

**State of Rhode Island
Office of the Attorney General**

The Governor Philip W. Noel Judicial Complex
222 Quaker Lane
Warwick, RI 02886
Peter F. Neronha, Attorney General

46(g) Bail Violation

Date: May 10, 2022

State of Rhode Island

v.

**INDICTMENT/INFORMATION:
K2/21-0008A: POSS CHILD PORNGRPHY**

WILMER PUELLO MOTA (DOB: 12/03/95)

The defendant in the above-entitled matter is considered an alleged violator of the condition(s) of his recognizance in that he failed to keep the peace and be of good behavior. **The defendant was released on \$10,000.00-PR bail which was set on January 22, 2021.**

The Attorney General now seeks to have the recognizance cancelled pursuant to Rule 46(g) of the Superior Court Rules of Criminal Procedure and/or to have the defendant adjudged in contempt of court pursuant to Rule 46(e) and Rule 42(b) of the Superior Court Rules Criminal Procedure. A warrant has been requested in order to present the defendant to the Court.

The Attorney General specifies the following as the ground(s) upon which action is sought to adjudge the above-named defendant a violator of his recognizance:

Please refer to attached complaint and reports from the Warwick Police Department dated May 3, 2022.

/s/Devon Flanagan
(Special) Assistant Attorney General

A copy of this statement was furnished to the defendant on the 10th day of
May, 2022.

Case Number: K2-2021-0008A
Filed in Kent County Superior Court
Submitted: 5/10/2022 2:55 PM
Envelope: 3646681
SD: 40438091
Reviewer: Paul J.

Rhode Island Criminal Justice Information Services Division


COURT CASE: 32-2020-05680
DISPOSITION: CHARGE INFORMATION SIGNED
DISPOSITION DATE: 12-09-2020

RECORD
R.I.STATE DIVISION OF
CRIMINAL IDENTIFICATION
BY DD1

DISCLAIMER FOR NON LAW-ENFORCEMENT REQUESTS

RELEASE OF THIS INFORMATION IS MADE PURSUANT TO R.I. GEN. LAWS SECTION
38-2-2(D) (4) UPON RECEIPT OF AN INDIVIDUAL'S WRITTEN AUTHORIZATION.
DISSEMINATION OF THIS INFORMATION IS PROHIBITED.

END OF RECORD

DISTRICT COURT NO.		COURT DIVISION 3rd		POLICE NO. 22-128-WA		 STATE OF RHODE ISLAND DISTRICT COURT CRIMINAL COMPLAINT	
STATE EX REL	VS. DEFENDANT (NAME and ALIAS) WILMER EMANUEL PUELLO-MOTA Alias- J. Doe						
DEFENDANT ADDRESS AND PHONE 958 MAIN ST HOLYOKE MA 781-491-7427 STREET CITY STATE PHONE							
DEF. D.O.B. 12/03/1995	DEF. BCI NO. 10436091	DEF. SOC. SEC. NO.	DEF. M.V. LIC. NO. MA-SA0720978	DETERMINE ATTY DATE	PRE TRIAL DATE		
OFFENSE DATE 05/03/2022	<input type="checkbox"/> DIVERS DATE	OFFICER/COMPLAINANT		PRE-ARRAIGN CONF DATE	TRIAL DATE		
POLICE DEPT./COMPLAINANT ADDRESS Warwick Police Department, 99 Veterans Memorial Dr				SUPERIOR CT ARRAIGN DATE	MISC DATE/BAIL HRG/CONTROL		

TO ANY JUDGE OR JUSTICE OF THE PEACE: ON BEHALF OF THE STATE I SWEAR THAT THE ABOVE DEFENDANT DID COMMIT THE FOLLOWING OFFENSES.

OFFICER/COMPLAINANT <i>[Signature]</i> #189	DATE 5/10/22	SWORN TO BEFORE JUDGE/JUSTICE OF THE PEACE <input checked="" type="checkbox"/>	DATE
--	-----------------	---	------

INITIAL APPEARANCE

APPEARANCE DATE	BAIL FOR ALL ACCOUNTS \$	ARRAIGNMENT DATE	JUDGE/JUSTICE OF THE PEACE
-----------------	-----------------------------	------------------	----------------------------

ARRAIGNMENT

ARRAIGNMENT DATE	ADVISED OF RIGHTS <input type="checkbox"/> YES <input type="checkbox"/> NO	JURY TRIAL WAIVED <input type="checkbox"/> YES <input type="checkbox"/> NO	PLEA COUNT 1	PLEA COUNT 2	PLEA COUNT 3
BAIL FOR ALL COUNTS \$	ATTORNEY NAME	<input type="checkbox"/> PRIVATE <input type="checkbox"/> COURT APPT <input type="checkbox"/> P.D.	JUDGE/JUSTICE OF THE PEACE <input checked="" type="checkbox"/>		

COUNT 1	STATUTE(S) VIOLATED 11-32-3	<input checked="" type="checkbox"/> FELONY <input type="checkbox"/> MISDEMEANOR <input type="checkbox"/> VIOLATION <input type="checkbox"/> ORDINANCE
---------	--------------------------------	---

On 5/3/22 did corruptly and maliciously endeavor to influence, obstruct and impede RI Special Assitant Attorney General Arthur DeFelice, an officer of the court, the due administration of justice, in violation of §11-32-3.

