

AO 91 (Rev. 01/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the District of Rhode Island 2014 APR -9 A 11:01

United States of America v. YVENER JEAN-BAPTISTE D.O.B.: 1987 BROOKLYN, NY Defendant

Case No. 1:14 MJ 87 A

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 of _____ in the county of KENT in the _____ District of Rhode Island, the defendant violated 18 U.S.C. § 1029(a)(2) and 1028A, an offense described as follows:

did knowingly and with intent to defraud use one or more unauthorized access devices during any one-year period, and by such conduct obtained anything of value aggregating \$1,000 or more during that period, in violation of 18 U.S.C. § 1029(a)(2) (Count 1), and (ii) did, during and in relation to the felony violation of access device fraud, contrary to 18 U.S.C. § 1029(a)(2), knowingly possess and use, without lawful authority, means of identification of another person, to wit, the access device and account number of J.Q., in violation of 18 U.S.C. § 1028A (Count 2).

This criminal complaint is based on these facts:

See attached Affidavit of SPECIAL AGENT KELLY MAHER, UNITED STATES SECRET SERVICE

Continued on the attached sheet.

Complainant's signature

Special Agent Kelly Maher, USSS Printed name and title

Sworn to before me and signed in my presence.

Date: 04/09/2014

Judge's signature

City and state: Providence, Rhode Island

LINCOLN D. ALMOND, U.S. MAGISTRATE Printed name and title

AFFIDAVIT

I, Kelly Maher, being duly sworn, do hereby depose and state the following:

1. I am a Special Agent with the United States Secret Service and have been so employed since September of 2002. I am currently assigned to the Providence Resident Office ("Providence RO") of the United States Secret Service, and my duties include the investigation of financial crimes which include the following: identity theft, access device fraud, bank fraud, and forgery. I submit this affidavit based on information known to me personally from my investigation, as well as information obtained from other law enforcement officers and financial institutions who have investigated this matter, and other individuals who have personal knowledge of the facts herein. The facts set forth herein do not constitute all the facts involved in this matter, only those that I believe are necessary to support a finding of probable cause.

2. I have been conducting an investigation, the results of which thus far show that there is probable cause to believe that YVENER JEAN-BAPTISTE ("JEAN-BAPTISTE"): (i) did knowingly and with intent to defraud use one or more unauthorized access devices during any one-year period, and by such conduct obtained anything of value aggregating \$1,000 or more during that period, in violation of 18 U.S.C. § 1029(a)(2) (Count 1), and (ii) did, during and in relation to the felony violation of access device fraud, contrary to 18 U.S.C. § 1029(a)(2), knowingly possess and use, without lawful authority, means of identification of another person, to wit, the access device and account number of J.Q., in violation of 18 U.S.C. § 1028A (Count 2).

3. On November 29, 2013, J.Q., a woman residing in New York, contacted the Lincoln, Rhode Island Police Department to report that an unauthorized transaction in the amount of \$4,800 was made on her China Merchants Bank Mastercard, number xxxx xxxx xxxx 6691 at a Target store in Lincoln, RI. Surveillance footage from November 29, 2013 provided by Target shows defendant JEAN-BAPTISTE and another individual identified as P.O. utilizing fraudulent credit cards (including the credit card of J.Q.) to purchase Target gift cards. In total, JEAN-BAPTISTE and P.O. purchased \$75,894.01 worth of Target gift cards on November 29, 2013 using 6 counterfeit credit cards. These counterfeit credit cards had account numbers which belonged to actual credit cards owned by other individuals and were used without these individuals' knowledge or consent. The gift cards were then quickly redeemed at Target stores in New York.

4. On November 30, 2013, JEAN-BAPTISTE returned to the Target store in Lincoln, RI, with an individual named Z.T. in a silver G35 Infiniti, with Connecticut license plate number 776-ZON. This same vehicle was previously identified by a Target employee as being driven by the individuals who had committed credit card fraud the previous day. Lincoln Police Department responded to the Target store and performed a vehicle stop on the Infiniti. Defendant JEAN-BAPTISTE was arrested at the vehicle. A search incident to arrest of defendant JEAN-BAPTISTE and Z.T. was conducted which revealed ten counterfeit credit cards in Z.T.'s name, one counterfeit driver's license in the name of "Eric West," one counterfeit credit card with JEAN-BAPTISTE's name as well as multiple Target gift cards.

5. On December 1, 2013, this affiant responded to the Lincoln Police Department to interview defendant JEAN-BAPTISTE. JEAN-BAPTISTE was read his Miranda rights and

agreed to waive those rights. JEAN-BAPTISTE admitted that he conducted the fraudulent credit card transactions at the Lincoln, R.I. Target store on November 29, 2013 and that he returned to that store on November 30th to conduct additional fraudulent credit card transactions. JEAN-BAPTISTE stated that he typically receives \$200 for every \$800 fraudulent transaction he conducts. He further stated that he provided the Target gift cards to another individual in New York but that he was not aware of the locations at which the gift cards he fraudulently purchased on November 29, 2013 were redeemed.

6. Following the arrest of JEAN-BAPTISTE on November 30, 2013 at the Lincoln Target store, I conducted an investigation to determine if JEAN-BAPTISTE had used fraudulent credit cards at other Rhode Island stores. This investigation, as described below, has uncovered 4 other instances in which JEAN-BAPTISTE and others conducted fraudulent credit card transactions in Rhode Island stores.

7. On November 1, 2013, JEAN-BAPTISTE and an unidentified male entered a Target store in the Warwick Mall in Warwick, Rhode Island. Surveillance footage provided by Target shows defendant JEAN-BAPTISTE utilizing fraudulent credit cards to purchase gift cards. In total, JEAN-BAPTISTE and the unidentified male purchased \$38,482.48 worth of Target gift cards using 3 counterfeit credit cards with account numbers belonging to other individuals. JEAN-BAPTISTE is seen on video making purchases with the credit cards. The credit cards utilized by JEAN-BAPTISTE to purchase the gift cards have all been determined by law enforcement to have been counterfeited cards that were used without the knowledge or permission of the credit card owners.

8. On the same day, November 1, 2013, JEAN-BAPTISTE and an unidentified male entered a Target store on Bald Hill Road in Warwick, Rhode Island. Surveillance footage provided by Target shows defendant JEAN-BAPTISTE utilizing fraudulent credit cards to purchase gift cards. In total, JEAN-BAPTISTE and the unidentified male purchased \$15,894.60 worth of Target gift cards using 4 counterfeit credit cards in the names of other individuals. JEAN-BAPTISTE is seen on video making purchases with the credit cards. The credit cards utilized by JEAN-BAPTISTE to purchase the gift cards have all been determined by law enforcement to have been counterfeited cards that were used without the knowledge or permission of the credit card owners.

9. On November 22, 2013, JEAN-BAPTISTE and P.O. entered a Walmart store in Warwick, Rhode Island. Surveillance footage provided by Walmart shows defendant JEAN-BAPTISTE utilizing fraudulent credit cards to purchase gift cards. In total, JEAN-BAPTISTE and P.O. purchased \$8,286.53 worth of Walmart gift cards on November 22, 2013 using counterfeit credit cards. JEAN-BAPTISTE is seen on video making purchases with the credit cards. The credit cards utilized by JEAN-BAPTISTE to purchase the gift cards have all been determined by law enforcement to have been counterfeited cards that were used without the knowledge or permission of the credit card owners.

10. On the same day, November 22, 2013, JEAN-BAPTISTE and P.O. entered a Target store in the Warwick Mall, Warwick, Rhode Island. Surveillance footage provided by Target shows defendant JEAN-BAPTISTE utilizing fraudulent credit cards to purchase gift cards. In total, JEAN-BAPTISTE and P.O. purchased \$17,600 worth of Target gift cards using 1 counterfeit credit card. The credit card utilized by JEAN-BAPTISTE to purchase the gift cards

has been determined by law enforcement to have been a counterfeited card that was used without the knowledge or permission of the credit card owner.

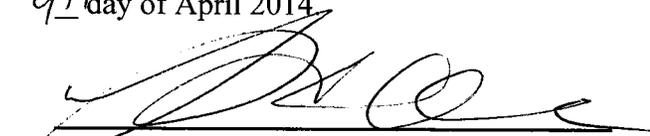
11. Based on the fraudulent credit card purchases described above, the total actual loss to the credit card companies is approximately \$156,157.62.

12. Based on the foregoing, there is probable cause to believe that from on or about November 1, 2013 through November 30, 2013, defendant YVENER JEAN-BAPTISTE: (i) did knowingly and with intent to defraud use one or more unauthorized access devices during any one-year period, and by such conduct obtained anything of value aggregating \$1,000 or more during that period, in violation of 18 U.S.C. § 1029(a)(2) (Count 1), and (ii) did, during and in relation to the felony violation of access device fraud, contrary to 18 U.S.C. § 1029(a)(2), knowingly possess and use, without lawful authority, means of identification of another person, to wit, the access device and account number of J.Q., in violation of 18 U.S.C. § 1028A (Count 2).



KELLY MAHER, SPECIAL AGENT
UNITED STATES SECRET SERVICE

Sworn to before me this
9th day of April 2014



HON. LINCOLN D. ALMOND
UNITED STATES MAGISTRATE JUDGE
District of Rhode Island