

## Complaint by the Prosecutor at Taiwan Nantou District Prosecutors Office

No.: Chen-Tzu No.1820 of Year 2024

Defendant: PA○○ (a citizen of the Philippines)

Male      ○ years old (born on ○○ ○○, ○○○○)

Contact Address in the Republic of China: No. ○,

Alley ○, Lane ○, Sec. ○, Fencao Road, Caotun

Township, Nantou County

Passport No.: ○○○○○○

After completing the investigation for the case in which the defendant listed above is believed to have committed fraud, the prosecutor has decided to prosecute the case before the court. Facts and evidence of the offense and articles of the law violated are described separately as follows:

### Facts of the Offense

1. PA○○ (Chinese Name: Yu, Ma-Ko; hereinafter referred to as “Yu, Ma-Ko”) gave to other people the data of his financial account, which could be expected by him to possibly be used as a tool for committing crimes such as fraud and money laundering. However, with *dolus indeterminatus* for assistance with fraud and money laundering, he still gave his account number 00000000000000 (hereinafter referred to as the “Account”), which he had applied for with Chunghwa Post Co., Ltd., to a fraud ring on an unknown date before Nov. 11, 2023 in an unknown manner on an unknown location. After the members of the fraud ring obtained the Account, they intended to use it jointly for illegal purposes. With the intention to commit fraud and launder money, the fraud ring members used the fraud methods listed in the attached Table to defraud HUANG, HSIANG-CHI, LIN, YEN-PEI and LAI, TZU-YI respectively. Consequently, HUANG, HSIANG-CHI, LIN, YEN-PEI and LAI, TZU-YI made wrong decisions to remit such amounts on such dates as listed in attached Table to the Account. Then the remitted amounts were withdrawn and transferred to other accounts soon in order to create discontinuity of the funds to cover up and conceal the whereabouts and locations of the money obtained by fraud. What had happened was known after HUANG, HSIANG-CHI, LIN, YEN-PEI and LAI, TZU-YI realized their being defrauded.
2. The case was reported by HUANG, HSIANG-CHI, LIN, YEN-PEI and LAI, TZU-YI to, and was investigated by, Caotun Precinct, Nantou County Police Department.

### Evidence of the Offense and Articles of the Law Violated

1. List of Evidence and Facts to be Verified:

No.	Name of Evidence	Facts to be Verified
1	Statement made by the defendant Yu, Ma-Ko during the police interrogation and investigation	Though the defendant admits that he applied for the Account and that the password of the ATM card for the Account was 000000, yet he denies assisting with fraud or money laundering. He argues that he did not defraud and did not give the card to anyone, and that he put the card in the coin wallet and then in the pocket and did not realize the coin wallet was lost until sometime between Nov. 9 and Nov. 11, 2023. He says that he went out to eat by motorcycle and found the coin wallet, including an amount of more than NT\$2000 and a card inside, was lost when he wanted to pay. He said that a slip of paper indicating the password was stuck on the back of the card, and that he stuck the password on the card because he was afraid to mix up passwords as he had 2 accounts in Taiwan.
2	Accusation by the complainant HUANG, HSIANG-CHI during the police interrogation	Facts that the complainant Huang Hsiang-Chi was defrauded and has therefore remitted money to the Account
3	Money transfer details, dialogue records, the anti-fraud consultation line records prepared by National Police Agency, Ministry of the Interior, the certificate for the cases received (handled) by Douliu Precinct, Yunlin County Police Bureau, the summary form for the Account in the fraud case reported to the police, and the joint prevention mechanism related notification issued by the financial institution, all of which have been provided by the complainant Huang Hsiang-Chi	
4	Accusation by the complainant Lin Yen-Pei during the police interrogation	Facts that the complainant Lin Yen-Pei was defrauded and has therefore remitted money to the Account

5	Money transfer details, dialogue records, the anti-fraud consultation line records prepared by National Police Agency, Ministry of the Interior, the certificate for the cases received (handled) by Fengshan Precinct, Kaohsiung City Police Department, the summary form for the Account in the fraud case reported to the police, and the joint prevention mechanism related notification issued by the financial institution, all of which have been provided by the complainant Lin Yen-Pei	
6	Accusation by the complainant Lai Tzu-Yi during the police interrogation	Facts that the complainant Lai Tzu-Yi was defrauded and has therefore remitted money to the Account
7	Money transfer details, dialogue records, the anti-fraud consultation line records prepared by National Police Agency, Ministry of the Interior, the certificate for the cases received (handled) by Boai Police Station, Second Precinct, Yunlin County Police Bureau, and the summary form for the Account in the fraud case reported to the police, all of which have been provided by the complainant Lai Tzu-Yi	
8	Account opening data and transaction details with respect to the Account	Facts that the complainants Huang Hsiang-Chi, Lin Yen-Pei and Lai Tzu-Yi were defrauded and have therefore remitted money to the Account, and that the amounts remitted to the Account have been withdrawn soon in order to create discontinuity of capital flows to cover up and conceal the whereabouts and locations of the money obtained by fraud

