

ALB:BTK
F. #2018R00077

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

UNITED STATES OF AMERICA

- against -

JOSEPH FALCONE,

Defendant.
----- X

NOTICE OF MOTION
CR - 19 0257
Criminal Docket No. 0257

FEUERSTEIN, J.

LOCKE, M. J.

PLEASE TAKE NOTICE that the undersigned will move this Court, before a judge to be assigned, for leave to file an information upon the defendant JOSEPH FALCONE's waiver of indictment pursuant to Rule 7(b) of the Federal Rules of Criminal Procedure.

Dated: Central Islip, New York
June 6, 2019

RICHARD P. DONOGHUE
United States Attorney
Eastern District of New York
610 Federal Plaza
Central Islip, New York 11722

By: 

Bradley T. King
Assistant United States Attorney
(631) 715-7875

Cc: Clerk of the Court

Rec'd
FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ JUN - 6 2019 ★
LONG ISLAND OFFICE

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INFORMATION SHEET

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

1. Title of Case: United States v. Joseph Falcone **CR-19 0257**
2. Related Magistrate Docket Number(s): _____
3. Arrest Date: _____
4. Nature of offense(s): ☒ Felony
☐ Misdemeanor
5. Related Cases - Title and Docket No(s). (Pursuant to Rule 50.3.2 of the Local E.D.N.Y. Division of Business Rules): _____
6. Projected Length of Trial: Less than 6 weeks ☒
More than 6 weeks ☐
7. County in which crime was allegedly committed: Nassau/Suffolk
(Pursuant to Rule 50.1(d) of the Local E.D.N.Y. Division of Business Rules)
8. Was any aspect of the investigation, inquiry and prosecution giving rise to the case pending or initiated before March 10, 2012.¹ ☐ Yes ☒ No
9. Has this indictment/information been ordered sealed? ☐ Yes ☒ No
10. Have arrest warrants been ordered? ☐ Yes ☒ No
11. Is there a capital count included in the indictment? ☐ Yes ☒ No

RICHARD P. DONOGHUE
United States Attorney

By:


Bradley T. King
Assistant U.S. Attorney
(631) 715-7875

¹ Judge Brodie will not accept cases that were initiated before March 10, 2012.

ALB:BTK
F. #2018R00077

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

UNITED STATES OF AMERICA

- against -

JOSEPH FALCONE,

Defendant.
----- X

THE UNITED STATES ATTORNEY CHARGES:

INFORMATION
CR-19-0257

Cr. No. _____
(T. 18, U.S.C., §§ 981(a)(1)(C), 1343
and 3551 et seq.; T. 21, U.S.C.,
§ 853(p); T. 28, U.S.C., § 2461(c))

FEUERSTEIN, J.

LOCKE, M. J.

INTRODUCTION

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

I. The Defendant and his Company

1. In or about December 2012, the defendant JOSEPH FALCONE, then a resident of Melbourne, Florida, established 3G'S Vino, LLC ("3G'S"), which was based in Bethpage and Farmingdale, New York, to sell a single serving wine product (the "product"), which was manufactured by John Doe Company, the identity of which is known to the United States Attorney, and which had previously been featured on "Shark Tank," a television program.

II. The Fraudulent Scheme

2. After establishing 3G'S, the defendant JOSEPH FALCONE solicited and received approximately \$872,000 from Investors #1 through #3, individuals whose identities are known to the United States Attorney (the "Investors"). Some of these monies

were transferred to bank accounts that FALCONE maintained in Florida in the name of GEM Partners Development LLC (the "GEM Accounts").

3. In furtherance of the scheme to defraud, the defendant JOSEPH FALCONE stated to the Investors, in sum and substance, that he would use monies that the Investors invested in 3G'S to fund specific 3G'S projects, including the purchase of quantities of the product from John Doe Company. In fact, as FALCONE then and there well knew, he intended to use a portion of the Investors' monies for purposes unrelated to 3G'S business.

4. In furtherance of the scheme to defraud, the defendant JOSEPH FALCONE caused one or more of the Investors to make wire transfers from bank accounts located in New York to the GEM Accounts in Florida. In or about and between September 2014 and November 2015, both dates being approximate and inclusive, the defendant JOSEPH FALCONE misappropriated approximately \$527,064 from the Investors and used these monies for his personal benefit and, without the Investors' authorization, to fund his purchase of a home in Florida and to fund his trading of securities through an online securities trading account.

WIRE FRAUD

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

6. In or about and between September 2014 to November 2015, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant JOSEPH FALCONE did knowingly and intentionally devise a scheme and artifice to defraud Investor #1 through Investor #3, and to obtain money and property from them 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 communication in interstate and foreign commerce, writings, signs, signals, pictures and sounds, to wit: one or more wire transfers from the Investors' bank accounts in New York to the GEM Accounts in Florida.

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

CRIMINAL FORFEITURE ALLEGATION


7. The United States hereby gives notice to the defendant JOSEPH FALCONE that, upon his conviction of the offense charged herein, 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 offense to forfeit any property, real or personal, constituting, or derived from, proceeds obtained directly or indirectly as a result of such offense.

8. 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))


RICHARD P. DONOGHUE
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

No. _____

UNITED STATES DISTRICT COURT

EASTERN *District of* NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

JOSEPH FALCONE,

Defendant.

INFORMATION

(T. 18, U.S.C., §§ 981(a)(1)(C), 1343 and 3551 et seq.; T. 21, U.S.C., § 853(p);
T. 28, U.S.C., § 2461(c))

A true bill.

Foreperson

Filed in open court this _____ *day,*

of _____ *A.D. 20* _____

Clerk

Bail, \$ _____

Bradley T. King, Assistant U.S. Attorney (631) 715-7900

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LONG ISLAND OFFICE
JUN - 6 2019
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U.S. DISTRICT COURT E.D.N.Y.
FILED
6/6/19