

COUNT ONE

(Colorado Organized Crime Control Act —Pattern of Racketeering—Participation in an Enterprise, Class 2 Felony)

Between October 8, 2007 and January 13, 2009, in the State of Colorado, Duy Nguyen, Robert Giesen, Andre Lornes, Timothy Hern, Richard Bryan, Nicholas Hern, Pamela Brown, Quoc Nguyen and Jason Tran while employed by or associated with an enterprise as defined at § 18-17-103 (2), C.R.S., as amended, to-wit: a group of individuals associated in fact although not a legal entity; unlawfully, feloniously, and knowingly conducted or participated, directly or indirectly, in the enterprise through a pattern of racketeering activity; in violation of sections 18-17-104(3) and 18-17-105, C.R.S.

The offense alleged in Count One of this indictment was committed in the following manner:

THE ENTERPRISE

The Enterprise alleged in Count One was a group of individuals, associated in fact although not a legal entity. The individuals in this group included, but were not limited to the following:

Duy Nguyen, Robert Giesen, Andre Lornes, Timothy Hern, Richard Bryan, Nicholas Hern, Pamela Brown, Quoc Nguyen, Jason Tran and other persons known or as yet unknown to the Colorado State Grand Jury who were involved from time to time in racketeering activity described herein that was related to the conduct of the Enterprise.

The conduct of the Enterprise was to buy, sell, and trade illegal narcotics, including marijuana, methamphetamine, and ecstasy. In addition to cash, one of the major forms of currency used by the Enterprise was stolen property. Duy Nguyen would “front” illegal narcotics to other members of the Criminal Enterprise by providing the narcotics to these other members without requiring immediate payment for the sale. These individuals would thereafter become indebted to Duy Nguyen. Duy Nguyen would encourage these individuals to burglarize residences in the greater metro area, steal property from these residences, and bring the stolen property to him as payment for their drug debts. When the other members of the Criminal Enterprise no longer owed payment to Duy Nguyen, he continued to encourage these individuals to burglarize residences and bring the stolen property to him and he would trade them illegal narcotics and US currency for the stolen property. Duy Nguyen directed these individuals to steal laptop computers and other electronics, along with firearms and other weapons, personal identifying information and personal financial devices.

As part of this Criminal Enterprise, Duy Nguyen directed other members of the Criminal Enterprise to steal motor vehicles and then “strip” the stolen vehicles by removing their component parts. Duy Nguyen would use the component parts from these stolen motor vehicles in his own vehicles or he would give the stolen motor vehicles to other members of the Criminal Enterprise to use during the commission of other crimes, particularly burglary and dealing illegal narcotics.

PATTERN OF RACKETEERING ACTIVITY

For purposes of this count, the defendants: Duy Nguyen, Robert Giesen, Andre Lornes, Timothy Hern, Richard Bryan, Nicholas Hern, Pamela Brown, Quoc Nguyen, Jason Tran directly and in concert engaged in, attempted to engage in, conspired to engage in, or solicited another to engage in multiple acts; the following predicate acts, including any lesser included offenses, related to the conduct of the Enterprise, at least one of which took place in the State of Colorado after July 1, 1981:

- First Degree Burglary § 18-4-202
- Second Degree Burglary § 18-4-203
- Theft § 18-4-401
- First Degree Aggravated Motor Vehicle Theft § 18-4-409
- Theft by Receiving § 18-4-410
- Identity Theft § 18-5-902
- Bribing a Witness § 18-8-703
- Tampering with a Witness § 18-8-707
- Possession of a Dangerous Weapon § 18-12-102(3)
- Possession of a Schedule I Controlled Substance §18-18-405
- Possession of a Schedule II Controlled Substance §18-18-405
- Possession with Intent to Distribute a Schedule I Controlled Substance §18-18-405
- Possession with Intent to Distribute a Schedule II Controlled Substance §18-18-405
- Unlawful Distribution of a Schedule II Controlled Substance § 18-18-405
- Possession with Intent to Distribute Marihuana §18-18-406
- Cultivation of Marihuana §18-18-406

The last of the acts of racketeering activity occurred within ten years after a prior act of racketeering activity.

RACKETEERING ACTIVITY

The acts of racketeering activity that the above-named persons committed, attempted to commit, conspired to commit, or solicited, coerced, or intimidated another person to commit, consist of the following:

Uncharged Predicate Act One

**(First Degree Aggravated Motor Vehicle Theft—Less than \$20,000,
Class 4 Felony)**

On and between October 8, 2007 and October 20, 2007 in the State of Colorado, Andre Lornes unlawfully, feloniously, and knowingly obtained and exercised control over the motor vehicle of Konstantin Statovoy, without authorization, or by threat or deception, and retained possession or control over the motor vehicle for more than twenty-four hours, and unlawfully attached or otherwise displayed in or upon the motor vehicle license plates other than those officially issued for the motor vehicle, 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.

The offense alleged in Predicate Act One was committed in the following manner:

On October 8, 2007, Andre Lornes stole a 1999 black Acura Integra hatchback belonging to Konstantin Statovoy from the driveway located at 6182 Xavier Street in Arvada, Colorado. Lornes removed the license plates that were officially issued for this vehicle and attached stolen plates to the vehicle. Lornes brought this vehicle to Duy Nguyen's residence in Westminster, Colorado, where Lornes was living at the time. The vehicle was recovered by law enforcement on October 20, 2007 without the officially issued license plates. The plates were later recovered at the former residence of Duy Nguyen in Westminster and at the residence of an acquaintance of Lornes's where Lornes had brought other stolen vehicles.

Predicate Act Two

(Theft – \$1,000-\$20,000, Class 4 Felony)

On or about October 17, 2007, in the State of Colorado, Timothy Hern and Nicholas Hern unlawfully, feloniously, and knowingly obtained or exercised control over things of value, namely: Rigid drill, Rigid saw, Rigid sawzall, Reddrex rollerblades, Easton hockey gloves, Mission shin guards, Easton elbow guards, Bauer helmet, Syven sports bag, miscellaneous sports equipment, miscellaneous tools, tool box, miscellaneous compact discs, Craftsman 180-piece tool set, Nikon digital camera, of Jared Wright, 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 Jared Wright permanently of their use or benefit; in violation of section 18-4-401(1)(a), (2)(c), C.R.S.

Predicate Act Three

(Theft by Receiving—\$1,000-\$20,000, Class 4 Felony)

On or about October 17, 2007, in the State of Colorado, Duy Nguyen and Robert Giesen unlawfully and feloniously received, retained, loaned money by pawn or pledge, or disposed of things of value, namely: Rigid drill, Rigid saw, Rigid sawzall, miscellaneous tools, tool box, and Craftsman 180-piece tool set, of Jared Wright, and the defendant knew or believed the things of value had been stolen and intended to deprive the lawful owner, permanently of their 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 offenses alleged in Predicate Acts Two and Three were committed in the following manner:

On or about October 17, 2007, Duy Nguyen was driving in the parking lot of the Arvada Village Apartments at 5863 Pierce Street, Arvada, Colorado, when he observed a Chevrolet Suburban parked in the parking lot. Duy Nguyen, as a complicitor in the vehicle trespass, then directed Timothy Hern, who was in Duy Nguyen's vehicle, to break into the Suburban, steal the tools located inside the vehicle, and bring the stolen property to Duy Nguyen's residence in Westminster, Colorado. Shortly thereafter, utilizing a broken piece of porcelain sparkplug, Timothy Hern smashed the back window of the Suburban parked in the parking lot while Nicholas Hern stood by and watched. After shattering the back window, Timothy Hern reached into Wright's vehicle, took items with an approximate cumulative value in excess of \$1,000 from the vehicle and placed them into Timothy Hern's own vehicle. Nicholas Hern assisted him.

Timothy Hern then took the items to Duy Nguyen's residence. After Timothy Hern delivered the tools to him, Duy Nguyen telephoned Robert Giesen. Giesen arrived at Duy Nguyen's residence a short time later and Giesen took possession of the stolen tools.

Predicate Act Four

(First Degree Burglary – Assault/Menace, Class 3 Felony)

On or about October 21, 2007, in the State of Colorado, Duy Nguyen, Timothy Hern and Nicholas Hern unlawfully, feloniously, and knowingly broke an entrance into, entered, or remained unlawfully after a lawful or unlawful entry in the dwelling of Sylvia Gowan, located at 5289 S. Windermere Street, Littleton, Colorado with the intent to commit therein the crime of Theft; and while effecting entry or while inside or while in immediate flight therefrom, the defendant Timothy Hern, assaulted or menaced Sylvia Gowan, in violation of section 18-4-202(1), C.R.S.

The offense alleged in Predicate Act Four was committed in the following manner:

On or about October 21, 2007, Duy Nguyen was driving past the residence at 5289 S. Windermere Street, Littleton, Colorado, when he observed the resident leaving the area. Duy Nguyen, acting as a complicitor in the burglary, then telephoned Timothy Hern and directed him to burglarize the residence immediately, steal any computers or guns located within the residence, and bring the stolen property to his residence in Westminster, Colorado. Shortly thereafter, Timothy Hern and Nicholas Hern drove to the residence at 5289 S. Windermere Street. Once there, Timothy Hern, using a mini pry-bar, pried open the side door along the garage, popped the deadbolt, and damaged the door frame. Timothy Hern and Nicholas Hern then entered the residence and began to collect items belonging to the resident, placing them in suitcases. A little while later, Sylvia Gowan returned home and confronted them. Timothy Hern, intending to frighten Gowan, made his finger into the shape of a gun and threatened Gowan, telling her to "shut up and sit down." They then fled the area and went to Duy Nguyen's residence in Westminster. They explained to Duy Nguyen that they had been confronted by the resident and could not steal any property. Duy Nguyen gave them each a quantity of methamphetamine as payment for their attempt to steal the resident's property.

Predicate Act Five

(Second Degree Burglary – Building, Class 4 Felony)

On or about December 31, 2007, in the State of Colorado, Timothy Hern unlawfully, feloniously, and knowingly broke an entrance into, entered, or remained unlawfully after a lawful or unlawful entry in the building or occupied structure of Arvada Village Apartments, located at 5839 Pierce Street, Arvada, Colorado, with the intent to commit the crime of Theft; in violation of section 18-4-203(1), C.R.S.

Predicate Act Six

(Theft - \$1,000-\$20,000, Class 4 Felony)

On or about December 31, 2007, in the State of Colorado, Timothy Hern unlawfully, feloniously, and knowingly obtained or exercised control over things of value, namely: Hot Point stainless steel refrigerator, Hot Point stainless steel ceiling fans, and Hampden Bay

hood vents, of Arvada Village Apartments, 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 Arvada Village Apartments permanently of their use or benefit; in violation of section 18-4-401(1)(a),(2)(c), C.R.S.

Predicate Act Seven

(Second Degree Burglary – Building, Class 4 Felony)

On or about January 1, 2008, in the State of Colorado, Duy Nguyen and Timothy Hern unlawfully, feloniously, and knowingly broke an entrance into, entered, or remained unlawfully after a lawful or unlawful entry in the building or occupied structure of Arvada Village Apartments, located at 5839 Pierce Street, Arvada, Colorado, with the intent to commit the crime of Theft; in violation of section 18-4-203(1), C.R.S.

Predicate Act Eight

(Theft - \$1,000-\$20,000, Class 4 Felony)

On or about January 1, 2008, in the State of Colorado, Timothy Hern unlawfully, feloniously, and knowingly obtained or exercised control over things of value, namely: Whirlpool range cooker and Hot Point stainless steel dishwasher, of the Arvada Village Apartments, 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 Arvada Village Apartments permanently of their use or benefit; in violation of section 18-4-401(1)(a),(2)(c), C.R.S.

Predicate Act Nine

(Theft by Receiving—\$1000-\$20,000, Class 4 Felony)

On or about January 1, 2008, in the State of Colorado, Duy Nguyen unlawfully and feloniously received, retained, loaned money by pawn or pledge, or disposed of things of value, namely: Hot Point stainless steel refrigerator, Hot Point stainless steel ceiling fans, Hampden Bay hood vents, Whirlpool range cooker and Hot Point stainless steel dishwasher, of Arvada Village Apartments, and the defendant knew or believed the things of value had been stolen and intended to deprive the lawful owner, permanently of their 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.

Predicate Act Ten

(Theft by Receiving—\$1000-\$20,000, Class 4 Felony)

On or about January 1, 2008, in the State of Colorado, Robert Giesen unlawfully and feloniously received, retained, loaned money by pawn or pledge, or disposed of things of value, namely: Hot Point stainless steel refrigerator, Hot Point stainless steel ceiling fans, Hampden Bay hood vents, Whirlpool range cooker and Hot Point stainless steel dishwasher, of Arvada Village Apartments, and the defendant knew or believed the things of value had been stolen and intended to deprive the lawful owner, permanently of their 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 offenses alleged in Predicate Acts Five through Ten were committed in the following manner:

During December 2007, Duy Nguyen gave Timothy Hern a list containing items that Duy Nguyen wanted Timothy Hern to steal for him so that Timothy Hern could pay off his drug debt. On or about Dec. 31, 2007, Timothy Hern drove a white, 14-foot box van that Duy Nguyen had loaned to him on that date for the purpose of transporting property stolen from the Arvada Village Apartments. Timothy Hern went to the apartment complex located at 5839 Pierce Street, Arvada, Colorado. After breaking the lock off the storage shed with a screwdriver, Timothy Hern entered the shed and stole several stainless steel appliances with an approximate cumulative value in excess of \$1,000. Timothy Hern then delivered the appliances to Duy Nguyen at his residence in Westminster, Colorado. Duy Nguyen, acting as a complicitor in the second burglary, then directed Timothy Hern to return to the storage shed and steal the remaining appliances because Robert Giesen wanted a matching set. The following day, Timothy Hern again broke the lock off the storage shed and stole the remaining appliances also with an approximate cumulative value in excess of \$1,000. Timothy Hern delivered these appliances to Duy Nguyen at his residence. Later, Giesen took custody of the stolen appliances from Duy Nguyen. Giesen kept the appliances at his residence in Castle Rock, Colorado, for a period of time.

Predicate Act Eleven

(First Degree Burglary – Deadly Weapon, Class 3 Felony)

On or about January 20, 2008, in the State of Colorado, Duy Nguyen, Timothy Hern, Pamela Brown and Nicholas Hern unlawfully, feloniously, and knowingly broke an entrance into, entered, or remained unlawfully after a lawful or unlawful entry in the dwelling of Ronald Lee Collins, located at 6090 Fenton Street, Arvada, Colorado with the intent to commit therein the crime of Theft, and while effecting entry or while inside or while in immediate flight therefrom, the defendants or a participant, Timothy Hern or Nicholas Hern was armed with a deadly weapon, namely: Springfield 308-caliber rifle, Mossberg 12-gauge shotgun, Beretta 12-gauge shotgun, Mossberg 20-gauge shotgun, Ruger 22-caliber pistol, Ruger 9-mm pistol; in violation of section 18-4-202(1), C.R.S.

Predicate Act Twelve

(Theft - \$1,000-\$20,000, Class 4 Felony)

On or about January 20, 2008, in the State of Colorado, Duy Nguyen, Timothy Hern, Pamela Brown and Nicholas Hern unlawfully, feloniously, and knowingly obtained or exercised control over things of value, namely: Springfield 308-caliber rifle, Mossberg 12-gauge shotgun, Beretta 12-gauge shotgun, Mossberg 20-gauge shotgun, Ruger 22-caliber pistol, Ruger 9-mm pistol, scuba regulators, dive camera, diamond ring, two jars full of coins, and watches of Ronald Lee Collins, 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 Ronald Lee Collins permanently of their use or benefit; in violation of section 18-4-401(1)(a),(2)(c), C.R.S.

Predicate Act Thirteen

(Theft by Receiving—\$1000-\$20,000, Class 4 Felony)

On or about January 20, 2008, in the State of Colorado, Robert Giesen unlawfully and feloniously received, retained, loaned money by pawn or pledge, or disposed of a thing of value, namely: Springfield 308-caliber rifle, Mossberg 12-gauge shotgun, Beretta 12-gauge shotgun, Mossberg 20-gauge shotgun, Ruger 22-caliber pistol, and Ruger 9-mm pistol, of Ronald Lee Collins, and the defendant knew or believed the things of value had been stolen and intended to deprive the lawful owner, permanently of their 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 offenses alleged in Predicate Acts Eleven through Thirteen were committed in the following manner:

On or about January 20, 2008, Duy Nguyen, as a complicitor in the burglary and theft, telephoned Timothy Hern and directed him to go to the address of 6090 Fenton Street, Arvada, Colorado and steal various items of property including weapons from the house. Shortly thereafter, Timothy Hern, Nicholas Hern, and Pamela Brown arrived at that location and entered the house through the unlocked back door. Once inside, they collected the following items: Springfield 308 caliber rifle, Mossberg 12-gauge shotgun, Beretta 12-gauge shotgun, Mossberg 20-gauge shotgun, Ruger 22-caliber pistol, Ruger 9-mm pistol, a couple scuba regulators, a dive camera, a diamond ring, two jars full of coins and various watches with an approximate cumulative value in excess of \$1,000. Timothy Hern and Nicholas Hern loaded the items into a truck, dropped Pamela Brown off at her residence and then delivered the stolen weapons to Duy Nguyen's residence in Westminster, Colorado. Duy took possession of the stolen weapons and gave Timothy a quantity of methamphetamine in exchange for the stolen property. Duy Nguyen then telephoned Robert Giesen, who arrived at the residence within an hour. Giesen took possession of the stolen weapons and left.

