

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

MIDDLE DISTRICT OF FLORIDA
TAMPA, FLORIDA
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FILED

UNITED STATES OF AMERICA

v.

JON JERALD HAMMILL

CASE NO. 8:11 CR180
18 U.S.C. § 152(2)
18 U.S.C. § 1519
18 U.S.C. § 981(a)(1)(C) [Forfeiture]
28 U.S.C. § 2461(c) [Forfeiture]

INDICTMENT

The Grand Jury charges:

~~SEALED~~

1. On or about February 10, 2009, defendant Jon Jerald Hammill filed or caused to be filed a Chapter 7 bankruptcy petition (the "Petition") with the United States Bankruptcy Court for the Middle District of Florida (the "Court"), a proceeding under Title 11 of the United States Code. Hammill signed the Petition, which included Schedules listing his assets and liabilities and a Statement of Financial Affairs, under penalty of perjury.

2. From on or about February 28, 2008, through on or about April 1, 2010, defendant Hammill and Jon J. Hammill P.A. ("Hammill P.A."), a Florida shell corporation that Hammill owned and controlled, received approximately \$1.5 million from Botfly, LLC, a Florida corporation that purported to offer investments in the foreign currency markets ("Botfly"). Those funds constituted proceeds of investments by Hammill with Botfly and compensation for clerical work that Hammill and Hammill P.A. had performed on behalf of Botfly. As described more fully below, Hammill made materially misleading omissions and false statements throughout the bankruptcy proceeding to conceal his receipt of those funds and his relationship with Botfly.

~~SEALED~~

3. In his Petition, in response to a question requiring Hammill to list all businesses in which he owned any interest, Hammill omitted his ownership of Hammill P.A. In addition, in response to a question in the Petition requiring Hammill to list the beginning and ending dates of any business in which he had been employed, Hammill falsely stated that his work for Hammill P.A. had ended in or about 2006, and did not disclose his relationship with Botfly.

4. In addition to the false statements in his Petition, Hammill lied under oath in sworn testimony. On or about March 17, 2009, within the Middle District of Florida and in the presence of the Chapter 7 Panel Trustee appointed by the Court ("Trustee"), Hammill testified under oath at a meeting of creditors. While under oath, and in response to the Trustee's questions, Hammill testified that he had disclosed everything he owned, when, in fact, he failed to disclose that he had received \$111,000 from Botfly prior to the filing of his Petition.

COUNT ONE

5. The Grand Jury realleges and incorporates paragraphs 1 through 4 of this Indictment as though fully set forth herein.

6. On or about March 17, 2009, within the Middle District of Florida, in or in relation to a case filed under Title 11 of the United States Code in the United States Bankruptcy Court for the Middle District of Florida, defendant,

JON JERALD HAMMILL,

did knowingly and fraudulently make a false material statement under oath during his sworn testimony at a meeting of creditors, namely, that he had disclosed everything he owned, when, in fact, Hammill received \$111,000 from Botfly prior to the filing of his

Petition.

In violation of Title 18, United States Code, Section 152(2).

COUNT TWO

7. The Grand Jury realleges and incorporates paragraphs 1 through 4 of this Indictment as though fully set forth herein.

8. On or about February 10, 2009, in the Middle District of Florida and elsewhere, defendant,

JON JERALD HAMMILL,

with the intent to impede, obstruct, and influence the proper administration of a case filed under Title 11 of the United States Code in the United States Bankruptcy Court for the Middle District of Florida, did knowingly and fraudulently conceal, cover up, falsify and make a false entry in his Petition, namely, in his response to item 13 of Schedule B, which required Hammill to list all businesses in which he owned any interest, Hammill omitted his ownership of Hammill P.A.

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

COUNT THREE

9. The Grand Jury realleges and incorporates paragraphs 1 through 4 of this Indictment as though fully set forth herein.

10. On or about February 10, 2009, in the Middle District of Florida and elsewhere, defendant,

JON JERALD HAMMILL,

with the intent to impede, obstruct, and influence the proper administration of a case filed under Title 11 of the United States Code in the United States Bankruptcy Court for

the Middle District of Florida, did knowingly and fraudulently conceal, cover up, falsify and make a false entry in his Petition, namely, in his response to question 18 on his Statement of Financial Affairs, which required Hammill to list the beginning and ending dates of any business in which he was employed within the previous six years, Hammill falsely stated that Hammill P.A. had ended in 2006.

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

FORFEITURE

1. The allegations contained in Counts One through Three of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to the provisions of Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

2. From his engagement in the violations alleged in Counts One through Three of this Indictment, punishable by imprisonment for more than one year, the defendant,

JON JERALD HAMMILL,

shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), all of his interest in any property, real or personal, which constitutes or is derived from proceeds traceable to such violations.

3. If any of the property described above, as a result of any act or omission of the defendant

- a. cannot be located upon the exercise of due diligence,
- b. has been transferred or sold to, or deposited with, a third party,

- c. has been placed beyond the jurisdiction of the court,
- d. has been substantially diminished in value, or
- e. has been commingled with other property which cannot be divided without difficulty,


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

A TRUE BILL,


Foreperson


DENIS J. MCINERNEY
Chief, Fraud Section
Criminal Division
United States Department of Justice

By:

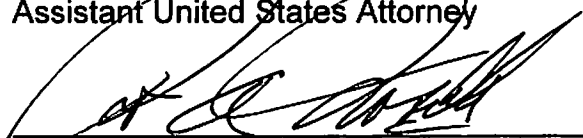

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UNITED STATES DISTRICT COURT

Middle District of Florida
Tampa Division

THE UNITED STATES OF AMERICA

vs.

JON JERALD HAMMILL

INDICTMENT

Violations:

18 U.S.C. §§ 152(2) and 1519

A true bill,


Foreperson

Filed in open court this 30th day

of March, 2011.

Clerk

Bail \$ _____
