

AFFIDAVIT OF INVESTIGATOR MORGAN THORNBERRY

1. My name is Morgan Thornberry. I am an investigator in the U.S. Attorney’s Office for the Western District of New York. I am 52 years old and have been with the Department of Justice for the past twenty years. I reside in Chemung, New York.
2. I am a 1989 graduate of Allegany State College with a bachelor’s degree in Criminal Justice. Right after graduation, I underwent the six-month training at the Chemung Police Academy and became a police officer for the Chemung Police Department in 1990.
3. I was promoted to detective in 1996 and was assigned to the property crimes unit. We would investigate burglaries, home invasions, shoplifting, snatch and grabs, and all other incidents involving theft of property. We recovered all kinds of stolen property and did our best to return the property to the rightful owner. These thieves, who prey upon vulnerable people, are some of the worst human beings alive, and it gives me great pleasure to see them locked up and off the streets for as long as the law allows. I’ve always remembered a tongue-in-cheek comment by an instructor at the academy, who happened to be a retired police chief, who said something along the lines that there may not be enough evidence to prove the suspect committed the alleged crime, but s/he had gotten away with other criminal offenses in the past, so prosecute the SOB anyway. I don’t necessarily subscribe to that philosophy, but it is an intriguing concept.
4. In 1999, I got wind of an opening for an investigator in the U.S. Attorney’s Office in the Chemung branch office. They were looking for someone with property crime investigatory skills to work in the emerging cybercrime unit. Since my skill set fit the bill, I applied and was hired right away. The Department of Justice noticed, that in 2006, with the explosion of commerce on the Internet, stolen property was also starting to be sold in an ever-increasing amount over the worldwide web. My job mostly centers on chasing down the criminal transportation of stolen goods in interstate commerce, so one of the first things I did was to establish a relationship with the package delivery services in the area, such as the U.S. Postal Service, DHL and UPS. I requested that they call me if they ever received suspicious packages at their facilities. I have received many calls over the years. Most of the calls were false alarms. Some of the calls, however, were fruitful, and resulted in the imposition of criminal charges, and subsequently, in convictions. I remember that, in 2009, there was a large shipment of counterfeit Air Jordans that would have hit the streets if we did not intercept it. The Air Jordan counterfeiters were convicted and received lengthy sentences. In 2013, I investigated the suspected sale of stolen iPhones, iPads, MS Surfaces, and other high-end computer devices. These perps were caught red-handed, and they all pled guilty.
5. When I got the call from the postal inspector on August 22, 2019 that a suspicious package had been

received at their airport shipping facility for an Emery Rose, my team and I, which included an explosives expert, rushed right over. The postal inspector's interest was piqued because a ticking sound was emanating from the box that had a Chicago postmark stamp. Before opening the box, my expert used sophisticated bomb-detection equipment and determined that the box was safe to open. I proceeded to open the box and, lo and behold, we found a treasure trove of stolen goods. There were many high-priced items, such as a Rolex watch, a video game console, several iPhone Xs, an authentic Louis Vuitton Odeon handbag, a Norval square sapphire men's ring, gold earrings, a pearl necklace and many other very expensive goods. All the items appeared to be used, which suggested that they were stolen. In fact, the ticking sound was the alarm of an Tag Heuer Monaco Steve McQueen men's watch worth approximately \$4,000. Good thing the owner had set the alarm!

