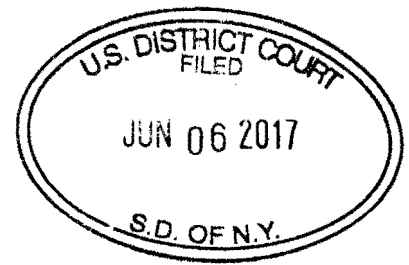


ORIGINAL

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Approved: Nick Landsman-Roos
NICOLAS LANDSMAN-ROOS
Assistant United States Attorney



Before: HONORABLE HENRY B. PITMAN
United States Magistrate Judge
Southern District of New York

----- x	:	SEALED COMPLAINT	DOC # _____
UNITED STATES OF AMERICA	:	Violation of	
- v. -	:	18 U.S.C. § 1349	
PAUL IFEANYICHUKWU ONWUVUARIRI,	:	COUNTY OF OFFENSE:	
Defendant.	:	BRONX	
----- x	:		

SOUTHERN DISTRICT OF NEW YORK, ss.:

MASON POSILKIN, being duly sworn, deposes and says that he is a Criminal Investigator with the United States Attorney's Office for the Southern District of New York, and charges as follows:

COUNT ONE

(Conspiracy to Commit Wire Fraud)

1. From at least in or about November 2015, up to and including October 2016, in the Southern District of New York and elsewhere, PAUL IFEANYICHUKWU ONWUVUARIRI, 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 an object of the conspiracy that PAUL IFEANYICHUKWU ONWUVUARIRI, 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 communication in interstate and foreign commerce, writings, signs, signals, and

sounds for the purpose of executing such scheme and artifice to defraud, in violation of Title 18, United States Code, Section 1343.

OVERT ACTS

3. In furtherance of the conspiracy, and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about November 14, 2015, a co-conspirator of PAUL IFEANYICHUKWU ONWUVUARIRI, the defendant, who is identified herein as "CW-1," withdrew funds from Bank Account-1 in the Bronx, New York.

b. On or about November 14, 2015, in the Bronx, ONWUVUARIRI took from CW-1 the money that CW-1 withdrew from Bank Account-1.

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

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

4. I am a Criminal Investigator with the United States Attorney's Office for the Southern District of New York. I have been a Criminal Investigator since 2016 and I am assigned to investigations relating to wire fraud. As part of my work as a Criminal Investigator, I have received training regarding consumer fraud and white collar crimes. I am familiar with the facts and circumstances set forth below from my personal participation in the investigation, including my examination of reports and records, interviews I have conducted, and conversations with other law enforcement officers and other individuals. Because this affidavit is being submitted for the limited purpose of establishing 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, unless noted otherwise.

OVERVIEW OF THE SCHEME TO DEFRAUD ELDERLY VICTIMS

5. As set forth below, this investigation has revealed that PAUL IFEANYICHUKWU ONWUVUARIRI, the defendant, and his co-

conspirators, have perpetrated a scheme to defraud elderly people around the United States by tricking them into believing their grandchildren or other relatives have been arrested and need immediate bail money. See infra ¶¶ 7-11. A member of the conspiracy typically contacted the victim by phone, purported to be either the relative or a law enforcement official, and falsely claimed that the victim's grandchild or relative had been taken into custody for a narcotics offense and would not be released unless the victim paid thousands of dollars in purported bail money. See supra ¶¶ 7-10. A member of the conspiracy also frequently posed on the call as the victim's grandchild, pleading with the elderly victim to send money to secure the grandchild's release from jail, and asking the victim not to contact any other family members because the grandchild felt ashamed. See id. In each case, the defrauded victim has sent thousands of dollars, at a minimum, as instructed, to certain individuals who, among other things, have provided that money to ONWUVUARIRI. See supra ¶¶ 12-15. After paying the "bail" money as directed, victims have learned that their grandchild or relative had not, in fact, been arrested, that the grandchild or relative knew nothing about the claims made on the call to the victim, and that the call appeared to be fraudulent.

6. Through his participation in this scheme, PAUL IFEANYICHUKWU ONWUVUARIRI, the defendant, and his co-conspirators defrauded multiple elderly victims throughout the United States.

