

JESSE LASLOVICH
BRETT O'NEIL
JENNIFER HUDSON
 Special Deputy Missoula County Attorneys
 Special Assistant Montana Attorneys General
 840 Helena Avenue
 Helena, MT 59601
 (406) 444-2040
Attorneys for the State

FILED SEP 08 2015

By *Shirley E. Faust* CLERK
Deputy

MONTANA FOURTH JUDICIAL DISTRICT COURT
MISSOULA COUNTY

<p>STATE OF MONTANA, Plaintiff, v. MATTHEW MCCLINTOCK a/k/a MICHAEL WILLIS, ALBERT MICHAEL WILLIS, MATTHEW CODY MCCLINTOCK, ODELL MCCLINTOCK, MICHAEL DEAN MCCLINTOCK, MICHAEL ODELL, MICHAEL ALBERT WILLIS, d/b/a BAR M FILMS, Defendant.</p>	<p>Cause No.: <u>DC-15-394</u> <i>Dept. 2</i> AMENDED INFORMATION</p>
--	--

The State of Montana, by and through the Missoula County Attorney's Office, having first obtained leave of the Court, files this Information accusing the Defendant, MATTHEW MCCLINTOCK a/k/a MICHAEL WILLIS, ALBERT MICHAEL WILLIS, MATTHEW CODY MCCLINTOCK, ODELL MCCLINTOCK, MICHAEL DEAN MCCLINTOCK, MICHAEL ODELL, MICHAEL ALBERT WILLIS, d/b/a BAR M FILMS, of having committed the following offenses:

COUNT ONE

That on or about May 2014 through May 2015 in Missoula County, Montana, the Defendant committed the offense of THEFT BY EMBEZZLEMENT, by common scheme, a FELONY, in violation of Mont. Code Ann. § 45-6-301(1)(a)(7)(b).

The facts constituting this offense are as follows:

That at the times and place mentioned above, with the purpose to deprive investors of property entrusted to the Defendant, ~~the Defendant~~ he purposely or knowingly obtained or ~~exercised unauthorized control~~ of investor funds, in an amount exceeding \$1,500, by deception.

Specifically, the Defendant purposely or knowingly obtained or exerted ~~unauthorized~~ control over sponsorship fees that he collected from people interested in investing in a documentary that he was allegedly producing. The Defendant, representing Bar M Productions, informed investors that in exchange for sponsorship fees, the investor's name would be in the credits and royalties would be paid to the investors. Some investors were told a portion of their royalties would go to the Western Montana Breast Cancer Fund. Bank records indicate the sponsorship fees were used for the Defendant's personal needs. Further investigation has determined there is no documentary and the Western Montana Breast Cancer Fund does not exist.

Pursuant to Mont. Code Ann. § 45-6-301(8)(b)(i), the offense is punishable by a fine not to exceed \$50,000 and/or be imprisoned in a state prison for a term not to exceed 10 years.

COUNT TWO

That on or about May 2014 through May 2015, in Missoula County, Montana, the Defendant committed the offense of FRAUDULENT PRACTICES, a FELONY, in violation of Mont. Code Ann. § 30-10-301(1)(a).

The facts constituting this offense are as follows:

That at the time and place mentioned above, the Defendant, while offering the sale of a security, directly and/or indirectly employed a device, scheme, or artifice to defraud. Specifically, the Defendant made untrue statements or omitted material facts when he failed to inform L.A. he was not registered to offer or sell securities in Montana. L.A. invested \$800.00 on April 30, 2014, and \$9,200.00 on May 1, 2014, through the execution or promissory notes. No disclosures or prospectus were provided with these investments. The Defendant used the investor's money for personal items and did not invest the money as promised. The money was not paid back to L.S. with the 9.5% rate of return memorialized in the promissory note.

Pursuant to Mont. Code Ann. § 30-10-306(1), the offense is punishable by a fine not to exceed \$5,000 and/or imprisonment in the state prison for a term not to exceed 10 years.

COUNT THREE

That on or about May 2014, through May 2015, in Missoula County, Montana, the Defendant committed the offense of FRAUDULENT PRACTICES, a FELONY, in violation of Mont. Code Ann. § 30-10-301(1)(a).

The facts constituting this offense are as follows:

That at the time and place mentioned above, the Defendant, while offering the sale of a security, directly and/or indirectly employed a device, scheme, or artifice to defraud. Specifically, the Defendant made untrue statements or omitted material facts when he failed to inform L.S. he was not registered to offer or sell securities in Montana. L.S. invested \$4,850.00 with the Defendant in the form of a promissory note. No prospectus or disclosures were provided with this investment. The investment was premised on the Defendant purchasing a camera for the documentary.

Pursuant to Mont. Code Ann. § 30-10-306(1), the offense is punishable by a fine not to exceed \$5,000 and/or imprisonment in the state prison for a term not to exceed 10 years.

COUNT FOUR

That on or about May 2014, through May 2015, in Missoula County, Montana, the Defendant committed the offense of FRAUDULENT PRACTICES, a FELONY, in violation of Mont. Code Ann. § 30-10-301(1)(a).

The facts constituting this offense are as follows:

That at the time and place mentioned above, the Defendant, while offering the sale of a security, directly and/or indirectly employed a device, scheme, or artifice to defraud.

Specifically, the Defendant made untrue statements or omitted material facts when he made untrue statements or omitted material facts by failing to provide investors with any disclosure information regarding their investments in Bar M Productions.

Pursuant to Mont. Code Ann. § 30-10-306(1), the offense is punishable by a fine not to exceed \$5,000 and/or imprisonment in the state prison for a term not to exceed 10 years.

COUNT FIVE

That on or about May 2014, through May 2015, in Missoula County, Montana, the Defendant committed the offense of FAILURE TO REGISTER AS A SALES PERSON (common scheme), a FELONY, in violation of Mont. Code Ann. § 30-10-201(1).

The facts constituting this offense are as follows:

That at the time and place mentioned above, the Defendant was transacting business in Montana by offering the sale of a security without being registered with the State as a broker-dealer or securities salesperson.

Specifically, Matthew Cody McClintock was not registered, nor has he ever been registered, to transact securities business in Montana with regards to Bar M Productions or any other security.

Pursuant to Mont. Code Ann. § 30-10-306(1), the offense is punishable by a fine not to exceed \$5,000 and/or imprisonment in the state prison for a term not to exceed 10 years.

COUNT SIX

That on or about May 2014, through May 2015, in Missoula County, Montana, the Defendant committed the offense of FAILURE TO REGISTER A SECURITY (common scheme), a FELONY, in violation of Mont. Code Ann. § 30-10-202(1).

The facts constituting this offense are as follows:

That at the time and place mentioned above, the Defendant was transacting business in Montana by offering the sale of a security that was not registered with the State or federally covered. Specifically, Bar M Productions was not, nor has it ever been, registered as a security in Montana or provided with an exemption from registration.

Pursuant to Mont. Code Ann. § 30-10-306(1), the offense is punishable by a fine not to exceed \$5,000 and/or imprisonment in the state prison for a term not to exceed 10 years.

DATED this 3rd day of September, 2015.

Jennifer Lee Hudson

JESSE LASLOVICH
BRETT O'NEIL
JENNIFER HUDSON
Special Deputy Missoula County Attorneys

STATE OF MONTANA)
)
) ss.
County of Lewis and Clark)

JENNIFER HUDSON, having been first duly sworn, states that he is a Special Deputy County Attorney for the County of Missoula, state of Montana, and that based on information and belief, states that the facts stated in the foregoing Information are true and that the Defendant is guilty of the offenses as charged.

DATED this 3rd day of September, 2015.

Jennifer Lee Hudson
JENNIFER HUDSON

SUBSCRIBED and SWORN to before me this 3 day of September, 2015.

Darla Sautter
NOTARY FOR THE STATE OF MONTANA
LEWIS & CLARK CO

