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★ MAR 23 2023 ★

MRM:CCC
F. #2023R00164

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

LONG ISLAND OFFICE

-----X

UNITED STATES OF AMERICA

- against -

SURAGE ROSHAN PERERA,

Defendant.

-----X

THE GRAND JURY CHARGES:

INDICTMENT

Cr. No. **CR 23 129**
(T. 15, U.S.C., §§ 78j(b), 78ff, 80b-6,
80b-14 and 80b-17; T. 18, U.S.C., §§
981(a)(1)(C), 982(a)(1), 982(b)(1), 1343,
1956(a)(1)(A)(i), 1957 and 3551 et seq.;
T. 21, U.S.C., § 853(p); T. 28, U.S.C.,
§ 2461(c))

BROWN, J.

INTRODUCTION

TISCIONE, M.J.

At all times relevant to this Indictment, unless otherwise indicated:

I. The Defendant and Relevant Individuals and Entities

1. Janues Capital, Inc. ("Janues") was a New York State corporation that held itself out as a capital market advisory firm.

2. The defendant SURAGE ROSHAN PERERA, a resident of Bellerose, New York, was the Founder and Executive Director of Janues. PERERA was formerly an investment advisor and broker registered with the Securities and Exchange Commission (the "SEC").

3. Jane Doe, whose identity is known to the Grand Jury, is a resident of Cedar Grove, New Jersey. Jane Doe was an investment advisory client of the defendant SURAGE ROSHAN PERERA.

4. The defendant SURAGE ROSHAN PERERA maintained a bank account for Janues at a JPMorgan Chase branch in Bellerose, New York (the “JPMC Business Account”). Investor money was regularly deposited into and drawn from that bank account, and investor money was also wired to and from that bank account.

II. The Fraudulent Scheme

5. In or about and between February 2022 and March 2023, both dates being approximate and inclusive, the defendant SURAGE ROSHAN PERERA engaged in a scheme to defraud Jane Doe through material misrepresentations and omissions relating to, among other things, how Jane Doe’s money would be invested. PERERA repeatedly contacted Jane Doe via telephone calls, emails and text messages to solicit Jane Doe to purchase stock in companies that traded on the NASDAQ and New York Stock Exchange (“NYSE”), in exchange for a fee.

6. It was a part of the scheme to defraud that the defendant SURAGE ROSHAN PERERA, among other things, falsely told Jane Doe that he had relationships with large institutions, and he could purchase shares of those publicly-traded companies at discounted prices. It was a further part of the scheme to defraud that PERERA, among other things, falsely claimed that Jane Doe’s investment was a low risk venture and he would use her investment capital to purchase shares in those public-traded companies. As a result, Jane Doe gave PERERA more than \$4.2 million. However, instead of investing Jane Doe’s money in those securities, PERERA misappropriated those funds by, among things: (1) paying redemptions to Jane Doe, (2) paying personal expenses and (3) funding his day trading.

7. To conceal his fraudulent scheme, the defendant SURAGE ROSHAN PERERA sent fraudulent confirmation notices and account statements to Jane Doe that falsely showed that he had purchased the securities.

COUNT ONE
(Securities Fraud)

8. The allegations contained in paragraphs one through seven are realleged and incorporated as if fully set forth in this paragraph.

9. In or about and between February 2022 and March 2023, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant SURAGE ROSHAN PERERA did knowingly and willfully use and employ one or more manipulative and deceptive devices and contrivances, contrary to Rule 10b-5 of the Rules and Regulations of United States Securities and Exchange Commission, Title 17, Code of Federal Regulations, Section 240.10b-5, in that the defendant did knowingly and willfully (a) employ devices, schemes and artifices to defraud, (b) make untrue statements of material fact and omit to state material facts necessary in order to make the statements made, in light of the circumstances in which they were made, not misleading, and (c) engage in acts, practices and courses of business which would and did operate as a fraud and deceit upon members of the investing public, in connection with the purchases and sales of stock in companies traded on the NASDAQ and NYSE, directly and indirectly, by use of means and instrumentalities of interstate commerce and the mails.

(Title 15, United States Code, Sections 78j(b) and 78ff; Title 18, United States Code, Sections 3551 et seq.)

COUNT TWO
(Investment Advisor Fraud)

10. The allegations contained in paragraphs one through seven are realleged and incorporated as if fully set forth in this paragraph.

11. In or about and between February 2022 and March 2023, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant SURAGE ROSHAN PERERA did knowingly and willfully use and cause to be used, the mails and means and instrumentalities of interstate commerce, directly and indirectly: (a) to employ one or more devices, schemes and artifices to defraud Jane Doe; (b) engage in one or more transactions, practices and courses of business which operated as a fraud and deceit upon Jane Doe; and (c) to engage in one or more acts, practices and courses of business which were fraudulent, deceptive and manipulative.

(Title 15, United States Code, Sections 80b-6, 80b-14 and 80b-17; Title 18, United States Code, Sections 3551 et seq.)

COUNT THREE
(Money Laundering)

12. The allegations contained in paragraphs one through seven are realleged and incorporated as if fully set forth in this paragraph.

13. In or about and between February 2022 and March 2023, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant SURAGE ROSHAN PERERA did knowingly and intentionally conduct one or more financial transactions in and affecting interstate commerce, which transactions in fact involved the proceeds of specified unlawful activity, to wit: wire fraud, in violation of Title 18, United States Code, Section 1343, and securities fraud, in violation of Title 15, United States Code, Sections

78j(b) and 78ff, knowing that the property involved in such transactions represented the proceeds of some form of unlawful activity, with the intent to promote the carrying on of the specified unlawful activity.

(Title 18, United States Code, Sections 1956(a)(1)(A)(i) and 3551 et seq.)

COUNT FOUR
(Engaging in Unlawful Monetary Transactions)

14. The allegations contained in paragraphs one through seven are realleged and incorporated as if fully set forth in this paragraph.

15. In or about and between February 2022 and March 2023, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant SURAGE ROSHAN PERERA did knowingly and intentionally engage and attempt to engage in monetary transactions, in and affecting interstate commerce, in criminally derived property that was of a value greater than \$10,000 and was derived from specified unlawful activity, to wit: wire fraud, in violation of Title 18, United States Code, Section 1343, and securities fraud, in violation of Title 15, United States Code, Sections 78j(b) and 78ff, knowing that the property involved in such monetary transactions represented the proceeds of some form of unlawful activity.

(Title 18, United States Code, Sections 1957 and 3551 et seq.)

COUNTS FIVE THROUGH SIXTEEN
(Wire Fraud)

16. The allegations contained in paragraphs one through seven are realleged and incorporated as if fully set forth in this paragraph.

17. On or about the dates set forth below, within the Eastern District of New York and elsewhere, the defendant SURAGE ROSHAN PERERA did knowingly and

intentionally devise a scheme and artifice to defraud Jane Doe, and to obtain money and property from Jane Doe by means of one or more materially false and fraudulent pretenses, representations and promises, and for the purpose of executing such scheme and artifice did transmit and cause to be transmitted by means of wire communication in interstate and foreign commerce, writings, signs, signals, pictures and sounds, to wit:

Count	Approximate Date of Wire Transmission	Description of Wire Transmission
FIVE	3/16/22	an email from PERERA to Jane Doe attaching a fraudulent confirmation notice
SIX	3/17/22	\$350,000 wire transfer sent via the Federal Reserve Wire Network from Jane Doe to the JPMC Business Account
SEVEN	4/6/22	\$700,000 wire transfer sent via the Federal Reserve Wire Network from Jane Doe to the JPMC Business Account
EIGHT	6/2/22	\$520,000 wire transfer sent via the Federal Reserve Wire Network from Jane Doe to the JPMC Business Account
NINE	6/11/22	WhatsApp text message from PERERA to Jane Doe containing an offer to purchase shares of a company trading on the NYSE
TEN	6/22/22	an email from PERERA to Jane Doe attaching a fraudulent confirmation notice
ELEVEN	6/22/22	WhatsApp text message from PERERA to Jane Doe containing an offer to purchase 85,000 shares of a company trading on the NYSE
TWELVE	6/23/22	\$1,287,750 wire transfer sent via the Federal Reserve Wire Network from Jane Doe to the JPMC Business Account

THIRTEEN	8/10/22	WhatsApp text message from PERERA to Jane Doe containing an offer to purchase stock of a company trading on the NYSE
FOURTEEN	8/17/22	an email from PERERA to Jane Doe attaching a fraudulent confirmation notice
FIFTEEN	8/22/22	an email from PERERA to Jane Doe attaching a fraudulent confirmation notice
SIXTEEN	2/9/23	an email from PERERA to Jane Doe attaching a fraudulent account statement

(Title 18, United States Code, Sections 1343 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION
AS TO COUNTS ONE AND FIVE THROUGH SIXTEEN

18. The United States hereby gives notice to the defendant that, upon his conviction of the offenses charged in Counts One and Five through Sixteen, the government will seek forfeiture in accordance with Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), which require any person convicted of such offenses to forfeit any property, real or personal, constituting, or derived from, proceeds obtained directly or indirectly as a result of such offenses.

19. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or

(e) 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 the defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Section 981(a)(1)(C); Title 21, United States Code, Section 853(p); Title 28, United States Code, Section 2461(c))

CRIMINAL FORFEITURE ALLEGATION
AS TO COUNTS THREE AND FOUR

20. The United States hereby gives notice to the defendant that, upon his conviction of the offenses charged in Counts Three and Four, the government will seek forfeiture in accordance with Title 18, United States Code, Section 982(a)(1), which requires any person convicted of such offenses to forfeit any property, real or personal, involved in such offenses, or any property traceable to such property.

21. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) 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), as incorporated by Title 18, United States Code, Section 982(b)(1), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Sections 982(a)(1) and 982(b)(1); Title 21, United States Code, Section 853(p))

A TRUE BILL

FOREPERSON

BREON PEACE
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

No.

UNITED STATES DISTRICT COURT

EASTERN District of NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

SURAGE ROSHAN PERERA,

Defendant.

INDICTMENT

(T. 15, U.S.C., §§ 78j(b), 78ff, 80b-6, 80b-14 and 80b-17;
T. 18, U.S.C., §§ 981(a)(1)(C), 982(a)(1), 982(b)(1), 1343,
1956(a)(1)(A)(i), 1957 and 3551 et seq.; T. 21, U.S.C., § 853(p);
T. 28, U.S.C., § 2461(c))

A true bill.

Foreperson

Filed in open court this _____ day,

of _____ A.D. 20 _____

Clerk

Bail, \$ _____

Christopher C. Caffarone, Assistant U.S. Attorney (631) 715-7868