

STATE OF MAINE
PENOBSCOT, ss

SUPERIOR COURT
CRIMINAL ACTION
DOCKET NO. CR-05-

STATE OF MAINE	)	INDICTMENT FOR FOUR COUNTS
	)	OF THEFT BY DECEPTION
v.	)	(17-A M.R.S.A. § 354) [COUNTS I, II,
	)	III, AND IV (CLASS B)], ONE
WILLIAM A. GOURLEY	)	COUNT OF SALE OF
(DOB: 8/4/1942)	)	UNREGISTERED SECURITIES
ATN: 385612A	)	(32 M.R.S.A. §§ 10401, 10602)
CTN: 001 (Count I), 002 (Count II),	)	[COUNT V (CLASS C)], AND ONE
003 (Count III), 004 (Count IV),	)	COUNT OF SECURITIES FRAUD
005 (Count V), 006 (Count VI)	)	(32 M.R.S.A. §§ 10201, 10602)
	)	[COUNT VI (CLASS C)]
Defendant.)	

THE GRAND JURY CHARGES:

COUNT I
(Theft by Deception)

From on or about July 17, 1999, through on or about July 14, 2003, in the Counties of Penobscot and Piscataquis, State of Maine, Defendant William A. Gourley did commit theft pursuant to one scheme or course of conduct by obtaining property of the individuals identified in Exhibit A hereto, which is incorporated in this Count by reference, such property consisting of money having an aggregate value in excess of \$10,000.00, with the intent to deprive the individuals identified in Exhibit A thereof and as a result of deception, in that Defendant did intentionally fail to disclose known liens, adverse claims, and legal impediments to the enjoyment of property that the Defendant encumbered in consideration for the money obtained, all in violation of 17-A M.R.S.A. §§ 352(5)(E), 354, and 362(1) & (2)(A) (1983 & Supp. 1999).

COUNT II
(Theft by Deception)

From on or about September 19, 1999, through on or about December 4, 2003, in the Counties of Penobscot, Somerset, and Waldo, State of Maine, Defendant William A. Gourley did commit theft pursuant to one scheme or course of conduct by obtaining property of the individuals identified in Exhibit B hereto, which is incorporated in this Count by reference, such property consisting of money and notes having an aggregate value in excess of \$10,000.00, with the intent to deprive the individuals identified in Exhibit B thereof and as a result of deception, in that Defendant did intentionally fail to disclose known liens, adverse claims, and legal impediments to the enjoyment of property that the Defendant transferred in consideration for the money and notes obtained, all in violation of 17-A M.R.S.A. §§ 352(5)(E), 354, and 362(1) & (2)(A) (1983 & Supp. 1999).

COUNT III
(Theft by Deception)

From on or about September 27, 1999, through on or about December 5, 2003, in the Counties of Penobscot, Somerset, and Waldo, State of Maine, Defendant William A. Gourley did commit theft pursuant to one scheme or course of conduct by obtaining property of the individuals identified in Exhibit C hereto, which is incorporated in this Count by reference, such property consisting of money having an aggregate value in excess of \$10,000.00, with the intent to deprive the individuals identified in Exhibit C thereof and as a result of deception, in that Defendant did intentionally fail to disclose known liens, adverse claims, and legal impediments to the enjoyment of property that the Defendant transferred in consideration for the money obtained, all in violation of 17-A M.R.S.A. §§ 352(5)(E), 354, and 362(1) & (2)(A) (1983 & Supp. 1999).

COUNT IV
(Theft by Deception)

From on or about May 7, 2001, through on or about February 3, 2003, in the Counties of Penobscot and Somerset, State of Maine, Defendant William A. Gourley did commit theft pursuant to one scheme or course of conduct by obtaining property of the individuals identified in Exhibit D hereto, which is incorporated in this Count by reference, such property consisting of money having an aggregate value in excess of \$10,000.00, with the intent to deprive the individuals identified in Exhibit D thereof and as a result of deception, in that Defendant did intentionally fail to disclose known liens, adverse claims, and legal impediments to the enjoyment of property that the Defendant encumbered in consideration for the money obtained, all in violation of 17-A M.R.S.A. §§ 352(5)(E), 354, and 362(1) & (2)(A) (1983 & Supp. 2001).

COUNT V
(Sale of Unregistered Securities)

From on or about July 17, 1999, through on or about July 14, 2003, in the Counties of Penobscot and Piscataquis, State of Maine, Defendant William A. Gourley did, pursuant to one scheme or course of conduct, intentionally or knowingly offer and sell securities, namely notes secured by mortgages on three parcels of land owned by Defendant and Barbara R. Gourley in Dexter and Sangerville, State of Maine, knowing that the securities were not registered under the Revised Maine Securities Act, all in violation of 32 M.R.S.A. §§ 10401 & 10604(1)(A) (1999).

COUNT VI
(Securities Fraud)

From on or about July 17, 1999, through on or about July 14, 2003, in the Counties of Penobscot and Piscataquis, State of Maine, Defendant William A. Gourley, pursuant to one scheme or course of conduct and in connection with the offer and sale of securities, namely notes secured by mortgages on three parcels of land owned by Defendant and Barbara R. Gourley in Dexter and Sangerville, State of Maine, did intentionally or knowingly engage in a course of business that would and did operate as a fraud or deceit upon the persons identified in Exhibit A hereto and did intentionally or knowingly fail to disclose material facts, the disclosure of which was necessary to make other statements made by Defendant, in the light of the circumstances under which they were made, not misleading, to wit, Defendant intentionally or knowingly failed to disclose to the persons identified in Exhibit A hereto the presence of existing mortgages on the three parcels and the amounts owed on those mortgages, which amounts exceeded the value of the three parcels, all in violation of 32 M.R.S.A. §§ 10201 & 10604(1)(A) (1999).

A TRUE BILL.

DATED: July 5, 2005

FOREMAN