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FILED

JUN 10 2010

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY [Signature]
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

1:10 CR 00247 GWH

UNITED STATES OF AMERICA,)	No.
)	
Plaintiff,)	Violations: 18 U.S.C. §§ 1343
)	and 1346 - Wire Fraud and
v.)	Attempted Wire Fraud (Twenty-
)	Nine Counts); 18 U.S.C. §
TONY HUY HAVENS,)	981(a)(1)(C) and 28 U.S.C. §
)	2461(c) - Criminal Forfeiture
Defendant.)	
)	
)	

I N D I C T M E N T

COUNTS ONE THROUGH TWENTY-NINE: [18 U.S.C. § 1343 - Wire Fraud]

The Grand Jury charges:

TONY HUY HAVENS,
defendant herein, as follows:

I. Introduction

At all times material herein:

1. During the course of this scheme to defraud, the defendant HAVENS committed the following acts and other acts himself and/or through the acts of his agents.

2. Beginning at a date unknown to the grand jury but no later than in or about January 2008 and continuing through on or

1 about December 2008, in the County of Stanislaus, the State and
2 Eastern District of California, and elsewhere, the defendant
3 HAVENS devised and intended to devise a scheme to defraud
4 individuals through an "advance fee" fraudulent real estate
5 scheme, and to obtain money through false and fraudulent
6 pretenses, representations and promises.

7 II. Manner and Means of the Scheme to Defraud

8 3. It was a part of the said scheme to defraud that:

9 A. HAVENS would tell victim borrowers that he could
10 assist them in obtaining a real estate loan from third-party
11 lenders. The victim borrowers were generally seeking multi-million
12 dollar loans for large construction projects. A majority of the
13 victim-borrowers were desperate for financing to keep their
14 projects from foreclosure. HAVENS preyed on the fact the
15 borrowers were desperate for financing and executed a fraudulent
16 scheme where he took money from borrowers and told them financing
17 was going to be arranged with third-party lenders.

18 B. HAVENS would provide the victim borrowers with
19 fraudulent documents that showed a third-party lender was prepared
20 to make a loan to the victim.

21 C. Based on HAVENS instructions, the victim borrower
22 would wire transfer money into a bank account at Bank of America,
23 Modesto, California, in the name of HAVENS' mother Phuong T.
24 Havens, but controlled by HAVENS, to pay in advance certain costs
25 associated with the loan.

26 D. No lenders stood ready to make the loans solicited
27 by HAVENS, and no loans were made to the victim borrowers. In
28 some cases, the described lenders did not even exist. In other

1 cases; the lenders existed, but had not actually committed to make
2 the loans solicited by HAVENS.

3 E. HAVENS represented that he could arrange at least
4 \$1.1 billion in financing for at least fifteen victim borrowers,
5 and collected at least \$248,750 by wire transfers from the victim
6 borrowers, as set forth below:

<u>Victim</u>	<u>Amount of Loan Solicited</u>	<u>Named Lender</u>	<u>Amount Wire Transferred to HAVENS</u>
Mickey Gary WHITAKER	\$15,922,500	International Funding Corporation and Dynasty International	\$10,000
Andre KANDY	\$23,400,000	International Funding Corporation	\$7,750
Christine TOWNS	\$50,000,000	Managed Mortgage Investment and Dynasty International	\$17,500
Richard LANDRY	\$37,400,000	Preferred Funding Corporation	\$25,000
Julius POSTON	\$87,000,000	Integrity Private Funding and Dynasty International	\$35,000

<u>Victim</u>	<u>Amount of Loan Solicited</u>	<u>Named Lender</u>	<u>Amount Wire Transferred to HAVENS</u>
Thomas Nicholas LUX	\$145,000,000	Dynasty International	\$62,000
Glenn WILLIAMS	\$168,000,000	Dynasty International	\$7,000
Rick THOENNES	\$275,000,000	Dynasty International	\$17,000
Pete KNOWLES	\$22,200,000	Dynasty International	\$7,000
Chip HARING	\$3,500,000	International Funding and Dynasty International	\$12,500
Jay TALLMAN	Unknown	Dynasty International	\$7,000
John CASSETTA	\$250,000,000	Dynasty International	\$14,000
Ron WARD and Vic DEAL	Unknown	Dynasty International	\$7,000
Samuel KAUFMAN	\$100,000,000	Dynasty International	\$20,000

1 II. Execution of the Scheme to Defraud

2 4. On or about each of the dates set forth below, in the
3 County of Stanislaus, State and Eastern District of California,
4 and elsewhere, defendant TONY HUY HAVENS for the purposes of
5 executing the scheme described above, and attempting to do so,
6 knowingly transmitted and caused to be transmitted by means of
7 wire communications in interstate commerce the signals and sounds
8 described below for each count, each transmission constituting a
9 separate count:

10

<u>COUNT</u>	<u>DATE</u>	<u>Victim</u>	<u>DESCRIPTION OF WIRE COMMUNICATION</u>
11 1	2/6/2008	Mickey Gary WHITAKER	\$3,000 wire transfer from Trustmark National Bank, Jackson, MS to Bank of America, Modesto, CA to account of Phuong T. Havens
12 2	3/3/2008	Mickey Gary WHITAKER	\$7,000 wire transfer from Trustmark National Bank, Jackson, MS to Bank of America, Modesto, CA to account of Phuong T. Havens
13 3	3/26/2008	Andre KANDY	\$2,750 wire transfer from Silverton Bank, Atlanta, GA to Bank of America, Modesto, CA to account of Phuong T. Havens
14 4	5/12/2008	Andre KANDY	\$2,000 wire transfer from Silverton Bank, Atlanta, GA to Bank of America, Modesto, CA to account of Phuong T. Havens
15 5	5/16/2008	Andre KANDY	\$3,000 wire transfer from Silverton Bank, Atlanta, GA to Bank of America, Modesto, CA to account of Phuong T. Havens
16 6	7/15/2008	Christine TOWNS	\$17,500 wire transfer from Bank of America, Hamilton, MI to Bank of America, Modesto, CA to account of Phuong T. Havens

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<u>COUNT</u>	<u>DATE</u>	<u>Victim</u>	<u>DESCRIPTION OF WIRE COMMUNICATION</u>
7	4/8/2008	Richard LANDRY	\$10,000 wire transfer from Hancock Bank of Louisiana, Baton Rouge, LA to Bank of America, Modesto, CA to account of Phuong T. Havens
8	4/8/2008	Richard LANDRY	\$15,000 wire transfer from Hancock Bank of Louisiana, Baton Rouge, LA to Bank of America, Modesto, CA to account of Phuong T. Havens
9	6/3/2008	Julius POSTEN	\$35,000 wire transfer from Coastal Community Bank, Apalachicola, FL to Bank of America, Modesto, CA to account of Phuong T. Havens
10	10/15/2008	Thomas Nicholas LUX	\$7,000 wire transfer from Peoples First Community Bank, Panama City, FL to Bank of America, Modesto, CA to account of Phuong T. Havens
11	10/8/2008	Thomas Nicholas LUX	\$7,000 wire transfer from Peoples First Community Bank, Panama City, FL to Bank of America, Modesto, CA to account of Phuong T. Havens
12	10/14/2008	Thomas Nicholas LUX	\$7,000 wire transfer from Peoples First Community Bank, Panama City, FL to Bank of America, Modesto, CA to account of Phuong T. Havens
13	10/14/2008	Thomas Nicholas LUX	\$7,000 wire transfer from Peoples First Community Bank, Panama City, FL to Bank of America, Modesto, CA to account of Phuong T. Havens
14	10/14/2008	Thomas Nicholas LUX	\$7,000 wire transfer from Peoples First Community Bank, Panama City, FL to Bank of America, Modesto, CA to account of Phuong T. Havens
15	11/7/2008	Thomas Nicholas LUX	\$3,000 wire transfer from Peoples First Community Bank, Panama City, FL to Bank of America, Modesto, CA to account of Phuong T. Havens

