

UNDER SEAL

FILED
CHARLOTTE, NC

DEC 13 2016

US DISTRICT COURT
WESTERN DISTRICT OF NC

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

UNITED STATES of AMERICA,

v.

SHASHANA STACYANN SMITH,

Defendant.

DOCKET NO. 3:16CR313-RJC

BILL OF INDICTMENT

18 U.S.C. § 1349

18 U.S.C. § 1343

THE GRAND JURY CHARGES:

At all times relevant to this Indictment:

INTRODUCTION

1. Beginning at least in or about late 2015, the exact date being unknown to the Grand Jury, and continuing until in or about August 2016, in Mecklenburg County, within the Western District of North Carolina, and elsewhere, SHASHANA STACYANN SMITH, and others known and unknown to the Grand Jury, engaged in a fraudulent lottery scheme involving mail and wire communications for the purpose of enriching themselves with funds stolen from elderly victims. Victims of the scheme were falsely informed that they had won a large amount of money in a lottery, and were induced to pay fees in advance of receiving their purported lottery winnings. Victims never received any winnings.

2. SMITH was a Jamaican citizen living in the United States.

3. Individual A was an individual who lived in Jamaica and was a co-conspirator of SMITH.

4. Individuals B, C, and D were relatives of SMITH living in the United States.

5. Individual E was a relative of SMITH living in Jamaica.

SCHEME AND ARTIFICE

6. Victims were contacted and falsely informed that they had won a lottery. They were instructed on how, and to whom, to send money in order to receive their prize. Victims were contacted repeatedly with additional requests to pay money, and were told that their lottery winnings would be forthcoming. This process continued for as long as the particular victim could be persuaded to send additional money. Victims never received any lottery winnings.

7. At the direction of and in agreement with Individual A, SMITH received victims' money in the United States, took a percentage of the money sent to her for her own benefit, and sent the rest of the victims' money to recipients in Jamaica and the United States.

8. At the direction of and in agreement with Individual A, SMITH opened two bank accounts specifically for the purpose of receiving victim money, and also used other bank accounts in her name to receive victim money.

9. At the direction of and in agreement with Individual A, SMITH used Individual B's bank account to receive victim money.

10. At the direction of and in agreement with Individual A, SMITH directed Individual C to open two bank accounts that SMITH used for the purpose of receiving victim money.

11. At the direction of and in agreement with Individual A, SMITH sought another account at a specific bank that Individual A could access without a fee in Jamaica. SMITH used Individual D's account at that bank to receive victim money and used Individual D's debit card to withdraw the victim money in Jamaica, which she then gave to Individual A.

12. SMITH sent a debit card to Individual E in Jamaica via FedEx. Individual E gave the card to Individual A so that Individual A could access victim money in the account that was accessible via the debit card.

13. SMITH travelled to Jamaica on multiple occasions with thousands of dollars in cash obtained from victim payments and gave the cash to Individual A.

14. SMITH received electronics, including tablets, iPhones, and Android phones, sent to her by victims in the United States at the direction of Individual A. SMITH transported them to Jamaica, and gave them to Individual A.

15. SMITH received MoneyGram and Western Union wire-transfers from at least one victim for the purpose of executing the scheme and artifice. SMITH also sent Western Union wire transfers from the U.S. to Jamaica for the purpose of executing the scheme and artifice. All Western Union wire transfers were routed through Charlotte, North Carolina.

16. At the direction of Individual A, a victim sent mailings to SMITH containing cashier's checks in the approximate amounts indicated, and SMITH deposited the cashier's checks for the purpose of executing the scheme and artifice and attempting to do so:

| Sender's Initials Or Name | Mailing Sent From | Mailing Sent To | Recipient's Initials Or Name | Approximate Date Sent | Amount of Cashier's Check in Mailing |
|---------------------------|-------------------|-----------------|------------------------------|-----------------------|--------------------------------------|
| MR | California | Florida | SHASHANA STACYANN SMITH | 4/15/2016 | \$7,000.00 |
| MR | California | Florida | SHASHANA STACYANN SMITH | 4/21/2016 | \$4,500.00 |
| MR | California | Florida | SHASHANA STACYANN SMITH | 8/3/2016 | \$30,000.00 |

17. SMITH unjustly enriched herself by retaining proceeds of this fraud.

COUNT ONE
(CONSPIRACY TO COMMIT MAIL AND WIRE FRAUD - 18 U.S.C. § 1349)

18. Paragraphs 1 through 17 of this Indictment are re-alleged and incorporated herein by reference as though fully set forth herein.

19. From at least in or about late 2015, through in or about August 2016, in Mecklenburg County, within the Western District of North Carolina, and elsewhere, the defendant,

SHASHANA STACYANN SMITH,

did knowingly combine, conspire, confederate, and agreed with others known and unknown to the Grand Jury to commit offenses against the United States, that is, mail fraud and wire fraud, a violation of Title 18, United States Code, Sections 1341 and 1343.

Object of the Conspiracy

20. *Mail Fraud* – It was a part and an object of the conspiracy that SHASHANA STACYANN SMITH, and others known and unknown to the Grand Jury, having devised the above-described scheme and artifice to defraud and for obtaining money and property by means

of false and fraudulent pretenses, representations, and promises, knowing that they were false and fraudulent when made, would and did place and cause to be placed in a post office or authorized depository for mail matter, matter to be sent and delivered by the United States Postal Service, and did deposit and cause to be deposited matter to be sent and delivered by a private and commercial interstate carrier, and did take and receive matter delivered by the United States Postal Service and a private and commercial interstate carrier, for the purpose of executing the scheme, in violation of Title 18, United States Code, Section 1341.

21. *Wire Fraud* - It was a part and an object of the conspiracy that SHASHANA STACYANN SMITH, and others known and unknown to the Grand Jury, having devised the above-described scheme and artifice to defraud and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, knowing that they were false and fraudulent when made, would and did transmit and cause to be transmitted certain wire communications in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing the scheme and artifice, in violation of Title 18, United States Code, Section 1343.

Manner and Means

22. The conspirators, including SHASHANA STACYANN SMITH, and others known and unknown to the Grand Jury, carried out the conspiracy through the manner and means described in paragraphs 1 through 17 of this Bill of Indictment, among others.

All in violation of Title 18, United States Code, Section 1349.

COUNTS TWO THROUGH EIGHT **(WIRE FRAUD - 18 U.S.C. § 1343)**

23. Paragraphs 1 through 17 of this Indictment are re-alleged and incorporated herein by reference as though fully set forth herein.

24. From at least in or about late 2015, through in or about August 2016, in Mecklenburg County, within the Western District of North Carolina, and elsewhere, the defendant,

SHASHANA STACYANN SMITH,

and others known and unknown to the Grand Jury, with the intent to defraud, did knowingly and intentionally devise the above-described scheme and artifice to defraud and to obtain money and property by materially false and fraudulent pretenses, representations and promises, and for the purpose of executing such scheme and artifice, did transmit and cause to be transmitted by means of wire communication in interstate commerce any writing, signal or sound, to wit, the following signals and sounds for the purpose of executing the scheme and artifice and attempting to do so

on or about the dates indicated and in the approximate amounts indicated:

| Count | Sender's Initials Or Name | Wire Transfer Sent From | Wire Transfer Sent To | Recipient's Initials Or Name | Approximate Date Sent | Amount |
|-------|---------------------------|-------------------------|-----------------------|------------------------------|-----------------------|------------|
| 2 | SHASHANA STACYANN SMITH | Bronx, New York | Montego Bay, Jamaica | ES | 11/2/2015 | \$750.00 |
| 3 | CB | Fort Atkinson, WI | Florida | SHASHANA STACYANN SMITH | 11/3/2015 | \$1,000.00 |
| 4 | CB | Fort Atkinson, WI | Florida | SHASHANA STACYANN SMITH | 11/3/2015 | \$1,000.00 |
| 5 | SHASHANA STACYANN SMITH | Bronx, New York | Montego Bay, Jamaica | ES | 11/3/2015 | \$750.00 |
| 6 | CB | Lake Mills, WI | Florida | SHASHANA STACYANN SMITH | 11/4/2015 | \$900.00 |
| 7 | CB | Lake Mills, WI | Florida | SHASHANA STACYANN SMITH | 11/4/2015 | \$900.00 |
| 8 | SHASHANA STACYANN SMITH | Florida | Montego Bay, Jamaica | ES | 11/4/2015 | \$650.00 |

All in violation of Title 18, United States Code, Section 1343.

NOTICE OF FORFEITURE

Notice is hereby given of 18 U.S.C. § 982 and 28 U.S.C. § 2461(c). Under Section 2461(c), criminal forfeiture is applicable to any offenses for which forfeiture is authorized by any other statute, including but not limited to 18 U.S.C. § 981 and all specified unlawful activities listed or references in 18 U.S.C. § 1956(c)(7), which are incorporated as to proceeds by Section 981(a)(1)(C). The following property is subject to forfeiture in accordance with Section 982 and/or 2461(c):

- a. All property which constitutes or is derived from proceeds of the violations set forth in this Bill of Indictment; and

- b. If, as set forth in 21 U.S.C. § 853(p), any property described in (a) cannot be located upon the exercise of due diligence, has been transferred or sold to, or deposited with, a third party, has been placed beyond the jurisdiction of the court, has been substantially diminished in value, or has been commingled with other property which cannot be divided without difficulty, all other property of the defendant/s to the extent of the value of the property described in (a).


The Grand Jury finds probable cause that the following property is subject to forfeiture on one or more of the grounds states above:

- a. A forfeiture money judgment in the amount of at least \$200,000, such amount constituting the proceeds of the violations set forth in this Bill of Indictment.

A TRUE BILL:

FOREPERSON /

JILL WESTMORELAND ROSE
UNITED STATES ATTORNEY



RAQUEL TOLEDO
TRIAL ATTORNEY
CONSUMER PROTECTION BRANCH
U.S. DEPARTMENT OF JUSTICE