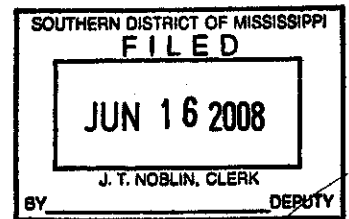


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION



UNITED STATES OF AMERICA

v.

CRIMINAL NO. *3:08cv81 DATES*

JOHN A. ALLEN

18 U.S.C. §152(1)

18 U.S.C. §1343

18 U.S.C. §1957

The United States Attorney charges:

At all times relevant to this indictment,

1. The defendant **JOHN A. ALLEN** (hereinafter "**ALLEN**") was a licensed attorney in the State of Mississippi.

COUNT 1

2. On or about November 21, 2005, in Hinds County in the Jackson Division of the Southern District of Mississippi, the defendant, **JOHN A. ALLEN**, aided and abetted by others known and unknown to the Grand Jury, did in this district and elsewhere knowingly and fraudulently conceal property belonging to R. K. A., in connection with a Bankruptcy Case in the Bankruptcy Court for the Southern District of Mississippi, specifically approximately \$21,925.23, from the trustee charged with control of the debtor's property and from the creditors and the United States Trustee, with intent to defeat the provisions of Title 11, in violation of Sections 152 and 2, Title 18, United States Code.

COUNT 2

3. From in or about January, 2003 through January, 2006 in Hinds County in the Jackson Division of the Southern District of Mississippi and elsewhere, the defendant, **JOHN A.**

ALLEN, acting in his capacity as legal counsel for his client, S. E., devised and intended to devise a scheme and artifice to defraud including to deprive S.E. of the right to his honest services by breaching defendant **ALLEN**'s fiduciary duty owed to his client as her attorney, and for obtaining money and property from her by means of materially false and fraudulent pretenses and representations, with the intent to defraud his client.

4. To accomplish his fraudulent purposes, defendant **ALLEN** engaged in and caused various acts, transactions, concealments, and deceptions which were designed to and which enabled him to, among other things, obtain funds from S.E., and thereafter convert those funds to his own personal use.

5. It was part of the scheme and artifice to defraud that defendant **ALLEN** would obtain funds from S.E. for the stated purpose of using the funds to extinguish her existing debts. Defendant **ALLEN** would deposit these funds into his trust account number XXX-XX-3677 at Trustmark National Bank.

6. It was also part of the scheme and artifice to defraud that defendant **ALLEN** would falsely represent to S.E. that defendant **ALLEN** used these funds to minimize her debts and satisfy her creditors.

7. It was further part of the scheme and artifice to defraud that defendant **ALLEN** would instead transfer these funds from his trust account to his personal accounts and convert them to his own use, to the detriment of S.E.

8. For the purpose of executing the scheme and artifice, and attempting to do so, defendant **JOHN A. ALLEN** knowingly caused certain writings, specifically identified below, to be transmitted in interstate commerce by means of wire communication:

<u>COUNT</u>	<u>DOCUMENT</u>	<u>DATE</u>	<u>WIRED FROM</u>	<u>WIRED TO</u>
2	facsimile from Veritech Financial Services	10/24/2005	New York City, NY	Jackson, MS
3	facsimile from Mitchell N. Kay	10/25/2005	Norcross, GA	Jackson, MS

All in violation of Sections 1343, 1346, and 2, Title 18, United States Code.

COUNT 4

9. On or about August 27, 2004, in Hinds County in the Jackson Division of the Southern District of Mississippi and elsewhere, the defendant, **JOHN A. ALLEN**, did knowingly engage and attempt to engage in a monetary transaction through a financial institution, affecting interstate commerce, in criminally derived property of a value greater than \$10,000, that is issuing a monetary instrument, specifically check number 179797 totaling approximately \$13,500.00, such property having been derived from a specified unlawful activity, that is a violation of Section 1343, Title 18, United States Code, all in violation of Section 1957, Title 18, United States Code.

NOTICE OF FORFEITURE

10. As a result of the offenses alleged in Counts 1 through 4, the defendant, **JOHN A. ALLEN**, shall forfeit to the United States any and all property, constituting or derived from any proceeds obtained, directly or indirectly, as a result of such violations, and any and all of the property the defendants used or intended to be used, in any manner or part, to commit or to facilitate the commission of such violations, and any property involved in the aforesaid offenses,

and all property traceable to such property, including but not limited to:


a. Approximately **\$140,000.00** in United States Currency and all interest and proceeds thereto, in that such sum in aggregate is property which was involved in the aforesaid offenses or is traceable to such property, in violation of Sections 152, 1343, and 1957, Title 18, United States Code.

b. If any of the property described above as being subject to forfeiture, as a result of any act or omission of any defendant –

- (1) Cannot be located upon the exercise of due diligence;
- (2) Has been transferred or sold to or deposited with a third person;
- (3) Has been placed beyond the jurisdiction of the Court;
- (4) Has been substantially diminished in value; or
- (5) Has been commingled with other property which cannot be divided without difficulty;

then it is the intent of the United States, pursuant to Section 982(b)(1) Title 18, United States Code, to seek a judgment of forfeiture of any other property of said defendant up to the value of the forfeitable property described in this Information or any Bill of Particulars supporting it.

All pursuant to Sections 981(a)(1)(c) and 982(a)(1) and (2), Title 18, and Section 2461, Title 28, United States Code.



DUNN LAMPTON
United States Attorney

CRIMINAL CASE COVER SHEET

3:08 CW87 DRS-JG

U.S. District Court
PLACE OF OFFENSE:

CITY: JACKSON

COUNTY: HINDS

RELATED CASE INFORMATION:

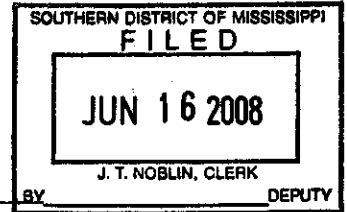
SUPERSEDING INDICTMENT _____ DOCKET # _____
SAME DEFENDANT _____ NEW DEFENDANT _____
MAGISTRATE JUDGE CASE NUMBER _____
SEARCH WARRANT CASE NUMBER _____
R 20/ R 40 FROM DISTRICT OF _____

DEFENDANT INFORMATION:

JUVENILE: _____ YES NO

MATTER TO BE SEALED: _____ YES NO

NAME/ALIAS: JOHN A. ALLEN



SEX M RACE _____ NATIONALITY: USA

U.S. ATTORNEY INFORMATION:

AUSA CARLA J. CLARK BAR # 9490

INTERPRETER: NO _____ YES LIST LANGUAGE AND/OR DIALECT: _____

LOCATION STATUS: ARREST DATE _____

- _____ ALREADY IN FEDERAL CUSTODY AS OF _____
- _____ ALREADY IN STATE CUSTODY
- _____ ON PRETRIAL RELEASE

U.S.C. CITATIONS

TOTAL # OF COUNTS: 1 _____ PETTY _____ MISDEMEANOR _____ FELONY

(CLERK'S OFFICE USE ONLY)	INDEX KEY/CODE	DESCRIPTION OF OFFENSE CHARGED	COUNT(S)
Set 1 18:152.F	U.S.C. § 152(1)	Concealment of assets; false oaths and claims; bribery	1
Set 2 18:1343.F	U.S.C. § 1343	Wire Fraud	2
Set 3 18:1957-4700.F	U.S.C. § 1957	Fraud, Postal, Interstate Wire, Radio, etc.	3
Set 4 _____	_____	_____	_____

Date: _____ SIGNATURE OF AUSA: *Carla J. Clark*