

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JACLYN MCCAIN a.k.a.  
JACLYN SYKES,

Defendant.

Criminal Action No. 18 - 260

RECEIVED

INDICTMENT

The Grand Jury for the District of Delaware charges that:

*Background*

At all times relevant to this Indictment:

1. Victim was the registered owner of a red Chevrolet Camaro ("Red Camaro" Pennsylvania registration KFS3529. At the time of Victim's June 6, 2017 death, Victim was in a romantic relationship with Person 1 and resided in an apartment in Newark, Delaware.

2. **Jaclyn MCCAIN a.k.a. Jaclyn Sykes** ("MCCAIN"), defendant herein, is the daughter of the registered owner of a silver Hyundai Sonata ("Silver Sonata").

3. **MCCAIN** was in a romantic relationship with Person 2.

4. Person 2 operated a red Ford Explorer, Delaware registration PC427243.

*June 6, 2017 – car swap*

5. On June 6, 2017, between approximately 7:30 a.m. and 7:57 a.m., **MCCAIN** was using a cellular phone subscribed in her name ("MCCAIN's Phone") and was repeatedly in phone contact with Person 2's phone. Location data for Person 2's phone shows him in the area of Victim's apartment during these contacts. After one such contact, MCCAIN's Phone recorded "shoprite four seasons newark delaware" via internet search on her phone. Location

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DISTRICT OF DELAWARE

data for MCCAIN's phone shows her driving the Silver Sonata to the area of the Shop Rite of Four Seasons, near Victim's apartment.

6. At approximately 8:00 a.m., video surveillance shows a red Ford Explorer enter the ShopRite of Four Seasons parking lot in Newark, Delaware from the direction of Victim's apartment. Minutes later, video surveillance shows the red Ford Explorer leave the ShopRite Four Seasons parking lot and drive towards Rt. 896, in the opposite direction from Victim's apartment. Approximately twenty (20) seconds later, video surveillance shows the Silver Sonata leave the parking lot and drive towards Victim's apartment.

7. MCCAIN gave Person 2 the Silver Sonata in exchange for his red Explorer and then left the area. By 8:23 a.m., location data for MCCAIN's Phone shows her miles away from Victim's apartment. Location data for Person 2's phone shows Person 2 remaining in the area of Victim's apartment.

*June 6, 2017 – following Victim to McDonald's*

8. On June 6, 2017, at approximately 10:48 a.m., video surveillance shows the Red Camaro leaving the area of Victim's apartment, followed approximately twenty (20) seconds later by the Silver Sonata.

9. At approximately 10:53 a.m., video surveillance shows Victim, in the Red Camaro, proceeding through a McDonald's drive-through near Rt. 896 and Rt. 40 in Newark, Delaware.

10. At approximately 10:59 a.m., video surveillance shows the Red Camaro proceed through the intersection of Rts. 896 and 40, from the direction of McDonald's and returning to Victim's apartment. The Red Camaro is followed less than one (1) minute later by the Silver Sonata.

11. At approximately 11:03 a.m., video surveillance shows the Red Camaro on Four Seasons Parkway, heading towards Victim's apartment. It is followed a short time later by the Silver Sonata.

*June 6, 2017 – first shooting at Person 1*

12. On June 6, 2017, at approximately 11:40 a.m., the Silver Sonata is seen leaving the area of Victim's apartment and heading towards Rt. 896. At approximately 11:50 a.m., shots are fired from a moving vehicle at Person 1, who was walking along Rt. 896, approximately one (1) mile south of Victim's apartment. Person 1 was unharmed and proceeded to Wilmington, Delaware.

*June 6, 2017 – Victim's homicide in Elkton, Maryland*

13. On June 6, 2017, at approximately noon, video surveillance shows the Silver Sonata entering Elkton, Maryland on Delaware Avenue, from the general direction of Rt. 40.

14. At approximately 12:12 p.m., video surveillance shows the Silver Sonata driving north near Ross Street. At approximately the same time, shots are heard near Ross Street. At approximately 12:19 p.m., video surveillance shows the Silver Sonata returning southbound near Ross Street.

15. At approximately 2:02 p.m., Victim is found, deceased from gunshot wounds, in a wooded area near Ross Street.

*June 6, 2017 – second shooting at Person 1*

16. On June 6, 2017, at approximately 2:30 p.m., Person 1 is shot at again from a moving vehicle, this time near the corner of 6<sup>th</sup> and Spruce Streets in Wilmington, Delaware. While the bullets miss Person 1, they hit a six-year-old in the head and severely injure him. The State of Delaware later indicts Person 3 in this shooting.

*June 9-10, 2017 – MCCAIN's web searches*

17. Approximately three nights after the June 6, 2017 murder, MCCAIN's Phone records several internet searches, including: "[Person 1] in elkton maryland"; "arrest in elkton maryland homicide"; and "woman found dead in elkton[.]"

*June 28-29, 2017 – Silver Sonata usage and seizure*

18. At approximately 3:57 p.m. on June 28, 2017, video surveillance shows MCCAIN and Person 2 exit a residence on W. 41<sup>st</sup> Street, Wilmington, Delaware. The two enter the Silver Sonata and leave the area, with Person 2 driving.

19. On or about June 29, 2017, the Federal Bureau of Investigation ("FBI") seizes the Silver Sonata pursuant to a warrant.

*July 3, 2017 – FBI interview*

20. On or about July 3, 2017, FBI personnel interviews MCCAIN at a residence on W. 41<sup>st</sup> Street, Wilmington, Delaware. The FBI personnel identify themselves and tell MCCAIN there is an ongoing federal investigation regarding the Silver Sonata being used in a homicide. They also inform MCCAIN that the homicide involving the Silver Sonata is associated with the June 6, 2017 shooting of the six-year-old referenced in paragraph 16, above.

**COUNT ONE**

21. Paragraphs 1 through 20 of this Indictment are incorporated here by reference.

22. On or about July 3, 2017, in the State and District of Delaware, **JACLYN MCCAIN**, defendant herein, did knowingly and willfully make a materially false, fictitious, and fraudulent statement and representation in a matter within the jurisdiction of the executive branch

of the Government of the United States, when in response to the question posed by an FBI Special Agent, "Have you ever let anyone else drive her [mother's] car?" **MCCAIN** intentionally answered "no" and, after follow-up, stated, "I mean, not that I . . . can remember anything," when **MCCAIN** then and there well knew that she had allowed another to drive her mother's car on at least June 6 and June 28, 2017, in violation of Title 18, United States Code, Section 1001(a)(2).

### COUNT TWO

23. Paragraphs 1 through 20 of this Indictment are incorporated here by reference.

24. On or about July 3, 2017, in the State and District of Delaware, **JACLYN MCCAIN**, defendant herein, did knowingly and willfully make a materially false, fictitious, and fraudulent statement and representation in a matter within the jurisdiction of the executive branch of the Government of the United States, when **MCCAIN** intentionally told an FBI Special Agent "I don't let anybody use my mom's car," when she then and there well knew that she had allowed Person 2 to use her mother's car on at least June 6 and June 28, 2017, in violation of Title 18, United States Code, Section 1001(a)(2).

### COUNT THREE

25. Paragraphs 1 through 20 of this Indictment are incorporated here by reference.

26. On or about July 3, 2017, in the State and District of Delaware, **JACLYN MCCAIN**, defendant herein, did knowingly and willfully make a materially false, fictitious, and fraudulent statement and representation in a matter within the jurisdiction of the executive branch of the Government of the United States, when in response to the question posed by an FBI Task Force Officer whether anyone had ever asked her to borrow her mother's car, the defendant

intentionally answered “no,” when she then and there well knew that she had been asked by Person 2 to borrow her mother’s car on at least June 6, 2017, in violation of Title 18, United States Code, Section 1001(a)(2).

#### COUNT FOUR

27. Paragraphs 1 through 20 of this Indictment are incorporated here by reference.

28. On or about July 3, 2017, in the State and District of Delaware, **JACLYN MCCAIN**, defendant herein, did knowingly and willfully make a materially false, fictitious, and fraudulent statement and representation in a matter within the jurisdiction of the executive branch of the Government of the United States, when she intentionally told an FBI Special Agent that “nobody [outside her family] had access to her [mother’s] car” on June 6, 2017, when she then and there well knew that she had allowed Person 2 to access her mother’s car on at least June 6, 2017, in violation of Title 18, United States Code, Section 1001(a)(2).

#### COUNT FIVE

29. On or about July 3, 2017, in the State and District of Delaware, **JACLYN MCCAIN**, defendant herein, did corruptly attempt to obstruct, influence, and impede an official proceeding, to wit:

- when in response to the question posed by an FBI Special Agent, “Have you ever let anyone else drive her [mother’s] car?” **MCCAIN** intentionally answered “no” and, after follow-up, stated, “I mean, not that I . . . can remember anything”
- **MCCAIN** intentionally told an FBI Special Agent “I don’t let anybody use my mom’s car”

- when in response to the question posed by an FBI Task Force Officer whether anyone had ever asked her to borrow her mother's car, **MCCAIN** intentionally answered "no," and
- **MCCAIN** intentionally told an FBI Special Agent that "nobody [outside her family] had access to her [mother's] car" on June 6, 2017

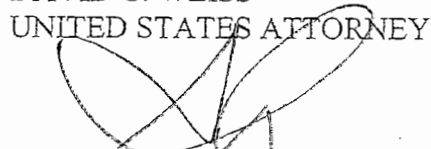
through which statements the defendant attempted to obstruct and impede a contemporaneous investigation of the facts and circumstances surrounding the kidnapping and murder described in paragraphs 1-20 above, incorporated herein by reference, for consideration by a federal grand jury and by a trial jury, among other proceedings, in violation of Title 18, United States Code, Section 1512(c)(2).

A TRUE BILL: —

Foreperson

DAVID C. WEISS  
UNITED STATES ATTORNEY

By:

  
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Alexander S. Mackler  
Assistant United States Attorney

Dated: April 12, 2018