

1 TERRY GODDARD
2 Attorney General
Firm Bar No. 14000

3 THEODORE CAMPAGNOLO
4 Assistant Attorney General
5 State Bar No. 017167
6 1275 West Washington Street
Phoenix, Arizona 85007-2926
Telephone: 602-542-3881
CRMFraud@azag.gov

7 Attorneys for Plaintiff

8 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

9 IN AND FOR THE COUNTY OF MARICOPA

10 STATE OF ARIZONA,

11 Plaintiff,

12 v.

13 BRIAN HOUNSHELL (001)
14 BRIAN HOUGH (002),

15 Defendants.

No.

INDICTMENT

56 S.G.J. 12

CHARGING VIOLATIONS OF:

**COUNTS 1 and 2: MISUSE OF PUBLIC
MONIES**, Class 4 Felonies, in violation of
A.R.S. § 35-301 (**001 only**)

**COUNTS 3 and 4: MISUSE OF PUBLIC
MONIES**, Class 4 Felonies, in violation of
A.R.S. § 35-301 (**002 only**)

**COUNT 5: FRAUDULENT SCHEMES
AND ARTIFICES**, Class 2 Felony, in
violation of A.R.S. § 13-2310 (**001 only**)

COUNT 6: THEFT, Class 3 Felony, in
violation of A.R.S. § 13-1802 (**001 only**)

23 The Arizona State Grand Jury accuses **BRIAN HOUNSHELL** and **BRIAN HOUGH**,
24 charging on this **25th day of May, 2005** that in or from Maricopa County, Arizona:

25 **COUNT 1**

26 **Misuse of Public Monies**

1 On or between the dates of January 1, 2000 and December 31, 2004, defendant **BRIAN**
2 **HOUNSHELL**, a public officer, to wit: the Apache County Sheriff, or a person charged with the
3 receipt, safekeeping, transfer or disbursement of public money belonging to Apache County,
4 without authority of law, appropriated such public money or any portion thereof to his own use or
5 to the use of another for property or services in Apache County, Maricopa County, Navajo
6 County, Gila County and/or Coconino County, in violation of A.R.S. §§ 35-301, 35-302, 13-105,
7 13-301, 13-302, 13-303, 13-304, 13-701, 13-702.01 and 13-801.

8 **COUNT 2**

9 **Misuse of Public Monies**

10 On or between the dates of January 1, 2000 and December 31, 2004, defendant **BRIAN**
11 **HOUNSHELL**, a public officer, to wit: the Apache County Sheriff, or a person charged with the
12 receipt, safekeeping, transfer or disbursement of public money belonging to Apache County,
13 without authority of law, knowingly transferred such public money when not authorized or
14 directed by law for property or services in Apache County, Maricopa County, Navajo County, Gila
15 County and/or Coconino County, in violation of A.R.S. §§ 35-301, 35-302, 13-105, 13-301, 13-
16 302, 13-303, 13-304, 13-701, 13-702.01 and 13-801.

17 **COUNT 3**

18 **Misuse of Public Monies**

19 On or between the dates of January 1, 2000 and December 31, 2004, defendant **BRIAN**
20 **HOUGH**, a public officer or a person charged with the receipt, safekeeping, transfer or
21 disbursement of public money belonging to Apache County, without authority of law,
22 appropriated such public money or any portion thereof to his own use or to the use of another for
23 property or services in Apache County, Maricopa County, Navajo County, Gila County and/or
24 Coconino County, in violation of A.R.S. §§ 35-301, 35-302, 13-105, 13-301, 13-302, 13-303,
25 13-304, 13-701, 13-702 and 13-801.

26 **COUNT 4**

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Misuse of Public Monies

On or between the dates of January 1, 2000 and December 31, 2004, defendant **BRIAN HOUGH**, a person charged with the receipt, safekeeping, transfer or disbursement of public money belonging to Apache County, without authority of law, knowingly transferred such public money when not authorized or directed by law for property or services in Apache County, Maricopa County, Navajo County, Gila County and/or Coconino County, in violation of A.R.S. §§ 35-301, 35-302, 13-105, 13-301, 13-302, 13-303, 13-304, 13-701, 13-702 and 13-801.

COUNT 5

Fraudulent Schemes and Artifices

On or between the dates of January 1, 2000 and December 31, 2004, defendant **BRIAN HOUNSHELL**, pursuant to a scheme or artifice to defraud, knowingly obtained a benefit from Apache County by means of false or fraudulent pretenses, representations, promises, or material omissions. This occurred by applying Apache County money for property or services obtained or rendered in Apache County, Maricopa County, Gila County, Navajo County and/or Coconino County, in violation of A.R.S. §§ 13-2310, 13-2301, 13-301, 13-302, 13-303, 13-701, 13-702.01 and 13-801.

COUNT 6

Theft

On or between the dates of January 1, 2000 and December 31, 2004, defendant **BRIAN HOUNSHELL**, without lawful authority, knowingly 1) controlled property of Apache County with the intent to deprive Apache County of that property; or, 2) converted for an unauthorized term or use the property of Apache County entrusted to the defendant or placed in the defendant's possession for a limited, authorized term or use; or, 3) obtained property of Apache County by means of any material misrepresentation with intent to deprive Apache County of such property, which had a value in excess of **\$3,000**, by using Apache County funds for personal property or services arising in or from Apache County, Maricopa County, Gila County, Navajo County and/or

1 Coconino County, in violation of A.R.S. §§ 13-1802, 13-1801, 13-301, 13-302, 13-303, 13-701,
2 13-702.01 and 13-801.

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

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(A "True Bill")

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11 TERRY GODDARD
12 ATTORNEY GENERAL
STATE OF ARIZONA

Dated: _____

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15 _____
THEODORE CAMPAGNOLO
Assistant Attorney General

Foreperson of the State Grand Jury

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