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★ APR 11 2011 ★

JGM:MLY
F.#2009R01432

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

CR 11 - 271

----- X

UNITED STATES OF AMERICA

I N D I C T M E N T

- against -

Cr. No. _____
(T. 15, U.S.C., §§ 78j(b)
and 78ff; T. 18, U.S.C., §§
371, 982, 1343, 1957, 2 and
3551 et seq.; T. 21, U.S.C., §
853(p); T. 28, U.S.C., §
2461(c))

ANGELO CUOMO and
GEORGE GARCY,
also known as
"Jorge Garcia,"

Defendants.

KORMAN, J.

----- X

THE GRAND JURY CHARGES:

CARTER, M.J.

INTRODUCTION

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

The Defendants and Relevant Entities

1. Atlas Carriers, Inc. ("Atlas Carriers"), a company based in Brooklyn, New York, invented beverage carriers for use by beverage vendors in sports stadiums, movie theaters and other similar facilities.
2. E-Z Media, Inc. ("E-Z Media"), a company based in New York, New York, marketed the beverage carriers of Atlas Carriers to potential vendors and solicited investments in E-Z Media. E-Z Media represented to investors that it owned patents

for the beverage carriers. E-Z Media and Atlas Carriers (together, the "Companies") were operated as a single entity.

3. The defendant GEORGE GARCY, also known as "Jorge Garcia," resided in Centerport, New York and Great Neck, New York and was a director and officer of the Companies. He controlled the Companies' operations and solicited investments on their behalf.

4. The defendant ANGELO CUOMO resided in Staten Island, New York and was a director and officer of the Companies. He controlled the Companies' operations, solicited investments on their behalf and designed their products.

5. Signature Bank was a commercial bank headquartered in New York, New York, whose deposits were insured by the Federal Deposit Insurance Corporation. North Fork Bank was a commercial bank headquartered in Melville, New York, whose deposits were insured by the Federal Deposit Insurance Corporation. Signature and North Fork Banks were "financial institutions" as defined in Title 18, United States Code, Section 20.

The Scheme to Defraud

6. From approximately March 2003 to approximately March 2009, the defendants GEORGE GARCY and ANGELO CUOMO defrauded investors by conducting a fraudulent securities

offering of E-Z Media stock and fraudulently soliciting loans to E-Z Media. In total, GARCY and CUOMO misappropriated approximately \$8 million dollars from approximately 200 persons.

I. Material Misrepresentations

7. The defendants falsely told investors and lenders that they had relationships and contracts with various well-known companies to purchase the Companies' beverage carriers.

8. The defendants also made false statements to investors and lenders that E-Z Media would go public, that is, become a public company, through an initial public offering or some other means, in the near future. The defendants told investors and lenders that E-Z Media's stock would be sold to the general public at a price higher than what the investors had paid for their shares.

II. Misuse of Funds

9. Defendant GEORGE GARCY falsely represented to investors and lenders that their money would be used to grow the Companies' business. The defendants instead embezzled approximately \$4,000,000 of the investors' and lenders' money. Among other things, the defendants: (a) made mortgage payments on a bed and breakfast in upstate New York that GARCY co-owned; (b) made a down payment and monthly mortgage payments on a residence owned by GARCY's sister in New Jersey; (c) made a down

payment and monthly mortgage payments on a property owned by GARCY in Long Island; (d) made monthly payments on a property rented by GARCY in Long Island; (e) paid private school tuition for GARCY's children; (f) paid private school tuition for defendant ANGELO CUOMO's children; (g) made monthly mortgage payments on a home purportedly owned by CUOMO's niece; and (h) paid for renovations to a home purportedly owned by CUOMO's niece. In addition, the defendants withdrew approximately \$535,000 from the Companies' bank accounts in the form of cash.

III. Material Omissions

10. Defendant GEORGE GARCY told some investors that E-Z Media owned patents on the carriers, but failed to disclose that defendant ANGELO CUOMO actually owned the patents, or that the Companies had agreed to pay CUOMO money to use those patents.

