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9

10 EIGHTEENTH JUDICIAL DISTRICT, STATE OF MONTANA, GALLATIN COUNTY

11 THE STATE OF MONTANA,

No. DC-12-37A

12 Plaintiff,

13 vs.

14 RICHARD REYNOLDS, a/k/a
15 RICHARD ADKINS,

16 Defendant.
17 -----

18 **STATE OF MONTANA'S ANSWER BRIEF OPPOSING DEFENDANT'S MOTION TO**
19 **DISMISS FOR VIOLATION OF RIGHT OF SPEEDY TRIAL**
20

21 COMES NOW Marty Lambert, representing Plaintiff, who files
22 the following Answer Brief opposing Defendant's speedy trial
23 motion filed August 21, 2013.
24

25 **I. Background.**

26 This Court has conducted many hearings regarding
27 Defendant's bail and the conditions of Defendant's release.
28 These hearings have acquainted this Court with the discovery
29 issues raised in Defendant's brief.
30

1 The undersigned will present testimony and evidence
2 concerning the discovery issues during the pre-trial hearing of
3 October 7, 2013. To assist this Court as it prepares for the
4 hearing the undersigned offers the following response to the
5 assertions made in Defendant's brief.

6
7 Digital Discovery.

8 Much of Defendant's written and oral arguments have focused
9 on the computers and digital evidence initially seized by the
10 FBI during Defendant's arrest.

11 To protect the State from accusations of tampering with,
12 altering or destroying any of the digital evidence that may be
13 contained within Defendant's computers, the State sought and
14 obtained a search warrant to copy and preserve the data,
15 App.SearchWarrant., Oct. 29, 2012; SW., Oct. 29. 2012; and
16 Ord.CustodyDisp., Dec. 6, 2012. The State has followed Judge
17 John Brown's order, attached to this Answer Brief as Exhibit
18 "A", in taking action regarding the digital evidence. The State
19 has not unlawfully "hacked" into any of Defendant's digital
20 information.
21

22 As Defendant filed no motions regarding the lawfulness of
23 the State's handling of Defendant's property, defense counsel
24 apparently accepts that the seizure of the computers and
25 portable media was lawful. Likewise, as no motions have been

1 filed regarding the State's search and retention of the digital
2 evidence, and given that the State was directed by orders from
3 District Judge John Brown, defense counsel apparently has
4 concluded that those actions were lawful.

5 On March 14, 2013, Det. Dana McNeil provided defense
6 counsel with an external hard drive containing all the data
7 recovered from Defendant's computers via McNeil's search.
8 Attached as Exhibit "B" is McNeil's March 13, 2013 memo
9 regarding the digital evidence. McNeil provides instructions on
10 how to mount the imaged data and open the files. McNeil also
11 noted that some of the data appeared to be encrypted. McNeil
12 finished the memo with the following:

13
14 In short, everything that appeared to me to be able to be
15 copied, or contained data, is included on the disk. I will
16 assume that you or the defense will notify me if Mr.
Reynolds believes there is something that he needs outside
of what is on the disk, and I am happy to oblige.

17
18 Ex. B, pgs. 1-2. To the undersigned's knowledge, the defense
19 made no contact whatsoever with Det. McNeil regarding the
20 encrypted data until Mr. Breuner left a phone message left for
21 Det. McNeil on August 9, 2013. Det. McNeil was out-of-state at
22 the time, but did reply to Mr. Breuner by e-mail dated August
23 13, 2013. Thus, nearly five months passed between Defendant's
24 receipt in March of the digital evidence and Defendant's
25

1 notification to the State in August of concern regarding the
2 encrypted data.

3 Since the inception of this case the Defendant was free to
4 move either for inspection, or for production, or both, of the
5 digital evidence residing on his computers. Defendant never
6 filed such a motion. Instead, Defendant's approach has been to
7 challenge the amount of his bail, the conditions of his
8 confinement, and his conditions of release. Until he filed a
9 motion to dismiss for lack of speedy trial two weeks ago,
10 Defendant employed no means other than bail motions to seek
11 orders from this Court regarding the provision of digital
12 discovery.

13 During the April 3, 2013 hearing held regarding Defendant's
14 release conditions, defense counsel advised this court of the
15 following:
16

17 MR. OHMAN: I just want to note an exception to Mr.
18 Lambert's insinuation we've done nothing on this case. We
19 have actually done significant work on this case, and we're
20 having staff turnover and different people working on this
case; and now part way down the road, I'm having to bring
new people up to speed on the case.

21 Tr.Apr.3, pg. 63, lns. 20-25. The undersigned sympathizes with
22 the public defender's staffing concerns. Interestingly, Mr.
23 Ohman himself has been replaced as counsel, on or about May 13,
24 2013, by new counsel for the Defendant. Such turnover on the
25

1 defense team undoubtedly has caused delay in preparing the
2 defense case for trial. The defense team changes are the
3 responsibility of the defense, however, and should not be
4 attributed to the State by way of a motion to dismiss.

5
6 Documentary discovery.

7 Defendant laments the state of the discovery provided him
8 in September and October, 2012. This particular discovery
9 includes the details of the State Securities Commissioner's
10 staff's investigation of Defendant.

11 Attached to Defendant's brief is an affidavit of a
12 paralegal. The paralegal states the discovery provided was
13 duplicative and was not properly organized. The paralegal
14 states she has spent "in excess of 40 hours to date" dealing
15 with the discovery. Beckman Aff., pg. 2.

16
17 If Ms. Beckman spent 40 hours organizing discovery as of
18 August 20, 2013, this Court can conclude that Ms. Beckman spent
19 an average of approximately one hour per week during an 11-month
20 time span organizing the discovery in this case. Defense counsel
21 repeatedly has advised this Court about the complexity of this
22 case. The defense of this case was handled for many months by
23 the Regional Public Defender, who ostensibly could prioritize
24 staff assignments and who could direct the time and effort of
25 his paralegal. Apparently this particular complex case merited

1 only one hour per week, on average, of the work of the public
2 defender's paralegal.

3 Defendant has had adequate time to organize the discovery
4 provided by the Auditor's Office.

5
6 Contact with witnesses.

7 Defendant also complains about "unrefined witness
8 disclosures", Def.Brf., pg. 1. Defendant admits in his brief,
9 pg. 15, that he had the full names of the State's potential
10 witnesses no later than February 5, 2013, nine months before the
11 present December trial setting. To the undersigned's knowledge,
12 during the late Winter, Spring, and through the middle of the
13 Summer, 2013, defense staff made no effort whatsoever to contact
14 any of the State's witnesses.

15
16 As this Court is aware, each of these witnesses was a
17 person who invested money with the Defendant. Defendant knew
18 who his investors were. Defendant has known since the start of
19 this case the identity of the people behind the initials listed
20 on the original information. Insofar as the identity of the
21 State's witnesses is concerned, Defense counsel's discovery
22 complaints lack merit.

23 Even though it had no duty to do so, on April 26, 2013 the
24 State provided the defense with two lists of witnesses, a "will
25 call" and a "may call" list. The sole reason for providing two

1 lists was to facilitate Defendant's investigation of the State's
2 witnesses. In addition to the listing of names, on April 26,
3 2013 the Securities Commission staff provided spread sheets to
4 the Defendant advising the Defendant of the specific witnesses
5 who would testify to Counts 3-14 of the Amended Information,
6 their last known addresses, and, where known, their e-mail
7 addresses. The spreadsheets provided on April 26, 2013 to the
8 defense consist of 16 total pages and are attached to this
9 Answer Brief as Ex. "C".

10 To the undersigned's knowledge, the first defense
11 expression of concern regarding the State's witnesses was made
12 by e-mail dated July 23, 2013, when Mr. Breuner asked for
13 contact information regarding 14 witnesses. Thus, over five
14 months passed after the names were provided by witness
15 endorsement, and almost three months passed from the time the
16 additional lists and Exhibit "C" were provided to the Defendant,
17 until the Defendant expressed any concerns with contacting the
18 State's witnesses.
19

20
21 Defendant's bail status.

22 Defendant alleges that his time spent in jail has inhibited
23 his ability to assist in his own defense, thereby creating a
24 speedy trial violation. Defendant asserts that the State's
25 motion to revoke Defendant's release was filed "to actively

1 obstruct defendant's meaningful access to assist in his
2 defense". Def.Brf., pg. 20.

3 Defendant's current counsel's inability to review the
4 evidence against Defendant in an objective manner can be
5 attributed to the late date at which they became counsel of
6 record. For example, the current defense attorneys did not
7 represent defendant during the extensive bail hearings of
8 February 5, 2013, and April 3, 2013.

9 The testimony and evidence presented during the February 5
10 hearing included conclusive proof that Defendant knew for over
11 four months that the Court had issued a warrant for his arrest,
12 and yet Defendant did not surrender himself to the authorities.
13 Tr.Feb.5, pg. 40, lns. 8-21. Rather, during the time he was on
14 the lam, Defendant testified that he tried to negotiate with
15 attorneys for his representation in this case. Tr.Feb.5, pg. 14,
16 lns. 5-23. At the end of the hearing this Court concluded as
17 follows:
18

19 The number of counts identified and the nature of the
20 charges still gives the Court great concern regarding the
21 potential for danger to the community here both in the
22 State of Montana and in the other states where Mr. Adkins
23 has been working from and for the individuals with whom he
24 was working. While the Court recognizes that Mr. Reynolds
25 is indeed innocent at this point in time and that there is
no proof of guilt at this point in the proceedings, the
Court also has to balance the factors identified under the
statute.

1 Given the balance of those factors and in particular
2 consideration of Mr. Reynolds' testimony today, the Court
3 maintains its concern about the general safety of the
4 financial communities in which he has been involved and has
5 not been satisfied based on his testimony today that there
6 isn't continued risk with his release.

7 Tr.Feb.5, pgs. 83-4, lns. 14-25, 1-3. Thus, the Court found that
8 Defendant presented a flight risk, as well as a risk to the
9 financial security of those who came into contact with
10 Defendant, and that bail needed to remain in the amount of
11 \$10,000,000.00.

12 This Court noted the same concerns regarding the risks
13 posed by the Defendant at the conclusion of the April 3, 2013,
14 hearing on Defendant's bail. Tr.,Apr.3., pg. 65, lns. 3-9.

15 As to Defendant's actions on May 29, 2013, Gallatin County
16 Court Service's workers Bill Todd and Ryan Finn concluded that
17 Defendant had left the "inclusion zone" ordered by this Court,
18 and made the decision "to take Mr. Reynolds into custody as he
19 was not following his approved agenda". Report, May 29, 2013,
20 attached to the State's Mot.Rev.Rel., filed May 29, 2013. The
21 decision to arrest Defendant was Court Service's, and not the
22 undersigned's.

23 During the hearing on the State's motion to revoke held
24 June 4, 2013, Bill Todd testified that Defendant was outside of
25 the "inclusion zone". Based on the evidence presented during
that hearing, this Court revoked Defendant's release.

1 Defendant alone is responsible for any interruption or
2 inconvenience to his defense efforts resulting from his actions
3 on May 29, 2013, and not the State.

4
5 **II. Legal Standards.**

6 **Discovery.**

7 The goal of Montana's discovery statutes in criminal cases
8 is "to enhance the search for the truth". *State v. Waters*, 228
9 Mont. 490, 495, 743 P.2d 617 (1087). In *Waters*, defendant knew
10 before trial of the existence of the stolen property at issue in
11 the case. Even where the State did not list the property as a
12 proposed exhibit, defendant *Waters* was not prejudiced or unduly
13 surprised by introduction of the evidence, and the district
14 court did not err when it allowed the evidence as an exhibit
15 during trial. *Id.* Accord, *State v. Stewart*, 2000 MT 379, ¶22,
16 303 Mont. 507, 16 P.3d 391 ("The policy behind §46-15-322, MCA
17 is to provide notice and prevent surprise"); *State v. Golder*,
18 2000 MT 239, ¶13, 301 Mont. 368, 9 P.3d 617 ("Established
19 precedent and statutory language both support the discretion of
20 Montana courts to refuse to impose sanctions for discovery
21 violations where there is no prejudice or undue surprise").

22
23 As trial will not begin until December, Defendant has no
24 legitimate claim of surprise regarding anything provided by way
25 of the State's discovery in this case. The State has not

1 violated any discovery order made by this Court, and the
2 Defendant has not sought sanctions for any purported discovery
3 violation under §46-15-329, MCA.

4 The Defendant's discovery issues are a smokescreen through
5 which the defense seeks to avoid responsibility for its own
6 belated trial preparations. As this Court noted in addressing
7 Defendant during the bail motion hearing of April 3, 2013:

8
9 If you want to help out, you can do it but you've got to
10 get focused. You've got nine months of mental overhead
11 sitting over there, and I don't believe you that you don't
know exactly where this stuff is and how you're going to
get to it and what you need to do.

12 Tr.Apr.3, pg. 79, lns. 17-21.

13
14 Speedy Trial.

15 The four speedy trial factors are: 1) the length of the
16 delay; 2) the reasons for the delay; 3) the accused's responses
17 to the delay; and 4) prejudice to the accused caused by the
18 delay. *State v. Lacey*, 2010 MT 6, ¶14, 355 Mont. 31, 224 P.3d
19 1247. The four factors are "inherently case-specific" and are
20 weighed based upon the facts and circumstances of each case.
21 *State v. Sartain*, 2010 MT 213, ¶13, 357 Mont. 483, 241 P.3d
22 1042, quoting *State v. Ariegwe*, 2007 MT 204, ¶105, 338 Mont.
23 442, 167 P.3d 815.
24
25

1 Regarding the third factor, the Supreme Court holds as
2 follows:

3 The issue is not simply the number of times the accused
4 acquiesced or objected; rather, the focus is on the
5 surrounding circumstances, such as the timeliness,
6 persistence, and sincerity of the objections, the reasons
7 for the acquiescence, whether the accused was represented
8 by counsel, the accused's pretrial conduct (as that conduct
9 bears on the speedy trial right), and so forth. (citation
10 omitted) The totality of the accused's responses to the
11 delay is indicative of whether he or she actually wanted a
12 speedy trial. (citation omitted)

13 *State v. Couture*, 2010 MT 201, ¶50, 357 Mont. 398, 240 P.3d 987.

14 Regarding the fourth factor, the Supreme Court holds that
15 the following three elements should be considered: 1) preventing
16 oppressive pretrial incarceration; 2) minimizing anxiety and
17 concern caused by unresolved criminal charges; and 3) possible
18 impairment of the defense. *Id.*, ¶55.

19 Applying the case law to this particular case, this Court
20 has already noted that Defendant's protests about his lack of
21 ability to assist in his defense are not sincere. Tr.Apr.3,
22 pg.79. Defendant's May 29, 2013 conduct during his pretrial
23 release landed him back in jail for over one month. Such conduct
24 demonstrates a cavalier attitude toward the pretrial process and
25 an unproductive response on Defendant's part to the delay in
getting this case to trial.

1 In judging the fourth Ariegwe factor the law provides that
2 complex charges weigh less heavily against the state than
3 relatively simple charges such as felony DUI. *Id.*, ¶59. Thus,
4 even though he had been incarcerated for 924 days, defendant
5 Couture's pretrial incarceration was determined to not be
6 particularly oppressive. Further, as the charge against Couture
7 was deliberate homicide, his high bail weighed against a finding
8 of oppressiveness. *Id.*, ¶60. The Couture case cited *State v.*
9 *Keyes*, 2000 MT 337, ¶18, 303 Mont. 147, 15 P.3d 443, for the
10 proposition that, when a defendant presents a flight risk, high
11 bail weighs less heavily in considering oppressiveness. *Id.*

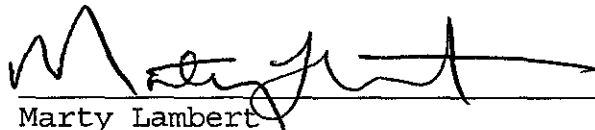
12 The defense concedes that the charges in this case are
13 complex, and not of the kind where the Montana public defender's
14 office has a great deal of experience. Further, as set forth
15 above, after lengthy hearings, this Court has on two occasions
16 found Defendant presents a flight risk.

17 Regarding the possibility that the defense would be
18 impaired, the Supreme Court recognizes that a defendant may
19 benefit from delay facilitating defense investigation,
20 interviewing potential witnesses, and preparing a defense to the
21 charges. Thus, in *State v. Morrissey*, 2009 MT 201, ¶71, 351 Mont.
22 144, 214 P.3d 708, the defense's case improved due to delay,
23 and, on balance, 1,168 days' delay was insufficient to result in
24 a violation of defendant's speedy trial rights. *Id.*, ¶73.
25

1 The third part of the fourth Ariegwe factor is definitely
2 in play in this case, as the defense team has changed throughout
3 the course of this case, and the defense apparently needs
4 additional time to adequately prepare its case for trial.

5 After hearing all the evidence applicable to Defendant's
6 speedy trial motion, this Court will have a substantial record
7 supporting an order denying Defendant's motion to dismiss for
8 lack of speedy trial.

9 DATED this 4 day of September, 2013.

10
11 
12 Marty Lambert

13 Gallatin County Attorney

14 **CERTIFICATE OF SERVICE**

15 I certify that a copy of the foregoing was duly served by
16 mailing a copy, addressed as follows, by first class U.S. mail,
17 postage prepaid, to the following counsel of record this 5 day
18 of September, 2013.

19 Andy Breuner
20 P.O. Box 603
21 Gallatin Gateway, MT 59730

22
23 
24 Marty Lambert
25

IN THE DISTRICT COURT OF THE STATE OF MONTANA
IN AND FOR THE COUNTY OF GALLATIN



Before: John Brown, District Judge

In the Matter of the Search of:

HP external hard drive P/N WDBACZ0010BBK-01;)
HP Pavillion Laptop S/N CND9123QFT;)
Black CD Case containing 50 CD/DVD Roms;)
HP Pavillion Desktop Computer S/N MXX21103WF;)
And a Micro Center 32GB USB "Thumb" drive, all)
Located in secure areas of the Bozeman Police Department)
Offices in the Law and Justice Center, 615 S. 16th Avenue,)
Bozeman, Gallatin County, Montana.)

Cause No. _____

**ORDER FOR CUSTODY
AND DISPOSITION
OF PROPERTY**

On December 6, 2017, Detective Dana McNeil, of the Bozeman Police Department, filed with this court a return on Search Warrant describing the results of his search, and the need for further investigation. This property was seized and searched as prescribed by law and as authorized by the search warrant.

It appears to this court that an order for the custody, preservation and safekeeping of the property should be issued until the described property is needed as evidence.

Accordingly, it is the order of this court that the following property be maintained in the custody of the Bozeman Police or its designees, who are to complete their analysis and keep it safely preserved until further order of this court:

1. HP external hard drive P/N WDBACZ0010BBK-01 and any data it contains.
2. HP Pavillion Laptop S/N CND9123QFT and any data it contains.
3. Black CD Case containing 50 CD/DVD Roms and any data they contain.
4. HP Pavillion Desktop Computer S/N MXX21103WF and any data it contains.
5. Micro Center 32GB USB "Thumb" drive and any data it contains.

DATED this 6 day of December, 2012.


DISTRICT COURT JUDGE



MEMO

Received

MAR 14 2013

County Attorney

CASE NO: Bozeman Police Detective Case 9093
DATE: 3/13/13
SUBJECT: Duplication of digital evidence files.

TO: Marty Lambert
cc: Peter Ohman
FROM: Detective Dana McNeil



Marty,

On 3/13/13 I received an external hard drive from Peter Ohman in regards to copying data in the Richard Reynolds case. On 3/14/13 I completed a duplication of the digital evidence files, which were copied to the "WD My Passport" external USB drive. I wanted to document a few things that you and/or the defense will need to know in order to use these files.

The hard drives/cd-roms/thumb drives/etc. were forensically duplicated into what are known as "forensic disk images". In short this is a standard method of taking all the data (even empty space) on a piece of media, and putting it into a single file. In order to access the files from the original media you will need to use a program to "mount" the disk images on whatever computer you are viewing the files on. I have included the free application, "FTK Imager" on the disk with the copied media to accomplish this. Please refer to an attached document that outlines how to use FTK Imager to access the data.

Below is the media that I copied into the "Disk Images" folder:

- HP Portable HD BB07.e01 – External hard drive (partly encrypted?)
- HPSystemDrive.e01 – Hard drive from the HP Desktop system
- Laptop TOSHIBA MK4058GSX.e01 – Hard drive from the Toshiba Laptop
- USB 2.001 – 32 GB Microcenter Thumb Drive (Encrypted?)
- Optical drive 0.e01 – Disk one of the "Waldo" dvds
- Waldo DVD2.e01 – Disk 2 of the "Waldo" dvds
- Waldo DVD3.e01 – Disk 3 of the "Waldo" dvds
- Waldo DVD4.e01 – Disk 4 of the "Waldo" dvds

I also copied the phone extractions into the folder, "Phone Extractions". These extractions contain HTML reports regarding info extracted from the phones, but are not "disk images" as described above.

As I have previously mentioned some of the data appears encrypted. Some of the data is on media without a file system (such as the "Waldo" disks), so it's not very useful. Some items, such as the "Magic Jack" hardware seized by the FBI, and many DVDs that appear to me to be blank, were never "imaged" and are not included on the disk. In short, everything that appeared to me to be able to be copied, or contained data, is included on the disk. I will assume that you



Bozeman Police Department



or the defense will notify me if Mr. Reynolds believes there is something else that he needs outside of what is on the disk, and I am happy to oblige.

Please let me know if you have any questions regarding the above data. Obviously the data contained on this media is also partly redundant to extracted evidence which has already been supplied to your office and Lynn Egan.

Signed,

A handwritten signature in black ink, appearing to read 'Dana McNeil', written over a horizontal line.

Dana McNeil
Detective
Bozeman Police Department

Using FTK Imager to mount logical volumes

1. Install FTK Imager onto the system you will be using to mount any forensic disk images.
2. Open FTK Imager.
3. Go to File - > Image Mounting...
4. Click the "..." button next to the text box labeled "Image File:" Navigate to the location of the image file you wish to mount to logical drive name(s). The image files usually have the .001 or .e01 file extension.
5. You can optionally specify if you wish to mount the media as both physical and/or logical disks, what drive letter you wish to start specifying the disk partitions to, and whether the media should function as writable or read only. Note that if you mark a partition as read only, any changes to the media will either not succeed, or not be reflected the next time you mount it! In general it is recommended to copy any information out of the disk image to read/write media (i.e. your systems hard drive or other location) to work on it, leaving the disk image unmodified.
6. Click the "Mount" button. In a few moments FTK Imager will show you what partitions exist on the media you specified, and what drive letters those partitions mapped to. You can now navigate to these drive letters as you ordinarily would through "My Computer".

Exhibit C
pg. 3

Individual Invest Spreadsheet

Exhibit C
pg. 4

Individual Invest Spreadsheet

Exhibit C
Pg. 6

Individual Invest Spreadsheet

Initials as identified in pleading	Investor First Name	Investor Last Name	Date of Investment	Total Amount of Investment	Count 2 05/05/09	Count 3 8/26/09 10/31/09	Count 4 11/1/2009 12/31/2009	Count 5 1/1/2010 2/28/2010	Count 6 3/7/2010 4/30/2010	Count 7 5/1/2010 6/30/2010	Count 8 7/1/2010 8/31/2010	Count 9 9/1/2010 10/31/2010	Count 10 11/1/2010 12/31/2010	Count 11 1/1/2011 2/28/2011	Count 12 3/1/2011 4/30/2011	Count 13 5/1/2011 6/30/2011	Count 14 7/1/2011 8/31/2011
P.G.M.	Park Gye	Moon	30-Jun-10	\$5,000.00						X							
J.M.	Joel	Morrow	31-May-11	\$25,000.00												X	
J.M.	Joel	Morrow	20-May-11	\$50,000.00												X	
C.P.	Christopher	Parker	6-Nov-09	\$75,000.00			X										
A. & S.F.	Alexander & Susannah	Petruncov	18-Apr-10	\$20,000.00													
A. & S.F.	Alexander & Susannah	Petruncov	13-May-11	\$5,000.00												X	
D.P.	Dwight	Pierce	11-Aug-11	\$75,000.00													
D.P.	Dwight	Pierce	19-Jan-11	\$25,000.00										X			
J.P.	Jamie	Pridgen	12-Jan-11	\$20,000.00										X			
R.P.	Robert (Chandler)	Pridgen	6-Dec-10	\$40,000.00									X				
R.P.	Robert (Chandler)	Pridgen	12-Jan-11	\$20,000.00										X			
R.P.	Robert (Chandler)	Pridgen	27-Jan-11	\$10,000.00										X			
P.H.R.	Park Hong	Rae	1-Feb-11	\$5,000.00										X			
C.R.	Christopher	Reis	1-Oct-10	\$25,000.00								X					
S.R.	Sherman	Reynolds	6-Jan-10	\$10,000.00			X					X					
M.R.	Matthew	Rigsby	27-Apr-11	\$2,500.00											X		
R.O.I.G.	River Oaks Investment Group, Inc.		14-Nov-10	\$4,000,000.00													
R.O.I.G.	River Oaks Investment Group, Inc.		19-Nov-10	\$400,000.00													
R.O.I.G.	River Oaks Investment Group, Inc.		17-Dec-10	\$250,000.00									X				
R.O.I.G.	River Oaks Investment Group, Inc.		7-Jan-11	\$300,000.00										X			
R.O.I.G.	River Oaks Investment Group, Inc.		9-Feb-11	\$100,000.00										X			
R.O.I.G.	River Oaks Investment Group, Inc.		15-Apr-11	\$700,000.00													
J.R.-M.	Jasmin A.	Rodger-Major	24-Mar-11	\$40,000.00											X		
B. C. R.	Baja Capri	Rodgers	21-Jul-11	\$15,000.00				X									
B. & J.R.	Byron & Jasmin	Rodgers	5-Jan-10	\$25,000.00			X										
R.R. & B.R.	Ronald & Bonnie	Robletter	2-Oct-09	\$25,000.00													
R.R. & B.R.	Ronald & Bonnie	Robletter	14-Nov-10	\$100,000.00													
R.R. & B.R.	Ronald & Bonnie	Robletter	18-May-10	\$10,000.00													
R.R. & B.R.	Ronald & Bonnie	Robletter	12-Mar-10	\$15,000.00													
B.S.	Brooks	Seale	21-Dec-10	\$10,000.00									X				
M.S.	Marcus	Smith	28-Jan-10	\$10,000.00			X										
M.S.	Moonyoung	Sohn	8-Nov-10	\$17,000.00									X				
D. & C.S.	Dwight & Caryn	Southerland	10-May-10	\$15,000.00													

Individual Invest Spreadsheet

Exhibit C
Pg. 7

6

7

Exhibit C

Pg. 8

Individual Invest Spreadsheet

Individual	Investor First Name	Investor Last Name	Investment	Count 1	Count 2	Count 3	Count 4	Count 5	Count 6	Count 7	Count 8	Count 9	Count 10	Count 11	Count 12	Count 13	Count 14
D & C S	Dwight & Carolyn	Southerland	1/23-Mar-11	10/31/09	15/1/2009	1/1/2010	1/1/2010	1/1/2010	1/1/2010	1/1/2010	1/1/2010	1/1/2010	1/1/2010	1/1/2010	1/1/2010	1/1/2010	1/1/2010
W.S.	William	Starford	4-Feb-10														
C.S.	Chris	Starling	27-Jan-11														
S.H.T.	Shin Hyun	Teag	29-Jul-10														
D.S.	Diana & David	Thomas	1/23-Mar-11														
D.S.	Diana & David	Thomas	1/23-Mar-11														
G.S.	Gary & Susan	Threat	1/23-Mar-11														
C.T.	Carol & Tom	Tiolo	1/23-Mar-11														
J.T.	Jerry	Turney	8-Feb-10														
P.O.	Patricia	Under	1/23-Mar-11														
P.O.	Patricia	Under	1/23-Mar-11														
U.I.	Unknown Investor	Unknown Investor	18-Oct-10														
D.V.	Dennis	Vandam	3-Apr-10														
A.E.V.	Agustin Enriquez	Vargas	30-Jun-10														
J.V.	Jennifer	Verdery	21-Jan-11														
S.V.	Sugnot	Virgile	20-Sep-10														
P.V.	Patricia	Virkler IRA	25-Oct-10														
N.W.	Nancy	Weidner	25-Jan-10														
E.S.	Edward	Wolfe	1/23-Mar-11														
E.S.	Edward	Wolfe	1/23-Mar-11														
V.Z.	Vernon	Zook	1/23-Mar-11														
V.Z.	Vernon	Zook	1/23-Mar-11														

\$5,534,943.00

Initials as identified in pleading	Investor First Name	Investor Last Name	Address	City	State	Zip	Phone Number
C.L.A.	Curtis Lloyd	Akright	226 Ashland Creek Court	Lawrenceville	GA	30045	
J.T.B.	James Tom	Galley					UNABLE TO LOCATE
W. & N.B.	William & Nancy	Bannis					UNABLE TO LOCATE
E.B. & D.B.	E. Brown & Debra	Bannister	1905 Townsend Blvd.	Franklin	TN	37064	615-500-5704
L. & N.B.	Larry & Nancy	Bannister	10012 Sorrel Court	Benbrook	TX	76126	817-907-2258
S.B.	Susan	Battle	2167 River Road North	Summit	MS	39666	1789
B.C.R.		LLC	56783 Free Gold Drive	Yucca Valley	CA	92284	760-365-2145
V.B.B.B.	Yayasan	Bandung					UNABLE TO LOCATE
D.B.	Douglas	Berkey					UNABLE TO LOCATE
P.B.	Paul	Bickle					UNABLE TO LOCATE
L.B.	Lorna	Bituin	1600 Pamphrey Lane	Silver Springs	MD	20905	301-455-5177
D. B. II	Dennis	Blanchard II	13301 State Street	Hammond	LA	70403	1405
D.B.	Donald	Blevins					UNABLE TO LOCATE
T.B.	Teri	Brande	4177 Clovercroft Road	Brentwood	TN	37067	818-400-1445
W.B.	William	Broadus	8316 N. 21st Ave.	Raymond	IL	62560	314-849-6514
J.B.	Jacques	Burrie					UNABLE TO LOCATE
S. & W.C.	Stacey & Wesley	Campbell	872 Westpoint Drive	Kelowna	British Columbia	BCV1W274	250-764-1369
M.C.	Michael	Cantrell	2 East Highway 25-70	Dandridge	TN	37067	865-3979-8162
J.S.C.	Jo Sung	Chul	101-401 Dongo Apt. Pungduchuch	Suje Yongin	Korea		82-103-886-1324
H.S.C.	Hae Sun	Chung			Korea		
J.C.	Joshua	Colon					UNABLE TO LOCATE
M.C.	Michael T.	Cory	1446 Whisperwood Court	Lawrenceville	GA	30043	404-317-6079
C. E. I.		Inc.(Mark Virkler)	11918 Lazio Ln	Orlando	FL	32827	407-271-8412
D. & D.C.	David & Deena	Culberson	91 Snuggs Circle	Mayflower	AR	72106	501-733-4990
J. & L.C.	DECEASED)	Culberson	109 Culberson Road	Mayflower	AR	72106	501-470-3711
R.T.D.	Roberto Torres	Delgado	828 Tiffany Green Court	Chesapeake	VA	23320	757-547-3879 or 757-944-0510
B.D.	Brian	Deming	4830 W. Kennedy Blvd., Suite 890	Sarasota	FL		813-765-1220
N.D.	Nathan	Denton	1538 Cable Ranch Road, Apt. 9102	San Antonio	TX	78245	281-796-6984
R.D.-H.	Roman	Diadado Hicalgo	UNABLE TO LOCATE				
A. D.	Annalisa	Diosdado	3521 Shadow Trace	Gainsville	GA	30507	
T.D.	Thomas	Dollslager	2925 Saint Charles Dr.	Conway	AR	72034	501-329-2114
T.D.	Terry	Dover	1580 Green Acres Drive	Newport	TN	37821	423-623-4067
M. D.	Monty	Duncan	5156 W. Topisaw S.	Summit	MS	39666	C-601-248-8815
L.E.	Lynn	Ellis	1121 Savannah Drive	Mobile	AL	36609	251-401-9256
R. & D.E.	Robert & Debby	made under Esposito	770 Stephen Court	Gilroy	CA	95020	408-930-7885
J. & K.E.	Joel & Kathy	Estis	5655 Cloverland Drive	Brentwood	TN	37027	615-578-1042

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L.E.	Lyris	Evans	11437 Chestnut Ave., Apt. 604	Kansas City	MO	64137	954-551-6551
H.P.		International					UNABLE TO LOCATE
K.F.	Kenneth	Farley	1007 Crimson Clover Dr.	Brentwood	TN	37027	615-294-2329
F.C.C.		Church	51 Savushkina Ave. #2	St. Petersburg	Russia	197183	804-550-21221
M.F.	Mark	Fernandez	810 Ballwin Road	Ballwin	MO	63021	
G. F.	Glenda	Fleshman	2311 Rue Simone	Hammond	LA	70403	
D.H.	Dorinda	Houke					UNABLE TO LOCATE
B.F.	Barbara	Franklin	P.O. Box 17247	Nashville	TN	37217	615-773-8481
C. G.	Christopher	Ganuchau	119 Somerset Road	La Place	LA	70068	985-652-6654 504-232-9001
J. & J.G.	John & Janet	Gathright	4 Cyprus Road	Conway	AR	72032	H-501-329-0233
F.G.	Frank	Gennaro	401 River St.	Valdosta	GA	31601	
M.G.	Manuel	Gonzalez					UNABLE TO LOCATE
R.G.	Rolando	Gonzalez	2440 Fieldrock Way	Lawrenceville	GA	33043	678-520-2089
H.S. & H.S.G.	Huo Sun & Hyo Sun	Gu	117-501 Kunmaul Apt., Tanhyudong	Ilisan, Koyang	Korea		
J.H.	Jan	Hale	1152 Fairway	Lebanon	TN	37087	615-453-4887
P.H.	Peter	Hanna	5950 Coldwater Canyon Ave., Apt. 4	Sherman Oaks	CA	91423	757-687-1636
R.H.	Rick	Hardee	P.O. Box 471306	Charlotte	NC	28247	704-363-0373
S.H. Jr.	Steve	Harper					THIS IS PASTER/SOLICITOR DAVID HARPER'S FATHER
G.H.	Gary D.	Harrington	135 Sanderson Court	Moyock	NC	27958	757-641-1303
H.H.		Trust					UNABLE TO LOCATE
S.H. Jr.	Stephen	Hataway, JR.					UNABLE TO LOCATE
F.H.	Frederick	Hoepfner	1503 Stout Road	Menomonie	WI	54751	715-379-3569
C.W.H.	C. Walter	Hollis	5 River Road East	Mayflower	AR	72106	501-803-3812
R.H.	Ronald	(DECEASED)	1905 Townsend Blvd.	Franklin	TN	37064	615-500-5704
D. & S.H.	David & Sandra	Houston	2828 Sawyer Bend Road	Franklin	TN		615-207-1988
A.H.	Allen	Humphrey	271 Providence Club Drive	Monroe	GA	30656	770-312-6398
G. & L.H.	Gary & Laura Ann	Humphrey	868 Old Plank Sq.	Duluth	GA		404-423-5351
R. & S.H.	Robert & Sylvia	Humphrey	951 Nors Circle	Lawrenceville	GA	30045	314-498-6275
W.H.	William	Humphrey	2594 Rolling Brook Trail	Atlanta	GA	30344	770-853-6132
M.H.	Mark	Partners LLC	106 Mission Court, Suite 602B	Franklin	TN	37067	615-400-3492
J.B.Y.	Jae Byung	Jae Byung Yoon	91-P #401 HapjungDong	Mapogu, Seoul	Korea		
S.M. (J.F.T.)	Sharon Mohr, Trustee	(Sharon Mohr)	2772 Hamilton Ct., Apt. 4	Bozeman	MT	59718	406-624-6831
M.J.J.	Myung Jin	Jun	521-1003 Hang Yang Apt. 500	Kyungki	Korea		
G.K.	Gabriele	Kaltner			Germany		
T.K.	Thomas	Keener	10717 Kirkland Drive	Spotsylvania	VA	22551	540-972-3987
E.K.	Eleanor	Keller					UNABLE TO LOCATE
S.K.	Scott	Keller	1749 Creek Mill Trace	Lawrenceville	GA	30045	678-485-4033
T.K.	Theodore	Kramer	265 Finsbury Park Court	Suwanee	GA	30024	770-310-3308
K.H.L.	Kyeong Hee	Lee	402-11 Seokyo-Dong, Mapo-Ku	Seoul	Korea		

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K.H.L.	Kyung Hee	Lee	402-11 Seokyo-Dong, Mapo-Ku	Seoul	Korea		
J.L.	Jason	Leher	200 McDermott Trail	Mayflower	AR	72106	501-470-9675
C.L. III	Charles W.	Lewis III	586 Middleton Place	Grayson	GA	30017	678-576-8000
C.J.M-B.	C. Jade	Major-Bryan	10422 Lonestar Place	Davie	FL	33328	954-812-4705
V.R.M.	Van Russell	Manning	P.O. Box 231	Lumberton	MS	39455	228-216-2392
H.M.	Hwang	Manok	601 Sung Som Dong, Mapogu	Seoul	Korea		
D.M.	Dennis	Matula			UNABLE TO LOCATE		
W. & D. M.	William & Denise	McCormick	142 Highland Crest Dr.	Covington	LA	70435	985-445-7768
A.M.	Ashley	McLean	1310 Stampmill Way	Lawrenceville	GA	30043	770-856-9399
J. & J.M.	Joseph & Joyce	Miller	663 Beachy Road	Accident	MO	21520	757-477-3042
P. M.	Phillip	Miller	2029 Mt. Pleasant Rd.	Chesapeake	VA	23322	757-477-3042
S.M.	Scott	Miller	5188 Blackwater Road	Virginia Beach	VA	23450	757-477-0365
P.G.M.	Park Gye	Moon	JongAm-Dong	Sungkuk-Ku, Seoul	Korea		
J. M.	Joel	Morrow	23056 Pecan Grove Dr.	Robert	LA	70455	985-429-1060
J. & J. P.	Joseph & Joyce	Palmisano	4616 Clearview Parkway	Metairie	LA	70006	
C.P.	Christopher	Parker	513 Legends Ridge Court	Franklin	TN	37069	
R.P.	Robert	Penn			UNABLE TO LOCATE		
A. & S.P.	Alexander & Susannah	Petrounov	202 Patrick Avenue	Franklin	TN	37064	
D.P.	Dwight	Pierce	2918 Adam Street	Conway	AR	72034	501-499-1520
J.P.	Jamie	Pridgen	270 Channings Lake Dr.	Lawrenceville	GA	30043	678-325-0598
R.P.	Robert (Chandler)	Pridgen	595 Flintlock Drive	Dacula	GA	30019	678-438-0793
P.H.R.	Park Hong	Rae	Woipidong 522-14 Sangrokku Ansancity	Kyunggido	Korea		
C.R.	Christopher	Reis	950 Winnbrook Drive	Dacula	GA	30019	
S.R.	Sherman	Reynolds	10 Cardinal Circle	Conway	AR	73032	501-450-7298
M.R.	Matthew	Rigsby	2560 Rosedale Road	Snellville	GA	30078	
R.O.I.G.I.		Group, Inc.	8306 Ramblebrook Court	Humble	TX	77396	832-599-9551
J.R.M.	Jasmin A.	Rodgers Major			UNABLE TO LOCATE		
B. C. R.	Baja Capri	Rodgers			UNABLE TO LOCATE		
B. & J.R.	Byron & Jasmin	Rodgers	10422 Lone Star Place	Davie	FL	33328	954-871-6897
R. & B.R.	Ronald & Bonnie	Rohletter	4580 Ballantyne Road	Belgrade	MT	59714	406-587-2870
B.S.	Brooks	Seale	2108 Rosemont Dr.	Montgomery	AL	36111	334-265-5752
T.S.	Ted	Seymour			UNABLE TO LOCATE		
M.S.	Marcus	Smith	26555 SE 25th Street	Smammamish	WA	98075	425-392-3721
M.S.	Moonyoung	Sohn	Mapo-GU	Seoul	Korea		010-8737-4799
D. & C.S.	Dwight & Caryn	Southerland	3404 London Road	Conway	AR	72034	501-327-3818
W.S.	William	Stafford	8900 Chicot Heights Road	Mabelville	AR	72103	501-249-6807
C.S.	Chris	Stalling	1119 Maple Creek Rdg	Loganville	GA	30052	678-468-7800 C
S.H.T.	Shin Hyun	Teag	B-304 Royal Palace	Jungladong, Bungdang gu Sung name City	Korea		
D. & L.T.	Diana & Lyle	Thomas	51 Savushkina Ave. #2	St. Petersburg	Russia	197183	804-550-21221

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G.T.	Gary	Threatt	55 Rocky Gap Road	Mayflower	AR	72106	501-258-2476
C. T.	Carlo	Triolo	298 Pine St.	Independence	LA	70443	985-878-4691
J.T.	Jerry	Turney	P.O. Box 62276	Colorado Springs	CO	80962	615-642-5353
F.U.	Frederic	Unger	2782 Towerview Road	Herndon	VA	20171	571-265-4600
U.I.		Unknown Investor					UNABLE TO LOCATE
U.I.		Unknown Investor					UNABLE TO LOCATE
D.V.	Dennis	Vandam	1946 Turner NW	Grand Rapids	MI	49504	616-292-5056
A. E. V.	Agustin Enriquez	Vargas	Mira Azul 65 Col. Cumbria Cvautitlan	Izcalli Estado De Mexico	Mexico	54740	52-554-848-4281
J.V.	Jennifer	Verdery	30 Lighthouse Drive	Winder	GA	30680	678-851-4964
S.W.	Sugnot	Virginia					UNABLE TO LOCATE
P.V.	Patricia	Virkler IRA	135 South LaSalle St., Suite 4000	Chicago	IL	60603	716-681-4896
N.W.	Nancy	Weidner	5020 Clark Road #122	Sarasota	FL	34233	719-351-8920
L.W.	Lee	Whitman	2406 Blair Blvd.	Nashville	TN	37212	615-828-4168
E.Y.	Edward	Yoder	409 Earhart	Chesapeake	VA	23322	757-803-3971
V. Z.	Vernon	Zook	5631 Antoinette St.	Sarasota	FL	34242	941-924-5884

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sun@nowhid.com
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Victim Contact Information

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Victim Contact Information

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⑥

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jasminrodgers@hotmail.com
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counselwell@gmail.com

Victim Contact Information

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Exhibit C
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Victim Contact Information

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