

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

UNITED STATES OF AMERICA : **CRIMINAL NUMBER:**_____

v. : **DATE FILED:**_____

CHARLES SPENCER : **VIOLATION:**
: **18 U.S.C. § 1341 (mail fraud – 1 count)**
: **Notice of forfeiture**

INFORMATION

THE UNITED STATES ATTORNEY CHARGES THAT:

At times material to this Information:

GENERAL ALLEGATIONS

1. Lincoln National Insurance Company (“LNIC”) was subsidiary corporation of Lincoln Financial Group. LNIC sold, among financial services and products, structured settlement annuity contracts.

2. Prior to her death, decedent V.R. purchased a structured settlement annuity contract from LNIC with proceeds that she received as a result of her husband’s death. The annuity contract provided that LNIC would pay V.R. approximately \$1,600 per month for life. V.R. received the annuity checks until she became unable to manage her financial affairs. The annuity was to end upon V.R.’s death.

3. Defendant CHARLES SPENCER was V.R.’s brother. When V.R. became physically infirmed, defendant CHARLES SPENCER became V.R.’s guardian. Defendant CHARLES SPENCER’s duties included, among other things, the management of V.R.’s financial affairs. V.R. died on January 22, 2001.

THE SCHEME

4. From approximately January 22, 2001 through December 24, 2014, in the Eastern District of Pennsylvania, defendant

CHARLES SPENCER

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

MANNER AND MEANS

It was part of the scheme that:

5. Defendant CHARLES SPENCER failed to notify LNIC that V.R. had died. Unaware of V.R.'s demise, LNIC continued to send monthly annuity checks payable to V.R. which defendant CHARLES SPENCER received.

6. Defendant CHARLES SPENCER received approximately 144 annuity checks, totaling approximately \$230,400, payable to V.R.

7. Defendant CHARLES SPENCER countersigned each of the 144 annuity checks and then deposited the checks into his bank account at the Philadelphia Police and Fire Federal Credit Union.

8. LNIC subsequently learned, through means other than notification by defendant CHARLES SPENCER, that V.R. had died and demanded repayment of the funds that defendant CHARLES SPENCER had received on behalf of V.R.

9. On or about June 26, 2012, in the Eastern District of Pennsylvania, defendant

CHARLES SPENCER

for the purpose of executing the scheme described above, knowingly caused to be delivered by United States mail check number G011725502, drawn on Lincoln Financial Group's bank account at Bank of America, which was payable to V.R. which the defendant received and deposited the same into his checking account at the Philadelphia Police and Fire Federal Credit Union.

All in violation of Title 18, United States Code, Section 1341.

NOTICE OF FORFEITURE

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

1. As a result of the violation of Title 18, United States Code, Section 1341 as charged in this Information, defendant

CHARLES SPENCER

shall forfeit to the United States:

a. any and all property that constitutes, or is derived from, proceeds obtained directly from the commission of the offense, including, but not limited to the sum of approximately \$230,400; and

b. any and all property used to facilitate, or intended to be used to facilitate the commission of these offense, including, but not limited to the sum of approximately \$230,400.

2. If any of the property subject to forfeiture as a result of any acts or omissions 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 28, United States Code, Section 2461©, 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 981(a)(1)(c).

ZANE DAVID MEMEGER
UNITED STATES ATTORNEY