

KDE:JMS/DGR/NJM
F. #2017R01253

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

JOSE BATTLE,
also known as "Strizz,"

 and


BRIAN JACKSON,
also known as "Grape"
and "Maxx Millii,"

Defendants.

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EASTERN DISTRICT OF NEW YORK, SS:

CHRISTOPHER KOTTMEIER, being duly sworn, deposes and states that he is a Special Agent with the Federal Bureau of Investigation ("FBI"), duly appointed according to law and acting as such.

In or about and between December 2018 and June 2019, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants JOSE BATTLE, also known as "Strizz,"  and BRIAN JACKSON, also known as "Grape" and "Maxx Millii," together with others, did knowingly and intentionally conspire to devise a scheme and artifice to defraud one or more financial institutions, the deposits of which were insured by the Federal Deposit Insurance Corporation, to wit: Capital One Bank, N.A., JPMorgan Chase Bank, N.A., and Wells Fargo

FILED UNDER SEAL

COMPLAINT AND
AFFIDAVIT IN SUPPORT
OF APPLICATION FOR
ARREST WARRANTS

(T. 18, U.S.C., § 1349)

Case No. 20-MJ-154 (LB)

Bank, N.A., and to obtain money, funds, credits, assets, securities and other property owned by, and under the custody and control of, such financial institutions, to wit: and by means of one or more materially false and fraudulent pretenses, representations and promises, contrary to Title 18, United States Code, Section 1344.

(Title 18, United States Code, Section 1349)

The source of your deponent's information and the grounds for his belief are as follows:¹

1. I am a Special Agent with FBI and have been employed by the FBI for approximately three years. I am currently assigned to the New York Metro Safe Streets Task Force, where I investigate, among other things, gangs, narcotics trafficking, firearms trafficking, fraud and other offenses. These investigations are conducted both in overt and covert capacities. As a result of my training and experience, I am familiar with the techniques and methods of operation used by individuals involved in criminal activity to conceal their activities from detection by law enforcement.

2. Since in or about March 2016, multiple law enforcement agencies, including the FBI, the United States Department of Homeland Security-Homeland Security Investigations and the New York City Police Department ("NYPD") have been investigating the racketeering activities of a street gang known as the "5-9 Brims." During that investigation, law enforcement agents have conducted judicially-authorized searches of a number of electronic devices and social media accounts, interviewed witnesses, reviewed

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

bank records, viewed video surveillance and reviewed law enforcement reports, among other investigative techniques.

3. During the course of the investigation, law enforcements agents learned that the defendants JOSE BATTLE, [REDACTED] and BRIAN JACKSON, along with a coconspirator whose identity is known to the affiant (“CC-1”), together with others, engaged in a conspiracy to commit bank fraud. Specifically, the conspirators obtained information about bank accounts associated with other individuals, including online login usernames and passwords and pin numbers for debit cards. The conspirators obtained and/or created fake or fraudulent checks and caused those checks to be deposited into bank accounts to which their associates had access. The conspirators then withdrew, or attempted to withdraw, all of the money from the account before the bank could determine the fraudulent nature of the checks.

4. In or about May 2019, in connection with a New York State narcotics investigation, law enforcement agents arrested CC-1 after his indictment in New York State for conspiracy to distribute and sell heroin and fentanyl. At the time of that arrest, law enforcement agents seized an electronic device that belonged to CC-1 (the “CC-1 Phone”). On or about July 3, 2019, the Honorable Ramon E. Reyes, Jr., United States Magistrate Judge, signed a warrant authorizing the search of data recovered from the CC-1 Phone.

5. In or about May 2019, [REDACTED] was arrested by the NYPD [REDACTED]

[REDACTED] In connection with [REDACTED]

[REDACTED] arrest, law enforcement officers obtained a state search warrant for his cellular

