

DEC 17, 2009

STEVEN M. LARIMORE
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S. D. OF FLA. - MIAMI

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 09-60129-CR-ZLOCH(s)(s)**

**18 U.S.C. § 371
18 U.S.C. § 1505
18 U.S.C. § 1512(c)
18 U.S.C. § 1519
18 U.S.C. § 2**

UNITED STATES OF AMERICA

v.

**THOMAS RAFFANELLO
and
BRUCE PERRAUD,**

Defendants.

_____ /

SECOND SUPERSEDING INDICTMENT

The Grand Jury charges that:

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

INTRODUCTION

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

1. Stanford Financial Group (“SFG”) was wholly owned and controlled by Robert Allen Stanford (“Stanford”) and was the parent entity for a web of numerous affiliated financial services entities also owned and controlled by

Stanford directly or through holding companies, including, but not limited to, affiliates Stanford Group Company, Stanford Capital Management, Stanford Financial Group Company and 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 its affiliates, reported directly to Stanford, and worked primarily out of SFG’s Fort Lauderdale office. In addition to overseeing security operations, **THOMAS RAFFANELLO** conducted “special investigations” and background checks for SFG and its affiliated entities.

4. Defendant **BRUCE PERRAUD** was employed as a “Global Security Specialist” for SFG and its affiliates at SFG’s Fort Lauderdale office and reported to **THOMAS RAFFANELLO**.

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.

Securities and Exchange Commission Investigation of SIBL and SFG

6. In or around December 2008, the Securities and Exchange Commission (“SEC”) was conducting an ongoing investigation of SIBL and its related entities and was making inquiries regarding the value and contents of SIBL’s purported investments.

7. In or around January 2009, as part of the ongoing SEC investigation, the SEC issued subpoenas to Stanford and to SFG’s Chief Financial Officer and its Chief Investment Officer.

8. During January and February 2009, numerous media articles appeared detailing various aspects of investigations by financial regulators into activities of Stanford, SFG, and SIBL, and questioning SIBL’s ability to consistently pay high rates of return on its CDs.

9. On or about February 10, 2009, SFG’s Chief Investment Officer provided sworn testimony to the SEC regarding SIBL’s investment portfolio.

10. On or about February 16, 2009, as part of its ongoing investigation, the SEC filed a Complaint against SIBL, Stanford Group Company, Stanford Capital Management, Stanford, James M. Davis and Laura Pendergest-Holt (collectively, the “SEC Defendants”) in the United States District Court for the Northern District of Texas (“District Court”) in *SEC v. Stanford International Bank, Ltd., et al.*, Case No. 3-09CV0298-L. In the Complaint, the SEC charged

that the CDs sold by SIBL were one mechanism by which Stanford and other SEC Defendants who were principals of SFG and its affiliated entities had orchestrated a “massive, ongoing fraud.”

11. On or about February 16, 2009, based on the application of the SEC, the District Court issued an order (“Order Appointing Receiver”) appointing an individual, known as a receiver (the “Receiver”), to, among other things, exercise exclusive possession, custody, and control of the assets and records of the SEC Defendants, to trace and identify assets in order to return deposits to defrauded investors, and to assist the SEC with its ongoing investigation. The assets and records of SEC Defendant Stanford included, among others, the assets and records of SFG and its affiliated entities.

12. In the Order Appointing Receiver, the District Court mandated that “[t]he Defendants, their officers, agents, and employees . . . and other persons who have notice of this Order by personal service or otherwise, 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.”

13. The same Order Appointing Receiver also mandated that the Receiver “[p]romptly provide the [SEC] and other governmental agencies with all information and documentation they may seek in connection with its regulatory or investigatory activities.”

14. The same Order Appointing Receiver also mandated that “[t]he Defendants, their officers, agents, and employees and all other persons in active concert or participation with them . . . 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.”

15. On or about February 16, 2009, the District Court in *SEC v. Stanford International Bank, Ltd., et al.*, Case No. 3-09CV0298-L, issued another order (“Temporary Restraining Order”) which provided, among other things, that the SEC Defendants and their “officers, directors, agents, servants, employees, attorneys, and all other persons in active concert or participation with them . . . who receive[] actual notice of this Order by personal service or otherwise, 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” the SEC Defendants or any entities under their control.

16. On or about February 17, 2009, **THOMAS RAFFANELLO** sent an electronic mail (“email”) message to a co-worker wherein he attached a copy of the Order Appointing Receiver and Temporary Restraining Order issued by the United States District Court for the Northern District of Texas.

17. 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.”

18. On or about February 17, 2009, **BRUCE PERRAUD** contacted a document shredding company (“Shredding Company”) to cancel a previously scheduled routine shredding of a portion of the documents and records located at SFG’s Fort Lauderdale office.

19. On or about February 17, 2009, the Receiver sent an 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 Receiver.

20. The February 17, 2009, email from the Receiver affirmed that the District Court had “appointed a Receiver to take control of the assets and records of Stanford International Bank, Ltd.; Stanford Group Company; Stanford Capital Management, LLC; Ms. Laura Pendergest-Holt; Mr. James M. Davis and Sir Allen Stanford.” The Receiver’s email further explained that “the Court’s order covers all records and assets of each Defendant, including all entities that they control. Therefore, it applies to all companies in the Stanford Financial Group.”

21. The February 17, 2009 email from the Receiver also stated that the District 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.”

22. By on or about February 17, 2009, **THOMAS RAFFANELLO** and **BRUCE PERRAUD** had learned of the ongoing SEC investigation through press reports, the SEC Complaint, the Order Appointing Receiver, the Temporary Restraining Order, the Receiver’s email, and other communications, and were on notice that all documents and records at SFG’s Fort Lauderdale office were

ordered to be preserved, that SFG employees were ordered to cooperate with the SEC investigation and the Receiver, and that upon the SEC's request, any documents and records collected by the Receiver would be provided to the SEC in furtherance of its ongoing investigation.

23. On or about February 23, 2009, **THOMAS RAFFANELLO** and **BRUCE PERRAUD** made arrangements for the Shredding Company to shred documents and records at SFG's Fort Lauderdale office.

24. On or about February 25, 2009, **THOMAS RAFFANELLO**, **BRUCE PERRAUD**, and others, knowing that obstructing the Receiver's efforts to collect information and documents at SFG's Fort Lauderdale office would interfere with and impede the ongoing SEC investigation and would obstruct the court proceedings, in *SEC v. Stanford International Bank, Ltd., et al.*, Case No. 3-09CV0298-L, caused substantially all of the documents and paper records at SFG's Fort Lauderdale office to be destroyed.

Representative of the Receiver Visits Fort Lauderdale Office

25. 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.

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

Further Action by the Securities and Exchange Commission

27. On or about February 27, 2009, as part of its ongoing investigation, the SEC filed in the District Court a First Amended Complaint, which, among other things, added SFG as a relief defendant.

28. On or about June 19, 2009, as part of its ongoing investigation, the SEC filed in the District Court a motion seeking leave to file a Second Amended Complaint, which, among other things, sought to add additional defendants.

THE CONSPIRACY

29. From on or about at least February 17, 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 Securities and Exchange Commission, an agency of the United States, that is, the SEC investigation described above, 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 agency of the United States, that is the United States Securities and Exchange Commission, and in relation to and contemplation of any such matter, in violation of Title 18, United States Code, Section 1519;

(c) to corruptly alter, destroy, mutilate, and conceal a record, document, and other object, with the intent to impair the object's integrity and availability for use in an official proceeding, and to otherwise obstruct, influence, and impede an official proceeding, that is, the court proceedings in *SEC v. Stanford International Bank, Ltd., et al.*, Case No. 3-09CV0298-L, in violation of Title 18, United States Code, Section 1512(c).

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:

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

31. It was further a part of the conspiracy that **THOMAS RAFFANELLO, BRUCE PERRAUD**, and their coconspirators would falsely represent to the Receiver's Representative that documents had not been destroyed.

