

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA : Hon. Cathy L. Waldor
:
v. : Mag. No. 20-9376
:
WAGNER CHECONOLASCO, : **CRIMINAL COMPLAINT**
a/k/a "Wanny" :
: Filed Under Seal

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

SEE ATTACHMENT A

I further state that I am a Special Agent with the Federal Bureau of Investigation ("FBI"), and that this Complaint is based on the following facts:

SEE ATTACHMENT B

continued on the attached pages and made a part hereof.

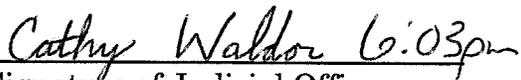


William Lloyd, Special Agent
Federal Bureau of Investigation

Special Agent William Lloyd attested to this Affidavit by telephone pursuant to F.R.C.P. 4.1(b)(2)(A).

October 6, 2020, at
District of New Jersey

HONORABLE CATHY L. WALDOR
UNITED STATES MAGISTRATE JUDGE



Signature of Judicial Officer

ATTACHMENT A
(Conspiracy to Steal Government Property)

From at least as early as in or about January 2018 through on or about November 20, 2019, in Essex County, in the District of New Jersey, and elsewhere, the defendant

WAGNER CHECONOLASCO,
a/k/a, "Wanny,"

knowingly and intentionally conspired and agreed with Co-conspirator 1 and others to embezzle, steal, purloin, and knowingly convert to their use and the use of others, and without authority, sold, conveyed, and disposed of things of value and property of the United States, namely, prescription medication belonging to the United States Department of Veterans of Affairs, of a value exceeding \$1,000, contrary to Title 18, United States Code, Section 641.

In violation of Title 18, United States Code, Section 371.

ATTACHMENT B

I, William Lloyd, a Special Agent with the Federal Bureau of Investigation ("FBI"), having conducted an investigation and having discussed this matter with other law enforcement officers who have participated in this investigation, have knowledge of the following facts. Because this Complaint is being submitted for the limited purpose of establishing probable cause, I have not included each and every fact known to me concerning this investigation. Rather, I have set forth only the facts that I believe are necessary to establish probable cause. Unless specifically indicated, all dates described in this affidavit are approximate and all conversations and statements described in this affidavit are related in substance and in part.

Relevant Individuals and Background Information

1. At all times relevant to this Criminal Complaint:
 - a. Defendant WAGNER CHECONOLASCO, a/k/a "Wanny," was a resident of Bergen County, New Jersey.
 - b. The U.S. Department of Veterans Affairs ("VA") was a department of the United States government. The VA operated the Veterans Health Administration, a health care system that served 9 million enrolled veterans each year, providing care at 1,255 health care facilities, including 170 medical centers. One of the VA's medical centers was the Veterans Affairs Medical Center located in East Orange, New Jersey (the "VAMC").
 - c. The VAMC provided free outpatient pharmacy services to qualifying veterans, including dispensing certain prescription medications. The VAMC pharmacy maintained certain prescription medication, including medication for the treatment of HIV, that were required by federal and state law to be dispensed only pursuant to a prescription from a licensed health care professional.
 - d. "Co-conspirator 1" was employed by the VA as a Pharmacy Procurement Technician at the VAMC pharmacy from. Co-conspirator 1's job responsibilities included, among other things, ordering the necessary drugs and supplies for the VAMC outpatient pharmacy, including making determinations of when to place orders and for what products, as well as regularly maintaining inventory levels of needed drugs and supplies. CHECONOLASCO was an associate of Co-conspirator 1.

The Conspiracy

2. From as early as in or about January 2018 through in or about November 2019, CHECONOLASCO and Co-conspirator 1 conspired to steal prescription HIV medication from the VAMC. The conspiracy operated as follows: Co-conspirator 1 placed large orders for HIV medication purportedly on behalf of VAMC. After the medication arrived at the VAMC, Co-conspirator 1 waited until co-workers were out of sight, removed the medication, secreted it, and exited the VAMC with the stolen medication. Once Co-Conspirator 1 had the medication, CHECONOLASCO and Co-conspirator 1 met, frequently at Co-conspirator 1's residence, so that CHECONOLASCO could accept the stolen HIV medication from Co-conspirator 1 in exchange for a cash payment. After obtaining the stolen HIV medication, CHECONOLASCO sold it.