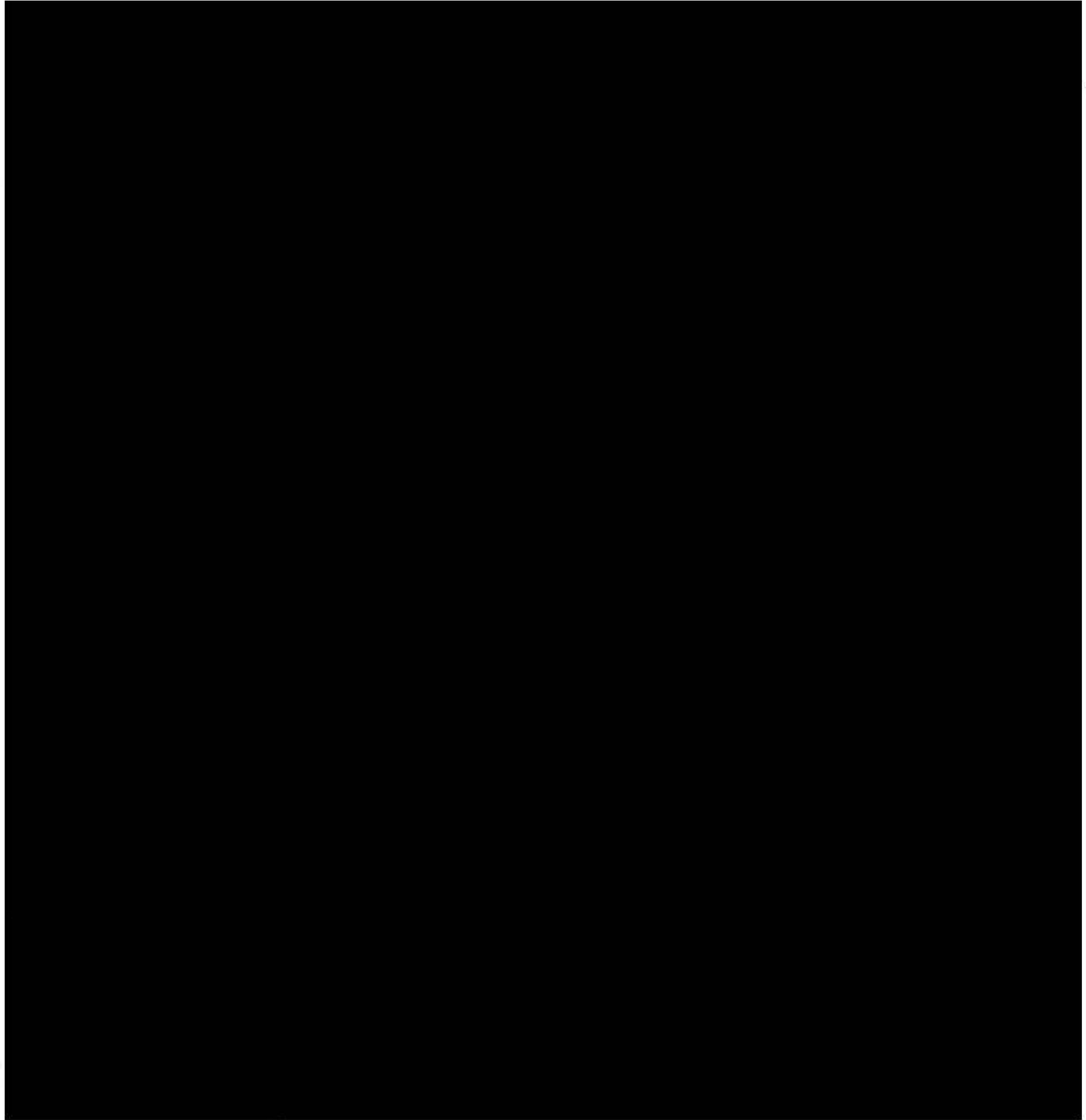
telephone. [REDACTED]

6. During the search of the [REDACTED] device, law enforcement agents found a number saved in the device as “Strizzy” (the “JOSE BATTLE number”). I understand “Strizzy” to be a reference to the defendant JOSE BATTLE because “Strizz” and “Strizzy” were names by which JOSE BATTLE is known. For example, JOSE BATTLE’s publically accessible Facebook account, which has the permanent name “jose.battle,” has the display name “Strizzy Strizz.” I have examined photographs from that page and compared them to law enforcement photographs of JOSE BATTLE; based on my comparison, I believe the user of the “Strizzy Strizz” Facebook page to be JOSE BATTLE.

