



U.S. Department of Justice

Criminal Division

Washington, D.C. 20530

December 20, 2011

Re: United States v. Robert J. Andres, Docket No. 2:11-CR-00985
United States v. Robert L. Holloway, Docket No. 2:11-CR-00984

Dear Sir or Madam:

Pursuant to federal law, you are entitled to receive notice of court events and court proceedings in the above-referenced cases. You have been identified as a possible victim in two criminal cases that are being prosecuted by the Criminal Division of the Department of Justice in U.S. District Court for the District of Utah.

Defendant Robert J. Andres and defendant Robert L. Holloway were indicted and charged separately on December 7, 2011, for their alleged roles in related insider investment fraud schemes that defrauded investors out of a combined \$45 million. According to the indictment against Robert J. Andres, which was unsealed on December 8, 2011, Andres is charged with five counts of wire fraud (Counts 1-5: 18 U.S.C. § 1343). Andres operated Winsome Investment Trust, an investment entity, and served as its sole manager, attorney and trustee. The indictment alleges that from October 2005 until at least January 2011, Andres recruited investors for Winsome by misrepresenting Winsome's assets and asset allocation and the way in which funds were invested.

Holloway's indictment, which also was unsealed on December 8, charges Holloway with four counts of wire fraud (Counts 1-4: 18 U.S.C. § 1343) and one count of making and subscribing a false income tax return (Count 5: 26 U.S.C. § 7206(1)). According to the indictment, Holloway was the investment manager and chief executive officer of US Ventures, LC. As alleged, Holloway fraudulently raised \$25 million from US Ventures investors from October 2005 to April 2007 by misrepresenting US Ventures' trading performance and returns.

Both defendants were arraigned on December 16, 2011, and were released on bond.

The indictments follow a civil suit filed by the U.S. Commodities Futures Trading Commission against both men and their companies, claiming they teamed up to run a Ponzi scheme under the guise of a commodity futures pool. Updated information about both cases, including the dates of the next court hearings can be found by clicking on the links at the Criminal Division's Victim Witness webpage at <http://www.usdoj.gov/criminal/vns/caseup/>. It is important to keep in mind that a criminal defendant is presumed innocent until proven guilty

and that presumption requires both the Court and our office to take certain steps to ensure that justice is served.

As a crime victim, you have the following rights under Title 18 United States Code Section 3771: **(1)** the right to be reasonably protected from the accused; **(2)** the right to reasonable, accurate, and timely notice of any public court proceeding, or any parole proceeding, involving the crime or of any release or escape of the accused; **(3)** the right not to be excluded from any such public court proceeding, unless the court, after receiving clear and convincing evidence, determines that testimony by the victim would be materially altered if the victim heard other testimony at that proceeding; **(4)** the right to be reasonably heard at any public proceeding in the district court involving release, plea, sentencing, or any parole proceeding; **(5)** the reasonable right to confer with the attorney for the Government in the case; **(6)** the right to full and timely restitution as provided in law; **(7)** the right to proceedings free from unreasonable delay; **(8)** the right to be treated with fairness and with respect for the victim's dignity and privacy.

Section 3771(c)(2) requires that we advise you that you have the right to retain counsel. Although the statute specifically sets forth your right to seek advice of an attorney with regard to your rights under the statute, there is **no** requirement that you retain counsel. The Government may not recommend any specific counsel, nor can the Government (or the Court) pay for counsel to represent you. Government attorneys represent the United States.

If you elect to obtain counsel to represent your interests in accordance with the Justice for All Act of 2004, please have your attorney notify this office in writing at: U.S. Department of Justice, Criminal Division, Fraud Section, 10th & Constitution Avenue, NW, Bond Building, Room 4216, Washington, DC 20530, Attention: Pamela Washington; (202) 514-7021 (fax). If you elect not to retain counsel to represent your interests you do not need to do anything.

In order to assist us in prosecuting these cases, we would be very appreciative if you would complete and return the attached victim impact statement, together with any receipts and other financial information documenting your losses in this case. This statement is completely voluntary but is important to us because it reflects what you as a victim of crime are having to personally and financially endure should the defendants be convicted. If you elect to do so, the Victim Impact Statement should be mailed to me at: Criminal Division, Fraud Section, 10th & Constitution Avenue, NW, Bond Building, Room 4216, Washington, DC 20530, Attention: Pamela Washington. Alternatively, you may fax the form/letter to me at: (202) 514-7021 or email it to me at victimassistance.fraud@usdoj.gov.

Please be assured that we will make our best efforts to ensure that you are provided all of the rights afforded under the Crime Victims Rights Act. If you have any questions about these cases, feel free to email me at Victimassistance.fraud@usdoj.gov or call me toll free at 1-888-549-3945. However, should you change your email address, it is imperative that you contact me.

Sincerely,

Handwritten signature of Pamela Washington in cursive script, followed by the initials "T.S." to the right.

Pamela Washington
Legal Administrative Specialist
Fraud Section

Enclosure - Brochure

IF YOU ARE THREATENED OR HARASSED

If anyone threatens you or you feel that you are being harassed because of your cooperation with this case, there are remedies available. Your safety is paramount. Please contact the investigating agent or a Victim-Witness Specialist immediately. They may discuss with you additional safety measures and assistance such as temporary restraining orders, possible relocation, or other appropriate referrals.

OTHER ASSISTANCE & SERVICES

If you are a victim, you are entitled to:



- Notification of case events, usually by letter or E-mail, through the Victim Notification System. If the defendant is convicted and sentenced to the custody of the Bureau of Prisons, notification will continue

regarding the defendant's release date, furlough, or escape unless you do not wish to be notified.

However, you must keep us informed of any address, E-mail, or telephone number changes.

- Referrals to other agencies or professionals who may provide counseling, shelter, and/or compensation.

If you are a victim or a witness, you are entitled to:

- A separate waiting area away from defendant and defense witnesses.
- Courtroom support.
- Information and clerical assistance with travel, lodging, parking, and reimbursement for mandatory court appearances and pre-trial interviews.



A Federal Courthouse

LIMITED CONFIDENTIALITY STATEMENT

We are here to assist you as you go through the criminal justice process. However, you should know that we work as part of a team with the criminal prosecutor and the investigative case agent. We do our best to keep sensitive information confidential. As part of the team, there are times when we may need to share information you provide with the other team members. This is especially important if you share information regarding your safety, a medical emergency, information that relates to child abuse, and/or information that is critical to the investigation or prosecution of the case.

CONTACT INFORMATION

www.usdoj.gov/criminal/vns/

Jennifer Parks
Victim-Witness Specialist

(202)305-9286

U.S. Department of Justice
Criminal Division
Washington, D.C. 20005

National Organization for Victim Assistance

800-TRY-NOVA

National Center for Victims of Crime

800-FYI-CALL



U.S. Department of Justice



INFORMATION AND ASSISTANCE FOR FEDERAL CRIME VICTIMS AND WITNESSES



United States Department of Justice
Criminal Division
Victim-Witness Program

INFORMATION FOR VICTIMS AND WITNESSES OF FEDERAL CRIME

The following information has been prepared to help answer questions that may arise. We have included information which will give you an understanding of how the Federal criminal justice system works.

The role of the U.S. Department of Justice, Criminal Division, is to prosecute cases fairly and justly. Our actions on your behalf do not constitute an attorney-client relationship and we cannot give you legal advice. The interests of the United States may occasionally diverge from your interests as a victim.

VICTIMS' RIGHTS

The Crime Victims' Rights Act gives victims of offenses charged in Federal court the following rights:

- The right to be reasonably protected from the accused.
- The right to reasonable, accurate, and timely notice of any public court proceeding involving the crime or of any release or escape of the accused.
- The right not to be excluded from any such public court proceeding, unless the court, after receiving clear and convincing evidence, determines that testimony by the victim would be materially altered if the victim heard other testimony at that proceeding.
- The right to be reasonably heard at any public proceeding in the district court involving release, plea, sentencing, or any parole proceeding.
- The reasonable right to confer with the attorney for the Government in the case.
- The right to full and timely restitution as provided in the law.
- The right to proceedings free from unreasonable delay.
- The right to be treated with fairness and with respect for the victim's dignity and privacy.

We will make our best efforts to ensure you are provided the rights described. You may seek the advice of your own attorney with respect to these rights.

If you believe that an employee of the United States Department of Justice failed to provide you with one or more of these rights, you may file an administrative complaint, as provided under 28 CFR § 45.10. Please contact the United States Department of Justice to obtain information about these procedures.

THE CRIMINAL JUSTICE PROCESS

As the case moves through the Federal court system, there are several events that typically occur.

INVESTIGATION

ARREST

DETENTION HEARING (POSSIBLE)

The Government is seeking to detain the defendant and may do so based on the statement of the prosecutor or by presenting witnesses and exhibits.

PRELIMINARY HEARING

A Judge determines if there is sufficient probable cause to charge the defendant. This only occurs if the defendant has not been charged by the grand jury.

or

GRAND JURY HEARING

A Grand Jury hears evidence in a non-public proceeding and may issue a formal charge called an Indictment.

An Arrest Warrant may be issued at this time.

ARRAIGNMENT

A defendant appears in court and hears the charge(s) against him/her. At this time, the defendant typically enters a plea of not guilty.

DISCOVERY, PLEA NEGOTIATIONS & MOTIONS

This may include hearings & rulings on motions concerning the admissibility of evidence, trial issues, or a possible guilty plea to some or all of the charges by the defendant.

TRIAL

The Government presents its case with witnesses, followed by the defendant's case. The trial generally results in a verdict by a jury.

PRE-SENTENCE INVESTIGATION & REPORT PREPARED

After a finding of guilt, a pre-sentence report is prepared for the judge by U.S. Probation, at which time you have the right, in addition to the previously described rights, to submit written victim impact statements.

SENTENCE

APEAL

RESTITUTION AND COMPENSATION

State Victim Compensation Programs

The State Victim Compensation Program for certain states helps cover expenses for victims of violent crime who have suffered physical or psychological injury even if the case is brought in Federal Court. The State Crime Victim Compensation Program may be able to reimburse you for crime related expenses such as medical care, mental health expenses, and lost wages due to crime related injuries. To obtain further information and an application, contact the Victim-Witness Specialist listed on the back of this brochure.

Restitution

Under Federal law, restitution is mandatory for many (but not all) types of crimes. It is very helpful for victims who may be entitled to restitution, to keep a record of their losses, medical expenses, property damage and counseling expenses, with receipts when possible. This information will be requested by the Probation Department if the defendant is convicted and ordered to pay restitution.

THE EMOTIONAL IMPACT OF CRIME

Many victims of and witnesses to crime are emotionally affected by their experience and although everyone reacts differently, many people report common reactions such as:

- Anger
- Feelings of panic and/or anxiety
- Nightmares and sleep pattern changes
- Feelings of self-doubt, shame or guilt
- Reliving what happened
- Depression, difficulty concentrating
- Increased concern for personal safety and that of their family

Many people continue to have these responses for some time after the crime. The Victim-Witness Specialist can assist you in finding appropriate support services.