COUNT ONE

(Conspiracy to Commit Securities and Wire Fraud and Launder Money)

11. The allegations contained in paragraphs one through ten are hereby realleged and incorporated by reference as if fully set forth in this paragraph.

12. In or about and between March 2003 and March 2009, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants

ANGELO CUOMO and GEORGE GARCY, also known as "Jorge Garcia," together with others, did knowingly and willfully conspire:

a. to use and employ manipulative and deceptive devices and contrivances, contrary to Rule 10b-5 of the Rules and Regulations of the United States Securities and Exchange Commission (Title 17, Code of Federal Regulations, Section 240.10b-5), by (a) employing devices, schemes and artifices to defraud, (b) making untrue statements of material fact and omitting to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading and (c) engaging in acts, practices, and courses of business which would and did operate as a fraud and deceit upon investors and potential investors in E-Z Media, in connection with the purchases and sales of stock in E-Z Media, directly and indirectly, by use of means and instrumentalities of interstate and foreign commerce and the mails, contrary to Title 15, United States Code, Sections 78j(b) and 78ff;

b. to devise a scheme and artifice to defraud investors in E-Z Media, and to obtain money and property from them by means of materially false and fraudulent pretenses, representations and promises, and for the purpose of executing such scheme and artifice, to transmit and cause to be

transmitted by means of wire communication in interstate commerce, writings, signs, signals and sounds, contrary to Title 18, United States Code, Section 1343; and

c. to engage in monetary transactions, in and affecting interstate commerce, in criminally derived property that was of a value greater than \$10,000 and that was derived from specified unlawful activity, specifically fraud in the sale of securities and wire fraud, contrary to Title 18, United States Code, Section 1957.

13. In furtherance of the conspiracy and to effect its objects, within the Eastern District of New York and elsewhere, the defendants ANGELO CUOMO and GEORGE GARCY, together with others, committed and caused to be committed, among others, the following:

OVERT ACTS

a. In or about April 2004, the defendant GEORGE GARCY falsely represented to an investor that E-Z Media would go public in June 2004.

b. In or about 2005, the defendant GEORGE GARCY falsely represented to an investor that E-Z Media would go public in approximately one year.

c. On or about May 30, 2006, the defendant GEORGE GARCY transferred approximately \$10,000 from E-Z Media's

account at Signature Bank, New York, New York to The Federal Reserve Bank's processing facility in New Jersey.

d. In or about July 2006, the defendants ANGELO CUOMO and GEORGE GARCY held a meeting at the American Legion Hall in Hempstead, New York.

e. On or about March 23, 2007, the defendant GEORGE GARCY transferred approximately \$75,000 from E-Z Media's account at Signature Bank, New York, New York to The Federal Reserve Bank's processing facility in New Jersey.

f. On or about March 28, 2008, the defendant GEORGE GARCY delivered a letter to an investor.

(Title 18, United States Code, Sections 371 and 3551
et seq.)

COUNT TWO
(Securities Fraud)

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

15. In or about and between March 2003 and March 2009, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants ANGELO CUOMO and GEORGE GARCY, also known as "Jorge Garcia," together with others, 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 the United States Securities and Exchange Commission (Title 17, Code of Federal Regulations, Section 240.10b-5), by (a) employing one or more devices, schemes and artifices to defraud, (b) making one or more untrue statements of material fact and omitting to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading and (c) engaging in one or more acts, practices and courses of business which would and did operate as a fraud and deceit upon investors and potential investors in E-Z Media, in connection with one or more purchases and sales of stock in E-Z Media, directly and indirectly, by use of means and instrumentalities of interstate and foreign commerce and the mails.

