



Fairfax Police Department

Field Case Report

3730 Old Lee Highway
Fairfax, VA 22030
703-385-7924

Case Number: 2013-00018063

Case Details

Case Number: 2013-00018063
Location: 10610 MAIN ST
Fairfax VA 22030
Reporting Officer ID: Smith
Offenses 340

Incident Type: Fraud
Occurred From: 09/19/2013 11:14
Occurred Thru: 09/19/2013 11:14
Reporting Date: 09/19/2013 11:14
Pending Active

Group/ORI	Crime Code	Statute	Description	Counts
State	26A	18.2-178	OBTAINING MONEY BY FALSE PRETENSES	1

Victim/Missing Person

Type/Subtype	Name	Address	Phone	Sex/Race	DOB
Victim Individual	[REDACTED]	[REDACTED]		[REDACTED]	[REDACTED]
Victim Individual	[REDACTED]	[REDACTED]		[REDACTED]	[REDACTED]

Suspect

Type/Subtype	Name	Address	Phone	Sex/Race	DOB
Suspect	Moore, Richard Edward	[REDACTED]		[REDACTED]	[REDACTED]
Suspect	Donovan, Michael Paul	[REDACTED]		[REDACTED]	[REDACTED]

Witness/Other/Person Interviewed

Type	Name	Address	Phone	Sex/Race	DOB
Complainant	Bernhard, David	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Suspect Vehicles

Year	Vehicle Type/ Make/ Model /Description	Color	License Plate / State
------	--	-------	-----------------------

On September 19, 2013 at approximately 1114 hours, I was dispatched to the lobby of Police Headquarters (3730 Old Lee Highway) for a fraud report.

Upon my arrival, I spoke with attorney Mr. David Bernhard, who was representing the victims, Victim 1 and Victim 2, both of whom were present in the lobby.

Mr. Bernhard advised that earlier this year, Freedom Bail Bonds (10610 Main Street) started promoting the Nexus program, which claims it can "get defendants with ICE detainers out of ICE custody. Nexus charges a \$620 fee up front and then \$420 per month during the pendency of the state case once the defendant is released from ICE custody." Mr. Bernhard advised that each of his clients had entered into a contract with Nexus and had not received the paid-for services. I spoke with each of his clients:

Victim 1 advised that her ex-husband had posted bond for a misdemeanor offense, but had been held on an ICE detainer. Victim 1 was referred to Nexus by Freedom Bail Bonds and told that the program could help her ex-husband. She spoke with Mr. Michael Donovan and Mr. Richard Moore, founders of Nexus. Victim 1 advised that Mr. Donovan and Mr. Moore told her that they could get her ex-husband out of ICE custody and would then monitor him with a GPS ankle bracelet. Victim 1 paid an initial fee of \$620 to Nexus via credit card, but she canceled the charge when she was advised by Mr. Bernhard that the program was a scam.

Victim 2 advised that he had been held on an ICE detainer after posting bond on a malicious wounding charge. He advised that his girlfriend paid Nexus \$620 to get him released from ICE custody. After Victim 2 was released from ICE custody (through no action of Nexus), he met with Mr. Donovan to ask if he could be refunded his \$620. Mr. Donovan advised him that the court required him to wear an ankle bracelet and that the \$620 he paid would be credited to the cost of the bracelet. Victim 2 then spoke to Mr. Bernhard, who advised him that the court knew of no such agreement and that the Nexus program was a scam. Mr. Bernhard removed the ankle bracelet from Victim 2 and left it at Freedom Bail Bonds for Nexus.

Mr. Bernhard advised that Nexus also encouraged their clients to fire their current immigration attorney, if they had one, and to retain Nexus's recommended lawyer, Valentino Vittereal (Redacted). Mr. Bernhard advised that he had researched Mr. Vittereal and determined that his law license had been suspended and later reinstated and that he did not practice immigration law.

Mr. Bernhard advised that Mr. Donovan and Mr. Moore had a criminal history of larceny, fraud, and forgery. He advised that he thinks that the Nexus program collects money from defendants on the assumption that the money will be used to litigate their release from ICE custody, but that Nexus makes no act in furtherance of such goal.

Mr. Bernhard provided me with a packet of information regarding Nexus, two pages of which are a contract between Nexus and Victim 2's girlfriend. Based on my reading of the contract, Nexus makes no claims in writing that they will work with ICE to effect the release of detainees, nor do they claim to be able to impact immigration's decision "whether to release or detain the defendant." However, based on the victims' statements that Nexus verbally claimed to get the defendants out of ICE custody, and the totality of the circumstances surrounding the case, it appears that this case is more than a civil contract dispute.

FOLLOW-UP ACTIONS

On September 23, 2013 I spoke with Fairfax County Detective Raphael Fortiz (Redacted), who had originally been approached by Mr. Bernhard about the case. Detective Fortiz advised that he had begun work on the case, but had turned it over to Fairfax City when he realized that the financial transactions took place inside city limits. He advised that he knew of eight victims associated with the Nexus program and that he had spoken to ICE, who said they had never heard of the Nexus

program. He also spoke with Special Agent Scott with the Department of Criminal Justice Services and advised him of the case. He was unsure of Special Agent Scott's follow-up actions.

On September 23, 2013 I was contacted by Commonwealth Attorney Marsha Garst (office: Redacted; 24-hour: Redacted) from Harrisonburg. Ms. Garst advised that she was familiar with Mr. Donovan and Mr. Moore because of a few cases she had worked in her jurisdiction. She advised that both suspects had more than 10 felony convictions and that both suspects were currently on probation out of Williamsburg, Louisa, and Hanover. She advised that she was willing to fully cooperate in our investigation.

