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JUN 21 2012

RICHARD B. BROWN, JR. CLERK OF THE DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT

for the

Northern District of California

United States of America v. ALEXIS ISABELL ADAMS

Case No.

4-12-70715 TAG

Defendant(s)

CRIMINAL COMPLAINT

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 April through June 2012 in the county of Alameda in the Northern District of California, the defendant(s) violated:

Code Section 18 U.S.C. §§ 371 and 875(d)

Offense Description

Alexis Isabell Adams, together with another person, did knowingly conspire to, with intent to extort from a person money and other things of value, transmit in interstate or foreign commerce a communication containing a threat to injure the property and reputation of the addressee of that communication.

The maximum penalties for this offense are: 5 years in prison, a \$250,000 fine, 3 years of supervised release, and a \$100 special assessment.

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT IN SUPPORT OF THIS COMPLAINT

Continued on the attached sheet.

Approved as to form:

Brian C. Lewis Brian Lewis, AUSA

Beth F. Alvarez Complainant's signature

Beth F. Alvarez, FBI Special Agent Printed name and title

Sworn to before me and signed in my presence.

Date: 6/20/12

Kandis Westmore Judge's signature

City and state: Oakland, California

Kandis A. Westmore, U.S. Magistrate Judge Printed name and title

Code, Sections 371 and 875(d).

5. In connection with my official duties, I have participated personally in the investigation of Adams and her co-conspirator Marcus Shaw, including interviewing the victim of their extortion plot and obtaining records from various Internet service and cellular phone service providers. Due to my personal participation in this investigation, I am familiar with the facts and circumstances of this case. My participation in this investigation and my 9 years as an FBI Special Agent form the basis of the opinions and conclusions set forth below

6. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint and arrest warrant, I have not included each and every fact known to me concerning this investigation. I have only set forth facts that I believe are sufficient to establish probable cause to believe that, in or around April 2012 continuing through June 2012, ADAMS committed the crime of conspiracy to commit extortion, in violation of Title 18 United States Code, Sections 371 and 875(d).

APPLICABLE STATUTE

7. Under 18 U.S.C. § 371, it is illegal for two or more persons to conspire to commit any offense against the United States in any manner or for any purpose, and if one or more of such persons does any act to effect the object of the conspiracy, each shall be fined or imprisoned not more than five years, or both.

8. 18 U.S.C. § 875(d) provides in relevant part that: "Whoever, with intent to extort from any person, firm, association, or corporation, any money or other thing of value, transmits in interstate or foreign commerce any communication containing any threat to injure the property or reputation of the addressee or of another or the reputation of a deceased person or any threat to

accuse the addressee or any other person of a crime, shall be fined under this title or imprisoned not more than two years, or both.”

FACTS ESTABLISHING PROBABLE CAUSE

The Victim Is Extorted out of \$5,000 on April 3, 2012, in Memphis, Tennessee.

9. Approximately six years ago, the victim (“V1”), a prominent member of the public who now works in Oakland, California, had an extramarital affair with ALEXIS ISABELL ADAMS, at the time a young woman in her early 20s who worked as a dancer in gentlemen’s club in New York. The affair lasted less than a year.

10. During the affair, V1 sent photographs of himself to ADAMS, and some of the photographs were of V1 without any clothing and of V1’s genitalia (“the compromising photographs”). At some point, the affair came to an end. When V1 made clear he did not plan to leave his wife for ADAMS, ADAMS called V1’s wife and told her about the affair. ADAMS also sent some of the compromising photographs to V1’s wife. Despite the revelation of the affair, V1 and his wife remain married today and that the affair occurred and that the compromising photographs exist are not publicly known facts.

11. On April 3, 2012, V1 was approached at a hotel in Memphis, Tennessee by an individual not previously known to him. During this encounter, the individual showed V1 a folder containing some of the compromising photographs and a CD that the individual said contained recordings of voice mail messages V1 had left for ADAMS during their affair. Ultimately, V1 asked the individual what he wanted for the compromising photographs and the recordings, and the individual responded, “I want to be made whole.” According to the individual, he had discovered the compromising photographs and voice mail recordings in a

storage locker that he purchased for \$3,500. The individual also wanted money to fix his teeth and to get his car out of the impound lot. The individual then asked V1 to accompany him to the impound lot and pay to get his car out. V1 refused to go anywhere with the individual. Instead, V1 eventually gave the individual \$5,000 in cash in exchange for the folder with the photographs and the CD, which V1 then destroyed.

The Extortionist E-mails the Victim's Wife and the Victim Seeking More Money Using the E-Mail Address tencommandment7@gmail.com.

