

United States District Court

SOUTHERN

DISTRICT OF

FLORIDA

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

CASTRA PIERRE-LOUIS and  
GUNIE SIMILIEN

CASE NUMBER: *12-2597-Dubé*

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 March 30, 2012, in Miami-Dade County, in the Southern District of Florida, the defendants, CASTRA PIERRE-LOUIS and GUNIE SIMILEN, did knowingly steal, embezzle, purloin, and convert to his/her own use, money of the United States, and a Department and agency thereof, the aggregate to which exceeded \$1,000, that is, United States Department of Treasury tax refund checks, in violation of Title 18, United States Code, Sections 641 and 2.

On or about April 3, 2012, in Miami-Dade County, in the Southern District of Florida, the defendants, CASTRA PIERRE-LOUIS and GUNIE SIMILIEN, did knowingly possess with intent to use and transfer unlawfully five or more identification documents, that is, ten (10) Florida driver's licenses and ten (10) social security cards, in violation of Title 18, United States Code, Sections 1028(a)(3) and 2.

I further state that I am a Special Agent with the Federal Bureau of Investigation and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

*Michael R Meyer*  
MICHAEL R. MEYER, SPECIAL AGENT  
FEDERAL BUREAU OF INVESTIGATION

Sworn to before me, and subscribed in my presence,

May 1, 2012

at

Miami, Florida  
City and State

ROBERT L. DUBÉ  
UNITED STATES MAGISTRATE JUDGE  
Name and Title of Judicial Officer

*Robert L. Dubé*  
Signature of Judicial Officer

## AFFIDAVIT

I, Michael R. Meyer, being duly sworn, hereby depose and state as follows:

1. I am a special agent with the Federal Bureau of Investigation ("FBI"), Miami Field Division, currently assigned to the public corruption unit. I have been employed as a special agent for approximately six years. I have personally conducted or assisted in criminal investigations and prosecutions of identity theft tax fraud schemes, including violations of Title 18, United States Code, Sections 510 (forgery of U.S. Treasury checks), 641 (theft of government money), 1028 (fraud with identification documents), 1029 (access device fraud), and 1343 (wire fraud). I am familiar with the manner and means with which identity thieves operate these schemes.

2. This affidavit is submitted in support of a criminal complaint charging Castra PIERRE-LOUIS and Gunie SIMILIEN with a violation of Title 18, United States Code, Sections 641 (theft of government property) and 1028(a)(3) (possession of five or more identification documents with unlawful intent).

3. The affidavit is based on information obtained from an FBI undercover operation. This affidavit sets forth only those facts that I believe are necessary to establish probable cause. As such, I have not included each and every fact known about this investigation.

### **Overview of FBI Undercover Operation**

4. To combat the growing problem of identity theft tax refund fraud schemes in South Florida, from February 2012 to April 2012, the FBI has operated a financial services store (the "store") in North Miami as a front to accept fraudulently obtained tax refund checks from customers looking to cash those checks for a large fee.

5. The store was equipped with both audio and video surveillance. Undercover FBI agents worked behind the counter at the store. Customers would present tax refund checks in the form of refund anticipation checks issued by financial institutions (“RACs”) and/or U.S. Treasury tax refund checks (“T-Checks”). Customers would also present fraudulent identification documents (photocopied driver’s licenses or social security cards) or handwritten social security numbers in the name of the victims on the checks. Often, customers would forge the signature of the victim on the back of the check while inside the store. Many of the true taxpayers whose names appear on the checks have already filed identity theft affidavits with the Internal Revenue Service (“IRS”).

6. The undercover agent would charge a substantial fee for processing the check—ranging from thirty-five to forty-five percent of the value of the check—consistent with the fraudulent nature of the check.<sup>1</sup> The FBI paid these customers from official FBI funds. None of the tax refund checks were actually cashed.

7. During the three month undercover operation, eight different individuals negotiated with undercover agents at the store to cash approximately \$500,000 in fraudulently obtained tax refund checks. The conversations and transactions between the customers and undercover agents at the store were audio and video recorded by the FBI.

