

I wrote a letter (**Vance exhibit 1**) detailing my role and what happened in this case. I gave that letter to Mr. Vance in November of 2018. I told him it was okay to give the letter to his attorney. And to my knowledge, he did so at that time. Mr. Vance mentioned this letter in his interview with Agent Hubbuch in December of 2018. That interview was recorded, and you clearly hear Vance and Hubbuch discuss my letter. See **government exhibit number 401**.

Vance advised Hubbuch that the letter was in his attorney's possession. Vance did **not** give the letter to Hubbuch at that time because I asked him to wait until I could afford to hire an attorney. I was unable to pay for an attorney but was finally appointed one when I was indicted. At that time, I told Mr. Vance it was okay to give the letter to the FBI.

It is my understanding that Vance's attorney, Andy Stevens, gave my letter to Hubbuch shortly after we were indicted. However, Agent Hubbuch said he never received it. See **trial transcript, page 1521 and 1522**. Mr. Chapman said he never received the letter. I have no **proof** that either of them received the letter, but I find it **highly** unlikely that a seasoned FBI agent failed to follow up on this information relayed to him by Vance. I also find it unlikely that this letter was not provided to the FBI by Vance's attorney, considering that it **clearly** exonerated his client.

Agent Hubbuch's mishandling of this key piece of evidence gives the appearance of, **at the very least**, a rushed investigation and an investigation that was conducted **without** regard for detail.

When you couple this "**lost**" piece of evidence with the **obviously inaccurate and faulty data** that Agent Hubbuch used in preparing the government's financial spreadsheet, I believe you can understand why Vance and I have absolutely **NO agreement** with the Government's determination of "loss amount."

I object to the government's use of faulty and inaccurate data to derive the loss amount in this case.

In fact, I believe Agent Hubbuch actually **proved** that the FBI generated spreadsheet was **incorrect and contained faulty data** with his **OWN testimony**. In the trial, Hubbuch stated that the spreadsheet indicated that GGC LLC received **ONLY** \$16,000 when **in fact** the Defense showed proof earlier through Mindy Hogan's testimony that GGC LLC had received an **additional \$35,300**. Hogan **clearly** stated that the \$35,300 was for **loan repayments**. See **trial transcript page 1172, lines 6-25 for Hogan's testimony**. See **Defense Exhibit number 76, showing transfer of \$35,300 to GGC LLC**.

Why was that that additional \$35,300 **NOT** in the government's spreadsheet? What **else** was missing in the Government's financial spreadsheet?

I will **tell** you what else was missing from the government's financial spreadsheet.

Number one:

The government's financial spreadsheet did not contain all of the bank accounts. The NGEP Bank of America account and the NGEP Whitaker accounts were **not** included.

Number two:

the spreadsheet did **not** properly allocate funds transferred **from** the NGEP Bank of America accounts **to** the NGEP Whitaker account. If that had been done, it would have been obvious that the \$5,600 attributed to Mr. Chamblee in count two and an additional \$50,000 **also** attributed to Mr. Chamblee **were actually** intercompany transfers and **not** funds provided by Mr. Chamblee.

Number three:

The government spreadsheet attributed many transactions to the wrong accounts. The NexGen LLC **transactions** were **all** attributed to the Dendron account.

Number four:

the Government's financial spreadsheet did **not** include and/or properly allocate the monies Vance deposited into the business account via checks, wires, cashier's checks, and cash. At a **minimum**, those transactions totaled **over \$600,000**.

Number five:

The spreadsheet did **NOT** include an overall total for deposits and withdrawals. If those totals had been included, the \$600,000 Vance **personally deposited** into the company would have been obvious.

Number six:

The government's financial spreadsheet did **not** properly allocate and total the operating expenses. If that had been done, it would have shown there were **more** operating expenses **paid** than monies received from investors, which **again** would have highlighted the monies Vance **personally** deposited into the business. The spreadsheet did **not** properly document and accept checks and cash payments made to replace those checks. Those cash payments totaled **over \$90,000**. This was **incorrectly listed** as simply **cash withdrawals by Vance** on the spreadsheet.

Number eight:

The spreadsheet did not include **any** of the cash used to pay employees. At a **minimum**, those cash payments totaled **over \$150,000**. These payments were confirmed by April Francis, Mike Miller, and Curtis Thompson in their testimonies. This cash was simply listed as **cash withdrawals by Vance** on the spreadsheet.

Number nine: the spreadsheet did **not** include **verifiable** cash payments made to vendors. At a minimum, those cash payments totaled **over \$40,000**. This cash, **again**, was simply listed as **cash withdrawals by Vance** on the government's spreadsheet.

Number 10:

The spreadsheet did **not** properly document and total the salary I was supposed to be paid. If that had been done, the government spreadsheet would have shown I was still due **over \$47,000 in salary**.

Number 11:

The spreadsheet did **not** properly document and total the money due Vance for his invoices and earned income. If that had been done, the government spreadsheet would have shown Vance was **still due almost \$400,000** when the company shut down.

I **further** contend that **not only** was pertinent financial data omitted from the government's spreadsheet, but both FBI agent Hubbuch **AND** Agent McCracken **lied** about what data the spreadsheet **did** contain.

For example, Agent Hubbuch **lied** when he testified that the government's financial spreadsheet contained the **NGEP bank account**. See **trial transcript page 1576 lines 1 through 3**. The government's financial spreadsheet **did NOT** contain bank statements from the NGEP bank account.

FBI agent McCracken **lied** when he stated that the government's financial spreadsheet included bank records from the Bank of America account. See **transcript page 1484, lines 5 through 23 and government exhibit 501**. See also **government exhibit 718** with the Bank of America Bank Statements. See **Government Exhibit 717 with the Whitaker Bank Statements**.

FBI agent McCracken **lied** when he stated that the government's financial spreadsheet included bank records for **Whittaker Bank** as well. See **transcript page 1485 lines 3 through 4 and Government Exhibit 501**.

The Bank of America and Whittaker bank records are important for the following reasons:

Reason Number one: the **intentionally** omitted bank records would have shown that the \$5,600 deposit in Count 2 **did not** come from Gary Chamblee, as stated in the indictment, as referenced in the jury instructions, **and** as Mr. Chamblee **and** the prosecutor **LIED** and stated throughout the entire trial. This \$5600 deposit came from the Bank of America account of NexGen Energy Partners and **not** Mr. Chamblee personally.

In fact, this was **just one** of several deposits totaling over \$50,000 that were **incorrectly** attributed to Mr. Chamblee and were **instead** intercompany **transfers from one NGEP business account to another NGEP business account**. An analysis of the Bank of America account will clearly show the funds utilized for the transfer of the \$5,600 were **from deposits FROM Mr. Vance, and NOT Mr. Chamblee**. See trial testimony for Chamblee where he stated the \$5,600 ACH came from him. That was a lie. **Page 1008, lines 1 through 23, and page 1036, lines 17 through 19**.

See **trial transcript page 1169 lines 15 through 17** where Mindie Hogan **admits** that the \$5600 is an **intercompany transfer, NOT a deposit from Chamblee.**

Reason Number 2: The **intentionally** omitted Bank records would have shown two transfers from the Bank of America account for NGEF to Gary's company, totaling \$35,300. See **Defense Exhibit Number 76 and Defense Exhibit Number 88**, showing one of the transfers.

See also Mr. Chamblee's trial testimony, where he **lied** stating that he had **not** received any principal payments on his loan. See **trial testimony, page 1017, lines 2 through 6**. See also trial testimony from Mindie Hogan where she stated that those two transfers **were** loan payments. **Trial transcript page 1172 lines 6 through 25.**

Reason Number three: The **intentionally** omitted Bank of America records would have shown payments made to RJF Logistics, which was Chamblee's company. Chamblee **LIED** when he denied that RJF ever sent any trucks, but the bank records show that payments were made to RJF. See **trial transcripts page 1081 through 1082**. See **defense exhibit number 3 and defense exhibit number 65.**

Reason Number four: The **intentionally** omitted Bank statements would have shown payments made to potential witnesses **after** the FBI contacted Mr. Chamblee. See Bank of America statements clearly showing payments to **Jeff Demmick, Curtis Thompson, Doyle Rabren and Doyle Raybren's son AFTER 8-15-18**, the date the FBI first contacted Gary Chamblee.

