

## Christina Maycock Reimbursed \$20,733 Restitution After Fraud Conviction Overturned

Christina Carole Maycock was convicted in Gillette, Wyoming on May 27, 2010 of one count of obtaining property by false pretenses. Her conviction was overturned by the Wyoming Supreme Court on July 6, 2011, and an order was issued on October 21, 2011 that she be repaid the restitution she paid.

In 1985 Maycock went to work full-time for the Campbell County Cemetery District (District). Her employer had a group insurance policy. Beginning in December 1992 the District changed to an insurance company whose policy limited coverage to the District's employees, their spouses, and their dependent children. Maycock had divorced her husband Bill Maycock in 1971, but they continued to live as a family with their children in a home jointly owned by the couple. In her December 1992 enrollment application Maycock noted she was married and listed Bill Maycock as her spouse. He was added to the District's group plan and the District paid the full cost of his insurance coverage. In September 1999 the couple remarried.

Maycock retired in 2008 and was elected to



Christina Carole Maycock in September 2009. (Gillette News-Record)

the Cemetery District's Board of Directors. In August 2009 the Gillette Police Department received a tip that Bill Maycock had been falsely listed as Maycock's spouse on her 1992 insurance enrollment form. An investigation confirmed the Maycocks' weren't married in December 1992. [She was charged](#) on September 22, 2009 with one count of obtaining property by false pretenses for having the District pay her domestic partners insurance premiums from December 1992 to September 1999.

During Maycock's two day jury trial the prosecution entered evidence she wasn't married from December 1992 to September 1999 when the District paid Bill Maycock's insurance premiums. Maycock's defense was she filed out the insurance application the same as she had on previous application forms when the District used several different insurance companies, and so she had no intent to illegally obtain any benefits from her employer because she lived with Bill Maycock and her children as a family. The jury convicted Maycock on May 27, 2010, and she was given a suspended 2 to 5 years prison sentence, 5 years of supervised release, and ordered her to pay restitution in the amount of the insurance premiums the District paid for Bill Maycock.

Maycock appealed, and on July 6, 2011 the Wyoming Supreme Court overturned her conviction on the basis of insufficient evidence in [Christina Carole Maycock v. State of Wyoming](#), 2011 WY 104, July 6, 2011.

In their ruling the Court noted that an essential element of the crime was the prosecution had to prove the District relied on Maycock's alleged false pretense to part with its property, i.e., pay Bill Maycock's insurance premiums for almost seven years when he was Maycock's domestic partner. It was undisputed that Maycock listed him as her spouse when he legally wasn't, so the issue was if the District relied on that to pay Bill Maycock's insurance premiums. The only testimony about that was from three people who were Board members at times from 1992 to 1999. Defense testimony by the three witnesses established that:

- (1) the Board intended to finance insurance for the District's employees and their families;
- (2) the Board broadly defined "family" to include anyone living in the same household as the employee;
- (3) the Maycocks' marital status was of no consequence to the Board because Bill Maycock fit within the Board's broad definition of family for purposes of the District's insurance coverage; and,
- (4) the Board would have insured Bill Maycock even if it had known the Maycocks were not legally married.

The prosecution didn't offer any rebuttal testimony that the Board relied on Maycock's representation of Bill Maycock as her spouse or that the Board would not have paid the insurance premiums if it had known he wasn't her husband. Consequently, [the Court ruled](#), "We hold there is insufficient evidence to sustain Maycock's conviction for the crime of obtaining property by false pretenses."

The Court's ruling barred Maycock's retrial on double jeopardy grounds.

Maycock sued for return of the \$20,733 restitution she paid. On October 21, 2011 a Campbell County judge ordered [repayment of the money](#) to Maycock.

Sources:

[Christina Carole Maycock v. Wyoming](#), 2011 WY 104, July 6, 2011

[Campbell County Attorney Charges](#) Cemetery Board Members, September 23, 2009

[Money to be repaid to former Wyoming cemetery trustee](#) whose fraud conviction was overturned, *The Republic* (Columbus, IN), October 23, 2011

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it could be expected that many retrials would result in a conviction. Yet, the defendant was convicted of the original charge in only 36% of the cases remanded for a retrial. In 12% of those cases the defendant pled guilty and in 24% the defendant was convicted after a retrial. In 20% of the cases the defendant was convicted of a lesser charge. So only 56% of the defendants remanded for a retrial were convicted. The low conviction rate on retrial, and particularly the low rate of reconviction of the original charge, suggests that in almost 2/3rds of the cases remanded there was a dearth of evidence against the defendant and that may have been the reason the prejudicial error was committed at trial that resulted in the CCA granting a retrial. In other words, there may be a direct relationship between a general lack of evidence for what a defendant was charged with and the prejudicial errors being committed that result in the granting of a retrial.

One reason for the CCA's high rate of

granting appeals is it has [a broad mandate](#) for evaluation of a criminal appeal:

"The court on any appeal under section 5(1) against conviction shall allow the appeal if it is of opinion that the verdict of the jury should be set aside on the ground that it is unreasonable, or cannot be supported, having regard to the evidence, or that the judgment of the court of trial should be set aside on the ground of the wrong decision of any question of law, or that on any other ground whatsoever there was a miscarriage of justice."

The full study can be read online or downloaded [by clicking here](#). The Executive Summary of the report can be downloaded [by clicking here](#).

Sources:

[Conviction Appeals in New South Wales](#), Research Monograph 35, June 2011, NSW Judicial Commission

[Conviction Appeals in New South Wales](#), Research Monograph 35, June 2011, Executive Summary, NSW Judicial Commission

[Crooks are guilty, after all](#), *News.com.au*, October 18, 2011