

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS, TEXAS
NOV 6 2019 4:00
Be

UNITED STATES OF AMERICA

TO BE FILED UNDER SEAL

v.

Case No. 3:19-cr-112-K

CENGIZ JAN COMU (1)
a.k.a. CJ Comu
JOHN MERVYN PRICE (2)
HARLEY E. BARNES, III (3)
a.k.a. Buddy Barnes
RICHARD LAWRENCE GREEN (5)
a.k.a. Richard Lawrence
DANIEL THOMAS BROYLES, SR. (6)
a.k.a. Dan Thomas
SUZANNE AILEEN GAGNIER (7)
JOE EDWARD DUCHINSKY (8)
a.k.a. Joe Dunsmeer
JOSEPH LUCIEN DUPLAIN (9)
RUSSELL FILIPPO (10)

SEALED SUPERSEDING INDICTMENT

The Grand Jury charges:

GENERAL ALLEGATIONS

1. EarthWater Limited (f/k/a EarthWater PLC) was a United Kingdom company with its principal place of business in Dallas County, Texas. EWB International Inc., a subsidiary of EarthWater Limited, was a Texas corporation (together with EarthWater Limited, "EarthWater"). EarthWater maintained a bank account at Bank of America with account number ending in #2037. EarthWater's offices were located at 15455 Dallas Parkway, Addison, Texas, and 16220 Midway Road, Addison, Texas. EarthWater manufactured and sold bottled water that it claimed was

infused with special minerals mined from an 80-million-year-old deposit hidden in a secret location.

2. Regus Advisors, Inc. (“Regus”) was a Wyoming corporation with its principal place of business in Dallas County, Texas. Regus’s offices were located at 15455 Dallas Parkway, Addison, Texas, and 16220 Midway Road, Addison, Texas. Regus maintained a bank account at Bank of America with account number ending in #3345.

3. Defendant **CENGIZ JAN COMU**, a/k/a CJ Comu, was a citizen of both the United States and Canada residing in Dallas, Texas. **COMU** founded EarthWater in 2013 and was the Chief Executive Officer and Chairman of EarthWater. **COMU** also founded Regus in 2010 and was the Chairman of Regus.

4. Defendant **JOHN MERVYN PRICE**, was a citizen of both the United States and the United Kingdom residing in Dallas, Texas. **PRICE** was the Chief Operating Officer of EarthWater from in or around 2013 through in or around September 2016. **PRICE** was also the President of Regus from in or around 2013 through in or around September 2016.

5. Defendant **HARLEY E. BARNES, III**, a/k/a Buddy Barnes, was a United States citizen residing in Plano, Texas. **BARNES** was the Chief Financial Officer of EarthWater. **BARNES** was also the Chief Financial Officer and Managing Partner of Regus.

6. Richard Laurence Kadish, d/b/a Energy Farms, Inc. (“Energy Farms”), d/b/a National IRPR, Inc. (“National IRPR”), was a citizen of the United States residing in Miami, Florida.

7. Defendant **RICHARD LAWRENCE GREEN**, a/k/a Richard Lawrence, d/b/a Sammieboy, Inc. (“Sammieboy”), d/b/a Ultimate Sales, Inc. (“Ultimate Sales”), was a United States citizen residing in Miami, Florida.

8. Defendant **DANIEL THOMAS BROYLES, SR.**, a/k/a Dan Thomas, was a United States citizen residing in Malibu, California until in or around September 2016, when he re-located to Mexico.

9. Defendant **SUZANNE AILEEN GAGNIER**, d/b/a Premier Marketing Solutions, Inc., was a United States citizen residing in Huntington Beach, California.

10. Defendant **JOE EDWARD DUCHINSKY**, a/k/a Joe Dunsmeer, d/b/a Universal Media Group, Inc., was a United States citizen residing in Alhambra, California.

11. Defendant **JOSEPH LUCIEN DUPLAIN**, d/b/a Jairsky, Inc., was a United States citizen residing in Murrieta, California.

12. Defendant **RUSSELL FILIPPO**, was a United States citizen residing in Oklahoma City, Oklahoma.

13. Donald Andrew Rothman, a/k/a Don Andrews, d/b/a On the Hill, Inc., d/b/a Just Me To, Inc., was a citizen of the United States residing in Coral Springs, Florida.

Overview of the Conspiracy and the Scheme to Defraud

14. From in or around 2013, the exact date being unknown to the Grand Jury, through in or around May 2019, in Dallas, Dallas County, within the Northern District of Texas and elsewhere, the defendants, **COMU, PRICE, BARNES, GREEN, BROYLES, GAGNIER, DUCHINSKY, DUPLAIN, FILIPPO**, Kadish, Rothman, and their co-conspirators, working

together, defrauded over approximately 300 victims of more than \$9,500,000 through the sale and promotion of EarthWater stock.

Purpose of the Conspiracy and the Scheme to Defraud

15. The purpose of the conspiracy and the scheme to defraud was to: (a) enrich **COMU, PRICE, BARNES, Kadish, GREEN, BROYLES, GAGNIER, DUCHINSKY, DUPLAIN, FILIPPO**, Rothman, and their co-conspirators, who used the proceeds of the stock sales for their personal benefit, and (b) conceal the conspiracy and the scheme to defraud.

Manner and Means of the Conspiracy and the Scheme to Defraud

16. It was part of the conspiracy and the scheme to defraud, and among the manner and means by which the defendants, Kadish, Rothman, and their co-conspirators carried out the conspiracy and the scheme to defraud, that:

a. **COMU, PRICE, BARNES, Kadish, GREEN, BROYLES, GAGNIER, DUCHINSKY, DUPLAIN, FILIPPO**, Rothman, and their co-conspirators targeted victim investors using telephone and email marketing to induce those victim investors to purchase EarthWater stock.

b. **COMU** falsely represented to victim investors verbally, in the Private Placement Memorandum, on his personal website (cjcomu.com), and in other promotional materials he drafted and distributed to victim investors, that he was a successful Wall Street veteran with decades of experience. **COMU** also did not disclose to investors that, among other things, he was permanently barred from selling unregistered securities as a result of actions filed by state and federal securities regulators.

c. Kadish used the email accounts “hydro@capital360.com” and “rich@capital360.com” to mask his true identity and background from victim investors. Kadish recruited one or more individuals to sell EarthWater stock.

d. **GREEN** used the alias “Richard Lawrence” and the email account “globalclients1@gmail.com” to mask his true identity and background from victim investors. **GREEN** recruited one or more individuals to sell EarthWater stock.

e. **BROYLES** used the alias “Dan Thomas” and the email account “earthwater.dan@gmail.com” to mask his true identity and background from victim investors. **BROYLES** recruited one or more individuals to sell EarthWater stock.

f. **DUCHINSKY** used the alias “Joe Dunsmeer” and the email account joedunsmeer@gmail.com to mask his true identity and background from victim investors.

g. Rothman used the alias “Don Andrews” and the email account “globalclientrelations@gmail.com” to mask his true identity and background from victim investors. Rothman recruited one or more individuals to sell EarthWater stock.

h. To induce victim investors to purchase EarthWater stock, **COMU, PRICE, BARNES, Kadish, GREEN, BROYLES, GAGNIER, DUCHINSKY, DUPLAIN, FILIPPO, Rothman**, and their co-conspirators made numerous false and fraudulent representations, both in direct exchanges with victim investors and through published and publicly posted materials. These false and fraudulent representations included, among other things, that EarthWater’s stock was marketable, on the verge of an initial public offering (IPO), merger or acquisition, and would have a value of at least \$5.00 per share after the IPO, merger or acquisition. **COMU, PRICE, BARNES, Kadish, GREEN, BROYLES, GAGNIER, DUCHINSKY, DUPLAIN, FILIPPO,**

Rothman, and their co-conspirators then falsely represented that victims had only a brief opportunity to purchase EarthWater stock for anywhere from \$0.10 - \$0.50 per share in an unregistered offering—thus promising a high-yield return on victims' investments.

i. **COMU, PRICE, BARNES, Kadish, GREEN, BROYLES, GAGNIER, DUCHINSKY, DUPLAIN, FILIPPO**, Rothman, and their co-conspirators falsely represented to victim investors verbally and in a Private Placement Memorandum, executive summary, PowerPoint presentation, and other promotional materials they drafted and distributed to victim investors that EarthWater would use ninety (90) percent of invested funds for its business and operations, such as new product development, global license and distribution, product inventories, marketing and public relations, working capital, legal/accounting/advisory, and cost contingencies. **COMU, PRICE, BARNES, Kadish, GREEN, BROYLES, GAGNIER, DUCHINSKY, DUPLAIN, FILIPPO**, Rothman, and their co-conspirators also falsely represented to victim investors verbally and in a Private Placement Memorandum, executive summary, PowerPoint presentation, and other promotional materials they drafted and distributed to victim investors that fees paid to a broker-dealer with respect to sales of EarthWater shares in the unregistered offering (or “placement fees”) would not exceed ten (10) percent of the purchase price of the shares.

j. **COMU, PRICE, BARNES, Kadish, GREEN, BROYLES, GAGNIER, DUCHINSKY, DUPLAIN, FILIPPO**, Rothman, and their co-conspirators falsely represented to victim investors verbally and in a Private Placement Memorandum they drafted and distributed to victim investors that EarthWater's officers and employees, including **COMU, PRICE, and BARNES**, did not receive salary from EarthWater in 2014, 2015, or 2016.

k. **COMU, PRICE, BARNES, Kadish, GREEN, BROYLES, GAGNIER, DUCHINSKY, DUPLAIN, FILIPPO**, Rothman, and their co-conspirators withheld from victim investors material information about the anticipated and actual use of proceeds from the sale of EarthWater stock in the unregistered offering.

l. Once a victim investor agreed to purchase EarthWater stock, **COMU, PRICE, BARNES, Kadish, GREEN, BROYLES, GAGNIER, DUCHINSKY, DUPLAIN, FILIPPO**, Rothman, and their co-conspirators continued to contact the victim investor to persuade the victim investor to make additional purchases of EarthWater stock to allegedly maximize the victim's investment gains.

m. In truth and in fact, **COMU, PRICE, BARNES, Kadish, GREEN, BROYLES, GAGNIER, DUCHINSKY, DUPLAIN, FILIPPO**, and Rothman knew that the proceeds of EarthWater stock sales were not invested in EarthWater as described to victim investors, but paid out to them and their co-conspirators for their personal benefit.

n. To obtain victims' money, **COMU, PRICE, BARNES, Kadish, GREEN, BROYLES, GAGNIER, DUCHINSKY, DUPLAIN, FILIPPO**, Rothman, and their co-conspirators instructed victim investors to mail payments for EarthWater stock to EarthWater at EarthWater's offices in Addison, Texas, or to wire payments directly into EarthWater's Bank of America bank account, which **COMU, PRICE** and **BARNES** controlled.

o. **COMU, PRICE** and **BARNES** received and deposited into EarthWater's Bank of America bank account all victim payments mailed to EarthWater's offices in Addison, Texas. **COMU, PRICE** and **BARNES** also monitored EarthWater's Bank of America bank account for victim payments made by wire transfers directly into that account.

p. Upon **COMU, PRICE** and **BARNES**'s receipt of victim funds, **COMU, PRICE** or **BARNES**, would issue and send the victim investor an EarthWater stock certificate that at least one of them had signed.

q. Once a victim investor's funds were deposited into EarthWater's Bank of America bank account, **COMU, PRICE** and **BARNES** distributed from that account, by check or wire transfer, sales commission payments totaling approximately forty-five (45) to fifty (50) percent of the victim's funds to the bank account(s) of the co-conspirator(s) responsible for contacting the victim investor and inducing the victim investor to purchase EarthWater stock, including Kadish and **GREEN**. Kadish and **GREEN** often split the commissions paid to them by **COMU, PRICE** and **BARNES** between and among themselves and, directly or indirectly, with others whom they had recruited to sell EarthWater stock, including Rothman, **GAGNIER, DUCHINSKY**, and **DUPLAIN, FILIPPO**.

r. From the remaining victim funds that they did not pay as sales commission, **COMU, PRICE** and **BARNES** paid themselves salaries (including in 2014, 2015 and 2016), and used the funds for their own personal benefit, either directly or by transferring the funds to bank accounts controlled by them, including to Regus's Bank of America bank account.

s. **COMU, PRICE, BARNES, Kadish, GREEN, BROYLES, GAGNIER, DUCHINSKY, DUPLAIN, FILIPPO**, Rothman, and their co-conspirators used invested victim funds for their personal benefit, not to develop and operate EarthWater as represented in the Private Placement Memorandum, executive summary, PowerPoint presentation, and other promotional materials they drafted and distributed to victim investors.

t. **COMU, PRICE, BARNES, Kadish, GREEN, BROYLES, GAGNIER, DUCHINSKY, DUPLAIN, FILIPPO**, Rothman, and their co-conspirators did not take significant steps, and did not have the ability, to initiate an IPO for EarthWater stock or a merger or acquisition.

u. **COMU, PRICE, BARNES, Kadish, GREEN, BROYLES, GAGNIER, DUCHINSKY, DUPLAIN, FILIPPO**, Rothman and their co-conspirators targeted persons over the age of 55 for solicitation.

v. **COMU, PRICE, BARNES, Kadish, GREEN, BROYLES, GAGNIER, DUCHINSKY, DUPLAIN, FILIPPO**, Rothman and their co-conspirators victimized ten or more persons over the age of 55 by fraudulently inducing them to purchase EarthWater stock.

w. The scheme perpetrated by **COMU, PRICE, BARNES, Kadish, GREEN, BROYLES, GAGNIER, DUCHINSKY, DUPLAIN, FILIPPO**, Rothman and their co-conspirators caused substantial financial hardship to at least five victims by causing them to suffer substantial loss of a retirement, education, and other savings and investment fund by fraudulently inducing them to purchase EarthWater stock.

**COUNT ONE
(CONSPIRACY TO COMMIT MAIL AND
WIRE FRAUD – 18 U.S.C. SECTION 1349)**

17. Paragraphs 1 through 16 of this Superseding Indictment are realleged and incorporated by reference as though fully set forth herein.

18. From in or around 2013, the exact date being unknown to the Grand Jury, through in or around May 2019, in Dallas, Dallas County, within the Northern District of Texas and elsewhere, the defendants,

**CENGIZ JAN COMU,
JOHN MERVYN PRICE,
HARLEY E. BARNES, III,
RICHARD LAWRENCE GREEN,
DANIEL THOMAS BROYLES, SR.,
SUZANNE AILEEN GAGNIER,
JOE EDWARD DUCHINSKY,
JOSEPH LUCIEN DUPLAIN,
and
RUSSELL FILIPPO,**

together with Kadish, Rothman and their conspirators, both known and unknown to the Grand Jury, knowingly combined, conspired, confederated, and agreed together, and with each other, to commit the following offenses:

a. To knowingly and willfully devise a scheme and artifice to defraud and for obtaining money and property by means of materially false and fraudulent pretenses, representations, and promises, and for the purpose of executing and attempting to execute the scheme and artifice to defraud, to knowingly and willfully place and caused to be placed in a post office and authorized depository for mail matter, and to be sent and delivered by the Postal Service and by a private and commercial interstate carrier, mail matter, specifically victim investments in EarthWater, in violation of Title 18, United States Code, Section 1341; and

b. To knowingly and willfully devise scheme and artifice to defraud and for obtaining money and property by means of materially false and fraudulent pretenses, representations, and promises, and for the purpose of executing and attempting to execute the scheme to defraud, to knowingly and willfully transmit and cause to be transmitted by means of wire communication in interstate and foreign commerce writings, signs, signals, pictures, and sounds, specifically wire transfers from victim investor bank accounts to the EarthWater bank account, and emails sending invoices to EarthWater, for the purpose of receiving victim investor funds or for receiving commission payments on solicited victim investor funds, in violation of Title 18, United States Code, Section 1343.

Purpose

19. The Grand Jury realleges and incorporates by reference paragraph 15 of this Superseding Indictment as a description of the purpose of the conspiracy.

Manner and Means

20. The Grand Jury realleges and incorporates by reference paragraph 16 of this Superseding Indictment as a description of the conspiracy.

All in violation of Title 18, United States Code, Sections 1349 and 2326(2)(A) & (B).

**COUNTS TWO THROUGH ELEVEN
(MAIL FRAUD - 18 U.S.C. SECTION 1341)**

21. The Grand Jury realleges and incorporates by reference paragraphs 1 through 16 of this Superseding Indictment.

22. From in or around 2013, the exact date being unknown to the Grand Jury, through in or around May 2019, in Dallas, Dallas County, within the Northern District of Texas and elsewhere, the defendants

**CENGIZ JAN COMU,
JOHN MERVYN PRICE,
HARLEY E. BARNES, III,
RICHARD LAWRENCE GREEN,
SUZANNE AILEEN GAGNIER,
JOE EDWARD DUCHINSKY,
JOSEPH LUCIEN DUPLAIN,
and
RUSSELL FILIPPO,**

together with Kadish, Rothman, and their co-conspirators, both known and unknown to the Grand Jury, aided and abetted by each other and others known and unknown to the Grand Jury, knowingly and willfully devised a scheme and artifice to defraud and for obtaining money and property by means of materially false and fraudulent pretenses, representations, and promises.

Use of the Mails

23. On or around the dates set forth below, each such date constituting a separate count of the Superseding Indictment, in the Northern District of Texas and elsewhere, the defendants,

**CENGIZ JAN COMU,
JOHN MERVYN PRICE,
HARLEY E. BARNES, III,
RICHARD LAWRENCE GREEN,
SUZANNE AILEEN GAGNIER,
JOE EDWARD DUCHINSKY,
JOSEPH LUCIEN DUPLAIN,**

and
RUSSELL FILIPPO,

together with Kadish, Rothman, and their co-conspirators, both known and unknown to the Grand Jury, did knowingly and willfully place and caused to be placed in a post office and authorized depository for mail matter, and to be sent and delivered by the Postal Service and by a private and commercial interstate carrier, mail matter, specifically victim investments in EarthWater, for the purpose of executing the scheme to defraud, and attempting to do so:

Count	Sender Initials	Mail Matter Sent From	Location Mail Matter Received	Approximate Date Mail Matter Sent	Approximate Amount of Victim Investment
2	AP	Vernon Rockville, CT	Addison, TX	06/23/16	\$10,000
3	HM	Phoenix, AZ	Addison, TX	08/27/16	\$12,500
4	W&JPLP	Waddell, AZ	Addison, TX	09/22/16	\$5,000
5	JE	Superior, NE	Addison, TX	01/13/17	\$5,000
6	DF	Tracy, MN	Addison, TX	03/13/17	\$10,000
7	GS	Sioux City, IA	Addison, TX	04/03/17	\$7,500
8	BM	Colorado Springs, CO	Addison, TX	06/06/17	\$75,000
9	CM	Carpinteria, CA	Addison, TX	04/04/18	\$10,000
10	MP	San Ramon, CA	Addison, TX	04/05/18	\$20,000
11	AR/ RF Rev Trust	Carmichael, CA	Addison, TX	11/14/15	\$2,500

All in violation of Title 18, United States Code, Sections 1341, 2326(2)(A) & (B), and 2.

**COUNTS TWELVE THROUGH NINETEEN
(WIRE FRAUD - 18 U.S.C. SECTION 1343)**

24. The Grand Jury realleges and incorporates by reference paragraphs 1 through 16 of this Superseding Indictment.

25. From in or around 2013, the exact date being unknown to the Grand Jury, through in or around May 2019, in Dallas, Dallas County, within the Northern District of Texas and elsewhere, the defendants,

**CENGIZ JAN COMU,
JOHN MERVYN PRICE,
HARLEY E. BARNES, III,
RICHARD LAWRENCE GREEN,
SUZANNE AILEEN GAGNIER,
JOE EDWARD DUCHINSKY,
JOSEPH LUCIEN DUPLAIN,
and
RUSSELL FILIPPO,**

together with Kadish, Rothman, and their co-conspirators, both known and unknown to the Grand Jury, aided and abetted by each other and others known and unknown to the Grand Jury, knowingly and willfully devised a scheme and artifice to defraud and for obtaining money and property by means of materially false and fraudulent pretenses, representations, and promises.

Use of the Wires

26. On or around the dates set forth below, each such date constituting a separate count of the Superseding Indictment, in the Northern District of Texas and elsewhere, the defendants,

**CENGIZ JAN COMU,
JOHN MERVYN PRICE,
HARLEY E. BARNES, III,
RICHARD LAWRENCE GREEN,
SUZANNE AILEEN GAGNIER,
JOE EDWARD DUCHINSKY,
JOSEPH LUCIEN DUPLAIN,**

and
RUSSELL FILIPPO,

together with Kadish, Rothman, and their co-conspirators, both known and unknown to the Grand Jury, did knowingly and willfully transmit, and cause to be transmitted, the following wire transfers in interstate commerce from victim investor bank accounts to the EarthWater bank account, and emails sending invoices to EarthWater, for the purpose of receiving victim investor funds or for receiving commission payments on solicited victim investor funds, in furtherance of the scheme to defraud:

Count	Approximate Date	Description of Wire
12	10/29/15	Interstate wire transfer of approximately \$10,000 from victim investor KE in CA to EarthWater's bank account in TX.
13	11/27/15	Interstate wire transfer of approximately \$25,000 from victim investor WB in NY to EarthWater's bank account in TX.
14	05/11/16	Interstate wire transfer of approximately \$25,000 from victim investor DG in AL to EarthWater's bank account in TX.
15	03/17/17	Email from GREEN in FL to COMU and BARNES in TX sending invoice for commission payment of approximately \$4,500.
16	04/04/17	Interstate wire transfer of approximately \$12,000 from victim investor DK in FL to EarthWater's bank account in TX.
17	04/04/17	Interstate wire transfer of approximately \$500 from victim investor DK in FL to EarthWater's bank account in TX.
18	06/14/17	Email from Kadish in FL to COMU and BARNES in TX sending invoice for commission payment of approximately \$3,750.
19	06/14/17	Email from GREEN in FL to COMU and BARNES in TX sending invoice for commission payment of approximately \$33,750.

All in violation of Title 18, United States Code, Sections 1343, 2326(2)(A) & (B), and 2.

**COUNTS TWENTY THROUGH TWENTY-ONE
(WIRE FRAUD - 18 U.S.C. SECTION 1343)**

27. The Grand Jury realleges and incorporates by reference paragraphs 1 through 16 of this Superseding Indictment.

28. From in or around 2013, the exact date being unknown to the Grand Jury, through in or around May 2019, in Dallas, Dallas County, within the Northern District of Texas and elsewhere, the defendants,

**CENGIZ JAN COMU,
JOHN MERVYN PRICE,
HARLEY E. BARNES, III,
RICHARD LAWRENCE GREEN,
SUZANNE AILEEN GAGNIER,
JOE EDWARD DUCHINSKY,
and
JOSEPH LUCIEN DUPLAIN,**

together with Kadish, Rothman, and their co-conspirators, both known and unknown to the Grand Jury, aided and abetted by each other and others known and unknown to the Grand Jury, knowingly and willfully devised a scheme and artifice to defraud and for obtaining money and property by means of materially false and fraudulent pretenses, representations, and promises.

Use of the Wires

29. On or around the dates set forth below, each such date constituting a separate count of the Superseding Indictment, in the Northern District of Texas and elsewhere, the defendants,

**CENGIZ JAN COMU,
JOHN MERVYN PRICE,
HARLEY E. BARNES, III,
RICHARD LAWRENCE GREEN,
SUZANNE AILEEN GAGNIER,
JOE EDWARD DUCHINSKY,
and
JOSEPH LUCIEN DUPLAIN,**

together with Kadish, Rothman, and their co-conspirators, both known and unknown to the Grand Jury, did knowingly and willfully transmit, and cause to be transmitted, the following wire transfers in interstate commerce from victim investor bank accounts to the EarthWater bank account, for the purpose of receiving victim investor funds, in furtherance of the scheme to defraud:

Count	Approximate Date	Description of Wire
20	08/11/15	Interstate wire transfer of approximately \$29,980 from victim investor AS in NY to EarthWater's bank account in TX.
21	08/24/15	Interstate wire transfer of approximately \$49,980 from victim investor AS in NY to EarthWater's bank account in TX.

All in violation of Title 18, United States Code, Sections 1343, 2326(2)(A) & (B), and 2.

**COUNTS TWENTY-TWO THROUGH TWENTY-THREE
(MONEY LAUNDERING – 18 U.S.C. SECTION 1957(a))**

30. The Grand Jury realleges and incorporates by reference paragraphs 1 through 16 of this Superseding Indictment.

31. On or around the dates set forth below, each such date constituting a separate count of the Superseding Indictment, in the Northern District of Texas and elsewhere, the defendants named below, aided and abetted by each other and others known and unknown to the Grand Jury, did knowingly cause and engage in, and attempt to cause and engage in, the following monetary transactions by, through, and to a financial institution, affecting interstate commerce, in criminally derived property of a value greater than \$10,000, that is, the transfer of funds from EarthWater's bank account at Bank of America with account number ending in #2037 to Regus's bank account at Bank of America with account number ending in #3345, such property having been derived from a specified unlawful activity, namely, conspiracy and mail and wire fraud in violation of Title 18, United States Code, Sections 1341, 1343, and 1349:

Count	Approximate Date	Monetary Transaction	Defendants
22	05/18/15	Transfer from EarthWater Bank of America account ending in #2037 to Regus Bank of America account ending in #3345 in the amount of \$15,000	CENGIZ JAN COMU and JOHN MERVYN PRICE
23	11/14/16	Transfer from EarthWater Bank of America account ending in #2037 to Regus Bank of America account ending in #3345 in the amount of \$21,000	CENGIZ JAN COMU and HARLEY E. BARNES, III

All in violation of Title 18, United States Code, Sections 1957(a) and 2.

NOTICE OF FORFEITURE

Notice is hereby given of 18 U.S.C. § 982 and 28 U.S.C. § 2461(c). Under Section 2461(c), criminal forfeiture is applicable to any offenses for which forfeiture is authorized by any other statute, including but not limited to 18 U.S.C. § 981 and all specified unlawful activities listed or referenced in 18 U.S.C. § 1956(c)(7), which are incorporated as to proceeds by Section 981(a)(1)(C). The following property is subject to forfeiture in accordance with Section 982 and/or 2461(c):

- a. All property which constitutes or is derived from proceeds of the violations set forth in this Superseding Indictment;
- b. All property involved in such violations or traceable to property involved in such violations; and
- c. If, as set forth in 21 U.S.C. § 853(p), any property described in (a) or (b) cannot be located upon the exercise of due diligence, has been transferred or sold to, or deposited with, a third party, has been placed beyond the jurisdiction of the court, has been substantially diminished in value, or has been commingled with other property which cannot be divided without difficulty, all other property of the defendants to the extent of the value of the property described in (a) and (b).

A TRUE BILL



GRAND JURY FOREPERSON

ERIN NEALY COX,
UNITED STATES ATTORNEY

ROBERT A. ZINK
CHIEF
FRAUD SECTION, CRIMINAL DIVISION
U.S. DEPARTMENT OF JUSTICE



CHRISTOPHER FENTON
christopher.fenton@usdoj.gov
WILLIAM H. BOWNE
william.bowne2@usdoj.gov
AMANDA VAUGHN
amanda.vaughn@usdoj.gov
Trial Attorneys
Fraud Section, Criminal Division
U.S. Department of Justice
1400 New York Avenue, NW
Washington, D.C. 20005
(202) 514-0660

Mary Walters
Assistant United States Attorney
Texas State Bar No. 24003138
1100 Commerce Street, Third Floor
Dallas, Texas 75242-1699
Telephone: 214-659-8600
Facsimile: 214-659-8812
Email: mary.walters@usdoj.gov

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

THE UNITED STATES OF AMERICA

v.

CENGIZ JAN COMU (1)
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JOSEPH LUCIEN DUPLAIN (9)
RUSSELL FILIPPO (10)

SEALED SUPERSEDING INDICTMENT

18 U.S.C. § 1349
Conspiracy to Commit Mail and Wire Fraud
(Count 1)

18 U.S.C. § 1341
Mail Fraud
(Counts 2 and 11)

18 U.S.C. § 1343
Wire Fraud
(Counts 12 – 21)

18 U.S.C. § 1957(a)
Money Laundering
(Counts 22 – 23)

18 U.S.C. § 982 and 28 U.S.C. § 2461(c)
Forfeiture Notice

23 Counts

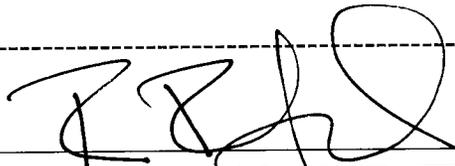
A true bill rendered

DALLAS


FOREPERSON

Filed in open court this 6 day of November, 2019.

Warrant to be Issued **CENGIZ JAN COMU (1), JOHN MERVYN PRICE (2), RICHARD LAWRENCE GREEN (5), DANIEL THOMAS BROYLES SR (6), SUZANNE AILEEN GAGNIER (7), JOE EDWARD DUCHINSKY (8), JOSEPH LUCIEN DUPLAIN (9), RUSSELL FILIPPO (10)**


UNITED STATES MAGISTRATE JUDGE
No Criminal Matter Pending