

1 NICHOLAS A. TRUTANICH
United States Attorney
2 Nevada Bar Number 13644
JIM W. FANG
3 Assistant United States Attorney
501 Las Vegas Boulevard South, Suite 1100
4 Las Vegas, Nevada 89101
Tel: 702.388.6317 / Fax: 702.388.6418
5 jim.fang@usdoj.gov
Attorneys for the United States

FILED.

DATED: 1:53 pm, October 13, 2020

U.S. MAGISTRATE JUDGE

6
7 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

8 UNITED STATES OF AMERICA,

Case No. 2:20-mj- 00902-DJA

9 Plaintiff,

COMPLAINT

for violations of:

10 v.

Conspiracy to Possess Counterfeit and
Unauthorized Access Devices
(18 U.S.C. § 1029(b)(2))

11 JOSEPH HOLMES and

12 EMELIO ROCHESTER,

Aggravated Identity Theft
(18 U.S.C. § 1028A(a)(1))

13 Defendants.

14
15 BEFORE the United States Magistrate Judge, Las Vegas, Nevada, the undersigned
16 Complainant, being duly sworn, deposes and states:

17 COUNT ONE

Conspiracy to Possess Counterfeit and Unauthorized Access Devices
18 (18 U.S.C. § 1029(b)(2))

19 1. On or about September 18, 2020, in the State and Federal District of Nevada,

20 JOSEPH HOLMES (“HOLMES”) and

21 EMELIO ROCHESTER (“ROCHESTER”),

22 defendants herein, did knowingly and willfully conspire and agree with each other, and

23 other persons known and unknown, to commit the crime of Possession of Counterfeit and

24 Unauthorized Access Devices in violation of 18 U.S.C. § 1029(a)(3).

1
2 2. In furtherance of the conspiracy, defendants engaged in the following
3 conduct:

4 a. On or about September 18, 2020, HOLMES possessed at least 16
5 California Employment Development Department (“EDD”) debit cards issued in the names
6 of other people while a passenger in a car ROCHESTER was driving.

7 b. On or about September 18, 2020, ROCHESTER possessed at least one
8 EDD debit card issued in the names of other people while driving a car in which HOLMES
9 was a passenger.

10 3. All in violation of 18 U.S.C. § 1029(b)(2).

11 COUNT TWO
12 Aggravated Identity Theft
 (18 U.S.C. § 1028A(a)(1))

13 4. On or about September 18, 2020, in the State and Federal District of Nevada,
14 JOSEPH HOLMES and
15 EMELIO ROCHESTER,
16 defendants herein, did knowingly possess and use, without lawful authority, a means of
17 identification of another person, that is, a California Employment Development
18 Department debit card with the last four digits of the account number being 8208 issued in
19 the name of J.S., during and in relation to a felony violation enumerated in 18 U.S.C. §
20 1028A(c), that is, the violation of 18 U.S.C. § 1029(b)(2) described in Count One, knowing
21 that the means of identification belonged to another actual person, in violation of 18 U.S.C.
22 § 1028A(a)(1).

1 **PROBABLE CAUSE**

2 Complainant, Joshua Arambulo, states the following as and for probable cause.

3 1. I am a Special Agent (SA) employed by the United States Department of
4 Labor (DOL), Office of Inspector General (OIG), Office of Investigations – Labor
5 Racketeering and Fraud, in Las Vegas, Nevada, and have been so employed since March
6 2017. As a DOL OIG SA, my duties include investigating fraud, waste, and abuse of
7 various DOL programs. I have conducted investigations of criminal activity involving
8 unemployment insurance fraud, workers’ compensation fraud, and labor racketeering.

9 2. The following information contained within this Criminal Complaint is based
10 upon my own participation in this investigation, as well as information and reports provided
11 to me by other law enforcement personnel. This statement does not include any and all
12 information in reference to this investigation, but rather only those facts necessary to
13 establish probable cause.

