

2/6/14  
2:45 PM

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Criminal No. 14-  
 :  
 v. : 18 U.S.C. §§ 981, 982, 1001,  
 : 1014, 1028A, 1343, 1503, 1519,  
 ANDREW LUCAS : 1957 and § 2; 28 U.S.C. § 2461  
 :  
 : INDICTMENT

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

COUNT ONE  
(Wire Fraud)

1. At all times relevant to Count One of this Indictment:
  - a. Defendant ANDREW LUCAS ("defendant LUCAS") was a resident of Manalapan, New Jersey.
  - b. Defendant LUCAS owned and operated Lucas Capital Advisors, LLC ("Lucas Capital Advisors"), through which defendant LUCAS served as an investment advisor and investment manager to multiple individuals. Clients of Lucas Capital Advisors were charged a fee for those services. Defendant LUCAS maintained his clients' funds in separate, managed accounts at TD Ameritrade.
  - c. Diamond Developers at Burke Farm, LLC ("Diamond Developers") was a company that owned, as its sole asset, a plot of farmland in Manalapan, New Jersey called Burke Farm (the "Burke Farm Property"). The Burke Farm Property was located on

Iron Ore Road in Manalapan. In December 2009, an individual and a company (hereinafter, the "Individual" and the "Company") together owned Diamond Developers and, in turn, the Burke Farm Property.

d. An individual identified here as "Victim 1" was a client of Lucas Capital Advisors. Victim 1 resided in New Jersey.

e. An individual identified here as "Victim 2" was a relative of defendant LUCAS and a client of Lucas Capital Advisors. Victim 2 resided outside the state of New Jersey.

f. The New Jersey Farmland Preservation Program (the "Program") was administered by the State Agricultural Development Committee ("SADC"). The Program's purpose was to preserve farmland in New Jersey. A landowner who wanted to continue farming his or her land could sell a development easement to the SADC, the county development board, and the municipality in which the land was located. The sale price was based on the difference between what a developer would pay for the land and what it was worth as farmland. The easement restricted the right to develop the farmland for anything other than agriculture, and such easement also bound future owners.

2. By on or about December 15, 2009, defendant LUCAS sought to purchase Diamond Developers and, in turn, the Burke

Farm Property, from the Individual and the Company. On or about December 15, 2009, to finance the proposed purchase, defendant LUCAS submitted a Commercial Loan Application to Central Jersey Bank, N.A. ("Central Bank") (a bank whose deposits were insured by the Federal Deposit Insurance Corporation) requesting a loan of \$525,000. Defendant LUCAS caused the application to state that the \$525,000 loan was to purchase "membership units of Diamond Developers" and that the source of repaying the loan would be "sale of primary residence or the sale of development rights through the NJ Farmland Preservation Program." Defendant LUCAS signed the Commercial Loan Application, affirming that the answers that he provided were "true and correct" and affirming that he understood "that this application [was] not complete until all required information [was] furnished to the Bank."

3. As part of the Commercial Loan Application, defendant LUCAS was required to, and did submit a "Personal Financial Statement As of 12-15-09." On this Personal Financial Statement ("PFS"), defendant LUCAS falsely reported that he had a total of \$210,000 in cash and in a bank account.

4. On or about January 14, 2010, defendant LUCAS, the Individual, and the Company executed an "Agreement for Sale of the Interests in a Limited Liability Company," in which the Individual and the Company agreed to sell Diamond Developers

and, in turn, the Burke Farm Property, to defendant LUCAS for \$775,000, contingent upon defendant LUCAS's obtaining bank financing of no more than \$525,000. Any amount of the purchase price above the amount that defendant LUCAS obtained in financing from the bank was to be paid in cash. Defendant LUCAS did not have such cash available.

5. From on or about February 15, 2010 through on or about February 22, 2010, in the District of New Jersey and elsewhere, defendant

ANDREW LUCAS

did knowingly and intentionally devise and intend to devise a scheme and artifice to defraud Victim 1 and to obtain \$250,000 of money and property from Victim 1 by means of materially false and fraudulent pretenses, representations and promises.

6. The object of this scheme and artifice to defraud was for defendant LUCAS to obtain \$250,000 from Victim 1 that defendant Lucas represented to Victim 1 was for an investment in an entity called VLM Investments, LLC ("VLM"), but was actually for defendant LUCAS's personal use to purchase Diamond Developers and the Burke Farm Property.

7. It was a part of the scheme and artifice to defraud that:

a. On or about February 15, 2010, defendant LUCAS

approached Victim 1 with an opportunity to invest in VLM. Defendant LUCAS generated and presented Victim 1 with a one-page document titled "VLM Investments, LLC Senior 6% Note" (the "Note"). In this Note, VLM promised to pay \$250,000 plus 6 percent annual interest to Victim 1 in exchange for Victim 1's wiring \$250,000 to an account specified by VLM. Under the proposal, VLM would "pay one lump sum payment on March 15, 2012 of \$280,900.00." The Note further provided that the debt was to be secured by "a security interest in the equipment, fixtures, inventory and accounts receivable of the business known as VLM Investments, LLC."

b. On or about February 15, 2010, Victim 1 signed the Note next to the term, "Noteholder." At the time that Victim 1 signed the Note, VLM did not exist and had no equipment, fixtures, inventory or accounts receivable, which were the sole purported security under the Note. Defendant LUCAS failed to disclose these facts to Victim 1. Defendant LUCAS also failed to disclose to Victim 1 that defendant LUCAS intended to make personal use of Victim 1's funds.

c. On or about February 18, 2010, defendant LUCAS created VLM under New Jersey state law by obtaining a "Certificate of Formation" from the New Jersey Department of Treasury, Division of Revenue. On the original certificate,

defendant LUCAS falsely listed Victim 2 as VLM's only "Member[]/Manager[]" and listed defendant LUCAS's home address in Manalapan as the address of Victim 2. Victim 2 had no involvement in, or knowledge of, VLM and its creation, Victim 2 did not reside at defendant LUCAS's home address, and defendant LUCAS registered VLM without Victim 2's authorization or permission.

d. On or about February 18, 2010, defendant LUCAS opened a bank account at Amboy Bank (a bank whose deposits were insured by the Federal Deposit Insurance Corporation) in the name of VLM (the "VLM Account"). Defendant LUCAS was the sole person authorized to transact business in the VLM Account. Defendant LUCAS listed himself on the "Certification of Authority and Resolution to Open Deposit Account" as the "Member/Treasurer" of VLM.

e. On or about February 18, 2010, defendant LUCAS registered VLM with the United States Department of Treasury, Internal Revenue Service ("IRS") by applying for an Employer Identification Number ("EIN") on the IRS's website. An EIN is a unique, nine-digit number that identifies a business and that is used, among other things, for filing tax documents with the IRS. Defendant LUCAS used Victim 2's name and Social Security Number, without Victim 2's permission or knowledge, to register VLM with

the IRS. Defendant LUCAS listed defendant LUCAS's home address in Manalapan, New Jersey, as the address of VLM and as the contact address for Victim 2.

f. On or about February 22, 2010, defendant LUCAS caused to be wired \$250,000 from Victim 1's Lucas Capital Advisors-managed account at TD Ameritrade to the VLM Account.

8. On or about the date set forth below, in the District of New Jersey, and elsewhere, for the purpose of executing and attempting to execute this scheme and artifice to defraud and for obtaining money and property by means of materially false and fraudulent pretenses, representations, and promises, defendant

ANDREW LUCAS

knowingly and intentionally did transmit and cause to be transmitted by means of wire, radio, and telephone communication in interstate commerce, certain writings, signs, signals, pictures and sounds, as described below:

DATE	INTERSTATE WIRE TRANSMISSION	APPROXIMATE AMOUNT
2/22/2010	Wire transfer from Victim 1's managed account at TD Ameritrade, a bank in Nebraska, to VLM's account at Amboy Bank in New Jersey.	\$250,000

In violation of Title 18, United States Code, Section 1343,  
and Title 18, United States Code, Section 2.

COUNT TWO  
(Illegal Monetary Transaction)

1. Paragraphs 1 to 4 and 6 to 7 of Count One of this Indictment are hereby incorporated and realleged as if fully set forth herein.

2. On or about March 1, 2010, defendant LUCAS withdrew from the VLM Account the \$250,000 that he had transferred from Victim 1's TD Ameritrade account. Defendant LUCAS used those funds to obtain a cashier's check (the "Cashier's Check"), made payable to a particular law firm located in New Jersey (the "Law Firm"). The Law Firm was the closing attorney for the property transaction in which defendant LUCAS, his spouse, and a relative (the "Relative") purchased the Burke Farm Property (the "Burke Farm Property Transaction").

3. On or about March 2, 2010, the date of the closing of the Burke Farm Property Transaction, defendant LUCAS gave the Cashier's Check to the Law Firm, as part of the purchase price of the Burke Farm Property.

4. On or about the date set forth below, in the District of New Jersey and elsewhere, defendant

ANDREW LUCAS

knowingly engaged and attempted to engage in a monetary transaction by, through or to a financial institution, affecting interstate or foreign commerce, in criminally derived property

of a value greater than \$10,000 as set forth below that was derived from a specified unlawful activity, namely wire fraud:

DATE	FINANCIAL TRANSACTION
3/1/2010	Withdrawal of \$250,000 held in the VLM Account to obtain the Cashier's Check made payable to the Law Firm.

In violation of Title 18, United States Code, Section 1957 and Title 18, United States Code, Section 2.

**COUNT THREE**  
**(Loan Application Fraud)**

1. Paragraphs 1 to 4 of Count One of this Indictment are hereby incorporated and realleged as if fully set forth herein.

2. As part of the December 15, 2009 Commercial Loan Application, defendant LUCAS submitted the signed PFS, in which he represented, warranted and certified that the information that he provided was true, correct and complete. On the PFS, defendant LUCAS falsely reported that he had a total of \$210,000 in cash and in a bank account ("cash on hand").

3. Defendant LUCAS included in the Commercial Loan Application fraudulent copies of his 2007 and 2008 U.S. individual federal income tax returns (IRS Form 1040). The Form 1040 for 2007 that defendant LUCAS included with the Commercial Loan Application differed in numerous respects from the Form 1040 for 2007 that defendant LUCAS actually filed with the IRS on or about April 15, 2008, as summarized in the chart below:

LINE	ITEM	RETURN INCLUDED WITH LOAN APPLICATION	RETURN FILED WITH IRS
12	Business Income	\$39,622	\$3,042
21	Other Income	\$0	-\$38,675
22	Total Income	\$81,015	\$5,760
37	Adjusted Gross Income	\$77,556	\$4,886

4. The Form 1040 for 2008 that defendant LUCAS included with the Commercial Loan Application differed in numerous respects from the Form 1040 for 2008 that defendant LUCAS actually filed with the IRS on or about April 15, 2009, as summarized in the chart below:

LINE	ITEM	RETURN INCLUDED WITH LOAN APPLICATION	RETURN FILED WITH IRS
12	Business Income	\$72,273	\$14,273
18	Farm Income	\$23,470	\$3,470
21	Other Income	\$0	-\$27,290
22	Total Income	\$124,889	\$19,599
37	Adjusted Gross Income	\$118,484	\$18,656

5. Defendant LUCAS also included with the Commercial Loan Application a false 2007 individual federal income tax return (Form 1040) for the Relative, an individual who defendant LUCAS listed on the Commercial Loan Application as an investor in Diamond Developers. That 2007 return listed income that was significantly higher than the income listed on the Relative's 2007 return filed with the IRS.

6. Defendant LUCAS also disclosed on the PFS \$75,000 in unsecured notes payable and \$575,000 in mortgage debt, for total liabilities of \$650,000. Defendant LUCAS listed no other liabilities. As part of the Representation and Warranties on

the PFS, defendant LUCAS agreed to notify Central Bank "immediately and in writing" of any "material adverse change (1) in any of the information contained in this statement or (2) in the financial condition of any of the undersigned or (3) in the ability of any of the undersigned to perform its (or their) obligation" to Central Bank. Defendant LUCAS did not disclose to Central Bank that he (through VLM) assumed a liability to pay Victim 1 \$250,000 plus 6 percent annual interest.

7. On or about March 2, 2010, Central Bank funded a \$525,000 loan to defendant LUCAS at the closing for the Burke Farm Property Transaction. In connection with this closing, defendant LUCAS, his spouse, and the Relative purchased Diamond Developers and, in turn, the Burke Farm Property, for \$775,000.

8. Between on or about December 15, 2009 and on or about March 2, 2010, in the District of New Jersey and elsewhere, defendant

ANDREW LUCAS

knowingly made false statements and reports for the purpose of influencing in some way the action of Central Bank, in connection with an application for a loan to purchase membership units in Diamond Developers and, in turn, the Burke Farm Property, by providing on the PFS false information concerning his cash on hand and his liabilities and by providing Central

Bank with falsified copies of federal tax returns for both himself (in 2007 and 2008) and the Relative (for 2007), which showed higher net income than the returns previously filed with the IRS, to obtain from Central Bank a \$525,000 loan.

In violation of Title 18, United States Code, Section 1014 and Title 18, United States Code, Section 2.

COUNT FOUR  
(False Statements to the Internal Revenue Service)

1. Paragraphs 1 to 4 and 6 to 7 of Count One of this Indictment are hereby incorporated and realleged as if fully set forth herein.

2. On or about February 18, 2010, defendant LUCAS visited the IRS's website to obtain an EIN for VLM. To obtain the EIN, defendant LUCAS filled out an electronic application in which he (1) falsely listed Victim 2 as the sole member of VLM and (2) verified that information by listing Victim 2's Social Security Number, all without Victim 2's permission or knowledge. Nowhere in his application for the EIN did defendant LUCAS list his own name or Social Security Number.

3. On or about February 18, 2010, in the District of New Jersey and elsewhere, defendant

ANDREW LUCAS

in a matter within the jurisdiction of the executive branch of the Government of the United States, specifically the Internal Revenue Service, knowingly and willfully (1) falsified, concealed and covered up by a trick, scheme and device a material fact; (2) made a material false, fictitious and fraudulent statement and representation; and (3) made and used a false writing and document knowing the same to contain a materially false, fictitious and fraudulent statement and entry.

In violation of Title 18, United States Code, Section 1001  
and Title 18, United States Code, Section 2.

COUNT FIVE  
(Aggravated Identity Theft)

1. Paragraphs 1 to 4 and 6 to 7 of Count One and paragraphs 1 to 3 of Count Four of this Indictment are hereby incorporated and realleged as if fully set forth herein.

2. On or about February 18, 2010, in the District of New Jersey, and elsewhere, defendant

ANDREW LUCAS

did knowingly transfer, possess, and use, without lawful authority, a means of identification of another person, namely Victim 2's name and Social Security Number, during and in relation to a felony violation – namely, the violation of Title 18, United States Code, Section 1001, as set forth in Count Four of this Indictment.

In violation of Title 18, United States Code, Section 1028A(a)(1) and Title 18, United States Code, Section 2.

COUNT SIX

(False Statements to the Internal Revenue Service)

1. Paragraphs 1 to 4 and 6 to 7 of Count One of this Indictment are hereby incorporated and realleged as if fully set forth herein.

2. On or about May 14, 2012, defendant LUCAS caused a Form 1065, U.S. Return of Partnership Income, to be filed with the IRS on behalf of VLM for tax year 2011. On page 1 of this return, defendant LUCAS signed, without permission or knowledge of Victim 2, Victim 2's name as the "general partner or limited liability company member manager." Defendant LUCAS further caused this return to falsely state on page 3 that Victim 2 was the "designated TMP," or Tax Matters Partner, for tax year 2011 and listed Victim 2's Social Security Number. Defendant LUCAS further caused the return (1) to falsely state on Schedule B-1 that Victim 2 was the 90 percent owner of VLM and again listed Victim 2's Social Security Number; and (2) to falsely state on Schedule K-1 that Victim 2 was a partner and listed Victim 2's Social Security Number. Nowhere on the Form 1065 or supporting schedules did defendant LUCAS list his own name or Social Security Number. Defendant LUCAS listed the VLM EIN in several places on the Form 1065 and supporting schedules. Defendant LUCAS listed Victim 2's name and Social Security Number on the Form 1065 and accompanying schedules without Victim 2's

knowledge or permission. These false statements and representations were material to the IRS.

3. On or about May 14, 2012, in the District of New Jersey and elsewhere, defendant

ANDREW LUCAS

in a matter within the jurisdiction of the executive branch of the Government of the United States, specifically the Internal Revenue Service, knowingly and willfully (1) falsified, concealed and covered up by a trick, scheme and device a material fact; (2) made a material false, fictitious and fraudulent statement and representation; and (3) made and used a false writing and document knowing the same to contain a materially false, fictitious and fraudulent statement and entry.

In violation of Title 18, United States Code, Section 1001 and Section 2.

**COUNT SEVEN**  
**(Aggravated Identity Theft)**

1. Paragraphs 1 to 4 and 6 to 7 of Count One and paragraphs 1 to 3 of Count Six of this Indictment are hereby incorporated and realleged as if fully set forth herein.

2. On or about May 14, 2012, in the District of New Jersey, and elsewhere, defendant

ANDREW LUCAS

did knowingly transfer, possess, and use, without lawful authority, a means of identification of another person, namely Victim 2's name, signature, and Social Security Number, during and in relation to a felony violation – namely, the violation of Title 18, United States Code, Section 1001, charged in Count Six of this Indictment.

In violation of Title 18, United States Code, Section 1028A(a)(1) and Title 18, United States Code, Section 2.

**COUNT EIGHT**

**(False Statements to the Internal Revenue Service)**

1. Paragraphs 1 to 4 and 6 to 7 of Count One of this Indictment are hereby incorporated and realleged as if fully set forth herein.

2. On or about April 20, 2013, defendant LUCAS caused a Form 1065, U.S. Return of Partnership Income, to be filed with the IRS on behalf of VLM for tax year 2012. Defendant LUCAS caused this return (1) to falsely state on page 3 that Victim 2 was the "designated TMP," or Tax Matters Partner, for tax year 2012 and listed Victim 2's Social Security Number; and (2) to falsely state on Schedule K-1 that Victim 2 was a partner and listed Victim 2's Social Security Number. Nowhere on the Form 1065 or supporting schedules did defendant LUCAS list his own name or Social Security Number. Defendant LUCAS listed the VLM EIN in several places on the Form 1065 and supporting schedules. Defendant LUCAS listed Victim 2's name and Social Security Number on the Form 1065 and accompanying schedules without Victim 2's knowledge or permission. These false statements and representations were material to the IRS.

3. On or about April 20, 2013, in the District of New Jersey and elsewhere, defendant

ANDREW LUCAS

in a matter within the jurisdiction of the executive branch of the Government of the United States, specifically the Internal Revenue Service, knowingly and willfully (1) falsified, concealed and covered up by a trick, scheme and device a material fact; (2) made a material false, fictitious and fraudulent statement or representation; and (3) made and used a false writing and document knowing the same to contain a materially false, fictitious and fraudulent statement and entry.

In violation of Title 18, United States Code, Section 1001 and Title 18, United States Code, Section 2.

**COUNT NINE**  
**(Aggravated Identity Theft)**

1. Paragraphs 1 to 4 and 6 to 7 of Count One and paragraphs 1 to 3 of Count Eight of this Indictment are hereby incorporated and realleged as if fully set forth herein.

2. On or about April 20, 2013, in the District of New Jersey, and elsewhere, defendant

ANDREW LUCAS

did knowingly transfer, possess, and use, without lawful authority, a means of identification of another person, namely Victim 2's name and Social Security Number, during and in relation to a felony violation – namely, the violation of Title 18, United States Code, Section 1001, as set forth in Count Eight of this Indictment.

In violation of Title 18, United States Code, Section 1028A(a)(1) and Title 18, United States Code, Section 2.

COUNT TEN  
(Obstruction of a Grand Jury Investigation)

1. Paragraph 1 of Count One of this Indictment is hereby incorporated and realleged as if fully set forth herein.

2. By on or about February 1, 2013, federal law enforcement authorities and a federal grand jury sitting in Trenton, New Jersey were investigating certain activities of defendant LUCAS regarding VLM, Diamond Developers, and Lucas Capital Advisors, including conduct set forth in this Indictment.

3. On or about February 7, 2013, in connection with this investigation, defendant LUCAS was served three grand jury subpoenas, addressed to the custodians of records of VLM, Diamond Developers, and Lucas Capital Advisors, respectively. The subpoena to VLM requested, among other things, corporate records for VLM and "[a]ny and all correspondence (including e-mail) to or from entities that received disbursements of any nature or purposes from VLM Investments LLC and any and all documents reflecting such disbursements."

4. On or about March 12, 2013, defendant LUCAS, through his attorney, produced to federal authorities a disk that contained files and documents in response to the grand jury subpoenas served on defendant LUCAS on or about February 7, 2013. Along with the disk of files and documents, defendant

LUCAS transmitted three Certifications of Records declaring "under penalty of perjury" that he was a "custodian of records" for VLM, Diamond Developers, and Lucas Capital Advisors, respectively, and that the records "were made at or near the time of the occurrence of the matters set forth in the record." The Certifications of Records each bore defendant LUCAS's signature and were dated March 9, 2013.

5. On the disk produced on or about March 12, 2013, defendant LUCAS caused to be included a one-page letter dated February 1, 2013 on VLM letterhead. The letter purported to be from Victim 2 and was addressed to defendant LUCAS as the Managing Member of Diamond Developers. The letter stated:

To Mr. Lucas:

As you will recall, on March 2, 2010 VLM Investments, LLC provided you a line of credit in the amount of \$525,000. You used the funds for the purchase of membership units in Diamond Developers at Burke Farm, LLC and secured the transaction with the asset of real estate known as Block 69, Lot 8.01 & 9 in Manalapan, New Jersey.

You have requested a letter stating the principal and interest owed for a payment date of March 1, 2013.

Principal Balance as of 2/1/13	\$498,056.23
Accrued interest to 3/1/13	\$3,114.56
Total	\$501,170.79

Thank you for your cooperation in this matter,

[Victim 2]

Defendant LUCAS created the letter, after he received the grand jury subpoenas, to conceal the fact that he fraudulently obtained funds to purchase Diamond Developers from Victim 1 and otherwise to influence the investigation into his conduct.

6. Defendant LUCAS produced this February 1, 2013 letter in two forms on the disk: (1) as an Adobe PDF file named "Private loan payoff;" and (2) as a Microsoft Word file named "DD Payoff." The files differ in that the PDF file bears the purported signature of Victim 2 and the Word file does not. Victim 2 did not sign this letter, and defendant LUCAS placed the false signature on the letter for the purpose of influencing the investigation into his conduct.

