Mail and court fraud as Phat K. Tran and Steven D. Silverstein. The first July payment had been made early and never returned creating duplicate payment under false representation of default.

From: michael gasio (gasio77@yahoo.com)

To: srandell@hbpd.org; hnguyen2@fbi.gov; kyphat@yahoo.com; clerk@stevendsilverstein.com

Cc: helderppinheiro@gmail.com; aelkins@gmail.com

Date: Sunday, October 19, 2025 at 09:57 AM PDT

# T67 – Forced Second Cashier's Check (Duplicate Payment)

#### **Evidence Summary**

This page documents the issuance of a **second cashier's check** on **April 22 2025** in the amount of **\$5,338.48**, payable to **Phat K. Tran and Steven D. Silverstein**. The first July payment had been made early and never returned. Despite proof of timely tender, the opposing parties refused to acknowledge receipt and required a new bank instrument "to make the record whole," thereby compelling duplicate payment under false representation of default.

#### **Attached Exhibit**

Image source: T35a.png (original scanned cashier's check and purchase record).

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about:blank 2/4

#### DB9R 9259IA - TNATRO9MI

Outstanding cashier's checks are subject to state or territorial unclaimed property laws.

If the cashier's check is lost, stolen, or destroyed, you may request a stop payment and reissuance. A stop payment and reissuance. A stop payment and reissuance, Wells Fargo Bank will require an indemnity agreement. In addition, for cashier's checks over \$1,000.00, the waiting period before the stop payment and reissuance of an outstanding cashier's check may be processed is 90 days (30 days in the state of Wisconsin and 91 days in the state of New York). The waiting period can be avoided with the purchase of an acceptable surety bond. This can be purchased through Wells Fargo's approved insurance carrier or through an insurance carrier of the customer's choice. The cost of a surety bond varies depending on the amount of the bond and the insurance carrier used. Surety bonds are subject to the insurance carrier's underwriting requirements before issuance. If the surety bond is not provided, the waiting period applies.

Purchaser Copy - Page 2 of 2

CASHIER'S CHECK

SZ\$LL9-L98> #INCOCON

SERIAL # 0084472016

April 22, 2025

\*\* Five Thousand Three Hundred Thirty-Eight and 48/100 -US Dollars \*\*

\*\*\*PHAT K. TRAN AND STEVEN D. SILVERSTEIN\*\*\*

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\*\*85,338,48\*\*

NON-NEGOTIABLE

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DUPLICATE JUL 24 RENTIPAID UNDER PROTEST

WELLS FARIOD BANK, N.A.

RAY TO THE ORDER OF

SETTIMENT PLUCIOL MANNESTER

(K)MARIE ARRIVA

MICHAEL GASIO

MICHAEL GASIO

K158359

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19940 BEACH BLVD HUNTINGTON BEACH, CA 92548 FOR AUTOMATED CHECK VERIFICATION CALL. (480) 33H-3122

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# **Legal Basis for Classification**

- **18 U.S.C. §1341 Mail Fraud:** Each mailed or courier-delivered instrument issued on false premise constitutes an independent count (up to 30 years when a financial institution is involved).
- **18 U.S.C. §1344 Bank Fraud:** Inducing a bank to issue a replacement cashier's check for a satisfied debt satisfies the "scheme to defraud a financial institution" element.
- Cal. Penal Code §532: Obtaining money or value by false pretenses, including duplicate collection for an obligation already paid.
- Cal. Penal Code §115: Filing or using any false instrument in court constitutes a felony; using the new check to sustain a false default count qualifies.

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## **Supporting Precedents**

- *People v. Ashley*, 42 Cal.2d 246 (1954) Duplicate collection attempts after payment are theft by false pretenses.
- *United States v. Bortnovsky*, 879 F.2d 30 (2d Cir. 1989) Multiple fraudulent instruments treated as continuing offenses.
- *United States v. Stavroulakis*, 952 F.2d 686 (2d Cir. 1992) Bank involvement elevates the penalty tier to 30 years.

## **Interpretation**

The re-issuance of a cashier's check after verified early payment demonstrates an intentional pattern of concealment and double-collection. Use of bank, courier, and court channels satisfies the required elements for **mail**, **wire**, **and bank fraud**. Each transmission, filing, or endorsement tied to this second check represents a discrete predicate act within the broader RICO sequence.

#### **Evidence Index References**

- **Primary Image:** T35a.png (this file)
- Cross-Reference: T22 Court Communication on Replacement Request
- Cross-Reference: T18 Proof of Early July Payment (bank confirmation)

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