Predicate Act Fourteen

**(First Degree Aggravated Motor Vehicle Theft—Over \$20,000,
Class 3 Felony)**

On or about January 21, 2008, in the State of Colorado, Timothy Hern and Nicholas Hern unlawfully, feloniously, and knowingly obtained and exercised control over the 1966 Ford Mustang motor vehicle of Joshua Mikkelsen, without authorization, or by threat or deception, and retained possession or control over the motor vehicle for more than twenty-four hours, and the value of the motor vehicle involved was more than twenty thousand dollars; in violation of section 18-4-409(2),(3)(b), C.R.S.

Predicate Act Fifteen

(Theft by Receiving—Over \$20,000, Class 3 Felony)

On or about January 21, 2008, in the State of Colorado, Duy Nguyen unlawfully and feloniously received, retained, loaned money by pawn or pledge, or disposed of a thing of value, namely: 1966 Ford Mustang motor vehicle, of Joshua Mikkelsen, 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 twenty thousand dollars or more; in violation of section 18-4-410(1),(5), C.R.S.

The offenses alleged in Predicate Acts Fourteen and Fifteen were committed in the following manner:

In January 2008, Timothy Hern discussed with Duy Nguyen whether he would purchase a classic Mustang car that Timothy Hern had seen and wanted to steal. Duy Nguyen confirmed that he would give Timothy Hern cash in exchange for the stolen Mustang. On January 21, 2008, Timothy Hern and Nicholas Hern stole the 1966 black Ford Mustang owned by Joshua Mikkelsen, with an approximate value in excess of \$20,000, as it was parked in the Arvada Village Apartments, Arvada, Colorado. After Timothy Hern told him that he had stolen the car, Duy Nguyen directed him to park the vehicle in Aurora, Colorado. Subsequently, Duy Nguyen paid Tim Hern \$500 for stealing the vehicle and parking it in Aurora. Duy Nguyen then contacted via email the owner, Mikkelsen, and attempted to collect a reward from Mikkelsen for the stolen vehicle.

Predicate Act Sixteen

**(Conspiracy to Commit Second Degree Burglary – Dwelling, 18-4-203(1),(2)(a),
Class 4 Felony)**

On or about January 24, 2008, in the State of Colorado, Duy Nguyen with the intent to promote or facilitate the commission of the crime of Second Degree Burglary - Dwelling, unlawfully and feloniously agreed with Timothy Hern 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 18-4-203(1),(2)(a) and 18-2-201, C.R.S.

Predicate Act Seventeen

(Second Degree Burglary – Dwelling, Class 3 Felony)

On or about January 24, 2008, in the State of Colorado, Duy Nguyen and Timothy Hern unlawfully, feloniously, and knowingly broke an entrance into, entered, or remained unlawfully after a lawful or unlawful entry in the dwelling of David Ray McWilliams, located at 5900 Pierce Street, Arvada, Colorado with the intent to commit therein the crime of Theft; in violation of section 18-4-203(1),(2)(a), C.R.S.

The offenses alleged in Predicate Acts Sixteen and Seventeen were committed in the following manner:

On or about January 24, 2008, Duy Nguyen, as a complicitor in the burglary, gave Timothy Hern the address of 5900 Pierce Street, Arvada, Colorado and directed him to go to that location and steal a quantity of marihuana that Duy Nguyen believed was located in the master bedroom of that house. Timothy Hern agreed and went to that location. He smashed the glass front door and gained entry to the home. Once inside, he was confronted by the resident, David McWilliams, and Timothy Hern put his hand behind his back, as if he had a

weapon. Timothy Hern told McWilliams that he was there because Duy Nguyen wanted him to steal McWilliams's marihuana. McWilliams told Timothy Hern that Duy Nguyen was wrong, there was no marihuana in the house. Timothy Hern later fled the area and subsequently called Duy Nguyen and told him there was no marihuana in the house. Duy Nguyen responded that he would deal with the situation in another way.

Predicate Act Eighteen
**(First Degree Aggravated Motor Vehicle Theft—\$20,000 or less,
Class 4 Felony)**

On or about February 2, 2008, in the State of Colorado, Richard Bryan unlawfully, feloniously, and knowingly obtained or exercised control over the motor vehicle of USA Auto Center, without authorization, or by threat or deception, and retained possession or control over the motor vehicle for more than twenty-four hours, and caused \$500 or more of property damage, including but not limited to property damage to the motor vehicle involved, in the course of obtaining control over or in the exercise of control of the motor vehicle, and the value of the motor vehicle involved is twenty thousand dollars or less; in violation of section 18-4-409(2),(3)(a), C.R.S.

Predicate Act Nineteen
(Theft by Receiving—\$1000-\$20,000, Class 4 Felony)

Between the dates of February 2, 2008 and July 1, 2008, in the State of Colorado, Duy Nguyen unlawfully and feloniously received, retained, loaned money by pawn or pledge, or disposed of a thing of value, namely: 2003 Yukon Denali, of USA Auto Center, 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 not more than twenty thousand dollars; in violation of section 18-4-410(1),(4), C.R.S.

The offenses alleged in Predicate Acts Eighteen and Nineteen were committed in the following manner:

In January 2008, Duy Nguyen instructed Richard Bryan to steal a Yukon Denali so that Duy Nguyen could take parts from the stolen Denali and use them in his own vehicle. On or about February 2, 2008, Richard Bryan stole a black 2003 Yukon Denali owned by USA Auto Center with an approximate value in excess of \$1,000 but not more than \$20,000. Shortly thereafter, Bryan delivered the stolen Yukon Denali to Duy Nguyen. Duy Nguyen had the engine from the stolen Denali installed in his blue Chevrolet Suburban and had the interior and the transmission of the Denali removed from its frame. On July 1, 2008, Duy Nguyen disposed of the Denali frame by selling it to Timothy Hern in exchange for \$1000. Hoang Nguyen, as a complicitor in the disposal of the stolen Denali frame, delivered the stolen frame at Duy Nguyen's direction to a storage facility in Arvada. Hoang Nguyen drove a red tow truck and accepted \$1,000 from Timothy Hern in exchange for delivering the stolen frame. The engine from the stolen Denali was located in Duy Nguyen's blue Chevrolet Suburban on July 16, 2008.

Predicate Act Twenty
**(Conspiracy to Commit First Degree Burglary – Deadly Weapon, 18-4-202(1),
Class 4 Felony)**

Between the dates of February 4 and February 9, 2008, in the State of Colorado, Duy Nguyen with the intent to promote or facilitate the commission of the crime of First Degree Burglary – Deadly Weapon, unlawfully and feloniously agreed with Timothy Hern and Andre Lornes 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 18-4-202(1) and 18-2-201, C.R.S.

Predicate Act Twenty-One
(First Degree Burglary – Deadly Weapon, Class 3 Felony)

Between the dates of February 4 and February 9, 2008, in the State of Colorado, Duy Nguyen, Timothy Hern and Andre Lornes unlawfully, feloniously, and knowingly broke an entrance into, entered, or remained unlawfully after a lawful or unlawful entry in the dwelling of Christopher Conger and Ashley Aschnewitz, located at 3398 W. 80th Avenue, Westminster, Colorado with the intent to commit therein the crime of Theft, and while effecting entry or while inside or while in immediate flight therefrom, the defendant or a participant, Andre Lornes was armed with a deadly weapon, namely: a handgun; in violation of section 18-4-202(1), C.R.S.

Predicate Act Twenty-Two
(Theft – \$1,000-\$20,000, Class 4 Felony)

Between the dates of February 4 and February 9, 2008, in the State of Colorado, Duy Nguyen, Timothy Hern and Andre Lornes unlawfully, feloniously, and knowingly obtained or exercised control over things of value, namely: 61” Panasonic flatscreen television, X-Box video game player, Sony DVD player, Panasonic DVD player, (2) Nextel Motorola cell phones, various DVD’s, jewelry, women’s make-up, women’s undergarments, hooded sweatshirts, vacuum cleaner, (2) Sentry gun safes, SKS 308 rifle with bayonette, of Christopher Conger and Ashley Aschnewitz, 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 Christopher Conger and Ashley Aschnewitz permanently of their use or benefit; in violation of section 18-4-401(1)(a),(2)(c), C.R.S.

The offenses alleged in Predicate Acts Twenty through Twenty-Two were committed in the following manner:

Between the dates of February 4 and February 9, 2008, Duy Nguyen, acting as a complicitor in the burglary and theft, directed Timothy Hern and Andre Lornes to burglarize a residence with which Duy Nguyen was familiar because of his marihuana distribution. Timothy Hern and Lornes agreed. Duy Nguyen gave Timothy Hern and Lornes the address and supplied a handgun for Lornes to carry. Shortly thereafter, Timothy Hern and Lornes left Duy Nguyen’s residence and went directly to the residence at 3398 W. 80th Avenue, Westminster,

Colorado. Once there, Timothy Hern forced open the front door and went inside. Lornes followed, armed with the handgun that he had received from Duy Nguyen. Hern and Lornes then stole numerous items belonging to the residents with an approximate cumulative value in excess of \$1,000, including a 61” flat screen projection television and several pounds of marihuana. They returned to Duy Nguyen’s residence in Westminster and gave him the stolen items and the marihuana. Duy Nguyen later set up the stolen television in his bedroom at his residence at Kittredge Street, Commerce City, Colorado.

Predicate Act Twenty-Three

(Second Degree Burglary – Dwelling, Class 3 Felony)

On or about February 18, 2008, in the State of Colorado, Timothy Hern and Nicholas Hern unlawfully, feloniously, and knowingly broke an entrance into, entered, or remained unlawfully after a lawful or unlawful entry in the dwelling of Todd Cooper and Keri Banick, located at 3810 Grant Street, Englewood, Colorado with the intent to commit therein the crime of Theft; in violation of section 18-4-203(1),(2)(a), C.R.S.

Predicate Act Twenty-Four

(Theft – \$1,000-\$20,000, Class 4 Felony)

On or about February 18, 2008, in the State of Colorado, Timothy Hern and Nicholas Hern unlawfully, feloniously, and knowingly obtained or exercised control over things of value, namely: (9) Afghanistan swords, Apple laptop computer, Beretta Centurion 9-mm handgun, Krogi cordless tool set, Canon 35-mm camera, and various jewelry of Todd Cooper and Keri Banick, 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 Todd Cooper and Keri Banick permanently of their use or benefit; in violation of section 18-4-401(1)(a),(2)(c), C.R.S.

Predicate Act Twenty-Five

(Theft by Receiving—\$1000-\$20,000, Class 4 Felony)

On or about February 18, 2008, in the State of Colorado, Duy Nguyen unlawfully and feloniously received, retained, loaned money by pawn or pledge, or disposed of things of value, namely: (9) Afghanistan swords, Apple laptop computer, Beretta Centurion 9-mm handgun, Krogi cordless tool set, Canon 35-mm camera, and various jewelry of Todd Cooper and Keri Banick, and the defendant knew or believed the things of value had been stolen and intended to deprive the lawful owner, permanently of their use or benefit, and the value of the property was one thousand dollars or more but not more than twenty thousand dollars; in violation of section 18-4-410(1),(4), C.R.S.

The offenses alleged in Predicate Acts Twenty-Three through Twenty-Five were committed in the following manner:

On or about February 18, 2008, Timothy and Nicholas Hern went to the residence at 3810 Grant Street, Englewood, Colorado, driving a white Chevy Silverado truck. At that location, Timothy Hern, using a mini-crowbar, pried open the back door and gained entry to the house. Once inside, Timothy Hern and Nicholas Hern collected various items belonging to the

residents with an approximate cumulative value in excess of \$1,000. They put the stolen items into the truck. When they were finished, Timothy Hern brought the items to Duy Nguyen at his residence in Westminster, Colorado. Duy Nguyen took the stolen items from Timothy Hern and gave him methamphetamine in exchange for the stolen items.

Predicate Act Twenty-Six

(Second Degree Burglary – Dwelling, Class 3 Felony)

On or about February 19, 2008, in the State of Colorado, Timothy Hern and Nicholas Hern unlawfully, feloniously, and knowingly broke an entrance into, entered, or remained unlawfully after a lawful or unlawful entry in the building or occupied structure of Pamela Kay Doughty, located at 6197 W. 65th Avenue, Arvada, Colorado with the intent to commit therein the crime of Theft; in violation of section 18-4-203(1), (2)(a), C.R.S.

Predicate Act Twenty-Seven

(Theft – \$1,000-\$20,000, Class 4 Felony)

On or about February 19, 2008, in the State of Colorado, Timothy Hern and Nicholas Hern unlawfully, feloniously, and knowingly obtained or exercised control over things of value, namely: Ridge Air Compressor, Dewalt 14 v. cordless drill, Dewalt one-half-inch drill, Dewalt radio, miscellaneous tools in tool box, Craftsman socket set, Titan airless paint sprayer, and air hose of Rodney Chavez, 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 Rodney Chavez permanently of their use or benefit; in violation of section 18-4-401(1)(a),(2)(c), C.R.S.

The offenses alleged in Predicate Acts Twenty-Six and Twenty-Seven were committed in the following manner:

On or about February 19, 2008, Timothy Hern and Nicholas Hern went to the location at 6197 W. 65th Avenue, Arvada, Colorado. Timothy Hern entered the house by prying open the garage door to the house. Once inside, Timothy Hern and Nicholas Hern scanned the residence, observing that it was empty. Then, they returned to the garage and stole numerous tools located in the garage with an approximate cumulative value in excess of \$1,000. Timothy Hern subsequently transferred the tools to an associate of Duy's and the associate transported the stolen tools in his truck to Duy Nguyen at his residence in Westminster, Colorado.

Predicate Act Twenty-Eight

(Second Degree Burglary – Dwelling, Class 3 Felony)

On or about February 22, 2008, in the State of Colorado, Timothy Hern unlawfully, feloniously, and knowingly broke an entrance into, entered, or remained unlawfully after a lawful or unlawful entry in the dwelling of Tabbi Michelle Kinion, located at 6420 Pierce Street, Arvada, Colorado with the intent to commit therein the crime of Theft; in violation of section 18-4-203(1),(2)(a), C.R.S.

Predicate Act Twenty-Nine

(Theft – \$1,000-\$20,000, Class 4 Felony)

On or about February 22, 2008, in the State of Colorado, Timothy Hern unlawfully, feloniously, and knowingly obtained or exercised control over things of value, namely: REI Visa credit card, Element 22” LCD television, suitcase, Craftsman tool set, piano-shaped music box, cell phone charger, leather address book, CO driver’s license, and Sony Playstation 3, of Tabbi Michelle Kinion, and a Dell laptop computer, of the State of Colorado Department of Natural Resources, 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 Tabbi Michelle Kinion and the State of Colorado Department of Natural Resources permanently of their use or benefit; in violation of section 18-4-401(1)(a),(2)(c), C.R.S.

Predicate Act Thirty

(Identity Theft – Possess with Intent to Use, Class 4 Felony)

On or about February 22, 2008, in the State of Colorado, Duy Nguyen, Timothy Hern and Pamela Brown unlawfully, feloniously, and knowingly possessed or attempted to possess the personal identifying information, financial identifying information, or financial device of Tabbi Michelle Kinion without permission or lawful authority, with the intent to use or to aid or permit another person to use the information or device to obtain cash, credit, property, services, or any other thing of value or to make a financial payment; in violation of section 18-5-902(1)(b),(f), C.R.S.

Predicate Act Thirty-One

(Theft by Receiving— \$1000-\$20,000, Class 4 Felony)

On or about February 22, 2008, in the State of Colorado, Duy Nguyen unlawfully and feloniously received, retained, loaned money by pawn or pledge, or disposed of things of value, namely: REI Visa credit card, Element 22” LCD television, suitcase, Craftsman tool set, piano-shaped music box, LG cell phone charger, leather address book, CO driver’s license, and Sony Playstation 3 of Tabbi Michelle Kinion, and a Dell laptop computer of the State of Colorado Department of Natural Resources, and the defendant knew or believed the things of value had been stolen and intended to deprive the lawful owners, permanently of their use or benefit, and the value of the property was one thousand dollars or more but not more than twenty thousand dollars; in violation of section 18-4-410(1),(4), C.R.S.

The offenses alleged in Predicate Acts Twenty-Eight through Thirty-One were committed in the following manner:

On or about February 22, 2008, Timothy Hern went to the residence located at 6420 Pierce Street, Arvada, Colorado. Once there, he kicked in the back door and gained entry to the house. Timothy Hern then collected numerous items with an approximate cumulative value in excess of \$1,000, including an REI Visa credit card. Timothy Hern took the items, left the residence, and delivered the stolen property to Duy Nguyen at his residence in Westminster. After he learned about the stolen credit card, Duy Nguyen, acting as a complicitor in the identity theft, then directed Timothy Hern and Pamela Brown to take the stolen credit card

and use it to purchase a Sony Playstation 3. Timothy Hern and Pamela Brown subsequently went to a Target store and Pamela Brown utilized the stolen credit card to purchase a Sony Playstation 3. Timothy Hern and Pamela Brown then returned to Duy Nguyen's residence and delivered to him the Sony Playstation 3 they had purchased with the stolen credit card.

Predicate Act Thirty-Two

(Second Degree Burglary – Dwelling, Class 3 Felony)

On or about February 24, 2008, in the State of Colorado, Duy Nguyen, Timothy Hern and Nicholas Hern unlawfully, feloniously, and knowingly broke an entrance into, entered, or remained unlawfully after a lawful or unlawful entry in the dwelling of Darrin Radcliffe and Karen Radcliffe, located at 8031 Osceola Street, Westminster, Colorado with the intent to commit therein the crime of Theft; in violation of section 18-4-203(1),(2)(a), C.R.S.

Predicate Act Thirty-Three

(Theft – \$1,000-\$20,000, Class 4 Felony)

On or about February 24, 2008, in the State of Colorado, Timothy Hern and Nicholas Hern unlawfully, feloniously, and knowingly obtained or exercised control over things of value, namely: Westinghouse flatscreen HDTV, Sanyo 40" flatscreen LCD TV, Dell Latitude desktop computer, Dell 22" flatscreen monitor, IBM laptop computer, Sony surround sound system, Bose surround sound system, computer case backpack, Stihl chainsaw, Panasonic DVD/VCR recorder, Bulova man's watch, of Darrin Radcliffe and Karen Radcliffe, 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 Darrin Radcliffe and Karen Radcliffe permanently of their use or benefit; in violation of section 18-4-401(1)(a),(2)(c), C.R.S.

Predicate Act Thirty-Four

(Theft by Receiving – \$1000-\$20,000, Class 4 Felony)

On or about February 24, 2008, in the State of Colorado, Duy Nguyen unlawfully and feloniously received, retained, loaned money by pawn or pledge, or disposed of things of value, namely: Westinghouse flatscreen HDTV, Sanyo 40" flatscreen LCD TV, Dell Latitude desktop computer, Dell 22" flatscreen monitor, IBM laptop computer, Sony surround sound system, Bose surround sound system, computer case backpack, Stihl chainsaw, Panasonic DVD/VCR recorder, Bulova man's watch, of Darrin Radcliffe and Karen Radcliffe, and the defendant knew or believed the things of value had been stolen and intended to deprive the lawful owner, permanently of their use or benefit, and the value of the property was one thousand dollars or more but not more than twenty thousand dollars; in violation of section 18-4-410(1),(4), C.R.S.

The offenses alleged in Predicate Acts Thirty-Two through Thirty-Four were committed in the following manner:

On or about February 24, 2008, Duy Nguyen observed the inside of the residence at 8031 Osceola Street, Westminster, Colorado. Duy Nguyen, acting as a complicitor in the burglary, subsequently directed Timothy Hern to return to that location and steal two televisions that

Duy Nguyen had observed inside the residence. Shortly thereafter, Timothy Hern and Nicholas Hern went to that location and Timothy Hern, utilizing a small crowbar, pried open the back door, gaining entry to the house. Once inside, Timothy Hern and Nicholas Hern collected numerous items belonging to the residents with an approximate cumulative value in excess of \$1,000, and loaded the items into their vehicle. Timothy Hern then delivered the property to Duy Nguyen at his residence in Westminster, Colorado. Duy Nguyen took possession of the stolen property. Timothy Hern later saw the Dell Latitude desktop computer stolen from the house at 8031 Osceola Street set up on a table at Duy Nguyen's residence in Westminster.

Predicate Act Thirty-Five

**(Conspiracy to Commit Second Degree Burglary – Dwelling, 18-4-203(1),(2)(a),
Class 4 Felony)**

On or about February 25, 2008, in the State of Colorado, Robert Giesen with the intent to promote or facilitate the commission of the crime of Second Degree Burglary - Dwelling, unlawfully and feloniously agreed with Duy Nguyen and Timothy Hern 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 18-4-203(1),(2)(a) and 18-2-201, C.R.S.

Predicate Act Thirty-Six

(Second Degree Burglary – Dwelling, Class 3 Felony)

On or about February 25, 2008, in the State of Colorado, Robert Giesen, Duy Nguyen, Timothy Hern, Richard Bryan and Nicholas Hern unlawfully, feloniously, and knowingly broke an entrance into, entered, or remained unlawfully after a lawful or unlawful entry in the dwelling of Linda, Robert, and Daniel Cox, located at 5713 South Elati Way, Littleton, Colorado with the intent to commit therein the crime of Theft; in violation of section 18-4-203(1),(2)(a), C.R.S.

The offenses alleged in Predicate Acts Thirty-Five and Thirty-Six were committed in the following manner:

On or about February 25, 2008, Robert Giesen was driving past the residence located at 5713 S. Elati Way, Littleton, Colorado when he observed two four-wheel All-Terrain vehicles (ATV's) parked in the driveway at that location. Giesen then drove to Duy Nguyen's residence in Westminster and described the vehicles and the address where the vehicles were located. Giesen, acting as a complicitor in the burglary, told Duy Nguyen that if he stole those vehicles, Giesen would buy them from Duy Nguyen and encouraged him to arrange for the vehicles to be stolen immediately. Duy Nguyen, as a complicitor in the burglary, directed Timothy Hern to steal the vehicles because Timothy Hern owed him money for a drug debt. Duy Nguyen instructed Timothy Hern to take Duy Nguyen's white moving truck in order to transport the ATV's back to Duy Nguyen's residence after they were stolen. At that point, Timothy Hern, along with Richard Bryan and Nicholas Hern, took Duy Nguyen's van to the residence at 5713 South Elati Way to steal the two ATV's parked in the driveway.

One of the three then forced open the back door by utilizing a pry bar and gained entry to the residence. While they were inside the residence, a neighbor confronted them and they fled the area.

Predicate Act Thirty-Seven

(Second Degree Burglary – Dwelling, Class 3 Felony)

On or about February 27, 2008, in the State of Colorado, Richard Bryan and Nicholas Hern unlawfully, feloniously, and knowingly broke an entrance into, entered, or remained unlawfully after a lawful or unlawful entry in the dwelling of Patrick and Jennifer Howard, located at 6112 Eaton Street in the city of Arvada, Colorado with the intent to commit therein the crime of Theft; in violation of section 18-4-203(1),(2)(a), C.R.S.

Predicate Act Thirty-Eight

(Theft – \$1,000-\$20,000, Class 4 Felony)

On or about February 27, 2008, in the State of Colorado, Richard Bryan and Nicholas Hern unlawfully, feloniously, and knowingly obtained or exercised control over things of value, namely: Dell Inspiron lap-top computer; Canon digital camera; Coleman cordless drill 18v with charger and case; Craftsman tool box; Craftsman American & Metric tool and screwdriver set; scuba travel diving bag; Pan Optix motorcycle riding glasses; Bolle amber sunglasses; leather motorcycle riding gloves; Seaquest scuba bouyancy control device, and Bank of America credit card; of Patrick and Jennifer Howard, 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 Patrick and Jennifer Howard permanently of their use or benefit; in violation of section 18-4-401(1)(a),(2)(c), C.R.S.

Predicate Act Thirty-Nine

(Identity Theft – Possess with Intent to Use, Class 4 Felony)

On or about February 27, 2008, in the State of Colorado, Richard Bryan and Nicholas Hern unlawfully, feloniously, and knowingly possessed or attempted to possess the personal identifying information, financial identifying information, or financial device of Jennifer Howard without permission or lawful authority, with the intent to use or to aid or permit another person to use the information or device to obtain cash, credit, property, services, or any other thing of value or to make a financial payment; in violation of section 18-5-902(1)(b),(f), C.R.S.

Predicate Act Forty

(Theft by Receiving—\$1000-\$20,000, Class 4 Felony)

On or about February 27, 2008, in the State of Colorado, Duy Nguyen unlawfully and feloniously received, retained, loaned money by pawn or pledge, or disposed of a thing of value, namely: Dell Inspiron Laptop computer, Seaquest bouyancy control device and scuba travel diving bag containing scuba gear, of Patrick and Jennifer Howard and the defendant knew or believed the things 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 not more than twenty thousand dollars; in violation of section 18-4-410(1),(4), C.R.S.

The offenses alleged in Predicate Acts Thirty-Seven through Forty were committed in the following manner:

On or about February 27, 2008, Richard Bryan driving his vehicle, along with Nicholas Hern arrived, at the residence at 6112 Eaton Street, Arvada, Colorado. Bryan gained entry to the residence by way of the front door. Once inside, Bryan and Nicholas Hern collected numerous items belonging to the homeowners, with an approximate cumulative value in excess of \$1,000, including Jennifer Howard's Bank of America credit card, and then left. Bryan and Nicholas Hern next took the credit card and purchased items at Hill Petroleum located 6291 Ralston Road, Arvada, Colorado. Bryan and Nicholas Hern took Howard's credit card and also made a \$146.02 purchase at Walmart in Englewood, Colorado. Shortly thereafter, Bryan and Nicholas Hern delivered the stolen property taken from the residence to Duy Nguyen at his residence in Westminster, Colorado. Duy Nguyen disposed of some of the property and kept for his own use the Dell Inspiron Laptop computer and the scuba gear. These items were recovered at Duy Nguyen's residence in Commerce City on July 16, 2008.

Predicate Act Forty-One

(Second Degree Burglary – Dwelling, Class 3 Felony)

On or about February 28, 2008, in the State of Colorado, Timothy Hern, Nicholas Hern and Pamela Brown unlawfully, feloniously, and knowingly broke an entrance into, entered, or remained unlawfully after a lawful or unlawful entry in the dwelling of Cole Hayner and Heather Hayner, located at 7890 W. 68th Avenue, Arvada, Colorado with the intent to commit therein the crime of Theft; in violation of section 18-4-203(1),(2)(a), C.R.S.

Predicate Act Forty-Two

(Theft – \$1,000-\$20,000, Class 4 Felony)

On or about February 28, 2008, in the State of Colorado, Timothy Hern, Nicholas Hern and Pamela Brown unlawfully, feloniously, and knowingly obtained or exercised control over things of value, namely: miscellaneous jewelry, 2 pairs of Oakley sunglasses, Compass Bank check book, and savings bonds of Cole Hayner and Heather Hayner, 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 Cole Hayner and Heather Hayner permanently of their use or benefit; in violation of section 18-4-401(1)(a),(2)(c), C.R.S.

Predicate Act Forty-Three

(Theft by Receiving – \$1000-\$20,000, Class 4 Felony)

On or about February 28, 2008, in the State of Colorado, Duy Nguyen unlawfully and feloniously received, retained, loaned money by pawn or pledge, or disposed of things of value, namely: miscellaneous jewelry, 2 pairs of Oakley sunglasses, Compass Bank check book, and savings bonds of Cole Hayner and Heather Hayner and the defendant knew or believed the things of value had been stolen and intended to deprive the lawful owner, permanently of their use or benefit, and the value of the property was one thousand dollars or more but not more than twenty thousand dollars; in violation of section 18-4-410(1),(4), C.R.S.

The offenses alleged in Predicate Acts Forty-One through Forty-Three were committed in the following manner:

On or about February 28, 2008, Timothy Hern, Nicholas Hern and Pamela Brown went to the residence at 7890 W. 68th Avenue, Arvada, Colorado. Timothy Hern, utilizing a small crowbar, pried open the sliding back door and gained entry to the house. Once inside, Timothy Hern and Nicholas Hern collected numerous items belonging to the residents, with an approximate cumulative value in excess of \$1,000, and loaded the items into their vehicle while Pamela Brown waited in the vehicle. Timothy Hern then delivered the property to Duy Nguyen at his residence in Westminster, Colorado. Duy Nguyen took possession of the stolen property and gave Timothy Hern a quantity of methamphetamine in exchange for the stolen property.

Predicate Act Forty-Four

(Second Degree Burglary – Dwelling, Class 3 Felony)

On or about February 29, 2008, in the State of Colorado, Timothy Hern and Nicholas Hern unlawfully, feloniously, and knowingly broke an entrance into, entered, or remained unlawfully after a lawful or unlawful entry in the dwelling of Xochil Canche, located at 7997 Stuart Place, Westminster, Colorado with the intent to commit therein the crime of Theft; in violation of section 18-4-203(1),(2)(a), C.R.S.

Predicate Act Forty-Five

(Theft – \$500-\$1,000, Class 1 Misdemeanor)

On or about February 29, 2008, in the State of Colorado, Timothy Hern and Nicholas Hern unlawfully, feloniously, and knowingly obtained or exercised control over things of value, namely: miscellaneous jewelry, miscellaneous children's clothes, and Sony camcorder of Xochil Canche, with the value of five hundred dollars or more but less than one thousand dollars, without authorization, or by threat or deception, and intended to deprive Xochil Canche permanently of their use or benefit; in violation of section 18-4-401(1)(a),(2)(b.5), C.R.S.

The offenses alleged in Predicate Acts Forty-Four and Forty-Five were committed in the following manner:

On or about February 29, 2008, Timothy Hern and Nicholas Hern went to the residence at 7997 Stuart Place, Westminster, Colorado. Timothy Hern, utilizing a small crowbar, pried open the back door and gained entry to the house. Once inside, Timothy Hern and Nicholas Hern collected numerous items belonging to the resident with an approximate cumulative value in excess of \$500 but not more than \$1,000, and took them, loading them into their vehicle. They then delivered the property to Duy Nguyen at his residence in Westminster, Colorado. Duy Nguyen took possession of the stolen property and gave Timothy Hern a quantity of methamphetamine in exchange for the stolen property.

Predicate Act Forty-Six

(Second Degree Burglary – Dwelling, Class 3 Felony)

On or about March 17, 2008, in the State of Colorado, Timothy Hern and Nicholas Hern unlawfully, feloniously, and knowingly broke an entrance into, entered, or remained unlawfully after a lawful or unlawful entry in the dwelling of Kathy Lee Underhill and Randal Lee, located at 7305 W. 68th Avenue, Arvada, Colorado with the intent to commit therein the crime of Theft; in violation of section 18-4-203(1),(2)(a), C.R.S.

Predicate Act Forty-Seven

(Theft – \$1,000-\$20,000, Class 4 Felony)

On or about March 17, 2008, in the State of Colorado, Timothy Hern and Nicholas Hern unlawfully, feloniously, and knowingly obtained or exercised control over things of value, namely: (2) Toshiba laptop computers and miscellaneous jewelry of Kathy Lee Underhill and Randal Lee, 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 Kathy Lee Underhill and Randal Lee permanently of their use or benefit; in violation of section 18-4-401(1)(a),(2)(c), C.R.S.

Predicate Act Forty-Eight

(Theft by Receiving—\$1000-\$20,000, Class 4 Felony)

On or about March 17, 2008, in the State of Colorado, Duy Nguyen unlawfully and feloniously received, retained, loaned money by pawn or pledge, or disposed of things of value, namely: (2) Toshiba laptop computers of Kathy Lee Underhill and Randal Lee, and the defendant knew or believed the things of value had been stolen and intended to deprive the lawful owner, permanently of their use or benefit, and the value of the property was one thousand dollars or more but not more than twenty thousand dollars; in violation of section 18-4-410(1),(4), C.R.S.

The offenses alleged in Predicate Acts Forty-Six through Forty-Eight were committed in the following manner:

On or about March 17, 2008, Timothy Hern, driving a vehicle that had been loaned to him by Duy Nguyen, along with Nicholas Hern, went to the residence at 7305 W. 68th Avenue, Arvada, Colorado. Timothy utilized a small crowbar and pried open the back door, gaining entry to the house. Once inside, Timothy Hern and Nicholas Hern collected numerous items belonging to the residents, with an approximate cumulative value in excess of \$1,000, and loaded the items into Duy Nguyen's vehicle. Timothy Hern then delivered the property to Duy Nguyen at his residence in Westminster, Colorado. Duy Nguyen took possession of the stolen property and gave Timothy a quantity of methamphetamine in exchange for the stolen property.

Predicate Act Forty-Nine

**(Conspiracy to Commit Second Degree Burglary – Dwelling, 18-4-203(1),(2)(a),
Class 4 Felony)**

On or about April 8, 2008, in the State of Colorado, Duy Nguyen with the intent to promote or facilitate the commission of the crime of Second Degree Burglary - Dwelling, unlawfully and feloniously agreed with Timothy Hern 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 18-4-203(1),(2)(a) and 18-2-201, C.R.S.

Predicate Act Fifty

(Second Degree Burglary – Dwelling, Class 3 Felony)

On or about April 8, 2008, in the State of Colorado, Duy Nguyen, Timothy Hern, and Nicholas Hern unlawfully, feloniously, and knowingly broke an entrance into, entered, or remained unlawfully after a lawful or unlawful entry in the dwelling of Ryan and Amy Reed, located at 13035 Harmony Park, Westminster, Colorado with the intent to commit therein the crime of Theft; in violation of section 18-4-203(1),(2)(a), C.R.S.

Predicate Act Fifty-One

(Theft – \$1,000-\$20,000, Class 4 Felony)

On or about April 8, 2008, in the State of Colorado, Duy Nguyen, Timothy Hern, and Nicholas Hern unlawfully, feloniously, and knowingly obtained or exercised control over things of value, namely: Apple I-Pod Nano; camcorder; black leather briefcase; laptop computer; Apple I-Pod 8g; Apple I-Pod stereo player; silver tea set; Nintendo DS game player; digital camera; black leather boxes and Ryan Reed's passport, of Ryan and Amy Reed, 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 Ryan and Amy Reed permanently of their use or benefit; in violation of section 18-4-401(1)(a),(2)(c), C.R.S.

The offenses alleged in Predicate Acts Forty-Nine through Fifty-One were committed in the following manner:

On or about April 8, 2008, Duy Nguyen drove Timothy Hern and Nicholas Hern to a residence near 13035 Harmony Park in Westminster, Colorado. Duy Nguyen directed Timothy Hern to burglarize that residence and steal specific items of property. He gave Timothy Hern explicit details about what property to steal and where the items were located within the house. Duy Nguyen also instructed Timothy Hern to return to the particular house at a specific time when Duy Nguyen believed the owners would be gone from the residence. Timothy Hern agreed to burglarize that residence. As Duy Nguyen drove away from the neighborhood, he and Timothy Hern observed the resident of 13035 Harmony Park leave the residence. Duy Nguyen, as a complicitor in the burglary, pointed at the house at 13035 Harmony Park and directed Timothy Hern to burglarize it immediately. He agreed. Duy Nguyen then returned to his residence in Westminster and told Timothy Hern to come back to his (Duy Nguyen's) residence after he had finished burglarizing the house at 13035

Harmony Park. Shortly thereafter, Timothy Hern and Nicholas Hern went to that location. Timothy Hern entered the residence by utilizing a pry bar on the front door. While inside, Timothy Hern and Nicholas Hern collected various items with an approximate cumulative value in excess of \$1,000 and took these items when they left. Timothy Hern left the pry bar on the bed in the master bedroom. Timothy Hern then brought the items to Duy's residence in Westminster, Colorado. Ryan Reed's passport was later recovered from Duy's residence.

Predicate Act Fifty-Two

(Possession of a Dangerous Weapon, Class 5 Felony)

On or about April 10, 2008, in the State of Colorado, Duy Nguyen and Robert Giesen unlawfully, feloniously, and knowingly possessed a dangerous weapon, namely: Bushmaster Model XM 15-E2S, serial #L226548; in violation of section 18-12-102(3), C.R.S.

Predicate Act Fifty-Three

(Possession of a Dangerous Weapon, Class 5 Felony)

On or about April 10, 2008, in the State of Colorado, Duy Nguyen and Robert Giesen unlawfully, feloniously, and knowingly possessed a dangerous weapon, namely: Superior Arms Model S-15, serial #007643; in violation of section 18-12-102(3), C.R.S.

Predicate Act Fifty-Four

**(Possession with Intent to Distribute a Schedule II Controlled Substance,
Class 3 Felony)**

On or about April 10, 2008, in the State of Colorado, Duy Nguyen unlawfully, feloniously, and knowingly possessed with intent to distribute a material, compound, mixture, or preparation that contained methamphetamine, a schedule II controlled substance; in violation of section 18-18-405(1),(2)(a)(I)(A), C.R.S.

The offenses alleged in Predicate Acts Fifty-Two through Fifty-Four were committed in the following manner:

On or about April 10, 2008, officers from the Westminster Police Department in fresh pursuit of a burglary suspect entered the residence at 8037 Clay Drive, Westminster, Colorado. While clearing the residence, officers observed two rifles, each with a selector switch, in a room that belonged to Duy Nguyen. Officers also observed two small plastic baggies containing methamphetamine and "cut," a substance commonly used by dealers to dilute controlled substances before selling them. These items were located within Duy Nguyen's desk drawer along with two plastic baggies containing marijuana. Duy Nguyen admitted to the officers that everything located in his room including the illegal drugs and rifles belonged to him. Robert Giesen as a complicitor, on an earlier date, had manipulated the weapons to enable them to fire automatically. Giesen went with Duy Nguyen to a firing range, fired the weapons and confirmed that both rifles were capable of automatic fire. The rifles were later confirmed to be fully automatic and the barrel of the Bushmaster rifle was determined to have a barrel length less than 12 inches. Duy Nguyen's residence was determined to be within 1000 feet of the outer perimeter of Ranum High School, Westminster, Colorado.

Predicate Act Fifty-Five

(Possession with Intent to Distribute Marihuana, Class 4 Felony)

On or about April 14, 2008, in the State of Colorado, Duy Nguyen and Jason Tran unlawfully, feloniously, and knowingly possessed with intent to sell or distribute marihuana or marihuana concentrate; in violation of section 18-18-406(8)(b), C.R.S.

Predicate Act Fifty-Six

**(Possession of a Schedule I Controlled Substance—More than 1 Gram,
Class 3 Felony)**

On or about April 14, 2008, in the State of Colorado, Duy Nguyen unlawfully, feloniously, and knowingly possessed more than one gram of a material, compound, mixture, or preparation that contained methylenedioxymethamphetamine (MDMA), a schedule I controlled substance; in violation of section 18-18-405(1),(2)(a)(I)(A), C.R.S.

Predicate Act Fifty-Seven

**(Possession of a Schedule II Controlled Substance—More than 1 Gram,
Class 4 Felony)**

On or about April 14, 2008, in the State of Colorado, Duy Nguyen unlawfully, feloniously, and knowingly possessed more than one gram of a material, compound, mixture, or preparation that contained methamphetamine, a schedule II controlled substance; in violation of section 18-18-405(1),(2)(a)(I)(A), C.R.S.

The offenses alleged in Predicate Acts Fifty-Five through Fifty-Seven were committed in the following manner:

On or about April 14, 2008, Duy Nguyen directed Jason Tran, date of birth 1/22/1991, and Corey Tran, date of birth 1/31/1992, to use his red Jeep Cherokee to deliver marihuana to an individual with whom Duy Nguyen had made prior arrangements. Duy Nguyen supplied the two juveniles with two ziplock bags of marihuana, told them to go to a residence in Arvada and sell the marijuana there. Jason Tran drove to that location along with Corey Tran and met with the individual who decided not to purchase the marihuana. As they were returning, they were stopped by law enforcement officers. After the stop, officers located the two bags of marihuana in the back seat area of the jeep, as well as a bag of Ecstasy in the form of 32 pink pills stamped with a diamond logo and a baggie of methamphetamine in the center console of the jeep. These substances were seized and subsequently tested. The contents of the two bags in the back seat were determined to weigh approximately 445 grams and to contain marihuana. The 32 Ecstasy pills were determined to weigh 12.74 grams and contain MDMA. The contents of the plastic baggie were determined to weigh 2.89 grams and contain methamphetamine.

Predicate Act Fifty-Eight

(Conspiracy to Distribute a Schedule II Controlled Substance, Class 3 Felony)

On or about June 13, 2008, in the State of Colorado, Duy Nguyen unlawfully, feloniously, and knowingly conspired with Quoc Nguyen to sell or distribute methamphetamine, a schedule II controlled substance; in violation of section 18-18-405(1),(2)(a)(I)(A), C.R.S.

Predicate Act Fifty-Nine

(Distribution of a Schedule II Controlled Substance, Class 3 Felony)

On or about June 13, 2008, in the State of Colorado, Duy Nguyen and Quoc Nguyen unlawfully, feloniously, and knowingly sold or distributed methamphetamine, a schedule II controlled substance; in violation of section 18-18-405(1),(2)(a)(I)(A), C.R.S.

The offenses alleged in Predicate Acts Fifty-Eight and Fifty-Nine were committed in the following manner:

On or about June 13, 2008, Timothy Hern acting on behalf of and in cooperation with law enforcement officers from the Arvada Police Department telephoned Duy Nguyen and stated that he wanted to buy methamphetamine from Duy. Duy Nguyen agreed to sell a one-half ounce quantity of methamphetamine to Timothy Hern for cash. Duy Nguyen, acting as a complicitor in the methamphetamine transaction, arranged to meet Timothy Hern at a location in Arvada, Colorado. This location was subsequently determined to be within 1000 feet of Russell Elementary School, Arvada, Colorado. Shortly thereafter, Quoc Nguyen arrived at the appointed location and told Timothy Hern that "Duy told me to come down." Quoc Nguyen gave Timothy Hern a substance in a cigarette case that was later determined to weigh 14.74 grams and contain methamphetamine. Quoc Nguyen told Timothy Hern that "Duy wanted \$600" in exchange for the methamphetamine.

Predicate Act Sixty

(Distribution of a Schedule II Controlled Substance, Class 3 Felony)

On or about June 27, 2008, in the State of Colorado, Duy Nguyen and Quoc Nguyen unlawfully, feloniously, and knowingly sold or distributed methamphetamine, a schedule II controlled substance; in violation of section 18-18-405(1), (2)(a)(I)(A), C.R.S.

The offense alleged in Predicate Act Sixty was committed in the following manner:

On June 27, 2008, Timothy Hern acting on behalf of and in cooperation with law enforcement officers from the Arvada Police Department went to Duy Nguyen's residence located at 9858 Kittridge Street, Commerce City, Colorado. Timothy Hern was carrying a red Gateway laptop computer purchased with funds from Arvada Police Department. Timothy Hern entered Duy Nguyen's residence with the laptop and told him that the laptop was stolen. After inspecting the condition of the laptop computer that he believed to be stolen, Duy Nguyen, acting as a complicitor, then gave a baggie purportedly containing methamphetamine to Quoc Nguyen who weighed the contents of the baggie in Duy Nguyen's presence. Quoc Nguyen stated that the baggie contained an "8-ball" amount of methamphetamine and then tied up the baggie and gave it to Hern in exchange for the laptop computer. The baggie was later determined to weigh 2.81 grams and contain methamphetamine. Duy Nguyen's residence on Kittredge Street was determined to be within 1000 feet of Second Creek Elementary School, Commerce City, Colorado.

Predicate Act Sixty-One

(Distribution of a Schedule II Controlled Substance, Class 3 Felony)

On or about July 2, 2008, in the State of Colorado, Duy Nguyen unlawfully, feloniously, and knowingly sold or distributed methamphetamine, a schedule II controlled substance; in violation of section 18-18-405(1),(2)(a)(I)(A), C.R.S.

The offense alleged in Predicate Act Sixty-One was committed in the following manner:

On or about July 2, 2008, Timothy Hern acting on behalf of and in cooperation with law enforcement officers from the Arvada Police Department met with Duy Nguyen in the parking lot of Costco, located on Wadsworth Boulevard, Arvada Colorado. Timothy Hern purchased one-half ounce of methamphetamine from Duy in exchange for \$600. This location was subsequently determined to be within 1000 feet of Russell Elementary School, Arvada, Colorado.

Predicate Act Sixty-Two

(Second Degree Burglary – Dwelling, Class 3 Felony)

On or about July 3, 2008, in the State of Colorado, Duy Nguyen and Jason Tran unlawfully, feloniously, and knowingly broke an entrance into, entered or remained unlawfully after a lawful or unlawful entry in the dwelling of Derek Little, located at 1900 Aspen Drive, Clear Creek County, Colorado with the intent to commit therein the crime of Theft; in violation of section 18-4-203(1)(2)(a), C.R.S.

Predicate Act Sixty-Three

(Theft —\$1000-\$20,000, Class 4 Felony)

On or about July 3, 2008, in the State of Colorado, Duy Nguyen and Jason Tran unlawfully, feloniously and knowingly obtained or exercised control over things of value, namely: a Phillips flat-screen television, a lap-top computer, and an AR-15 rifle with a scope of Derek Little, with the value of one thousand dollars, without authorization, or by threat or deception, and intended to deprive the lawful owner, permanently of their use or benefit, and; in violation of section 18-4-401(1)(a),(2)(c), C.R.S.

The offenses alleged in Predicate Acts Sixty-Two and Sixty-Three were committed in the following manner:

On or about July 3, 2008, Duy Nguyen went with two other individuals to 1900 Aspen Drive, Clear Creek County, Colorado with the intent to steal marihuana from the resident. Duy Nguyen brought along his juvenile cousin, Jason Tran, date of birth 1/22/1991, for assistance. At that location, one individual kicked down the door, gaining entry to the residence. Duy Nguyen, along with Jason Tran, then entered the residence and stole two marihuana plants, grow lights, a Phillips flatscreen television, a laptop computer, and an AR-15 rifle with a scope, items with an approximate cumulative value in excess of \$1,000. These items were subsequently recovered a short time later from Duy Nguyen's residence on Kittredge Street, Commerce City, Colorado.

Predicate Act Sixty-Four

(Theft by Receiving—\$1000-\$20,000, Class 4 Felony)

On or about July 16, 2008, in the State of Colorado, Duy Nguyen and Jason Tran unlawfully and feloniously received, retained, loaned money by pawn or pledge, or disposed of a thing of value, namely: a 2005 silver Acura RSX of Daniel Maben, 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 not more than twenty thousand dollars; in violation of section 18-4-410(1),(4), C.R.S.

The offense alleged in Predicate Act Sixty-Four was committed in the following manner:

On or about July 16, 2008, 2008, an associate of Duy Nguyen known as “D’ from Colorado Springs” stole a 2005 silver Acura RSX belonging to Daniel Maben from Maben’s residence in Colorado Springs, Colorado. “D” then transported the stolen vehicle to Duy Nguyen’s residence at 9858 Kittredge Street, Commerce City, Colorado. At that location, Duy Nguyen took possession of the stolen vehicle and directed his brother, Tuan Nguyen, and his juvenile cousin, Jason Tran, to strip the parts from the vehicle in order to sell them. Tuan Nguyen and Jason Tran, as complicitors in the theft by receiving, stripped parts from the stolen vehicle at Duy Nguyen’s direction. Duy Nguyen later told Timothy Hern that he wanted Timothy Hern to use a plasma torch to cut the vehicle into pieces in order to remove it from the residence without raising any suspicions of his neighbors.

Predicate Act Sixty-Five

**(Possession with Intent to Distribute a Schedule I Controlled Substance –
450 to 1000 Grams, Class 3 Felony)**

On or about July 16, 2008, in the State of Colorado Duy Nguyen and Jason Tran unlawfully, feloniously, and knowingly possessed with intent to sell or distribute methylenedioxymethamphetamine (MDMA), a schedule I controlled substance. Further, the amount was or had been represented to be at least four hundred-fifty grams or one pound but less than one thousand grams of a material, compound, mixture, or preparation that contained the controlled substance; in violation of section 18-18-405(1),(2)(a)(I)(A),(3)(a)(II), C.R.S.

The offense in Predicate Act Sixty-Five was committed in the following manner:

On or about July 16, 2008, police officers searching Duy Nguyen’s residence at Kittredge Street, Commerce City, Colorado, located approximately 3000 Ecstasy pills packaged in three bags on the floor of Jason Tran’s bedroom closet. Jason Tran, date of birth 1/22/1991, later admitted that he got the pills from Duy Nguyen and was planning to sell them to his friends. The pills were subsequently tested and were determined to weigh 896.38 grams and contain MDMA. Duy Nguyen’s residence on Kittredge Street was within 1000 feet of Second Creek Elementary School, Commerce City, Colorado.

Predicate Act Sixty-Six

(Possession with Intent to Distribute Marihuana, Class 4 Felony)

On or about July 16, 2008, in the State of Colorado, Duy Nguyen unlawfully, feloniously, and knowingly possessed, or attempted to possess, with intent to sell or distribute marihuana or marihuana concentrate; in violation of section 18-18-406(8)(b), C.R.S.

The offense in Predicate Act Sixty-Six was committed in the following manner:

On or about July 16, 2008, police officers searching Duy Nguyen’s residence at Kittredge Street located two large ziplock bags of marihuana from the closet of Duy’s bedroom. The bags were subsequently tested and determined to weigh 420.86 grams and contain marihuana. Several associates of Duy Nguyen’s admitted to officers that Duy Nguyen distributed marihuana to his customers on a regular basis.

Predicate Act Sixty-Seven

**(Possession of a Schedule I Controlled Substance—25 to 450 Grams,
Class 3 Felony)**

On or about July 16, 2008, in the State of Colorado, Duy Nguyen unlawfully, feloniously, and knowingly possessed methylenedioxymethamphetamine (MDMA), a schedule I controlled substance. Further, the amount was or had been represented to be at least twenty-five grams but less than four hundred-fifty grams of a material, compound, mixture, or preparation that contained the controlled substance; in violation of section 18-18-405(1),(2)(a)(I)(A),(3)(a)(I), C.R.S.

The offense in Predicate Act Sixty-Seven was committed in the following manner:

On or about July 16, 2008, police officers searching Duy Nguyen’s residence at Kittredge Street observed and took custody of a bag of capsules with green powder inside from the loft area of home, which was utilized exclusively by Duy Nguyen as his “office.” The green powder in the capsules were subsequently tested and were determined to weigh 40.16 grams and to contain MDMA.

Predicate Act Sixty-Eight

**(Possession of a Schedule II Controlled Substance— 1 Gram or Less,
Class 6 Felony)**

On or about July 16, 2008, in the State of Colorado, Duy Nguyen unlawfully, feloniously, and knowingly possessed one gram or less of a material, compound, mixture, or preparation that contained methamphetamine, a schedule II controlled substance; in violation of section 18-18-405(1),(2.3)(a)(I), C.R.S.

The offense in Predicate Act Sixty-Eight was committed in the following manner:

On or about July 16, 2008, police officers searching Duy Nguyen’s residence at Kittredge Street, Commerce City observed and took custody of a baggie containing suspected

methamphetamine from the vanity in Duy Nguyen's master bathroom. The contents of the baggie were tested and determined to weigh 0.07 grams and contain methamphetamine.

Predicate Act Sixty-Nine
(Cultivation of Marihuana, Class 4 Felony)

On or about July 16, 2008, in the State of Colorado, Duy Nguyen unlawfully, feloniously, and knowingly cultivated, grew, produced, processed, or manufactured marihuana or marihuana concentrate, or allowed marihuana or marihuana concentrate to be cultivated, grown, produced, processed, or manufactured on land owned, occupied, or controlled by the defendant; in violation of section 18-18-406(8)(a), C.R.S.

The offense in Predicate Act Sixty-Nine was committed in the following manner:

On or about July 16, 2008, police officers searching Duy Nguyen's residence at Kittredge Street observed and took custody of two marihuana plants that were located in the bathtub in Duy Nguyen's bathroom. The plants were subsequently tested and determined to weigh 94.5 grams and contain marihuana.

Predicate Act Seventy
**(Possession with Intent to Distribute a Schedule II Controlled Substance –
25 to 450 Grams, Class 3 Felony)**

On or about September 25, 2008, in the State of Colorado, Duy Nguyen unlawfully, feloniously, and knowingly possessed with intent to sell or distribute cocaine, a schedule II controlled substance. Further, the amount was or had been represented to be at least twenty-five grams or one ounce but less than four hundred-fifty grams of a material, compound, mixture, or preparation that contained the controlled substance; in violation of section 18-18-405(1),(2)(a)(I)(A),(3)(a)(I), C.R.S.

The offense in Predicate Act Seventy was committed in the following manner:

On or about September 25, 2008, Duy Nguyen was driving his blue Acura RSX when he was stopped by law enforcement officers. Duy Nguyen's vehicle was impounded and later searched. Law enforcement officers located approximately 252 grams of cocaine powder which had been hidden inside the dash panel of the vehicle. The powder was subsequently tested and determined to weigh approximately 252 grams and contain cocaine.

Predicate Act Seventy-One
(Bribing a Witness, Class 4 Felony)

On or about October 10, 2008, in the state of Colorado, Duy Nguyen unlawfully and feloniously offered, conferred, or agreed to confer a benefit upon Timothy Hern, a person he believed was to be called to testify as a witness or victim in an official proceeding, with intent to influence the witness or victim to testify falsely or unlawfully withhold any testimony from an official proceeding; in violation of section 18-8-703, C.R.S.

Predicate Act Seventy-Two

(Tampering with a Witness, Class 4 Felony)

On or about October 10, 2008, in the state of Colorado, Duy Nguyen unlawfully, feloniously, and intentionally attempted, without bribery or threats, to induce Timothy Hern, a witness, a victim, or a person the defendant believed might be called to testify as a witness or victim in any crime to testify falsely or unlawfully withhold any testimony from an official proceeding to which he had been legally summoned; in violation of section 18-8-707, C.R.S.

Predicate Act Seventy-Three

(Distribution of a Schedule II Controlled Substance, Class 3 Felony)

On or about Friday October 10, 2008, in the state of Colorado, Duy Nguyen unlawfully, feloniously, and knowingly sold or distributed methamphetamine, a schedule II controlled substance; in violation of section 18-18-405(1),(2)(a)(I)(A), C.R.S.

The offenses alleged in Predicate Acts Seventy-One through Seventy-Three were committed in the following manner:

On October 3, 2008, Duy Nguyen was contacted by an associate of his, Kham Syleevong. Syleevong had received a document during a grand jury proceeding that revealed the secret targets of the grand jury's investigation. Syleevong disclosed to Duy Nguyen the identities of the targets of the investigation. Upon learning these identities, Duy Nguyen contacted Timothy Hern, whom Duy Nguyen believed was a target of the investigation. On October 10, 2008, Duy Nguyen met Timothy Hern at a restaurant in Arvada, Colorado. This location was subsequently determined to be within 1000 feet of Foster Elementary School, Arvada, Colorado. Duy Nguyen, believing that Timothy Hern might be called to testify as a witness before the State Grand Jury, directed him to tell the grand jury that he did not know anything. After discussing Timothy Hern's testimony, Duy Nguyen gave Timothy Hern a baggie of methamphetamine believing he was influencing Timothy Hern to not cooperate with the grand jury investigation.

Predicate Act Seventy-Four

**(Possession with Intent to Distribute a Schedule II Controlled Substance,
Class 3 Felony)**

On or about January 13, 2009, in the State of Colorado, Duy Nguyen unlawfully, feloniously, and knowingly possessed with intent to distribute a material, compound, mixture, or preparation that contained methamphetamine, a schedule II controlled substance; in violation of section 18-18-405(1),(2)(a)(I)(A), C.R.S.

The offense alleged in Predicate Act Seventy-Four was committed in the following manner:

On or about January 13, 2009, Duy Nguyen was arrested by law enforcement officers in the bedroom of his residence in Arvada, Colorado. After he was taken into custody, officers searched his bedroom pursuant to a search warrant. They located a baggie containing methamphetamine, weighing 3.2 grams, and a second baggie containing a substance

commonly known as “cut,” used to dilute methamphetamine before distribution, weighing 7.8 grams.

Predicate Act Seventy-Five

(Possession with Intent to Distribute a Schedule II Controlled Substance, Class 3 Felony)

On or about January 13, 2009, in the State of Colorado, Jason Tran unlawfully, feloniously, and knowingly possessed with intent to distribute a material, compound, mixture, or preparation that contained methamphetamine, a schedule II controlled substance; in violation of section 18-18-405(1),(2)(a)(I)(A), C.R.S.

Predicate Act Seventy-Six

(Possession with Intent to Distribute Marihuana, Class 4 Felony)

On or about January 13, 2009, in the State of Colorado, Jason Tran unlawfully, feloniously, and knowingly possessed, or attempted to possess, with intent to sell or distribute marihuana or marihuana concentrate; in violation of section 18-18-406(8)(b), C.R.S.

The offenses alleged in Predicate Act Seventy-Five and Seventy-Six were committed in the following manner:

On or about January 13, 2009, Jason Tran was detained by law enforcement officers in the bedroom of his residence in Arvada, Colorado. After he was taken into custody, officers searched his bedroom pursuant to a search warrant. They located a baggie containing methamphetamine, weighing 3.3 grams on the desk in his bedroom. Officers observed a digital scale nearby. They also located a baggie containing marihuana, weighing 9.7 grams, and a second baggie containing marihuana residue, along with several additional small plastic baggies. While searching Jason Tran’s bedroom, officers found a Sig-Sauer P239 handgun. After running a records check, officers determined that the handgun had been reported stolen prior to that date.

COUNT TWO

(First Degree Criminal Trespass – Automobile, Class 5 Felony)

On or about October 17, 2007, in the State of Colorado, Duy Nguyen, Timothy Hern and Nicholas Hern unlawfully, feloniously, and knowingly entered the motor vehicle of Jared Wright with intent to commit therein the crime of Theft; in violation of section 18-4-502, C.R.S.

COUNT THREE

(Theft – \$1,000-\$20,000, Class 4 Felony)

On or about October 17, 2007, in the State of Colorado, Timothy Hern and Nicholas Hern unlawfully, feloniously, and knowingly obtained or exercised control over things of value, namely: Rigid drill, Rigid saw, Rigid sawzall, Reddrex rollerblades, Easton hockey gloves, Mission shin guards, Easton Elbow guards, Bauer helmet, Syven sports bag, miscellaneous sports equipment, miscellaneous tools, tool box, miscellaneous compact discs, Craftsman 180-piece tool set, Nikon digital camera, of Jared Wright, 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 Jared Wright permanently of their use or benefit; in violation of section 18-4-401(1)(a), (2)(c), C.R.S.

COUNT FOUR

(Theft by Receiving—\$1,000-\$20,000, Class 4 Felony)

On and or about October 17, 2007, in the State of Colorado, Duy Nguyen and Robert Giesen unlawfully and feloniously received, retained, loaned money by pawn or pledge, or disposed of things of value, namely: Rigid drill, Rigid saw, Rigid sawzall, miscellaneous tools, tool box, and Craftsman 180-piece tool set, of Jared Wright, and the defendant knew or believed the things 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 offenses alleged in Counts Two through Four were committed in the manner described in Predicate Acts Two and Three.

COUNT FIVE

(First Degree Burglary – Assault/Menace, Class 3 Felony)

On or about October 21, 2007, in the State of Colorado, Duy Nguyen, Timothy Hern and Nicholas Hern unlawfully, feloniously, and knowingly broke an entrance into, entered, or remained unlawfully after a lawful or unlawful entry in the dwelling of Sylvia Gowan, located at 5289 S. Windermere Street, Littleton, Colorado with the intent to commit therein the crime of Theft; and while effecting entry or while inside or while in immediate flight therefrom, the defendant Timothy Hern, assaulted or menaced Sylvia Gowan, in violation of section 18-4-202(1), C.R.S.

The offense alleged in Count Five was committed in the manner described in Predicate Act Four.

COUNT SIX

(Second Degree Burglary – Building, Class 4 Felony)

On or about December 14, 2007, in the State of Colorado, Timothy Hern and Nicholas Hern unlawfully, feloniously, and knowingly broke an entrance into, entered, or remained unlawfully after a lawful or unlawful entry in the building or occupied structure of Neil James Anderson, located at 7311 W. 60th Avenue, Arvada, Colorado with the intent to commit therein the crime of Theft; in violation of section 18-4-203(1), C.R.S.

The offense alleged in Count Six was committed in the following manner:

On or about December 14, 2007, Timothy Hern and Nicholas Hern entered the building at 7311 W. 60th Avenue, Arvada, Colorado by prying open the rear door to the house. Once inside, Timothy Hern and Nicholas Hern stole a set of compound bows and arrows. They also forcibly removed a padlock from a shed on the property and stole a set of Mac wrenches and a Fluke electricians meter. Approximately one day later, Nicholas Hern went with

Pamela Brown and pawned the compound bows at EZ Pawn, located in the vicinity of 44th and Wadsworth, Arvada for \$30.

COUNT SEVEN

(Second Degree Burglary – Building, Class 4 Felony)

On or about December 31, 2007, in the State of Colorado, Timothy Hern unlawfully, feloniously, and knowingly broke an entrance into, entered, or remained unlawfully after a lawful or unlawful entry in the building or occupied structure of Arvada Village Apartments, located at 5839 Pierce Street, Arvada, Colorado, with the intent to commit the crime of Theft; in violation of section 18-4-203(1), C.R.S.

COUNT EIGHT

(Theft - \$1,000-\$20,000, Class 4 Felony)

On or about December 31, 2007, in the State of Colorado, Timothy Hern unlawfully, feloniously, and knowingly obtained or exercised control over things of value, namely: Hot Point stainless steel refrigerator, Hot Point stainless steel ceiling fans, and Hampden Bay hood vents, 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 Arvada Village Apartments permanently of their use or benefit; in violation of section 18-4-401(1)(a),(2)(c), C.R.S.

COUNT NINE

(Second Degree Burglary – Building, Class 4 Felony)

On or about January 1, 2008, in the State of Colorado, Duy Nguyen and Timothy Hern unlawfully, feloniously, and knowingly broke an entrance into, entered, or remained unlawfully after a lawful or unlawful entry in the building or occupied structure of Arvada Village Apartments, located at 5839 Pierce Street, Arvada, Colorado, with the intent to commit the crime of Theft; in violation of section 18-4-203(1), C.R.S.

COUNT TEN

(Theft - \$1,000-\$20,000, Class 4 Felony)

On or about January 1, 2008, in the State of Colorado, Timothy Hern unlawfully, feloniously, and knowingly obtained or exercised control over things of value, namely: Whirlpool range cooker and Hot Point stainless steel dishwasher, 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 Arvada Village Apartments permanently of their use or benefit; in violation of section 18-4-401(1)(a),(2)(c), C.R.S.

COUNT ELEVEN

(Theft by Receiving— \$1,000-\$20,000, Class 4 Felony)

On or about January 1, 2008, in the State of Colorado, Duy Nguyen and Robert Giesen unlawfully, feloniously received, retained, loaned money by pawn or pledge, or disposed of things of value, namely: Hot Point stainless steel refrigerator, Hot Point stainless steel ceiling fans, Hampden Bay hood vents, Whirlpool range cooker and Hot Point stainless steel dishwasher, of Arvada Village Apartments, and the defendants knew or believed the things

of value had been stolen and intended to deprive the lawful owner permanently of their 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 offenses alleged in Counts Seven through Eleven were committed in the manner described in Predicates Acts Five through Ten.

COUNT TWELVE

(First Degree Burglary – Assault/Menace, Class 3 Felony)

On or about January 8, 2008, in the State of Colorado, Timothy Hern and Pamela Brown unlawfully, feloniously, and knowingly broke an entrance into, entered, or remained unlawfully after a lawful or unlawful entry in the dwelling of Mark Hullum and Kristin Hullum-Grubbs, located at 8258 Chase Drive, Arvada, Colorado with the intent to commit therein the crime of Theft; and while effecting entry or while inside or while in immediate flight therefrom, the defendant Timothy Hern, assaulted or menaced a juvenile, N. A., date of birth 2/21/1993, in violation of section 18-4-202(1), C.R.S.

COUNT THIRTEEN

(Theft - \$1,000-\$20,000, Class 4 Felony)

On or about January 8, 2008, in the State of Colorado, Timothy Hern and Pamela Brown unlawfully, feloniously, and knowingly obtained or exercised control over things of value, namely: HP Pentex laptop computer, Minolta 35 mm camera, wood jewelry box with miscellaneous jewelry, photo albums, antique broach and antique butterfly clip, Versace wrist watch, Motorola cell phone ear piece, Back to Basics gift packs, Vanus make-up, 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 Mark Hullum and Kristin Hullum-Grubbs permanently of their use or benefit; in violation of section 18-4-401(1)(a),(2)(c), C.R.S.

The offenses alleged in Counts Twelve and Thirteen were committed in the following manner:

On or about January 8, 2008, Timothy Hern and Pamela Brown approached the residence at 8258 Chase Drive, Arvada, Colorado. Timothy Hern and Pamela Brown opened the garage and forcibly opened the back door from the garage leading into the residence. Once inside, Timothy Hern and Pamela Brown began to collect items belonging to the residents and place them into their vehicle. Pamela Brown then was observed by N. A., date of birth 2/21/1993, who had been in the basement portion of the residence. N.A. began to chase Pamela Brown out of the residence when Timothy Hern appeared in the threshold of the door leading from the residence to the garage. Timothy Hern pointed what appeared to be a black handgun at N.A. and yelled, “Get the fuck back, leave us alone.” N.A. then retreated to the basement. Timothy Hern and Pamela Brown then fled the area with the stolen property.

COUNT FOURTEEN

**(First Degree Aggravated Motor Vehicle Theft—\$20,000 or less,
Class 4 Felony)**

On or about January 13, 2008, in the State of Colorado, Timothy Hern unlawfully, feloniously, and knowingly obtained or exercised control over the motor vehicle of Aaron Urquhart, without authorization, or by threat or deception, and retained possession or control over the motor vehicle for more than twenty-four hours, and the value of the motor vehicle involved is twenty thousand dollars or less; in violation of section 18-4-409(2),(3)(a), C.R.S.

The offense in Count Fourteen was committed in the following manner:

On or about January 13, 2008, Timothy Hern stole a 1992 red Toyota Tercel parked near 1401 E. Girard Place, Englewood, Colorado. Timothy Hern retained possession of the vehicle and utilized the vehicle until he abandoned the vehicle several weeks later. The vehicle was ultimately recovered on February 23, 2008 in the vicinity of W. 62nd Avenue and CSH 121.

COUNT FIFTEEN

(First Degree Burglary – Deadly Weapon, Class 3 Felony)

On or about January 20, 2008, in the State of Colorado, Duy Nguyen, Timothy Hern, Pamela Brown and Nicholas Hern unlawfully, feloniously, and knowingly broke an entrance into, entered, or remained unlawfully after a lawful or unlawful entry in the dwelling of Ronald Lee Collins, located at 6090 Fenton Street, Arvada, Colorado with the intent to commit therein the crime of Theft, and while effecting entry or while inside or while in immediate flight therefrom, the defendants or a participant, Timothy Hern or Nicholas Hern was armed with a deadly weapon, namely: Springfield 308-caliber rifle, Mossberg 12-gauge shotgun, Beretta 12-gauge shotgun, Mossberg 20-gauge shotgun, Ruger 22-caliber pistol, Ruger 9-mm pistol; in violation of section 18-4-202(1), C.R.S.

COUNT SIXTEEN

(Theft – \$1,000-\$20,000, Class 4 Felony)

On or about January 20, 2008, in the State of Colorado, Duy Nguyen, Timothy Hern, Pamela Brown and Nicholas Hern unlawfully, feloniously, and knowingly obtained or exercised control over things of value, namely: Springfield 308-caliber rifle, Mossberg 12-gauge shotgun, Beretta 12-gauge shotgun, Mossberg 20-gauge shotgun, Ruger 22-caliber pistol, Ruger 9-mm pistol, scuba regulators, dive camera, diamond ring, two jars full of coins, and watches of Ronald Lee Collins, 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 Ronald Lee Collins permanently of their use or benefit; in violation of section 18-4-401(1)(a),(2)(c), C.R.S.

COUNT SEVENTEEN

(Theft by Receiving—\$1,000-\$20,000, Class 4 Felony)

On or about January 20, 2008, in the State of Colorado, Robert Giesen unlawfully, feloniously received, retained, loaned money by pawn or pledge, or disposed of things of

value, namely: Springfield 308-caliber rifle, Mossberg 12-gauge shotgun, Beretta 12-gauge shotgun, Mossberg 20-gauge shotgun, Ruger 22-caliber pistol, and Ruger 9-mm pistol of Ronald Lee Collins, and the defendant knew or believed the things of value had been stolen and intended to deprive the lawful owner permanently of their 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 offenses alleged in Count Fifteen through Seventeen were committed in the manner described in Predicate Acts Eleven through Thirteen.

COUNT EIGHTEEN
**(First Degree Aggravated Motor Vehicle Theft—Over \$20,000,
Class 3 Felony)**

On and or about January 21, 2008, in the State of Colorado, Timothy Hern and Nicholas Hern unlawfully, feloniously, and knowingly obtained and exercised control over the motor vehicle of Joshua Mikkelsen, without authorization, or by threat or deception, and retained possession or control over the motor vehicle for more than twenty-four hours, and the value of the motor vehicle involved was more than twenty thousand dollars; in violation of section 18-4-409(2),(3)(b), C.R.S.

COUNT NINETEEN
(Theft by Receiving—Over \$20,000, Class 3 Felony)

On and or about January 21, 2008, in the State of Colorado, Duy Nguyen unlawfully and feloniously received, retained, loaned money by pawn or pledge, or disposed of a thing of value, namely: 1966 Ford Mustang vehicle, of Joshua Mikkelsen, 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 twenty thousand dollars or more; in violation of section 18-4-410(1),(5), C.R.S.

The offenses alleged in Count Eighteen and Nineteen were committed in the manner described in Predicate Acts Fourteen and Fifteen.

COUNT TWENTY
**(Conspiracy to Commit Second Degree Burglary – Dwelling, 18-4-203(1),(2)(a),
Class 4 Felony)**

On or about January 24, 2008, in the State of Colorado, Duy Nguyen with the intent to promote or facilitate the commission of the crime of Second Degree Burglary - Dwelling, unlawfully and feloniously agreed with Timothy Hern 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 18-4-203(1),(2)(a) and 18-2-201, C.R.S.

COUNT TWENTY-ONE

(Second Degree Burglary – Dwelling, Class 3 Felony)

On or about January 24, 2008, in the State of Colorado, Duy Nguyen and Timothy Hern unlawfully, feloniously, and knowingly broke an entrance into, entered, or remained unlawfully after a lawful or unlawful entry in the dwelling of David Ray McWilliams, located at 5900 Pierce Street, Arvada, Colorado with the intent to commit therein the crime of Theft; in violation of section 18-4-203(1),(2)(a), C.R.S.

The offenses alleged in Counts Twenty and Twenty-One were committed in the manner described in Predicate Acts Sixteen and Seventeen.

COUNT TWENTY-TWO

**(First Degree Aggravated Motor Vehicle Theft—\$20,000 or less,
Class 4 Felony)**

On or about February 2, 2008, in the State of Colorado, Richard Bryan unlawfully, feloniously, and knowingly obtained or exercised control over the motor vehicle of USA Auto Center, without authorization, or by threat or deception, and retained possession or control over the motor vehicle for more than twenty-four hours, and caused \$500 or more of property damage, including but not limited to property damage to the motor vehicle involved, in the course of obtaining control over or in the exercise of control of the motor vehicle, and the value of the motor vehicle involved is twenty thousand dollars or less; in violation of section 18-4-409(2),(3)(a), C.R.S.

COUNT TWENTY-THREE

(Theft by Receiving – \$1000-\$20,000, Class 4 Felony)

Between the dates of February 2, 2008 and July 1, 2008, in the State of Colorado, Duy Nguyen and Hoang Nguyen unlawfully and feloniously received, retained, loaned money by pawn or pledge, or disposed of a thing of value, namely: 2003 Yukon Denali, of USA Auto Center, 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 not more than twenty thousand dollars; in violation of section 18-4-410(1),(4), C.R.S.

The offenses alleged in Counts Twenty-Two and Twenty-Three were committed in the manner described in Predicate Acts Eighteen and Nineteen.

COUNT TWENTY-FOUR

**(Conspiracy to Commit First Degree Burglary – Deadly Weapon, 18-4-202(1),
Class 4 Felony)**

Between the dates of February 4 and February 9, 2008, in the State of Colorado, Duy Nguyen with the intent to promote or facilitate the commission of the crime of First Degree Burglary – Deadly Weapon, unlawfully and feloniously agreed with Timothy Hern and Andre Lornes 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 18-4-202(1) and 18-2-201, C.R.S.

COUNT TWENTY-FIVE

(First Degree Burglary – Deadly Weapon, Class 3 Felony)

Between the dates of February 4 and February 9, 2008, in the State of Colorado, Duy Nguyen, Timothy Hern and Andre Lornes unlawfully, feloniously, and knowingly broke an entrance into, entered, or remained unlawfully after a lawful or unlawful entry in the dwelling of Christopher Conger and Ashley Aschnewitz, located at 3398 W. 80th Avenue, Westminster, Colorado with the intent to commit therein the crime of Theft, and while effecting entry or while inside or while in immediate flight therefrom, the defendant or a participant, Andre Lornes, was armed with a deadly weapon, namely: a handgun; in violation of section 18-4-202(1), C.R.S.

COUNT TWENTY-SIX

(Theft – \$1,000-\$20,000, Class 4 Felony)

Between the dates of February 4 and February 9, 2008, in the State of Colorado, Duy Nguyen, Timothy Hern and Andre Lornes unlawfully, feloniously, and knowingly obtained or exercised control over things of value, namely: 61” Panasonic Flat screen television, X-Box video game player, Sony DVD player, Panasonic DVD player, (2) Nextel Motorola cell phones, various DVD’s, jewelry, women’s make-up, women’s undergarments, hooded sweatshirts, vacuum cleaner, (2) Sentry gun safes, SKS 308 rifle with bayonette, of Christopher Conger and Ashley Aschnewitz, 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 Christopher Conger and Ashley Aschnewitz permanently of their use or benefit; in violation of section 18-4-401(1)(a),(2)(c), C.R.S.

The offenses alleged in Counts Twenty-Four through Twenty-Six were committed in the manner described in Predicate Acts Twenty through Twenty-Two.

COUNT TWENTY-SEVEN

(Second Degree Burglary – Dwelling, Class 3 Felony)

On or about February 18, 2008, in the State of Colorado, Timothy Hern and Nicholas Hern unlawfully, feloniously, and knowingly broke an entrance into, entered, or remained unlawfully after a lawful or unlawful entry in the dwelling of Todd Cooper and Keri Banick, located at 3810 Grant Street, Englewood, Colorado with the intent to commit therein the crime of Theft; in violation of section 18-4-203(1),(2)(a), C.R.S.

COUNT TWENTY-EIGHT

(Theft – \$1,000-\$20,000, Class 4 Felony)

On or about February 18, 2008, in the State of Colorado, Timothy Hern and Nicholas Hern unlawfully, feloniously, and knowingly obtained or exercised control over things of value, namely: (9) Afghanistan swords, Apple laptop computer, Beretta Centurion 9 mm handgun, Krogi cordless tool set, Canon 35mm camera, and various jewelry of Todd Cooper and Keri Banick, 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 Todd Cooper and Keri Banick permanently of their use or benefit; in violation of section 18-4-401(1)(a),(2)(c), C.R.S.

COUNT TWENTY-NINE

(Theft by Receiving—\$1000-\$20,000, Class 4 Felony)

On or about February 18, 2008, in the State of Colorado, Duy Nguyen unlawfully and feloniously received, retained, loaned money by pawn or pledge, or disposed of things of value, namely: (9) Afghanistan swords, Apple laptop computer, Beretta Centurion 9 mm handgun, Krogi cordless tool set, Canon 35mm camera, and various jewelry of Todd Cooper and Keri Banick, and the defendant knew or believed the things of value had been stolen and intended to deprive the lawful owner, permanently of their use or benefit, and the value of the property was one thousand dollars or more but not more than twenty thousand dollars; in violation of section 18-4-410(1),(4), C.R.S.

The offenses alleged in Counts Twenty-Seven through Twenty-Nine were committed in the manner described in Predicate Acts Twenty-Three through Twenty-Five.

COUNT THIRTY

(Second Degree Burglary – Dwelling, Class 3 Felony)

On or about February 19, 2008, in the State of Colorado, Timothy Hern and Nicholas Hern unlawfully, feloniously, and knowingly broke an entrance into, entered, or remained unlawfully after a lawful or unlawful entry in the building or occupied structure of Pamela Kay Doughty, located at 6197 W. 65th Avenue, Arvada, Colorado with the intent to commit therein the crime of Theft; in violation of section 18-4-203(1), (2)(a), C.R.S.

COUNT THIRTY-ONE

(Theft – \$1,000-\$20,000, Class 4 Felony)

On or about February 19, 2008, in the State of Colorado, Timothy Hern and Nicholas Hern unlawfully, feloniously, and knowingly obtained or exercised control over things of value, namely: Ridge Air Compressor, Dewalt 14 v. cordless drill, Dewalt one-half-inch drill, Dewalt radio, miscellaneous tools in tool box, Craftsman socket set, Titan airless paint sprayer, air hose of Rodney Chavez, 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 Rodney Chavez permanently of their use or benefit; in violation of section 18-4-401(1)(a),(2)(c), C.R.S.

The offenses alleged in Counts Thirty and Thirty-One were committed in the manner described in Predicate Acts Twenty-Six and Twenty-Seven.

COUNT THIRTY-TWO

(Second Degree Burglary – Dwelling, Class 3 Felony)

On or about February 22, 2008, in the State of Colorado, Timothy Hern unlawfully, feloniously, and knowingly broke an entrance into, entered, or remained unlawfully after a lawful or unlawful entry in the dwelling of Tabbi Michelle Kinion, located at 6420 Pierce

Street, Arvada, Colorado with the intent to commit therein the crime of Theft; in violation of section 18-4-203(1),(2)(a), C.R.S.

COUNT THIRTY-THREE

(Theft – \$1,000-\$20,000, Class 4 Felony)

On or about February 22, 2008, in the State of Colorado, Timothy Hern unlawfully, feloniously, and knowingly obtained or exercised control over things of value, namely: REI Visa credit card, Element 22” LCD television, suitcase, Craftsman tool set, Piano shaped music box, cell phone charger, leather address book, CO driver’s license, and Sony Playstation 3 of Tabbi Michelle Kinion, and Dell laptop computer of State of Colorado Department of Natural Resources, 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 Tabbi Michelle Kinion and the State of Colorado Department of Natural Resources permanently of their use or benefit; in violation of section 18-4-401(1)(a),(2)(c), C.R.S.

COUNT THIRTY-FOUR

(Identity Theft – Possess with Intent to Use, Class 4 Felony)

On or about February 22, 2008, in the State of Colorado, Duy Nguyen, Timothy Hern and Pamela Brown unlawfully, feloniously, and knowingly possessed or attempted to possess the personal identifying information, financial identifying information, or financial device of Tabbi Michelle Kinion without permission or lawful authority, with the intent to use or to aid or permit another person to use the information or device to obtain cash, credit, property, services, or any other thing of value or to make a financial payment; in violation of section 18-5-902(1)(b),(f), C.R.S.

COUNT THIRTY-FIVE

(Theft by Receiving—\$1000-\$20,000, Class 4 Felony)

On or about February 22, 2008, in the State of Colorado, Duy Nguyen unlawfully and feloniously received, retained, loaned money by pawn or pledge, or disposed of a thing of value, namely: REI Visa credit card, Element 22” LCD television, suitcase, Craftsman tool set, Piano shaped music box, LG cell phone charger, leather address book, CO driver’s license, and Sony Playstation 3 of Tabbi Michelle Kinion, and Dell laptop computer of State of Colorado Department of Natural Resources, and the defendant knew or believed the things 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 not more than twenty thousand dollars; in violation of section 18-4-410(1),(4), C.R.S.

The offenses alleged in Counts Thirty-Two through Thirty-Five were committed in the manner described in Predicate Acts Twenty-Eight through Thirty-One.

COUNT THIRTY-SIX

(Second Degree Burglary – Dwelling, Class 3 Felony)

On or about February 24, 2008, in the State of Colorado, Duy Nguyen, Timothy Hern and Nicholas Hern unlawfully, feloniously, and knowingly broke an entrance into, entered, or

remained unlawfully after a lawful or unlawful entry in the dwelling of Darrin Radcliffe and Karen Radcliffe, located at 8031 Osceola Street, Westminster, Colorado with the intent to commit therein the crime of Theft; in violation of section 18-4-203(1),(2)(a), C.R.S.

COUNT THIRTY-SEVEN

(Theft – \$1,000-\$20,000, Class 4 Felony)

On or about February 24, 2008, in the State of Colorado, Timothy Hern and Nicholas Hern unlawfully, feloniously, and knowingly obtained or exercised control over things of value, namely: Westinghouse flatscreen HDTV, Sanyo 40” flatscreen LCD TV, Dell Latitude desktop computer, Dell 22” flatscreen monitor, IBM laptop computer, Sony surround sound system, Bose surround sound system, computer case backpack, Stihl chainsaw, Panasonic DVD/VCR recorder, Bulova man’s watch, of Darrin Radcliffe and Karen Radcliffe, 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 Darrin Radcliffe and Karen Radcliffe permanently of their use or benefit; in violation of section 18-4-401(1)(a),(2)(c), C.R.S.

COUNT THIRTY-EIGHT

(Theft by Receiving—\$1000-\$20,000, Class 4 Felony)

On or about February 24, 2008, in the State of Colorado, Duy Nguyen unlawfully and feloniously received, retained, loaned money by pawn or pledge, or disposed of things of value, namely: Westinghouse flatscreen HDTV, Sanyo 40” flatscreen LCD TV, Dell Latitude desktop computer, Dell 22” flatscreen monitor, IBM laptop computer, Sony surround sound system, Bose surround sound system, computer case backpack, Stihl chainsaw, Panasonic DVD/VCR recorder, Bulova man’s watch, of Darrin Radcliffe and Karen Radcliffe, and the defendant knew or believed the things of value had been stolen and intended to deprive the lawful owner, permanently of their use or benefit, and the value of the property was one thousand dollars or more but not more than twenty thousand dollars; in violation of section 18-4-410(1),(4), C.R.S.

The offenses alleged in Counts Thirty-Six through Thirty-Eight were committed in the manner described in Predicate Acts Thirty-Two through Thirty-Four.

COUNT THIRTY-NINE

(Conspiracy to Commit Second Degree Burglary – Dwelling, 18-4-203(1),(2)(a), Class 4 Felony)

On or about February 25, 2008, in the State of Colorado, Robert Giesen with the intent to promote or facilitate the commission of the crime of Second Degree Burglary - Dwelling, unlawfully and feloniously agreed with Duy Nguyen and Timothy Hern 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 18-4-203(1),(2)(a) and 18-2-201, C.R.S.

COUNT FORTY

(Second Degree Burglary – Dwelling, Class 3 Felony)

On or about February 25, 2008, in the State of Colorado, Robert Giesen, Duy Nguyen, Timothy Hern, Richard Bryan and Nicholas Hern unlawfully, feloniously, and knowingly broke an entrance into, entered, or remained unlawfully after a lawful or unlawful entry in the dwelling of Linda, Robert, and Daniel Cox, located at 5713 South Elati Way, Littleton, Colorado with the intent to commit therein the crime of Theft; in violation of section 18-4-203(1),(2)(a), C.R.S.

The offenses alleged in Counts Thirty-Nine and Forty were committed in the manner described in Predicate Acts Thirty-Five and Thirty-Six.

COUNT FORTY-ONE

(Second Degree Burglary – Dwelling, Class 3 Felony)

On or about February 27, 2008, in the State of Colorado, Richard Bryan and Nicholas Hern unlawfully, feloniously, and knowingly broke an entrance into, entered, or remained unlawfully after a lawful or unlawful entry in the dwelling of Patrick and Jennifer Howard, located at 6112 Eaton Street, Arvada, Colorado with the intent to commit therein the crime of Theft; in violation of section 18-4-203(1),(2)(a), C.R.S.

COUNT FORTY-TWO

(Theft – \$1,000-\$20,000, Class 4 Felony)

On or about February 27, 2008, in the State of Colorado, Richard Bryan and Nicholas Hern unlawfully, feloniously, and knowingly obtained or exercised control over things of value, namely: Dell Inspiron lap-top computer; Canon digital camera; Coleman cordless drill 18v with charger and case; Craftsman tool box; Craftsman American & Metric tool and screwdriver set; Scuba travel diving bag; Pan Optix motorcycle riding glasses; Bolle amber sunglasses; leather motorcycle riding gloves; Sequest scuba bouyancy control device, and Bank of America credit card; of Patrick and Jennifer Howard, 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 Patrick and Jennifer Howard permanently of their use or benefit; in violation of section 18-4-401(1)(a),(2)(c), C.R.S.

COUNT FORTY-THREE

(Identity Theft – Possess with Intent to Use, Class 4 Felony)

On or about February 27, 2008, in the State of Colorado, Richard Bryan and Nicholas Hern unlawfully, feloniously, and knowingly possessed or attempted to possess the personal identifying information, financial identifying information, or financial device of Jennifer Howard without permission or lawful authority, with the intent to use or to aid or permit another person to use the information or device to obtain cash, credit, property, services, or any other thing of value or to make a financial payment; in violation of section 18-5-902(1)(b),(f), C.R.S.

COUNT FORTY-FOUR

(Theft by Receiving – \$1000-\$20,000, Class 4 Felony)

On or about February 27, 2008, in the State of Colorado, Duy Nguyen unlawfully and feloniously received, retained, loaned money by pawn or pledge, or disposed of things of value, namely: Dell Inspiron Laptop computer, Seaquest bouyancy control device and scuba travel diving bag containing scuba gear, of Patrick and Jennifer Howard and the defendant knew or believed the things of value had been stolen and intended to deprive the lawful owner, permanently of their use or benefit, and the value of the property was one thousand dollars or more but not more than twenty thousand dollars; in violation of section 18-4-410(1),(4), C.R.S.

The offenses alleged in Counts Forty-One through Forty-Four were committed in the manner described in Predicate Acts Thirty-Seven through Forty.

