

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Northern District of Mississippi

United States of America

v.

Javier Alejandro Moline Borroto,

Pavel Isaac Burgos Coronado,

Joseph Nicole Vergara Moran, Daniel Pena Morales

Gustavo, and Valentina Sybreg Castro Balza

Case No.

3:18-MJ31-RP

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 18 and 19, 2018 in the county of Lowndes in the Northern District of Mississippi, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. Section 1029(a)(4)

knowingly with intent to defraud, produces, traffics in, has control or custody of, or possesses device-making equipment

18 U.S.C. Section 1029(a)(8)

knowingly and with intent to defraud uses, produces, traffics in, has control or custody of, or possesses a scanning receiver

18 U.S.C. Section 371

conspiracy to commit offense or to defraud United States

This criminal complaint is based on these facts:

See attached affidavit

Continued on the attached sheet.

David Polson signature

Complainant's signature

David Polson, Special Agent, U.S. Secret Service

Printed name and title

Sworn to before me and signed in my presence.

Date: 05/21/2018

Roy Percy signature

Judge's signature

City and state: Oxford, Mississippi

Roy Percy, United States Magistrate Judge

Printed name and title

AFFIDAVIT

I, David Polson, (hereinafter referred to as Affiant), Special Agent of the United States Secret Service, being duly sworn, hereby depose and state as follows:

I am a Special Agent of the United States Secret Service (USSS) and have been so employed for over 16 years. As part of my law enforcement duties, I am statutorily charged with investigating criminal cases, including those involving access device fraud and the equipment used in access device fraud commonly known as “skimming”.

Based upon the information obtained as a result of this investigation, there is probable cause to believe 1) **Javier Alejandro Moline Borroto**, 2) **Pavel Isaac Burgos Coronado**, 3) **Joseph Nicole Vergara Moran**, 4) **Daniel Pena Morales Gustavo**, and 5) **Valentina Sybreg Castro Balza**, together with others known and unknown, did knowingly violate 18 USC 1029 (a) (4), 18 USC 1029 (a) (8), and 18 USC 371, being fraud relating to access devices—possession of device-making equipment, possession and use of scanning receivers, and conspiracy.

Because this affidavit is being submitted for the limited purposes of securing a complaint and arrest warrant for these five individuals, I have not included each and every fact known to me or other law enforcement officers concerning this investigation. I have set forth only those facts that I believe are necessary to establish probable cause to believe that violations of the aforementioned statutes have occurred. The facts set forth in this affidavit are based on my own personal experience and training; discussions I have had with other agents and law enforcement officers; witness statements; and my review of reports, records and other evidence.

FACTS OF THE CASE

During the early morning hours of Friday and Saturday, May 18 and 19, 2018, Trooper First Class Gregory Bell, along with other members of the Mississippi Highway Patrol, were conducting a driver’s license check point on US 45 Alternate near Askew Road, in the Northbound lanes of traffic in Lowndes County, Mississippi. Shortly after midnight a small grey Toyota RAV4 approached the check point. Trooper Minga, made initial contact with the driver of the Toyota. As Bell approached to observe the conversation, Trooper Minga asked the driver for his driver’s license and proof of insurance. The driver was extremely courteous to Trooper Minga. The driver presented Trooper Minga a Florida driver’s license and was identified as Javier Alejandro Moline Borroto, a Hispanic male from Venezuela. Moline Borroto stated the vehicle was a rental. Trooper Minga asked Moline Borroto who his passengers were, at which time, he rolled down the window and stated something to them in Spanish. Troopers observed a Hispanic female sitting on the right rear passenger side and a Hispanic male sitting on the left rear passenger side. The female provided a Venezuela passport and was identified as Valentina Sybreg Castro Balza. The male provided a temporary Florida license and was identified as Pavel Isaac Burgos Coronado.

Trooper Bell, asked the driver where they were coming from and Moline Borroto, replied "Mississippi." The trooper laughed and informed the driver, he was still in Mississippi and further asked him, where his trip began prior to his arrival in Mississippi. The driver stated, "Florida." When the trooper asked what part of Florida, Moline Borroto stated "Miami". When asked what his destination was, Moline Borroto stated the "Hotel". Again when asked what was his final destination once he reached where he was going, Moline Borroto laughed and stated "oh, Memphis". When Bell asked Moline Borroto what were they going to do while in Memphis, Moline Borroto stated they were going to visit his Uncle who had flown into Memphis from Venezuela and further added, they didn't get to see him very often. When asked what his uncle's name was, he paused and said "Jesus." When asked what his full name was, Moline Borroto again paused and provided a single name. When asked what was his mother or father's maiden name, he paused again as if he didn't understand. The trooper was aware that in most Hispanic cultures the father and mother's names are used. The trooper then inquired about his uncle's profession and Moline Borroto stated he was a business owner. When asked how long they were staying, he stated 10 to 15 days. When asked what his profession was, Moline Borroto stated he was in construction. The trooper inquired if he was taking vacation, Moline Borroto stated, "no," and explained he just took off work. When the trooper told him that must be nice to just take off for two weeks, Moline Borroto laughed. Moline Borroto seemed to understand English quiet well while engaging in conversation with the troopers; however, the rear passengers acted as if they didn't understand at all. Moline Borroto would speak Spanish to them as the troopers were talking with them.

While speaking to Moline Borroto, a second vehicle, a red Volkswagen Jetta, pulled up to the check point directly behind Moline Borroto. Trooper Jones, G23, approached the red Volkswagen Jetta and asked the driver for his driver's license and proof of insurance. The driver provided his proof of insurance and a passport from Venezuela, which identified him as Daniel Pena Morales Gustavo. The female provided Trooper Jones with a temporary Florida driver's license. She was identified as Joseph Nicole Vergara Moran. The driver advised Trooper Jones he did not have a U.S. driver's license. Trooper Jones, who was standing near Moline Borroto's vehicle while Trooper Bell and Trooper Minga were speaking with Moline Borroto, had overheard Moline Borroto mention they were from Venezuela prior to the arrival of the red Jetta. Trooper Jones, from the driver's side of the second vehicle, advised Bell that his driver was also from Venezuela and the passenger from Florida.

Bell asked Moline Borroto if the red car behind him was traveling with them. Moline Borroto hesitated and stated yes, they too were going to Memphis to visit his uncle. Bell approached the red Jetta and asked the driver how his night was going, he stated he was tired. Bell asked the driver where he was coming from, Morales Gustavo stated "Miami." When asked where he was headed to, Morales Gustavo stated "Tupelo, Mississippi". When asked what he and the female passenger were doing all the way up here in Mississippi, Morales Gustavo stated he was going to visit family. When asked if the family was located in Tupelo, Morales Gustavo stated "yes, sir." When asked if he was traveling with any other people or vehicles, Morales Gustavo stated "No". Trooper Bell asked Morales Gustavo if he knew the people in the vehicle in front of him. Morales Gustavo looked straight ahead and

replied "No". Trooper Bell then asked Trooper Minga and Trooper Beaver, who were still speaking with Moline Borroto, to have Moline Borroto move his vehicle into the crossover. Bell directed Morales Gustavo to do the same, at which time he said "Thank you Sir": Bell reiterated, Morales Gustavo was to pull into the crossover and not leave our location.

Bell approached Moline Borroto and asked him if there was anything illegal in the vehicle. Moline Borroto smiled and laughed, shaking his head and stated "no". When asked if he had any personal use marijuana or any other personal use narcotics within the passenger area or hidden in other locations of his vehicle, Moline Borroto, who had spoken pretty clear, and understood what Bell was saying earlier, appeared to not understand English at that time.

Bell asked Moline Borroto if there was any marijuana in the vehicle and he stated "no." When asked if he had any cocaine, he stated "no." When asked if he had any methamphetamine, he stated "no." When asked if he had any large amounts of US currency, he stated "no." As the trooper continued to question him, Moline Borroto appeared to not understand what was being said, so the trooper used a translation tool on his phone to make sure Moline Borroto understood.

Bell returned to Morales Gustavo and asked him the same questions as Moline Borroto. Morales Gustavo replied no to the questions.

Suspecting criminal activity by the subjects in both vehicles, Bell returned to his patrol car and retrieved consensual search forms printed in English and Spanish. Bell asked Moline Borroto in English if troopers could search his vehicle. Moline Borroto acted as if he didn't understand, but stated they could look wherever. Bell presented Moline Borroto the consent form, at which time he read the Spanish version and stated verbally, with a yes that he would consent to us searching the vehicle he was operating.

Bell presented Morales Gustavo the same question and consensual search form. Morales Gustavo signed the form, consenting to search of his vehicle. Bell informed both parties, that part of my search was going to be conducted by deploying my K9 for an open air sniff around the exterior of both vehicles.

All parties were removed from the vehicle and directed to stand in a safe location in the crossover next to Trooper Minga's patrol car. Bell deployed K9 Apollo and directed him to the front left bumper of the Toyota Rav4 to begin the open air sniff. K9 Apollo gave a positive alert on the vehicle being driven by Moline Borroto. K9 Apollo had an obvious change in behavior on the second vehicle but never presented an alert.

Bell approached Moline Borroto again and explained to him that as he had just observed; the K9 Apollo alerted on the rear of his vehicle. Bell asked him again was there any narcotics in the vehicle or had there been any narcotics in the vehicle, Moline Borroto stated no.

Troopers began searching the Toyota Rav4 being driven by Moline Borroto. The passenger compartment was littered with food and other travel type debris. The rear luggage area was filled with several luggage bags and other loose clothing, along with small Walmart type bags. Troopers Minga and Bell were in the rear searching the cargo area when Bell opened a small plastic bag that was tied in a knot. The bag contained small hobby knife, black paint, double sided 3m type adhesive tape and a small pick tool set. These items seemed out of place considering they were traveling in a rental vehicle to visit an uncle. Bell informed Trooper Minga that the items appeared likely to be some type of skimming operation.

The focus turned to looking for items that could be used in that type of criminal activity. Trooper Minga and Trooper Beaver continued searching the vehicle while Bell conducted criminal background searches on all the subjects. While Bell was running the subjects' information, both Trooper Beaver and Trooper Minga discovered items in the vehicle that appeared to be evidence of credit card skimming:

- 1) Several Western Union receipts were discovered where funds were transferred from Mississippi to Miami, Florida.
- 2) Two stacks of American Express credit cards were discovered hidden in a natural void in the rear of the Toyota on the driver's side near the spare tire. One stack had white thermal terminal paper showing locations where the cards were used to verify account balances.

Bell informed Trooper Minga and Trooper Beaver to take everyone into custody at this point. The driver of the Rav4, Moline Borroto, appeared to get very ill and threw up on three different occasions once the cards were discovered. Bell advised Moline Borroto of his rights and asked did he understand. Moline Borroto stated "yes." Bell further advised Moline Borroto to tell the other subjects that they too were being taken into custody, since they all seemed to only speak Spanish, now that the contraband had been found. None of the subjects were questioned during the search or post search due to language barrier that now existed.

RP Bell called MHP Dispatch Troop G and had them contact the MBI Agent on call. Agent Cantrell returned my call at which time, Bell advised him of the situation and the evidence collected thus far. Agent Cantrell and Bell decided to meet later in the morning to review the evidence, log it in and discuss the next plan of action. Bell informed Agent Cantrell that troopers were still searching and they would contact him if anything changed.

As troopers continued the search of the vehicles, skimming items were discovered in both vehicles. Moline Borroto asked Trooper Bell again why they were being taken into custody. Bell advised him troopers had discovered credit cards hidden inside of the vehicle Moline Borroto was in control of. Moline Borroto, then informed Bell that it was a rental and they must have been placed there by the previous renter.

The search of the vehicles concluded with a large amount of evidence being seized, including,

- 1) U.S. Currency,
- 2) credit cards,
- 3) gift cards,
- 4) Casino membership and players cards,
- 5) Skimming devices,
- 6) Pinhole cameras,
- 7) Electronic equipment, including lap-top computers and cell phones, and
- 8) Encoding devices.

The five persons possessed either in their wallets and purses, or on their persons, prepaid gift cards, receipts from purchases made with various credit cards, and cash.

The subjects were transported by Troopers Minga, Beaver, and Bell to the Lowndes County Adult Detention Center in Columbus Mississippi, in Lowndes County.

The five persons, 1) **Javier Alejandro Moline Borroto**, 2) **Pavel Isaac Burgos Coronado**, 3) **Joseph Nicole Vergara Moran**, 4) **Daniel Pena Morales Gustavo**, and 5) **Valentina Sybreg Castro Balza**, were placed in the custody of Lowndes County without incident, Lowndes County was instructed by Trooper Bell, to place an investigative hold on all five subjects until MBI Agent Cantrell advised further.

On 05/19/18, your affiant, Special Agent (SA) David Polson, United States Secret Service, was contacted by Agent Cantrell and briefed on the case. Agent Cantrell stated that the subjects in custody had a receipt dated 05/17/18 for a storage unit in Gulfport, Mississippi.

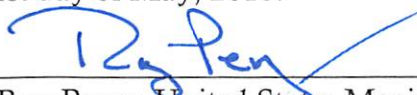
On 05/21/18, SA Polson met with Agent Cantrell and TPC Gregory Bell at the Mississippi Highway Patrol Troop C office in Starkville, Mississippi. SA Polson was further briefed on the case and reviewed the evidence. During the evidence review, SA Polson observed the receipt from Move It Self Storage located at 365 Tegarden Rd., Gulfport, Mississippi 39507. There was also a gate access code and a card for the manager of the storage facility, Corey Stanford (228-896-5777). SA Polson spoke with Stanford via telephone and was advised that a storage unit was rented by **Pavel Isaac Burgos Coronado** and it listed a second contact as **Javier Alejandro Moline Borroto**, both of who are suspects in this case. Stanford further stated that the storage unit rented by **Burgos Coronado** is identified as HD03.

Based on the forgoing information, there is probable cause to believe that 1) **Javier Alejandro Moline Borroto**, 2) **Pavel Isaac Burgos Coronado**, 3) **Joseph Nicole Vergara Moran**, 4) **Daniel Pena Morales Gustavo**, and 5) **Valentina Sybreg Castro Balza** have committed various violations against the United States, including knowingly possessing and having control and custody of device making equipment, with intent to defraud, and knowingly possessing and having custody and control of scanning receivers, with intent to defraud, which conduct affected interstate commerce, and conspiracy to commit such offenses, in violation of Title 18, U.S.C. §§ 1029(a)(4), 1029(a)(8), and 371. With this information, your affiant requests the issuance of arrest warrants for the five described individuals on such charges.



David Polson
Special Agent
United States Secret Service

Sworn and subscribed before me, this the 21st day of May, 2018.



Roy Percy, United States Magistrate Judge