DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO 1437 Bannock Street Denver, CO 80202 **THE STATEWIDE GRAND JURY, 2008- 2009 TERM IN RE:** **TIMOTHY KUSKOWSKI, DOB: 7/20/63**	▲ **COURT USE ONLY** ▲
JOHN W. SUTHERS, Attorney General ROBERT S. SHAPIRO, First Assistant Attorney General* 1525 Sherman Street, 7th Floor Denver, CO 80203 (303) 866-5450 Registration Number: 26869 *Counsel of Record	Case No: GJ Case No.: 2008 CR 01 Ctrm.: 6
STATE GRAND JURY INDICTMENT	

COUNT 1: THEFT-$20,000 OR MORE-SERIES, § 18-4-401, C.R.S. (Class 3 Felony) **[0801X]**

COUNT 2: IDENTITY THEFT, § 18-5-902, C.R.S. (Class 4 Felony) **[13073]**

COUNT 3: IDENTITY THEFT, § 18-5-902, C.R.S. (Class 4 Felony) **[13073]**

COUNT 4: IDENTITY THEFT, § 18-5-902, C.R.S. (Class 4 Felony) **[13073]**

COUNT 5: IDENTITY THEFT, § 18-5-902, C.R.S. (Class 4 Felony) **[13073]**

COUNT 6: IDENTITY THEFT, § 18-5-902, C.R.S. (Class 4 Felony) **[13073]**

COUNT 7: IDENTITY THEFT, § 18-5-902, C.R.S. (Class 4 Felony) **[13073]**

COUNT 8: IDENTITY THEFT, § 18-5-902, C.R.S. (Class 4 Felony) **[13073]**

COUNT 9: IDENTITY THEFT, § 18-5-902, C.R.S. (Class 4 Felony) **[13073]**

COUNT 10: IDENTITY THEFT, § 18-5-902, C.R.S. (Class 4 Felony) **[13073]**

COUNT 11: IDENTITY THEFT, § 18-5-902, C.R.S. (Class 4 Felony) **[13073]**

COUNT 12: IDENTITY THEFT, § 18-5-902, C.R.S. (Class 4 Felony) **[13073]**

COUNT 13: IDENTITY THEFT, § 18-5-902, C.R.S. (Class 4 Felony) **[13073]**

COUNT 14: IDENTITY THEFT, § 18-5-902, C.R.S. (Class 4 Felony) **[13073]**

COUNT 15: FORGERY, § 18-5-102, C.R.S. (Class 5 Felony) **[1001C]**

COUNT 16: FORGERY, § 18-5-102, C.R.S. (Class 5 Felony) **[1001C]**

COUNT 17: FORGERY, § 18-5-102, C.R.S. (Class 5 Felony) **[1001C]**

COUNT 18: FORGERY, § 18-5-102, C.R.S. (Class 5 Felony) **[1001C]**

COUNT 19: FORGERY, § 18-5-102, C.R.S. (Class 5 Felony) **[1001C]**

COUNT 20: FORGERY, § 18-5-102, C.R.S. (Class 5 Felony) **[1001C]**

COUNT 21: FORGERY, § 18-5-102, C.R.S. (Class 5 Felony) **[1001C]**

COUNT 22: FORGERY, § 18-5-102, C.R.S. (Class 5 Felony) **[1001C]**

COUNT 23: FORGERY, § 18-5-102, C.R.S. (Class 5 Felony) **[1001C]**

COUNT 24: FORGERY, § 18-5-102, C.R.S. (Class 5 Felony) **[1001C]**

COUNT 25: CRIMINAL IMPERSONATION, § 18-5-113, C.R.S (Class 6 Felony) **[1011A]**

STATE OF COLORADO)
) ss.
CITY AND COUNTY OF DENVER)

Of the 2008-2009 term of the Denver District Court in the year of 2008, the 2008-2009 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 - $20,000 OR MORE-SERIES, C.R.S. 18-4-401(1)(a),(4) (F3)

