

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

UNITED STATES OF AMERICA)
) No. 08 CR 50029
) Judge Frederick J. Kapala
 vs.) Violations: Title 18, United States Code,
) Sections 1343, 373, 1958, 175(a), 175(b)
 EDWARD F. BACHNER IV) and 287

SUPERSEDING INDICTMENT

COUNT ONE

The NOVEMBER 2008 GRAND JURY charges:

1. At times material to this superseding indictment:
 - a. Defendant EDWARD F. BACHNER, IV was a resident of Lake in the Hills, Illinois.
 - b. Trident Solutions, LLC (“Trident LLC”) was a domestic limited liability company organized under the laws of the State of Nevada beginning on or about May 29, 2007. Trident LLC was placed in default status on or about June 1, 2008. Defendant represented that he had an affiliation with Trident LLC.
 - c. Trident Solutions, Inc. (“Trident”) was a corporation that was incorporated under the laws of the state of California on or about October 6, 2004. Trident’s address was identified as 12901 Barto Drive, Granada Hills, California. Trident was dissolved as of April 1, 2008. Defendant represented that he had an affiliation with Trident Solutions, Inc.
 - d. Fusion Marketing Group, LLC (“Fusion”) was a domestic limited

liability company organized under the laws of the state of Nevada beginning on or about May 29, 2007. Fusion was placed in default status on or about June 1, 2008. Defendant represented that he had an affiliation with Fusion.

e. Peterson International Underwriters (“Peterson”) is a professional underwriting and administration firm that develops forms of life insurance for American citizens. Petersen is a Registered Insurance Administrator, and is authorized to issue life insurance policies. Peterson’s principal place of business is located at 23929 Valencia Boulevard Suite 215 Valencia, California.

f. The Underwriter of Lloyds (“Lloyds”) consists of 51 managing agents who operate approximately 80 insurance syndicates that issue among other products, life insurance policies. Lloyds’ headquarters is located at One Lime Street, London, EC3M 7HA, United Kingdom.

g.. Defendant Bachner owned, maintained and controlled a checking account with Bank of America that has 7650 as the last four digits of its account number.

h. Biotium, Inc. was a California-based distributor of chemical and pharmaceutical products used for neuroscience research.

i. Ascent Scientific LLC (“Ascent”), was a New Jersey based wholesale distributor of medical and chemical products to scientists who conduct research in neurophysiology and anesthesiology.

j. Tetrodotoxin (“TTX”) is a neurotoxin that causes respiratory paralysis within 6-24 hours of ingestion. It is found naturally in puffer fish and has no known antidote.

It has a fatality rate of 50-60% that is directly correlated to the amount of the toxin consumed. According to 42 CFR 73.4, TTX is considered a “select agent.” If a bona fide researcher acquires 100 milligrams or more TTX, the researcher is required to obtain special registration with the Centers for Disease Control and Prevention (“CDC”). Possession of amounts of less than 100 milligrams of TTX is exempt from CDC registration.

2. From at least January 2007 and continuing through at least June 2008 at Antioch, Lake in the Hills, in the Northern District of Illinois, Western Division, and elsewhere,

EDWARD F. BACHNER, IV,

defendant herein, devised and intended to devise a scheme to defraud and to obtain money from insurance companies, by means of materially false and fraudulent pretenses, representations and omissions.

3. It was the object of the scheme to defraud for EDWARD F. BACHNER, IV to profit from the death of his wife by obtaining the proceeds from fraudulently obtained life insurance policies.

4. It was a part of the scheme to defraud that defendant Bachner used a false identity to purchase TTX for the purpose of killing his wife. Beginning in 2006, defendant used the alias of Dr. Edmund Backer from EB Strategic Research to purchase four separate orders of (“TTX”) from Biotium, Inc.(“Biotium”). Biotium shipped a total of at least 64 milligrams of TTX to defendant’s UPS mail box address. The latest delivery occurred on March 17, 2008 and consisted of 50 mg of TTX.

5. It was further a part of the scheme to defraud that in September 2007, defendant BACHNER used funds obtained by false claims made to the Internal Revenue Service (“IRS”) to purchase a life insurance policy from Lloyds of London that insured the life of his wife.

6. It was further a part of the scheme to defraud that defendant Bachner claimed to be a representative of Fusion Marketing and completed an application dated September 17, 2007 with Petersen International Underwriters to purchase a \$3 million life insurance policy on the life of his wife. In this application, Bachner falsely claimed that his wife was a Vice President, partner and co-founder of Fusion Marketing. In addition, defendant falsely claimed that the reason he was seeking to insure her life for \$3 million was because of her relationship to the company, along with the value of the revenues she generated from her sales efforts.

7. It was further a part of the scheme to defraud that defendant Bachner completed an application dated September 17, 2007, in the name of Trident Solutions, Inc. for short term contingent life and/or disability insurance for \$20 million on the life of his wife.

8. It was a further part of the scheme to defraud that on or about June 17, 2008, Ascent Scientific LLC received an electronic purchase order for 98 milligrams of TTX. The order was placed by defendant Bachner, who identified himself by the alias “Dr. Backer.” Defendant Bachner falsely claimed he was seeking the TTX for “marine antitoxin research purposes.”

9. On or about February 11, 2008, at Lake in the Hills in the Northern District of

Illinois, Western Division, at St. Charles, in the Northern District of Illinois, Western Division, and elsewhere,

EDWARD F. BACHNER, IV,

defendant herein, for the purpose of executing the aforesaid scheme, and attempting to do so, did knowingly cause to be transmitted by means of wire communication in interstate commerce, writings, signs, signals, pictures and sounds, namely a wire transfer of \$39,989.49 from defendant Bachner's Bank of America checking account in Lake in the Hills Illinois to Peterson International Underwriters, Inc. located in Valencia, California to purchase the \$20,000,000 life insurance policy on the life of his wife;

In violation of Title 18, United States Code, Section 1343.

COUNT TWO

The NOVEMBER 2008 GRAND JURY further charges:

From not later than April 1, 2005, and continuing through at least June 30, 2005, at Antioch, Lake in the Hills, in the Northern District of Illinois, Western Division, and

elsewhere,

EDWARD F. BACHNER IV,

defendant herein, with the intent that another person engage in conduct constituting a felony that has as an element the use, attempted use, or threatened use of physical force against the person of his wife in violation of the laws of the United States, and under circumstances strongly corroborative of that intent, solicited, commanded, induced and otherwise endeavored to persuade such other person to engage in such conduct,

In violation of Title 18, United States Code, Section 373(a);

COUNT THREE

The NOVEMBER 2008 GRAND JURY further charges:

On or about August 26, 2005, at Antioch, Lake in the Hills, in the Northern District of Illinois, Western Division, and elsewhere,

EDWARD F. BACHNER IV,

defendant herein, used a facility of interstate or foreign commerce, with intent that a murder be committed in violation of the laws of the State of Illinois as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value,

In violation of Title 18, United States Code, Section 1958(a);

COUNT FOUR

The NOVEMBER 2008 GRAND JURY further charges:

On or about June 30, 2008, at Algonquin, Lake in the Hills and elsewhere in the Northern District of Illinois, Western Division,

EDWARD F. BACHNER IV,

defendant herein, did knowingly acquire, possess and retain, and attempt to do so, a biological agent, toxin and delivery system, namely Tetrodotoxin, for use as a weapon;

In violation of Title 18, United States Code, Section 175(a).

COUNT FIVE

The NOVEMBER 2008 GRAND JURY further charges:

On or about June 30, 2008, at Lake in the Hills and elsewhere in the Northern District of Illinois, Western Division,

EDWARD F. BACHNER IV,

defendant herein did knowingly possess a biological agent, toxin and delivery system, namely Tetrodotoxin, of a type and in a quantity that, under the circumstances, was not reasonably justified by a prophylactic, protective, bona fide research, or other peaceful purpose;

In violation of Title 18, United States Code, Section 175(b).

COUNT SIX

The NOVEMBER 2008 GRAND JURY further charges:

On or about March 19, 2008, at Lake in the Hills, Lake in the Hills and elsewhere in the Northern District of Illinois, Western Division,

EDWARD F. BACHNER IV,

defendant herein, did knowingly acquire, possess and retain a biological agent, toxin and delivery system, namely Tetrodotoxin, for use as a weapon;

In violation of Title 18, United States Code, Section 175(a).

COUNT SEVEN

The NOVEMBER 2008 GRAND JURY further charges:

On or about March 19, 2008, at Lake in the Hills, Lake in the Hills and elsewhere in the Northern District of Illinois, Western Division,

EDWARD F. BACHNER IV,

defendant herein did knowingly possess a biological agent, toxin and delivery system, namely Tetrodotoxin, of a type and in a quantity that, under the circumstances, was not reasonably justified by a prophylactic, protective, bona fide research, or other peaceful purpose;

In violation of Title 18, United States Code, Section 175(b).

COUNT EIGHT

The NOVEMBER 2008 GRAND JURY further charges:

On or about February 23, 2008, at Algonquin, Lake in the Hills, and elsewhere in the Northern District of Illinois, Western Division,

EDWARD F. BACHNER IV,

defendant herein, did knowingly acquire, possess, and retain a biological agent, toxin and delivery system, namely Tetrodotoxin, for use as a weapon;

In violation of Title 18, United States Code, Section 175(a).

COUNT NINE

The NOVEMBER 2008 GRAND JURY further charges:

On or about February 23, 2008, at Algonquin, Lake in the Hills, and elsewhere in the Northern District of Illinois, Western Division,

EDWARD F. BACHNER IV,

defendant herein did knowingly possess a biological agent, toxin and delivery system, namely Tetrodotoxin, of a type and in a quantity that, under the circumstances, was not reasonably justified by a prophylactic, protective, bona fide research, or other peaceful purpose;

In violation of Title 18, United States Code, Section 175(b).

