



Defendant: DERRICK R TRUSSELL
JN #: 1907998-1

CLERK'S ORIGINAL

Address: 5501 LEGACY OAKS PKWY 425, SCHERTZ, TX 78154-1171

Complainant:

CoDefendants: TOMMIE CARTER JR

Offense Code/Charge: 269915/SECURITIES FRAUD OVER \$200,000

GJ: 689933

PH Court:

MAG NO:

Court #: 175 **SID #:** 1117363

Cause #:

2019 - CR - 5767B

Witness: State's Attorney

FILED	
O'CLOCK _____ M	
MAY 22 2019	
MARY ANGIE GARCIA	
DISTRICT CLERK	
BEXAR COUNTY, TEXAS	
BY	<i>Robert Campos</i>
	DEPUTY

TRUE BILL OF INDICTMENT

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS, the Grand Jury of Bexar County, State of Texas, duly organized, empaneled and sworn as such at the May term, A.D., 2019, of the *144th* Judicial District Court of said County, in said Court, at said term, do present in and to said Court that in the County and State aforesaid, and anterior to the presentment of this indictment:

COUNT I

(Vernon's Ann. Civ. St. Article 581-29 Securities Fraud)

Paragraph A

on or about the 7th day of April, 2014, through on or about the 27th day of February, 2015, DERRICK R. TRUSSELL, hereinafter referred to as Defendant, did sell or offer for sale investments issued by Sync One Holdings, Tom Carter Trust, Tom Carter Foundation, or FBP Leon, Inc. (hereinafter referred to as the "Tom Carter Investment Program"), said investments being securities, to-wit: investment contracts, evidences of indebtedness, or notes to each of the persons listed below, and in the following amounts:

DATE	NAME	AMOUNT
04/07/14	ADAMS, VICKIE L	\$125,000
04/28/14	OGLESBY, DOROTHY	\$ 68,400
08/04/14	THOMPCKINS, CHARLES	\$ 30,500
08/08/14	OGLESBY, DOROTHY	\$ 60,000
09/16/14	JACKSON, DONNA	\$ 10,235.05
09/23/14	BEATTY, MARIO	\$100,000
09/26/14	HAIRE, LESTER J. SR.	\$ 11,800
03/18/15	JACKSON, DONNA	\$ 20,000
03/18/15	MCPHERSON, DARRYL ROBERTO	\$ 10,500
05/14/15	PERRY, ANTHONY	\$ 44,000
10/02/14	EWING, WENDY	\$ 80,000
02/27/15	MASSEY, JEANNIE	\$ 58,129.75
02/27/15	MASSEY, JEANNIE	\$ 51,841.54

INDICTMENT – CLERK'S ORIGINAL

Defendant: DERRICK R TRUSSELL

JN #: 1907998-1

and said Defendant committed fraud in connection with the sales or offers for sale of said securities by: intentionally failing to disclose that Defendant was not authorized by his employer, Primerica, to sell the investments issued by Sync One Holdings, FBP Leon, Inc., Tom Carter Trust or the Tom Carter Foundation; said information being a material fact and all of the alleged amounts were obtained pursuant to one scheme or continuing course of conduct having an aggregate value of One Hundred Thousand Dollars (\$100,000.00) or more;

Paragraph B

on or about the 7th day of April, 2014, through on or about the 27th day of February, DERRICK R. TRUSSELL, hereinafter referred to as Defendant, did sell or offer for sale investments issued by Sync One Holdings, Tom Carter Trust, Tom Carter Foundation, or FBP Leon, Inc. (hereinafter referred to as the "Tom Carter Investment Program"), said investments being securities, to-wit: investment contracts, evidences of indebtedness, or notes to each of the persons listed below, and in the following amounts:

DATE	NAME	AMOUNT
04/07/14	ADAMS, VICKIE L	\$125,000
04/28/14	OGLESBY, DOROTHY	\$ 68,400
08/04/14	THOMPSON, CHARLES	\$ 30,500
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09/16/14	JACKSON, DONNA	\$ 10,235.05
09/23/14	BEATTY, MARIO	\$100,000
09/26/14	HAIRE, LESTER J. SR.	\$ 11,800
03/18/15	JACKSON, DONNA	\$ 20,000
03/18/15	MCPHERSON, DARRYL ROBERTO	\$ 10,500
05/14/15	PERRY, ANTHONY	\$ 44,000
10/02/14	EWING, WENDY	\$ 80,000
02/27/15	MASSEY, JEANNIE	\$ 58,129.75
02/27/15	MASSEY, JEANNIE	\$ 51,841.54

and said Defendant committed fraud in connection with the sales or offers for sale of said securities by intentionally failing to disclose that the securities issued by Sync One Holdings, FBP Leon, Inc., Tom Carter Trust or Tom Carter Foundation, were not registered for sale in the State of Texas by the Texas Securities Commissioner said information being a material fact and all of the alleged amounts were obtained pursuant to one scheme or continuing course of conduct having an aggregate value of One Hundred Thousand Dollars (\$100,000.00) or more;

Paragraph C

on or about the 7th day of April, 2014, through on or about the 27th day of February, 2015, DERRICK R. TRUSSELL, hereinafter referred to as Defendant, did sell or offer for sale investments issued by Sync One Holdings, Tom Carter Trust, Tom Carter Foundation, or FBP Leon, Inc. (hereinafter referred to as the "Tom Carter Investment Program"), said investments being securities, to-wit: investment contracts, evidences of indebtedness, or notes to each of the persons listed below, and in the following amounts:

DATE	NAME	AMOUNT
10/02/14	EWING, WENDY	\$ 80,000
02/27/15	MASSEY, JEANNIE	\$ 58,129.75
02/27/15	MASSEY, JEANNIE	\$ 51,841.54

Defendant: DERRICK R TRUSSELL

JN #: 1907998-1

and said Defendant committed fraud in connection with the sales or offers for sale of said securities by intentionally failing to disclose that Defendant was acting as a sales agent on behalf of Tom Carter and not Primerica, said information being a material fact and all of the alleged amounts were obtained pursuant to one scheme or continuing course of conduct having an aggregate value of One Hundred Thousand Dollars (\$100,000.00) or more;

Paragraph D

on or about the 7th day of April, 2014, through on or about the 27th day of February, 2015, DERRICK R. TRUSSELL, hereinafter referred to as Defendant, did sell or offer for sale investments issued by Sync One Holdings, Tom Carter Trust, Tom Carter Foundation, or FBP Leon, Inc. (hereinafter referred to as the "Tom Carter Investment Program"), said investments being securities, to-wit: investment contracts, evidences of indebtedness, or notes to each of the persons listed below, and in the following amounts:

DATE	NAME	AMOUNT
10/02/14	EWING, WENDY	\$ 80,000
02/27/15	MASSEY, JEANNIE	\$ 58,129.75
02/27/15	MASSEY, JEANNIE	\$ 51,841.54

and said Defendant committed fraud in connection with the sales or offers for sale of said securities by: intentionally failing to disclose that investor funds would be invested in the "Tom Carter Investment Program" and not with Primerica, said information being a material fact and all of the alleged amounts were obtained pursuant to one scheme or continuing course of conduct having an aggregate value of One Hundred Thousand Dollars (\$100,000.00) or more;

COUNT II

(TPC § 31.03 Securing Execution of Documents by Deception)

Paragraph A

on or about April 28, 2014 through on or about the 27th day of February, 2015, DERRICK R. TRUSSELL, hereinafter referred to as Defendant, with the intent to defraud or harm the persons listed below, hereinafter called owners, cause said owners to sign and execute documents, namely: checks, wire transfers, withdrawals, or letter agreements, affecting the property or pecuniary interest of said owners and said documents were of the following value:

DATE	NAME	VALUE
04/28/14	OGLESBY, DOROTHY	\$68,400
08/04/14	THOMPSON, CHARLES	\$30,500
08/08/14	OGLESBY, DOROTHY	\$60,000
09/16/14	JACKSON, DONNA	\$10,235.05
10/02/14	EWING, WENDY	\$80,000
02/27/15	MASSEY, JEANNIE	\$58,129.75
02/27/15	MASSEY, JEANNIE	\$51,841.54

by deception, to-wit: the Defendant created or confirmed by words or conduct a false impression of fact that was likely to affect the judgment of said owners in the transactions and that the Defendant did not believe to be true, and all of the alleged amounts were obtained pursuant to one scheme or continuing course of conduct having an aggregate value of Two Hundred Thousand Dollars (\$200,000.00) or more and copies of said documents are attached hereto and incorporated herein;

Defendant: DERRICK R TRUSSELL

JN #: 1907998-1

Paragraph B

on or about April 28, 2014 through on or about the 27th day of February, 2015, DERRICK R. TRUSSELL, hereinafter referred to as Defendant, with the intent to defraud or harm the persons listed below, hereinafter called owners, cause said owners to sign and execute documents, namely: checks, wire transfers, withdrawals, or letter agreements, affecting the property or pecuniary interest of said owners and said documents were of the following value:

DATE	NAME	VALUE
04/28/14	OGLESBY, DOROTHY	\$68,400
08/04/14	THOMPkins, CHARLES	\$30,500
08/08/14	OGLESBY, DOROTHY	\$60,000
09/16/14	JACKSON, DONNA	\$10,235.05
10/02/14	EWING, WENDY	\$80,000
02/27/15	MASSEY, JEANNIE	\$58,129.75
02/27/15	MASSEY, JEANNIE	\$51,841.54

by deception, to-wit: the 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 or confirmed by words or conduct, and that said Defendant did not at the time believe to be true, and all of the alleged amounts were obtained pursuant to one scheme or continuing course of conduct having an aggregate value of Two Hundred Thousand Dollars (\$200,000.00) or more and copies of said documents are attached hereto and incorporated herein;

Paragraph C

on or about April 28, 2014 through on or about the 27th day of February, 2015, DERRICK R. TRUSSELL, hereinafter referred to as Defendant, with the intent to defraud or harm the persons listed below, hereinafter called owners, cause said owners to sign and execute documents, namely: checks, wire transfers, withdrawals, or letter agreements, affecting the property or pecuniary interest of said owners and said documents were of the following value:

DATE	NAME	VALUE
04/28/14	OGLESBY, DOROTHY	\$68,400
08/04/14	THOMPkins, CHARLES	\$30,500
08/08/14	OGLESBY, DOROTHY	\$60,000
09/16/14	JACKSON, DONNA	\$10,235.05
10/02/14	EWING, WENDY	\$80,000
02/27/15	MASSEY, JEANNIE	\$58,129.75
02/27/15	MASSEY, JEANNIE	\$51,841.54

by deception, to-wit: the Defendant promised performance that affected the judgment of said owners in said transactions that Defendant did not intend to perform and knew would not be performed, and all of the alleged amounts were obtained pursuant to one scheme or continuing course of conduct having an aggregate value of Two Hundred Thousand Dollars (\$200,000.00) or more and copies of said documents are attached hereto and incorporated herein;

Defendant: DERRICK R TRUSSELL
JN #: 1907998-1

COUNT III

(TPC § 32.45 Misapplication of Fiduciary Property – Elderly)

Paragraph A

on or about the 27th day of February, 2015, DERRICK R. TRUSSELL, hereinafter referred to as Defendant, did intentionally, knowingly or recklessly misapply property, namely: lawful currency of the United States of America, from JEANNIE MASSEY, hereinafter referred to as owner, who was an elderly individual and in the following amounts:

DATE	NAME	AMOUNT
02/27/15	JEANNIE MASSEY	\$58,129.75
02/27/15	JEANNIE MASSEY	\$51,841.54

and said Defendant held said property as a fiduciary or as a person acting in a fiduciary capacity, but not as a commercial bailee, contrary to an agreement under which the property was to be held, to-wit: an agreement whereby said Defendant would invest the owner's funds with Primerica, a registered securities dealer, and in a manner that involved a substantial risk of loss to the owner of said property or the person for whose benefit the property was held, and all of the alleged amounts were misapplied pursuant to one scheme or continuing course of conduct having an aggregate value of One Hundred Thousand Dollars (\$100,000.00) or more but less than Two Hundred Thousand Dollars (\$200,000.00);

Paragraph B

on or about the 27th day of February, 2015, DERRICK R. TRUSSELL, hereinafter referred to as Defendant, did intentionally, knowingly or recklessly misapply property, namely: lawful currency of the United States of America, from JEANNIE MASSEY, hereinafter referred to as owner, who was an elderly individual and in the following amounts:

DATE	NAME	AMOUNT
02/27/15	JEANNIE MASSEY	\$58,129.75
02/27/15	JEANNIE MASSEY	\$51,841.54

and said Defendant held said property as a fiduciary or as a person acting in a fiduciary capacity, but not as a commercial bailee, contrary to an agreement under which the property was to be held, to-wit: by investing the said property in the Tom Carter Trust, unregistered securities dealers, and in a manner that involved a substantial risk of loss to the owner of said property or the person for whose benefit the property was held, and all of the alleged amounts were misapplied pursuant to one scheme or continuing course of conduct having an aggregate value of One Hundred Thousand Dollars (\$100,000.00) or more but less than Two Hundred Thousand Dollars (\$200,000.00);

AGAINST THE PEACE AND DIGNITY OF THE STATE.


Foreman of the Grand Jury