

DEC 15 2023

FIRST JUDICIAL DISTRICT COURT
COUNTY OF SANTA FE
STATE OF NEW MEXICO

Santa Fe, Rio Arriba &
Los Alamos Counties
PO Box 2288
Santa Fe, NM 87504-2288

STATE OF NEW MEXICO,

No: D-0101-CR-202300 464
Judge: T. GLENN ELLINGTON

Plaintiff,

vs.

LOVELESS JOHNSON,
A.K.A. LOVELESS JOHNSON III,
DOB: XX-XX-1965
SSN: XXX-XX-3344
SSN: XXX-XX-3444

Defendant.

CRIMES: Securities Fraud (6 counts), Offer or Sale of an Unregistered Security (6 counts)

GRAND JURY INDICTMENT

THE GRAND JURY CHARGES:

COUNT 1: SECURITIES FRAUD (5797), in that on, or about, or between the 3rd day of June, 2019 and the 3rd day of December, 2019 in Santa Fe County, New Mexico, the above-named defendant did sell and/or offer to sell a security, and in connection with the sale and/or offer to sell the security, the defendant purposely and directly or indirectly omitted a fact necessary to make a statement made, in light of the circumstances pursuant to which it was made, not misleading to the investment decision of a reasonable person, contrary to Section 58-13C-501, NMSA 1978.

The defendant did sell and/or offer to sell a security to Joseph Romero.

In connection with the offer and/or sale of the said security, the defendant omitted a fact necessary to make a statement made, in light of the circumstances pursuant to which it was made, not misleading to the investment decision of a reasonable person. The omitted fact or facts include, but are not limited to the following:

- On or about July 7, 2005, in Santa Fe, New Mexico, the defendant was convicted of fraud and forgery;
- The defendant had a criminal case pending in the Superior Court of Arizona in Coconino County in which he was charged with sale of unregistered securities and transaction by unregistered dealer or salesman;
- The defendant had multiple lawsuits and resulting judgments against him for outstanding financial debts;
- The defendant was using investor money for the defendant's personal expenses;

- At the time of Romero's investments, AmeriGreen Organics LLC ("AGO") had little or no capital.

COUNT 2: OFFER OR SALE OF AN UNREGISTERED SECURITY (6681), in that on, or about, or between the 3rd day of June, 2019 and the 3rd day of December, 2019 in Santa Fe County, New Mexico, the above-named defendant did sell and/or offer to sell a security to Joseph Romero that was required to be registered and that was not registered as required under the New Mexico Uniform Securities Act, contrary to Section 58-13C-301, NMSA 1978.

COUNT 3: SECURITIES FRAUD (5797), in that on, or about, or between the 21st day of August, 2019 and the 27th day of August, 2019 in Santa Fe County, New Mexico, the above-named defendant did sell and/or offer to sell a security, and in connection with the sale and/or offer to sell the security the defendant purposely and directly or indirectly made an untrue statement of fact that under the circumstances would have been important or significant to the investment decision of a reasonable person and/or omitted a fact necessary to make a statement made, in light of the circumstances pursuant to which it was made, not misleading to the investment decision of a reasonable person, contrary to Section 58-13C-501, NMSA 1978.

The defendant did sell and/or offer to sell a security to Nancy Garcia-Tafoya.

In connection with the sale and/or offer to sell the said security, the defendant purposely made an untrue statement of fact that under the circumstances would have been misleading to the investment decision of a reasonable person. The untrue statement includes, but is not limited to the following:

- AGO would only accept investments under \$150,000 from unaccredited investors, until 8/28/2019 at 5 pm EDT.

In connection with the offer and/or sale of the said security, the defendant omitted a fact necessary to make a statement made, in light of the circumstances pursuant to which it was made, not misleading to the investment decision of a reasonable person. The omitted fact or facts include, but are not limited to the following:

- On or about July 7, 2005, in Santa Fe, New Mexico, the defendant was convicted of fraud and forgery;
- The defendant had a criminal case pending in the Superior Court of Arizona in Coconino County in which he was charged with Sale of Unregistered Securities and Transaction by Unregistered Dealer or Salesman;
- The defendant had multiple lawsuits and resulting judgments against him for outstanding financial debts;
- The defendant was using investor money for the defendant's personal expenses;
- At the time of Garcia-Tafoya's investment, AGO had little or no capital.

COUNT 4: OFFER OR SALE OF AN UNREGISTERED SECURITY (6681), in that on, or about, or between the 21st day of August, 2019 and the 27th day of August, 2019, in Santa Fe County, New Mexico, the above-named defendant did sell and/or offer to sell a security to Nancy

Garcia-Tafoya that was required to be registered and that was not registered as required under the New Mexico Uniform Securities Act, contrary to Section 58-13C-301, NMSA 1978.

COUNT 5: SECURITIES FRAUD (5797), in that on, or about, or between the 24th day of August, 2019 and the 28th day of August, 2019, in Santa Fe County, New Mexico, the above-named defendant did sell and/or offer to sell a security, and in connection with the sale and/or offer to sell the security the defendant purposely and directly or indirectly made an untrue statement of fact that under the circumstances would have been important or significant to the investment decision of a reasonable person and/or omitted a fact necessary to make a statement made, in light of the circumstances pursuant to which it was made, not misleading to the investment decision of a reasonable person, contrary to Section 58-13C-501, NMSA 1978.

The defendant did sell and/or offer to sell a security to Lisa Kirby.

In connection with the sale and/or offer to sell the said security, the defendant purposely made an untrue statement of fact that under the circumstances would have been misleading to the investment decision of a reasonable person. The untrue statement includes, but is not limited to the following:

- AGO would only accept investments under \$150,000 from unaccredited investors, until 8/30/2019 at 5:00 pm EDT.

In connection with the offer and/or sale of the said security, the defendant omitted a fact necessary to make a statement made, in light of the circumstances pursuant to which it was made, not misleading to the investment decision of a reasonable person. The omitted fact or facts include, but are not limited to the following:

- On or about July 7, 2005, in Santa Fe, New Mexico, the defendant was convicted of felony-level fraud and forgery;
- The defendant had a criminal case pending in the Superior Court of Arizona in Coconino County in which he was charged with Sale of Unregistered Securities and Transaction by Unregistered Dealer or Salesman;
- The defendant had multiple lawsuits and resulting judgments against him for outstanding financial debts;
- The defendant was using investor money for the defendant's personal expenses;
- At the time of Lisa Kirby's investment, AGO had little or no capital.

COUNT 6: OFFER OR SALE OF AN UNREGISTERED SECURITY (6681), in that on, or about, or between the 24th day of August, 2019 and the 28th day of August, 2019, in Santa Fe County, New Mexico, the above-named defendant did sell and/or offer to sell a security to Lisa Kirby that was required to be registered and that was not registered as required under the New Mexico Uniform Securities Act, contrary to Section 58-13C-301, NMSA 1978.

COUNT 7: SECURITIES FRAUD (5797), in that on, or about, or between the 26th day of August, 2019 and the 28th day of August, 2019 in Santa Fe County, New Mexico, the above-named defendant did sell and/or offer to sell a security, and in connection with the sale and/or offer to sell

the security the defendant purposely and directly or indirectly made an untrue statement of fact that under the circumstances would have been important or significant to the investment decision of a reasonable person and/or omitted a fact necessary to make a statement made, in light of the circumstances pursuant to which it was made, not misleading to the investment decision of a reasonable person, contrary to Section 58-13C-501, NMSA 1978.

The defendant did sell and/or offer to sell a security to Paul Broadhead.

In connection with the sale and/or offer to sell the said security, the defendant purposely made an untrue statement of fact that under the circumstances would have been misleading to the investment decision of a reasonable person. The untrue statement includes, but is not limited to the following:

- AGO would only accept investments under \$150,000 from unaccredited investors, until 8/28/2019 at 5 pm EDT.

In connection with the offer and/or sale of the said security, the defendant omitted a fact necessary to make a statement made, in light of the circumstances pursuant to which it was made, not misleading to the investment decision of a reasonable person. The omitted fact or facts include, but are not limited to the following:

- On or about July 7, 2005, in Santa Fe, New Mexico, the defendant was convicted of felony-level fraud and forgery;
- The defendant had a criminal case pending in the Superior Court of Arizona in Coconino County in which he was charged with Sale of Unregistered Securities and Transaction by Unregistered Dealer or Salesman;
- The defendant had multiple lawsuits and resulting judgments against him for outstanding financial debts;
- The defendant was using investor money for the defendant's personal expenses;
- At the time of Broadhead's investment, AGO had little or no capital.

COUNT 8: OFFER OR SALE OF AN UNREGISTERED SECURITY (6681), in that on, or about or between the 26th day of August, 2019 and the 28th day of August, 2019 in Santa Fe County, New Mexico, the above-named defendant did sell and/or offer to sell a security to Paul Broadhead that was required to be registered and that was not registered as required under the New Mexico Uniform Securities Act, contrary to Section 58-13C-301, NMSA 1978.

COUNT 9: SECURITIES FRAUD (5797), in that on, or about, or between the 26th day of August, 2019 and the 3rd day of September, 2019 in Santa Fe County, New Mexico, the above-named defendant did sell and/or offer to sell a security, and in connection with the sale and/or offer to sell the security the defendant purposely and directly or indirectly made an untrue statement of fact that under the circumstances would have been important or significant to the investment decision of a reasonable person and/or omitted a fact necessary to make a statement made, in light of the circumstances pursuant to which it was made, not misleading to the investment decision of a reasonable person, contrary to Section 58-13C-501, NMSA 1978.

The defendant did sell and/or offer to sell a security to James Bullwinkle.

In connection with the sale and/or offer to sell the said security, the defendant purposely made an untrue statement of fact that under the circumstances would have been misleading to the investment decision of a reasonable person. The untrue statement includes, but is not limited to the following:

- AGO would only accept investments under \$150,000 from unaccredited investors, until August 28, 2019, at 5:00 pm EDT.

In connection with the offer and/or sale of the said security, the defendant omitted a fact necessary to make a statement made, in light of the circumstances pursuant to which it was made, not misleading to the investment decision of a reasonable person. The omitted fact or facts include, but are not limited to the following:

- On or about July 7, 2005, in Santa Fe, New Mexico, the defendant was convicted of felony-level fraud and forgery;
- The defendant had a criminal case pending in the Superior Court of Arizona in Coconino County in which he was charged with Sale of Unregistered Securities and Transaction by Unregistered Dealer or Salesman;
- The defendant had multiple lawsuits and resulting judgments against him for outstanding financial debts;
- The defendant was using investor money for the defendant's personal expenses.

COUNT 10: OFFER OR SALE OF AN UNREGISTERED SECURITY (6681), in that on, or about, or between the 26th day of August, 2019 and the 3rd day of September, 2019 in Santa Fe County, New Mexico, the above-named defendant did sell and/or offer to sell a security to James Bullwinkle that was required to be registered and that was not registered as required under the New Mexico Uniform Securities Act, contrary to Section 58-13C-301, NMSA 1978.

COUNT 11: SECURITIES FRAUD (5797), in that on, or about, or between the 28th day of August, 2019 and the 13th day of September, 2019 in Santa Fe County, New Mexico, the above-named defendant did sell and/or offer to sell a security, and in connection with the sale and/or offer to sell the security the defendant purposely and directly or indirectly made an untrue statement of fact that under the circumstances would have been important or significant to the investment decision of a reasonable person and/or omitted a fact necessary to make a statement made, in light of the circumstances pursuant to which it was made, not misleading to the investment decision of a reasonable person, contrary to Section 58-13C-501, NMSA 1978.

The defendant did sell and/or offer to sell a security to John Diehl.

In connection with the sale and/or offer to sell the said security, the defendant purposely made an untrue statement of fact that under the circumstances would have been misleading to the investment decision of a reasonable person. The untrue statement includes, but is not limited to the following:

- AGO would only accept investments under \$150,000 from unaccredited investors, until September 3, 2019, at 5:00 pm EDT.

In connection with the offer and/or sale of the said security, the defendant omitted a fact necessary to make a statement made, in light of the circumstances pursuant to which it was made, not misleading to the investment decision of a reasonable person. The omitted fact or facts include, but are not limited to the following:

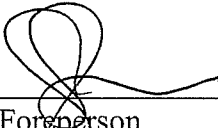
- On or about July 7, 2005, in Santa Fe, New Mexico, the defendant was convicted of felony-level fraud and forgery;
- The defendant had a case pending in the Superior Court of Arizona in Coconino County in which he was charged with the felonies of Sale of Unregistered Securities and Transaction by Unregistered Dealer or Salesman;
- The defendant had multiple lawsuits and resulting judgments against him for outstanding financial debts;
- The defendant was using investor money for the defendant's personal expenses.

COUNT 12: OFFER OR SALE OF AN UNREGISTERED SECURITY (6681), in that on, or about, or between the 28th day of August, 2019 and the 13th day of September, 2019, in Santa Fe County, New Mexico, the above-named defendant did sell and/or offer to sell a to John Diehl that was required to be registered and that was not registered as required under the New Mexico Uniform Securities Act, contrary to Section 58-13C-301, NMSA 1978.

The names of the witnesses upon whose testimony this Indictment is based are:

Special Agent Robert Barr
Nona Lane

I hereby certify that the foregoing is a True Bill.

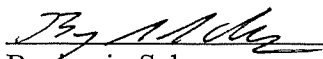


Foreperson

12/14/23

Date

MARY CARMACK-ALTWIES
DISTRICT ATTORNEY



Benjamin Schroepe
Special Assistant District Attorney

12.14.23

Date