

IN THE DISTRICT COURT OF THE UNITED STATES

for the Western District of New York

**NOVEMBER 2014 GRAND JURY
(Impaneled 11/07/2014)**

THE UNITED STATES OF AMERICA

**SUPERSEDING INDICTMENT
15-CR-227-A**

-vs-

RICHARD PETIX

Violations:

Title 18, United States Code,
Sections 1001(a)(2) and 1960(a)
(2 Counts and Forfeiture Allegation)

COUNT 1

(Material False Statement)

The Grand Jury Charges That:

On or about December 3, 2015, in the Western District of New York, the defendant, **RICHARD PETIX**, in a matter within the jurisdiction of the judicial branch of the Government of the United States, did knowingly, willfully and unlawfully make a materially false, fictitious, and fraudulent statement and representation, that is, the defendant did deny to officers of the United States Probation Office for the Western District of New York that he owned and had access to a smartphone, that is, a Samsung Galaxy S5, model SM-S902L, cellular telephone, bearing IMEI number 990005823326880, and a laptop computer, that is, an ASUS, model G752V, laptop computer, bearing serial number FAN0CY92217844A, whereas in truth and in fact, and as the defendant then and there well knew, he did own and have access to such smartphone and laptop computer.

All in violation of Title 18, United States Code, Section 1001(a)(2).

COUNT 2

(Operating Unlicensed Money Transmitting Business)

The Grand Jury Further Charges That:

Beginning in or before August 2014, the exact date being unknown to the Grand Jury, and continuing until on or about December 3, 2015, in the Western District of New York, and elsewhere, the defendant, **RICHARD PETIX**, did knowingly conduct, control, manage, supervise, direct, and own all and part of an unlicensed money transmitting business, as that term is defined in Title 18, United States Code, Section 1960(b)(1)(B), which failed to comply with the money transmitting business registration requirements under Title 31, United States Code, Section 5330 and the regulations prescribed thereunder, and which affected interstate and foreign commerce in any manner and degree.

All in violation of Title 18, United States Code, Section 1960.

FORFEITURE ALLEGATION

The Grand Jury Alleges That:

Upon his conviction of Count 2 of this Indictment, the defendant, **RICHARD PETIX**, shall forfeit to the United States any and all property, real or personal, involved in such offense, or any property traceable to such property, including but not limited to:

ELECTRONIC EQUIPMENT:

- a. One (1) Samsung Galaxy S5, model SM-S902L, cellular telephone, bearing IMEI number 990005823326880;
- b. One (1) ASUS laptop computer, model G752V, bearing serial number FAN0CY92217844A; and
- c. Six (6) assorted thumb drives, seized from the defendant by Homeland Security Investigations (HSI) Agents on December 3, 2015.

MONEY JUDGMENT:

A sum of United States Currency which will serve as a lien against the defendant's property, wherever situated, with interest to accrue at the prevailing rate per annum until fully satisfied in the event this amount is not located.

If the property described above as being subject to forfeiture, as a result of any act or omission of the defendant:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be divided 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 said defendant up to the value of the above property.

All pursuant to Title 18, United States Code, Section 982(a)(1) and Title 21, United States Code, Section 853(p).

DATED: Buffalo, New York, March 9, 2016.

WILLIAM J. HOCHUL, JR.
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A TRUE BILL:

S/FOREPERSON