

INTRODUCTION

We, the members of the Forty-Sixth Statewide Investigating Grand Jury, having received evidence pertaining to allegations regarding violations of the Pennsylvania Crimes Code occurring in and around Butler, Erie, Westmoreland, Indiana and Lackawanna Counties pursuant to Notice of Submission of Investigation No. 21, do hereby make the following findings of fact and recommendation of charges:

FINDINGS OF FACT

The Grand Jury conducted an investigation into numerous distraction-style burglaries that were committed across the Commonwealth between August 27, 2018 and November 9, 2018. The victims of these burglaries were elderly individuals, many of whom were in their mid-to-late eighties. The majority of them were home alone when the burglaries occurred. In most cases, a male would approach the resident, claiming to be from a utility company, and ask to inspect the property. While the home owner was outside or otherwise distracted with the first male, another male would enter the property and steal valuables, including money and jewelry.

Special Agent Aaron Vitale ("SA Vitale") of the Pennsylvania Office of Attorney General ("OAG") appeared before the Grand Jury and testified that in September 2018, he met with Detective Adam Hardner ("Detective Hardner") from the Millcreek Township Police Department in Erie County. Detective Hardner had investigated a distraction-style burglary involving an elderly victim in his jurisdiction and, during the course of his investigation, he discovered that the suspects may have been involved in several other burglaries.

The Grand Jury learned that on August 28, 2018, M.A.H., who was 81 years of age, contacted the Millcreek Township Police Department to report a burglary that occurred at her residence. M.A.H. stated that on August 27, 2018, between 3:00 p.m. and 4:00 p.m., a white

male arrived at her residence and claimed to be working for a company that was installing towers on the property behind her residence. The male asked M.A.H. if she would show him where the property line was located. M.A.H. agreed to do so and spent approximately one hour with the male outside of her residence. She reported that the actor was on his cellular telephone during the encounter.

M.A.H. subsequently went into the basement of her residence and discovered that her three safes had been broken into and the contents had been stolen. The Grand Jury learned that the safes had been pried open, with the pins and hinges removed. The items stolen included \$2,000.00 in U.S. currency and a large quantity of silver coins from the coin collection of the late husband of M.A.H.

SA Vitale testified that the first responding officer to the scene had previous experience with pawn shop operations and was familiar with the valuation of coins. She noted that the coins left behind at the scene were of low value which indicated to her that the suspect(s) likely had knowledge of the valuation of coins. Additionally, SA Vitale told the Grand Jury that in his training and experience, it is very unusual for a safe to be opened by popping the pins. He testified that this indicated a level of sophistication not seen in the average burglary.

Given the fact that M.A.H. had stated that the suspect was on his telephone during the burglary, Detective Hardner completed a "tower dump" for the cellular tower closest to the residence during the relevant time frame. The Grand Jury learned that a "tower dump" involves obtaining a search warrant that is then sent to various cellular telephone providers in order to receive all of the telephone numbers communicating with a cellular tower at a particular time. Detective Hardner preserved this data and later provided it to SA Vitale.

Detective Hardner also began searching for similar burglaries with the same modus operandi. He subsequently determined that there were several similar burglaries that also occurred on August 27, 2018.

The Grand Jury learned that on August 27, 2018 between 10:30 a.m. and 11:00 a.m., a burglary occurred at a home in Prospect, Butler County. S.H., who was 86 years of age, reported that she was sitting on a swing outside of her residence when she was approached by a male who advised that he was with the power company and wanted to take a tour of the property. She described this white male as 5'9", wearing glasses, with light hair and not of a heavy build. She went inside and discovered a second male, whom she described as Hispanic, clean cut with a mustache and beard. He was shorter and thicker in build than the first male. She discovered approximately \$1625.00 worth of jewelry missing from the residence after they left. S.H. and a neighbor advised that the males were operating a silver or white newer sedan (possibly a hatchback.)

It was reported to the Pennsylvania State Police that on August 27, 2018 at approximately 11:20 a.m., J.E., who was 83 years of age, was home alone gardening in the backyard of her residence in Prospect, when she was approached by a white male. She described him as being in his 30s, between 5'9" and 6'2." The male claimed to be from an unnamed utility company and told her that he needed to examine her residence because she was due for a refund for an electric meter runoff.

J.E. entered her residence and discovered a second male. She described him as a tall, white male with a dark complexion in his 30s. He was hiding behind the door to her bedroom. Both men exited the residence and nothing was discovered missing from the residence. J.E.

stated that the first male was on his telephone during the encounter and he stated that he was speaking with his boss.