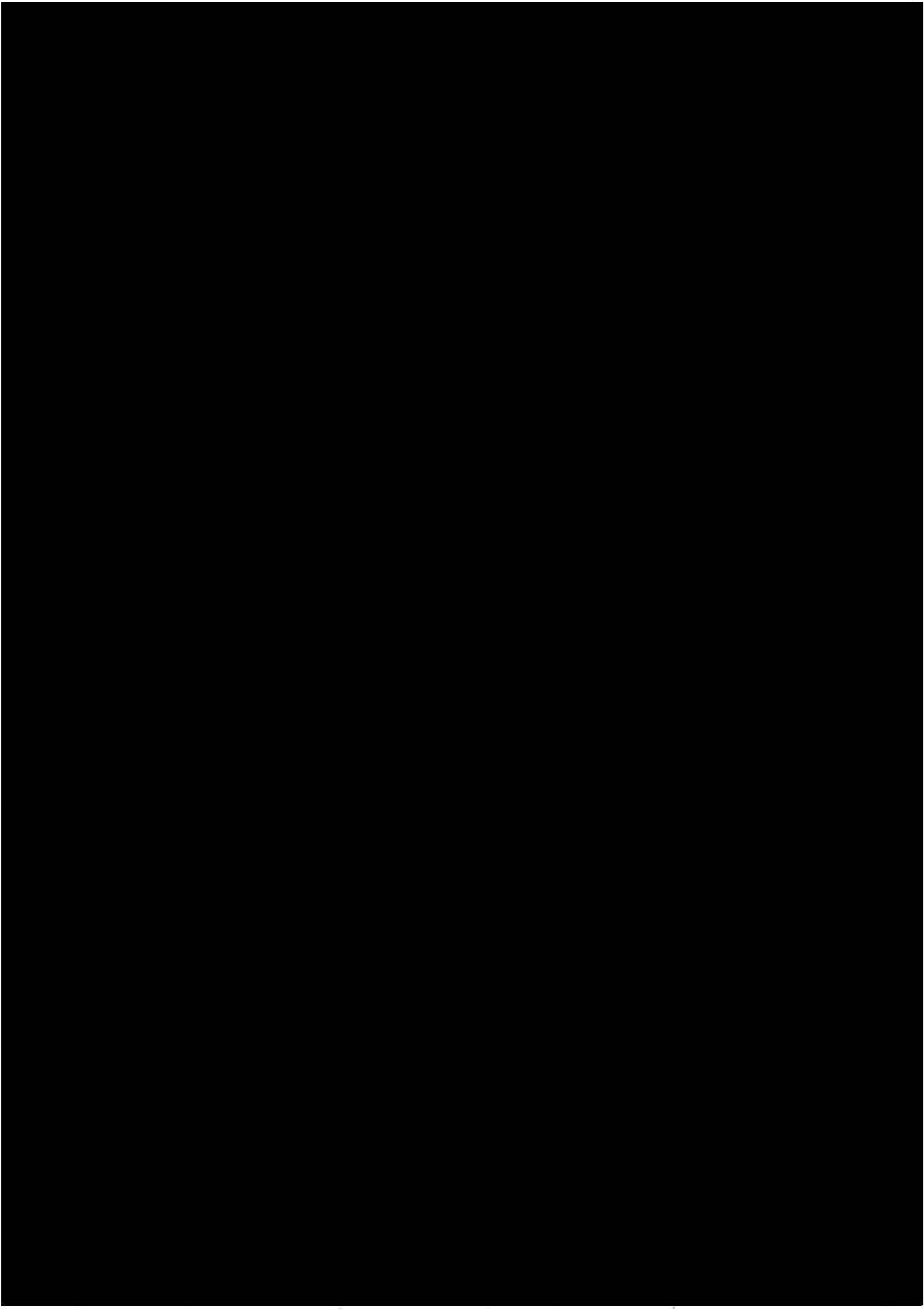
7. I have reviewed publically accessible images of the Instagram and Facebook accounts associated with the usernames “maxx miillii” and “Maxx Millii (Maxx Brim),” respectively. I have compared photographs from those accounts to law enforcement photographs of the defendant BRIAN JACKSON; based on my comparison, I believe the user of those accounts to be JACKSON.

