

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)	Criminal No. 10-20
)	
v.)	(18 U.S.C. § 1349 and 26
)	U.S.C. § 7206(1))
JOHN POLOSKY)	

INFORMATION

COUNT ONE

The United States Attorney charges:

INTRODUCTION

1. At all material times to the information, the defendant, JOHN POLOSKY, worked at First Capital Home Equity, a mortgage broker company that assisted individuals obtain financing collateralized by real estate.

THE CONSPIRACY AND ITS OBJECTS

2. From in and around October 2002, and continuing thereafter until in and around October 2007, in the Western District of Pennsylvania and elsewhere, the defendant, JOHN POLOSKY, knowingly and willfully did conspire, combine, confederate and agree with other persons known to the United States Attorney as LW, SC, KB, DG, and Kenneth Cowden, to commit an offense against the United States, that is, Wire Fraud, in violation of Title 18, United States Code, Section 1343.

MANNER AND MEANS OF THE CONSPIRACY

3. It was a part of the conspiracy that the defendant, JOHN POLOSKY, and other individuals known to the United States Attorney, submitted loan applications to lenders that, as the defendant, JOHN

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U S DISTRICT COURT

POLOSKY, and the other individuals known to the United States Attorney, then well knew, contained material misrepresentations about the borrowers' financial condition, including but not limited to their income and their assets.

4. It was further a part of the conspiracy that the defendant, JOHN POLOSKY, and other individuals known to the United States Attorney, submitted false documents in connection with the loan applications, including but not limited to the following:

(a) W-2's;

(b) Pay stubs;

(c) Account statements;

(d) Appraisals that fraudulently inflated the true value of the properties; and

(e) Appraisals that falsely represented that they were prepared by licensed appraisers when they were really prepared by unlicensed appraisers.

5. It was further a part of the conspiracy that the defendant, JOHN POLOSKY, submitted and caused the submission of fraudulent loan applications and other fraudulent documents through the use of the interstate wires, in furtherance of the Wire Fraud scheme.

6. It was further a part of the conspiracy that the defendant, JOHN POLOSKY, caused wire transfers from the accounts of lending institutions, located outside the Commonwealth of Pennsylvania, to the accounts of the closing agents located in the

Western District of Pennsylvania, in furtherance of the Wire Fraud scheme.

All in violation of Title 18, United States Code, Section 1349.

COUNT TWO

The United States Attorney further charges:

INTRODUCTION

7. At all material times to the information, the defendant, JOHN POLOSKY, worked at First Capital Home Equity, a mortgage broker company that assisted individuals obtain financing collateralized by real estate.

THE CONSPIRACY AND ITS OBJECTS

8. From in and around December 2002, and continuing thereafter until in and around January 2007, in the Eastern District of Pennsylvania and elsewhere, the defendant, JOHN POLOSKY, knowingly and willfully did conspire, combine, confederate and agree with other persons known to the United States Attorney as AS, MT, FJ, KF, and others known and unknown to the United States Attorney, to commit an offense against the United States, that is, Wire Fraud, in violation of Title 18, United States Code, Section 1343.

MANNER AND MEANS OF THE CONSPIRACY

9. It was a part of the conspiracy that the defendant, JOHN POLOSKY, and other individuals known to the United States Attorney, submitted loan applications to lenders that, as the defendant, JOHN POLOSKY, and the other individuals known to the United States Attorney, then well knew, contained material misrepresentations about the borrowers' financial condition, including but not limited to their income and their assets.

10. It was further a part of the conspiracy that the defendant, JOHN POLOSKY, and other individuals known to the United States Attorney, submitted false documents in connection with the loan applications, including but not limited to the following:

(a) W-2's;

(b) Pay stubs;

(c) Account statements;

(d) Appraisals that fraudulently inflated the true value of the properties; and

(e) Appraisals that falsely represented that they were prepared by licensed appraisers when they were really prepared by unlicensed appraisers.

11. It was further a part of the conspiracy that the defendant, JOHN POLOSKY, submitted and caused the submission of fraudulent loan applications and other fraudulent documents through the use of the interstate wires, in furtherance of the Wire Fraud scheme.

12. It was further a part of the conspiracy that the defendant, JOHN POLOSKY, caused wire transfers from the accounts of lending institutions, located outside the Commonwealth of Pennsylvania, to the accounts of the closing agents located in the Eastern District of Pennsylvania, in furtherance of the Wire Fraud scheme.


