

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - x

UNITED STATES OF AMERICA :

- v. - :

SEALED
SUPERSEDING INDICTMENT

BRIAN MARTE, :

a/k/a "Trini Rabiia," :

ERICKSON BATISTA, :

a/k/a "Niike Batista," :

JUNIOR TAVERAS, :

a/k/a "Tuh Relambio," :

ANGEL ARISTY, :

a/k/a "Frekiitho Lindo Colon," :

LUIS ROSADO, :

a/k/a "El Menolsito Tejada," :

EOSCATERYS POLANCO, :

BRAYAN RODRIGUEZ, :

a/k/a "New Black El Paisano," :

and :

RONARDO BAEZ, :

a/k/a "Tuchokoo Baez," :

Defendants. :

- - - - - x

S1 16 Cr. 740 (GHW)

COUNT ONE

(Conspiracy to Commit Bank Fraud)

The Grand Jury charges:

Background

1. Since 2015, the United States Postal Inspection Service ("USPIS") and other local and federal agencies including the New York City Police Department ("NYPD"), Homeland Security Investigations, and the Bureau of Alcohol, Tobacco, Firearms and Explosives have been investigating mail theft from U.S. Postal Service collection boxes in the Bronx, New York. The

investigation has revealed that individuals steal mail by either illicitly obtaining mailbox keys or by "fishing." Fishing involves inserting homemade mail theft devices into mailboxes located on street corners or other publicly accessible places. After gaining access to the mail in the mailbox, a thief typically will remove any mail that appears to contain checks or money orders. During the beginning and end of the month when many people mail checks for rent and bills, a thief can steal checks worth tens of thousands of dollars in a single night.

2. After perpetrators fish checks and money orders out of mailboxes, they sell the checks and money orders to others, remove the payees' names by "washing" the checks and money orders, or simply deposit the checks and money orders into a bank account. In various iterations of the scheme, those bank accounts have belonged to the mail thieves, to complicit accountholders, or to unsuspecting third parties whose debits cards or personal identifying information has been stolen.

3. Since 2015, USPIS and NYPD enforcement operations have resulted in over 50 state arrests of individuals in an area of the Bronx in the vicinity of Claremont Park for theft of mail, and over \$750,000 in checks and money orders has been traced to these mail theft schemes. USPIS investigators have confirmed through victim interviews that the checks were placed in U.S. Postal Service collection boxes in the Bronx and not intended to

be in the possession of the arrested individuals.

4. As set forth below, BRIAN MARTE, a/k/a "Trini Rabiia," ERICKSON BATISTA, a/k/a "Niike Batista," JUNIOR TAVERAS, a/k/a "Tuh Relambio," ANGEL ARISTY, a/k/a "Frekiitho Lindo Colon," LUIS ROSADO, a/k/a "El Menolsito Tejada," EOSCATERYS POLANCO, BRAYAN RODRIGUEZ, a/k/a "New Black El Paisano," and RONARDO BAEZ, a/k/a "Tuchokoo Baez," the defendants, have each participated in these related schemes to steal mail and deposit stolen checks and money orders.

Statutory Allegations

5. From at least in or about May 2015 up to and including at least in or about January 2017, in the Southern District of New York and elsewhere, BRIAN MARTE, a/k/a "Trini Rabiia," ERICKSON BATISTA, a/k/a "Niike Batista," JUNIOR TAVERAS, a/k/a "Tuh Relambio," ANGEL ARISTY, a/k/a "Frekiitho Lindo Colon," LUIS ROSADO, a/k/a "El Menolsito Tejada," EOSCATERYS POLANCO, BRAYAN RODRIGUEZ, a/k/a "New Black El Paisano," and RONARDO BAEZ, a/k/a "Tuchokoo Baez," the defendants, and others known and unknown, willfully and knowingly, did combine, conspire, confederate, and agree together and with each other to commit bank fraud, in violation of Title 18, United States Code, Section 1344.

6. It was a part and object of the conspiracy that BRIAN MARTE, a/k/a "Trini Rabiia," ERICKSON BATISTA, a/k/a "Niike

Batista," JUNIOR TAVERAS, a/k/a "Tuh Relambio," ANGEL ARISTY, a/k/a "Frekiitho Lindo Colon," LUIS ROSADO, a/k/a "El Menolsito Tejada," EOSCATERYS POLANCO, BRAYAN RODRIGUEZ, a/k/a "New Black El Paisano," and RONARDO BAEZ, a/k/a "Tuchokoo Baez," the defendants, and others known and unknown, willfully and knowingly, would and did execute and attempt to execute a scheme and artifice to defraud a financial institution, the deposits of which were then insured by the Federal Deposit Insurance Corporation, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, such financial institution, by means of false and fraudulent pretenses, representations, and promises, in violation of Title 18, United States Code, Section 1344.

Overt Acts

7. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. Between approximately 2015 and 2016, approximately \$19,000 in stolen money orders was deposited into the bank account of EOSCATERYS POLANCO, the defendant, which had been opened on or about March 23, 2015 and on which POLANCO was the only signatory.

b. On or about June 3, 2016, BRAYAN RODRIGUEZ, a/k/a

"New Black El Paisano," the defendant, was found in possession of third-party debit cards, which had been used to deposit over \$17,000 in stolen checks and money orders.

c. On or about June 26, 2016, BRIAN MARTE, a/k/a "Trini Rabiia," and ANGEL ARISTY, a/k/a "Frekiitho Lindo Colon," the defendants, deposited approximately \$1,500 in stolen checks and money orders using a third-party debit card.

d. On or about July 1, 2016, ERICKSON BATISTA, a/k/a "Niike Batista," and RONARDO BAEZ, a/k/a "Tuchokoo Baez," the defendants, deposited approximately \$200 in stolen money orders using a third-party debit card.

e. On or about August 30, 2016, MARTE and BATISTA deposited approximately \$940 in stolen checks using a third-party debit card.

f. On or about September 29, 2016, JUNIOR TAVERAS, a/k/a "Tuh Relambio," and LUIS ROSADO, a/k/a "El Menolsito Tejada," the defendants, deposited a \$100 stolen check using a third-party debit card.

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

COUNT TWO

(Conspiracy to Commit Mail Theft)

The Grand Jury further charges:

8. The allegations contained in paragraphs 1 through 4 of this Indictment are repeated and realleged as if fully set forth

herein.

9. From at least in or about May 2015 through at least in or about January 2017, in the Southern District of New York and elsewhere, BRIAN MARTE, a/k/a "Trini Rabiia," ERICKSON BATISTA, a/k/a "Niike Batista," JUNIOR TAVERAS, a/k/a "Tuh Relambio," ANGEL ARISTY, a/k/a "Frekiitho Lindo Colon," LUIS ROSADO, a/k/a "El Menolsito Tejada," EOSCATERYS POLANCO, BRAYAN RODRIGUEZ, a/k/a "New Black El Paisano," and RONARDO BAEZ, a/k/a "Tuchokoo Baez," the defendants, willfully and knowingly did combine, conspire, confederate, and agree with each other and with others known and unknown, to commit an offense against the United States, to wit, mail theft, in violation of Title 18, United States Code, Section 1708.

10. It was a part and an object of the conspiracy that BRIAN MARTE, a/k/a "Trini Rabiia," ERICKSON BATISTA, a/k/a "Niike Batista," JUNIOR TAVERAS, a/k/a "Tuh Relambio," ANGEL ARISTY, a/k/a "Frekiitho Lindo Colon," LUIS ROSADO, a/k/a "El Menolsito Tejada," EOSCATERYS POLANCO, BRAYAN RODRIGUEZ, a/k/a "New Black El Paisano," and RONARDO BAEZ, a/k/a "Tuchokoo Baez," the defendants, and others known and unknown, would and did steal, take, and abstract, and by fraud and deception obtain, and attempt so to obtain, from and out of letter boxes, mail receptacles, and mail routes and other authorized depositories for mail matter, and from letters and mail carriers, letters,

postal cards, packages, bags, and mail, and would and did abstract and remove from such letters, packages, bags, and mail, articles and things contained therein, and would and did secrete, embezzle, and destroy such letters, postal cards, packages, bags, and mail, and articles and things contained therein, and would and did buy, receive, and conceal, and unlawfully would and did have in their possession, letters, postal cards, packages, bags, and mail, and articles and things contained therein, which had been so stolen, taken, embezzled, and abstracted, knowing the same to have been stolen, taken, embezzled, and abstracted, in violation of Title 18, United States Code, Section 1708.

