

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Middle District of Florida

United States of America)

v.)

DEVIN ALAN RHODEN)

Case No. 8:24-mj-1029-JSS

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 2022 in the county of Pinellas in the Middle District of Florida, the defendant(s) violated:

Code Section
18 U.S.C. § 1956(h)
18 U.S.C. § 1001

Offense Description
Money Laundering Conspiracy
False Statement to a Federal Agency

This criminal complaint is based on these facts:

See Attached Affidavit

Continued on the attached sheet.

Complainant's signature

Nicolas David Itin, SA, Air Force OSI

Printed name and title

Sworn to before me over the telephone or other reliable electronic means and signed by me pursuant to Fed. R. Crim. P. 4.1 and 4(d)..

Date: 1/8/2024

Judge's signature

City and state: Tampa, Florida

JULIE S. SNEED, U.S. Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF AN
APPLICATION FOR A CRIMINAL COMPLAINT**

I, Nicolas David Itin, being sworn to tell the truth, state as follows:

AGENT BACKGROUND

1. I am a civilian Special Agent with the United States Department of the Air Force, Office of Special Investigations (“OSI”), and have been employed with OSI since September 2020. I am currently assigned to OSI Detachment 340, MacDill Air Force Base, Florida. As an OSI Special Agent, I am authorized under 10 U.S.C. § 9377 to investigate federal offenses which have a nexus to the United States Department of Defense. Prior to my employment with OSI, I was employed by the Provo Police Department in Provo, Utah. I initially served as a uniformed patrol officer and later as a detective until 2020.

2. During my employment with OSI, I have completed basic and advanced training at the Federal Law Enforcement Training Center in Glynco, Georgia, including the Criminal Investigator Training Program, the Violent Crimes Investigator Training Program, and the Crime Scene Investigator Training Program. My training included courses in crime scene examination, physical and digital evidence collection, surveillance, as well as interview and interrogation techniques. My experience includes investigating felony crimes against persons, property crimes, drug offenses, identity theft and fraud.

PURPOSE OF AFFIDAVIT

3. I submit this affidavit in support of an application for a criminal complaint and arrest warrant for Devin Alan Rhoden, an active-duty member of the United States Air Force. Rhoden is a Senior Airman in the U.S. Air Force, and currently employed as a Cyber Analyst.

4. This affidavit sets forth facts sufficient to establish probable cause to believe that Rhoden has engaged in Money Laundering Conspiracy, in violation of 18 U.S.C. § 1956(h), and False Statement to a Federal Agency, in violation of 18 U.S.C. § 1001. The facts contained in this affidavit are drawn from personal knowledge based on my participation in this investigation, information from other criminal investigators, information from law enforcement officers, information from agency reports, and the review of documents provided to me by witnesses and by law enforcement officers.

5. Because this affidavit is being submitted for the limited purpose of seeking authorization to arrest Rhoden, I have not set forth each and every fact learned during the course of this investigation.

CRYPTOCURRENCY AND NON-FUNGIBLE TOKENS

6. Based on my training and experience, and my conversations with other law enforcement officers, I have learned, among other things, the following regarding cryptocurrency as relevant to the instant offenses:

a. "Cryptocurrency" is a digital currency circulated over the Internet as a form of value. Cryptocurrencies are created, and their transactions are

verified and records maintained, by a decentralized system using cryptography, rather than through a centralized authority like a bank or government. There are multiple types of cryptocurrency, including Bitcoin (“BTC”), Solana (“SOL”), and Ethereum (“ETH”).

b. A “blockchain” is a distributed ledger with growing lists of records (blocks) that are securely linked together via cryptographic hashes. Each block contains a cryptographic hash of the previous block, a timestamp, and transaction data. Since each block contains information about the previous block, they effectively form a chain, with each additional block linking to the ones before it. Consequently, blockchain transactions are irreversible in that, once they are recorded, the data in any given block cannot be altered retroactively without altering all subsequent blocks.

c. A “non-fungible token,” or NFT, is a digital asset recorded on a blockchain. “Minting” refers to the creation of an NFT on a blockchain. Once minted, NFTs can also be transferred on the blockchain, but can no longer be edited, modified, or deleted. Each NFT is a one-of-a-kind and cannot be copied, substituted or subdivided. NFTs can be created in multiple forms, but one of the most popular types of NFTs is an image data file, similar to a .jpeg image file. Unlike a .jpeg, however, the NFT provides the owner with the electronic image and corresponding certificate of ownership.

