

UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

MAR 31 2015

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

United States of America)

v.)

Daphne Sylvia Simpson)

Case No. 1:15 mj 42

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 March 21, 2015 in the county of Transylvania in the
Western District of North Carolina, the defendant(s) violated:

Code Section

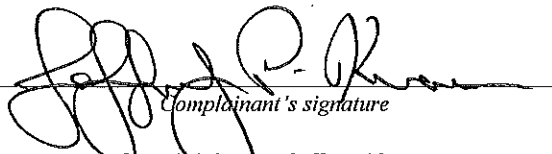
Offense Description

18 USC 1001

False Statements

This criminal complaint is based on these facts:

See attached affidavit.

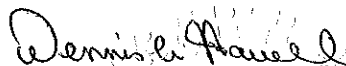
☒ Continued on the attached sheet.

Complainant's signature

Special Agent Jeffrey Kraus

Printed name and title

Sworn to before me and signed in my presence.

Date: March 31, 2015

Judge's signature

City and state: Asheville, North Carolina

Dennis L. Howell

Printed name and title

United States Magistrate Judge
Western District of North Carolina

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 Daphne Sylvia Simpson (DOB: XX/XX/1958), for violations of Title 18, United States Code, Section 1001 (fraud and false statements).
3. Your affiant submits there is probable cause to believe that Simpson made a materially false, fictitious, or fraudulent statement or representation to the affiant

during investigative activity related to passport fraud, aggravated identity theft, and misuse of a social security number.

4. On 03/21/2015, at approximately 9:55 a.m., special agents with the DSS arrested Jose Salvador Lantigua on probable cause 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). Simpson was a passenger in a black, four-door Jeep Wrangler that had been driven by Lantigua, immediately prior to his arrest, from Simpson's residence located at 153 Fox Den Road in Sapphire, NC to the site of his arrest in the parking lot of a business located at 1653 Rosman Highway in Brevard, North Carolina.
5. At approximately 10:00 a.m., your affiant and North Carolina State Bureau of Investigation Special Agent Shannon Ashe approached Simpson, who had exited the passenger side of the Jeep and was standing next to the driver's side of the vehicle.
6. Upon making contact with Simpson, your affiant showed her his federal law enforcement credentials and identified himself as a special agent with the U.S. Department of State.
7. Your affiant asked Simpson to identify the individual who DSS agents had just arrested, and who was known by DSS agents to be Lantigua. Simpson told your affiant that the

individual was her friend, Ernest Wills. Your affiant reminded Simpson that he was a federal law enforcement officer, and explained to her that it was a felony under federal law to lie to him. Your affiant again asked Simpson to identify the individual who had just been arrested by DSS agents, and for a second time she advised that he was Ernest Wills.

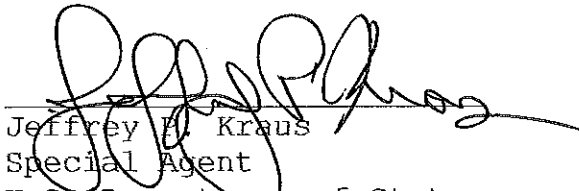
8. Your affiant advised Simpson that she had provided him with a false statement, and that he was detaining her pending a decision from the U.S. Attorney's Office regarding her being charged. Simpson was placed in handcuffs, allowed to stand next to the Jeep, and was watched by officers with the Brevard Police Department. Your affiant informed Simpson that her husband, Lantigua, had been arrested on charges related to passport fraud, identity theft, and misuse of a social security number.
9. After being unable to make contact with the U.S. Attorney's Office during a period of time that lasted approximately 10 minutes, your affiant removed Simpson's handcuffs and advised her that she was no longer being detained. Your affiant explained to Simpson that he would discuss the fact that she had lied to him with an Assistant U.S. Attorney, and that it was possible that she would be charged for the violation of federal law at a later time.
10. At some point during their conversation after the handcuffs were removed and she was advised that she was no longer being detained, Simpson told your affiant that the individual just arrested by DSS agents was in fact Jose Lantigua. Your affiant asked Simpson why she had provided

him with a false statement and she responded, "that is what my husband told me to say if I was ever asked." She also told your affiant she felt "relieved that it was all over." Simpson also asked your affiant if she could travel to Florida, as planned, to visit with her family. Your affiant told Simpson that she was under no restrictions and could travel wherever she wanted to.

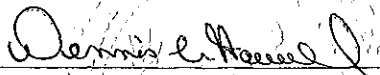
11. Your Affiant was advised that Simpson has been charged and arrested in Florida on felony state insurance fraud charges related to her involvement in Lantigua's alleged plan to fraudulently obtain life insurance money by faking his own death.

12. Based upon the above information, your Affiant has probable cause to believe that Daphne Sylvia Simpson has violated Title 18, United States Code, Section 1001 (fraud and false statements) in that, to wit: Simpson did knowingly provide a materially false, fictitious, or fraudulent statement or representation to the affiant during investigative activity in Brevard, North Carolina related to passport fraud, aggravated identity theft, and misuse of a social security number. Violating the aforementioned laws of the United States in the Western District of North Carolina.

Further your affiant sayeth not.


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

Subscribed and sworn to before me on the 31st day of March
2015.



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

