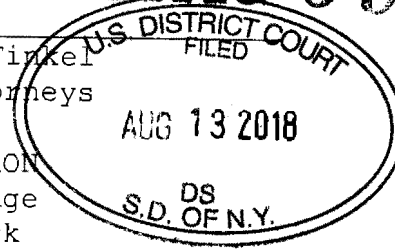


ORIGINAL

18 MAG 6916

Approved: *Paul Monteleoni*
Raul M. Monteleoni/Ryan B. Finkel
Assistant United States Attorneys



Before: THE HONORABLE STEWART D. AARON
United States Magistrate Judge
Southern District of New York

----- X	:	COMPLAINT
UNITED STATES OF AMERICA	:	
- v. -	:	Violations of
	:	18 U.S.C. §§ 1028A,
	:	1349 and 2
JOSE ISMAEL DILONE RODRIGUEZ,	:	
Defendant.	:	COUNTY OF OFFENSE:
	:	BRONX
----- X	:	

SOUTHERN DISTRICT OF NEW YORK, ss.:

SHANE W. ORAVSKY, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation, and charges as follows:

COUNT ONE
(Conspiracy to Commit Mail Fraud)

1. From at least in or about August 9, 2018 through in or about August 11, 2018, in the Southern District of New York and elsewhere, JOSE ISMAEL DILONE RODRIGUEZ, the defendant, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit offenses against the United States, to wit, mail fraud in violation of Title 18, United States Code, Section 1341.

2. It was a part and object of the conspiracy that JOSE ISMAEL DILONE RODRIGUEZ, the defendant, 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, for the purpose of executing such scheme and artifice and attempting to do so, place in a post office and authorized depository for mail matter, a matter and thing to be sent and delivered by the

Postal Service and deposit and cause to be deposited a matter and thing to be sent and delivered by the Postal Service and deposit and cause to be deposited a matter and thing to be sent and delivered by private and commercial interstate carrier, and take and receive therefrom, such matter and thing, and knowingly cause to be delivered by mail and such carrier according to the direction thereon, such matter and thing, to wit, RODRIGUEZ and his co-conspirators attempted to deceive two victims ("Victim-1" and "Victim-2") into sending \$19,000 in cash by private and commercial interstate carrier from Connecticut to the Bronx, New York, under the false and fraudulent pretense that a friend of Victim-1 and Victim-2 whom RODRIGUEZ and other scheme participants were impersonating ("Victim-3") had been arrested in connection with an automobile accident and needed cash immediately. .

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

COUNT TWO
(Aggravated Identity Theft)

3. In or about August 11, 2018, in the Southern District of New York and elsewhere, JOSE ISMAEL DILONE RODRIGUEZ, the defendant, knowingly did transfer, possess, and use, without lawful authority, a means of identification of another person, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), to wit, RODRIGUEZ possessed a forged driver's license in the name of Victim-3 during and in relation to the felony violation charged in Count One of this Complaint.

(Title 18, United States Code, Sections 1028A(a)(1), 1028A(b), and 2.)

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

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI") and have been with the FBI for approximately three-and-a-half years.

2. I have participated in the investigation of this matter, and I am familiar with the information contained in this affidavit based on my own personal participation in the investigation, my review of documents, conversations that I have had 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 and statements of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

3. Based on my participation in this investigation, I believe that between approximately August 9, 2018 and August 11, 2018, JOSE ISMAEL DILONE RODRIGUEZ, the defendant, and others known and unknown participated in a scheme to defraud two individuals, Victim-1 and Victim-2, by impersonating a family friend, Victim-3, among others, and deceiving Victim-1 and Victim-2 into believing that Victim-3 had been arrested in connection with an automobile accident and needed cash immediately. Specifically, through a series of phone calls, scheme participants, playing various fictitious roles described herein, requested that Victim-1 and Victim-2 send \$19,000 in cash, including \$7,000 purportedly to secure Victim-3's pretrial release, and an additional \$12,000 purportedly to bribe a prosecutor into dismissing the charges against Victim-3. In truth and in fact, as detailed below, Victim-3 had not been involved in an automobile accident had not been arrested, and made no request during the relevant time period that either Victim-1 or Victim-2 send money for any purpose.

4. Based on my conversations with a law enforcement officer involved in the investigation who has interviewed Victim-1, Victim-2, and others, I have learned the following, among other things:

a. On or about August 9, 2018, an individual called Victim-1's cellular telephone. Victim-2, who is Victim-1's spouse, answered the call. The caller stated, in substance and in part, that he was "Victim-3," whom the caller appeared to know was a friend of Victim-1 and Victim-2.¹ The caller, using the identity of "Victim-3," claimed that he had been involved in an automobile accident in which he hit a pregnant woman, adding that the pregnant woman's unborn child had died in the accident. As a result of the supposed accident, "Victim-3" claimed that he was arrested and desperately needed approximately \$7,000 cash to

¹Based on my review of the substance of interviews conducted of Victim-1 and Victim-2 by other law enforcement officers, I have learned that the real Victim-3 is, in fact, a family friend of Victim-1 and Victim-2.

secure his release from prison. "Victim-3" then provided Victim-2 an address in the Bronx ("Address-1") to which the cash should be sent. "Victim-3" also asked Victim-2 not to call Victim-3's family and tell them about the arrest because he did not want his family to know what happened.

b. Following the call described above and the instructions provided by "Victim-3," on or about August 9, 2018, Victim-2 withdrew \$7,000 in cash from a bank account and provided the cash to Victim-1. Victim-1 then sent the cash in a package ("Package-1") from Connecticut, where Victim-1 and Victim-2 reside, to Address-1, which, as noted above, is located in the Bronx, New York, via a particular private and commercial carrier of mail ("Carrier-1").

c. Later the same day, Victim-1 received another call from the scheme participants, this time, from an individual who claimed to be a defense lawyer representing Victim-3 in connection with the purported arrest ("Attorney-1"). The caller impersonating Attorney-1 told Victim-1, in substance and in part, that he knew of a way to make the prosecution against Victim-3 disappear because the prosecutor who would be handling the case against Victim-3 would be willing accept a bribe to make the case go away. "Attorney-1" further told Victim-1 that he could put Victim-1 directly in contact with the "prosecutor" ostensibly willing to accept this bribe payment.

d. Shortly thereafter, Victim-1 received another call from scheme participants, this time from an individual who claimed to be the prosecutor on Victim-3's case ("Prosecutor-1"). The caller impersonating Prosecutor-1 claimed that he would dismiss Victim-3's case if Victim-1 paid him approximately \$12,000 and instructed Victim-1 to send the cash to the same address in the Bronx, *i.e.*, Address-1.

e. On or about August 10, 2018, following this series of suspicious calls and notwithstanding the request from "Victim-3" that Victim-1 and Victim-2 not contact Victim-3's family, Victim-1 called a relative of Victim-3 (the "Relative") and informed the Relative about the series of calls Victim-1 and Victim-2 received about Victim-3 and the purported arrest. The Relative told Victim-1, in substance and in part, that Victim-3 and the Relative were together in Palm Springs, Florida, that Victim-3 had remained in Florida for the entire relevant time period, and that the calls -- and the story about the purported arrest -- must be false because Victim-3 had not been in a car accident and was neither under arrest nor in prison.

Thereafter, Victim-1 contacted law enforcement to report the scheme.

f. Working at the direction of law enforcement officers, Victim-1 and Victim-2 then prepared to send a package ("Package-2") ostensibly containing the additional requested \$12,000 cash to Address-1. In fact, Package-2 contained magazines and other materials but not any money. Package-2 was sent to Address-1 using Carrier-1.

5. Based on conversations I have had with a law enforcement officer involved in the investigation who participated in a controlled delivery of Package-2, I have learned, among other things, the following:

a. On or about August 11, 2018, an undercover investigator who works for Carrier-1 (the "Carrier-1 Employee"), working at the direction of law enforcement, attempted to deliver Package-2 to Address-1. Upon approaching Address-1, the Carrier-1 Employee was approached by an individual later identified as JOSE ISMAEL DILONE RODRIGUEZ, the defendant. RODRIGUEZ asked the Carrier-1 Employee, in substance and in part, with respect to Package-2 which the Carrier-1 Employee was holding: "is that for [Victim-3]" adding "That's me." The Carrier-1 Employee confirmed that Package-2 was intended for Victim-3, and RODRIGUEZ then accepted Package-2 and signed for it. After accepting and signing for Package-2 as "Victim-3," RODRIGUEZ then entered a parked car and appeared to engage in a call on a cellular phone.

b. Shortly thereafter, law enforcement officers arrested RODRIGUEZ. Following a search incident to his arrest, law enforcement officers recovered from RODRIGUEZ's person what appeared to be a Pennsylvania driver's license bearing RODRIGUEZ's photograph but the name of Victim-3 and what appeared to be a forged version of Victim-3's signature.


6. Based on my conversations with a law enforcement officer involved in the investigation who interviewed Victim-1, I have learned the following, among other things:

a. On or about August 11, 2018, after the delivery of Package-2 and after the arrest of a JOSE ISMAEL DILONE RODRIGUEZ, the defendant, Victim-1 received a call from the scheme participant who identified himself as "Attorney-1," the purported defense attorney for Victim-3. "Attorney-1" told Victim-1, in substance and in part, that he had received

Package-2 and that, as a result, "Victim-3" would be released from custody shortly.


b. Based on my participation in the investigation as well as my training and experience, I believe that RODRIGUEZ, who as noted above, appeared to engage in a phone call after accepting Package-2, likely communicated to other scheme participants that Package-2 had been delivered before he was subsequently arrested. I further believe this subsequent call from the scheme participant who identified himself as Attorney-1 was likely a prelude to further efforts to try to fraudulently obtain even more money from Victim-1 and Victim-2.

WHEREFORE, deponent respectfully asks that JOSE ISMAEL DILONE RODRIGUEZ, the defendant, be arrested and imprisoned or bailed, as the case may be.



Shane W. Oravsky
Special Agent
Federal Bureau of Investigation

Sworn to before me this
13th day of August, 2018



THE HONORABLE STEWART D. AARON
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK