

SIM GILL, Bar No. 6389
District Attorney for Salt Lake County
MATTHEW LLOYD, Bar No. 9105
Deputy District Attorney
111 E. BROADWAY, SUITE #400
SALT LAKE CITY, UT 84111
Telephone: (801) 363-7900

FILED DISTRICT COURT
Third Judicial District

MAY 17 2012

SALT LAKE COUNTY
by [Signature] 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-

JOSHUA LEHI TRENT
DOB 04/25/1976,
AKA
4760 S Highland Drive. #516
SLC, UT 84107
D.L.# 166412614
OTN
SO#

Defendant.

Screened by: MATTHEW LLOYD
Assigned to: MATTHEW LLOYD

DAO # 12005740

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

SUMMONS TO BE ISSUED
Warrant/Release: Not Booked

INFORMATION

Case No. 121904707

Douglas J. Wawrzynski
The undersigned ~~Nadia Mahaliati~~ - UTAH DIVISION OF SECURITIES, Agency Case No. 11-0043, upon a written declaration states on information and belief that the defendant, JOSHUA LEHI TRENT, 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 February 12, 2010, in Salt Lake County, State of Utah the defendant, JOSHUA LEHI TRENT, 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; and/or (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: and/or (A) equity in a person's primary residence; and/or (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

THEFT, 76-6-404 UCA, a Third Degree Felony, as follows: That on or about February 12, 2010, in Salt Lake County, State of Utah the defendant, JOSHUA LEHI TRENT, a party to the offense, did obtain or exercise unauthorized control over the property of another person with a purpose to deprive the person thereof, and (a) the value of the property or services was or exceeded \$1,000 but was less than \$5,000.

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

Nadia Mahaliati, Angela Bevel, Mary Godfrey, and William Zorn.

DECLARATION OF PROBABLE CAUSE:

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

Nadia Mahallati and Investigator Douglas Wawrzynski with the Department of Securities, William Zorn and Mary Helen Godfrey.

DECLARATION OF PROBABLE CAUSE:

Declarant, Nadia Mahallati, is an Investigator with the Utah Division of Securities. In that capacity, Declarant has read police reports (case no 11-0043) in this matter or otherwise received information from citizens or law enforcement personnel named herein. Based on those materials or communications, Declarant believes that the following supports this Information.

In January, 2010 the defendant JOSHUA LEHI TRENT had a conversation with William Zorn (Zorn) and Candy Godfrey (Godfrey). In that conversation the defendant told Zorn and Godfrey that he had investment properties in Utah, other states, and international. The defendant told Zorn and Godfrey that he had been in business for several years and had good

relationships with multiple investors. The defendant told Zorn and Godfrey that an investment of \$20,000 would return \$2,000 annually. As per the agreement, Zorn and Godfrey would transfer \$20,000 to the defendant, who would then invest the money in real estate, and at a date certain, Zorn and Godfrey would receive their original \$20,000 investment back in addition to \$2,000 in interest. During this conversation Zorn asked the defendant if he was licensed to sell real estate in Florida. The defendant said that he was so licensed, when in fact his Florida and Utah real estate licenses had lapsed in the year 2000. Zorn also asked the defendant whether he had been sued by anybody. The defendant answered no, when in fact he had been sued twice in debt collection matters in 2008.

In February, 2010 the defendant offered and sold an investment in his company, Acta Non Verba, LLC to investors Zorn and Godfrey. The defendant told Zorn and Godfrey he would use their money to invest in real estate. The securities were titled Membership Unit Purchase Agreement for Acta Non Verba. Godfrey checked Acta Non Verba on the internet, and found it listed on Utah's Corporations website as a registered LLC. She then signed the Membership Unit Purchase Agreement and sent it back to the defendant. On February 10, 2010 Godfrey wired \$20,000 to an account per the defendant's wiring instructions.

On or about August, 2010 Godfrey contacted the defendant to see about her \$2,000 interest payment. The defendant said that he had just filed bankruptcy and that he would not be able to pay her. Zorn and Godfrey have not been paid either their interest or capital on their investment.

All offers and sales of the investment took place from Utah, where the defendant is a resident, for a Utah company. The membership units the defendant issued to Zorn and Godfrey were securities. The defendant made misstatements and omissions of material facts in connection with the offer and sale of those securities to the investors, Zorn and Godfrey.

Securities Fraud

Based on the defendant's representations, Zorn and Godfrey invested \$20,000 in Acta Non Verba. On February 12, 2010, Zorn and Godfrey wired \$20,000 from their bank account into Acta Non Verba's account. In exchange for the \$20,000, Zorn and Godfrey received a Membership Unit Purchase Agreement from the defendant. The agreement states that the \$20,000 principal and \$2,000 interest would be repaid by August 8, 2010. The following misstatements were made in connection with the transaction:

The defendant said Zorn and Godfrey's money would be used for real estate investments, when in fact it was used to pay the defendant's personal expenses.

The defendant told Zorn and Godfrey that he was licensed to sell securities, when in fact, his license had expired in 1998.

The defendant told Zorn and Godfrey that he had never had any trouble with Acta Non Verba and had never been sued, when in fact, he had two civil judgments issued against him in 2008, brought by prior real estate investors.

