

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No.10-60311-CR-MIDDLEBROOKS

UNITED STATES OF AMERICA

vs.

JIMMY LEE THEODORE,

Defendant.

FILED by \_\_\_\_\_ D.C.  
APR 06 2011  
STEVEN M. LARIMORE  
CLERK U.S. DIST. CT.  
S. D. of FLA. - W.P.B.

STIPULATED FACTUAL BASIS IN SUPPORT OF PLEA

The Government, by and through the undersigned Assistant United States Attorney and the Defendant JIMMY LEE THEODORE hereby stipulate and agree that if this case had proceeded to trial, the government would prove beyond a reasonable doubt by witness testimony and physical evidence that beginning in October 2009 and continuing to November 2010 in Broward and Miami-Dade Counties in the Southern District of Florida, co-defendant Albert Anthony Andrulonis conspired and agreed with THEODORE and others to obtain personal information of real individuals and use that information to defraud JP Morgan Chase, an institution located in Houston, Texas and insured by the Federal Deposit Insurance Corporation. The defendants would use the internet to manipulate the victim accounts and open new fraudulent debit card accounts in the victim's name and then transfer money between the victim's accounts and use the debit cards at various ATM machines throughout Miami-Dade and Broward Counties to obtain cash and money orders.

Postal Inspector Brian McCarthy (hereinafter P/I McCarthy) would testify that on May 27, 2010 he received information from Postal Employees that numerous credit card type mailings

in different names had been delivered to 10735 NW 11<sup>th</sup> Street Pembroke Pines and additional mailings were set to be delivered to that address. PI McCarthy went to the post office, took custody of the mailings and determined that the mailings were in fact debit cards and Personal Identification Numbers (PINS) from JP Morgan Chase. Contact with Chase indicated that the new accounts were fraudulently obtained and were based on some type of identity theft and account manipulation.

PI McCarthy would testify that on May 28, 2010, he proceeded to the address and began to interview the neighbors who advised that nice cars were always around the property and the residents did not seem to keep regular working hours. The neighbor specifically mentioned a white 2-door Dodge with black stripes as frequenting the house. While PI McCarthy was interviewing the neighbor the vehicle (later identified as belonging to defendant Andrulonis) arrived at the home. Two males, one white later identified as the defendant and one black later identified as Defendant THEODORE, got out of the vehicle. Defendant Andrulonis was observed carrying what appeared to be a stack of credit card mailing envelopes. Both men entered the residence. Shortly thereafter defendant Andrulonis left the residence and attempted to enter the vehicle when PI McCarthy asked to speak with him. A protective pat down of defendant Andrulonis produced a cellular telephone and \$777 in mostly \$20 bills. Also observed in plain view on the vehicle dashboard driver's side were papers with personal information such as name, DOB and social security number, paperwork from the Florida Department of Motor Vehicles and Regions Bank account opening information and paperwork.

A consent search of Andrulonis' cellular telephone produced numbers associated with Chase debit card activation and the Chase Bank Fraud line located in Houston, Texas with the \*67 number blocking feature utilized on the phone. Subpoenaed phone records also confirmed

Andrulonis and THEODORE's phones were used to make calls to Chase to activate the Chase debit cards.

THEODORE remained inside the Pembroke Pines house and refused to answer the door. Shortly thereafter, Nicole Jean, Theodore's wife and the lessee of the residence, arrived on the scene and provided consent to PI McCarthy to search the house. THEODORE was located inside the house and later admitted his role in the identity theft group.

Found inside the house, hidden in the attic, was a Glock semiautomatic firearm, numerous Chase Bank debit card mailing envelopes all with the cards removed and papers listing victim names, DOBs, social security numbers and addresses. Also found at the home in the back yard area were 41 Holy Cross Hospital patient records as well as hundreds of Dr. Stein's patient records containing specific health information about the patients, additional mail in different names and papers containing lists of names with accompanying DOBs, SSAN and addresses.

Andrulonis was permitted to leave.

PI McCarthy obtained the name of the tenant and utility records at the residence and Ghislaine Alexis was listed on the FPL bill. PI McCarthy knowing that some of the medical records had come from Holy Cross Hospital, went to Holy Cross Hospital to inquire if any employees had the last name of Alexis. PI McCarthy learned that a Mildred Alexis had worked there for a short period of time and had been recommended for the job by a current employee by the name of Natasha Orr.

On September 30, 2010 PI McCarthy located Orr at Holy Cross Hospital and Orr admitted stealing approximately 750 patient records from Holy Cross Hospital. Orr advised that she received approximately \$4,000 in cash from Mildred Alexis after she provided the patient information to Alexis.

On October 1, 2010, Mildred Alexis was located and interviewed. Alexis advised that her nephew, Jimmy Lee THEODORE requested that she use her medical contacts to obtain identifiable patient information that he would pay for. Alexis admitted receiving approximately \$15,000 in cash from Theodore and providing a portion of that cash to Natasha Orr and also to Raushanah Bowleg, who worked for Dr. Stein in Aventura, Florida. Bowleg had stolen patient records from Dr Stein's office at Alexis' request.

A court authorized search warrant of the telephone text messages associated with Alexis', Natasha Orr's, and Raushanah Bowleg's telephones corroborated Orr and Alexis' admissions. The text messages also demonstrate Bowleg's and Alexis' knowledge of fraudulent check activity committed by Andrulonis, who they refer to as white boy as they discuss his arrest on a fraudulent check case in Davie, FL.

Investigation determined that one B.T. had been a patient at Holy Cross Hospital on March 17, 2010 and that her Chase account had been compromised by having her mailing address on Chase records changed to the Pemboke Pines location to where hundreds of Chase debit cards were mailed. B.Ts information was also found in the bushes behind the Pembroke Pines house.

Additional investigation disclosed that co-defendant Andrulonis' home address 2910 SW 87<sup>th</sup> Terrace #1701 Davie, FL 33328 was used to receive fraudulent Chase debit card mailing as well as Marie Alexis house,( THEODORE's mother) whose address is 171 NW 144<sup>th</sup> Street Miami, FL 33168.

Investigation further determined that a total of 45,000 patients went through Holy Cross Hospital Emergency room during the time period that Orr worked there and Holy Cross Hospital has spent over \$400,000 in contacting the victims and providing them with identity theft monitoring services.

J P Morgan Chase officials would testify to losses of approximately \$170,000 associated with the 310 victims who have been identified and 85 fraud claims are currently being processed.

Officials from Holy Cross Hospital and from Dr. Elliot Stein's office would testify that the names recovered were in fact their patients names and that they were both covered entities under the Health Insurance Portability and Accountability Act (HIPAA). They would further testify that they did not authorize their employees to disseminate the patient information to any third parties.

On February 14, 2011, P/I McCarthy was surveilling THEODORE at 60 NE 193<sup>rd</sup> Terrace, Miami, Florida when THEODORE observed P/I McCarthy and drove at a high rate of speed in heavy traffic and eluded P/I McCarthy.

On February 15, 2011, P/I McCarthy observed THEODORE in Miami Beach and attempted to place him under arrest. THEODORE ran approximately 10 blocks and resisted arrest before he was ultimately subdued and arrested by P/I McCarthy. When arrested THEODORE had four fraudulently obtained activated Chase debit cards on his person with the PIN access numbers written on the back. THEODORE also had approximately \$800 in cash on his person.

All of the events discussed above with the exception of the phone calls received by

Chase in Houston, Texas occurred in the Southern District of Florida.

WIFREDO A. FERRER  
UNITED STATES ATTORNEY


Date: April 16, 2011

By:

  
THOMAS P. LANIGAN  
ASSISTANT UNITED STATES ATTORNEY

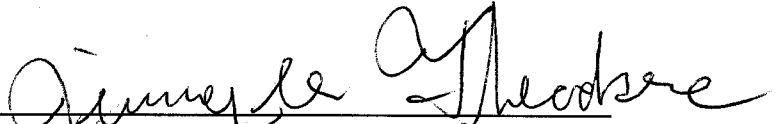
Date: 4/16/11

By:

  
GREY TESH, ESQ.,  
ATTORNEY FOR DEFENDANT ALEXIS

Date: 4/16/11

By:

  
JIMMY LEE THEODORE  
DEFENDANT