

<p>DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO</p> <p>1437 Bannock Street Denver, CO 80202</p> <hr/> <p>THE PEOPLE OF THE STATE OF COLORADO,</p> <p>v.</p> <p>RICKEY GENE FITE, RICKEY DEAN FITE, RODNEY JACKSON, MICHAEL SULLIVAN</p> <p>and</p> <p>EMANUEL BROADWAY</p> <p>Defendants.</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>JOHN W. SUTHERS, Attorney General ROBERT S. SHAPIRO, First Assistant Attorney General, Registration Number: 26869 JANE WALSH, Special Assistant Attorney General, Registration Number: 39534 1300 Broadway, 9th Floor Denver, CO 80203 720-508-6715</p>	<p>Grand Jury Case No.: 13CR0001</p> <p>Ctrm: 259</p>
<p>COLORADO STATE GRAND JURY INDICTMENT</p>	

Of the 2013-2014 term of the Denver District Court in the year 2014; the 2013-2014 Colorado State Grand Jurors, chosen, selected and sworn in the name and by the authority of the People of the State of Colorado, upon their oaths, present the following:

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COUNT ONE

37284 VIOLATION OF THE COLORADO ORGANIZED CRIME CONTROL ACT - PATTERN OF RACKETEERING - PARTICIPATION IN AN ENTERPRISE, C.R.S. §18-17-104(3) (F2)

On or about January 1, 2009 through April 15, 2014, with an initial date of discovery of May 28, 2013, in the State of Colorado, **Rickey Gene Fite, Rickey Dean Fite, Michael Sullivan and Rodney Jackson**, while employed by or associated with an enterprise, unlawfully, feloniously, and knowingly conducted or participated, directly or indirectly, in the enterprise through a pattern of racketeering activity; in violation of section 18-17-104(3), C.R.S.

COUNT TWO

37285 VIOLATION OF THE COLORADO ORGANIZED CRIME CONTROL ACT- CONSPIRACY, C.R.S. §18-17-104(4) (F2)

On or about January 1, 2009 through April 15, 2014, with an initial date of discovery of May 28, 2013, in the State of Colorado, **Rickey Gene Fite, Rickey Dean Fite, Michael Sullivan, Rodney Jackson, Emanuel Broadway** and/or others to the Grand Jury and the Attorney General known or unknown, did unlawfully, knowingly, and feloniously conspire to conduct and participate, directly or indirectly, in an enterprise, through a pattern of racketeering activity; in violation of sections 18-17-104(4) and 18-17-104(3), C.R.S.

The offenses alleged in Counts One and Two were committed in the following manner:

The Enterprise

The Enterprise alleged in Counts One and Two is primarily a group of individuals, associated in fact, although not a legal entity, as well as a group of affiliated entities. More specifically the enterprise includes, but is not limited to, the following associated in fact individuals and/or entities:

Rickey Gene Fite
Rickey Dean Fite
Michael Sullivan
Rodney Jackson
Emanuel Broadway
“Asphalt Paving”

and other persons or entities known or unknown to the Grand Jury and the Attorney General.

The above listed members of the Enterprise, were primarily associated in fact individuals who collaborated with one or more of the others as principals and/or as complicitors to operate a common illicit scheme for a lengthy period of time. In particular this associated in fact Enterprise repeatedly used a core group of deceptive tactics to commit or attempt to commit a financial fraud upon a population of individuals who can be primarily defined as older adults, defined by the law as “at-risk” by reason of age and/or vulnerability.

The members of the Enterprise employed a consistent ruse, representing themselves as members and operators of a legitimate and established home contractor business, including performing asphalt paving and roof repair. In reality this was a front operation with little evidence of it or them operating as a genuine business entity. Instead, this group was a “fly by night” business, operating in a methodical and systematic manner to defraud and steal money from senior citizens. The basic premise of how the scheme was done occurred in a substantially similar manner, although the exact follow-up method used by the members of Enterprise depended on the particular victim’s vulnerabilities and/ or set of circumstances. Sometimes, a “bait and switch” type scheme was used, with a low quote being given upfront which morphed into a huge final figure after the work was completed. Sometimes there was no quote at all, and the Enterprise simply performed objectively substandard and/or unnecessary work for prices that were egregiously over-inflated from the moment that they zeroed in on the potential victim.

Throughout the course of this investigation, the Grand Jury has developed evidence to show that the Enterprise and its members are highly mobile, travelling and operating widely and repeatedly throughout the Western United States. Within the State of Colorado, evidence shows that the Enterprise operated in at least the following counties: Arapahoe, Boulder, Delta, Jefferson, Larimer, Mesa, Montrose, Ouray and Weld. Their behavior is often observed amongst a group known as Travelers. Information was obtained that Rickey Gene Fite, his father, Rickey Dean Fite, and his supposed father-in-law, Emanuel Broadway, may be associated with Travelers.

The Enterprise generally operated in a more rural area or neighborhood, and the first step usually involved Rickey Gene Fite (Fite) making an unsolicited contact with a homeowner. Fite, typically driving a newer American pick-up truck, would approach the homeowner, and usually state that he had been working in the area, and had excess asphalt left over from another job. He would then offer to pave the homeowner’s driveway. Sometimes the homeowner would not be given a price but were told that it would be a great deal; sometimes the homeowner was quoted a low and enticing price. Sometimes,

the crew would start work without the permission of the homeowner, if that person was out at the time.

Once work progressed, the homeowners who inquired about the likely finished price received vague responses from the crew. After completion, Fite presented the homeowner with a standard form “invoice” for the final price. Where an estimate had been given, often the final price exceeded the estimate by thousands of dollars. Where no estimate had been given, but where Fite had told the homeowner that they would get a “good deal,” expert evidence developed during the course of the investigation showed the opposite; that the price was hugely inflated in relation to the nature of the work done.

On occasion, some homeowners became cognizant of the fraud and tried to question Fite about the actions of the business and his associates. Evidence showed that if there was resistance on the part of the homeowner to paying the inflated sum, Fite sometimes resorted to using various levels of threats and/or violence in support of the Enterprise’s activities.

It is important to note that the checks that were written by the homeowners to the Enterprise were not written to a business such as Asphalt Paving, but were made payable to the individual Enterprise members; generally Rodney Jackson or Michael Sullivan. These checks were then quickly cashed at local banks or other financial institutions by Mr. Sullivan and Mr. Jackson, with virtually the entire cash proceeds being returned to the bosses, who appear to be the Fites. A small payment was given to the individual Enterprise member who cashed the check for the benefit of the larger Enterprise.

As discussed above, Fite specifically asked the homeowners to make most of the checks payable to either Sullivan or Jackson. A reasonable inference can be drawn from this demonstrated practice that this was a deliberate tactic of the scheme being employed by the Enterprise. In particular it was designed to distance and/or insulate Rickey Gene Fite, Rickey Dean Fite and/or Emanuel Broadway from creating extensive records of the significant funds obtained through their repeated use of deceptive practices. Sullivan and Jackson were a conduit for the funds handed over by the alleged victims, and were apparently prepared to collaborate in taking this risk for extra reward.

Pattern of Racketeering Activity

Rickey Gene Fite, Rickey Dean Fite, Michael Sullivan, Rodney Jackson and Emanuel Broadway, and others known and unknown to the Grand Jury directly and in concert, engaged in, attempted to engage in, conspired to engage in, or solicited another to engage in at least two predicate acts, including any lesser offenses, related to the conduct of the enterprise, with at least one of which took place in the State of Colorado after July 1, 1981 and the last of the acts of racketeering activity occurring within ten years after a prior act of racketeering activity and include:

Theft, C.R.S. §18-4-401

Assault in the Third Degree, C.R.S. §18-3-204

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

Criminal Attempt to Commit Theft, C.R.S. §§ 18-2-101 and 18-4-401

Money Laundering, C.R.S. §18-5-309

Fraud Upon the Department of Revenue, including but not limited to, Evasion of Taxes Administered by the Colorado Department of Revenue and/or Failure to File Return or Pay Tax, C.R.S. §§39-21-118(1) and (3)

Burglary in the First Degree, RCW 9A.52.020

Assault in the Fourth Degree, RCW 9A.36.041

Pursuant to C.R.S. § 18-17-103(5)(b), “Racketeering Activity” means and also includes any violation of the enumerated Colorado statutes at issue or any criminal act committed in any jurisdiction of the United States which, if committed in the State of Colorado, would be a crime pursuant to an enumerated Colorado statute. In this matter, in addition to specific violations of enumerated Colorado statutes, Predicate Acts One and Two are criminal acts which occurred in the State of Washington. If these offenses had occurred in the State of Colorado, Predicate Acts One and Two would be also crimes under an enumerated Colorado statute for charging purposes under the Colorado Organized Crime Control Act. Furthermore, Predicate Acts One and Two are both related to the ongoing behavior of this Enterprise during the charged time period. In addition three other Predicate Acts, specifically acts Three, Sixty-Nine and Seventy, that are listed in support of Counts One and Two are also permissible acts of racketeering activity as is provided by law.

Racketeering Activity

The acts of racketeering activity that the above named persons committed, attempted to commit, conspired to commit, or solicited, coerced, or intimidated another person to commit, consist of the following predicate acts, including any lesser included offenses:

PREDICATE ACT ONE

BURGLARY IN THE FIRST DEGREE, RCW § 9A.52.020

On or about August 5, 2011, in ██████ County, State of Washington, **Rickey Gene Fite**, unlawfully, feloniously and with intent to commit a crime against a person or property therein, entered or remained unlawfully in a building and if, in entering or while in the building or in immediate flight therefrom, assaulted ██████; in violation of section 9A.52.020, RCW.

PREDICATE ACT TWO

ASSAULT IN THE FOURTH DEGREE, RCW§ 9A.36.041

On or about August 5, 2011, in ██████, State of Washington, **Rickey Gene Fite**, unlawfully assaulted ██████; in violation of section 9A.36.041, RCW.

The offenses alleged in Predicate Acts One and Two were committed in the following manner and serve as the essential facts along with the incorporation of the essential facts that were used to summarize the Enterprise that was described above:

On or about August 2, 2011 Rickey Gene Fite (Fite) had approached ██████ at his home near ██████, Washington and informed ██████ that he had done some asphaltting work in the area, and that he had extra asphalt left over. Fite offered to pave ██████ driveway for \$30.00 per sq. yard; and that this was a good deal. After about two hours of work, Fite and his crew completed the paving job. Fite then wanted to immediately seal the newly laid asphalt. ██████ questioned Fite about the need for the sealant at this time. Fite requested payment in the sum of \$10,200.00 from ██████, who initially refused. ██████ also stated that the person believed to be Rickey Gene Fite was accompanied by a person he believed was Fite's father, Rickey Dean Fite. The following day, August 3, 2011, Fite called ██████ demanding payment. ██████ told Fite that he would leave an envelope outside for him to collect. In this envelope ██████ left a note for Fite stating that he wanted a company invoice and a copy of Fite's Washington Contractor's license before he would pay for the paving. In the early evening of August 5, 2011 Fite came to ██████ home. He handed ██████ an invoice for \$10,200.00 that stated "paid in full" and demanded his money. ██████ took the invoice, but refused to pay. Fite grabbed ██████ by his right forearm, in an attempt to retrieve the document. During the course of the ensuing struggle, ██████ tried to retreat into his home, and Fite entered his home without permission, by a distance of at least 10 feet, upwards to approximately 20 feet. As the struggle continued, Fite was able to tear off part of the invoice, exited the ██████ home and fled to his pick-up truck. He remained there for

a few moments but left before law enforcement arrived. [REDACTED] sustained some visible bruising to his forearm, and some physical discomfort as a result of Mr. Fite's actions.

PREDICATE ACT THREE

ASSAULT IN THE THIRD DEGREE, C.R.S. § 18-3-204(1)(a) (M1ER)

On or about June 10, 2013, in the State of Colorado, **Rickey Gene Fite**, with criminal negligence caused bodily injury to another, [REDACTED], by means of a deadly weapon, namely: a motor vehicle; in violation of section 18-3-204(1)(a), C.R.S.

The offense alleged in Predicate Act Three was committed in the following manner and serves as the essential facts along with the incorporation of the essential facts that were used to summarize the Enterprise that was described above:

On or about June 10, 2013 [REDACTED], a [REDACTED], CO resident, was at his home near [REDACTED] when he was approached by a person, later identified as Rickey Gene Fite, who tried to sell him some asphalt work. When [REDACTED] stated that he wanted Mr. Fite to leave a brief argument ensued. This argument got the attention of [REDACTED] wife, [REDACTED], who also interacted with Rickey Gene Fite. [REDACTED] again asked Mr. Fite to leave and to get off his property. When Fite left and went back to his vehicle [REDACTED] went out toward the vehicle so that she could write down the license plate number of Fite's white colored pick-up truck. When [REDACTED] saw where his wife was standing in relation to Mr. Fite's truck he went to her and pushed her out of the way while Fite began to back up towards her. When this occurred, Fite's truck struck [REDACTED] and knocked him to the ground causing him pain and leaving him with some abrasions.

PREDICATE ACT FOUR

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

On or about June 18, 2012 through September 27, 2012, **Rickey Gene Fite and Rodney Jackson**, in the State of Colorado, unlawfully, feloniously and knowingly obtained or exercised control over things of value, namely: checks and/or money of [REDACTED], twice or more within a period of six months, with an aggregate value of twenty thousand dollars or more, by deception, and intended to permanently deprive [REDACTED] of its use or benefit; in violation of section 18-4-401(1),(4), C.R.S.

PREDICATE ACT FIVE

THEFT-\$1,000-\$20,000, C.R.S. § 18-4-401(1)(a),(2)(c) (F4)

On or about July 23, 2012, **Rickey Gene Fite and Michael Sullivan**, in the State of Colorado, unlawfully, feloniously and knowingly obtained or exercised control over a thing of value, namely: checks and/or money of [REDACTED], with the value of one thousand dollars or more but less than twenty thousand dollars, by deception, and intended to deprive permanently [REDACTED] of its use or benefit; in violation of section 18-4-401(1)(a),(2)(c), C.R.S.

PREDICATE ACT SIX

THEFT-\$5,000-\$20,000, C.R.S. § 18-4-401(1)(a),(2)(g) (F5)

On or about July 10, 2013, **Rickey Gene Fite and Rodney Jackson**, in the State of Colorado, unlawfully, feloniously and knowingly obtained or exercised control over a thing of value, namely: a check and/or money of [REDACTED], with the value of five thousand dollars or more but less than twenty thousand dollars, by deception, and intended to deprive permanently [REDACTED] of its use or benefit; in violation of section 18-4-401(1)(a),(2)(g), C.R.S.

PREDICATE ACT SEVEN

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

On or about June 18, 2012 through September 27, 2012, **Rickey Gene Fite, Rodney Jackson and Michael Sullivan**, in the State of Colorado, with the intent to promote or facilitate the commission of the crime of Theft-\$20,000 or More-Series, unlawfully and feloniously agreed with one or more of each other and/or a person or persons to the Grand Jury and Attorney General unknown that one or more of them would engage in conduct which constituted that crime or 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; in violation of sections 18-4-401(1)(a), (4) and 18-2-201, C.R.S.

