

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.

12-20630 CR-LENARD

18 U.S.C. § 1349
18 U.S.C. § 1341
18 U.S.C. § 1343
18 U.S.C. § 1956(h)
18 U.S.C. § 1957
18 U.S.C. § 2
18 U.S.C. § 981
18 U.S.C. § 982

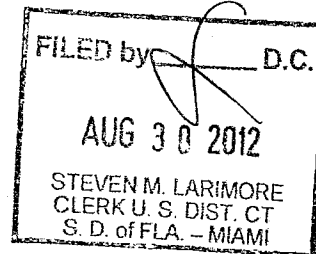
MAGISTRATE JUDGE
O'SULLIVAN

UNITED STATES OF AMERICA,

vs.

JAMES C. HOWARD, III,
PATRICIA S. SAA,
LOUIS N. GALLO, III,
MICHAEL R. CASEY, and
RITA E. BALBIRER,

Defendants.



INDICTMENT

The Grand Jury charges that:

GENERAL ALLEGATIONS

At various times relevant to this Indictment:

Companies

1. Commodities Online, LLC ("COL") was a Florida limited liability company formed in or around January 2010. COL offered and sold investment opportunities to individuals in Miami-Dade and Broward Counties in the Southern District of Florida, and throughout the United States.

2. American Financial Solutions, LLC (“AFS”) was a Florida limited liability company formed in or around April of 2007. AFS held multiple bank accounts which were used to receive and transfer COL funds.

3. Sutton Capital, LLC (“Sutton”) was a Florida limited liability company formed in or around February of 2004. Sutton held multiple bank accounts which were used to receive and transfer COL funds.

4. Minjo Corp. (“Minjo”) was a Florida corporation formed in or around September of 2002. Minjo held multiple bank accounts which were used to receive and transfer COL funds.

Defendants

5. Defendant **JAMES C. HOWARD, III** was the founder of COL. **HOWARD** was the President of COL and had signatory authority on COL’s bank accounts from in or around January 2010 to in or around May 2010. Thereafter, **HOWARD** continued to control COL and its bank accounts until in or around April 2011. Throughout 2010 and 2011, **HOWARD** was also the managing member of Sutton and had signatory authority on Sutton bank accounts.

6. Defendant **PATRICIA S. SAA** was the co-founder of COL. **SAA** was the Vice President of COL and had signatory authority on COL’s bank accounts from in or around January 2010 to in or around May 2010.

7. **LOUIS N. GALLO, III** was COL’s Director of Sales from in or around January 2010 to in or around May 2010. Thereafter, **GALLO** was COL’s Vice President until in or around April 2011. Throughout 2010 and 2011, **GALLO** was also the managing member of AFS and had signatory authority on AFS bank accounts.

8. **MICHAEL R. CASEY** was a licensed attorney admitted to the Florida Bar. **CASEY** was COL’s outside counsel from in or around February 2010 to in or around April 2010.

From in or around May 2010 to in or around April 2011, CASEY was COL's President and in-house counsel and had signatory authority on COL's bank accounts.

9. **RITA E. BALBIRER** was the President of Minjo and had signatory authority on Minjo bank accounts. **BALBIRER** was also the registered agent of AFS and had signatory authority on AFS bank accounts. **BALBIRER** used the Minjo and AFS accounts to move funds received from COL for the benefit of defendants **JAMES C. HOWARD, III, PATRICIA S. SAA, LOUIS N. GALLO, III**, and others.

COUNT 1
Conspiracy to Commit Mail and Wire Fraud
(18 U.S.C. § 1349)

1. Paragraphs 1 through 8 of the General Allegations section of this Indictment are re-alleged and incorporated by reference as though fully set forth herein.

2. From in or around January 2010, through in or around April 2011, in Miami-Dade and Broward Counties, in the Southern District of Florida, and elsewhere, the defendants,

JAMES C. HOWARD, III,
PATRICIA S. SAA,
LOUIS N. GALLO, III,
and
MICHAEL R. CASEY,

did willfully, that is, with the intent to further the objects of the conspiracy, and knowingly combine, conspire, confederate and agree with each other, and others known and unknown to the Grand Jury, to commit certain offenses against the United States, that is:

(a) to knowingly and with intent to defraud devise and 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 they were false and fraudulent when made, and for the purpose of executing such scheme and artifice, to knowingly cause to be delivered certain

mail matter by the United States Postal Service and any private and commercial interstate carrier, according to the directions thereon, in violation of Title 18, United States Code, Section 1341;

(b) to knowingly and with intent to defraud devise and 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 they were false and fraudulent when made, and for the purpose of executing such scheme and artifice, to knowingly transmit and cause to be transmitted certain wire communications in interstate and foreign commerce, in violation of Title 18, United States Code, Section 1343.

PURPOSE OF THE CONSPIRACY

3. The purpose of the conspiracy was for the defendants and their co-conspirators to unlawfully enrich themselves by soliciting monies from investors by making materially false and fraudulent representations, and by concealing and omitting material facts concerning, among other things, the control of COL, the criminal backgrounds of those controlling COL, the profitability of the commodities contracts sold by COL, and the misappropriation of monies from investors for the benefit of the defendants.

MANNER AND MEANS OF THE CONSPIRACY

The manner and means by which the defendants and their co-conspirators sought to accomplish the objects and purpose of the conspiracy included, among others, the following:

Formation of COL

4. In or around January 2010, **JAMES C. HOWARD, III** and **PATRICIA S. SAA** caused COL to be formed as a Florida limited liability company.

5. **JAMES C. HOWARD, III**, **PATRICIA S. SAA** and other co-conspirators began COL by making group presentations in Florida and throughout the United States to solicit funds for

COL from investors in another company, SSH2 Acquisitions, Inc. ("SSH2"). SSH2 was controlled in part by **JAMES C. HOWARD, III** and **PATRICIA S. SAA**. SSH2 had raised funds from investors for commodities contracts.

Control of COL

6. Defendant **JAMES C. HOWARD, III** was the principal person exercising authority over COL and COL funds from in or around January of 2010 through in or around April 2011. **PATRICIA S. SAA** shared authority with **HOWARD** over COL and COL funds from in or around January 2010 through March of 2010. Thereafter, from as early as April 2010 through in or around April 2011, **LOUIS N. GALLO, III** shared authority with **HOWARD** over COL and COL funds.

7. In or around May of 2010, COL announced that **MICHAEL R. CASEY** had become the Chief Executive Officer, President and General Counsel of COL. **CASEY's** resume, with **CASEY's** experience as a securities attorney, was posted on the COL website.

8. From in or around May 2010 to in or around March 2011, **JAMES C. HOWARD, III**, **LOUIS N. GALLO, III**, **MICHAEL R. CASEY** and other co-conspirators falsely and fraudulently represented to investors that **HOWARD** was no longer involved in managing COL.

9. From in or around May 2010 to in or around March 2011, **JAMES C. HOWARD, III**, **LOUIS N. GALLO, III**, **MICHAEL R. CASEY** and other co-conspirators sought to make COL appear legitimate and to induce individuals to invest in COL in part by falsely stating that **CASEY** was in charge of COL.

Marketing

10. **JAMES C. HOWARD, III**, **PATRICIA S. SAA**, **LOUIS N. GALLO, III**, **MICHAEL R. CASEY** and other co-conspirators solicited investors in various ways, including

group presentations, telephone calls, referrals, and a website with the address www.CommoditiesOnline.com.

11. **JAMES C. HOWARD, III, PATRICIA S. SAA, LOUIS N. GALLO, III, MICHAEL R. CASEY** and other co-conspirators provided investors marketing materials in person, through the mails, and via email. These materials included written documents as well as videos.

Funds Obtained From Investors

12. From in or around January 2010 through in or around April 2011, **JAMES C. HOWARD, III, PATRICIA S. SAA, LOUIS N. GALLO, III, MICHAEL R. CASEY** and their co-conspirators obtained over \$20 million from over 700 investors for: (1) ownership units in COL; (2) a subscription to have access to the investment opportunities offered by COL; and (3) participation in specific "pre-sold commodities" contracts.

13. **JAMES C. HOWARD, III, PATRICIA S. SAA, LOUIS N. GALLO, III, MICHAEL R. CASEY** and other co-conspirators obtained investor funds in checks hand-delivered at meetings, as well as sent via U.S. mail and private and commercial interstate carriers. **HOWARD, SAA, GALLO** and **CASEY** and other co-conspirators also obtained investor funds via interstate wire transfers of funds.

Ownership Units

14. **JAMES C. HOWARD, III, PATRICIA S. SAA, LOUIS N. GALLO, III, MICHAEL R. CASEY** and other co-conspirators raised over \$2 million by selling ownership units in COL for \$25,000 each. They falsely and fraudulently represented that the monies from unit sales would be used as working capital for COL.

Subscriptions

15. In addition to selling ownership units, **JAMES C. HOWARD, III, PATRICIA S. SAA, LOUIS N. GALLO, III, MICHAEL R. CASEY** and other co-conspirators sold six month subscriptions for \$1,000 to \$2,000. The subscriptions were required for investors to be able to view and invest in the opportunities offered by COL.

Commodities Contracts

16. **JAMES C. HOWARD, III, PATRICIA S. SAA, LOUIS N. GALLO, III, MICHAEL R. CASEY** and other co-conspirators claimed that COL had contracts to buy and sell commodities. To induce individuals to invest, **HOWARD, SAA, GALLO, CASEY** and other co-conspirators falsely and fraudulently represented that the contracts were profitable, and offered the opportunity to supposedly share in profits by funding specific contracts.

17. **JAMES C. HOWARD, III, PATRICIA S. SAA, LOUIS N. GALLO, III, MICHAEL R. CASEY** and other co-conspirators caused specific commodities contracts to be posted on the COL website from time to time, and sought investor funding for those purported contracts. **HOWARD, SAA, GALLO, CASEY** and other co-conspirators falsely and fraudulently represented that these contracts had already been negotiated. They falsely and fraudulently represented that COL already knew by when each contract would be completed and how much profit would be paid to investors. Therefore, each contract for which COL sought funding was posted on the COL website along with the expected percentage return on investment, and the time frame within which investors would be paid.

18. The types of commodities in the supposed contracts were different types of fish, seafood, iron ore, copper and sugar.

19. According to the COL website and marketing materials, the contracts previously completed by COL had returns ranging from approximately 3% to 33% and time frames from funding to pay out ranging from approximately 15 to 105 days.

20. **JAMES C. HOWARD, III, LOUIS N. GALLO, III, MICHAEL R. CASEY** and their co-conspirators also offered a smaller number of investors contracts which were funded by a single investor or by just a few investors.

Misappropriation of Investor Funds

21. From in or around January 2010 through at least in or around April 2011, **JAMES C. HOWARD, III, PATRICIA S. SAA** and **LOUIS N. GALLO, III** misappropriated millions of dollars from COL investors.

22. **JAMES C. HOWARD, III, PATRICIA S. SAA** and **LOUIS N. GALLO, III** used the bank accounts of multiple companies and individuals to move COL funds for their benefit. The companies used to move COL funds included but were not limited to AFS, Sutton, and Minjo.

23. The misappropriation of COL funds included but was not limited to the transfers of \$1.3 million and \$150,000, in or around February of 2010, by **JAMES C. HOWARD, III** and **PATRICIA S. SAA**.

Misrepresentations

24. To induce individuals to invest in COL, the defendants and their co-conspirators made, and caused others to make, numerous materially false and fraudulent statements to investors, and concealed and omitted to state, and caused others to conceal and omit to state, material facts to investors, including, among others, the following:

Materially False and Misleading Statements

- a. That money invested in COL ownership units would be used for working capital for COL;
- b. That money invested in specific contracts would be used to fund those contracts;
- c. That specific contracts for specific commodities were in place at the times investors funded them and that such contracts would result in profits within a stated time frame;
- d. That specific contracts were on track or that they were completed;
- e. Postings of purported profits on COL's individual customer accounts;
- f. That COL had a previous track record of contracts that resulted in profit returns ranging from 3% to 33% with time frames ranging from 15 to 105 days;
- g. That COL was profitable;
- h. That **MICHAEL R. CASEY**, an attorney with securities experience, was the top person in charge of COL after May of 2010;
- i. That **JAMES C. HOWARD, III** was not involved in the management of COL after May of 2010;

Concealment and Omission of Material Facts

- j. That contracts had not actually been negotiated when they were posted on the COL website for investor funding;
- k. That COL did not have profitable contracts;
- l. That COL had financial losses;

m. That payments and returns on investment made to earlier investors were funded with monies from newer COL investors;

n. That **JAMES C. HOWARD, III**, **PATRICIA S. SAA** and **LOUIS N. GALLO, III** misappropriated investors' funds for their own personal use and benefit;

o. That **JAMES C. HOWARD, III** was the top person with authority over COL and controlled the funds received from investors the entire time COL was operating;

p. That on or about June 12, 1997, **JAMES C. HOWARD, III** was convicted in *United States v. James Clark Howard, III aka Saleen*, Case No. 96-CR-00106 (Northern District of Florida) of conspiracy to possess with intent to distribute cocaine and possession of a firearm during and in relation to a drug trafficking offense, in violation of Title 21, United States Code, Section 841(a)(1), and Title 18, United States Code, Section 924(c)(1); and

q. That on or about July 8, 2008, **LOUIS N. GALLO, III** was convicted in two cases, *United States v. Louis Gallo*, Case Nos. 05-CR-0091 and 07-CR-703 (District of New Jersey) of distribution and possession with intent to distribute cocaine, bank fraud, and transmitting a threat to injure, in violation of Title 18, United States Code, Sections 1344, and 875(c), and Title 21, United States Code, Section 841(a)(1) and (b)(1)(B), and that **GALLO** was serving a term of supervised release for these offenses while COL was operating.

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

COUNTS 2-6
Mail Fraud
(18 U.S.C. § 1341)

1. Paragraphs 1 through 8 of the General Allegations section of this Indictment are re-alleged and incorporated by reference as though fully set forth herein.

2. From in or around January 2010, to in or around April 2011, in Miami-Dade and Broward Counties, in the Southern District of Florida, and elsewhere, the defendants,

**JAMES C. HOWARD, III,
PATRICIA S. SAA,
LOUIS N. GALLO, III,
and
MICHAEL R. CASEY,**

did knowingly and with intent to defraud, devise and 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 they were false and fraudulent when made, and for the purpose of executing such scheme and artifice and attempting to do so, did knowingly cause to be delivered certain mail matter by the United States Postal Service and by private and commercial interstate carrier, according to the directions thereon.

PURPOSE OF THE SCHEME AND ARTIFICE

3. The purpose of the scheme and artifice was for the defendants and their accomplices to unlawfully enrich themselves by soliciting monies from investors by making materially false and fraudulent representations, and by concealing and omitting material facts concerning, among other things, the control of COL, the criminal backgrounds of those controlling COL, the profitability of commodities contracts sold by COL, and the misappropriation of monies from investors for the benefit of the defendants.

SCHEME AND ARTIFICE

4. Paragraphs 4 through 24 of the Manner and Means section of Count 1 of this Indictment are re-alleged and incorporated by reference herein as a description of the scheme and artifice.

USE OF THE MAILS

5. On or about the dates specified as to each count below, in Miami-Dade and Broward Counties, in the Southern District of Florida, and elsewhere, the defendants, as specified below, for the purpose of executing the aforesaid scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, and attempting to do so, did knowingly cause to be delivered by the United States Postal Service and by private and commercial interstate carriers, according to the directions thereon, the items identified below in each count:

COUNT	APPROXIMATE DATE	DEFENDANTS	DESCRIPTION OF MAILING
2	March 11, 2010	JAMES C. HOWARD, III, PATRICIA S. SAA, and LOUIS N. GALLO, III	Certificate of two units of membership interests sent via U.S. Mail from COL in Naples, Florida to investors JRB and LGB in Rochester, New York
3	November 8, 2010	JAMES C. HOWARD, III, LOUIS N. GALLO, III, and MICHAEL R. CASEY	Check for \$5,000 sent via FedEx from investor KPF in Ft. Lauderdale, Florida to COL in Pompano Beach, Florida
4	January 14, 2011	JAMES C. HOWARD, III, LOUIS N. GALLO, III, and MICHAEL R. CASEY	Two checks for \$8,000 each sent via FedEx from investors FC and DS in Miami, Florida to COL in Pompano Beach, Florida
5	February 3, 2011	JAMES C. HOWARD, III, LOUIS N. GALLO, III, and MICHAEL R. CASEY	Check for \$10,000 sent via FedEx from investors GM and TC in Sunrise, Florida to COL in Pompano Beach, Florida
6	February 15, 2011	JAMES C. HOWARD, III, LOUIS N. GALLO, III, and MICHAEL R. CASEY	Check for \$7,050 sent via FedEx from investors GM and TC in Sunrise, Florida to COL in Pompano Beach, Florida

In violation of Title 18, United States Code, Sections 1341 and 2.

COUNTS 7-12
Wire Fraud
(18 U.S.C. § 1343)

1. Paragraphs 1 through 8 of the General Allegations section of this Indictment are alleged and incorporated by reference as though fully set forth herein.

2. From in or around January 2010, to in or around April 2011, in Miami-Dade and Broward Counties, in the Southern District of Florida, and elsewhere, the defendants,

JAMES C. HOWARD, III,
PATRICIA S. SAA,
LOUIS N. GALLO, III,
and
MICHAEL R. CASEY,

did knowingly and with intent to defraud, devise and 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 they were false and fraudulent when made, and for the purpose of executing such scheme and artifice, did knowingly cause to be transmitted, by means of wire communication, in interstate and foreign commerce, certain writings, signs, signals, pictures, and sounds.

PURPOSE OF THE SCHEME AND ARTIFICE

3. The purpose of the scheme and artifice was for the defendants and their accomplices to unlawfully enrich themselves by soliciting monies from investors by making materially false and fraudulent representations, and by concealing and omitting material facts concerning, among other things, the control of COL, the criminal backgrounds of those controlling COL, the profitability of the commodities contracts sold by COL, and the misappropriation of monies from investors for the benefit of the defendants.

SCHEME AND ARTIFICE

4. Paragraphs 4 through 24 of the Manner and Means section of Count 1 of this Indictment are re-alleged and incorporated by reference herein as a description of the scheme and artifice.

USE OF THE WIRES

5. On or about the dates specified as to each count below, in Miami-Dade and Broward Counties, in the Southern District of Florida, and elsewhere, the defendants, as specified below, for the purpose of executing 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, by means of wire communication in interstate and foreign commerce, certain writings, signs, signals, pictures and sounds, as more particularly described below:

COUNT	APPROXIMATE DATE	DEFENDANTS	DESCRIPTION OF WIRE COMMUNICATION
7	February 8, 2010	JAMES C. HOWARD, III, PATRICIA S. SAA, and LOUIS N. GALLO, III	Interstate wire transfer of \$50,000 on behalf of investor JRB from ESL Federal Credit Union to COL's Wachovia Bank account ending in 8191 in Fort Lauderdale, Florida
8	February 9, 2010	JAMES C. HOWARD, III, PATRICIA S. SAA, and LOUIS N. GALLO, III	Interstate wire transfer of \$25,000 on behalf of investor JGP's company from Bank of America to COL's Wachovia Bank account ending in 8227 in Ft. Lauderdale, Florida
9	September 14, 2010	JAMES C. HOWARD, III, LOUIS N. GALLO, III, and MICHAEL R. CASEY	Interstate wire transfer of \$100,000 on behalf of investor JMW from First National Bank of Omaha to COL's Bank of America account ending in 3010 in Ft. Lauderdale, Florida

COUNT	APPROXIMATE DATE	DEFENDANTS	DESCRIPTION OF WIRE COMMUNICATION
10	February 9, 2011	JAMES C. HOWARD, III, LOUIS N. GALLO, III, and MICHAEL R. CASEY	Interstate wire transfer of \$210,025 on behalf of investor JMW from First National Bank of Omaha to COL's Bank of America account ending in 3010 in Ft. Lauderdale, Florida
11	February 22, 2011	JAMES C. HOWARD, III, LOUIS N. GALLO, III, and MICHAEL R. CASEY	Interstate wire transfer of \$50,025 on behalf of investor RMA from Citibank to COL's Bank of America account ending in 3010 in Ft. Lauderdale, Florida
12	March 14, 2011	JAMES C. HOWARD, III, LOUIS N. GALLO, III, and MICHAEL R. CASEY	Interstate wire transfer of \$110,025 on behalf of investor JRG from the Independent Bankers Bank to COL's Bank of America account ending in 3010 in Ft. Lauderdale, Florida

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

COUNT 13
Conspiracy to Commit Money Laundering
(18 U.S.C. § 1956(h))

1. From in or around January 2010, through in or around July, 2011, in Miami-Dade and Broward Counties, in the Southern District of Florida, and elsewhere, the defendants,

**JAMES C. HOWARD, III,
PATRICIA S. SAA,
LOUIS N. GALLO, III,
and RITA E. BALBIRER,**

did willfully, that is, with the intent to further the unlawful purpose, and knowingly combine, conspire, confederate, and agree with each other and with others known and unknown to the Grand Jury, to commit an offense under Title 18, United States Code, Section 1957, namely, to knowingly engage in a monetary transaction affecting interstate and foreign commerce, by, through, and to a financial

institution, in criminally derived property of a value of greater than \$10,000, such property having been derived from a specified unlawful activity, in violation of Title 18, United States Code, Section 1957.

2. It is further alleged that the specified unlawful activities are conspiracy to commit mail and wire fraud, mail fraud, and wire fraud, in violation of Title 18, United States Code, Sections 1349, 1341 and 1343.

All in violation of Title 18, United States Code, Section 1956(h).

COUNTS 14-22
Money Laundering
(18 U.S.C. § 1957)

1. On or about the dates specified as to each count below, in Miami-Dade and Broward Counties, in the Southern District of Florida, and elsewhere, the defendants, as identified in each count below, did knowingly engage and attempt to engage in a monetary transaction affecting interstate and foreign commerce, by, through, and to a financial institution, in criminally derived property of a value greater than \$10,000.00, and such property having been derived from specified unlawful activity, as more specifically described below:

COUNT	APPROXIMATE DATE	DEFENDANTS	MONETARY TRANSACTION
14	February 9, 2010	JAMES C. HOWARD, III, and PATRICIA S. SAA	Wire transfer of \$1,300,000 from COL's Wachovia Bank account ending in 8227 to Sutton's Wachovia Bank account ending in 0830 in Ft. Lauderdale, Florida
15	March 5, 2010	JAMES C. HOWARD, III, PATRICIA S. SAA, and LOUIS N. GALLO, III	Wire transfer of \$65,000 from COL's Wachovia Bank account ending in 8227 to AFS' Iberia Bank account ending in 1881 in Pompano Beach, Florida

