

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE DISTRICT OF SOUTH CAROLINA  
SPARTANBURG DIVISION

UNITED STATES OF AMERICA	)	CR. NO. <u>7:08-801</u>
	)	18 U.S.C. § 1343
v.	)	18 U.S.C. § 2
	)	
LUIS HIRAM RIVAS	)	

INDICTMENT

COUNTS ONE AND TWO

THE GRAND JURY CHARGES:

1. From in or about January 2007, through in or about May 2008, the Defendant, LUIS HIRAM RIVAS, devised and intended to devise a scheme and artifice to defraud and to obtain monies by means of false and fraudulent pretenses, representations and promises, and during such period stated above, did execute such scheme and artifice and, in so doing, did transmit and cause to be transmitted in interstate and foreign commerce, by means of wire communications, certain electronic sounds, signals and writings, such scheme and artifice and wire communications being more fully and specifically set forth below:

**THE SCHEME AND ARTIFICE**

2. It was part of the scheme and artifice that the defendant did the following:

a. The Defendant did seek to induce potential investors in the District of South Carolina and elsewhere to invest funds in a foreign exchange market, in which

he was to trade the invested funds.

- b. The Defendant did falsely state to potential investors that he had eight years experience trading in the foreign exchange market.
- c. The Defendant did then obtain investor funds and did divert a significant portion of them to his own use rather than investing them in any manner.
- d. The Defendant did then conceal his fraudulent activities by paying investors “profits” which were in truth and fact simply a return of their own, or others’ investments.

### **THE WIRE COMMUNICATIONS**

On or about the dates listed below as to each Count, in the District of South Carolina and elsewhere, having devised and intended to devise a scheme and artifice to defraud and to obtain money and property by means of false and fraudulent pretenses, representations and promises and for the purpose of executing the above-described scheme and artifice, the Defendant, LUIS HIRAM RIVAS, did knowingly transmit and cause to be transmitted by means of wire communications in interstate and foreign commerce certain sounds, signals and writings, either sent from or received in the District of South Carolina, to wit:

<u>COUNT</u>	<u>DATE</u>	<u>WIRE COMMUNICATION</u>
1	December 7, 2007	Wire Transfer in the amount of \$100,000 Between South Carolina and Tennessee involving First National Bank of Spartanburg and First Bank of Tennessee.

2

December 19, 2007

Wire transfer in the amount of \$53,976.90  
Between South Carolina and Tennessee involving  
First National Bank of Spartanburg and First  
Volunteer Bank of Tennessee.

All in violation of Title 18, United States Code, Sections 1343 and 2.

A  true  Bill

s/ Foreperson   
FOREPERSON

s/ W. Walter Wilkins   
W. WALTER WILKINS (MBC/jw)  
UNITED STATES ATTORNEY