

THE STATE OF TEXAS

VS.

RICHARD FERGUSON
A/K/A RICHARD LEAL FERGUSON
A/K/A RICHARD L. FERGUSON
11/12/1973

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS:

COUNT I

THE GRAND JURORS, for the County of Cameron, State of Texas, duly organized, upon their oaths in the 107th Judicial District Court, for the January 2016 Term, present that **RICHARD FERGUSON A/K/A RICHARD LEAL FERGUSON A/K/A RICHARD L. FERGUSON**, hereinafter called the Defendant, in the County of Cameron and State of Texas, pursuant to one scheme or continuing course of conduct that beginning on or about January 28, 2014 and continuing to on or about October 10, 2014 and before the presentment of this indictment, in Cameron County, Texas, did then and there sell and offer for sale investments in fast track loan programs, or distressed asset purchase and liquidation agreements, or projects and contracts issued by R.L. Ferguson & Associates and/or MVS Resource Group (hereinafter referred to as The Ferguson Investment Program), being securities, to wit: investment contracts and evidences of indebtedness to each of the persons listed below, and in the following amounts:

PURCHASER	DATE OF TRANSACTION	AMOUNT
FLOYD COURTNEY	1/28/2014	\$15,000
FLOYD COURTNEY	2/11/2014	\$20,000
FLOYD COURTNEY	3/10/2014	\$20,000
FLOYD COURTNEY	5/9/2014	\$8,000
FLOYD COURTNEY	10/10/2014	\$600
ISRAEL MALDONADO	3/13/2014	\$5,000
ISRAEL MALDONADO	3/18/2014	\$5,000
ISRAEL MALDONADO	4/16/2014	\$12,000
ISRAEL MALDONADO	4/21/2014	\$2,000

Amount of Bail \$ *100,000 e/s*

5/17/16

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HERMELINDA CUEVAS	3/8/2014	\$14,000
HERMELINDA CUEVAS	4/1/2014	\$2,000

and said defendant committed fraud in connection with the sale of said securities by:

PARAGRAPH ONE

Intentionally failing to disclose that on October 4, 1999, the defendant was convicted of the felony offense of Theft, in Cause No. CR-0106-99-A, in the 92nd District Court of Hidalgo County, Texas; said information being material fact; and

PARAGRAPH TWO

Intentionally failing to disclose that on March 23, 2007, the defendant was convicted of the felony offense of Theft by Deception, in Cause No. 07-CR-319-B in the 138th District Court of Cameron County, Texas; said information being material fact; and

PARAGRAPH THREE

Intentionally failing to disclose that prior investment programs sold by the defendant, including, but not limited to programs issued by Group Innovations, Ltd. aka GI-LTD, Division, and The Access Group of South Texas, had not performed as promised and that clients who were sold interests in such programs had experienced significant losses of their investments; said information being material fact; and

PARAGRAPH FOUR

Intentionally failing to disclose the true financial condition of R.L. Ferguson & Associates, Inc., MVS Resource Group and the personal financial condition of Richard L. Ferguson, said information being a material fact; and

PARAGRAPH FIVE

Knowingly and intentionally representing that funds invested by investors in The Ferguson Investment Program were insured and secured against loss through policies of insurance; said information being a misrepresentation of a relevant fact;

And all of said amounts were obtained pursuant to one scheme and continuing course of conduct, and the aggregate amount that was obtained was \$100,000.00 or more;

COUNT II

AND THE GRAND JURORS AFORESAID, upon their Oaths in said Court, do further present that **RICHARD FERGUSON A/K/A RICHARD LEAL FERGUSON A/K/A RICHARD L. FURGUSON**, hereinafter called the Defendant, in the County of Cameron and State of Texas, pursuant to one scheme or continuing course of conduct that began on or about the 28th day of January, 2014 and continued until on or about October 10, 2014 and before the presentment of this

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indictment, in Cameron County, Texas, did then and there unlawfully appropriate to wit: acquire and exercise control over property other than real property to wit money of the United States of America or the equivalent thereof, without the effective consent of the owners and amounts listed below and the consent was induced by deception.

PURCHASER	DATE OF TRANSACTION	AMOUNT
FLOYD COURTNEY	1/28/2014	\$15,000
FLOYD COURTNEY	2/11/2014	\$20,000
FLOYD COURTNEY	3/10/2014	\$20,000
FLOYD COURTNEY	5/9/2014	\$8,000
FLOYD COURTNEY	10/10/2014	\$600
ISRAEL MALDONADO	3/13/2014	\$5,000
ISRAEL MALDONADO	3/18/2014	\$5,000
ISRAEL MALDONADO	4/16/2014	\$12,000
ISRAEL MALDONADO	4/21/2014	\$2,000
HERMELINDA CUEVAS	3/8/2014	\$14,000
HERMELINDA CUEVAS	4/1/2014	\$2,000

and said appropriations were without the effective consent of said owners in that consent was induced by deception, to wit:

PARAGRAPH ONE

The defendant created and confirmed by words and conduct false impressions of fact that were likely to affect the judgment of said owners in the transactions and that defendant did not believe to be true; and

PARAGRAPH TWO

defendant failed to correct false impressions of fact that were likely to affect the judgment of said owners in the transactions, that defendant previously created and confirmed by words and conduct, and that defendant did not at the time believe to be true; and

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PARAGRAPH THREE

defendant acted with the intent to deprive said owners of said property by withholding said property permanently and for so extended a period of time that a major portion of the value and enjoyment of said property was lost to said owners, and by disposing of said property in a manner that made recovery of said property by said owners unlikely,

and all of said amounts were obtained, as alleged, as part of one scheme and continuing course of conduct, and the aggregate value of the property so appropriated was \$100,000.00 or more;

ENHANCEMENT COUNT

And it is further presented that prior to the commission of the charged offense, on the 23rd day of March, 2007, in cause number 07-CR-319-B, in the 138th District Court of Cameron County, Texas, the defendant was finally convicted of the felony offense of THEFT BY DECEPTION,

against the peace and dignity of the State.

Kris Katschke
Foreman of the Grand Jury

1. SECURITIES W/O REGISTRATION
2. THEFT PROP >=\$100K<\$200K ENH

581-29 (B)
31.03(f)

FILED 1:36 o'clock A M
ERIC GARZA - DISTRICT CLERK

MAY 11 2016

DISTRICT COURT OF CAMERON COUNTY TEXAS
By Claudia Palacios

2016-DCR-00891

Memorandum

**THE STATE OF TEXAS VS FERGUSON, RICHARD
FERGUSON, RICHARD LEAL
FURGUSON, RICHARD L.**

OFFENSE	OFFENSE CODE	STATUTE	MAGISTRATE #	BOND AMOUNT
1. SECURITIES W/O REGISTRATION	26990161	581-29 (B)	Re-Indictment	Unarrested
2. THEFT PROP >=\$100K<\$200K ENH	23990161	31.03(f)	Re-Indictment	Unarrested

DEFENDANT: FERGUSON, RICHARD
FERGUSON, RICHARD LEAL
FURGUSON, RICHARD L.

PERSON ID: 99322 DOB: 11/12/1973

ADDRESS/PHONE: 2822 W US HIGHWAY 77
SAN BENITO TX 78586
956-202-7229
956-622-3189

ARREST AGENCY: Cameron County Sheriff's Department ARREST DATE: Not arrested on this charge

AGENCY CASE #: 14-75867