SA Vitale informed the Grand Jury that the three locations were very close to Interstate 79 and that the estimated driving distance and time from the burglaries in the morning of August 27 to the Millcreek burglary in the afternoon was approximately 90 miles and approximately one hour and 22 minutes.

While conducting this investigation, Detective Hardner developed two suspects: Archie Marino ("Marino") and Steven Nichols ("Nichols"). Early in his investigation, Detective Hardner posted a request for assistance on a law enforcement website. Shortly thereafter, he was contacted by Special Agent John Culver ("SA Culver") of the Wisconsin Department of Justice.

SA Culver was very familiar with Marino and Nichols as he had previously investigated their activities. He told Detective Hardner that Marino and Nichols were members of a burglary ring that commit distraction-style burglaries and other types of fraud. The Grand Jury learned that members of this burglary ring typically operate in pairs of two men and pose as service or repairmen. One actor distracts unsuspecting, elderly victims while the other steals jewelry, cash, checks, credit cards and safes. This group has been and continues to operate in Ohio, New Jersey, New York, Connecticut, Minnesota, Pennsylvania and Michigan.

Both Marino and Nichols live in Fort Lauderdale, Florida. Marino is the son of Nichols. Nichols and his wife, Virginia Demetro ("Demetro") live in a very expensive residence on the water. During the course of the investigation, it was determined that Marino has ties to the greater Pittsburgh area.

The Grand Jury was informed that around November 7, 2018, SA Vitale learned of another burglary that appeared to be connected to the same individuals. Specifically, on

November 7, 2018 at 2:40 p.m., officers from the Mount Pleasant Borough Police Department were dispatched to a residence in Mount Pleasant, Westmoreland County, for a report of a burglary. Upon arrival, investigators met with T.C. ("T.C."), who was 82 years of age. T.C. advised that approximately 30 minutes prior to the call, a middle-aged male knocked on his door and stated that he worked for the energy company. The male informed T.C. that the power was going to be off for three days and that he needed to install a generator for T.C. The male then stated that he needed to see the basement to check the wiring. T.C. escorted the individual around his property to the basement entrance, which is located on the side of the house. T.C. reported that they were in the basement for approximately 20 minutes when the male stated that he had to make a call to his boss. The male then abruptly left the residence.

T.C. stated that he found the situation to be odd and so he began checking his house. At that time, he noticed that his closet door was open and that there was dirt on the rug that was not there previously. T.C. then checked the safe in the closet and noticed it had been pried open and approximately \$1,500.00 to \$1,700.00 was missing. T.C. believed that while he was with the male in the basement, a second individual had entered his home.

T.C. gave a description of the male with whom he interacted as being approximately 40 years old. He estimated that his height was 5'8" to 5'9" and that he had darker hair and a goatee. T.C. further noted that the male had rotten teeth and facial scarring that appeared to be from acne. The male was also wearing a blue vest. The vehicle description provided by T.C. was that of a SUV-type vehicle, grey in color, and possibly a Subaru. The officer spoke with T.C.'s neighbor, who stated that he/she did notice the vehicle and that it was a silver SUV, possibly a Kia.

The Grand Jury heard testimony from Officer Justin James ("Officer James") of the Mount Pleasant Borough Police Department who was assigned to investigate the burglary at T.C.'s residence. Shortly after the burglary, Officer James was contacted by a resident of Mount Pleasant who stated that two males had approached her residence on November 7, 2018, as well. D.F. stated that her Ring doorbell system had captured a male approaching her residence. She did not answer the door but wanted officers to have the footage because she was aware of the burglary in the area. She provided the footage to Officer James. Officer James then distributed the footage to WPXI, a local television station, and a screen shot of the video was aired during their broadcast. Shortly after the broadcast, Officer James was contacted about another possible burglary in the surrounding area.

J.B. and I.B., an elderly couple, stated that they had viewed the news broadcast and that they recognized the actor as being at their residence. Based upon this information, Officer James generated a photo lineup containing a picture of Marino. J.B. and I.B. separately identified Marino as the individual at their home on November 7, 2018.

I.B. explained that when she opened the door, Marino stated that he was from the power company and they needed to shut the power off for three days so that work could be performed on a transformer. He further stated that he needed to inspect the house so that he knew what size of generator to provide to them. Marino then pushed his way past I.B. and proceeded upstairs. There they were joined by J.B. They stated that Marino then began pushing buttons on a handheld radio and talking into it.

J.B. then walked downstairs to find another man in his basement. He stated that this man had longer, dark hair in a ponytail. He asked J.B. if he could see the deed to the house, and requested that J.B. open the safe. J.B. refused to open the safe. J.B. stated that he was never able

to see the second male's face because he did not turn around. Marino and the second male then departed. No items were stolen from the residence. The Grand Jury learned that a neighbor saw a white or silver SUV in the area during the timeframe.

Additionally, after the WPXI broadcast, Officer James was contacted by several other individuals who recognized the actor as Marino. SA Culver contacted Officer James to let him know that he recognized the actor to be Marino. T.C. also saw the broadcast and recognized Marino as the individual who came to his residence on November 7, 2018. T.C. later identified Marino in a photo lineup. Finally, Officer James was contacted by Steven Mitchell ("Mitchell") who is Marino's ex-father-in-law. He stated that the person in the news footage was Marino and also reported that Marino had rotten front teeth.

SA Vitale received information from Detective Hardner that the individuals in the burglary ring would fly into a specific area and then utilize a rental vehicle when committing the burglaries. SA Vitale subsequently obtained a subpoena for rental records of Nichols and Marino at the Avis Rental location at the Pittsburgh International Airport. SA Vitale testified that when renting a vehicle, an individual must provide a driver's license, address, telephone number and credit card. Avis Rental produced a spreadsheet that illustrated all rentals by Nichols during the relevant time frame. The records also contained a copy of Nichols' driver's license and listed a telephone number of (954) 598-4769.

Based upon the data produced by Avis Rental, the Grand Jury learned that Nichols rented a silver Kia Sorento on August 26, 2018 and returned it on August 28, 2018. The vehicle logged 523 miles. A Kia Sorento is a smaller SUV that is similar to a hatchback. The records further revealed that Nichols rented a silver Chevrolet Equinox SUV on November 4, 2018 and returned it on November 9, 2018.

SA Vitale testified that the telephone number for Nichols that was listed in the Avis Rental records was compared to the data from Detective Hardner's tower dump. The Grand Jury learned that his telephone number was communicating with the cellular tower on the date and time of the burglary in Millcreek Township. Based on this information, SA Vitale obtained a search warrant for the call detail records of (954) 598-4769 for the time period in question.

From the call detail records, SA Vitale was able to determine the telephone number associated with Demetro, Nichols' wife. Call detail records were obtained for her telephone number to determine her location during the time frame of the burglaries. Although there were numerous communications with her throughout the timeframe in question, her telephone was communicating with cellular towers in the Fort Lauderdale area.

When the call detail records for Nichols' telephone were obtained, the data was analyzed for each burglary/attempted burglary. On August 27, 2018, the first burglary in Prospect occurred between 10:30 a.m. and 11:00 a.m. The attempted burglary in Prospect occurred at approximately 11:20 a.m. Nichols' telephone communicated with a cellular tower in close proximity to both residences at 11:27 a.m.

The burglary in Millcreek Township occurred between 3:00 p.m. and 4:00 p.m. on August 27, 2018. Nichols' telephone communicated with four different cellular telephone towers during that time frame. The first communication occurred with a tower in the area at 3:14 p.m. The next series of communications occurred with a tower in close proximity to a shopping center at 3:26 p.m., 3:29 p.m., 3:31 p.m. and 3:34 p.m. The next communication occurred with a tower in the area at 4:10 p.m. The final communication occurred with a tower in very close in proximity to the victim's home at 4:24 p.m.

Next, SA Vitale analyzed the call detail records for November 7, 2018. The Grand Jury learned that Mount Pleasant is a very rural area and the borough itself is just over a one mile radius. The burglary at T.C.'s residence occurred at approximately 2:10 p.m. The residence of J.B. and I.B. is just over the border of Mount Pleasant Borough. Nichols' telephone was communicating with two towers surrounding Mount Pleasant at 1:52 p.m. and 2:09 p.m.

SA Vitale later discovered that Marino had a criminal court case in Allegheny County on November 7, 2018. SA Vitale spoke to the arresting officer who recalled Marino being in court that day. He also recalled a gentleman with long hair accompanying Marino and believed it to be Marino's father. Marino's case was ultimately postponed and he signed a Notice of a Non- Jury trial on that same date and provided his telephone number of (954) 298-9069. SA Vitale obtained a search warrant for the call detail records for Marino's telephone number. Unfortunately, call detail records were not available for August 27, 2018 because the carrier only saves records for one year.

As stated above, the burglary at T.C.'s residence occurred at approximately 2:10 p.m. on November 7, 2018. Marino's telephone communicated with two towers at 2:14 p.m. and 3:25 p.m., respectively, that were within 10 miles of T.C.'s residence.

Through an analysis of the Avis Rental records and call detail records, investigators were able to link several other burglaries to Nichols and Marino.

On October 28, 2018, Nichols rented a white Volkswagen Atlas SUV from the Philadelphia International Airport and returned the vehicle to the same location on November 4, 2018. On November 3, 2018 at approximately 11:00 a.m., R.M., who was 65 years of age, was approached by a male in his 30s who stated that he was with the water company and needed to check the water pressure within R.M.'s residence in Scranton, Lackawanna County. The actor

was speaking to someone on a portable radio. After the male left, R.M. noticed that drawers in his home had been opened and that he was missing \$40.00. The Scranton Police Department subsequently obtained video surveillance from a neighbor's Ring doorbell system which depicted Marino walking down the street wearing what appeared to be the same hat, vest and sunglasses as captured in the video footage from the November 7, 2018 burglaries. Additionally, a white Volkswagen Atlas driven by an individual who appeared to resemble Nichols was also seen in the video.

Call detail records revealed that Nichols' telephone communicated with a tower approximately 33 miles away from R.M.'s residence at 4:24 p.m. Later that evening, Marino's telephone communicated with three different towers in the greater Scranton/Wilkes-Barre area at 7:00 p.m., 8:00 p.m., 9:29 p.m., 11:28 p.m. and 11:35 p.m.

On November 9, 2018, between 3:00 p.m. and 3:30 p.m., G.P., who was 85 years of age, was approached by a middle-aged man wearing a navy hat, navy vest, gloves and navy/black pants. The actor had distinctive scarring on his face. The actor claimed to be an electrical worker. G.P. later discovered that jewelry valued at approximately \$1,650.00 was taken from her residence which is located in Blairsville, Indiana County. A neighbor reported seeing a silver SUV parked in front of G.P.'s residence. Avis Rental records confirmed that Nichols rented a silver Chevrolet Equinox SUV on November 4, 2018 and returned the vehicle to Pittsburgh International Airport on November 9, 2018.

On November 9, 2018, between 4:30 p.m. and 5:30 p.m., and approximately 11 miles away, W.R. and G.R. who were 83 and 87 years of age, respectively, were approached as they arrived at their home in Latrobe, Westmoreland County. A white, non-Hispanic male between 5'10" and 6' approached them, claiming that he was a contractor and was there to inspect the

electrical lines. The male was wearing blue jeans, hoodie, gray t-shirt, sunglasses, gloves and a baseball cap. The couple also observed that the actor had bad teeth. The actor led the couple through the house and checked breakers. They later discovered that \$409.00 was missing from the bedroom and \$4,500.00 was missing from jewelry boxes. W.R. and G.R. were shown the Ring doorbell footage from the Mount Pleasant incident and they stated that the actor looked similar to the man that was at their home.

Call detail records revealed that Marino's telephone communicated with two towers within a 20 minute drive of the two residences at 2:49 p.m., 3:49 p.m., 3:50 p.m. and 4:04 p.m. Call detail records revealed that Nichols' telephone communicated with five different towers within a 20 minute drive of the two residences at 4:01 p.m., 4:21-4:54 p.m., 5:08 p.m., 5:10 p.m., 5:15 p.m. and 5:31 p.m.

Associated Business Entities

SA Vitale also found several businesses in the Fort Lauderdale area associated with Demetro. National Rare Coins, LLC is a pawn shop/coin dealer located at 4000 Hollywood Blvd. 155-S in Hollywood, Florida. National Rare Coins was originally incorporated in 2005 with Martin Bookston being the registered agent. Until as recently as 2017, the business appears to be run by Martin Bookston, Martin Bookston, Jr. and Jeremy Bookston. In April 2017, Jeremy Bookston was listed as the registered agent of National Rare Coins & Estate Buyers, Inc. On December 13, 2017, documentation filed with the Florida Department of State established the same business transferring to the name National Rare Coins, LLC with the registered agent listed as Demetro. The same documentation changes the manager of the business from Martin Bookston to Demetro.

Shortly afterwards, on December 19, 2017, Demetro filed paperwork to form Hummer LLC with its principal office being identified at her and Nichols' home address at 3030 NE 42nd Street in Fort Lauderdale. Shortly afterwards, on February 15, 2018, Hummer LLC was converted to Hummer, Inc. The purpose of Hummer, Inc. is unclear at this time.

SA Vitale also obtained appraisal documents related to properties owned by National Rare Coins LLC. National Rare Coins LLC owns what appears to be a small office building at 405 E Oakland Park Boulevard in Oakland Park, Florida. Additionally, National Rare Coins LLC is the owner of 3030 NE 42nd Street in Fort Lauderdale.

Financial Analysis

Supervisory Special Agent John DiLucente ("SSA DiLucente") of the OAG Financial Crimes Section was able to locate several bank accounts associated with Nichols, Demetro, National Rare Coin LLC, and Hummer, LLC. SSA DiLucente obtained these records from Wells Fargo and compiled them in a spreadsheet showing all transactions from 2015 to the beginning of 2020.

There were three accounts associated with Hummer LLC, with Demetro listed as the signatory. There was one bank account associated with National Rare Coins with Demetro and Nichols listed as signatories. There were seven accounts associated with Nichols where he was the signatory. Finally, there were two accounts associated with Nichols and Linda Thompson (believed to possibly be Nichols' ex-wife) with both being signatories. All of the above accounts had an associated address of 3030 NE 42nd Street.

Special Agent Katherine Grady ("SA Grady") from the Financial Crimes Section analyzed the spreadsheet of bank accounts and made a timeline showing all financial transactions

close in time to the burglaries in the case. There are several charges that correspond to the burglaries.

On November 3, 2018, Nichols' credit card was used to rent a hotel room at the Hilton Scranton and Conference Center, the same date as the burglary in Scranton. His records also revealed a hotel rental at a Hampton Inn in the Pittsburgh area on November 7, 2018 (the same day of Marino's court hearing in Allegheny County.) Shortly thereafter on November 9, 2018, Nichols' records revealed a rental at Hyatt Place in Pittsburgh, as well as at the Holiday Inn Express in Johnstown. The Grand Jury learned that Johnstown is about 30 minutes from the location of the burglary in Blairsville and approximately 50 minutes from the location of the burglary in Latrobe.

The next day on November 10, 2018, records revealed that there was a cash deposit of \$1,500.00 one of Nichols' bank accounts at an unknown location. A few days later, on November 13, 2018, there were three separate cash deposits of \$500.00, \$300.00, and \$900.00 into Nichols' account at the same ATM in Fort Lauderdale.

When reviewing the Wells Fargo bank records, an additional business entity named 3030 NE 42nd St, LLC was discovered that appeared to be connected to the residence. This entity appeared to be associated with Wayne K. Masur ("Masur") and Bennett Gamel ("Gamel"). The relationship between these individuals and Demetro and Nichols is unclear at this time.

Bank records for 3030 NE 42nd St, LLC were obtained from Sterling Bank. The account was formed in 2010 and closed in 2019. The owners of the account/signers were Masur and Gamel. The first activity that Nichols and Demetro had with the account occurred on January 8, 2018, shortly after Demetro became the agent for National Rare Coin and formed Hummer,

LLC. There are several checks issued from this account to Demetro, Nichols and Hummer, LLC.

The Grand Jury learned that on January 8, 2018, Nichols received a check in the amount of \$2,300.00. On January 16, 2018, Hummer, LLC received a check for \$11,312.99. That same day, Steve Nichols received a check for \$9,900.00. On January 25, 2018, Hummer, LLC received another check for \$13,344.89. The next activity consisted of two checks written on August 27, 2018 (the same day as the first burglaries) to Demetro and Nichols each in the amount of \$6,258.31.

The most unusual transactions occurred on February 6, 2019. On that day, Demetro received four checks in the amounts of \$9,500.00 \$9,500.00; \$9,500.00 and \$9,500.00. The checks were deposited into two separate accounts. Likewise, on the same day, Nichols received four checks in the amounts of \$9,500.00; \$9,500.00; \$9,500.00 and \$6,700.00. These checks were deposited into two accounts with the last check being used to purchase a cashier's check. Due to the fact that there were multiple checks issued just under \$10,000.00, it appears that the transactions were being specifically structured to avoid filing a currency transaction report. And drawing suspicion from the associated banks.