On September 23, 2013 I was contacted by immigration attorney Roy Robertson (Redacted), who advised that a client of his, Redacted, had also been "scammed" by Nexus. Mr. Robertson advised that he was contacted by Redacted's brother, Redacted, who paid Nexus \$620 as an initial fee for his brother. He advised that Redacted is in the Rappahannock Regional Jail in ICE custody and that he did not think there was a chance for his release because he was deported in the past and has illegally reentered the country. Mr. Robertson forwarded me an email with additional information about Nexus.

I have advised each victim, witness, or complainant that the case will be turned over the CID for further investigation.

Nothing further to report.

**CASE SUPPLEMENT
#2013-0018063**

OFFENSE - Obtaining Money by False Pretenses

OFFENSE DATE - September 19, 2013

SUPPL. DATE - October 22, 2013

SUSPECT #01 - Richard Moore

SUSPECT #02 - Michael Donovan

Complainant - David Bernhard

On September 19, 2013, Mr. David Bernhard (complainant) reported that earlier this year, Freedom Bail Bond (10610 Main St.) started promoting the Nexus program, which claims it can "get defendants with ICE detainers out of ICE custody." Nexus charges a \$620 fee up front and then \$420 per month during the pendency of the case once the defendant is released from ICE custody. Mr. Bernhard advised that each of his clients had entered into a contract with Nexus and had not received the paid-for services. Both clients were interviewed by Officer Ben Smith.

Victim 1 advised that her ex-husband had posted bond for a misdemeanor offense, but had been held on an ICE detainer. Victim 1 was referred to Nexus by Freedom Bail Bond and told that the program could help her ex-husband. Victim 1 spoke with Mr. Michael Donovan and Mr. Richard Moore, founders of Nexus. Victim 1 advised that she was told that Nexus could get her ex-husband out of ICE custody and would then monitor him with a GPS ankle bracelet. Victim 1 paid an initial fee of \$620 to Nexus via credit card, but she canceled the charge when she was advised by Mr. Bernhard that the program was a scam.

Victim 2 advised that he had been held on an ICE detainer after posting bond on a malicious wounding charge. He advised that his girlfriend paid Nexus \$620 to get him released from ICE custody. After Victim 2 was released from ICE custody (through no action of Nexus), he met with Mr. Donovan to ask if he could be refunded his \$620. Mr. Donovan advised him that the court required him to wear an ankle bracelet and that the \$620 he paid would be credited to the cost of the bracelet. Victim 2 then spoke to Mr. Bernhard, who advised him that the court knew of no such agreement and that the Nexus program was a scam. Mr. Bernhard removed the ankle bracelet from Victim 2 and left it at Freedom Bail Bond for Nexus.

Mr. Bernhard also advised Officer Ben Smith that Nexus also encouraged their clients to fire their current immigration attorney, if they had one, and to retain Nexus' recommended lawyer, Valentino Vittereal (Redacted). Mr. Bernhard advised that he had researched Mr. Vittereal and determined that his law license had been suspended and later reinstated and that he did not practice immigration law.

I spoke with Mr. Bernhard about this case and Mr. Bernhard advised me the same information that he told to Officer Ben Smith. I reviewed the contract and paperwork from Nexus. Based on my reading of the contract, Nexus makes no claims in writing that they will work with ICE to affect the release of detainees, nor do they claim to be able to impact immigration decisions "whether to release or detain the defendant".

Sgt. Joe Johnson and I spoke with Mr. Richard Moore at Freedom Bail Bonding located at 10610

Main St. Mr. Moore was going to the courthouse but he spoke with me for five minutes. Mr. Moore stated that his company (Nexus) provides a GPS tracking device to people on ICE detainees and Nexus does not make any release decisions. Mr. Moore advised that the contracts are signed at the courthouse and some at Freedom Bail Bonding and some all over Northern Virginia. Mr. Moore stated that he had to run but would call me later and advised me that he would put a few things in writing.

On September 30, 2013, I was contacted by David Albo (Attorney) who advised me that he was representing Mr. Richard Moore and Michael Donovan from Nexus. Mr. Albo advised me that he will meet with me and present a packet of his clients facts.

On October 1, 2013, I met with Mr. David Albo at Police Headquarters. Mr. Albo advised that Nexus is merely providing GPS tracking technology to licensed bail bond agents, or directly to defendants who are referred to them by licensed bail bond agents. They are not bonding any defendants. They are basically selling this GPS technology to defendants who are required by court to have GPS or who are referred by bail bond agents who want them to have GPS. These GPS tracking devices are offered by Nexus at the request or referral of a bail bond company or when a defendant is ordered by a court to have GPS.

For example, the bail bond agent may want a GPS system used on a defendant pursuant to a court ordered condition of bond or suspended sentence (e.g. court orders as a condition of bond that the defendant must wear a GPS bracelet), or pursuant to an agreement that the defendant and the bail bond company have made (e.g. defendant: "I would like you to post my bond." Bail bond agent, I'm not quite sure I trust that you will appear in court, but will post bond for you if you agree to GPS monitoring." Use of GPS devices are particularly useful when defendants have ICE detainees, as they significantly deduce the risk that the defendant will fail to appear for court. Mr. Albo also stated that Nexus provides full disclosure of their program and conditions to the defendants. Be sure to remember that these defendants are actually the bail agents' clients. Again Nexus is providing the GPS technology that is either required by the court, for defendants referred by the bail agents, or are required by the bail agent as a condition of posting the bond.

On October 4, 2013, at approximately 1000 hours, I met with Assistant Commonwealth Attorney John Murphy who reviewed this case and declined to prosecute this case at this time, but agreed it is very shady.

This case is closed by exception - prosecution is declined by the Commonwealth Attorney's Office.