

AHM/CWS: Dec. 2006
GJ#43

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF ALABAMA

SOUTHERN DIVISION

UNITED STATES OF AMERICA)
)
v.)
)
MILDRED A. COSTON)

I N D I C T M E N T

The Grand Jury charges that:

INTRODUCTION

At all times material to this Indictment:

1. Defendant, MILDRED A. COSTON, filed a Voluntary Petition under Chapter 7 of Title 11, United States Code, entitled “In Re Mildred A. Coston, Debtor” bearing Bankruptcy Case No. 04-04884-TOM-7, on June 3, 2004 in the United States Bankruptcy Court for the Northern District of Alabama, Southern Division. Defendant executed the Petition under penalty of perjury.

2. The United States Bankruptcy Judge is the court official with decision-making power over federal bankruptcy cases. An impartial case Trustee is appointed in Chapter 7 cases to administer the case and liquidate the debtor’s nonexempt assets.

3. A Trustee was appointed to administer the defendant's federal bankruptcy case. During the administration of the defendant's case, the Bankruptcy Judge ordered the defendant to submit to an oral examination by the Trustee, pursuant to Rule 2004, Federal Rules of Bankruptcy Procedure. The defendant's testimony was under oath.

4. One of the purposes for the oral examination of the defendant was for the Trustee to ascertain the disposition of more than \$100,000.000, property theretofore in the possession of the defendant and claimed by the Trustee as part of the defendant's bankruptcy estate.

COUNT ONE: (18 U.S.C. § 152(2))

5. On or about August 15, 2005, within the Northern District of Alabama, the defendant,

MILDRED A. COSTON,

testified under oath during the examination, ordered by the Bankruptcy Judge and pursuant to Federal Bankruptcy Rule of Procedure 2004, in response to questions on behalf of the Trustee. At the time and place aforesaid, the defendant, MILDRED A. COSTON, while under oath, did knowingly declare as follows:

Q. She took out seventy-five thousand dollars?

A. Yes.

Q. I mean, did she – I mean, what did you say to her about that?

What did she do with it?

A. I don't know. She told me that it was stolen.

6. The defendant knowingly and fraudulently made a false oath in response to the Trustee's question concerning a material matter the Trustee was investigating in that, the defendant knew that the money had not been stolen.

All in violation of Title 18, United States Code, Section 152(2).

COUNT TWO: (18 U.S.C. § 152(2))

7. On or about September 27, 2005, within the Northern District of Alabama, the defendant,

MILDRED A. COSTON,

testified under oath during the examination, ordered by the Bankruptcy Judge and pursuant to Federal Bankruptcy Rule of Procedure 2004, in response to questions on behalf of the Trustee. At the time and place aforesaid, the defendant,

MILDRED A. COSTON, while under oath, did knowingly declare as follows:

Q. Tell me as best you can recall what happened after that with that \$157,000.00.

A. Okay. It was in this box which you can see is broken open. And she said she was robbed, it was stolen from her on the beach.

8. The defendant knowingly and fraudulently made a false oath in response to the Trustee's question concerning a material matter the Trustee was investigating in that, the defendant knew that the lock box had not been broken into and that the money had not been stolen.

All in violation of Title 18, United States Code, Section 152(2).

COUNT THREE: (18 U. S. C. § 1622)

9. The allegations of paragraphs 1 - 4 are incorporated by reference and realleged as though fully set forth herein.

10. On or about the 25th day of October, 2005, within the Northern District of Alabama, the defendant,

MILDRED A. COSTON,

did willfully suborn and procure one Jenafer Coston to commit perjury by testifying falsely under oath to a material matter in a case entitled In Re: MILDRED A. COSTON, No. 04-04884-TOM-7 in the United States Bankruptcy Court for the Northern District of Alabama.

11. It was material to the said case described in paragraph 10 to determine the disposition of more than \$100,000.00, property theretofore in the possession of the defendant and claimed by the Trustee as part of the defendant's bankruptcy estate.

12. The defendant, MILDRED A. COSTON, willfully suborned and

procured Jenafer Coston to testify falsely in the proceedings described in paragraph 10 that money was stolen from the trunk of the car belonging to Jenafer Coston while Jenafer Coston was at the beach.

13. The testimony of Jenafer Coston as aforesaid was false and perjurious as both Jenafer Coston and the defendant well knew.

All in violation of Title 18 United States Code, Section 1622.

A TRUE BILL

/s/

FOREMAN OF THE GRAND JURY

ALICE H. MARTIN
United States Attorney

/s/
CAROLYN W. STEVERSON
Assistant United States Attorney