

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

BY:  INFORMATION  INDICTMENT

Matter Sealed:  Juvenile  Other than Juvenile

Pre-Indictment Plea  Superseding  Defendant Added  
 Indictment  Charges/Counts Added  
 Information

Name of District Court, and/or Judge/Magistrate Location (City)  
 UNITED STATES DISTRICT COURT San Francisco  
 DISTRICT OF Northern California Divisional Office

Name and Office of Person Furnishing Information on THIS FORM MELINDA HAAG  
 U.S. Atty  Other U.S. Agency  
 Phone No. \_\_\_\_\_  
 Name of Asst. U.S. Attorney (if assigned) Robert Leach

PROCEEDING

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

person is awaiting trial in another Federal or State Court (give name of court)

this person/proceeding transferred from another district per (circle one) FRCP 20, 21 or 40. Show District

this is a re prosecution of charges previously dismissed which were dismissed on motion of:  
 U.S. Atty  Defense

this prosecution relates to a pending case involving this same defendant. (Notice of Related Case must still be filed with the Clerk.)

prior proceedings or appearance(s) before U.S. Magistrate Judge regarding this defendant were recorded under

SHOW DOCKET NO.

MAG. JUDGE CASE NO.

Place of offense \_\_\_\_\_ County Sonoma

CASE NO. \_\_\_\_\_

USA vs.

Defendant: Michael Thomas Hamilton a/k/a Thomas Smith

Address: \_\_\_\_\_

**CR 13 748**

Interpreter Required Dialect: \_\_\_\_\_

Birth Date 9/23/1964  Male  Alien  
 Female (if applicable)

Social Security Number \_\_\_\_\_

DEFENDANT

Issue:  Warrant  Summons

Location Status:

Arrest Date \_\_\_\_\_ or Date Transferred to Federal Custody \_\_\_\_\_

Currently in Federal Custody

Currently in State Custody

Writ Required

Currently on bond

Fugitive

Defense Counsel (if any): \_\_\_\_\_

FPD  CJA  RET'D

Appointed on Target Letter

This report amends AO 257 previously submitted

OFFENSE CHARGED - U.S.C. CITATION - STATUTORY MAXIMUM PENALTIES - ADDITIONAL INFORMATION OR COMMENTS

Total # of Counts 22

Set	Title & Section/Offense Level (Petty = 1 / Misdemeanor = 3 / Felony = 4)	Description of Offense Charged	Count(s)
	PLEASE SEE ATTACHED FOR PENALTIES		

1-1752

PENALTY SHEET ATTACHMENT

FILED  
NOV 19 11:34  
U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
748  
WHO

Counts One Through Eleven:

18 U.S.C. § 1343 – Wire Fraud

**CR 13**

**748**

Maximum Penalties: 20 years imprisonment

\$250,000 fine or not more than twice the amount of the criminally derived property involved in the transaction (18 U.S.C. § 3571)

3 years supervised release (18 U.S.C. §§ 3583(b)(2) & 3559(a)(3))

\$100 special assessment (18 U.S.C. § 3013)

Counts Twelve Through Twenty:



18 U.S.C. § 1341 – Mail Fraud

Maximum Penalties: 20 years imprisonment

\$250,000 fine or not more than twice the amount of the criminally derived property involved in the transaction (18 U.S.C. § 3571)

3 years supervised release (18 U.S.C. §§ 3583(b)(2) & 3559(a)(3))

\$100 special assessment (18 U.S.C. § 3013)

Counts Twenty-One Through Twenty-Two:

18 U.S.C. § 1956 – Money Laundering

Maximum Penalties: 20 years imprisonment

\$500,000 fine or not more than twice the amount of the criminally derived property involved in the transaction

3 years supervised release (18 U.S.C. §§ 3583(b)(2) & 3559(a)(3))

\$100 special assessment (18 U.S.C. § 3013)

# United States District Court

FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO

FILED  
NOV 19 11:35  
R

UNITED STATES OF AMERICA  
v.

748 WHO

MICHAEL THOMAS HAMILTON  
a/k/a  
Thomas Smith



DEFENDANT(S).

## INDICTMENT

18 U.S.C. § 1341 - Mail Fraud  
18 U.S.C. § 1343 - Wire Fraud  
18 U.S.C. § 1956 - Money Laundering

A true bill.

J. Schier  
Foreman

Filed in open court this 19 day of

Nov 2013  
Ada Means  
Clerk

Jacqueline Scott Corley  
Bail, \$ NO BAIL WARRANT  
Jacqueline Scott Corley  
United States Magistrate Judge

MELINDA HAAG (CABN 132612)  
United States Attorney

FILED

21B NOV 19 A 11:35

U.S. DISTRICT COURT  
SAN FRANCISCO, CALIFORNIA



UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

WHO

UNITED STATES OF AMERICA,

**CR 13 748**

Plaintiff,

v.

MICHAEL THOMAS HAMILTON,  
a/k/a Thomas Smith,

Defendant.

) VIOLATIONS: 18 U.S.C. § 1343 – Wire  
) Fraud; 18 U.S.C. § 1341 – Mail Fraud; 18  
) U.S.C. § 1956(a)(1)(A)(i) – Money  
) Laundering; Criminal Forfeiture – 18 U.S.C.  
) §§ 981(a)(1)(C) & 982(a)(1) & 28 U.S.C. §  
) 2461(c)  
)  
) SAN FRANCISCO VENUE

INDICTMENT

The Grand Jury charges:

Introductory Allegations

At all times relevant to this Indictment:

1. MICHAEL THOMAS HAMILTON, a/k/a Thomas Smith, resided in Sonoma, California.
2. On or about November 17, 2010, HAMILTON caused to be filed a Fictitious Business Name Statement stating he was doing business under the name “Small Leaf.”

The Scheme to Defraud

3. Beginning at a time unknown, but not later than February 2011, and continuing through approximately October 2013, in the Northern District of California and elsewhere, the defendant,

MICHAEL THOMAS HAMILTON,  
a/k/a Thomas Smith,

1 engaged in a scheme and artifice to defraud investors and to obtain money and property by means of  
2 materially false and fraudulent pretenses, representations, and promises regarding a book-selling  
3 business, Small Leaf, he claimed to own and operate.

4 4. HAMILTON solicited prospective investors through Craigslist and other means.  
5 HAMILTON represented to prospective investors that Small Leaf was a company engaged in the sale of  
6 “proprietary Books, etc. on Amazon.com and other internet websites”; that, for their investment, they  
7 would receive intellectual property rights for a number of “performing products of Small Leaf Inc.”; and  
8 that they would earn high rates of return through the sale of books.

9 5. To induce investors to turn over their money and lull them into falsely believing their  
10 investment was profitable, HAMILTON made periodic payments to investors, which he claimed, and  
11 caused investors to believe, were royalties earned on the sale of books through Amazon.

12 6. In truth, as HAMILTON knew, HAMILTON’s book-selling business generated a de  
13 minimus amount of revenue. Most of the payments made to investors were from investments by new  
14 investors or additional investments by existing investors.

15 7. As part of the scheme to defraud, HAMILTON made materially false statements and  
16 concealed material facts, including:

- 17 a. HAMILTON misrepresented that investors would earn high rates of return through  
18 the sale of books on Amazon and other platforms;
- 19 b. HAMILTON misrepresented that, if investors did not recoup their investment by a  
20 certain date, Small Leaf would reimburse the investor with interest of 10%;
- 21 c. HAMILTON misrepresented to potential investors and others that his book-selling  
22 business generated over one million dollars in yearly revenue;
- 23 d. HAMILTON misrepresented that monthly payments to investors were royalties from  
24 sales of books through Amazon;
- 25 e. HAMILTON failed to disclose that his book-selling business generated a de minimus  
26 amount of revenue; and
- 27 f. HAMILTON failed to disclose that he paid existing investors from new investors’  
28 funds rather than from income or profits earned on the sale of books.

1 8. By October 2013, as part of his fraudulent scheme, HAMILTON had solicited  
2 approximately \$1,616,000 from more than 20 investors in California, Oregon, and Massachusetts.

3 COUNTS ONE THROUGH ELEVEN: (18 U.S.C. § 1343 – Wire Fraud)

4 9. The factual allegations in Paragraphs 1 through 8 are re-alleged and incorporated by  
5 reference.

