

FILED by <u>LW</u> D.C. ELECTRONIC
<b>Dec. 1, 2008</b>
STEVEN M. LARIMORE CLERK U.S. DIST. CT. S.D. OF FLA. - MIAMI

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO. 08-21075-CR-JORDAN/MCALILEY**

**18 U.S.C. § 1343**

**18 U.S.C. § 2**

**18 U.S.C. § 982**

**UNITED STATES OF AMERICA**

**vs.**

**JEAN CLAUDE CAHEN,**

**Defendant.**

---

**INFORMATION**

The United States Attorney charges that:

**GENERAL ALLEGATIONS**

At various times relevant to this Information:

1. J.P. Morgan Chase Bank ("Chase") was a financial institution with offices located throughout the United States, including the State of Florida, and whose accounts were insured by the Federal Deposit Insurance Corporation ("FDIC").

2. Fieldstone Mortgage Company ("Fieldstone") was a mortgage lender doing business in the State of Florida, with its principal place of business listed as 3505 East Frontage Road, Tampa, Florida, 33607. Fieldstone maintained a warehouse mortgage line of credit at Chase, with an account number of xxxxxx6959.

3. Homestead Law Offices was a Florida company with its principal place of business listed as 201 Alhambra Circle, Suite 501, Coral Gables, Florida, 33134. Homestead Law Offices maintained its trust account at Wachovia Bank in Miami, Florida.

4. Defendant **JEAN CLAUDE CAHEN** posed as a straw buyer for a fee and allowed his identity and credit to be used in the purchase of property located at 9015 SW 45<sup>th</sup> Terrace, Miami, Florida (“45<sup>th</sup> Terrace property”). **CAHEN** as the straw buyer understood that he would not be the true owner of the 45<sup>th</sup> Terrace property and would not be responsible for the monthly mortgage payments.

**COUNTS 1-2**  
**WIRE FRAUD**  
**(18 U.S.C. §§ 1343 and 2)**

1. Paragraphs 1 through 4 of the General Allegations section of this Information are re-alleged and incorporated fully herein by reference.

2. From in or around June 2006, through in or around July 2006, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

**JEAN CLAUDE CAHEN,**

did knowingly and with intent to defraud, devise, intend to devise a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, knowing that the pretenses, representations, and promises were false and fraudulent when made.

**The Purpose of the Scheme and Artifice**

3. It was the purpose of the scheme and artifice for the defendant to unlawfully enrich himself by, among other things: (a) acting as a straw buyer in the purchase of the 45<sup>th</sup> Terrace property; (b) submitting false and fraudulent mortgage loan applications and related documents to a bank and lending institution, thereby inducing the bank and lending institution to make mortgage loans to the straw buyer for the purchase of the 45<sup>th</sup> Terrace

property; and (c) concealing the false and fraudulent information submitted in the loan applications and related documents.

**The Scheme and Artifice**

**JEAN CLAUDE CAHEN** sought to accomplish the purpose of the fraudulent scheme and artifice, by among others, the following:

4. In July 2006, **JEAN CLAUDE CAHEN** posed as a buyer who was to purchase the 45<sup>th</sup> Terrace property for \$450,000.

5. False and fraudulent mortgage loan applications and other related documents were prepared on behalf of **JEAN CLAUDE CAHEN** and submitted to Fieldstone to induce Fieldstone, through its warehouse line of credit at Chase, to fund two mortgage loans on the 45<sup>th</sup> Terrace property. The two mortgage loan applications prepared on behalf of **CAHEN** each contained false representations concerning **CAHEN's** employment, income, funds on deposit, and other information necessary to assess his qualifications to borrow funds in the amounts of \$362,436 and \$88,912.50. The false and fraudulent loan applications included, among other things, false statements of his intent to use the property as his primary residence. **CAHEN** signed the false and fraudulent mortgage loan applications.

6. As a straw buyer, **JEAN CLAUDE CAHEN** allowed his identity and credit information to be used, for a fee, in the mortgage loan applications for the purchase of the 45<sup>th</sup> Terrace property. In this way, he represented himself to be a true buyer of the 45<sup>th</sup> Terrace property and the individual responsible for making payments on the loans. **CAHEN** at no time believed he was the true purchaser of the property and understood that all mortgage payments were to be made by someone else. He never disclosed this understanding to the bank and

lending institution.

7. Based on the materially false and fraudulent misrepresentations in the loan applications, Fieldstone approved the mortgage applications, and the loan proceeds were wired in interstate commerce from Citibank in New York to Homestead Law Offices' bank account in Miami-Dade County, Florida for disbursement at the closing of the sale of the 45<sup>th</sup> Terrace property.

8. After the closing of the loan, **JEAN CLAUDE CAHEN** failed to make payments on the loans obtained as part of the fraudulent scheme, causing the 45<sup>th</sup> Terrace property to go into foreclosure and Fieldstone to suffer financial losses.

**Use of the Wires**

9. On or about the dates set forth below, the defendant, **JEAN CLAUDE CAHEN**, for the purpose of executing and in furtherance of the aforesaid scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations and promises, did knowingly transmit and cause to be transmitted in interstate commerce, by means of wire communication, certain writings, signs, and signals, as more particularly described in each count below:

COUNT	APPROX. DATE	DESCRIPTION OF WIRE COMMUNICATION
1	July 7, 2006	Wire transfer in the amount of \$362,436 from Fieldstone Mortgage Company's warehouse line of credit at J.P. Morgan Chase bank with an account at Citibank in New York, New York to Homestead Law Offices' account at Wachovia Bank in Miami, Florida, relating to the sale of the property located at 9015 SW 45 <sup>th</sup> Terrace, Miami, Florida
2	July 7, 2006	Wire transfer in the amount of \$88,912.50 from Fieldstone Mortgage Company's warehouse line of credit at J.P. Morgan Chase Bank with an account at Citibank in New York, New York to Homestead Law Offices' account at Wachovia Bank in Miami, Florida, relating to the sale of the property located at 9015 SW 45 <sup>th</sup> Terrace, Miami, Florida

In violation of Title 18, United States Code, Sections 1343 and 2.

#### FORFEITURE ALLEGATIONS

1. The General Allegations and the allegations of Counts 1 through 2 of this Information are re-alleged and by this reference fully incorporated herein for the purpose of alleging forfeitures to the United States of America of certain property in which the defendant has an interest, pursuant to the provisions of Title 18, United States Code, Section 982(a)(2) and the procedures set forth at Title 21, United States Code, Section 853.

2. Upon conviction of any of the offenses charged in Counts 1 through 2 of the Information, **JEAN CLAUDE CAHEN**, shall forfeit to the United States any property constituting, or derived from, any proceeds which the defendant obtained, directly or indirectly, as the result of such violation, pursuant to Title 18, United States Code, Section 982(a)(2).

All pursuant to Title 18, United States Code, Section 982(a)(2) and the procedures set forth at Title 21, United States Code, Section 853.

  
\_\_\_\_\_  
R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

  
\_\_\_\_\_  
MARK DISPOTO  
ASSISTANT UNITED STATES ATTORNEY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

CASE NO. \_\_\_\_\_

vs.

CERTIFICATE OF TRIAL ATTORNEY\*

JEAN CLAUDE CAHEN,

Defendant.

Superseding Case Information:

Court Division: (Select One)

Miami  Key West  
 FTL  WPB  FTP

New Defendant(s) Yes \_\_\_\_\_ No \_\_\_\_\_  
Number of New Defendants \_\_\_\_\_  
Total number of counts \_\_\_\_\_

I do hereby certify that:

1. I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the indictment/information attached hereto.

2. I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.

3. Interpreter: (Yes or No) No  
List language and/or dialect \_\_\_\_\_

4. This case will take 0 days for the parties to try.

5. Please check appropriate category and type of offense listed below:

	(Check only one)		(Check only one)
I	0 to 5 days <u>X</u>	Petty	_____
II	6 to 10 days _____	Minor	_____
III	11 to 20 days _____	Misdem.	_____
IV	21 to 60 days _____	Felony	<u>X</u>
V	61 days and over _____		

6. Has this case been previously filed in this District Court? (Yes or No) No

If yes:  
Judge: \_\_\_\_\_ Case No. \_\_\_\_\_

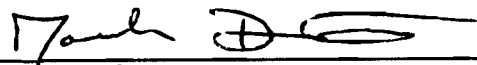
(Attach copy of dispositive order)  
Has a complaint been filed in this matter? (Yes or No) No

If yes:  
Magistrate Case No. None  
Related Miscellaneous numbers: \_\_\_\_\_  
Defendant(s) in federal custody as of \_\_\_\_\_  
Defendant(s) in state custody as of \_\_\_\_\_  
Rule 20 from the \_\_\_\_\_ District of \_\_\_\_\_

Is this a potential death penalty case? (Yes or No) No

7. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to October 14, 2003? \_\_\_\_\_ Yes X No

8. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to September 1, 2007? \_\_\_\_\_ Yes X No

  
MARK DISPOTO  
ASSISTANT UNITED STATES ATTORNEY  
Court No. A5501143

\*Penalty Sheet(s) attached

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: JEAN CLAUDE CAHEN

Case No: \_\_\_\_\_

Counts No.: 1-2

Wire Fraud

Title 18, United States Code, Section 1343

\* Max. Penalty: Twenty Years' Imprisonment

**\* Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**