PREDICATE ACT EIGHT

CONSPIRACY TO COMMIT THEFT-\$5,000 -\$20,000, C.R.S. §§ 18-4-401(1)(a),(2)(g) and 18-2-201 (F6)

On or about July 10, 2013, **Rickey Gene Fite and Rodney Jackson**, in the State of Colorado, with the intent to promote or facilitate the commission of the crime of Theft-\$5,000-\$20,000, unlawfully and feloniously agreed with one or more of each other and/or a person or persons to the Grand Jury and Attorney General unknown that one or more of them would engage in conduct which constituted that crime or 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; in violation of sections 18-4-401(1)(a), (2)(g) and 18-2-201, C.R.S.

PREDICATE ACT NINE

MONEY LAUNDERING, § 18-5-309(1)(a)(II) (F3)

On or about June 18, 2012 through July 10, 2013, **Rickey Gene Fite, Rodney Jackson and Michael Sullivan**, in the State of Colorado, 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; in violation of section 18-5-309(1)(a)(II), C.R.S.

PREDICATE ACT TEN

MONEY LAUNDERING, § 18-5-309(1)(b)(II) (F3)

On or about June 18, 2012 through July 10, 2013, **Rickey Gene Fite, Rodney Jackson and Michael Sullivan**, in the State of Colorado, 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; in violation of section 18-5-309(1)(b)(II), C.R.S.

Along with the incorporation of the essential facts that were used elsewhere in this Indictment the offenses alleged in **Predicate Acts Four through Ten** were committed in the following manner and serve as the non-exclusive, essential facts:

On or about June 18, 2012, [REDACTED], [REDACTED], was at a home that he owned, located at [REDACTED] [REDACTED] CO when he was approached by a white male who arrived in a newer white or light colored Chevrolet pick-up who introduced himself as "Rodney Jackson." On this day this individual and his crew basically did some type of asphalt related work to [REDACTED] existing asphalt driveway with minimal discussion about the job occurring between [REDACTED] and "Rodney Jackson." According to [REDACTED] "Rodney Jackson" and his crew simply started to work without [REDACTED] confirmation that he wanted the work done. [REDACTED] stated to law enforcement that the crew who worked this job consisted of 3 younger white males, 1 black male, and male who [REDACTED] believed was "Rodney Jackson's" father because he was older. When the job was completed on June 18, 2012 [REDACTED] was told to pay \$11,500.00. [REDACTED] then made out a check from his US Bank account in that amount that was payable to Rodney Jackson. [REDACTED] stated that "Rodney Jackson" asked him if he ([REDACTED]) had enough money in his bank account to cash it. This \$11,500.00 check was later cashed at a US Bank branch in [REDACTED] t on that same day by a non-bank customer for a \$5.00 cashing fee.

Thereafter, on or about June 20, 2012, again on June 22, 2012, again on July 23, 2012 and finally on September 27, 2012, [REDACTED] was repeatedly approached by "Rodney Jackson" to perform more asphalt related work on the same driveway at [REDACTED] [REDACTED], including having multiple seal coats applied during this time. [REDACTED] was asked to write a check on June 20, 2012 in the amount of \$7,200.00 that was payable to Rodney Jackson. Then, on June 22, 2012, [REDACTED] wrote another check in the amount of \$5,900.00 that was payable to Rodney Jackson. On July 23, 2012 the person representing himself as Rodney Jackson asked that another check be written to his "father," Michael Sullivan, in the amount of \$4,000.00. Finally, on September 27, 2012, [REDACTED] wrote a \$6,000.00 check that was payable to Rodney Jackson. The aggregate amount of the checks that were written to Rodney Jackson and Michael Sullivan during this three month time period totalled \$34,600.00 for the supposed asphalt related work that was done at [REDACTED] [REDACTED] address.

[REDACTED] was led to believe that 3 inches of new asphalt was being professionally laid during this paving job at his [REDACTED] home in 2012. In January 2014 Frank Cavalier of Colorado Asphalt Services, Inc., was ask to visit the [REDACTED] address and assess the asphalt driveway that was at issue. Mr. Cavalier observed that the asphalt overlay that was actually done by "Rodney Jackson" and crew was no more than ½ inch when the industry standard is that a minimum of 2 inches of asphalt is laid, if done as an overlay on an existing driveway. Mr. Cavalier observed that this newer asphalt had evidence of having been seal coated, which

according to Mr. Cavalier, is unnecessary on newly paved asphalt. Mr. Cavalier noted that in the areas that were actually paved with only ½ inch of new asphalt the workmanship was poor and was starting to crumble in places. Again, according to Mr. Cavalier, even though the seal coating was unnecessary where it was applied it was done in a manner that was some of the worst that he has observed in his career in this industry. Mr. Cavalier did a variety of calculations and assessed that if his company was bidding to properly pave the [REDACTED] driveway his bid would have come in at a total of \$10,421.00, which includes the extra \$1,425.00 for the seal coat. This bid would have included a minimum of 2 inches of asphalt, the prep work, labor, materials and trucking, plus a 1 year guarantee on workmanship. Based on [REDACTED] paying \$24,600.00 for the egregiously substandard work in terms of the paving plus another \$10,000.00 for two seal-coats of newly laid pavement, [REDACTED] paid in excess of \$24,000.00 more to this Enterprise, specifically to Rickey Gene Fite that was done by and through his associates Rodney Jackson and Michael Sullivan. Mr. Cavalier even opined that the value of the work that was done on [REDACTED] driveway, including the asphalt and the seal, was worth approximately \$4,319.00.

In the Spring or Summer of 2013 a newer pick-up truck with a yellow colored spray tanker behind the truck stopped at the [REDACTED] address. [REDACTED] had sold the house and it was now owned and occupied by [REDACTED]. The truck had a sign on the side of the yellow tanker with some wording about asphalt. The individuals in the truck were looking for “[REDACTED]” After [REDACTED] told these individuals that [REDACTED] no longer lived at the [REDACTED] address they left. [REDACTED] informed law enforcement in January 2014 that the driveway at the [REDACTED] [REDACTED] has really deteriorated a lot from January 2013 to when he was contacted in January 2014.

Evidence was then developed that on or about July 10, 2013 [REDACTED] was again approached by “Rodney Jackson” at his current home located at [REDACTED] [REDACTED]. According to [REDACTED], Rodney Jackson and his crew simply started to paint his garage door, and supposedly started to apply a sealer on the bricks of his home. [REDACTED] stated that he was never consulted about the paint color and was led to believe that the sealer or paint, which he did not ask for, was to protect his bricks much like the sealer was supposed to do for his driveway at the [REDACTED] address the previous year. He estimated that this crew worked for a total of four hours at his Fordham Street home on this day. [REDACTED] wrote a check on July 10, 2013 in the amount of \$8,500.00 payable to Rodney Jackson and as before, handed it to the person he believed to be “Rodney Jackson.” As had happened the year before, this check was also cashed at a [REDACTED] t branch of US Bank for cash. The Grand Jury observed a bank photo showing an African American male identified as Rodney Jackson cashing [REDACTED] \$8,500.00 check on the same day at a bank in [REDACTED].

Evidence was developed to appraise the true value of the painting and sealing work done at [REDACTED]. In January 2014, law enforcement asked

Kimberly Bynum of “A Smooth Stroke Custom Painting and Remodeling” to examine and assess [REDACTED] property. Ms. Bynum observed that little if any prep work was done when painting the garage, including only applying one coat that was done in an unprofessional manner. Her estimate was that if she was bidding the paint job of the garage, to include the proper prep work, the materials and her labor the job would have cost no more than \$290.00. In terms of the bricks she stated that there is no reason to paint or seal bricks for maintenance reasons except for the aesthetics of wanting the bricks painted. Ms. Bynum noted that the few bricks just left of the garage door that had some white colored material covering them likely had a primer sprayed on them. Law enforcement observed that the bulk of the home’s bricks had no material applied to them.

In 2013 Michael Sullivan was contacted by Boulder County law enforcement and he submitted to an interview. During this interview he explained that he and Rodney Jackson worked as laborers for the “bosses” (reasonably believed to be Rickey Gene Fite, Rickey Dean Fite and/or Emanuel Broadway) and their asphalt paving business. Mr. Sullivan stated that when a job was completed, the “boss” would drive them (Jackson and/or Sullivan) to a local bank to cash the checks that had their names on them. Once the checks were cashed, Sullivan stated that the money would be handed to the “boss.” Mr. Sullivan stated that this procedure was being done by this group not only in Colorado, but also in Washington, Oregon, Nevada, Idaho and Montana. As a result the Grand Jury infers from all of the known facts that the individual who repeatedly represented himself to [REDACTED] in 2012 and 2013 as being “Rodney Jackson” was Rickey Gene Fite. In another interview that was conducted by law enforcement Mr. Sullivan’s significant other, Terri Dietrich, wanted to talk about the ongoing “asphalt” case. During this interview Ms. Dietrich confirmed that the two owners and operators of the asphalt business that Michael Sullivan had been working for were both named Rickey Fite, with her knowing one as senior and the other known as junior. She also confirmed that the Fites owned the red and maroon colored dump trucks. She then stated that Rickey Fite Jr. (Rickey Gene Fite) was a smooth and fast-talker who made the deals to do the jobs, while the crew (Sullivan and Jackson) waited at hotels to hear from “Junior.” She then talked about Michael Sullivan and Rodney Jackson receiving checks from “Junior.” that had been written with their names on them that had been paid by the paving clients. These checks were then cashed by Sullivan and Jackson for Junior.

PREDICATE ACT ELEVEN

THEFT-\$1,000 -\$20,000-SERIES, C.R.S. § 18-4-401(1)(a),(2)(c),(4) (F4)

On or about June 14, 2012 through July 27, 2012, **Rickey Gene Fite and Rodney Jackson**, in the State of Colorado, unlawfully, feloniously and knowingly obtained or exercised control over things of value, namely: checks and/or money of [REDACTED], twice or more within a period of six months, with an aggregate value of between one thousand and twenty thousand dollars, by deception, and intended to permanently deprive [REDACTED] of its use or benefit; in violation of section 18-4-401(1)(a),(2)(c),(4), C.R.S.

PREDICATE ACT TWELVE

THEFT-\$1,000-\$20,000, C.R.S. § 18-4-401(1)(a),(2)(c) (F4)

On or about May 28, 2013, **Rickey Gene Fite and Michael Sullivan**, in the State of Colorado, unlawfully, feloniously and knowingly obtained or exercised control over a thing of value, namely: a check and/or money of one thousand dollars or more but less than twenty thousand dollars of [REDACTED], by deception, and intended to deprive permanently [REDACTED] of its use or benefit; in violation of section 18-4-401(1)(a),(2)(c), C.R.S.

PREDICATE ACT THIRTEEN

CONSPIRACY TO COMMIT THEFT-\$1,000 - 20,000 -SERIES, C.R.S. §§ 18-4-401(1),(4) and 18-2-201 (F5)

On or about June 14, 2012 through July 27, 2012, **Rickey Gene Fite and Rodney Jackson**, in the State of Colorado, with the intent to promote or facilitate the commission of the crime of Theft-\$1,000-20,000 -Series, unlawfully and feloniously agreed with one or more of each other and/or a person or persons to the Grand Jury and Attorney General unknown that one or more of them would engage in conduct which constituted that crime or 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; in violation of sections 18-4-401(1)(4) and 18-2-201, C.R.S.

PREDICATE ACT FOURTEEN

CONSPIRACY TO COMMIT THEFT-\$1,000 -\$20,000, C.R.S. §§ 18-4-401(1)(2)(c) and 18-2-201 (F5)

On or about May 28, 2013, **Rickey Gene Fite and Michael Sullivan**, in the State of Colorado, with the intent to promote or facilitate the commission of the crime of Theft-\$1,000-\$20,000, unlawfully and feloniously agreed with one or more of each other and/or a person or persons to the Grand Jury and Attorney General unknown that one or more of them would engage in conduct which constituted that crime or 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; in violation of sections 18-4-401(1)(2)(c) and 18-2-201, C.R.S.

PREDICATE ACT FIFTEEN

MONEY LAUNDERING, § 18-5-309(1)(a)(II) (F3)

On or about June 14, 2012 through May 28, 2013 **Rickey Gene Fite, Rodney Jackson and Michael Sullivan**, in the State of Colorado, 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; in violation of section 18-5-309(1)(a)(II), C.R.S.

PREDICATE ACT SIXTEEN

MONEY LAUNDERING, § 18-5-309(1)(b)(II) (F3)

On or about June 14, 2012 through May 28, 2013, **Rickey Gene Fite, Rodney Jackson and Michael Sullivan**, in the State of Colorado, 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; in violation of section 18-5-309(1)(b)(II), C.R.S.

PREDICATE ACT SEVENTEEN

CRIMINAL ATTEMPT TO COMMIT THEFT-\$2,000-\$5,000, C.R.S. §§ 18-4-401(1) and 18-2-101 (F6)

On or about April 15, 2014, in the State of Colorado, **Rickey Gene Fite, Michael Sullivan and Emanuel Broadway** unlawfully, feloniously and knowingly engaged in conduct constituting a substantial step toward the commission of the crime of Theft \$2,000 - \$5,000, by attempting to obtain or exercise control over a thing of value, namely: a check and/or money of two thousand dollars or more but less than five thousand dollars, by deception, and intended to deprive permanently [REDACTED] of its use or benefit; in violation of sections 18-4-401(1), and 18-2-201, C.R.S.

PREDICATE ACT EIGHTEEN

CONSPIRACY TO COMMIT THEFT-\$2,000 -\$5,000, C.R.S. §§ 18-4-401(1).(2) (f), and 18-2-201 (F6)

On or about April 15, 2014, in the State of Colorado, **Rickey Gene Fite, Michael Sullivan and Emanuel Broadway**, with the intent to promote or facilitate the commission of the crime of Theft-\$2,000 -\$5,000, unlawfully and feloniously agreed with one or more of each other and/or a person or persons to the Grand Jury and Attorney General unknown that one or more of them would engage in conduct which constituted that crime or 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; in violation of sections 18-4-401(1)(2),(f) and 18-2-201, C.R.S.

Along with the incorporation of the essential facts that were used elsewhere in this Indictment, the offenses alleged in **Predicate Acts Eleven through Eighteen** were committed in the following manner and serve as the non-exclusive, essential facts:

[REDACTED], age 71 as of February 2014, lives on a rural property in unincorporated [REDACTED], at [REDACTED], Colorado. In June of 2012, she was approached at her property by a man who told her that he was working in the area and had a lot of excess asphalt. He suggested that he could asphalt her driveway at this residence for a great price, indicating that she would only be charged for labor, not materials. After some negotiation, the man agreed that the price would not exceed \$6000.00. [REDACTED] told him she would think about this offer, and she left the property. When she returned, a crew was already working on grading the driveway.

The work was completed the same day, and the man told her the full cost of the job was now \$9800.00. [REDACTED] was shocked by the change in price. As requested by this individual, she wrote a check for \$9800.00 payable to Rodney Jackson. The same individual returned to her house the following day. He told her that they needed to put a sealant on the new asphalt to finish the job, or it would not hold up. He told her that this would not cost too much, but then after it had been completed, told her she owed another \$4760.00. She paid this sum to him by check.

On or about July 26, 2012, the same man came back. [REDACTED] was out. When she returned home another sealcoat had been put on the drive. The next day, the man returned and told her that she owed him \$4200.00. She paid him this sum by check. In late May of 2013, she was surprised to receive a return visit from the same man. She complained to him about the fact that the driveway was not holding up and weeds were growing through at certain points. He had his crew apply a further sealcoat, and then told her that she owed another \$6000.00. This time he had her make the check payable to Michael Sullivan, who he said was his father. He claimed that he had to pay his father for materials.

