

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 10-14079-CR-MOORE/LYNCH

18 U.S.C. § 1349  
18 U.S.C. § 1341.

UNITED STATES OF AMERICA,

Plaintiff,

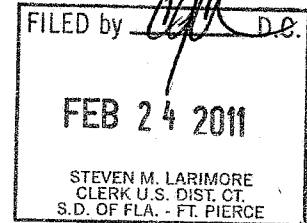
vs.

ROBERT MICHAEL HENRY,

RICHARD W. LUTZ,

and

KELVIN IVAN DESANGLES  
Defendants.



SUPERSEDING INDICTMENT

The Grand Jury charges that:

COUNT ONE  
CONSPIRACY TO COMMIT MAIL FRAUD

1. From on or about August 17, 2004, and continuing through on or about March 31, 2009, the exact dates being unknown to the Grand Jury, in Martin County and Palm Beach County, in the Southern District of Florida, and elsewhere, the Defendants,

ROBERT MICHAEL HENRY,  
RICHARD W. LUTZ,  
and  
KELVIN IVAN DESANGLES

did knowingly and willfully conspire, confederate, agree, and reach a tacit understanding with each other, and with other persons known and unknown to the Grand Jury, to commit an offense against the United States, that is, mail fraud, in violation of Title 18, United States Code, Section 1341.

GENERAL ALLEGATIONS

2. The allegations of paragraph 1 are re-alleged and incorporated herein by reference. At all times relevant to this Superseding Indictment:

3. Barron Trading Group (Barron), Bullion Trading Group, The Bullion Trading Group (Bullion), Global Asset Management, Inc., and Precious Metals Management, Inc. were entities engaged in the business of brokering and purchasing precious metals, such as gold, silver, and palladium on behalf of private investors. These entities are not regulated by the Commodities and Futures Trading Commission (CFTC).

4. Barron and Bullion were brokerage firms that purportedly dealt in precious metals. ROBERT MICHAEL HENRY and RICHARD W. LUTZ and other persons known and unknown to the Grand Jury, were first employed as brokers with Barron. Barron was located at 840 US Hwy 1, Suite 1 in North Palm Beach, Florida. ROBERT MICHAEL HENRY and RICHARD W. LUTZ left Barron and began working as brokers/operators for Bullion,

along with KELVIN IVAN DESANGELES, and other persons known and unknown to the Grand Jury. Bullion utilized two office locations at 731 NW Federal Highway in Stuart, Florida and 1495 Forrest Hill Boulevard, Suite C, in West Palm Beach, Florida.

5. Barron and Bullion acted as a "middle man" between the investor and the clearing firms. Barron and Bullion brokers raised funds from private investors through "cold call" solicitations by telephone and in some instances followed up by facsimile transmission. After charging the investor a commission fee, the remaining funds were to be "leveraged" through a clearing firm, meaning the investor would provide a fraction of the total cost of the desired amount of precious metals, while the clearing firm was to provide the remainder of the cost for the precious metals purchase.

6. Global Asset Management, Inc., was purportedly a clearing firm utilized by Barron and Bullion that was responsible for purchasing the actual precious metals from third parties on behalf of the investors.

7. Precious Metals Management, Inc., was purportedly a clearing firm utilized by Bullion that was responsible for purchasing the actual precious metals on behalf of investors.

8. ROBERT MICHAEL HENRY, RICHARD W. LUTZ, and KELVIN IVAN DESANGLES and others known and unknown to the Grand Jury, were employed by Barron and/or Bullion as brokers, recruiting investors for money, and representing that the money was to be invested in the precious metals market.

OBJECT OF THE CONSPIRACY

9. It was the object of the conspiracy for ROBERT MICHAEL HENRY, RICHARD W. LUTZ, KELVIN IVAN DESANGLES and others known and unknown to the Grand Jury, to financially enrich themselves by causing investors to provide money, by making false representations as to material facts in the solicitation of funds for precious metals purchases. Investor funds were purportedly to be forwarded to the aforementioned clearing firms for the purpose of investing in the precious metals market.

MANNER AND MEANS OF THE CONSPIRACY

10. The manner and means by which ROBERT MICHAEL HENRY, RICHARD W. LUTZ, KELVIN IVAN DESANGLES, and others known and unknown to the Grand Jury, sought to accomplish the purpose and object of the mail fraud conspiracy included, among others, the following:

11. From August of 2004 through March of 2005, Barron brokers, including RICHARD W. LUTZ, raised approximately

\$907,800 dollars from Investor KF ,purportedly for investments in the precious metals market.

12. From February of 2006 through June of 2006, Barron brokers, including ROBERT MICHAEL HENRY, raised approximately \$161,500 dollars from Investor RCM, purportedly for investments in the precious metals market.

13. From February of 2007 through May of 2007, Barron brokers, including RICHARD W. LUTZ, raised approximately \$334,100.00 dollars from Investor CK, purportedly for investments in the precious metals market.

14. From June of 2006 through June 2007, Barron brokers, including ROBERT MICHAEL HENRY, raised approximately \$746,400 from Investor RT, purportedly for investments in the precious metals market.

15. From March of 2008 through March of 2009, Bullion brokers, including ROBERT MICHAEL HENRY, RICHARD W. LUTZ, and KELVIN IVAN DESANGLES raised approximately \$1.6 million dollars purportedly for investments in the precious metals market from various investors. The majority of these funds were invested by two individuals, DT and KF.

16. ROBERT MICHAEL HENRY, RICHARD W. LUTZ, KELVIN IVAN DESANGLES and others known and unknown to the Grand Jury, solicited investors on multiple occasions via telephone for

the purchase of precious metals. During these telephone conversations, the defendants made numerous misrepresentations which caused the investors to invest and continue sending them money.

17. ROBERT MICHAEL HENRY, RICHARD W. LUTZ, KELVIN IVAN DESANGLES and others known and unknown to the Grand Jury, supplied fraudulent trade confirmation statements to investors to lead them to believe their funds were being invested with clearing firms for the actual purchase of precious metals, at market value on the day of the purchase.

18. The defendants, who falsely represented that the equity in their accounts was getting low, caused DT and KF, to continue investing funds through Bullion because "margin calls" were being conducted by Bullion brokers. Bullion brokers falsely told DT and KF that if the equity in their accounts dropped below six percent, then additional funds would need to be provided so their positions could be maintained in the precious metals market. These misrepresentations were made by telephone and fax transmission.

19. The fraudulent offering documents, falsified trade confirmation statements, threatening account liquidation calls, continued "margin call" and fax solicitations made to

investors caused them to mail numerous investment checks made payable to Barron and Bullion using both the USPS and their corporate Federal Express accounts.

20. Under false and fraudulent pretenses, investors RK, RCM, CH and DT were told that their investments would generate enough profit to overcome the high commissions and fees being charged by the defendants and that any investment losses could be made up through additional investments. The investors were also told that they would see substantial profits. They were told the precious metals were actually being purchased and traded, and that trades had been conducted on their behalf for which additional funds would need to be provided, by the investors. ROBERT MICHAEL HENRY, RICHARD W. LUTZ, KELVIN IVAN DESANGLES and others known and unknown to the Grand Jury, made substantial commissions in connection with the numerous investments made by investors KF, RCM, CK, DT, while employed as brokers for Barron and Bullion.

21. From February of 2006 through June of 2006, investor RCM made six investments totaling \$161,500 based on telephone solicitations from ROBERT HENRY. RCM utilized Barron's corporate federal express account when mailing some of his investment checks.

22. From February of 2007 through May of 2007, investor

CK made four investments totaling \$334,100 based on telephone solicitations from RICHARD W. LUTZ. CK utilized Barron's corporate federal express account when mailing some of his investment checks.

23. From June of 2006 through June 2007, investor DT made nine investments totaling \$746,400, based on telephone solicitations from ROBERT MICHAEL HENRY and others known and unknown to the Grand Jury. DT mailed his investment checks to Barron. From April of 2008 through February of 2009, investor DT made twelve more investments totaling \$730,200 based on telephone, text, and facsimile solicitations from ROBERT MICHAEL HENRY and others known and unknown to the Grand Jury. DT utilized Bullion's corporate Federal Express account when mailing some of his investment checks. Also, DT received falsified trade confirmation statements from Bullion via the United States Postal Service.

24. From August of 2004 through March of 2005, investor KF made eighteen investments based on multiple telephone solicitations from Barron broker RICHARD W. LUTZ and others known and unknown to the Grand Jury. KF mailed his investment checks to Barron. From June of 2008 through February of 2009, investor KF made eleven more investments based on multiple telephone solicitations from Bullion brokers RICHARD W. LUTZ,



KELVIN IVAN DESANGLES, and others known and unknown to the Grand Jury. KF also utilized Bullion's corporate Federal Express account to mail his investment checks to Bullion.

25. KELVIN IVAN DESANGLES and others known and unknown to the grand jury, failed to forward five of KF's investment funds totaling \$80,100 to the precious metals firm.

26. The aggregate dollar amount of all investments procured fraudulently by ROBERT MICHAEL HENRY, RICHARD W. LUTZ, KELVIN IVAN DESANGLES and others known and unknown to the Grand Jury, from the investors KF, RCM, CK, DT, totaled approximately, 3.7 million dollars.

All in violation of Title 18, United States Code, Section 1349.

*EIGHT*  
COUNTS TWO THROUGH NINE

**MAIL FRAUD - USE OF THE MAIL**

27. The allegations of paragraphs 1 through 26 re-alleged and incorporated herein by reference.

28. On or about the dates enumerated as to each count, in Martin County and Palm Beach County, in the Southern District of Florida, and elsewhere, for the purpose of executing the afore-said scheme and artifice to defraud and for obtaining money by false and fraudulent pretenses, representations and promises, the Defendants enumerated as to

each count did knowingly cause to be delivered by the United States Postal Service (hereinafter "USPS"), or by private or commercial interstate carrier according to the direction thereon, mail matter, as more particularly described below in each count:

COUNT	APPROX. DATE OF MAILING	INVESTOR	DEFENDANT(S)	DESCRIPTION OF MAILING
2	01/31/2007	CK	RICHARD W. LUTZ	Federal Express mailing from CK in Birmingham, Alabama containing investment check to BTG office in North Palm Beach, Florida
3	02/13/2007	CK	RICHARD W. LUTZ	Federal Express mailing from CK in Birmingham, Alabama containing investment check to BTG office in North Palm Beach, Florida

4	03/15/2007	CK	RICHARD W. LUTZ	Federal Express mailing from CK in Talladega, Alabama containing investment check to BTG office in North Palm Beach, Florida
5	05/22/2007	CK	ROBERT MICHAEL HENRY	Federal Express mailing from CK in Talladega, Alabama containing investment check to BTG office in North Palm Beach, Florida
6	06/04/2008	KF	RICHARD W. LUTZ	Federal Express mailing from LUTZ at BTG office in Stuart, Florida to KF in Groveton, Texas containing investment documents
7	06/09/2008	KF	RICHARD W. LUTZ	Federal Express mailing from KF in Groveton, Texas to LUTZ at BTG office in Stuart, Florida

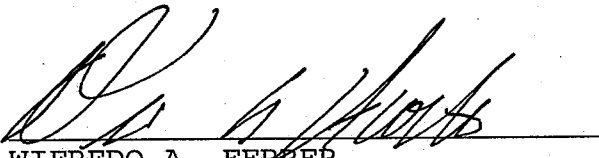
8	02/19/2009	DT	ROBERT MICHAEL HENRY	Federal Express mailing from DT in Shawnee, Kansas containing investment check to BTG office in West Palm Beach, Florida
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All in violation of Title 18, United States Code, Sections  
1341 and 2.

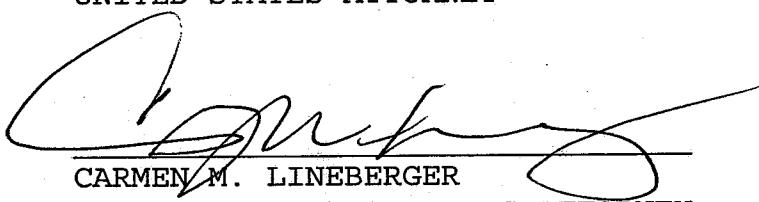
A TRUE BILL



FOREPERSON



WIFREDO A. FERRER  
UNITED STATES ATTORNEY



CARMEN M. LINEBERGER  
ASSISTANT UNITED STATES ATTORNEY

UNITED STATES OF AMERICA

CASE NO. 10-14079-CR-MOORE/LYNCH(s)

vs.

**CERTIFICATE OF TRIAL ATTORNEY\***

**Robert Michael HENRY,  
Richard W. LUTZ,  
Kelvin DESANGLES**

**Defendants.**

**Superseding Case Information:**

**Court Division:** (Select One)

     Miami      Key West  
     FTL      WPB   X   FTP

New Defendant(s) Yes   X   No       
Number of New Defendants     1      
Total number of counts     

I do hereby certify that:

- I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
- I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.

3. Interpreter: (Yes or No)   NO    
List language and/or dialect     

4. This case will take   5   days for the parties to try.

5. Please check appropriate category and type of offense listed below:

(Check only one)	(Check only one)
I 0 to 5 days <u>  X  </u>	Petty <u>    </u>
II 6 to 10 days <u>    </u>	Minor <u>    </u>
III 11 to 20 days <u>    </u>	Misdem. <u>    </u>
IV 21 to 60 days <u>    </u>	Felony <u>  X  </u>
V 61 days and over <u>    </u>	

6. Has this case been previously filed in this District Court? (Yes or No)   NO  

If yes: Judge:      Case No.     

(Attach copy of dispositive order)  
Has a complaint been filed in this matter? (Yes or No)   NO  

If yes: Magistrate Case No.     

Related Miscellaneous numbers:     

Defendant(s) in federal custody as of     

Defendant(s) in state custody as of     

Rule 20 from the      District of     

Is this a potential death penalty case? (Yes or No)   NO  

7. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to October 14, 2003?      Yes   X   No

8. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to September 1, 2007?      Yes   X   No

**CARMEN M. LINEBERGER**  
ASSISTANT UNITED STATES ATTORNEY  
Florida Bar No./Court No. A5501180

\*Penalty Sheet(s) attached

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**PENALTY SHEET**

**CASE NO. 10-14079-CR-MOORE/LYNCH(s)**

**Defendant's Name: ROBERT MICHAEL HENRY**

<b>COUNT</b>	<b>VIOLATION</b>	<b>U.S. CODE</b>	<b>MAX. PENALTY</b>
1	Mail Fraud Conspiracy	18:1349 18:1341	Up to 20 Years; \$250,000 fine ; SR: Up to 3 years; \$100 Special Assessment
5,8	Mail Fraud	18:1341 18:2	Up to 20 Years; \$250,000 fine; SR: Up to 3 years; \$100 Special Assessment

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**PENALTY SHEET**

**CASE NO. 10-14079-CR-MOORE/LYNCH(s)**

**Defendant's Name: RICHARD W. LUTZ**

<b>COUNT</b>	<b>VIOLATION</b>	<b>U.S. CODE</b>	<b>MAX. PENALTY</b>
1	Mail Fraud Conspiracy	18:1349 18:1341	Up to 20 Years; \$250,000 fine ; SR: Up to 3 years; \$100 Special Assessment
2,3,4,6, 7	Mail Fraud	18:1341 18:2	Up to 20 Years; \$250,000 fine; SR: Up to 3 years; \$100 Special Assessment

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**PENALTY SHEET**

**CASE NO. 10-14079-CR-MOORE/LYNCH(s)**

**Defendant's Name:** KELVIN IVAN DESANGLES

<b>COUNT</b>	<b>VIOLATION</b>	<b>U.S. CODE</b>	<b>MAX. PENALTY</b>
1	Mail Fraud Conspiracy	18:1349 18:1341	Up to 20 Years; \$250,000 fine ; SR: Up to 3 years; \$100 Special Assessment



**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NUMBER: 10-14079-CR-KMM/FJL(s)**

**BOND RECOMMENDATION**

**DEFENDANT: ROBERT MICHAEL HENRY**

**On Bond**

**(Personal Surety) (Corporate Surety) (Cash) (Pre-Trial Detention)**

By: \_\_\_\_\_

**AUSA: Carmen M. Lineberger**

Last Known Address: \_\_\_\_\_

**West Palm Beach, FL 33409**

What Facility: \_\_\_\_\_

Agent(s):

**FBI - S/A Stephen Holderman**

**(FBI) (SECRET SERVICE) (DEA) (IRS) (ICE) (OTHER)**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NUMBER: 10-14079-CR-KMM/FJL(s)**

**BOND RECOMMENDATION**

DEFENDANT: RICHARD W. LUTZ

On Bond

(Personal Surety) (Corporate Surety) (Cash) (Pre-Trial Detention)

By: \_\_\_\_\_

AUSA: Carmen M. Lineberger

Last Known Address: \_\_\_\_\_

Hendersonville, TN 37075

What Facility: \_\_\_\_\_

Agent(s):

FBI - S/A Stephen Holderman

(FBI) (SECRET SERVICE) (DEA) (IRS) (ICE) (**OTHER**)