The defendant made the following predicate statements in connection with the transaction:

The statement that he had been in business for several years and had a lot of good investments; however, the Membership Unit Purchase Agreements Zorn and Godfrey received stated that the defendant has limited operating history upon which you may evaluate the Manager's future performance

The defendant had several investors

The defendant had a good record with other investors.

If Zorn and Godfrey invested \$20,000, they would receive \$2,000 interest in one year.

Based on these predicate statements, the following are omissions of material facts Zorn and Godfrey would have relied upon.

The defendant had no other investors in Acta Non Verba.

The defendant failed to disclose Acta Non Verba's current capitalization, and how much money he needed to raise in order to invest in real estate.

The defendant failed to disclose what would happen to Zorn and Godfrey's money if that amount (capitalization) was not met.

The defendant failed to disclose that two prior investors had sued him over real estate transactions.

Theft

On February 12, 2010 Zorn and Godfrey transferred \$20,000 in to Acta Non Verba's account at JP Morgan bank. Using a first in, first out analysis, the defendant used Zorn and Godfrey's investment funds from February 12, 2010 to approximately July 30, 2010 to pay for personal expenses, not real estate investments, as he had told them he would, in the following manner:

2/12/2010	\$15.00 wire fee
2/12/2010	\$3,000 to Boi Blue Account (approximately \$8,436.05 was transferred to the Boi Blue Account, and was used mainly on entertainment, travel (including a trip to Disney World), and food
2/12/2010	\$2,000 to Account #0082 (The defendant does not appear to be a signor on this account, therefore records specific to this account were not received.
2/16/2010	\$1,000 to Boi Blue Account
2/17/2010	\$2,000 to Account #0082
2/24/2010	\$310 Amtrak
2/24/2010	\$1000 to Account #0082
2/25/2010	\$202.27 Courtyard by Marriott
2/26/2010	\$300 withdrawal
2/26/2010	\$10 Bar and Grill
3/2/2010	\$500: Favenressom
3/3/2010	\$1004 Air
3/3/2010	\$85.60 Tickets
3/9/2010	\$22.16.com
3/16/2010	\$114.22 Caille Restaurant
3/16/2010	\$1,000 to Boi Blue Account
3/23/2010	\$25 Rewards Annual Fee
3/23/2010	\$475 Check #1031, memo rent
3/24/2010	\$936.05 Transfer to Boi Blue Account
3/26/2010	\$1.07
3/29/2010	\$30 Wallow Pub
3/29/2010	\$8 Bar and Grill
3/29/2010	\$370.56 Hotels.com
3/30/2010	\$27.76 Tinderbox
3/30/2010	\$167.93 GNC
4/5/2010	\$1,000 to Boi Blue Account
4/12/2010	\$(274.73) Return Hotels.com
4/13/2010	\$1,000
4/22/2010	\$162.05 Long Beach Yellow Cab

INFORMATION

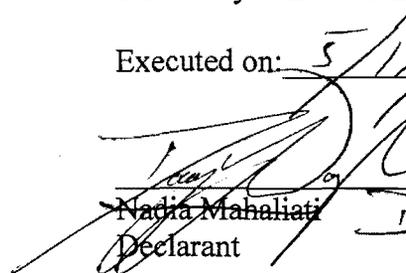
DAO No. 12005740

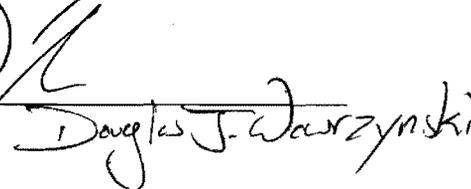
Page 6

4/26/2010	\$104.29 Hotels.com
4/26/2010	\$1,500 to Boi Blue Account
4/27/2010	\$108.63 Bistro 412
5/3/2010	\$17 Bar and Grill
5/3/2010	\$22 Bar and Grill
5/4/2010	\$97.38 of Lebanon
5/6/2010	\$500 to Boi Blue Account
5/17/2010	\$24.16.com
5/17/2010	\$15 Bus Renewal
5/17/2010	\$100
6/30/2010	\$12 fee
7/30/2010	\$6.90 fee

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.

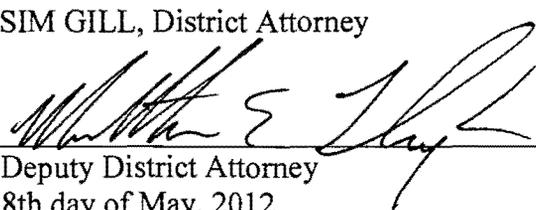
Executed on: 5/19/2012


~~Nadia Mahaliati~~
Declarant


Douglas J. Daurzynski

Authorized for presentment and filing:

SIM GILL, District Attorney


Deputy District Attorney
8th day of May, 2012
JC / DAO # 12005740

STATE vs JOSHUA LEHI TRENT
DAO # 12005740
Page 1

OTHER PENDING CASES FOR DEFENDANT

<u>Court</u>	<u>Court Case #</u>	<u>Trial Judge</u>	<u>DAO #</u>	<u>Charge</u>
		NONE		

**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