COUNT SEVENTEEN: (21 U.S.C. §§ 331(a) and 333(a)(2); 18 U.S.C. § 2–Introduction/Delivery For Introduction of Misbranded Drugs With Intent To Defraud And Mislead; Aiding and Abetting)

39. On or about July 3, 2003, in San Mateo County, in the Northern District of California, the defendants

VICTOR CONTE, JR., and
JAMES VALENTE

did, with the intent to defraud and mislead, introduce and deliver for introduction into interstate commerce a drug they described as "The Clear," also known as tetrahydragestrinone, a/k/a THG, which was misbranded:

a) as defined in 21 U.S.C. § 352(b), in that the drug was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor; and

b) as defined in 21 U.S.C. § 352(f), in that its labeling failed to bear adequate directions for use, and also failed to bear adequate warnings against its use in those pathological conditions or by children whereby its use might be dangerous to health, or against unsafe dosage or methods or duration of administration or application.

All in violation of Title 21, United States Code, Sections 331(a) and 333(a)(2), and Title 18, United States Code, Section 2.

COUNT EIGHTEEN: (21 U.S.C. §§ 331(k) and 333(a)(2); 18 U.S.C. § 2--Misbranding Of A Drug While Held For Sale With Intent To Defraud And Mislead; Aiding and Abetting)

40. On or about April 23, 2001, in San Mateo County, in the Northern District of California, the defendants

VICTOR CONTE, JR.,
JAMES VALENTE, and
REMI KORCHEMNY

did, with the intent to defraud and mislead, dispense a prescription drug, specifically, the drug they described as "The Clear," also known as tetrahydragestrinone, a/k/a "THG," to a consumer without the valid prescription of a licensed practitioner, which is deemed an act which resulted in the drug being misbranded while held for sale after shipment in interstate commerce pursuant to 21 U.S.C. § 353(b)(1), in violation of Title 21, United States Code, Sections 331(k) and 333(a)(2), and Title 18, United States Code, Section 2.

COUNT NINETEEN: (21 U.S.C. §§331(k) and 333(a)(2); 18 U.S.C. § 2--Misbranding Of Drug Held For Sale With Intent To Defraud And Mislead; Aiding and Abetting)

41. On or about April 23, 2001, in San Mateo County, in the Northern District of California, the defendants

VICTOR CONTE, JR., and
JAMES VALENTE

did, with the intent to defraud and mislead, dispense a prescription drug, specifically, human growth hormone, a/k/a "HGH," to a consumer without the valid prescription of a licensed practitioner, which is deemed an act which resulted in the drug being misbranded while held for sale after shipment in interstate commerce pursuant to 21 U.S.C. § 353(b)(1), in violation of Title 21, United States Code, Sections 331(k) and 333(a)(2), and Title 18, United States Code, Section 2.

COUNT TWENTY: (21 U.S.C. §§ 331(k) and 333(a)(2); 18 U.S.C. § 2--Misbranding Of a Drug While Held For Sale With Intent To Defraud And Mislead; Aiding and Abetting)

42. On or about April 23, 2001, in San Mateo County, in the Northern District of California, the defendants

VICTOR CONTE, JR.,
JAMES VALENTE, and
REMI KORCHEMNY

did, with the intent to defraud and mislead, dispense a prescription drug, specifically, erythropoietin, a/k/a "EPO," to a consumer without the valid prescription of a licensed practitioner, which is deemed an act which resulted in the drug being misbranded while held for sale after shipment in interstate commerce pursuant to 21 U.S.C. § 353(b)(1), in violation of Title 21, United States Code, Sections 331(k) and 333(a)(2), and Title 18, United States Code, Section 2.

COUNT TWENTY-ONE: (21 U.S.C. §§ 331(k) and 333(a)(2); 18 U.S.C. § 2--Misbranding Of a Drug While Held For Sale With Intent To Defraud And Mislead; Aiding and Abetting)

43. On or about July 23, 2001, in San Mateo County, in the Northern District of California, the defendants

VICTOR CONTE, JR.,
JAMES VALENTE, and
REMI KORCHEMNY

did, with the intent to defraud and mislead, dispense a prescription drug, specifically, the drug they described as "The Clear," also known as tetrahydragestrinone, a/k/a "THG," to a consumer without the valid prescription of a licensed practitioner, which is deemed an act which resulted in the drug being misbranded while held for sale after shipment in interstate commerce pursuant to 21 U.S.C. § 353(b)(1), in violation of Title 21, United States Code, Sections 331(k) and 333(a)(2), and Title 18, United States Code, Section 2.

COUNT TWENTY-TWO: (21 U.S.C. §§ 331(k) and 333(a)(2); 18 U.S.C. § 2--Misbranding Of Drug Held For Sale With Intent To Defraud And Mislead; Aiding and Abetting)

44. On or about July 23, 2001, in San Mateo County, in the Northern District of California, the defendants

VICTOR CONTE, JR.,
JAMES VALENTE, and
REMI KORCHEMNY

did, with the intent to defraud and mislead, dispense a prescription drug, specifically, erythropoietin, a/k/a "EPO," to a consumer without the valid prescription of a licensed practitioner, which is deemed an act which resulted in the drug being misbranded while held for sale after shipment in interstate commerce pursuant to 21 U.S.C. § 353(b)(1), in violation of Title 21, United States Code, Sections 331(k) and 333(a)(2), and Title 18, United States Code, Section 2.

COUNT TWENTY-THREE: (21 U.S.C. §§ 331(k) and 333(a)(2); 18 U.S.C. § 2--Misbranding Of Drug Held For Sale With Intent To Defraud And Mislead; Aiding and Abetting)

45. On or about July 23, 2001, in San Mateo County, in the Northern District of California, the defendants

VICTOR CONTE, JR., and
JAMES VALENTE

did, with the intent to defraud and mislead, dispense a prescription drug, specifically, human growth hormone, a/k/a "HGH," to a consumer without the valid prescription of a licensed practitioner, which is deemed an act which resulted in the drug being misbranded while held for sale after shipment in interstate commerce pursuant to 21 U.S.C. § 353(b)(1), in violation of Title 21, United States Code, Sections 331(k) and 333(a)(2), and Title 18, United States Code, Section 2.

COUNT TWENTY-FOUR: (21 U.S.C. §§ 331(k) and 333(a)(2)--Misbranding of Drugs While Held For Sale With Intent To Defraud And Mislead)

46. On or about November 5, 2001, in San Mateo County, in the Northern District of California, the defendant

GREG ANDERSON

did, with the intent to defraud and mislead, dispense a prescription drug, specifically, human growth hormone, a/k/a "HGH," to a consumer without the valid prescription of a licensed practitioner, which is deemed an act which resulted in the drug being misbranded while held for sale after shipment in interstate commerce pursuant to 21 U.S.C. § 353(b)(1), in violation of Title 21, United States Code, Sections 331(k) and 333(a)(2).

COUNT TWENTY-FIVE: (21 U.S.C. §§ 331(k) and 333(a)(2); 18 U.S.C. § 2--Misbranding Of Drug While Held For Sale With Intent To Defraud And Mislead; Aiding and Abetting)

47. On or about December 1, 2001, in San Mateo County, in the Northern District of California, the defendants

VICTOR CONTE, JR.,
JAMES VALENTE, and
REMI KORCHEMNY

did, with the intent to defraud and mislead, dispense a prescription drug, specifically, the drug they described as "The Clear," also known as tetrahydragestrinone, a/k/a "THG," to a consumer

without the valid prescription of a licensed practitioner, which is deemed an act which resulted in the drug being misbranded while held for sale after shipment in interstate commerce pursuant to 21 U.S.C. § 353(b)(1), in violation of Title 21, United States Code, Sections 331(k) and 333(a)(2), and Title 18, United States Code, Section 2.

