

JAMES CLAY WALLER, II

No Permanent Address

W / M DOB: 08/03/1970

OCN:

WARRANT FOR ARREST

STATE OF MISSOURI)

) SS. Case No.

COUNTY OF CAPE GIRARDEAU)

IN THE CIRCUIT COURT OF CAPE GIRARDEAU COUNTY, MISSOURI

THE STATE OF MISSOURI TO ANY PEACE OFFICER IN THE STATE OF MISSOURI:

The court having found probable cause hereby commands you to arrest **JAMES CLAY WALLER II**, who is charged with the following:

The Prosecuting Attorney of County Cape Girardeau, State of Missouri, charges that the defendant either acting alone or knowingly in concert with another, in violation of Section 570.030, RSMo, committed the class B felony of stealing by deceit, punishable upon conviction under Section 558.011, RSMo, in that on or about April 23, 2010, in the County of Cape Girardeau, State of Missouri, the defendant appropriated a check in the amount of \$55,000.00, which was of a value of at least twenty-five thousand dollars, which property was provided by Delta Companies, Inc. (contact person: Gerald Farnhan), and the defendant appropriated such property from Delta Companies, Inc., and with the purpose to deprive them thereof by deceit in that the defendant represented to Delta Companies, Inc. and its representatives that the \$55,000.00 was an advance to be used on a construction project specifically to purchase building materials, which representations were false and known by the defendant to be false and Delta Companies, Inc. and its representatives relied on the representations and was thereby induced to part with such property.

Charge Code: 1501899.0

The foregoing is alleged to have been committed within the jurisdiction of this court and in violation of the laws of the State of Missouri, and you are to bring the defendant forthwith before this court to be here dealt with in accordance with law; and you, the officer serving this warrant, shall forthwith make return hereof to this court.

WITNESS THE HONORABLE Gary Kamp Judge of
the said court and the seal thereof, issued in the county and state aforesaid on this 29th day
of July, 2011.

BOND SET AT: \$55,000 cash only
Judge

RETURN

Served the within warrant in my County of _____ and in the
State of _____ on this _____ day of _____,
by arresting the within named defendant and producing defendant before the said
court on the _____ day of _____.

NOTICE: Upon arrest or for additional information, immediately contact the Missouri State
Highway Patrol, 216 N. Missouri, Jackson, MO 63755 (573) 243-5122.

PROSECUTOR: Angel M. Woodruff Assistant Prosecuting Attorney, Courthouse, 100 Court
Street, Jackson, MO 63755. (573) 243-2430.

PROBABLE CAUSE STATEMENT

I, Sgt. Dennis Overbey, of the Missouri State Highway Patrol, knowing that false statements on this form are punishable by law, state that the facts contained herein are true.

1. I have probable cause to believe that James Clay Waller, II committed one or more criminal offenses.

2. The facts supporting this belief are as follows:

Delta Companies, Inc. is a business based in Cape Girardeau County, specifically at 114 S. Silver Springs Road, Cape Girardeau, Missouri. In early September of 2009, Delta Companies, Inc. invited bids for a construction project that would entail the complete construction of the interior of a building located in Cape Girardeau. James Clay Waller (hereinafter referred to as Waller), through his company, Triple C Development, LLC, submitted a bid to finish the interior of the building. That bid was accepted by Delta Companies, Inc. Specifically, the bid was for items including, but not limited to: steel framing, sheet rock, exterior and interior doors and hardware and all flooring materials, as well as the labor required to complete the project.

Following the acceptance of the bid, Waller approached the project manager, Josh Trolinger, inquiring about an advance for building materials. Trolinger was employed by Delta Companies, Inc. Trolinger indicated to Waller, that while it was not unusual for the company to provide an advance for this purpose, Waller would be required to submit an invoice setting out the items to be covered by the advance. On April 14, 2010, an invoice was submitted to Delta Companies, Inc. requesting \$55,000.00, for the purpose of purchasing steel framing materials, exterior and interior doors and hardware. On April 21, 2010, in reliance upon the invoice and the assurances of Waller, Delta Companies, Inc. issued a check payable to Triple C Development, LLC, in the amount of \$55,000.00. That check was deposited into the account of Triple C Development, LLC on April 23, 2010, at the Wood & Huston Bank, located in Cape Girardeau, Missouri.

In October of 2010, it was noted that work was not being done as agreed and Waller was confronted by Trolinger regarding his failure to complete the job. Upon looking into the matter further, it was discovered that no materials had been purchased for the building project as had been previously agreed and relied upon when the \$55,000.00 advance was made to Triple C Development. Trolinger then contacted Waller and requested that he provide receipts for any

material purchased with the \$55,000.00 advance. Waller told Trolinger he was attempting to "work things out" and did not provide any receipts for materials, nor did Waller provide any explanation for where the \$55,000.00 had gone. The matter was then taken over by Gerald Farnhan, the Plants and Equipment Manager for Delta Companies, Inc. Farnhan then contacted Waller, also in October of 2010, and made further inquiries about the building and the \$55,000.00. Waller informed Farnhan that he no longer had the money that had been advanced to him for the materials. Waller further admitted that he could not produce receipts for the materials that the \$55,000.00 was to have been used to purchase. Waller indicated that he was "broke", meaning he no longer had any money and was unable to reimburse Delta Companies, Inc. in any way. Further meetings were held with Waller and representatives of Delta Companies that spanned November 2010 until May 2011. At that time, Waller stopped attending the meetings. To date, Waller has not purchased materials for the building project, nor has he reimbursed Delta Companies, Inc. for any part of the \$55,000.00. Delta Companies has now contracted the work to another company.

On July 29, 2011, I spoke with Marsha Steger. Steger was a co-owner of Triple C Development. Steger indicated she was familiar with the \$55,000.00 advance that Waller had received from Delta Companies, Inc. Steger indicated she had personally prepared the invoice for the \$55,000.00 advance. Upon receiving the advance and depositing it into the Triple C Development account at Wood & Huston Bank in Cape Girardeau, on April 23, 2010, Waller directed Steger, on that same date, to use the money to pay salaries, equipment rental and other necessary expenses related to a different project that was not in any way related to the project for Delta Companies, Inc. Steger indicated the money provided by Delta Companies, Inc. which was intended to purchase building materials related to their building, was not used for that purpose and was in fact used for a different project altogether. Steger confirmed that no materials had ever been purchased for the Delta Companies project.

Overall, it is clear that Waller submitted and received a request for an advance of \$55,000.00 from Delta Companies in order to purchase building materials for a construction project that would specifically benefit Delta Companies. Delta Companies relied upon Waller's representations and issued a check to Waller in the amount requested. Upon receipt of that money, Waller deposited the funds into his company account and then immediately directed that

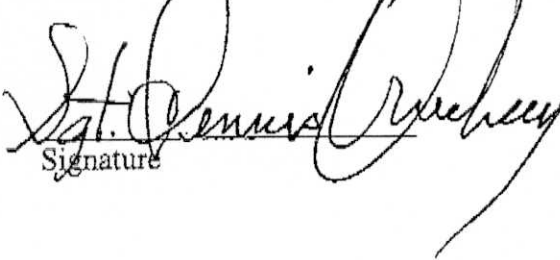
its use be put towards an unrelated project, thereby depriving Delta Companies of \$55,000.00.

3. N/A

July 29, 2011

Sgt. Dennis Overbey

Printed Name

A handwritten signature in black ink, appearing to read "Sgt. Dennis Overbey", written over a horizontal line.

Signature

JAMES CLAY WALLER, II

No Permanent Address

W/M DOB: 08/03/1970

OCN:

WARRANT FOR ARREST

STATE OF MISSOURI)
) SS. Case No.
COUNTY OF CAPE GIRARDEAU)

IN THE CIRCUIT COURT OF CAPE GIRARDEAU COUNTY, MISSOURI

THE STATE OF MISSOURI TO ANY PEACE OFFICER IN THE STATE OF MISSOURI:

The court having found probable cause hereby commands you to arrest JAMES CLAY WALLER II, who is charged with the following:

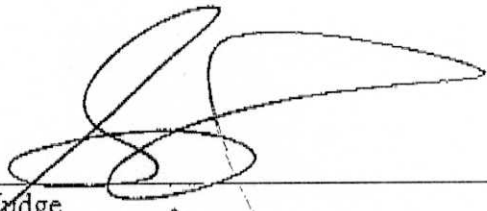
The Prosecuting Attorney of County Cape Girardeau, State of Missouri, charges that the defendant either acting alone or knowingly in concert with another, in violation of Section 565.090, RSMo, committed the class A misdemeanor of harassment, punishable upon conviction under Sections 558.011 and 560.016, RSMo, in that on or about July 27, 2011, in the County of Cape Girardeau, State of Missouri, the defendant, for the purpose of frightening Gary Hill, communicated by telephone to Gary Hill a threat to commit a felony, specifically murder, by telling Gary Hill that he was going to kill him and was "....coming to kill you right now."

