MARK BRNOVICH Attorney General Firm Bar No. 14000

NICHOLAS SACCONE State Bar No. 026361 Assistant Attorney General 1275 West Washington Street Phoenix, Arizona 85007-2926 Telephone 602-542-7995 Crmdrug@azag.gov

Attorneys for Plaintiff

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

STATE OF ARIZONA,

Plaintiff,

V.

OMAR MOHAMMAD ABUARAR (001), (Counts 1, 2, 3, 5, 6, 7, 8, 9, 11, 12, 14)

NATHMI MOHAMMAD ABUARAR (002), (Counts 1, 2, 3, 4, 6, 7, 9, 10, 13)

Defendants.

Case No: CR2017-123864-001DT CR2017-123864-002DT

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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(B)

COUNTS 3, 4, 5, 11, 12: SALE OF A DANGEROUS DRUG, a Class 2 Felony, in violation of A.R.S. § 13-3407

COUNTS 6, 7, 9: POSSESSION OF A DANGEROUS DRUG FOR SALE IN AN AMOUNT OVER THE STATUTORY THRESHOLD, a Class 2 Felony, in violation of A.R.S. § 13-3407

COUNTS 8 & 14: POSSESSION OF A DANGEROUS DRUG FOR SALE a Class 2 Felony, in violation of A.R.S. § 13-3407

COUNTS 10 & 13: SELL OR OFFER FOR SALE 10,000 OR MORE CIGARETTES THAT ARE STAMPED FOR ON RESERVATION SALES a Class 3 Felony, in violation of A.R.S. §§42-1127(E)(3)

The Arizona State Grand Jury accuses **OMAR MOHAMMAD ABUARAR** and **NATHMI MOHAMMAD ABUARAR**, charging on this 31st day of May 2017 that in or from Maricopa County, Arizona:

COUNT 1

CONSPIRACY

On or between August 23, 2016 and May 24, 2017, **OMAR MOHAMMAD ABUARAR** and **NATHMI MOHAMMAD ABUARAR**, defendants herein, with the intent to promote or aid the commission of an offense, did agree with one or more persons, both known and unknown to the State, that at least one of them or another person would engage in conduct constituting the offenses, in particular:

- 1) SALE OF A DANGEROUS DRUG, a Class 2 Felony, in violation of A.R.S. § 13-3407;
- 2) POSSESSION OF A DANGEROUS DRUG FOR SALE, a Class 2 Felony, in violation of A.R.S. § 13-3407;
- 3) POSSESSION OF A DANGEROUS DRUG FOR SALE IN AN AMOUNT OVER THE STATUTORY THRESHOLD, a Class 2 Felony, in violation of A.R.S. § 13-3407; and
- 4) SELL OR OFFER FOR SALE 10,000 OR MORE CIGARETTES THAT ARE STAMPED FOR ON RESERVATION SALES a Class 3 Felony, in violation of A.R.S. §§42-1127(E)(3).

In furtherance of this conspiracy and to effect the foregoing objects thereof, these defendants and their co-conspirators did commit numerous overt acts, including but not limited to the overt acts described in Counts 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 of this Indictment

(which are incorporated herein by reference as if set forth in full), in violation of A.R.S. §§ 13-1003, 13-3407, 42-1127(E)(3), 13-701, 13-702 and 13-801.

COUNT 2

ILLEGALLY CONDUCTING AN ENTERPRISE

A On or between August 23, 2016 and May 24, 2017, OMAR MOHAMMAD ABUARAR and NATHMI MOHAMMAD ABUARAR, defendants herein, 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 the enterprise which they knew was being conducted through racketeering.

- B. The enterprise was a group of persons associated in fact, including but not limited to OMAR MOHAMMAD ABUARAR and NATHMI MOHAMMAD ABUARAR.
 - C. The racketeering included:
 - 1) SALE OF A DANGEROUS DRUG, a Class 2 Felony, in violation of A.R.S. § 13-3407;
 - 2) POSSESSION OF A DANGEROUS DRUG FOR SALE, a Class 2 Felony, in violation of A.R.S. § 13-3407;
 - 3) POSSESSION OF A DANGEROUS DRUG FOR SALE IN AN AMOUNT OVER THE STATUTORY THRESHOLD, a Class 2 Felony, in violation of A.R.S. § 13-3407; and
 - 4) SELL OR OFFER FOR SALE 10,000 OR MORE CIGARETTES THAT ARE STAMPED FOR ON RESERVATION SALES a Class 3 Felony, in violation of A.R.S. §§42-1127(E)(3).

The racketeering included but was not limited to, the acts of racketeering described in Counts 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 of this Indictment (which are incorporated herein by reference as if set forth in full), in violation of A.R.S. §§ 13-2312(B), 13-2301, 13-3407, 13-701, 13-702, 13-801 and 13-811.

COUNT 3

SALE OF A DANGEROUS DRUG

On or about August 23, 2016, **OMAR MOHAMMAD ABUARAR** and **NATHMI MOHAMMAD ABUARAR** knowingly sold or transferred a dangerous drug, namely: FUB-AMB, XLR-11 (indazole-3-carboxamide), to wit: at 2247 N. 32nd Street, in violation of A.R.S. §§ 13-3407 (A)(7), 13-3407(D), 13-3401, 13-3401 (36), 13-301, 13-302, 13-303, 13-304, 13-701, 13-702 and 13-801.

COUNT 4

SALE OF A DANGEROUS DRUG

On or about September 7, 2016, NATHMI MOHAMMAD ABUARAR knowingly sold or transferred a dangerous drug, namely: FUB-AMB (indazole-3-carboxamide), to wit: at 2247 N. 32nd Street, in violation of A.R.S. §§ 13-3407 (A)(7), 13-3407(D), 13-3401, 13-3401 (36), 13-301, 13-302, 13-303, 13-304, 13-701, 13-702 and 13-801.

SALE OF A DANGEROUS DRUG OMAR MOHAMMAD A

On or about September 7, 201, OMAR MOHAMMAD ABUARAR knowingly sold or transferred a dangerous drug, namely: Fluro-AMB (indazole-3-carboxamide), to wit: at 2848 N. 43rd Avenue, in violation of A.R.S. §§ 13-3407 (A)(7), 13-3407(D), 13-3401, 13-3401 (36), 13-301, 13-302, 13-303, 13-304, 13-701, 13-702 and 13-801.

COUNT 6

POSSESSION OF A DANGEROUS DRUG FOR SALE IN AN AMOUNT OVER THE STATUTORY THRESHOLD

On or about September 26, 2016, **OMAR MOHAMMAD ABUARAR** and **NATHMI MOHAMMAD ABUARAR** knowingly possessed a dangerous drug for sale, namely: Fluro-

AMB, FUB-AMB (indazole-3-carboxamide), in an amount over the statutory threshold amount, to wit: at 2247 N. 32nd Street, in violation of A.R.S. §§ 13-3407, 13-3401, 13-301, 13-302, 13-303, 13-304, 13-701, 13-702 and 13-801.

COUNT 7

POSSESSION OF A DANGEROUS DRUG FOR SALE IN AN AMOUNT OVER THE STATUTORY THRESHOLD

On or about September 26, 2016, **OMAR MOHAMMAD ABUARAR** and **NATHMI MOHAMMAD ABUARAR** knowingly possessed a dangerous drug for sale, namely: AB-CHMNACA, AB PINACA (indazole-3-carboxamide), in an amount over the statutory threshold amount, to wit: at 2247 N. 32nd Street, in violation of A.R.S. §§ 13-3407, 13-3401, 13-301, 13-302, 13-303, 13-304, 13-701, 13-702 and 13-801.

COUNT 8

POSSESSION OF A DANGEROUS DRUG FOR SALE

On or about September 26, 2016, **OMAR MOHAMMAD ABUARAR** knowingly possessed a dangerous drug for sale, namely: Fluro-AMB, FUB-AMB (indazole-3-carboxamide), to wit: at 2848 N. 43rd Avenue, in violation of A.R.S. §§ 13-3407, 13-3407(D), 13-3401, 13-301, 13-302, 13-303, 13-304, 13-701, 13-702 and 13-801.

COUNT 9

POSSESSION OF A DANGEROUS DRUG FOR SALE IN AN AMOUNT OVER THE STATUTORY THRESHOLD

On or about September 26, 2016, **OMAR MOHAMMAD ABUARAR** and **NATHMI MOHAMMAD ABUARAR** knowingly possessed a dangerous drug for sale, namely: FUB-AMB (indazole-3-carboxamide), in an amount over the statutory threshold amount, to wit: at

2850 E. McDowell Road, Unit 8177, in violation of A.R.S. §§ 13-3407, 13-3401, 13-301, 13-302, 13-303, 13-304, 13-701, 13-702 and 13-801.

COUNT 10

SELL OR OFFER FOR SALE 10,000 OR MORE CIGARETTES THAT ARE STAMPED FOR ON RESERVATION SALES

On or about September 26, 2016, NATHMI MOHAMMAD ABUARAR, willfully sold or offered for sale off an Indian reservation ten thousand or more cigarettes that are stamped for on-reservation sales, to wit: at 17661 N. 52nd Place, in violation of A.R.S. §§42-1127(E)(3), 42-3001, 42-3051, 42-3452, 13-301, 13-302, 13-303, 13-701, 13-702 and 13-801.

COUNT 11

SALE OF A DANGEROUS DRUG

On or about May 10, 2017, **OMAR MOHAMMAD ABUARAR** knowingly sold or transferred a dangerous drug, namely: FUB-AMB (indazole-3-carboxamide), to wit: at 7002 N. 23rd Lane, in violation of A.R.S. §§ 13-3407 (A)(7), 13-3407(D), 13-3401, 13-3401 (36), 13-301, 13-302, 13-303, 13-304, 13-701, 13-702 and 13-801.

COUNT 12

SALE OF A DANGEROUS DRUG

On or about May 15, 2017, **OMAR MOHAMMAD ABUARAR** knowingly sold or transferred a dangerous drug, namely: FUB-AMB (indazole-3-carboxamide), to wit: at 7002 N. 23rd Lane, in violation of A.R.S. §§ 13-3407 (A)(7), 13-3407(D), 13-3401, 13-3401 (36), 13-301, 13-302, 13-303, 13-304, 13-701, 13-702 and 13-801.

COUNT 13

SELL OR OFFER FOR SALE 10,000 OR MORE CIGARETTES THAT ARE STAMPED FOR ON RESERVATION SALES

On or about May 24, 2017, **NATHMI MOHAMMAD ABUARAR**, willfully sold or offered for sale off an Indian reservation ten thousand or more cigarettes that are stamped for on-reservation sales, to wit: at 2247 N. 32nd Street and 17661 N. 52nd Place, in violation of A.R.S. §§42-1127(E)(3), 42-3001, 42-3051, 42-3452, 13-301, 13-302, 13-303, 13-701, 13-702 and 13-801.

COUNT 14

POSSESSION OF A DANGEROUS DRUG FOR SALE

On or about May 24, 2017, **OMAR MOHAMMAD ABUARAR** knowingly possessed a dangerous drug for sale, namely: FUB-AMB (indazole-3-carboxamide), to wit: 7002 N. 23rd Lane, in violation of A.R.S. §§ 13-3407, 13-3407(D) 13-3401, 13-301, 13-302, 13-303, 13-304, 13-701, 13-702 and 13-801.

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

A True Poill
(A "True Bill")

MARK BRNOVICH ATTORNEY GENERAL STATE OF ARIZONA

MICHOLAS SACCONE Assistant Attorney General

#5984120

Dated: May 31, 201

Foreperson of the State Grand Jury