

AO 91 (Rev. 11/11) Criminal Complaint

FILED

UNITED STATES DISTRICT COURT

for the

Western District of Texas

18 JAN 24 PM 1:58

CLERK OF DISTRICT COURT
WESTERN DISTRICT OF TEXAS

United States of America)

v.)

Kingsley Otuya)

Case No.

1:18-M-054

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 04/2016 - 11/2017 in the county of Travis in the Western District of Texas, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
Title 18 USC 1956 and 1543	Money laundering and knowingly use a counterfeit passport

This criminal complaint is based on these facts:

See attached affidavit.

Continued on the attached sheet.



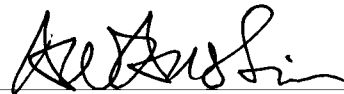
Complainant's signature

Tim McElligott, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 1/24/2018



Judge's signature

City and state: Austin, TX

Honorable Andrew W Austin, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

I, Timothy McElligott, being duly sworn, do hereby depose and state:

I am a Special Agent with Homeland Security Investigations (HSI), assigned to the Resident Agent in Charge in Austin, TX. I have been employed as a Special Agent for approximately 20 years. I routinely investigate fraud related to U.S. Immigration and Customs laws, financial investigations, and other crimes. This affidavit is based upon my own investigation, as well as information supplied to me by other federal law enforcement personnel. In conjunction with my official duties, I am currently conducting an investigation, with other law enforcement personnel, related to counterfeit passport fraud and money laundering, among other violations. These offenses occurred within the Western District of Texas in violation of federal law. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

2. The facts known to me establishing probable cause to believe that Kinglsey Otuya, AKA: John Ralph Nana, Anthony Martins, and Paul Wyne (Wyne Paul), has willfully and knowingly used a counterfeit passport, and acted in a conspiracy to commit money laundering, include:

3. In September 2017, I initiated a criminal investigation of Kingsley Otuya, a Nigerian national residing in the Austin area. HSI Intelligence Research Specialist (IRS) R. Howard had identified Otuya sending money wires to the same individuals in Nigeria as defendants and suspects from other HSI investigations related to fraud and money laundering. The subsequent investigation identified multiple bank accounts, all opened with foreign passports, which contained other commonalities and traits with each other (such as locations, same money transmitters, and similar patterns of banking activities) which lead me to believe, based upon my training and experience, that these accounts are linked in a conspiracy related to fraud schemes to collect and move illicit funds in the U.S. from victims throughout the world, including the United States. Those accounts and the investigation are spelled out in some detail below. The investigation further identified Kingsley Otuya associated with bank accounts that received funds from victims of fraud that I believe were opened with counterfeit passports. I know from my experience investigating fraud and money laundering investigations that counterfeit passports are

often used to open bank accounts for the collection of funds from illicit activities, specifically the collection of funds derived from fraud schemes. The investigation has identified suspected illicit funds of approximately \$500,000 collected in bank accounts that I believe were in part, or wholly, used and/or controlled by Kingsley Otuya.

Facts related to the alias Paul Wyne

4. On or about October 21, 2016, a Wells Fargo account, ending in 6751, was opened in the name of Paul Wyne. The account was opened with Great Britain Passport #821892823 and a given address of 11716 Rotherham Dr., Austin, TX. HSI was unable to locate any entry into the United States by the name of Paul Wyne with this Great Britain passport number. The account name was later changed from Paul Wyne to Wyne Paul in 2016. HSI was unable to locate any entry into the United States by the name of Wyne Paul with this Great Britain passport number. The account was closed by Wells Fargo Loss Prevention in June 2017 after a fraudulent \$90,000 check was deposited into the account at a Wells Fargo branch in Alabama. Further, this account was identified to have received funds from a victim of a romance scam, herein referred to as Victim #1.

5. Victim #1 resides in Wisconsin. Victim #1 met an individual named "Anthony Martin" on an online dating website in 2016. "Martin" informed Victim #1 that he lived in Houston, TX and was an oil rig worker. "Martin" requested a loan from Victim #1, and after a series of communications, Victim #1 sent funds to "Wyne Paul" and "John Nana" in Austin, TX based on information provided by "Martin." Victim #1 sent the funds via cash deposits and deposited checks made at Wells Fargo bank branches in Wisconsin. Victim #1 claimed she made approximately five deposits in November 2016 totaling approximately \$26,000 into the Paul Wyne Wells Fargo bank account ending in 6751. I reviewed the Paul Wyne Wells Fargo bank account and identified cash deposits from Wisconsin and a deposited check from Victim #1 made in November 2016. Victim #1 never received promised return funds from "Martin" and realized it was a scam. Victim #1 filed a police report with the Elm Grove Police Department in Elm Grove, Wisconsin after losing approximately \$30,000. I contacted the Elm Grove Department and received a copy of the Elm Grove Police report from HSI Special Agent N. Cravatta in Milwaukee, WI. I also spoke to Victim #1.