(Title 15, United States Code, Sections 78j(b) and 78ff; Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNTS THREE AND FOUR
(Wire Fraud)

16. The allegations contained in paragraphs one through ten are hereby realleged and incorporated by reference as if fully set forth in this paragraph:

17. In or about and between March 2003 and March 2009, within the Eastern District of New York and elsewhere, the defendants ANGELO CUOMO and GEORGE GARCY, also known as "Jorge

Garcia," together with others, did knowingly and intentionally devise a scheme and artifice to defraud investors in E-Z Media, and to obtain money and property from them by means of 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 commerce, writings, signs, signals and sounds, as indicated below:

COUNT	APPROX. DATE	FROM	TO	DESCRIPTION
THREE	May 30, 2006	E-Z Media's account at Signature Bank, New York, New York	The Federal Reserve Bank's processing facility in New Jersey	\$10,000 wire transfer for the ultimate use of ANGELO CUOMO
FOUR	March 23, 2007	E-Z Media's account at Signature Bank, New York, New York	The Federal Reserve Bank's processing facility in New Jersey	\$75,000 wire transfer for the ultimate use of ANGELO CUOMO

(Title 18, United States Code, Sections 1343, 2 and 3551 et seq.)

COUNT FIVE
(Money Laundering)

18. The allegations contained in paragraphs one through ten above are hereby realleged and incorporated by reference as if fully set forth in this paragraph.

19. On or about May 30, 2006, within the Eastern District of New York and elsewhere, the defendant GEORGE GARCY, also known as "Jorge Garcia," together with others, did knowingly and intentionally engage in one or more monetary transactions, in and affecting interstate commerce, in criminally derived property that was of a value greater than \$10,000 and that was derived from specified unlawful activity, specifically fraud in the sale of securities and wire fraud, by transferring \$10,000 in funds from E-Z Media's account at Signature Bank to an account at North Fork Bank in Brooklyn, New York.

(Title 18, United States Code, Sections 1957, 2 and 3551 et seq.)

COUNT SIX
(Money Laundering)

20. The allegations contained in paragraphs one through ten are hereby realleged and incorporated by reference as if fully set forth in this paragraph.

21. On or about July 2, 2007, within the Eastern District of New York and elsewhere, the defendant ANGELO CUOMO, together with others, did knowingly and intentionally engage in one or more monetary transactions, in and affecting interstate commerce, in criminally derived property that was of a value greater than \$10,000 and that was derived from specified unlawful activity, specifically fraud in the sale of securities and wire fraud, by causing the transfer of approximately \$20,000 in funds from E-Z Media's account at Signature Bank to a contractor performing work on a house purportedly owned by CUOMO's niece.

(Title 18, United States Code, Sections 1957, 2 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION
FOR COUNTS ONE THROUGH SIX

22. The United States hereby gives notice to the defendants ANGELO CUOMO and GEORGE GARCY, also known as "Jorge Garcia," that, upon conviction of any of the offenses alleged in Counts One through Six, the United States will seek forfeiture in accordance with Title 18, United States Code, Section 982, of all property involved in each offense of conviction in violation of Title 18, United States Code, Section 1957, and all property traceable to such property, including but not limited to a sum

of money equal to the amount of proceeds obtained as a result of the offense. If any of the above-described forfeitable property, as a result of any act or omission of a 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;

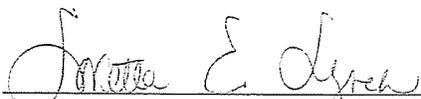
it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), to seek forfeiture of

any other property of such 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))

A TRUE BILL


FOREPERSON


LORETTA E. LYNCH
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

v.

ANGELO CUOMO and GEORGE GARCY, also known as "Jorge Garcia,"

Defendants.

INDICTMENT

(T. 15, U.S.C., §§ 78j(b)

and 78H; T. 18, U.S.C., §§ 371, 982, 1343, 1957, 2 and 3551 et seq.; T. 21, U.S.C., § 853(p); T. 28, U.S.C., § 2461(c))

A true bill/

Charles F. Watters

Foreman

Filed in open court this _____ day,

of _____ A.D. 20 _____

Clerk

Bail, \$ _____

Michael L. Yeager, Assistant U.S. Attorney (718) 254-6075