

JPL:NMA/JKW
F. #2025R00042

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
----- X

UNITED STATES OF AMERICA

- against -

NATHAN GAUVIN,
also known as “defigray”
and “gray,”

Defendant.

----- X

THE GRAND JURY CHARGES:

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT
E.D.N.Y.
NOVEMBER 12, 2025
BROOKLYN OFFICE

I N D I C T M E N T

Cr. No. 25-CR-357

(T. 15, U.S.C. §§ 78j(b), 78ff, 80b-6,
80b-14 and 80b-17; T. 18, U.S.C.,
§§ 371, 981(a)(1)(C), 982(a)(1),
982(a)(2), 982(b)(1), 1028A(a)(1),
1028A(b), 1028A(c)(5), 1343, 1344,
1349, 1512(c)(1), 1512(c)(2), 1519,
1956(a)(1)(A)(i), 1956(a)(1)(B)(i),
1957(a), 3238, 2 and 3551 et seq.; T. 21,
U.S.C., § 853(p); T. 28, U.S.C.,
§ 2461(c))

Judge LaShann DeArcy Hall
Magistrate Judge Joseph A. Marutollo

I N T R O D U C T I O N

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

I. Introduction and Background

1. Between approximately May 2022 and October 2024, the defendant NATHAN GAUVIN, also known as “defigray” and “gray,” together with others, defrauded investors in Gray Digital, a web-based investment company, and Gray Digital’s flagship fund, the Gray Fund. GAUVIN, who was Gray Digital’s founder and Chief Executive Officer, lied to investors about Gray Digital’s assets and returns and his background and experience and provided investors with fraudulent documents intended to verify Gray Digital’s assets and performance. In truth, GAUVIN used most investor deposits to pay investor withdrawals and misappropriated millions in investor funds, which he spent on luxury goods, jewelry, and his

personal credit card bills. After Gray Digital collapsed, GAUVIN obstructed and attempted to obstruct a United States Securities and Exchange Commission (“SEC”) investigation into the fraud by providing the SEC with fraudulent documents.

2. After defrauding Gray Digital’s investors and obstructing the SEC’s investigation, the defendant NATHAN GAUVIN undertook yet another fraudulent scheme. Between approximately May 2025 and June 2025, GAUVIN and others provided fraudulent bank statements and other false information to a New York-based financial technology company to obtain credit from two banks insured by the Federal Deposit Insurance Corporation (“FDIC”). Among other things, GAUVIN used the proceeds to pay personal expenses, including to a private members-only social club in London, England.

A. The Defendant and Relevant Entities and Individuals

3. Gray Digital Capital Management Inc. or “Gray Digital Technologies LLC,” formerly known as “Gray Market” (“Gray Digital”), was a web-based investment company incorporated in Delaware and controlled by the defendant NATHAN GAUVIN. Gray Digital operated a principal investment fund called the Gray Fund.

4. The defendant NATHAN GAUVIN, also known as “defigray” and “gray,” was Gray Digital’s founder and Chief Executive Officer. GAUVIN was a citizen of Canada and resided outside the United States.

5. Blackridge, LLC (“Blackridge”) was a purported investment fund incorporated in Delaware and controlled by the defendant NATHAN GAUVIN.

6. Co-Conspirator-1, an individual whose identity is known to the Grand Jury, was Gray Digital’s Chief Compliance Officer. Co-Conspirator-1 was a citizen of Canada and resided outside the United States.

7. Co-Conspirator-2, an individual whose identity is known to the Grand Jury, was Gray Digital's Director of Trading and Analysis. Co-Conspirator-2 was a citizen of Canada and resided outside the United States.

8. Audit Firm-1, an entity the identity of which is known to the Grand Jury, was an audit and assurance firm that provided asset attestation services to Gray Digital. Audit Firm-1 was headquartered outside the United States.

9. Brokerage-1, an entity the identity of which is known to the Grand Jury, was an online brokerage service headquartered in Greenwich, Connecticut. Brokerage-1 was the custodian for the primary trading account used by Gray Digital (the "x7551 Account"), which was held in the name of Blackridge. The defendant NATHAN GAUVIN was the sole signatory on the x7551 Account.

10. Bank-1, an entity the identity of which is known to the Grand Jury, was a financial institution headquartered in New York, New York. Bank-1 was an FDIC-insured institution.

11. Bank-2, an entity the identity of which is known to the Grand Jury, was a financial institution headquartered in New York, New York. Bank-2 was an FDIC-insured institution.

12. Bank-3, an entity the identity of which is known to the Grand Jury, was a financial institution headquartered in New York, New York. Bank-3 was an FDIC-insured institution.

13. Bank-4, an entity the identity of which is known to the Grand Jury, was a financial institution headquartered in Stamford, Connecticut. Bank-4 was an FDIC-insured institution.

14. Centralized Exchange-1, an entity the identity of which is known to the Grand Jury, was a centralized exchange, as defined below, headquartered in Cheyenne, Wyoming.

15. Centralized Exchange-2, an entity the identity of which is known to the Grand Jury, was a centralized exchange, as defined below, headquartered outside the United States.

16. Centralized Exchange-3, an entity the identity of which is known to the Grand Jury, was a centralized exchange, as defined below, headquartered outside the United States.

17. Hedge Fund-1, an entity the identity of which is known to the Grand Jury, was a prominent hedge fund headquartered in Chicago, Illinois.

18. Venture Firm-1, an entity the identity of which is known to the Grand Jury, was a prominent venture capital firm headquartered in Menlo Park, California. Venture Firm-1 had various subsidiaries and affiliates including Venture Fund-1, an entity the identity of which is known to the Grand Jury.

19. Digital Asset Firm-1, an entity the identity of which is known to the Grand Jury, was a digital assets services provider based in Draper, Utah.

20. FinTech Company-1, an entity the identity of which is known to the Grand Jury, was a financial technology company headquartered in New York, New York. FinTech Company-1 provided bill pay and commercial virtual credit cards to its customers through Bank-3 and Bank-4, respectively.

21. FinTech Company-2, an entity the identity of which is known to the Grand Jury, was a financial technology company headquartered in Salt Lake City, Utah. FinTech

Company-2 provided commercial checking accounts to its customers through an FDIC-insured bank headquartered in San Francisco, California.

