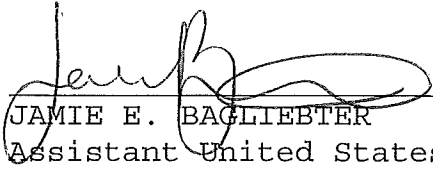


Approved:


JAMIE E. BAGLIESTER
Assistant United States Attorney

COPY

Before: HONORABLE PAUL E. DAVISON
United States Magistrate Judge
Southern District of New York

- - - - - X
UNITED STATES OF AMERICA : SEALED COMPLAINT
:
: Violation of
- v. - : 18 U.S.C. § 1349
:
BRIAN CAPELLAN : COUNTY OF OFFENSE:
NELSON ALBA DEJESUS : WESTCHESTER
JEAN MEDINA, :
JONATHAN MORA, :
JESUS ALBERTO REMOND, and :
EMMANOL DIONIS BAEZ RODRIGUEZ, :
:
Defendants. :
:
- - - - - X

18M 6983

SOUTHERN DISTRICT OF NEW YORK, ss.:

BRENDAN FALLON, being duly sworn, deposes and says that he is a Special Agent with the United States Secret Service (the "USSS"), and charges as follows:

Count One
(Conspiracy to Commit Wire Fraud)

1. From at least in or about December 2017 through and including July 2018, in the Southern District of New York and elsewhere, BRIAN CAPELLAN, NELSON ALBA DEJESUS, JEAN MEDINA, JONATHAN MORA, JESUS ALBERTO REMOND and EMMANOL DIONIS BAEZ RODRIGUEZ, the defendants, and others known and unknown, willfully and knowingly, did combine, conspire, confederate, and agree together and with each other to commit wire fraud, in violation of Title 18, United States Code, Section 1343.

2. It was a part and an object of the conspiracy that BRIAN CAPELLAN, NELSON ALBA DEJESUS, JEAN MEDINA, JONATHAN MORA, JESUS ALBERTO REMOND and EMMANOL DIONIS BAEZ RODRIGUEZ, the defendants, and others known and unknown, willfully and

knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, would and did transmit and cause to be transmitted by means of wire, radio, and television communications in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice in violation of Title 18, United States Code, Section 1343.

(Title 18, United States Code, Section 1349.)

The bases for my knowledge and for the foregoing charges are, in part and among other things, as follows:

3. I am a Special Agent with the United States Secret Service ("USSS"). I have been a USSS Special Agent since October 2016. I am currently assigned to the Electronic Crimes Task Force of the New York Field Office of the Secret Service. As part of my work at the USSS, I have received training regarding consumer and telecommunications fraud. I am familiar with the facts and circumstances set forth below from my personal participation in the investigation, including my examination of reports and records, interviews I have conducted, and conversations with other law enforcement officers and other individuals. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements and conversations of others are reported herein, they are reported in substance and in part, unless noted otherwise.

OVERVIEW OF THE SCHEME

4. From at least in or about December 2017 through and including July 2018, BRIAN CAPPELAN, NELSON ALBA DEJESUS, JEAN MEDINA, JONATHAN MORA, JESUS ALBERTO REMOND and EMMANOL DIONIS BAEZ RODRIGUEZ, the defendants, and others known and unknown, have engaged in a scheme to fraudulently obtain cellular phones from a cellular phone provider.

5. The scheme generally operated as follows:

a. The defendant's name was fraudulently added as an authorized user on existing accounts (the "Victim Accounts") with a telecommunications company that provides

cellular telephone services (the "Service Provider"). The registered owner of the Victim Accounts did not know or authorize these additions.

b. Once the defendant's name was added as an authorized user to a Victim Account, the defendant would purchase a cellular phone in person as part of a handset upgrade, charge the cost of the cellular phone to the Victim Account and exit the store with the cellular phone. The defendant was able to use legitimate forms of identification during the purchase because he had been added as an authorized user to the Victim Account.

c. When the Service Provider learned of the fraud, the registered owner of the Victim Account would not be charged and the Service Provider bore the financial loss associated with the cost of the cellular phone.

6. Over one-third of the Victim Accounts had one of the defendant's names added as an authorized user online through the Service Provider's Website (the "Website") using one of the following two IP Addresses: 24.47.64.232 and 24.47.79.122 (the "IP Addresses").

7. I have learned from my conversations with representatives of the Service Provider that the servers for the Website are located in Bothell, Washington.

8. Based on my review of Cablevision records, I have learned, in substance and in part, that the IP Addresses are both registered under the same account and the address associated with the account is a residence in Yonkers, New York ("Yonkers Residence"). I have also learned that there is a phone number associated with the IP Addresses ("Phone Number-1")

9. Based on my review of subscriber records from the service provider of Phone Number-1, I have learned, in substance and in part, that Phone Number-1 is subscribed to an individual ("CC-1").

10. Based on a review of law enforcement databases, as well as surveillance conducted by law enforcement, I have learned, in substance and in part, that CC-1 resides at the Yonkers Residence.

BRIAN CAPELLAN

11. Based on my review and analysis of documents provided to me by the Service Provider, I have learned, in substance and in part, the following about BRIAN CAPELLAN, the defendant:

a. From at least on or about October 10, 2017 through at least on or about July 23, 2018, CAPELLAN was fraudulently added as an authorized user to at least 48 different accounts that were held with the Service Provider (the "Capellan Victim Accounts").

b. At least approximately 4 of the Capellan Victim Accounts were accessed online through the IP Addresses in order to add CAPELLAN as an authorized user.

c. All of the Capellan Victim Accounts had their billing address changed after CAPELLAN was added as an authorized user. At least approximately 28 of the Capellan Victim Accounts had their billing addresses changed to 136 West 170th Street, Bronx, New York 10452 or a slight variation of that address.

d. After CAPELLAN was added as an authorized user of the Capellan Victim Accounts, cellular phones were purchased and charged on each Capellan Victim Account. In total, at least 75 cellular phones were purchased and charged on the Capellan Victim Accounts.

e. The Service Provider has incurred at least approximately \$81,065 in losses as a result of cellular phones fraudulently charged to the Capellan Victim Accounts.

12. Based on my review of records from the New York Department of Motor Vehicles, I have learned, in substance and in part, that the address of BRIAN CAPELLAN, the defendant, is

[REDACTED]

13. Based on my review of surveillance footage from stores which sell cellular phones, I have observed an individual purchasing items in those stores on the following dates and times:

a. May 20, 2018 at approximately 6:45 PM

b. May 31, 2018 at approximately 6:50 PM

c. June 3, 2018 at approximately 1:30 PM

- d. June 7, 2018 at approximately 8:45 PM
- e. June 11, 2018 at approximately 4:00 PM
- f. June 28, 2018 at approximately 2:30 PM
- g. July 4, 2018 at approximately 1:30 PM
- h. July 14, 2018 at approximately 8:00 PM

14. I have compared the images that I saw on the surveillance footage to a photographs available in law enforcement databases of BRIAN CAPELLAN, the defendant, and have confirmed that the physical characteristics of BRIAN CAPELLAN match those of the individual that I saw in the surveillance footage on the dates and times listed in Paragraph 13.

15. Based on my review of records from the Service Provider, I have learned, in substance and in part, that each purchase made at the dates and times listed in Paragraph 13, was later determined to be a purchase made by BRIAN CAPELLAN, the defendant, as a newly authorized user on a Victim Account

NELSON ALBA DEJESUS

16. Based on my review and analysis of documents provided to me by the Service Provider, I have learned, in substance and in part, the following about NELSON ALBA DEJESUS, the defendant:

a. From at least on or about January 11, 2018 through at least on or about July 24, 2018, DEJESUS was fraudulently added as an authorized user to at least 41 different accounts that were held with Service Provider (the "Dejesus Victim Accounts").

b. At least approximately 27 of the Dejesus Victim Accounts were accessed online through the IP Addresses in order to add DEJESUS as an authorized user.

c. All of the Dejesus Victim Accounts had their billing address changed after DEJESUS was added as an authorized user. At least approximately 38 of the Dejesus Victim Accounts had their billing addresses changed to 1061 Jerome Avenue,

Apartment 4, Bronx, New York, 10452 or a slight variation of that address.

d. After DEJESUS was added as an authorized user of the Dejesus Victim Accounts, cellular phones were purchased and charged on each Dejesus Victim Account. In total, at least 94 cellular phones were purchased and charged on the Dejesus Victim Accounts.

e. The Service Provider has incurred at least approximately \$104,226 in losses as a result of cellular phones charged to the Dejesus Victim Accounts.

17. Based on my review of phone subscriber, I have learned, in substance and in part, that NELSON ALBA DEJESUS, the defendant, has listed his address as [REDACTED]

18. Based on my review of surveillance footage from stores which sell cellular phones, I have observed an individual purchasing items in those stores on the following dates:

- a. March 29, 2018 at approximately 2:50 PM
- b. April 21, 2018 at approximately 5:15 PM
- c. July 24, 2018 at approximately 6:50 PM

19. I have compared the images that I saw on the surveillance footage to photographs from the Department of Motor Vehicles of NELSON ALBA DEJESUS, the defendant, and have confirmed that the physical characteristics of DEJESUS match those of the individual that I saw in the surveillance footage at the dates and times listed in Paragraph 18.

