

Redacted Public Copy

DISTRICT COURT ARAPAHOE COUNTY, COLORADO Court Address: Arapahoe County Justice Center 7325 South Potomac Street, Englewood, CO 80112	
<b>THE PEOPLE OF THE STATE OF COLORADO</b> vs. Defendant(s): <b>MATTHEW MCCLUSKEY</b> <b>BRITTANY COX</b> <b>MATTHEW LEMAN</b> <b>ROBERT TURNER</b> <b>ALYSE SHANK</b> <b>JENNIFER SPADE</b> <b>WILLIAM JOSEPH ROBERTS</b> <b>JENNIFER PUTMAN</b> <b>LAUREN CIPARRO</b> <b>JOHNIE MAIN</b> <b>LAURA FRITZ</b> <b>ROY B. FRANK</b> <b>CARLA COMINIELLO</b> <b>MICHAEL DICINO</b> <b>TERESA KILDOW</b> <b>MICHAEL RELIC</b>	
Attorney: CAROL CHAMBERS, 18 <sup>th</sup> Judicial District Attorney 6450 South Revere Parkway Centennial, CO 80111 Phone Number: 720.874.8500 Atty. Reg. #: 14948	<b>^ COURT USE ONLY ^</b>  Case Number: <b>11 CR 02</b>  Division/Ctrm:
<b>AMENDED COVER PAGE GRAND JURY INDICTMENT</b>	

COUNT ONE

VIOLATION OF THE COLORADO  
ORGANIZED CRIME CONTROL ACT;  
C.R.S. §18-17-104(3) AND 18-17-105 (F2)

COUNT TWO	CONSPIRACY TO COMMIT THEFT (\$20,000 OR MORE); C.R.S. §§18-4-401(1)(b),(2)(d), 18-2-201 (F4)
COUNT THREE	CONSPIRACY TO COMMIT FORGERY-CHECK/COMMERCIAL INSTRUMENT; C.R.S. §§18-5-102(1)(c), 18-2-201 (F6)
COUNT FOUR	CONSPIRACY TO COMMIT IDENTITY THEFT; C.R.S. §§18-5-902, 18-5-201 (F5)
COUNT FIVE	COMPUTER CRIME (\$20,000 OR MORE); C.R.S. §18-5.5-102(1)(b) (F3)
COUNT SIX	CONSPIRACY TO COMMIT COMPUTER CRIME-SCHEME TO DEFRAUD-(\$20,000 OR MORE), C.R.S. §§18-5.5-102(1)(b);18-2-201 (F4)
COUNTS SEVEN, ONE HUNDRED SIX	CONSPIRACY TO COMMIT MONEY LAUNDERING-CONCEAL, C.R.S. §§18-5-309(1)(a)(II), 18-2-201 (F4)
COUNT EIGHT	CONSPIRACY TO COMMIT MONEY LAUNDERING-TRANSFER/CONCEAL, C.R.S. §§18-5-309(1)(b)(II);18-2-201 (F4)
COUNTS NINE, TWENTY-EIGHT, TWENTY-NINE, THIRTY-SEVEN, SIXTY-EIGHT, ONE HUNDRED FORTY-SIX	POSSESSION OF IDENTITY THEFT TOOLS, C.R.S. §18-5-905 (F5)
COUNT TEN	POSSESSION OF A FORGERY DEVICE, C.R.S. §18-5-109(1)(b) (F6)

COUNTS ELEVEN, EIGHTEEN, NINETEEN,  
THIRTY-FIVE, FORTY-ONE, FORTY-SEVEN,  
FIFTY-FIVE, FIFTY-SIX, SEVENTY,  
SEVENTY-ONE, SEVENTY-TWO,  
SEVENTY-THREE, SEVENTY-FOUR,  
EIGHTY, EIGHTY-ONE, EIGHTY-TWO,  
EIGHTY-THREE, EIGHTY-FOUR,  
EIGHTY-FIVE, NINETY-TWO,  
NINETY-THREE, NINETY-FOUR,  
NINETY-FIVE, ONE HUNDRED NINE,  
ONE HUNDRED FIFTEEN, ONE HUNDRED  
TWENTY-ONE, ONE HUNDRED TWENTY-EIGHT  
ONE HUNDRED TWENTY-NINE, ONE  
HUNDRED THIRTY, ONE HUNDRED  
THIRTY-ONE, ONE HUNDRED THIRTY  
-TWO, ONE HUNDRED THIRTY-THREE,  
ONE HUNDRED THIRTY-FOUR,  
ONE HUNDRED THIRTY-FIVE, ONE  
HUNDRED THIRTY-SIX, ONE HUNDRED  
THIRTY-SEVEN, ONE HUNDRED  
THIRTY-EIGHT, ONE HUNDRED THIRTY  
-NINE, ONE HUNDRED FORTY, ONE  
HUNDRED FIFTY-TWO, ONE HUNDRED  
FIFTY-NINE, ONE HUNDRED SIXTY-EIGHT

FORGERY-CHECK/COMMERCIAL  
INSTRUMENT; C.R.S. §18-5-102(1)(c)  
(F5)

COUNTS TWELVE, TWENTY,  
TWENTY-ONE, FORTY-EIGHT,  
FIFTY-SEVEN, EIGHTY-SIX, ONE  
HUNDRED TWENTY-TWO, ONE  
HUNDRED FORTY-ONE

FORGERY-GOVERNMENT ISSUED  
DOCUMENT; C.R.S. §18-5-102(1)(e) (F5)

COUNTS THIRTEEN, TWENTY-TWO,  
TWENTY-THREE, THIRTY-EIGHT,  
FORTY-THREE, FIFTY, FIFTY-NINE,  
SIXTY-FIVE, SEVENTY-SIX, EIGHTY-EIGHT,  
NINETY-EIGHT, NINETY-NINE,  
ONE HUNDRED ELEVEN, ONE HUNDRED  
SEVENTEEN, ONE HUNDRED TWENTY-  
FOUR, ONE HUNDRED FORTY-THREE,  
ONE HUNDRED FORTY-EIGHT, ONE  
HUNDRED FIFTY-FOUR, ONE HUNDRED  
SIXTY-TWO

ID THEFT-POSSESSION WITH INTENT  
TO USE; C.R.S. §18-5-902(1)(b) (F4)

COUNTS FOURTEEN, TWENTY-FOUR, TWENTY-FIVE, THIRTY-NINE, FORTY-FOUR, FIFTY-ONE, SIXTY, SIXTY-SIX, EIGHTY-NINE, ONE HUNDRED, ONE HUNDRED ONE, ONE HUNDRED TWELVE, ONE HUNDRED EIGHTEEN, ONE HUNDRED TWENTY-FIVE, ONE HUNDRED FORTY-FOUR, ONE HUNDRED FIFTY-FIVE, ONE HUNDRED SIXTY-THREE

ID THEFT-ALTER/MAKE WRITTEN INSTRUMENT; C.R.S. §18-5-902(1)(c) (F4)

COUNTS FIFTEEN, SIXTEEN, TWENTY-SIX TWENTY-SEVEN, THIRTY-SIX, FORTY-FIVE, FIFTY-TWO, SIXTY-ONE, SEVENTY-SEVEN, NINETY, ONE HUNDRED TWO, ONE HUNDRED THREE, ONE HUNDRED FOUR, ONE HUNDRED FIVE, ONE HUNDRED THIRTEEN, ONE HUNDRED NINETEEN, ONE HUNDRED TWENTY-SIX, ONE HUNDRED FORTY-FIVE, ONE HUNDRED FIFTY-SIX, ONE HUNDRED SIXTY-FOUR

CRIMINAL POSSESSION OF FORGED INSTRUMENT; C.R.S. §18-5-105 (F6)

COUNTS SEVENTEEN, ONE HUNDRED FIFTY-EIGHT

CRIMINAL ATTEMPT- THEFT (Under \$500); C.R.S. §§18-4-401(1)(b)(2)(b), 18-2-101 (M3)

COUNTS THIRTY, ONE HUNDRED FORTY-NINE

MONEY LAUNDERING-CONCEAL C.R.S. §18-5-309(1)(a)(II) (F3)

COUNTS THIRTY-ONE, SEVENTY-EIGHT, ONE HUNDRED SEVEN, ONE HUNDRED FIFTY

MONEY LAUNDERING-TRANSFER/CONCEAL, C.R.S. §18-5-309(1)(b)(II) (F3)

COUNTS THIRTY-TWO, ONE HUNDRED FORTY-SEVEN

THEFT/SERIES-\$20,000 OR MORE; C.R.S. §18-4-401(1)(b),(4) (F3)

COUNTS THIRTY-THREE, FIFTY-THREE, ONE HUNDRED SIXTY-FIVE

CONSPIRACY TO COMMIT THEFT/SERIES-\$20,000 OR MORE; C.R.S. §§18-4-401(1)(b),(4), 18-2-201 (F4)

COUNTS THIRTY-FOUR, ONE HUNDRED FOURTEEN, ONE HUNDRED TWENTY, ONE HUNDRED FIFTY-SEVEN, ONE HUNDRED SIXTY-SEVEN

THEFT-UNDER \$500; C.R.S. §18-4-401(1)(b),(2)(b) (M2)

COUNTS FORTY-TWO, FORTY-NINE, FIFTY-EIGHT, SIXTY-THREE, SIXTY-FOUR, SEVENTY-FIVE, EIGHTY-SEVEN, NINETY-SIX, NINETY-SEVEN, ONE HUNDRED TEN, ONE HUNDRED SIXTEEN, ONE HUNDRED TWENTY-THREE, ONE HUNDRED FORTY-TWO, ONE HUNDRED FIFTY-THREE, ONE HUNDRED SIXTY, ONE HUNDRED SIXTY-SIX

ID THEFT-USES INFO TO OBTAIN;  
C.R.S. §18-5-902(1)(a) (F4)

COUNTS FORTY, FORTY-SIX, SIXTY-TWO, SIXTY-NINE, SEVENTY-NINE, NINETY-ONE, ONE HUNDRED TWENTY-SEVEN

THEFT/SERIES-\$1000-\$20,000; C.R.S. §18-4-401(1)(b),(4) (F4)

COUNTS FIFTY-FOUR, ONE HUNDRED EIGHT, ONE HUNDRED FIFTY-ONE

THEFT-\$500-\$1000; C.R.S. §18-4-401(1)(b),(2)(b.5) (M1)

COUNT SIXTY-SEVEN

MOTOR VEHICLE THEFT/AGG1-\$20,000 OR LESS; C.R.S. §18-4-409(2),(3)(a) (F4)

COUNT ONE HUNDRED SIXTY-ONE

CRIMINAL ATTEMPT TO COMMIT ID THEFT-USES INFO TO OBTAIN; C.R.S. §§18-5-902(1)(a), 18-2-101

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AS TO MATTHEW MCCLUSKEY	COUNTS: 1-10, 11-31, 40-61, 69-85, 87-90, 120-126, 151-156
AS TO BRITTANY COX	COUNTS: 33, 54-61
AS TO MATTHEW LEMAN	COUNTS: 120-126
AS TO ROBERT TURNER	COUNTS: 1-10, 32-39, 68, 92, 96, 98, 100, 102, 114-119, 147, 165-168
AS TO ALYSE SHANK	COUNTS: 1-10, 33, 46-53, 69-78, 87-90
AS TO JENNIFER SPADE	COUNTS: 79-90
AS TO WILLIAM JOSEPH ROBERTS	COUNTS: 40-45
AS TO JENNIFER PUTMAN	COUNTS: 69-78

<b>AS TO LAUREN CIPARRO</b>	<b>COUNTS: 33, 114-119</b>
<b>AS TO JOHNNIE MAIN</b>	<b>COUNTS: 33, 91-107</b>
<b>AS TO LAURA FRITZ</b>	<b>COUNTS: 33, 108-113</b>
<b>AS TO ROY B. FRANK</b>	<b>COUNTS: 151-156</b>
<b>AS TO CARLA COMINIELLO</b>	<b>COUNTS: 1-10, 33, 62-68, 91 -105 107-113, 157-164</b>
<b>AS TO MICHAEL DICINO</b>	<b>COUNTS: 1-10, 33, 65, 68, 91-105, 107-119, 127-150, 165-168</b>
<b>AS TO TERESA KILDOW</b>	<b>COUNTS: 157-164</b>
<b>AS TO MICHAEL RELIC</b>	<b>COUNTS: 33, 165, 168</b>

DISTRICT COURT  
ARAPAHOE COUNTY, COLORADO  
Court Address: Arapahoe County Justice Center  
7325 South Potomac Street, Englewood, CO 80112

**THE PEOPLE OF THE STATE OF COLORADO**

vs.

Defendant(s):

**MATTHEW MCCLUSKEY**

**BRITTANY COX**

**MATTHEW LEMAN**

**ROBERT TURNER**

**ALYSE SHANK**

**JENNIFER SPADE**

**WILLIAM JOSEPH ROBERTS**

**JENNIFER PUTMAN**

**LAUREN CIPARRO**

**JOHNIE MAIN**

**LAURA FRITZ**

**ROY B. FRANK**

**CARLA COMINIELLO**

**MICHAEL DICINO**

**TERESA KILDOW**

**MICHAEL RELIC**

PROTECTED

Filed

NOV 16 2011

CLERK OF THE COMBINED COURT  
ARAPAHOE COUNTY, COLORADO

^ COURT USE ONLY ^

Attorney:

CAROL CHAMBERS, 18<sup>th</sup> Judicial District Attorney

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Centennial, CO 80111

Phone Number: 720.874.8500

Atty. Reg. #: 14948

Case Number: 11 022309

11 CR 02

Division/Ctrm:

201

**ARAPAHOE COUNTY GRAND JURY INDICTMENT**

COUNT ONE

VIOLATION OF THE COLORADO  
ORGANIZED CRIME CONTROL ACT;  
C.R.S. §18-17-104(3) AND 18-17-105 (F2)



original

COUNT TWO	CONSPIRACY TO COMMIT THEFT (\$20,000 OR MORE); C.R.S. §§18-4-401(1)(b),(2)(d), 18-2-201 (F4)
COUNT THREE	CONSPIRACY TO COMMIT FORGERY-CHECK/COMMERCIAL INSTRUMENT; C.R.S. §§18-5-102(1)(c), 18-2-201 (F6)
COUNT FOUR	CONSPIRACY TO COMMIT IDENTITY THEFT; C.R.S. §§18-5-902, 18-5-201 (F5)
COUNT FIVE	COMPUTER CRIME (\$20,000 OR MORE); C.R.S. §18-5.5-102(1)(b) (F3)
COUNT SIX	CONSPIRACY TO COMMIT COMPUTER CRIME-SCHEME TO DEFRAUD (\$20,000 OR MORE), C.R.S. §§18-5.5-102(1)(b);18-2-201 (F4)
COUNTS SEVEN, ONE HUNDRED SIX	CONSPIRACY TO COMMIT MONEY LAUNDERING-CONCEAL, C.R.S. §§18-5-309(1)(a)(II), 18-2-201 (F4)
COUNT EIGHT	CONSPIRACY TO COMMIT MONEY LAUNDERING-TRANSFER/CONCEAL, C.R.S. §§18-5-309(1)(b)(II);18-2-201 (F4)
COUNTS NINE, TWENTY-EIGHT, TWENTY-NINE, THIRTY-SEVEN, SIXTY-EIGHT, ONE HUNDRED FORTY-SIX	POSSESSION OF IDENTITY THEFT TOOLS, C.R.S. §18-5-905 (F5)
COUNT TEN	POSSESSION OF A FORGERY DEVICE, C.R.S. §18-5-109(1)(b) (F6)



COUNTS ELEVEN, EIGHTEEN, NINETEEN, THIRTY-FIVE, FORTY-ONE, FORTY-SEVEN, FIFTY-FIVE, FIFTY-SIX, SEVENTY, SEVENTY-ONE, SEVENTY-TWO, SEVENTY-THREE, SEVENTY-FOUR, EIGHTY, EIGHTY-ONE, EIGHTY-TWO, EIGHTY-THREE, EIGHTY-FOUR, EIGHTY-FIVE, NINETY-TWO, NINETY-THREE, NINETY-FOUR, NINETY-FIVE, ONE HUNDRED NINE, ONE HUNDRED FIFTEEN, ONE HUNDRED TWENTY-ONE, ONE HUNDRED TWENTY-EIGHT ONE HUNDRED TWENTY-NINE, ONE HUNDRED THIRTY, ONE HUNDRED THIRTY-ONE, ONE HUNDRED THIRTY-TWO, ONE HUNDRED THIRTY-THREE, ONE HUNDRED THIRTY-FOUR, ONE HUNDRED THIRTY-FIVE, ONE HUNDRED THIRTY-SIX, ONE HUNDRED THIRTY-SEVEN, ONE HUNDRED THIRTY-EIGHT, ONE HUNDRED THIRTY-NINE, ONE HUNDRED FORTY, ONE HUNDRED FIFTY-TWO, ONE HUNDRED FIFTY-NINE, ONE HUNDRED SIXTY-EIGHT

FORGERY-CHECK/COMMERCIAL INSTRUMENT; C.R.S. §18-5-102(1)(c) (F5)

COUNTS TWELVE, TWENTY, TWENTY-ONE, FORTY-EIGHT, FIFTY-SEVEN, EIGHTY-SIX, ONE HUNDRED TWENTY-TWO, ONE HUNDRED FORTY-ONE

FORGERY-GOVERNMENT ISSUED DOCUMENT; C.R.S. §18-5-102(1)(e) (F5)

COUNTS THIRTEEN, TWENTY-TWO, TWENTY-THREE, THIRTY-EIGHT, FORTY-THREE, FIFTY, FIFTY-NINE, SIXTY-FIVE, SEVENTY-SIX, EIGHTY-EIGHT, NINETY-EIGHT, NINETY-NINE, ONE HUNDRED ELEVEN, ONE HUNDRED SEVENTEEN, ONE HUNDRED TWENTY-FOUR, ONE HUNDRED FORTY-THREE, ONE HUNDRED FORTY-EIGHT, ONE HUNDRED FIFTY-FOUR, ONE HUNDRED SIXTY-TWO

ID THEFT-POSSESSION WITH INTENT TO USE; C.R.S. §18-5-902(1)(b) (F4)

COUNTS FOURTEEN, TWENTY-FOUR, TWENTY-FIVE, THIRTY-NINE, FORTY-FOUR, FIFTY-ONE, SIXTY, SIXTY-SIX, EIGHTY-NINE, ONE HUNDRED, ONE HUNDRED ONE, ONE HUNDRED TWELVE, ONE HUNDRED EIGHTEEN, ONE HUNDRED TWENTY-FIVE, ONE HUNDRED FORTY-FOUR, ONE HUNDRED FIFTY-FIVE, ONE HUNDRED SIXTY-THREE

ID THEFT-ALTER/MAKE WRITTEN INSTRUMENT; C.R.S. §18-5-902(1)(c) (F4)

COUNTS FIFTEEN, SIXTEEN, TWENTY-SIX TWENTY-SEVEN, THIRTY-SIX, FORTY-FIVE, FIFTY-TWO, SIXTY-ONE, SEVENTY-SEVEN, NINETY, ONE HUNDRED TWO, ONE HUNDRED THREE, ONE HUNDRED FOUR, ONE HUNDRED FIVE, ONE HUNDRED THIRTEEN, ONE HUNDRED NINETEEN, ONE HUNDRED TWENTY-SIX, ONE HUNDRED FORTY-FIVE, ONE HUNDRED FIFTY-SIX, ONE HUNDRED SIXTY-FOUR

CRIMINAL POSSESSION OF FORGED INSTRUMENT; C.R.S. §18-5-105 (F6)

COUNTS SEVENTEEN, ONE HUNDRED FIFTY-EIGHT

CRIMINAL ATTEMPT- THEFT (Under \$500); C.R.S. §§18-4-401(1)(b)(2)(b), 18-2-101 (M3)

COUNTS THIRTY, ONE HUNDRED FORTY-NINE

MONEY LAUNDERING-CONCEAL C.R.S. §18-5-309(1)(a)(II) (F3)

COUNTS THIRTY-ONE, SEVENTY-EIGHT, ONE HUNDRED SEVEN, ONE HUNDRED FIFTY

MONEY LAUNDERING-TRANSFER/CONCEAL, C.R.S. §18-5-309(1)(b)(II) (F3)

COUNTS THIRTY-TWO, ONE HUNDRED FORTY-SEVEN

THEFT/SERIES-\$20,000 OR MORE; C.R.S. §18-4-401(1)(b),(4) (F3)

COUNTS THIRTY-THREE, FIFTY-THREE, ONE HUNDRED SIXTY-FIVE

CONSPIRACY TO COMMIT THEFT/SERIES-\$20,000 OR MORE; C.R.S. §§18-4-401(1)(b),(4), 18-2-201 (F4)

COUNTS THIRTY-FOUR, ONE HUNDRED FOURTEEN, ONE HUNDRED TWENTY, ONE HUNDRED FIFTY-SEVEN, ONE HUNDRED SIXTY-SEVEN

THEFT-UNDER \$500; C.R.S. §18-4-401(1)(b),(2)(b) (M2)

COUNTS FORTY-TWO, FORTY-NINE, FIFTY-EIGHT, SIXTY-THREE, SIXTY-FOUR, SEVENTY-FIVE, EIGHTY-SEVEN, NINETY-SIX, NINETY-SEVEN, ONE HUNDRED TEN, ONE HUNDRED SIXTEEN, ONE HUNDRED TWENTY-THREE, ONE HUNDRED FORTY-TWO, ONE HUNDRED FIFTY-THREE, ONE HUNDRED SIXTY, ONE HUNDRED SIXTY-SIX	ID THEFT-USES INFO TO OBTAIN; C.R.S. §18-5-902(1)(a) (F4)
COUNTS FORTY, FORTY-SIX, SIXTY-TWO, SIXTY-NINE, SEVENTY-NINE, NINETY-ONE, ONE HUNDRED TWENTY-SEVEN	THEFT/SERIES-\$1000-\$20,000; C.R.S. §18-4-401(1)(b),(4) (F4)
COUNTS FIFTY-FOUR, ONE HUNDRED EIGHT, ONE HUNDRED FIFTY-ONE	THEFT-\$500-\$1000; C.R.S. §18-4-401(1)(b),(2)(b.5) (M1)
COUNT SIXTY-SEVEN	MOTOR VEHICLE THEFT/AGG1-\$20,000 OR LESS; C.R.S. §18-4-409(2),(3)(a) (F4)
COUNT ONE HUNDRED SIXTY-ONE	CRIMINAL ATTEMPT TO COMMIT ID THEFT-USES INFO TO OBTAIN; C.R.S. §§18-5-902(1)(a), 18-2-101

<b>AS TO MATTHEW MCCLUSKEY</b>	<b>COUNTS: 1-10, 11-31, 40-61, 69-85, 87-90, 120-126, 151-156</b>
<b>AS TO BRITTANY COX</b>	<b>COUNTS: 33, 54-61</b>
<b>AS TO MATTHEW LEMAN</b>	<b>COUNTS: 120-126</b>
<b>AS TO ROBERT TURNER</b>	<b>COUNTS: 1-10, 32-39, 68, 92, 96, 98, 100, 102, 114-119, 165-168</b>
<b>AS TO ALYSE SHANK</b>	<b>COUNTS: 1-10, 39, 46-53, 69-78, 87-90</b>
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<b>AS TO LAUREN CIPARRO</b>	<b>COUNTS: 33, 114-119</b>
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<b>AS TO CARLA COMINIELLO</b>	<b>COUNTS: 1-10, 39, 62-68, 91, 93-95, 97, 99, 101, 103-105, 107- 113, 157-164</b>
<b>AS TO MICHAEL DICINO</b>	<b>COUNTS: 1-10, 33, 39, 65, 68, 91-105, 107-119, 127-150, 165-168</b>
<b>AS TO TERESA KILDOW</b>	<b>COUNTS: 157-164</b>
<b>AS TO MICHAEL RELIC</b>	<b>COUNTS: 33, 165, 168</b>

DISTRICT COURT ARAPAHOE COUNTY, COLORADO Court Address: Arapahoe County Justice Center 7325 South Potomac Street, Englewood, CO 80112	
<b>THE PEOPLE OF THE STATE OF COLORADO</b> vs. Defendant(s): <b>MATTHEW MCCLUSKEY</b> <b>BRITTANY COX</b> <b>MATTHEW LEMAN</b> <b>ROBERT TURNER</b> <b>ALYSE SHANK</b> <b>JENNIFER SPADE</b> <b>WILLIAM JOSEPH ROBERTS</b> <b>JENNIFER PUTMAN</b> <b>LAUREN CIPARRO</b> <b>JOHNIE MAIN</b> <b>LAURA FRITZ</b> <b>ROY B. FRANK</b> <b>CARLA COMINIELLO</b> <b>MICHAEL DICINO</b> <b>TERESA KILDOW</b> <b>MICHAEL RELIC</b>	<p style="text-align: center;">^ COURT USE ONLY ^</p>
Attorney: CAROL CHAMBERS, 18th Judicial District Attorney 6450 South Revere Parkway Centennial, CO 80111 Phone Number: 720.874.8500 Atty. Reg. #: 14948	Case Number: <p style="text-align: center;"><b>11 CR 02</b></p> Division/Ctrm:
<b>ARAPAHOE COUNTY GRAND JURY INDICTMENT</b>	

Of the term of the District Court in the year 2011 the Arapahoe County Grand Jurors, chosen, selected, and sworn in and for the County of Arapahoe in the name and by the authority of the People of the State of Colorado, upon their oaths, present the following described acts, all done contrary to the form of statutes in such case made and provided, and against the peace and dignity of the People of the State of Colorado, as stated in the counts attached hereto:

## COUNT ONE

### VIOLATION OF THE COLORADO ORGANIZED CRIME CONTROL ACT; C.R.S. §§18-17-104(3) AND 18-17-105 (F2)

Between and including January 1, 2010 and May 10, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY, ROBERT TURNER, ALYSE SHANK, CARLA COMINIELLO AND MICHAEL DICINO, while associated with an enterprise as defined in C.R.S. §18-17-103(2), to wit: an association-in-fact, although not a legal entity, did unlawfully, feloniously, and knowingly conduct and participate, directly and indirectly, in the enterprise through a pattern of racketeering activity as defined in Section 18-17-103 (3) and (5) C.R.S.; in violation of Section 18-17-104(3) and 18-17-105 C.R.S., VIOLATION OF THE COLORADO ORGANIZED CRIME CONTROL ACT, contrary to the form of statutes in such case made and provided, and against the peace and dignity of the People of the State of Colorado.

With regard to Count One the following detail generally applies:

The Enterprise:

The enterprise alleged is a group of individuals, associated in fact, although not a legal entity. The individuals in this group include the following:

MATTHEW MCCLUSKEY  
BRITTANY COX  
MATTHEW LEMAN  
ROBERT TURNER  
ALYSE SHANK  
JENNIFER SPADE  
WILLIAM JOSEPH ROBERTS  
JENNIFER PUTMAN  
LAUREN CIPARRO  
JOHNIE MAIN  
LAURA FRITZ  
ROY B. FRANK  
CARLA COMINIELLO  
MICHAEL DICINO  
TERESA KILDOW

MICHAEL RELIC

And others known and unknown to the District Grand Jury

Pattern of Racketeering Activity

MATTHEW MCCLUSKEY, ROBERT TURNER, ALYSE SHANK, CARLA COMINIELLO AND MICHAEL DICINO engaged in the following acts of racketeering activity related to the conduct of the enterprise, all of which took place in the State of Colorado after July 1, 1981 and the last of such acts occurs within ten years after a prior act of racketeering activity:

Theft, §18-4-401, C.R.S

Conspiracy to Commit Theft, C.R.S. §§18-2-201 and 18-4-401

Conspiracy to Commit Forgery, C.R.S. §§18-2-201 and 018-5-102

FORGERY-CHECK/COMMERCIAL INSTRUMENT; C.R.S. §18-5-102(C) (F5), §18-5-102, C.R.S.

Identity Theft, §18-5-902, C.R.S.

Conspiracy to Commit Identity Theft, §§18-2-201, 18-5-902, C.R.S.

POSSESSION OF IDENTITY THEFT TOOLS, C.R.S. §18-5-905 (F5)

Criminal Possession of Forged Instrument, §18-5-105, C.R.S.

Criminal Impersonation §18-5-113, C.R.S.

Money Laundering, §18-5-309, C.R.S.

Conspiracy to Commit Money Laundering, §§18-2-201, 18-5-309, C.R.S.

Computer Crime, §18-5.5-102, C.R.S.

Conspiracy to Computer Crime, §§18-2-201, 18-5.5-102, C.R.S

Possession of a Forgery Device, §18-5-109, C.R.S.

COUNT TWO through Count One hundred sixty-eight set forth the relevant acts of racketeering activity and are incorporated in this Count One, and any lesser included crimes, by this reference. The relevant acts of racketeering activity include any lesser-included offenses of Counts Two through Count One hundred sixty-eight

## COUNT TWO

CONSPIRACY TO COMMIT THEFT (\$20,000 OR MORE); C.R.S. §§18-4-401(1)(2)(D),  
18-2-201 (F4)

Between and including January 1, 2010 and May 10, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY, ROBERT TURNER, ALYSE

SHANK, CARLA COMINIELLO AND MICHAEL DICINO, with the intent to promote and facilitate the commission of the crime of THEFT (\$20,000 or more) took a thing of value, to wit: cash, money and personal property, with intent to permanently deprive the lawful owner of that thing of value, as defined in Section 18-4-401, C.R.S., did unlawfully and feloniously agree with each other, with some other participant in the Enterprise and with some other person or persons to the grand jury unknown, that one or more of them would engage in conduct which constitutes said crime and an attempt to commit said crime, and did agree to aid such other person or persons in the planning and commission and attempted commission of said crime, and an overt act in pursuance of such conspiracy was committed by one or more of the conspirators; contrary to the form of statutes in such case made and provided, Section 18-2-201, C.R.S. and Section 18-4-401, C.R.S.; CONSPIRACY TO COMMIT THEFT, against the peace and dignity of the People of the State of Colorado.

### **COUNT THREE**

CONSPIRACY TO COMMIT FORGERY-CHECK/COMMERCIAL INSTRUMENT; C.R.S. §§18-5-102(1)(C), 18-2-201 (F6)

Between and including January 1, 2010 and May 10, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY, ROBERT TURNER, ALYSE SHANK, CARLA COMINIELLO AND MICHAEL DICINO, with the intent to promote and facilitate the commission of the crime of FORGERY as defined in Section 18-5-102 C.R.S. did unlawfully and feloniously agree with each other, with some other participant in the Enterprise and with some other person or persons to the grand jury unknown, that one or more of them would engage in conduct which constitutes said crime and an attempt to commit said crime, and did agree to aid such other person or persons in the planning and commission and attempted commission of said crime, and an overt act in pursuance of such conspiracy was committed by one or more of the conspirators; contrary to the form of statutes in such case made and provided, Section 18-2-201, C.R.S. and Section 18-5-102 C.R.S.; CONSPIRACY TO COMMIT FORGERY against the peace and dignity of the People of the State of Colorado.

### **COUNT FOUR**

CONSPIRACY TO COMMIT IDENTITY THEFT; C.R.S. §§18-5-902, 18-5-201 (F5)

Between and including January 1, 2010 and May 10, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY, ROBERT TURNER, ALYSE SHANK, CARLA COMINIELLO AND MICHAEL DICINO, with the intent to promote and facilitate the commission of the crime of IDENTITY THEFT as defined in Section 18-5-902, C.R.S. did unlawfully and feloniously agree with each other, with some other participant in the Enterprise and with some other person or persons to the grand jury unknown, that one or more of them would engage in conduct which constitutes said crime and an attempt to commit said crime, and did agree to aid such other person or persons in the planning and commission and attempted commission of said crime, and an overt act in pursuance of such conspiracy was committed by one or more of the conspirators; contrary to the form of statutes in such case made and provided,



C.R.S. §§18-2-201 and 18-5-902; CONSPIRACY TO COMMIT IDENTITY THEFT, a against the peace and dignity of the People of the State of Colorado.

## **COUNT FIVE**

### COMPUTER CRIME (\$20,000 OR MORE); C.R.S. §18-5.5-102(1)(B) (F3)

Between and including January 1, 2010 and May 10, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY, ROBERT TURNER, ALYSE SHANK, CARLA COMINIELLO AND MICHAEL DICINO, unlawfully, feloniously, and knowingly accessed a computer, computer network, or computer system, or any part thereof, for the purpose of devising or executing a scheme or artifice to defraud, and the loss, damage, value of services, or thing of value taken, or cost of restoration or repair was twenty thousand dollars or more; in violation of section 18-5.5-102(1)(b), C.R.S.; COMPUTER CRIME, and against the peace and dignity of the People of the State of Colorado.

## **COUNT SIX**

### CONSPIRACY TO COMMIT COMPUTER CRIME-SCHEME TO DEFRAUD-(\$20,000 OR MORE), C.R.S. §§18-5.5-102(1)(B);18-2-201 (F4),

Between and including the dates of January 1, 2010 and May 10, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY, ROBERT TURNER, ALYSE SHANK, CARLA COMINIELLO AND MICHAEL DICINO, with the intent to promote or facilitate the commission of the crime of computer crime, unlawfully and feloniously agreed with each other, with some other participant in the Enterprise and with some other person or persons to the grand jury unknown that one or more of them would engage in conduct which constituted that crime or an attempt to commit that crime, or agreed to aid the other person or persons in the planning or commission or attempted commission of that crime, and an overt act in pursuance of the conspiracy was committed by one or more of the conspirators; contrary to the form of the statute in such case made and provided, CONSPIRACY TO COMMIT COMPUTER CRIME-SCHEME TO DEFRAUD-(\$20,000 OR MORE), C.R.S. §§18-5.5-102(1)(b), 18-2-201 (F4), and against the peace and dignity of the People of the State of Colorado.

## **COUNT SEVEN**

### CONSPIRACY TO COMMIT MONEY LAUNDERING-CONCEAL, C.R.S. §§18-5-309(1)(A)(II), 18-2-201 (F4)

Between and including the dates of January 1, 2010 and May 10, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY, ROBERT TURNER, ALYSE SHANK, CARLA COMINIELLO, MICHAEL DICINO, with the intent to promote or facilitate the commission of the crime of money laundering, unlawfully and feloniously agreed with each other, with some other participant in the Enterprise, and with some other person or persons to the grand jury unknown that one or more of them would engage in conduct which

constituted that crime or an attempt to commit that crime, or agreed to aid the other person or persons in the planning or commission or attempted commission of that crime, and an overt act in pursuance of the conspiracy was committed by one or more of the conspirators; contrary to the form of the statute in such case made and provided, CONSPIRACY TO COMMIT MONEY LAUNDERING-CONCEAL, C.R.S. §18-5-309(1)(A)(II);18-2-201 (F4) (F4), and against the peace and dignity of the People of the State of Colorado.

## **COUNT EIGHT**

### CONSPIRACY TO COMMIT MONEY LAUNDERING-TRANSFER/CONCEAL, C.R.S. §18-5-309(1)(B)(II);18-2-201 (F4)

Between and including the dates of January 1, 2010 and May 10, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY, ROBERT TURNER, ALYSE SHANK, CARLA COMINIELLO, AND MICHAEL DICINO, with the intent to promote or facilitate the commission of the crime of money laundering, unlawfully and feloniously agreed with each other, with some other participant in the Enterprise and with some other person or persons unknown to the grand jury that one or more of them would engage in conduct which constituted that crime or an attempt to commit that crime, or agreed to aid the other person or persons in the planning or commission or attempted commission of that crime, and an overt act in pursuance of the conspiracy was committed by one or more of the conspirators; contrary to the form of the statute in such case made and provided, CONSPIRACY TO COMMIT MONEY LAUNDERING-TRANSFER/CONCEAL, C.R.S. §§18-5-309(1)(b)(II);18-2-201 (F4), and against the peace and dignity of the People of the State of Colorado.

## **COUNT NINE**

### POSSESSION OF IDENTITY THEFT TOOLS, C.R.S. §18-5-905 (F5)

Between and including the dates of January 1, 2010 and May 10, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY, ROBERT TURNER, ALYSE SHANK, CARLA COMINIELLO AND MICHAEL DICINO unlawfully and feloniously possessed tools, equipment, computer, computer network, scanner, printer, or other article adapted, designed, or commonly used for committing or facilitating the commission of the offense of identity theft, and intended to use the thing possessed, or knew that a person intended to use the thing possessed, in the commission of the offense of identity theft; contrary to the form of the statute in such case made and provided, §18-5-905, C.R.S., POSSESSION OF IDENTITY THEFT TOOLS, and against the peace and dignity of the People of the State of Colorado.

## COUNT TEN

### POSSESSION OF A FORGERY DEVICE, C.R.S. §18-5-109(1)(B) (F6)

Between and including the dates of January 1, 2010 and May 10, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY, ROBERT TURNER, ALYSE SHANK, CARLA COMINIELLO AND MICHAEL DICINO, unlawfully, feloniously, and knowingly made or possessed a device, apparatus, equipment, or article, namely: Computer, printer, Magnetic Strip reader/encoder or scanner, capable of or adaptable for use in counterfeiting, unlawfully simulating, or otherwise forging written instruments or counterfeit marks, with the intent to use it, or to aid or permit another to use it, for the purposes of forgery or the production of counterfeit marks; contrary to the form of the statute in such case made and provided, POSSESSION OF A FORGERY DEVICE, C.R.S. §18-5-109(1)(b) (F6), and against the peace and dignity of the People of the State of Colorado.

### FACTUAL BASIS, INCORPORATING ALL FACTS IN THE INDICTMENT

The facts supporting Count One through Count Ten are as follows:

All of the facts supporting all other counts in this Indictment are incorporated in counts One through Eight by this reference.

From at least January 1, 2010 and May 10, 2011, members of the enterprise including MATTHEW MCCLUSKEY, ROBERT TURNER, ALYSE SHANK, CARLA COMINIELLO AND MICHAEL DICINO and other members of the enterprise, set forth above, are, while not a legal entity, an association-in-fact with common goals. The enterprise conducted its activities in jurisdictions across the front range of the State of Colorado including Arapahoe County, Boulder County, Jefferson County, Weld County and Adams County, where members resided, stole personal and financial identifying information, made forged checks, transacted forged checks to obtain cash, merchandise, and services, and shared the cash and/or merchandise and/or services with other members of the enterprise. The goal of the enterprise was to obtain cash/merchandise/services to use for furthering the activities of the enterprise, including without limitation, daily living expenses.

The enterprise consists of individuals who:

1. Obtain information about businesses and individuals to be used in making forged checks and forged identification documents. Computers, scanners, magnetic strip reader/encoders and printers are then used to create forged checks and forged identification documents.
2. With the forged identification documents, transact the forged checks to obtain money and/or merchandise and/or services. The money/merchandise/services are shared between the individual transacting the check and the person(s) making the check.
3. Transact forged checks using their own identification but the checks contain stolen personal identifying information and stolen financial identifying information of others to obtain money, merchandise and/or services.

Gift cards are often purchased with the forged checks. Merchandise and money is often transferred from the person cashing the fraudulent check to the person or persons providing the check.

Some members of the enterprise may participate in more than one of these categories.

Members of the enterprise that are involved in the conduct set forth in this paragraph 3 include, without limitation, the following: Matthew McCluskey, Brittany Cox, Matthew Leman, Robert Turner, Alyse Shank, Jennifer Spade, William Joseph Roberts, Jennifer Putman, Lauren Ciparro, Johnie Main, Laura Fritz, Roy B. Frank, Carla Cominiello, Michael Dicino, Teresa Kildow and Michael Relic.

Matthew McCluskey, Robert Turner, Alyse Shank, Carla Cominiello, Michael Dicino and Teresa Kildow worked together making and/or distributing forged checks, making and/or distributing forged identification documents, and collecting and sharing the profits from the forged checks transactions. They obtained information about businesses and/or individuals and used computers to make forged checks and/or forged identification documents. A house located at 12304 East Alaska Place, Aurora, Arapahoe County, Colorado where Matthew McCluskey resides, and a house located at 11954 West 65th Place, Arvada, Jefferson County, Colorado where Robert Turner resides, were used to make the forged checks/identification documents.

Matthew McCluskey, Robert Turner, Alyse Shank, Carla Cominiello and Michael Dicino were involved in creating forged checks that they would give to others in the enterprise to transact or transact themselves. Matthew McCluskey was involved in creating forged identity documents from information he obtained himself for from others, and he provided the forged identifications to those who would assume those identities to transact forged checks in those names. When other members of the enterprise would transact these checks, their agreement was to give Matthew McCluskey, Robert Turner, Alyse Shank, Carla Cominiello and/or Michael Dicino some of the money, merchandise or a share of the services they received from the checks. The forged checks would be made payable to members of the enterprise in their own names or in the names of individuals whose identities were used without authorization. Robert Turner and Matthew McCluskey provided others with the use of their identity theft tools, including computers and printers, and training to assist others to create fraudulent checks. Michael Dicino, Carla Cominiello and Alyse Shank initially relied on Turner for training and equipment and then later used their own equipment to create fraudulent checks that were transacted by themselves and others.

Members of the enterprise would transact the forged checks at King Soopers, Home Depot, Michaels, Micro Center, Walgreens, 7-Eleven, WalMart, Trade Home, Target, Valero, Instant Check, Kohl's, Best Buy, Compass Bank, Speed Check, Off Broadway Shoes, Staples, Johnson's Corner, Burlington Coat Factory, J.C. Penney's, Target, Safeway, Hobby Lobby, and other banks and businesses across the Denver metro area including Arapahoe County, Colorado, as more fully set forth below.

This activity by the enterprise has resulted in losses to businesses and/or banks in excess of \$20,000.00.

## **COUNT ELEVEN**

### **FORGERY-CHECK/COMMERCIAL INSTRUMENT; C.R.S. §18-5-102(1)(C) (F5)**

On or about January 21, 2010, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY, with the intent to defraud Jeffrey Holub and King Soopers, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a check, which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a check #10055; contrary to the form of the statute in such case made and provided, §18-5-102(1)(c), C.R.S., FORGERY, and against the peace and dignity of the People of the State of Colorado.

## **COUNT TWELVE**

### **FORGERY-GOVERNMENT ISSUED DOCUMENT; C.R.S. §18-5-102(E) (F5)**

On or about January 21, 2010, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY, with the intent to defraud Jeffrey Holub and King Soopers, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which was purported to be, or which was calculated to become or to represent if completed, a written instrument, namely: driver's license in the name of Jeffrey Holub, officially issued or created by the State of Colorado – Department of Revenue, a public office, public servant, or government agency; contrary to the form of the statute in such case made and provided, §18 5 102(1)(e), C.R.S., FORGERY, and against the peace and dignity of the People of the State of Colorado.

## **COUNT THIRTEEN**

### **ID THEFT-POSSESSION WITH INTENT TO USE; C.R.S. §18-5-902(1)(B) (F4)**

On or about January 21, 2010, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY, unlawfully, feloniously, and knowingly possessed the personal identifying information, financial identifying information, or financial device of Jeffrey Holub without permission or lawful authority, with the intent to use or to aid or permit another person to use the information or device to obtain cash, credit, property, services, or any other thing of value or to make a financial payment; contrary to the form of the statute in such case made and provided, §18-5-902(1)(b), C.R.S., ID THEFT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT FOURTEEN**

### ID THEFT-ALTER/MAKE WRITTEN INSTRUMENT; C.R.S. §18-5-902(1)(C) (F4)

On or about January 21, 2010, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY, unlawfully, feloniously, and with the intent to defraud, falsely made, completed, altered, or uttered a written instrument or financial device containing personal identifying information or financial identifying information of Jeffrey Holub; contrary to the form of the statute in such case made and provided, §18-5-902(1)(c), C.R.S., ID THEFT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT FIFTEEN**

### CRIMINAL POSSESSION OF FORGED INSTRUMENT; C.R.S. §18-5-105 (F6)

On or about January 21, 2010, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY, unlawfully and feloniously possessed a forged instrument, namely: check purportedly that of Jeffrey Holub, with knowledge that it was forged and with intent to use the instrument to defraud; contrary to the form of the statute in such case made and provided, §18-5-105, C.R.S., CRIMINAL POSSESSION OF FORGED INSTRUMENT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT SIXTEEN**

### CRIMINAL POSSESSION OF FORGED INSTRUMENT; C.R.S. §18-5-105 (F6)

On or about January 21, 2010, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY, unlawfully and feloniously possessed a forged instrument, namely: driver license purportedly in the name of Jeffrey Holub, with knowledge that it was forged and with intent to use the instrument to defraud; contrary to the form of the statute in such case made and provided, §18-5-105, C.R.S., CRIMINAL POSSESSION OF FORGED INSTRUMENT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT SEVENTEEN**

### CRIMINAL ATTEMPT- THEFT (UNDER \$500); C.R.S. §§18-4-401(1)(b)(2)(b), 18-2-101 (M3)

On or about January 21, 2010, in and/or triable in the County of Arapahoe, State of Colorado, by engaging in conduct constituting a substantial step toward the commission of theft, MATTHEW MCCLUSKEY, unlawfully and knowingly attempted to obtain or exercise control over a thing of value, namely: Merchandise/U.S. Currency/Check, of Jeffrey Holub and King Soopers, with the value of less than five hundred dollars, without authorization, or by threat or deception, and attempted to knowingly use, conceal, or abandon the thing of value in such manner as to permanently deprive Jeffrey Holub and King Soopers of its use or benefit; contrary to the form of the statute in such case made and provided, §18-2-101 and §18-4-401(1)(b),(2)(b),

C.R.S., CRIMINAL ATTEMPT TO COMMIT THEFT, and against the peace and dignity of the People of the State of Colorado.

FACTUAL BASIS, INCORPORATING ALL FACTS IN THE INDICTMENT

1. All of the facts supporting all other counts in this Indictment are incorporated in Count Eleven through Count Seventeen by this reference.
2. On or about January 21, 2010, Matthew McCluskey, using a forged Colorado driver's license bearing the name, address and driver's license number of Jeffrey Holub but with the photograph of Matthew McCluskey, went to a King Soopers location and attempted to negotiate a forged check created on a computer under the name of Jeffrey Holub and on an inactive First Bank account. The check, purported to be a personal check of Jeffrey Holub, was check number 10055 drawn on a First Bank check containing inactive account number [REDACTED] in the amount of \$60.00. The check was made payable to King Soopers.
3. The account number used by McCluskey is the same account number used by Robert Turner on check numbers 10037 and 10042 at King Soopers.
4. Jeffrey Holub did not authorize any member of the enterprise to use or possess his personal or financial identifying information to make a driver's license, to make checks, to transact checks or to otherwise withdraw money from First Bank.

**COUNT EIGHTEEN**

FORGERY-CHECK/COMMERCIAL INSTRUMENT; C.R.S. §18-5-102(1)(C) (F5)

Between and including the dates of January 1, 2010 and January 21, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY, with the intent to defraud Malden City Employees Credit Union, Mercury Claims & Collections, Associated Bank, Saturn, Wells Fargo, Isabelle Salazar, Coors Distributing Company, Coors Federal Credit Union, Erik Hoy, Dean Chamberlain and Colbea Chamberlain, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a check, which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a check; contrary to the form of the statute in such case made and provided, §18-5-102(1)(c), C.R.S., FORGERY, and against the peace and dignity of the People of the State of Colorado.

**COUNT NINETEEN**

FORGERY-CHECK/COMMERCIAL INSTRUMENT; C.R.S. §18-5-102(1)(C) (F5)

Between and including the dates of January 21, 2011 and February 16, 2011, triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY, with the intent to defraud Citiwide Bank, Bobbi Nutzman, Dean Chamberlain and Colbea Chamberlain, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or

which purported to be, or which was calculated to become or to represent if completed, a check, which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a check; contrary to the form of the statute in such case made and provided, §18-5-102(1)(c), C.R.S., FORGERY, and against the peace and dignity of the People of the State of Colorado.