2. An account with the financial institution is highly relevant to personal property interests of the depositor owning the account. Funds in a bank account may be withdrawn or transferred to another place by anyone that possesses the ATM card and knows the password to the account. Once the ATM card is lost, and the password divulged, not only will the account owner suffer personal property losses, but the bank account will also possibly be used as a tool for illegally taking a person's assets away by committing a crime. The account owner may possibly be required to assume relevant criminal responsibilities, in addition to damaged personal credit. Therefore, people all know to keep the ATM card and the password in separate places for safekeeping, to prevent the ATM card and the password from being stolen, or used to withdraw money from the bank account without authorization. The highest education level of the defendant is a

bachelor's degree. In consideration of the age and knowledge of the defendant, the defendant should know that the ATM card and the password need to be kept in separate places for safekeeping, and that failure to do so would significantly increase the risk of unauthorized use of the account. In the police investigation, the defendant was able to recite the ATM card password to the Account. Obviously, it was unnecessary for the defendant to write down the password on the ATM card or stick a slip of paper indicating the password on the ATM card. Besides, the defendant argued that he had 2 bank accounts in Taiwan, and that he had been afraid to mix up passwords so he had stuck the password on the back of the ATM card. However, there was no password written down or stuck on the back of the other ATM card with Bank of Taiwan, which was presented by the defendant in court. Relevant photos have been attached for reference. In addition, the defendant admitted in the police investigation that the passwords of the ATM cards to the 2 bank accounts that he had applied for in Taiwan were the same. Obviously, the defendant had no need to stick the password on the back of the ATM card to prevent his mixing up passwords. Furthermore, how could the fraud ring use an account that might be reported, after the ATM card was stolen, to be frozen any time if the fraud ring had not ascertained that the account was still usable normally in a short period of time? As summarized above, it is believed that the defendant voluntarily gave to another person the ATM card and the password to the Account, instead of losing them. His argument was just for shirking his responsibility when facing an approaching lawsuit and therefore cannot be trusted.

3. What the defendant has done violates the first part of Article 30 (1) and Article 339 (1) of the Criminal Code for assistance with fraud to obtain money, and the first part of Article 30 (1) of the Criminal Code and Article 14 (1) of the Money Laundering Control Act for assistance with general money laundering. For the defendant's act, the defendant has committed the offenses of assistance with fraud to obtain money and assistance with money laundering and has damaged legal interests of the victims identified in the attached Table. The defendant's act constitutes several offenses. Please impose the most severe punishment on the defendant based on the offense of assistance with money laundering in accordance with the first part of Article 55 of the Criminal Code. As the defendant committed the offense with the intention to assist, please reduce his punishment from the punishment prescribed for the principal offenders in accordance with Article 30 (2) of the Criminal Code.
4. A public prosecution is initiated in accordance with Article 251 (1) of the Code of Criminal Procedure.

This Complaint is hereby submitted to Taiwan Nantou District Court.

June 24, 2024

Prosecutor ○○○

This document is in conformity with the original text.

July 1, 2024

Clerk ○○○

#### Articles of the Law Violated

Article 30 of the Criminal Code of the Republic of China (for accessories and imposed punishment)

A person who aids another in the commission of a crime is an accessory notwithstanding that the person aided does not know of the assistance.

The punishment prescribed for an accessory may be reduced from that prescribed for the principal offender.

Article 339 of the Criminal Code of the Republic of China (for general fraud)

A person who by fraud causes another to deliver to him property belonging to such other or to a third person for purpose to exercise unlawful control over other's property for himself or for a fourth person shall be sentenced to imprisonment for not more than five years or short-term imprisonment; in lieu thereof, or in addition thereto, a fine of not more than five hundred thousand yuan may be imposed.

A person who by the means specified in the preceding paragraph takes an illegal benefit for himself or for a third person shall be subject to the same punishment.

An attempt to commit an offense specified in one of the two preceding paragraphs is punishable.

Article 14 of the Money Laundering Control Act

Anyone involved in money laundering activities prescribed in paragraphs in Article 2 shall be sentenced to imprisonment of not more than seven years; in addition, a fine of not more than NT\$ 5 million shall be imposed.

An attempt to commit an offense specified in the preceding paragraph is punishable.

In circumstance prescribed in the preceding two paragraphs, the penalty may not exceed the maximum punishment administered for the specified unlawful activity.

Table.

No.	Victim	Fraud method	Date and time of remittance	Remitted amount (NT\$)	Account to which amounts were remitted
1	Huang Hsiang-Chi (filing a suit)	The defendant lay to Huang Hsiang-Chi, who was selling mobile phones on Facebook, by falsely saying that the transaction was not completed and to complete the transaction, Huang Hsiang-Chi needed to activate the capital flow service pursuant to the instructions given by the defendant.	About 13:11 on Nov. 11, 2023	NT\$49,985	The Account in the case
2	Lin Yen-Pei (filing a suit)	The defendant lay to Lin Yen-Pei, who was selling milk powder on Facebook, by falsely saying that the transaction was not completed even though the purchase was made, and to complete the transaction, Lin Yen-Pei needed to complete the authentication	About 13:00 on Nov. 11, 2023	NT\$49,985	The Account in the case

		process pursuant to the instructions given by the defendant.			
3	Lai Tzu-Yi (filing a suit)	The defendant lay to Lai Tzu-Yi, who was selling products on Facebook, by falsely saying that the transaction was not completed even though the purchase was made, and to complete the transaction, Lai Tzu-Yi needed to complete the authentication process pursuant to the instructions given by the defendant.	About 13:14 on Nov. 11, 2023	NT\$49,900	The Account in the case