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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

STATE OF ARIZONA,

Plaintiff,

v.

LUKEROY KENDRICK ROSE (001),
Counts 1-4, 6-22;

SOLANA DEPAOLA (002),
Counts 1-4, 6-18, 22;

CORDELL JAMES BESS (003),
Counts 1-4, 6-18, 22;

DINO NICK MITCHELL (004),
Counts 1-3, 5, 11, 22.

Defendants.

Case No:

78 SGJ 284

INDICTMENT

CHARGING VIOLATIONS OF:

COUNT 1: CONSPIRACY, a Class 2
Felony in violation of A.R.S. § 13-1003;

**COUNT 2: ILLEGALLY CONDUCTING
AN ENTERPRISE,** a Class 3 Felony in
violation of A.R.S. § 13-2312;

**COUNT 3: FRAUDULENT SCHEMES
AND ARTIFICES,** a Class 2 Felony in
violation of A.R.S. § 13-2310;

**COUNT 4: PARTICIPATING IN A
CRIMINAL SYNDICATE,** a Class 2
Felony in violation of A.R.S. § 13-2308;

**COUNT 5: ASSISTING A CRIMINAL
SYNDICATE,** a Class 4 Felony in violation
of A.R.S. § 13-2308;

COUNTS 6-7, 9-10, 12, 14-18, 21: THEFT, a Class 3 Felony in violation of A.R.S. § 13-1802;

COUNT 8: THEFT, a Class 4 Felony, in violation of A.R.S. § 13-1802;

COUNTS 11, 13, 19-20: THEFT, a Class 2 Felony, in violation of A.R.S. § 13-1802;

COUNT 22: MONEY LAUNDERING, SECOND DEGREE, a Class 3 Felony in violation of A.R.S. § 13-2317.

The Arizona State Grand Jury accuses **LUKEROY KENDRICK ROSE, SOLANA DEPAOLA, CORDELL JAMES BESS**, and **DINO NICK MITCHELL**, charging on this 17th day of May, 2016, that in or from Maricopa County, Arizona:

COUNT 1
CONSPIRACY

On or between January 1, 2011, and February 15, 2013, **LUKEROY KENDRICK ROSE, SOLANA DEPAOLA, CORDELL JAMES BESS, and DINO NICK MITCHELL**, with the intent to promote or aid the commission of an offense, did agree with one or more persons that at least one of them or another person would engage in conduct constituting the offenses of:

- 1) **ILLEGALLY CONDUCTING AN ENTERPRISE**, a Class 3 Felony in violation of A.R.S. § 13-2312;
- 2) **FRAUDULENT SCHEMES AND ARTIFICES**, a Class 2 Felony in violation of A.R.S. § 13-2310;
- 3) **THEFT**, a Class 2 Felony in violation of A.R.S. § 13-1802;
- 4) **THEFT**, a Class 3 Felony in violation of A.R.S. § 13-1802;
- 5) **THEFT**, a Class 4 Felony in violation of A.R.S. § 13-1802;
- 6) **PARTICIPATING IN A CRIMINAL SYNDICATE**, a Class 2 Felony in violation of A.R.S. § 13-2308;

- 7) **ASSISTING A CRIMINAL SYNDICATE**, a Class 4 Felony in violation of A.R.S. § 13-2308;
- 8) **MONEY LAUNDERING, SECOND DEGREE**, a Class 3 Felony in violation of A.R.S. § 13-2317.

In furtherance of this conspiracy, **LUKEROY KENDRICK ROSE, SOLANA DEPAOLA, CORDELL JAMES BESS, and DINO NICK MITCHELL**, along with others not named, committed numerous overt acts including, but not limited to, conspiring to operate a telemarketing business that used fraud to obtain monies from individuals, together with those acts set forth in Counts 2 through 22 of this Indictment, which are incorporated by reference as if set out in full, in violation of A.R.S. §§ 13-1003, 13-1802, 13-2308, 13-2310, 13-2312, 13-2317, 13-301, 13-302, 13-303, 13-304, 13-701, 13-702, and 13-801.

COUNT 2
ILLEGALLY CONDUCTING AN ENTERPRISE

On or between January 1, 2011, and February 15, 2013, **LUKEROY KENDRICK ROSE, SOLANA DEPAOLA, CORDELL JAMES BESS, and DINO NICK MITCHELL**, who were employed by or associated with an enterprise, did knowingly conduct such enterprise's affairs through racketeering or did knowingly participate directly or indirectly in the conduct of any enterprise that the defendants knew was being conducted through racketeering, in violation of A.R.S. §§ 13-2312(B), 13-2301, 13-2310, 13-301, 13-302, 13-303, 13-304, 13-305, 13-306, 13-701, 13-702, and 13-801.

The enterprise consisted of a group of persons associated in fact, including but not limited to **LUKEROY KENDRICK ROSE and/or SOLANA DEPAOLA and/or CORDELL JAMES BESS and/or DINO NICK MITCHELL**. The enterprise also consisted of one or more legal entities, including Rose Marketing, LLC; Affinity Technologies, LLC; and DePaola Marketing, LLC. The racketeering activities included a scheme or artifice to defraud, theft, participating in a criminal syndicate, and money laundering.

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COUNT 3
FRAUDULENT SCHEMES AND ARTIFICES

On or between January 1, 2011, and February 15, 2013, **LUKEROY KENDRICK ROSE, SOLANA DEPAOLA, CORDELL JAMES BESS, and DINO NICK MITCHELL**, pursuant to a scheme or artifice to defraud, knowingly obtained a benefit by means of false or fraudulent pretenses, representations, promises or material omissions, in violation of A.R.S. §§ 13-2310, 13-2301, 13-301, 13-302, 13-303, 13-304, 13-305, 13-306, 13-701, 13-702, and 13-801.

COUNT 4
PARTICIPATING IN A CRIMINAL SYNDICATE

On or between January 1, 2011, and February 15, 2013, **LUKEROY KENDRICK ROSE, SOLANA DEPAOLA, and CORDELL JAMES BESS** intentionally organized, managed, directed, supervised, or financed a criminal syndicate with the intent to promote or further the criminal objectives of the syndicate, in violation of A.R.S. § 13-2308, 13-2301, 13-301, 13-302, 13-303, 13-304, 13-305, 13-306, 13-701, 13-702, and 13-801.

COUNT 5
ASSISTING A CRIMINAL SYNDICATE

On or between December 1, 2011, and December 31, 2011, **DINO NICK MITCHELL** assisted a criminal syndicate by committing any felony offense, whether completed or preparatory, with the intent to promote or further the criminal objectives of a criminal syndicate, in violation of A.R.S. § 13-2308, 13-2301, 13-301, 13-302, 13-303, 13-304, 13-305, 13-306, 13-701, 13-702, and 13-801.

COUNT 6
THEFT

On or between April 1, 2011, and October 20, 2011, **LUKEROY KENDRICK ROSE, SOLANA DEPAOLA, and CORDELL JAMES BESS**, without lawful authority, knowingly controlled Berit Zetterberg's United States currency, of a value of \$4,000 or more but less than \$25,000, or obtained such property of Berit Zetterberg by means of material misrepresentation, with the intent to deprive Berit Zetterberg of such property, in violation of A.R.S. §§ 13-1801, 13-1802, 13-301, 13-302, 13-303, 13-304, 13-305, 13-306, 13-701, 13-702, 13-703, and 13-801.

COUNT 7
THEFT

On or between November 15, 2011, and December 15, 2011, **LUKEROY KENDRICK ROSE, SOLANA DEPAOLA, and CORDELL JAMES BESS**, without lawful authority, knowingly controlled Barbara Dittmer's United States currency, of a value of \$4,000 or more but less than \$25,000, or obtained such property of Barbara Dittmer by means of material misrepresentation, with the intent to deprive Barbara Dittmer of such property, in violation of A.R.S. §§ 13-1801, 13-1802, 13-301, 13-302, 13-303, 13-304, 13-305, 13-306, 13-701, 13-702, 13-703, and 13-801.

COUNT 8
THEFT

On or between December 1, 2011, and December 20, 2011, **LUKEROY KENDRICK ROSE, SOLANA DEPAOLA, and CORDELL JAMES BESS**, without lawful authority, knowingly controlled Phillip Becker's United States currency, of a value of \$3,000 or more but less than \$4,000, or obtained such property of Phillip Becker by means of material misrepresentation, with the intent to deprive Phillip Becker of such property, in violation of A.R.S. §§ 13-1801, 13-1802, 13-301, 13-302, 13-303, 13-304, 13-305, 13-306, 13-701, 13-702, 13-703, and 13-801.

COUNT 9
THEFT

On or between December 1, 2011, and December 31, 2011, **LUKEROY KENDRICK ROSE, SOLANA DEPAOLA, and CORDELL JAMES BESS**, without lawful authority, knowingly controlled Russell Berkey's United States currency, of a value of \$4,000 or more but less than \$25,000, or obtained such property of Russell Berkey by means of material misrepresentation, with the intent to deprive Russell Berkey of such property, in violation of A.R.S. §§ 13-1801, 13-1802, 13-301, 13-302, 13-303, 13-304, 13-305, 13-306, 13-701, 13-702, 13-703, and 13-801.

COUNT 10
THEFT

On or between December 1, 2011, and December 31, 2011, **LUKEROY KENDRICK ROSE, SOLANA DEPAOLA, and CORDELL JAMES BESS**, without lawful authority, knowingly controlled Eddie Crouch's United States currency, of a value of \$4,000 or more but less than \$25,000, or obtained such property of Eddie Crouch by means of material misrepresentation, with the intent to deprive Eddie Crouch Becker of such property, in violation of A.R.S. §§ 13-1801, 13-1802, 13-301, 13-302, 13-303, 13-304, 13-305, 13-306, 13-701, 13-702, 13-703, and 13-801.

COUNT 11
THEFT

On or between December 1, 2011, and December 31, 2011, **LUKEROY KENDRICK ROSE, SOLANA DEPAOLA, CORDELL JAMES BESS, and DINO NICK MITCHELL**, without lawful authority, knowingly controlled Susan Steinbrenner's United States currency, of a value of \$25,000 or more, or obtained such property of Susan Steinbrenner by means of material misrepresentation, with the intent to deprive Susan Steinbrenner of such property, in violation of A.R.S. §§ 13-1801, 13-1802, 13-301, 13-302, 13-303, 13-304, 13-305, 13-306, 13-701, 13-702, 13-703, and 13-801.

COUNT 12
THEFT

On or between January 1, 2012, and January 31, 2012, **LUKEROY KENDRICK ROSE, SOLANA DEPAOLA, and CORDELL JAMES BESS**, without lawful authority, knowingly controlled H.D. Gillett's United States currency, of a value of \$4,000 or more but less than \$25,000, or obtained such property of H.D. Gillett by means of material misrepresentation, with the intent to deprive H.D. Gillett of such property, in violation of A.R.S. §§ 13-1801, 13-1802, 13-301, 13-302, 13-303, 13-304, 13-305, 13-306, 13-701, 13-702, 13-703, and 13-801.

COUNT 13
THEFT

On or between January 1, 2012, and February 15, 2012, **LUKEROY KENDRICK ROSE, SOLANA DEPAOLA, and CORDELL JAMES BESS**, without lawful authority, knowingly controlled Charles Karafotas's United States currency, of a value of \$25,000 or more, or obtained such property of Charles Karafotas by means of material misrepresentation, with the intent to deprive Charles Karafotas of such property, in violation of A.R.S. §§ 13-1801, 13-1802, 13-301, 13-302, 13-303, 13-304, 13-305, 13-306, 13-701, 13-702, 13-703, and 13-801.

COUNT 14
THEFT

On or between February 1, 2012, and March 5, 2012, **LUKEROY KENDRICK ROSE, SOLANA DEPAOLA, and CORDELL JAMES BESS**, without lawful authority, knowingly controlled John Cochran's United States currency, of a value of \$4,000 or more but less than \$25,000, or obtained such property of John Cochran by means of material misrepresentation, with the intent to deprive John Cochran of such property, in violation of A.R.S. §§ 13-1801, 13-1802, 13-301, 13-302, 13-303, 13-304, 13-305, 13-306, 13-701, 13-702, 13-703, and 13-801.

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COUNT 15
THEFT

On or between February 1, 2012, and March 10, 2012, **LUKEROY KENDRICK ROSE, SOLANA DEPAOLA, and CORDELL JAMES BESS**, without lawful authority, knowingly controlled Matthew Dolan's United States currency, of a value of \$4,000 or more but less than \$25,000, or obtained such property of Matthew Dolan by means of material misrepresentation, with the intent to deprive Matthew Dolan of such property, in violation of A.R.S. §§ 13-1801, 13-1802, 13-301, 13-302, 13-303, 13-304, 13-305, 13-306, 13-701, 13-702, 13-703, and 13-801.

