

## UNITED STATES DISTRICT COURT

for the

Northern District of Ohio

**FILED****4:15 pm Oct 29 2020****Clerk U.S. District Court****Northern District of Ohio****Cleveland**

United States of America

v.

Case No. 1:20MJ4432-JDG

De'Andrian L. Rice

*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 29, 2020 in the county of Cuyahoga in the  
Northern District of Ohio, the defendant(s) violated:

*Code Section**Offense Description*

Title 18 U.S.C. Section 1703(a)

Delay or Destruction of Mail or Newspapers

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.

*Complainant's signature*

Mark R. Munoz, Special Agent, USPSOIG

*Printed name and title*

Sworn to via telephone after submission by reliable  
 electronic means. Fed. R. Crim. P. 3, 4(d), and 4.1.

Date: 10-29-2020City and state: Cleveland, Ohio

*Judge's signature*

Jonathan D. Greenberg, U.S. Magistrate Judge

*Printed name and title*

**AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT**

I, Mark R. Muñoz, being first duly sworn, hereby depose and state as follows:

1. I am a Special Agent with the U.S. Postal Service Office of Inspector General (“USPS OIG” or “Investigative Agency”) and have been so employed since June 2015. As part of my duties, I am assigned to the Cleveland Resident Office, with an assigned territory of the Northern District of Ohio. My responsibilities include investigations of mail theft, financial fraud, narcotics trafficking through the mail, and the delay and/or destruction of the U.S. Mail, specifically pertaining to violations committed by employees of the United States Postal Service (“USPS”). As a Special Agent with the USPS OIG, I have participated in numerous delay and destruction of mail investigations, which have resulted in the recovery of deliverable U.S. Mail.
2. Prior to my employment with the USPS OIG, I was a Special Agent with the U.S. Secret Service (“USSS”) from March 2002 until June 2015, wherein I conducted complex financial fraud cases involving counterfeit checks, government program assistance fraud, access device fraud, bank fraud and the investigation of counterfeit U.S. currency.
3. I am a federal law enforcement officer authorized to investigate offenses such as violations of 18 U.S.C. § 1703 – Delay or Destruction of Mail or Newspapers.
4. I am a Special Agent of the USPS OIG, and as such, am an investigative law enforcement officer of the United States within the meaning of Rule 41(a)(2)(C) of the Federal Rules of Criminal Procedure. I am engaged in the enforcement of criminal laws and am within a category of officers authorized by the Attorney General to request and execute search warrants pursuant to 18 U.S.C. § 3061.
5. Based on my training and experience and the facts as set forth in this affidavit, I am aware that Title 18, United States Code, Section 1703(a) makes it a crime for a USPS

employee to unlawfully secrete, destroy, detain, delay, or open mail that had been entrusted to her and which was intended to be conveyed by mail or delivered by the Postal Service.

6. The information in this affidavit is based on my personal knowledge and information provided to me by other law enforcement officers and individuals. The information in this affidavit is provided for the limited purpose of establishing probable cause to believe that De'Andrian L. Rice ("Rice") has committed violations of 18 U.S.C. § 1703(a). It does not include every fact and detail known to me through my participation in this investigation.

7. At all times relevant to this affidavit, Rice was a City Carrier for and employee of the United States Postal Service. From on or about June 20, 2020, until the present, Rice was assigned to the Bedford Post Office, 89 Willis St., Bedford, OH 44146 (the "Bedford Post Office"). From on or about February 17, 2018, until on or about June 20, 2020, Rice worked as a mail carrier assigned to the Cleveland – Station B Post Office, 1650 E. 55<sup>th</sup> St, Cleveland, OH 44103 (the "Cleveland – Station B Post Office"). The Bedford Post Office and Cleveland – Station B Post Office are both located in and service USPS customers in the Northern District of Ohio.

