

JEFFREY R. BUHMAN #7041
Utah County Attorney
100 East Center, Suite 2100
Provo, Utah 84606
Telephone: (801) 851-8026
Fax: (801) 851-8051

IN THE FOURTH JUDICIAL DISTRICT COURT
IN AND FOR UTAH COUNTY, STATE OF UTAH

THE STATE OF UTAH,

Plaintiff,

vs.

DANIEL JOHN MERRIMAN

aka:

4918 South Frieze Circle

Taylorsville UT 84118

DOB: 02/04/1970,

Defendant.

INFORMATION

Case No. 091401811

Judge Davis

OTN

JEFFREY R. BUHMAN, Utah County Attorney, State of Utah, accuses the defendant(s) of the following crime(s):

COUNT 1: SECURITIES FRAUD, a second degree felony, in violation of Utah Code Ann. § 61-1-1, in that the above named defendant, between 11/19/2005 and 12/29/2006, in Utah County, Utah, , in connection with the offer, sale, or purchase of a security, directly or indirectly, did:

(1) employ a device, scheme, or artifice to defraud;

(2) make an untrue statement of a material fact or omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading; or

(3) engage in an act, practice, or course of business which operates or would operate as a fraud or deceit upon any person; and

(i) at the time the crime was committed, the property, money, or thing unlawfully obtained or sought to be obtained was worth \$10,000 or more; or

(ii) (A) at the time the crime was committed, the property, money, or thing unlawfully obtained or sought to be obtained was worth less than \$10,000; and

(B) in connection with that violation, the violator knowingly accepted any money representing:

(I) equity in a person's home;

(II) a withdrawal from any individual retirement account; or

(III) a withdrawal from any qualified retirement plan as defined in the Internal Revenue Code.

NOTE: This crime is punishable by imprisonment for an indeterminate term of not less than three years or more than fifteen years.

COUNT 2: THEFT BY DECEPTION, a second degree felony, in violation of Utah Code Ann. § 76-6-405, in that the above named defendant, between 11/19/2005 and 12/01/2006, in Utah County, Utah, obtained or exercised unauthorized control over the property of another by deception, with the purpose to deprive the owner thereof, and the

- (i) value of the property or services was or exceeded \$5,000;
- (ii) property stolen was a firearm or an operable motor vehicle;
- (iii) defendant was armed with a dangerous weapon at the time of the theft; or
- (iv) property was stolen from the person of another.

COUNT 3: SECURITIES FRAUD, a second degree felony, in violation of Utah Code Ann. § 61-1-1, in that the above named defendant, between 09/01/2006 and 12/01/2007, in Utah County, Utah, , in connection with the offer, sale, or purchase of a security, directly or indirectly, did:

- (1) employ a device, scheme, or artifice to defraud;
- (2) make an untrue statement of a material fact or omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading; or
- (3) engage in an act, practice, or course of business which operates or would operate as a fraud or deceit upon any person; and
 - (i) at the time the crime was committed, the property, money, or thing unlawfully obtained or sought to be obtained was worth \$10,000 or more; or
 - (ii) (A) at the time the crime was committed, the property, money, or thing unlawfully obtained or sought to be obtained was worth less than \$10,000; and
 - (B) in connection with that violation, the violator knowingly accepted any money representing:
 - (I) equity in a person's home;
 - (II) a withdrawal from any individual retirement account; or
 - (III) a withdrawal from any qualified retirement plan as defined in the Internal Revenue Code.

COUNT 4: THEFT BY DECEPTION, a second degree felony, in violation of Utah Code Ann. § 76-6-405, in that the above named defendant, between 09/01/2006 and 12/29/2006, in Utah County, Utah, obtained or exercised unauthorized control over the property of another by deception, with the purpose to deprive the owner thereof, and the

- (i) value of the property or services was or exceeded \$5,000;
- (ii) property stolen was a firearm or an operable motor vehicle;
- (iii) defendant was armed with a dangerous weapon at the time of the theft; or
- (iv) property was stolen from the person of another.

COUNT 5: COMMUNICATIONS FRAUD, a second degree felony, in violation of Utah Code Ann. § 76-10-1801, in that the above named defendant, between 12/29/2006 and 12/29/2006, in Utah County, Utah, intentionally, knowingly or recklessly devised a scheme or artifice to defraud another or to obtain

from another money or anything of value by means of false or fraudulent pretenses, representations, promises, or material omissions, and who, as a party to the offense, communicated directly or indirectly with a person by any means for the purpose of executing or concealing the scheme, artifice or fraud; and the value of the loss or the thing sought to be obtained was or exceeded \$5,000; or the object of the scheme or artifice to defraud is other than the obtaining of something of monetary value.

This Information is based on evidence provided by Susan Jones, Utah Division of Securities.

LS

UTAH COUNTY ATTORNEY
June 15, 2009

LS

DEPUTY UTAH COUNTY ATTORNEY
TIMOTHY TAYLOR