

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA
Newport News Division

UNITED STATES OF AMERICA

v.

SANDRA PAYNE,

Defendant.

) CRIMINAL NO. 4:18cr 98
)
) 18 U.S.C. § 1343
) Wire Fraud -
) (Counts 1-10)
)
) 18 U.S.C. § 1028A
) Aggravated Identity Theft
) (Counts 11-20)
)
) 18 U.S.C. § 1029(a)(2)
) Access Device Fraud
) (Count 21)
)
)
) Asset Forfeiture

INDICTMENT

December 2018 TERM - at Newport News, Virginia

GENERAL ALLEGATIONS

At all relevant times:

1. During in or about December 2017, the exact date being unknown to the Grand Jury, through in or about April 2018, SANDRA PAYNE (hereinafter referred to as PAYNE), was employed at the private residence of I.B. and B.B. in Newport News, Virginia. PAYNE was employed to provide private home care to F.B.

2. During the course of her employment at the residence in Newport News, PAYNE gained access to a Discover account number (last four digits 2580) then issued to I.B. and a PNC Bank Visa account number (last four digits 1348) then issued to B.B. without the knowledge and authorization of I.B. and B.B.

3. On various dates in December 2017 through April 2018, PAYNE made unauthorized charges for personal goods and services on I.B.'s and B.B.'s credit cards at various retailers in the Tidewater Area, including Pomoco Nissan, Spring Hill Suites by Marriott, Walmart, Dress Barn, Sears, and Roses, all within the Eastern District of Virginia.

4. The unauthorized charges for personal goods and services PAYNE made utilizing I.B.'s and B.B.'s credit cards totaled approximately \$21,628.09.

COUNTS ONE THROUGH TEN

THE GRAND JURY CHARGES THAT:

1. The factual allegations contained in the General Allegations section are incorporated herein by reference as if set out in full.

2. From on or about, December 2017, and continuing through on or about April 2018, in the Eastern District of Virginia, and elsewhere, SANDRA PAYNE, the defendant herein, with intent to defraud, knowingly devised and intended to devise a scheme and artifice to defraud and for obtaining money and property by means of materially false and fraudulent pretenses, representations and promises, which scheme and artifice, and the execution thereof, operated in substance as follows:

THE SCHEME AND ARTIFICE

3. The object of the scheme and artifice to defraud and for obtaining money and property by means of materially false, and fraudulent pretenses, representations and promises, was for PAYNE, to enrich herself by fraudulently obtaining for her own use and benefit property including money, goods and services, through the unauthorized use of the credit cards of I.B. and B.B.

4. It was a part of the scheme and artifice that PAYNE travelled within the Eastern District of Virginia and elsewhere to complete multiple unauthorized purchases using a Discover account number (last four digits 2580) then issued to I.B. and a PNC Bank Visa account number (last four digits 1348) then issued to B.B.

5. It was further part of the scheme and artifice that Payne caused electronic transfers of information to occur between credit card terminals in the Eastern District of Virginia and terminals and/or computer servers located outside the Commonwealth of Virginia.

WIRE FRAUD IN CONNECTION WITH THE SCHEME

6. On or about the dates and in the manner set forth below, SANDRA PAYNE, the defendant herein, with the intent to defraud, and for the purpose of executing the aforesaid scheme and artifice to defraud and to obtain money and property through materially false pretenses, representations, promises as described above in paragraphs 3-5, did knowingly and willfully transmit and cause to be transmitted by means of wire communication in interstate commerce, certain signs, signals, and sounds as set forth in the table below, to and from or through computers and terminals in the Eastern District of Virginia from, to or through computers and terminals located outside the Commonwealth of Virginia.

Count	Date (on or about)	Location	Approximate Time	Description of Wire Transmission
1	12/5/2017	Pomoco Nissan in Hampton, Virginia	1:57 p.m.	Purchase of \$230.63 for parts and services using an unauthorized access device bearing a Discover account number (last four digits 2580) then issued to I.B.
2	12/15/2017	SpringHill Suites by Marriott in Virginia Beach, Virginia	11:15 a.m.	Purchase of \$343.72 for hotel room using an unauthorized access device bearing a Discover account number (last four digits 2580) then issued to I.B.

