

**U.S. District Court
Western District of North Carolina (Asheville)
CRIMINAL DOCKET FOR CASE #: 1:15-mj-00039-DLH-1**

Case title: USA v. Lantigua

Date Filed: 03/23/2015

Assigned to: Magistrate Judge Dennis Howell

Defendant (1)**Jose Salvador Lantigua****Pending Counts**

None

Disposition**Highest Offense Level (Opening)**

None

Terminated Counts

None

Disposition**Highest Offense Level (Terminated)**

None

Complaints

18:1542 - False statement in application for passport

Disposition**Plaintiff****USA**represented by **Don Gast**

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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
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Date Filed	#	Docket Text
03/21/2015		Arrest of Jose Salvador Lantigua. (emw) (Entered: 03/23/2015)
03/23/2015	1	COMPLAINT as to Jose Salvador Lantigua (1). (emw) (Entered: 03/23/2015)
03/23/2015	2	Arrest Warrant Issued (<i>Sealed - Case Participants</i>) by Magistrate Judge Dennis Howell in case as to Jose Salvador Lantigua. (Attachments: # 1 Warrant Page Identifier)(emw) (Entered: 03/23/2015)
03/23/2015		NOTICE OF HEARING as to Jose Salvador Lantigua: Initial Appearance set for 3/23/2015 12:15 AM in Courtroom 3, 100 Otis St, Asheville, NC 28801 before Magistrate Judge Dennis Howell. <i>This is your only notice - you will not receive a separate document.</i> (emw) (Entered: 03/23/2015)
03/23/2015		Minute Entry: INITIAL APPEARANCE as to Jose Salvador Lantigua held before Magistrate Judge Dennis Howell. Defendant advised of rights & charges. Defendant moved for appointment of counsel. Defendant filed a financial affidavit. Court approved appointment of counsel. Government moved for detention. Defendant detained pending detention hearing. Preliminary Hearing and Detention Hearing set for 3/27/2015 10:00 AM in Courtroom 3, 100 Otis St, Asheville, NC 28801 before Magistrate Judge Dennis Howell. Government attorney: Don Gast. Defendant attorney: Mary Ellen Coleman. Court Reporter: DCR. (klb) Modified date on 3/23/2015 (klb). (Entered: 03/23/2015)
03/23/2015		Set/Reset Hearings as to Jose Salvador Lantigua: Preliminary Hearing and Detention Hearing set for 3/27/2015 10:00 AM in Courtroom 3, 100 Otis St, Asheville, NC 28801 before Magistrate Judge Dennis Howell. (klb) (Entered: 03/23/2015)
03/23/2015	3	CJA 23 (Ex Parte) Financial Affidavit by Jose Salvador Lantigua (klb) (Entered: 03/23/2015)
03/23/2015		ORAL ORDER as to Jose Salvador Lantigua granting Oral Motion to Appoint Counsel. Signed by Magistrate Judge Dennis Howell on 03/23/2015. (klb) (Entered: 03/23/2015)
03/23/2015		NOTICE OF HEARING as to Jose Salvador Lantigua: Preliminary Hearing and Detention Hearing set for 3/27/2015 10:00 AM in Courtroom 3, 100 Otis St, Asheville, NC 28801 before Magistrate Judge Dennis Howell. <i>This is your only notice - you will not receive a separate document.</i> (klb) (Entered: 03/23/2015)

MAR 23 2015

UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

U.S. DISTRICT COURT
W. DIST. OF N.C.

United States of America)

v.)

Jose Salvador Lantigua)

Case No. 1:15 mj 39

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 November 18, 2014 in the county of Buncombe in the Western District of North Carolina, the defendant(s) violated:

Code Section
18 U.S.C. § 1542

Offense Description
False statement in a passport application.

This criminal complaint is based on these facts:

see attached affidavit

Continued on the attached sheet.

Complainant's signature

Jeffrey Kraus, Special Agent, U.S. Dept. of State
Printed name and title

Sworn to before me and signed in my presence.

Date: Mar 23, 2015

Judge's signature

Hon. Dennis L. Howell, U.S. Magistrate Judge
Printed name and title

City and state: Asheville, NC

Western District of North Carolina

MAR 23 2015

U.S. DISTRICT COURT
W. DIST. OF N.C.

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Jeffrey Kraus, having been duly sworn, hereby depose and state as follows:

1. I am employed as a Special Agent of the United States Department of State, Diplomatic Security Service (DSS) and have been employed in this capacity for ten years. My duties include, but are not limited to investigating U.S. passport and visa fraud, as well as other related crimes involving fraudulent documents. I am a graduate of the Criminal Investigator Training Program at the Federal Law Enforcement Training Center in Brunswick, Georgia and the Basic Special Agent Course at the Diplomatic Security Training Center in Dunn Loring, Virginia. The information contained in this affidavit is based upon your Affiant's personal knowledge in addition to information provided to your Affiant by other law enforcement and U.S. Department of State officials. This affidavit does not contain every material fact that I have learned during the course of this investigation; however, no information known to me that would tend to negate probable cause has been withheld from this affidavit.
2. This statement of facts is made in support of a criminal complaint against Jose Salvador Lantigua (DOB: XX/XX/1953), for violations of Title 18, United States Code, Sections 1542 (false statement in a passport application); 1001 (fraud and false statements); 1028A (aggravated identity theft); and Title 42, United States Code, Section 408 (willfully, knowingly, and with intent to deceive, uses a social security account number).

3. Your affiant submits there is probable cause to believe that Jose Salvador Lantigua stole or otherwise fraudulently obtained the identity of Ernest Allen Wills, and on 11/18/2014 used that stolen identity in an attempt to obtain a fraudulent passport in the name of that stolen identity.
4. On 09/30/2014, an individual identifying himself as Ernest Allen Wills, who was later determined to be Jose Salvador Lantigua, and hereinafter referred to as the Defendant, entered the North Carolina (NC) Division of Motor Vehicles (DMV) office located at 50 Commerce Street in Brevard, NC and applied for a NC driver's license. In support of his application, the Defendant presented the DMV license examiner a New York (NY) driver's license, number 508923129, in the name of Ernest Allen Wills and a NY State Department of Health birth certificate in the name of Ernest Allen Wills. The Defendant was issued a NC driver license, number 36191917, in the name of Ernest Allen Wills, on 09/30/2014.
5. On 11/18/2014, the Defendant executed an application for a U.S. passport, number 329739707, inside the Asheville Biltmore Post Office located at 780 Hendersonville Road, Suite 7, Asheville, NC. Executing the application required the Defendant to sign the application in front of the U.S. Postal Service passport acceptance clerk at the Asheville Biltmore Post Office. As proof of identity, the Defendant presented the NC driver's license, number 36191917, issued on 09/30/2014, in the name of Ernest Allen Wills. In support of his claim to U.S. citizenship, the Defendant presented a NY State Department of Health birth certificate, issued by the City of Buffalo, in the

name of Ernest Allen Wills. The Defendant also listed on the application for a U.S. passport the Social Security Number XXX-XX-3415.

6. As a result of routine processing, the U.S. Department of State's Charleston Passport Center discovered that a second individual had utilized the Ernest Allen Wills identity to apply for a U.S. passport on 09/10/1999. On 09/20/1999, U.S. passport number 112127389 was issued in the name of Ernest Allen Wills. Additional processing by the Charleston Passport Center determined that although the name, date-of-birth, and Social Security Numbers were identical on the 1999 and 2014 passport applications, there were multiple discrepancies between the two applications, to include: the place-of-birth, passport photographs, handwriting, signature, parental information, height, hair color, occupation, and driver's license number. Furthermore, the passport center noted that the Defendant stated in his 2014 U.S. passport application that he had never applied for or been issued a U.S. passport book or passport card.
7. Commercial database queries by the Charleston Passport Center revealed that Ernest Allen Wills still resides at the permanent address listed on the 1999 passport application, which is in the state of New York. However, the permanent address listed on the 2014 passport application is only listed within the driver's license section of a commercial database report.
8. These commercial database queries completed by the Charleston Passport Center also revealed that the mother's Social Security Number, XXX-XX-0227, listed on the birth

certificate presented as proof of the Defendant's U.S. citizenship for the U.S. passport application he executed on 11/18/2014, was in fact issued to Elizabeth Connelly, DOB: XX/XX/1917, and not Elizabeth Wills as indicated on the birth certificate. The passport center also noticed that Elizabeth Connelly's date-of-birth was different than the date-of-birth the Defendant listed for his mother, Elizabeth Miller, on the 2014 passport application he had executed. Further commercial database queries related to this birth certificate revealed a XX/XX/1953 date-of-birth for the birth attendant listed on the birth certificate. This date-of-birth makes it impossible for her to have been an attendant for a 1951 birth.

9. The Charleston Passport Center obtained confirmation from the NY State Department of Health - Vital Statistics that the NY State Department of Health birth certificate, presented as proof of the Defendant's U.S. citizenship for the U.S. passport application he executed on 11/18/2014, was not a valid birth certificate. The NY State Department of Health - Vital Statistics explained their determination was based on a discrepancy between the county of birth listed on the certificate, Suffolk, and the listed location of the Registrar of Vital Statistics, City of Buffalo. Additionally, they reported that the listed registration number on the birth certificate, 253, is not in agreement with the date filed. Registration number 253 would indicate a filing date of September, and not January as listed on the certificate.
10. The Charleston Passport Center also utilized facial recognition software to search a U.S. Department of State database for a match to the individual depicted in the

photograph submitted along with the U.S. passport application the Defendant executed on 11/18/2014. This search returned a match to an individual depicted in the photograph attached to U.S. passport, number 432939662, in the name of Jose Salvador Lantigua, DOB: XX/XX/1953.

11. Internet searches conducted by the Charleston Passport Center revealed numerous internet news articles indicating that Jose Salvador Lantigua had allegedly faked his own death on 04/17/2013 in Venezuela, and that Daphne Simpson was his wife. The passport center noted that Daphne Simpson was listed as the emergency contact on the Ernest Allen Wills passport application the Defendant executed in 2014. Daphne Simpson owned a home located at 153 Fox Den Rd., Sapphire, NC, which is in Jackson County, and within the Western District of North Carolina. Simpson later quit-claimed the deed to an LLC on October 6, 2014 for \$10.
12. At the conclusion of their routine processing, the Charleston Passport Agency forwarded their findings to DSS for further investigation and action.
13. The DSS investigation initially focused on the discrepancies that were noted by the Charleston Passport Center between the 1999 and 2014 U.S. passport applications executed in the name of Ernest Allen Wills.
14. Regarding the place-of-birth, the 1999 application listed Edenton, NC and the 2014 passport application listed Wheatley Heights, NY. During a commercial database query utilizing Ernest Allen Wills biographical data, a report was returned indicating Ernest Allen Wills' Social

Security Number, XXX-XX-3415, was issued in NC between 1965 and 1966.

15. The photograph attached to the 1999 application depicts an African American male, while the photo submitted along with the 2014 passport application is of a white male. DSS obtained Ernest Allen Wills' NY driver's license photograph from the NY DMV, his NC driver's license photo from the NC DMV, and a 2002 photograph of Ernest Allen Wills from his former employer, the U.S. Postal Service. The NY driver's license photo, U.S. Postal Service photograph, and the photo attached to the 1999 U.S. passport application appear to be of the same individual (an African American); however, the NC driver's license photograph is of a different individual and appears to match the person depicted in the photo submitted with the 2014 U.S. passport application. Additionally, the individual depicted in the photographs attached to the NC driver's license and 2014 passport application appear to be of the same person portrayed in the photo that was submitted with U.S. passport, number 432939662, in the name of Jose Salvador Lantigua.

16. The 1999 and 2014 U.S. passport applications were both primarily completed by individuals who utilized block letters. There appears to be dissimilarities between both applications in the way many of the letters and numbers were formed, indicating that a different person completed each passport application. Additionally, there appears to be some similarities in the way the letters and numbers were formed on the 2014 application and a U.S. passport application executed on 04/05/1996, in the name of Jose Salvador Lantigua.

17. The signatures on the 1999 and 2014 U.S. passport applications are significantly different; however, the signature on the 2014 application is somewhat similar to the signature captured by the NC DMV when the Defendant applied for a NC driver's license in Ernest Allen Wills' name on 09/30/2014.

18. Although the father's name listed on the 1999 and 2014 U.S. passport applications match, the listed dates-of-birth for the fathers are significantly different. Both the mother's names and their dates-of-birth listed on the applications are different. The place-of-birth listed for both parents on the 1999 passport application is NC, and the 2014 application lists NY as the place-of-birth for both parents. The father's name and date-of-birth on the 2014 U.S. passport application and fraudulent NY State Department of Health birth certificate match. Although the mother's date-of-birth listed on the 2014 passport application and fraudulent NY State Department of Health birth certificate match, the mothers' last name listed on each document does not.

19. The listed height, hair color, occupation, and driver's license numbers are different on the 1999 and 2014 U.S. passport applications. There is an eight-inch difference in listed heights, with the height listed on the 2014 application matching the height contained within the 2014 NC DMV record for Ernest Allen Wills, and within one-inch of the height listed on Jose Salvador Lantigua's 1996 and 2007 U.S. passport applications. The listed hair color on Ernest Allen Wills' 1999 application is black, while the hair color listed on Ernest Allen Will's 2014 passport

application and Jose Salvador Lantigua's 1996 and 2007 U.S. passport applications is brown. The occupation listed on Ernest Allen Wills' 1999 passport application is "postal clerk," while "freelance writer" was listed as the occupation and employer on the 2014 application. Ernest Allen Wills' employment as a postal clerk, a position he retired from in 2007, was confirmed by the U.S. Post Office. The 1999 passport application lists NY driver's license number 508923129, and NC driver's license number 36191917 on the 2014 U.S. passport application. Ernest Allen Wills' NY driver's license was confirmed with the NY DMV to be no longer valid, having been surrendered on 09/30/2014. The NC driver's license in Ernest Allen Wills' name was confirmed by the NC DMV to be an active license. The NC DMV also confirmed that Ernest Allen Wills' first NC driver's license was issued on 09/30/2014, a date that is less than two months before the Defendant executed a U.S. passport application in the name of Ernest Allen Wills.

20. The Affiant was advised that the Defendant is a Subject in an ongoing and active insurance fraud investigation being conducted by state and federal authorities in the Middle District of Florida. In brief, it is alleged that the Defendant faked his own death in order to fraudulently obtain life insurance money.
21. Prior to his alleged death, Jose Salvador Lantigua owned a 2012 black Jeep Wrangler Rubicon, VIN 1C4BJWFGXCL281272, registered in the State of Florida with a registration that expired on 03/18/2013. His son, Joseph Gabriel Lantigua, titled it in the State of Florida on 03/13/2013, with a registration plate of AZSF54.

22. On 3/20/2015, at approximately 11:10 p.m., DSS personnel on foot conducting surveillance of the intersection of Fox Den Road and Fox Run Ridge Road in Sapphire, NC observed what appeared to be a newer model four-door Jeep Wrangler traveling down Fox Run Ridge Road from Tower Road towards Fox Den Road. The Jeep turned left onto Fox Den Road towards 153 Fox Den Road.
23. On 03/21/2015, at approximately 9:15 a.m., DSS personnel on foot conducting surveillance of the intersection of Fox Den Road and Fox Run Ridge Road in Sapphire, NC observed a black four-door Jeep Wrangler Rubicon bearing Florida license plates coming from the direction of 153 Fox Den Road and traveling towards Fox Run Ridge Road. The vehicle turned right onto Fox Run Ridge Road towards Tower Road. Other DSS and North Carolina State Bureau of Investigation personnel continued surveillance of the Jeep Wrangler via vehicle, and observed that the black Jeep bore Florida vehicle registration AZSF54. DSS personnel also observed that the Jeep was being driven by a male subject, who had a beard, and had a front right passenger who appeared to be a female.
24. At approximately 9:55 a.m., a special agent with the North Carolina State Bureau of Investigation observed the black Jeep, bearing Florida registration AZSF54, pull into the parking lot of a business located at 1653 Rosman Highway in Brevard, NC. This agent also made a positive visual identification of the Defendant exiting from the driver's side of the Jeep Wrangler and walk toward a second Jeep that parked.
25. Upon entering the parking lot, DSS agents observed the Defendant standing at the driver's side of an older model, black Jeep with the door open. The agents approached the

Defendant, identified themselves as special agents with the U.S. Department of State, and addressed the Defendant as Jose Lantigua. The Defendant said "yes sir" in response to being addressed by the agents, and was then advised that he was under arrest. During a search incident to arrest, agents discovered that the Defendant had a poorly dyed beard and was wearing a brown toupee. In addition to removing the hair piece, DSS agents located a wallet in one of the Defendant's front pants pocket. This wallet contained multiple cards and forms of identification in the name of Ernest Wills that were seized as evidence, along with the Defendant's cellular telephone and a cashier's check that was made out to Ernest Wills.

26. The Defendant waived his Miranda Rights and upon signing the waiver form stated, "It's been a long time since I signed my true name." During the subsequent interview, the Defendant was shown a copy of U.S. passport application, number 329739707, which was executed in the name of Ernest Allen Wills on 11/18/2014. The Defendant confirmed that the passport application was filled out in his handwriting, that the photograph attached to the application was of him, and that he signed Ernest Wills' name within the Applicant's Legal Signature box located near the bottom of the passport application. In support of the U.S. passport application, the Defendant also confirmed that he submitted the birth certificate in the Ernest Allen Wills' identity, and presented the NC driver's license, number 36191917, in the name of Ernest Allen Wills. The Defendant claimed that the Ernest Allen Wills identity was created for him by someone else, that he did not know Ernest Allen Wills existed, and that he

could not use his true name because he was supposed to be deceased.

27. Based upon the above information, your Affiant has probable cause to believe that the Defendant, Jose Salvador Lantigua has violated Title 18, United States Code, Sections 1542 (passport application fraud); 1001 (fraud and false statements); 1028A (aggravated identity theft); and Title 42, Section 408 (willfully, knowingly, and with intent to deceive, uses a social security account number) in that, to wit: the Defendant did knowingly make false statements in his passport application that he applied for in Asheville, NC; the Defendant did knowingly and willfully supply a social security number belonging to another individual in support of that application; and that the Defendant did, knowing the passport application to be false, willfully sign and swear to the veracity of the document submitted. Violating the aforementioned laws of the United States in the Western District of North Carolina.

Further your affiant sayeth not.


Jeffrey P. Kraus
Special Agent
U.S. Department of State
Diplomatic Security Service

Subscribed and sworn to before me on the 23rd day of March 2015.


Hon. Dennis L. Howell
United States Magistrate Judge
Western District of N.C.