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FILED DISTRICT COURT
Third Judicial District

AUG 2 2011

By M. Gill
Deputy Clerk

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

THE STATE OF UTAH
Plaintiff,

vs.

ENRIQUE DAVID SOSA
DOB: 09/11/1967,
AKA:
4048 North Edgewood Drive
Provo, UT
D.L.# 149906511
OTN
SO#
Defendant.

Screened by: BRADFORD COOLEY
Assigned to: BRADFORD COOLEY

DAO # 11014066

ECR Status: **Non ECR**
Initial Appearance:

Bail: \$50,007.00
Warrant/Release: Not Booked

INFORMATION

Case No. 111905646

The undersigned Joseph Gatton - UTAH DIVISION OF SECURITIES, Agency Case No. 11-0041, upon a written declarant states on information and belief that the defendant, ENRIQUE DAVID SOSA, committed the crimes of:

COUNT 1

SECURITIES FRAUD, 61-1-1 UCA and 61-1-21 UCA, a Second Degree Felony, as follows:
That on or about June 08, 2011 at 411 West 7200 South, in Salt Lake County, State of Utah the defendant, ENRIQUE DAVID SOSA, a party to the offense, 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 operates or would operate as a fraud or deceit upon any person; and (2)(a) 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 (b)(i) 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 (ii) in connection with that violation, the violator knowingly accepted any money representing: (A) equity in a person's primary residence; (B) a withdrawal from any individual retirement account; or (C) a withdrawal from any qualified retirement plan as defined in the Internal Revenue Code.

COUNT 2

SALE OF UNLICENSED SECURITY, 61-1-7 UCA, a Third Degree Felony, as follows: That on or about June 08, 2011 at 411 West 7200 South, in Salt Lake County, State of Utah the defendant, ENRIQUE DAVID SOSA, a party to the offense, did offer or sell any security in this state that was not properly registered or exempted under Utah Code § 61-1-14, or the security was not a federal covered security for which a notice filing had been made pursuant to the provisions of Utah Code § 61-1-15.5.

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

Joseph Gatton and Mike Hines.

DECLARANT OF PROBABLE CAUSE:

Your declarant bases this Information on the following:

The statement of Utah Division of Securities Investigator Joseph Gatton that, on June 8, 2011, posing as a potential investor, he met with defendant ENRIQUE DAVID SOSA, at 411 West 7200 South, in Salt Lake County, Utah. During the meeting, SOSA told Gatton that he worked for a charity group called Sun Haven Foundation for the Arts, Education and Humanity. SOSA said he was also the sole principal of Sun Haven Metals, a DBA of Sun Haven Foundation. SOSA told Gatton that 7 tons of unrefined mineral ore had been donated to the Foundation, and that investor funds were needed to pay for the extraction, which was to be performed by Calvin Smith and Associates, and Rio Tinto. SOSA indicated that gold, tungsten, radium, silver, and platinum could be extracted from the ore.

SOSA told Gatton that the minimum investment was \$29,100, which would pay for the extraction of 1.1 kilograms of gold. SOSA said an investor would realize a gain of \$24,000 after the extraction process was completed. According to SOSA, investors could not receive less than a 35-55% gain because assays had been performed on the ore and had been approved and verified. SOSA claimed that these projected returns were based on "conservative estimates" of the assay reports, and told Gatton that one drum of ore would be separated "as a guarantee for the 21-day return," which investors would be receiving. SOSA asserted that any gains on the investment would be tax-free because the investment funds would be considered a charitable donation to the Foundation. SOSA also told Gatton that the investment could not become illiquid because they were already starting the process.

SOSA stated that Calvin Smith and Associates had no debt, had been on the Fortune 500 list for 50 years, and had never been sued. SOSA also told Gatton that Sun Haven Metals had never had any problems paying investors, had never been involved in any legal proceedings, and that, one week prior to the June 8 meeting, an individual had invested \$9 million in Sun Haven Metals. SOSA also stated that he, personally, had never been involved in any legal proceedings.

INFORMATION

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During the meeting, SOSA provided Gatton with five documents, including a "LETTER ASSIGNMENT AGREEMENT," which stated that the investment in Sun Haven Metals was for stock in the company, which as to go public soon.

Thereafter, SOSA provided Gatton with several additional documents via email, including a 26-page document describing the investment, entitled "Ore Concentrates," and a document entitled, "AGREEMENT." The "Ore Concentrates" document listed three principals for Sun Haven Metals: Prof. Dr. Peter K. Schmidt, Dr. E. David Shapiro Sosa, and Smith's and Associates, and stated that Sun Haven Metals held over 5,480 tons of ore. The "AGREEMENT" indicated that, in return for an investment of \$29,900, the client would realize a gain of \$24,500 over a period of "21 Banking Days." This document also stated that Sun Haven Metals would provide to the client a 45% monetary return, and stated that the client could assign the agreement to another individual or corporation.

During his investigation, Gatton discovered that SOSA had made several misrepresentations regarding the investment. First, contrary to SOSA's assertions regarding Calvin Smith and Associates, the Fortune 500 is comprised of companies, not individuals, and Calvin Smith and Associates filed with the Wyoming Secretary of State in 2000 and has never appeared on the Fortune 500.

Although SOSA accurately described Sun Haven Foundation for the Arts, Education and Humanity as a Utah non-profit corporation, SOSA's description of his own involvement in the foundation was not accurate. As of June 7, 2011, SOSA was not listed as an officer or director of the Foundation. Additionally, at the time of the meeting, Sun Haven Metals was not listed with the Utah Division of Corporations. And, although SOSA told Gatton that he was the sole principal of Sun Haven Metals, the written documentation he provided stated that "Prof. Dr. Peter K. Schmidt," and "Smith's and Associates" were also principals.

Sosa also omitted numerous details from his conversation with Gatton. SOSA claimed to have never been involved in any legal proceedings. However, SOSA has been charged in three separate Utah cases with felonies for issuing a bad check or draft. One of these cases, Sixth District Court case number 091600113, was still pending on June 7, 2011. Additionally, SOSA had been sued civilly, and, at the time of the offer, outstanding judgments and tax liens against SOSA totaled over \$140,000.

Sosa denied any possibility of risk in the investment, assuring Gatton that based on the assay verification, no investor would receive less than 35-55%. SOSA did not provide any audited financials for Sun Haven Foundation or for Sun Haven Metals.

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.

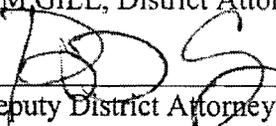
Executed on: August 2, 2011



Joseph Gatton
Declarant

Authorized for presentment and filing

SIM GILL, District Attorney



Deputy District Attorney
21st day of July, 2011
JC / DAO # 11014066

SO # OTN
DAO # 11014066

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

THE STATE OF UTAH,

Plaintiff,

vs.
ENRIQUE DAVID SOSA
DOB: 09/11/1967,
4048 North Edgewood Drive
Provo, UT
AKA:
SS# 528555737

Defendant.

Before: _____
Magistrate

WARRANT OF ARREST

Case No. 11905646

THE STATE OF UTAH;

To any Peace Officer in the State of Utah, Greetings:

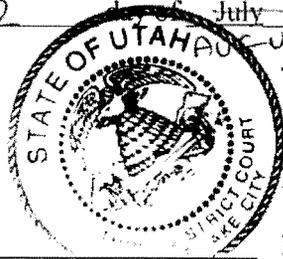
An Information, based upon a written declarant having been declared by Joseph Gatton - UTAH DIVISION OF SECURITIES, Agency Case No. 11-0041, and it appears from the Information or Declarant filed with the Information, that there is probable cause to believe that the public offenses of;

SECURITIES FRAUD, a Second Degree Felony and SALE OF UNLICENSED SECURITY, a Third Degree Felony, have been committed, and that ENRIQUE DAVID SOSA has committed them.

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 Court finds reasonable grounds to believe defendant will not appear upon a summons.

Bail is set in the amount of \$50,007.00.

Dated this 2 day of July A.D. 2011.



This Warrant may be served day or night.

[Signature]
MAGISTRATE

SERVED: DATE: _____ BY: _____