14 3. On September 18, 2020, Las Vegas Metropolitan Police Department
15 (“Metro”) effectuated a traffic stop of a black Mercedes Benz sedan driven by Defendant
16 EMELIO ROCHESTER (“ROCHESTER”), with Defendant JOSEPH HOLMES
17 (“HOLMES”) as passenger. HOLMES was questioned by one of the officers and stated
18 that he had marijuana in his handbag. He then gave consent to the officer to search his
19 handbag, whereupon the officer discovered 16 California Employment Development
20 Department (“EDD”) debit cards not issued in the defendants’ names.¹

21
22 _____
23 ¹ EDD is the agency that administers California’s unemployment insurance program, which
24 is designed to provide benefits to eligible workers who become unemployed through no fault
of their own. EDD provides unemployment insurance benefits to qualified applicants on a
debit card.



1
2
3
4
5
6
7
8
9 *Still Image from Body Cam Footage of Stack of EDD Cards Recovered from HOLMES' Handbag*

10 4. Because of the large number of debit cards discovered, officers proceeded to
11 conduct a probable cause search of the vehicle for further contraband. ROCHESTER also
12 gave the officer the consent to search the vehicle. During the search, officers discovered
13 \$89,710 in U.S. currency, five cellphones, three laptop computers, and a tablet. In addition,
14 inside ROCHESTER's wallet, the officers discovered an additional EDD debit card not in
15 the defendants' names.



16
17
18
19
20
21
22 *Still Image from Body Cam Footage of Currency Recovered from the Mercedes*

23 5. The EDD debit cards found in HOLMES's handbag and ROCHESTER's
24 wallet had been approved for at least \$385,000 of unemployment insurance benefits.

1 6. Based on my training and experience, due to the large number of EDD debit
2 cards recovered, none of them in defendants' names, and the large amount of currency
3 recovered from the car, there is probable cause to believe that defendants' possession of
4 these debit cards were not authorized.

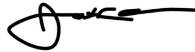
5 7. For example, I interviewed J.S., an individual whose name is on one of the
6 aforementioned EDD cards, and he informed me that he currently lives in Fort Lauderdale,
7 Florida, and has lived there for the past ten years. He further stated that he has never lived
8 in California, although he has visited there on business. Finally, he informed me that he has
9 never filed for unemployment benefits in California, nor has he received any
10 correspondence at his own address regarding the filing of any such claims. He confirmed
11 that the social security number and date of birth used to file the EDD claim in his name
12 were his.

13 8. As another example, I interviewed I.S., another individual whose name is on
14 one of the EDD cards, who informed me that she has never lived or worked in California,
15 has never filed for unemployment benefits in California, and is currently employed. She
16 also stated that she has visited California, but her last visit was approximately two years
17 ago. Lastly, she told me that she no longer uses her last name as identified on the EDD
18 card, as that was her maiden name. She likewise confirmed that the social security number
19 and date of birth used to file the EDD claim in her name were hers.

20 9. Defendants' unlawful possession of the aforementioned debit cards affected
21 interstate commerce because these cards were from a source outside of the State of Nevada,
22 i.e. EDD cards from California. Moreover, the EDD debit cards, administered by the Bank
23 of America, likely traveled through interstate commerce before being possessed by
24

1 defendants in the State of Nevada, because Bank of America is not incorporated nor has its
2 primary places of business located here in the State of Nevada.

3 10. Based on the above, I believe there is probable cause that, on September 18,
4 2020, JOSEPH HOLMES and EMILIO ROCHESTER did violate 18 U.S.C. § 1029(b)(2)
5 (Conspiracy to Possess Counterfeit and Unauthorized Access Devices) and 1028A(a)(1)
6 (Aggravated Identity Theft).

7 

8 Joshua Arambulo, Special Agent
9 United States Department of Labor
Office of the Inspector General

10 Attested to by the applicant in accordance with the requirements
of Fed. R. Crim. P. 4.1 by telephone on October 13 , 2020.

11 

12 HONORABLE DANIEL J. ALBREGTS
13 UNITED STATES MAGISTRATE JUDGE

