



Department of Justice

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Northern District of New York

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DEFENDANT INDICTED IN FRAUD SCAM

Waterford Man Accessed State Computer to Obtain Personal Information from Social Security Forms

Albany, New York —United States Attorney Richard S. Hartunian, Edward J. Ryan, Special Agent-in-Charge, Social Security Administration, Office of Inspector General, and Joseph D'Amico, Superintendent, New York State Police announced that EVAN V. KANE, age 25, of Waterford, New York, was arraigned today on a federal indictment charging him with eight counts of Mail Fraud, in violation of Title 18, United States Code, Section 1341, eight counts of Aggravated Identity Theft, in violation of Title 18, United States Code, Section 1028A, and one count of Unlawful Access of Stored Communications, in violation of Title 18, United States Code, Sections 2701(a) and 2701(b)(1)(A). The defendant entered "not guilty" pleas to all counts in Federal District Court in Albany, New York before Magistrate Judge David R. Homer and trial was set for August 29, 2011 in Syracuse, New York. If convicted, KANE faces a statutory maximum term of up to 20 years for each count of Mail Fraud, a mandatory consecutive sentence of at least 2 years for Aggravated Identity Theft, and 5 years for Unlawful Access of Stored Communications. KANE is also subject to 3 years supervised release, and a \$250,000 fine and a \$100 special assessment on each count.

United States Attorney Hartunian said, "Unauthorized access to personal data used to commit fraud is a serious problem, and we will work aggressively with our federal and state law enforcement partners to address it." He further noted that additional information regarding

identity theft and related fraud and the efforts being made nationwide to address them can be obtained through the website www.StopFraud.gov.

The indictment alleges that KANE, from on or about October 21, 2010 through November 19, 2010, did, in connection with the fraudulent application for credit cards, knowingly and willfully execute and attempt to execute a scheme and artifice to defraud, and to obtain, by means of materially false and fraudulent pretenses, representations and promises, money and property of Capital One Bank. The indictment further alleges that it was part of the scheme and artifice to defraud that the defendant accessed a substantial number of executed Social Security forms that were electronically stored on a computer at the New York State Office of Temporary and Disability Assistance at 99 Washington Avenue, Albany, New York that he serviced as part of his employment, and that the defendant obtained identifying information for unwitting persons from the Social Security forms and used that identifying information to prepare and submit applications to Capital One Bank to issue credit cards in the names of the unwitting persons.

This case is being prosecuted by the United States Attorney's Office for the Northern District of New York. The charges against KANE follow an investigation by the New York State Police and the Social Security Administration, Office of Inspector General.

An indictment is merely a formal charge that a defendant has committed a violation of the federal criminal laws, and every defendant is presumed innocent until, and unless, proven guilty.

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