22. FinTech Company-3, an entity the identity of which is known to the Grand Jury, was a financial technology company headquartered in Austin, Texas. FinTech Company-3 provided clients with banking services through FDIC-insured institutions.

23. Law Firm-1, an entity the identity of which is known to the Grand Jury, was a major international law firm headquartered in Los Angeles, California.

24. John Doe-1, an individual whose identity is known to the Grand Jury, was Blackridge's Chief Legal Officer until approximately November 2024.

25. Discord was a voice-over-internet-protocol (VoIP) application and digital distribution platform for sharing text, image, video, and audio communications. Users interacted on Discord through "servers" which were dedicated private spaces for particular communities or groups, and "channels," which were akin to chatrooms within each server. The defendant NATHAN GAUVIN and others used Discord to communicate with investors and prospective investors in Gray Digital and the Gray Fund.

B. Relevant Definitions and Terms

26. A "digital asset" was an asset issued and transferred using distributed ledger technology. The creation of a digital asset, and transactions using the digital asset, were verified and recorded on a decentralized system using cryptography, rather than through a centralized authority like a bank or government.

27. A "blockchain" was a digital ledger run by a decentralized network of servers referred to as "nodes." Each node ran software that maintained an immutable and historical record of every transaction utilizing that blockchain's technology. Many digital assets

publicly recorded all of their transactions on a blockchain, including all of the known balances for each digital asset address on the blockchain. Blockchains consisted of blocks of cryptographically signed transactions, and blocks were added to the blockchain after validation and after undergoing a consensus decision to expose and resist tampering or manipulation of the data. There were many different blockchains used by many different digital assets, including, Ethereum, the Binance Smart Chain (“BSC”), Polygon, Arbitrum, Avalanche, and Solana.

28. A “stablecoin” was a type of digital asset the value of which was “pegged” or tied to that of another currency, commodity or financial instrument, for instance, the United States dollar.

29. A “digital asset address” was an alphanumeric string that designated the virtual location on a blockchain where digital assets could be sent and received. A digital asset address was associated with a digital asset wallet.

30. A “digital asset wallet” stored a user’s public and private keys, allowing users to send and receive digital assets stored on the blockchain. Multiple digital asset addresses could be controlled by a single wallet.

31. A “centralized exchange” was a platform hosted by a company or other entity that make it convenient for users to purchase, trade, and sell digital assets. Digital assets could be transacted on centralized exchanges.

32. “Decentralized Finance,” or “DeFi,” was an umbrella term for blockchain-based applications providing peer-to-peer financial services that did not require traditional centralized financial intermediaries. DeFi platforms offered a range of financial services

involving digital assets, including the ability for users to lend, invest, earn interest, and exchange digital assets.

II. The Gray Digital Fraud Scheme

33. In or about and between May 2022 and October 2024, both dates being approximate and inclusive, the defendant NATHAN GAUVIN, together with Co-Conspirator-1, Co-Conspirator-2, and others, devised and engaged in a scheme to defraud investors and prospective investors in Gray Digital and the Gray Fund through a series of misrepresentations related to, among other things: (i) the Gray Fund's performance and assets under management; (ii) asset balance attestation reports for Gray Digital and the Gray Fund prepared by Audit Firm-1; and (iii) GAUVIN's background and professional qualifications.

A. Gray Digital and the Gray Fund

34. The Gray Fund purported to offer investors and prospective investors a "unique opportunity to benefit from a diverse investment strategy that blends TradFi [traditional finance] and DeFi." Investors in the Gray Fund were able to invest by transferring stablecoins to one or more Gray Digital digital addresses or by transferring fiat currency to bank accounts that were controlled by the defendant NATHAN GAUVIN. Investors were also charged a monthly "subscription" fee for access to the Gray Digital platform.

35. Initially, the defendant NATHAN GAUVIN and others claimed that the Gray Fund invested in a mix of digital asset investments and traditional financial instruments. However, for most of the relevant period, GAUVIN and others claimed that the Gray Fund invested mostly or entirely in traditional financial instruments including credit and debt instruments, options, derivatives, and other securities. GAUVIN claimed that these investments were funded by transferring digital assets deposited by investors to centralized exchanges,

including Centralized Exchange-1, and converting them to fiat currency so that they could be used for trading in traditional financial instruments through an account at Brokerage-1. For instance, on or about May 18, 2024, GAUVIN wrote in the Gray Digital Discord server that, “[n]o ponzi elements related to the fund. All funds are generated off-chain and through our broker [Brokerage-1]. Mainly in the credit and debt related markets.”

36. Investors were permitted to deposit or withdraw funds during a “window” at the end of each month. In or around the monthly deposit and withdrawal window, the defendant NATHAN GAUVIN and others announced the Gray Fund’s performance for the month in the Gray Digital Discord server. These “monthly fund updates” routinely claimed that the Gray Fund had returned more than 10% for the month and generated millions of dollars in profits from investment activity.

37. Between approximately May 2022 and October 2024, Gray Digital claimed to raise approximately \$42.19 million from hundreds of investors in the Gray Fund, including investors in the United States and the Eastern District of New York. In or about June 2024, Gray Digital began to experience difficulties meeting investor withdrawal requests and, in approximately September 2024, largely halted withdrawals. The defendant NATHAN GAUVIN kept an internal ledger that estimated investor losses to be approximately \$20.39 million as of approximately September 12, 2024.

B. Misrepresentations Related to the Gray Fund’s Performance and Assets

38. In or about and between May 2022 and October 2024, the defendant NATHAN GAUVIN and others provided investors with false and materially misleading information related to the Gray Fund’s performance and assets under management. GAUVIN and others made these representations through various channels including on social media in

Gray Digital's Discord server and on X (formerly known as Twitter), on Gray Digital's website, and in performance reports provided to Gray Fund investors.

39. For instance, on or about April 24, 2024, the defendant NATHAN GAUVIN published a "monthly fund update" in a channel on the Gray Digital Discord server that claimed that the Gray Fund had generated a profit of approximately \$6.29 million (a 12.37% rate of return) for the month and had assets under management of approximately \$57.21 million. Likewise, a May 1, 2024 account statement provided to an investor in the Gray Fund claimed that the investor, based on an initial investment of approximately \$175,000, had made a profit of \$1.2 million or 690.6%. The Gray Digital website made similar claims, including, for instance, that the Gray Fund had a cumulative return since inception of 4,384%, an annualized return of 1,814.39%, "lifetime returns" of approximately \$81.71 million, and lifetime investor withdrawals of approximately \$48.48 million.

40. These claims about the Gray Fund's performance were false and materially misleading. With respect to Gray Digital's purported traditional finance investments, the defendant NATHAN GAUVIN did not transfer significant investor proceeds to the x7551 Account, the primary account at Brokerage-1 used by Gray Digital for trading in securities, until approximately March 2023, and made minimal returns before then. Thereafter, GAUVIN and Gray Digital, via the x7551 Account, did not generate the profits that GAUVIN claimed to investors.

41. The defendant NATHAN GAUVIN and others also did not generate these profits from trading in digital assets. Between approximately May 2022 and October 2024, most Gray Fund investor deposits were transferred directly or indirectly to three digital addresses controlled by GAUVIN: 0x28082e507dfb3efb18770fdf8e34d2be0429e363 (the "-e363

Address”), 0x1e72e8f1585bfd6639a4016a4af9b220cf27277e (the “-277e Address”), and 0xea8f1607df5fd7e54bdd76a8cb9dc4b0970089bd (the “-89bd Address”). The -e363 Address, -277e Address, and -89bd Address engaged in limited investment activity, which also did not generate the profits claimed by GAUVIN and Gray Digital.

42. Instead of using investor funds for investment purposes, the defendant NATHAN GAUVIN and others used most investor deposits to cover withdrawal requests from existing investors. Because Gray Digital used investor deposits to meet withdrawal requests, rather than for investment activity, the Gray Fund’s assets under management were much lower than GAUVIN and others claimed to investors and prospective investors in the monthly fund updates and performance reports and on the Gray Digital website.

43. The defendant NATHAN GAUVIN also misappropriated investor funds. Despite claiming that the Gray Fund would charge only a 15% fee on “rewards,” *i.e.* profits, on each investor withdrawal, GAUVIN used millions of dollars in investor funds to pay personal expenses including to pay his credit card bills and purchase expensive jewelry. For instance, on or about August 2, 2023, GAUVIN transferred approximately \$77,000 in investor funds to a luxury concierge and lifestyle services company. On or about November 23, 2023, GAUVIN transferred approximately \$106,000 in investor funds to the sponsor of a luxury motor show hosted in Paris, France. On or about September 1, 2023, while in New York, GAUVIN transferred approximately \$122,000 in investor funds to a custom jeweler. On or about January 26, 2024 and January 29, 2024, GAUVIN transferred approximately \$450,000 to a British private bank and wealth manager. Between approximately May 2022 and October 2024, the -e363 Address and the -89bd Address also transferred at least \$5 million in digital assets to GAUVIN’s personal account at Centralized Exchange-2, which were then exchanged for fiat

currency and transferred to GAUVIN's personal bank accounts. These transfers and payments were contrary to GAUVIN's and Gray Digital's claims about the fees charged by the Gray Fund.

44. To substantiate their false and materially misleading claims about the performance and assets of the Gray Fund, the defendant NATHAN GAUVIN, Co-Conspirator-1, Co-Conspirator-2, and others also provided investors and prospective investors with a false and fraudulent brokerage account statement.

45. On or about May 28, 2023, a participant in the Gray Digital Discord server wrote "We just need some proof. We know he's legit." In response, the defendant NATHAN GAUVIN replied "Travelling tonight / tomorrow morning. Will have a redacted broker statement up tomorrow[.]" On or about May 29, 2023, another participant in the Gray Digital Discord server asked, in sum and substance, when the brokerage statement would be posted. GAUVIN replied he was waiting on Co-Conspirator-1 "to approve it for release."

46. On or about the next day, May 30, 2023, Co-Conspirator-1 shared in the Gray Digital Discord server a heavily redacted account statement for the period January 2, 2023 to May 28, 2023, purportedly for an account at Broker-1 in the name of "Gray Market" (the "May 28, 2023 Account Statement"). The May 28, 2023 Account Statement claimed a time-weighted rate of return of 125.93% and an ending net asset value of approximately \$6.8 million.

47. When participants in the Gray Digital Discord server questioned the redactions to the May 28, 2023 Account Statement, the defendant NATHAN GAUVIN and Co-Conspirator-2 sought to justify the redactions. GAUVIN claimed that the redacted information was "trade info." Co-Conspirator-2 replied that "[t]here isn't a hedge fund that gives this kind of information. We've had bull periods and bear periods in the last year and profits have been

consistent . . . the reason why a lot of the broker statement is redacted is because you need to keep your edge”

48. The May 28, 2023 Account Statement was false in numerous respects. “Gray Market” did not have an account at Broker-1 at the time. The May 28, 2023 Account Statement also contained mathematical errors and inaccurate balances. In fact, as of May 26, 2023, the x7551 Account, the primary brokerage account used by Gray Digital, had an ending net asset value of approximately \$116,906.82, more than \$6 million less than the ending net asset value reflected in the May 28, 2023 Account Statement.

C. The Fraudulent Asset Attestation Reports

49. To further conceal the Gray Digital scheme, reassure existing investors, and induce prospective investors, the defendant NATHAN GAUVIN and others provided investors with false and fraudulent “asset attestation reports” prepared by Audit Firm-1.

50. Beginning in approximately October 2023, the defendant NATHAN GAUVIN touted Gray Digital’s “collaboration” with Audit Firm-1, which he claimed “underscores our commitment to operational transparency and regulatory compliance.” GAUVIN claimed that the reports prepared by Audit Firm-1 showed that “[o]ur assets, held by third-party custodians, have been confirmed with no discrepancies, ensuring the highest level of accuracy and transparency.” In fact, the asset attestation reports prepared by Audit Firm-1 were based on doctored bank and brokerage statements provided by GAUVIN and others and were not independently verified by Audit Firm-1.

51. In or about November 2023, the defendant NATHAN GAUVIN informed representatives of Audit Firm-1 that all investor deposits into the Gray Fund were converted “immediately into fiat (USD), and the funds are moved to our brokerage account ([Brokerage-1])

for active trading, and discretionary use.” GAUVIN further explained that he expected that “the most relevant documents and statements to be those from our brokerage [Brokerage-1], and main bank account to verify holdings” Thereafter, GAUVIN and others provided Audit Firm-1 with bank and brokerage statements purportedly from Broker-1, Bank-1, and Bank-2.

52. These documents were false. Among other things, the defendant NATHAN GAUVIN and others doctored the ending and starting balances reflected in the account statements to make it appear that Gray Digital held more assets under management than it in fact did. GAUVIN and others provided Audit Firm-1 with an account statement for the x7551 Account for the period January 1, 2023 to December 31, 2023, that purported to show an ending net asset value of approximately \$37.89 million. In fact, the x7551 Account had an ending net asset value on December 31, 2023 of approximately \$8.43 million. GAUVIN and others also provided Audit Firm-1 with a December 29, 2023 account statement for an account at Bank-1 that purported to show an opening balance on December 1, 2023 of approximately \$2.51 million and an ending balance on December 29, 2023 of approximately \$2.67 million. In fact, the account referenced in the statement provided to Audit Firm-1 had an opening balance on December 1, 2023 of approximately \$2,210 and an ending balance on December 29, 2023 of approximately \$99,442.90.

53. Based and in reliance on these false documents, in or about January 2024, Audit Firm-1 prepared a report attesting to the Gray Fund’s assets under management as of December 31, 2023 (the “2023 Attestation”). The 2023 Attestation falsely stated that Gray Digital held approximately \$41.53 million in assets under management. After receiving the 2023 Attestation, the defendant NATHAN GAUVIN and others provided it to investors and

prospective investors in the Gray Fund. They also made the 2023 Attestation available to investors and prospective investors in the “trust center” on the Gray Digital website.

54. In or about July 2024, the defendant NATHAN GAUVIN and others provided Gray Digital investors and prospective investors with another false and fraudulent asset attestation report from Audit Firm-1 (the “Q1 2024 Attestation”). The Q1 2024 Attestation falsely stated that as of March 31, 2024, the Gray Fund had approximately \$64.52 million under management.

55. Like the 2023 Attestation, the Q1 2024 Attestation was based on doctored account statements that the defendant NATHAN GAUVIN and others provided to Audit Firm-1. In or about June 2024, GAUVIN provided an employee at Audit Firm-1 with account statements for accounts at Brokerage-1, Bank-1, and Bank-2. These account statements were doctored in numerous respects. For instance, the account statement for Bank-1 provided to Audit Firm-1 purported to be for an account in the name of “Gray Digital Capital Management Inc.” and showed an ending balance as of March 31, 2024 of approximately \$5.84 million. In fact, the Gray Digital Capital Management Inc. account at Bank-1 had an ending balance as of March 31, 2024 of zero dollars. The account statement from Bank-1 provided to Audit Firm-1 also listed deposits that did not exist. The account statement from Brokerage-1 provided to Audit Firm-1 was similarly doctored. The Brokerage-1 account statement provided to Audit Firm-1 purported to be for an account in the name of “Gray Digital Capital Management Inc” and purported to show an ending net asset value as of March 31, 2024 of approximately \$52.51 million. In fact, Gray Digital Capital Management Inc. did not have an account at Brokerage-1 and the x7551 Account, the primary brokerage account used by Gray Digital, had an ending net asset value as of March 29, 2024 of approximately \$18,888.54.

D. Misrepresentations Related to GAUVIN's Background and Professional Qualifications

56. The defendant NATHAN GAUVIN and others also provided investors and prospective investors in Gray Digital with false and materially misleading information related to his background and professional qualifications.

57. On or about August 22, 2023, the defendant NATHAN GAUVIN posted answers to questions from investors and prospective investors in the Gray Digital Discord server. Among other things, GAUVIN wrote the following:

****What firms has Gray worked with previously? Where did the initial funds come from?**** > I have worked with a handful of institutions including [Venture Fund-1], [Hedge Fund-1], . . . — in various positions [sic], and various management levels. > > The initial [sic] funds for the Gray Market / Gray Fund were via participating members here. The Gray Fund was operating for about a year before any official website / documentation was presented. As such, it grew privately, and can be attested to by our founding users.

****Where did Gray learn to trade?**** > I am primarily self-taught, however, I do have a mentor who currently works at [Hedge Fund-1] in their quantitative [sic] trading desks who has helped me along the way. This mentor has been critical in my success in growing my private fund, as well as how to structure the Gray Fund.

58. The “Core Team” section of the Gray Digital website also claimed that the defendant NATHAN GAUVIN was previously a “Venture Partner” at Venture Firm-1, the parent company of Venture Fund-1 and “Co-Founder & Engineer” at Digital Asset Firm-1, a provider of tax-related services focusing on digital assets.

59. In fact, the defendant NATHAN GAUVIN never worked at Hedge Fund-1, Venture Firm-1, Venture Fund-1, or Digital Asset Firm-1. During the time periods GAUVIN claimed to be working at these companies, GAUVIN was a student in high school or college.

III. Obstruction of the SEC's Investigation into Gray Digital

60. In or about and between October 2024 and the present, the defendant NATHAN GAUVIN obstructed and attempted to obstruct an SEC investigation into the Gray Digital scheme (the "SEC Investigation").

61. In or about October 2024, the SEC served Gray Digital with a subpoena for documents related to the Gray Digital scheme. In response, the defendant NATHAN GAUVIN, through attorneys at Law Firm-1, provided the SEC with false and fraudulent documents.

62. The SEC subpoena demanded, among other things: "documents sufficient to disclose all domestic and foreign bank, brokerage, investment or other financial accounts held currently or previously in Gray Digital's name, or in which it has or has had a beneficial interest, or over which it exercises or has exercised any discretion, authority, or control, from January 1, 2021 to present." The defendant NATHAN GAUVIN retained Law Firm-1 to assist in responding to the SEC.

63. In or about December 2024, Law Firm-1 provided an initial production of responsive documents to the SEC staff in Fort Worth, Texas and Chantilly, Virginia. Among other things, Law Firm-1 produced to the SEC an account statement purportedly for an account at Centralized Exchange-3 in the name of "Gray Digital-FZCO," with an account number ending in 1606, showing an account value of approximately \$13.44 million as of October 17, 2024, and a screenshot of an account purportedly at Centralized Exchange-1 in the name of "Gray Digital Technologies LLC" with an account value of approximately \$7.4 million.