Expert evidence was developed during the Grand Jury Investigation in relation to the quality of the work done on her driveway. The asphalt was too thin, the workmanship poor, the surface was not prepared properly, and industry expert Frank Cavalier indicated that the sealcoat was unnecessary, and improperly applied. The record reflects Mr. Cavalier's assessment of the value of the actual work on the ground (approx \$2,937.00) as well as what it would have cost his company to properly have done this job (\$6,982.00) when compared to what [REDACTED] actually paid, which was \$24,700.00.

Finally, on April 15, 2014, Fite and Sullivan returned, with another man believed to be Emanuel Broadway. Without permission from [REDACTED], this crew applied a further sealcoat (topcoat) to her driveway while she was not at home. The Grand Jury reasonably infers that the three named defendants were attempting to acquire money from [REDACTED] through this ongoing deception and that she would pay them in excess of \$2000.00, as was done in 2012 for the same unnecessary work. This time, [REDACTED] contacted law enforcement, and did not give the named defendants any money. Fite, Sullivan and Emanuel Broadway were all positively identified by law enforcement during a contact later that same day.

PREDICATE ACT NINETEEN

THEFT-\$5,000-\$20,000 OR MORE-SERIES, C.R.S. § 18-4-401(1)(a),(4) (F5)

On or about June 21, 2013 through June 24, 2013, **Rickey Gene Fite, Rickey Dean Fite and Rodney Jackson**, in the State of Colorado, unlawfully, feloniously and knowingly obtained or exercised control over things of value, namely: checks and/or money of [REDACTED], twice or more within a period of six months, with an aggregate value of between five thousand and twenty thousand dollars or more, by deception, and intended to permanently deprive [REDACTED] of its use or benefit; in violation of section 18-4-401(1)(a),(4), C.R.S.

PREDICATE ACT TWENTY

THEFT-\$5,000-\$20,000, C.R.S. § 18-4-401(1)(a),(2)(g) (F5)

On or about September 20, 2013, **Rickey Gene Fite, Rickey Dean Fite and Michael Sullivan**, in the State of Colorado, unlawfully, feloniously and knowingly obtained or exercised control over a thing of value, namely: a check and/or money of [REDACTED], with the value of five thousand dollars or more but less than twenty thousand dollars, by deception, and intended to deprive permanently [REDACTED] of its use or benefit; in violation of section 18-4-401(1)(a),(2)(g), C.R.S.

PREDICATE ACT TWENTY-ONE

CONSPIRACY TO COMMIT THEFT-\$5,000 -\$20,000-SERIES, C.R.S. §§ 18-4-401(1),(4) and 18-2-201 (F6)

On or about June 21, 2013 through September 20, 2013, **Rickey Gene Fite, Rickey Dean Fite, and Rodney Jackson**, in the State of Colorado, with the intent to promote or facilitate the commission of the crime of Theft-\$5,000 -\$20,000-Series, unlawfully and feloniously agreed with one or more of each other and/or a person or persons to the Grand Jury and Attorney General unknown that one or more of them would engage in conduct which constituted that crime or 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; in violation of sections 18-4-401(1)(a), (4) and 18-2-201, C.R.S.

PREDICATE ACT TWENTY-TWO

CONSPIRACY TO COMMIT THEFT-\$5,000 -\$20,000, C.R.S. §§ 18-4-401(1), and 18-2-201 (F6)

On or about September 20, 2013, **Rickey Gene Fite, Rickey Dean Fite and Michael Sullivan**, in the State of Colorado, with the intent to promote or facilitate the commission of the crime of Theft-\$5,000 -\$20,000, unlawfully and feloniously agreed with one or more of each other and/or a person or persons to the Grand Jury and Attorney General unknown that one or more of them would engage in conduct which constituted that crime or 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; in violation of sections 18-4-401(1)and 18-2-201, C.R.S.

PREDICATE ACT TWENTY-THREE

MONEY LAUNDERING, § 18-5-309(1)(a)(II) (F3)

On or about June 21, 2013 through September 20, 2013, in the State of Colorado, **Rickey Gene Fite, Rodney Jackson and Michael Sullivan**, 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; in violation of section 18-5-309(1)(a)(II), C.R.S.

PREDICATE ACT TWENTY-FOUR

MONEY LAUNDERING, § 18-5-309(1)(b)(II) (F3)

On or about June 21, 2013 through September 20, 2013, in the State of Colorado, **Rickey Gene Fite, Rodney Jackson and Michael Sullivan**, 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; in violation of section 18-5-309(1)(b)(II), C.R.S.

PREDICATE ACT TWENTY-FIVE

CRIMINAL ATTEMPT TO COMMIT THEFT - \$5,000 - \$20,000 (F5)

On or about April 15, 2014, in the State of Colorado **Rickey Gene Fite and Emanuel Broadway**, unlawfully, feloniously and knowingly engaged in conduct constituting a substantial step toward the commission of the crime of Theft, by attempting to obtain or exercise control over a thing of value, namely: a check and/or money of five thousand dollars or more but less than twenty thousand dollars, by deception, and intended to deprive permanently [REDACTED] of its use or benefit; in violation of section 18-4-401(1),(2)(f) and 18-2-101, C.R.S.

PREDICATE ACT TWENTY-SIX

CONSPIRACY TO COMMIT THEFT-\$5,000 -\$20,000-SERIES, C.R.S. §§ 18-4-401(1),(4) and 18-2-201 (F6)

On or about April 15, 2014, **Rickey Gene Fite and Emanuel Broadway**, in the State of Colorado, with the intent to promote or facilitate the commission of the crime of Theft-\$5,000 -\$20,000, unlawfully and feloniously agreed with one or more of each other and/or a person or persons to the Grand Jury and Attorney General unknown that one or more of them would engage in conduct which constituted that crime or 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; in violation of sections 18-4-401(1)(a), (4) and 18-2-201, C.R.S.

Along with the incorporation of the essential facts that were used elsewhere in this Indictment, the offenses alleged in **Predicate Acts Nineteen through Twenty-Six** were committed in the following manner and serve as the non-exclusive, essential facts:

[REDACTED] lives in [REDACTED], at [REDACTED], CO. She was initially approached outside her house in June 2013 by a man she described as young and personable, who introduced himself as "Rick." He told her he had asphalt left over from a previous job, and he could asphalt the driveway in front of her house for \$1,300.00 She thought that this sounded reasonable, so she agreed. As the job progressed, [REDACTED] described how she was persuaded to expand the area to be paved. Rick told her that they would not charge her much; they would not charge for materials; it would be really inexpensive. Rick was with another, older individual he described as being his father. The equipment used by the crew was in good condition.

At the end of the job, Rick asked her for \$25,000.00. She ‘negotiated’ this down to \$15,000.00. Rick wanted this in cash but she explained she could only give him \$4000.00 in cash, and the remainder was paid by check, payable to Rodney Jackson. Rick returned a day or so later and told her a seal coat was necessary, or the driveway would not hold up. There was no agreed price. Afterward, he told her the cost would be \$7500.00. Again she complained that this was too high and after discussion, she wrote him a check, payable to Rodney Jackson, for \$5000.00.

Rick and the crew returned in September, 2013. He told her another sealcoat was necessary, and after this had been applied, that she owed him \$10,000.00. She told him this was far too high, and ultimately wrote him a check for \$6,000.00. He asked her to make this check payable to Michael Sullivan. She gave him a check in this sum, payable to Michael Sullivan.

The asphaltting done for [REDACTED] was examined by Frank Cavalier, who as discussed is an industry expert with significant experience.

Mr. Cavalier found various problems with the work; first, it was too thin, particularly as it had been laid directly onto the ground. It should have been four inches thick but was two inches or less in places. It appeared that the asphalt had been laid directly onto existing aggregate, with insufficient attention to drainage and elevation. The record reflects Mr. Cavalier’s assessment of the approximate value of Enterprise’s actual work (\$6,143.00) as well of what it would have cost his company to properly have done this job (\$12,492.00) when compared to what [REDACTED] actually paid, which was \$26,000.00.

The crew returned on April 15, 2014. [REDACTED] said that she was contacted by “Rick” again about 1300 hours on April 15, 2014, along a man who [REDACTED] described as being consistent with Emanuel Broadway. She recognized Rick as the same person who had paved and applied a sealer to her driveway in 2013. Rick was driving a white pickup truck pulling a tank on a trailer. Rick recalled being at her house before and mentioned his son playing there and his father being there also. [REDACTED]. [REDACTED] asked Rick for his last name to which Rick told her that it was Miller. Rick told her that he wanted to apply a “hardener” to the driveway, and that the cost was \$26 a gallon. Rick never mentioned a final price despite [REDACTED] asking him multiple times. She decided that she did not want any work done by Rick. She left to run errands.

When she returned from her errands, Rick was just finishing up after applying the hardener. Rick said the price was \$8,000.00. [REDACTED] said that the price was way too expensive. Rick said that the lowest he could go was \$4,700.00. [REDACTED] said that she would only pay \$4,200.00 and no more. [REDACTED] felt obligated to pay Rick although she did not authorize the work. Rick directed [REDACTED] to make the check out to Michael Sullivan.

PREDICATE ACT TWENTY-SEVEN

CRIMINAL ATTEMPT TO COMMIT THEFT-\$1,000-\$20,000, C.R.S.
§§ 18-4-401(1)(a),(2)(c) and 18-2-101 (F5)

On or about September 19, 2012, in the State of Colorado, **Rickey Gene Fite, Rickey Dean Fite and Rodney Jackson**, unlawfully, feloniously and knowingly engaged in conduct constituting a substantial step toward the commission of the crime of Theft, by attempting to obtain or exercise control over a thing of value, namely: a check and/or money of one thousand dollars or more but less than twenty thousand dollars, by deception, and intended to deprive permanently [REDACTED] of its use or benefit; in violation of section 18-4-401(1)(a),(2)(c) and 18-2-101, C.R.S.

Along with the incorporation of the essential facts that were used elsewhere in this Indictment, the offense alleged in **Predicate Act Twenty-Seven** was committed in the following manner and serves as the non-exclusive, essential facts:

This was an attempted “bait and switch” scheme. On or about September 19, 2012 [REDACTED], then 72 years of age, was at his [REDACTED] home in [REDACTED], Colorado when a man came onto his property offering to repair his asphalt driveway. The man, described as white, between 30-40 years of age, with a short haircut, approximately 5’10” - 6’ feet tall, and was approximately 200 lbs. [REDACTED] and the soliciting man agreed upon the price of \$2800.00 to patch the driveway. The crew was then called in very quickly and they got to work patching the driveway. The crew included an African-American and another white male who was 250 lbs and about 5’10” in height. [REDACTED] also stated that the driver of another pick up truck looked similar (a possible familial relationship) to the soliciting man he had primarily been interacting with. When the job was done the soliciting man stated that the job had gone longer and that they had used a little more material so the job was now going to cost \$8,000.00. [REDACTED] stated that when he heard this amount he argued with the solicitor, who in turn took an aggressive stance toward [REDACTED]. [REDACTED] told the solicitor that he had to leave or he would be calling the sheriff. It was at this time [REDACTED], then 70 years of age, came out and wrote the check for \$2,800.00 that was made payable to “Rodney Jackson” after the soliciting man had directed that Jackson’s name be put on the check. From the totality of the known evidence the Grand Jury infers that the man who primarily interacted with [REDACTED] was Rickey Gene Fite, with Rodney Jackson also being present, and also Rickey Dean Fite, as the driver who resembled the man [REDACTED] interacted with.

PREDICATE ACT TWENTY-EIGHT

THEFT-\$2,000-\$5,000, C.R.S. § 18-4-401(1)(a),(2)(f) (F6)

On or about July 31, 2013, **Rickey Gene Fite and Rodney Jackson**, in the State of Colorado, unlawfully, feloniously and knowingly obtained or exercised control over a thing of value, namely: a check and/or money of [REDACTED], with the value of two thousand dollars or more but less than five thousand dollars, by deception, and intended to deprive permanently [REDACTED] of its use or benefit; in violation of section 18-4-401(1)(a),(2)(f), C.R.S.

PREDICATE ACT TWENTY-NINE

CONSPIRACY TO COMMIT THEFT-\$2,000 -\$5,000, C.R.S. §§ 18-4-401(1),(2) (f),and 18-2-201 (F6)

On or about July 31, 2013, **Rickey Gene Fite and Rodney Jackson** in the State of Colorado, with the intent to promote or facilitate the commission of the crime of Theft-\$2,000 -\$5,000, unlawfully and feloniously agreed with one or more of each other and/or a person or persons to the Grand Jury and Attorney General unknown that one or more of them would engage in conduct which constituted that crime or 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; in violation of sections 18-4-401(1)(2),(f) and 18-2-201, C.R.S.

PREDICATE ACT THIRTY

MONEY LAUNDERING, § 18-5-309(1)(a)(II) (F3)

On or about July 31, 2013, in the State of Colorado, **Rickey Gene Fite and Rodney Jackson**, 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; in violation of section 18-5-309(1)(a)(II), C.R.S.

PREDICATE ACT THIRTY-ONE

MONEY LAUNDERING, § 18-5-309(1)(b)(II) (F3)

On or about July 31, 2013, in the State of Colorado, **Rickey Gene Fite and Rodney Jackson**, 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; in violation of section 18-5-309(1)(b)(II), C.R.S.

Along with the incorporation of the essential facts that were used elsewhere in this Indictment, the offenses alleged in **Predicate Acts Twenty-Eight through Thirty-One** were committed in the following manner and serve as the non-exclusive, essential facts:

This was another paving scheme where on or about July 31, 2013 in [REDACTED], Colorado, 76 year old [REDACTED] was at her home when she was approached by a white male who introduced himself as either Rodney Jackson or Johnson. This person is reasonably inferred to have been Rickey Gene Fite. This person offered to pave her asphalt driveway. Upon accepting this man's offer a crew with a vehicle with a sign stating "Asphalt Paving" started to work on her driveway. It should be noted that [REDACTED] had a portion of her driveway previously paved for \$3000.00 and that is what she authorized him to repave. When the work was completed she was told by this man that she owed \$10,000.00 for the work. When [REDACTED] stated to him that she could not afford that sum, it was negotiated down to \$9,400.00 for this job. In the end on July 31, 2013 [REDACTED] wrote one check that was payable to "Rodney Johnson" for \$9400.00 but due to a spelling mistake she was later requested by this man to write another check payable to "Rodney Jackson" for the same amount. Mike McGehee at United Company, a western slope asphalt company, examined [REDACTED] driveway and determined that he would have charged \$6,200.00 to properly re-pave [REDACTED] driveway with 2" of hot asphalt, thus "Rodney Jackson" and Asphalt Paving charged [REDACTED] \$3200.00 more than Mr. McGehee's locally operated business.

PREDICATE ACT THIRTY-TWO

THEFT-\$2,000-\$5,000, C.R.S. § 18-4-401(1)(a),(2)(f) (F6)

On or about August 6, 2013, **Rickey Gene Fite, Rickey Dean Fite and Rodney Jackson** in the State of Colorado, unlawfully, feloniously and knowingly obtained or exercised control over a thing of value, namely: a check and/or money of [REDACTED] [REDACTED] with the value of two thousand dollars or more but less than five thousand dollars, by deception, and intended to deprive permanently [REDACTED] of its use or benefit; in violation of section 18-4-401(1)(a),(2)(f), C.R.S.

