

maintained records, including electronic databases, that contained the means of identification of various patients, including their names, dates of birth, and Social Security numbers. This information also constituted individually identifiable health information. As part of her employment, WELLS had access to this information.

5. The Internal Revenue Service (“IRS”) was an agency of the United States Department of the Treasury responsible for administering the federal tax laws of the United States and collecting taxes owed to the United States.

COUNT 1
(Conspiracy)

1. The factual allegations contained in Paragraphs 1 through 5 of the Introduction Section of this Indictment are realleged and incorporated herein as if copied verbatim.

2. From in or around June 2011 through in or around October 2012, in the Middle District of Alabama and elsewhere,

ALANA JANIECE WELLS,

the defendant herein, did unlawfully, voluntarily, intentionally, and knowingly conspire, combine, confederate, and agree with Fredrick Hill, Christopher Davis, and others, both known and unknown to the grand jury to:

- a. Commit an offense against the United States, that is, identity theft, in violation of Title 18, United States Code, Section 1028(a)(7); and
- b. Commit an offense against the United States, that is, wire fraud, in violation of Title 18, United States Code, Section 1343.

MANNER AND MEANS

3. To accomplish the objects of this scheme, the Defendant and her co-conspirators used the following manner and means, among others:

4. Defendant ALANA JANIECE WELLS would and did obtain, without lawful authority, the means of identification of actual individuals, including their names, dates of birth, and Social Security numbers, without the knowledge or consent of these individuals.

5. Defendant ALANA JANIECE WELLS would and did provide these means of identification she obtained to others, including co-conspirator Fredrick Hill.

6. Co-conspirator Fredrick Hill would and did provide the means of identification to co-conspirator Christopher Davis for the purpose of filing false tax returns.

7. Co-conspirator Christopher Davis and others would and did use, without lawful authority, the means of identification of actual individuals to electronically file with the IRS false, fictitious, and fraudulent income tax returns.

8. One or more of the co-conspirators would and did obtain prepaid debit cards in order to receive fraudulently obtained tax refunds.

9. One or more of the co-conspirators would and did cash out or recruit others to use the pre-paid debit cards to withdraw and receive cash amounts at various stores in multiple states in order to avoid detection.

10. One or more of the co-conspirators would and did take steps to conceal the existence of the conspiracy.

OVERT ACTS

11. In furtherance of the conspiracy, and to effect the objects thereof, the following overt acts, among others, were committed or caused to be committed, by one or more members of the conspiracy, in the Middle District of Alabama and elsewhere:

12. On various dates between in or around June 2011 and in or around October 2012, the exact dates being unknown, Defendant ALANA JANIECE WELLS obtained the means of identification of patients, without lawful authority, from Health Company A.

13. On or about January 4, 2012, the exact date being unknown, Defendant ALANA JANIECE WELLS accessed the electronic database of Health Company A and obtained the means of identification of "J.S.," an actual person.

14. On or about January 4, 2012, the exact date being unknown, Defendant ALANA JANIECE WELLS accessed the electronic database of Health Company A and obtained the means of identification of "E.S.," an actual person.

15. On various dates between in or around June 2011 and in or around October 2012, the exact dates being unknown, Defendant ALANA JANIECE WELLS provided the means of identification that she unlawfully obtained to co-conspirator Fredrick Hill.

16. On various dates between in or around June 2011 and in or around October 2012, co-conspirator Fredrick Hill provided the means of identification that Defendant ALANA JANIECE WELLS unlawfully obtained to co-conspirator Christopher Davis.

17. On or about January 20, 2012, members of the conspiracy electronically filed a false 2011 federal income tax return in the name of "E.S." requesting a refund in the amount of \$2,133. This tax return was filed from within the Middle District of Alabama and crossed state lines to be processed by the IRS Service Center in Austin, Texas.

18. On or about January 20, 2012, members of the conspiracy electronically filed a false 2011 federal income tax return in the name of "J.S." requesting a refund in the amount of \$2,135. This tax return was filed from within the Middle District of Alabama and crossed state lines to be processed by the IRS Service Center in Austin, Texas.

19. On or about September 21, 2011, in Gwinnett County, Georgia, co-conspirator Christopher Davis and others possessed fifteen or more means of identification provided by Defendant ALANA JANIECE WELLS.

20. On or about October 31, 2012, in Montgomery, Alabama, co-conspirator Fredrick Hill possessed fifteen or more means of identification provided by Defendant ALANA JANIECE WELLS.

All in violation of Title 18, United States Code, Section 371.

COUNT 2
(Access Device Fraud)

21. The factual allegations contained in Paragraphs 1 through 5 of the Introduction Section of this Indictment are realleged and incorporated herein as if copied verbatim.

22. From in or around June 2011 through on or about September 21, 2011, within the Middle District of Alabama and elsewhere, Defendant ALANA JANIECE WELLS, knowingly and with intent to defraud, possessed fifteen or more unauthorized access devices, namely Social Security numbers, said possession affecting interstate commerce, and did aid and abet the same.

All in violation of Title 18, United States Code, Section 1029(a)(3) and Section 2.

COUNT 3
(Access Device Fraud)

1. The factual allegations contained in Paragraphs 1 through 5 of the Introduction Section of this Indictment are realleged and incorporated herein as if copied verbatim.

2. From in or around June 2011 through on or about October 31, 2012, within the Middle District of Alabama and elsewhere, Defendant ALANA JANIECE WELLS, knowingly and with intent to defraud, possessed fifteen or more unauthorized access devices, namely Social Security numbers, said possession affecting interstate commerce, and did aid and abet the same.

All in violation of Title 18, United States Code, Section 1029(a)(3) and Section 2.

COUNT 4
(Aggravated Identity Theft)

1. The factual allegations contained in Paragraphs 1 through 5 of the Introduction Section of this Indictment are realleged and incorporated herein as if copied verbatim.

2. From in or around June 2011 through on or about October 31, 2012, within the Middle District of Alabama and elsewhere, Defendant ALANA JANIECE WELLS did knowingly transfer and possess the means of identification of another person, without lawful authority, during and in relation to the offense described in Count 3 of this Indictment, that is, she knowingly transferred and possessed the name, date of birth, and Social Security number of "J.S.," an actual person, while committing access device fraud in violation of 18 U.S.C. § 1029(a)(3).

All in violation of Title 18, United States Code, Section 1028A(a)(1) and (c)(4).

COUNT 5
(Aggravated Identity Theft)

1. The factual allegations contained in Paragraphs 1 through 5 of the Introduction Section of this Indictment are realleged and incorporated herein as if copied verbatim.

2. From in or around June 2011 through on or about October 31, 2012, within the Middle District of Alabama and elsewhere, Defendant ALANA JANIECE WELLS did knowingly transfer and possess the means of identification of another person, without lawful

authority, during and in relation to the offense described in Count 3 of this Indictment, that is, she knowingly transferred and possessed the name, date of birth, and Social Security number of “E.S.,” an actual person, while committing access device fraud in violation of 18 U.S.C. § 1029(a)(3).

All in violation of Title 18, United States Code, Section 1028A(a)(1) and (c)(4).

COUNT 6

(Wrongful Disclosure of Individually Identifiable Health Information)

1. The factual allegations contained in Paragraphs 1 through 5 of the Introduction Section of this Indictment are realleged and incorporated herein as if copied verbatim.

2. From in or around June 2011 through in or around October 2012, in the Middle District of Alabama and elsewhere, Defendant ALANA JANIECE WELLS, who was then an employee of a covered entity, knowingly and for a reason other than permitted by Title 42, United States Code, Chapter 7, Subchapter XI, Part C, obtained and caused to be obtained and disclosed and caused to be disclosed individually identifiable health information relating to individuals, that is, the names, dates of birth, and Social Security numbers of patients that had been collected and stored by Health Company A as part of its provision of health services.

In violation of Title 42, United States Code, Section 1320d-6(a)(2) and (a)(3).

FORFEITURE ALLEGATION

1. The allegations contained in Counts 2 and 3 of this Indictment are realleged and incorporated herein as if copied verbatim for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c).

2. Upon conviction for the offenses alleged in Counts 2 and 3, Defendant ALANA JANIECE WELLS shall forfeit to the United States, pursuant to Title 18, United States Code,

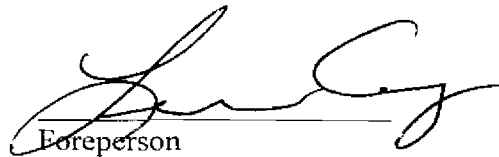
Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), any and all property constituting or derived from the proceeds said Defendant obtained directly or indirectly as a result of said offenses.

3. If any of the property subject to forfeiture, as a result of any act or omission of the Defendant ALANA JANIECE WELLS,

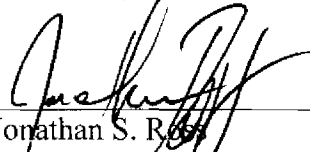
- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

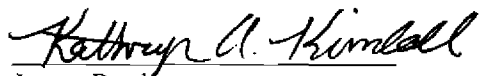
the United States shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), up to the value of the forfeitable property described above.

A TRUE BILL:


Foreperson

GEORGE L. BECK, JR.
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Assistant United States Attorney




Jason Poole

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Trial Attorneys

United States Department of Justice

Tax Division



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