

Problems with Text Messages

Written by Nick Sanders

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Long time readers may recall that use of text messages can be problematic for wrong-doers. We're not talking about FAR 52.223-18 which, when inserted into a solicitation or contract, "encourages" a contractor to "adopt and enforce policies that ban text messaging while driving." No, we're talking about people engaged in criminal activity who think that using text messages to communicate is somehow going to shield them from law enforcement attention.

In 2011, we wrote about a NAVSEA Program Manager who "regularly sent ... text messages and e-mails seeking weekly payments of \$3,500" as part of a scheme to solicit corrupt payments in return for awarding a contractor "millions of dollars" of Navy contracts. The Program Manager (as well as the other participants in the scheme) pleaded guilty and he was [sentenced](#) to 10 years in Federal prison. The contractor employee who made the payments was sentenced to [three years](#).

So maybe text messages and emails aren't the best way to conduct your corruption. Just sayin'

In today's article we want to discuss an individual who got into trouble for *deleting* text messages. Would you like to know more? Let us offer some information from the inevitable Department of Justice [press release](#).

To understand the situation, you need to know that William Thompson, of Sneads Ferry, North Carolina ran a company called C&D Painting and Construction. C&D did work at Marine Corps Base Camp Lejeune (MCBCL), located in Jacksonville, North Carolina. Somebody called Public Official 1 (PO1) was a civilian employee of the U.S. Marine Corps who directed the procurement of information technology services and equipment to be used by the Marine Corps at MCBCL and elsewhere.

In March 2018, agents of the Naval Criminal Investigative Service (NCIS), FBI, and IRS-Criminal Investigation (IRS-CI) interviewed Thompson. During the interview, law

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enforcement agents informed Thompson that they were investigating an alleged bribery conspiracy concerning work that C&D Construction completed as a subcontractor at MCBCL, and about renovations that Thompson performed at PO1's residence. At the time of the interview, the investigation was covert and not known to all subjects, including PO1.

On the same evening of the interview and the following morning, Thompson exchanged several text messages with PO1 in which Thompson informed PO1 that the FBI, NCIS, and IRS-CI were investigating PO1's involvement in contracting matters while PO1 was employed by the Marine Corps.

Here's the kicker:

After informing PO1 of the ongoing federal investigation, Thompson deleted the relevant text messages from his phone, despite knowing that the messages constituted evidence related to the federal investigation into bribery and procurement fraud at MCBCL.

Thompson pleaded guilty to one count of obstruction of justice, for destroying records in connection with a federal investigation of bribery and procurement fraud. He was sentenced to serve 18 months in prison.

Eighteen months in prison for deleting text messages from his phone. Bad messages to be sure, but still.

The next time you want to win a wager in a bar, just assert that somebody can be sentenced to prison for deleting text messages. See who wants to bet you.