7th, 2013

District Attorney Gary Shapiro,

Dear District Attorney Shapiro,

I realize you are the recipient of of Case Number 11 CR 0820, and you did not initiate the case, however, it is up to you to make sure all people are treated equally under the law and entitled to "fair and just" "due process of law."

I also realize, this case is no different than many other cases prosecuted under your watchful eye. I feel that your office believes you are serving justice, however, nothing could be further from the truth. Until someone can prove to me that the Constitution is not the highest law of the land, it will stand to be so.

It is my understanding that Attorneys are taught corporate law, and very skilled at "form and procedure," according to the Uniform Commercial Code practiced within all Administrative Courtrooms, however, your interaction is ONLY suppose to be with other corporations, of which we are not. Please refer to IRM 21.7.13.3.2.1 (10-01-2007), 21.7.13.3.2.2 (02-12-2010), and 21.7.13.3.2.3 (10-01-2009) blatantly explains an infant is the decedent of an estate or grantor, owner or trustor of trust, guardianship, receivership or custodianship that has yet to receive their Social Security Number. All defendants do in fact have a Social Security Number, which means they are no longer deceased. Please correct the status of all defendants as among the living, and not to be confused with corporate entities. You have the means by which to settle the case, as this was sent directly to the new Chief Justice.

None of the defendants intentionally harmed or injured another natural being, there is no "real party in interest", we followed IRS procedure, applied for a transmitting control code through the IRS, paid for assistance of a fiduciary agent, aka, H.R. Block, which was later approved by the Treasury Department, and the IRS, so conspiracy is impossible.

From day one, I have been trying to speak the truth and denied at every turn, which is why I had to file the case as a matter of public record. The Department of Justice has not been very honorable in this regard, and have damaged many American People.

My intention was not to harm you personally or professionally, and if that is the case I truly apologize.

I choose not take this to a higher level, out of consideration for you, and your career, however, based on the aggression of the DOJ, this information has been safely placed in the hands of many people around the country that are watching this case very

closely, as the truth always has a way of revealing itself. I will not move forward unless you choose to bring additional harm toward any of us.

I wish to end this travesty peacefully and amicably, as I have been severely damaged, along with the other two defendants, which has negatively impacted our family, friends, reputation, credibility, and defamed our character.

I am asking you to make an honorable decision and void the case, as it was perpetrated on fraud and fraudulent procedure. Bring honor back to the courts and the people, as our world is quickly changing and people are becoming keenly aware and enlightened in mass.

Again, if I have caused you harm in any way, I am truly sorry. It is not my nature to go around hurting other people, and it pains me to have to do it, even in defense of myself!

Sincerely,


Sharon Alicia Anzaldi