

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

UNITED STATES OF AMERICA

SUPERSEDING INDICTMENT

v.

CRIMINAL NO. 3:20-CR-0031 CWR-LGI

TED BRENT ALEXANDER

18 U.S.C. § 1349

18 U.S.C. § 1343

The Grand Jury charges:

At all times relevant to this Indictment Defendant **TED BRENT ALEXANDER** ("**ALEXANDER**") and JON DARRELL SEAWRIGHT ("**SEAWRIGHT**") were residents of Jackson, Mississippi. At all times relevant to this Indictment, **ALEXANDER SEAWRIGHT, LLC**; **ALEXANDER SEAWRIGHT TIMBER FUND I LLC** ("**ASTF**"); and **ALEXANDER SEAWRIGHT TIMBER FUND II** ("**ASTF II**") were Mississippi Limited Liability Companies owned by defendants **ALEXANDER and SEAWRIGHT**.

COUNT 1

Beginning at least as early as 2010 and continuing through at least December 2018, in Hinds County, Mississippi, in the Northern Division of the Southern District of Mississippi, and elsewhere, defendant **TED BRENT ALEXANDER** did knowingly and intentionally conspire with JON DARRELL SEAWRIGHT to commit the following offense:

To knowingly devise a scheme or artifice or intend to devise a scheme or artifice to defraud and to obtain money by means of materially false and fraudulent pretenses, representations, or promises and, for the purpose of executing the scheme, did transmit or cause to be transmitted by means of wire or radio communications in interstate commerce, any writings, signals or sounds, in violation of Title 18, United States Code, Section 1343.

MANNER AND MEANS OF THE CONSPIRACY

The manner and means of the conspiracy include but are not limited to the following:

It was part of the agreement and conspiracy that **TED BRENT ALEXANDER** and **JON DARRELL SEAWRIGHT**, did knowingly and intentionally participate in a scheme and artifice to defraud investors by soliciting millions of dollars of funds under false pretenses and failing to use investors' funds as promised. Co-conspirators **ALEXANDER** and **SEAWRIGHT** represented to investors that **ASTF** was in the business of loaning funds to a "timber broker" to buy timber rights from landowners and then to sell the timber rights to lumber mills at a higher price. **ALEXANDER** and **SEAWRIGHT** promised **ASTF** investors a return of 10% or more over twelve or thirteen months on each unit of invested capital. **ALEXANDER** and **SEAWRIGHT** often communicated in interstate commerce with investors and potential investors by e-mail, telephone, and a website for Alexander Seawright LLC.

In furtherance of the conspiracy and the scheme and artifice to defraud, **ALEXANDER** and **SEAWRIGHT** solicited investors through verbal representations and written representations, including but not limited to documents titled "Equity Term Sheet" which outlined the details of each series of the investment. **ALEXANDER** and **SEAWRIGHT** typically concluded investment contracts with investors in the form of Subscription Agreements between the investors and the co-conspirators. Among other representations, the Equity Term Sheets falsely and fraudulently promised and warranted to all investors that **ALEXANDER** and **SEAWRIGHT** would inspect the property related to the timber rights being invested. In furtherance of the scheme and artifice to defraud, **ALEXANDER** and **SEAWRIGHT** represented to investors that **ALEXANDER** and **SEAWRIGHT** had confidence in the timber deeds, as well as the associated contracts with lumber mills for the timber. **ALEXANDER** and **SEAWRIGHT** represented to their investors

and led their investors to believe that **ALEXANDER** and **SEAWRIGHT** were inspecting each tract of land and were vetting each document, deed, and contract in support of their investments. These promises and representations were material in that they were intended to cause investors to believe that their investments with ASTF were secured by valid assets and to believe that the financial incentives and interests of **ALEXANDER** and **SEAWRIGHT** aligned with those of the investors.

In fact, **ALEXANDER** and **SEAWRIGHT** failed to inspect each property related to the timber rights underlying each investment, and they failed to verify each executed lumber mill agreement related to each investment. **ALEXANDER** and **SEAWRIGHT** made few or no such inquiries, and if **ALEXANDER** and **SEAWRIGHT** had made such inquiries, they would have discovered that the timber deeds, lumber mill agreements, and related documents were not valid.

It was further part of the scheme and artifice to defraud that defendant **ALEXANDER** and **SEAWRIGHT** represented to their investors that **ALEXANDER** and **SEAWRIGHT** would only profit from each series of the investment if it performed as promised to the investors. This gave the ASTF investors the misleading impression that their interests were fully aligned with those of **ALEXANDER** and **SEAWRIGHT**. In fact, in addition to receiving a predetermined percentage of return on the investors' funds, **ALEXANDER** and **SEAWRIGHT** also received undisclosed payments of approximately 3% for recruiting investments to the timber investment scheme immediately upon transferring the investment funds to the purported timber broker. **ALEXANDER** and **SEAWRIGHT** did not disclose to the ASTF investors: (a) the fact of these payments, or (b) the amount of the payments in relation to the investments made, or (c) the timing of the undisclosed payments to **ALEXANDER** and **SEAWRIGHT** before any repayment was made to the investors.

It was further part of the scheme and artifice to defraud that **ALEXANDER** and **SEAWRIGHT** lulled and persuaded investors to maintain their investments and to invest additional funds by asserting that **ALEXANDER** and **SEAWRIGHT** themselves had personal funds invested in ASTF units, when in fact **ALEXANDER** and **SEAWRIGHT** rarely, if ever, invested their personal funds in a full ASTF unit.

It was part of the scheme and artifice to defraud that **ALEXANDER** and **SEAWRIGHT** knew and intended that the false and fraudulent pretenses, representations, and promises would induce investors to entrust money to them, resulting in investors suffering undue risk and substantial loss, while **ALEXANDER** and **SEAWRIGHT** benefitted from the fraudulent scheme, as **ALEXANDER** and **SEAWRIGHT** received undisclosed, up-front payments, and typically invested little or no personal funds, through ASTF, into the scheme.

It was also part of the scheme to defraud that **ALEXANDER** and **SEAWRIGHT**, starting sometime in 2017 and continuing through April 2018, the exact dates unknown to the grand jury, conspired and attempted to obtain money from investors for ASTF II by soliciting investors through verbal representations and written representations, including but not limited to a fifteen-page brochure, and other documents which outlined the details of ASTF II. **ALEXANDER** and **SEAWRIGHT** conspired to obtain and attempted to obtain money from investors for ASTF II by making material misrepresentations, including but not limited to misrepresentations concerning the fees to be paid to **ALEXANDER** and **SEAWRIGHT**. It was further a part of the conspiracy that **ALEXANDER** and **SEAWRIGHT** made misrepresentations concerning ASTF in furtherance of their conspiracy to fraudulently obtain money from investors for ASTF II.

For the purpose of executing the aforesaid scheme and artifice to defraud and in furtherance of the conspiracy, defendant **TED BRENT ALEXANDER** and **JON DARRELL**

SEAWRIGHT, did knowingly transmit and cause to be transmitted, in interstate and foreign commerce, by means of wire communications, certain writings, signals, pictures and sounds.

All in violation of Title 18, United States Code, Sections 1349 and 2.

COUNTS 2 - 8

The allegations set forth in the preceding paragraphs are realleged and incorporated by reference.

Beginning at least as early as 2010 and continuing through at least April 2018, in Hinds County, in the Northern Division of the Southern District of Mississippi and elsewhere, defendant **TED BRENT ALEXANDER** and **JON DARRELL SEAWRIGHT**, aided and abetted by each other, unlawfully, willfully and knowingly devised and intended to devise a scheme and artifice to defraud and to obtain money by means of false and fraudulent pretenses, representations, and promises. In executing this scheme and artifice to defraud, **ALEXANDER** and **SEAWRIGHT** knowingly and willfully obtained money by means of materially false and fraudulent representations, pretenses, and promises, and furtherance thereof, did cause electronic wire communications to be transmitted in interstate commerce for the purpose of executing the scheme, and attempting to do so, in that **ALEXANDER** and **SEAWRIGHT** initiated transactions transferring funds through the Federal Reserve System from one bank to another, as follows, each item constituting a separate count herein:

COUNT	DATE	WIRE COMMUNICATION
2	January 10, 2018	Interstate wire transfer of funds in the amount of \$590,000 from the Federal Reserve Bank in Atlanta, Georgia, on behalf of the First Commercial Bank, in clearance and payment of a check issued by ASTF, to Southern Bancorp in Jackson, Mississippi.

3	January 10, 2018	Interstate wire transfer of funds in the amount of \$100,000 from the Federal Reserve Bank in Atlanta, Georgia, on behalf of the First Commercial Bank, in clearance and payment of a check issued by ASTF, to Southern Bancorp in Jackson, Mississippi.
4	January 16, 2018	Interstate wire transfer of funds in the amount of \$17,700 from the Federal Reserve Bank in Atlanta, Georgia, on behalf of the First National Bank of Clarksdale, Mississippi in clearance and payment of a check issued payable to the account of ALEXANDER SEAWRIGHT LLC, at First Commercial Bank, in Jackson, Mississippi.
5	February 15, 2018	Interstate wire transfer of funds in the amount of \$825,000 from the Federal Reserve Bank in Atlanta, Georgia, on behalf of the First Commercial Bank, in clearance and payment of a check issued by ASTF, to Southern Bancorp in Jackson, Mississippi.
6	February 15, 2018	Interstate wire transfer of funds in the amount of \$24,600 from the Federal Reserve Bank in Atlanta, Georgia, on behalf of Southern Bancorp in clearance and payment of a check issued payable to the account of ALEXANDER SEAWRIGHT LLC, at First Commercial Bank, in Jackson, Mississippi.
7	March 21, 2018	Interstate wire transfer of funds in the amount of \$625,000 from the Federal Reserve Bank in Atlanta, Georgia, on behalf of the First Commercial Bank, in clearance and payment of a check issued by ASTF, to Southern Bancorp in Jackson, Mississippi.
8	March 22, 2018	Interstate wire transfer of funds in the amount of \$18,750 from the Federal Reserve Bank in Atlanta, Georgia, on behalf of Southern Bancorp in clearance and payment of a check issued payable to the account of ALEXANDER SEAWRIGHT LLC, at First Commercial Bank, in Jackson, Mississippi.


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

NOTICE OF INTENT TO SEEK CRIMINAL FORFEITURE

As a result of committing the offenses as alleged in this Indictment, the defendant shall forfeit to the United States all property involved in or traceable to property involved in the offenses, including but not limited to all proceeds obtained directly or indirectly from the offenses, and all property used to facilitate the offenses. Further, if any 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, then it is the intent of the United States to seek a judgment of forfeiture of any other property of the defendant, up to the value of the property described in this notice or any bill of particulars supporting it.

All pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and 982(b); and Title 28, United States Code, Section 2461.


DARREN J. VAMARCA
United States Attorney

A TRUE BILL:
S/SIGNATURE REDACTED
Foreperson of the Grand Jury

This Indictment was returned in open court by the foreperson or deputy foreperson of the Grand Jury on this the 2nd day of August 2022.


UNITED STATES MAGISTRATE JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

UNITED STATES OF AMERICA

SUPERSEDING INDICTMENT
CRIMINAL NO. 3:20-CR-0031 CWR LGI

v.

TED BRENT ALEXANDER

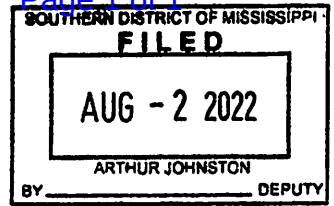
NOTICE OF MAXIMUM PENALTY

Count 1: Conspiracy to Commit Wire Fraud
18 U.S.C. § 1343

- Not more than 20 years of imprisonment
- Not more than a \$250,000 fine
- Not more than 3 years supervised release
- \$100 special assessment

Counts 2 - 8: Wire Fraud
18 U.S.C. § 1343

- Not more than 20 years of imprisonment
- Not more than a \$250,000 fine
- Not more than 3 years supervised release
- \$100 special assessment



CRIMINAL CASE COVER SHEET
 U.S. District Court
 PLACE OF OFFENSE:

CITY: Jackson
 COUNTY: Hinds

RELATED CASE INFORMATION:

SUPERSEDING INDICTMENT DOCKET # 3:20cr31CWR-LGI
 SAME DEFENDANT NEW DEFENDANT _____
 MAGISTRATE JUDGE CASE NUMBER _____
 R 20/ R 40 FROM DISTRICT OF _____

DEFENDANT INFORMATION:

JUVENILE: ___ YES NO
 MATTER TO BE SEALED: ___ YES NO
 NAME/ALIAS: TED BRENT ALEXANDER

U.S. ATTORNEY INFORMATION:

AUSA DAVID H. FULCHER BAR # 10179
 INTERPRETER: ___ No ___ Yes LIST LANGUAGE AND/OR DIALECT: _____

LOCATION STATUS:

ARREST DATE _____
 ___ ALREADY IN FEDERAL CUSTODY AS OF _____
 ___ ALREADY IN STATE CUSTODY
 ON PRETRIAL RELEASE

U.S.C. CITATIONS

TOTAL # OF COUNTS: 8 PETTY _____ MISDEMEANOR 8 FELONY

(CLERK'S OFFICE USE ONLY)	INDEX KEY/CODE	DESCRIPTION OF OFFENSE CHARGED	COUNT(S)
Set 1	<u>18:1349.F</u>	<u>18 USC 1349</u>	<u>Conspiracy to Commit Wire Fraud</u> <u>1</u>
Set 2	<u>18:1343.F</u>	<u>18 USC 1343</u>	<u>Wire Fraud</u> <u>2-8</u>
Set 3	_____	_____	_____
Set 4	_____	_____	_____
Set 5	_____	_____	_____

SIGNATURE OF AUSA: Andrew W. Fulcher
 FOR DAVID H. FULCHER