

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

DISTRICT COURT  
FOURTH JUDICIAL DISTRICT

COURT FILE NO.  
PROSECUTOR CASE NO. 16A13301  
SILS ID. 808503  
SILS TRACKING. 2906981  
CONTROLLING AGENCY. MN0271100  
CONTROL NO. 16409576

State of Minnesota,

Plaintiff,

v.

CRIMINAL COMPLAINT

ASLEYS ACOSTA (DOB: 11/19/1988)  
3607 W IDLEWELD AVE  
811  
TAMPA, FL 33614,  
Defendant.

Summons  Warrant  
 Order of Detention  
 Amended  
 Tab Charge Previously Filed

The Complainant, being duly sworn, makes complaint to the above-named Court and states that there is probable cause to believe that Defendant committed the following offense(s):

Count I

Charge: **Identity Theft-Transfers/Possesses/Uses Identity of Other Person (X)**  
Minnesota Statute: **609.527.2**, with reference to: 609.05.1, 609.05.2, 609.527.3(5)  
Offense Level: **Felony**  
Maximum Sentence: **20 YEARS AND/OR \$100,000**  
Offense Date (on or about): **11/12/2016**  
Charge Description: That on or about November 1, 2016 through November 12, 2016, in Hennepin County, Minnesota, ACOSTA ASLEYS, acting alone or intentionally aiding, advising, hiring, counseling or conspiring with WILBUR ARMANDO PEREZ-SOCA and ROILAN GARRIGA, or otherwise procures the other to commit the crime, transferred, possessed, or used an identity that was not his own, with the intent to commit, aid, or abet an unlawful activity and there were eight or more direct victims or a total loss of more than \$35,000.

Count II

Charge: **Identity Theft-Transfers/Possesses/Uses Identity of Other Person (A)**  
Minnesota Statute: **609.527.2**, with reference to: 609.17.4(2), 609.05.1, 609.05.2, 609.527.3(5)  
Offense Level: **Felony**  
Maximum Sentence: **20 YEARS AND/OR \$100,000**  
Offense Date (on or about): **11/12/2016**

Charge Description: That on or about November 12, 2016, in Hennepin County, Minnesota, ACOSTA ASLEYS, acting alone or intentionally aiding, advising, hiring, counseling or conspiring with WILBUR ARMANDO PEREZ-SOCA and ROILAN GARRIGA, or otherwise procures the other to commit the crime, attempted to transfer, possess, or use an identity that was not his own, with the intent to commit, aid, or abet an unlawful activity and there were eight or more direct victims or a total loss of more than \$35,000.

### **Count III**

Charge: **Identity Theft-Possess scanning device or reencoder w/intent to commit,aid or abet unlawful activity (X)**

Minnesota Statute: **609.527.5b(b)**, with reference to: 609.05.1, 609.05.2, 609.527.5b(c)

Offense Level: **Felony**

Maximum Sentence: **5 YEARS AND/OR \$10,000**

Offense Date (on or about): **11/12/2016**

Charge Description: On or about November 12, 2016, in Hennepin County, Minnesota, ACOSTA ASLEYS, acting alone or intentionally aiding, advising, hiring, counseling or conspiring with WILBUR ARMANDO PEREZ-SOCA and ROILAN GARRIGA, or otherwise procures the other to commit the crime, with the intent to commit, aid, or abet an unlawful activity, possessed a device, apparatus, equipment, software, material, good, property, or supply that was designed or adapted for use as a scanning device or a reencoder.

### **Count IV**

Charge: **Identity Theft-Possess scanning device or reencoder w/intent to commit,aid or abet unlawful activity (X)**

Minnesota Statute: **609.527.5b(b)**, with reference to: 609.05.1, 609.05.2, 609.527.5b(c)

Offense Level: **Felony**

Maximum Sentence: **5 YEARS AND/OR \$10,000**

Offense Date (on or about): **11/12/2016**

Charge Description: On or about November 12, 2016, in Hennepin County, Minnesota, ACOSTA ASLEYS, acting alone or intentionally aiding, advising, hiring, counseling or conspiring with WILBUR ARMANDO PEREZ-SOCA and ROILAN GARRIGA, or otherwise procures the other to commit the crime, with the intent to commit, aid, or abet an unlawful activity, possessed a device, apparatus, equipment, software, material, good, property, or supply that was designed or adapted for use as a scanning device or a reencoder.

### **Count V**

Charge: **Possession of Burglary or Theft Tools**

Minnesota Statute: **609.59**, with reference to: 609.59

Offense Level: **Felony**

Maximum Sentence: **3 YEARS AND/OR \$5,000**

Offense Date (on or about): **11/12/2016**

Charge Description: That on or about November 12, 2016, in Hennepin County, Minnesota, ACOSTA ASLEYS, acting alone or intentionally aiding, advising, hiring, counseling or conspiring with ACOSTA ASLEYS and WILBUR ARMANDO PEREZ-SOCA or otherwise procures the other to commit the crime, had in his possession a device, explosive or other instrumentality and intended to use it or permit its use to commit burglary or theft.



## STATEMENT OF PROBABLE CAUSE

The Complainant states that the following facts establish probable cause:

On November 12, 2016, at 2:48 a.m., J.W. called 911 and reported that several men driving a white minivan were tampering with the internal electronics of a gas pump at a BP gas station located at 2000 3rd Ave. S., Minneapolis, Hennepin County, Minnesota. J.W. also provided descriptions for two suspects. Responding officers arrived within minutes and saw a white minivan parked in front of a gas pump at the station. Siting in the van were three men, two of whom matched the descriptions given by J.W. The men acted furtively when they saw the officers, by changing their positions, ducking out of view, and pretending to operate the gas pump. The men were stopped while responding officers assessed the situation.

In plain view in the foot rest area of the front passenger compartment of the van was a grey computer, five cell phones, and a small yellow drill. Officers made contact with the J.W., who stated that he watched the individuals use a key or tool to open a door on the front of the gas pump and confirmed that the men the officers stopped were the individuals whom he saw tampering with the gas pump.

Officers took the small yellow drill and tested it on the gas pump. The drill was equipped with a bit that fit the gas pump, and officers successfully opened a door on the gas pump that exposed the internal electronics of the pump, including access to the credit card processing devices. When the door to the gas pump was open, J.W. confirmed that he saw the men open the gas pump in that way and that he saw the men doing something on the inside of the pump.

Closer inspection of the inside of this pump, as detailed below, revealed two credit card skimming devices installed, one installed on each side of the pump.

### Operation of Gas Station and Gas Pumps

This gas station closed at 12:00 midnight on November 11, 2016 and did not open until 6:00 am on November 12, 2016. As such, no employees were present at the station when the incident occurred.

The station has 12 gas pumps, which are organized in pairs. Pumps 5 and 6, for example, are in the same box, with pump 5 being on the west facing side of the box and pump 6 on the east facing side of the box. This allows two cars to pull up on either side of the box and fill up at the same time. Each pump has a door that provides access to the internal circuitry of the pump. The door can be opened using a special key to unfasten bolts that hold the door shut. Once the bolts are unfastened, the door swings open on hinges providing access to the electric circuitry of the pump. Opening one side of the pump provides access to the other side of the pump as well, since the inside of the box is open.

Once the door is open the credit card processing circuitry for both pumps in the box is totally accessible.

## Video Surveillance

The gas station is equipped with video cameras that captured the actions of the Defendants.

The video shows the white van pulling up to pump number 6 at the station at 2:46 a.m. on November 12, 2016. The van is driven by Defendant Wilbur Armando Perez-Soca (DOB: 09/19/1992). Defendant Acosta Asleys (DOB: 11/19/1988) is in the front passenger seat and Defendant Roilan Garriga (DOB: 12/10/1996) is in the rear passenger seat, behind the driver.

Immediately upon pulling up, Defendant Asleys exits the front passenger seat and then leans back into the seat and manipulates items in the front passenger area. Defendant Asleys then turns toward the pump and uses a tool to unfasten the bolts holding the access door closed. Once the access door is open, Defendant Asleys leans into the pump and manipulates items inside the pump. As Defendant Asleys is doing this, Defendant Roilan exits the rear of the van and acts as a lookout. Defendant Roilan also assists Defendant Asleys with opening the door and manipulating the circuitry on the inside of the pump.

After Defendant Asleys gets inside the pump, he takes something out and leans back into the van and spends approximately 2 minutes manipulating the items. During this time he turns and talks to Defendant Roilan at several points. Defendant Asleys then turns back toward the pump and again manipulates items inside the pump.

At 2:49 a.m. another car pulls into the gas and parks in front of pump 5, on the other side of the box from pump 6, which Defendant Asleys and Defendant Roilan are still working on. Several people exit the vehicle and begin attempting to fill up their vehicle. Defendant Asleys closes the access door to pump 6, says something to Defendant Perez-Soca and then walks away from the van. Defendant Roilan gets back in the van and then Defendant Perez-Soca, having never left the driver's seat, drives the van to the other side of the row of pumps and parks directly behind the vehicle parked at pump 5. Defendant Asleys then walks up to the driver's side of the van and talks with Defendant Perez-Soca, before walking back over to the front passenger side and entering the vehicle. The van, with all three defendants inside, waits behind the car parked at pump 5. The driver of that car appears to be having difficulty operating the pump – likely because Defendant Roilan and Asleys had been manipulating the internal circuitry – and after several minutes Defendant Asleys exits the van and approaches the other car and speaks to the person attempting to use the pump. After talking to Defendant Asleys, that person gets back in his car and pulls away from pump 5 to another pump at the station. Defendant Asleys also returns to the front passenger seat of the van.

As the other car pulls away from pump 5, the van immediately pulls up to pump 5 and Defendant Asleys exits the van and begins to manipulate the pump. Defendant Roilan also opens the driver's side front door and to help Defendant Asleys. Defendant Perez-Soca also opens the back door on the driver's side to help as well. Right then, however, at 2:55 a.m. Minneapolis Police Officers responding to the 911 call arrive. As the police arrive, Defendant Asleys walks around the rear of the van, out of the view of the officers, and is seen on the surveillance footage bending down and tossing something under the van. The item was recovered by officers and ended up being a credit card.

The officers stop the men while they assess the situation.  
Body Worn Camera Footage

There is body worn camera footage from the officers showing the stop, the initial investigation, an interview with the witness, and the arrest of the Defendants. As Defendant Asleys is escorted to a police vehicle he walks past Defendant Perez-Soca and says to him in Spanish, "don't talk."

#### Inspection of Gas Pumps

The owner of the gas station, H.W., inspected the gas pumps at his station and identified 4 pumps containing electronic devices that are not supposed to be present. The devices are small and appear similar to flash drives. They have a string of wires that connect directly to the circuit board of the credit card processing device. H.W. contacted Minnesota Petroleum Services, Inc., which send a technician, B.J., to remove the devices. The devices are credit card skimmers, which are designed to copy the credit card numbers and other information from all cards used at each gas pump. The skimming devices were found on pumps 5 and 6, the same pumps that the Defendants are seen manipulating in the surveillance video and by the witness. Skimming devices were also found by the Minnesota Petroleum technician on pumps 1 and 12. An investigator from Minnesota Department of Commerce also did an inspection of the pumps, and he found a fifth skimming device, of a slightly different design, installed on pump 7.

The devices installed on pumps 1, 5, 6, and 12, need to be manually copied. Meaning that they collect all credit cards used on the pump, but to get the information off the device, the pump needs to be opened so they can access the skimmer and copy the data. The device on pump 7, however, had wireless capabilities allowing for the data from the device to be removed without having to reopen the pump.

#### Items inside the van

In plain view in the van were a number of items that are related credit card skimming.

- First, several computers were located in the van. Computers are needed to configure the skimming devices and to pull the credit card information off the skimming devices. One of the computers was located in the front passenger compartment – the area where Defendant Asleys repeatedly leaned into while the pump was open.
- Second, a set of brass keys were found in the center console area of the car. The keys can be used to open certain types of gas pumps, but not the type found at this gas station.
- Third, a small yellow drill equipped with a special bit. The witness confirmed that he saw the Defendants use that device to open the gas pump during the incident. The officers also tested this device and it worked to open the gas pumps at this station.
- Fourth, inside the main compartment of the van, in plain view, were more than 20 debit cards and prepaid credit cards. Further investigation into these cards revealed they had been encoded with stolen identities belonging to residents of Hennepin County and that they had been illegally used at various retail locations and restaurants in Hennepin County.

## Stolen Identities

The prepaid credit cards and gift cards recovered from inside the van were analyzed, and it was discovered that the cards were encoded with personal and banking information from numerous residents of Hennepin County. Investigators were able to read the information encoded on the cards using a card reader and this showed a mismatch between the information the face of the card and what was read when the card was swiped. Investigators have spoken to 11 victims, all of whom are residents of Hennepin County. All had their physical credit cards in their possession and most did not know their accounts had been compromised. All reviewed their account activity and confirmed the card information had been used for unauthorized transactions in the last several days. Most transactions occurred at various retailers located in Bloomington, Hennepin County, Minnesota. Eight of the cards were found inside the van, and three were found inside a wallet on Defendant Perez-Soca. Additional cards were located in the van and on the persons of the Defendants and additional victims of identity theft will likely be identified as those cards are investigated.

The victims of the identity theft for the cards found in the van are:

- Victim 1 (P.H.) had the information from his Wells Fargo credit card stolen and used to buy \$350 worth of merchandise from Nordstrom's. Defendants had the information from P.H.'s Wells Fargo card encoded onto a Vanilla Visa Prepaid Card.
- Victim 2 (M.P.) had the information from his Wells Fargo credit card stolen and used to buy \$800 worth of merchandise from Nordstrom's. Defendants had the information from M.P.'s Wells Fargo card encoded onto a Vanilla Visa Prepaid Card.
- Victim 3 (D.W.) had the information from his U.S. Bank credit card stolen and used to buy \$550 worth of merchandise from Sunglass Hut and a declined purchase of \$650 at Nordstrom's. Defendants had the information from D.W.'s U.S. Bank card encoded onto a Vanilla Visa Prepaid Card.
- Victim 4 (B.N.) had the information from his U.S. Bank credit card stolen and used to buy \$180 worth of merchandise from a Walmart located in Roseville, Dakota County, Minnesota. Defendants had the information from B.N.'s U.S. Bank card encoded onto a Vanilla Visa Prepaid Card and also on a PayPal Debit Mastercard.
- Victim 5 (J.K.) had the information from his American Express credit card stolen, but there were no unauthorized activity on his account. Defendants had the information from J.K.'s American Express card encoded onto an American Express Serve Prepaid Card.
- Victim 6 (B.A.) had the information from his American Express credit card stolen, and stated that there was a suspicious transaction that had been declined from a restaurant on Nicollet Avenue in Minneapolis, Hennepin County, Minnesota. Defendants had the information from B.A.'s American Express card encoded onto an American Express Serve Prepaid Card.
- Victim 7 (S.C.) had the information from his American Express credit card stolen, and there were two authorized transactions, totaling \$188 on the card. Defendants had the information from S.C.'s American Express card encoded onto an American Express Serve Prepaid Card.
- Victim 8 (P.J.) had the information from his American Express credit card stolen and used at a nightclub in Minneapolis, Hennepin County, Minnesota, on the night that Defendants were arrested, for \$790. Defendants had the information from P.J.'s American Express card encoded onto an American Express Serve Prepaid Card.

The victims of the identity theft for the cards found in Defendant Perez-Soca' wallet include:

- Victim 9 (R.F.) had the information from his U.S. Bank credit card stolen and used in seven transactions at a WalMart in Apple Valley, Dakota, Minnesota. Each transaction was for \$180. Defendants had the information from R.F.'s U.S. Bank card encoded onto a Vanilla Visa Prepaid Card.
- Victim 10 (H.A.) had the information from her U.S. Bank credit card stolen, but there were no authorized transactions on the card. Defendants had the information from H.A.'s U.S. Bank card encoded onto a US Bank MasterCard that contained the name J.A. and a different credit card number.

There are 13 additional credit cards recovered from the Defendants' van and it is anticipated that further investigation into these will result in the identification of additional victims and additional fraudulent purchases.

#### Interviews with Defendants

Defendant Perez-Soca made voluntary statements after being read his Miranda rights. He stated that he rented the van in question in Florida, and that he drove himself and Defendants Roilan and Asleys to Minnesota. He also stated that all three men are staying together at a motel located in the area.

Defendant Asleys did not make any voluntary statements after being read his Miranda rights.

Defendant Roilan made voluntary statements after being read his Miranda rights. He claimed that he was asleep on the entire ride from Florida to Minnesota and that he did not know anything. He identified his phone and gave the officers his phone number. He described his wallet and when that wallet was inspected in the property room it contained a fake Georgia driver's license, a real Florida driver's license, and other personal items connecting the wallet to Defendant Roilan.

#### Defendants' Residence

Defendant Asleys has a lengthy criminal history that includes several credit card fraud related arrests in Florida. He is a citizen of Cuba with a Florida address listed on ID cards found in the van.

Defendant Garriga is a citizen of Cuba with a Florida address listed on a driver's license found in his wallet.

Defendant Perez-Soca is an American citizen with a Florida address listed on identification found in the van.

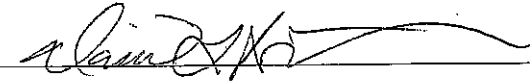


Complainant requests that Defendant, subject to bail or conditions of release, be:  
(1) arrested or that other lawful steps be taken to obtain Defendant's appearance in court; or  
(2) detained, if already in custody, pending further proceedings; and that said Defendant otherwise be dealt with according to law.

**COMPLAINANT'S NAME:**

**COMPLAINANT'S SIGNATURE:**

<Name> DAVID STICHTER



Subscribed and sworn to before the undersigned this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

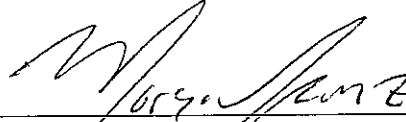
**NAME/TITLE:**

**SIGNATURE:**

Being authorized to prosecute the offenses charged, I approve this complaint.

Date: 11/16/16

**PROSECUTING ATTORNEY'S SIGNATURE:**



Name: Morgan Kurz  
Assistant County Attorney  
C2000 Government Center

Minneapolis, MN 55487  
612-348-0817  
Attorney Registration # 0396177

**FINDING OF PROBABLE CAUSE**

From the above sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant's arrest or other lawful steps be taken to obtain Defendant's appearance in court, or Defendant's detention, if already in custody, pending further proceedings. Defendant is therefore charged with the above-stated offense.

**SUMMONS**

THEREFORE YOU, THE ABOVE-NAMED DEFENDANT, ARE HEREBY SUMMONED to appear on the \_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ a.m./p.m. before the above-named court at \_\_\_\_\_ to answer this complaint.

IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

**WARRANT**

To the Sheriff of the above-named county; or other person authorized to execute this warrant: I hereby order, in the name of the State of Minnesota, that the above-named Defendant be apprehended and arrested without delay and brought promptly before the above-named court (if in session), and if not, before a Judge or Judicial Officer of such court without unnecessary delay, and in any event not later than 36 hours after the arrest or as soon as such Judge or Judicial Officer is available to be dealt with according to law.

*Execute in MN Only*       *Execute Nationwide*       *Execute in Border States*

**ORDER OF DETENTION**

Since the above-named Defendant is already in custody, I hereby order, subject to bail or conditions of release, that the above-named Defendant continue to be detained pending further proceedings.

Bail: \$ 200,000  
Conditions of Release: *surrender passport*

This complaint, duly subscribed and sworn to, is issued by the undersigned Judicial Officer this 16<sup>th</sup> day of November, 2016.

JUDICIAL OFFICER:  
NAME:  
TITLE:

SIGNATURE: 

Sworn testimony has been given before the Judicial Officer by the following witnesses:

COUNTY OF HENNEPIN  
STATE OF MINNESOTA

Clerk's Signature or File Stamp:

**STATE OF MINNESOTA**

Plaintiff,

vs.

ASLEYS ACOSTA,

Defendant

*RETURN OF SERVICE*

*I hereby Certify and Return that I have served a copy of this COMPLAINT upon Defendant herein named.*

Signature of Authorized Service Agent: