

**RUSH**

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T002-2016-000129

Attorneys for Plaintiff

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

**STATE OF ARIZONA,**

Plaintiff,

v.

**DONALD THEODORE DIAZ, JR. (001),**

Defendant.

Case No:

[SGJ No]

**DIRECT INDICTMENT**

CHARGING VIOLATIONS OF:

**COUNTS 1-8: FRAUDULENT  
SCHEMES AND ARTIFICES**, a Class 2  
Felony, in violation of A.R.S. § 13-2310(A).

**COUNT 9: THEFT**, a Class 2 Felony, in  
violation of A.R.S. § 13-1802(A)(1).

The Arizona State Grand Jury accuses **DONALD THEODORE DIAZ, JR. (001)**, charging on this 29<sup>th</sup> day of April, 2019, that in or from Pima County, Arizona:

**COUNT ONE**  
**FRAUDULENT SCHEMES AND ARTIFICES, A CLASS 2 FELONY**

On or about December 11, 2011, **DONALD THEODORE DIAZ, JR. (001)**, pursuant to a scheme or artifice to defraud, knowingly obtained a benefit, to wit: \$1,735.00 from Lewis

Sugerman and/or LMS Corporation, by means of fraudulent pretenses, representations, promises or material omissions, in violation of A.R.S. §§ 13-2310(A), 13-701, 13-702, 13-703, 13-801, 13-804, 13-811, 13-2313, and 13-2314.

**COUNT TWO**  
**FRAUDULENT SCHEMES AND ARTIFICES, A CLASS 2 FELONY**

On or about August 12, 2013, **DONALD THEODORE DIAZ, JR. (001)**, pursuant to a scheme or artifice to defraud, knowingly obtained a benefit, to wit: \$2,200.00 from Marie Ortiz and/or Rudolfo Ortiz and/or Ortiz Enterprise, Inc., and/or National Truck and Trailer Incorporated, by means of fraudulent pretenses, representations, promises or material omissions, in violation of A.R.S. §§ 13-2310(A), 13-701, 13-702, 13-703, 13-801, 13-804, 13-811, 13-2313, and 13-2314.

**COUNT THREE**  
**FRAUDULENT SCHEMES AND ARTIFICES, A CLASS 2 FELONY**

On or about November 21, 2014 through February 28, 2015, **DONALD THEODORE DIAZ, JR. (001)**, pursuant to a scheme or artifice to defraud, knowingly obtained a benefit, to wit: \$11,500.00 from Kyle and/or Veronica Todd, by means of fraudulent pretenses, representations, promises or material omissions, in violation of A.R.S. §§ 13-2310(A), 13-701, 13-702, 13-703, 13-801, 13-804, 13-811, 13-2313, and 13-2314.

**COUNT FOUR**  
**FRAUDULENT SCHEMES AND ARTIFICES, A CLASS 2 FELONY**

On or about December 18, 2014, **DONALD THEODORE DIAZ, JR. (001)**, pursuant to a scheme or artifice to defraud, knowingly obtained a benefit, to wit: \$700.00 from Amalia and/or Frank Gonzalez, by means of fraudulent pretenses, representations, promises or material omissions, in violation of A.R.S. §§ 13-2310(A), 13-701, 13-702, 13-703, 13-801, 13-804, 13-811, 13-2313, and 13-2314.

**COUNT FIVE**  
**FRAUDULENT SCHEMES AND ARTIFICES, A CLASS 2 FELONY**

On or about August 2, 2015 through August 3, 2015, **DONALD THEODORE DIAZ, JR. (001)**, pursuant to a scheme or artifice to defraud, knowingly obtained a benefit, to wit: \$4,580.00 from Nora and/or Williams Stephens, by means of fraudulent pretenses, representations, promises or material omissions, in violation of A.R.S. §§ 13-2310(A), 13-701, 13-702, 13-703, 13-801, 13-804, 13-811, 13-2313, and 13-2314.

**COUNT SIX**  
**FRAUDULENT SCHEMES AND ARTIFICES, A CLASS 2 FELONY**

On or about October 27, 2015, **DONALD THEODORE DIAZ, JR. (001)**, pursuant to a scheme or artifice to defraud, knowingly obtained a benefit, to wit: \$5,390.00 from Eunice R. Ellingson, by means of fraudulent pretenses, representations, promises or material omissions, in violation of A.R.S. §§ 13-2310(A), 13-701, 13-702, 13-703, 13-801, 13-804, 13-811, 13-2313, and 13-2314.

**COUNT SEVEN**  
**FRAUDULENT SCHEMES AND ARTIFICES, A CLASS 2 FELONY**

On or about April 8, 2016, **DONALD THEODORE DIAZ, JR. (001)**, pursuant to a scheme or artifice to defraud, knowingly obtained a benefit, to wit: \$2,262.43 from Sylvia Sherry, by means of fraudulent pretenses, representations, promises or material omissions, in violation of A.R.S. §§ 13-2310(A), 13-701, 13-702, 13-703, 13-801, 13-804, 13-811, 13-2313, and 13-2314.

**COUNT EIGHT**  
**FRAUDULENT SCHEMES AND ARTIFICES, A CLASS 2 FELONY**

On or about March 15, 2018, through April 5, 2018, **DONALD THEODORE DIAZ, JR. (001)**, pursuant to a scheme or artifice to defraud, knowingly obtained a benefit, to wit: \$10,634.25 from Victor Williams and/or Cattoruzzi Investments, LLC, by means of fraudulent

pretenses, representations, promises or material omissions, in violation of A.R.S. §§ 13-2310(A), 13-701, 13-702, 13-703, 13-801, 13-804, 13-811, 13-2313, and 13-2314.

**COUNT NINE**  
**THEFT, A CLASS 3 FELONY**

On or about December 2011 through April 2018, **DONALD THEODORE DIAZ, JR. (001)**, knowingly controlled the property of Lewis Sugerman, Marie Ortiz, Rudolfo Ortiz, Veronica Todd, Kyle Todd, Frank Gonzalez, Amalia Gonzalez, Nora Stephens, William Stephen, Eunice Ellingson, Sylvia Sherry, and/or Dish Network, with an aggregate value of more than twenty-five thousand dollars, in violation of A.R.S. §§ 13-1802, 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.

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(A "True Bill")

MARK BRNOVICH  
ATTORNEY GENERAL  
STATE OF ARIZONA

Dated: \_\_\_\_\_

\_\_\_\_\_  
RACHEL R. HEINTZ  
Assistant Attorney General

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Foreperson of the State Grand Jury

PHX-#7736078