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<sup>1</sup> Florida law provides that no check cashing store may charge a fee for cashing checks in excess of five percent. Fl. Stat. 560.309(4)

**Overview of PIERRE-LOUIS's and SIMILIEN's Conduct**

8. In the months of March and April 2012, PIERRE-LOUIS and SIMILIEN tried to cash 28 fraudulently obtained tax refund checks (totaling over \$120,000) for between sixty and sixty-five percent of face value using false identification documents.

**Chronology of Events**

9. On March 2, 2012, a confidential source ("CS") met with PIERRE-LOUIS. The meeting was audio recorded. The CS had previously indicated to PIERRE-LOUIS that he knew of a financial services store (the "store") that would accept fraudulent tax refund checks. During the meeting, the CS explained that PIERRE-LOUIS needed identification documents for each of the checks. The CS said that the store could do twenty-five checks a week. PIERRE-LOUIS said that he had "fifty" checks that he could give him. PIERRE-LOUIS agreed to pay the CS five percent of the value of the check as a commission.

10. On March 2, 2012, at around 1:00 p.m, the CS met again with PIERRE-LOUIS. This meeting was audio recorded. During the meeting, PIERRE-LOUIS stated he had checks worth fifty-eight thousand dollars. PIERRE-LOUIS told the CS that PIERRE-LOUIS would make the CS rich. PIERRE-LOUIS provided the CS fifteen tax refund checks in the following names, types, and amounts:

<b>PIERRE-LOUIS -- List of March 2 Checks</b>			
<b>NUMBER</b>	<b>TYPE</b>	<b>NAMES</b>	<b>AMOUNTS</b>
1	RAC	F.M.	\$3,901.05
2	RAC	L.M.	\$4,654.10
3	RAC	I.M.	\$2,211.10
4	RAC	J.M.	\$2,529.10
5	RAC	W.M.	\$2,326.05
6	RAC	Q.M.	\$3,753.10
7	RAC	A.M.	\$2,425.10
8	RAC	Y.M.	\$ 2,343.05
9	RAC	A.M.	\$3,898.05
10	RAC	R.M.	\$3,825.23

<b>PIERRE-LOUIS -- List of March 2 Checks</b>			
<b>NUMBER</b>	<b>TYPE</b>	<b>NAMES</b>	<b>AMOUNTS</b>
11	T-Check	K.F.	\$7,495.71
12	T-Check	E.L.	\$7,845.81
13	T-Check	A.N.	\$6,358.26
14	T-Check	S.G.	\$1,403.00
15	T-Check	S.L.	\$2,826.50
<b>Total</b>			<b>\$57,795.21</b>

11. During the meeting, PIERRE-LOUIS also provided to the CS photocopies of Florida driver's license and social security cards in the name of each of the 15 victims above. The CS cautioned PIERRE-LOUIS that the name and date of birth on the driver's license must match the name and date of birth of the taxpayer. PIERRE-LOUIS assured the CS that they would match. PIERRE-LOUIS explained that the identification documents had just been signed by his "people" and that the signature on the documents would match the signatures on the back of the check.

12. The checks provided above were obtained by fraud. Several of the individuals in the above list have submitted identity theft affidavits to the IRS stating that someone has stolen their identity and filed a tax return in their name. In addition, the checks also include addresses on the front of them. These addresses do not match addresses of record for the actual taxpayer whose name appears on the check.

13. On March 5, 2012, the CS placed a recorded call to PIERRE-LOUIS. The CS indicated that the monies for the checks provided on March 2, 2012 were ready for pickup. PIERRE-LOUIS stated that he was in Haiti and would have a female (SIMILIEN) contact the CS to collect the monies for the checks.

14. On March 6, 2012, the CS engaged in a recorded call with SIMILIEN. SIMILIEN said that PIERRE-LOUIS told her to call the CS to establish a time and place to pick

up the cash for the checks previously dropped. The CS advised SIMILIEN to go to the store on March 7, 2012.

15. On March 7, 2012, SIMILIEN drove to the store. SIMILIEN met with the CS outside the store and they both walked into the store. SIMILIEN approached the counter at the store and spoke to an undercover FBI agent ("UC1"). UC1 provided SIMILIEN with \$12,600 in prerecorded U.S. currency from FBI funds as payment for checks 1 through 6 from the above list. SIMILIEN counted the money in the store. UC1 advised SIMILIEN that some of the checks could not be verified with the bank and returned the checks to SIMILIEN.

