

Defendant in Westport scam fails to appear weeks after DA criticized judge's decision to release him

"On August 3rd, Bristol County District Attorney Thomas M. Quinn III criticized a Fall River District Court judge's decision to release 29-year-old Hector Arias-Guzman, who was in the country illegally, and had been arrested for attempting to scam a Westport couple out of \$6,000.

Yesterday, the defendant never showed up for his scheduled pretrial hearing in Fall River District Court.

During his August 1st arraignment on charges of Attempted Larceny and Conspiracy, Assistant District Attorney Nicole Cheney argued that Arias-Guzman should be held in jail on \$25,000 cash bail because he was clearly a flight risk. However, Judge Thomas Barrett released the defendant on \$4,000 cash bail, an amount the defendant immediately posted to be set free.

On August 3, District Attorney Quinn made the following statement to the media about the judge's decisions to release the defendant on low bail: "The amount of cash bail set in this case is clearly too low. The defendant entered the country illegally in January and while residing here in Massachusetts is alleged to have used deception and manipulation to steal thousands of dollars from a local couple. Given the defendant's immigration status and lack of connection to the area, he is definitely a flight risk. Our request for \$25,000 cash bail was appropriate. Trying to protect our seniors and other citizens from scams and other forms of fraud has been one my priorities as district

attorney.

This is another example of what is occurring throughout our state and the country. I commend the victims for realizing this was likely a scam and immediately notifying Westport Police. Victims often do not report these types of attempted scams to police. We all need to be very vigilant to the scam artists who are trying to rip off law abiding citizens of their hard earned money.”

Now that the defendant has apparently fled from his prosecution, our office yesterday filed an additional criminal charge of Bail Jumping, a new arrest warrant has issued, and we will seek to have his \$4,000 cash bail forfeited.

After learning yesterday of the defendant’s failure to appear in court, District Attorney Quinn made the following statement: “The defendant’s failure to appear in courts comes as no surprise. Based on his immigration status, he clearly was a flight risk who had no ties to this community. As I indicated previously, the bail set in this case was clearly too low to assure his appearance. The defendant now is at large and has the opportunity to prey on other innocent individuals.”

In late July, the Westport couple entered the Westport Police station to report they had received a phone called from an individual fraudulently identifying himself as their son. He pleaded that he needed assistance from his parents to raise cash for bond after being arrested by police after a motor vehicle crash in Boston. He stated he was texting at the time of the crash and the accident involved a pregnant women. He told the potential fraud victims he was currently in the hospital with injuries but if bail money was not delivered, he would be sent immediately to jail.

The caller then put another male on the phone who identified himself as the assigned public defender, who stated his son’s

bond would require a \$25,000 cash payment within the hour. After the couple told the "public defender" they could not get that amount of cash in an hour, the caller stated he could be released for \$10,000. Again the couple informed the caller that \$10,000 cash in one hour was impossible. The caller then negotiated with the couple and an amount of \$6,000 cash would be acceptable.

Suspecting this was a fraud, the couple went to the police station to report the incident. Detective Sergeant Bryan McCarthy spoke with the couple, and recognized the name given as the public defender, Mark Cohen, as well as the cell number, was consistent with a previous scam that occurred the week prior. He instructed the couple to return home and to call back if the fraudster called back with instructions for the money delivery. The fraudster did call back with instructions on how to package the cash and advised that a LYFT driver would be arriving to collect the money for delivery to Boston.

Det. Sgt. McCarthy immediately assembled a surveillance team, which included Detectives from area departments, and followed the LYFT driver to an address in Taunton. An unknown male approached the ride share vehicle and took possession of the package. Upon seeing McCarthy and other plain clothes officers approaching, he fled on foot. McCarthy gave foot chase and apprehended the individual, later identified as Hector Arias-Guzman of 20 Mallard St. Boston.

Guzman was previously apprehended by Customs and Border Patrol in January of this year for entering the United States illegally via the Del Rio area of Texas."