

AO 257 (Rev. 6/78)

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

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

OFFENSE CHARGED

VIOLATION: Securities Fraud, Title 18, United States Code, Section 1348

Petty
 Minor
 Misdemeanor
 Felony

E-filing

PENALTY: 25 Years imprisonment; \$250,000 fine (or twice gain/loss) restitution; 5 years supervised release; \$100 special assessment.

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

FILED

DEFENDANT - U.S. SEC

4 2008

CRB

WILLIAM J. RICHARD DEL BACCIO, III
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 DISTRICT COURT NUMBER

CR 08 0874
 DEFENDANT

PROCEEDING

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

person is awaiting trial in another Federal or State Court, give name of court

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

this is a re prosecution of charges previously dismissed which were dismissed on motion of:

U.S. ATTORNEY DEFENSE

SHOW DOCKET NO.

this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

- If not detained give date any prior summons was served on above charges
- Is a Fugitive
- Is on Bail or Release from (show District)

IS IN CUSTODY

- On this charge
- On another conviction } Federal State
- Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer been filed? Yes No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

This report amends AO 257 previously submitted

Name and Office of Person Furnishing Information on this form

U.S. Attorney Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned)

TIMOTHY P. CRUDO

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS NO PROCESS* WARRANT

Bail Amount: _____

If Summons, complete following:

Arraignment Initial Appearance

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time: _____ Before Judge: _____

Comments:

1 JOSEPH P. RUSSONIELLO (CSBN 44332)
2 United States Attorney

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7 **E-filing**

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

FILED
DEC 4 2008
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

11
12 **CR 08**

CRB
0874

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 WILLIAM J. "BOOTS" DEL BIAGGIO, III,

17 Defendant.

No.

VIOLATION: Securities Fraud, 18 U.S.C. § 1348

SAN FRANCISCO VENUE

18 INFORMATION

19
20 The United States Attorney charges:

21 Between in or about August 2007, and continuing through and including in or about April
22 2008, in the Northern District of California, and elsewhere, the defendant

23 WILLIAM J. "BOOTS" DEL BIAGGIO, III

24 did knowingly and intentionally devise a scheme and artifice to defraud lenders and guarantees in
25 connection with a security in violation of Title 18, United States Code § 1348.

26 Beginning in or about August 2007 and continuing until in or about April 2008, DEL
27 BIAGGIO applied for loans from a number of persons and entities in connection with various
28 ventures, including the purchase of an interest in a major national sports league franchise. In

1 order to obtain those loans and to give the appearance that he had the wherewithal to guarantee
 2 certain financial obligations, DEL BIAGGIO, working with another person known to the United
 3 States Attorney, improperly obtained from a San Francisco investment brokerage firm certain
 4 third party brokerage account statements reflecting holdings in various securities. The securities
 5 reflected on the statements were registered under section 12, and the securities' issuers were
 6 required to file reports under section 15(d), of the Securities Exchange Act of 1934. DEL
 7 BIAGGIO falsified those account statements so as to give the appearance that the securities were
 8 the property of DEL BIAGGIO, transmitted the falsified statements to lenders and guarantees,
 9 and purported to pledge these securities as collateral for some of the loans. These fraudulent
 10 account statements materially misrepresented DEL BIAGGIO's true financial condition.

11 On or about the dates listed below, within the Northern District of California and
 12 elsewhere, DEL BIAGGIO, for the purpose of executing said scheme and artifice to defraud, did
 13 knowingly cause fraudulent brokerage account statements to be transmitted as follows:

<u>Approximate Date</u>	<u>Transmitted to</u>	<u>Approximate Amount of Loan/Guarantee</u>
August 31, 2007	Zion's First National Bank	\$14.9 million (guarantee)
September 25, 2007	The Private Bank of the Peninsula	\$1 million
October 4, 2007	Heritage Bank of Commerce	\$1 million
October 23, 2007	Craig Leipold	\$10 million
October 29, 2007	AEG Facilities, Inc.	\$7 million
November 16, 2007	Modern Bank	\$10 million
November 28, 2007	DGB Investments, Inc.	\$3 million
December 7, 2007	CIT Group, Inc.	\$40 million (guarantee)
December 18, 2007	Pacific Capital Bank, dba South Valley National Bank	\$1.85 million
December 24, 2007	Heritage Bank of Commerce	\$4 million
February 13, 2008	Valley Community Bank	\$4.25 million
April 22, 2008	Security Pacific Bank	\$5 million
April 29, 2008	United American Bank	\$1.75 million

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All in violation of Title 18, United States Code § 1348.

DATED: December 3, 2008

JOSEPH P. RUSSONIELLO
United States Attorney



BRIAN J. STRETCH
Chief, Criminal Division

(Approved as to form: 
AUSA Crado