IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. 15-______________
v.	:	DATE FILED:______________
DEREK GEORGE SPENCER	:	VIOLATIONS: 18 U.S.C. § 641 (theft of government money – 1 count) 18 U.S.C. § 1344 (bank fraud - 1 count) 18 U.S.C. § 1028A(a)(1) (aggravated identity theft – 4 counts) 18 U.S.C. § 2 (aiding and abetting) Notice of forfeiture

INFORMATION

COUNT ONE

THE UNITED STATES ATTORNEY CHARGES THAT:

On or about December 7, 2011, in the Eastern District of Pennsylvania, and elsewhere, defendant

DEREK GEORGE SPENCER

embezzled, stole, purloined, and knowingly converted to his own use a thing of value of the United States in an amount over $1,000, that is, a Treasury check of the United States, bearing check number 3158 04149461 and dated November 25, 2011 with a face value of approximately $7,837.61.

In violation of Title 18, United States Code, Section 641.

COUNT TWO

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

1. At all times material to this indictment, TD Bank was a financial institution whose deposits were insured by the Federal Deposit Insurance Corporation, Certificate Number 18409.

2. From in or about July 2011 through in or about March 2013, in the Eastern District of Pennsylvania and elsewhere, defendant

DEREK GEORGE SPENCER

knowingly executed, attempted to execute, and aided and abetted the execution of, a scheme to defraud TD Bank and to obtain monies owned by and under the care, custody, and control of TD Bank by means of false and fraudulent pretenses, representations, and promises.

THE SCHEME

3. Co-schemer Patricia Lightsey, charged elsewhere, who was then a teller at TD Bank, and other co-schemers known and unknown, obtained confidential TD Bank customer account information for TD Bank customers who had large balances in their bank accounts.

4. Patricia Lightsey, and other co-schemers known and unknown provided confidential TD Bank customer account information, including the account holders' names, account numbers, dates of birth, social security numbers, addresses, and other identity information to defendant DEREK GEORGE SPENCER and co-schemer Warren Guerrier, charged elsewhere.

5. Co-schemer Warren Guerrier and other co-schemers known and unknown recruited other co-schemers, referred to as "Runners," to pose as TD Bank customers, enter TD Bank branches, and access TD Bank customer accounts, by promising to pay the Runners a

portion of the amounts they were able to successfully withdraw from the TD Bank customer accounts.

6. Co-schemer Warren Guerrier and other co-schemers known and unknown obtained fraudulent checks that they provided to the Runners.

7. Defendant DEREK GEORGE SPENCER obtained high-quality false driver's licenses in the names of legitimate TD Bank account holders but containing the photographs of the Runners.

8. Defendant DEREK GEORGE SPENCER and co-schemer Warren Guerrier provided false drivers' licenses containing the names of TD Bank customers but with the Runners' photographs, as well as other means of identification and identity information, including the names, dates of birth, drivers' license numbers, social security numbers, and bank account numbers of TD Bank customers, to Runners known and unknown to the grand jury, including co-schemers Michael Bullock, charged elsewhere, Celeste C. Paige, charged elsewhere, Ron Credle, charged elsewhere, and James Hull, charged elsewhere.

9. Defendant DEREK GEORGE SPENCER and co-schemer Warren Guerrier drove the Runners to various TD Bank branches within the Eastern District of Pennsylvania, the District of Delaware, the District of New Jersey, the District of Connecticut, the District of Maryland, and elsewhere, and instructed the Runners to cash fraudulent checks that were either made payable to the Runners themselves or were made payable to or drawn on the accounts of TD Bank customers. With respect to the checks that were made payable to or drawn on the accounts of the TD Bank customers, defendant SPENCER and co-schemer Guerrier instructed the Runners to utilize the means of legitimate TD Bank account holders' identity information and the false drivers' licenses that had been provided to them.

10. On or about February 17, 2012, in furtherance of the scheme, defendant DEREK GEORGE SPENCER provided co-schemers Warren Guerrier and Michael Bullock with the full name and account number of TD Bank customer L.C., as well as other identity information of L.C. and a false driver's license in L.C.'s name but containing Bullock's photograph.

11. On or about February 17, 2012, in furtherance of the scheme, defendant DEREK GEORGE SPENCER drove to a TD Bank branch in Silver Spring, Maryland, with co-schemers Warren Guerrier and Michael Bullock and waited while Bullock entered the TD Bank branch to attempt to use the identity information and false driver's license defendant SPENCER had provided to access L.C.'s account.

12. On or about February 19, 2012, in furtherance of the scheme, at a TD Bank Branch in Philadelphia, Pennsylvania, a co-conspirator known to the United States Attorney provided defendant DEREK GEORGE SPENCER with account information for TD Bank customer J.G., including the name and account number of J.G.'s business account with TD Bank under the name of Grin Acres Family Limited Partnership.

13. On or about February 20, 2012, in furtherance of the scheme and at the direction of co-schemer Warren Guerrier, co-schemer Michael Bullock drove by car from Virginia to Philadelphia, Pennsylvania, intending to obtain false drivers' licenses and make withdrawals from the bank accounts of TD Bank customers who had not authorized Bullock to access their accounts.

14. On or about February 20, 2012, in furtherance of the scheme, co-schemer Warren Guerrier drove his white BMW 750i at a high rate of speed with co-schemer Michael Bullock in the passenger seat, and took other evasive action, all in an attempt to flee from

officers of the Philadelphia Police Department.

15. On or about February 20, 2012, in furtherance of the scheme, defendant DEREK GEORGE SPENCER drove his car to pick up co-schemers Warren Guerrier and Michael Bullock in Philadelphia, Pennsylvania, after Guerrier had been issued a citation and Guerrier's white BMW 750i had been impounded by the Philadelphia Police Department.

16. On or about February 21, 2012, in furtherance of the scheme, defendant DEREK GEORGE SPENCER and co-schemer Warren Guerrier created a false Pennsylvania Financial Responsibility Card document that falsely reflecting that Guerrier's white BMW 750i had been insured in Pennsylvania.

17. On or about February 21, 2012, in furtherance of the scheme, defendant DEREK GEORGE SPENCER drove co-schemer Warren Guerrier to an impound lot located in Philadelphia, Pennsylvania, so that Guerrier could obtain his car back from the impound lot, where defendant SPENCER and Guerrier presented defendant SPENCER'S identification, the false Pennsylvania Financial Responsibility Card they had created, and a fee of $440, in order to have Guerrier's car released from impound.

18. Sometime on or before February 23, 2012, in furtherance of the scheme, a co-schemer known to the United States Attorney provided defendant DEREK GEORGE SPENCER with account and other identity information for TD Bank customers M.C. and Byun Brothers Sales, Inc., including the name on the accounts and the account number.

19. On or about February 23, 2012, in furtherance of the scheme and at the direction of co-schemer Warren Guerrier, co-schemer Michael Bullock drove by car from Virginia to Philadelphia, Pennsylvania, intending to obtain false drivers' licenses and make withdrawals from the bank accounts of TD Bank customers who had not authorized Bullock to

access their accounts.

20. On or about February 23, 2012, at an International House of Pancakes restaurant in Philadelphia, Pennsylvania, defendant DEREK GEORGE SPENCER met with co-schemers Warren Guerrier and Michael Bullock and provided them with account numbers and other identity information for TD Bank customers M.C. and Byun Brothers Sales Inc., and as well as a false driver's license in the name of M.C. but containing co-schemer Ron Credle's photograph and a false driver's license in the name of C.J. but containing Bullock's photograph.

21. On or about February 24, 2012, co-schemer Warren Guerrier drove co-schemers Michael Bullock and Ron Credle from Philadelphia, Pennsylvania, to a TD Bank branch in Wilmington Delaware, where Guerrier provided them with some of the false driver's licenses and identity information of TD Bank customers that had been provided to Guerrier by defendant DEREK GEORGE SPENCER, and instructed co-schemers Bullock and Credle to access the customers' accounts to obtain money that the customers had not authorized them to obtain.

