

AFFIDAVIT

I, Anthony E. Matarese, being duly sworn, hereby depose and state as follows:

1. I am a Special Agent employed with the United States Postal Service (USPS), Office of Inspector General (OIG), Northeast Area Field Office. I have been employed as a Special Agent since March 4, 2004, and I am currently assigned to the Woonsocket, RI field office. I graduated the Federal Law Enforcement Center, Glynco, GA, in June of 2004, where I have received extensive training in the area of criminal investigations. Prior to joining the USPS OIG, I served as a United States Probation Officer, for the United States District Court, District of Rhode Island for approximately six and one half years. For the past nine years, I have been assigned to investigate Postal employees involved in the theft and/or destruction of the United States Mail, and various types of employee misconduct. I have attended several additional day and week long trainings in the investigation of the theft and/or destruction of the United States Mail. In the past nine years, I have investigated numerous mail theft and destruction of mail allegations made against Postal employees that have resulted in criminal convictions and the termination of employment.

2. I submit this affidavit in support of an arrest warrant for Erick Vera-Garzon (Vera-Garzon) who was born in the year 1979 and who lives in Providence, Rhode Island as well as for Joan Manuel Mustafa (Mustafa) who was born in the year 1987 and who also lives in Providence, along with a criminal complaint charging them both with Conspiracy; Embezzlement and Theft of Public Money, Property or Records; and Theft of Mail; all in violation of 18 U.S.C. §§ 371, 641 and 1708.

3. The facts set forth in this affidavit are based upon my own personal knowledge gained in the course of my participation in this investigation; information reliably supplied to me by Providence Police Detective Nicholas Ludovici of the Providence Police Organized Crime and Intelligence Unit and other law enforcement officers as well as other federal agents from Veterans Administration, OIG, and U.S. Treasury, OIG; subpoenaed bank records; as well as information from public, postal and law enforcement databases. Since this affidavit is made for the limited purpose of supporting a criminal complaint and arrest warrant, I have not set forth each and every fact learned during the course of this investigation. Rather, I have set forth only those facts that I believe are necessary to establish probable cause for the crimes charged.

4. Since September of 2014 I have been investigating a matter involving the theft of numerous United States Government Treasury checks from the mails. The one thing that all these checks had in common was that the ZIP Codes of the intended receivers throughout Rhode Island and nearby Massachusetts would have been handled by employees at the Providence Processing and Distribution Center.

5. At the inception of the investigation, I began to attempt to determine where the checks were cashed in order to identify the persons responsible for these crimes. I sent subpoenas to a number of banks, including Citibank, Bank of America, Wells Fargo and TD Bank for their records concerning particular checks to determine the account holder information for those accounts and bank surveillance video of the individuals opening the accounts and cashing the checks. In general, the bank records and photographs suggested that many individual bank accounts were being opened in the name on a particular check, usually in a slightly altered form, by individuals other than the true owner of the check. The stolen checks were deposited in amounts ranging from a few thousand dollars to more than \$10,000 and then the account was drawn down by using debit cards for cash withdrawals from the bank's ATM, for the purchase of goods and services, or for the purchase of money orders until the account was depleted. Although some accounts had more than one check deposited, generally, there were many individual accounts opened by many seemingly unrelated individuals. Many of the accounts were in Rhode Island, but some were in New York, or in the southeast United States. Based on my training and experience all of this suggested to me that whoever was responsible for taking the checks from the mail was selling them to other buyers who then cashed the checks and converted the money to their own use.

6. While pursuing this financial investigation. I was also engaged in investigations of other crimes. In one instance, I was investigating the theft of cellphones from the mail and when I was interviewing a postal employee about that crime he told me that Vera-Garzon and Mustafa were bragging about stealing checks from the mail and making \$20,000 per week in the scheme.

7. I was also recently contacted by Detective Nicholas Ludovici of the Providence Police Organized Crime and Intelligence Unit who had information that Vera-Garzon and Mustafa were trying to sell Treasury checks on the street. Detective Ludovici told me that during the past month, a confidential and reliable informant, who will be referred to as the "CI" in the male gender to protect his or her identity, contacted him with information related to two subjects that work in the Providence branch of the

United States Post Office. The CI informed him that they are stealing large numbers of Government Treasury checks and other property from the mail. The CI has provided information to Detective Ludovici in the past that has assisted in criminal investigations and his information has resulted in prior arrests. The CI has never given Detective Ludovici information that was later proven to be false or intentionally misleading.

