

UNITED STATES DISTRICT COURT

for the

District of Massachusetts

United States of America
v.

John Doe

Case No.

24-MJ-5164-JGD

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 2018 to present in the county of Norfolk in the District of Massachusetts, the defendant(s) violated:

Table with 2 columns: Code Section, Offense Description. Rows include 18 U.S.C. § 1542, 18 U.S.C. § 1028A, False Statements in Application for U.S. Passport, Aggravated Identity Theft.

This criminal complaint is based on these facts:

Please see the Affidavit of DSS Special Agent Rachel Malcolm, attached hereto and incorporated herein.

Continued on the attached sheet.

Rachel Malcolm
Complainant's signature

Rachel Malcolm, Special Agent, DSS
Printed name and title

Telephonically

Sworn to before me and signed in my presence.

Date: May 21, 2024

Judith Gail Dein
Judge's signature

City and state: Boston, MA

Hon. Judith G. Dein, U.S. Magistrate Judge
Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Rachel Malcolm, being duly sworn, hereby depose and state as follows:

1. I am a Special Agent with the United States Department of State (“DOS”), Diplomatic Security Service (“DSS”), and have been so employed since September 2022. I am currently assigned to the Boston Field Office. I have completed the Criminal Investigations Training Program at the Federal Law Enforcement Training Center (“FLETC”) in Brunswick, Georgia, and the DSS Basic Special Agent Course in Blackstone, Virginia. I hold a Bachelor’s Degree in Political Science from Azusa Pacific University and a Master’s Degree in Statecraft and National Security Affairs from the Institute of World Politics. As part of my official duties, I am authorized to investigate the fraudulent acquisition, production, and misuse of U.S. and foreign passports, U.S. visas, and identity documents associated with procuring U.S. passports and U.S. visas, including but not limited to passport fraud, identity fraud, visa fraud, and aggravated identity fraud, including but not limited to violations of 18 U.S.C. § 1542 and 18 U.S.C. § 1028A. I am familiar with the methods, routines and practices of document counterfeiters. I have conducted and participated in investigations of violations of those federal statutes.

2. This affidavit is submitted in support of an application for a criminal complaint charging John DOE (“DOE” or “defendant”), with False Statements in Application for Passport in violation of 18 U.S.C. § 1542, and Aggravated Identity Theft, in violation of 18 U.S.C. § 1028A.¹

¹ At present, DSS is unaware of DOE’s true identity.

3. The statements contained in this affidavit are based upon my training and experience, my investigation including review of records and materials, as well as information provided by other experienced law enforcement officers familiar with this investigation.

4. Since this affidavit is being submitted for the limited purpose of establishing probable cause to secure a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only those facts that I believe are necessary to establish the requisite probable cause. Additionally, where conversations and statements are related herein, they are set forth in substance and in pertinent part.

PROBABLE CAUSE

5. On March 17, 2023, the individual identified herein as DOE, submitted a U.S. passport application in-person at the U.S. post office in Weymouth, Massachusetts, presenting himself to be HH.² The applicant represented on the passport application that he was a person whose initials are HH. He further represented that his date of birth was xx/xx/1989, and that his social security number was xxx-xx-7931. He represented HH's parents as the names of his own parents. The applicant also included a photograph of himself, in the name of HH, as part of the application for a U.S. passport.

6. Based on my training and experience, I know that for an individual to apply for a U.S. passport, the individual must show proof of citizenship and proof of identification. The applicant referenced in the preceding paragraph submitted supporting documentation with the U.S. passport application. Specifically, for proof of citizenship, the applicant submitted as his own, a

² I am aware of the identity of HH, including HH's full date of birth and social security number, and am protecting the identity of the victim by using HH's initials only herein. Though redacted, the references to HH's date of birth and social security number referenced herein are the same, unless otherwise specified, and are also redacted herein.

copy of a U.S. birth certificate for an individual in the name of HH, with a date of birth of xx/xx/1989, which was most recently issued on April 2, 2018. As proof of identity, the applicant submitted a Massachusetts Registry of Motor Vehicles (“RMV”) driver’s license in the name of HH, containing the same xxx/xx/1989 date of birth, and SSN xxx-xx-7931, which was issued on January 8, 2019. The individual purporting to be HH signed the passport application under the penalty of perjury.

7. The applicant was not issued a passport.

8. On or about June 22, 2023, after reviewing the above-referenced passport application, the Boston Passport Agency (“BPA”) forwarded the application and supporting documents to DOS/DSS, Boston Field Office, after the BPA Fraud Prevention Manager verified a death record found for HH, which listed HH’s year of death as 2002. Biographical information contained on HH’s death certificate, including parental information, all matched the information listed on DOE’s passport application. As a result, DOS opened an investigation into DOE.

Identification of the Victim and Confirmation of Valid SSN

9. The investigation has confirmed that the true HH has a date of birth of xxx-xx-1989, was assigned SSN xxx-xx-7931. A death certificate on file with the Massachusetts Registry of Vital Records and Statistics indicates that HH died in Boston, MA on xx/xx/2002.³

10. The Social Security Administration (“SSA”) has confirmed that SSN xxx-xx-7931 was assigned to HH and was issued sometime between 1989 and 1994. SSA has confirmed that the

³ The undersigned is aware of the full date of death but it has been redacted herein.

SSN listed on DOE's March 17, 2023 passport application is a valid SSN for HH and matches SSA records for now-deceased HH.

Confirmation of victim HH's date of birth and parental information

11. The investigation has confirmed that the date of birth (xx-xx-1989), and parental information provided by DOE, as HH, on the U.S. passport application submitted on March 17, 2023, is the true date of birth as well as the correct parental information for HH and for HH's parents.

12. According to DOS records, on November 8, 1989, the mother of victim HH⁴ executed a U.S. passport application in Boston, Massachusetts on behalf of the HH.

Additional Records Obtained/Employment of DOE

13. The investigation has determined that DOE unlawfully used the identity of HH, including HH's name, date of birth, and SSN, in an application for a United States passport, knowing that these identifiers belonged to a real person, namely, HH. DOE knew that this identity was that of a real person because he successfully used HH's identity to obtain and use multiple government-issued identification documents in HH's name, including driver's licenses issued by the Massachusetts RMV in June 2018, January 2019, and April 2023. Additionally, a copy of the HH's birth certificate and social security card were issued to DOE, in HH's name, on April 2, 2018, and April 13, 2018, respectively. I have also reviewed a letter from the SSA addressed to DOE, as HH, dated April 13, 2018, and addressed to DOE's Weymouth, Massachusetts address, which confirms the application for and the issuance of a social security card to DOE in HH's name.

⁴ DOS is aware of the identity of the victim but his initials are being used herein.

14. As part of this investigation, agents have obtained and reviewed additional records. According to a review of records provided by Massachusetts Office of Emergency Medical Services (“OEMS”) and Fall River Emergency Medical Services (“FREMS”), DOE also used HH’s identity to apply for employment as a paramedic. In his paramedic application submitted to FREMS on or about March 31, 2023, as proof of his identity, DOE, using HH’s identity, provided a MA driver’s license issued in January 2019 in the name of HH (and containing DOE’s photograph), and also listed HH’s biographical information, as his own. According to MA OEMS records, DOE claimed/represented HH’s identity as his own when he obtained a MA EMT-Basic Certification, issued in 2021, and a MA EMT-Paramedic certification, issued in 2023.

15. Melrose Fire Department (“MFD”) has confirmed that DOE has been employed by MFD, in the name of HH, as of January 23, 2024. Additionally, MPD as well as records provided by the MA Firefighting Academy confirm that DOE, using HH’s identity, also attended the MA Firefighting Academy from November 2023 to January 2024, and graduated on January 22, 2024.

16. On December 13, 2023, the undersigned and another DSS/DOS agent went to the MA Firefighting Academy and met with an individual who identified himself as HH. That individual matched the photograph depicted in the Massachusetts driver’s license dated January 2019 in the name of HH, and matched the photograph of the applicant who submitted the passport application on March 17, 2023, in the name of HH.

17. On April 12, 2024, I confirmed with MA OEMS that DOE, using HH’s identity, was still employed by the MPD on April 11, 2024.

Massachusetts RMV/Possible Other Alias(es) of DOE

18. In connection with this investigation, I contacted the MA RMV and requested records on a current driver's license for DOE, as HH, because the one issued in 2019 in the name of HH containing DOES' photograph, had expired on May 5, 2023. In response, the RMV provided the file of an August 2018 RMV fraud hearing that was conducted relative to DOE, using the identity of HH, after a facial recognition hit determined the person purporting to be HH was issued Massachusetts driver's licenses under two separate identities – that of HH (dob: xx/xx/1989) and of an individual identified as Truong NGUYEN (“NGUYEN”) (dob: xx/xx/1975). Under the name HH, DOE was issued a driver's license on June 9, 2018. Under the name NGUYEN, DOE was issued a driver's license on February 27, 2018. At the time of the RMV fraud hearing, DOE, as HH, was interviewed and stated the HH identity was his true identity and admitted that he used the stolen identity of his cousin, NGUYEN.⁵ At the hearing, as proof of identity, DOE presented as his own HH's Massachusetts birth certificate (which was the same birth certificate submitted as part of the March 17, 2023 passport application), as well as a social security card, both issued in 2018 under HH's identity. As a result of the hearing, RMV closed the case and determined HH was DOE's true identity and NGUYEN was the stolen identity being used by DOE. DOE's license, in the name of HH, was suspended for six months and was reinstated in January 2019. NGUYEN's license was suspended and to the best of the undersigned's belief, has not been reinstated.

19. Massachusetts RMV has provided driver's license photographs and information for NGUYEN, which span from 1997 to 2018, which I have reviewed. I believe the photographs of

⁵ The fraud hearing was not recorded and DOE, as HH, was not under oath, and did not submit a written statement.

the individual identified as NGUYEN, who is depicted on those driver's licenses, matches the individual listed herein as DOE.

20. In addition to RMV records, I have reviewed NGUYEN's criminal history, including a 2010 police report, as well as Legal Permanent Resident ("LPR") paperwork in NGUYEN's name. I am aware the individual identified as NGUYEN has a criminal history and has been convicted of attempt to commit crime, uttering, larceny, and embezzlement. As part of this investigation, I have learned that NGUYEN was an LPR, originally entering the U.S. from Vietnam on December 13, 1979. The investigation has determined that NGUYEN's LPR status was revoked and NGUYEN was ordered deported on February 28, 1995, after failing to appear at his deportation hearing. The deportation hearing occurred as a result of NGUYEN's conviction for second-degree burglary on or about October 9, 1991.⁶ Although ordered deported, the investigation has revealed that NGUYEN was not physically deported to Vietnam. Per a review of his criminal record and history, NGUYEN was arrested in 2010 for embezzlement and larceny over \$250 by single scheme after allegedly stealing over \$46,000 from the Norwell Firefighters Union while working as an officer of the union.

21. Based on my observations of DOE, the individual who identified himself as HH at the MA Firefighting Academy on December 13, 2023, and my review of the photographs described in the above-referenced documents in the name of NGUYEN, I believe DOE's physical appearance matches the appearance of driver's licenses photographs and 2010 arrest photograph

⁶ According to NGUYEN's alien file, NGUYEN told police his name was Lam Huu after the 1991 arrest, but later confessed his true identity was NGUYEN. NGUYEN's FBI number is linked to two names with two different dates of birth: Lam Huu and Kiam Tran.

of NGUYEN. Based on the investigation, I believe NGUYEN is an alias of HH and may be the possible true identity of DOE, the individual who has assumed the identity of HH.

Interview of U.S. Postal Service Employee

22. On February 22, 2024, I interviewed the U.S. Postal Service employee who accepted DOE's passport application in-person on March 17, 2023. The postal service employee indicated he witnessed the applicant sign the application in the employee's presence, and confirmed that the photograph on the passport application matched the appearance of the applicant who submitted that application in his presence. Per the U.S. Postal Service employee, the applicant provided, as his own, HH's name, date of birth, parental information, and SSN. The individual also provided an address and phone number on the application. Applicant DOE presented a birth certificate and Massachusetts driver's license in HH's name to the postal employee as his own. The postal service employee who took the application photocopied the front of the driver's license provided by DOE.

Conclusion


23. The investigation has revealed that DOE has previously used HH's identity successfully. Among other identifiers, DOE used the stolen date of birth and SSN of HH for years, including obtaining a MA RMV driver's license in the name of HH in 2018, 2019 and 2023. DOE also used HH's identity as his own at the MA Firefighting Academy as well as when applying for employment as a paramedic in Massachusetts.

24. Based on the foregoing, I have probable cause to believe that on or about March 17, 2023, DOE, as HH, did willfully and knowingly make a false statement in an application for a passport with the intent to induce or secure the issuance of a passport under the authority of the United States, either for his use or the use of another, contrary to the regulatory issuances of

passports or the rules prescribed pursuant to such laws, in violation of 18 U.S.C. § 1542. I further respectfully submit there is probable cause to believe that from on or about June 2018 until the present, DOE, as HH, did knowingly transfer, possess, or use, during and in relation to any felony enumerated in 18 U.S.C. § 1028(A)(c), and without lawful authority, a means of identification of another person, namely, HH, in violation of 18 U.S.C. § 1028A.

Sworn telephonically before me in accordance with Federal Rule of Criminal Procedure 4.1 this
day of May, 2024.

May 21, 2024



Rachel Malcolm
Special Agent
Department of State, Diplomatic Security Service



HONORABLE JUDITH G. DEIN
UNITED STATES MAGISTRATE JUDGE