6. I reviewed the bank account records of Paul Wyne's Wells Fargo account and believe the account was used as a funnel account for incoming funds from Victim #1 and other unknown sources. I noticed the names Paul Wyne and Wyne Paul were both used on transaction documents on this account, which I believe to be the same person. The account did not appear to have transactions associated with a normal living bank account, for instance, the account had limited transactions related to living expenses, with no observed bill payments or any evidence of incoming funds from known legitimate sources. In fact, the account was largely funded with money wires and cash deposits from out of state. The incoming funds were predominately withdrawn in cash withdrawals under \$10,000 within a few days of the deposits. Based upon my experience and training, the out of state funding sources and rapid withdrawal of the funds are consistent with patterns of money laundering and structuring.

7. Through an investigative search of Paul Wyne, IRS Howard found a Cash Transaction Report (CTR) filed for Paul Wyne on a Bank of America account ending in 2684. CTRs are requirements of U.S. financial institutions to record transactions over \$10,000 and report them to the Financial Crimes Enforcement Network. The Bank of America CTR (based upon multiple transactions totaling over the \$10,000 threshold) recorded two withdrawals conducted on the same day, March 8, 2017, totaling \$11,000 on account ending in 2684. The first cash withdrawal of \$6,800 was made at the Parmer Lane branch in Austin, TX at approximately 3:12 p.m. The second withdrawal of \$4,200 was made at the Ohlen Road branch in Austin, TX at approximately 3:35 p.m. Based upon the withdrawals on the same day and close time proximity, the withdrawals appear to indicate structuring in an attempt to avoid the reporting requirement. The Bank of America CTR contained identifying information of the person who made the transaction. The person who conducted the two transactions used the name of Paul Wyne and listed the same address and passport (11716 Rotherham Dr. Austin, TX and the Great Britain passport, #821892823) as listed on the Wells Fargo Paul Wyne account—the account discussed above that received funds from Victim #1. I obtained and reviewed photos from both withdrawals related to the Bank of America Paul Wyne CTR and believe the individual in the photos making the two withdrawals as Paul Wyne to be Kingsley Otuya.

8. Further, IRS Howard identified a Federal Trade Commission consumer report identifying the Paul Wyne Bank of America account ending in 2684 to be related to fraud. In April 2017, a victim in Japan, herein referred to as Victim #2, reported being defrauded of over \$160,000 in U.S. dollars from a

security fraud scheme directing Victim #2 to send funds to various bank accounts, including the Paul Wyne Bank of America account ending in 2684 in Austin, TX. The report states that Victim #2 was directed by a “Paul Combs” in Austin, TX to send funds to the Paul Wyne Bank of America account described herein. Victim #2 never received the promised return funds and later realized he was a victim. I reviewed the Bank of America Paul Wyne account documents ending in 2684, and found a wire from Japan for \$7,855.77 sent on October 12, 2016, which contained the name of Victim #2.

9. I obtained and reviewed the bank statements documents related to the Paul Wyne account at Bank of America ending in 2684, and discovered a similar pattern of out of state transactions funding the account and the predominate withdrawal of funds via cash and believe the account was used primarily as a funnel account. I further believe the account transactions are consistent with patterns of money laundering and structuring.

10. It is noted that Victim #1 and Victim #2, sent money to the similarly named Paul Wyne or Wyne Paul in Austin and both were provided similar addresses for Paul Wyne/Wyne Paul as 1436 Biscuit Drive and 1463 Biscuit Drive in Austin, TX respectively. Because of that and the facts laid out above, I believe both Paul Wyne accounts are connected in a conspiracy to collect funds from victims of fraud schemes.

Facts related to alias John Nana:

10. On or about September 7, 2016, a Wells Fargo bank account ending in 8711 was opened in Austin, TX in the name of John Ralph Nana, DOB: 4/20/1983. The account was opened with Ghana passport #G0729034. HSI was unable to identify an entry into the United States under the name of John Nana and with Ghana passport # G0729034. It is noted that Victim #1 deposited \$3,600 into this account, as directed by “Martin,” on December 3, 2016. I reviewed the John Nana Wells Fargo account and found a deposit slip for \$3,600 on December 3, 2016 matching the information from Victim #1. The account was closed by Wells Fargo Loss Prevention in March 2017.

11. I reviewed the John Nana Wells Fargo bank account and discovered a similar pattern of out of state transactions funding the account and the predominate withdrawal of funds via cash and believe

the account was used primarily as a funnel account. I further believe the account transactions are consistent with patterns of money laundering and structuring.

12. A Bank of America John Ralph Nana account, ending in 2796, was also identified with the same date of birth (4/20/1983) and Ghana Passport number (G0729034) as the Wells Fargo John Ralph Nana account described in paragraph #10. Bank of America made a copy of the Ghana passport, #G0729034, which contains the passport photo for "John Ralph Nana." I reviewed the Ghana passport photo copy made by Bank of America and believe the photo resembles Kingsley Otuya. I also reviewed the John Nana Bank of America bank account and discovered a similar pattern of out of state transactions funding the account and the predominate withdrawal of funds via cash and believe the account was used primarily as a funnel account. I further believe the account transactions are consistent with patterns of money laundering and structuring. Diplomatic Security Special Agent Ryan Tyler of the Houston Field Office examined an image of the Ghana passport (G0729034) in the name of John Ralph Nana. Agent Tyler verified that there is no active or inactive visa application that matches the information provided on the passport. This indicates that the passport is fraudulent or that the holder entered the United States under a different identity or illegally entered the U.S. without inspection. Additionally, SA Tyler compared the passport to the exemplar provided by the Ghanaian government and determined that the secondary background image is incorrectly placed. This indicates that the document is fraudulent. SA Tyler is currently processing a request to the Ghanaian government for further verification.

Facts related to Victim #3

13. After researching other possible financial transactions, IRS Howard identified both John Nana and Paul Wyne/Wyne Paul, using the respective foreign identification documents detailed above, receiving funds from the same person residing in Branson, Missouri, identified as Victim #3. Victim #3 sent three Western Union wires to John Nana, DOB: 4/20/1983, in Austin, TX, who utilized Ghana Passport #G0729034 to retrieve the funds. The address, DOB, and passport number match the details of the Wells Fargo and Bank of America John Nana details. Victim #3 sent one MoneyGram wire in the amount of \$1,250 to Wyne Paul in Denton, TX, using an ID listed as "U.S or Texas" with number

#821892823. This ID number is the same number as the Great Britain passport used to open the Wyne Paul accounts at Wells Fargo and Bank of America, respectively, as detailed above.

14. I contacted the Branson, MO Police Department, where Victim #3 was last known to reside and was informed that Victim #3 had filed a police report in 2016. I obtained and reviewed the police report indicating Victim #3 to have dementia. Victim #3 believed he was introduced to a “Peter Slagenweit” by a friend. Victim #3 believed he was financially helping his friend and “Slagenweit” and was convinced by “Slagenweit” to send funds to various bank accounts and individuals, including wires to Wyne Paul and John Nana in Austin, TX. Further, Victim #3 was convinced by “Slagenweit” to open bank accounts in Victim #3’s name and help “Slagenweit” by collecting funds and sending funds for “Slagenweit.” Victim #3, and his wife, herein referred to as Victim #4, believed they were victims of fraud and contacted the Branson, MO Police Department. I spoke to the daughter of Victim #3 and Victim #4, who stated that Victim #3 lost approximately \$150,000 and Victim #4 approximately \$20,000 from the fraud scheme.

Facts related to Anthony Martins alias

14. Victim #3 was also identified to have sent a MoneyGram wire transfer in the amount of \$1,742 to an Anthony Martins with a recorded address of 6600 Ed Bluestein Boulevard, Austin, TX, who utilized a Nigerian Passport number A06110727 in April 2016 to retrieve the funds.

15. A Wells Fargo bank account ending in 7681 was found opened in April 2016 using a Nigerian Passport number A06110727 and date of birth of 3/21/1990 in the name of Anthony Martins. The account listed an address of 1600 Wickersham Lane, Apartment #1069, Austin, TX. The passport number is the same number used to pick up funds from Victim #3 and the address is the same address on record with an account statement for the John Nana Wells Fargo account described above. I reviewed the Anthony Martins Wells Fargo bank account and discovered a similar pattern of out of state transactions funding the account and the predominate withdrawal of funds via cash and believe the account was used primarily as a funnel account. I further believe the account transactions are consistent with patterns of money laundering and structuring.

