

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

-against-

ANTHONY THOMPSON,
ERIC VAN NGUYEN,
JAY FUNG,
JOSEPH DERVALI,
CHRISTOPHER BALSEIRO,
HANNA SCHMIEDER,
LUZ RODRIGUEZ,
KENNETH OXSALIDA,

Defendants.

THE GRAND JURY OF THE COUNTY OF NEW YORK, by this indictment, accuses the defendants Anthony Thompson, Eric Van Nguyen, Jay Fung, Joseph Dervali, Christopher Balseiro, Hanna Schmieder, Luz Rodriguez, and Kenneth Oxsalida of the crime of **SECURITIES FRAUD**, in violation of General Business Law §352-c(5), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, Jay Fung, Joseph Dervali, Christopher Balseiro, Hanna Schmieder, Luz Rodriguez, and Kenneth Oxsalida, in the County of New York and elsewhere, during the period from on or about April 3, 2009 to on or about June 1, 2012, intentionally engaged in a scheme constituting a systematic ongoing course of conduct with intent to defraud 10 or more persons and to obtain property from 10 or more persons by false and

fraudulent pretenses, representations, and promises and so obtained property from one or more such persons while engaged in inducing and promoting the issuance, distribution, exchange, sale, negotiation and purchase of securities, to wit, the stock of several companies including Hydrogenetics, Inc. (HYGN); Xynergy Holdings (XYNH); Blast Applications, Inc. (BLAP); Blue Gem Enterprise, Inc. (BGEM); Mass Hysteria Entertainment Company, Inc. (MHYS); Recycle Tech, Inc. (RCYT); Lyric Jeans, Inc. (LYJN); Smart Holdings, Inc. (SMHS); and Sunpeaks Ventures (SNPK).

SECOND COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, Jay Fung, Joseph Dervali, Christopher Balseiro, Hanna Schmieder, Luz Rodriguez, and Kenneth Oxsalida of the crime of **SCHEME TO DEFRAUD IN THE FIRST DEGREE**, in violation of Penal Law §190.65(1)(a), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, Jay Fung, Joseph Dervali, Christopher Balseiro, Hanna Schmieder, Luz Rodriguez, and Kenneth Oxsalida, in the County of New York and elsewhere, during the period from on or about April 3, 2009 to on or about June 1, 2012, engaged in a scheme constituting a systematic ongoing course of conduct with intent to defraud 10 or more persons and to obtain property from 10 or more persons by false and fraudulent pretenses, representations and promises, and so obtained property from one or more such persons.

THIRD COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, Jay Fung, Joseph Dervali, Christopher Balseiro, Hanna Schmieder, Luz Rodriguez, and Kenneth Oxsalida of the crime of **SCHEME TO DEFRAUD IN THE FIRST DEGREE**, in violation of Penal Law §190.65(1)(b), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, Jay Fung, Joseph Dervali, Christopher Balseiro, Hanna Schmieder, Luz Rodriguez, and Kenneth Oxsalida, in the County of New York and elsewhere, during the period from on or about April 3, 2009 to on or about June 1, 2012, engaged in a scheme constituting a systematic ongoing course of conduct with intent to defraud more than one person and to obtain property from more than one person by false and fraudulent pretenses, representations and promises, and so obtained property with a value in excess of one thousand dollars from one or more such persons.

FOURTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung of the crime of **SECURITIES FRAUD**, in violation of General Business Law §352-c(5), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung, in the County of New York and elsewhere, during the period from on or about November 11, 2009 to on or about December 9, 2009, intentionally engaged in a scheme constituting a systematic ongoing course of conduct with intent to defraud 10 or more persons and to obtain property from 10 or more persons by false and fraudulent pretenses, representations, and promises and so obtained property from one or more such persons while engaged in inducing and promoting the issuance, distribution, exchange, sale, negotiation and purchase of securities, to wit, the stock of Blast Applications, Inc. (BLAP).

FIFTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung of the crime of **SCHEME TO DEFRAUD IN THE FIRST DEGREE**, in violation of Penal Law §190.65(1)(a), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung, in the County of New York and elsewhere, during the period from on or about November 11, 2009 to on or about December 9, 2009, engaged in a scheme constituting a systematic ongoing course of conduct with intent to defraud 10 or more persons and to obtain property from 10 or more persons by false and fraudulent pretenses, representations and promises, and so obtained property from one or more such persons.

SIXTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung of the crime of **SCHEME TO DEFRAUD IN THE FIRST DEGREE**, in violation of Penal Law §190.65(1)(b), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung, in the County of New York and elsewhere, during the period from on or about November 11, 2009 to on or about December 9, 2009, engaged in a scheme constituting a systematic ongoing course of conduct with intent to defraud more than one person and to obtain property from more than one person by false and fraudulent pretenses, representations and promises, and so obtained property with a value in excess of one thousand dollars from one or more such persons.

SEVENTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung of the crime of **CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE SECOND DEGREE**, in violation of Penal Law §165.52, committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung, in the County of New York and elsewhere, during the period from on or about November 24, 2009 to on or about December 9, 2009, with intent to benefit themselves and a person other than an owner thereof and to impede the recovery by an owner thereof, knowingly possessed stolen property, to wit, money derived from the sale of the stock of Blast Applications, Inc. (BLAP), and the value of the property exceeded fifty thousand dollars.

EIGHTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung of the crime of **GRAND LARCENY IN THE THIRD DEGREE**, in violation of Penal Law §155.35(1), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung, in the County of New York and elsewhere, during the period from on or about November 17, 2009 to on or about November 24, 2009, stole property from Steve E. Hicks and the value of the property exceeded three thousand dollars.

NINTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung of the crime of **SECURITIES FRAUD**, in violation of General Business Law §352-c(6), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung, in the County of New York and elsewhere, during the period from on or about November 17, 2009 to on or about November 24, 2009, intentionally engaged in fraud, deception, concealment, suppression, false pretense, and fictitious and pretended purchase and sale, and made material false representations, omissions and statements with intent to deceive and defraud, while engaged in inducing and promoting the issuance, distribution, exchange, sale, negotiation, and purchase of securities within and from New York, to wit, the stock of Blast Applications, Inc. (BLAP) and thereby wrongfully obtained from Steve E. Hicks property of a value in excess of \$250.

TENTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung of the crime of **GRAND LARCENY IN THE FOURTH DEGREE**, in violation of Penal Law §155.30(1), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung, in the County of New York and elsewhere, during the period from on or about November 17, 2009 to on or about November 24, 2009, stole property from Christopher Papa and the value of the property exceeded three thousand dollars.

ELEVENTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung of the crime of SECURITIES FRAUD, in violation of General Business Law §352-c(6), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung, in the County of New York and elsewhere, during the period from on or about November 17, 2009 to on or about November 24, 2009, intentionally engaged in fraud, deception, concealment, suppression, false pretense, and fictitious and pretended purchase and sale, and made material false representations, omissions and statements with intent to deceive and defraud, while engaged in inducing and promoting the issuance, distribution, exchange, sale, negotiation, and purchase of securities within and from New York, to wit, the stock of Blast Applications, Inc. (BLAP) and thereby wrongfully obtained from Christopher Papa property of a value in excess of \$250.

TWELFTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, Jay Fung, Joseph Dervali, Christopher Balseiro, Luz Rodriguez, and Kenneth Oxsalida of the crime of SECURITIES FRAUD, in violation of General Business Law §352-c(5), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, Jay Fung, Joseph Dervali, Christopher Balseiro, Luz Rodriguez, and Kenneth Oxsalida, in the County of New York and elsewhere, during the period from on or about July 1, 2009 to on or about February 28, 2010, intentionally engaged in a scheme constituting a systematic ongoing course of conduct with intent to defraud 10 or more persons and to obtain property from 10 or more persons by false and fraudulent pretenses, representations, and promises and so obtained property from one or more such persons while engaged in inducing and promoting the issuance, distribution, exchange, sale, negotiation and purchase of securities, to wit, the stock of Blue Gem Enterprise, Inc. (BGEM).

THIRTEENTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, Jay Fung, Joseph Dervali, Christopher Balseiro, Luz Rodriguez, and Kenneth Oxsalida of the crime of SCHEME TO DEFRAUD IN THE FIRST DEGREE, in violation of Penal Law §190.65(1)(a), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, Jay Fung, Joseph Dervali, Christopher Balseiro, Luz Rodríguez, and Kenneth Oxsalida, in the County of New York and elsewhere, during the period from on or about July 1, 2009 to on or about February 28, 2010, engaged in a scheme constituting a systematic ongoing course of conduct with intent to defraud 10 or more persons and to obtain property from 10 or more persons by false and fraudulent pretenses, representations and promises, and so obtained property from one or more such persons.

FOURTEENTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, Jay Fung, Joseph Dervali, Christopher Balseiro, Luz Rodriguez, and Kenneth Oxsalida of the crime of **SCHEME TO DEFRAUD IN THE FIRST DEGREE**, in violation of Penal Law §190.65(1)(b), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, Jay Fung, Joseph Dervali, Christopher Balseiro, Luz Rodriguez, and Kenneth Oxsalida, in the County of New York and elsewhere, during the period from on or about July 1, 2009 to on or about February 28, 2010, engaged in a scheme constituting a systematic ongoing course of conduct with intent to defraud more than one person and to obtain property from more than one person by false and fraudulent pretenses, representations and promises, and so obtained property with a value in excess of one thousand dollars from one or more such persons.

FIFTEENTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung of the crime of **CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE FIRST DEGREE**, in violation of Penal Law §165.54, committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung, in the County of New York and elsewhere, during the period from on or about December 17, 2009 to on or about December 22, 2009, with intent to benefit themselves and a person other than an owner thereof and to impede the recovery by an owner, knowingly possessed stolen property, to wit, money derived from the sale of the stock of Blue Gem Enterprise, Inc. (BGEM), and the value of the property exceeded one million dollars.

SIXTEENTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendant Anthony Thompson of the crime of **CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE FIRST DEGREE**, in violation of Penal Law §165.54, committed as follows:

The defendant Anthony Thompson, in the County of New York and elsewhere, during the period from on or about December 21, 2009 to on or about December 22, 2009, with intent to benefit himself and a person other than an owner thereof and to impede the recovery by an owner, knowingly possessed stolen property, to wit, money derived from the sale of the stock of Blue Gem Enterprise, Inc. (BGEM), and the value of the property exceeded one million dollars.

SEVENTEENTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendant Eric Van Nguyen of the crime of **CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE FIRST DEGREE**, in violation of Penal Law §165.54, committed as follows:

The defendant Eric Van Nguyen, in the County of New York and elsewhere, during the period from on or about December 17, 2009 to on or about December 22, 2009, with intent to benefit himself and a person other than an owner thereof and to impede the recovery by an owner, knowingly possessed stolen property, to wit, money derived from the sale of the stock of Blue Gem Enterprise, Inc. (BGEM), and the value of the property exceeded one million dollars.

EIGHTEENTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendant Jay Fung of the crime of **CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE FIRST DEGREE**, in violation of Penal Law §165.54, committed as follows:

The defendant Jay Fung, in the County of New York and elsewhere, during the period from on or about December 17, 2009 to on or about December 22, 2009, with intent to benefit himself and a person other than an owner thereof and to impede the recovery by an owner, knowingly possessed stolen property, to wit, money derived from the sale of the stock of Blue Gem Enterprise, Inc. (BGEM), and the value of the property exceeded one million dollars.

NINETEENTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung of the crime of **GRAND LARCENY IN THE THIRD DEGREE**, in violation of Penal Law §155.35(1), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung, in the County of New York and elsewhere, during the period from on or about December 9, 2009 to on or about December 24, 2009, stole property from Kenneth Roth and the value of the property exceeded three thousand dollars.

