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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.

BRENT D. EMERSON (001)  
(Counts 1-9),

ANTHONY KRISTIAN WHITE (002)  
(Counts 1-9),

GARY D. MURDIE (003)  
(Counts 1-9), and

TIFFANY MARIE O'DONNELL (004)  
(Counts 1-9),

Defendants.

Case No: CR 2008-007443  
63 SGJ 89

**INDICTMENT**

**CHARGING VIOLATIONS OF:**

COUNTS 1 and 5:  
FRAUDULENT SCHEMES  
AND ARTIFICES,  
Class 2 Felonies, A.R.S. § 13-2310.

COUNTS 2 and 6: THEFT,  
Class 2 Felonies, A.R.S. § 13-1802.

COUNTS 3 and 7:  
MONEY LAUNDERING,  
Class 2 Felonies, A.R.S. § 13-2317.

COUNTS 4 and 8: ILLEGALLY  
CONDUCTING AN ENTERPRISE,  
Class 3 Felonies, A.R.S. § 13-2312.

COUNT 9: AGGRAVATED TAKING  
IDENTITY OF ANOTHER PERSON,  
A.R.S. §13-2009, a Class 3 Felony

The Arizona State Grand Jury accuses DEFENDANTS BRENT D. EMERSON,  
ANTHONY KRISTIAN WHITE, GARY D. MURDIE, and TIFFANY MARIE O'DONNELL,  
charging on this 14<sup>th</sup> day of August, 2008, that:

## COUNT 1 (FRAUDULENT SCHEMES AND ARTIFICES)

From about October 2003 through about December 2006, DEFENDANTS BRENT D. EMERSON, ANTHONY KRISTIAN WHITE, GARY D. MURDIE, and TIFFANY MARIE O'DONNELL, pursuant to a scheme or artifice to defraud, knowingly obtained a benefit by means of false or fraudulent pretenses, representations, promises or material omissions, and the benefit so obtained involved property with a value of \$100,000 or more, in violation of A.R.S. §§ 13-2310, 13-301 through 13-306, 13-701, 13-702, 13-702.01, and 13-801.

This conduct occurred when Defendants, doing business mainly as Guaranteed Prescriptions, Guaranteed Advertising, Inc., Premier Marketing Group, and/or Executive Marketing Group, Inc., obtained about \$16,000,000 from hundreds of persons to whom they sold "online pharmacy" websites, and Defendants obtained these funds by means of false or fraudulent pretenses, representations, promises or material omissions, including the following:

1. That Defendants had set up relationships with major prescription drug manufacturers like Johnson & Johnson, Pfizer, and Merck.
2. That, through these relationships, Defendants were authorized to set up a limited number of online pharmacies to process prescription drug orders on the internet.
3. That Defendants could direct to a person's online-pharmacy website thousands of people that were looking for some place to get their prescriptions filled online.
4. That, if a person bought an advertising package from Defendants, thousands of customers would be sent to the person's website, to fill their prescription orders.
5. That purchase of a website was risk-free and with a money-back guarantee.
6. That the websites would generate commissions in excess of \$20,000 per month.

In truth and in fact, as Defendants well knew, the above representations and many others were false or misleading – and these websites were mainly a tool that Defendants used to sell fraudulent "advertising packages" to the website owner.

After the website owner inevitably realized that the website was making no sales, Defendants would contact the person and make additional false or fraudulent pretenses, representations, promises or material omissions to obtain as much additional money as the person could be persuaded to pay for advertising packages that Defendants falsely represented would result in increased sales for the owner's online pharmacy website.

As Defendants well knew, the advertising packages were artifices that resulted in great financial benefit to Defendants' enterprise – and minimal, if any, benefit to the website owners.

### **COUNT 2 (THEFT)**

From about October 2003 through about December 2006, DEFENDANTS BRENT D. EMERSON, ANTHONY KRISTIAN WHITE, GARY D. MURDIE, and TIFFANY MARIE O'DONNELL, knowingly and without lawful authority, controlled property of another with the intent to deprive them of such property, or converted for an unauthorized term or use property of another entrusted to Defendants or placed in their possession for a limited, authorized term or use, and the property had a value of \$100,000 or more, in violation of A.R.S. §§ 13-1802, 13-1801, 13-301 through 13-306, 13-701, 13-702, 13-702.01, and 13-801.

