

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

Richmond Division

UNITED STATES OF AMERICA	)	Criminal No. 3:22-cr-5-DJN
	)	
	)	
v.	)	
	)	
	)	
DEREK GEORGE SPENCER,	)	
a.k.a. "Dee," "Bruce Wayne" and "George	)	
SPENCER,"	)	
	)	
Defendant.	)	

STATEMENT OF FACTS

The parties stipulate that the allegations contained in Count Two of the Indictment and the following facts are true and correct, and that had this matter gone to trial, the United States would have proven each of them beyond a reasonable doubt:

1. 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, Unindicted Co-Conspirator 1 ("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.

2. At all times relevant to the indictment in this matter, Title 18, United States Code, Section 1791 and BOP regulations prohibited inmates' possession of "prohibited objects," including controlled substances, cigarettes, and cellular telephones. The duties of a correctional officer and case manager with the United States Bureau of Prisons included the enforcement of federal law and BOP regulations pertaining to inmates' possession of prohibited objects.

3. Derek George Spencer, also known as "Dee," "Bruce Wayne," and "George Spencer," was an inmate serving a sentence at FCI Petersburg-Low. Jones was a girlfriend of SPENCER's. Unindicted Co-Conspirator 1 (UC-1) was employed by the BOP as a correctional officer (CO) at FCC Petersburg.

4. UC-1 assisted SPENCER with the smuggling of contraband (including tobacco, cellular phones, chargers, earphones, creatine pills, Suboxone, and synthetic marijuana) into FCI Petersburg-Low. Jones delivered contraband to UC-1 to bring into FCC Petersburg and made payments to UC-1 as compensation for UC-1's smuggling of contraband into FCC Petersburg.

5. On November 23, 2019, a CO located a contraband iPhone at FCC Petersburg. The iPhone was sent to the Bureau of Prisons (BOP) Lab for a forensic analysis. In April 2020, the BOP Lab completed the forensic analysis on the contraband phone and provided the report to staff at FCC Petersburg. The analysis indicated the iPhone belonged to FCC Petersburg inmate SPENCER.

6. The following text messages dated between September and November 2019 are between the contraband phone utilized by inmate SPENCER to Jones, who was listed in the contraband phone as “Ty,” with associated telephone number ***-***-3260:

a. 9/28/2019 – Contraband Phone to Ty: How many in the strip or how long is it? They sell for 5\$ on the street, in here for 40.

b. 9/28/2019 – Ty to Contraband Phone: \$10 on the street per strip. They melt under the tongue and most people take 1/4th or half of a strip. \$10 on the street, bro sold his on the inside for \$75 each. Thry [sic] come in a box of like 30 individually wrapped. Oh idk this is a prescription medication. You can buy this over the counter.

c. 09/28/2019- Ty to Contraband Phone: [A media message containing screenshot images of various packages of Suboxone obtained from a Google internet search with search terms of “image of suboxone film.”]

d. 10/15/2019- Contraband Phone to Ty: I told him,,to not send it. Ask [UC-1] how we looking And text [UC-1],,tell I need him

e. 10/15/2019 – Ty to Contraband Phone: Bc If he told you he’ll be ready in a few then he’ll reach out to me when he’s ready. I don’t wanna keep pressing him.

f. 10/15/2019 – Contraband Phone to Ty: Im gonna stop asking do things for me because it seems like it's a problem and then you wanna tell me the way you want to do things,,smh

g. 10/16/2019 – Ty to Contraband Phone: I’m just not the type to press no one period! U just spoke to him the day before and he told you he was “Almost” ready, not Ready tomorrow. So why would I keep texting him for him to tell me the same thing- “I’ll let you know when I’m ready.” As you know you’re in control of nothing but

yourself and you keep worrying that man isn't gonna make him move no faster as you see. Just CHILL and when he is ready he has my number, you have 7 months left just ride it out. You have the rest of your life to MAKE MONEY the right way!....

h. 10/28/2019 – Contraband Phone to Ty: We may have to give it to [UC-1] with the bag

i. 11/14/2019 – Contraband Phone to Ty: Benjamin told me what was going on with [UC-1]

j. 11/16/2019 - Contraband Phone to Ty: I hate to say it but we may have to return all the stuff if ole boy is still not ready

k. 11/16/2019 – Ty to Contraband Phone: Yeah I know and I have to see if them Cigarettes can be returned it's been months now. You can keep the roids for when you come home. I should fcb be able to return them phones to family dollar.

l. 11/16/ 2019 – Contraband Phone to Ty: Understandable just try to see what you can do and he said he still didn't respond back to you yet right? I haven't seen them around so he might be still Hurt I'm trying to see if I can get somebody else

m. 11/18/2019 – Ty to Contraband: Bae he responded-This from him: Hey just seeing this my phone screen was broke money been funny been out of work for awhile so just getting to my phone. I'm ok won't be back to normal for a couple weeks but I'm doing good just trying to keep my head above water.

n. 11/18/2019 – Contraband Phone to Ty: Let him know if there's anything that you need or my help with ,Or anyone You think I could get the ball rolling on to try to send you something while you down?

o. 11/18/2019 – Ty to Contraband Phone: He said: Ok will do I could use some bread but I'm gonna try another option before that because it will be mid December before I be back and don't want to put a burden on no one until then. Quarter changes in a couple weeks don't want to get paid or get work and may can't make a move just yet because all new people. Forreal there is no one that can be trusted until I get back for the safety of him just sit tight

p. 11/22/2019 – Contraband Phone to Ty: Now all I need is [UC-1] to get on the job Look at those receipts when you get a chance and see what the return policy is please

q. 11/22/2019 – Ty to Contraband Phone: Why I was just in here looking for them for these phones. My dad gonna pay for one bc his phone broke and he just came home today.

r. 11/22/2019 – Contraband Phone to Ty: Because I want to make sure we have time to get the money back in case he's not going to be ready

s. 11/22/2019 – Ty to Contraband Phone: Yeah its over 60 days this stuff was purchased in September. I used my bank card and I have the amounts from the ledger I kept.

t. 11/22/2019 – Contraband Phone to Ty: So what does the receipt say

u. 11/22/2019 – Ty to Contraband Phone: It doesn't say, all I can do is call the store and ask. The other 2 was from Walmart so I'm hoping I can take them back. You are at a lost with the cigarettes- they have a 24 hr policy on tobacco.

7. On July 1, 2020, SPENCER was interviewed by special agents from the FBI and DOJ Office of Inspector General. During the interview, SPENCER made the following

admissions: (1) UC-1 brought cellular telephones, tobacco, creatine, and K2 into FCC Petersburg for SPENCER; (2) cellular telephones sold for between \$800 and \$1000 at FCC Petersburg; (3) cigarettes sold for between \$100 and \$150 per pack of cigarettes; (4) K2 sold for approximately \$1,200; (5) UC-1 provided SPENCER with approximately 30 cellular telephones; (6) Jones paid UC-1 for facilitating the introduction of contraband on behalf of SPENCER; (7) Jones met with UC-1 in person to exchange contraband and bribe payments; and (8) UC-1 worked with other inmates at FCC Petersburg to introduce contraband.

8. Between August 4, 2019 and December 19, 2019, Jones had 136 phone calls with UC-1.

9. Using her Cash App account on August 10, 2019 and August 26, 2019, Jones sent UC-1 \$2,000 and \$1,0000, respectively, as payment for UC-1's role in the prison contraband scheme. Acting at the direction of JONES, N.D. sent \$1,000 to UC-1.

10. On August 5, 2020, an FBI Special Agent sought and obtained a search warrant on the residence and vehicle belonging to JONES. On August 6, 2020, law enforcement executed those search warrants. During the execution of the search warrant, law enforcement recovered various items demonstrating JONES's involvement in both a bank fraud and prison contraband scheme. Specifically, law enforcement recovered: (1) a spreadsheet titled "Operation OT" that outlined the costs spent on the contraband that entered the prison; (2) 5 Cigarette cartons containing 10 cigarette packets each; (3) One receipt from Dollar General for 3 Simple Mobile Phones; (4) 2 boxes of testomix (400 mg 10 mL); (5) 2 boxes of Turinabol (10 mg 100 tablets); (6) 9 syringes and 20 needles; (7) 1 box of anavar (10 mg 100 tablets); (8) 2 boxes of Body nutrition (10 mL vials); (9) 2 boxes of AXA Med Clenbuterol Hydrochloride (40 mcg 100 tablets); (10) 2 boxes of AXA Med Boldenone (200 mg 10 ML vials); (11) 3 boxes of Anadrol

(50mg 60 tablets); (12) 1 box of Proviron (25 mg 50 tablets); and (13) Black AXA Med box containing 58 capsules.

11. In addition, law enforcement recovered a Monthly billing statement for Capital One Card xxxx xxxx xxxx 7966 in the name of "Bruce Wayne," a First Premier Bank Card xxxx xxxx xxxx 0327 in the name of "Bruce Wayne," a Discover Card xxxx xxxx xxxx 7769 in the name of "Bruce Wayne," and a Capital One Card xxxx xxxx xxxx 4152 in the name of "Bruce Wayne."

12. During the execution of the search warrant, Jones stated that the aforementioned items recovered in her home was intended for UC-1. Jones further provided that she met with UC-1 on several occasions to pay UC-1 for bringing in contraband to FCC Petersburg. With respect to the credit cards and bank statements recovered, Jones stated that SPENCER used her address for correspondence from banking institutions, as SPENCER needed to create a "new credit profile" in the name of Bruce Wayne so that SPENCER could enjoy good credit when released from prison.

13. Jones also provided consent for the search of her cellular telephone. A forensic examination of that cellular telephone revealed 216 text messages between Jones and F.H. (the girlfriend of another FCC Petersburg inmate) between July 2019 and September 2019 discussing the incarceration of their boyfriends and the processes of obtaining phones to send into their boyfriends' facilities and money exchanges. In one representative text message between Jones and F.H., Jones wrote, "I'm sending you \$750. Second phone sold and Gucci needs it in the morning." In the text messages, Jones also tells F.H. that Jones has done this before (that is, smuggling cell phones into FCC Petersburg) and paid on her check card for SPENCER to turn on the phone once it was inside the prison. Jones's cellular telephone also showed communications

with Spencer on his contraband prison phone.

14. The actions taken by the defendant, as described above, were taken willfully and knowingly. The defendant did not take those actions by accident, mistake, or with the belief that they did not violate the law.

15. This statement of facts recites facts necessary to provide an independent factual basis for the defendant's guilty plea. It does not necessarily recite all facts related to the defendant's involvement in the offense conduct or other criminal activity.

Respectfully submitted,

JESSICA D. ABER
UNITED STATES ATTORNEY

By: 
Kenneth R. Simon, Jr.
Assistant United States Attorney

Michael C. Moore
Assistant United States Attorney

After consulting with my attorney and pursuant to the plea agreement entered into this day between myself and the United States, I stipulate that the above Statement of Facts is true and accurate, and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.



DEREK GEORGE SPENCER
Defendant

I am DEREK SPENCER's attorney. I have carefully reviewed the above Statement of Facts with her. To my knowledge, her decision to stipulate to these facts is an informed and voluntary one.



Wayne Morgan
Counsel for Defendant