COUNT TWENTY-SIX: (21 U.S.C. §§ 331(k) and 333(a)(2); 18 U.S.C. § 2--Misbranding Of Drug While Held For Sale With Intent To Defraud And Mislead; Aiding and Abetting)

48. On or about December 1, 2001, in San Mateo County, in the Northern District of California, the defendants

VICTOR CONTE, JR.,
JAMES VALENTE, and
REMI KORCHEMNY

did, with the intent to defraud and mislead, dispense a prescription drug, specifically, the drug they described as "The Cream," an anabolic steroid in the form of a testosterone-based cream, to a consumer without the valid prescription of a licensed practitioner, which is deemed an act which resulted in the drug being misbranded while held for sale after shipment in interstate commerce pursuant to 21 U.S.C. § 353(b)(1), in violation of Title 21, United States Code, Sections 331(k) and 333(a)(2), and Title 18, United States Code, Section 2.

COUNT TWENTY-SEVEN: (21 U.S.C. §§ 331(k) and 333(a)(2); 18 U.S.C. § 2--Misbranding Of a Drug While Held For Sale With Intent To Defraud And Mislead; Aiding and Abetting)

49. On or about June 11, 2002, in San Mateo County, in the Northern District of California, the defendants

VICTOR CONTE, JR.,
JAMES VALENTE, and
REMI KORCHEMNY

did, with the intent to defraud and mislead, dispense a prescription drug, specifically, modafinil, to a consumer without the valid prescription of a licensed practitioner, which is deemed an act which resulted in the drug being misbranded while held for sale after shipment in interstate commerce pursuant to 21 U.S.C. § 353(b)(1), in violation of Title 21, United States Code, Sections 331(k) and 333(a)(2), and Title 18, United States Code, Section 2.

COUNT TWENTY-EIGHT: (21 U.S.C. §§ 331(k) and 333(a)(2), and 18 U.S.C. § 2-Misbranding Of a Drug While Held For Sale With Intent To Defraud And Mislead; Aiding and Abetting)

50. On or about September 1, 2002, in San Mateo County, in the Northern District of California, the defendants

VICTOR CONTE, JR.,
JAMES VALENTE, and
REMI KORCHEMNY

did, with the intent to defraud and mislead, dispense a prescription drug, specifically, the drug they described as "The Cream," an anabolic steroid in the form of a testosterone-based cream, to a consumer without the valid prescription of a licensed practitioner, which is deemed an act which resulted in the drug being misbranded while held for sale after shipment in interstate commerce pursuant to 21 U.S.C. § 353(b)(1), in violation of Title 21, United States Code, Sections 331(k) and 333(a)(2), and Title 18, United States Code, Section 2.

COUNT TWENTY-NINE: (21 U.S.C. §§331(k) and 333(a)(2)--Misbranding of a Drug While Held For Sale With Intent To Defraud And Mislead)

51. On or about November 25, 2002, in San Mateo County, in the Northern District of California, the defendant

GREG ANDERSON

did, with the intent to defraud and mislead, dispense a prescription drug, specifically, human growth hormone, a/k/a "HGH," to a consumer without the valid prescription of a licensed practitioner, which is deemed an act which resulted in the drug being misbranded while held for sale after shipment in interstate commerce pursuant to 21 U.S.C. § 353(b)(1), in violation of Title 21, United States Code, Sections 331(a) and 333(a)(2).

COUNT THIRTY: (21 U.S.C. §§ 331(k) and 333(a)(2); 18 U.S.C. § 2--Misbranding Of A Drug While Held For Sale With Intent To Defraud And Mislead; Aiding and Abetting)

52. On or about June 1, 2003, in San Mateo County, in the Northern District of California, the defendants

VICTOR CONTE, JR.,
JAMES VALENTE, and
REMI KORCHEMNY

did, with the intent to defraud and mislead, dispense a prescription drug, specifically,

erythropoietin, a/k/a "EPO," to a consumer without the valid prescription of a licensed practitioner, which is deemed an act which resulted in the drug being misbranded while held for sale after shipment in interstate commerce pursuant to 21 U.S.C. § 353(b)(1), in violation of Title 21, United States Code, Sections 331(a) and 333(a)(2), and Title 18, United States Code, Section 2.

COUNT THIRTY-ONE: (21 U.S.C. §§ 331(k) and 333(a)(2); 18 U.S.C. § 2--Misbranding of A Drug While Held for Sale With Intent To Defraud And Mislead; Aiding and Abetting)

53. On or about July 3, 2003, in San Mateo County, in the Northern District of California, the defendants

VICTOR CONTE, JR.,
JAMES VALENTE, and
GREG ANDERSON

did, with the intent to defraud and mislead, dispense a prescription drug, specifically, modafinil, to a consumer without the valid prescription of a licensed practitioner, which is deemed an act which resulted in the drug being misbranded while held for sale after shipment in interstate commerce pursuant to 21 U.S.C. § 353(b)(1), in violation of Title 21, United States Code, Sections 331(k) and 333(a)(2), and Title 18, United States Code, Section 2.

COUNT THIRTY-TWO: (21 U.S.C. § 333(e)(1); 18 U.S.C. § 2-- Possession With Intent To Distribute Human Growth Hormone For Unauthorized Uses; Aiding and Abetting)

54. On or about April 23, 2001, in San Mateo County, in the Northern District of California, the defendants

VICTOR CONTE, JR., and
JAMES VALENTE

did knowingly possess with intent to distribute human growth hormone, a/k/a "HGH," for a use in humans other than the treatment of a disease or other recognized medical condition, where such use had been authorized by the Secretary of Health and Human Services, and pursuant to the order of a physician, in violation of Title 21, United States Code, Section 333(e)(1), and Title 18, United States Code, Section 2.

COUNT THIRTY-THREE: (21 U.S.C. § 333(e)(1); 18 U.S.C. § 2-- Possession With Intent To Distribute Human Growth Hormone For Unauthorized Uses; Aiding and Abetting)

55. On or about July 23, 2001, in San Mateo County, in the Northern District of California, the defendants

VICTOR CONTE, JR., and
JAMES VALENTE

did knowingly possess with intent to distribute human growth hormone, a/k/a "HGH," for a use in humans other than the treatment of a disease or other recognized medical condition, where such use had been authorized by the Secretary of Health and Human Services, and pursuant to the order of a physician, in violation of Title 21, United States Code, Section 333(e)(1), and Title 18, United States Code, Section 2.

COUNT THIRTY-FOUR: (21 U.S.C. § 333(e)(1)-- Possession With Intent To Distribute Human Growth Hormone For Unauthorized Uses)

56. On or about November 5, 2001, in San Mateo County, in the Northern District of California, the defendant

GREG ANDERSON

did knowingly possess with intent to distribute human growth hormone, a/k/a "HGH," for a use in humans other than the treatment of a disease or other recognized medical condition, where such use had been authorized by the Secretary of Health and Human Services, and pursuant to the order of a physician, in violation of Title 21, United States Code, Section 333(e)(1).

COUNT THIRTY-FIVE: (21 U.S.C. § 333(e)(1)-- Possession With Intent to Distribute Human Growth Hormone For Unauthorized Uses)

57. On or about November 25, 2002, in San Mateo County, in the Northern District of California, the defendant

GREG ANDERSON

did knowingly possess with intent to distribute human growth hormone, a/k/a "HGH," for a use in humans other than the treatment of a disease or other recognized medical condition, where such use had been authorized by the Secretary of Health and Human Services, and pursuant to the order of a physician, in violation of Title 21, United States Code, Section 333(e)(1).

COUNT THIRTY-SIX: (18 U.S.C. § 1956(h)--Conspiracy to Launder Monetary Instruments)

58. The allegations contained in paragraphs One through Twelve and Counts One through Seven of this Indictment are realleged and incorporated herein.

59. On or about and between December 1, 2001, and September 3, 2003, in San Mateo County, in the Northern District of California, and elsewhere, the defendants

VICTOR CONTE, JR.,
JAMES VALENTE, and
GREG ANDERSON,

and others known and unknown to the Grand Jury, did knowingly and intentionally conspire to conduct financial transactions affecting interstate commerce which in fact involved the proceeds of specified unlawful activity, that is, a conspiracy to distribute and possess with intent to distribute anabolic steroids, a controlled substance, in violation of Title 21, United States Code, Section 846, knowing that the transactions were designed at least in part to conceal and disguise the nature, the location, the source, the ownership, and the control of the proceeds of the specified unlawful activity, while knowing that the money involved in such financial transactions represented the proceeds of some form of unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i).

MANNER AND MEANS OF THE CONSPIRACY

60. The manner and means by which the conspiracy was carried out included the following:

a. From on or about December 1, 2001 through September 3, 2003, the defendants engaged in specified unlawful activity, to wit, conspiring to distribute and possess with intent to distribute anabolic steroids, as charged in Count One of the Indictment.

b. In order to conceal the proceeds of their unlawful activity, the defendants: (i) segregated proceeds derived from the sale of anabolic steroids from normal business proceeds by placing the criminal proceeds into a personal bank account; and (ii) used a third party to negotiate checks written as payment for the purchase of anabolic steroids, rather than depositing the checks as normal business proceeds.

OVERT ACTS IN FURTHERANCE OF THE CONSPIRACY

61 In furtherance of the conspiracy and to attain its ends, the defendants committed the following overt acts, among others, in the Northern District of California and elsewhere:

a. On or about March 13, 2002, in San Mateo County, defendant Conte deposited a check in the amount of $950 from a track and field athlete into his personal checking account.

b. On or about June 4, 2002, in San Mateo County, defendant Conte deposited a check in the amount of $960 from a track and field athlete into his personal checking account.

c. On or about August 20, 2002, in San Mateo County, defendant Conte deposited a check in the amount of $1,700 from a professional football player into his personal checking account.

d. On or about September 27, 2002, in San Mateo County, defendant Conte deposited a check in the amount of $1,250 from a professional football player into his personal checking account

e. On or about December 5, 2002, in San Mateo County, defendant Anderson caused another individual to cash a check in the amount of $1,000 from a professional baseball player.

f. On or about December 17, 2002, in San Mateo County, defendant Anderson caused another individual to cash a check in the amount of $730 from a professional baseball player.

g. On or about March 13, 2003, in San Mateo County, defendant Conte deposited a check in the amount of $300 from a track and field athlete into his personal checking account.

h. On or about April 8, 2003, defendant Anderson caused another individual to cash a check in the amount of $1,200 from a professional baseball player.

All in violation of Title 18, United States Code, Section 1956(h).

COUNT THIRTY-SEVEN: (18 U.S.C. §§ 1956(a)(1)(B)(i) and 2--Money Laundering; Aiding and Abetting)

62. Paragraphs One through Twelve, and Count One of this Indictment, are hereby realleged and incorporated by reference as though fully set forth herein.

63. On or about June 4, 2002, in San Mateo County, in the Northern District of California, the defendants

VICTOR CONTE, JR., and
JAMES VALENTE

did knowingly conduct a financial transaction affecting interstate commerce, to wit: by depositing a check in the amount of $960 into defendant Conte's personal checking account, which in fact involved the proceeds of a specified unlawful activity, that is, the conspiracy to distribute and possess with intent to distribute anabolic steroids as set forth in Count One, knowing that the transaction was designed at least in part to conceal and disguise the nature, location, source, ownership, and control of the proceeds of the specified unlawful activity, while knowing that the money involved in such financial transaction represented the proceeds of some form of unlawful activity, in violation of Title 18, United States Code, Sections 1956(a)(1)(B)(i) and 2.

COUNT THIRTY-EIGHT: (18 U.S.C. §§ 1956(a)(1)(B)(i) and 2--Money Laundering; Aiding and Abetting)

64. Paragraphs One through Twelve, and Count One of this Indictment, are hereby realleged and incorporated by reference as though fully set forth herein.

65. On or about August 20, 2002, in San Mateo County, in the Northern District of California, the defendants

VICTOR CONTE, JR., and
JAMES VALENTE

did knowingly conduct a financial transaction affecting commerce, to wit: by depositing a check in the amount of $1,700 into defendant Conte's personal checking account, which in fact involved the proceeds of a specified unlawful activity, that is, the conspiracy to distribute and possess with intent to distribute anabolic steroids as set forth in Count One, knowing that the transaction was designed at least in part to conceal and disguise the nature, location, source, ownership, and control of the proceeds of the specified unlawful activity, while knowing that the money involved

in such financial transaction represented the proceeds of some form of unlawful activity, in violation of Title 18, United States Code, Sections 1956(a)(1)(B)(i) and 2.

COUNT THIRTY-NINE: (18 U.S.C. §§ 1956(a)(1)(B)(i) and 2--Money Laundering; Aiding and Abetting)

66. Paragraphs One through Twelve, and Count One of this Indictment, are hereby realleged and incorporated by reference as though fully set forth herein.

67. On or about September 27, 2002, in San Mateo County, in the Northern District of California, the defendants

VICTOR CONTE, JR., and
JAMES VALENTE

did knowingly conduct a financial transaction affecting interstate commerce, to wit: by depositing a check in the amount of $1,250 into defendant Conte's personal checking account, which in fact involved the proceeds of a specified unlawful activity, that is, the conspiracy to distribute and possess with intent to distribute anabolic steroids as set forth in Count One, knowing that the transaction was designed at least in part to conceal and disguise the nature, location, source, ownership, and control of the proceeds of the specified unlawful activity, while knowing that the money involved in such financial transaction represented the proceeds of some form of unlawful activity, in violation of Title 18, United States Code, Sections 1956(a)(1)(B)(i) and 2.

COUNT FORTY: (18 U.S.C. §§ 1956(a)(1)(B)(i) and 2; – Money Laundering; Willfully Causing)

68. Paragraphs One through Twelve, and Count One of this Indictment, are hereby realleged and incorporated by reference as though fully set forth herein.

69. On or about December 5, 2002, in San Mateo County, in the Northern District of California, the defendant

GREG ANDERSON

did knowingly conduct a financial transaction affecting interstate commerce, to wit: by willfully causing another individual to cash a check in the amount of $1,000, which in fact involved the proceeds of a specified unlawful activity, that is, the conspiracy to distribute and possess with intent to distribute anabolic steroids as set forth in Count One, knowing that the transaction was designed at least in part to conceal and disguise the nature, location, source, ownership, and

control of the proceeds of the specified unlawful activity, while knowing that the money involved in such financial transaction represented the proceeds of some form of unlawful activity, in violation of Title 18, United States Code, Sections 1956(a)(1)(B)(i) and 2.

COUNT FORTY-ONE: (18 U.S.C. §§ 1956(a)(1)(B)(i) and 2– Money Laundering; Willfully Causing)

70. Paragraphs One through Twelve, and Count One of this Indictment, are hereby realleged and incorporated by reference as though fully set forth herein.

