

District Court, El Paso County, Colorado
270 South Tejon Street
Colorado Springs, CO 80903

THE PEOPLE OF THE STATE OF COLORADO

v.

Defendant: JAMES BRODIE

09 CR 4300

— COURT USE ONLY —

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District Attorney Daniel H. May, #11379

Case Number: Grand Jury 2009-1A

Div:

Courtroom:

INDICTMENT

AMENDED COUNT 1: VIOLATION OF COLORADO ORGANIZED CRIME CONTROL ACT, 18-17-104(3) C.R.S. (F2)

COUNT 2: SECURITIES FRAUD, 11-51-501(1) C.R.S. (F3)

COUNT 3: SECURITIES FRAUD, 11-51-501(1) C.R.S. (F3)

COUNT 4: THEFT, 18-4-401(1)(4) C.R.S. (F3)

COUNT 5: THEFT, 18-4-401(1)(4) C.R.S. (F3)

COUNT 6: THEFT, 18-4-401(1)(4) C.R.S. (F3)

COUNT 7: CONSPIRACY TO COMMIT THEFT - \$15,000 OR MORE
18-4.4-1(1)(4) and 18-2-201 C.R.S. (F3)

COUNT 8: SECURITIES FRAUD, 11-51-501(1) C.R.S. (F3)

COUNT 9: THEFT, 18-4-401(1)(4) C.R.S. (F3)

COUNT 10: SECURITIES FRAUD, 11-51-501(1) C.R.S. (F3)

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COUNT 11: THEFT, 18-4-401(1)(4) C.R.S. (F3)

COUNT 12: SECURITIES FRAUD, 11-51-501(1) C.R.S. (F3)

COUNT 13: THEFT, 18-4-401(1)(4) C.R.S. (F3)

COUNT 14: SECURITIES FRAUD, 11-51-501(1) C.R.S. (F3)

COUNT 15: THEFT, 18-4-401(1)(4) C.R.S. (F3)

COUNT 16: SECURITIES FRAUD, 11-51-501(1) C.R.S. (F3)

COUNT 17: THEFT, 18-4-401(1)(4) C.R.S. (F3)

COUNT 18: SECURITIES FRAUD, 11-51-501(1) C.R.S. (F3)

COUNT 19: THEFT, 18-4-401(1)(4) C.R.S. (F3)

COUNT 20: SECURITIES FRAUD, 11-51-501(1) C.R.S. (F3)

COUNT 21: THEFT, 18-4-401(1)(4) C.R.S. (F3)

COUNT 22: SECURITIES FRAUD, 11-51-501(1) C.R.S. (F3)

COUNT 23: THEFT, 18-4-401(1)(4) C.R.S. (F3)

COUNT 24: SECURITIES FRAUD, 11-51-501(1) C.R.S. (F3)

COUNT 25: THEFT, 18-4-401(1)(4) C.R.S. (F3)

COUNT 26: SECURITIES FRAUD, 11-51-501(1) C.R.S. (F3)

COUNT 27: THEFT, 18-4-401(1)(4) C.R.S. (F3)

COUNT 26: SECURITIES FRAUD, 11-51-501(1) C.R.S. (F3)

COUNT 27: THEFT, 18-4-401(1)(4) C.R.S. (F3)

COUNT 28: SECURITIES FRAUD, 11-51-501(1) C.R.S. (F3)

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COUNT 29: THEFT, 18-4-401(1)(4) C.R.S. (F3)

COUNT 30: SECURITIES FRAUD, 11-51-501(1) C.R.S. (F3)

COUNT 31, THEFT, 18-4-401(1)(4) C.R.S. (F3)

COUNT 32: SECURITIES FRAUD, 11-51-501(1) C.R.S. (F3)

COUNT 33, THEFT, 18-4-401(1)(4) C.R.S. (F3)

[Co-defendant: _____]

[Warrant Requested Probable Cause Found No Probable Cause Found

Bond Requested: [fill in amount] \$ _____

Bond set at: \$ _____ CSP Judge _____
Signature Date

[summons Requested – Court date: _____]

[Warrantless arrest: - Bond set at: _____ CSP/SC/C/P/PR/PR-Co-signer

Charges due: _____]

Venue for trial is designated to be El Paso/Teller County

Chief Judge Kirk Samelson

Date

[Gang Affiliation, Drug Court, etc. (if necessary)]

The Grand Jury presents the within Indictment and the same is ordered filed.

Dated this _____ day of _____, 2009.

Honorable Chief Judge Kirk Samelson
Fourth Judicial District, Colorado

People v. James Brodie, Grand Jury Indictment

Based upon sworn testimony before us, we find that probable cause has been established to charge the Defendant with committing the following offenses. Each offense was committed in and is triable in El Paso/Teller County, Colorado.

COUNT 1 COCCA - PATTERN OF RACKETEERING - PARTICIPATION IN AN ENTERPRISE, C.R.S. 18-17-104(3) (F2)

Commencing on September 8th, 2006 and continuing through December 20th, 2006, JAMES BRODIE, while employed by or associated with an enterprise, namely: BRADLEY ROAD INVESTMENTS LLC; MOUNT VERNON ESTATES LAND HOLDING LLC, AKA "SORRENTO", 8th and 24th LLC, MILAM CENTERS LLC, VENETUCCI LLC AND LANDCO SPRING CREEK WEST LLC, a Limited Liability Company, unlawfully, feloniously, and knowingly conducted or participated, directly or indirectly, in the enterprise through a pattern of racketeering activity; in violation of sections 18-17-104(3) and 18-17-105, C.R.S.

The Enterprise

The enterprises alleged in this count are all Limited Liability Companies. The enterprises included, but were not limited to, the following: JAMES BRODIE and JAMES BRODIE and other persons known or unknown, who were associated from time to time in racketeering activity that was related to the conduct of the enterprises.

Pattern of Racketeering Activity

For purposes of this count, the defendant[s] engaged in acts related to the conduct of the enterprise, including: the acts described in Counts Two through Thirty Three, including any lesser included offenses of these counts:

For purposes of this count, JAMES BRODIE engaged in acts related to the conduct of the enterprise, including the acts of Securities Fraud and Theft in connection with the offer, sale, or purchase of securities, directly or indirectly, unlawfully, feloniously, and willfully made an untrue statement of a material fact or omitted 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, in violation of C.R.S. 11-51-501(1)(b) and 11-51-603(1). Securities in Colorado Materials Holding Corporation (COMAT) were sold to William Fehr, P.B. Patel, and Mr. Dill, resulting in the unlawful, felonious and knowing obtaining or exercising of control over a thing of value, namely money of William Fehr, P.B. Patel, and Mr. Dill, with the value of fifteen thousand dollars or more, by deception, and with the intent to permanently deprive William Fehr, P.B. Patel, and Mr. Dill of the permanent use or benefit of their money, in violation of C.R.S. 18-4-401(1)(a), (2)(d).

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Based upon sworn testimony before us, we find that probable cause has been established to charge the Defendant with committing the following offenses. Each offense was committed in and is triable in El Paso/Teller County, Colorado

AMENDED COUNT 1 COCCA - PATTERN OF RACKETEERING - PARTICIPATION IN AN ENTERPRISE, C.R.S. 18-17-104(3) (F2)

Between and including January, 2000, and March, 2007, RAYMOND MARSHALL, while employed by or associated with an enterprise, namely LandCo and its many affiliates including but not limited to LANDCO INVESTMENTS, LLC, LANDCO, LLC, LANDCO EQUITY PARTNERS, LLC, COLORADO MATERIALS HOLDING CORPORATION, AGILE STONE SYSTEMS, INC., ROCK AND RAIL, INC., NORTH COUNTY LAND, LLC, BRADLEY ROAD INVESTMENTS LLC; MOUNT VERNON ESTATES LAND HOLDING LLC, AKA "SORRENTO", 8th And 24th LLC, MILAM CENTERS LLC, MILAM CENTER INVESTMENTS, LLC, VENETUCCI PARTNERS FUND I, LLC, LANDCO SPRING CREEK WEST LLC, THE SHOPPES AT BEAR CREEK PLAZA, LLC, and others, unlawfully, feloniously, and knowingly conducted or participated, directly or indirectly, in the enterprise through a pattern of racketeering activity as defined in 18-17-103(3) & (5), C.R.S.; in violation of sections 18-17-104(3) and 18-17-105, C.R.S.

The Enterprise

The enterprises alleged in this count are all associated with LandCo. The enterprises include, but are not limited to those listed above. RAYMOND MARSHALL and JAMES BRODIE and other persons known or unknown, who were associated from time to time in racketeering activity that was related to the conduct of the enterprises.

Pattern of Racketeering Activity

For purposes of this count, the defendants, RAYMOND MARSHALL and JAMES BRODIE engaged in acts related to the conduct of the enterprise, including the acts described in Counts Two through Thirty Three, including any lesser included offenses of these counts and

For purposes of this count, RAYMOND MARSHALL engaged in acts related to the conduct of the enterprise, including the acts of Securities Fraud and Theft in connection with the offer, sale, or purchase of securities, directly or indirectly, unlawfully, feloniously, and willfully made an untrue statement of a material fact or omitted 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, in violation of C.R.S. 11-51-501(1)(b) and 11-51-603(1). Securities in Colorado Materials Holding Corporation (COMAT) were sold to William Fehr, P.B. Patel, and Mr. Dill, resulting in the unlawful, felonious and knowing obtaining or exercising of control over a thing of value, namely money of William Fehr, P.B. Patel, and Mr. Dill, with the value of fifteen thousand dollars or more, by deception, and with the intent to permanently deprive William Fehr, P.B. Patel, and Mr. Dill of the permanent use or benefit of their money, in violation of C.R.S. 18-4-401(1)(a), (2)(d).

COUNT 2 - SECURITIES FRAUD - UNTRUE STATEMENT OR OMISSION, C.R.S. 11-51-501(1)(b) (F3)

Commencing on September 8th, 2006, and continuing through December 20th, 2006, JAMES BRODIE, in connection with the offer, sale, or purchase of a security, directly or indirectly, unlawfully, feloniously, and willfully made an untrue statement of a material fact or omitted 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; in violation of sections 11-51-501(1)(b) and 11-51-603(1), C.R.S.

COUNT 3 - SECURITIES FRAUD - UNTRUE STATEMENT OR OMISSION, C.R.S. 11-51-501(1)(b) (F3)

Commencing on September 8th, 2006, and continuing through December 20th, 2006, JAMES BRODIE, in connection with the offer, sale, or purchase of a security, directly or indirectly, unlawfully, feloniously, and willfully made an untrue statement of a material fact or omitted 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; in violation of sections 11-51-501(1)(b) and 11-51-603(1), C.R.S.

COUNT 4 - THEFT - \$15,000 OR MORE, C.R.S. 18-4-401(1),(2)(d) (F3)

Commencing on September 8th, 2006 and continuing through December 20th, 2006, JAMES BRODIE unlawfully, feloniously, and knowingly obtained or exercised control over a thing of value, namely: Money of KATHLEEN WALTERS with the value of fifteen thousand dollars or more, without authorization, or by threat or deception, and intended to deprive KATHLEEN WALTERS, Permanently of its use or benefit; in violation of section 18-4-401(1)(a),(2)(d), C.R.S.

COUNT 5 - THEFT - \$15,000 OR MORE, C.R.S. 18-4-401(1),(2)(d) (F3)

Commencing on September 8th, 2006 and continuing through December 20th, 2006, JAMES BRODIE unlawfully, feloniously, and knowingly obtained or exercised control over a thing of value, namely: Money of GARY WALTERS with the value of fifteen thousand dollars or more, without authorization, or by threat or deception, and intended to deprive GARY WALTERS, Permanently of its use or benefit; in violation of section 18-4-401(1)(a),(2)(d), C.R.S.

COUNT 6 - THEFT - \$15,000 OR MORE, C.R.S. 18-4-401(1),(2)(d) (F3)

On or about September 8, 2006, JAMES BRODIE unlawfully, feloniously, and knowingly obtained or exercised control over a thing of value, namely: Money of GARY AND KATHY WALTERS, with the value of fifteen thousand dollars or more, without authorization, or by threat or deception, and intended to deprive GARY AND KATHY WALTERS. Permanently of its use or benefit; in violation of section 18-4-401(1)(a),(2)(d), C.R.S.

COUNT 7 - CONSPIRACY TO COMMIT THEFT - \$15,000 OR MORE, C.R.S. 18-4-401(1),(2)(d) (F3)

On or about September 8, 2006, JAMES BRODIE with the intent to promote or facilitate the commission of the crime of theft, unlawfully and feloniously agreed with RAYMOND MARSHALL, and a person or persons to the District Attorney unknown that one or more of them would engage in conduct which constituted that crime or an attempt to commit that crime, or agreed to aid the other person or persons in the planning or commission or attempted commission of that crime, and an overt act in pursuance of the conspiracy was committed by one or more of the conspirators; in violation of sections 18-4-401(1),(2)(d) and 18-2-201, C.R.S.

COUNT 8 - SECURITIES FRAUD - UNTRUE STATEMENT OR OMISSION, C.R.S. 11-51-501(1)(b) (F3)

Commencing on October of 2006, and continuing through December of 2006, JAMES BRODIE, in connection with the offer, sale, or purchase of a security, directly or indirectly, unlawfully, feloniously, and willfully made an untrue statement of a material fact or omitted 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; in violation of sections 11-51-501(1)(b) and 11-51-603(1), C.R.S.

COUNT 9 - THEFT - \$15,000 OR MORE, C.R.S. 18-4-401(1),(2)(d) (F3)

On or about December of 2006, JAMES BRODIE unlawfully, feloniously, and knowingly obtained or exercised control over a thing of value, namely: Money of TIMOTHY O'BRIEN, with the value of fifteen thousand dollars or more, without authorization, or by threat or deception, and intended to deprive TIMOTHY O'BRIEN, Permanently of its use or benefit; in violation of section 18-4-401(1)(a),(2)(d), C.R.S.

COUNT 10 - SECURITIES FRAUD - UNTRUE STATEMENT OR OMISSION, C.R.S. 11-51-501(1)(b) (F3)

Commencing on October of 2006, and continuing through December of 2006, JAMES BRODIE, in connection with the offer, sale, or purchase of a security, directly or indirectly, unlawfully, feloniously, and willfully made an untrue statement of a material fact or omitted 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; in violation of sections 11-51-501(1)(b) and 11-51-603(1), C.R.S.

COUNT 11 - THEFT - \$15,000 OR MORE, C.R.S. 18-4-401(1),(2)(d) (F3)

On or about December 15th of 2006, JAMES BRODIE unlawfully, feloniously, and knowingly obtained or exercised control over a thing of value, namely: Money of ROGER SUNG, with the value of fifteen thousand dollars or more, without authorization, or by threat or deception, and intended to deprive ROGER SUNG, Permanently of its use or benefit; in violation of section 18-4-401(1)(a),(2)(d), C.R.S.

COUNT 12 - SECURITIES FRAUD - UNTRUE STATEMENT OR OMISSION, C.R.S.
11-51-501(1)(b) (F3)

On or about December 15th, 2006, JAMES BRODIE, in connection with the offer, sale, or purchase of a security, directly or indirectly, unlawfully, feloniously, and willfully made an untrue statement of a material fact or omitted 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; in violation of sections 11-51-501(1)(b) and 11-51-603(1), C.R.S.

COUNT 13 - THEFT - \$15,000 OR MORE, C.R.S. 18-4-401(1),(2)(d) (F3)

On or about December 15th of 2006, JAMES BRODIE unlawfully, feloniously, and knowingly obtained or exercised control over a thing of value, namely: Money of MARGARET LANE, with the value of fifteen thousand dollars or more, without authorization, or by threat or deception, and intended to deprive MARGARET LANE, Permanently of its use or benefit; in violation of section 18-4-401(1)(a),(2)(d), C.R.S.

COUNT 14 - SECURITIES FRAUD - UNTRUE STATEMENT OR OMISSION, C.R.S.
11-51-501(1)(b) (F3)

On or about December 15th, 2006, JAMES BRODIE, in connection with the offer, sale, or purchase of a security, directly or indirectly, unlawfully, feloniously, and willfully made an untrue statement of a material fact or omitted 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; in violation of sections 11-51-501(1)(b) and 11-51-603(1), C.R.S.

COUNT 15 - THEFT - \$15,000 OR MORE, C.R.S. 18-4-401(1),(2)(d) (F3)

On or about December 15th of 2006, JAMES BRODIE unlawfully, feloniously, and knowingly obtained or exercised control over a thing of value, namely: Money of LINDA MASON, with the value of fifteen thousand dollars or more, without authorization, or by threat or deception, and intended to deprive LINDA MASON, Permanently of its use or benefit; in violation of section 18-4-401(1)(a),(2)(d), C.R.S.

COUNT 16 - SECURITIES FRAUD - UNTRUE STATEMENT OR OMISSION. C.R.S.
11-51-501(1)(b) (F3)

On or about December 15th, 2006, JAMES BRODIE, in connection with the offer, sale, or purchase of a security, directly or indirectly, unlawfully, feloniously, and willfully made an untrue statement of a material fact or omitted 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; in violation of sections 11-51-501(1)(b) and 11-51-603(1), C.R.S.

COUNT 17 - THEFT - \$15,000 OR MORE, C.R.S. 18-4-401(1),(2)(d) (F3)

On or about December 15th of 2006, JAMES BRODIE unlawfully, feloniously, and knowingly obtained or exercised control over a thing of value, namely: Money of DAVID WEINSTEIN, with the value of fifteen thousand dollars or more, without authorization, or by threat or deception, and intended to deprive DAVID WEINSTEIN, Permanently of its use or benefit; in violation of section 18-4-401(1)(a),(2)(d), C.R.S.

COUNT 18 - SECURITIES FRAUD - UNTRUE STATEMENT OR OMISSION, C.R.S.
11-51-501(1)(b) (F3)

On or about December 15th, 2006, JAMES BRODIE, in connection with the offer, sale, or purchase of a security, directly or indirectly, unlawfully, feloniously, and willfully made an untrue statement of a material fact or omitted 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; in violation of sections 11-51-501(1)(b) and 11-51-603(1), C.R.S.

COUNT 19 - THEFT - \$15,000 OR MORE, C.R.S. 18-4-401(1),(2)(d) (F3)

On or about December 15th of 2006, JAMES BRODIE unlawfully, feloniously, and knowingly obtained or exercised control over a thing of value, namely: Money of TOM PERSHIN, with the value of fifteen thousand dollars or more, without authorization, or by threat or deception, and intended to deprive TOM PERSHIN, Permanently of its use or benefit; in violation of section 18-4-401(1)(a),(2)(d), C.R.S.

COUNT 20 - SECURITIES FRAUD - UNTRUE STATEMENT OR OMISSION, C.R.S.
11-51-501(1)(b) (F3)

On or about December 15th, 2006, JAMES BRODIE, in connection with the offer, sale, or purchase of a security, directly or indirectly, unlawfully, feloniously, and willfully made an untrue statement of a material fact or omitted 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; in violation of sections 11-51-501(1)(b) and 11-51-603(1), C.R.S.

COUNT 21 - THEFT - \$15,000 OR MORE, C.R.S. 18-4-401(1),(2)(d) (F3)

On or about December 15th of 2006, JAMES BRODIE unlawfully, feloniously, and knowingly obtained or exercised control over a thing of value, namely: Money of JOHN XENOS, with the value of fifteen thousand dollars or more, without authorization, or by threat or deception, and intended to deprive JOHN XENOS, Permanently of its use or benefit; in violation of section 18-4-401(1)(a),(2)(d), C.R.S.

COUNT 22 - SECURITIES FRAUD - UNTRUE STATEMENT OR OMISSION, C.R.S.
11-51-501(1)(b) (F3)

On or about December 15th, 2006, JAMES BRODIE, in connection with the offer, sale, or purchase of a security, directly or indirectly, unlawfully, feloniously, and willfully made an untrue statement of a material fact or omitted 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; in violation of sections 11-51-501(1)(b) and 11-51-603(1), C.R.S.

COUNT 23 - THEFT - \$15,000 OR MORE, C.R.S. 18-4-401(1),(2)(d) (F3)

On or about December 15th of 2006, JAMES BRODIE unlawfully, feloniously, and knowingly obtained or exercised control over a thing of value, namely: Money of JOHN SHANK, with the value of fifteen thousand dollars or more, without authorization, or by threat or deception, and intended to deprive JOHN SHANK, Permanently of its use or benefit; in violation of section 18-4-401(1)(a),(2)(d), C.R.S.

COUNT 24 - SECURITIES FRAUD - UNTRUE STATEMENT OR OMISSION, C.R.S.
11-51-501(1)(b) (F3)

On or about October of 2006, JAMES BRODIE, in connection with the offer, sale, or purchase of a security, directly or indirectly, unlawfully, feloniously, and willfully made an untrue statement of a material fact or omitted 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; in violation of sections 11-51-501(1)(b) and 11-51-603(1), C.R.S.

COUNT 25 - THEFT - \$15,000 OR MORE, C.R.S. 18-4-401(1),(2)(d) (F3)

On or about October of 2006, JAMES BRODIE unlawfully, feloniously, and knowingly obtained or exercised control over a thing of value, namely: Money of HOWARD BERLIN, with the value of fifteen thousand dollars or more, without authorization, or by threat or deception, and intended to deprive HOWARD BERLIN, Permanently of its use or benefit; in violation of section 18-4-401(1)(a),(2)(d), C.R.S.

COUNT 26 - SECURITIES FRAUD - UNTRUE STATEMENT OR OMISSION, C.R.S.
11-51-501(1)(b) (F3)

On or about October of 2006, JAMES BRODIE, in connection with the offer, sale, or purchase of a security, directly or indirectly, unlawfully, feloniously, and willfully made an untrue statement of a material fact or omitted 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; in violation of sections 11-51-501(1)(b) and 11-51-603(1), C.R.S.

COUNT 27 - THEFT - \$15,000 OR MORE, C.R.S. 18-4-401(1),(2)(d) (F3)

On or about December 22nd, 2006, JAMES BRODIE unlawfully, feloniously, and knowingly obtained or exercised control over a thing of value, namely: Money of HOWARD BERLIN, with the value of fifteen thousand dollars or more, without authorization, or by threat or deception, and intended to deprive HOWARD BERLIN, Permanently of its use or benefit; in violation of section 18-4-401(1)(a),(2)(d), C.R.S.

COUNT 28 - SECURITIES FRAUD - UNTRUE STATEMENT OR OMISSION, C.R.S.
11-51-501(1)(b) (F3)

On or about October of 2006, JAMES BRODIE, in connection with the offer, sale, or purchase of a security, directly or indirectly, unlawfully, feloniously, and willfully made an untrue statement of a material fact or omitted 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; in violation of sections 11-51-501(1)(b) and 11-51-603(1), C.R.S.

COUNT 29 - THEFT - \$15,000 OR MORE, C.R.S. 18-4-401(1),(2)(d) (F3)

On or about January 23rd, 2007, JAMES BRODIE unlawfully, feloniously, and knowingly obtained or exercised control over a thing of value, namely: Money of HOWARD BERLIN, with the value of fifteen thousand dollars or more, without authorization, or by threat or deception, and intended to deprive HOWARD BERLIN, Permanently of its use or benefit; in violation of section 18-4-401(1)(a),(2)(d), C.R.S.

COUNT 30 - SECURITIES FRAUD - UNTRUE STATEMENT OR OMISSION, C.R.S.
11-51-501(1)(b) (F3)

On or about October of 2006, JAMES BRODIE, in connection with the offer, sale, or purchase of a security, directly or indirectly, unlawfully, feloniously, and willfully made an untrue statement of a material fact or omitted 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; in violation of sections 11-51-501(1)(b) and 11-51-603(1), C.R.S.

COUNT 31 - THEFT - \$15,000 OR MORE, C.R.S. 18-4-401(1),(2)(d) (F3)

On or about March 21st, 2007, JAMES BRODIE unlawfully, feloniously, and knowingly obtained or exercised control over a thing of value, namely: Money of HOWARD BERLIN, with the value of fifteen thousand dollars or more, without authorization, or by threat or deception, and intended to deprive HOWARD BERLIN, Permanently of its use or benefit; in violation of section 18-4-401(1)(a),(2)(d), C.R.S.

COUNT 32 - SECURITIES FRAUD - UNTRUE STATEMENT OR OMISSION, C.R.S.
11-51-501(1)(b) (F3)

On or about December 15th, 2006, JAMES BRODIE, in connection with the offer, sale, or purchase of a security, directly or indirectly, unlawfully, feloniously, and willfully made an untrue statement of a material fact or omitted 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; in violation of sections 11-51-501(1)(b) and 11-51-603(1), C.R.S.

COUNT 33 - THEFT - \$15,000 OR MORE, C.R.S. 18-4-401(1),(2)(d) (F3)

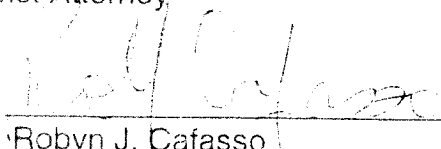
On or about December 15th of 2006, JAMES BRODIE unlawfully, feloniously, and knowingly obtained or exercised control over a thing of value, namely: Money of PHILLIP LANE, with the value of fifteen thousand dollars or more, without authorization, or by threat or deception, and intended to deprive PHILLIP LANE, Permanently of its use or benefit; in violation of section 18-4-401(1)(a),(2)(d), C.R.S.

4th Judicial District Grand Jury Foreman

Date _____

All offenses against the peace and dignity of the People of the State of Colorado.

Daniel H. May, #11379
District Attorney

By: 
Robyn J. Cafasso
Senior Deputy District Attorney, #17116

Date 11/25/09