

Indict
1247237

NO. 73390

BOND \$ 50,000

THE STATE OF TEXAS V. ALAN DEREK JERNIGAN

CHARGE: SECURITIES FRAUD

DIRECT FILE (26990120) (Control No. 2014-04687)

WITNESS: NONE

2014 JUN -5 PM 5:57
DISTRICT CLERK
BRAZORIA COUNTY, TEXAS

FOR RECORD

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

THE GRAND JURY, for the County of Brazoria, State of Texas, duly selected, empaneled, sworn, charged, and organized as such for the District Court of said County, upon their oaths present in and to said court that ALAN DEREK JERNIGAN, hereinafter styled Defendant, on or about the dates listed below, and before the presentment of this indictment, in Brazoria County, Texas, did then and there sell and offer for sale investments in contracts to sell medical test kits to foreign countries, said investments being securities to wit: investment contracts, notes, and other evidences of indebtedness, to each of the persons listed below and in the following amounts:

| <u>Person</u> | <u>Date</u> | <u>Amount</u> |
|-------------------|--------------------|---------------|
| Deborah Henry | June 25, 2008 | \$8,000.00 |
| Deborah Henry | July 1, 2008 | \$6,000.00 |
| Deborah Henry | July 23, 2008 | \$26,000.00 |
| Deborah Henry | August 4, 2008 | \$9,000.00 |
| Deborah Henry | August 11, 2008 | \$6,000.00 |
| Deborah Henry | August 15, 2008 | \$16,000.00 |
| Deborah Henry | August 19, 2008 | \$15,000.00 |
| Deborah Henry | August 22, 2008 | \$32,000.00 |
| Deborah Henry | August 28, 2008 | \$18,000.00 |
| Deborah Henry | September 2, 2008 | \$13,000.00 |
| Deborah Henry | September 8, 2008 | \$21,500.00 |
| Deborah Henry | April 27, 2009 | \$7,000.00 |
| Deborah Henry | May 1, 2009 | \$5,960.00 |
| Deborah Henry | May 11, 2009 | \$39,000.00 |
| Deborah Henry | May 19, 2009 | \$14,000.00 |
| Alberto Rodriguez | June 8, 2009 | \$48,000.00 |
| LeAnn Latham | June 30, 2009 | \$10,000.00 |
| Cheryl Joy Brown | June 30, 2009 | \$10,000.00 |
| Greg Casamayor | July 2, 2009 | \$20,000.00 |
| John Fiducia | August 10, 2009 | \$35,000.00 |
| John Fiducia | August 31, 2009 | \$30,000.00 |
| John Fiducia | September 22, 2009 | \$50,000.00 |
| Alberto Rodriguez | October 19, 2009 | \$8,000.00 |
| LeAnn Latham | October 21, 2009 | \$5,000.00 |

No. 73390

John Fiducia
Deborah Henry

October 23, 2009
October 28, 2009

\$7,000.00
\$3,500.00

and said Defendant engaged in fraud in connection with the sales and offers for sale of said securities by:

PARAGRAPH ONE

Intentionally failing to disclose that on or about October 15, 2007, Defendant filed a Chapter 13 Voluntary Petition in Bankruptcy in the United States Bankruptcy Court for the Southern District of Texas, Galveston Division, in case number 07-80529, and that Defendant's Bankruptcy case was pending at all times relevant to this indictment, said information being material facts; and

PARAGRAPH TWO

Intentionally failing to disclose that Defendant had previously offered and sold a similar investment that was unsuccessful, said information being a material fact; and

PARAGRAPH THREE

Intentionally failing to disclose that Defendant intended to send investors' funds to an agent or agents in Benin, Africa, said information being a material fact; and

PARAGRAPH FOUR

Intentionally failing to disclose that Defendant had an outstanding and unpaid civil judgment in the amount of \$53,846.80 entered in connection with Case Number 261313-V filed in the Circuit Court for Montgomery County, Maryland, and styled Steven Bodenham v. Alan D Jernigan et al., which was related to a prior, similar investment program, said information being material facts; and

PARAGRAPH FIVE

Intentionally failing to disclose that Defendant failed to perform as promised in connection with similar investments sold to prior investors, said information being a material fact; and

No. 73390

PARAGRAPH SIX

Knowingly and intentionally misrepresenting that Defendant, through his companies III R3 Health Products Distributing, LLC, R3 Health Products Distribution Company, Innova-Tek, and Innova-Tek, Inc., had secured exportation contracts with the governments of The Philippines and Malaysia, said information being misrepresentations of relevant facts; and

PARAGRAPH SEVEN

Knowingly and intentionally misrepresenting that Defendant had successfully completed similar deals in the past, said information being a misrepresentation of a relevant fact;

and all said amounts were obtained, as alleged, as part of one scheme and continuing course of conduct, and the aggregate value of the property obtained was \$100,000 or more;

against the peace and dignity of the State.


FOREMAN OF THE GRAND JURY

Indict
1248238

NO. 73391

BOND \$ _____

THE STATE OF TEXAS V. ALAN DEREK JERNIGAN

CHARGE: **MONEY LAUNDERING**

(Direct File) (26990154)

(Control No. 2014-04688)

WITNESS: **NONE**

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

THE GRAND JURY, for the County of Brazoria, State of Texas, duly selected, empaneled, sworn, charged, and organized as such for the District Court of said County, upon their oaths present in and to said court that **ALAN DEREK JERNIGAN**, hereinafter styled Defendant, on several occasions from on or about the **25th** day of **June, 2008**, to on or about the **28th** day of **October, 2009**, and before the presentment of this indictment, in Brazoria County, Texas, and elsewhere, did then and there knowingly acquire an interest in, and possess, and transfer, and transport the proceeds of criminal activity, to wit: current money of the United States of America, in the aggregated amount of two hundred thousand dollars (\$200,000.00) or more, and said proceeds were generated from the commission of the offense of aggregated Theft of Property in the amount of two hundred thousand dollars (\$200,000.00) or more, a felony under the laws of the State of Texas;

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FOR RECORD
DISTRICT CLERK
Brazoria County, Texas

against the peace and dignity of the State.

12984

W. Sanders
FOREMAN OF THE GRAND JURY

Indict
1248239

NO. 73392

BOND \$ 50,000

THE STATE OF TEXAS V. ALAN DEREK JERNIGAN

CHARGE: **THEFT - AGGREGATED**

(Direct File) (23990013)

(Control No. 2014-04689)

WITNESS: **NONE**

14 JUN -5 PM 5:58
DISTRICT CLERK
BRAZORIA COUNTY TEXAS

FOR RECORD

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

THE GRAND JURY, for the County of Brazoria, State of Texas, duly selected, empaneled, sworn, charged, and organized as such for the District Court of said County, upon their oaths present in and to said court that **ALAN DEREK JERNIGAN**, hereinafter styled Defendant, on or about the dates listed below, and before the presentment of this indictment, in Brazoria County, Texas, did then and there unlawfully appropriate, to wit: acquire and exercise control over property, other than real property, to wit: current money of the United States of America, from the following owners, and in the following amounts:

| <u>Owner</u> | <u>Date of Appropriation</u> | <u>Amount</u> |
|-------------------|------------------------------|---------------|
| Deborah Henry | June 25, 2008 | \$8,000.00 |
| Deborah Henry | July 1, 2008 | \$6,000.00 |
| Deborah Henry | July 23, 2008 | \$26,000.00 |
| Deborah Henry | August 4, 2008 | \$9,000.00 |
| Deborah Henry | August 11, 2008 | \$6,000.00 |
| Deborah Henry | August 15, 2008 | \$16,000.00 |
| Deborah Henry | August 19, 2008 | \$15,000.00 |
| Deborah Henry | August 22, 2008 | \$32,000.00 |
| Deborah Henry | August 28, 2008 | \$18,000.00 |
| Deborah Henry | September 2, 2008 | \$13,000.00 |
| Deborah Henry | September 8, 2008 | \$21,500.00 |
| Deborah Henry | April 27, 2009 | \$7,000.00 |
| Deborah Henry | May 1, 2009 | \$5,960.00 |
| Deborah Henry | May 11, 2009 | \$39,000.00 |
| Deborah Henry | May 19, 2009 | \$14,000.00 |
| Alberto Rodriguez | June 8, 2009 | \$48,000.00 |
| LeAnn Latham | June 30, 2009 | \$10,000.00 |
| Cheryl Joy Brown | June 30, 2009 | \$10,000.00 |
| Greg Casamayor | July 2, 2009 | \$20,000.00 |
| John Fiducia | August 10, 2009 | \$35,000.00 |
| John Fiducia | August 31, 2009 | \$30,000.00 |
| John Fiducia | September 22, 2009 | \$50,000.00 |

NO. 73392

| | | |
|--------------------------|------------------|------------|
| Alberto Rodriguez | October 19, 2009 | \$8,000.00 |
| LeAnn Latham | October 21, 2009 | \$5,000.00 |
| John Fiducia | October 23, 2009 | \$7,000.00 |
| Deborah Henry | October 28, 2009 | \$3,500.00 |

and said appropriations were without the effective consent of said owners in that consent was induced by deception, to wit: said 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 the defendant did not believe to be true; and said defendant failed to correct false impressions of fact that were likely to affect the judgment of said owners in the transactions, that said defendant previously created and confirmed by words and conduct, and that said defendant did not at the time believe to be true; and said defendant promised performance that affected the judgment of said owners in said transactions that said defendant did not intend to perform and knew would not be performed; and said defendant acted with the intent to deprive said owners of said property by disposing of said property in a manner that made recovery of said property by said owners unlikely;

and all 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 \$200,000.00 or more;

against the peace and dignity of the State.


FOREMAN OF THE GRAND JURY