These were **all** potential witnesses in this case and **ALL** payments were made to these witnesses **BEFORE** the FBI Agents spoke with them. These payments were all suspect and had the appearance of being done to solicit favorable testimony for Chamblee. For example, Chamblee made payments for Curtis Thompson's schooling, and Chamblee made payments to Doyle Rabren. Raybren was hired to handle sales of NGEF's product, however Doyle never made **ANY** sales of the product. It was not until **AFTER** the FBI was involved that Chamblee made these payments to these witnesses.

Reason Number five: The **intentionally** omitted Bank statements would have shown payments **made by Clorox** and other **SALES made by Vance**, disputing Chamblee's lie that Vance had **not sold anything** to Clorox. See Government's discovery **USA 00012295** where Chamblee stated we made **no sales** to Clorox.

Reason Number six: The **intentionally** omitted Bank statements would have shown **no payments** to Vance other than a **very small** portion of his invoices, which contradicts Chamblee's statement that he and the Shumard's gave Vance approximately \$100,000 in 2018.

And Lastly, Reason Number seven: The **intentionally** omitted Bank statements would have shown approximately **\$269,000 in loan payments** made by Vance.

In addition to Agent Hubbuch **omitting** pertinent information from the financial spreadsheet, there were **numerous** instances where FBI agent Hubbuch **lied** about the existence of personal loans, cash payments, and personal funds Vance deposited into the business account. This is **significant** because these **lies** influence the calculation of the **loss amount**.

LIE Number 1: Agent Hubbuch **lied** when he said he was **not** aware of any **personal loans** to Vance and said quote, "I didn't have any reason to believe that there was incoming personal loan money" end quote. See **trial transcript, page 1577, lines 3 through 18, and government exhibit 402**. **Government Exhibit 402** is a **PERSONAL promissory note** between Douglas Vance and Keith Shpakoff. Shpakoff **was and is still** listed as a victim, even though that exhibit clearly shows it was a **personal loan**.

LIE Number 2: Agent Hubbuch **lied** when he stated, in quotes, "**I don't know about vendors being paid in cash.**" See in the **transcript, page 1578, lines 4 through 18, and in government exhibit 403** where April Francis has clearly stated "**a lot of cash is used to pay bills, including vendors.**" See **defense exhibit number 103**, that was provided to the government with just **ONE** example of cash payments to vendors.

LIE Number 3: Agent Hubbuch **lied** when asked if there was any way to determine if Vance used his **own personal** funds to help fund the business. Hubbuch responded, quote, "I certainly don't see any significant deposits. Dash, the money flow does not show that. No. As far as his, and another dash, any other accounts, or any other sources of income, I didn't see that." See **government exhibits for the NGI, Dendron, Whitaker, Bank of America, and Vance's personal bank statements AND** records showing **cash deposits, cashier's checks, and transfers from Vance's PERSONAL account to the business account of NGEP**. Those cash deposits, cashier's checks, and transfers from Vance's **own** funds **INTO** the business account **Totaled \$624,479**. That is **NOT** an insignificant amount.

LIE Number 4: Agent Hubbuch **lied** when asked about whether the \$5,600 in Count 2 was actually an **intercompany transfer** and **NOT** a deposit from Chamblee, as the indictment stated. Agent Hubbuch's response was, quote, "**I really don't have all of the details of that, so I'm not sure.**" To explain the importance of that \$5600, that was **one of the counts in the indictment** and Hubbuch claims he is "**not sure**". A **simple** comparison of the \$5,600 deposit **into** the Whitaker account and the \$5,600 withdrawal **from** the Bank of America account would have clearly shown this was **NOT** a deposit from Chamblee. See **government exhibits for the Bank of America and Whitaker Bank statements**. see **Trial Transcript, page 1586 lines 1 through 14**.

Not only did Hubbuch **know** the government's spreadsheet contained faulty and inaccurate data, but I also believe the **prosecutor knew** the government's spreadsheet was inaccurate. Yet the prosecutor **continued** to use that inaccurate and tainted financial data throughout the trial.

This brings me to the **numerous** issues with the prosecutor.

It is my understanding that the **knowing** use of false testimony by a prosecutor in a criminal case violates the Due Process Clause of the Fourteenth Amendment to the United States Constitution **even** if the testimony affects **only** the credibility of the witness and does not directly relate to the innocence or guilt of the defendant. I believe the prosecutor is required to correct the testimony of a witness when the prosecutor **knows** a witness is lying.

There were **dozens** of instances during the trial where the prosecutor failed to correct prosecution witnesses when he **KNEW** the witness was lying.

Here are just a **few** examples of those **clear** violations:

Number one: See **Transcript page 803, lines 8 through 11**, Where Allen Deware was asked if he was successful in his negotiation to form an LLC with Vance. Deware stated in quotes, “we agreed to form an LLC, yes. I am not aware of that LLC actually ever getting formed.” See **trial transcript page 865 lines 8-16** where Deware admitted on **cross-exam** that he knew about **and** was part owner of V4, the very Kentucky LLC that he lied about and said he was **not** aware was ever formed. See **Defense Exhibit 29**, showing that Deware was provided the V4 formation documentation by me. See **Government Exhibit 507 and 508**, showing that Deware was one of the **signers** on the bank account for the V4 LLC. The prosecutors **KNEW** Deware was lying about not knowing about the formation of V4 and about being an owner of V4 **and** having **FULL** access to V4’s bank accounts, but the prosecutors failed to correct Deware’s lies.

Number two: Deware repeatedly **lied** throughout the trial when he said he was **not** aware that the Shumard Group had invested in the company, NexGen Energy Partners (NGEP).

The Defense provided the prosecutor with several emails that disputed that fact. See **Defense exhibit number 30, number 32, number 33, and number 35**. Also see **government discovery USA 00049462 through 49467**, where David Smith **again** contradicts what Deware claimed. Smith is quoted as stating, “Smith and Deware were told there were other investors. Deware wanted the other investors out, but this was not done”.

Mr. Smith's statement corroborates what Vance and I have said **all along** and **clearly** contradicts Deware's repeated lies where he claimed he was unaware that the Shumard Group had invested in NexGen Energy Partners (NGEP). This lie is a **major point** focused on by the prosecutor throughout the entire trial, even though the prosecutor had Smith's statement in the **government’s own** discovery. Again, the prosecutor **KNEW** Deware was lying about not knowing the Shumard’s were investors, but the prosecutor failed to correct Deware when he lied.

Number three: see **trial transcript page 842 lines 22 through 24** where Deware stated that he **never** had access to the banks. See **government exhibit number 507 and 508**, where they **clearly** show that Deware was a **signer** on both the V4 and Carbon Holding accounts giving Deware **FULL** access to the banking accounts of V4 and Carbon Holdings. So Deware’s statement that he had **no** access to the banks was an **outright lie**. **AGAIN**, the prosecutor **KNEW** Deware was lying and failed to correct his lies.

Number four: see **trial transcript page 842, lines 17 through 18**, where prosecution witness Deware **lied** when he stated that he was **unaware of Vance's logging operation**. Also, see **Government Discovery USA 00049462-00049467**, where Mr. Smith **once again** contradicts Mr. Deware's testimony in his statement. In quotes it states, "Smith believes that Vance's tree business was funding the startup of NexGen".

Smith and Deware were business partners and were privy to the **same** information about **all dealings** with the company, so if Smith was aware of the logging, then Deware was aware as well. See also **Defense exhibit number 83** for the email Deware sent me with a list of capital expense items that included a **boom truck for the logging operation**. Again, the prosecutor clearly **KNEW** Deware was lying about **not** knowing about Vance's logging operation, and **once again**, the prosecutor failed to correct his witness' lies.

Number five: See **trial transcript page 1008, lines 1 through 23**, where Chamblee states that the \$5,600 ACH which is specific to **count 2 of the indictment** came from him. See **Government exhibit number 716 and government exhibit 717** which **clearly** show that the \$5600 withdrawal did **not** come from Chamblee. The \$5600 came from the NGEP Bank of America account. **Again**, the prosecutor **KNEW** his witness lied and the prosecutor failed to correct Chamblee's lies.

Number six: See **trial transcript, page 1056, lines 1 through 20**, where prosecution witness Chamblee confirmed that the \$5,600 that he **repeatedly** stated came from him **actually** came from the NGEP business account. Even though Chamblee **finally** admitted the funds did **not** come from him, the prosecutor **himself** repeated the **lie LATER** in the trial that the \$5600 came from Chamblee. See **page 1863, lines 13 through 16**.

The **origin** of the \$5600 is significant because it is count 2 in the indictment. So not only did the prosecutor **KNOWINGLY** allow Chamblee to lie about the origin of the \$5600 **repeatedly** throughout the trial, but even **after** providing **proof** Vance provided the \$5600 that was deposited into the NGEP account, the prosecutor **CONTINUED** to lie to the court about the origins of the \$5600.

Number seven: See **trial transcript page 1017, lines 2 through 6**, where prosecution witness Chamblee stated that he had **NOT** received any principal repayment on his loan. See **trial transcript, page 1172, lines 6 through 25**. In Mendie Hogan's testimony, she stated that those payments totaling \$35,300 **WERE loan repayments**. The prosecutor had **Defense exhibits number 76** showing where Chamblee transferred a total of \$35,300 **from** the NGEP business account **to** his GGC LLC account and Mendie Hogan **confirmed** that was **indeed** principal repayment of Chamblee's loans. **AGAIN**, the prosecutor **KNEW** Chamblee lied and **again** the prosecutor failed to correct him.

Number 8: See **trial transcript, page 1021, lines 2 through 4**, where prosecution witness Chamblee **lied** when he stated that government exhibit number 127 was evidence of Vance telling NexGen Energy Partners (NGEP) that **sales** of petcoke product **TO** Koch had occurred.

In this instance, the prosecutor **KNEW** Chamblee was lying about what the government exhibit showed and **KNEW** it was **NOT** an email of Vance lying about making a sale to Koch. The prosecutor **knowingly**

allowed Chamblee to lie and **misrepresent evidence** and made **no** attempt to correct Chamblee. See **trial transcript, page 1039, lines 15 through 25**, where Chamblee **finally** admitted on **cross-exam** that the government's exhibit 127 was actually showing that the Shumard Partnership (NGEP) was **purchasing** Petcoke **FROM** Koch.

Number nine: See **trial transcript page 1017, lines 2 through 6**, where prosecution witness Chamblee stated that he had **NOT** received any principal repayment on his loan. See **trial transcript, page 1172, lines 6 through 25**. In Mendie Hogan's testimony, she stated that those payments totaling \$35,300 **WERE** loan repayments.

The prosecutor had **Defense exhibits number 76** showing where Chamblee transferred a total of \$35,300 from the NGEP business account to his GGC LLC account and Mendie Hogan **confirmed** that was **indeed** principal repayment of Chamblee's loans. **AGAIN**, the prosecutor **KNEW** Chamblee lied and **again** the prosecutor failed to correct him.

Number 10: See **Trial Transcript, page 947**, where Ken Shumard stated that their operating agreement gave Vance 49% interest in the new company, NexGen Energy Partners (NGEP). That statement was a lie. According to the operating agreement, **Government Exhibit number 703**, Vance only had **1%** ownership interest in NexGen Energy Partners (NGEP). Again, the prosecutor **KNEW** prosecution witness Shumard was lying and **again** the prosecutor failed to correct him.

Number 11: See **trial transcript, page 749, lines 12 through 17**, April Francis stated, in quotes **"there was no income coming in"**. That statement was a **lie**. There was approximately \$350,000 in logging income that was deposited into the NGI account from December 2016 through June of 2017. Francis left the company in June 2017.

NexGen Industries was Vance's logging business. Vance used **HIS** money from income generated from NexGen Industries and regularly deposited his **OWN** money from NexGen Industries (NGI) **into** the business account, NexGen Energy Partners (NGEP). The prosecutors had evidence of this \$350,000 income via the NGI bank statements, and the prosecutor **KNEW** Francis was lying about **"no income coming in"**, but the prosecutors failed to correct Francis' lies. See **Government Exhibit No. 203**.

Number 12: See **trial transcript page 1856 lines 3 through 8** where the **prosecutor** lied to the jury. He lied when he said that the false bank statements were sent to Dale Jagers **before** the loan was approved. That statement is a **LIE**. See **Government Exhibit 801 with the executed loan docs with KRP dated 7-1-17**.

See **Government Exhibit 203** with the NGI Bank statements showing payments were made **on July 14, 2017, July 27, 2017, and August 3, 2017**. See **Government Exhibit 153** with the email from Vance's email account with the altered statements attached. That email is dated **9-16-17** over a month **after** the last loan payment was made. So, the prosecutor's statement that the bank statements were sent **BEFORE** the loan was approved is **clearly** another lie.

See also the letter from Steve Barker at KRP where Barker stated that KRP **did not** rely on the financials provided to approve the loan.

Number 13: see **transcript page 731 lines 2 through 5**. See **government discovery number USA 00049462 - 00049467**, where David Smith confirms he and Deware **both knew** about **other investors** and Deware wanted them out. See **defense exhibits number 30, 32, and 33** for emails with Deware discussing the Shumard group. The **prosecutor** lied when he said Deware thought he was the **SOLE** partner.

Number 14: The **prosecutor** lied when he said Vance and McKinnon did **not** set up the company they promised to create for Deware. See **trial transcript page 731 lines 9 through 15**. See the **Defense exhibits 20, 21, 22, 23, 24, 26, 27, 28, and 29** for emails between me and Deware regarding the formation of the company.

See **trial transcript page 852 lines 1 through 18** where Deware **finally** acknowledges he **WAS** aware of the company. See **trial transcript page 865 lines 8 through 16** where Deware again confirms he knows about the company, **and he was part of it**. See **government exhibit number 507** also showing Deware was a signer on the bank account for that business.

In addition to instances where the prosecutor **CLEARLY** knew the prosecution witnesses were lying, there were **dozens** of cumulative lies told by witnesses that either the FBI agent or the prosecutor should have known were lies:

LIE Number 1: Deware lied when he stated he was unaware that the LLC had never been formed. See **transcript page 803 lines 8-11**. See **transcript page 852 lines 1-18**. And **page 865 lines 8-16** where he finally acknowledges the company was formed.

LIE Number 2: Deware made up numerous lies regarding the Shumard Group and that he did not know there was another investor. See **transcript page 838 lines 24 through 25** and **page 839 lines 1 through 13, page 840 lines 1 through 13, page 866 lines 16 through 25, page 867 lines 1 through 20, page 897 lines 7 through 9**.

See **government discovery USA 00049462 through 49467**, where Deware's partner, David Smith, confirms that they were **BOTH aware** of investors and Deware wanted them out. See **defense exhibits number 32, 33, 35** for emails with Deware regarding the Shumard Group.

LIE Number 3: Deware denied knowing if he deposited money into Vance's business account after we opened the V4 Carbon account. See **transcript page 900, lines 1 through 6**. **Government exhibit number 507** showing when the V4 account was opened. See **Government exhibit 203** showing Deware's deposit into the NGI account after the V4 account was opened.

LIE Number 4: Deware lied when he said he did **NOT** know if I had registered V4 and Carbon Holdings. See **transcript page 903, lines 13 through 15**. Then see **Defense exhibit number 29**, where I sent Deware the registration documents for both companies.

LIE Number 5: Deware lied about being familiar with Carbon Holdings. See **transcript page 903, lines 16 through 19**. See **defense exhibits 28 and 29** which were the formation docs that I sent to Deware. See **government exhibit 508** for bank records and signature card for Carbon Holdings that show Deware was a signer on that account.

LIE Number 6: Deware **again** denied knowing that V4 had been registered. See **transcript page 903, lines 20 through 24**. And see **defense exhibit number 29** with the registration docs for V4 that were sent to Deware.

LIE Number 7: Deware lied when he said he did not know if EGEN had ever been formed. See **transcript page 920 lines 17 through 20**. See **defense exhibits 28 and 29** with emails from the State of Florida showing that the name EGEN had already been taken. That is the reason the company name changed and Deware was kept fully informed. Also **see formation docs in Defense exhibit number 29**.

LIE Number 8: Shumard lied when he denied that he looked at Trus Joist as a purchase. See **transcript page 973 lines 20-23**. Then **see defense exhibit number 66** with the proof of funds and the letter **they (the Shumard Group)** provided **clearly stating** that they were interested in buying the property.

LIE Number 9: Chamblee lied when he said that the \$5,600 deposit for count two came from him. It did not. See **transcript page 1008 lines 1 through 23. Page 1036 lines 17 through 19. Page 1056 lines 1 through 20** where Chamblee finally admitted the \$5,600 came from the NGEP business account, and **not from him**.

LIE Number 10: Chamblee lied when he said he had **not** received any principal payments on his loan. See **transcript page 1017, lines 2-6**, see **defense exhibit number 76**, where Chamblee transferred \$30,000 and \$5,300 from the NGEP bank account to his company, GGC LLC. See **transcript page 1172, lines 6-25** where Mindy Hogan admitted that the \$35,300 were loan repayments.

LIE Number 11: Chamblee denied excluding Vance from votes to extend lines of credit. See **transcript page 1043, lines 5 through 7**. See **Defense Exhibit Number 4** for loan docs that show loan docs were **NOT** provided to Vance until **AFTER** the FBI was involved. See **transcript page 1144, line 6 through 25**, Mindy Hogan's testimony where she admitted they (NGEP) did **NOT vote** on loans and only documented them **AFTER** the FBI was involved.

LIE Number 12: Chamblee denied that Vance requested that Shumard handle the administrative and accounting functions, but **finally** admitted it when he was shown **government exhibit number 105**. See **transcript page is 1045 and 1047**.

LIE Number 13: Chamblee lied when he said they could not get a tax ID until the operating agreement was signed. That is a lie. **ANY** CPA knows you can get a tax ID as soon as you decide on a name. Even so, Chamblee and the Shumards did not apply for one, so I got one 2 months after the operating agreement

was signed. See **Transcript page 1050, line 6-8**, and then see **defense exhibit number 70** where I got the EIN number.

LIE Number 14: Chamblee lied when he said there was **never** a plan to purchase Trus Joist. Chamblee said they sent the POF (Proof of Funds) **simply because** Vance requested it. Vance agreed to give them 51% of the business **because** they were going to purchase the property. Vance would have **never** given up 51% of the company without the purchase of Trus Joist being included. See **transcript page 1063, lines 3 -14, and government exhibit number 105**.

LIE Number 15: Chamblee lied when he said Vance owned 49% of NGEF. See **transcript page 1071, lines 1-21**. See **government exhibit number 703** of the operating agreement showing Vance owned **1%** of NGEF.

LIE Number 16: Chamblee lied when he said he told his partners about being part owner of RGF Logistics. See **transcript page 1073, lines 13 through 19, and page 983, lines 22 through 25, and page 984, line 1**, where Shumard said he did **not** know about Chamblee's involvement with RJF.

LIE Number 17: Chamblee **lied** when he said he did **NOT** recall if NGEF had a bank account with Whitaker, but he was **just previously** shown the Whitaker bank statement. See **transcript page 1074, line 17 through 19. And page 1008, lines 1 through 23**, where he was just shown the bank statement and lied about the \$5,600 coming from him.

LIE Number 18: Chamblee **lied** when he said we **never** made a sale to Clorox. See **transcript page 1078, lines 1-6. Payments from Clorox are shown on the BOA bank statements**.

LIE Number 19: Chamblee lied when he said he never filed a business bankruptcy. See **Transcript page 1081 through 1082. See defense exhibit number 65** with RJF bankruptcy paperwork showing Chamblee was part owner.

LIE Number 20: Mindy Hogan lied when she stated several times that she invested \$10,000 personally in NGEF. **Page 1116- lines 10 and 11. Page 1128, lines 17 through 21. Page 1141, lines 1 through 6**, where she said she invested cash. **Page 1173, lines 13 through 18**, where now she says she sent her \$10,000 to Gary's account, and he forwarded it for her.

Hogan had previously told me that her equity was a company benefit versus an actual investment. There are **no records** showing that she sent money to Chamblee, and **no records** showing that Chamblee paid money for her. There are also **no journal entries** showing her deposit. She would have made the entry herself since she handled all the accounting.

LIE Number 21: Hogan **initially** lied when she stated that she prepared loan docs for the Shumard Group, but then admitted that **NO** loan docs were prepared until **AFTER** the FBI was involved. See **page 1146 lines 5-19. See defense exhibit number 2**. This was the original line of credit for Shumard that was sent to Vance **one hour** after he signed the operating agreement. In **defense exhibit number 4** were the revised credit line and new loan docs for Shumard Group that were prepared **after** the FBI was involved.

LIE Number 22: Agent Hubbuch **lied** when he said he did not subpoena my bank records. See government's discovery where he requested my bank records at the same time that he requested Barbara Culberson's bank records. See **trial transcript page 1572 lines 13 through 18**. I do not know if Hubbuch received those bank records because they were not in discovery, but I supplied them myself clearly proving that I did not benefit monetarily.

LIE Number 23: Agent Hubbuch **lied** when he said I did **not** use Yahoo emails and that was why he could not get my emails. I have **always** used Yahoo Business emails and I have for at least 15-20 years, so Hubbuch could have easily obtained my Yahoo emails. See **trial transcript page 1573 lines 1 through 5**. This is significant because my business emails clearly contain exculpatory evidence.

Lastly, I want to point out a miscellaneous issue that was not addressed adequately by the court during the trial. There were at least three and possibly four instances where jurors were sleeping during the trial. See **trial transcript page 889, lines 1-10, Page 892 lines 24 through 25, page 893 lines 1 through 3, page 1027 lines 2 through 8, page 1450 lines 7 through 18**.

In closing, I want to point out a statement Agent Hubbuch made during the trial. Hubbuch said, "I have to tell you, there were a lot of things I could have done, the strings I could have pulled to get a more complete picture, but I believe I had sufficient information."

While I freely admit there was an abundance of fraudulent information and documentation in this case, it is evident through the information I provided today that the government only had a **portion** of that picture. Instead of taking his time to find and place each piece of the puzzle, Agent Hubbuch cut corners off the pieces to create what he thought the picture should look like.

I cannot blame the court and I cannot blame the jury for their verdict because they could only work with the evidence they were given. My hope is that I can use the information I have provided today to improve my chances of gaining a new trial, where I hope to be able to present the complete picture.

With all this being said, it is obvious there are victims in this case, and for that, **I am truly sorry** for them, and **sincerely** regret that any of my actions caused them harm. I hope a new trial will allow them to see the complete picture too. While that may not make them whole, I do hope that picture will give them a different perspective regarding my actions.

Thank you for allowing me this opportunity to speak.