PREDICATE ACT THIRTY-THREE

CONSPIRACY TO COMMIT THEFT-\$2,000 -\$5,000, C.R.S. §§ 18-4-401(1),(2) (f),and 18-2-201 (F6)

On or about August 6, 2013, **Rickey Gene Fite, Rickey Dean Fite and Rodney Jackson** in the State of Colorado, with the intent to promote or facilitate the commission of the crime of Theft-\$2,000 -\$5,000, unlawfully and feloniously agreed with one or more of each other and/or a person or persons to the Grand Jury and Attorney General unknown that one or more of them would engage in conduct which constituted that crime or 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; in violation of sections 18-4-401(1)(2),(f) and 18-2-201, C.R.S.

PREDICATE ACT THIRTY-FOUR

MONEY LAUNDERING, § 18-5-309(1)(a)(II) (F3)

On or about August 6, 2013, in the State of Colorado, **Rickey Gene Fite and Rodney Jackson**, 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; in violation of section 18-5-309(1)(a)(II), C.R.S.

PREDICATE ACT THIRTY-FIVE

MONEY LAUNDERING, § 18-5-309(1)(b)(II) (F3)

On or about August 6, 2013, in the State of Colorado, **Rickey Gene Fite and Rodney Jackson**, 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; in violation of section 18-5-309(1)(b)(II), C.R.S.

Along with the incorporation of the essential facts that were used elsewhere in this Indictment, the offenses alleged in **Predicate Acts Thirty-Two through Thirty-Five** were committed in the following manner and serve as the non-exclusive, essential facts:

This was another paving scheme where on or about August 6, 2013 in [REDACTED], Colorado, [REDACTED], [REDACTED] was at his home when he was approached by two white males in a white pick-up truck who offered to pave his gravel driveway with leftover asphalt. The driver was described as a white male, 5'10", 175 lbs with short hair. The passenger was 5'11", much heavier and about 60 yrs old and was introduced as his father. [REDACTED] described that the driver was the job boss. [REDACTED] observed one African-American male on the crew who stated that he was out of California. Rodney Jackson has strong historical ties to California.

When the job was done, the job boss (reasonably inferred to be Rickey Gene Fite) measured and said the cost to [REDACTED] was \$10,000.00 plus another \$2,000.00 for sealant. When [REDACTED] said that was too high the price was reduced to \$9000.00 plus \$900.00 for the sealer. [REDACTED] ended up writing a check to Rodney Jackson for \$9900.00. Mike McGehee at United Company, a western slope asphalt company, examined [REDACTED] driveway and determined that he would have charged \$7,300.00 to properly pave [REDACTED] driveway with 3" of hot asphalt, thus "Rodney Jackson" and Asphalt Paving charged [REDACTED] \$2,600.00 more than Mr. McGehee's locally operated business.

PREDICATE ACT THIRTY-SIX

THEFT-\$1,000 -\$20,000-SERIES, C.R.S. § 18-4-401(1)(a),(2)(c)(4) (F4)

On or about June 20, 2012 through June 26, 2012, **Rickey Gene Fite and Rodney Jackson**, in the State of Colorado, unlawfully, feloniously and knowingly obtained or exercised control over things of value, namely: checks and/or money of [REDACTED], twice or more within a period of six months, with an aggregate value of between one thousand and twenty thousand dollars, by deception, and intended to permanently deprive [REDACTED] of its use or benefit; in violation of section 18-4-401(1)(a)(2)(c),(4), C.R.S.

PREDICATE ACT THIRTY-SEVEN

THEFT-\$1,000-\$20,000, C.R.S. § 18-4-401(1)(a),(2)(c) (F4)

On or about May 30, 2013, **Rickey Gene Fite and Michael Sullivan**, in the State of Colorado, unlawfully, feloniously and knowingly obtained or exercised control over a thing of value, namely: a check and/or money of one thousand dollars or more but less than twenty thousand dollars of [REDACTED], by deception, and intended to deprive permanently [REDACTED] of its use or benefit; in violation of section 18-4-401(1)(a),(2)(c)C.R.S.

PREDICATE ACT THIRTY-EIGHT

CONSPIRACY TO COMMIT THEFT-\$1,000 - 20,000 -SERIES, C.R.S. §§ 18-4-401(1)(4) and 18-2-201 (F5)

On or about June 20, 2012 through June 26, 2012, **Rickey Gene Fite and Rodney Jackson**, in the State of Colorado, with the intent to promote or facilitate the commission of the crime of Theft-\$1,000 -20,000 -Series, unlawfully and feloniously agreed with one or more of each other and/or a person or persons to the Grand Jury and Attorney General unknown that one or more of them would engage in conduct which constituted that crime or 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; in violation of sections 18-4-401(1)(4) and 18-2-201, C.R.S.

PREDICATE ACT THIRTY-NINE

CONSPIRACY TO COMMIT THEFT-\$1,000 -\$20,000, C.R.S. §§ 18-4-401(1)(2)(c) and 18-2-201 (F5)

On or about May 30, 2013, **Rickey Gene Fite and Michael Sullivan**, in the State of Colorado, with the intent to promote or facilitate the commission of the crime of Theft-\$1,000-\$20,000, unlawfully and feloniously agreed with one or more of each other and/or a person or persons to the Grand Jury and Attorney General unknown that one or more of them would engage in conduct which constituted that crime or 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; in violation of sections 18-4-401(1)(2)(c) and 18-2-201, C.R.S.

PREDICATE ACT FORTY

MONEY LAUNDERING, § 18-5-309(1)(a)(II) (F3)

On or about June 20, 2012, through June 26, 2012 **Rickey Gene Fite and Rodney Jackson**, in the State of Colorado, 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; in violation of section 18-5-309(1)(a)(II), C.R.S.

PREDICATE ACT FORTY-ONE

MONEY LAUNDERING, § 18-5-309(1)(b)(II) (F3)

On or about June 20, 2012 through June 26, 2012, in the State of Colorado, **Rickey Gene Fite and Rodney Jackson**, 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; in violation of section 18-5-309(1)(b)(II), C.R.S.

PREDICATE ACT FORTY-TWO

MONEY LAUNDERING, § 18-5-309(1)(a)(II) (F3)

On or about May 30, 2013 through May 31, 2013, in the State of Colorado, **Rickey Gene Fite and Michael Sullivan**, 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; in violation of section 18-5-309(1)(a)(II), C.R.S.

PREDICATE ACT FORTY-THREE

MONEY LAUNDERING, § 18-5-309(1)(b)(II) (F3)

On or about May 30, 2013 through May 31, 2013, in the State of Colorado, **Rickey Gene Fite and Michael Sullivan**, 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; in violation of section 18-5-309(1)(b)(II), C.R.S.

Along with the incorporation of the essential facts that were used elsewhere in this Indictment, the offenses alleged in **Predicate Acts Thirty-Six through Forty-Three** were committed in the following manner and serve as the non-exclusive, essential facts:

This was a paving scheme which took place in [REDACTED]. On or about June 20, 2012, [REDACTED] was contacted at her home address of [REDACTED], Colorado. Her partner [REDACTED] was at the hospital. She was contacted by a man who introduced himself as Rodney Jackson, who told her that he had been doing some work for a neighbor, [REDACTED]. He asked her if she would like to have her driveway paved, giving her no firm price for the work. She agreed to this, and after the paving work was completed, he told her that the cost of this was \$8,400.00. She paid this sum by check, and the check was made payable to Rodney Jackson.

Several days later, when [REDACTED] was at home, he was contacted by the same group, who returned and told him that the driveway needed to be sealed. [REDACTED] described Mr Jackson, who he interacted with, as a stocky white male in

his thirties, thus again reasonably inferred to be Rickey Gene Fite. After the seal coat was applied, Rodney Jackson obtained a check from [REDACTED] in the sum of \$4000.00.

The same group returned in May of 2013, and discussed with [REDACTED] that a topcoat needed to be applied. They did this work, then asked him for \$6000.00, which he negotiated down to a final figure of \$4000.00. "Rodney Jackson" asked [REDACTED] to make this check payable to Michael Sullivan. [REDACTED] and [REDACTED] paid the individual they knew as Rodney Jackson a total of \$16,400.00. They were able to provide law enforcement with an invoice which was similar in design and wording to many others provided during the course of the investigation.

[REDACTED] was already experiencing problems with the quality of the work when he was contacted by law enforcement in late 2013. The job was assessed and professionally evaluated by Frank Cavalier. In addition to finding issues with the workmanship, he evaluated the total value for the completed work as being at a maximum of \$4,177.00

PREDICATE ACT FORTY-FOUR

CRIMINAL ATTEMPT TO COMMIT THEFT - \$2,000 - \$5,000 (F6)

On or about June 20, 2013, in the State of Colorado **Rickey Gene Fite and Michael Sullivan**, unlawfully, feloniously and knowingly engaged in conduct constituting a substantial step toward the commission of the crime of Theft, by attempting to obtain or exercise control over a thing of value, namely: a check and/or money of two thousand dollars or more but less than five thousand dollars, by deception, and intended to deprive permanently [REDACTED] of its use or benefit; in violation of section 18-4-401(1),(2)(f) and 18-2-101, C.R.S.

Along with the incorporation of the essential facts that were used elsewhere in this Indictment, the offense alleged in **Predicate Act Forty-Four** was committed in the following manner and serve as the non-exclusive, essential facts:

[REDACTED] is a senior citizen who resides at [REDACTED], near [REDACTED], in unincorporated [REDACTED], CO. She was 70 at the time when she was contacted by members of the Enterprise. She described a white pickup arriving at her property on June 20, 2013, and being contacted by a younger white male with spiky hair (reasonably inferred to be Rickey Gene Fite) who introduced himself as Michael Sullivan. He told her that they had just completed a job in the local area, had some left over asphalt and could give her a terrific deal. [REDACTED] agreed, but stipulated that the price could not be over \$2,600.00. After the work was completed, this male approached her and told her that she owed \$6,800.00. They went back and forth over price. Eventually they settled on \$3,200.00. This amount was still over the original amount which she had agreed that she could afford. She wrote a check payable to Michael Sullivan. The check was cashed at

the [REDACTED] branch of Bank of the West on June 21, 2013 at around 9:43 in the morning. Surveillance photographs obtained from the bank and presented to the Grand Jury showed this check being cashed by the real Michael Sullivan. This person, Michael Sullivan, was not the man she had personally dealt with.

PREDICATE ACT FORTY-FIVE

THEFT-\$1,000-\$20,000, C.R.S. § 18-4-401(1)(a),(2)(c) (F4)

On or about June 12, 2012, **Rickey Gene Fite and Rodney Jackson**, in the State of Colorado, unlawfully, feloniously and knowingly obtained or exercised control over a thing of value, namely: a check and/or money of one thousand dollars or more but less than twenty thousand dollars, by deception, and intended to deprive permanently [REDACTED] [REDACTED] of its use or benefit; in violation of section 18-4-401(1)(a),(2)(c)C.R.S.

PREDICATE ACT FORTY-SIX

CONSPIRACY TO COMMIT THEFT-\$1,000 -\$20,000, C.R.S. §§ 18-4-401(1)(2)(c) and 18-2-201 (F5)

On or about June 12, 2012, **Rickey Gene Fite and Rodney Jackson**, in the State of Colorado, with the intent to promote or facilitate the commission of the crime of Theft-\$1,000-\$20,000, unlawfully and feloniously agreed with one or more of each other and/or a person or persons to the Grand Jury and Attorney General unknown that one or more of them would engage in conduct which constituted that crime or 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; in violation of sections 18-4-401(1)(2)(c) and 18-2-201, C.R.S.

PREDICATE ACT FORTY-SEVEN

MONEY LAUNDERING, § 18-5-309(1)(a)(II) (F3)

On or about June 12, 2012, in the State of Colorado, **Rickey Gene Fite and Rodney Jackson**, 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; in violation of section 18-5-309(1)(a)(II), C.R.S.

PREDICATE ACT FORTY-EIGHT

MONEY LAUNDERING, § 18-5-309(1)(b)(II) (F3)

On or about June 12, 2012, in the State of Colorado, **Rickey Gene Fite and Rodney Jackson**, 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; in violation of section 18-5-309(1)(b)(II), C.R.S.

Along with the incorporation of the essential facts that were used elsewhere in this Indictment, the offenses alleged in **Predicate Acts Forty-Five through Forty-Eight** were committed in the following manner and serve as the non-exclusive, essential facts:

This was a paving scheme involving [REDACTED], a senior citizen who was seventy four (74) years old at the time of this incident. Again, the members of the Enterprise used a “bait and switch” scheme. [REDACTED] resides at [REDACTED], Colorado. On the date in question, she was planning to go to the airport to catch a flight. A man came to her door and introduced himself as Rodney Jackson. She described him as a white male, stocky, about 5’8”, 25 to 30 years of age with spiky, darker hair. She said that he was very pushy and a fast talker. Again based on all of the known evidence, both direct and circumstantial, this person is inferred to be Rickey Gene Fite. He told her that they had been working in her area, had leftover asphalt, and asked if she would like them to do some paving on her driveway. She agreed, stipulating that the price should not exceed \$4,500.00 Two hours later with the work already completed, the man who called himself Mr Jackson told her that the total cost would be \$10,000.00

After discussion, he agreed to reduce the price to \$8,200.00. She was distracted and under a time crunch, and paid him this sum by check. However, this was almost twice what she had originally agreed. Expert evidence from Frank Cavalier of CASI was developed, and this demonstrated that the maximum total value of the work done in this case was not more than \$3,933.00.

PREDICATE ACT FORTY-NINE

THEFT-\$1,000 -\$20,000-SERIES, C.R.S. § 18-4-401(1)(a),(2)(c)(4) (F4)

On or about May 31, 2012 through June 6, 2012, **Rickey Gene Fite and Rodney Jackson**, in the State of Colorado, unlawfully, feloniously and knowingly obtained or exercised control over things of value, namely: checks and/or money of [REDACTED], twice or more within a period of six months, with an aggregate value of between one thousand and twenty thousand dollars, by deception, and intended to permanently deprive [REDACTED] of its use or benefit; in violation of section 18-4-401(1)(a)(2)(c),(4), C.R.S.

PREDICATE ACT FIFTY

CONSPIRACY TO COMMIT THEFT-\$1,000 - 20,000 -SERIES, C.R.S. §§ 18-4-401(1)(4) and 18-2-201 (F5)

On or about May 31, 2012 through June 6, 2012, **Rickey Gene Fite and Rodney Jackson**, in the State of Colorado, with the intent to promote or facilitate the commission of the crime of Theft-\$1,000 -20,000 -Series, unlawfully and feloniously agreed with one or more of each other and/or a person or persons to the Grand Jury and Attorney General unknown that one or more of them would engage in conduct which constituted that crime or 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; in violation of sections 18-4-401(1)(4) and 18-2-201, C.R.S.

PREDICATE ACT FIFTY-ONE

MONEY LAUNDERING, § 18-5-309(1)(a)(II) (F3)

On or about May 31, 2012 to June 6, 2012, **Rickey Gene Fite and Rodney Jackson**, in the State of Colorado, 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; in violation of section 18-5-309(1)(a)(II), C.R.S.

