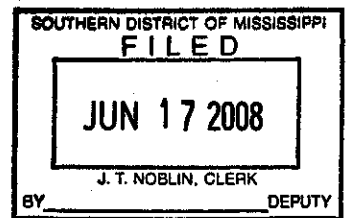


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION



UNITED STATES OF AMERICA

v.

CRIMINAL NO. *3:08-cr-89-DPS-JS*

DWAYNE G. DEER

18 U.S.C. § 371

The United States Attorney charges:

At all times relevant to this information:

1. Defendant **DWAYNE G. DEER** (hereafter "**DEER**") was an attorney licensed to practice law in the State of Mississippi.
2. Defendant **DEER** provided title opinions and commitments in real property transactions on behalf of Statewide Realty Holdings, LLC, (hereafter "Statewide Realty"), which operated as a real estate enterprise in Pike County, Mississippi, and elsewhere, from December 31, 2003 through December 2007.
3. Defendant **DEER** provided title opinions and commitments in real property transactions on behalf of Todd Phillips Investments, Inc., (hereafter "TPI"), which operated as a real estate enterprise in Pike County, Mississippi, and elsewhere, from July 1998 through December 2007.
4. Statewide Realty and TPI owned real properties throughout the State of Mississippi for investment or development purposes.
5. Beginning in or about March 2003 and continuing through in or about January 2006, in Pike County in the Jackson Division of the Southern District of Mississippi and elsewhere, the

defendant **DWAYNE G. DEER** did knowingly and willfully conspire with others known and unknown to the United States Attorney to commit the offense of Bank Fraud in violation of Section 1344, Title 18, United States Code.

5. It was a part of the conspiracy that Defendant **DEER** and others would repeatedly pledge the same parcels of encumbered real property as collateral for commercial loans in the names of Statewide Realty and TPI, fraudulently representing to the lender financial institutions and to title insurance companies associated with the loan transactions that TPI held unencumbered title to the real property and that the lender consequently would receive a priority security interest in said property as collateral for the respective loan.

6. These misrepresentations were material to the funding decisions of the financial institutions and to the issuance of related title commitments and policies by title insurance companies. In support of these misrepresentations, Defendant **DEER** and others provided fraudulent title opinions and other documentation, including but not limited to fabricated cancellations of deeds of trust.

In furtherance of the conspiracy and to carry out its objectives, the following overt acts were committed:

1. In or about August 2004, to obtain a commercial loan for TPI from BancorpSouth Bank, Defendant **DEER** and others known and unknown to the United States Attorney, provided to BancorpSouth Bank fraudulent title opinion documents and other information concealing State Bank & Trust's secured interest in a parcel of real property commonly known as the Regional Health Department building in McComb, MS, which was tendered as collateral for the BancorpSouth Bank loan under the guise of conveying to BancorpSouth Bank a priority secured interest in said collateral.

2. In or about September 2004, to obtain a commercial loan for TPI from Concordia Bank & Trust, Defendant **DEER** and others known and unknown to the United States Attorney, presented fraudulent title opinion documents and a deed of trust in favor of Concordia Bank & Trust fraudulently representing clear title to parcels of real property located at 110 Northgate and 110 ½ Northgate in Natchez, MS, under the guise of providing Concordia Bank & Trust a priority secured interest in said property as collateral for its loan, when in fact the aforesaid parcels remained encumbered by BancorpSouth Bank as collateral for loans to Statewide Realty.

3. In or about November 2005, for the purpose of renewing a commercial loan for TPI from Concordia Bank & Trust, Defendant **DEER** and others, known and unknown to the United States Attorney, filed and presented to Concordia Bank & Trust a fabricated cancellation of a Deed of Trust purportedly cancelling the secured interest of BancorpSouth Bank in parcels of property located at 110 Northgate and 110 ½ Northgate in Natchez, MS.

All in violation of Section 371, Title 18, United States Code.


DUNN LAMPTON
United States Attorney

CRIMINAL CASE COVER SHEET

U.S. District Court
PLACE OF OFFENSE:

3:186289DPJ-JOS

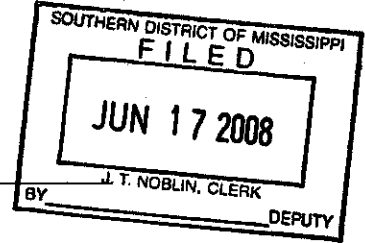
CITY: SUMMIT
COUNTY: PIKE

RELATED CASE INFORMATION:

SUPERSEDING INDICTMENT _____ DOCKET # _____
SAME DEFENDANT _____ NEW DEFENDANT _____
MAGISTRATE JUDGE CASE NUMBER _____
SEARCH WARRANT CASE NUMBER _____
R 20/ R 40 FROM DISTRICT OF _____

DEFENDANT INFORMATION:

JUVENILE: _____ YES X NO
MATTER TO BE SEALED: _____ YES X NO
NAME/ALIAS: DWAYNE G. DEER
SEX _____ RACE X NATIONALITY: _____



U.S. ATTORNEY INFORMATION:

AUSA CARLA J. CLARK BAR # 9490
INTERPRETER: X No _____ YES LIST LANGUAGE AND/OR DIALECT: _____

LOCATION STATUS: ARREST DATE _____

_____ ALREADY IN FEDERAL CUSTODY AS OF _____
_____ ALREADY IN STATE CUSTODY
_____ ON PRETRIAL RELEASE

U.S.C. CITATIONS

TOTAL # OF COUNTS: 1 _____ PETTY _____ MISDEMEANOR _____ X FELONY

(CLERK'S OFFICE USE ONLY) INDEX KEY/CODE DESCRIPTION OF OFFENSE CHARGED COUNT(S)

(CLERK'S OFFICE USE ONLY)	INDEX KEY/CODE	DESCRIPTION OF OFFENSE CHARGED	COUNT(S)
Set 1	<u>18:371.F</u>	<u>18 U.S.C. § 371</u> <u>Conspiracy to Defraud the United States</u>	<u>1</u>
Set 2	_____	_____	_____
Set 3	_____	_____	_____
Set 4	_____	_____	_____

Date: 6/17/08

SIGNATURE OF AUSA: *Carla Clark*