On or about December 30, 2007 through and including June 10, 2008, in the State of Colorado, **Timothy Kuskowski** unlawfully, feloniously, and knowingly obtained or exercised control over a thing of value, namely: money in the form of United States currency, goods, merchandise and services, of Kroger, dba King Soopers and City Market; Wal-Mart; Mr. Payroll; El Charrito Market; Video Murrillo; El Centenario; and/or Silverthorne Liquors, twice or more within a period of six months, with an aggregate value of twenty thousand dollars or more, without authorization, or by threat or deception, and intended to deprive Kroger, dba King Soopers and/or City Market; Wal-Mart; Mr. Payroll; El Charito Market; Video Murrillo; El Centenario; and/or Silverthorne Liquors permanently of its use or benefit; in violation of section 18-4-401(1)(a),(4), C.R.S.

COUNT TWO

IDENTITY THEFT - ALTER OR MAKE A WRITTEN INSTRUMENT OR FINANCIAL DEVICE, C.R.S. 18-5-902(1)(c),(f) (F4)

On or about May 1, 2008 through and including May 9, 2008, in the State of Colorado, **Timothy Kuskowski** unlawfully, feloniously, and with the intent to defraud, falsely made, completed, altered, or uttered or attempted to falsely make, complete, alter, or utter a written instrument or financial device containing personal identifying information or financial identifying information of Benjamin Elmquist; in violation of section 18-5-902(1)(c),(f), C.R.S.

COUNT THREE

IDENTITY THEFT - ALTER OR MAKE A WRITTEN INSTRUMENT OR FINANCIAL DEVICE, C.R.S. 18-5-902(1)(c),(f) (F4)

On or about December 30, 2007 through and including February 29, 2008, in the State of Colorado, **Timothy Kuskowski** unlawfully, feloniously, and with the intent to defraud, falsely made, completed, altered, or uttered or attempted to falsely make, complete, alter, or utter a written instrument or financial device containing personal identifying information or financial identifying information of Jared Lambertson; in violation of section 18-5-902(1)(c),(f), C.R.S.

COUNT FOUR

IDENTITY THEFT - ALTER OR MAKE A WRITTEN INSTRUMENT OR FINANCIAL DEVICE, C.R.S. 18-5-902(1)(c),(f) (F4)

On or about December 30, 2007 through and including February 22, 2008, in the State of Colorado, **Timothy Kuskowski** unlawfully, feloniously, and with the intent to defraud, falsely made, completed, altered, or uttered or attempted to falsely make, complete, alter, or utter a written instrument or financial device containing personal identifying information or financial identifying information of David Geller; in violation of section 18-5-902(1)(c),(f), C.R.S.

COUNT FIVE

IDENTITY THEFT - ALTER OR MAKE A WRITTEN INSTRUMENT OR FINANCIAL DEVICE, C.R.S. 18-5-902(1)(c),(f) (F4)

On or about May 22, 2008 through and including May 23, 2008 in the State of Colorado, **Timothy Kuskowski** unlawfully, feloniously, and with the intent to defraud, falsely made, completed, altered, or uttered or attempted to falsely make, complete, alter, or utter a written instrument or financial device containing personal identifying information or financial identifying information of Jerry D. Barnett, Jr.; in violation of section 18-5-902(1)(c),(f), C.R.S.

COUNT SIX

IDENTITY THEFT - ALTER OR MAKE A WRITTEN INSTRUMENT OR FINANCIAL DEVICE, C.R.S. 18-5-902(1)(c),(f) (F4)

On or about March 21, 2008, in the State of Colorado, **Timothy Kuskowski** unlawfully, feloniously, and with the intent to defraud, falsely made, completed, altered, or uttered or attempted to falsely make, complete, alter, or utter a written instrument or financial device containing personal identifying information or financial identifying information of Shawn M. Kirkpatrick; in violation of section 18-5-902(1)(c),(f), C.R.S.

