

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

UNITED STATES OF AMERICA	:	CRIMINAL NO.
v.	:	DATE FILED
MARK POSTELL	:	VIOLATION: 18 U.S.C. § 1343 (wire fraud – 1 count) Notice of Forfeiture

INDICTMENT

COUNTS ONE

THE GRAND JURY CHARGES THAT:

At all times material to this Indictment:

1. Defendant MARK POSTELL was not a pastor for the Church of Jesus Christ of Latter-day Saints, commonly known as the Mormon Church (hereinafter “the Church”).
2. The Church used the address 4 Franklinton Boulevard, Philadelphia, PA 19103 when it opened an account with PECO for electricity.
3. There was a construction site at 4 Franklinton Boulevard, Philadelphia, PA 19103, because the Church was building a cathedral.
4. PECO overbilled the Church and as repayment, on or about April 15, 2015, issued a refund check for \$183,698.82, with a check number ending in the digits 2563, and sent that refund check to 4 Franklinton Boulevard, Philadelphia, PA, 19103, in regular mail. The check was made out to “Ch of Jesus Christ, 4 Franklinton Blvd, Philadelphia, PA 19103.”

5. On or about April 30, 2015, representatives of the Church informed PECO that the Church had not received the PECO refund check.

6. Glenwood Check Cashing was located at 2822 North Broad Street in Philadelphia, Pennsylvania, and was owned and operated by W.B.

THE SCHEME

7. On or about April 28, 2015, defendant

MARK POSTELL

devised, and intended to devise, a scheme to defraud and to obtain money and property by means of false and fraudulent pretenses, representations, and promises.

MANNER AND MEANS

8. It was part of the scheme that defendant MARK POSTELL made false representations about his purported position as a pastor with the Church. In fact, defendant POSTELL was not a pastor with the Church, had no position with the Church, and had no authorization from the Church to cash checks made out to the Church.

9. Defendant MARK POSTELL told W.B., the owner and operator of Glenwood Check Cashing, the following, all of which was false:

- a. that he was a pastor with the Church of Jesus Christ;
- b. that he resided at the location of the Church at 4 Franklintown Boulevard in Philadelphia;
- c. that he had a legitimate Pennsylvania identification card containing his name and his address at 4 Franklintown Boulevard in Philadelphia; and,
- d. that he was authorized to endorse and cash the PECO refund check ending in digits 2563.

10. Defendant MARK POSTELL endorsed the back of the refund check by signing the name “Mark Kevin Postell.”

11. Defendant MARK POSTELL further told W.B. that POSTELL would return to Glenwood Check Cashing after W.B. had deposited the check in W.B.’s business bank account, the check had cleared through Wells Fargo’s processing procedure, and W.B. had obtained approximately \$180,000 in cash to pay POSTELL.

12. On or about April 28, 2015, W.B. deposited the PECO refund check in the Wells Fargo bank account of his business ending in digits 4009. After deposit in Philadelphia, an image of the check was electronically transmitted for processing to a Wells Fargo data processing facility located outside of the Commonwealth of Pennsylvania.

13. On or about April 29, 2015, after the funds cleared in W.B.’s Wells Fargo bank account, W.B. arranged to get over \$180,000 in cash to pay defendant MARK POSTELL based on POSTELL’S false representations.

14. On or about April 29, 2015, defendant MARK POSTELL returned to Glenwood Check Cashing and took approximately \$183,698.82 in cash from W.B.

15. As defendant MARK POSTELL had no authority to take or cash the check, his fraudulent representations caused the loss of approximately \$183,698.82.

16. On or about April 28, 2015, in the Eastern District of Pennsylvania and elsewhere, defendant

MARK POSTELL

for the purpose of executing the scheme described above, and attempting to do so, caused to be transmitted by means of wire communications in interstate commerce, the signal and sounds below, that is: a PECO refund check ending in 2563, in the amount of \$183,698.82, transmitted from

Wells Fargo Bank in Philadelphia, to a Wells Fargo data processing center located outside of the Commonwealth of Pennsylvania, and then presented for payment to the Bank of New York Mellon.

All in violation of Title 18, United States Code, Section 1343.

NOTICE OF FORFEITURE

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

1. As a result of the violations of Title 18, United States Code, Section 1343, set forth in this indictment, defendant

MARK POSTELL

shall forfeit to the United States of America any property that constitutes or is derived from proceeds traceable to commission of such offenses, including, but not limited to, the sum of \$183,698.82.

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 of America, pursuant to Title 18, United States Code, Section 982(b), and Title 28, United States Code, Section 2461(c), both 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 28, United States Code, Section 2461(c) and Title 18, United States Code, Section 981(a)(1)(C) and Section 982(a)(2)(A).

A TRUE BILL:

GRAND JURY FOREPERSON



ZANE DAVID MEMEGER
United States Attorney

Filed Under Seal

No. 15-

UNITED STATES DISTRICT COURT

Eastern District of Pennsylvania

Criminal Division

THE UNITED STATES OF AMERICA

vs.

MARK POSTELL

INDICTMENT

Count

18 U.S.C. § 1343 (wire fraud – 1 count)

Notice of Forfeiture

A true bill.

Foreman

Filed in open court this _____ day,
Of _____ A.D. 20_____

Clerk

Bail, \$ _____
