

United States District Court

SOUTHERN

DISTRICT OF

FLORIDA

UNITED STATES OF AMERICA

v.

CRIMINAL COMPLAINT

RICHARD ANASTASI, and  
FRANCISCO ARIAS

CASE NUMBER: 10-2362-GARBER

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. Between on or about March 10, 2010 and March 18, 2010, in Miami-Dade County, in the Southern District of Florida, the defendants, RICHARD ANASTASI and FRANCISCO ARIAS, did knowingly and intentionally combine, conspire, confederate, and agree with each other, and others known and unknown, to unlawfully seize and detain and threaten to kill, to injury, and to continue to detain A.P. in order to compel a third person to do an act as an explicit and implicit condition for the release of N.P., in violation of Title 18, United States Code, Section 1203(a).

I further state that I am a Special Agent with the Federal Bureau of Investigation and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT



JAMES LEWIS, SPECIAL AGENT  
FEDERAL BUREAU OF INVESTIGATION

Sworn to before me, and subscribed in my presence,

3-19-10  
Date

at

Miami, Florida  
City and State

BARRY L. GARBER  
UNITED STATES MAGISTRATE JUDGE  
Name and Title of Judicial Officer

  
Signature of Judicial Officer

## AFFIDAVIT IN SUPPORT OF WARRANT

I, James Lewis, am a special agent for the Federal Bureau of Investigation, depose and state:

1. I, James Lewis, duly state that I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been so employed since December 1996. I am currently assigned to the Miami Division Violent Crimes Fugitive Task Force. I investigate violations of Federal Law, specifically violent criminal offenses such as bank robberies and kidnappings. Prior to my employment with the FBI, I was employed as a police officer with the Fairfax County Police Department in Virginia. I have found the following through my own investigation and that of other law enforcement officers.
2. The statements contained in this affidavit are based on my participation in the investigation of this matter, and on information I have received from other members of the FBI, and other law enforcement agencies. Because this affidavit is being submitted for the limited purpose of establishing probable cause for the execution of a Complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that evidence of a violation of Title 18, United States Code, Section 1203 (Hostage Taking).
3. The victim is a Russian national. He advised investigators that a friend in Russia purchases merchandise in the United States that the victim retrieves and sends to his friend in Russia. On or about March 8, 2010, the victim's friend in Russia advised him that there was a package for pick up at an apartment complex located at 1228 West Avenue, Miami Beach, Florida. The package was addressed to a

false name and had the victim's cellular telephone number on it. The victim retrieved that package at the apartment complex from the concierge. He subsequently shipped it to his friend in Russia. On or about Tuesday, March 9, 2010, the friend in Russia called the victim and advised him that a second package would be available the next day for pick up at the same apartment complex. On or about Thursday, March 11, 2010, at approximately 12:10 a.m., Richard Alan Anastasi (ANASTASI), who lives in an apartment located in the instant apartment complex, demanded of the concierge that he call the victim to advise him to pick up the package. The concierge refused. ANASTASI then used the telephone located at the concierge to call the victim. ANASTASI spoke with the victim, verifying the victim's calling him by the false name on the package. ANASTASI advised the victim that the package was ready for pick up.

4. On that same day, at approximately 12:20 a.m., the victim arrived on foot to the apartment complex and requested the subject package, but was advised by the concierge there that there was no package for him. The concierge was acting nervously and told him to wait outside. The victim exited the apartment complex and was approached by ANASTASI and Francisco Arias (ARIAS). ARIAS grabbed the victim and they both began questioning the victim about who he was and what he was doing there. The victim did not answer. ANASTASI and ARIAS forced the victim into a red Jeep. ANASTASI entered the driver's seat and ARIAS sat with the victim in the back seat. They both began to punch the victim accusing him of picking up packages containing merchandise bought with stolen money. They advised him that he was the criminally responsible person

and that he could face jail time. They advised the victim that he had caused trouble for the wrong people and that they were there to protect that person. ANASTASI and ARIAS advised the victim that his life was worthless and that he would die that night. They advised him that the package he was supposed to pick up had \$100,000 of merchandise inside and that what he was doing was like taking money out of someone's wallet.

5. Once in the vehicle, the victim noticed that ANASTASI and ARIAS each had a handgun. ANASTASI drove them from the area. Eventually, ANASTASI handed ARIAS, who was seated in the back seat with the victim, a knife and told ARIAS to cut off the victim's testicles. ARIAS then used the knife to rip the victim's clothing.
6. Eventually, ANASTASI drove out of the Miami Beach area. ARIAS covered the victim's head. ANASTASI eventually brought the vehicle to a stop on a residential street where they uncovered the victim's head. ANASTASI exited the vehicle and told ARIAS, "It's your job now, you know what to do." ARIAS then ordered the victim from that vehicle and he and the victim entered a black suburban type vehicle. The victim noticed a roll of black electrical tape, white "flex" handcuffs and two radios with antennae in car. ARIAS drove the victim to an ATM where the victim was forced to check his account balance. The victim showed ARIAS a receipt denying the withdrawal of \$350.00. ARIAS ordered the victim back into the black vehicle and drove the victim to a residence located on S.W. 198<sup>th</sup> Street in Miami-Dade County, Florida.

7. Once at this location, ARIAS ordered the victim out of the car. ARIAS retrieved a semi-automatic assault style rifle from the vehicle. ARIAS loaded it. The rifle was equipped with a laser sight. ARIAS pointed the laser guided rifle at the victim, who thought he was going to die. ARIAS did not fire the weapon, but gave the victim a live round. ARIAS advised the victim he was going to kill the victim and use him as fertilizer. The victim begged for his life and said that he could obtain money for ARIAS.
8. ARIAS permitted the victim to call his mother in Russia. The victim had his mother wire transfer \$1,000 to a Western Union in the United States. ARIAS "dry fired" the rifle he was pointing at the victim several times as the victim was on the phone with his mother. The victim advised ARIAS that he was able to secure a wire transfer of \$1,000. ARIAS then ordered the victim into the residence and demanded \$100,000. ARIAS then wrote on a piece of paper the figure \$100,000 minus \$1,000 and totaled it at \$99,000. ARIAS advised the victim that the \$1,000 would act as his "bond" and would secure his release in order to obtain more money.
9. As they were leaving the residence, ARIAS had the victim kneel on the floor. ARIAS pointed the rifle at the victim from behind and "dry fired" once.
10. ARIAS then drove the victim around looking for a Western Union that was open. The victim needed his identification in order to retrieve the wired funds, so ARIAS drove the victim to a location where ANASTASI met them. There, ANASTASI returned the victim's keys to him. ARIAS then drove the victim to his apartment where the victim retrieved his identification. ARIAS then drove the

victim back to an all night Western Union where, at approximately 5:47 a.m., the victim retrieved \$1000.00 wired from Russia to the United States. The victim gave ARIAS \$998.00 of the cash he received. The victim used \$2.00 to buy drinks.

11. Afterwards, ARIAS drove the victim to Miami Beach, and, at approximately 8:30 a.m. on Thursday, March 11, 2010, dropped the victim off at 14<sup>th</sup> and Collins. ARIAS told the victim that they were going to meet that day at approximately 1:00 p.m. at that same intersection for the purpose forcing the victim to locate others that ANASTASI and ARIAS thought were involved. The victim overslept and missed the meeting.
12. Later that day, the victim was at a bus stop with Witness 1 to get a ride to work at which time he saw ANASTASI and ARIAS drive by in the same black suburban vehicle.
13. Later that day, Witness 2, a friend of the victim, called the victim's phone and was told that the phone was found and they wanted to return it to the owner. The person on the phone asked Witness 2 where he could find the victim. Witness 2 offered to meet and return the phone to the victim. The person on the phone refused and asked Witness 2 for the victim's work address. Witness 2 provided the information.
14. On or about Thursday, March 11, 2010, between 7:30 p.m. and 8:30 p.m., ANASTASI and ARIAS arrived to the victim's workplace. They confronted the victim about missing the meeting, and telling him that this was not a game and

they were watching him. They attempted to calm the victim in an apparent attempt to prevent him from reporting anything to the authorities.

15. The victim had no contact with ANASTASI or ARIAS prior to Monday, March 15, 2010. At that time, ANASTASI and another man, possibly ARIAS, arrived at the victim's residence impersonating police officers, displaying badges and firearms. The victim was not home at the time. Witness 3, who is the victim's roommate, let the subjects into the residence. Once inside the residence, the subjects took the victim's identification and travel documents. When Witness 3 asked for badge numbers, ANASTASI lifted his shirt to reveal his firearm and asked if Witness 3 had any other questions.
16. Approximately 10 to 20 minutes later, the victim returned home and Witness 3 advised him of what had occurred. The victim sent Witness 3 to see if the building surveillance recordings captured the intruders. ANASTASI and ARIAS confronted Witness 3 and ordered him to stay where he was. ANASTASI and ARIAS returned to the victim's apartment and began to hit the victim. They accused him of not telling them the truth. ARIAS twice choked the victim into unconsciousness. ARIAS ordered the victim to pack electronics in a cream colored luggage bag and a camera bag.
17. ANASTASI and ARIAS ordered the victim to carry these items into the black suburban vehicle, which he did. They also ordered him into the vehicle. Once in the vehicle, ARIAS put on gloves and started to hit the victim. ARIAS produced pliers and brought it to the victim's mouth and said that for every tooth he extracted he would reduce the amount of money owed by \$50.00. The victim

advised that he could obtain \$6,000. Furthermore, ARIAS used a taser device to shock the victim.