THE FRAUDULENT PHONE CALLS TO VICTIMS

7. From speaking with a New York City Police Department detective (the "NYPD Detective") and reviewing reports from the New York City Police Department ("NYPD"), I learned that the NYPD Detective spoke with a particular individual who is about 73 years old and resides in Texas ("Victim-1"). From Victim-1, the NYPD Detective learned, among other things, the following:

a. On or about November 23, 2015, Victim-1 received a phone call from an unidentified male individual who purported to be Victim-1's nephew. The unidentified male individual sounded desperate, and stated that he had been arrested in Mexico and needed money deposited into an account so that he could be bailed out of jail.

b. The unidentified male individual gave Victim-1 an account number for an account at Bank of America ("Bank Account-1") and asked Victim-1 to wire \$6,000 into the account. On or

about November 23, 2015, Victim-1 wired \$6,000 to Bank Account-1.

c. On or about November 30, 2015, Victim-1 received another telephone call from an unidentified male individual. On the call, the unidentified male individual told Victim-1 that Victim-1 needed to wire more money. Victim-1 complied and that same day wired \$5,000 into Bank Account-1.

d. After sending the money as directed, Victim-1 realized the caller was not Victim-1's nephew. Victim-1 later spoke to his actual nephew, who confirmed he has not been in Mexico, and had not requested bail money.

8. From speaking with the NYPD Detective and reviewing NYPD reports, I learned that the NYPD Detective spoke with another individual who is about 82 years old and resides in Brooklyn, New York ("Victim-2"). From Victim-2, the NYPD Detective learned, among other things, the following:

a. On or about November 23, 2015, Victim-2's wife received a call from an unidentified male individual claiming to be Victim-2's grandson. Victim-2's wife gave the telephone to Victim-2, and the unidentified male individual told Victim-2 that he was Victim-2's grandson and that he had been arrested. The unidentified male individual stated that he was in trouble, needed money, and asked Victim-2 not to tell the grandson's mother.

b. The unidentified male individual then told Victim-2 that he was putting the "officer" on the telephone. This unidentified male individual then identified himself as "Sergeant John Keller" of the 7th Precinct in New York and told Victim-2 that the grandson was not driving but had been arrested because drugs were found in the car in which he was a passenger.

c. The unidentified male individual claiming to be "Sergeant Keller" then told Victim-2 that bail was set at \$7,600 and provided a bank account number for Bank Account-1. The unidentified male individual told Victim-2 that his grandson would be released the following day, and the day after that the bail money would be returned. On November 23, 2015, Victim-2 deposited \$7,600 into Bank Account-1.

d. On or about November 24, 2015, Victim-2 received four to five telephone calls from the individual claiming to be "Sergeant Keller," requesting that more money be deposited

because Victim-2's grandson's bail had been increased. Victim-2 told the purported sergeant that he had no more money, at which point the individual asked for Victim-2's credit card number. Victim-2 then spoke with Victim-2's daughter and learned that his grandson had never been arrested and had not requested bail money.

9. From speaking with a Utica Police Department detective (the "Utica Detective") and reviewing reports from the Utica Police Department and the Brevard County, Florida Sheriff's Office, I learned that the Utica Detective spoke with a particular individual who is about 82 years old and resides in Florida ("Victim-3"). From Victim-3 and the aforementioned reports, the Utica Detective learned, among other things, the following:

a. On or about December 3, 2015, Victim-3 received a phone call from an unidentified male individual who claimed to be her grandson. When Victim-3 answered the telephone, the unidentified male individual stated, "Grandma, I need your help," to which Victim-3 responded, "Joshua, what's wrong." The unidentified male individual told Victim-3 that he was visiting Mexico when he was arrested for having drugs, and that he needed \$1,000 sent by MoneyGram so that he would be released from jail. The unidentified male individual also told Victim-3 that she would receive a call from an attorney at the U.S. Embassy in Mexico to give her information about how to complete a wire transfer.

b. Shortly after Victim-3 ended her telephone call with the unidentified male individual, she received another call from an individual claiming to be an attorney at the U.S. Embassy. That individual gave Victim-3 specific details on how to withdraw \$1,000 from her bank and where to wire it. Victim-3 then sent a MoneyGram for \$1,000 to the address provided by the caller.

c. On the same day, Victim-3 received another call from an unidentified male individual. The unidentified male individual, who claimed to be Victim-3's grandson, said he had been in a car accident and needed \$5,700 wired to him to pay for the damage to the car before he could leave Mexico. Victim-3 then again spoke to the unidentified male individual who claimed to be a lawyer from the U.S. Embassy in Mexico. That caller told Victim-3 to withdraw \$5,700 from her bank and to wire it to a Bank of America account ("Bank Account-2"). The unidentified male individual told Victim-3 to tell the bank that the money

was a loan for a friend. Victim-3 then wired \$5,700 to Bank Account-2. The caller told Victim-3 that Bank Account-2 was in the name of an individual who, as set forth below, later provided information to the Government in this investigation ("CW-2").¹

d. After Victim-3 wired the money to Bank Account-2, she returned home and received another call from the individual claiming to be her grandson. While Victim-3 was talking to this person, her daughter arrived at the residence and told Victim-3 that her grandson was not in Mexico, had not been arrested, and was not in a car accident.