This conduct occurred when Defendants controlled for their own purposes and converted for unauthorized uses about \$16,000,000 that was entrusted to them by persons who paid money to the fraud scheme alleged in Count 1, after being persuaded by Defendants that this was a legitimate business opportunity and that Defendants would use the funds as promised.

### **COUNT 3 (MONEY LAUNDERING)**

From about October 2003 through about December 2006, DEFENDANTS BRENT D. EMERSON, ANTHONY KRISTIAN WHITE, GARY D. MURDIE, and TIFFANY MARIE O'DONNELL knowingly initiated, organized, planned, directed, managed or supervised money laundering in that they 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 they were the proceeds of an offense, or they conducted a transaction

knowing or having reason to know that the property involved was 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, 13-2301, 13-301 through 13-306, 13-701, 13-702, 13-702.01, and 13-801.

This conduct occurred when Defendants, who were principals in the fraud scheme alleged in Count 1 and the theft alleged in Count 2, which are racketeering offenses, engaged in the above-alleged actions knowing or having reason to know that the funds were racketeering proceeds, and acted with the intent to conceal or disguise that fact and to facilitate racketeering.

#### **COUNT 4 (ILLEGALLY CONDUCTING AN ENTERPRISE)**

From about October 2003 through about December 2006, DEFENDANTS BRENT D. EMERSON, ANTHONY KRISTIAN WHITE, GARY D. MURDIE, and TIFFANY MARIE O'DONNELL, who were employed by or associated with any enterprise, knowingly conducted its affairs through racketeering or participated directly or indirectly in the conduct of any enterprise that they knew was being conducted through racketeering, in violation of A.R.S. §§ 13-2312, 13-2301, 13-301 through 13-306, 13-701, 13-702, 13-702.01, and 13-801.

This conduct occurred when Defendants, who were employed by or associated with the online pharmacy enterprise described in Count 1, knowingly conducted its affairs through the racketeering alleged in Counts 1, 2, and 3, and participated in the conduct of said enterprise knowing that it was being conducted through racketeering.

#### **COUNT 5 (FRAUDULENT SCHEMES AND ARTIFICES)**

From about January 2007 through August 2008, DEFENDANTS BRENT D. EMERSON, ANTHONY KRISTIAN WHITE, GARY D. MURDIE, and TIFFANY MARIE O'DONNELL, pursuant to a scheme or artifice to defraud, knowingly obtained a benefit by means of false or fraudulent pretenses, representations, promises or material omissions, and the benefit so obtained involved property with a value of \$100,000 or more, in violation of A.R.S. §§ 13-2310, 13-301 through 13-306, 13-701, 13-702, 13-702.01, and 13-801.

This conduct occurred when Defendants, after receiving a Temporary Restraining Order from Maricopa County Superior Court regarding the online pharmacy enterprise described in Count 1, promptly morphed into an online "travel package" enterprise in which Defendants, mainly doing business as International Travel Connection, International Travel Brokers, International Travel Program, International Travel Network, T & L Marketing Services, LLC., and/or Smart Marketing, obtained about \$1,700,000 from dozens of persons by means of the same kind of false or fraudulent pretenses, representations, promises or material omissions that they had used in marketing their online pharmacy enterprise, including the following:

1. That Defendants' online travel package enterprise was a member of and had a good reputation with the Better Business Bureau.
2. That Defendants' online travel package enterprise was rated as a top-ten business opportunity by United States Business Rankings, an objective rating company.
3. That website owners would earn substantial commissions through sale of travel packages from their websites.
4. That Defendants would refund all money paid if an owner requested a refund within the first 2 years and had not earned more than the cost of the website.

In truth and in fact, as Defendants well knew, the above representations and many others were false or misleading – and these websites were mainly a tool that Defendants used to sell fraudulent "advertising packages" to the website owners.

After the owner inevitably realized that the travel package website was making no sales, Defendants would contact the person and make additional false or fraudulent pretenses, representations, promises or material omissions to obtain as much additional money as the person could be persuaded to pay for advertising packages that Defendants falsely represented would result in online travel package sales for the website owner.

As Defendants well knew, the advertising packages were artifices that resulted in great financial benefit to Defendants' enterprise – and minimal, if any, benefit to the website owners.

### **COUNT 6 (THEFT)**

From about January 2007 through August 2008, DEFENDANTS BRENT D. EMERSON, ANTHONY KRISTIAN WHITE, GARY D. MURDIE, and TIFFANY MARIE O'DONNELL, knowingly and without lawful authority, controlled property of another with the intent to deprive them of such property, or converted for an unauthorized term or use property of another entrusted to Defendants or placed in their possession for a limited, authorized term or use, and the property had a value of \$100,000 or more, in violation of A.R.S. §§ 13-1802, 13-1801, 13-301 through 13-306, 13-701, 13-702, 13-702.01, and 13-801.

This conduct occurred when Defendants controlled for their own purposes and converted for unauthorized uses about \$1,700,000 that had been entrusted to them by persons who paid money to the fraud scheme alleged in Count 5 after being persuaded by Defendants that this was a legitimate business opportunity and that Defendants would use the funds as promised.

### **COUNT 7 (MONEY LAUNDERING)**

From about January 2007 through August 2008, DEFENDANTS BRENT D. EMERSON, ANTHONY KRISTIAN WHITE, GARY D. MURDIE, and TIFFANY MARIE O'DONNELL, knowingly initiated, organized, planned, directed, managed or supervised money laundering in that they 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 they were the proceeds of an offense, or they conducted a transaction knowing or having reason to know that the property involved was 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, 13-2301, 13-301 through 13-306, 13-701, 13-702, 13-702.01, and 13-801.

This conduct occurred when Defendants, who were principals in the online travel package fraud scheme alleged in Count 5 and the theft alleged in Count 6, which are racketeering offenses, engaged in the above-alleged actions knowing or having reason to know that the funds

were racketeering proceeds, and acted with the intent to conceal or disguise that fact and to facilitate racketeering.

**COUNT 8 (ILLEGALLY CONDUCTING AN ENTERPRISE)**

From about January 2007 through August 2008, DEFENDANTS BRENT D. EMERSON, ANTHONY KRISTIAN WHITE, GARY D. MURDIE, and TIFFANY MARIE O'DONNELL, who were employed by or associated with any enterprise, knowingly conducted its affairs through racketeering or participated directly or indirectly in the conduct of any enterprise that they knew was being conducted through racketeering, in violation of A.R.S. §§ 13-2312, 13-2301, 13-301 through 13-306, 13-701, 13-702, 13-702.01, and 13-801.

This conduct occurred when Defendants, who were employed by or associated with the online travel package enterprise described in Count 5, knowingly conducted its affairs through the racketeering alleged in Counts 5, 6, and 7, and participated in the conduct of said enterprise knowing that it was being conducted through racketeering.

**COUNT 9 (AGGRAVATED TAKING IDENTITY OF ANOTHER PERSON)**

From about January 2007 through August 2008, DEFENDANTS BRENT D. EMERSON, ANTHONY KRISTIAN WHITE, GARY D. MURDIE, and TIFFANY MARIE O'DONNELL, knowingly took, possessed or used any personal identifying information or entity identifying information of three or more other persons or entities, including real or fictitious persons or entities, without the consent of the other persons or entities, with the intent to obtain or use the other persons' or entities' identities for any unlawful purpose or to cause loss to the persons or entities whether or not the persons or entities actually suffered any economic loss, in violation of A.R.S. §§ 13-2009, 13-2001, 13-301 through 13-306, 13-701, 13-702, 13-702.01, and 13-801.

This conduct occurred when Defendants, with the intent to further the criminal activity alleged in Counts 5, 6, 7, and 8, knowingly took, possessed or used personal identifying information or entity identifying information, without the consent of the other persons or entities, intending to create the appearance that Defendants' online travel package enterprise was

being operated, at least in part, by the persons or entities whose identities Defendants had illegally taken, which included the following persons or entities:

1. International Travel Brokers, San Francisco, CA.
2. Enterprise Solutions, Salem, OR.
3. Marketing Solutions Inc, Chicago, IL.
4. Smart Marketing, Tigard, OR.

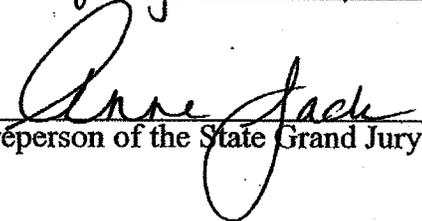
Pursuant to A.R.S. § 21-425, the State Grand Jurors find that the offenses described above were committed in or from Maricopa County, Arizona.

True Bill  
(A "True Bill")

TERRY GODDARD  
ATTORNEY GENERAL  
STATE OF ARIZONA

Dated: August 14, 2008

  
E. G. Noyes, Jr.  
Assistant Attorney General

  
Foreperson of the State Grand Jury