



U.S. Department of Justice
District of Nevada
501 Las Vegas Blvd. South, Suite 1100
Las Vegas, NV 89101
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July 19, 2019

[REDACTED]

Re: United States v. Rosanne Day, Robert Paul Davis, Genevieve Renee Frappier, and Miles Kelly
Case Number 2017R01386 and Court Docket Number 19-CR-00155

Dear [REDACTED]:

The enclosed information is provided by the United States Department of Justice Victim Notification System (VNS). As a victim witness professional, my role is to assist you with information and services during the prosecution of this case. I am contacting you because you were identified by law enforcement as a victim or potential victim during the investigation of the above criminal case.

The indictment charges Rosanne Day, 51, Robert Paul Davis, 63, Genevieve Renee Frappier, 49, and Miles Kelly, 55, with one count of conspiracy to commit mail and wire fraud, one count of conspiracy to commit money laundering, and multiple counts of mail fraud and wire fraud. Day and Davis were part-owners and the top managers of PacNet Services Ltd. ("PacNet"), a payment processing company based in Vancouver, British Columbia, Canada. Frappier was in charge of PacNet's Marketing and Client Services departments. Kelly oversaw PacNet's Compliance Department.

The indictment alleges that PacNet, under the defendants' direction, was the payment processor of choice for companies that mailed large volumes of fraudulent notifications designed to mislead victims into falsely believing they would receive a large amount of money, a valuable prize, or specialized psychic services upon payment of a fee. From 1994 until September 22, 2016, PacNet served as the middleman between banks and the fraudulent mailers – aggregating the checks, cash, and credit card payments collected by its clients, depositing the payments into PacNet-controlled bank accounts, and then distributing the funds as directed by the clients, according to the indictment. The notifications that induced the payments processed by PacNet were false – the victims who submitted the fees did not receive a large amount of money, a valuable prize, or specialized psychic services, according to the indictment. Many alleged victims were elderly or otherwise vulnerable, according to the indictment.

Victims of all crimes under federal investigation are entitled to services under the Victims' Rights and Restitution Act (VRRRA), including notification of court events. For further details, please

refer to Title 34 United States Code section 20141 or the VRRRA link posted at <https://www.notify.usdoj.gov>.

Now that charges have been filed in federal court, victims of the charges filed are, in addition, entitled to the following rights, according to the Crime Victims' Rights Act, Title 18 United States Code section 3771: (1) The right to be reasonably protected from the accused; (2) The right to reasonable, accurate, and timely notice of any public court proceeding, or any parole proceeding, involving the crime or of any release or escape of the accused; (3) The right not to be excluded from any such public court proceeding, unless the court, after receiving clear and convincing evidence, determines that testimony by the victim would be materially altered if the victim heard other testimony at that proceeding; (4) The right to be reasonably heard at any public proceeding in the district court involving release, plea, sentencing, or any parole proceeding; (5) The reasonable right to confer with the attorney for the Government in the case; (6) The right to full and timely restitution as provided in law; (7) The right to proceedings free from unreasonable delay; (8) The right to be treated with fairness and with respect for the victim's dignity and privacy; (9) The right to be informed in a timely manner of any plea bargain or deferred prosecution agreement; and (10) The right to be informed of the rights under this section and the services described in section 503(c) of the Victims' Rights and Restitution Act of 1990 (34 U.S.C. 20141(c)) and provided contact information for the Office of the Victims' Rights Ombudsman of the Department of Justice.

Please understand that these rights apply only to victims of the counts charged in federal court, and thus you may not be able to exercise all of these rights if the crime of which you are a victim was not charged. In any event, we will continue to provide you with notifications and services unless you tell us not to. We will make our best efforts to ensure you are provided the rights and services to which you are entitled. You may contact the Victim/Witness Coordinator at the office listed above if you have questions about the progress of your case, your rights or the services to which you are entitled, or how you can assert them during the proceedings. If you believe that a Justice Department employee has not provided you with these rights, you may file a complaint with the Justice Department's Victims' Rights Ombudsman. For more information, go to <http://www.justice.gov/usao/resources/crime-victims-rights-ombudsman>. If you have questions about filing a complaint against an employee, you may contact the Ombudsman by email at usao.VictimOmbudsman@usdoj.gov. Questions concerning this case should be directed to office listed above.

It is important to keep in mind that the defendant(s) are presumed innocent until proven guilty and that presumption requires both the Court and our office to take certain steps to ensure that justice is served. While our office cannot act as your attorney or provide you with legal advice, you can seek the advice of an attorney with respect to the rights above or other related legal matters.

Additionally, please be aware that most criminal cases are resolved by a plea agreement between the United States Attorney's Office and the defendant. You should also know that it is not unusual for a defendant to seek to negotiate a plea agreement shortly before a trial is scheduled to begin. Plea agreements can be made at any time and as late as the morning of trial, leaving little or no opportunity to provide notice to you of the date and time of the plea hearing. If the court schedules a plea hearing in this case, we will use our best efforts to notify you of available information as soon as

practicable. If you want to inform the prosecutor of your views regarding potential plea agreements, or any other aspect of the case, please contact the prosecutor assigned to this case or me.

Custody of a defendant during a federal criminal case is determined by the Court and is managed by the United States Marshal Service. Custody status of a defendant is subject to change during the course of the criminal proceedings. To receive the timeliest update to your case, please provide and verify your email address, as instructed below.

A United States Probation Officer prepares a report for the Court and may contact you to discuss the impact the crime had on you financially, physically, and/or emotionally. If you are contacted, please make every effort to provide accurate and detailed information.

Because of the Court's schedule, hearing dates could change on very short notice. If you plan on attending, you may want to call the VNS Call Center or check the website to confirm the date and time. Please note, there is a 24-hour delay in information transfer to the website.

Through the Victim Notification System (VNS) we will continue to provide you with updated scheduling and event information as the case proceeds through the criminal justice system. You may obtain current information about this case on the VNS website at <https://www.notify.usdoj.gov> or from the VNS Call Center at 1-866-DOJ-4YOU (1-866-365-4968) (TDD/TTY: 1-866-228-4619) (International: 1-502-213-2767). In addition, you may use the Call Center or Internet to update your contact information and/or change your decision about participation in the notification program.

For many VNS registrants email will provide the most timely notification. VNS does not currently have an email address for you. You can provide VNS an email address by accessing the VNS Internet Web page using the login information provided below. By entering your email as part of the VNS registration process future notifications will be delivered by email, except in rare circumstances when you might also receive a letter from VNS. In order to continue to receive notifications, it is your responsibility to keep your contact information current.

You will use your Victim Identification Number (VIN) and Personal Identification Number (PIN) anytime you contact the Call Center and the first time you log into VNS on the website. If you are receiving notifications with multiple victim ID/PIN codes please contact the VNS Call Center. In addition, the first time you access the VNS website, you will be prompted to enter your last name (or business name) as currently contained in VNS.

Remember, VNS is an automated system and cannot answer questions. If you have other questions which involve this matter, please contact this office at the number listed above.

Sincerely,

Nicholas A. Trutanich
United States Attorney

Veronica Criste
Victim Witness Coordinator

Enclosures