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Attorneys for Plaintiff

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF SANTA CRUZ**

STATE OF ARIZONA,  
  
Plaintiff,

v.

OCTAVIO GARCIA VON BORSTEL,  
  
Defendant.

Case No:

67-SGJ-103

**INDICTMENT**

CHARGING VIOLATIONS OF:

**COUNT 1: ILLEGALLY CONDUCTING AN ENTERPRISE**, Class 3 Felony, in violation of A.R.S. §§ 13-2312(B), 13-2301(D), 13-2313, 13-2314, 13-301 through 13-306, 13-603, 13-701, 13-702, 13-702.02 (renumbered 13-703), 13-801, 13-804 and 13-811.

**COUNT 2: MONEY LAUNDERING**, Class 3 Felony, in violation of A.R.S. §§ 13-2317 (B)(1) & (B)(3), 13-2301, 13-301, 13-302, 13-303, 13-304, 13-701, 13-702, 13-702.02 (renumbered 13-703), 13-801, and 13-811.

**COUNT 3: BRIBERY**, Class 4 Felony, in violation of A.R.S. §§ 13-2602(A)(2) & (B), 13-2601, 13-2604, 13-301 through 13-306, 13-701, 13-702, 13-702.02 (renumbered 13-703), 13-801, and 13-811.

**COUNT 4: BRIBERY**, Class 4 Felony, in violation of A.R.S. §§ 13-2602(A)(2) & (B), 13-2601, 13-2604, 13-301 through 13-306, 13-701, 13-702, 13-702.02 (renumbered 13-703), 13-801, and 13-811.

**COUNT 5: CONFLICT OF INTEREST**, Class 6 Felony, in violation of A.R.S. §38-505(A), 13-301 through 13-306, 13-701, 13-702, 13-702.02 (renumbered 13-703), 13-801, and 13-811.

The Arizona State Grand Jury accuses, charging on this 27th day of September, 2010 that in or from Santa Cruz County, Arizona:

**COUNT 1:**

**(ILLEGALLY CONDUCTING AN ENTERPRISE)**

Between August, 2009 through August, 2010, **OCTAVIO GARCIA VON BORSTEL** committed illegally conducting an enterprise by being employed by or associated with any enterprise, to wit: Allied Policy Group, LLC, and conducts such enterprises affairs through racketeering or participates directly or indirectly in the conduct of any enterprise that the person knows is being conducted through racketeering, in violation of A.R.S. §§ 13-2312(B), 13-2301(D), 13-2313, 13-2314, 13-301 through 13-306, 13-603, 13-701, 13-702, 13-702.02 (renumbered 13-703), 13-801, 13-804 and 13-811.

**COUNT 2:**

**(MONEY LAUNDERING)**

Between August, 2009 and August, 2010, **OCTAVIO GARCIA VON BORSTEL** acquired or maintained an interest in, transacted, transferred, transported, received or concealed the existence or nature of racketeering proceeds knowing or having reason to know that the money was the proceeds of an offense; and/or conducts a transaction knowing or having reason to know that the property involved is the proceeds of an offense and with the intent to conceal or disguise the nature, location, source, ownership or control of the property or the intent to facilitate racketeering, in violation of A.R.S. §§ 13-2317 (B)(1) & (B)(3), 13-2301, 13-301, 13-302, 13-303, 13-304, 13-701, 13-702, 13-702.02 (renumbered 13-703), 13-801, and 13-811.

**COUNT 3:**

**(BRIBERY)**

On July 6, 2010, while a public servant or party officer, **OCTAVIO GARCIA VON BORSTEL**, solicited, accepted or agreed to accept any benefit, to wit: \$2,000.00, upon an agreement or understanding that his vote, opinion, judgment, exercise of discretion or other action as a public servant or party officer may thereby be influenced, in violation of A.R.S. §§

13-2602(A)(2) & (B), 13-2601, 13-2604, 13-301 through 13-306, 13-701, 13-702, 13-702.02 (renumbered 13-703), 13-801, and 13-811.

**COUNT 4:**

**(BRIBERY)**

On July 31, 2010, while a public servant or party officer, **OCTAVIO GARCIA VON BORSTEL**, solicited, accepted or agreed to accept any benefit, to wit: \$4,000.00, upon an agreement or understanding that his vote, opinion, judgment, exercise of discretion or other action as a public servant or party officer may thereby be influenced, in violation of A.R.S. §§ 13-2602(A)(2) & (B), 13-2601, 13-2604, 13-301 through 13-306, 13-701, 13-702, 13-702.02 (renumbered 13-703), 13-801, and 13-811.

**COUNT 5:**

**(CONFLICT OF INTEREST)  
(ADDITIONAL INCOME PROHIBITED FOR SERVICES)**


Between August, 2009 and August, 2010, **OCTAVIO GARCIA VON BORSTEL**, a public officer or employee received or agreed to receive, directly or indirectly, compensation other than as provided by law, for any service rendered or to be rendered, by him personally in any case, proceeding, application, or other matter, which is pending before a public agency of which he is a public officer or employee, in violation of A.R.S. §38-505(A), 13-301 through 13-306, 13-701, 13-702, 13-702.02 (renumbered 13-703), 13-801, and 13-811.

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

AT True Bill  
(A "True Bill")

TERRY GODDARD  
ATTORNEY GENERAL  
STATE OF ARIZONA

Dated: 9/27/10

  
MICHAEL JETTE  
Assistant Attorney General

  
Foreperson of the State Grand Jury

#1016787

TERRY GODDARD  
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Attorneys for Plaintiff

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF SANTA CRUZ**

STATE OF ARIZONA,

Plaintiff,

v.

OCTAVIO GARCIA VON BORSTEL,  
OCTAVIO GARCIA SUAREZ,

Defendants.

Case No:

67-SGJ-104

**INDICTMENT**

CHARGING VIOLATIONS OF:

**COUNT 1: ILLEGALLY CONDUCTING AN ENTERPRISE**, Class 3 Felony, in violation of A.R.S. §§ 13-2312(B), 13-2301(D), 13-2313, 13-2314, 13-301 through 13-306, 13-603, 13-701, 13-702, 13-702.02, 13-703, 13-801, 13-804 and 13-811.

**COUNT 2: FRAUDULENT SCHEMES AND ARTIFICES**, Class 2 Felony, in violation of A.R.S. §§13-2310(A-E), 13-2301, 13-301 through 13-306, 13-603, 13-701, 13-702, 13-702.02, 13-703, 13-801, 13-804 and 13-811.

**COUNT 3: THEFT**, Class 2 Felony, in violation of A.R.S. §§ 13-1802(A)(1) and/or 13-1802(A)(3), 13-1802(E) & (F), 13-1801, 13-301 through 13-306, 13-603, 13-701, 13-702, 13-702.02, 13-703, 13-801, 13-804 and 13-811.

**COUNT 4: MONEY LAUNDERING,**  
Class 3 Felony, in violation of A.R.S. §§  
13-2317 (B)(1), 13-2301, 13-301, 13-302,  
13-303, 13-304, 13-701, 13-702, 13-702.01,  
13-801, and 13-811.

The Arizona State Grand Jury accuses, charging on this 27TH day of September, 2010  
that in or from Santa Cruz County, Arizona:

**COUNT 1**

**(ILLEGALLY CONDUCTING AN ENTERPRISE)**

Between February 2007 through May 2007, **OCTAVIO GARCIA VON BORSTEL** and **OCTAVIO GARCIA SUAREZ**, committed illegally conducting an enterprise by being employed by or associated with any enterprise, to wit: ACE Cash Express and/or Western Cash Express and/or Legalizaciones, and conducts such enterprises affairs through racketeering or participates directly or indirectly in the conduct of any enterprise that the person knows is being conducted through racketeering, in violation of A.R.S. §§ 13-2312(B), 13-2301(D), 13-2313, 13-2314, 13-301 through 13-306, 13-603, 13-701, 13-702, 13-702.02, 13-703, 13-801, 13-804 and 13-811.

**COUNT 2**

**(FRAUDULENT SCHEMES AND ARTIFICES)**

Between the dates of February 2007 and May 2007, **OCTAVIO GARCIA VON BORSTEL** and **OCTAVIO GARCIA SUAREZ**, pursuant to scheme or artifice to defraud, knowingly obtained any benefit in excess of \$100,000 belonging to Wells Fargo Bank and/or Western Union, by means of false or fraudulent pretenses, representations, promises, or material omissions, in violation of A.R.S. §§13-2310(A-E), 13-2301, 13-301 through 13-306, 13-603, 13-701, 13-702, 13-702.02, 13-703, 13-801, 13-804 and 13-811.

**COUNT 3**

**(THEFT)**

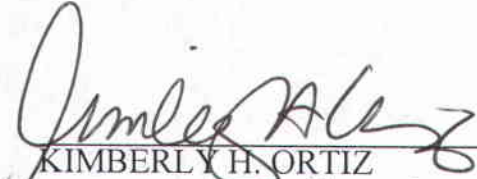
Between the dates of February 2007 and May 2007, **OCTAVIO GARCIA VON BORSTEL** and **OCTAVIO GARCIA SUAREZ**, knowingly controlled property belonging to Wells Fargo Bank and/or Western Union with the intent to deprive Wells Fargo Bank and/or Western Union of such property, to wit: wire transfers, cashier's checks, money orders, and/or cash; and/or obtained services or property of Wells Fargo Bank and/or Western Union by means of any material misrepresentation with intent to deprive Wells Fargo Bank and/or Western Union of such property, to wit: wire transfers, cashier's checks, money orders, and/or cash, in violation of A.R.S. §§ 13-1802(A)(1) and/or 13-1802(A)(3), 13-1802(E) & (F), 13-1801, 13-301 through 13-306, 13-603, 13-701, 13-702, 13-702.02, 13-703, 13-801, 13-804 and 13-811.

**COUNT 4**  
**(MONEY LAUNDERING)**

Between February 2007 through May 2007, **OCTAVIO GARCIA VON BORSTEL** and **OCTAVIO GARCIA SUAREZ** acquired or maintained an interest in, transacted, transferred, transported, received or concealed the existence or nature of racketeering proceeds knowing or having reason to know that the money was the proceeds of an offense and/or conducts a transaction knowing or having reason to know that the property involved is the proceeds of an offense and with the intent to conceal or disguise the nature, location, source, ownership or control of the property or the intent to facilitate racketeering, in violation of A.R.S. §§ 13-2317 (B)(1), 13-2301, 13-301, 13-302, 13-303, 13-304, 13-701, 13-702, 13-702.01, 13-801, and 13-811.

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

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KIMBERLY H. ORTIZ  
Assistant Attorney General

#1041231

A True Bill  
(A "True Bill")

Dated: 9/27/10

  
Foreperson of the State Grand Jury