COUNT SEVEN

IDENTITY THEFT - ALTER OR MAKE A WRITTEN INSTRUMENT OR FINANCIAL DEVICE, C.R.S. 18-5-902(1)(c),(f) (F4)

On or about March 14, 2008 through and including April 1, 2008, in the State of Colorado, **Timothy Kuskowski** unlawfully, feloniously, and with the intent to defraud, falsely made, completed, altered, or uttered or attempted to falsely make, complete, alter, or utter a written instrument or financial device containing personal identifying information or financial identifying information of Carole L. Parker; in violation of section 18-5-902(1)(c),(f), C.R.S.

COUNT EIGHT

IDENTITY THEFT - ALTER OR MAKE A WRITTEN INSTRUMENT OR FINANCIAL DEVICE, C.R.S. 18-5-902(1)(c),(f) (F4)

On or about May 16, 2008 through and including May 17, 2008, in the State of Colorado, **Timothy Kuskowski** unlawfully, feloniously, and with the intent to defraud, falsely made, completed, altered, or uttered or attempted to falsely make, complete, alter, or utter a written instrument or financial device containing personal identifying information or financial identifying information of Duane C. Schlener; in violation of section 18-5-902(1)(c),(f), C.R.S.

COUNT NINE

IDENTITY THEFT - ALTER OR MAKE A WRITTEN INSTRUMENT OR FINANCIAL DEVICE, C.R.S. 18-5-902(1)(c),(f) (F4)

On or about May 3, 2008 through and including May 9, 2008, in the State of Colorado, **Timothy Kuskowski** unlawfully, feloniously, and with the intent to defraud, falsely made, completed, altered, or uttered or attempted to falsely make, complete, alter, or utter a written instrument or financial device containing personal identifying information or financial identifying information of Robert W. Davis; in violation of section 18-5-902(1)(c),(f), C.R.S.

COUNT TEN

IDENTITY THEFT - ALTER OR MAKE A WRITTEN INSTRUMENT OR FINANCIAL DEVICE, C.R.S. 18-5-902(1)(c),(f) (F4)

On or about April 28, 2008, in the State of Colorado, **Timothy Kuskowski** unlawfully, feloniously, and with the intent to defraud, falsely made, completed, altered, or uttered or attempted to falsely make, complete, alter, or utter a written instrument or financial device containing personal identifying information or financial identifying information of Dawn Iwata and/or Joseph Simons; in violation of section 18-5-902(1)(c),(f), C.R.S.

COUNT ELEVEN

IDENTITY THEFT - ALTER OR MAKE A WRITTEN INSTRUMENT OR FINANCIAL DEVICE, C.R.S. 18-5-902(1)(c),(f) (F4)

On or about April 18, 2008 through and including April 21, 2008, in the State of Colorado, **Timothy Kuskowski** unlawfully, feloniously, and with the intent to defraud, falsely made, completed, altered, or uttered or attempted to falsely make, complete, alter, or utter a written instrument or financial device containing personal identifying information or financial identifying information of Justin Bouts; in violation of section 18-5-902(1)(c),(f), C.R.S.

COUNT TWELVE

IDENTITY THEFT - ALTER OR MAKE A WRITTEN INSTRUMENT OR FINANCIAL DEVICE, C.R.S. 18-5-902(1)(c),(f) (F4)

On or about December 30, 2007 through and including January 2, 2008, in the State of Colorado, **Timothy Kuskowski** unlawfully, feloniously, and with the intent to defraud, falsely made, completed, altered, or uttered or attempted to falsely make, complete, alter, or utter a written instrument or financial device containing personal identifying information or financial identifying information of Greg Forhring; in violation of section 18-5-902(1)(c),(f), C.R.S.

COUNT THIRTEEN

IDENTITY THEFT - ALTER OR MAKE A WRITTEN INSTRUMENT OR FINANCIAL DEVICE, C.R.S. 18-5-902(1)(c),(f) (F4)

On or about April 9, 2008 through and including April 12, 2008, in the State of Colorado, **Timothy Kuskowski** unlawfully, feloniously, and with the intent to defraud, falsely made, completed, altered, or uttered or attempted to falsely make, complete, alter, or utter a written instrument or financial device containing personal identifying information or financial identifying information of Greg Gozzo; in violation of section 18-5-902(1)(c),(f), C.R.S.

COUNT FOURTEEN

IDENTITY THEFT - ALTER OR MAKE A WRITTEN INSTRUMENT OR FINANCIAL DEVICE, C.R.S. 18-5-902(1)(c),(f) (F4)

On or about May 31, 2008, in the State of Colorado, **Timothy Kuskowski** unlawfully, feloniously, and with the intent to defraud, falsely made, completed, altered, or uttered or attempted to falsely make, complete, alter, or utter a written instrument or financial device containing personal identifying information or financial identifying information of Timothy Flanagan; in violation of section 18-5-902(1)(c),(f), C.R.S.

COUNT FIFTEEN

FORGERY, C.R.S. 18-5-102(1)(c) (F5)

On or about December 30, 2007 through and including June 10, 2008, in the County of Summit, State of Colorado, **Timothy Kuskowski** with the intent to defraud Kroger, dba City Market; Wal-Mart; El Charrito Market; Mr. Payroll; and/or Silverthorne Liquors unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a check, deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: multiple checks; in violation of section 18-5-102(1)(c), C.R.S

COUNT SIXTEEN

FORGERY, C.R.S. 18-5-102(1)(c) (F5)

On or about December 30, 2007 through and including June 10, 2008, in the County of Eagle, State of Colorado, **Timothy Kuskowski** with the intent to defraud Kroger, dba City Market and/or El Centenario unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a check, deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: multiple checks; in violation of section 18-5-102(1)(c), C.R.S.

COUNT SEVENTEEN

FORGERY, C.R.S. 18-5-102(1)(c) (F5)

On or about December 30, 2007 through and including June 10, 2008, in the County of Garfield, State of Colorado, **Timothy Kuskowski** with the intent to defraud Kroger, dba City Market and/or Mr. Payroll unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a check, deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: multiple checks; in violation of section 18-5-102(1)(c), C.R.S.

COUNT EIGHTEEN

FORGERY, C.R.S. 18-5-102(1)(c) (F5)

On or about December 30, 2007 through and including June 10, 2008, in the County of Mesa, State of Colorado, **Timothy Kuskowski** with the intent to defraud Kroger, dba City Market unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a check, deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: multiple checks; in violation of section 18-5-102(1)(c), C.R.S.

COUNT NINETEEN

FORGERY , C.R.S. 18-5-102(1)(c) (F5)

On or about December 30, 2007 through and including June 10, 2008, in the County of Montrose, State of Colorado, **Timothy Kuskowski** with the intent to defraud Kroger, dba City Market unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a check, deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: multiple checks; in violation of section 18-5-102(1)(c), C.R.S.

COUNT TWENTY

FORGERY, C.R.S. 18-5-102(1)(c) (F5)

On or about December 30, 2007 through and including June 10, 2008, in the County of Grand, State of Colorado, **Timothy Kuskowski** with the intent to defraud Kroger, dba City Market unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a check, deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: multiple checks; in violation of section 18-5-102(1)(c), C.R.S.

COUNT TWENTY-ONE

FORGERY, C.R.S. 18-5-102(1)(c) (F5)

On or about December 30, 2007 through and including June 10, 2008, in the County of Gunnison, State of Colorado, **Timothy Kuskowski** with the intent to defraud Kroger, dba City Market unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a check, deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: multiple checks; in violation of section 18-5-102(1)(c), C.R.S.

COUNT TWENTY-TWO

FORGERY, C.R.S. 18-5-102(1)(c) (F5)

On or about December 30, 2007 through and including June 10, 2008, in the County of Teller, State of Colorado, **Timothy Kuskowski** with the intent to defraud Kroger, dba City Market unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a check, deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: multiple checks; in violation of section 18-5-102(1)(c), C.R.S.

COUNT TWENTY-THREE

FORGERY, C.R.S. 18-5-102(1)(c) (F5)

On or about December 30, 2007 through and including June 10, 2008, in the County of Jefferson, State of Colorado, **Timothy Kuskowski** with the intent to defraud Kroger, dba King Soopers unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a check, deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: multiple checks; in violation of section 18-5-102(1)(c), C.R.S.

COUNT TWENTY-FOUR

FORGERY, C.R.S. 18-5-102(1)(c) (F5)

On or about December 30, 2007 through and including June 10, 2008, in the County of Fremont, State of Colorado, **Timothy Kuskowski** with the intent to defraud Kroger, dba City Market unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a check, deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: multiple checks; in violation of section 18-5-102(1)(c), C.R.S.

COUNT TWENTY-FIVE

CRIMINAL IMPERSONATION, C.R.S. 18-5-113(1)(e) (F6)

On or about December 30, 2007 through and including June 10, 2008, in the State of Colorado, **Timothy Kuskowski** unlawfully, feloniously, and knowingly assumed a false or fictitious identity or capacity, namely: Benjamin C. Elmquist, Jerry D. Barnett, Jr., Duane C. Schlener, Shawn M. Kirkpatrick, Greg Frohring, Rod L. Maes, Jared L. Lambertson, Greg A. Gozzo, John L. or J L Vargasdelacruz, Carole L. Parker, David Charles Gellar, David C. Gellar, Justin T. Bouts, Robert W. Davis, Steven L. Thompson, Kevin L. Thompson, Dawn Iwata, Joseph C. Simons, Joey D. Glaviano, Robert W. Davis, Billee R. Reed, and/or Timothy M. Flanagan and in such identity or capacity did an act with intent to unlawfully gain a benefit for himself or another or to injure or defraud another; in violation of section 18-5-113(1)(e), C.R.S.

The essential facts summarizing the alleged crimes in Counts One through Twenty-Five occurred in the following manner:

1. On or about December 30, 2007 through and including June 10, 2008 a variety of retail establishments in the State of Colorado, including, but not limited to numerous City Market and King Soopers grocery stores (both of which are subsidiaries of the Kroger Co.), Wal-Mart, Mr. Payroll, Silverthorne Liquors, Video Murrillo, El Centenario and at the El Charrito Market were being victimized by a person or people cashing or attempting to cash either stolen or forged checks. Furthermore, the person or people conducting this scheme were also misusing the identities of various innocent individuals to accomplish the thefts. The amount of money and/or merchandise which was illicitly obtained though the passing of these checks ranged anywhere from as little as $50.00 up to $747.63. However, on average the typical forged check was written in an amount just under $500.00. In fact, as a representative sample, six amounts which were commonly used were $486.66, $487.63, $491.69, $493.36, $493.69 and $497.52. As a result the total amount of money which was stolen through the passing of more than 50 fraudulently created checks during this six month period exceeded $24,000.00. Finally, the various businesses listed above are located in the following Colorado counties: Eagle, Fremont, Garfield, Grand, Gunnison, Jefferson, Mesa, Lake, Montrose, Summit and Teller.

2. With the numerous City Market and King Soopers stores throughout the State of Colorado being the primary victim a loss prevention specialist named Ed Eichorn began an investigation into who was responsible for committing these forgeries and thefts. Specifically, Mr. Eichhorn had gathered information from various sources which apparently showed that same individual was passing the suspect checks at his company's stores. Some of the evidence provided by the grocery chain to the Avon Police Department included store video footage, photographs, a binder containing suspect checks and a license plate number (009-NEL) for a blue Honda sedan which was associated with the male individual who was passing the checks. Regarding the blue Honda sedan, on May 9, 2008 at the Dillon City Market store video captured the male suspect who had attempted to pass a suspect check getting into the rear passenger side door of this car. Two women were observed by store employee Stanley Bernal sitting in the front seats of this car. While the driver could not be identified, records show that this car was registered to a Mishaela K. Lowe of Lakewood, CO. Mr. Bernal wrote in a statement for the police that the man who attempted to pass the suspicious check on May 9, 2008 matched the description of the person who had cashed a fraudulent check on April 9, 2008 at the store in Granby using the name of Greg Gozzo.

3. A review of the plethora of suspect checks from the Kroger Co. stores demonstrated that many of the checks were made to appear as if they were payroll checks from businesses which were payable to an individual. Sometimes the named individual listed on the check was a real person, while other names appeared to be ficitious. Additional suspect checks were drafted to appear as if they were other types of business related checks, while others were created to appear as if they were from personal bank accounts belonging to individual account holders. Investigators also observed that similar, if not identical fonts were used in the signature lines for many of the checks which appeared to be business or payroll related.

4. Mr. Eichhorn and Avon Police Department Detective Paul Arnold noticed that the man whose image was captured in the various store videos and photography appeared to be the same man at each store. This man's physical characteristics were generally described by some witnesses as being over six feet tall, heavy set, with tattoos, and speaking with or using a thick eastern european accent. A BOLO/wanted poster with various photos of the male suspect was created and then circulated throughout the City Market/King Soopers stores.

5. On June 11, 2008, officers from the Delta Police Department contacted a person later identified as Timothy Kuskowski (DOB 7/20/1963) who had attempted to pass a forged check at a City Market in Delta, CO. Initially Mr. Kuskowski was identified via an ID card as being a Joey Don Glaviano of Denver. Of note, this name of Joey Glaviano was a name which was already known to Kroger Co. loss prevention officials because suspect checks with this name had already been transacted at different City Markets in Gunnison, Woodland Park, Canon City and Montrose from May 23, 2008 up to June 10, 2008. Specifically, on this particular date of June 11, 2008, Timothy Kuskowski had attempted to pass an XCEL Energy payroll check which was written for $486.66. Officers then located and seized multiple ID cards and other checks which appeared to be suspicious as well. Mr. Kuskowski's Colorado DMV data lists his height at six feet and his weight at 205 pounds.

6. With Timothy Kuskowski being identified by officials in Delta, Detective Arnold and Mr. Eichhorn of Kroger began analyzing the nearly six months of unsolved thefts and forgeries which had transpired throughout the State of Colorado from December 30, 2007 through and including June 10, 2008. It was learned directly and circumstantially that during this time period Timothy Kuskowski had assumed and used the indentities of numerous individuals to either complete or attempt to complete fraudulent transactions involving the use of forged checks. The real people whose identities were stolen by Timothy Kuskowski included Benjamin Elmquist, Jared Lambertson, David Geller, Jerry D. Barnett, Jr., Timothy Flanagan, Justin T. Bouts, Robert Davis, Shawn Kirkpatrick, Carole Parker, Greg Frohring, Greg Gozzo, Dawn Iwata, Joseph Simons, and Duane C. Schlener. Furthermore, evidence was also developed showing that Timothy Kuskowski also used the following false or ficticious names for his benefit: Rod L. Maes, John L. or J L Vargadelacruz, Billee Reed, Steven Thompson, Kevin Thompson, and Joey Glaviano.

7. In addition to the main victim being Kroger's City Market and King Soopers the other businesses who were financially victimized by Kuskowski's forged check behavior included Wal-Mart, Mr. Payroll, El Charrito Market, Video Murrillo, Silverthorne Liquors and El Centenario. Additionally, in late March 2008, Lakewood firefighters were called to a fire at a motel in that city. In a particular room, firefighters observed a variety of suspicious checks, including counterfeit payroll checks appearing to be from Tuscato's restaurant in Frisco, CO. Contemporaneously with this observation Tuscato's owner, Robert Kato, notified law enforcement in Frisco that some suspicious payroll checks had been cashed with the names of "Shawn M. Kirkpatrick" and "Carole L. Parker" on the checks. The first Tuscato's check bearing the name of "Carole L. Parker" was passed at a Frisco City Market on March 14, 2008. Later witnesses then confirmed that another forged Tuscato payroll check was made out to and cashed by a "Carole L. Parker." This occurred at El Centenario in Edwards, Eagle County, CO

on or about March 21, 2008 and another Tuscato payroll check made out to and cashed by a "Carole L. Parker" on April 1, 2008 occurred at a Mr. Payroll in Rifle, CO. A photograph of the man who passed the Mr. Payroll check in Rifle under the name of "Carole L. Parker" was later viewed by Detective Arnold. He then determined that the person in the image was in fact Timothy Kuskowski. The forged Kirkpatrick checks were passed at the Frisco City Market on March 21, 2008.

8. In the case of Wal-Mart, a real person by the name of Greg Forhring stated that during the time period alleged in this case a fraudulent check in the amount of $239.39 was cashed at a Summit County Wal-Mart which used his name without his authorization. This fraudulent transaction was in addition to Mr. Forhring's name being misused as part of another forged check being cashed at a King Soopers in Evergreeen, Jefferson County, Colorado on December 31, 2007. Another real person named Jared Lambertson also claimed that his identity was used without his authorization when a different forged check written for approximately $239 was cashed at the Frisco Wal-Mart on December 30, 2007.

9. In the case of Silverthorne Liquors the identity of a David Geller was used by Kuskowski without his authorization to defraud this business. Specifically, two ficiticious payroll checks, one in the amount of $577.43 was created for a business named Mark Young Construction and made payable to "David Charles Gellar" and the other in an amount of $677.52 from Brannan Sand and Gravel also payable to "David C. Gellar." Both were cashed by Silverthorne Liquors. In the case of the El Charrito Market, another forged check in the amount of $677.52 was allegedly written by Brannan Sand and Gravel and then cashed by a person claiming to be a "Jared Lambertson." It should be noted that the check number (#00186106) for the forged Brannan sand and Gravel check bearing the name of "Jared Lane Lambertson" which was cashed at El Charrito was identical to the number on the forged Brannan Sand and Gravel check which bore the name of "David C. Gellar."

10. Mr. Lambertson also had his identity misused when Timothy Kuskowski passed other forged checks at a Video Murillo store in Lake County and at City Markets in Dillon, Glenwood Springs.

11. Regarding the other forged checks which were passed by Timothy Kuskowski during this alleged time period please refer to the Grand Jury Exhibits, specifically Grand Jury Exhibit 1, which are incorporated by reference as further factual support for this Indictment.

Subscribed and sworn to before me in the County of Denver, State of Colorado, this _____ day of _____, 2009.

_____
Notary Public

My commission expires:

_____

JOHN SUTHERS
Attorney General

_____
ROBERT S. SHAPIRO, 26869*
First Assistant Attorney General
Special Prosecution Unit
Criminal Justice Section
Attorney for the People
*Counsel of Record

The 2008-2009 Statewide Grand Jury presents the within Indictment, and the same is hereby ORDERED FILED this _____ day of _____, 2009.

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

Warrant to issue:

BOND SET AT _____ C/S/P FOR TIMOTHY KUSKOWSKI

_____

CHIEF JUDGE, DENVER
DISTRICT COURT AND THE
PRESIDING JUDGE FOR THE
STATEWIDE GRAND JURY

THE STATEWIDE GRAND JURY, 2008-2009 TERM **Case No. 2008 CR 01**

IN Re:

TIMOTHY KUSKOWSKI

AS TO COUNT ONE
A TRUE BILL A NO TRUE BILL

_____ _____
FOREPERSON

AS TO COUNT TWO
A TRUE BILL A NO TRUE BILL

_____ _____
FOREPERSON

AS TO COUNT THREE
A TRUE BILL A NO TRUE BILL

_____ _____
FOREPERSON

AS TO COUNT FOUR
A TRUE BILL A NO TRUE BILL

_____ _____
FOREPERSON

AS TO COUNT FIVE
A TRUE BILL A NO TRUE BILL

_____ _____
FOREPERSON

AS TO COUNT SIX
A TRUE BILL A NO TRUE BILL

_____ _____
FOREPERSON

AS TO COUNT SEVEN
A TRUE BILL A NO TRUE BILL

_____ _____
FOREPERSON

AS TO COUNT EIGHT
A TRUE BILL A NO TRUE BILL

_____ _____
FOREPERSON

AS TO COUNT NINE
A TRUE BILL A NO TRUE BILL

_____ _____
FOREPERSON

AS TO COUNT TEN
A TRUE BILL A NO TRUE BILL

_____ _____
FOREPERSON

AS TO COUNT ELEVEN
A TRUE BILL A NO TRUE BILL

_____ _____
FOREPERSON

AS TO COUNT TWELVE
A TRUE BILL A NO TRUE BILL

_____ _____
FOREPERSON

AS TO COUNT THIRTEEN
A TRUE BILL A NO TRUE BILL

_____ _____
FOREPERSON

AS TO COUNT FOURTEEN
A TRUE BILL A NO TRUE BILL

_____ _____
FOREPERSON

AS TO COUNT FIFTEEN
A TRUE BILL A NO TRUE BILL

_____ _____

FOREPERSON

AS TO COUNT SIXTEEN
A TRUE BILL A NO TRUE BILL

_____ _____

FOREPERSON

AS TO COUNT SEVENTEEN
A TRUE BILL A NO TRUE BILL

_____ _____

FOREPERSON

AS TO COUNT EIGHTEEN
A TRUE BILL A NO TRUE BILL

_____ _____

FOREPERSON

AS TO COUNT NINETEEN
A TRUE BILL A NO TRUE BILL

_____ _____

FOREPERSON

AS TO COUNT TWENTY
A TRUE BILL A NO TRUE BILL

_____ _____

FOREPERSON

AS TO COUNT TWENTY-ONE
A TRUE BILL A NO TRUE BILL

_____ _____

FOREPERSON

AS TO COUNT TWENTY-TWO
A TRUE BILL A NO TRUE BILL

_____ _____

FOREPERSON

AS TO COUNT TWENTY-THREE

A TRUE BILL

A NO TRUE BILL

_____

_____

FOREPERSON

AS TO COUNT TWENTY-FOUR

A TRUE BILL

A NO TRUE BILL

_____

_____

FOREPERSON

AS TO COUNT TWENTY-FIVE

A TRUE BILL

A NO TRUE BILL

_____

_____

FOREPERSON

I, _____, the Foreperson of the 2008-2009 Statewide Grand Jury, do hereby swear and affirm that each and every True Bill returned in this indictment by the 2008-2009 Statewide Grand Jury was arrived after deliberation and with the assent and agreement to the existence of probable cause by at least nine members of the 2008-2009 Statewide Grand Jury. Furthermore, the Colorado State Grand Jury consents and instructs the Attorney General that this Indictment may be returned on the record in open court before the Presiding Judge with or without the foreperson being present.

_____
Foreperson

Subscribed and sworn to before me in the County of Denver, State of Colorado, this _____ day of _____, 2009.

_____
Notary Public

My commission expires:

_____