

11-05/4/15
2011R01493/LSH

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon.
 :
 v. : Criminal No. 15-218 (WHW)
 :
 MAGDY FOUAD ANISE, : 31 U.S.C. §§ 5324(a)(1), (a)(3),
 a/k/a "Michael Anise" : (d)(1) and (d)(2)
 : 18 U.S.C. § 2

INDICTMENT

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

COUNT ONE
(Structuring – 31 U.S.C. § 5324(a)(1))

Background

1. At various times relevant to this Indictment:
 - a. Defendant Magdy Fouad Anise, a/k/a "Michael Anise" ("defendant ANISE"), was an attorney practicing in the law firm of Anise & Anise, Attorneys at Law (the "Firm"), in Jersey City, New Jersey.
 - b. Banco Popular, JP Morgan Chase & Co. ("JP Morgan") and Bank of America were domestic financial institutions within the meaning of Title 31, United States Code, Sections 5312 and 5313(a), and Title 31, Code of Federal Regulations, Sections 103.11 and 103.22(a).
 - c. Defendant ANISE controlled various accounts at Banco Popular, JP Morgan, and Bank of America, including two accounts at Banco Popular ending in 6876 and 0979, two accounts at JP Morgan ending in 6100 and 3770, and one account at Bank of America ending in 2315.

d. Title 31, United States Code, Section 5313 required that financial institutions file Currency Transaction Reports ("CTR") of each deposit, withdrawal, exchange of currency, or other payment or transfer, by, through, or to such financial institution that involved a transaction in currency of more than \$10,000.

2. From in or about 2009 through in or about 2011, defendant ANISE received cash kickbacks from doctors and others in exchange for referring his personal-injury clients to them. In lieu of cash, defendant ANISE asked a doctor who gave him kickbacks to pay him with gold bars, to pay monies to defendant ANISE's church, and to pay defendant ANISE's mortgage.

3. From in or about 2009 through in or about 2012, defendant ANISE accumulated approximately \$800,000 in cash, including cash from the kickback scheme mentioned above. In the years 2009, 2010, 2011, and 2012, defendant ANISE made cash deposits of portions of that cash into five different bank accounts.

4. In a letter dated on or about April 6, 2010, JP Morgan informed defendant ANISE that a review of his JP Morgan account ending in 6100 showed a pattern of cash transactions under \$10,000, and that this could be viewed as an attempt to avoid the CTR filing requirement, which was a violation of the law. After defendant ANISE received the letter, he ceased structuring cash deposits into the JP Morgan account ending in 6100, but continued to structure cash

deposits into the Banco Popular account ending in 0979, the JP Morgan account ending in 3770, and the Bank of America account ending in 2315.

5. From on or about February 2, 2010, through on or about January 17, 2012, in Hudson and Monmouth Counties, in the District of New Jersey, and elsewhere, the defendant,

MAGDY FOUAD ANISE,
a/k/a "Michael Anise,"

knowingly and for the purpose of evading the reporting requirements of Title 31, United States Code, Section 5313(a), and the regulations promulgated thereunder, did knowingly cause and attempt to cause domestic financial institutions, namely, Banco Popular, JP Morgan and Bank of America, to fail to file reports required under Title 31, United States Code, Section 5313(a), and the regulations promulgated thereunder, by causing the following structured deposits to be made totaling approximately \$38,400 into the following accounts, as set forth below:

DATE OF TRANSACTION	AMOUNT OF CASH DEPOSITED	BANK & ACCOUNT INTO WHICH CASH WAS DEPOSITED
2/02/2010	\$9,500/\$7,800	Banco Popular 0979
3/08/2010	\$1,500/\$8,800	JP Morgan 6100
1/17/2012	\$8,400/\$2,400	Bank of America 2315

In violation of Title 31, United States Code, Sections 5324(a)(1) and (d)(1), and Title 18, United States Code, Section 2.

COUNT TWO
(Structuring - 31 U.S.C. § 5324(a)(3))

1. The allegations set forth in paragraphs 1 through 4 of Count One of this Indictment are hereby repeated, realleged and incorporated as if fully set forth herein.

2. On or about the dates set forth below, in Hudson and Monmouth Counties, in the District of New Jersey, and elsewhere, the defendant,

MAGDY FOUAD ANISE,
a/k/a "Michael Anise,"

knowingly and for the purpose of evading the reporting requirements of Title 31, United States Code, Section 5313(a), and the regulations promulgated thereunder, knowingly structured and assisted in structuring, and attempted to structure and assist in structuring, transactions with domestic financial institutions, namely, Banco Popular, JP Morgan and Bank of America, by breaking down amounts of United States currency into amounts of less than \$10,000 prior to depositing such currency with said financial institutions, and did so as part of a pattern of illegal activity involving more than \$100,000 in a 12-month period, including the following structured deposits into two Banco Popular accounts, two JP Morgan accounts, and one Bank of America account in the name of defendant ANISE:

DATE OF TRANSACTION	AMOUNT OF CASH DEPOSITED	BANK & ACCOUNT INTO WHICH CASH WAS DEPOSITED
12/08/2009	\$9,700	Banco Popular 0979
12/09/2009	\$9,500	Banco Popular 0979
12/10/2009	\$9,800	Banco Popular 0979
12/11/2009	\$9,400	Banco Popular 0979
12/14/2009	\$9,700	Banco Popular 0979
12/14/2009	\$8,000	JP Morgan 6100
12/15/2009	\$7,000	Banco Popular 0979
12/31/2009	\$9,800	Banco Popular 0979
1/06/2010	\$9,700	Banco Popular 0979
1/06/2010	\$7,000	JP Morgan 6100
1/07/2010	\$9,600	Banco Popular 0979
1/08/2010	\$9,000	Banco Popular 0979
1/11/2010	\$9,800	Banco Popular 0979
1/12/2010	\$9,700	Banco Popular 0979
1/13/2010	\$9,500	Banco Popular 0979
1/14/2010	\$9,600	Banco Popular 0979
1/15/2010	\$9,400	Banco Popular 0979
2/04/2010	\$9,700	Banco Popular 0979
2/04/2010	\$1,500	JP Morgan 6100
2/09/2010	\$9,600	JP Morgan 6100

DATE OF TRANSACTION	AMOUNT OF CASH DEPOSITED	BANK & ACCOUNT INTO WHICH CASH WAS DEPOSITED
2/10/2010	\$9,500	JP Morgan 6100
2/12/2010	\$9,500	JP Morgan 6100
2/12/2010	\$9,500	Bank of America 2315
2/14/2010	\$9,500	Bank of America 2315
3/01/2010	\$8,000	Banco Popular 0979
3/02/2010	\$9,800	Banco Popular 0979
3/04/2010	\$9,700	Banco Popular 0979
3/08/2010	\$9,000	Banco Popular 0979
3/09/2010	\$9,400	JP Morgan 6100
3/09/2010	\$9,200	Bank of America 2315
3/11/2010	\$9,000	Banco Popular 0979
3/11/2010	\$9,300	JP Morgan 6100
3/12/2010	\$9,800	Banco Popular 0979
3/12/2010	\$9,600	Bank of America 2315
3/15/2010	\$9,800	Banco Popular 0979
3/15/2010	\$9,000	Bank of America 2315
3/25/2010	\$9,800	Banco Popular 0979
4/07/2010	\$9,500	Banco Popular 0979
4/08/2010	\$9,800	Banco Popular 0979
4/09/2010	\$9,300	Banco Popular 0979

DATE OF TRANSACTION	AMOUNT OF CASH DEPOSITED	BANK & ACCOUNT INTO WHICH CASH WAS DEPOSITED
4/12/2010	\$9,000	JP Morgan 6100
4/13/2010	\$9,400	Banco Popular 0979
4/14/2010	\$9,800	Banco Popular 0979
4/14/2010	\$9,700	JP Morgan 6100
4/29/2010	\$8,000	Banco Popular 0979
5/06/2010	\$9,700	Banco Popular 0979
5/07/2010	\$9,000	Bank of America 2315
5/10/2010	\$9,600	Banco Popular 0979
5/12/2010	\$9,600	Banco Popular 0979
5/12/2010	\$9,500	Bank of America 2315
5/13/2010	\$9,500	Bank of America 2315
5/14/2010	\$1,000	JP Morgan 6100
5/14/2010	\$9,100	Bank of America 2315
5/20/2010	\$8,500	Banco Popular 0979
5/24/2010	\$4,800	Banco Popular 0979
6/01/2010	\$9,500	Banco Popular 0979
6/08/2010	\$8,500	Banco Popular 0979
6/09/2010	\$9,200	Banco Popular 0979
6/10/2010	\$8,300	Banco Popular 0979
6/11/2010	\$9,700	Bank of America 2315

DATE OF TRANSACTION	AMOUNT OF CASH DEPOSITED	BANK & ACCOUNT INTO WHICH CASH WAS DEPOSITED
6/14/2010	\$9,600	Banco Popular 0979
6/14/2010	\$9,850	Bank of America 2315
6/15/2010	\$9,850	Banco Popular 0979
7/06/2010	\$9,400	Banco Popular 0979
7/08/2010	\$9,500	Bank of America 2315
7/14/2010	\$9,500	Bank of America 2315
7/15/2010	\$8,000	Banco Popular 6876
7/15/2010	\$9,800	Banco Popular 0979
8/02/2010	\$9,600	Banco Popular 0979
8/03/2010	\$9,100	Banco Popular 0979
8/04/2010	\$9,700	Banco Popular 0979
8/11/2010	\$9,500	Banco Popular 0979
9/07/2010	\$9,700	Banco Popular 0979
9/13/2010	\$9,400	Banco Popular 0979
9/14/2010	\$5,000	Banco Popular 0979
10/12/2010	\$9,500	Banco Popular 0979
10/14/2010	\$5,000	Banco Popular 0979
10/15/2010	\$6,000	Banco Popular 0979
10/21/2010	\$9,600	Banco Popular 0979
11/04/2010	\$9,500	Banco Popular 0979

DATE OF TRANSACTION	AMOUNT OF CASH DEPOSITED	BANK & ACCOUNT INTO WHICH CASH WAS DEPOSITED
11/05/2010	\$2,500	Banco Popular 0979
11/08/2010	\$8,500	Bank of America 2315
11/10/2010	\$8,500	Banco Popular 0979
11/12/2010	\$8,000	Banco Popular 0979
11/12/2010	\$4,500	Bank of America 2315
11/15/2010	\$9,700	Banco Popular 0979
11/16/2010	\$9,600	Banco Popular 0979
11/18/2010	\$8,650	Banco Popular 0979
12/13/2010	\$9,500	Banco Popular 0979
12/14/2010	\$9,200	Banco Popular 0979
12/16/2010	\$8,000	Banco Popular 0979
1/11/2011	\$8,300	Banco Popular 0979
1/13/2011	\$5,000	Banco Popular 0979
1/14/2011	\$6,000	Bank of America 2315
2/09/2011	\$9,300	Banco Popular 0979
2/14/2011	\$4,000	Bank of America 2315
3/03/2011	\$9,000	Banco Popular 0979
4/12/2011	\$8,700	Bank of America 2315
4/16/2011	\$4,000	Bank of America 2315
5/12/2011	\$1,000	Bank of America 2315

DATE OF TRANSACTION	AMOUNT OF CASH DEPOSITED	BANK & ACCOUNT INTO WHICH CASH WAS DEPOSITED
5/13/2011	\$7,000	Bank of America 2315
7/15/2011	\$4,800	Banco Popular 0979
8/15/2011	\$6,000	Banco Popular 0979
9/23/2011	\$7,800	Bank of America 2315
9/27/2011	\$8,200	Bank of America 2315
9/29/2011	\$7,900	Bank of America 2315
9/30/2011	\$8,700	Bank of America 2315
10/03/2011	\$5,500	Bank of America 2315
10/04/2011	\$2,200	Bank of America 2315
10/11/2011	\$9,200	Banco Popular 0979
10/13/2011	\$7,000	JP Morgan 3770
10/14/2011	\$7,600	Bank of America 2315
10/18/2011	\$9,200	Bank of America 2315
10/26/2011	\$7,800	JP Morgan 3770
10/26/2011	\$5,400	Bank of America 2315
10/28/2011	\$8,700	JP Morgan 3770
10/28/2011	\$3,000	Bank of America 2315
11/12/2011	\$7,500	Bank of America 2315
11/14/2011	\$8,100	Bank of America 2315
11/18/2011	\$7,800	Bank of America 2315

DATE OF TRANSACTION	AMOUNT OF CASH DEPOSITED	BANK & ACCOUNT INTO WHICH CASH WAS DEPOSITED
11/22/2011	\$7,700	Banco Popular 0979
11/25/2011	\$8,800	JP Morgan 3770
11/27/2011	\$4,500	Bank of America 2315
11/28/2011	\$8,100	JP Morgan 3770
12/19/2011	\$8,700	Bank of America 2315
12/20/2011	\$4,200	Bank of America 2315
12/22/2011	\$7,700	Bank of America 2315
12/27/2011	\$8,400	JP Morgan 3770
12/27/2011	\$8,900	Bank of America 2315
12/30/2011	\$4,500	Bank of America 2315
1/03/2012	\$7,600	JP Morgan 3770
1/03/2012	\$1,000	Bank of America 2315
1/17/2012	\$5,700	Banco Popular 6876
1/23/2012	\$8,800	Bank of America 2315
1/26/2012	\$9,000	Bank of America 2315
1/27/2012	\$5,000	Bank of America 2315
1/30/2012	\$7,900	Banco Popular 6876
1/30/2012	\$500	Bank of America 2315

In violation of Title 31, United States Code, Sections 5324(a)(3) and (d)(2), and Title 18, United States Code, Section 2.

FORFEITURE ALLEGATION

1. The allegations contained in Counts One and Two of this Indictment are incorporated by reference as though set forth in full herein for the purpose of alleging forfeiture pursuant to Title 31, United States Code, Section 5317.

2. Upon conviction of the offenses charged in this Indictment, the Government will seek forfeiture from defendant ANISE, in accordance with Title 31, United States Code, Section 5317(c), of any and all property, real or personal, involved in the offense and any property traceable thereto, including but not limited to the following:

a. A sum of money equal to at least \$795,750 in United States currency;

b. All rights, title, and interest, including all appurtenances and improvements thereon, in the property located at 17147 Avenue Le Rivage, Boca Raton, Florida 33496.

3. If by any act or omission of defendant ANISE any of the property subject to forfeiture herein:


- 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 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 defendant ANISE up to the value of the property described in this forfeiture allegation.

A TRUE BILL,

FOREPERSON



PAUL J. FISHMAN
UNITED STATES ATTORNEY

CASE NUMBER:

15-CR-218(WHW)

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DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA

v.

**MAGDY FOUAD ANISE,
A/K/A "MICHAEL ANISE"**

INDICTMENT FOR

31 U.S.C. §§ 5324(a)(1), (d)(1), (a)(3) and (d)(2)
18 U.S.C. § 2

A True Bill,

Foreperson

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