

Summary of Racketeering Act 1: Conspiracy to Commit Identity Theft

The alleged criminal conduct in this charge was that Keith conspired w/ Daniela and others to use a fake ID of a real (deceased) person, Ashana Chenoa, to cross the border from Canada to the US on Christmas Eve 2004. Despite knowing it was wrong at the time, Daniela admitted to doing so. At the time, she was 19, an adult.

Keith was charged as a co-conspirator because Daniela claimed it was Keith's plan to have her cross the border using a fake ID. Keith's only link to this crime is Daniela's testimony, in which she contradicts herself and, at times, demonstrates a highly selective memory. No emails, texts, or other written evidence supported her claim. There was no hard or direct evidence that Keith was involved in this crime.

Daniela was not indicted.

The Evidence

Almost all of the evidence for this charge was Daniela's testimony.

Daniela testified that in 2004, her tourist visa expired. She tried to re-enter the US and renew, but was denied and told to wait a year to re-apply.¹ She said she knew at the time that crossing the border with a fake ID would be illegal but she did it because she "really wanted to make it back... [and] didn't want to wait a year."²

She said Keith came up with a "master plan for bringing [her] back," and told her over the phone. She would fly to Canada and he would send Kristin Keeffe to meet her and give her a fake ID. In order to take advantage of holiday traffic, she would cross into the US on Christmas Eve.³ She said the fake ID was being worked on by Kristin and a woman named Siobahn.⁴

She flew to Canada a day or two before Christmas Eve. She thinks her father purchased the ticket.⁵

According to Daniela, Kristin "chickened out," so instead Kathy Russell met her in Canada⁶ and gave Daniela the fake ID of a woman named Lisa Chenoa. She went shopping to have a reason for being in Canada in case border patrol asked.⁷ Then they went through border patrol. While the official was inspecting Daniela's fake ID, to distract him, she asked, "how's the weather ahead?"⁸ She said that after they made it through, she and Kathy drove straight to Albany.⁹

¹ See Pg 2408:10-22

² See Pg 2415:25 – 2416:5

³ See Pg 2410:12-25

⁴ See Pg 2411:2-6

⁵ See Pg 3099:7-8

⁶ See Pg 2412:7-11

⁷ See Pg 2411:8 – 2412: 2

⁸ See Pg 2413:4-21

⁹ See Pg 2414:1-3

An official US Customs and Border Patrol document was presented in trial confirming that a Lisa Chenoa crossed from Canada to the US on Christmas Eve 2004.¹⁰

However, there were no official records showing Kathy crossed the border around that time, either on the way to Canada or back to the US.¹¹ There was a credit card transaction from Kathy on the US side of the border, but none on the Canadian side.¹²

As to whether or not Lisa Chenoa was a real person, the government presented an official death certificate¹³ and obituary¹⁴ for a woman named Ashana Chenoa, who had the same DOB as the DOB listed for Lisa Chenoa in the US Customs and Border Control crossing records, implying Lisa was Ashana.

Daniela initially testified it was only Kathy and her who drove back together to Albany, on cross-examination she was asked if Kristin was in the car with them and she said she could not remember. There was a receipt from Denny's from which the FBI concluded Kristin was also in Niagara Falls, near the border on the US side, on Christmas Eve 2004.¹⁵

Analysis

There are several things that bring the reliability of Daniela's testimony into question:

- If this was Keith's master plan, wouldn't he or Clare have paid for her flight, not her dad?
- If Kathy crossed the border twice, why was there no record of either crossing?
- If Daniela could recall specific details like what shopping center they went to, what Kathy bought, and how the interaction with the border patrol officer went, why wouldn't she be able to remember a major detail like whether Kristin was with them on the drive back to Albany?

In summary, most likely Daniela made the fake ID herself (just like the fake ID she admitted to getting her sister Camila in 2017 so she could travel in Mexico) and met Kathy and Kristin on the other side and drove back together.¹⁶ Regardless, there is no written evidence connecting Keith to any aspect of Daniela crossing the border.

Resources

- [Excerpts of Transcripts and Jury Instructions Relevant to Racketeering Act 1](#)
- [Full Transcripts of the Trial](#)

¹⁰ See 4597:2-19

¹¹ See Pg 5218:22 – 5219:15

¹² See Pg 4641:8-4642:4 and Government Exhibit 761

¹³ See Pg 4952:13-4953:11 and Government Exhibit 804

¹⁴ See Pg 4596:6-16 and Government Exhibit 805

¹⁵ See Pg Pg 5221:17-21 and 5222:15-19

¹⁶ See Pg 3047:22-3050:20