3. As described below, CHECONOLASCO and Co-conspirator 1 regularly communicated via WhatsApp to plan and execute their scheme to steal HIV medication from the VAMC.¹ For example, on or about October 3, 2019, CHECONOLASCO sent Co-conspirator 1 a WhatsApp message making sure that Co-conspirator 1 would go to work at the VAMC because CHECONOLASCO needed to make money by selling the stolen HIV medication. CHECONOLASCO messaged Co-conspirator-1: "Are you really going tomorrow? Please go We need 3k to get to 10 I have to pay the electrician 4k on Saturday at the salon." Co-conspirator 1 confirmed that Co-conspirator 1 was going to work to steal the HIV medication, stating "Papi I promise I'm going tomorrow I have to get it. I can't afford not to go I ordered enough yesterday if it's all good I'll move in the morning. As soon as I bag up I'll text you, I promise," meaning Co-conspirator 1 would call CHECONOLASCO when Co-conspirator 1 had stolen the medication. CHECONOLASCO responded, "Ok baby thank you I love you You'll always come Thru when I really need you."

4. The following paragraphs describe certain of CHECONOLASCO's and Co-conspirator 1's thefts of HIV medication from the VAMC.

a. On or about October 4, 2019, following the WhatsApp message described above in paragraph 3, CHECONOLASCO sent a WhatsApp message to Co-conspirator 1 asking if Co-Conspirator 1 was able to steal the HIV medication. Co-conspirator 1 complained that a coworker was in the pharmacy area, stating "we ain't getting no money if this bitch here." CHECONOLASCO responded, "I need that bitch to leave." After Co-conspirator 1 stole the medication, CHECONOLASCO and Co-conspirator 1 continued their WhatsApp message exchange to coordinate a meeting at Co-conspirator 1's residence for CHECONOLASCO to pick up the medication. Co-conspirator 1 reported to CHECONOLASCO at approximately 3:47 p.m.: "I'm home You'll be happy," meaning that Co-conspirator 1 had successfully

¹ Examples of these messages are quoted verbatim in this Complaint, including any typographical or grammatical errors.

stolen the HIV medication, and was now home. CHECONOLASCO responded, via WhatsApp, stating, "Good I'll be there in like 45 minutes," meaning that he was going to Co-conspirator 1's residence to pick up the HIV medication.

CHECONOLASCO later messaged Co-conspirator 1: "My love I appreciated very much how you came thru for me this week.. third week in row If you due 10 next week I'll make the lawyers payment of 2,000 for you." CHECONOLASCO's message about a "lawyers payment" was a reference to a payment for an attorney that Co-conspirator 1 wanted CHECONOLASCO to make.

b. On or about November 1, 2019, Co-conspirator 1 removed HIV medication from the VAMC pharmacy, as captured by surveillance footage from the VAMC. A review of the inventory of the VAMC pharmacy's HIV medication of the revealed \$63,000 worth of missing HIV medication. That same day, CHECONOLASCO sent Co-conspirator 1 a WhatsApp message, asking, "How's everything." Co-conspirator-1 responded, "Everything is everything," to which CHECONOLASCO responded "Ok good." Co-conspirator-1 then messaged that Co-conspirator 1 was on the way home. When CHECONOLASCO responded, "Ok Im on my way to you now," Co-conspirator 1 responded "Ok Bring my money." A surveillance recording shows CHECONOLASCO arriving at Co-conspirator 1's residence that same day with a black duffle bag.

c. On or about November 8, 2019, Co-conspirator 1 removed HIV medication from the VAMC outpatient pharmacy at approximately 3:11 p.m., as captured by surveillance footage from the VAMC. A review of the VAMC pharmacy's inventory of HIV medication on or about November 8, 2019 revealed \$60,000 worth of missing HIV medication. Co-conspirator-1 subsequently sent a message to CHECONOLASCO via WhatsApp at approximately 3:23 p.m. stating, "I'm on my way," and then at approximately 3:34 p.m. sent another message to CHECONOLASCO, stating "I'm home." A surveillance recording shows Co-conspirator 1 arriving at Co-conspirator 1's residence with a large bag at approximately 3:32 p.m. The surveillance recording further shows both CHECONOLASCO and Co-conspirator 1 leaving Co-conspirator-1's residence carrying bags at approximately 3:46 p.m.

d. On or about November 14, 2019, Co-conspirator 1 removed HIV medication from the VAMC outpatient pharmacy at approximately 3:00 p.m., as captured by surveillance footage from the VAMC. A review of the VAMC pharmacy's inventory of HIV medications of on or about November 14, 2019 revealed \$59,000 worth of missing HIV medication. Co-conspirator-1 subsequently sent a message to CHECONOLASCO via WhatsApp at approximately 3:53 p.m. that Co-conspirator 1 arrived home, to which CHECONOLASCO responded, "On my way baby." Coconspirator-1 responded at approximately 3:53 p.m. stating, "I know you are." A surveillance recording shows Co-conspirator 1 arriving at Co-conspirator 1's residence with a large bag at approximately 3:38 p.m. and

subsequently shows CHECONOLASCO leaving Co-conspirator 1's residence carrying a bag at approximately 4:05 p.m.

5. CHECONOLASCO paid Co-conspirator 1 in cash for the stolen medication, generally at Co-conspirator 1's residence. On or about October 29, 2019, CHECONOLASCO sent a message to Co-conspirator 1, confirming that CHECONOLASCO had the money to pay Co-conspirator 1. Specifically, in the WhatsApp message, CHECONOLASCO said, "I'm on my way to the mall right now but it's gonna be quick.... As soon as I do that, I'm coming right back and going straight to the restaurant and then I already got uhm the money and shit. I just got 30 mins or whatever."

6. After CHECONOLASCO obtained the stolen HIV medication from Co-conspirator 1, CHECONOLASCO sold it to others. In a WhatsApp message on or about September 18, 2019, CHECONOLASCO told Co-conspirator 1, "I never gave you my back. I lost over \$200ks fucking buying shit from you when no one was buying shit from me...and...and at the end of the day, the shit expired and I had to throw it all away." In this message, CHECONOLASCO referenced how he lost money by being unable to resell the stolen HIV medication that he obtained from Co-conspirator 1.

7. On or about November 20, 2019, Co-conspirator 1 was observed via VAMC surveillance/security footage stealing additional HIV medications from the VAMC out-patient pharmacy. On that same day, CHECONOLASCO exchanged WhatsApp messages with Co-conspirator 1 discussing how they both needed the medication because they would both benefit from it. Co-conspirator 1 stated "Papi I need this shit," to which CHECONOLASCO responded, "I need it more than you mami." Co-conspirator 1 then responded "Hell no you don't" and CHECONOLASCO then said, "We both need it." Co-conspirator 1 later messaged CHECONOLASCO, "Calm down I got it," and CHECONOLASCO responded, "Ok I'm Calm I love yuh you're the best ever." On or about that same day, law enforcement agents approached Co-conspirator 1 as Co-conspirator 1 was leaving work at the VAMC with prescription medications stolen from the VAMC. Shortly thereafter, CHECONOLASCO, who did not know that law enforcement agents had approached Co-conspirator-1, showed up at the VAMC parking lot, and sent a WhatsApp message to Co-conspirator 1, stating "I'm here." On or about that same day, law enforcement agents executed a search warrant on Co-conspirator 1's vehicle and seized approximately 64 bottles of various HIV medications, which had an approximate value of \$76,300.

8. During the period from in or about February 2018 through in or about November 2019, CHECONOLASCO and Co-conspirator-1 stole approximately \$7,850,000 worth of HIV medications belonging to the VAMC.