

AUSA

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

BY: COMPLAINT INFORMATION INDICTMENT SUPERSEDING

OFFENSE CHARGED

- 18 U.S.C. § 1349 - Conspiracy to Commit Wire Fraud; Petty
- 18 U.S.C. § 1343 - Wire Fraud; Minor
- 26 U.S.C. § 7201 - Tax Evasion; and Misdemeanor
- 18 U.S.C. §§ 981(a)(1)(C) and 28 U.S.C. § 2461(c) - Forfeiture Felony

PENALTY: SEE ATTACHED FOR PENALTIES

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

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S. 3 D 2:45

▶ JASON GEORGE RIVERA, JR. **EMC**

DISTRICT COURT NUMBER

CR 14 355

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 is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

this is a re prosecution 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

Name and Office of Person

Furnishing Information on this form MELINDA HAAG

U.S. Attorney Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned)

Benjamin Kingsley

DEFENDANT

IS NOT IN CUSTODY

- 1) 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)

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

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS NO PROCESS* WARRANT

Bail Amount: no bail

If Summons, complete following:

Arraignment Initial Appearance

Defendant Address:

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

Date/Time: _____ Before Judge: _____

Comments:

PENALTY SHEET ATTACHMENT

Count One:

18 U.S.C. § 1349 – Conspiracy to Commit Wire Fraud

Maximum penalties: 20 years imprisonment (18 U.S.C. §§ 1343, 1349)
\$250,000 fine or twice gross gain or loss (18 U.S.C. § 3571(b)(3))
3 years supervised release (18 U.S.C. § 3583(b)(2))
\$100 special assessment (18 U.S.C. § 3013)

Counts Two through Eight:

18 U.S.C. § 1343 – Wire Fraud

Maximum penalties: 20 years imprisonment (18 U.S.C. § 1343)
\$250,000 fine or twice gross gain or loss (18 U.S.C. § 3571(b)(3))
3 years supervised release (18 U.S.C. § 3583(b)(2))
\$100 special assessment (18 U.S.C. § 3013)

Counts Nine and Ten:

26 U.S.C. § 7201 – Tax Evasion

Maximum penalties: 5 years imprisonment (18 U.S.C. § 7201)
\$250,000 fine or twice gross gain or loss (18 U.S.C. § 3571(b)(3))
3 years supervised release (18 U.S.C. § 3583(b)(1))
\$100 special assessment (18 U.S.C. § 3013)

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

BY: COMPLAINT INFORMATION INDICTMENT SUPERSEDING

OFFENSE CHARGED

18 U.S.C. § 1349 - Conspiracy to Commit Wire Fraud; and
18 U.S.C. § 1343 - Wire Fraud

- Petty
- Minor
- Misdemeanor
- Felony

PENALTY: SEE ATTACHED FOR PENALTIES

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

NORTHERN DISTRICT OF CALIFORNIA

2014 JUL 15 2:45
SAN FRANCISCO DIVISION

DEFENDANT - U.S.

MARC CHRISTOPHER HARMON

DISTRICT COURT NUMBER

CR 14

EMC
355

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

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Furnishing Information on this form MELINDA HAAG

U.S. Attorney Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned)

Benjamin Kingsley

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- 3) Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) On this charge
- 5) On another conviction } Federal State
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DATE OF ARREST Month/Day/Year

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ADDITIONAL INFORMATION OR COMMENTS

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Defendant Address:

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PENALTY SHEET ATTACHMENT

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Maximum penalties: 20 years imprisonment (18 U.S.C. §§ 1343, 1349)
\$250,000 fine or twice gross gain or loss (18 U.S.C. § 3571(b)(3))
3 years supervised release (18 U.S.C. § 3583(b)(2))
\$100 special assessment (18 U.S.C. § 3013)

Counts Two through Eight:

18 U.S.C. § 1343 – Wire Fraud

Maximum penalties: 20 years imprisonment (18 U.S.C. § 1343)
\$250,000 fine or twice gross gain or loss (18 U.S.C. § 3571(b)(3))
3 years supervised release (18 U.S.C. § 3583(b)(2))
\$100 special assessment (18 U.S.C. § 3013)

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO 2:45

UNITED STATES OF AMERICA,

v.

CR 14 355

JASON GEORGE RIVERA, JR. and
MARC CHRISTOPHER HARMON,

SEALED
BY COURT CLERK

EMC

DEFENDANT(S).

INDICTMENT

18 U.S.C. § 1349 - Conspiracy to Commit Wire Fraud;
18 U.S.C. § 1343 - Wire Fraud;
26 U.S.C. § 7201 - Tax Evasion;
18 U.S.C. §§ 981(a)(1)(C) and 28 U.S.C. § 2461(c) - Forfeiture

A true bill.

Nancy J. Retorn
Foreman

Filed in open court this 3rd day of

July 2014.