6 10. On or about the dates set forth below, in the Northern District of California and  
7 elsewhere, the defendant,

8 MICHAEL THOMAS HAMILTON,  
9 a/k/a Thomas Smith,

10 did knowingly, and with intent to defraud, devise and intend to devise a material scheme and artifice to  
11 defraud and to obtain money and property by means of materially false and fraudulent pretenses,  
12 representations, and promises and, for the purpose of executing such scheme and artifice, did transmit,  
13 and cause to be transmitted, by means of wire communication in interstate and foreign commerce,  
14 certain writings, signs, signals, pictures, and sounds, namely:

COUNT	DATE	DESCRIPTION
ONE	5/16/2011	\$5,000 wire transfer from JP Morgan Chase to Wells Fargo account in the name of Mocroi, Inc. ending 4564 (relating to investment by C.B.)
TWO	5/25/2011	\$6,100 wire transfer from JP Morgan Chase to Wells Fargo account in the name of Mocroi, Inc. ending 4564 (relating to investment by C.B.)
THREE	6/8/2011	\$24,000 wire transfer from Clearview Federal to Wells Fargo account in the name of Mocroi, Inc. ending 4564 (relating to investment by L.B.)
FOUR	5/1/2012	\$80,000 wire transfer from JP Morgan Chase to Bank of the West account in the name of Small Leaf ending 9010 (relating to investment by C.B.)
FIVE	5/2/2012	\$14,900 wire transfer from JP Morgan Chase Bank to Bank of the West account in the name of Small Leaf ending 9010 (relating to investment by C.B.)
SIX	5/14/2012	\$35,100 wire transfer from HSBC to Bank of the West account in the name of Small Leaf ending 9010 (relating to investment by C.B.)
SEVEN	11/21/2012	\$10,000 wire transfer from JP Morgan to Bank of the West account in the name of Small Leaf ending 9010 (relating to investment by C.B.)

COUNT	DATE	DESCRIPTION
EIGHT	11/27/2012	\$4,600 wire transfer from JP Morgan to Bank of the West account in the name of Small Leaf ending 9010 (relating to investment by C.B.)
NINE	11/28/2012	\$5,400 wire transfer from Bank of America to Bank of the West account in the name of Small Leaf ending 9010 (relating to investment by C.B.)
TEN	12/05/2012	\$5,000 wire transfer from Citibank to Bank of the West account in the name of Small Leaf ending 5881 (relating to investment by L.W.)
ELEVEN	12/10/2012	\$5,000 wire transfer from Citibank to Bank of the West account in the name of Small Leaf ending 5881 (relating to investment by L.W.)

All in violation of Title 18, United States Code, Section 1343.

COUNTS TWELVE THROUGH TWENTY: (18 U.S.C. § 1341 – Mail Fraud)

11. The factual allegations in Paragraphs 1 through 8 are re-alleged and incorporated by reference.

12. On or about the dates set forth below, in the Northern District of California and elsewhere, the defendant,

MICHAEL THOMAS HAMILTON,  
a/k/a Thomas Smith,

did knowingly, and with intent to defraud, devise and intend to devise a material scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises and, for the purpose of executing such scheme and artifice and attempting to do so, did knowingly deposit and cause to be deposited matters and things to be sent and delivered by private or commercial interstate carrier, and took and received therefrom, matters and things, and knowingly caused to be delivered by such carrier according to the direction thereon, and at the place at which it was directed to be delivered by the person to whom it was addressed, matters and things, namely:

COUNT	DATE	DESCRIPTION
TWELVE	8/22/2012	Federal Express shipment from investor S.B. to Thomas Smith enclosing contract and check payable to the order of Small Leaf

COUNT	DATE	DESCRIPTION
THIRTEEN	8/28/2012	Federal Express shipment from investor A.Pa. to Thomas Smith enclosing contract and cashier's check
FOURTEEN	8/30/2012	Federal Express shipment from investor A.Pe. to Thomas Smith enclosing contract and cashier's check payable to the order of Small Leaf
FIFTEEN	8/31/2012	Federal Express shipment from investor B.P. to Small Leaf enclosing cashier's check payable to the order of Small Leaf
SIXTEEN	9/1/2012	Federal Express shipment from investor B.P. to Small Leaf enclosing cashier's checks payable to the order of Small Leaf
SEVENTEEN	10/2/2012	Federal Express shipment from investor A.S. to Small Leaf enclosing contract and cashier's check payable to the order of Small Leaf
EIGHTEEN	10/3/2012	Federal Express shipment from investor A.Pe. to Thomas Smith enclosing contract and cashier's check payable to the order of Small Leaf
NINETEEN	10/4/2012	UPS shipment from investor A.F. enclosing checks and contract payable to the order of Small Leaf
TWENTY	10/18/2012	Federal Express shipment from investor L.W. to Thomas Smith enclosing contract and cashier's check

All in violation of Title 18, United States Code, Section 1341.