COUNT FORTY-FIVE

(Second Degree Burglary – Dwelling, Class 3 Felony)

On or about February 28, 2008, in the State of Colorado, Timothy Hern, Nicholas Hern and Pamela Brown unlawfully, feloniously, and knowingly broke an entrance into, entered, or remained unlawfully after a lawful or unlawful entry in the dwelling of Cole Hayner and Heather Hayner, located at 7890 W. 68th Avenue, Arvada, Colorado with the intent to commit therein the crime of Theft; in violation of section 18-4-203(1),(2)(a), C.R.S.

COUNT FORTY-SIX

(Theft – \$1,000-\$20,000, Class 4 Felony)

On or about February 28, 2008, in the State of Colorado, Timothy Hern, Nicholas Hern and Pamela Brown unlawfully, feloniously, and knowingly obtained or exercised control over things of value, namely: miscellaneous jewelry, 2 pairs of Oakley sunglasses, Compass Bank check book, and savings bonds of Cole Hayner and Heather Hayner, 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 Cole Hayner and Heather Hayner permanently of their use or benefit; in violation of section 18-4-401(1)(a),(2)(c), C.R.S.

COUNT FORTY-SEVEN

(Theft by Receiving—\$1000-\$20,000, Class 4 Felony)

On or about February 28, 2008, in the State of Colorado, Duy Nguyen unlawfully and feloniously received, retained, loaned money by pawn or pledge, or disposed of things of value, namely: miscellaneous jewelry, 2 pairs of Oakley sunglasses, Compass Bank check book, and savings bonds of Cole Hayner and Heather Hayner and the defendant knew or believed the things of value had been stolen and intended to deprive the lawful owner, permanently of their use or benefit, and the value of the property was one thousand dollars or more but not more than twenty thousand dollars; in violation of section 18-4-410(1),(4), C.R.S.

The offenses alleged in Counts Forty-Five through Forty-Seven were committed in the manner described in Predicate Acts Forty-One through Forty-Three.

COUNT FORTY-EIGHT

(Second Degree Burglary – Dwelling, Class 3 Felony)

On or about February 29, 2008, in the State of Colorado, Timothy Hern and Nicholas Hern unlawfully, feloniously, and knowingly broke an entrance into, entered, or remained unlawfully after a lawful or unlawful entry in the dwelling of Xochil Canche, located at 7997 Stuart Place, Westminster, Colorado with the intent to commit therein the crime of Theft; in violation of section 18-4-203(1),(2)(a), C.R.S.

COUNT FORTY-NINE

(Theft – \$500-\$1,000, Class 1 Misdemeanor)

On or about February 29, 2008, in the State of Colorado, Timothy Hern and Nicholas Hern unlawfully, feloniously, and knowingly obtained or exercised control over things of value, namely: miscellaneous jewelry, miscellaneous children’s clothes, and Sony camcorder of Xochil Canche, with the value of five hundred dollars or more but less than one thousand dollars, without authorization, or by threat or deception, and intended to deprive Xochil Canche permanently of their use or benefit; in violation of section 18-4-401(1)(a),(2)(b.5), C.R.S.

The offenses alleged in Counts Forty-Eight and Forty-Nine were committed in the manner described in Predicate Acts Forty-Four and Forty-Five.

COUNT FIFTY

(Second Degree Burglary – Dwelling, Class 3 Felony)

On or about March 17, 2008, in the State of Colorado, Timothy Hern and Nicholas Hern unlawfully, feloniously, and knowingly broke an entrance into, entered, or remained unlawfully after a lawful or unlawful entry in the dwelling of Kathy Lee Underhill and Randal Lee, located at 7305 W. 68th Avenue, Arvada, Colorado with the intent to commit therein the crime of Theft; in violation of section 18-4-203(1),(2)(a), C.R.S.

COUNT FIFTY-ONE

(Theft – \$1,000-\$20,000, Class 4 Felony)

On or about March 17, 2008, in the State of Colorado, Timothy Hern and Nicholas Hern unlawfully, feloniously, and knowingly obtained or exercised control over things of value, namely: (2) Toshiba laptop computers and miscellaneous jewelry of Kathy Lee Underhill and Randal Lee, 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 Kathy Lee Underhill and Randal Lee permanently of their use or benefit; in violation of section 18-4-401(1)(a),(2)(c), C.R.S.

COUNT FIFTY-TWO

(Theft by Receiving—\$1000-\$20,000, Class 4 Felony)

On or about March 17, 2008, in the State of Colorado, Duy Nguyen unlawfully and feloniously received, retained, loaned money by pawn or pledge, or disposed of things of value, namely: (2) Toshiba laptop computers of Kathy Lee Underhill and Randal Lee, and the defendant knew or believed the things of value had been stolen and intended to deprive

the lawful owner, permanently of their use or benefit, and the value of the property was one thousand dollars or more but not more than twenty thousand dollars; in violation of section 18-4-410(1),(4), C.R.S.

The offenses alleged in Counts Fifty through Fifty-Two were committed in the manner described in Predicate Acts Forty-Six through Forty-Eight.

COUNT FIFTY-THREE

**(Conspiracy to Commit Second Degree Burglary – Dwelling, 18-4-203(1),(2)(a),
Class 4 Felony)**

On or about April 8, 2008, in the State of Colorado, Duy Nguyen with the intent to promote or facilitate the commission of the crime of Second Degree Burglary - Dwelling, unlawfully and feloniously agreed with Timothy Hern 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 18-4-203(1),(2)(a) and 18-2-201, C.R.S.

COUNT FIFTY-FOUR

(Second Degree Burglary – Dwelling, Class 3 Felony)

On or about April 8, 2008, in the State of Colorado, Duy Nguyen, Timothy Hern, and Nicholas Hern unlawfully, feloniously, and knowingly broke an entrance into, entered, or remained unlawfully after a lawful or unlawful entry in the dwelling of Ryan and Amy Reed, located at 13035 Harmony Park, Westminster, Colorado with the intent to commit therein the crime of Theft; in violation of section 18-4-203(1),(2)(a), C.R.S.

COUNT FIFTY-FIVE

(Theft – \$1,000-\$20,000, Class 4 Felony)

On or about April 8, 2008, in the State of Colorado, Duy Nguyen, Timothy Hern, and Nicholas Hern unlawfully, feloniously, and knowingly obtained or exercised control over things of value, namely: Apple I-Pod Nano; Camcorder; black leather briefcase; Lap-top computer; Apple I-Pod 8g; Apple I-Pod stereo player; silver tea set; Nintendo Ds game player; digital camera; black leather boxes, Ryan Reed's passport, of Ryan and Amy Reed, 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 Ryan and Amy Reed permanently of their use or benefit; in violation of section 18-4-401(1)(a),(2)(c), C.R.S.

The offenses alleged in Counts Fifty-Three through Fifty-Five were committed in the manner described in Predicate Acts Forty-Nine through Fifty-One.

COUNT FIFTY-SIX

(Possession of a Dangerous Weapon, Class 5 Felony)

On or about April 10, 2008, in the State of Colorado, Duy Nguyen and Robert Giesen unlawfully, feloniously, and knowingly possessed a dangerous weapon, namely: Bushmaster Model XM 15-E2S, serial #L226548; in violation of section 18-12-102(3), C.R.S.

COUNT FIFTY-SEVEN

(Possession of a Dangerous Weapon, Class 5 Felony)

On or about April 10, 2008, in the State of Colorado, Duy Nguyen and Robert Giesen unlawfully, feloniously, and knowingly possessed a dangerous weapon, namely: Superior Arms Model S-15, serial #007643; in violation of section 18-12-102(3), C.R.S.

COUNT FIFTY-EIGHT

**(Possession with Intent to Distribute a Schedule II Controlled Substance,
Class 3 Felony)**

On or about April 10, 2008, in the State of Colorado, Duy Nguyen unlawfully, feloniously, and knowingly possessed with intent to distribute a material, compound, mixture, or preparation that contained methamphetamine, a schedule II controlled substance; in violation of section 18-18-405(1),(2)(a)(I)(A), C.R.S.

The offenses alleged in Counts Fifty-Six through Fifty-Eight were committed in the manner described in Predicate Acts Fifty-Two through Fifty-Four.

COUNT FIFTY-NINE

(Possession with Intent to Distribute Marihuana, Class 4 Felony)

On or about April 14, 2008, in the State of Colorado, Duy Nguyen and Jason Tran unlawfully, feloniously, and knowingly possessed with intent to distribute marihuana or marihuana concentrate; in violation of section 18-18-406(8)(b), C.R.S.

COUNT SIXTY

**(Possession of a Schedule I Controlled Substance—More than 1 Gram,
Class 3 Felony)**

On or about April 14, 2008, in the State of Colorado, Duy Nguyen unlawfully, feloniously, and knowingly possessed more than one gram of a material, compound, mixture, or preparation that contained methylenedioxymethamphetamine (MDMA), a schedule I controlled substance; in violation of section 18-18-405(1),(2)(a)(I)(A), C.R.S.

COUNT SIXTY-ONE

**(Possession of a Schedule II Controlled Substance—More than 1 Gram,
Class 4 Felony)**

On or about April 14, 2008, in the State of Colorado, Duy Nguyen unlawfully, feloniously, and knowingly possessed more than one gram of a material, compound, mixture, or preparation that contained methamphetamine, a schedule II controlled substance; in violation of section 18-18-405(1),(2)(a)(I)(A), C.R.S.

COUNT SIXTY-TWO

(Contributing to the Delinquency of a Minor, Class 4 Felony)

On or about April 14, 2008, in the State of Colorado, Duy Nguyen unlawfully and feloniously induced, aided, or encouraged Jason Tran, a child, date of birth 1/22/91, to violate the state law namely: Possession with Intent to Distribute Marihuana, section 18-18-406(8)(b), C.R.S.; in violation of section 18-6-701, C.R.S.

COUNT SIXTY-THREE

(Contributing to the Delinquency of a Minor, Class 4 Felony)

On or about April 14, 2008, in the State of Colorado, Duy Nguyen unlawfully and feloniously induced, aided, or encouraged Corey Tran, a child, date of birth 1/31/92, to violate the state law namely: Possession with Intent to Distribute Marihuana, section 18-18-406(8)(b), C.R.S.; in violation of section 18-6-701, C.R.S.

The offenses alleged in Counts Fifty-Nine through Sixty-Three were committed in the manner described in Predicate Acts Fifty-Five through Fifty-Seven.

COUNT SIXTY-FOUR

(First Degree Aggravated Motor Vehicle Theft—\$20,000 or less, Class 4 Felony)

On or about May 17, 2008, in the State of Colorado, Andre Lornes unlawfully, feloniously, and knowingly obtained or exercised control over the motor vehicle of Peter Thao, without authorization, or by threat or deception, and caused \$500 or more of property damage, including but not limited to property damage to the motor vehicle involved, in the course of obtaining control over or in the exercise of control of the motor vehicle, and the value of the motor vehicle involved is twenty thousand dollars or less; in violation of section 18-4-409(2),(3)(a), C.R.S.

The offense alleged in Count Sixty-Four was committed in the following manner:

On or about May 17, 2008, Andre Lornes stole a 1999 red Honda Civic belonging to Peter Thao. Lornes then brought the car to his associate's house and he and his associate stripped multiple parts from the vehicle. Lornes subsequently abandoned the stripped vehicle in Denver.

COUNT SIXTY-FIVE

(First Degree Aggravated Motor Vehicle Theft—\$20,000 or less, Class 4 Felony)

On or about June 11, 2008, in the State of Colorado, Andre Lornes unlawfully, feloniously, and knowingly obtained or exercised control over the motor vehicle of Jamie Xiong, without authorization, or by threat or deception, and caused \$500 or more of property damage, including but not limited to property damage to the motor vehicle involved, in the course of obtaining control over or in the exercise of control of the motor vehicle, and the value of the motor vehicle involved is twenty thousand dollars or less; in violation of section 18-4-409(2),(3)(a), C.R.S.

The offense alleged in Count Sixty-Five was committed in the following manner:

On or about June 11, 2008, Andre Lornes stole a 2000 blue Honda Civic belonging to Jamie Xiong. Lornes stripped multiple parts from the vehicle. Lornes subsequently abandoned the stripped vehicle in Arvada.

COUNT SIXTY-SIX

(Conspiracy to Distribute a Schedule II Controlled Substance, Class 3 Felony)

On or about June 13, 2008, in the State of Colorado, Duy Nguyen unlawfully, feloniously, and knowingly conspired with Quoc Nguyen to sell or distribute methamphetamine, a schedule II controlled substance; in violation of section 18-18-405(1),(2)(a)(I)(A), C.R.S.

COUNT SIXTY-SEVEN

(Distribution of a Schedule II Controlled Substance, Class 3 Felony)

On or about June 13, 2008, in the State of Colorado, Duy Nguyen and Quoc Nguyen unlawfully, feloniously, and knowingly sold or distributed methamphetamine, a schedule II controlled substance; in violation of section 18-18-405(1),(2)(a)(I)(A), C.R.S.

The offenses alleged in Counts Sixty-Six and Sixty-Seven were committed in the same manner as Predicate Acts Fifty-Eight and Fifty-Nine.

COUNT SIXTY-EIGHT

(Distribution of a Schedule II Controlled Substance, Class 3 Felony)

On or about June 27, 2008, in the State of Colorado, Duy Nguyen and Quoc Nguyen unlawfully, feloniously, and knowingly sold or distributed methamphetamine, a schedule II controlled substance; in violation of section 18-18-405(1), (2)(a)(I)(A), C.R.S.

The offense alleged in Count Sixty-Eight was committed in the same manner as Predicate Act Sixty.

COUNT SIXTY-NINE

(Distribution of a Schedule II Controlled Substance, Class 3 Felony)

On or about July 2, 2008, in the State of Colorado, Duy Nguyen unlawfully, feloniously, and knowingly sold or distributed methamphetamine, a schedule II controlled substance; in violation of section 18-18-405(1),(2)(a)(I)(A), C.R.S.

The offense alleged in Count Sixty-Nine was committed in the same manner as Predicate Act Sixty-One.

COUNT SEVENTY

(Second Degree Burglary – Dwelling, Class 3 Felony)

On or about July 3, 2008, in the State of Colorado, Duy Nguyen and Jason Tran unlawfully, feloniously, and knowingly broke an entrance into, entered or remained unlawfully after a lawful or unlawful entry in the dwelling of Derek Little, located at 1900 Aspen Drive, Clear Creek County, Colorado with the intent to commit therein the crime of Theft; in violation of section 18-4-203(1)(2)(a), C.R.S.

COUNT SEVENTY-ONE

(Theft — \$1000-\$20,000, Class 4 Felony)

On or about July 3, 2008, in the State of Colorado, Duy Nguyen and Jason Tran unlawfully, feloniously and knowingly obtained or exercised control over things of value, namely: a

Phillips flatscreen television, a laptop computer, and an AR-15 rifle with a scope of Derek Little, with the value of one thousand dollars, without authorization, or by threat or deception, and intended to deprive the lawful owner, permanently of their use or benefit, and; in violation of section 18-4-401(1)(a),(2)(c), C.R.S.

COUNT SEVENTY-TWO

(Contributing to the Delinquency of a Minor, Class 4 Felony)

On or about July 3, 2008, in the State of Colorado, Duy Nguyen unlawfully and feloniously induced, aided, or encouraged Jason Tran, a child, date of birth 1/22/91, to violate the state law namely: Theft, section 18-4-401(a)(2)(c), C.R.S.; in violation of section 18-6-701, C.R.S.

The offenses alleged in Counts Seventy through Seventy-Two were committed in the same manner as Predicate Acts Sixty-Two and Sixty-Three.

COUNT SEVENTY-THREE

(Theft by Receiving—\$1000-\$20,000, Class 4 Felony)

On or about July 16, 2008, in the State of Colorado, Duy Nguyen, Jason Tran and Tuan Nguyen unlawfully and feloniously received, retained, loaned money by pawn or pledge, or disposed of things of value, namely: a 2005 silver Acura RSX of Daniel Maben, 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 not more than twenty thousand dollars; in violation of section 18-4-410(1),(4), C.R.S.

The offense alleged in Count Seventy-Three was committed in the same manner as Predicate Act Sixty-Four.

COUNT SEVENTY-FOUR

(Possession with Intent to Distribute a Schedule I Controlled Substance – 450 to 1000 Grams, Class 3 Felony)

On or about July 16, 2008, in the State of Colorado Duy Nguyen and Jason Tran unlawfully, feloniously, and knowingly possessed with intent to sell or distribute methylenedioxymethamphetamine (MDMA), a schedule I controlled substance. Further, the amount was or had been represented to be at least four hundred-fifty grams or one pound but less than one thousand grams of a material, compound, mixture, or preparation that contained the controlled substance; in violation of section 18-18-405(1),(2)(a)(I)(A),(3)(a)(II), C.R.S.

COUNT SEVENTY-FIVE

(Contributing to the Delinquency of a Minor, Class 4 Felony)

On or about July 16, 2008, in the State of Colorado, Duy Nguyen unlawfully and feloniously induced, aided, or encouraged Jason Tran, a child, date of birth 1/22/91, to violate the state law namely: Possession with Intent to Distribute a Schedule I Controlled Substance – 450 to 1000 Grams, 18-18-405(1),(2)(a)(I)(A),(3)(a)(II), C.R.S.; in violation of section 18-6-701, C.R.S.

The offenses in Counts Seventy-Four and Seventy-Five were committed in the same manner as Predicate Act Sixty-Five.

COUNT SEVENTY-SIX

(Possession with Intent to Distribute Marihuana, Class 4 Felony)

On or about July 16, 2008, in the State of Colorado, Duy Nguyen unlawfully, feloniously, and knowingly possessed, or attempted to possess, with intent to sell or distribute marihuana or marihuana concentrate; in violation of section 18-18-406(8)(b), C.R.S.

The offense alleged in Count Seventy-Six was committed in the same manner as Predicate Act Sixty-Six.

COUNT SEVENTY-SEVEN

(Possession of a Schedule I Controlled Substance—25 to 450 Grams, Class 3 Felony)

On or about July 16, 2008, in the State of Colorado, Duy Nguyen unlawfully, feloniously, and knowingly possessed methylenedioxymethamphetamine (MDMA), a schedule I controlled substance. Further, the amount was or had been represented to be at least twenty-five grams but less than four hundred-fifty grams of a material, compound, mixture, or preparation that contained the controlled substance; in violation of section 18-18-405(1),(2)(a)(I)(A),(3)(a)(I), C.R.S.

The offense alleged in Count Seventy-Seven was committed in the same manner as Predicate Act Sixty-Seven.

COUNT SEVENTY-EIGHT

(Possession of a Schedule II Controlled Substance— 1 Gram or Less, Class 6 Felony)

On or about July 16, 2008, in the State of Colorado, Duy Nguyen unlawfully, feloniously, and knowingly possessed one gram or less of a material, compound, mixture, or preparation that contained methamphetamine, a schedule II controlled substance; in violation of section 18-18-405(1),(2.3)(a)(I), C.R.S.

The offense alleged in Count Seventy-Eight was committed in the same manner as Predicate Act Sixty-Eight.

COUNT SEVENTY-NINE

(Cultivation of Marihuana, Class 4 Felony)

On or about July 16, 2008, in the State of Colorado, Duy Nguyen unlawfully, feloniously, and knowingly cultivated, grew, produced, processed, or manufactured marihuana or marihuana concentrate, or allowed marihuana or marihuana concentrate to be cultivated, grown, produced, processed, or manufactured on land owned, occupied, or controlled by the defendant; in violation of section 18-18-406(8)(a), C.R.S.

The offense alleged in Count Seventy-Nine was committed in the same manner as Predicate Act Sixty-Nine.

COUNT EIGHTY

**(Possession with Intent to Distribute a Schedule II Controlled Substance –
25 to 450 Grams, Class 3 Felony)**

On or about September 25, 2008, in the State of Colorado, Duy Nguyen unlawfully, feloniously, and knowingly possessed with intent to sell or distribute cocaine, a schedule II controlled substance. Further, the amount was or had been represented to be at least twenty-five grams or one ounce but less than four hundred-fifty grams of a material, compound, mixture, or preparation that contained the controlled substance; in violation of section 18-18-405(1),(2)(a)(I)(A),(3)(a)(I), C.R.S.

The offense alleged in Count Eighty was committed in the same manner as Predicate Act Seventy.

COUNT EIGHTY-ONE

(Bribing a Witness, Class 4 Felony)

On or about October 10, 2008, in the state of Colorado, Duy Nguyen unlawfully and feloniously offered, conferred, or agreed to confer a benefit upon Timothy Hern, a person he believed was to be called to testify as a witness or victim in an official proceeding, with intent to influence the witness or victim to testify falsely or unlawfully withhold any testimony from an official proceeding; in violation of section 18-8-703, C.R.S.

COUNT EIGHTY-TWO

(Tampering with a Witness, Class 4 Felony)

On or about October 10, 2008, in the state of Colorado, Duy Nguyen unlawfully, feloniously, and intentionally attempted, without bribery or threats, to induce Timothy Hern, a witness, a victim, or a person the defendant believed might be called to testify as a witness or victim in any crime to testify falsely or unlawfully withhold any testimony from an official proceeding to which he had been legally summoned; in violation of section 18-8-707, C.R.S.

COUNT EIGHTY-THREE

(Distribution of a Schedule II Controlled Substance, Class 3 Felony)

On or about Friday October 10, 2008, in the state of Colorado, Duy Nguyen unlawfully, feloniously, and knowingly sold or distributed methamphetamine, a schedule II controlled substance; in violation of section 18-18-405(1),(2)(a)(I)(A), C.R.S.

The offenses alleged in Counts Eighty-One through Eighty-Three were committed in the same manner as Predicate Acts Seventy-One through Seventy-Three.

COUNT EIGHTY-FOUR

(First Degree Aggravated Motor Vehicle Theft—\$20,000 or less, Class 4 Felony)

On or about October 30, 2008, in the State of Colorado, Andre Lornes unlawfully, feloniously, and knowingly obtained or exercised control over the motor vehicle of Kham

Syleevong, without authorization, or by threat or deception, and caused \$500 or more of property damage, including but not limited to property damage to the motor vehicle involved, in the course of obtaining control over or in the exercise of control of the motor vehicle, and the value of the motor vehicle involved is twenty thousand dollars or less; in violation of section 18-4-409(2),(3)(a), C.R.S.

The offense alleged in Count Sixty-Five was committed in the following manner:

On or about October 30, 2008, Andre Lornes stole a 1994 teal blue Acura Integra belonging to Kham Syleevong. Lornes stripped multiple parts from the vehicle. Lornes subsequently abandoned the stripped vehicle in Thornton.

COUNT EIGHTY-FIVE

(Theft by Receiving—\$1000-\$20,000, Class 4 Felony)

On or about July 16, 2008, in the State of Colorado, Duy Nguyen unlawfully and feloniously received, retained, loaned money by pawn or pledge, or disposed of a thing of value, namely: an Apple IBook G4 laptop of Ray Kemble, 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 not more than twenty thousand dollars; in violation of section 18-4-410(1),(4), C.R.S.

The offense alleged in Count Eighty-Five was committed in the following manner:

On or about July 16, 2008, 2008, an an Apple IBook G4 laptop belonging to Ray Kemble was located in the loft/office area of Duy Nguyen's residence at 9858 Kittredge Street, Commerce City, Colorado. At the time the laptop was recovered, the serial number was missing. After the laptop was searched forensically, law enforcement officers determined that Ray Kemble was the owner of the laptop and that Kemble had reported the laptop stolen on 2/23/08 from his house at 2990 S. Franklin St., Denver, Colorado. Kemble further had reported that his house had been burglarized on that date and at the time his laptop was stolen, it did contain a serial number.

COUNT EIGHTY-SIX

(Second Degree Burglary – Dwelling, Class 3 Felony)

On or about January 20, 2008, in the State of Colorado, Duy Nguyen, Timothy Hern, Pamela Brown and Nicholas Hern unlawfully, feloniously, and knowingly broke an entrance into, entered, or remained unlawfully after a lawful or unlawful entry in the dwelling of Ronald Lee Collins, located at 6090 Fenton Street, Arvada, Colorado with the intent to commit therein the crime of Theft, in violation of section 18-4-203(1), (2)(a), C.R.S.

The offenses alleged in Count Eighty-Six was committed in the manner described in Predicate Acts Eleven through Thirteen and Counts Fifteen through Seventeen.

COUNT EIGHTY-SEVEN

**(Possession with Intent to Distribute a Schedule II Controlled Substance,
Class 3 Felony)**

On or about January 13, 2009, in the State of Colorado, Duy Nguyen unlawfully, feloniously, and knowingly possessed with intent to distribute a material, compound, mixture, or preparation that contained methamphetamine, a schedule II controlled substance; in violation of section 18-18-405(1),(2)(a)(I)(A), C.R.S.

The offense alleged in Count Eighty-Seven was committed in the manner described in Predicate Act Seventy-Four.

COUNT EIGHTY-EIGHT

**(Possession with Intent to Distribute a Schedule II Controlled Substance,
Class 3 Felony)**

On or about January 13, 2009, in the State of Colorado, Jason Tran unlawfully, feloniously, and knowingly possessed with intent to distribute a material, compound, mixture, or preparation that contained methamphetamine, a schedule II controlled substance; in violation of section 18-18-405(1),(2)(a)(I)(A), C.R.S.

COUNT EIGHTY-NINE

(Possession with Intent to Distribute Marihuana, Class 4 Felony)

On or about January 13, 2009, in the State of Colorado, Jason Tran unlawfully, feloniously, and knowingly possessed, or attempted to possess, with intent to sell or distribute marihuana or marihuana concentrate; in violation of section 18-18-406(8)(b), C.R.S.

COUNT NINETY

(Possession of a Weapon by a Previous Offender – Juvenile, Class 6 Felony)

On or about January 13, 2009, in the State of Colorado, Jason Tran unlawfully, feloniously, and knowingly possessed, used, or carried upon his person a firearm or any other weapon, namely: Sig Sauer P239 handgun, serial number # SA4-77817, and Jason Tran was previously adjudicated for First Degree Aggravated Motor Vehicle Theft, an act which, if committed by an adult, would have constituted a felony, as defined by § 18-4-409 (2)(3)(a) C.R.S., on August 1, 2007; and for Possession of Burglary Tools, an act which, if committed by an adult, would have constituted a felony, as defined by § 18-4-205(1) C.R.S., on August 1, 2007, in violation of section 18-12-108(3), C.R.S.

The offenses alleged in Counts Eighty-Eight through Ninety were committed in the manner described in Predicate Acts Seventy-Five and Seventy-Six.

COUNT NINETY-ONE

Special Offender – Distributing on School Grounds (SE)

On or about June 13, 2008, Duy Nguyen and Quoc Nguyen committed the felony offense charged in Count Sixty-Seven, Distribution of a Schedule II Controlled Substance, in violation of § 18-18-405(1),(2)(a)(I)(A), C.R.S., within or upon the grounds of a public or private elementary school, middle school, junior high school, high school, vocational school

or public housing development, or within one thousand feet of the perimeter of the school or public housing development grounds on a street, alley, parkway, sidewalk, public park, playground or other area or premises which was accessible to the public, or within a private dwelling which was accessible to the public for the purpose of the sale, distribution, use, exchange, manufacture, or attempted manufacture of controlled substance; in violation of section 18-18-407(2)(a), C.R.S.

The Sentence Enhancer alleged in Count Ninety-One was committed in the same manner as described in Count Sixty-Seven and Predicate Act Fifty-Nine and enhances Count Sixty-Seven.

COUNT NINETY-TWO

Special Offender – Distributing on School Grounds (SE)

On or about June 27, 2008, Duy Nguyen and Quoc Nguyen committed the felony offense charged in Count Sixty-Eight, Distribution of a Schedule II Controlled Substance, in violation of § 18-18-405(1),(2)(a)(I)(A), C.R.S., within or upon the grounds of a public or private elementary school, middle school, junior high school, high school, vocational school or public housing development, or within one thousand feet of the perimeter of the school or public housing development grounds on a street, alley, parkway, sidewalk, public park, playground or other area or premises which was accessible to the public, or within a private dwelling which was accessible to the public for the purpose of the sale, distribution, use, exchange, manufacture, or attempted manufacture of controlled substance; in violation of section 18-18-407(2)(a), C.R.S.

The Sentence Enhancer alleged in Count Ninety-Two was committed in the same manner as described in Count Sixty-Eight and Predicate Act Sixty and enhances Count Sixty-Eight.

COUNT NINETY-THREE

Special Offender – Distributing on School Grounds (SE)

On or about July 2, 2008, Duy Nguyen committed the felony offense charged in Count Sixty-Nine, Distribution of a Schedule II Controlled Substance, in violation of § 18-18-405(1),(2)(a)(I)(A), C.R.S., within or upon the grounds of a public or private elementary school, middle school, junior high school, high school, vocational school or public housing development, or within one thousand feet of the perimeter of the school or public housing development grounds on a street, alley, parkway, sidewalk, public park, playground or other area or premises which was accessible to the public, or within a private dwelling which was accessible to the public for the purpose of the sale, distribution, use, exchange, manufacture, or attempted manufacture of controlled substance; in violation of section 18-18-407(2)(a), C.R.S.

The Sentence Enhancer alleged in Count Ninety-Three was committed in the same manner as described in Count Sixty-Nine and Predicate Act Sixty-One and enhances Count Sixty-Nine.

COUNT NINETY-FOUR

Special Offender – Child Agent (SE)

On or about July 16, 2008, Duy Nguyen committed the felony offense charged in Count Seventy-Four, Possession with Intent to Distribute a Schedule I Controlled Substance – 450 to 1000 grams, in violation of § 18-18-405(1),(2)(a)(I)(A),(3)(a)(II) C.R.S., and solicited, induced, encouraged, intimidated, employed, hired, or procured a child, namely: Jason Tran, date of birth 1/22/91, to act as defendant's agent to assist in the unlawful distribution, manufacturing, sale, or possession for the purpose of sale of a controlled substance; in violation of section 18-18-407(1)(g), C.R.S.

The Sentence Enhancer alleged in Count Ninety-Four was committed in the same manner as described in Count Seventy-Four and Predicate Act Sixty-Five and enhances Count Seventy-Four.

COUNT NINETY-FIVE

Special Offender – Distributing on School Grounds (SE)

On or about July 16, 2008, Duy Nguyen committed the felony offense charged in Count Seventy-Four, Possession with Intent to Distribute a Schedule I Controlled Substance – 450 to 1000 grams, in violation of § 18-18-405(1),(2)(a)(I)(A),(3)(a)(II) C.R.S., within or upon the grounds of a public or private elementary school, middle school, junior high school, high school, vocational school or public housing development, or within one thousand feet of the perimeter of the school or public housing development grounds on a street, alley, parkway, sidewalk, public park, playground or other area or premises which was accessible to the public, or within a private dwelling which was accessible to the public for the purpose of the sale, distribution, use, exchange, manufacture, or attempted manufacture of controlled substance; in violation of section 18-18-407(2)(a), C.R.S.

The Sentence Enhancer alleged in Count Ninety-Five was committed in the same manner as described in Count Seventy-Four and Predicate Act Sixty-Five and enhances Count Seventy-Four.

COUNT NINETY-SIX

Special Offender – Distributing on School Grounds (SE)

On or about October 10, 2008, Duy Nguyen committed the felony offense charged in Count Eighty-Three, Distribution of a Schedule II Controlled Substance, in violation of § 18-18-405(1),(2)(a)(I)(A), C.R.S., within or upon the grounds of a public or private elementary school, middle school, junior high school, high school, vocational school or public housing development, or within one thousand feet of the perimeter of the school or public housing development grounds on a street, alley, parkway, sidewalk, public park, playground or other area or premises which was accessible to the public, or within a private dwelling which was accessible to the public for the purpose of the sale, distribution, use, exchange, manufacture, or attempted manufacture of controlled substance; in violation of section 18-18-407(2)(a), C.R.S.

The Sentence Enhancer alleged in Count Ninety-Six was committed in the same manner as described in Count Eighty-Three and Predicate Act Seventy-Three and enhances Count Eighty-Three.

COUNT NINETY-SEVEN

(Habitual Criminal Sentence Enhancer)

On November 11, 2005, in the Circuit Court, Clackamas County, Washington, Richard Bryan, was convicted of a felony, namely: Possession of a Controlled Substance, in case number CR0201851; in violation of section 18-1.3-801, C.R.S.

COUNT NINETY-EIGHT

(Habitual Criminal Sentence Enhancer)

On November 11, 2005, in the Circuit Court, Clackamas County, Washington, Richard Bryan, was convicted of a felony, namely: Possession of a Controlled Substance, in case number CR0200962; in violation of section 18-1.3-801, C.R.S.

COUNT NINETY-NINE

(Habitual Criminal Sentence Enhancer)

On June 26, 2000, in the District Court, Jefferson County, Colorado, Robert Giesen, was convicted of a felony, namely: Manufacturing of a Controlled Substance, in case number 2000CR0606; in violation of section 18-1.3-801, C.R.S.

COUNT ONE HUNDRED

(Habitual Criminal Sentence Enhancer)

On October 4, 2000, in the District Court, Adams County, Colorado, Robert Giesen, was convicted of a felony, namely: Attempted Theft from a Person, in case number 2000CR099; in violation of section 18-1.3-801, C.R.S.

COUNT ONE HUNDRED ONE

(Habitual Criminal Sentence Enhancer)

On September 15, 2000, in the District Court, Denver County, Colorado, Robert Giesen, was convicted of a felony, namely: Attempted Theft -\$500 - \$15,000, in case number 1999CR1910; in violation of section 18-1.3-801, C.R.S.

COUNT ONE HUNDRED TWO

(Habitual Criminal Sentence Enhancer)

On August 8, 2000, in the District Court, Arapahoe County, Colorado, Robert Giesen, was convicted of a felony, namely: First Degree Criminal Trespass, in case number 1999CR1416; in violation of section 18-1.3-801, C.R.S.

COUNT ONE HUNDRED THREE

(Habitual Criminal Sentence Enhancer)

On June 26, 2000, in the District Court, Jefferson County, Colorado, Robert Giesen, was convicted of a felony, namely: Forgery – Commercial Instruments / Checks, in case number 1998CR4040; in violation of section 18-1.3-801, C.R.S.

COUNT ONE HUNDRED FOUR

(Habitual Criminal Sentence Enhancer)

On February 15, 1994, in the District Court, Denver County, Colorado, Robert Giesen, was convicted of a felony, namely: Possession of a Controlled Substance, in case number 1994CR0511; in violation of section 18-1.3-801, C.R.S.

COUNT ONE HUNDRED FIVE

(Habitual Criminal Sentence Enhancer)

On April 15, 1992, in the District Court, Adams County, Colorado, Robert Giesen, was convicted of a felony, namely: Attempted Theft, in case number 1992CR1044; in violation of section 18-1.3-801, C.R.S.