6. I re-taped the box and allowed the postal service to deliver it to the virtual mailbox of this Emery Rose at the Ted-Rex Dinko's location on Community Drive in Chemung. I suspected Emery Rose was a fake name, and I subsequently determined that the name was fake, because if it was not, I would have found him/her by now.
7. I followed the postal truck as it delivered the box to Ted-Rex Dinko's. After the Ted-Rex Dinko's clerk accepted the package, I identified myself as a federal agent and asked the clerk whether she knew Emery Rose. She said no. I then asked her to pull Emery Rose's records so that I could get whatever information was on file. She said that she could not do that, and that I would need to talk to the store manager. The store manager was out of town on vacation and not reachable, so I just decided to wait around the store to see whether Emery Rose would come to claim the box. I told the clerk that this was a federal matter and that she should not tell the person picking up the package that I was a federal agent, or that I had inquired about the package.
8. I waited in the store for approximately forty-five minutes and was about to leave when a person came into the store, identified himself/herself as a Rover driver, gave the clerk a code and asked for the Emery Rose package. Rover is a ride-hailing service like Uber and Lyft. Apparently, the Rover driver had instructions from Emery Rose to provide a passcode in order to pick up the package. I allowed the Rover driver to take the box, and I followed him/her surreptitiously. The Rover driver delivered the package to Big Tom's Reseller on Central Avenue, one of the largest pawnshops in Chemung. After the Rover driver (Blair Overland) gave the box to the counter clerk (Cameron Clark), I showed my federal badge and asked the Rover driver to tell me who Emery Rose was. S/he said that s/he did not personally know Emery Rose, had never seen Emery Rose, and was just delivering the package as ordered by his/her dispatcher.

9. I then asked Cameron Clark whether s/he knew this Emery Rose. S/he said that s/he did not know Emery Rose and did not believe s/he had ever seen him/her. I asked him/her about the owner of the pawn shop, Big Tom Clark. S/he said that Big Tom was his/her uncle. Clark said that Big Tom had suffered a massive stroke in early August 2019, was in a deep coma and was not expected to emerge from the coma any time soon. I told Clark to call me if anyone s/he does not know comes into the shop asking about the Emery Rose package and asking for Big Tom. I gave Clark one of my business cards and told him/her to make sure the surveillance cameras inside and outside the shop are working properly every day. I also gave the Rover driver my business card and told him/her to call me if Emery Rose ever contacts him/her. I took the box of stolen goods and left the pawn shop.
10. On September 12, 2019, I received a call from Clark informing me that someone using the name Emery had just come into the shop and asked for Big Tom. Clark said s/he told the person that Big Tom was going to be away from the shop for a while. Clark then said s the person looked distressed upon hearing the news about Big Tom, dropped several F-bombs about Big Tom, and quickly left the shop without saying anything else.
11. I immediately went to the pawn shop to get a copy of the surveillance video. I'm pretty sure Emery Rose had come to inquire about his/her share of the proceeds from the sale of the stolen goods being that s/he would not have heard from Big Tom since early August.
12. I took the video clip to our crime lab in Buffalo so that I could run the images through the National Crime Information Center's (NCIC's) database. The clip was a bit grainy, but usable. I used sophisticated facial recognition technology on the video clip and produced a report showing ten possible matches. I am a trained facial recognition technologist. In 2005, I received eight weeks of training at the FBI facility in Quantico, Virginia on facial recognition technology and earned a certificate recognizing me as an expert in facial recognition technology. Since 2005, I have prepared approximately thirty facial recognition reports. None of my reports have been rejected by the courts. In the thirty cases where my reports were used, all of the defendants were convicted. In the Jones case, five of the ten suspects were quickly eliminated because they were in jail or prison at the time the August 22nd package of stolen goods were being shipped. We learned that three of the remaining five were out of town during the time period in question and had been away for some time. Now, I admit that the whereabouts of the ninth person is unknown. However, I have no reason to suspect the ninth person was involved because all indications are that Phoenix Jones is the perp. There is no doubt in my mind that Jones is the chief suspect.
13. On the morning of September 16, 2019, I took a photograph of Phoenix Jones to the pawn shop and asked

Clark whether s/he recognized the person. At first, Clark was a bit equivocal, but after pressing Clark to look a little harder at the photo, s/he finally stated that the person in the photo appears to be the person who had come into the shop asking for Big Tom. That was good enough for me. I believe I showed Clark the facial recognition report and s/he recognized Phoenix Jones in the array.

14. I arrested Phoenix Jones in the afternoon of September 16th on the federal charge of conspiring with others (18 U.S.C. §371) to receive and sell stolen goods that were conveyed through interstate commerce (18 U.S.C. §2315). Jones' photo was in the federal crime database because of an arrest for, and his/her indictment on, an assault charge when s/he was 18 years old. Although the charge was dismissed as a result of the victim's refusal to testify, Jones' photo remained in the database for inexplicable reasons. Lucky for us!
15. When Phoenix Jones was arrested in his/her one-room apartment, we found \$7,500 stuffed in a duffel bag underneath his/her bed. I had to search the bag because it could have contained a weapon that would have put me and the other agents in danger. The suppression court agreed with me that the search was lawful. Jones' claim that the money was stuffed between the mattress and box spring is just made up. These criminals will say anything to escape responsibility. Besides, \$7,500 is a lot of money for someone who is not working full-time. I don't believe Jones' part-time job as a web developer would generate that kind of money in the few months since s/he moved out of his/her parents' house. I'm sure the money is from the sale of stolen goods. Moreover, I would bet dollars to donuts that the rest of the money Jones received from his/her little criminal enterprise is tied up in cryptocurrency, and consequently, hidden.
16. When we are investigating cases, we look at everything that will assist in the prosecution of a defendant. We often look at the social media of persons who might have a connection with the suspect. When we looked at the FaceSpace page of Jones' mother, we saw something very interesting. On the public portion of her FaceSpace page, she had information about a deceased family member. It showed that Jones' mother had a younger brother named Emerald Rose who was born on February 15, 1980 and passed away in January 1983, just before his third birthday. That is the same date of birth on the Rover Car Service account of Emery Rose (aka Phoenix Jones). So, this perp stole his/her uncle's identity to aid in the commission of this crime. How disgusting is that?! It's probably true that someone else could have easily stolen Emerald Rose's identity since it was up on FaceSpace, but I'm pretty sure Jones did it.
17. During my interview with Blair Overland, the Rover driver, I learned that the creator of the Rover Account used one of those pre-paid VEZA cards where you don't need to provide an address or real phone number. All transactions are over the Internet, and the card can be replenished anonymously by using non-banking services like Q-Pal.

18. On September 23, 2019, Cameron Clark visited my office and gave me a notebook that belonged to Big Tom. The notebook contains a long list of very expensive items. There was an indication that some of the items were sold and the amount each one had been sold for. There is also a column showing how much “Emery Rose” (aka Phoenix Jones) had received as his/her share for each item. It looks like Phoenix Jones was getting about 45% of each sale. I noticed that the list was started on June 1, 2019 – about one month after Phoenix Jones had moved to the boarding house. Clark was unable to locate the unsold items, except for the men’s Omega wristwatch and the 3-carat diamond ring engraved with the number “85”. I took possession of the two items. I never threatened Clark that the pawn shop would be closed if s/he did not cooperate in the investigation, but I did make it clear to him/her that good citizens cooperate with law enforcement. I did warn him/her that someone in his/her position could be prosecuted for possessing stolen property.
19. Cameron Clark also gave me what appears to be an e-mail receipt, dated July 5, 2019, showing the purchase of two Bytecoins. I checked on Google and found that one Bytecoin in July 2019 was selling for about \$3,200.00. Clark said s/he found the receipt in the same desk drawer where Big Tom’s notebook was discovered. The receipt was made out to Emery Rose. Near the bottom of the receipt was a hand-written note that said: “Big Tom, Just bought more Bytecoins so that I can pull down more hot stuff from the web. You should get into cryptocurrency. Expect another shipment soon. Emery.” The word “hot” means “stolen” in gangster parlance. If you look closely at the hand-written name “Emery,” you will notice that someone, let’s say Phoenix Jones, started to write the letter “P” and then apparently caught himself/herself by writing over the “P” with the name “Emery.” Another slip up by PJ?! The \$6,400.00 that Phoenix Jones paid for the two Bytecoins is about equal to the amount of the proceeds s/he received from Big Tom between June 1st and July 1st. I checked with the e-mail domain provider GoodMail.com to get information about this Emery Rose. All of the information that they had on file was bogus. GoodMail appears to be one of those ISPs that does not verify the signup information. I suspect that whenever Phoenix Jones would access the Internet to commit his/her crimes, s/he would use a non-logging VPN. When we checked the Internet activity of Emery Rose using the IP address, supposedly belonging to Rose, that we had obtained from GoodMail.com, the IP address was reported to be somewhere out in the South Pacific. That SOB Jones was trying to cover his/her tracks!
20. My boss, Scotty Carson, US Attorney for WNY, sent a subpoena to CoinDomain, where the Bytecoins were purchased, to get information about Emery Rose. CoinDomain responded to the subpoena by providing the dates Emery Rose purchased the cryptocurrencies and the dates on which trades were made. CoinDomain had no other information about this Emery Rose.

21. I had confiscated Phoenix Jones' desktop computer on the day s/he was arrested and, after examining the computer, I did not find a VPN account on it. But checking Jones' Google search history, I found something very interesting. On June 15, 2019, Jones did a search on what a used iPhone X would cost. If you take a look at Big Tom's notebook, you will see that Big Tom received a used iPhone X from Emery Rose on June 21st. The Google search history also shows that on June 15th Jones sought information on the value of a Bytecoin. Two days later (June 17th), Emery Rose bought two Bytecoins. The high-tech guru Jones forgot to clear his/her Google search history. The suppression court judge redacted some entries in the Google history because they were purely personal and not relevant to this prosecution.
22. When searching Jones' room following the arrest, I noticed a receipt for a laptop computer purchased on May 15, 2019. I'm pretty sure Jones used the laptop to do his/her criminal activities, which would explain why, except for the used iPhone X and the Bytecoin searches, there is no other proof of criminal activity on his/her desktop. I directed Jones to give me the laptop. S/he claims, without proof, that the laptop was stolen from him/her on August 20, 2019 when s/he left it on a table at Sawbucks Coffeehouse to go visit the restroom. How convenient! S/he said s/he did not report the theft to the police, nor complain to Sawbucks' personnel. The laptop is probably stashed away in storage somewhere. I checked all of the storage facilities near Jones' boarding house and found that Storage-R-U's at 3245 Main Street in Chemung had an account for Emery Rose that was opened on May 8, 2019, one week after Phoenix Jones moved to the boarding house. The storage facility records show that the account was closed on September 13, 2019, one day after Jones learned that Big Tom was ill and would not be returning to the pawn shop any time soon. The counter clerk at Storage-R-U's who set up the account for Emery Rose was fired about three weeks ago on suspicion of stealing property from some of the storage units. The manager of the facility does not know the current whereabouts of the former clerk and suspects he might have moved out to California to become a beach bum. Rose's address on the sales receipt is fake. The address is for an abandoned building about half a mile from Jones' boarding house. I'm sure the laptop is in storage under another assumed name Jones may be using.
23. I accessed the NCIC database again to determine whether the two items I got from Cameron Clark on September 23rd had ever been reported stolen. Needless to say, I was elated when I came across a Chicago police report showing that the Omega watch, the 3-carat diamond ring and a Gucci Handbag with the bamboo handles were stolen in that city from a vehicle on June 6, 2019. The Gucci handbag is on Big Tom's list of suspected stolen items, having been received by Big Tom on July 25, 2019. It appears that Big Tom sold the handbag on July 29th. Unfortunately, I recently learned that the victim of the

Chicago theft, a Ms. Victoria Thomas, was involved in a horrific accident on the Dan Ryan Expressway in Chicago and is deceased. I was hoping to reach her through the Chicago Police Department, and that is when I was informed of her demise. I also checked on the status of the items in the August 22nd shipment. The only hits I received on the NCIC system was from the Denver Department of Public Safety. The Tag Heuer Monaco Steve McQueen watch (approx. value \$4,000.00) and the Norval square sapphire men's ring (approx. value \$2,400.00) were both engraved with the initials "CNR." The items were positively identified as belonging to an elderly Colorado citizen. The eighty-eight-year-old gentleman is too ill to travel to New York to testify in the trial of this matter.

24. The evidence of Phoenix Jones' guilt is overwhelming: the identity theft of his/her deceased uncle Emerald Rose so that s/he could engage in this criminal scheme; no visible means of support; found in possession of \$7,500; when shown a photo of Phoenix Jones, the pawn shop clerk (Clark) believes the person inquiring about Big Tom was Jones; the pawn shop is located on Central Avenue, only a few blocks away from the boarding house at 1010 Main Street where Jones resides; Big Tom's notebook showing very expensive items being sold, and someone named Emery Rose (who we believe to be Phoenix Jones) getting a percentage of each sale; the Google search history of June 15th found on Jones' desktop computer; an entry in Big Tom's notebook shows that Emery Rose, on July 29, 2019, received \$6,825 for the 24-carat gold MacBook Pro computer and \$675 for the Gucci handbag, for a total of \$7,500, the exact amount of money found in Jones' duffel bag; Jones has the computer skills to pull off this scheme; Jones is very knowledgeable about cryptocurrency and the dark web; the receipt from the cryptocurrency broker CoinDomain to Emery Rose showing a recent purchase of Bytecoins; these new-age criminals are using cryptocurrency to hide their web transactions because it is virtually impossible to trace; although Jones had gained lots of money from his/her criminal enterprise, s/he continued to live modestly for now so as to not draw unwanted attention to himself/herself; Jones became the prime suspect after facial recognition biometrics identified him/her as one of ten persons of interest, and eight of the ten were quickly eliminated for one reason or another; and although the whereabouts of person #9 is unknown, there is no evidence that the ninth person was involved in any way, shape or form; no one by the name Emery Rose resides in Chemung or in a nearby town; and the name Emery Rose first surfaced just one week after Jones moved to the boarding house as evident by the Storage-R-U's sales receipt. It's clear that Phoenix Jones is Emery Rose. No doubt in my mind.
25. The facial recognition probability of the five individuals, who were in prison or jail, being the person in the video was in the 45% to 55% range. The three persons who were out of town were in the 65% to 80% range. The person whose whereabouts is unknown clocked in at 96%. Although Phoenix Jones was at 95%,

s/he was well within the margin of error and, given all the other circumstantial evidence of his/her guilt, I knew s/he was the right perp.

26. I interviewed the Rover driver, Blair Overland, on October 1st and s/he told me about the heated conversation in June 2019 between Big Tom and a person in a hoodie. Overland said that Big Tom referred to the person using the nickname PJ. Most likely, their argument involved a dispute over payment of Jones' share of the proceeds of stolen property from a shipment Jones thought had already been delivered. Phoenix Jones had probably gone to see Big Tom because s/he had not heard from him about what was going on with that shipment. I would guess that maybe Jones thought that s/he was being stiffed. When the package was finally delivered by Overland, Jones, or should I say PJ, was then apparently satisfied that Big Tom was not cheating him/her. Overland's claim that the person arguing with Big Tom did not look like Jones is just the Rover driver trying to protect his/her job. It's probably safe to say that the Rover company would not want to be involved in assisting a criminal enterprise.
27. Well, that Dr. Kaden Keller is a real piece of work. After learning that s/he might be a witness for Jones, I did some checking and found that s/he was once accused of trying to buy Quaaludes over the Internet. S/he got snared in a sting operation run by our old technology crime unit. The good professor claimed s/he was just doing "research." Yeah, right! His/her attorney managed to get the charge dropped, but I don't believe s/he was some little innocent academic researcher. Now the professor has a vendetta against the agency. We should have prosecuted his/her butt to the hilt! Our expert witness, Professor Thompson, is absolutely right about cryptocurrency. It is not easy tracking down perpetrators of illicit schemes when they use cryptocurrency due in large part to the secrecy afforded to this new age currency. That's why sophisticated criminals are resorting more and more to the use of cryptocurrency. Professor Keller is trying to help this very undeserving defendant, while taking a cheap shot at us.
28. According to the latest FBI stats, nearly \$1.4 billion worth of jewelry and precious metals were stolen in 2016. I'm pretty sure much more will be shown to have been stolen in 2019 once the statistics come out. I'm also sure that our computer whiz kid, Phoenix Jones, contributed to the 2019 stats. Jones will be convicted and will spend a lot of time, not on the dark web, but in a dark prison cell.

Under the pains and penalties of perjury, I affirm the veracity of this statement.

Dated: Chemung, New York
October 8, 2019

Morgan Thornberry
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