PREDICATE ACT FIFTY-TWO

MONEY LAUNDERING, § 18-5-309(1)(b)(II) (F3)

On or about May 31, 2012 to June 6, 2012, **Rickey Gene Fite and Rodney Jackson**, in the State of Colorado, 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; in violation of section 18-5-309(1)(b)(II), C.R.S.

Along with the incorporation of the essential facts that were used elsewhere in this Indictment, the offenses alleged in **Predicate Acts Forty-Nine through Fifty-Two** were committed in the following manner and serve as the non-exclusive, essential facts:

This was a paving scheme which took place in the [REDACTED] area of Colorado in 2012. [REDACTED] live at [REDACTED], also called [REDACTED]. They were contacted in May 2012 by individuals from the Enterprise. The sales person who did all the talking, who they knew as Rodney, was Caucasian, about 5'9" to 5'10" in height, with dark spiky hair, wearing a lot of jewelry, very dressed up. [REDACTED] said that he was a fast talker and a businessman. [REDACTED] was told that they had been working in the area and had left over asphalt. They offered to pave about half of the driveway for \$2,000.00 to \$2,500.00. An African American worker was also on the crew.

After the work was done, [REDACTED] was presented with a bill for \$9,000.00, and this despite the fact that the area paved was only about half what [REDACTED] expected to be done. [REDACTED] described that he "went ballistic". "Rodney" offered to pave the rest of the initial section agreed on; for a further \$2,000.00. The crew returned on May 31, 2012 and paved the remainder of the agreed section. [REDACTED] and Mr. Jackson negotiated for the completion of the remainder of the driveway, and a price of \$6,000.00 was agreed upon. After this, Rodney offered to sealcoat the driveway; a price of \$3,000.00 was suggested to [REDACTED] but after the work had been completed, Rodney asked for \$4,350.00. After discussions, the final figure was \$3,750.00. The total sum paid by [REDACTED] and [REDACTED] was \$20,750.00. The crew returned in June 2013, but the [REDACTED] had no further work done at this point.

The work done on the [REDACTED] driveway was professionally assessed by Frank Cavalier. He stated that the asphalt was too thin; with the thickness being 2" or less, and the cost of the work on the ground should not have exceeded \$10,870.00.

PREDICATE ACT FIFTY-THREE

THEFT-\$5,000-\$20,000, C.R.S. § 18-4-401(1)(a),(2)(g) (F5)

On or about June 11, 2013 to June 17, 2013, **Rickey Gene Fite and Michael Sullivan** in the State of Colorado, unlawfully, feloniously and knowingly obtained or exercised control over a thing of value, namely: a check and/or money of [REDACTED], with the value of five thousand dollars or more but less than twenty thousand dollars, by deception, and intended to deprive permanently [REDACTED] of its use or benefit; in violation of section 18-4-401(1)(a),(2)(g), C.R.S.

PREDICATE ACT FIFTY-FOUR

CONSPIRACY TO COMMIT THEFT-\$5,000 -\$20,000-SERIES, C.R.S. §§ 18-4-401(1),(4) and 18-2-201 (F6)

On or about June 11, 2013 to June 17, 2013, **Rickey Gene Fite and Michael Sullivan**, in the State of Colorado, with the intent to promote or facilitate the commission of the crime of Theft-\$5,000 -\$20,000, unlawfully and feloniously agreed with one or more of each other and/or a person or persons to the Grand Jury and Attorney General unknown that one or more of them would engage in conduct which constituted that crime or 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; in violation of sections 18-4-401(1)(a), (4) and 18-2-201, C.R.S.

PREDICATE ACT FIFTY-FIVE

MONEY LAUNDERING, § 18-5-309(1)(a)(II) (F3)

On or about June 11, 2013, to June 17, 2013, in the State of Colorado, **Rickey Gene Fite and Michael Sullivan**, 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; in violation of section 18-5-309(1)(a)(II), C.R.S.

PREDICATE ACT FIFTY-SIX

MONEY LAUNDERING, § 18-5-309(1)(b)(II) (F3)

On or about June 11, 2013, to June 17, 2013, in the State of Colorado, **Rickey Gene Fite and Michael Sullivan**, 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; in violation of section 18-5-309(1)(b)(II), C.R.S.

Along with the incorporation of the essential facts that were used elsewhere in this Indictment, the offenses alleged in **Predicate Acts Fifty-Three through Fifty-Six** were committed in the following manner and serve as the non-exclusive, essential facts:

This was a paving and sealcoating scheme which took place in [REDACTED], Colorado in June of 2013. [REDACTED] was 79 years old at the time he was contacted by members of the Enterprise. He lives at [REDACTED] Colorado. He was contacted at his home address. He described noting that the equipment used by the team looked new. He described that there were around five or six individuals involved. He was able to name two, who had introduced themselves as a Michael Sullivan and a William Wagner. He believed that all of the crew was Caucasian. He described "Mr. Sullivan" as having a husky build, was clean shaven, and had light colored hair. This description of "Mr. Sullivan" was more consistent with Mr. Rickey Gene Fite versus the actual Michael Sullivan. [REDACTED] was told that the crew had just got done doing some work for a dealership along I-25, and had a significant amount of asphalt left over. [REDACTED] asked for an estimate and then left his home as he had some errands to run. On his return, he was surprised to see that work had already started on his driveway, despite the fact that he had not received an estimate as requested.

After the job was completed, [REDACTED] was asked to pay \$12,500.00 for the work carried out. He did pay this sum by check made payable to Michael Sullivan. A few days later, on June 17, 2013 the crew returned and told him that they needed to apply a sealcoat to the asphalt. He was not told about any additional charge, and assumed that due to the fact that he had been charged such a high sum on the first occasion, that he would not be making any further payment. After the work was completed, he was told that this would cost him an additional \$2,800.00, and that he was getting a deal, as the true price should have been \$3,800, but as he had been overcharged \$1,000.00 previously, the Enterprise would deduct this from the sum payable for the sealcoat.

██████████ paid the \$2,800.00 by check, and made this payable as requested to a William Walker. This individual has not otherwise been identified during the investigation. ██████████ was not happy with the sealcoat, which he felt remained tacky for several weeks. Later in the season, the crew returned, ostensibly to apply a topcoat. ██████████ asked them if they were the team he had seen news reports on who were scamming senior citizens. Shortly after this comment, they claimed a problem with their equipment, packed up and left. He has not seen them since.

The work done for ██████████ was examined and assessed by Frank Cavalier. Mr. Cavalier felt that there was significant overcharging involved, and that the true value of the work on the ground should be assessed at no more than \$4,678.00.

PREDICATE ACT FIFTY-SEVEN

THEFT-\$1,000-\$20,000, C.R.S. § 18-4-401(1)(a),(2)(c) (F4)

On or about September 13, 2012, **Rickey Gene Fite and Michael Sullivan**, in the State of Colorado, unlawfully, feloniously and knowingly obtained or exercised control over a thing of value, namely: a check and/or money of ██████████ of one thousand dollars or more but less than twenty thousand dollars, by deception, and intended to deprive ██████████ permanently of its use or benefit; in violation of section 18-4-401(1)(a),(2)(c)C.R.S.

PREDICATE ACT FIFTY-EIGHT

CONSPIRACY TO COMMIT THEFT-\$1,000 -\$20,000, C.R.S. §§ 18-4-401(1)(2)(c) and 18-2-201 (F5)

On or about September 13, 2012, **Rickey Gene Fite and Michael Sullivan**, in the State of Colorado, with the intent to promote or facilitate the commission of the crime of Theft-\$1,000-\$20,000, unlawfully and feloniously agreed with one or more of each other and/or a person or persons to the Grand Jury and Attorney General unknown that one or more of them would engage in conduct which constituted that crime or 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; in violation of sections 18-4-401(1)(2)(c) and 18-2-201, C.R.S.

PREDICATE ACT FIFTY-NINE

MONEY LAUNDERING, § 18-5-309(1)(a)(II) (F3)

On or about September 13, 2012, in the State of Colorado, **Rickey Gene Fite and Michael Sullivan**, 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; in violation of section 18-5-309(1)(a)(II), C.R.S.

PREDICATE ACT SIXTY

MONEY LAUNDERING, § 18-5-309(1)(b)(II) (F3)

On or about September 13, 2012, in the State of Colorado, **Rickey Gene Fite and Michael Sullivan**, 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; in violation of section 18-5-309(1)(b)(II), C.R.S.

Along with the incorporation of the essential facts that were used elsewhere in this Indictment, the offenses alleged in **Predicate Acts Fifty-Seven through Sixty** were committed in the following manner and serve as the non-exclusive, essential facts:

This was a paving scheme which involved an elderly ██████████ County resident, ██████████. ██████████ is now 95 years of age, and was 94 at the time she was contacted by members of the Enterprise. At the time she was contacted, in September of 2012, she was living at her home at ██████████ ██████████ ██████████, CO which is a small farm. She also had a tenant living there. She was managing the fishing club on the property, doing a little work on the farm and was in charge of her own finances, although local family called in frequently to check on her.

██████████ was given the sales pitch that the crew had left over asphalt, and said that the man who spoke to her was very persuasive. The only other detail she could give was that he was a white male and nicely dressed. After the job was completed, she was told that the total cost for the work done would be \$6,500.00. As requested, she wrote a check for \$6,500.00 to Michael Sullivan. The man she knew as Michael Sullivan also came into her house, and asked her for some more money. She remembered handing over some more cash from her safe. Unfortunately, by the time she was recounting this to law enforcement, she had had two intervening strokes, and she was not able to remember exactly how much cash was handed over.

██████████ was told by “Mr. Sullivan” that she owed him another \$1,800.00. Members of ██████████ family were concerned by what had happened, and when ██████████’ daughter, called the number her mother had for Mr. Sullivan, he told her to forget about the additional \$1,800.00. When she called him again, he was abusive to her.

Expert evidence from Frank Cavalier was developed. This indicated that the asphalt laid on ██████████’ driveway was too thin; that preparation was poor; that the quality of the work was described as “structurally...terrible”, and that the work on the ground was worth no more than a maximum of \$1,521.00.

PREDICATE ACT SIXTY-ONE

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

On or about September 4, 2012, through September 17, 2012, **Rickey Gene Fite and Rodney Jackson**, in the State of Colorado, unlawfully, feloniously and knowingly obtained or exercised control over things of value, namely: checks and/or money of ██████████ twice or more within a period of six months, with an aggregate value of twenty thousand dollars or more, by deception, and intended to permanently deprive ██████████ of its use or benefit; in violation of section 18-4-401(1)(a),(4), C.R.S.

PREDICATE ACT SIXTY-TWO

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

On or about September 4, 2012, through September 17, 2012, **Rickey Gene Fite and Rodney Jackson**, in the State of Colorado, with the intent to promote or facilitate the commission of the crime of Theft-\$20,000 or More-Series, unlawfully and feloniously agreed with one or more of each other and/or a person or persons to the Grand Jury and Attorney General unknown that one or more of them would engage in conduct which constituted that crime or 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; in violation of sections 18-4-401(1)(a), (4) and 18-2-201, C.R.S.

PREDICATE ACT SIXTY-THREE

MONEY LAUNDERING, § 18-5-309(1)(a)(II) (F3)

On or about September 4, 2012, through September 17, 2012, **Rickey Gene Fite and Rodney Jackson**, in the State of Colorado, 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; in violation of section 18-5-309(1)(a)(II), C.R.S.

PREDICATE ACT SIXTY-FOUR

MONEY LAUNDERING, § 18-5-309(1)(b)(II) (F3)

On or about September 4, 2012 through September 17, 2012, **Rickey Gene Fite and Rodney Jackson**, in the State of Colorado, 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; in violation of section 18-5-309(1)(b)(II), C.R.S.

PREDICATE ACT SIXTY-FIVE

THEFT-\$1,000-\$20,000, C.R.S. § 18-4-401(1)(a),(2)(c) (F4)

On or about May 20, 2013 through May 31, 2013, **Rickey Gene Fite and Michael Sullivan**, in the State of Colorado, unlawfully, feloniously and knowingly obtained or exercised control over a thing of value, namely: a check and/or money of [REDACTED] of one thousand dollars or more but less than twenty thousand dollars, by deception, and intended to deprive [REDACTED] permanently of its use or benefit; in violation of section 18-4-401(1)(a),(2)(c)C.R.S.

Along with the incorporation of the essential facts that were used elsewhere in this Indictment, the offenses alleged in **Predicate Acts Sixty One through Sixty-Five** were committed in the following manner and serve as the non-exclusive, essential facts:

██████████ lived on a farm situated at ██████████ ██████████, ██████████, Colorado. ██████████ was 94 at the time she was first contacted by members of the Enterprise, and ██████████ was 90. ██████████ passed away on May 31, 2013. In the fall of 2012, the ██████████ had been visited by members of this Enterprise, and had work done on their driveway for a total of \$58,400.00. Three checks were written by ██████████ to Rodney Jackson, and ██████████ also provided a sum in cash which she withdrew from her account. Only a portion of the driveway was paved for this sum.

In May of 2013, the same group returned and ██████████ this time wrote a check for \$18,000.00 for sealcoating. A caregiver alerted her son, ██████████, who arranged for a stop to be put on this check, which was made payable to Michael Sullivan. ██████████ had a conversation with a man claiming to be Michael Sullivan, on the number which he had been given by the caregiver. The person called indicated that he would not pursue the payment and did not want any trouble with law enforcement.

The caregiver was able to describe the man who had been interacting with ██████████ in 2013. She described him as a younger man in his 30's, with dark hair, and was overly friendly. A worker for the ██████████ was able to confirm that it was the same crew returned again in 2013 as had been at the property doing paving work in 2012.

Expert evidence from Mr. Frank Cavalier confirmed that the asphalt pavement was too thin; that it appeared that there was not a successful bond between the old road and the new pavement; that transitions between different sections of paving are terrible; and that the cost of work on the ground should not have exceeded \$5,868.00, whereas the ██████████ had paid many times that price.

PREDICATE ACT SIXTY-SIX

CRIMINAL ATTEMPT TO COMMIT THEFT-\$1,000-\$20,000, C.R.S. § § 18-4-401(1),(2)(c), 18-2-101 (F5)

On or about May 18, 2010, **Rickey Gene Fite and Rickey Dean Fite** in the State of Colorado, unlawfully, feloniously and knowingly engaged in conduct constituting a substantial step toward the commission of the crime of Theft, by attempting to obtain or exercise control over a thing of value, namely: a check and/or money of one thousand dollars or more of but less than twenty thousand dollars, of [REDACTED] [REDACTED] by deception, and intended to deprive permanently [REDACTED] of its use or benefit; in violation of section 18-4-401(1),(2)(c) and 18-2-101, C.R.S.

Along with the incorporation of the essential facts that were used elsewhere in this Indictment, the offenses alleged in **Predicate Act Sixty-Six** were committed in the following manner and serve as the non-exclusive, essential facts:

[REDACTED] live at [REDACTED] Colorado. They were first contacted by members of the Enterprise on or about May 18, 2010. They are now 80 and 81 years of age respectively. They recalled that they had had paving work carried out in the summer of 2010. They described being approached by a white male, who said that he was working in the area and had left over asphalt from another job. Also in the same group was another white male who seemed to be related to the first. [REDACTED] believed that they were father and son. [REDACTED] also stated that he recalled being quoted \$600.00-\$800.00 for the work to be done, which was for a section of the driveway to be repaved, plus part of the interior of a garage structure, and the apron in front of the garage.

