

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

# FELONY

INDICTMENT FOR WIRE FRAUD AND NOTICE OF FORFEITURE

UNITED STATES OF AMERICA	*	CRIMINAL NO.
VERSUS	*	SECTION:
GRAEGG L. HOLMES	*	VIOLATIONS: 18 U.S.C. § 1343
	*	18 U.S.C. § 2
	*	
	*	

The Grand Jury charges that:

COUNT 1  
Wire Fraud

A. AT ALL TIMES MATERIAL HEREIN:

1. British Petroleum (BP) was a company whose activities included oil exploration and production in the United States and elsewhere and whose subsidiaries included BP Exploration and Production, Inc.

2. On or about April 20, 2010, an explosion and fire occurred on the Deepwater Horizon, an oil rig in the Gulf of Mexico that had been drilling an exploration well. The resulting oil spill, with which BP was associated, caused oil pollution across the Gulf of Mexico.

3. From in or about May 2010, through on or about August 23, 2010, BP operated a process for submission directly to BP and resolution by BP of claims of individuals and businesses for costs, damages, and other losses incurred as a result of the oil discharges due to the Deepwater Horizon incident.

4. In or about June 2010, BP established the Gulf Coast Claims Facility (GCCF) for the purpose of administering, mediating, and settling certain claims of individuals and businesses for costs, damages, and other losses incurred as a result of the Deepwater Horizon incident. The GCCF was administered by Kenneth R. Feinberg, a fund administrator responsible for decisions relating to the administration and processing of claims by the GCCF. On or about August 23, 2010, the GCCF began receiving and processing claims.

5. On or about August 6, 2010, BP Exploration established the Deepwater Horizon Oil Spill Trust, an irrevocable common law trust formed under Delaware law, to receive and to distribute funds that BP Exploration promised to provide for the payment of certain types of claims, costs, and expenses, including but not limited to, those resolved by the GCCF.

6. **GRAEGG L. HOLMES (HOLMES)** was a full-time employee of Abide Home Care Services, Inc.

**B. THE SCHEME:**

7. From on or about October 12, 2010 until on or about January 11, 2011, in the Eastern District of Louisiana and elsewhere, **GRAEGG L. HOLMES** knowingly and willfully

devised and intended to devise a scheme and artifice to defraud the GCCF and obtain money and property from the GCCF by means of false and fraudulent promises, pretenses, and representations.

8. It was part of the scheme and artifice to defraud that on about October 12, 2010, **HOLMES** submitted and caused to be submitted, a fraudulent application to the GCCF seeking compensation for lost earnings and profits resulting from the Deepwater Horizon oil spill. **HOLMES** attached to the application false quarterly income statements and other falsified documents representing that he was self-employed at Holmes Mobile Catering and lost earnings and profits in the amount of \$20,000 as a result of the Deepwater Horizon oil spill. Holmes also falsely represented that he continued to lose earnings and profits. In fact, as **HOLMES** well knew, he did not have a mobile catering business, did not earn the wages he reported to the GCCF, and did not suffer any lost wages and profits as a result of the Deepwater Horizon oil spill.

9. It was further part of the scheme and artifice to defraud that on October 12, 2010, in his initial application to GCCF, and again on October 19, 2010, in an email to GCCF, **HOLMES** also requested an emergency payment for six months of losses in addition to a final payment.

10. It was further part of the scheme and artifice to defraud that on about November 18, 2010, **HOLMES** transmitted via facsimile to the GCCF falsified quarterly income statements.

11. It was further part of the scheme and artifice to defraud that on about December 11, 2010, the GCCF sent **HOLMES** a check in the amount of \$8,900.00, representing

the emergency payment. **HOLMES** deposited the check into a Whitney Bank account on about December 14, 2010.

12. It was further part of the scheme and artifice to defraud that on about December 23, 2010, **HOLMES** completed a GCCF Quick Payment Final Claim Form to elect to be paid a settlement amount of \$25,000. The Quick Payment option was intended to provide an expedited settlement to fairly resolve a claim. Claimants who opted for this payment were informed that they would not be able to later seek additional amounts. In the Quick Payment Final Claim Form, **HOLMES** requested the check be mailed to his home address.

13. It was further part of the scheme and artifice to defraud that on about January 5, 2011, GCCF sent **HOLMES** a check in the amount of \$25,000.00 representing a final payment on the application made by **HOLMES**. **HOLMES** negotiated the \$25,000 check at Whitney Bank on about January 10, 2011. **HOLMES** purchased a cashier's check in the amount of \$22,000, and retained \$3,000 in cash.

14. The \$25,000 check negotiated by **HOLMES** caused an interstate electronic communication to the Federal Reserve Bank located in Philadelphia, Pennsylvania.

15. It was further part of the scheme and artifice to defraud that on about January 11, 2011, the GCCF paid Whitney Bank, the bank into which **HOLMES** negotiated the \$25,000 check.

16. It was further part of the scheme and artifice to defraud that on January 11, 2011, **HOLMES** negotiated the \$22,000 Whitney Bank cashier's check at Regions Bank and caused an interstate electronic communication to the Federal Reserve Bank in Atlanta, Georgia.

**C. THE EXECUTIONS:**

<b>Count</b>	<b>Date</b>	<b>Transaction</b>
1	January 10, 2011	<b>HOLMES</b> negotiated a \$25,000 check drawn on the account of GCCF at Whitney Bank, causing an interstate electronic communication to Philadelphia, Pennsylvania.
2	January 11, 2011	<b>HOLMES</b> negotiated the \$22,000 Whitney Bank cashier's check at Regions Bank, causing an interstate electronic communication to Atlanta, Georgia.

All in violation of Title 18, United States Code, Section 1343 and 2.

**NOTICE OF FRAUD FORFEITURE**

1. The allegations of Counts 1 and 2 of this Indictment are realleged and incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture to the United States of America pursuant to the provisions of Title 18, United States Code, Sections 1343 and 981(a)(1)(C), made applicable through Title 28, United States Code, Section 2461(c).

2. As a result of the offenses alleged in Counts 1 and 2, defendant **GRAEGG L. HOLMES**, shall forfeit to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(C), made applicable through Title 28, United States Code, Section 2461(c), any and all property, real or personal, which constitutes or is derived from proceeds traceable to violations of Title 18, United States Code, Section 1343, including but not limited to:

- a. At least \$33,900.00 in United States Currency and all interest and proceeds traceable thereto.
- b. The Government specifically provides notice of its intent to seek a personal money judgment against the defendant in the amount of the fraudulently-obtained proceeds.

3. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;

- b. has been transferred or 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 subdivided without difficulty;


it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

All in violation of Title 18, United States Code, Sections 1343 and 981(a)(1)(C), made applicable through Title 28, United States Code, Section 2461(c).

**A TRUE BILL:**

---

**FOREPERSON**



---

PATRICE HARRIS SULLIVAN  
ASSISTANT UNITED STATES ATTORNEY  
Louisiana Bar No. 14987

New Orleans, Louisiana  
January 8, 2016