20. Based on my review of records from the Service Provider, I have learned, in substance and in part, that each purchase made at the dates and times listed in Paragraph 18, was later determined to be a purchase made by a NELSON ALBA DEJESUS, the defendant, as a newly authorized user on a Victim Account.

21. Based on my review of telephone records of NELSON ALBA DEJESUS, the defendant, I have learned, in substance and in part, that DEJESUS has communicated with CC-1 on Phone Number-1 at least 19 times from December 2017 through April 2018.

JEAN MEDINA

22. Based on my review and analysis of documents provided to me by the Service Provider, I have learned, in substance and in part, the following about JEAN MEDINA, the defendant:

a. From at least on or about August 5, 2017 through at least on or about July 12, 2018, MEDINA was added as an authorized user to at least 57 different accounts that were held with Service Provider (the "Medina Victim Accounts").

b. At least approximately 4 of the Medina Victim Accounts were accessed online through the IP Addresses in order to add MEDINA as an authorized user.

c. All of the Medina Victim Accounts had their billing address changed after MEDINA was added as an authorized user. At least approximately 45 of the Medina Victim Accounts had their billing addresses changed to 1801 Loring Place South, Apartment E, Bronx, New York 10453 or a slight variation of that address.

d. After MEDINA was fraudulently added as an authorized user of the Medina Victim Accounts, cellular phones were purchased and charged on each Medina Victim Account. In total, at least 155 cellular phones were purchased and charged on the Medina Victim Accounts.

e. The Service Provider has incurred at least approximately \$168,265 in losses as a result of cellular phones charged to the Medina Victim Accounts.

23. Based on my review of records from the Department of Motor Vehicles, I have learned, in substance and in part, that the address of JEAN MEDINA, the defendant, is [REDACTED]
[REDACTED]

24. Based on my review of surveillance footage from stores which sell cellular phones, I have observed an individual purchasing items in those stores on the following dates:

a. March 2, 2018 at approximately 7:00 PM

b. March 8, 2018 at approximately 5:45 PM

c. March 8, 2018 at approximately 6:45 PM

d. July 12, 2018 at approximately 7:40 PM

25. I have compared the images that I saw on the surveillance footage to photographs from the Department of Motor Vehicles of JEAN MEDINA, the defendant, and have confirmed that the physical characteristics of MEDINA match those of the individual that I saw in the surveillance footage on the dates and times listed in Paragraph 24.

26. Based on my review of records from the Service Provider, I have learned, in substance and in part, that each purchase made at the dates and time listed in Paragraph 24, was later determined to be a purchase made by a JEAN MEDINA, the defendant, as a newly authorized user on a Victim Account.

27. Based on my review of CC-1's telephone records, I have learned, in substance and in part, that JEAN MEDINA, the defendant, had a telephone call with CC-1 on Phone Number-1 on December 23, 2017.

28. Based on my review of records from the Service Provider, I have learned, in substance and in part, that on December 22, 2018, JEAN MEDINA, the defendant, purchased 6 cellular phones on Victim Accounts, and on December 23, 2018, Medina purchased 7 cellular phones on Victim Accounts.

JONATHAN MORA

29. Based on my review and analysis of documents provided to me by the Service Provider, I have learned, in substance and in part, the following about JONATHAN MORA, the defendant:

a. From at least in or about December 21, 2017 through at least in or about July 25, 2018, MORA was added as an authorized user to at least 86 different accounts that were held with Service Provider (the "Mora Victim Accounts").

b. At least approximately 31 of the Mora Victim Accounts were accessed online through the IP Addresses in order to add MORA as an authorized user.

c. All of the Mora Victim Accounts had their billing address changed after MORA was added as an authorized user. At least approximately 77 of the Mora Victim Accounts had their billing addresses changed to 31 West Mosholu Parkway

North, Apartment 4L, Bronx, New York 10467 or a slight variation of that address.

d. After MORA was added as an authorized user of the Mora Victim Accounts, cellular phones were purchased and charged on each Mora Victim Account. In total, at least 218 cellular phones were purchased or charged on the Mora Victim Accounts.

e. The Service Provider has incurred at least approximately \$243,282 in losses as a result of cellular phones charged to the Mora Victim Accounts.

30. Based on my review of records from the Department of Motor Vehicles, I have learned, in substance and in part, that the address of JONATHAN MORA, the defendant, is [REDACTED]

31. Based on my review of surveillance footage from stores which sell cellular phones, I have observed an individual purchasing items in those stores on the following dates:

- a. May 16, 2018 at approximately 8:45 PM
- b. May 17, 2018 at approximately 2:45 PM
- c. May 18, 2018 at approximately 5:50 PM
- d. July 25, 2018 at approximately 3:15 PM

32. I have compared the images that I saw on the surveillance footage to photographs from the Department of Motor Vehicles of JONATHAN MORA, the defendant, and have confirmed that the physical characteristics of MORA match those of the individual that I saw in the surveillance footage on the dates and times listed in Paragraph 31.

