

SUPPLEMENTAL

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,)
)
) Plaintiff,)

CASE NUMBER 06-30088-WDS

vs.)

Title 18
United States Code
Sections 1001(a)(2), 1028A(a)(1) and (b), and
1341

TINA MARIE WINSTON)
)
) a/k/a Tina Marie Gilmore,)
)
) Defendant.)

Title 42
United States Code
Sections 408(a)(7)(B) and 1383a(a)(3)

INDICTMENT

THE GRAND JURY CHARGES:

FILED

COUNTS 1-3

(Mail Fraud—FEMA Disaster Assistance)

JUN 20 2006

A. Background

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS OFFICE

At all times relevant to this Indictment:

1. Hurricane Katrina, one of the most intense storms ever recorded during the Atlantic hurricane season, made landfall on August 29, 2005, near Buras, Louisiana with 125 MPH winds. Approximately 90,000 square miles were hit by the storm (an area roughly the size of Great Britain), directly affecting approximately 1.5 million people. By the end of the day on August 30, 2005, due to the flooding caused by the breaching and/or overtopping of the levees, 80% of the city of New Orleans was underwater.

2. The Federal Emergency Management Agency ("FEMA") was an agency of the United States Government within the Department of Homeland Security. FEMA's responsibilities included, among other things, providing disaster assistance to individuals in an area that was declared a major disaster.

3. On August 29, 2005, President Bush declared a major disaster for Louisiana as a result of Hurricane Katrina. FEMA was authorized to provide disaster assistance in the State of Louisiana to eligible victims of Hurricane Katrina. The assistance provided by FEMA included housing, rental, medical, dental, moving/storage, and funeral expense assistance.

4. Because of the tremendous devastation caused by Hurricane Katrina (and later Hurricane Rita), FEMA activated expedited assistance to provide fast track money with minimal "red tape" in the form of \$2,000 in expedited assistance payments to eligible disaster victims to help with immediate, emergency needs of food, shelter, clothing, and personal necessities. Victims could receive up to \$26,000 in assistance under FEMA's Individuals and Household Program.

B. Purpose of the Scheme

5. From on or about September 9, 2005 through on or about a date unknown to the Grand Jury, within St. Clair County, within the Southern District of Illinois and elsewhere, defendant,

TINA MARIE WINSTON a/k/a Tina Marie Gilmore,

devised, intended to devise, and knowingly participated in a scheme to defraud and to obtain disaster assistance money from FEMA by means of materially false and fraudulent pretenses, representations, and promises.

C. The Scheme and Artifice

6. It was the purpose of the scheme and artifice for defendant **TINA MARIE WINSTON** to unjustly enrich herself by falsely claiming to FEMA that she had sustained damage to her personal property and other losses as a result of Hurricane Katrina.

7. The defendant **TINA MARIE WINSTON** sought to accomplish the scheme and artifice by, among other things, the following manner and means:

A. After Hurricane Katrina made landfall, on or about September 9, 2005, defendant **TINA MARIE WINSTON** filed an online internet application for disaster assistance from FEMA. On the application, **TINA MARIE WINSTON** used a social security number which was not her true social security number.

B. As part of her application, **TINA MARIE WINSTON** represented to FEMA that, due to the Hurricane Katrina disaster, her home was damaged, she suffered loss of personal property, her utilities were not working, that someone in the family had lost work, and that she had related dental and funeral expenses. The application indicated that Winston had evacuated to 2601 West Blvd., Apt. #7, Belleville, IL 62221. The damaged address **TINA MARIE WINSTON** listed on the FEMA application was 218 Cedar Street, New Orleans, LA 70114. In truth and fact, this address did not exist, and Hurricane Katrina did not cause **TINA MARIE WINSTON** loss or damage. At the time Hurricane Katrina devastated New Orleans, **TINA MARIE WINSTON** was residing in Belleville, Illinois, out of harm's way, where she had been living since approximately July, 2004.

C. After applying for FEMA aid, on several occasions **TINA MARIE WINSTON** completed FEMA Form 90-69B – Declaration and Release. Each of the forms states, in part, “By my signature I certify that all information I have provided regarding my application for FEMA disaster assistance is true and correct to the best of my knowledge.” The forms also include a statement indicating that intentional false statements in an attempt to obtain disaster aid could be punishable by imprisonment and/or a fine.

D. **TINA MARIE WINSTON** sent correspondence to FEMA representing that her two daughters had died during the flooding in New Orleans and that she had seen them float away but had not yet recovered their bodies. **TINA MARIE WINSTON** told FEMA that when she found her daughters, she would need burial money. In truth and fact, the daughters (who **TINA MARIE WINSTON** described in one letter to FEMA as age 5 and 6 and in another letter to FEMA as age 4 and 7) never existed.