TWENTIETH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung of the crime of **SECURITIES FRAUD**, in violation of General Business Law §352-c(6), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung, in the County of New York and elsewhere, during the period from on or about December 9, 2009 to on or about December 24, 2009, intentionally engaged in fraud, deception, concealment, suppression, false pretense, and fictitious and pretended purchase and sale, and made material false representations, omissions and statements with intent to deceive and defraud, while engaged in inducing and promoting the issuance, distribution, exchange, sale, negotiation, and purchase of securities within and from New York, to wit, the stock of Blue Gem Enterprise, Inc. (BGEM) and thereby wrongfully obtained from Kenneth Roth property of a value in excess of \$250.

TWENTY-FIRST COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung of the crime of **GRAND LARCENY IN THE THIRD DEGREE**, in violation of Penal Law §155.35(1), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung, in the County of New York and elsewhere, during the period from on or about December 9, 2009 to on or about December 24, 2009, stole property from Bryon Rohrer and the value of the property exceeded three thousand dollars.

TWENTY-SECOND COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung of the crime of SECURITIES FRAUD, in violation of General Business Law §352-c(6), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung, in the County of New York and elsewhere, during the period from on or about December 9, 2009 to on or about December 24, 2009, intentionally engaged in fraud, deception, concealment, suppression, false pretense, and fictitious and pretended purchase and sale, and made material false representations, omissions and statements with intent to deceive and defraud, while engaged in inducing and promoting the issuance, distribution, exchange, sale, negotiation, and purchase of securities within and from New York, to wit, the stock of Blue Gem Enterprise, Inc. (BGEM) and thereby wrongfully obtained from Bryon Rohrer property of a value in excess of \$250.

TWENTY-THIRD COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung of the crime of **GRAND LARCENY IN THE THIRD DEGREE**, in violation of Penal Law §155.35(1), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung, in the County of New York and elsewhere, during the period from on or about December 9, 2009 to on or about December 24, 2009, stole property from John Trojacek and the value of the property exceeded three thousand dollars.

TWENTY-FOURTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung of the crime of **SECURITIES FRAUD**, in violation of General Business Law §352-c(6), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung, in the County of New York and elsewhere, during the period from on or about December 9, 2009 to on or about December 24, 2009, intentionally engaged in fraud, deception, concealment, suppression, false pretense, and fictitious and pretended purchase and sale, and made material false representations, omissions and statements with intent to deceive and defraud, while engaged in inducing and promoting the issuance, distribution, exchange, sale, negotiation, and purchase of securities within and from New York, to wit, the stock of Blue Gem Enterprise, Inc. (BGEM) and thereby wrongfully obtained from John Trojacek property of a value in excess of \$250.

TWENTY-FIFTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung of the crime of **GRAND LARCENY IN THE THIRD DEGREE**, in violation of Penal Law §155.35(1), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung, in the County of New York and elsewhere, during the period from on or about December 9, 2009 to on or about December 24, 2009, stole property from Jason Renn and the value of the property exceeded three thousand dollars.

TWENTY-SIXTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung of the crime of **SECURITIES FRAUD**, in violation of General Business Law §352-c(6), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung, in the County of New York and elsewhere, during the period from on or about December 9, 2009 to on or about December 24, 2009, intentionally engaged in fraud, deception, concealment, suppression, false pretense, and fictitious and pretended purchase and sale, and made material false representations, omissions and statements with intent to deceive and defraud, while engaged in inducing and promoting the issuance, distribution, exchange, sale, negotiation, and purchase of securities within and from New York, to wit, the stock of Blue Gem Enterprise, Inc. (BGEM) and thereby wrongfully obtained from Jason Renn property of a value in excess of \$250.

TWENTY-SEVENTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung of the crime of **GRAND LARCENY IN THE THIRD DEGREE**, in violation of Penal Law §155.35(1), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung, in the County of New York and elsewhere, during the period from on or about December 9, 2009 to on or about December 24, 2009, stole property from Michael Cilella and the value of the property exceeded three thousand dollars.

TWENTY-EIGHTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung of the crime of SECURITIES FRAUD, in violation of General Business Law §352-c(6), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung, in the County of New York and elsewhere, during the period from on or about December 9, 2009 to on or about December 24, 2009, intentionally engaged in fraud, deception, concealment, suppression, false pretense, and fictitious and pretended purchase and sale, and made material false representations, omissions and statements with intent to deceive and defraud, while engaged in inducing and promoting the issuance, distribution, exchange, sale, negotiation, and purchase of securities within and from New York, to wit, the stock of Blue Gem Enterprise, Inc. (BGEM) and thereby wrongfully obtained from Michael Cilella property of a value in excess of \$250.

TWENTY-NINTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, Jay Fung, and Joseph Dervali of the crime of **SECURITIES FRAUD**, in violation of General Business Law §352-c(5), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, Jay Fung, and Joseph Dervali, in the County of New York and elsewhere, during the period from on or about June 1, 2009 to on or about February 22, 2010, intentionally engaged in a scheme constituting a systematic ongoing course of conduct with intent to defraud 10 or more persons and to obtain property from 10 or more persons by false and fraudulent pretenses, representations, and promises and so obtained property from one or more such persons while engaged in inducing and promoting the issuance, distribution, exchange, sale, negotiation and purchase of securities, to wit, the stock of Mass Hysteria Entertainment Company, Inc. (MHYS).

THIRTIETH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, Jay Fung, and Joseph Dervali of the crime of **SCHEME TO DEFRAUD IN THE FIRST DEGREE**, in violation of Penal Law §190.65(1)(a), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, Jay Fung, and Joseph Dervali, in the County of New York and elsewhere during the period from on or about June 1, 2009 to on or about February 22, 2010, engaged in a scheme constituting a systematic ongoing course of conduct with intent to defraud 10 or more persons and to obtain property from 10 or more persons by false and fraudulent pretenses, representations and promises, and so obtained property from one or more such persons.

THIRTY-FIRST COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, Jay Fung, and Joseph Dervali of the crime of **SCHEME TO DEFRAUD IN THE FIRST DEGREE**, in violation of Penal Law §190.65(1)(b), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, Jay Fung, and Joseph Dervali, in the County of New York and elsewhere, during the period from on or about June 1, 2009 to on or about February 22, 2010, engaged in a scheme constituting a systematic ongoing course of conduct with intent to defraud more than one person and to obtain property from more than one person by false and fraudulent pretenses, representations and promises, and so obtained property with a value in excess of one thousand dollars from one or more such persons.

THIRTY-SECOND COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung of the crime of **CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE FIRST DEGREE**, in violation of Penal Law §165.54, committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung, in the County of New York and elsewhere, during the period from on or about January 26, 2010 to on or about January 28, 2010, with intent to benefit themselves and a person other than an owner thereof and to impede the recovery by an owner, knowingly possessed stolen property, to wit, money derived from the sale of the stock of Mass Hysteria Entertainment Company, Inc. (MHYS), and the value of the property exceeded one million dollars.

THIRTY-THIRD COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendant Anthony Thompson of the crime of **CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE SECOND DEGREE**, in violation of Penal Law §165.52, committed as follows:

The defendant Anthony Thompson, in the County of New York and elsewhere, during the period from on or about January 27, 2010 to on or about January 28, 2010, with intent to benefit himself and a person other than an owner thereof and to impede the recovery by an owner thereof, knowingly possessed stolen property, to wit, money derived from the sale of the stock of Mass Hysteria Entertainment Company, Inc. (MHYS), and the value of the property exceeded fifty thousand dollars.

THIRTY-FOURTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendant Eric Van Nguyen of the crime of **CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE SECOND DEGREE**, in violation of Penal Law §165.52, committed as follows:

The defendant Eric Van Nguyen, in the County of New York and elsewhere, during the period from on or about January 26, 2010 to on or about January 27, 2010, with intent to benefit himself and a person other than an owner thereof and to impede the recovery by an owner thereof, knowingly possessed stolen property, to wit, money derived from the sale of the stock of Mass Hysteria Entertainment Company, Inc. (MHYS), and the value of the property exceeded fifty thousand dollars.

THIRTY-FIFTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendant Jay Fung of the crime of **CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE SECOND DEGREE**, in violation of Penal Law §165.52, committed as follows:

The defendant Jay Fung, in the County of New York and elsewhere, during the period from on or about January 27, 2010 to on or about January 28, 2010, with intent to benefit himself and a person other than an owner thereof and to impede the recovery by an owner thereof, knowingly possessed stolen property, to wit, money derived from the sale of the stock of Mass Hysteria Entertainment Company, Inc. (MHYS), and the value of the property exceeded fifty thousand dollars.

THIRTY-SIXTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung of the crime of **GRAND LARCENY IN THE THIRD DEGREE**, in violation of Penal Law §155.35(1), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung, in the County of New York and elsewhere, during the period from on or about January 15, 2010 to on or about February 22, 2010, stole property from Troy Kinney and the value of the property exceeded three thousand dollars.

THIRTY-SEVENTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung of the crime of **SECURITIES FRAUD**, in violation of General Business Law §352-e(6), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung, in the County of New York and elsewhere, during the period from on or about January 15, 2010 to on or about February 22, 2010, intentionally engaged in fraud, deception, concealment, suppression, false pretense, and fictitious and pretended purchase and sale, and made material false representations, omissions and statements with intent to deceive and defraud, while engaged in inducing and promoting the issuance, distribution, exchange, sale, negotiation, and purchase of securities within and from New York, to wit, the stock of Mass Hysteria Entertainment, Inc. (MHYS) and thereby wrongfully obtained from Troy Kinney property of a value in excess of \$250.

THIRTY-EIGHTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung of the crime of **GRAND LARCENY IN THE THIRD DEGREE**, in violation of Penal Law §155.35(1), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung, in the County of New York and elsewhere, during the period from on or about January 15, 2010 to on or about February 22, 2010, stole property from Richard Melendez and the value of the property exceeded three thousand dollars.

THIRTY-NINTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung of the crime of **SECURITIES FRAUD**, in violation of General Business Law §352-c(6), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung, in the County of New York and elsewhere, during the period from on or about January 15, 2010 to on or about February 22, 2010, intentionally engaged in fraud, deception, concealment, suppression, false pretense, and fictitious and pretended purchase and sale, and made material false representations, omissions and statements with intent to deceive and defraud, while engaged in inducing and promoting the issuance, distribution, exchange, sale, negotiation, and purchase of securities within and from New York, to wit, the stock of Mass Hysteria Entertainment, Inc. (MHYS) and thereby wrongfully obtained from Richard Melendez property of a value in excess of \$250.

FORTIETH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung of the crime of **GRAND LARCENY IN THE THIRD DEGREE**, in violation of Penal Law §155.35(1), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung, in the County of New York and elsewhere, during the period from on or about January 15, 2010 to on or about February 22, 2010, stole property from Charles Friedman and the value of the property exceeded three thousand dollars.

FORTY-FIRST COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung of the crime of **SECURITIES FRAUD**, in violation of General Business Law §352-c(6), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung, in the County of New York and elsewhere, during the period from on or about January 15, 2010 to on or about February 22, 2010, intentionally engaged in fraud, deception, concealment, suppression, false pretense, and fictitious and pretended purchase and sale, and made material false representations, omissions and statements with intent to deceive and defraud, while engaged in inducing and promoting the issuance, distribution, exchange, sale, negotiation, and purchase of securities within and from New York, to wit, the stock of Mass Hysteria Entertainment, Inc. (MHYS) and thereby wrongfully obtained from Charles Friedman property of a value in excess of \$250.

FORTY-SECOND COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung of the crime of **GRAND LARCENY IN THE THIRD DEGREE**, in violation of Penal Law §155.35(1), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung, in the County of New York and elsewhere, during the period from on or about January 15, 2010 to on or about February 22, 2010, stole property from Christopher Pedicone and the value of the property exceeded three thousand dollars.

FORTY-THIRD COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung of the crime of **SECURITIES FRAUD**, in violation of General Business Law §352-c(6), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung, in the County of New York and elsewhere, during the period from on or about January 15, 2010 to on or about February 22, 2010, intentionally engaged in fraud, deception, concealment, suppression, false pretense, and fictitious and pretended purchase and sale, and made material false representations, omissions and statements with intent to deceive and defraud, while engaged in inducing and promoting the issuance, distribution, exchange, sale, negotiation, and purchase of securities within and from New York, to wit, the stock of Mass Hysteria Entertainment, Inc. (MHYS) and thereby wrongfully obtained from Christopher Pedicone property of a value in excess of \$250.

FORTY-FOURTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung of the crime of **GRAND LARCENY IN THE THIRD DEGREE**, in violation of Penal Law §155.35(1), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung, in the County of New York and elsewhere, during the period from on or about January 15, 2010 to on or about February 22, 2010, stole property from Robert E. Brown and the value of the property exceeded three thousand dollars.

FORTY-FIFTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung of the crime of **SECURITIES FRAUD**, in violation of General Business Law §352-c(6), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung, in the County of New York and elsewhere, during the period from on or about January 15, 2010 to on or about February 22, 2010, intentionally engaged in fraud, deception, concealment, suppression, false pretense, and fictitious and pretended purchase and sale, and made material false representations, omissions and statements with intent to deceive and defraud, while engaged in inducing and promoting the issuance, distribution, exchange, sale, negotiation, and purchase of securities within and from New York, to wit, the stock of Mass Hysteria Entertainment, Inc. (MHYS) and thereby wrongfully obtained from Robert E. Brown property of a value in excess of \$250.

FORTY-SIXTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, Jay Fung, Christopher Balseiro, and Hanna Schmieder of the crime of **SECURITIES FRAUD**, in violation of General Business Law §352-c(5), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, Jay Fung, Christopher Balseiro, and Hanna Schmieder, in the County of New York and elsewhere, during the period from on or about January 1, 2010 to on or about April 1, 2010, intentionally engaged in a scheme constituting a systematic ongoing course of conduct with intent to defraud 10 or more persons and to obtain property from 10 or more persons by false and fraudulent pretenses, representations, and promises and so obtained property from one or more such persons while engaged in inducing and promoting the issuance, distribution, exchange, sale, negotiation and purchase of securities, to wit, the stock of Recycle Tech, Inc. (RCYT).

FORTY-SEVENTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, Jay Fung, Christopher Balseiro, and Hanna Schmieder of the crime of **SCHEME TO DEFRAUD IN THE FIRST DEGREE**, in violation of Penal Law §190.65(1)(a), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, Jay Fung, Christopher Balseiro, and Hanna Schmieder, in the County of New York and elsewhere, during the period from on or about January 1, 2010 to on or about April 1, 2010, engaged in a scheme constituting a systematic ongoing course of conduct with intent to defraud 10 or more persons and to obtain property from 10 or more persons by false and fraudulent pretenses, representations and promises, and so obtained property from one or more such persons.

FORTY-EIGHTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, Jay Fung, Christopher Balseiro, and Hanna Schmieder of the crime of **SCHEME TO DEFRAUD IN THE FIRST DEGREE**, in violation of Penal Law §190.65(1)(b), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, Jay Fung, Christopher Balseiro, and Hanna Schmieder, in the County of New York and elsewhere, during the period from on or about January 1, 2010 to on or about April 1, 2010, engaged in a scheme constituting a systematic ongoing course of conduct with intent to defraud more than one person and to obtain property from more than one person by false and fraudulent pretenses, representations and promises, and so obtained property with a value in excess of one thousand dollars from one or more such persons.

FORTY-NINTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung of the crime of **CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE FIRST DEGREE**, in violation of Penal Law §165.54, committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung, in the County of New York and elsewhere, during the period from on or about February 25, 2010 to on or about March 4, 2010, with intent to benefit themselves and a person other than an owner thereof and to impede the recovery by an owner, knowingly possessed stolen property, to wit, money derived from the sale of the stock of Recycle Tech, Inc. (RCYT), and the value of the property exceeded one million dollars.

FIFTIETH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendant Anthony Thompson of the crime of **CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE SECOND DEGREE**, in violation of Penal Law §165.52, committed as follows:

The defendant Anthony Thompson, in the County of New York and elsewhere, during the period from on or about February 25, 2010 to on or about March 2, 2010, with intent to benefit himself and a person other than an owner thereof and to impede the recovery by an owner thereof, knowingly possessed stolen property, to wit, money derived from the sale of the stock of Recycle Tech, Inc. (RCYT), and the value of the property exceeded fifty thousand dollars.

FIFTY-FIRST COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendant Jay Fung of the crime of **CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE SECOND DEGREE**, in violation of Penal Law §165.52, committed as follows:

The defendant Jay Fung, in the County of New York and elsewhere, during the period from on or about February 26, 2010 to on or about March 2, 2010, with intent to benefit himself and a person other than an owner thereof and to impede the recovery by an owner thereof, knowingly possessed stolen property, to wit, money derived from the sale of the stock of Recycle Tech, Inc. (RCYT), and the value of the property exceeded fifty thousand dollars.

FIFTY-SECOND COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung of the crime of **GRAND LARCENY IN THE THIRD DEGREE**, in violation of Penal Law §155.35(1), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung, in the County of New York and elsewhere, during the period from on or about February 19, 2010 to on or about May 10, 2010, stole property from Michael V. LaFave and the value of the property exceeded three thousand dollars.

FIFTY-THIRD COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung of the crime of **SECURITIES FRAUD**, in violation of General Business Law §352-c(6), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung, in the County of New York and elsewhere, during the period from on or about February 19, 2010 to on or about May 10, 2010, intentionally engaged in fraud, deception, concealment, suppression, false pretense, and fictitious and pretended purchase and sale, and made material false representations, omissions and statements with intent to deceive and defraud, while engaged in inducing and promoting the issuance, distribution, exchange, sale, negotiation, and purchase of securities within and from New York, to wit, the stock of Recycle Tech, Inc. (RCYT) and thereby wrongfully obtained from Michael V. LaFave property of a value in excess of \$250.

FIFTY-FOURTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung of the crime of **GRAND LARCENY IN THE THIRD DEGREE**, in violation of Penal Law §155.35(1), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung, in the County of New York and elsewhere, during the period from on or about February 19, 2010 to on or about May 14, 2010, stole property from John A. Brewer and the value of the property exceeded three thousand dollars.

FIFTY-FIFTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung of the crime of **SECURITIES FRAUD**, in violation of General Business Law § 152-46, committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung, in the County of New York and elsewhere, during the period from on or about February 19, 2010 to on or about May 14, 2010, intentionally engaged in fraud, deception, concealment, suppression, false pretense, and fictitious and pretended purchase and sale, and made material false representations, omissions and statements with intent to deceive and defraud, while engaged in inducing and promoting the issuance, distribution, exchange, sale, negotiation, and purchase of securities within and from New York, to wit, the stock of Recycle Tech, Inc. (RCYT) and thereby wrongfully obtained from John A. Brewer property of a value in excess of \$250.

FIFTY-SIXTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung of the crime of **GRAND LARCENY IN THE THIRD DEGREE**, in violation of Penal Law § 155.35(1), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung, in the County of New York and elsewhere, during the period from on or about February 19, 2010 to on or about March 15, 2010, stole property from Scott Davis and the value of the property exceeded three thousand dollars.

FIFTY-SEVENTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung of the crime of **SECURITIES FRAUD**, in violation of General Business Law §352-c(6), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung, in the County of New York and elsewhere, during the period from on or about February 19, 2010 to on or about March 15, 2010, intentionally engaged in fraud, deception, concealment, suppression, false pretense, and fictitious and pretended purchase and sale, and made material false representations, omissions and statements with intent to deceive and defraud, while engaged in inducing and promoting the issuance, distribution, exchange, sale, negotiation, and purchase of securities within and from New York, to wit, the stock of Recycle Tech, Inc. (RCYT) and thereby wrongfully obtained from Scott Davis property of a value in excess of \$250.

FIFTY-EIGHTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung of the crime of **GRAND LARCENY IN THE THIRD DEGREE**, in violation of Penal Law §155.35(1), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung, in the County of New York and elsewhere, during the period from on or about February 19, 2010 to on or about March 23, 2010, stole property from Mark Joyce and the value of the property exceeded three thousand dollars.

FIFTY-NINTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung of the crime of **SECURITIES FRAUD**, in violation of General Business Law §352-e(6), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung, in the County of New York and elsewhere, during the period from on or about February 19, 2010 to on or about March 23, 2010, intentionally engaged in fraud, deception, concealment, suppression, false pretense, and fictitious and pretended purchase and sale, and made material false representations, omissions and statements with intent to deceive and defraud, while engaged in inducing and promoting the issuance, distribution, exchange, sale, negotiation, and purchase of securities within and from New York, to wit, the stock of Recycle Tech, Inc. (RCYT) and thereby wrongfully obtained from Mark Joyce property of a value in excess of \$250.

SIXTIETH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, Jay Fung, Joseph Dervali, Christopher Balseiro, and Hanna Schmieder of the crime of **SECURITIES FRAUD**, in violation of General Business Law §352-c(5), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, Jay Fung, Joseph Dervali, Christopher Balseiro, and Hanna Schmieder, in the County of New York and elsewhere, during the period from on or about March 1, 2010 to on or about June 22, 2010, intentionally engaged in a scheme constituting a systematic ongoing course of conduct with intent to defraud 10 or more persons and to obtain property from 10 or more persons by false and fraudulent pretenses, representations, and promises and so obtained property from one or more such persons while engaged in inducing and promoting the issuance, distribution, exchange, sale, negotiation and purchase of securities, to wit, the stock of Lyric Jeans, Inc. (LYJN).

SIXTY-FIRST COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, Jay Fung, Joseph Dervali, Christopher Balseiro, and Hanna Schmieder of the crime of **SCHEME TO DEFRAUD IN THE FIRST DEGREE**, in violation of Penal Law §190.65(1)(a), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, Jay Fung, Joseph Dervali, Christopher Balseiro, and Hanna Schmieder, in the County of New York and elsewhere, during the period from on or about March 1, 2010 to on or about June 22, 2010, engaged in a scheme constituting a systematic ongoing course of conduct with intent to defraud 10 or more persons and to obtain property from 10 or more persons by false and fraudulent pretenses, representations and promises, and so obtained property from one or more such persons.

SIXTY-SECOND COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, Jay Fung, Joseph Dervali, Christopher Balseiro, and Hanna Schmieder of the crime of **SCHEME TO DEFRAUD IN THE FIRST DEGREE**, in violation of Penal Law §190.65(1)(b), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, Jay Fung, Joseph Dervali, Christopher Balseiro, and Hanna Schmieder, in the County of New York and elsewhere, during the period from on or about March 1, 2010 to on or about June 22, 2010, engaged in a scheme constituting a systematic ongoing course of conduct with intent to defraud more than one person and to obtain property from more than one person by false and fraudulent pretenses, representations and promises, and so obtained property with a value in excess of one thousand dollars from one or more such persons.

SIXTY-THIRD COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung of the crime of **CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE FIRST DEGREE**, in violation of Penal Law §165.54, committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung, in the County of New York and elsewhere, during the period from on or about March 24, 2010 to on or about March 29, 2010, with intent to benefit themselves and a person other than an owner thereof and to impede the recovery by an owner, knowingly possessed stolen property, to wit, money derived from the sale of the stock of Lyric Jeans, Inc. (LYJN), and the value of the property exceeded one million dollars.

SIXTY-FOURTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendant Anthony Thompson of the crime of **CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE FIRST DEGREE**, in violation of Penal Law §165.54, committed as follows:

The defendant Anthony Thompson, in the County of New York and elsewhere, during the period from on or about March 24, 2010 to on or about March 29, 2010, with intent to benefit himself and a person other than an owner thereof and to impede the recovery by an owner, knowingly possessed stolen property, to wit, money derived from the sale of the stock of Lyric Jeans, Inc. (LYJN), and the value of the property exceeded one million dollars.

SIXTY-FIFTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung of the crime of **GRAND LARCENY IN THE SECOND DEGREE**, in violation of Penal Law §155.40(1), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung, in the County of New York and elsewhere, during the period from on or about March 18, 2010 to on or about March 26, 2010, stole property from Anthony Vera and the value of the property exceeded fifty thousand dollars.

SIXTY-SIXTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung of the crime of **SECURITIES FRAUD**, in violation of General Business Law §352-c(6), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung, in the County of New York and elsewhere, during the period from on or about March 18, 2010 to on or about March 26, 2010, intentionally engaged in fraud, deception, concealment, suppression, false pretense, and fictitious and pretended purchase and sale, and made material false representations, omissions and statements with intent to deceive and defraud, while engaged in inducing and promoting the issuance, distribution, exchange, sale, negotiation, and purchase of securities within and from New York, to wit, the stock of Lyric Jeans, Inc. (LYJN) and thereby wrongfully obtained from Anthony Vera property of a value in excess of \$250.

SIXTY-SEVENTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung of the crime of **GRAND LARCENY IN THE THIRD DEGREE**, in violation of Penal Law §155.35(1), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung, in the County of New York and elsewhere, during the period from on or about March 18, 2010 to on or about March 26, 2010, stole property from Robert E. Brown and the value of the property exceeded three thousand dollars.

SIXTY-EIGHTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung of the crime of **SECURITIES FRAUD**, in violation of General Business Law §352-c(6), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung, in the County of New York and elsewhere, during the period from on or about March 18, 2010 to on or about March 26, 2010, intentionally engaged in fraud, deception, concealment, suppression, false pretense, and fictitious and pretended purchase and sale, and made material false representations, omissions and statements with intent to deceive and defraud, while engaged in inducing and promoting the issuance, distribution, exchange, sale, negotiation, and purchase of securities within and from New York, to wit, the stock of Lyric Jeans, Inc. (LYJN) and thereby wrongfully obtained from Robert E. Brown property of a value in excess of \$250.

SIXTY-NINTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung of the crime of **GRAND LARCENY IN THE THIRD DEGREE**, in violation of Penal Law §155.35(1), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung, in the County of New York and elsewhere, during the period from on or about March 18, 2010 to on or about March 26, 2010, stole property from Ali Salimi and the value of the property exceeded three thousand dollars.

SEVENTIETH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung of the crime of **SECURITIES FRAUD**, in violation of General Business Law §352-c(6), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung, in the County of New York and elsewhere, during the period from on or about March 18, 2010 to on or about March 26, 2010, intentionally engaged in fraud, deception, concealment, suppression, false pretense, and fictitious and pretended purchase and sale, and made material false representations, omissions and statements with intent to deceive and defraud, while engaged in inducing and promoting the issuance, distribution, exchange, sale, negotiation, and purchase of securities within and from New York, to wit, the stock of Lyric Jeans, Inc. (LYJN) and thereby wrongfully obtained from Ali Salimi property of a value in excess of \$250.

SEVENTY-FIRST COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung of the crime of **GRAND LARCENY IN THE THIRD DEGREE**, in violation of Penal Law §155.35(1), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung, in the County of New York and elsewhere, during the period from on or about March 18, 2010 to on or about March 26, 2010, stole property from Mark Korczak and the value of the property exceeded three thousand dollars.

SEVENTY-SECOND COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung of the crime of **SECURITIES FRAUD**, in violation of General Business Law §352-c(6), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung, in the County of New York and elsewhere, during the period from on or about March 18, 2010 to on or about March 26, 2010, intentionally engaged in fraud, deception, concealment, suppression, false pretense, and fictitious and pretended purchase and sale, and made material false representations, omissions and statements with intent to deceive and defraud, while engaged in inducing and promoting the issuance, distribution, exchange, sale, negotiation, and purchase of securities within and from New York, to wit, the stock of Lyric Jeans, Inc. (LYJN) and thereby wrongfully obtained from Mark Korczak property of a value in excess of \$250.

SEVENTY-THIRD COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung of the crime of **GRAND LARCENY IN THE THIRD DEGREE**, in violation of Penal Law §155.35(1), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung, in the County of New York and elsewhere, during the period from on or about March 18, 2010 to on or about March 26, 2010, stole property from Jose James and the value of the property exceeded three thousand dollars.

SEVENTY-FOURTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung of the crime of **SECURITIES FRAUD**, in violation of General Business Law §352-c(6), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung, in the County of New York and elsewhere, during the period from on or about March 18, 2010 to on or about March 26, 2010, intentionally engaged in fraud, deception, concealment, suppression, false pretense, and fictitious and pretended purchase and sale, and made material false representations, omissions and statements with intent to deceive and defraud, while engaged in inducing and promoting the issuance, distribution, exchange, sale, negotiation, and purchase of securities within and from New York, to wit, the stock of Lyric Jeans, Inc. (LYJN) and thereby wrongfully obtained from Jose James property of a value in excess of \$250.

