

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO

UNITED STATES OF AMERICA,

v.

~~UNDER SEAL~~

FILED

MAY 10 2018

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

sn

RENATO LIBRIC,

CR 18 196 MMC

DEFENDANT(S).

INDICTMENT

18 U.S.C. § 1343 - Wire Fraud; and

18 U.S.C. §§ 981(a)(1)(C), 982(a) & 28 U.S.C. § 2461(c) - Criminal Forfeiture

A true bill

Leuder Port

Foreman

Filed in open court this 10th day of

May 2018
K. L. Hom

KAREN L. HOM

Clerk

JOSEPH C. SPERO

UNITED STATES MAGISTRATE JUDGE

Bail, \$

no bail arrest warrant

1

AO 257 (Rev. 6/78)

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

BY: COMPLAINT INFORMATION INDICTMENT SUPERSEDING

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

NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

OFFENSE CHARGED

18 U.S.C. § 1343 Wire Fraud)

UNDER SEAL

- Petty
 Minor
 Misdemeanor
 Felony

PENALTY: Maximum term of imprisonment of 20 years; Maximum fine of \$250,000 or the greater of twice the gross gain or twice the gross loss; Maximum of 3 years of supervised release; \$100 special assessment; Restitution and forfeiture as determined by the Court

DEFENDANT - U.S.

RENATO LIBRIC

DISTRICT COURT NUMBER

FILED CR 18 196 MMC
MAY 10 2018

DEFENDANT

PROCEEDING

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

Federal Bureau of Investigation (FBI)

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

SUSAN Y. SOON, CLERK, U.S. DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA

IS NOT IN CUSTODY

Defendant has not been arrested, pending outcome this proceeding.

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)

N.D. California

IS IN CUSTODY

4) On this charge

5) On another conviction

Federal State

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

This report amends AO 257 previously submitted

Name and Office of Person

Furnishing Information on this form Alex G. Tse

U.S. Attorney Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) Matthew L. McCarthy

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS NO PROCESS* WARRANT

Bail Amount: No bail

If Summons, complete following:

Arraignment Initial Appearance

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

Defendant Address:

Date/Time:

Before Judge:

Comments:

1 ALEX G. TSE (CABN 152348)
Acting United States Attorney

FILED

~~UNDER SEAL~~

MAY 10 2018

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA



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

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 RENATO LIBRIC,

15 Defendant.

CASE NO. **CR 18 196 MMC**

VIOLATIONS: 18 U.S.C. § 1343 – Wire Fraud; 18
U.S.C. §§ 981(a)(1)(C), 982 & 28 U.S.C. § 2461(c) –
Criminal Forfeiture

SAN FRANCISCO VENUE

16
17
18
19
20 INDICTMENT

21 The Grand Jury charges:

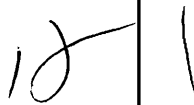
22 Introductory Allegations

23 At all times relevant to this Indictment:

- 24 1. Defendant Renato LIBRIC resided in the Northern District of California.
- 25 2. Bouxtie, Inc. (“Bouxtie”) was a Delaware corporation with offices in San Francisco,

26 Redwood City, and Sunnyvale, California. Renato LIBRIC was a shareholder in and the Chief
27 Executive Officer of Bouxtie. Bouxtie maintained various financial accounts, including a Silicon Valley
28 Bank account with an account number ending in -5718.

INDICTMENT



1 3. LIBRIC maintained personal financial accounts, including a checking account at Wells
2 Fargo Bank ending in -0175.

3 4. Moose Run, LLC (“Moose Run”) was a Wyoming Limited Liability Company, with its
4 principal place of business in Las Vegas, Nevada.

5 The Scheme to Defraud

6 5. Beginning at a date unknown to the grand jury, but no later than August 2017, and
7 continuing through a date unknown to the grand jury, but to at least February 2018, LIBRIC knowingly
8 devised, intended to devise, and carried out a scheme and artifice to defraud as to a material matter, and
9 to obtain money and property by means of materially false and fraudulent pretenses, representations, and
10 promises, and by omissions and concealment of material facts with a duty to disclose.

11 As part of the scheme to defraud LIBRIC engaged in, among others, the following acts:

12 6. LIBRIC caused fraudulent documents to be transmitted to potential investors in Bouxtie,
13 including to N.L and D.L., who were persons representing Moose Run. These documents were
14 intended, among other things, to overstate the financial condition and prospects of Bouxtie, and to
15 induce the potential investors to believe that LIBRIC had authority to sell a significant number of shares
16 in Bouxtie to investors.

17 7. LIBRIC fraudulently placed a signature on a Term Sheet that purported to indicate that a
18 large publicly-traded corporation was interested in purchasing Bouxtie at a price of \$150,000,000. The
19 signature on the Term Sheet purported to be that of M.S., an executive with the alleged purchasing
20 corporation. In fact, LIBRIC forged the signature there himself. LIBRIC then caused this Term Sheet
21 to be transmitted to persons representing Moose Run, LLC.

22 8. LIBRIC caused a bank statement to be transmitted to persons representing Moose Run,
23 which statement purported to show that Bouxtie had over \$2,000,000 in its bank account ending in
24 -5718 as of August 1, 2017. This bank statement was fraudulent. In fact, the balance in the -5718
25 account on August 1, 2017 was \$7,642.82.

