

DISTRICT COURT, CITY AND COUNTY OF DENVER, STATE OF COLORADO 1437 Bannock Street Denver, CO 80202	
<hr/> THE PEOPLE OF THE STATE OF COLORADO, Plaintiff, v. DAVID ROBERT GOETKEN, Defendant.	<div style="text-align: center;">Δ COURT USE ONLY Δ</div>
<hr/> PHILIP J. WEISER, Attorney General MICHAEL J. MCCARTHY, Assistant Attorney General, Reg. No. 60025* 1300 Broadway, 9 th Floor Denver, CO 80203 Tel. 720-508-6701 * Counsel of Record	Case No.: GJ Case No.: 24CR0001 Courtroom: 259
<div style="text-align: center;">COLORADO STATE GRAND JURY INDICTMENT</div>	

Of the 2024-2025 term of the Denver District Court in the year 2025; the 2024-2025 Colorado State Grand Jurors, chosen, selected and sworn in the name and by the authority of the People of the State of Colorado, upon their oaths, present the following:

COUNT 1 THEFT - \$5,000 - \$20,000, C.R.S. 18-4-401(1),(2)(G) [F5]
08A1F

ESSENTIAL FACTS

A. Colorado Lottery

1. The Colorado Lottery is an enterprise fund that is part of the Colorado Department of Revenue. The Colorado Lottery is headquartered in Pueblo County, Colorado. The Colorado Department of Revenue is headquartered in Jefferson County, Colorado.

2. The Colorado Lottery offers instant-win scratch games where prizes, if any, can be revealed by scratching off an opaque covering on the lottery ticket.

Different types of scratch games are offered with different retail values, with some high-value games having a retail value of up to \$50 per ticket.

3. Lottery tickets are commonly sold in supermarkets and convenience stores. Colorado Lottery sells scratch games to retailers in packs, with each lottery ticket containing a serialized, 13-digit number that identifies the game number, pack number, and ticket number. When packs arrive at retailers, they are inactive, meaning they cannot be redeemed for their prize value. When a retailer is ready to sell a pack, they scan the back barcode and place the tickets in a specialized dispenser provided by Colorado Lottery. Retailers typically place these dispensers behind the store counter or other area that is supposed to be inaccessible to customers.

4. A customer can determine if he or she has a winning ticket by scratching off the covering or by presenting the ticket to a retailer to be validated. Some retailers offer barcode scanners where customers can validate multiple tickets on their own. Winning tickets with prizes less than \$600 can be redeemed at a retailer, who will pay out the prize on behalf of Colorado Lottery. Some smaller retailers will not redeem prizes over a certain value, such as \$200. Prizes of \$600 or more need to be redeemed at one of four Colorado Lottery claims centers.

B. Criminal Conduct

5. In September of 2023, Richard Devon McBee Jr. and David Robert Goetken committed at least two scratch-ticket thefts in Colorado. The aggregate loss from these thefts amounts to approximately \$5,190.

6. Goetken's thefts with McBee matched a pattern of thefts that McBee separately committed between October 2023 and November 2024. Whether working on his own or with accomplices, McBee would target gas stations that were staffed by a single store clerk. McBee or his accomplice would then lure the store clerk away from the store's counter.

7. While the store clerk was distracted, McBee would sneak behind the counter and steal high-value Colorado Lottery scratch tickets from the store's dispenser. Within hours of the theft, and before the theft was discovered, McBee would enter a different gas station or store to redeem the lottery tickets that he stole elsewhere. McBee did not claim prizes of \$600 or more, which can only be claimed at an official Colorado Lottery claim center. After redeeming the winning tickets, McBee would share the illegal proceeds with his accomplices.

8. McBee and certain other complicitors are being charged in a separate indictment. The incident numbers set forth below match the incident numbers used in McBee's indictment.

COUNT 1

THEFT - \$5,000 - \$20,000, C.R.S. 18-4-401(1),(2)(G) [F5] **08A1F**

On or about and between September 22, 2023, and September 25, 2023, in the State of Colorado, **DAVID ROBERT GOETKEN**, as either a principal or a complicitor, unlawfully, feloniously, and knowingly, without authorization or by deception, obtained, retained, or exercised control over, or knowing or believing it to have been stolen, received or disposed of, a thing of value, namely, prize money of the Colorado Lottery and/or lottery tickets of the 7-Eleven and Rocket stores identified below, with the value of five thousand dollars or more but less than twenty thousand dollars, and intended to deprive permanently the Colorado Lottery and the Twin Star, 7-Eleven and Rocket stores identified below of its use or benefit, in violation of section 18-4-401(1)(a),(2)(h), C.R.S.

The essential facts in support of Count 1 are as follows:

Incident No. 12

(Lot CR: LOT23000461; Grand Jury Exhibit 1, Slides 47-50)

On or about September 22, 2023, Richard McBee and David Goetken entered the 7-Eleven store located at 3790 Wadsworth Boulevard in Wheat Ridge, Jefferson County, Colorado. After Goetken lured the store attendant outside the store by requesting to purchase a propane tank, McBee snuck behind the counter and stole approximately 79 Colorado Lottery tickets with a retail value of approximately \$2,230.

Within hours of the theft from the 7-Eleven store, McBee validated 70 of the stolen tickets at the Circle K store located at 15065 West Colfax Avenue in Lakewood, Colorado; 14 of the stolen tickets at the Kum & Go store located at 18465 West Colfax Avenue in Golden, Colorado; and nine of the stolen tickets at the TravelCenters of America located at 12151 West 44th Avenue in Wheat Ridge, Colorado. The aggregate amount of prize money paid out by these stores and/or the Colorado Lottery on these stolen lottery tickets was approximately \$1,625.

The total amount of the stolen Colorado Lottery tickets' retail value and the prize money paid out on those stolen lottery tickets was approximately \$3,855.

Incident No. 16

(Lot CR: LOT23000464; Grand Jury Exhibit 1, Slides 63-66)

On or about September 25, 2023, Richard McBee and David Goetken entered the Rocket store located at 5096 South Yosemite Street in Greenwood Village, Arapahoe County, Colorado. After luring the store attendant outside the store by requesting to purchase a propane tank, McBee snuck behind the counter and stole

approximately 23 Colorado Lottery tickets with a retail value of approximately \$1,110.

Within hours of the theft from the Rocket store, McBee validated four of the stolen tickets at the 7-Eleven store located at 9171 East Arapahoe Road in Englewood, Colorado, and two of the stolen tickets at the 7-Eleven store located at 6630 South Yosemite Street in Greenwood Village, Colorado. The aggregate amount of prize money paid out by these stores and/or the Colorado Lottery on these stolen lottery tickets was approximately \$225.

The total amount of the stolen Colorado Lottery tickets' retail value and the prize money paid out on those stolen lottery tickets was approximately \$1,335.

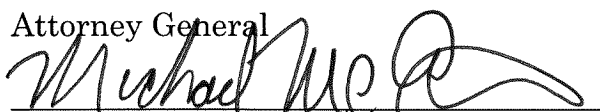
* * *

The total value of thefts for Count 1 is as follows:

Incident	Date	Retail Value	Prize money	Total Value
12	09/22/23	\$2,230	\$1,625	\$3,855
16	09/25/23	\$1,110	\$225	\$1,335
TOTAL		\$3,340	\$1,850	\$5,190

PHILIP J. WEISER

Attorney General



MICHAEL MCCARTHY, #60025

Assistant Attorney General

Special Prosecutions Unit

Criminal Justice Section

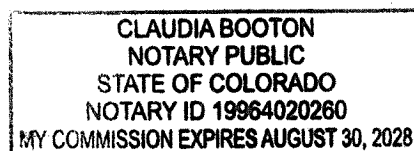
Subscribed to before me in the City and County of Denver, State of Colorado,
this ____ day of April 2025.



Notary Public

My commission expires:

8/30/28



The 2024-2025 Colorado Statewide Grand Jury presents the within
Indictment, and the same is hereby ORDERED FILED this ~~23rd~~
24th day of April, 2025.

Pursuant to §13-73-107, C.R.S., the Court designates Arapahoe County,
Colorado as the county of venue for the purposes of trial.



Hon. Christopher J. Baumann
Presiding Judge, Statewide Grand Jury