64. These documents were false and fraudulent and specifically designed to obstruct any investigation into the Gray Digital scheme. In fact, there was no account in the

name of “Gray Digital-FZCO” at Centralized Exchange-3. The 1606 account, which appears to have been in the name of the defendant NATHAN GAUVIN had a zero balance as of October 17, 2024. Similarly, there was no account in the name of “Gray Digital Technologies LLC” at Centralized Exchange-1. The account at Centralized Exchange-1 used by GAUVIN and others as a part of the Gray Digital scheme had a zero balance as of October 17, 2024.

IV. The Scheme to Defraud FinTech Company-1

65. In or about June 2025, the defendant NATHAN GAUVIN and others fraudulently obtained a \$2.5 million line of credit for Blackridge from FinTech Company-1. FinTech Company-1 provided credit to Blackridge through Bank-3 and Bank-4.

66. In aid of obtaining this credit, in or about and between May 2025 and June 2025, the defendant NATHAN GAUVIN and others provided FinTech Company-1 with false and fraudulent information about Blackridge’s bank accounts, employees, and payroll. This false and fraudulent information was provided to FinTech Company-1’s employees and officers in New York, New York.

67. The defendant NATHAN GAUVIN and others provided FinTech Company-1 with false account statements purportedly from Bank-1 and FinTech Company-2, including as follows:

(a) GAUVIN and others doctored the starting and ending balances reflected in these account statements to make it appear that Blackridge had substantially more assets than it did. For instance, an account statement for an account at Bank-1 in the name of “Blackridge LLC” ending in x4745 (the “Blackridge 4745 Account”) provided to FinTech Company-1 showed an opening balance on October 1, 2024 of approximately \$1.62 million and an ending balance as of October 31, 2024 of approximately \$4.79 million. In fact, the

Blackridge 4745 Account had a negative opening balance on October 1, 2024 of approximately -\$13,545 and a negative ending balance as of October 31, 2024 of approximately -\$4,428.

(b) GAUVIN and others also provided FinTech Company-1 with a November 29, 2024 account statement for the Blackridge 4745 Account that purported to show an opening balance on November 1, 2024 of approximately \$4.79 million and an ending balance on November 29, 2024 of approximately \$8.11 million. In fact, the Blackridge 4745 Account had a negative opening balance on November 1, 2024 of approximately -\$4,428 and a negative ending balance on November 29, 2024 of approximately -\$9,000.

(c) GAUVIN and others provided FinTech Company-1 with three statements for an account at FinTech Company-1 in the name “Blackridge LLC” ending in 5346 (the “Blackridge 5346 Account”) for monthly periods ending October 31, November 30, and December 31, 2024. These statements were doctored. The Blackridge 5346 Account was not opened until on or about January 24, 2025.

(d) GAUVIN and others provided statements to FinTech Company for the Blackridge 5346 Account for later periods that were also doctored. For instance, an account statement for the Blackridge 5346 Account provided to FinTech Company-1 showed an opening balance on January 1, 2025 of approximately \$16.7 million and an ending balance as of January 31, 2025 of approximately \$13.4 million. In fact, the Blackridge 5346 had no balance on January 1, 2025 (because the account was not opened until on or about January 24, 2025) and an ending balance on January 31, 2025 of approximately \$140.

68. In furtherance of the scheme to fraudulently obtain credit from FinTech Company-1, the defendant NATHAN GAUVIN and others submitted false information about Blackridge’s payroll to FinTech Company-1. For instance, John Doe-1 was listed as

Blackridge's Chief Legal Officer on Blackridge's credit application submitted to FinTech Company-1 on or about May 7, 2025. In fact, John Doe-1 ended his employment with Blackridge in or about November 2024. An earning statement for John Doe-1 was also submitted to FinTech Company-1, which purported to show that as of June 15, 2025, John Doe-1 was a paid employee of Blackridge and had earned over \$200,000 in gross wages in 2025. This document was false.

69. The defendant NATHAN GAUVIN and others also provided FinTech Company-1 with a copy of John Doe-1's passport. John Doe-1 did not authorize GAUVIN or anyone else to use his personal identifying information, including his passport information, to apply for credit with FinTech Company-1.

70. After the defendant NATHAN GAUVIN and others provided the false information to FinTech Company-1, in or about June 2025, FinTech Company-1 extended a \$2.5 million line of credit to Blackridge.

71. On or about and between June 27, 2025 and July 9, 2025, the defendant NATHAN GAUVIN and others used over \$800,000 in the fraudulently obtained credit from FinTech Company-1, including to pay GAUVIN's personal expenses owed to a high-end British construction company and a private members-only social club in London, England. Approximately \$563,000 of that money was drawn from Bank-3 and approximately \$242,000 was drawn from Bank-4.

COUNT ONE

(Conspiracy to Commit Securities Fraud – The Gray Digital Scheme)

72. The allegations contained in paragraphs one through 71 are realleged and incorporated as if fully set forth in this paragraph.

73. In or about and between May 2022 and October 2024, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere and out of the jurisdiction of any particular State or district, the defendant NATHAN GAUVIN, also known as “defigray” and “gray,” together with others, did knowingly and willfully conspire to 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 one or more 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 one or more investors and prospective investors in Gray Digital and the Gray Fund, in connection with the purchase and sale of securities by Blackridge, Gray Digital and the Gray Fund, directly and indirectly, by use of means and instrumentalities of interstate commerce and the mails, contrary to Title 15, United States Code, Sections 78j(b) and 78ff.

74. In furtherance of the conspiracy and to effect its objects, within the Eastern District of New York and elsewhere and out of the jurisdiction of any particular State or district, the defendant NATHAN GAUVIN, also known as “defigray” and “gray,” together with others, did commit and cause the commission of, among others, the following:

OVERT ACTS

(a) On or about August 16, 2022, GAUVIN transferred or caused to be transferred approximately 80,454 USDC, a stablecoin pegged to the value of the United States dollar, from the -e363 Address to GAUVIN’s personal account at Centralized Exchange-2.

(b) On or about May 30, 2023, Co-Conspirator-1 shared the May 28, 2023 Account Statement in the Gray Digital Discord server.

(c) On or about June 6, 2023, in response to questions from investors and prospective investors regarding redactions to the May 28, 2023 Account Statement, Co-Conspirator-2 wrote in the Gray Digital Discord server: “There isn’t a hedge fund that gives this kind of information. We’ve had bull periods and bear periods in the last year and profits have been consistent. . . . the reason why a lot of the [May 28, 2023 Account Statement] is redacted is because you need to keep your edge and we would all rather have him keep it that way. . . . Gray has said many times he will keep updating the proof of funds, fund stats etc.”

(d) On or about July 24, 2023, GAUVIN posted a “monthly fund update” in the Gray Digital Discord server claiming, among other things, that the Gray Fund had generated a profit of approximately \$1.71 million for the month and had assets under management of approximately \$14.10 million.

(e) On or about August 22, 2023, in response to investor questions regarding his professional background, GAUVIN wrote in the Gray Digital Discord server that he had worked at Venture Fund-1 and Hedge Fund-1 in “various positions” and at “various management levels.”

(f) On or about January 25, 2024, GAUVIN announced the release of the 2023 Attestation in the Gray Digital Discord server. Among other things, GAUVIN wrote: “we are excited to announce the completion of a comprehensive audit . . . for the Gray Fund, conducted by [Audit Firm-1] . . . [T]his rigorous process has been an important step in our commitment to transparency and due diligence. The enclosed report provides a detailed attestation of our total assets under management (AUM), meticulously verified by [Audit Firm-

1] with the cooperation of esteemed third parties such as Broker-1 and Bank-1, among others” and that the Gray Fund’s assets under management were “independently verified through documents provided by [Broker-1], [Bank-1] and [Bank-2]”

(g) On or about April 24, 2024, GAUVIN posted a “monthly fund update” in the Gray Digital Discord server claiming, among other things, that the Gray Fund had generated a profit of approximately \$6.29 million for the month and had approximately \$57.21 million in assets under management.

(h) On or about July 22, 2024, GAUVIN posted or caused to be posted an article on the internet announcing the release of the Q1 2024 Attestation Report. Among other things, GAUVIN wrote that “in an effort to improve the transparency of Gray Digital’s asset backing, we are excited to share our second independent attestation report provided by [Audit Firm-1], verifying the asset backing, and security structure of the Gray Digital platform. . . . The aim of these reports is to prove an independent third party assessment that all assets backing the protocol and flagship product the Gray Fund are held within qualified accounts and custodians.” The Q1 2024 Attestation was shared with investors and prospective investors in the Gray Digital website “Trust Center” the same day.

(i) On or about July 24, 2024, GAUVIN posted a “monthly fund update” in the Gray Digital Discord server claiming, among other things, that the Gray Fund had generated a profit of approximately \$4.88 million for the month and had approximately \$58.52 million in assets under management.

(Title 18, United States Code, Sections 371, 3238 and 3551 et seq.)

COUNT TWO

(Conspiracy to Commit Wire Fraud – The Gray Digital Scheme)

75. The allegations contained in paragraphs one through 71 are realleged and incorporated as if fully set forth in this paragraph.

76. In or about and between May 2022 and October 2024, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere and out of the jurisdiction of any particular State or district, the defendant NATHAN GAUVIN, also known as “defigray” and “gray,” together with others, did knowingly and intentionally conspire to devise a scheme and artifice to defraud investors and prospective investors in Gray Digital and the Gray Fund, and to obtain money and property from them by means of one or more 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 and foreign commerce writings, signs, signals, pictures and sounds, contrary to Title 18, United States Code, Section 1343.

(Title 18, United States Code, Sections 1349, 3238 and 3551 et seq.)

COUNT THREE

(Securities Fraud – The Gray Digital Scheme)

77. The allegations contained in paragraphs one through 71 are realleged and incorporated as though fully set forth in this paragraph.

78. In or about and between May 2022 and October 2024, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere and out of the jurisdiction of any particular State or district, the defendant NATHAN GAUVIN, also known as “defigray” and “gray,” 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 one or more material facts necessary in order to make the statements made, in light of the circumstances in 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 one or more investors and prospective investors in Gray Digital and the Gray Fund, in connection with the purchase and sale of securities by Blackridge, Gray Digital and the Gray Fund, directly and indirectly, by use of means and instrumentalities of interstate commerce and the mails.

(Title 15, United States Code, Sections 78j(b) and 78ff; Title 18, United States Code, Sections 2, 3238 and 3551 et seq.)

COUNTS FOUR THROUGH TEN
(Wire Fraud – The Gray Digital Scheme)

79. The allegations contained in paragraphs one through 71 are realleged and incorporated as if fully set forth in this paragraph.

80. On or about the dates set forth below, within the districts set forth below, the defendant NATHAN GAUVIN, also known as “defigray” and “gray,” together with others, did knowingly and intentionally devise a scheme and artifice to defraud investors and prospective investors in Gray Digital and the Gray Fund, and to obtain money and property from them by means of one or more 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 and foreign commerce, writings, signs, signals, pictures, and sounds, as set forth below:

COUNT	VENUE	APPROXIMATE DATE	DESCRIPTION OF INTERSTATE OR FOREIGN WIRE TRANSMISSION
FOUR	Out of the jurisdiction of any particular State or district	May 30, 2023	While outside the United States, Co-Conspirator-1 shared the May 28, 2023 Account Statement with investors and prospective investors in the Gray Digital Discord server, including investors and prospective investors in the United States
FIVE	Within the Eastern District of New York and elsewhere and out of the jurisdiction of any particular State or district	June 27, 2023	Wire transfer of approximately \$25,000 from Victim-1 and Victim-2, individuals whose identities are known to the Grand Jury and who reside in the Eastern District of New York, to an account at Financial Institution-1 controlled by GAUVIN
SIX	Within the District of Massachusetts and out of the jurisdiction of any particular State or district	August 22, 2023	While in the District of Massachusetts, GAUVIN informed investors and prospective investors in the Gray Digital Discord server, that he had previously held “various positions” at “various management levels” at Venture Fund-1 and Hedge Fund-1
SEVEN	Out of the jurisdiction of any particular State or district	January 24, 2024	While outside the United States, GAUVIN provided a “monthly fund update” to investors and prospective investors in the Gray Digital Discord server, including investors and prospective investors in the United States, stating that the Gray Fund had generated a profit of approximately \$4.61 million for the month and had assets under management of approximately \$40.29 million
EIGHT	Out of the jurisdiction of any particular State or district	January 25, 2024	While outside the United States, GAUVIN transmitted the 2023 Attestation to investors and prospective investors in the Gray Digital Discord server, including investors and prospective investors in the United States

COUNT	VENUE	APPROXIMATE DATE	DESCRIPTION OF INTERSTATE OR FOREIGN WIRE TRANSMISSION
NINE	Within the Eastern District of New York and elsewhere and out of the jurisdiction of any particular State or district	May 24, 2024	Victim-3, an individual whose identity is known to the Grand Jury and who resides in the Eastern District of New York, transferred approximately 25,000 USDC, a stablecoin pegged to the value of the United States dollar, to a digital address associated with Gray Digital
TEN	Within the Eastern District of New York and elsewhere and out of the jurisdiction of any particular State or district	July 24, 2024	While in New York, New York, GAUVIN provided a “monthly fund update” to investors and prospective investors in the Gray Digital Discord server stating that the Gray Fund had generated a profit of approximately \$4.88 million for the month and had assets under management of approximately \$58.52 million

(Title 18, United States Code, Sections 1343, 2, 3238 and 3551 et seq.)

COUNT ELEVEN

(Investment Adviser Fraud – The Gray Digital Scheme)

81. The allegations contained in paragraphs one through 71 are realleged and incorporated as if fully set forth in this paragraph.

82. In or about and between May 2022 and October 2024, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere and out of the jurisdiction of any particular State or district, the defendant NATHAN GAUVIN, also known as “defigray” and “gray,” together with others, did knowingly and willfully use and cause to be used, the mails and means and instrumentalities of interstate commerce, directly and indirectly:

(a) to employ one or more devices, schemes, and artifices to defraud clients and prospective clients of Gray Digital and the Gray Fund; (b) to engage in one or more transactions, practices,

and courses of business which operated as a fraud and deceit upon clients and prospective clients of Gray Digital and the Gray Fund; and (c) to engage in one or more acts, practices, and courses of business that were fraudulent, deceptive, and manipulative.

(Title 15, United States Code, Sections 80b-6, 80b-14 and 80b-17; Title 18, United States Code, Sections 2, 3238 and 3551 et seq.)

COUNT TWELVE

(Transactions in the Proceeds of Illegal Activity – The Gray Digital Scheme)

83. The allegations contained in paragraphs one through 71 are realleged and incorporated as if fully set forth in this paragraph.

84. On or about September 1, 2023, within the Eastern District of New York and elsewhere and out of the jurisdiction of any particular State or district, the defendant NATHAN GAUVIN, also known as “defigray” and “gray,” together with others, did knowingly and intentionally engage in and attempt to engage in one or more monetary transactions in and affecting interstate commerce in criminally derived property of a value greater than \$10,000, to wit: the wire transfer of approximately \$122,000 from an account at Fintech Company-3 to a custom jeweler in Toronto, Ontario, the identity of which is known to the Grand Jury, that was derived from specified unlawful activity, to wit: wire fraud, in violation of Title 18, United States Code, Section 1343 and fraud in the sale of securities, in violation of Title 15, United States Code, Sections 78j(b) and 78ff and Title 18, United States Code, Section 371.

(Title 18, United States Code, Sections 1957(a), 2, 3238 and 3551 et seq.)

COUNT THIRTEEN

(Concealment Money Laundering – The Gray Digital Scheme)

85. The allegations contained in paragraphs one through 71 are realleged and incorporated as if fully set forth in this paragraph.

86. On or about December 4, 2023, within the District of Nevada and out of the jurisdiction of any particular State or district, the defendant NATHAN GAUVIN, also known as “defigray” and “gray,” together with others, did knowingly and intentionally conduct and attempt to conduct one or more financial transactions in and affecting interstate and foreign commerce, to wit: the transfer of approximately 67,975.73 Tether (USDT), a stablecoin pegged to the value of the United States dollar, from the -e363 Address to an account at Centralized Exchange-1, which transactions in fact involved the proceeds of one or more specified unlawful activities, to wit: wire fraud, in violation of Title 18, United States Code, Section 1343 and fraud in the sale of securities, in violation of Title 15, United States Code, Sections 78j(b) and 78ff and Title 18, United States Code, Section 371, knowing that the property involved in such financial transactions represented the proceeds of some form of unlawful activity and knowing that the transactions were designed in whole and in part to conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of one or more of such specified unlawful activities.

(Title 18, United States Code, Sections 1956(a)(1)(B)(i), 2, 3238 and 3551 et seq.)

COUNT FOURTEEN

(Promotional Money Laundering – The Gray Digital Scheme)

87. The allegations contained in paragraphs one through 71 are realleged and incorporated as if fully set forth in this paragraph.

88. On or about April 1, 2024, within the District of Nevada, the District of Delaware and out of the jurisdiction of any particular State or district, the defendant NATHAN GAUVIN, also known as “defigray” and “gray,” together with others, did knowingly and intentionally conduct and attempt to conduct one or more financial transactions in and affecting interstate and foreign commerce, to wit: the electronic transfer of approximately \$1,885,000

from the Blackridge 4745 Account to an account at Centralized Exchange-1, which transactions in fact involved the proceeds of one or more specified unlawful activities, to wit: wire fraud, in violation of Title 18, United States Code, Section 1343 and fraud in the sale of securities, in violation of Title 15, United States Code, Sections 78j(b) and 78ff and Title 18, United States Code, Section 371, knowing that the property involved in such financial transactions represented the proceeds of some form of unlawful activity, and with the intent to promote the carrying on of one or more of such specified unlawful activities.

(Title 18, United States Code, Sections 1956(a)(1)(A)(i), 2, 3238 and 3551 et seq.)

COUNT FIFTEEN

(Obstruction of Justice: Tampering with Evidence)

89. The allegations contained in paragraphs one through 71 are realleged and incorporated as if fully set forth in this paragraph.

90. In or about and between October 2024 and February 2025, both dates being approximate and inclusive, within the Northern District of Texas, the Eastern District of Virginia and out of the jurisdiction of any particular State or district, the defendant NATHAN GAUVIN, also known as “defigray” and “gray,” together with others, did knowingly, intentionally and corruptly alter, destroy, mutilate, and conceal and attempt to alter, destroy, mutilate, and conceal one or more records, documents, and objects, to wit: an account statement for an account at Centralized Exchange-3 and a screenshot related to an account purportedly at Centralized Exchange-1, with the intent to impair the integrity and availability of such records, documents, and objects for use in an official proceeding, to wit: the SEC Investigation.

(Title 18, United States Code, Sections 1512(c)(1), 2, 3238 and 3551 et seq.)

COUNT SIXTEEN
(Obstruction of Justice)

91. The allegations in paragraphs one through 71 are realleged and incorporated as if fully set forth in this paragraph.

92. In or about and between October 2024 and February 2025, both dates being approximate and inclusive, within the Northern District of Texas, the Eastern District of Virginia and out of the jurisdiction of any particular State or district, the defendant NATHAN GAUVIN, also known as “defigray” and “gray,” together with others, did knowingly, intentionally and corruptly obstruct and impede, and attempt to obstruct and impede an official proceeding, to wit: the SEC Investigation.

(Title 18, United States Code, Sections 1512(c)(2), 2, 3238 and 3551 et seq.)

COUNT SEVENTEEN
(Destruction, Alteration and Falsification of Records)

93. The allegations in paragraphs one through 71 are realleged and incorporated as if fully set forth in this paragraph.

94. In or about and between October 2024 and February 2025, both dates being approximate and inclusive, within the Northern District of Texas, the Eastern District of Virginia and out of the jurisdiction of any particular State or district, the defendant NATHAN GAUVIN, also known as “defigray” and “gray,” together with others, did knowingly alter, destroy, mutilate, conceal, cover up, falsify and make a false entry in one or more records, documents and tangible objects, to wit: GAUVIN altered and falsified an account statement for an account at Centralized Exchange-3 and a screenshot related to an account purportedly at Centralized Exchange-1, with the intent to impede, obstruct, and influence the investigation and proper administration of a matter within the jurisdiction of a department and agency of the

United States, and in relation to and in contemplation of any such matter, to wit: the SEC Investigation.

(Title 18, United States Code, Sections 1519, 2, 3238 and 3551 et seq.)

COUNT EIGHTEEN

(Wire Fraud – The FinTech Company-1 Scheme)

95. The allegations contained in paragraphs one through 71 are realleged and incorporated as if fully set forth in this paragraph.

96. In or about and between May 2025 and June 2025, within the Eastern District of New York and elsewhere and out of the jurisdiction of any particular State or district, the defendant NATHAN GAUVIN, known as “defigray” and “gray,” together with others, did knowingly and intentionally devise a scheme and artifice to defraud FinTech Company-1, and to obtain money and property from FinTech Company-1 by means of one or more materially false and fraudulent pretenses, representations, and promises, and for the purpose of executing such scheme and artifice, GAUVIN transmitted and caused to be transmitted, by means of wire communication in interstate and foreign commerce, one or more writings, signs, signals, pictures, and sounds.

(Title 18, United States Code, Sections 1343, 2, 3238 and 3551 et seq.)

COUNTS NINETEEN AND TWENTY

(Bank Fraud – The FinTech Company-1 Scheme)

97. The allegations contained in paragraphs one through 71 are realleged and incorporated as if fully set forth in this paragraph.

98. In or about and between May 2025 and July 2025, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere and out of the jurisdiction of any particular State or district, the defendant NATHAN GAUVIN, known as

“defigray” and “gray,” together with others, did knowingly and intentionally execute a scheme and artifice to defraud one or more financial institutions, to wit: the banks identified below, and to obtain money, funds, credits, assets and other property owned by and under the custody and control of the banks identified below, by means of one or more materially false and fraudulent pretenses, representations and promises:

COUNT	FINANCIAL INSTITUTION
NINETEEN	Bank-3
TWENTY	Bank-4

(Title 18, United States Code, Sections 1344, 2, 3238 and 3551 et seq.)

COUNT TWENTY-ONE
(Aggravated Identity Theft)

99. The allegations contained in paragraphs one through 71 are realleged and incorporated as if fully set forth in this paragraph.

100. In or about and between May 2025 and July 2025, within the Eastern District of New York and elsewhere and out of the jurisdiction of any particular State or district, the defendant NATHAN GAUVIN, also known as also known as “defigray” and “gray,” together with others, during and in relation to the crimes charged in Counts Eighteen, Nineteen, and Twenty, did knowingly and intentionally transfer, possess, and use, without lawful authority, one or more means of identification of another person, to wit: the name and passport of John Doe-1, knowing that this means of identification belonged to John Doe-1.

(Title 18, United States Code, Sections 1028A(a)(1), 1028A(b), 1028A(c)(5), 2, 3238 and 3551 et seq.)

**CRIMINAL FORFEITURE ALLEGATION
AS TO COUNTS ONE THROUGH TEN, FIFTEEN, SIXTEEN, AND EIGHTEEN**

101. The United States hereby gives notice to the defendant that, upon his conviction of any of the offenses charged in Counts One through Ten, Fifteen, Sixteen, and Eighteen, the government will seek forfeiture in accordance with Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), which require any person convicted of such offenses to forfeit any property, real or personal, constituting, or derived from, proceeds obtained directly or indirectly as a result of such offenses.

102. If any of the above-described forfeitable property, 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 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), to seek forfeiture of any other property of the 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))

**CRIMINAL FORFEITURE ALLEGATION
AS TO COUNTS TWELVE, THIRTEEN, AND FOURTEEN**

103. The United States hereby gives notice to the defendant that, upon his conviction of any of the offenses charged in Counts Twelve, Thirteen, and Fourteen, the

government will seek forfeiture in accordance with Title 18, United States Code, Section 982(a)(1), which requires any person convicted of such offenses to forfeit any property, real or personal, involved in such offenses, or any property traceable to such property.

104. If any of the above-described forfeitable property, 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 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 18, United States Code, Section 982(b)(1), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Sections 982(a)(1) and 982(b)(1); Title 21, United States Code, Section 853(p))

**CRIMINAL FORFEITURE ALLEGATION
AS TO COUNTS NINETEEN AND TWENTY**

105. The United States hereby gives notice to the defendant that, upon his conviction of either of the offenses charged in Counts Nineteen and Twenty, the government will seek forfeiture in accordance with Title 18, United States Code, Section 982(a)(2), 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 offenses.

106. If any of the above-described forfeitable property, 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 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 18, United States Code, Section 982(b)(1), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Sections 982(a)(2) and 982(b)(1); Title 21, United States Code, Section 853(p))

A TRUE BILL

/s/

FOREPERSON

by Alexandra Smith, Assistant United States Attorney

JOSEPH NOCELLA, JR.

UNITED STATES ATTORNEY

EASTERN DISTRICT OF NEW YORK