10. From speaking with the NYPD Detective and reviewing law enforcement reports, I learned that the Potomac Maryland Police Department interviewed an individual who is about 81 years old and resides in Maryland ("Victim-4"). From the Potomac Maryland Police Department and the NYPD Detective I have learned, among other things, the following:

a. On or about February 19, 2016, Victim-4 received a call from an unidentified male individual claiming to be a police officer who identified himself as "Captain Murray." The unidentified male individual told Victim-4 that Victim-4's granddaughter had been pulled over on a highway and the police found two kilograms of cocaine in the car. The unidentified male individual stated that Victim-4's granddaughter had been arrested. The unidentified male individual then told Victim-4 that he needed to wire \$16,647 to Bank Account-1 to cover Victim-4's granddaughter's bail. The unidentified male individual told Victim-4 to tell the bank teller that the money was for his granddaughter's tuition.

b. On February 19, 2016, Victim-4 wired \$16,647 to Bank Account-1. After Victim-4 wired the funds, he spoke with his granddaughter, learned that she had not been arrested, and realized that he had been tricked.

11. From speaking with the Utica Detective and reviewing Utica Police Department reports, I learned that the Utica Detective spoke with a particular individual who is about 76 years old and resides in Connecticut ("Victim-5"). From Victim-

¹ Information provided by CW-2 has been deemed reliable and has sometimes been corroborated by, among other things, phone records and financial records.

5, the Utica Detective learned, among other things, the following:

a. On or about September 27, 2016, Victim-5 received a phone call from an unidentified male individual who he believed to be his friend. The unidentified male individual stated that he had gone to a wedding in New York and was arrested for driving under the influence. The unidentified male individual told Victim-5 that he was in jail and needed \$3,400 to meet bail. The unidentified male individual told Victim-5 that he would pay him back. Victim-5 agreed to pay the bail, and the unidentified male individual provided Victim-5 with a Bank of America account number ("Bank Account-3").

b. On or about September 28, 2016, Victim-5 withdrew \$3,400 from his credit union account and went to a Bank of America branch where he deposited \$3,400 into Bank Account-3.

c. Later that day, Victim-5 was called again by the individual purporting to be his friend, who asked for an additional \$3,200. Victim-5 became suspicious and asked the caller what his wife's middle name was, to verify that the caller was indeed his friend. The caller then hung up the telephone.

ONWUVUARIRI OBTAINS PROCEEDS OF THE FRAUD

12. From my review of bank records, I have learned that Bank Account-1 is owned and controlled by an individual located in the Bronx, New York. This individual ("CW-1") has agreed to provide information to the Government in exchange for an agreement that CW-1 will not be prosecuted. The information provided by CW-1 has been deemed reliable and has sometimes been corroborated by independent evidence. From CW-1, and from my review of CW-1's text messages and bank records for Bank Account-1, I have learned, among other things, the following:

a. On or about August 3, 2010, while CW-1 was a college student, CW-1 opened Bank Account-1 at a Bank of America branch in Utica, New York.

b. In or about April 2015, CW-1 met PAUL IFEANYICHUKWU ONWUVUARIRI, the defendant. In or about September 2015, ONWUVUARIRI asked CW-1 whether he could use CW-1's bank account. CW-1 agreed, and ONWUVUARIRI told CW-1 that CW-1 could use a share of the funds wired into CW-1's account to pay for CW-1's credit card. At ONWUVUARIRI's request, CW-1 gave

ONWUVUARIRI CW-1's debit card and CW-1's online banking information.

c. On or about November 13, 2015, Bank Account-1 received a money transfer of \$5,000. On or about November 14, 2015, ONWUVUARIRI asked CW-1 to go to the bank to withdraw funds from Bank Account-1. On the same day, CW-1 withdrew \$4,500 from the account, and then made a second withdrawal of \$200. ONWUVUARIRI told CW-1 the amount of money to withdraw from the account, and insisted that CW-1 withdraw the funds the day he asked. ONWUVUARIRI drove to the Bronx to collect the money from CW-1.

d. On or about November 17, 2015, Bank Account-1 received a deposit of \$8,000. On the same day, ONWUVUARIRI asked CW-1 in a text message to call him "asap" and to "stop by the bank and withdraw \$4000 before they close today." He also stated in a text message that it was "very important and urgent." CW-1 agreed and withdrew \$7,725 from Bank Account-1.

