

**JOHN W. BURKE**  
Trial Attorney  
U.S. Department of Justice  
Consumer Protection Branch  
450 Fifth Street, NW  
Washington, D.C. 20001  
Phone: (202) 353-2001  
FAX: (202) 514-8742  
Email: [josh.burke@usdoj.gov](mailto:josh.burke@usdoj.gov)

**FILED**  
FEB 02 2018  
Clerk, U.S. District Court  
District Of Montana  
Missoula

**TIMOTHY J. RACICOT**  
Assistant U.S. Attorney  
U.S. Attorney's Office  
P.O. Box 8329  
Missoula, MT 59807  
105 E. Pine, 2d Floor  
Missoula, MT 59802  
Phone: (406) 542-8851  
Fax: (406) 542-1476  
E-mail: [Tim.Racicot2@usdoj.gov](mailto:Tim.Racicot2@usdoj.gov)

**ATTORNEY FOR PLAINTIFF  
UNITED STATES OF AMERICA**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION**

<b>UNITED STATES OF AMERICA,</b>  <b>Plaintiff,</b>  <b>vs.</b>  <b>THOMAS RESSLER</b>  <b>Defendant.</b>	<b>CR 18- 4 -H- SEH</b>  <b>OFFER OF PROOF IN SUPPORT OF GUILTY PLEA</b>
---	--

Defendant Thomas Ressler has signed a plea agreement that contemplates his plea of guilty to the Information in this case, which charges conspiracy to commit mail fraud in violation of 18 U.S.C. § 1349. Ressler's plea will be unconditional.

The United States presented all formal plea offers to Ressler in writing. The plea agreement entered into by the parties and filed with the Court represents, in the government's view, the most favorable offer extended to the defendant. *See Missouri v. Frye*, 132 S.Ct. 1399 (2012).

**Elements.** In order to prove the case against Ressler at trial, the United States would have to prove the following elements beyond a reasonable doubt:

First, beginning in or about March 2012, and ending on or about September 8, 2016, there was an agreement between two or more persons to commit the crime of Mail Fraud; and

Second, the defendant became a member of the conspiracy knowing of at least one of its objects and intending to help accomplish it.

With respect to the underlying crime of Mail Fraud, the defendant acknowledges that:

First, the defendant knowingly participated in a scheme or plan to defraud, or a scheme or plan for obtaining money or property by means of false or fraudulent pretenses, representations, or promises;

Second, the statements made or facts omitted as part of the scheme were material; that is, they had a natural tendency to influence, or were capable of influencing, a person to part with money or property;

Third, the defendant acted with the intent to defraud; that is, the intent to deceive or cheat; and

Fourth, the defendant used, or caused to be used, the mails to carry out or attempt to carry out an essential part of the scheme.

**Proof.** If called upon to prove this case at trial, and to provide a factual basis for Ressler's plea, the United States would present the following evidence.

Beginning in approximately March 2012 and continuing until approximately September 2016, Ressler agreed with an individual Ressler knew as "Richard Cullen" to create fraudulent direct mail solicitations for "Cullen" and others to mail to individuals through the United States and in numerous foreign countries. During the course of the conspiracy, Ressler create more than 200 different solicitations for his co-conspirators. The solicitations falsely notified victims that they had won a large amount of money or other valuable prize, such as a luxury vehicle, in a sweepstakes, lottery, or other contest. The solicitations directed the victims to send a small amount of money – usually \$20 to \$30 – to pay processing or delivery fees associated with their non-existent winnings or prizes. Victims were provided a pre-addressed return envelope, also created by Ressler, and

instructed to return payments to mailboxes controlled by “Cullen” and other co-conspirators in foreign countries, including Canada, Hong Kong, and the Netherlands.

Many of Ressler’s solicitations purported to be sent from official-sounding yet fictitious entities such as Cash Payout Disbursement Advisors, Progressive Winners Guarantors, and Vehicle Transport Company. On many of the solicitations, Ressler included the name and signature of a fictitious officer or representative of the fictitious entity.

“Cullen” and other co-conspirators sent thousands of copies of each of Ressler’s solicitations to victims throughout the United States, including in the District of Montana, as well as in numerous foreign countries.

Ressler agreed to an exclusive contract arrangement with “Cullen,” who agreed to pay Ressler approximately \$20,000 per month to create the fraudulent solicitations. During the course of the conspiracy, Ressler received at least \$850,000 for creating the fraudulent solicitations.

The government submits the aforementioned evidence would prove beyond a reasonable doubt all the elements of the crime charged in the information.

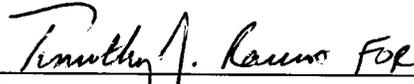
///

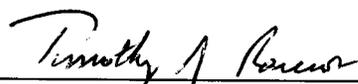
///

///

Respectfully submitted this 2nd day of February, 2018.

KURT G. ALME  
Acting United States Attorney

  
\_\_\_\_\_  
JOHN W. BURKE  
Trial Attorney  
U.S. Department of Justice  
Attorney for Plaintiff

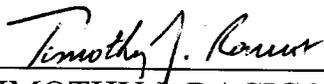
  
\_\_\_\_\_  
TIMOTHY J. RACICOT  
Assistant U.S. Attorney  
Attorney for Plaintiff

## CERTIFICATE OF SERVICE

I hereby certify that on February 2, 2018, a copy of the foregoing document was served on the following persons by the following means:

- CM/ECF
- Hand Delivery
- U.S. Mail
- Overnight Delivery Service
- Fax
- E-Mail

1. Clerk, U.S. District Court
2. David L. Vicevich  
Vicevich Law  
524 E. Park, Suite B  
Butte, MT 59701  
dlvicevich@gmail.com

---

TIMOTHY J. RACICOT  
Assistant U.S. Attorney  
Attorney for Plaintiff