

Cause No. 3066-81652-12 (Count 1)

STATE OF TEXAS

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IN THE 3066 JUDICIAL
DISTRICT COURT OF
COLLIN COUNTY, TEXAS

VS.

Todd Clements

PLEA AGREEMENT

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the defendant, his/her attorney (if shown below), and the attorney for the State of Texas, and would show the Court that the defendant will plead **GUILTY** to the offense of FRAUD DEL (S, RX) as charged in or as a lesser included offense of the charge in (Count 1 of) the charging instrument and they make the following plea agreement:

Term of Confinement: 10 (years) (months) (days).

Post-conviction community supervision for 10 (years) (months) (days).

Deferred community supervision for _____ (years) (months) (days).

Pay fine in the amount of \$ 2500, as directed by the Supervision Office.

Pay restitution, jointly and severally with co-defendant(s) in the amount of \$ _____.

Pay \$50.00 to Crime Stoppers within thirty (30) days.

Serve _____ days in the Collin County Jail to begin _____; work release: Yes No

Perform 100 hours of community service work at the rate of 10 hours per month managed and facilitated by such agencies as the Supervision Officer directs and pay all costs associated therewith, as directed by the Supervision Officer.

Have no contact with co-defendant(s).

Testify honestly about any co-defendant's participation in this offense.

Have no direct communication with the victim, _____, and his/her family and maintain a distance of at least 50 yards from the victim's residence or place of employment.

Provide identity of drug source.

Driver's License is suspended for _____ years.

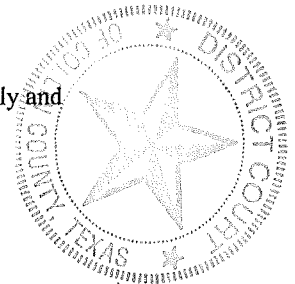
Participate in and successfully complete the SAFF Program in the Institutional Division and aftercare program.

Other: Voluntary and Permanent Surrender of Medical

COMPLY WITH ALL OTHER CONDITIONS OF COMMUNITY SUPERVISION AS DIRECTED BY THE SUPERVISION OFFICER. license, SAE + CONROL, Substance Abuse caseload

State will not Pursue the following Offenses:

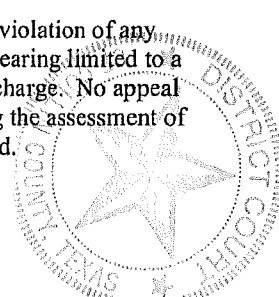
- 1) 6/10/10 - FRAUD DEL RX - Armodafinil - Qty 30 - Plano, TX
- 2) 6/30/10 - FRAUD DEL RX - Armodafinil - Qty 30 - Plano, TX
- 3) 7/12/10 - FRAUD DEL RX - Zolpidem - Qty 30 - Plano, TX
- 4) 7/13/10 - FRAUD DEL RX - Armodafinil - Qty 30 - Plano, TX
- 5) Any other offenses of Fraud/Del Rx contained in Discovery already given to Mr. Kim, Defense.



COURT'S ADMONITIONS TO DEFENDANT

1. You stand charged with the offense of Fraud Del of C.S./Rx (COUNT 1)
The range of punishment attached to this offense as enhanced, if any, is (check one):
- Capital Offense (Death Penalty Waived):** Life without parole in the Institutional Division of the Texas Department of Criminal Justice.
 - 1st Degree Felony:** Life or any term not more than 99 years or less than 5 years in the Institutional Division of the Texas Department of Criminal Justice and an optional fine not to exceed \$10,000.
 - 2nd Degree Felony:** A term not more than 20 years or less than 2 years confinement in the Institutional Division of the Texas Department of Criminal Justice and an optional fine not to exceed \$10,000.
 - 3rd Degree Felony:** A term not more than 10 years or less than 2 years confinement in the Institutional Division of the Texas Department of Criminal Justice and an optional fine not to exceed \$10,000.
 - State Jail Felony:** A term not more than 2 years or less than 180 days confinement in a State Jail and an optional fine not to exceed \$10,000.
 - Habitual Offender:** Life or a term not more than 99 years or less than 25 years confinement in the Institutional Division of the Texas Department of Criminal Justice.
 - 1st Degree Felony Enhanced:** Life or any term not more than 99 years or less than 15 years in the Institutional Division of the Texas Department of Criminal Justice and an optional fine not to exceed \$10,000.
 - 2nd Degree Felony Enhanced:** : Life or any term not more than 99 years or less than 5 years in the Institutional Division of the Texas Department of Criminal Justice and an optional fine not to exceed \$10,000.
 - 3rd Degree Felony Enhanced:** A term not more than 20 years or less than 2 years confinement in the Institutional Division of the Texas Department of Criminal Justice and an optional fine not to exceed \$10,000.
 - State Jail Felony Punished as 2nd Degree Felony:** A term not more than 20 years or less than 2 years confinement in the Institutional Division of the Texas Department of Criminal Justice and an optional fine not to exceed \$10,000.
 - State Jail Felony Punished as 3rd Degree Felony:** A term not more than 10 years or less than 2 years confinement in the Institutional Division of the Texas Department of Criminal Justice and an optional fine not to exceed \$10,000.
 - State Jail Felony Punished as Class A Misdemeanor:** A term of up to 1 year confinement in the Collin County Jail, or a fine not to exceed \$4,000, or both such confinement and fine.
 - Other:** _____

2. The recommendations of the prosecuting attorney are not binding on the Court. If a plea agreement does exist, the Court will inform you whether it will follow or reject the agreement in open court and before any finding on your plea. Should the Court reject any plea agreement, you will be permitted to withdraw your plea.
3. If the punishment assessed does not exceed the agreement between you and the prosecutor, the Court must give its permission to you before you may appeal on any matter in this case except for those matters raised by written motions prior to trial.
4. If you are not a citizen of the United States of America, a plea of guilty or nolo contendere may result in deportation, exclusion from admission to this country, or the denial of naturalization under federal law.
5. You will be required to meet the registration requirements of Chapter 62 of the Code of Criminal Procedure (CCP) if you are convicted or place on deferred adjudication for an offense for which a person is subject to the registration requirements under Chapter 62 CCP.
6. If the Court defers adjudicating your guilt and places you under community supervision, on violation of any condition you may be arrested and detained as provided by law. You are then entitled to a hearing limited to a determination by the Court whether to proceed with an adjudication of guilt on the original charge. No appeal may be taken from this determination. After adjudication of guilt, all proceedings, including the assessment of punishment and your right to appeal continue as if adjudication of guilt had not been deferred.



- If the Court defers an adjudication of guilt and places you on community supervision, you may have the right to petition the Court for an order of non-disclosure after successfully completing community supervision, unless you are ineligible due to the nature of this offense or your criminal history.

DEFENDANT'S WAIVER OF RIGHTS AND JUDICIAL CONFESSION

With the Court's approval, the defendant herein states that he/she:

- Understands that he has a right to be charged by an indictment returned by a grand jury, and to be served with a copy of the indictment. If an indictment has not been returned in this case, the defendant waives those rights, and agrees to be tried on an information.
- Agrees that the court may accept his/her plea by broadcast by closed-circuit video teleconferencing.
- Is the same person charged in the charging instrument.
- Waives any and all defects, errors or irregularities, whether of form or substance, in the charging instrument.
- Waives arraignment and formal reading of the charging instrument.
- Waives the ten (10) days allowed to prepare for trial after the appointment of counsel, and agrees to proceed on this date.
- Waives the preparation of a pre-sentence investigation report.
- Waives the right to a jury trial on both guilt and punishment.
- Waives any and all due diligence claims.
- Waives the right to subpoena witnesses and have them testify on his/her behalf.
- Waives the right to remain silent as to guilt and punishment, and agrees to testify.
- Waives the right to appeal to the Court of Appeals.
- Waives the right to urge a motion for new trial.
- Waives any right under Arts. 1.14(a) and 38.43(d), Code of Criminal Procedure requiring the State of Texas to preserve evidence containing biological material.
- Waives the right to confront and cross-examine the State's witnesses in open court, and consents to the introduction of evidence against him/her in the form of written and oral stipulations of evidence and testimony, testimony by affidavit, written statements of witnesses, and any other documentary evidence.
- Has had an adequate opportunity to consult with his/her attorney who has explained his/her rights under the constitutions and laws of the United States and the State of Texas, and is fully satisfied with the representation provided by his/her attorney.
- JUDICIALLY CONFESSES** and admits to committing the offense of Fraud Del of C.S./Rx (Count 1) exactly as charged in the charging instrument or as a lesser included offense of the offense charged in (Count _____ of) the charging instrument.
- PLEADS TRUE** to the (first) (second) (all) enhancement paragraphs which are contained in charging instrument, and judicially confesses that he/she is the same person who was previously duly and legally convicted of the offense(s) alleged therein.

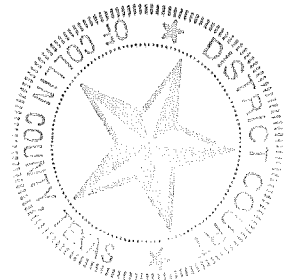
DEFENDANT'S APPROVAL

I, the defendant herein, do acknowledge that:

- My attorney has explained to me, and I have read and understand the foregoing "Plea Agreement", "Court's Admonitions to Defendant", "Defendant's Waiver of Rights and Judicial Confession".
- My attorney has explained to me and I understand the legal effects of waiving my rights and the consequences of my plea.
- I knowingly, freely and voluntarily waive my rights, plead "GUILTY", and consent to the stipulation of facts.
- I request that the Court accept my plea, agreements, waivers, statements and stipulations.

11/14/12
Date

X Todd Clements
Defendant
Printed Name: Todd Clements



DEFENSE ATTORNEY'S APPROVAL

I, the attorney of record for the defendant herein, being a licensed member in good standing of the State Bar of Texas, do hereby certify that:

1. The defendant has a sufficient present ability to consult with me with a reasonable degree of rational understanding, and he/she has a rational as well as factual understanding of the proceedings against him/her.
2. I have read the foregoing "Plea Agreement", "Court's Admonitions to Defendant", "Defendant's Waiver of Rights and Judicial Confession", fully explained each of them to the defendant, and I am satisfied that he/she understands each of them.
3. I have explained to the defendant the legal effects of waiving his/her rights and the legal consequences of his/her plea, I have witnessed his/her signature contained herein, and I am satisfied that he/she understands these rights and the legal consequences of his/her plea.
4. I am satisfied that the defendant's plea, agreements, waivers, statements and stipulations are knowingly, freely and voluntarily made, and I do hereby approve and consent to each of them.

11/14/12
Date

[Signature]
Attorney for Defendant
Printed Name: Yoon Kiang
State Bar #: 24046213

STATE'S APPROVAL

THE STATE OF TEXAS, by and through its Criminal District Attorney, upon the acceptance and approval by the Court of the defendant's waivers and stipulations of fact herein, waives its right to a trial by jury, and consents that the plea proceeding may be by closed-circuit video conferencing.

GREG WILLIS, Criminal District Attorney
Collin County, Texas

11/12/12
Date

BY: [Signature]
Assistant District Attorney
Printed Name: Lindsey Wynne
State Bar #: 24062203

COURT'S APPROVAL

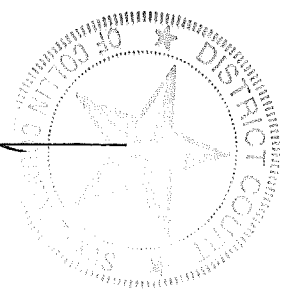
The Court finds the following:

1. The defendant has a sufficient present ability to consult with his or her lawyer with a reasonable degree of rational understanding, and has a rational as well as factual understanding of the proceedings against him or her.
2. The defendant has the age, maturity, and intelligence to understand and does knowingly understand his or her rights with regard to the two above said instruments.
3. The defendant does knowingly waive his or her rights as described therein.
4. The defendant does understand his or her rights regarding stipulations and does knowingly waive his or her rights to have such facts proved otherwise.
5. The defendant does knowingly stipulate and agree that the facts contained in the "Defendant's Waiver of Rights and Judicial Confession" are true and correct.
6. The defendant does knowingly request that a pre-sentence investigation not be made and the Court herein agrees.

IT IS THEREFORE ORDERED that the defendant's waivers as they appear in the aforesaid instruments be and are hereby approved, consented to, and accepted by this court; that the stipulations be and are hereby approved, consented to, and accepted by this court, and, said instruments are hereby ORDERED filed in the papers of this cause.

SIGNED THIS 14 day of NOV., 2012.

[Signature]
JUDGE PRESIDING



No. 366-81652-12 (count 1)

The State of Texas

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In the 366 Court

v. Todd Clements
Defendant

of
Collin County, Texas

TRIAL COURT'S CERTIFICATION OF DEFENDANT'S RIGHT OF APPEAL*

I, judge of the trial court, certify this criminal case:

- is not a plea-bargain case, and the defendant has the right of appeal. [or]
- is a plea-bargain case, but matters were raised by written motion filed and ruled on before trial and not withdrawn or waived, and the defendant has the right of appeal. [or]
- is a plea-bargain case, but the trial court has given permission to appeal, and the defendant has the right of appeal. [or]
- is a plea-bargain case, and the defendant has NO right of appeal. [or]
- the defendant has waived the right of appeal.

SIGNED THIS 14 day of NOV., 2012

Ray White
JUDGE PRESIDING

I have received a copy of this certification. I have also been informed of my rights concerning any appeal of this criminal case, including any right to file a *pro se* petition for discretionary review pursuant to Rule 68 of the Texas Rules of Appellate Procedure. I have been admonished that my attorney must mail a copy of the court of appeals's judgment and opinion to my last known address and that I have only 30 days in which to file a *pro se* petition for discretionary review in the Court of Criminal Appeals. TEX. R. APP. P. 68.2. I acknowledge that, if I wish to appeal this case and if I am entitled to do so, it is my duty to inform my appellate attorney, by written communication, of any change in the address at which I am currently living or any change in my current prison unit. I understand that, because of appellate deadlines, if I fail to timely inform my appellate attorney of any change in my address, I may lose the opportunity to file a *pro se* petition for discretionary review.

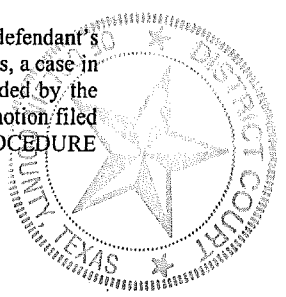
Todd Clements
Defendant
Printed Name: Todd Clements
Address: 5363 Keswick Drive
Frisco, TX 75034

YK
Defendant's Attorney
Printed Name: Yoon Kim
State Bar No.: 24046213
Address: 6190 Virginia Parkway, Ste 300
McKinney, TX 75071

Telephone No.: 469-400-9169
Fax No. (if any): NA

Telephone No. _____
Fax No. (if any): _____

*"A defendant in a criminal case has the right of appeal under these rules. The trial court shall enter a certification of the defendant's right to appeal in every case in which it enters a judgment of guilt or other appealable order. In a plea bargain case—that is, a case in which a defendant's plea was guilty or nolo contendere and the punishment did not exceed the punishment recommended by the prosecutor and agreed to by the defendant—a defendant may appeal only: (A) those matters that were raised by written motion filed and ruled on before trial, or (B) after getting the trial court's permission to appeal." TEXAS RULE OF APPELLATE PROCEDURE 25.2(a)(2).



Cause No. 366-81652-12 (count 1)

STATE OF TEXAS

vs.
Todd Clements

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IN THE 366 JUDICIAL
DISTRICT COURT OF
COLLIN COUNTY, TEXAS

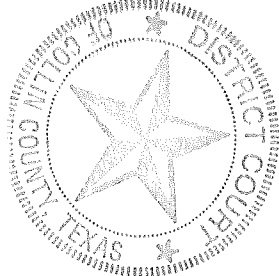
BACK TIME CREDIT WORKSHEET

The following are the dates and counties for which defendant shows to have back-time for incarceration:

Date Incarcerated	Date Released	Reason	County	# Of Days
Total Days:				

Jail credit includes dates of incarceration in the Collin County Jail, as well as dates Collin County had holds placed on the defendant in other Counties or States, successfully completed SAFP, and successfully completed SCORE. Jail time Credit DOES NOT include TERM & CONDITION.

STATE OF TEXAS
COUNTY OF COLLIN
I, Andrea Strohm, District Clerk in and for Collin County, Texas, do hereby certify that the above foregoing is a true and correct copy of the original document as the same appears on the file in the District Court of Collin County, Texas. Witness my hand and seal of said Court, this 11th day of August, 2011.
ANDREA STROHM, THOMPSON, DISTRICT CLERK
COLLIN COUNTY, TEXAS
DEPUTY



Cause No. 366-81052-12 (count 2)

STATE OF TEXAS

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IN THE 366 JUDICIAL

VS.

DISTRICT COURT OF

Todd Clements

COLLIN COUNTY, TEXAS

PLEA AGREEMENT

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the defendant, his/her attorney (if shown below), and the attorney for the State of Texas, and would show the Court that the defendant will plead **GUILTY** to the offense of FRAUD/DEL C.S. as charged in or as a lesser included offense of the charge in (Count 2 of) the charging instrument and they make the following plea agreement:

Term of Confinement: 10 (years) (months) (days).

Post-conviction community supervision for 10 (years) (months) (days).

Deferred community supervision for _____ (years) (months) (days).

Pay fine in the amount of \$ _____, as directed by the Supervision Office.

Pay restitution, jointly and severally with co-defendant(s) in the amount of \$ _____.

Pay \$50.00 to Crime Stoppers within thirty (30) days.

Serve _____ days in the Collin County Jail to begin _____; work release: Yes No

Perform _____ hours of community service work at the rate of 10 hours per month managed and facilitated by such agencies as the Supervision Officer directs and pay all costs associated therewith, as directed by the Supervision Officer.

Have no contact with co-defendant(s).

Testify honestly about any co-defendant's participation in this offense.

Have no direct communication with the victim, _____, and his/her family and maintain a distance of at least 50 yards from the victim's residence or place of employment.

Provide identity of drug source.

Driver's License is suspended for _____ years.

Participate in and successfully complete the SAFF Program in the Institutional Division and aftercare program.

Other: Voluntary and Permanent Surrender of Medical

COMPLY WITH ALL OTHER CONDITIONS OF COMMUNITY SUPERVISION AS DIRECTED BY THE SUPERVISION OFFICER. License, SAET+CONCL, Substance Abuse Caseload

State will not Pursue Prosecution of the following Fraud/DEL Rx Offenses:

1) 6/10/10 - Fraud/Del Rx - Armodafinil - Qty 30 - Plano, TX

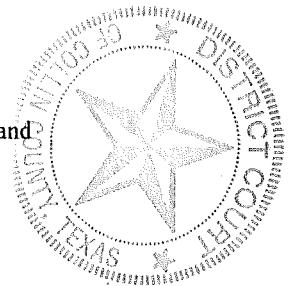
2) 6/30/10 - Fraud/Del Rx - Armodafinil - Qty 30 - Plano, TX

3) 7/12/10 - Fraud/Del Rx - Zolpidem - Qty 30 - Plano, TX

4) 7/13/10 - Fraud/Del Rx - Armodafinil - Qty 30 - Plano, TX

Revised 10/11/2011

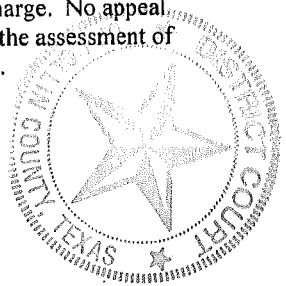
5) Any other offenses of Fraud/Del Rx contained in Discovery tendered to Mr. Kim, Defense Counsel.



COURT'S ADMONITIONS TO DEFENDANT

1. You stand charged with the offense of Fraud/Del C.S. (Count 2)
The range of punishment attached to this offense as enhanced, if any, is (check one):
- Capital Offense (Death Penalty Waived):** Life without parole in the Institutional Division of the Texas Department of Criminal Justice.
 - 1st Degree Felony:** Life or any term not more than 99 years or less than 5 years in the Institutional Division of the Texas Department of Criminal Justice and an optional fine not to exceed \$10,000.
 - 2nd Degree Felony:** A term not more than 20 years or less than 2 years confinement in the Institutional Division of the Texas Department of Criminal Justice and an optional fine not to exceed \$10,000.
 - 3rd Degree Felony:** A term not more than 10 years or less than 2 years confinement in the Institutional Division of the Texas Department of Criminal Justice and an optional fine not to exceed \$10,000.
 - State Jail Felony:** A term not more than 2 years or less than 180 days confinement in a State Jail and an optional fine not to exceed \$10,000.
 - Habitual Offender:** Life or a term not more than 99 years or less than 25 years confinement in the Institutional Division of the Texas Department of Criminal Justice.
 - 1st Degree Felony Enhanced:** Life or any term not more than 99 years or less than 15 years in the Institutional Division of the Texas Department of Criminal Justice and an optional fine not to exceed \$10,000.
 - 2nd Degree Felony Enhanced:** : Life or any term not more than 99 years or less than 5 years in the Institutional Division of the Texas Department of Criminal Justice and an optional fine not to exceed \$10,000.
 - 3rd Degree Felony Enhanced:** A term not more than 20 years or less than 2 years confinement in the Institutional Division of the Texas Department of Criminal Justice and an optional fine not to exceed \$10,000.
 - State Jail Felony Punished as 2nd Degree Felony:** A term not more than 20 years or less than 2 years confinement in the Institutional Division of the Texas Department of Criminal Justice and an optional fine not to exceed \$10,000.
 - State Jail Felony Punished as 3rd Degree Felony:** A term not more than 10 years or less than 2 years confinement in the Institutional Division of the Texas Department of Criminal Justice and an optional fine not to exceed \$10,000.
 - State Jail Felony Punished as Class A Misdemeanor:** A term of up to 1 year confinement in the Collin County Jail, or a fine not to exceed \$4,000, or both such confinement and fine.
 - Other:** _____

2. The recommendations of the prosecuting attorney are not binding on the Court. If a plea agreement does exist, the Court will inform you whether it will follow or reject the agreement in open court and before any finding on your plea. Should the Court reject any plea agreement, you will be permitted to withdraw your plea.
3. If the punishment assessed does not exceed the agreement between you and the prosecutor, the Court must give its permission to you before you may appeal on any matter in this case except for those matters raised by written motions prior to trial.
4. If you are not a citizen of the United States of America, a plea of guilty or nolo contendere may result in deportation, exclusion from admission to this country, or the denial of naturalization under federal law.
5. You will be required to meet the registration requirements of Chapter 62 of the Code of Criminal Procedure (CCP) if you are convicted or place on deferred adjudication for an offense for which a person is subject to the registration requirements under Chapter 62 CCP.
6. If the Court defers adjudicating your guilt and places you under community supervision, on violation of any condition you may be arrested and detained as provided by law. You are then entitled to a hearing limited to a determination by the Court whether to proceed with an adjudication of guilt on the original charge. No appeal may be taken from this determination. After adjudication of guilt, all proceedings, including the assessment of punishment and your right to appeal continue as if adjudication of guilt had not been deferred.



- If the Court defers an adjudication of guilt and places you on community supervision, you may have the right to petition the Court for an order of non-disclosure after successfully completing community supervision, unless you are ineligible due to the nature of this offense or your criminal history.

DEFENDANT'S WAIVER OF RIGHTS AND JUDICIAL CONFESSION

With the Court's approval, the defendant herein states that he/she:

- Understands that he has a right to be charged by an indictment returned by a grand jury, and to be served with a copy of the indictment. If an indictment has not been returned in this case, the defendant waives those rights, and agrees to be tried on an information.
- Agrees that the court may accept his/her plea by broadcast by closed-circuit video conferencing.
- Is the same person charged in the charging instrument.
- Waives any and all defects, errors or irregularities, whether of form or substance, in the charging instrument.
- Waives arraignment and formal reading of the charging instrument.
- Waives the ten (10) days allowed to prepare for trial after the appointment of counsel, and agrees to proceed on this date.
- Waives the preparation of a pre-sentence investigation report.
- Waives the right to a jury trial on both guilt and punishment.
- Waives any and all due diligence claims.
- Waives the right to subpoena witnesses and have them testify on his/her behalf.
- Waives the right to remain silent as to guilt and punishment, and agrees to testify.
- Waives the right to appeal to the Court of Appeals.
- Waives the right to urge a motion for new trial.
- Waives any right under Arts. 1.14(a) and 38.43(d), Code of Criminal Procedure requiring the State of Texas to preserve evidence containing biological material.
- Waives the right to confront and cross-examine the State's witnesses in open court, and consents to the introduction of evidence against him/her in the form of written and oral stipulations of evidence and testimony, testimony by affidavit, written statements of witnesses, and any other documentary evidence.
- Has had an adequate opportunity to consult with his/her attorney who has explained his/her rights under the constitutions and laws of the United States and the State of Texas, and is fully satisfied with the representation provided by his/her attorney.
- JUDICIALLY CONFESSES** and admits to committing the offense of Fraud/Del C.S. exactly as charged in the charging instrument or as a lesser included offense of the offense charged in (Count 2 of) the charging instrument.
- PLEADS TRUE** to the (first) (second) (all) enhancement paragraphs which are contained in charging instrument, and judicially confesses that he/she is the same person who was previously duly and legally convicted of the offense(s) alleged therein.

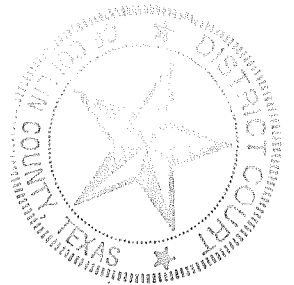
DEFENDANT'S APPROVAL

I, the defendant herein, do acknowledge that:

- My attorney has explained to me, and I have read and understand the foregoing "Plea Agreement", "Court's Admonitions to Defendant", "Defendant's Waiver of Rights and Judicial Confession".
- My attorney has explained to me and I understand the legal effects of waiving my rights and the consequences of my plea.
- I knowingly, freely and voluntarily waive my rights, plead "GUILTY", and consent to the stipulation of facts.
- I request that the Court accept my plea, agreements, waivers, statements and stipulations.

Date 11/14/12

Defendant Todd Clements
 Printed Name: Todd Clements

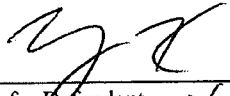


DEFENSE ATTORNEY'S APPROVAL

I, the attorney of record for the defendant herein, being a licensed member in good standing of the State Bar of Texas, do hereby certify that:

1. The defendant has a sufficient present ability to consult with me with a reasonable degree of rational understanding, and he/she has a rational as well as factual understanding of the proceedings against him/her.
2. I have read the foregoing "Plea Agreement", "Court's Admonitions to Defendant", "Defendant's Waiver of Rights and Judicial Confession", fully explained each of them to the defendant, and I am satisfied that he/she understands each of them.
3. I have explained to the defendant the legal effects of waiving his/her rights and the legal consequences of his/her plea, I have witnessed his/her signature contained herein, and I am satisfied that he/she understands these rights and the legal consequences of his/her plea.
4. I am satisfied that the defendant's plea, agreements, waivers, statements and stipulations are knowingly, freely and voluntarily made, and I do hereby approve and consent to each of them.

11/14/12
Date

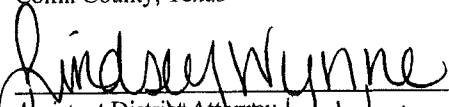

 Attorney for Defendant _____
 Printed Name: Joan E. Lu
 State Bar #: 24046213

STATE'S APPROVAL

THE STATE OF TEXAS, by and through its Criminal District Attorney, upon the acceptance and approval by the Court of the defendant's waivers and stipulations of fact herein, waives its right to a trial by jury, and consents that the plea proceeding may be by closed-circuit video teleconferencing.

GREG WILLIS, Criminal District Attorney
Collin County, Texas

11/13/12
Date

BY: 
 Assistant District Attorney
 Printed Name: Lindsay Wynne
 State Bar #: 24062203

COURT'S APPROVAL

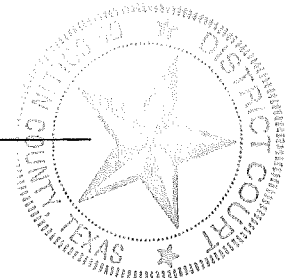
The Court finds the following:

1. The defendant has a sufficient present ability to consult with his or her lawyer with a reasonable degree of rational understanding, and has a rational as well as factual understanding of the proceedings against him or her.
2. The defendant has the age, maturity, and intelligence to understand and does knowingly understand his or her rights with regard to the two above said instruments.
3. The defendant does knowingly waive his or her rights as described therein.
4. The defendant does understand his or her rights regarding stipulations and does knowingly waive his or her rights to have such facts proved otherwise.
5. The defendant does knowingly stipulate and agree that the facts contained in the "Defendant's Waiver of Rights and Judicial Confession" are true and correct.
6. The defendant does knowingly request that a pre-sentence investigation not be made and the Court herein agrees.

IT IS THEREFORE ORDERED that the defendant's waivers as they appear in the aforesaid instruments be and are hereby approved, consented to, and accepted by this court; that the stipulations be and are hereby approved, consented to, and accepted by this court, and, said instruments are hereby ORDERED filed in the papers of this cause.

SIGNED THIS _____ day of _____, 20____.

JUDGE PRESIDING



No. 366-81652-12 (count 2)

The State of Texas

In the 366 Court

v.
Todd Clements
Defendant

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of
Collin County, Texas

TRIAL COURT'S CERTIFICATION OF DEFENDANT'S RIGHT OF APPEAL*

I, judge of the trial court, certify this criminal case:

- is not a plea-bargain case, and the defendant has the right of appeal. [or]
- is a plea-bargain case, but matters were raised by written motion filed and ruled on before trial and not withdrawn or waived, and the defendant has the right of appeal. [or]
- is a plea-bargain case, but the trial court has given permission to appeal, and the defendant has the right of appeal. [or]
- is a plea-bargain case, and the defendant has NO right of appeal. [or]
- the defendant has waived the right of appeal.

SIGNED THIS 14 day of NOV., 2012.

Ray White
JUDGE PRESIDING

I have received a copy of this certification. I have also been informed of my rights concerning any appeal of this criminal case, including any right to file a *pro se* petition for discretionary review pursuant to Rule 68 of the Texas Rules of Appellate Procedure. I have been admonished that my attorney must mail a copy of the court of appeals's judgment and opinion to my last known address and that I have only 30 days in which to file a *pro se* petition for discretionary review in the Court of Criminal Appeals. TEX. R. APP. P. 68.2. I acknowledge that, if I wish to appeal this case and if I am entitled to do so, it is my duty to inform my appellate attorney, by written communication, of any change in the address at which I am currently living or any change in my current prison unit. I understand that, because of appellate deadlines, if I fail to timely inform my appellate attorney of any change in my address, I may lose the opportunity to file a *pro se* petition for discretionary review.

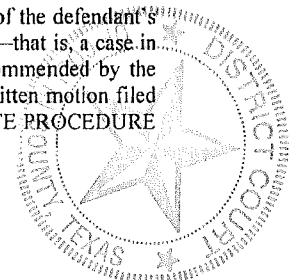
Todd Clements
Defendant
Printed Name: Todd Clements
Address: 5363 Keswick Drive
Frisco, TX 75034

Yoon Kwon
Defendant's Attorney
Printed Name: Yoon Kwon
State Bar No.: 24046213
Address: 6190 Virginia Ave, Ste 300
McKinney, TX 75071

Telephone No.: 469-400-9169
Fax No. (if any): _____

Telephone No. _____
Fax No. (if any): _____

*"A defendant in a criminal case has the right of appeal under these rules. The trial court shall enter a certification of the defendant's right to appeal in every case in which it enters a judgment of guilt or other appealable order. In a plea bargain case—that is, a case in which a defendant's plea was guilty or nolo contendere and the punishment did not exceed the punishment recommended by the prosecutor and agreed to by the defendant—a defendant may appeal only: (A) those matters that were raised by written motion filed and ruled on before trial, or (B) after getting the trial court's permission to appeal." TEXAS RULE OF APPELLATE PROCEDURE 25.2(a)(2).



Cause No. 346-81652-12 (count 2)

STATE OF TEXAS

VS.

Todd Clements

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IN THE 346 JUDICIAL

DISTRICT COURT OF

COLLIN COUNTY, TEXAS

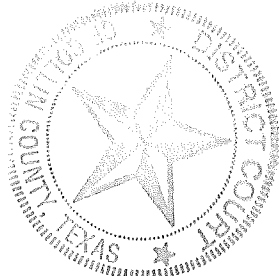
BACK TIME CREDIT WORKSHEET

The following are the dates and counties for which defendant shows to have back-time for incarceration:

Date Incarcerated	Date Released	Reason	County	# Of Days
Total Days:				

Jail credit includes dates of incarceration in the Collin County Jail, as well as dates Collin County had holds placed on the defendant in other Counties or States, successfully completed SAFP, and successfully completed SCORE. Jail time Credit DOES NOT include TERM & CONDITION.

STATE OF TEXAS
COUNTY OF COLLIN
I, Whitney A. Strong, County Clerk, do hereby certify that the above information is a true and correct copy of the original document on file in the County Clerk's Office, Collin County, Texas, and that I am the duly authorized County Clerk of said County, Texas.
Whitney A. Strong
COUNTY CLERK
COLLIN COUNTY, TEXAS
DEPUTY



Cause No. 366-81652-12 (Count 3)

STATE OF TEXAS

IN THE 366 JUDICIAL

VS Todd Clements

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DISTRICT COURT OF
COLLIN COUNTY, TEXAS

PLEA AGREEMENT

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the defendant, his/her attorney (if shown below), and the attorney for the State of Texas, and would show the Court that the defendant will plead **GUILTY** to the offense of Fraud/Del CS, as charged in or as a lesser included offense of the charge in (Count 3 of) the charging instrument and they make the following plea agreement:

Term of Confinement: 10 (years) (months) (days).

Post-conviction community supervision for 10 (years) (months) (days).

Deferred community supervision for _____ (years) (months) (days).

Pay fine in the amount of \$ _____, as directed by the Supervision Office.

Pay restitution, jointly and severally with co-defendant(s) in the amount of \$ _____.

Pay \$50.00 to Crime Stoppers within thirty (30) days.

Serve _____ days in the Collin County Jail to begin _____; work release: Yes No

Perform _____ hours of community service work at the rate of 10 hours per month managed and facilitated by such agencies as the Supervision Officer directs and pay all costs associated therewith, as directed by the Supervision Officer.

Have no contact with co-defendant(s).

Testify honestly about any co-defendant's participation in this offense.

Have no direct communication with the victim, _____, and his/her family and maintain a distance of at least 50 yards from the victim's residence or place of employment.

Provide identity of drug source.

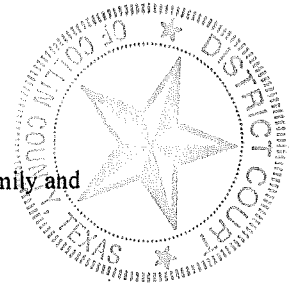
Driver's License is suspended for _____ years.

Participate in and successfully complete the SAFF Program in the Institutional Division and aftercare program.

Other: Voluntary & Permanent Surrender of Medical License,

COMPLY WITH ALL OTHER CONDITIONS OF COMMUNITY SUPERVISION AS DIRECTED BY THE SUPERVISION OFFICER. SAET cond, Substance Abuse Caseload

State will not Prosecute of the following Fraud/Del Rx offenses:
1) 6/10/10 - Fraud/Del Rx - Armodafinil - Qty 30 - Plano, TX
2) 6/30/10 - Fraud/Del Rx - Armodafinil - Qty 30 - Plano, TX
3) 7/12/10 - Fraud/Del Rx - Zolpidem - Qty 30 - Plano, TX
4) 7/13/10 - Fraud/Del Rx - Armodafinil - Qty 30 - Plano, TX
5) Any other offenses of Fraud/Del Rx contained in Discovery tendered to Mr. Kim, Defense Counsel.

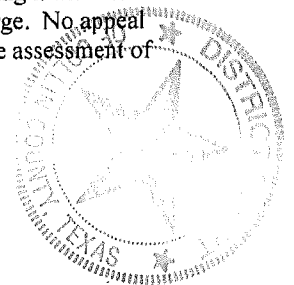


COURT'S ADMONITIONS TO DEFENDANT

Fraud/Def C.S./Rx (count 3)

1. You stand charged with the offense of Fraud/Def C.S./Rx (count 3)
The range of punishment attached to this offense as enhanced, if any, is (check one):
- Capital Offense (Death Penalty Waived):** Life without parole in the Institutional Division of the Texas Department of Criminal Justice.
 - 1st Degree Felony:** Life or any term not more than 99 years or less than 5 years in the Institutional Division of the Texas Department of Criminal Justice and an optional fine not to exceed \$10,000.
 - 2nd Degree Felony:** A term not more than 20 years or less than 2 years confinement in the Institutional Division of the Texas Department of Criminal Justice and an optional fine not to exceed \$10,000.
 - 3rd Degree Felony:** A term not more than 10 years or less than 2 years confinement in the Institutional Division of the Texas Department of Criminal Justice and an optional fine not to exceed \$10,000.
 - State Jail Felony:** A term not more than 2 years or less than 180 days confinement in a State Jail and an optional fine not to exceed \$10,000.
 - Habitual Offender:** Life or a term not more than 99 years or less than 25 years confinement in the Institutional Division of the Texas Department of Criminal Justice.
 - 1st Degree Felony Enhanced:** Life or any term not more than 99 years or less than 15 years in the Institutional Division of the Texas Department of Criminal Justice and an optional fine not to exceed \$10,000.
 - 2nd Degree Felony Enhanced:** : Life or any term not more than 99 years or less than 5 years in the Institutional Division of the Texas Department of Criminal Justice and an optional fine not to exceed \$10,000.
 - 3rd Degree Felony Enhanced:** A term not more than 20 years or less than 2 years confinement in the Institutional Division of the Texas Department of Criminal Justice and an optional fine not to exceed \$10,000.
 - State Jail Felony Punished as 2nd Degree Felony:** A term not more than 20 years or less than 2 years confinement in the Institutional Division of the Texas Department of Criminal Justice and an optional fine not to exceed \$10,000.
 - State Jail Felony Punished as 3rd Degree Felony:** A term not more than 10 years or less than 2 years confinement in the Institutional Division of the Texas Department of Criminal Justice and an optional fine not to exceed \$10,000.
 - State Jail Felony Punished as Class A Misdemeanor:** A term of up to 1 year confinement in the Collin County Jail, or a fine not to exceed \$4,000, or both such confinement and fine.
 - Other:** _____

2. The recommendations of the prosecuting attorney are not binding on the Court. If a plea agreement does exist, the Court will inform you whether it will follow or reject the agreement in open court and before any finding on your plea. Should the Court reject any plea agreement, you will be permitted to withdraw your plea.
3. If the punishment assessed does not exceed the agreement between you and the prosecutor, the Court must give its permission to you before you may appeal on any matter in this case except for those matters raised by written motions prior to trial.
4. If you are not a citizen of the United States of America, a plea of guilty or nolo contendere may result in deportation, exclusion from admission to this country, or the denial of naturalization under federal law.
5. You will be required to meet the registration requirements of Chapter 62 of the Code of Criminal Procedure (CCP) if you are convicted or place on deferred adjudication for an offense for which a person is subject to the registration requirements under Chapter 62 CCP.
6. If the Court defers adjudicating your guilt and places you under community supervision, on violation of any condition you may be arrested and detained as provided by law. You are then entitled to a hearing limited to a determination by the Court whether to proceed with an adjudication of guilt on the original charge. No appeal may be taken from this determination. After adjudication of guilt, all proceedings, including the assessment of punishment and your right to appeal continue as if adjudication of guilt had not been deferred.



7. If the Court defers an adjudication of guilt and places you on community supervision, you may have the right to petition the Court for an order of non-disclosure after successfully completing community supervision, unless you are ineligible due to the nature of this offense or your criminal history.

DEFENDANT'S WAIVER OF RIGHTS AND JUDICIAL CONFESSION

With the Court's approval, the defendant herein states that he/she:

1. Understands that he has a right to be charged by an indictment returned by a grand jury, and to be served with a copy of the indictment. If an indictment has not been returned in this case, the defendant waives those rights, and agrees to be tried on an information.
2. Agrees that the court may accept his/her plea by broadcast by closed-circuit video conferencing.
3. Is the same person charged in the charging instrument.
4. Waives any and all defects, errors or irregularities, whether of form or substance, in the charging instrument.
5. Waives arraignment and formal reading of the charging instrument.
6. Waives the ten (10) days allowed to prepare for trial after the appointment of counsel, and agrees to proceed on this date.
7. Waives the preparation of a pre-sentence investigation report.
8. Waives the right to a jury trial on both guilt and punishment.
9. Waives any and all due diligence claims.
10. Waives the right to subpoena witnesses and have them testify on his/her behalf.
11. Waives the right to remain silent as to guilt and punishment, and agrees to testify.
12. Waives the right to appeal to the Court of Appeals.
13. Waives the right to urge a motion for new trial.
14. Waives any right under Arts. 1.14(a) and 38.43(d), Code of Criminal Procedure requiring the State of Texas to preserve evidence containing biological material.
15. Waives the right to confront and cross-examine the State's witnesses in open court, and consents to the introduction of evidence against him/her in the form of written and oral stipulations of evidence and testimony, testimony by affidavit, written statements of witnesses, and any other documentary evidence.
16. Has had an adequate opportunity to consult with his/her attorney who has explained his/her rights under the constitutions and laws of the United States and the State of Texas, and is fully satisfied with the representation provided by his/her attorney.
17. **JUDICIALLY CONFESSES** and admits to committing the offense of Fraud/Del C.S./RX exactly as charged in the charging instrument or as a lesser included offense of the offense charged in (Count 3 of) the charging instrument.
18. **PLEADS TRUE** to the (first) (second) (all) enhancement paragraphs which are contained in charging instrument, and judicially confesses that he/she is the same person who was previously duly and legally convicted of the offense(s) alleged therein.

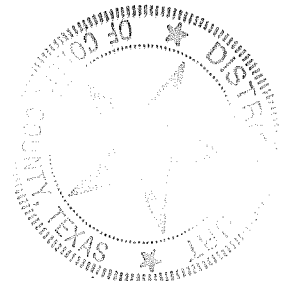
DEFENDANT'S APPROVAL

I, the defendant herein, do acknowledge that:

1. My attorney has explained to me, and I have read and understand the foregoing "Plea Agreement", "Court's Admonitions to Defendant", "Defendant's Waiver of Rights and Judicial Confession".
2. My attorney has explained to me and I understand the legal effects of waiving my rights and the consequences of my plea.
3. I knowingly, freely and voluntarily waive my rights, plead "GUILTY", and consent to the stipulation of facts.
4. I request that the Court accept my plea, agreements, waivers, statements and stipulations.

11/14/12
Date

Isaiah Clement
Defendant
Printed Name: Isaiah Clements



DEFENSE ATTORNEY'S APPROVAL

I, the attorney of record for the defendant herein, being a licensed member in good standing of the State Bar of Texas, do hereby certify that:

1. The defendant has a sufficient present ability to consult with me with a reasonable degree of rational understanding, and he/she has a rational as well as factual understanding of the proceedings against him/her.
2. I have read the foregoing "Plea Agreement", "Court's Admonitions to Defendant", "Defendant's Waiver of Rights and Judicial Confession", fully explained each of them to the defendant, and I am satisfied that he/she understands each of them.
3. I have explained to the defendant the legal effects of waiving his/her rights and the legal consequences of his/her plea, I have witnessed his/her signature contained herein, and I am satisfied that he/she understands these rights and the legal consequences of his/her plea.
4. I am satisfied that the defendant's plea, agreements, waivers, statements and stipulations are knowingly, freely and voluntarily made, and I do hereby approve and consent to each of them.

Date 11/14/12

Attorney for Defendant [Signature]
Printed Name: Yoon Kim
State Bar #: 24046213

STATE'S APPROVAL

THE STATE OF TEXAS, by and through its Criminal District Attorney, upon the acceptance and approval by the Court of the defendant's waivers and stipulations of fact herein, waives its right to a trial by jury, and consents that the plea proceeding may be by closed-circuit video conferencing.

GREG WILLIS, Criminal District Attorney
Collin County, Texas

Date 11/13/12

BY: [Signature]
Assistant District Attorney
Printed Name: Lindsay Wynne
State Bar #: 24062203

COURT'S APPROVAL

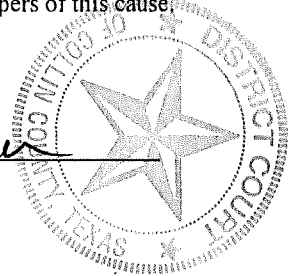
The Court finds the following:

1. The defendant has a sufficient present ability to consult with his or her lawyer with a reasonable degree of rational understanding, and has a rational as well as factual understanding of the proceedings against him or her.
2. The defendant has the age, maturity, and intelligence to understand and does knowingly understand his or her rights with regard to the two above said instruments.
3. The defendant does knowingly waive his or her rights as described therein.
4. The defendant does understand his or her rights regarding stipulations and does knowingly waive his or her rights to have such facts proved otherwise.
5. The defendant does knowingly stipulate and agree that the facts contained in the "Defendant's Waiver of Rights and Judicial Confession" are true and correct.
6. The defendant does knowingly request that a pre-sentence investigation not be made and the Court herein agrees.

IT IS THEREFORE ORDERED that the defendant's waivers as they appear in the aforesaid instruments be and are hereby approved, consented to, and accepted by this court; that the stipulations be and are hereby approved, consented to, and accepted by this court, and, said instruments are hereby ORDERED filed in the papers of this cause.

SIGNED THIS 14 day of NOV., 20 12

[Signature]
JUDGE PRESIDING



No. 3066-81652-12 (count 3)

The State of Texas

In the 3066 Court

v. Todd Clements
Defendant

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of
Collin County, Texas

TRIAL COURT'S CERTIFICATION OF DEFENDANT'S RIGHT OF APPEAL*

I, judge of the trial court, certify this criminal case:

- is not a plea-bargain case, and the defendant has the right of appeal. [or]
- is a plea-bargain case, but matters were raised by written motion filed and ruled on before trial and not withdrawn or waived, and the defendant has the right of appeal. [or]
- is a plea-bargain case, but the trial court has given permission to appeal, and the defendant has the right of appeal. [or]
- is a plea-bargain case, and the defendant has NO right of appeal. [or]
- the defendant has waived the right of appeal.

SIGNED THIS 14 day of NOV., 2012

Ray Whelan
JUDGE PRESIDING

I have received a copy of this certification. I have also been informed of my rights concerning any appeal of this criminal case, including any right to file a *pro se* petition for discretionary review pursuant to Rule 68 of the Texas Rules of Appellate Procedure. I have been admonished that my attorney must mail a copy of the court of appeals's judgment and opinion to my last known address and that I have only 30 days in which to file a *pro se* petition for discretionary review in the Court of Criminal Appeals. TEX. R. APP. P. 68.2. I acknowledge that, if I wish to appeal this case and if I am entitled to do so, it is my duty to inform my appellate attorney, by written communication, of any change in the address at which I am currently living or any change in my current prison unit. I understand that, because of appellate deadlines, if I fail to timely inform my appellate attorney of any change in my address, I may lose the opportunity to file a *pro se* petition for discretionary review.

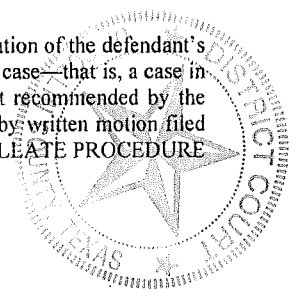
Todd Clements
Defendant
Printed Name: Todd Clements
Address: 5363 Keswick Drive
Frisco, TX 75034

Yoon Kim
Defendant's Attorney
Printed Name: Yoon Kim
State Bar No.: 24046213
Address: 6190 Virginia Ave, Ste 300
McKinney, TX 75071

Telephone No.: 469-400-9169
Fax No. (if any): N/A

Telephone No. _____
Fax No. (if any): _____

*"A defendant in a criminal case has the right of appeal under these rules. The trial court shall enter a certification of the defendant's right to appeal in every case in which it enters a judgment of guilt or other appealable order. In a plea bargain case—that is, a case in which a defendant's plea was guilty or nolo contendere and the punishment did not exceed the punishment recommended by the prosecutor and agreed to by the defendant—a defendant may appeal only: (A) those matters that were raised by written motion filed and ruled on before trial, or (B) after getting the trial court's permission to appeal." TEXAS RULE OF APPELATE PROCEDURE 25.2(a)(2).



Cause No. 366-81652-12 (count 3)

STATE OF TEXAS

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IN THE 366 JUDICIAL
DISTRICT COURT OF
COLLIN COUNTY, TEXAS

VS.
Todd Clements

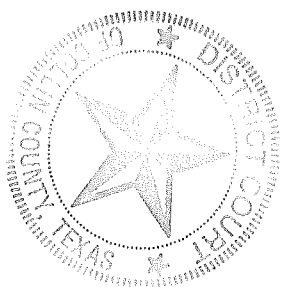
BACK TIME CREDIT WORKSHEET

The following are the dates and counties for which defendant shows to have back-time for incarceration:

Date Incarcerated	Date Released	Reason	County	# Of Days
Total Days:				

Jail credit includes dates of incarceration in the Collin County Jail, as well as dates Collin County had holds placed on the defendant in other Counties or States, successfully completed SAFP, and successfully completed SCORE. Jail time Credit DOES NOT include TERM & CONDITION.

STATE OF TEXAS
COUNTY OF COLLIN
I, Amber Reed Thompson, District Clerk for Collin County, Texas, do hereby certify that the above information is a true and correct copy of the original document in the case captioned on the face of the District Court of Collin County, Texas. If there are any amendments to this document, this is the responsibility of the defendant.
AMBER REED THOMPSON, DISTRICT CLERK
COLLIN COUNTY, TEXAS
DEPUTY





CASE NO. **366-81652-2012** COUNT I INCIDENT NO./TRN: **9162050850** TRS: **A001**

THE STATE OF TEXAS

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IN THE 366TH JUDICIAL

V.

DISTRICT COURT

TODD M. CLEMENTS

COLLIN COUNTY, TEXAS

STATE ID NO.: **TX50114400**

JUDGMENT OF CONVICTION BY COURT—WAIVER OF JURY TRIAL

Judge Presiding: **HON. RAY WHELESS** Date Judgment Entered: **11/14/2012**

Attorney for State: **LINDSEY WYNNE** Attorney for Defendant: **YOON KIM**

Offense for which Defendant Convicted:
FRAUD DEL CS/PRESCRIPTION SCH II

Charging Instrument: **INDICTMENT** Statute for Offense: **481.129 (c)(1) Health and Safety Code**

Date of Offense: **03/01/2010**

Degree of Offense: **2ND DEGREE FELONY** Plea to Offense: **GUILTY** Findings on Deadly Weapon: **N/A**

Terms of Plea Bargain:
WAIVERS, COURT COSTS, FINE, AND TEN (10) YEARS CONFINEMENT IN THE INSTITUTIONAL DIVISION, TDCJ, PROBATED TEN (10) YEARS

Plea to 1st Enhancement Paragraph: **N/A** Plea to 2nd Enhancement/Habitual Paragraph: **N/A**

Findings on 1st Enhancement Paragraph: **N/A** Findings on 2nd Enhancement/Habitual Paragraph: **N/A**

Date Sentence Imposed: **11/14/2012** Date Sentence to Commence: **11/14/2012**

Punishment and Place of Confinement: **TEN (10) YEARS INSTITUTIONAL DIVISION, TDCJ**

Fine: **\$ 2,500.00** Court Costs: **\$ 433.00** Restitution: **\$ N/A** Restitution Payable to: VICTIM (see below) AGENCY/AGENT (see below)

THE CONFINEMENT ORDERED SHALL RUN CONCURRENTLY.
THE FINE ORDERED SHALL RUN CONCURRENTLY.

SENTENCE OF CONFINEMENT SUSPENDED, DEFENDANT PLACED ON COMMUNITY SUPERVISION FOR TEN (10) YEARS.

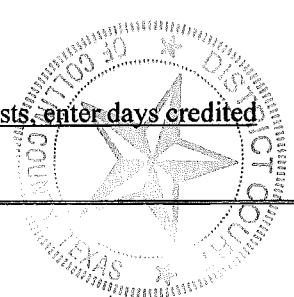
Sex Offender Registration Requirements do not apply to the Defendant. TEX. CODE CRIM. PROC. chapter 62

The age of the victim at the time of the offense was **N/A** years.

If Defendant is to serve sentence in TDCJ, enter incarceration periods in chronological order.
From ____ to ____ From ____ to ____ From ____ to ____

Time Credited: From ____ to ____ From ____ to ____ From ____ to ____

If Defendant is to serve sentence in county jail or is given credit toward fine and costs, enter days credited below.
N/A DAYS NOTES: **N/A**





All pertinent information, names and assessments indicated above are incorporated into the language of the judgment below by reference.

This cause was called for trial in Collin County, Texas. The State appeared by her District Attorney.

Counsel / Waiver of Counsel (select one)

- Defendant appeared in person with Counsel.
- Defendant knowingly, intelligently, and voluntarily waived the right to representation by counsel in writing in open court.

Both parties announced ready for trial. Defendant waived the right of trial by jury and entered the plea indicated above. The Court then admonished Defendant as required by law. It appeared to the Court that Defendant was mentally competent to stand trial, made the plea freely and voluntarily, and was aware of the consequences of this plea. The Court received the plea and entered it of record. Having heard the evidence submitted, the Court found Defendant guilty of the offense indicated above. In the presence of Defendant, the Court pronounced sentence against Defendant.

The Court FINDS Defendant committed the above offense and **ORDERS, ADJUDGES AND DECREES** that Defendant is **GUILTY** of the above offense. The Court FINDS the Presentence Investigation, if so ordered, was done according to the applicable provisions of TEX. CODE CRIM. PROC. art. 42.12 § 9.

The Court **ORDERS** Defendant punished as indicated above. The Court **ORDERS** Defendant to pay all fines, court costs, and restitution as indicated above.

Punishment Options (select one)

- Confinement in State Jail or Institutional Division.** The Court **ORDERS** the authorized agent of the State of Texas or the Sheriff of this County to take, safely convey, and deliver Defendant to the **Director, Institutional Division, TDCJ**. The Court **ORDERS** Defendant to be confined for the period and in the manner indicated above. The Court **ORDERS** Defendant remanded to the custody of the Sheriff of this county until the Sheriff can obey the directions of this sentence. The Court **ORDERS** that upon release from confinement, Defendant proceed immediately to the Collin County District Clerk. Once there, the Court **ORDERS** Defendant to pay, or make arrangements to pay, any remaining unpaid fines, court costs, and restitution as ordered by the Court above.
- County Jail—Confinement / Confinement in Lieu of Payment.** The Court **ORDERS** Defendant immediately committed to the custody of the Sheriff of Collin County, Texas on the date the sentence is to commence. Defendant shall be confined in the Collin County Jail for the period indicated above. The Court **ORDERS** that upon release from confinement, Defendant shall proceed immediately to the Collin County District Clerk. Once there, the Court **ORDERS** Defendant to pay, or make arrangements to pay, any remaining unpaid fines, court costs, and restitution as ordered by the Court above.
- Fine Only Payment.** The punishment assessed against Defendant is for a **FINE ONLY**. The Court **ORDERS** Defendant to proceed immediately to the Office of the Collin County . Once there, the Court **ORDERS** Defendant to pay or make arrangements to pay all fines and court costs as ordered by the Court in this cause.

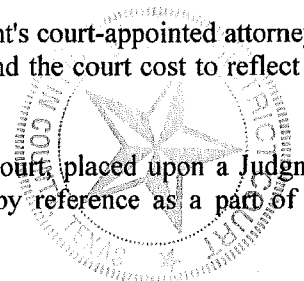
Execution / Suspension of Sentence (select one)

- The Court **ORDERS** Defendant's sentence **EXECUTED**.
- The Court **ORDERS** Defendant's sentence of confinement **SUSPENDED**. The Court **ORDERS** Defendant placed on community supervision for the adjudged period (above) so long as Defendant abides by and does not violate the terms and conditions of community supervision. The order setting forth the terms and conditions of community supervision is incorporated into this judgment by reference.

The Court **ORDERS** that Defendant is given credit noted above on this sentence for the time spent incarcerated.

It is further ORDERED that the cost to Collin County for the payment of this defendant's court-appointed attorney, if any, is taxed against this defendant as court cost. The District Clerk is granted leave to amend the court cost to reflect this amount without the necessity of a further order.

Following the disposition of this cause, the defendant's fingerprints were, in open court, placed upon a Judgment Certificate of Defendant's Prints. Said Certificate is attached hereto and is incorporated by reference as a part of this Judgment.





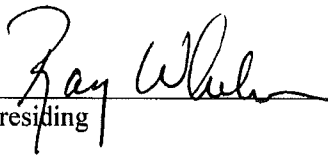
Furthermore, the following special findings or orders apply:

Voluntary and Permanent Surrender of Medical License.

State will not pursue the following offenses:

1. 6/10/2010 - Fraud Del Rx - Armodafinil - Qty 30 - Plano, Texas
2. 6/30/2010 - Fraud Del Rx - Armodafinil - Qty 30 - Plano, Texas
3. 7/12/2010 - Fraud Del Rx - Zolpidem - Qty 30 - Plano, Texas
4. 7/13/2010 - Fraud Del Rx - Armodafinil - Qty 30 - Plano, Texas
5. Any other offense of Fraud/Del Rx contained in discovery already given to Mr. Kim, Defense Counsel.

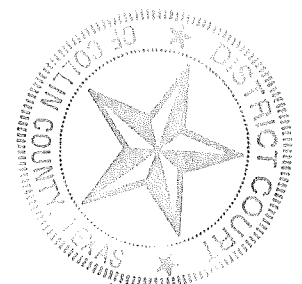
Signed on the 28 day of NOV., 2012



Judge Presiding

PRINTED NAME
If sitting for Presiding Judge

Clerk:



Cause No. 366-81652-12 (Count 1)

STATE OF TEXAS

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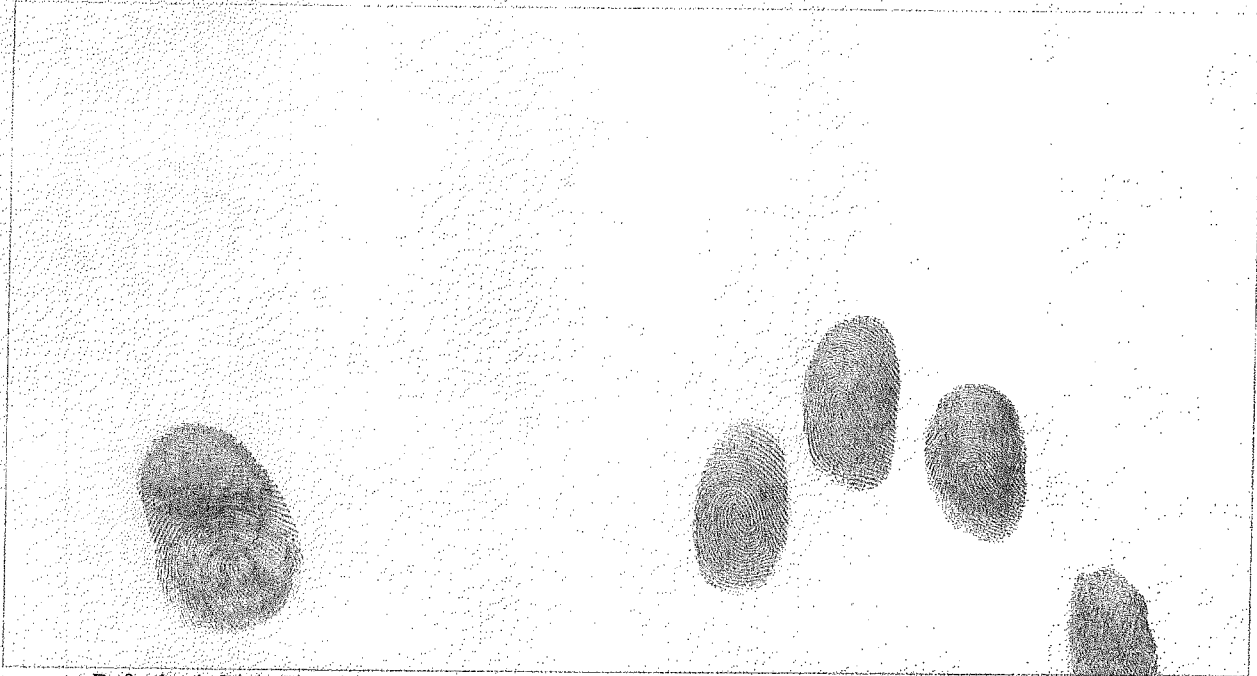
IN THE 366 JUDICIAL

DISTRICT COURT OF

COLLIN COUNTY, TEXAS

vs.
Todd Clements

JUDGMENT CERTIFICATE OF DEFENDANT'S PRINTS



Defendant's Right Thumb*

Defendant's Hand

THIS IS TO CERTIFY THAT THE FINGERPRINTS ABOVE ARE THE ABOVE NAMED DEFENDANT'S FINGERPRINTS TAKEN AT THE TIME OF DISPOSITION OF THE ABOVE STYLED AND NUMBERED CAUSE.

DONE IN OPEN COURT ON THIS _____ DAY OF _____, 20____.

SUPERVISION OFFICER/ BAILIFF / DEPUTY SHERIFF

Indicate here if print other than the defendant's right thumb is placed in box:

Left Thumbprint

Left / Right Index Finger

Other: _____



COMMUNITY SUPERVISION ORDER-PLEAS OF GUILTY OR NOLO CONTENDERE-JURY WAIVED
NON CAPITAL CRIMINAL MINUTES OF THE 366TH DISTRICT COURT OF COLLIN COUNTY, TEXAS

THE STATE OF TEXAS

NO: 366-81652-2012

vs.

Todd Michael Clements

TRN/TRS: 9162050850*A001

SID: 50114400

Adjudicated

ORDER SUSPENDING IMPOSITION OF SENTENCE AND PLACING DEFENDANT ON COMMUNITY SUPERVISION

Having suspended the imposition of punishment or having deferred adjudication of a finding in this case and having placed the defendant on community supervision in the above-entitled and numbered cause on the 14th day of November, 2012 for a period of 10 Years for the offense of Fraud Del Cs/Prescription Sch II the Court ORDERS the defendant, during this period of supervision, to comply with the following terms and conditions, to-wit: You will:

General:

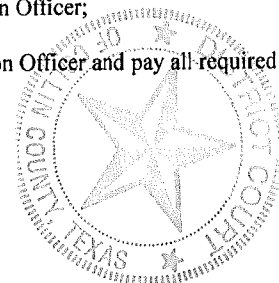
1. Commit no offense against the laws of this or any State, or the United States;
2. Report to a Supervision Officer as scheduled by the Supervision Officer;
3. Permit the Supervision Officer to visit you at home or elsewhere;
4. Report any change in address, change of employment, or arrest to the Supervision Officer within 48 hours;
5. Remain within the supervising county unless permitted to depart by the Supervision Officer;
6. Provide a **DNA sample** pursuant to Subchapter G, Chapter 411, Government Code, for the purpose of creating a DNA record, unless the defendant has already submitted the required sample under other state law and **pay all costs associated**;
7. Perform 100.00 hours of community service work at the rate of 10 hours per month managed and facilitated by such agencies as the Supervision Officer directs and pay all costs associated therewith, as directed by the Supervision Officer;
8. Avoid injurious or vicious habits;
9. Avoid persons or places of disreputable or harmful character, including any person, other than a family member of the defendant, who is an active member of a criminal street gang;
10. State will not pursue the prosecution of the following Fraud/Del RX offenses:
 - a. 6/10/10 – Fraud Del RX – Armodafinil – Qty 30 – Plano, TX
 - b. 6/30/10 – Fraud Del RX – Armodafinil – Qty 30 – Plano, TX
 - c. 7/12/10 – Fraud Del RX – Zolpidem – Qty 30 – Plano, TX
 - d. 7/13/10 – Fraud Del RX – Armodafinil – Qty 30 – Plano, TX
 - e. Any other offenses of Fraud/Del RX contained in Discovery tendered to Mr. Kim, Defense Counsel
11. Voluntary and Permanent Surrender of Medical License;

Employment/Education:

12. Work faithfully at suitable employment insofar as possible;

Substance Abuse:

13. Not use marijuana, dangerous drugs, or any substance prohibited by the Texas Controlled Substances Act;
14. Submit a non-dilute random urine sample for testing and/or other approved medical test as directed by your supervision officer and pay for such testing. If directed by the Supervision Officer, call a designated number daily to determine the days that you shall submit a sample to determine the use of illicit drugs or alcohol;
15. Participate in the Treatment Alternatives to Incarceration Program (TAIP) by submitting to a substance abuse evaluation within 30 days, paying all costs as directed by the Supervision Officer, and successfully completing the recommended course of treatment;
16. Participate in the Specialized Caseload program for substance abusers. Abide by all program rules/regulations and continue with such adherence until release is granted by the program or the Court, to wit:
 - a. Report to the Supervision Officer twice per month each month as scheduled by the Supervision Officer;
 - b. Submit to a psychological evaluation when requested to do so by the Supervision Officer, said evaluation to be conducted by an agency approved by the Community Supervision and Corrections Department. Participate in and complete treatment recommendations arising from the evaluation;
 - c. Participate in the Treatment Alternatives to Incarceration Program (TAIP) by submitting to a substance abuse evaluation, paying all costs as directed by the Supervision Officer, and successfully completing the recommended course of treatment;
 - d. Attend Alcoholics Anonymous/Narcotics Anonymous meetings as requested to do so by the Supervision Officer;
 - e. Abstain from the use of alcohol in any form;
 - f. Participate in and successfully complete a cognitive program when requested to do so by the Supervision Officer and pay all required costs;



Defendant's Name: Todd Michael Clements
Cause: 366-81652-2012

Waivers:

- 17. Waive the right to appeal and right to file or urge any motion for new trial;
- 18. Waive the right to any future due diligence claim;

Financial:

- 19. Support your dependents;
- 20. Pay the following amounts as described below, beginning the month next following the entry of Judgment until the total amount is paid:
 - a. Restitution of \$0.00;
 - b. Supervision fee of \$50.00 per month (an additional \$5.00 per month for the following offenses: Indecency with a Child, Sexual Assault, Aggravated Sexual Assault, Prohibited Sexual Conduct, Sexual Performance by a Child, Possession or Promotion of Child Pornography); waived while in jail, residential treatment center, or supervised out of state; in the event supervision is transferred to another state, immediately upon the receiving state's rejection or termination of supervision, the \$50.00 per month supervision fee again becomes effective as stated above;
 - c. Court cost of \$To Be Determined within thirty (30) days;
 - d. Fine of \$-0- within thirty (30) days;

If you contend that you are indigent and request permission to discharge fines, costs, or supervision fees by performing community service, the Community Supervision and Corrections Department (CSCD) is authorized to assess credit per the approved CSCD community service policy.

You are further ordered to comply with all future orders of the Court (You will be furnished with a copy of all such orders).


You are advised that under the laws of this State, the Court has determined and imposed the above terms and conditions of your community supervision, and may at any time during this period of supervision alter or modify them. The Court also has the authority, at any time during the period of community supervision to revoke your community supervision for any violation of the conditions of your supervision set out above.

Signed this 13th day of November, A.D., 2012.

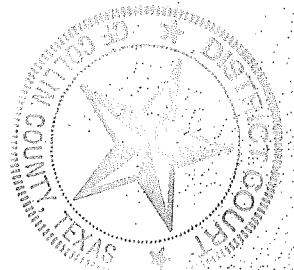
WITNESS: *Jana Dukes*
Supervision Officer

[Signature]
Judge Presiding

Todd Michael Clements
Defendant


Right Thumb

[Faint, illegible text]





CASE NO. COUNT **II & III** INCIDENT NO./TRN: **9162050850 TRS: D001/D002**

THE STATE OF TEXAS

v.

TODD M. CLEMENTS

STATE ID No.: **TX50114400**

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IN THE 366TH JUDICIAL

DISTRICT COURT

COLLIN COUNTY, TEXAS

JUDGMENT OF CONVICTION BY COURT—WAIVER OF JURY TRIAL

Judge Presiding: **HON. RAY WHELESS** Date Judgment Entered: **11/14/2012**

Attorney for State: **LINDSEY WYNNE** Attorney for Defendant: **YOON KIM**

Offense for which Defendant Convicted:

FRAUD DEL CS/PRESCRIPTION SCH III/IV/V

Charging Instrument: **INDICTMENT** Statute for Offense: **481.129 (c)(1) Health and Safety Code**

Date of Offense: **03/01/2010**

Degree of Offense: **3RD DEGREE FELONY** Plea to Offense: **GUILTY** Findings on Deadly Weapon: **N/A**

Terms of Plea Bargain: **WAIVERS, COURT COSTS, AND TEN (10) YEARS CONFINEMENT IN THE INSTITUTIONAL DIVISION, TDCJ, PROBATED TEN (10) YEARS**

Plea to 1st Enhancement Paragraph: **N/A** Plea to 2nd Enhancement/Habitual Paragraph: **N/A**

Findings on 1st Enhancement Paragraph: **N/A** Findings on 2nd Enhancement/Habitual Paragraph: **N/A**

Date Sentence Imposed: **11/14/2012** Date Sentence to Commence: **11/14/2012**

Punishment and Place of Confinement: **TEN (10) YEARS INSTITUTIONAL DIVISION, TDCJ**

Fine: **\$ N/A** Court Costs: **\$** Restitution: **\$ N/A** Restitution Payable to: VICTIM (see below) AGENCY/AGENT (see below)

THE CONFINEMENT ORDERED SHALL RUN CONCURRENTLY.

THE FINE ORDERED SHALL RUN CONCURRENTLY.

SENTENCE OF CONFINEMENT SUSPENDED, DEFENDANT PLACED ON COMMUNITY SUPERVISION FOR TEN (10) YEARS.

Sex Offender Registration Requirements do not apply to the Defendant. TEX. CODE CRIM. PROC. chapter 62

The age of the victim at the time of the offense was **N/A** years.

If Defendant is to serve sentence in TDCJ, enter incarceration periods in chronological order.

From ____ to ____ From ____ to ____ From ____ to ____

Time Credited: From ____ to ____ From ____ to ____ From ____ to ____

If Defendant is to serve sentence in county jail or is given credit toward fine and costs, enter days credited below.

N/A DAYS NOTES: **N/A**





All pertinent information, names and assessments indicated above are incorporated into the language of the judgment below by reference.

This cause was called for trial in Collin County, Texas. The State appeared by her District Attorney.

Counsel / Waiver of Counsel (select one)

- Defendant appeared in person with Counsel.
- Defendant knowingly, intelligently, and voluntarily waived the right to representation by counsel in writing in open court.

Both parties announced ready for trial. Defendant waived the right of trial by jury and entered the plea indicated above. The Court then admonished Defendant as required by law. It appeared to the Court that Defendant was mentally competent to stand trial, made the plea freely and voluntarily, and was aware of the consequences of this plea. The Court received the plea and entered it of record. Having heard the evidence submitted, the Court found Defendant guilty of the offense indicated above. In the presence of Defendant, the Court pronounced sentence against Defendant.

The Court **FINDS** Defendant committed the above offense and **ORDERS, ADJUDGES AND DECREES** that Defendant is **GUILTY** of the above offense. The Court **FINDS** the Presentence Investigation, if so ordered, was done according to the applicable provisions of TEX. CODE CRIM. PROC. art. 42.12 § 9.

The Court **ORDERS** Defendant punished as indicated above. The Court **ORDERS** Defendant to pay all fines, court costs, and restitution as indicated above.

Punishment Options (select one)

Confinement in State Jail or Institutional Division. The Court **ORDERS** the authorized agent of the State of Texas or the Sheriff of this County to take, safely convey, and deliver Defendant to the **Director, Institutional Division, TDCJ**. The Court **ORDERS** Defendant to be confined for the period and in the manner indicated above. The Court **ORDERS** Defendant remanded to the custody of the Sheriff of this county until the Sheriff can obey the directions of this sentence. The Court **ORDERS** that upon release from confinement, Defendant proceed immediately to the Collin County District Clerk. Once there, the Court **ORDERS** Defendant to pay, or make arrangements to pay, any remaining unpaid fines, court costs, and restitution as ordered by the Court above.

County Jail—Confinement / Confinement in Lieu of Payment. The Court **ORDERS** Defendant immediately committed to the custody of the Sheriff of Collin County, Texas on the date the sentence is to commence. Defendant shall be confined in the Collin County Jail for the period indicated above. The Court **ORDERS** that upon release from confinement, Defendant shall proceed immediately to the Collin County District Clerk. Once there, the Court **ORDERS** Defendant to pay, or make arrangements to pay, any remaining unpaid fines, court costs, and restitution as ordered by the Court above.

Fine Only Payment. The punishment assessed against Defendant is for a **FINE ONLY**. The Court **ORDERS** Defendant to proceed immediately to the Office of the Collin County . Once there, the Court **ORDERS** Defendant to pay or make arrangements to pay all fines and court costs as ordered by the Court in this cause.

Execution / Suspension of Sentence (select one)

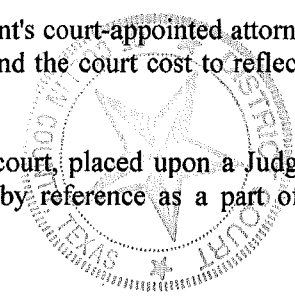
The Court **ORDERS** Defendant's sentence **EXECUTED**.

The Court **ORDERS** Defendant's sentence of confinement **SUSPENDED**. The Court **ORDERS** Defendant placed on community supervision for the adjudged period (above) so long as Defendant abides by and does not violate the terms and conditions of community supervision. The order setting forth the terms and conditions of community supervision is incorporated into this judgment by reference.

The Court **ORDERS** that Defendant is given credit noted above on this sentence for the time spent incarcerated.

It is further **ORDERED** that the cost to Collin County for the payment of this defendant's court-appointed attorney, if any, is taxed against this defendant as court cost. The District Clerk is granted leave to amend the court cost to reflect this amount without the necessity of a further order.

Following the disposition of this cause, the defendant's fingerprints were, in open court, placed upon a Judgment Certificate of Defendant's Prints. Said Certificate is attached hereto and is incorporated by reference as a part of this Judgment.





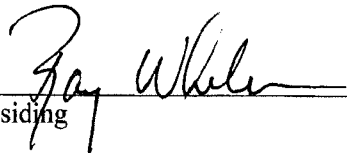
Furthermore, the following special findings or orders apply:

Voluntary and Permanent Surrender of Medical License.

State will not pursue the following offenses:

1. 6/10/2010 - Fraud Del Rx - Armodafinil - Qty 30 - Plano, Texas
2. 6/30/2010 - Fraud Del Rx - Armodafinil - Qty 30 - Plano, Texas
3. 7/12/2010 - Fraud Del Rx - Zolpidem - Qty 30 - Plano, Texas
4. 7/13/2010 - Fraud Del Rx - Armodafinil - Qty 30 - Plano, Texas
5. Any other offense of Fraud/Del Rx contained in discovery already given to Mr. Kim, Defense Counsel.

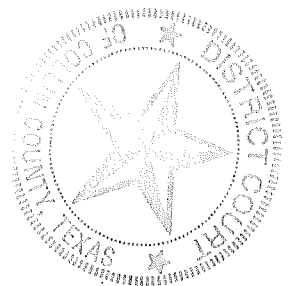
Signed on the 28 day of NOV., 2012



Judge Presiding

PRINTED NAME
If sitting for Presiding Judge

Clerk:



Cause No. 366-81652-12

STATE OF TEXAS

IN THE 366 JUDICIAL

VS
Todd Clements

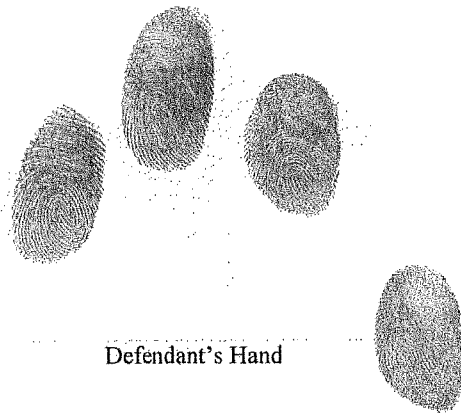
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DISTRICT COURT OF
COLLIN COUNTY, TEXAS

JUDGMENT CERTIFICATE OF DEFENDANT'S PRINTS



Defendant's Right Thumb*



Defendant's Hand

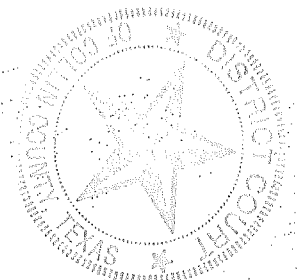
THIS IS TO CERTIFY THAT THE FINGERPRINTS ABOVE ARE THE ABOVE NAMED DEFENDANT'S FINGERPRINTS TAKEN AT THE TIME OF DISPOSITION OF THE ABOVE STYLED AND NUMBERED CAUSE.

DONE IN OPEN COURT ON THIS _____ DAY OF _____, 20____.

SUPERVISION OFFICER/ BAILIFF / DEPUTY SHERIFF

Indicate here if print other than the defendant's right thumb is placed in box:

- Left Thumbprint
- Left / Right Index Finger
- Other: _____



Cause No. 366-81652-12 (Count 3)

STATE OF TEXAS

IN THE 366 JUDICIAL

VS.

Todd Clements

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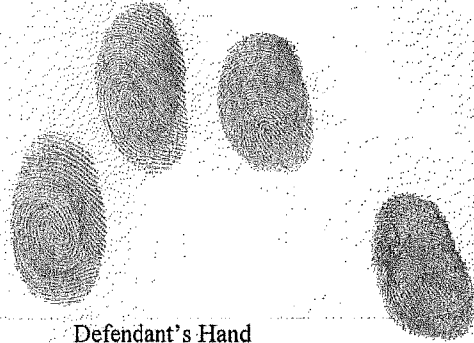
DISTRICT COURT OF

COLLIN COUNTY, TEXAS

JUDGMENT CERTIFICATE OF DEFENDANT'S PRINTS



Defendant's Right Thumb*



Defendant's Hand

THIS IS TO CERTIFY THAT THE FINGERPRINTS ABOVE ARE THE ABOVE NAMED DEFENDANT'S FINGERPRINTS TAKEN AT THE TIME OF DISPOSITION OF THE ABOVE STYLED AND NUMBERED CAUSE.

DONE IN OPEN COURT ON THIS _____ DAY OF _____, 20____.

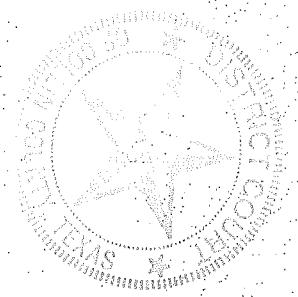
SUPERVISION OFFICER/ BAILIFF / DEPUTY SHERIFF

Indicate here if print other than the defendant's right thumb is placed in box:

Left Thumbprint

Left / Right Index Finger

Other: _____



COMMUNITY SUPERVISION ORDER-PLEAS OF GUILTY OR NOLO CONTENDERE-JURY WAIVED
NON CAPITAL CRIMINAL MINUTES OF THE 366TH DISTRICT COURT OF COLLIN COUNTY, TEXAS

THE STATE OF TEXAS

NO: 366-81652-2012CTII

vs.

Todd Michael Clements

TRN/TRS: 9162050850*D001

SID: 50114400

Adjudicated

ORDER SUSPENDING IMPOSITION OF SENTENCE AND PLACING DEFENDANT ON COMMUNITY SUPERVISION

Having suspended the imposition of punishment or having deferred adjudication of a finding in this case and having placed the defendant on community supervision in the above-entitled and numbered cause on the 14th day of November, 2012 for a period of 10 Years for the offense of Fraud Del Cs/Prescription Sch II the Court ORDERS the defendant, during this period of supervision, to comply with the following terms and conditions, to-wit: You will:

General:

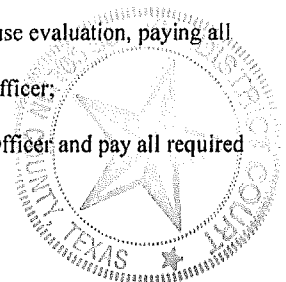
1. Commit no offense against the laws of this or any State, or the United States;
2. Report to a Supervision Officer as scheduled by the Supervision Officer;
3. Permit the Supervision Officer to visit you at home or elsewhere;
4. Report any change in address, change of employment, or arrest to the Supervision Officer within 48 hours;
5. Remain within the supervising county unless permitted to depart by the Supervision Officer;
6. Provide a **DNA sample** pursuant to Subchapter G, Chapter 411, Government Code, for the purpose of creating a DNA record, unless the defendant has already submitted the required sample under other state law and **pay all costs associated;**
7. Perform 100.00 hours of community service work at the rate of 10 hours per month managed and facilitated by such agencies as the Supervision Officer directs and pay all costs associated therewith, as directed by the Supervision Officer;
8. Avoid injurious or vicious habits;
9. Avoid persons or places of disreputable or harmful character, including any person, other than a family member of the defendant, who is an active member of a criminal street gang;
10. State will not pursue the prosecution of the following Fraud/Del RX offenses:
 - a. 6/10/10 – Fraud Del RX – Armodafinil – Qty 30 – Plano, TX
 - b. 6/30/10 – Fraud Del RX – Armodafinil – Qty 30 – Plano, TX
 - c. 7/12/10 – Fraud Del RX – Zolpidem – Qty 30 – Plano, TX
 - d. 7/13/10 – Fraud Del RX – Armodafinil – Qty 30 – Plano, TX
 - e. Any other offenses of Fraud/Del RX contained in Discovery tendered to Mr. Kim, Defense Counsel
11. Voluntary and Permanent Surrender of Medical License;

Employment/Education:

12. Work faithfully at suitable employment insofar as possible;

Substance Abuse:

13. Not use marijuana, dangerous drugs, or any substance prohibited by the Texas Controlled Substances Act;
14. Submit a non-dilute random urine sample for testing and/or other approved medical test as directed by your supervision officer and pay for such testing. If directed by the Supervision Officer, call a designated number daily to determine the days that you shall submit a sample to determine the use of illicit drugs or alcohol;
15. Participate in the Treatment Alternatives to Incarceration Program (TAIP) by submitting to a substance abuse evaluation within 30 days, paying all costs as directed by the Supervision Officer, and successfully completing the recommended course of treatment;
16. Participate in the Specialized Caseload program for substance abusers. Abide by all program rules/regulations and continue with such adherence until release is granted by the program or the Court, to wit:
 - a. Report to the Supervision Officer twice per month each month as scheduled by the Supervision Officer;
 - b. Submit to a psychological evaluation when requested to do so by the Supervision Officer, said evaluation to be conducted by an agency approved by the Community Supervision and Corrections Department. Participate in and complete treatment recommendations arising from the evaluation;
 - c. Participate in the Treatment Alternatives to Incarceration Program (TAIP) by submitting to a substance abuse evaluation, paying all costs as directed by the Supervision Officer, and successfully completing the recommended course of treatment;
 - d. Attend Alcoholics Anonymous/Narcotics Anonymous meetings as requested to do so by the Supervision Officer;
 - e. Abstain from the use of alcohol in any form;
 - f. Participate in and successfully complete a cognitive program when requested to do so by the Supervision Officer and pay all required costs;



Defendant's Name: Todd Michael Clements
Cause: 366-81652-2012CTII

Waivers:

- 17. Waive the right to appeal and right to file or urge any motion for new trial;
- 18. Waive the right to any future due diligence claim;

Financial:

- 19. Support your dependents;
- 20. Pay the following amounts as described below, beginning the month next following the entry of Judgment until the total amount is paid:
 - a. Restitution of \$0.00;
 - b. Supervision fee of \$50.00 per month (an additional \$5.00 per month for the following offenses: Indecency with a Child, Sexual Assault, Aggravated Sexual Assault, Prohibited Sexual Conduct, Sexual Performance by a Child, Possession or Promotion of Child Pornography); waived while in jail, residential treatment center, or supervised out of state; in the event supervision is transferred to another state, immediately upon the receiving state's rejection or termination of supervision, the \$50.00 per month supervision fee again becomes effective as stated above;
 - c. Court cost of \$To Be Determined within thirty (30) days;
 - d. Fine of \$-0- within thirty (30) days;;

If you contend that you are indigent and request permission to discharge fines, costs, or supervision fees by performing community service, the Community Supervision and Corrections Department (CSCD) is authorized to assess credit per the approved CSCD community service policy.

You are further ordered to comply with all future orders of the Court (You will be furnished with a copy of all such orders).

You are advised that under the laws of this State, the Court has determined and imposed the above terms and conditions of your community supervision, and may at any time during this period of supervision alter or modify them. The Court also has the authority, at any time during the period of community supervision to revoke your community supervision for any violation of the conditions of your supervision set out above.

Signed this 13th day of November, A.D., 2012.

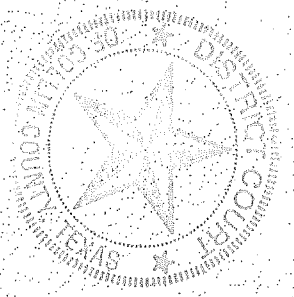
WITNESS: Jana Puckey
Supervision Officer

[Signature]
Judge Presiding

Todd Clements
Defendant

[Fingerprint]
Right Thumb

STATE OF TEXAS
COUNTY OF DALLAS
JAN 13 2013
CLERK OF DISTRICT COURT



COMMUNITY SUPERVISION ORDER-PLEAS OF GUILTY OR NOLO CONTENDERE-JURY WAIVED
NON CAPITAL CRIMINAL MINUTES OF THE 366TH DISTRICT COURT OF COLLIN COUNTY, TEXAS

THE STATE OF TEXAS

NO: 366-81652-2012CTIII

vs.

Todd Michael Clements

TRN/TRS: 9162050850*D002

SID: 50114400

Adjudicated

ORDER SUSPENDING IMPOSITION OF SENTENCE AND PLACING DEFENDANT ON COMMUNITY SUPERVISION

Having suspended the imposition of punishment or having deferred adjudication of a finding in this case and having placed the defendant on community supervision in the above-entitled and numbered cause on the 14th day of November, 2012 for a period of 10 Years for the offense of Fraud Del Cs/Prescription Sch II the Court ORDERS the defendant, during this period of supervision, to comply with the following terms and conditions, to-wit: You will:

General:

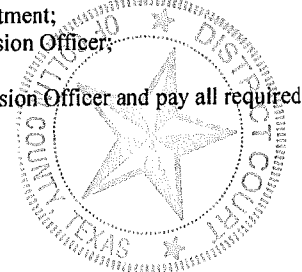
1. Commit no offense against the laws of this or any State, or the United States;
2. Report to a Supervision Officer as scheduled by the Supervision Officer;
3. Permit the Supervision Officer to visit you at home or elsewhere;
4. Report any change in address, change of employment, or arrest to the Supervision Officer within 48 hours;
5. Remain within the supervising county unless permitted to depart by the Supervision Officer;
6. Provide a **DNA sample** pursuant to Subchapter G, Chapter 411, Government Code, for the purpose of creating a DNA record, unless the defendant has already submitted the required sample under other state law and **pay all costs associated**;
7. Perform 100.00 hours of community service work at the rate of 10 hours per month managed and facilitated by such agencies as the Supervision Officer directs and pay all costs associated therewith, as directed by the Supervision Officer;
8. Avoid injurious or vicious habits;
9. Avoid persons or places of disreputable or harmful character, including any person, other than a family member of the defendant, who is an active member of a criminal street gang;
10. State will not pursue the prosecution of the following Fraud/Del RX offenses:
 - a. 6/10/10 – Fraud Del RX – Armodafinil – Qty 30 – Plano, TX
 - b. 6/30/10 – Fraud Del RX – Armodafinil – Qty 30 – Plano, TX
 - c. 7/12/10 – Fraud Del RX – Zolpidem – Qty 30 – Plano, TX
 - d. 7/13/10 – Fraud Del RX – Armodafinil – Qty 30 – Plano, TX
 - e. Any other offenses of Fraud/Del RX contained in Discovery tendered to Mr. Kim, Defense Counsel
11. Voluntary and Permanent Surrender of Medical License;

Employment/Education:

12. Work faithfully at suitable employment insofar as possible;

Substance Abuse:

13. Not use marijuana, dangerous drugs, or any substance prohibited by the Texas Controlled Substances Act;
14. Submit a non-dilute random urine sample for testing and/or other approved medical test as directed by your supervision officer and pay for such testing. If directed by the Supervision Officer, call a designated number daily to determine the days that you shall submit a sample to determine the use of illicit drugs or alcohol;
15. Participate in the Treatment Alternatives to Incarceration Program (TAIP) by submitting to a substance abuse evaluation within 30 days, paying all costs as directed by the Supervision Officer, and successfully completing the recommended course of treatment;
16. Participate in the Specialized Caseload program for substance abusers. Abide by all program rules/regulations and continue with such adherence until release is granted by the program or the Court, to wit:
 - a. Report to the Supervision Officer twice per month each month as scheduled by the Supervision Officer;
 - b. Submit to a psychological evaluation when requested to do so by the Supervision Officer, said evaluation to be conducted by an agency approved by the Community Supervision and Corrections Department. Participate in and complete treatment recommendations arising from the evaluation;
 - c. Participate in the Treatment Alternatives to Incarceration Program (TAIP) by submitting to a substance abuse evaluation, paying all costs as directed by the Supervision Officer, and successfully completing the recommended course of treatment;
 - d. Attend Alcoholics Anonymous/Narcotics Anonymous meetings as requested to do so by the Supervision Officer;
 - e. Abstain from the use of alcohol in any form;
 - f. Participate in and successfully complete a cognitive program when requested to do so by the Supervision Officer and pay all required costs;



Defendant's Name: Todd Michael Clements
Cause: 366-81652-2012CTIII

Waivers:

- 17. Waive the right to appeal and right to file or urge any motion for new trial;
- 18. Waive the right to any future due diligence claim;

Financial:

- 19. Support your dependents;
- 20. Pay the following amounts as described below, beginning the month next following the entry of Judgment until the total amount is paid:
 - a. Restitution of \$0.00;
 - b. Supervision fee of \$50.00 per month (an additional \$5.00 per month for the following offenses: Indecency with a Child, Sexual Assault, Aggravated Sexual Assault, Prohibited Sexual Conduct, Sexual Performance by a Child, Possession or Promotion of Child Pornography); waived while in jail, residential treatment center, or supervised out of state; in the event supervision is transferred to another state, immediately upon the receiving state's rejection or termination of supervision, the \$50.00 per month supervision fee again becomes effective as stated above;
 - c. Court cost of \$To Be Determined within thirty (30) days;
 - d. Fine of \$-0- within thirty (30) days;

If you contend that you are indigent and request permission to discharge fines, costs, or supervision fees by performing community service, the Community Supervision and Corrections Department (CSCD) is authorized to assess credit per the approved CSCD community service policy.

You are further ordered to comply with all future orders of the Court (You will be furnished with a copy of all such orders).

You are advised that under the laws of this State, the Court has determined and imposed the above terms and conditions of your community supervision, and may at any time during this period of supervision alter or modify them. The Court also has the authority, at any time during the period of community supervision to revoke your community supervision for any violation of the conditions of your supervision set out above.

Signed this 13th day of November, A.D., 2012.

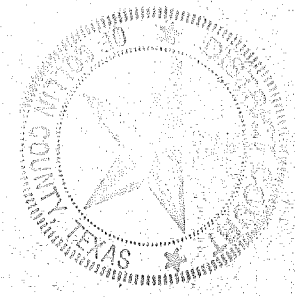
WITNESS: Jana Dickey
Supervision Officer


[Signature]
Judge Presiding

Todd Clements
Defendant

[Fingerprint]
Right Thumb

STATE OF TEXAS
COUNTY OF TARRANT
CLERK OF COURT
JAMES L. HARRIS
1000 TEXAS STATE OFFICE BUILDING
FORT WORTH, TEXAS 76102
TELEPHONE (817) 854-3200
FAX (817) 854-3201
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TAG ARCHIVES: TODD M. CLEMENTS

Convicted Frisco psychiatrist surrenders medical license

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By [Valerie Wigglesworth/Reporter](#)
vwigglesworth@dallasnews.com
 2:29 pm on November 15, 2012 | [Permalink](#)

A nationally known Frisco psychiatrist convicted of fraudulently issuing prescriptions surrendered his medical license on Wednesday, according to the Collin County District Attorney's Office.

Todd M. Clements, 43, who lived in Frisco and practiced in Plano and Frisco pleaded guilty to three felony counts of obtaining controlled substances by fraudulently issuing prescriptions.

According to the district attorney's office, Clements obtained Lisdexamphetamine and Zolpidem, both controlled substances, by issuing fraudulent prescriptions on Aug. 5, 2009, and March 1, 2010.

Clements was a practicing doctor at Clements Clinic of Plano and at the Frisco Counseling and Wellness Center. The author of several books, Clements also co-hosted Meier Clinics Live, a syndicated call-in radio show. He helped start the [Plano clinic](#) in 2008.

He permanently surrendered his license to practice medicine in Texas. He was also placed on felony supervision in a specialized substance abuse caseload for 10 years, the maximum allowed, prosecutors said.

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JUN 16 2008

ALAN SLATER, Clerk of the Court

N. Dorfman
BY N. DORFMAN

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Attorneys for Plaintiff
SHANNON KELLY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ORANGE, CENTRAL JUSTICE CENTER

SHANNON KELLY an individual
Plaintiff,

vs.

AMEN CLINICS, INC.; TODD
CLEMENTS, an Individual; and
DOES 1 through 20, Inclusive,
Defendants.

CASE NO.: 30-2008
00108102

COMPLAINT

- 1) Sexual Harassment under FEHA
- 2) Violation of Government Code 12940;
- 3) Promissory Estoppel
- 4) Intentional Infliction of Emotional Distress
- 5) Constructive Termination
- 6) Assault
- 7) Battery
- 8) Sexual Battery
- 9) Forcible Rape

JUDGE GREGORY H. LEWIS
DEPT. C26

Plaintiff alleges as follows:

FACTS COMMON TO ALL CAUSES OF ACTION

1. Plaintiff, SHANNON D. KELLY (hereinafter "Plaintiff"), is and at all times herein mentioned in this complaint was and has been a resident of the State of California, County of Orange.

2. Defendants, AMEN CLINICS, INC. and TODD CLEMENTS (hereinafter, "Defendants"), have operated and are operating and

1 doing business in the County of Orange, of the State of
2 California. The unlawful employment practices complained of
3 herein occurred in Orange County, California. Plaintiff CLEMENTS
4 at all times herein mentioned resided in the county of Orange,
5 State of California in addition to working therein.

6 3. Plaintiff is ignorant of the true names and capacities
7 of defendants sued herein as DOES 1 through 20, inclusive, and
8 therefore sues these defendants by such fictitious names.
9 Plaintiff will amend this complaint to allege their true names
10 and capacities when ascertained. Plaintiff is informed and
11 believes and thereon alleges that each of the Defendants
12 fictitiously named herein is indebted and liable to Plaintiff as
13 herein set forth.

14 4. Plaintiff is informed and believes and thereon alleges
15 that at all relevant times, except where otherwise indicated,
16 each Defendant was the agent, servant, or employee of each
17 remaining Defendant, and was at all such times, except where
18 otherwise indicated, acting within the scope and purpose of such
19 agency, and that each act of each Defendant was authorized and
20 ratified by each remaining Defendant.

21 5. Plaintiff worked at the AMEN CLINICS, INC. and was
22 directly supervised by defendant TODD CLEMENTS during her employ.
23 During her employment and working relationship with defendants,
24 defendant CLEMENT began to make unwanted sexual advances toward
25 Plaintiff, both by word and action. Prior to June 17, 2007,
26 CLEMENTS made continued remarks about Plaintiff's breasts and
27 continued to ask her whether they were real. CLEMENTS would make
28 inappropriate non-business related remarks about her body parts

COMPLAINT

1 and looks as well as her belief about pre-marital sex as well as
2 oral sex. CLEMENTS would also expose certain parts of his body
3 to Plaintiff which same was in appropriate and unwelcomed by
4 Plaintiff. CLEMENTS continued to speak about his relationship
5 with his wife and his lack of unmet social and physical needs in
6 his marriage to Plaintiff even though Plaintiff requested that
7 CLEMENTS cease discussing same with her as she did not want to
8 here same as well as same not being related to her employ,
9 training, or business.

10 6. Defendant CLEMENT also requested Plaintiff make alleged
11 business trips with him and accompany him at seminars and
12 speaking engagements. CLEMENT made inappropriate comments about
13 patients breasts as well as Plaintiff's body parts. CLEMENT also
14 requested as a condition of her employment that Plaintiff allow
15 CLEMENT to write prescriptions to her as well as others primarily
16 for his own benefit and CLEMENT requested that he be given a
17 portion of those presecrption medications. Plaintiff was
18 threatened and told not to tell anyone.

19 7. CLEMENT made promises of continued employment to
20 Plaintiff, that she was always have a job and that she would not
21 be terminated except for lack of job performance.

22 8. CLEMENT further promised Plaintiff that she would
23 receive 50% of certain publications which she was to be involved
24 with and published by CLEMENT.

25 9. On June 17, 2007 afer attending a business dinner,
26 Plaintiff was drugged by defendant CLEMENTS in the early morning
27 on said date. Plaintiff became conscious for a very short period
28 with CLEMENTS on top of her and separating her legs with his legs

COMPLAINT

1 touching her crotch area.

2 10. On June 16, 2007, at about 10:00 p.m., Plaintiff
3 attended a business dinner to discuss business with DEFENDANTS at
4 the Landing restaurant in Newport Beach. Said dinner at the
5 Landing lasted about two hours. During dinner at the Landing,
6 Plaintiff and CLEMENTS both consumed some alcohol. Plaintiff had
7 two glasses of red wine and CLEMENTS had three glasses of beer.

8 11. CLEMENTS was a bit irritable throughout the dinner and
9 CLEMENTS appeared to be suggesting and making comments of a
10 flirtatious and inappropriate manner. Plaintiff continued to
11 always bring the conversations back to business.

12 12. Plaintiff between 11:30 p.m. and midnight began walking
13 back to her car at CLEMENTS residence from the Landing.
14 Plaintiff was planning on driving home. All of a sudden,
15 CLEMENTS unilaterally walked into a liquor store to buy alcoholic
16 beverages for himself. CLEMENTS bought a bottle of Belvedere
17 vodka and a case of Flat Tire beer.

18 13. Once back near her car and CLEMENTS residence, CLEMENTS
19 insisted that Plaintiff have a "special drink" that he would make
20 for her. Plaintiff saw CLEMENTS remove a bottle from his
21 refrigerator and put it in a drink which he called a special
22 drink. Plaintiff could not see exactly what CLEMENTS was putting
23 in the drink as during much of the period CLEMENTS back was to
24 her.

25 14. CLEMENTS told Plaintiff that the mixer he was putting in
26 to her drink to make it special as it had all kinds of special
27 vitamins in it. CLEMENTS encouraged the Plaintiff to look the
28 opposite way and direction as he made her a "special drink".

COMPLAINT

1 15. Plaintiff then was handed the drink at which point she
2 began to slowly drink and finished the entire "special drink"
3 from the martini glass.

4 16. Thereafter CLEMENS requested before she leave that she
5 look out at the view from his roof. After about ten minutes
6 looking out upon the view Plaintiff desired to go in as she felt
7 numb and cold.

8 17. CLEMENTS then told Plaintiff that she should not drive
9 since she had just consumed an alcoholic beverage and that he
10 wife was out of town. CLEMENTS further insisted that Plaintiff
11 should stay in his guest bedroom. Not wanting to drive after
12 consuming alcohol, Plaintiff intended to stay in CLEMENTS guest
13 bedroom.

14 18. After being on the roof, both CLEMENTS and Plaintiff
15 went back inside and sat on the living room couch as Plaintiff
16 did not feel like herself as she felt more numb and now
17 disoriented. At this time it was already June 17, 2007 being
18 passed midnight.

19 19. While sitting on the couch, Plaintiff's mind became very
20 fuzzy. Plaintiff remembers that she could not keep her body
21 erect. Plaintiff regularly consumed the amount of alcohol at
22 dinner that she had the previous day on the 16th and that having
23 had three alcoholic drinks over a three hour period would not
24 have put her into the physical state that she found herself
25 attempting to sit on CLEMENTS couch.

26 20. CLEMENTS then requested that Plaintiff lean on his chest
27 and CLEMENTS pulled Plaintiff into his chest.

28 21. From about five and a half to six hours until 6:30 a.m.

COMPLAINT

1 on the 17th of June, Plaintiff can only remember one event as she
2 completely blacked out while on the couch. Plaintiff remembers
3 opening her eyes and being in a dimly lit room on her back with
4 CLEMENTS on top of her as he separated Plaintiff's legs with his
5 legs.

6 22. Plaintiff at no time from her involvement and employ
7 with Defendants ever had any romantic interest in or romantic or
8 sexual relationship with CLEMENTS. Further, Plaintiff never
9 consented to any touching, sexual or otherwise with CLEMENTS.

10 23. At about 6:30 a.m. on the 17th of June of 2007,
11 Plaintiff woke up completely nude in CLEMENTS guest bed with the
12 suspect laying in the bed next to her. CLEMENTS also appeared to
13 be naked. Plaintiff awoke disoriented and scared. CLEMENTS told
14 Plaintiff before she left his residence that she was never to
15 talk about what happened with anyone and that she was also never
16 to discuss it with him[CLEMENTS].

17 24. CLEMENTS further felt the need to tell Plaintiff that
18 now he knew her breasts were real; CLEMENTS denied that the two
19 had sexual intercourse.

20 25. CLEMENTS volunteered that his wife had extra marital
21 affairs on a regular basis.

22 26. While Plaintiff was angry as she confronted CLEMENTS
23 about what he did and what he put into her drink, this sexually
24 aroused CLEMENTS as Plaintiff could see while attempting to get
25 answers that CLEMENTS was aroused as his penis became erect and
26 visible through his pants. PLAINTIFF expressed her conviction
27 that she was 100% drugged by CLEMENTS. CLEMENTS did not respond
28 to same.

COMPLAINT

1 27. Plaintiff suffered bruises on her right upper thigh and
2 one bruise on her left upper thigh which she did not have prior
3 to sitting on the couch after dinner. Plaintiff mouth and
4 surrounding areas were also irritated when she awoke on the
5 morning of the 17th of June 2007.

6 28. During the last several months with defendant the AMEN
7 CLINIC, INC. Plaintiff did not feel comfortable working with her
8 direct supervisor CLEMENTS. In fact, when CLEMENTS found out
9 that Plaintiff allegedly had a boyfriend, CLEMENTS appeared to be
10 annoyed and CLEMENTS began to ask others who knew Plaintiff about
11 Plaintiff's boyfriend prior to June 17, 2007.

12 29. Plaintiff made a police report after she felt more
13 stable and not disoriented on June 18, 2007 to the Newport Beach
14 Police Department. Plaintiff also requested and consented to
15 sexual assault and rape examination at Anaheim Memorial Medical
16 Center.

17 30. Plaintiff thereafter was ashamed of what had happened
18 and feared for her safety and her job and her maintenance.
19 Plaintiff was told by CLEMENTS that no one would believe her and
20 that she better not discuss it with anyone.

21 31. Plaintiff finally relayed same to others as well as
22 Defendants as she could no longer continue to remain working
23 under such intolerable working conditions.

24 32. Plaintiff requested a medical leave and defendants did
25 not properly investigate same and allowed Plaintiff to remain
26 employed and remain working with defendants even during and after
27 the investigation. Plaintiff's thereby ratified Plaintiff's
28 behavior.

COMPLAINT

1 33. Plaintiff performed her job duties well and never was
2 any concern or performance issues raised directly with Plaintiff.

3 34. The Human Resource Department of Defendant also did
4 nothing to protect Plaintiff in spite of complaints and inquires
5 made by Plaintiff.

6 35. Defendants failed to adequately supervise, train, and
7 investigate it's personnel and supervisors. Defendant's conduct
8 had a devastating effect on Plaintiff and her well being. It
9 greatly affected her relationship with her husband and family and
10 caused her much harm and injuries. The emotional distress that
11 Plaintiff has been under has also negatively affected her
12 sleeping habits, caused much stress and anxiety, and affected her
13 income and benefits and/or loss thereof.

14 36. As a direct and proximate result of the unlawful conduct
15 on the part of defendants, and each of them, as alleged herein,
16 plaintiff has suffered the loss of earnings and employment
17 benefits in an amount yet unascertained, but subject to proof at
18 trial.

19 37. As a direct and proximate result of the unlawful conduct
20 on the part of defendants, and each of them, as alleged herein,
21 plaintiff has suffered and continues to suffer injury, pain and
22 suffering, loss of self esteem, humiliation, mental anguish and
23 emotional distress, all to plaintiff's damage in an amount to be
24 proven at trial, in excess of the threshold jurisdiction of this
25 court.

26 38. As a direct and proximate result of defendants'
27 discriminatory conduct as described herein, plaintiff is entitled
28 to recover general, special and other compensatory damages in

COMPLAINT

1 amounts to be proven at trial. Plaintiff is also entitled to
2 recover reasonable attorneys' fees and costs of suit as provided
3 by California Government Code Section 12965(b).

4 39. The conduct of defendants, and each of them, as alleged
5 herein, was malicious, fraudulent, oppressive and despicable, in
6 that defendants, and each of them, acted with full knowledge of
7 the unlawfulness of such acts, and with conscious disregard of
8 the consequence to plaintiff, as alleged herein, and with intent
9 to harass and discriminate against plaintiff, and in willful,
10 conscious, wanton and reckless disregard for plaintiff's rights
11 and for the deleterious consequences and cruel and unjust
12 hardship resulting to Plaintiff. Consequently, Plaintiff is
13 entitled to exemplary and punitive damages from all defendants.

14 ADMINISTRATIVE PROCEDURES

15 40. Within the past year, Plaintiff filed charges of
16 discrimination/harassment, against gender for sexual harassment
17 with the California Department of Fair Employment and Housing
18 (DFEH) against Defendant the AMEN CLINICS, INC. and defendants
19 TODD CLEMENTS.

20 41. Plaintiff received her Right to Sue Notices from the
21 DFEH as to both named Defendants. Copies of said Notices were
22 served upon Defendants.

23 FIRST CAUSE OF ACTION

24 SEXUAL HARASSMENT

25 (Against All Defendants and Does 1-20)

26 42. Plaintiff hereby repeats, re-alleges and repleads
27 paragraphs 1 through 41 and incorporates the same as though fully
28 set forth herein.

COMPLAINT

1 43. This cause of action is brought pursuant to the
2 California Fair Employment and Practices Act, section 12940 of
3 the Government Code, which prohibits discrimination against a
4 person in the terms, conditions, or privileges of employment on
5 the basis of the person's gender and sex, and the corresponding
6 regulations of the California Fair Employment and Housing
7 Commission.

8 44. The conduct of defendants, and each of them as alleged
9 herein, constitutes unlawful discrimination and sexual harassment
10 which is a subdivision of gender harassment and discrimination
11 in violation of California Government Code Sections 12940 in that
12 Plaintiff was singled out for differential treatment,
13 terminated, and deprived of her employment by reason of her sex
14 and sexually harassed and discriminated against.

15 45. At all times mentioned in this complaint, Defendant
16 regularly employed more than 20 persons.

17 46. None of the discriminatory or retaliating conduct of
18 defendants, or any of them as alleged herein, was based upon a
19 bona fide performance problem or occupational qualification.

20 47. Plaintiff believes and alleges that plaintiff's sex was
21 a substantial and determining factor in defendant actions.

22 48. As a direct, foreseeable, and proximate result of
23 defendants' discriminatory and harassing acts, plaintiff has
24 suffered and continues to suffer substantial losses in earnings
25 and job benefits, and has suffered and continues to suffer
26 humiliation, embarrassment, mental and emotional distress, and
27 discomfort, all to plaintiff's damage in an amount in excess of
28

COMPLAINT

1 the jurisdictional limit, the precise amount of which will be
2 proven at trial.

3 SECOND CAUSE OF ACTION

4 **VIOLATION OF GOVERNMENT CODE 12940-Failure to Prevent Harassment**
5 **(Against All Defendants and Does 1-20)**

6 49. Plaintiff hereby repeats, re-alleges and repleads
7 paragraphs 1 through 48 and incorporates the same as though fully
8 set forth herein.

9 50. At all times mentioned in this complaint, Government
10 Code section 12940 was in full force and effect and was binding
11 on defendants. This subsection requires defendants to take all
12 reasonable steps necessary to prevent discrimination and
13 harassment from occurring. As alleged above, defendants violated
14 this subsection by failing to take all reasonable steps necessary
15 to prevent discrimination and harassment from occurring. Even
16 CLEMENTS supervisors participated in improper language and
17 perverse comments and unwanted actions and comments of a sexual
18 nature.

19 51. Defendants had knowledge of other employees claims of
20 harassment and discrimination in violation of Government Code
21 Section 12940 et seq. Nonetheless, Defendant did nothing to
22 protect employees from offenders of the law.

23 52. The Human Resource Department also did not advise
24 employees after these events and hold proper training seminars on
25 harassment and discrimination to prevent further discrimination
26 and harassment. In short, based upon Defendants's failure to
27 take all reasonable steps necessary to prevent discrimination and
28 harassment from occurring in its workplace, Defendants ratified

COMPLAINT

1 the conduct and sexual harassment which led to Plaintiff's
2 damages, injuries and constructive termination.

3 53. As a proximate result of defendants' conduct, Plaintiff
4 has suffered and continues to suffer humiliation, emotional
5 distress, and mental and physical pain and anguish, all to her
6 damage in a sum according to proof.

7 54. Defendants' conduct as described above was willful,
8 despicable, knowing, and intentional; accordingly, plaintiff
9 seeks an award of punitive and exemplary damages in an amount
10 according to proof.

11 55. Plaintiff has incurred and continues to incur legal
12 expenses and attorney fees. Plaintiff is presently unaware of
13 the precise amount of these expenses and fees and prays leave of
14 court to amend this complaint when the amounts are more fully
15 known. During the course of Plaintiff's employment with
16 Defendant, she complained to Defendants about the improper
17 unwanted comments and acts of a sexual nature. Plaintiff
18 complained about the hostile work environment/sexually charged
19 work place and the way in which she was being treated.

20 56. Defendant's treatment of Plaintiff was in violation of
21 Government Code section 19240(e-j). Within the time provided by
22 law, Plaintiff filed a complaint with the DFEH and received a
23 right-to-sue letter against Defendants.

24 57. As a proximate result of defendant's conduct, Plaintiff
25 has sustained and continues to sustain substantial losses in
26 earnings and other employment benefits and continues to suffer
27 humiliation, emotional distress, and mental and physical pain and
28

COMPLAINT

1 anguish, all to her damage in a sum according to proof.

2 **THIRD CAUSE OF ACTION**

3 **PROMISSORY ESTOPPEL**

4 **(Against All Defendants and All Does)**

5 58. Plaintiff hereby repeats, re-alleges and repleads
6 paragraphs 1 through 57 and incorporates the same as though fully
7 set forth herein.

8 59. Plaintiff relied to her detriment on the promise by
9 CLEMENTS that she would have a permanent job with THE AMEN
10 CLINICS, INC. for as long as she desired.

11 60. Plaintiff relied to her detriment on the oral
12 assurances and promises of Defendant corporation via TODD
13 CLEMENTS. Plaintiff's reliance upon the promises made by
14 Defendant was also reasonable.

15 61. Based upon Plaintiff's reasonable reliance to her
16 detriment as to the promises made by Defendants, Plaintiff has
17 suffered great damage in lost compensation and job benefits.

18 **FOURTH CAUSE OF ACTION**

19 **INTENTIONAL INFLECTION OF EMOTIONAL DISTRESS**

20 **(Against All Defendants and Does)**

21 62. Plaintiff hereby repeats, re-alleges and repleads
22 paragraphs 1 through 61 and incorporates the same as though fully
23 set forth herein.

24 63. Defendants' actions as herein alleged were outrageous
25 and outside the scope of acceptable behavior in a civilized
26 society.

27 64. In doing the acts herein alleged, defendants intended to
28 cause, or acted with a reckless disregard of the probability of

COMPLAINT

1 causing, plaintiff to suffer emotional distress.

2 65. As a proximate result of defendants' actions as herein
3 alleged, Plaintiff suffered, and continues to suffer, severe
4 mental and emotional distress, all to her damage in an amount to
5 be proven at trial but in excess of the jurisdictional threshold
6 of this court.

7 66. In doing the acts herein alleged, defendants knew that
8 their actions were unlawful, but nonetheless committed such acts
9 maliciously, fraudulently, oppressively, and despicably, and with
10 the wrongful intention of injuring plaintiff, with an improper
11 and evil motive amounting to malice, and in conscious disregard
12 of plaintiff's rights. Plaintiff is therefore entitled to an
13 award of punitive damages against defendants, and each of them,
14 in an amount to be determined by this court.

15 **FIFTH CAUSE OF ACTION**

16 **CONSTRUCTIVE DISCHARGE**

17 **(Against All Defendants and Does)**

18 67. Plaintiff hereby repeats, re-alleges and repleads
19 paragraphs 1 through 66 and incorporates the same as though fully
20 set forth herein.

21 68. During Plaintiff's employment with Defendants,
22 Defendants were to act in good faith in the employment
23 relationship and had an obligation to respond to and attempt to
24 cure any complaints of a hostile or discriminatory work
25 environment made to supervisors or human resources.

26 69. Plaintiff made complaints of harassment and
27 inappropriate conduct and Defendants did not respond in any
28 manner to Plaintiff. During Plaintiff's employment and

COMPLAINT

1 internship with Defendants, defendant's entered an oral
2 employment agreement with Plaintiff whereby Defendants agreed
3 that (a) Plaintiff would be permanently hired and not discharged
4 or otherwise disciplined except for good cause and with notice
5 and an opportunity to be heard; and (b) Plaintiff would be
6 evaluated in a fair and objective manner.

7 70. Plaintiff duly performed all conditions, covenants and
8 promises under the agreement to be performed on her part.
9 Plaintiff has at all times been ready, willing and able to
10 perform all of the conditions of the agreement to be performed by
11 her. Defendants breached their agreement with Plaintiff by
12 allowing harassment within the workplace and forcing Plaintiff to
13 have no choice but to separate her employment with defendant
14 corporation. After being harassed and physically assaulted,
15 battered and raped, Plaintiff could not stand the discrimination
16 and the harassment she was under from her supervisors.
17 Plaintiff felt as though Defendants were trying to get rid of her
18 and she could not work for, with or around someone who had
19 physically harmed her and taken advantage of her against her
20 will.

21 71. Based upon said intolerable working conditions,
22 Plaintiff felt as though she had no choice and that the
23 employment relationship was so hostile and charged with
24 discrimination that she had to stop working and leave her
25 employment relationship with Defendants in that she was thus,
26 constructively discharged.

27 72. Plaintiff believes that others in her position and other
28 objective persons would have also felt that they had no choice

COMPLAINT

1 but to sever employment ties under the same or similar
2 circumstances.

3 73. Plaintiff performed all conditions, covenants and
4 promises required on her part to be performed by Defendants.

5 74. As a direct and proximate result of defendants
6 constructive termination of Plaintiff, Plaintiff has sustained
7 damages including lost salary, lost insurance and other
8 employment benefits, and other economic damages, plus pre-
9 judgment interest thereon at the legal prevailing rate in an
10 amount to be shown according to proof at time of trial.
11 Plaintiff is further entitled to incidental and consequential
12 damages in a sum according to proof at the time of trial and pre-
13 judgment interest at the legal prevailing rate.

14 SIXTH CAUSE OF ACTION

15 **CIVIL ASSAULT**

16 **(Against All Defendants and Does)**

17 75. Plaintiff hereby repeats, re-alleges and repleads
18 paragraphs 1 through 74 and incorporates the same as though fully
19 set forth herein.

20 76. Based upon the facts stated above, and CLEMENTS
21 physically forcing himself on top of Plaintiff, undressing
22 Plaintiff, threatening Plaintiff, forcing his legs inside of hers
23 and carrying her to a bedroom, and placing himself in the same
24 bed on June 17, 2007, intended to cause or to place Plaintiff in
25 apprehension of CLEMENTS and made an offensive contact with
26 Plaintiff's person.

27 77. As a result of CLEMENTS acts, at which time he was an
28 agent of defendants, Plaintiff, in fact, was placed in great

COMPLAINT

1 apprehension of defendants offensive contact with Plaintiff's
2 person. Plaintiff at no time consented to any physical contact.
3 Plaintiff suffered injuries to her mouth, bruises on her legs and
4 was sexually violated all without her consent. Plaintiff has
5 suffered general damages as well as injuries. Plaintiff has been
6 required to expend money and incur obligations for medical
7 services, testing, drugs and therapy. Plaintiff was further
8 prevented from attending her usual occupation. The
9 aforementioned conduct of defendants was willful and malicious
10 and was intended to oppress and cause injury to Plaintiff.
11 Plaintiff is therefore also entitled to an award of punitive
12 damages as well as general and compensatory damages according to
13 proof at the time of trial.

14 **SEVENTH CAUSE OF ACTION**

15 **CIVIL BATTERY**

16 **(Against All Defendants and Does)**

17 78. Plaintiff hereby repeats, re-alleges and repleads
18 paragraphs 1 through 77 and incorporates the same as though fully
19 set forth herein.

20 79. Based upon the facts stated above, and CLEMENTS
21 physically forcing himself on top of Plaintiff, undressing
22 Plaintiff, threatening Plaintiff, forcing his legs inside of hers
23 and carrying her to a bedroom, and placing himself in the same
24 bed on June 17, 2007, intended to cause or to place Plaintiff in
25 apprehension of CLEMENTS and made an offensive contact with
26 Plaintiff's person.

27 80. As a result of CLEMENTS acts, at which time he was an
28 agent of defendants, Plaintiff, in fact, was placed in great

COMPLAINT

1 apprehension of defendants offensive contact with Plaintiff's
2 person. CLEMENTS made unconsented contact with Plaintiff's
3 person, clothes, and body and also against Plaintiff's consent
4 drugged Plaintiff so that he could physically and sexual assault
5 Plaintiff. Plaintiff found the contact made by CLEMENTS to be
6 offensive and unwanted.

7 81. Plaintiff at no time consented to any physical contact.
8 Plaintiff suffered injuries to her mouth, bruises on her legs and
9 was sexually violated all without her consent. Plaintiff has
10 suffered general damages as well as injuries. Plaintiff has been
11 required to expend money and incur obligations for medical
12 services, testing, drugs and therapy. Plaintiff was further
13 prevented from attending her usual occupation. The
14 aforementioned conduct of defendants was willful and malicious
15 and was intended to oppress and cause injury to Plaintiff.
16 Plaintiff is therefore also entitled to an award of punitive
17 damages as well as general and compensatory damages according to
18 proof at the time of trial.

19 **RIGHT CAUSE OF ACTION**

20 **SEXUAL BATTERY**

21 **(Against All Defendants and Does)**

22 82. Plaintiff hereby repeats, re-alleges and repleads
23 paragraphs 1 through 81 and incorporates the same as though fully
24 set forth herein.

25 83. Based upon the facts stated above, and CLEMENTS
26 physically forcing himself on top of Plaintiff, undressing
27 Plaintiff, threatening Plaintiff, forcing his legs inside of hers
28 and carrying her to a bedroom, and placing himself in the same

COMPLAINT

1 bed on June 17, 2007, intended to cause or to place Plaintiff in
2 apprehension of CLEMENTS and made sexually offensive contact with
3 Plaintiff's person, including her private areas and breasts.

4 84. As a result of CLEMENTS acts, at which time he was an
5 agent of defendants, Plaintiff, in fact, was placed in great
6 apprehension of defendants offensive sexual contact with
7 Plaintiff's person. CLEMENTS made unconsented contact with
8 Plaintiff's person, clothes, and body and also against
9 Plaintiff's consent drugged Plaintiff so that he could physically
10 and sexual assault Plaintiff.

11 85. Plaintiff at no time consented to any sexual or physical
12 contact. Plaintiff suffered injuries to her mouth, bruises on
13 her legs and was sexually violated all without her consent. When
14 plaintiff became conscious for a short time after being drugged
15 by CLEMENTS, said contact was unwanted, unconsented and placed
16 Plaintiff in fear. Plaintiff has suffered general damages as
17 well as injuries. Plaintiff has been required to expend money
18 and incur obligations for medical services, testing, drugs and
19 therapy. Plaintiff was further prevented from attending her
20 usual occupation. The aforementioned conduct of defendants was
21 willful and malicious and was intended to oppress and cause
22 injury to Plaintiff. Plaintiff is therefore also entitled to an
23 award of punitive damages as well as general and compensatory
24 damages according to proof at the time of trial.

25 **NINTH CAUSE OF ACTION**

26 **FORCIBLE RAPE**

27 **(Against All Defendants and Does)**

28 86. Plaintiff hereby repeats, re-alleges and repleads

COMPLAINT

1 paragraphs 1 through 85 and incorporates the same as though fully
2 set forth herein.

3 87. Based upon the facts stated above, and CLEMENTS
4 physically forcing himself on top of Plaintiff, undressing
5 Plaintiff, threatening Plaintiff, forcing his legs inside of hers
6 and carrying her to a bedroom, and placing himself in the same
7 bed on June 17, 2007, intended to cause or to place Plaintiff in
8 apprehension of CLEMENTS and made sexually offensive contact with
9 Plaintiff's person, including her private areas and breasts.

10 88. As a result of CLEMENTS acts, at which time he was an
11 agent of defendants, Plaintiff, in fact, was placed in great
12 apprehension of defendants offensive sexual contact with
13 Plaintiff's person. CLEMENTS made unconsented contact with
14 Plaintiff's person, clothes, and body and also against
15 Plaintiff's consent drugged Plaintiff so that he could physically
16 and sexual assault Plaintiff. After drugging Plaintiff and
17 pulling her to his chest, Plaintiff thereafter took Plaintiff and
18 used force with the intent to make an unwanted and consented
19 contact with Plaintiff's person.

20 89. Plaintiff at no time consented to any sexual or physical
21 contact. Plaintiff was unconscious during the actual act of
22 sexual intercourse which was perpetrated upon Plaintiff in the
23 early morning hours of June 17, 2007 and caused her personal
24 injuries in which she was against her will raped by CLEMENTS.
25 Plaintiff suffered injuries to her mouth, bruises on her legs and
26 was sexually violated all without her consent. When plaintiff
27 became conscious for a short time after being drugged by
28 CLEMENTS, said contact was unwanted, unconsented and placed

COMPLAINT

1 Plaintiff in fear.

2 90. Plaintiff has suffered general damages as well as
3 injuries. Plaintiff has been required to expend money and incur
4 obligations for medical services, testing, drugs and therapy.
5 Plaintiff was further prevented from attending her usual
6 occupation. The aforementioned conduct of defendants was willful
7 and malicious and was intended to oppress and cause injury to
8 Plaintiff. Plaintiff is therefore also entitled to an award of
9 punitive damages as well as general and compensatory damages
10 according to proof at the time of trial.

11 REQUEST FOR JURY TRIAL

12 Plaintiff requests a trial by jury.

13 PRAYER FOR RELIEF

14 WHEREFORE, Plaintiff prays judgment against defendants, for
15 each cause of action, as follows:

- 16 1. For general and compensatory damages in an amount
17 according to proof;
- 18 2. For mental and emotional distress damages on each cause
19 of action except the third cause of action;
- 20 3. For exemplary and punitive damages in an amount
21 appropriate to punish defendants and set an example for others as
22 to all causes of action except the third cause of action;
- 23 4. For an award of interest, including prejudgment interest,
24 at the legal rate;
- 25 5. For an award of attorney fees as to the first and second
26 causes of action;
- 27 6. For costs of suit herein incurred;
- 28 7. For a trial by jury; and

COMPLAINT

1 8. For such other and further relief as the court may deem
2 just and proper.

3 Respectfully submitted,

4
5 Dated: May 5, 2008

LAW OFFICES OF ERIC V. LUEDTKE

6
7 By: Eric Luedtke

8 Eric V. Luedtke, Esq.
9 Attorneys for Plaintiff,
10 Shannon Kelly

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COMPLAINT

RECEIVED
SUPERIOR COURT OF CALIFORNIA
CENTRAL JUSTICE CENTER

JUN 04 2009

MAIL

ERIC V. LUEDTKE, ESQ. SBN: 172360
LAW OFFICES OF ERIC V. LUEDTKE
3230 East Imperial Highway, Suite 208
Brea, California 92821
Telephone: (714) 579-1700
Facsimile: (714) 579-1710

Attorney for Plaintiff
SHANNON KELLY

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

JUN 04 2009 *W*

ALAN CARLSON, Clerk of the Court
J. O'Connor
BY L. O'CONNOR

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ORANGE, CENTRAL JUSTICE CENTER

SHANNON KELLY,

Plaintiff,

vs.

AMEN CLINICS, INC.; TODD CLEMENTS,
an Individual; and DOES 1 through 20,
Inclusive,

Defendant

Case No.: 30-2008 00108102

[Assigned for all purposes to The Honorable
Gregory H. Lewis, Department C-26]

DECLARATION FOR SUBPOENA DUCES
TECUM

I, ERIC V. LUEDTKE declare that I am the attorney of record for Plaintiff in the above
entitled action; that said cause was duly set down for ADR Review on September 14, 2009 at
8:30 a.m. in Department C-26 in the above entitled Court.

That declarant is informed and believes and upon such information and belief alleges that
ANAHEIM MEMORIAL MEDICAL CENTER has in its possession or under its control the
following documents:

Sexual Assault Examination Kit from the sexual assault examination performed by Nurse
Toyetta Beukes on Plaintiff, SHANNON KELLY on June 18, 2007 at Anaheim Memorial
Medical Center located at 1211 West La Palma Ave., Suite 104, Anaheim, California 92801.

(See Newport Beach Police Report, attached hereto as Exhibit "A".)

1 Declarant believes and so states that the Sexual Assault Examination Kit is material to the
2 proper presentation of Plaintiff's case by reason of the following facts:

3 Plaintiff, SHANNON KELLY alleges that she was given a drink by Defendant, TODD
4 CLEMENTS with the drug "Norcitalopram". The Sexual Assault Examination Kit includes
5 evidence of the drug "Norcitalopram" and therefore is essential to Plaintiff in presenting her
6 case.

7 Wherefore, declarant prays that Subpoena Duces Tecum be issued.

8 I declare under penalty of perjury under the laws of the State of California that the
9 foregoing is true and correct.

10 Dated: June 1, 2009

LAW OFFICES OF ERIC V. LUEDTKE

11 By Eric Luedtke
12 ERIC V. LUEDTKE
13 Attorney for Plaintiff
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EXHIBIT

A

EXHIBIT "A"

NEWPORT BEACH POLICE DEPARTMENT
PRELIMINARY INVESTIGATION OF

RAPE

DR Number **07-06100**

PROTECTIVE COVER SHEET

LAST NAME, FIRST, MIDDLE (FIRM NAME IF BUSINESS)				SEX	DESC	AGE	DOB				
KELLY, SHANNON, DEE				F	W	32	2-28-75				
RESIDENCE/BUSINESS ADDRESS						PHONE #					
R. 1401 CITY LIGHTS DR. ALISO VIEJO, CA 92625						949-315-5712					
B. 4019 WESTERLY PLACE #100 NEWPORT BEACH, CA 92660						949-266-3700					
VICTIM'S OCCUPATION				VICTIM'S CONDITION							
THERAPIST				UPSET							
LOCATION OF OCCURRENCE/BUSINESS NAME				RD	DATE & TIME REPORTED TO PD						
1009 E. BALBOA BLVD.				11	6/18/07						
OCURRED ON	MO.	DAY	YEAR	DAY WK.	TIME	&	MO.	DAY	YEAR	DAY WK.	TIME
OR BETWEEN:	6	17	07	SUN	0001		6	17	07	SUN	0630

Penal Code Section 293 and Section 6254(f)(2) of the Government Code require that upon request of the victim, his or her name and address, as they appear in the crime reports, not be disclosed to anyone but authorized public agencies or those required by law.

This report describes one or more of the following (circle all applicable crimes):

PC 220, all 261 sections, 262, 264, 264.1, 273a, 273d, 273.5, 286, 288, 288a, 289, 422.6, 422.7, 422.75, 646.9

WAIVER

My name may be made public

My name may not be made public

Shannon Kelly
Signature of Victim (Parent / Guardian if minor)

6/18/07
Date

2245
Time

If victim is unable to sign form due to age, psychological, or medical reasons this information shall be considered confidential.

OFFICERS: This form is to be used for the specific violations under PC 293. Please fill out ALL victim information on this page. On all additional reports the victim shall be referred to only as "victim" without using a name. In the case of multiple victims use first name and initial of last name only.

IMPORTANT: Victim's response must be memorialized in the report narrative with the date and time. "I advised victim of PC 293 pursuant to subsection (a) on (date) and (time). Victim chose to exercise her right to privacy."

ATTENTION RECORDS SECTION

THIS COVER SHEET SHALL BE FILED IN FRONT OF THE CRIME REPORT. IT SHALL NOT BE DUPLICATED EXCEPT FOR DISTRIBUTION TO THE ASSIGNED DETECTIVE, THE DISTRICT ATTORNEY'S OFFICE, CHILD ABUSE REGISTRY, SOCIAL SERVICES, PAROLE (CDC), AND THE PROBATION DEPARTMENT.

Record of Distribution:

DATE:	TIME:	CSO:	DISTRIBUTED TO:
DATE:	TIME:	CSO:	DISTRIBUTED TO:
DATE:	TIME:	CSO:	DISTRIBUTED TO:

Supervisor Approving	ID No.	Investigating Officer(s)	ID No.	Signature of Reporting Person
<i>DJ. Lt. 830</i>		R. BEAN	1323	
Date/Time Reproduced	CSO			
06/19/07 1941	K.K.			

NEWPORT BEACH POLICE DEPARTMENT

Preliminary Investigation of:

Rape

DR No.
07-6100

<input type="checkbox"/> TELEPHONIC	<input type="checkbox"/> BRIEFING
<input type="checkbox"/> CPI	<input type="checkbox"/> VNI
<input type="checkbox"/> GSU	

Location of Occurrence 1009 East Balboa Blvd	RD 11	Date & Time Reported to PD 6/18/07 2143	Connected Reports - Type & DR Property
---	----------	--	---

Occurred On Or Between:	Month / Day / Year 6/17/07	Day Sunday	Time 0001	&	Month / Day / Year 6/17/07	Day Sunday	Time 0630
-------------------------	-------------------------------	---------------	--------------	---	-------------------------------	---------------	--------------

Reportable Use of Force: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Stolen / Lost \$ 00.00	Recovered \$ 00.00	Est. Dam. Arson/Vandalism \$ 00.00
--	---------------------------	-----------------------	---------------------------------------

Last Name (Firm name if business) Confidential	First Name	Middle	DOB	Age	Sex	Desc	Hgt	Wgt	Hair	Eyes	
Residence Address			City	State	Zip	Res. Phone					
Business Address			City	State	Zip	Bus. Phone					
Victim's Occupation	Victim's Condition		Veh. Lic. No.	State	Year	Make	Model	Color(s)			
Notifications-Persons & Division				Victim Advised of Confidentiality Provisions Per 293 PC?			<input type="radio"/> Yes <input type="radio"/> No				
				Victim Desires Confidentiality?			<input type="radio"/> Yes <input type="radio"/> No				
Domestic Violence Related? <input type="radio"/> Yes <input checked="" type="radio"/> No		Gang Related? <input type="radio"/> Yes <input checked="" type="radio"/> No		Hate Crime? <input type="radio"/> Yes <input checked="" type="radio"/> No		Alcohol Related? <input type="radio"/> Yes <input checked="" type="radio"/> No					
Weapon Involved? <input type="radio"/> Yes <input checked="" type="radio"/> No		Weapon Involved? <input type="radio"/> Yes <input checked="" type="radio"/> No		Weapon Involved? <input type="radio"/> Yes <input checked="" type="radio"/> No		Weapon Involved? <input type="radio"/> Yes <input checked="" type="radio"/> No					

Name If Known-Booking No. & Charge If Arrested (List Additional Suspects In Narrative) Clements, Todd M.	DOB 5/2/1969	Age 38	Sex M	Desc W	Hgt. 6-00	Wgt. 200	Hair Bro	Eyes Blu
Address 1009 East Balboa Blvd			City Newport Beach	State CA	Zip 92663	Res. Phone 949-294-3173		Bus. Phone 949-266-3700
Personal Oddities (Unusual Features, Scars, Tattoos, Etc) Unk				Type of Weapon (Threats, Force, Simult Gun, Etc) If Knife or Gun, Describe: None				
Clothing - Additional Descriptors N/A						Additional Suspects? <input type="radio"/> Yes (List on Page 2) <input checked="" type="radio"/> No		
Veh. Lic. No. N/A	State	Year	Make	Model	Type	Color(s)		
Inside Color(s)	Modifications		Damage-Additional Desc.					

Involved Person Codes: V-Victim R-Reporting Person W-Witness D-Discovering Person P-Parent										
Code	Name	Residence Address			City		State	Zip		
DOB	Age	Sex	Business Address (include Zip Code)			Bus. Phone		Res. Phone		
Code	Name	Residence Address			City		State	Zip		
DOB	Age	Sex	Business Address (include Zip Code)			Bus. Phone		Res. Phone		

M.O. - SPECIFIC OR UNUSUAL ACTIONS THAT MAY TEND TO IDENTIFY THIS SUSP. (Use reverse side for additional narrative.) Burg: Force No Force

Listed suspect possibly drugged victim during a business dinner. Victim cannot remember a period of time between 0001 hours and 0630 hours on the listed date. Victim remembered the suspect on top of her and separating her legs with his legs.

Supervisor Approving DJ, LT 830	ID No. 830	Investigating Officer(s) Bean	ID No. 1323	Signature of Reporting Person
Date & Time Reproduced 06/19/07 1942		Clerk KK		

NEWPORT BEACH POLICE DEPARTMENT

Page No.	Type of Investigation	DR No.
2	Rape	07-6100

1) List additional suspects, victims, involved persons. (2) List stolen/recovered property. (3) Reconstruct the occurrence: Include all elements of the crime. (4) Describe any evidence, including prints, state locations found and by whom. Give disposition.

Item No.	Quan.	Article	Brand	SModel	Serial No.	Misc. description (Color, Size, Inscriptions, Caliber, Etc.)	Dollar Value
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On 6/18/07 at approximately 2143 hours, Officer Lowe and I were working uniformed patrol in a marked police vehicle. We responded to the NBPD front desk regarding a report of a rape. We contacted the victim and obtained her statement. I advised the victim of PC 293 pursuant to subsection (a) on 6/18/07 at 2245 hours. The victim chose to exercise her right to privacy.

The victim stated that at approximately 2100 hours on 6/16/07, she arrived at 1009 East Balboa Blvd to meet with Todd Clements before leaving for a business dinner. Todd Clements is the victim's supervisor at their place of employment. The victim stated that she met at Clements' house prior to going to "The Landing" restaurant to discuss a book they had talked about co-authoring. The victim stated that she and the suspect spoke with the suspect's neighbors for nearly a half an hour before walking to the restaurant at approximately 2200 hours. While at the restaurant, the victim stated that she had two glasses of red wine and Clements had three glasses of beer. Although the victim stated that Clements was pleasant to her, she stated that he seemed to be irritable throughout the dinner. The victim stated that she felt as though she was being seduced throughout the dinner when she thought she went to dinner to discuss a possible book publication.

After finishing dinner, the victim stated that she and the suspect began to walk from the restaurant to the suspect's house when the suspect wanted to stop to buy more alcoholic beverages. The victim stated that she and the suspect walked into a liquor store and Clements bought a bottle of Belvedere vodka and a case of Flat Tire beer. The victim and Clements then walked back to the suspect's house. Once at Clements' house, Clements told the victim that he wanted to make the victim a "special drink." Clements removed a "special" bottle of non-alcoholic mixer from the refrigerator and used it in the victim's "special drink." Clements stated that the mixer had "all kinds of special vitamins" in it. The victim stated that Clements then went behind the bar in his house and poured a few alcoholic beverages into a martini shaker. The victim stated that she did not watch closely while the suspect made her alcoholic drink. She stated that the suspect encouraged her to look the opposite direction at his view of the ocean. She stated that the suspect then poured his "special drink" into a martini glass and handed it to her. The victim stated that she took the drink and drank the entire drink. The victim stated that the suspect asked her to walk up to the roof and look out at the view of the ocean. The victim stated that she went to the roof with Clements and spent approximately ten minutes looking out at the view. The victim stated that she felt "numb and cold" while standing on the roof. She stated that they both became cold and went back into the house. Clements told the victim that she should not drive because she had been consuming alcoholic beverages and that she could stay in his guest room. Not wanting to drive after consuming alcohol, the victim thought it was a good idea for her to sleep in the suspect's guest bedroom.

Supervisor Approving	ID No.	Reporting Officer(s)	ID No.
	DJ, LT- 830	Bean	1323

Continuation Sheet

Page No. 3	Type of Report Rape	Booking No.	DR Number 07-6100
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The victim stated that they both went back into the living room and sat on the couch. The victim stated that she did not feel like herself and described the feeling as "numb and disoriented." The victim stated that they sat on the couch and the suspect turned out all of the lights and sat right next to her. The victim stated that her mind became "real fuzzy" and she cannot recall the exact details of the following events. The victim stated that the next thing she could remember was uncontrollably leaning to her right so that her shoulder and right side was up against his left side. She stated that she did not want to lean against him but that she could not keep her body erect. The victim stated that she regularly consumes alcoholic beverages and that having three alcoholic drinks over a three hour period would not put her in the mental state in which she found herself on the suspect's couch. The victim stated that she remembered Clements putting his left leg to her side and facing her on the couch. She stated that the suspect either told her to lean back against his chest or he pulled her against his chest. From approximately 0001 hours on 6/17/07 to 0630 hours on 6/17/07, the victim stated that she "completely blacked out" and can remember only one thing. The victim stated that she vaguely remembered opening her eyes and being in a dark bedroom on her back with the suspect on top of her and separating her legs with his legs. The victim stated that she did not know how she would have gotten from the couch in the living room to the bed in the guest bedroom. The victim stated that she had never had any sexual or romantic relationship with the suspect, nor did she consent to any sexual conduct. The victim stated that she had previously felt safe with her supervisor due to the fact that he was "Christian" and a married man.

At approximately 0630 hours, the victim stated that she awoke completely nude in the guest bed with the suspect laying in the bed next to her. She stated that Clements was covered by the blanket but that she could see that he was not wearing a shirt. She was unable to see whether Clements was wearing any clothing on the lower half of his body. The victim stated that she awoke completely disoriented and scared. The victim stated that Clements said, "We are never to talk about this; you are never to discuss this with me or with anybody else." She stated that she wrapped herself in a towel, which she found alongside the bed, and walked into the restroom. She stated that she washed off her face and tried to become oriented as to what happened. The victim stated that her clothing was alongside the bed on the ground and she did not remember how they got there. She also stated that her outer shirt was missing and she asked Clements where it was located. He stated that they had spilled something on it and that it was soaking in the restroom sink in a separate area of the house. Clements went into the other restroom and retrieved the shirt for the victim. The victim stated that she walked back into the bedroom and told Clements to get dressed and meet her in the kitchen. She stated that Clements walked into the living room and sat across the room from her. She stated that she became angry and asked him what happened. Clements stated that nothing happened and that they only did "a little petting." Clements stated that now he knew that her breasts were real. Clements told the victim that they did not have sexual intercourse. The victim asked the suspect if he ever had extramarital affairs. The suspect stated that he had an extramarital affair once before and that his wife has extramarital affairs on a regular basis. The victim stated that the suspect's wife was out of town on the night of the incident. The victim stated that she was angry when confronting the suspect in the living room and this appeared to have made Clements sexually aroused as his penis became erect and visible through his jean pants.

Supervisor Approving	ID No. DJ. LT. 830	Reporting Officer(s) Bean	ID No. 1323
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Continuation Sheet

Page No. 4	Type of Report Rape	Booking No.	DR Number 07-6100
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The victim stated that she was one-hundred percent certain that she was "drugged" and that due to this fact, she did not know whether she had sexual intercourse or not. She stated that she did not experience any vaginal tearing or soreness. The victim stated that she did suffer one bruise on her right upper thigh and one bruise on her left upper thigh. She stated that she did not have the bruises before she went to Clements' house for dinner and that she had them when she awoke in the morning. The victim also stated that she suffered irritated skin to both sides of her outer mouth. She stated that her mouth area was not irritated before arriving at the suspect's home.

The victim is an intern and working under the guidance of Clements who is a practicing psychiatrist. The victim stated that she liked being an intern and had previously had no issues with Clements. The victim stated that for the past six months she had not felt comfortable around her supervisor any longer. The victim felt so uncomfortable around the suspect that she told the suspect in January that she had a boyfriend when she really did not. The victim stated that Clements began to ask everyone who knew the victim about her new boyfriend. Two weeks prior to the incident, Clements asked the victim to drive him from Newport Beach to Los Angeles for a business conference. Clements became intoxicated during the conference and became extremely inappropriate during the car ride back to Newport Beach. Clements asked the victim if her breasts were natural or did she have a breast augmentation. Clements also asked the victim how she felt about premarital sex and "blow jobs." The victim refused to answer his questions and felt extremely uncomfortable.

After obtaining the victim's statement, we drove to Anaheim Memorial Medical Center for a sexual assault examination. Nurse Toyetta Beukes performed the sexual assault examination. For further see Beukes' OCJP 923 report, which was booked into evidence at NBPD.

We booked the victim's clothing, the tape of the interview, and the sexual assault examination kit into evidence at NBPD.

Supervisor Approving	ID No. DJ. L. 830	Reporting Officer(s) Bean	ID No. 1323
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