

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon.  
v. :  
: Criminal No. 13-  
BERNESS SWAN :  
: 18 U.S.C. § 641  
: 18 U.S.C. § 1028A(a) (1)

I N F O R M A T I O N

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

COUNT ONE

(Theft of Government Property)

1. At all times relevant to this Information:

a. Defendant BERNESS SWAN was employed by the Phoenix Medical Group located in Mount Laurel, New Jersey. SWAN had access to numerous individuals' personal identifying information, including social security numbers and dates of birth.

b. Defendant BERNESS SWAN maintained four accounts at ING; two accounts each at the Navy Federal Credit Union and Sallie Mae; and one account each at Discover, American Express,

Federal National Bank of Omaha, and HSBC Bank (collectively, the "Swan Accounts").

2. Defendant BERNES SWAN obtained the personally identifying information, including the names and social security numbers, of certain individuals.

3. Defendant BERNES SWAN filed with the Internal Revenue Service ("IRS") false and fraudulent U.S. Individual Income Tax Returns, using the identity information of others, and sought federal tax refunds (collectively, the "Tax Returns") to which SWAN was not entitled. The objective in doing so was to generate false and fraudulent income tax refunds issued by the United States Department of the Treasury (the "Tax Refunds").

4. Defendant BERNES SWAN caused the IRS to issue the Tax Refunds to the Swan Accounts so that SWAN could use the proceeds for his personal benefit.

5. In so doing, defendant BERNES SWAN was responsible for the theft of approximately \$124,293.12 in Tax Refunds.

6. From in or about January 8, 2009 through on or about March 23, 2012, in the District of New Jersey and elsewhere, defendant

BERNESS SWAN

did knowingly and intentionally embezzle, steal, purloin, and convert to his own use and the use of others, money, and things of value of the United States, namely, United States Treasury Tax Refunds in the approximate amount of \$124,293.12.

In violation of Title 18, United States Code, Section 641.

COUNT TWO

(Aggravated Identity Theft)

From in our about January 8, 2009 through on or about March 23, 2012, in the District of New Jersey, and elsewhere, defendant

BERNESS SWAN,

did knowingly and willfully transfer, possess, and use, without lawful authority, a means of identification of another person, to wit, a name, date of birth, and social security number, during and in relation to a felony violation of a provision contained in Chapter 75, United States Code, to wit, the theft of Government property, in violation of Title 18, United States Code, Section 641, charged in Count One of this Information.

In violation of Title 18, United States Code, Section 1028A(a) (1) .

  
PAUL J. FISHMAN  
United States Attorney

CASE NUMBER: 2013RO0202

---

---

**United States District Court  
District of New Jersey**

---

---

**UNITED STATES OF AMERICA**

v.

**BERNESS SWAN**

---

---

**INFORMATION FOR**

Title 18, United States Code, Section 641

Title 18, United States Code, Section 1028A(a) (1)

---

---

**PAUL J. FISHMAN**

*UNITED STATES ATTORNEY, NEWARK, NEW JERSEY*

---

---

**R. STEPHEN STIGALL**  
*ASSISTANT U.S. ATTORNEY*

*CAMDEN, NEW JERSEY*

*856-757-5026*

---

---