

United States District Court

for the

Western District of New York

United States of America

Case No. 24-MJ-578

v.

WENDY STONE,

Defendants

CRIMINAL COMPLAINT

I, Daonakhone Rajaphoumy, the complainant in this case, state that the following is true to the best of my knowledge and belief: between on or about December 28, 2022, and January 4, 2024, in the Western District of New York and elsewhere, the defendant, WENDY STONE violated:

- (1) 18 U.S.C. § 641 (Theft of Government Funds);
- (2) 18 U.S.C. § 1028A (Aggravated Identity Theft); and
- (3) 42 U.S.C. § 1383a(a)(2) (Making or Causing to be Made a False Statement, or Misrepresentation of a Material Fact, Used in Determining Entitlement Benefits).

This Criminal Complaint is based on these facts: **SEE ATTACHED AFFIDAVIT OF SSA OIG SPECIAL AGENT DAONAKHONE RAJAPHOUMY.**

Continued on the attached sheet.


 DAONAKHONE RAJAPHOUMY, SSA OIG

Affidavit and Criminal Complaint submitted electronically by email in .pdf format. Oath administered, and contents and signature, attested to me as true and accurate telephonically pursuant to Fed.R.Crim. P. 4.1 and 4(d) on:

Date: August 8, 2024

City and State: Rochester, New York


 Judge's signature

MARK W. PEDERSEN
 UNITED STATES MAGISTRATE JUDGE

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

STATE OF NEW YORK)
COUNTY OF MONROE) SS:
CITY OF ROCHESTER)

I, DAONAKHONE RAJAPHOUMY, being duly sworn, hereby depose and state as follows:

INTRODUCTION

1. I am a Special Agent with the Social Security Administration, Office of the Inspector General (“SSA OIG”). I am assigned to the Office of Investigations for the New York Field Division in Batavia, NY, which investigates violations of Federal law, including fraud against Social Security Administration (“SSA”) programs, Social Security Number misuse, identity theft, and bank fraud, amongst other fraud against the government. I have been employed as a Special Agent with SSA OIG since February 2019. I am a graduate of the Rochester Institute of Technology, and have completed the Criminal Investigator Training Program and Inspector General Training Program at the Federal Law Enforcement Training Center in Glynco, GA.

2. Prior to my position as a Special Agent, I was employed as a Claims Specialist for SSA, specializing in Title XVI Supplemental Security Income (“SSI”) disability and age benefits. Through my time as a Claims Specialist, I analyzed and verified information used to make decisions relating to Social Security benefits entitlement. I learned and became well acquainted with income and resource limitations to meet the specific entitlement criteria as outlined in Title XVI of the Social Security Act. Since employed as a Special Agent for SSA OIG, I have participated in criminal investigations involving identity theft, theft of

government funds, mismanagement of SSA programs such as individuals perpetrating criminal activity against SSA programs, and other illegal schemes affecting the U.S. government. Stemming from these investigations, I have conducted and participated in arrests involving the aforementioned violations. Through my training and experience, I am familiar with the rules and regulations governing SSA, tactics, methods, and techniques individuals use to commit various types of fraud schemes against the U.S. government. I am familiar with the facts set forth below based upon my own investigative findings and conversations with other participating law enforcement agents.

3. This affidavit is in support of a criminal complaint charging WENDY STONE with violating Title 18, United States Code, Section 641 (theft of government funds), section 1028A (aggravated identity theft), and Title 42, United States Code, Section 1383a(a)(2) (making or causing to be made a false statement, or misrepresentation of a material fact, used in determining entitlement benefits).

4. The facts set forth in this affidavit are based on my own personal knowledge; knowledge obtained from other individuals during my participation in this investigation, including other law enforcement officers; my review of documents and computer records related to this investigation; communications with others who have personal knowledge of the events and circumstances described herein; and information gained through my training and experience. All the dates, times, and amounts listed in this affidavit are approximate. Because this affidavit is submitted for the limited purpose of establishing probable cause in support of securing a criminal complaint, it does not set forth each and every fact that I or others have learned during the course of this investigation.

JURISDICTION

5. This investigation concerns alleged violations of:

Title 18, United States Code, Section 641, which provides in pertinent part:

Whoever embezzles, steals, purloins, or knowingly converts to his use or the use of another, or without authority, sells, conveys or disposes of any record, voucher, money, or thing of value of the United States or of any department or agency thereof, or any property made or being made under contract for the United States or any department or agency thereof . . . [s]hall be fined under this title or imprisoned not more than ten years, or both.

Title 42, United States Code, Section 1383a(a)(2), which provides in pertinent part:

Whoever at any time knowingly and willfully makes or causes to be made any false statement or representation of a material fact for use in determining rights to any such benefit.

Title 18, United States Code, Section 1028A, which provides in pertinent part:

Whoever, during and in relation to any felony violation [of 18 U.S.C. § 641 or 42 U.S.C. § 1383a], knowingly transfers, possesses, or uses, without lawful authority, a means of identification of another person shall, in addition to the punishment provided for such felony, be sentenced to a term of imprisonment of 2 years.

PROBABLE CAUSE

6. The SSA is the federal agency responsible for administering the SSI program under Title XVI of the Social Security Act. SSI benefits are paid to aged, blind, or disabled individuals with low income and resources meeting specific entitlement criteria as outlined in Title XVI of the Social Security Act. SSI benefits are not payable to individuals who are in ownership of resources exceeding \$2,000.00.

7. A beneficiary is notified annually of their reporting responsibilities and are required to report all changes that may affect their SSI benefit within 10 days after the change.

SSI benefits are not payable to beneficiaries after death, a beneficiary's eligibility for SSI benefit terminates the month after the month of death.

8. Kenneth Crisman was an SSA Title II disability beneficiary, with his benefits being directly deposited into Direct Express debit card number XXXXXXXXXXXXXXX1201 (the "1201 Account"). Direct Express is a prepaid debit card used to access SSA benefit payment, without a bank account.

9. WENDY STONE resided with Crisman at 128 Bryan Street, Rochester, NY 14613. Cody Stone, the son of Crisman and WENDY STONE, also resided there. WENDY STONE also receives SSA Title XVI SSI benefits.

10. Crisman died on December 28, 2022, as determined by the Monroe County, NY Medical Examiner's Office and posted on the certificate of death, provided by the Monroe County, NY Office of Vital Records.

11. In a September 4, 2023, interview with law enforcement, Cody Stone admitted that he and WENDY STONE discovered Crisman's body days after Crisman died. Cody and WENDY STONE were aware that Crisman received SSA benefits, so instead of informing anyone of Crisman's death, they moved his body to the residence's basement and continued collecting his SSA benefits.

12. After moving Crisman's body to the basement, WENDY STONE wrapped the body with plastic and tape, then placed it into a plastic recycling bin. WENDY STONE periodically poured bleach on Crisman's body between January and September 2023 to prevent foul odor.

13. Prior to his death, Crisman requested a replacement debit card for the 1201 Account from Direct Express. During a phone conversation with Direct Express on December

23, 2022, Crisman was advised that his replacement debit card was scheduled to arrive at 128 Bryan Street address on December 24, 2022.

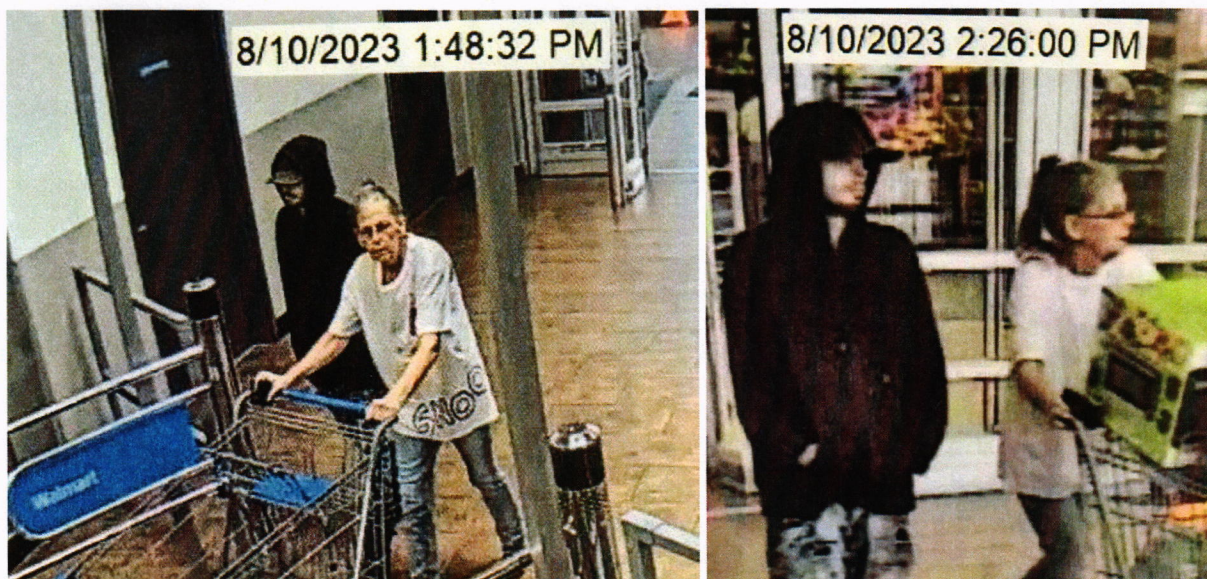
14. After Crisman's death, on January 6, 2023, a call from telephone number (585) 764-7296 was made to Direct Express's automated system to successfully activate and change the PIN for Crisman's replacement 1201 Account Direct Express debit card. To successfully navigate Direct Express's automated system, Crisman's 16-digit Direct Express debit card number, his Social Security Number, and other personal identifiable information was required to be inputted. Telephone number (585) 764-7296 belongs to Cody Stone.

15. In an interview with law enforcement on May 6, 2024, Cody Stone admitted to SSA OIG Special Agents that he made the January 6, 2023, call to Direct Express from his phone. He also stated that WENDY STONE stood in front of him and gave him Crisman's social security number and date of birth in order to activate the card and change its PIN.

16. The next day, at around 10:00 am, the first debits to Crisman's 1201 Account debit card began. The 1201 Account debit card was depleted by January 15, 2023. Debits to Crisman's 1201 Account debit card from January 7 through 15 consisted of charges at The Peppermill Restaurant, Walmart, BJs Wholesalers, The Home Depot, Staples, and Automated Teller Machine ("ATM") withdrawals.

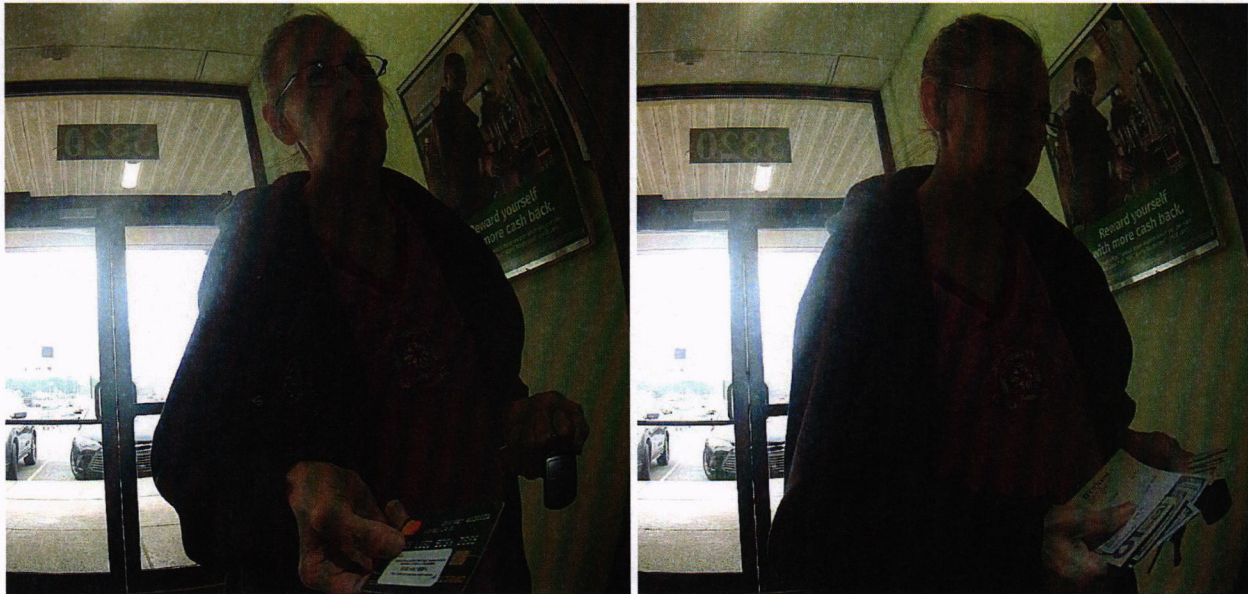
17. The 1201 Account debit card was used to open Rent-A-Center account 9999434188543 on March 7, 2023, for a \$1,815.05 purchase. The account was under the name WENDY STONE, with an address of 128 Bryan Street.

18. On August 10, 2023, the 1201 Account debit card was used at Walmart located at 3800 Dewey Avenue, Greece, NY 14616. Below are security footage shots of WENDY STONE and Cody Stone shopping at the Walmart:



19. Between January through September 2023, the 1201 Account debit card was used in conjunction with WENDY STONE's Wegmans Shoppers Club Card nine times, debiting a total of \$771.43.

20. In addition to debits from the 1201 Account, cash was also removed using ATMs. To withdrawal funds using this method, the individual must successfully enter the PIN initially set when the 1201 Account's new debit card was activated. Below is a security photo of WENDY STONE taken by an ATM located at 3820 Dewey Avenue, Greece, NY 14616, making withdrawals of \$400.00 and \$300.00 on June 6, 2023.



21. Between January through September 2023, \$7,902.00 of SSA benefits intended for Crisman were deposited into the 1201 Account. By September 2023, all funds were depleted by WENDY STONE at retailers and ATMs.

22. On an application for recertification of Supplemental Nutrition Assistance Program ("SNAP") benefits interview with the Monroe County, New York Department of Human Services, WENDY STONE affirmed with a signature dated February 6, 2023, that Crisman resided with her at the 128 Bryan Street address. Crisman's dead body had been in the 128 Bryan Street basement for over a month at that point. Based on the false information WENDY STONE provided during this recertification for SNAP benefits, WENDY STONE was overpaid approximately \$1,072.00.

23. On January 3, 2024, the SSA conducted a redetermination for continuing eligibility for SSI benefits. WENDY STONE falsely reported that since December 2021, no one has moved into or out of 128 Bryan Street, to include births or deaths. WENDY STONE further falsely reported that nobody has helped pay her bills or rent since December 2021, when in fact, WENDY STONE had been utilizing SSA benefits meant for Crisman for her own benefit. The

use of SSA benefits meant for Crisman rendered WENDY STONE ineligible for her own SSA benefits from December 28, 2022, through September 2023.

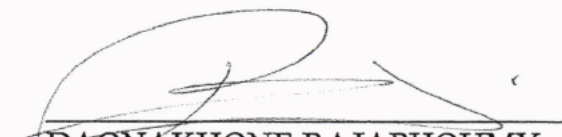
24. WENDY STONE affirmed under penalty of perjury with a signature that all information she provided was true and correct, dated January 3, 2024.

CONCLUSION

22. Based on the foregoing, there is probable cause to believe that WENDY STONE committed violations of Title 18, United States Code, Sections 641 (Theft of Government Funds), 1028A (aggravated identity theft), and Title 42, United States Code, Section 1383a(a)(2) (making false statement to obtain Social Security benefits).

REQUEST FOR SEALING

23. It is respectfully requested this Court issue an order sealing, until further notice of the Court, all papers submitted in support of this Complaint, including the Affidavit and Complaint. I believe that sealing these documents is necessary because the information disclosed is relevant to an ongoing investigation. Premature disclosure of the contents of this Affidavit and related documents may compromise the ongoing investigation by alerting potential targets to the investigation.



DAONAKHONE RAJAPHOUMY
Special Agent
Social Security Administration
Office of the Inspector General

Affidavit and Criminal Complaint submitted electronically by email in .pdf format. Oath administered, and contents and signature attested to me as true and accurate telephonically pursuant to Fed.R.Crim. P. 4.1 and 4(d) on

August 8, 2024.



MARK W. PEDERSEN
United States Magistrate Judge