



COUNT 1 (Penal Code §182(a)(1))  
CONSPIRACY TO COMMIT A CRIME

I. INTRODUCTION

At all times relevant to this complaint:

Defendant WILLIAM JOHN POSTMUS (Postmus) was a member of the Board of Supervisors of San Bernardino County, having first been sworn into office in 2000. Postmus was made Chairman of the Board of Supervisors on January 5, 2005, and served until taking office as Assessor of San Bernardino County in January of 2007 after his election in November of 2006. He resigned from his position as Assessor on February 6, 2009.

Defendant JAMES HOWARD ERWIN (Erwin) was the President of the Sheriff's Employees Benefit Association (SEBA) from 1997 until February of 2005 and became Chief of Administration of SEBA beginning in April, 2005. In 2006 Erwin was an agent for John Doe #1. In January of 2007, Erwin was appointed Assistant Assessor of San Bernardino County, resigning in November of 2007. In 2008, Erwin joined the supervisorial campaign of Neil Derry. In September of 2008, Supervisor-Elect Derry named Erwin as his Chief of Staff. He was formally made Chief of Staff in December of 2008.

John Doe #1 was a General Partner of Colonies Partners, L.P.

John Doe #2 was a General Partner of Colonies Partners, L.P.

John Doe #3 was a media consultant for John Doe #1 and John Doe #2.

John Doe #4 was Chief of Staff for a member of the Board of Supervisors of San Bernardino County.

John Doe #5 was a member of the Board of Supervisors of San Bernardino County.

Gary Ovitt (Ovitt) was a member of the Board of Supervisors of the County of San Bernardino, having been sworn in to Office on December 7, 2004.

Matt Brown (Brown) was Chief of Staff for a member of the Board of Supervisors of San Bernardino County.

Adam Aleman (Aleman) was a Special Assistant to Postmus from 2004 to 2006. From 2005 to 2006 he was also the Executive Director of the San Bernardino County

Republican Party. In early 2007 Postmus appointed Aleman to the position of Assistant Assessor. Aleman resigned as Assistant Assessor on July 8, 2008.

Mike Richman (Richman) was a political consultant and San Bernardino County Republican Party official.

Dino DeFazio (DeFazio) was a real estate developer and officer of Tri-Land, Inc., a real estate investment company, which he co-owned with Postmus.

Colonies Partners, L.P. (Colonies), was a limited partnership organized under the laws of the State of California.

San Bernardino County (County) was a local government jurisdiction formed under the laws of the State of California.

## II. CHARGES

Between on or about January 1, 2005, and September 15, 2008, WILLIAM JOHN POSTMUS; JAMES HOWARD ERWIN; John Doe #1, not charged herein; John Doe #2, not charged herein; John Doe #3, not charged herein; John Doe #4, not charged herein; and John Doe #5, not charged herein; did unlawfully conspire together and with another person, and persons whose identity is known and unknown, to commit the crimes of Corrupt Influencing (Penal Code Section 85), Accepting a Bribe (Penal Code Section 86), Offering a Bribe to a Supervisor (Penal Code Section 165), Supervisor Accepting a Bribe (Penal Code Section 165), Misappropriation of Public Funds (Penal Code 424), Extortion (Penal Code Section 518), Conflict of Interest (Government Code Section 1090), Obtaining Money to Improperly Influence a Legislator (Government Code 9054), and Willfully Omitting to Perform a Duty (Government Code Section 1222) in violation of Penal Code Section 182 (a)(1), a felony.

## III. OBJECTS OF THE CONSPIRACY

The object of the conspiracy was to illegally obtain \$102,000,000 from the County, for personal gain, and for certain public officials to share in those gains by

forsaking their solemn duties and responsibilities to the County and the citizens they served, in violation of their oaths of office and the laws of the State of California.

