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UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

SEAN N. HEALY,

Defendant.

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CRIMINAL NO. 09-319


(Munley, J.)

I N D I C T M E N T

COUNTS ONE THROUGH TWENTY

(WIRE FRAUD)

FILED
HARRISBURG, PA
OCT 9 - 2009

MARY E. D'ANDREA
Per _____ Deputy Clerk 

THE GRAND JURY CHARGES:

I. THE DEFENDANT

1. At times relevant to this Indictment, the defendant, Sean N. Healy ("Healy"), resided in New York and Florida. Between approximately 1994 and 2001, Healy lived in New York and was employed by various brokerage firms as a licensed stock broker. In approximately 2001, Healy moved from New York to Florida, where he claimed to engage in various investment-related activities, including day-trading stocks and commodities from his home. In approximately March 2004, Healy married his current wife, ("S.R.H.").

II. THE SCHEME TO DEFRAUD

2. From on or about 2003, the exact date being unknown to the grand jury, through on or about May 5, 2009, Healy executed, and attempted to execute, a scheme and artifice to defraud numerous individuals throughout the United States by soliciting and obtaining millions of dollars under false pretenses, by failing to invest the fraudulently obtained funds as promised, by failing to purchase and/or sell and/or transfer stock and commodities as promised, and by misappropriating and converting the fraudulently obtained funds to his own use without the knowledge or authorization of the individuals who provided the funds.

3. To execute the scheme, Healy represented himself to potential investors as a very successful trader of stocks and commodities who retired to Florida after making millions of dollars on Wall Street. According to Healy, he retired after selling his investment firm in New York City for \$30 million to \$40 million, but was unhappy making money by himself day-trading stocks and commodities. Healy, therefore, offered friends, acquaintances, and former clients the opportunity to join with him as a partner in his investing activities, which he represented was extremely profitable.

4. Healy represented to some investors that he owned or had access to numerous shares of various stocks that were valuable. Some of these stocks were what he called "restricted" shares of "Ruth Chris" that were not generally available to the public. Other times he called them "warrants" or "options." Healy offered to sell these shares of stock to the investors at a huge discount and claimed that they would greatly appreciate in value in several months when some event would supposedly happen, causing them to become "unrestricted" or more valuable than they were presently.

5. Healy also represented to some investors that he was extremely successful day-trading stocks and commodities, including gold, silver, and oil futures contracts, from his home computer. Sometimes Healy claimed that he participated in investment partnerships he named "Pride Rock" or "Innercircle Capital." On other occasions, Healy claimed that he partnered with other investors he named "Matt," "Andy," "Phil," "Rich," and "Mike." According to Healy, he was investing his own money in these partnerships, and the investors would share the enormous wealth Healy and his partners generated from their trading expertise.

6. In truth and in fact, as Healy well knew, these representations were false in that Healy didn't retire to Florida after selling his investment firm for \$30 million to \$40 million. The firm Healy worked at in New York, Guru Investments, closed in 2001 after law enforcement authorities commenced an investigation into the firm's trading activities. Moreover, Healy's federal income tax returns reported total income of \$22,604 in 2001 (with a \$5,000 loss for his sale of Guru stock), \$54,774 in 2002, and negative income for 2004, 2005, 2006, and 2007, with net losses for his stock trading activity during those years. In reality, Healy's main source of income was defrauding investors. Healy either never owned the shares of stock he purported to sell to the investors, or the stock, if owned, had little or no value. In either event, Healy rarely transferred any stock certificates to any investor upon receipt of their money. Furthermore, Healy did not use the investors' money to day-trade stocks and commodities from his home computer and/or did not use the investors' funds to participate in investment partnerships, nor did he match the investors' money with his own money as promised. In reality, Healy simply used the investors' funds to live a lavish lifestyle, purchasing millions of dollars of luxury items such as a \$2.4 million mansion furnished with over \$2 million in

improvements, \$1.5 million in men's and women's jewelry, numerous exotic vehicles and performance sports cars, including a Bentley, Ferraris, Lamborghinis, and Porsches worth over \$2.3 million, and employing a team of bodyguards, drivers, nannies, and maids to serve him and his family on a daily basis.

7. In order to execute the scheme, obtain additional funds, and conceal the scheme's existence, Healy made numerous false statements to the investors after he obtained their money and created fraudulent documents to create the illusion that he was investing the funds and generating significant profits. For example, Healy told one investor "How's it feel to be a millionaire?" in connection with the profits Healy supposedly realized from his day-trading activities. To support these types of statements, Healy sometimes created phony account statements, eMAILs, and telephone numbers to make it appear that the investments were legitimate. For the most part, however, Healy concealed the scheme by providing very little detail or documentation to the investors regarding what investments he made, what brokerage accounts he used, and who the other participants were in his investment partnerships. No conventional forms of documentation were provided to the investors, such as trade confirmations, brokerage account

statements, and stock certificates; rather Healy usually provided verbal assurances, eMAILs, and handwritten receipts to the investors who relied on Healy's honesty to use their money as promised.

8. In order to execute the scheme, obtain additional funds, and conceal the scheme's existence, Healy made numerous false statements to the investors who attempted to obtain their phantom shares of stock or phantom profits. Healy delayed transferring any shares of stock or making any payments to the investors using a variety of excuses that usually related to another person's supposed mistake or some unfortunate happenstance. For example, Healy claimed to one investor that his stock couldn't be transferred because someone's mother got cancer. Another investor was told that "regulators" had put "restrictions" on their trading accounts because the trades were not funded on time. Healy would then create phony eMAILs and other documentation to substantiate these bogus claims. Healy would also request additional funds to supposedly lift the "restrictions" so that the regulators would release the funds. If an investor threatened to sue or report Healy to law enforcement authorities, Healy would sometimes return the

investors' principal, or a portion of the investors' principal, using funds obtained from other investors. As such, Healy operated what is commonly referred to as a "Ponzi" scheme using new investor money to pay-off older investors who threatened to reveal the existence of the scheme.

9. In order to obtain the investors' money, Healy generally directed the investors to wire transfer funds from the investors' bank accounts to bank accounts Healy controlled in Florida. On other occasions, the investors mailed or simply gave him checks payable to entities that Healy controlled. Healy told the investors it was necessary for him to keep all his bank accounts and assets in S.R.H.'s name in order to conceal his assets from his ex-wife. Three of the bank accounts Healy used to receive investors' funds during the scheme were in S.R.H.'s name at branches of Bank of America ("BOA"), Colonial Bank ("Colonial"), and Bank United in Florida. These bank accounts received millions of dollars in interstate wire transfers, as well as deposited checks, from investors all over the country who believed their money was being used by Healy for legitimate investments, which, in reality, Healy misappropriated and converted to his own personal use.

10. As a result of Healy's fraudulent activities, Healy obtained nearly \$20 million in investor funds between 2003 and March 2009.

III. THE SCHEME UNRAVELS

11. On or about March 16, 2009, an investor ("A.M") who was a resident of Chambersburg, Pennsylvania, within the Middle District of Pennsylvania, sued Healy and his wife, S.R.H., in the U.S. District Court for the Southern District of Florida alleging fraud in connection with approximately \$14.6 million that he and numerous other Pennsylvania investors mailed and wire transferred to S.R.H.'s BOA account between April 2008 and February 2009, which Healy promised to use for investment purposes. Believing that Healy had obtained over \$100 million in profits and that he was entitled to half of these profits, A.M. recruited approximately forty (40) other investors ("the Pennsylvania investors"), including his friends and family, to lend him money so that he could make additional investments with Healy and/or allow Healy to "lift" the "restrictions" the "regulators" had supposedly put on their joint brokerage accounts. A.M. personally guaranteed up to 100% returns to these investors, with no risk to principal, in several months, based on his belief that

he was entitled to half of more than \$100 million being held by Healy in the joint brokerage accounts. When Healy failed to pay out the fictitious profits in March 2009, and the Pennsylvania investors demanded payment from A.M. for their guaranteed loans, A.M. declared bankruptcy and filed a lawsuit against Healy and S.R.H. to recover the funds he invested with Healy.

12. On or about March 20, 2009, a Pennsylvania attorney ("T.A."), who was an acquaintance of A.M. and who had helped A.M. raise money for A.M.'s investments with Healy, contacted the U.S. Attorney's Office in the Middle District of Pennsylvania ("USAO") regarding the fraud alleged in A.M.'s lawsuit against the Healys. As a result, a federal grand jury investigation commenced in the U.S. District Court for the Middle District of Pennsylvania to investigate Healy's activities.

13. On or about March 31, 2009, an attorney from Florida, ("A.R."), advised the USAO that he represented Healy in connection with the pending federal grand jury investigation. A.R. advised the USAO that it should withhold judgment, that Healy would be filing a response to A.M.'s lawsuit, and that the Healys had done nothing wrong.

14. On or about April 1, 2009, Healy filed his response to A.M.'s lawsuit and included an affidavit dated March 31, 2009,

wherein Healy claimed that A.M.'s money was invested, as promised, but lost due to A.M.'s failure to provide \$3 million in additional funds in March 2009. Healy was deposed and gave sworn testimony on April 7, 2009, wherein he testified that the Pennsylvania investors' money that was wired directly into S.R.H.'s BOA account was used for legitimate trading activity, but lost due to A.M.'s failure to provide additional funds. Healy further testified that A.M.'s funds, along with the other Pennsylvania investors' funds, were wire transferred from the BOA account in Florida to a private trader in New York City he named "Mike Hein" who supposedly executed the trades in a brokerage account named the "S & A" account (Sean and A.M.) through a firm named "PCF." Healy stated the telephone number for "Mike Hein," who he claimed lived in New York City, was (212) 998-7402. In support of Healy's testimony, Healy's attorneys provided A.M.'s attorneys, and the USAO, information, records, and documents which purportedly showed that Healy used the Pennsylvania investors' money for investments which were executed by "Mike Hein" through "PCF." Included in these records were a portion of S.R.H.'s BOA bank account statements showing approximately \$23 million in supposed interstate wire transfers from the BOA account in Florida to "PCF" in New York. Healy's attorneys also

provided purported brokerage account statements from "PCF," showing an address of 398 Lafayette (sic) St., N.Y., N.Y. 10012-2701, with a customer service telephone number of (646) 233-9751, as well as brokerage statements from "Interactive Brokers," "Apmex," and "Forex Trader," which Healy claimed showed that approximately \$24 million from the BOA account was used for legitimate trading activity. All the information and records Healy's attorneys provided to A.M.'s attorneys and the USAO were provided to them by Healy.

15. The grand jury investigation revealed that S.R.H.'s BOA bank account statements that Healy had provided it had been altered and were fraudulent. The authentic BOA bank account statements, which were ultimately obtained from BOA, did not contain any wire transfers of funds to "PCF." Instead, the authentic BOA bank account records showed that Healy and his wife spent the Pennsylvania investors' money on personal items as described in paragraph 6 of this Indictment and/or used the money to pay off older investors who Healy had previously defrauded. The grand jury investigation further revealed that the "Interactive Brokers" statements Healy provided were fraudulent in that they reflected random trading activity for individuals and entities not associated with Healy. The grand jury

investigation further revealed that the "PCF" statements Healy provided were fraudulent and largely copied from a Fidelity brokerage account in the name of S.R.H. Finally, the grand jury was unable to locate any "Mike Hein" or "PCF" at 398 Lafayette (sic) Street, N.Y., N.Y., or any other address. The telephone number for "Mike Hein" provided by Healy during his deposition was listed to a person not associated with Healy or "Mike Hein." The telephone number for customer assistance on the "PCF" account statements was listed to a "Mark Hein," eMAIL address listed as mhein54@yahoo.com, who purportedly purchased a pre-paid wireless cell phone on April 6, 2009 (the day prior to Healy's deposition). The grand jury investigation ultimately revealed that Healy, or someone acting on Healy's behalf, using the name "Mark Hein," actually purchased the pre-paid wireless cell phone on April 6, 2009 from a convenience store near Healy's home in Florida and created the mhein54@yahoo.com eMAIL address on that date to corroborate the false story Healy gave the following day during his sworn deposition and thereafter, regarding the existence of "Mike Hein" and his purported transfer of the Pennsylvania investors' funds to "Mike Hein" for investment purposes.

STATUTORY ALLEGATION

16. On or about the dates set forth below, in the Middle District of Pennsylvania and elsewhere,

SEAN N. HEALY,

the defendant, unlawfully, willfully, and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money by means of false and fraudulent pretenses, representations, and promises, did cause to be transmitted by means of wire and radio communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice; to wit, Healy caused the following interstate wire transmissions to be made in furtherance of this scheme:

<u>COUNT</u>	<u>DATE</u>	<u>FROM</u>	<u>TO</u>	<u>NATURE OF WIRE</u>
1	05/20/08	Telephone no. (954) 454-1131	Telephone no. (717) 263-2655	Facsimile from Healy to A.M. Re: 50,000 Ruth
2	06/18/08	Telephone no. (954) 454-5121	Telephone no. (717) 263-2655	Facsimile from Healy to A.M. Re: Trades you have with me
3	06/30/08	Telephone no. (954) 454-5121	Telephone no. (717) 263-2655	Facsimile from Healy to A.M. Re: oil contracts
4	07/01/08	Telephone no. (954) 454-5121	Telephone no. (717) 263-2655	Facsimile from Healy to A.M. Re: Myriad options

<u>COUNT</u>	<u>DATE</u>	<u>FROM</u>	<u>TO</u>	<u>NATURE OF WIRE</u>
5	09/16/08	<u>snh12@aol.com</u>	[A.M.] @comcast.net	eMAIL from Healy to A.M. Re: \$4,000,000 return
6	11/22/08	<u>snh12@aol.com</u>	[A.M.] @comcast.net	eMAIL from Healy to A.M. Re: National Financial Services, L.L.C.
7	12/10/08	<u>snh12@aol.com</u>	[A.M.] @comcast.net	eMAIL from Healy to A.M. Re: TD Ameritrade
8	12/10/08	<u>snh12@aol.com</u>	[T.A.]@legal directives.com	eMAIL from Healy to T.A. Re: TD Ameritrade
9	02/06/09	Telephone no. (954)385-1711	Telephone No. (717)263-2655	Facsimile from Healy to A.M. Re: account (SRH 061473) account value \$42,347,890
10	02/25/09	<u>snh12@aol.com</u>	[T.A.]@legal directives.com	eMAIL from Healy to T.A. Re: Looks like we are coming into home base. Way to go Tommy Boy . . . Go take Big Al to a strip club
11	03/06/09	<u>snh12@aol.com</u>	[T.A.]@legal directives.com	eMAIL from Healy to T.A. Re: I have to meet with Matt and my attorney next week
12	06/03/08	F & M Trust	BOA	\$20,000 (A.M. to Healy)
13	07/02/08	F & M Trust	BOA	\$250,000 (A.M. to Healy)
14	08/22/08	F & M Trust	BOA	\$750,000 (A.M. to Healy)

<u>COUNT</u>	<u>DATE</u>	<u>FROM</u>	<u>TO</u>	<u>NATURE OF WIRE</u>
15	09/12/08	F & M Trust	BOA	\$780,000 (A.M. to Healy)
16	10/15/08	F & M Trust	BOA	\$1,600,000 (A.M. to Healy)
17	11/12/08	F & M Trust	BOA	\$500,000 (A.M. to Healy)
18	12/11/08	F & M Trust	BOA	\$200,000 (A.M. to Healy)
19	01/27/09	F & M Trust	BOA	\$80,000 (A.M. to Healy)
20	02/12/09	F & M Trust	BOA	\$75,000 (A.M. to Healy)

Each count in violation of Title 18, United States Code, Sections 1343 and 2.

COUNTS TWENTY-ONE THROUGH TWENTY-THREE

(MAIL FRAUD)

THE GRAND JURY FURTHER CHARGES:

17. The allegations contained in paragraphs 1 through 15 of this Indictment are hereby repeated, realleged, and incorporated by reference as if fully set forth herein.

18. On or about the dates set forth below, in the Middle District of Pennsylvania and elsewhere,

SEAN N. HEALY,

the defendant, unlawfully, willfully, and knowingly, having devised and intending to devise a scheme and artifice to defraud and for obtaining money by means of false and fraudulent pretenses, representations, and promises, for the purpose of executing such scheme and artifice and attempting to do so, did cause A.M. to place in post offices and authorized depositories for mail matter, matters and things to be sent and delivered by the Postal Service, and did take and receive therefrom such matters and things, which were delivered by mail according to the directions thereon, and at the place at which they were directed to be delivered, by the persons to whom they were addressed, such matters and things, as stated below:

<u>COUNT</u>	<u>DATE</u>	<u>FROM</u>	<u>TO</u>	<u>NATURE OF WIRE</u>
21	05/07/08 A.M.	1124 Kennebec Drive Chambersburg, PA 17201	Sean Healy 655 Hibiscus Dr. Hallandale Beach, FL 33009	Letter containing a check payable to Sean Healy in the amount of \$10,000
22	05/26/08 A.M.	1124 Kennebec Drive Chambersburg, PA 17201	Sean Healy 655 Hibiscus Dr. Hallandale Beach, FL 33009	Letter containing a check payable to Sean Healy in the amount of \$15,000
23	06/16/08 A.M.	1124 Kennebec	Sean Healy 655 Hibiscus	Letter containing a check payable to Sean

<u>COUNT</u>	<u>DATE</u>	<u>FROM</u>	<u>TO</u>	<u>NATURE OF WIRE</u>
		Drive Chambersburg, PA 17201	Dr. Hallandale Beach, FL 33009	Healy in the amount of \$10,000

Each count in violation of Title 18, United States Code, Section 1341 and 2.

COUNTS TWENTY-FOUR THROUGH FORTY-FOUR

(UNLAWFUL MONETARY TRANSACTIONS)

THE GRAND JURY FURTHER CHARGES:

19. The allegations contained in paragraphs 1 through 15 of this Indictment are hereby repeated, realleged, and incorporated by reference as if fully set forth herein.

20. On or about the dates set forth below, in the Southern District of Florida and elsewhere,

SEAN N. HEALY,

the defendant, in an offense involving and affecting interstate and foreign commerce, unlawfully, willfully, and knowingly engaged and attempted to engage in and caused others to engage in a monetary transaction in criminally derived property that was of a value greater than \$10,000 and was derived from specified unlawful activity; to wit, Healy engaged in the following

monetary transactions with the proceeds of wire fraud and mail fraud as described in counts one through twenty-three of this Indictment and participated in the transfer of the proceeds from the Middle District of Pennsylvania to the Southern District of Florida, as more fully set forth below:

<u>COUNT</u>	<u>DATE</u>	<u>NATURE OF MONETARY TRANSACTION</u>
24	10/10/08	Purchase of residence at 2672 Riviera Manor, Weston, Florida, using wire transfer from BOA account to Suntrust Bank (Weston Title & Escrow) in the amount of \$2,281,110.68
25	08/15/08	Purchase of 2007 Lincoln Limousine from Alladin Coach Builders using wire transfer from BOA account in the amount of \$69,170.00
26	10/29/08	Purchase of 2007 Bentley Continental conv. from Excell Auto using BOA Ck. No. 119 in the amount of \$96,046.88
27	11/05/08	Purchase of 2006 Lamborghini Murcielago from Excell Auto using BOA Ck. No. 236 in the amount of \$230,775.00
28	11/07/08	Purchase of 2007 Ferrari F430 Spyder from Excell Auto using BOA Ck. No. 222 in the amount of \$103,996.98

<u>COUNT</u>	<u>DATE</u>	<u>NATURE OF MONETARY TRANSACTION</u>
29	11/29/08	Purchase of 2008 Lamborghini Gallardo Spyder from Lamborghini Palm Beach LLC using BOA Ck. No. 542 in the amount of \$219,382.74
30	12/12/08	Purchase of 1991 Porsche 911 from Excell Auto using BOA Ck. Nos. 592 and 593 in the amounts of \$274,556.00 and \$4,853.00
31	12/20/08	Purchase of 2003 Porsche 911 from Excell Auto using BOA Ck. No. 589 in the amount of \$53,646.88
32	01/27/09	Purchase of 2009 Chevrolet Suburban from Maroone Chevrolet using BOA Ck. No. 1035 in the amount of \$17,500.00
33	07/02/08	Purchase of 2008 Chevrolet Suburban from Kelly Chevrolet using BOA Ck. No. 302 in the amount of \$50,994.71
34	08/07/08	Purchase of 2007 Maserati Quattroporte from Excell Auto using BOA cashiers Ck. No. 6549204 in the amount of \$91,831.88
35	10/14/08	Purchase of 2004 Ferrari 360 F1 from Excell Auto using BOA Ck. No. 195 in the amount of \$154,321.88
36	10/21/08	Purchase of 1965 Shelby Cobra from SR Overseas Inc. using wire transfers from BOA account in the amount of \$53,200.00

<u>COUNT</u>	<u>DATE</u>	<u>NATURE OF MONETARY TRANSACTION</u>
37	11/25/08	Purchase of 2005 Porsche Carrera GT from Ultimate Auto Sports using wire transfer from BOA account in the amount of \$360,824.00
38	12/05/08	Purchase of 2008 Lamborghini Gallardo from AMB Autos using wire transfer from BOA account in the amount of \$185,962.53
39	12/12/08	Purchase of 2008 Lamborghini Gallardo from Excell Auto using BOA Ck. Nos. 592 and 593 in the amounts of \$274,556.00 and \$4,853.00
40	12/12/08	Purchase of 1995 Ferrari E355 GTS from Excell Auto using BOA Ck. Nos. 592 and 593 in the amounts of \$274,556.00 and \$4,853.00
41	02/03/09	Purchase of 2006 Saleen S7 from JJJA Intl. Motorcars using wire transfer from BOA account in the amount of \$365,000.00
42	12/12/08	Purchase of platinum bracelet and necklace from Weston Jewelers using BOA Ck. No. 590 in the amount of \$340,000.00
43	12/16/08	Purchase of diamond watch and earrings from Weston Jewelers using BOA Ck. No. 576 in the amount of \$215,000.00
44	03/06/09	Purchase of diamond ring from Weston Jewelers using BOA Ck. Nos. 1080 and 1158 in the amounts of \$150,000.00 and \$168,000.00

Each count in violation of Title 18, United States Code, Sections 1957 and 2.

COUNT FORTY-FIVE

(MONEY LAUNDERING--CONCEALMENT)

21. The allegations contained in paragraphs 1 through 15 of this Indictment are hereby repeated, realleged, and incorporated by reference as if fully set forth herein.