<u>COUNT</u>	<u>DATE</u>	<u>Victim</u>	<u>DESCRIPTION OF WIRE COMMUNICATION</u>
16	11/7/2008	Thomas Nicholas LUX	\$3,000 wire transfer from Peoples First Community Bank, Panama City, FL to Bank of America, Modesto, CA to account of Phuong T. Havens
17	11/7/2008	Thomas Nicholas LUX	\$10,000 wire transfer from Peoples First Community Bank, Panama City, FL to Bank of America, Modesto, CA to account of Phuong T. Havens
18	12/17/2008	Thomas Nicholas LUX	\$4,000 wire transfer from Peoples First Community Bank, Panama City, FL to Bank of America, Modesto, CA to account of Phuong T. Havens
19	12/23/2008	Thomas Nicholas LUX	\$7,000 wire transfer from Peoples First Community Bank, Panama City, FL to Bank of America, Modesto, CA to account of Phuong T. Havens
20	9/25/2008	Glenn WILLIAMS	\$7,000 wire transfer from Columbus Bank and Trust Company, Columbus, GA to Bank of America, Modesto, CA to account of Phuong T. Havens
21	11/28/2008	Rick THOENNES	\$10,000 wire transfer from Southern First Bank, Greenville, SC to Bank of America, Modesto, CA to account of Phuong T. Havens
22	9/11/2008	Rick THOENNES	\$4,500 wire transfer from Southern First Bank, Greenville, SC to Bank of America, Modesto, CA to account of Phuong T. Havens
23	8/27/2008	Pete KNOWLES	\$7,000 wire transfer from Bank Trust, Mobile, AL to Bank of America, Modesto, CA to account of Phuong T. Havens
24	1/28/2008	Chip HARING	\$12,500 wire transfer from Bankcorp South Bank, Tupelo, MS to Bank of America, Modesto, CA to account of Phuong T. Havens

<u>COUNT</u>	<u>DATE</u>	<u>Victim</u>	<u>DESCRIPTION OF WIRE COMMUNICATION</u>
25	10/1/2008	Jay TALLMAN	\$7,000 wire transfer from Northern Trust National Association Bank, Miami, FL to Bank of America, Modesto, CA to account of Phuong T. Havens
26	10/1/2008	John CASSETTA	\$14,000 wire transfer from National City Bank, Kalamazoo, MI to Bank of America, Modesto, CA to account of Phuong T. Havens
27	11/19/2008	Ron WARD and Vic DEAL	\$7,000 wire transfer from Wachovia Bank, Jacksonville, FL to Bank of America, Modesto, CA to account of Phuong T. Havens
28	12/29/2008	Samuel KAUFMAN	\$10,000 transfer from Manufacturers & Traders Trust Co, Buffalo, NY to Bank of America, Modesto, CA to account of Phuong T. Havens
29	12/29/2008	Samuel KAUFMAN	\$10,000 wire transfer from Manufacturers & Traders Trust Co, Buffalo, NY to Bank of America, Modesto, CA to account of Phuong T. Havens

All in violation of Title 18, United States Code, Sections 1343 and 1346.

COUNT THIRTY: [18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) - Notice of Criminal Forfeiture]

The Grand Jury further charges:

TONY HUY HAVENS,
defendant herein, as follows:

5. The allegations contained in Counts One through Twenty-Nine of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to

1 Title 18, United States Code, Section 981(a)(1)(C) and Title 28,
2 United States Code, Section 2461(c).

3 6. Upon conviction of the offenses in violation of Title
4 18, United States Code, Section 1343 set forth in Counts One
5 through Twenty Nine of this Indictment, the defendant, TONY HUY
6 HAVENS, shall forfeit to the United States of America, pursuant to
7 Title 18, United States Code, Section 981(a)(1)(C) and Title 28,
8 United States Code, Section 2461(c), any property, real or
9 personal, which constitutes or is derived from proceeds traceable
10 to the offenses.

11 7. If any of the property described above as being subject
12 to forfeiture, as a result of any act or omission of defendant:

- 13 (1) cannot be located upon the exercise of due
14 diligence;
15 (2) has been transferred or sold to, or deposited with,
16 a third person;
17 (3) has been placed beyond the jurisdiction of the
18 court;
19 (4) has been substantially diminished in value; or
20 (5) has been commingled with other property which
21 cannot subdivided without difficulty;

22 the United States of America shall be entitled to forfeiture of
23 substitute property pursuant to Title 21, United States Code,
24 Section 853(p), as incorporated by Title 28, United States Code,
25 Section 2461(c).

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1 All pursuant to Title 18, United States Code, Section
2 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

3 A TRUE BILL

4 /s/ Signature on file w/AUSA

5
6 FOREPERSON

7 BENJAMIN B. WAGNER
8 United States Attorney

9 By: **KEVIN P. ROONEY** *for*

10 MARK E. CULLERS
11 Assistant U.S. Attorney
12 Chief, Fresno Office
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No. _____

UNITED STATES DISTRICT COURT

Eastern District of California

Criminal Division

FILED

JUN 10 2010

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BY

DEPUTY CLERK

THE UNITED STATES OF AMERICA

vs.

1:10 CR 00247 OVW

TONY HUY HAVENS

INDICTMENT

**VIOLATION(S): 18 U.S.C. §§ 1343 and 1346 - WIRE FRAUD
AND ATTEMPTED WIRE FRAUD; 18 U.S.C. § 981(a)(1)(C) and
28 U.S.C. § 2461(c) - CRIMINAL FORFEITURE**

A true bill,

15

Foreman.

Filed in open court this _____ day

of _____, A.D. 20 _____

Clerk.

Bail, \$ **NO BAIL WARRANT**

GPO 863 525

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION -- IN U.S. DISTRICT COURT

By ☐ COMPLAIN ☐ INFORMATIO ☒ INDICTMENT

Name of District Court, and/or Judge Magistrate
EASTERN DISTRICT OF CALIFORNIA
FRESNO, CALIFORNIA

OFFENSE CHARGED
PLEASE SEE INDICTMENT

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

Place of Offense

Modesto County

U.S.C. Citation

Please see Indictment

DEFENDANT -- U.S. vs.

Tony Huy Havens

Address {

1: 10 CR 00247 OVIW

Birth
Date

☒ Male ☐ Alien
☐ Female (if

(Optional unless a juvenile)

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

SA Gulley/Stanslaus Co. DA

☐ this person is awaiting trial in another Federal or State
give name of court.

☐ this person/proceeding is transferred from another district
per (circle one) FRCrP 20, 21, or 40. Show District

☐ this is a reprosecution of
previously dismissed which
dismissed on motion of:
☐ U.S. Att'y ☐ Defense

SHOW
DOCKET NO.

☐ this prosecution relates to a pending
case involving this same

☐ prior proceeding or
before U.S. Magistrate
this defendant were recorded

MAGISTRATE
CASE NO.

Name and Office of Person
Furnishing information on

THIS FORM

MARIA G. ROBLES

☒ U.S. Att'y ☐ Other
U.S.

Name of Asst. U.S.

Mark J. McKeon

DEFENDANT

IS NOT IN CUSTODY

- 1) ☒ Has not been arrested, pending outcome this
proceeding
if not detained give date any prior summons
was served on above charges _____
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Realease from (show District)

IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction ☐ Fed' ☐ State
- 6) ☐ Awaiting trial on other charges
If answer to (6) is "Yes", show name of institution

Has
detainer

Yes

If
"Yes"

No

date

DATE OF
ARREST

Mo. Day Year

Or ... if arresting Agency & Warrant were not Federal

DATE TRANSFERRED
TO U.S. CUSTODY

Mo. Day Year

☐ This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PENALTIES: See Indictment

DEFN. BAIL STATUS: Issue No Bail Warrant

PENALTY SLIP

DEFENDANT: TONY HUY HAVENS

VIOLATION: 18 U.S.C. §§ 1343 and 1346 -
Wire Fraud and Attempted Wire Fraud
(Counts one through 29)

PENALTY: 20 years imprisonment
\$250,000 fine