

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA  
Newport News Division

UNITED STATES OF AMERICA	)	CRIMINAL NO. <u>4:20cr30</u>
	)	
v.	)	18 U.S.C. §§ 1341 and 2
	)	Mail Fraud
CHRISTOPHER A. PHILLIPS	)	(Counts 1-5)
	)	
	)	18 U.S.C. §§ 1343 and 2
Defendant.	)	Wire Fraud
	)	(Counts 6-12)
	)	
	)	18 U.S.C. §§ 1029(a)(2) and 2
	)	Access Device Fraud
	)	(Count 13)
	)	
	)	18 U.S.C. §§ 1028A(a)(1) and 2
	)	Aggravated Identity Theft
	)	(Counts 14-18)

INDICTMENT

May 2020 Term - At Norfolk, Virginia

GENERAL ALLEGATIONS

THE GRAND JURY CHARGES THAT:

1. Credit and debit cards and the numbers associated with them are means of account access that can be used, alone, or in conjunction with other devices, to obtain money, goods, services, and other things of value, and to initiate transfers of funds. Such cards are issued to individuals and businesses by vendors, financial institutions, merchants, and other institutions.

2. To open a new credit or debit card, a customer provides the vendor, financial institution, merchant, or other institution with basic personal information. The information required to open a new card varies by institution, but commonly includes data such as the customer's name,

mailing address, birth date, and telephone number.

3. Many vendors, financial institutions, merchants, or other institutions allow customers to remotely open new credit or debit cards by telephone or computer. After the customer provides the necessary personal information to validate his or her identity, the account is opened and the card is mailed to the customer's address.

#### SCHEME AND ARTIFICE

4. Beginning in or about at least October 2019 and continuing through in or about at least February 2020, CHRISTOPHER A. PHILLIPS, hereinafter PHILLIPS, the defendant herein, created a scheme and artifice to defraud and obtain money or property using stolen credit and debit cards to purchase goods and services at retail locations in the Eastern District of Virginia and elsewhere.

5. It was part of the scheme and artifice that PHILLIPS and others known and unknown to the Grand Jury obtained credit and debit cards belonging to other individuals by stealing mail from those individuals and using personal information from that mail to open new credit and debit cards in their name, and without their consent.

6. It was further a part of the scheme and artifice that PHILLIPS and others known and unknown to the Grand Jury would retrieve the credit and debit cards before the unwitting recipients. Among other things, PHILLIPS used mail tracking services and other techniques to ensure he was able to obtain the credit and debit cards.

7. It was further part of the scheme and artifice that PHILLIPS and others known and unknown to the Grand Jury used the stolen credit and debit cards to purchase goods and services from in or about October 2019 through in or about at least February 2020 at retail locations, in the Eastern District of Virginia, including but not limited to electronics retailers, grocery stores, pharmacies, and convenience stores in Suffolk, Chesapeake, Hampton, and Newport News, Virginia. The use of

these stolen credit and debit cards resulted in unauthorized charges accruing to the accounts of the legitimate credit and debit cardholders.

8. It was further part of the scheme and artifice that, when using such stolen debit and credit cards, PHILLIPS and others known and unknown to the Grand Jury caused electronic transmissions of information to occur between credit card terminals in the Eastern District of Virginia and terminals and/or computer services outside the Commonwealth of Virginia.

COUNTS ONE THROUGH FIVE

## THE GRAND JURY CHARGES THAT:

1. The factual allegations contained in Paragraphs 1 through 8 of the General Allegations and Scheme and Artifice set forth above are incorporated by reference.

2. On or about the dates and in the manner set forth below, within the Eastern District of Virginia and elsewhere, CHRISTOPHER A. PHILLIPS, the defendant herein, aided and abetted by others known and unknown to the Grand Jury, having devised a scheme and artifice to defraud and for obtaining money and property by means of materially false, fraudulent, and fictitious pretenses, representations, and promises, and for the purpose of executing the aforesaid scheme and artifice to defraud and for obtaining money and property by materially false and fraudulent pretenses, representations, and promises, PHILLIPS and others, did knowingly caused to be delivered by mail and private and commercial interstate carrier according to the directions thereon, the following matters and things:

Count	Placed in Mail (in or about)	Description of Item(s) Mailed	From	To
1	October 2019	Mail from SunTrust to C.L. enclosing an unauthorized access device.	SunTrust (headquartered in Atlanta, Georgia)	C.L. Windsor, Virginia
2	October 2019	Mail from Bank of America to D.W. enclosing an unauthorized access device.	Bank of America (headquartered in Charlotte, North Carolina)	D.W. Smithfield, Virginia
3	October 2019	Mail from PNC Bank to M.H. enclosing an unauthorized access device.	PNC Bank (headquartered in Pittsburgh, Pennsylvania)	M.H. Windsor, Virginia

4	November 2019	Mail from Discover to R.O. enclosing an unauthorized access device.	Discover (headquartered in Riverwoods, Illinois)	R.O. Windsor, Virginia
5	December 2019	Mail from Bank of America to J.M. enclosing an unauthorized access device.	Bank of America (headquartered in Charlotte, North Carolina)	J.M. Windsor, Virginia

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

COUNTS SIX THROUGH TWELVE

1. The factual allegations contained in Paragraphs 1 through 8 of the General Allegations and Scheme and Artifice set forth above are incorporated by reference.

2. On or about the dates and in the manner set forth below, CHRISTOPHER A. PHILLIPS, the defendant herein, aided and abetted by others known and unknown to the Grand Jury, having devised and intended to devise a scheme and artifice to defraud and for obtaining money and property by means of materially false, fraudulent, and fictitious pretenses, representations, and promises, and, for the purpose of executing the aforesaid scheme and artifice to defraud and for obtaining money and property by means of materially false and fraudulent pretenses, representations and promises, in the Eastern District of Virginia and elsewhere, did knowingly and willfully transmit and cause to be transmitted by means of wire communication in interstate commerce, the following certain signs, signals, and sounds, as set forth in the table below, to/from or through computers and terminals in the Eastern District of Virginia from/to or through computers and terminals located outside the Commonwealth of Virginia.

Count	Date of Wire Transmission (on or about)	Location	Description of Wire Transmission
6	10/25/2019	Walmart Newport News, VA	PHILLIPS used a fraudulently obtained credit/debit card (last four digits 4465) issued by Bank of America to make an unauthorized purchase in the amount of \$221.56.
7	10/30/2019	Best Buy Chesapeake, VA	PHILLIPS used a fraudulently obtained credit/debit card (last four digits 4465) issued by Bank of America to make an unauthorized purchase in the amount of \$2,559.87.
8	11/4/2019	Walgreens Suffolk, VA	PHILLIPS used a fraudulently obtained credit/debit card (last four digits 8372) issued by SunTrust to make an unauthorized purchase in the amount of \$544.08.

9	11/8/2019	AutoZone Suffolk, VA	PHILLIPS used a fraudulently obtained credit/debit card (last four digits 2883) issued by PNC Bank to make an unauthorized purchase in the amount of \$287.22.
10	11/12/2019	Best Buy Chesapeake, VA	PHILLIPS used a fraudulently obtained credit/debit card (last four digits 8372) issued by SunTrust to make an unauthorized purchase in the amount of \$2,755.99.
11	12/3/2019	Best Buy Newport News, VA	PHILLIPS used a fraudulently obtained credit/debit card (last four digits 0970) issued by Discover to make an unauthorized purchase in the amount of \$2543.99.
12	12/5/2019	BJ's Wholesale Club Hampton, VA	PHILLIPS used a fraudulently obtained credit/debit card (last four digits 6703) issued by Bank of America to make an unauthorized purchase in the amount of \$455.95.

(In violation of Title 18, United States Code, Sections 1343 and 2.)

COUNT THIRTEEN

THE GRAND JURY FURTHER CHARGES THAT:

1. The factual allegations contained in Paragraphs 1 through 8 of the General Allegations and Scheme and Artifice set forth above are incorporated by reference.

2. From in or about October 2019, through in or about at least February 2020, in the Eastern District of Virginia and elsewhere, CHRISTOPHER A. PHILLIPS, the defendant herein, aided and abetted by others known and unknown to the Grand Jury, did knowingly and with intent to defraud, used and trafficked in unauthorized access devices, as defined in 18 U.S.C. § 1029(e)(3), to wit: lost, stolen, and otherwise fraudulent debit and credit cards (last four digits 4465, 8372, 2883, 0970, 6703) in the names of D.W., C.L., M.H., R.O., and J.M., to receive goods and services with an aggregate value greater than one thousand dollars (\$1,000.00) during a one-year period, said conduct affecting interstate commerce, in that these transactions caused transmissions of information to occur between credit card terminals in the Eastern District of Virginia and terminals and/or computers outside the Commonwealth of Virginia.

(In violation of Title 18, United States Code, Section 1029(a)(2)).



COUNTS FOURTEEN THROUGH EIGHTEEN

## THE GRAND JURY FURTHER CHARGES THAT:

1. The factual allegations contained in Paragraphs 1 through 8 of the General Allegations and Scheme and Artifice set forth above are incorporated by reference.
2. On or about the dates and in the manner set forth below, in the Eastern District of Virginia and elsewhere, CHRISTOPHER A. PHILLIPS, the defendant herein, aided and abetted by others, and along with others known and unknown to the Grand Jury, did unlawfully, knowingly, and intentionally transfer, possess, or use, without lawful authority, a means of identification of another during and in relation to the following felony violations, to wit: Mail Fraud, in violation of Title 18, United States Code, Section 1341; Wire Fraud, in violation of Title 18, United States Code, Section 1343; and Access Device Fraud, in violation of Title 18, United States Code, Section 1029(a)(2).

Count	Date (on or about)	Description/Purpose of Transaction/Mean of Identifications	Felony Violation(s)
14	10/30/2019	PHILLIPS used an access device (last four digits 4465) obtained from and using the identifying information of D.W. to make an unauthorized purchase from Best Buy in Chesapeake, Virginia.	Counts 2, 7, 13 18 U.S.C. §§ 1341, 1343, 1029(a)(2)
15	11/4/2019	PHILLIPS used an access device (last four digits 8372) obtained from and using the identifying information of C.L. to make an unauthorized purchase from Walgreens in Suffolk, Virginia.	Counts 1, 8, 13 18 U.S.C. §§ 1341, 1343, 1029(a)(2)
16	11/8/2019	PHILLIPS used an access device (last four digits 2883) obtained from and using the identifying information of M.H. to make an unauthorized purchase from AutoZone in Suffolk, Virginia.	Counts 3, 9, 13 18 U.S.C. §§ 1341, 1343, 1029(a)(2)
17	12/3/2019	PHILLIPS used stolen mail to open and use an access device (last four digits	Counts 4, 11, 13 18 U.S.C. §§ 1341,

		0970) obtained from and using the identifying information of R.O. to make an unauthorized purchase from Best Buy in Newport News, Virginia.	1343, 1029(a)(2)
18	12/5/2019	PHILLIPS used an access device (last four digits 6703) obtained from and using the identifying information of J.M. to make an unauthorized purchase from BJ's Wholesale Club in Hampton, Virginia.	Counts 5, 12, 13 18 U.S.C. §§ 1341, 1343, 1029(a)(2)

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


Government Act,  
has been filed  
under seal in the Clerk's Office.

UNITED STATES v. CHRISTOPHER A. PHILLIPS et al., \_\_\_\_\_

A TRUE BILL:

\_\_\_\_\_  
FOREPERSON

G. ZACHARY TERWILLIGER  
UNITED STATES ATTORNEY

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\_\_\_\_\_  
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