IN THE UNITED STATES DISTRICT COURT FOR THE

EASTERN DISTRICT OF VIRGINIA

Richmond Division

UNITED STATES OF AMERICA	**UNDER SEAL**
v.	Criminal No. 3:22-cr-005
DEREK GEORGE SPENCER, a.k.a. "Dee," "Bruce Wayne" and "George Spencer,"	18 U.S.C. § 371 Conspiracy to Bribe a Public Official and Provide Contraband to Federal Inmates (Count 1)
and	18 U.S.C. §§ 201(b)(1)(C) & 2 Offering and Giving Bribe to Public Official (Count 2)
TYLICIA THOROGOOD JONES,	18 U.S.C. § 1349 Conspiracy to Commit Bank Fraud (Count 3)
Defendants.	18 U.S.C. §§ 1344 & 2 Bank Fraud (Counts 4-7)
	18 U.S.C. §§ 981 & 982 Forfeiture Allegation

INDICTMENT

January 2022 Term—at Richmond, Virginia

THE GRAND JURY CHARGES THAT:

GENERAL ALLEGATIONS

At all times relevant to this indictment:

1. The United States Bureau of Prisons (BOP) was a component of the United States Department of Justice, which was part of the executive branch of the United States Government. The BOP ran facilities at which prisoners serving sentences following their convictions for federal

criminal offenses were incarcerated. The Federal Correctional Complex at Petersburg, Virginia (FCC Petersburg) was one of those facilities. Federal Correctional Institutions Petersburg Low (FCI Petersburg-Low) and Medium (FCI Petersburg-Medium) were institutions within FCC Petersburg.

2. Defendant DEREK GEORGE SPENCER, also known as "Dee," "Bruce Wayne," and "George Spencer," was an inmate serving a sentence at FCI Petersburg-Low.

3. Dontay Leroy Douglass Cox (prosecuted in this Court under docket number 3:20-cr-125-DJN) was an inmate serving a sentence at FCI Petersburg-Medium.

4. Defendant TYLICIA THOROGOOD JONES was a girlfriend of SPENCER's.

5. Unindicted Co-Conspirator 1 (UC-1) was employed by the BOP as a correctional officer at FCC Petersburg.

6. Title 18, United States Code, Section 1791 and BOP regulations prohibited inmates' possession of "prohibited objects," including controlled substances, tobacco, cellular telephones, and items associated with the operations of cellular telephones, such as chargers and earphones. UC-1 duties as a BOP employee included the enforcement of federal law and BOP regulations pertaining to inmates' possession of prohibited objects.

7. UC-1 assisted SPENCER and Cox with the smuggling of contraband (including tobacco, cellular phones, chargers, earphones, creatine pills, Suboxone, and synthetic marijuana) into FCI Petersburg-Medium.

COUNT ONE

(Conspiracy to Bribe a Public Official and Provide Contraband to Federal Inmates)

1. Paragraphs One through Seven of the "General Allegations" in this indictment are incorporated by reference as if fully set forth here.

2. Beginning at least in June 2019, and continuing through on or about August 6, 2020, the exact dates being unknown to the grand jury, in the Eastern District of Virginia and within the jurisdiction of the Court, as well as elsewhere, defendants DEREK SPENCER, also known as "Dee," "Bruce Wayne," and "George Spencer," and TYLICIA JONES did unlawfully, knowingly, and intentionally, combine, conspire, confederate and agree with UC-1, as well with others, both known and unknown to the grand jury, to commit the following offenses against the United States:

a. paying bribes to a BOP employee, that is, to directly, indirectly, and corruptly give, offer, and promise a thing of value to a public official, with intent to induce a public official to do and omit to an act in violation of the public official's lawful duty, in violation of Title 18, United States Code, Section 201(b)(1)(C);

b. providing prohibited objects to inmates of a federal prison, that is, to knowingly provide and attempt to provide inmates of a federal prison, that is, FCI Petersburg, prohibited objects as defined in Title 18, United States Code, Sections 1791(d)(1)(A), (d)(1)(B), (d)(1)(C), (d)(1)(F), (d)(1)(G), in violation of Title 18, United States Code, Section 1791(a)(1);

c. possessing prohibited objects as an inmate of a federal prison, that is, to knowingly possess and to attempt to obtain as an inmate of a federal prison, that is, FCI Petersburg, prohibited objects as defined in Title 18, United

States Code, Section 1791(d)(1)(A), (d)(1)(B), (d)(1)(C), (d)(1)(F), (d)(1)(G), in violation of Title 18, United States Code, Section 1791(a)(2).

Purposes of the Conspiracy

The purposes of the conspiracy were for UC-1 to secretly use UC-1's position as a BOP employee, by soliciting and accepting payments, gifts, and other things of value from SPENCER through JONES, in exchange for UC-1 doing or omitting to do any act in violation of UC-1's official duties as a BOP employee, including smuggling prohibited objects into FCI Petersburg-Medium for SPENCER, delivering those prohibited objects to SPENCER, and allowing SPENCER to possess those objects, all in violation of federal law and BOP regulations.

Manners and Means of the Conspiracy

The manner and means by which the defendants would and did carry out the conspiracy included, but were not limited to, the following:

1. UC-1 provided prohibited objects to SPENCER and allowed SPENCER to possess those prohibited objects, all in violation of federal law and BOP regulations.

2. In return for UC-1's providing these prohibited objects to SPENCER and UC-1's non-enforcement of BOP regulations and federal law forbidding SPENCER from possessing prohibited objects, SPENCER paid sums of money to UC-1.

3. JONES made payments to UC-1 on SPENCER's behalf using the cash transfer application "Cash App" and by delivering cash to UC-1.

Overt Acts

In furtherance of the conspiracy and to affect its objects, the defendants and the other co-conspirators committed at least one of the following acts, among others, in the Eastern District of Virginia and elsewhere:

1. In or around June 2019, SPENCER and UC-1 entered into an agreement to commit the acts described in the "Purpose" and "Manner and Means" of the Conspiracy set forth in this Count.

2. In or around June 2019, UC-1 provided SPENCER with approximately ten contraband cellular phones.

3. On or about August 6, 2019, SPENCER sent JONES a letter asking her to: (a) obtain a cellular phone; (b) purchase a blended mixture of Testosterone, Deca-Durabolin, and Trenblone on-line; (c) purchase syringes on-line; and (d) deliver those items to SPENCER at FCI Petersburg-Low.

4. In or around August or September 2019, JONES delivered cellular telephones to UC-1.

5. On or about August 10, 2019, JONES made a Cash App transfer in the amount of $1,000 to UC-1 with the associated message, "renovations."

6. On or about August 26, 2019, JONES made a Cash App transfer in the amount of $2,000 to UC-1 with the associated message, "Thanks."

7. On or about September 1, 2019, JONES sent $1,000 to a friend (Individual A) via Cash App with a request that Individual A send the funds to UC-1. Thereafter, Individual A sent that $1,000 to UC-1 via Cash App.

8. In or around September 2019, JONES delivered a cash payment to UC-1.

9. On or about August 6, 2020, JONES possessed three mobile phones, a mobile phone headset, boxes of steroids, syringes, needles, and five cartons of cigarettes.

(In violation of Title 18, United States Code, Section 371).

COUNT TWO
(Payment of Bribes to Public Official)

1. Paragraphs One through Seven of the "General Allegations" in this indictment are incorporated by reference as if fully set forth here.

2. Beginning at least as early as in and around June 2019, and continuing through on or about August 6, 2020, in the Eastern District of Virginia and within the jurisdiction of this Court, defendants DEREK SPENCER, also known as "Dee," "Bruce Wayne," and "George Spencer," and TYLICIA JONES, aided, abetted, counseled, induced, and encouraged by each other, did directly, indirectly, and corruptly give, offer, and promise things of value—specifically, a stream of payments—to a public official, that is, UC-1, with the intent to induce UC-1 to do or omit to do any act in violation of UC-1's lawful duty—specifically, the smuggling of prohibited objects into FCI Petersburg-Low, the provision of those prohibited objects to SPENCER, and the failure to enforce federal law and BOP regulations barring SPENCER from possessing those prohibited objects.

(In violation of Title 18, United States Code, Sections 201(b)(1)(C) & 2).

COUNT THREE
(Conspiracy to Commit Bank Fraud)

1. Paragraphs One through Seven of the "General Allegations" in this indictment are incorporated by reference as if fully set forth here.

2. Beginning at least in and around June 2019, and continuing through on or about August 6, 2020, the exact dates being unknown to the Grand Jury, in the Eastern District of Virginia and within the jurisdiction of this Court, as well as elsewhere, defendants DEREK SPENCER, also known as "Dee," "Bruce Wayne," and "George Spencer," and TYLICIA JONES did unlawfully and knowingly conspire with each other to commit an offense contained within Chapter 63 of Title 18 of the United States Code, that is: to knowingly execute and attempt to execute a scheme and artifice to defraud and to obtain money and property owned by and under the custody of Discover Bank, First Premier Bank, Capital One Bank, and other financial institutions (as that term is defined in Title 18, United States Code, Section 20), by means of materially false and fraudulent pretenses, representations, and promises, in violation of Title 18, United States Code, Section 1344.

(In violation of Title 18, United States Code, Section 1349).

COUNTS FOUR THROUGH SEVEN
(Bank Fraud)

1. Paragraphs One through Seven of the "General Allegations" in this indictment are incorporated by reference as if fully set forth here.

2. Discover Bank, First Premier Bank, Capital One Bank, were all other financial institutions (as that term is defined in Title 18, United States Code, Section 20), with their deposits insured by the Federal Deposit Insurance Corporation.

3. Beginning at least in and around June 2019, and continuing through on or about August 6, 2020, the exact dates being unknown to the Grand Jury, in the Eastern District of Virginia and within the jurisdiction of this Court, as well as elsewhere, defendants DEREK SPENCER, also known as "Dee," "Bruce Wayne," and "George Spencer," and TYLICIA JONES, aided, abetted, counseled, induced, and encouraged by each other, did knowingly, unlawfully, and with intent to defraud, execute and attempt to execute a scheme and artifice to defraud and to obtain money, funds, and property owned by and under the custody and control of Discover Bank, First Premier Bank, Capital One Bank, and other financial institutions (as that term is defined in Title 18, United States Code, Section 20), by means of materially false and fraudulent pretenses and promises.

Purpose of the Scheme and Artifice to Defraud

The purpose of the scheme and artifice to defraud was to allow SPENCER to obtain credit upon his release from incarceration in the United States Bureau of Prisons.

Manner and Means of the Scheme and Artifice to Defraud

The manner and means of the scheme and artifice to defraud included the following:

1. SPENCER applied or had other persons apply for credit cards from financial institutions in his own name or in false names including "Bruce Wayne" and "George Spencer."

2. The credit card applications contained false representations about SPENCER's employment, income, and address.

3. The fraudulently obtained credit cards, as well as billing statements on those cards, were mailed to the addresses of the other individuals, including JONES.

4. SPENCER communicated with others, including JONES, about the execution of this scheme while incarcerated at FCI Petersburg-Low, using contraband cellular telephones.

Execution of the Scheme and Artifice to Defraud

On or about the dates set forth below, to execute and attempt to execute the scheme and artifice to defraud, SPENCER and JONES, aided, abetted, counseled, induced, and encouraged by each other, caused the mailing of the credit cards and billing statements listed below to 1021 River Birch Court, Chesapeake, Virginia 23320:

Count	Date	Billing Statement or Credit Card
4	9/11/2019	Monthly billing statement for Capital One Card xxxx xxxx xxxx 7966 in the name of "Bruce Wayne"
5	10/1/2019	First Premier Bank Card xxxx xxxx xxxx 0327 in the name of "Bruce Wayne"
6	10/3/2019	Discover Card xxxx xxxx xxxx 7769 in the name of "Bruce Wayne"
7	10/6/2019	Capital One Card xxxx xxxx xxxx 4152 in the name of "Bruce Wayne"

(In violation of Title 18, United States Code, Sections 1344 & 2).

FORFEITURE ALLEGATION

Pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure, the defendants are notified that upon conviction of any of the offenses set forth in Counts One through Seven of the Indictment, they shall forfeit to the United States any property real or personal which constitutes, or is derived from, proceeds traceable to the violations charged in Counts One through Seven above, including any assets that may be directly forfeitable as proceeds or subject to forfeiture as a substitute asset.

Property subject to forfeiture includes, but is not limited to, a sum of money which represents the proceeds of the offenses charged in Counts One through Seven above.

(All in accordance with Title 18, United States Code, Sections 981(a)(1)(C) and 18 U.S.C. § 982(a)(2), as incorporated by Title 28, United States Code, Section 2461(c)).

A TRUE BILL:

FOREPERSON

JESSICA D. ABER
UNITED STATES ATTORNEY

By: KENNETH SIMON Digitally signed by KENNETH SIMON Date: 2022.01.03 12:30:14 -05'00'

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