3	12/23/2017	Walmart in Newport News, Virginia	12:44 p.m.	Purchase of \$159.76 for goods using an unauthorized access device bearing a Discover account number (last four digits 2580) then issued to I.B.
4	1/6/2018	Walmart in Newport News, Virginia	2:14 p.m.	Purchase of \$163.20 for goods using an unauthorized access device bearing a Discover account number (last four digits 2580) then issued to I.B.
5	1/8/2018	Pomoco Nissan in Hampton, Virginia	1:32 p.m.	Purchase of \$187.60 for parts and services using an unauthorized access device bearing a Discover account number (last four digits 2580) then issued to I.B.
6	3/17/2018	Dress Barn in Newport News, Virginia	12:21 p.m.	Purchase of \$133.45 for clothes using an unauthorized access device bearing a PNC Bank Visa account number (last four digits 1348) then issued to B.B.
7	3/23/2018	Walmart in Newport News, Virginia	11:40 a.m.	Purchase of \$451.43 for electronics using an unauthorized access device bearing a PNC Bank Visa account number (last four digits 1348) then issued to B.B.
8	3/27/2018	Walmart in Newport News, Virginia	4:24 p.m.	Purchase of \$205.80 for clothes and goods using an unauthorized access device bearing a PNC Bank Visa account number (last four digits 1348) then issued to B.B.
9	3/30/2018	Sears in Newport News, Virginia	4:54 p.m.	Purchase of \$348.84 for clothes and goods using an unauthorized access device bearing a PNC Bank Visa account number (last four digits 1348) then issued to B.B.
10	4/5/2018	Roses in Newport News, Virginia	7:01 p.m.	Purchase of \$225.26 for clothes and goods using an unauthorized access device bearing a PNC Bank Visa account number (last four digits 1348) then issued to B.B.

(In violation of Title 18, United States Code, Section 1343).

COUNTS ELEVEN THROUGH TWENTY

THE GRAND JURY FURTHER CHARGES THAT:

1. On or about the dates set forth herein, in the Eastern District of Virginia, SANDRA PAYNE, the defendant herein, did unlawfully, knowingly and intentionally transfer, possess and use, without lawful authority, a means of identification of another during and in relation to felony violations of provisions contained in Chapter 47 of Title 18, to wit: Wire Fraud, in violation of Title 18, United States Code, Section 1343, as charged in Counts One through Ten of this Indictment:

Count	Date of Transaction (on or about)	Means of Identification	Description/Purpose of Transaction	Felony Violation
11	12/5/2017	Access device number of I.B. (last four digits 2580)	Purchase of \$230.63 for parts and services at Pomoco Nissan using an unauthorized access device bearing a Discover account number (last four digits 2580) then issued to I.B.	18 U.S.C. § 1343 (ref. Count 1)
12	12/15/2017	Access device number of I.B. (last four digits 2580)	Purchase of \$343.72 for hotel room at Spring Hill Suites by Marriott using an unauthorized access device bearing a Discover account number (last four digits 2580) then issued to I.B.	18 U.S.C. § 1343 (ref. Count 2)
13	12/23/2017	Access device number of I.B. (last four digits 2580)	Purchase of \$159.76 for goods at Walmart using an unauthorized access device bearing a Discover account number (last four digits 2580) then issued to I.B.	18 U.S.C. § 1343 (ref. Count 3)
14	1/6/2018	Access device number of I.B. (last four digits 2580)	Purchase of \$163.20 for goods at Walmart using an unauthorized access device bearing a Discover account number (last four digits 2580) then issued to I.B.	18 U.S.C. § 1343 (ref. Count 4)

15	1/8/2018	Access device number of I.B. (last four digits 2580)	Purchase of \$187.60 for parts and services at Pomoco Nissan using an unauthorized access device bearing a Discover account number (last four digits 2580) then issued to I.B.	18 U.S.C. § 1343 (ref. Count 5)
16	3/17/2018	Access device number of B.B. (last four digits 1348)	Purchase of \$133.45 for clothes at Dress Barn using an unauthorized access device bearing a PNC Bank Visa account number (last four digits 1348) then issued to B.B.	18 U.S.C. § 1343 (ref. Count 6)
17	3/23/2018	Access device number of B.B. (last four digits 1348)	Purchase of \$451.43 for electronics at Walmart using an unauthorized access device bearing a PNC Bank Visa account number (last four digits 1348) then issued to B.B.	18 U.S.C. § 1343 (ref. Count 7)
18	3/27/2018	Access device number of B.B. (last four digits 1348)	Purchase of \$205.80 for clothes and goods from Walmart using an unauthorized access device bearing a PNC Bank Visa account number (last four digits 1348) then issued to B.B.	18 U.S.C. § 1343 (ref. Count 8)
19	3/30/2018	Access device number of B.B. (last four digits 1348)	Purchase of \$348.84 for clothes and goods from Sears using an unauthorized access device bearing a PNC Bank Visa account number (last four digits 1348) then issued to B.B.	18 U.S.C. § 1343 (ref. Count 9)
20	4/5/2018	Access device number of B.B. (last four digits 1348)	Purchase of \$225.26 for clothes and goods from Roses using an unauthorized access device bearing a PNC Bank Visa account number (last four digits 1348) then issued to B.B.	18 U.S.C. § 1343 (ref. Count 10)

(In violation of Title 18, United States Code, Section 1028A(a)(1) and (c)).

COUNT TWENTY-ONE

(Access Device Fraud)

THE GRAND JURY FURTHER CHARGES THAT:

1. The factual allegations contained in the General Allegations section are incorporated herein by reference as if set out in full.
2. From on or about December 2017 through on or about April 2018, in the Eastern District of Virginia and elsewhere, SANDRA PAYNE, the defendant herein, did knowingly and with intent to defraud use one or more unauthorized access devices, that is the personal Visa account issued by PNC Bank, last four digits 1348, and the personal Discover account, last four digits 2580, unauthorized access devices as defined by Title 18, United States Code Section 1029(e)(3), and by such conduct obtained retail goods, electronics, other services and products of an aggregate value greater than one thousand dollars (\$1,000.00) during a one year period and during the aforesaid time period, said use affected interstate commerce in that the transactions were to/from and through computers or credit card terminals in the Eastern District of Virginia from/to or through computers or credit card terminals located outside the Commonwealth of Virginia.

(In violation of Title 18, United States Code, Section 1029(a)(2)).

FORFEITURE ALLEGATION

THE GRAND JURY FURTHER ALLEGES AND FINDS PROBABLE CAUSE THAT:

1. The defendant, if convicted of any of the violations alleged in counts one through ten, and count twenty-one, of this indictment, shall forfeit to the United States, as part of the sentencing pursuant to Federal Rule of Criminal Procedure 32.2, any property, real or personal, which constitutes or is derived from proceeds traceable to the violation.
2. The defendant, if convicted of the violation alleged in count twenty-one of this indictment, shall forfeit to the United States, as part of the sentencing pursuant to Federal Rule of Criminal Procedure 32.2, any personal property used or intended to be used to commit the violation.
3. If any property that is subject to forfeiture above, as a result of any act or omission of the defendant, (a) cannot be located upon the exercise of due diligence, (b) has been transferred to, sold to, or deposited with a third party, (c) has been placed beyond the jurisdiction of the Court, (d) has been substantially diminished in value, or (e) has been commingled with other property that cannot be divided without difficulty, it is the intention of the United States to seek forfeiture of any other property of the defendant, as subject to forfeiture under Title 21, United States Code, Section 853(p).

(In accordance with Title 18, United States Code, Sections 981(a)(1)(C), 982(a)(2)(B), and 1029(c)(1)(C); Title 28, United States Code, Section 2461).

Pursuant to the E-Government Act,
the original of this page has been filed
under seal in the Clerk's Office


United States v. Sandra Payne
Criminal No. 4:18cr 98

A TRUE BILL:

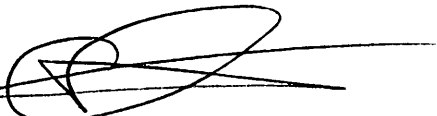
REDACTED COPY

FOREPERSON

G. ZACHARY TERWILLIGER
UNITED STATES ATTORNEY

By: 

Megan M. Cowles
Assistant United States Attorney

By: 

Chad McHenry
Special Assistant United States Attorney

Criminal Case Cover Sheet

REDACTED

U.S. District Court

Place of Offense City: _____ **County:** _____

Complex **Capital** **Judge Assigned** _____

Interpreter **Language** _____ **Criminal Case No.** _____
(Assigned by Clerk's Office)

Indictment **Criminal Information** **Related MJ No.** _____

Superseding Indictment **Yes** **No** **Related MS No.** _____

Same Defendant(s) **New Defendant(s)** **Related SW No.** _____

Related to Other District Court Case? **Yes** **No** **Docket No.** _____

R20/40 **Yes** **No** **District of** _____

Defendant Information:

Name: SANDRA PAYNE **Birthdate:** 1961

Alias(1): _____ **SSN:** 5649

Alias (2): _____ **Race:** _____ **Sex:** Female

Alias (3): _____ **FBI No.** _____

Address: _____ **USMS Reg. No.** _____

Hampton, VA 23666 **State ID No.** _____

Location Status:

Not Been Arrested **Federal Custody** **State Custody** **Defendant is Available for Court Proceedings in this District**

Pretrial Release **Fugitive** **Issue Summons** **Issue Warrant** **Issue Warrant as Detainer**

Attorney Information:

AUSA: MEGAN COWLES **Phone** 757-591-4000 **Bar No.** _____

AUSA: CHAD MCHENRY **Phone** 757-591-4000 **Bar No.** _____

AUSA: _____ **Phone** _____ **Bar No.** _____

Defense Counsel: _____ **Phone** _____

Attorney Conflicts: *Name* _____ *Name* _____

Name _____ *Name* _____

U.S.C. Citations

Statute	Description of Offense Charged	Count(s)	Class
18 U.S.C. § 1343	Wire Fraud	1-10	Felony
18 U.S.C. § 1028A	Aggravated Identity Theft	11-20	Felony
18 U.S.C. § 1029(a)(2)	Access Device Fraud	21	Felony
18 U.S.C. § 982(a)(1)(C)	Asset Forfeiture		

Date: 12-10-2018 **AUSA Signature** _____

Reset Form

See Attached Sheet