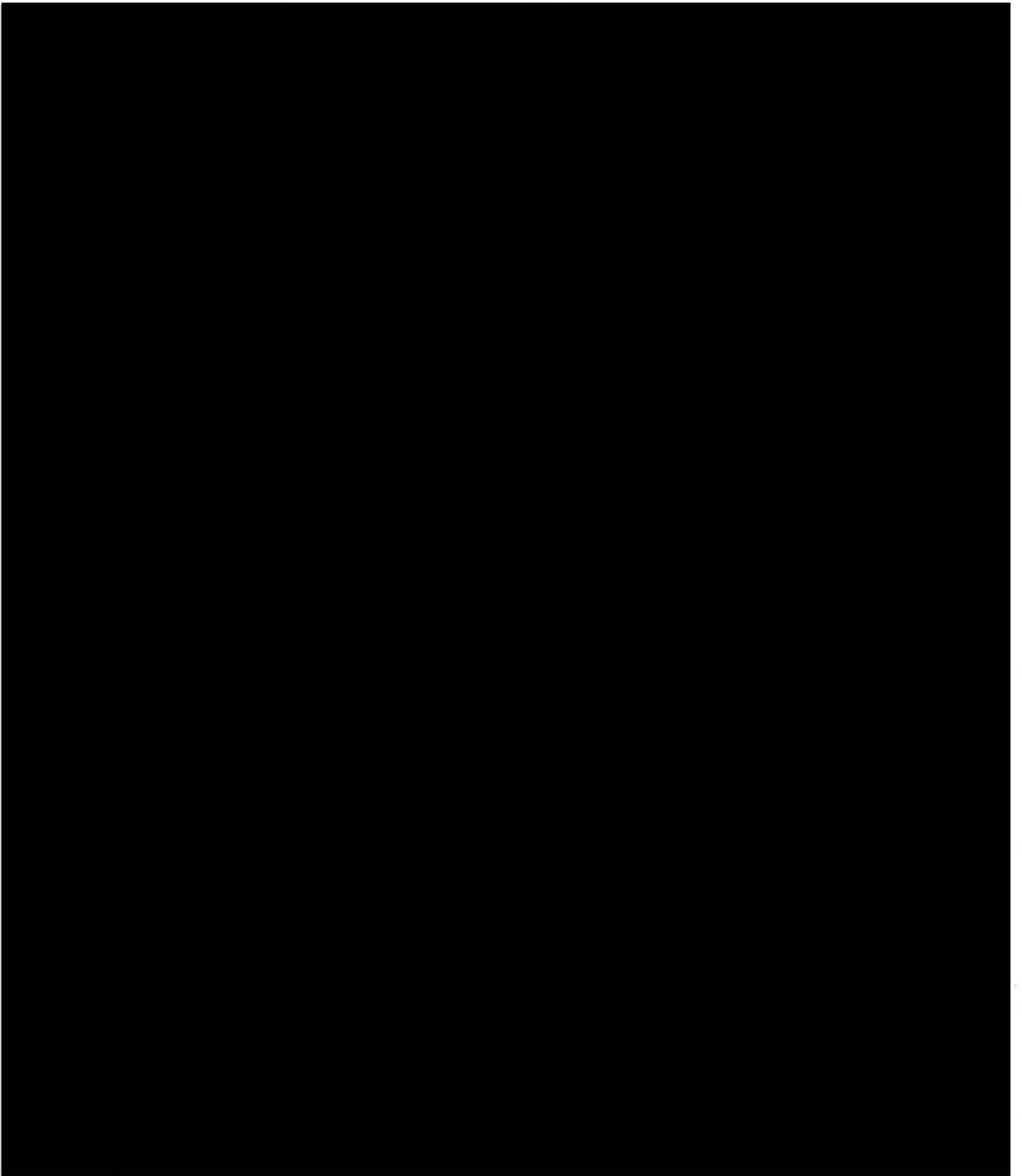
8. Pursuant to a warrant authorized by the Honorable Ramon E. Reyes, Jr., United States Magistrate Judge, on or about March 3, 2019, I have reviewed records obtained from Facebook relating to an Instagram account of another individual whose identity is known to the affiant (“Individual-1”). In those records, in or about November 2018, Individual-1 sent messages to the defendant BRIAN JACKSON’s “maxx miillii”

Instagram account, referring to JACKSON as “hat,”² and asking JACKSON “Whats your #.” JACKSON responded by providing a number known to the affiant (the “JACKSON Number”).




² Based on my training, experience, and familiarity with the investigation, I understand the term “Hat” to be a term used by members of the 5-9 Brims and other sets of the Brims street gang to refer to each other.





³ I understand Zelle to be a banking application that allows its users to transfer money to Zelle users at various banks and credit unions.



