

United States District Court

SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

MICHAEL ANTWON BENNETT

CASE NUMBER: 12-2591-Dubé

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief.

On or about April 17, 2012, in Miami-Dade County, in the Southern District of Florida, Michael Antwon BENNETT, for the purpose of executing and in furtherance of a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, and attempting to do so, did knowingly transmit and cause to be transmitted in interstate commerce by means of wire communication certain writings, signs, signals, pictures, and sounds, that is, an e-mail falsely indicating that he had a bank account with nine million dollars, in violation of Title 18, United States Code, Section 1343.

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

✓ Michael R Meyer
MICHAEL R. MEYER, SPECIAL AGENT
FEDERAL BUREAU OF INVESTIGATION

Sworn to before me, and subscribed in my presence,

May 1, 2012

at

Miami, Florida
City and State

ROBERT L. DUBÉ
UNITED STATES MAGISTRATE JUDGE
Name and Title of Judicial Officer

[Signature]
Signature of Judicial Officer

## **AFFIDAVIT**

I, Michael R. Meyer, being duly sworn, hereby depose and state as follows:

1. I am a special agent with the FBI, Miami Field Division, currently assigned to the public corruption unit. I have been so employed for approximately six years. As a Special Agent, I am responsible for investigations of white collar crime, among other crimes.

2. This affidavit is submitted in support of a criminal complaint charging Michael BENNETT with a violation of Title 18, United States Code, Section 1343 (wire fraud).

3. This affidavit is based on knowledge obtained from my own personal participation in the investigation and from information received from others. This affidavit sets forth only those facts that I believe are necessary to establish probable cause. As such, I have not included each and every fact known about this investigation.

### **Investigation**

4. On March 20, 2012, a confidential source ("CS") advised FBI agents that BENNETT wanted to obtain a large loan using an altered bank statement that fraudulently indicated he had millions of dollars in collateral for the loan.

5. The CS provided FBI agents with a Morgan Stanley Smith Barney ("MSSB") account statement in the name of BENNETT purportedly indicating a balance exceeding seventeen million dollars. FBI agents are aware that BENNETT had, on a prior occasion, fraudulently used an altered MSSB statement to obtain a loan. In 2011, BENNETT obtained a \$250,000 loan from a company using an altered MSSB statement purportedly indicating that BENNETT had more than \$5,000,000 in the account. In truth and in fact, BENNETT had approximately \$4,088 in his MSSB account at the time.

6. The CS also provided FBI agents with a MetLife policy statement in BENNETT's name showing an insurance policy with a death benefit exceeding eight million dollars. FBI agents contacted MetLife representatives. MetLife conducted a records check and reported that BENNETT did not have any account with MetLife.

7. The FBI currently operates a financial services store in North Miami, Florida (the "store") as a front as part of an operation targeting identity theft tax fraud schemes. The store is equipped with both audio and video surveillance.

8. On or about April 12, 2012, W.J. spoke with an undercover FBI agent at the store ("UC1") about his friend (BENNETT) obtaining a loan from the store. W.J. and BENNETT are former National Football League players who both played for the Oakland Raiders in 2010.

9. On or about April 17, 2012, at around 5:15 p.m., BENNETT sent an e-mail from his America Online (AOL) e-mail account to W.J.'s Hotmail e-mail account. The e-mail contained a screenshot of a UBS account in BENNETT's name purportedly showing a balance of approximately nine million dollars. W.J. forwarded that e-mail to an account at Yahoo controlled by FBI agents. The e-mail from W.J. stated: "HERE IS THE CONTACT NUMBER FOR MIKE[']s] ADVISOR." It then listed a name and number for BENNETT's financial advisor ("M.B.").

10. On or about April 18, 2012, BENNETT and W.J. entered the store. UC1 explained that UC1 had received the e-mail (described above), but that UC1 had difficulty reading the e-mail. BENNETT confirmed that this e-mail came from BENNETT's e-mail address. UC1 asked whether the account had "nine thousand [dollars]." BENNETT said "no, no, no." BENNETT showed UC1 a UBS financial statement that showed a balance of approximately nine million dollars in BENNETT's UBS account. BENNETT said UC1 could

speak with BENNETT's financial advisor to confirm the veracity of this statement. BENNETT said he could provide a final copy of his account statement at the end of the month.

11. During the meeting, UC1 asked what BENNETT wanted. BENNETT said he wanted a loan of \$200,000. BENNETT said he was "going through a messy divorce" and BENNETT did not want to make any movement of money from his UBS account. UC1 provided a written loan agreement containing the terms of the loan agreement. The agreement provided that the store would lend \$200,000 and BENNETT would repay \$280,000 at the end of 120 days. BENNETT signed the agreement. W.J. signed as a witness.

12. Later that day, FBI agents contacted UBS to inquire whether BENNETT held an account at UBS. UBS confirmed that BENNETT had recently opened an account on March 22, 2012. UBS informed FBI agents that the account held a zero balance and that there had never been any money in the account.

13. On or about April 20, 2012, UC1 engaged in a recorded call with M.B. (BENNETT's financial advisor). UC1 asked for confirmation as to the balance in BENNETT's account. M.B. stated: "as of March 30, cause that's the last statement obviously, ahh we're just under 9 million in the business account."

14. On or about April 22, 2012, UC1 engaged in a recorded call with BENNETT. BENNETT stated he contacted his financial advisor and that his advisor would send BENNETT's financial statement via e-mail.

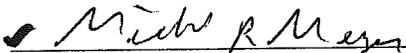
15. On or about April 24, 2012, UC1 received an e-mail from BENNETT that contained a UBS statement for the month of March 2012. The statement showed a variety of assets worth several million dollars. The statement indicated on the top of each page that it was BENNETT's account at UBS. At the bottom of each page, however, the financial statement

indicated a different account number at UBS. FBI agents contacted UBS representatives who informed the agents that the account statement actually belonged to a UBS client named J.M.

16. On or about April 30, 2012, BENNETT went to the store to pick up the money for the loan. BENNETT picked up a \$150,000 cashier's check. BENNETT was then arrested. After receiving and waiving his Miranda rights, BENNETT admitted to agents that he had altered a UBS account statement to indicate falsely that he had millions of dollars in the account.

17. Based on the foregoing facts and circumstances, and Your Affiant's training, knowledge and expertise, there is probable cause to believe that BENNETT, for the purpose of executing and in furtherance of a scheme and artifice to defraud and to obtain money and property by means of false and fraudulent pretenses, representations and promises, and attempting to do so, did knowingly transmit and cause to be transmitted in interstate commerce by means of wire communication certain writings, signs, signals, pictures, and sounds for the purpose of executing such scheme or artifice, that is, an e-mail that falsely indicated that he had a bank account with nine million dollars, in violation of Title 18, United States Code, Section 1343, on April 17, 2012.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

  
Michael R. Meyer, Special Agent  
Federal Bureau of Investigation

Sworn to before me this  
1<sup>st</sup> day of May 2012



ROBERT L. DUBE  
UNITED STATES MAGISTRATE JUDGE