12. On April 20, 2012, V1's wife received an e-mail in her personal e-mail account from tencommandment7@gmail.com, which stated the following:

It is with my deepest regret to present you with this, however if you want to save yourself unnecessary public humiliation . . . , you need to call me at 213-290-XXXX between now and Monday 4/23/2012 by 1:00pm EST.

I have spoken to my legal team and was advised to give you the first opportunity to buy these photos before I sell them to the public. Now I will ask only once, do you want to purchase these pictures before I sell them? I already know you recognize the attached pictures. There are a plethora of others, even more revealing, as well as phone conversations.

Offers for the pictures are already being considered through other confidential resources.

I'm in the reputation management business and these pictures were shocking. I am not deliberately trying to hurt you, however this is business, nothing personal.
...

If you [sic] don't hear from you by Monday, you will have exhausted your opportunity in keeping this confidential and we will move forward in selling this information.

Mark Smith

13. The e-mail also had attached to it some of the compromising photographs of V1. In addition, the profile picture associated with tencommandment7@gmail.com was a photograph

of V1 that he had sent to ADAMS during their affair.

14. On April 25, 2012, V1 sent an e-mail responding to tenccommandment7@gmail.com, using an e-mail address created for the sole purpose of pursuing this extortion investigation. The e-mail V1 sent stated:

This is [V1]. My wife showed me the email you sent her with the pictures. I thought we had taken care of this in Memphis. I am asking you again . . . to please do the right thing and just give these pictures back to me.

But from reading your email, it sounds like you are determined on getting more money. How much is it going to take to make this go away once and for all? I am tired of playing games, tell me what it is going to take to make this go away and what assurances I will have that you will not keep bothering me and my family. If I don't hear back from you by tomorrow, I will call the number you put in the email.

15. On April 26, 2012, tenccommandment7@gmail.com replied to V1, stating:

I gave you the opportunity to settle this before it reached this point. You insulted me with the idea that it was taken care of, I asked you to call me after I placed the folder of information in your hand and you failed to respond! I am not in business of playing games, just securing adequate compensation in safeguarding your reputation from your inappropriate actions and behavior as a Christian, husband, father, and public figure. You did this, I just happen to have pictures and voice recordings. My question to you is, what is it worth to you?

Now once you resolve this, I will send you the pictures you left. I have no desire to keep this in my possession or undermine the agreement. That's the assurance. If I wanted to personally humiliate you, I would have already. . . . However, those are not my intentions. Lets resolve this asap. Call me at 213-290-XXXX, tomorrow before the end of the day

16. That same day, V1 placed a consensually recorded telephone call to (213) 290-XXXX. During the call, V1 asked the individual how much money he wanted in exchange for the photographs. When V1 mentioned the \$5,000 that he had paid the individual in Memphis, the individual hung up the phone. V1 then sent another e-mail to tenccommandment7@gmail.com stating that he had tried to call back unsuccessfully.

17. On April 27, 2012, V1 placed additional consensually recorded telephone calls to (213) 290-XXXX. V1 discussed the compromising photographs and voice mail recordings with the individual on the phone, but the individual never specified a dollar amount he wanted in exchange for them.

18. On May 2, 2012, tencommandment7@gmail.com sent another e-mail to V1, stating:

[V1] lets do this... to keep avoiding form [sic] going back and forth...how much are you willing to offer for this information to safeguard yourself from the vultures of the media? I will allow you to offer me a price as my resources are ready to submit payment today, but I need to respond back to them ASAP. They don't know who but have enough details to know its worth what they will offer.

Not sure what your [sic] were thinking when you offered me . . . lunch money in Memphis, is that what your life is worth? That gave me indication that you really didn't give it much thought, therefore I emailed your wife. Your words, "you have too much to loose", I would agree. I did not include your wife in this email this time.

I have no interest any fowl [sic] play as we settle this. My assistant knows of the information, however I am the only one that has access. To reassure you this is where it ends, there is a legal gag order contract in place.

Submit me an offer by noon PST via email and I will let you know if its feasible. I'm in meetings today and may not be able to respond by phone as quickly as by email.

Bottom line...I need to hear from you today.

19. Also on May 2, 2012, V1 responded by e-mail:

You know I value of [sic] my reputation. I am definitely willing to meet your demands. I'm sorry it has to be like this. Since I'm not clear what your terms are, what do you think about 7 times the original amount? I don't want to insult you. I just want to put this to rest. Lets get this over with.

20. On May 3, 2012, tencommandment7@gmail.com responded:

[V1] I have an offer for \$185K from another resource. Tried to give you a chance to get these photos before someone else offered me a price for them. I will pick up

the payment in the morning... Yes, you should be sorry it had to end this way, and from the looks of it, you will be. Good luck <V1>. May God bless you and [your] family.

