

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA : Hon.
 :
 v. : Criminal No. 14-
 :
 ELIYAHU WEINSTEIN, : 18 U.S.C. §§ 1349, 1343,
 a/k/a "Eli Weinstein" : 1957, 3147 and § 2

INDICTMENT

The Grand Jury in and for the District of New Jersey, sitting at Newark,
charges:

COUNT ONE
(Conspiracy to Commit Wire Fraud)

1. From in or about February 2012 through in or about May 2013, defendant ELIYAHU WEINSTEIN, a/k/a "Eli Weinstein," and his Co-Conspirators fraudulently raised at least \$8 million from a number of victim investors by offering them opportunities to invest in the purchase and resale of securities and real estate, among other purported investment opportunities. Rather than use victim investor funds in the manner represented, defendant WEINSTEIN and his Co-Conspirators diverted millions of dollars of victim investor funds for their own use and benefit, including: (a) to fund other, unrelated investments for the sole benefit of defendant WEINSTEIN and his Co-Conspirators; (b) to pay defendant WEINSTEIN's personal expenses, including legal expenses incurred by defendant WEINSTEIN in unrelated criminal and civil matters arising from prior acts of fraud by defendant WEINSTEIN; (c) to

pay victims of defendant WEINSTEIN's prior criminal conduct; and (d) to pay victims of the scheme charged herein ("lulling payments") to encourage them to provide additional funds and to allow the scheme to continue undetected.

Relevant Entities and Individuals

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

a. Defendant ELIYAHU WEINSTEIN, a/k/a "Eli Weinstein," was a resident of Lakewood, New Jersey. From on or about August 30, 2010, through on or about May 14, 2013, defendant WEINSTEIN was on release under Title 18, United States Code, Chapter 207, pursuant to an order dated August 30, 2010, of the United States District Court for the District of New Jersey, which order expressly warned defendant WEINSTEIN of the potential effect of committing an offense while on pretrial release.

b. Co-Conspirator "A.G.," not named as a defendant herein, was a resident of Brooklyn, New York, who created fraudulent documents that were used to defraud victim investors and, among other things, also purported to be a property manager for certain properties used in the scheme described herein.

c. Co-Conspirator "A.S.," not named as a defendant herein, was a resident of Lakewood, New Jersey, who purported to broker investment opportunities in real estate and securities.

d. Co-Conspirator "A.M.," not named as a defendant herein, was a resident of Brooklyn, New York, who purported to be an investor in

securities and real estate, and who facilitated defendant WEINSTEIN's movement and use of a portion of the proceeds of the fraud described herein.

e. Co-Conspirator "F.T.," not named as a defendant herein, was a resident of Lakewood, New Jersey, an attorney with offices in Seaside Heights, New Jersey and Los Angeles, California, and defendant WEINSTEIN's partner in several fraudulent ventures.

f. 148 Investments LLC ("148 Investments") was a Delaware limited liability corporation established in or about October 2011 by defendant WEINSTEIN and Co-Conspirator F.T. as a purported investment vehicle. Defendant WEINSTEIN and Co-Conspirator F.T. controlled 148 Investments, and conducted its alleged business through, among others, bank accounts in New Jersey.

g. Facebook, Inc. ("Facebook") was a Delaware corporation with its principal place of business in Menlo Park, California. Facebook operated a well-known social networking platform, and completed its initial public offering ("IPO") on or about May 18, 2012. Since then, its Class A common stock has been listed on the NASDAQ Global Select Market under the symbol "FB."

The Conspiracy

3. From in or about February 2012 through in or about May 2013, in Ocean County, in the District of New Jersey and elsewhere, defendant

**ELIYAHU WEINSTEIN,
a/k/a "Eli Weinstein,"**

did knowingly and intentionally conspire and agree with others to devise a scheme and artifice to defraud and to obtain money and property from victim investors by means of materially false and fraudulent pretenses, representations, and promises, and, for the purpose of executing such scheme and artifice, transmitted and caused to be transmitted by means of wire communications in interstate and foreign commerce, certain signs, signals, and sounds, contrary to Title 18, United States Code, Section 1343.

Object of the Conspiracy

4. The object of the conspiracy was for defendant WEINSTEIN and others to enrich themselves by obtaining money from victim investors by making false and fraudulent representations relating to purported investments in pre-IPO Facebook shares and real estate.

Manner and Means of the Conspiracy

5. It was part of the conspiracy that defendant WEINSTEIN and his Co-Conspirators made, and caused to be made, the following types of materially false and misleading statements and material omissions, among others, to victim investors:

a. defendant WEINSTEIN had unique opportunities to purchase either securities or real estate at a low price;

- b. defendant WEINSTEIN had someone lined up to whom he could resell the securities or real estate at a higher price;
- c. the contemplated transactions would close imminently;
- d. the victim investors' funds would be used only for the stated transactions and, in the case of the real estate transactions marketed by defendant WEINSTEIN, would remain in an attorney's escrow account until the transactions closed;
- e. certain victim investors' funds would be secured by collateral;
- f. certain transactions had closed and the victim investors' funds would be returned shortly, or had been rolled into subsequent transactions for the victim investors' benefit; and
- g. legal or accounting issues were preventing defendant WEINSTEIN from closing particular transactions or returning victim investors' funds.

6. It was further part of the conspiracy that defendant WEINSTEIN and his Co-Conspirators provided, and caused to be provided, documents to investors reflecting that certain victims' investments were secured by collateral, such as real estate. In reality, the collateral was either worthless or defendant WEINSTEIN and his Co-Conspirators did not have the right to pledge it in the first place.

7. It was further part of the conspiracy that contrary to their representations to the victims concerning their intended use of the victim

investors' funds, defendant WEINSTEIN and his Co-Conspirators misappropriated millions of dollars in victim investors' funds for their own use and benefit.

8. It was further part of the conspiracy that defendant WEINSTEIN and his Co-Conspirators directed that material portions of funds raised from victim investors for specified transactions be used for other purposes, without disclosing the diversion of funds to victims, including:

- a. to fund other, unrelated investments for the sole benefit of defendant WEINSTEIN and his Co-Conspirators;
- b. to pay defendant WEINSTEIN's personal expenses, including his legal expenses;
- c. to pay victims of defendant WEINSTEIN's prior criminal conduct; and
- d. to make lulling payments to victims of the scheme charged herein, which encouraged those victims to provide additional funds and allowed the scheme to continue undetected.

9. It was further part of the conspiracy that using the manner and means described herein defendant WEINSTEIN and his Co-Conspirators defrauded a number of victim investors of at least \$8 million.

Fraudulent Acts

10. In furtherance of the conspiracy and to effect the unlawful object thereof, defendant WEINSTEIN and his Co-Conspirators committed and caused to be committed the following acts, among others:

A. The Pre-IPO Facebook Blocks

11. From in or about February 2012 through in or about May 2013, defendant WEINSTEIN, Co-Conspirator F.T., Co-Conspirator A.M., and others made, and caused to be made, a series of material misrepresentations to Victim Investor G.C. and Victim Investor J.C. (collectively the "Facebook Victims") in connection with the purchase and resale of large blocks of pre-IPO Facebook shares ("Facebook Blocks").

12. First, defendant WEINSTEIN and his Co-Conspirators told the Facebook Victims that defendant WEINSTEIN and his Co-Conspirators had access to the Facebook Blocks, which were highly coveted at the time. Second, defendant WEINSTEIN and his Co-Conspirators told the Facebook Victims that defendant WEINSTEIN and his Co-Conspirators had buyers lined up to whom they would sell the Facebook Blocks at a substantial profit. Third, defendant WEINSTEIN and his Co-Conspirators told the Facebook Victims that their money would be exclusively used to fund the purchase and resale of the Facebook Blocks. Fourth, defendant WEINSTEIN and his Co-Conspirators purported to provide the Facebook Victims with collateral to secure their investments. Fifth, defendant WEINSTEIN and his Co-Conspirators told the Facebook Victims that their money was, in fact, used to fund the successful

purchase and resale of the Facebook Blocks. Sixth, defendant WEINSTEIN and his Co-Conspirators returned some money to the Facebook Victims, representing that the money was the return of their principal and profit from the completion of a successful Facebook transaction.

13. Defendant WEINSTEIN and his Co-Conspirators' representations to the Facebook Victims were all false and misleading because, as defendant WEINSTEIN and his Co-Conspirators well knew: they did not have access to the Facebook Blocks; they did not have buyers lined up to whom they could resell the Facebook Blocks; the purported collateral they provided the Facebook Victims was worthless; and, they did not use Facebook Victims' funds to purchase the Facebook Blocks.

14. Based on the above misrepresentations, among others, the Facebook Victims caused the following wires to be made from outside of the United States to bank accounts within the District of New Jersey controlled by defendant WEINSTEIN and his Co-Conspirators for purported investments involving Facebook Blocks:

a. On or about February 7, 2012, Facebook Victim G.C. wired approximately \$1.2 million from an account in Jersey, Channel Islands, to an account in New Jersey ending in 5080 in the name of 148 Investments (the "5080 Account");

b. On or about February 17, 2012, Facebook Victim G.C. wired approximately \$1.65 million from an account in Jersey, Channel Islands, to the 5080 Account; and

c. On or about March 5, 2012, Facebook Victim G.C. wired approximately \$1.825 million from an account in Jersey, Channel Islands, to the 5080 Account.

15. Contrary to their representations to the Facebook Victims, defendant WEINSTEIN and his Co-Conspirators misappropriated the Facebook Victims's funds for their own use and benefit, including to pay defendant WEINSTEIN's legal fees as discussed below.

B. The Belle Glade Gardens Apartments Deal

16. From in or about February 2012 through in or about May 2013, defendant WEINSTEIN and Co-Conspirator A.S. made and caused to be made material misrepresentations to the Facebook Victims concerning a purported investment in an apartment complex in Miami, Florida called "Belle Glade Gardens."

17. First, Co-Conspirator A.S. told the Facebook Victims that he and defendant WEINSTEIN had the opportunity to purchase Belle Glade Gardens at a discounted price and immediately flip it at a substantial profit. Second, Co-Conspirator A.S. told the Facebook Victims that he and defendant WEINSTEIN had placed approximately \$2.5 million in the trust account of a Miami law firm for the transaction. Third, Co-Conspirator A.S. told the Facebook Victims that he and defendant WEINSTEIN needed an additional approximately \$2.5 million to be wired to the Miami law firm's trust account. Fourth, Co-Conspirator A.S. told the Facebook Victims that their funds would remain in escrow at the

Miami law firm until the deal closed, and that the Facebook Victims would be repaid within 60 days.

18. Defendant WEINSTEIN and Co-Conspirator A.S.'s representations to the Facebook Victims were false because as Co-Conspirator A.S. well knew, he and defendant WEINSTEIN never had \$2.5 million in escrow at the Miami law firm at any time, and did not intend to use the Facebook Victims' money for the Belle Glade Gardens deal.

19. Based on the above misrepresentations, among others, Facebook Victim G.C. caused the following wires to be made from outside of the United States to the trust account of a law firm in Miami, Florida for the purported purchase and resale of Belle Glades Gardens:

a. On or about February 23, 2012, Facebook Victim G.C. wired approximately \$2.5 million from an account in Jersey, Channel Islands, to the Miami law firm's trust account.

b. On or about April 18, 2012, Facebook Victim G.C. wired approximately \$330,000 from an account in the Cayman Islands to the Miami law firm's trust account.

20. Contrary to their representations to the Facebook Victims concerning the Belle Glades transaction, defendant WEINSTEIN and Co-Conspirator A.S. misappropriated the Facebook Victims' funds for their own use and benefit. Immediately after each of the wires described in paragraphs 19(a) and 19(b) were received by the Miami law firm, defendant WEINSTEIN

and Co-Conspirator A.S. caused the Miami law firm to forward the incoming funds to the 5080 Account in the following amounts:

- a. a wire for approximately \$2.5 million to the 5080 Account on or about February 27, 2012; and
- b. a wire for approximately \$311,075 to the 5080 Account on or about April 19, 2012.

21. Among other things, defendant WEINSTEIN also used the Facebook Victims' Belle Glades Gardens investment to fund the following two wires to the Facebook Victims: a \$1.65 million wire on or about February 27, 2012 from the 5080 Account and a \$177,750 wire on or about February 29, 2012 from the 5080 Account. Defendant WEINSTEIN and Co-Conspirator A.S. falsely represented to the Facebook Victims that these wires (which, in truth and in fact, constituted the Facebook Victims' own money, and were intended to be used for the Belle Glades Gardens deal) represented the return of their principal and profit from a successful Facebook Block transaction.

C. The Seven Florida Condominiums

22. From in or about July 2012 through in or about May 2013, defendant WEINSTEIN, Co-Conspirator A.G., Co-Conspirator F.T., and others made, and caused to be made, a series of material misrepresentations to Victim Investor "A.Q." and his investor group (collectively the "Florida Condominium Victims") in connection with the purported purchase of seven Florida Condominiums.

23. First, defendant WEINSTEIN and his Co-Conspirators told the Florida Condominium Victims that defendant WEINSTEIN had the opportunity to purchase the notes on seven South Florida condominiums for approximately \$3 million in cash from a bank in a “friendly foreclosure action.” Second, defendant WEINSTEIN and his Co-Conspirators represented to the Florida Condominium Victims that the seven condominiums were originally purchased for approximately \$11 million. Third, defendant WEINSTEIN and his Co-Conspirators represented that they had approximately \$1.5 million in place for the purchase of the notes, and only needed an additional approximately \$1.5 million to close the deal. Fourth, defendant WEINSTEIN and his Co-Conspirators represented to the Florida Condominium Victims that the seven condominiums were earning a minimum of approximately \$780,000 per year in rental income; indeed, defendant WEINSTEIN and Co-Conspirator A.G. provided their victims fabricated documents supporting their claim. Finally, defendant WEINSTEIN and his Co-Conspirators represented that they had a lender in place that would lend them approximately \$3 million shortly after the closing at a cost of approximately \$400,000 per year, thereby allowing defendant WEINSTEIN, his Co-Conspirators, and the Florida Condominium Victims to quickly recoup their initial investment, and earn yearly rental profits of approximately \$380,000 to divide among the group.

24. Defendant WEINSTEIN and his Co-Conspirators’ representations to the Florida Condominium Victims were false in numerous ways because, as defendant WEINSTEIN and his Co-Conspirators well knew, there was no

transaction involving seven Florida condominiums, and defendant WEINSTEIN and his Co-Conspirators did not have \$1.5 million set aside for half of the transaction. In addition, as defendant WEINSTEIN well knew, several of the condominiums had been previously owned by defendant WEINSTEIN himself, and he had lost most of them in foreclosure actions years earlier. Indeed, at the time that defendant WEINSTEIN and his co-conspirators were falsely inducing the Florida Condominium Victims to invest in this purported deal, defendant WEINSTEIN was facing trial in the District of New Jersey for conduct that included his use of some of the very same foreclosed Florida condominiums to defraud other victim investors in or around 2010, as alleged in the Indictment in United States v. Weinstein, Cr. No. 11-701 (JAP). Finally, the documentation, including proof of rental income and e-mails showing monies being held in escrow, that defendant WEINSTEIN, Co-Conspirator F.T., and Co-Conspirator A.G. provided the Florida Condominium Victims were fraudulent, and had been created at defendant WEINSTEIN's direction.

25. Based on the above misrepresentations, among others, the Florida Condominium Victims provided defendant WEINSTEIN and his Co-Conspirators approximately \$1.5 million through wire transfers and cash payments made between in or about August 2012 and in or about December 2012. Among others, the Florida Condominium Victims caused the following

wires to be made from outside of New Jersey to Co-Conspirator F.T.'s attorney trust account in New Jersey to be used towards the purported purchase of the seven Florida condominiums:

a. On or about September 28, 2012, Victim A.Q. caused approximately \$600,000 to be wired from an account in Brooklyn, New York, to Co-Conspirator F.T.'s trust account in New Jersey.

b. On or about October 28, 2012, Victim A.Q. caused approximately \$238,000 to be wired from an account in Brooklyn, New York, to Co-Conspirator F.T.'s trust account in New Jersey.

26. Contrary to their representations to the Florida Condominium Victims, defendant WEINSTEIN, Co-Conspirator A.G., Co-Conspirator F.T., and others misappropriated the Florida Condominium Victims' funds for their own use and benefit. Despite converting Florida Condominium Victims' funds, from in or about January 2013 through in or about May 2013, defendant WEINSTEIN and his Co-Conspirators continued to lead the Florida Condominium Victims to believe that their investment existed and was secure, by sending them or causing others to send them reassuring e-mails and text messages during this period.

D. The Proceeds of the Fraud

27. Through the types of misrepresentations, omissions, fraudulent documents, and fraudulent conveyances discussed above, defendant WEINSTEIN and others, obtained more than \$8 million dollars from victims for purported Facebook and real estate transactions. Rather than use the victim

investors' funds for specified transactions as they claimed they would, defendant WEINSTEIN and his Co-Conspirators misappropriated victim investors' funds, and used material portions of monies raised for other purposes, including:

- a. to fund other, unrelated investments for the exclusive benefit of defendant WEINSTEIN and his Co-Conspirators;
- b. to pay prior victims;
- c. to make lulling payments; and
- d. to pay defendant WEINSTEIN and his Co-Conspirators' personal expenses, including over a million dollars in defendant WEINSTEIN's legal bills.

28. In most cases, defendant WEINSTEIN and his Co-Conspirators transferred victim investor funds between several accounts that they controlled before using the misappropriated funds for their personal benefit. For example, on or about February 7, 2012, the Facebook Victims wired approximately \$1.2 million from an account in Jersey, Channel Islands, to the 5080 Account to fund the purchase of pre-IPO Facebook shares, as discussed in paragraph 14(a) above. Between on or about February 7, 2012 and on or about February 14, 2012, however, defendant WEINSTEIN and others caused approximately \$1,000,000 of those funds to be moved through an intermediary account they controlled, and then to an account controlled by Co-Conspirator A.M. After diverting a portion of the Facebook Victims' funds for his own use,

Co-Conspirator A.M. issued, or caused the following checks to be issued, among others, for defendant WEINSTEIN's benefit:

a. a check dated on or about February 14, 2012, for approximately \$75,000 to a Newark law firm representing defendant WEINSTEIN in his pending criminal case in the District of New Jersey, which was cashed the following day;

b. a check dated on or about February 14, 2012, for approximately \$125,000 to a lawyer in Alabama also representing defendant WEINSTEIN in his pending criminal case in this district, which was cashed on or about February 17, 2012; and

c. a check dated on or about February 14, 2012, for approximately \$15,000 to a New Jersey attorney reviewing defendant WEINSTEIN's financial transactions pursuant to the conditions of his pretrial release.

29. As another example, on or about March 5, 2012, the Facebook Victims wired approximately \$1.825 million from an account in Jersey, Channel Islands, to the 5080 Account to fund the purchase of pre-IPO Facebook shares, as discussed in paragraph 14(c) above. Between on or about March 5, 2012 and on or about March 6, 2012, however, defendant WEINSTEIN and others caused approximately \$1.6 million of the Facebook Victims' funds to be moved through several intermediary accounts they controlled, and then to an account controlled by Co-Conspirator A.M. After diverting a portion of the Facebook Victims' funds for his own use, Co-

Conspirator A.M. issued, or caused the following checks to be issued, among others, for defendant WEINSTEIN's benefit:

a. a check dated on or about March 22, 2012, in the amount of approximately \$25,000 written to the firm of "D.G.," a former special agent with the Internal Revenue Service and a certified public accountant who was assisting defendant WEINSTEIN with his pending criminal case in the District of New Jersey;

b. a check dated on or about March 19, 2012, in the amount of approximately \$15,000 to a disbarred attorney, who was purportedly representing defendant WEINSTEIN in pending civil litigation; and

c. a check dated on or about March 19, 2012, in the amount of approximately \$15,125 to A.L., a broker that defendant WEINSTEIN had retained to find him investment opportunities.

30. In addition to funneling funds through accounts controlled by Co-Conspirators, defendant WEINSTEIN also used a substantial portion of victim investor funds to make investments for his own benefit. For example, from in or about February 2012 through in or about December 2012, defendant WEINSTEIN used a portion of the Facebook Victims' funds to make loans to Rabbi "C.B." in Brooklyn, New York, as part of a business venture. In or about December 2012, defendant WEINSTEIN directed that Rabbi C.B. repay \$1 million of those loans to a New York law firm that defendant WEINSTEIN retained to represent him in his pending criminal case in the District of New

Jersey. On or about December 20, 2012, Rabbi C.B. sent a check in the amount of \$1 million to the New York law firm. The memo line of the check read: "Loan Return for 148 LLC."

In violation of Title 18, United States Code, Section 1349.

COUNTS TWO THROUGH SIX
(Wire Fraud While On Pretrial Release)

1. The allegations set forth in Paragraphs 1, 2 and 5 through 30 of Count One are hereby repeated, realleged and incorporated as if fully set forth herein.

2. On or about the dates set forth below, in Ocean County, in the District of New Jersey and elsewhere, defendant

ELIYAHU WEINSTEIN,
a/k/a "Eli Weinstein,"

while on pretrial release pursuant to 18 U.S.C. §§ 3141 et seq., did knowingly and intentionally devise and intend to devise a scheme and artifice to defraud, and to obtain money and property from victims by means of materially false and fraudulent pretenses, representations, and promises, and, for the purpose of executing and attempting to execute this scheme and artifice, did knowingly and intentionally transmit and cause to be transmitted by means of wire communications in interstate and foreign commerce the following writings, signs, signals, pictures and sounds, each constituting a separate count of this Indictment:

Count	Approximate Date	Description
2	February 7, 2012	Wire transfer of approximately \$1.2 million from an account in Jersey, Channel Islands to the 5080 Account
3	February 17, 2012	Wire transfer of approximately \$1.65 million from an account in Jersey, Channel Islands to the 5080 Account
4	February 27, 2012	Wire transfer of approximately \$2.5 million from the Miami law firm's trust account to the 5080 Account

5	April 19, 2012	Wire transfer of approximately \$311,075 from the Miami law firm's trust account to the 5080 Account
6	March 5, 2012	Wire transfer of approximately \$1.825 million from an account in Jersey, Channel Islands to the 5080 Account

In violation of Title 18, United States Code, Sections 1343 and 3147, and Title 18, United States Code, Section 2.

Counts Seven through Thirteen
(Transacting in Criminal Proceeds)

1. The allegations set forth in Paragraphs 1, 2 and 5 through 30 of Count One are hereby repeated, realleged and incorporated as if fully set forth herein.

2. On or about the dates set forth below, in Ocean County, in the District of New Jersey, and elsewhere, defendant

ELIYAHU WEINSTEIN,
a/k/a "Eli Weinstein,"

knowingly engaged and attempted to engage in the following monetary transactions affecting interstate commerce in criminally derived property of a value greater than \$10,000, such property having been derived from specified unlawful activity, that is wire fraud, in violation of Title 18, United States Code Sections 1343 and 2, each constituting a separate count of this Indictment:

Count	Approximate Date	Monetary Transaction
7	February 14, 2012	A check for approximately \$75,000 to a Newark law firm representing defendant WEINSTEIN in his pending criminal case in this district
8	February 14, 2012	A check for approximately \$125,000 to a lawyer in Alabama representing defendant WEINSTEIN in his pending criminal case in this district

9	February 14, 2012	A check for approximately \$15,000 to a New Jersey law firm reviewing defendant WEINSTEIN's financial transactions pursuant to the conditions of his pretrial release
10	March 22, 2012	A check for approximately \$25,000 written to the firm of "D.G.," a former special agent with the Internal Revenue Service and a certified public accountant who was assisting defendant WEINSTEIN with his pending criminal case in the District of New Jersey
11	March 19, 2012	A check for approximately \$15,000 to a disbarred attorney purportedly representing defendant WEINSTEIN in pending civil litigation
12	March 19, 2012	A check for approximately \$15,125 to "A.L.," a broker that defendant WEINSTEIN had retained to find him investment opportunities
13	December 20, 2012	A check for approximately \$1 million to a New York law firm that began representing defendant WEINSTEIN in his pending federal criminal case on or about December 31, 2012

In violation of Title 18, United States Code, Section 1957 and Section 2.

FORFEITURE ALLEGATION

The allegations contained in this Indictment are hereby realleged and incorporated by reference for the purpose of noticing forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

The United States hereby gives notice to the defendant ELIYAHU WEINSTEIN, a/k/a "Eli Weinstein," that, upon his conviction of the offenses alleged in the Complaint in Counts 1 through 13, the government will seek forfeiture in accordance with Title 18, United States Code, Sections 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), which requires any person convicted of such offenses to forfeit any property constituting or derived from proceeds obtained directly or indirectly as a result of such offense, including but not limited to 596 Seton Circle, Lakewood, New Jersey;

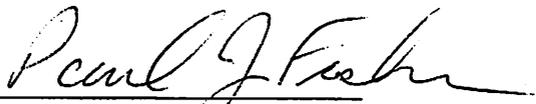
If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- (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 defendants up to the value of the forfeitable property described above.

A TRUE BILL

FOREPERSON



PAUL J. FISHMAN
United States Attorney

**United States District Court
District of New Jersey**

UNITED STATES OF AMERICA

v.

**ELIYAHU WEINSTEIN,
a/k/a "Eli Weinstein"**

**INDICTMENT FOR
18 U.S.C. §§ 1349, 1343,
1957, 3147 and § 2**

A True Bill,

Foreperson

**PAUL J. FISHMAN
UNITED STATES ATTORNEY
NEWARK, NEW JERSEY**

**RACHAEL A. HONIG, GURBIR S. GREWAL
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973-645-2700**
