

AFFIDAVIT OF ARNOLD N. SMITH, Jr. IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT

ARNOLD N. SMITH, Jr., being duly sworn, deposes and states as follows:

I. INTRODUCTION

- 1. I am employed as a United States Postal Inspector, and have been so employed since approximately 2001. I am currently assigned to the Washington D.C. Division of the United States Postal Inspection Service. I have extensive experience and training in the investigation of federal crimes, including financial crimes such as access device fraud, and crimes relating to identity theft.
- 2. In addition to my experience as a Postal Inspector, I have served in various police capacities. I have approximately nineteen years of law enforcement experience.

II. THE INSTANT CASE

3. Currently, I am assigned to a federal investigation of STEVEN J. LEVAN (hereinafter, "LEVAN" or "the defendant"). That investigation has focused on the misuse of

access devices, including credit cards, for which agencies of the federal government are financially responsible.

- 4. Through interviews with knowledgeable personnel, I have determined the following:
- A. LEVAN is an employee of an agency of the United States government (hereinafter, "agency"), and held a position of significant public trust with the agency.
- B. During the course of his employment, LEVAN had access to sensitive and valuable government property, including a variety of documents and materials used by selected agency employees to fund authorized agency activities in furtherance of its mission. The bills for such credit cards are customarily paid by the agency.
- C. During a recent interview with other federal investigators assigned to this matter, LEVAN admitted to that he had stolen certain documents and materials, including four credit cards belonging to the agency, which he misused to charge personal goods and services, creating a debt of approximately \$75,000.
 - D. I have been informed by knowledgeable agency representatives that:
- i. the agency had to pay the defendant's fraudulent charges on those credit cards, in order to maintain the means by which the agency protects the identity of certain of its employees; and,
- ii. the defendant was not authorized by the agency to use the affected credit cards in the manner he did.
- E. The account number of one credit card which LEVAN admitted misusing ended in the numbers "7397" (hereinafter, "card 7397"). Through investigation, including

witness interviews and review of billing records, I know that one unauthorized charge to card 7397 occurred on September 16, 2008, at the Staybridge Suites hotel in McLean, Virginia, a location within the Eastern District of Virginia. That charge was in the amount of \$7,446.44. The total amount of unauthorized charges to card 7397 are approximately \$26,890.58.

F. During a recent interview with other federal investigators assigned to this matter, LEVAN also admitted to that he had stolen a credit card and associated information belonging to a second agency (hereinafter, "the second agency") of the United States government. The account number of this credit card ends in "0485" (hereinafter, "card 0485"). LEVAN admitted that he had used card 0485, and related information, to charge personal goods and services without authorization in the approximate amount of \$7,000. I have determined that card 0485 was assigned to an employee of the second agency, and was intended to be used in connection with authorized activities in furtherance of the mission of the second agency. I have also learned that the second agency was required to pay the unauthorized charges in full, and has not been reimbursed for that payment. A review of billing records shows that one such unauthorized use of card 0485 occurred on May 15, 2008 at Liljenquist & Beckstead jewelers in McLean, Virginia, where a charge of \$709.54 was applied.

III. CONCLUSION

5. Based on the above information, I respectfully submit that there is probable cause to believe that STEVEN J. LEVAN committed the offense of access device fraud, in violation of Title 18, United States Code, Section 1029(a)(2).

- 6. I therefore respectfully pray that a Criminal Complaint be authorized, and that an arrest warrant on the same issue.
- 7. I hereby swear that the above information and facts are true and correct to the best of my knowledge.
 - 8. Further I say not.

ARNOLD N. SMITH, Jr

United States Postal Inspector

Washington Division

United States Postal Inspection Service

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Subscribed and sworn to before me this 2 day of day of

John F. Anderson

United States Magistrate Judge