

EK:CN  
F# 2013R01614

14 M 047

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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(Filed Under Seal)

UNITED STATES OF AMERICA

COMPLAINT AND  
AFFIDAVIT IN SUPPORT  
OF AN ARREST WARRANT

- against -

DARNELL ELLIS,

(T. 18 U.S.C. § 287)

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

ELLIOT MCGINNIS, being duly sworn, deposes and states that he is a Special Agent with the Federal Bureau of Investigation ("FBI"), duly appointed according to law and acting as such.

Upon information and belief, on or about November 7, 2012, within the Eastern District of New York, the defendant DARNELL ELLIS made and presented to the Federal Emergency Management Agency ("FEMA"), an agency of the United States, a claim against the United States for payment, which he knew to be false, fictitious and fraudulent.

(Title 18, United States Code, Section 287).

The source of your deponent's information and the grounds for his belief are as follows:<sup>1</sup>

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<sup>1</sup> Because the purpose of this Complaint is to state only probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

1. I am a Special Agent with the FBI, based at the New York Field Office. I have been a Special Agent with the FBI for approximately three years. In the course of my duties, I have been involved in the investigation and prosecution of numerous cases involving false statements made in support of fraudulent claims presented to agencies of the United States government. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the investigative file; and from reports of other law enforcement officers involved in the investigation.

2. FEMA, an agency of the United States Department of Homeland Security, administers relief under the legal authority of Title 44 of the Code of Federal Regulations. Disaster assistance is made available after the President of the United States declares that a major disaster has occurred in a specified area.

3. Assistance to individuals is available under the Individual and Household Assistance Program ("IHP"), which provides grants, funded by the United States Government, to people in the disaster area when losses are not covered by insurance and property has been damaged or destroyed. IHP requires that the disaster assistance applicant was unable to live in his or her primary residence due to disaster-related conditions.

4. To receive assistance under IHP, the applicant must register with FEMA and provide FEMA personnel basic information, such as identifying personal data and the location of the damaged dwelling. The applicant is asked to verify that the damaged dwelling was, in fact, his or her primary residence, as well as provide information concerning the household composition.

5. On October 30, 2012, the President of the United States Barack Obama issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121 et seq., following landfall of Hurricane Sandy on the State of New York. The disaster was identified by FEMA as disaster number 4085-Hurricane Sandy.

6. On November 7, 2012, a FEMA Form 009-0-1 Application/Registration for Disaster Assistance was filed in the name of DARNELL ELLIS. The damaged property address was identified as a basement apartment at a particular address known to law enforcement located at Kissam Avenue, Staten Island, New York (the "Kissam Avenue residence"). The property was described as a rental property and ELLIS's primary residence. ELLIS's current mailing address was identified as the Kissam Avenue residence. The application listed ELLIS and D.S., a person identified as his spouse, as occupants of the home.

7. Based on this application, FEMA disbursed to ELLIS \$2,486 on November 27, 2012 and \$8,643.27 on December 4, 2012. This money was deposited into a Metropolitan National Bank account held by D.S. A review of bank records associated with this account shows that a letter was submitted in ELLIS's name on December 4, 2012, authorizing his funds to be deposited into D.S.'s account. Copies of ELLIS's Social Security and New York State Benefit cards were submitted along with this letter. ELLIS's signature on his Social Security and New York State Benefit cards appears to match the signature on the December 4th authorization letter. In total, FEMA disbursed \$11,129.27 to ELLIS for rental assistance.

8. To verify ELLIS's occupancy and disaster related damages, law enforcement agents contacted the owner of the Kissam Avenue residence. The owner stated, in

sum and substance, that he purchased the Kissam Avenue residence in 2003 and lived there with his family until it was completely destroyed by Hurricane Sandy in October 2012. A search of public records confirmed that the owner purchased the Kissam Avenue residence in 2003. The owner stated that he did not know ELLIS and that ELLIS had not lived at the Kissam Avenue residence since the owner purchased the home. The owner also stated that the Kissam Avenue residence did not have a basement; rather, there was a crawl space underneath the home that was approximately five and one-half feet high. The owner stated that no one lived in this crawl space.

9. ELLIS submitted an application for temporary and medical assistance and food stamp benefits to the State of New York on August 24, 2012, approximately two months before he submitted his FEMA Application/Registration for Disaster Assistance form. When asked to provide his home address in this application, ELLIS did not list the Kissam Avenue address as his residence and stated that he lived alone.

10. ELLIS submitted an application for food stamp benefits to the State of New York on November 26, 2012, less than one month after he submitted his FEMA Application/Registration for Disaster Assistance form. When asked to provide his home address in this application, ELLIS listed his residence as a particular address known to law enforcement located at West 128th Street, Manhattan, New York.

WHEREFORE, your deponent respectfully requests that the defendant DARNELL  
ELLIS be dealt with according to law.



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ELLIOT MCGINNIS  
Special Agent  
Federal Bureau of Investigation

Sworn to before me this  
17<sup>th</sup> Day of January 2014



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Honorable James Orenstein  
United States Magistrate Judge  
Eastern District of New York

# UNITED STATES DISTRICT COURT

for the  
Eastern District of New York

United States of America  
v.  
DARNELL ELLIS

Case No. **14 M 047**

Defendant

## ARREST WARRANT

To: Any authorized law enforcement officer

**YOU ARE COMMANDED** to arrest and bring before a United States magistrate judge without unnecessary delay  
(name of person to be arrested) DARNELL ELLIS,  
who is accused of an offense or violation based on the following document filed with the court:

- Indictment
- Superseding Indictment
- Information
- Superseding Information
- Complaint
- Probation Violation Petition
- Supervised Release Violation Petition
- Violation Notice
- Order of the Court

This offense is briefly described as follows:

False claim upon the United States, in violation of Title 18, United States Code, Section 287

Date: 01/17/2014



Issuing officer's signature

City and state: Brooklyn, New York

Hon. James Orenstein, Magistrate Judge, EDNY

Printed name and title

### Return

This warrant was received on (date) \_\_\_\_\_, and the person was arrested on (date) \_\_\_\_\_  
at (city and state) \_\_\_\_\_.

Date: \_\_\_\_\_

Arresting officer's signature

Printed name and title