The crew member they had spoken to then demanded a check on the first day. [REDACTED] refused, and asked them to come back the following day, complete the work and then collect a check. The crew returned, finished up the agreed work and told [REDACTED] that the price was now \$11,000.00. [REDACTED] wrote a check from their [REDACTED] bank account. This check was cashed the following day, for cash. The individual cashing the check at the [REDACTED] Bank branch in [REDACTED] was Rickey Dean Fite, as was identified by his Idaho Driver's license.

PREDICATE ACT SIXTY-SEVEN

Evasion of Taxes Administered by the Colorado Department of Revenue, C.R.S. §39-21-118 (1) (F5)

On or about and between January 1, 2009 and October 15, 2013, in State of Colorado, **Rickey Gene Fite, Rickey Dean Fite and/or Rodney Jackson**, did unlawfully, feloniously and willfully attempt in any manner to evade and/or defeat a tax administered by the Colorado Department of Revenue or payment thereof, in violation of § 39-21-118(1) C.R.S.

PREDICATE ACT SIXTY-EIGHT

Failure to File Return or Pay Tax, C.R.S. §39-21-118(3) (M)

On or about and between January 1, 2009 and October 15, 2013, in the State of Colorado, **Rickey Gene Fite, Rickey Dean Fite and/or Rodney Jackson** unlawfully and willfully failed to pay a tax or estimated tax, make a return, keep tax records, or supply tax information as required; in violation of § 39-21-118(3), C.R.S.

Along with the incorporation of the essential facts that were used elsewhere in this Indictment, the offenses alleged in **Predicate Acts Sixty-Seven and Sixty-Eight** were committed in the following manner and serve as the non-exclusive, essential facts:

Evidence was presented demonstrating that during the above cited time period the above named individuals performed a service in Colorado that generated Colorado income/compensation that was attributable to them. A review of various records from the Colorado Department of Revenue shows that no Colorado State Income Tax Returns were filed by any of the above named defendants during the relevant time period. Furthermore, evidence was further developed showing that no taxes were remitted to the State of Colorado by any of the above named individuals during the relevant time period. Finally, as shown by the evidentiary record in support of this Indictment, numerous steps, actions and behaviors were employed or used by the above named individuals to either evade or in attempt to evade the Colorado Department of Revenue's administration of collecting a tax owed by the above named individuals.

PREDICATE ACT SIXTY-NINE

CRIMINAL ATTEMPT TO COMMIT THEFT-\$1,000-\$20,000, C.R.S. §§ 18-4-401(1),(2)(c), 18-2-101 (F5)

On or about August 12, 2009, **Rickey Gene Fite and Emanuel Broadway** in the State of Colorado, unlawfully, feloniously and knowingly engaged in conduct constituting a substantial step toward the commission of the crime of Theft, by attempting to obtain or exercise control over a thing of value, namely: a check and/or money of one thousand dollars or more of but less than twenty thousand dollars, of [REDACTED] by deception, and intended to deprive permanently [REDACTED] of its use or benefit; in violation of section 18-4-401(1),(2)(c) and 18-2-101, C.R.S.

PREDICATE ACT SEVENTY

CONSPIRACY TO COMMIT THEFT-\$1,000 -\$20,000, C.R.S. §§ 18-4-401(1)(2)(c) and 18-2-201 (F5)

On or about August 12, 2009, **Rickey Gene Fite and Emanuel Broadway**, in the State of Colorado, with the intent to promote or facilitate the commission of the crime of Theft-\$1,000-\$20,000, unlawfully and feloniously agreed with one or more of each other and/or a person or persons to the Grand Jury and Attorney General unknown that one or more of them would engage in conduct which constituted that crime or 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; in violation of sections 18-4-401(1)(2)(c) and 18-2-201, C.R.S.

Along with the incorporation of the essential facts that were used elsewhere in this Indictment, the offenses alleged in **Predicate Acts Sixty-Nine and Seventy** were committed in the following manner and serve as the non-exclusive, essential facts:

On August 12, 2009 [REDACTED] (both over seventy years of age at the time) of [REDACTED] County, Colorado were at home when they were approached by two men, positively identified at Rickey Gene Fite and Emanuel Broadway, who entered their property claiming to be roofing contractors. Fite and Broadway claimed that they had been driving by and noticed that the [REDACTED] has some loose shingles that were in need of repair. Mr. Fite asked permission to go on the roof and fix the problem “for nothing,” but had to borrow a ladder from the [REDACTED] to accomplish this task. While Fite was on the roof after a few minutes he yelled down to Broadway that there were problems and that he needed Broadway’s help. After a relatively short period time Fite and Broadway requested to enter the [REDACTED] home to “check for leaks” because, according to them, the swamp cooler appeared to be leaking. After a

short while in the attic area Fite and Broadway went back to the roof with what appeared to be a grease/caulking gun. Based on this "work" the [REDACTED] were told by Broadway that they were owed \$4125.00 for the repairs. Based on the [REDACTED] being frustrated by Broadway and Fite the [REDACTED] wrote Broadway a check that was payable to him on their [REDACTED] Bank account so that they could get rid of them. A follow-up assessment of the swamp cooler and the roof by reputable contractors showed that no issues with the swamp cooler existed nor was any new roofing material present, with the exception of a what appeared to be a "dab of silicone" having been applied.

COUNT THREE

18543 THEFT SERIES-\$500 OR MORE - AT-RISK ADULT, C.R.S. 18-6.5-103(5); 18-4-401(1),(4) (F3)

On or about June 18, 2012, through September 27, 2012, **Rickey Gene Fite and Rodney Jackson**, in the State of Colorado, unlawfully, feloniously and knowingly obtained or exercised control over things of value, namely: checks and/or money of [REDACTED], twice or more within a period of six months, with an aggregate value of five hundred dollars or more, by deception, and intended to permanently deprive [REDACTED] of its use or benefit.

Further, the victim was an at-risk adult and an element or portion of the offense was committed in the presence of the victim; in violation of sections 18-6.5-103(5) and 18-4-401(1)(a),(4), C.R.S.

COUNT FOUR

18542 THEFT - \$500 OR MORE – AT-RISK ADULT, C.R.S. §§ 18-6.5-103(5); 18-4-401(1)(a) (F3)

On or about July 23, 2012, **Rickey Gene Fite and Michael Sullivan**, in the State of Colorado, unlawfully, feloniously and knowingly obtained or exercised control over a thing of value, namely: checks and/or money of [REDACTED], with the value of five hundred dollars or more, by deception, and intended to deprive permanently [REDACTED] of its use or benefit; in violation of section 18-4-401(1)(a),(2)(c), C.R.S.

Further, the victim was an at-risk adult and an element or portion of the offense was committed in the presence of the victim; in violation of sections 18-6.5-103(5) and 18-4-401(1)(a),(4), C.R.S.

COUNT FIVE

18546 THEFT - \$500 OR MORE – AT-RISK ELDER, C.R.S. §§ 18-6.5-103(5.5); 18-4-401(1) (F3)

On or about July 10, 2013, **Rickey Gene Fite and Rodney Jackson**, in the State of Colorado, unlawfully, feloniously and knowingly obtained or exercised control over a thing of value, namely: checks and/or money of [REDACTED], with the value of five hundred dollars or more, by deception, and intended to deprive permanently [REDACTED] of its use or benefit; in violation of section 18-4-401(1)(a), C.R.S.

Further, the victim was an at-risk elder and an element or portion of the offense was committed in the presence of the victim; in violation of sections 18-6.5-103(5.5) and 18-4-401(1)(a), C.R.S

COUNT SIX

18543C CONSPIRACY TO COMMIT THEFT SERIES AGAINST AN AT-RISK ADULT \$500 OR MORE, §§18-6.5-103(5), 18-4-401(1),(4), AND §18-2-201, C.R.S. (F4)

On or about June 18, 2012 through September 27, 2012, **Rickey Gene Fite, Rodney Jackson and Michael Sullivan**, in the State of Colorado, with the intent to promote or facilitate the commission of the crime of Theft against an At Risk Adult - Series, unlawfully and feloniously agreed with one or more of each other and/or a person or persons to the Grand Jury and Attorney General unknown that one or more of them would engage in conduct which constituted that crime or 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; in violation of sections 18-4-401(1),(4) and 18-2-201, C.R.S.

COUNT SEVEN

18546C CONSPIRACY TO COMMIT THEFT AGAINST AN AT-RISK ELDER \$500 OR MORE §§18-6.5-103(5.5), AND§18-2-201, C.R.S. (F4)

On or about July 10, 2013, **Rickey Gene Fite and Rodney Jackson**, in the State of Colorado, with the intent to promote or facilitate the commission of Theft against an At-Risk Adult \$500 or more, unlawfully and feloniously agreed with one or more of each other and/or a person or persons to the Grand Jury and Attorney General unknown that one or more of them would engage in conduct which constituted that crime or 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; in violation of sections 18-6.5-103(5.5), and§18-2-201, C.R.S.

COUNT EIGHT

12212 MONEY LAUNDERING, § 18-5-309(1)(a)(II) (F3)

On or about June 18, 2012 through July 10, 2013, in the State of Colorado, **Rickey Gene Fite, Rodney Jackson and Michael Sullivan**, 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; in violation of section 18-5-309(1)(a)(II), C.R.S.

COUNT NINE

12214 MONEY LAUNDERING, § 18-5-309(1)(b)(II) (F3)

On or about June 18, 2012 through July 10, 2013, in the State of Colorado, **Rickey Gene Fite, Rodney Jackson and Michael Sullivan**, 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; in violation of section 18-5-309(1)(b)(II), C.R.S.

The essential facts for the offenses alleged in **Counts Three through Nine** were previously described in the factual summary in support of **Predicate Acts Four through Ten for Counts One and Two**, which is hereby incorporated by reference.

COUNT TEN

18543 THEFT SERIES-\$500 OR MORE-AT-RISK ADULT, C.R.S. §§ 18-6.5-103(5), 18-4-401(1),(4) (F3)

On or about June 14, 2012 through July 27, 2012, **Rickey Gene Fite and Rodney Jackson**, in the State of Colorado, unlawfully, feloniously and knowingly obtained or exercised control over things of value, namely: checks and/or money of [REDACTED], twice or more within a period of six months, with an aggregate value of five hundred dollars or more, by deception, and intended to permanently deprive [REDACTED] of its use or benefit.

Further, the victim was an at-risk adult and an element or portion of the offense was committed in the presence of the victim; in violation of sections 18-6.5-103(5) and 18-4-401(1),(4), C.R.S.

COUNT ELEVEN

18542 THEFT-\$500 OR MORE-AT-RISK VICTIM, C.R.S. §§ 18-6.5-103(5), 18-4-401(1) (F3)

On or about May 28, 2013, **Rickey Gene Fite and Michael Sullivan**, in the State of Colorado, unlawfully, feloniously and knowingly obtained or exercised control over a thing of value of [REDACTED], namely: a check and/or money with the value of five hundred dollars or more, by deception, and intended to deprive permanently [REDACTED] of its use or benefit.

Further, the victim was an at-risk person and an element or portion of the offense was committed in the presence of the victim; in violation of sections 18-6.5-103(5.5) and 18-4-401(1), C.R.S.

COUNT TWELVE

18543C CONSPIRACY TO COMMIT THEFT SERIES AGAINST AN AT-RISK ADULT \$500 OR MORE, §§18-6.5-103(5), 18-4-401(1),(4), AND§18-2-201, C.R.S. (F4)

On or about June 14, 2012 through July 27, 2012, **Rickey Gene Fite and Rodney Jackson**, in the State of Colorado, with the intent to promote or facilitate the commission of the crime of Theft against an At Risk Adult - Series, unlawfully and feloniously agreed with one or more of each other and/or a person or persons to the Grand Jury and Attorney General unknown that one or more of them would engage in conduct which constituted that crime or 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; in violation of sections 18-4-401(1),(4) and 18-2-201, C.R.S

COUNT THIRTEEN

18542C CONSPIRACY TO COMMIT THEFT AGAINST AN AT-RISK VICTIM \$500 OR MORE §§18-6.5-103(5), §18-4-401(1), AND§18-2-201, C.R.S. (F4)

On or about May 28, 2013, **Rickey Gene Fite and Michael Sullivan**, in the State of Colorado, with the intent to promote or facilitate the commission of the crime of Theft from an At-Risk Victim, \$500 or More, unlawfully and feloniously agreed with one or more of each other and/or a person or persons to the Grand Jury and Attorney General unknown that one or more of them would engage in conduct which constituted that crime or 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; in violation of sections 18-6.5-103(5), 18-4-401(1) and 18-2-201, C.R.S.

COUNT FOURTEEN

12212 MONEY LAUNDERING, § 18-5-309(1)(a)(II) (F3)

On or about June 14, 2012 through May 28, 2013, in the State of Colorado, **Rickey Gene Fite, Rodney Jackson and Michael Sullivan**, 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; in violation of section 18-5-309(1)(a)(II), C.R.S.

COUNT FIFTEEN

12214 MONEY LAUNDERING, § 18-5-309(1)(b)(II) (F3)

On or about June 14, 2012 through May 28, 2013, in the State of Colorado, **Rickey Gene Fite, Rodney Jackson and Michael Sullivan**, 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; in violation of section 18-5-309(1)(b)(II), C.R.S.

COUNT SIXTEEN

18621A CRIMINAL ATTEMPT TO COMMIT CRIMINAL EXPLOITATION OF AN AT-RISK ELDER, \$500 OR MORE, C.R.S. §§ 18-6.5-103(7.5), and 18-2-101 (F4)

On or about April 15, 2014, in the State of Colorado, **Rickey Gene Fite, Michael Sullivan and Emanuel Broadway**, unlawfully, feloniously and knowingly engaged in conduct constituting a substantial step toward the commission of the crime of Criminal Exploitation of an At-Risk Elder, by attempting to obtain or exercise control over a thing of value, namely: a check and/or money of five hundred dollars or more, by deception, and intended to deprive permanently [REDACTED] of its use or benefit; in violation of sections 18-6.5-103(7.5)(a),(b), and 18-2-201, C.R.S.

COUNT SEVENTEEN

18521C CONSPIRACY TO COMMIT CRIMINAL EXPLOITATION OF AN AT-RISK ELDER, \$500 OR MORE §18-6.5-103(7.5)(a),(b),and 18-2-201 (F4)

On or about April 15, 2014, **Rickey Gene Fite, Michael Sullivan and Emanuel Broadway**, in the State of Colorado, with the intent to promote or facilitate the commission of the crime of Criminal Exploitation of an At-Risk Elder, \$500 or More, unlawfully and feloniously agreed with one or more of each other and/or a person or persons to the Grand Jury and Attorney General unknown that one or more of them would engage in conduct which constituted that crime or 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; in violation of sections 18-4-401(1)(2),(f) and 18-2-201, C.R.S.

The essential facts for the offenses alleged in **Counts Ten through Seventeen** were previously described in the factual summary in support of **Predicate Acts Eleven through Eighteen for Counts One and Two**, which is hereby is incorporated by reference.

COUNT EIGHTEEN

18546 THEFT SERIES - \$500 OR MORE - AT-RISK ELDER, §§18-6.5-103(5.5), 18-4-401(1)(4), C.R.S. (F3)

On or about June 21, 2013 through June 24, 2013, **Rickey Gene Fite, Rickey Dean Fite and Rodney Jackson**, in the State of Colorado, unlawfully, feloniously and knowingly obtained or exercised control over things of value, namely: checks and/or money of [REDACTED], twice or more within a period of six months, with an aggregate value of Five hundred dollars or more, by deception, and intended to permanently deprive [REDACTED] of its use or benefit;

Further, the victim was an at-risk elder and an element or portion of the offense was committed in the presence of the victim; in violation of sections 18-6.5-103(5.5) and 18-4-401(1)(a), C.R.S.

COUNT NINETEEN

18546 THEFT - \$500 OR MORE - AT-RISK ELDER, §§18-6.5-103(5.5), 18-4-401(1), C.R.S. (F3)

On or about September 20, 2013, **Rickey Gene Fite, Rickey Dean Fite and Michael Sullivan**, in the State of Colorado, unlawfully, feloniously and knowingly obtained or exercised control over a thing of value, namely: a check and/or money of [REDACTED], with the value of Five hundred dollars or more, by deception, and intended to deprive permanently [REDACTED] of its use or benefit;

Further, the victim was an at-risk elder and an element or portion of the offense was committed in the presence of the victim; in violation of sections 18-6.5-103(5.5) and 18-4-401(1), C.R.S.

COUNT TWENTY

18546C CONSPIRACY TO COMMIT THEFT SERIES AGAINST AN AT-RISK ELDER \$500 OR MORE, §§18-6.5-103(5.5), 18-4-401(1),(4), AND§18-2-201, C.R.S. (F4)

On or about June 21, 2013, through September 20, 2013, **Rickey Gene Fite, Rickey Dean Fite and Rodney Jackson** in the State of Colorado, with the intent to promote or facilitate the commission of the crime of Theft against an At Risk Elder - Series, unlawfully and feloniously agreed with one or more of each other and/or a person or persons to the Grand Jury and Attorney General unknown that one or more of them would engage in conduct which constituted that crime or 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; in violation of sections 18-4-401(1),(4) and 18-2-201, C.R.S.

COUNT TWENTY-ONE

18546C CONSPIRACY TO COMMIT THEFT AGAINST AN AT-RISK ELDER \$500 OR MORE §§18-6.5-103(5.5), AND§18-2-201, C.R.S. (F4)

On or about September 20, 2013, **Rickey Gene Fite, Rickey Dean Fite and Michael Sullivan**, in the State of Colorado, with the intent to promote or facilitate the commission of the crime of Theft from an At-Risk Adult, \$500 or More, unlawfully and feloniously agreed with one or more of each other and/or a person or persons to the Grand Jury and Attorney General unknown that one or more of them would engage in conduct which constituted that crime or 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; in violation of sections 18-6.5-103(5.5), and 18-2-201, C.R.S.

COUNT TWENTY-TWO

12212 MONEY LAUNDERING, § 18-5-309(1)(a)(II) (F3)

On or about June 21, 2013 through September 20, 2013, in the State of Colorado, **Rickey Gene Fite, Rodney Jackson and Michael Sullivan**, 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; in violation of section 18-5-309(1)(a)(II), C.R.S.

COUNT TWENTY-THREE

12214 MONEY LAUNDERING, § 18-5-309(1)(b)(II) (F3)

On or about June 21, 2013 through September 20, 2013, in the State of Colorado, **Rickey Gene Fite, Rodney Jackson and Michael Sullivan**, 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; in violation of section 18-5-309(1)(b)(II), C.R.S.

COUNT TWENTY-FOUR

18621 CRIMINAL EXPLOITATION OF AN AT-RISK ELDER, \$500 OR MORE §18-6.5-103(7.5)(a),(b)

On or about April 15, 2014, **Rickey Gene Fite and Emanuel Broadway**, in the State of Colorado, unlawfully, feloniously, and knowingly used undue influence to permanently or temporarily deprive [REDACTED], an at-risk elder, of the use, benefit, or possession of anything of value. Further, the thing of value was five hundred dollars or more, in violation of section 18-6.5-103(7.5)(a),(b), C.R.S.

COUNT TWENTY-FIVE

18621C CONSPIRACY TO COMMIT CRIMINAL EXPLOITATION OF AN AT-RISK ELDER, \$500 OR MORE §18-6.5-103(7.5)(a),(b),and 18-2-201 (F4)

On or about April 15, 2014, **Rickey Gene Fite and Emanuel Broadway**, in the State of Colorado, with the intent to promote or facilitate the commission of the crime of Criminal Exploitation of an At-Risk Elder, \$500 or More, unlawfully and feloniously agreed with one or more of each other and/or a person or persons to the Grand Jury and Attorney General unknown that one or more of them would engage in conduct which constituted that crime or 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; in violation of sections 18-4-401(1)(2),(f) and 18-2-201, C.R.S.

The essential facts for the offenses alleged in **Counts Eighteen through Twenty-Five** were previously described in the factual summary in support of **Predicate Acts Nineteen through Twenty-Six for Counts One and Two**, which is hereby incorporated by reference.

COUNT TWENTY-SIX

18542A CRIMINAL ATTEMPT TO COMMIT THEFT-AT-RISK ADULT-\$500 OR MORE, C.R.S. §§ 18-6.5-103(5), 18-4-401(1)(a),(2)(c) and 18-2-101 (F4)

On or about September 19, 2012, in the State of Colorado, **Rickey Gene Fite, Rickey Dean Fite, and Rodney Jackson**, unlawfully, feloniously and knowingly engaged in conduct constituting a substantial step toward the commission of the crime of Theft, by attempting to obtain or exercise control over a thing of value, namely: a check and/or money of five hundred dollars or more, by deception, and intended to deprive permanently [REDACTED] of its use or benefit;

Further, the victim was an at-risk adult and an element or portion of the offense was committed in the presence of the victim; in violation of sections 18-6.5-103(5), 18-4-401(1)(a),(2)(c) and 18-2-101, C.R.S.

The essential facts for the offense alleged in **Count Twenty-Six** was previously described in the factual summary in support of **Predicate Act Twenty-Seven for Counts One and Two**, which is hereby incorporated by reference.

COUNT TWENTY-SEVEN

18546 THEFT-\$500 OR MORE-AT-RISK ELDER, C.R.S. §§ 18-6.5-103(5.5), 18-4-401(1) (F3)

On or about July 31, 2013, **Rickey Gene Fite and Rodney Jackson** in the State of Colorado, unlawfully, feloniously and knowingly obtained or exercised control over a thing of value, namely: a check and/or money of [REDACTED], with the value of five hundred dollars or more, by deception, and intended to deprive permanently [REDACTED] of its use or benefit;

Further, the victim was an at-risk elder and an element or portion of the offense was committed in the presence of the victim; in violation of sections 18-6.5-103(5) and 18-4-401(1), C.R.S.

COUNT TWENTY-EIGHT

12212 MONEY LAUNDERING, § 18-5-309(1)(a)(II) (F3)

On or about July 31, 2013, in the State of Colorado, **Rickey Gene Fite and Rodney Jackson**, 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; in violation of section 18-5-309(1)(a)(II), C.R.S.

COUNT TWENTY-NINE

12214 MONEY LAUNDERING, § 18-5-309(1)(b)(II) (F3)

On or about July 31, 2013, in the State of Colorado, **Rickey Gene Fite and Rodney Jackson**, 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; in violation of section 18-5-309(1)(b)(II), C.R.S.

The essential facts for the offense alleged in **Counts Twenty-Seven through Twenty-Nine** were previously described in the factual summary in support of **Predicate Acts Twenty-Eight through Thirty-One for Counts One and Two**, which is hereby incorporated by reference.

COUNT THIRTY

18546 THEFT-\$500 OR MORE-AT-RISK ELDER, C.R.S. §§ 18-6.5-103(5), 18-4-401(1) (F3)

On or about August 6, 2013, **Rickey Gene Fite, Rickey Dean Fite and Rodney Jackson**, in the State of Colorado, unlawfully, feloniously and knowingly obtained or exercised control over a thing of value, namely: a check and/or money of [REDACTED], with the value of five hundred dollars or more, by deception, and intended to deprive permanently [REDACTED] of its use or benefit;

Further, the victim was an at-risk elder and an element or portion of the offense was committed in the presence of the victim; in violation of sections 18-6.5-103(5) and 18-4-401(1), C.R.S.

COUNT THIRTY-ONE

18546C CONSPIRACY TO COMMIT THEFT AGAINST AN AT-RISK ELDER \$500 OR MORE §§18-6.5-103(5.5), AND§18-2-201, C.R.S. (F4)

On or about August 6, 2013, **Rickey Gene Fite, Rickey Dean Fite and Rodney Jackson**, in the State of Colorado, with the intent to promote or facilitate the commission of the crime of Theft from an At-Risk Adult, \$500 or More, unlawfully and feloniously agreed with one or more of each other and/or a person or persons to the Grand Jury and Attorney General unknown that one or more of them would engage in conduct which constituted that crime or 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; in violation of sections 18-6.5-103(5.5), and 18-2-201, C.R.S.

COUNT THIRTY-TWO

12212 MONEY LAUNDERING, § 18-5-309(1)(a)(II) (F3)

On or about August 6, 2013, in the State of Colorado, **Rickey Gene Fite and Rodney Jackson**, 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; in violation of section 18-5-309(1)(a)(II), C.R.S.

COUNT THIRTY-THREE

12214 MONEY LAUNDERING, § 18-5-309(1)(b)(II) (F3)

On or about August 6, 2013, in the State of Colorado, **Rickey Gene Fite and Rodney Jackson**, 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; in violation of section 18-5-309(1)(b)(II), C.R.S.

The essential facts for the offense alleged in **Counts Thirty through Thirty-Three** were previously described in the factual summary in support of **Predicate Acts Thirty-Two through Thirty-Five for Counts One and Two**, which is hereby incorporated by reference.

COUNT THIRTY-FOUR

18543 THEFT SERIES-\$500 OR MORE-AT-RISK ADULT, C.R.S. §§ 18-6.5-103(5), 18-4-401(1),(4) (F3)

On or about June 20, 2012 through June 26, 2012, **Rickey Gene Fite and Rodney Jackson**, in the State of Colorado, unlawfully, feloniously and knowingly obtained or exercised control over things of value, namely: checks and/or money of [REDACTED], twice or more within a period of six months, with an aggregate value of five hundred dollars or more, by deception, and intended to permanently deprive [REDACTED] of its use or benefit.

Further, the victims were at-risk adults, and an element or portion of the offense was committed in the presence of the victim; in violation of sections 18-6.5-103(5) and 18-4-401(1),(4), C.R.S.

COUNT THIRTY-FIVE

18542 THEFT-\$500 OR MORE-AT-RISK ELDER, C.R.S. §§ 18-6.5-103(5), 18-4-401(1) (F3)

On or about May 30, 2013, **Rickey Gene Fite and Michael Sullivan**, in the State of Colorado, unlawfully, feloniously and knowingly obtained or exercised control over a thing of value, namely: a check and/or money of [REDACTED] with the value of five hundred dollars or more, by deception, and intended to deprive permanently [REDACTED] of its use or benefit;

Further, the victim was an at-risk elder, and an element or portion of the offense was committed in the presence of the victim; in violation of sections 18-6.5-103(5) and 18-4-401(1), C.R.S.

COUNT THIRTY-SIX

18543C CONSPIRACY TO COMMIT THEFT SERIES AGAINST AN AT-RISK ADULT \$500 OR MORE, §§18-6.5-103(5), 18-4-401(1),(4), AND §18-2-201, C.R.S. (F4)

On or about June 20, 2012 through June 26, 2012, **Rickey Gene Fite and Rodney Jackson**, in the State of Colorado, with the intent to promote or facilitate the commission of the crime of Theft against an At Risk Adult - Series, unlawfully and feloniously agreed with one or more of each other and/or a person or persons to the Grand Jury and Attorney General unknown that one or more of them would engage in conduct which constituted that crime or 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; in violation of sections 18-4-401(1),(4) and 18-2-201, C.R.S.

COUNT THIRTY-SEVEN

18542C CONSPIRACY TO COMMIT THEFT AGAINST AN AT-RISK VICTIM \$500 OR MORE §§18-6.5-103(5),§18-4-401(1) AND §18-2-201, C.R.S. (F4)

On or about May 30, 2013, **Rickey Gene Fite and Michael Sullivan**, in the State of Colorado, with the intent to promote or facilitate the commission of the crime of Theft from an At-Risk Elder, \$500 or More, unlawfully and feloniously agreed with one or more of each other and/or a person or persons to the Grand Jury and Attorney General unknown that one or more of them would engage in conduct which constituted that crime or 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; in violation of sections 18-6.5-103(5.5), 18-4-401(1), and 18-2-201, C.R.S.

COUNT THIRTY-EIGHT

12212 MONEY LAUNDERING, §18-5-309(1)(a)(II) (F3)

On or about June 20, 2012 to June 26, 2012, in the State of Colorado, **Rickey Gene Fite Michael Sullivan and Rodney Jackson**, 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; in violation of section 18-5-309(1)(a)(II), C.R.S.

COUNT THIRTY-NINE

12214 MONEY LAUNDERING, § 18-5-309(1)(b)(II) (F3)

On or about June 20, 2012 to June 26, 2012, in the State of Colorado, **Rickey Gene Fite and Rodney Jackson**, 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; in violation of section 18-5-309(1)(b)(II), C.R.S.

COUNT FORTY

12212 MONEY LAUNDERING, § 18-5-309(1)(a)(II) (F3)

On or about May 30, 2013 through May 31, 2013, in the State of Colorado, **Rickey Gene Fite and Michael Sullivan**, 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; in violation of section 18-5-309(1)(a)(II), C.R.S.

COUNT FORTY-ONE

12214 MONEY LAUNDERING, § 18-5-309(1)(b)(II) (F3)

On or about May 30, 2013, through May 31, 2013, in the State of Colorado, **Rickey Gene Fite and Michael Sullivan**, 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; in violation of section 18-5-309(1)(b)(II), C.R.S.

The essential facts for the offenses alleged in **Counts Thirty Four through Forty-One** were previously described in the factual summary in support of **Predicate Acts Thirty-Six through Forty Three for Counts One and Two**, which is hereby incorporated by reference.

COUNT FORTY-TWO

18546A CRIMINAL ATTEMPT TO COMMIT THEFT-AT-RISK ELDER-\$500 OR MORE, C.R.S. §§ 18-6.5-103(5), 18-4-401(1)(a),(2)(c) and 18-2-101 (F4)

On or about June 20, 2013, in the State of Colorado, **Rickey Gene Fite and Michael Sullivan** unlawfully, feloniously and knowingly engaged in conduct constituting a substantial step toward the commission of the crime of Theft, by attempting to obtain or exercise control over a thing of value, namely: a check and/or money of five hundred dollars or more, by deception, and intended to deprive permanently [REDACTED] of its use or benefit;

Further, the victim was an at-risk elder and an element or portion of the offense was committed in the presence of the victim; in violation of sections 18-6.5-103(5), 18-4-401(1)(a),(2)(c) and 18-2-101, C.R.S.

The essential facts for the offense alleged in **Count Forty-One** were previously described in the factual summary in support of **Predicate Act Forty-Four for Counts One and Two**, which is hereby incorporated by reference.