DISPOSITION	SENTENCE IMPOSED
<input type="checkbox"/> DISMISSAL <input type="checkbox"/> GUILTY PLEA <input type="checkbox"/> NOLO PLEA <input type="checkbox"/> GUILTY FINDING <input type="checkbox"/> NOT GUILTY FINDING <input type="checkbox"/> CASE FILED 1 YEAR <input type="checkbox"/> INFO/TRUE BILL <input type="checkbox"/> NO INFO/NO TRUE BILL <input type="checkbox"/> OTHER	

PROCEEDING <input type="checkbox"/> ARRAIGN <input type="checkbox"/> PRE TRIAL <input type="checkbox"/> TRIAL <input type="checkbox"/> OTHER	APPEAL TAKEN <input type="checkbox"/>	JUDGE <input checked="" type="checkbox"/>	DATE
---	---------------------------------------	--	------

COUNT 2	STATUTE(S) VIOLATED 11-17-1	<input checked="" type="checkbox"/> FELONY <input type="checkbox"/> MISDEMEANOR <input type="checkbox"/> VIOLATION <input type="checkbox"/> ORDINANCE
---------	--------------------------------	---

On 5/3/22 did utter and publish as true a false, forged, and counterfeited document to an officer of the court, SAAG Arthur DeFelice, to wit a forged and fraudulent United States Air Force "Memorandum for Record", in violation of §11-17-1.

DISPOSITION	SENTENCE IMPOSED
<input type="checkbox"/> DISMISSAL <input type="checkbox"/> GUILTY PLEA <input type="checkbox"/> NOLO PLEA <input type="checkbox"/> GUILTY FINDING <input type="checkbox"/> NOT GUILTY FINDING <input type="checkbox"/> CASE FILED 1 YEAR <input type="checkbox"/> INFO/TRUE BILL <input type="checkbox"/> NO INFO/NO TRUE BILL <input type="checkbox"/> OTHER	

PROCEEDING <input type="checkbox"/> ARRAIGN <input type="checkbox"/> PRE TRIAL <input type="checkbox"/> TRIAL <input type="checkbox"/> OTHER	APPEAL TAKEN <input type="checkbox"/>	JUDGE <input checked="" type="checkbox"/>	DATE
---	---------------------------------------	--	------

COUNT 3	STATUTE(S) VIOLATED	<input type="checkbox"/> FELONY <input type="checkbox"/> MISDEMEANOR <input type="checkbox"/> VIOLATION <input type="checkbox"/> ORDINANCE
---------	---------------------	--

22-128-WA / 22-2473-OF



STATE OF RHODE ISLAND

AFFIDAVIT AND ARREST WARRANT

AFFIDAVIT

AFFIANT <i>[Signature]</i> #189	AGENT OF Warwick Police Department
DEFENDANT Wilmer E. Puello-Mota	ADDRESS NO. STREET CITY/TOWN STATE ZIP 958 Main Street Holyoke, MA 01040

Your affiant upon oath states that he has reason to believe and does believe that grounds for issuance of an arrest warrant exists and states the following facts on which such belief is founded:

See Attached

IF SPACE IS NOT SUFFICIENT, CHECK (X) HERE AND ATTACH ADDITIONAL INFORMATION

AFFIANT X <i>[Signature]</i> #189
JUDGE OF DISTRICT COURT, JUSTICE OF SUPERIOR COURT, OR ANY OTHER AUTHORIZED OFFICER X <i>[Signature]</i>

SUBSCRIBED AND SWORN TO BEFORE ME AT (CITY/TOWN) Warwick	DATE 5/10/22
---	-----------------

ARREST WARRANT

STATE, EXREL Warwick	CITY/TOWN Warwick	COUNTY Warwick	DATE OF BIRTH 12/03/1995	DIVISION 3rd	RHODE ISLAND DISTRICT COURT	WARRANT DATE
VS. DEFENDANT Wilmer E. Puello-Mota	ADDRESS NO. STREET CITY/TOWN STATE ZIP 958 Main Street Holyoke, MA 01040					

TO ANY AUTHORIZED OFFICER: Affidavit (and complaint) having been made to me under oath, and as I am satisfied that there is probable cause for the belief therein set forth that grounds for issuing an arrest warrant exists, you are hereby commanded to arrest the defendant forthwith and to bring him before a judge of this court without unnecessary delay.

