

91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Middle District of Florida

United States of America)

v.)

Franklin Carlaveto Barnes)

Case No. 8:14 MJ 1482 TGW

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 March 2014 to present in the county of Polk in the Middle District of Florida, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. 1708	Mail theft
18 U.S.C. 641	Theft of government funds.

This criminal complaint is based on these facts:

Please see attached affidavit

Continued on the attached sheet.

John Ebsworth-Mojica
Complainant's signature

John Ebsworth-Mojica, Postal Inspector

Printed name and title

Sworn to before me and signed in my presence.

Date: JUNE 16, 2014

Thomas G. Wilson
Judge's signature

City and state: Tampa, Florida

Thomas G. Wilson, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

8:14 MJ 1482 TGW

I, John P. Ebsworth-Mojica, Postal Inspector with the United States Postal Inspection Service, do swear as follows:

1. I am employed by the United States Postal Inspection Service (USPIS) at Tampa, Florida, and have been so employed for the past seven (7) years. I am currently assigned to a Multifunctional Investigations Team and investigate violations of the mail theft and mail fraud statutes. I have attended Financial Investigations Training and have been certified by USPIS as a Dangerous Mail Investigations (DMI) Specialist. I investigate criminal activity involving or relating to the United States Postal Service including theft of mail and fraud.

2. The investigation into this matter is a joint effort between the United States Postal Inspection Service (USPIS), the Federal Bureau of Investigation (FBI), the Florida Department of Law Enforcement (FDLE), the United States Postal Service Office of the Inspector General (USPS-OIG), and the Internal Revenue Service/Criminal Investigation (IRS-CI). The facts and information contained herein are based on the personal knowledge I gained during this investigation, as well as information provided to me by agents and investigators from the participating agencies. During this investigation, I, along with investigators from USPIS, FBI, FDLE, USPS-OIG, and IRS-CI, have conducted interviews, conducted surveillances, reviewed pertinent documents, and conducted undercover operations.

3. This affidavit is made for the purpose of supplying probable cause to support a Criminal Complaint against Franklin Carlaveto Barnes. I have personally participated in the investigation of offenses described herein. Because this affidavit is

made for the sole purpose of providing probable cause to support a Criminal Complaint against Franklin Carlaveto Barnes, I have not included every detail of every aspect of the investigation in this affidavit. Rather, I have set forth facts that are necessary to establish probable cause to believe that Franklin Carlaveto Barnes has committed the following federal offenses: Mail Theft by Postal Carrier, in violation of 18 U.S.C. § 1709, and Theft of Government Funds, in violation of 18 U.S.C. § 641

OVERVIEW

5. In early March 2014, Franklin Carlaveto Barnes (hereafter referred to as Barnes) did knowingly and willfully solicit from a cooperating defendant (from another unrelated investigation), the identity of someone who might be interested in purchasing stolen or fraudulent obtained U.S. Treasury Checks. Barnes was subsequently identified as being a U.S. Mail Carrier employed by the U.S. Postal Service who is currently working out of the Downtown Lakeland Station Post Office in Lakeland, Florida.

6. Between early March and May 2014, I, along with agents and investigators from USPIS, FBI, FDLE, USPS-OIG, and IRS-CI, conducted interviews, participated in surveillances, reviewed documents, and conducted undercover operations. During this investigation investigators obtained recorded telephone calls between Barnes and an undercover agent discussing the sale of stolen U.S. Treasury Checks. In addition, Barnes on two (2) occasions met with the undercover agent and sold him U.S. Treasury Checks that were stolen and/or fraudulent.

INVESTIGATION

7. On March 7, 2014, I received a telephone call from William Dail, USM Fugitive Taskforce, Tampa, providing the identity of a Lakeland, Florida resident, FBI Confidential Human Source (hereafter referred to as the CHS), who wanted to assist law enforcement in providing information about a U.S. Mail Carrier involved in Stolen Identity Refund Fraud (SIRF) activity. In exchange for his/her assistance, the CHS was seeking consideration relating to a State of Florida prosecution whereby he/she was the perpetrator. I, along with FDLE Special Agent Terry Corn, made the appropriate contact with the state prosecutor in the source's state case and obtained clearance to utilize the CHS in this federal criminal investigation.

8. Based on the information that was provided by the CHS, I identified Barnes as being an active U.S. Postal Carrier working out of the Downtown Lakeland Station Post Office. The CHS positively identified Barnes as being the subject who wanted to sell stolen U.S. Treasury Checks from a photo-spread that I presented to him/her.

9. On March 24, 2014, the CHS contacted me and reported that Barnes had contacted him/her at his/her place of employment and provided him/her with a stolen U.S. Treasury Check and indicated he wanted 25% of the face value of the following check. I retrieved the check from the CHS as evidence. U.S. Treasury Check # 4034 12914425, dated 03/21/2014, is made payable to the order of F.C., in the amount of \$808.00, at 1269 Buddy Street, Lakeland, Florida 33801.

10. On March 25, 2014, I determined from U.S. Postal Service records that 1269 Buddy Street was assigned for delivery to the postal route that Barnes was the

regular mail carrier for that postal route.

11. On April 10, 2014, at the direction of other investigators and I, the CHS made a controlled telephone call to Barnes and set up a meeting to introduce a buyer (the undercover law enforcement agent) for the \$808 U.S. Treasury Check described in paragraph 9. The call was made at approximately 11:17 a.m. to cellular telephone number (863) 585-xxxx. I confirmed that this cellular telephone number is registered to Barnes. During the call, the CHS set up a meeting with Barnes where the undercover agent would meet with Barnes in the parking lot of the Watson Clinic Medical Center, located on Lakeland Hills Boulevard, in Lakeland, Florida, to pay the requested 25% of the face value of the above described \$808 U.S. Treasury Check. Barnes told the CHS that if he obtained any additional U.S. Treasury Checks prior to the meeting, he would contact him/her.

12. On April 18, 2014, at the direction of other investigators and I, the CHS introduced the undercover agent to Barnes in the Watson Clinic Parking lot. Barnes arrived at the meeting while on duty, wearing his U.S. Postal Service uniform, and operating a U.S. Mail Truck. During the meeting, the undercover agent paid Barnes \$300.00 for U.S. Treasury Check # 403032066844 (described in paragraph 9) that he provided to the CHS on March 24, 2014. In addition, Barnes and the undercover agent discussed other transactions and agreed to be in future contact with each other.

13. Prior to leaving the area, Barnes paid the CHS \$150 for introducing him to the undercover agent and agreed to split the proceeds of any future transactions with him/her evenly.

14. On April 22, 2014, the undercover agent received a telephone call from

Barnes from same cellular telephone number, (863) 585-xxxx. Barnes told the agent that he had another U.S. Treasury Check to sell and wanted to discuss a "big business proposition" with him.

15. On May 12, 2014, I traveled to the U.S. Postal Service Sorting Facility in Manatee County, Florida and placed two (2) U.S. Treasury Decoy Checks into the U.S. Mail that were scheduled to be shipped to the Lakeland Downtown Station Post Office. The decoy checks were described as follows:

- (a) U.S. Treasury Check # 4030 32066844, dated 04/24/2014, made to the order of F.C., in the amount of \$808.00, at 1269 Buddy Street, Lakeland, Florida 33801.
- (b) U.S. Treasury Check # 4030 32074456, dated 04/24/2014, made to the order of L.R., in the amount of \$806.00, at 1269 Buddy Street, Lakeland, Florida 33801.

16. On May 13, 2014, I placed the decoy checks into the mail system and surveilled the postal truck from the Sorting Facility in Manatee County, Florida to the Lakeland Downtown Station Post Office. The checks were processed and sorted into Barnes' regular postal route.

17. On May 13, 2014, FDLE SA Terry Corn initiated surveillance at the Lakeland Estates, located on Tyler Street in Lakeland, Florida, and observed what follows below. Lakeland Estates is a mobile home park and 1269 Buddy Street is located within the park.

-At approximately 11:32 a.m. a U.S. Mail Truck, that was later determined as being operated by Barnes, arrived at the Lakeland Estates Mobile Home Park and

began delivering mail throughout the park.

-At approximately 11:38 a.m. Barnes stopped at 1269 Buddy Street and placed mail into the mailbox. SA Corn maintained surveillance at 1269 Buddy Street until approximately 12:32 a.m. and did not observe any further activity at the residence or mailbox.

-At approximately 12:32 a.m., SA Corn checked the mailbox at 1269 Buddy Street and observed three (3) pieces of mail addressed to K.T.N. in the box. I identified those three (3) pieces of mail as being the same mail that were placed into Barnes' postal route, along with the two (2) decoy checks earlier that morning. The two (2) decoy checks were not among the delivered mail. SA Corn attempted to make contact with the resident at that location with negative results. SA Corn was told by the mobile home sales representative, that the resident of 1269 Buddy Street, K.T.N., had relocated back to Michigan and the residence was vacant.