Overt Acts

11. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. In or about May 2015, RONARDO BAEZ, a/k/a "Tuchokoo Baez," the defendant, agreed to let ERICKSON BATISTA, a/k/a "Niike Batista," the defendant, among others, deposit stolen checks and money orders into his bank account.

b. On or about February 3, 2016, LUIS ROSADO, a/k/a "El Menolsito Tejada," the defendant, was found, along with co-conspirators not named as defendants herein, in possession of a

mail fishing device and stolen checks and money orders totaling over \$2,500 in the vicinity of Macombs Road and West 176th Street in the Bronx, New York.

c. On or about February 26, 2016, EOSCATERYS POLANCO and BRIAN MARTE, a/k/a "Trini Rabiia," the defendants, exchanged electronic messages about whether MARTE would go fishing in mailboxes in the Bronx that night, and POLANCO informed MARTE that POLANCO would buy all the money orders that MARTE had.

d. On or about March 8, 2016, ROSADO and POLANCO exchanged electronic messages during which ROSADO told POLANCO, in sum and substance, the value of stolen checks that ROSADO had, and POLANCO agreed to buy the checks.

e. On or about May 3, 2016, MARTE tampered with a U.S. Postal Service collection box in the vicinity of Perry Avenue and East 207th Street in the Bronx, and, along with three co-conspirators not named as defendants herein, was found to be in possession of a mail fishing device and stolen checks and money orders totaling over \$82,000.

f. On or about May 31, 2016, BRAYAN RODRIGUEZ, a/k/a "New Black El Paisano," the defendant, deposited approximately \$1,400 in stolen checks and money orders into a third-party bank account.

g. On or about June 26, 2016, MARTE and ANGEL ARISTY, a/k/a "Frekiitho Lindo Colon," the defendant, deposited

into a third-party bank account approximately \$1,500 in stolen checks and money orders.

h. On or about July 1, 2016, BAEZ and BATISTA deposited into a third-party bank account approximately \$200 in stolen money orders.

i. On or about August 22, 2016, MARTE and BATISTA exchanged electronic messages regarding, in sum and substance, "fishing" and an individual who had "turn[ed] his back" on BATISTA after BATISTA had "put him to work with me."

j. On or about August 30, 2016, MARTE and BATISTA deposited approximately \$940 in stolen checks into a third-party bank account.

k. On or about October 12, 2016, JUNIOR TAVERAS, a/k/a "Tuh Relambio," the defendant, was found to be in possession of at least approximately \$16,000 in stolen money orders and checks in the vicinity of Park Avenue and East 188th Street in the Bronx.

l. On or about November 1, 2016, RONARDO BAEZ, a/k/a "Tuchokoo Baez," the defendant, was found in the Bronx "fishing" from a U.S. Postal Service collection box and, along with a co-conspirator not named as a defendant herein, was found to be in possession of a mail fishing device and a stolen check worth over \$100.

m. On or about November 14, 2016, MARTE wrote in a

"status update" on social media that, in sum and substance, "you don't attract suspicion to yourself buying/dealing with papers," that he makes the most money by "walking" but having a taxi that he has paid in advance, and that he can make \$3,000 on a daily basis.

n. On or about January 17, 2017, ARISTY, along with two co-conspirators not named as defendants herein, removed mail from a U.S. Postal Service collection box in Queens, New York, and was found to be in possession of a mail fishing device and stolen checks and money orders totaling over \$8,000.

(Title 18, United States Code, Section 371.)

COUNT THREE

(Aggravated Identity Theft)

The Grand Jury further charges:

12. The allegations contained in paragraphs 1 through 4 of this Indictment are repeated and realleged as if fully set forth herein.

13. From at least in or about May 2015 up to and including at least in or about January 2017, in the Southern District of New York and elsewhere, BRIAN MARTE, a/k/a "Trini Rabiia," ERICKSON BATISTA, a/k/a "Niike Batista," JUNIOR TAVERAS, a/k/a "Tuh Relambio," ANGEL ARISTY, a/k/a "Frekiitho Lindo Colon," LUIS ROSADO, a/k/a "El Menolsito Tejada," EOSCATERYS POLANCO, BRAYAN RODRIGUEZ, a/k/a "New Black El Paisano," and RONARDO

BAEZ, a/k/a "Tuchokoo Baez," the defendants, 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, the defendants possessed and used, and aided and abetted the possession and use of, the names and personal information of others to fraudulently deposit stolen checks and money orders into bank accounts and withdraw said funds, in connection with the offense charged in Count One of this Indictment.

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

COUNT FOUR

(Theft and Receipt of Stolen Mail Matter)

The Grand Jury further charges:

14. The allegations contained in paragraphs 1 through 4 of this Indictment are repeated and realleged as if fully set forth herein.

15. From on or about May 3, 2016, up to and including on or about May 12, 2016, in the Southern District of New York and elsewhere, BRIAN MARTE, a/k/a "Trini Rabiia," the defendant, did knowingly steal, take, and abstract from and out of authorized mail receptacles various mail matter addressed to others, to wit, MARTE stole and received, and aided and abetted the theft and receipt of, checks and money orders from parcels and

packages of mail that were taken out of U.S. Postal Service collection boxes and receptacles in the Bronx, New York.

(Title 18, United States Code, Sections 1708 and 2.)

FIRST FORFEITURE ALLEGATION

16. As a result of committing the offense alleged in Count One of this Indictment, BRIAN MARTE, a/k/a "Trini Rabiia," ERICKSON BATISTA, a/k/a "Niike Batista," JUNIOR TAVERAS, a/k/a "Tuh Relambio," ANGEL ARISTY, a/k/a "Frekiitho Lindo Colon," LUIS ROSADO, a/k/a "El Menolsito Tejada," EOSCATERYS POLANCO, BRAYAN RODRIGUEZ, a/k/a "New Black El Paisano," and RONARDO BAEZ, a/k/a "Tuchokoo Baez," the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(2)(A), any and all property constituting or derived from, proceeds obtained directly or indirectly, as a result of the commission of said offense, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offense.

SECOND FORFEITURE ALLEGATION

17. As a result of committing the offenses alleged in Counts Two and Four of this Indictment, BRIAN MARTE, a/k/a "Trini Rabiia," ERICKSON BATISTA, a/k/a "Niike Batista," JUNIOR TAVERAS, a/k/a "Tuh Relambio," ANGEL ARISTY, a/k/a "Frekiitho Lindo Colon," LUIS ROSADO, a/k/a "El Menolsito Tejada,"

EOSCATERYS POLANCO, BRAYAN RODRIGUEZ, a/k/a "New Black El Paisano," and RONARDO BAEZ, a/k/a "Tuchokoo Baez," the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any and all property, real and personal, constituting or derived from, proceeds obtained directly or indirectly, as a result of the commission of said offenses, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses.


Substitute Asset Provision

18. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:
- a. cannot be located upon the exercise of due diligence;
 - b. has been transferred or sold to, or deposited with, a third party;
 - c. has been placed beyond the jurisdiction of the court;
 - d. has been substantially diminished in value; or
 - e. has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) and Title 28, United States

Code, Section 2461(c), to seek forfeiture of any other property of the defendants up to the value of the forfeitable property described above.

(Title 18, United States Code, Sections 981 & 982;
Title 21, United States Code, Section 853; and
Title 28, United States Code, Section 2461.)


FOREPERSON 2/28/17


PREET BHARARA
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

BRIAN MARTE,
a/k/a "Trini Rabiia,"
et al.

Defendants.

INDICTMENT

S1 16 Cr. 740 (GHW)

(18 U.S.C. §§ 371, 1028A(a) (1),
1028A(b), 1349, 1708, and 2.)

PREET BHARARA

United States Attorney


2/29/17 Foreperson