13. According to records received from Capital One Bank, N.A. (“Capital One”), on or about the same day, a check in the amount of \$5,231.15, made out to CC-2, was deposited into CC-2’s bank account at a location in Brooklyn, New York. That check—

which appeared to be a business check on behalf of a company known to the affiant (“Company-1”) drawn on JPMorgan Chase Bank, N.A., (“JPMorgan”)—was later identified as fraudulent and the funds were not cleared into CC-2’s account. I have spoken with an agent of Company-1 who indicated that Company-1’s account had been the victim of check fraud.⁴

14. The defendant JOSE BATTLE had similar text message discussions with CC-1 using the JOSE BATTLE Number. For example, a review of the CC-1 Phone revealed that in or about March 2019, the two had the following exchange, in sum and substance and in part:

J. BATTLE: Top of the top bro ... What’s the word bro ya man doing that today ?

CC-1: Crazy Im hitting them rite now

J. BATTLE: Ok bet

CC-1: Pnc no good

CC-1: The Wells he said

J. BATTLE: Ok

J. BATTLE: Bet hold up

J. BATTLE: Wells Fargo [First name] [Last name][18-digit number resembling access device number]

CC-1: Last four of social

J. BATTLE: [Four-digit number]

CC-1: U got the PIN number

⁴ A review of the website of the Federal Deposit Insurance Corporation (“FDIC”) indicates that deposits of Capital One, JPMorgan and Wells Fargo Bank, N.A., are insured by the FDIC.

J. BATTLE: Facts

CC-1: Need it

J. BATTLE: [Four-digit number]

Based on my training and experience, I believe that CC-1 asked for a Wells Fargo Bank, N.A. (“Wells Fargo”) based account. JOSE BATTLE provided the name of an individual whose identity is known to the affiant (“Individual-2”), as well as the last four digits of Individual-2’s social security number and his/her pin number.

15. I have reviewed Wells Fargo bank records associated with Individual-2’s account. Those records indicate that at least two fraudulent checks were deposited in Individual-2’s Wells Fargo account in or about March 2019, including one from Company-1 in the amount of \$3,456.18 and another in the amount of \$4,139.85. As to the second check, I have reviewed surveillance footage of the deposit of the check and compared it to images of the defendant JOSE BATTLE; the surveillance image clearly appears to depict JOSE BATTLE as the person who deposited the fraudulent check.

16. Also in or about March 2019, CC-1 and the defendant BRIAN JACKSON discussed sending a woman to withdraw money from an account. A review of the CC-1 Phone reveals that their exchange was as follows, in sum and substance and in part:

CC-1: Wats the PIN number

JACKSON: Pin [four-digit number]Last 4 SSN [four-digit number]

CC-1: Ight

...

CC-1: Yoo

JACKSON: Shit still pending bro

CC-1: Tell her send u a screen shot of the online

JACKSON: light

...

CC-1: She never send the screenshot

JACKSON: Hell no she said shit not letting her log on I called the shit again still saying it clear Monday the 2nd

...

CC-1: Yooo

CC-1: Shorty would walk n and get the bread

CC-1: From the wire

JACKSON: It's her card it's a nigga card I could get a bitch tho that would

JACKSON: Not her card**

CC-1: A Wells?

CC-1: ASAP

Based on my training, experience and familiarity with this investigation, I believe that CC-1 and JACKSON arranged for funds to be fraudulently transferred into an account in another person's name, and that their point of contact for the account attempted to withdraw the money online and was unsuccessful. I further understand that CC-1 proposed that that individual could withdraw the money from the account in person ("Shorty would walk n and get the bread"), but that JACKSON indicated that she could not because it was not her account or debit card, and the account actually belonged to a man ("It's [not] her card it's a nigga card."). JACKSON further indicated that he could find an account-holder who would be willing to withdraw fraudulently-deposited funds in person ("I could get a bitch tho that

would”), and CC-1 indicated that he would be interested if the person had an account at Wells Fargo (“A Wells?”).

WHEREFORE, your deponent respectfully requests that the court issue arrest warrants so that the defendants JOSE BATTLE, also known as “Strizz,” [REDACTED] [REDACTED] and BRIAN JACKSON, also known as “Grape” and “Maxx Millii,” be dealt with according to law.

IT IS FURTHER REQUESTED that this Court issue an order sealing, until further order of the Court, all papers submitted in support of this application, including this Affidavit and the arrest warrant for the defendants. Based on my training and experience, I have learned that criminals actively search for criminal affidavits and complaints on the Internet and disseminate them to other criminals. Therefore, premature disclosure of the contents of this Affidavit and related documents will seriously jeopardize the investigation, including by giving the targets an opportunity to flee from prosecution, destroy and tamper with evidence, change patterns of behavior and notify their confederates.

[REDACTED]
CHRISTOPHER KOTTMEIER
Special Agent
Federal Bureau of Investigation

Sworn to before me this
11th day of February, 2020

[REDACTED]
[REDACTED]

THI [REDACTED] DRABLE LOIS BLOOM
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK