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6 Doc. #51779

7
8 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
9 **IN AND FOR THE COUNTY OF PIMA**

10 **STATE OF ARIZONA,**)
11 **Plaintiff,**) **213 GJ 1565**
12 **vs.**) **INDICTMENT**
13 **JOHN DAVID "JAY" FRANKLIN, (001)**)
14 **JOHN D. FRANKLIN SR. (002)**) **Cause No.**
15 **Defendants.**)

16 The grand jurors of the County of Pima, in the name of the State of Arizona, and by its
17 authority accuse and charge that in Pima County:

18 **COUNT ONE: FRAUDULENT SCHEMES AND ARTIFICES, A Class 2 Felony**

19
20 Between the dates of June 2006 and December 2008, **JOHN DAVID "JAY"**
21 **FRANKLIN AND JOHN D. FRANKLIN SR. d/b/a HURRICANE MOTORS**
22 **AND/OR RITEWAY** pursuant to scheme or artifice to defraud, knowingly obtained a
23 benefit in excess of \$100,000.00 from Car Financial Inc. by means of false or fraudulent
24 pretenses, representations, promises, or material omissions, in violation of A.R.S. §§13-
25 2310(A) and (C), 13-2301, 13-701, 13-702, 13-702.02, and 13-801.
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1 **COUNT TWO: THEFT, A Class 2 Felony**

2 Between the dates of June 2006 and December 2008, **JOHN DAVID “JAY”**
3 **FRANKLIN AND JOHN D. FRANKLIN SR. d/b/a HURRICANE MOTORS**
4 **AND/OR RITEWAY**, knowingly controlled property with a value in excess of
5 \$100,000.00 belonging to Car Financial Inc. with the intent to deprive Car Financial Inc. of
6 such property and/or knowingly converted for an unauthorized use property belonging to
7 Car Financial Inc. entrusted to them or placed in their possession for a limited, authorized
8 term or use, in violation of A.R.S. §§ 13-1802(A)(1) and/or 13-1802(A)(2), 13-1802(E),
9 13-1802(F), 13-1801, 13-701, 13-702, 13-702.02, and 13-801.

10 **COUNT THREE: FRAUDULENT SCHEMES AND ARTIFICES, A Class 2 Felony**

11 Between the dates of June 2006 and December 2008, **JOHN DAVID “JAY”**
12 **FRANKLIN d/b/a HURRICANE MOTORS AND/OR RITEWAY**, pursuant to scheme
13 or artifice to defraud, knowingly obtained a benefit in excess of \$25,000.00 from Sandra
14 Urias, Gloria Pereida, Juan Pereida, Andrew Camelot, Matt Verhalan, Christian Porter and
15 Victor Valdez by means of false or fraudulent pretenses, representations, promises, or
16 material omissions, in violation of A.R.S. §§13-2310(A), 13-2301, 13-701, 13-702, 13-
17 702.02, and 13-801.

18
19 **COUNT FOUR: THEFT, A Class 2 Felony**

20 Between the dates of June 2006 and December 2008, **JOHN DAVID “JAY”**
21 **FRANKLIN d/b/a HURRICANE MOTORS AND/OR RITEWAY**, knowingly
22 controlled property with a value in excess of \$25,000.00 belonging to Sandra Urias, Gloria
23 Pereida, Juan Pereida, Andrew Camelot, Matt Verhalan, Christian Porter and Victor Valdez
24 with the intent to deprive them of such property and/or knowingly converted for an
25 unauthorized use property with a value in excess of \$25,000.00 belonging to Sandra Urias,
26 Gloria Pereida, Juan Pereida, Andrew Camelot, Matt Verhalan, Christian Porter and Victor

1 Valdez entrusted to them or placed in their possession for a limited, authorized term or use,
2 in violation of A.R.S. §§ 13-1802(A)(1) and/or 13-1802(A)(2), 13-1802(E), 13-1801, 13-
3 701, 13-702, 13-702.02, and 13-801.

4 **COUNT FIVE: ILLEGALLY CONDUCTING AN ENTERPRISE, A Class 3 Felony**

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6 Between the dates of June 2006 and December 2008, **JOHN DAVID “JAY”**
7 **FRANKLIN AND JOHN D. FRANKLIN SR. d/b/a HURRICANE MOTORS**
8 **AND/OR RITEWAY**, knowingly conducted an enterprise and/or participated directly in
9 the conduct of an enterprise, to wit: Hurricane Motors and/or Riteway, through
10 racketeering, to wit: fraudulent schemes and artifices and theft as set forth in Counts 1-4, in
11 violation of A.R.S. §§ 13-2312(B) and (D), 13-2301, 13-701, 13-702, 13-702.02, and 13-
12 801.

13 **COUNT SIX: MONEY LAUNDERING, A Class 3 Felony**

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15 Between the dates of June 2006 and December 2008, **JOHN DAVID “JAY”**
16 **FRANKLIN AND JOHN D. FRANKLIN SR. d/b/a HURRICANE MOTORS**
17 **AND/OR RITEWAY** acquired or maintained an interest in, transacted, transferred,
18 transported, received or concealed the existence or nature of racketeering proceeds
19 knowing or having reason to know that they were the proceeds of an offense, in violation
20 of A.R.S. §§ 13-2317(B)(1), 13-2301, 13-701, 13-702, 13-702.02, and 13-801.

21 **BARBARA LaWALL**
22 **PIMA COUNTY ATTORNEY**

23
24 By: _____
25 **Micheal Jette**
Assistant Attorney General

By: _____
FOREPERSON OF THE GRAND JURY

26 **Dated** _____