

UNITED STATES DISTRICT COURT

for the
District of Connecticut

United States of America

v.

Nouel Alba

Defendant(s)

Case No. 3:___MJ_____(HBF)

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 December 21, 2012 in the county of Fairfield in the
 District of Connecticut, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C § 1001

Lying to Federal Agent

This criminal complaint is based on these facts:

See attached Affidavit of Special Agent Milan R. Kosanovich, FBI, in support of Arrest Warrant

☒ Continued on the attached sheet.

/s/ Milan R. Kosanovich

Complainant's signature

Milan R. Kosanovich, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 12/26/2012

/s/ Holly B. Fitzsimmons

Judge's signature

City and state: Bridgeport Connecticut

Hon. Holly B. Fitzsimmons, U.S. Magistrate Judge

Printed name and title

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

STATE OF CONNECTICUT

:

December 26, 2012

:

COUNTY OF LITCHFIELD

:

AFFIDAVIT

I, Milan R. Kosanovich, being duly sworn, do hereby state as follows:

I. INTRODUCTION

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI") and have been so employed for over four years. I graduated from the FBI Academy in Quantico, Virginia where I received extensive training in the area of criminal investigations conducted by FBI, including the investigation of financial crimes. I am currently assigned to the Bridgeport, Connecticut, Resident Agency of the New Haven, Connecticut, Field Office and its White Collar Crime Squad. I am empowered to make arrests for federal offenses. I am presently assigned to work a variety of criminal matters, including the investigation of financial fraud, public corruption and other violations of federal law.

2. As a Special Agent, I am a Federal Law Enforcement Officer within the meaning of Rule 41(a) of the Federal Rules of Criminal Procedure, that is, a government agent engaged in the enforcement of criminal laws of the United States and thereby authorized to request the issuance of federal search warrants. As a Special Agent, I have participated in complex financial investigations. I have participated in the execution of arrest warrants, and I have been the affiant with respect to FBI applications for arrest warrants and search warrants in other matters.

3. The statements contained in this Affidavit are based upon, among other things, my personal participation in this investigation; information provided by witnesses; public records; information provided by cooperating witnesses; and my experience and training. Unless

otherwise indicated, all conversations and statements described in this Affidavit are related in substance and in part.

4. This affidavit is made in support of the Criminal Complaint filed December 26, 2012 against NOUEL ALBA as more fully described herein, for the offense of lying to a federal agent in violation of 18 U.S.C. § 1001.

5. The FBI has an ongoing investigation of the NOUEL ALBA, Social Security Administration Number redacted , date of birth redacted regarding wire fraud, lying to a federal agent and other possible federal offenses.

II. THE INVESTIGATION

6. Since approximately December 2012, Special Agents of the FBI, including myself, have been conducting an investigation into NOUEL ALBA regarding, among other things, apparent violations of 18 U.S.C. § 1343 (Wire Fraud) and 18 U.S.C. § 1001 (Lying to Federal Agent) by ALBA.

7. On December 14, 2012, Adam Lanza entered the Sandy Hook Elementary School in Newtown, Connecticut carrying multiple firearms. Lanza utilized his firearms to kill 26 individuals, including 20 children ages six and seven. Since this event, there has been a public outpouring of support across the country by individuals wanting to assist the victim families affected by the tragedy.

8. ALBA has control over a Facebook account under the screen name Victorian Glam Fairys (VGF). On December 14, 2012, at 1:14 p.m. Eastern Standard Time, VGF made the following post on another Facebook user's wall in response to information being reported about the shooting: "All this killing and shooting this entire week is just crazy. Praying for those families and all the kids who are effected [sic] by this today. My heart goes out to those little

innocent kids.” Within the same Facebook wall posting, approximately 15 minutes later at 1:30 p.m. Eastern Standard Time, VGF identified herself as an aunt of one of the children who attended school there. VGF also claimed at that time to have provided pictures to law enforcement officers to help identify victims. VGF did not identify the name of her nephew.

9. ALBA is the owner of a PayPal account with the e-mail address of redacted @gmail.com. The account was created on February 28, 2012 with a login from IP address xxxxxxxx .117 which is located generally in Bronx, New York. The account was again accessed from December 14, 2012 through December 20, 2012 from IP address xxxxxxx .125 which is located generally in Bronx, New York.

10. On December 15, 2012, VGF posted the following message on Facebook: “We’ve set up a funeral fund for my brother and families. Anyone willing to make a donation can make one either through paypal @ redacted @gmail.com or by Direct Deposit @ JP Morgan Chase Bank NA & JPMC Routing Number xxxxxx 169 Account Number xxxxxxxxxxxxxx 399. We like to Thank everyone for your prayers. We ask that you continue to not just pray for us but for the families who have lost their kid...”

11. Because of the posts on the VGF account, ALBA was asked to provide her contact information to various people interested in donating to assist the victims. Utilizing her telephone number redacted , ALBA spoke on the telephone with VICTIM DONOR #1, a resident of the State of New York. During ALBA’s conversation with VICTIM DONOR #1, ALBA claimed to have had to go to Sandy Hook Elementary School and enter the crime scene to identify her nephew for law enforcement personnel.

12. Family members and next of kin were prohibited from Sandy Hook Elementary School following the tragedy because it was considered an active crime scene being processed for evidence by the Connecticut State Police.

13. ALBA also exchanged text messages with VICTIM DONOR #1 regarding her experiences assisting other family members with the tragedy. In one text, ALBA wrote to VICTIM DONOR #1 about her experiences being in Newtown when President Barack Obama was in town to meet with the families of the victims. VICTIM DONOR #1 texted ALBA asking her if she was watching the President's speech at Newtown High School in person. ALBA replied: "No im sitting in my car. Emotionally I cant deal with it right now ..tomorrow ill see ^{redacted} in a casket and that will be hard enough to handle."

14. ALBA further texted VICTIM DONOR #1 regarding President Obama: "Im sure hell give a good speech. He met with us hugged us even cryd with us. Hes. Really down to earth"

15. In response to a text from VICTIM DONOR #1 how she was doing emotionally, ALBA responded: "Ima mess. Not looking forward to see that casket cause that is what will kill us all today. 11 gun shot in his little body or take those bullets. The guilt we have just keeps building up."

16. Using this scheme to defraud, ALBA caused victim funds, including those of VICTIM DONOR #1, to be deposited in her PayPal account from December 15, 2012 through December 18, 2012.

17. On December 18, at approximately 8:44 p.m. Eastern Time, ALBA refunded the money to the original depositors and one transaction was reversed by the original depositor.

VICTIM DONOR #1 never asked for his/her money back; it was refunded by ALBA with no prior request or knowledge.

18. On or about December 19, 2012, CNN's Anderson Cooper 360 program broadcast a story regarding charity scams and the Sandy Hook tragedy. ALBA was a subject of the program and allowed the CNN crew to record her audio voice in response to questions about her involvement with charities to help Sandy Hook victims. ALBA claimed that the PayPal account listed in the request for donations was not hers, only that she had an account like that. ALBA claimed that she never set up "any funds for anybody." The journalists reported that ALBA claimed she immediately refunded all of the donations she received. She claimed that other members in the scrapbooking community within which she interacted on Facebook had tried to set her up.

19. On December 21, 2012, ALBA voluntarily submitted to a telephonic interview with Special Agents Milan R. Kosanovich and Jillian E. Guerrero of the Federal Bureau of Investigation. ALBA was advised during the interview that lying to a FBI Special Agent was a federal crime. ALBA acknowledged her understanding that any information she elected to provide to the interviewing FBI Special Agents must be truthful. Upon the conclusion of the interview, the FBI Special Agents asked ALBA if there was any information she needed to correct or amend, and she advised that there was no such need.

20. ALBA advised the FBI Special Agents that she did not post anything on her VGF Facebook account regarding the Sandy Hook tragedy. ALBA claimed she only posted information about craft-related items on her VGF Facebook account. ALBA advised FBI Special Agents that she did not know that her inactive PayPal account was being used to solicit donations for the family of redacted, a victim of the Sandy Hook tragedy. ALBA claimed

that she believed two individuals with whom she had prior negative experiences on Facebook had accessed her account and posted information claiming that ALBA was related to one of the victims. ALBA stated that she did not have any contact with any person regarding the VGF Facebook posts regarding her association to the Sandy Hook tragedy. In fact, in furtherance of her scheme to defraud, ALBA communicated with VICTIM DONOR #1 via telephone and text message regarding her experiences in dealing with the tragedy as a member of one of the victim families. These interactions induced VICTIM DONOR #1 to make a donation to the redacted @gmail.com PayPal account.

21. ALBA stated that she was unaware that her PayPal account for the e-mail address redacted @gmail.com was being utilized to accept donations until the first donation was made. ALBA advised that she did not know the password to the redacted @gmail.com PayPal account because it had been inactive for so long. In fact, ALBA had accessed the redacted gmail.com PayPal account from IP address xxxxxx 125 with a general location in Bronx, New York on December 14, 2012, before the information requesting donations was posted on the VGF Facebook account.

22. ALBA further advised the interviewing FBI Special Agents that she received e-mail notifications when donations were made to her redacted @gmail.com PayPal account. ALBA stated that after she received each notification of a donation she promptly logged into the account and refunded the money to the originating donor. In fact, ALBA did not return the donated funds until December 18, 2012 at approximately 8:30 p.m. Eastern Standard Time.

III. CONCLUSION

23. Based upon the totality of the facts and circumstances set forth herein, and based upon my training and experience, there is probable cause to believe, and I do believe, NOUEL

ALBA committed the offense of Lying to a Federal Agent, in violation of 18 U.S.C. § 1001.

Accordingly, I respectfully request that the Court issue a warrant authorizing the arrest of NOUEL ALBA.

/s/ Milan R. Kosanovich

SPECIAL AGENT MILAN R. KOSANOVICH
FEDERAL BUREAU OF INVESTIGATION

Subscribed and sworn to before me this 26th day of December 2012, at Connecticut.

/s/ Holly B. Fitzsimmons

HONORABLE HOLLY B. FITZSIMMONS
UNITED STATES MAGISTRATE JUDGE