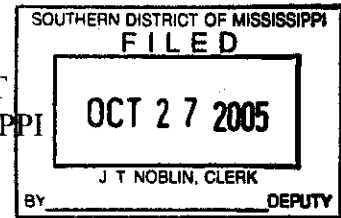


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION



UNITED STATES OF AMERICA

V.

CRIMINAL NO. *3:05cv 164 H.W. A.C.*

JOHN WILLIAM EMORY, III

18 U.S.C. § 1343

18 U.S.C. § 1956(a)(1)(A)(i)

The United States Attorney charges:

At all times relevant to this information:

1. Defendant **JOHN WILLIAM EMORY, III** (hereinafter "**EMORY**") was a mortgage broker engaged in the business of obtaining loans for borrowers with various lenders for a fee.

2. During the time frames charged in this information, **EMORY** was working as a mortgage broker in Hinds County in the Jackson Division of the Southern District of Mississippi and elsewhere, working for various companies including Wholesale Mortgage, Inc. and Mississippi Mortgage, Inc.

COUNT 1

3. Beginning in or about June, 2000, and continuing through October, 2002, in Hinds County in the Jackson Division of the Southern District of Mississippi, and elsewhere, the defendant, **JOHN WILLIAM EMORY, III**, aided and abetted by others known and unknown to the Grand Jury, knowingly and intentionally devised, intended to devise and carried out and attempted to carry out a scheme to defraud borrowers and lenders and to obtain money by materially false and fraudulent pretenses, representations and promises.

4. It was a part of the scheme that **EMORY** and other affiliated mortgage brokers would seek out prospective borrowers and try to qualify them for a home mortgage, typically one that the borrower could not afford.

5. It was further a part of the scheme that **EMORY** and other mortgage brokers would obtain the basic information from the borrower. Thereafter, in order to qualify the borrower for the mortgage, **EMORY** or others at their direction, would enter false information onto the loan application forms in an effort induce the lender to make the loan.

6. It was further a part of the scheme that **EMORY** and others would prepare or obtain false documents, which would also be submitted to the lender, to support the false information contained on the loan application, including but not limited to, false Verifications of Deposit ("VOD"), false Verifications of Rent, and false forms to verify income. By creating and submitting these false documents, **EMORY** and others enabled unqualified borrowers to obtain mortgages.

7. It was further a part of the scheme that **EMORY** and others, knowing that many of the borrowers were unable to afford a down payment, would falsely list that the borrower would provide cash at closing or had funds for the down payment on the loan application and on occasion would provide a false and fraudulent VOD purporting to come from the borrower's bank. By falsely and fraudulently making it appear that certain buyers would provide cash at closing or had made their own down payments, **EMORY** and others created the appearance of qualified and secured mortgages, thus making the mortgages more marketable and saleable to a mortgage investor.

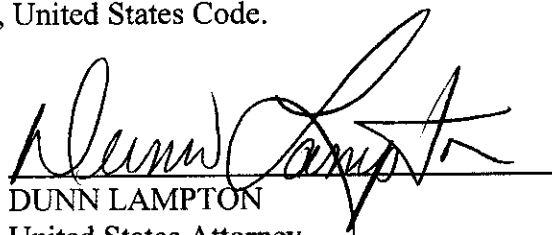
8. For the purpose of executing the scheme and in furtherance of the scheme, **EMORY**, aided and abetted by others known and unknown to the grand jury, did cause to be transmitted by means of wire or radio communications in interstate commerce, certain writings, signals or sounds.

These transmissions in interstate commerce consisted of approximately \$100,000.00 in funds wired into Trustmark National Bank Account No. XXX-XXX-3550, located in the Jackson Division of the Southern District of Mississippi, from places outside of Mississippi, on or about March 2, 2001, all in violation of Sections 1343 and 2, Title 18, United States Code.

COUNT 2

9. The allegations contained in paragraphs 1-8 of this information are hereby realleged and incorporated herein as constituting and describing the wire fraud scheme from which the unlawful proceeds were obtained as charged in Count 2.

10. On or about November 5, 2002, in Hinds County in the Jackson Division of the Southern District of Mississippi and elsewhere, the defendant, **JOHN WILLIAM EMORY, III**, aided and abetted by others known and unknown to the Grand Jury, did knowingly conduct and attempt to conduct a financial transaction affecting interstate commerce, involving Check No. 025282 issued from Trustmark National Bank Account No. XXX-XXX-5606, made payable to the defendant, which transaction involved the proceeds of specified unlawful activity, that is, wire fraud, with the intent to promote the carrying on of such specified unlawful activity, and that while conducting and attempting to conduct such financial transaction, knew that the property involved in the financial transaction, that is funds, represented the proceeds of some form of unlawful activity, all in violation of Section 1956(a)(1)(A)(i), Title 18, United States Code.


DUNN LAMPTON
United States Attorney