COUNT	APPROXIMATE DATE	DEFENDANTS	MONETARY TRANSACTION
16	March 5, 2010	JAMES C. HOWARD, III PATRICIA S. SAA, LOUIS N. GALLO, III, and RITA E. BALBIRER	Withdrawal of \$24,000 from AFS' Iberia Bank account ending in 1881 in Pompano Beach, Florida to purchase Official Check payable to A-Alternative Release Bail Bond
17	November 12, 2010	LOUIS N. GALLO, III, and RITA E. BALBIRER	Check # 1036 for \$25,000 payable to "Louis Gallo" from Minjo Wachovia Bank account ending in 1062 in Pompano Beach, Florida
18	November 23, 2010	LOUIS N. GALLO, III, and RITA E. BALBIRER	Check # 1037 for \$50,000 payable to Gallo Family Investments from Minjo Wachovia Bank account ending in 1062 in Pompano Beach, Florida
19	March 10, 2011	LOUIS N. GALLO, III, and RITA E. BALBIRER	Check # 1001 for \$50,000 payable to AFS from Minjo Iberia Bank account ending in 5420 in Pompano Beach, Florida
20	March 11, 2011	LOUIS N. GALLO, III, and RITA E. BALBIRER	Check # 1002 for \$50,000 payable to AFS from Minjo Iberia Bank account ending in 5420 in Pompano Beach, Florida
21	March 23, 2011	LOUIS N. GALLO, III, and RITA E. BALBIRER	Check # 1006 for \$84,600 payable to AFS from Minjo Iberia Bank account ending in 5420 in Pompano Beach, Florida
22	April 4, 2011	LOUIS N. GALLO, III	Unnumbered check for \$100,000 payable to "Lou Gallo" from AFS Iberia Bank account ending in 1915 in Pompano Beach, Florida

2. It is further alleged that the specified unlawful activities are conspiracy to commit mail and wire fraud, mail fraud, and wire fraud, in violation of Title 18, United States Code, Sections 1349, 1341 and 1343.

In violation of Title 18, United States Code, Sections 1957 and 2.

FORFEITURE
(18 U.S.C. §§ 981 and 982)

1. The allegations contained in this Indictment are re-alleged and incorporated by reference as though fully set forth herein for the purpose of alleging forfeiture to the United States of America of certain property in which the defendants, **JAMES C. HOWARD, III, PATRICIA S. SAA, LOUIS N. GALLO, III, MICHAEL R. CASEY,** and **RITA E. BALBIRER,** have an interest.

2. Upon conviction of any violation of Title 18, United States Code, Section 1341, 1343, or 1349, as alleged in Counts 1 through 12 of this Indictment, the Defendants, **JAMES C. HOWARD, III, PATRICIA S. SAA, LOUIS N. GALLO, III,** and **MICHAEL R. CASEY,** shall forfeit to the United States, any property, real or personal, which constitutes or is derived from proceeds traceable to such violation, pursuant to Title 18, United States Code, Section 981(a)(1)(C).

3. Upon conviction of any violation of Title 18, United States Code Section, 1956 or 1957, as alleged in Counts 13 through 22 of this Indictment, the Defendants, **JAMES C. HOWARD, III, PATRICIA S. SAA, LOUIS N. GALLO, III,** and **RITA E. BALBIRER,** shall forfeit to the United States, any property, real or personal, involved in such offense, or any property traceable to such property, pursuant to Title 18, United States Code, Section 982(a)(1).

4. The property subject to forfeiture includes, but is not limited to:

- a) the sum of approximately \$21,631,466 in United States currency, which sum represents proceeds of the charged offenses; and
- b) a 2008 Mercedes-Benz S63, VIN: WDDNG77X18A190402.

5. If any of the property described above, as a result of any act or omission of any of the Defendants:

UNITED STATES OF AMERICA

CASE NO. _____

vs.

CERTIFICATE OF TRIAL ATTORNEY*

JAMES C. HOWARD, III, et al.,

Defendants.