8. On October 19, 2020, the USPS OIG was contacted by the U.S. Postal Inspection Service's ("USPIS") National Law Enforcement Communications Center ("NLECC") advising of Rice's off-duty arrest on charges of Driving Under the Influence ("DUI") by the Bedford Police Department, Bedford, OH 44146. During an inventory of the vehicle Rice was driving, U.S. Mail that was not addressed to Rice was found in the trunk of the vehicle.

9. On October 20, 2020, the Affiant responded to the Bedford Police Department, 165 Center Rd., Bedford, OH 44146, to retrieve recovered U.S. Mail that was discovered in the trunk of Rice's personal vehicle. USPS OIG agents conducted a review and inventory of the

recovered mail and the following types/classification and mail was observed and counted: one (1) Ohio Secretary of State – Absentee Ballot Application; eighty-eight (88) pre-sorted standard mail from the City of Cleveland Water Department; fifteen (15) pieces of Voter Participation Center mail; twenty (20) partisan political advertisements; fourteen (14) General Election mailers from the Cuyahoga County Board of Elections; two (2) First class post cards; one (1) standard rate post card; approximately one hundred-fifty (150) Spectrum Cable coupon cards; four (4) pre-sort business mail pieces; and two (2) First class business mail pieces. This mail was addressed to customers in the 44137 zip code area, which is serviced by the Bedford Post Office. There were also five (5) address information request letters intended for the letter carrier assigned to the 44137 zip code area. Finally, there were (32) Dolly Parton book club books (bound and sealed in cellophane), and one (1) First class post card which were addressed to customers in the 44103 and 44104 zip code area, which is serviced by the Cleveland – Station B Post Office. In all, 335 pieces of mail were recovered from Rice’s vehicle.

10. Your Affiant observed that the above-referenced Ohio Secretary of State – Absentee Ballot Application had a cancellation stamp on the face of the envelope with the date “1 Sep 2020.” Based on my training and experience, this means that the stamp on the Ohio Secretary of State – Absentee Ballot Application was cancelled and processed in Cleveland, Ohio, on the evening of September 1, 2020, and would have been distributed to the Bedford Post Office and intended for delivery on September 2, 2020.

11. Bedford Post Office management also reviewed the recovered mail and affirmed that the majority of mail recovered was from Rice’s regular route, City Route #7, within the 44137 Zip code area. Management stated that the additional pieces of mail recovered were from routes Rice was known to cover for overtime. Management also indicated that it is common for

Rice to deliver other routes' mail for overtime. Management further stated that Rice previously worked at Cleveland – Station B Post Office, which delivers to the 44103 and 44104 zip code areas.

12. On October 20, 2020, your Affiant placed the above-referenced Ohio Secretary of State – Absentee Ballot Application in the affected customer's mailbox. The remainder of the recovered mail was returned to the mail stream on October 20, 2020, for delivery on October 21, 2020.

13. Your Affiant submits that, based on the foregoing, there is probable cause to believe that, in the Northern District of Ohio, Eastern Division, De'Andrian L. Rice, a Postal Service employee, did unlawfully secrete, destroy, detain, delay or open any letter, postal card, package, bag or mail entrusted to her or which has come into her possession, and which was intended to be conveyed by mail, or carried or delivered by any carrier or other employee of the Postal Service, or forwarded through or delivered from any post office or station thereof established by authority of the Postmaster General or the Postal Service, in violation of 18 U.S.C. § 1703(a).

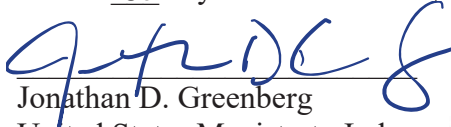
The above information is true and correct to the best of my knowledge, information and belief.

Respectfully submitted,



Mark R. Muñoz  
Special Agent  
United States Postal Service  
Office of Inspector General

Sworn to via telephone after submission by reliable electronic means. Fed. R. Crim. P. 3, 4(d), and 4.1, on this 29th day of October 2020,



Jonathan D. Greenberg  
United States Magistrate Judge  
Northern District of Ohio

