

# EXHIBITS

A-2 to Z-2

# United States District Court

WESTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA

V.  
JANET MARCUSSE

## WARRANT FOR ARREST

CASE NUMBER: 1:03-MJ-666

To: The United States Marshal  
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest Janet Marcusse  
Name

and bring him or her forthwith to the nearest magistrate judge to answer a(n)

☐ Indictment ☐ Information ☒ Complaint ☐ Order of court ☐ Violation Notice ☐ Probation Violation  
Petition

charging him or her with (brief description of offense)  
Mail Fraud and Money Laundering

Certified on a true copy  
Ronald C. Weston, Clerk  
By [Signature]  
Deputy Clerk  
U.S. District Court  
Western Dist. of Michigan  
Date 12/5/03

in violation of Title 18 United States Code, Section(s) 1341 and 1956(a)(1)(A)(i)

ELLEN S. CARMODY

Name of Issuing Officer

Ellen S. Carmody  
U.S. Magistrate Judge

Signature of Issuing Officer

United States Magistrate Judge

Title of Issuing Officer

12-05-2003 Grand Rapids, MI

Date and Location

Bail fixed at \$ \_\_\_\_\_ by \_\_\_\_\_  
Name of Judicial Officer

| RETURN   |                                     |                                |
|--|-------------------------------------|--------------------------------|
| This warrant was received and executed with the arrest of the above-named defendant at _____ |                                     |                                |
| DATE RECEIVED  | NAME AND TITLE OF ARRESTING OFFICER | SIGNATURE OF ARRESTING OFFICER |
| DATE OF ARREST   |                                     |                                |

# United States District Court

WESTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA

v.

JANET MARCUSSE

## CRIMINAL COMPLAINT

CASE NUMBER: 1:03-MJ-666

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about Jan. 1, 1998 to present in Kent and Ottawa county, in the Western District of Michigan defendant(s) did, (Track Statutory Language of Offense)

Use of the mail to execute and further a scheme to defraud (Mail Fraud); and did knowingly conduct financial transactions using the proceeds of an illegal activity with the intent to promote and carry on the illegal activity (Money Laundering).

in violation of Title 18 United States Code, Section(s) 1341 and 1956(a)(1)(A)(i)

I further state that I am a(n) Special Agent of FBI and that this complaint is based on the following facts:

Official Title

See attached affidavit

*Attorney*  
Date 12/5/03

Continued on the attached sheet and made a part hereof:

☒ Yes☐ No

15

Signature of Complainant

Samuel Moore

Sworn to before me and subscribed in my presence,

12-05-2003

Date

at

Grand Rapids, Michigan

City and State

ELLEN S. CARMODY  
United States Magistrate Judge

Name &amp; Title of Judicial Officer

*Ellen S. Carmody*  
U.S. Magistrate Judge

Signature of Judicial Officer

## AFFIDAVIT

Samuel J. Moore, being duly sworn, deposes and states as follows:

### A. Introduction and Agent Background

1. I am a Special Agent with the Federal Bureau of Investigation (FBI). I have been employed by the FBI as a Special Agent for approximately four years. I am currently assigned to the Grand Rapids Resident Agency of the Detroit Division.

2. As a Special Agent with the FBI, I have received extensive training in investigating violations of federal statutes, including those involving mail and wire fraud, at the FBI training facility at Quantico, Virginia. I have also attended the Basic and Advanced White Collar Crime Seminars at the Executive Office for United States Attorneys at Columbia, South Carolina.

3. During the six years prior to becoming a Special Agent with the FBI, I obtained numerous securities and insurance licenses. During the course of obtaining these licenses I worked with a wide array of investment and insurance products as an agent or broker up until my employment with the FBI.

4. I am presently working jointly with IRS-CI and the Ottawa County Sheriff's Department in an investigation of an investment fraud scheme operated by Janet Marcusse.

5. The investigation came to the government's attention approximately in March 2001 when investors reported that the monthly payments they had received from Marcusse--purportedly the earned interest or profits received from their principal investment--stopped coming.

6. The victim investors reported that Marcusse gave several excuses, which changed monthly, for the cessation of the monthly payments and also made promises that the payments would be starting again. When the promised date of payment to resume came and went without payments resuming, new excuses and promises were proffered by Marcusse.

7. From talking with investors, examining bank accounts, and talking to associates of Marcusse familiar with the investment scheme, I have come to learn that Marcusse was operating a fraudulent scheme commonly referred to as a Ponzi scheme and that she used the U.S. mail and the Federal banking system to accomplish and further her criminal efforts, in the following manner:

## **AFFIDAVIT OF FACTS CONCERNING JANET MAVIS MARCUSSE**


On or around July 2, 2004 Federal Agent John (J.R.) Smith opened the door to my residence at 15 Choctaw Trail in Elkland, Missouri and announced that he had to take Janet with him. I was in total shock and disbelief of what was occurring and later discovered there was a sealed warrant on her for alleged mail fraud. I asked the agent twice to show identification since a name like "John Smith" seemed suspicious and I feared it could be someone other than the federal government that wished Janet harm.

Previously Janet had informed me that she once had an investment business that failed, due in part, to agreements not honored such as what occurred with Robert W. Plaster of Lebanon, MO. At the time, local knowledge of Mr. Plaster's unsavory history had me very concerned for her safety. The other major concern I had on the above date is that the presumed agent did not produce a warrant stating the charges, only to comment that he was told by another agent in Grand Rapids to come pick Janet up. Having no meaningful options, I was forced to let an armed man remove Janet from my property.

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

Executed on April 11<sup>th</sup>, 2010

Signed

  
Christopher J. Milson

APPEAL,CLOSED,JURYTRIAL,SUPREMECOURT

**United States District Court**  
**Western District of Michigan (Southern Division (1))**  
**CRIMINAL DOCKET FOR CASE #: 1:04-cr-00165-RHB-1**

Case title: USA v. Marcusse #17128-045 et al  
Other court case number: 1:09-cv-913 Related Case  
Magistrate judge case number: 1:03-mj-00666-ESC

Date Filed: 07/29/2004  
Date Terminated: 10/31/2005

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Assigned to: Judge Robert Holmes Bell

Appeals court case numbers: '05-0102'  
'Sixth Circuit Court of Appeals',  
'05-1337' 'Sixth Circuit Court of  
Appeals', '05-2586' 'Sixth Circuit Court  
of Appeals', 11-9846 U.S. Supreme  
Court

**defendant (1)**

**RESTRICTED FILER Janet Mavis  
Marcusse #17128-045**

*Deft. Marcusse represents herself.*  
*Attorney David Kaczor was appointed*  
*as Stand By Counsel*  
**TERMINATED: 10/31/2005**

represented by **Janet Mavis Marcusse #17128-045**  
Tallahassee (FCI)  
Federal Correctional Institution  
501 Capital Circle NE  
Tallahassee, FL 32301  
PRO SE

**David Kaczor**  
Federal Public Defender (Grand Rapids)  
50 Louis St. NW, Ste. 300  
Grand Rapids, MI 49503-2633  
(616) 742-7420  
Fax: (616) 742-7430  
Email: david\_kaczor@fd.org  
**TERMINATED: 03/08/2006**  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Public Defender or*  
*Community Defender Appointment*

**Melvin Houston**  
(Attorney for Appeal)  
15346 Asbury Park

EXHIBIT C-2

Email: [matthew.borgula@usdoj.gov](mailto:matthew.borgula@usdoj.gov)*ATTORNEY TO BE NOTICED***W. Francesca Ferguson**

U.S. Attorney (Grand Rapids)

The Law Bldg.

330 Ionia Ave., NW

P.O. Box 208

Grand Rapids, MI 49501-0208

(616) 456-2404

Email: [francesca.ferguson@usdoj.gov](mailto:francesca.ferguson@usdoj.gov)*ATTORNEY TO BE NOTICED*

| Date Filed | #        | Docket Text  |
|------------|----------|--|
| 12/05/2003 | <u>1</u> | COMPLAINT as to Janet Marcusse (cr, ) Modified on 7/8/2004 (cr, ).PLEASE DISREGARD THIS ENTRY![1:03-mj-00666-ESC] (Entered: 07/08/2004)  |
| 12/05/2003 | <u>2</u> | COMPLAINT as to Janet Marcusse (Attachments: # <u>1</u> Attachment A# <u>2</u> Attachment B# <u>3</u> Attachment C# <u>4</u> Attachment D# <u>5</u> Attachment E# <u>6</u> Attachment F# <u>7</u> Attachment G) (cr, )[1:03-mj-00666-ESC] (Entered: 07/08/2004)  |
| 12/05/2003 | <u>3</u> | MOTION and ORDER To SEAL CASE by USA as to Janet Marcusse signed by Magistrate Judge Ellen S. Carmody cr, ) Modified on 7/8/2004 (cr, ).[1:03-mj-00666-ESC] (Entered: 07/08/2004)  |
| 12/05/2003 | <u>4</u> | WARRANT issued by Magistrate Judge Ellen S. Carmody for arrest of defendant Janet Marcusse (cr, )[1:03-mj-00666-ESC] (Entered: 07/08/2004)   |
| 07/06/2004 | <u>5</u> | RULE 5 DOCUMENTS received from Western District of Missouri as to defendant Janet Marcusse (cr, )[1:03-mj-00666-ESC] (Entered: 07/08/2004)   |
| 07/08/2004 | <u>6</u> | MOTION and ORDER to unseal case as to Janet Marcusse ; signed by Magistrate Judge Ellen S. Carmody (cr, )[1:03-mj-00666-ESC] (Entered: 07/08/2004)   |
| 07/21/2004 |          | ARREST of Janet Marcusse (cr, )[1:03-mj-00666-ESC] (Entered: 07/23/2004)   |
| 07/22/2004 | <u>7</u> | ORDER APPOINTING FEDERAL PUBLIC DEFENDER as counsel for defendant Janet Marcusse (faxed to FPD by cbh); signed by Magistrate Judge Ellen S. Carmody (Magistrate Judge Ellen S. Carmody, cbh)[1:03-mj-00666-ESC] (Entered: 07/22/2004)  |
| 07/22/2004 | <u>8</u> | ORDER OF TEMPORARY DETENTION pursuant to the Bail Reform Act as to defendant Janet Marcusse: detention hearing, with preliminary hearing, set for 7/26/2004 at 03:00 PM at 654 Federal Building, Grand Rapids, MI before Magistrate Judge Ellen S. Carmody[1:03 (faxed to FPD by cbh); signed by Magistrate Judge Ellen S. Carmody (Magistrate Judge Ellen S. Carmody, |

|            |           |   |
|------------|-----------|---|
|            |           | cbh)[1:03-mj-00666-ESC] (Entered: 07/22/2004)   |
| 07/22/2004 | <u>9</u>  | ARREST WARRANT RETURNED EXECUTED; defendant Janet Marcusse arrested on 7/21/2004 (cr, ) [1:03-mj-00666-ESC] (Entered: 07/23/2004)   |
| 07/22/2004 | <u>10</u> | MINUTES of FIRST APPEARANCE of defendant Janet Marcusse; deft appeared without counsel; deft has not decided if she would like court appointed counsel; counsel appointed conditionally for deft; Govt moved for detention/3-day detention; Prelim and Det[1:03entention Hearings set for Monday July 26, 2004 @ 3:00 p.m.; deft remanded to USM; held before Magistrate Judge Ellen S. Carmody on July 22, 2004 (Tape #C-G04 - #83) (Magistrate Judge Ellen S. Carmody, cr)[1:03-mj-00666-ESC] (Entered: 07/23/2004) |
| 07/22/2004 | <u>11</u> | MOTION for pretrial/temporary detention by USA as to Janet Marcusse (cr, ) [1:03-mj-00666-ESC] (Entered: 07/23/2004)  |
| 07/23/2004 | <u>12</u> | NOTICE OF HEARING as to defendant Janet Marcusse: detention hearing and preliminary hearing rescheduled to 7/28/2004 at 02:00 PM at 654 Federal Building, Grand Rapids, MI before Magistrate Judge Ellen S. Carmody (faxed to attorney Ray Kent by cbh) ([1:03Magistrate Judge Ellen S. Carmody, cbh)[1:03-mj-00666-ESC] (Entered: 07/23/2004)  |
| 07/27/2004 |           | Federal Public Defender recommends that Ray Kent be appointed to represent defendant Janet Marcusse (Federal Public Defender, ) [1:03-mj-00666-ESC] (Entered: 07/27/2004)   |
| 07/28/2004 | <u>13</u> | NOTICE OF HEARING as to defendant Janet Marcusse: continued detention hearing and preliminary hearing set for 7/29/2004 at 10:15 AM at 654 Federal Building, Grand Rapids, MI before Magistrate Judge Ellen S. Carmody (Magistrate Judge Ellen S. Carmody[1:03, cbh)[1:03-mj-00666-ESC] (Entered: 07/28/2004)   |
| 07/28/2004 | <u>16</u> | CJA 20 APPOINTMENT of attorney Ray Kent for Janet Marcusse ; signed by Magistrate Judge Ellen S. Carmody (cr, ) [1:03-mj-00666-ESC] (Entered: 07/30/2004)   |
| 07/28/2004 | <u>17</u> | MINUTES of DETENTION Hearing and preliminary hearing as to defendant Janet Marcusse; atty Ray Kent appointed as Stand By Counsel; testimony of Govt's witnesses; Exhibits admitted; hearings continued to Wednesday, August 4, 2004 @ 1:30 p.m.; [1:03 deft remanded; held before Magistrate Judge Ellen S. Carmody on July 28, 2004 (Tape #C-G04 - #88 and #89) (Magistrate Judge Ellen S. Carmody, cr)[1:03-mj-00666-ESC] (Entered: 07/30/2004)   |
| 07/29/2004 | <u>14</u> | MINUTES of DETENTION hearing and preliminary hearing as to defendant Janet Marcusse: hearings held before Magistrate Judge Ellen S. Carmody; defendant requested adjournment of proceedings; continued hearings set for 8/4/2004 at 1:30 p.m. before Magis[1:03trate Judge Ellen S. Carmody (Tape #C-G04-90) (Magistrate Judge Ellen S. Carmody, cbh)[1:03-mj-00666-ESC] (Entered: 07/29/2004)  |

EXHIBIT C-2

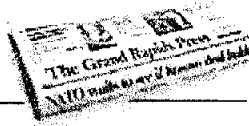


|            |            |  |
|------------|------------|--|
| 09/07/2004 | <u>96</u>  | DEMAND for discovery as to Janet Marcusse <i>Government's Response to Discovery Order</i> (Attachments: # <u>1</u> Attachment discovery request letter) (Gezon, Thomas) (Entered: 09/07/2004)  |
| 09/07/2004 | <u>97</u>  | CERTIFICATE OF SERVICE by USA as to Janet Marcusse re Demand for Discovery <u>96</u> (Gezon, Thomas) (Entered: 09/07/2004)   |
| 10/27/2004 | <u>108</u> | <i>SUPERSEDING</i> INDICTMENT as to Janet Marcusse, David Rex Albrecht, George Terrance Besser, Diane Renae Boss, Wesley Myron Boss, Donald Maynard Buffin Jr., William Edward Flynn, Jeffrey Alan Visser (skr, ) (Entered: 10/28/2004)  |
| 10/29/2004 | <u>110</u> | PROOF OF SERVICE by USA as to Janet Marcusse, David Rex Albrecht, George Terrance Besser, Diane Renae Boss, Wesley Myron Boss, Donald Maynard Buffin Jr., William Edward Flynn, Jeffery Alan Visser re Indictment <u>108</u> (Gezon, Thomas) (Entered: 10/29/2004)   |
| 11/04/2004 | <u>113</u> | ORDER as to defendants Janet Marcusse, David Rex Albrecht, George Terrance Besser, Diane Renae Boss, Wesley Myron Boss, Donald Maynard Buffin Jr., William Edward Flynn, Jeffery Alan Visser : final pretrial conference set for 1/28/2005 at 10:00 AM at 601 Federal Building, Grand Rapids, MI before Chief Judge Robert Holmes Bell; motion hearing set for 1/28/2005 at 10:00 AM at 601 Federal Building, Grand Rapids, MI before Chief Judge Robert Holmes Bell; jury trial set for 2/7/2005 at 9:00 AM at 601 Federal Building, Grand Rapids, MI before Chief Judge Robert Holmes Bell; signed by Chief Judge Robert Holmes Bell (Chief Judge Robert Holmes Bell, ymc) (Entered: 11/04/2004) |
| 11/05/2004 |            | Copy of Order Setting Pretrial and Jury Trial, <u>113</u> mailed to deft Janet Marcusse, deft Donald Buffin, attys Mitchell and Valentine on 11/5/04 (dmh, ) (Entered: 11/05/2004)   |
| 11/05/2004 | <u>117</u> | NOTICE OF HEARING as to defendant Janet Marcusse: arraignment on superseding indictment set for 11/9/2004 at 10:00 AM at 654 Federal Building, Grand Rapids, MI before Magistrate Judge Ellen S. Carmody (sent via U.S. mail to defendant Janet Marcusse by cbh) (Magistrate Judge Ellen S. Carmody, cbh) (Entered: 11/05/2004)  |
| 11/09/2004 |            | MINUTES of Arraignment on Superseding Indictment as to deft Janet Marcusse; deft appeared with standby counsel Ray Kent; the deft stood Mute, a Not Guilty Plea was entered by the Court; deft declined to sign the Rights Form; deft remanded pending proceedings before Chief Judge Bell; held before Magistrate Judge Ellen S. Carmody (Tape #C-G04 - #158) (Magistrate Judge Ellen S. Carmody, cr) (Entered: 11/18/2004)   |
| 11/09/2004 | <u>129</u> | MINUTES of ARRAIGNMENT on Superseding Indictment as to deft Janet Marcusse (1), to Count 1s-39s,40s,42s,43s-57s,58s,81s-82s,83s; Standby counsel Ray Kent appeared on behalf of deft Marcusse; defendant stood Mute, Not Guilty Plea entered by the Court; deft Marcusse declined signing Rights   |

|            |            |  |
|------------|------------|--|
|            |            | Form; deft remanded to custody of USM pending proceedings before Chief Judge Bell; (correction to attach PDF file); held before Magistrate Judge Ellen S. Carmody (Tape #C-G04 - #165) (Magistrate Judge Ellen S. Carmody, cr) (Entered: 11/18/2004)   |
| 11/09/2004 | <u>144</u> | NOTICE ( <i>named as criminal complaint, affidavit of fact made under duress dated 11/3/04</i> ) by Janet Marcusse re Order, <u>143</u> (Attachments:, # <u>1</u> Attachment 1-10) (gjf) Modified on 11/30/2004 to add text (gjf). (Entered: 11/30/2004)   |
| 11/09/2004 | <u>145</u> | NOTICE ( <i>named as criminal complaint, affidavit of fact made under duress</i> ) by Janet Marcusse re Order, <u>143</u> (Attachments:, # <u>1</u> Attachment 1-7 dated 11/4/04) (gjf, ) Modified on 11/30/2004 to edit text (gjf, ). (Entered: 11/30/2004)   |
| 11/09/2004 | <u>146</u> | NOTICE ( <i>named as criminal complaint, affidavit of fact made under duress dated 11/5/04</i> ) by Janet Marcusse re Order, <u>143</u> (gjf, ) (Entered: 11/30/2004)  |
| 11/09/2004 | <u>147</u> | NOTICE ( <i>named as affidavit of fact made under duress dated 11/6/04</i> ) by Janet Marcusse re Order, <u>143</u> (Attachments:, # <u>1</u> Attachment) (gjf, ) (Entered: 11/30/2004)  |
| 11/09/2004 | <u>148</u> | NOTICE ( <i>named as complaint, affidavit of fact made under duress dated 11/8/04</i> ) by Janet Marcusse re Order, <u>143</u> (gjf, ) (Entered: 11/30/2004)   |
| 11/09/2004 | <u>149</u> | EXHIBIT re <u>146</u> , <u>147</u> , <u>148</u> , <u>144</u> , <u>145</u> re: Order [ <u>143</u> ] by defendant Janet Marcusse (gjf, ) (Entered: 11/30/2004)   |
| 11/09/2004 | <u>152</u> | NOTICE ( <i>named as criminal complaint, affidavit of facts made under duress 10/24/04</i> ) by Janet Marcusse re Order, <u>151</u> (Attachments:, # <u>1</u> Attachment 1) (gjf, ) (Entered: 11/30/2004)  |
| 11/18/2004 | <u>136</u> | AFFIDAVIT, named as " Criminal Complaint Affidavit of Facts Made Under Duress October 24, 2004," filed pro se by defendant Janet Marcusse (Attachments: Exhibit #1) (skr) Modified on 11/19/2004 to edit text(skr) (Entered: 11/19/2004)   |
| 11/29/2004 | <u>143</u> | ORDER as to defendant Janet Marcusse: the Clerk shall accept for filing the documents entitled, "Criminal Complaint, Affidavit of Fact Made Under Duress" dated November 3, 2004, November 4, 2004, November 5, 2004, November 6, 2004, November 8, 2004, a "Complaint" dated September 23, 2004, and various attached exhibits (see documents <u>144</u> , <u>145</u> , <u>146</u> , <u>147</u> , <u>148</u> & <u>149</u> ); signed by Magistrate Judge Ellen S. Carmody (Magistrate Judge Ellen S. Carmody, cbh) Modified on 11/30/2004 to add reference text (gjf). (Entered: 11/29/2004) |
| 11/30/2004 |            | Copy of Order <u>143</u> mailed to defendants Buffin & Marcusse and Attys P Mitchell & A Valentine (gjf) (Entered: 11/30/2004)   |
| 11/30/2004 | <u>150</u> | ORDER for psychiatric evaluation of defendant Janet Marcusse; signed by Magistrate Judge Ellen S. Carmody (hand delivered to USM by cbh) (Magistrate Judge Ellen S. Carmody, cbh) (Entered: 11/30/2004)  |

|            |            |   |
|------------|------------|---|
| 11/30/2004 | <u>151</u> | ORDER as to defendant Janet Marcusse: the Clerk shall accept for filing the document entitled, "Criminal Complaint, Affidavit of Facts Made Under Duress" dated October 24, 2004, and attached exhibit (see document <u>152</u> ); signed by Magistrate Judge Ellen S. Carmody (Magistrate Judge Ellen S. Carmody, cbh) Modified on 11/30/2004 to add text (gjf). (Entered: 11/30/2004)   |
| 11/30/2004 |            | Copy of Order <u>151</u> mailed to defendants Buffin & Marcusse and Attys P Mitchell & A Valentine (gjf) (Entered: 11/30/2004)  |
| 12/10/2004 | <u>154</u> | ORDER as to defendant Janet Marcusse: although not in compliance with local court rules, the Clerk shall accept for filing the documents entitled 1) "Criminal Complaint, Affidavit of Fact Made Under Duress" dated November 4, 2004, with attached exhibits, and 2) "Notice of Void Order" received on December 8, 2004; defendant Janet Marcusse is hereby put on notice that any further filings that do not comply with the court rules will be rejected and returned to her and will not be accepted for filing; signed by Magistrate Judge Ellen S. Carmody (Magistrate Judge Ellen S. Carmody, cbh) (Entered: 12/10/2004) |
| 12/10/2004 |            | Copy of Order, <u>154</u> mailed to pro se parties Janet Marcusse and Donald Maynard Buffin; attys Paul Mitchell and Anthony J. Valentine (cr, ) (Entered: 12/13/2004)  |
| 12/10/2004 | <u>157</u> | EXHIBIT re <u>152</u> by defendant Janet Marcusse (Attachments:, # <u>1</u> Attachment Part 1, # <u>2</u> Attachment Part 2) (gjf, ) (Entered: 12/13/2004)  |
| 12/10/2004 | <u>158</u> | NOTICE ( <i>named as demand for mandatory judicial notice, notice of void order, mandatory stay of void order for psychiatric exam of defendant</i> ) by Janet Marcusse (Attachments:, # <u>1</u> Attachment A, # <u>2</u> Attachment B, # <u>3</u> Attachment C, # <u>4</u> Attachment D, # <u>5</u> Attachment E) (gjf, ) (Entered: 12/13/2004)   |
| 12/13/2004 | <u>159</u> | MEMORANDUM IN SUPPORT of motion to withdraw as attorney <u>160</u> by Ray Kent by Janet Marcusse ; (Kent, Ray) Modified on 12/14/2004 to correct text (gjf). (Entered: 12/13/2004)  |
| 12/13/2004 | <u>160</u> | MOTION to withdraw as attorney for defendant Janet Marcusse by Ray Kent (Kent, Ray) Modified on 12/14/2004 to correct text (gjf). (Entered: 12/13/2004)   |
| 12/16/2004 | <u>162</u> | ORDER REJECTING PLEADING ; signed by Magistrate Judge Ellen S. Carmody (Attachments:, # <u>1</u> Attachment Copy of Local Criminal Rule, # <u>2</u> Proposed Document Notice of Void Order - Part 1, # <u>3</u> Proposed Document Notice of Void Order - Part 2) (gjf) (Entered: 12/17/2004)  |
| 12/17/2004 | <u>161</u> | ORDER granting motion to withdraw as attorney <u>160</u> as to Janet Marcusse (1); signed by Chief Judge Robert Holmes Bell (Chief Judge Robert Holmes Bell, ymc) (Entered: 12/17/2004)   |
| 12/17/2004 |            | Federal Public Defender recommends that David Kaczor be appointed to represent defendant Janet Marcusse (Federal Public Defender, ) (Entered: 12/17/2004)   |

EXHIBIT C-2



## **FBI nabs alleged scam ringleader ; The Grand Rapids-area woman -- on the run for two years -- is arrested in Missouri.; [All Editions]**

*Ed White / The Grand Rapids Press. The Grand Rapids Press. Grand Rapids, Mich.: Jul 9, 2004. pg. B.1*

### **Abstract (Document Summary)**

Janet Marcusse, 47, has been on the run since summer 2002, roughly the last time she made contact with hundreds of investors who were promised monthly returns of 3 percent or more, the FBI said.

