

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	
	:	
v.	:	Criminal No. 13-
	:	
MICHAEL SHELTON	:	18 U.S.C. §§ 641, 982 and 2

INFORMATION

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

COUNT 1
[18 U.S.C. § 641 - Theft of Government Funds]

Background

1. At all times relevant to this Information, unless otherwise noted:
 - a. The United States Social Security Administration ("SSA") was an agency of the executive branch of the United States. The SSA, among other things, maintained the Retirement Benefits under Title II, of the Social Security Act, Title 42, United States Code, Section 401 et seq., for eligible individuals. When a person worked and paid Social Security taxes, that person earned "credits" toward Social Security benefits. The number of credits required for retirement benefits depended upon one's year of birth. SSA did not pay any retirement benefits until a person had the required number of credits. Such benefits were not transferrable and could not be inherited.
 - b. Defendant MICHAEL SHELTON was a resident of Pennsauken, New Jersey.

c. R.S. was a resident of New Jersey. On June 15, 1974, R.S. filed for retirement benefits with SSA. SSA paid retirement benefits to R.S. until June 2012.

The Charge

2. From in or about April 1990 through in or about June 2012, in Camden County, the District of New Jersey and elsewhere, defendant

MICHAEL SHELTON

did knowingly and willfully embezzle, steal, purloin, and convert to his own use and the use of another, money of the United States and the SSA, that is, approximately \$204,606 in SSA program benefits, namely Retirement Benefits, to which he was not entitled.

The Scheme

3. Beginning at least as early as in or about January 1974, the SSA issued monthly benefit checks made payable to R.S. R.S. was the father of defendant MICHAEL SHELTON.

4. R.S. died on or about March 26, 1990. The SSA was not notified of R.S.'s death and continued sending monthly benefit checks and later electronic deposits into R.S.'s bank account at PNC Bank.

5. As of June 12, 2012, R.S. was receiving \$977 in monthly Title II retirement benefits.

6. From after the death of R.S. until in or about June 2012, SSA issued direct deposits of benefit payments to R.S.'s bank account at PNC Bank. At various times after the deposits, defendant MICHAEL SHELTON accessed R.S.'s bank account and used the money for his own purposes.

7. The total amount of benefits that defendant MICHAEL SHELTON collected to which he was not entitled was approximately \$204,606.

In violation of Title 18, United States Code, Section 641 and Title 18, United States
Code, Section 2.

FORFEITURE ALLEGATION

1. The allegations contained in Count 1 of this Information are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 982(a)(1).

2. Pursuant to Title 18, United States Code, Section 982(a)(1), upon conviction of the offense in violation of Title 18, United States Code, Section 641 set forth in Count 1 of this Information, the defendant, MICHAEL SHELTON, shall forfeit to the United States of America any property, real or personal, involved in such offense, and any property traceable to such property. The property to be forfeited includes, but is not limited to, a sum of money equal to \$204,606 in United States currency, representing the amount of proceeds obtained as a result of the offense.

3. If any of the property described above, 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,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1) and Title 28, United States Code, Section 2461(c).

Pursuant to Title 18, United States Code, Section 982(a)(1).

Paul J. Fishman

PAUL J. FISHMAN
United States Attorney

CASE NUMBER: _____

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UNITED STATES OF AMERICA
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INFORMATION FOR

18 U.S.C. § 641
18 U.S.C. § 982

PAUL J. FISHMAN
U.S. ATTORNEY NEWARK, NEW JERSEY

JASON M. RICHARDSON
Assistant U.S. Attorney
Camden, New Jersey
(856) 757-5026