V1 responded by e-mail that same day, stating:

If I had known that was amount I would have offered to pay more the first time. I will give you \$200,000 to keep this quiet. We can still work this out. I have the money. I do not want these pictures getting out.

21. On May 4, 2012, tenccommandment7@gmail.com responded:

[V1]... You do not have to purchase these photos, they were offered to you first before I decided to go to another resource. This is not a badger game so lets make this clear, nor extortion or a threat so we don't have to make this purchase complicated. Since you do not want to involve your attorney, my attorney will draw up documents for your reassurance if you feel this is necessary. We can settle this since I have considered accepting your offer. How do you want to settle this today? Bring cash to my church in Memphis to make the exchange . . . or get my attorney involved to escrow it and he can overnight the exchange to you , which would be my personal preference... Email me within the hour so that I can make arrangements.

That same day, V1 responded:

I'd like to get this taken care of as soon as possible. However, I can't make it out to Memphis right now. To show you how committed I am to meet your request, I can have a business associate of mine meet you in Memphis with a contract and a good faith payment of \$50K cash. In the mean time, I'll work to clear my schedule and arrange a trip to bring the rest in person as you requested. Let me know if this works for you so I can have the contract drawn up and set a time and place for my guy.

22. On May 5, 2012, tenccommandment7@gmail.com responded:

This is your idea of taking care of business as soon as possible? You would actually gamble on your livelihood with images you initiated as acts of adultery, indecent exposure, and lewd. Are you kidding me? I'm not meeting your guy or meeting you a second time. You should be thanking me for accepting YOUR offer and dealing with you. I'm trying to help you man but I see that u want to drag this instead of getting it done. Living on the edge makes it easy to fall off the cliff [V1].

I'm not considering your terms. You need to call me so that I can have my attorney contact you to set up a one time exchange otherwise when I return to

Memphis, I am moving forward.

23. On May 7, V1 responded:

OK it seems like you don't like my idea to have my associate meet you. I am not trying to drag anything out, believe me I want nothing more than to have this behind me and stop worrying every minute. But it's hard to clear my schedule for three days on such short notice to come out there and I thought that sending you some serious good faith money would show you that I was serious about paying you. I can still come out there, I just probably won't be able to get out there for another week. I would rather deal only with you and not your attorney. I have not given my own attorney the details either. I don't want anyone knowing about this except the ones who already know. I realize that I am not in a position to call the shots but I am asking you to work with me. You will not be sorry when you have the money in hand.

Marcus SHAW Is Identified as the Extortionist.

24. On May 4, 2012, I received the results of a federal grand jury subpoena to Google that sought the subscriber information for the tencommandment7@gmail.com account, including any Internet Protocol ("IP") addresses assigned to the individual using the account.¹ The relevant results were as follows:

Name: Mark Smith
e-Mail: tencommandment7@gmail.com
Status: Enabled
Created on: 2012/04/20-19:30:33-UTC
IP: 108.108.6.236, on 2012/04/20-19:30:33-UTC

Date/Time	Event	IP
2012/04/27-04:08:59-UTC	Logout	98.252.196.250
2012/04/21-08:15:38-UTC	Login	108.108.6.236
2012/04/21-00:45:52-UTC	Logout	98.252.196.250

Notably, the account creation date (April 20, 2012) and email name tencommandment7@gmail.com (the 7th of the 10 commandments is adultery, see Exodus 20:2-17) strongly suggest this account was created solely for the purpose of carrying out this extortion

¹ An IP address is a series of four numbers separated by decimal points and is a unique identifier for a particular computer or device connected to the Internet.

plot.

25. Through investigation, I then learned the following. Comcast is the Internet service provider that IP address 98.252.196.250 is allocated to, and Sprint is the Internet service provider that IP address 108.108.6.236 is allocated to.

26. On May 8, 2012, in response to a federal grand jury subpoena, Sprint identified the account that IP address 108.108.6.236 had been assigned to at the relevant times as the account belonging to MARCUS SHAW, 4840 Wolfcreek View, College Park, Georgia. The account was established on March 30, 2012, and has an associated telephone number of (901) 210-XXXX.

27. Further investigation revealed that no Marcus Shaw has a Georgia's driver's license with the above address. However, in Tennessee, a Marcus Shaw does have a driver's license issued to him: License no. 069440428, date of birth November 21, 1971, address 3999 Kingland Cove, Memphis, Tennessee. A driver's license photograph of SHAW was obtained and provided to V1. V1 identified SHAW as the individual who approached him in the hotel in Memphis on April 3.