COUNTS TWENTY-ONE THROUGH TWENTY-TWO: (18 U.S.C. § 1956(a)(1)(A)(i) – Money Laundering)

13. The factual allegations in Paragraphs 1 through 8 are re-alleged and incorporated by reference.

14. On or about the dates set forth below, in the Northern District of California and elsewhere, the defendant,

MICHAEL THOMAS HAMILTON,  
a/k/a Thomas Smith,

did knowingly conduct and attempt to conduct a financial transaction involving the proceeds of a specified unlawful activity, namely mail fraud in violation of Title 18 U.S.C., Section 1341, with the



1 intent to promote the carrying on of specified unlawful activity and knowing that the property involved  
2 in the financial transaction represented the proceeds of some form of unlawful activity as follows:

COUNT	DATE	DESCRIPTION
TWENTY-ONE	9/4/2012	Direct pay payment of \$7,123.81 from a Wells Fargo Bank account in the name of Mocroi, Inc. ending 4564
TWENTY-TWO	10/5/2012	Direct pay payment of \$18,211.33 from a Wells Fargo Bank account in the name of Mocroi, Inc. ending 4564

7 All in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i).

8 FIRST FORFEITURE ALLEGATION: (18 U.S.C. § 981(a)(1)(C) & 28 U.S.C. § 2461 – Forfeiture  
9 of Fraud Proceeds)

10 15. The factual allegations in Paragraphs 1 through 14 are realleged and incorporated by  
11 reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section  
12 981(a)(1)(C), and Title 28, United States Code, Section 2461.

13 16. Upon conviction of any of the offenses alleged in Counts One through Twenty, the  
14 defendant,

15 MICHAEL THOMAS HAMILTON,  
16 a/k/a Thomas Smith,

17 shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C), and  
18 Title 28, United States Code, Section 2461, any property, real and personal, which constitutes or is  
19 derived from proceeds traceable to said violations, including but not limited to a sum of not less than  
20 \$1,616,100, representing the amount of proceeds obtained as a result of the offenses alleged in Counts  
21 One through Twenty.

22 SECOND FORFEITURE ALLEGATION: (18 U.S.C. § 982(a)(1) – Money Laundering Forfeiture)

23 17. The factual allegations in Paragraphs 1 through 14 are realleged and incorporated by  
24 reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section  
25 982(a)(1).

26 18. Upon conviction of any of the offenses alleged in Counts Twenty-One through Twenty-  
27 Two, the defendant,

28 MICHAEL THOMAS HAMILTON,  
a/k/a Thomas Smith,

1 shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), any  
2 property, real and personal, involved in said violations, including, but not limited to, a sum of not less  
3 than \$25,335.14, representing the amount of funds involved in the offenses alleged in Counts Twenty-  
4 One through Twenty-Two.

- 5 19. If, as a result of any act or omission of the defendant, any of said property
- 6 a. cannot be located upon the exercise of due diligence;
- 7 b. has been transferred or sold to or deposited with a third person;
- 8 c. has been placed beyond the jurisdiction of the Court;
- 9 d. has been substantially diminished in value; or
- 10 e. has been commingled with other property which cannot be divided without difficulty;

11 any and all interest defendant has in any other property, up to the value of the property described in  
12 Paragraphs 15 through 18 above, shall be forfeited to the United States, pursuant to Title 18, United  
13 States Code, Sections 981(a)(1)(C) and 982(a)(1), and Title 28, United States Code, Section 2461.

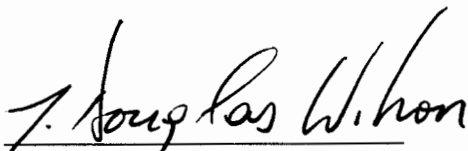
14 All in violation of Title 18, United States Code, Sections 981(a)(1)(C) and 982(a)(1), and Title  
15 28, United States Code, Section 2461.

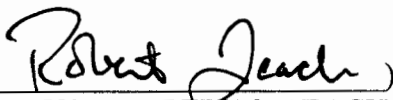
16 DATED: November 19, 2013

17 A TRUE BILL

18  
19   
20 \_\_\_\_\_  
FOREPERSON

21  
22 MELINDA HAAG  
United States Attorney

23  
24   
25 \_\_\_\_\_  
J. DOUGLAS WILSON  
26 Chief, Criminal Division

27 (Approved as to form: )  
28 \_\_\_\_\_  
AUSA ROBERT S. LEACH