

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JUDGE JONES

ORIGINAL

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:
UNITED STATES OF AMERICA,
:
:
- v. -
:
:
JUAN FRANCISCO HERNANDEZ,
:
:
Defendant.
:
:
-----X

INFORMATION

12 CRIM 643
12 Cr

COUNT ONE

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: **AUG 22 2012**

The Grand Jury charges:

1. From at least in or about April 2011, up to and including in or about September 2011, in the Southern District of New York and elsewhere, JUAN FRANCISCO HERNANDEZ, the defendant, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States.

2. It was a part and an object of the conspiracy that JUAN FRANCISCO HERNANDEZ, the defendant, and others known and unknown, would and did embezzle, steal, purloin, and knowingly convert to their use and the use of another, and without authority, sell, convey and dispose of a record, voucher, money, and thing of value of the United States and of a department and agency thereof, and property made and being made under contract for the United States and a department and agency thereof, and

would and did receive, conceal, and retain the same with intent to convert it to their use and gain, knowing it to have been embezzled, stolen, purloined and converted.

OVERT ACTS

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about April 14, 2011, JUAN FRANCISCO HERNANDEZ, the defendant, deposited a United States Treasury check, which was issued based upon a fraudulent IRS 2010 tax return that was prepared and filed in the Bronx, New York.

b. On or about August 3, 2011, JUAN FRANCISCO HERNANDEZ, the defendant, deposited a United States Treasury check, which was issued based upon a fraudulent IRS 2010 tax return that was prepared and filed in the Bronx, New York.

(Title 18, United States Code, Section 371.)

COUNT TWO

The Grand Jury further charges:

4. From at least in or about April 2011, up to and including in or about September 2011, in the Southern District of New York and elsewhere, JUAN FRANCISCO HERNANDEZ, the defendant, did embezzle, steal, purloin, and knowingly convert

to his use and the use of another, and without authority, sell, convey and dispose of a record, voucher, money, and thing of value of the United States and of a department and agency thereof, and property made and being made under contract for the United States and a department and agency thereof, and did receive, conceal, and retain the same with intent to convert it to his use and gain, knowing it to have been embezzled, stolen, purloined and converted, to wit, HERNANDEZ fraudulently received and deposited approximately 303 fraudulently issued United States Treasury tax refund checks totaling \$2,038,644.08.

(Title 18, United States Code, Section 641.)

Forfeiture Allegation

5. As a result of committing the offense charged in Counts One and Two of this Information, JUAN FRANCISCO HERNANDEZ, the defendant, shall forfeit to the United States, pursuant to 18 U.S.C. § 982(a)(1), any and all property constituting or derived from any proceeds the defendant obtained directly or indirectly as a result of said offense and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the offense charged in Count One of the Information.

Substitute Asset Provision

6. If any of the above-described forfeitable property, as a result of any act or omission of JUAN FRANCISCO HERNANDEZ, the defendant:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third person;

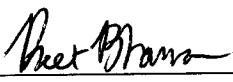
c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value; or

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

it is the intent of the United States, pursuant to 18 U.S.C. § 982(a)(1), to seek forfeiture of any other property of HERNANDEZ, the defendant up to the value of the above forfeitable property.

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



PREET BHARARA
United States Attorney

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Defendant.

INFORMATION

12 Cr.

(18 U.S.C. §§ 371, 641, and 2.)

PREET BHARARA

United States Attorney.

8/22/12 - Filed Information.
AC Filed Waiver of Indictment.
Judge for
U.S.M.J.