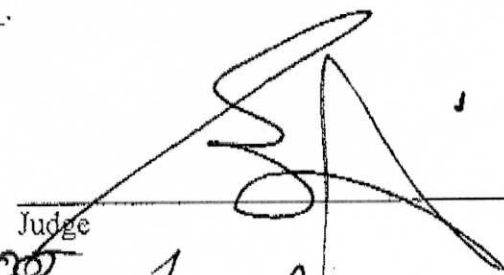




WITNESS THE HONORABLE Gary Kamp Judge of  
the said court and the seal thereof, issued in the county and state aforesaid on this 29<sup>th</sup> day  
of July, 2011.

\$55,000 <sup>oo</sup> 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