BAIL \$	SURETY <input type="checkbox"/> with <input type="checkbox"/> without	DATE SIGNED	JUDGE OF DISTRICT COURT, JUSTICE OF SUPERIOR COURT, OR ANY OTHER AUTHORIZED OFFICER X <i>[Signature]</i>
------------	--	-------------	---

RETURN OF SERVICE

I have apprehended the within named defendant and have presented him/her before the court as herein commanded.

SERVICE \$	MILEAGE \$	DATE OF RETURN	AUTHORIZED OFFICER X
---------------	---------------	----------------	-------------------------

Affidavit and Arrest Warrant
Warwick Police Department
Police #22-2473-OF/22-128-WA

On 5/7/22 Det. Groeneveld was assigned to investigate a case originating from the Rhode Island Attorney General's office. On 9/2/2020 the defendant, Wilmer Puello-Mota DOB 12/3/1995, was charged with possession of child pornography, RIGL 11-9-1.3. As an active duty service member assigned to the Massachusetts Air National Guard (MAANG), Puello-Mota and his attorney were seeking a non-registration offense and/or diversion. Based on the circumstances the prosecutor, Special Assistant Attorney General Arthur DeFelice, was amenable only if several considerations were met. One of the considerations was to determine if his military chain of command was knowledgeable of the charge and supported his continued service.

On 5/3/22 at 1628 hours the defendant's attorney, Rory Munns, sent a memo to SAAG DeFelice by e-mail, which Munns told SAAG DeFelice was from his client. Attached was a document entitled "supervisor letter". The memo is an official "Memorandum for Record", with "Department of the Air Force" heading, and digitally signed by TSgt. Steven Kelliher (Puello-Mota's immediate supervisor). The memo confirms the active duty status of Puello-Mota, that he is fully qualified to perform his duties as a Security Forces member, and that he is being considered for deployment pending a positive case outcome. The memo was dated January 1, 2022, with a digital signature of January 3, 2022.

During a conference SAAG DeFelice asked Attorney Munns for contact information so he could speak with Puello-Mota's chain of command directly. The following day SAAG DeFelice was provided with a telephone number (██████████) for Puello-Mota's military supervisor, Major Samuel Bath. On 5/4/2022 at 1402 hours SAAG DeFelice contacted 'Maj. Bath' at this number and spoke for approximately 12 minutes. 'Maj. Bath' indicated that if resolved favorably that the command wishes to retain Puello-Mota. SAAG DeFelice asked for his (Maj. Bath's) e-mail address and was provided ██████████ SAAG DeFelice immediately sent an e-mail.

A short time later SAAG DeFelice received a phone call from a Staff Judge Advocate from the MAANG, Lieutenant Colonel Chris Ruscio. Lt. Col. Ruscio was forwarded the email from Maj. Bath and all three conferenced on a call. SAAG DeFelice noticed that the real Maj. Bath was a different person than he just spoke with. SAAG DeFelice provided the memo that was forwarded to him and Maj. Bath immediately suspected that TSgt. Kelliher's signature on the memo was fraudulent.

On 5/5/2022 TSgt. Kelliher provided a statement that in January of 2022 he received a voice mail from someone claiming to be a judge in Rhode Island (Judge Maureen Keough) asking him about Puello-Mota's military service. As a result he asked Puello-Mota about any criminal problems in Rhode Island. Puello-Mota lied to TSgt. Kelliher by telling him that he was involved in a research program that would examine how a service member progresses through the criminal justice system and that the charges were not real. TSgt. Kelliher also stated that he never provided any written documents for Puello-Mota for this case, to include the Air Force Memorandum for Record dated January 1, 2022.


Maj. Bath was able to determine that the suspected memo was fraudulent. The Department of Defense (DoD) utilizes Common Access Cards (CAC) cards which are assigned to each service member and provide them a particular digital signature consisting of their full name and a specific DoD identification number. When a valid digital signature is utilized it date/time stamps the signature and allows anyone to view the "digital signature properties" of that signature. Maj. Bath was able to determine that this signature was forged by determining that there were no "digital signature properties" and that the signature could be "moved and dragged" contrary to a valid signature.

Maj. Bath located and compared the date/time stamp on the suspect memo with a Security Forces daily call log from 1/3/22 which was signed by TSgt. Kelliher. Both documents had the exact same name and date/time stamp (KELLIHER.STEVEN.MICHAEL [REDACTED] Date 2022.01.01 06:47:48). Puello-Mota had access to the Security Forces daily call log in the normal course of his duties as an Air Force Security Force member. These findings indicate that the signature on the suspect memo was not an original signature but rather a copy of the original.


Based on the investigation your affiant prays that the defendant be charged with one count of Forgery and Counterfeiting in general (RIGL 11-17-1) and Obstruction of the Judicial System (RIGL 11-32-3).

Subscribed and sworn before me at (Warwick)

Date 5/10/22


#189

Affiant



Judge of the District Court,
Justice of the Superior Court,
Or any other Authorized Officer