

JAP:RMT
F.#2010R00150

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

M-10-195

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X

IN THE MATTER OF THE APPLICATION
FOR A SEARCH WARRANT FOR: (1) ONE BLUE
TOSHIBA SATELLITE LAPTOP COMPUTER,
SERIAL NUMBER 19268762Q; (2) ONE BLACK
HEWLETT PACKARD HP PAVILION LAPTOP
COMPUTER, SERIAL NUMBER CNF9426489;
(3) ONE WHITE TOSHIBA LAPTOP, SERIAL
NUMBER 69221150K; (4) ONE BLACK
HEWLETT PACKARD HP PAVILION LAPTOP,
SERIAL NUMBER CNF73759SJ; (5) ONE
BLACK GATEWAY LAPTOP, SERIAL NUMBER
LXWC30X005933B4F7F2200; (6) ONE BLACK
DYNEX FLASH DRIVE, SERIAL NUMBER
9F29A001956; (7) ONE KINGSTON FLASH
DRIVE; (8) ONE WHITE VIVITAR MINI
DIGITAL CAMERA; (9) ONE SILVER VIVITAR
MINI DIGITAL CAMERA; (10) ONE SILVER
SONY CYBER-SHOT DIGITAL CAMERA, SERIAL
NUMBER 1565060; (11) ONE RED KYOCERA
METROPCS CELL PHONE, MEID
268435456411208403; (12) ONE BLUE
KYOCERA VIRGIN MOBILE CELL PHONE, MEID
268435456405987615; (13) ONE BLUE
KYOCERA VIRGIN MOBILE CELL PHONE, MEID
268435456407199339; (14) ONE BLUE AND
SILVER NOKIA T-MOBILE CELL PHONE,
IMEI 011498004435247; (15) ONE BLACK
AND SILVER NOKIA CELL PHONE, IMEI
011379004697491; (16) ONE BLUE AND
SILVER NOKIA CELL PHONE, IMEI
011796000712877; (17) ONE BLACK AND
SILVER NOKIA CELL PHONE, IMEI
011379004673153; (18) ONE BLACK
SAMSUN T-MOBILE CELL PHONE, IMEI
011841003041682; (19) ONE BLACK
NOKIA CELL PHONE, IMEI
359835019726922; (20) ONE GREY NOKIA
CELL PHONE, IMEI 011886007210452; AND
(21) ONE RED KYOCERA METROPCS CELL

AFFIDAVIT IN SUPPORT
OF SEARCH WARRANTS

(T. 18 U.S.C., §
1029(a)(3))

14. USSS agents then returned to the Apartment and knocked on the door. Livia Fagaras, whose name appears on the lease for the Apartment, answered the door and subsequently gave written and oral permission for the USSS agents to search the premises.

15. USSS agents observed MURINEANU in the Apartment and arrested him at that time. MURINEANU was sitting at a table in the living room. On that table, agents observed and seized Subject Laptop 2, Subject Flash Drive 1, Subject Camera 2 and Subject Telephone 1. Agents also observed and seized Subject Laptop 1 on a couch in the living room.

16. On a shelf, in a pantry and in a cabinet in the Apartment's kitchen, agents observed and seized Subject Laptops 3, 4; Subject Cameras 1 and 2; and Subject Telephones 2, 3, 4, 5, 6 and 7. Agents also observed and seized Subject Laptop 5 on a table in the kitchen.

➔ 17. After being arrested, NECULA was taken to the USSS offices to be questioned and processed. While there, he grabbed Subject Flash Drive 2, which had been on his person at the time of his arrest, and swallowed. Doctors from the New York Downtown Hospital later removed the flash drive because they were concerned that NECULA would be injured if they allowed the flash drive to remain inside him.


possess 15 or more unauthorized access devices, to wit: credit card account numbers and debit card account numbers, in a manner affecting interstate commerce.

(Title 18, United States Code, Sections 1029(a) (3), 1029(c) (1) (A) (i), 2 and 3551 et seq.)

COUNT THREE
(Aggravated Identity Theft)

4. On or about and between June 19, 2009 and January 21, 2010, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants MARIAN BARAN, MIHAI MURINEANU, FLORIN NECULA and BOGDAN PARASCHIV, together with others, during and in relation to the crime charged in Counts One and Two, did knowingly and intentionally possess, transfer and use, without lawful authority, means of identification of another person, to wit: account numbers belonging to John Doe, an individual whose identity is known to the Grand Jury, knowing that the means of identification belonged to another person.

(Title 18, United States Code, Sections 1028A(a) (1), 1028A(b), 1028A(c) (4), 2 and 3551 et seq.)

COUNT FOUR
 (Obstruction of Justice)

5. On or about January 21, 2010, within the Eastern District of New York, the defendant FLORIN NECULA did knowingly, intentionally and corruptly alter, destroy, mutilate and conceal,

and attempt to alter, destroy, mutilate and conceal, a record, document and other object, to wit: a USB flash drive, with the intent to impair its availability for use in one or more official proceedings, to wit: an Eastern District of New York investigation and trial.

(Title 18, United States Code, Sections 1512(c)(1) and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION

6. The United States hereby gives notice to the defendants MARIAN BARAN, MIHAI MURINEANU, FLORIN NECULA and BOGDAN PARASCHIV that, upon their conviction of the offenses charged in Counts One and Two, the government will seek forfeiture in accordance with: (a) Title 18, United States Code, Section 982(a)(2)(B), which requires any person convicted of such offense to forfeit any property constituting or derived from proceeds obtained directly or indirectly as a result of such offense; and (b) Title 18, United States Code, Section 1029(c)(1)(C), which requires any person convicted of such offense to forfeit any personal property used or intended to be used to commit the offense.

7. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

a. cannot be located upon the exercise of due diligence;