

DATE OF INDICTMENT
December 10, 2007

CAUSE NO. 07-2148-CR

THE STATE OF TEXAS

OFFENSES
SECURING EXECUTION OF A
DOCUMENT BY DECEPTION

VS.

TPC § 32.46 (a)(1)

First Degree Felonies

JAMES MICHAEL STORY
(WM) (DOB: 10-06-1951)
TEXAS DL 06211638
138 WAMPUM WAY
SEGUIN, TEXAS 78155

FILED
12:45 PM

DEC 10 2007

DEBRA CROW
Clerk, Dist. Court, Guadalupe Co. Tx. Deputy

INDICTMENT

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS:

THE GRAND JURORS for Guadalupe County, Texas, duly organized as such at the October Term, A.D., 2007, of the 25th District Court of Guadalupe County, Texas, upon oath in said Court present that, before the presentment of this indictment, in Guadalupe County, Texas,

COUNT I

JAMES MICHAEL STORY, hereafter styled the Defendant, on or about October 31, 2003, did then and there with intent to harm or defraud the First Commercial Bank, by deception, to-wit: Defendant inflated the value of the trade accounts receivables owed to Story Communications on reports provided to First Commercial Bank, cause Mark Long, the president of First Commercial Bank, to sign or execute a document affecting the pecuniary interest of First Commercial Bank, the value of said pecuniary interest being \$200,000 or more, and said document is of the tenor following: Business Loan Agreement;

COUNT II

The Grand Jury further presents that on or about May 28, 2004, in Guadalupe County, Texas, **JAMES MICHAEL STORY**, hereafter styled the Defendant, did then and there with intent to harm or defraud the First Commercial Bank, by deception, to-wit: Defendant inflated the value of the trade accounts receivables owed to Story Communications on reports provided to First Commercial Bank, cause Mark Long, the president of First Commercial Bank, to sign or execute a document affecting the pecuniary interest of First Commercial Bank, the value of said pecuniary interest being \$200,000 or more, and said document is of the tenor following: Modification and Extension Agreement;

COUNT III

The Grand Jury further presents that on or about September 29, 2004, in Guadalupe County, Texas, **JAMES MICHAEL STORY**, hereafter styled the Defendant, did then and there with intent to harm or defraud the First Commercial Bank, by deception, to-wit: Defendant inflated the value of the trade accounts receivables owed to Story Communications on reports provided to First Commercial Bank, cause Mark Long, the president of First Commercial Bank, to sign or execute a document affecting the pecuniary interest of First Commercial Bank, the value of said pecuniary interest being \$200,000 or more, and said document is of the tenor following: Modification and Extension Agreement;

COUNT IV

The Grand Jury further presents that on or about March 30, 2005, in Guadalupe County, Texas,

JAMES MICHAEL STORY, hereafter styled the Defendant, did then and there with intent to harm or defraud the First Commercial Bank, by deception, to-wit: Defendant inflated the value of the trade accounts receivables owed to Story Communications on reports provided to First Commercial Bank, cause Mark Long, the president of First Commercial Bank, to sign or execute a document affecting the pecuniary interest of First Commercial Bank, the value of said pecuniary interest being \$200,000 or more, and said document is of the tenor following:
Modification Agreement;

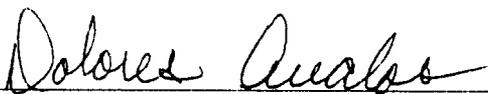
COUNT V

The Grand Jury further presents that on or about August 30, 2005, in Guadalupe County, Texas, **JAMES MICHAEL STORY**, hereafter styled the Defendant, did then and there with intent to harm or defraud the First Commercial Bank, by deception, to-wit: Defendant inflated the value of the trade accounts receivables owed to Story Communications on reports provided to First Commercial Bank, cause Shawn Martinez, the vice president of First Commercial Bank, to sign or execute a document affecting the pecuniary interest of First Commercial Bank, the value of said pecuniary interest being \$200,000 or more, and said document is of the tenor following:
Modification Agreement;

COUNT VI

The Grand Jury further presents that on or about February 28, 2006, in Guadalupe County, Texas, **JAMES MICHAEL STORY**, hereafter styled the Defendant, did then and there with intent to harm or defraud the First Commercial Bank, by deception, to-wit: Defendant inflated the value of the trade accounts receivables owed to Story Communications on reports provided to First Commercial Bank, cause Shawn Martinez, the vice president of First Commercial Bank, to sign or execute a document affecting the pecuniary interest of First Commercial Bank, the value of said pecuniary interest being \$200,000 or more, and said document is of the tenor following:
Modification Agreement;

AGAINST THE PEACE AND DIGNITY OF THE STATE.


FOREMAN OF THE GRAND JURY

DATE OF INDICTMENT
December 10, 2007

CAUSE NO. 07-2169-CR

THE STATE OF TEXAS

OFFENSE
MISAPPLICATION OF FIDUCIARY
PROPERTY

VS.

TPC § 32.45
Third Degree Felony

JAMES MICHAEL STORY
(WM) (DOB: 10-06-1951)
TEXAS DL 06211638
138 WAMPUM WAY
SEGUIN, TEXAS 78155

F I L E D
12-10-07 M

DEC 10 2007

DEBRA CROW
Clerk, Dist. Court, Guadalupe Co. Tx.
Deputy

INDICTMENT

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS:

THE GRAND JURORS for Guadalupe County, Texas, duly organized as such at the October Term, A.D., 2007, of the 25th District Court of Guadalupe County, Texas, upon oath in said Court present that, before the presentment of this indictment, in Guadalupe County, Texas,

JAMES MICHAEL STORY

hereafter styled the Defendant, did then and there intentionally, knowingly and recklessly misapply property, to-wit: money withheld from employees' paychecks for deposit into their individual 401-K accounts, that Defendant held as a fiduciary or as a person acting in fiduciary capacity, contrary to a law prescribing the custody and disposition of said property, to-wit: the Employee Retirement Income Security Act, and the Internal Revenue Code and rules and regulations promulgated under these laws, in a manner that involved substantial risk of loss to said employees, the owners of said property and the persons for whose benefit the property was held, by failing to remit money to the provider of the 401-K plan in the following instances:

Paragraph 1. On or about and between October 1, 2003 and November 15, 2004, Defendant misapplied money withheld from Kristie Brashears' paychecks for deposit into her 401-K account, in a manner that involved substantial risk of loss to Kristie Brashears, the owner of said property and the person for whose benefit the property was held, by failing to remit money to the provider of the 401-K plan,

Paragraph 2. On or about and between October 1, 2003 and September 30, 2005, Defendant misapplied money withheld from Gregory Chapman's paychecks for deposit into his 401-K account, in a manner that involved substantial risk of loss to Gregory Chapman, the owner of said property and the person for whose benefit the property was held, by failing to remit money to the provider of the 401-K plan,

Paragraph 3. On or about and between October 1, 2003 and August 1, 2004, Defendant misapplied money withheld from Beth Hale's paychecks for deposit into her 401-K account, in a manner that involved substantial risk of loss to Beth Hale, the owner of said property and the person for whose benefit the property was held, by failing to remit money to the provider of the 401-K plan,

Paragraph 4. On or about and between October 1, 2003 and May 15, 2005, Defendant misapplied money withheld from Shelley Johnston's paychecks for deposit into her 401-K account, in a manner that involved substantial risk of loss to Shelley Johnston, the owner of said property and the person for whose benefit the property was held, by failing to remit money to the provider of the 401-K plan,

Paragraph 5. On or about and between October 1, 2003 and April 1, 2004, Defendant misapplied money withheld from Yadira Medrano's paychecks for deposit into her 401-K account, in a manner that involved substantial risk of loss to Yadira Medrano, the owner of said property and the person for whose benefit the property was held, by failing to remit money to the provider of the 401-K plan,

Paragraph 6. On or about and between October 1, 2003 and August 15, 2006, Defendant misapplied money withheld from Westley Morris' paychecks for deposit into his 401-K account, in a manner that involved substantial risk of loss to Westley Morris, the owner of said property and the person for whose benefit the property was held, by failing to remit money to the provider of the 401-K plan,

Paragraph 7. On or about and between August 15, 2003 and July 15, 2005, Defendant misapplied money withheld from Brenda Mrazek's paychecks for deposit into her 401-K account, in a manner that involved substantial risk of loss to Brenda Mrazek, the owner of said property and the person for whose benefit the property was held, by failing to remit money to the provider of the 401-K plan,

Paragraph 8. On or about and between October 1, 2003 and March 1, 2005, Defendant misapplied money withheld from Kelli Perrill's paychecks for deposit into her 401-K account, in a manner that involved substantial risk of loss to Kelli Perrill, the owner of said property and the person for whose benefit the property was held, by failing to remit money to the provider of the 401-K plan,

Paragraph 9. On or about and between October 1, 2003 and December 15, 2004, Defendant misapplied money withheld from Maria Claudia Redd's paychecks for deposit into her 401-K account, in a manner that involved substantial risk of loss to Maria Claudia Redd, the owner of said property and the person for whose benefit the property was held, by failing to remit money to the provider of the 401-K plan,

Paragraph 10. On or about and between October 1, 2003 and April 15, 2006, Defendant misapplied money withheld from Rebecca Schmidt's paychecks for deposit into her 401-K account, in a manner that involved substantial risk of loss to Rebecca Schmidt, the owner of said property and the person for whose benefit the property was held, by failing to remit money to the provider of the 401-K plan,

Paragraph 11. On or about and between October 1, 2003 and July 1, 2004, Defendant misapplied money withheld from Jana Springs' paychecks for deposit into her 401-K account, in a manner that involved substantial risk of loss to Jana Springs, the owner of said property and the person for whose benefit the property was held, by failing to remit money to the provider of the 401-K plan,

Paragraph 12. On or about and between October 1, 2003 and May 15, 2004, Defendant misapplied money withheld from Donna Vincent's paychecks for deposit into her 401-K account, in a manner that involved substantial risk of loss to Donna Vincent, the owner of said property and the person for whose benefit the property was held, by failing to remit money to the provider of the 401-K plan,

Paragraph 13. On or about and between October 1, 2003 and August 15, 2006, Defendant misapplied money withheld from Kimberly Wiemann's paychecks for deposit into her 401-K account, in a manner that involved substantial risk of loss to Kimberly Wiemann, the owner of said property and the person for whose benefit the property was held, by failing to remit money to the provider of the 401-K plan,

Paragraph 14. On or about and between August 15, 2003 and December 15, 2003, Defendant misapplied money withheld from Dawn Butrym's paychecks for deposit into her 401-K account, in a manner that involved substantial risk of loss to Dawn Butrym, the owner of said property and the person for whose benefit the property was held, by failing to remit money to the provider of the 401-K plan,

Paragraph 15. On or about and between December 1, 2003 and April 1, 2004, Defendant misapplied money withheld from Steven Butrym's paychecks for deposit into his 401-K account,

in a manner that involved substantial risk of loss to Steven Butrym, the owner of said property and the person for whose benefit the property was held, by failing to remit money to the provider of the 401-K plan,

Paragraph 16. On or about and between August 15, 2003 and December 15, 2003, Defendant misapplied money withheld from Aaron McMillan's paychecks for deposit into his 401-K account, in a manner that involved substantial risk of loss to Aaron McMillan, the owner of said property and the person for whose benefit the property was held, by failing to remit money to the provider of the 401-K plan,

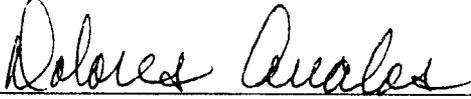
Paragraph 17. On or about and between August 15, 2003 and September 15, 2006, Defendant misapplied money withheld from Tammy Reilly's paychecks for deposit into her 401-K account, in a manner that involved substantial risk of loss to Tammy Reilly, the owner of said property and the person for whose benefit the property was held, by failing to remit money to the provider of the 401-K plan,

Paragraph 18. On or about and between January 1, 2006 and September 15, 2006, Defendant misapplied money withheld from William Reilly's paychecks for deposit into her 401-K account, in a manner that involved substantial risk of loss to Tammy Reilly, the owner of said property and the person for whose benefit the property was held, by failing to remit money to the provider of the 401-K plan,

Paragraph 19. On or about and between August 15, 2003 and June 15, 2005, Defendant misapplied money withheld from Kristin Seidenschwarz's paychecks for deposit into her 401-K account, in a manner that involved substantial risk of loss to Kristin Seidenschwarz, the owner of said property and the person for whose benefit the property was held, by failing to remit money to the provider of the 401-K plan

And it is further presented in and to said court that all of the said amounts were misapplied pursuant to one scheme or continuing course of conduct, and the aggregate value of the property misapplied was \$20,000 or more but less than \$100,000,

AGAINST THE PEACE AND DIGNITY OF THE STATE.


FOREMAN OF THE GRAND JURY

DATE OF INDICTMENT
December 10, 2007

CAUSE NO. 07-270-CR

THE STATE OF TEXAS

OFFENSE
MISAPPLICATION OF FIDUCIARY
PROPERTY
TPC § 32.45
First Degree Felony

VS.

JAMES MICHAEL STORY
(WM) (DOB: 10-06-1951)
TEXAS DL 06211638
138 WAMPUM WAY
SEGUIN, TEXAS 78155

INDICTMENT

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS:

THE GRAND JURORS for Guadalupe County, Texas, duly organized as such at the October Term, A.D., 2007, of the 25th District Court of Guadalupe County, Texas, upon oath in said Court present that, before the presentment of this indictment, in Guadalupe County, Texas,

JAMES MICHAEL STORY

hereafter styled the Defendant, did then and there on or about and between January 1, 2005 and July 31, 2006, intentionally, knowingly and recklessly misapply property, to wit: money belonging to the Seguin Media Group (hereafter "SMG"), pursuant to one scheme or continuing course of conduct of a value of \$200,000 or more, that the Defendant held as a fiduciary or as a person acting in fiduciary capacity, contrary to an agreement under which the Defendant held the property, in a manner that involved substantial risk of loss to the Defendant's partners in SMG, the owners of said property and the persons for whose benefit the property was held, by using, transferring, issuing checks and otherwise expending money of SMG to pay for debts, services and other expenses that benefitted Story Communications, Webstar and the Defendant, personally,

AGAINST THE PEACE AND DIGNITY OF THE STATE.

FILED
12:45 P M

DEC 10 2007

DEBRA CHOW
Clerk, Dist. Court, Guadalupe Co. Tx
Deputy

Dolores Aguilar
FOREMAN OF THE GRAND JURY