18. On May 13, 2014, at approximately 5:20 p.m., I, along with other investigators, conducted an undercover meeting with Barnes at the Lake Parker Park located on Granada Street, Lakeland, Florida. Barnes met with the undercover agent and provided him with the two (2) decoy checks, described in paragraph 15 and another stolen U.S. Treasury check described as follows:

U.S. Treasury Check # 4034 20434748, dated 04/18/2014, made payable to the order of A.M., in the amount of \$2,383.00, at 206 Dixie Place, Lakeland, Florida 33801.

Barnes arrived at the meeting alone driving a late model white truck. During the meeting, Barnes discussed future transactions with the agent and then provided the

agent with the three (3) above described U.S. Treasury Checks. The undercover agent paid Barnes \$1,000 and agreed to be in future contact. Barnes departed the meeting traveling east on Granada Street toward Memorial Boulevard, Lakeland.

19. On June 4, 2014, I, along with IRS SA Gary Smedley interviewed A.M. in regard to U.S. Treasury Check #4034 20434748, described in paragraph 18. Based on the information that was provided by A.M., I was able to determine that in the tax year of 2010, A.M. was a victim of identity theft and was issued a fraudulent tax refund check that was addressed to xxxxx Inkley Court, Wesley Chapel, Florida. At that time, A.M. was residing with friends in Wesley Chapel. In June 2010, A.M. was involved in a serious auto accident and was forced to move out of the Wesley Chapel address and into his mother's residence located at xxx 19th Street, Zephyrhills, Florida. A.M. confirmed to me that he did not file any tax return for the years 2009 through 2012, and that he recalled receiving a tax refund check in the amount of \$2,383 in 2011 that was addressed incorrectly to xxxxx Inkley Court, Wesley Chapel, Florida. A.M. stated that because the mail carrier at the time was familiar with her postal route, she was aware that he was residing at his friends' address in Wesley Chapel and delivered US Treasury Check #4034 20434748, described in paragraph 18, to him at his correct address. A.M. stated that he was aware that he was not entitled to a tax refund in 2011 and never cashed the check. On June 4, 2014, SA Smedley and I were able to recover the fraudulent US Treasury Check #4034 20434748 from A.M.'s mother.

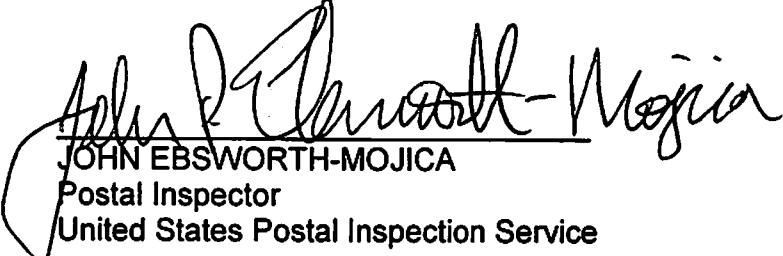
20. Based on the information that I obtained from IRS SA Smedley and the IRS, I was able to determine that because the fraudulent tax refund check, described in this paragraph 18, was never cashed, it was never cleared from the IRS database.

When A.M. filed his legitimate tax return for the tax year of 2013, he was residing at xxx Dixie Place, Lakeland, Florida. As a result, when A.M. filed his tax return, IRS records indicated that A.M. was still owed \$2,383 from the tax year 2010 and reissued him U.S. Treasury Check #4034 20434748, described in paragraph 19, and sent the check to the Dixie Place address.

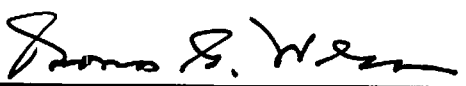
21. I determined that the Dixie Place, Lakeland, Florida address is on Barnes' postal route. As already noted in this Affidavit, Barnes sold U.S. Treasury Check # 4034 20434748 to the undercover agent at Lake Parker Park in Lakeland, Florida on May 13, 2014.

CONCLUSION

22. Based on the above facts and circumstances, probable cause exists to believe that Franklin Carlaveto Barnes has committed the following offenses: Mail Theft by Postal Carrier, in violation of 18 U.S.C. § 1709, and Theft of Government Funds, in violation of 18 U.S.C. § 641.


JOHN EBSWORTH-MOJICA
Postal Inspector
United States Postal Inspection Service

Sworn to and Subscribed before me
this 16th day June 2014


Thomas G. Wilson
United States Magistrate Judge