

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION
LEXINGTON

Eastern District of Kentucky
FILED

MAY 04 2023

AT LEXINGTON
Robert R. Carr
CLERK U.S. DISTRICT COURT

UNITED STATES OF AMERICA

V.

INDICTMENT NO. 5:23-CR-49-DCR-MAS

AUSTIN MICHAEL GENAY

* * * * *

THE GRAND JURY CHARGES:

BACKGROUND ALLEGATIONS

1. At all relevant times, the defendant, **AUSTIN MICHAEL GENAY**, hereinafter referred to as “**GENAY**”, resided in or near Philadelphia, Pennsylvania.
2. At all relevant times, in late 2015 and early 2016, **GENAY** was affiliated with an online chat room which serviced both the Georgetown, Kentucky area, located in the Eastern District of Kentucky, and Philadelphia, Pennsylvania area.
3. At all relevant times, an individual known to the Grand Jury, hereinafter referred to as “**T**,” was an individual who resided in or near Georgetown, Kentucky, in the Eastern District of Kentucky. **T** was married, and **T** and **T**’s spouse were each active in the local community.
4. In or about late 2015, and continuing through in or about early 2016, **GENAY** engaged in an online sexual relationship with **T**.

5. Beginning in or about December 2015, and continuing until in or about July of 2019, **GENAY** habitually demanded money for his purported personal expenses from T in increments of approximately \$20.00 to \$5,000.00 through various means of electronic communication.

6. **GENAY** used various mechanisms designed to facilitate the electronic transfer of funds between users to demand funds from T including, but not limited to, Square Cash, Apple Cash, Google Wallet, and Western Union.

7. In or about 2017, T attempted to cease communications with **GENAY**.

8. Beginning in or about the year 2017, and continuing through in or about July 2019, the exact dates unknown, **GENAY** regularly threatened to expose messages and screenshots he had saved to document his prior online sexual relationship with T to a third party when T did not meet his monetary demands. In response, T frequently transferred funds to **GENAY** in an attempt to avoid potentially significant harm to his reputation, his familial relationships, and to his business interests.

9. At all relevant times, **GENAY** knowingly fabricated various needs and expenses to justify his demands from T for money, including legal fees, bail money, car repairs, schooling, rent, and fees to a tow company for continued use of his vehicle, among other claims.

10. In response to **GENAY's** threats, demands, and fabricated claims, T paid **GENAY** a total of approximately \$468,418.00 from in or about August 2015 to in or about July 2019.

COUNT 1
18 U.S.C. § 875(d)

11. Paragraphs 1 through 10 are realleged and incorporated by reference as if fully set forth herein.

12. Beginning on or about June 11, 2019 and continuing through on or about June 15, 2019, in Scott County, in the Eastern District of Kentucky,

AUSTIN MICHAEL GENAY,

with the intent to extort money or other thing of value from T, knowingly transmitted in interstate commerce from the State of Pennsylvania to the Commonwealth of Kentucky, a series of text messages via cellular telephone containing a threat to injure the reputation of T, all in violation of 18 U.S.C. § 875(d).

COUNT 2
18 U.S.C. § 875(d)

13. Beginning on or about June 20, 2019 and continuing through on or about June 22, 2019, in Scott County, in the Eastern District of Kentucky,

AUSTIN MICHAEL GENAY,

with the intent to extort money or other thing of value from T, knowingly transmitted in interstate commerce from the State of Pennsylvania to the Commonwealth of Kentucky, a series of text messages via cellular telephone containing a threat to injure the reputation of T, all in violation of 18 U.S.C. § 875(d).

COUNT 3
18 U.S.C. § 875(d)

14. On or about July 5, 2019, in Scott County, in the Eastern District of Kentucky,

AUSTIN MICHAEL GENAY,

with the intent to extort money or other thing of value from T, knowingly transmitted in interstate commerce from the State of Pennsylvania to the Commonwealth of Kentucky, a series of text messages via cellular telephone containing a threat to injure the reputation of T, all in violation of 18 U.S.C. § 875(d).

COUNTS 4 - 7
18 U.S.C. § 1343

15. Paragraphs 1 through 14 are realleged and incorporated by reference as if fully set forth herein.

16. On or about the dates set forth below, in Scott County, in the Eastern District of Kentucky and elsewhere,

AUSTIN MICHAEL GENAY,

having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises concerning material facts and matters, for the purpose of executing such scheme and artifice, did transmit and cause to be transmitted, by means of wire communication in interstate commerce, signs, signals, pictures and sounds, as follows:

COUNT	DATE	DESCRIPTION
4	6/26/2018	\$300.00 transfer from T via Square, Inc. to the Defendant with reference number: 4275690021357346 and note: "For Austin G. Release. Court fees!"

5	5/25/2019	\$150.00 transfer from T via Apple Pay to an account owned by the Defendant
6	5/28/2019	\$200.00 transfer from T via Apple Pay to an account owned by the Defendant
7	5/31/2019	\$60.00 transfer from T via Apple Pay to an account owned by the Defendant

Each in violation of 18 U.S.C. § 1343.

COUNT 8
18 U.S.C. § 2261A(2)(B)

17. Paragraphs 1 through 10 are realleged and incorporated by reference as if fully set forth herein.

18. From in or about June 2017, the exact date being unknown, and continuing through on or about July 2019, in the Eastern District of Pennsylvania, and elsewhere,

AUSTIN MICHAEL GENAY,

with the intent to harass and intimidate another person, that is, T, a resident of Kentucky, used electronic communications services and electronic communication systems of interstate commerce and other facilities of interstate and foreign commerce, to wit, iMessage, Facebook Messenger, internet websites, and electronic payment applications, to engage in a course of conduct that caused, attempted to cause, and would be reasonably expected to cause substantial emotional distress to T, in violation of 18 U.S.C. § 2261A(2)(B).

FORFEITURE ALLEGATIONS

18 U.S.C. § 981(a)(1)(C)

28 U.S.C. § 2461(c)

21 U.S.C. § 853(p)

19. By virtue of the commission of the offenses alleged in Counts 1 through 7 of this Indictment, the Defendant, **AUSTIN MICHAEL GENAY**, shall forfeit to the United States any property, real or personal, that constitutes or is derived from proceeds traceable to the commission of the offenses. Any and all interest that **AUSTIN MICHAEL GENAY** has in this property is vested in and forfeited to the United States pursuant to 18 U.S.C. § 981(a) (1) (C) and 28 U.S.C. § 2461(c).

20. The property to be forfeited includes, but is not limited to, the following:

MONEY JUDGMENT

A forfeiture money judgment in an amount representing the gross proceeds in aggregate obtained by the Defendant as a result of the violations alleged in this Indictment.


21. If any of the property described above, as a result of any act or omission of the Defendant, (A) cannot be located upon the exercise of due diligence; (B) has been transferred or sold to, or deposited with, a third party; (C) has been placed beyond the jurisdiction of the court; (D) has been substantially diminished in value; or (E) has been commingled with other property which cannot be divided without difficulty, the United States shall be entitled to forfeit substitute property pursuant to 21 U.S.C. § 853(p).

A TRUE BILL



FOREPERSON

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CARLTON S. SHIER, IV
UNITED STATES ATTORNEY

PENALTIES

- COUNTS 1-3:** Imprisonment for not more than 2 years, a fine of not more than the greater of \$250,000 or twice the gross financial gain or loss, and supervised release for not more than 1 year.
- COUNTS 4-7:** Imprisonment for not more than 20 years, a fine of not more than the greater of \$250,000 or twice the gross financial gain or loss, and supervised release for not more than 3 years.
- COUNT 8:** Imprisonment for not more than 5 years, a fine of not more than \$250,000, and supervised release for not more than 3 years.
- PLUS:** Restitution, as applicable.
- PLUS:** Forfeiture, as applicable.
- PLUS:** Mandatory special assessment of \$100 per count.