

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - x
:
UNITED STATES OF AMERICA :
:
- v. - : SEALED
: SUPERSEDING INDICTMENT
PAVELS BERNCS, :
: S3 16 Cr. 692 (JMF)
Defendant. :
:
- - - - - x

COUNT ONE

(Conspiracy to Commit Wire Fraud and Bank Fraud)

The Grand Jury charges:

1. From at least in or about February 1, 2016, up to and including the present, in the Southern District of New York and elsewhere, PAVELS BERNCS, the defendant, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit wire fraud, in violation of Title 18, United States Code, Section 1343, and bank fraud, in violation of Title 18, United States Code, Section 1344.

2. It was a part and object of the conspiracy that PAVELS BERNCS, the defendant, and others known and unknown, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, would and did transmit and cause to be transmitted by

means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, in violation of Title 18, United States Code, Section 1343.

3. It was further a part and object of the conspiracy that PAVELS BERNCS, the defendant, and others known and unknown, willfully and knowingly, executed, or attempted to execute, a scheme or artifice to defraud a financial institution, in violation of Title 18, United States Code, Section 1344.

Overt Acts

4. In furtherance of the conspiracy and to effect the illegal objects thereof, the following overt act, among others, was committed in the Southern District of New York:

a. On or about March 14, 2016, PAVELS BERNCS, the defendant, withdrew funds from a bank account at a branch of a bank whose deposits are insured by the Federal Deposit Insurance Corporation in Manhattan, New York.

(Title 18, United States Code, Section 1349.)

COUNT TWO

(Conspiracy to Commit Money Laundering)

The Grand Jury further charges:

5. From at least in or about February 1, 2016, up to and including the present, in the Southern District of New York and elsewhere, PAVELS BERNCS, the defendant, and others known and

unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to commit money laundering, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(ii).

6. It was a part and an object of the conspiracy that PAVELS BERNCS, the defendant, and others known and unknown, in an offense involving and affecting interstate and foreign commerce, knowing that the property involved in a financial transaction represented the proceeds of some form of unlawful activity, would and did knowingly conduct and attempt to conduct such a financial transaction which in fact involved the proceeds of specified unlawful activity, to wit, the wire fraud and bank fraud conspiracy charged in Count One of this Superseding Indictment, knowing that the transaction was designed in whole and in part to avoid transaction reporting requirements under State and Federal law.

(Title 18, United States Code, Section 1956(h).)

FORFEITURE ALLEGATION

7. As a result of committing the offense alleged in Count One of this Superseding Indictment, the defendant shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any and all property, real or personal, which constitutes or is derived from proceeds traceable to the

commission of the offense alleged in Count One of this Superseding Indictment.

SUBSTITUTE ASSET PROVISION

8. If any of the above-described forfeitable property, 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;

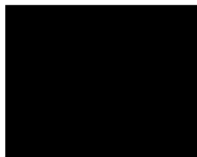
c. has been placed beyond the jurisdiction of the court;

d. has been substantially diminished in value; or

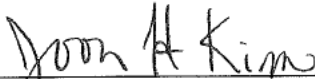
e. has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described above.

(Title 18, United States Code, Section 981; Title 21, United States Code, Section 853; and Title 28, United States Code, Section 2461.)



FOREPERSON



JOON H. KIM
Acting United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

PAVELS BERNCS

Defendant.


SUPERSEDING INDICTMENT

S3 16 Cr. 692 (JMF)

(18 U.S.C. §§ 1349, 1956(h)).

JOON H. KIM

Acting United States Attorney



Foreperson