Rose Maher ROSE MAHER
Clerk
Maria Elena James Maria Elena James
United States Magistrate Judge

Bail, \$

NO BAIL ARREST WARRANT

For Bail Report only

1 MELINDA HAAG (CABN 132612)
United States Attorney

2014 JUL -3 P 2:45

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

EMC

10 UNITED STATES OF AMERICA,
11 Plaintiff,

CR. 14 355

12 v.

13 JASON GEORGE RIVERA, JR., and
14 MARC CHRISTOPHER HARMON,
15 Defendants.

)
)
) VIOLATIONS: 18 U.S.C. § 1349 – Conspiracy to
) Commit Wire Fraud; 18 U.S.C. § 1343 – Wire Fraud;
) 26 U.S.C. § 7201 – Tax Evasion; 18 U.S.C.
) §§ 981(a)(1)(C) and 28 U.S.C. § 2461(c) – Forfeiture
)
) SAN FRANCISCO VENUE
)
)
)

17
18 INDICTMENT

19 The Grand Jury charges:

20 Introductory Allegations

21 At all times relevant to this Indictment:

- 22 1. Defendant Jason George Rivera, Jr. (RIVERA), resided in the Northern District of
- 23 California.
- 24 2. Defendant Marc Christopher Harmon (HARMON) resided in the Northern District of
- 25 California.
- 26 3. Executive Members Management Group (EMMG) was a Nevada corporation with
- 27 its principal place of business in the Northern District of California. RIVERA founded EMMG in 2007
- 28 and owned, managed, and controlled EMMG.

1 well as falsely showed substantial funds in the EMMG bank account. As a result of these fraudulent
2 statements and other material misrepresentations and omissions made by RIVERA and HARMON,
3 some investors believed that they were receiving the promised returns and recruited others to invest with
4 EMMG.

5 8. As a further part of the scheme to defraud, RIVERA fraudulently obtained personal loans
6 from B.B., an investor in EMMG. RIVERA falsely represented that these loans would aid in RIVERA's
7 ability to trade EMMG's CMO, when in truth, RIVERA was not engaged in trading the CMO and had
8 instead used the money for other purposes. When B.B. insisted on securing two such loans with
9 collateral, RIVERA fraudulently agreed to secure the loans with collateral on vehicles that RIVERA
10 claimed that he owned. In one instance, RIVERA, using false pretenses, reclaimed the title of the
11 vehicle that he had promised as collateral, and then sold the vehicle. In another instance, RIVERA
12 purported to use as collateral a vehicle that he did not in fact own.

13 9. As a further part of the scheme to defraud, RIVERA fraudulently obtained control of a
14 CMO by falsely promising to help its owners trade their CMO through EMMG and to share the profits
15 of such trading and any returns on the CMO with the investors. Instead, RIVERA took control of the
16 CMO, transferred it to bank accounts under his exclusive control, and ceased paying returns to the
17 investors.

18 COUNT ONE: (18 U.S.C. § 1349 – Conspiracy to Commit Wire Fraud)

19 10. Paragraphs 1 through 9 are realleged and incorporated as if fully set forth here.

20 11. From in or about October 2008 through in or about January 2011, in the Northern District
21 of California and elsewhere, the defendants,

22 JASON GEORGE RIVERA, JR., and
23 MARC CHRISTOPHER HARMON,

24 did knowingly conspire to devise and intend to devise a material scheme and artifice to defraud, and to
25 obtain money and property from victims by means of materially false and fraudulent pretenses,
26 representations, and promises, and by omission and concealment of material facts, and, for the purpose
27 of executing such scheme and artifice to defraud, did knowingly transmit and cause the transmission of
28 wire communications in interstate commerce, in violation of Title 18, United States Code, Section 1343.

1 All in violation of Title 18, United States Code, Section 1349.

2 COUNTS TWO THROUGH EIGHT: (18 U.S.C. §§ 1343 and 2 – Wire Fraud and Aiding and Abetting)

3 12. Paragraphs 1 through 9 are realleged and incorporated as if fully set forth here.

4 13. On or about the dates set forth below, in the Northern District of California and
5 elsewhere, the defendants,

6 JASON GEORGE RIVERA, JR., and
7 MARC CHRISTOPHER HARMON,

8 for the purpose of executing their material scheme and artifice to defraud, and to obtain money and
9 property from victims by means of materially false and fraudulent pretenses, representations, and
10 promises, and by omission and concealment of material facts, did knowingly transmit and cause to be
11 transmitted the following wire communications in interstate commerce:

COUNT	DATE OF WIRE	WIRE WORTH
2	July 6, 2009	email from HARMON to victim S.L.
3	September 23, 2009	\$100,000 from victim B.B. to EMMG
4	October 8, 2009	email from RIVERA to victim J.B.
5	February 3, 2010	\$50,000 from victim B.B. to EMMG
6	March 24, 2010	email from RIVERA to victim L.M.
7	April 19, 2010	\$145,000 from victim B.B. to EMMG
8	May 2, 2010	email from RIVERA to D.K.

