

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. Renee Marie Bumb
v. : Criminal No. 11-397
ERIK JAMES : 18 U.S.C. § 371

SUPERSEDING INFORMATION

The defendant having waived in open court prosecution by Indictment, the United States Attorney for the District of New Jersey charges:

1. At all times relevant to this Superseding Information:

a. Scott Tran owned a fishing boat, the Alexander II, which was docked either in Virginia or Cape May, New Jersey, and which was a vessel of the United States;

b. Scott Tran paid for and maintained a casualty insurance policy on the Alexander II, the policy limit being \$400,000, through the State National Insurance Company;

c. Manh Nguyen worked for Scott Tran as Tran's right-hand man; and

d. Henry "Mike" Anholt was a commercial fisherman and had captained several commercial fishing boats out of southern New Jersey and elsewhere.

2. From in or about July 2009 to June 15, 2011, both on the high seas and within the United States, that is, in Cape

May, in the District of New Jersey, and elsewhere, the defendant

ERIK JAMES

did knowingly conspire and agree with Scott Tran, Manh Nguyen, Henry "Mike" Anholt, Arthur "Todd" Vitola, and Christopher Martin a/k/a "Stickman" to cast away and otherwise destroy the Alexander II upon the high seas, contrary to Title 18, United States Code, Section 2273.

The Means and Manner of the Conspiracy

3. It was a part of the conspiracy that in or about July 2009, Scott Tran hired Henry "Mike" Anholt as the captain of the Alexander II.

4. It was a part of the conspiracy that in or about July 2009, shortly after Scott Tran hired Henry "Mike" Anholt as the captain of the Alexander II, Scott Tran and Manh Nguyen solicited Anholt to sink the Alexander II on the high seas in return for payments to him and his crew.

5. It was a part of the conspiracy that in or about late July 2009, Henry "Mike" Anholt recruited his crew, which consisted of the defendant ERIK JAMES, Arthur "Todd" Vitola, and Christopher Martin a/k/a "Stickman," to help him sink the Alexander II on the high seas in return for payments of approximately \$2,000 each from Scott Tran and Manh Nguyen.

6. It was a part of the conspiracy that on or about August 2, 2009, the Alexander II left Cape May, New Jersey, with Henry "Mike" Anholt as the captain and a crew of the defendant ERIK JAMES, Arthur "Todd" Vitola, and Christopher Martin a/k/a "Stickman." Although the Alexander II had little fuel, ice, food, and other supplies for a lengthy fishing trip, the ship's log was falsified to read that more than 50 fish weighing a total of approximately 3000 pounds were caught during the trip.

7. It was a part of the conspiracy that on or about August 2, 2009, once the Alexander II reached a point on the high seas approximately 86 miles southeast of Cape May, off the coast of New Jersey, the captain, Henry "Mike" Anholt, and the three crew members, the defendant ERIK JAMES, Arthur "Todd" Vitola, and Christopher Martin a/k/a "Stickman," worked together in an unsuccessful attempt to sink it.

8. It was a part of the conspiracy that on or about August 3, 2009, once the captain and crew of the Alexander II (a) had succeeded in filling a portion of its interior with seawater, while ignoring the bilge alarms that were sounding, and (b) made no use of the ship's pumps, which were in good working condition, to clear the ship of water, they sent a distress signal to the U.S. Coast Guard and then abandoned the Alexander II together in a life raft.

9. It was a part of the conspiracy that on or about August 3, 2009, when the U.S. Coast Guard found the Alexander II and rescued the captain and crew, the captain and at least one crew member gave false statements to the Coast Guard regarding the incident. The Coast Guard found no fish aboard the boat or in the hold.

10. It was a part of the conspiracy that on or about August 3, 2009, after the U.S. Coast Guard returned the captain and crew to Wildwood, New Jersey, Manh Nguyen, on behalf of Scott Tran, discussed with the captain and crew what happened during the attempted sinking of the Alexander II, and made cash payments to the captain and crew as compensation for their attempted sinking of the Alexander II. Those payments were less than the previously offered and agreed to sums.

11. It was a part of the conspiracy that on or about August 3, 2009, after the defendant ERIK JAMES received less than full payment from Manh Nguyen, Manh Nguyen, the defendant ERIK JAMES and his girlfriend, and Henry "Mike" Anholt, drove to Philadelphia to the vicinity of the office of Scott Tran. Manh Nguyen entered the office and then exited and gave additional U.S. currency to Henry "Mike" Anholt, which he then gave to the defendant ERIK JAMES.

12. It was a part of the conspiracy that after the attempted sinking of the Alexander II, Manh Nguyen, on behalf of

Scott Tran, made additional cash payments to Henry "Mike" Anholt toward the money owed to Anholt.

13. It was a part of the conspiracy that on or about August 3, 2009, Scott Tran submitted a claim to his insurance broker in order to collect \$400,000, the policy limit, on an insurance policy for the Alexander II, which was underwritten by State National Insurance Company. This claim subsequently was denied.

14. It was a part of the conspiracy that on or about February 4, 2010, Scott Tran filed a lawsuit, Alexander I, Inc. vs. State National Insurance Company, Docket No. CAM-L-655-10, in the New Jersey Superior Court in Camden County, seeking damages of \$400,000, including damage to the Alexander II and loss of use of the Alexander II.

15. It was a part of the conspiracy that after Scott Tran filed the lawsuit against the State National Insurance Company, he vigorously prosecuted that lawsuit, which was pending as of June 15, 2011.

16. It was a part of the conspiracy that during a deposition taken of Scott Tran during the discovery phase of his lawsuit, Scott Tran denied in substance under oath that he knew how the Alexander II almost sank.

OVERT ACTS

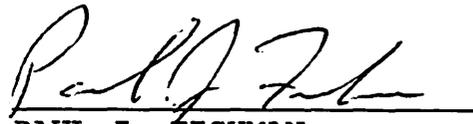
In furtherance of the conspiracy and to effect its unlawful object, the defendant ERIK JAMES and his coconspirators committed, and caused to be committed, the following overt act in the District of New Jersey and elsewhere:

1. On or about August 1, 2009, the defendant ERIK JAMES, the captain of the Alexander II, and the other crew members discussed the plan to sink the Alexander II.

2. On or about August 2, 2009, the captain and another crew member pumped seawater into the Alexander II.

3. On or about August 3, 2009, after the U.S. Coast Guard rescued the crew, at least two crew members gave false statements to the Coast Guard about the circumstances of the incident.

All in violation of Title 18, United States Code, Section 371.


PAUL J. FISHMAN
United States Attorney

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v.

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