e. On or about November 18, 2015, ONWUVUARIRI asked CW-1 to deposit the funds CW-1 withdrew in a different bank account, and to make the deposit at a different branch than the one from which CW-1 withdrew the funds.

f. On or about November 23, 2015, Bank Account-1 received two deposits in the amounts of \$7,600 and \$6,000. The \$6,000 deposit came from Victim-1 and the \$7,600 deposit came from Victim-2. See supra ¶¶ 7(b), 8(c). On the same day, ONWUVUARIRI asked CW-1 in a text message to "get out \$7500." CW-1 forgot to make the withdrawal, and told ONWUVUARIRI that CW-1 would make the withdrawal the next morning. On or about November 24, 2015, ONWUVUARIRI asked CW-1 in a text message to make two \$5,000 withdrawals from Bank Account-1 and to visit a "separate [bank] branch for each" transaction. CW-1 then made two teller withdrawals in the amounts of \$5,320 and \$5,000. CW-1 gave the money CW-1 withdrew to ONWUVUARIRI. Additionally, between November 23 and November 25, 2015, ONWUVUARIRI made six \$500 ATM withdrawals from Bank Account-1.

g. On or about November 30, 2015, Bank Account-1 received a deposit of \$5,000. That deposit came from Victim-1. From November 30 to December 4, 2015, ONWUVUARIRI made eleven ATM withdrawals from Bank Account-1 totaling \$5,000.

h. On or about January 22, 2016, Bank Account-1 received an \$8,000 deposit. From January 22 to January 25, 2016,

ONWUVUARIRI made ten ATM withdrawals from Bank Account-1 totaling approximately \$4,400.

i. On or about February 19, 2016, Bank Account-1 received a \$16,647 wire from Victim-4. See supra ¶¶ 10(c). On the same day, ONWUVUARIRI sent a text message to CW-1, asking CW-1 to "check your account and tell me. A deposit came in." CW-1 responded "it's a really big amount, do I get a bigger cut?" ONWUVUARIRI asked CW-1, "can you tell me what it is," to which CW-1 responded, "16,647." ONWUVUARIRI then stated, "We gotta make time to go get it out like asap."

j. From February 19 to March 4, 2016, ONWUVUARIRI made seventeen ATM withdrawals from Bank Account-1 totaling approximately \$8,500. Additionally, at ONWUVUARIRI's direction, on or about March 2, 2016, CW-1 made a \$3,000 teller withdrawal. CW-1 gave that money to ONWUVUARIRI.

13. From my review of bank records, I have learned that Bank Account-2 is owned and controlled by an individual located in Utica, New York. This individual ("CW-2") has agreed to provide information to the Government in this investigation.² From CW-2, and from my review of text messages and bank records for Bank Account-2, I know, among other things, the following:

a. CW-2 met PAUL IFEANYICHUKWU ONWUVUARIRI, the defendant, at Utica College. In or about November 2015, ONWUVUARIRI asked CW-2 to open a Bank of America bank account, and to allow ONWUVUARIRI to use it. ONWUVUARIRI told CW-2 that he needed money transferred from his family in Nigeria so that he could buy a car, but that his bank account could not receive the money. CW-2 agreed to assist ONWUVUARIRI on the condition that CW-2 received a share of the transferred funds.

b. On or about November 4, 2015, ONWUVUARIRI drove CW-2 to a Bank of America branch in Syracuse, New York so that CW-2 could open a bank account. During the car ride, ONWUVUARIRI explained to CW-2 that money would be wired or a check would be deposited into CW-2's account, and that ONWUVUARIRI would withdraw the funds. ONWUVUARIRI also told CW-2 that he would be

² CW-2 was arrested by state law enforcement officials on May 4, 2016 and charged with grand larceny in the third degree. CW-2 has agreed to provide information to law enforcement in the hope of receiving leniency at CW-2's sentencing. To date, information provided by CW-2 has been deemed reliance and has sometimes been corroborated by independent evidence.

compensated for letting ONWUVUARIRI use the bank account. Later that day, at the Bank of America branch in Syracuse, CW-2 opened Bank Account-2. CW-2 gave ONWUVUARIRI the account number for Bank Account-2.

c. On or about December 1, 2015, CW-2 received a text message from ONWUVUARIRI, telling CW-2 that CW-2 should expect a check. On or about December 3, 2015, ONWUVUARIRI sent a text message to CW-2, telling CW-2 to check Bank Account-2 for a deposit. CW-2 then checked Bank Account-2 and saw that \$5,700 had been deposited into the account. CW-2 then sent a text message to ONWUVUARIRI, stating that the money was in the account. ONWUVUARIRI also texted, "we need to meet up" and "hit me bro we making moves." The funds in Bank Account-2 were deposited by Victim-3.

d. Later in the day on December 3, 2015, ONWUVUARIRI and CW-2 went together to a Bank of America ATM, where CW-2 made two \$500 withdrawals. CW-2 gave the money to ONWUVUARIRI, who gave CW-2 \$100 for helping out.

e. On or about December 4, 2015, ONWUVUARIRI and CW-2 went back to the Bank of America ATM, where CW-2 made two more \$500 withdrawals and gave the money to ONWUVUARIRI.

f. On or about December 7, 2015, ONWUVUARIRI and CW-2 drove to Syracuse so that CW-2 could withdraw the remaining \$3,700 in Bank Account-2. According to CW-2, ONWUVUARIRI was in a hurry to withdraw the money, and he insisted they drive to Syracuse to make a teller withdrawal. CW-2 withdrew \$3,700 from Bank Account-2 and gave it to ONWUVUARIRI. At this time, CW-2 also agreed to give ONWUVUARIRI CW-2's Bank of America debit card.

g. In or about February 2016, Bank of America contacted CW-2 and told CW-2 that it would be closing the account due to unusual activity. CW-2 then contacted ONWUVUARIRI, who told CW-2 not to worry about it.

14. From my review of bank records, I have learned that Bank Account-3 is owned and controlled by an individual located in Utica, New York. This individual ("CW-3") has agreed to assist the Government in this investigation. The information provided by CW-3 has been deemed reliable and has sometimes been corroborated by independent evidence. From CW-3, and from my review of bank records for Bank Account-3, I know, among other things, the following:

a. CW-3 is a student at Utica College and has known PAUL IFEANYICHUKWU ONWUVUARIRI, the defendant, for a few years through school. In or about September 2016, ONWUVUARIRI approached CW-3 and told CW-3 that he was having an issue with his bank and needed help with a money transfer. CW-3 offered to help ONWUVUARIRI and told him that the money could be sent to CW-3's JPMorgan Chase bank account. ONWUVUARIRI told CW-3 that a JPMorgan Chase bank account would not work, and asked CW-3 if he would be willing to open a Bank of America bank account in CW-3's name for ONWUVUARIRI to use. CW-3 told ONWUVUARIRI that he would be willing to help him.

b. On or about September 23, 2016, ONWUVUARIRI drove CW-3 to a Bank of America branch location in Syracuse, New York to open a bank account. CW-3 opened Bank Account-3 and provided the account number to ONWUVUARIRI. After CW-3 opened Bank Account-3, ONWUVUARIRI drove them back to Utica, and during the drive back, ONWUVUARIRI told CW-3 that money would be transferred into the account soon and that CW-3 should tell ONWUVUARIRI when the funds were available. CW-3 asked ONWUVUARIRI where the money was coming from, and ONWUVUARIRI said it was coming from his family.

c. On or about September 24, 2016, ONWUVUARIRI began calling and sending text messages to CW-3 to ask if the money had been transferred into Bank Account-3. ONWUVUARIRI called or texted CW-3 every day to ask about the funds.

d. On or about September 28, 2016, CW-3 checked Bank Account-3 and saw that \$3,400 had been deposited into the account. CW-3 then contacted ONWUVUARIRI to tell him the money was in the account.

e. On or about September 29, 2016, ONWUVUARIRI drove CW-3 back to Syracuse to withdraw the \$3,400 from the account. ONWUVUARIRI and CW-3 went into the bank together, withdrew the funds, and CW-3 gave the money to ONWUVUARIRI.

15. On or about November 21, 2016, PAUL IFEANYICHUKWU ONWUVUARIRI, the defendant, was arrested by the Utica Police Department. After being advised of his *Miranda* rights, ONWUVUARIRI stated, in substance and in part, that he asked CW-2 and CW-3 to open Bank of America bank accounts on his behalf and that he took the money that was wired into their accounts.

WHEREFORE, deponent prays that an arrest warrant be issued and PAUL IFEANYICHUKWU ONWUVUARIRI, the defendant, be imprisoned or bailed, as the case may be.



MASON POSILKIN,
CRIMINAL INVESTIGATOR
UNITED STATES ATTORNEY'S OFFICE

Sworn to before me this
6th day of June 2017



HONORABLE HENRY B. PITMAN
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK