

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the Southern District of Florida

United States of America)
v.)
JIMMY LEE THEODORE,)
ALBERT A. ANDRULONIS,)
MILDRED ALEXIS,)
NATASHA ORR and RAUSHANAH BOWLEG.)
Defendant(s)

Case No. 10-6462-RSR

FILED by _____ D.C.
NOV - 8 2010
STEVEN M. LARIMORE
CLERK, U.S. DIST. CT.
S. D. of FLA. - FT. LAUD.
Broward

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 November 2009 to October 2010 in the county of Broward in the Southern District of Florida, the defendant(s) violated:

Code Section
18 U.S.C. §§ 371, 1341, 1343,
1344 and 42 U.S.C. § 1320d-6(a)
(3)

Offense Description
Conspiracy; Wire Fraud; Mail Fraud; Bank Fraud; and Violation of Health Insurance Portability and Accountability Act (HIPAA) of 1996, statutory offenses described in Attachment A attached hereto.

This criminal complaint is based on these facts:
See attached affidavit of Postal Inspector Brian McCarthy incorporated by reference.

[x] Continued on the attached sheet.

[Handwritten signature of Brian McCarthy]

Complainant's signature

Brian McCarthy, United States Postal Inspector
Printed name and title

Sworn to before me and signed in my presence.

Date: 11/08/2010

[Handwritten signature of Robin Rosenbaum]

Judge's signature

City and state: Fort Lauderdale, Florida

ROBIN ROSENBAUM, U.S. Magistrate Judge
Printed name and title

ATTACHMENT A

Title 18, United States Code, Section 371 -

Conspiracy: two or more persons knowingly and willfully conspire to commit an offense against the United States and one or more of such persons do any act to effect the object of the conspiracy.

Title 18, United States Code, Section 1341 -

Whoever knowingly devises any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, using any post office or authorized depository for mail matter

Title 18, United States Code, Section 1343 -

Whoever knowingly devises a scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds for the purpose of executing such scheme or artifice

Title 18, United States Code, Section 1344 -

Whoever knowingly executes, or attempts to execute, a scheme or artifice to defraud a financial institution; or to obtain any of the moneys, funds, credits, assets, securities, or other property owned by, or under the custody or control of, a financial institution, by means of false or fraudulent pretenses, representations, or promises;

Title 42, United States Code, Section 1320d-6(a)(3) -

Wrongful disclosure of individually identifiable health information by knowingly disclosing individually identifiable health information to another person

AFFIDAVIT

I, Brian McCarthy, being first duly sworn, hereby depose and state as follows:

1. I am a Postal Inspector with the United States Postal Inspection Service, and have been since September 2003. Prior to joining the Postal Inspection Service in 2003, I was employed as a Special Agent with the Virginia Department of Alcoholic Beverage Control for approximately 7 years. In that capacity I conducted investigations of state and local crimes at the misdemeanor and felony level. I have received specialized training in the identification and investigation of organized criminal groups. I have attended schools and training seminars dealing with organized crime, financial investigations, narcotic investigations, and computer and Internet related crimes. Additionally, I receive annual in service training from various sources including the Association of Certified Fraud Examiners in the area of internet fraud, and computer fraud.

2. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

3. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that violations of Title 18, United States Code Sections, 371 (Conspiracy); 1341 (Mail Fraud); 1343 (Wire Fraud); 1344 (Bank Fraud) and Title 42, United States Code, Section 1320d-6 (Violation of Health Insurance Portability and Accountability Act (HIPAA) of 1996 criminal medical privacy statute) have been committed by the suspects.

PROBABLE CAUSE

4. On Thursday, May 27, 2010, your affiant was contacted by the United States Postal Service (USPS) Flamingo Carrier Annex regarding numerous credit card type mailings, in all different names, going to the same address in Pembroke Pines. This address was 10735 NW 11 Street, Pembroke Pines, FL 33026. Your affiant responded to the Post Office, interviewed the supervisor there, and took custody of the mail in question. Investigation revealed that the mailings were all from Chase Bank, all contained debit cards and PIN numbers from Chase, and all were fraudulent and were related to recent account takeovers.

5. Surveillance was done at the above referenced address later in the day and a black and gray Dodge Charger with Florida Tag 668-VTS was noted parked in front of the residence.

6. On May 28, 2010, your affiant proceeded to the address where the debit cards were going to in order to interview neighbors and/or neighborhood security regarding activity at the residence. Specifically, a next-door neighbor was interviewed and stated that there are always "nice cars" coming and going from the residence and that the people don't seem to be employed as they keep irregular hours. The neighbor specifically mentioned a white 2 door Dodge with black stripes as frequenting the house. While your affiant was interviewing this neighbor, this same white Dodge pulled up and parked in front of the target residence. Two males got out of the car, the driver being a white male with numerous tattoos, and the passenger being a black male. The white male was observed carrying what appeared to be a stack of credit card mailing envelopes. Local police were contacted for assistance and a knock-and-talk was planned for the residence. Prior to knocking on the door, the white male exited the residence and attempted to get in the white car. He was stopped and detained. This individual was determined to be **ALBERT ANDRULONIS**. A pat-down of **ANDRULONIS** was done for officer safety and discovered in his pants pockets was \$777.00 in U.S. currency and a cell phone. A consent search

of **ANDRULONIS's** cell phone, cell # 954-696-0832, was done and in the phone contacts section was discovered phone numbers for Chase Bank, Chase Bank card activation, and the Chase Bank fraud line. All of the Chase numbers had *67 in front of them, blocking identification of **ANDRULONIS's** number by Chase. In plain view in **ANDRULONIS's** car, on the dashboard, was a numbered listing of different names, DOB's, SSN's, and addresses, as well as new account opening paperwork from Regions Bank.

7. The black male, later identified as **JIMMY LEE THEODORE**, remained inside the house during this interaction with **ANDRULONIS**. Law enforcement officers then knocked on the front and back doors of the residence for approximately 15 minutes, with **THEODORE** not answering the door. After approximately 15 minutes, a black female identified as Nicole Jean showed up and identified herself as the person renting the residence. Jean was driving the black and grey Dodge Charger that had been seen at the residence the day before. Jean was advised of the situation and stated that the person inside the residence was her boyfriend, **JIMMY THEODORE**. Jean then granted your affiant written consent for a search of the house and opened the door.

8. Upon entering the residence, **THEODORE** was found alone. A search of the house revealed a .40 caliber Glock pistol, secreted in the attic. Below the attic access panel was a clothes hamper turned upside down. The pistol appeared to have been tossed up in the attic area by someone standing on this hamper. In addition, found secreted within the attic insulation, were numerous Chase Bank credit/debit card mailing envelopes, all opened with the cards removed, and listings of names, DOB's, SSN's, and addresses. Located outside the residence adjacent to the rear patio, your affiant recovered numerous hospital patient records containing specific health information of the patients, stolen mail in different names, and more listings of 100's of names, DOB's, SSN's, and addresses.

CHASE BANK is an institution insured by the Federal Deposit Insurance Corporation FDIC. (BW) RAR

9. **ANDRULONIS** refused to cooperate and was permitted to leave in his vehicle. At the location, **THEODORE** stated that **ANDRULONIS** is heavily involved in ID theft and is working with a Haitian known as Louis Thermitus. He advised that Thermitus has changed his name to David Smith. **THEODORE** added that he is currently learning how to “bust accounts”, or do account takeovers, from **ANDRULONIS**.

10. Investigation revealed that the patient records recovered during the search were stolen from Holy Cross Hospital in Fort Lauderdale, FL. Additional evidence recovered were type-written listings of patient information stolen from the office of Dr. Elliot Stein in Aventura, FL and found at the Pembroke Pines, FL address.

11. Further investigation disclosed that the stolen patient records from Holy Cross Hospital were stolen by Holy Cross employee **NATASHA ORR**. **ORR** was employed as a patient registration clerk in the Holy Cross Hospital Emergency Room. **ORR** was Mirandized and interviewed on 9-30-2010 and provided a full confession. **ORR** provided her cell phone number of 786-287-8971. **ORR** advised that she was recruited by **MILDRED ALEXIS** to steal patient info and provide it to **ALEXIS**, who would then pay **ORR** \$500 to \$1,500 in cash for each stack of patient records. **ORR** also advised that she and **ALEXIS** communicated via their cellular phones. **ORR** advised that **ALEXIS**' cell phone number is 786-319-6721.

12. **MILDRED ALEXIS** was located and interviewed on 10-01-2010. After being advised of her Miranda rights and waiving same, **ALEXIS** provided a full confession. **ALEXIS** stated that her nephew, **JIMMY LEE THEODORE**, approached her asking for patient information, and added that he would pay cash for the information. **ALEXIS** then recruited

NATASHA ORR to steal patient information from Holy Cross Hospital where **ORR** was employed. **ALEXIS** further advised that she then recruited **RAUSHANAH BOWLEG** to steal patient information from the office of Dr. Elliot Stein where **BOWLEG** was employed. **ALEXIS** went on to state that once **ORR** and **BOWLEG** would provide **ALEXIS** the information, **ALEXIS** would organize it and provide it to **JIMMY THEODORE**. **ALEXIS** advised that **THEODORE** would pay her \$3,000 cash for 240 names. **ALEXIS** further advised that she would then split that money with **ORR** and **BOWLEG**. **ALEXIS** went on to say that **THEODORE**, **ANDRULONIS**, and others are heavily involved in ID Theft and account takeovers and that **ANDRULONIS** and **THEODORE** are the ones that are opening the fraudulent accounts, receiving and activating the cards, taking over victim accounts, and then fraudulently withdrawing money from the various victim accounts. **ALEXIS** stated that she would regularly contact **THEODORE** at 786-443-5831.