## **COUNT TWENTY**

### FORGERY-GOVERNMENT ISSUED DOCUMENT; C.R.S. §18-5-102(1)(E) (F5)

Between and including the dates of January 21, 2011 and February 16, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY, with the intent to defraud The State of Colorado, Isabelle Salazar, Brandon Lee Kempton, Walter Cooke, Andy Kendall, Jason Shoemaker and Melissa Niswonger, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which was purported to be, or which was calculated to become or to represent if completed, a written instrument, namely: identification cards and driver licenses, officially issued or created by the State of Colorado – Department of Revenue, a public office, public servant, or government agency; contrary to the form of the statute in such case made and provided, §18-5-102(1)(e), C.R.S., FORGERY, and against the peace and dignity of the People of the State of Colorado.

## **COUNT TWENTY-ONE**

### FORGERY-GOVERNMENT ISSUED DOCUMENT; C.R.S. §18-5-102(1)(E) (F5)

Between and including the dates of January 21, 2011 and February 16, 2011, triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY, with the intent to defraud The State of Colorado, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which was purported to be, or which was calculated to become or to represent if completed, a written instrument, namely: temporary identification card in the name of Alyse Elaine Shank, officially issued or created by the State of Colorado – Department of Revenue, a public office, public servant, or government agency; contrary to the form of the statute in such case made and provided, §18-5-102(1)(e), C.R.S., FORGERY, and against the peace and dignity of the People of the State of Colorado.

## **COUNT TWENTY-TWO**

### ID THEFT-POSSESSION WITH INTENT TO USE; C.R.S. §18-5-902(1)(B) (F4)

Between and including the dates of January 1, 2010 and January 21, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY, unlawfully, feloniously, and knowingly possessed the personal identifying information, financial identifying information, or financial device of Isabelle Salazar, Brandon Lee Kempton, Walter Cooke, Andy Kendall, Jason Shoemaker and Melissa Niswonger without permission or lawful authority, with the intent



to use or to aid or permit another person to use the information or device to obtain cash, credit, property, services, or any other thing of value or to make a financial payment; contrary to the form of the statute in such case made and provided, §18-5-902(1)(b), C.R.S., ID THEFT, and against the peace and dignity of the People of the State of Colorado.

### **COUNT TWENTY-THREE**

#### **ID THEFT-POSSESSION WITH INTENT TO USE; C.R.S. §18-5-902(1)(B) (F4)**

Between and including the dates of January 21, 2011 and February 16, 2011, triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY, unlawfully, feloniously, and knowingly possessed the personal identifying information, financial identifying information, or financial device of Melissa Niswonger, Daniel Asfaw, Andy Kendal, Walter Cooke, Jason Shoemaker, Richard Hemp; Shirley Christmon; Barbara Miller; Evan Magee; Sharee Clark; Theoplis Christmon, and Glenn Magee, without permission or lawful authority, with the intent to use or to aid or permit another person to use the information or device to obtain cash, credit, property, services, or any other thing of value or to make a financial payment; contrary to the form of the statute in such case made and provided, §18-5-902(1)(b), C.R.S., ID THEFT, and against the peace and dignity of the People of the State of Colorado.

### **COUNT TWENTY-FOUR**

#### **ID THEFT-ALTER/MAKE WRITTEN INSTRUMENT; C.R.S. §18-5-902(1)(C) (F4)**

Between and including the dates of January 1, 2010 and January 21, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY, unlawfully, feloniously, and with the intent to defraud, falsely made, completed, altered, or uttered a written instrument or financial device containing personal identifying information or financial identifying information of Isabelle Salazar, Brandon Lee Kempton, Walter Cooke, Andy Kendall, Jason Shoemaker and Melissa Niswonger; contrary to the form of the statute in such case made and provided, §18-5-902(1)(c), C.R.S., ID THEFT, and against the peace and dignity of the People of the State of Colorado.

### **COUNT TWENTY-FIVE**

#### **ID THEFT-ALTER/MAKE WRITTEN INSTRUMENT; C.R.S. §18-5-902(1)(C) (F4)**

Between and including the dates of January 21, 2011 and February 16, 2011, triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY, unlawfully, feloniously, and with the intent to defraud, falsely made, completed, altered, or uttered a written instrument or financial device containing personal identifying information or financial identifying information of Colbea Chamberlain; contrary to the form of the statute in such case made and provided, §18-5-902(1)(c), C.R.S., ID THEFT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT TWENTY-SIX**

### **CRIMINAL POSSESSION OF FORGED INSTRUMENT; C.R.S. §18-5-105 (F6)**

Between and including the dates of January 1, 2010 and January 21, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY unlawfully and feloniously possessed a forged instrument, namely: checks/driver licenses, with knowledge that it was forged and with intent to use the instrument to defraud; contrary to the form of the statute in such case made and provided, §18-5-105, C.R.S., CRIMINAL POSSESSION OF FORGED INSTRUMENT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT TWENTY-SEVEN**

### **CRIMINAL POSSESSION OF FORGED INSTRUMENT; C.R.S. §18-5-105 (F6)**

Between and including the dates of January 21, 2011 and February 16, 2011, triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY unlawfully and feloniously possessed a forged instrument, namely: checks, with knowledge that it was forged and with intent to use the instrument to defraud; contrary to the form of the statute in such case made and provided, §18-5-105, C.R.S., CRIMINAL POSSESSION OF FORGED INSTRUMENT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT TWENTY-EIGHT**

### **POSSESSION OF IDENTITY THEFT TOOLS, C.R.S. §18-5-905 (F5)**

Between and including the dates of January 1, 2010 and January 21, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY, unlawfully and feloniously possessed tools, equipment, computer, computer network, scanner, printer, or other article adapted, designed, or commonly used for committing or facilitating the commission of the offense of identity theft, and intended to use the thing possessed, or knew that a person intended to use the thing possessed, in the commission of the offense of identity theft; contrary to the form of the statute in such case made and provided, §18-5-905, C.R.S., POSSESSION OF IDENTITY THEFT TOOLS, and against the peace and dignity of the People of the State of Colorado.

## **COUNT TWENTY-NINE**

### **POSSESSION OF IDENTITY THEFT TOOLS, C.R.S. §18-5-905 (F5)**

Between and including the dates of January 21, 2011 and February 16, 2011, triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY, unlawfully and feloniously possessed a computer, adapted, designed, or commonly used for committing or facilitating the commission of the offense of identity theft, and intended to use the thing possessed, or knew that a person intended to use the thing possessed, in the commission of the offense of identity theft; contrary to the form of the statute in such case made and

provided, §18-5-905, C.R.S., POSSESSION OF IDENTITY THEFT TOOLS, and against the peace and dignity of the People of the State of Colorado.

## **COUNT THIRTY**

### MONEY LAUNDERING-CONCEAL C.R.S. §18-5-309(1)(A)(II) (F3)

Between and including the dates of January 1, 2010 and February 16, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY unlawfully and feloniously conducted or attempted to conduct a financial transaction that involved money or any other thing of value that the defendant knew or believed to be the proceeds, in any form, of a criminal offense, with knowledge or a belief that the transaction was designed in whole or in part to conceal or disguise the nature, location, source, ownership, or control of the proceeds of a criminal offense; contrary to the form of the statute in such case made and provided, MONEY LAUNDER-MONEY/CONCEAL C.R.S. §18 5 309(1)(a)(II) (F3), and against the peace and dignity of the People of the State of Colorado.

## **COUNT THIRTY-ONE**

### MONEY LAUNDERING-TRANSFER/CONCEAL, C.R.S. §18-5-309(1)(B)(II) (F3)

Between and including the dates of January 1, 2010 and February 16, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY, unlawfully and feloniously transported, transmitted, or transferred a monetary instrument or moneys, with knowledge or a belief that the monetary instrument or moneys represented the proceeds of a criminal offense and that the transportation, transmission, or transfer was designed, in whole or in part, to conceal or disguise the nature, location, source, ownership, or control of the proceeds of a criminal offense; contrary to the form of the statute in such case made and provided, MONEY LAUNDERING-TRANSFER/CONCEAL, C.R.S. §18-5-309(1)(b)(II) (F3), and against the peace and dignity of the People of the State of Colorado.

### FACTUAL BASIS, INCORPORATING ALL FACTS IN THE INDICTMENT

All of the facts supporting all other counts in this Indictment are incorporated in Count Eighteen through Count Thirty-one by this reference.

1. On about January 19, 2011, Laura Fritz walked into the Lakewood Police Department to confess to her involvement in identity theft. She advised that certain individuals she knew were involved in two check fraud rings, one in Jefferson County and one at a house in Aurora near the intersection of Peoria and Alaska, later identified as the house of Matthew McCluskey.
2. On or about January 21, 2011 a search warrant was executed at 12304 East Alaska Place, Aurora, Colorado, the residence of Matthew McCluskey, by Aurora Police Officers. Police seized equipment used in the creation of counterfeit checks, counterfeit identification and identity theft including numerous computers, cell phones, cameras, printers, an ID Card printer and a magnetic strip reader/encoder. During this search

several checks, check images, identification cards and identification card images were discovered to include, but were not limited to the following:

- a. Two (2) counterfeit checks, payable to "Robert Turner" with the payors listed as Malden City Employees Credit Union and Mercury Claims & Collections.
  - b. A forged temporary Colorado driver license in the name of "Robert Turner".
  - c. One (1) counterfeit check (#85574), with the payor listed as Saturn, drawn on Saturn's' bank account number [REDACTED] from Wells Fargo Bank, payable to "Roy B. Frank" in the amount of \$ 1,476.53.
  - d. One (1) counterfeit business check (#4553), with the payor listed as Coors Distributing Company, to be drawn on Erik Hoys' personal bank account number [REDACTED] from Coors Federal Credit Union, payable to "Isabelle Salazar". A counterfeit Colorado Identification Card in the name of Isabelle Salazar was found with the photograph of Brittany Cox. A Counterfeit Temporary Colorado DL in name of Brittany Cox with DL [REDACTED] was also found. DMV reports the number belongs to Isabelle Salazar. Brittany Cox admitted to Detective Madonna that she cashed checks in the name of Isabelle Salazar.
  - e. Check number 29378 with the payor listed as "Dean or Colbea Chamberlain." Alyse Shank admitted cashing other checks in the name of Colbea Chamberlain.
  - f. Photographs of Brittany Cox and Roy B. Frank, suitable for use in creating forged identifications, were located on McCluskey's computer.
  - g. Seven (7) forged Colorado driver license/identification cards in the names of Robert Turner, Isabelle Salazar, Brandon Lee Kempton, Walter Cooke, Andy Kendall, Jason Shumaker and Melissa Niswonger.
3. The person depicted on the Brandon Lee Kempton ID was later identified as Matthew Leman. Leman admitted to Inspector McGahey that he has "used the name Brandon Kempton but he no longer does checks."
  4. On February 16, 2011, Matthew McCluskey was contacted by police during a traffic stop as he was riding in a car leaving the residence of Robert Turner, 11954 W. 65<sup>th</sup> Place, Arvada, Colorado. William Roberts was driving McCluskey's parents' car and certain personal property of McCluskey was seized including a computer, printer and several large suitcases. This residence was identified by Laura Fritz as the location of identity theft and check fraud activities. A search of the suitcases located numerous Colorado Driver Licenses belonging to other people including Walter Allen Cooke. An image of that License was also located on a search of McCluskey's computer seized from his Alaska Place home in Aurora. McCluskey's suitcases contained:
  5. Actual Colorado Driver Licenses of fourteen people, including Melissa Rae Niswonger, Daniel Tesfaye Asfaw, Andy Rolland Kendal, Walter Allen Cooke, and Jason Glynn Shumaker were in McCluskey's luggage. In addition, a fraudulent Colorado temporary identification for Alyse Elaine Shank (5/9/1992), fraudulent checks for account holder Dean and Colbea Chamberlain-CityWide account number [REDACTED] fraudulent checks on the account of Bobbi Nutzmann, and a letter from Alyse Shank to McCluskey were found. McCluskey also had credit reports containing financial information, social security

numbers and dates of birth for seven people: Richard Hemp; Shirley Christmon; Barbara Miller; Evan Magee; Sharee Clark; Theoplis Christmon, and Glenn Magee; and, social security numbers for over forty other people.

6. Walter Cooke reported to Arvada PD that an unknown male cashed six checks under his name but not his account number at King Soopers from 2/3/2011 to 2/9/2011.
7. Walter Cooke reported that he was the victim of identity theft and he had received several collection notices for checks passed in his name on unknown accounts. Jennifer Putman and Jennifer Spade were contacted by law enforcement and were in possession of computer generated checks, personal identifying information and financial identifying information related to Walter Cooke.
8. Eric Eastin was identified as accompanying Jennifer Spade as she negotiated forged checks in the name of Amy West at various businesses. Eastin was interviewed by law enforcement and identified Matthew McCluskey as the leader of a "check ring," that McCluskey made checks and identifications in his basement "on Alaska" in Aurora, and that people in the ring, including McCluskey and Spade, would share the merchandise obtained with fraudulent checks.
9. In an email recovered from a search of McCluskey's computer seized pursuant to the January 21, 2011 search, McCluskey noted that he had a "good amount" of Home Depot gift cards available. Numerous fraudulent check transactions involved the purchase of Home Depot gift cards. Many in the enterprise reported giving gift cards to those supplying them with fraudulent checks.
10. Malden City Employees Credit Union, Associated Bank, Saturn, Wells Fargo, Isabelle Salazar, Coors Distributing Company, Coors Federal Credit Union, Erik Hoy, Isabelle Salazar, Brandon Lee Kempton, Walter Cooke, Andy Kendall, Jason Shoemaker, Melissa Niswonger, Dean Chamberlain and Colbea Chamberlain did not authorize any member of the enterprise to use or possess their personal or financial identifying information to make an identification card, a driver license or to make checks. There is no evidence that McCluskey had permission to possess the financial identifying or personal identifying information of anyone other than perhaps those engaged in the enterprise.

## **COUNT THIRTY-TWO**

### THEFT/SERIES-\$20,000 OR MORE; C.R.S. §18-4-401(1)(4) (F3)

Between and including the dates of December 16, 2010 and February 21, 2011, in and/or triable in the County of Arapahoe, State of Colorado, ROBERT TURNER unlawfully, feloniously, and knowingly obtained or exercised control over things of value, namely: U.S. Currency of State Farm, twice or more within a period of six months, with an aggregate value of twenty thousand dollars or more, without authorization, or by threat or deception, and intended to deprive State Farm permanently of its use or benefit; contrary to the form of the statute in such case made and provided, §18-4-401(1)(a),(4), C.R.S., THEFT - SERIES, and against the peace and dignity of the People of the State of Colorado.

## **COUNT THIRTY-THREE**

### **CONSPIRACY TO COMMIT THEFT/SERIES-\$20,000 OR MORE; C.R.S. §§18-4-401(1)(4), 18-2-201 (F4)**

Between and including the dates of December 16, 2010 and February 21, 2011, in and/or triable in the County of Arapahoe, State of Colorado, ROBERT TURNER, ALYSE SHANK, CARLA COMINIELLO, MICHAEL DICINO, JOHNIE MAIN, LAUREN CIPARRO, LAURA FRITZ, BRITTANY COX, and MICHAEL RELIC with the intent to promote or facilitate the commission of the crime of theft, unlawfully and feloniously agreed with each other and a person or persons unknown to the grand jury, that one or more of them would engage in conduct which constituted that crime or an attempt to commit that crime, or agreed to aid the other person or persons in the planning or commission or attempted commission of that crime, and an overt act in pursuance of the conspiracy was committed by one or more of the conspirators; contrary to the form of the statute in such case made and provided, §18-4-401(1)(a),(4) and §18-2-201, C.R.S., CONSPIRACY TO COMMIT THEFT - SERIES, and against the peace and dignity of the People of the State of Colorado.

## **COUNT THIRTY-FOUR**

### **THEFT-UNDER \$500; C.R.S. §18-4-401(1)(2)(b) (M2)**

Between and including the dates of March 19, 2010 and March 20, 2010, in and/or triable in the County of Arapahoe, State of Colorado, ROBERT TURNER unlawfully and knowingly obtained or exercised control over a thing of value, namely: Merchandise/U.S. Currency, of King Soopers, with the value of less than five hundred dollars, without authorization, or by threat or deception, and knowingly used, concealed, or abandoned the thing of value in such manner as to permanently deprive King Soopers of its use or benefit; contrary to the form of the statute in such case made and provided, §18-4-401(1)(b),(2)(b), C.R.S., THEFT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT THIRTY-FIVE**

### **FORGERY-CHECK/COMMERCIAL INSTRUMENT; C.R.S. §18-5-102(1)(C) (F5)**

Between and including the dates of March 19, 2010 and March 20, 2010, in and/or triable in the County of Arapahoe, State of Colorado, ROBERT TURNER, with the intent to defraud King Soopers did unlawfully, feloniously and falsely make, complete, alter and utter a written instrument which was and which purported to be and which was calculated to become and to represent, if completed, a check, which document did and may evidence, create, transfer, terminate and otherwise affect a legal right, interest, obligation and status, namely: a check to King Soopers; contrary to the form of the statute in such case made and provided, §18-5-102(1)(c), C.R.S., FORGERY, and against the peace and dignity of the People of the State of Colorado.

## **COUNT THIRTY-SIX**

### **CRIMINAL POSSESSION OF FORGED INSTRUMENT; C.R.S. §18-5-105 (F6)**

Between and including the dates of March 19, 2010 and March 20, 2010, in and/or triable in the County of Arapahoe, State of Colorado, ROBERT TURNER unlawfully and feloniously possessed a forged instrument, namely: a check to King Soopers, with knowledge that it was forged and with intent to use the instrument to defraud; contrary to the form of the statute in such case made and provided, §18-5-105, C.R.S., CRIMINAL POSSESSION OF FORGED INSTRUMENT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT THIRTY-SEVEN**

### **POSSESSION OF IDENTITY THEFT TOOLS, C.R.S. §18-5-905 (F5)**

Between and including the dates of January 1, 2010 and February 16, 2011, in and/or triable in the County of Arapahoe, State of Colorado, ROBERT TURNER unlawfully and feloniously possessed tools, equipment, computer, computer network, scanner, printer, or other article adapted, designed, or commonly used for committing or facilitating the commission of the offense of identity theft, and intended to use the thing possessed, or knew that a person intended to use the thing possessed, in the commission of the offense of identity theft; contrary to the form of the statute in such case made and provided, §18-5-905, C.R.S., POSSESSION OF IDENTITY THEFT TOOLS, and against the peace and dignity of the People of the State of Colorado.

## **COUNT THIRTY-EIGHT**

### **ID THEFT-POSSESSION WITH INTENT TO USE; C.R.S. §18-5-902(1)(B) (F4)**

Between and including the dates of December 16, 2010 and February 21, 2011, in and/or triable in the County of Arapahoe, State of Colorado, ROBERT TURNER unlawfully, feloniously, and knowingly possessed the personal identifying information, financial identifying information, or financial device of State Farm without permission or lawful authority, with the intent to use or to aid or permit another person to use the information or device to obtain cash, credit, property, services, or any other thing of value or to make a financial payment; contrary to the form of the statute in such case made and provided, §18-5-902(1)(b), C.R.S., ID THEFT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT THIRTY-NINE**

### **ID THEFT-ALTER/MAKE WRITTEN INSTRUMENT; C.R.S. §18-5-902(1)(C) (F4)**

Between and including the dates of October 3, 2010 and October 5, 2010, in and/or triable in the County of Arapahoe, State of Colorado, ROBERT TURNER unlawfully, feloniously, and with the intent to defraud, falsely made, completed, altered, or uttered a written instrument or financial device containing personal identifying information or financial identifying information of State Farm; contrary to the form of the statute in such case made and provided,

§18-5-902(1)(c), C.R.S., ID THEFT, and against the peace and dignity of the People of the State of Colorado.

FACTUAL BASIS, INCORPORATING ALL OTHER FACTS IN THE INDICTMENT:

All of the facts supporting all other counts in this Indictment are incorporated in Count Thirty-two through Count Thirty-nine by this reference.

1. On March 19, 2010 and again on March 20, 2010, Robert Turner entered a King Soopers and passed a forged check created on a computer for merchandise and/or cash on inactive First Bank account number [REDACTED]. Both checks purported to be personal checks of "Robert D. Turner." Check number 10037 was negotiated on March 19, 2010 in the amount of \$129.56 and check number 10042 in the amount of \$72.70 was negotiated on March 20, 2010. The account information belonged to Julie Orecchio according to evidence summarized by US Postal Service Analyst Hemphill.
2. Neither First Bank nor the inactive account holder, Julie Orecchio, authorized any member of the enterprise to use their financial identifying information to make checks, to transact checks or to otherwise withdraw money from First Bank.
3. On January 12, 2011, Robert Turner used check number 476 on US Bank account [REDACTED] to purchase merchandise and/or cash totaling \$99.60 at King Soopers. The counterfeit check, created on a computer, listed the payor as Robert Turner on an account number actually owned by Betty June. Ms. June reported on January 15, 2011 that one of her checks was stolen from her mailbox in Arvada, Colorado.
4. On January 15, 2011, Robert Turner used computer-generated check number 5344 in the name of Robert Turner in the amount of \$69.08 using a fictitious account number at Electrical Federal Credit Union. The check was used to purchase merchandise at the Walgreens located at 12700 W 32<sup>nd</sup> Ave in Wheatridge, Jefferson County. On the same date, Robert Turner passed check number 5341 with the same name and account information at the Walgreens located at 10140 W Colfax Ave, Lakewood, Jefferson County, in the amount of \$15.90.
5. On February 18, 2011, Arvada Police Department detectives executed a search warrant at 11954 W. 65<sup>th</sup> Pl, Arvada, Jefferson County, Colorado. Homeowner Rick Childs gave police a trash bag that he stated belonged to Robert Turner, who he reported was living in his basement and had a computer and printer set up two weeks earlier. The trash bag contained a document with the same information as a fraudulent Colorado Temporary identification document in the name Robert Turner found at Matthew McCluskey's Alaska Place home.
6. The trash bag also contained a fraudulent check containing the actual name, account and bank routing information, but false address for Karen Pederson. Fraudulent checks were passed at various locations on December 16, 2010 using checks listing the name Robert L. Turner and the bank, account number and routing number information belonging to Karen Pederson. No video was available for those transactions.
7. Laura Fritz reported in February 2011 that she observed Michael Dicino and Robert Turner creating checks in Rick's basement on more than one date in January 2011.
8. On 9/7/2011, Michael Relic admitted cashing a stolen State Farm Insurance check in the amount of \$480.00 at 7-Eleven that he obtained from Robert Turner. Relic stated that



Turner recruited others to cash these types of checks for Turner. Johnie Main told Inspector McGahey that the fraudulent State Farm check he cashed was printed by Michael Dicino and Robert Turner. Lauren Ciparro stated to Inspector McGahey that Michael Dicino and Robert Turner printed the check she cashed on a typewriter using a book of blank State Farm Insurance checks. US Postal Service Analyst Hemphill reported in her summary that stolen State Farm Insurance checks were cashed in the names of: Michael S. Relic, Johnie Steven Alan Main, Laura Fritz, Brittany L. Cox, Lauren E. Ciparro, and others not listed in this indictment. According to evidence summarized by Analyst Hemphill, twenty-four stolen State Farm checks were cashed totaling more than \$20,000.

9. State Farm, Karen Pederson, Betty June, Electrical Federal Credit Union, Julie Orecchio did not authorize any member of the enterprise to use or possess their personal or financial identifying information to make an identification card, a driver license or to make checks.

## **COUNT FORTY**

### THEFT/SERIES-\$1000-\$20,000; C.R.S. §18-4-401(1)(4) (F4)

Between and including the dates of October 3, 2010 and October 5, 2010, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY AND WILLIAM JOSEPH ROBERTS unlawfully, feloniously, and knowingly obtained or exercised control over things of value, namely: Merchandise/U.S. Currency, of Home Depot, Wells Fargo Bank and Micro Center, twice or more within a period of six months, with an aggregate value of one thousand dollars or more but less than twenty thousand dollars, without authorization, or by threat or deception, and knowingly used, concealed, or abandoned the thing of value in such manner as to permanently deprive Home Depot, Wells Fargo Bank and Micro Center of its use or benefit; contrary to the form of the statute in such case made and provided, §18-4-401(1)(b),(4), C.R.S., THEFT - SERIES, and against the peace and dignity of the People of the State of Colorado.

## **COUNT FORTY-ONE**

### FORGERY-CHECK/COMMERCIAL INSTRUMENT; C.R.S. §18-5-102(1)(C) (F5)

Between and including the dates of October 3, 2010 and October 5, 2010, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY AND WILLIAM JOSEPH ROBERTS with the intent to defraud Home Depot and Micro Center, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a check, which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a check.; contrary to the form of the statute in such case made and provided, §18-5-102(1)(c), C.R.S., FORGERY, and against the peace and dignity of the People of the State of Colorado.

## **COUNT FORTY-TWO**

### **ID THEFT-USES INFO TO OBTAIN; C.R.S. §18-5-902(1)(A) (F4)**

Between and including the dates of October 3, 2010 and October 5, 2010, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY AND WILLIAM JOSEPH ROBERTS unlawfully, feloniously, and knowingly used the personal identifying information, financial identifying information, or financial device of Hollirose Mulholland without permission or lawful authority with the intent to obtain cash, credit, property, services, or any other thing of value or to make a financial payment; contrary to the form of the statute in such case made and provided, §18-5-902(1)(a), C.R.S., ID THEFT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT FORTY-THREE**

### **ID THEFT-POSSESSION WITH INTENT TO USE; C.R.S. §18-5-902(1)(B) (F4)**

Between and including the dates of October 3, 2010 and October 5, 2010, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY AND WILLIAM JOSEPH ROBERTS unlawfully, feloniously, and knowingly possessed the personal identifying information, financial identifying information, or financial device of Hollirose Mulholland without permission or lawful authority, with the intent to use or to aid or permit another person to use the information or device to obtain cash, credit, property, services, or any other thing of value or to make a financial payment; contrary to the form of the statute in such case made and provided, §18-5-902(1)(b), C.R.S., ID THEFT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT FORTY-FOUR**

### **ID THEFT-ALTER/MAKE WRITTEN INSTRUMENT; C.R.S. §18-5-902(1)(C) (F4)**

Between and including the dates of October 3, 2010 and October 5, 2010, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY AND WILLIAM JOSEPH ROBERTS unlawfully, feloniously, and with the intent to defraud, falsely made, completed, altered, or uttered a written instrument or financial device containing personal identifying information or financial identifying information of Hollirose Mulholland; contrary to the form of the statute in such case made and provided, §18-5-902(1)(c), C.R.S., ID THEFT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT FORTY-FIVE**

### **CRIMINAL POSSESSION OF FORGED INSTRUMENT; C.R.S. §18-5-105 (F6)**

Between and including the dates of October 3, 2010 and October 5, 2010, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY AND WILLIAM JOSEPH ROBERTS unlawfully and feloniously possessed a forged instrument, namely: a check, with

knowledge that it was forged and with intent to use the instrument to defraud; contrary to the form of the statute in such case made and provided, §18-5-105, C.R.S., CRIMINAL POSSESSION OF FORGED INSTRUMENT, and against the peace and dignity of the People of the State of Colorado.

**FACTUAL BASIS, INCORPORATING ALL OTHER FACTS IN THE INDICTMENT:**

All of the facts supporting all other counts in this Indictment are incorporated in Count Forty through Count Forty-five by this reference.

1. Between and including the dates of October 3, 2010 and October 4, 2010, William Joseph Roberts entered Home Depot and negotiated three forged checks under the name "William Roberts" and on the Wells Fargo Bank account of Hollirose Mulholland. These checks were created on a computer. The checks purported to be personal checks of "William Roberts" were checks numbers 7083, 7087 and 7112 drawn on Hollirose Mulholland's Wells Fargo account number [REDACTED] in the amounts of \$260.74, \$232.37 and \$219.12, respectively. The checks were made payable to Home Depot. Copies of receipts reflect that Turner purchased two gift cards during each transaction, totaling \$650.00. Roberts used a Colorado Driver License number assigned to an unknown person named of Enrique C. Castro when he cashed check 7083. Although Turner stated he gave the gift cards to Annah Palm, an email recovered from McCluskey's computer during the search reflected that McCluskey stated he had several \$100 Home Depot gift cards in his possession. Those gift cards were later redeemed between October 10, 2010 and February 12, 2011.
2. On or about October 5, 2010, William Joseph Roberts entered Micro Center and negotiated a forged check under the name "William Roberts" and on the Wells Fargo Bank account of Hollirose Mulholland. This check was created on a computer. The check purported to be a personal checks of "William Roberts", was check number 7113 drawn on Hollirose Mulholland's Wells Fargo account number [REDACTED] in the amount of 2373.88. Roberts used the Colorado Driver License number assigned to Enrique C. Castro as identification for this transaction. The check was made payable to Micro Center for the purchase of a tower computer that Roberts later reported he gave to Annah Palm.
3. When interviewed by police afterwards, Roberts admitted that he did not have a checking account and stated that the checks he passed were given to him by Annah Palm. Roberts lives at 12304 E Alaska Pl, the home of Matthew McCluskey and McCluskey's parents Betty and Richard Kozik. Annah Palm was identified as the ex-girlfriend of McCluskey and she used to live at that residence.
4. Hollirose Mulholland did not authorize any member of the enterprise to use her personal or financial identifying information to make checks, to transact checks or to otherwise withdraw money from Wells Fargo.

**COUNT FORTY-SIX**

**THEFT/SERIES-\$1000-\$20,000; C.R.S. §18-4-401(1)(4) (F4)**

Between and including the dates of January 23, 2011 and April 28, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY AND ALYSE SHANK

unlawfully, feloniously, and knowingly obtained or exercised control over things of value, namely: Merchandise/U.S. Currency/Services, of Kohl's, Comfort Inn, Off Broadway Shoes, Home Depot, Johnson's Corner, Walgreens and Hobby Lobby, twice or more within a period of six months, with an aggregate value of one thousand dollars or more but less than twenty thousand dollars, without authorization, or by threat or deception, and knowingly used, concealed, or abandoned the thing of value in such manner as to permanently deprive Kohl's, Comfort Inn, Off Broadway Shoes, Home Depot, Johnson's Corner, Walgreens and Hobby Lobby of its use or benefit; contrary to the form of the statute in such case made and provided, §18-4-401(1)(b),(4), C.R.S., THEFT - SERIES, and against the peace and dignity of the People of the State of Colorado.

## **COUNT FORTY-SEVEN**

### **FORGERY-CHECK/COMMERCIAL INSTRUMENT; C.R.S. §18-5-102(1)(C) (F5)**

Between and including the dates of January 23, 2011 and April 28, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY AND ALYSE SHANK, with the intent to defraud Colbea Chamberlain, James Adkisson, Cali Adkisson, Blaeser Trucking, Frank Dilatush, Therese Scott, Kohl's, Comfort Inn, Off Broadway Shoes, Home Depot, Johnson's Corner, Walgreens and Hobby Lobby, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a check/credit card, which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a check/credit card; contrary to the form of the statute in such case made and provided, §18-5-102(1)(c), C.R.S., FORGERY, and against the peace and dignity of the People of the State of Colorado.

## **COUNT FORTY-EIGHT**

### **FORGERY-GOVERNMENT ISSUED DOCUMENT; C.R.S. §18-5-102(E) (F5)**

Between and including the dates of January 23, 2011 and April 28, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY AND ALYSE SHANK with the intent to defraud Kohl's, Comfort Inn, Off Broadway Shoes, Home Depot, Johnson's Corner, Walgreens and Hobby Lobby, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which was purported to be, or which was calculated to become or to represent if completed, a written instrument, namely: driver's license, officially issued or created by the State of Colorado – Department of Revenue, a public office, public servant, or government agency; contrary to the form of the statute in such case made and provided, §18-5-102(1)(e), C.R.S., FORGERY, and against the peace and dignity of the People of the State of Colorado.

## **COUNT FORTY-NINE**

### **ID THEFT-USES INFO TO OBTAIN; C.R.S. §18-5-902(1)(A) (F4)**

Between and including the dates of January 23, 2011 and April 28, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY AND ALYSE SHANK unlawfully, feloniously, and knowingly used the personal identifying information, financial identifying information, or financial device of Colbea Chamberlain, Cali Adkisson, Blaeser Trucking, Frank Dilatush and Therese Scott without permission or lawful authority with the intent to obtain cash, credit, property, services, or any other thing of value or to make a financial payment; contrary to the form of the statute in such case made and provided, §18-5-902(1)(a), C.R.S., ID THEFT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT FIFTY**

### **ID THEFT-POSSESSION WITH INTENT TO USE; C.R.S. §18-5-902(1)(B) (F4)**

Between and including the dates of January 23, 2011 and April 28, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY AND ALYSE SHANK unlawfully, feloniously, and knowingly possessed the personal identifying information, financial identifying information, or financial device of Colbea Chamberlain, Cali Adkisson, Blaeser Trucking, Frank Dilatush and Therese Scott without permission or lawful authority, with the intent to use or to aid or permit another person to use the information or device to obtain cash, credit, property, services, or any other thing of value or to make a financial payment; contrary to the form of the statute in such case made and provided, §18-5-902(1)(b), C.R.S., ID THEFT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT FIFTY-ONE**

### **ID THEFT-ALTER/MAKE WRITTEN INSTRUMENT; C.R.S. §18-5-902(1)(C) (F4)**

Between and including the dates of January 23, 2011 and April 28, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY AND ALYSE SHANK unlawfully, feloniously, and with the intent to defraud, falsely made, completed, altered, or uttered a written instrument or financial device containing personal identifying information or financial identifying information of Colbea Chamberlain, Cali Adkisson, Blaeser Trucking, Frank Dilatush and Therese Scott; contrary to the form of the statute in such case made and provided, §18-5-902(1)(c), C.R.S., ID THEFT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT FIFTY-TWO**

### **CRIMINAL POSSESSION OF FORGED INSTRUMENT; C.R.S. §18-5-105 (F6)**

Between and including the dates of January 23, 2011 and April 28, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY AND ALYSE SHANK

unlawfully and feloniously possessed a forged instrument, namely: checks/driver's licenses, with knowledge that it was forged and with intent to use the instrument to defraud; contrary to the form of the statute in such case made and provided, §18-5-105, C.R.S., CRIMINAL POSSESSION OF FORGED INSTRUMENT, and against the peace and dignity of the People of the State of Colorado.

## COUNT FIFTY-THREE

### CONSPIRACY TO COMMIT THEFT/SERIES-\$20,000 OR MORE; C.R.S. §§18-4-401(1)(4), 18-2-201 (F4)

Between and including the dates of December 16, 2010 and February 21, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY AND ALYSE SHANK with the intent to promote or facilitate the commission of the crime of theft, unlawfully and feloniously agreed with each other and a person or persons unknown to the grand jury, that one or more of them would engage in conduct which constituted that crime or an attempt to commit that crime, or agreed to aid the other person or persons in the planning or commission or attempted commission of that crime, and an overt act in pursuance of the conspiracy was committed by one or more of the conspirators; contrary to the form of the statute in such case made and provided, §§18-4-401(1)(a),(4) and 18-2-201, C.R.S., CONSPIRACY TO COMMIT THEFT - SERIES, and against the peace and dignity of the People of the State of Colorado.

### FACTUAL BASIS, INCORPORATING ALL OTHER FACTS IN THE INDICTMENT:

All of the facts supporting all other counts in this Indictment are incorporated in Count Forty-six through Count Fifty-three by this reference.

1. Between and including the dates of January 23, 2011 and April 28, 2011, Alyse Shank entered Kohl's, Comfort Inn, Off Broadway Shoes, Home Depot, Johnson's Corner, Walgreens and Hobby Lobby and negotiated a stolen credit card and forged checks under the names of Colbea Chamberlain and Cali Adkisson, which contained the financial identifying information of Blaeser Trucking, Frank Dilatush and Therese Scott. These checks were created on a computer. The Visa credit card was in the name of Colbea Chamberlain. The checks, purported to be personal checks of Colbea Chamberlain and Cali Adkisson, were check numbers 83602, 24981 (twice used), 929295, 2422, 2337568 and 2337567 drawn on Blaeser Trucking, Frank Dilatush and Therese Scott account numbers [REDACTED], [REDACTED] and [REDACTED] respectively, in the amounts of \$271.50, \$222.88, \$147.26, \$416.66, \$96.81, \$284.10, \$93.88 and \$159.40. The credit card was used at Comfort Inn and the checks were made payable to Kohl's, Off Broadway Shoes, Home Depot, Johnson's Corner, Walgreens and Hobby Lobby.
2. On 1/23/2011, Alyse Shank used check number 83602 in the name of Colbea I. Chamberlain & Trend Setters Salon, to purchase merchandise at Kohl's totaling \$271.50 using a US Bank account [REDACTED] it is not known at this time if the account belongs to a real person but the name and address on the check match that of a real person: Colbea I. Chamberlain.
3. On 2/3/2011, Alyse Shank checked into a Comfort Inn in Westminster using the stolen Colorado Driver License of Colbea Chamberlain. Shank attempted to use a VISA credit

- card in Chamberlain's name but it was declined. Shank was later interviewed by law enforcement and admitted to using the stolen driver's license at the Comfort Inn.
4. On 3/16/2011, Alyse Shank used check number 24981 in the name of James L. or Cali S. Adkisson, Adkisson Pet Rescue, to purchase merchandise at Off Broadway Shoes totaling \$147.26 on bank account [REDACTED] which is the 1<sup>st</sup> Bank account of Kim Marie & Gary Blaeser, Blaeser Trucking Company. The Colorado Driver License identification used by Shank was that of Cali Adkisson.
  5. On 3/19/2011, Alyse Shank used check number 929295 in the name of Cali Adkisson to purchase merchandise from Johnson's Corner in the amount of \$96.81 using the Wells Fargo Bank account [REDACTED] information of Frank Dilatush.
  6. On 4/27/2011, Alyse Shank used check number 2422 in the name of Colbea I. Chamberlain to purchase merchandise at Walgreens in the amount of \$284.10 using the Bank of Colorado account [REDACTED] information of Therese M. Scott. Shank purchased \$200 in gift cards.
  7. On 4/28/2011, Alyse Shank used check number [REDACTED] the name of Chamberlain Home Care, Colbea I. or Jon W. Chamberlain, to purchase merchandise at Hobby Lobby in the amount of \$93.88 using the Citibank account [REDACTED] of UBS Financial.
  8. On 4/28/2011, Alyse Shank used check number [REDACTED] in the name of Chamberlain Home Care, Colbea I. or Jon W. Chamberlain, to purchase merchandise at Walgreens in the amount of \$159.40 using the Citibank account [REDACTED] of UBS Financial. Merchandise included a \$100 gift card. Victim Colbea Chamberlain's actual Colorado Driver License number appears on the face of the check.
  9. Colbea Chamberlain reported she received collection letters demanding payment for several checks issued with her name and address.
  10. Alyse Shank was interviewed on 5/16/2011 and admitted that her boyfriend, Matthew McCluskey, taught her how to create and cash fraudulent checks while they were living at his residence at 12304 East Alaska Place in Aurora, Colorado. Shank admitted to passing approximately ten checks using the fraudulent identity of Colbea Chamberlain along with accountholder variations including Trend Setters Salon and Chamberlain Home Repair. She said that different bank account combinations were used on the Chamberlain checks she passed. Shank also admitted to transacting checks using the name Cali Adkisson. Victim Cali Adkisson reported receiving collections notices for checks totaling \$5,745.81 all transacted in March 2011.
  11. The search of McCluskey's computer seized from his Alaska Place residence resulted in police finding check creation software named VersaCheck that was set up to create checks under the name Dean S or Colbea I Chamberlain, using Ms. Chamberlain's actual home address. The bank was set up as Citywide Bank.
  12. The summary of fraudulent checks prepared by United States Postal Service Analyst Robbin Hemphill reflects that beginning on or about July 7, 2010, twenty-five checks in the name of Alyse E Shank were passed using various account numbers and banks belonging to others prior to the time Shank was identified as the person who passed checks under the name Colbea Chamberlain as described above. Alyse Shank is associated with two checks drawn on Hollirose Mulholland's Wells Fargo account, numbers 7122 and 7123, which were issued under the name Alyse E Shank and cashed at King Soopers and Harbor Freight. William Roberts and Jennifer Spade are also

associated with fraudulent checks that used Mulholland's financial identifying information. Alyse Shank is identified as the daughter of Jennifer Spade.

13. Colbea Chamberlain, Cali Adkisson, Blaeser Trucking, Frank Dilatush, USB Financial, Hollirose Mulholland and Therese Scott did not authorize any member of the enterprise to use their personal or financial identifying information to make credit card charges, to make checks, to transact checks or to otherwise withdraw money from their banking institutions.

## **COUNT FIFTY-FOUR**

### THEFT-\$500-\$1000; C.R.S. §18-4-401(1)(B)(2)(B.5) (M1)

On or about January 16, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY AND BRITTANY COX unlawfully and knowingly obtained or exercised control over a thing of value, namely: Merchandise/U.S. Currency, of Walmart and Trade Home, with the value of five hundred dollars or more but less than one thousand dollars, without authorization, or by threat or deception, and knowingly used, concealed, or abandoned the thing of value in such manner as to permanently deprive Walmart and Trade Home of its use or benefit; contrary to the form of the statute in such case made and provided, §18-4-401(1)(b),(2)(b.5), C.R.S., THEFT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT FIFTY-FIVE**

### FORGERY-CHECK/COMMERCIAL INSTRUMENT; C.R.S. §18-5-102(1)(C) (F5)

On or about January 16, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY AND BRITTANY COX with the intent to defraud Walmart and Trade Home, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a check, which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a check # 4551 on Coors Credit Union Account # [REDACTED] the amount of \$865.73; contrary to the form of the statute in such case made and provided, §18-5-102(1)(c), C.R.S., FORGERY, and against the peace and dignity of the People of the State of Colorado.

## **COUNT FIFTY-SIX**

### FORGERY-CHECK/COMMERCIAL INSTRUMENT; C.R.S. §18-5-102(1)(C) (F5)

On or about January 16, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY AND BRITTANY COX with the intent to defraud Walmart and Trade Home, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a check, which document did or may have evidenced, created,



transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a check #4551 on Coors Credit Union Account # [REDACTED] the amount of \$122.96; contrary to the form of the statute in such case made and provided, §18-5-102(1)(c), C.R.S., FORGERY, and against the peace and dignity of the People of the State of Colorado.

## **COUNT FIFTY-SEVEN**

### FORGERY-GOVERNMENT ISSUED DOCUMENT; C.R.S. §18-5-102(E) (F5)

On or about January 16, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY AND BRITTANY COX with the intent to defraud Isabelle Salazar, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which was purported to be, or which was calculated to become or to represent if completed, a written instrument, namely: driver's license, officially issued or created by the State of Colorado – Department of Revenue, a public office, public servant, or government agency; contrary to the form of the statute in such case made and provided, §18-5-102(1)(e), C.R.S., FORGERY, and against the peace and dignity of the People of the State of Colorado.

## **COUNT FIFTY-EIGHT**

### ID THEFT-USES INFO TO OBTAIN; C.R.S. §18-5-902(1)(A) (F4)

On or about January 16, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY AND BRITTANY COX unlawfully, feloniously, and knowingly used the personal identifying information, financial identifying information, or financial device of Isabelle Salazar, Coors Distributing Company and Erik Hoy without permission or lawful authority with the intent to obtain cash, credit, property, services, or any other thing of value or to make a financial payment; contrary to the form of the statute in such case made and provided, §18-5-902(1)(a), C.R.S., ID THEFT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT FIFTY-NINE**

### ID THEFT-POSSESSION WITH INTENT TO USE; C.R.S. §18-5-902(1)(B) (F4)

On or about January 16, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY AND BRITTANY COX unlawfully, feloniously, and knowingly possessed the personal identifying information, financial identifying information, or financial device of Isabelle Salazar, Coors Distributing Company and Erik Hoy without permission or lawful authority, with the intent to use or to aid or permit another person to use the information or device to obtain cash, credit, property, services, or any other thing of value or to make a financial payment; contrary to the form of the statute in such case made and provided, §18-5-902(1)(b), C.R.S., ID THEFT, and against the peace and dignity of the People of the State of Colorado.

## COUNT SIXTY

### ID THEFT-ALTER/MAKE WRITTEN INSTRUMENT; C.R.S. §18-5-902(1)(C) (F4)

On or about January 16, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY AND BRITTANY COX unlawfully, feloniously, and with the intent to defraud, falsely made, completed, altered, or uttered a written instrument or financial device containing personal identifying information or financial identifying information of Isabelle Salazar, Coors Distributing Company and Erik Hoy; contrary to the form of the statute in such case made and provided, §18-5-902(1)(c), C.R.S., ID THEFT, and against the peace and dignity of the People of the State of Colorado.

## COUNT SIXTY-ONE

### CRIMINAL POSSESSION OF FORGED INSTRUMENT; C.R.S. §18-5-105 (F6)

On or about January 16, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY AND BRITTANY COX unlawfully and feloniously possessed a forged instrument, namely: checks/driver's license, with knowledge that it was forged and with intent to use the instrument to defraud; contrary to the form of the statute in such case made and provided, §18-5-105, C.R.S., CRIMINAL POSSESSION OF FORGED INSTRUMENT, and against the peace and dignity of the People of the State of Colorado.

### FACTUAL BASIS, INCORPORATING ALL OTHER FACTS IN THE INDICTMENT:

All of the facts supporting all other counts in this Indictment are incorporated in Count Fifty-four through Count Sixty-one by this reference.

1. On or about January 16, 2011, Brittany Cox entered Walmart and Trade Home and negotiated forged checks under the names of Coors Distributing Company and Isabelle Salazar respectively, which contained the financial identifying information of Erik Hoy. These checks were created on a computer. The checks purported to be the checks of Coors Distributing Company and "Isabelle J. Salazar", were check numbers 4551 (twice used) drawn on Erik Hoy's account number [REDACTED] in the amounts of \$865.73 and \$122.96. The checks were made payable to "Isabelle J. Salazar" and Trade Home.
2. During the January 20, 2011 search of McCluskey's residence, police recovered: A similar Coors Distributing company counterfeit check bearing the account number 4553 in the name "Isabele J. Salazar"; a counterfeit Colorado Identification Card bearing the name "Issabell" Salazar, the Drivers License identification number of Isabele Salazar but bearing the likeness of Brittany Cox; and, a counterfeit Temporary Colorado DL in the name of Brittany Cox but with Isabele Salazar's Drivers License identification number.
3. As a further connection to the enterprise, the summary prepared by US Postal Service Analyst Hemphill reflects that a stolen State Farm check was cashed in the name of Brittany Cox on 12/17/2010 in the amount of \$962.73 and a second stolen check was cashed on 1/2/2011 for \$874.00. Laura Fritz, Johnie Main and Michael Relic reported that they received the State Farm Insurance checks from Robert Turner and cashed them.
4. Isabelle Salazar, Coors Distributing Company and Erik Hoy did not authorize any member of the enterprise to use their personal or financial identifying information to

make checks, to transact checks or to otherwise withdraw money from their banking institutions.

## **COUNT SIXTY-TWO**

### THEFT/SERIES-\$1000-\$20,000; C.R.S. §18-4-401(1)(4) (F4)

Between and including the dates of January 31, 2011 and February 23, 2011, in and/or triable in the County of Arapahoe, State of Colorado, CARLA COMINIELLO unlawfully, feloniously, and knowingly obtained or exercised control over things of value, namely: Merchandise/U.S. Currency, of Walmart and Agency Ty and Vac, twice or more within a period of six months, with an aggregate value of one thousand dollars or more but less than twenty thousand dollars, without authorization, or by threat or deception, and knowingly used, concealed, or abandoned the thing of value in such manner as to permanently deprive Walmart and Agency Ty and Vac of its use or benefit; contrary to the form of the statute in such case made and provided, §18-4-401(1)(b),(4), C.R.S., THEFT - SERIES, and against the peace and dignity of the People of the State of Colorado.