33. Based on my review of records from the Service Provider, I have learned, in substance and in part, that each purchase made at the dates and time listed in Paragraph 31, was later determined to be a purchase made by a JEAN MEDINA, the defendant, as a newly authorized user on a Victim Account.

JESUS ALBERTO REMOND

34. Based on my review and analysis of documents provided to me by the Service Provider, I have learned, in

substance and in part, the following about JESUS ALBERTO REMOND, the defendant:

a. From at least in or about December 29, 2017 through at least in or about March 15, 2018, REMOND was added as an authorized user to at least 23 different accounts that were held with Service Provider (the "Remond Victim Accounts").

b. At least approximately 18 of the Remond Victim Accounts were accessed online through the IP Addresses in order to add REMOND as an authorized user.

c. All of the Remond Victim Accounts had their billing address changed after REMOND was added as an authorized user. At least approximately 18 of the Remond Victim Accounts had their billing addresses changed to 2688 3rd Ave, Apt 2B, Bronx, NY 10454 or a slight variation of that address.

d. After REMOND was added as an authorized user of the Remond Victim Accounts, cellular phones were purchased and charged on each Remond Victim Account. In total, at least 49 cellular phones were purchased and charged on the Remond Victim Accounts.

e. The Service Provider has incurred at least approximately \$53,470 in losses as a result of cellular phones charged to the Remond Victim Accounts.

35. Based on my review of records from the Department of Motor Vehicles, I have learned, in substance and in part, that the address of JESUS ALBERTO REMOND, the defendant, is [REDACTED]

36. Based on my review of telephone records for JESUS ALBERTO REMOND, the defendant, I have learned, in substance and in part, that REMOND has communicated with CC-1 on Phone Number-1 at least 13 times from December 2017 through April 2018.

EMMANOL DIONIS BAEZ RODRIGUEZ

37. Based on my review and analysis of documents provided to me by the Service Provider, I have learned, in substance and in part, the following about EMMANOL DIONIS BAEZ RODRIGUEZ, the defendant:

a. From at least in or about January 12, 2018 through at least in or about July 12, 2018, RODRIGUEZ was added

as an authorized user to at least 50 different accounts that were held with Service Provider (the "Rodriguez Victim Accounts").

b. At least approximately 23 of the Rodriguez Victim Accounts were accessed online through the IP Addresses.

c. All of the Rodriguez Victim Accounts had their billing address changed after RODRIGUEZ was added as an authorized user. At least approximately 43 of the Rodriguez Victim Accounts had their billing addresses changed to 1525 S. 20th Avenue, Hollywood, Florida 33020 or slight variation of that address.

d. After RODRIGUEZ was added as an authorized user of the Rodriguez Victim Accounts, cellular phones were purchased and charged on each Rodriguez Victim Account. In total, at least 97 cellular phones were purchased and charged on the Rodriguez Victim Accounts.

e. The Service Provider has incurred at least approximately \$104,279 in losses as a result of cellular phones charged to the Rodriguez Victim Accounts.

38. Based on my review of records from the Department of Motor Vehicles, I have learned, in substance and in part, that the address of EMMANOL DIONIS BAEZ RODRIGUEZ, the defendant, is [REDACTED]

39. Based on my review of surveillance footage from stores which sell cellular phones, I have observed an individual purchasing items in those stores on the following dates:

a. April 9, 2018 at approximately 8:45 PM

b. April 20, 2018 at approximately 6:20 PM

40. I have compared the images that I saw on the surveillance footage to photographs available in law enforcement databases of EMMANOL DIONIS BAEZ RODRIGUEZ, the defendant, and have confirmed that the physical characteristics of RODRIGUEZ match those of the individual that I saw in the surveillance footage on the dates and times listed in Paragraph 39.

41. Based on my review of records from the Service Provider, I have learned, in substance and in part, that each purchase made at the dates and time listed in Paragraph 39, were

determined to be a purchase made by EMMANOL DIONIS BAEZ RODRIGUEZ, the defendant, as a newly authorized user on a Victim Account.

WHEREFORE, deponent prays that an arrest warrant be issued and BRIAN CAPELLAN, NELSON ALBA DEJESUS, JEAN MEDINA, JONATHAN MORA, and EMMANOL DIONIS BAEZ RODRIGUEZ, the defendants, be arrested, imprisoned or bailed, as the case may be.



BRENDAN FALLON
SPECIAL AGENT
U.S. SECRET SERVICE

Sworn to before me this
14th day of August 2018



HONORABLE PAUL E. DAVISON
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK