UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 1:21mj03245 Becerra

UNITED STATES OF AMERICA

vs.

KENNY TERLENT,

Defendant.
_______________________________________/

CRIMINAL COVER SHEET

1. Did this matter originate from a matter pending in the Central Region of the United States Attorney's Office prior to August 9, 2013 (Mag. Judge Alicia Valle)? __ Yes X No

2. Did this matter originate from a matter pending in the Northern Region of the United States Attorney's Office prior to August 8, 2014 (Mag. Judge Shaniek Maynard)? __ Yes X No

3. Did this matter originate from a matter pending in the Central Region of the United States Attorney's Office prior to October 3, 2019 (Mag. Judge Jared Strauss)? __ Yes X No

Respectfully submitted,

JUAN ANTONIO GONZALEZ
ACTING UNITED STATES ATTORNEY

By: ______________________________

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AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

United States of America
v.
Kenny Terlent,

Defendant(s)

Case No. 1:21mj03245 Becerra

CRIMINAL COMPLAINT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

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 9/23/2020 and 6/24/2021 in the county of Miami-Dade in the Southern District of Florida, the defendant(s) violated:

Code Section	*Offense Description*
18 U.S.C. § 1029(a)(3)	Possession of 15 or more access devices with the intent to defraud
18 U.S.C. § 1028A(1)(1)	Aggravated Identity Theft
18 U.S.C. § 1029(b)(1)	Conspiracy to Commit Access Device Fraud
18 U.S.C. § 922(o)	Illegal Possession of a Machinegun

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT.

☑ Continued on the attached sheet.

Applicant's signature

Special Agent Natalya Kaczmarczyk, USSS

Printed name and title

Attested to in accordance with the requirements of Federal Rule of Criminal Procedure 4.1 by Telephone

Date: 06/25/2021

Judge's signature

City and state: Miami, FL

Hon. Jacqueline Becerra, US Magistrate Judge

Printed name and title

AFFIDAVIT

I, Natalya Kaczmarczyk, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the United States Secret Service ("USSS") and have been so employed since April 2017. During my career, I have been trained to conduct criminal investigations involving or relating to the financial infrastructure of the United States, including identity theft, counterfeit U.S. currency, wire fraud, and access device fraud. I have completed the Criminal Investigator Training Program at the Federal Law Enforcement Training Center in Glynco, Georgia. I am currently assigned to the Transnational Crimes Squad of the Miami Field Office, within the USSS. I have participated in investigations into counterfeit identities, identity theft, access device fraud, bank fraud, wire fraud, and other federal crimes, and I have applied for numerous search warrants in relation to those investigations.

2. Additionally, I have been working with the Federal Bureau of Investigation ("FBI") and the Miami-Dade County Safe Streets and Violent Gang Task Force for approximately two years. During my time working with the FBI and the Miami-Dade County Safe Streets and Violent Gang Task Force, I have investigated gang-related murder, assault, weapons possession, organized crime, identity theft, violent crimes in aid of racketeering, and the laundering of monetary instruments associated with these crimes. I have participated in several gang investigations and have conducted physical surveillance, executed multiple search warrants, and arrested multiple gang members. I have also participated in the debriefing of defendants, informants, and witnesses.

3. I am authorized to apply for and execute search warrants and arrest warrants for offenses enumerated in Title 18 of the United States Code. I have participated in and directed numerous investigations involving identity theft, and various types of fraud committed using stolen

identities. As a result of my training and experience, I am familiar with tactics, methods, and techniques used in committing various types of fraud violations of federal law.

4. Based on information contained in this Affidavit, I respectfully submit there is probable cause for the issuance of a criminal complaint charging Kenny Terlent ("TERLENT") with: (1) possession of fifteen or more unauthorized access devices, in violation of Title 18, United States Code, Section 1029(a)(3); (2) aggravated identity theft, in violation of Title 18, United States Code, Section 1028A(a)(1), (3) conspiracy to commit access device fraud, in violation of Title 18, United States Code, Section 1029(b)(1); and (4) illegal possession of a machine gun, in violation of Title 18, United States Code, Section 922(o).

5. The facts set forth in this Affidavit are based on my personal knowledge and observations, the knowledge and observations of other law enforcement personnel, information and documents received from other sources of information, as well as information gained through my training and experience. The information contained in this Affidavit is true and correct, to the best of my knowledge and belief. This Affidavit is submitted for the limited purpose of establishing probable cause for the issuance of a criminal complaint, and thus does not include each and every fact known to law enforcement about this investigation.

BACKGROUND

6. The Federal Bureau of Investigation and the USSS have been conducting a joint investigation into the 77th Street Gang, which is sometimes called "Uptown," "Every Body Eats," or "EBE." Their rival gang is the Little Haiti Vultures, which is sometimes called "L.H.V.," "L.H.G.," "7 Block," and "70 Street/60 Street/59 Street." The 77th Street Gang operates in the Southern District of Florida, and is involved in fraud-related crimes, identity theft, car jackings, car theft, shootings, murders, and other violent crimes. The gang funds its activities largely

through fraud. The gang uses various access device fraud and wire fraud schemes to steal funds from victims. Based on a review of social media, electronic evidence, and interviews of 77th Street Gang members, law enforcement has learned that the group obtains personal identification information (i.e. names, dates of birth, credit card numbers, bank account numbers, and social security numbers) ("PII") in various ways, including from the dark web and from robberies and burglaries. The PII is used a number of different ways, including, but not limited to, credit card fraud and bank account takeover schemes. In bank account takeover schemes, members of the group steal from victim bank accounts and wire the funds into other people's bank accounts before ultimately using the funds to unjustly enrich themselves. TERLENT is a target of the above-described investigation and is a member of the 77th Street Gang.

PROBABLE CAUSE

Gang-Related Violent Crime

7. 77th Street/EBE and LHV have been in an escalating gang-feud since at least December 14, 2018. On that day, three LHV members were shot in Miami, and the shooters are suspected to be 77th street members. The violence between the two groups escalated in June 2020 and thereafter, when the following violent crimes took place (among others):

a. June 16, 2020: Victim "G.L." (77th Street/EBE member) was killed in Miami by a suspected member (or members) of LHV. Several 77th street members with G.L. at the time of the shooting engaged in a shootout with the killer(s).

b. Later on June 16, 2020: LHV member or associate "K.M." was killed. This killing is believed to be in retribution for the killing of G.L.

c. June 18, 2020: Victim P.P. was killed at 10334 North Miami Avenue, Miami Shores, Florida. P.P. was a twenty year old female friend of an LHV member, and she was shot to death outside of his house while waiting in a car. Law enforcement recovered **seventy** shell casings from the scene, including: (1) casings from 7.62 caliber ammunition, which is the type of ammunition used in Draco semi-automatic pistols; and (2) casings from 9 mm ammunition, which is the caliber of ammunition used in the Glock firearm recovered from TERLENT's residence, as described below.

July 2020 Interview of Witness-1[1]

8. In July of 2020, Witness-1, a 77th street gang member, was interviewed by law enforcement. Witness-1 provided information pertaining to the shooting where P.P. was killed on June 18, 2020. Witness-1 explained that, on June 17, 2020, he received a telephone call from a fellow gang-member, who will be referred to here as Gang Member-1 (or "GM1"). GM1 told Witness-1 that they had identified the individual whom they believed had killed G.L. Witness-1 explained that right after G.L. was shot and killed, several 77th Street Gang members located an individual (K.R.) that they believed was involved in setting up that murder and was associated with the person who had done the shooting. A 77th Street member beat up K.R. and stole his telephone. According to Witness-1, GM1 had been going through K.R.'s telephone in an attempt to figure out who had been involved in the killing of G.L. Specifically, GM1 and others looked at the addresses that had been visited by K.R. using the ride-sharing application Lyft. In that way, they hoped to locate the person who had set up G.L.'s killing, and find where he was staying. They referred to this person as the "big fish." According to Witness-1, when GM1 called on June 17, 2020, GM1 told Witness-1 that they had identified the "big fish" and were planning on shooting him that night. Witness-1 was unable to join with the group that was planning to shoot the "big fish," but he believed that the group had been TERLENT, GM1, and two other members of 77th street. He believed they had all dropped their cell phones at a shared location prior to the shooting, in order to avoid detection. However, Witness-1 could not be certain exactly who was at the shooting, because he was not there. Witness-1 explained that P.P. was an innocent victim who had

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[1] Witness-1 has an extensive history of violent gang-related crimes, access device fraud and aggravated identity theft. Witness-1 previously told law enforcement that he was not responsible for a certain shooting, but later took credit for that shooting.

been shot in error, when the shooters were really attempting to locate and kill a rival gang-member, the "big fish," who had been involved with the killing of G.L., and had been located using information retrieved from K.R.'s stolen phone.

Search of TERLENT's Text Messages

9. On September 23, 2020, law enforcement obtained a search warrant that allowed for the seizure of TERLENT's text messages, and other data associated with his phone, related to shootings, murder, firearms, fraud, identity theft, of gang membership/activity. Those text messages showed that TERLENT is involved in access device fraud and identity theft, and has been since at least May 28, 2020. The fraud-related evidence is set out in greater detail below.

10. Additionally, during the execution of that warrant, law enforcement found several text messages sent by TERLENT around the time of the P.P. murder, directly related to that murder.

a. Approximately one hour before the murder: TERLENT texted the address of the murder (10334 N Miami Ave, Miami Shores 33150) to a gang associate.

b. Approximately one hour before the murder: After sending the above text, TERLENT received a text from a gang-associate who will be referred to as Witness-2. That text said "Pull up I got my drac on me." Based on my training and experience, I know that a drac is another name for a Draco semi-automatic pistol, similar in appearance to an AK-47, but with a short barrel and no buttstock. Draco's use 7.62 rifle rounds like those recovered at the scene of P.P.'s murder.

c. Approximately 30 minutes before the murder: TERLENT sent the address of the murder (10334 N Miami Ave, Miami Shores 33150) to Witness-2.

11. Note that, previously – around May 24, 2020 – TERLENT texted Witness-2 and asked: "Ain't no dracs on the market?" Witness-2 responded "Naw But I Got Somebody that will go in Nd grab one."

<u>Access Device Fraud and Aggravated Identity Theft</u>

July 8, 2020: Search of GM1's Residence

12. On July 8, 2020, law enforcement obtained a search warrant for the home and phones of GM1, a member of the 77th street gang. During the execution of the search warrant, law enforcement seized a cellphone from GM1 assigned phone number (786) 647-0027 (the "GM1 Phone"). During the search of the GM1 Phone, law enforcement saw several messages with TERLENT including the following conversations concerning fraud and gang activity:

a. On 3/16/2020, the GM1 Phone sent a text to TERLENT stating "All US Citizens are Entitled to $700 USD per week to stay at home to avoid the spread of COVID-19 novel Coronavirus, starting March 16, 2020. The Government grant pay is accessible to call no matter employment status. Read full article here on how to claim." Law enforcement believes 77th St gang has been defrauding the government by submitting fraudulent applications for COVID relief funds. The GM1 phone contained video data displaying a user visiting several state labor websites and applying for benefits using stolen identities. That video was then shared as a way of showing others how to apply for benefits using stolen identities

b. On 6/4/2020, the GM1 Phone sent a message to TERLENT stating "Feds got me" and "They looking for Bill." On 6/4/2020 FBI Special Agents interviewed GM1 and attempted to locate 77th Street gang member Bill Clervil, whom was wanted by the FBI and USSS for fraud. TERLENT's target account responded with "They letting you go?"

Evidence of Fraud

13. As noted above, law enforcement obtained a search warrant allowing for the seizure of TERLENT's text messages and other data belonging to TERLENT that was associated with his cell phone. During the execution of that search warrant, law enforcement found that TERLENT had used a Chime Account associated with victim J.G. (the "J.G. Chime Account"). Chime is a mobile application that allows people to send and receive money – among other things. It is commonly used by fraudsters to move the proceeds of their fraud. Records received from Chime showed that the J.G. Chime Account was opened in J.G.'s name using his personally identifiable

information. However, the address and phone number on the account were not those of J.G. In fact, it is an address on 77th street in Miami.

14. Based on a review of the data obtained from Chime, the money going into the J.G. Chime Account came from various financial institutions, including payments that appear to be related to unemployment or other COVID fraud. Some of those payments are set out in the chart below. Based on my training and experience, I believe that the payments from Conduent and CDLE UI Benefits relate to unemployment or other COVID fraud. CDLE UI benefits stands for Colorado Department of Labor Unemployment Insurance benefits. Conduent is a business process services and solutions company that has been delivering government assistance due to the COVID-19 Pandemic. I am aware of no evidence that TERLENT has ever lived in Colorado, or would otherwise be rightfully entitled to apply for Colorado benefits. Importantly, the account data from the J.G. Chime Account showed that a number of the attempted deposits into the J.G. Chime Account were rejected with the following message: "name on deposit not the same as account." This is common in fraud schemes where the user is attempting to deposit money from one victim (i.e., unemployment checks) into an account in a different victim's name (here, J.G.). An example of the account activity from the J.G. Chime Account is set out below:

User	Deposit Source	Amount	Date	Status	Reason for Returned
J.G.	BANK OF AMERICA	2500	September 16, 2020	Returned	Name on deposit not the same as account
J.G.	Good Money, Gredit	20	August 23, 2020	Deposited	
J.G.	CDLE UI BENEFITS	1061	July 15, 2020	Returned	Name on deposit not the same as account
J.G.	Varo, P2P, J.B.	750	July 14, 2020	Deposited	
J.G.	PAYPAL, VERIFYBANK	.08	July 12, 2020	Deposited	
J.G.	PAYPAL, VERIFYBANK	.19	July 12, 2020	Deposited	
J.G.	CONDUENT	1139	June 24, 2020	Returned	Name on deposit not the same as account

15. Based on a review of material provided by Chime, it is apparent that the J.G. Chime account was opened using victim J.G.'s name, date of birth, and social security number.

16. Additionally, from on or about May 26, 2020 to May 27, 2020, the TERLENT had the following conversation with the user of a cell phone ending in 5432 (the "5432 Phone"):

TERLENT	The atm limit for cashapp is a 1,000 every 24 hours and when it drop go to Bank of America to pull out
5432 Phone	Go to boa to use the atm
TERLENT	Yea when the money drop
5432 Phone	Ight but you said it's a 1000 every 24
TERLENT	Yea every 24hours
5432 Phone	So when it drop I gotta give you the 1000 then the next day but ight
TERLENT	Ima tell you what to do
TERLENT	What it say
5432 Phone	It's aint deposit yet
5432 Phone	Lemme see
TERLENT	Check your available balance
TERLENT	Go to the Bank of America atm and pull out a 1000
5432 Phone	Okay
5432 Phone	And how you gone get the rest ?
TERLENT	You could send it to other ppl cashapp and tell them
	Go pull the 1000 out
TERLENT	Don't get money orders down here its too hot
TERLENT	Hold the money down til later cause I'm with my Homeboys they gotta go collect they money
5432 Phone	You said you want 4000 so you got it I took out 1000 so I gotta take out 3 more
TERLENT	Ima get it later I'm doing other shit Rn
TERLENT	Yea you gone bring it?
5432 Phone	Yeah later just call me

17. During a continued review of the information described above, law enforcement located personally identifiable information belonging to significantly more than fifteen victims, including names, dates of birth, and social security numbers belonging to individuals other than TERLENT. This included the name, address, date of birth, and social security number belonging to victim L.S. Victim L.S. was interviewed by law enforcement and stated that she does not know TERLENT and she did not authorize TERLENT to possess or use her personally identifiable information. Law enforcement also located the name, date of birth, social security number and other information belonging to victim K.S. Victim K.S. was interviewed by law enforcement and stated that she does not know TERLENT and she did not authorize TERLENT to possess or use her personally identifiable information.