7. From on or about February 7, 2013 to on or about March 12, 2013, in the District of New Jersey, and elsewhere, defendant

ANDREW LUCAS

did knowingly and corruptly endeavor to influence, obstruct and impede the due administration of justice, namely, a federal grand jury investigation being conducted in the District of New Jersey.

In violation of Title 18, United States Code, Section 1503  
and Title 18, United States Code, Section 2.

COUNT ELEVEN

(Falsification of Records in a Federal Investigation)

1. Paragraph 1 of Count One and paragraphs 1 to 6 of Count Ten of this Indictment are hereby incorporated and realleged as if fully set forth herein.

2. From on or about February 7, 2013 to on or about March 12, 2013, in the District of New Jersey, and elsewhere, defendant

ANDREW LUCAS

did knowingly alter, conceal, cover up and falsify a record, document and tangible object, namely a letter dated February 1, 2013, which was produced pursuant to a grand jury subpoena, with the intent to impede, obstruct, and influence the 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 such matter and case, namely, an investigation of the United States Department of Justice.

In violation of Title 18, United States Code, Section 1519 and Title 18, United States Code, Section 2.

### FIRST FORFEITURE ALLEGATION

1. The allegations contained in all paragraphs of this Indictment are hereby incorporated and realleged by reference for the purpose of noticing forfeiture pursuant to Title 18, United States Code, Sections 981(a)(1)(C), 982(a)(2)(A) and Title 28, United States Code, Section 2461(c).

2. The United States hereby gives notice to defendant LUCAS that, upon conviction of Counts One or Three of this Indictment, the United States will seek forfeiture, in accordance with Title 18, United States Code, Sections 981(a)(1)(C), 982(a)(2)(A) and Title 28, United States Code, Section 2461(c), of any and all property, real or personal, that constitutes or is derived from proceeds traceable to the commission of such offense, including but not limited to: the real property known as Burke Farm, 105 Iron Ore Road, Manalapan, New Jersey, also described as Block 69, Lots 8.1 and 9, on the tax assessor's map of the Township of Manalapan.

3. If by any act or omission of defendant LUCAS, any of the property subject to forfeiture described above:

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

SECOND FORFEITURE ALLEGATION

1. The allegations contained in all paragraphs of this Indictment are hereby incorporated and realleged by reference for the purpose of noticing forfeiture pursuant to Title 18, United States Code, Section 982(a)(1).

2. The United States hereby gives notice to defendant LUCAS that, upon conviction of Count Two of this Indictment, the United States will seek forfeiture in accordance with Title 18, United States Code, Section 982(a)(1), of all property involved in the offense of conviction in violation of Title 18, United States Code, Section 1957, and all property traceable to such property including but not limited to: the real property known as Burke Farm, 105 Iron Ore Road, Manalapan, New Jersey, also described as Block 69, Lots 8.1 and 9, on the tax assessor's map of the Township of Manalapan.

3. If by any act or omission of the defendant, any of the property subject to forfeiture described above:

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), to seek forfeiture of any other property of defendant LUCAS up to the value of the above-described forfeitable property.

A TRUE BILL



FOR PERSON

*Paul J. Fishman*  
\_\_\_\_\_  
PAUL J. FISHMAN  
United States Attorney

CASE NUMBER: 14-

---

---

United States District Court  
District of New Jersey

---

---

UNITED STATES OF AMERICA

v.

ANDREW LUCAS

---

---

INDICTMENT FOR

18 U.S.C. §§ 981, 982, 1001, 1014, 1028A, 1343,  
1503, 1519, 1957 and § 2; 28 U.S.C. § 2461

---

---

A True Bill,

  
Foreperson

---

---

PAUL J. FISHMAN

U.S. ATTORNEY  
NEWARK, NEW JERSEY

---

---

JOHN E. CLABBY / VIKAS KHANNA  
ASSISTANT U.S. ATTORNEYS  
TRENTON, NEW JERSEY  
609-989-2190

---

---