

U.S. Attorney's Office

Northern District of West Virginia



Annual Report 2020

Fast Facts

32 Counties
23 Assistant U.S. Attorneys
28 Support Staff
4 Offices
1 Mission

Message from U.S. Attorney Bill Powell



It is my great professional honor to be the United States Attorney for the Northern District of West Virginia. I have the great privilege of working with some of the finest public servants in the country who

do incredibly important work for the people of West Virginia. I also have the opportunity to work regularly with our law enforcement and agency partners in criminal and civil matters of vital importance. The opioid epidemic has been front and center in the news for some time now. We have made considerable progress in our battle against out of state criminal enterprises that bring drugs and violence into our communities. The introduction of fentanyl and more recent increase in methamphetamine distributors continue to provide difficult hurdles, but our successes have been significant.

Protecting our nation's security, our children, our veterans and our elderly population have also been high priorities and the hard work of our district and law enforcement have resulted in some of the most nationally significant results in our district's history. Our efforts on such matters will never waver.

Our defense of government agencies and individuals on the civil side of the justice system have been equally impressive. Our Financial Litigation Unit is just one of our dedicated teams protecting crime victims and the taxpayers and collecting monies on behalf of those victims and the taxpaying citizens. Our Annual Report provides a mere glimpse of the work the U.S. Attorney's office does, but I am proud of the work our people do and I promise we will continue to do the important work entrusted to us.

2020 by the numbers

177 indictments
299 defendants
39% of defendants were drug-related
37% involved violent crime

NATIONAL SECURITY

The mission of the National Security Division is to carry out the Department's highest priority: protect the United States from threats to our national security by pursuing justice through the law. The NSD's organizational structure is designed to ensure greater coordination and unity of purpose between prosecutors and law enforcement agencies, on the one hand, and intelligence attorneys and the Intelligence Community, on the other, thus strengthening the effectiveness of the federal government's national security efforts.

Case Highlight:

Elizabeth Jo Shirley, of Hedgesville, West Virginia, admitted to unlawfully retaining a document containing national defense information and committing international parental kidnapping.

Shirley, 46, pled guilty in July 2020 to one count of "Willful Retention of National Defense Information" and one count of "International Parental Kidnapping." Shirley admitted to unlawfully retaining a National Security Agency (NSA) document containing information classified at the TOP SECRET/SECRET COMPARTMENTED INFORMATION ("TS/SCI") level relating to the national defense that outlines intelligence information regarding a foreign government's military and political issues. Shirley also admitted to removing her child, of whom she was the non-custodial parent, to Mexico with the intent to obstruct the lawful exercise of the custodial father's parental rights. She is scheduled to be sentenced in 2021.

PROJECT SAFE NEIGHBORHOOD INITIATIVE

Project Safe Neighborhoods is the centerpiece of the Department of Justice's violent crime reduction efforts. PSN is an evidence-based program proven to be effective at reducing violent crime. Through PSN, a broad spectrum of stakeholders work together to identify the most pressing violent crime problems in the community and develop comprehensive solutions to address them.

As part of this strategy, PSN focuses enforcement efforts on the most violent offenders and partners with locally based prevention and reentry programs for lasting reductions in crime.

Case Highlight:

Steven Somers, of Clinton, Maryland, was sentenced in August 2020 to 78 months incarceration for drug and firearms charges. Somers pled guilty to one count of "Unlawful Possession of a Firearm as Drug User" and one count of "Possession with Intent to Distribute Marijuana" in January 2020.

OPERATION SOS

2020 SOS indictments **11**

2020 SOS Defendants **50**

Operation Synthetic Opioid Surge (S.O.S.) focuses on a surge in prosecutions of those distributing fentanyl and other synthetic opioids in Berkeley County. Berkeley County saw the highest rate of overdose deaths in the district in 2018.

S.O.S. was created to seek to reduce the supply of deadly synthetic opioids in high impact areas and to identify wholesale distribution networks and international and domestic suppliers.

Case Highlight: Operation Red Fox

This OCDETF case led to the indictment of 25 individuals and the prosecution of four cases. This was an SOS designated case due to large amounts of fentanyl, heroin, and cocaine being distributed by the drug trafficking organizations. Sterling C. Davis of New Jersey was a major supplier of the drugs to those in West Virginia, including Sanford Venable of Martinsburg, who was a main distributor in the area. The drug conspiracy traveled across New Jersey, New York, Maryland, Pennsylvania, Virginia, and West Virginia.

ELDER JUSTICE INITIATIVE

Combating elder abuse and financial fraud targeted at seniors is a key priority of the Department of Justice.

Elder abuse is an intentional or negligent act by any person that causes harm or a serious risk of harm to an older adult. It is a term used to describe five subtypes of elder abuse: physical abuse, financial fraud, scams and exploitation, caregiver neglect and abandonment, psychological abuse, and sexual abuse. Elder abuse is a serious crime against some of our nation's most vulnerable citizens, affecting at least 10% of older Americans every year. The U.S. Attorney's Office has unwavering dedication to fighting for justice for older Americans.

PROJECT SAFE CHILDHOOD

Project Safe Childhood is a nationwide initiative designed to protect children from online exploitation and abuse.

Case Highlight:

Quionte Jordan Crawford, of Fairmont, age 27, was sentenced to five life sentences in November 2019 for exploiting five teenagers through a phone, enticing them to send sexually explicit pictures and videos.

NOTABLE CASES

U.S. v. Reta Mays:

Reta Mays, 46, of Harrison County, West Virginia, pled guilty in July 2020 to seven counts of second-degree murder in the deaths of veterans Robert Edge, Sr., Robert Kozul, Archie Edgell, George Shaw, W.A.H., Felix McDermott, and Raymond Golden. She pled guilty to one count of assault with Intent to commit murder" involving the death of veteran R.R.P.

Mays was employed as a nursing assistant at the VAMC, working the night shift during the same period of time veterans in her care died of hypoglycemia while being treated at the hospital. Nursing assistants at the VAMC are not qualified or authorized to administer any medication to patients, including insulin. Mays admitted to administering insulin to several patients with the intent to cause their deaths.

Mays faces up to life in prison for each count of second-degree murder. Mays faces up to 20 years in prison for assault with intent to commit murder. She will be sentenced in 2021.

U.S. v. Scott Tingler:

Scott D. Tingler, a Morgantown, West Virginia pharmacist, was sentenced in January 2020 to 121 months of incarceration for illegally distributing oxycodone. Tingler, 41, pled guilty to one count of "Conspiracy to Distribute Controlled Substances Outside the Bounds of Professional Medical Practice" and one count of "False Tax Return" in May 2019. Tingler admitted to conspiring with others to distribute more than 7,400 grams of oxycodone in Monongalia County and elsewhere from August 2014 to August 2018. Tingler also admitted to filing a false tax return in April 2015, grossly understating his taxable income.

Tingler was ordered to pay \$507,942.42 in restitution to the IRS and former employees. A money judgment was also made in the amount of \$1,845,000. As a part of the plea agreement, Tingler agreed to relinquish his pharmacy license and not seek to reinstate the same, and agreed to not seek employment in any position that would require or permit him to handle or dispense controlled substances during any period of incarceration or supervised release.

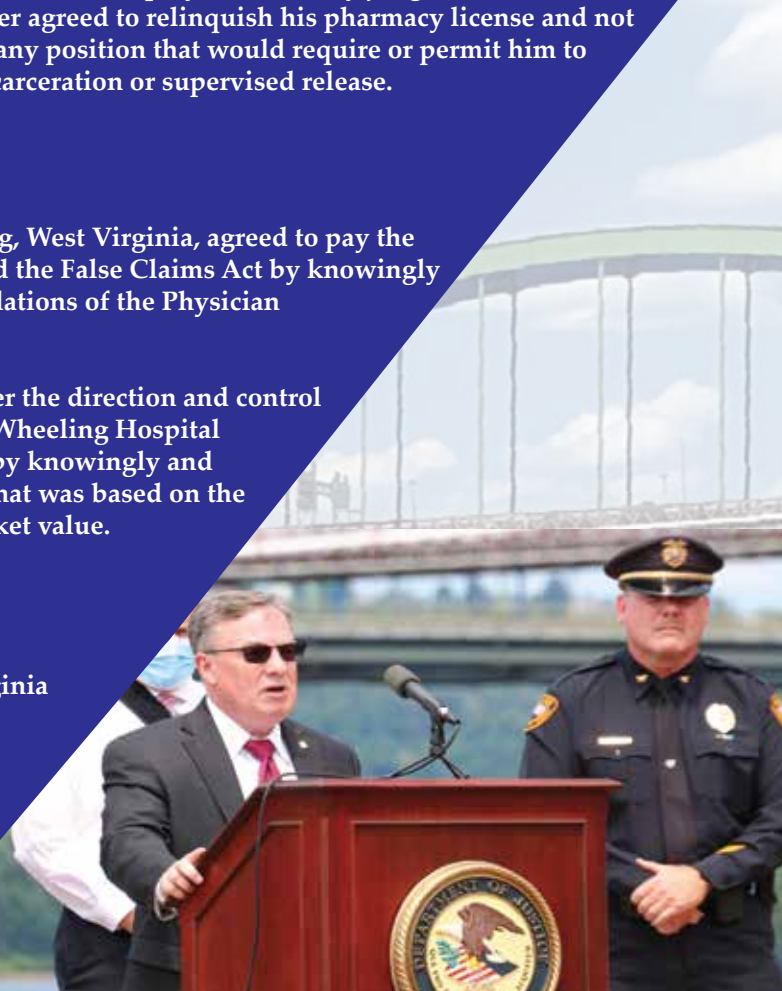
U.S. v. Wheeling Hospital:

Wheeling Hospital, Inc., an acute care hospital located in Wheeling, West Virginia, agreed to pay the United States a total of \$50,000,000 to resolve claims that it violated the False Claims Act by knowingly submitting claims to the Medicare program that resulted from violations of the Physician Self-Referral Law and the Anti-Kickback Statute.

In this case, the United States alleged that, from 2007 to 2020, under the direction and control of its prior management, R&V Associates, Ltd. and Ronald Violi, Wheeling Hospital systematically violated the Stark Law and Anti-Kickback Statute by knowingly and willfully paying improper compensation to referring physicians that was based on the volume or value of the physicians' referrals or was above fair market value.

U.S. v. Jennifer Cuffman et al:

This drug conspiracy involves 26 people from Ohio and West Virginia who sold cocaine base, also known as "crack," heroin, methamphetamine, including "ice," and fentanyl in Ohio County and elsewhere from February 2019 to August 2020. In some instances, the sale of the drugs took place near protected locations such playgrounds, schools, and public housing on Wheeling Island, North Park, and Center Wheeling. The case was indicted in August 2020.



OFFICE LOCATIONS

Wheeling

U. S. Courthouse & Federal Building
Suite 3000
1125 Chapline Street
Wheeling, WV 26003
(304) 234-0100

Clarksburg

Clarksburg Federal Building
320 W. Pike Street
Suite 300
Clarksburg, WV 26301
(304) 623-7030

Elkins Branch

Federal Building
300 Third Street
Suite 300
Elkins, WV 26241
(304) 636-1739

Martinsburg Branch

U.S. Courthouse & Post Office
Suite 400
217 W. King Street
Martinsburg, WV 25401
(304) 262-0590

Web: justice.gov/usao-ndwv

Twitter: @NDWVnews

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