8. The CI, who knows and has direct contact with Vera-Garzon and Mustafa, explained to Detective Ludovici that once Vera-Garzon and Mustafa get the checks out of the Post Office building, Vera-Garzon sells most of them on the street. Vera-Garzon charges approximately 20% of the face value for the checks and pays Mustafa for his help. Vera-Garzon sells these checks to local buyers and to a New York buyer. The buyers then open (or have other subjects open) fraudulent bank accounts in the name on the stolen check by using falsified forms of identification. The stolen checks are deposited and the funds later withdrawn by the participants in this criminal activity at ATM's or by using debit cards to buy gift cards and money orders. Furthermore the CI had reported that within the past few weeks he had seen Vera-Garzon in possession of approximately (20) twenty checks with a face value of approximately \$50,000. As proof, he provided Detective Ludovici with a photograph of the checks that the CI took with his cell phone. That information from a reliable source further confirmed what the postal employee had told me and the results of my financial investigation.

9. Both Vera-Garzon and Mustafa are postal employees who work together on the night shift at the Providence Processing and Distribution Center in the mail sorting room. I have watched surveillance video documenting the two men working together in the mail sorting room. At that employment they earn approximately \$15 per hour. Within the past few days I, along with Detective Ludovici and other detectives conducted surveillance on Vera-Garzon and Mustafa. Collectively, we observed them leave the Providence Post Office at 24 Corliss Street, which is known as the Providence Processing and Distribution Center after their evening work shift. Mustafa entered the operator's seat of Vera-Garzon's blue Infiniti with plate # 344255 and Vera-Garzon entered the passenger seat. Vera-Garzon and Mustafa were followed to Elmwood Avenue. At the intersection of Elmwood and Cromwell, Mustafa made a U-turn and parked in front of Vera Garzon's apartment building. Vera-Garzon left the car and walked up the front stairs of the building. Mustafa left in Vera-Garzon's car.

10. On the basis of the reliable CI information supplied to Detective Ludovici and Detective Ludovici's own investigation, state search warrants were issued to search

both Vera-Garzon and Mustafa as well their residences. I participated in the execution of the warrant at Vera-Garzon's apartment. We encountered Mustafa as he was leaving Vera-Garzon's apartment building and we used a key that he had on him to unlock the door to Vera-Garzon's apartment. Vera-Garzon was not present but was arrested a short time later. We seized dozens of gift cards and over 900 Treasury checks from Vera-Garzon's apartment. We also seized approximately \$26,100 in cash from the apartment and \$7150 from Vera-Garzon's wallet. More checks and cash were seized from a car that Vera-Garzon was in at the time of his arrest. From Mustafa's residence other officers and detectives seized \$19,650 in cash assorted Visa gift cards.

11. After his arrest Mustafa signed a written *Miranda* rights form at the Providence Police Department. Immediately after signing the form he blurted out that Vera-Garzon paid him \$1500 per week to deliver the checks to buyers. When the interviewing detective asked Mustafa to wait for the tape recorder to be turned on he asked for a lawyer and all questioning stopped.

12. Vera-Garzon likewise signed a written *Miranda* rights form at the Providence Police Department. He gave a lengthy tape recorded interview. In general, Vera-Garzon confessed that he and Mustafa stole Treasury checks and gift cards from the mail. He said that he took them out of the Post Office in his backpack. He admitted that he and Mustafa worked together to commit these crimes. He also said that a safety deposit box key we had seized from his apartment fit a safety deposit box at Bank of America where we would find more cash that belong to both him and Mustafa. He specified that approximately \$60,000 of the cash in that box is his and the rest is Mustafa's. He also mentioned that the Infiniti automobile that is registered to him was purchased with cash in the amount of \$9000. Vera-Garzon recounted that he came here from New York penniless and that his only legitimate income was from his work at the post office.

13. I therefore suggest that there is probable cause to believe that Vera-Garzon and Mustafa have committed the crimes of Conspiracy; Embezzlement and Theft of Public Money, Property or Records; and Theft of Mail; all in violation of 18 U.S.C. §§ 371, 641 and 1708.

ANTHONY MATARESE
UNITED STATES POSTAL SERVICE, OIG

SUBSCRIBED and SWORN
before me this _____ day of April 2015

PATRICIA A. SULLIVAN
UNITED STATES MAGISTRATE JUDGE