COUNT FORTY-THREE

18542 THEFT - \$500 OR MORE – AT-RISK ADULT, C.R.S. §§ 18-6.5-103(5); 18-4-401(1)(a) (F3)

On or about June 12, 2012, **Rickey Gene Fite and Rodney Jackson**, in the State of Colorado, unlawfully, feloniously and knowingly obtained or exercised control over a thing of value, namely: checks and/or money of [REDACTED], with the value of five hundred dollars or more, by deception, and intended to deprive permanently [REDACTED] of its use or benefit; in violation of section 18-4-401(1)(a),(2)(c), C.R.S.

Further, the victim was an at-risk adult and an element or portion of the offense was committed in the presence of the victim; in violation of sections 18-6.5-103(5) and 18-4-401(1)(a),(4), C.R.S.

COUNT FORTY-FOUR

18542C CONSPIRACY TO COMMIT THEFT AGAINST AN AT-RISK ADULT \$500 OR MORE §§18-6.5-103(5), AND §18-2-201, C.R.S. (F4)

On or about June 12, 2012, **Rickey Gene Fite and Rodney Jackson**, in the State of Colorado, with the intent to promote or facilitate the commission of the crime of Theft At-Risk Victim \$500 or More, unlawfully and feloniously agreed with one or more of each other and/or a person or persons to the Grand Jury and Attorney General unknown that one or more of them would engage in conduct which constituted that crime or 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; in violation of sections 18-6.5-103(5), and 18-2-201, C.R.S.

COUNT FORTY-FIVE

12212 MONEY LAUNDERING, § 18-5-309(1)(a)(II) (F3)

On or about June 12, 2012, in the State of Colorado, **Rickey Gene Fite and Rodney Jackson**, 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; in violation of section 18-5-309(1)(a)(II), C.R.S.

COUNT FORTY-SIX

12214 MONEY LAUNDERING, § 18-5-309(1)(b)(II) (F3)

On or about June 12, 2012, in the State of Colorado, **Rickey Gene Fite and Rodney Jackson**, 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; in violation of section 18-5-309(1)(b)(II), C.R.S.

The essential facts for the offenses alleged in **Counts Forty-Three through Forty-Six** were previously described in the factual summary in support of **Predicate Acts Forty-Five through Forty Eight for Counts One and Two**, which is hereby incorporated by reference.

COUNT FORTY-SEVEN

0801W THEFT-\$1,000 -\$20,000-SERIES, C.R.S. § 18-4-401(1)(a),(2)(c)(4) (F4)

On or about May 31, 2012, through June 6, 2012, **Rickey Gene Fite and Rodney Jackson**, in the State of Colorado, unlawfully, feloniously and knowingly obtained or exercised control over things of value, namely: checks and/or money of [REDACTED], twice or more within a period of six months, with an aggregate value of between one thousand and twenty thousand dollars, by deception, and intended to permanently deprive [REDACTED] of its use or benefit; in violation of section 18-4-401(1)(a)(2)(c),(4), C.R.S.

COUNT FORTY-EIGHT

0801WC CONSPIRACY TO COMMIT THEFT-\$1,000 - 20,000 -SERIES, C.R.S. §§ 18-4-401(1)(4) and 18-2-201 (F5)

On or about May 31, 2012 through June 6, 2012, **Rickey Gene Fite and Rodney Jackson**, in the State of Colorado, with the intent to promote or facilitate the commission of the crime of Theft-\$1,000 -20,000 -Series, unlawfully and feloniously agreed with one or more of each other and/or a person or persons to the Grand Jury and Attorney General unknown that one or more of them would engage in conduct which constituted that crime or 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; in violation of sections 18-4-401(1)(4) and 18-2-201, C.R.S.

COUNT FORTY-NINE

12212 MONEY LAUNDERING, § 18-5-309(1)(a)(II) (F3)

On or about May 31, 2012 to June 6, 2012, in the State of Colorado, **Rickey Gene Fite and Rodney Jackson**, 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; in violation of section 18-5-309(1)(a)(II), C.R.S.

COUNT FIFTY

12214 MONEY LAUNDERING, § 18-5-309(1)(b)(II) (F3)

On or about May 31, 2012 to June 6, 2012, in the State of Colorado, **Rickey Gene Fite and Rodney Jackson**, 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; in violation of section 18-5-309(1)(b)(II), C.R.S.

The essential facts for the offenses alleged in **Counts Forty Seven through Fifty** were previously described in the factual summary in support of **Predicate Acts Forty-Nine through Fifty-Two for Counts One and Two**, which is hereby incorporated by reference.

COUNT FIFTY-ONE

18543 THEFT SERIES - \$500 OR MORE - AT-RISK ELDER, §§18-6.5-103(5.5), 18-4-401(1)(4), C.R.S. (F3)

On or about June 11, 2013 through June 17, 2013 **Rickey Gene Fite and Michael Sullivan**, in the State of Colorado, unlawfully, feloniously and knowingly obtained or exercised control over things of value, namely: checks and/or money of [REDACTED], twice or more within a period of six months, with an aggregate value of Five hundred dollars or more, by deception, and intended to permanently deprive [REDACTED] of its use or benefit;

Further, the victim was an at-risk elder and an element or portion of the offense was committed in the presence of the victim; in violation of sections 18-6.5-103(5.5) and 18-4-401(1)(4), C.R.S.

COUNT FIFTY-TWO

18545C CONSPIRACY TO COMMIT THEFT AGAINST AN AT-RISK ELDER \$500 OR MORE §§18-6.5-103(5.5), AND§18-2-201, C.R.S. (F4)

On or about June 11, 2013 through June 17, 2013, **Rickey Gene Fite and Michael Sullivan**, in the State of Colorado, with the intent to promote or facilitate the commission of the crime of Theft from an At-Risk Adult, \$500 or More, unlawfully and feloniously agreed with one or more of each other and/or a person or persons to the Grand Jury and Attorney General unknown that one or more of them would engage in conduct which constituted that crime or 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; in violation of sections 18-6.5-103(5.5), and 18-2-201, C.R.S.

COUNT FIFTY-THREE

12212 MONEY LAUNDERING, § 18-5-309(1)(a)(II) (F3)

On or about June 11, 2013 through June 17, 2013, in the State of Colorado, **Rickey Gene Fite and Michael Sullivan**, 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; in violation of section 18-5-309(1)(a)(II), C.R.S.

COUNT FIFTY-FOUR

12214 MONEY LAUNDERING, § 18-5-309(1)(b)(II) (F3)

On or about June 11, 2013 through June 17, 2013, in the State of Colorado, **Rickey Gene Fite and Michael Sullivan**, 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; in violation of section 18-5-309(1)(b)(II), C.R.S.

The essential facts for the offenses alleged in **Counts Fifty-One through Fifty-Four** were previously described in the factual summary in support of **Predicate Acts Fifty-Three through Fifty-Six for Counts One and Two**, which is hereby incorporated by reference.

COUNT FIFTY-FIVE

18542 THEFT - \$500 OR MORE – AT-RISK ADULT, C.R.S. §§ 18-6.5-103(5); 18-4-401(1)(a) (F3)

On or about September 13, 2012, **Rickey Gene Fite and Michael Sullivan**, in the State of Colorado, unlawfully, feloniously and knowingly obtained or exercised control over a thing of value, namely: checks and/or money of [REDACTED], with the value of five hundred dollars or more, by deception, and intended to deprive permanently [REDACTED] of its use or benefit; in violation of section 18-4-401(1)(a),(2)(c), C.R.S.

Further, the victim was an at-risk adult and an element or portion of the offense was committed in the presence of the victim; in violation of sections 18-6.5-103(5) and 18-4-401(1)(a),(4), C.R.S.

COUNT FIFTY-SIX

18542C CONSPIRACY TO COMMIT THEFT AGAINST AN AT-RISK ADULT \$500 OR MORE §§18-6.5-103(5), AND§18-2-201, C.R.S. (F4)

On or about September 13, 2012, **Rickey Gene Fite and Michael Sullivan**, in the State of Colorado, with the intent to promote or facilitate the commission of Theft against an At-Risk Adult \$500 or more, unlawfully and feloniously agreed with one or more of each other and/or a person or persons to the Grand Jury and Attorney General unknown that one or more of them would engage in conduct which constituted that crime or 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; in violation of sections 18-6.5-103(5.5), and§18-2-201, C.R.S.

COUNT FIFTY-SEVEN

12212 MONEY LAUNDERING, § 18-5-309(1)(a)(II) (F3)

On or about September 13, 2012, **Rickey Gene Fite and Michael Sullivan**, in the State of Colorado, 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; in violation of section 18-5-309(1)(a)(II), C.R.S.

COUNT FIFTY-EIGHT

12214 **MONEY LAUNDERING, § 18-5-309(1)(b)(II) (F3)**

On or about September 13, 2012, in the State of Colorado, **Rickey Gene Fite and Michael Sullivan**, 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; in violation of section 18-5-309(1)(b)(II), C.R.S.

The essential facts for the offenses alleged in **Counts Fifty-Five through Fifty Eight** were previously described in the factual summary in support of **Predicate Acts Fifty-Six through Fifty-Nine for Counts One and Two**, which is hereby incorporated by reference.

COUNT FIFTY-NINE

18543 **THEFT SERIES-\$500 OR MORE - AT-RISK ADULT, C.R.S. 18-6.5-103(5); 18-4-401(1),(4) (F3)**

On or about September 4, 2012, through September 17, 2012, **Rickey Gene Fite, and Rodney Jackson**, in the State of Colorado, unlawfully, feloniously and knowingly obtained or exercised control over things of value, namely: checks and/or money of [REDACTED], twice or more within a period of six months, with an aggregate value of twenty thousand dollars or more, by deception, and intended to permanently deprive [REDACTED] of its use or benefit.

Further, the victims were at-risk adults, and an element or portion of the offense was committed in the presence of the victims; in violation of sections 18-6.5-103(5) and 18-4-401(1)(a),(4), C.R.S.

COUNT SIXTY

18542C CONSPIRACY TO COMMIT THEFT SERIES AGAINST AN AT-RISK ADULT \$500 OR MORE, §§18-6.5-103(5), 18-4-401(1),(4), AND§18-2-201, C.R.S. (F4)

On or about September 4, 2012, through September 17, 2012, **Rickey Gene Fite and Rodney Jackson**, in the State of Colorado, with the intent to promote or facilitate the commission of the crime of Theft against an At Risk Adult - Series, unlawfully and feloniously agreed with one or more of each other and/or a person or persons to the Grand Jury and Attorney General unknown that one or more of them would engage in conduct which constituted that crime or 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; in violation of sections 18-4-401(1),(4) and 18-2-201, C.R.S.

COUNT SIXTY-ONE

12212 MONEY LAUNDERING, § 18-5-309(1)(a)(II) (F3)

On or about September 4, 2012 through September 17, 2012, in the State of Colorado, **Rickey Gene Fite and Rodney Jackson**, 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; in violation of section 18-5-309(1)(a)(II), C.R.S.

COUNT SIXTY-TWO

12214 MONEY LAUNDERING, § 18-5-309(1)(b)(II) (F3)

On or about September 4, 2012 through September 17, 2012, in the State of Colorado, **Rickey Gene Fite and Rodney Jackson**, 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; in violation of section 18-5-309(1)(b)(II), C.R.S.

COUNT SIXTY-THREE

18542 THEFT-\$500 OR MORE-AT-RISK ADULT, C.R.S. §§ 18-6.5-103(5), 18-4-401(1) (F3)

On or about May 20, 2013 through May 31, 2013, **Rickey Gene Fite and Michael Sullivan**, in the State of Colorado, unlawfully, feloniously and knowingly obtained or exercised control over a thing of value, namely: a check and/or money of [REDACTED] with the value of five hundred dollars or more, by deception, and intended to deprive permanently [REDACTED] of its use or benefit;

Further, the victim was an at-risk adult, and an element or portion of the offense was committed in the presence of the victim; in violation of sections 18-6.5-103(5) and 18-4-401(1), C.R.S.

The essential facts for the offenses alleged in **Counts Fifty-Nine through Sixty-Three** were previously described in the factual summary in support of **Predicate Acts Sixty-One through Sixty-Five for Counts One and Two**, which is hereby incorporated by reference.

COUNT SIXTY-FOUR

18542A CRIMINAL ATTEMPT TO COMMIT THEFT-AT-RISK ADULT-\$500 OR MORE, C.R.S. §§§ 18-6.5-103(5), 18-4-401(1)(a),(2)(c) and 18-2-101 (F4)

On or about May 18, 2010, in the State of Colorado, and initially discovered on or about September 1, 2013, **Rickey Gene Fite and Rickey Dean Fite**, unlawfully, feloniously and knowingly engaged in conduct constituting a substantial step toward the commission of the crime of Theft, by attempting to obtain or exercise control over a thing of value, namely: a check and/or money of five hundred dollars or more, of [REDACTED], by deception, and intended to deprive permanently [REDACTED] of its use or benefit;

Further, the victim was an at-risk adult and an element or portion of the offense was committed in the presence of the victim; in violation of sections 18-6.5-103(5), 18-4-401(1)(a),(2)(c) and 18-2-101, C.R.S.

The essential facts for the offense alleged in **Count Sixty-Four** was previously described in the factual summary in support of **Predicate Acts Sixty-Six for Counts One and Two**, which is hereby incorporated by reference.

COUNT SIXTY-FIVE

40021 Evasion of Taxes Administered by the Colorado Department of Revenue, C.R.S. §39-21-118 (1) (F5)

On or about and between January 1, 2009 and October 15, 2013, in State of Colorado, **Rickey Gene Fite, Rickey Dean Fite and/or Rodney Jackson**, did unlawfully, feloniously and willfully attempt in any manner to evade and/or defeat any tax administered by the Colorado Department of Revenue or the payment thereof; in violation of § 39-21-118(1) C.R.S.

COUNT SIXTY-SIX

40023 Failure to File Return or Pay Tax, C.R.S. §39-21-118(3) (M)

On or about and between January 1, 2009 and October 15, 2013, in the State of Colorado, **Rickey Gene Fite, Rickey Dean Fite and/or Rodney Jackson** unlawfully and willfully failed to pay a tax or estimated tax, make a return, keep tax records, or supply tax information as required; in violation of § 39-21-118(3), C.R.S.

The essential facts for the offense alleged in **Counts Sixty-Five and Sixty-Six** was previously described in the factual summary in support of **Predicate Acts Sixty-Seven and Sixty-Eight for Counts One and Two**, which is hereby incorporated by reference.

JOHN W. SUTHERS
Attorney General

ROBERT SHAPIRO, 26869
First Assistant Attorney General
Special Prosecutions Unit
Criminal Justice Section

JANE WALSH, 39534
Special Assistant Attorney General

Subscribed to before me in the City and County of Denver, State of Colorado, this
_____ day of May, 2014.

Notary Public

My commission expires: _____

The 2013-2014 Colorado Statewide Grand Jury presents the Indictment contained within and the same is hereby ORDERED FILED this ____ day of May, 2014.

Pursuant to § 13-73-107, C.R.S., the Court designates _____ County, Colorado as the county of venue for the purposes of trial.

Arrest Warrants are Issued for:

Rickey Gene Fite, with a bond set at \$ _____, with the following conditions: _____

Rickey Dean Fite, with a bond set at \$ _____, with the following conditions: _____

Michael Sullivan, with a bond set at \$ _____, with the following conditions: _____

Rodney Jackson, with a bond set at \$ _____, with the following conditions: _____

Emanuel Broadway, with a bond set at \$ _____, with the following conditions: _____

District Court Judge, Second Judicial District