18. ANASTASI and ARIAS drove the victim to a restaurant to discuss the details of how they were going to obtain the money. ANASTASI and ARIAS returned the victim's cellular telephone to him and advised him that they would call him.
19. ANASTASI and ARIAS returned the victim to his home. The victim had Witness I call law enforcement.
20. On Tuesday, March 16, 2010, ANASTASI called the victim's cellular phone. Law enforcement recorded the call. In the call, ANASTASI told the victim that he wanted money and a meeting place.
21. On March 18, 2010, at approximately 1:10 p.m., ARIAS called the victim's cellular phone. Law enforcement recorded that conversation. In that call, ARIAS questioned the victim about his whereabouts, which the victim would not reveal. The victim, under direction of law enforcement, told ARIAS that he had come up with a portion of the money, but needed more time. ARIAS agreed to call back in 2 hours.
22. During this call, surveillance units were following ANASTASI, who was driving a red Hummer. ANASTASI drove to a bar where ARIAS entered the vehicle. After the call ended, surveillance units observed the red Hummer leave the bar. Only ANASTASI was in the vehicle.
23. Surveillance teams maintained a visual on ANASTASI as he drove to a local establishment where ARIAS entered the vehicle. At or about this time, the victim received a call that law enforcement recorded wherein the victim was questioned

about his whereabouts and a meeting place. Under the guidance of law enforcement, the victim advised that he needed an additional 2 hours to obtain money. An agreement was reached for ANASTASI and ARIAS to call the victim in two hours to arrange a meeting place.

24. After the phone call, surveillance units observed ANASTASI drive away from the establishment. They maintained surveillance.
25. Approximately 2 hours later, the victim received a telephone call and arrangements were for a meeting place and time. Law enforcement arrived and effectuated an arrest of ANASTASI and ARIAS. ANASTASI was armed with a handgun at the time of his arrest. Clearly visible inside the black suburban vehicle, law enforcement agents observed the victim's lap top computer, a shotgun, a rifle, a hand gun, portable radios, a roll of duct tape, "flex" handcuffs, binoculars, multiple luggage bags, police identification cards relating to ANASTASI, records and documents related to the victim.
26. At approximately 3:00 p.m., ARIAS called the victim's cellular telephone and the two agreed to meet at 14<sup>th</sup> Street and Collins Avenue in Miami Beach at approximately 4:00 p.m. Surveillance teams were at the designated place and time and detained the black suburban vehicle. ANASTASI and ARIAS were in the vehicle and law enforcement arrested them. ANASTASI had a handgun on his person at the time of his arrest.
27. The doors to the vehicle remained open during the arrest and law enforcement were able to observe portable radios, duct tape, binoculars, multiple duffle bags,

“flex” handcuffs, a lap top computer, a shotgun, a semi-automatic rifle and a handgun.

28. Investigation has revealed that ANASTASI is a former Miami Beach police officer. Since the time of his resignation, he has been observed in a black, Chevrolet Suburban vehicle. In addition, the victim identified ANASTASI from a photographic array as well as identifying his voice in the recorded call mentioned above. Likewise, Witness 3 identified ANASTASI as one of the “policemen” who entered the apartment. Finally, the victim identified ANASTASI and ARIAS from a photograph taken by surveillance units on March 18, 2010.
29. The victim tentatively identified ARIAS in a photographic array containing an older image of ARIAS. The victim instantly positively identified ARIAS in a new photographic array using a photograph of ARIAS taken March 18, 2010. The victim further identified ARIAS’ voice as the caller in the telephone conversations listed above.
30. Investigation led to the identification of the residence mentioned in paragraphs 6-9 above. A vehicle registered to ARIAS’ father was parked outside.
31. Law enforcement obtained search warrants for ANASTASI’s residence, his red Hummer parked thereat, for the black suburban vehicle, the residence mentioned in paragraphs 6-9 and for cellular telephones.
32. In a post-Miranda statement, ANASTASI stated that he was the victim of identity theft and that he used his skills as a former police officer to identify who committed this crime against him. He identified the victim, made arrangements with ARIAS to confront the victim for purposes of intimidating him into

providing information related to identity theft and/ or fraudulent use of a credit card. He denied trying to obtain money from the victim. He also denied knowing any of the actions taken by ARIAS out of his presence. He did admit to posing as a police officer to gain entry into the victim's apartment and to telling the victim to pack up electronics, which he then took. He admitted that he acted with ARIAS for the purpose of causing the victim fear. The essential facts of his statement were reduced to writing, which document he signed and dated.

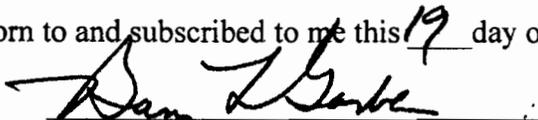
33. In a post-Miranda statement, ARIAS stated that ANASTASI was the victim of identity theft and/ or fraudulent use of a credit card. He admitted working with ANASTASI for the purpose of intimidating the victim and making ANASTASI whole. He admitted to some physical violence, but denied any use of a firearm by himself. He admitted using a taser device to intimidate the victim. He denied using fear and intimidation to compel the victim to obtain money; however, he did admit to driving the victim to an all night Western Union over 50 miles from the victim's residence to withdraw \$1,000 at 5:47 a.m. after the victim called his mother in Russia.

FURTHERMORE AFFIANT SAYETH NOT



James Lewis  
Special Agent, F.B.I.

Sworn to and subscribed to me this 19 day of March, 2010.

  
Barry L. Garber, U.S. Magistrate