## **COUNT SIXTY-THREE**

### ID THEFT-USES INFO TO OBTAIN; C.R.S. §18-5-902(1)(A) (F4)

Between and including the dates of January 31, 2011 and February 23, 2011, in and/or triable in the County of Arapahoe, State of Colorado, CARLA COMINIELLO unlawfully, feloniously, and knowingly used the personal identifying information, financial identifying information, or financial device of Laura Fritz and without permission or lawful authority with the intent to obtain cash, credit, property, services, or any other thing of value or to make a financial payment; contrary to the form of the statute in such case made and provided, §18-5-902(1)(a), C.R.S., ID THEFT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT SIXTY-FOUR**

### ID THEFT-USES INFO TO OBTAIN; C.R.S. §18-5-902(1)(A) (F4)

Between and including the dates of January 31, 2011 and February 23, 2011, in and/or triable in the County of Arapahoe, State of Colorado, CARLA COMINIELLO unlawfully, feloniously, and knowingly used the personal identifying information, financial identifying information, or financial device of Teresa Kildow without permission or lawful authority with the intent to obtain cash, credit, property, services, or any other thing of value or to make a financial payment; contrary to the form of the statute in such case made and provided, §18-5-902(1)(a), C.R.S., ID THEFT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT SIXTY-FIVE**

### **ID THEFT-POSSESSION WITH INTENT TO USE; C.R.S. §18-5-902(1)(B) (F4)**

Between and including the dates of January 31, 2011 and February 23, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MICHAEL DICINO AND CARLA COMINIELLO unlawfully, feloniously, and knowingly possessed the personal identifying information, financial identifying information, or financial device of Laura Fritz, Teresa Kildow, Lauren Ciparro, Nancy Flint, Jennifer Flint, Sabrina Morgan and Adrian Henderson without permission or lawful authority, with the intent to use or to aid or permit another person to use the information or device to obtain cash, credit, property, services, or any other thing of value or to make a financial payment; contrary to the form of the statute in such case made and provided, §18-5-902(1)(b), C.R.S., ID THEFT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT SIXTY-SIX**

### **ID THEFT-ALTER/MAKE WRITTEN INSTRUMENT; C.R.S. §18-5-902(1)(C) (F4)**

Between and including the dates of January 31, 2011 and February 23, 2011, in and/or triable in the County of Arapahoe, State of Colorado, CARLA COMINIELLO unlawfully, feloniously, and with the intent to defraud, falsely made, completed, altered, or uttered a written instrument or financial device containing personal identifying information or financial identifying information of Laura Fritz and Teresa Kildow; contrary to the form of the statute in such case made and provided, §18-5-902(1)(c), C.R.S., ID THEFT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT SIXTY-SEVEN**

### **MOTOR VEHICLE THEFT/AGG1-\$20,000 OR LESS; C.R.S. §18-4-409(2)(3)(A) (F4)**

Between and including February 23, 2011 and March 4, 2011, in and/or triable in the County of Arapahoe, State of Colorado, CARLA COMINIELLO unlawfully, feloniously, and knowingly obtained or exercised control over the motor vehicle of Agency Ty and Vac, without authorization, or by threat or deception, and retained possession or control over the motor vehicle for more than twenty-four hours and the value of the motor vehicle was twenty thousand dollars or less; contrary to the form of the statute in such case made and provided, §18-4-409(2),(3)(a), C.R.S., MOTOR VEHICLE THEFT/AGG1-\$20,000 OR LESS, and against the peace and dignity of the People of the State of Colorado.

## **COUNT SIXTY-EIGHT**

### **POSSESSION OF IDENTITY THEFT TOOLS, C.R.S. §18-5-905 (F5)**

Between and including the dates of January 1, 2010 and May 10, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MICHAEL DICINO, ROBERT TURNER AND CARLA COMINIELLO unlawfully and feloniously possessed tools, equipment, computer,

computer network, scanner, printer, or other article adapted, designed, or commonly used for committing or facilitating the commission of the offense of identity theft, and intended to use the thing possessed, or knew that a person intended to use the thing possessed, in the commission of the offense of identity theft; contrary to the form of the statute in such case made and provided, §18-5-905, C.R.S., POSSESSION OF IDENTITY THEFT TOOLS, and against the peace and dignity of the People of the State of Colorado.

FACTUAL BASIS, INCORPORATING ALL OTHER FACTS IN THE INDICTMENT:

- All of the facts supporting all other counts in this Indictment are incorporated in Count Sixty-two through Count Sixty-eight by this reference.
1. On or about January 31, 2011, Carla Cominiello entered Walmart with Teresa Kildow and accompanied her to the register where Kildow attempted to negotiate a counterfeit check that contained the financial identifying information of Mikhail Komisarchik. Kildow then used the credit card of Laura Fritz to pay for merchandise in the amount of \$238.17.
  2. On or about February 16, 2011 Denver Police Officers were investigating a report involving a U-Haul. Carla Cominiello was found in the back of a U-Haul truck and initially gave the name Laura Fritz. Cominiello was found to be in possession of driver's licenses in the names of Sabrina Morgan and Adrian Henderson depicting Cominiello's photograph. She also possessed the passport of Lauren Ciparro. Other items included forged Colorado Driver Licenses in the name of John Marine depicting the photos of Michael Dicino. In addition, Cominiello had multiple counterfeit checks and original checks that were stolen from the mail, including the stolen checks of Nancy and Jennifer L. Flint and counterfeit checks created for Laura Fritz and Johnie Main based on the Flints' financial identifying information.
  3. The summary prepared by US Postal Service Analyst Hemphill reflects that counterfeit checks were written on the business name The Colorado Coalition for the Homeless using the financial identifying information of Jan Weipert without authorization. Two checks were paid to the order of "John Marine," three were issued to "Teresa Kildow" and one was issued to "Laura Fritz."
  4. On February 23, 2011 Carla Cominiello used a Colorado Driver License in the name of Teresa Kildow and personal identifying information of Teresa Kildow to rent a U-Haul truck from Agency Ty and Vac. The U-Haul was rented for one day only and when Carla Cominiello failed to return the U-Haul on February 24, 2011, the business considered it to have been taken without authorization. The U-Haul was recovered, with Carla Cominiello sleeping in the back of it, on March 4, 2011. The damage and rental fees totaled \$2,018.38, and the value of the U-Haul truck was \$18,497.17.
  5. Jessica Gartner was arrested as the driver of the U-Haul truck and interviewed on March 4, 2011 by Detective Madonna. She reported that Carla Cominiello and Michael Dicino asked her if she knew anyone who would do "payroll" and Dicino stated all he needed to print payroll checks was a printer. Cominiello and Dicino showed her a payroll check and student ID for another girl and asked her to assume this girl's identity to cash the payroll check but she refused. She stated Cominiello drove a U-Haul to an apartment building and identified Joshua Droegemeier as a person who took items out of the back of the truck.

6. During the later search of the U-Haul, the following items were seized: US Passport belonging to Earl Robertson II, DOB: 08/26/1951; California Drivers License belonging to Lisa Rocchi, DOB: 03/28/1986; Colorado ID belonging to Rachel Lauderbaugh, DOB: 09/19/1981; Checkbook belonging to Keisha L. Gimm, Bank of the West; Checkbook belonging to Kristine M. Bates, Michigan State University FCU; At least one check made payable to Lisa Rocchi dated March 2, 2011; a checkbook with checks in the name of Melissa Dawn Romero; and a personal letter from Carla Cominiello to Michael Dicino.
7. Carla Cominiello was interviewed by Inspector McGahey on March 10, 2011 and stated she knew Robert Turner was engaged in forgery and identity theft crimes. On April 5, 2011, Cominiello identified Johnie Main, Michael Dicino, Robert Turner, Rick Childs, Laura Fritz and "Eli" Lauren Ciparro from photographs. Cominiello stated that Robert Turner introduced Dicino, Ciparro, Fritz, Main and her to counterfeit checks and ID theft. She stated Turner and Dicino told her that "Matt" made counterfeit IDs at his home and identified the home as being near Peoria Street on Alaska Street in Aurora, Colorado.
8. Lauren Ciparro was interviewed on April 7, 2011 by US Postal Inspector McGahey and stated that she was solicited by Dicino to pass counterfeit checks and introduced Johnie Main and Laura Fritz as people willing to also pass forged checks. Dicino introduced the group to Robert Turner who gave the group State Farm checks to cash. She went to "Matt's" house with Dicino and Turner to get checks that Turner gave to her, Main and Fritz to cash. Dicino introduced Carla Cominiello to her in January 2011 as another member of the check fraud group and she observed Dicino and Cominiello creating counterfeit checks.
9. Laura Fritz, Lauren Ciparro, Teresa Kildow, Adrian Henderson and Sabrina Morgan did not authorize any member of the enterprise to use their personal or financial identifying information to conduct any financial transactions. Agency Ty & Vac did not authorize any member of the enterprise to retain use of the U-Haul for more than the 24 hour rental period.

## **COUNT SIXTY-NINE**

### THEFT/SERIES-\$1000-\$20,000; C.R.S. §18-4-401(1)(4) (F4)

Between and including the dates of March 12, 2011 and May 10, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY, ALYSE SHANK AND JENNIFER PUTMAN unlawfully, feloniously, and knowingly obtained or exercised control over things of value, namely: Merchandise/U.S. Currency, of Walgreens, twice or more within a period of six months, with an aggregate value of one thousand dollars or more but less than twenty thousand dollars, without authorization, or by threat or deception, and knowingly used, concealed, or abandoned the thing of value in such manner as to permanently deprive Walgreens of its use or benefit; contrary to the form of the statute in such case made and provided, §18-4-401(1)(b),(4), C.R.S., THEFT - SERIES, and against the peace and dignity of the People of the State of Colorado.

## **COUNT SEVENTY**

### FORGERY-CHECK/COMMERCIAL INSTRUMENT; C.R.S. §18-5-102(1)(C) (F5)

On or about March 12, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY, ALYSE SHANK AND JENNIFER PUTMAN with the intent to defraud Walgreens, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a check, which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a check #30708 to Walgreens; contrary to the form of the statute in such case made and provided, §18-5-102(1)(c), C.R.S., FORGERY, and against the peace and dignity of the People of the State of Colorado.

## **COUNT SEVENTY-ONE**

### FORGERY-CHECK/COMMERCIAL INSTRUMENT; C.R.S. §18-5-102(1)(C) (F5)

On or about March 21, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY, ALYSE SHANK AND JENNIFER PUTMAN with the intent to defraud Walgreens, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a check, which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a check #3162 to Walgreens; contrary to the form of the statute in such case made and provided, §18-5-102(1)(c), C.R.S., FORGERY, and against the peace and dignity of the People of the State of Colorado.

## **COUNT SEVENTY-TWO**

### FORGERY-CHECK/COMMERCIAL INSTRUMENT; C.R.S. §18-5-102(1)(C) (F5)

On or about March 22, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY, ALYSE SHANK AND JENNIFER PUTMAN with the intent to defraud Walgreens, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a check, which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a check #3166; contrary to the form of the statute in such case made and provided, §18-5-102(1)(c), C.R.S., FORGERY, and against the peace and dignity of the People of the State of Colorado.

## **COUNT SEVENTY-THREE**

### FORGERY-CHECK/COMMERCIAL INSTRUMENT; C.R.S. §18-5-102(1)(C) (F5)

On or about April 27, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY, ALYSE SHANK AND JENNIFER PUTMAN with the intent to defraud Walgreens, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a check, which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a check #14410 to Walgreens; contrary to the form of the statute in such case made and provided, §18-5-102(1)(c), C.R.S., FORGERY, and against the peace and dignity of the People of the State of Colorado.

## **COUNT SEVENTY-FOUR**

### FORGERY-CHECK/COMMERCIAL INSTRUMENT; C.R.S. §18-5-102(1)(C) (F5)

On or about May 10, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY, ALYSE SHANK AND JENNIFER PUTMAN, with the intent to defraud Walgreens, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a check, which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a check #14424 to Walgreens; contrary to the form of the statute in such case made and provided, §18-5-102(1)(c), C.R.S., FORGERY, and against the peace and dignity of the People of the State of Colorado.

## **COUNT SEVENTY-FIVE**

### ID THEFT-USES INFO TO OBTAIN; C.R.S. §18-5-902(1)(A) (F4)

Between and including the dates of March 12, 2011 and May 10, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY, ALYSE SHANK AND JENNIFER PUTMAN unlawfully, feloniously, and knowingly used the personal identifying information, financial identifying information, or financial device of Kelly Boen, Donald Wooter and Douglas Berg without permission or lawful authority with the intent to obtain cash, credit, property, services, or any other thing of value or to make a financial payment; contrary to the form of the statute in such case made and provided, §18-5-902(1)(a), C.R.S., ID THEFT, and against the peace and dignity of the People of the State of Colorado.



## **COUNT SEVENTY-SIX**

### ID THEFT-POSSESSION WITH INTENT TO USE; C.R.S. §18-5-902(1)(B) (F4)

Between and including the dates of March 12, 2011 and May 10, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY, ALYSE SHANK AND JENNIFER PUTMAN unlawfully, feloniously, and knowingly possessed the personal identifying information, financial identifying information, or financial device of Kelly Boen, Donald Wooter and Douglas Berg without permission or lawful authority, with the intent to use or to aid or permit another person to use the information or device to obtain cash, credit, property, services, or any other thing of value or to make a financial payment; contrary to the form of the statute in such case made and provided, §18-5-902(1)(b), C.R.S., ID THEFT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT SEVENTY-SEVEN**

### CRIMINAL POSSESSION OF FORGED INSTRUMENT; C.R.S. §18-5-105 (F6)

Between and including the dates of March 12, 2011 and May 10, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY, ALYSE SHANK AND JENNIFER PUTMAN unlawfully and feloniously possessed a forged instrument, namely: a check, with knowledge that it was forged and with intent to use the instrument to defraud; contrary to the form of the statute in such case made and provided, §18-5-105, C.R.S., CRIMINAL POSSESSION OF FORGED INSTRUMENT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT SEVENTY-EIGHT**

### MONEY LAUNDERING-TRANSFER/CONCEAL; C.R.S. §18-5-309(1)(b)(II) (F3)

Between and including the dates of March 12, 2011 and May 10, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY, ALYSE SHANK AND JENNIFER PUTMAN unlawfully and feloniously transported, transmitted, or transferred a monetary instrument or moneys, with knowledge or a belief that the monetary instrument or moneys represented the proceeds of a criminal offense and that the transportation, transmission, or transfer was designed, in whole or in part, to conceal or disguise the nature, location, source, ownership, or control of the proceeds of a criminal offense; contrary to the form of the statute in such case made and provided, §18-5-309(1)(b)(II), C.R.S., MONEY LAUNDERING – TRANSFER/CONCEAL, and against the peace and dignity of the People of the State of Colorado.

### FACTUAL BASIS, INCORPORATING ALL OTHER FACTS IN THE INDICTMENT:

All of the facts supporting all other counts in this Indictment are incorporated in Count Sixty-nine through Count Seventy-eight by this reference.

1. Between and including March 12, 2011 and May 10, 2011, Jennifer Putman entered various Walgreens stores and negotiated five forged checks, supposedly the personal or business checks of "Jennifer Putman" but the checks, made payable to Walgreens, used the bank account information of others. These checks were created on a computer. Check number 30708 in the amount of \$209.11 used the Wells Fargo bank account [REDACTED] information of Kelly Boen. Check numbers 3162 and 3166, in the amounts of \$226.21 and \$146.29 respectively, used the Pueblo Bank & Trust account [REDACTED] information of Donald Wooter. Check numbers 14410 and 14424, in the amounts of \$283.36 and \$263.46 respectively, used the Amfirst Bank account [REDACTED] information of Douglas Berg. The checks were used to purchase six gift cards and HP 60 printer ink.
2. US Postal Service Analyst Hemphill's summary reflects that between March 20, 2011 and March 28, 2011, additional counterfeit checks, at least three of which were in the name of Jennifer Putman, were created on a computer using Donald Wooter's bank account information and used to purchase over \$1000 at Walgreens, Best Buy, 7-Eleven and Office Max.
3. Jennifer Putman was interviewed and admitted associating with Jennifer Spade, Matthew McCluskey and Alyse Shank. Kelly Boen's account information was also used to create counterfeit checks in the name of "Cali Adkisson," and Alyse Shank admitted to Detective Madonna that she passed fraudulent checks in that name. Putman admitted she provided Matthew McCluskey and Alyse Shank with gift cards for drugs.
4. Kelly Boen, Donald Wooter and Douglas Berg did not authorize any member of the enterprise to use their personal or financial identifying information to make checks, to transact checks or to otherwise withdraw money from Wells Fargo, Pueblo Bank & Trust and Amfirst Bank.

## COUNT SEVENTY-NINE

### THEFT/SERIES-\$1000-\$20,000; C.R.S. §18-4-401(1)(4) (F4)

Between and including the dates of October 4, 2010 and April 8, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY AND JENNIFER SPADE unlawfully, feloniously, and knowingly obtained or exercised control over things of value, namely: Merchandise/U.S. Currency, of Michaels, Bobbi Lynn Nutzmans, 7-Eleven, Staples, J.C. Penney's and Target, twice or more within a period of six months, with an aggregate value of one thousand dollars or more but less than twenty thousand dollars, without authorization, or by threat or deception, and knowingly used, concealed, or abandoned the thing of value in such manner as to permanently deprive Michaels, Bobbi Lynn Nutzmans, 7-Eleven, Staples, J.C. Penney's and Target of its use or benefit; contrary to the form of the statute in such case made and provided, §18-4-401(1)(b),(4), C.R.S., THEFT - SERIES, and against the peace and dignity of the People of the State of Colorado.

## **COUNT EIGHTY**

### FORGERY-CHECK/COMMERCIAL INSTRUMENT; C.R.S. §18-5-102(1)(C) (F5)

On or about October 4, 2010, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY AND JENNIFER SPADE with the intent to defraud Michaels, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a check, which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a check #7098 to Michaels; contrary to the form of the statute in such case made and provided, §18-5-102(1)(c), C.R.S., FORGERY, and against the peace and dignity of the People of the State of Colorado.

## **COUNT EIGHTY-ONE**

### FORGERY-CHECK/COMMERCIAL INSTRUMENT; C.R.S. §18-5-102(1)(C) (F5)

On or about March 15, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY AND JENNIFER SPADE with the intent to defraud 7-Eleven, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a check, which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a check # 10007; contrary to the form of the statute in such case made and provided, §18-5-102(1)(c), C.R.S., FORGERY, and against the peace and dignity of the People of the State of Colorado.

## **COUNT EIGHTY-TWO**

### FORGERY-CHECK/COMMERCIAL INSTRUMENT; C.R.S. §18-5-102(1)(C) (F5)

On or about March 16, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY AND JENNIFER SPADE with the intent to defraud Staples, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a check, which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a check # 919255; contrary to the form of the statute in such case made and provided, §18-5-102(1)(c), C.R.S., FORGERY, and against the peace and dignity of the People of the State of Colorado.

## **COUNT EIGHTY-THREE**

### FORGERY-CHECK/COMMERCIAL INSTRUMENT; C.R.S. §18-5-102(1)(C) (F5)

On or about March 22, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY AND JENNIFER SPADE with the intent to defraud J.C. Penney,

unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a check, which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a check #20130; contrary to the form of the statute in such case made and provided, §18-5-102(1)(c), C.R.S., FORGERY, and against the peace and dignity of the People of the State of Colorado.

## **COUNT EIGHTY-FOUR**

### **FORGERY-CHECK/COMMERCIAL INSTRUMENT; C.R.S. §18-5-102(1)(C) (F5)**

On or about March 22, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY AND JENNIFER SPADE with the intent to defraud Target, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a check, which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a check #20132; contrary to the form of the statute in such case made and provided, §18-5-102(1)(c), C.R.S., FORGERY, and against the peace and dignity of the People of the State of Colorado.

## **COUNT EIGHTY-FIVE ✓**

### **FORGERY-CHECK/COMMERCIAL INSTRUMENT; C.R.S. §18-5-102(1)(C) (F5)**

On or about March 22, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY AND JENNIFER SPADE with the intent to defraud Target, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a check, which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a check #20133; contrary to the form of the statute in such case made and provided, §18-5-102(1)(c), C.R.S., FORGERY, and against the peace and dignity of the People of the State of Colorado.

## **COUNT EIGHTY-SIX**

### **FORGERY-GOVERNMENT ISSUED DOCUMENT; C.R.S. §18-5-102(E) (F5)**

On or about January 31, 2011, in and/or triable in the County of Arapahoe, State of Colorado, JENNIFER SPADE with the intent to defraud Bobbi Lynn Nutzmans and the United States Government, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which was purported to be, or which was calculated to become or to represent if completed, a written instrument, namely: U.S. Saving Bonds, officially issued or created by the U.S. Department of the Treasury, a public office, public servant, or government agency; contrary to the form of the statute in such case made and provided, §18-5-102(1)(e), C.R.S., FORGERY, and against the peace and dignity of the People of the State of Colorado.

## **COUNT EIGHTY-SEVEN**

### ID THEFT-USES INFO TO OBTAIN; C.R.S. §18-5-902(1)(A) (F4)

Between and including the dates of October 4, 2010 and April 8, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY, ALYSE SHANK AND JENNIFER SPADE unlawfully, feloniously, and knowingly used the personal identifying information, financial identifying information, or financial device of Hollirose Muholland, Melissa Patton, Bobbi Lynn Nutzmänn, Amy West, Frank Dilatush, Linda Sterk and/or Dennis Hamacer without permission or lawful authority with the intent to obtain cash, credit, property, services, or any other thing of value or to make a financial payment; contrary to the form of the statute in such case made and provided, §18-5-902(1)(a), C.R.S., ID THEFT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT EIGHTY-EIGHT**

### ID THEFT-POSSESSION WITH INTENT TO USE; C.R.S. §18-5-902(1)(B) (F4)

Between and including the dates of October 4, 2010 and April 8, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY, ALYSE SHANK AND JENNIFER SPADE unlawfully, feloniously, and knowingly possessed the personal identifying information, financial identifying information, or financial device of Hollirose Muholland, Melissa Patton, Bobbi Lynn Nutzmänn, Amy West, Frank Dilatush, Linda Sterk and/or Dennis Hamacer without permission or lawful authority, with the intent to use or to aid or permit another person to use the information or device to obtain cash, credit, property, services, or any other thing of value or to make a financial payment; contrary to the form of the statute in such case made and provided, §18-5-902(1)(b), C.R.S., ID THEFT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT EIGHTY-NINE**

### ID THEFT-ALTER/MAKE WRITTEN INSTRUMENT; C.R.S. §18-5-902(1)(C) (F4)

Between and including the dates of October 4, 2010 and April 8, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY, ALYSE SHANK AND JENNIFER SPADE unlawfully, feloniously, and with the intent to defraud, falsely made, completed, altered, or uttered a written instrument or financial device containing personal identifying information or financial identifying information of Hollirose Muholland, Melissa Patton, Bobbi Lynn Nutzmänn, Amy West, Frank Dilatush, Linda Sterk and/or Dennis Hamacer; contrary to the form of the statute in such case made and provided, §18-5-902(1)(c), C.R.S., ID THEFT, and against the peace and dignity of the People of the State of Colorado.

## COUNT NINETY ✓

### CRIMINAL POSSESSION OF FORGED INSTRUMENT; C.R.S. §18-5-105 (F6)

Between and including the dates of October 4, 2010 and April 8, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY, ALYSE SHANK AND JENNIFER SPADE unlawfully and feloniously possessed a forged instrument, namely: a check/driver's license, with knowledge that it was forged and with intent to use the instrument to defraud; contrary to the form of the statute in such case made and provided, §18-5-105, C.R.S., CRIMINAL POSSESSION OF FORGED INSTRUMENT, and against the peace and dignity of the People of the State of Colorado.

### FACTUAL BASIS, INCORPORATING ALL OTHER FACTS IN THE INDICTMENT:

All of the facts supporting all other counts in this Indictment are incorporated in Count Seventy-nine through Count Ninety by this reference.

1. Between and including October 4, 2010 and April 8, 2011, Jennifer Spade entered into various businesses including Michaels, 7-Eleven, Staples, J.C. Penney's and Target and negotiated at least seven forged checks under the names of Melissa Patton, Amy West and Linda Sterk using the financial and personal identifying information of Hollirose Mulholland, Frank Dilatush, Linda Sterk and Dennis Hamacer. These checks were created on a computer.
2. On 10/4/2010, Spade used check number 7098 in the name of Melissa A. Patton to purchase merchandise at Michael's totaling \$228.87 using the Wells Fargo Bank account [REDACTED] information of Hollirose Mulholland.
3. On 3/15/2011, Spade used check number 10007 in the name of Amy West to purchase merchandise at 7-Eleven totaling \$61.95 using the First National Bank of the Rockies account [REDACTED] information of Dennis Hamacer.
4. On 3/16/2011, Spade used check number 919255 in the name of Amy West to purchase merchandise at Staples totaling \$50.55 using the Wells Fargo Bank account [REDACTED] information of Frank Dilatush. Spade specifically admitted to passing this check.
5. On 3/22/2011, Spade used check number 20130 in the name of Amy West to purchase merchandise at J.C. Penny totaling \$157.70 using the First Bank account [REDACTED] information of Linda Sterk.
6. On 3/22/2011, Spade used check number 20131 in the name of Amy West to purchase merchandise at Target totaling \$134.18 using the First Bank account [REDACTED] information of Linda Sterk.
7. On 3/22/2011, Spade used check number 20132 in the name of Amy West to purchase merchandise at Target totaling \$245.34 using the First Bank account [REDACTED] information of Linda Sterk.
8. On 3/23/2011, Spade used check number 20133 in the name of Amy West to purchase merchandise at Target totaling \$211.87 using the First Bank account [REDACTED] information of Linda Sterk.
9. The summary prepared by US Postal Service Analyst Hemphill reflects that fifteen additional checks in the name of Amy L. West, totaling more than \$1000, were passed at various businesses using the financial identifying information of Renee J Atkins and Deborah Jones in addition to others using Linda Sterk's financial information. Dilatush's

financial information was used to create a counterfeit check in the name of Cali Adkisson and transacted by Alyse Shank.

10. On or about January 31, 2011, Jennifer Spade entered into Compass Banks and, using the passport and social security card of Bobbi Lynn Nutzmam, negotiated twenty-one U.S. Saving Bonds that belonged to Bobbi Lynn Nutzmam. These twenty-one bonds were cashed for a total of \$1,597.60.
11. Hollirose Mulholland reported that counterfeit checks were cashed from her bank account under the names William J. Roberts, Melissa A. Patton and Alyse Shank. William Joseph Roberts admitted to receiving checks from and negotiating at least one of them at Home Depot. Roberts previously resided with Matthew McCluskey and Alyse Shank.
12. Melissa Patton, Amy West, Linda Sterk, Hollirose Mulholland, Frank Dilatush, Dennis Hamacer, Bobbi Lynn Nutzmam, Renee J Atkins and Deborah Jones did not authorize any member of the enterprise to use their personal or financial identifying information to make checks, to transact checks, to cash bonds or to otherwise withdraw money from Wells Fargo, First National Bank of the Rockies, First Bank or any other financial institution.

## **COUNT NINETY-ONE**

### THEFT/SERIES-\$1000-\$20,000; C.R.S. §18-4-401(1)(4) (F4)

Between and including the dates of December 29, 2010 and January 19, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MICHAEL DICINO, CARLA COMINIELLO AND JOHNNIE MAIN unlawfully, feloniously, and knowingly obtained or exercised control over things of value, namely: Check/Merchandise/U.S. Currency, of State Farm, 7-Eleven, Home Depot, Walgreens and King Soopers, twice or more within a period of six months, with an aggregate value of one thousand dollars or more but less than twenty thousand dollars, without authorization, or by threat or deception, and knowingly used, concealed, or abandoned the thing of value in such manner as to permanently deprive State Farm, 7-Eleven, Home Depot, Walgreens and King Soopers of its use or benefit; contrary to the form of the statute in such case made and provided, §18-4-401(1)(b),(4), C.R.S., THEFT - SERIES, and against the peace and dignity of the People of the State of Colorado.

## **COUNT NINETY-TWO**

### FORGERY-CHECK/COMMERCIAL INSTRUMENT; C.R.S. §18-5-102(1)(C) (F5)

On or about December 29, 2010, in and/or triable in the County of Arapahoe, State of Colorado, MICHAEL DICINO, ROBERT TURNER, CARLA COMINIELLO AND JOHNNIE MAIN, with the intent to defraud State Farm Insurance, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a check, which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a check #758023Q; contrary to the form of the statute in such case made and provided, §18-5-102(1)(c), C.R.S., FORGERY, and against the peace and dignity of the People of the State of Colorado.

## **COUNT NINETY-THREE**

### FORGERY-CHECK/COMMERCIAL INSTRUMENT; C.R.S. §18-5-102(1)(C) (F5)

Between and including the dates of December 29, 2010 and January 19, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MICHAEL DICINO, CARLA COMINIELLO AND JOHNNIE MAIN, with the intent to defraud Home Depot, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a check, which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a check #1086; contrary to the form of the statute in such case made and provided, §18-5-102(1)(c), C.R.S., FORGERY, and against the peace and dignity of the People of the State of Colorado.

## **COUNT NINETY-FOUR**

### FORGERY-CHECK/COMMERCIAL INSTRUMENT; C.R.S. §18-5-102(1)(C) (F5)

Between and including the dates of December 29, 2010 and January 19, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MICHAEL DICINO, CARLA COMINIELLO AND JOHNNIE MAIN, with the intent to defraud State Farm, 7-Eleven, Home Depot, Walgreens and King Soopers, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a check, which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a check # 2881; contrary to the form of the statute in such case made and provided, §18-5-102(1)(c), C.R.S., FORGERY, and against the peace and dignity of the People of the State of Colorado.

## **COUNT NINETY-FIVE**

### FORGERY-CHECK/COMMERCIAL INSTRUMENT; C.R.S. §18-5-102(1)(C) (F5)

Between and including the dates of December 29, 2010 and January 19, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MICHAEL DICINO, CARLA COMINIELLO AND JOHNNIE MAIN, with the intent to defraud State Farm, 7-Eleven, Home Depot, Walgreens and King Soopers, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a check, which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a check #1088; contrary to the form of the statute in such case made and provided, §18-5-102(1)(c), C.R.S., FORGERY, and against the peace and dignity of the People of the State of Colorado.



## **COUNT NINETY-SIX**

### ID THEFT-USES INFO TO OBTAIN; C.R.S. §18-5-902(1)(A) (F4)

Between and including the dates of December 29, 2010 and January 19, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MICHAEL DICINO, ROBERT TURNER, CARLA COMINIELLO AND JOHNIIE MAIN unlawfully, feloniously, and knowingly used the personal identifying information, financial identifying information, or financial device of State Farm, without permission or lawful authority with the intent to obtain cash, credit, property, services, or any other thing of value or to make a financial payment; contrary to the form of the statute in such case made and provided, §18-5-902(1)(a), C.R.S., ID THEFT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT NINETY-SEVEN**

### ID THEFT-USES INFO TO OBTAIN; C.R.S. §18-5-902(1)(A) (F4)

Between and including the dates of December 29, 2010 and January 19, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MICHAEL DICINO, CARLA COMINIELLO AND JOHNIIE MAIN unlawfully, feloniously, and knowingly used the personal identifying information, financial identifying information, or financial device of Nancy Flint and Jennifer Flint without permission or lawful authority with the intent to obtain cash, credit, property, services, or any other thing of value or to make a financial payment; contrary to the form of the statute in such case made and provided, §18-5-902(1)(a), C.R.S., ID THEFT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT NINETY-EIGHT**

### ID THEFT-POSSESSION WITH INTENT TO USE; C.R.S. §18-5-902(1)(B) (F4)

Between and including the dates of December 29, 2010 and January 19, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MICHAEL DICINO, ROBERT TURNER, CARLA COMINIELLO AND JOHNIIE MAIN unlawfully, feloniously, and knowingly possessed the personal identifying information, financial identifying information, or financial device of State Farm without permission or lawful authority, with the intent to use or to aid or permit another person to use the information or device to obtain cash, credit, property, services, or any other thing of value or to make a financial payment; contrary to the form of the statute in such case made and provided, §18-5-902(1)(b), C.R.S., ID THEFT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT NINETY-NINE**

### ID THEFT-POSSESSION WITH INTENT TO USE; C.R.S. §18-5-902(1)(B) (F4)

Between and including the dates of December 29, 2010 and January 19, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MICHAEL DICINO, CARLA COMINIELLO AND

JOHNIE MAIN unlawfully, feloniously, and knowingly possessed the personal identifying information, financial identifying information, or financial device of Nancy Flint and Jennifer Flint without permission or lawful authority, with the intent to use or to aid or permit another person to use the information or device to obtain cash, credit, property, services, or any other thing of value or to make a financial payment; contrary to the form of the statute in such case made and provided, §18-5-902(1)(b), C.R.S., ID THEFT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT ONE HUNDRED**

### **ID THEFT-ALTER/MAKE WRITTEN INSTRUMENT; C.R.S. §18-5-902(1)(C) (F4)**

Between and including the dates of December 29, 2010 and January 19, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MICHAEL DICINO, ROBERT TURNER, CARLA COMINIELLO AND JOHNIE MAIN unlawfully, feloniously, and with the intent to defraud, falsely made, completed, altered, or uttered a written instrument or financial device containing personal identifying information or financial identifying information of State Farm; contrary to the form of the statute in such case made and provided, §18-5-902(1)(c), C.R.S., ID THEFT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT ONE HUNDRED ONE**

### **ID THEFT-ALTER/MAKE WRITTEN INSTRUMENT; C.R.S. §18-5-902(1)(C) (F4)**

Between and including the dates of December 29, 2010 and January 19, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MICHAEL DICINO, CARLA COMINIELLO AND JOHNIE MAIN unlawfully, feloniously, and with the intent to defraud, falsely made, completed, altered, or uttered a written instrument or financial device containing personal identifying information or financial identifying information of Nancy Flint and Jennifer Flint; contrary to the form of the statute in such case made and provided, §18-5-902(1)(c), C.R.S., ID THEFT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT ONE HUNDRED TWO**

### **CRIMINAL POSSESSION OF FORGED INSTRUMENT; C.R.S. §18-5-105 (F6)**

Between and including the dates of December 29, 2010 and January 19, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MICHAEL DICINO, ROBERT TURNER, CARLA COMINIELLO AND JOHNIE MAIN unlawfully and feloniously possessed a forged instrument, namely: a State Farm check, with knowledge that it was forged and with intent to use the instrument to defraud; contrary to the form of the statute in such case made and provided, §18-5-105, C.R.S., CRIMINAL POSSESSION OF FORGED INSTRUMENT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT ONE HUNDRED THREE**

### CRIMINAL POSSESSION OF FORGED INSTRUMENT; C.R.S. §18-5-105 (F6)

Between and including the dates of December 29, 2010 and January 19, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MICHAEL DICINO, CARLA COMINIELLO AND JOHNIE MAIN unlawfully and feloniously possessed a forged instrument, namely: a check #1086, with knowledge that it was forged and with intent to use the instrument to defraud; contrary to the form of the statute in such case made and provided, §18-5-105, C.R.S., CRIMINAL POSSESSION OF FORGED INSTRUMENT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT ONE HUNDRED FOUR**

### CRIMINAL POSSESSION OF FORGED INSTRUMENT; C.R.S. §18-5-105 (F6)

Between and including the dates of December 29, 2010 and January 19, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MICHAEL DICINO, CARLA COMINIELLO AND JOHNIE MAIN unlawfully and feloniously possessed a forged instrument, namely: a check #2881, with knowledge that it was forged and with intent to use the instrument to defraud; contrary to the form of the statute in such case made and provided, §18-5-105, C.R.S., CRIMINAL POSSESSION OF FORGED INSTRUMENT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT ONE HUNDRED FIVE**

### CRIMINAL POSSESSION OF FORGED INSTRUMENT; C.R.S. §18-5-105 (F6)

Between and including the dates of December 29, 2010 and January 19, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MICHAEL DICINO, CARLA COMINIELLO AND JOHNIE MAIN unlawfully and feloniously possessed a forged instrument, namely: a check #1088, with knowledge that it was forged and with intent to use the instrument to defraud; contrary to the form of the statute in such case made and provided, §18-5-105, C.R.S., CRIMINAL POSSESSION OF FORGED INSTRUMENT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT ONE HUNDRED SIX**

### CONSPIRACY TO COMMIT MONEY LAUNDERING-CONCEAL, C.R.S. §18-5-309(1)(A)(II);18-2-201 (F4)

On or about January 19, 2011, in and/or triable in the County of Arapahoe, State of Colorado, JOHNIE MAIN, with the intent to promote or facilitate the commission of the crime of money laundering, unlawfully and feloniously agreed with other members of the Enterprise and with a person or persons unknown to the grand jury that one or more of them would engage in conduct which constituted that crime or an attempt to commit that crime, or agreed to aid the other person

or persons in the planning or commission or attempted commission of that crime, and an overt act in pursuance of the conspiracy was committed by one or more of the conspirators; contrary to the form of the statute in such case made and provided, CONSPIRACY TO COMMIT MONEY LAUNDERING (\$1,000 TO \$20,000), §§18-5-309(1)(a)(II) and 18-2-201, C.R.S. (F4), and against the peace and dignity of the People of the State of Colorado.

## **COUNT ONE HUNDRED SEVEN**

### MONEY LAUNDERING—TRANSFER/CONCEAL; C.R.S. §18-5-309(1)(B)(II) (F3)

On or about January 19, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MICHAEL DICINO, CARLA COMINIELLO AND JOHNIE MAIN unlawfully and feloniously transported, transmitted, or transferred a monetary instrument or moneys, with knowledge or a belief that the monetary instrument or moneys represented the proceeds of a criminal offense and that the transportation, transmission, or transfer was designed, in whole or in part, to conceal or disguise the nature, location, source, ownership, or control of the proceeds of a criminal offense; contrary to the form of the statute in such case made and provided, §18-5-309(1)(b)(II), C.R.S., MONEY LAUNDERING – TRANSFER/CONCEAL, and against the peace and dignity of the People of the State of Colorado.

### FACTUAL BASIS, INCORPORATING ALL OTHER FACTS IN THE INDICTMENT:

All of the facts supporting all other counts in this Indictment are incorporated in Count Ninety-one through Count One hundred seven by this reference.

1. On or about December 29, 2010, Johnie Main entered into 7-Eleven and cashed a State Farm check, made payable to “Johnie Steven Alan Main” in the amount of \$866.60. This State Farm check, #758023Q, was one of 100 that were stolen from a State Farm agent in August of 2010. US Postal Service Analyst Hemphill’s summary reports that State Farm Insurance checks were cashed in the names: Brittany Cox, Johnie Main, and Lauren Ciparro.
2. Johnie Main told Inspector McGahey on March 21, 2011 that Robert Turner gave him a counterfeit insurance check that he thought he cashed at a Denver Metro 7-Eleven. Main said he split the money with Turner. Main said that Turner and Dicino were working together to get people to cash the checks.
3. Laura Fritz reported to Inspector McGahey that Robert Turner provided Johnie Main and her with counterfeit insurance checks in January 2011 and provided Inspector McGahey with a counterfeit State Farm check made payable to Johnie Steven Alan Main to corroborate her statement. Laura Fritz also reported that she was also asked by Michael Dicino to cash State Farm checks.
4. On 1/19/2011, Main used check number 1086 in the name of Johnie S. Main to purchase merchandise at Home Depot, specifically a gift card in the amount of \$200.00 using the TCF Bank account [REDACTED] information of Nancy Flint. Main specifically admitted to passing this check.
5. On 1/19/2011, Main used check number 2881 in the name of Johnie Main to purchase merchandise at Walgreens in the amount of \$71.72 using the Addison Avenue Federal

Credit Union account [REDACTED] information of Jennifer Flint. Main specifically admitted to passing this check.

6. On 1/19/2011, Main used check number 1088 in the name of Johnie S. Main to purchase merchandise at King Soopers in the amount of \$331.34 using the TCF Bank account [REDACTED] information of Nancy Flint. Main specifically admitted to passing this check.
7. Main was later interviewed and admitted that he, Laura Fritz, Mike Dicino and Carla Cominiello stole the account information from the mail and that the checks were made by Dicino and Cominiello. He stated that he traded the \$100 gift card he obtained from Home Depot on 1/19/2011 for methamphetamine and that counterfeit checks were often converted to gift cards to be used as money.
8. State Farm, Nancy Flint and Jennifer Flint did not authorize any member of the enterprise to use their personal or financial identifying information to make checks, to transact checks, to cash checks or to otherwise withdraw money from JPMorgan Chase, TCF Bank or Addison Avenue Credit Union.

## **COUNT ONE HUNDRED EIGHT**

### THEFT-\$500-\$1000; C.R.S. §18-4-401(1)(B)(2)(B.5) (M1)

Between and including the dates of January 18, 2011 and January 25, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MICHAEL DICINO, CARLA COMINIELLO AND LAURA FRITZ unlawfully and knowingly obtained or exercised control over a thing of value, namely: Merchandise/U.S. Currency, of Target, Valero and Best Buy, with the value of five hundred dollars or more but less than one thousand dollars, without authorization, or by threat or deception, and knowingly used, concealed, or abandoned the thing of value in such manner as to permanently deprive Target, Valero and Best Buy of its use or benefit; contrary to the form of the statute in such case made and provided, §18-4-401(1)(b),(2)(b.5), C.R.S., THEFT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT ONE HUNDRED NINE**

### FORGERY-CHECK/COMMERCIAL INSTRUMENT; C.R.S. §18-5-102(1)(C) (F5)

Between and including the dates of January 18, 2011 and January 25, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MICHAEL DICINO, CARLA COMINIELLO AND LAURA FRITZ with the intent to defraud Target, Valero and Best Buy, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a check, which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a check.; contrary to the form of the statute in such case made and provided, §18-5-102(1)(c), C.R.S., FORGERY, and against the peace and dignity of the People of the State of Colorado.

## **COUNT ONE HUNDRED TEN**

### ID THEFT-USES INFO TO OBTAIN; C.R.S. §18-5-902(1)(A) (F4)

Between and including the dates of January 18, 2011 and January 25, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MICHAEL DICINO, CARLA COMINIELLO AND LAURA FRITZ unlawfully, feloniously, and knowingly used the personal identifying information, financial identifying information, or financial device of Jennifer Flint without permission or lawful authority with the intent to obtain cash, credit, property, services, or any other thing of value or to make a financial payment; contrary to the form of the statute in such case made and provided, §18-5-902(1)(a), C.R.S., ID THEFT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT ONE HUNDRED ELEVEN**

### ID THEFT-POSSESSION WITH INTENT TO USE; C.R.S. §18-5-902(1)(B) (F4)

Between and including the dates of January 18, 2011 and January 25, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MICHAEL DICINO, CARLA COMINIELLO AND LAURA FRITZ unlawfully, feloniously, and knowingly possessed the personal identifying information, financial identifying information, or financial device of Jennifer Flint without permission or lawful authority, with the intent to use or to aid or permit another person to use the information or device to obtain cash, credit, property, services, or any other thing of value or to make a financial payment; contrary to the form of the statute in such case made and provided, §18-5-902(1)(b), C.R.S., ID THEFT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT ONE HUNDRED TWELVE**

### ID THEFT-ALTER/MAKE WRITTEN INSTRUMENT; C.R.S. §18-5-902(1)(C) (F4)

Between and including the dates of January 18, 2011 and January 25, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MICHAEL DICINO, CARLA COMINIELLO AND LAURA FRITZ unlawfully, feloniously, and with the intent to defraud, falsely made, completed, altered, or uttered a written instrument or financial device containing personal identifying information or financial identifying information of Jennifer Flint; contrary to the form of the statute in such case made and provided, §18-5-902(1)(c), C.R.S., ID THEFT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT ONE HUNDRED THIRTEEN**

### CRIMINAL POSSESSION OF FORGED INSTRUMENT; C.R.S. §18-5-105 (F6)

Between and including the dates of January 18, 2011 and January 25, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MICHAEL DICINO, CARLA COMINIELLO AND LAURA FRITZ unlawfully and feloniously possessed a forged instrument, namely: a

check/driver's license, with knowledge that it was forged and with intent to use the instrument to defraud; contrary to the form of the statute in such case made and provided, §18-5-105, C.R.S., CRIMINAL POSSESSION OF FORGED INSTRUMENT, and against the peace and dignity of the People of the State of Colorado.

FACTUAL BASIS, INCORPORATING ALL OTHER FACTS IN THE INDICTMENT:

All of the facts supporting all other counts in this Indictment are incorporated in Count One hundred eight through Count One hundred thirteen by this reference.

1. Between and including January 18, 2011 and January 25, 2011, Laura Fritz entered into Target, Valero and Best Buy and negotiated three forged checks electronically on the Addison Avenue Credit Union account of Jennifer Flint, respectively. These checks were created on a computer. The checks were check numbers 2885, 2887 and 2888 drawn Addison Avenue Credit Union account number [REDACTED] the amounts of \$245.49, \$33.54 and \$427.64. The checks were made payable to Target, Valero and Best Buy.
2. Laura Fritz admitted passing several other forged checks that she received from Michael Dicino. She identified Michael Dicino, Robert Turner and Carla Cominiello as individuals who created checks on the computer for others to cash. She stated that she was introduced to Dicino and Main by Lauren Ciparro. She stated she drove Michael Dicino more than once to "Matt's" house, later identified as the residence of Matthew McCluskey, but that she never went inside or met Matt. She identified the Rick Child's house as the place where Robert Turner resided and where she observed Robert Turner create counterfeit checks on a computer for Michael Dicino and Carla Cominiello.
3. Fritz admitted she attempted to cash a State Farm Insurance check made out in her name and the Hemphill summary reflects that State Farm accounted for check number 758025Q made payable to Laura Fritz. Fritz provided law enforcement with a stolen State Farm Insurance check 120758025Q made out to Johnie Steven Alan Main as corroboration for her report.
4. Fritz admitted to Investigator McGahey that she drove Michael Dicino, Carla Cominiello and Johnie Main when they stole mail from mailboxes in Aurora in January 2011. Fritz stated that she believed that two checks located in the mail were later used to create counterfeit checks. She provided a photo of one of the stolen checks from the account of Jennifer L. Flint made out to Gallegos Sanitation, which is the account she used to cash three forged checks. Johnie Main admitted to cashing several counterfeit checks, which later were found to have used the financial and personal identifying information of Jennifer Flint and Nancy L. Flint.
5. Jennifer Flint did not authorize any member of the enterprise to use her personal or financial identifying information to make checks, to transact checks or to otherwise withdraw money from Addison Avenue Credit Union.

## **COUNT ONE HUNDRED FOURTEEN**

### THEFT-UNDER \$500; C.R.S. §18-4-401(1)(2)(B) (M2)

On or about December 29, 2010, in and/or triable in the County of Arapahoe, State of Colorado, MICHAEL DICINO, ROBERT TURNER AND LAUREN CIPARRO unlawfully and knowingly obtained or exercised control over a thing of value, namely: U.S. Currency, of State Farm and 7-Eleven, with the value of less than five hundred dollars, without authorization, or by threat or deception, and knowingly used, concealed, or abandoned the thing of value in such manner as to permanently deprive State Farm and 7-Eleven of its use or benefit; contrary to the form of the statute in such case made and provided, §18-4-401(1)(b),(2)(b), C.R.S., THEFT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT ONE HUNDRED FIFTEEN**

### FORGERY-CHECK/COMMERCIAL INSTRUMENT; C.R.S. §18-5-102(1)(C) (F5)

On or about December 29, 2010, in and/or triable in the County of Arapahoe, State of Colorado, MICHAEL DICINO, ROBERT TURNER AND LAUREN CIPARRO with the intent to defraud 7-Eleven, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a check, which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a State Farm Insurance check.; contrary to the form of the statute in such case made and provided, §18-5-102(1)(c), C.R.S., FORGERY, and against the peace and dignity of the People of the State of Colorado.

