

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon.
 :
 v. : Crim. No. 12-
 :
 : 18 U.S.C. § 1344
 : 18 U.S.C. § 2
 MOSHE BUTLER : 18 U.S.C. § 3147

INFORMATION

The defendant having waived in open court prosecution by Indictment, the United States Attorney for the District of New Jersey charges:

1. At all times relevant to this Information:

a. Defendant MOSHE BUTLER was a resident of Bergen County, New Jersey who was on release pursuant to an Order dated September 30, 2009, from the United States District Court for the District of New Jersey, Magistrate No. 09-7114 (ES), which order notified defendant BUTLER of the potential effect of committing an offense while on pre-trial release.

b. Morgan Stanley Smith Barney LLC was a "financial institution" as defined in Title 18, United States Code, Section 20.

2. Between in or about July 2011 and in or about March 2012, in Bergen County, in the District of New Jersey, and elsewhere, the defendant,

MOSHE BUTLER,

while released under Title 18, United States Code, Section 3142, pending trial on an offense, did knowingly execute and attempt to execute a scheme and artifice to defraud a financial institution, namely Morgan Stanley Smith Barney LLC, and to obtain money, funds, securities and assets owned by and under the custody and control of Morgan Stanley Smith Barney LLC, by means of materially false and fraudulent pretenses, representations, and promises.

In violation of Title 18, United States Code, Section 1344, Section 2, and Section 3147.

FORFEITURE ALLEGATIONS

1. The allegations contained in all paragraphs of this Information are incorporated by reference as though set forth in full herein for the purpose of noticing forfeitures pursuant to Title 18, United States Code, Section 981(a)(1)(D), and Title 28, United States Code, Section 2461.

2. The United States hereby gives notice to the defendant that, upon conviction of the offenses charged in this Information, the government will seek forfeiture, in accordance with Title 18, United States Code, Section 981(a)(1)(D), and Title 28, United States Code, Section 2461, of approximately \$208,172.21 in United States currency, or any and all property, real or personal, that constitutes or is derived from proceeds traceable to the violation of Title 18, United States Code, Section 1344, alleged in this Information.

3. If by any act or omission of the defendant, any of the property subject to forfeiture described in paragraph 2 herein:

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 subdivided without difficulty,

the United States of America will be entitled to forfeiture of substitute property up to the value of the property described above in paragraph 2, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).



PAUL J. FISHMAN
United States Attorney

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INFORMATION FOR

18 U.S.C. § 1344

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18 U.S.C. § 3147

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