

SEP 10, 2009

STEVEN M. LARIMORE  
CLERK U.S. DIST. CT.  
S. D. OF FLA. - MIAMI

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 09-60129-CR-ZLOCH(s)

18 U.S.C. § 371  
18 U.S.C. § 1505  
18 U.S.C. § 1519  
18 U.S.C. § 2

UNITED STATES OF AMERICA

v.

THOMAS RAFFANELLO  
and  
BRUCE PERRAUD,

Defendants.

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SUPERSEDING INDICTMENT

The Grand Jury charges that:

COUNT ONE  
Conspiracy  
(18 U.S.C. § 371)

INTRODUCTION

At all times relevant to this Superseding Indictment, unless otherwise stated:

1. Stanford Financial Group ("SFG") was the parent entity for a web of numerous affiliated financial services entities, including Stanford International Bank, Ltd. ("SIBL"), a private, offshore bank with offices on the island of Antigua and

elsewhere.

2. SFG was headquartered in Houston, Texas, and maintained an affiliate office at 1150 Lee Wagener Boulevard, Suite 202, Fort Lauderdale, Florida.

3. Defendant **THOMAS RAFFANELLO** was employed as a “Global Director of Security” for SFG and worked primarily out of SFG’s Fort Lauderdale office.

4. Defendant **BRUCE PERRAUD** was employed as a “Global Security Specialist” for SFG at SFG’s Fort Lauderdale office.

5. SIBL marketed certificates of deposit (“CDs”) through its affiliated entities in the United States. SIBL solicited investors by touting a higher rate of return on its CDs than was offered at domestic banks. Among other things, SIBL claimed that it maintained approximately \$8 billion in CD investments which were housed in relatively conservative, highly liquid holdings.

**United States Securities and Exchange Commission Complaint:  
Court Orders Appointing Receiver and Prohibiting Document Destruction**

6. On or about February 16, 2009, the United States Securities and Exchange Commission (“SEC”) filed a Complaint against SIBL, R. Allen Stanford, and related individuals and entities in the United States District Court for the Northern District of Texas. In the Complaint, the SEC charged that the CDs sold by

SIBL were one mechanism by which the principals of SFG and its affiliated entities had orchestrated a “massive, ongoing fraud.”

7. On or about February 16, 2009, based on the application of the SEC, the United States District Court for the Northern District of Texas, in *SEC v. Stanford International Bank, Ltd., et al.*, Case No. 3-09CV0298-L, issued an order appointing an individual, known as a receiver (the “Receiver”), to, among other things, exercise exclusive possession, custody, and control of SFG and its affiliated entities and to trace and identify assets in order to return deposits to defrauded investors.

8. In the Order Appointing Receiver, the United States District Court for the Northern District of Texas, in *SEC v. Stanford International Bank, Ltd., et al.*, Case No. 3-09CV0298-L, mandated that “[t]he Defendants, their officers, agents, and employees . . . are hereby restrained and enjoined from destroying, mutilating, concealing, altering, transferring, or otherwise disposing of, in any manner, directly or indirectly, any contracts, accounting data, correspondence, advertisements, computer tapes, disks or other computerized records, books, written or printed records, handwritten notes, telephone logs, telephone scripts, receipt books, ledgers . . . and other documents or records of any kind that relate in any way to the Receivership Estate or are relevant to this action.”

9. In that same Order Appointing Receiver, the United States District Court for the Northern District of Texas also mandated that “[t]he Defendants, their officers, agents, and employees . . . are hereby enjoined from doing any act or thing whatsoever to interfere with the Receiver’s taking control, possession, or management of the Receivership Estate or to in any way interfere with the Receiver or to harass or interfere with the duties of the Receiver or to interfere in any manner with the exclusive jurisdiction of this Court over the Receivership Estate.”

10. On or about February 16, 2009, the United States District Court for the Northern District of Texas, in *SEC v. Stanford International Bank, Ltd., et al.*, Case No. 3-09CV0298-L, issued another order which provided, among other things, that SFG and its affiliated companies, including their “officers, directors, agents, servants, employees, attorneys, and all other persons in active concert or participation with them . . . are restrained and enjoined from destroying, removing, mutilating, altering, concealing, or disposing of, in any manner, any books and records owned by, or pertaining to, the financial transactions and assets of” SFG and its affiliated entities.

11. On or about February 17, 2009, the Receiver sent an electronic mail (“email”) message addressed to “SFGC Global - All Employees,” which included all SFG employees, alerting them to the SEC investigation and lawsuit, as well as the

court order appointing the Receiver.

12. In the February 17, 2009 email from the Receiver, the Receiver stated that the court had mandated “preservation of documents” and that “all employees and agents of the Stanford Company cooperate with the Receiver . . . [and] all assets and records be turned over to the Receiver as requested.” The e-mail further instructed the employees that they “have been ordered to preserve (and not hide or destroy) any and all documents, notes, and records . . . [a]ccordingly [Stanford employees] may not hide, destroy or alter any document or electronic record relating to the company.”

#### **Representative of the Receiver Visits Fort Lauderdale Office**

13. On or about the evening of February 25, 2009, a representative of the Receiver (the “Receiver’s Representative”) arrived at SFG’s Fort Lauderdale office for the purpose of fulfilling the mandates of the Orders issued by the United States District Court for the Northern District of Texas in *SEC v. Stanford International Bank, Ltd., et al.*, Case No. 3-09CV0298-L.

14. On or about the morning of February 26, 2009, the Receiver’s Representative went back to SFG’s Fort Lauderdale office to complete an inventory of the contents of the office on behalf of the Receiver.

**THE CONSPIRACY**

15. From on or about at least February 16, 2009, the exact date being unknown to the Grand Jury, through on or about February 26, 2009, at Fort Lauderdale, Broward County, in the Southern District of Florida, the defendants,

**THOMAS RAFFANELLO  
and  
BRUCE PERRAUD,**

did willfully, that is, with the intent to further the objects of the conspiracy, and knowingly combine, conspire, confederate and agree with each other and with others, known and unknown to the Grand Jury, to commit certain offenses against the United States, that is:

(a) to corruptly influence, obstruct, and impede, and endeavor to influence, obstruct, and impede, the due and proper administration of the law under which a pending proceeding was being had before the United States Securities and Exchange Commission, an agency of the United States, in violation of Title 18, United States Code, Section 1505;

(b) to knowingly alter, destroy, and mutilate records, documents, and tangible objects with the intent to impede, obstruct, and influence the investigation and proper administration of any matter within the jurisdiction of any department or

agency of the United States, that is, the United States Securities and Exchange Commission, and in relation to and contemplation of any such matter or case, in violation of Title 18, United States Code, Section 1519.

**MANNER AND MEANS OF THE CONSPIRACY**

The manner and means by which the defendants and their co-conspirators sought to accomplish the objects of the conspiracy included, among other things, the following:

16. It was part of the conspiracy that, after learning that all documents and records of SFG and its affiliated entities were ordered to be preserved and that SFG employees were ordered to cooperate with the SEC and the Receiver, **THOMAS RAFFANELLO** and **BRUCE PERRAUD** would,

a. destroy and cause to be destroyed documents and records of SFG and its affiliated entities, including handwritten notes and files from desks and cabinets in SFG's Fort Lauderdale office; and

b. fail to disclose and refuse to provide information to the Receiver's Representative concerning the documents and records of SFG and SFG's operations at the Fort Lauderdale office.

### OVERT ACTS

In furtherance of the conspiracy, and to achieve the objects thereof, the conspirators committed and caused to be committed, in the Southern District of Florida, the following overt acts, among others:

17. On or about February 17, 2009, **THOMAS RAFFANELLO** sent an email message to a co-worker wherein he attached a copy of both orders issued by the United States District Court for the Northern District of Texas.

18. On or about February 17, 2009, **BRUCE PERRAUD** sent an email message to **THOMAS RAFFANELLO** wherein he stated that he “had found a copy of the complaint from the Northern District Texas [sic], Dallas Division.”

19. On or about February 17, 2009, **BRUCE PERRAUD** opened the February 17, 2009 email message from the Receiver.

20. On or about February 17, 2009, **BRUCE PERRAUD** placed a telephone call to **THOMAS RAFFANELLO**, during which **BRUCE PERRAUD** communicated the contents of the Receiver’s e-mail and the court order.

21. On or about February 23, 2009, **THOMAS RAFFANELLO** instructed another SFG employee to contact a shredding company (the "Shredding Company") to arrange for immediate destruction of all the documents at SFG's Fort Lauderdale office.

22. On or about February 23, 2009, **BRUCE PERRAUD** placed a telephone call to the Shredding Company and requested that the Shredding Company come to the SFG office at 1150 Lee Wagener Boulevard, Suite 202, Fort Lauderdale, Florida, to shred numerous documents.

23. On or about February 25, 2009, a representative of the Shredding Company arrived at the SFG office in Fort Lauderdale. At that time, **BRUCE PERRAUD** met with the representative of the Shredding Company and escorted the individual to the documents.

24. On or about February 25, 2009, **BRUCE PERRAUD** supervised the representative of the Shredding Company as that individual packed a 95-gallon bin with documents. **BRUCE PERRAUD** then accompanied the representative as the individual hauled the bin to a document shredder located in the Shredding Company's truck.

25. While **BRUCE PERRAUD** supervised the shredding of the documents, four additional SFG employees made approximately eight trips between the SFG office and the document shredder truck with additional documents for destruction.

26. Also while **BRUCE PERRAUD** supervised the shredding of the documents, SFG employees retrieved files and documents located in automobiles parked in the SFG parking lot and delivered them to the representative of the Shredding Company for destruction.

27. On or about February 26, 2009, **THOMAS RAFFANELLO** and a co-conspirator confronted the Receiver's Representative at SFG's Fort Lauderdale office, where **THOMAS RAFFANELLO** ordered the Receiver's Representative to sit in the back office and interceded to prevent the Receiver's Representative from questioning **BRUCE PERRAUD** regarding SFG's documents and records.

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

**COUNT TWO**  
**Obstruction of Proceeding Before the SEC**  
**(18 U.S.C. §§ 1505 and 2)**

1. Paragraphs 1 through 14 and 16 through 27 of Count One of this Superseding Indictment are re-alleged and incorporated by reference as though fully set forth herein.

2. From on or about February 16, 2009, through on or about February 26, 2009, at Fort Lauderdale, Broward County, in the Southern District of Florida, the defendants,

**THOMAS RAFFANELLO  
and  
BRUCE PERRAUD,**

aided and abetted by each other and other individuals, did corruptly influence, obstruct, and impede, and endeavor to influence, obstruct, and impede, the due and proper administration of the law under which a pending proceeding was being had before the United States Securities and Exchange Commission, an agency of the United States, in violation of Title 18, United States Code, Sections 1505 and 2.

**COUNT THREE  
Destruction of Records in Federal Investigation  
(18 U.S.C. §§ 1519 and 2)**

1. Paragraphs 1 through 14 and 16 through 27 of Count One of this Superseding Indictment are re-alleged and incorporated by reference as though fully set forth herein.

2. From on or about February 23, 2009, through on or about February 25, 2009, at Fort Lauderdale, Broward County, in the Southern District of Florida, the

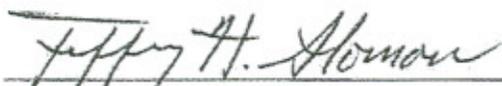
defendants,

**THOMAS RAFFANELLO**  
**and**  
**BRUCE PERRAUD,**

aided and abetted by each other and other individuals, did knowingly alter, destroy, and mutilate, records, documents, and tangible objects with the intent to impede, obstruct, and influence the investigation and proper administration of any matter within the jurisdiction of any department or agency of the United States, that is, the United States Securities and Exchange Commission ("SEC"), and in relation to and contemplation of any such matter and case, in that **THOMAS RAFFANELLO** and **BRUCE PERRAUD** knowingly destroyed and caused to be destroyed records and documents of SFG and its affiliated entities knowing that such records were ordered to be preserved by the United States District Court for the Northern District of Texas in connection with an SEC investigation and lawsuit, that is, *SEC v. Stanford*

*International Bank, Ltd., et al.*, Case No. 3-09CV0298-L, in violation of Title 18,  
United States Code, Sections 1519 and 2.

A TRUE BILL



JEFFREY H. SLOMAN  
ACTING UNITED STATES ATTORNEY

STEVEN A. TYRRELL  
Chief, Fraud Section  
United States Department of Justice

By:



MATTHEW KLECKA  
Trial Attorney  
JACK B. PATRICK  
Senior Litigation Counsel  
Criminal Division, Fraud Section