

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Criminal Case No. *09-cr-00369-MSK*

UNITED STATES OF AMERICA,

Plaintiff,

v.

1. SHAWN RICHARD MERRIMAN,

Defendant.

INFORMATION

18 U.S.C. § 1341 (mail fraud)

18 U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461(c) (forfeiture)

COUNT 1

The United States Attorney charges that:

1. On or about June 1, 1994, and continuing thereafter to on or about February 24, 2009, in the State and District of Colorado and elsewhere, SHAWN RICHARD MERRIMAN devised and intended to devise a scheme to defraud investors and for obtaining money from those investors by means of materially false and fraudulent pretenses, representations and promises.

2. As part of said scheme, SHAWN RICHARD MERRIMAN, operating under the names of Mountain Springs Partners, L.P., and the limited liability companies LLC-1, LLC-2, Marque LLC-3, LLC-4 and LLC-5, represented to investors that he would use their money to buy and sell securities and would return profits from such trading to them.

3. As part of said scheme, SHAWN RICHARD MERRIMAN accepted millions of dollars from more than sixty investors but failed to use most of that money to buy and sell securities and instead converted most of that money to his own use and benefit.

4. As part of said scheme, SHAWN RICHARD MERRIMAN made misrepresentations to the investors, including the misrepresentations that he had used their money to buy and sell securities and that his trading resulted in profits for the investors.

5. As part of said scheme, SHAWN RICHARD MERRIMAN included those and other misrepresentations in account statements that he delivered to the investors by the United States mails and other means.

6. As part of said scheme, SHAWN RICHARD MERRIMAN responded to investors' requests for the return of the money that they had invested or the money that they believed they had earned by transferring to those investors money that he had received from other investors.

7. On or about February 1, 2005, in the State and District of Colorado, SHAWN RICHARD MERRIMAN, for the purpose of executing the above-described scheme and attempting to do so, knowingly caused to be delivered by mail to Davis and Loraine McCann in Parker, Colorado, an envelope containing an account statement for the limited liability company LLC-3, according to the direction thereon.

The foregoing was in violation of Title 18, United States Code, Section 1341.

COUNT 2

The United States Attorney charges that:

1. The allegations contained in Count 1 of this Information are re-alleged and incorporated by reference in this count.

2. Upon conviction of the violation of Title 18, United States Code, Section 1341, charged in Count 1 of this Information, SHAWN RICHARD MERRIMAN shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), any and all of his rights, title and interests in all property constituting and derived from any proceeds that he obtained directly and indirectly as a result of such offense.

3. Upon conviction of the violation of Title 18, United States Code, Section 1341, charged in Count 1 of this Information, a money judgment shall be entered against SHAWN RICHARD MERRIMAN in the amount of the proceeds obtained by him from such offense less the amount of funds recovered from assets and property that have been forfeited, criminally or civilly, and that were directly traceable to proceeds obtained from said offense.

4. If any of the property described above, as a result of any act or omission of SHAWN RICHARD MERRIMAN, (a) cannot be located upon the exercise of due diligence, (b) has been transferred or sold to, or deposited with, a third party, (c) has been placed beyond the jurisdiction of the court, (d) has been substantially diminished in value, or (e) has been commingled with other property that cannot be subdivided without difficulty, it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), incorporated by Title 28, United States Code, Section 2461(c), to

seek forfeiture of any other property of SHAWN RICHARD MERRIMAN up to the value of the forfeitable property.

DAVID M. GAOUILLE
United States Attorney

By: s/ Tim R. Neff
Tim R. Neff
Assistant United States Attorney
1225 Seventeenth Street, Suite 700
Denver, Colorado 80202
Telephone: 303-454-0367
FAX: 303-454-0402
E-mail: Tim.Neff@usdoj.gov
Attorney for the United States

By: s/ Thomas M. O'Rourke
Thomas M. O'Rourke
Assistant United States Attorney
1225 Seventeenth Street, Suite 700
Denver, Colorado 80202
Telephone: 303-454-0209
FAX: 303-454-0402
E-mail: Thomas.O'Rourke@usdoj.gov
Attorney for the United States

(Rev. 05/05)

DATE: August 19, 2009

DEFENDANT: RICHARD SHAWN MERRIMAN

YOB: 1962

ADDRESS: Arapahoe County, Colorado

COMPLAINT FILED? _____ YES X NO

IF YES, PROVIDE MAGISTRATE CASE NUMBER: _____
IF NO, PROCEED TO "OFFENSE" SECTION

OFFENSE: 18 U.S.C. § 1341 (mail fraud).
18 U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461(c) (forfeiture).

LOCATION OF OFFENSE: Arapahoe County, Colorado

PENALTIES: Count 1: NMT 20 years, NMT \$250,000 fine or both; restitution;
\$100 special assessment; and forfeiture.
Count 2: Forfeiture.

AGENT: Robert Barnett, U.S. Postal Inspector

AUTHORIZED BY: Tim R. Neff
Thomas M. O'Rourke
Assistant U.S. Attorneys

ESTIMATED TIME OF TRIAL: _____ five days or less X over five days _____ other

THE GOVERNMENT _____ will seek pretrial detention in this case X will **not** seek pretrial detention in this case. The statutory presumption of detention **is not** applicable to this defendant.

OCDETF CASE: _____ Yes X No