

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

FILED IN OPEN COURT
JACKSONVILLE, FLORIDA

11/2/21

U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

v.

Case No. 3:21-cr-81-MMH-PDB

JAMES GREGORY SWEAT

**UNITED STATES' NOTICE OF MAXIMUM PENALTIES,
ELEMENTS OF OFFENSE, PERSONALIZATION OF ELEMENTS,
AND FACTUAL BASIS**

COMES NOW the United States of America, by and through the undersigned Assistant United States Attorney, stating as follows:

A. MAXIMUM PENALTIES

The defendant has expressed a desire to enter a plea of guilty to the offense charged in Count One of the Indictment. Count One charges the defendant with theft of mail by a postal employee, in violation of 18 U.S.C. § 1709. Count One carries a maximum sentence of not more than five years' imprisonment, a fine of not more than \$250,000, or both a term of imprisonment and a fine, a term of supervised release of not more than three years, and a special assessment of \$100, which is due on the date of sentencing. A violation of the terms and conditions of supervised release carries a maximum sentence of up to two years of imprisonment, as well as the possibility of an additional term of supervised

release.

With respect to certain offenses, the Court shall order the defendant to make restitution to any victim of the offense(s), and with respect to other offenses, the Court may order the defendant to make restitution to any victim of the offense(s), or to the community. The United States will be seeking restitution for victims in the amount of \$215.00.

B. ELEMENTS OF THE OFFENSE

The elements of an offense in violation of 18 U.S.C. § 1709 are:

- (1) the defendant was a postal service employee at the time of the offense;
- (2) the defendant was entrusted with, or came into possession of, the mail matter described in the indictment, and that matter was intended to be conveyed by the United States mail; and
- (3) the defendant knowingly embezzled and stole the mail matter and its contents.

C. PERSONALIZATION OF ELEMENTS

1. On or about June 4, 2021, were you an employee of the United States Postal Service?

2. As a Postal Employee, were you entrusted with, or had you come into possession of, a greeting card containing cash that was conveyed in the United States mail?

3. Did you knowingly take the greeting card, open it, and remove and steal the cash inside?

D. FACTUAL BASIS

1. Purpose

The following facts are set forth to aid the Court in making an inquiry to satisfy it that there is a factual basis for the plea of guilty in accordance with Rule 11(b)(3), Fed. R. Crim. P. The government reserves its right to provide all relevant information concerning the defendant and the offense committed to the Probation Office and the Court for sentencing purposes.

2. Facts

James Gregory Sweat, the defendant herein, was employed by the United States Postal Service as a Rural Carrier Associate (RCA) at the Baldwin Station in Jacksonville. On May 12, 2021, USPS-OIG received a complaint from the Baldwin Station Manager regarding a high volume of mail losses associated with routes assigned to the defendant. USPS-OIG Special Agents began an investigation.

The Baldwin Station Manager informed USPS-OIG that she initiated two of her own integrity tests on the defendant based on customer complaints. The Station Manager stated that on May 6, 2021, she placed a birthday card that contained a \$25.00 gift card on a route assigned to the defendant. The Station

Manager stated that the person to whom the birthday card was addressed later returned the piece of mail, which still contained the \$25.00 gift card but the birthday card had been opened. The Station Manager stated that on May 7, 2021, she placed a greeting card that contained \$10.00 cash on a route assigned to the defendant. The Station Manager stated the addressee received the greeting card, which had been re-taped, but the \$10.00 cash was missing.

On June 4, 2021, USPS-OIG conducted a live integrity test on the defendant. USPS-OIG had the Station Manager place a greeting card in the route the defendant was scheduled to work. The card was addressed to an invalid address and if handled properly, the card should have been placed in the “throw-back” case by the defendant and should not have left the station. The greeting card contained three \$20.00 bills with recorded serial numbers and a letter beacon transmitter secreted inside. The transmitter was installed in such a manner as to alert agents if the mail contents were rifled or removed.

At approximately 11:30 a.m. on June 4, 2021, while the agents were conducting surveillance of the defendant, the beeper activated. The agents located the defendant and initiated a traffic stop of his Postal Service vehicle. The agents asked the defendant to step outside the vehicle and asked for permission to search the vehicle, which the defendant agreed. The agents found the defendant’s wallet on his person. The agents searched the vehicle and found the test greeting card,

which had been opened and was missing the three \$20.00 bills. Agents also found an additional 24 rifled greeting cards in the vehicle. The agents searched the defendant's wallet and found the three marked \$20.00 bills, along with an additional \$97.00 cash and a gift card.

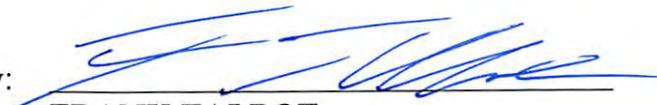
The agents conducted an interview of the defendant who stated that he had been an RCA for approximately two years at the Baldwin Station. The defendant acknowledged that he had been trained as an RCA and understood that he was not authorized to open any U.S. Mail. The defendant said he understood that if the U.S. Mail was undeliverable, it was to be brought back to the station for further processing. The defendant explained that approximately one month earlier he noticed an opened piece of mail that contained cash and was surprised customers sent cash in the mail. The defendant admitted that he stole the cash and then proceeded to open other mail, specifically greeting cards, looking for cash. The defendant stated that he would open incoming and outgoing mail and, if cash was inside, he would steal the cash. The defendant explained that after stealing the cash, he would either reseal the envelope with tape and deliver it, or he would throw it out the window while delivering his route. The defendant stated he normally did not steal gift cards or checks because he believed they were traceable. The defendant estimated he had opened approximately 100 pieces of mail over the past month and stole approximately \$1,000.00. The defendant

admitted he had rifled twenty-three pieces of mail the day of the interview, and admitted that \$157.00 of the cash in his wallet had been stolen from the mail that same day. In addition, the defendant stated that the gift card in his wallet was also stolen from the mail. The defendant was cooperative and gave the agents a sworn written statement admitting his conduct.

USPS-OIG agents were able to identify victims of mail theft attributable to the defendant's actions. The total loss amount for these victims was \$215.

Respectfully submitted,

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Acting United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify that on ^{November}~~October~~ 2, 2021, the foregoing was filed in open

court and a copy was hand-delivered to the following:

Lisa Call, Esq.



FRANK TALBOT
Assistant United States Attorney