

EXHIBITS

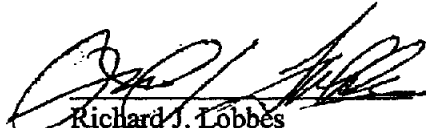
A-17 to Z-17

AFFIDAVIT OF RICHARD J. LOBBES

1. I have been continuously licensed to practice law in the Courts of the State of Michigan and the Federal District Court for the Western District of Michigan since November 1992.
2. I have never been subject to any discipline by the State Bar of Michigan.
3. In early August 2001, I was retained by Diane R. Boss with respect to a civil suit which she was named as Defendant.
4. The Plaintiffs in the case were Access Financial Group, Inc., and Discovery Church.
5. The suit alleged that Diane Boss, as an employee of the Plaintiffs, had embezzled approximately \$2.5 million dollars.
6. When I first met with Diane Boss, she told me how she had been invited by a Janet Marcusse, her former sister-in-law, to work in the office at Access Financial in 1998.
7. Diane Boss explained to me the investment programs run by Access Financial Group, Inc.
8. I explained to Diane Boss that, although she had not yet been contacted by law enforcement authorities, it was highly likely that it would happen in the relative near future. I also explained to her that, when that happened, she could either cooperate or not.
9. Her *immediate* response was that she would cooperate and she wanted me to seek an opportunity for her to do so in order to "make things right".
10. I advised Diane Boss that she should file amended tax returns and attempted to put her into contact with an accountant I knew in the area, who I thought could help her.
11. A week or two later, I was contacted by Detective Steven Crumb of the Ottawa County Sheriff's Department with respect to a criminal charge of embezzlement filed against Diane Boss by Janet Marcusse on behalf of Access Financial Group, Inc.
12. I contacted Diane Boss and, at her request, set up a meeting for her with Detective Crumb.
13. Prior to the meeting I explained to Diane Boss that she had no obligation to speak with Det. Crumb and that anything she said could be used in a criminal case against her in the future.

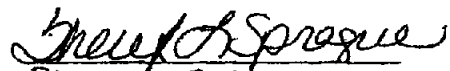
14. Diane Boss made it clear to me that she desired to cooperate in any way possible with the authorities no matter the consequences, as she felt bad about the investors who had trusted her and who now stood to lose their money.
15. She explained her role in Access Financial to Det. Crumb. At the conclusion of the meeting, Detective Crumb told me that Federal Authorities were interested in the case as well, and that we should be patient and wait to be contacted.
16. In January 2002, Det. Crumb contacted me again with the news that the FBI, IRS and U.S. Attorney's Office were interested in speaking with Diane Boss.
17. I contacted Diane Boss and relayed the message to her. She indicated she wanted to speak with the authorities and even offered to provide the documents she had in her possession without the need for a search warrant.
18. During the following 18 months, pursuant to a proffer agreement, I sat through approximately 20 hours of meetings with Diane Boss, Det. Crumb and representatives of the FBI, IRS and U.S. Attorney's Office.
19. At the conclusion of these meetings, the U.S. Attorney's Office tendered to Diane Boss the plea offer attached hereto. The plea called for Diane Boss to plea guilty to a count of mail fraud and a count of money laundering. The plea also called for a cooperation agreement whereby Diane Boss would plead guilty, would cooperate, and would be a witness for the government at any future trials of other defendants. Should Diane Boss accept the plea agreement the government agreed to consider moving for a reduction of the guidelines for her substantial assistance under USSG § 5k. I explained the benefits of a 5k reduction to her and its possibly, very favorable effect on her sentence.
20. I *strongly* advised Diane Boss on multiple occasions to accept the Government's plea offer. I advised her that, if she rejected the offer and went to trial, her conviction was a virtual certainty, given the evidence against her.
21. I was greatly disappointed when she decided to reject the government's offer. I explained to her that such a favorable offer, in my opinion, may not be forthcoming again, should she reject it now. Despite my strong recommendations to accept the offer, she told me she would not.
22. Shortly after these discussions, I was advised that she intended to seek other counsel. In the fall of 2003, she fired me and hired attorney Paul Mitchell. I transferred the information in my file to attorney Mitchell and did not represent Diane Boss again.

23. I believe my representation of Diane Boss was, at all times, effective and adequate. I advised her of her rights to cooperate with the Government, or not, as well as the possible consequences of each course of action.



Richard J. Lobbes
Attorney at Law

Sworn and subscribed before me
on this 30 th day of November 2006.



Sheryl L. Sprague
Notary Public, Kent County, MI
My Commission Expires: 2-5-12
Acting in Ottawa County

FOIA COMPLAINT ISSUES (DKT. NO. 1)

Request for Documents

1. Names, dates and deposit amounts by investors to support \$20.7 million from 577 investors to which IRS Agent Flink testifies the underlying bulk bank record exhibits prove, submitting one-page summary exhibit GX-170 as his evidence (R. 1, ¶¶ 73-76, p. 16-17)

2. Dates, checks/wire transfers, payees, and amounts to total \$7.3 million in "other spending" to which Agent Flink testifies, submitting one-page summary exhibit GX-172 (R. 1, ¶¶ 77-80, p. 17-18)

3. List of 70 to 80 bank accounts Agents Flink and Corcoran testify they analyzed, swearing they found no evidence of investments (R. 1, ¶¶ 81-83, p. 18-19)

4. Names, dates and amounts paid to investors in support of GX-170, a one-page summary exhibit, which states \$8.4 million (R. 1, ¶¶ 84-87, p. 19-20)

5. The contents of the bulk bank record exhibits placed into evidence at trial in support of Agent Flink's summary exhibits, GX-170, 171 and 172 showing \$12.1 million was spent by the defendants, not invested (R. 1, ¶¶ 88-101, p. 20-24)

Agency

EOUSA
OIP
IRS

EOUSA
OIP
IRS

EOUSA
OIP
IRS

EOUSA
OIP

EOUSA
OIP
IRS

Reason for Remand

EOUSA provides GX-84 from the trial containing 537 investors and showing \$18,793,173.07 in deposits. When submitted in the \$2255 as evidence Agent Flink committed perjury about \$2 million and 40 investors, AUSA McManus denies (R. 1, ¶ 74, p. 16-17)

EOUSA provides copy of GX-172 and 10 checks totaling \$232,425.87. When submitted in the \$2255 as evidence Agent Flink committed perjury about \$7.1 million, AUSA McManus denies (R. 1, ¶ 79)

EOUSA provides GX-170 and GX-172, which refer to 21 accounts, which include no investment accounts. In Agent Corcoran's 2/8/11 Declaration, he admits to withholding 99,838 pages of documents, including investment entities and bank accounts (R. 25-9)(See also Exh. 3 for excerpts)

EOUSA provides GX-170, which does not match the indictment's allegation of \$8,132,494.50, demonstrating it was increased for trial (R. 1, ¶ 85, p. 19)

EOUSA advises the IRS has custody, except they lie and deny it until this litigation is filed, continuing to withhold some of the bank records as admitted in Agent Corcoran's 2/8/11 Declaration (R. 25-9)(See also Exh. 3 for excerpts). Both on direct appeal and in the \$2255, the courts duck the argument Agent Flink committed perjury about all \$12.1 million (R. 1, ¶¶ 13, 28-31, p. 4, 7-8)

EXHIBIT B-117

FOIA COMPLAINT ISSUES (Cont.)

EXHIBIT B-17

Request for Documents

6. Fees or deals cut confidential informants, government witnesses, sales associates not charged with the rest, such as Tom Wilkinson, and those individuals, such as Robert Plaster, friend of U.S. Attorney General John Ashcroft at time of indictment, who was not criminally charged nor held accountable civilly where a "ponzi scheme" was charged at trial. During the \$2255, government witness, Patricia Dufeck, admits prosecutors promised if she lied at trial she would be compensated, except afterwards they renege, presumably because Marcusse exposes her perjury under cross (R. 1, ¶¶ 102-111, p. 24-26).

7. Western Union transactions conducted by Marcusse and sales associates Tom Wilkinson and Dan Hammond, who were not charged. At trial, \$1,213,034 in transfers made by the defendants for investment in Crawford Ltd. were instead made into unreported income to invent motive (R. 1, ¶¶ 112-117, p. 24-25).

8. Proof that Richard Gerry had been convicted of "investment fraud" (R. 1, ¶¶ 118-123, p. 28-29).

Agency

EOUSA
OIP

Reason for Remand

EOUSA provides Plaster's trial testimony admitting he "kept" investor funds (R. 1, ¶ 105, p. 24). Investor Sue Jager, the CI in GX-59a, and her husband, Glen, invest \$160,000 during their bankruptcy, a fact not known until after the trial. Sue is used to invent a criminal history for Marcusse at sentencing, whereas Glen is used in support of 7 counts at trial except Marcusse is not allowed to cross examine him at trial (R. 1, ¶ 109, p. 26). The IRS claims it is clerical error the first 30 pages of GX-59a is omitted in the documents provided on 1/9/13, except this is where Agent Moore identifies the tape as made by a CI (R. 1, R. 41-1, Exh. A, GX-59a, p. 1).

EOUSA
OIP

EOUSA provides GX-98a and GX-98b, except Marcusse's transactions were omitted from them, as shown on GX-99 and 99a, which are not provided. After trial, prosecutors make a secret agreement with co-defendant Diane Boss to remove \$116,500 of the Crawford transactions she conducted from her unreported income, but not for any of the other defendants (R. 1, ¶¶ 113-114; R. 44-3, ¶ 376-377, p. 55, Exh. 000).

EOUSA
OIP

Marcusse's investment advisor, Richard Gerry, who relied upon Dept. of Treasury attorney James Kramer-Wilt for advice, is denied as a defense witness after prosecutors aver he had been convicted of "investment fraud", denying a good-faith reliance defense and testimony and evidence to investments made (R. 1, ¶¶ 118-124, p. 28-29).

FOIA COMPLAINT ISSUES (Cont.)

Request for Documents

Agency

Reason for Remand

9. Names of investors who deducted their investment on their income taxes (R. 1, ¶¶ 125-130, p. 29-30)

EOUSA
OIP

Agent Flink commits perjury at trial by claiming 50 investors had taken a deduction of their tax return for the amount they invested, as advised by Marcusse, except no evidence has been provided where EOUSA stated they did not have custody of these records and OIP cites concerns for personal privacy (R. 1, ¶ 128-129)

10. Original shorthand notes or records for trial transcript pages for government witnesses, Leonard Zawistowski, Steve Bolks, and John Jouppli, for deletions of critical testimony beneficial to the defendants were made; and in Marcusse's testimony where false admittances are made and Def. Exh. M-S, an exhibit she did not submit, was added to the transcripts when published (R. 1, ¶¶ 131-140, p. 30-34)

EOUSA
OIP

Government "expert" witness Leonard Zawistowski admits to their having "collapsed" SSBT where investor funds were placed in a stock trading program, except the admittance was removed from the transcripts when published 3 months later, which would have established the unclean hands of these government agencies in collaborating together to pursue criminal charges against Marcusse (R. 1, ¶ 133, p. 31).

11. Copy of the search warrant, affidavit and inventory of items seized from Marcusse's business attorney, Gurnail Sidhu, who conducted transactions for her into investment, such as to MLC, which was then transferred to Plaster, who kept the money (R. 1, ¶¶ 142-156, p. 34-38)

EOUSA
OIP
Treasury
FBI
IRS

None of these records were provided in discovery, allowing Agent Flink to commit perjury about whether investments had been made. It was publicly reported that the search warrant was obtained due to "drug-trafficking" related to Marcusse's companies, demonstrating the affidavit was falsely sworn. When Tax Court ordered the production of these documents, the IRS conceded the case only to bill Marcusse for the same taxes later (R. 1, ¶¶ 142-155, p. 34-38).

FOIA COMPLAINT ISSUES (Cont.)

Request for Documents

Agency

Reason for Remand

b1-17

12. Documents pertaining to "tax pro-
tester" classification or profiling
(R. 1, ¶¶ 157-165, p. 38-40)

IRS
FBI
EOUSA
OIP
DOJ

Marcusse was violently attacked at the behest of government officials falsely linking allegations of unreported income to white supremacy as a "constitutionalist", which is a hate crime, and intended to coerce her into pleading guilty (R. 1, ¶¶ 157-165, p. 38-40)

13. Unredacted FBI Form 302 investigative reports (R. 1, ¶¶ 166-172, p. 40-42)

FBI
IRS

These forms were publicly released at trial. Where prosecutors, FBI and IRS agents all lied about the nature of the investments being an illegal prime bank debenture, as based on investor testimony, the 302's have not been released in full and have been redacted to obstruct Marcusse from obtaining this proof (R. 1, ¶¶ 166-172, p. 40-42)

14. IRS MOI's (R. 1, ¶¶ 173-176, p. 42)

IRS
FBI

Prior to trial, prosecutors promised the IRS MOI's would be provided, except none were provided to Marcusse, whereas they were provided to court-appointed counsel who did not properly cross examine as to the nature of the investment products promised (R. 1, ¶¶ 166-172, p. 40-42). Agent Corcoran admits in his 2/8/13 Declaration to withholding these documents (R. 25-9).

15. Documents pertaining to Senior Supervisory Agent Gerard Forrester of the FBI, who endorsed SSBF twice in writing before it was "collapsed" on 3/5/01 and \$31 million went "missing", causing her to be unable to pay investors their principal (R. 1, ¶¶ 177-184, p. 42-44)

FBI
DOJ

When Marcusse requests Agent Forrester for a good-faith reliance defense, prosecutors lie and state his "existence" was of "doubtful validity" to obstruct his appearance and conceal this evidence of unclean hands. On 12/27/06, in response to FOIA, the

FOIA COMPLAINT ISSUES (Cont.)

Request for Documents

Agency

Reason for Remand

EXHIBIT B-17

15. (Cont.)

DOJ answers with a Glomar response (R. 1, ¶ 180, p. 43). On 6/17/11, Tax Court authenticates Forrester's letters and federal employment (R. 1, ¶ 182, p. 43). In the instant litigation, the FBI falsely avers there were no responsive documents (R. 16, ¶¶ 8-9, p. 2).

Initially, the Provisional Liquidators Report of 8/2/02 reports \$31 million "missing" from SSBT, but it was reduced to \$21 million in October, 2005, after the \$10 million forfeiture order was entered on 7/11/05, except no hearing has been conducted by the trial court (R. 1, ¶¶ 185-204, p. 44-47).

16. Documents pertaining to SSBT where \$10 million in forfeiture was ordered in addition to \$12 million in restitution to investors in light of \$10 million C.D. held at bank before it was "collapsed" on 3/5/01 (R. 1, ¶¶ 185-204, p. 44-47). Out of the restitution judgment, \$168,901.06 has been collected from the 8 defendants and disbursed to the investor victims (R. 1, ¶ 45, p. 11), with a public report stating that on 8/25/04 Agent Forrester attended court in the Bahamas with Mohammed Haraajchi, the former owner of SSBT (R. 1, ¶ 51, p. 12).

FBI
DOJ
Federal Reserve
EOUSA
OIP

Treasury

17. Documents pertaining to monetary award recipients and payments in Marcusse's criminal case (R. 1, ¶¶ 205-214, p. 47-48).

18. Form USA 207, DEC 00, Notice to Close Legal Case File (R. 1, ¶¶ 215-220, p. 48-49).

EOUSA
OIP

AUSA Schipper admits in a newspaper article on 6/7/11 to having received "an IRS regional and national award". At trial, Agent Flink commits perjury when he testifies no bonuses are paid as the result of tax prosecutions (R. 1, ¶¶ 109-210, p. 47-48).

On 1/6/12, IRS attorney Jonathan Hauck admits in Tax Court that on 2/6/11, Brian Delaney, US Attorney's Office, Grand Rapids, Michigan, responded to the 1/5/11 Tax Court order to produce documents by purging them (R. 1, ¶ 216, p. 49).

1 you.

2 BY MR. KACZOR:

3 Q Can you tell me what this is? And then I would move for
4 its admission, Your Honor.

5 A This -- this is a --

6 Q This details all the foreign wire transfers that were
7 sent out, correct?

8 A Yes, but I believe the one I saw before was for a larger
9 amount, I believe around two nine.

10 Q I'm sorry, that's my fault. This is the updated one.
11 But you understand that this is foreign wire transfers?

12 A Yes.

13 Q Okay. In the amount of \$2.3 million?

14 A Um-hum.

15 MR. KACZOR: Okay. Your Honor, I'd move for its
16 admission.

17 MR. SCHIPPER: No objection, Your Honor. That is a
18 document we created.

19 THE COURT: Received.

20 MR. SCHIPPER: Excuse me, Your Honor. What was that
21 marked as?

22 MR. KACZOR: M-S. S as in Sam.

23 MR. SCHIPPER: Thank you.

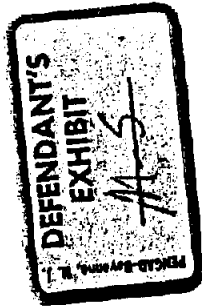
24 BY MR. KACZOR:

25 Q Did you ever at any time intend to defraud the investors

FOREIGN WIRE TRANSFERS

<u>Date</u>	<u>Amount</u>	<u>Payee</u>	<u>Details</u>	<u>Account</u>	<u>Country</u>
09/23/98	\$10,000.00	Royal Bank of Scotland (Nassau LTD)		Freedom #1738	Bahamas
12/1/98	\$40,000.00	C B LTD	Caribbean Commercial Bank	Freedom #1738	Foreign
02/12/99	\$300,000.00	Suisse Security Bank	AC-212601	Access #4060	Bahamas
04/06/99	\$85,000.00	Equest Holding Co LTD	Caribbean Commercial Bank	Sanc.Min.#9348	Anguilla
04/15/99	\$50,000.00	Phillips, Lawrence G.	Fort Francis, Ontario, Canada	Access #4060	Canada
05/18/99	\$125,000.00	Stirs Unlimited	AC-213073	Access #4060	Bahamas
06/01/99	\$20,000.00	Crawfords Camp	Narrows Ontario	Access #4060	Canada
06/25/99	\$100,000.00	Stirs Unlimited/Hubert Pinder	AC-213073	Access #4060	Bahamas
07/13/99	\$300,000.00	Stirs Unlimited	AC-213072	Sanc.Min.#9348	Bahamas
07/15/99	\$400,000.00	Stirs Unlimited	AC-213073	Sanc.Min.#9348	Bahamas
07/16/99	\$100,000.00	Stirs Unlimited	AC-213073	Sanc.Min.#9348	Bahamas
07/20/99	\$75,000.00	Stirs Unlimited	AC-213073	Access #4060	Bahamas
07/20/99	\$75,000.00	Stirs Unlimited	AC-213073	Sanc.Min.#9348	Bahamas
08/03/99	\$105,000.00	National and International Contracting	Dubai UAE	Sanc.Min.#9348	U.A.E.
09/07/99	\$150,000.00	Amplex Ergonomics Inc.	Scarborough, Ontario Canada	Sanc.Min.#9348	Canada
10/05/99	\$42,000.00	Central Bank of Nigeria		Access #4060	Nigeria
10/07/99	\$42,000.00	Fransa Bank of Lebanon		Access #4060	Lebanon
11/01/99	\$125,000.00	Inland Revenue	Beirut Lebanon/Inland Rev/Crawford Ltd	Access #4060	Lebanon
11/03/99	\$2,800.00	Stirs Unlimited Terry Besser		Access #4060	Bahamas
11/08/99	\$125,000.00	Inland Revenue	Beirut Lebanon/Inland Rev/Crawford Ltd	Access #4060	Lebanon
04/23/01	\$10,000.00	BoeKi, Shabi		Sanc.Min.#9348	Japan
05/04/01	\$92,000.00	BoeKi, Shabi		Sanc.Min.#9348	Japan

\$2,373,800.00



AFFIDAVIT OF FACTS CONCERNING JANET MARCUSSE

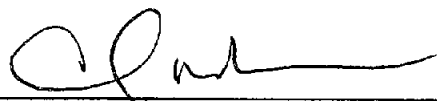
In Re: United States District Court Western District of Michigan
Criminal Docket for Case #: 1:04-cr-00165-RHB-ALL

I assisted Ms. Marcusse in the above case and by preparing her defense exhibits and to the best of my knowledge and recollection, Def. Exh. M-S was NOT one of the exhibits that I ever produced or had given to her defense attorney Kaczor to submit at her direction. Subsequently about a year ago, Ms. Marcusse sent me the new exhibit above, which was the first time that I ever saw it.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 20th, 2013

Signed



Christopher J. Milson