

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

United States of America
v.
FRANKIE JERMAINE ANDERSON,

Case No. 13-2203-Goodman

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 February 2012 - November 2012 in the county of Miami-Dade in the Southern District of Florida, the defendant(s) violated:

Table with 2 columns: Code Section and Offense Description. Rows include 18 U.S.C. § 371 (Conspiracy to Defraud the United States), 18 U.S.C. § 641 (Theft of Government Money or Property), and 18 U.S.C. § 1028A(a)(1) (Aggravated Identity Theft).

This criminal complaint is based on these facts: See attached affidavit.

Certified to be true and correct copy of the document signed by Steven M. Larimore, Clerk, U.S. District Court, Southern District of Florida. By DAS, Date 2/12/13

Continued on the attached sheet.

Handwritten signature of David Brant

Complainant's signature

David Brant, IRS-CI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 02/12/2013

Handwritten signature of Jonathan Goodman

Judge's signature

City and state: Miami, Florida

U.S. Magistrate Judge Jonathan Goodman

Printed name and title

SEALED AFFIDAVIT

I, David Brant, being duly sworn, state the following is true and correct to the best of my knowledge:

Introduction

1. I am a Special Agent with the United States Department of Treasury, Internal Revenue Service, Criminal Investigation ("IRS-CI"), and have served in this capacity since 2009. I am responsible for conducting criminal investigations of the criminal statutes contained in Titles 18, 26, and 31 of the United States Code.

2. Based on my training and experience, and information provided by other law enforcement officers, identity theft tax fraud schemes are prevalent in the Miami area. The basic scheme works as follows: (a) an identity thief obtains personal identification information (names, dates of birth, and Social Security numbers) of victims through a compromised source (e.g., an employee at a medical facility); (b) this personal identification information is used to file fraudulent U.S. income tax returns with the Internal Revenue Service for the purpose of obtaining a fraudulent tax refund; (c) the tax refunds are paid out by the Department of Treasury either in the form of U.S. Treasury checks or onto a pre-paid debit card; and (d) the identity thief then depletes the funds by cashing the checks or withdrawing money from the pre-paid debit cards.

3. The facts in this affidavit are based on my personal knowledge, information provided by other law enforcement officers, and information provided by witnesses, documents, and the sources described herein. This affidavit is submitted for the limited purpose of establishing probable cause that Frankie Jermaine Anderson committed the offenses set forth in

the attached complaint. This affidavit does not include each and every fact known to law enforcement concerning this investigation.

Investigation

4. From in our around June 2011, through in or around June 2012, J.C. operated a check cashing store called J&S Taxes in Perrine, Florida. J.C. owned and operated a bank account at Bank of America for the check cashing business. According to the bank records, prior to 2012, the monthly volume of checks cashed at J&S Taxes varied from approximately five thousand dollars to fifteen thousand dollars.

5. Beginning in or around February 2012, and continuing through in or around June 2012, J&S Taxes cashed thousands of checks worth over twelve million dollars. The checks cashed consisted almost exclusively of United States Department of Treasury tax refund checks. These checks, based on victim statements, were obtained either through identity theft tax refund fraud or were stolen through the mail. J.C. admitted that these checks were obtained by fraud. According to separate statements made by the defendant, ^{Frankie Anderson, OP} and J.C., the defendant provided the vast majority of these checks to J.C. for cashing. The defendant received approximately 20% of the face value of the checks and J.C. typically received around 30% of the face value of the checks.

6. The J&S bank records show that the money was withdrawn as follows:

- Approximately \$9.8 million was withdrawn in cash.
- Approximately \$900,000 was withdrawn in cash and used to purchase four houses from the Lennar Corporation: one for J.C., one for J.C.'s mother, one for the defendant, and one for the defendant's mother (each worth approximately \$250,000).

- Approximately \$700,000 was wired for various investments, including investment properties by J.C.
- Approximately \$330,000 was transferred to a Merrill Lynch retirement account controlled by J.C.

7. Public records show that the defendant and his wife purchased a number of high-end cars during the time that the defendant was cashing checks with J.C. Specifically, the defendant (either in his own name or his wife's name) purchased the following vehicles:

- *March 2012*: a 2012 BMW 530i for approximately \$55,000 (this car was subsequently traded in for another vehicle).
- *April 10, 2012*: a 2008 Porsche Cayenne (this car was traded in for the Porsche Panamera described below).
- *April 23, 2012*: a 2012 Porsche Panamera for approximately \$104,000 (this car was traded in for the Bentley GT Coupe described below).
- *April 25, 2012*: a Porsche Cayenne for approximately \$132,000.
- *May 16, 2012*: a 2012 Cadillac CTS for approximately \$56,000 (this car was traded in for the Jaguar XF described below)
- *May 29, 2012*: a 2012 Jaguar XF for approximately \$62,000 (this car was traded in for the Jaguar XJ described below).
- *June 27, 2012*: a 2013 BMW X6 for approximately \$67,000.
- *August 3, 2012*: a 2012 Jaguar XJ for approximately \$72,000 (this car was traded in for the Bentley GT Coupe described below).
- *September 14, 2012*: a 2013 Bentley GT Coupe.

8. According to State of Florida employment records, Anderson has been unemployed since 2003 and his wife reported employment at the Dade County Clerk of Courts earning approximately \$30,000 per year over the last three years.

9. In early November 2012, a confidential source (“CS”) contacted the defendant about cashing fraudulently obtained tax refund checks. Upon learning of this, the defendant contacted the CS on multiple occasions in early November to find out when the defendant could start bringing the fraudulent tax refund checks for cashing.

10. On November 8, 2012, in a consensually monitored and recorded call, the CS informed the defendant that the CS could cash fraudulent tax refund checks. Defendant advised on the phone that he would get the checks together. The CS advised that the defendant needed to sign and fingerprint the checks and that the CS wanted 30% of the face value. The defendant said that was fine and that he would start collecting the checks.

11. On November 19, 2012, the defendant met the CS in Miami, Florida. The CS was searched prior to the meeting and had no contraband on his possession. This meeting was consensually audio recorded by the CS. The defendant and the CS discussed the split of the proceeds. The CS advised that he might need help with identification documents to support the checks. The defendant stated he had a “lady who can do that.” The defendant stated that he could not get the Social Security numbers for the checks. In total, the defendant provided approximately 15 United States Treasury tax refund checks totaling approximately \$36,898.80. Many of these checks had the same refund amount and same addresses. The CS paid the defendant \$15,000 in non-recoverable funds for these checks as an initial payment.

12. On November 28, 2012, the defendant met the CS and an undercover agent (“UC”) in Miami, Florida. The CS was searched prior to the meeting and had no contraband on his possession. This meeting was consensually audio recorded by the CS. The defendant came to the meeting and was arrested with 35 United States Treasury tax refund checks totaling

approximately \$119,165.60 in his control. One of the checks (dated October 2012) was in the name of "T.C." (who died in 2011) and had a signature of the decedent.

13. On November 28, 2012, after receiving and waiving his Miranda rights in writing, the defendant signed a written confession in which he admitted the following: (1) that he obtained "United States Treasury tax refund checks from various people on the streets"; (2) that he took the checks to J.C. for cashing; (3) that he provided 50% of the value of the check to the people who provided him the check; (4) that he split the remaining cut with J.C. (the defendant would get 20% and J.C. would get 30%); and (5) that he brought approximately \$6 million to \$7 million in checks to J.C. The defendant also provided a list of names and contacts that provided him with fraudulent tax refund checks.

14. Based on the foregoing facts, I submit that there is probable cause to believe that:
- a. ANDERSON did knowingly and intentionally combine, conspire, confederate, and agree with other persons, both known and unknown, to commit an offense against the United States, that is, to knowingly receive, conceal, and retain, with the intent to convert to his own use and gain, a thing of value of the United States and of a department and agency thereof, the aggregate amount of which exceeded \$1,000.00, that is, United States Department of Treasury tax refund checks, knowing the checks to have been embezzled, stolen, purloined, and converted, in violation of Title 18, United States Code, Section 371, between February 2012 and June 2012.
 - b. ANDERSON did knowingly steal, embezzle, purloin, and convert to his own use, money of the United States, and a department and agency thereof, the aggregate amount of which exceeded \$1,000, that is, United States Department Treasury tax refund checks, in violation of Title 18, United States Code, Section 641, on November 28, 2012.
 - c. ANDERSON did knowingly possess, use, and transfer without lawful authority the means of identification, that is, the name of "T.C.," during and in relation to an eligible felony, in violation of Title 18, United States Code, Section 1028A(a)(1), on November 28, 2012.

FURTHER YOUR AFFIANT SAYETH NAUGHT.



DAVID BRANT
IRS-CI SPECIAL AGENT

Subscribed and Sworn to before me in Miami, Florida, this
12 day of February 2013.

JONATHAN GOODMAN
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF FLORIDA

Certified to be true and correct copy of the document on file Steven M. Larimore, Clerk, U. S. District Court Southern District of Florida	
By <u>LAS</u>	Deputy Clerk
Date <u>2/12/13</u>	