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T002-2018-000092

TPD#1703298526

Attorneys for Plaintiff

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF PIMA

STATE OF ARIZONA,

Plaintiff,

v.

GABRIEL IBARRA (001)

COUNTS: 1-3, 5-7

VALERIE ANN IBARRA (002)

COUNTS: 4, 5, 7

Defendants.

Case No:

85 SGJ 307

DIRECT INDICTMENT

CHARGING VIOLATIONS OF:

COUNT 1: THEFT, a Class 3 Felony in violation of A.R.S. §13-1802

COUNTS 2 & 3: THEFT, a Class 2 Felony in violation of A.R.S. §13-1802

COUNT 4: THEFT, a Class 1 Misdemeanor, in violation of A.R.S. §13-1802

COUNTS 5 & 6: FRAUDULENT SCHEMES AND ARTIFICES, a Class 2 Felony, in violation of A.R.S. § 13-2310

COUNT 7: CONSPIRACY, a Class 2
Felony in violation of A.R.S. § 13-1003

The Arizona State Grand Jury accuses **GABRIEL IBARRA (001)** and **VALERIE ANN IBARRA (002)**, charging on this 16th day of October, 2019, that in or from Pima County, Arizona:

COUNT 1
THEFT, A CLASS 3 FELONY

Between on or about June 9, 2014, and continuing through on or about December 23, 2014, **GABRIEL IBARRA (001)**, committed theft from Robbins Equipment Co. (RECO) with an aggregate value of four thousand dollars or more but less than twenty-five thousand dollars, in violation of A.R.S. §§13-1802, 13-108, 13-109, 13-603, 13-701, 13-702, 13-703, 13-711, 13-801, 13-804, 13-811, 13-2313, and 13-2314.

COUNT 2
THEFT, A CLASS 2 FELONY

Between on or about January 3, 2015, and continuing through on or about December 31, 2015, **GABRIEL IBARRA (001)**, committed theft from Robbins Equipment Co. (RECO) with an aggregate value of twenty-five thousand dollars or more, in violation of A.R.S. §§13-1802, 13-108, 13-109, 13-603, 13-701, 13-702, 13-703, 13-711, 13-801, 13-804, 13-811, 13-2313, and 13-2314.

COUNT 3
THEFT, A CLASS 2 FELONY

Between on or about January 1, 2016, and continuing through on or about December 28, 2016, **GABRIEL IBARRA (001)**, committed theft from Robbins Equipment Co. (RECO) with an aggregate value of twenty-five thousand dollars or more, in violation of A.R.S. §§13-1802, 13-108, 13-109, 13-603, 13-701, 13-702, 13-703, 13-711, 13-801, 13-804, 13-811, 13-2313, and 13-2314.

COUNT 4
THEFT, A CLASS 1 MISDEMEANOR

Between on or about June 9, 2014, and continuing through on or about December 23, 2014, **VALERIE ANN IBARRA (002)**, committed theft from Robbins Equipment Co. (RECO) with an aggregate value of less than one thousand dollars, in violation of A.R.S. §§13-1802, 13-108, 13-109, 13-301, 13-302, 13-303, 13-304, 13-603, 13-701, 13-702, 13-703, 13-711, 13-801, 13-804, 13-811, 13-2313, and 13-2314.

COUNT 5
FRAUDULENT SCHEMES AND ARTIFICES, A CLASS 2 FELONY

Between on or about June 2014, and continuing through on or about December 2016, **GABRIEL IBARRA (001)** and **VALERIE ANN IBARRA (002)**, pursuant to a scheme or artifice to defraud, knowingly obtained any benefit, to wit: \$100,000 or more in goods or services purchased with credit cards belonging to Robbins Equipment Co. (RECO), by means of false or fraudulent pretenses, representations, promises or material omissions, in

violation of A.R.S. §§ 13-2310(A) and (C), 13-108, 13-109, 13-301, 13-302, 13-303, 13-304, 13-603, 13-701, 13-702, 13-703, 13-801, 13-804, 13-811, 13-2313, and 13-2314.

COUNT 6
FRAUDULENT SCHEMES AND ARTIFICES, A CLASS 2 FELONY

Between on or about February 2016, and continuing through on or about December 2016, **GABRIEL IBARRA (001)**, pursuant to a scheme or artifice to defraud, knowingly obtained any benefit, to wit: money belonging to Robbins Equipment Co. (RECO), by means of false or fraudulent pretenses, representations, promises or material omissions, to wit: credit card charges made on a RECO credit card to a Square account owned by **GABRIEL IBARRA (001)** and later deposited into **GABRIEL IBARRA's (001)** account, in violation of A.R.S. §§ 13-2310(A), 13-108, 13-109, 13-301, 13-302, 13-303, 13-304, 13-603, 13-701, 13-702, 13-703, 13-711, 13-801, 13-804, 13-811, 13-2313, and 13-2314.

COUNT 7
CONSPIRACY, A CLASS 2 FELONY

From on or about June 2014, and continuing through on or about December 2016, **GABRIEL IBARRA (001)** and **VALERIE ANN IBARRA (002)**, with the intent to promote or aid the commission of an offense, did agree with one or more persons, that at least one of them or another person would engage in conduct constituting the offenses, in particular:

- A. FRAUDULENT SCHEMES AND ARTIFICES**, in violation of A.R.S. § 13-2310; and/or

B. THEFT, in violation of A.R.S. §13-1802.

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 1 through 6 of this indictment, which are incorporated herein by reference as if set forth in full, in violation of A.R.S. §§13-1003, 13-2310, 13-2317, 13-1802, 13-2312, 44-1841, 13-108, 13-109, 13-301, 13-302, 13-303, 13-304, 13-701, 13-702, 13-703, 13-801, 13-804, 13-811, 13-2313, and 13-2314.

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

MARK BRNOVICH
ATTORNEY GENERAL
STATE OF ARIZONA

(A "True Bill")

Dated: _____

LINDSAY ST. JOHN
Assistant Attorney General

Foreperson of the State Grand Jury

PHX#7967739