All in violation of Title 18, United States Code, Section 1349.

COUNT THREE

The United States Attorney further charges:

13. On or about October 26, 2006, in the Western District of Pennsylvania, the defendant, JOHN POLOSKY, willfully made and subscribed a false and fraudulent U.S. Individual Income Tax Declaration for Electronic Filing, Form 8453, for the 2005 tax year, which was verified by a written declaration that it was made under the penalties of perjury, which was filed with the Internal Revenue Service, and which he did not believe to be true and correct as to every material matter in that the income tax return failed to report as gross income approximately \$100,000.

All in violation of Title 26, United States Code, Section 7206(1).



ROBERT S. CESSAR
Acting United States Attorney
PA ID No. 47768

AO 455 (Rev. 01/09) Waiver of an Indictment

UNITED STATES DISTRICT COURT

for the
Western District of Pennsylvania

United States of America

v.

John Polosky

Defendant

)
)
)
)
)

Case No.

10-20

WAIVER OF AN INDICTMENT

I understand that I have been accused of one or more offenses punishable by imprisonment for more than one year. I was advised in open court of my rights and the nature of the proposed charges against me.

After receiving this advice, I waive my right to prosecution by indictment and consent to prosecution by information.

Date: _____

Defendant's signature

Signature of defendant's attorney

Printed name of defendant's attorney

Judge's signature

Judge's printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)
)
 v.)
)
 JOHN POLOSKY)

Criminal No. 10-20

ARRAIGNMENT PLEA

Defendant JOHN POLOSKY
being arraigned, pleads _____
in open Court this _____ day of
_____, 20____.

(Defendant's Signature)

(Attorney for Defendant)

CRIMINAL CASE INFORMATION SHEET

10-20

Pittsburgh Erie _____ Johnstown _____

Related to No. 07-217 Judge Joy Flowers Conti
(All criminal prosecutions arising out of the same criminal transaction or series of transactions are deemed related).

- CATEGORY:
- 1. _____ Narcotics and Other Controlled Substances
 - 1a. _____ Narcotics and Other Controlled Substances (3 or more Defendants)
 - 2. Fraud and Property Offenses
 - 2a. _____ Fraud and Property Offenses (3 or more Defendants)
 - 3. _____ Crimes of Violence
 - 4. _____ Sex Offenses
 - 5. _____ Firearms and Explosives
 - 6. _____ Immigration
 - 7. _____ All Others

Defendant's name: John Polosky

Is Indictment waived: yes _____ no

Pretrial Diversion: _____ yes no

Juvenile proceeding: _____ yes no

Defendant is: Male _____ Female

Superseding Indictment or Information: _____ yes no

Previous case number: _____

If superseding, previous case was/will be:

- _____ Dismissed on defendant's motion
- _____ Dismissed on government's motion
- _____ After appellate action
- _____ Other (explain)

County in which first offense cited occurred: Allegheny County

Previous proceedings before Magistrate Judge: _____

Case No.: _____

PLEASE INCORPORATE MAGISTRATE CASE WITH CRIMINAL CASE

Date arrested or date continuous U.S. custody began: _____

Defendant: _____ is in custody is not in custody

Name of Institution: _____

Custody is on: _____ this charge _____ another charge
_____ another conviction
_____ State _____ Federal

Detainer filed: _____ yes no

Date detainer filed: _____

Total defendants: 1

Total counts: 3

Data below applies to defendant No.: 1

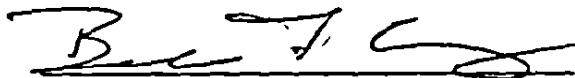
Defendant's name: John Polosky

SUMMARY OF COUNTS

<u>COURT NO.</u>	<u>U.S. CODE</u>	<u>OFFENSE</u>	<u>FELONY</u>	<u>MISDEMEANOR</u>
1	18 U.S.C. § 1349	Wire Fraud Conspiracy	✓	
2	18 U.S.C. § 1349	Wire Fraud Conspiracy	✓	
3	26 U.S.C. § 7206(1)	Filing False Income Tax Return	✓	

I certify that to the best of my knowledge the above entries are true and correct.

DATE: 2/03/10



BRENDAN T. CONWAY
Assistant U.S. Attorney
PA ID No. 78726