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**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION**

UNITED STATES OF AMERICA

3:24-cr-00122-MO

v.

INDICTMENT

**ROY LENNELL CLARK, LAWRENCE
SHAW, OLIVIA HARRIS, RONALD
NEWTON, DAVARIAN MCCRARY, JULIAN
PACE, and ZIPPORAH MYERS**

**18 U.S.C. § 1349
18 U.S.C. § 1343
18 U.S.C. § 2**

Defendants.

Forfeiture Allegations

UNDER SEAL

THE GRAND JURY CHARGES:

**COUNT 1
(Conspiracy to Commit Wire Fraud)
(18 U.S.C. § 1349)**

1. Beginning at an unknown time but no later than on or about May 23, 2023, and continuing until at least the date of this Indictment, within the District of Oregon and elsewhere, defendants **ROY LENNELL CLARK, LAWRENCE SHAW, OLIVIA HARRIS, RONALD NEWTON, DAVARIAN MCCRARY, JULIAN PACE, and ZIPPORAH MYERS** and others, known and unknown to the grand jury, did knowingly combine, conspire, confederate, and agree with each other and with other persons whose identities are known and unknown to the grand jury, to commit wire fraud, to wit, they agreed to knowingly execute and attempt to execute, a material scheme and artifice to defraud victims as to a material matter and to obtain

Indictment

moneys, funds, or other property by means of materially false or fraudulent pretenses, representations, or promises in violation of 18 U.S.C. § 1343.

THE SCHEME

2. Defendants **ROY LENNELL CLARK, LAWRENCE SHAW, OLIVIA HARRIS, RONALD NEWTON, DAVARIAN MCCRARY, JULIAN PACE, and ZIPPORAH MYERS** and others, known and unknown to the grand jury, defrauded Home Depot by systematically stealing heavy duty equipment that was rented from different Home Depot locations with a debit or credit card issued by a bank such as OnPoint Community Credit Union (“OCCU”) or Wells Fargo Bank. The rented equipment was not returned as required by the rental agreement but instead sold to third parties.

THE MANNER AND MEANS OF THE SCHEME

The material scheme to defraud operated, in substance, in the following manner:

3. Defendants **ROY LENNELL CLARK, LAWRENCE SHAW, OLIVIA HARRIS, RONALD NEWTON, DAVARIAN MCCRARY, JULIAN PACE, and ZIPPORAH MYERS** and others, known and unknown to the grand jury, would enter a Home Depot location either individually or in small groups. Defendant(s) would approach the Home Depot counter to rent heavy-duty rental equipment.

a. Defendant(s) would fill out the form(s) required by Home Depot for renting equipment.

b. Defendant(s) were required to provide a form of identification, and defendant(s) often use their real driver’s license.

c. Defendant(s) were required to provide a debit or credit card to Home Depot, and defendant(s) used the following debit or credit cards, as well as others, known and unknown, during the course of the criminal activity:

- i. XXXXXXXXXXXXXXX2803, issued by OnPoint Community Credit Union.
- ii. XXXXXXXXXXXXXXX2740, issued by OnPoint Community Credit Union.
- iii. XXXXXXXXXXXXXXX5773, issued by OnPoint Community Credit Union.
- iv. XXXXXXXXXXXXXXX7002, issued by Wells Fargo Bank.

d. Once approved for the rental, defendant(s) would sign a rental agreement that required the item rented be returned within a certain time frame. Once signed, Home Depot staff would allow defendant(s) to haul the rented item(s) away from the Home Depot site.

e. Defendant(s) did not return the equipment as specified in the rental agreement. Home Depot would send a demand letter to the address provided by defendant(s). The letter would demand return of the rented equipment.

4. Defendant(s) sold the rented heavy-duty equipment to third parties through use of online platforms such as Facebook Marketplace.

All in violation of 18 U.S.C. § 1349.

COUNTS 2-10
(Wire Fraud)
(18 U.S.C. §§ 1343, 2)

5. All prior paragraphs of this Indictment are incorporated herein.

6. Beginning at least as early as in or about May 2023, and continuing through the date of this Indictment defendants **ROY LENNELL CLARK, LAWRENCE SHAW, OLIVIA HARRIS, RONALD NEWTON, DAVARIAN MCCRARY, JULIAN PACE, and**

ZIPPORAH MYERS and others, known and unknown to the grand jury, did knowingly and intentionally devise and intend to devise a material scheme and artifice to defraud Home Depot, and to obtain money and property of Home Depot by means of materially false and fraudulent pretenses, representations, and promises.

7. The material scheme and artifice to defraud is more particularly set forth in paragraphs 2 through 4 of this Indictment and are incorporated herein by this reference.

8. On or about the dates set forth below, in the District of Oregon and elsewhere, defendants **ROY LENNELL CLARK, LAWRENCE SHAW, OLIVIA HARRIS, RONALD NEWTON, DAVARIAN MCCRARY, JULIAN PACE, and ZIPPORAH MYERS** and others, known and unknown to the grand jury, for the purpose of executing the aforementioned material scheme and artifice to defraud, and attempting to do so, did knowingly cause to be transmitted in interstate commerce by mean of wire communications, signals, and sounds, each such use of the wires being a separate count of this Indictment:

Count	Defendant(s)	Date	Item	From	To
2.	DAVARIAN MCCRARY, JULIAN PACE	05/23/2023	\$300	Troutdale, OR Home Depot point of sale device	OnPoint Community Credit Union
3.	DAVARIAN MCCRARY, ZIPPORAH MYERS	05/28/2023	\$300	Vancouver, WA Home Depot point of sale device	OnPoint Community Credit Union
4.	ROY LENNELL CLARK, LAWRENCE SHAW	06/02/2023	\$300	Snohomish, WA Home Depot point of sale device	OnPoint Community Credit Union
5.	LAWRENCE SHAW, OLIVIA HARRIS	06/06/2023	\$300	Portland, OR Home Depot point of sale device	OnPoint Community Credit Union
6.	LAWRENCE SHAW, RONALD NEWTON	06/07/2023	\$300	Vancouver, WA Home Depot point of sale device	OnPoint Community Credit Union

7.	OLIVIA HARRIS, RONALD NEWTON, ZIPPORAH MYERS	06/12/2023	\$300	Portland, OR Home Depot point of sale device	OnPoint Community Credit Union
8.	ROY LENNELL CLARK, OLIVIA HARRIS	06/25/2023	\$300	Denver, CO Home Depot point of sale device	OnPoint Community Credit Union
9.	ROY LENNELL CLARK, OLIVIA HARRIS	06/26/2023	\$300	Aurora, CO Home Depot point of sale device	OnPoint Community Credit Union
10.	RONALD NEWTON	06/30/2023	\$300	Denver, CO Home Depot point of sale device	OnPoint Community Credit Union

In violation of Title 18, United States Code, Section 1343, 2.

FIRST FORFEITURE ALLEGATION

Upon conviction of the offenses alleged in Counts 1 - 10 of this Indictment, defendants **ROY LENNELL CLARK, LAWRENCE SHAW, OLIVIA HARRIS, RONALD NEWTON, DAVARIAN MCCRARY, JULIAN PACE, and ZIPPORAH MYERS** shall forfeit to the United States pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to such violation.

If any of the above-described forfeitable property, as a result of any act or omission of the defendants **ROY LENNELL CLARK, LAWRENCE SHAW, OLIVIA HARRIS, RONALD NEWTON, DAVARIAN MCCRARY, JULIAN PACE, and ZIPPORAH MYERS:**

- (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 divided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p) as incorporated by 28 U.S.C. § 2461(c), to seek forfeiture of any other property of defendants **ROY LENNELL CLARK, LAWRENCE SHAW, OLIVIA HARRIS, RONALD NEWTON, DAVARIAN MCCRARY, JULIAN PACE, and ZIPPORAH MYERS** up to the value of the forfeitable property described in these forfeiture allegations.


Dated: April 2 2024

A TRUE BILL.



Presented by:

NATALIE K. WIGHT
United States Attorney


RACHEL K. SOWRAY, OSB #095156
Special Assistant United States Attorney