Superseding Case Information:

Court Division: (Select One)

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

X Miami _____ Key West
_____ FTL _____ WPB _____ FTP

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 21 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	_____	Petty _____
II	6 to 10 days	_____	Minor _____
III	11 to 20 days	_____	Misdem. _____
IV	21 to 60 days	<u>X</u>	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. _____

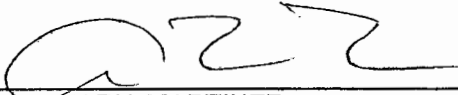
(Attach copy of dispositive order)
Has a complaint been filed in this matter? (Yes or No) No

If yes:
Magistrate Case No. _____
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


ANA MARIA MARTINEZ
ASSISTANT UNITED STATES ATTORNEY
FLORIDA BAR NO. 0735167

*Penalty Sheet(s) attached

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: James C. Howard, III Case No: _____

Count #: 1

18 U.S.C. § 1349

Conspiracy to Commit Mail and Wire Fraud

*Max Penalty: 20 years' imprisonment

Counts #: 2 - 6

18 U.S.C. § 1341

Mail Fraud

*Max Penalty: 20 years' imprisonment as to each count

Counts #: 7 - 12

18 U.S.C. § 1343

Wire Fraud

*Max Penalty: 20 years' imprisonment as to each count

Count #: 13

18 U.S.C. § 1956(h)

Conspiracy to Commit Money Laundering

*Max Penalty: 10 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.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: James C. Howard, III **Case No:** _____

Counts #: 14 - 16

_____ 18 U.S.C. § 1957 _____

_____ Money Laundering _____

***Max Penalty:** 10 years' imprisonment as to each count

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

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: Patricia S. Saa Case No: _____

Count #: 1

18 U.S.C. § 1349

Conspiracy to Commit Mail and Wire Fraud

*Max Penalty: 20 years' imprisonment

Count #: 2

18 U.S.C. § 1341

Mail Fraud

*Max Penalty: 20 years' imprisonment

Counts #: 7 - 8

18 U.S.C. § 1343

Wire Fraud

*Max Penalty: 20 years' imprisonment as to each count

Count #: 13

18 U.S.C. § 1956(h)

Conspiracy to Commit Money Laundering

*Max Penalty: 10 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.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: Patricia S. Saa Case No: _____

Counts #: 14 - 16

18 U.S.C. § 1957

Money Laundering

*Max Penalty: 10 years' imprisonment as to each count

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

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: Louis N. Gallo, III Case No: _____

Count #: 1

18 U.S.C. § 1349

Conspiracy to Commit Mail and Wire Fraud

*Max Penalty: 20 years' imprisonment

Counts #: 2 - 6

18 U.S.C. § 1341

Mail Fraud

*Max Penalty: 20 years' imprisonment as to each count

Counts #: 7 - 12

18 U.S.C. § 1343

Wire Fraud

*Max Penalty: 20 years' imprisonment as to each count

Count #: 13

18 U.S.C. § 1956(h)

Conspiracy to Commit Money Laundering

*Max Penalty: 10 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.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: Louis N. Gallo, III **Case No:** _____

Counts #: 15 - 22

18 U.S.C. § 1957

Money Laundering

***Max Penalty:** 10 years' imprisonment as to each count

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

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: Michael R. Casey Case No: _____

Count #: 1

18 U.S.C. § 1349

Conspiracy to Commit Mail and Wire Fraud

*Max Penalty: 20 years' imprisonment

Counts #: 3 - 6

18 U.S.C. § 1341

Mail Fraud

*Max Penalty: 20 years' imprisonment as to each count

Counts #: 9 - 12

18 U.S.C. § 1343

Wire Fraud

*Max Penalty: 20 years' imprisonment as to each count

Count #:

*Max Penalty:

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

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: Rita E. Balbirer Case No: _____

Count #: 13

18 U.S.C. § 1956(h)

Conspiracy to Commit Money Laundering

*Max Penalty: 10 years' imprisonment

Counts #: 16 - 21

18 U.S.C. § 1957

Money Laundering

*Max Penalty: 10 years' imprisonment as to each count

Count #:

*Max Penalty: _____

Count #:

*Max Penalty: _____

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