A criminal complaint unsealed Thursday in federal court in Grand Rapids described what happened to the money. About \$7 million was returned to investors as monthly payments, and another \$6 million was spent for the personal benefit of Marcusse and her allies, FBI agent Sam Moore said.

Acting on a tip, FBI agents found Marcusse in a trailer deep in Missouri on July 1, Assistant U.S. Attorney Tom Gezon said. She soon will be returned to Grand Rapids to face charges of mail fraud and money laundering.

### **Full Text (461 words)**

*Copyright Grand Rapids Press Jul 9, 2004*

A Grand Rapids-area woman accused of running a \$20 million investment fraud was captured in a trailer in the rural hollows of southern Missouri, authorities said.

Janet Marcusse, 47, has been on the run since summer 2002, roughly the last time she made contact with hundreds of investors who were promised monthly returns of 3 percent or more, the FBI said.

Agents from the Internal Revenue Service said they traced Marcusse's money to 65 bank accounts between January 1998 and December 2001. Her business, Access Financial, kept an office in Grandville.

A criminal complaint unsealed Thursday in federal court in Grand Rapids described what happened to the money. About \$7 million was returned to investors as monthly payments, and another \$6 million was spent for the personal benefit of Marcusse and her allies, FBI agent Sam Moore said.

The balance, \$7 million, was transferred to other accounts, "many of which are located out of the country" and out of reach, he said in an affidavit.

Marcusse "did not place the funds in any safe financial institution as described in her literature," nor did she generate the generous returns promised to investors, Moore said. Monthly checks were drying up by 2001.

It was a Ponzi scheme, named for a famous Boston swindler of the 1920s, in which money from one investor is used to pay another, the agent said.

In 2002, as federal authorities were investigating the scheme, The Press reported there were more than 500 investors, including an estimated 140 retirees and employees from Steelcase Inc. who lost money.

Some said they were lured by high returns and Access Financial's alleged ties to Christian groups.

One promotional handout was titled "God's Guarantee to Bless and Prosper You Financially," and quoted the Bible: "The Lord

## **Midland lawyer in mob probe**

Jul 11 2004

By Jeanette Oldham, Sunday Mercury

A Midland lawyer is at the centre of a major police investigation into organised crime.

Detectives from the National Crime Squad are probing the activities of solicitor Gurmail Sidhu as part of a multi-agency inquiry which began last year.

The 49 year-old's financial affairs are being examined after his home and office were raided and documents and computers seized.

Last night, he said he had done nothing wrong and that the papers related to one of his clients.

Mr Sidhu, who lives with his wife and children in a luxury home in Westbourne Gardens, Edgbaston, ran Sidhu & Co in nearby Hagley Road from 1991 until last year.

He has also been director of a number of Birmingham companies including a management recruitment agency and a firm which provided out-of-hours GP services.

A multi-agency operation is currently probing any link to suspected laundering of the proceeds of crime and drug-trafficking.

Among those under scrutiny are gangsters in Birmingham and other parts of the UK and abroad.

It is understood that the probe centres on the move-ment of money suspected to have been earned from drug sales to people and companies all over the world.

A National Crime Squad spokesman confirmed that an investigation into organised crime and money-laundering was taking place but refused to discuss the details.

Mr Sidhu's office in Hagley Road, Edgbaston, and a home he was renting, were raided by National Crime Squad officers who had search warrants late last year. Officials took away computers and records relating to clients.

The Sunday Mercury has learned that detectives in Birmingham are currently trawling through paperwork connected to the case.

They are studying piles of documents seized from various properties in a bid to trace the movement of money all over the world.

Money laundering - helping a criminal to hide the proceeds of crime - attracts a maximum penalty of 14 years' jail, an unlimited fine or both. Lawyers are legally obliged to report money laundering to the police.

Mr Sidhu started as Sidhu Solicitors in 1991. He later set up Sidhu & Co, which employed a number of solicitors until late last year when it was dissolved.

He has also previously worked as a lawyer from offices in Henrietta Street in Hockley and in Coventry and Manchester.

The 49 year-old has also been involved in a number of Birmingham-based businesses.

Mr Sidhu is currently sole director of a firm called One Child Ltd, which is registered to 275 Hagley Road

in Edgbaston.

Yesterday, the lawyer told the Sunday Mercury that the company was set up to provide a safe internet chatroom for children, but is not currently trading.

Past secretaryships were with Birmingham companies Bluecross Healthcare - a training and recruitment firm - Cartier Hotels and Soho Road Health Plaza.

He was also a director of Birmingham firms Staff UK Ltd, Starbright Management Ltd and Citycentre Management Ltd, which are all now dissolved. When the Sunday Mercury spoke to Mr Sidhu he denied any wrongdoing. He confirmed that his home and offices had been raided but said paperwork taken away related to one of his clients.

"I have done nothing wrong," he said. "If any of my clients are criminals then I don't know about it."

[▲ Top](#)

Print article  Close window 

1 Grand Rapids, Michigan

2 July 22, 2004 - 2:00 p.m.

3 THE COURT: Good afternoon. Would counsel please put  
4 your appearance on the record?

5 MR. GEZON: Good afternoon, your Honor. Thomas Gezon  
6 for the United States. Together with me is Special Agent Moore  
7 of the FBI.

8 THE COURT: All right.

9 Would you spell your last name, sir?

10 SPECIAL AGENT MOORE: M-o-o-r-e.

11 THE COURT: Pretty easy.

12 Is it Ms. Marcusse?

13 THE DEFENDANT: Marcusse.

14 THE COURT: Marcusse? Ms. Marcusse, this is your  
15 initial appearance on a federal criminal complaint.

16 Ms. Marcusse was brought here from the federal court  
17 in Missouri.

18 I want to talk to you about certain rights that you  
19 have in this matter, talk to you about what you've been charged  
20 with.

21 And the first thing I want to tell you is you do have  
22 the right to remain silent; that is, the right not to incriminate  
23 yourself. You don't have to say anything to anyone about the  
24 charge that's been brought against you. You don't have to say  
25 anything to me, to law enforcement or to anyone else, but

Patricia R. Pritchard, Certified Electronic Reporter  
(616) 364-4943

1 you today, ma'am, either physically or mentally, that would make  
2 it difficult for you to understand what's going on here?

3 THE DEFENDANT: No, not that I'm aware of.

4 THE COURT: Okay. Any drugs, alcohol, prescription  
5 medication or over-the-counter medication that would make you  
6 sleepy, dizzy, drowsy, confused, anything like that?

7 THE DEFENDANT: No.

8 THE COURT: Okay. And you said you've received a  
9 copy and you read it about a week ago but you have not had the  
10 opportunity to read it again today; is that correct?

11 THE DEFENDANT: That's correct.

12 THE COURT: All right. I'm going to just summarize  
13 for you what you're being charged with.

14 You're basically being charged with two different  
15 federal crimes, one being mail fraud, the other being money  
16 laundering.

17 And it's alleged that for a period of time you  
18 engaged in what is commonly known as a Ponzi scheme and used the  
19 United States mail in support of this scheme and also used  
20 various federally insured banks to launder money that you  
21 received from investors.

22 The allegation is that this scheme involved, I  
23 believe it was \$20 million -- is that correct, Mr. Gezon?

24 MR. GEZON: Yes, your Honor.

25 THE COURT: All right.

Patricia R. Pritchard, Certified Electronic Reporter  
(616) 364-4943

EXHIBIT F-2



1 And that much of this money was spent on personal  
2 things for yourself, and that also there was never any  
3 investments made as part of the scheme but you were just using  
4 the investors' own investments to pay them the promised return at  
5 least for a period of time.

6 And that since July 1st, 2002, you have not  
7 maintained contact with your investors and your past associates  
8 at Access Financial.

9 Again I don't want you to say anything about the  
10 charge but I want to know do you think you understand what you're  
11 being charged with?

12 THE DEFENDANT: No, I do not understand the nature of  
13 that charge --

14 THE COURT: All right.

15 THE DEFENDANT: -- the reason being it is absolutely  
16 not possible for investigators to have done any sort of research  
17 and deemed this to be a Ponzi.

18 THE COURT: Okay. Ms. Marcusse, I don't -- really,  
19 seriously, I want you to not talk about the charge. What I want  
20 you to do is to talk to an attorney and make those decisions.

21 I'm acting in your best interest. You may say things  
22 that hurt you legally; you may not know that they're hurting you  
23 legally because you haven't had any advice.

24 But what I'm asking you is not whether you agree with  
25 it, but whether you understand what's being said.

1 THE DEFENDANT: I maintain I don't understand how I  
2 could be charged with something. I maintain the warrant for  
3 arrest is fraudulent, and I maintain the complaint is fraudulent  
4 and knowingly so. I believe it's full of perjury --

5 THE COURT: All right.

6 THE DEFENDANT: -- and it's provable perjury.

7 THE COURT: Well, you talk to your attorney about  
8 that. But you do understand what's being said. You can read and  
9 understand English; is that correct?

10 THE DEFENDANT: That's true but I don't understand  
11 how perjury can go forward in this court --

12 THE COURT: Well --

13 THE DEFENDANT: -- on the government's side.

14

15 THE COURT: -- we're going to take that up at a later  
16 time. I'm just here to talk to you about what you've been  
17 charged with, and I just want to make sure that even if you  
18 disagree with it, even if you think it's false, that you  
19 understand what it is you're being charged with.

20 I'm not asking you to admit anything about what's  
21 being said yet; I'm just asking you do you understand what's  
22 being said about you.

23 THE DEFENDANT: I still don't understand the nature  
24 of the charges.

25 THE COURT: Okay.

## **Declaration of Cheryl Lynn Gardner**

I, the undersigned Affiant Cheryl Lynn Gardner, attest that the following statements regarding the assault on Jan Marcusse at the Newaygo County Jail in White Cloud, Michigan on July 24, 2004, are true and accurate to the best of my recollection:

1. I received a copy of the letter that the Jail Administrator Roger M. Palmiter wrote to Chris Milson in response to a Complaint filed at the Newaygo Jail by Pastor Wygmans regarding the treatment of Jan Marcusse and an assault upon her person.
2. Roger M. Palmiter's letter contains statements that are completely false.
3. I am Cheryl Lynn Gardner, a/k/a Summer Breeze.
4. I, Cheryl Lynn Gardner, was a cell mate with Jan Marcusse in the facility at Newaygo county Jail from July 21, 2004 until July 27, 2004.
5. I, Cheryl Lynn Gardner, believe Jan Marcusse is currently a "hostage"(a person detained against their will and under duress is anything but a 'resident') at the Newaygo Jail facility as of this date September 18, 2004.
6. The Newaygo County Jail is located at 300 Williams, P.O. Box 845, White Cloud, MI [49349].
7. I, Cheryl Lynn Gardner, witnessed the assault and consequent treatment of Jan Marcusse in cell B-2 of the Newaygo county Jail in White Cloud, Michigan.
8. The person who attacked Jan Marcusse is Michelle McDaniel. (At the time of the attack, I only knew her as Michelle. The last name was later provided for me by sources outside the Newaygo Jail facility. )
9. The assault on Jan Marcusse by Michelle McDaniel occurred on Saturday, July 24, 2004 in the morning hours.
10. I, Cheryl Lynn Gardner, was also injured during the attack on Jan Marcusse as I, Cheryl Lynn Gardner, attempted to protect Jan Marcusse from further harm by helping Jan Marcusse get up from the floor and to move away from Michelle McDaniel, the woman attacking Jan Marcusse.
11. I, Cheryl Lynn Gardner, intended to be a wall between the two women, Jan Marcusse and Michelle McDaniel, so no further injury would occur on Jan Marcusse and to assist Jan Marcusse in getting help from the Commanding Officer or Officers on duty. The situation was precarious, to say the least, and I, Cheryl Lynn Gardner, felt extremely threatened and in danger for my safety, for Jan Marcusse's safety and for Maria Aguayo's safety.

## Declaration of Cheryl Lynn Gardner

12. Maria Aguayo verbally asked Michelle McDaniel to back down from her attack on Jan Marcusse.
13. I, Cheryl Lynn Gardner, merely received a black eye.
14. I, Cheryl Lynn Gardner, cannot remember the entire incident as my adrenaline was rushing as I sensed the danger of this situation.
15. I, Cheryl Lynn Gardner, felt that if Jan Marcusse had not gotten up from the floor she, Jan Marcusse, would have been seriously if not fatally injured by Michelle McDaniel.
16. I, Cheryl Lynn Gardner, never intended to file charges against Michelle McDaniel, because that immediate assault was intended to harm Jan Marcusse, not myself. I was only injured because I attempted to rescue Jan Marcusse by pulling her out of Michelle McDaniel's reach.
17. I, Cheryl Lynn Gardner, never felt myself being injured, but the black eye was apparent to everyone in the cell with me the following day July 25, 2004, and for about four days afterward. My eye was swollen, black and blue, my jaw hurt and I could not open it fully, my vision was blurred for days and the side of my face and neck hurt for about a week afterward. I had difficulty reading and blinking and chewing my food. I already had Tylenol prescribed so I treated my injuries with Tylenol and cool rags. I did not see a need to go to the nurse, as long as my injuries did not worsen.
18. I, Cheryl Lynn Gardner, reported the incident at the time the commanding Officer came to the cell to remove Jan Marcusse and Michelle McDaniel.
19. Several of us present at the time of the assault got a chance to tell our side of the story. Some of those who spoke to the officers to give account immediately after the incident were Tisha (full name unknown), Maria Aguayo and myself, Cheryl Lynn Gardner.
20. One officer who escorted Jan Marcusse up the hall called me, Cheryl Lynn Gardner, out of cell B-2 to ask what happened. I, Cheryl Lynn Gardner, told this officer that our lives had been threatened ever since we arrived in the cell several days earlier.
21. I, Cheryl Lynn Gardner and Jan Marcusse were referred to as those "constitutionalists". Inference was made by Tisha and Michelle McDaniel, that Jan Marcusse and Myself, Cheryl Lynn Gardner, were "white supremacists constitutionalists" and that we were "prejudiced".
22. Comments were made by Michelle McDaniel and "Tisha" that we, Jan Marcusse and Cheryl Lynn Gardner, were filthy and that they, Michelle McDaniel and Tisha, needed more bleach to keep the cell clean.
23. Constant comments were made by "Tisha", Michelle McDaniel, and Monica that Jan Marcusse was a *lesbian* and that she could not keep her "crotch" out of their faces when she tried to climb up on the bunkbed. Jan Marcusse slept on the top bunk.

## **Declaration of Cheryl Lynn Gardner**

24. Monica, who is nicknamed "Lewinsky", made comments that she and Michelle McDaniel and Tisha should "stab our eyes out with a pen" as we, Cheryl Gardner and Jan Marcusse, slept and that would teach us, Cheryl Lynn Gardner and Jan Marcusse, a lesson.
25. Other comments were made by Monica and Michelle McDaniel that we would be "taken care of" during a transport because the guards were notified and the "men" were given notes to take care of the "snitchin bitches", as we were unaffectionately termed.
26. I, Cheryl Lynn Gardner, witnessed the notes being passed by Michelle McDaniel, Tisha and Monica that same day into the evening. The notes were passed through the opening in the door to the trustees passing by the door.
27. Verbal threats against Jan Marcusse and Cheryl Gardner's personal safety continued on and off throughout the day until Jan Marcusse and Cheryl Gardner were both removed from cell B2.
28. I, Cheryl Lynn Gardner, personally explained the verbal and physical threats made against Jan Marcusse and myself, Cheryl Gardner, to the Officer on duty.
29. I, Cheryl Lynn Gardner, also wrote a note, called a "kite", requesting removal from cell B2 because I believed my life was in danger.
30. Both Jan Marcusse and I, Cheryl Lynn Gardner, were removed from cell B2.
31. I, Cheryl Lynn Gardner, still remained in fear for my safety due to threats of retaliation from Michelle McDaniel, Monica and Tisha for reporting the attack on Jan Marcusse.
32. All the cell blocks of women took recreation several times a week in the yard together. Their hostility was evident the next two times during recreation time, and I personally exercised extreme caution with these three women in my immediate vicinity. I did not feel safe even with the Officer present.
33. Other women expressed the same concern about these women, most especially Michelle McDaniel and Tisha. Other women in the other cells told stories of being threatened, dominated, intimidated, harassed and even assaulted verbally and physically by Michelle and Tisha; Michelle particularly being the greater threat according to multiple accounts by these other women at the Newaygo county Jail.
34. Finally, in regards to the assault on Jan Marcusse, I make the following statements of fact:
35. Jan Marcusse asked Michelle McDaniel and Tisha to turn down the television. The volume level was extremely high, almost unbearable, with rap music blasting.
36. The incident on July 24, 2004 when Jan Marcusse was assaulted was on or about mid-morning.
37. I, Cheryl Lynn Gardner, and others, namely, Jan Marcusse and Maria Aguayo, were working on court cases as we had hearings and/or trials pending.

## **Declaration of Cheryl Lynn Gardner**

38. For the record, I, Cheryl Lynn Gardner, was arrested for peaceable assembly on National Forest Lands without a permit issued by the Forest Service. It was a criminal misdemeanor of USFS regulation 36 CFR 261.10(k). The assembly was an annual event where people gather to pray for world peace.
39. When neither Tisha nor Michelle McDaniel would respond to Jan Marcusse's repeated requests to turn down the television volume, Jan Marcusse stood up from the picnic table where I, Cheryl Lynn Gardner was sitting next to her on right and Michelle McDaniel was standing on her left.
40. Jan Marcusse picked up the remote and attempted to turn down the volume.
41. Michelle McDaniel grabbed for the remote to remove it from Jan Marcusse's hands yelling at Jan Marcusse.
42. Then, Michelle McDaniel, grabbed Jan Marcusse by the throat picking her entire body up lifting Jan Marcusse's feet from the floor and Michelle McDaniel then threw Jan Marcusse to the floor. As this was happening, I, Cheryl Lynn Gardner, got up from my seat with one intention, to move Jan Marcusse out of danger.
43. Some more tussling and rolling about with Michelle McDaniel hitting and pulling and pushing Jan Marcusse, and Jan Marcusse pulling and pushing back attempting to get up from the floor. It was at this point that I, Cheryl Lynn Gardner, had one thought focused in my mind, to help Jan Marcusse get up and out of the way.
44. The next thing that I, Cheryl Lynn Gardner remember, is that both Jan Marcusse and myself were over by the door calling for the Commanding Officers to come to our aid.
45. Both this "Declaration of Cheryl Lynn Gardner" and Cheryl Lynn Gardner's Letter to the Jail Administrator, Roger M. Palmiter, are being posted on the internet and being mailed to various other interested parties as evidence.
46. I, Cheryl Lynn Gardner, wrote a letter to Roger M. Palmiter, Jail Administrator, to suggest that Roger Palmiter write a rebuttal of the false statements, for the record, along with an apology to Jan Marcusse, to Chris Milson, to Pastor Wygmans and to Cheryl Lynn Gardner.
47. Remarks that need corrected in Mr. Roger Palmiter's letter are as follows:  
"Corp. Beagle stated there were no visible signs of an assault or injury."
48. Jan Marcusse clearly had red marks and some bruising already visible on her neck where Michelle McDaniel grabbed her with a choke hold and body slammed her to the floor. This bruising and redness showed up within minutes and worsened somewhat throughout the day. Jan Marcusse developed other bruising on her hip, back and leg throughout that same day and the day following. Jan Marcusse was in pain for days. Jan Marcusse requested an aspirin for pain from the nurse, but Jan Marcusse did not receive any medical attention. I, Cheryl Lynn Gardner, personally gave Jan Marcusse two of my Tylenol because she was in so much pain

## Declaration of Cheryl Lynn Gardner

and unable to sleep because of it.

49. Another statement that is false contained within Roger M. Palmiter's letter:

"At no time did Janet request medical attention or complain of injuries."

Jan Marcusse requested medical attention right after the assault. Instead Jan Marcusse was taken to a holding cell, where Jan Marcusse later told Cheryl Lynn Gardner that no one even talked to her about the attack or asked Jan Marcusse what happened. Jan Marcusse was put in a holding cell strictly for isolation. Jan Marcusse made repeated requests for medical attention in the following couple of days, to no avail. Jan Marcusse even wrote out a kite complaining about the neglect by the staff at the facility, the lack of medical care, her injuries and the threat against her life. No one responded to these requests.

50. Another false statement contained within Roger M. Palmiter's Letter:

"At no time did anyone report there were threats to do bodily harm or to kill anyone."

51. I, Cheryl Lynn Gardner, personally filed a complaint both verbally and physically to the Officer on duty. I, Cheryl Lynn Gardner also witnessed Jan Marcusse file a kite and I, Cheryl Lynn Gardner watched her write out a formal complaint. What happened to those documents?????

In the Spirit of Jesus, the Christ, our Lord and Saviour, our Lawgiver, Our Judge,

**Further Affiant sayeth naught.**

I declare under the penalties of perjury pursuant to  
28 U.S.C. 1746 that the above statements are true.

Affirmed: Cheryl Lynn Gardner  
Cheryl Lynn Gardner, suae potestate esse  
720 West Benton Street  
Pocatello, Idaho [83204]  
Tel: (208) 233-2328  
Email: angelonmyshoulder77@yahoo.com

November 17, 2004  
Date

Witnessed: Pickay Lee Gardner  
suae potestate esse

November 17, 2004  
Date

# United States District Court

WESTERN DISTRICT OF MICHIGAN

04 JUL 23 PM 1:20

## WARRANT FOR ARREST

In Re: Grand Jury 2002-1

CASE NUMBER: 1:02-MC-78

To: The United States Marshal  
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest JANET MAVIS MARCUSSE  
Name

and bring him or her forthwith to the nearest magistrate judge to answer a(n)

☐ Indictment ☐ Information ☐ Complaint ☒ Order of court ☐ Violation Notice ☐ Probation Violation Petition

charging him or her with (brief description of offense)  
Contempt of Court

in violation of  
Title 28 United States Code, Section(s) 1826

ROBERT HOLMES BELL

Name of Issuing Officer

Signature of Issuing Officer

Chief District Court Judge

Title of Issuing Officer

July 21, 2002 Grand Rapids, Michigan

Date and Location

Bail fixed at \$ \_\_\_\_\_ by \_\_\_\_\_  
Name of Judicial Officer

| RETURN  |                                     |                                |
|---|-------------------------------------|--------------------------------|
| This warrant was received and executed with the arrest of the above-named defendant at <u>AIRLIFT -</u><br><u>SPRINGFIELD, MO</u> |                                     |                                |
| DATE RECEIVED   | NAME AND TITLE OF ARRESTING OFFICER | SIGNATURE OF ARRESTING OFFICER |
| DATE OF ARREST<br><u>7-21-04</u>  | <u>TED Q. HUST</u><br>USMS          | <u>[Signature]</u>             |

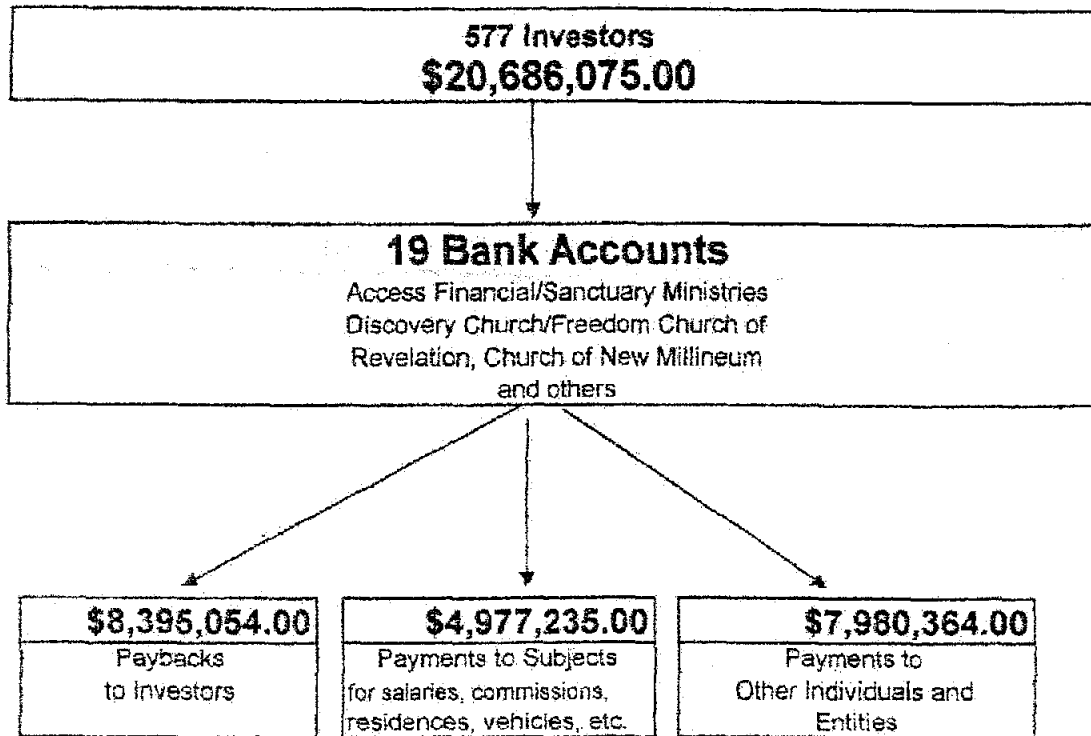
This form was electronically produced by Elite Federal Forms, Inc.

COPY IN USMS FILE

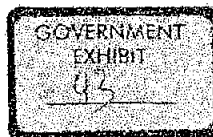
EXHIBIT H-2



## Flow of 20 Million



7/27/04 DMG



# INITIAL DEPOSITS OF INVESTORS' FUNDS

| <u>Name of Bank</u>       | <u>Name on Account</u>                | <u>IRS #</u> | <u>Account Number</u> | <u>Signer on Account</u>           | <u>Investor's \$ Deposited</u> | <u>Date Opened</u> | <u>Date Last Chk</u> |
|---------------------------|---------------------------------------|--------------|-----------------------|------------------------------------|--------------------------------|--------------------|----------------------|
| 1 Bank North              | William E. Flynn DBA Billy's          | 3            | 7024072               | William E. Flynn                   | 64,000.00                      | 4/16/1999          | 7/2/2002             |
| 2 Bank of America         | Promised Deliverance (RM)             | 5            | 4771211027            | Richard Muma signs checks          | 50,000.00                      | 6/3/1999           | 5/23/2001            |
| 3 Bank of America - Tx    | Sanctuary Ministries DBA AHC          | 8            | 4772189048            | Janet Marcusse & George Besser     | 10,000.00                      | 10/6/2000          | 7/24/2002            |
| 4 Comerica                | Access Business Consultants LLC       | 17           | 1650289700            | Don Buffin Jr                      | 54,000.00                      | 10/4/1999          | 1/30/2002            |
| 5 Macatawa Bank           | Discovery Church                      | 22           | 153000088             | Don Buffin & Jessica Duchkiewicz   | 6,000.00                       | 7/11/2001          | 11/30/2001           |
| 6 Macatawa Bank           | Access International LLC              | 23           | 42003456              | Richard Muma                       | 221,441.00                     | 10/20/1999         | 10/10/2001           |
| 7 Mid Natl Bank (now SFB) | Access Financial Group INC            | 26           | 6816651270            | George T Besser & Janet Marc       | 49,326.00                      | 6/30/1998          | 10/31/1998           |
| 8 National City Bank      | Access Financial Group INC            | 27           | 6230244060            | George T Besser & D. Buffin Jr     | 13,372,730.00                  | 8/11/1998          | 12/28/2001           |
| 9 National City Bank      | Freedom Church of Revelation          | 28           | 6130451738            | GT Besser, Diane DeWeerd           | 348,170.00                     | 6/23/1998          | 3/31/1999            |
| 10 National City Bank     | Sanctuary Ministries                  | 29           | 628609348             | GT Besser, J. Marcusse, R. Gilbert | 5,200,731.00                   | 2/8/1999           | 10/31/2001           |
| 11 National City Bank     | Sanctuary Ministries                  | 30           | 628597543             | Don Buffin & Jeffrey A Visser      | 40,000.00                      | 6/11/2001          | 1/18/2002            |
| 12 National City Bank     | Discovery Church                      | 31a          | 628697156             | Diane DeWeerd & Vinskey Bosa       | 143,880.00                     | 3/14/1999          | 3/25/2002            |
| 13 Old Kent (now S/3rd)   | Freedom Church of Revelation          | 32           | 7508700221            | Checks signed by Jan Marcusse      | 30,496.00                      | 4/17/1998          | 6/3/1998             |
| 14 Old Kent (now S/3rd)   | Access Financial Group INC            | 36           | 7506002901            | Ch signed by G Besser/J. Marcusse  | 27,253.00                      | Prior to 1/1/98    | 7/14/1998            |
| 15 Southwest Securities   | Access Financial Group INC            | 38           | 10452237              | George T Besser & Janet Marcusse   | 10,500.00                      | 9/23/1998          | 11/18/1999           |
| 16 Southwest Securities   | Freedom Church of Revelation Sanctuar | 40           | 33379648              | Terry Besser & Jan Marcusse        | 237,000.00                     | 2/12/1998          | 5/15/1998            |
| 17 Southwest Securities   | Freedom Church of Revelation Sanctuar | 41           | 33380430              | Terry Besser & Jan Marcusse        | 500.00                         | 5/12/1998          | 8/6/1998             |
| 18 Mid Ohio Securities    | Individual Accounts                   | 45           | Various               | N/A                                | 542,048.00                     | N/A                | N/A                  |
| 19 Wells Fargo Bank       | World Wide E Capital Sub II           | 46           | 525467480             | Janet M Marcusse                   | 170,900.00                     | 2/15/2001          | 3/22/2001            |
|                           |                                       |              |                       |                                    | 20,686,075.00                  |                    |                      |

Affidavit of Fact  
November 23, 2005

I, Jennifer Hard, a living woman over 21 years old, do hereby attest that on Saturday May 21, 2005 I was arrested and brought to the Newalgo County Jail in Whitecloud, Michigan. For the first four to five days I was stuck in the drunk tank before being placed in the inmate population. While in the drunk tank, there was a woman every morning in there with me for a couple of hours. I later learned that was Jan Marcusse who never ate her breakfast before leaving the tank. I helped myself to it starting on Monday May 23, 2005 and continued to eat it each morning after that. On Tuesday May 24, 2005 I went crazy yelling and screaming and in the process even breaking my eyeglasses and my toe kicking the wall. This was NOT at all normal conduct for me. I was then put on Suicide Watch. In talking with other inmates and hearing their experiences with this jail, I now question whether Jan Marcusse's food was drugged to make

her look and act crazy and I instead was the victim of this plot. Finally in June 2005 I witnessed. Sgt. Tim Greer, an employee at Newbiggo County Jail Verbahey, harass Jan Marcusse in front of everyone about her case. I thought it was mean and highly improper, and I have never heard the guards harass anyone else like that. Making me wonder if it wasn't done just to get a rise out of her.

By Jennifer Hard

Jennifer Hard  
1873 Robinson St.  
Muskegon, Mich 49741

Witnesses

: Clodella Ann: Darland.

: AUTOGRAPH: Copyright/ Copy claim.

Frankie Cook

8.2.04 - Case # 1:03-MJ-00666

Dear United Church of Christ,

I am a friend of Jan Marcusse and I write to you not about the case itself but about human rights and dignity that all Americans should be afforded guilty or innocent. You may not be aware of some of the things that are going on in the Newaygo County Jail but I hope that you may drop in someday unannounced and talk with some of the inmates first hand. Of course you will get a majority of complaints that may not be well founded at all however I hope in your wisdom from God that you will see to the truth of the matter. I come to you because she has little help and I have no where else to turn.

As you know, the phone is one's main lifeline to the outside world. Guilty or innocent it can be an absolute horror not hear a friendly voice and to also defend oneself properly. I was able to stay in contact with Jan from two other prisons until she got to Newaygo and have opened up every account and called every number they gave me but have had no luck. They tell me that inmates can only call collect to a "land line" and my job requires that I drive all over the country with a cell phone. She has been able to talk to others with a cell phone so I don't understand why she can't talk to me. I have good reason to believe that my phone has been blocked. If not I am open to whatever I need to do so that I can talk with her from my cell phone.

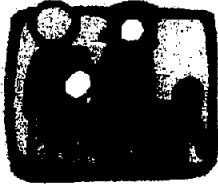
Now some of the things I'm about to tell you of course I have not seen first hand however I have gotten first hand accounts from another inmate that Jan was beaten by a black woman named Michelle in her mid twenties and she and another woman threatened to kill her and her friend in their sleep. They were once separated but now I hear that she was put back in with the same woman that assaulted her. I have heard reports that the water at one time was not fit to drink and perhaps that has since improved. Jan has also been denied access to the law library to properly defend herself. I did witness her condition first hand at the hearing on 7/28/04 and I can tell you that she seemed drugged and not in her normal state of mind. I believe I know Jan and it wasn't simply a state of incarceration that caused a possible lack of clarity. My belief was affirmed when the next day she told a friend that she felt like she had been poisoned.

Now surely we all don't want to live in a society where our fellow Americans are treated like animals before due process of law has been administered. It may be argued that certain rights may be lost after conviction however it certainly must not happen before. Let us all think of our loved ones be it friends, daughters, sisters, etc. and imagine how terrible it would be to have no contact, possible injustice and threats to one's life. Imagine the horror and the questions we must one day answer to our maker.

I thank you very much for taking the time to read this letter.

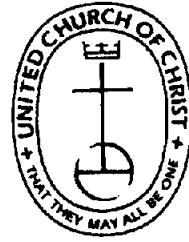


Chris Milson - 417-689-3531



## UNITED CHURCH OF CHRIST

432 Quarterline Road, Newaygo, Michigan 49337, Tel. (231) 652-6624  
David Wygmans, Pastor Fax. (231) 652-6602



August 17, 2004

Sheriff Mike Mercer  
300 Williams St.  
White Cloud, MI 49349

Dear Sheriff Mercer,

I received the enclosed letter in the mail, asking for my action in regards to conditions at the Newaygo County Jail. Jesus calls us to deal directly with those with whom we have disagreements, and America's judicial system is predicated on people's right to face their accusers directly. Therefore, before doing anything else, I am forwarding this letter to you so that you can be informed of its existence and face these accusations.

Since the accusations in the letter are serious and now are a part of my consciousness, I would appreciate being copied in any response you make to these accusations. Pursuing shalom (justice, truth, healing, wholeness) is God's work. I would be glad to help facilitate a pursuit of shalom, if that is appropriate. If there is anything I can do to be of service, please let me know.

Sincerely,

David Wygmans, Pastor

cc. Chris Milson

## NEWAYGO COUNTY SHERIFF'S OFFICE

**Michael S. Mercer, Sheriff • Roger N. Palmiter, Jail Administrator**  
300 Williams • P.O. Box 845 • White Cloud, MI 49349  
(231) 689-7376 or (231) 689-7024 • FAX (231) 689-7298

September 2, 2004

Chris Milson  
15 Choclaw Ti  
Elkland, MO 65644

Re: Complaint received from Pastor David Wygmans

Dear Chris Milson:

On August 30, 2004 I received a letter from Sheriff Michael Mercer in reference to Janet Marcusse. Ms. Marcusse is currently a resident at this facility. You mentioned in your letter that she could not place a call from here to a cell phone. You are correct. She cannot speak to you or anyone else on a cell phone. I have been in negotiations with SBC for the past month to acquire pre-paid phone cards. Once the phone cards are in place the cell phone avenue will be opened and available, hopefully in the next few weeks.

In response to being beaten by a woman named Michelle, corrections officers were called to her housing unit. Both Michelle and Janet were removed from the unit and placed in separate holding areas. Corporal Jon Beagle spoke to Janet at that time. Corp. Beagle stated there were no visible signs of an assault or injury. At no time did Janet request medical attention or complain of injuries. At no time did anyone report there were threats to do bodily harm or to kill anyone. That same afternoon both women were placed back into general population in different housing units and were never in the same living quarters after that. Separation was maintained until Michelle left on July 29, 2004. If Janet was injured or in fear the complaint should have been reported to someone so an investigation could have been initiated. The complaint was never stated to anyone.

The water at this facility is furnished through the City of White Cloud. It is tested on a regular basis and is the same water citizens of this community and people who work in this city consume without incident on a daily basis.

Janet has an attorney of record filed with The United States District Court of West Michigan. Per the Federal Courts, if she needs any legal advice or research it is to be supplied through the attorney. Janet has access to the Courts and has not been denied any fundamental rights. She needs to contact the attorney for any such requests and/or statutes.

#### MISSION STATEMENT

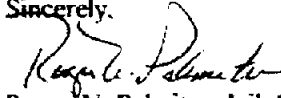
To provide leadership for our community, to prevent unlawful activity, ensure individual rights, and promote a safe and secure environment.  
*Help a kid say NO to drugs!*

EXHIBIT N-2

As for the drugs and/or poison, this accusation is almost too incomprehensible to respond to. To the best of my knowledge there are no mind altering drugs, prescription or not, in this facility. Nor, to the best of my knowledge, has anyone found or detected any poison.

I hope this answers all the questions and issues mentioned in your letter to Pastor Wygmans. If he should have any further questions or concerns he is welcomed to contact me at the number listed above.

Sincerely,

A handwritten signature in black ink, appearing to read "Roger N. Palmiter". The signature is fluid and cursive, with the first name "Roger" being more prominent.

Roger N. Palmiter, Jail Administrator

Cc U.S. Marshal's Office  
Pastor David Wygmans  
File

RNP





*Angels of The Light Interfaith Ministry*

*Cephas and Summer Breeze, a/k/a Rick & Cheryl Gardner*

**720 West Benton Street, Pocatello, Idaho [83204]**

**Telephone: (208) 233-2328 Email: [angelonmyshoulder77@yahoo.com](mailto:angelonmyshoulder77@yahoo.com)**

**Website: <http://www.angelfire.com/mt/spirit/AngelsofTheLight.html>**

September 15, 2004

Michael S. Mercer, Sheriff  
Roger N. Palmiter, Jail Administrator  
300 Williams P.O. Box 845  
White Cloud, MI [49349]

**Re: Newaygo's Response to Complaint Received from Pastor David Wygmans**

Dear Sheriff Mercer and Mr. Palmiter,

Just a couple days ago, I received a copy of the letter that you wrote to Chris Milson in response to a Complaint filed at the Newaygo Jail regarding the treatment of Jan Marcusse and an assault upon her person. **I am appalled by that letter. It contains statements that are completely false.**

I am Cheryl Lynn Gardner, a/k/a Summer Breeze. I was a cell mate with Jan Marcusse in your facility at Newaygo county Jail and at the Oklahoma City Federal Transfer Center. To the best of my knowledge, Jan Marcusse is currently a "hostage"(a person detained against their will and under duress is anything but a 'resident') at your facility.

I witnessed the assault and consequent treatment of Jan Marcusse in cell B-2 of the Newaygo county Jail. The person who attacked Jan Marcusse is Michelle McDaniel. (At the time of the attack, I only knew her as Michelle. The last name was later provided for me by sources outside your facility. ) The assault occurred on Saturday, July 24, 2004 in the morning hours.

I was also injured during the attack on **Jan Marcusse** as I attempted to protect Jan from further harm by helping her get up from the floor and to move away from the woman attacking her, Michelle McDaniel. It was my intention to be a wall between the two women so no further injury would occur on Jan and to assist her in getting help from the Commanding Officer or Officers on duty. The situation was **precarious**, to say the least, and I felt **extremely threatened and in danger for my safety, for Jan Marcusse's safety and for Maria Aguayo's safety**. Maria verbally asked Michelle to back down.

My injury was merely a black eye. I cannot remember the entire incident as my adrenaline was rushing as I sensed the danger of this situation. I felt that if Jan Marcusse had not gotten up from the floor she would have been seriously if not fatally injured by Michelle McDaniel. It was never my intention to file charges against Michelle because that immediate assault was intended to harm Jan Marcusse, not myself. I was only injured because I attempted to rescue Jan by pulling

her out of Michelle's reach. I never felt myself being injured, but the black eye was apparent to everyone in the cell with us the following day, and for about four days afterward. My eye was swollen, black and blue, my jaw hurt and I could not open it fully, my vision was blurred for days and the side of my face and neck hurt for about a week afterward. I had difficulty reading and blinking and chewing my food. I already had Tylenol prescribed so I treated my injuries with Tylenol and cool rags. I did not see a need to go to the nurse, as long as my injuries did not worsen.

However, I did report the incident at the time the commanding Officer came to the cell to remove Jan Marcusse and Michelle McDaniel. Several of us present at the time of the assault got a chance to tell our side of the story. Some of those who spoke to the officers to give account immediately after the incident were Tisha, Maria Aguayo and myself, Cheryl Gardner.

One officer who escorted Jan Marcusse up the hall called me out of the cell to ask me what happened. I told this officer that our lives had been threatened ever since we arrived in the cell several days earlier. We were referred to as those "**constitutionalists**". Inference was made by the two black women in the cell that Jan Marcusse and Myself, Cheryl Gardner were "**white supremacists constitutionalists**" and that we were "prejudiced". Comments were made by Michelle McDaniel and "Tisha" that we were **filthy** and that they needed more bleach to keep the cell clean. Constant comments were made by both women that Jan Marcusse was a *lesbian* and that she could not keep her "crotch" out of their faces when she tried to climb up on the bunkbed. Jan Marcusse had the top bunk. Monica, who is nicknamed "Lewinsky", made comments that she and Michelle and Tisha should "**stab our eyes out with a pen**" as we (Cheryl and Jan) slept and that would teach us a lesson. Other comments were made that we would be "taken care of" during a transport because the guards were notified and the "men" were given notes to take care of the "**snitchin bitches**", as we were unaffectionately termed.

**I witnessed** the notes being passed by **Michelle McDaniel, Tisha and Monica** that same day into the evening. The notes were passed through the opening in the door to the trustees passing by the door.

**Verbal threats against our personal safety continued** on and off throughout the day until Jan Marcusse and Cheryl Gardner were both removed from cell B2. I personally explained the verbal and physical threats made against Jan Marcusse and myself, Cheryl Gardner, to the Officer on duty. **I also wrote a note, called a "kite", requesting removal from cell B2 because I believed my life was in danger.**

Both Jan Marcusse and myself were removed from the cell. But that did not remove fear of retribution for filing complaints against Michelle, Tisha and Monica. All the cell blocks of women took recreation several times a week in the yard together. Their hostility was evident the next two times during recreation time, and I personally exercised extreme caution with these three women in my immediate vicinity. I did not feel safe even with the Officer present. Other women expressed the same concern about these women, most especially Michelle McDaniel and Tisha. Other women in the other cells told stories of being threatened, dominated, intimidated, harassed and even assaulted verbally and physically by Michelle and Tisha; Michelle particularly being the greater threat according to multiple accounts by these other women at the Newaygo county Jail.

Finally, in regards to the assault on Jan Marcusse, I make the following statements of fact. Jan asked Michelle McDaniel and Tisha to turn down the television. The volume level was extremely high, almost unbearable, with rap music blasting. It was early morning yet, and some of us were working on court cases as we had hearings and/or trials pending, myself included. (I was arrested

for peaceable assembly on National Forest Lands without a permit issued by the Forest Service. It was a criminal misdemeanor of US regulation 36 CFR 261.10(k). The assembly was an annual event where people gather to pray for world peace.)

When neither Tisha nor Michelle would respond to Jan's repeated requests to turn down the volume, she stood up from the picnic table where I, Cheryl Gardner was sitting next to her on the right and Michelle was standing on her left. Jan Marcusse picked up the remote and attempted to turn down the volume. Michelle McDaniel grabbed for the remote to remove it from Jan Marcusse's hands yelling at her. Then Michelle grabbed Jan by the throat picking her entire body up lifting Jan's feet from the floor and threw her to the floor. As this was happening, I got up from my seat with one intention, to move Jan out of danger. Some more tussling and rolling about with Michelle hitting and pulling and pushing Jan, and Jan pulling and pushing back attempting to get up from the floor. It was at this point that one thought entered my mind, help her get up and out of the way. The next thing I knew, both Jan Marcusse and myself were over by the door calling for the Commanding Officers to come to our aid. See my Affidavit of Facts recounting the assault on Jan Marcusse. A copy accompanies this letter.

Both this letter and the Affidavit are being posted on the internet and being mailed to various other interested parties as evidence. I suggest a rebuttal of the following remarks be written by the Sheriff and the Jail Administrator at Newaygo county Jail and mailed to everyone involved. I also suggest that an apology be made to Jan Marcusse, to Chris Milson, to Pastor David Wygmans and to me for the lies told in your response to the Pastors and Jan's complaints regarding the incidents at the Jail.

Remarks that need corrected are as follows:

"Corp. Beagle stated there were no visible signs of an assault or injury."

Jan Marcusse clearly had red marks and some bruising already visible on her neck where Michelle McDaniel grabbed her with a choke hold and body slammed her to the floor. This bruising and redness showed up within minutes and worsened somewhat throughout the day. Jan developed other bruising on her hip, back and leg throughout that same day and the day following. Jan Marcusse was in pain for days. She requested an aspirin for pain from the nurse, but did not receive any medical attention. I personally gave Jan Marcusse two of my Tylenol because she was in so much pain and unable to sleep because of it.

"At no time did Janet request medical attention or complain of injuries."

**Wrong. That is a lie!** Jan Marcusse requested medical attention right after the assault. Instead she was taken to a holding cell, where she told me later that no one even talked to her about the attack or asked her what happened. She was put there strictly for isolation. Jan made repeated requests for medical attention in the following couple of days, to no avail. Jan Marcusse even wrote out a kite complaining about the neglect by the staff at the facility, the lack of medical care, her injuries and the threat against her life. No one responded to these requests.

"At no time did anyone report there were threats to do bodily harm or to kill anyone."

**Wrong again. Another lie.** I, Cheryl Lynn Gardner, personally filed a complaint both verbally and physically to the Officer on duty. I also witnessed Jan Marcusse file a kite and I watched her write out a formal complaint. **What happened to those?????** Please respond with the truth. Be an example of the law you all swore an oath to uphold and be truthful in the face of God Almighty.

In the Spirit of Jesus, the Christ, our Lord, our Lawgiver, Our Judge,  
Cheryl Lynn Gardner

*Cheryl Lynn Gardner*  
Cc: U.S. Marshall's Office, Pastor David Wygmans, Chris Milson, Jan Marcusse, file, agr

Newaygo County Sheriff's Office  
Att: Roger N. Palmitter, Jail Administrator  
300 Williams Street, P.O. Box 845  
White Cloud, MI 49349

September 20, 2004

Re: Concerning your letter dated September 2, 2004

Dear Roger N. Palmiter,

Thank you very much for responding to Pastor David Wygman's complaint on behalf of Jan Marcusse presently being detained at the Newaygo County Jail. I wanted to reply sooner however it took some time to get first hand accounts and my business keeps me on the road quite a bit. The purpose of this rebuttal is not to waste anyone's time with frivolous and non existent issues rather to safeguard and protect constitutional rights when possible abuses have been observed and reported.

In your previous letter you responded to the cell phone issue by stating "*She cannot speak to you or anyone else on a cell phone. I have been in negotiations with SBC for the past month to acquire pre-paid phone cards. Once the phone cards are in place the cell phone avenue will be opened and available, hopefully in the next few weeks.*"

After weeks of exhaustive inquiries with the Newaygo County Jail, Inmate Solutions, SBC, ILD and others I finally discovered a way to talk with Jan on my cell phone since August 14<sup>th</sup> after repeatedly told this was impossible. I lost weeks of vital communication which caused many problems and I wonder how many others might have lost important communication in the same way. I also find it upsetting that the company your jail has contracted with for out of state calls, charges me around \$17.00 for fifteen minutes of conversation. In many cases as you know, communication with an inmate is not just a nice little privilege, it's an absolute necessity. I'm happy to hear that you are on top of this matter and are addressing the issue. Please contact me as soon as any you have a better solution in place.

I want to thank whoever responded to Jan's plea for help after she was assaulted by a woman named Michelle McDaniel and perhaps saved her life. In your previous letter you stated "*Corporal Jon Beagle spoke to Janet at that time. Corp. Beagle stated there were no visible signs of an assault or injury. At no time did Janet request medical attention or complain of injuries. At no time did anyone report there were threats to do bodily harm or to kill anyone. That same afternoon both women were placed back into general population in different housing units and were never in the same living quarters after that. Separation was maintained until Michelle left on July 29, 2004. If Janet was injured or in fear the complaint should have been reported to someone so an investigation could have been initiated. The complaint was never stated to anyone.*"

To date, at least one eye witness to the event filed a report that what she observed first hand is quite different than what I'm hearing from your version of events. It can also be verified on many recorded phone calls that Jan filed a kite, complained of being denied medical attention and was indeed placed in a cell one more time with her offender. Left with little options and feeling basic rights were being ignored, Jan signed a complaint "under penalty of perjury", along with two other witnesses and proceeded to have the above events entered into public record. Over and above the physical pain is perhaps the terror a small woman of 48 years can experience being housed in the same cell with larger women having a history of violent behavior. Jan has gone her whole life without any prior convictions, not accused of a violent crime, denied bail and is by law innocent until proven guilty and to all that truly know her, she's a lady and should be treated like one unless all in this country are willing to have their

wives, daughters and loved ones submitted to cruel and unusual punishment prior to trial.

*In your letter you state "Janet has an attorney of record filed with The United States District Court of West Michigan. Per the Federal Courts, if she needs any legal advice or research it is to be supplied through the attorney. Janet has access to the Courts and has not been denied any fundamental rights. She needs to contact the attorney for any such requests and/or statutes."*

The law affords counsel of choice and Jan was denied counsel of her own choosing. Therefore by the conditions above, the only way Jan could get access to the law library is accept counsel not of her choice. This is a basic violation of fundamental rights for anyone defending themselves to be denied access to the Law Library and is simply constitutionally wrong and a denial of justice.

*In your letter you state "As for the drugs and/or poison, this accusation is almost too incomprehensible to respond to. To the best of my knowledge there are no mind altering drugs, prescription or not, in this facility. Nor, to the best of my knowledge, has anyone found or detected any poison."*

I'm sorry that you feel that such a thing is "incomprehensible" given the history and methods by some in the U.S. Government deemed necessary for the "greater good" of the people. There are simply some cases that involve information the government would rather not have public. In any event, I know Jan well enough to have a pretty good idea when she is lucid, alert and herself. What I witnessed on July 28, 2004 in court shocked and saddened me as I had never seen her look so dazed and disoriented. I commented to a friend "That is not Jan, she looks like she's on drugs or something". My observation was further backed up when Jan reported to a friend the following day that she felt like she had food poisoning on the above date in court. I also can attest to the fact that her normally clear and legible writing seems to be quite different than the norm. Sir this matter might easily be resolved by taking some random drug tests which she has consented to so that you can be positive of the situation.

Mr. Palmitter, this rebuttal is not meant to attack your credibility or to suggest that you personally are not doing your job. I wouldn't want to see you or anyone else be accused of anything without due process, however like Pastor Wygman, my conscience and responsibility does not afford the luxury of ignoring first hand knowledge and eye witness reports of possible government abuses. As you know, our founding fathers declared it our duty to be watchdogs knowing that some in government will certainly stray from the rights and freedoms this country was built on and many died for.

I thank you for your time and believe a remedy to the above could be achieved by setting Jan Marcusse free and other options be explored that would enable ends of justice concerning this matter. I would like to hear back from you in a reasonable time frame if you have any further thoughts or remedies or do not agree with the above.

Sincerely



Chris Milson  
15 Choctaw Trail, Elkland, MO 65644

Cc: Sheriff Mike Mercer, Pastor David Wygmans, Cheryl Lynn Gardner, Jan Marcusse, file

1 Q Okay. But it didn't appear that he did?

2 A No, he did not have one.

3 Q Now, you've seen the defendants that are seated here?

4 A Yes.

5 Q Let's go one at a time and explain to the jury how your  
6 investigation revolved around each individual.

7 A Okay.

8 Q The first individual here with the headset on is Mr.  
9 Jeffrey Visser. You're familiar with Mr. Visser?

10 A Yes. He and I have talked numerous times.

11 Q When was the first time, if you recall, that you spoke to  
12 Mr. Visser?

13 A I believe the first time we talked was right after the  
14 search warrant. The search warrant was pretty fruitless as  
15 far as any significant evidence being turned out. The office  
16 had been pretty much vacant or cleared out of most -- any type  
17 of operating things that you'd expect from a business,  
18 especially a financial type business. And so we had subpoenas  
19 that we also wanted to serve, which was kind of a plan B we  
20 were following with. So we went to Mr. Visser's house in  
21 Wyoming and knocked on the door, and we went into his house  
22 and he --

23 Q Did he invite you in?

24 A Yes. And we may have asked him if we could come in so  
25 we're not out in the street talking to him, and --

FD-302 (Rev. 10-6-95)

- 1 -

## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 01/02/02

A search warrant was executed at approximately 10:05 a.m. by FBI Special Agents (SA) [redacted] IRS SAs [redacted] as well as Detective [redacted] and Deputy [redacted] of the Ottawa County Sheriff's Department at the Access Financial (AF) office, 0-151 44th Street, Suite A2, Grandville, Michigan.

b6 -3,4,7  
b7C -3,4,7

Due to the fact that no employees were expected to be at the AF office at the time of the search, [redacted] Manager, Field and Stream Realty, business telephone number (616) 532-9605, residence address [redacted] Byron Township, Michigan, was contacted telephonically to be present at the AF office at the time of the search.

b6 -6  
b7C -6

The AF office door was repeatedly knocked on and it was announced that the police were at the door by Detective [redacted] Sheriff's Deputy [redacted] but there was no answer from anyone inside the AF office.

b6 -7  
b7C -7

After several attempts were made to unlock the door with the master set of keys that [redacted] had with him, [redacted] indicated that none of his keys fit the lock to the AF office. [redacted] stated that according to the lease agreement, the tenants are required to provide him with a duplicate key if they change the locks on their doors. [redacted] then told the search warrant participants to go ahead and break in the door; that he would have his maintenance person come and repair the door if necessary. The door was then pried open with a hallagan tool by spreading the door and the door jamb far enough apart for the door to be opened. The maintenance person came later and replaced the door knob as he was instructed by [redacted]

b6 -6  
b7C -6

The AF office was opened at approximately 10:05 a.m. and a safety search was conducted throughout the office with negative results. After the premises was secured, SA [redacted] took digital photographs and drew a diagram of the office. The office appeared to be vacated other than one office that contained a desktop computer and some business papers and a facsimile machine located on the floor of the hallway.

b6 -4  
b7C -4Investigation on 12/20/01 at Grandville, MichiganFile # 196D-DE-90514 44-53 Date dictated 12/21/01by SA [redacted] [redacted] /SJM/bjt (002bjt01.302)b6 -4  
b7C -4

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

Marcusse-185

EXHIBIT R-2

FD-302a (Rev. 10-6-95)

196D-DE-90514 *dyam*

Continuation of FD-302 of Search Warrant, On 12/20/01, Page 2

All property being seized was labeled and placed in the hallway of AF where it was maintained by SA [redacted]. The Central Processing Unit (CPU) that was seized from the office was sub b6 -3,4  
hand-receipted on an FD-597 to SA [redacted] for analysis. Three b7C  
envelopes of documents, a notebook and one CPU were seized in total.

During the search, the telephone for the office rang frequently.

A copy of the warrant and seized items was left posted on the wall of the AF office. At approximately 11:15 a.m., after completing the search and removal of all items to be seized, b6 -4  
SA [redacted] photographed the AF office prior to leaving the premise b7C -4  
and the door being locked.

Enclosed in a 1A is a copy of the items seized and a copy of the entry and exit times.

Marcusse-186

EXHIBIT R-2



FD-302 (Rev. 10-6-95)

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 12/26/01

                     Special Agent-Computer Forensic Specialist, Internal Revenue Service, Detroit Field Office, was given and signed an FD-597, hand receipt for one Hewlett Packard model XL759, serial number US03209528 Central Processing Unit (CPU) that was seized during the search warrant that was executed at Access Financial on that same date.                      will be retrieving the information that has been stored on the CPU.

b6 -3  
b7C -3

The FD-597 is enclosed in a 1A envelope.

Investigation on 12/20/01 at Grandville, Michigan

File # 196D-DE-90514 -56 Date dictated 12/21/01

by SA                      /bjj (360bjj09.302)

Marcusse-197

b6 -4  
b7C -4

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

EXHIBIT R-2

# THE REGION

THE GRAND RAPIDS PRESS



## Celebration is all about neighbors

Saturday's festival is open to all, but the focus is on the people who have contributed to Cannonsburg's rich past and those on board for the present and the future.

The little Kent County crossroads community of Cannonsburg is throwing a party Saturday, and they would really like you to attend.

Well, sort of. If you have been researching that day to meet your love, for all intents, to that, if you haven't seen your mother in awhile, go. And for goodness sake, don't put off your vacation.

Because frankly, Cannonsburg purposely did not advertise this festival to the outside. Word of mouth has sufficed, with a little here and a little there.

Absolutely. Cannonsburg prides itself on its small town charm and service. But not for a moment does it let its small town charm go.

That's why the festival would love to see you, but not to see the West Michigan "come one, come all."

"I'm sure," the festival organizers say.

## Reason to smile — schools make grade

Many area schools post higher grades on the latest state report cards.

By Melissa Singer  
The Grand Rapids Press

Editors at Hall Elementary in Grand Rapids are among those at several schools with a reason to smile today.

As the state releases its second round of school report cards, Hall's grade has improved to a C. The school also met the federal government's student standards, which are included in the state grade.

"Isn't that great?" said John Harberts,

the district's chief academic officer.

Last year, the school hovered near being unaccredited with a D on its state report card and was forced into an overhaul for failing to meet federal goals for test scores.

It's a spark of hope the district sends out, for the first time, three of its schools are unaccredited by the state, including Brookside Elementary and two alternative schools.

Hall isn't alone in its improvement. Many of the area's schools are reporting higher grades on the report cards, including two Wyoming schools also undergoing overhaul.

Still, some schools, including Forest Hills and Grandville, are posting more gold stars thanks to changes in the way the state calculated the grades.

A rundown of grades for Kent and Ottawa county schools. A19  
To see the state list of school grades, visit [www.michigan.gov/mde](http://www.michigan.gov/mde)

The local improvements follow state trends. In Michigan, 710 schools earned A's (up from 251 in 2002); 1,168 a B (818); 531 a C (700); two schools a D, a new rank; 50 a D-Alert (2), and six are unaccredited (6).

Only elementary and middle schools were graded. Grades for high schools, which test students later in the school year, will be released in September.

Report cards were posted today on the state Department of Education's Web site.

Grand Rapids had mostly C's, along

with some A's and D's. Some schools still won't have grades since they are short of the three years' worth of test scores needed to calculate them.

Few educators like the report cards. And they caution against comparing grades from year to year. Most of the grades are based on the MEAP, which is given in fourth, fifth, seventh and eighth grades.

Yet they concede the public display has spurred them to work harder to improve areas where they fall short on the MEAP.

"The sort of false hope that's been put out, but you couldn't do it without it," Harberts said. "It's a reality."

(Says) we should...

## ELECTION 2004



Rebellious scam figure sent step closer to trial

et with money gathered from other investors.

Forty percent of the \$20 million was used for that purpose and the rest was sent to banks outside the United States or spent for the benefit of Marcuse and her allies at Access Financial, authorities said.

Marcuse huddled more than 500 investors into believing that "everything was going fine," Assistant U.S. Attorney Tom Gezon said.

But the purse actually was getting "smaller and smaller," he said. Despite "overwhelming evidence," she "has no remorse," he said.

Carmody said the criminal complaint alleging fraud and money laundering can stand from a grand jury.

The judge told Marcuse's stand-by

counsel Ray Kent, to advise her about the "peril" of continuing to represent her in the case.

Several investors last week testified how they gave their retirement savings to Access Financial, with the promise of monthly returns of 3 percent.

A former Steelcase worker said he invested \$264,000 in 1999 and later received a statement saying it had ballooned to nearly \$1 million.

Then checks stopped arriving, and a Marcuse associate told him there were problems with transactions from a bank in the Bahamas.

Several investors applauded when Carmody announced her rulings.

The judge didn't object, but Gezon turned and sternly warned them that a courtroom was no place for such a reaction.

Gezon said the judge's ruling was a "rejection" of Marcuse's stand-by counsel.

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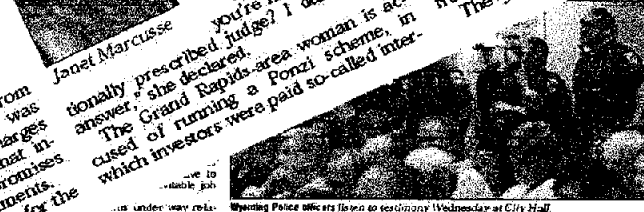
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Forty percent of the \$20 million was used for that purpose and the rest was sent to banks outside the United States or spent for the benefit of Marcuse and her allies at Access Financial, authorities said.

Marcuse huddled more than 500 investors into believing that "everything was going fine," Assistant U.S. Attorney Tom Gezon said.

But the purse actually was getting "smaller and smaller," he said. Despite "overwhelming evidence," she "has no remorse," he said.

Carmody said the criminal complaint alleging fraud and money laundering can stand from a grand jury.

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## Rebellious scam figure sent step closer to trial

Federal prosecutors will seek a grand jury indictment against Janet Marcuse, who is accused of bilking investors out of \$20 million.

By Ed White  
The Grand Rapids Press

After the defendant was ejected from the courtroom, a judge said there was enough evidence to hold her on charges of running a \$20 million fraud that involved hundreds of people and promises of high returns tied to safe investments.

Janet Marcuse "has no respect for the

court, and no respect for the investors and no respect for anyone but herself," U.S. Magistrate Judge Ellen Carmody said.

Marcuse, 47, twice was hauled away Wednesday after several outbursts challenging the judge.

Similar protests last week also landed her in a cell.

"Is it not true you're not a constitutionally prescribed judge? I demand an answer," she declared.

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with money gathered from other investors.

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counsel Ray Kent, to advise her about the "peril" of continuing to represent her in the case.

Several investors last week testified how they gave their retirement savings to Access Financial, with the promise of monthly returns of 3 percent.

A former Steelcase worker said he invested \$264,000 in 1999 and later received a statement saying it had ballooned to nearly \$1 million.

Then checks stopped arriving, and a Marcuse associate told him there were problems with transactions from a bank in the Bahamas.

Several investors applauded when Carmody announced her rulings.

The judge didn't object, but Gezon turned and sternly warned them that a courtroom was no place for such a reaction.

Janet Marcuse

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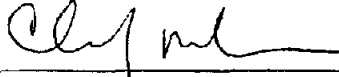
The judge told Marcuse's stand-by

**U.S.A. vs. Marcusse, et.al Case# 1:04-cr-165**

**Tape #158 – November 9, 2004 Arraignment on Superseding Indictment**

I attest, Tape #158 as marked and received from the USDC of Western Michigan certified on November 15, 2004, that the foregoing transcript is true and correct as to what I heard from the parties below.

Date: 2/25/05

By:   
Christopher James Milson Sui Juris  
Without Prejudice, All Rights Reserved

*Forwarding to Magistrate Judge Ellen S. Carmody discussing the counts, charges and penalties while addressing Janet Mavis Marcusse;*

**Carmody: Do you have any questions at this time Ms. Marcusse about the charges that have been brought against you?**

**Marcusse: First of all I am here by special limited appearance at International Common Law. I do not waive extradition ...**

**Carmody (interrupting): Uh Ms. Marcusse**

**Marcusse: from my lawful jurisdiction. The nature and cause ...**

**Carmody (interrupting): Ms. Marcusse**

**Marcusse: of this action ...**

**Carmody (interrupting): Would you remove her please?**

**Marcusse: is conspiracy. Please receive and record into the court a criminal complaint\* regarding\*\* a Protection Racket for Robert W. Plaster\*\*, John Ashcroft's friend \*\* ... You Cheaters! ... You are framing me! \*\*\***

**Man's voice: Settle down, settle down ... settle down ... settle down. \*\*\***

**Marcusse: And I will have people looking into this (Man's voice simultaneously saying "settle down ... settle down"). \*\*\***

**Marcusse: You did receive and record my complaint, did you not? (Man's voice simultancously saying "settle down ... settle down"). \*\*\***

**(Pause, no response heard)**

**Marcusse: You're refusing? (pause) You are in collusion Ms. Carmody. You will go to prison too. (Being led out of the courtroom) They stole your money! (sound trailing off).**

**(Laughter by several people)**

**Another man's voice, sounded like Thomas Gezon: Yes she did.**

**Carmody: I was about to advise Ms. Marcusse that she, uh, could plead or stand mute to each or all counts. Uh, she apparently does not have any questions about the counts or the penalties and uh, and the court will enter a not guilty plea on her behalf to Counts 1 through 39, Count 40, Count 41, Count 42, Count 43 through 57, 81 and 82, 58 and Count 83. Any further questions Mr. Gezon?**

**Gezon: Your honor, uh again there is no additional Discovery of which we haven't made available to Ms. Marcusse before and being unrepresented she's not entitled to an initial Pretrial in the first place, we see no reason to have a initial Pretrial after the Superceding Indictment.**

**Carmody: I don't think that's required but you have let her know in writing of what is available.**

**Gezon: I have your honor. We filed a written response to your standard Pretrial Discovery Order saying what's available too.**

**Carmody: Mr. Kent, do you have anything further for the court at this time?**

**Ray Kent: No your honor.**

**Carmody: I trust that you will continue to talk to Ms. Marcusse about the wisdom of having you assist her?**

**Kent: I will.**

**Carmody: Alright, this matter's adjourned.**

**(End of court session)**

**Sounds heard other than voices:**

- \* Scuffling and commotion**
- \*\* A bang or a knock like something hitting wood**
- \*\*\* Frequent squeaking sounds like a wooden chair or a table moving**

## AFFIDAVIT OF FACT

November 28, 2004

I, Lisa Ultrath do hereby attest to the following statement.

I first met Jan Marcusse on November 9, 2004 when I was brought to the holding cell located in the Federal Building in Grand Rapids, Michigan. She had several fresh looking bruises on her arms. When I asked her about them she stated that they were received during an attack earlier in the courtroom. I advised her that if it were I, I would have it documented when we arrived at Newaygo County Jail.

Sworn under penalties of perjury  
Lisa Ultrath

[Signature]  
Witness

[Signature]  
Witness

FILED - GE

AFFIDAVIT OF THE FACT

05 FEB 23 PM 3:56

FEBRUARY 19<sup>TH</sup>, 2005U.S. DISTRICT COURT  
WESTERN DISTRICT MICH  
BY DR

I, Dawn Marie Romanski, do hereby attest that I was incarcerated, in the same cell as one, Janet Mavis Marcusse, at the Newaygo County Jail, for 8 days, in November of 2004, commencing on 11-6-2004.

One evening during that time, Janet Mavis Marcusse was returned to the cell and stated that she had been assaulted & injured by the U.S. Marshals, in open court.

Ms. Marcusse had fresh bruises and scraps on both of her arms and one leg and for the next twenty-four hours, remained bedridden. For the next few days, she was visibly limping, ailing and in pain.

Linda Oakley, another inmate and I both signed affidavits about what we witnessed at that time however, Ms. Marcusse has now informed me that these affidavits were permanently lost as they never arrived where Ms. Marcusse had mailed them.

As this sounded like a cover-up, I have hereby, freely agreed to submit another affidavit attesting to the injuries I had originally witnessed on Ms. Janet Mavis Marcusse in November of 2004.

Submitted under penalties of perjury,

Witnessed By:

Amy Mifalke  
Stacey Augdahl  
Stacey Augdahl  
Amy Mifalke

Respectfully,

Dawn Marie Romanski  
Dawn Marie Romanski 2-22-05  
DAWN MARIE ROMANSKI  
2507 WALDON WOODS DR SW  
WYOMING, MI 49519

4/12/05

# Affidavit of fact

It is in my professional opinion that Ms. Marcusse is suffering from a herniated disk in her Vertebrate

Rebekah Kutawski PA-C

Witnesses:

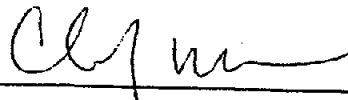
Suean Leares  
Angela

**Affidavit of Facts  
Concerning Janet Mavis Marcusse**

1. Jan called me and reported that when she tried to speak at her Arraignment on November 9<sup>th</sup>, 2004, she was physically assaulted by the court.
2. I listened to the tapes of that proceeding and it did appear that when she started to speak, a scuffle ensued and she was then thrown out of the court room.
3. I came to visit Jan at the Newaygo County Jail on the following Sunday and can attest to seeing bruises on her arms and an especially large one on her left bicep.
4. Jan reported other bruises on her body however I was only able to witness the bruises on her arms since this was a confined visit between glass.

~~~~~  
I swear under penalty of perjury that the above is true and correct per 28 U.S.C. 1746.

Affirmed: \_\_\_\_\_



Christopher James Milson  
15 Choctaw Trail  
Elkland, MO 65644

1/21/05  
Date

Without Prejudice

Subscribed and sworn to before me this 21st day of Jan 2005



BRENDA WEBSTER  
Notary Public-State of Missouri  
Commissioned in Dallas County  
My Commission Expires Feb. 16, 2005





## Tennessee Man Pleads Guilty to \$20 Million Time-Share Fraud at Two Branson Hotels

Press Release: Office of the United States Attorney- Western District of Missouri  
October 19, 2004

SPRINGFIELD, MO -- Todd P. Graves, United States Attorney for the Western District of Missouri, announced October 15 that a Tennessee man has pleaded guilty in federal court to defrauding hundreds of victims of more than \$20 million through an investment scheme involving two Branson, Mo., hotels.

Dennis Ray Weaver, 55, of Jackson, Tenn., waived his right to a grand jury and pleaded guilty before U.S. Magistrate Judge James C. England on Oct. 14, 2004, to a federal information that charges him with mail fraud.

By pleading guilty, Weaver admitted that he marketed phony time-share investment opportunities in the Branson Inn and Dogwood Inn from July 2000 through August 2003, generating more than \$27 million in revenue and causing an actual loss in excess of \$20 million from several hundred victims.

"Victims purchased their time-share lease from Weaver and were led to believe they would get a return on their investment by sub-leasing their hotel rooms through another company," Graves said. "In reality, most of the rooms were never rented out. Any return the victims received actually came from money paid by other investors who also purchased leases, not from any vacationers renting the rooms."

Weaver served as president and treasurer of Branson City Limits (originally incorporated in February 2000 as Forever Country Theatres, Inc.), which purchased an entertainment complex in Branson consisting of two theaters, a restaurant, and a hotel named the Branson Inn, for approximately \$27 million. The down payment of approximately \$5 million was paid with money that came from First Choice Management Services, a corporation formed in the state of Nevada in which Weaver was on the board of directors and served as secretary. The remaining \$22 million was placed in a promissory note that was secured by the complex. In addition to the \$5 million down payment, at least another \$1.6 million for operating expenses was transferred to Branson City Limits from First Choice.

"Branson City Limits never had the ability to meet its financial obligations through legitimate business operations," Graves said. "Instead, Weaver profited from an illegal Ponzi scheme to defraud hundreds of investors, including some who lost their retirement savings."

Weaver began marketing "leisure leases" (also called "universal leases") through Branson City Limits in July 2000. A leisure lease was a lease of a hotel room in the Branson Inn for one week each year for a term of years (usually 20 to 25 years). Leaseholders paid \$4,500 for a leisure lease, which entitled them to stay in the room during that week each year. Leaseholders could sublease the room-week instead, or enter into an agreement with a third party management company for the third party to sublease the room-week. The management company would then pay the leaseholders rental income each year equal to 11 percent of the cost of the lease.

Leaseholders were told that Branson Inn would be renovated and replaced with better quality condominiums. But Branson City Limits performed no significant renovation of and only minimal maintenance on Branson Inn, Graves said.

From the beginning, Graves said, Weaver knew that virtually all leaseholders were purchasing the leisure leases as investments based on the expectation a third party management company would pay them rental income equal to

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**Published August 27, 2006**

## PROPOSED HIGH-RISE RESORT

### Rooms with a view

*Proposed high-rise resort would capitalize on area's beauty*

Kathryn Buckstaff  
News-Leader

Branson — A proposed \$100 million high-rise resort could bring more of the upscale customers that Branson tourism planners say are essential to the town's economic future.

Strong spring tax revenue and an influx of tourists from Chicago and Dallas indicate developer Rick Huffman's lakefront lifestyle center Branson Landing is already attracting more first-time visitors who are staying longer and spending more.

If Huffman's new concept gets the nod from Branson's planning and zoning board Sept. 5, those customers would have a new place to stay, play and shop at high-end stores — maybe Prada and Armani.

Longtime resident Dorothy Stacey said she's not worried about the high-rise spoiling Branson's friendly, down-home atmosphere.

"It's still a country place, even if it does have upscale," Stacey said.

Huffman is also developer of the \$420 million lakefront Branson Landing, designed specifically to follow the curve of the lake.

For the new high-rise, "we're doing studies on sunsets, on views, on everything," said Huffman. It will be situated where the hilltop Branson Inn is now, affording a panoramic view of the area's tree-covered hills.

"People come here for the beauty of the Ozarks, the hills and the lakes," Huffman said. "Why not show it off?"

#### Upscale coming

For the past several years, the number of first-time visitors to Branson has hovered at 21 percent. Without a change, Branson could decline, planners warned. The Branson Convention Center adjoining Branson Landing, and set to open next year, is essential to the future, said Mayor Lou Schaefer.

Branson's average visitor age now is 58. Business travelers' average age is 47, and many conventioners bring their families, according to the Travel Industry Association of America. The 12-story Hilton Convention Center Hotel also will bring more upscale guests. Branson now has 17,849 hotel rooms. Two planned Hiltons and the new resort will add 675.

Huffman said moneyed travelers are already coming, and this year's revenue shows the results. From January through June, Branson's sales tax is up 6.5 percent and tourism tax is up 9.6 percent over the same period last year.

Sales at Branson Landing shops that opened in June including national chains Chico's and Cachet are above sales projections, Huffman said. And the number of visitors from Chicago and Dallas was up about 30 percent after spring advertising in those markets. "We're drawing visitors from a wide demographic," Huffman said. "And they've got money, and they've found out they can come here and buy what they want. And they like one-stop shopping, entertainment, staying and living."

To fill that bill, the new resort will feature a luxurious lobby and restaurant on the top two floors. The restaurant will feature lit jets of water soaring over the heads of diners and an outdoor deck to take in the evening view, Huffman said. The ground floor will have a lush resort-style swimming pool area, and there will be 30 residential units, 150 hotel rooms, 150 condotels, plus meeting, office and retail space he hopes to fill with high-end businesses such as Prada and Armani, he said.

"It's what the new customer wants," Huffman said.

The Branson Inn site is close to the convention center and Branson Landing, and it's also on the new five-lane Branson Hills Parkway that connects U.S. 65 to Missouri 248 on the west side of town, providing easy access to Silver Dollar City and theaters.

"It's always about location," Huffman said. "Thirty-thousand cars a day go by on U.S. 65. What better billboard?"

In its day

St. Louis banker Melvin Hall and developer Jim Heckman built the Branson Inn around 1972 so Hall could have a place to stay when he came down to fish, said son Lynn Hall, who moved to Branson in 2000 and now owns First Community Bank of the Ozarks and the Grand Palace.

The motel first had 80 rooms, but Melvin Hall later added buildings for a total of 274 rooms. About 200 are now rented out, mainly to construction workers during the week. It was a Best Western for many years. In the early 1990s, Melvin Hall also built what were initially the Mel Tillis Theatre and the Glen Campbell Theatre on the hilltop. In 1997, Melvin Hall, now 92 and living in a care facility in St. Louis, sold the inn to out-of-state buyers who were later prosecuted by the Securities and Exchange Commission in a pyramid scheme.

The inn was among assets seized by the SEC, was vacant for some time and was later sold to Robert Plaster's son, Steve Plaster, and another investor, Hall said. Hall said he has no sentimental feelings about the inn.

"I just hope they can do the right mix so it ends up the way it should be," he said.

Old and new Branson

When Branson Landing was proposed, some longtime residents railed against razing the '50s-vintage resorts on the lakefront for a massive new development.

"Most people have mellowed out about it," said Stacey, who is 82 and came to Branson when she was 9. "We all have fond memories of (the old lakefront), but it was in bad shape down there. There are people who would like things to be the way they were, but that's unrealistic."

Stacey has recently published a history book of Branson, "Hometown Branson II - 1940-2003," a second volume to "Hometown Branson — Early History," which she co-authored with her sister Jo Stacey Albers.

Albers, who also had concerns about Branson Landing as it developed, said she doesn't have any feelings about the new proposed high-rise. She likes the addition of a Target, Home Depot and possibly a Wal-Mart Supercenter.

"I feel like that's for all of us and not just the tourists," Albers said. "I'm not against the tourists, but I just look back at how we used to look at tourism from Memorial Day to Labor Day, and then it was back to normal."