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AT 8:30 _____ M
WILLIAM T. WALSH, CLERK

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	Criminal No. 17- 293 (AET)
	:	
v.	:	18 U.S.C. §§ 641, 1343
	:	18 U.S.C. § 981(a)(1)(C)
LANCE NELSON	:	18 U.S.C. § 2
	:	28 U.S.C. § 2461(c)

INDICTMENT

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

Count 1
(Theft of Federal Funds)

1. Lance Nelson (“NELSON” or “defendant”) was a resident of Perth Amboy, New Jersey and, at all relevant times, over the age of 18 and not disabled. Since at least 1998, NELSON was an Assistant Zoning Officer employed by the City of Perth Amboy and earned an annual salary that ranged from approximately \$36,868 to \$64,272.

2. The United States Social Security Administration (“SSA”) is an independent agency of the United States government. Its primary responsibility is to administer Social Security, which is a social insurance program consisting of retirement, disability, and survivor benefits.

3. Monthly retirement benefits are provided to workers who paid Social Security Taxes when they were employed, and who earned sufficient credits to qualify for such benefits. Spouses and children can qualify to

receive a deceased worker's retirement benefits under certain limited circumstances. SSA benefits may be deposited directly into the beneficiary's bank account.

4. Individual 1 was NELSON's great aunt and received SSA benefits from in or about March 1988 until her death on or about February 21, 1998. Before she died, NELSON and Individual 1 opened a joint bank account at Bank of America (the "Joint Account"). After her death, SSA continued to issue NELSON's great aunt monthly retirement benefits by depositing them into the Joint Account, which NELSON controlled.

5. From in or about March 1998 to in or about February 2016, NELSON received, converted, and spent approximately \$184,936 of Individual 1's monthly retirement benefits, to which he was not entitled. For example, between in or about August 2009 and in or about March 2016, NELSON caused approximately \$52,367 to be transferred from the Joint Account into NELSON's Bank of America savings and checking accounts. In addition, NELSON, using ATMs that relied on a server in Virginia, withdrew approximately \$30,000 from the Joint Account between in or about April 2011 and October 2015, to include approximately: (1) \$360 on or about October 7, 2014; (2) \$400 on or about May 1, 2015; and (3) \$300 on or about September 7, 2015 from ATMs in Perth Amboy, New Jersey.

6. From in or about March 1998 to in or about February 2016, in Middlesex County, in the District of New Jersey, and elsewhere, defendant

LANCE NELSON

did knowingly and intentionally embezzle, steal, purloin, and convert to his own use and the use of others, without authority, money of the United States and SSA, namely, approximately \$184,936 in Social Security benefits to which he was not entitled.

In violation of Title 18, United States Code, Section 641 and Section 2.

Count 2
(Wire Fraud)

1. Paragraphs 1 to 5 of Count 1 of this Indictment are hereby incorporated and realleged as if fully set forth herein.

2. From in or about March 1998 to in or about February 2016, in the District of New Jersey, and elsewhere, defendant

LANCE NELSON

did knowingly and intentionally devise and intend to devise a scheme and artifice to defraud, and to obtain money by means of materially false and fraudulent pretenses, representations, and promises.

Goal of the Scheme to Defraud

3. The goal of the scheme and artifice to defraud was for NELSON to obtain through fraud approximately \$184,936 in Social Security benefits to which he was not entitled, and to use and cause the use of interstate wire transmissions to facilitate this scheme and artifice to defraud the United States and SSA.

Manner and Means of the Scheme to Defraud

4. It was part of the scheme and artifice to defraud that NELSON received, converted, and spent his deceased great aunt's monthly retirement benefits for almost 18 years. To continue the ongoing stream of payments, NELSON concealed from the SSA the material facts that his great aunt was deceased and that the benefits were instead being received and spent by him and not the intended recipient.

5. For the purposes of executing and attempting to execute this scheme and artifice to defraud, on or about the dates set forth below, in the District of New Jersey and elsewhere,

LANCE NELSON

knowingly and intentionally did transmit and cause to be transmitted by means of wire, radio and television communication, in interstate and foreign commerce, certain writings, signs, signals, pictures and sounds, as described below:

- a. A \$360 ATM withdrawal from an ATM in Perth Amboy, New Jersey, via a server in Virginia, on or about October 7, 2014;
- b. A \$400 ATM withdrawal from an ATM in Perth Amboy, New Jersey, via a server in Virginia, on or about May 1, 2015; and
- c. A \$300 ATM withdrawal from an ATM in Perth Amboy, New Jersey via a server in Virginia, on or about September 7, 2015.

In violation of Title 18, United States Code, Section 1343 and

Section 2.

Forfeiture Allegations

1. The allegations contained in Counts 1 and 2 of this Indictment are incorporated by reference 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).

2. The United States hereby gives notice to defendant LANCE NELSON that, upon conviction of the offenses charged in Counts 1 and 2 of this Indictment, the United States of America 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 and personal, that constituted or was derived from proceeds traceable to the violations of Title 18, United States Code, Sections 641 and 1343 alleged in this Indictment, including, but not limited to, a sum of money equal to at least \$184,936 in United States currency.

3. If, by any act or omission of defendant 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,

the United States of America will be entitled to forfeiture of substitute property

up to the value of the property described above in paragraph 2, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

A TRUE BILL



A handwritten signature in cursive script, appearing to read "William E. Fitzpatrick".

WILLIAM E. FITZPATRICK
Acting United States Attorney

CASE NUMBER: 17- 293 (AET)

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

UNITED STATES OF AMERICA

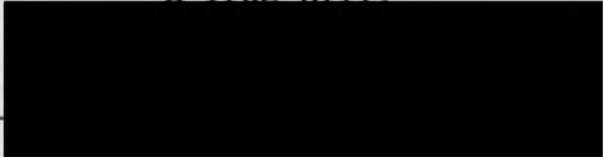
v.

LANCE NELSON

INDICTMENT FOR

18 U.S.C. § 641
18 U.S.C. § 1343
18 U.S.C. § 981(a)(1)(c)
18 U.S.C. § 2
28 U.S.C. § 2461(c)

A True Bill



WILLIAM E. FITZPATRICK

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