

AO 91 (Rev. 11/11) Criminal Complaint

# UNITED STATES DISTRICT COURT

for the

Middle District of Florida

United States of America  
v.  
WILLIAM JOSEPH TIMOTHY

Case No.  
2:24-mj-1004-TRR

*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 May 24, 2023 in the county of Collier in the  
Middle District of Florida, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 654	Officer or Employee of the United States Converting Property of Another (More than \$1,000)

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT.

Continued on the attached sheet.

Digitally signed by [Redacted]  
Date: 2024.01.08 15:18:07 -05'00'

*Complainant's signature*

[Redacted] Senior Special Agent, CBP  
*Printed name and title*

Sworn to before me over the telephone or other reliable electronic means and signed by me pursuant to Fed. R. Crim. P. 4.1 and 4(d).

Date: 1/8/2024

  
*Judge's signature*

City and state: Fort Myers, Florida

Timothy R. Rice, U.S. Magistrate Judge  
*Printed name and title*

**AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT**

I, [REDACTED] being duly sworn, state as follows:

**INTRODUCTION**

1. I am a Senior Special Agent with the United States Customs and Border Protection (CBP), and I am currently assigned to the Office of Professional Responsibility (OPR), Investigative Operations Directorate (IOD), in Miami, Florida (OPR – Miami). I have been employed with CBP since August 2005. From August 2005 through April 2013, I worked as a CBP Officer. From April 2013 through March 2019, I worked for CBP/OPR's Credibility Assessment Division, as a certified polygraph examiner. I have been in my current position, as a Special Agent with CBP/OPR, since March 2019.

2. I have received extensive law enforcement training at the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia, including the Department of Homeland Security's Criminal Investigator Training Program, Advanced Interviewing for Law Enforcement Investigators, and the Internal Affairs Investigation Training Program. In addition, I completed CBP/OPR Special Agent Training at the CBP Advanced Training Facility in Harpers Ferry, West Virginia. The trainings I have attended covered subject matters that included federal criminal statutes, interviewing techniques, arrest procedures, use of force, search and seizure authority, narcotics, undercover techniques, search warrant applications, and various other investigative techniques. I also have a bachelor's degree in forensic psychology from John Jay College of Criminal Justice.

3. This affidavit is submitted in support of a criminal complaint charging William Joseph TIMOTHY with violating 18 U.S.C. § 654, by stealing more than \$1,000 in cash from an international airline passenger during the course of his employment as a CBP Officer at Naples Airport in the Middle District of Florida.

4. The facts contained in this affidavit are either personally known or have been told to me by other law enforcement officers and witnesses or are based upon my review of the evidence and records. Because this affidavit is being submitted for the limited purpose of obtaining a criminal complaint, I have not included every detail or every aspect of the investigation. Rather, I have set forth only those facts that I believe are necessary to support probable cause for the issuance of a criminal complaint against TIMOTHY for the above-identified violation.

#### **STATUTORY BACKGROUND**

5. Under 18 U.S.C. § 654, “[w]hoever, being an officer or employee of the United States or of any department or agency thereof, embezzles or wrongfully converts to his own use the money or property of another which comes into his possession or under his control in the execution of such office or employment, or under color or claim of authority as such officer or employee, shall be [punished as provided by statute].”

#### **PROBABLE CAUSE**

6. On or about May 24, 2023, an international airline passenger who traveled on a private aircraft from the Bahamas arrived at Naples Airport, a CBP User Fee Facility, in Naples, Florida (“PASSENGER #1”). After PASSENGER #1

arrived, a CBP Officer, later identified as William Joseph TIMOTHY, conducted a border enforcement examination and currency verification of PASSENGER #1.<sup>1</sup> Thereafter, PASSENGER #1 noticed approximately \$2,200.00 was missing from the currency he had presented to TIMOTHY during the currency verification. PASSENGER #1 subsequently reported the alleged theft to a pilot and an employee of the Naples Airport Authority, who advised the appropriate CBP personnel of the allegation.

7. Special Agents from CBP/OPR – Miami later obtained and reviewed video surveillance footage from the Naples Airport which captured the currency verification of PASSENGER #1 on or about May 24, 2023. Upon review of the video, agents identified TIMOTHY as the relevant CBP Officer conducting the border enforcement examination and currency verification of PASSENGER #1. In the video, TIMOTHY is seen examining and scanning the passport of PASSENGER #1 and reviewing PASSENGER #1's CBP Form 6059B (Customs Declaration). PASSENGER #1 is seen handing TIMOTHY a stack of U.S. currency, which TIMOTHY then begins to count. While counting the money, TIMOTHY places three stacks of bills aside, which he did *not* return to PASSENGER #1. Based on my review of the video, the first stack of currency TIMOTHY sets aside appears to contain approximately seven bills, the second stack of currency TIMOTHY sets aside appears

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<sup>1</sup> Pursuant to federal law, the transport of any currency over \$10,000 must be reported to CBP upon a traveler's arrival into the United States. During a border enforcement examination, an inspecting CBP officer may determine the accuracy of a traveler's declared amount by performing a currency verification.

to contain approximately five bills, and the third stack of currency TIMOTHY sets aside appears to contain approximately 10 bills. After setting aside approximately 22 bills—which are all believed to be \$100 bills—TIMOTHY also appears to place Customs Declarations forms on top of the currency, in what is believed to be an effort to conceal the cash he took from PASSENGER #1. After PASSENGER #1 departs, TIMOTHY can be seen retrieving the Customs Declaration forms—and the cash concealed underneath—and walking away from the camera. To date, TIMOTHY has filed no report or documentation which would serve to justify *any* seizure of cash from PASSENGER #1 during his border enforcement examination.

**CONCLUSION**

8. Based upon the foregoing, I respectfully submit that probable cause exists to charge William Joseph TIMOTHY with violating 18 U.S.C. § 654 on or about May 24, 2023, in the Middle District of Florida, during the course of his employment as a CBP Officer at Naples Airport.

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Date: 2024.01.08 15:20:06  
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Senior Special Agent  
U.S. Customs and Border Protection

Affidavit submitted to me by reliable electronic means and attested to me as true and accurate by telephone other reliable electronic means consistent with Fed. R. Crim. P. 4.1 and 41(d)(3) on this 8th day of January, 2024.



Timothy R. Rice  
United States Magistrate Judge