UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	HON. ANDRÉ M. ESPINOSA
v.	:	Mag. No. 21-11258 (AME)
DEVONTAE STOKES	:	**CRIMINAL COMPLAINT**

I, Nicholas Tysk, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

SEE ATTACHMENT A

In violation of Title 18, United States Code, Section 1349.

I further state that I am a Special Agent with the Department of Labor, and that this complaint is based on the following facts:

SEE ATTACHMENT B

continued on the attached page and made a part hereof.

Nicholas Tysk, Special Agent
Department of Labor,
Office of Inspector General

Special Agent Tysk attested to this Complaint by telephone pursuant to FRCP 4.1(b)(2)(A)

Sworn to before me and subscribed in my presence,

September 22, 2021 at District of New Jersey

André Espinosa / NT

HONORABLE ANDRÉ M. ESPINOSA
UNITED STATES MAGISTRATE JUDGE

Signature of Judicial Officer

Signed by Special Agent Tysk at Judge Espinosa's direction pursuant to F.R.C.P. 4.1(b)(6)(C).

ATTACHMENT A

From in or about August 2020 through in or about November 2020, in the District of New Jersey and elsewhere, defendant

DEVONTAE STOKES

knowingly and intentionally conspired with others to devise and intend to devise a scheme and artifice to defraud companies and individuals, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, and, for the purpose of executing and attempting to execute such scheme and artifice to defraud, did transmit and cause to be transmitted by means of wire communications in interstate and foreign commerce, certain writings, signs, signals, pictures, and sounds, including a wire communication from a location in New Jersey to a location outside of New Jersey, contrary to Title 18, United States Code, Section 1343.

In violation of Title 18, United States Code, Section 1349.

ATTACHMENT B

I, Nicholas Tysk, am a Special Agent with the Department of Labor, Office of Inspector General ("DOL"). I am familiar with the facts set forth herein based on my own investigation, my conversations with other law enforcement officers, and my review of reports, documents, and other evidence. Because this Complaint is being submitted for a limited purpose, I have not set forth each and every fact that I know concerning this investigation. Where statements of others are related herein, they are related in substance and in part unless otherwise indicated. Where I assert that an event took place on a particular date, I am asserting that it took place on or about the date alleged.

Background

1. At various times relevant to this Complaint:

   a. Defendant Devontae Stokes ("STOKES") was an inmate at a FCI Fort Dix, a federal correctional institutional with an adjacent satellite camp located in Fort Dix, New Jersey.

   b. On or about March 27, 2020, the Coronavirus Aid, Relief, and Economic Security Act (the "CARES Act") was signed into law. The CARES Act created a new temporary federal unemployment insurance program called Pandemic Unemployment Assistance ("PUA"). PUA provided unemployment insurance benefits ("UIBs") for individuals who were not eligible for other types of unemployment (e.g., the self-employed, independent contractors, gig economy workers). The CARES Act also created a new temporary federal program called Federal Pandemic Unemployment Assistance ("FPUC") that provided an additional weekly benefit to those eligible for PUA and regular UIBs.

   c. Subject to certain eligibility requirements, a person who was unemployed, but who used to be employed by an employer in a given state could apply to receive UIBs from that state.

Fraudulent UIB Claim One

2. On or about October 6, 2020, a claim for UIBs was made in the name of an individual ("Victim 1") to the State of Arizona.
On or about November 12, 2020, a claim for UIBs also was made in Victim 1's name to the State of Illinois.

3. Victim 1 has stated, in substance and in part, that Victim 1 did not make or authorize either of the above UIB claims.

4. In total, the States of Arizona and Illinois paid out approximately $30,000 in response to these UIB claims.

5. On a cellular telephone found in STOKES' possession while he was an inmate at FCI Fort Dix (the "Phone") were, among other things, the following: (a) an Illinois driver's license in Victim 1's name, but with a picture of an individual other than Victim 1 and an address ("Address 1") the investigation has tied to one of STOKES' associates ("Associate 1"); (b) a social security card in Victim 1's name; and (c) a screenshot that includes Victim 1's name, date of birth, social security number.

6. In addition, the Phone contained a text message from Associate 1 that included an image of an envelope from a bank (the "Bank") that issued debit cards containing UIBs on behalf of Illinois that was addressed to Victim 1 at Address 1.

<u>Fraudulent UIB Claim Two</u>

7. On or about November 4, 2020, a claim for UIBs was made in the name of an individual ("Victim 2") to the State of Illinois. The investigation has also revealed that claims in Victim 2's name were made to the State of Indiana and State of Pennsylvania.

8. Victim 2 has stated, in substance and in part, that Victim 2 did not make or authorize any of the above claims.

9. In total, the State of Illinois paid out approximately $20,000 in response to the above UIB claim. The States of Indiana and Pennsylvania, though, did not provide funds in response to the submissions.

10. The State of Illinois records demonstrate that the funds issued in response to this claim were mailed to an address ("Address 2") associated with another one of STOKES' associates ("Associate 2").

11. On the Phone, among other documents, were: (a) an Illinois driver's license in Victim 2's name, but with a picture of an individual other than Victim 2, and Address 2; (b) a social security card in Victim 2's name; and (c) a search result with the name, addresses, and telephone numbers for Victim 2; (d) a text message sent on or about November 6, 2020, from STOKES to an associate ("Associate 3") asking Associate 3 to put Victim 2's last name "on the mailbox"; and (e) a letter and online communications concerning the filing of the Illinois claim in Victim 2's name.

12. The Phone also contained an image reflecting the submission of a UIB application in Victim 2's name to the State of Indiana. The investigation further revealed the submission of the UIB application in Victim 2's name to the State of Pennsylvania, an application that listed an email address subscribed to by Associate 3.

Fraudulent UIB Claim 3

13. On or about August 26, 2020, a claim for UIBs was made in the name of an individual ("Victim 3") to the State of Indiana. On or about July 26, 2020, a claim for UIBs in Victim 3's name was made to the State of Arizona.

14. Victim 3 has stated, in substance and in part, that Victim 3 did not make or authorize either of the above claims.

15. In total, the State of Indiana paid out approximately $20,000 in response to these claims. The State of Arizona did not provide funds in response to the submission.

16. Records obtained during the investigation reflect that: (a) the State of Indiana paid the approximately $20,000 to a bank account; (b) the primary address for the bank account is Address 2; and (c) the name on the bank account is "Devontae J. Stokes".

17. On the Phone were: (a) a text message from STOKES to another individual containing Victim 3's name, social security number, and date of birth; (b) a text message to STOKES that attached images of the front and back of a back of the debit card issued in response to the UIB claim to the State of Indiana that had Victim 3's name on the card.