#### IV. MEANS BY WHICH THE OBJECTS OF THE CONSPIRACY WERE TO BE ACCOMPLISHED

In 1997 Colonies bought a 434-acre parcel of land in Upland for \$16 million from the San Antonio Water Company's liquidation trust for the purpose of residential and commercial development. The parcel contained a 67-acre flood control basin over which the County asserted it had easement rights. As the development project proceeded, Colonies asserted they spent \$23.5 million on flood control improvements to maximize the amount of land they could develop for commercial and residential sales. Colonies requested that the County cover the costs it spent for flood control. The County declined to pay the entire amount that Colonies spent on flood control, claiming that the 67-acre basin itself was sufficient for flood control without improvements.

In March 2002 Colonies sued the County, challenging the County's easements to the basin and claiming that it had been deprived of the ability to develop the 67-acre flood control basin. The litigation proceeded with various rulings as to the validity and size of the easements. The California Court of Appeal ruled in favor of the County in July of 2005 determining that a 1933 easement to 30 of the acres was clear. They also acknowledged a 1939 easement, in favor of the County, but found there were factual issues still to be determined as to applicability and extent.

At an unknown time after the lawsuit was filed, John Doe #1 and John Doe #2 concocted a scheme to obtain a monetary settlement from the County through corrupt means. On or between January 1, 2005, and November 29, 2006, John Doe #1 and John Doe #2 attempted to corruptly influence members of the Board of Supervisors through a combination of threats, extortion, inducements, and bribery in order to secure their vote in favor of a settlement.

Defendant ERWIN and John Doe #3 joined the conspiracy and both conveyed various threats and/or inducements from John Doe #1 and John Doe #2 to Defendant POSTMUS, John Doe #4 and John Doe #5. John Doe #4 agreed to accept a bribe to

deliver the vote of Ovitt. Defendant POSTMUS and John Doe #5 joined the conspiracy by agreeing to accept a bribe to vote to approve the Colonies settlement.

On November 28, 2006, Defendant POSTMUS and John Doe #5, along with Ovitt, voted, as members of the Board of Supervisors, to approve a \$102 million settlement with Colonies to be paid by the County. No member of the County Counsel's staff, nor any private attorney retained by the County, endorsed the settlement amount. Defendant POSTMUS and John Doe #5 voted knowing that they had a financial interest in the outcome.

After Colonies received substantial sums of money from the settlement with the County, John Doe #1 and John Doe #2 distributed from Colonies the agreed upon bribes and payments to Defendant POSTMUS, Defendant ERWIN, John Doe #4, and John Doe #5.

Defendant POSTMUS engaged the assistance of Aleman, Richman, and DeFazio to create two Political Action Committees (PACs) that he secretly controlled for the express purpose of concealing the receipt of the bribe of \$100,000 from Colonies.

Defendant ERWIN created a PAC to accept \$100,000 from Colonies for his part in committing Extortion and Bribery.

John Doe #4 created a PAC into which he accepted a bribe of \$100,000 from Colonies for delivering the vote of Ovitt.

John Doe #5 already had a PAC that he secretly controlled into which he accepted a \$100,000 bribe from Colonies.

Defendant POSTMUS, Defendant ERWIN, John Doe #4, and John Doe #5, through different means, distributed varying amounts of the monies, received from Colonies into the PACs each controlled, directly to themselves.

## V. OVERT ACTS

In the County of San Bernardino, State of California, pursuant to the above conspiracy and in furtherance of the objects thereof, the following overt acts were committed:

### OVERT ACT 1

On or between September 8, 2005, and September 20, 2005, John Doe # 1 attended a Discovery Tour and Trade Mission to China with Defendant POSTMUS and provided meals, entertainment, and the services of a prostitute to Defendant POSTMUS and promised to take care of Defendant POSTMUS for the rest of his political career if he would support a settlement of the Colonies lawsuit.

#### OVERT ACT 2

On or about September 20, 2005, upon return from the Mission, Defendant POSTMUS immediately went to County Administrative Officer Mark Uffer and stated, "We've got to settle this Colonies thing."

#### OVERT ACT 3

On or between January 1, 2005, and November 28, 2006, John Doe #1 offered to give John Doe #4 \$100,000 if John Doe #4 would obtain Ovitt's vote for a settlement amount dictated by John Doe #1 in the Colonies lawsuit against the County.

#### OVERT ACT 4

On or between January 1, 2005, and November 28, 2006, John Doe #1 offered to give \$100,000 to Defendant ERWIN if Defendant ERWIN would assist him in obtaining a settlement amount dictated by John Doe #1 in the Colonies lawsuit against the County.

#### OVERT ACT 5

In 2006 County voters were presented with Measure P whose passage would raise the salaries of Board of Supervisors members from \$99,000 to \$152,000. John Doe #1 and John Doe #2 conducted a campaign against Measure P as a means to obtain influence over John Doe #5 in order to obtain a settlement in the Colonies lawsuit against the County.

#### OVERT ACT 6

On or between January 1, 2006, and November 28, 2006, John Doe #1 hired private investigators to go through Defendant POSTMUS' trash to find incriminating information that could be used to pressure Defendant POSTMUS to vote in favor of a settlement in the Colonies lawsuit against the County.

OVERT ACT 7

On or between January 1, 2006, and November 7, 2006, at the request of John Doe #1, Defendant ERWIN created political mailers for the Assessor's race depicting Defendant POSTMUS' addiction to drugs and his homosexuality to be used to influence Defendant POSTMUS to vote in favor of a settlement in the Colonies lawsuit against the County.

OVERT ACT 8

On or between January 1, 2006, and November 7, 2006, Defendant ERWIN advised Aleman that if there were a settlement of the lawsuit that John Doe #1 found favorable, the mailers depicting Defendant POSTMUS' addiction to drugs and his homosexuality would not go out.

OVERT ACT 9

On or between January 1, 2006, and November 7, 2006, Defendant ERWIN created political mailers in opposition to Measure P that asserted that John Doe #5 had excessive indebtedness and was unable to pay his bills. The mailers were to be used to influence John Doe #5 to vote in favor of a settlement in the Colonies lawsuit against County.

OVERT ACT 10

On or between January 1, 2006, and November 28, 2006, John Doe #1 communicated to John Doe #5 that John Doe #5 would receive \$100,000 if John Doe #5 voted for a settlement in the Colonies lawsuit against the County.

OVERT ACT 11

On or between January 1, 2006, and November 1, 2006, John Doe #1 advised Defendant POSTMUS that if there were a favorable settlement of the Colonies lawsuit, as dictated by John Doe # 1, that John Doe #1 would give Defendant POSTMUS \$100,000.

OVERT ACT 12

On or between October 1, 2006, and November 28, 2006, Defendant POSTMUS and John Doe #1 engaged in negotiations concerning the settlement amount for the Colonies lawsuit at the Doubletree Hotel in Ontario with Defendant ERWIN and John Doe #3 acting as intermediaries.

OVERT ACT 13

On or between October 1, 2006, and November 28, 2006, during the negotiations concerning the settlement amount for the Colonies lawsuit at the Doubletree Hotel, Defendant ERWIN conveyed to Defendant POSTMUS various threats from John Doe #1 to Defendant POSTMUS' that would be carried out if the terms dictated by John Doe #1 for the settlement of the Colonies lawsuit were not accepted.

OVERT ACT 14

On or between October 1, 2006, and November 28, 2006, Defendant POSTMUS agreed to vote to approve a \$102 million settlement of the Colonies lawsuit as dictated by John Doe #1 in exchange for \$100,000 to be given to Defendant POSTMUS.

OVERT ACT 15

On or between December 7, 2004, and November 28, 2006, John Doe #4 agreed to obtain Ovitt's vote for a settlement of the Colonies lawsuit as dictated by John Doe #1 in exchange for \$100,000 to be given to John Doe #4.

OVERT ACT 16

On or between October 1, 2006, and November 28, 2006, John Doe #5 agreed to vote to approve the \$102 million settlement of the Colonies lawsuit as dictated by John Doe #1 in exchange for \$100,000 to be given to John Doe #5.

OVERT ACT 17

On or between October 1, 2006, and November 28, 2006, John Doe #4 successfully urged Ovitt to vote to approve the \$102 million settlement of the Colonies lawsuit without the concurrence and against the recommendations of County staff, County Counsel, and private attorneys retained by the County.

OVERT ACT 18

On or about November 28, 2006, John Doe #5 voted to approve a \$102 million settlement of the Colonies lawsuit without the concurrence and against the recommendations of County staff, County Counsel, and private attorneys retained by the County.

OVERT ACT 19

On or about November 28, 2006, Defendant POSTMUS voted to approve a \$102 million settlement of the Colonies lawsuit without the concurrence and against the recommendations of County staff, County Counsel, and private attorneys retained by the County.

OVERT ACT 20

On or about November 28, 2006, pursuant to the settlement agreement, Defendant POSTMUS directed that the Auditor-Controller-Recorder, Larry Walker, transfer \$22 million by November 29, 2006, from the San Bernardino County Flood Control District to Colonies as the initial payment toward the settlement.

OVERT ACT 21

On or between January 29, 2007, and January 31, 2007, John Doe #1 hosted Defendant ERWIN and John Doe #3 on a private jet trip to New York and Washington, D.C., where he provided meals, refreshments, lodging, watches, entertainment, spending money, and prostitutes as gifts for their assistance in obtaining the Colonies settlement from the County.

OVERT ACT 22

On or between October 1, 2006, and February 14, 2007, Defendant POSTMUS told Aleman that he was going to receive \$100,000 from John Doe #1 for voting to approve the Colonies settlement. Defendant POSTMUS requested Aleman's assistance in creating a PAC that Defendant POSTMUS would secretly control to conceal the \$100,000 he received from John Doe #1.

OVERT ACT 23

On or between October 1, 2006, and February 14, 2007, Defendant POSTMUS advised Richman that he was going to be receiving a sum of money and asked Richman's assistance in creating a PAC using the names of his friends but that Defendant POSTMUS would secretly control.

OVERT ACT 24

On or about February 14, 2007, Defendant POSTMUS, Aleman, and Richman agreed to the creation of the Inland Empire PAC secretly controlled by Defendant POSTMUS but publicly listing Dino DeFazio as Chairman, Mike Gallagher-Vice-Chair, Jeff Bentow-Community Outreach Director, and Mike Richman as Executive Director.

OVERT ACT 25

On or about February 20, 2007, Defendant POSTMUS directed that Aleman create an e-mail account using DeFazio's name and asked Aleman to use the e-mail account to direct the creation of the Inland Empire PAC with DeFazio as the named Chairman and to further direct expenditures through the e-mail account as if Aleman were DeFazio.

OVERT ACT 26

On or between June 1, 2007, to July 12, 2007, Defendant POSTMUS, Aleman, and Richman agreed to the creation of the "Conservatives for a Republican Majority" PAC secretly controlled by Defendant POSTMUS but naming "Mike Richman" as the sole member of the Board of Directors and Executive Director.

OVERT ACT 27

On or about June 29, 2007, John Doe #1 signed check #4615 for \$50,000 from Colonies to the Inland Empire PAC secretly controlled by Defendant POSTMUS.

OVERT ACT 28

On or about June 29, 2007, John Doe #1 signed check # 4616 for \$50,000 from Colonies to the "Republicans for a Conservative Majority" PAC.

OVERT ACT 29

On or about July 5, 2007, Defendant POSTMUS arranged that check #4615 for \$50,000 be deposited into the Inland Empire PAC secretly controlled by Defendant POSTMUS.

OVERT ACT 30

On or about July 12, 2007, Defendant POSTMUS arranged the deposit of check #4616 for \$50,000 from Colonies to “Republicans for a Conservative Majority” into the “Conservatives for a Republican Majority” PAC secretly controlled by Defendant POSTMUS.

OVERT ACT 31

On or between July 5, 2007, and October 30, 2008, Defendant POSTMUS directed Aleman and Richman to disperse approximately \$50,000 from the Inland Empire PAC to Defendant POSTMUS’ campaign account without any consultation with the Board of Directors of the PAC.

OVERT ACT 32

On or between March 1, 2007, and October 30, 2008, Defendant POSTMUS used funds in his campaign account for personal meals and personal entertainment.

OVERT ACT 33

On or about March 18, 2007, John Doe #4 contacted a campaign accountant about establishing a PAC named the Alliance for Ethical Government.

OVERT ACT 34

On or about May 16, 2007, John Doe #1 wrote check #4533 for \$100,000 from Colonies to the Alliance for Ethical Government PAC.

OVERT ACT 35

On or about May 25, 2007, John Doe #4 directed his campaign accountant to complete the establishment of the Alliance for Ethical Government PAC that he secretly controlled.

OVERT ACT 36

On or about May 29, 2007, John Doe #4 arranged that check #4533 for \$100,000 be deposited into the Alliance for Ethical Government PAC that he secretly controlled.

OVERT ACT 37

On or about October 31, 2007, John Doe #4 submitted a campaign consulting contract valued at \$10,000 to the Alliance for Ethical Government PAC that he secretly controlled; payment was made to John Doe #4 on November 7, 2007.

OVERT ACT 38

On or about April 16, 2008, John Doe #4 submitted a campaign consulting contract valued at \$10,000 to the Alliance for Ethical Government PAC that he secretly controlled; payment was made to John Doe #4 on April 23, 2008.

OVERT ACT 39

On or between April 30, 2008, and May 16, 2008, the Alliance for Ethical Government PAC made non-monetary contributions in the amount of \$6,336.19 to John Doe #4's campaign for election to the Republican Central Committee.

OVERT ACT 40

On or about June 15, 2007, John Doe #1 and John Doe #2 signed check #4579 for \$100,000 from Colonies to the San Bernardino County Young Republicans PAC secretly controlled by John Doe #5.

OVERT ACT 41

On or between June 15, 2007, and September 15, 2008, John Doe #5 directed that the San Bernardino County Young Republicans PAC pay campaign expenses for John Doe #5 and fund the campaign account of John Doe #5.

OVERT ACT 42

On or about March 20, 2007, John Doe #1 wrote check #4417 for \$100,000 from Colonies to the Committee for Effective Government PAC, to be controlled by

Defendant ERWIN, to compensate Defendant ERWIN for his role in obtaining the votes needed to approve the settlement of the Colonies lawsuit.

OVERT ACT 43

On or about March 23, 2007, the Committee for Effective Government PAC was created by Defendant ERWIN with Defendant ERWIN as Chairman, Clyde Boyd-Vice-Chairman, Elizabeth Sanchez-Secretary, Betty Presley-Treasurer, Gloria Affatati-Boyd-Director, and Steven Hauer-Director.

OVERT ACT 44

On or about March 28, 2007, Defendant ERWIN arranged the deposit of check #4417 for \$100,000 into the Committee for Effective Government PAC controlled by Defendant ERWIN.

OVERT ACT 45

On or about September 15, 2008, Defendant ERWIN forged the signature of Director Steven Hauer on a payment authorization from the Committee for Effective Government PAC that directed the payment of \$5,000 to Defendant ERWIN; payment was made to Defendant ERWIN on the same date.

COUNT 2 (Penal Code §85)

BRIBING A LEGISLATIVE BODY MEMBER

On or about January 01, 2005, through July 12, 2007, in the above named judicial district, the crime of BRIBING A LEGISLATIVE BODY MEMBER, to wit: William John Postmus, in violation of PENAL CODE SECTION 85, a felony, was committed by JAMES HOWARD ERWIN, who on and between January 01, 2005, and July 12, 2007, did unlawfully, give and offer to give a bribe to a Member of the Legislature, to a member of a legislative body of a city, county, city and county, school district and other special district and to another person for the member, and attempted by menace, deceit, suppression of truth, and corrupt means, to influence a member in giving and withholding his and her vote, and in not attending the house and a committee of which he and she was a member.

COUNT 3 (Penal Code §85)  
BRIBING A LEGISLATIVE BODY MEMBER

On or about January 01, 2005, through June 15, 2007, in the above named judicial district, the crime of BRIBING A LEGISLATIVE BODY MEMBER, to wit: John Doe #5, in violation of PENAL CODE SECTION 85, a felony, was committed by JAMES HOWARD ERWIN, who on and between January 01, 2005, and June 15, 2007, did unlawfully, give and offer to give a bribe to a Member of the Legislature, to a member of a legislative body of a city, county, city and county, school district and other special district and to another person for the member, and attempted by menace, deceit, suppression of truth, and corrupt means, to influence a member in giving and withholding his and her vote, and in not attending the house and a committee of which he and she was a member.

COUNT 4 (Penal Code §165)  
BRIBERY

On or about January 01, 2005, through July 12, 2007, in the above named judicial district, the crime of BRIBERY, in violation of PENAL CODE SECTION 165, a felony, was committed by JAMES HOWARD ERWIN, who on or between January 01, 2005, and July 12, 2007, did unlawfully give and offer to give a bribe to a member of the San Bernardino County Board of Supervisors, to wit: William John Postmus, upon an understanding that his official vote, opinion, judgment, and action would be influenced thereby and given in a particular manner, and upon a particular side of a question and matter upon which he/she might be required to act in his/her official capacity.

COUNT 5 (Penal Code §165)  
BRIBERY

On or about January 01, 2005, through June 15, 2007, in the above named judicial district, the crime of BRIBERY, in violation of PENAL CODE SECTION 165, a felony, was committed by JAMES HOWARD ERWIN, who on and between January 01, 2005, and June 15, 2007, did unlawfully give and offer to give a bribe to a member of the San Bernardino County Board of Supervisors, to wit: John Doe #5, upon an understanding that his official vote, opinion, judgment, and action would be influenced thereby and given in a particular manner, and upon a particular side of a question and matter upon which he/she might be required to act in his/her official capacity.

COUNT 6 (Penal Code §518)

EXTORTION

On or about January 01, 2005, through November 28, 2006, in the above named judicial district, the crime of EXTORTION, in violation of PENAL CODE SECTION 518, a felony, was committed by JAMES HOWARD ERWIN, who on and between January 01, 2005, and November 28, 2006, extorted money and other property and obtained an official act of a public officer, to wit: William John Postmus, by means of force and threat such as is mentioned in Section 519.

COUNT 7 (Penal Code §518)

EXTORTION

On or about January 01, 2005, through November 28, 2006, in the above named judicial district, the crime of EXTORTION, in violation of PENAL CODE SECTION 518, a felony, was committed by JAMES HOWARD ERWIN, who on and between January 01, 2005, and November 28, 2006, extorted money and other property and obtained an official act of a public officer, to wit: John Doe #5, by means of force and threat such as is mentioned in Section 519.

COUNT 8 (Penal Code §86)

ASKING FOR/RECEIVING A BRIBE

On or about January 01, 2005, through July 12, 2007, in the above named judicial district, the crime of ASKING FOR/RECEIVING A BRIBE, in violation of PENAL CODE SECTION 86, a felony, was committed by WILLIAM JOHN POSTMUS, who on and between January 01, 2005, and July 12, 2007, being a Member of a house of the legislature and a member of the legislative body of a city, county, city and county, a school district, and other special district did ask, receive, and agree to receive a bribe upon an understanding that his and her official vote, opinion, judgment, and action should be influenced thereby, and gave in a particular matter and upon a particular side of a question and matter upon which he and she was required to act in his and her official capacity, and gave and offered and promised to give an official vote in consideration that another Member of the Legislature and another member of the legislative body of a city, county, city and county, school district, and other special district should give this vote on the same and another question.

COUNT 9 (Penal Code §165)

BRIBERY

On or about January 01, 2005, through July 12, 2007, in the above named judicial district, the crime of BRIBERY, in violation of PENAL CODE SECTION 165, a felony, was committed by WILLIAM JOHN POSTMUS, who on and between January 01, 2005, and July 12, 2007, did unlawfully, being a member of the San Bernardino County Board of Supervisors, receive, offer, and agree to receive a bribe upon an understanding that his/her official vote, opinion, judgment, and action would be influenced thereby and given in a particular manner, and upon a particular side of a question and matter upon which he/she might be required to act in his/her official capacity.

COUNT 10 (Government Code §1090)

CONFLICT OF INTEREST

On or about January 01, 2005, through November 28, 2006, in the above named judicial district, the crime of CONFLICT OF INTEREST, in violation of GOVERNMENT CODE SECTIONS 1090 and 1097, a felony, was committed by WILLIAM JOHN POSTMUS, who on and between January 01, 2005, and November 28, 2006, did, while a member of the San Bernardino County Board of Supervisors, knowingly and willingly become financially interested in a contract made by him in his official capacity, and by a body and board of which the defendant was a member.

COUNT 11 (Penal Code §424)

PUBLIC OFFICER CRIME

On or about November 28, 2006, in the above named judicial district, the crime of PUBLIC OFFICER CRIME, in violation of PENAL CODE SECTION 424, a felony, was committed by WILLIAM JOHN POSTMUS and JAMES HOWARD ERWIN, who being a person described in Penal Code section 424 charged with the receipt, safekeeping, transfer, and distribution of public moneys, did in a manner not incidental and minimal without authority of law, appropriate the same, and a portion thereof, to personal use and the use of another and did in a manner not incidental and minimal without authority of law, appropriate the same and a portion thereof, to personal use and the use of

another and loaned the same or any portion thereof and made a profit out of and used the same for any purpose not authorized by law and fraudulently altered, falsified, concealed, destroyed, and obliterated any account.

COUNT 12 (Penal Code §470(a) and (d))  
FORGERY

On or about September 15, 2008, in the above named judicial district, the crime of FORGERY, in violation of PENAL CODE SECTIONS 470(a) and (d), a felony, was committed by JAMES HOWARD ERWIN, did, with the intent to defraud, and knowingly without authority to do so, sign the name of another person and of a fictitious person, to wit: Steve Hauer, and falsely make, alter, forge and counterfeit, utter, publish, pass and attempt to offer to pass, as true and genuine, Authorization for Payment of Invoice, knowing the same to be false, altered, forged and counterfeited.

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NOTICE TO DEFENDANT AND DEFENDANT'S ATTORNEY

Pursuant to Penal Code Sections 1054.5.(b), the People are hereby informally requesting that defense counsel provide discovery to the People as required by Penal Code Section 1054.3.

NOTICE TO ATTORNEY

The materials accompanying this notice may include information about witnesses. If so, these materials are disclosed to you pursuant to Penal Code section 1054.2 which provides: "No attorney may disclose or permit to be disclosed to a defendant the address or telephone number of a victim or witness whose name is disclosed to the attorney pursuant to subdivision (a) of Section 1054.1 unless specifically permitted to do so by the court after a hearing and a showing of good cause."

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THIS COMPLAINT CONSISTS OF 12 COUNT(S).

Executed at San Bernardino, California, on February 9, 2010.

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H. Randles

DECLARANT AND COMPLAINANT

Agency: District Attorney B of I-Central

Prelim Est. 00:00

Defendant	Birth Date	Booking No.	CII No.	NCIC
William John Postmus	05/03/1971			
James Howard Erwin	09/08/1962			