16. A Bank of America account ending in 7276 was found opened in December 2016 in the name of Anthony Martins. The account was opened with a Ghana Passport, #G0729034, with a date of birth of 4/20/1983 and address of record at 1600 Wickersham Lane, Apartment #1069, Austin, TX. Although the passport and date of birth are different, the address is the same address as other bank accounts detailed above in the name of Anthony Martins and John Nana. I reviewed the Anthony Martins Bank of America bank account and discovered a similar pattern of out of state transactions funding the account and the predominate withdrawal of funds via cash and believe the account was used primarily as a funnel account. I further believe the account transactions are consistent with patterns of money laundering and structuring. HSI was unable to locate any entry into the United States by the name of Anthony Martins with either a Nigerian passport #A06110727 or Ghana passport #G0729034.

17. I obtained surveillance photos related to several CTR bank transactions on the Anthony Martins Bank of America account and reviewed them. I believe the surveillance photos from May 9, 2016 in Austin, TX, related to a withdrawal of \$6,500, appears to show Kingsley Otuya making the withdrawal as Anthony Martins. I also reviewed bank surveillance photos from a withdrawal on May 7, 2016 and believe the person making that withdrawal as Anthony Martins is of another person, not Kingsley Otuya.

Facts related to Kingsley Otuya

18. In addition to the photographs and fraudulent documents discussed above, I reviewed and compared data related to the wire transfers and bank accounts that received fraud victim funds and found several connections to Kingsley Otuya. For example, I found wire transfers at MoneyGram and Western Union that were sent to Paul Wyne utilizing the same Great Britain Passport bearing number 821892823 used to open bank accounts at Wells Fargo and Bank of America as mentioned in paragraphs 4 and 7. I reviewed three wires that recorded Paul Wyne as the recipient and listed the recipient's address as 6600 Ed Bluestein Boulevard in Austin, TX. I know the wire sent from Victim #3 to Anthony Martins, detailed above in paragraph 14, also listed 6600 Ed Bluestein Boulevard, in Austin, TX. I further know that Kingsley Otuya's Texas Driver's license lists his address to be at 6600 Ed Bluestein Boulevard, Apartment # 212 in Austin, TX.

19. Additionally, I know the address of 1600 Wickersham Drive, Apartment 1069 in Austin, TX was used to receive bank statements from Wells Fargo and Bank of America for accounts in the name of John Nana and Anthony Martins. I conducted a search on the Clear database utilized by HSI and found the address of 1600 Wickersham Drive, Apartment 1069 associated with Kingsley Otuya. Further, I obtained bank records related to Kingsley Otuya's personal Wells Fargo bank account, ending in 8840. The records indicate the account was opened in February 2014 and listed Kingsley Otuya's home address to be 1600 Wickersham Lane, apartment 1069, Austin, TX. I believe the common use of these addresses related to Otuya, among the other facts presented in this affidavit, further connects Otuya to the names John Nana and Anthony Martins, who collected deposits and wire transfers from known victims of fraud.

Conclusion:

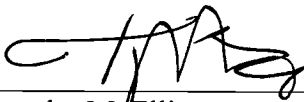
20. Based upon my training and experience, and the facts set forth, I believe Kingsley Otuya committed money laundering by conducting financial transactions with the proceeds of wire fraud, knowing that the proceeds were from some form of unlawful activity, and knew the transactions were designed to conceal the source, location, ownership, or control of proceeds and avoid reporting requirements. I further believe that Kingsley Otuya committed this offense by using bank accounts set up with counterfeit foreign passports to collect funds from victims of fraud schemes and to receive wire transfers of fraudulent funds via Western Union and MoneyGram in those fraudulent names. I further believe Kingsley Otuya opened at least one bank account with a counterfeit passport with intent to use it for the collection of fraud scheme proceeds and used the counterfeit passport to collect funds sent via Western Union, MoneyGram, and bank to bank wire transfers.

21. Based upon the information set forth in the foregoing affidavit, I have probable cause to believe that said defendant violated the laws of the United States consisting of:

Title 18 United States Code, Section 1543, knowingly use a counterfeit passport

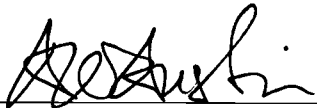
Title 18 United States Code, Section 1956, money laundering

I swear the information contained in this affidavit is true and correct to the best of my knowledge and belief.



Timothy McElligott
HSI Special Agent

Sworn and subscribed to me this 24th day of January, 2018.



Honorable Andrew W Austin
United States Magistrate Judge
Western District of Texas