

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
District of New Jersey

ORIGINAL FILED
NOV 02 2018
WILLIAM T. WALSH, CLERK

United States of America

v.

DIANE SYLVIA

Case No.

18-mj-5576 (KMW)

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 9/21/18 to 10/31/18 in the county of Atlantic County in the
District of New Jersey, the defendant(s) violated:

Code Section 18 U.S.C. § 373 Offense Description Solicitation to commit a crime of violence (See Attachment A).

This criminal complaint is based on these facts:

See Attachment B.

Continued on the attached sheet.

[Handwritten signature of Daniel Garrabrant]

Complainant's signature

Daniel Garrabrant, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 11/02/2018

[Handwritten signature of Karen M. Williams]

Judge's signature

City and state: Camden, New Jersey

Hon. Karen M. Williams, U.S. Magistrate Judge

Printed name and title

CONTENTS APPROVED

UNITED STATES ATTORNEY

By: /s/ Alyson M. Oswald
Alyson M. Oswald, Assistant U.S. Attorney

Date: November 2, 2018

ATTACHMENT A

From on or about September 21, 2018 to on or about October 31, 2018, in Atlantic County, in the District of New Jersey, and elsewhere, the defendant

DIANE SYLVIA,

did knowingly and intentionally solicit, command, induce and otherwise endeavor to persuade another person to engage in conduct constituting a felony that has an element the use, attempted use, or threatened use of physical force against the person of another, in violation of the laws of the United States, to wit: stalking, with the intent to seriously injure and place under surveillance with the intent to seriously injure, in violation of Title 18, United States Code, Sections 2261A(1), with the intent that such other person engage in such conduct and and under circumstances strongly corroborative of that intent.

In violation of Title 18, United States Code, Section 373.

ATTACHMENT B

I, Daniel Garrabrant, am a Special Agent with Federal Bureau of Investigation ("FBI") within the United States Department of Justice, assigned to the Newark Division. I have been so employed since 1998. Since May 1998, I have been assigned to the FBI's Violent Crime Program working Child Exploitation cases, Homicides, Murder for Hire, Extortion, Bank Robbery and Kidnappings. In addition, I am a Behavioral Analysis Unit (BAU) Coordinator. In this capacity I assist with consultations to provide guidance to local, state and federal officers in homicide cases, abductions, unexplained disappearances, kidnappings, extortion, and stalking cases. I have participated in the execution of many search warrants involving child exploitation and/or child pornography offenses and/or murder for hire, and/or numerous other criminal violations. I have personally participated in this investigation and am aware of the facts contained herein based upon my own investigation as well as information provided to me by other law enforcement officers. Since this Affidavit is submitted for the sole purpose of establishing probable cause to support the issuance of a complaint, I have not necessarily included each and every fact known to the Government concerning this investigation. All dates and times ascribed to events herein are approximate. All statements attributed to individuals in this Affidavit are relayed in sum and substance.

1. On September 24, 2018, a Confidential Human Source (CHS) contacted the Federal Bureau of Investigation's Atlantic City Resident Agency (ACRA) to report a Murder-for-Hire scheme. The CHS is a former member of an organized criminal gang who sought therapy from Diane Sylvia, a Licensed Clinical Social Worker (LCSW) who provides mental health counseling from an Office in Linwood, New Jersey (the "Linwood Office"). During his therapy sessions with Sylvia, the CHS revealed his prior connections to an organized crime gang. Armed with this knowledge, which Sylvia obtained during her professional relationship with the CHS as his therapist, Sylvia asked the CHS to conspire to kill Individual 1, who resides in Massachusetts or Rhode Island.

2. The CHS contacted the FBI, as noted above, and stated that he would introduce an undercover employee ("UCE") of the FBI to Sylvia, but he did not wish any further involvement in the criminal investigation.

3. On October 6, 2018, the CHS introduced an FBI agent serving as a UCE to Diane Sylvia in her office at the Linwood Office. This meeting was audio-recorded, and I have reviewed and retained a copy of the audio recording. During this October 6, 2018 meeting, Sylvia advised the UCE that she did not want Individual 1 killed; she wanted him beaten and permanently disfigured. Sylvia said, "He needs his pretty little face bashed in, that's what I really want." She later added that "a broken arm would help, too," explaining

that "all he has is, like, his big muscles and his cute face." She later repeated, "I really just want his face punched in, I swear to God. And his arm broken, that's what I want." When the UCE confirmed, "So broken arm and bashed-in face?," Sylvia laughed but emphasized that she wanted to cause permanent damage, responding, "Yeah, bashed-in face that's not going to get better!" Sylvia described Individual 1 as a "con man" that had been bilking her for money over the years. When the UCE inquired about why Sylvia wanted to do this, she claimed Individual 1 "ended up with some stuff on me that he was gonna report me to the licensing board, which means I have no job." The UCE asked, "How is it gonna help you with him, you know, going after your licenses and stuff" if Individual 1 did not know that Sylvia ordered the assault. Sylvia responded, "It's just gonna make me feel better," and "it's the only way I can get him back." The UCE advised Sylvia to purchase a pre-paid phone to use to communicate with the UCE.

4. On October 10, 2018, the UCE received a text from Sylvia using her pre-paid phone, (609) 277-4282.

5. On October 12, 2018, at 8:02 p.m., Sylvia texted the UCE saying: "Company coming soon, work til 1 tomorrow, really serious about this." They had a brief phone conversation following the text message in which Sylvia told the UCE she was waiting for the funds from a home equity loan she applied for to pay for the assault, and she would see the UCE that weekend.

6. On October 18, 2018, Sylvia had contact with the UCE. She stated that she was going to pull back the assault on Individual 1, texting "I can't do this after hearing about the break," but she would still like to pay the UCE for the work he had done up until this date. The UCE texted "What break" and told Sylvia "No need to compensate me."

7. The next day, October 19, 2018, the UCE and Sylvia exchanged more text messages. Sylvia claimed to be pulling out of the assault because the CHS (her patient from whom she had originally solicited the murder/assault) was taking a "break" and not coming for counseling anymore as a result of the UCE taking the job. Sylvia reiterated her desire to pay the UCE for the work he had done up to this date, stating "You bought a phone and drive [sic] all the way here and back. Your time is as important as mine." The UCE responded, "Be at your office Sat at 830. Had a couple guys out looking already. So let's say \$1000." Sylvia asked, "Did they find anything"? The UCE texted, "Found the truck," "In N Attleboro." Sylvia texted, "Truck or apt or both." The UCE responded, "Just truck I called them off," referring to calling off the surveillance and discontinuing the plan given Sylvia's text on October 18th. Sylvia texted, "When now? That changes things," indicating she wanted to continue with the assault. Sylvia then texted the UCE, "Can they take pictures"?, and the UCE told Sylvia, "We'll Talk tomorrow."

8. On October 20, 2018 the UCE met with Sylvia in her office at 222 New Road, Suite 405, Linwood, New Jersey. This meeting was audio and video recorded, and I have reviewed and retained copies of the recordings. During the meeting, Sylvia stated that she did not want Individual 1 dead but wanted him disfigured and permanently scarred. The UCE explained there were options, including breaking Individual 1's arms or pouring battery acid on his face, either of which would seriously disfigure Individual 1 but allow Individual 1 to live. Sylvia did not like the battery acid idea and preferred permanently scarring Individual 1's face by slashing it, and breaking one arm. She said, "How 'bout we break one arm, and just mess up his face, but not with acid?" Sylvia added, "Something that makes him not so cute"—while making a slashing motion on her cheek—"something so he can't do push-ups, so he can't work out." While sitting with the UCE in her office, Sylvia paid the UCE \$1,000.00 in United States currency for the work that was done to date.

9. After leaving the meeting, Sylvia sent the UCE a text with the 6 digits/numbers of a Massachusetts license plate. Your affiant is aware that this Massachusetts license plate is registered to a 2012 Black Dodge Pickup registered to Individual 1.

10. On October 23, 2018, Sylvia contacted the UCE and asked if she could call the whole thing off. She claimed to have had a change of heart and told the UCE that Individual 1 was coming to New Jersey to visit her.

11. The next afternoon, October 24, 2018, the UCE spoke with Diane Sylvia over the telephone. The UCE told Sylvia that if she wanted to call the whole thing off "that's fine." The UCE let her know that one of the guys followed Individual 1 in his truck up to a casino in Rhode Island. But the UCE continued that "it doesn't matter to me. I just want to know one way or another. . . . So I don't care one way or another, it's totally up to you. But um you basically sounded like you're ready to cash it in, call it off, that's fine, I just wanted to touch base with you and make sure." Sylvia explained that she was upset thinking about the UCE using acid to burn and disfigure Individual 1's face. She then stated that if Individual 1 was going to a casino, "there's probably other people after him, so that's better." She stated that she wanted the assault to occur and wanted to disfigure Individual 1's face—just not with battery acid.

12. The UCE and Sylvia arranged to meet on October 31, 2018, at which point Sylvia could pay the UCE half or all of the fee for the assault, "[her] choice." Surveillance units observed Sylvia leave her residence in Somers Point, New Jersey in her white BMW on the morning of October 31, 2018, travel to the TD Bank located on New Road, Somers Point, New Jersey, and access the back via the drive-through lane. After Sylvia conducted a transaction at the drive-through ATM, surveillance units followed Sylvia from the bank to the Linwood Office.

13. At approximately 9:30 a.m. on October 31, 2018, the UCE traveled to Sylvia's office at 222 New Road, Suite 405, Linwood, New Jersey to meet with Sylvia and collect payment for the planned assault. This meeting was audio and video recorded, and I have reviewed and retained copies of the recordings. During the meeting the UCE stated, "So the hospital will have work, for sure," at which Sylvia laughed and flashed a big smile. Sylvia, while sitting in her office with the UCE, payed the UCE \$4,000.00 in cash for the full amount of the contract to assault and disfigure Individual 1. As the UCE reviewed the final steps of the plan and advised Sylvia to get rid of her pre-paid phone once she received confirmation from the UCE that the assault was completed, Sylvia responded, "Can I go to the Ocean City bridge and throw it off? Is that good enough?"

14. Based on the content of this affidavit, the Affiant respectfully submits that probable cause exists to support the issuance of a Complaint and arrest warrant for Diane Sylvia.

15. It is further requested that this complaint and accompanying Affidavit be sealed until further order of the Court. These materials discuss an ongoing criminal investigation. The public disclosure of this complaint and the accompanying Affidavit could result in the flight of the defendant, who is currently not in custody, or otherwise jeopardize the investigation if the defendant becomes aware of the existence of these materials prior to the effectuation of her arrest.