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

13 COUNT NINE: (26 U.S.C. § 7201 – Tax Evasion)

14 14. Paragraphs 1 through 9 are realleged and incorporated as if fully set forth here.

15 15. During the calendar year 2008, defendant

16 JASON GEORGE RIVERA, JR.,

1 a resident of the Northern District of California, had and received substantial taxable income, and, upon
2 that taxable income, there was owing to the United States of America a substantial income tax. Well
3 knowing the foregoing facts, and failing to make an income tax return on or before April 15, 2009, as
4 required by law, to any proper officer of the Internal Revenue Service, and pay to the Internal Revenue
5 Service the income tax, RIVERA, in the Northern District of California, did willfully attempt to evade
6 and to defeat the income tax due and owing by him to the United States of America for the calendar year
7 2008 by, for example and among other things:

- 8 a. Holding title to real and personal property in the name of nominees and his
9 business;
- 10 b. Using investor funds to pay for personal expenses with cashier's checks or checks
11 negotiated at the bank;
- 12 c. Failing to maintain books or records of his expenditures; and
- 13 d. Creating fraudulent statements of his corporate balance sheets.

14 All in violation of Title 26, United States Code, Section 7201.

15 COUNT TEN: (26 U.S.C. § 7201 – Tax Evasion)

16 16. Paragraphs 1 through 9 are realleged and incorporated as if fully set forth here.

17 17. During the calendar year 2009, the defendant,

18 JASON GEORGE RIVERA, JR.,

19 a resident of the Northern District of California, had and received substantial taxable income, and, upon
20 that taxable income, there was owing to the United States of America a substantial income tax. Well
21 knowing the foregoing facts, and failing to make an income tax return on or before April 15, 2010, as
22 required by law, to any proper officer of the Internal Revenue Service, and pay to the Internal Revenue
23 Service the income tax, RIVERA, in the Northern District of California, did willfully attempt to evade
24 and to defeat the income tax due and owing by him to the United States of America for the calendar year
25 2009 by, for example and among other things:

- 26 a. Holding title to real and personal property in the name of nominees and his
27 business;

- b. Using investor funds to pay for personal expenses with cashier's checks or checks negotiated at the bank;
- c. Failing to maintain books or records of his expenditures; and
- d. Creating fraudulent statements of his corporate balance sheets.

All in violation of Title 26, United States Code, Section 7201.

FORFEITURE ALLEGATIONS: (18 U.S.C. §§ 981(a)(1)(C) and 28 U.S.C. § 2461(c) – Forfeiture)

18. The factual allegations contained in paragraphs 1 through 17 are realleged and by this reference fully incorporated here for the purpose of alleging forfeiture pursuant to 18 U.S.C. §§ 981(a)(1)(C) and 28 U.S.C. § 2461(c).

19. Upon a conviction of any of the offenses alleged in Counts One through Seven, the defendants,

JASON GEORGE RIVERA, JR., and
MARC CHRISTOPHER HARMON,

shall forfeit to the United States all property constituting and derived from proceeds traceable to that offense, including but not limited to a sum of money equal to the amount of proceeds obtained as a result of the offense.

20. If, as a result of any act or omission of the defendants, any of said property

- a. cannot be located upon the exercise of due diligence,
- b. has been transferred, sold to, or deposited with a third person,
- 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,

any and all interest defendant has in other property shall be vested in the United States and forfeited to the United States pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c) and Rule 32.2 of the Federal Rules of Criminal Procedure.

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1 DATED:

2 *July 3, 2014*

A TRUE BILL.

3
4 *Nancy J. Peterson*
FOREPERSON

5
6 MELINDA HAAG
United States Attorney

7
8 *J. Douglas Wilson*
9 J. DOUGLAS WILSON
10 Chief, Criminal Division

11
12
13 (Approved as to form: *[Signature]*)
14 BENJAMIN KINGSLEY
Assistant United States Attorney

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United States District Court
Northern District of California

2014 JUL -3 P 2:44

CRIMINAL COVER SHEET

Instructions: Effective January 3, 2012, this Criminal Cover Sheet must be completed and submitted, along with the Defendant Information Form, for each new criminal case.

EMC

Case Name: JASON GEORGE RIVERA, JR. and
USA v. MARC CHRISTOPHER HARMON

CR Case Number: 14 355

Total Number of Defendants:

1 2-7 8 or more

Is This Case Under Seal?

Yes No

Does this case involve ONLY charges under 8 U.S.C. § 1325 and/or 1326?

Yes No

Venue (Per Crim. L.R. 18-1):

SF OAK SJ EUR MON

Is any defendant charged with a death-penalty-eligible crime?

Yes No

Assigned AUSA (Lead Attorney):

Benjamin Kingsley

Is this a RICO Act gang case?

Yes No

Date Submitted:

July 3, 2014

Comments: