

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

<b>UNITED STATES OF AMERICA</b>	<b>:</b>	<b>CRIMINAL NO. 14-</b>
<b>v.</b>	<b>:</b>	<b>DATE FILED:</b>
<b>JOHN SMITH</b>	<b>:</b>	<b>VIOLATIONS:</b>
	<b>:</b>	<b>18 U.S.C. § 1344 (bank fraud - 1 count)</b>
	<b>:</b>	<b>18 U.S.C. § 1028A (aggravated identity theft – 1 count)</b>
	<b>:</b>	<b>18 U.S.C. § 2 (aiding and abetting)</b>
		<b>Notice of forfeiture</b>

**INFORMATION**

**COUNT ONE**

**THE UNITED STATES ATTORNEY CHARGES THAT:**

At all times material to this information:

1. Bank of America was a financial institution, the deposits of which were insured by the Federal Deposit Insurance Corporation (“FDIC”), certificate number 3150.
2. John Smith was employed by the Pitney-Bowes mail distribution center in Reading, Pennsylvania.
3. John Smith’s work responsibilities at Pitney-Bowes gave him free access to many areas of the mail distribution facility.
4. Bank of America sent new bank cards and replacement bank cards from Delaware to the Pitney-Bowes distribution center so that the bank cards could be mailed to the account holders whose names appeared on the cards.

5. From on or about January 2011, through on or about January 2013, in the Eastern District of Pennsylvania, defendant

**JOHN SMITH**

knowingly executed and attempted to execute, and aided and abetted the execution of, a scheme to defraud Bank of America, and to obtain monies owned by and under the care, custody, and control of that bank by means of false and fraudulent pretenses, representations, and promises.

**THE SCHEME**

1. On a regular basis, approximately several times a month, defendant JOHN SMITH would take at least five envelopes containing Bank of America bank cards out of the proper locations in the Pitney-Bowes distribution center and hide them on his person or somewhere else in the facility for later retrieval.

2. On a regular basis, approximately several times a month, after removing the bank cards from the Pitney-Bowes distribution center, defendant JOHN SMITH would give the bank cards to a co-conspirator who would pay defendant SMITH approximately \$100 for each stolen card.

3. Defendant JOHN SMITH provided the bank cards to the co-conspirator knowing that the bank cards would be used by other people to make fraudulent purchases without authorization from the bank card account holders whose names were on the cards.

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

**COUNT TWO**

**THE UNITED STATES ATTORNEY CHARGES THAT:**

In or about April of 2013, in the Eastern District of Pennsylvania, defendant

**JOHN SMITH**

knowingly and without lawful authority, possessed and used, and aided and abetted the possession and use of, a means of identification of another person, that is, a Bank of America bank card bearing the name of a Bank of America customer, 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, Sections 1344 set forth in this indictment, defendant

**JOHN SMITH**

shall forfeit to the United States of America any property, real or personal, that constitutes or is derived from proceeds traceable to the commission of such offenses, as charged in this indictment, including, but not limited to, the sum of approximately \$250,000.

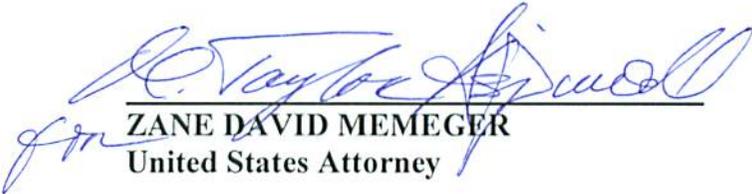
2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

- (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),

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).

  
ZANE DAVID MEMEGER  
United States Attorney