

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ORIGINAL FILED

AUG 18 2011

UNITED STATES OF AMERICA

v.

ALFREDO RODRIGUEZ,
RALBERT OLACIO,
JASON CRUZ,
ADIEL LOPEZ,
and
EDWIN RODRIGUEZ

Hon. Patty Shwartz

PATTY SHWARTZ
U.S. MAG. JUDGE

Mag. No. 11-3179

CRIMINAL COMPLAINT

FILED UNDER SEAL

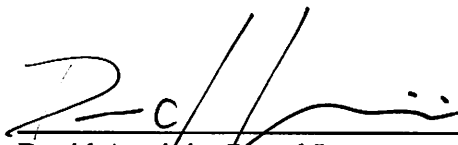
I, David Arminio, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

SEE ATTACHMENT A

I further state that I am a Postal Inspector with the U.S. Postal Inspection Service, and that this complaint is based on the following facts:

SEE ATTACHMENT B

continued on the attached pages and made a part hereof.

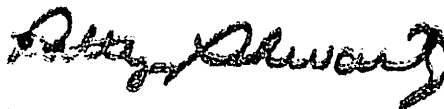


David Arminio, Postal Inspector
U.S. Postal Inspection Service

Sworn to before me, and
subscribed in my presence

August 18, 2011 at
Newark, New Jersey

HONORABLE PATTY SHWARTZ
UNITED STATES MAGISTRATE JUDGE



Signature of Judicial Officer

ATTACHMENT A

Count One
(Wire Fraud Conspiracy)

From at least as early as in or about May 2010 through in or about July 2011, in the District of New Jersey and elsewhere, defendants

ALFREDO RODRIGUEZ,
RALBERT OLACIO,
JASON CRUZ,
ADIEL LOPEZ, and
EDWIN RODRIGUEZ

did knowingly and intentionally conspire and agree with each other and with others, to execute a scheme and artifice to defraud T-Mobile USA, Inc. and Wal-Mart Stores, Inc., and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, and, for the purpose of executing this scheme and artifice to defraud, did transmit and cause to be transmitted by means of wire communications in interstate and foreign commerce, certain signs, signals, and sounds, contrary to Title 18, United States Code, Section 1343.

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

ATTACHMENT B

I, David Arminio, am a Postal Inspector with the U.S. Postal Inspection Service ("USPIS"). I have knowledge of the facts contained in this affidavit based upon my personal knowledge and observation, my training and experience, conversations with other law enforcement officers and witnesses, and the review of documents and records. Unless specifically indicated, all conversations and statements described in this affidavit are related in substance and in part.

1. Since in or about January 2011, the USPIS has been investigating a group of individuals engaged in a scheme to defraud T-Mobile USA ("T-Mobile") and Wal-Mart Stores, Inc. ("Wal-Mart"). As summarized below, the investigation has revealed that defendants ALFREDO RODRIGUEZ, RALBERT OLACIO, JASON CRUZ, ADIEL LOPEZ, and EDWIN RODRIGUEZ have: (1) fraudulently activated numerous T-Mobile cellular service accounts using stolen identities; (2) fraudulently purchased discounted cellular phones at Wal-Mart retail stores ordinarily available only to qualified T-Mobile customers; and (3) re-sold the fraudulently obtained cellular phones at a profit.

At all times relevant to this Complaint, unless otherwise indicated:

The Victim Companies

2. T-Mobile was a national retailer and provider of wireless voice, messaging, and data services, as well as cellular phones, whose United States headquarters was located in Bellevue, Washington.

3. Wal-Mart was headquartered in Bentonville, Arkansas, and was the world's largest retailer. Wal-Mart operated more than 4,300 facilities including Walmart Supercenters, Discount Stores, Neighborhood Markets and Sam's Club warehouses in the United States. Among other wireless products, Wal-Mart sold T-Mobile wireless voice, messaging, and data services, as well as cellular telephones, at many of its United States stores.

The T-Mobile Activation Process

4. Customers activated new T-Mobile service at an authorized T-Mobile retailer such as Wal-Mart ("in-store activation"), or over-the-air ("OTA") by calling T-Mobile. In the case of in-store activation at a Wal-Mart, each Wal-Mart store that sold T-Mobile products and services was connected through an Internet-based interface to T-Mobile's credit acquisition and activation system – the T-Mobile Retail Service Platform – in Bothell, Washington (the "RSP Interface").

5. T-Mobile required a credit check before any new account could be activated. To this end, in the case of an in-store activation, Wal-Mart collected the customer's Social Security number, driver's license number, date of birth, and address, among other information, and relayed it to T-Mobile using the RSP Interface for a credit check to be conducted. If T-Mobile's credit criteria was met, it approved the account. The customer then

completed a T-Mobile service agreement, which was also communicated to T-Mobile using the RSP Interface.

6. In the case of OTA activation, customers were required to possess a T-Mobile Subscriber Identity Module (“SIM”) card¹ and a SIM-based cellular telephone, and successfully complete a credit check over the telephone. For the credit check, T-Mobile asked customers for their Social Security number, driver’s license number, date of birth, and address over the telephone, among other information, and contacted one of the three major credit agencies to determine the customer’s credit worthiness. If T-Mobile’s credit criteria were met, T-Mobile activated the customer’s account.

Wal-Mart’s Sale of Discounted Cellular Telephones to T-Mobile Customers

7. Customers who qualified for T-Mobile service (either through in-store or OTA activation) and selected a two-year service contract (hereinafter “Qualified T-Mobile Customers”) could purchase discounted cellular phones from Wal-Mart. These discounts ranged from 50 to 100% off of the retail price of the handset, depending on the model. Wal-Mart offered such discounts to Qualified T-Mobile Customers because it earned incentives for new activations from T-Mobile, which offset its discounted prices.

8. In addition, existing T-Mobile customers could go to Wal-Mart to add additional lines of service – *i.e.*, additional cellular telephone numbers – to their existing accounts, depending on their initial credit score. Wal-Mart also offered such customers discounted cellular phones for their newly-added lines because they were required to enter into new two-year service contracts whenever they added new lines to an existing account.

9. Until in or about December 2010, when an existing T-Mobile customer added lines to their account at a Wal-Mart store, Wal-Mart representatives confirmed that the customer had a T-Mobile account by entering the customer’s T-Mobile number and the last four digits of the customer’s Social Security number into the RSP Interface. If the information provided by the customer matched the information in T-Mobile’s records, the customer could add the number of lines permitted by T-Mobile based on the customer’s initial credit check; no additional verification was required by T-Mobile or Wal-Mart.

¹ A SIM card is a portable memory chip used in some models of cellular telephones. It holds personal identity information, cellular telephone number, phone book, text messages and other data, and allows the owner of the SIM card to easily switch to a new telephone by simply sliding the SIM out of the old telephone and into the new one. The SIM card typically activates the telephone into which it is inserted if it is associated with a wireless provider.

10. In or about December 2010, T-Mobile and Wal-Mart changed the validation process for T-Mobile customers adding additional lines of service at Wal-Mart stores. Since in or about December 2010, such customers must present photo identification matching the name and account information listed in T-Mobile records, including the last four digits of the customer's Social Security number, and Wal-Mart representatives must validate this information using the RSP Interface.

11. If a T-Mobile account activated in-store at Wal-Mart, for example, is disconnected by T-Mobile for fraud, including identity theft, Wal-Mart is not paid any incentives for new activations, and are not reimbursed by T-Mobile for any discounts they may have offered on cellular handsets associated with such accounts. In other words, retailers such as Wal-Mart bear the entire cost of the discounted handset in the event of fraudulent in-store activations.

The Defendants

12. Defendants ALFREDO RODRIGUEZ, RALBERT OLACIO, JASON CRUZ, ADIEL LOPEZ, and EDWIN RODRIGUEZ reside in or about Brooklyn, New York. Beginning in or about May 2010 and continuing through at least July 2011, defendants conspired to defraud T-Mobile and Wal-Mart retail stores located primarily along the Interstate 95 corridor from Maine to Florida.

13. Defendants referred to themselves and their criminal organization as the "Interstate Boys," presumably in light of the geographic scope of their fraudulent conduct.

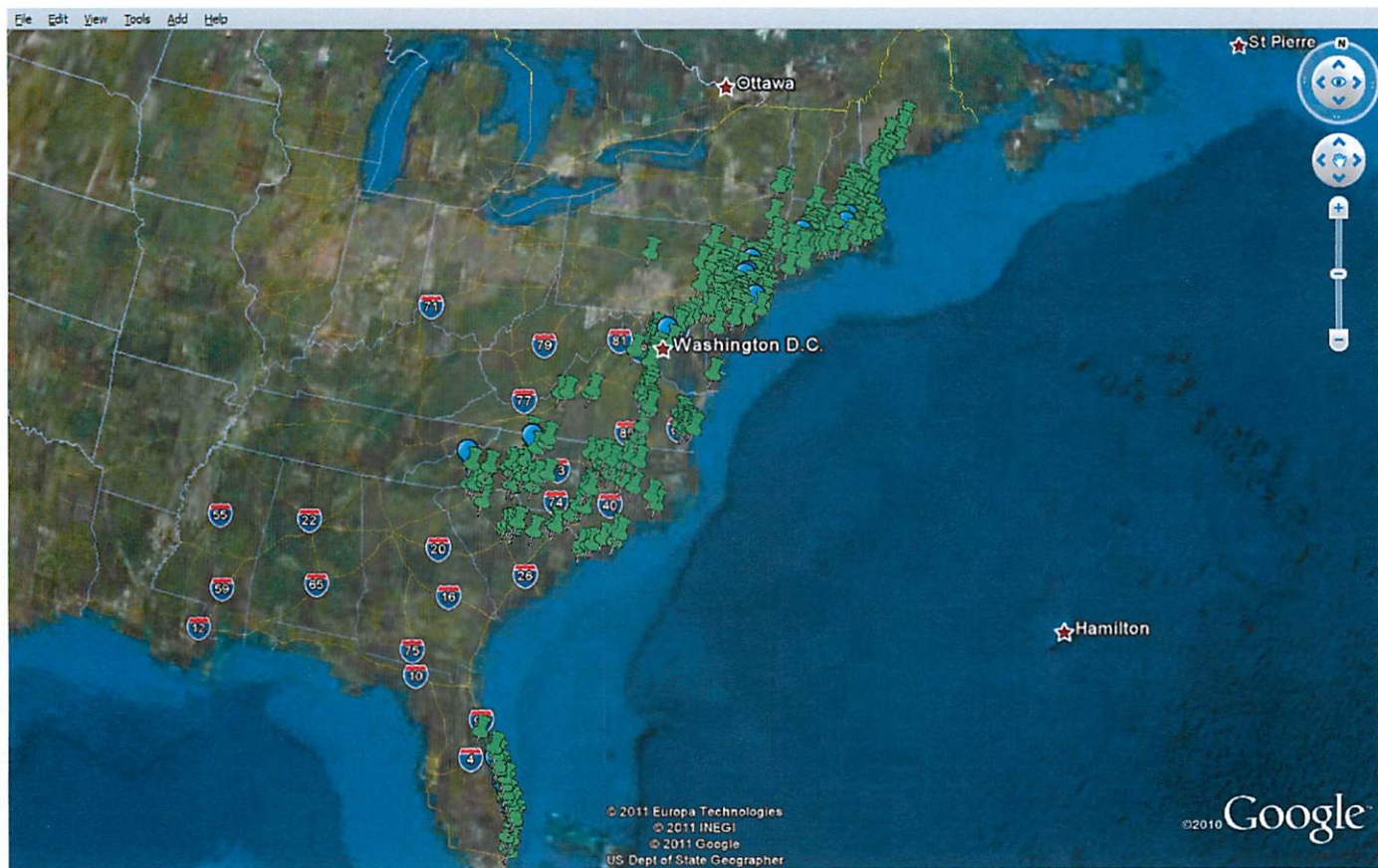
14. A number of defendants were also T-Mobile customers:

- a. ALFREDO RODRIGUEZ was a T-Mobile subscriber with a cellular telephone number ending in "9809" (the "A. RODRIGUEZ cellular telephone").
- b. RALBERT OLACIO used a T-Mobile cellular telephone with a number ending in "0031" (the "OLACIO cellular telephone"), which was subscribed to another individual.
- c. JASON CRUZ was a T-Mobile subscriber with a cellular telephone number ending in "5784" (the "CRUZ cellular telephone").
- d. ADIEL LOPEZ was a T-Mobile subscriber with a cellular telephone number ending in "4196" (the "LOPEZ cellular telephone").

Overview of the Defendants' Scheme to Defraud Wal-Mart and T-Mobile

15. Between in or about May 2010 through in or about July 2011, defendants obtained the personal identification information, including the names and Social Security numbers, of over 400 identity theft victims. Using this information, defendants completed T-Mobile's credit check process and opened T-Mobile cellular telephone accounts in the names of identity theft victims using both the OTA and in-store activation process described above (hereinafter the "Fraudulent T-Mobile Accounts").

16. After establishing the Fraudulent T-Mobile Accounts, defendants traveled to over 350 different Wal-Mart stores located from Maine to Florida (as shown on the map below), on approximately 600 occasions from in or about May 2010 through in or about July 2011.



17. Once at the Wal-Mart stores, defendants added additional lines to the Fraudulent T-Mobile Accounts established through the OTA process, or established new service in-store in the name of identity theft victims.

18. From in or about May 2010 through in or about December 2010, defendants exploited a loophole in the RSP Interface, and simply provided Wal-Mart representatives the cellular telephone numbers and the last four numbers of the Social Security numbers associated with the Fraudulent T-Mobile Accounts to validate the accounts and add additional lines. In some instances when asked for identification, defendants provided identification in their own name because the account holder name was not validated using the RSP Interface at the time. In other instances, defendants provided fraudulent identification to Wal-Mart representatives, which sometimes matched the name on the Fraudulent T-Mobile Account.

19. Beginning in or about December 2010 and continuing through in or about July 2011, in response to changes in Wal-Mart and T-Mobile's activation systems discussed above, defendants began presenting fraudulent photo identification corresponding to the Fraudulent T-Mobile Accounts to validate those accounts and add additional lines, as well as opened new T-Mobile accounts in-store in the name of identity theft victims using fraudulent photo identification.

20. After activating Fraudulent T-Mobile Accounts or adding lines to the Fraudulent T-Mobile Accounts using the methods described above, defendants entered into new two-year service agreements with T-Mobile, and purchased discounted cellular handsets for the newly added lines while at Wal-Mart stores. In all such instances, defendants caused T-Mobile Service Agreements for the Fraudulent T-Mobile Accounts to be transmitted from the Wal-Mart store where the accounts were activated, or where lines were added, to T-Mobile in Bothell, Washington using the RSP Interface.

21. In some instances, defendants used the newly activated lines associated with the Fraudulent T-Mobile Accounts, incurring charges that they never paid. Defendants subsequently sold the cellular handsets to others at a substantial profit.

22. From in or about and between May 2010 through in or about July 2011, defendants utilized over 400 stolen identities to open in excess of 400 Fraudulent T-Mobile Accounts and obtain approximately 2,000 discounted cellular handsets from more than 350 Wal-Mart stores located from Maine to Florida. In most cases, the Fraudulent T-Mobile Accounts were deactivated by T-Mobile for fraud or identity theft shortly after they were established. Nevertheless, T-Mobile has suffered hundreds of thousands of dollars in losses as a result of unpaid service charges, among others. In addition, Wal-Mart has suffered significant losses related to its sale of discounted cellular handsets to defendants because it is unable to recoup the incentives it expected when it sold the equipment.

23. Defendants' scheme has resulted in approximately \$1 million dollars in losses to T-Mobile and Wal-Mart associated with unpaid T-Mobile cellular service, discounted cellular handsets, and the costs associated with investigating defendants' criminal conduct.

The Investigation

24. The investigation has revealed that the Interstate Boys – defendants ALFREDO RODRIGUEZ, RALBERT OLACIO, JASON CRUZ, ADIEL LOPEZ, and EDWIN RODRIGUEZ – typically work in groups of two or three as they travel to Wal-Mart stores throughout the East Coast. At various times, each defendant has worked with one or more co-conspirators identified in this Complaint and others to further the fraudulent scheme.

25. Moreover, each defendant named in this Complaint has at various times been captured by security cameras in multiple Wal-Mart stores at or near the time of a fraudulent T-Mobile activation and purchase, including, in many cases, video footage of a defendant fraudulently signing a contract for T-Mobile service or paying for a fraudulently obtained discounted cellular telephone.

26. In addition to being captured on video surveillance at Wal-Marts throughout the East Coast, cellular telephone records also confirm a number of the defendants' participation in the fraudulent scheme described above. A review of defendants' use of their T-Mobile phones, including cell tower information, has placed defendants ALFREDO RODRIGUEZ, RALBERT OLACIO, JASON CRUZ and ADIEL LOPEZ in the vicinity of Wal-Mart stores throughout the East Coast at various times, including at or near the time of a number of fraudulent activations identified during the investigation based on their cellular telephone activity.² In addition, T-Mobile records show that ALFREDO RODRIGUEZ, RALBERT OLACIO, JASON CRUZ and ADIEL LOPEZ have placed calls to numbers associated with the Fraudulently Activated T-Mobile Accounts.

27. During the course of the investigation, I have used images from Wal-Mart's surveillance records, T-Mobile records and other public records, including New York State Driver's License photographs, to positively identify defendants ALFREDO RODRIGUEZ, RALBERT OLACIO, JASON CRUZ, ADIEL LOPEZ, and EDWIN RODRIGUEZ as being the individuals responsible for the fraudulent scheme described in this Complaint.

² While surveillance evidence and other records have placed EDWIN RODRIGUEZ at Wal-Mart stores during a number of fraudulent activations, no analysis of his cellular telephone activity has been conducted.

Examples of Defendants' Fraudulent Scheme In Action

A. The Fraudulently Activated C.H. T-Mobile Account

28. On or about July 3, 2010, an individual claiming to be "C.H." called T-Mobile and completed OTA activation of a T-Mobile account in C.H.'s name (the "C.H. T-Mobile Account") without C.H.'s consent or approval, by providing, among other things, C.H.'s name and Social Security number, and successfully completing a credit check.

29. On that same date, ALFREDO RODRIGUEZ traveled to a Wal-Mart Store located in Kearny, New Jersey, activated three additional lines on the fraudulently opened C.H. T-Mobile Account, and purchased three discounted cellular handsets.

30. Wal-Mart records indicate that the individual activating these phones on the C.H. T-Mobile Account provided the following to a Wal-Mart representative: identification in ALFREDO RODRIGUEZ's name; the last four digits of C.H.'s Social Security number; and the telephone number associated with the fraudulently opened C.H. T-Mobile Account. As part of these fraudulent activations, ALFREDO RODRIGUEZ completed a T-Mobile Service Agreement, and caused it, as well as other information, to be transmitted from the Wal-Mart store in Kearny, New Jersey to T-Mobile USA in Bothell, Washington, using the RSP Interface.

31. In addition, T-Mobile records show telephone calls between at least one of the fraudulently activated phones and the A. RODRIGUEZ cellular telephone shortly after the activations. T-Mobile records also indicate that a telephone call made from the A. RODRIGUEZ cellular telephone around the time of the above-described fraudulent telephone purchases was directed through a cell tower in the vicinity of the Wal-Mart store in Kearny, New Jersey, where the cellular phones were fraudulently purchased. T-Mobile records also show that the SIM card used to activate the C.H. T-Mobile Account was previously used in multiple cellular telephones linked to ADIEL LOPEZ between approximately October 24, 2009 and August 13, 2010.

32. Shortly after these activations, T-Mobile deactivated the C.H. T-Mobile Account for fraud and identity theft, resulting in losses to both T-Mobile for unpaid service and to Wal-Mart in the amount of the discount it offered defendants based on the assumption they were Qualified T-Mobile Customers.

B. The Fraudulently Activated L.B. T-Mobile Account

33. On or about December 3, 2010, an individual claiming to be "L.B." called T-Mobile and completed OTA activation of a T-Mobile account in L.B.'s name (the "L.B. T-Mobile Account") without L.B.'s consent or approval, by providing, among other things, L.B.'s name and Social Security number, and successfully completing a credit check.

34. On or about the same date, ALFREDO RODRIGUEZ and RALBERT OLACIO traveled to a Wal-Mart store in Hamilton, New Jersey and a Wal-Mart store in East

Windsor, New Jersey, activated two additional lines on the L.B. T-Mobile Account, and purchased two discounted cellular handsets.

35. Wal-Mart records indicate that the individual activating these phones on the L.B. T-Mobile Account provided the following to a Wal-Mart representative: identification in RALBERT OLACIO's name; the last four digits of L.B.'s Social Security number; and the telephone number associated with the fraudulently opened L.B. T-Mobile Account. As part of these fraudulent activations, ALFREDO RODRIGUEZ and RALBERT OLACIO completed a T-Mobile Service Agreement, and caused it, as well as other information, to be transmitted from the Wal-Mart store in Hamilton, New Jersey, to T-Mobile USA in Bothell, Washington, using the RSP Interface.

36. Wal-Mart surveillance cameras captured RALBERT OLACIO on video in at the Wal-Mart store in East Windsor, New Jersey during the telephone activation.

37. Wal-Mart surveillance cameras also captured RALBERT OLACIO on video at the register in that same store paying for the fraudulently purchased cellular telephones, along with the ALFREDO RODRIGUEZ.

38. In addition, T-Mobile records show telephone calls between both of the fraudulently activated cellular telephones and the A. RODRIGUEZ cellular telephone, including at least one telephone call made from the A. RORDIGUEZ cellular telephone around the time of the fraudulent purchases which was directed through a cell tower in the vicinity of all three stores.

39. Shortly after these activations, T-Mobile deactivated the L.B. T-Mobile Account for fraud and identity theft, resulting in losses to both T-Mobile for unpaid service and to Wal-Mart in the amount of the discount it offered defendants based on the assumption they were Qualified T-Mobile Customers.

C. The Fraudulently Activated S.K. T-Mobile Account

40. On or about January 17, 2011, an individual claiming to be "S.K." entered a Wal-Mart store in Flanders, New Jersey and activated a T-Mobile account in S.K.'s name (the "S.K. T-Mobile Account") by providing, among other things, S.K.'s name and Social Security number, and successfully completing a credit check.

41. On or about the same date, ADIEL LOPEZ traveled to three different Wal-Mart stores in Boonton, Flanders, and Rockaway, New Jersey, and activated additional lines on the S.K. T-Mobile Account, and purchased ten discounted cellular handsets. As part of these fraudulent activations, ADIEL LOPEZ completed T-Mobile Service Agreements, and caused them, as well as other information, to be transmitted from the Wal-Mart stores in Boonton, Flanders, and Rockaway, New Jersey, to T-Mobile USA in Bothell, Washington, using the RSP Interface.

42. T-Mobile records show that ADIEL LOPEZ's cellular telephone was used was in the vicinity of each of these Wal-Mart stores within seconds of the above-described telephone activations. T-Mobile records also indicate made multiple calls between one or more of the fraudulently activated lines and JASON CRUZ's cellular telephone number shortly after they were activated.

43. Shortly after these activations, T-Mobile deactivated the S.K. T-Mobile Account for fraud and identity theft, resulting in losses to both T-Mobile for unpaid service and to Wal-Mart in the amount of the discount it offered defendants based on the assumption they were Qualified T-Mobile Customers.

D. The Fraudulently Activated M.A. T-Mobile Account

44. On or about November 14, 2010, an individual claiming to be "M.A." called T-Mobile and completed OTA activation of a T-Mobile account in M.A.'s name (the "M.A. T-Mobile Account") without M.A.'s consent or approval, by providing among other things, M.A.'s name and Social Security number, and successfully completing a credit check.

45. On or about the same date, ALFREDO RODRIGUEZ and EDWIN RODRIGUEZ traveled to a Wal-Mart store in Columbia, South Carolina, activated additional lines on the M.A. T-Mobile Account, and purchased two discounted cellular handsets.

46. Wal-Mart records indicate that the individual activating these phones on the M.A. T-Mobile Account provided the following to a Wal-Mart representative: identification in ALFREDO RODRIGUEZ's name; the last four digits of M.A.'s Social Security number; and the telephone number associated with the fraudulently opened M.A. T-Mobile Account

47. Wal-Mart's surveillance cameras captured defendant EDWIN RODRIGUEZ exiting the Wal-Mart store where the phones were purchased shortly after the transaction. In fact, in or about and between August 2010 and May 2011, EDWIN RODRIGUEZ was captured by Wal-Mart surveillance cameras with his coconspirators at approximately 19 different store locations in nine different states during the fraudulent activation and purchase of cellular telephones in the manner described in this Complaint. For example, on or about May 12, 2011, ALFREDO RODRIGUEZ and EDWIN RODRIGUEZ were captured by surveillance cameras at a Wal-Mart in North Wyndham, Connecticut fraudulently activating a T-Mobile account in the name of an individual named "A.D.," without A.D.'s consent or approval, by providing, among other things, A.D.'s name and Social Security number, and successfully completing an in-store credit check. In this example, ALFREDO RODRIGUEZ was captured on video signing a T-Mobile Service Agreement, claiming to be A.D., and EDWIN RODRIGUEZ was captured on video paying in cash for fraudulently obtained, discounted cell phones following the activation. Shortly thereafter, on or about May 18, 2011, EDWIN RODRIGUEZ was

captured by surveillance cameras at a Wal-Mart in Kent, Ohio, purchasing in cash five cellular telephones that had been fraudulently activated in the name of identity theft victim "S.O.," without S.O.'s consent or approval.

48. In addition, T-Mobile records show a number of telephone calls to or from at least one of the fraudulently purchased phones and the A. RODRIGUEZ cellular telephone. One of these calls was made from the A. RODRIGUEZ cellular telephone at or around the time of the telephone purchases described in this paragraph, and was directed through a cell tower in the vicinity of the Wal-Mart store where they were purchased.

49. Shortly after these activations, T-Mobile deactivated the M.A. T-Mobile Account for fraud and identity theft, resulting in losses to both T-Mobile for unpaid service and to Wal-Mart in the amount of the discount it offered defendants based on the assumption they were Qualified T-Mobile Customers.

E. The Fraudulently Activated L.T. T-Mobile Account

50. At approximately 1:00 p.m. on or about April 6, 2011, ADIEL LOPEZ and RALBERT OLACIO entered a Wal-Mart Store in Warwick, Rhode Island, and RALBERT OLACIO claimed to be an individual named "L.T.," and activated a T-Mobile account in L.T.'s name (the "L.T. T-Mobile Account") without L.T.'s consent or approval, by providing, among other things, L.T.'s name and Social Security number, and successfully completing an in-store credit check. OLACIO subsequently activated three lines on the L.T. T-Mobile Account, and purchased three discounted cellular handsets.

51. Wal-Mart surveillance cameras captured RALBERT OLACIO at the register, claiming to be L.T. in Warwick, Rhode Island Wal-mart store during the activation. In addition, Wal-Mart surveillance cameras captured ADIEL LOPEZ on video with OLACIO in the store during these fraudulent transactions.

52. T-Mobile records also indicate that a telephone call made from RALBERT OLACIO's cellular telephone around the time of the fraudulent purchases described above was directed through a cell tower in the vicinity of the Warwick, Rhode Island Wal-Mart store.

53. At approximately 2:20 p.m. on or about April 6, 2011, two additional T-Mobile phones were activated on the L.T. T-Mobile Account at a Wal-Mart Store in North Attleboro, Massachusetts. T-Mobile records also show that telephone calls made from the OLACIO and LOPEZ's cellular phones at around the time of the telephone purchases were directed through a cell tower in the vicinity of that store.

54. At approximately 2:40 p.m. on or about April 6, 2011, T-Mobile cancelled the L.T. T-Mobile Account. At approximately 3:20 p.m. on or about April 6, 2011, an individual claiming to be L.T. called T-Mobile and attempted to change the L.T. T-Mobile Account from a five-line family plan to individual accounts. Although the caller claiming to be L.T. terminated

the call, T-Mobile was able to retrieve a recording of this conversation and associated records, which revealed that the call was placed from the LOPEZ cellular telephone. In addition to the above recording and in the normal course of its business, T-Mobile recorded a number of telephone calls placed by ADIEL LOPEZ, among others, to T-Mobile concerning his T-Mobile account. Based on a review of these recordings, it appears that the individual claiming to be L.T. was ADIEL LOPEZ.

55. At approximately 3:30 p.m. on or about April 6, 2011, an individual claiming to be "L.T." called T-Mobile and attempted to change the current account plan a second time. T-Mobile advised the caller that the account was canceled. T-Mobile was able to retrieve a recording of this conversation and associated records, which revealed that the call was placed from the LOPEZ's cellular telephone. Based on a review of available recordings, it appears that the individual claiming to be L.T. was ADIEL LOPEZ.

56. Shortly after the activations, T-Mobile deactivated the L.T. T-Mobile Account for fraud and identity theft, resulting in losses to both T-Mobile for unpaid service and to Wal-Mart in the amount of the discount it offered defendants based on the assumption they were Qualified T-Mobile Customers.

Summary of Defendants' Available Cellular Telephone Records

57. The analyses and summaries below are based on available T-Mobile records:

A. Defendant ALFREDO RODRIGUEZ

58. First, T-Mobile records show numerous calls from the A. RODRIGUEZ cellular telephone to T-Mobile to activate or modify an account that it was later determined was opened fraudulently using another individual's identity.

59. Second, in or about and between May 2010 and May 2011, there were approximately 889 calls and text messages between the A. RODRIGUEZ cellular telephone and approximately 133 T-Mobile cellular telephone numbers that were later terminated as fraudulent activations.

60. Third, in or about and between June 2010 and May 2011, a minimum of 309 calls were placed or received by the A. RODRIGUEZ cellular telephone in the vicinity of Wal-Mart stores in fifteen states in the eastern United States at or near the time that approximately 1,062 fraudulent activations occurred.

B. Defendant RALBERT OLACIO

61. First, in or about and between May 2010 and May 2011, there were approximately 554 calls and text messages between the OLACIO cellular telephone and

approximately 77 T-Mobile cellular telephone numbers that were later terminated as fraudulent activations.

62. Second, in or about and between January 2011 and May 2011, a minimum of 28 calls were placed or received by the OLACIO cellular telephone in the vicinity of Wal-Mart stores in seven states in the eastern United States at or near the time that approximately 102 fraudulent activations occurred.

C. Defendant JASON CRUZ

63. First, in or about and between January 2011 and May 2011, there were approximately 53 calls and text messages between the CRUZ cellular telephone number and approximately 23 T-Mobile cellular telephone numbers that were later terminated as fraudulent activations.

64. Second, in or about and between March 2011 and May 2011, a minimum of 61 calls were placed or received by the CRUZ cellular telephone in the vicinity of Wal-Mart stores in four states in the eastern United States at or near the time that approximately 176 fraudulent activations occurred.

D. Defendant ADIEL LOPEZ

65. First, T-Mobile records show a number of calls from the LOPEZ cellular telephone to T-Mobile to activate or modify an account that it was later determined was opened fraudulently using another individual's identity and later had lines added at a Wal-Mart store.

66. Second, in or about and between May 2010 and May 2011, there were approximately 55 calls and text messages between the LOPEZ cellular telephone number and approximately 19 T-Mobile cellular telephone numbers that were later terminated as fraudulent activations. All of these fraudulent activations fit the fraudulent scheme described above.

67. Third, in or about and between January 2011 and May 2011, approximately 38 calls were placed or received by the LOPEZ's cellular telephone in the vicinity of Wal-Mart stores in nine states in the eastern United States at or near the time that approximately 176 fraudulent activations occurred.