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

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THE STATE OF UTAH,  
  
Plaintiff,

-vs-

**LINTON DALE LIVINGSTON**  
**DOB 07/13/1950,**  
**AKA**  
**5210 Huntington Road**  
**Taylorville, UT**  
**D.L.# 146054789**  
OTN  
SO#

Defendant.

Screened by: ALICIA COOK  
Assigned to: ALICIA COOK  
(Tuesday Roll Call)

DAO # 10038946

ECR Status: **NON-ECR**  
Initial Appearance:

SUMMONS TO BE ISSUED  
Warrant/Release: NOT BOOKED

**INFORMATION**

Case No. **111903498**

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The undersigned Adam Sweet - UTAH DIVISION OF SECURITIES, Agency Case No. 10-0015, upon a written affidavit states on information and belief that the defendant, LINTON DALE LIVINGSTON, committed the crime of:

COUNT 1

EXPLOITATION OF A VULNERABLE ADULT, (2994) 76-5-111(4)(a)(i) UCA, second degree felony, as follows: That on or about November 04, 2008 in Salt Lake County, State of Utah, the defendant did intentionally or knowingly, by deception or intimidation, obtain or use, or endeavor to obtain or use, a vulnerable adult's funds, credit, assets, or other property with the intent to temporarily or permanently deprive the vulnerable adult of the use, benefit, or possession of the adult's property, for the benefit of someone other than the vulnerable adult, and the actor was in a position of trust and confidence or had a business relationship with the vulnerable adult or had undue influence over the vulnerable adult, and the aggregate value of the resources used or the profit made was or exceeded \$5,000.

COUNT 2

SECURITIES FRAUD, (940) 61-1-1 UCA, third degree felony, as follows: That on or about November 01, 2008 in Salt Lake County, State of Utah, the defendant did, in connection with the offer, sale, or purchase of a security, directly or indirectly,

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

(b) 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 were made, not misleading; or

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

(2) 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.

THIS INFORMATION IS BASED ON EVIDENCE OBTAINED FROM THE FOLLOWING WITNESSES:

Adam Sweet, Michael Hines, Joseph McElhaney

AFFIDAVIT OF PROBABLE CAUSE:

This Information is based upon the following:

On the statement of Joseph McElhaney (d.o.b. 1/20/32) that in November of 2008, the defendant, DALE LINTON LIVINGSTON, offered to sell Mr. McElhaney stock in a company named Crime-Loss Stop, Inc.. The defendant said that Mr. McElhaney could purchase stock for \$0.10 a share, and that if Mr. McElhaney purchased \$5000 worth of stock, Mr. McElhaney would be able to sell the shares for \$50,000 in a few weeks. The defendant told Mr. McElhaney that there was no risk on the investment. The defendant also told Mr. McElhaney that the defendant was a licensed attorney.

The statement of Mr. McElhaney that on November 4<sup>th</sup>, 2008, Mr. McElhaney gave the defendant a cashier's check for \$5000. The defendant gave Mr. McElhaney a stock certificate for 50,000 shares in Crime-Loss Stop, Inc.. This transaction occurred in a car outside of Mr. McElhaney's apartment in Midvale, Salt Lake County, State of Utah.

The statement of Mr. McElhaney that he has not been able to sell his stock in Crime-Loss Stop, Inc., and that the defendant refused to refund Mr. McElhaney's stock purchase.

The statement of Adam Sweet, an Investigator for the Utah Division of Securities, that Crime-Loss Stop, Inc. filed with the Utah Division of Corporations on July 3<sup>rd</sup>, 2008. The status of Crime-Loss Stop Inc. has been "expired" since November 2<sup>nd</sup>, 2009. The further statement of Mr. Sweet that the defendant is not an attorney, the defendant has filed for Chapter 13 bankruptcy twice, the defendant had 7 judgments rendered against him from 1992 through 2002, and that two garnishments were issued against the defendant to collect a judgment ordered in 2001. The further statement of Mr. Sweet that the defendant is not licensed to sell securities.

The statement of Mr. McElhaney that the defendant did not disclose that he had filed for bankruptcy, had judgments issued against him, and that the defendant was not licensed to sell securities.

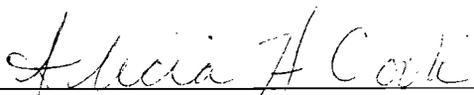
Pursuant to Utah Code Annotated § 78B-5-705 (2008) I declare under criminal penalty of the State of Utah that the foregoing is true and correct to the best of my belief and knowledge.

Executed on: \_\_\_\_\_

\_\_\_\_\_  
ADAM SWEET  
Declarant

Authorized for presentment and filing:

SIM GILL, District Attorney

  
\_\_\_\_\_  
Deputy District Attorney  
2nd day of May, 2011  
KH/SRB/DAO #10038946





**Metro Jail  
Book and Release Instructions**

You have been instructed to report to the Metro Jail to complete the *Book and Release* process. You are being provided the following instructions in order to facilitate this process as quickly as possible.

**LOCATION:**

The Metro Jail is located at 3415 South 900 West. Parking is available in the visitor's parking lot which is located south of the building. You will need to report to the Security Officer located at the top of the ramp in the visiting area.

**TIMES:**

4:00 AM to 8:00 AM  
10:30 AM to 12:00 PM  
3:30 PM to 5:00 PM  
8:30 PM to 11:00 PM

If you cannot come during these hours, you will not be turned away; however, Jail staff may be able to process you quicker during these hours. Due to unforeseen operational problems or circumstances beyond our control it may occasionally take several hours to complete the *Book and Release* process. We will make every effort to process you as quickly as possible.

**WHAT TO BRING:**

Court documents – Summons, Warrants, and/or Pretrial Services documents.  
Government issued photo identification such as Driver's License, State ID, Passport or Military ID.

**WHAT NOT TO BRING:**

Family or friends as seating is very limited.  
Children as they cannot be left unattended while you are being processed. Personal items not necessary for the process as it may slow down the process.

Following these guidelines will facilitate this process being completed as quickly as possible. If you have any questions call the Metro Jail at (801) 743-5000 or Pretrial Services at (801) 743-5025. Thank you