Charge Code: 3405909.0

The foregoing is alleged to have been committed within the jurisdiction of this court and in violation of the laws of the State of Missouri, and you are to bring the defendant forthwith before this court to be here dealt with in accordance with law; and you, the officer serving this warrant, shall forthwith make return hereof to this court.

WITNESS THE HONORABLE Gary Kemp Judge of
the said court and the seal thereof, issued in the county and state aforesaid on this 29th day
of July, 2011.

BOND SET AT:


Judge
\$10,000 cash only

Plus:

SPECIAL BOND CONDITIONS:

- 1) THE DEFENDANT SHALL HAVE NO DIRECT OR INDIRECT CONTACT WITH Cassandra Hill - Gary Hill.
- 2) THE DEFENDANT SHALL STAY MORE THAN 500 FEET AWAY FROM THE RESIDENCE OR PLACE OF EMPLOYMENT OF Cassandra Hill - Gary Hill.

RETURN

Served the within warrant in my County of _____ and in the State of _____ on this _____ day of _____, by arresting the within named defendant and producing defendant before the said court on the _____ day of _____.

NOTICE: Upon arrest or for additional information, immediately contact the Cape Girardeau Police Department, 40 S. Sprigg, Cape Girardeau, MO 63703 (573) 335-6621.

PROSECUTOR: Angel M. Woodruff Assistant Prosecuting Attorney, Courthouse, 100 Court Street, Jackson, MO 63755. (573) 243-2430.

PROBABLE CAUSE STATEMENT

Date: 07-28-11

I, Sgt Rodney Barker DSN 97 (CGPD), knowing that false statements on this form are punishable by law, state that the facts herein are true.

1. I have probable cause to believe that on 07-27-11 at 2208, James C Waller II W/M DOB 08-03-70 committed one or more criminal offenses. Peace Disturbance.
2. The facts supporting this belief are as follows: n 07-27-11, at approximately 2208, I Sgt Rodney Barker #97 responded to 3007 Wisteria #D on a report of Peace Disturbance. The suspect was named as being Clay Waller and that he was knocking at the caller's door.
3. Upon arrival I checked the parking lot and the area around the apartment building but did not locate the suspect. I then contacted the caller Casaundra Hill who stated she had been on the phone with Waller and while she was talking to him he started "beating" on her door. She stated she looked out and observed that he was wearing yellow shorts, no shirt and a baseball cap. Other officers checked the area and could not locate Waller.
4. Casaundra stated that she had obtained an Ex Parte Order #11CG-PN00542 against Waller today however it has not yet been served. She stated she had been in East Prairie earlier this evening and Waller continually called her asking when she was going to be home because he was waiting on her. She advised when she returned home she called her husband with whom she is separated, Gary Hill, and asked him to call Waller and tell him to stay away. Casaundra stated she called Waller with Gary also on the line in a "3-way" call. She stated Gary told Waller to stay away from Casaundra and her kids. Waller then told Gary that he was going to kill Gary because Gary killed Clay's wife. Waller then stated he was going to kill both of them and at that time she heard someone knocking on the door and heard Waller telling her to open the door.
5. Gary stated Casaundra called him saying that Waller was calling her and waiting outside her apartment. He said he had Casaundra call Waller "3-way" and he told Waller to stay away from his kids. He stated Waller then told him he was "going to kill him like he should have done last week." Gary stated he told Waller he was at

Casaundra's apartment and again told him to stay away. Waller then stated he was "coming to kill you right now." Casaundra then told Gary that Waller was at the door. Gary stated he then hung up and called 911.

6. At approximately 2320, I received a call from Waller at Police HDQ. Waller stated he heard we were looking for him. I advised him of the Ex Parte Order and read it to him over the phone. I also advised him that he needed to respond to Police HDQ and pick up his copy of the Order and he stated he would do so on 07-28-11. I then advised him of the complaint made by Casaundra and Gary and he denied making the threats and stated he had not been in town today and was currently in Wapappello, MO and had been in Malden, MO earlier in the day.
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7. For the issuance of a warrant in a misdemeanor case, also complete the following:
- (a) I believe that the defendant will not appear in court in response to a criminal summons because he has no permanent address; or
- (b) I believe that the defendant poses [Insert one or all of the following.]
- (1) a danger to a crime victim because he has made threats to kill Gary and Casaundra Hill; or
- (2) a danger to the community or to any other person because _____.

Sgt R Barker #97
Printed Name

Sgt R. Barker
Signature