

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA : **CRIMINAL NO. 09-_____**
v. : **DATE FILED:_____**
JOHN AUSTIN : **VIOLATIONS:**
: **18 U.S.C. § 1344 (bank fraud - 1 count)**
: **18 U.S.C. § 1028A (aggravated identity**
: **theft - 1 count)**
: **18 U.S.C. § 2 (aiding and abetting)**
: **Notice of forfeiture**

INFORMATION

COUNT ONE

THE UNITED STATES ATTORNEY CHARGES THAT:

At all times material to this information:

1. PNC Bank was a financial institution, the deposits of which were insured by the Federal Deposit Insurance Corporation (“FDIC”), certificate number 6384.

2. Citizens Bank was a financial institution, the deposits of which were insured by the FDIC, certificate number 57282.

3. From on or about June 6, 2007 through on or about September 13, 2007, in Philadelphia, in the Eastern District of Pennsylvania, the District of Delaware, and elsewhere, defendant

JOHN AUSTIN

knowingly executed, and aided and abetted the execution of, a scheme to defraud PNC Bank and Citizens Bank, and to obtain monies owned by and under the care, custody, and control of those banks by means of false and fraudulent pretenses, representations, and promises.

THE SCHEME

4. Defendant JOHN AUSTIN used stolen account information and false identification documents to make fraudulent withdrawals from victim bank accounts.

5. Defendant JOHN AUSTIN used stolen account information to cash stolen checks from victim bank accounts.

6. In furtherance of the scheme, defendant JOHN AUSTIN fraudulently withdrew funds or cashed stolen checks, or attempted to withdraw funds or cash stolen checks, from the following accounts on the following dates:

DATE	CITIZENS BANK LOCATION	VICTIM ACCOUNT HOLDER	CHECK AMOUNT
6/6/2007	Drexel Hill, PA	A. Z.	\$3,100
6/6/2007	Springfield, PA	A. Z.	\$2,300 (attempted)

DATE	PNC BANK LOCATION	VICTIM ACCOUNT HOLDER	WITHDRAWAL/ CHECK AMOUNT
07/13/2007	501 Chester Pike Prospect Park, PA	M. W.	\$3,500
07/18/2007	19 S 52nd Street Philadelphia PA	J. A.	\$3,500
07/26/2007	3244 N Broad Street Philadelphia PA	C.H.	\$3,500
08/07/2007	1849 Walnut Street Philadelphia PA	C.H.	\$3,000
08/07/2007	2200 Cottman Avenue Philadelphia PA	J. M. M.	\$4,000
08/09/2007	900 Walnut Street Philadelphia, PA	J. A. J.	\$4,600

08/14/2007	1801 Market Street Philadelphia, PA	P. J.	\$4,600
08/14/2007	400 Market Street Philadelphia, PA	J. M. M.	\$3,500
08/20/2007	901 Market Street Wilmington, DE	A. D.	\$4,600
08/24/2007	505 N. Dupont Highway Dover, DE	G. F. D.	\$5,300
08/28/2007	1704 Marsh Rd. Wilmington, DE	G. F. D.	\$3,200
08/28/2007	4111 Concordville Pike Wilmington, DE	D. S.	\$4,200
08/31/2007	200 S. 40 th Street Philadelphia, PA	G. F. D.	\$3,500
08/31/2007	801 Christian Street Philadelphia, PA	D. S.	\$3,500
09/12/2007	2001 Hamilton Street Philadelphia, PA	D. E. J.	\$4,000
09/13/2007	3535 Market Street Philadelphia, PA	D. E. J.	\$3,500 (attempted)

All in violation of Title 18, United States Code, Sections 1344 and 2.

COUNT TWO

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

On or about July 13, 2007, in the Eastern District of Pennsylvania and elsewhere, defendant

JOHN AUSTIN

knowingly and without lawful authority possessed and used, and aided and abetted the use of, a means of identification of another person, that is, the name of M.W., during and in relation to bank fraud.

In violation of Title 18, United States Code, Sections 1028A(a)(1), (c)(5) and 2.

NOTICE OF FORFEITURE

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

1. As a result of the violations of Title 18, United States Code, Section 1344, set forth in this information, defendant

JOHN AUSTIN

shall forfeit to the United States of America any property that constitutes or is derived from gross proceeds traceable to the commission of such offenses, including, but not limited to, the sum of \$61,600.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

- (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 Title 18, United States Code, Section 982(b) and Title 28, United States Code, Section 2461(c), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the property subject to forfeiture.

All pursuant to Title 18, United States Code, Section 982(a)(2)(A).

LAURIE MAGID
ACTING UNITED STATES ATTORNEY