22. On or about the date set forth below, in the Southern District of Florida and elsewhere,

SEAN N. HEALY,

the defendant, did knowingly conduct and attempt to conduct a financial transaction affecting interstate and foreign commerce, to wit: the purchase of jewelry using bank checks, which involved the proceeds of a specified unlawful activity, that is, wire fraud and mail fraud as described in counts one through twenty-three of this Indictment, knowing that the transaction was designed in whole or in part to conceal and disguise the nature, location, source, ownership, and control of the proceeds of said specified unlawful activity, and that while conducting and attempting to conduct such financial transaction, knew that the property involved in the financial transaction represented the proceeds of some form of unlawful activity and participated in

the transfer of the proceeds from the Middle District of Pennsylvania to the Southern District of Florida, as more fully set forth below:

<u>COUNT</u>	<u>DATE</u>	<u>NATURE OF MONETARY TRANSACTION</u>
45	03/20/09	Purchase of diamond earrings from Weston Jewelers using BOA Ck. No. 1191 dated March 20, 2009, payable to Murray Geffin in the amount of \$100,000.00; and Northern Trust Ck. No. 1062, dated March 2, 2009, payable to Murray Geffin in the amount of \$61,000.00.

In violation of Title 18, United States Code, Section 1956(a)(1)(B)(i).

COUNTS FORTY-SIX THROUGH FIFTY-THREE

(OBSTRUCTION OF JUSTICE)

THE GRAND JURY FURTHER CHARGES:

23. The allegations contained in paragraphs 1 through 15 of this Indictment are hereby repeated, realleged, and incorporated by reference as if fully set forth herein.

24. On or about the dates set forth below, in the Middle District of Pennsylvania and elsewhere,

SEAN N. HEALY,

the defendant, did corruptly influence, obstruct, and impede, and endeavor to influence, obstruct, and impede the due

administration of justice in connection with a federal grand jury investigation in the Middle District of Pennsylvania investigating Healy for offenses related to the fraud described in paragraphs 2 through 16 of this Indictment, to wit, Healy caused his attorney to make false statements and provide false and fraudulent documents to the Assistant U.S. Attorney ("AUSA") who was conducting the federal grand jury investigation of investment fraud by Healy, as more fully described below:

<u>COUNT</u>	<u>DATE</u>	<u>NATURE OF OBSTRUCTIVE CONDUCT</u>
46	April 1, 2009	eMAIL from A.R. to AUSA stating, ". . . I will get you documents shortly after my return to Miami that will establish the true facts involved here. We have finally received the account statements which show all of the trades and transactions, as well as other records which will support my client's affidavit and will seriously call into question the accuracy of the verified complaint in [A.M.'s] civil suit. I am confident that your review of those materials will cast my client in a far more favorable light. I will give you a call on Monday to coordinate getting you the records and scheduling of our anticipated meeting."
47	April 6, 2009	eMAIL from A.R. to AUSA stating, ". . . I grabbed one stack of records which I have attached. I will have more for you, but I wanted to get you something today as promised . . . I will likely get you

COUNTDATENATURE OF OBSTRUCTIVE CONDUCT

48 April 9, 2009
(9:05 a.m.)

more later in the week." The eMAIL attachment consisting of APMEX, Forex Trader, and Interactive Brokers records.

eMAIL from A.R. to AUSA stating, "I will be sending some records in pieces in the next few minutes. First, I have attached pages from the [S.R.H.] Bank of America account into which the monies from [A.M.] and [T.A.] went. These pages deal with wire transfers only and therefore the numbers do not include checks which were periodically used for investments. I note that these are from only several months of the relationship between [A.M.] and Healy which was May 08 to March 09. I will have complete records in the next few weeks. From the partial records, the following is shown:

1. Wire transfers totaling \$23,085,667 were made to PCF trading (Mike Hein).
2. Wire transfers totaling \$1,188,337 were made to APMEX (American Precious Metals Exchange).
3. Wire transfers totaling \$147,667 were made to AMS Collectibles (coins).
4. Wire transfers of \$1,000 and \$15,000 were made to Finexo and Forex (currency).

Accordingly these partial records show \$24,437,671 went out of the account and were invested in trades which [A.M.] has testified were agreed upon and discussed.

