

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT SUPERSEDING

OFFENSE CHARGED

VIOLATION: Title 18, United States Code, Section 1341 - Mail Fraud.
Penalty: 20 years imprisonment; Fine \$250,000 or twice the amount of loss or gain whichever is greater; 3 years Supervised Release and \$100 Special Assessment.

E-filing

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

ROBERTO HECKSCHER

DISTRICT COURT NUMBER

CR 09

0998

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Federal Bureau of Investigation

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

this is a reprosecution of charges previously dismissed which were dismissed on motion of.

U.S. ATTORNEY DEFENSE

SHOW DOCKET NO.

this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person Furnishing Information on this form JOSEPH P. RUSSONIELLO

U.S. Attorney Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned) TIMOTHY J. LUCEY

This report amends AO 257 previously submitted

IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

- 1) If not detained give date any prior summons was served on above charges
2) Is a Fugitive
3) Is on Bail or Release from (show District)

SI

IS IN CUSTODY

- 4) On this charge
5) On another conviction
6) Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer been filed? Yes No

If "Yes" give date filed

DATE OF ARREST Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY Month/Day/Year

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS NO PROCESS* WARRANT

If Summons, complete following:

Arraignment Initial Appearance

Defendant Address:

Bail Amount:

Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: Before Judge:

Comments:

1 JOSEPH P. RUSSONIELLO (CABN 44332)
2 United States Attorney

FILED
09 OCT 15 AM 9:45
RICHARD W. WILKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

E-filing

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

SI

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 ROBERTO HECKSCHER,
15 Defendant.

CROSS

0998

VIOLATION: Mail Fraud, 18 U.S.C. § 1341

16
17 INFORMATION

18 The United States Attorney charges:

19 1. Between on or about 1979, and continuing through and including on or about June
20 2009, in the Northern District of California, and elsewhere, the defendant,

21 ROBERTO HECKSCHER,

22 knowingly executed and attempted to execute a scheme and artifice to defraud his investors, and
23 knowingly executed and attempted to execute a scheme and artifice to obtain, by means of
24 materially false and fraudulent pretenses, representations, and promises, money and property
25 from his investors, by arranging and brokering a series of purported commercial loans that the
26 defendant promised would generate regular interest payments to his investors, at an annualized
27 rate of return of between approximately 3.33% and 13%, with an average rate of return of
28 approximately 7%. These investments, memorialized in a series of promissory notes, began on

INFORMATION

1 or about 1979 and continued unabated until on or about June 2009.

2 In fact and contrary to his representations to his investors, the defendant did not invest the
3 investors' funds as promised but instead operated a sophisticated "ponzi" scheme whereby new
4 investment money was transferred to existing clients as "interest payments." The defendant used
5 the remaining portion of his investors' funds for unauthorized purposes, including gambling and
6 speculation in the equities and commodities markets. This scheme and artifice has resulted, as of
7 September 2009, in a loss to investors in excess of at least \$20,000,000.

8 2. On or about December 31, 2008, the defendant ROBERTO HECKSCHER, for the
9 purpose of executing the scheme and artifice to defraud, did place and caused to be placed in the
10 post office or other authorized depository for mail matter, or both, located in San Francisco,
11 California, an envelope addressed to investor A at his then current home address that contained
12 therein a check payable to investor A along with a payment stub and message to his investors.
13 This mailing contained therein materially false and fraudulent pretenses, representations and
14 promises that, among other things, the check represented an interest payment of 6% on an
15 existing loan principal of \$15,000, so as to give the appearance that investor A had a current and
16 performing loan, when, in fact, defendant ROBERTO HECKSCHER had never arranged any
17 loan for the benefit of investor A and was merely transferring money from other investors in
18 order to lull investor A. This check and payment stub materially misrepresented ROBERTO
19 HECKSCHER's true financial condition and lulled investor A into maintaining his prior
20 investment with the defendant.

21 All in violation of Title 18, United States Code, Section 1341.

22 DATED: 10-14-09

23 JOSEPH P. RUSSONIELLO
24 United States Attorney

25 
26 BRIAN J. STRETCH
27 Chief, Criminal Division

28 (Approved as to form: 
AUSA Timothy J. Lucey

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