SEVENTY-FIFTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung of the crime of **GRAND LARCENY IN THE THIRD DEGREE**, in violation of Penal Law §155.35(1), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung, in the County of New York and elsewhere, during the period from on or about March 18, 2010 to on or about March 26, 2010, stole property from Salvatore DiMauro and the value of the property exceeded three thousand dollars.

SEVENTY-SIXTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung of the crime of **SECURITIES FRAUD**, in violation of General Business Law §352-c(6), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung, in the County of New York and elsewhere, during the period from on or about March 18, 2010 to on or about March 26, 2010, intentionally engaged in fraud, deception, concealment, suppression, false pretense, and fictitious and pretended purchase and sale, and made material false representations, omissions and statements with intent to deceive and defraud, while engaged in inducing and promoting the issuance, distribution, exchange, sale, negotiation, and purchase of securities within and from New York, to wit, the stock of Lyric Jeans, Inc. (LYJN) and thereby wrongfully obtained from Salvatore DiMauro property of a value in excess of \$250.

SEVENTY-SEVENTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, Jay Fung, and Kenneth Oxsalida of the crime of **SECURITIES FRAUD**, in violation of General Business Law §352-c(5), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, Jay Fung, and Kenneth Oxsalida, in the County of New York and elsewhere, during the period from on or about November 15, 2009 to on or about December 31, 2010, intentionally engaged in a scheme constituting a systematic ongoing course of conduct with intent to defraud 10 or more persons and to obtain property from 10 or more persons by false and fraudulent pretenses, representations, and promises and so obtained property from one or more such persons while engaged in inducing and promoting the issuance, distribution, exchange, sale, negotiation and purchase of securities, to wit, the stock of Smart Holdings, Inc. (SMHS).

SEVENTY-EIGHTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, Jay Fung, and Kenneth Oxsalida of the crime of **SCHEME TO DEFRAUD IN THE FIRST DEGREE**, in violation of Penal Law §190.65(1)(a), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, Jay Fung, and Kenneth Oxsalida, in the County of New York and elsewhere, during the period from on or about November 15, 2009 to on or about December 31, 2010, engaged in a scheme constituting a systematic ongoing course of conduct with intent to defraud 10 or more persons and to obtain property from 10 or more persons by false and fraudulent pretenses, representations and promises, and so obtained property from one or more such persons.

SEVENTY-NINTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, Jay Fung, and Kenneth Oxsalida of the crime of **SCHEME TO DEFRAUD IN THE FIRST DEGREE**, in violation of Penal Law §190.65(1)(b), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, Jay Fung, and Kenneth Oxsalida, in the County of New York and elsewhere, during the period from on or about November 15, 2009 to on or about December 31, 2010, engaged in a scheme constituting a systematic ongoing course of conduct with intent to defraud more than one person and to obtain property from more than one person by false and fraudulent pretenses, representations and promises, and so obtained property with a value in excess of one thousand dollars from one or more such persons.

EIGHTIETH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung of the crime of **GRAND LARCENY IN THE THIRD DEGREE**, in violation of Penal Law §155.35(1), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung, in the County of New York and elsewhere, during the period from on or about September 17, 2010 to on or about September 20, 2010, stole property from Keith White and the value of the property exceeded three thousand dollars.

EIGHTY-FIRST COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung of the crime of **SECURITIES FRAUD**, in violation of General Business Law §352-c(5), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung, in the County of New York and elsewhere, during the period from on or about September 17, 2010 to on or about September 20, 2010, intentionally engaged in fraud, deception, concealment, suppression, false pretense, and fictitious and pretended purchase and sale, and made material false representations, omissions and statements with intent to deceive and defraud, while engaged in inducing and promoting the issuance, distribution, exchange, sale, negotiation, and purchase of securities within and from New York, to wit, the stock of Smart Holdings, Inc. (SMHS) and thereby wrongfully obtained from Keith White property of a value in excess of \$250.

EIGHTY-SECOND COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung of the crime of **GRAND LARCENY IN THE THIRD DEGREE**, in violation of Penal Law §155.35(1), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung, in the County of New York and elsewhere, during the period from on or about September 17, 2010 to on or about September 21, 2010, stole property from Rishi Shah and the value of the property exceeded three thousand dollars.

EIGHTY-THIRD COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung of the crime of **SECURITIES FRAUD**, in violation of General Business Law §352-c(6), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung, in the County of New York and elsewhere, during the period from on or about September 17, 2010 to on or about September 21, 2010, intentionally engaged in fraud, deception, concealment, suppression, false pretense, and fictitious and pretended purchase and sale, and made material false representations, omissions and statements with intent to deceive and defraud, while engaged in inducing and promoting the issuance, distribution, exchange, sale, negotiation, and purchase of securities within and from New York, to wit, the stock of Smart Holdings, Inc. (SMHS) and thereby wrongfully obtained from Rishi Shah property of a value in excess of \$250.

EIGHTY-FOURTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung of the crime of **GRAND LARCENY IN THE THIRD DEGREE**, in violation of Penal Law §155.35(1), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung, in the County of New York and elsewhere, during the period from on or about September 17, 2010 to on or about September 23, 2010, stole property from John Elias Scott and the value of the property exceeded three thousand dollars.

EIGHTY-FIFTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung of the crime of **SECURITIES FRAUD**, in violation of General Business Law § 52-e(6), committed as follows:

The defendants Anthony Thompson, Eric Van Nguyen, and Jay Fung, in the County of New York and elsewhere, during the period from on or about September 17, 2010 to on or about September 23, 2010, intentionally engaged in fraud, deception, concealment, suppression, false pretense, and fictitious and pretended purchase and sale, and made material false representations, omissions and statements with intent to deceive and defraud, while engaged in inducing and promoting the issuance, distribution, exchange, sale, negotiation, and purchase of securities within and from New York, to wit, the stock of Smart Holdings, Inc. (SMHS) and thereby wrongfully obtained from John Elias Scott property of a value in excess of \$250.

CYRUS R. VANCE, JR.
District Attorney