

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION

UNITED STATES OF AMERICA,	)	No. 07-04026-01/07-CR-C-SOW
)	
Plaintiff,	)	Count 1: (All defendants)
	)	18 U.S.C. § 371
v.	)	NMT 20 years and/or \$250,000
	)	Supervised Release: NMT 3 years
CLAYTON J. DEARDORFF,)	
[DOB: 1978]	)	Counts 2-5: (Deardorffs ONLY)
ROBIN LYNNETTE DEARDORFF,	)	18 U.S.C. § 1028A
[DOB: 1975]	)	NLT 2 years; NMT 15 years
ANGIE MARIE ROARK,	)	and/or \$250,000
[DOB: 1977]	)	Supervised Release: NMT 2 years
ERICA DANIECE KELLEY,)	
[DOB: 1979]	)	\$100 mandatory penalty
KRYSTAL GAIL STEPHENS,	)	assessment, each count,
[DOB: 1985]	)	each defendant therein
ANNA MARY STEPHENS)	
[DOB: 1977])	
and)	
BRENDA McKAY ADAMS,)	
[DOB: 1973])	
)	
Defendants.)	

I N D I C T M E N T

THE GRAND JURY CHARGES THAT:

COUNT 1
(Conspiracy)

The Scheme to Defraud

1. From an unknown date, but beginning at least as early as in or about January 2002, and continuing until on or about December 14, 2006, CLAYTON J. DEARDORFF, ROBIN LYNNETTE DEARDORFF, ANGIE MARIE ROARK, ERICA DANIECE KELLEY, KRYSTAL GAIL STEPHENS, ANNA MARY STEPHENS and BRENDA McKAY ADAMS, defendants, and others, known and

unknown to the Grand Jury, knowingly, willfully and unlawfully devised a scheme and artifice to defraud and to obtain money and property from phone companies and credit card companies by means of false and fraudulent pretenses, representations and promises, knowing that the pretenses, representations and promises were false and fraudulent when made. In furtherance of the scheme, the defendants used interstate wire communications, the U.S. mail, and commercial and private carriers.

2. As a part of the scheme, the defendants unlawfully appropriated and used, and caused to be unlawfully appropriated and used, identification information, including names, Social Security Numbers, and dates of birth, of other persons.

3. At all times material, prisoners in the Missouri Department of Corrections were allowed to make phone calls while confined, but had to have a method to pay for the calls. Generally, this was accomplished by making a collect call, which had to be accepted by the recipient of the call in order for a connection to be made.

4. At all times material, local calls from the prison could be directed and forwarded from a local number to a cellular phone, and the holders of those cellular phones were able to accept the charges for the call. This would result in a charge for the local call from the prison, and further additional and different charge for the call, and air-time, to the cellular phone.

5. It was a part of the scheme for CLAYTON J. DEARDORFF, ROBIN LYNNETTE DEARDORFF, ANGIE MARIE ROARK, ERICA DANIECE KELLEY, KRYSTAL GAIL STEPHENS, ANNA MARY STEPHENS and BRENDA MCKAY ADAMS, defendants, to obtain things of value, including but not limited to, cellular telephones and local and long distance telephone service, through fraud, theft and other unlawful means.

6. It was a further part of the scheme that the defendants would enlist others to steal and otherwise unlawfully acquire, and would steal and otherwise unlawfully acquire, identification information of other persons, including names, Social Security Numbers, and dates of birth, in order to start and use local and long distance phone service, and to acquire cellular telephones, at no cost to the defendants. The defendants would use or pass on and sell the cellular telephones to others.

7. Through the use of fraudulently stolen identities and identification information of other persons, including names, Social Security Numbers, and dates of birth, the defendants opened and caused to be opened accounts for telephone service and credit card service, causing bills to be sent to the fraudulently assigned names at addresses given to the telephone companies by the defendants. The defendants would intercept and receive cellular telephones which were mailed to these addresses, and would also cause landline telephone service to be installed at some of these addresses.

8. Generally, the fraudulently opened telephone services, whether landline or cellular, would continue until the telephone company cancelled the service for non-payment. The charges would go unpaid by the defendants, and be listed against the individuals whose names had been used to set up the service. As a result of the scheme to defraud, the defendants caused a total unpaid balance to be owed the telephone companies of more than \$80,000.

9. It was a further part of the scheme that the defendants used unlawfully acquired identities in order to avoid detection, arrest and prosecution.

10. It was a further part of the scheme that the defendants would and did use landline and cellular telephones and the U.S. mails in order to communicate with each other, and to pass the phone numbers to prisoners and others, which numbers were for long distance and local phone service and cellular telephone usage which had been fraudulently initiated by one of the defendants.

The Defendants and Their Role in the Scheme

11. CLAYTON J. DEARDORFF was a prisoner confined at various locations in the State of Missouri, including Tipton Correctional Facility in Moniteau County. He recruited his wife, ROBIN LYNNETTE DEARDORFF, and others to steal and unlawfully acquire identification information so that local and long distance telephone service and cellular telephone service could be started for his use and that of other, unauthorized persons.

12. ROBIN LYNNETTE DEARDORFF (nee Sidney) was the girlfriend and wife of CLAYTON J. DEARDORFF. She lived at various locations in Cole County, including 993 Pike Street, Jefferson City, Missouri; 1029-A East High Street, Jefferson City, Missouri; and 217-C Benton, Jefferson City, Missouri. ROBIN LYNNETTE DEARDORFF worked at a nursing home, where she had access to identification information of the resident patients. She unlawfully took and stole identification information of the resident patients, and used this information to start local and long distance phone service and cellular telephone service. ROBIN LYNNETTE DEARDORFF also recruited others to participate in the scheme to defraud. In addition, she had landlines installed at and cellular telephones delivered to her residence address, all of which had been ordered utilizing unlawfully appropriated identification information, in furtherance of the scheme to defraud.

13. At various times, ANGIE MARIE ROARK was an employee of Sprint PCS. By virtue of her employment, she had access to the identification information of Sprint customers, including their names, Social Security Numbers, and dates of birth, and unlawfully appropriated and used that information, in furtherance of the scheme to defraud. Her employment by and knowledge of Sprint, its methods and operating procedures, assisted the conspirators in their unlawful scheme to defraud. In addition, she had landlines installed at and cellular telephones delivered to her residence

address, all of which had been ordered utilizing unlawfully appropriated identification information, in furtherance of the scheme to defraud.

14. From 1998 to on or about January 3, 2003, ERICA DANIECE KELLEY was an employee of the Missouri Department of Revenue, Motor Vehicle Bureau, in Jefferson City, Cole County, Missouri. She held various positions within the Department of Revenue, including Revenue Licensing Tech II when she resigned. By virtue of her employment, she had access to the identification information of Motor Vehicle Bureau customers, including their names, Social Security Numbers, and dates of birth, and unlawfully appropriated and delivered that information to ROBIN LYNNETTE DEARDORFF and others, in furtherance of the scheme to defraud.

15. Between on or about March 3, 2003, and on or about May 11, 2005, KRYSTAL GAIL STEPHENS was a part-time employee of the Missouri Department of Revenue, Division of Taxation and Collection, Jefferson City, Cole County, Missouri. Her job title was Tax Season Assistant - Temporary. By virtue of her employment, she had access to identification information of Division of Taxation and Collection customers, including their names, Social Security Numbers, and dates of birth, and unlawfully appropriated and delivered that information to one of the defendants and others, in furtherance of the scheme to defraud.

16. At various times, ANNA MARY STEPHENS was an employee of

United Telephone Company (Sprint). By virtue of her employment, she had access to the identification information of United Telephone/Sprint customers, including their names, Social Security Numbers, and dates of birth, and checked the status of the fraudulent telephone service accounts, in furtherance of the scheme to defraud. Her employment by and knowledge of United Telephone/Sprint, its methods and operating procedures, assisted the conspirators in their unlawful scheme to defraud. In addition, she had landlines installed at and cellular telephones delivered to her residence address, all of which had been ordered utilizing unlawfully appropriated identification information, in furtherance of the scheme to defraud.

17. At various times in 2005 and 2006, BRENDA MCKAY ADAMS used and allowed others to utilize her residence address to have landlines installed at and cellular telephones delivered there, all of which had been ordered utilizing unlawfully appropriated identification information, in furtherance of the scheme to defraud.

The Conspiracy

18. From an unknown date, but beginning at least as early as in or about January 2002, and continuing until on or about December 14, 2006, in Cole County, in the Western District of Missouri, and elsewhere, CLAYTON J. DEARDORFF, ROBIN LYNNETTE DEARDORFF, ANGIE MARIE ROARK, ERICA DANIECE KELLEY, KRYSTAL GAIL STEPHENS, ANNA MARY

STEPHENS and BRENDA McKAY ADAMS, defendants, did knowingly and willfully combine, conspire, confederate and agree to commit offenses against the United States, that is:

a. to knowingly devise a scheme and artifice to defraud, and to obtain money and property by means of false and fraudulent pretenses, representations, and promises, and for the purpose of executing such scheme and artifice and attempting to execute the scheme, transmits and causes to be transmitted by means of wire communication in interstate commerce, and writings, sounds and signals, in violation of Title 18, United States Code, Section 1343;

b. to knowingly devise a scheme and artifice to defraud, and to obtain money and property by means of false and fraudulent pretenses, representations, and promises, and for the purpose of executing such scheme and artifice and attempting to execute the scheme, places in any post office and authorized depository for mail matter, any matter and thing whatever to be sent and delivered by the Postal Service, or deposits and causes to be deposited any matter and thing whatever to be sent and delivered by any private and commercial interstate carrier, any such matter or thing, in violation of Title 18, United States Code, Section 1341;

c. to knowingly transfer, possess and use, without lawful authority, a means of identification of another person with the intent to commit a crime, that is, any unlawful activity that constitutes a violation of federal law or a felony under Missouri state law, including felony stealing, in violation of Title 18, United States Code, Section 1028(a)(7);

d. with intent to deceive, to falsely represent a number to be the Social Security account number assigned by the Commissioner of Social Security to them or to another person, when in fact such number is not the Social Security account number assigned by the Commissioner of Social Security to them or to such other person, for the purpose of obtaining (for themselves or any other person), or for the purpose of obtaining anything of value from any person, or for any other purpose, in violation of Title 42, United States Code, Section 408(a)(7)(B); and

e. to disclose, use and compel the disclosure of the Social Security Number of any person in violation of the laws of the United States, in violation of Title 42, United States

Code, Section 408(a)(8).

19. The object of the conspiracy, as alleged in paragraphs 5-6 above, are realleged and incorporated herein as if fully set forth again.

20. The manner and means of the conspiracy, as alleged in paragraphs 7-10 above, are realleged and incorporated herein as if fully set forth again.

Overt Acts

21. In furtherance of the conspiracy and to effect its aims and objects, there was committed by one or more of the defendants, in the Western District of Missouri, and elsewhere, at least one of the following overt acts:

a. On or about September 2, 2002, new phone service was started at ROBIN LYNNETTE DEARDORFF's residence.

b. On or about September 10, 2002, ROBIN LYNNETTE DEARDORFF sent a letter to CLAYTON J. DEARDORFF at Tipton Correctional Facility using the U.S. mail.

c. On or about September 18, 2002, ROBIN LYNNETTE DEARDORFF and CLAYTON J. DEARDORFF spoke on the phone.

d. On or about June 21, 2004, a defendant caused a shipment of a cell phone to be delivered to 993 Pike Street, Jefferson City, Cole County, Missouri.

e. On or about February 11, 2005, a defendant caused a shipment of a cell phone to be delivered to 1307 St. Mary's

Boulevard, Jefferson City, Cole County, Missouri.

f. On or about May 27, 2005, a defendant caused a shipment of three (3) cell phones to be delivered to 993 Pike Street, Jefferson City, Cole County, Missouri.

g. On or about July 20, 2005, a defendant caused a shipment of three (3) cell phones to be delivered to 993 Pike Street, Jefferson City, Cole County, Missouri.

h. On or about July 25, 2005, a defendant caused a shipment of three (3) cell phones to be delivered to 418-B Hutton Lane, Jefferson City, Cole County, Missouri.

i. On or about July 27, 2005, a defendant caused a shipment of three (3) cell phones to be delivered to 418-B Hutton Lane, Jefferson City, Cole County, Missouri.

j. On or about November 22, 2005, a defendant caused a shipment of a cell phone to be delivered to 418-B Hutton Lane, Jefferson City, Cole County, Missouri.

k. On or about March 8, 2006, ROBIN LYNNETTE DEARDORFF sent a letter to CLAYTON J. DEARDORFF at Tipton Correctional Facility using the U.S. mail.

l. On or about March 8, 2006, a defendant caused a shipment of two (2) cell phones to be delivered to 418-B Hutton Lane, Jefferson City, Cole County, Missouri.

All in violation of Title 18, United States Code, Sections 371 and 1349.

COUNTS 2-5
(Identity Theft)

22. The allegations of paragraphs 1-17 above are realleged and incorporated herein as if fully set forth again.

23. On or about the dates enumerated below as to each count, in Jefferson City, in Cole County, in the Western District of Missouri, CLAYTON J. DEARDORFF and ROBIN LYNNETTE DEARDORFF, defendants, did knowingly transfer, possess and use, without lawful authority, a means of identification of another person, including a name, Social Security Number, and date of birth, during and in relation to, wire fraud, mail fraud, fraudulent use of a Social Security Number, and disclosure of a Social Security Number, in violation of Title 18, United States Code, Sections 1341 and 1343, and Title 42, United States Code, Sections 408(a)(7)(B) and 408(a)(8), as more particularly described for each count below:

<u>COUNT</u>	<u>DATE</u>	<u>TRANSFER AND TRANSPORTATION</u>
2	June 21, 2004	A shipment of a cell phone was delivered to 993 Pike Street, Jefferson City, Cole County, Missouri
3	May 27, 2005	A shipment of three (3) cellular telephones was delivered to 993 Pike Street, Jefferson City, Cole County, Missouri
4	July 20, 2005	A shipment of three (3) cellular telephones was delivered to 993 Pike Street, Jefferson City, Cole County, Missouri

5

November 22, 2005

A shipment of a cellular telephone was delivered to 418-B Hutton Lane, Jefferson City, Cole County, Missouri

All in violation of Title 18, United States Code, Section 1028A.

A TRUE BILL.

/s/

FOREPERSON OF THE GRAND JURY

/s/

ANTHONY P. GONZALEZ
Assistant United States Attorney
Missouri Bar No. 29922