

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA : INFORMATION
- v. - : 21 Cr. 334 (vB)
JOSEPH CIMINO, :
Defendant. :
----- X

COUNT ONE

(Securities Fraud)

The United States Attorney charges:

1. From at least in or about 2014 through at least in or about 2018, in the Southern District of New York and elsewhere, JOSEPH CIMINO, the defendant, knowingly and willfully, directly and indirectly, by use of the means and instrumentalities of interstate commerce, and of the mails and of facilities of national securities exchanges, in connection with the purchase and sale of securities, would and did use and employ, in connection with the purchase and sale of securities, manipulative and deceptive devices and contrivances, contrary to Title 17, Code of Federal Regulations, Section 240.10b-5, by: (a) employing devices, schemes, and artifices to defraud; (b) making untrue statements of material fact and omitting to state material facts necessary in order to make the statements made,

in the light of the circumstances under which they were made, not misleading; and (c) engaging in acts, practices, and courses of business which operated and would operate as a fraud and deceit upon persons, to wit, CIMINO made false and misleading representations by interstate wire communication to solicit and maintain investments in a tequila company.

(Title 15, United States Code, Sections 78j(b) & 78ff and Title 17, Code of Federal Regulations, Section 240.10b-5.)

COUNT TWO

(Wire Fraud)

The United States Attorney further charges:

2. From at least in or about 2014 through at least in or about 2018, in the Southern District of New York and elsewhere, JOSEPH CIMINO, the defendant, knowingly and willfully, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of materially false and fraudulent pretenses, representations and promises, 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, CIMINO made false

and misleading representations by interstate wire communication to solicit and maintain investments in a tequila company.

(Title 18, United States Code, Section 1343.)

FORFEITURE ALLEGATION

3. As a result of committing the offenses alleged in Counts One and Two of this Information, JOSEPH CIMINO, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28 United States Code, Section 2461(c), any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of said offense, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offense.

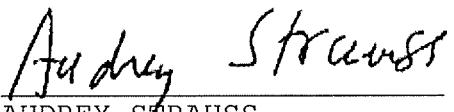
Substitute Assets Provision

4. 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 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) and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981; Title 21, United States Code, Section 853; and Title 28, United States Code, Section 2461.)


Audrey Strauss
AUDREY STRAUSS
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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UNITED STATES OF AMERICA

v.

JOSEPH CIMINO,

Defendant.

INFORMATION

21 Cr.

(15 U.S.C. §§ 78j(b) & 78ff and 17
C.F.R. § Section 240.10b-5, and
18 U.S.C. § 1343.)

AUDREY STRAUSS

United States Attorney