COUNT TEN

The NOVEMBER 2008 GRAND JURY further charges:

On or about February 8, 2008, at Algonquin, Lake in the Hills, and elsewhere in the Northern District of Illinois, Western Division,

EDWARD F. BACHNER IV,

defendant herein, did knowingly acquire, possess, and retain a biological agent, toxin and delivery system, namely Tetrodotoxin, for use as a weapon;

In violation of Title 18, United States Code, Section 175(a).

COUNT ELEVEN

The NOVEMBER 2008 GRAND JURY further charges:

On or about February 8, 2008, at Algonquin, Lake in the Hills, and elsewhere in the Northern District of Illinois, Western Division,

EDWARD F. BACHNER IV,

defendant herein did knowingly possess a biological agent, toxin and delivery system, namely Tetrodotoxin, of a type and in a quantity that, under the circumstances, was not reasonably justified by a prophylactic, protective, bona fide research, or other peaceful purpose;

In violation of Title 18, United States Code, Section 175(b).

COUNT TWELVE

The NOVEMBER 2008 GRAND JURY further charges:

On or about November 7, 2006, at Algonquin, Lake in the Hills, and elsewhere in the Northern District of Illinois, Western Division,

EDWARD F. BACHNER IV,

defendant herein, did knowingly acquire, possess and retain a biological agent, toxin and delivery system, namely Tetrodotoxin, for use as a weapon;

In violation of Title 18, United States Code, Section 175(a).

COUNT THIRTEEN

The NOVEMBER 2008 GRAND JURY further charges:

On or about November 7, 2006, at Algonquin, Lake in the Hills, and elsewhere in the Northern District of Illinois, Western Division,

EDWARD F. BACHNER IV,

defendant herein did knowingly possess a biological agent, toxin and delivery system, namely Tetrodotoxin, of a type and in a quantity that, under the circumstances, was not reasonably justified by a prophylactic, protective, bona fide research, or other peaceful purpose;

In violation of Title 18, United States Code, Section 175(b).

COUNT FOURTEEN

The NOVEMBER 2008 GRAND JURY further charges:

On or about October 5, 2006, at Algonquin, Lake in the Hills, and elsewhere in the Northern District of Illinois, Western Division,

EDWARD F. BACHNER IV,

defendant herein, who was a resident of Lake in the Hills, Illinois made and presented to the United States Treasury Department, a claim against the United States for payment, which he knew to be false, fictitious, and fraudulent, by preparing and causing to be prepared, a 2005 federal Income Tax Return, Form 1040, which was presented to the United States Treasury Department, through the Internal Revenue Service, wherein he claimed a refund of withholding tax in the amount of \$111,246.00 on his wages and income from Rosetta-Wireless Corporation, knowing such claim to be false, fictitious, and fraudulent, in that he knew that no such withholding taxes had been withheld and paid over to the Internal Revenue Service;

In violation of Title 18, United States Code Section 287.

COUNT FIFTEEN

The NOVEMBER 2008 GRAND JURY further charges:

On or about April 10, 2007, at Algonquin, Lake in the Hills, and elsewhere in the Northern District of Illinois, Western Division,

EDWARD F. BACHNER IV,

defendant herein, who was a resident of Lake in the Hills, Illinois made and presented to the United States Treasury Department, a claim against the United States for payment, which he knew to be false, fictitious, and fraudulent, by preparing and causing to be prepared, a 2006 federal Income Tax Return, Form 1040, which was presented to the United States Treasury Department, through the Internal Revenue Service, wherein he claimed a refund of withholding tax in the amount of \$ 224,377.00 on his wages and income from EB Strategic Research LLC, knowing such claim to be false, fictitious, and fraudulent, in that he knew that no such withholding taxes had been withheld and paid over to the Internal Revenue Service;

In violation of Title 18, United States Code Section 287.

COUNT SIXTEEN

The NOVEMBER 2008 GRAND JURY further charges:

On or about April 15, 2008, at Algonquin, Lake in the Hills, and elsewhere in the Northern District of Illinois, Western Division,

EDWARD F. BACHNER IV,

defendant herein, who was a resident of Lake in the Hills, Illinois made and presented to the United States Treasury Department, a claim against the United States for payment, which he knew to be false, fictitious, and fraudulent, by preparing and causing to be prepared, a 2007 federal Income Tax Return, Form 1040, which was presented to the United States Treasury Department, through the Internal Revenue Service, wherein he claimed a refund of withholding tax in the amount of \$202,751.00 on his wages and income from Fusion Marketing, LLC, knowing such claim to be false, fictitious, and fraudulent, in that he knew that no such withholding taxes had been withheld and paid over to the Internal Revenue Service;

In violation of Title 18, United States Code Section 287.

A TRUE BILL:

FOREPERSON

UNITED STATES ATTORNEY