

<p>DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO</p> <p>1437 Bannock Street Denver, CO 80202</p> <hr/> <p>THE PEOPLE OF THE STATE OF COLORADO, Plaintiff,</p> <p>v.</p> <p><b>JASON HEMINGWAY</b>                      D.O.B. 2/23/75</p> <p><b>JENNIFER AVILA</b>                        D.O.B. 5/7/86</p> <p><b>JULIETTA CHASE</b>                        D.O.B. 10/22/66</p> <p><b>FILOMENA HEMINGWAY</b>                D.O.B. 08/09/42</p> <p>Defendants.</p>	<p>10 CR 2063</p> <p>10 CR 2055</p> <p>10 CR 2071</p> <p>10 CR 2047</p> <p>▲ COURT USE ONLY ▲</p>
<p>JOHN W. SUTHERS, Attorney General JODY PILMER, Senior Assistant Attorney General* 1525 Sherman Street, 7<sup>th</sup> Floor Denver, CO 80203 (303) 866-5494 Registration Number: 31347 *Counsel of Record</p>	<p>Case No.:</p> <p>Ctrm.:</p>
<p><b>COLORADO STATE GRAND JURY INDICTMENT</b></p>	

**COUNT ONE**

THEFT § 18-4-401(1)(a),(2)(c), C.R.S. (F-4) {0801P}  
Jason Hemingway

**COUNT TWO**

THEFT § 18-4-401(1)(a),(2)(c), C.R.S. (F-4) {0801P}  
Jason Hemingway

**COUNT THREE**

AGGRAVATED MOTOR VEHICLE THEFT § 18-4-409(2), (3)(a), C.R.S. (F-4)  
{08047}

Jason Hemingway, Julietta Chase

**COUNT FOUR**

THEFT BY RECEIVING § 18-4-410(1), C.R.S. (F-4) {0805K}

Julietta Chase

**COUNT FIVE**

THEFT § 18-4-401(1)(a),(2)(c), C.R.S. (F-4) {0801P}

Jason Hemingway

**COUNT SIX**

THEFT § 18-4-401(1)(a),(2)(c), C.R.S. (F-4) {0801P}

Jason Hemingway, Filomena Hemingway

**COUNT SEVEN**

IDENTITY THEFT § 18-5-902(1)(e), C.R.S. (F-4) {1307L}

Jason Hemingway

**COUNT EIGHT**

ATTEMPT TO INFLUENCE A PUBLIC SERVANT § 18-8-306 (F-4) {24051}

Jason Hemingway

**COUNT NINE**

OFFERING A FALSE INSTRUMENT FOR RECORDING IN THE FIRST  
DEGREE § 18-5-114(1), C.R.S. (F-5) {10121}

Filomena Hemingway

**COUNT TEN**

AGGRAVATED MOTOR VEHICLE THEFT § 18-4-409(2), (3)(a), C.R.S. (F-4)  
{08047}

Jason Hemingway

**COUNT ELEVEN**

THEFT BY RECEIVING § 18-4-410(1), C.R.S. (F-4) {0805K}

Jason Hemingway, Filomena Hemingway

**COUNT TWELVE**

AGGRAVATED MOTOR VEHICLE THEFT § 18-4-409(2), (3)(a), C.R.S. (F-4)  
{0804C}

Jason Hemingway, Jennifer Avila

**COUNT THIRTEEN**

THEFT § 18-4-401(1)(a),(2)(c), C.R.S. (F-4) {0801U}  
Jason Hemingway, Jennifer Avila

**COUNT FOURTEEN**

THEFT BY RECEIVING § 18-4-410(1), C.R.S. (F-4) {0805K}  
Julietta Chase

**COUNT FIFTEEN**

OFFERING A FALSE INSTRUMENT FOR RECORDING IN THE FIRST  
DEGREE § 18-5-114(1), C.R.S. (F-5) {10121}  
Julietta Chase

**COUNT SIXTEEN**

IDENTITY THEFT § 18-5-902(1)(e), C.R.S. (F-4) {1307L}  
Jennifer Avila

**COUNT SEVENTEEN**

ATTEMPT TO INFLUENCE A PUBLIC SERVANT § 18-8-306 (F-4) {24051}  
Jennifer Avila, Julietta Chase

**COUNT EIGHTEEN**

AGGRAVATED MOTOR VEHICLE THEFT § 18-4-409(2), (3)(a), C.R.S. (F-4)  
{0804C}  
Jason Hemingway, Jennifer Avila

**COUNT NINETEEN**

THEFT § 18-4-401(1)(a),(2)(c), C.R.S. (F-4) {0801U}  
Jason Hemingway, Filomena Hemingway

**COUNT TWENTY**

IDENTITY THEFT § 18-5-902(1)(e), C.R.S. (F-4) {1307L}  
Jennifer Avila

**COUNT TWENTY-ONE**

ATTEMPT TO INFLUENCE A PUBLIC SERVANT § 18-8-306 (F-4) {24051}  
Jennifer Avila

**COUNT TWENTY-TWO**

OFFERING A FALSE INSTRUMENT FOR RECORDING IN THE FIRST  
DEGREE § 18-5-114(1), C.R.S. (F-5) {10121}  
Filomena Hemingway

**COUNT TWENTY-THREE**

AGGRAVATED MOTOR VEHICLE THEFT § 18-4-409(2), (3)(a), C.R.S. (F-4)  
{0804C}

Jason Hemingway, Jennifer Avila

**COUNT TWENTY-FOUR**

IDENTITY THEFT § 18-5-902(1)(e), C.R.S. (F-4) {1307L}

Jason Hemingway

**COUNT TWENTY-FIVE**

OFFERING A FALSE INSTRUMENT FOR RECORDING IN THE FIRST DEGREE § 18-5-114(1), C.R.S. (F-5) {10121}

Jason Hemingway

**COUNT TWENTY-SIX**

ATTEMPT TO INFLUENCE A PUBLIC SERVANT § 18-8-306 (F-4) {24051}

Jason Hemingway, Julietta Chase

**COUNT TWENTY-SEVEN**

THEFT BY RECEIVING § 18-4-410(1), C.R.S. (F-4) {0805K}

Julietta Chase

**COUNT TWENTY-EIGHT**

AGGRAVATED MOTOR VEHICLE THEFT § 18-4-409(2), (3)(a), C.R.S. (F-4) {0804C}

Jason Hemingway

**COUNT TWENTY-NINE**

THEFT § 18-4-401(1)(a),(2)(c), C.R.S. (F-4) {0801U}

Jason Hemingway

**COUNT THIRTY**

THEFT § 18-4-401(1)(a),(2)(c), C.R.S. (F-4) {0801P}

Jason Hemingway

**COUNT THIRTY-ONE**

IDENTITY THEFT § 18-5-902(1)(e), C.R.S. (F-4) {1307L}

Jason Hemingway

**COUNT THIRTY-TWO**

ATTEMPT TO INFLUENCE A PUBLIC SERVANT § 18-8-306 (F-4) {24051}

Jason Hemingway

**COUNT THIRTY-THREE**

IDENTITY THEFT § 18-5-902(1)(e), C.R.S. (F-4) {1307L}

Jason Hemingway

**COUNT THIRTY-FOUR**

ATTEMPT TO INFLUENCE A PUBLIC SERVANT § 18-8-306 (F-4) {24051}

Jason Hemingway

**COUNT THIRTY-FIVE**

PERJURY IN THE SECOND DEGREE §18-8-503, C.R.S. (M-1) {25021}

Julietta Chase

**COUNT THIRTY-SIX**

IDENTITY THEFT § 18-5-902(1)(e), C.R.S. (F-4) {1307L}

Jennifer Avila

**COUNT THIRTY-SEVEN**

ATTEMPT TO INFLUENCE A PUBLIC SERVANT § 18-8-306 (F-4) {24051}

Jason Hemingway, Jennifer Avila

**COUNT THIRTY-EIGHT**

OFFERING A FALSE INSTRUMENT FOR RECORDING IN THE FIRST

DEGREE § 18-5-114(1), C.R.S. (F-5) {10121}

Jennifer Avila

**COUNT THIRTY-NINE**

CONSPIRACY TO COMMIT THEFT § 18-2-201/18-4-401(1)(a), (2)(c), C.R.S. (F-5)  
{CON 0801U}

Jason Hemingway, Jennifer Avila, Julietta Chase, Filomena Hemingway

**COUNT FORTY**

HABITUAL CRIMINAL, C.R.S. 18-1.3-801 (SE) {36101}

Jason Hemingway

**COUNT FORTY-ONE**

HABITUAL CRIMINAL, C.R.S. 18-1.3-801 (SE) {36101}

Jason Hemingway

**COUNT FORTY-TWO**

HABITUAL CRIMINAL, C.R.S. 18-1.3-801 (SE) {36101}

Jason Hemingway

**COUNT FORTY-THREE**

HABITUAL CRIMINAL, C.R.S. 18-1.3-801 (SE) {36101}

Jason Hemingway

**COUNT FORTY-FOUR**

HABITUAL CRIMINAL, C.R.S. 18-1.3-801 (SE) {36101}

Jason Hemingway

**COUNT FORTY-FIVE**

HABITUAL CRIMINAL, C.R.S. 18-1.3-801 (SE) {36101}

Jason Hemingway

<p>DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO</p> <p>1437 Bannock Street Denver, CO 80202</p> <hr/> <p>THE PEOPLE OF THE STATE OF COLORADO, Plaintiff,</p> <p>v.</p> <p><b>JASON HEMINGWAY</b>                      D.O.B. 2/23/75</p> <p><b>JENNIFER AVILA</b>                         D.O.B. 5/7/86</p> <p><b>JULIETTA CHASE</b>                         D.O.B. 10/22/66</p> <p><b>FILOMENA HEMINGWAY</b>                 D.O.B. 08/09/42</p> <p>Defendants.</p>	<p style="text-align: center;">▲ <b>COURT USE ONLY</b> ▲</p>
<p>JOHN W. SUTHERS, Attorney General JODY PILMER, Senior Assistant Attorney General* 1525 Sherman Street, 7<sup>th</sup> Floor Denver, CO 80203 (303) 866-5494 Registration Number: 31347 *Counsel of Record</p>	<p>Case No.:</p> <p>Ctrm.:</p>
<p><b>COLORADO STATE GRAND JURY INDICTMENT</b></p>	

Of the 2010-2011 term of the Denver District Court in the year of 2010, the 2010-2011 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 ONE**  
THEFT § 18-4-401(1)(a),(2)(c), C.R.S. (F-4)

On or between February 10, 2004, and February 14, 2004, but not discovered until after January 4, 2010, in the State of Colorado, **JASON HEMINGWAY**, unlawfully, feloniously, and knowingly obtained or exercised control over a thing of value, namely: 1991 Honda Prelude, of Gary Sussman, with the value of five hundred dollars or more but less than fifteen thousand dollars, without authorization, or by threat or deception, and intended to deprive Gary Sussman permanently of its use or benefit; in violation of § 18-4-401(1)(a),(2)(c), C.R.S.

**COUNT TWO**  
THEFT § 18-4-401(1)(a),(2)(c), C.R.S. (F-4)

On or about February 14, 2004, in the State of Colorado, but not discovered until after January 4, 2010, **JASON HEMINGWAY**, unlawfully, feloniously, and knowingly obtained or exercised control over a thing of value, namely: money, of Alan Galati and City Auto Sales, with the value of five hundred dollars or more but less than fifteen thousand dollars, without authorization, or by threat or deception, and intended to deprive City Auto Sales permanently of its use or benefit; in violation of § 18-4-401(1)(a),(2)(c), C.R.S.

The evidence presented to the grand jury establishes that the offenses described in counts one and two were committed in the following manner:

1. On January 24, 2004, Jason Hemingway purchased a blue 1991 Honda Prelude from Joel Anderson for approximately \$500. Anderson described the blue Honda he sold to Jason Hemingway as "not running."
2. On February 10, 2004, Gary Sussman's white 1991 Honda Prelude was stolen in Denver, Colorado.
3. On February 12, 2004, Jason Hemingway filed a title application and was issued a title to the blue Anderson Honda in his name.
4. On February 14, 2004, Jason Hemingway sold a white Honda Prelude to Alan Galati of City Auto Sales for \$1800. The VIN and title history of the vehicle indicated that it was the Honda Prelude that had previously belonged to Anderson.
5. City Auto Sales subsequently sold the white Honda Prelude to Katherine Mitts for \$3,375.
6. On January 4, 2010, the white Honda was confiscated from Katherine Mitts in Adams County, Colorado. Inspection revealed that the vehicle's public VIN had been altered to reflect the identity of the blue Honda Prelude that Jason Hemingway had purchased from Anderson.

**COUNT THREE**  
AGGRAVATED MOTOR VEHICLE THEFT § 18-4-409(2), (3)(a), C.R.S. (F-4)

On or between September 22, 2006 and April 23, 2008, in the State of Colorado, **JASON HEMINGWAY** and **JULIETTA CHASE** unlawfully, feloniously, and knowingly obtained or exercised control over the motor vehicle of Universe Auto, without authorization, or by threat or deception, and retained possession or control over the motor vehicle for more than twenty-four hours and attempted to alter or remove or altered or removed the vehicle identification number, and the value of the motor vehicle was fifteen thousand dollars or less; in violation of section 18-4-409(2),(3)(a), C.R.S.

**COUNT FOUR**  
**THEFT BY RECEIVING § 18-4-410(1), C.R.S. (F-4)**

On or about April 23, 2008, in the State of Colorado, **JULIETTA CHASE** unlawfully and feloniously received, retained, loaned money by pawn or pledge, or disposed of a thing of value, namely: 1992 Honda Accord, of Universe Auto, and the defendant knew or believed the thing of value had been stolen and intended to deprive the lawful owner, permanently of its use or benefit, and the value of the property was one thousand dollars or more but less than twenty thousand dollars; in violation of section 18-4-410(1),(4), C.R.S.

The evidence presented to the grand jury establishes that the offenses described in counts three and four were committed in the following manner:

1. Between September 5, 2006 and September 12, 2006, Julietta Hemingway Chase obtained a duplicate title to a black 1992 Honda Accord that Marco Sarconi had sold to a salvage yard in a state of disrepair. Julietta Chase signed the duplicate title alleging that she had purchased the vehicle from Marco Sarconi on September 5, 2006. Marco Sarconi stated that he does not know Julietta Chase and that he did not sell her a vehicle.
2. On September 12, 2006, Julietta Chase filed a title application and obtained title in her name to the black Honda Accord previously owned by Marco Sarconi.
3. Between September 22, 2006 and October 2, 2006, a white 1992 Honda Accord was stolen from Universe Auto in Douglas County, Colorado.
4. On April 20, 2008, Jason Hemingway and Julietta Hemingway Chase reported to Progressive Insurance that they had been involved in an accident in which Jason Hemingway was driving the insured vehicle. Progressive Insurance paid a claim of \$2,364 to Julietta Hemingway Chase as a result of the damage caused by the accident and Julietta Hemingway Chase transferred title to the insured vehicle to Progressive Insurance on 4/23/08 by Power of Attorney.
5. Title to the vehicle then passed from Progressive Insurance through various parties until it was recovered and confiscated from Mark Nelson in Larimer County, Colorado on January 2, 2010. Inspection revealed the vehicle to be the white 1992 Honda Accord stolen from Universe Auto with its VIN altered to reflect the identity of the Honda previously owned by Marco Sarconi.

**COUNT FIVE**  
**THEFT § 18-4-401(1)(a),(2)(c), C.R.S. (F-4)**

On or between April 30, 2007 and May 29, 2007, but not discovered until after December 29, 2009, in the State of Colorado, **JASON HEMINGWAY**, unlawfully, feloniously, and knowingly obtained or exercised control over a thing of value, namely: 1995 Honda Accord, of Edward Zeldin and Horizon Auto, with the value of five hundred dollars or more but less than

fifteen thousand dollars, without authorization, or by threat or deception, and intended to deprive Edward Zeldin and Horizon Auto permanently of its use or benefit; in violation of § 18-4-401(1)(a),(2)(c), C.R.S.

**COUNT SIX**

**THEFT § 18-4-401(1)(a),(2)(c), C.R.S. (F-4)**

On or About May 29, 2007, but not discovered until after December 29, 2009, in the State of Colorado, **JASON HEMINGWAY** and **FILOMENA HEMINGWAY**, unlawfully, feloniously, and knowingly obtained or exercised control over a thing of value, namely: money, of South Havana Auto, with the value of five hundred dollars or more but less than fifteen thousand dollars, without authorization, or by threat or deception, and intended to deprive South Havana Auto permanently of its use or benefit; in violation of § 18-4-401(1)(a),(2)(c), C.R.S.

**COUNT SEVEN**

**IDENTITY THEFT § 18-5-902(1)(e), C.R.S. (F-4)**

On or between April 24, 2007 and May 2, 2007, but not discovered until after December 29, 2009, in the State of Colorado, **JASON HEMINGWAY** unlawfully, feloniously, and knowingly used or possessed the personal identifying information of Kiley Lane, Kathryn Greene, and Mary A. Beggs without permission or lawful authority with the intent to obtain a government-issued document; in violation of section 18-5-902(1)(e), C.R.S.

**COUNT EIGHT**

**ATTEMPT TO INFLUENCE A PUBLIC SERVANT § 18-8-306 (F-4)**

On or about May 2, 2007, but not discovered until after December 29, 2009, in the State of Colorado, **JASON HEMINGWAY** unlawfully and feloniously attempted to influence the executive director, agent, or designee of the Colorado Department of Revenue, a public servant, by means of deceit, with the intent thereby to alter or affect the public servant's decision, vote, opinion, or action concerning a matter which was to be considered or performed by the public servant or the agency or body of which the public servant was a member; in violation of section 18-8-306, C.R.S.

**COUNT NINE**

**OFFERING A FALSE INSTRUMENT FOR RECORDING IN THE FIRST DEGREE § 18-5-114(1), C.R.S. (F-5)**

On or about May 14, 2007, but not discovered until after December 29, 2009 in the State of Colorado, **FILOMENA HEMINGWAY** unlawfully, feloniously, and with intent to defraud, presented or offered a written instrument, namely: Application for Colorado Certificate of Title for a Motor Vehicle, relating to or affecting real or personal property or directly affecting contractual relationships, to a public office or a public employee, namely:

agent, or designee of the Colorado Department of Revenue, with the knowledge or belief that the written instrument would be registered, filed, or recorded or become a part of the records of that public office or public employee, and knowing that the written instrument contained a material false statement or material false information; to wit, that she was the purchaser and owner of a Honda Accord previously having belonged to Kiley Lane, in violation of section 18-5-114(1), C.R.S.

The evidence presented to the grand jury establishes that the offenses described in counts five through nine were committed in the following manner:

1. On or about April 30, 2007, a maroon 1995 Honda Accord was stolen from Horizon Auto in Denver, Colorado.
2. On May 2, 2007, Jason Hemingway presented an application for a Duplicate Colorado Certificate of Title to a county official representing the Colorado Department of Revenue for a tan/gold 1994 Honda Accord purportedly belonging to Kiley Lane. Along with his application, Jason Hemingway provided a Power of Attorney granting him the authority to "apply for and receive Duplicate Certificate of Title" purportedly signed by Kiley Lane and notarized by Kathryn Greene. As the result of his application, a duplicate title to the Lane Honda was provided to Jason Hemingway.
3. The tan/gold Lane Honda had been previously reported stolen to Denver Police by Kiley Lane in October, 2006. It was recovered approximately two weeks later in a state of serious disrepair with parts missing and requiring mechanical work that Ms. Lane stated would have cost significantly more than the vehicle was worth. She did not retrieve the vehicle and it was transferred from police impound to Colorado Auto and Parts, a vehicle salvage yard.
4. Inspection of the Lane Power of Attorney used by Jason Hemingway and records of the Colorado Department of Revenue revealed that the Colorado driver's license number allegedly used to identify Kiley Lane at the time that the document was notarized registered to Mary A. Beggs. After reviewing the Power of Attorney that she allegedly notarized, Kathryn Greene stated that the signature on the document was not hers. Kiley Lane stated that she did not know Jason Hemingway and that she had never signed a document granting him any legal authority.
5. Records from the Colorado Department of Revenue reveal that Jason Hemingway submitted a request to the Colorado Department of Motor Vehicles ("DMV") for driver history information using the VIN from the Lane Honda on April 24, 2007, asserting that he was engaged in "research activities." Information provided by DMV upon such a request would have included the name of the vehicle's owner.
6. Between May 2, 2007 and May 14, 2007, Filomena Hemingway signed the duplicate title that Jason Hemingway had obtained to the Lane Honda as the "buyer" of that vehicle. On May 14, 2007, she filed a title application and received title in her name to the vehicle previously owned by Kiley Lane.

7. On May 29, 2007, Jason Hemingway and Filomena Hemingway sold a maroon Honda Accord to South Havana Auto for \$2000. The title history and VIN affixed to the maroon Honda Accord identified it as the gold Honda previously owned by Kiley Lane

8. Lillith Munck subsequently purchased the maroon Honda from South Havana Auto for \$4,799.10.

9. On December 29, 2009, the maroon Honda was confiscated from Lillith Munck. Inspection revealed it to be the maroon Honda stolen from Horizon Auto with its VIN altered to reflect the identity of the Honda previously owned by Kiley Lane.

#### **COUNT TEN**

**AGGRAVATED MOTOR VEHICLE THEFT § 18-4-409(2), (3)(a), C.R.S. (F-4)**

On or between June 6, 2007 and July 18, 2008, in the State of Colorado, **JASON HEMINGWAY** unlawfully, feloniously, and knowingly obtained or exercised control over the motor vehicle of Gary Johnson and Betty Johnson, without authorization, or by threat or deception, and retained possession or control over the motor vehicle for more than twenty-four hours and attempted to alter or remove or altered or removed the vehicle identification number, and the value of the motor vehicle was fifteen thousand dollars or less; in violation of section 18-4-409(2),(3)(a), C.R.S.

#### **COUNT ELEVEN**

**THEFT BY RECEIVING § 18-4-410(1), C.R.S. (F-4)**

On or between July 15, 2008 and July 18, 2008, in the State of Colorado, **JASON HEMINGWAY** and **FILOMENA HEMINGWAY** unlawfully and feloniously received, retained, loaned money by pawn or pledge, or disposed of a thing of value, namely: 1992 Honda Accord, of Gary Johnson and Betty Johnson, and the defendant knew or believed the thing of value had been stolen and intended to deprive the lawful owner, permanently of its use or benefit, and the value of the property was one thousand dollars or more but less than twenty thousand dollars; in violation of section 18-4-410(1),(4), C.R.S.

The evidence presented to the grand jury establishes that the offenses described in counts ten and eleven were committed in the following manner:

1. On June 6, 2007, a green 1992 Honda Accord was stolen from Gary and Betty Johnson in Lakewood, Colorado.

2. On June 15, 2008, Jason Hemingway purchased a 1993 green Honda Accord from Francisco Martinez for \$400. Mr. Martinez delivered the car to Jason Hemingway in a state of disrepair with no engine, no transmission, and missing doors.

3. Rather than signing the title in his own name, Jason Hemingway presented the title to the Martinez Honda to Filomena Hemingway, who signed the title as its purchaser. Jason Hemingway then used a Power of Attorney from Filomena Hemingway on July 18, 2008 to apply for and receive title to the Martinez Honda in the name of Filomena Hemingway.

4. On November 11, 2009, a green Honda Accord was confiscated from the home in Aurora, Colorado that Filomena Hemingway shares with Jason Hemingway. Inspection revealed that the vehicle was the green 1992 Honda Accord that had been stolen from Gary and Betty Johnson in 2007. The public VIN had been altered to reflect the identity of the Honda that had previously belonged to Francisco Martinez.

#### **COUNT TWELVE**

**AGGRAVATED MOTOR VEHICLE THEFT § 18-4-409(2), (3)(a), C.R.S. (F-4)**

On or between April 24, 2008 and June 30, 2008, in the State of Colorado, **JASON HEMINGWAY** and **JENNIFER AVILA** unlawfully, feloniously, and knowingly obtained or exercised control over the 1999 Honda Civic of Tynan's, without authorization, or by threat or deception, and retained possession or control over the motor vehicle for more than twenty-four hours and attempted to alter or remove or altered or removed the vehicle identification number, and the value of the motor vehicle was twenty thousand dollars or less; in violation of section 18-4-409(2),(3)(a), C.R.S.

#### **COUNT THIRTEEN**

**THEFT § 18-4-401(1)(a),(2)(c), C.R.S. (F-4)**

On or about June 30, 2008, in the State of Colorado, **JASON HEMINGWAY** and **JENNIFER AVILA**, unlawfully, feloniously, and knowingly obtained or exercised control over a thing of value, namely: money, of Joe and Jennifer Wagoner, with the value of one thousand dollars or more but less than twenty thousand dollars, without authorization, or by threat or deception, and intended to deprive Joe and Jennifer Wagoner permanently of its use or benefit; in violation of § 18-4-401(1)(a),(2)(c), C.R.S.

#### **COUNT FOURTEEN**

**THEFT BY RECEIVING § 18-4-410(1), C.R.S. (F-4)**

On or between April 24, 2008 and June 30, 2008, in the State of Colorado, **JULIETTA CHASE** unlawfully and feloniously received, retained, loaned money by pawn or pledge, or disposed of a thing of value, namely: 1999 Honda Civic, of Tynan's, and the defendant knew or believed the thing of value had been stolen and intended to deprive the lawful owner, permanently of its use or benefit, and the value of the property was one thousand dollars or more but less than twenty thousand dollars; in violation of section 18-4-410(1),(4), C.R.S.

**COUNT FIFTEEN**  
OFFERING A FALSE INSTRUMENT FOR RECORDING IN THE FIRST DEGREE § 18-5-114(1), C.R.S. (F-5)

On or between April 24, 2008 and June 30, 2008, in the State of Colorado, **JULIETTA CHASE** unlawfully, feloniously, and with intent to defraud, presented or offered a written instrument, namely: Application for Colorado Certificate of Title for a Motor Vehicle and Application for Duplicate Colorado Certificate of Title, relating to or affecting real or personal property or directly affecting contractual relationships, to a public office or a public employee, namely: agent or designee of the Colorado Department of Revenue, with the knowledge or belief that the written instrument would be registered, filed, or recorded or become a part of the records of that public office or public employee, and knowing that the written instrument contained a material false statement or material false information; to wit, that she was the purchaser and owner of a Honda Civic previously having belonged to Brendan and Ramona Holt, in violation of section 18-5-114(1), C.R.S.

**COUNT SIXTEEN**  
IDENTITY THEFT § 18-5-902(1)(e), C.R.S. (F-4)

On or between October 10, 2007 and April 25, 2008, in the State of Colorado, **JENNIFER AVILA** unlawfully, feloniously, and knowingly used or possessed the personal identifying information of Ramona Holt and Richard M. Enzer without permission or lawful authority with the intent to obtain a government-issued document; in violation of section 18-5-902(1)(e), C.R.S.

**COUNT SEVENTEEN**  
ATTEMPT TO INFLUENCE A PUBLIC SERVANT § 18-8-306 (F-4)

On or between April 24, 2008 and June 30, 2008, in the State of Colorado, **JENNIFER AVILA** and **JULIETTA CHASE** unlawfully and feloniously attempted to influence the executive director, agent, or designee of the Colorado Department of Revenue, a public servant, by means of deceit, with the intent thereby to alter or affect the public servant's decision, vote, opinion, or action concerning a matter which was to be considered or performed by the public servant or the agency or body of which the public servant was a member; in violation of section 18-8-306, C.R.S.

The evidence presented to the grand jury establishes that the offenses described in counts twelve through seventeen were committed in the following manner:

1. Between April 24, 2008 and April 28, 2008, a 1999 black Honda Civic was stolen from the Tynan's used car lot in Aurora, Colorado.

2. On April 25, 2008, Jennifer Avila presented an application for a Duplicate Colorado Certificate of Title to a county official representing the Colorado Department of Revenue for a black 2000 Honda Civic purportedly belonging to Brendan and Ramona Holt. Along with her application, Jennifer Avila provided a Power of Attorney granting her the authority to "apply for and receive Duplicate Certificate of Title" purportedly signed by Ramona Holt and notarized by Lisa Stansfield. As the result of her application, a duplicate title to the Holt Honda was provided to Jennifer Avila.
3. The Holt Honda had been previously reported stolen by the Holts and sold to Colorado Auto and Parts as salvage when recovered by Aurora Police in 2004 with no engine, seats, dashboard, radio, or steering column. Brendan Holt stated that his insurance had paid a claim on the loss and he did not retrieve the vehicle after inspecting it at the police impound yard.
4. Further inspection of the Ramona Holt Power of Attorney and records from the Colorado Department of Revenue revealed that the Colorado driver's license number allegedly used for identification purposes at the time the document was notarized was registered to Richard Enzer. After inspecting the document that she allegedly notarized, Lisa Stansfield stated that Jennifer Avila was a friend of hers but that she did not have specific recollection regarding documents that she may have notarized for her. She recognized the signatures on the forms as hers. After reviewing the document that she had allegedly signed, Ramona Holt stated that the signature was not hers and that she did not know Jennifer Avila.
5. Records from the Colorado Department of Revenue reveal that Jason Hemingway submitted a request to the Colorado DMV for driver history information using the VIN from the Holt Honda on December 5, 2007, asserting that he was engaged in "research activities." Information provided by DMV upon such a request would have included the name of the vehicle's owners.
6. Julietta Chase signed the duplicate title to the Holt vehicle that had been obtained by Jennifer Avila alleging that she had purchased the Honda Civic from Brendan and Ramona Holt.
7. On May 2, 2008, Julietta Hemingway applied for and received title to the Holt Honda in her name and subsequently applied for duplicate title to the same vehicle in her name on June 30, 2008.
8. On June 30, 2008, Jason Hemingway and Jennifer Avila sold a black Honda Civic to Joe and Jennifer Wagoner for \$6000. The public VIN and title history to the vehicle indicated that it was the 2000 black Honda Civic previously owned by the Holts and that Julietta Hemingway Chase was the seller of the vehicle.
9. The Wagoners sold the vehicle to Front Range Honda, who in turn sold it to Terry and Brandon Halliburton for \$8,899.
10. On November 30, 2009, the black Honda Civic was confiscated from the Halliburtons. Inspection revealed the vehicle was the black 1999 Honda Civic stolen from

Tynan's in 2008. The vehicle's VIN had been altered to reflect the identity of the Honda that had previously belonged to the Holts.

**COUNT EIGHTEEN**

**AGGRAVATED MOTOR VEHICLE THEFT § 18-4-409(2), (3)(a), C.R.S. (F-4)**

On or between July 24, 2008 and January 2, 2009, in the State of Colorado, **JASON HEMINGWAY** and **JENNIFER AVILA** unlawfully, feloniously, and knowingly obtained or exercised control over the motor vehicle of Judith Gershaw, without authorization, or by threat or deception, and retained possession or control over the motor vehicle for more than twenty-four hours and attempted to alter or remove or altered or removed the vehicle identification number, and the value of the motor vehicle was twenty thousand dollars or less; in violation of section 18-4-409(2),(3)(a), C.R.S.

**COUNT NINETEEN**

**THEFT § 18-4-401(1)(a),(2)(c), C.R.S. (F-4)**

On or about January 2, 2009, in the State of Colorado, **JASON HEMINGWAY** and **FILOMENA HEMINGWAY** unlawfully, feloniously, and knowingly obtained or exercised control over a thing of value, namely: money, of Mark Harrison, with the value of one thousand dollars or more or more but less than twenty thousand dollars, without authorization, or by threat or deception, and intended to deprive Mark Harrison permanently of its use or benefit; in violation of § 18-4-401(1)(a),(2)(c), C.R.S.

**COUNT TWENTY**

**IDENTITY THEFT § 18-5-902(1)(e), C.R.S. (F-4)**

On or between May 28, 2007 and June 4, 2007, in the State of Colorado, **JENNIFER AVILA** unlawfully, feloniously, and knowingly used or possessed the personal identifying information of Juan Esparza-Jimenez, Rena Carr, and Jeremy Hudson without permission or lawful authority with the intent to obtain a government-issued document; in violation of section 18-5-902(1)(e), C.R.S.

**COUNT TWENTY-ONE**

**ATTEMPT TO INFLUENCE A PUBLIC SERVANT § 18-8-306 (F-4)**

On or about June 4, 2007, but not discovered until after November 18, 2009, in the State of Colorado, **JENNIFER AVILA** unlawfully and feloniously attempted to influence the executive director, agent, or designee of the Colorado Department of Revenue, a public servant, by means of deceit, with the intent thereby to alter or affect the public servant's decision, vote, opinion, or action concerning a matter which was to be considered or

performed by the public servant or the agency or body of which the public servant was a member; in violation of section 18-8-306, C.R.S.

**COUNT TWENTY-TWO**  
**OFFERING A FALSE INSTRUMENT FOR RECORDING IN THE FIRST DEGREE § 18-5-114(1), C.R.S. (F-5)**

On or about June 8, 2007, but not discovered until after November 18, 2009, in the State of Colorado, **FILOMENA HEMINGWAY** unlawfully, feloniously, and with intent to defraud, presented or offered a written instrument, namely: Application for Colorado Certificate of Title for a Motor Vehicle, relating to or affecting real or personal property or directly affecting contractual relationships, to a public office or a public employee, namely: agent or designee of the Colorado Department of Revenue, with the knowledge or belief that the written instrument would be registered, filed, or recorded or become a part of the records of that public office or public employee, and knowing that the written instrument contained a material false statement or material false information; to wit, that she was the purchaser and owner of a Honda Civic previously having belonged to Juan Esparza-Jimenez, in violation of section 18-5-114(1), C.R.S.

The evidence presented to the grand jury establishes that the offenses described in counts eighteen through twenty-two were committed in the following manner:

1. On June 4, 2007, Jennifer Avila presented an application for a Duplicate Colorado Certificate of Title to a county official representing the Colorado Department of Revenue for a gold 1992 Honda Accord purportedly belonging to Juan Esparza-Jimenez. Along with her application, Jennifer Avila provided a Power of Attorney granting her the authority to “apply for and receive Duplicate Certificate of Title” purportedly signed by Juan Esparza-Jimenez and notarized by Jeremy Hudson. As the result of her application, a duplicate title to the Jimenez Honda was provided to Jennifer Avila.
2. The Jimenez Honda had been previously abandoned in 2006 after it was involved in a hit and run accident. The vehicle was impounded by the Denver Police Department and ultimately sold to a salvage yard.
3. Further inspection of the Jimenez Power of Attorney used by Jennifer Avila and records of the Colorado Department of Revenue revealed that the Colorado driver’s license number allegedly used for identification at the time the document was notarized registered to Rena Carr. After reviewing the document that he had purportedly notarized, Jeremy Hudson stated that the Power of Attorney contained a number of irregularities and that the signature was not his. He further stated that his notary log did not contain an entry for that document, but did contain an entry indicating that he notarized a “letter” for Jennifer Avila on May 29, 2007.
4. On a date uncertain after Jennifer Avila had obtained the Esparza-Jimenez duplicate title, Filomena Hemingway signed the document as the alleged “buyer” of that vehicle from Juan

Esparza-Jimenez. Filomena Hemingway filed a title application on June 8, 2007 and received title to the Esparza-Jimenez Honda in her name.

5. On July 24, 2008, a 1992 white Honda Accord was stolen from Judith Gershaw in Greenwood Village, Colorado.

6. On January 2, 2009, Mark Harrison responded to a Craigslist ad and purchased a white Honda Accord from Jason Hemingway for \$2,500. Filomena Hemingway had signed the title as "seller." The title history and VIN affixed to the Honda identified it as the Honda Accord that had previously belonged to Juan Esparza Jimenez.

7. Thereafter, Mark Harrison sold the white Honda Accord to Kimberly Dixon.

8. On November 18, 2009, the white Honda Accord was confiscated from Kimberly Dixon in Larimer County, Colorado and revealed to be the 1992 white Honda Accord stolen from Judith Gershaw. The vehicle's VIN had been altered to reflect the identity of the Honda previously owned by Juan Esparza-Jimenez.

#### **COUNT TWENTY-THREE**

**AGGRAVATED MOTOR VEHICLE THEFT § 18-4-409(2), (3)(a), C.R.S. (F-4)**

On or between June 19, 2009 and November 10, 2009, in the State of Colorado, **JASON HEMINGWAY** and **JENNIFER AVILA** unlawfully, feloniously, and knowingly obtained or exercised control over the motor vehicle of Eugene Sarconi, without authorization, or by threat or deception, and retained possession or control over the motor vehicle for more than twenty-four hours and attempted to alter or remove or altered or removed the vehicle identification number, and the value of the motor vehicle was twenty thousand dollars or less; in violation of section 18-4-409(2),(3)(a), C.R.S.

#### **COUNT TWENTY-FOUR**

**IDENTITY THEFT § 18-5-902(1)(e), C.R.S. (F-4)**

On or between May 5, 2009 and May 15, 2009, in the State of Colorado, **JASON HEMINGWAY** unlawfully, feloniously, and knowingly used or possessed the personal identifying information of Jun Hee Ji and Paul Farquhar, without permission or lawful authority with the intent to obtain a government-issued document; in violation of section 18-5-902(1)(e), C.R.S.

**COUNT TWENTY-FIVE**  
OFFERING A FALSE INSTRUMENT FOR RECORDING IN THE FIRST DEGREE § 18-5-114(1), C.R.S. (F-5)

On or between June 1, 2009 and July 1, 2009, in the State of Colorado, **JULIETTA CHASE** unlawfully, feloniously, and with intent to defraud, presented or offered a written instrument, namely: Application for Colorado Certificate of Title for a Motor Vehicle, relating to or affecting real or personal property or directly affecting contractual relationships, to a public office or a public employee, namely: agent or designee of the Colorado Department of Revenue, with the knowledge or belief that the written instrument would be registered, filed, or recorded or become a part of the records of that public office or public employee, and knowing that the written instrument contained a material false statement or material false information; to wit, that she was the purchaser and owner of a Honda Accord that had previously belonged to Jun Hi, in violation of section 18-5-114(1), C.R.S.

**COUNT TWENTY-SIX**  
ATTEMPT TO INFLUENCE A PUBLIC SERVANT § 18-8-306 (F-4)

On or between May 15, 2009 and July 1, 2009, in the State of Colorado, **JASON HEMINGWAY** and **JULIETTA CHASE** unlawfully and feloniously attempted to influence the executive director, agent, or designee of the Colorado Department of Revenue, a public servant, by means of deceit, with the intent thereby to alter or affect the public servant's decision, vote, opinion, or action concerning a matter which was to be considered or performed by the public servant or the agency or body of which the public servant was a member; in violation of section 18-8-306, C.R.S.

**COUNT TWENTY-SEVEN**  
THEFT BY RECEIVING § 18-4-410(1), C.R.S. (F-4)

On or between June 1, 2009 and July 21, 2009, in the State of Colorado, **JULIETTA CHASE** unlawfully and feloniously received, retained, loaned money by pawn or pledge, or disposed of a thing of value, namely: 1992 Honda Accord, of Eugene Sarconi, and the defendant knew or believed the thing of value had been stolen and intended to deprive the lawful owner, permanently of its use or benefit, and the value of the property was one thousand dollars or more but less than twenty thousand dollars; in violation of section 18-4-410(1),(4), C.R.S.

The evidence presented to the grand jury establishes that the offenses described in counts twenty-three through twenty-seven were committed in the following manner:

1. On May 15, 2009, Jason Hemingway presented an application for a Duplicate Colorado Certificate of Title to a county official representing the Colorado Department of Revenue for a 1993 green Honda Accord purportedly belonging to Jun Hee Ji. Along with the

application, Jason Hemingway provided a Power of Attorney granting him the authority to “apply for and receive Duplicate Certificate of Title” purportedly signed by Jun Hee Ji and notarized by Jerome Terry. As the result of his application, a duplicate title was provided to Jason Hemingway.

2. The Ji Honda had been previously sold to a salvage yard in April, 2009 with mechanical problems, the estimated repair costs of which were significant.

3. Further inspection of the Ji Power of Attorney used by Jason Hemingway and records of the Colorado Department of Revenue revealed that the Colorado driver’s license number allegedly used to identify Mr. Ji at the time the document was notarized registered to Paul Farquhar. In addition, the Colorado Secretary of State’s records reflect no registered notary named Jerome Terry.

4. On June 1, 2009, the duplicate title to the Ji Honda was signed by Julietta Chase, alleging that she had purchased the vehicle from Jun Hee Ji on that date.

5. On June 19, 2009 a 1992 white Honda Accord was stolen from Eugene Sarconi in Wheat Ridge, Colorado.

6. On July 1, 2009, Julietta Chase filed a title application and obtained title in her name to the Ji Honda.

7. On July 21, 2009, title to the Ji Honda was transferred from Julietta Chase to Jennifer Avila by signature. On that same day, Jennifer Avila obtained a loan from Bellco Credit Union for \$2,342.35 using the vehicle as collateral. It is unknown whether the proceeds of that loan were retained by Jennifer Avila or provided to Julietta Chase or another party.

8. On November 10, 2009, a white Honda Accord was confiscated from Jennifer Avila in Aurora, Colorado and inspection revealed it to be the 1992 Honda Accord stolen from Eugene Sarconi with its VIN altered to reflect the identification and unblemished title of the Honda previously owned by Jun Hee Ji.

### **COUNT TWENTY-EIGHT**

#### **AGGRAVATED MOTOR VEHICLE THEFT § 18-4-409(2), (3)(a), C.R.S. (F-4)**

On or between July 31, 2009 and August 1, 2009, in the State of Colorado, **JASON HEMINGWAY** unlawfully, feloniously, and knowingly obtained or exercised control over the motor vehicle of Lielani Ayala, without authorization, or by threat or deception, and retained possession or control over the motor vehicle for more than twenty-four hours and attempted to alter or remove or altered or removed the vehicle identification number, and the value of the motor vehicle was twenty thousand dollars or less; in violation of section 18-4-409(2),(3)(a), C.R.S.

**COUNT TWENTY-NINE**  
THEFT § 18-4-401(1)(a),(2)(c), C.R.S. (F-4)

On or about August 1, 2009, in the State of Colorado, **JASON HEMINGWAY** unlawfully, feloniously, and knowingly obtained or exercised control over a thing of value, namely: money, of Brian Langer, with the value of one thousand dollars or more or more but less than twenty thousand dollars, without authorization, or by threat or deception, and intended to deprive Brian Langer permanently of its use or benefit; in violation of § 18-4-401(1)(a),(2)(c), C.R.S.

The evidence presented to the grand jury establishes that the offenses described in counts twenty-eight and twenty-nine were committed in the following manner:

1. On July 10, 2009, Jason Hemingway purchased a gold 1997 Honda Accord from Jordan Duffy, who described the vehicle as “trashed” and “not running.” The purchase price was approximately \$400.
2. On July 31, 2009, Lielani Ayala’s maroon/red 1996 Honda Accord was stolen in Aurora, Colorado.
3. On July 31, 2009, Jason Hemingway presented an application for title to the Duffy Honda to a county official representing the Colorado Department of Revenue and was provided title to the vehicle in his name.
4. On August 1, 2009, Jason Hemingway sold a maroon/red Honda Accord to Brian Langer for \$2000.
5. Brian Langer subsequently sold the maroon/red Honda to Dennis and Christine Coleman for \$2,800.
6. On October 22, 2009, the maroon/red Honda Accord was confiscated from the Colemans and inspection revealed it to be the maroon/red 1996 Honda Accord that had been stolen from Lielani Ayala with its VIN altered to reflect the identity of the gold Honda Accord previously owned by Jordan Duffy.

**COUNT THIRTY**  
THEFT § 18-4-401(1)(a),(2)(c), C.R.S. (F-4)

On or between June 1, 2004 and January 31, 2005, but not discovered until after October 6, 2009 in the State of Colorado, **JASON HEMINGWAY** unlawfully, feloniously, and knowingly obtained or exercised control over a thing of value, namely: money, of Westerra Credit Union, formerly known as Safeway Rocky Mountain Federal Credit Union, with the value of five hundred dollars or more but less than fifteen thousand dollars, without authorization, or by threat or deception, and intended to deprive Westerra Credit Union, formerly known as

Safeway Rocky Mountain Federal Credit Union permanently of its use or benefit; in violation of § 18-4-401(1)(a),(2)(c), C.R.S.

**COUNT THIRTY-ONE**  
IDENTITY THEFT § 18-5-902(1)(e), C.R.S. (F-4)

On or May 26, 2004, but not discovered until after October 6, 2009 in the State of Colorado, **JASON HEMINGWAY** unlawfully, feloniously, and knowingly used or possessed the personal identifying information of Danielle Stewart without permission or lawful authority with the intent to obtain a government-issued document; in violation of section 18-5-902(1)(e), C.R.S.

**COUNT THIRTY-TWO**  
ATTEMPT TO INFLUENCE A PUBLIC SERVANT § 18-8-306 (F-4)

On or between May 26, 2004 and June 23, 2004, but not discovered until after October 6, 2009, in the State of Colorado, **JASON HEMINGWAY** unlawfully and feloniously attempted to influence the executive director, agent, or designee of the Colorado Department of Revenue, a public servant, by means of deceit, with the intent thereby to alter or affect the public servant's decision, vote, opinion, or action concerning a matter which was to be considered or performed by the public servant or the agency or body of which the public servant was a member; in violation of section 18-8-306, C.R.S.

The evidence presented to the grand jury establishes that the offenses described in counts thirty through thirty-two were committed in the following manner:

1. On May 26, 2004, Jason Hemingway presented an application for Duplicate Colorado Certificate of Title to a county official representing the Colorado Department of Revenue for a red 1997 Acura purportedly belonging to Danielle Stewart. Along with his application, Jason Hemingway provided a Power of Attorney purportedly signed by Danielle Stewart and granting him the legal authority to request a duplicate title. As the result of his application, a duplicate title to the Stewart Acura was provided to Jason Hemingway.
2. The Stewart Acura had been previously reported stolen in March, 2003 to the Aurora Police Department. It was recovered approximately one month after Ms. Stewart reported it stolen. At that time, it was described as having been stripped.
3. After reviewing the documentation that Jason Hemingway provided in order to obtain title to the Acura she had previously owned, Danielle Stewart stated that the signature on the Power of Attorney was not hers, that neither she nor her husband had ever met Jason Hemingway, and that neither had sold him a vehicle.
4. On June 1, 2004, Jason Hemingway signed the duplicate title that he had obtained to the Stewart Acura as the alleged buyer of that vehicle from the Stewarts.

5. On June 1, 2004, Jason Hemingway obtained a loan for \$7,592.85 from Safeway Rocky Mountain Federal Credit Union (now known as Westerra Credit Union) using the title to the Stewart Acura as collateral. The credit union presented an application for title as the lienholder on the Acura on June 23, 2004.

6. Within a short time, Jason Hemingway defaulted on the Safeway Credit Union loan by failing to make monthly payments.

7. On November 29, 2004, Jason Hemingway reported his white 1997 Acura stolen and provided the VIN from the red Acura previously owned by Danielle Stewart.

8. On January 6, 2005, Cumis Insurance Society paid Safeway Rocky Mountain Federal Credit Union \$5,913.12 in accordance with an insurance claim that resulted from Jason Hemingway's loan default.

9. On March 15, 2005, a white Acura matching the description of the vehicle reported stolen by Jason Hemingway was recovered by Denver Police. The vehicle was subsequently turned over to Cumis Insurance Society and was sold at an auto auction as a "parts only" vehicle because the auction company's title investigation revealed discrepancies suggesting that the vehicle had been previously labeled a "salvage" vehicle.

### **COUNT THIRTY-THREE**

IDENTITY THEFT § 18-5-902(1)(e), C.R.S. (F-4)

On or between November 8, 2004 and November 9, 2004, but not discovered until after October 6, 2009 in the State of Colorado, **JASON HEMINGWAY** unlawfully, feloniously, and knowingly used or possessed the personal identifying information of Reed Johnson without permission or lawful authority with the intent to obtain a government-issued document; in violation of section 18-5-902(1)(e), C.R.S.

### **COUNT THIRTY-FOUR**

ATTEMPT TO INFLUENCE A PUBLIC SERVANT § 18-8-306 (F-4)

On or between November 9, 2004 and December 6, 2004, but not discovered until after October 6, 2009, in the State of Colorado, **JASON HEMINGWAY** unlawfully and feloniously attempted to influence the executive director, agent, or designee of the Colorado Department of Revenue, a public servant, by means of deceit, with the intent thereby to alter or affect the public servant's decision, vote, opinion, or action concerning a matter which was to be considered or performed by the public servant or the agency or body of which the public servant was a member; in violation of section 18-8-306, C.R.S.

**COUNT THIRTY-FIVE**  
PERJURY IN THE SECOND DEGREE §18-8-503, C.R.S. (M-1)

On or between November 9, 2004 and December 6, 2004, but not discovered until after October 6, 2009, in the State of Colorado, **JULIETTA CHASE**, with an intent to mislead a public servant in the performance of his or her duty, unlawfully made a materially false statement, namely: that she purchased a 1999 Honda from Reed Johnson, which she did not believe to be true, under an oath required or authorized by law; in violation of section 18-8-503, C.R.S.

The evidence presented to the grand jury establishes that the offenses described in counts thirty-three through thirty-five were committed in the following manner:

1. On November 9, 2004, Jason Hemingway presented an application for a Duplicate Colorado Certificate of Title to a county official representing the Colorado Department of Revenue for a blue 1999 Honda Civic purportedly belonging to Reed Johnson. Along with his application, Jason Hemingway provided a Power of Attorney purportedly signed by Reed Johnson granting him the authority to receive title to the Honda. As the result of his application, a duplicate title to the Johnson Honda was provided to Jason Hemingway.
2. The Johnson Honda had been previously reported stolen to the Aurora Police by Mr. Johnson on January 5, 2004. It was recovered approximately one month later reportedly "stripped," and was eventually transferred to a salvage yard.
3. When contacted, Reed Johnson stated that the last contact he had with his Honda was in February, 2004 when it was recovered stripped of its engine, transmission, seats, body panels and significant component parts. He did not take possession of the vehicle after it was recovered. Mr. Johnson stated that he did not know Jason Hemingway, had not sold Hemingway a vehicle, nor had he ever signed a Power of Attorney granting Jason Hemingway any legal authority. Mr. Johnson further stated that the signature on the Power of Attorney was not his.
4. Julietta Chase signed the duplicate title that Jason Hemingway had obtained to the Johnson Honda alleging that she had purchased the vehicle from Reed Johnson.
5. On December 6, 2004, Jason Hemingway presented an application for title to the vehicle previously owned by Reed Johnson to a county official representing the Colorado Department of Revenue. The application was in Julietta Chase's name.
6. On August 16, 2006, Jason Hemingway reported to Denver Police that his 1999 Honda had been stolen. The vehicle matched the description and bore the VIN of the Honda previously owned by Reed Johnson. Since Jason Hemingway reported the vehicle stolen, it has not been recovered and inspected for VIN alteration.

**COUNT THIRTY-SIX**  
IDENTITY THEFT § 18-5-902(1)(e), C.R.S. (F-4)

On or between October 10, 2007 and October 17, 2007 in the State of Colorado, **JENNIFER AVILA** unlawfully, feloniously, and knowingly used or possessed the personal identifying information of Rafael Ocampo and Nellie Hanna Cabe, without permission or lawful authority with the intent to obtain a government-issued document; in violation of section 18-5-902(1)(e), C.R.S.

**COUNT THIRTY-SEVEN**  
ATTEMPT TO INFLUENCE A PUBLIC SERVANT § 18-8-306 (F-4)

On or between October 10, 2007 and May 5, 2008, in the State of Colorado, **JASON HEMINGWAY** and **JENNIFER AVILA** unlawfully and feloniously attempted to influence the executive director, agent, or designee of the Colorado Department of Revenue, a public servant, by means of deceit, with the intent thereby to alter or affect the public servant's decision, vote, opinion, or action concerning a matter which was to be considered or performed by the public servant or the agency or body of which the public servant was a member; in violation of section 18-8-306, C.R.S.

**COUNT THIRTY-EIGHT**  
OFFERING A FALSE INSTRUMENT FOR RECORDING IN THE FIRST DEGREE § 18-5-114(1), C.R.S. (F-5)

On or about 10/17/07, in the State of Colorado, **JENNIFER AVILA** unlawfully, feloniously, and with intent to defraud, presented or offered a written instrument, namely: Application for Colorado Certificate of Title for a Motor Vehicle, relating to or affecting real or personal property or directly affecting contractual relationships, to a public office or a public employee, namely: agent or designee of the Colorado Department of Revenue, with the knowledge or belief that the written instrument would be registered, filed, or recorded or become a part of the records of that public office or public employee, and knowing that the written instrument contained a material false statement or material false information; to wit, that she was the purchaser and owner of a Honda that had previously belonged to Rafael Ocampo, in violation of section 18-5-114(1), C.R.S.

The evidence presented to the grand jury establishes that the offenses described in counts thirty-six through thirty-eight were committed in the following manner:

1. On October 17, 2007 at approximately 9:41am, Jennifer Avila presented an application for Duplicate Colorado Certificate of Title to a county official representing the Colorado Department of Revenue for a 1997 silver Honda purportedly belonging to Rafael Ocampo. Along with her application, Jennifer Avila presented a Power of Attorney purportedly signed by Rafael Ocampo and notarized by Lisa Stansfield granting her the authority to "apply

for and receive Duplicate Certificate of Title.” As the result of her application, a duplicate title to the Ocampo Honda was provided to Jennifer Avila.

2. Further inspection of the Ocampo Power of Attorney used by Jennifer Avila and records of the Colorado Department of Revenue revealed that the Colorado driver’s license number allegedly used to identify Mr. Ocampo at the time the document was notarized registered to Nellie Hanna Cabe. After inspecting the document that she allegedly notarized, Lisa Stansfield stated that Jennifer Avila was a friend of hers but that she did not have specific recollection regarding documents that she may have notarized for her. She recognized the signatures on the forms as hers.

3. On October 17, 2007 at approximately 10:56am, Jennifer Avila presented an application for title to the Ocampo Honda in her name to a county official representing the Colorado Department of Revenue, along with the duplicate title, which she had signed as “buyer” and Rafael Ocampo had allegedly signed as “seller.”

4. The Ocampo Honda had been recovered by Denver Police after it was involved in a hit and run accident in 2006. The Denver Police Department’s records indicate that the Ocampo Honda was sent to a salvage yard after it was impounded.

5. Records from the Colorado Department of Revenue reveal that Jason Hemingway submitted a request to the Colorado DMV for driver information using the VIN from the Ocampo Honda on October 10, 2007, asserting that he was engaged in “research activities.” Information provided by DMV upon such a request would have included the name of the vehicle’s owner.

6. On May 5, 2008, Jason Hemingway and Jennifer Avila sold a purple Honda to Andrea Gibbs for approximately \$3,500. That vehicle bore the VIN of the Honda previously owned by Rafael Ocampo.

7. On December 8, 2008, the Gibbs vehicle was involved in an accident and damaged beyond repair. It was subsequently salvaged and sold to a salvage dealer in Mexico, making recovery and inspection impossible.

#### **COUNT THIRTY-NINE**

#### **CONSPIRACY TO COMMIT THEFT § 18-2-201/18-4-401(1)(a), (2)(c), C.R.S. (F-5)**

On or between February 10, 2004 and January 2, 2010, **JASON HEMINGWAY, JENNIFER AVILA, JULIETTA CHASE,** and **FILOMENA HEMINGWAY** with the intent to promote or facilitate the commission of the crime of Theft, unlawfully and feloniously agreed with each other and a person or persons to the Attorney General unknown that one or more of them would engage in conduct which constituted that crime or an attempt to commit that crime, or agreed to aid the other person or persons in the planning or commission or attempted commission of that crime, and an overt act in pursuance of the

conspiracy was committed by one or more of the conspirators; in violation of sections 18-4-401(1)(a), (2)(c) and 18-2-201, C.R.S.

To wit, on or between the dates listed, **JASON HEMINGWAY, JENNIFER AVILA, JULIETTA CHASE, and FILOMENA HEMINGWAY** conspired to unlawfully, feloniously, and knowingly obtain or exercise control over a thing of value, namely: motor vehicles and money, of Gary Sussman, Alan Galati, City Auto Sales, Edward Zeldin, Horizon Auto, Universe Auto, South Havana Auto, Gary Johnson, Betty Johnson, Tynan's, Joe Wagoner, Jennifer Wagoner, Judith Gershaw, Mark Harrison, Eugene Sarconi, Brian Langer and Leilani Ayala with the value of five hundred dollars or more but less than fifteen thousand dollars, without authorization, or by threat or deception, and intended to deprive the owners permanently of its use or benefit; in violation of § 18-4-401(1)(a),(2)(c), C.R.S.

The evidence presented to the grand jury establishes that the offense described in count thirty-nine was committed in the following manner:

Through a pattern of behavior that is described in counts one through thirty-seven of this Indictment, the four defendants used fraudulent documents and private personal information from third parties in order to defraud agents and designees of the Colorado Department of Revenue, causing the issuance of titles to motor vehicles that had little or no value and in which the three defendants had no legal interest. The defendants then used those titles to legitimize the sale of numerous stolen vehicles to unwitting victims by altering the Vehicle Identification Numbers on vehicles that had been stolen to match those which were reflected on the falsely obtained, yet unblemished, vehicle titles.

**COUNT FORTY**  
HABITUAL CRIMINAL, C.R.S. 18-1.3-801 (SE)

On or about May 3, 2005, in the District Court of Arapahoe County, Colorado, **JASON HEMINGWAY**, was convicted of a felony, namely: False Information on Sex Offender Registration, in case number 2004CR3282; in violation of section 18-1.3-801, C.R.S.

**COUNT FORTY-ONE**  
HABITUAL CRIMINAL, C.R.S. 18-1.3-801 (SE)

On or about November 8, 1999, in the District Court of Arapahoe County, Colorado, **JASON HEMINGWAY**, was convicted of a felony, namely: Attempt to Commit Aggravated Motor Vehicle Theft, in case number 1998CR1851; in violation of section 18-1.3-801, C.R.S.

**COUNT FORTY-TWO**  
HABITUAL CRIMINAL, C.R.S. 18-1.3-801 (SE)

On or about April 5, 1999, in the District Court of Denver County, Colorado, **JASON HEMINGWAY**, was convicted of a felony, namely: Possession/Sale of a Schedule II Controlled Substance, in case number 1995CR3957; in violation of section 18-1.3-801, C.R.S.

**COUNT FORTY-THREE**  
HABITUAL CRIMINAL, C.R.S. 18-1.3-801 (SE)

On or about April 4, 1997, in the District Court of Arapahoe County, Colorado, **JASON HEMINGWAY**, was convicted of a felony, namely: First Degree Criminal Trespass and Possession of Burglary Tools, in case number 1997CR695; in violation of section 18-1.3-801, C.R.S.

**COUNT FORTY-FOUR**  
HABITUAL CRIMINAL, C.R.S. 18-1.3-801 (SE)

On or about September 8, 1995 in the District Court of Arapahoe County, Colorado, **JASON HEMINGWAY**, was convicted of a felony, namely: Second Degree Burglary, in case number 1995CR647; in violation of section 18-1.3-801, C.R.S.

**COUNT FORTY-FIVE**  
HABITUAL CRIMINAL, C.R.S. 18-1.3-801 (SE)

On or about September 11, 1994, in the District Court of Arapahoe County, Colorado, **JASON HEMINGWAY**, was convicted of a felony, namely: Second Degree Sexual Assault, in case number 1993CR1975; in violation of section 18-1.3-801, C.R.S.