18. In addition to the above victims, during the execution of the search warrant, law enforcement located a PDF document titled “I’m Rich Bitch 🖕”. The PDF is a 7,620 page document containing the personally identifiable information from thousands of victims, including their names, dates of birth, addresses, social security numbers, and other information. On page 1 of the PDF, the top of the document lists the name of a medical facility in Orlando. Based on my training and experience, I believe that TERLENT or one of his co-conspirators obtained the aforementioned PDF in order to commit access device fraud and aggravated identity theft. They would use the PII belonging to other individuals to commit fraud and make money, hence the title of the document being “I’m Rich Bitch 🖕”.

19. In that PDF law enforcement found the personal information of victims J.A. and D.A., including their names, dates of birth, social security numbers, and other information. Both victims were interviewed by law enforcement, and confirmed that they did not know TERLENT, and did not authorize him to possess their personal information.

May 2021: Search Warrant of Witness-2's Premises

20. In May of 2021, law enforcement executed a search warrant at the apartment where Witness-2 and his girlfriend were residing. Witness-2 was located outside of the building, and was found in the possession of a Glock 20 pistol with an extended magazine. In addition, inside of the residence, law enforcement located the following: (1) a black Century Arms International AK Pistol with S/N M92PV030351, loaded with a high capacity banana clip and 7.62 x 39 ammunition; (2) a black AR Pistol with S/N DB1901930, loaded with a PMAG 50 round drug magazine; (3) a black Glock 40 Caliber Pistol (reported stolen), bearing serial number GGK436, loaded with thirteen rounds of Blazer .40 caliber ammunition; (4) a black Glock 19 pistol bearing serial number AAAG820, loaded with seven rounds of Blazer 9mm ammunition that had a machine gun "switch" installed; (5) a green "ghost" pistol (no serial number) with a fully automatic "switch" installed; (6) a green AR style "ghost" pistol; (7) dozens of rounds of ammunition (including 7.62 x 39 ammunition); and (8) eight high capacity drum magazines.

Interview of Witness-2

21. During the execution of the search warrant at Witness-2's residence, he was arrested for being a felon in possession of a firearm. After his arrest, Witness-2 was read his *Miranda* rights, which he waived verbally and in writing. He then agreed to speak with law enforcement. Witness-2 explained that some of the firearms in his apartment belonged to members of the 77th street gang, including TERLENT and others, and that he was holding those firearms in exchange for cash. Witness-2 explained that he obtained those firearms from TERLENT and another gang member within the last month. When asked about the murder of P.P., Witness-2 confirmed that he provided firearms that evening to the individuals who are suspected of killing P.P. More specifically, Witness-2 stated that he provided TERLENT and another gang member

with a Draco and a handgun that night. Witness-2 stated that he obtained money from TERLENT the next morning for those firearms.

June 24, 2021: Search of TERLENT's Residence in Miramar

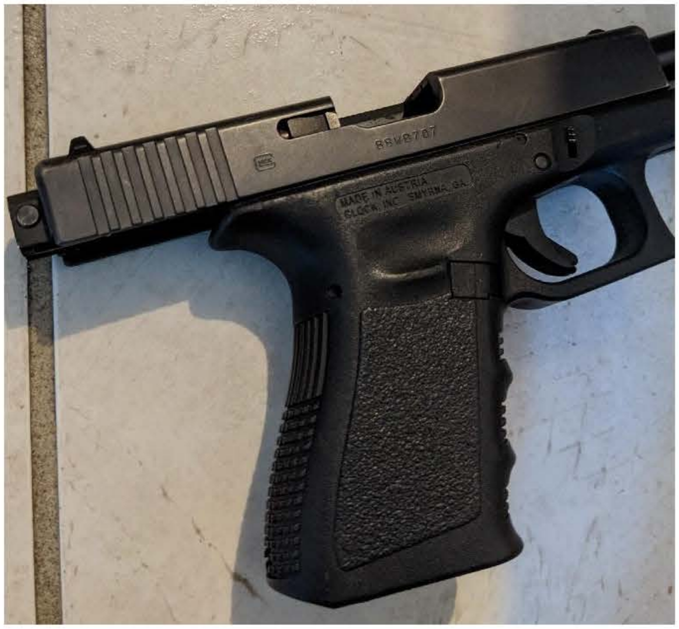
22. On June 24, 2021, law enforcement executed a search warrant at TERLENT's residence. That search warrant allowed for the seizure and search of any cell phones located within the residence, or on TERLENT's person. During the execution of the warrant, law enforcement approached TERLENT outside of his residence. TERLENT ran from law enforcement, slipped, fell, and then threw his cell phone into the lake in his backyard. Based on my training and experience, I believe this was an attempt to destroy evidence.

23. Law enforcement retrieved TERLENT's cell phone from the lake, and searched it pursuant to the search warrant. Within the phone, law enforcement located the personally identifiable information of at least 15 or more victims. This included the names, dates of birth, social security numbers, and other information belonging to the individuals other than TERLENT.

24. Within TERLENT's residence, law enforcement located a Chime bank card in the name of the same victim J.G. mentioned earlier. This is the same J.G. Chime Account that was used, as described above, in an attempt to fraudulently obtain unemployment or other COVID related benefits.

25. Also in TERLENT's residence, law enforcement located a stolen Glock 19 bearing serial number BBWB707. That Glock 19 had an "auto sear" affixed to it, which is colloquially called a "switch." An auto sear is a device that allows semi-automatic firearms to fire in fully automatic mode. Law enforcement test-fired the Glock 19, and confirmed that it was capable of firing in fully automatic mode, thus qualifying as a machine gun. Based on a database review by the ATF, TERLENT does not have a permit to possess a machine gun. Note that Glock 19's fire

9 mm ammunition, which is the same caliber of ammunition that was found at the scene of the P.P. murder. A picture of the recovered Glock 19 is set out below, the "switch" is the knobby block-like apparatus with the small circle inside of it, located at the far left of the photo, at the rear end of the firearm.



26. On March 27, 2021, TERLENT sent a text message to a group of 77th street gang members and associates that included a picture of a Glock with a "switch" installed. After sending that picture, TERLENT texted "Switch on that Glock that bitch keeps switching." Also, while reviewing the cell phone that TERLENT threw into the lake, law enforcement located a photograph of a "switch" on the backplate of what appears to be the slide to a firearm. That photograph resembles the "switch" that was found on the stolen Glock 19 in TERLENT's residence.

June 24, 2021: Interview of TERLENT

27. On June 24, 2021, TERLENT waived his *Miranda* rights verbally and in writing, and provided information to law enforcement. With regard to the search warrant described in this Affidavit, for text messages and other data associated with TERLENT's phone, TERLENT confirmed that that was in fact his phone number.

CONCLUSION

28. Based on the foregoing, I respectfully submit there is probable cause to believe that Kenny TERLENT committed the following federal criminal violations: (1) possession of fifteen or more unauthorized access devices, in violation of Title 18, United States Code, Section 1029(a)(3); (2) aggravated identity theft, in violation of Title 18, United States Code, Section 1028A(a)(1), (3) conspiracy to commit access device fraud, in violation of Title 18, United States Code, Section 1029(b)(1); and (4) illegal possession of a machine gun, in violation of Title 18, United States Code, Section 922(o).

FURTHER YOUR AFFIANT SAYETH NAUGHT.

Respectfully submitted,

Natalya Kaczmarczyk
Special Agent, USSS

Attested to in accordance with the requirements of
Federal Rule of Criminal Procedure 4.1 by Telephone

This 25 day of June, 2021.

HON. JACQUELINE BECERRA
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF FLORIDA