

Third Judicial District

FEB 0 2008

SALT LAKE COUNTY

County Clerk

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IN THE THIRD JUDICIAL DISTRICT COURT IN AND FOR
SALT LAKE COUNTY, STATE OF UTAH

THE STATE OF UTAH, :
 :
 Plaintiff, : **CRIMINAL INFORMATION**
 :
 vs. :
 :
 VAL E. SOUTHWICK, : Case No. 081900971
 DOB: March 21, 1945 :
 : Judge _____
 Defendant. :

The undersigned, JENNIFER KORB, upon oath, states on information and belief that the defendant has committed the following crimes:

SECURITIES FRAUD
a second degree felony, 9 counts

COUNT 1
SECURITIES FRAUD
a second degree felony

Commencing on or about July 2005, in the State of Utah, County of Salt Lake and elsewhere, the defendant, in connection with the offer or sale of a security, directly or indirectly, to **JONATHAN N. and PATRICIA HORNE**, 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 second degree felony under Utah Law.

COUNT 2
SECURITIES FRAUD
a second degree felony

Commencing on or about January 2006, in the State of Utah, County of Salt Lake and elsewhere, the defendant, in connection with the offer or sale of a security, directly or indirectly, to **FRANK and JANET ANDERSON**, 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 second degree felony under Utah Law.

COUNT 3
SECURITIES FRAUD
a second degree felony

Commencing on or about September 2006, in the State of Utah, County of Salt Lake and elsewhere, the defendant, in connection with the offer or sale of a security, directly or indirectly, to **MARK BAER**, 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 second degree felony under Utah Law.

COUNT 4
SECURITIES FRAUD
a second degree felony

Commencing on or about August 2004, in the State of Utah, County of Salt Lake and elsewhere, the defendant, in connection

with the offer or sale of a security, directly or indirectly, to **JAY CHRISTENSEN**, 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 second degree felony under Utah Law.

COUNT 5
SECURITIES FRAUD
a second degree felony

Commencing on or about January 2005, in the State of Utah, County of Salt Lake and elsewhere, the defendant, in connection with the offer or sale of a security, directly or indirectly, to **JAY CHRISTENSEN**, 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 second degree felony under Utah Law.

COUNT 6
SECURITIES FRAUD
a second degree felony

Commencing on or about August 2005, in the State of Utah, County of Salt Lake and elsewhere, the defendant, in connection with the offer or sale of a security, directly or indirectly, to **JAY CHRISTENSEN**, 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 second degree felony under Utah Law.

COUNT 7
SECURITIES FRAUD
a second degree felony

Commencing on or about January 2005, in the State of Utah, County of Salt Lake and elsewhere, the defendant, in connection with the offer or sale of a security, directly or indirectly, to **DR. JONATHAN H. HORNE**, 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 second degree felony under Utah Law.

COUNT 8
SECURITIES FRAUD
a second degree felony

Commencing on or about March 2005, in the State of Utah, County of Salt Lake and elsewhere, the defendant, in connection with the offer or sale of a security, directly or indirectly, to **DR. JONATHAN H. HORNE**, 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 second degree felony under Utah Law.

COUNT 9
SECURITIES FRAUD
a second degree felony

Commencing on or about July 2005, in the State of Utah, County of Salt Lake and elsewhere, the defendant, in connection with the offer or sale of a security, directly or indirectly, to **DR. JONATHAN H. HORNE**, made untrue statements of material facts

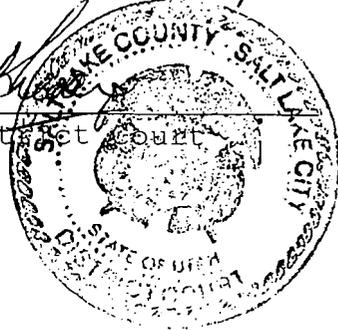
or omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; or engaged in an act, practice, or course of business which operated or would operate as a fraud or deceit, in violation of Utah Code Ann. §§61-1-1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

DATED this 6th day of February, 2008.

Jennifer Korb
JENNIFER KORB, Affiant

SUBSCRIBED AND SWORN to before me
On this 6th day of February,
2008.

[Signature]
Judge, Third District Court

The seal is circular with a double border. The outer border contains the text "SALT LAKE COUNTY, UTAH" at the top and "THIRD DISTRICT COURT" at the bottom. The inner border contains "SALT LAKE CITY" at the top and "DISTRICT OF UTAH" at the bottom. In the center of the seal is a stylized sun or starburst design.

This CRIMINAL INFORMATION is based upon evidence from the following witnesses:

1. Jonathan N. and Patricia Horne
2. Frank and Janet Anderson
3. Mark Baer
4. Marvin and Venna Lange
5. Dr. Jonathan H. Horne
6. Terry and Ann Hansen
7. Michael LeDuc
8. Jane Oliver
9. Jay Christensen
10. and others.

AUTHORIZED FOR PRESENTMENT AND FILING this 6th day of

February _____, 2008.

MARK L. SHURTLEFF
Utah Attorney General

By: Charlene Barlow
CHARLENE BARLOW
Assistant Attorney General