## **COUNT ONE HUNDRED SIXTEEN**

### ID THEFT-USES INFO TO OBTAIN; C.R.S. §18-5-902(1)(A) (F4)

On or about December 29, 2010, in and/or triable in the County of Arapahoe, State of Colorado, MICHAEL DICINO, ROBERT TURNER AND LAUREN CIPARRO unlawfully, feloniously, and knowingly used the personal identifying information, financial identifying information, or financial device of State Farm without permission or lawful authority with the intent to obtain cash, credit, property, services, or any other thing of value or to make a financial payment; contrary to the form of the statute in such case made and provided, §18-5-902(1)(a), C.R.S., ID THEFT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT ONE HUNDRED SEVENTEEN**

### ID THEFT-POSSESSION WITH INTENT TO USE; C.R.S. §18-5-902(1)(B) (F4)

On or about December 29, 2010, in and/or triable in the County of Arapahoe, State of Colorado, MICHAEL DICINO, ROBERT TURNER AND LAUREN CIPARRO unlawfully, feloniously, and knowingly possessed the personal identifying information, financial identifying information,



or financial device of State Farm without permission or lawful authority, with the intent to use or to aid or permit another person to use the information or device to obtain cash, credit, property, services, or any other thing of value or to make a financial payment; contrary to the form of the statute in such case made and provided, §18-5-902(1)(b), C.R.S., ID THEFT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT ONE HUNDRED EIGHTEEN**

### ID THEFT-ALTER/MAKE WRITTEN INSTRUMENT; C.R.S. §18-5-902(1)(C) (F4)

On or about December 29, 2010, in and/or triable in the County of Arapahoe, State of Colorado, MICHAEL DICINO, ROBERT TURNER AND LAUREN CIPARRO unlawfully, feloniously, and with the intent to defraud, falsely made, completed, altered, or uttered a written instrument or financial device containing personal identifying information or financial identifying information of State Farm; contrary to the form of the statute in such case made and provided, §18-5-902(1)(c), C.R.S., ID THEFT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT ONE HUNDRED NINETEEN**

### CRIMINAL POSSESSION OF FORGED INSTRUMENT; C.R.S. §18-5-105 (F6)

On or about December 29, 2010, in and/or triable in the County of Arapahoe, State of Colorado, MICHAEL DICINO, ROBERT TURNER AND LAUREN CIPARRO unlawfully and feloniously possessed a forged instrument, namely: a check, with knowledge that it was forged and with intent to use the instrument to defraud; contrary to the form of the statute in such case made and provided, §18-5-105, C.R.S., CRIMINAL POSSESSION OF FORGED INSTRUMENT, and against the peace and dignity of the People of the State of Colorado.

### FACTUAL BASIS, INCORPORATING ALL OTHER FACTS IN THE INDICTMENT:

All of the facts supporting all other counts in this Indictment are incorporated in Count One hundred fourteen through Count One hundred nineteen by this reference.

1. On or about December 29, 2010, Lauren Ciparro entered into 7-Eleven and cashed a State Farm Insurance check, made payable to "Lauren Ciparro" in the amount of \$470.00. This State Farm check, #758097Q, was one of 100 that were stolen from a State Farm agent in August of 2010.
2. Ciparro admitted she obtained the stolen check from Michael Dicino and Robert Turner, who she observed use a typewriter to complete a blank check.
3. State Farm did not authorize any member of the enterprise to use their personal or financial identifying information to transact checks, to cash checks or to otherwise withdraw money from JPMorgan Chase.

## **COUNT ONE HUNDRED TWENTY**

### THEFT-UNDER \$500; C.R.S. §18-4-401(1)(2)(B) (M2)

On or about December 17, 2010, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY AND MATTHEW LEMAN unlawfully and knowingly obtained or exercised control over a thing of value, namely: Merchandise/U.S. Currency, of Walgreens, with the value of less than five hundred dollars, without authorization, or by threat or deception, and knowingly used, concealed, or abandoned the thing of value in such manner as to permanently deprive Walgreens of its use or benefit; contrary to the form of the statute in such case made and provided, §18-4-401(1)(b),(2)(b), C.R.S., THEFT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT ONE HUNDRED TWENTY-ONE**

### FORGERY-CHECK/COMMERCIAL INSTRUMENT; C.R.S. §18-5-102(1)(C) (F5)

On or about December 17, 2010, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY AND MATTHEW LEMAN with the intent to defraud Walgreens, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a check, which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a check.; contrary to the form of the statute in such case made and provided, §18-5-102(1)(c), C.R.S., FORGERY, and against the peace and dignity of the People of the State of Colorado.

## **COUNT ONE HUNDRED TWENTY-TWO**

### FORGERY-GOVERNMENT ISSUED DOCUMENT; C.R.S. §18-5-102(E) (F5)

On or about December 17, 2010, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY AND MATTHEW LEMAN with the intent to defraud Walgreens, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which was purported to be, or which was calculated to become or to represent if completed, a written instrument, namely: identification card, officially issued or created by the State of Colorado – Department of Revenue, a public office, public servant, or government agency; contrary to the form of the statute in such case made and provided, §18-5-102(1)(e), C.R.S., FORGERY, and against the peace and dignity of the People of the State of Colorado.

## **COUNT ONE HUNDRED TWENTY-THREE**

### ID THEFT-USES INFO TO OBTAIN; C.R.S. §18-5-902(1)(A) (F4)

On or about December 17, 2010, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY AND MATTHEW LEMAN unlawfully, feloniously, and knowingly used the personal identifying information, financial identifying information, or

financial device of Brandon Kempton and Karen Pederson without permission or lawful authority with the intent to obtain cash, credit, property, services, or any other thing of value or to make a financial payment; contrary to the form of the statute in such case made and provided, §18-5-902(1)(a), C.R.S., ID THEFT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT ONE HUNDRED TWENTY-FOUR**

### **ID THEFT-POSSESSION WITH INTENT TO USE; C.R.S. §18-5-902(1)(B) (F4)**

On or about December 17, 2010, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY AND MATTHEW LEMAN unlawfully, feloniously, and knowingly possessed the personal identifying information, financial identifying information, or financial device of Brandon Kempton and Karen Pederson without permission or lawful authority, with the intent to use or to aid or permit another person to use the information or device to obtain cash, credit, property, services, or any other thing of value or to make a financial payment; contrary to the form of the statute in such case made and provided, §18-5-902(1)(b), C.R.S., ID THEFT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT ONE HUNDRED TWENTY-FIVE**

### **ID THEFT-ALTER/MAKE WRITTEN INSTRUMENT; C.R.S. §18-5-902(1)(C) (F4)**

On or about December 17, 2010, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY AND MATTHEW LEMAN unlawfully, feloniously, and with the intent to defraud, falsely made, completed, altered, or uttered a written instrument or financial device containing personal identifying information or financial identifying information of Brandon Kempton and Karen Pederson; contrary to the form of the statute in such case made and provided, §18-5-902(1)(c), C.R.S., ID THEFT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT ONE HUNDRED TWENTY-SIX ✓**

### **CRIMINAL POSSESSION OF FORGED INSTRUMENT; C.R.S. §18-5-105 (F6)**

On or about December 17, 2010, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY AND MATTHEW LEMAN unlawfully and feloniously possessed a forged instrument, namely: a check/identification card, with knowledge that it was forged and with intent to use the instrument to defraud; contrary to the form of the statute in such case made and provided, §18-5-105, C.R.S., CRIMINAL POSSESSION OF FORGED INSTRUMENT, and against the peace and dignity of the People of the State of Colorado.

### **FACTUAL BASIS, INCORPORATING ALL OTHER FACTS IN THE INDICTMENT:**

All of the facts supporting all other counts in this Indictment are incorporated in Count One hundred twenty through Count One hundred twenty-six by this reference.

1. On or about December 17, 2010, Matthew Leman entered Walgreens and negotiated a counterfeit check under the name of Brandon Kempton and on the US Bank account of Karen Pederson. This check was created on a computer. The check purported to be a personal check of Brandon Kempton, was check number 1011429 drawn on US Bank account number [REDACTED] in the amount of \$182.99. The check was made payable to Walgreens.
2. The summary prepared by US Postal Service Analyst Hemphill reflects the following:
3. On 12/30/2010, Leman used check number 11427 in the name of Brandon Kempton to purchase merchandise at Walgreens totaling \$91.99 using the US Bank account [REDACTED] information of Karen Pederson. Four checks using Karen Pederson's financial identifying information were negotiated in the name Robert Turner.
4. Thirty-four (34) additional checks, issued in the name Brandon Kempton or Brandon L Kempton and using the financial identifying information of others, were negotiated between 11/21/2010 and 12/15/2010. A check in the name of Richard A or Bonnie S Guerinot drawn on Wachovia/Wells Fargo account [REDACTED] was discovered during the search of McCluskey's Alaska Place residence. Four counterfeit checks using the Guerinot financial identifying information were issued under the name Brandon L Kempton according to the Hemphill summary.
5. A check in the name of John A and Marilyn H Maynard was discovered during the search of McCluskey's Alaska Place residence. Hemphill's summary identified nine checks issued under the name Brandon Kempton and one check issued under the name Robert Turner that all used the Maynard financial identifying information.
6. A check in the name Roy B. Frank and two checks in the name Brandon Kempton were negotiated using the financial identifying information of Holly & Michael Cox.
7. Alyse Shank deposited a check made payable to Erick J Stephens into her 1<sup>st</sup> Bank account. Six other counterfeit checks issued under the name Brandon L Kempton were negotiated using the financial identifying information of Erick Stephens after he reported his checks were stolen from his car.
8. During the 1/20/2011 search of McCluskey's Alaska Place residence, a counterfeit Colorado Identification Card in the name of Brandon Lee Kempton but bearing the picture of Matthew Leman was seized. In an August 19, 2011 interview by Investigator McGahey, Leman admitted he "used the name Brandon Kempton but he no longer does checks."
9. Brandon Kempton and Karen Pederson did not did not authorize any member of the enterprise to use or possess their personal or financial identifying information to make an identification card, to make checks, to transact checks or to otherwise withdraw money from US Bank.

## **COUNT ONE HUNDRED TWENTY-SEVEN**

THEFT/SERIES-\$1000-\$20,000; C.R.S. §18-4-401(1)(4) (F4)

Between and including the dates of March 19, 2011 and April 19, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MICHAEL DICINO unlawfully, feloniously, and knowingly obtained or exercised control over things of value, namely: Merchandise/U.S. Currency, of King Soopers, 7-Eleven, Burlington Coat Factory, Safeway and Best Buy, twice or

more within a period of six months, with an aggregate value of one thousand dollars or more but less than twenty thousand dollars, without authorization, or by threat or deception, and knowingly used, concealed, or abandoned the thing of value in such manner as to permanently deprive King Soopers, 7-Eleven, Burlington Coat Factory, Safeway and Best Buy of its use or benefit; contrary to the form of the statute in such case made and provided, §18-4-401(1)(b),(4), C.R.S., THEFT - SERIES, and against the peace and dignity of the People of the State of Colorado.

## **COUNT ONE HUNDRED TWENTY-EIGHT**

### FORGERY-CHECK/COMMERCIAL INSTRUMENT; C.R.S. §18-5-102(1)(C) (F5)

Between and including the dates of March 19, 2011 and April 19, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MICHAEL DICINO, with the intent to defraud King Soopers, 7-Eleven, Burlington Coat Factory, Safeway and Best Buy, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a check, which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a check.; contrary to the form of the statute in such case made and provided, §18-5-102(1)(c), C.R.S., FORGERY, and against the peace and dignity of the People of the State of Colorado.

## **COUNT ONE HUNDRED TWENTY-NINE**

### FORGERY-CHECK/COMMERCIAL INSTRUMENT; C.R.S. §18-5-102(1)(C) (F5)

On or about March 19, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MICHAEL DICINO, with the intent to defraud King Soopers, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a check, which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a check #3804; contrary to the form of the statute in such case made and provided, §18-5-102(1)(c), C.R.S., FORGERY, and against the peace and dignity of the People of the State of Colorado.

## **COUNT ONE HUNDRED THIRTY**

### FORGERY-CHECK/COMMERCIAL INSTRUMENT; C.R.S. §18-5-102(1)(C) (F5)

On or about March 19, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MICHAEL DICINO, with the intent to defraud King Soopers, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a check, which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a check #6801; contrary to the form of the statute in such

case made and provided, §18-5-102(1)(c), C.R.S., FORGERY, and against the peace and dignity of the People of the State of Colorado.

### **COUNT ONE HUNDRED THIRTY-ONE**

FORGERY-CHECK/COMMERCIAL INSTRUMENT; C.R.S. §18-5-102(1)(C) (F5)

On or about March 19, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MICHAEL DICINO, with the intent to defraud King Soopers, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a check, which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a check #6802; contrary to the form of the statute in such case made and provided, §18-5-102(1)(c), C.R.S., FORGERY, and against the peace and dignity of the People of the State of Colorado.

### **COUNT ONE HUNDRED THIRTY-TWO**

FORGERY-CHECK/COMMERCIAL INSTRUMENT; C.R.S. §18-5-102(1)(C) (F5)

On or about March 20, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MICHAEL DICINO, with the intent to defraud 7-Eleven, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a check, which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a check #3805; contrary to the form of the statute in such case made and provided, §18-5-102(1)(c), C.R.S., FORGERY, and against the peace and dignity of the People of the State of Colorado.

### **COUNT ONE HUNDRED THIRTY-THREE**

FORGERY-CHECK/COMMERCIAL INSTRUMENT; C.R.S. §18-5-102(1)(C) (F5)

On or about March 21, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MICHAEL DICINO, with the intent to defraud Burlington Coat Factory, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a check, which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a check #3808; contrary to the form of the statute in such case made and provided, §18-5-102(1)(c), C.R.S., FORGERY, and against the peace and dignity of the People of the State of Colorado.

## **COUNT ONE HUNDRED THIRTY-FOUR**

### FORGERY-CHECK/COMMERCIAL INSTRUMENT; C.R.S. §18-5-102(1)(C) (F5)

On or about March 21, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MICHAEL DICINO, with the intent to defraud 7-Eleven, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a check, which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a check #3807.; contrary to the form of the statute in such case made and provided, §18-5-102(1)(c), C.R.S., FORGERY, and against the peace and dignity of the People of the State of Colorado.

## **COUNT ONE HUNDRED THIRTY-FIVE**

### FORGERY-CHECK/COMMERCIAL INSTRUMENT; C.R.S. §18-5-102(1)(C) (F5)

On or about March 22, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MICHAEL DICINO, with the intent to defraud 7-Eleven, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a check, which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a check#6816; contrary to the form of the statute in such case made and provided, §18-5-102(1)(c), C.R.S., FORGERY, and against the peace and dignity of the People of the State of Colorado.

## **COUNT ONE HUNDRED THIRTY-SIX**

### FORGERY-CHECK/COMMERCIAL INSTRUMENT; C.R.S. §18-5-102(1)(C) (F5)

On or about March 22, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MICHAEL DICINO, with the intent to defraud Safeway, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a check, which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a check #6818; contrary to the form of the statute in such case made and provided, §18-5-102(1)(c), C.R.S., FORGERY, and against the peace and dignity of the People of the State of Colorado.

## **COUNT ONE HUNDRED THIRTY-SEVEN**

### FORGERY-CHECK/COMMERCIAL INSTRUMENT; C.R.S. §18-5-102(1)(C) (F5)

Between and including the dates of March 19, 2011 and April 19, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MICHAEL DICINO, with the intent to defraud King Soopers, 7-Eleven, Burlington Coat Factory, Safeway and Best Buy, unlawfully, feloniously, and

falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a check, which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a check.; contrary to the form of the statute in such case made and provided, §18-5-102(1)(c), C.R.S., FORGERY, and against the peace and dignity of the People of the State of Colorado.

## **COUNT ONE HUNDRED THIRTY-EIGHT**

### FORGERY-CHECK/COMMERCIAL INSTRUMENT; C.R.S. §18-5-102(1)(C) (F5)

On or about April 7, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MICHAEL DICINO, with the intent to defraud King Soopers, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a check, which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a check # 4717; contrary to the form of the statute in such case made and provided, §18-5-102(1)(c), C.R.S., FORGERY, and against the peace and dignity of the People of the State of Colorado.

## **COUNT ONE HUNDRED THIRTY-NINE**

### FORGERY-CHECK/COMMERCIAL INSTRUMENT; C.R.S. §18-5-102(1)(C) (F5)

On or about April 19, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MICHAEL DICINO, with the intent to defraud Best Buy, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a check, which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a check # 14918; contrary to the form of the statute in such case made and provided, §18-5-102(1)(c), C.R.S., FORGERY, and against the peace and dignity of the People of the State of Colorado.

## **COUNT ONE HUNDRED FORTY**

### FORGERY-CHECK/COMMERCIAL INSTRUMENT; C.R.S. §18-5-102(1)(C) (F5)

On or about April 19, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MICHAEL DICINO, with the intent to defraud Safeway, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a check, which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a check # 14920; contrary to the form of the statute in such case made and provided, §18-5-102(1)(c), C.R.S., FORGERY, and against the peace and dignity of the People of the State of Colorado.



## **COUNT ONE HUNDRED FORTY-ONE**

### **FORGERY-GOVERNMENT ISSUED DOCUMENT; C.R.S. §18-5-102(E) (F5)**

Between and including the dates of March 19, 2011 and April 19, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MICHAEL DICINO, with the intent to defraud King Soopers, 7-Eleven, Burlington Coat Factory, Safeway and Best Buy, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which was purported to be, or which was calculated to become or to represent if completed, a written instrument, namely: driver's license, officially issued or created by the State of Colorado – Department of Revenue, a public office, public servant, or government agency; contrary to the form of the statute in such case made and provided, §18-5-102(1)(e), C.R.S., FORGERY, and against the peace and dignity of the People of the State of Colorado.

## **COUNT ONE HUNDRED FORTY-TWO**

### **ID THEFT-USES INFO TO OBTAIN; C.R.S. §18-5-902(1)(A) (F4)**

Between and including the dates of March 19, 2011 and April 19, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MICHAEL DICINO, unlawfully, feloniously, and knowingly used the personal identifying information, financial identifying information, or financial device of Robert Lindsey, Rudy Burch, Chris Slevin, Sharon Finnegan, Vinci Law Firm and/or Kevin Chavez without permission or lawful authority with the intent to obtain cash, credit, property, services, or any other thing of value or to make a financial payment; contrary to the form of the statute in such case made and provided, §18-5-902(1)(a), C.R.S., ID THEFT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT ONE HUNDRED FORTY-THREE**

### **ID THEFT-POSSESSION WITH INTENT TO USE; C.R.S. §18-5-902(1)(B) (F4)**

Between and including the dates of March 19, 2011 and April 19, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MICHAEL DICINO unlawfully, feloniously, and knowingly possessed the personal identifying information, financial identifying information, or financial device of Robert Lindsey, Rudy Burch, Chris Slevin, Sharon Finnegan, Vinci Law Firm and/or Kevin Chavez without permission or lawful authority, with the intent to use or to aid or permit another person to use the information or device to obtain cash, credit, property, services, or any other thing of value or to make a financial payment; contrary to the form of the statute in such case made and provided, §18-5-902(1)(b), C.R.S., ID THEFT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT ONE HUNDRED FORTY-FOUR.**

### ID THEFT-ALTER/MAKE WRITTEN INSTRUMENT; C.R.S. §18-5-902(1)(C) (F4)

Between and including the dates of March 19, 2011 and April 19, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MICHAEL DICINO unlawfully, feloniously, and with the intent to defraud, falsely made, completed, altered, or uttered a written instrument or financial device containing personal identifying information or financial identifying information of Robert Lindsey, Rudy Burch, Chris Steven, Sharon Finnegan, Vinci Law Firm and/or Kevin Chavez; contrary to the form of the statute in such case made and provided, §18-5-902(1)(c), C.R.S., ID THEFT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT ONE HUNDRED FORTY-FIVE**

### CRIMINAL POSSESSION OF FORGED INSTRUMENT; C.R.S. §18-5-105 (F6)

Between and including the dates of March 19, 2011 and April 19, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MICHAEL DICINO unlawfully and feloniously possessed a forged instrument, namely: a check/driver's license, with knowledge that it was forged and with intent to use the instrument to defraud; contrary to the form of the statute in such case made and provided, §18-5-105, C.R.S., CRIMINAL POSSESSION OF FORGED INSTRUMENT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT ONE HUNDRED FORTY-SIX**

### POSSESSION OF IDENTITY THEFT TOOLS, C.R.S. §18-5-905 (F5)

Between and including the dates of January 1, 2010 and May 10, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MICHAEL DICINO unlawfully and feloniously possessed tools, equipment, computer, computer network, scanner, printer, or other article adapted, designed, or commonly used for committing or facilitating the commission of the offense of identity theft, and intended to use the thing possessed, or knew that a person intended to use the thing possessed, in the commission of the offense of identity theft; contrary to the form of the statute in such case made and provided, §18-5-905, C.R.S., POSSESSION OF IDENTITY THEFT TOOLS, and against the peace and dignity of the People of the State of Colorado.

## **COUNT ONE HUNDRED FORTY-SEVEN**

### THEFT/SERIES-\$20,000 OR MORE; C.R.S. §18-4-401(1)(4) (F3)

Between and including the dates of December 16, 2010 and February 21, 2011, in and/or triable in the County of Arapahoe, State of Colorado, ROBERT TURNER AND MICHAEL DICINO unlawfully, feloniously, and knowingly obtained or exercised control over things of value, namely: U.S. Currency of State Farm, twice or more within a period of six months, with an aggregate value of twenty thousand dollars or more, without authorization, or by threat or deception, and intended to deprive State Farm permanently of its use or benefit; contrary to the

form of the statute in such case made and provided, §18-4-401(1)(a),(4), C.R.S., THEFT - SERIES, and against the peace and dignity of the People of the State of Colorado.

## **COUNT ONE HUNDRED FORTY-EIGHT**

### ID THEFT-POSSESSION WITH INTENT TO USE; C.R.S. §18-5-902(1)(B) (F4)

Between and including the dates of December 16, 2010 and February 21, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MICHAEL DICINO unlawfully, feloniously, and knowingly possessed the personal identifying information, financial identifying information, or financial device of State Farm Insurance without permission or lawful authority, with the intent to use or to aid or permit another person to use the information or device to obtain cash, credit, property, services, or any other thing of value or to make a financial payment; contrary to the form of the statute in such case made and provided, §18-5-902(1)(b), C.R.S., ID THEFT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT ONE HUNDRED FORTY-NINE**

### MONEY LAUNDERING-CONCEAL, C.R.S. §18-5-309(1)(A)(II) (F3)

Between and including the dates of January 1, 2010 and May 10, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MICHAEL DICINO unlawfully and feloniously conducted or attempted to conduct a financial transaction that involved money or any other thing of value that the defendant knew or believed to be the proceeds, in any form, of a criminal offense, with knowledge or a belief that the transaction was designed in whole or in part to conceal or disguise the nature, location, source, ownership, or control of the proceeds of a criminal offense; contrary to the form of the statute in such case made and provided, MONEY LAUNDER-MONEY/CONCEAL C.R.S. §18-5-309(1)(a)(II), C.R.S. (F3), and against the peace and dignity of the People of the State of Colorado.

## **COUNT ONE HUNDRED FIFTY**

### MONEY LAUNDERING-TRANSFER/CONCEAL; C.R.S. §18-5-309(1)(B)(II) (F3)

On or about April 19, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MICHAEL DICINO unlawfully and feloniously transported, transmitted, or transferred a monetary instrument or moneys, with knowledge or a belief that the monetary instrument or moneys represented the proceeds of a criminal offense and that the transportation, transmission, or transfer was designed, in whole or in part, to conceal or disguise the nature, location, source, ownership, or control of the proceeds of a criminal offense; contrary to the form of the statute in such case made and provided, §18-5-309(1)(b)(II), C.R.S., MONEY LAUNDERING - TRANSFER/CONCEAL, and against the peace and dignity of the People of the State of Colorado.

FACTUAL BASIS, INCORPORATING ALL OTHER FACTS IN THE INDICTMENT:

All of the facts supporting all other counts in this Indictment are incorporated in Count One hundred twenty-seven through Count One hundred fifty by this reference.

