

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 20-3838-OTAZO-REYES

UNITED STATES OF AMERICA,

v.

CRYSTAL NICOLE MYRIE,

Defendant.

_____ /

CRIMINAL COVER SHEET

1. Did this matter originate from a matter pending in the Central Region of the United States Attorney's Office prior to August 9, 2013 (Mag. Judge Alicia Valle)? ☐ Yes ☒ No
2. Did this matter originate from a matter pending in the Northern Region of the United States Attorney's Office prior to August 8, 2014 (Mag. Judge Shaniek Maynard)? ☐ Yes ☒ No
3. Did this matter originate from a matter pending in the Central Region of the United States Attorney's Office prior to October 3, 2019 (Mag. Judge Jared Strauss)? ☐ Yes ☒ No

Respectfully submitted,

ARIANA FAJARDO ORSHAN
UNITED STATES ATTORNEY

By: /s/ Hayden P. O'Byrne
Hayden P. O'Byrne
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Application for a Complaint by Telephone or Other Reliable Electronic Means

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

United States of America)

v.)

CRYSTAL NICOLE MYRIE)

Case No.)

Defendant(s)

CRIMINAL COMPLAINT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

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 OCTOBER 5-16, 2020 in the county of Miami-Dade in the
Southern District of Florida, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 242

Deprivation of civil rights under color of law

18 U.S.C. § 1709

Theft of mail matter by officer or employee

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT.

☒ Continued on the attached sheet.


Complainant's signature

Kevin Adams, USPS-OIG
Printed name and title

Attested to by the applicant in accordance with the
requirements of Fed. R. Crim. P. 4.1 by Face Time.

Date: 10/18/20


Judge's signature

City and state: Miami, Florida

Hon. Alicia M. Otazo-Reyes, United States Magistrate Judge
Printed name and title

AFFIDAVIT

I, Kevin Adams, being duly sworn, hereby depose and state as follows:

AGENT BACKGROUND AND INTRODUCTION

1. I am a Special Agent with the United States Postal Service Office of Inspector General, and have been so employed since approximately 2010. I am an investigative or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510(7), and I am empowered by law to conduct investigations of, and to make arrests for federal offenses, including but not limited to offenses involving mail theft by postal employees as enumerated in Titles 18 of the United States Code. I am currently assigned to the Miami, Florida, Field Division.

2. This Affidavit is made for the limited purpose of establishing probable cause in support of a criminal complaint charging that on or about October 5-16, 2020, Crystal Nicole Myrie, ("MYRIE") being a Postal Service employee, embezzled letters, postal cards, and mail which came into her possession intended to be carried or delivered by her, in violation of Title 18, United States Code, Section 1709, and that on or about October 5-16, 2020, MYRIE, under color of law, willfully deprived VICTIM 1 of her right to vote, by depriving VICTIM 1 of her vote-by-mail ballot.

3. The facts contained in this Affidavit are based on my personal knowledge, as well as information provided by other individuals, including other law enforcement officials, and my review of records and other evidence obtained during the course of this investigation. I have not included each and every fact known to me and to other law enforcement officers involved in this investigation, but only the facts sufficient to establish probable cause.

PROBABLE CAUSE

4. On October 16, 2020, your affiant and another agent responded to the Normandy Branch Post Office, 525 71st Street, Miami Beach, Florida 33141 to interview MYRIE, who was a City Carrier Assistant (CCA) employed with the U.S. Postal Service, regarding a mail theft investigation. Specifically, your affiant had learned that MYRIE's rewards membership account at VICTIM 2 company was associated with a gift card that was reported stolen from the mail stream.

5. Prior to being asked any questions, MYRIE was read the USPS OIG Acknowledgement of Rights for Employees not in Custody (*Garrity*) form, which she signed, acknowledging she understood her rights and agreeing to be interviewed. This acknowledgement and the subsequent interview were audio recorded.

6. MYRIE admitted to stealing several VICTIM 3 prepaid debit cards that were intended to be delivered to a customer on her route, and using them at VICTIM 2 and other retailers.