COUNT 16
THEFT

On or between March 1, 2012, and March 20, 2012, **LUKEROY KENDRICK ROSE, SOLANA DEPAOLA, and CORDELL JAMES BESS**, without lawful authority, knowingly controlled Clara Warren's United States currency, of a value of \$4,000 or more but less than \$25,000, or obtained such property of Clara Warren by means of material misrepresentation, with the intent to deprive Clara Warren of such property, in violation of A.R.S. §§ 13-1801, 13-1802, 13-301, 13-302, 13-303, 13-304, 13-305, 13-306, 13-701, 13-702, 13-703, and 13-801.

COUNT 17
THEFT

On or between March 1, 2012, and March 31, 2012, **LUKEROY KENDRICK ROSE, SOLANA DEPAOLA, and CORDELL JAMES BESS**, without lawful authority, knowingly controlled Donald Rouse's United States currency, of a value of \$4,000 or more but less than \$25,000, or obtained such property of Donald Rouse by means of material misrepresentation, with the intent to deprive Donald Rouse of such property, in violation of A.R.S. §§ 13-1801, 13-1802, 13-301, 13-302, 13-303, 13-304, 13-305, 13-306, 13-701, 13-702, 13-703, and 13-801.

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COUNT 18
THEFT

On or between October 1, 2012, and December 31, 2012, **LUKEROY KENDRICK ROSE, SOLANA DEPAOLA, and CORDELL JAMES BESS**, without lawful authority, knowingly controlled Julie Schweer's United States currency, of a value of \$4,000 or more but less than \$25,000, or obtained such property of Julie Schweer by means of material misrepresentation, with the intent to deprive Julie Schweer of such property, in violation of A.R.S. §§ 13-1801, 13-1802, 13-301, 13-302, 13-303, 13-304, 13-305, 13-306, 13-701, 13-702, 13-703, and 13-801.

COUNT 19
THEFT

On or between December 1, 2012, and December 31, 2012, **LUKEROY KENDRICK ROSE**, without lawful authority, knowingly controlled Carolyn Turner's United States currency, of a value of \$25,000 or more, or obtained such property of Carolyn Turner by means of material misrepresentation, with the intent to deprive Carolyn Turner of such property, in violation of A.R.S. §§ 13-1801, 13-1802, 13-301, 13-302, 13-303, 13-304, 13-305, 13-306, 13-701, 13-702, 13-703, and 13-801.

COUNT 20
THEFT

On or between January 1, 2013, and January 31, 2013, **LUKEROY KENDRICK ROSE**, without lawful authority, knowingly controlled Robert West's United States currency, of a value of \$25,000 or more, or obtained such property of Robert West by means of material misrepresentation, with the intent to deprive Robert West of such property, in violation of A.R.S. §§ 13-1801, 13-1802, 13-301, 13-302, 13-303, 13-304, 13-305, 13-306, 13-701, 13-702, 13-703, and 13-801.

COUNT 21
THEFT

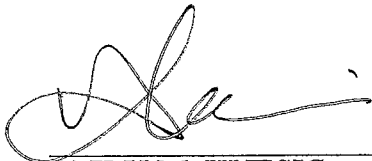
On or between February 1, 2013, and February 20, 2013, **LUKEROY KENDRICK ROSE**, without lawful authority, knowingly controlled Jeffrey Smith's United States currency, of a value of \$4,000 or more but less than \$25,000, or obtained such property of Jeffrey Smith by means of material misrepresentation, with the intent to deprive Jeffrey Smith of such property, in violation of A.R.S. §§ 13-1801, 13-1802, 13-301, 13-302, 13-303, 13-304, 13-305, 13-306, 13-701, 13-702, 13-703, and 13-801.

COUNT 22
MONEY LAUNDERING, SECOND DEGREE

On or between January 1, 2011, and February 15, 2013, **LUKEROY KENDRICK ROSE, SOLANA DEPAOLA, CORDELL JAMES BESS, and DINO NICK MITCHELL** acquired or maintained an interest in, transacted in, transferred, received, or concealed the existence or nature of racketeering proceeds knowing or having reason to know that they were proceeds of an offense, in violation of A.R.S. §§ 13-2317, 13-2301, 13-301, 13-302, 13-303, 13-304, 13-305, 13-306, 13-701, 13-702, 13-703, and 13-801. The racketeering activities included theft, participating in a criminal syndicate, and a scheme or artifice to defraud.

Pursuant to A.R.S. § 21-425, the State Grand Jurors find that the offenses described above were committed in Maricopa County, Arizona.

MARK BRNOVICH
ATTORNEY GENERAL
STATE OF ARIZONA



ANDY M. KVESIC
Assistant Attorney General



(A "True Bill")

Dated: 5-17-16.



Foreperson of the State Grand Jury