

Government False Testimony with Every Distributor Witness Inflated

The Government Relied on false 101i loss declarations with each IBO witness at trial. Unreliable testimony resulting was wide-spread and not harmless. No remedy exists. An overturned conviction is required.

Losses
by
over
15K

The government conceded knowledge of false calculations and "inflated" loss numbers tied to 101i in direct examination of Stephen Barnes.

Despite knowing falsehoods were contained in 101i, the government prefaced witness testimony with unreliable 101i loss declarations.

Stephen Barnes

The State declared Barnes earnings as \$33,000 through 101i. Barnes accepted the spreadsheet finding despite differing recollection. The State points out the lesser 101i "gain" calculation of \$28,000 would "only be the case had Barnes paid for his package. Barnes affirms the "gifted package" shown as a "paid" package by virtue of the reduced gain by \$5000.

101i Did Not Deduct "Gifted Positions"
It inflated losses by citing False Losses.

101i Underreported Stephen Barnes
Gains by \$ 5019.19 \approx Inflates 101i
losses

State Knowledge of false 101i calculations is directly
stated. (Doc 689 9322, 9323) !

Q. Okay. But -- so you wouldn't -- it wouldn't surprise you
if it was actually \$33,000 that you got?

A. No, sir. That doesn't surprise me. I thought it was
closer to ten, but I'm not going to argue that it's very
possible. Could have been.

Q. Okay. And this gain/loss on the last one where it says
28,000 --

A. Yes, sir.

Q. -- that assumes that the -- you had to pay for your
Emperor position, but you did not pay for yours, right?

A. Correct. My father gave me the position, yes.

Q. Thank you. That's all I have.

101i loss and gain declarations are unreliable and
therefore inadmissible. 101d level calculations
were unreliable and inadmissible. False testimony
resulting was widespread and cannot be viewed as
harmless. No remedy exists. The conviction must
be overturned.

Dino Aiello

101i Inflated his losses
by \$499.57

101i and 101F losses declarations admitted to the jury were false. Aiello testified that he paid \$5019.95 for his emperor product purchase. (Doc 667 #6738) 101J presented show his loss as \$5154.21 despite his admissions of commissions earned and withdrawn of \$182.36. (doc 667 #6747) Aiello thereby affirmed his exposure to be no more than \$4837.00. 101i on which 101f included \$499.57 in added losses. (see 101i) Casino profits received were not included. (see Reynold sworn affidavit) . False evidence admitted as State witnesses losses cannot be remedied and requires an overturned verdict.

Justin Moyer

Moyer provides proof of Government knowledge of the the falsity of 101i and 101j. The spreadsheets represented Moyer's loss as \$4852.00 despite Moyer testifying that he was refunded. (Doc 515

Moyer lost No money. 101i inflated
his losses by \$4852.00

#5011 #5012, 5013. The government knew that refunds were not reflected in 101i and created losses where none existed. Despite incontrovertible proof of 101i falsities, The State declarations of accuracy continue throughout trial .

101F reflected Moyer's level as 21. The government knew the data was 2 ½ years after the time-line which impacted the reliability of the 270 i2G levels represented through Keep. There simply was no part of the trial not infected by the false data.

Jordan Adams

*101i overreported Adams
Loss by \$1600!*

Adams is proof of the government's knowledge of the falsity of 101i and 101F. Both reflected a loss of \$4825.33 and earnings of \$211.61. On direct, Adams testified that he received commissions in the amount of \$1000. (Doc 500 #4284, 4285) disproving the 101i representations of losses and gains.

Knowledge of 101i falsity is certain by virtue of their own witness testimony . Despite knowledge

Jordan Adams

Earned \$1800
Not reflected

\$1000 in commissions earned on sales to himself. In addition, 7240 demonstrates 36 casino payments with over \$800 paid to Bennet not represented on 101i. The government knew 101i underreported i2G earnings. Thereafter, false testimony was intentionally procured by asking Keep to validate false i2g losses.

in
101i

Margaret Alderdice

101j (compilation of 101i, d and f) represents a false loss of \$5126.13 with 0 earnings. 101D declares an unreliable level 75 assignment. The state announces her entry date as even though that information was never verified through Reynolds.

(Doc 699 #10251,252

101i overreported the
loss by \$120.00

Mark Logue- 14 casino payments not represented -

7240

of the falsity of 101i, victim losses were proclaimed as accurate and the basis of the 97% loss rate and pyramid scheme conclusion.

Furthermore, the government repeatedly referred to Jordan's level at 26. 101D representations of 270 levels in 12G was unreliable- and therefore testimony throughout trial on witness levels was unreliable. False evidence infected the entire trial.

Jeff Bennet *LOSSES Inflated by \$4878.00 on 101i*

Jeff Bennet loss declarations on 101F are further proof of the government's knowledge of the falsity of 101i, inflating losses and underreporting gains. The State presents 101j (compilation of 101i, d and f) to refresh his memory from 9 years earlier. 101j and 101i show Bennet with a loss of \$15,878.82 and no earnings. Bennet testifies however that he sponsored himself and "there was \$1000 from what I sold probably to myself." (doc 512 #4992) The i2g comp plan demonstrated \$500 fast start bonuses were paid on emperor packages. Bennet confirms

*Bennett earned \$3997.62 withdrew \$3000
101i inflated by \$4876.44*

101i included waived auto-ship fees as losses. Unreliable "levels" derived from 101d were similarly unreliable. Coming from an official spreadsheet representations, witnesses and the jury had no choice but presume to be true despite recollections to the contrary. .

Glen Logan

The state declared Logan lost \$3000 based on 101i. Logan stated he did not know how that was calculated. His recollection was receiving a 1099 for \$1000. . (Doc 701#10920)

Q. Okay. Now I'm going to pull up Exhibit 101l, which is a spreadsheet that's been previously admitted. And if we can search for Glen Logan. Okay. So here is the GT Logan account. Was that your primary account?

A. That was the topmost account on the left side of Mr. Diaz.

Q. Okay. And this sheet, if we scroll over to the right, and -- well, may need to cancel the search box so we can see the column headers. This sheet reflects that you lost \$3,000 on this account overall. Does that seem accurate to you?

A. I'm not sure how they accounted for that.

Q. Okay. Did you make or lose money on that account, as far as your commissions paid from Back Office?

A. As I recall, I got a 1099, I think it was, from G1E saying I

I2g Levels derived from 101d were unreliable and therefore inadmissible. 101d included 4000 entries outside the timeline from an unrelated company XTG1. Keep declared I2G had 297 levels based on 101 D. Keep testimony was unreliable and therefore inadmissible. Sieb's assignment to level 99 was unreliable and inadmissible. No remedy is possible. False testimony cannot be deemed harmless. Overturned conviction is required.

Bruce Fredericks-

*Losses
Inflated by \$450*

The government declared Fredericks losses to be **\$5469** through 101j. Fredericks declared the loss was "**well mostly accurate.**" (doc 683 #8754) Because waived auto-ships were attributed as losses and casino profits not included as gains "**mostly accurate**" was unreliable. No remedy can correct. An overturned conviction is required.

Q. Okay. And where it says right there -- see where it says "Checks," zero, and then "Gain/Loss," it shows a loss of \$5,469? Does that accurately reflect what your losses were here?

A. **Well, it's mostly accurate.**

Inflated by \$173.05

*Wiksten's loss was declared as \$3453.05 through and his level as 98 through 101J. (DOC 683 8669, 8670) 101i lists an additional \$173.05 on top his purchase price of \$5019.95. Therefore loss declaration is inflated. Both were unreliable and therefore inadmissible.

101j was a compilation based on 101i, 101d and 101F. Certain columns were not authenticated by Reynolds.

Victoria Sieb

101 j was used to declare losses tied to Sieb as \$4377 and withdrawals as \$815. (doc 683 #8705) Both declarations were false. Waived Auto-ship attributions increased Sieb losses. Non-inclusion of casino profits (as per sworn affidavit by Reynold) in 101i decreased Sieb gains. The government knew 101i was false and so procured false testimony. No remedy is possible. An overturned conviction is required.