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AT 8:30 _____ UNITED STATES DISTRICT COURT
WILLIAM T. WALSH, CLERK DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

v.

MARCELLA DRAKEFORD

: Hon. *Katharine S. Hayden*
: Criminal No. 18- *126 (KSH)*
:
: 18 U.S.C. § 1341
: 18 U.S.C. § 2

INDICTMENT

The Grand Jury in and for the District of New Jersey, sitting at Newark, charges:

Counts One through Six
(Mail Fraud)

Relevant Persons and Entities

1. At all times relevant to this Indictment, unless otherwise specifically noted:
 - a. "C.B." was an elderly resident of an assisted living facility in or around Morristown, New Jersey (the "Facility").
 - b. "R.Z." was a relative of C.B. and had state-granted power of attorney over C.B.'s affairs.
 - c. The defendant MARCELLA DRAKEFORD ("DRAKEFORD") was an employee of the Facility and served as a "business manager."
 - d. Morgan Stanley was a financial services provider at which C.B. maintained a brokerage account with checking privileges.

e. Bank of America was a financial services provider at which C.B. maintained a bank account.

The Scheme to Defraud

2. From in or about October 2016 through in or about May 2017, in Morris County, in the District of New Jersey, and elsewhere, defendant

MARCELLA DRAKEFORD

did knowingly and intentionally devise and intend to devise a scheme and artifice to defraud C.B. and to obtain money and property from C.B. by means of materially false and fraudulent pretenses, representations, and promises, which scheme and artifice to defraud was in substance as set forth below, and for the purpose of executing such scheme and artifice, knowingly and intentionally caused to be placed in post offices and authorized depositories for mail matter, matters and things to be sent and delivered by the United States Postal Service, and deposited and caused to be deposited matters and things to be sent and delivered by private and commercial interstate carriers.

The Goal of the Scheme to Defraud

3. It was the goal of the scheme to defraud for DRAKEFORD to obtain money and property from C.B. by exploiting her position at the Facility to divert funds from C.B.'s Morgan Stanley account, without authorization, to pay for unauthorized charges that DRAKEFORD incurred on C.B.'s Bank of America account.

Manner and Means of the Scheme to Defraud

4. It was part of the scheme to defraud that, beginning in or about December 2016, through an arrangement with R.Z., DRAKEFORD was granted limited access to C.B.'s checking account with Morgan Stanley, which ended in '4890 (the " '4890 Account"). DRAKEFORD was authorized to use the funds in the '4890 Account only to pay for expenses associated with C.B.'s care at the Facility and other of C.B.'s living expenses. DRAKEFORD knew that C.B. was an elderly, vulnerable victim, which is why C.B. needed help with finances and care.

5. It was further part of the scheme to defraud that, unbeknownst to C.B. or to R.Z., in or about October 2016, DRAKEFORD had used her position at the Facility to gain access to C.B.'s bank account at Bank of America. DRAKEFORD caused Bank of America to add DRAKEFORD as a signatory to the account and, over the ensuing months, caused multiple credit cards linked to C.B.'s account to be issued in DRAKEFORD's name (the " '5559 and '7411 Credit Cards").

6. It was further part of the scheme to defraud that, from in or about November 2016 through in or about May 2017, DRAKEFORD used the '5559 and '7411 Credit Cards for personal expenditures, including, but not limited to, luxury automobile payments, expensive clothing, footwear, and jewelry, travel, dental work, rent, and utilities.

7. It was further part of the scheme to defraud that, to pay Bank of America for expenses DRAKEFORD charged to the '5559 and '7411 Credit

Cards, DRAKEFORD caused approximately 6 checks to be drawn on the '4890 Account. Each of the above checks bore C.B.'s signature but was otherwise completed by DRAKEFORD.

8. Using the manner and means described above, among others, DRAKEFORD caused the following checks drawn on C.B.'s Morgan Stanley account to be mailed to Bank of America, each constituting a separate count of this Indictment.

Count	Approximate Date	Check Number	Approximate Amount
1	January 13, 2017	1005	\$38,752.51
2	February 5, 2017	1014	\$34,637.79
3	February 18, 2017	1018	\$22,042.89
4	March 5, 2017	1021	\$32,095.07
5	March 31, 2017	1023	\$54,698.12
6	April 26, 2017	1027	\$55,031.89

In violation of Title 18, United States Code, Sections 1341 and 2.

FORFEITURE ALLEGATION

9. The allegations contained in all paragraphs of Counts One through Six of this Indictment are incorporated by reference as though set forth in full herein for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c).

10. The United States hereby gives notice to defendant DRAKEFORD that, upon conviction of the offenses charged in this Indictment, the government will seek forfeiture in accordance with Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), of any and all property, real or personal, that constitutes or is derived from proceeds traceable to the violation of Title 18, United States Code, Section 1341 alleged in this Indictment, including but not limited to a sum of money equal to at least \$237,258.27 in United States currency.

11. If by any act or omission of defendant DRAKEFORD, any of the property subject to forfeiture herein:


- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty,

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of defendant DRAKEFORD up to the value of the property described in this forfeiture allegation.

A TRUE BILL



FOREPERSON


CRAIG CARPENITO
United States Attorney

CASE NUMBER: 18-126 (KSH)

**United States District Court
District of New Jersey**

UNITED STATES OF AMERICA

v.

MARCELLA DRAKEFORD

INDICTMENT FOR

**18 U.S.C. § 1341
18 U.S.C. § 2**

A True Bill,

Foreperson

**CRAIG CARPENITO
UNITED STATES ATTORNEY
FOR THE DISTRICT OF NEW JERSEY**

**DAVID W. FEDER
ASSISTANT U.S. ATTORNEY
NEWARK, NEW JERSEY
973-645-2871**