28. On May 10, 2012, in response to a federal grand jury subpoena, Comcast identified the account that IP address 98.252.196.250 as Latoya Hamilton, 3485 Davis Boulevard, Atlanta, Georgia, telephone number (678) 362-XXXX. This account had been established in October 2011.

29. A review of cell phone records from April 1 to May 8, 2012 for (901) 210-XXXX (the number associated with Marcus Shaw's Sprint account) show two phone calls to the number associated with Latoya Hamilton's account on April 13, 2012. In addition, the phone records for

this number show the consensually recorded phone calls between V1 and the extortionist.

30. A review of SHAW's rap sheet indicates that he suffered a conviction in Tennessee for aggravated robbery in 1996 for which he was sentenced to 12 years in prison. In addition, it indicates SHAW was arrested in Clayton County, Georgia in 2005 for murder, armed robbery, aggravated assault, and kidnapping, though the case was ultimately dismissed.

Calls and Text Messages between SHAW and ADAMS.

31. In May, I learned through investigation that the telephone number (917) 892-XXXX was associated with ADAMS. I also learned that this was a cellular telephone number and that Sprint was the service provider.

32. On May 25, 2012, Sprint responded to a federal grand jury subpoena that requested subscriber information and historical toll records for telephone number (917) 892-XXXX from April 1, 2012, to May 21, 2012. According to Sprint, the subscriber for (917) 892-XXXX is Alexis Adams, 1220 Aalto Main, Atlanta, GA 30318. The account was created in January 2012.

33. A review of the historical toll records and search warrant results from the phone service providers for SHAW's phone, (901) 210-XXXX, and ADAMS's phone, (917) 892-XXXX, indicate that the two exchanged numerous calls and text messages while SHAW was carrying out his extortion plot against V1.

34. On April 3, 2012, the same day that SHAW extorted \$5,000 from V1 in Memphis, at about 3:34 p.m. PDT, ADAMS sent a text message to SHAW that stated: "Concentrate and fuck him up!he is a Fake ass man of god." At about 5:45 p.m. PDT, SHAW sent a text message to ADAMS that stated: "This nigga left me some tickets smh." (Based on my training and

experience, I know that “smh” is a common text shorthand for “shaking my head,” indicating disgust or disappointment.) The text message included a photograph of two tickets to a basketball game between the Golden State Warriors and the Memphis Grizzlies that took place at 7:00 p.m. on April 3, 2012.

35. On April 23, 2012, at about 11:11 a.m. PDT, SHAW sent a text message to ADAMS that stated: “It feels like it’s going to be a busy day lol.” (Based on my training and experience, I know that “lol” is a common text shorthand for “laugh out loud,” indicating laughter or amusement.) This day had been the deadline that SHAW set in his initial e-mail to V1’s wife by which he had planned to make the compromising photographs public and cause V1 and his wife “unnecessary public embarrassment.”

36. On April 24, 2012, the following calls were made from ADAMS’s phone to SHAW’s phone: 1:20 p.m. Central Time (lasting almost 9 minutes), 1:29 p.m. Central Time (lasting 29 seconds), 3:59 p.m. Central Time (lasting 39 seconds), 4:05 p.m. Central Time (lasting almost 2 minutes), 4:07 p.m. Central Time (lasting 80 seconds) and 4:16 p.m. Central Time (lasting 2 minutes).

37. On April 30, 2012, the following calls were made between SHAW’s phone and ADAMS’s phone: 2:21 PM (lasting 4 minutes), 2:25 PM (lasting 49 seconds), 4:48 PM (lasting 2 minutes), 4:50 PM (lasting almost 8 minutes), 6:58 PM (lasting 26 seconds), 7:00 PM (lasting 45 seconds), 7:01 PM (lasting 2 minutes), 7:07 PM (lasting 2 seconds), 7:09 PM (lasting 25 seconds), and 8:48 PM (lasting 3 minutes).

38. On May 2, 2012, a call was placed from ADAMS’s phone to SHAW’s phone at 2:01 PM (lasting 2 minutes).

39. On May 21, 2012, the following calls were made between SHAW's phone and ADAMS's phone at the following times: 1:43 PM (lasting 1 minute), 1:46 PM (lasting 31 seconds), 1:49 PM (lasting 22 seconds), and 1:55 PM (lasting 33 seconds).

CONCLUSION

40. Based on the above information, I believe ALEXIS ADAMS has committed, and is committing, the crime of conspiracy to commit extortion, in violation of Title 18 United States Code, Sections 371 and 875(d).

I declare under penalty of perjury that the statements above are true and correct to the best of my knowledge and belief.


BETH F. ALVAREZ
FBI Special Agent

Sworn and subscribed to before me
This 20th day of June 2012


THE HONORABLE KANDIS A. WESTMORE
United States Magistrate Judge