22. On or about March 4, 2012, in furtherance of the scheme, at a TD Bank branch in Philadelphia, Pennsylvania, a co-conspirator known to the United States Attorney provided defendant DEREK GEORGE SPENCER with account and other identity information for TD Bank customer J.G., including J.G.'s personal checking account number.

23. In furtherance of the scheme, on or about the following dates at TD Bank branches in the following locations, the following Runners engaged and attempted to engage in the following fraudulent transactions, during each of which they presented a false driver's license and utilized identity information of the true TD Bank account holders that was provided to them by defendant DEREK GEORGE SPENCER and Warren Guerrier, including the account holders'

names, account numbers, dates of birth, and social security numbers, and all of which caused TD Bank to suffer an actual loss of at least approximately $122,700, with an intended loss of at least approximately $225,608:

DATE	LOCATION	FRAUDULENT TRANSACTION(S)
8/11/11	Middletown, NJ	Celeste C. Paige cashed a counterfeit check purportedly drawn on the TD Bank account of Anchor Moving and Storage ending in 8094, check #414 in the amount of $2,880.11, made payable to C.M.
8/11/11	Hazlet, NJ	Celeste C. Paige cashed a counterfeit check drawn on the TD Bank account of American Athletic Courts, Inc. ending in 9608, check #20236 in the amount of $1,733.52, made payable to C.M.
8/12/11	Spring Lake Heights, NJ	Celeste C. Paige cashed a counterfeit check purportedly drawn on the TD Bank account of American Athletic Courts, Inc. ending in 9608, check #20239 in the amount of $2,116.84, made payable to C.M.
8/24/11	Metuchen, NJ	With the assistance of Celeste C. Paige and while she watched, an unidentified male co-schemer (hereinafter "UM#1") deposited into the TD Bank account of S.L. and I.S. ending in 0039 a counterfeit check in the amount of $8,628.07, made payable to S.L.
8/24/11	Metuchen, NJ	With the assistance of Celeste C. Paige and while she watched, UM#1 withdrew $3,250 from the TD Bank account of S.L. ending in 6117.
8/24/11	Langhorne, PA	Celeste C. Paige cashed against the TD Bank account of R.L. and E.L. ending in 8035 a counterfeit check in the amount of $8,226.15, made payable to E.L.
8/24/11	Levittown, PA	With the assistance of Celeste C. Paige and while she watched, UM#1 cashed against the TD Bank account of R.L. and E.L. ending in 8035 a counterfeit check in the amount of $7,840.20, made payable to R.L.
8/26/11	Newtown, PA	Celeste C. Paige attempted to cash against the TD Bank account of R.L. and E.L. ending in 8035 a counterfeit check in the amount of $7,826.08, made payable to E.L., and then deposited the counterfeit check into the account after the teller refused to cash the counterfeit check.

DATE	LOCATION	FRAUDULENT TRANSACTION(S)
9/9/11	Hatboro, PA	James Hull deposited into the TD Bank checking account of T.L. ending in 6327 a counterfeit check in the amount of $13,258.25, made payable to T.L., and simultaneously withdrew $8,000 cash from the account.
9/9/11	Hatboro, PA	An unknown co-schemer withdrew $9,263 cash from the TD Bank checking account of T.L. ending in 6327.
9/9/11	Plymouth Meeting, PA	James Hull deposited into the TD Bank checking account of F.G. ending in 6011 a counterfeit check in the amount of $19,340.72, made payable to F.G., and simultaneously withdrew $11,000 cash from the account.
9/10/11	Devon, PA	James Hull deposited into the TD Bank checking account of F.G. ending in 6011 a counterfeit check in the amount of $14,735.70, made payable to F.G., and simultaneously withdrew $9,000 cash from the account.
9/10/11	Devon, PA	James Hull attempted to withdraw $8,500 cash from the TD Bank checking account of F.G. ending in 6011.
9/10/11	Devon, PA	James Hull attempted to withdraw $4,300.50 cash from the TD Bank checking account of F.G. ending in 6011.
10/3/11	East Rutherford, NJ	An unknown co-schemer cashed a counterfeit check purportedly drawn on the TD Bank account of Eagil Life Settlements, LLC ending in 4310, check #3037 in the amount of $1,729.40, made payable to D.G.
10/3/11	Wallington, NJ	An unknown co-schemer cashed a counterfeit check purportedly drawn on the TD Bank account of Eagil Life Settlements, LLC ending in 4310, check #3043 in the amount of $914.20, made payable to D.G.
10/3/11	Matawan, NJ	An unidentified female co-schemer (hereinafter "UF#1") cashed a counterfeit check purportedly drawn on the TD Bank account of Eagil Life Settlements, LLC ending in 4310, check #3047 in the amount of $2,441.60, made payable to D.G.
10/3/11	Springfield, NJ	UF#1 cashed a counterfeit check purportedly drawn on the TD Bank account of Eagil Life Settlements, LLC ending in 4310, check #3042 in the amount of $1,835.23, made payable to D.G.
10/4/11	Holmdel, NJ	UF#1 cashed a counterfeit check purportedly drawn on the TD Bank account of Eagil Life Settlements, LLC ending in 4310, check #3045 in the amount of $1,420.18, made payable to D.G.

DATE	LOCATION	FRAUDULENT TRANSACTION(S)
10/18/11	Milford, CT	Celeste C. Paige deposited into the TD Bank account of R.M. and J.M. ending in 5226 a counterfeit check in the amount of $18,072.14, made payable to J.M.
10/18/11	Glastonbury, CT	Celeste C. Paige deposited into the TD Bank account of J.M. ending in 8228 a counterfeit check in the amount of $12,733.93, made payable to J.M.
10/18/11	New Haven, CT	Celeste C. Paige deposited into the TD Bank account of F.J. ending in 4428 a counterfeit check in the amount of $17,420.18, made payable to F.J., and simultaneously withdrew $8,500 cash and $8,500 in the form of a TD Official Check, number 40348099-1, made payable to J.M., from the TD Bank account of F.J. ending in 4428.
10/19/11	White Plains, NY	Celeste C. Paige attempted to cash an $8,500 TD Bank Official Check, check number 40348099-1, which had been made payable to J.M.
1/14/12	Laurel, MD	An unidentified male co-schemer (hereinafter "UM#2") deposited into the TD Bank checking account of T.L. ending in 7482 a counterfeit check in the amount of $12,038.52, made payable to T.L., and simultaneously withdrew $5,000 cash from the account.
1/14/12	Laurel, MD	UM#2 withdrew $3,308.000 cash from the TD Bank checking account of T.L. ending in 7482.
1/14/12	Silver Spring, MD	UM#2 attempted to withdraw cash from the TD Bank checking account of T.L. ending in 7482.
2/7/12	Morrisville, PA	Ron Credle deposited into the TD Bank checking account of A.T. ending in 0629 a counterfeit check in the amount of $12,482.27, made payable to A.T., and simultaneously withdrew $8,683.58 cash from the account.
2/7/12	Philadelphia, PA	Ron Credle attempted to withdraw $4,000 cash and succeeded in withdrawing $1,600 cash from the TD Bank checking account of A.T. ending in 0629.
2/7/12	Bensalem, PA	Ron Credle cashed against the TD Bank checking account of A.T. ending in 0629 a counterfeit check in the amount of $7,500, made payable to A.T.
2/12/12	Philadelphia, PA	Ron Credle attempted to withdraw $4,000 cash and succeeded in withdrawing $3,000 cash from the TD Bank checking account of A.T. ending in 0629.
2/14/12	Philadelphia, PA	Ron Credle attempted to withdraw $5,000 cash and succeeded in withdrawing $4,798.58 cash from the TD Bank checking account of A.T. ending in 0629.

DATE	LOCATION	FRAUDULENT TRANSACTION(S)
2/15/12	Philadelphia, PA	Ron Credle attempted to withdraw $7,000 cash from the TD Bank checking account of A.T. ending in 0629.
2/17/12	Silver Spring, MD	Michael Bullock withdrew $5,000 cash from the TD Bank account of L.C. ending in 1878.
2/24/12	Wilmington, DE	Ron Credle attempted to withdraw $5,000 cash from the TD Bank account of M.C. ending in 5639.
2/24/12	Wilmington, DE	Michael Bullock attempted to cash a counterfeit check, purportedly drawn on the TD Bank account of Byun Brothers Sales, Inc. ending in 0660, check #4253 in the amount of $6,426.12, made payable to C.J.
3/6/12	Philadelphia, PA	An unidentified male co-schemer (hereinafter "UM#3") cashed a counterfeit check, purportedly drawn on the TD Bank account of Grin Acres Family Limited Partnership ending in 7290, check #1420 in the amount of $3,462.26, made payable to R.S.
3/6/12	Philadelphia, PA	UM#3 attempted to cash a counterfeit check, purportedly drawn on the TD Bank account of Grin Acres Family Limited Partnership ending in 7290, check #1417 in the amount of $2,756.10, made payable to R.S.
3/29/12	Rockaway, NJ	UM#3 deposited into the TD Bank checking account of A.K. ending in 4152 a counterfeit check in the amount of $2,611.48, made payable to A.K., purportedly drawn on the TD Bank account of Westminster Mayfair Presbyterian Church ending in 6655, and simultaneously withdrew $811.48 cash against the TD Bank checking account of Westminster Mayfair Presbyterian Church ending in 6655.
4/2/12	Hazlet, NJ	UM#3 deposited into the TD Bank checking account of A.K. ending in 4152 two counterfeit checks made payable to A.K., one the amount of $4,642.38 purportedly drawn on the TD Bank account of Westminster Mayfair Presbyterian Church ending in 6655, and one in the amount of $1,271.58 purportedly drawn on the Wachovia Bank account of Delta-T Group Richmond, Inc. ending in 3976, and simultaneously withdrew $2,500 cash against the TD Bank checking account of Westminster Mayfair Presbyterian Church ending in 6655.

DATE	LOCATION	FRAUDULENT TRANSACTION(S)
4/3/12	Old Bridge, NJ	UM#3 deposited into the TD Bank checking account of A.K. ending in 4152 a counterfeit check in the amount of $6,372.33, made payable to A.K., purportedly drawn on the TD Bank account of Westminster Mayfair Presbyterian Church ending in 6655, and simultaneously withdrew $2,000 cash against the TD Bank checking account of Westminster Mayfair Presbyterian Church ending in 6655.
3/18/13	Philadelphia, PA	An unidentified male co-schemer (hereinafter "UM#4") attempted to cash a counterfeit check, purportedly drawn on the TD Bank account of J.G. ending in 0071, check #8170 in the amount of $987.53, made payable to C.W.
3/27/13	Willow Grove, PA	Co-schemer G.B. attempted to cash a counterfeit check purportedly drawn on the TD Bank account of Maxvascular Medical ending in 7402, check #592 in the amount of $1,454.13, made payable to A.T.

All in violation of Title 18, United States Code, Sections 1344 and 2.

COUNT THREE

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

On or about December 7, 2011, in the Eastern District of Pennsylvania, and elsewhere, defendant

DEREK GEORGE SPENCER

knowingly and without lawful authority, possessed and used a means of identification of another person, that is, the name and signature of P.S., during and in relation to theft of government money.

In violation of Title 18, United States Code, Sections 1028A(a)(1), (c)(1).

COUNT FOUR

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

On or about February 17, 2012, in the District of Maryland, and elsewhere, defendant

DEREK GEORGE SPENCER

knowingly and without lawful authority, possessed and used, and aided and abetted the possession and use of, a means of identification of another person, that is, the name and TD Bank account number of L.C., during and in relation to bank fraud.

In violation of Title 18, United States Code, Sections 1028A(a)(1), (c)(5), and 2.

COUNT FIVE

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

On or about February 23, 2012, in the Eastern District of Pennsylvania, and elsewhere, defendant

DEREK GEORGE SPENCER

knowingly and without lawful authority, possessed and used, and aided and abetted the possession and use of, a means of identification of another person, that is, the name and TD Bank account number of M.C., during and in relation to bank fraud.

In violation of Title 18, United States Code, Sections 1028A(a)(1), (c)(5), and 2.

COUNT SIX

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

On or about February 23, 2012, in the Eastern District of Pennsylvania, and elsewhere, defendant

DEREK GEORGE SPENCER

knowingly and without lawful authority, possessed and used, and aided and abetted the possession and use of, a means of identification of another person, that is, the name and TD Bank account number of C.J., during and in relation to bank fraud.

In violation of Title 18, United States Code, Sections 1028A(a)(1), (c)(5), and 2.

NOTICE OF FORFEITURE

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

1. As a result of the violation of Title 18, United States Code, Sections 1344 set forth in this indictment, defendant

DEREK GEORGE SPENCER

shall forfeit to the United States of America any property constituting, or derived from, proceeds obtained directly or indirectly from the commission of such offense, including but not limited to $122,700 in United States currency (money judgment).

2. If any of the property described above, as a result of any actor omission of the defendant:

a. cannot be located upon the exercise of due diligence;

b. has been transferred to, sold to, or deposited with a third party;

c. has been placed beyond the jurisdiction of this Court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be divided without difficulty;

it is the intention of the United States, pursuant to Title 18, United States Code, Section 982(b), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the property subject to forfeiture.

All pursuant to Title 18, United States Code, Section 982(a)(2)(A).

M. Taylor Aspinwall

ZANE DAVID MEMEGER
UNITED STATES ATTORNEY

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TJS

INFORMATION

15-562

DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 615 Chestnut Street, Suite 1250, Philadelphia, PA 19106-4476

Post Office: Philadelphia County: Philadelphia

City and State of Defendant: Wynnewood, Pennsylvania

County: Montgomery Register number: 54659-066

Place of accident, incident, or transaction: Eastern District of Pennsylvania

Post Office: Philadelphia County: Philadelphia

RELATED CASE, IF ANY:

Criminal cases are deemed related when the answer to the following question is "yes".

Does this case involve a defendant or defendants alleged to have participated in the same action or transaction, or in the same series of acts or transactions, constituting an offense or offenses?

YES/NO: Yes

Case Number: 12-cr-390, 13-cr-2, 14-cr-95, 14-cr-98, 14-cr-250 Judge: Savage

CRIMINAL: (Criminal Category - FOR USE BY U.S. ATTORNEY ONLY)

1. ○ Antitrust
2. ○ Income Tax and other Tax Prosecutions
3. ○ Commercial Mail Fraud
4. ○ Controlled Substances
5. ○ Violations of 18 U.S.C. Chapters 95 and 96 (Sections 1951-55 and 1961-68) and Mail Fraud other than commercial
6. ◉ General Criminal

(U.S. ATTORNEY WILL PLEASE DESIGNATE PARTICULAR CRIME AND STATUTE CHARGED TO BE VIOLATED AND STATE ANY PREVIOUS CRIMINAL NUMBER FOR SPEEDY TRIAL ACT TRACKING PURPOSES)

18 U.S.C. § 641 – 1 count; 18 U.S.C. § 1344 – 1 count; 18 U.S.C. § 1028A(a)(1) – 4 counts; 18 U.S.C. § 2; and Notice of forfeiture.

DATE: 11/30/15

MICHAEL S. LOWE
Assistant United States Attorney

File No. 2013R00183
U.S. v. Derek George Spencer