13. Dr. Stein confirmed that his patient's names had been stolen from his office. He further advised that **BOWLEG** has worked in the office alone while he was on vacation. **BOWLEG** failed to show up for work April 21, 2010, and has not been seen since and was terminated.

14. Investigation determined that on March 17, 2010, victim B.T. was involved in a car accident on I-95 in Broward County, Florida. B.T. was then transported by ambulance to Holy Cross Hospital in Fort Lauderdale, FL. Upon entering the ER, B.T. provided her personal information and insurance information to the ER staff as part of the standard admitting process. B.T. was then evaluated in the ER and released.

15. On May 14, 2010, B.T. discovered that her Chase bank account had been "frozen". When B.T. contacted Chase, she learned that her account had been compromised. Someone had accessed her account, changed her mailing address, changed her phone number

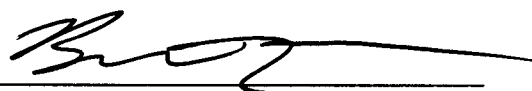
associated with the account, changed her email address associated with the account, and ordered additional debit cards in her name.

16. One of these fraudulently obtained debit cards in B.T.'s name, card number 4867322490251164, was used on April 30, 2010, to fraudulently withdraw \$1,000.00 from B.T.'s bank account. This was done at the Chase Bank located at 6529 Nova Drive in Davie, FL. ATM surveillance video was obtained of this transaction and **ANDRULONIS** is seen on video withdrawing the funds. Additional investigation revealed that the above debit card was sent from Chase Bank, through the U.S. Mail, to 10735 NW 11 Street, Pembroke Pines, FL 33026 on or about April 21, 2010. This is the same address where your affiant first encountered **ANDRULONIS** and **THEODORE** and recovered the stolen hospital and doctor's office records.

17. Another fraudulent debit card in B.T.'s name, card number 4867322490251172, was used on May 1, 2010, to withdraw another \$1,000 from B.T.'s account. This was done at the Chase Bank located at 6529 NOVA Drive in Davie, FL. ATM surveillance video was obtained of this transaction and **ANDRULONIS** is seen on video withdrawing the funds. **ANDRULONIS** has a unique tattoo of the word "VILLIAN" above the collar line on the left side of his neck. This tattoo is visible in the bank surveillance video taken during the transaction. Additional investigation revealed that the above debit card was sent from Chase Bank, through the U.S. Mail, to 10735 NW 11 Street, Pembroke Pines, FL 33026 on or about April 21, 2010. B.T.'s personal information was recovered from the bushes at the rear of the residence where your affiant first encountered **ANDRULONIS** and **THEODORE**.

18. Victim B.T. was interviewed and provided a statement that she does not know **ALBERT ANDRULONIS**, and never gave him or anyone else permission to obtain a debit card in her name and withdraw money from her bank account. B.T. advised that she is a victim of ID theft and that she had a total of \$4,000.00 stolen from her bank account between April 2010 and May 2010. This money was fraudulently taken from her account via a series of ATM withdrawals.

19. Wherefore, based on the above, your affiant respectfully submits that there is probable cause to believe that **ALBERT ANDRULONIS, JIMMY LEE THEODORE, MILDRED ALEXIS, NATASHA ORR** and **RAUSHANAH BOWLEG** have committed the offenses of Conspiracy in violation of Title 18, United States Code, Section 371; Wire Fraud in violation of Title 18, United States Code, Section 1341; Mail Fraud in violation of Title 18, United States Code, Section 1343; Bank Fraud in violation of Title 18, United States Code, Section 1344 and Violation of Health Insurance Portability and Accountability Act (HIPAA) of 1996 in violation of Title 42, United States Code, Section 1320d-6(a)(3).



Brian McCarthy
U.S. Postal Inspector
U.S. Postal Inspection Service

Sworn and subscribed before me
On this 8th day of November, 2010



Honorable Robin S. Rosenbaum
United States Magistrate Judge