
United States District Court

WESTERN DISTRICT OF MISSOURI

UNITED STATES OF AMERICA

v.

ASHLEY N. GARR,
[DOB: 01/11/1985]

COUNT ONE:

18 U.S.C. § 1343 (Wire Fraud)
NMT 20 Years Imprisonment
NMT \$250,000.00 Fine
NMT 3 Years Supervised Release
\$100 Mandatory Special Assessment

COUNT TWO:

18 U.S.C. § 1028A (Aggravated Identity Theft)
NMT 2 Years Imprisonment
NMT \$250,000.00 Fine
NMT 3 Years Supervised Release
\$100 Mandatory Special Assessment

CRIMINAL COMPLAINT

Case Number: 17-mj-00209-MJW

I, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief:

Between on or about November 8, 2016, and March 31, 2017, in Buchanan County, in the Western District of Missouri, the defendant ASHLEY N. GARR, having devised a scheme to defraud another person, knowingly caused to be transmitted by means of wire a communication in interstate commerce, and during and in relation to any felony violation enumerated in 18 U.S.C. § 1028A, knowingly used, without lawful authority, a means of identification of another person, a woman with the initial PLR, in violation of Title 18, United States Code, Sections 1343 and 1028A.

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

(See attached Affidavit)

Continued on the attached sheet and made a part hereof: Yes No.

Presented by reliable electronic means and sworn to telephonically

C. Andrew Thomure, Special Agent
Federal Bureau of Investigation

Sworn to by phone

~~Sworn to before me and subscribed in my presence,~~

Nov 13, 2017

Date

at

Kansas City, Missouri
City and State

SARAH W. HAYS
Chief United States Magistrate Judge
Name and Title of Judicial Officer


Signature of Judicial Officer

AFFIDAVIT

I, C. Andrew Thomure, being first duly sworn, do depose and state that:

1. I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI), and am currently assigned to the Kansas City Division, St. Joseph Resident Agency, St. Joseph, Missouri. I have been a Special Agent with the FBI for twenty-seven years, during which time I have received specialized training on the subject of financial crimes. As an SA with the FBI, I have gained expertise in the conduct of such investigations through training, seminars and classes, and have been personally involved in investigations concerning identity theft, fraud, financial and computer related crimes. As an SA, I am authorized to investigate violations of laws of the United States, and to execute warrants issued under the authority of the United States.

2. I am currently involved in an ongoing investigation of ASHLEY NICOLE GARR for criminal violations of Title 18, United States Code, Sections 1343 (wire fraud) and 1028A (aggravated identity theft).

3. This affidavit is based on my own personal knowledge, as well as information provided to me by other law enforcement agencies and officers. This affidavit is submitted for the limited purpose of establishing probable cause, so I have not included every fact known to me regarding this investigation.

4. In this affidavit, when I use the phrase “personal identifying information,” it always includes things which are “means of identification” as defined in 18 U.S.C. § 1028(d)(7), that is, “any name or number” that can be used, alone or in combination with any other information, “to identify a specific individual, including any . . . name, social security number, date of birth, official State or government issued driver’s license or identification number . . . employer or taxpayer identification number . . . unique electronic identification number, address, or routing code.... (and) telecommunication identifying information or access device.”

5. Between November 8, 2016, through March 31, 2017, the personal identification information of an individual identified in this affidavit as PLR was unlawfully taken and utilized without authorization. PLR’s information was used to transfer at least \$181,065.64 from PLR’s checking account at NODAWAY VALLEY BANK. A review of the NODAWAY VALLEY BANK account records for PLR’s checking account revealed the following unauthorized ACH (Automated Clearing House) payments made from the account by ASHLEY GARR:

Business Customer	Name Used On Transaction	Amount Paid	Date
IRS USA Tax Payment	Ashley Townsend	\$15,000.00	11/08/2016
IRS USA Tax Payment	Ashley Townsend	\$15,000.00	11/10/2016
Navient Payment SPE		\$18,602.56	11/16/2016
Great Lakes Student Loan	Ashley Garr	\$42,261.89	11/16/2016
Great Lakes Student Loan	Ashley Garr	\$3,718.08	11/16/2016
Great Lakes Student Loan	Ashley Garr	\$11,172.93	11/16/2016
Great Lakes Student Loan	Ashley Garr	\$1,124.64	11/16/2016
KCP&L Web Payment	Ashley Garr	\$800.00	11/15/2016
Wells Fargo DLR PMTS	Ashley Kingsley	\$1,783.41	12/01/2016
KCP&L Web Payment	Ashley N Garr	\$800.00	12/05/2016
Suddenlink Bank Draft	Ashley Garr	\$500.00	12/05/2016
Missouri America Water	Ashley Garr	\$162.20	12/30/2016
Missouri America Water	Ashley Garr	\$54.09	12/28/2016
Missouri America Water	Ashley Garr	\$198.21	12/28/2016
Credit Report	TLM	\$14.99	12/27/2016
Lexington Law	TLM	\$119.95	12/26/2016
Credit Report	Ashley Garr	\$14.99	12/22/2016
Lexington Law	Ashley Garr	\$119.95	12/22/2016
Waste Management	Ashley Garr	\$1,000.00	12/20/2016
Doep Treas 310	Ashley Garr	\$3,718.10	12/13/2016
Doep Treas 310	Ashley Garr	\$1,124.64	12/13/2016
Sprint Billpay	SKT	\$352.40	12/12/2016
Sprint Billpay	SKT	\$604.66	12/12/2016
Sprint Billpay	SKT	\$523.68	12/12/2016
Missouri Gas Bill Pmt		\$1,000.00	12/08/2016
CSI HODR PYMT DOR	Ashley Garr	\$406.72	12/05/2016
IRS USA Tax Payment	Ashley Townsend	\$25,000.00	12/05/2016
IRS USA Tax Payment	Ashley Townsend	\$15,000.00	12/05/2016
KCP&L Web Payment	Ashley N Garr	\$800.00	12/05/2016
Suddenlink Bank Draft	Ashley Garr	\$500.00	12/05/2016
Missouri America Water	Ashley Garr	\$294.86	01/31/2017
FPB Credit Card	Ashley Garr	\$18.02	01/30/2017
Wells Fargo MTG	GDT	\$3,343.56	01/30/2017
Wells Fargo MTG	GDT	\$1,357.30 0	01/30/2017
FPB Credit Card	TLM	\$100.00	01/30/2017
FPB Credit Card	Ashley Garr	\$49.82	01/30/2017
Wells Fargo Home MTG	GDT	\$343.56	01/30/2017
FPB Credit Card	Ashley Garr	\$210.00	01/12/2017
FPB Credit Card	Ashley Garr	\$28.71	01/16/2017
FPB Credit Card	Ashley Garr	\$75.06	01/17/2017
FPB Credit Card	Ashley Garr	\$75.06	01/17/2017
FPB Credit Card	TLM	\$95.00	01/18/2017
Lexington Law	Ashley Garr	\$119.95	01/19/2017
Waste Management	Ashley Garr	\$750.00	01/20/2017

Business Customer	Name Used On Transaction	Amount Paid	Date
FPB Credit Card	Ashley Garr	\$81.98	01/24/2017
Lexington Law	TLM	\$119.95	01/24/2017
FPB Credit Card	Ashley Garr	\$150.40	01/25/2017
City of Saint Joseph COI	Ashley Kingsley	\$910.00	01/27/2017
FPB Credit Card	Ashley Garr	\$95.00	01/03/2017
Lexington Law	Ashley Garr	\$119.95	02/22/2017
Lexington Law	TLM	\$119.95	02/22/2017
Rent A Center	Ashley Garr	\$29.66	02/13/2017
Wells Fargo Home MTG	GDT	\$2,343.56	02/13/2017
AD Astra Recover	TLM	\$800.65	02/14/2017
Rent A Center	Ashley Garr	\$29.66	02/20/2017
FPB Credit Card	TLM	\$159.30	02/01/2017
FPB Credit Card	Ashley Garr	\$19.70	02/02/2017
FPB Credit Card	TLM	\$176.07	02/02/2017
Free Tax USA.com	Ashley Garr	\$16.45	02/07/2017
Missouri America Water	Ashley Garr	\$86.65	02/10/2017
Missouri America Water	Ashley Garr	\$137.36	02/10/2017
Missouri America Water	Ashley Garr	\$25.99	02/10/2017
Waste Management	Ashley Garr	\$182.93	03/01/2017
Missouri America Water	Ashley Garr	\$76.50	03/02/2017
Rent A Center	Ashley Garr	\$56.64	03/06/2017
Wells Fargo Home MTG	GDT	\$345.73	03/13/2017
Rent A Center	Ashley Garr	\$80.36	03/13/2017
Wells Fargo Home MTG	GDT	\$5,345.73	3/15/2017
Lexington Law	Ashley Garr	\$119.95	03/21/2017
Lexington Law	TLM	\$119.95	03/22/2017
Missouri America Water	Ashley Garr	\$34.81	03/31/2017
TOTAL		\$181,065.64	

6. On July 28, 2017, PLR (age 85) was interviewed by your affiant at her home in St. Joseph, Missouri. PLR said she had hired GARR previously as an in-home health care nursing assistant approximately 3 years ago and GARR had worked in that capacity for about 1 year ending employment sometime in 2015. PLR recalled GARR had stopped by to visit PLR at PLR's residence in November 2016. During that visit GARR had been out of PLR's sight while GARR used the bathroom. PLR explained that PLR's home office, as well as her purse, were located near the bathroom which at that time were out of PLR's view. PLR did not realize that GARR had stolen her bank account information until March 2017, when she first discovered that unauthorized ACH payments had been made from her NODAWAY VALLEY BANK account. These unauthorized ACH payments began shortly after GARR's visit to PLR's residence in November 2016. PLR advised that at no time had she ever authorized GARR to conduct any type of financial transaction on her behalf.

7. On September 27, 2017, your affiant interviewed Erin Gemmell, Assistant Vice President for NODAWAY VALLEY BANK, St. Joseph, Missouri. Gemmell advised that NODAWAY VALLEY BANK's ACH department is located in St. Joseph, Missouri. Gemmell explained that the ACH payment system was handled through the United States Federal Reserve System. Payments through the ACH system are electronically made through NODAWAY VALLEY BANK and then paid via the Federal Reserve System to the proper payee's bank account. Gemmell advised that payments from PLR's NODAWAY VALLEY BANK account to WELLS FARGO MORTGAGE had gone from the Federal Reserve Bank of Kansas City to the Federal Reserve Bank of Minneapolis via the Federal Reserve's ACH wiring system. Likewise, ACH payments made to the Internal Revenue Service from NODAWAY went through the Federal Reserve Bank of Kansas City to the Federal Reserve Bank of Atlanta, also via the Federal Reserve's ACH wiring system.

8. On August 29, 2017, ASHLEY NICOLE GARR was interviewed by your affiant. At the onset of this interview, GARR was advised of her constitutional rights. After executing a written waiver, GARR agreed to be interviewed. GARR stated that she had visited PLR in the fall of 2016 at PLR's residence. While visiting, GARR used her cellular telephone's camera to take pictures of PLR's banking information and bank card. GARR also stole \$75 in cash from PLR's purse. GARR advised she used the stolen information to electronically transfer funds from PLR's bank account at NODAWAY VALLEY BANK for her own use. GARR stated that PLR had never authorized her to make any transfers. GARR used a laptop and her cellular telephone to make these transfers. GARR confirmed she made the transfers listed earlier in this affidavit. GARR said that she paid items on behalf of her family members and close associates but that these individuals were not aware of the source of these payments. GARR identified the person listed above as GDT as her grandfather, TLM as her boyfriend, and SKT as her grandmother. Additionally, GARR confirmed her maiden name as ASHLEY TOWNSEND and her previous married name as ASHLEY KINGSLEY.

9. My investigation has revealed that on or about February 13, 2017, GARR caused an ACH payment of \$2,343.56 to WELLS FARGO HOME MORTGAGE. This payment was made from PLR's NODAWAY VALLEY BANK account through the Federal Reserve of Kansas City to the Federal Reserve Bank of Minneapolis via wire transfers within the ACH system in interstate commerce.

10. Your affiant is aware that St. Joseph, Missouri and the Federal Reserve Bank of Kansas City are located within the Western District of Missouri.

11. The facts set forth in this affidavit are true and correct to the best of my knowledge and belief.

Presented by reliable electronic means and sworn to telephonically

C. Andrew Thomure, Special Agent
Federal Bureau of Investigation

Sworn to by phone

~~Subscribed and sworn to before me this~~

13th day of November 2017.



SARAH W. HAYS
Chief United States Magistrate Judge