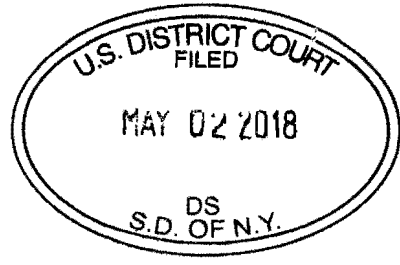


Approved: Cecilia Vogel
CECILIA VOGEL
Assistant United States Attorney

ORIGINAL

18 MAG 3763

Before: THE HONORABLE DEBRA FREEMAN
United States Magistrate Judge
Southern District of New York



UNITED STATES OF AMERICA

- v. -

LEROY SPENCE,

Defendant.

SEALED COMPLAINT

Violation of
18 U.S.C. § 1349

COUNTY OF OFFENSE: NEW YORK

050 # _____

SOUTHERN DISTRICT OF NEW YORK, ss.:

ERIN MARKEVITCH, being duly sworn, deposes and says that she is a Task Force Officer with the United States Department of Homeland Security, Homeland Security Investigations ("HSI"), and charges as follows:

COUNT ONE
(Conspiracy to Commit Wire Fraud)

1. From at least in or about 2012 up to and including the present, in the Southern District of New York and elsewhere, LEROY SPENCE, the defendant, and others known and unknown, willfully and knowingly, did combine, conspire, confederate, and agree together and with each other to commit wire fraud, in violation of Title 18, United States Code, Section 1343.

2. It was a part and object of the conspiracy that LEROY SPENCE, the defendant, and others known and unknown, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations and promises, would and did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, in violation of Title 18, United States Code, Section 1343.

(Title 18, United States Code, Section 1349.)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

3. I am a Task Force Officer for HSI and I have been personally involved in the investigation of this matter. I base this affidavit on that personal experience, as well as on my conversations with other law enforcement agents, and my examination of various reports and records. Because this affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

The Lottery Scheme

4. Since in or around February 2018, I and other law enforcement agents have been investigating LEROY SPENCE, the defendant, who, along with other individuals, participated in a scheme (the "Lottery Scheme") to obtain money fraudulently from an elderly victim (the "Victim"), which operated in the manner described below.

5. Based on conversations with the Victim, I and other law enforcement officers have learned the following:

a. Beginning in or about 2012 through at least in or about the present, the Victim has received phone calls from "Bobby Marley," "Jack Lucky," and "James Jackson," who claimed they represented "Winners International" and "Interscope."

b. These callers told the Victim that she had won a lottery in an amount of up to approximately \$54 billion dollars. They also told her that she would receive her winnings only if she prepaid certain fees. Accordingly, they instructed her to make various payments to specific individuals, including LEROY SPENCE, and they specifically instructed her as to the amount of each payment, the means of each payment, and how much money to withdraw from her account when withdrawing money to complete the payments.

c. After the Victim made her first payment, she received calls approximately daily in connection with the Lottery Scheme.

6. Based on conversations with the Victim, my review of bank records, Western Union records, and other financial records, I have learned that during the course of the Lottery Scheme, the Victim transferred over approximately \$373,869 to SPENCE and his co-conspirators and has not received "lottery proceeds" in return.

7. Based on my review of travel records, law enforcement conversations with the Jamaican customs authorities, documents provided by the Jamaican customs authorities, and my conversations with the Victim, I have learned the following:

a. On or about May 25, 2017, LEROY SPENCE flew from John F. Kennedy International Airport in New York to Jamaica,¹ where he was stopped by the Jamaican customs authorities. The Jamaican customs authorities recovered approximately \$60,000 in cash concealed in the lining of SPENCE's suitcase and approximately \$2,000 cash on SPENCE's person. SPENCE provided a written statement to the Jamaica customs authorities, in which he stated in substance and in part, that the Victim was his aunt and that she had provided the approximately \$60,000 in cash to him as a loan in order for him to purchase a house. The Jamaican customs authorities seized the cash on the belief that SPENCE was attempting to smuggle proceeds from a lottery scam.

b. "Bobby Marley" told the Victim, in sum and substance, that the Jamaican authorities had taken money from SPENCE. At the direction of "Bobby Marley", the Victim prepared two false, notarized statements, dated on or about May 26, 2017 and on or about May 30, 2017, in which she stated, in substance and in part, that she is SPENCE's aunt, that she loaned him the approximately \$60,000 cash for his house, and that she would like the Jamaican customs authorities to return the cash to SPENCE. Also at the direction of "Bobby Marley", the Victim attached to the statement dated on or about May 26, 2017: (1) a notarized letter from her bank that she had withdrawn over approximately \$60,000 in the preceding months; (2) bank records reflecting cash withdrawals in the preceding months; and (3) a copy of her driver's license. The Victim was instructed to

¹ Based on my review of flight path information provided by the Federal Aviation Administration, I have learned, among other things, that this flight flew over bodies of water within the Eastern District of New York, including the channels between Long Beach Island and Long Island and Jones Inlet between Long Beach Island and Jones Beach Island.

prepare these documents in order to receive her lottery winnings. These documents were submitted to the Jamaican customs authorities on SPENCE's behalf in an effort to retrieve the previously seized cash.

c. "Bobby Marley" later told the Victim that SPENCE would come to her home on a specific day. "Bobby Marley" did not explain why SPENCE was coming to her home but said, in sum and substance, that she may need to come to Jamaica and that she should say that SPENCE is like a nephew to her because he helps her around the house.

d. SPENCE came to the Victim's home on or about the day specified by "Bobby Marley," and SPENCE introduced himself to the Victim as "LEROY SPENCE." SPENCE asked the Victim, in sum and substance, whether she needed anything fixed in her home because he was a handyman. The Victim asked SPENCE to fix her toilet, which he did. Because "Bobby Marley" had previously told the Victim, in sum and substance, that SPENCE sometimes delivered lottery prizes with him, the Victim asked SPENCE whether he ever delivered prizes with "Bobby Marley", and SPENCE responded in sum and substance that he did not.

8. Based on Postal money orders from the Victim and conversations with the Victim, I know that in addition to the approximately \$60,000 payment described above, at the direction of the callers perpetrating the Lottery Scheme, the Victim sent the following approximate amounts to SPENCE in Brooklyn, New York, via Postal money order, among other payments known and unknown:

Date	Amount
12/23/15	\$1,000
12/23/15	\$1,000
12/23/15	\$1,000
12/23/15	\$1,000
12/23/15	\$1,000
12/23/15	\$1,000
12/23/15	\$1,000
12/28/15	\$1,000
12/28/15	\$1,000
12/28/15	\$1,000
12/28/15	\$1,000
12/28/15	\$1,000
12/31/15	\$1,000
12/31/15	\$1,000

12/31/15	\$1,000
	\$15,000 Total

9. Based on a U.S. Postal Service mail receipt maintained by the Victim, the Victim's bank records, and conversations with the Victim, I know that on or about September 20, 2017, at the direction of the callers perpetrating the Lottery Scheme, the Victim sent approximately \$40,000 in cash to SPENCE in Brooklyn, New York, among other payments known and unknown.

10. Based on Western Union records and conversations with the Victim, I know that, on or about the following dates, at the direction of the callers perpetrating the Lottery scheme, the Victim sent the following approximate amounts, among others known and unknown, to a co-conspirator not named as a defendant herein ("CC-1") in Jamaica via Western Union:

Date	Amount
7/17/12	\$100
7/20/12	\$800
8/2/12	\$370
8/3/12	\$999
9/6/12	\$400
9/8/12	\$500
10/1/12	\$1000
	\$4,169 Total

11. Based on U.S. Postal Service mail receipts maintained by the Victim, the Victim's contemporaneous notes, and the Victim's bank records, I know that on or about the dates set forth below, at the direction of the callers perpetrating the Lottery Scheme, the Victim mailed the following approximate amounts of cash, among others known and unknown, to a co-conspirator not named as a defendant herein ("CC-2") in Philadelphia, PA:

Date	Amount
8/11/17	\$50,000
9/6/17	\$50,000
9/18/17	\$50,000
2/13/18	\$50,000
2/16/18	\$50,000
	\$250,000 Total

12. Based on Postal Money Order records, the Victim's contemporaneous notes, and conversations with the Victim, I know that on or about the dates listed below, at the direction of the callers perpetrating the Lottery Scheme, the Victim sent the following approximate amounts, among others, to a co-conspirator not named as a defendant herein ("CC-3") in Detroit, Michigan:

Date	Amount
4/9/15	\$1,000
4/9/15	\$1,000
4/9/15	\$1,000
4/9/15	\$700
4/20/15	\$1,000
	\$4,700 Total

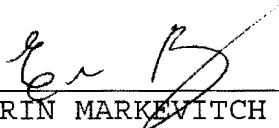
13. Based on my review of Western Union Records, I have learned that between approximately March 2010 and August 2012, SPENCE made approximately twenty-six Western Union transfers to CC-1 in Jamaica.

14. Based on my review of SPENCE's bank records, I have learned that SPENCE sent approximately four wire transfers to CC-1 in or about February and April 2016.

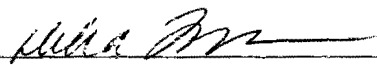
15. Based on my review of SPENCE's phone, seized on or about April 1, 2018, pursuant to the border authority exception when SPENCE returned to the United States from Jamaica, I have learned that CC-1's name, along with a telephone number, are saved in SPENCE's phone as a contact.

16. Based on my review of MoneyGram records, I have learned that between approximately November 2012 and January 2013, CC-3 made approximately eight MoneyGram transfers to CC-1 in Jamaica.

WHEREFORE the deponent respectfully requests that a warrant be issued for the arrest of LEROY SPENCE, the defendant, and that he be arrested, and imprisoned or bailed, as the case may be.


ERIN MARKEVITCH
Task Force Officer
HSI

Sworn to before me this
2nd day of May 2018


THE HONORABLE DEBRA FREEMAN
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK