

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

UNITED STATES OF AMERICA	:	Hon. Edward S. Kiel
	:	
v.	:	Mag. No. 22-15027
	:	
BABA DIAKITE and	:	CRIMINAL COMPLAINT
NASIR JOHNSON	:	


I, Brendan Nally, 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 Postal Inspector with the United States Postal Inspection Service and that this complaint is based on the following facts:

SEE ATTACHMENT B

continued on the attached page and made a part hereof.



Brendan Nally, Postal Inspector
United States Postal Inspection Service

Postal Inspector Brendan Nally attested to this Affidavit by telephone pursuant to F.R.C.P. 4.1(b)(2)(A) on

February 8, 2022
at Newark, New Jersey

HONORABLE EDWARD S. KIEL
UNITED STATES MAGISTRATE JUDGE



Signature of Judicial Officer

ATTACHMENT A

**COUNT 1
(Conspiracy to Commit Bank Fraud)**

From at least in or about January 2020 to in or about October 2021, in Essex, Hudson, Middlesex, Somerset, and Union Counties, in the District of New Jersey and elsewhere, defendants

BABA DIAKITE and
NASIR JOHNSON

did knowingly and intentionally conspire and agree with each other and others to execute and attempt to execute a scheme and artifice to defraud financial institutions whose deposits were insured by the Federal Deposit Insurance Corporation, and whose accounts were insured by the National Credit Union Insurance Fund, and to obtain moneys, funds, assets, and other property owned by and under the custody and control of such financial institutions, by means of materially false and fraudulent pretenses, representations, and promises, contrary to Title 18, United States Code, Section 1344.

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

**COUNT 2
(Conspiracy to Commit Mail Theft and to Possess Stolen Mail)**

From at least in or about January 2020 to in or about October 2021, in Essex, Hudson, Middlesex, Somerset, and Union Counties, in the District of New Jersey and elsewhere, defendants

BABA DIAKITE and
NASIR JOHNSON

did knowingly and intentionally conspire and agree with each other and others to commit an offense against the United States and one or more persons acted to effect the object of the conspiracy, namely, to steal, take, and abstract from out of any mail, post office, and station thereof, letters and mails, and abstract and remove from such letters and mails, articles and things contained therein, and unlawfully possess the same which they knew to have been stolen, taken, embezzled, and abstracted, contrary to Title 18, United States Code, Section 1708, and committed the overt acts to effect the object of the conspiracy as set forth in Attachment B.

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

COUNT 3
(Theft of United States Postal Service Key)

From at least in or about June 2020 to in or about October 2021, in Essex, Hudson, and Middlesex Counties, in the District of New Jersey, and elsewhere, defendant

BABA DIAKITE

did steal, purloin, embezzle, and obtain by false pretense a key suited to any lock adopted by the Postal Service and in use on a lock box, lock drawer, or other authorized receptacle for the deposit or delivery of mail matter.

In violation of Title 18, United States Code, Section 1704 and Section 2.

COUNT 4
(Theft of United States Postal Service Key)

From at least in or about November 2020 to in or about December 2021, in Middlesex County, in the District of New Jersey, and elsewhere, defendant

NASIR JOHNSON

did steal, purloin, embezzle, and obtain by false pretense a key suited to any lock adopted by the Postal Service and in use on a lock box, lock drawer, or other authorized receptacle for the deposit or delivery of mail matter.

In violation of Title 18, United States Code, Section 1704 and Section 2.

ATTACHMENT B

I, Brendan Nally, a Postal Inspector with the United States Postal Inspection Service (“USPIS”), having personally participated in an investigation of the conduct of defendants BABA DIAKITE and NASIR JOHNSON, and having spoken with other law enforcement officers and individuals, have knowledge of the following facts. Because this Complaint is submitted for the limited purpose of establishing probable cause, I have not included all facts known to me concerning this investigation. The contents of documents and the statements and conversations of individuals referenced below are provided in substance and in part, unless otherwise indicated.

Defendant and Entities

1. At all times relevant to this Criminal Complaint:
 - a. Defendant BABA DIAKITE (“DIAKITE”) was a resident of East Orange, New Jersey.
 - b. Defendant NASIR JOHNSON (“JOHNSON”) was a resident of Hillside, New Jersey.
 - c. The United States Postal Service (“USPS”) operated a post office located at 2101 State Route 27, Edison, New Jersey (the “Edison Main Post Office”).
 - d. The victim financial institutions, including Bank-1 through Bank-21: (1) were “financial institutions” as that term is defined in Title 18, United States Code, Section 20, offering, among other things, checking and savings accounts to customers; (2) had deposits insured by the Federal Deposit Insurance Corporation (FDIC) and/or accounts insured by the National Credit Union Insurance Fund (NCUIF), and (3) had branches in New Jersey.

Overview of the Conspiracy

2. An investigation by law enforcement revealed that from in or about January 2020 to in or about October 2021, in multiple towns and cities throughout New Jersey, DIAKITE and JOHNSON participated in a scheme to steal envelopes containing checks from the United States mail, in order to sell the stolen checks for profit or fraudulently obtain funds from financial institutions using the stolen checks. As part of the scheme, DIAKITE and JOHNSON obtained stolen USPS arrow keys (which can be used to access a variety of USPS receptacles containing mail) from USPS employees. After using these arrow keys to steal checks from the mail, DIAKITE, JOHNSON, and their co-conspirators sold the checks, or deposited them in original, altered, or duplicate form to fraudulently obtain funds from the victim financial institutions.

Goal of the Conspiracy

3. It was the goal of the conspiracy for DIAKITE and JOHNSON to steal checks from the mail and enrich themselves by selling stolen checks or arranging for the deposit of stolen checks to fraudulently obtain money from the victim financial institutions.

Manner and Means of the Conspiracy

4. DIAKITE, JOHNSON, and their co-conspirators operated a scheme whereby they purchased USPS arrow keys in order to steal mail containing checks, which they then sold or deposited in original, altered, or duplicate form in order to fraudulently obtain funds from the victim financial institutions. Approximately 200 checks that were not made payable to DIAKITE, JOHNSON, or any of their co-conspirators were recovered during several law enforcement searches.

5. Starting in or about June 2020, the USPIS received numerous complaints from postal customers and financial institutions regarding checks that were not received in the mail by the intended recipients in Somerset and Union Counties. The investigation revealed that from in or about January 2020, checks had been stolen from post offices and USPS collection boxes in locations across New Jersey, including in or around Watchung, Plainfield, North Plainfield, Warren, Edison, and Short Hills.

Law Enforcement Searches Reveal Stolen Checks and Credit and Debit Cards

6. On or about November 11, 2020, the New Jersey State Police responded to the scene of a car accident in West Orange, New Jersey, where officers determined that the car was stolen and that the car's driver, who had attempted to flee the scene, was DIAKITE. The officers arrested DIAKITE, searched him incident to arrest, and found a credit card and sixteen checks that were not in DIAKITE's name and belonged to accountholders residing in Watchung, Plainfield, and North Plainfield. DIAKITE admitted that he had taken the credit card and checks from a USPS collection box.

7. On or about December 2, 2020, the Port Authority NY-NJ Police Department ("PAPD") executed a search warrant at a hotel room in Newark, New Jersey (the "Newark hotel room"), where officers found evidence of a counterfeit check operation and recovered more than 130 checks in the names of numerous accountholders, including postal customers who had reported stolen checks from Watchung, Plainfield, North Plainfield, Warren, and Edison. A number of checks were altered or counterfeit copies, including identical checks made payable to several different payee names. PAPD officers also recovered from the Newark hotel room DIAKITE's driver's license, various legal paperwork in DIAKITE's name, approximately 25 credit cards issued to different individuals, a credit card skimming device, and a USPS arrow key assigned to the Edison Main Post Office. This particular arrow key could be used to access any of the collection boxes assigned to the Edison Main Post Office.

8. On or about December 7, 2020, while DIAKITE was out of jail on bail conditions, Essex County Sheriff's Officers attempted to stop a speeding car driven by DIAKITE in which JOHNSON was a front-seat passenger. When officers pulled in front of the car at a stop light and approached, DIAKITE drove into the officers' car before attempting to flee. The officers arrested DIAKITE and JOHNSON, searched them incident to arrest, and also searched the car (the "December 7, 2020 search"). They recovered more than 40 checks belonging to different accountholders residing in or around Plainfield and Edison, a debit card belonging to another individual, two cellular telephones belonging to DIAKITE ("Diakite Phone 1" and "Diakite Phone

2”), and two cellular telephones belonging to JOHNSON (“Johnson Phone 1” and “Johnson Phone 2”).

9. On or about December 23, 2020, PAPD officers executed an arrest warrant for DIAKITE in connection with their December 2, 2020 search of the Newark hotel room. DIAKITE admitted to the police that he had left his identification at the Newark hotel room.

Text Messages Concerning the Scheme and Overt Acts

10. The Diakite Phone 1, Diakite Phone 2, and Johnson Phone 1 were subsequently searched pursuant to search warrants issued by the United States District Court for the District of New Jersey.

11. Communications found on the Diakite Phone 1 revealed numerous text message exchanges related to DIAKITE’s and JOHNSON’s scheme to obtain stolen checks, including photographs of a USPS arrow key and checks that were not made payable to DIAKITE or JOHNSON:

- a. On or about June 20, 2020, in response to a text message from a co-conspirator (“Co-Conspirator 1”) asking “you got a key?,” DIAKITE responded, “yeah gang” and sent a photograph of a hand holding a USPS arrow key. DIAKITE sent a follow-up text message, writing: “I found a po worker she like 26 I worked the shit outta of her . Only been talking to her for a month she like she got access To keys . Come to find out her mom the manager of her post office and her mom dont gaf. She gave me a key for Edison im bouta get one for short hills”
- b. On or about November 21, 2020, JOHNSON sent DIAKITE the addresses of seven USPS collection boxes located in and around Plainfield and Watchung. On or about November 30, 2020, DIAKITE sent JOHNSON and another co-conspirator (“Co-Conspirator 2”) a list of USPS collection boxes located in and around Edison.
- c. On or about November 22, 2020, JOHNSON sent DIAKITE photographs of two checks written from the account of a business in Warren, New Jersey (“Business 1”), one in the amount of \$2,078.19 and the other in the amount of \$8,399. The Business 1 check in the amount of \$2,078.19 was one of the checks recovered by PAPD officers during the December 2, 2020 search of the Newark hotel room.
- d. On or about November 26, 2020, DIAKITE sent JOHNSON and Co-Conspirator 2 a photograph of a check written from the account of Individual 1, a resident of North Plainfield, in the amount of \$30.19. This check and a sequentially numbered check from the same Individual 1 account written in the amount of \$130.91 were recovered by Essex County Sheriff’s Officers during the December 7, 2020 search.
- e. On or about November 29, 2020, JOHNSON sent DIAKITE a photograph of a check written from the account of Individual 2, a resident of Plainfield, in the

amount of \$86.82. That check was recovered by Essex County Sheriff's Officers during the December 7, 2020 search.

- f. On or about November 29, 2020, JOHNSON sent DIAKITE and Co-Conspirator 2 a photograph of a check written from the account of Individual 3, a resident of Plainfield. The check number depicted in the photograph was 599. Individual 3's check numbered 600 was recovered by Essex County Sheriff's Officers during the December 7, 2020 search. Several hours later, JOHNSON followed up with another text, in which he wrote: "We're doing this tomorrow," and included Individual 3's name, address, and date of birth.
- g. On or about November 29, 2020, JOHNSON sent DIAKITE photographs of two checks written from the account of a business in Newark, New Jersey ("Business 2"), one in the amount of \$3,468.66 and the other in the amount of \$281.77. Business 2 reported to the police that the checks had been placed into the mail at a USPS collection box located in or around Watchung on or about November 27, 2020, and the actual payees of the checks did not receive them.
- h. On or about November 30, 2020, JOHNSON sent DIAKITE and Co-Conspirator 2 photographs of checks written from the accounts of Individual 4 and Individual 5, residents of Edison and South Plainfield respectively. On or about December 1, 2020, JOHNSON followed up with text messages containing the names and addresses of Individuals 4 and 5. JOHNSON then sent a subsequent text message approximately 30 minutes later, in which he wrote, "We need these dob!" Based on my training and experience, "dob" is a reference to the dates of birth of Individuals 4 and 5, which JOHNSON likely needed to deposit the checks and withdraw their value from the victim financial institutions and arrange other fraudulent transactions. On or about April 19, 2021, Individual 5 reported fraudulent activity in his bank accounts to the police. The police learned that, on or about that same date, an unidentified man posing as Individual 5, who was in possession of fraudulent identification in Individual 5's name and a debit card issued to Individual 5, engaged in a number of fraudulent transactions in Middlesex County, New Jersey: (1) the in-person purchase of a smartphone in or around New Brunswick; (2) two in-person cash withdrawals, one in or around Woodbridge and the other in or around Piscataway, from Individual 5's accounts totaling approximately \$12,000; (3) an in-person transaction in or around Metuchen cashing a check made out to Individual 5 in the amount of approximately \$4,200; and (4) the withdrawal of approximately \$1,000 at an ATM located in or around Carteret.
- i. On or about December 3, 2020, DIAKITE sent a text message to another co-conspirator ("Co-Conspirator 3") indicating that he had obtained USPS arrow keys, including one for Jersey City, and was about to obtain an arrow key for USPS collection boxes in Somerset : "N[----] gotta jc key for 3k I hit him. & I was abouta get a somerset key today but he taking to long."

12. Communications found on Diakite Phone 2 also revealed numerous text message exchanges related to the scheme to obtain stolen checks from the mail by using stolen USPS arrow keys:

- a. On or about October 13, 2020, DIAKITE sent the following text messages to another co-conspirator (“Co-Conspirator 4”) concerning attempts to obtain new stolen USPS arrow keys: “my mans hit u about a key before[.] For Belleville[.] I got 3 keys in motion in jersey rn[.] Im tryna buy that other key.” Based on my training and experience investigating schemes to steal mail using arrow keys, I believe that DIAKITE’s text messages indicate that a co-conspirator had contacted Co-Conspirator 4 to purchase a USPS arrow key for Belleville, and DIAKITE—who was already using three stolen arrow keys to steal mail in New Jersey—also wanted to purchase the Belleville key.
- b. On or about October 14, 2020, DIAKITE sent a text message to another co-conspirator (“Co-Conspirator 5”) confirming that he had obtained a new arrow key: “i just got another key gang”
- c. On or about November 18, 2020, DIAKITE engaged in the following text message exchange with another co-conspirator (“Co-Conspirator 6” or “CC-6”) to explain that individual USPS arrow keys could only be used to access certain USPS collection boxes, but DIAKITE had multiple keys that accessed collections boxes in multiple cities—including 40 collection boxes in just one city. DIAKITE also informed CC-6 that he would choose which cities to go to in order to steal mail randomly and that one of the cities for which he had a USPS arrow key was Short Hills, which he characterized as “the richest city” in New Jersey:

DIAKITE: Certain keys only open certain shit

CC-6: Boxes

DIAKITE: Its 40 boxes in one of my cities alone

DIAKITE: When i go out i randomly pick what city to hit

CC-6: Ok ok

DIAKITE: I gotta key for the richest city in jersey

CC-6: Bergen

CC-6: Lmaoooo

DIAKITE: nah short hills

- d. On or about November 29, 2020, DIAKITE sent text messages to another co-conspirator (“Co-Conspirator 7”) regarding a new stolen arrow key and selling

stolen checks from several towns: “bout go get new key for new town[.] My sons hitting the 5 towns tn wanna wait I send 2 new tds out that batch?”

- e. On or about December 1, 2020, a co-conspirator (“Co-Conspirator 8”) sent DIAKITE a screenshot depicting a mobile Cash App payment of \$100 to DIAKITE. DIAKITE responded by sending a photograph of a check written from the account of Business 2 in the amount of \$1,088.44 (the “Business 2 Check”). Business 2 reported to police that the check had been placed into the mail at a USPS collection box located in or around Watchung on or about November 27, 2020, and the actual payee of the check did not receive it.

13. Communications found on Johnson Phone 1 revealed numerous text messages related to the scheme to obtain stolen checks from the mail and sell those stolen checks:

- a. On or about November 8, 2020, JOHNSON sent the following text messages to Co-Conspirator 2: “Yea en route[.] Hit 2 boxes[.] Just hit post office got good[.] Boutta find another ride[.] That shit worked for Watchung post office lol[.]” Based on my training and experience investigating schemes to steal mail using USPS arrow keys, I believe that these text messages indicate that JOHNSON had just stolen mail from two USPS collection boxes and a post office and that his strategy had previously been successful in obtaining stolen mail from the U.S. Post Office in Watchung.
- b. On or about November 19, 2020, JOHNSON sent a group chat (the “stolen check group chat”) the following offer to sell stolen checks: “Personals \$150[.] Business \$300[. . .] Will Do Deal On Multiple[.] No Refunds at all. Replacement- you have a hour to show VIDEO PROOF proving the account has insufficient funds. With the proof you pick your replacement up to two replacements.” Based on my training and experience investigating schemes to sell stolen checks, JOHNSON was offering to sell stolen personal and business checks, with special rates possible for bulk purchases. JOHNSON offered no refunds but did offer replacement checks if provided with video proof that the accounts from which the stolen checks were written contained insufficient funds for co-conspirators’ attempted withdrawals.
- c. On or about November 21, 2020, JOHNSON sent the stolen check group chat an alert that he had new stolen checks to sell: “NEW LOAD IN 📧📧📧📧📧[.] UPDATE COMING SOON[.]” Approximately one-and-a-half hours later, JOHNSON sent the following update: “BULK DEAL 📧📧📧[.] LIMITED BOA & CHASE GRUB[.]” Based on my training and experience, “BOA” is a reference to a certain financial institution, and “grub” is a reference to the stolen checks for sale.
- d. On or about November 28, 2020, JOHNSON sent the stolen check group chat an update that he had obtained a new USPS arrow key and would soon have more stolen checks to sell: “📧📧📧📧 NEW KEY NEW GRUB ON THE WAY DONT F[----] AROUND[.]” He attached to his text message a photograph depicting the stolen arrow key, which was positioned on top of Johnson Phone 2—

whose wallpaper was an image of \$100 bills and an envelope marked with the Wells Fargo logo—and next to a black handgun.

- e. On or about December 3, 2020—shortly after the December 2, 2020 PAPD search of the Newark hotel room—DIAKITE sent the following text messages to JOHNSON:

DIAKITE: Yo its over

DIAKITE: Fbi here

DIAKITE: Tryna get shit to goto the cameras

DIAKITE: They tryna find out what car we was in . . . & all

DIAKITE: Its over . . . im telling you

On or about December 5, 2020, DIAKITE followed up by sending JOHNSON a link to a December 4, 2020 press release issued by the U.S. Attorney's Office for the District of New Jersey regarding an unrelated prosecution involving a scheme to steal and alter checks stolen from the mail and commit bank fraud.

Obtaining Proceeds from the Scheme and Overt Acts

14. It was further part of the scheme that DIAKITE and JOHNSON worked with co-conspirators to solicit accountholders at various financial institutions (the "Complicit Accountholders") to provide their banking information in exchange for the promise of payment. DIAKITE, JOHNSON, and their co-conspirators then "washed" and altered some of the stolen checks to write in higher payment amounts, or duplicated the stolen checks. They then deposited and attempted to deposit the stolen, altered, and duplicated checks into the accounts of the Complicit Accountholders (the "Fraud Accounts").

15. After making these deposits, DIAKITE, JOHNSON, and their co-conspirators withdrew as much money as possible from the Fraud Accounts, primarily via automated teller machines ("ATMs"), before the victim financial institutions identified the checks as fraudulent and blocked further withdrawals from the Fraud Accounts.

16. For example, a review of bank records show obtained during the investigation shows that on or about February 6, 2020, using personal banking information obtained from a Complicit Accountholder ("Complicit Accountholder 1"), a co-conspirator ("Co-Conspirator 9") deposited a stolen check written from the account of Individual 6, a resident of Short Hills, in the amount of \$2,000 at an ATM located in or around West Orange, New Jersey. Also, on or about the same day, DIAKITE was captured on bank surveillance video approaching a drive-through ATM located in or around Maplewood, New Jersey in a car registered to one of his parents before emerging to withdraw \$1,500 in cash from Individual 6's account.

17. According to bank records, on or about November 30, 2020, using personal banking information obtained from a Complicit Accountholder (“Complicit Accountholder 2”), DIAKITE, JOHNSON, and their co-conspirators arranged for the deposit of approximately 12 checks written from the account of Business 2 and totaling approximately \$38,960.85 at an ATM located in or around Monroe, New York. The checks had been stolen from a USPS collection box in or around Watchung, according to Business 2, and were deposited into the TD Bank account of Complicit Accountholder 2 instead of the accounts of the actual payees of the checks.

18. According to bank records, on or about November 17, 2020, also using personal banking information obtained from Complicit Accountholder 2, DIAKITE, JOHNSON, and their co-conspirators arranged for the deposit of approximately two checks written from the account of a business in North Plainfield, New Jersey (“Business 3”) totaling approximately \$11,293.97 at an ATM located in or around Easton, Pennsylvania. The checks had been placed into the mail at the Business 3 address in North Plainfield, according to Business 3, and were deposited into the TD Bank account of Complicit Accountholder 2 instead of the accounts of the actual payees of the checks.

19. In addition, based on a review by law enforcement of bank records and text messages and photographs recovered from Diakite Phones 1 and 2 and Johnson Phones 1 and 2, the investigation has shown that DIAKITE and JOHNSON sold stolen checks to other co-conspirators. Upon receiving confirmation from such co-conspirators of mobile payments made to DIAKITE or JOHNSON via the Cash App, DIAKITE and JOHNSON provided confirmation of the sale in the form of images of the stolen checks. Having collected payment, DIAKITE and JOHNSON provided the physical checks to the co-conspirators, who then deposited the checks in original or altered form.

20. For example, according to bank records, on or about December 1, 2020, using personal banking information obtained from a Complicit Accountholder (“Complicit Accountholder 3”), Co-Conspirator 8 deposited or arranged for the deposit of the Business 2 Check—which was originally issued in the amount of \$1,088.44, stolen from the mail, purchased from DIAKITE, and then altered by Co-Conspirator 8 to reflect a check amount of \$14,088.44 payable to Complicit Accountholder 3—in or around Cranston, Rhode Island. The Business 2 Check had been stolen from a USPS collection box in or around Watchung, according to Business 2, and was deposited into the Santander account of Complicit Accountholder 3, who was not the payee of the check.

21. In total, as part of their fraudulent scheme, DIAKITE, JOHNSON, and their co-conspirators deposited and arranged for the deposits of stolen checks that resulted in actual losses to the victim financial institutions of more than \$400,000.