

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
San Jose Venue

Petition for Warrant for Person Under Supervision

Person Under Supervision

Cary Lee Peterson

Docket Number

0971 5:22CR00338-001 BLF

Name of Sentencing Judge: The Honorable Anne E. Thompson
Senior United States District Judge
District of New Jersey

Date of Original Sentence: December 20, 2018

Original Offense

Count One and Two: 18 U.S.C. § 1350 – False Certification, a Class C Felony.

Count Three: 15 U.S.C. §§ 78j(b), 78ff; and 17 CFR § 240.10b5 – Securities Fraud, a Class D Felony.

Original Sentence: 52 months imprisonment, 3 years supervised release.

Special Conditions: Alcohol restriction, testing, and treatment; full disclosure of financial records; mental health treatment; new debt restrictions; self-employment/business disclosure; and he must refrain from being involved in the financial investment industry.

Prior Form(s) 12: None.

On September 7, 2022, jurisdiction was transferred from the District of New Jersey (Docket Number 16-00230-001) to the Northern District of California (Docket Number 22-00338) and assigned to the Honorable Beth Labson Freeman, United States District Judge.

Type of Supervision

Supervised Release

Assistant U.S. Attorney

To Be Assigned

Date Supervision Commenced

December 23, 2021

Defense Counsel

To Be Assigned

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Petitioning the Court for the issuance of a no bail warrant for the arrest of the person under supervision.

I, Anthony Cardenas, a Probation Officer employed in the United States District Court for the Northern District of California, solemnly affirm and declare, under penalty of perjury, that to the best of my information and belief, the facts set forth in this affidavit are true and correct. The factual affirmations made below are based on my personal knowledge, on official records or documents generated and maintained by my agency in the course of performing its functions, on official records or documents generated and maintained by other government agents or agencies in the course of performing their functions, or on information provided to me orally or electronically by employees or agents of other public agencies (information developed or acquired in the course of performing official agency functions).

Charge Number Violation

One

There is probable cause to believe Mr. Peterson violated standard condition number five which states, in part, “if he plans to change where he lives or anything about his living arrangement, he must notify the probation officer at least ten days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, he must notify the probation officer within 72 hours of becoming aware of a change or expected change.”

Mr. Peterson reported a residence located at 904 Del Avion Lane, San Jose, California, 95138, since he commenced his term of supervised release on December 23, 2021. On June 30, 2022, the U.S. Probation Officer discovered Mr. Peterson has not resided at the previously mentioned address since April of 2022. Mr. Peterson failed to report a change of address to the U.S. Probation Officer.

Evidence of this violation can be found in chronological entry dated June 30, 2022.

Charge Number Violation

Two

There is probable cause to believe Mr. Peterson violated standard condition number seven which states he must notify the probation officer at least ten days before the change if he plans to change where he works. If advanced notice is not possible due to unanticipated circumstances, he must notify the probation officer within 72 hours of becoming aware of a change or expected change.

On March 9, 2022, Mr. Peterson reported to the U.S. Probation Officer he was employed as an intern law student at his own legal firm, Robert Peterson Fields and Associates (Also known as Robert Peterson and Fields Associates, P.C.). On June 30, 2022, the U.S. Probation Officer

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discovered Mr. Peterson changed employment and failed to report a change of employment. According to his manager, Kanyon Sayers-Roods, his new employment is with the Costanoan-Chualar Indian Tribal Community of Indian Canyon and reportedly working as Tribal Council's Chief of Legal Affairs and Compliance.

Evidence of this violation can be found in chronological entries dated March 9, 2022; June 30, 2022; and July 4, 2022.

Charge Number

Violation

Three

There is probable cause to believe Mr. Peterson violated standard condition number nine which states, in part, "if you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours."

Mr. Peterson failed to notify the U.S. Probation Officer of law enforcement contact and questioning on the following dates: April 14, 2022; April 23, 2022; and July 15, 2022.

Evidence of this violation can be found in chronological entry dated April 16, 2022; San Jose Police Department Report Case Number SJ2022-221139705; and San Benito County Sheriff's Office Case Number BG2200803.

Charge Number

Violation

Four

There is probable cause to believe Mr. Peterson violated the mandatory condition which states, in part, he "must pay the imposed restitution that remains unpaid in monthly installments of no less than \$250, to commence 60 days after release from confinement."

On December 23, 2021, Mr. Peterson commenced his term of supervised release and owed \$203,540.19 in restitution. On said date, the U.S. Probation Officer and Mr. Peterson reviewed the Judgment and Conditions imposed by the U.S. District Court of New Jersey on December 21, 2018.

According to the Summary of Criminal Debts dated September 14, 2022, Mr. Peterson has an outstanding restitution balance of \$203,440.19. To date, he has paid \$100 towards restitution on May 10, 2022. The U.S. Probation Officer directed Mr. Peterson to pay restitution, as imposed, on March 9, 2022, and August 3, 2022. Mr. Peterson reported a gross income of \$950 an hour (Mr. Peterson failed to provide proof of income). The reported income demonstrates he can make payments towards his restitution. Mr. Peterson has failed to pay restitution as directed by the U.S. Court and the U.S. Probation Officer.

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Evidence of this violation can be found in the Summary of Criminal Debts dated September 14, 2022; and chronological entries dated March 9, 2022, and August 3, 2022.

Charge Number

Violation

Five

There is probable cause to believe Mr. Peterson violated special condition number two which states, "Upon request, you must provide the U.S. Probation Office with full disclosure of your financial records, including co-mingled income, expenses, assets and liabilities, to include yearly income tax returns. With the exception of the financial accounts reported and noted within the presentence report, you are prohibited from maintaining and/or opening any additional individual and/or joint checking, savings, or other financial accounts, for either personal or business purposes, without the knowledge and approval of the U.S. Probation Office. You must cooperate with the U.S. Probation Officer in the investigation of your financial dealings and must provide truthful monthly statements of your income. You must cooperate in the signing of any authorization to release information forms permitting the U.S. Probation Office access to your financial records."

On August 3, 2022, the U.S. Probation Officer initiated a routine financial investigation. Mr. Peterson was directed to complete a financial packet, follow the instructions outlined in the financial packet, sign necessary documents, and provide documents supporting his finances (both personal and business) by August 8, 2022.

Mr. Peterson provided the financial packet on August 8, 2022; however, failed to complete the packet in its entirety and as directed. In short, he withheld financial information, failed to sign necessary documents, and failed to provide supporting documents.

On August 26, 2022, the U.S. Probation Officer granted Mr. Peterson another opportunity to successfully complete the financial packet in its entirety. On said date, the U.S. Probation Officer provided detailed directives/instructions to accurately complete the financial packet and return said documents by September 7, 2022.

Upon reviewing the second financial packet dated September 7, 2022, provided by Mr. Peterson, he failed to complete the packet in its entirety, and failed to provide supporting financial documents. Mr. Peterson failed to cooperate with the U.S. Probation Officer's financial investigation as he failed to provide full financial disclosure and supporting documents of his financial dealings.

Evidence of this violation can be found on the financial packets (dated August 8, 2022, and September 7, 2022), and documents provided by Mr. Peterson. Further evidence of this violation can be found in

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chronological entries dated August 3, 2022; August 9, 2022; August 26, 2022; and September 14, 2022.

Charge Number

Violation

Six

There is probable cause to believe Mr. Peterson violated standard condition number thirteen which states he must follow the instructions of the probation officer related to the conditions of supervision.

On August 3, 2022, and August 26, 2022, Mr. Peterson was directed by the U.S. Probation Officer to complete a financial packet in its entirety and provide supporting financial documentation for both personal and business financial records. Mr. Peterson was provided with detailed instructions on both occasions; however, he failed to follow instructions, did not provide complete financial packets, did not provide full financial disclosure regarding his financial dealings.

Evidence of this violation can be found on the financial packets (dated August 8, 2022, and September 7, 2022), and documents provided by Mr. Peterson. Further evidence of this violation can be found in chronological entries dated August 3, 2022; August 9, 2022; August 26, 2022; and September 14, 2022.

Charge Number

Violation

Seven

There is probable cause to believe Mr. Peterson violated mandatory condition number three which states he must not commit another federal, state, or local crime.

On September 7, 2022, Mr. Peterson signed and dated a Declaration of Defendant or Offender Net Worth and Cash Flow Statements which declares under penalty and perjury that the financial packet provided to the U.S. Probation Officer is true and correct.

Upon review of the financial packet, Mr. Peterson did not complete the financial packet in its entirety, did not fully describe his financial resources, did not include his financial needs and earning ability, nor did he provide proper supporting financial documentation. Based upon further review of his documents, it appears Mr. Peterson provided a false statement and concealed financial information by citing inaccurate financial information in the financial packet. Based on the aforementioned, Mr. Peterson's actions demonstrate illegal conduct which violate federal law pursuant to 18 U.S.C. § 1001.

Evidence of this violation can be found on the financial packets (dated August 8, 2022, and September 7, 2022), and documents provided by Mr. Peterson. Further evidence of this violation can be found in

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chronological entries dated August 3, 2022; August 9, 2022; August 26, 2022; and September 14, 2022.

Charge Number

Violation

Eight

There is probable cause to believe Mr. Peterson violated special condition number four which states, in part, he is prohibited from incurring any new credit charges, opening additional lines of credit, or incurring any new monetary loan, obligation, or debt, by whatever name known, without the approval of the U.S. Probation Office.

According to an Experian Credit Profile Report (CPR), Mr. Peterson incurred new debt and opened additional lines of credit, outlined as follows: April 4, 2022, he opened a federal loan in the amount of \$4,951.00; April 26, 2022, he opened a Merrick Bank Corporation secured credit card. Additionally, the CPR identifies inquiries for an Auto Loan on August 29, 2022; a Credit One Bank credit card on August 9, 2022; a Capitol One Bank credit card on August 9, 2022; and a Discover Financial Services Bank credit card on August 7, 2022. Additionally, Mr. Peterson appears to have a Cash App Account which is an account he claims to receive his direct deposits. Mr. Peterson has failed to notify and obtain approval of the U.S. Probation Officer prior to opening the aforementioned accounts.

Evidence of this violation can be found in the Experian Credit Profile Report and financial documents provided by Mr. Peterson to the U.S. Probation Officer.

Charge Number

Violation

Nine

There is probable cause to believe Mr. Peterson violated mandatory condition number three which states he must not commit another federal, state, or local crime.

On September 15, 2022, Mr. Peterson was arrested by San Benito County Sheriff's Office for committing fraudulent illegal conduct pursuant in violation of California Penal Code Sections 115(a) – Filing False or Forged Documents; 470(c) – Forgery; 472 – Forgery of Seals; and 532(a) – Theft By False Pretenses; all felonies.

In summary, Mr. Peterson identified himself as a “Chief Justice of a “Tribal Court” of the Costanoan-Chualar Indian Tribe” and provided San Benito County Sheriff's Office with a Federal Court Order and “Tribal Court Order” (Case Number 22-CR-001). The Federal Court Order dismissed a civil matter which advised the matter could be addressed in State Court or “Tribal Court” if it had jurisdiction. The “Tribal Court Order” signed by Mr. Peterson as “Chief Justice” ordered the restraint of an individual who was alleged to trespass on claimed

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Costanoan Indian Tribal Community of Indian Canyon. Mr. Peterson directed deputies to enforce the order. Mr. Peterson was advised Deputies would not enforce the order to which he stated he would be the one to remove the individual and her property, by force if need be.

Thereafter, Mr. Peterson filed various Federal Court filings, subpoenaed documents, created numerous emails, signed federal affidavits, and produced multiple fraudulent "Tribal Court" documents while claiming to be either legal counsel or Chief Justice. Mr. Peterson does not have a law degree. Potential victims identified as a result of Mr. Peterson's fraudulent conduct is the individual whom was restricted to enter her property, the U.S. District Court, Hired Armed Security Guard/Tribal Police Guard whom was directed by Mr. Peterson to enforce the restriction order, and the Costanoan-Chualar Tribe.

Evidence of this violation can be found in the following San Benito County Sheriff's Office Documents: Case Number BG2200803; Incident Details Report Number SB2200015621, SB2200016708, SB22000016079, SB2200016456, Affidavit in Support of Search Warrant and Search Warrant dated September 8, 2022. Further evidence in support of this violation can be found in the U.S. District Court, Northern District of California, San Jose Division, Case Number 5:22-cv-03092; including, but not limited to the filed documents numbered 34, 34-1, 38, 40, 42, 43, 44, 50, 50-1, and 50-2.

Based on the foregoing, there is probable cause to believe that Cary Lee Peterson violated the conditions of his Supervised Release. Therefore, I ask the Court to issue a no bail warrant for his arrest.

Respectfully submitted,

Reviewed by:

Anthony Cardenas

Anthony Cardenas
U.S. Probation Officer Specialist
Date Signed: September 16, 2022

Sonia Lapizco

Sonia Lapizco
Supervisory U.S. Probation Officer

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Having considered the information set forth above, the court finds there is probable cause to believe there has been a violation of the conditions of supervision and orders:

- The issuance of a no bail warrant AND ORDER THAT THIS FORM BE FILED UNDER SEAL, AND NO PUBLIC RECORD OF WARRANT ISSUANCE BE MADE. THE FORM SHALL BE UNSEALED AND BE PART OF THE PUBLIC RECORD UPON ITS EXECUTION.
- Other:

September 19, 2022
Date


Beth Labson Freeman
United States District Judge

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APPENDIX

Grade of Violations: B [7B1.1(a)(2), p.s.]

Criminal History at time of sentencing: I

	Statutory Provisions	Guideline Provisions
Custody:	2 years [18 U.S.C. § 3583(e)(3), p.s.]	4 to 10 months [7B1.4(a), p.s.]
Supervised Release:	3 years, less any term of custody imposed [18 U.S.C. § 3583(h), p.s.]	3 years, less any term of custody imposed [18 U.S.C. § 3583(h), p.s.]
Probation:	Not Applicable	Not Applicable