d. “Staking” is the process of linking a digital asset to a blockchain for a certain period of time. Staking helps maintain the security of a blockchain by

committing the asset to a blockchain validator. In return for staking, the digital asset owner may earn additional cryptocurrency.

e. A “liquidity pool” or “LP” is a centralized pool of NFTs that users contribute to, aiming to create liquidity for NFT transactions. In a pool, users can contribute their NFTs to the pool in exchange for a certain amount of cryptocurrency. Unlike traditional markets, NFT liquidity pools provide a decentralized and automated way for buyers and sellers to exchange tokens without the need for intermediaries. This means achieving the much-desired liquidity in the NFT market.

f. A “rug pull” is a scam where a digital asset developer promotes and markets a project to attract investor money, but later abruptly abandons the project with investors’ money. The name is derived from the idiom “to pull the rug out” from under someone, suddenly taking away important support.

STATEMENT OF PROBABLE CAUSE

A. Case Initiation

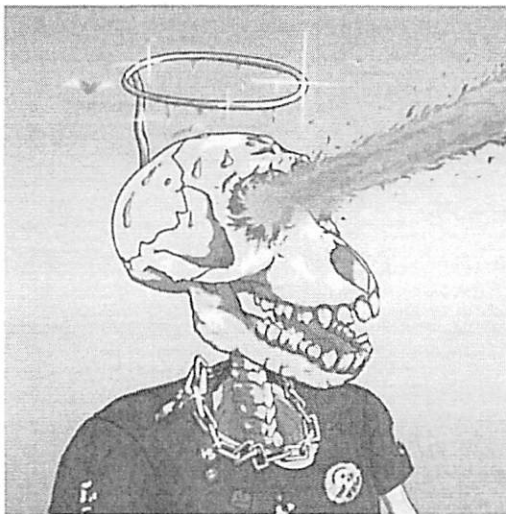
7. In April 2022, a U.S. Air Force veteran identified herein as “Victim #1” contacted AFOSI regarding a fraud scheme allegedly perpetrated by active duty U.S. Air Force Senior Airman Devin Alan Rhoden. On September 15, 2022, AFOSI Special Agents Nicolas Itin and Jessica Schultz interviewed Victim #1 via FaceTime. Victim #1 provided the information below.

8. Victim #1 had been a member of a chat room named “Undead Apes Society” on the instant messaging platform Discord. The chat room was dedicated to

the development of the UndeadApes NFTs. Victim #1 believed the chat room had been created by “Denny,” a Discord user who represented himself to be an experienced NFT developer and collector. Victim #1 described another Discord user named “Deviinz” as an Undead Apes Society member who promoted Denny’s projects. The UndeadApes developers also maintained the account “@UndeadApesDAO” on Twitter, which has since rebranded as “X.”

9. According to the investigation, including information provided by Victim #1, in March 2022, 2,500 “UndeadApes” NFTs were successfully minted on the Solana blockchain for 0.05 SOL each. The developers described this first version of the NFT as “unique Apes with over 60 hand drawn traits on the Solana blockchain. Ready to take on the Metaverse.”

10. Later in March 2022, 750 “Undead Lady Apes” were minted on the Solana blockchain for 0.75 SOL each. The developers described the second version as “Undead Lady Apes summoned from The Undead Scrolls...Undead Lady Apes earn up to 6x while staking. 75% of royalties will go into the LP. 25% of royalties will go into paying or team.” A representative sample from each NFT collection is depicted below.

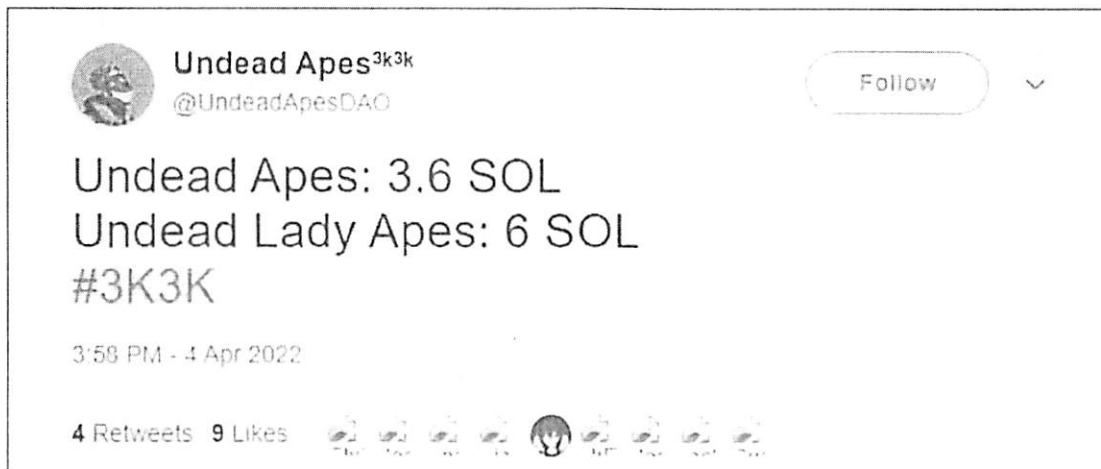


UndeadApes Collection



Undead Lady Apes Collection

11. By April 4, 2022, the average sale price of both the UndeadApes and Undead Lady Apes collections had risen significantly, which the UndeadApes Twitter account @UndeadApesDAO amplified (depicted below).¹

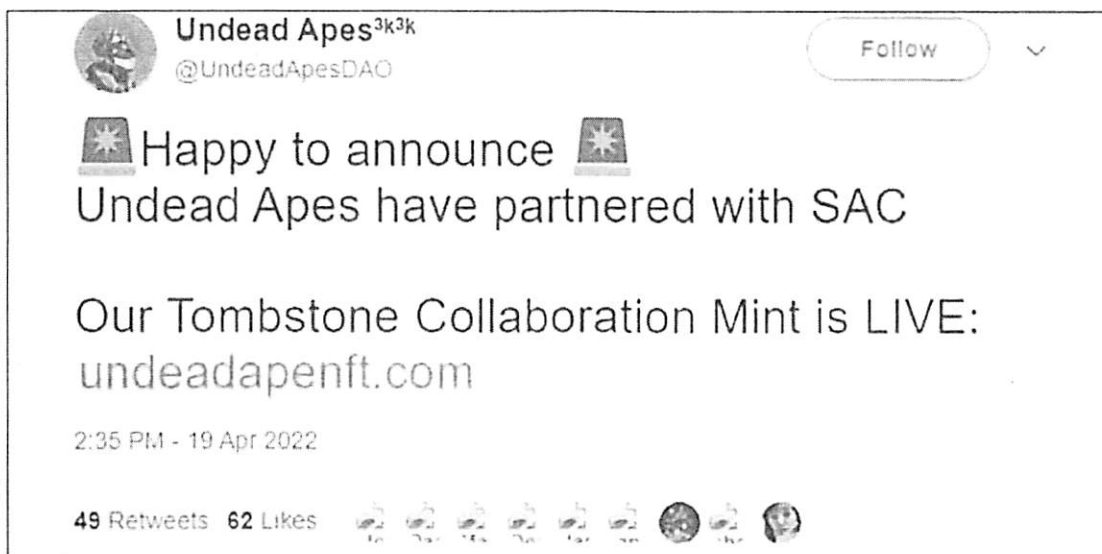


¹ Due to the @UndeadApesDAO Twitter account having been deleted immediately after the rug pull, all screenshots depicted herein have been obtained via the Wayback Machine, which is a digital archive of the World Wide Web. "Numerous courts, including [the Federal Circuit, and district courts in Florida, California, Michigan, Massachusetts, and Oregon], have taken judicial notice of web pages available through the WayBack Machine." *Pohl v. MH Sub I, LLC*, 332 F.R.D. 713, 716 (N.D. Fla. 2019).

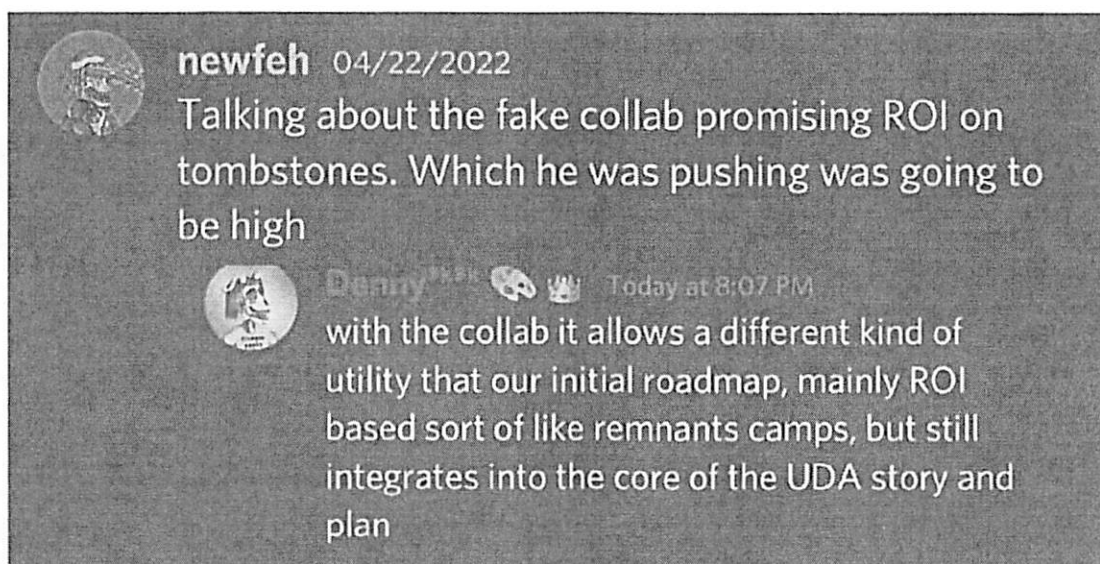
12. According to Victim #1, in April 2022, Denny announced to Undead Apes Society that he intended to mint a third version of the NFT collection named “Undead Tombstone.” Denny made several representations in relation to this announcement. For example, he stated that any owner of an Undead Lady Apes NFT would be able to stake that NFT if the owner also purchased an Undead Tombstone NFT. Denny also said that owners of NFTs with certain traits would receive other NFTs valued at 80 SOL. On April 19, 2022, the Undead Tombstone mint began. At 2:15 p.m., during the mint, @UndeadApesDAO confirmed the plan to airdrop 80 SOL to NFT owners with certain traits (depicted below).



13. On April 19, 2022, at 2:35 p.m., also during the Undead Tombstone mint, @UndeadApesDAO announced a collaboration with “Stoned Ape Crew,” a well-known, successful NFT project (depicted below).



14. According to Victim #1, the purported collaboration, which had been foreshadowed for weeks on Undead Apes Society, resulted in a significant increase in the mint price of the Undead Tombstones NFTs. Victim #1 also provided investigators a screenshot taken from Undead Apes Society where Denny discussed how the collaboration with Stoned Ape Crew would provide a return on investment (depicted below).



15. Approximately two hours after @UndeadApesDAO announced the purported collaboration, the Stoned Ape Crew announced on Twitter that the partnership was all a lie. Shortly thereafter, the developers executed the rug pull by abandoning the Undead Tombstone mint.

16. According to online analytics platforms, prior to the rug pull, UndeadApes and Undead Lady Apes had floor prices of 2.38 SOL and 3.99 SOL, respectively. Immediately after the rug pull, the floor prices fell to 0.5 SOL (74.47% decrease) and 0.6 SOL (84.44% decrease), respectively. Victim #1 described all three versions of the NFTs to now be “worthless” due to mistrust in the developers. According to Victim #1, Denny’s last communication to Undead Apes Society before deleting his Discord account and @UndeadApesDAO was, “Yall are dumb as fuck.”

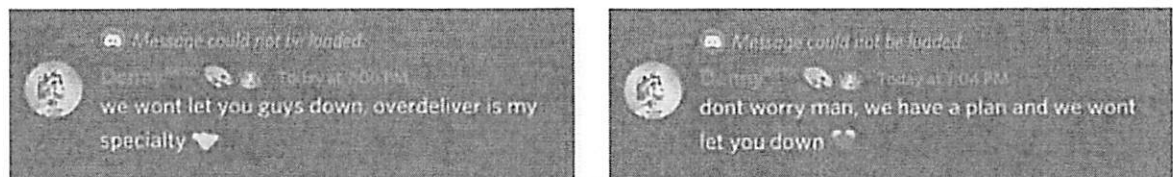
17. After the rug pull, Victim #1 and other victims sought to identify Discord users Denny and Deviinz. Social media eventually linked Devin Alan Rhoden’s true identity to the Deviinz Discord account.

B. Additional Victim Interviews

18. Despite hundreds of Undead Tombstones rug pull victims, the true identities of these individuals were largely unknown to investigators. To identify victims of the fraud scheme, investigators collected SOL addresses of the victims from the Solana blockchain and provided them to Chainalysis Government Services (“CGS”). CGS identified the victim SOL addresses responsible for sending the largest amounts in exchange for minting the NFTs, and traced those addresses back

to accounts at law enforcement-compliant exchanges, like Binance, Coinbase, and FTX. Investigators then subpoenaed the exchanges for the accounts' Know Your Customer information, including name, address, and contact information. After receiving this information, investigators interviewed certain victims who purchased multiple NFTs. The summaries of the interviewed victims are provided below in relevant part.

19. The victims reported communicating with the UndeadApes developers on Twitter and/or Discord. The victims all identified the lead developers as "Denny" and "Repulse," though some also identified "Deviinz." The victims identified several fraudulent misrepresentations made by the developers. For example, victim Alberto Regueiro recalled the developers advertising exclusive benefits for owners of Undead Tombstones who also owned Undead Apes or Undead Lady Apes. Victims Alex Jones and Benjamin Kaus recalled the purported collaboration with Stoned Ape Crew, and its claimed return on investment. Victim Alex Jones also provided screenshots posted by Denny on Undead Apes Society on the day of the Undead Tombstones mint where he reassured investors (depicted below).



C. Financial Analysis

20. According to the investigation, including victim interviews, the SOL address ending in C6EWM (“SOL C6EWM”) received SOL directly from addresses in exchange for the minting of Undead Tombstones NFTs.

21. According to the Solana blockchain, on April 19, 2022, 632 Undead Tombstones were minted, resulting in 1,250.36 SOL being deposited into SOL C6EWM. According to the Solana and Ethereum blockchains, on the same day, the entire 1,250.36 SOL located in SOL C6EWM was converted into 42.08684385 ETH using a program that facilitates the movement of cryptocurrency from one blockchain to another, and deposited into an ETH address ending in A55B25 (“ETH A55B25”). This obfuscation technique known as “chain-hopping” is used by cybercriminals and money launderers to make identifying and tracing illicit funds more difficult. The newly-converted funds in ETH A55B25 were then split into nearly equal halves and transferred to two different ETH addresses—one ending in 665f1d (“ETH 665f1d”) and the other ending in Db5F91 (“ETH Db5F91”). Both ETH 665f1d and ETH Db5F91 are custodial wallets maintained by Coinbase.

22. According to records obtained from Coinbase pursuant to a Department of Defense Inspector General (“DOD-IG”) subpoena, Rhoden created the Coinbase account where ETH 665f1d was maintained on January 22, 2019, using email address devin3rhoden[at]gmail.com. As part of the authentication process, Rhoden also provided copies of his driver’s license (depicted below).



23. Rhoden’s Coinbase account was linked to USAA Federal Savings Bank account 264167732 (“USAA-7732”). According to records obtained from USAA pursuant to a DOD-IG subpoena, Rhoden opened USAA-7732 on September 13, 2019, as the sole accountholder and using email address devin3rhoden[at]gmail.com.

24. On April 19, 2022, at 4:29 p.m., Rhoden’s Coinbase account received 21.06726769 ETH from ETH A55B25 (i.e., the fraud proceeds). Three minutes later, Rhoden’s Coinbase account used those funds to purchase \$64,109.72 USD. On April 20 and 25, 2022, Rhoden moved a total of \$79,233.83 USD from his Coinbase account to USAA-7732, on the dates and in the increments listed below:

Date	Amount
April 20, 2022	\$50,000
April 25, 2022	\$29,233.83

25. According to records obtained from the Pinellas County Clerk of Court and open-sources, Rhoden and his wife purchased a home for \$305,000 USD in Pinellas Park, Florida on May 16, 2022. During the underwriting process, Rhoden provided bank statements from USAA-7732 reflecting the fraud proceeds.

26. According to records obtained from Coinbase pursuant to a DOD-IG subpoena, Berman Jerry Nowlin, Jr. created the Coinbase account where ETH Db5F91 was maintained on November 17, 2021, using email address partjollycryp[at]gmail.com. The Coinbase account was linked to Redstone Federal Credit Union account 51015115288 (“RFCU-5288”). According to records obtained from Redstone pursuant to grand jury subpoena, Nowlin opened RFCU-5288 on September 30, 2018, as sole accountholder and using the username “Zayous.”

27. On April 19, 2022, at 4:27 p.m., Nowlin’s Coinbase account received 21.06856948 ETH from ETH A55B25 (i.e., the fraud proceeds). Four minutes later, Nowlin’s Coinbase account used those funds to purchase \$64,590.04 USD. On April 20 and 26, 2022, Nowlin moved a total of \$82,315.34 USD from his Coinbase account to RFCU-5288, on the dates and in the increments listed below:

Date	Amount
April 20, 2022	\$60,000
April 26, 2022	\$22,315.34

D. Google and Discord Search Warrants

28. On July 10, 2023, U.S. Magistrate Judge Julie S. Sneed signed a search warrant for the Google account associated with devin3rhoden[at]gmail.com (the

email address associated with Rhoden's Coinbase and USAA accounts). The account's browser history contained several incriminating searches conducted after the April 19, 2022, Undead Tombstones rug pull. For example, on April 20 and 21, 2022, Rhoden searched whether Coinbase and Discord records could link him to the criminal activity by searching, "does coinbase have kyc²" and "does logs show on discord if they delete their account."

29. On April 22, 2022, Rhoden queried, "what happens if a utility nft rugs," which tends to confirm he was aware of the Undead Tombstone rug pull. Later that same day, Rhoden conducted searches for the statutory citations for wire fraud, wire fraud conspiracy, and money laundering by searching "title 18 united states code section 1343," "Title 18, United States Code, Section 1349," and "Title 18, United States Code, Section 1956." And on May 3, 2023, in anticipation of potential criminal charges, Rhoden queried "wire fraud court martial."

30. On July 10, 2023, U.S. Magistrate Judge Sneed also signed a search warrant for any Discord account associated with Rhoden's known email address and phone number. In response, Discord provided tens of thousands of chats. Often the Discord users referred to one another by first name. Based upon the chats, it appeared that the Discord account associated with identifier 966503107095851068 belonged to Devin Alan Rhoden and the account associated with identifier 892866699651600425 belonged to Berman Jerry Nowlin, Jr.

² Know Your Customer, also known as KYC, is the mandatory process of identifying and verifying an accountholder's identity.

31. The Discord chats contained several incriminating statements by both Rhoden and Nowlin (depicted below). For example, on April 27, 2022, Nowlin discussed the rug pull victims' continued response on Discord:

Speaker	Message
Nowlin	[the victims] are talking about them rn
Nowlin	but almost all talk of denny and repulse and devin and jerry is gone
Rhoden	yeah
Rhoden	there wasn't much in that chat tbh
Rhoden	like there was fuuuck denny
Rhoden	but not much of devin

32. On April 29, 2022, Rhoden thanked Nowlin for his role in the rug pull:

Speaker	Message
Rhoden	yo jerry
Rhoden	good shit on us making a fuck ton of money
Rhoden	thanks for helping me make a quarter million in 2 months
Rhoden	i guess you aren't fully retarded
Nowlin	just partially
Nowlin	Now I will never see you again?
Rhoden	nope
Rhoden	get rugged
Rhoden	this is my farewell

33. And on May 12, 2022, Rhoden and Nowlin reminisced on the success of the rug pull:

Speaker	Message
Nowlin	I do kinda feel successful even tho this was short term
Nowlin	Because I was even able to inspire my mom to try to make more money, she said I made her feel like it's possible to make money
Rhoden	yeah its surreal
Rhoden	and we will look back and think how crazy this all is
Rhoden	we are still too close to realize
Nowlin	Quick
Nowlin	Spend it all before we realize

Rhoden	i mean while my leftover cash isn't like yours
Rhoden	i was able to put a downpayment on a house
Nowlin	What
Rhoden	buy my dream car outright
Rhoden	have over 6months of expenses in savings
Nowlin	Rich
Rhoden	be able to remodel my house to increase its worth
Rhoden	and still have money leftover

E. Rhoden Interview

34. On December 21, 2022, AFOSI Special Agents Nicolas Itin and Daniel Franklin conducted an audio/video-recorded interview of Rhoden. After being advised of his rights pursuant to Article 31(b) of the Uniform Code of Military Justice, Rhoden provided the information below.

35. As a software developer/coder, Rhoden believed that he could use his skills to make money in the cryptocurrency space. In or around January 2022, he began marketing his services to NFT developers, including on Discord under the username "Deviinz." Rhoden denied creating Undead Apes Society, but claimed that is exclusively where he communicated with the UndeadApes developers, including "Zayous" and "Repulse." Rhoden only knew the true identity of the developer who went by the name of "Zayous," who was an Alabama resident named Jerry Nowlin.

36. According to Rhoden, the developers eventually hired him to create the art engine for an NFT collection, which involved writing the software code used to combine different layers of art into complete digital images. Using Rhoden's software code, the developers successfully minted NFTs that sold for approximately \$5 USD

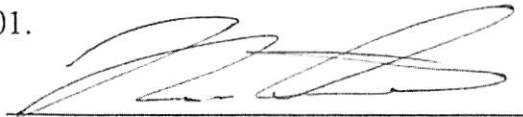
in SOL each. Rhoden claimed to have received \$800 USD in SOL for his services. The NFTs gained popularity, ultimately increasing in value to approximately \$300 USD in SOL per NFT. After which the developers again sought Rhoden's services for the art engine for a second version of NFTs, though other developers were involved on this occasion. This time, the developers paid Rhoden \$3,000 USD in SOL for his services. According to Rhoden, the second version of the UndeadApes NFTs were minted at \$75 USD in SOL per NFT and peaked at \$500. Rhoden explained that he exclusively used Coinbase, an online exchange, to convert the SOL into USD.

37. At some point, the price of the NFTs dropped sharply, which Rhoden attributed to buyers losing interest in the project. After which, according to Rhoden, members of the NFT community began to harass him, including by doxing and threats of swatting.³ Rhoden denied knowing whether the developers followed through on the representations made in relation to the NFTs. He, however, emphasized his belief that there was no fraud involved in any of the NFT projects; rather, the price fell because buyers lost interest.

³ "Doxing" refers to publicly identifying or publishing private information about an individual or entity, especially as a form of punishment or revenge; and "swatting" is the making of a false report of an ongoing serious crime in order to elicit a response from law enforcement (such as the dispatch of a SWAT unit).

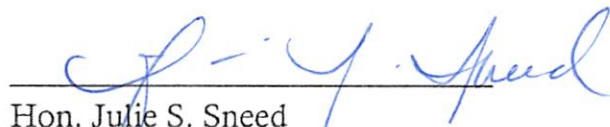
CONCLUSION

38. As outlined above, conspirators promoted and marketed certain NFT projects to attract investor money, then abruptly abandoned the project and kept cryptocurrency worth tens of thousands of dollars belonging to investors without following through on the representations they made. Rhoden conspired to launder the resultant proceeds by transferring it from SOL to ETH and ultimately to USD, and moving these funds through a series of accounts at financial institutions. When formally questioned about these activities, Rhoden lied, minimized, and misled investigators. Accordingly, based on the information outlined above, there is probable cause to believe that Rhoden has committed Money Laundering Conspiracy, in violation of 18 U.S.C. § 1956(h), and False Statement to a Federal Agency, in violation of 18 U.S.C. § 1001.



Nicolas David Itin, Special Agent
Air Force, Office of Special Investigations

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, on this 8 day of January, 2023.



Hon. Julie S. Sneed
United States Magistrate Judge