

# EXHIBITS

A-4 to Z-4

- 1 -

## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 10/05/2004

[redacted] DOB [redacted] SSAN [redacted] was contacted. After a display of credentials, [redacted] provided the following information to the interviewing agent:

[redacted] does not want to answer any questions pertaining to his investments with a company called Access Financial (hereinafter Access). He lost "a bundle of money," but other than that fact, he didn't want to discuss the investment. He doesn't blame "that girl [redacted] for his loss.

[redacted] advised that his son [redacted] just programmed the computers for Access and is somehow being blamed by the authorities in Michigan for losses incurred by Access. [redacted] opined that someone associated with Access is blaming innocent people and getting them in trouble just to clear his or her name. [redacted] said that his son [redacted] knows that he will be arrested soon and just wants to "put this whole matter behind him so he can move on."

[redacted] does not know the whereabouts of [redacted]. He thinks that [redacted] is helping people who have sustained damage from the recent hurricanes that have hit the area. He sees [redacted] every month or so. [redacted] said he would talk to [redacted] and advise him to contact the interviewing agent so that a date and time could be arranged for his surrender. [redacted] will also let his son [redacted] know the interviewing agent's contact numbers so that this information can be passed on to [redacted]

b6  
b7cInvestigation on 10/04/2004 at Zephyrhills, FLFile # 196D-DE-90514 441Date dictated 10/05/2004

by SA [redacted]

EXHIBIT A-4

**FEDERAL BUREAU OF INVESTIGATION**

Precedence: ROUTINE

Date: 10/12/2004

To: Detroit

Attn: Grand Rapids RA,  
SA [redacted]

From: Tampa

Pasco/Hernando RA

Contact: SA [redacted]

Approved By: [redacted] *[Signature]*

Drafted By: [redacted]:dgh *JCM*

Case ID #: 196D-DE-90514 <sup>-492</sup> (Pending)

Title: OPERATION DREAMWEAVER;  
FRAUD BY WIRE, MAIL FRAUD

Synopsis: [redacted] arrested at Tampa, FL; [redacted] interviewed; [redacted] declined to be interviewed.

Reference: 196D-DE-90514 Serial 408

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b7C

Enclosure(s): Enclosed for Detroit is the original and one copy of an FD 302 memorializing the interview of [redacted] the original and one copy of an FD 302 memorializing the interview of [redacted], and an executed FD 395 (Advice of Rights) which [redacted] refused to sign.

Details: On 10/06/2004 at approximately 4:40 PM, [redacted] was arrested at the Grandview Motel, Tampa, Florida. He was transported to the Hillsborough County Detention Center. The next day, [redacted] was transported to United States District Court for his Initial Appearance before Judge Pizzo. [redacted] was ordered to be detained.

On 10/04/2004, [redacted] was interviewed at his residence in Zephyrhills, Florida.

Attempts to interview [redacted] were not successful as he does not want to cooperate in this matter.

**FEDERAL BUREAU OF INVESTIGATION**

Precedence: PRIORITY

Date: 09/27/2004

To: San Antonio

Attn: Laredo RA

From: Detroit

GRRR

Contact: SA [redacted]

Approved By: [redacted]

Drafted By: [redacted] sp (271sp01.ec)

Case ID #: 196D-DE-90514 (Pending)

Title: OPERATION DREAMWEAVER;  
FBW; MF

CONSIDER ARMED

Synopsis: To arrest [redacted]

Reference: 196D-DE-90514 Serial 120

Administrative: Re 09/24/2004 telephone conversation between SA [redacted], Grand Rapids RA and SA [redacted], Laredo RA.

Enclosure(s): Enclosed is a photograph and arrest warrant for Besser.

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Details: Access Financial, a Michigan based investment company, under the direction of Janet Mavis Marcusse, has taken in over \$20 million from investors in a nationwide Ponzi-tax avoidance scheme. Most of the investors are blue collar retirees who have rolled over either all or a large portion of their retirement savings to Access Financial.

Investors were told that their funds were going into offshore accounts where the money would be invested in mutual funds and other program trading where it could earn a higher rate of return. Earlier investors received some of the promised high return on their investments while later investors received none.

Many of the subjects involved in this scheme are tax protestors or are anti-government. No known acts of violence or physical threats have been made.

[redacted] is the "silent partner" of Marcusse in this investment scheme and is responsible for the

Handwritten circled notes: 1, 2, 4 and a signature.

Handwritten initials: P/

To: San Antonio From: Detroit  
Re: 196D-DE-90514, 09/27/2004

receiving and wiring of money worldwide. He also participated in presenting some of the seminars.

In referenced serial 120, [redacted] went to great lengths to avoid just being served a Federal Grand Jury subpoena and had left his residence to avoid detection.

Six of the eight subjects who have been indicted in this case have already been arrested and have had their initial appearances before the magistrate judge. [redacted] will most likely flee from law enforcement.

Recent investigation by the Detroit Division confirms that [redacted] left the Roseville area of Michigan when he learned of his indictment. He has family at the Jonesville address where he may return for a wedding sometime in October. The Jonesville, Michigan address listed is believed to be a relative, [redacted] residence, where he goes periodically. [redacted] was last seen driving an older model, "beat up" motorhome that has tan stripes on it. [redacted] transferred to Texas from Michigan a 1984 FORE motorhome, VIN: [redacted]

Multiple source information has indicated [redacted] has currently moved to the "mountains in Mexico." Current source information indicates that [redacted] girlfriend is [redacted] [redacted] Bracketville, Texas 78832. [redacted] had been using the mailing address [redacted] Laredo, Texas 78045 (Postal Zone 106). [redacted] is expected to be receiving an overnight UPS package at this mailing address sometime on 09/27/2004. The tracking number for UPS is 1Z4586160100074398. [redacted] or his girlfriend, [redacted] are expected to pick up the package, sign the anti-government/tax protestor type documents and then send the package back. If [redacted] does not pick up the package himself, he is expected to be nearby to sign the documents so that they can be sent right back. Further details will be forwarded to the Laredo RA as they are received by the Grand Rapids RA.

b6  
b7c

[redacted] CCH are for going Absent Without Leave (AWOL) while in the U.S. Army in the 1960's and for passing bogus checks prior to that.



[redacted] has been reported by subjects and witnesses of this investigation to carry firearms on his person, in his car and to always have a firearm "within arms reach." [redacted] is not known to be aggressive or violent.

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This message is not flagged. [ [Flag Message](#) - [Mark as Unread](#) ]

[Printable View](#)

**Date:** Wed, 25 Jan 2006 05:17:40 -0800 (PST)

**From:** "Margarita Hall"  [Add to Address Book](#)  [Add Mobile Alert](#)  
Yahoo! DomainKeys has confirmed that this message was sent by yahoo.com. [Learn more](#)

**Subject:** Re: A friend

**To:** "Jan Marcusse" <marcussenews@yahoo.com>

Hola:

We all know that Terry was not in hiding....it was just a place in the world where he could live on his SS check.

His SS check went to his daughters and they arranged for him to get his money.

The best evidence to show he was not in hiding...was he applied for an FM-3. He had one for a full year and then when he renewed...he put his new address on it...if he was hiding he would not have even got an FM-3. He did everything that was required.....and we all know the only reason for an FM-3 is so that the government can track you and know where you are at all times.

The first thing the FBI did was go to Guadalajara and pick up his FM-3 which was being renewed and then go to the address that was on the papers .....it did not take a genius to figure that one out....even an FBI agent can figured that out. Of course they kept his papers and I tried to get them....no luck. They know that is evidence that shows he was not hiding....so as always...hide the good stuff that shows their innocent.

Thanks for helping Chris.....we will get them home one day. The truth will come out on this totally corrupt government. The evidence we need will surface....regardless of them trying to hide it.

Silver

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. GEORGE TERRANCE BESSER, t/n: GEORGE TERENCE BESSER,		FINAL COMMITMENT AND WARRANT OF REMOVAL TO GRAND RAPID DISTRICT OF MICHIGAN (SOUTHERN)	
DOCKET NUMBER		MAGISTRATE JUDGE CASE NUMBER <b>05-00072M</b>	
District of Arrest	District of Offense	District of Arrest	District of Offense


**TO: UNITED STATES MARSHAL FOR THE CENTRAL DISTRICT OF CALIFORNIA:**

The above-named defendant is hereby remanded to your custody and you are hereby ORDERED to remove him/her forthwith, along with a certified copy of this Commitment, to the custodian of a place of confinement within the District of Origin, approved by the Attorney General of the United States, where the defendant shall be received and safely kept until discharged in due course of law.

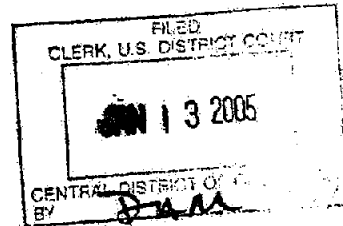
This defendant was arrested in this District after:

- filing of a complaint before a U.S. Magistrate Judge
- An indictment by a Grand Jury
- a bench warrant issued by the United States Magistrate from the District of Origin charging that on or about

July 29, 2004 in the District of Origin, the defendant did:

Conspiracy to distribute five kilograms or more of cocaine.. 

in violation of Title(s) 18, U.S.C., Sections 1341 & 371



The defendant has now:

- duly waived arrival of process before me on \_\_\_\_\_
- duly waived identity hearing before me on January 12, 2005
- had a hearing before me on \_\_\_\_\_, 19\_\_\_\_\_, and it appears that there is probable cause to believe that the offense so charged has been committed and that the defendant has committed it.
- had a hearing before me on \_\_\_\_\_, 19\_\_\_\_\_, and it appears that the defendant is the person named as charged, and
  - BAIL HAS BEEN SET AT \$ \_\_\_\_\_ BUT HAS NOT BEEN POSTED.
  - NO BAIL HAS BEEN SET.
  - PERMANENT DETENTION HAS BEEN ORDERED.
  - TEMPORARY DETENTION HAS BEEN ORDERED.

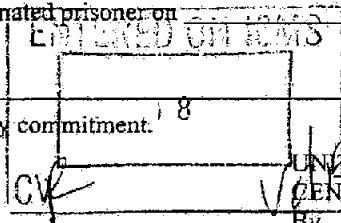
DATED: January 12, 2005

*Carolyn Turchin*  
 \_\_\_\_\_  
 CAROLYN TURCHIN  
 UNITED STATES MAGISTRATE JUDGE

**RETURN**

Received this commitment and designated prisoner on \_\_\_\_\_, 20\_\_\_\_\_, and on \_\_\_\_\_

19\_\_\_\_\_, committed him to \_\_\_\_\_ and left with the custodian at the same time a certified copy of the within temporary commitment.



UNITED STATES MARSHAL  
 CENTRAL DISTRICT OF CALIFORNIA  
 By \_\_\_\_\_, Deputy

DATED: \_\_\_\_\_

M-15 (06/98)

FINAL COMMITMENT AND WARRANT OF REMOVAL

Exhibit E 

OCT 26 PM 1:25

TO: UNITED STATES OF AMERICA  
UNITED STATES DISTRICT COURT  
110 MICHIGAN, N.W.  
GRAND RAPIDS, MICHIGAN TERRITORY

FROM: JANET MAVIS MARCUSSE, et. al.  
c/o NEWAYGO COUNTY JAIL  
300 WILLIAMS STREET  
WHITE CLOUD, MICHIGAN TERRITORY

IN RE: YOUR CASE 1:04-CR-165, et. al.  
PRE-TRIAL TORTURE AND MENTAL ABUSE

CC: OFFICE OF PROFESSIONAL RESPONSIBILITY  
MICHIGAN ATTORNEY GRIEVANCE COMMISSION  
ARLEN SPECTOR, CHAIRMAN SENATE JUDICIARY COMMITTEE  
F. JAMES SENSENBRENNER, JR., HOUSE JUDICIARY COMMITTEE  
OFFICER FOR CIVIL LIBERTIES, HOMELAND SECURITY  
MIKE COX, MICHIGAN ATTORNEY GENERAL  
ALBERTO GONZALES, ATTORNEY GENERAL  
PROVOST MARSHALL  
MEDIA OUTLETS

### **AFFADAVIT OF FACT**

#### **Pre-Trial Detention Used For Torture and Mental Abuse to Prevent a Fair Trial**

I, Janet Mavis Marcusse [a/k/a JANET MAVIS MARCUSSE], a living woman who was 49 years old on October 15<sup>th</sup>, 2005, do hereby attest that the following circumstances constitute the conditions that I was forced to endure, under protest, some of which are on the court's record, during the month-long trial beginning May 16th and ending on June 14<sup>th</sup>, 2005.



I attest that this appears to have been quite deliberately done to prevent a fair trial. Mr. Besser, Mr. Visser and I were all unlawfully and illegally detained pre-trial.

Painful back problems that had been CAUSED by jail employees and Dept. of Justice employees were deliberately aggravated during trial. As already reported in a prior Affidavit, on July 24, 2005, I was attacked and injured by a black female inmate who had been provoked into the attack by a Newaygo County Jail trustee who had told her I was a "White Supremacist" and "Constitutionalist", inflammatory terms now known to be routinely used by this district while describing their oxymoron term, "illegal tax protestor." Judge Bell has been quoted in the media comparing tax protesters to multiple murderers. On November 9, 2004, I was attacked in court and a disk in my back was permanently damaged by U.S. Marshals attempting to prevent me from verbally describing a criminal complaint upon the court's record. I was jumped so forcibly and slammed on a solid wooden table so hard that the leg of the table broke. Since that date, repeated requests for the court's videotape of that day have been ignored. Further, on July 7, 2005, Steve Hetherington, one of the Deputy U.S. Marshals who personally admitted to the attack on me that day, blamed Magistrate Ellen Carmody for his behavior and also informed me that there were no cameras in these courtrooms, a dubious claim that I believe has no merit whatsoever. I have been refused medical treatment for these back problems ever since the initial injuries with the only concession the medical staff at Newaygo County Jail has allowed was for an extra mattress pad. A few days after the trial started, this extra mattress pad was promptly taken away in spite of a written instruction from the facility's doctor for me to have one. Requests to have the extra



mattress pad returned during trial were ignored. I did not get a second mattress pad at this facility again until September 14, 2005 indicating the facility knew full well that I was to have one. (I was at Calhoun County Jail from July 1, 2005 until September 13, 2005).

Intent to injure certain targeted inmates in this district is a common ploy according to the numerous similar complaints and litigation filed on the record in the past. In February, 2005, I personally witnessed another similar malicious attempt to physically harm George T. Besser, deemed a "co-defendant" by this court, who is a retired elderly man on seizure medication. The trustee, Harold Bonnell, told us that he had been told by Newaygo County Jail guards that Mr. Besser was a "baby molester." This was clearly done to induce other inmates to assault Mr. Besser, a shamefully disgusting act by the very individuals who are supposed to represent the "law".

If there had been even any pretense of due process exercised in this particular district, I would not have been incarcerated pre-trial in the first place. The Detention Hearing in July, 2004, was neither legal nor lawful as Magistrate Ellen Carmody only allowed Ass't. U.S. Attorney Mr. Gezon to present his version of "facts" and punished me for simply speaking and trying to defend myself in a way I believed was best. At this same "hearing", Mr. Gezon claimed that I had "refused service" on a "certified" mail subpoena which is an absolute false statement. Mr. Gezon knew this to be false as his own legal secretary, Cindy Vine, clearly contradicted him in her written and signed statement providing proof positive that what Mr. Gezon said was a malicious lie and designed to fraudulently detain me, with the help of Magistrate Ellen Carmody, "by any means

necessary", most likely falsified narcotics charges. Magistrate Carmody even vacated the bench in order to avoid my questions regarding Mr. Gezon's tampering and interference with our civil litigation case already at the judgment stage in order to fraudulently convey the assets away from our clients and to the IRS instead. As the result of this fraud against me, I have been wrongfully incarcerated in a county jail facility since July 1, 2004. I now contend that the pre-trial incarceration of certain "targets" is routinely used in this district, again based upon a review of other cases, to torture the "accused", infer guilt to the public and the media, tamper with their mail, financially devastate the victim who is unable to be gainfully employed. Furthermore, one can't even make phone calls to further their defense without being subjected to the extortionate rate of between \$9.00 and \$22.00 for a mere 15 minute call and only possible if the victim can get the recipient of the call to even agree to such monopolistic charges as one has no choice in the matter. All facets of the victim's defense are subjected to scrutiny to fully accommodate prosecutorial misconduct comprising witness and evidence tampering.

Pre-trial incarceration in this district is also used to tamper with and prejudice the jury by U.S. Marshals supposedly "forgetting" potential jury members might be in the courtroom the first morning when jury members are always chosen, so that the "innocent until proven guilty defendants" is made a mockery of by parading them in front of the entire potential jury pool in handcuffs thus presuming guilt as I, Mr. Besser, Mr. Visser and Mr. Buffin all were victimized by on the morning of May 16, 2005. As all jury trials always start with a jury selection, it seems highly unlikely that the U.S. Marshals who work every single day at court would have "forgotten" this procedural rule, evidencing that this

was a deliberate act instigated by a corrupt court. This would have normally triggered a mistrial, but not one of the eight equally corrupt defense lawyers witnessing this event would bring this malicious behavior up on the record, thereby colluding with the prosecution to "produce" a conviction in this theater.

Unlawful pre-trial incarceration is also used to physically exhaust the victims so that they are eventually unable to properly defend themselves at all. I believe it was done in my case to specifically prevent me from having the energy necessary to defend myself and to be able to give that vital closing argument. Unbearable noise levels are also used to physically torture pre-trial detainees. All during this unlawful ordeal, I have been incarcerated in five different jails or prisons to date, each time resulting in the loss of most or all of my legal files to impede my defense. ONLY the Newaygo County Jail allows an unbearable noise level 24 hours a day. Out of these five facilities, ONLY Newaygo County Jail is routinely used by this court for PRE-TRIAL detainees. For female inmates, Newaygo County Jail is overcrowded most of the time with up to 14 women crowded into a single cell designed for no more than 8 inmates. The television is permitted to be left on 24 hours a day allowing for no quiet time whatsoever for a pre-trial detainee to be able to concentrate properly for a trial or for that matter, even sleep. The stress level alone from this single abusive "policy" is extreme for someone whose life is on the line in a bogus prosecution such as I've been forced to endure. At trial on the record, I repeatedly asked Judge Bell if the television could be turned off at 11:00 pm as is done for other inmates in trial at this facility, but in my case I was ignored or outrightly denied this simple humane consideration. One long-term cell-mate of mine, Clodella

J.M.M.

Darland believes the noise level in our mutual cell was deliberately increased at the time to harass me and deprive me of sleep. She will be providing an Affidavit attesting to that fact. In contrast, at the Calhoun County Jail, if an inmate so much as talked over the level of a whisper, a guard would scream at them and issue a disciplinary sanction. There the television is kept in a separate room away from the sleeping quarters and inmates are locked down in a quiet environment at 9:45 p.m. This particular court sends federal detainees to that quiet facility only AFTER a conviction or plea bargain. On the flip side, Calhoun is filthy, routinely serves moldy food, and has had a shocking number of its inmates DIE under suspicious circumstances.

The sleep deprivation during trial was excessive. I was awakened at 5:00 a.m. every morning of trial and put into a drunk tank until the van left at 7:00 a.m. to take us for the hour long trip to trial at the Federal Building in Grand Rapids. In spite of virtually a daily request for a mat, both at Newaygo County Jail and at court, I was NEVER once over the entire month given a mat to sit upon to accommodate my painful back condition or lay upon to catch a nap to prevent extreme sleep deprivation. Once housed at the Federal Building, I was routinely kept in a freezing cold holding tank sitting on a metal bench, which at times was almost unbearable, until court started at around 9:00 am. I was also kept in this freezing holding cell for up to an hour and a half during lunch time. After court was over for the day at approximately 5:00 p.m., I would then be transported the hour-long trip back to Newaygo County Jail and then put back in the drunk tank until sometimes as late as 9:00 a.m. at night constituting a 16 hour day! I could not work on my case during any of this "tank" time of up to 8 hours a day as I was not allowed any

J.M.M.

legal files, reading material or even a pen and paper to make notes while trapped in the holding tank thus entirely wasting my time while also frustrating and exhausting me as well. I was entirely dependant on the van transport's driver's word that my legal files were in fact in the van each day. One morning after I asked for a mat and was denied AGAIN on a morning I was particularly exhausted, I told the guard there was no excuse for any human being to treat another this way. As the result of daring to complain about this torture, this particular guard took my legal files and locked them in my locker at the jail so I did not have access to the files necessary to my defense at court in order to impeach an important government witness whom had committed perjury that same day in court. By the next day when I had the foretold document in hand necessary to impeach this witness, the prosecution had time to tamper with this witness to deny he had signed a notarized statement.

Each time U.S. Marshals would take us in or out of court, including a break twice a day and at lunch, for an average amount of eight times a day, they would wrench my shoulders back with specific handcuffs of an unusually tight design that resulted in an excruciatingly painful and extremely tight awkward position for the victim's hands. For someone with back pain, this was a deliberately cruel act, as this type of handcuff combined with that particular position has NEVER been done that I have seen for transport by any other U.S. Marshals elsewhere or at any other jail or federal facility in the now 15 months I have been unlawfully and illegally incarcerated.

*J.M.*

The diet while always unbalanced, was particularly awful during trial. We were fed the same sack lunches every single day at trial. The U.S. Marshals stated they tried to make accommodations for a hot meal at night with Newaygo County Jail but were refused. According to MapQuest.com, the Kent County Jail is exactly 2.61 miles from court or a mere FIVE MINUTES away, but Judge Bell refused to consider that facility for us during trial offering no explanation for his decision. Yet in another recent case before Judge Bell (No. 1:04-cr-265-RHBI), the defendant David Paul Rendleman was housed at Kent County Jail, just five minutes away, not only for his trial but for his hearings as well. Clearly if Judge Bell wants to utilize Kent County Jail, he certainly can easily do so. Just as clearly, when Judge Bell chooses not to do so, it is done just as intentionally.

I did not dare, even one day during trial, to eat the breakfast provided at Newaygo County Jail in a sack handed to me each morning, because I had been drugged that way once before prior to a so-called "detention" hearing in July, 2004. A second attempt at this, committed the same way, was thwarted in August, 2004, at which time I switched my sack breakfast with another female inmate, who shortly after eating my breakfast reported to me that she had definitely been drugged. As the result, for self-preservation and self-defense, I had to deprive myself of any breakfast food every single day of trial. There was no accommodation for any coffee either to help combat the extreme sleep deprivation and mental fatigue.

It has come to my attention in a letter signed by Judge Enslin that this court is in a "demonstration district" that engages in "experiments" in Case management. Is this kind

of abuse and torture indicative of these types of "experiments"? This inhumane treatment of pre-trial detainees is a disgrace, and this Affidavit is intended to expose the truth that a "fair" trial in this "demonstration district" is clearly being prevented. This constitutes a clear obstruction of justice.

Date: October 24, 2005

By: *Janet-Mavis Marcusse*  
Autograph *Janet-Mavis Marcusse*  
Authorized Representative For  
JANET MARCUSSE, et. al.

Witnesses:

*Marian J. Heiter*

*Eileen M. Heiter*





U.S. Department of Justice

Office of the Inspector General

*Investigations Division*

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1425 New York Avenue NW, Suite 7100  
Washington, D.C. 20530

March 30, 2015

George Besser  
Reg. No. 27340-112  
Federal Prison Camp  
P.O. Box 5000  
Pekin, IL 61555

Dear Mr. Besser:

The purpose of this letter is to acknowledge receipt of your correspondence dated February 5, 2015. The matters that you raised are more appropriate for review by another office or Agency. Therefore, your complaint has been forwarded to:

Bureau of Prisons  
Office of Internal Affairs  
U.S. Department of Justice  
320 1<sup>st</sup> St., N.W.  
Washington, D.C. 20534

Any further correspondence regarding this matter should be directed to that office.

I hope this answers any questions you have relative to this matter.

Sincerely,

Office of the Inspector General  
Investigations Division

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION  
-----

UNITED STATES OF AMERICA,

Plaintiff,

No. 1:04-CR-165

vs.

Robert Holmes Bell  
Chief Judge

JANET MAVIS MARCUSSE,  
DAVID REX ALBRECHT,  
GEORGE TERRANCE BESSER,  
DIANE RENAE BOSS,  
WESLEY MYRON BOSS,  
DONALD MAYNARD BUFFIN, JR.,  
WILLIAM EDWARD FLYNN and  
JEFFERY ALAN VISSER,

Defendants.

/

**MOTION FOR PROTECTIVE ORDER REGARDING  
EARLY RELEASE OF JENCKS MATERIAL AND EXHIBITS**

Now comes the United States of America by its attorneys, Margaret M. Chiara, United States Attorney, and Thomas J. Gezon and Michael L. Schipper, Assistant United States Attorneys, and hereby moves for a protective order regarding copying and dissemination of Jencks and Brady information provided by the Government and in support of its motion states as follows:

1. In anticipation that such a request for "Jencks" materials, 18 U.S.C. § 3500, will be made subsequent to each witness' testimony, and to avoid unnecessary delay at trial, the Government will provide a copy, in advance, of not only "Jencks" materials but also agency reports of interviews (FBI Form 302's and IRS Memorandum of Interview "MOI's") which have not been adopted or reviewed by the witness and are thus not "Jencks" materials and not subject to disclosure, under the conditions in paragraphs 2, 4 and 5.

2. That such copy will be provided directly to *pro se* Defendants and Defense Counsel of Record prior to trial.
3. That further copying or dissemination could endanger or harass Government witnesses, chill future sources of information, and constitute unwarranted disclosure of grand jury and Government information.
4. Therefore, the Government requests the Court to order that the early release of Jencks material, pre-trial, be subject to the following conditions:
  - a. Any copies distributed to *pro se* Defendants will be done in open Court.
  - b. Such copies distributed to *pro se* Defendants remain, at all times, in the Courtroom, and not be distributed to nor displayed to any person behind the bar.
  - c. All copies, the original provided and any additional copies, be returned to the Government at the close of the presentation of evidence. See *United States v. Fried*, 881 F.2d 1077 (6th Cir. 1989) and 905 F.2d 1539 (6th Cir. 1990), unpub. attached: *United States v. Bloom*, 78 F.R.D. 591, 602-03 (E.D. Pa 1977).
5. Prior to trial, the Government will provide copies of proposed exhibits to Defense Counsel of Record and *pro se* Defendants. The Government requests that the Court order that the exhibit copies provided be returned to the Government at the conclusion of trial.

Respectfully submitted,

MARGARET M. CHIARA  
United States Attorney

Dated: April 25, 2005

Thomas J. Gezon & Michael L. Schipper  
THOMAS J. GEZON  
MICHAEL L. SCHIPPER  
Assistant United States Attorneys  
P.O. Box 208  
Grand Rapids, Michigan 49501-0208  
(616) 456-2404

Date: 2/10/05

To: Ronald C. Weston, Sr., Clerk of Court  
USDC Western District of Michigan

Re: Case # 1:04-CR-165-RHB  
Docket Entry # 194 - NOTICE *named as "Notice of Void Order"*  
Notice of Void Order Dated on August 4, 2004 - Mandatory Judicial Notice

Dear Mr. Weston,

Janet Marcusse, a defendant in the above case acting as Pro Se, asked me to deliver some documents to be recorded in her case. On 2/7/05 a total of 125 documents, a cover page, plus a complete set of duplicates were delivered to you.

To date, what appears on the USDC Western District of Michigan Pacer Site is a total of 117 documents that were entered on 2/8/05. Since the 4 page attachments #1 and #18 are the same, this would bring a total of 113 unique entries concerning Docket Entry # 194 - NOTICE *named as "Notice of Void Order"*. Therefore the "Main" document called "Notice of Void Order Dated on August 4, 2004" totaling 13 pages appears to be missing.

This modified "Notice of Void Order Dated on August 4, 2004" was examined and rejected by Court Order signed 12/15/04 because it did not comply with Local Court Rules. I believe the above requirements have been met, therefore could you please explain specifically why those missing pages as described above did not get entered into the record?

Thank you very much,



Chris Milson

02/07/2005

194 NOTICE named as "Notice of Void Order" by Janet Marcusse (Attachments: # 1 Exhibit # 2 Exhibit 2# 3 Exhibit 3# 4 Exhibit 4# 5 Exhibit 5# 6 Exhibit 6# 7 Exhibit 7# 8 Exhibit 8# 9 Exhibit 9# 10 Exhibit 10# 11 Exhibit 11# 12 Exhibit 12# 13 Exhibit 13# 14 Exhibit 14# 15 Exhibit 15# 16 Exhibit 16# 17 Attachment entitled "Resubmittal for the Record"# 18 Proof of Service) (skr, ) (Entered: 02/08/2005)

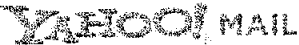
Missing "Notice of Void Order" should replace Part 1

Part	Description	Pages
<u>1</u>	Main Document	4 pages
<u>2</u>	Exhibit	8 pages
<u>3</u>	Exhibit 2	8 pages
<u>4</u>	Exhibit 3	14 pages
<u>5</u>	Exhibit 4	55 pages
<u>6</u>	Exhibit 5	4 pages
<u>7</u>	Exhibit 6	3 pages
<u>8</u>	Exhibit 7	2 pages
<u>9</u>	Exhibit 8	1 page
<u>10</u>	Exhibit 9	1 page
<u>11</u>	Exhibit 10	2 pages
<u>12</u>	Exhibit 11	2 pages
<u>13</u>	Exhibit 12	2 pages
<u>14</u>	Exhibit 13	2 pages
<u>15</u>	Exhibit 14	2 pages
<u>16</u>	Exhibit 15	1 page
<u>17</u>	Exhibit 16	1 page
<u>18</u>	Attachment entitled "Resubmittal for the Record"	4 pages
<u>19</u>	Proof of Service	1 page

Part 1 and Part 18 are the same 4 pages. These four pgs are - (1pg) Court Order Rejecting Pleading, (2pgs) Local Court Rules and (1 pg) "Resubmittal for the Record" cover page

Parts 2 through 17 are the 16 EXHIBITS that go with the 13 page missing "Notice of Void Order - Dated August 4, 2004"

Including the duplicated "Main Document" entry from #18 there are a total of 117 pages recorded out of 126 submitted



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(20)

(3)

(2)

(25)

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Date: Mon, 21 Feb 2005 06:39:29 -0800 (PST)

From: "Chip" [Add to Address Book](#)

Subject: CONFIDENTIAL: Forward to Ron Weston - Final Appeal

To: USDC\_MIW\_InformationRequest@miwd.uscourts.gov

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN

FINAL NOTICE AND APPEAL

Re: 1:04-cr-165 Missing Documents

Date: 2/20/05

To: Ronald C. Weston, Sr., Clerk of Court

Re: Case # 1:04-CR-165-RHB  
Docket Entry # 194 - NOTICE named as "Notice of Void Order"  
Notice of Void Order Dated on August 4, 2004 - Mandatory Judicial Notice

Dear Mr. Weston,

I thank you for your time and the replies from your staff however I won't contact you any further concerning this matter. I disagree that your docket sheet reflects all documents filed with the Court. If so, then your Pacer online docket doesn't reflect what is showing the correct total of pages submitted to you.

I've included an attached file that should confirm the above taken from your Pacer site. I will also send you a hard copy and this visual and all correspondence concerning this matter.

Thank you,

Chris Milson

cc: Janet Mavis Marcusse, copy, file

--- USDC\_MIW\_InformationRequest@miwd.uscourts.gov wrote:

> Dear Mr. Milson:

>

> Re: Case No. 1:04-cr-165

>

> In response to your email of 2/16/05, we have checked with the Clerk of  
> Court and respond accordingly. Our file reflects all documents filed in  
> this matter, and the docket sheet reflects all documents filed with the  
> Court, including indication of any documents that have been rejected by  
> the court. We are not aware of the 13 pages you believe are missing.

> If Ms. Marcusse believes pages or documents are missing from her file, she  
> may resubmit them to the court pursuant to court rules.

> U.S. District Court for the Western District of Michigan  
> Office of the Clerk

>

>

> Chip <  
> 02/16/2005 08:02 PM

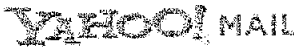
>

> To  
> USDC\_MIW\_InformationRequest@miwd.uscourts.gov

> cc

>

> Subject  
> CONFIDENTIAL: Please Forward to Ron Weston



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**Date:** Wed, 16 Feb 2005 17:02:44 -0800 (PST)

**From:** "Chip" > [Add to Address Book](#)

**Subject:** CONFIDENTIAL: Please Forward to Ron Weston

**To:** USDC\_MIW\_InformationRequest@miwd.uscourts.gov

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- (1)
- (2)
- (17)
- Online Orders (1)
- Outdated Orders
- Outdated Technical (1)

2/16/05

Re: 1:04-cr-165 Missing Documents

Dear Mr. Weston,

I do not speak for Ms. Marcusse, however as a member of the public I do have some concerns:

My last response directed to you, was returned by your staff stating that "court policy is that we don't do research on cases filed in our court." Research was not the request as I had already done the research through Pacer online. No research has to be done when applying the math concerning #194 on the docket; 126 pages were served to you and 113 entries were made according to Pacer (not counting a repeated 4 page entry. My request was simply why did 13 pages out of 126 that I served to you not get entered and filed with your court?

The above missing pleading was originally rejected by a court Order on 12/10 because it did not comply to court rules. This was resubmitted per court rules and the above missing 13 pages were done exactly the same way as the other entries and submitted in the same group. Perhaps there is some reason the public should not see those missing 13 pages however there does not appear to be a court Order requesting such.

Mr. Weston, the public has the right to know if the courts are behaving responsibly and in accordance to the law, matters of due process and everyone's right to be heard. I would like you to personally respond to the above matter.

Thank you,

Chris Milson

cc: Janet Mavis Marcusse

--- USDC\_MIW\_InformationRequest@miwd.uscourts.gov wrote:

> We have checked with our Clerk of Court, Ron Weston, regarding this e-mail. Our court policy is that we don't do research on cases filed in our court. The latest information you are requesting in your e-mail dated > is available on PACER and in the public file located in the Clerk's > Office.

>

> Thank-you

>

>

> Chip < >

> 02/10/2005 11:21 PM

>

> To

> USDC\_MIW\_InformationRequest@miwd.uscourts.gov

> cc

>

> Subject

> Missing Entry Request 2

>

>

>

> Thank you for that. I live in another state so I use Pacer as much as I can. Would you please > forward the following message to Ron Weston please? Thank you

>

>

> Date: 2/10/05

>  
> To: Ronald C. Weston, Sr., Clerk of Court  
> USDC Western District of Michigan  
>  
> Re: Case # 1:04-CR-165-RHB  
> Docket Entry # 194 - NOTICE named as "Notice of Void  
> Order"  
> Notice of Void Order Dated on August 4, 2004 - Mandatory  
> Judicial Notice  
>  
> Dear Mr. Weston,  
>  
> Janet Marcusse, a defendant in the above case acting as Pro Se, asked me  
> to deliver some documents  
> to be recorded in her case. On 2/7/05 a total of 125 documents, a cover  
> page, plus a complete set  
> of duplicates were delivered to you.  
>  
> To date, what appears on the USDC Western District of Michigan Pacer Site  
> is a total of 117  
> documents that were entered on 2/8/05. Since the 4 page attachments #1 and  
> #18 are the same, this  
> would bring a total of 113 unique entries concerning Docket Entry # 194 -  
> NOTICE named as "Notice  
> of Void Order". Therefore the ?Main? document called ?Notice of Void Order  
> Dated on August 4,  
> 2004? totaling 13 pages appears to be missing.  
>  
> This modified ?Notice of Void Order Dated on August 4, 2004? was examined  
> and rejected by Court  
> Order signed 12/15/04 because it did not comply with Local Court Rules. I  
> believe the above  
> requirements have been met, therefore could you please explain  
> specifically why those missing  
> pages as described above did not get entered into the record?  
>  
> Thank you very much,  
>  
>  
> Chris Milson  
>  
>  
>  
>  
>  
>  
> --- USDC\_MIW\_InformationRequest@miwd.uscourts.gov wrote:  
>  
> > In regards to your first 2 paragraphs, the public record for this case  
> is  
> available for viewing at the Clerk's Office Monday through Friday,  
> 8:30am  
> to 4:30pm. The cost for the copies of docket entry number 178, 179 and  
> 180  
> is \$ 105.00. Total pages for all 3 is 210, the cost is \$ .50 a page.  
>  
>  
>  
>  
>  
> Chip <  
> 02/09/2005 08:38 PM  
>  
> To  
> USDC\_MIW\_InformationRequest@miwd.uscourts.gov  
> cc  
>  
> Subject  
> Missing Entry  
>  
>  
>  
>  
>  
> Date: 2/9/05  
>  
> To: USDC\_MIW\_InformationRequest@miwd.uscourts.gov  
>  
> Re: CASE #: 1:04-cr-00165-RHB-ALL  
>  
>  
> Dear Clerk of Court,  
>  
>  
> Jan Marcusse, a defendant in the above case, submitted for the record a  
> 13  
> page ?Notice of Void  
> Order? and 108 pages of Exhibits. As of 2/9/05 the docket shows an entry



> #  
> > 194 titled ?NOTICE  
> > named as "Notice of Void Order" by Janet Marcusse? and then lists the 18  
>  
> > attachments.  
>  
> > It appears the above Exhibits were entered but the 13 page ?Notice of  
> Void  
> > Order? is missing.  
> > Is this just an oversight or is there a particular reason the above did  
> > not get entered?  
>  
> > Thank you,  
>  
> > Chris Milson  
>  
>  
> > BTW: On another note, can you tell me how much it would cost to get the  
> > Detention Hearing  
> > Transcripts on this case entered 1/25/05 listed as numbers 178,179 and  
> > 180? Thanks  
>  
>  
>  
>  
>  
>  
>

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# The Criminal Defendant's Bible

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## DEDICATION

This book is dedicated to federal judge Richard Alan Enslen of the Western District of Michigan: without whose extraordinarily exalted opinion of himself, incredible incompetence in the adjudication of constitutional issues, and steadfast determination to trample the rights of American citizens and secure convictions at any cost, this book would not have been possible.

Judge Enslen's criminal misbehavior was brought to the attention of the Sixth Circuit Court of Appeals repeatedly. Those judges chose to overlook the problem rather than do their jobs and deal with it. This book will, in part, teach you how to deal with people like them.

[T]his speech does not deal with federal practice. A citizen accused in federal court needs a priest, not a lawyer.

*Terrence W. Kirk, in a speech entitled  
"The Ten Commandments of Preserving Error."*

Not with this book.

## Acknowledgment

Special thanks to Dianne Rose Miller for organizing this book: without whose assistance this book might have been as big a mess as our court system.

Randy Graham  
Newaygo County Jail  
P.O. Box 845  
White Cloud, Michigan 49349

**IN THE  
UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION**

UNITED STATES OF AMERICA,	)	No. 1:98-CR-54
	)	
Plaintiff,	)	
	)	
v.	)	Hon. Richard Alan Enslen
	)	
KEN CARTER,	)	
BRADFORD METCALF, and	)	MEMORANDUM OF LAW
RANDY GRAHAM,	)	IN SUPPORT OF MOTION
	)	FOR BAIL PENDING
TRIAL	)	
Defendants.	)	TO STOP TORTURE
_____	)	18 U.S.C. § 3146(d)

**FACTS**

Defendant has a dislocated shoulder. That shoulder was dislocated on March 24, 1998 at the Federal Courthouse in Grand Rapids, Michigan. After the judge called for a lunch break, the Marshal told defendant to stand to be handcuffed so he could go back to the holding cell. The Marshal grabbed defendant's left hand and jerked it around behind defendant's back and handcuffed him in the back. This was the first time defendant had been handcuffed in the back. This sudden movement and the position of defendant's arm dislocated defendant's left shoulder.

This set of circumstances was addressed in Case No. 4 : 98-CV-90. The defendants in that case apparently feel free to ignore that lawsuit (one answer has been filed but plaintiff in that action, defendant in this, still has not received proper medical attention).

The attempts of the defendant to acquire proper medical attention for his dislocated shoulder are as follows:

Proceedings include all events.  
1:98cr54-ALL USA v. Carter

- 6/1/98 -- MINUTES: before Chief Judge Richard A. Enslen w/Attys. D. Meyer and D. Kaczor present re: Deft. Randy Graham; change of plea hrg held on 06/01/98 at 2:30 p.m. re: Deft Randy Graham - Ct. determines Deft not capable of tendering a plea today; Reporter, J. Reinardy (bd) [Entry date 06/01/98] [Edit date 06/01/98] trial
- 6/1/98 -- MINUTES: before Chief Judge Richard A. Enslen w/attys. L. Meyer and T. Krause present re: Deft. Ken Carter: change of plea hrg held on 06/01/98 (re: K. Carter), guilty plea entered by Ken Carter (1) count(s) 1; plea taken under advisement; Counts 3, 4, 5 & 9 TBDATOS; presentence Report ordered; sentence hrg set for 09/09/98 at 2:30 p.m.; Reporter, J. Reinardy (bd) [Entry date 06/01/98]
- 6/1/98 39 MOTION to dismiss count I of the indictment by Bradford Metcalf with brief in support; w/Cert. of Serv. (bd) [Entry date 06/03/98]
- 6/1/98 40 MOTION (to compel) demand for discovery F.R.Cr.P. 16(a)(1)(A), and for a bill of particulars by Bradford Metcalf with Cert. of Service (bd) [Entry date 06/03/98]
- 6/2/98 38 ORDER (2 pgs) by Chief Judge Richard A. Enslen setting sentencing date as to deft Ken Carter for 9/9/98 at 2:30 p.m. (cc: all counsel) (rlw) [Entry date 06/02/98] [Edit date 08/18/98]
- 6/11/98 41 MOTION for medical/psychiatric examination by Randy Graham with brief in support; w/Proof of Service (bd) [Entry date 05/15/98]
- 6/22/98 42 MOTION to dismiss case - for ineffective assistance of counsel by Randy Graham with brief in support; w/Cert of Serv (bd) [Entry date 06/22/98]
- 6/24/98 43 MOTION (to disqualify) both co-defendants as witnesses by Bradford Metcalf with brief in support; w/Cert of Serv (bd) [Entry date 06/26/98]
- 6/25/98 44 MOTION (for misc.) to immunize testimony of co-deft Randy Graham by Bradford Metcalf with brief in support (bd) [Entry date 06/26/98]
- 6/25/98 45 MOTION (for order) for release from solitary confinement by Bradford Metcalf with brief in support; w/Cert of Serv (bd) [Entry date 06/26/98]
- 6/25/98 46 MOTION to dismiss indictment for prosecutorial misconduct-witness tampering by Bradford Metcalf with brief in support; w/attachments #1-#7; w/Cert of Serv (bd) [Entry date 06/26/98] [Edit date 06/26/98]

Mr. Meyers got all mad and Loud and said this not going to work. Mr. Graham will be going to trial. This is not going to get it. He was going to tear up my plea agreement again. I said, Sorry do what you have to do. Then my attorney said lets wait we have about 4 more months untill sentencing time, Mr. Graham can get better by then. I had a hard time telling them what they wanted to hear, because I had a hard time lying for them.

This is best of my knowledge and what I recall took place 5/8/98 at Randy B. Graham plea agreement.

Randy Brien Graham 5/15/98

Case NO. 1:98-CR-54

**AFFIDAVIT OF FACTS PERTAINING  
TO THE U.S.D.C. WESTERN DISTRICT OF MICHIGAN  
AND CASE NO. 1:04-CR-165, USA V. MARCUSSE, ET AL**

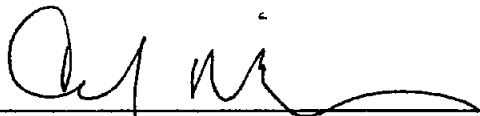
1. I saw two male IRS agents, James Flink and believe the other was Steve Cocheran, taking pictures of witnesses prior to testimony and commenting about whether the witnesses had paid their taxes or not. I know of at least two potential defense witnesses that would not testify because they were intimidated and frightened away by the IRS.

2. Jan Marcusse reported that she was physically assaulted by officers in court on 11/9/04. I listened to the tapes of that day and it sounded like a scuffle did ensue and she was then thrown out of court. I came to visit Jan at the Newaygo County Jail on the following Sunday and can attest to seeing bruises on her arms, with an especially large one on her left bicep.

3. On or around 6/2/05 in the court lobby, I overheard one court official remark to another that "The 4 p.m. sentencing before Judge Bell that day had been canceled since the fellow had committed suicide". The other officer commented " Yea I would too if I had to face Bell".

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

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

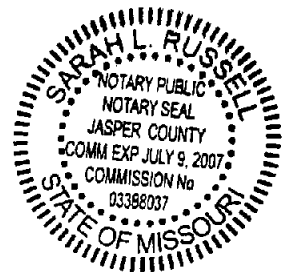


Christopher James Milson  
15 Choctaw Trail  
Elkland, MO 65644  
Without Prejudice

10/6/06

Date

*Sarah L. Russell* Notary Public 10/6/06



## AFFADAVID OF FACT

March 28, 2006

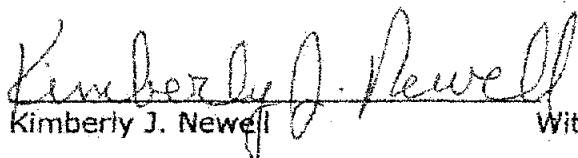
On or around Friday, June 3, 2005, I was contacted at home by phone by Ms. Erica Boerman. She identified herself as working with the attorney generals office. She asked if I would be testifying for Janet Marcusse, and proceeded to ask many questions. After answering a few questions, I told her that I was very uncomfortable with all the questions and suggested that she ask her questions of Jan's attorney. She replied to me that these calls were "standard practice", and that all of the witnesses were being contacted. I felt as though I had no choice but to cooperate somewhat. I was afraid of what would happen if I didn't.

Ms. Boerman was particularly interested in when I came to know Jan. She asked, "when did you first meet Jan? Weren't you friends before you decided to invest? You mean you didn't know her before investing with her?". It was clear to me that she was hoping that Jan and I had been friends before I invested with her in order to discredit my testimony. I then decided to quickly end the conversation by telling her I felt very uneasy with all the questions and that no matter what she said, I didn't believe that Jan was guilty of the ponzi scheme that they were accusing her of.

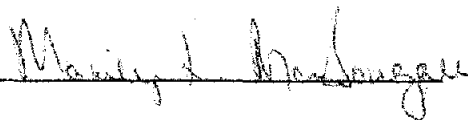
After the conversation with her, I was much more nervous about testifying. It seemed to me that she(they) would twist everything I said around to their advantage. And indeed, that did happen. On the phone conversation with Ms. Boerman, I said that, "the only thing Jan is guilty of is the same thing that all of us investors are guilty of: pride and greed. We all wanted big interest returns as quickly as possible". In court, they turned it around and said, "didn't you say that Jan was guilty of pride and greed?", implying that I believed Jan was guilty of "stealing" our money.

Also at the trial, I was asked to have my picture taken by the prosecution. They told me it was to help the jury be able to remember the witnesses better. It seemed "odd" to me that the prosecution was taking my picture. Why didn't a court clerk do it? I then wished I hadn't let them take my picture, and was worried that they had some other purpose for wanting my picture.

I have been concerned ever since the trial of repercussions as a result of testifying. And all I did was speak the truth!

  
Kimberly J. Newell

Witness



MARILYN L. McDUGALL  
Notary Public, Kenosha Co., WI  
My Comm. Expires Feb. 6, 2011



1 A Yes.

2 Q So with respect to this plea agreement, you not only pled  
3 to not paying taxes on the monies that you received from  
4 Access Financial, you also pled guilty for not paying capital  
5 gains taxes on the property you gifted and then sold under the  
6 name of Cornerstone Haven?

7 A Yes.

8 Q So would you agree with me, Mr. Brewer, that -- let me  
9 back up. The plea agreement that you pled to was a  
10 misdemeanor, wasn't it?

11 A Yes.

12 Q You received absolutely no incarceration as a result of  
13 that, correct?

14 A Yes.

15 Q There were minimum fines, and now you have to pay the  
16 taxes on that amount, correct?

17 A Yes.

18 Q In fact, now you've just indicated that you're still in  
19 the offer in compromise section of that particular procedure,  
20 correct?

21 A Yes.

22 Q So you are still working with the government as to really  
23 how much you're going to have to pay, aren't you?

24 A Yes.

25 Q You're negotiating as we speak?

1 A Yes.

2 Q Another benefit you received under that plea agreement  
3 was Mr. Gezon and his office agreed that all the plea and the  
4 sentencing would occur not in this district in Michigan, but  
5 occur in New Mexico, correct?

6 A Yes.

7 Q You did not have to travel to this district, correct?

8 A I did travel here once in order to have that taken care  
9 of, yes.

10 Q You have not been charged with conspiracy as my client  
11 has, have you?

12 A I have not been charged with conspiracy, I don't believe.

13 Q And you don't expect to be charged, do you?

14 A I don't believe so.

15 Q You have not been charged with money laundering either,  
16 have you?

17 A No, sir.

18 Q And you don't expect to be charged, do you?

19 A I don't believe so.

20 Q You have not been charged with the felony of mail fraud  
21 and don't expect to be charged, do you?

22 A I don't believe I will be charged for that, no.

23 Q Now, you believed in Jan Marcusse and you believed in  
24 what she told you enough to move your entire family from New  
25 Mexico to Missouri; is that correct?

1 A That's correct.

2 Q Back on March 24, 2003, you had an interview with Mr. --  
3 excuse me. You had an interview with the agents who were  
4 investigating this particular program, correct?

5 A I believe so.

6 Q And there were several agents there. Mr. Flink was  
7 there, correct?

8 A Yes.

9 Q Do you remember Mr. Moore being there?

10 A Yes.

11 Q Do you remember Erica Miller being there?

12 A Yes.

13 Q And do you remember a financial analyst from the FBI by  
14 the name of William Voss being there?

15 A There was one other gentleman there. I don't recall his  
16 name.

17 Q Fair enough. Do you remember telling them back on  
18 February 24, 2003, that you still believed in Access Financial  
19 and you still believed that there was money out there and that  
20 you still believed that Jan Marcusse was representing the  
21 truth to you with respect to the investors' principal? Do you  
22 remember telling them that?

23 A I guess I could have, yes.

24 Q Well, you did, didn't you?

25 A I believe I did.

1 A For me personally, you mean?

2 Q Yes.

3 A Right now I'm just dealing with the IRS.

4 Q Earlier Mr. Doele asked you if you still believed in her,  
5 as in me, in February '03, and I -- and you hesitated as I saw  
6 Mr. Schipper shake his head. Is he signaling you on how to  
7 respond with answers?

8 A Not at all.

9 Q All right. I just wanted to make sure that you're not  
10 being coached at all because we've heard the same complaint.

11 A Not at all.

12 DEFENDANT MARCUSSE: I'm sorry. Thank you.

13 MR. KACZOR: Thank you, Your Honor.

14 THE COURT: Redirect examination of this witness?

15 MR. GEZON: Just briefly, Your Honor.

16 REDIRECT EXAMINATION

17 BY MR. GEZON:

18 Q Mr. Brewer, I'm going to show you what we've had marked  
19 for identification, which are some documents with your name on  
20 it, 381, 382, and 383. Can you identify those for us? Let me  
21 ask you this question. Are those the documents which were  
22 given to you by Ms. Marcusse to deliver to the grand jury  
23 through Virgil Boss? If you could take a look at them and  
24 see.

25 MR. KACZOR: I don't have them.

1 Q Blame other people?

2 A Yeah.

3 MR. KACZOR: Your Honor, I object. He's leading.

4 MR. SCHIPPER: Nothing further, Your Honor.

5 THE COURT: Mr. Kaczor, would you like to start  
6 cross-examination?

7 MR. KACZOR: Sure.

8 MR. VALENTINE: Your Honor --

9 THE COURT: I just called on him. Go ahead if  
10 you're ready to go.

11 MR. VALENTINE: I apologize. I'm sorry. I'm  
12 content for Mr. Kaczor to go first.

13 THE COURT: No, go ahead first as long as you're up  
14 there. Then we'll have Mr. Kaczor follow you.

15 MR. VALENTINE: Thank you, Your Honor.

16 CROSS-EXAMINATION

17 BY MR. VALENTINE:

18 Q Jessica, I'm Tony Valentine and I represent your uncle,  
19 Bill Flynn.

20 A All right.

21 MR. VALENTINE: Your Honor, may I approach the  
22 witness? I have paper towels, absorbent.

23 THE COURT: What do you need? You need Kleenex?

24 MR. VALENTINE: Yes, Your Honor.

25 THE COURT: Well, let's get Kleenex, not paper

1 MR. SCHIPPER: Your Honor, we'd call Reverend Bernie  
2 Blauwkamp.

3 BERNARD D. BLAUWKAMP,

4 A witness called at 9:44 a.m. by the government, sworn by  
5 the Court, testified:

6 DIRECT EXAMINATION

7 BY MR. SCHIPPER:

8 Q Good morning, Reverend Blauwkamp.

9 A Good morning.

10 Q Would you state your full name and spell your last name,  
11 please?

12 A Bernard D. Blauwkamp, B-l-a-u-w-k-a-m-p.

13 Q How are you currently employed or what do you do for a  
14 vocation currently?

15 A I am a pastor at Resurrection Life Church in Grandville,  
16 Michigan.

17 Q How long have you been a pastor at that church?

18 A Fifteen years.

19 Q Prior to being a pastor did you have any other  
20 employment?

21 A I worked as a certified public accountant at the firm of  
22 Coopers & Lybrand, now Price Waterhouse Coopers.

23 Q Did you still hold your CPA?

24 A I do, but I have not kept my license and training current  
25 because I'm not in that field any longer. But I do -- the CPA

1 A Two IRS agents came to the church and spoke with me.

2 Q And following that interview with those IRS agents, and  
3 you told them -- let's back up. You told the IRS agents the  
4 same thing you're telling the jury today?

5 A Yes.

6 Q Following your interview, your conversation with those  
7 agents, did there come a point in time when Mr. Buffin called  
8 you regarding that interview?

9 A We spoke. I am not entirely sure if I called him or he  
10 called me. I believe he called me, but phone records would,  
11 you know, certainly prove that. I can't --

12 Q Fair enough. You spoke?

13 A We spoke.

14 Q And what did Mr. Buffin say about his knowledge of your  
15 interview?

16 A That the prosecution or someone from the prosecution had  
17 said that someone who should have known had warned him about  
18 this.

19 Q And what did Mr. Buffin say to you?

20 A He said basically, What did you say to them?

21 Q Did Mr. Buffin ask or encourage you to do anything or not  
22 to do anything?

23 A That's hard to -- I mean, we were talking. We had a  
24 conversation. To recall exactly what he said would be  
25 difficult. I mean, it was a -- it was a conversation on my

1 back porch, you know, by telephone.

2 Q What was implied to you at that point in time, if  
3 anything?

4 A It was the same implication from Albrecht and from -- I  
5 felt the same thing from him is that was not to talk, not to  
6 tell any more than you have to or whatever. But that's -- I  
7 guess that's pretty much common. I mean, anybody in that  
8 situation would say something like that, I would imagine.

9 Q Maybe not anybody, but did you --

10 MR. DEBOER: Your Honor, I object to -- I don't  
11 think that's a question.

12 MR. SCHIPPER: That's fine, Your Honor.

13 MR. DEBOER: That's an editorial.

14 THE COURT: Ask a question, not a comment, please.

15 MR. SCHIPPER: I will, Your Honor.

16 BY MR. SCHIPPER:

17 Q What was your response to Mr. Buffin when he implied not  
18 to talk or not to say anything more than you have to?

19 A That I was only going to share what was the truth, what  
20 happened, and I'm certainly not against Mr. Buffin.

21 Q Nobody's asking you to be. We're just asking you what  
22 you recall telling Mr. --

23 A Yeah, that was the -- that's what I said, I'll share what  
24 happened.

25 Q And you told Mr. Buffin you were going to tell the truth?



1 A Yeah.

2 Q Do you recall telling Mr. Buffin that you weren't going  
3 to perjure yourself for anyone?

4 A No, I did not say that to Mr. Buffin. I said that as my  
5 own comment, that I'm not going to -- I would never perjure  
6 myself, obviously, and he didn't ask me to perjure myself.

7 MR. SCHIPPER: Okay. Nothing further. Thank you,  
8 Your Honor.

9 THE COURT: Okay. Mr. DeBoer?

10 MR. DEBOER: Thank you, Your Honor.

11 CROSS-EXAMINATION

12 BY MR. DEBOER:

13 Q Good morning, Reverend Blauwkamp. I'm Ken DeBoer.

14 A Good morning.

15 Q Did you ever indicate to Mr. Albrecht or Mr. Buffin that  
16 my opinion about this as a CPA or as a former CPA is thus and  
17 such?

18 A No.

19 Q What was the context of your conversations with my  
20 client? Was it a meeting that was set up to officially  
21 discuss Access or investments or anything like that?

22 A Which one are you referring to? With Mr. Albrecht he  
23 called me specifically from an investment standpoint.

24 Q No, Mr. Buffin.

25 A Okay. No, it was pastoral, friend in nature.

1 Q You wouldn't have to give that response if something in  
2 the conversation didn't imply that he wanted you not to tell  
3 the truth, would you? Make sense?

4 A I just told him that I was gonna just tell them what --  
5 just the little bit of involvement that I had in this, which  
6 was simply a couple conversations with Mr. Albrecht and Mr.  
7 Buffin.

8 Q A truthful person doesn't ask you not to tell the whole  
9 story and the whole truth, does he? Yes or no.

10 A I believe you're probably correct on that.

11 MR. SCHIPPER: Thank you. Nothing further.

12 THE COURT: Further cross-examination?

13 Redirect examination?

14 MR. DEBOER: Thank you.

15 REDIRECT EXAMINATION

16 BY MR. DEBOER:

17 Q Did Mr. Buffin ever tell you not to tell the truth to the  
18 investigators?

19 A No, he did not. He never told me not to tell the truth,  
20 no.

21 Q Did he ever suggest to you to cut corners or not be  
22 comprehensive and forthright with them?

23 A No, he didn't suggest that to me, no.

24 Q Did you have great difficulty with the statement that  
25 supposedly reflected the comments that you had made in your

1 interviews with these folks when you first looked at it, the  
2 typed-up statement that was supposed to represent what you  
3 were saying? Did you have some difficulty with that?

4 A We made some corrections. That's all in the records.  
5 I'm sure it's there. I mean, I wrote notes on the paper.

6 Q Okay. And after you'd made the notes and made the  
7 corrections, did you believe it was accurate?

8 A I believe so.

9 Q You were willing to sign off on it?

10 A I believe so. I don't know if I ever -- I can't recall  
11 if I signed it. Obviously, we can look at it. It's probably  
12 around here somewhere.

13 Q Did Mr. Gezon ever indicate to you that there was a jail  
14 cell waiting for you if you weren't willing to agree with what  
15 was on that document as presented to you which supposedly  
16 reflected what you were -- the questions you were answering  
17 and the answers you were giving?

18 A There is not a direct correlation there, I don't believe,  
19 what you're saying.

20 Q Was that comment made to you?

21 A There was some kind of comment about lying to federal  
22 prosecutors in our conversations, but it was not direct like  
23 you're saying it right there.

24 Q Okay.

25 A I haven't lied to any federal prosecutors, so --

**OTTAWA COUNTY  
SHERIFF'S OFFICE**

**INTERIM BAIL  
BOND RECEIPT**

**BOND NO.6524  
Case # HU-04-010968-ST**

Court address: **Hudsonville District Court  
3100 Port Sheldon Road  
Hudsonville, Michigan 49426**

Telephone no.  
**616/662-3100**

Booking  
Number - **504252**

Defendant's name, address and telephone no.  
**VIRGIL JOHN BOSS  
8552 36TH AVE.  
JENISON MI 49428  
Phone: (616)669-9024**

Date of birth <b>3/27/48</b>	Social security no.	Credit Days
Date of Arrest <b>6/04/05</b>	Arresting Agency/Agency file no. <b>Grand Valley Campus Police No. # 883-419004000</b>	

Offense(s) **DWLS/REV/DEN/NO OPS/ALLOW SUSP.DRIV** Statute/ordinance citation(s) **PACC 257.9041B**

Purpose of next appearance <b>ARRAIGNMENT</b>	Time of appearance <b>9:00 AM</b>	Date of appearance <b>6/29/05</b>
--	--------------------------------------	--------------------------------------

Place of appearance  
**See the Court Address listed above.**

TYPE OF BOND: <b>Cash or Surety</b>	Amount/value of bond <b>\$ 1,000.00</b>	Bond set by Judge/Magistrate/Referee <b>Judge KENNETH D POST</b>
-------------------------------------	--	---

**TERMS AND CONDITIONS**

By signing this bond I agree to the following terms and conditions regarding custody and pre-trial release.

- I will personally appear for my examination, arraignment, trial or sentencing and will appear at such other times and places as may be directed by the district court or by the circuit court. If I am represented by an attorney in this case, any notice to appear may be given to my attorney in place of personal notice to me.
- I will abide by any judgement entered in this case and will surrender myself to serve any sentence imposed.
- I will not leave the State of Michigan without the permission of the court having jurisdiction over my case.
- I will not commit any crime while released.
- I will immediately notify in writing the court having jurisdiction over my case of any change in my address or telephone number.
- I will abide by any other conditions listed in my release order.

I understand if I fail to perform all the terms and conditions of this bond my release may be revoked and I will be subject to arrest, and the full amount of the bond may be forfeited and judgement entered for the full amount of the bond.

I further understand if all the terms and conditions of this bond are met, it will be used to pay any fines, costs, restitution, or statutory assessments imposed and any balance will be returned to me as authorized by statute and court rule, unless the bond amount is deposited by a third party or surety/agent.

6/04/05  
Date

*Virgil J. Boss*  
Signature of Bondor

Bond Deposited by  Third Party:  Surety/Agent: I understand and agree if all the terms and conditions of this bond are not met by the defendant, the full amount of the bond may be forfeited and a judgment entered for the entire amount of the bond. If all the terms and conditions of this bond are met, the full amount of the bond will be returned to me unless I deposited a 10% cash bond. In that instance, the court will return only 90% of it to me.

Name of depositor/surety/agent	Date	Signature of depositor/agent and identification(DLN, SS no., etc)
Address	City, State, Zip	

For Agency/Authority

**ACCEPTANCE**

OTB

Officer Harwood

Badge # 723

OTTAWA COUNTY SHERIFF'S OFFICE INCIDENT REPORT

Complaint # 0506040052

File Class 73000

CHARGE: DWLS 2ND

INFORMATION: I RECEIVED INFORMATION ON BOSS WHO HAD A WARRANT FOR HIS ARREST AND DROVE WHILE SUSPENDED. I OBSERVED A VEHICLE MATCHING THE DESCRIPTION ON 36TH AVE. THE VEHICLE TURNED DOWN TAYLOR ST. THEN TURNED AROUND IN A DRIVEWAY. I PASSED THE VEHICLE AND CONFIRMED THE DRIVER TO BE BOSS FROM A PHOTO I OBTAINED EARLIER. SUSPECT STOPPED FOR THE WARRANT, BEING SUSPENDED.

VEHICLE: DRIVEN BACK TO RESIDENCE AT THE REQUEST OF BOSS. INVENTORY/DISPOSAL SIGNED BY BOSS

PLATE: ILE. PD: PLATE # 4F 63 20 TAKEN PAPER PLATE ISSUED.

LEAD: CCH / DRIVING ATTACHED

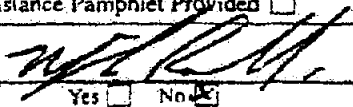
COURT: ESTE # 5409101 GIVEN FOR JUNE 29, 2005 @ 9AM IN THE HUDSON VALLEY DISTRICT COURT

DISCUSSION: CLOSED, LOGGED

Crime Victim Assistance Pamphlet Provided

Crime Victim Restitution Form Provided

Officer's Signature



Supervisor Approval

Follow Up Required

Yes  No

Records Forward To

FA

Other

Note: If interpreter services are provided to either the victim or suspect in this complaint, list the interpreter as a witness and state "interpreter" in the relationship box along with the language (i.e. Interpreter/Spanish)

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

File No. 1:04-CR165

v.

HON. ROBERT HOLMES BELL

JANET MAVIS MARCUSSE,

Defendant.

---

**OPINION**

This matter is before the Court on Defendant Janet Mavis Marcusse's amended ex parte request for subpoenas for witnesses at government expense pursuant to FED. R. CRIM. P. 17(b). Defendant has amended her previous request in accordance with the Court's May 20, 2005 memorandum opinion and order denying without prejudice her previous request for subpoenas at government expense. Defendant has provided a summary of each witness' potential testimony. The Court requested that the government file a response to Defendant's request. The government has not objected to twenty-four of the twenty six requested witnesses. While the government has not objected, the Court must determine if the requested witnesses are necessary to an adequate defense. *See* FED. R. CRIM. P. 17(b).

Defendant has the initial burden of demonstrating that each witness is necessary to an adequate defense. *United States v. Moore*, 917 F.2d 215, 230 (6th Cir. 1990). Defendant must provide sufficiently specific facts demonstrating that the witnesses are necessary;

generalities are not sufficient. *United States v. Barker*, 553 F.2d 1013, 1020-21 (6th Cir. 1977). A witness is necessary if his/her testimony is relevant, material and useful to an adequate defense. *Moore*, 917 F.2d at 230 (citing *United States v. Greene*, 497 F.2d 1068, 1079 (7th Cir. 1974)). Defendant is required to allege facts which, if true, would be relevant to any issue in the case. *Barker*, 553 F.2d at 1020 (citing *Greenwell v. United States*, 317 F.2d 108, 110 (D.C. Cir. 1963)). Defendant has been charged with multiple counts of mail fraud and money laundering, as well as conspiracy to defraud the United States stemming from an allegedly fraudulent investment scheme called Access Financial. Thus, Defendant's witnesses must provide testimony that is relevant to these charges.

The Court has reviewed Defendant's request and is satisfied that Defendant has made a sufficient showing of necessity for the following witnesses: Winfield Moon, Beth DeMeester, Dan Evans, Dan Hammond, James Kramer, Brian Maisel, Robert H. Everett, Jr., Chris Milson, Virgil Boss, Tom Wilkinson, Dan and Phyllis Calkins, Richard Gerry, and Kim Newell. Accordingly, the Court will order that subpoenas be issued at the government's expense for the above individuals.

The Court will deny subpoenas for the remaining witnesses because their testimony is not necessary to a defense of the charges against Defendant. Defendant's reasons for calling the remaining witnesses are either irrelevant to the issues at trial or would be unnecessarily cumulative given the testimony expected from Defendant's other witnesses. See *United States v. Webster*, 750 F.2d 307, 330 (5th Cir. 1984); *United States v. Weischedel*,

201 F.3d 1250, 1255 (9th Cir. 2000) ("A district court can properly deny a Rule 17(b) subpoena request when the testimony would be cumulative."). Specifically, the Court denies a subpoena for the following witnesses:

1. Robert W. Plaster: The government has notified the Court that it will be calling Mr. Plaster to testify during their case in chief. Thus, Mr. Plaster will be available to Defendant if she wishes to call him.

2. David Pointer: Defendant has failed to allege facts that are relevant to the issues in this trial. Specifically, the failure of certain alleged investments, even if caused by persons other than Defendant, is not relevant to the charges she faces in this matter. At best, it is a collateral matter to this case.

3. Gerard M. Forrester: Defendant has failed to allege facts that are relevant to the issues in this trial. Again, the external causes of the failure of certain alleged investments is a collateral matter to this case. It is not relevant to the charges against Defendant. Moreover, the government has suggested that the existence of this person is of doubtful validity.

4. Dr. Reede Hubert: Defendant has failed to allege facts showing that this witness is necessary to her defense. The success or failure of a particular investment is not at issue in this case. Moreover, Defendant's alleged reason for calling Dr. Hubert may cause confusion of the issues and would be unnecessarily cumulative.



5. Ed Terlesky: Defendant's alleged reason for calling Mr. Terlesky relates to the failure of a certain alleged investment by Access Financial. The failure of this investment is irrelevant to this case.

6. Darwin Kal: Defendant has failed to allege facts showing that this witness is necessary to her defense. At best, Defendant's alleged reason for calling Mr. Kal is collaterally related to this case. In the interest of avoiding confusion of the issues and the limited relevance of Defendant's reason for calling Mr. Kal, the subpoena request is denied.

7. Christopher Lunn or Raymond Winder: Defendant has provided very little information regarding these witnesses. The facts she has alleged address the purported external forces which caused the failure of certain Bahamian banks. This is wholly unrelated and irrelevant to this case.

8. Matt Ryberg: Defendant's alleged reason for calling Mr. Ryberg is unnecessarily cumulative given the witnesses who will receive subpoenas at the government's expense. In denying this subpoena request, the Court is mindful that Defendant has requested the expenditure of public money to procure Mr. Ryberg's attendance. In light of the other witnesses, the Court does not believe that it is necessary to expend public money because Mr. Ryberg is not necessary to Defendant's defense. *Webster*, 750 F.2d at 330.

9. Richard Williams: Defendant has failed to demonstrate that this witness is necessary to her defense. Defendant's alleged reason for calling Mr. Williams is a collateral matter to this case and is not relevant to the issues of the trial.

10. Randy Scott: Defendant's alleged reason for calling Mr. Scott is unnecessarily cumulative given the witnesses who will receive subpoenas at the government's expense. In addition, it appears that the reason for calling Mr. Scott is related to a collateral matter regarding the failure of a certain investment. Such failure is not relevant to this case.

11. Cheryl Gardner: Defendant's alleged reason for calling Ms. Gardner is wholly irrelevant to the issues of this trial. Accordingly, the Court will deny the requested subpoena.

12. Christi K. Heuck: Defendant's alleged reason for calling Ms. Heuck is unnecessarily cumulative given the witnesses who will receive subpoenas at the government's expense. *Webster*, 750 F.2d at 330. The Court has granted subpoenas for other witnesses who are expected to testify as to the legitimacy of certain alleged investments by Access Financial. In the interest of avoiding cumulative evidence and unnecessarily expending public funds, the Court will deny the subpoena request.

13. Scott Addison: Defendant has failed to demonstrate that Mr. Addison is necessary to her defense. Defendant's alleged reason for calling Mr. Addison is wholly unrelated and irrelevant to the issues in this case. Moreover, it appears Defendant wishes to call Mr. Addison because he is a purported expert on constitutional law. The Court does not require an expert to testify about the law. The function of the Court is to determine the law

of the case and instruct the jury on the controlling legal principles. *United States v. Zipkin*, 729 F.2d 384, 387 (6th Cir. 1984). Mr. Addison's opinion on the law would not be helpful to the jury and would only serve to confuse them by introducing a potentially conflicting source of law. *United States v. Curtis*, 782 F.2d 593, 600 (6th Cir. 1986).

An order will be entered consistent with this opinion.

Date: May 27, 2005

/s/ Robert Holmes Bell  
ROBERT HOLMES BELL  
CHIEF UNITED STATES DISTRICT JUDGE

1 A No.

2 Q That wouldn't even be something that you would do, would  
3 it?

4 A It wouldn't even cross my mind.

5 DEFENDANT VISSER: Thank you.

6 THE COURT: Anything else of this witness? You may  
7 be excused.

8 Next witness, please.

9 MR. KACZOR: Thank you, Your Honor. Kim Newell.

10 KIM NEWELL,

11 A witness called at 2:38 p.m. by Defendant Janet  
12 Marcusse, sworn by the Court, testified:

13 DIRECT EXAMINATION

14 BY DEFENDANT MARCUSSE:

15 Q Could you tell us your name and spell it for us, please?

16 A Kim Newell, N-e-w-e-l-l.

17 Q Thank you. Could you tell us a little bit about your  
18 family and how many -- the dollar amount of funds that your  
19 family has with us?

20 A Oh, boy. My mother was the original investor. She  
21 started investing with you when you were working at Comerica  
22 and apparently you did an outstanding job for her, and so at  
23 the point that I had some money to invest, she immediately  
24 told me to call you, which I did, and I have to tell you I was  
25 very impressed as well. And then I believe that my uncle, who

1 was in charge of my grandmother's money, also invested all of  
2 her money, and my father did some investments as well. And I  
3 believe, I haven't seen all the figures, but I know it's way  
4 in excess of \$600,000 as a family.

5 Q Would it surprise you to learn that it's over \$800,000 as  
6 a family?

7 A No.

8 Q Would it surprise you to learn that you're our largest  
9 investor group?

10 A I did not know that.

11 Q All right. Can you tell us, when did you first become  
12 involved with our company?

13 A That would have been late in 1998, and you were  
14 discussing with me a particular investment as to John Nichols  
15 in Arizona, and I know that the funds were placed there. I  
16 had several conversations with John Nichols myself over the  
17 telephone regarding fees, monthly reports, those kind of  
18 things, and we were getting regular three percent checks.

19 Q All right. So you're saying that you actually talked to  
20 the person who was managing the funds for us?

21 A That's right.

22 Q For my organization?

23 A I talked to John Nichols.

24 Q All right. Did there come a point when you wanted all of  
25 your funds back?

1 of any of us while we were still in the Grand Rapids area?

2 A No.

3 Q Were you aware that we were going to be moving to  
4 Branson?

5 A Yes.

6 Q Were you -- did you expect that we would be taking some  
7 type of commission or override on the program for overhead?

8 A Oh, absolutely.

9 Q All right.

10 A You're a businessperson.

11 Q Were you ever told how much that was?

12 A I believe at one point you told me two percent.

13 Q Okay. What have you done to try to find answers?

14 A We lost contact with you, it would have been in '02, and  
15 it was very frustrating. I've searched on a number of  
16 occasions on the Internet to try to figure out where you were  
17 and what was going on. It was months ago that I discovered  
18 some WZZM-TV 13 articles, but they were so old that I didn't  
19 know where you were. I was getting some letters from the  
20 Attorney General's Office saying there were scheduled trials  
21 and that they were being delayed, but whenever I would call  
22 the 1-800 number, I would get no information.

23 So right after the trial started when I still got no  
24 information from the 1-800 number, I called one of the  
25 secretaries at the Attorney General who verified that there

Dear Fellow Investors of Access Financial,

I'm sure many of you are wondering what the status is with Jan Marcusse's case. Do you want to understand why we have not heard from her? Are you interested in exactly why the Attorney General's Office has arrested her? Do you want to know where the money is? Is she in court? Can you go to court yourself? What is happening with her employees? What is the TRUTH in this whole thing? Is Jan still planning on getting our investment back to us if she's acquitted? I could go on and on with questions, as I'm sure you could as well.

I'm sure many of you have also tried to call the 1-800# given to us in the attorney general's letter. This phone number is not only giving no information, but wrong information. I called several times after the trial started and got a recorded message saying, "there are no trials currently scheduled in this case", or something like that. Therefore, as a public service to you, I'm writing with this information. We have all been wronged and its all of our right to be informed.

I am beginning to get answers, and want to invite all of you to get answers for yourselves and make your own conclusions. I found a very informative website titled [www.ipiw.com](http://www.ipiw.com). All of the legal documents regarding her case are on this site, as well as many writings by Jan. This site is kept up to date regularly. There is an email address located on this site if you wish to get involved or get more information.

I also invite you, if possible, to come to the court sessions currently being held at the Grand Rapids Federal Building. Court sessions have been taking place since May 16 and are expected to continue for at least 2 more weeks – and maybe, as many as 4 more weeks. The directions to the court are: Take I96 to downtown Grand Rapids – exit at Ottawa. The Federal Building is right at the corner of Ottawa & Michigan (across from the GR Press Building). Parking is in the ramp right next to the building. Go to the sixth floor. Court starts everyday at 9 am and often goes until 5 pm. So far, the prosecution is still presenting their case. Jan's defense will present their case after the prosecution is done. I know if any of you come, you will find it very interesting, as I have.

I was amazed at how few investors are there. Most of the courtroom benches are empty. My view of that is that most of you, like me, have no idea how to get information – or whether we could even get into the courtroom. You do NOT need your victim ID#. Just show up on the sixth floor, and someone will show you where to go. Hope to see more of you. Let's all pray for the truth to be revealed, as well as for healing in all that have been affected.

Jan's current address is: (feel free to write. She will get you a response)

Jan Marcusse  
C/O Newaygo County Jail  
P.O. Box 845  
300 William Street  
White Cloud, MI 49349

Sincerely,

Kim Newell  
Email [knewell@iserv.net](mailto:knewell@iserv.net)

## Exhibit # 80

# Access Business Records Checks Received from Investors

45 Pages

Showing:

Name

Date Check Received

Amount Received

Date to Receive First Check

Monthly percentage Paid

Manager

Comments



EXHIBIT T-4

001216





	Date Access received Investment check	Amount received	Date to Rec First Check	Manager	Comments
DeMeester	Ray	\$30,000.00	May/1998	3 Don, 1	
DeMeester	Ray	\$14,000.00	Oct/1999	3 Don, 1	wired
DeMeester	Ray	\$22,000.00	Feb/2001	3 Don, 1	C/O \$81,820.00 Rollover / 508C
DePalma	Matthew & Brenda	\$40,000.00	Jun/2001	3 Mike, 1	
DeRks	Henry & Liz	\$150,000.00	Feb/2001	3 Jeff, 1	Old Kent Bank Steeldase Trust Fund Received \$175,000.00
Derrickson	Thomas	\$10,629.46	Apr/2001	3 Wes, 1	Loaned him \$25,000.00. Check # received 0189412
Desjardin	Edward or Helen	\$5,000.00	Apr/1999	3 Wes, 1	
Desjardin	Edward or Helen	\$5,000.00	Feb/2001	3 Wes, 1	C/O \$7,750.00 Rollover
DeWeerd	Carl or Tamara	\$5,000.00	Dec/2000	3 Wes, 1	
DeWeerd	Carl or Tamara	\$850.00	Feb/2001	3 Wes, 1	C/O \$0.00 Rollover
Dirksen	Roy	\$5,000.00	Aug/1998	3 Don, 1	
Dirksen	Roy	\$1,000.00	Feb/2001	3 Don, 1	C/O \$1,750.00 Rollover / opened new accl. named AAR
Dirksen Mgr.	AAR Investments Limited	\$10,000.00	Feb/2001	3 Don, 1	Investments Limited. Put \$10,000 into that account.
Dubbs	Kel	\$100,000.00	Feb/2001	3 Don, 1	C/O \$0.00 Rollover/Rec monies from Roy Dirksen's Rollover.
Doornbos	James or Debbie	\$3,000.00	Jul/1998	3 Don, 1	
Doornbos	James or Debbie	\$7,000.00	Oct/1998	3 Don, 1	
Doornbos	James or Debbie	\$3,000.00	Apr/1999	3 Don, 1	
Doornbos	James or Debbie	\$10,000.00	Oct/1999	3 Don, 1	
Doornbos	James or Debbie	\$1,000.00	Oct/1999	3 Don, 1	
Doornbos	James or Debbie	\$5,507.81	Jan/2000	3 Don, 1	
Doornbos	James or Debbie	\$1,511.30	Mar/2000	3 Don, 1	
Doornbos	James or Debbie	\$3,633.17	Mar/2000	3 Don, 1	
Doornbos	James or Debbie	\$1,682.57	Apr/2000	3 Don, 1	chk # 2885 Huntington Bank
Doornbos	James or Debbie	\$5,294.87	May/2000	3 Don, 1	
Doornbos	James or Debbie	\$3,304.94	Jul/2000	3 Don, 1	
Doornbos	James or Debbie	\$93,427.93	Feb/2001	3 Don, 1	C/O \$0.00 Rollover/ 508C
Dooullard	Dr. John	\$181,378.00	Aug/1999	3 Wes, 1	
Doutland	Dr. John	\$120.00	Oct/1999	3 Wes, 1	



	Date Access received Investment check	Amount received	Date to Rec First Check	Manager	Comments
Franz	Jim	1/31/01	\$47,600.00	Feb/2001	3 Wes, 1 C/O \$0.00 Rollover
Frisch	Jeffrey	8/23/00	\$43,166.00	Dec/2000	3 Wes, 1
Frisch	Jeffrey	1/31/01	\$7,338.22	Feb/2001	3 Wes, 1 C/O \$0.00 Rollover
Fullmer	Mary Ellen	3/10/00	\$10,000.00	Jul/2000	3 Wes, 1
Fullmer	Mary Ellen	1/31/01	\$110,200.00	Feb/2001	3 Wes, 1 C/O \$0.00 Rollover
Pyroganis	Penny	7/24/00	\$5,000.00	Nov/2000	3 Mike, 1 ck# 886684661 - bank check from Bank of Albuquerque
Pyroganis	Penny	1/31/01	\$1,700.00	Feb/2001	3 Mike, 1 C/O \$0.00 Rollover
Pyroganis	Penny	3/15/01	\$3,300.00	Jun/2001	3 Mike, 1
Gadbois	Daniel	1/21/01	\$10,000.00	Jun/2001	3 Wes, 1
Gubhan	Charles	3/23/01	\$5,000.00	Jun/2001	3 Wes, 1
Garcia	John or Ida	3/22/01	\$30,000.00	Jun/2001	3 Mike, 1 ck#1194256
Gardink	David or Susan	3/21/01	\$15,000.00	Jun/2001	3 Wes, 1
Garvin	Donna	9/6/99	\$20,000.00	Dec/1999	3 Wes, 1
Garvin	Donna	1/31/01	\$44,200.00	Feb/2001	3 Wes, 1 C/O \$0.00 Rollover
Gatun	Robert L.	6/14/00	\$10,000.00	Oct/2000	3 Mike, 1
Gatun	Robert L.	1/31/01	\$5,100.00	Feb/2001	3 Mike, 1 C/O \$0.00 Rollover
Gauthier	Nancy J.	6/12/00	\$5,000.00	Oct/2000	3 Wes, 1
Gauthier	Nancy J.	1/31/01	\$2,550.00	Feb/2001	3 Wes, 1 C/O \$0.00 Rollover
Gauthier	Nancy J.	2/21/01	\$6,000.00	Jun/2001	3 Wes, 1
Gerbysyak	Thomas J.	6/21/99	\$10,000.00	Oct/1999	3 Wes, 1
Gerbysyak	Thomas J.	6/29/99	\$10,000.00	Oct/1999	3 Wes, 1
Gerbysyak	Thomas J.	7/15/99	\$10,000.00	Nov/1999	3 Wes, 1
Gerbysyak	Thomas J.	10/28/99	\$30,000.00	Feb/2000	3 Wes, 1
Gerbysyak	Thomas J.	3/31/00	\$45,000.00	Oct/2000	3 Wes, 1 Farmers & Merchants Bank & Trust Check # 363418
Gerbysyak	Thomas J.	1/31/01	\$145,000.00	Feb/2001	3 Wes, 1 C/O \$8,850.00 Rollover
Gerend	William H.	2/18/00	\$10,000.00	Jun/2000	3 Wes, 1 Mid Ohio
Gerend	William H.	1/31/01	\$11,900.00	Feb/2001	3 Wes, 1 C/O \$0.00 Rollover
Chier	James	5/24/99	\$5,000.00	Sep/1999	3 Mike, 1

1           Okay. Mr. DeBoer, you're ready to proceed tomorrow?

2           MR. DEBOER: Yes.

3           THE COURT: Okay. Mr. Visser, you've got some  
4 witnesses that you're going to rely on or you're relying on  
5 the others?

6           DEFENDANT VISSER: I'm relying on others.

7           THE COURT: Okay. Very well. We'll see you  
8 tomorrow.

9           MR. KACZOR: Your Honor, I should indicate even  
10 though I said we couldn't find three or four witnesses, we  
11 still have I think three or four tomorrow.

12          THE COURT: Yeah, okay. That's all.

13                   (Proceedings recessed at 5:10 p.m.)

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Grand Rapids, Michigan  
June 8, 2005  
9:23 a.m.

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P R O C E E D I N G S

THE COURT: You may be seated.

I believe at the time we recessed we were in the course of taking the testimony, Mr. Valentine, of your client.

MR. VALENTINE: That's correct, Your Honor. I understand from talking with Mr. Gezon that he has a matter that he'd like to address the Court on. It doesn't involve me. I think it's his matter and Mr. Kaczor's. Thank you.

THE COURT: Okay. Mr. Gezon?

MR. GEZON: Before the jury comes in, Your Honor, Mr. Kaczor has introduced evidence about -- a number of people have introduced evidence about a salesperson in Access by the name of Tom Wilkinson. He subpoenaed Mr. Wilkinson. I've known of Mr. Wilkinson because he's a target of investigation in Wisconsin having to do with Access and other investments.

Mr. Kaczor and I met with Mr. Wilkinson this morning. He's seated next to Mr. Milson in the light green shirt. He's indicated after consultation with his lawyer that he would plead the Fifth to any questions if asked about

1 relative to his involvement with Access Financial. We advised  
2 him that as lawyers we were bound by the rules of ethics not  
3 to call him for any reason in that situation, and he  
4 understood that he would not be called in this trial.

5           However, I believe that it's part of the defense  
6 strategy to have Mr. Wilkinson sit here in the courtroom and  
7 identify him as a possible witness without calling him, and  
8 that would be extremely prejudicial to the jury. So the issue  
9 came up about whether Mr. Wilkinson can stay here and perhaps  
10 be identified by any of the witnesses as being Mr. Wilkinson  
11 sitting in the audience, knowing that he couldn't be called as  
12 a witness, and that would be totally improper.

13           Now, Mr. Wilkinson says that he wants -- last time  
14 we talked to him, he's changed his mind a few times, he wants  
15 to stay for a few moments and then leave. But I would ask  
16 that if the Court doesn't want to exclude him, that the  
17 parties be instructed that they cannot absolutely refer to Mr.  
18 Wilkinson being in the courtroom or identify him as a person  
19 or make any suggestion that he's available as a witness to be  
20 called by either party when in fact he's not available to be  
21 called by any party.

22           So by having him sit here, it would be sort of like  
23 Mr. Albrecht yesterday sitting in the courtroom, letting the  
24 jury speculate about why a person who is obviously possibly  
25 culpably involved in this conspiracy is sitting in the

CLOSED,E-FILE

**United States District Court  
Eastern District of Wisconsin (Green Bay)  
CRIMINAL DOCKET FOR CASE #: 1:03-cr-00115-WCG-1**

Case title: USA v. Wilken  
Magistrate judge case number: 1:03-mj-00648-JRS

Date Filed: 06/10/2003  
Date Terminated: 03/04/2005

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Assigned to: Judge William C Griesbach

**Defendant (1)**

**Robert W Wilken, Jr**  
*TERMINATED: 03/04/2005*

represented by **Nancy Joseph**  
Federal Defender Services of Wisconsin  
Inc  
517 E Wisconsin Ave - Rm 182  
Milwaukee, WI 53202  
414-221-9900  
Fax: 414-221-9901  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Federal Public Defender*

**Thomas E Phillip**  
Federal Defender Services of Wisconsin  
Inc  
801 E Walnut St - 2nd Fl  
Green Bay, WI 54301  
920-430-9900  
Fax: 920-430-9901  
Email: Tom\_Phillip@fd.org  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Federal Public Defender*

**Pending Counts**

18:2314 and 2 SCHEME TO DEFRAUD:  
MONEY, STATE TAX STAMPS  
(1s)

**Disposition**

SENT: 5 months imprisonment as to Ct 1  
of the Superseding Indictment, SR: 3 years  
as to Ct 1 of the Superseding Indictment,  
REST: \$282,534.00, SA: \$100.00

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

**Disposition**

08/21/2003		ORAL ORDER TO CONTINUE - Ends of Justice as to Robert W Wilken Jr. Time excluded from 8/21/2003 until 11/3/2003. SEE 8/21/2003 Hearing Minutes.(tlf) (Entered: 08/22/2003)
08/22/2003		Case as to Robert W Wilken Jr Referred to Magistrate Judge Patricia J Gorence. (bdf, )
08/26/2003	<u>25</u>	SCHEDULING ORDER as to Robert W Wilken Jr It is therefore ordered that all motions that could not previously have been filed in this case shall be filed on or before Motions due by 9/15/2003. Responses due 9/25/03 Replies due by 9/30/2003. Signed by Judge Patricia J Gorence on 8/25/03. (cc: all counsel) (Gorence, Patricia)
09/19/2003		Case as to Robert W Wilken Jr no longer referred to Patricia J Gorence. File Transmitted to Judge Griesbach. (kmm, )
10/23/2003		Attorney update in case as to Robert W Wilken Jr. Attorney Thomas E Phillip for Robert W Wilken added. (tlf, )
10/23/2003	<u>26</u>	PLEA AGREEMENT as to Robert W Wilken Jr. (tlf, )
10/23/2003	<u>27</u>	Minute Entry for proceedings held before Judge William C Griesbach : Change of Plea Hearing as to Robert W Wilken Jr held on 10/23/2003. Plea entered by Robert W Wilken Jr (1): Guilty as to Count 1s of the Superseding Indictment. Defendant adjudged guilty. PSR ordered. Sentencing set for 1/29/2004 01:30 PM before Judge William C Griesbach. (Tape #102303) (tlf, )
10/23/2003	<u>28</u>	NOTICE OF HEARING as to Robert W Wilken Jr. Sentencing set for 1/29/2004 01:30 PM before Judge William C Griesbach. (cc: all counsel)(tlf, ) Corrected Notice of Hearing added on 10/27/2003 (tlf, ).
10/23/2003		Copy of Notice of Hearing <u>28</u> sent via U.S. Mail to Robert W Wilken Jr. (tlf, ) Copy of Corrected Notice of Hearing sent via U.S. Mail to Robert W. Wilken Jr. on 10/27/2003 (tlf, ).
01/22/2004	<u>29</u>	MOTION to Seal Document by Robert W Wilken Jr. (Attachments: # <u>1</u> Proposed Order)(Joseph, Nancy)
01/22/2004	<u>30</u>	Certificate of Service by Robert W Wilken Jr (Joseph, Nancy)
01/23/2004		MARGIN ORDER signed by Judge William C Griesbach on 1/23/2004 granting <u>29</u> Motion to Seal Document as to Robert W Wilken Jr (1). (cc: all counsel) (Griesbach, William)
01/26/2004	<u>31</u>	MOTION (SEALED) by Robert W Wilken Jr.(tlf, ) (cav).
01/26/2004		MARGIN ORDER (SEALED) as to Robert W Wilken Jr granting <u>31</u> MOTION (SEALED) filed by Robert W Wilken. Signed by Judge William C Griesbach on 1/26/2004. (cc: all counsel) (Griesbach, William) (Entered: 01/28/2004)
01/28/2004	<u>32</u>	NOTICE OF HEARING as to Robert W Wilken Jr. Sentencing set for 4/8/2004 01:30 PM before Judge William C Griesbach. (cc: all counsel)(tlf, )
01/28/2004		Copy of Notice of Hearing <u>32</u> sent via U.S. Mail to Robert W Wilken Jr. (tlf, )
03/30/2004	<u>33</u>	MOTION to Seal Document by Robert W Wilken Jr. (Attachments: # <u>1</u> )(Joseph, Nancy)
03/31/2004	<u>34</u>	ORDER signed by Judge William C Griesbach on 3/31/2004 granting <u>33</u> Motion to Seal Document as to Robert W Wilken Jr (1). (cc: all counsel) (Griesbach, William)

# Checks Received

Manager Tom

	Date Access received Investment check	Amount received	Date to Rec Fired Check	%	Sub Manager	Comments
Allen	Russell 3/5/2001	\$10,000.00	Jun/2001	3 Tom		Bank Check #751318620
Allen	Russell 3/16/2001	\$10,000.00	May/2001	3 Tom		Check made to Tom Wilkinson account / Access Global
Allen	Russell 8/1/2001	\$1,600.00	Aug/2001	3 Tom		
Baumann	Yvonne 3/5/2001	\$20,000.00	Jun/2001	3 Tom		check # 279618
Baumann	Yvonne 8/1/2001	\$1,600.00	Aug/2001	3 Tom		
Bek	Craig C. 12/26/2000	\$10,000.00	Apr/2001	3 Tom		
Bek	Craig C. 8/1/2001	\$800.00	Aug/2001	3 Tom		
Bek	Avram Dor Laurie 12/3/1998	\$10,000.00	Apr/1999	3 Tom		
Bek	Avram Dor Laurie 7/14/1999	\$25,000.00	Oct/1999	3 Tom		Wired with VB group 7/14/99
Bek	Avram Dor Laurie 1/31/2001	\$65,000.00	Feb/2001	3 Tom		C/O \$24,250.00 Rollover
Bek	Avram Dor Laurie 3/16/2001	\$25,000.00	May/2001	3 Tom		Check made to Tom Wilkinson account / Access Global
Bek	Avram Dor Laurie 8/1/2001	\$6,800.00	Aug/2001	3 Tom		Check made to Tom Wilkinson account / Access Global
Bohne	William 7/14/1999	\$5,000.00	Oct/1999	3 Tom		Wired with VB group 7/14/99
Bohne	William 1/31/2001	\$5,750.00	Feb/2001	3 Tom		C/O \$7,000.00 Rollover
Bohne	William 8/1/2001	\$400.00	Aug/2001	3 Tom		
Brosz	Susan 7/14/1999	\$10,000.00	Oct/1999	3 Tom		Wired with VB group
Brosz	Susan 1/31/2001	\$15,500.00	Feb/2001	3 Tom		C/O \$10,000.00 Rollover
Brosz	Susan 8/1/2001	\$800.00	Aug/2001	3 Tom		
Counter	William 2/19/1999	\$10,000.00	Jun/1999	3 Tom		
Counter	William 6/14/1999	\$10,000.00	Oct/1999	3 Tom		Wired
Counter	William 7/14/1999	\$5,000.00	Nov/1999	3 Tom		wired with VB group 7/14/99
Counter	William 1/31/2001	\$62,900.00	Feb/2001	3 Tom		C/O \$0.00 Rollover
Counter	William 8/1/2001	\$2,000.00	Aug/2001	3 Tom		
Dalman	Paul or Lenore 5/4/1999	\$5,000.00	Sep/1999	3 Tom		
Dalman	Paul or Lenore 12/29/1999	\$17,316.53	Apr/2000	3 Tom		rec check thru Mid Ohio Securities clk #089433
Dalman	Paul or Lenore 1/31/2001	\$39,244.29	Feb/2001	3 Tom		C/O \$0.00 Rollover
Dalman	Paul or Lenore 8/1/2001	\$1,785.32	Aug/2001	3 Tom		
Efta	Arnie 7/14/1999	\$5,000.00	Oct/1999	3 Tom		Wired
Efta	Arnie 1/31/2001	\$10,000.00	Feb/2001	3 Tom		C/O \$2,750.00 Rollover
Efta	Arnie 8/1/2001	\$400.00	Aug/2001	3 Tom		



	Date Access received Investment check	Amount received	Date to Rec First Check	%	Sub Manager	Comments
Franz	Jim	7/14/1999	\$30,000.00	Nov/1999	3 Tom	Wired with VB group on 7/14/99
Franz	Jim	1/31/2001	\$47,600.00	Feb/2001	3 Tom	C/O \$0.00 Rollover
Franz	Jim	8/1/2001	\$1,600.00	Aug/2001	3 Tom	
Getbyszak	Thomas J.	6/21/1999	\$10,000.00	Oct/1999	3 Tom	
Getbyszak	Thomas J.	6/29/1999	\$10,000.00	Oct/1999	3 Tom	
Getbyszak	Thomas J.	7/15/1999	\$10,000.00	Nov/1999	3 Tom	
Getbyszak	Thomas J.	10/28/1999	\$30,000.00	Feb/2000	3 Tom	
Getbyszak	Thomas J.	5/31/2000	\$45,000.00	Oct/2000	3 Tom	Farmers & Merchants Bank & Trust Check # 363418
Getbyszak	Thomas J.	1/31/2001	\$145,000.00	Feb/2001	3 Tom	C/O \$8,850.00 Rollover
Getbyszak	Thomas J.	8/1/2001	\$8,400.00	Aug/2001	3 Tom	
Griffin	Thomas A	12/30/1999	\$16,295.12	Apr/2000	3 Tom	Rec chk from Mid Ohio #089536
Griffin	Thomas A	1/31/2001	\$4,931.53	Feb/2001	3 Tom	C/O \$15,000.00 Rollover, Sent \$5,000.00 on 11-29-00
Griffin	Thomas A	8/1/2001	\$1,303.60	Aug/2001	3 Tom	
Halada	Linda	7/14/1999	\$25,000.00	Oct/1999	3 Tom	Wired with VB group 7/14/99
Halada	Linda	1/31/2001	\$63,750.00	Feb/2001	3 Tom	C/O \$0.00 Rollover
Halada	Linda	8/1/2001	\$2,000.00	Aug/2001	3 Tom	
Jadin	Daniel M.	7/27/2000	\$24,718.68	Nov/2000	3 Tom	
Jadin	Daniel M.	1/31/2001	\$8,404.35	Feb/2001	3 Tom	C/O \$0.00 Rollover
Jadin	Daniel M.	3/23/2001	\$10,000.00	May/2001	3 Tom	Checks made to Tom Wilkinson account / Access Global
Jadin	Daniel M.	8/1/2001	\$2,777.50	Aug/2001	3 Tom	
Jansen	Daniel or Marianne	7/8/1999	\$35,000.00	Nov/1999	3 Tom	
Jansen	Daniel or Marianne	1/31/2001	\$0.00	Feb/2001	3 Tom	C/O \$83,300.00 Rollover
Jansen	Daniel or Marianne	8/1/2001	\$2,800.00	Aug/2001	3 Tom	
Knoke	Robert D.	10/4/2000	\$20,000.00	Feb/2001	3 Tom	
Knoke	Robert D.	10/26/2000	\$30,000.00	Feb/2001	3 Tom	Vanguard Growth Index Fund check # 4616733
Knoke	Robert D.	8/1/2001	\$4,000.00	Aug/2001	3 Tom	
LeCarpain	Mark	1/28/1999	\$5,000.00	Aug/1999	3 Tom	
LeCarpain	Mark	1/31/2001	\$10,000.00	Feb/2001	3 Tom	C/O \$1,750.00 Rollover
LeCarpain	Mark	8/1/2001	\$4,000.00	Aug/2001	3 Tom	
Ledvina	Richard	4/23/1999	\$10,000.00	Aug/1999	3 Tom	
Ledvina	Richard	1/31/2001	\$25,500.00	Feb/2001	3 Tom	C/O \$0.00 Rollover
Ledvina	Richard	5/23/2001	\$25,000.00	Jul/2001	3 Tom	Funds received by Access Global
Ledvina	Richard	5/31/2001	\$30,000.00	Jul/2001	3 Tom	Robert W. Baird & Co. Incorporated check # CS 942632
Ledvina	Richard	8/1/2001	\$3,000.00	Aug/2001	3 Tom	

		Date Access received Investment check	Amount received	Date to Rec First Check	%	Sub Manager	Comments
Lemmens	Thomas A.	7/30/1999	\$10,000.00	Nov/1/99	3 Tom		
Lemmens	Thomas A.	1/31/2001	\$3,800.00	Feb/2001	3 Tom		C/O \$20,000.00 Rollover
Lemmens	Thomas A.	8/1/2001	\$8,000.00	Aug/2001	3 Tom		
Limonri	Kathryn	11/16/2000	\$23,283.93	Mar/2001	3 Tom		
Limonri	Kathryn	8/1/2001	\$1,862.72	Aug/2001	3 Tom		
Limonri	Michael J.	10/12/2000	\$9,537.05	Feb/2001	3 Tom		
Limonri	Michael J.	3/14/2001	\$758.94	Jun/2001	3 Tom		
Limonri	Michael J.	7/2/2001	\$5,000.00	Sep/2001	3 Tom		Money received by Access Global
Limonri	Michael J.	8/1/2001	\$823.68	Aug/2001	3 Tom		
Limonri	Patrick or Mary	12/20/2000	\$10,000.00	Apr/2001	3 Tom		
Limonri	Patrick or Mary	8/1/2001	\$8,000.00	Aug/2001	3 Tom		
Murphy	Tim or Rachel	12/30/1999	\$21,571.12	Apr/2000	3 Tom		Rec chk from Mid Ohio #089537
Murphy	Tim or Rachel	1/31/2001	\$3.81	Feb/2001	3 Tom		C/O \$33,000.00 Rollover
Murphy	Tim or Rachel	8/1/2001	\$1,725.68	Aug/2001	3 Tom		
Nowak	Joey	7/14/1999	\$5,000.00	Oct/1999	3 Tom		Wired with VB group 7/14/99
Nowak	Joey	1/31/2001	\$12,750.00	Feb/2001	3 Tom		C/O \$0.00 Rollover
Nowak	Joey	3/15/2001	\$35,000.00	May/2001	3 Tom		Check made to Tom Wilkinson account / Access Global
Nowak	Joey	3/16/2001	\$10,000.00	May/2001	3 Tom		Check made to Tom Wilkinson account / Access Global
Nowak	Joey	3/23/2001	\$13,712.72	Jun/2001	3 Tom		
Nowak	Joey	8/1/2001	\$5,097.02	Aug/2001	3 Tom		
Petka	Richard A.	6/23/1999	\$6,000.00	Oct/1999	3 Tom		
Petka	Richard A.	1/31/2001	\$15,300.00	Feb/2001	3 Tom		C/O \$0.00 Rollover
Petka	Richard A.	8/1/2001	\$4,800.00	Aug/2001	3 Tom		
Purman	Jan	5/4/1999	\$5,000.00	Sep/1999	3 Tom		
Purman	Jan	1/31/2001	\$12,750.00	Feb/2001	3 Tom		C/O \$0.00 Rollover
Purman	Jan	8/1/2001	\$4,000.00	Aug/2001	3 Tom		
Repiniski	David	5/10/1999	\$5,000.00	Sep/1999	3 Tom		
Repiniski	David	1/31/2001	\$12,750.00	Feb/2001	3 Tom		C/O \$0.00 Rollover
Repiniski	David	8/1/2001	\$4,000.00	Aug/2001	3 Tom		
Richter	David	7/14/1999	\$50,000.00	Nov/1999	3 Tom		Wired with VB group on 7/14/99
Richter	David	1/31/2001	\$0.00	Feb/2001	3 Tom		C/O \$119,000.00 Rollover
Richter	David	8/1/2001	\$4,000.00	Aug/2001	3 Tom		
Ruten	Stephen R.	4/23/1999	\$5,000.00	Aug/1999	3 Tom		
Ruten	Stephen R.	1/31/2001	\$0.00	Feb/2001	3 Tom		C/O \$12,750.00 Rollover

	Date Access received Investment check	Amount received	Date to Rec First Check	%	Sub Manager	Comments
Ruinen	Stephen R	3/5/2001	\$5,000.00	Jun/2001	3 Tom	ck#630124for \$5,000
Ruinen	Stephen R	8/1/2001	\$800.00	Aug/2001	3 Tom	
Snret	Ronald or Sharon	12/20/2000	\$10,000.00	Apr/2001	3 Tom	
Snret	Ronald or Sharon	5/18/2001	\$21,000.00	Jul/2001	3 Tom	Funds received by Access Global
Snret	Ronald or Sharon	8/1/2001	\$1,640.00	Aug/2001	3 Tom	
Smith	Sue	1/29/1999	\$5,000.00	May/1999	3 Tom	
Smith	Sue	1/31/2001	\$12,750.00	Feb/2001	3 Tom	C/O \$0.00 Rollover
Smith	Sue	8/1/2001	\$400.00	Aug/2001	3 Tom	
Tadtsch	Sandra	7/14/1999	\$5,000.00	Oct/1999	3 Tom	Wired with VB Group 7/14/99
Tadtsch	Sandra	1/31/2001	\$7,750.00	Feb/2001	3 Tom	C/O \$5,000.00 Rollover
Tadtsch	Sandra	8/1/2001	\$400.00	Aug/2001	3 Tom	
Vandenbergen	Dennis	7/14/1999	\$50,000.00	Nov/1999	3 Tom	Wired with VB Group on 7/14/99
Vandenbergen	Dennis	1/31/2001	\$0.00	Feb/2001	3 Tom	C/O \$119,000.00 Rollover
Vandenbergen	Dennis	8/1/2001	\$4,000.00	Aug/2001	3 Tom	
Verheyden	Gary	7/14/1999	\$10,000.00	Oct/1999	3 Tom	Wired with VB Group on 7/14/99
Verheyden	Gary	1/31/2001	\$15,500.00	Feb/2001	3 Tom	C/O \$10,000.00 Rollover
Verheyden	Gary	8/1/2001	\$800.00	Aug/2001	3 Tom	
Wagnitz	Larry	7/14/1999	\$50,000.00	Nov/1999	3 Tom	VB Group. Wired Separately
Wagnitz	Larry	1/31/2001	\$50,000.00	Feb/2001	3 Tom	C/O \$ 59,000.00 Rollover
Wagnitz	Larry	8/1/2001	\$4,000.00	Aug/2001	3 Tom	
White	Gerald	6/9/1999	\$10,000.00	Oct/1999	3 Tom	
White	Gerald	2/18/2000	\$10,000.00	Jun/2000	3 Tom	Bank One Chk. #2962
White	Gerald	1/31/2001	\$30,000.00	Feb/2001	3 Tom	C/O \$7,400.00 Rollover
White	Gerald	8/1/2001	\$1,600.00	Aug/2001	3 Tom	
White	Ronald	6/9/1999	\$5,000.00	Oct/1999	3 Tom	
White	Ronald	7/14/1999	\$5,000.00	Nov/1999	3 Tom	Wired with VB Group on 7/14/99
White	Ronald	1/31/2001	\$24,650.00	Feb/2001	3 Tom	C/O \$0.00 Rollover
White	Ronald	8/1/2001	\$800.00	Aug/2001	3 Tom	
Young	Karen	1/25/2000	\$9,527.04	May/2000	3 Tom	
Young	Karen	1/31/2001	\$12,956.77	Feb/2001	3 Tom	C/O \$0.00 Rollover
Young	Karen	8/1/2001	\$762.16	Aug/2001	3 Tom	

Date Access received investment check	Amount received	Date to Rec First Check	%	Sub Manager	Comments
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**Total of Amount Received      \$1,757,319.56**

# Monthly Checks

Manager Dave A.

Month Year of Report mar/2000

Backelor	Jay	\$104,607.78	3	\$3,136.23
Baerner	John	\$267,583.96	3	\$8,027.52
Baerner	Matthew	\$5,000.00	3	\$150.00
Cornelisse	William	\$35,000.00	3	\$1,050.00
Dyer	Ray	\$218,562.00	3	\$6,496.86
Grooders	Gary	\$65,000.00	3	\$1,950.00
Handicks	Ken	\$25,000.00	3	\$750.00
Hill	Billie	\$10,000.00	3	\$300.00
Krogman	Duane	\$130,000.00	3	\$3,900.00
Krogman	Stanley	\$100,000.00	3	\$3,000.00
Lekenis	Dan	\$84,000.00	3	\$2,520.00
McDaniel	Dannie	\$140,000.00	3	\$4,200.00
Murphy	Cherie	\$80,000.00	3	\$2,400.00
Murphy	James S. Sr.	\$100,000.00	3	\$3,000.00
Olson	Jan	\$4,000.00	3	\$120.00
Proper Sr.	James E.	\$10,000.00	3	\$300.00
Reed	Ronnie J.	\$50,000.00	3	\$1,800.00
Remaly	Carla	\$8,488.90	3	\$254.97
Rhineberger	Derald	\$140,000.00	3	\$4,200.00
Richards	Terrasa	\$10,000.00	3	\$300.00
Stulter	James	\$10,000.00	3	\$300.00

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Tyler	Willie	\$100,000.00	3	\$3,000.00
Weldon	Alan R.	\$150,000.00	3	\$4,500.00
Total of Amount Received		\$1,855,252.64	Total Amount of Checks	\$55,657.58

$\$1,855,252.64 \times 1\% = \$18,552.52$

1 would not have been actually invested by them?

2 A Correct.

3 Q That's correct, all right. Now if we could go to Page  
4 44, if we could go to specifically about a third of the way  
5 down to Tom Wilkinson. Who -- what -- who is the manager  
6 that's shown for Tom Wilkinson?

7 A Wes.

8 Q Okay. Tom wasn't fired at the time, was he?

9 A I'm sorry?

10 Q Tom wasn't fired at the time, was he?

11 A I really don't know what Tom's position was at Access.

12 MR. MITCHELL: Your Honor, I would object to that  
13 question as assuming facts not in evidence. I didn't think  
14 anybody has ever testified that Tom Wilkinson was fired. When  
15 she says Tom wasn't fired at that time, that's like saying  
16 when did you stop beating your wife.

17 THE COURT: Sustained. Sustained.

18 BY DEFENDANT MARCUSSE:

19 Q As far as you know, Tom Wilkinson worked for the company  
20 at that time?

21 A Yes, but I just don't know what his position was.

22 Q All right. Do you see a profit pool or a January 2001  
23 addition to Tom Wilkinson's amount on this sheet?

24 A No.

25 Q Do you have any idea why he wouldn't have had the same

1 addition?

2 A No, I don't.

3 Q Now, if we could go to -- oh, one other thing before we  
4 leave that one. I'd like to see Page 41. Down at the bottom  
5 of the page we have four entries for Cornelius Visser and  
6 three for Jeffrey and Beth; and going to the next page, if you  
7 would a second, 42, top of the page, four more entries for Ron  
8 Visser. Do you have any idea how much total that family  
9 between Cornelius, Ronald and Jeff had invested in the  
10 company, rough guess?

11 A I didn't add it up, but maybe \$500,000. I don't know.

12 Q Okay. All right. Let's go to Page 40. Oh, I'm sorry,  
13 Page 41. At the top of the page, Dennis Vandenberg, could  
14 you tell me who the manager is listed on Dennis Vandenberg?

15 A Wes.

16 Q Okay. And then we also have on Page 30 towards the  
17 bottom of the page a Joey Nowak. Could you tell me who the  
18 manager is on Joey Nowak?

19 A Wes.

20 Q All right, thank you. So in other words, does this list  
21 look like it's accurate?

22 A Pretty much, yes.

23 Q When the profit pool checks had not been paid, but  
24 they're shown as checks received, you consider that an  
25 accurate list?