

FILED

MAR 01 2010
4TH DISTRICT
STATE OF UTAH
UTAH COUNTY

CHARLENE BARLOW, Bar No. 0212
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IN THE FOURTH JUDICIAL DISTRICT COURT IN AND FOR
UTAH COUNTY, STATE OF UTAH

THE STATE OF UTAH, : Bail \$ _____
 :
 Plaintiff, :
 : **CRIMINAL INFORMATION**
 vs. :
 :
 VIRGINA RAYE BURR, : Case No: 101400662
 :
 DOB: December 11, 1974 :
 : Judge: Johnson
 Defendant. :

The undersigned, Investigator JONATHAN STEWART, upon oath, states on information and belief that defendant committed the following crimes:

SECURITIES FRAUD
a third degree felony, 2 counts

COUNT 1
SECURITIES FRAUD
a third degree felony

Commencing on or about February 2008, in the State of Utah, Utah County, the defendant, in connection with the offer or sale of a security, directly or indirectly, to Scott

and/or Erika Atwood, made untrue statements of material facts or omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; or engaged in an act, practice, or course of business which operated or would operate as a fraud or deceit, in violation of Utah Code Ann. §§61-1-1 and 61-1-21. This violation is a third degree felony under Utah Law.

**COUNT 2
SECURITIES FRAUD
a third degree felony**

Commencing on or about February 2008, in the State of Utah, Utah County, the defendant, in connection with the offer or sale of a security, directly or indirectly, to **Scott and/or Erika Atwood**, made untrue statements of material facts or omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; or engaged in an act, practice, or course of business which operated or would operate as a fraud or deceit, in violation of Utah Code Ann. §§61-1-1 and 61-1-21. This violation is a third degree felony under Utah Law.

DATED this 2 day of MARCH, 2010.

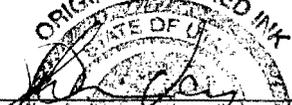


JONATHAN STEWART, Affiant

SUBSCRIBED AND SWORN to before me on this
2 day of March, 2010.

I CERTIFY THAT THIS IS
AN ORIGINAL DOCUMENT
FOURTH JUDICIAL DISTRICT
COUNTY, STATE OF UTAH
DATE: 03-02-2010





JUDGE, Fourth District Court



DEPUTY COURT

This CRIMINAL INFORMATION is based upon evidence from the

following witnesses:

1. Scott Atwood
2. Erika Atwood
3. And Others

AUTHORIZED for presentment and filing this 1st day of March, 2010.

MARK L. SHURTLEFF
Utah Attorney General

By: Charlene Barlow
CHARLENE BARLOW
Assistant Attorney General

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

THE STATE OF UTAH, :
 :
 Plaintiff, : **AFFIDAVIT OF PROBABLE CAUSE**
 :
 vs. :
 :
 VIRGINIA RAYE BURR : Case No: 101400662
 DOB: December 11, 1974 :
 :
 Defendant. : Judge: Johnson

STATE OF UTAH)
 :SS
COUNTY OF UTAH)

I, JONATHAN STEWART, being first duly sworn upon oath, depose and state as follows:

1. I am currently employed as a Securities Compliance Investigator for the Utah Department of Commerce, Division of Securities. Prior to my employment with the Division of Securities, I was employed by the Utah Division of Consumer Protection as an investigator. I

hold a Bachelor of Science degree from the University of Utah in Sociology with a Certificate in Criminology. I am currently investigating possible violations of securities fraud, pattern of unlawful activity, abuse, neglect or exploitation of a vulnerable adult, and related criminal code violations by VIRGINIA RAYE BURR.

2. The facts set forth in this affidavit are based upon the results of an investigation during which I have collected and reviewed records from two witnesses and other sources. I have received information from Scott and Erika Atwood.

PARTIES

3. VIRGINIA RAYE BURR, at all pertinent times, resided in Pleasant Grove, Utah County, Utah and her last known address was 823 North 1700 West, Pleasant Grove, Utah 84062

BACKGROUND

4. BURR told Erika Atwood that BURR was making 20% or more in interest in a four to six week investment and that for every \$10,000 invested a \$3,500 return would be made.

5. BURR told Erika it was secured by real estate attorneys, and through her (BURR), she would open up "secure" spots and would be willing to give the Atwoods one of those spots.

SECURITIES FRAUD

6. Between February 1, 2008 and February 21, 2008, BURR accepted \$40,000 from the Atwoods. Although request has been made, the Atwoods only received back \$21,000. The transactions involve investment contracts which are securities as defined by Utah Code Ann. §61-1-13 (1953, as amended).

7. With the predicate statement “for every \$10,000 invested a \$3,500 return would be made,” BURR misrepresented the following material facts to one or more investors in connection with the offer or sale of a security, including, but not limited to:

- a. BURR told Erika that the investment spots were “secure.”

8. With the predicate statement “for every \$10,000 invested a \$3,500 return would be made,” BURR omitted the following material facts in connection with the offer or sale of a security, including, but not limited to:

- a. BURR did not provide the Atwoods with any background information about the person/people who would be receiving the Atwoods’ investment money;
- b. BURR did not tell the Atwoods how a return of \$3,500 would be made on an investment of \$10,000 in four to six weeks;
- c. BURR did not give the Atwoods details about how their investment would be secure;
- d. BURR did not tell the Atwoods about any risk factors for investors;
- e. BURR did not tell the Atwoods BURR had over \$4,000 worth of judgments filed against her;
- f. BURR did not tell the Atwoods she filed for bankruptcy in 2002.

COUNT 1
SECURITIES FRAUD, a third degree felony

9. Scot and Erika Atwood have known Virginia BURR for over ten years.

On January 20, 2008 while Erika was visiting BURR at BURR's home in Pleasant Grove she had a conversation with BURR.

10. BURR told Erika that she had sold a house for an investor friend who let her in on some Private Attorney Spots in Salt Lake City, where they bought blocks of real estate for pennies on the dollar.

11. BURR told Erika she was making about 20% or more in interest for a four to six week investment.

12. BURR told Erika that for every \$10,000 invested Erika would get back \$3,500 in interest.

13. BURR told Erika it was secured by real estate, and BURR would be willing to give some of these "secure" spots to the Atwoods for them to invest.

14. Erika told BURR that in order to invest Erika would need to liquidate her 401k/IRA and could do an initial investment of \$35,000.

15. On February 12, 2008, the Atwoods invested \$35,000 with BURR by giving a personal check to BURR.

COUNT 2
SECURITIES FRAUD, a third degree felony

16. BURR contacted the Atwoods on February 15, 2008, to let the Atwoods know that a quick spot to split with BURR had opened up and BURR needed a quick \$5,000.

17. BURR told the Atwoods that this investment would pay \$1,750.

18. The Atwoods decided to invest again by giving a personal check for \$5,000 to BURR on February 21, 2008.

SUMMARY

Based on my review of the evidence there is probable cause to believe that BURR committed the crimes of:

**SECURITIES FRAUD
a third degree felony, 2 counts**

DATED this 2 day of MARCH, 2010.



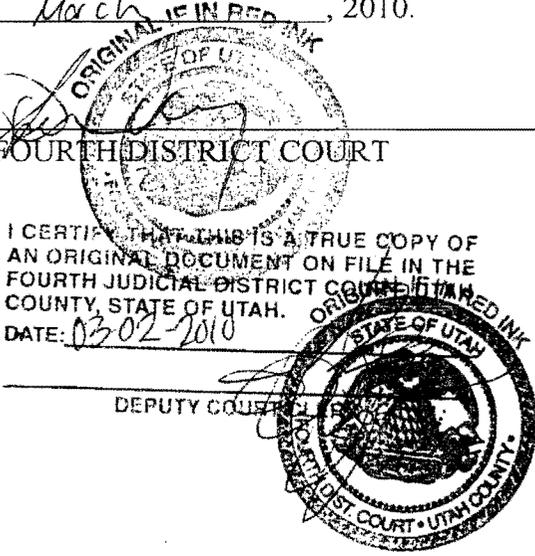
JONATHAN STEWART, Affiant

SUBSCRIBED AND SWORN before me this 2
day of March, 2010.

JUDGE, FOURTH DISTRICT COURT

I CERTIFY THAT THIS IS A TRUE COPY OF
AN ORIGINAL DOCUMENT ON FILE IN THE
FOURTH JUDICIAL DISTRICT COURT, UTAH
COUNTY, STATE OF UTAH.
DATE: 03-02-2010

DEPUTY COURT CLERK



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

THE STATE OF UTAH, : Bail \$ _____
 :
Plaintiff, :
 : **WARRANT OF ARREST**
vs. :
 :
VIRGINIA RAYE BURR, : Case No: 101400662
DOB: December 11, 1974 :
 : Judge: _____
Defendant.

THE STATE OF UTAH TO ANY PEACE OFFICER IN THE STATE OF UTAH,

GREETINGS:

An Information, upon oath, having been this day made before me by Investigator Jonathan Stewart, and it appearing from the Information, or affidavit filed with the Information, that there is probable cause to believe that the public offense of: **Securities Fraud, a third degree felony, 2 counts**, has been committed, and that the defendant, VIRGINIA RAYE BURR, has committed these offenses,

YOU ARE THEREFORE COMMANDED to arrest the above named defendant forthwith and bring the defendant before this court, or before the nearest or most accessible magistrate for setting bail. If the defendant has fled justice, you shall pursue the defendant into any other county of this state and there arrest the defendant. The offenses listed above are felonies.

Bail is set in the amount of \$ 7,500.00 cash or bond.

DATED this 2 day of March, 2010.

 ORIGINAL IF IN RED INK
HONORABLE _____
JUDGE, FOURTH DISTRICT COURT

Defendant's Address:
823 North 1700 West
Pleasant Grove, UT