COUNTDATENATURE OF OBSTRUCTIVE CONDUCT

In the next eMAIL, I will send you the partial records from PCF. There is no doubt that Sean Healy invested the funds in commodities and that this isn't some Ponzi scheme." The eMAIL attachment consisting of BOA bank account records with circled wire transactions.

- 49 April 9, 2009
(9:58 a.m.) eMAIL from A.R. to AUSA stating, "You will find attached the partial records we got from PCF (Mike Hein). Please understand that these records are not records that were generated at the time and that Hein does not ordinarily create records or statements. These were generated in the last week or so at our request, however they are accurate. The stack of trading info I sent earlier are the Clearing House records from Denver showing the trades by PCF (Hein) and can be verified against one another." The eMAIL attachment consisting of "PCF Quarterly Review" records for the "S & A trading account" and one BOA on-line banking record.
- 50 April 10,
2009 eMAIL from A.R. to AUSA stating, "At the end of the day, the computer records and account statements will tell the true story. Once you are satisfied that Sean didn't steal anyone's money (he didn't) and satisfied that he lost his own money too, (all as a result of [A.M.'s] failure to fulfill cash/margin calls), I am hopeful that Sean's position in this investigation will be promptly clarified in the hopes of removing the anxiety caused to him by your interest and the conduct of [A.M.] and [T.A.] . . . The

<u>COUNT</u>	<u>DATE</u>	<u>NATURE OF OBSTRUCTIVE CONDUCT</u>
		current popular investigation de jur (sic) seems to be Bernie Maydof (sic) phobia. Because of that and my client's health issues, I felt compelled to address these issues now. I am hopeful that this dialogue is helpful to your understanding of the matter and continues to expand your open mindedness.
51	April 13, 2009	eMAIL from A.R. to AUSA stating, "I am attaching Sean Healy's deposition." The eMAIL attachment consisting of Sean Healy's deposition transcript dated April 7, 2009.
52	April 23, 2009	eMAIL from R.D. to AUSA stating "Quarterly Review" attachment consisting of "PCF Quarterly Review" records.
53	May 5, 2009	eMAIL from A.R. to AUSA stating, ". . . I am receiving documents that continue to support the conclusion that this is a civil matter resulting from money being invested as agreed and lost due to market fluctuations. I also continue to obtain information and documents which corroborates Mr. Healy's deposition testimony and impeaches the story claimed by [A.M.]. I am hopeful that the civil discovery subpoenas will get all of the documents necessary to lay bare what really happened here. I will get those to you a.s.a.p."

Each count in violation of Title 18, United States Code, Sections 1503 and 2.

COUNT FIFTY-FOUR

(FORFEITURE ALLEGATION)

(OFFENSES CONSTITUTING SPECIFIED UNLAWFUL ACTIVITY)

25. As the result of committing the offenses constituting specified unlawful activity as defined in 18 U.S.C. 1956(c)(7), as alleged in counts one through twenty-three of this Indictment,

SEAN N. HEALY,

the defendant, shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the said offenses.

SUBSTITUTE ASSET PROVISION

26. If any of the above-described forfeitable property, 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 person;
- 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 subdivided without difficulty,

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described above.

In violation of Title 18, United States Code, Section 981(a)(1)(C); and Title 28, United States Code, Section 2461.

COUNT FIFTY-FIVE

**(FORFEITURE ALLEGATION)
(MONEY LAUNDERING)**

27. As the result of committing one or more of the money laundering offenses in violation of 18 U.S.C. §§ 1956 and 1957, alleged in counts twenty-four through forty-five of this Indictment,

SEAN N. HEALY,

the defendant, shall forfeit to the United States, pursuant to 18 U.S.C. § 982, all property, real and personal, involved in the said money laundering offenses and all property traceable to such property.


SUBSTITUTE ASSET PROVISION

28. If any of the above-described forfeitable property, 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 person;
- 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 subdivided without difficulty,

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b); and Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described above.

In violation of Title 18, United States Code, Section 982.


DENNIS C. PFANNENSCHMIDT
U.S. ATTORNEY

