

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

FELONY

BILL OF INFORMATION FOR WIRE FRAUD

UNITED STATES OF AMERICA	*	CRIMINAL NO.
v.	*	SECTION:
BENJAMIN M. GELLER	*	VIOLATION: 18 U.S.C. § 1343
	*	
	*	
	*	

The United States Attorney charges that:

COUNT 1
(Wire Fraud)

A. AT ALL TIMES MATERIAL HEREIN:

1. The defendant, **BENJAMIN M. GELLER** ("GELLER"), currently resides in or around Austin, Texas and was born in or around 1959. Beginning in at least 1994, **GELLER** was employed as a sports agent for Frank W. Warren, III ("Warren"), a former NFL football player who played for the New Orleans Saints. Warren played all 13 of his NFL seasons for the New Orleans Saints and was inducted into the Saints Hall of Fame.

2. In or around September 1994, Warren, with help from his agent, **GELLER**, established the Frank W. Warren Irrevocable Trust (the "Trust"). The Trust was specifically established for the benefit of Warren's family and **GELLER** was named trustee of the Trust. At

around the same time, Warren, with help from his agent, **GELLER**, applied for and obtained a life insurance policy through a life insurance company worth approximately \$1,000,000. Upon Warren's death, the Trust was to be funded with proceeds from the life insurance policy.

3. In or around 1995, Warren married Terrell LeBeaux a/k/a Terrell Warren ("Terrell"). As a result, Terrell became the beneficiary of the Trust in the event of Warren's death.

4. In or about December 2002, Warren died. In early 2003, the Trust was funded by the proceeds from the life insurance Warren had purchased in 1994 and a check worth approximately \$1,000,300 was disbursed into an account in the name of the Trust. According to the Trust, **GELLER**, the trustee, was to provide funds to Terrell, Warren's spouse, and Warren's children, as necessary for their care, support, maintenance, and education. **GELLER** was not permitted to use Trust funds for his own personal use.

B. THE SCHEME TO DEFRAUD:

5. Beginning in or around 2003 and continuing until in or around 2007, the defendant, **BENJAMIN M. GELLER**, as the trustee of the Trust, did knowingly and willfully devise and intend to devise a scheme and artifice to defraud, among others, Terrell, relating to the Trust, and, in so doing, unlawfully took and utilized over \$500,000 in Trust funds he was not entitled to by means of false and fraudulent pretenses, representations, and promises.

6. It was further part of the scheme and artifice to defraud that, from in or about 2003 through in or around 2007, **GELLER**, as trustee of the Trust, spent hundreds of thousands of dollars in Trust funds (a) for personal travel, airfare, and lodging at various destinations; (b) to fund other bank accounts in **GELLER**'s name; (c) for personal and entertainment purposes; (d) to

make payments to other financial institutions to that held debt in **GELLER**'s name; and (e) for other, miscellaneous purposes, all in an effort to enrich himself.

7. It was further part of the scheme and artifice to defraud that, from in or around 2008 through in or around 2010, the defendant, **GELLER**, paid Terrell, the beneficiary of the Trust, via monthly, interstate wires, payments in an effort to mislead Terrell into believing that the Trust's funds were largely intact when, in fact, the Trust by that time was entirely depleted. These payments were materially misleading and false and were used to deceive Terrell and hide **GELLER**'s scheme, as set forth above.

8. It was further part of the scheme and artifice to defraud that, from in or around 2008 through in or around 2010, the defendant, **GELLER**, made multiple materially false and misleading statements to the beneficiary of the Trust, Terrell, and her representatives, regarding the status of the Trust and its funds.

C. THE USE OF THE WIRES:

9. From on or about September 4, 2009, through on or about November 5, 2010, in the Eastern District of Louisiana and elsewhere, the defendant, **BENJAMIN M. GELLER**, for the purpose of executing and attempting to execute the scheme and artifice to defraud and for the purpose of obtaining money and property by means of false and fraudulent pretenses, representations, and promises, did knowingly and willfully cause to be transmitted in interstate commerce certain writings, signs, signals, and sounds by means of wire communications from Texas to the Eastern District of Louisiana; specifically, by wire transferring approximately \$4,000 of Trust funds, on or about September 4, 2009, from a bank account in the name of the Trust, located in Texas, to a bank account in New Orleans, Louisiana, located in the Eastern District of

Louisiana, in an effort to deceive Terrell into believing that the Trust's funds were largely intact when, in fact, they were not.

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

NOTICE OF FORFEITURE

1. The allegations of Count 1 of this Bill of Information 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 offense alleged in Count 1, defendant, **BENJAMIN M. GELLER**, 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 a violation of Title 18, United States Code, Section 1343.

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.

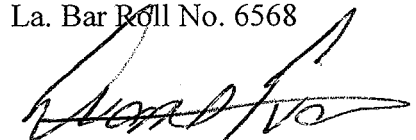
All in violation of Title 18, United States Code, Sections 1343 and 981(a)(1)(C), made applicable through Title 28, United States Code, Section 2461(c).



DANA J. BOENTE
United States Attorney



FRED P. HARPER
First Assistant United States Attorney
La. Bar Roll No. 6568



DUANE A. EVANS
Chief, Criminal Division
La. Bar Roll No. 24086



MATTHEW S. CHESTER
Assistant United States Attorney
Texas Bar No. 24045650

New Orleans, Louisiana
May 16, 2013