

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

United States of America

v.

Vital Frederick

Case No. 13-2315-Dubé

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 8/4/2012 through 10/15/2012 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 USC 1951(a), 18 USC 1029(a)(3), and 18 USC 1028A(a)(1) with corresponding descriptions of offenses.

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet.

Donald P. Morin, II (Signature)

Donald P. Morin, II, Special Agent / FBI (Printed name and title)

Sworn to before me and signed in my presence.

Date: 6 Mar 13

Robert L. Dube (Signature)

City and state: Miami, Florida

Robert L. Dube, U.S. Magistrate Judge (Printed name and title)

AFFIDAVIT

I, Donald P. Morin, II, being duly sworn, depose, and state as follows:

1. I am a Special Agent ("SA") of the Federal Bureau of Investigation (FBI) and have been so employed since 1999. I am currently assigned to the Miami Division of the FBI where my investigative responsibilities include public corruption and civil rights matters. In my work with the FBI, I have conducted numerous investigations concerning violations of federal laws by public officials.

2. The information contained in this affidavit is based on my personal knowledge from my work on this investigation, information provided to me by other law enforcement officers involved in this matter, and Confidential Human Sources ("CHS1," "CHS2," and CHS3, collectively "CWs").

3. As described below, the actions taken by the CWs were at the direction of the FBI. Because this affidavit is being submitted for the limited purpose of setting forth probable cause for the issuance of a criminal complaint, this affidavit does not contain all the information learned during this investigation.

The Defendant

4. Defendant Vital Frederick ("Frederick") has been employed as a City of Miami Police Department (MPD) officer since 2008. At all times relevant to this investigation, Frederick has been assigned to uniformed road patrol in the North District Sub Station.

Introduction

5. Task Force Officers of the MPD's Internal Affairs Division (IAD) and Special Agents of the FBI initiated a public corruption investigation involving officers assigned to the North District Sub Station.

6. On or about August 4, 2012, at the direction of the FBI, CHS1 met with Frederick. During the recorded meeting, CHS1 asked Frederick if he would be interested in protecting couriers at a check cashing store, who were purportedly involved in cashing fraudulent checks, in exchange for cash. CHS1 explained that the manager of a check cashing store needed protection for a courier who allegedly was transporting and delivering illicit checks

to his business and cashing those fraudulent checks. Frederick agreed to provide protection to the courier.

Protection of Purported Illegal Activity

7. During the period of August 6, 2012, and August 7, 2012, CHS1 and Frederick discussed Frederick providing the protection for the illicit activity for cash at approximately 11:30 a.m., for August 7, 2012, August 8, 2012, and August 9, 2012. On or about August 7, 2012, August 8, 2012, and August 9, 2012, law enforcement officers on surveillance observed Frederick provide protection at the check cashing store of the purported courier of fraudulent checks. Prior to each protection, CHS1 contacted Frederick in connection with the detail.

8. On or about August 4, 2012, CHS1 placed a consensually recorded call to Frederick. During this call, CHS1 and Frederick arranged to meet. Later, CHS1 and Frederick met. During this recorded meeting, CHS1 advised Frederick that he/she was running an off-duty detail, but it wasn't on the books, indicating that the detail was not authorized by the MPD. CHS1 told Frederick if he was interested, he would "break bread with [him]."¹ Frederick indicated he was interested. During the course of this meeting, after Frederick confided in CHS1 of other illicit activities, CHS1 advised Frederick that the checks involved in the check cashing detail "ain't clean," and that the check cashing store's manager takes "his cut." CHS1 asked Frederick if he was available next week. Frederick advised CHS1 of his availability for the following week. Further, CHS1 and Frederick discussed the location of the check cashing business, and that the courier, who was purportedly cashing fraudulent checks, would not go to the check cashing store unless he knew there was police protection. CHS1 also described the vehicle the courier drove. CHS1 advised Frederick that the courier would have forty or fifty thousand dollars in "stolen or fraudulent checks" "that needs to be bust down." Knowing this, Frederick agreed to participate.

¹ In this affidavit, I have not included each and every word that was spoken during the recorded calls and meetings. In addition, quoted sections of the recordings are based on the FBI's preliminary analysis of the recordings and are not final transcripts.

9. On or about August 6, 2012, at approximately 1:30 p.m., CHS1 placed a recorded call to Frederick. During this conversation, Frederick again agreed to the protection/escort detail and confirmed the protection for 11:30 a.m. the following day and confirmed that he would be ready when the CHS1 needed him.

10. On or about August 7, 2012, at approximately 10:20 a.m., CHS1 placed a recorded call to Frederick. During the call, Frederick confirmed the detail for 11:30 a.m. that day. Later, on August 7, 2012, at the prearranged time, law enforcement officers on surveillance at the check cashing location observed Frederick, in full uniform and driving his assigned marked MPD vehicle (cruiser unit number 211242), arrive and park his marked police cruiser in the gas station adjacent to the check cashing store. Frederick's arrival preceded the arrival of a purported courier (CHS2) allegedly transporting and delivering the illegal checks. CHS1 and Frederick had previously exchanged text messages, wherein Frederick acknowledged the description of the courier's vehicle. Frederick remained at the check cashing store while CHS2 drove onto the premises, in the car previously described to Frederick, and entered into the store. After a short time, CHS2 exited the store and departed the area. Subsequent to CHS2's departure, Frederick provided further protection by escorting the courier onto Interstate 95 northbound for several miles before terminating the escort.

11. On or about August 8, 2012, and August 9, 2012, at approximately 10:00 a.m. on both days, Frederick again provided the security at the check cashing store as described above. On both days, after the courier arrived, entered, and departed the store, Frederick followed the courier onto Interstate 95 for several miles before terminating the escort.

12. On August 8, 2012, at approximately 1:00 p.m., CHS1 placed a recorded call to Frederick to arrange to meet for payment, in that, CHS1 stated "I got that cash for you... four (4) fresh ones for you." Frederick and CHS1 made arrangements to communicate later. At approximately 1:35 p.m., CHS1 received an incoming call from Frederick. During this conversation, CHS1 and Frederick made arrangements to meet the following day, August 9, 2012, at approximately 10:00 a.m. This call was recorded.

13. On or about August 9, 2012, at approximately 11:00 a.m., CHS1 placed a recorded call to Frederick. During this call, CHS1 and Frederick made arrangements to meet. Later, on August 9, 2012, the FBI provided CHS1 with \$600, which represented three payments of \$200 each, in exchange for Frederick's protection of the courier, as the courier purportedly cashed fraudulent checks at the check cashing store. As arranged, CHS1 met Frederick at a Winn Dixie supermarket in Miami. During the meeting, which was recorded, Frederick took receipt of the \$600.00, and stated, "that shit feels crispy." During the meeting, CHS1 inquired about the protection coverage of the courier after leaving the check cashing store against any potential robbery. Frederick described how he protected and escorted the courier as he traveled towards the Golden Glades, in that, he stated, "I was on it ... I was making sure ... I let him drive off ... and I'll have two or three cars that's in front of me ... and I'm just looking around, just to see who just looks funny."

14. On or about August 29, 2012, CHS1 placed a recorded call to Frederick. During this call, CHS1 advised Frederick that the "packages have been coming through ... and [that he's] waiting to see what's going to happen ... next week." In response, Frederick told CHS1 to let [him] know. CW advised Frederick that the packages were coming from out-of-state but were here now. Frederick acknowledged. CHS1 said he would let him know, but that it was "no pressure." Frederick acknowledged.

15. On or about September 6, 2012, CHS1 placed a recorded call to Frederick. During this call, CHS1 asked Frederick if he was available to do the check cashing store detail the following day, September 7, 2012. Frederick indicated that he was available and agreed to do the protection detail at the check cashing store at 10:00 a.m. CHS1 told Frederick, "make sure buddy (a reference to the courier) get in, get out without getting '29' [robbed]" CHS1 and Frederick also discussed the protection payment. Frederick agreed.

16. On or about September 7, 2012, Frederick provided protection for the courier at the check cashing store, as he had done on August 7, 8, and 9, 2012. Law enforcement on surveillance at the check cashing store observed Frederick arrive. Frederick was in

uniform and drove his assigned marked MPD vehicle (unit number 211242). After Frederick's arrival, CHS2, the courier, who purportedly transported fraudulent checks for cashing, arrived and entered the check cashing store. Frederick remained at the check cashing store while the courier was in the store purportedly engaged in fraudulent transactions. Subsequent to the courier's departure, Frederick exited the premises and continued to provide protection by escorting the courier onto Interstate 95 northbound for several miles before terminating the escort of the courier.

17. On or about September 11, 2012, upon the direction of the FBI, CHS1 met Frederick at a Winn Dixie supermarket located in Miami-Dade county. Prior to the anticipated meeting, the FBI provided CHS1 with \$200 in U.S. currency, representing payment in exchange for Frederick's protection at the check cashing store. During the meeting, Frederick took receipt of the \$200. The meeting between CW 1 and Frederick was recorded.

Distribution of Personal Identifiers (Social Security Numbers (SSNs)) by Frederick

18. During the course of the investigation, a third confidential human source ("CHS3") advised the FBI that Frederick may be involved in a fraudulent scheme requiring the use and distribution of personal identifying information.

19. On or about October 6, 2012, at the FBI's direction, CHS3 met with Frederick. During this meeting, which occurred in Miami-Dade County, CHS3 asked Frederick if he would be interested in providing personal identifying information, that is, names, dates of birth and Social Security account numbers ("SSN"), in exchange for payment. Frederick was advised by CHS3 that the personal identifying information would be used in a tax return fraud scheme. Frederick agreed to obtain the personal identifying information in return for a cash payment. This meeting was recorded.

20. During the period of October 8, 2012, through October 9, 2012, during recorded telephone conversations, Frederick and CHS3 discussed how Frederick was working on getting additional personal identifying information.

21. On or about October 10, 2012, CHS3 placed a recorded call to Frederick. During

this call, arrangements were made to meet. Later, on or about October 10, 2012, while under surveillance, CHS3 met Frederick at an apartment building located in Miami-Dade county. In anticipation of the meeting, the FBI provided CHS3 with \$200 in U.S. currency, representing payment in exchange for the list containing personal identifying information. During the meeting, Frederick took receipt of \$200 and provided CHS3 with a handwritten list containing fourteen (14) individual names with corresponding dates of birth and SSNs. During this meeting, CHS3 and Frederick discussed a tax return fraud scheme. In response to CHS3 describing how much money he/she had received on the tax return fraud scheme, Frederick indicated he was "hitting nines," in reference to the amount of money (\$9,000). This meeting was recorded. Subsequent to the meeting, CHS3 met with the FBI and provided the FBI with the above-described list of personal identifying information. Review of records relating to police database access revealed that Frederick accessed a sensitive law enforcement database to obtain the personal identifying information that he provided to CHS3. The meeting between CHS3 and Frederick was audio recorded.

22. During the period of October 12, 2012, through to October 15, 2012, during recorded telephone calls, Frederick and CHS3 discussed the number of personal identifying information Frederick had obtained and arrangements were made to meet to deliver the personal identifying information to CHS3 and to receive payment. During one of the conversations, Frederick told CHS3 that he "got a little extra," explaining that he had additional personal identifying information than what CHS3 anticipated. When CHS3 asked, how much extra, Frederick responded, ""Well it don't matter, I don't care, I don't need no shit for that shit, bro," explaining that he didn't need any additional money for the extra personal identifying information that he intended to provide CHS3.

23. On or about October 15, 2012, after arranging to meet, Frederick and CHS3 met at the apartment building, where they had previously met on October 10, 2012. Law enforcement officers conducted surveillance of this meeting. In anticipation of this meeting, the FBI provided CHS3 with \$400 in U.S. currency, which represented payment for the

personal identifying information. During this meeting, Frederick provided CHS3 with a handwritten list containing thirty-eight (38) names, along with corresponding dates of birth and SSNs. This meeting was recorded. Subsequent to the meeting, CHS3 met with the FBI and provided the FBI with the above-described list of personal identifying information. Review of records relating to police database access revealed that Frederick accessed a sensitive law enforcement database to obtain the personal identifying information that he provided to CHS3.

24. On or about January 7, 2013, the FBI interviewed Frederick. During the interview, Frederick admitted that he provided protection at the check cashing store and escorted the courier purportedly transporting illegitimate checks in exchange for cash payments. Frederick also admitted that he provided CHS3 with two lists, each of which contained personal identifying information, that is, names, the dates of birth, and SSNs. Frederick acknowledged that the provided information was to be used to commit tax return fraud. When shown copies of the handwritten lists he provided to CHS3, Frederick identified the writing on the lists as his handwriting.

25. During this investigation, Frederick took receipt of approximately \$1,400 in U.S. currency for which he performed illicit activities relating to the protection of couriers purportedly conducting fraudulent transactions at a check cashing store and accessing and providing personal identifying information which he obtained from a sensitive law enforcement database.

CONCLUSION

26. Based on the foregoing, your affiant respectfully submits that there is probable cause to believe that defendant Vital Frederick knowingly and unlawfully attempted to obstruct, delay, and affect commerce by extortion under color of official right, in violation of Title 18, United States Code, Section 1951(a); did knowingly, and with intent to defraud, possess fifteen (15) or more unauthorized access devices, that is, Social Security account numbers of other persons, said conduct affecting interstate and foreign commerce, in violation of Title 18, United States Code, Section 1029(a)(3); and during and in relation to

a felony violation of Title 18, United States Code, Section 1029(a)(3), that is, knowingly, and with intent to defraud, possessing fifteen (15) or more unauthorized access devices, that is, Social Security numbers of other persons, said conduct affecting interstate and foreign commerce, did knowingly transfer, possess, and use, without lawful authority, the means of identification of another person, in violation of Title 18, United States Code, Section 1028A(a)(1).

FURTHER AFFIANT SAYETH NAUGHT


Donald P. Morin, II
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me
this 6 day of March, 2013.


ROBERT L. DUBE
UNITED STATES MAGISTRATE JUDGE