7. At the conclusion of the interview of MYRIE, your affiant advised MYRIE she would need to turn in her postal identification. MYRIE said it was in her personal vehicle that was parked in the restricted employee parking lot. Signs depicting the Rules and Regulations Governing Conduct on Postal Service Property, are clearly posted at the Post Office. These signs state, in part, "Vehicles and their contents brought into, while on, or being removed from restricted nonpublic areas are subject to inspection," pursuant to 39 C.F.R. § 232.1(b)(2).

8. Your affiant asked MYRIE if she had any mail or any other items in her personal vehicle that did not belong to her. MYRIE at first said no, then responded yes.

9. Your affiant escorted MYRIE to her vehicle. Upon approaching the vehicle, your affiant observed, in plain view through a rear window, several postal service satchels containing white envelopes in the back seat of MYRIE's personal vehicle.

10. MYRIE is not authorized to deliver mail from her personal vehicle. Instead, MYRIE is provided a U.S. Postal vehicle for the purposes of delivering mail to her assigned route.

11. Law enforcement searched MYRIE's vehicle and discovered undelivered mail for the zip code serviced by MYRIE.

12. The mail in the back seat of MYRIE's personal car included or contained:

- i. One (1) official vote-by-mail ballot mailed by the Miami-Dade County Supervisor of Elections to VICTIM 1 on or about October 6, 2020,
- ii. ten (10) gift cards,
- iii. four (4) pre-paid debit cards not in MYRIE's name,
- iv. approximately 36 political flyers, and
- v. approximately 150 other pieces of mail.

13. By stealing VICTIM 1's vote-by-mail ballot, MYRIE deprived VICTIM 1 of her right to vote, secured by the 14th and 19th Amendments to the United States Constitution. In Florida, once a vote-by-mail ballot is issued, the voter must take the vote-by-mail ballot to the polls to have it cancelled in order to vote on election day. Otherwise, the voter will not be able to vote unless the supervisor of elections can confirm that it has not received the voter's vote-by-mail ballot.

14. After discovering VICTIM 1's vote-by-mail ballot and other mail in MYRIE's vehicle, MYRIE was interviewed a second time to discuss the mail that was found in her vehicle.

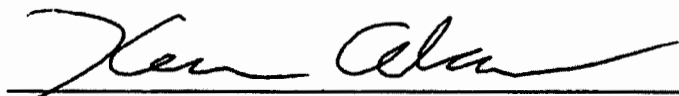
MYRIE was read the USPS OIG *Miranda* Rights form, which she signed, acknowledging she understood her rights and was willing to be interviewed without an attorney.

15. MYRIE admitted to stealing the gift cards discovered in her vehicle from the US mail during the course of her employment. This confession was audio recorded.

16. With regard to the vote-by-mail ballot and mail found in her car, much of it was postmarked October 5 & 6, 2020. The addresses on the mail correspond to a mail route assigned to MYRIE at that time. MYRIE initially stated that she had never gotten around to delivering these items, and put it in her car the previous day (October 15, 2020). However, MYRIE also admitted that she has been stealing mail sporadically for almost two years.

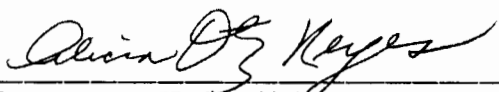
17. Based on the foregoing facts, I respectfully submit that there is probable cause to believe that MYRIE did knowingly embezzle letters, postal cards, and mail which came into her possession intended to be carried or delivered by her, in violation of Title 18, United States Code, Section 1709; and willfully and under color of law as a CCA employed with the U.S. Postal Service deprived VICTIM 1 of her constitutional right to vote, by depriving VICTIM 1 of her vote-by-mail ballot, in violation of Title 18, United States Code Section 242.

FURTHER YOUR AFFIANT SAYETH NAUGHT.



Kevin Adams
U.S. Postal Service Office of Inspector General

Attested to by the applicant in accordance with the requirements
of Fed. R. Crim. P. 4.1 by Face Time this 18th day of October 2020.



HONORABLE ALICIA M. OTAÑO-REYES
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF FLORIDA