E. **TINA MARIE WINSTON** sent correspondence to FEMA falsely representing that she lost \$10,075 worth of personal property as a result of Hurricane Katrina.

F. **TINA MARIE WINSTON** sent correspondence to FEMA representing that she was "having a hard time," that she was depressed and going to counseling because of the loss of her children, and that she was "tired of getting the runarounds."

G. Based on defendant **TINA MARIE WINSTON's** misstatements and omissions, she was found eligible for FEMA disaster assistance and was issued and accepted FEMA disaster assistance. FEMA paid, via Electronic Funds Transfer (EFT) to an account jointly controlled by **TINA MARIE WINSTON** and another individual, \$2,000.00 on October 7, 2005 for housing assistance, and \$2,358.00 on October 19, 2005 for rental assistance.

D. The Mailings

8. On or about the date of each count listed below, in St. Clair County, Illinois, within the Southern District of Illinois, and elsewhere,

TINA MARIE WINSTON a/k/a Tina Marie Gilmore,
defendant herein, having devised the above-described scheme to defraud and to obtain disaster assistance funds from FEMA by means of materially false and fraudulent pretenses,

representations, and promises, for the purpose of executing such scheme and attempting to do so, knowingly caused the matters and things listed below to be delivered to the Maryland National Processing Service Center, U.S. Department of Homeland Security, P.O. Box 10055, Hyattsville, Maryland 20782-8055, by the United State Postal Service according to the directions thereon:

COUNT	MAILED ON OR ABOUT	DESCRIPTION OF ITEM
1	September 22, 2005	FEMA Form 90-69B – Declaration and Release dated September 22, 2005, and letter stating TINA MARIE WINSTON had lost two children and all of her belongings as a result of Hurricane Katrina and that she needed help bad
2	November 14, 2005	Letter to FEMA from TINA MARIE WINSTON enclosing a dental bill in the amount of \$2,530 and stating that she lost her 5 and 6 year old daughters during Hurricane Katrina, that she saw their bodies flowing down the water, and that she needed money to pay for the memorial service she had under the bridge in St. Louis
3	January 13, 2006	Declaration of Funds Use and Continuing Need for Housing signed by TINA MARIE WINSTON and dated "January 13, 2005" and FEMA Form 90-69B – Declaration and Release dated January 13, 2006

All in violation of Title 18, United States Code, Section 1341.

COUNT 4
(Misuse of SSN–FEMA Disaster Assistance)

On or about, September 9, 2005, in St. Clair County, within the Southern District of Illinois, and elsewhere

TINA MARIE WINSTON a/k/a Tina Marie Gilmore,

defendant herein, for the purpose of completing an application/registration for disaster assistance, FEMA Form 90-69, claiming disaster assistance for damage to her personal property as a result of Hurricane Katrina, and with intent to deceive, falsely represented that a certain social security number was the social security account number assigned by the Commissioner of Social Security to her, when in truth and in fact, as the defendant then well knew, said number was not the social security number assigned to her.

All in violation of Title 42, United States Code, Section 408(a)(7)(B).

COUNT 5
(Aggravated Identity Theft)

1. Paragraphs 1 through 7 of Counts 1 through 3 are realleged.
2. On or about September 9, 2005, in the Southern District of Illinois,

TINA MARIE WINSTON a/k/a Tina Marie Gilmore,

defendant herein, did knowingly use, without lawful authority, a means of identification of another person, to wit, a social security number issued to another person, during and in relation to mail fraud as charged in Counts 1 through 3, in violation of Title 18, United States Code, Section 1343.

All in violation of Title 18, United States Code, Section 1028A(a)(1) and (b).

COUNT 6
(Mail Fraud-Department of Labor DUA)

A. Background

At all times relevant to this Indictment:

1. Paragraphs 1 through 3 of Counts 1 through 3 are realleged.

2. Disaster Unemployment Assistance (DUA) provides financial assistance to individuals whose employment or self-employment is lost or interrupted as a direct result of a major disaster declared by the President of the United States.

3. The Louisiana Department of Labor administers the DUA program for the State of Louisiana. Funding for the DUA program comes directly from federal funds provided by the Federal Emergency Management Agency (FEMA). DUA benefits are available to individuals beginning after the date the major disaster begins and up to 26 weeks after the disaster declaration, as long as their unemployment continues to be a result of the major disaster. The maximum benefit amount is \$98 per week for 26 weeks for a total possible benefit of \$2,548.

B. Purpose of the Scheme

4. From on or October 12, 2005, through on or about a date unknown to the Grand Jury, within St. Clair County, within the Southern District of Illinois and elsewhere, defendant,

TINA MARIE WINSTON a/k/a Tina Marie Gilmore,

devised, intended to devise, and knowingly participated in a scheme to defraud and to obtain DUA by means of materially false and fraudulent pretenses, representations, and promises.

C. The Scheme and Artifice

5. It was the purpose of the scheme and artifice for defendant **TINA MARIE WINSTON** to unjustly enrich herself by falsely claiming a loss of employment as a result of Hurricane Katrina.

6. The defendant **TINA MARIE WINSTON** sought to accomplish the scheme and artifice by, among other things, the following manner and means:

A. After Hurricane Katrina, on or about October 12, 2005, Tina Winston applied for DUA. On the application, **TINA MARIE WINSTON** used a social security number other than her true social security number.

B. In the application, **TINA MARIE WINSTON** listed her last employer as C W Handiman Service, located at 225 W. Main, New Orleans, LA 70112. Tina Winston listed employment dates of March 10, 2004 to August 29, 2005, and reported the reason for her work separation as "Hurr Katrina – Self Employed". She answered "No" to the eligibility question "Do you have any other financial resources?", and also answered "No" to the question "Did you receive, or will you receive any of the following payments? Social Security". **TINA MARIE WINSTON** indicated that her Louisiana residential address had been 218 Cedar Street, New Orleans, LA 70112.

C. In truth and fact, **TINA MARIE WINSTON** did not lose employment as a result of Hurricane Katrina. **TINA MARIE WINSTON** did have other financial resources, in the form of food stamp assistance in the State of Illinois and Supplemental Security Income (SSI) from the Social Security Administration. The address of 218 Cedar Street, New Orleans, is a bogus address.

D. Based upon the false information **TINA MARIE WINSTON** submitted to the U.S. Department of Labor via her internet application, her request for assistance was approved, and a debit card was mailed via the U.S. Postal Service to her address in the Southern District of Illinois.

E. **TINA MARIE WINSTON** spent approximately \$1,321.54 using the debit card at Wal-Mart, restaurants, gas stations, and the like.

D. The Mailings

7. On or about the date of each count listed below, in St. Clair County, Illinois, within the Southern District of Illinois, and elsewhere,

TINA MARIE WINSTON a/k/a Tina Marie Gilmore,

defendant herein, having devised the above-described scheme to defraud and to obtain disaster unemployment assistance by means of materially false and fraudulent pretenses, representations, and promises, for the purpose of executing such scheme and attempting to do so, knowingly caused the matters and things listed below to be delivered to 2601 West Blvd #7, Belleville, IL 62221, by the United State Postal Service according to the directions thereon:

COUNT	MAILED ON OR ABOUT	DESCRIPTION OF ITEM
6	October 13, 2005	Disaster Unemployment Assistance debit card

All in violation of Title 18, United States Code, Section 1341.

COUNT 7

(Concealment of Material Information from SSA)

Beginning in or around May 27, 1994, and continuing until on or about the date of this indictment, in St. Clair County, Illinois, within the Southern District of Illinois, and elsewhere,

TINA MARIE WINSTON a/k/a Tina Marie Gilmore,

defendant herein, using the name **Tina Gilmore**, in a matter within the jurisdiction of the Social Security Administration, having knowledge of the occurrence of an event affecting the continued right to payment of Social Security Title XVI SSI benefits, concealed and failed to disclose such event with the intent to fraudulently secure payment in an amount greater than was due her, and

when no payment was authorized, to wit: defendant failed to report the fact of her marriage of May 27, 1994 to the Social Security Administration.

All in violation of Title 42, United States Code, Section 1383a(a)(3).

COUNT 8

(False Statements–USDA Food Stamp Program; HHS Medicaid Program)

On or about July 7, 2004, in St. Clair County, Illinois, within the Southern District of Illinois, in a matter within the jurisdictions of the United States Department of Agriculture and the United States Department of Health and Human Services, agencies of the United States,

TINA MARIE WINSTON a/k/a Tina Marie Gilmore,

defendant herein, using the name Tina Gilmore, did knowingly and willfully make a false, fraudulent, and fictitious material statement and representation; that is, on an application for public aid used to determine eligibility for Food Stamps and Medicaid, defendant provided the name of her husband as a member of her household but defendant falsely represented that she was not married to this individual.

All in violation of Title 18, United States Code, Section 1001(a)(2).

COUNT 9

(False Statements–HHS)

On or about December 12, 2004, in St. Clair County, Illinois, within the Southern District of Illinois, in a matter within the jurisdiction of the Department of Health and Human Services, an agency of the United States,

TINA MARIE WINSTON a/k/a Tina Marie Gilmore,

defendant herein, using the name Tina M. Gilmore, did knowingly and willfully make a false, fraudulent, and fictitious material statement and representation; that is, on an application to work

as a child care provider in a program administered by the State of Illinois which is funded with federal monies, defendant stated that she had not been convicted of anything other than a minor traffic violation, when, in fact, defendant had several felony convictions, to include one for which she was still serving a term of probation and another which resulted in the imposition of an 18 month term of imprisonment.

All in violation of Title 18, United States Code, Section 1001(a)(2).

COUNT 10
(Concealment of Material Information from SSA)

Beginning in or around February 8, 2005, and continuing until on or about the date of this indictment, in St. Clair County, Illinois, within the Southern District of Illinois, and elsewhere,

TINA MARIE WINSTON a/k/a Tina Marie Gilmore,

defendant herein, using the name **Tina Gilmore**, in a matter within the jurisdiction of the Social Security Administration, having knowledge of the occurrence of an event affecting the continued right to payment of Social Security Title XVI SSI benefits, concealed and failed to disclose such event with the intent to fraudulently secure payment in an amount greater than was due her, and when no payment was authorized, to wit: defendant failed to report the fact of her earnings from employment as a child care provider in a program administered by the State of Illinois.

All in violation of Title 42, United States Code, Section 1383a(a)(3).

COUNT 11
(False Statements–HUD)

On or about June 2, 2005, in St. Clair County, Illinois, within the Southern District of Illinois, in a matter within the jurisdictions of the Department of Housing and Urban Development, an agency of the United States,

TINA MARIE WINSTON a/k/a Tina Marie Gilmore,

defendant herein, using the name **Tina Gilmore**, did knowingly and willfully make a false, fraudulent, and fictitious material statement and representation; that is, on an application for housing assistance, defendant provided the name of her husband as a member of her household but defendant falsely identified him as her cousin and defendant falsely indicated that she and her “cousin” were unemployed and receiving no income, when, in fact, her husband was working and receiving income.

All in violation of Title 18, United States Code, Section 1001(a)(2).

COUNT 12
(False Statements—SSA)

On or about September 10, 2005, in St. Clair County, Illinois, within the Southern District of Illinois, in a matter within the jurisdiction of the Social Security Administration, an agency of the United States,

TINA MARIE WINSTON a/k/a Tina Marie Gilmore,

defendant herein, using the name **Tina Gilmore**, did knowingly and willfully make a false, fraudulent, and fictitious material statement and representation; that is, on a Report of Continuing Disability Interview used to determine continuing eligibility for disability benefits, defendant falsely stated that she was “very sad” because some of her family had been killed in New Orleans during Hurricane Katrina, when, in fact, defendant did not lose family members in the disaster.

All in violation of Title 18, United States Code, Section 1001(a)(2).

COUNT 13
(False Statements-SSA)

On or about October 7, 2005, in St. Clair County, Illinois, within the Southern District of Illinois, in a matter within the jurisdiction of the Social Security Administration, an agency of the United States,

TINA MARIE WINSTON a/k/a Tina Marie Gilmore,

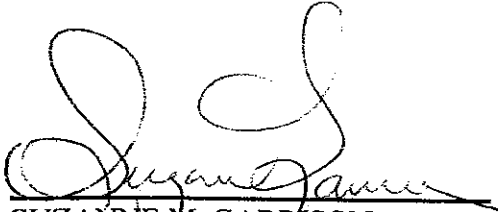
defendant herein, using the name **Tina Gilmore**, did knowingly and willfully make a false, fraudulent, and fictitious material statement and representation; that is, on an Activities of Daily Living Questionnaire used to determine continuing eligibility for disability benefits, defendant stated that she needed help doing just about everything, that she could not drive, that she could not watch children, and that she liked to watch *Barney* and play with blocks, when, in fact, defendant could drive, had worked earlier in the year as a child care worker through a program administered by the State of Illinois and had also applied to be a foster parent, was capable of taking care of herself, and did not watch *Barney* and play with blocks.

All in violation of Title 18, United States Code, Section 1001(a)(2).

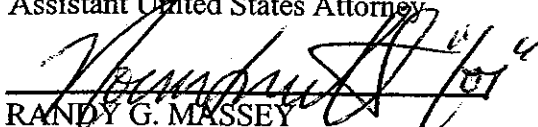
A TRUE BILL



FOREPERSON



SUZANNE M. GARRISON
Assistant United States Attorney



RANDY G. MASSEY
Acting United States Attorney

Recommended Bond: Detention