16. On March 20, 2012, PIERRE-LOUIS provided the CS with 3 checks totaling \$20,008.59 as set forth in the list below. PIERRE-LOUIS promised that these checks were "right."

<b>PIERRE-LOUIS -- List of March 20 Checks</b>			
<b>NUMBER</b>	<b>TYPE</b>	<b>NAMES</b>	<b>AMOUNTS</b>
1	T-Check	J.M.	\$1,451.00
2	T-Check	I.W.	\$9,891.00
3	T-Check	B.H.	\$8,666.59
<b>Total</b>			<b>\$20,008.59</b>

17. PIERRE-LOUIS also provided to the CS photocopies of driver's licenses and social security cards in the name of each of the 3 victims identified above. This meeting between the CS and PIERRE-LOUIS was audio recorded.

18. On March 23, 2012, PIERRE-LOUIS drove to the store. PIERRE-LOUIS met the CS and entered the store. Another undercover FBI officer ("UC2") provided PIERRE-LOUIS \$850.00 in prerecorded U.S. currency from FBI funds as payment for check 1 from the list above. UC2 advised PIERRE-LOUIS that the other checks (2 and 3) could not be verified with the bank and returned them to PIERRE-LOUIS. PIERRE-LOUIS said he would verify the checks before he brought additional checks for cashing.

19. On March 30, 2012, PIERRE-LOUIS returned to the store with the CS. PIERRE-LOUIS entered the store and provided 10 checks to UC1 in the following names, types, and amounts:

<b>PIERRE-LOUIS -- List of March 30 Checks</b>			
<b>NUMBER</b>	<b>TYPE</b>	<b>NAMES</b>	<b>AMOUNTS</b>
1	T-Check	A.S.	\$5,987.00
2	T-Check	R.R.	\$4,820.00
3	T-Check	D.M.	\$8,787.00
4	T-Check	E.C.	\$407.34
5	T-Check	Q.E.	\$8,048.25
6	T-Check	N.J.	\$5,987.00
7	T-Check	S.L.	\$2,826.50
8	T-Check	E.L.	\$7,845.81
9	T-Check	A.N.	\$6,358.26
10	T-Check	S.G.	\$1,403.00
<b>Total</b>			<b>\$52,470.16</b>

20. None of the 10 checks had been signed. In the store, PIERRE-LOUIS signed each of the 10 checks in the name of the victim and subsequently gave them to UC1. PIERRE-LOUIS then left the store.

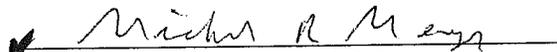
21. On April 3, 2012, SIMILIEN returned to the store. SIMILIEN provided UC1 photocopies of Florida driver's licenses and social security cards in the name of each of the 10 victims from the list of checks provided by PIERRE-LOUIS on March 30, 2012. UC1 provided SIMILIEN with \$6,485.00 in prerecorded U.S. currency from FBI funds as payment for checks 1 and 2 from the above list. UC1 told SIMILIEN that the other checks were not cashed because the driver's licenses and social security cards had not yet been received for the checks.

22. On April 10, 2012, SIMILIEN returned to the store. UC1 told SIMILIEN that the store's account was being reviewed by the bank and returned the remaining checks and documents to the clients. SIMILIEN took the checks and documents and left the store.

23. Based on the foregoing facts and circumstances, and Your Affiant's training, knowledge and expertise, there is probable cause to believe that PIERRE-LOUIS and SIMILIEN:

- (1) Did knowingly steal, embezzle, purloin, and convert to his/her own use, money of the United States, and a department and agency thereof, the aggregate to which exceeded \$1,000, that is, United States Department of Treasury tax refund checks, in violation of Title 18, United States Code, Sections 641 and 2 on March 30, 2012; and
- (2) Did knowingly possess with intent to use and transfer unlawfully five or more identification documents, that is, ten (10) Florida driver's license and ten (10) social security cards, in violation of Title 18, United States Code, Sections 1028(a)(3) and 2 on April 3, 2012.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

  
Michael R. Meyer, Special Agent  
Federal Bureau of Investigation

Sworn to before me this  
1<sup>st</sup> day of May, 2012

  
ROBERT L. DUBÉ  
UNITED STATES MAGISTRATE JUDGE