32. It was further a part of the conspiracy that **THOMAS RAFFANELLO, BRUCE PERRAUD**, and their coconspirators would fail to disclose and refuse to provide information to the Receiver's Representative concerning the destroyed 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 and purpose thereof, at least one of the conspirators committed and caused to be committed, in the Southern District of Florida, at least one of the following overt acts, among others:

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

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

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

36. On or about February 25, 2009, **BRUCE PERRAUD** met with the representative of the Shredding Company at SFG's office in Fort Lauderdale and directed him to the documents that were to be shredded.

37. 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.

38. Under **BRUCE PERRAUD's** supervision, an unindicted co-conspirator and other SFG employees made approximately eight trips between SFG's office and the document shredder truck with additional documents designated for destruction.

39. Also while **BRUCE PERRAUD** supervised the shredding of the documents, an unindicted co-conspirator and other 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.

40. On or about February 26, 2009, **THOMAS RAFFANELLO** and an unindicted co-conspirator confronted the Receiver's Representative at SFG's Fort Lauderdale office, where **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 28 and 30 through 40 of Count One of this Second Superseding Indictment are re-alleged and incorporated by reference as though fully set forth herein.

2. From on or about February 17, 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 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 a Federal Investigation
(18 U.S.C. §§ 1519 and 2)

1. Paragraphs 1 through 28 and 30 through 40 of Count One of this Second 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 agency of the United States, that is, the Securities and Exchange Commission (“SEC”), and in relation to and contemplation of any such matter, 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.

COUNT FOUR
Destruction of Documents in an Official Court Proceeding
(18 U.S.C. §§ 1512(c) and 2)

1. Paragraphs 1 through 28 and 30 through 40 of Count One of this Second 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,

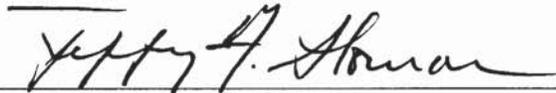
THOMAS RAFFANELLO
and
BRUCE PERRAUD,

aided and abetted by each other and other individuals, did corruptly alter, destroy, mutilate, and conceal a record, document, and other object, with the intent to impair the object's integrity and availability for use in an official proceeding, and did otherwise obstruct, influence, and impede an official proceeding, that is, the

court proceedings in *SEC v. Stanford International Bank, Ltd., et al.*, Case No. 3-09CV0298-L, in violation of Title 18, United States Code, Sections 1512(c) and 2.

A TRUE BILL.

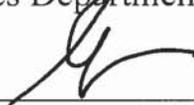
FOREPERSON



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

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: THOMAS RAFFANELLO **Case No:** 09-60129-CR-ZLOCH(s)(s)

Count #: 1

Conspiracy

18 U.S.C. § 371

***Max Penalty:** 5 years' imprisonment

Count #: 2

Obstruction of a Proceeding Before the SEC

18 U.S.C. § 1505

***Max Penalty:** 5 years' imprisonment

Count #: 3

Destruction of Records in Federal Investigation

18 U.S.C. § 1519

***Max Penalty:** 20 years' imprisonment

Count #: 4

Destruction of Documents in an Official Court Proceeding

18 U.S.C. § 1512(c)(1) and (2)

***Max Penalty:** 20 years' imprisonment

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: BRUCE PERRAUD Case No: 09-60129-CR-ZLOCH(s)(s)

Count #: 1

Conspiracy

18 U.S.C. § 371

***Max Penalty:** 5 years' imprisonment

Count #: 2

Obstruction of a Proceeding Before the SEC

18 U.S.C. § 1505

***Max Penalty:** 5 years' imprisonment

Count #: 3

Destruction of Records in Federal Investigation

18 U.S.C. § 1519

***Max Penalty:** 20 years' imprisonment

Count #: 4

Destruction of Documents in an Official Court Proceeding

18 U.S.C. § 1512(c)(1) and (2)

***Max Penalty:** 20 years' imprisonment

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**