1. On 3/19/2011, Michael Dicino used check number 3804 in the name of Rudy Burch to purchase merchandise at King Soopers totaling \$317.85 using the US Bank account [REDACTED] information of Robert Lindsey. Dicino purchased three gift cards in this transaction and the personal identify information, namely Colorado Driver License number [REDACTED] of Rudy Burch was used for identification. Burch never received his new Colorado Driver License as expected in the mail. Lindsey reported a \$25.00 check was stolen from his outgoing mail. These victims live near each other in Jefferson County.
2. On 3/19/2011, Michael Dicino used check number 6801 in the name of Rudy Burch to obtain \$60.00 cash from King Soopers using the US Bank account [REDACTED] information of Robert Lindsey. The personal identify information, namely Colorado Driver License number [REDACTED] of Rudy Burch was used for identification.
3. On 3/19/2011, Michael Dicino used check number 6802 in the name of Rudy Burch to purchase merchandise at King Soopers totaling \$277.37 using the US Bank account [REDACTED] information of Robert Lindsey. Dicino purchased two gift cards in this transaction and the personal identify information, namely Colorado Driver License number [REDACTED] of Rudy Burch was used for identification.
4. On 3/20/2011, Michael Dicino used check number 3805 in the name of Rudy Burch to purchase merchandise and obtain cash at 7-Eleven totaling \$25.17 using the US Bank account [REDACTED] information of Robert Lindsey.
5. On 3/21/2011, Michael Dicino presented check number 3808 to purchase merchandise at Burlington Coat Factory totaling \$255.05 the US Bank account [REDACTED] information of Robert Lindsey. It was an electronic check transaction where the check is scanned in and then returned to the customer. Cominiello observed accompanying Dicino. This check later recovered by Jefferson County Sheriff's Office after Dicino attempted a purchase at Sports Authority and he dropped this check and receipt, along with fictitious ID with Dicino photo and Rudy Burch ID information and unused checks in the name of Rudy Burch.
6. On 3/21/2011, Michael Dicino used check number 3807 in the name of Rudy Burch to purchase merchandise and obtain cash at 7-Eleven totaling \$57.53 using the US Bank account [REDACTED] information of Robert Lindsey.
7. On 3/19/2011, Michael Dicino used check number 3808 in the name of Rudy Burch to purchase merchandise at King Soopers totaling \$277.37 using the US Bank account [REDACTED] information of Robert Lindsey. Dicino purchased two gift cards in this transaction and the personal identify information, namely Colorado Driver License number [REDACTED] Rudy Burch was used for identification.
8. On 3/22/2011, Michael Dicino used check number 6816 in the name of Rudy Burch to purchase merchandise and obtain cash at 7-Eleven totaling \$30.74 using the US Bank account [REDACTED] information of Robert Lindsey.
9. On 3/22/2011, Michael Dicino used check number 6818 in the name of Rudy Burch to purchase merchandise at Safeway totaling \$122.34 using the US Bank account [REDACTED] information of Robert Lindsey. At least one gift card was purchased. Carla Cominiello observed on video with Dicino in the store.

10. On 4/7/2011, Michael Dicino attempted to use check number 4117 in the name of Chris Slevin to purchase two gift cards and obtain \$60.00 in cash for a total of \$262.93 at King Soopers using the Wells Fargo Bank account [REDACTED] information of Sharon Finnegan.
11. On 4/19/2011, Michael Dicino used check number 14918 in the name of Kevin Chavez DBA Celebrity Tattoo to purchase merchandise at Best Buy in the amount of \$462.66 using the US Bank account [REDACTED] information of Vinci Law Firm LLC. Dicino purchased a computer and other associated equipment.
12. Robert Lindsey, Rudy Burch, Chris Slevin, Sharon Finnegan, Vinci Law Firm LLC and Kevin Chavez did not authorize any member of the enterprise to use or possess their personal or financial identifying information to make a driver license, to make checks, to transact checks or to otherwise withdraw money from US Bank and Wells Fargo.
13. As noted above, Michael Dicino was identified by Laura Fritz, Johnie Main, and Laura Ciparro as one of the people responsible for creating counterfeit checks and arranging for others to cash them. On or about December 29, 2010, Johnie Main entered into 7-Eleven and cashed a State Farm check, made payable to "Johnie Steven Alan Main" in the amount of \$866.60. This State Farm check, #758023Q, was one of 100 that were stolen from a State Farm agent in August of 2010. US Postal Service Analyst Hemphill's summary reports that State Farm Insurance checks were cashed in the names: Brittany Cox, Johnie Main, Michael Relic and Lauren Ciparro.
14. Johnie Main told Inspector McGahey on March 21, 2011 that Michael Dicino introduced him to Robert Turner and told him that he could make easy money by cashing checks. Robert Turner gave him an insurance check that he thought he cashed at a Denver Metro 7-Eleven. Main said he split the money with Turner. Main said that Turner and Dicino were working together to get people to cash the insurance checks.
15. Laura Fritz reported to Inspector McGahey that Robert Turner provided Johnie Main and her with insurance checks in January 2011 and provided Inspector McGahey with a copy of a State Farm check made payable to Johnie Steven Alan Main to corroborate her statement. Laura Fritz also reported that she was also asked by Michael Dicino to cash State Farm checks.
16. Fritz reported that Dicino and Cominiello would create counterfeit checks using a computer and printer. The counterfeit checks would use the personal and financial identifying information that she, Dicino and Cominiello would steal from the mail. Fritz reported that Dicino told her that McCluskey would create false IDs. She stated she drove Dicino to "Matt's" house, a home later identified as that of Matthew McCluskey. Dicino used false identification bearing the name Rudy Burch to cash forged checks and the Jefferson County Sheriff's Office recovered a forged Colorado Drivers License in the name of Rudy Burch, bearing the photo of Michael Dicino, that Dicino dropped on March 21, 2011.

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## **COUNT ONE HUNDRED FIFTY-ONE**

THEFT-\$500-\$1000; C.R.S. §18-4-401(1)(B)(2)(B.5) (M1)

On or about January 20, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY AND ROY FRANK unlawfully and knowingly obtained or exercised control over a thing of value, namely: U.S. Currency, of Instant Check, with the value of five hundred dollars or more but less than one thousand dollars, without authorization, or by threat or deception, and knowingly used, concealed, or abandoned the thing of value in such manner as to permanently deprive Instant Check of its use or benefit; contrary to the form of the statute in such case made and provided, §18-4-401(1)(b),(2)(b.5), C.R.S., THEFT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT ONE HUNDRED FIFTY-TWO**

FORGERY-CHECK/COMMERCIAL INSTRUMENT; C.R.S. §18-5-102(1)(C) (F5)

On or about January 20, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY AND ROY FRANK with the intent to defraud Instant Check, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a check, which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a check #85574; contrary to the form of the statute in such case made and provided, §18-5-102(1)(c), C.R.S., FORGERY, and against the peace and dignity of the People of the State of Colorado.

## **COUNT ONE HUNDRED FIFTY-THREE**

ID THEFT-USES INFO TO OBTAIN; C.R.S. §18-5-902(1)(A) (F4)

On or about January 20, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY AND ROY FRANK unlawfully, feloniously, and knowingly used the personal identifying information, financial identifying information, or financial device of Saturn without permission or lawful authority with the intent to obtain cash, credit, property, services, or any other thing of value or to make a financial payment; contrary to the form of the statute in such case made and provided, §18-5-902(1)(a), C.R.S., ID THEFT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT ONE HUNDRED FIFTY-FOUR**

ID THEFT-POSSESSION WITH INTENT TO USE; C.R.S. §18-5-902(1)(B) (F4)

On or about January 20, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY AND ROY FRANK unlawfully, feloniously, and knowingly possessed the personal identifying information, financial identifying information, or financial device of Saturn without permission or lawful authority, with the intent to use or to aid or permit

another person to use the information or device to obtain cash, credit, property, services, or any other thing of value or to make a financial payment; contrary to the form of the statute in such case made and provided, §18-5-902(1)(b), C.R.S., ID THEFT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT ONE HUNDRED FIFTY-FIVE**

### ID THEFT-ALTER/MAKE WRITTEN INSTRUMENT; C.R.S. §18-5-902(1)(C) (F4)

On or about January 20, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY AND ROY FRANK unlawfully, feloniously, and with the intent to defraud, falsely made, completed, altered, or uttered a written instrument or financial device containing personal identifying information or financial identifying information of Saturn; contrary to the form of the statute in such case made and provided, §18-5-902(1)(c), C.R.S., ID THEFT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT ONE HUNDRED FIFTY-SIX**

### CRIMINAL POSSESSION OF FORGED INSTRUMENT; C.R.S. §18-5-105 (F6)

On or about January 20, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MATTHEW MCCLUSKEY AND ROY FRANK unlawfully and feloniously possessed a forged instrument, namely: a Saturn check, with knowledge that it was forged and with intent to use the instrument to defraud; contrary to the form of the statute in such case made and provided, §18-5-105, C.R.S., CRIMINAL POSSESSION OF FORGED INSTRUMENT, and against the peace and dignity of the People of the State of Colorado.

### FACTUAL BASIS, INCORPORATING ALL OTHER FACTS IN THE INDICTMENT:

All of the facts supporting all other counts in this Indictment are incorporated in Count One hundred fifty-one through Count One hundred fifty-six by this reference.

1. On or about January 20, 2011, Roy Frank entered Instant Check and cashed a forged check made payable to "Roy B. Frank" on the Wells Fargo account of Saturn. This check was created on a computer. The check purports to be the business check of Saturn, was check number 85574 drawn on Wells Fargo Bank account number [REDACTED] in the amount of \$566.37.
2. During the search of Matthew McCluskey's home on January 20, 2011. Aurora Police Officers located a forged check issued in the name of Roy B. Frank drawn on the account of Saturn.
3. Saturn did not authorize any member of the enterprise to use or possess their personal or financial identifying information to make checks, to transact checks or to otherwise withdraw money from Wells Fargo.

## **COUNT ONE HUNDRED FIFTY-SEVEN**

### THEFT-UNDER \$500; C.R.S. §18-4-401(1)(2)(B) (M2)

On or about January 31, 2011, in and/or triable in the County of Arapahoe, State of Colorado, CARLA COMINIELLO AND TERESA KILDOW unlawfully and knowingly obtained or exercised control over a thing of value, namely: Merchandise, of Walmart, with the value of less than five hundred dollars, without authorization, or by threat or deception, and knowingly used, concealed, or abandoned the thing of value in such manner as to permanently deprive Walmart of its use or benefit; contrary to the form of the statute in such case made and provided, §18-4-401(1)(b),(2)(b), C.R.S., THEFT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT ONE HUNDRED FIFTY-EIGHT**

### CRIMINAL ATTEMPT- THEFT (UNDER \$500)

On or about January 31, 2011, in and/or triable in the County of Arapahoe, State of Colorado, by engaging in conduct constituting a substantial step toward the commission of theft, CARLA COMINIELLO AND TERESA KILDOW unlawfully and knowingly attempted to obtain or exercise control over a thing of value, namely: Merchandise of Walmart, with the value of less than five hundred dollars, without authorization, or by threat or deception, and intended to deprive Walmart permanently of its use or benefit;; contrary to the form of the statute in such case made and provided, §§18-4-401(1)(b),(2)(b) and 18-2-101, C.R.S., CRIMINAL ATTEMPT TO COMMIT THEFT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT ONE HUNDRED FIFTY-NINE**

### FORGERY-CHECK/COMMERCIAL INSTRUMENT; C.R.S. §18-5-102(1)(C) (F5)

Between and including the dates of January 31, 2011 and February 2, 2011, in and/or triable in the County of Arapahoe, State of Colorado, CARLA COMINIELLO AND TERESA KILDOW, with the intent to defraud Walmart and Speed Check, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a check, which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a check # 3100; contrary to the form of the statute in such case made and provided, §18-5-102(1)(c), C.R.S., FORGERY, and against the peace and dignity of the People of the State of Colorado.

## **COUNT ONE HUNDRED SIXTY**

### ID THEFT-USES INFO TO OBTAIN; C.R.S. §18-5-902(1)(A) (F4)

On or about January 31, 2011, in and/or triable in the County of Arapahoe, State of Colorado, CARLA COMINIELLO AND TERESA KILDOW unlawfully, feloniously, and knowingly used



the personal identifying information, financial identifying information, or financial device of Laura Fritz without permission or lawful authority with the intent to obtain cash, credit, property, services, or any other thing of value or to make a financial payment; contrary to the form of the statute in such case made and provided, §18-5-902(1)(a), C.R.S., ID THEFT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT ONE HUNDRED SIXTY-ONE**

### **CRIMINAL ATTEMPT TO COMMIT ID THEFT-USES INFO TO OBTAIN; C.R.S. §§18-5-902(1)(A), 18-2-101**

Between and including the dates of January 31, 2011 and February 2, 2011, in and/or triable in the County of Arapahoe, State of Colorado, by engaging in conduct constituting a substantial step toward the commission of identity theft, CARLA COMINIELLO AND TERESA KILDOW unlawfully, feloniously, and knowingly attempted to use the personal identifying information, financial identifying information, or financial device of Mikhail Komisarchik and The Colorado Coalition for the Homeless without permission or lawful authority with the intent to obtain cash, credit, property, services, or any other thing of value or to make a financial payment; contrary to the form of the statute in such case made and provided, §§18-5-902(1)(a) and 18-2-101, C.R.S., ID THEFT-ATT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT ONE HUNDRED SIXTY-TWO**

### **ID THEFT-POSSESSION WITH INTENT TO USE; C.R.S. §18-5-902(1)(B) (F4)**

Between and including January 31, 2011 and February 2, 2011, in and/or triable in the County of Arapahoe, State of Colorado, CARLA COMINIELLO AND TERESA KILDOW unlawfully, feloniously, and knowingly possessed the personal identifying information, financial identifying information, or financial device of Laura Fritz, Mikhail Komisarchik and The Colorado Coalition for the Homeless without permission or lawful authority, with the intent to use or to aid or permit another person to use the information or device to obtain cash, credit, property, services, or any other thing of value or to make a financial payment; contrary to the form of the statute in such case made and provided, §18-5-902(1)(b), C.R.S., ID THEFT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT ONE HUNDRED SIXTY-THREE**

### **ID THEFT-ALTER/MAKE WRITTEN INSTRUMENT; C.R.S. §18-5-902(1)(C) (F4)**

Between and including the dates of January 31, 2011 and February 2, 2011, in and/or triable in the County of Arapahoe, State of Colorado, CARLA COMINIELLO AND TERESA KILDOW unlawfully, feloniously, and with the intent to defraud, falsely made, completed, altered, or uttered a written instrument or financial device containing personal identifying information or financial identifying information of Laura Fritz, Mikhail Komisarchik and The Colorado Coalition for the Homeless; contrary to the form of the statute in such case made and provided,

§18-5-902(1)(c), C.R.S., ID THEFT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT ONE HUNDRED SIXTY-FOUR**

### **CRIMINAL POSSESSION OF FORGED INSTRUMENT; C.R.S. §18-5-105 (F6)**

On or about February 2, 2011, in and/or triable in the County of Arapahoe, State of Colorado, CARLA COMINIELLO AND TERESA KILDOW unlawfully and feloniously possessed a forged instrument, namely: a check, with knowledge that it was forged and with intent to use the instrument to defraud; contrary to the form of the statute in such case made and provided, §18-5-105, C.R.S., CRIMINAL POSSESSION OF FORGED INSTRUMENT, and against the peace and dignity of the People of the State of Colorado.

### **FACTUAL BASIS, INCORPORATING ALL OTHER FACTS IN THE INDICTMENT:**

All of the facts supporting all other counts in this Indictment are incorporated in Count One hundred fifty-seven through Count One hundred sixty-four by this reference.

1. On or about January 31, 2011, Teresa Kildow entered Walmart and attempted to negotiate a forged check under the name of "Teresa Kildow" and on the Wells Fargo account of Mikhail Komisarchik. The check purports to be the personal check of "Teresa Kildow", was electronic check number 3100 drawn on Wells Fargo Bank containing account number [REDACTED] the amount of \$232.81. The check was made payable to Walmart. When this check was declined, the Mastercard credit card of Laura Fritz was used to purchase the merchandise. Carla Cominiello identifies herself and Kildow in a video still of this transaction and states she may have paid for this transaction, however video still shows Kildow at the register.
2. On or about February 2, 2011, Teresa Kildow entered Speed Check and attempted to negotiate three forged checks made payable to "Teresa Kildow" and on the US Bank account of The Colorado Coalition for the Homeless but the checks were declined. The manager reported that Kildow arrived in a U-Haul truck. These checks were created on a computer. The checks purported to be the personal check of "Teresa Kildow", were check numbers 68251, 68252 and 68253 drawn on US Bank containing account number [REDACTED] and were in the amounts of \$82.00, \$65.00 and \$98.50. The US Bank account number [REDACTED] belongs to Jan Weipert who reported that the original check had been stolen from her mailbox. Counterfeit check 68251 was recovered in the possession of Carla Cominiello on February 16, 2011 during the search of the U-haul truck.
3. Laura Fritz, Mikhail Komisarchik, Jan Weipert and The Colorado Coalition for the Homeless did not authorize any member of the enterprise to use or possess their personal or financial identifying information to make credit card purchases, to make checks, to transact checks or to otherwise withdraw money from US Bank and Wells Fargo.

## **COUNT ONE HUNDRED SIXTY-FIVE**

### CONSPIRACY TO COMMIT THEFT/SERIES-\$20,000 OR MORE; C.R.S. §§18-4-401(1)(4), 18-2-201 (F4)

Between and including the dates of December 16, 2010 and February 21, 2011, in and/or triable in the County of Arapahoe, State of Colorado, MICHAEL DICINO, ROBERT TURNER AND MICHAEL RELIC, with the intent to promote or facilitate the commission of the crime of theft, unlawfully and feloniously agreed with one or more participants in the Enterprise and a person or persons unknown to the grand jury, that one or more of them would engage in conduct which constituted that crime or an attempt to commit that crime, or agreed to aid the other person or persons in the planning or commission or attempted commission of that crime, and an overt act in pursuance of the conspiracy was committed by one or more of the conspirators; contrary to the form of the statute in such case made and provided, §§18-4-401(1)(a),(4) and 18-2-201, C.R.S., CONSPIRACY TO COMMIT THEFT - SERIES, and against the peace and dignity of the People of the State of Colorado.

## **COUNT ONE HUNDRED SIXTY-SIX**

### ID THEFT-USES INFO TO OBTAIN; C.R.S. §18-5-902(1)(A) (F4)

Between and including the dates of March 19, 2010 and March 20, 2010, in and/or triable in the County of Arapahoe, State of Colorado, MICHAEL DICINO AND ROBERT TURNER unlawfully, feloniously, and knowingly used the personal identifying information, financial identifying information, or financial device of State Farm Insurance without permission or lawful authority with the intent to obtain cash, credit, property, services, or any other thing of value or to make a financial payment; contrary to the form of the statute in such case made and provided, §18-5-902(1)(a), C.R.S., ID THEFT, and against the peace and dignity of the People of the State of Colorado.

## **COUNT ONE HUNDRED SIXTY-SEVEN**

### THEFT-UNDER \$500; C.R.S. §18-4-401(1)(2)(B) (M2)

Between and including the dates of March 19, 2010 and March 20, 2010, in and/or triable in the County of Arapahoe, State of Colorado, MICHAEL DICINO AND ROBERT TURNER unlawfully and knowingly obtained or exercised control over a thing of value, namely: U.S. Currency of State Farm, with the value of less than five hundred dollars, without authorization, or by threat or deception, and knowingly used, concealed, or abandoned the thing of value in such manner as to permanently deprive King Soopers of its use or benefit; contrary to the form of the statute in such case made and provided, §18-4-401(1)(b),(2)(b), C.R.S., THEFT, and against the peace and dignity of the People of the State of Colorado.

## COUNT ONE HUNDRED SIXTY-EIGHT

### FORGERY-CHECK/COMMERCIAL INSTRUMENT; C.R.S. §18-5-102(1)(C) (F5)

On or about December 22, 2010, in and/or triable in the County of Arapahoe, State of Colorado, MICHAEL DICINO, ROBERT TURNER AND MICHAEL RELIC, with the intent to defraud 7-ELEVEN and STATE FARM did unlawfully, feloniously and falsely make, complete, alter and utter a written instrument which was and which purported to be and which was calculated to become and to represent, if completed, a State Farm check, which document did and may evidence, create, transfer, terminate and otherwise affect a legal right, interest, obligation and status; contrary to the form of the statute in such case made and provided, §18-5-102(1)(c), C.R.S., FORGERY, and against the peace and dignity of the People of the State of Colorado.

### FACTUAL BASIS, INCORPORATING ALL OTHER FACTS IN THE INDICTMENT:

All of the facts supporting all other counts in this Indictment are incorporated in Count One hundred sixty-five through Count One hundred sixty-eight by this reference.

1. On 9/7/2011, Michael Relic admitted cashing a stolen State Farm Insurance check in the amount of \$480.00 at 7-Eleven that he obtained from Robert Turner.
  2. Relic stated that Turner recruited others to cash these types of checks for Turner. Johnie Main told Inspector McGahey that the fraudulent State Farm check he cashed was printed by Mike Dicino and Robert Turner. Lauren Ciparro stated to Inspector McGahey that Mike Decino and Robert Turner printed the check she cashed on a typewriter using a book of blank State Farm Insurance checks. US Postal Service Analyst Hemphill reported in her summary that stolen State Farm Insurance checks were cashed in the names of: Michael S. Relic, Johnie Steven Alan Main, Laura Fritz, Brittany L. Cox, Lauren E. Ciparro, and others not listed in this indictment.
  3. According to evidence summarized by Analyst Hemphill, twenty-four stolen State Farm checks were more than \$20,000. Analyst Hemphill's summary of evidence reflects that a State Farm check number 120758026Q under the name Michael S. Relic was cashed on 12/22/2010 for \$480.00.
  4. Michael Relic did not have authorization from State Farm to make, complete, alter or utter any State Farm Checks to obtain money, merchandise or services.
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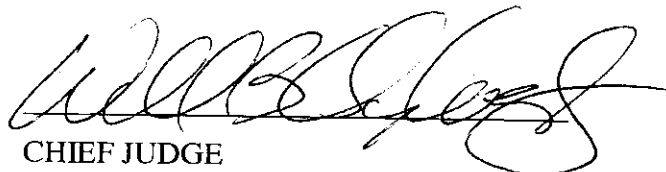
The 2011 Arapahoe County Grand Jury presents the within Indictment, and the same is hereby ORDERED FILED this 16<sup>th</sup> day of November, 2011.

**WARRANT TO ISSUE**

BOND SET AT \$ 100,000 <sup>cts</sup> MATTHEW MCCLUSKEY  
BOND SET AT \$ 10,000 <sup>cts</sup> BRITTANY COX  
BOND SET AT \$ 10,000 <sup>cts</sup> MATTHEW LEMAN  
BOND SET AT \$ 100,000 <sup>cts</sup> ROBERT TURNER  
BOND SET AT \$ 100,000 <sup>cts</sup> ALYSE SHANK  
BOND SET AT \$ 10,000 <sup>cts</sup> JENNIFER SPADE  
BOND SET AT \$ 10,000 <sup>cts</sup> WILLIAM JOSEPH ROBERTS  
BOND SET AT \$ 60,000 <sup>cts</sup> JENNIFER PUTMAN  
BOND SET AT \$ 10,000 <sup>cts</sup> LAUREN CIPARRO  
BOND SET AT \$ 10,000 <sup>cts</sup> JOHNNIE MAIN  
BOND SET AT \$ 10,000 <sup>cts</sup> ROY B. FRANK  
BOND SET AT \$ 100,000 <sup>cts</sup> CARLA COMINIELLO  
BOND SET AT \$ 100,000 <sup>cts</sup> MICHAEL DICINO  
BOND SET AT \$ 10,000 <sup>cts</sup> TERESA KILDOW  
BOND SET AT \$ 10,000 <sup>cts</sup> MICHAEL RELIC

**SUMMONS TO ISSUE:**

LAURA FRITZ

  
CHIEF JUDGE