26 9. LIBRIC fraudulently placed the signatures of members of Bouxtie’s Board of Directors
27 on a document entitled “Corporate Resolution of Bouxtie, Inc.” These signatures purportedly authorized
28 LIBRIC to enter into agreements with Moose Run, under which Moose Run would lend Bouxtie

1 \$1,500,000. Under the proposed terms, this loan could then be converted into shares equaling no less
2 than 3.99% of Bouxtie. LIBRIC then transmitted this fraudulent Resolution to N.L, who was acting on
3 behalf of Moose Run, on October 19, 2017.

4 10. After receiving these and other representations, Moose Run chose to invest \$1,500,000 in
5 Bouxtie. To effect this investment, Moose Run caused a wire in the amount of \$1,500,000 to be
6 transmitted from First Security Bank in Missoula, Montana to Bouxtie's account ending in -5718 at
7 Silicon Valley Bank in Santa Clara, California. These funds were transmitted by wire from Montana to
8 California on October 20, 2017.

9 11. On October 23, 2017, LIBRIC transferred, or caused to be transferred, \$100,000 from the
10 Silicon Valley Bank account of Bouxtie ending in -5718 to his own Wells Fargo checking account
11 ending in -0175.

12 12. On October 27, 2017, LIBRIC transferred, or caused to be transferred, \$11,352 from the
13 Silicon Valley Bank account of Bouxtie ending in -5718 to his own Wells Fargo checking account
14 ending in -0175.

15 13. On November 27, 2017, LIBRIC transferred, or caused to be transferred, \$25,000 from
16 the Silicon Valley Bank account of Bouxtie ending in -5718 to his own Wells Fargo checking account
17 ending in -0175.

18 COUNT ONE: (18 U.S.C. §§ 1343 and 2 – Wire Fraud and Aiding and Abetting)

19 14. Paragraphs 1 through 13 of this Indictment are re-alleged and incorporated.

20 15. On or about October 20, 2017, in the Northern District of California and elsewhere, the
21 defendant,

22 RENATO LIBRIC,

23 for the purpose of executing the scheme and artifice referred to above, and attempting to do so, did
24 knowingly transmit and cause to be transmitted writings, signs, signals, pictures, and sounds in interstate
25 commerce by means of wire communications, to wit: an interstate wire transmission of \$1,500,000 from
26 First Security Bank in Missoula, Montana to Bouxtie, Inc.'s account ending in -5718 at Silicon Valley
27 Bank in Santa Clara, California.

28 All in violation of Title 18, United States Code, Sections 1343 & 2.

1 FORFEITURE ALLEGATION: (18 U.S.C. §§ 981(a)(1)(C) & 28 U.S.C. § 2461(c) – Criminal
2 Forfeiture)

3 16. All of the allegations contained in this Indictment are re-alleged and fully incorporated
4 herein for the purpose of alleging forfeiture pursuant to the provisions of Title 18, United States Code,
5 Sections 981(a)(1)(C) and 982(a), and Title 28, United States Code, Section 2461(c).

6 17. Upon a conviction for the offense alleged in Count One of this Indictment, the defendant,
7
8 RENATO LIBRIC,
9 shall forfeit to the United States pursuant to 18 U.S.C. §§ 981(a)(1)(C), and 28 U.S.C. § 2461(c) all
10 property, real or personal, constituting, and derived from, proceeds the defendant obtained directly and
11 indirectly as the result of those violations, including but not limited to a forfeiture money judgment in an
12 amount equal to the total proceeds from the commission of said offense.

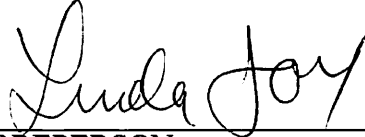
13 18. If any of the aforementioned property, as a result of any act or omission of the defendant–
14 a. cannot be located upon the exercise of due diligence;
15 b. has been transferred or sold to, or deposited with, a third person;
16 c. has been placed beyond the jurisdiction of the Court;
17 d. has been substantially diminished in value; or
18 e. has been commingled with other property that cannot be divided without difficulty;
19 any and all interest the defendant has in other property shall be vested in the United States and
20 forfeited to the United States pursuant to 21 U.S.C. § 853(p).

21 //
22 //
23 //
24 //
25 //
26 //
27 //


1 All in violation of Title 18, United States Code, Sections 981(a)(1)(C); Title 28, United States
2 Code, Section 2461(c); and Rule 32.2 of the Federal Rules of Criminal Procedure.

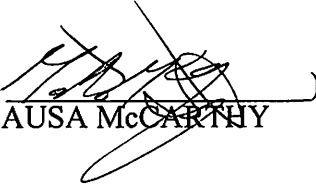
3
4 DATED: 5-10-18

A TRUE BILL

5
6 
7 _____
FOREPERSON

8 ALEX G. TSE
Acting United States Attorney

9
10 
11 _____
12 JOHN H. HERMANN
Deputy Chief, Criminal Division

13
14 (Approved as to form: 
15 _____
AUSA McCARTHY