71. On or about December 17, 2002, in San Mateo County, in the Northern District of California, the defendant

GREG ANDERSON

did knowingly conduct a financial transaction affecting interstate commerce, to wit: by willfully causing another individual to cash a check in the amount of $730, which in fact involved the proceeds of a specified unlawful activity, that is, the conspiracy to distribute and possess with intent to distribute anabolic steroids as set forth in Count One, knowing that the transaction was designed at least in part to conceal and disguise the nature, location, source, ownership, and control of the proceeds of the specified unlawful activity, while knowing that the money involved in such financial transaction represented the proceeds of some form of unlawful activity, in violation of Title 18, United States Code, Sections 1956(a)(1)(B)(i) and 2.

COUNT FORTY-TWO: (18 U.S.C. §§1956(a)(1)(B)(i) and 2– Money Laundering; Willfully Causing)

72. Paragraphs One through Twelve, and Count One of this Indictment, are hereby realleged and incorporated by reference as though fully set forth herein.

73. On or about April 8, 2003, in San Mateo County, in the Northern District of California, the defendant

GREG ANDERSON

did knowingly conduct a financial transaction affecting interstate commerce, to wit: by causing another individual to cash a check in the amount of $1,200, which in fact involved the proceeds of a specified unlawful activity, that is, the conspiracy to distribute and possess with intent to distribute anabolic steroids as set forth in Count One, knowing that the transaction was designed

at least in part to conceal and disguise the nature, location, source, ownership, and control of the proceeds of the specified unlawful activity, while knowing that the money involved in such financial transaction represented the proceeds of some form of unlawful activity, in violation of Title 18, United States Code, Sections 1956(a)(1)(B)(i).

CRIMINAL FORFEITURE ALLEGATION: (21 U.S.C. §§ 853 and 881(a)--Drug Forfeiture)

74. The allegations contained in paragraphs One through Twelve and Counts One through Seven of this Indictment are realleged and incorporated herein.

75. As a result of the offenses alleged in Counts One through Seven above, defendants

VICTOR CONTE, JR.
JAMES VALENTE,
GREG ANDERSON, and
REMI KORCHEMNY

shall forfeit to the United States all right, title and interest in property constituting and derived from any proceeds, the defendants obtained, directly or indirectly, as a result of said violations, and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the said violations, including but not limited to the following property:

a. approximately $63,920 in United States currency seized at the residence of Greg Anderson on September 3, 2003;

b. a sum of money equal to the total amount of proceeds defendants derived from the commission of said offenses.

76. If, as a result of any act or omission of the defendant, any of said property

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 divided without difficulty;

any and all interest defendants have in any other property (not to exceed the value of the above forfeitable property) shall be forfeited to the United States.

All in violation of Title 21, United States Code, Sections 853(a)(1), (p), and 881(a) and

Rule 32.2 of the Federal Rules of Criminal Procedure.

CRIMINAL FORFEITURE ALLEGATION :(18 U.S.C. § 982--Money Laundering Forfeiture)

77 The allegations contained in paragraphs One through Twelve and Counts Thirty-Six through Forty-two of this Indictment are realleged and incorporated herein.

78. As a result of a conviction of the offenses alleged in Counts Thirty-Six through Forty-Two above, the defendants

VICTOR CONTE JR.,
JAMES VALENTE, and
GREG ANDERSON

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), all right, title and interest in property, real and personal, involved in said violation, or any property traceable to such property, including but not limited to the following:

a. all commissions, fees and other property constituting proceeds of said offense;

b. all property used in any manner to commit or facilitate the commission of said offense;

c. a sum of money equal to the total amount of money involved in the commission of said offense.

79. If, as a result of any act or omission of the defendants, any of said property

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 divided without difficulty;

any and all interest defendants have in any other property, up to value of the property described in paragraph 2 above, shall be forfeited to the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1).

All in violation of Title 18, United States Code, Sections 982, 1956(h), and Rule 32.2 of the Federal Rules of Criminal Procedure.

DATED:

A TRUE BILL.

FOREPERSON

KEVIN V. RYAN
United States Attorney

ROSS W. NADEL
Chief, Criminal Division

(Approved as to form: _____)
AUSA NEDROW