HW/2008R01082

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	Hon.
v.	:	
SCOTT TRAN, MANH NGUYEN, ERIK JAMES, and CHRISTOPHER MARTIN a/k/a "Stickman"	: : :	Criminal No. _____ 18 U.S.C. §§ 2271 & 2273

I N D I C T M E N T

The grand jury in and for the District of New Jersey, sitting at Camden, charges:

COUNT 1
(Conspiracy to Destroy the Alexander II)

1. At all times relevant to this Indictment:

a. The defendant SCOTT TRAN owned a fishing boat, the Alexander II, which was docked either in Virginia or Cape May, New Jersey;

b. The defendant SCOTT TRAN paid for and maintained a casualty insurance policy on the Alexander II, the policy limit being $400,000, through the State National Insurance Company;

c. The defendant MAHN NGUYEN worked for the defendant SCOTT TRAN as Tran's right-hand man; and

d. Henry "Mike" Anholt was a commercial fisherman and had captained several commercial fishing boats out of southern New Jersey and elsewhere.

2. From in or about July 2009 to the present, both on the high seas and within the United States, that is, in Cape May, in the District of New Jersey, and elsewhere, the defendants,

SCOTT TRAN,
MANH NGUYEN,
ERIK JAMES, and
CHRISTOPHER MARTIN a/k/a "Stickman,"

knowingly, willfully, and corruptly did conspire, combine, and confederate with each other and with Henry "Mike" Anholt, Arthur "Todd" Vitola, and others, to cast away and otherwise destroy a vessel, that is, the Alexander II, a fishing boat, with the intent to injure the State National Insurance Company, a casualty insurance company that underwrote an insurance policy on the Alexander II and on goods on board thereof.

<u>The Means and Manner of the Conspiracy</u>

3. It was a part of the conspiracy that in or about July 2009, the defendant SCOTT TRAN hired Henry "Mike" Anholt as the captain of the Alexander II.

4. It was a part of the conspiracy that in or about July 2009, shortly after the defendant SCOTT TRAN hired Henry "Mike" Anholt as the captain of the Alexander II, the defendants SCOTT TRAN and MANH NGUYEN solicited Anholt to sink the Alexander

II on the high seas in return for payments to him and his crew.

5. It was a part of the conspiracy that in or about late July 2009, Henry "Mike" Anholt recruited his crew, which consisted of Arthur "Todd" Vitola, the defendant ERIK JAMES, and the defendant CHRISTOPHER MARTIN a/k/a "Stickman," to help him sink the Alexander II on the high seas in return for payments of approximately $2,000 each from the defendants SCOTT TRAN and MANH NGUYEN.

6. It was a part of the conspiracy that on or about August 2, 2009, the Alexander II left Cape May, New Jersey, with Henry "Mike" Anholt as the captain and a crew of Arthur "Todd" Vitola, the defendant ERIK JAMES, and the defendant CHRISTOPHER MARTIN a/k/a "Stickman." Although the Alexander II had little fuel, ice, food, and other supplies for a lengthy fishing trip, the ship's log was falsified to read that more than 50 fish weighing a total of approximately 3000 pounds were caught during the trip.

7. It was a part of the conspiracy that on or about August 2, 2009, once the Alexander II reached a point on the high seas approximately 86 miles southeast of Cape May, off the coast of New Jersey, the captain, Henry "Mike" Anholt, and the three crew members, Arthur "Todd" Vitola, the defendant ERIK JAMES, and the defendant CHRISTOPHER MARTIN a/k/a "Stickman," worked together in an unsuccessful attempt to sink it.

8. It was a part of the conspiracy that on or about August 3, 2009, once the captain and crew of the Alexander II (a) had succeeded in filling a portion of its interior with seawater, while ignoring the bilge alarms that were sounding, and (b) made no use of the ship's pumps, which were in good working condition, to clear the ship of water, they sent a distress signal to the U.S. Coast Guard and then abandoned the Alexander II together in a life raft.

9. It was a part of the conspiracy that on or about August 3, 2009, when the U.S. Coast Guard found the Alexander II and rescued the captain and crew, the captain and at least one crew member gave false statements to the Coast Guard regarding the incident. The Coast Guard found no fish aboard the boat or in the hold.

10. It was a part of the conspiracy that on or about August 3, 2009, after the U.S. Coast Guard returned the captain and crew to Wildwood, New Jersey, the defendant MANH NGUYEN, on behalf of the defendant SCOTT TRAN, discussed with the captain and crew what happened during the attempted sinking of the Alexander II, and made cash payments to the captain and crew as compensation for their attempted sinking of the Alexander II. Those payments were less than the previously offered and agreed to sums.

11. It was a part of the conspiracy that on or about August 3, 2009, after the defendant ERIK JAMES received less than full payment from the defendant MANH NGUYEN, the defendant MANH NGUYEN, the defendant ERIK JAMES and his girlfriend, and Henry "Mike" Anholt drove to Philadelphia to the office of the defendant SCOTT TRAN. The defendant MANH NGUYEN entered the office and then exited and gave additional U.S. currency to Henry "Mike" Anholt, which he then gave to the defendant ERIK JAMES.

12. It was a part of the conspiracy that after the attempted sinking of the Alexander II, the defendant MANH NGUYEN, on behalf of the defendant SCOTT TRAN, made additional cash payments to Henry "Mike" Anholt toward the money owed to Anholt.

13. It was a part of the conspiracy that on or about August 3, 2009, the defendant SCOTT TRAN submitted a claim to his insurance broker in order to collect $400,000, the policy limit, on an insurance policy for the Alexander II, which was underwritten by State National Insurance Company. This claim subsequently was denied.

14. It was a part of the conspiracy that on or about February 4, 2010, the defendant SCOTT TRAN filed a lawsuit, Alexander I, Inc. vs. State National Insurance Company, Docket No. CAM-L-655-10, in the New Jersey Superior Court in Camden County, seeking damages of $400,000, including damage to the Alexander II and loss of use of the Alexander II.

15. It was a part of the conspiracy that after the defendant SCOTT TRAN filed the lawsuit against the State National Insurance Company, he vigorously prosecuted that lawsuit, which is pending.

16. It was a part of the conspiracy that during a deposition taken of the defendant SCOTT TRAN during the discovery phase of his lawsuit, the defendant SCOTT TRAN denied in substance under oath that he knew how the Alexander II almost sank.

All in violation of Title 18, United States Code, Section 2271.

COUNT 2
(Attempted Destruction of the Alexander II)

1. Paragraphs 1 and 3 through 16 of Count 1 of this Indictment are hereby realleged and incorporated as though set forth in full herein.

2. From on or about August 2, 2009, to on or about August 3, 2009, on the high seas off the coast of Cape May, New Jersey, and elsewhere, the defendants,

MANH NGUYEN,
ERIK JAMES, and
CHRISTOPHER MARTIN a/k/a "Stickman,"

not being the owners of a vessel, that is, the Alexander II, a fishing boat, did willfully attempt its destruction.

In violation of Title 18, United States Code, Section 2273.

A TRUE BILL

FOREPERSON

PAUL J. FISHMAN
United States Attorney

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INDICTMENT FOR

18 U.S.C. §§ 2271 & 2273

A True Bill,

Foreperson

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