

<p>DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO</p> <p>1437 Bannock Street Denver, CO 80202</p> <hr/> <p>THE STATEWIDE GRAND JURY, 2008- 2009 TERM IN RE:</p> <p>ISMAEL LOPEZ,</p> <p>QUIRINA LOPEZ,</p> <p>FINESSE APODACA, and</p> <p>DANIEL FEBLES</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>JOHN W. SUTHERS, Attorney General ROBERT S. SHAPIRO, First Assistant Attorney General ADRIAN VAN NICE, Special Assistant Attorney General 1525 Sherman Street, 7th Floor Denver, CO 80203 (303) 866-5450 Registration Number: 26869 (RSS); 33239 (AVN)</p>	<p>Case No:</p> <p>GJ Case No.: 2008 CR 01</p> <p>Ctrlm.: 6</p>
<p>STATE GRAND JURY INDICTMENT</p>	

- COUNT 1: VIOLATION OF THE COLORADO ORGANIZED CRIME CONTROL ACT- (CONDUCTING AN ENTERPRISE THROUGH A PATTERN OF RACKETEERING ACTIVITY), § 18-17-104(3), C.R.S. (Class 2 Felony) **[37284]**
Ismael Lopez, Quirina Lopez and Finesse Apodaca
- COUNT 2: FIRST DEGREE CRIMINAL TRESPASS, § 18-4-502, C.R.S. (Class 5 Felony) **[09023]**
Ismael Lopez
- COUNT 3: FIRST DEGREE CRIMINAL TRESPASS, § 18-4-502, C.R.S. (Class 5 Felony) **[09023]**
Ismael Lopez
- COUNT 4: IDENTITY THEFT, § 18-5-902(1)(a), C.R.S. (Class 4 Felony) **[13071]**
Ismael Lopez
- COUNT 5: FORGERY, § 18-5-102(1)(c), C.R.S. (Class 5 Felony) **[1001C]**
Ismael Lopez

- COUNT 6: FIRST DEGREE CRIMINAL TRESPASS, § 18-4-502, C.R.S. (Class 5 Felony)
[09023]
Ismael Lopez
- COUNT 7: IDENTITY THEFT, § 18-5-902(1)(a), C.R.S. (Class 4 Felony) **[13071]**
Ismael Lopez and Quirina Lopez
- COUNT 8: FORGERY, § 18-5-102(1)(c), C.R.S. (Class 5 Felony) **[1001C]**
Ismael Lopez
- COUNT 9: FIRST DEGREE CRIMINAL TRESPASS, § 18-4-502, C.R.S. (Class 5 Felony)
[09023]
Ismael Lopez
- COUNT 10: IDENTITY THEFT, § 18-5-902(1)(a), C.R.S. (Class 4 Felony) **[13071]**
Ismael Lopez, Finesse Apodaca and Daniel Febles
- COUNT 11: FORGERY, § 18-5-102(1)(c), C.R.S. (Class 5 Felony) **[1001C]**
Ismael Lopez and Finesse Apodaca
- COUNT 12: FIRST DEGREE CRIMINAL TRESPASS, § 18-4-502, C.R.S. (Class 5 Felony)
[09023]
Ismael Lopez
- COUNT 13: IDENTITY THEFT, § 18-5-902(1)(a), C.R.S. (Class 4 Felony) **[13071]**
Ismael Lopez and Quirina Lopez
- COUNT 14: FORGERY, § 18-5-102(1)(c), C.R.S. (Class 5 Felony) **[1001C]**
Quirina Lopez
- COUNT 15: FIRST DEGREE CRIMINAL TRESPASS, § 18-4-502, C.R.S. (Class 5 Felony)
[09023]
Ismael Lopez and Quirina Lopez
- COUNT 16: IDENTITY THEFT, § 18-5-902(1)(a), C.R.S. (Class 4 Felony) **[13071]**
Quirina Lopez
- COUNT 17: FIRST DEGREE CRIMINAL TRESPASS, § 18-4-502, C.R.S. (Class 5 Felony)
[09023]
Ismael Lopez and Quirina Lopez
- COUNT 18: FIRST DEGREE CRIMINAL TRESPASS, § 18-4-502, C.R.S. (Class 5 Felony)
[09023]
Ismael Lopez and Quirina Lopez

- COUNT 19: FIRST DEGREE CRIMINAL TRESPASS, § 18-4-502, C.R.S. (Class 5 Felony)
[09023]
Ismael Lopez and Quirina Lopez
- COUNT 20: IDENTITY THEFT, § 18-5-902(1), C.R.S. (Class 4 Felony) **[13071]**
Ismael Lopez and Quirina Lopez
- COUNT 21: IDENTITY THEFT, § 18-5-902(1), C.R.S. (Class 4 Felony) **[13071]**
Ismael Lopez and Quirina Lopez
- COUNT 22: IDENTITY THEFT, § 18-5-902(1), C.R.S. (Class 4 Felony) **[13071]**
Ismael Lopez and Quirina Lopez
- COUNT 23: FORGERY, § 18-5-102(1)(c), C.R.S. (Class 5 Felony) **[1001C]**
Ismael Lopez
- COUNT 24: THEFT-\$1,000-\$20,000, § 18-4-401(1)(a),(4), C.R.S. (Class 4 Felony)
[0801X]
Ismael Lopez, Quirina Lopez, Finesse Apodaca and Daniel Febles
- COUNT 25: HABITUAL CRIMINAL, § 18-1.3-801, C.R.S. (SE) **[36101]**
Ismael Lopez
- COUNT 26: HABITUAL CRIMINAL, § 18-1.3-801, C.R.S. (SE) **[36101]**
Ismael Lopez
- COUNT 27: HABITUAL CRIMINAL, § 18-1.3-801, C.R.S. (SE) **[36101]**
Ismael Lopez
- COUNT 28: HABITUAL CRIMINAL, § 18-1.3-801, C.R.S. (SE) **[36101]**
Ismael Lopez
- COUNT 29: HABITUAL CRIMINAL, § 18-1.3-801, C.R.S. (SE) **[36101]**
Ismael Lopez
- COUNT 30: HABITUAL CRIMINAL, § 18-1.3-801, C.R.S. (SE) **[36101]**
Ismael Lopez

COUNT ONE

VIOLATION OF THE COLORADO ORGANIZED CRIME CONTROL ACT-(CONDUCTING AN ENTERPRISE THROUGH A PATTERN OF RACKETEERING ACTIVITY), § 18-17-104(3), C.R.S. (F2)

On or about July 10, 2008 through and including September 30, 2008, in the State of Colorado, **Ismael Lopez, Quirina Lopez and Finesse Apodaca**, while associated with an enterprise: namely a group of individuals associated in fact, although not a legal entity, specifically Ismael Lopez, Quirina Lopez, Finesse Apodaca, Daniel Febles and others known or unknown to the Grand Jury, unlawfully, feloniously and knowingly conducted or participated, directly or indirectly, in an enterprise through a pattern of racketeering activity, in violation of sections 18-17-104(3) and 18-17-105, C.R.S., the Colorado Organized Crime Control Act.

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

The Enterprise

The enterprise alleged in Count One is a group of individuals associated in fact, although not a legal entity, specifically **Ismael Lopez, Quirina Lopez, Finesse Apodaca, Daniel Febles** and others known or unknown to the Grand Jury. The known individuals in this group have a familial relationship with each other and were involved in the organized criminal behavior of committing numerous forcible vehicle trespasses at trail heads in both Boulder and Jefferson Counties, CO, as well as at public parks within the City and County of Broomfield, CO. The motive for these forcible car trespasses appeared to be that one or more members of the associated group would steal various items from the vehicles that had been broken into. The stolen items of choice included, but were not limited to purses, bags, wallets, credit/debit cards, checkbooks, jewelry, cameras, and clothing. Regarding the various items which contained either the personal identifying information or financial identifying information of various victims or which are financial devices, such as credit/debit cards and checkbooks, one or more members of the group would then illicitly use these items at various retail establishments throughout the metropolitan Denver, Colorado area, including in Adams, Boulder, Broomfield, and Jefferson counties to purchase goods and merchandise. C.R.S. 18-17-103(2)

Pattern of Racketeering Activity

Ismael Lopez, Quirina Lopez and Finesse Apodaca engaged in at least two acts of racketeering activity, including any lesser included offenses, which are related to the conduct of the enterprise, if at least one of the acts occurred in the State of Colorado after July 1, 1981, and the last of the acts of racketeering activity occurred within ten years after a prior act of racketeering activity. C.R.S. 18-17-103(3). The predicate acts of racketeering activity in support of this count include both charged and uncharged predicate acts and are cited on the next page:

Theft, C.R.S. § 18-4-401;
Criminal Mischief, C.R.S. § 18-4-501;
Forgery, C.R.S. § 18-5-102;
Identity Theft, C.R.S. § 18-5-902; and
Possession of a Controlled Substance-Schedule II-1 Gram or Less, C.R.S. § 18-18-405

Racketeering Activity

Pursuant to C.R.S. 18-17-103(5)(b), 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 charged and uncharged predicate acts, and any lesser included offenses for these predicate acts:

Uncharged Predicate Act One

CRIMINAL MISCHIEF - \$1,000 - \$20,000, C.R.S. 18-4-501 (F4)

On or about September 25, 2008, in the State of Colorado, **Ismael Lopez and Quirina Lopez** in the course of a single criminal episode, unlawfully, feloniously, and knowingly damaged the real or personal property of Peter Broering, the City of Boulder Parks and/or Open Space and the Boulder County Sheriff's Office, the aggregate damage being one thousand dollars or more but less than twenty thousand dollars; in violation of section 18-4-501, C.R.S.

Uncharged Predicate Act Two

POSSESSION OF A CONTROLLED SUBSTANCE - SCHEDULE II - 1 GRAM OR LESS, C.R.S. 18-18-405(1),(2.3)(a)(I) (F6)

On or about September 25, 2008, in the State of Colorado, **Ismael Lopez**, 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.

Uncharged Predicate Act Three

CRIMINAL MISCHIEF – UNDER \$500, C.R.S. 18-4-501 (M2)

On or about September 25, 2008, in the State of Colorado, **Finesse Apodaca** in the course of a single criminal episode, unlawfully, feloniously, and knowingly damaged the real or personal property of Peter Broering, the aggregate damage being less than five hundred dollars; in violation of section 18-4-501, C.R.S.

The predicate acts in Uncharged Predicate Acts One, Two and Three were committed in the following manner:

On September 25, 2008 at approximately 1:00 pm at the Flatirons Vista Trailhead, located at 3663 S. Foothills Hwy, in Boulder County, Colorado, sheriff deputies received a dispatch from Ranger Joseph Reale of Boulder Open Space and Mountain Parks regarding suspicious people looking into vehicles. Ranger Reale had been conducting surveillance on the trailhead's parking area because of a series of unsolved vehicle trespasses and thefts which had recently occurred in Boulder County. Of note, Ranger Reale observed a male suspect, later identified as Ismael Lopez, first drive into the parking lot in a white colored van. Ismael Lopez then scouted out the vehicles in the parking lot. Ismael Lopez was then observed going back to the white van twice, and talking to the other occupants at least once before he finally retrieved an object. Ismael Lopez later entered a white colored Ford F150 truck through the passenger side door by breaking the passenger side window to gain access. The Ford F150 actually belonged to a city Open Space employee named Peter Broering and Lopez did not have permission to enter this vehicle.

Boulder County Sheriff Deputy Greg Ranum then arrived, parked his vehicle in a manner to block a possible fleeing vehicle, exited his vehicle with his weapon drawn and made numerous verbal commands while approaching the suspect. Deputy Ranum then observed a female, later identified by law enforcement as Quirina Lopez, now moved over into the driver seat of the white van that brought Ismael Lopez. Earlier, according to Ranger Reale, Quirina Lopez had actually moved the white van into a position so as to obscure Ismael Lopez' actions inside the Ford F150. Quirina Lopez then honked the horn, getting the attention of Ismael Lopez, who then got out of Broering's F150 and got into the white van with Quirina Lopez. With neither Ismael Lopez nor Quirina Lopez complying with Deputy Ranum's commands, Deputy Ranum quickly got back into his vehicle concerned that the white van might flee.

The white van then tried to exit the parking lot and ultimately was stopped by Deputy Ranum after the van crashed into a fence and damaging Deputy Ranum's patrolcar. Ranger Reale then had to break the driver's side window of the van in an effort to get Quirina Lopez to shut off the white van. A third person, later identified by law enforcement as Finesse Apodaca, was also in the white van that day when contacted by law enforcement. The aggregate damage caused during this single criminal episode to Peter Broering's vehicle, the sheriff's patrol vehicle and to the city's fence exceeded \$1000.00 in value. It should be noted that a variety of items were seized from the white van, including but not limited to a Crate and Barrel gift card, various retail store receipts, a camera and pawn slips. Based on the weeks of follow-up investigation into Quirina Lopez' and Finesse Apodaca's other comparable activities as part of enterprise in the weeks leading up to September 25, 2008, as summarized later in this Indictment and incorporated into this factual summary, it is a reasonable inference that Quirina Lopez and Finesse Apodaca were complicit with Ismael Lopez as he committed the the acts constituting the offense of Criminal Mischief on this date. Finally, Ismael Lopez later admitted to deputies that he possessed some "meth". Deputies then located .7 g of methamphetamine, a Schedule II Controlled Substance, on Ismael Lopez which presumptively tested positive.

Uncharged Predicate Act Four

CRIMINAL MISCHIEF - UNDER \$500, C.R.S. 18-4-501 (M2)

On or about September 9, 2008, in the State of Colorado, **Ismael Lopez**, in the course of a single criminal episode, unlawfully and knowingly damaged the real or personal property of Aaryn Munson and/or Gail Johnson, the aggregate damage being less than five hundred dollars; in violation of section 18-4-501, C.R.S.

Charged Predicate Act Five

IDENTITY THEFT - USES INFORMATION TO OBTAIN THING OF VALUE, C.R.S. 18-5-902(1) (F4)

On or about September 9, 2008, in the State of Colorado, **Ismael Lopez**, unlawfully, feloniously, and knowingly used or attempted to use the personal identifying information, financial identifying information, or financial device of Aaryn Munson without permission or lawful authority 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)(a),(f), C.R.S.

Charged Predicate Act Six

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

On or about September 9, 2008, in the State of Colorado, **Ismael Lopez** with the intent to defraud Aaryn Munson, Target and/or Chase, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a credit card receipt created via an electronic signature pad; in violation of section 18-5-102(1)(c), C.R.S.

The predicate acts alleged in Uncharged Predicate Act Four and in Charged Predicate Acts Five and Six occurred in the following manner:

On September 9, 2008 at approximately 10:55 am Boulder County Sheriff's Office deputies were dispatched to the Bobolink Trailhead parking lot in that county. Aaryn Munson reported that her 1992 Toyota vehicle had just been broken into via the driver's side window being broken into while parked at the trailhead. A second vehicle owner, Gail Johnson, reported that her 2005 Toyota was also broken into with her rear passenger window smashed. The combined damage to the two windows was under \$500.00. Both victims reported that various items including but not limited to a purse, a camera bag, jewelry, clothing items, credit/debit

cards, exercise equipment and a checkbook had been stolen during these two trespasses. The combined value of the stolen items from just Ms. Johnson's car exceeded \$1000.00, even before you add in Ms. Munson's losses which were at least \$350.00. It should be noted that a witness named Luke Price observed a suspicious Hispanic male in his mid 30's, with a mustache and goatee as well as wearing a cap and sunglasses in a parked teal colored Ford Taurus SHO near Munson's vehicle when they initially arrived at approximately 10:30 am.

As the investigation into this trespass ensued, as well as the investigation of other unsolved vehicle trespasses which had occurred in Boulder and Broomfield Counties, by late September and into early-mid October 2008 investigators started to learn that Ms. Munson's Mastercard had been illicitly used at a Boulder Target store on September 9, 2008 at 11:31 am when \$400.00 in merchandise had been bought. Furthermore, her Visa card had also been illicitly used on the same date at the same Target store at 11:33 am when \$200.00 in gift cards had been bought. Investigators were able to view a Target store video showing the purchases associated with the misuse of Munson's cards, as well as other related video. Detectives clearly observed Ismael Lopez complete the transactions with two different cards, which included Lopez signing the electronic credit card panel which created a sales receipt. Another person, later identified as Daniel Febles, accompanied Ismael Lopez during these transactions which occurred within 1 hour of the trailhead trespass. Investigators subsequently learned that Mr. Febles owned and drove a green colored Ford Taurus SHO.

Investigators next learned that one of Ms. Munson's cards had also been used at the Boulder Home Depot store at approximately 11:08 am. A review of store video showed that Ismael Lopez, wearing a blue shirt, blue jeans and blue hat, was at a self-checkout and used a credit/debit card. Daniel Febles, seen wearing a white t-shirt, shorts and a black cap, was observed in the video standing alongside of Lopez during the self-checkout at the Home Depot. Lopez also signed the electronic panel while using Ms. Munson's card without her permission. Lopez and Febles then bought a Ryobi tool and another item totaling \$400.00. Febles then removed and carried out the stolen items while accompanied by Mr. Lopez.

Uncharged Predicate Act Seven

CRIMINAL MISCHIEF - UNDER \$500, C.R.S. 18-4-501 (M2)

On or about September 16, 2008, in the State of Colorado, **Ismael Lopez**, in the course of a single criminal episode, unlawfully and knowingly damaged the real or personal property of Nicole Hickey, the aggregate damage being less than five hundred dollars; in violation of section 18-4-501, C.R.S.

Charged Predicate Act Eight

IDENTITY THEFT - USES INFORMATION TO OBTAIN THING OF VALUE,
C.R.S. 18-5-902(1)(a),(f) (F4)

On or about September 16 through and including September 21, 2008, in the State of Colorado, **Ismael Lopez and Quirina Lopez** unlawfully, feloniously, and knowingly used or attempted to use the personal identifying information, financial identifying information, or financial device of Nicole (Soho) Hickey without permission or lawful authority 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)(a),(f), C.R.S.

Charged Predicate Act Nine

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

On or about September 16, 2008, in the State of Colorado, **Ismael Lopez**, with the intent to defraud Nicole (Soho) Hickey, Diamond Shamrock/Valero, Visa and/or Wells Fargo, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: credit card receipts; in violation of section 18-5-102(1)(c), C.R.S.

The predicate acts alleged in Uncharged Predicate Act Seven and Charged Predicate Acts Eight and Nine occurred in the following manner:

On September 16, 2008 Boulder County Sheriff Office deputies were dispatched to the Bobolink Trailhead reference a vehicle trespass and theft. Nicole Hickey, with a maiden name of Soho, was contacted and described having her 1998 Honda CR-V broken into via a rear passenger window being broken. The damage to Ms. Hickey's car was under \$500.00. Ms. Hickey stated that when she parked she noticed a suspicious white man in his 30's wearing a ball cap and sunglasses. This man had been driving a white colored pick-up truck with a ladder rack. Even though she felt uneasy about this man, she nonetheless left her purse in the vehicle, locked her car, and left for awhile. Ms. Hickey stated that various items including but not limited to her credit cards and a Crate and Barrel gift card, with \$200.00 in value on the card, had been stolen. Ms. Hickey had received notice from her credit card companies that her stolen cards had been used at a Westminster Wal-Mart, a King Soopers and at a Safeway.

Investigators were then able to track the illicit and unauthorized use of Ms. Hickey's various cards. The first misuse occurred at a Diamond Shamrock/Valero gas station in Westminster at 10:56-10:57 am on September 16, 2008 in the amount of \$20.00. A store photograph shows Ismael Lopez using the card to purchase gasoline. A signed credit card receipt attributed to Ismael Lopez was obtained from this gas station. A different card belonging to Ms. Hickey was then used at a Wal-Mart at 10:58 am on September 16, 2008 in Westminster. It appears that a \$100.00 transaction occurred here as well as a \$129.22 transaction. Items bought included, but were not limited to a computer printer cartridge, a diaper bag, a blanket and 2 boxes of diapers. Store video shows that Quirina Lopez was in the printer cartridge aisle and then shows her making these transactions. Another card was used at the same Wal-Mart at 11:05 am for \$84.59 worth of merchandise that was purchased by 3 males, including Ismael Lopez who was wearing the same shirt as depicted in the Diamond Shamrock photo only minutes before. Video also shows that Ismael Lopez stayed behind and attempted to buy gift cards with another card but was denied. Finally video showed that a green colored Ford Taurus was present at this time. As discussed earlier, investigators learned that Ismael Lopez' brother-in-law, Daniel Febles, drives a green colored Ford Taurus.

Other unauthorized uses of Ms. Hickey's financial transactions devices occurred at a King Soopers at 104th and Federal and across the street at a Safeway, both located in Adams County. During the King Soopers transaction which occurred on September 16, 2008 at 11:23-11:29 am, Quirina Lopez is seen being dropped off and then picked up. A white colored work truck driven by Ismael Lopez was confirmed to be at that store when Quirina Lopez was present. \$150.00 in gift cards for King Soopers and Applebees was charged on a Hickey card during this transaction. At the Safeway it appears that \$123.00 in merchandise was purchased, including buying two (2) \$50.00 cards for Home Depot without Ms. Hickey's consent. This transaction occurred at 11:35 am on September 16, 2008. Quirina Lopez was observed making this transaction.

Finally, the Crate and Barrel gift card stolen from Ms. Hickey's car was later used on September 20 and 21, 2008 at the FlatIron Crossing Crate and Barrel store in Broomfield. While the mall video shows Ismael Lopez, Quirina Lopez and Finesse Apodaca entering the mall together, it appears that Finesse Apodaca was involved with an unauthorized \$49.24 purchase on the 20th and Ismael Lopez was involved in making a \$49.40 purchase on the 21st.

Uncharged Predicate Act Ten

CRIMINAL MISCHIEF - \$500-\$1000, C.R.S. 18-4-501 (M1)

On or about September 18, 2008, in the State of Colorado, **Ismael Lopez**, in the course of a single criminal episode, unlawfully and knowingly damaged the real or personal property of Mary Lutz, the aggregate damage being at least five hundred dollars but less than one thousand dollars; in violation of section 18-4-501, C.R.S.

Charged Predicate Act Eleven

IDENTITY THEFT - USES INFORMATION TO OBTAIN THING OF VALUE,
C.R.S. 18-5- 902(1)(a),(f) (F4)

On or about September 18-19, 2008, in the State of Colorado, **Ismael Lopez and Finesse Apodaca** unlawfully, feloniously, and knowingly used or attempted to use the personal identifying information, financial identifying information, or financial device of Clara Muino without permission or lawful authority 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)(a),(f), C.R.S.

Charged Predicate Act Twelve

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

On or about September 18-19, 2008, in the State of Colorado, **Ismael Lopez and Finesse Apodaca**, with the intent to defraud Clara Muino, Visa, American Express, Home Depot and/or Target, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: credit card receipts via electronic signature pads; in violation of section 18-5-102(1)(c), C.R.S.

The predicate acts alleged in Uncharged Predicate Act Ten and Charged Predicate Acts Eleven and Twelve occurred in the following manner:

On September 18, 2008 at approximately 2:05 pm Deputy Greg Ranum was dispatched to the Greenbelt Plateau Trailhead on the report of a vehicle trespass. The trespassed/damaged car was a 2006 Subaru and owned by Mary Lutz. She reported that the rear driver's side window had been broken out, as well as some damage caused to a center post of the car based on evidence that a screwdriver type implement may have been used to break out the window. Lutz' friend, Clara Muino, stated that her purse was stolen from the Lutz vehicle. Key items stolen included cash, glasses, a cell phone, and various charge cards (including an American Express card, a Visa card, a Home Depot card, and a Lowes card).

Investigators later learned that Ms. Muino's cards had been used without her authorization at various Boulder businesses on September 18, 2008. Between 2:16 pm and 5:00 pm Muino's cards were used at Home Depot, Target, King Soopers and at a Conoco/K&G.

The unauthorized uses of Ms. Muino's cards at the Home Depot on September 18, 2008 at approximately 2:16 pm were completed by Ismael Lopez and Finesse Apodaca, along with the complicit assistance of Daniel Febles. Video shows Finesse Apodaca, along with Febles, buying two \$200.00 gift cards along with batteries and a battery charger. Apodaca is seen in the video signing the electronic card reader when she made this purchase. It was also determined through video that Ismael Lopez used the stolen American Express card. It appears that Mr. Lopez signed for the purchase at a self-checkout at the Home Depot at the same time Apodaca was making her purchase at a different check-out stand at the same Home Depot.

The Target transactions occurred between 2:27 and 2:38 pm. These transactions included a \$432.63 unauthorized use of a Visa card, a \$200.00 unauthorized use of an American Express card for gift cards, and another \$200.00 unauthorized use for more gift cards. Store video from Target shows that Finesse Apodaca, again in the company of Daniel Febles, attempting one transaction and then completing at least one other transaction (the \$432.63 purchase of an Xbox 360 video game system) at the electronics counter in which she signed the electronic card reader, ultimately creating a receipt. Ismael Lopez is also seen in store video completing a transaction and signing the electronic card reader, ultimately creating a receipt.

The King Soopers transactions, totaling two, occurred at 3:09 and 3:10 pm. The total amounts charged on one of Muino's financial transaction devices misused at King Soopers was \$401.44, which was primarily for the purchase of gift cards. Based on a review of video a Green Ford Taurus, again the one likely owned and driven by Daniel Febles, as well as a white van with the words "Artech" written in red, were two vehicles apparently used by the suspects at this King Soopers. Ismael Lopez and Finesse Apodaca are both seen in store video on that date at those times. When interviewed by law enforcement on September 25, 2008, Ismael Lopez implicated Finesse Apodaca as the one who made the King Soopers gift card purchases.

Investigators were then able to determine that some of the Target and King Soopers gift cards purchased by members of the enterprise on September 18, 2008 in Boulder were used at a later date. Specifically, two transactions involving the Target cards occurred on September 19, 2008 at a Target in Westminster in which Ismael Lopez is observed to be present, apparently buying an Xbox 360 video game system after using the card and signing the electronic card reader. Another transaction occurred on September 23, 2008 between 9:45 to 9:56 am at a Thornton Target store. This transaction involved both Ismael Lopez and Quirina Lopez. A third transaction occurred at an Edgewater Target store on September 30, 2008. Finally, another video viewed by law enforcement also showed that the King Soopers gift cards were redeemed at Boulder and Broomfield stores on September 19, 2008 by Ismael Lopez.

Charged Predicate Act Thirteen

CRIMINAL MISCHIEF - UNDER \$500, C.R.S. 18-4-501 (M2)

On or about September 23, 2008, in the State of Colorado, **Ismael Lopez**, in the course of a single criminal episode, unlawfully and knowingly damaged the real or personal property of Terrill Hutson and/or Kathryn Hutson, the aggregate damage being less than five hundred dollars; in violation of section 18-4-501, C.R.S.

Charged Predicate Act Fourteen

IDENTITY THEFT - USES INFORMATION TO OBTAIN THING OF VALUE, C.R.S. 18-5-902(1)(a),(f) (F4)

On or about September 23, 2008 through and including September 30, 2008, in the State of Colorado, **Ismael Lopez and Quirina Lopez**, unlawfully, feloniously, and knowingly used or attempted to use the personal identifying information, financial identifying information, or financial device of Kathryn Hutson without permission or lawful authority 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)(a),(f), C.R.S.

Charged Predicate Act Fifteen

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

On or about September 23, 2008, in the State of Colorado, **Quirina Lopez** with the intent to defraud Kathryn Hutson, Terrill Hutson, Wells Fargo, Visa, and/or Target, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: credit card receipts via electronic signature pads; in violation of section 18-5-102(1)(c), C.R.S.

The predicate acts alleged in Charged Predicate Acts Thirteen through Fifteen occurred in the following manner:

On September 23, 2008 at approximately 2:18 pm Boulder Police were dispatched to contact Terrill and Kathryn Hutson at the Settler's Park trailhead regarding a vehicle trespass. The Hutson's reported to Boulder Police that they parked their 2003 Jeep at this park at about 1:00 pm so that they could go bike riding. When they returned after 2:00 pm they noticed that their car had been broken into with a rear window being broken. The Hutson's stated that Ms. Hutson's purse and its contents had been stolen, along with a cell phone, Bolle sunglasses, a daytimer and an air compressor. Of note, at least two credit cards assigned to Ms. Hutson were also stolen. These cards included a Visa.

While Boulder Sheriff's and Boulder Police investigators were working their cases, they obtained evidence that members of this enterprise had used the financial transaction devices of Kathryn Hutson at a Boulder Target store in the afternoon on September 23, 2008. One Visa card assigned to Ms. Hutson was used to purchase over \$278.00 in goods, including a \$200.00 gift card that was later redeemed at the Thornton and Edgewater Targets. Two Hutson Visa cards were also used to purchase over \$497.00 in goods, including buying an Xbox 360 video game system. A review of store video showed that Quirina Lopez purchased the Xbox 360 at the electronics counter using two separate credit cards belonging to Ms. Hutson. Ms. Lopez accomplished this purchase by signing the electronic credit card signature pad twice. Ms. Lopez also completed the gift card related purchase, by again signing the electronic credit card signature pad. Ismael Lopez was also observed in a Target store video from this same date after he had received the Xbox 360 from Quirina Lopez.

Evidence was also obtained that a Hutson financial device was used at an Office Depot on 28th Street in Boulder on September 23, 2008 to purchase \$865.27 worth of goods. Also a Hutson credit card was apparently used at a Safeway located at 2798 Arapahoe in Boulder to purchase \$201.61 worth of goods on this same date. Later this same afternoon a card assigned to Ms. Hutson was used at a K&G station located at 2990 Diagonal Hwy in Boulder to purchase \$24.00 in goods. Finally, it appears that a Hutson card was used on this same date in a failed attempt to purchase goods at a Sports Authority store located at 3320 28th Street in Boulder.

Charged Predicate Act Sixteen

IDENTITY THEFT - USES INFORMATION TO OBTAIN THING OF VALUE,
C.R.S. 18-5-902(1)(a),(f) (F4)

On or about September 24, 2008, in the State of Colorado, **Quirina Lopez**, unlawfully, feloniously, and knowingly used or attempted to use the personal identifying information, financial identifying information, or financial device of Miriam Finn without permission or lawful authority 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)(a),(f), C.R.S.

The predicate act alleged in Charged Predicate Act Sixteen occurred in the following manner:

On September 24, 2008 at 3:25 pm, a Boulder County Sheriff deputy contacted Miriam Finn who reported that her 2001 Ford Ranger had been unlawfully entered while it was parked at the Flatiron Vista trailhead between 12:00 pm and 1:00 pm. Ms. Finn reported that a variety of items including a Coach purse valued at over \$200.00, a library book valued at \$500.00, cash, a checkbook and other financial devices such as credit and debit cards were stolen. Ms. Finn then learned that in the short time period after the break-in her credit and bank cards had been used without her authorization to purchase \$2,148.07 in goods at various stores in Broomfield, Thornton and finally in Federal Heights. Investigators learned that at 1:11 pm on September 24th one of Finn's stolen Visa business check cards was used at an Office Depot in Broomfield to buy \$921.80 in items, including a Toshiba laptop computer.

Heading further east away from Boulder and Broomfield, it was learned that at a Super Wal-Mart in Thornton at approximately 2:07 pm, another Finn Visa card was used, without her authorization, to purchase \$920.93 worth of items, including another Toshiba laptop computer. Quirina Lopez was observed by law enforcement on video making this particular transaction.

Next at approximately 2:26 pm at an Auto Zone on W. 84th Ave. in Federal Heights a Finn Visa card was used to purchase \$204.34 in merchandise, including a \$200.00 gift card. In a separate transaction at this same Auto Zone at 7:01 pm, Finn's debit card was used to purchase \$14.13 in goods.

Finally, between 2:34 and 2:36pm at a Federal Heights King Soopers on W. 84th Ave., two different Finn Visa credit cards were used to purchase \$150.00 in merchandise. The items purchased for \$150.00 were three \$50.00 Foot Locker gift cards. King Soopers store video showed that Quirina Lopez was the person who completed these transactions.

Charged Predicate Act Seventeen

IDENTITY THEFT - USES INFORMATION TO OBTAIN THING OF VALUE,
C.R.S. 18-5-902(1)(a),(f) (F4)

On or about September 21, 2008, in the State of Colorado, **Ismael Lopez and Quirina Lopez**, unlawfully, feloniously, and knowingly used or attempted to use the personal identifying information, financial identifying information, or financial device of Martin Lajeunesse without permission or lawful authority 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)(a),(f),

Uncharged Predicate Act Eighteen

CRIMINAL MISCHIEF - UNDER \$500, C.R.S. 18-4-501 (M2)

On or about September 21, 2008, in the State of Colorado, **Ismael Lopez and Quirina Lopez**, in the course of a single criminal episode, unlawfully and knowingly damaged the real or personal property of Mike Carter, the aggregate damage being less than five hundred dollars; in violation of section 18-4-501, C.R.S.

Uncharged Predicate Act Nineteen

CRIMINAL MISCHIEF - UNDER \$500, C.R.S. 18-4-501 (M2)

On or about September 21-22, 2008, in the State of Colorado, **Ismael Lopez and Quirina Lopez**, in the course of a single criminal episode, unlawfully and knowingly damaged the real or personal property of Leanne Holitza, the aggregate damage being less than five hundred dollars; in violation of section 18-4-501, C.R.S.

Charged Predicate Act Twenty

IDENTITY THEFT - USES INFORMATION TO OBTAIN THING OF VALUE,
C.R.S. 18-5-902(1)(a),(f) (F4)

On or about September 21-23, 2008, in the State of Colorado, **Ismael Lopez and Quirina Lopez**, unlawfully, feloniously, and knowingly used or attempted to use the personal identifying information, financial identifying information, or financial device of Mike Carter without permission or lawful authority 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)(a),(f), C.R.S.

Charged Predicate Act Twenty-One

IDENTITY THEFT - USES INFORMATION TO OBTAIN THING OF VALUE,
C.R.S. 18-5-902(1)(a),(f) (F4)

On or about September 21-23, 2008, in the State of Colorado, **Ismael Lopez and Quirina Lopez**, unlawfully, feloniously, and knowingly used or attempted to use the personal identifying information, financial identifying information, or financial device of Leanne Holitza without permission or lawful authority 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)(a),(f), C.R.S.

Charged Predicate Act Twenty-Two

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

On or about September 21-23, 2008, in the State of Colorado, **Ismael Lopez**, with the intent to defraud Mike Carter, Martin Lajeunesse, American Express, Mastercard, Visa, Capital One, Washington Mutual, US Bank, Wal-Mart and/or Home Depot, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: credit card receipts; in violation of section 18-5-102(1)(c), C.R.S.

The predicate acts alleged in Predicate Acts Seventeen through Twenty-Two occurred in the following manner:

On September 21, 2008 at approximately 8:22 am Broomfield police officers were dispatched to Tom Frost Reservoir in the City and County of Broomfield and were to contact Mike Carter regarding a vehicle trespass involving his 2003 Honda that had been broken into causing \$100.00 in damage to a window. Mr. Carter stated that he had arrived at about 7:30 am and went walking in the Open Space. He then said that when he was returning at about 8:20 am that he noticed from a distance that a white colored minivan with lettering such as "art tech" was parked next to his car. He observed the white minivan leaving before he actually got back to his car. Upon

getting into his car, Carter noticed the damage to a window and the strong smell of a woman's perfume. Carter also realized that his wallet with \$300.00 in cash and a Canon digital camera, valued at \$400.00 was missing. The wallet contained a Washington Mutual Visa credit card, a US Bank debit card and a Capital One card.

On September 21, 2008 at approximately 8:30 am and again at 8:50 am, two financial devices belonging to Mike Carter were used at a Broomfield Home Depot. The first unauthorized use was confirmed by Home Depot employee Ginger Abeyta who assisted a Hispanic male who was approximately 35 years old at about 8:30 am with a credit card purchase. This man bought a container of Crazy Glue and two \$200.00 gift cards with Carter's Visa. The man stated that he was buying the cards for his employees as a reward for working hard. A receipt with a signature purporting to be Michael Carter was printed off by Ms. Abeyta and collected by the Broomfield PD. Store video was obtained from Home Depot showing the first transaction described by Ms. Abeyta as well as a second transaction at 8:50 am where the man purchased two more \$200.00 gift cards with Mr. Carter's financial devices. This second transaction also resulted in the Hispanic male signing after using the card. After September 25, 2008, Boulder County Sheriff detectives, with the consent of Rodolfo Lopez, seized two Home Depot receipts from September 21, 2008 from the impounded white minivan that was used by Ismael Lopez, Quirina Lopez and Finesse Apodaca on September 25, 2008. These two receipts contain apparently fraudulent signatures which were written to appear to be that of Michael Carter.

On September 21, 2008 at approximately 9:31 pm, Broomfield PD officers were dispatched to the Community Park Softball Fields in the City and County of Broomfield on a report of a vehicle trespass belonging to Martin Lajeunesse. Mr. Lajeunesse reported that his wallet, containing an American Express card, a Mastercard, \$105.00 in cash, his social security card, a blank check, as well as other items were missing. It was later determined that two financial devices belonging to Mr. Lajeunesse were used without his authorization at approximately 8:40 pm on September 21, 2008 at a Thornton WalMart. The Mastercard was used in a failed attempt to purchase \$789.30 in items, including an HD Television set valued at \$697.00 and his American Express card was then used twice to purchase \$756.94 and \$200.00 in items.

During the morning of September 22, 2008, a Broomfield PD officer was dispatched to contact Leanne Holitza regarding a vehicle trespass at the Broomfield Commons Park in the City and County of Broomfield. Her 2007 Toyota Prius had been forcefully entered after someone had broken out a window causing some damage under \$500.00. Mr. Holitza's purse and its contents had been stolen from her car. The stolen items, valued under \$100.00, included her purse, a cell phone, some keys, her checkbook, various financial devices such as American Express cards, a Visa card and a check card. Broomfield Police learned that Ms. Holitza's American Express card had been confiscated by a Broomfield Home Depot employee named Kelley Miller on September 22, 2008 at about 7:25 am after a suspicious Hispanic man, in his 30's, wearing a mustache, came to her register and attempted to purchase two \$200.00 gift cards. Based on Ms. Miller being aware that on September 21, 2008, a similar fraudulent transaction had occurred at her store involving Mr. Carter's stolen financial transaction devices, she then questioned the male about who Leanne was. The suspicious man stated that Leanne was his wife and he had to hurry up because he had to get the kids off to school. The man then tried to get the card back, but he was unsuccessful in doing so, and subsequently left the store. Another witness

at the Broomfield Home Depot, Phyllis Hurst, positively identified Ismael Lopez as the person who attempted to use Holitza's American Express card on September 22, 2008.

Broomfield Police also learned that a stolen credit card belonging to Ms. Holitza had been used on September 21, 2009 at approximately 9:00 pm at a WalMart in Thornton to purchase a T.V and gift cards. Furthermore, the Broomfield Police then learned that Ms. Holitza's stolen American Express card had also been fraudulently used at a King Soopers in Broomfield at about 7:25 am on September 22, 2008 to purchase \$212.50 in merchandise, including a \$200.00 gift card.

On October 7, 2008, Broomfield PD detectives Frederick and Bennett interviewed Isamel Lopez. Mr. Lopez was shown still photos of the white Mazda MPV minivan taken from Thornton Wal-Mart on September 21, 2008. Lopez confirmed that the van in the photo did belong to his brother and that a logo on the side of the van was for "Artech". Lopez further admitted that other photos from inside that Wal-Mart on September 21, 2008 were indeed Quirina Lopez and himself. He also confirmed that he owned a black leather Broncos jacket like the one shown in the photo. While Lopez initially denied that he had used any stolen credit cards, he later changed his story and admitted his role in the scheme when he was told about store video showing him buying a television. Ismael Lopez then tried to minimize Quirina Lopez's role in the scheme. However, his statement attempting to exculpate her was inconsistent with the other evidence that had been discovered by investigators in Boulder and Broomfield Counties.

Predicate Act Twenty-Three

THEFT - \$1,000-\$20,000, C.R.S. 18-4-401(1)(a),(4) (F4)

On or about July 10, 2008 through and including September 30, 2008, in the State of Colorado, **Ismael Lopez, Quirina Lopez, and Finesse Apodaca** unlawfully, feloniously, and knowingly obtained or exercised control over things of value, namely: U.S. Currency/Cash, Eyeglasses, Cell Phones, Jewlery, Cameras, a Camera Bag, Clothing, Purses with Contents, Various Financial Devices (such as credit and debit cards), Checkbooks, a Heart Monitor, Television Sets, Multiple Gift Cards (with an equivalent cash value), Power Tools, Computer Related Items, Gasoline, Furniture, a Passport, a Library Book, Tarot Cards, Keys, Various Electronic Items (such as Xbox 360's and Toshiba Laptop Computers), an Air Compressor, and/or other Miscellaneous Items, Goods and Merchandise of Home Depot, Wal-Mart, Super Wal-Mart, Target, King Soopers, Safeway, Conoco/K&G, Auto Zone, Diamond Shamrock/Valero, Office Depot, Crate and Barrel, Aaryn Munson, Gail Johnson, Clara Muino, Nicole (Soho) Hickey, Terrill Hutson, Kathryn Hutson, Miriam Finn, Martin Lajeunesse, Mike Carter, Sandra Herrera and/or LeAnne Holitza, twice or more within a period of six months, with an aggregate value of one thousand dollars or more but less than twenty thousand dollars, without authorization, or by threat or deception, and intended to deprive Home Depot, Wal-Mart, Super Wal-Mart, King Soopers, Safeway, Conoco/K&G, Auto Zone, Diamond Shamrock/Valero, Office Depot, Crate and Barrel, Aaryn Munson, Gail Johnson, Clara Muino, Nicole (Soho) Hickey, Terrill Hutson, Kathryn Hutson, Miriam Finn, Martin Lajeunesse, Mike Carter, Sandra Herrera and/or LeAnne Holitza permanently of its use or benefit; in violation of section 18-4-401(1)(a),(4), C.R.S.

The predicate act alleged in Predicate Act Twenty-Three occurred a manner previously described in the factual summaries that were in support of Predicate Acts One through Twenty-Two and which are incorporated herein, as well as in the uncharged following manner:

Also, on July 10, 2008 at approximately 4:43 pm Jefferson County Sheriff's deputies were dispatched to the Crown Hill Open Space Park located at 9307 West 26th Ave. in Lakewood, Colorado. Deputies met with Sandra Herrera who stated that her 2004 green colored Mazda van had been unlawfully entered by an unknown individual(s). Ms. Herrera related that her purse and its contents, including a charge card, \$30.00 cash, a \$250.00 pair of prescription glasses and make-up had been stolen. It appeared to Ms. Herrera and to the deputies that entry into her vehicle had been made through a partially opened window.

Deputies attempted to lift some latent fingerprints from the area around the inside of the front passenger window. On July 18, 2008, the latent fingerprints from Ms. Herrera's vehicle trespass were submitted into the Automated Fingerprint Identification System (AFIS). A criminalist with the Jefferson County Sheriff's Office was able to establish an identification of the questioned fingerprint after she compared the collected latent fingerprints to the known fingerprints of Ismael Lopez who has a date of birth of January 24, 1972. The Ismael Lopez referenced in Predicate Acts One through Twenty-Two has the same birth date and was determined to be the same person.

COUNT TWO

FIRST DEGREE CRIMINAL TRESPASS - AUTOMOBILE, C.R.S. 18-4-502 (F5)

On or about September 9, 2008, in the State of Colorado, **Ismael Lopez**, unlawfully, feloniously, and knowingly entered the motor vehicle of Gail Johnson with intent to commit therein the crime of Theft; in violation of section 18-4-502, C.R.S.

COUNT THREE

FIRST DEGREE CRIMINAL TRESPASS - AUTOMOBILE, C.R.S. 18-4-502 (F5)

On or about September 9, 2008, in the State of Colorado, **Ismael Lopez**, unlawfully, feloniously, and knowingly entered the motor vehicle of Aaryn Munson with intent to commit therein the crime of Theft; in violation of section 18-4-502, C.R.S.

COUNT FOUR

IDENTITY THEFT - USES INFORMATION TO OBTAIN THING OF VALUE, C.R.S. 18-5-902(1) (F4)

On or about September 9, 2008, in the State of Colorado, **Ismael Lopez**, unlawfully, feloniously, and knowingly used or attempted to use the personal identifying information, financial identifying information, or financial device of Aaryn Munson without permission or lawful authority 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)(a),(f), C.R.S.

COUNT FIVE

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

On or about September 9, 2008, in the State of Colorado, **Ismael Lopez** with the intent to defraud Aaryn Munson, Target and/or Chase, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a credit card receipt created via an electronic signature pad; in violation of section 18-5-102(1)(c), C.R.S.

The factual summary for Counts Two through Five was previously described in the factual summary for Predicate Acts Four through Six which were in support of Count One.

COUNT SIX

FIRST DEGREE CRIMINAL TRESPASS - AUTOMOBILE, C.R.S. 18-4-502 (F5)

On or about September 16, 2008, in the State of Colorado, **Ismael Lopez**, unlawfully, feloniously, and knowingly entered the motor vehicle of Nicole (Soho) Hickey with intent to commit therein the crime of Theft; in violation of section 18-4-502, C.R.S.

COUNT SEVEN

IDENTITY THEFT - USES INFORMATION TO OBTAIN THING OF VALUE,

C.R.S. 18-5-902(1)(a),(f) (F4)

On or about September 16-21, 2008, in the State of Colorado, **Ismael Lopez and Quirina Lopez** unlawfully, feloniously, and knowingly used or attempted to use the personal identifying information, financial identifying information, or financial device of Nicole (Soho) Hickey without permission or lawful authority 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)(a),(f), C.R.S.

COUNT EIGHT

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

On or about September 16, 2008, in the State of Colorado, **Ismael Lopez**, with the intent to defraud Nicole (Soho) Hickey, Diamond Shamrock/Valero, Visa and/or Wells Fargo, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: credit card receipts; in violation of section 18-5-102(1)(c), C.R.S.

The factual summary for Counts Six through Eight was previously described in the factual summary for Predicate Acts Seven through Nine which were in support of Count One.

COUNT NINE

FIRST DEGREE CRIMINAL TRESPASS - AUTOMOBILE, C.R.S. 18-4-502 (F5)

On or about September 16, 2008, in the State of Colorado, **Ismael Lopez**, unlawfully, feloniously, and knowingly entered the motor vehicle of Mary Lutz with intent to commit therein the crime of Theft; in violation of section 18-4-502, C.R.S.

COUNT TEN

IDENTITY THEFT - USES INFORMATION TO OBTAIN THING OF VALUE, C.R.S. 18-5-902(1)(a),(f) (F4)

On or about September 18-19, 2008, in the State of Colorado, **Ismael Lopez, Finesse Apodaca, and Daniel Febles** unlawfully, feloniously, and knowingly used or attempted to use the personal identifying information, financial identifying information, or financial device of Clara Muino without permission or lawful authority 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)(a),(f), C.R.S.

COUNT ELEVEN

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

On or about September 18-19, 2008, in the State of Colorado, **Ismael Lopez and Finesse Apodaca**, with the intent to defraud Clara Muino, Visa, American Express, Home Depot and/or Target, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: credit card receipts via electronic signature pads; in violation of section 18-5-102(1)(c), C.R.S.

The factual summary for Counts Nine through Eleven was previously described in the factual summary for Predicate Acts Ten through Twelve which were in support of Count One.

COUNT TWELVE

FIRST DEGREE CRIMINAL TRESPASS - AUTOMOBILE, C.R.S. 18-4-502 (F5)

On or about September 23, 2008, in the State of Colorado, **Ismael Lopez**, unlawfully, feloniously, and knowingly entered the motor vehicle of Terrill Hutson and/or Kathryn Hutson with intent to commit therein the crime of Theft; in violation of section 18-4-502, C.R.S.

COUNT THIRTEEN

IDENTITY THEFT - USES INFORMATION TO OBTAIN THING OF VALUE, C.R.S. 18-5-902(1)(a),(f) (F4)

On or about September 23-30, 2008, in the State of Colorado, **Ismael Lopez and Quirina Lopez**, unlawfully, feloniously, and knowingly used or attempted to use the personal identifying information, financial identifying information, or financial device of Kathryn Hutson without permission or lawful authority 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)(a),(f), C.R.S.

COUNT FOURTEEN

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

On or about September 23, 2008, in the State of Colorado, **Quirina Lopez** with the intent to defraud Kathryn Hutson, Terrill Hutson, Wells Fargo, Visa, and/or Target, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: credit card receipts via electronic signature pads; in violation of section 18-5-102(1)(c), C.R.S.

The factual summary for Counts Twelve through Fourteen was previously described in the factual summary for Predicate Acts Thirteen through Fifteen which were in support of Count One.

COUNT FIFTEEN

FIRST DEGREE CRIMINAL TRESPASS - AUTOMOBILE, C.R.S. 18-4-502 (F5)

On or about September 24, 2008, in the State of Colorado, **Ismael Lopez and Quirina Lopez**, unlawfully, feloniously, and knowingly entered the motor vehicle of Miriam Finn with intent to commit therein the crime of Theft; in violation of section 18-4-502, C.R.S.

COUNT SIXTEEN

IDENTITY THEFT - USES INFORMATION TO OBTAIN THING OF VALUE, C.R.S. 18-5-902(1)(a),(f) (F4)

On or about September 24, 2008, in the State of Colorado, **Quirina Lopez**, unlawfully, feloniously, and knowingly used or attempted to use the personal identifying information, financial identifying information, or financial device of Miriam Finn without permission or lawful authority 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)(a),(f), C.R.S.

The factual summary for Counts Fifteen through Sixteen was previously and more specifically described in the factual summary for Predicate Act Sixteen which was in support of Count One, as in the other Predicate Act factual summaries which were in support of Count One. As a result the above referenced factual support summaries are hereby incorporated in support of this Count.

COUNT SEVENTEEN

FIRST DEGREE CRIMINAL TRESPASS - AUTOMOBILE, C.R.S. 18-4-502 (F5)

On or about September 21, 2008, in the State of Colorado, **Ismael Lopez and Quirina Lopez**, unlawfully, feloniously, and knowingly entered the motor vehicle of Mike Carter with intent to commit therein the crime of Theft; in violation of section 18-4-502, C.R.S.

COUNT EIGHTEEN

FIRST DEGREE CRIMINAL TRESPASS - AUTOMOBILE, C.R.S. 18-4-502 (F5)

On or about September 21, 2008, in the State of Colorado, **Ismael Lopez and Quirina Lopez**, unlawfully, feloniously, and knowingly entered the motor vehicle of Martin Lajeunesse with intent to commit therein the crime of Theft; in violation of section 18-4-502, C.R.S.

COUNT NINETEEN

FIRST DEGREE CRIMINAL TRESPASS - AUTOMOBILE, C.R.S. 18-4-502 (F5)

On or about September 21-22, 2008, in the State of Colorado, **Ismael Lopez and Quirina Lopez**, unlawfully, feloniously, and knowingly entered the motor vehicle of Leanne Holitza with intent to commit therein the crime of Theft; in violation of section 18-4-502, C.R.S.

COUNT TWENTY

IDENTITY THEFT - USES INFORMATION TO OBTAIN THING OF VALUE, C.R.S. 18-5-902(1)(a),(f) (F4)

On or about September 21, 2008, in the State of Colorado, **Ismael Lopez and Quirina Lopez**, unlawfully, feloniously, and knowingly used or attempted to use the personal identifying information, financial identifying information, or financial device of Martin Lajeunesse without permission or lawful authority 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)(a),(f), C.R.S.

COUNT TWENTY-ONE

IDENTITY THEFT - USES INFORMATION TO OBTAIN THING OF VALUE, C.R.S. 18-5-902(1)(a),(f) (F4)

On or about September 21-23, 2008, in the State of Colorado, **Ismael Lopez and Quirina Lopez**, unlawfully, feloniously, and knowingly used or attempted to use the personal identifying information, financial identifying information, or financial device of Mike Carter without permission or lawful authority 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)(a),(f), C.R.S.

COUNT TWENTY-TWO

IDENTITY THEFT - USES INFORMATION TO OBTAIN THING OF VALUE, C.R.S. 18-5-902(1)(a),(f) (F4)

On or about September 21-23, 2008, in the State of Colorado, **Ismael Lopez and Quirina Lopez**, unlawfully, feloniously, and knowingly used or attempted to use the personal identifying information, financial identifying information, or financial device of Leanne Holitza without permission or lawful authority 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)(a),(f), C.R.S.

COUNT TWENTY-THREE

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

On or about September 21-23, 2008, in the State of Colorado, **Ismael Lopez**, with the intent to defraud Mike Carter, Martin Lajeunesse, American Express, Mastercard, Visa, Capital One, Washington Mutual, US Bank, Wal-Mart and/or Home Depot, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: credit card receipts; in violation of section 18-5-102(1)(c), C.R.S.

The factual summary for Counts Seventeen through Twenty-Three were previously described in the factual summary for Predicate Acts Seventeen through Twenty-Two which were in support of Count One.

COUNT TWENTY-FOUR

THEFT - \$1,000-\$20,000, C.R.S. 18-4-401(1)(a),(4) (F4)

On or about September 9, 2008 through and including September 30, 2008, in the State of Colorado, **Ismael Lopez, Quirina Lopez, Finesse Apodaca and Daniel Febles** unlawfully, feloniously, and knowingly obtained or exercised control over things of value, namely: U.S. Currency/Cash, Eyeglasses, Cell Phones, Jewlery, Cameras, a Camera Bag, Clothing, Purses with Contents, Various Financial Devices (such as credit and debit cards), Checkbooks, a Heart Monitor, Television Sets, Multiple Gift Cards (with an equivalent cash value), Power Tools, Computer Related Items, Gasoline, Furniture, a Passport, a Library Book, Tarot Cards, Keys, Various Electronic Items (such as Xbox 360's and Toshiba Laptop Computers), an Air Compressor, and/or other Miscellaneous Items, Goods and Merchandise of Home Depot, Wal-Mart, Super Wal-Mart, Target, King Soopers, Safeway, Conoco/K&G, Auto Zone, Diamond Shamrock/Valero, Office Depot, Crate and Barrel, Aaryn Munson, Gail Johnson, Clara Muino, Nicole (Soho) Hickey, Terrill Hutson, Kathryn Hutson, Miriam Finn, Martin Lajeunesse, Mike Carter, and/or LeAnne Holitza, twice or more within a period of six months, with an aggregate value of one thousand dollars or more but less than twenty thousand dollars, without authorization, or by threat or deception, and intended to deprive Home Depot, Wal-Mart, Super Wal-Mart, King Soopers, Safeway, Conoco/K&G, Auto Zone, Diamond Shamrock/Valero, Office Depot, Crate and Barrel, Aaryn Munson, Gail Johnson, Clara Muino, Nicole (Soho) Hickey, Terrill Hutson, Kathryn Hutson, Miriam Finn, Martin Lajeunesse, Mike Carter, and/or LeAnne Holitza permanently of its use or benefit; in violation of section 18-4-401(1)(a),(4), C.R.S.

The factual summary for Count Twenty-Four was previously described in the factual summaries for Predicate Acts One through Twenty-Three which were in support of Count One.

COUNT TWENTY-FIVE

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

On or about February 22, 1999 through and including February 3, 2000 in the Denver District Court (2nd Judicial District), City and County of Denver, State of Colorado, **Ismael Lopez**, was convicted of a felony, namely: Theft, \$500-\$15,000, in case number 1998CR3902; in violation of section 18-1.3-801, C.R.S.

COUNT TWENTY-SIX

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

On or about February 22, 1999 through and including February 3, 2000 in the Denver District Court (2nd Judicial District), City and County of Denver, State of Colorado, **Ismael Lopez**, was convicted of a felony, namely: False Information to a Pawnbroker, in case number 1999CR449; in violation of section 18-1.3-801, C.R.S.

COUNT TWENTY-SEVEN

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

On or about May 16, 2003 through and including January 16, 2006 in the Jefferson County District Court (1st Judicial District), Jefferson County, State of Colorado, **Ismael Lopez**, was convicted of a felony, namely: Possession of a Schedule II Controlled Substance, in case number 2001CR2763; in violation of section 18-1.3-801, C.R.S.

COUNT TWENTY-EIGHT

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

On or about March 18, 2003 through and including May 14, 2003 in the Denver District Court (2nd Judicial District), City and County of Denver, State of Colorado, **Ismael Lopez**, was convicted of a felony, namely: False Information to a Pawnbroker, in case number 2002CR4487; in violation of section 18-1.3-801, C.R.S.

COUNT TWENTY-NINE

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

On or about March 18, 2003 through and including May 13, 2003 in the Denver District Court (2nd Judicial District), City and County of Denver, State of Colorado, **Ismael Lopez**, was convicted of a felony, namely: Theft, \$500-\$15,000 in case number 2002CR4486; in violation of section 18-1.3-801, C.R.S.

COUNT THIRTY

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

On or about February 7, 2006 through and including December 8, 2006 in the Denver District Court (2nd Judicial District), City and County of Denver, State of Colorado, **Ismael Lopez**, was convicted of a felony, namely: Escape-Attempt from Felony Conviction in case number 2006CR11112; in violation of section 18-1.3-801, C.R.S.

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

Notary Public

My commission expires:

JOHN W. SUTHERS
Attorney General

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

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

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

Warrant to issue:

BOND SET AT _____ C/S/P FOR ISMAEL LOPEZ

BOND SET AT _____ C/S/P/ FOR QUIRINA LOPEZ

BOND SET AT _____ C/S/P FOR FINESSE LOPEZ

BOND SET AT _____ C/S/P FOR DANIEL FEBLES

Presiding Judge for the Statewide
Grand Jury

In Re:

Ismael Lopez

Quirina Lopez

Finesse Apodaca and

Daniel Febles

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

Foreperson

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

Notary Public

My commission expires:

AS TO COUNT ONE
A TRUE BILL

A NO TRUE BILL

FOREPERSON

AS TO COUNT TWO
A TRUE BILL

A NO TRUE BILL

FOREPERSON

AS TO COUNT THREE
A TRUE BILL

A NO TRUE BILL

FOREPERSON

AS TO COUNT FOUR
A TRUE BILL

A NO TRUE BILL

FOREPERSON

AS TO COUNT FIVE
A TRUE BILL

A NO TRUE BILL

FOREPERSON

AS TO COUNT SIX
A TRUE BILL

A NO TRUE BILL

FOREPERSON

AS TO COUNT SEVEN
A TRUE BILL

A NO TRUE BILL

FOREPERSON

AS TO COUNT EIGHT
A TRUE BILL

A NO TRUE BILL

FOREPERSON

AS TO COUNT NINE
A TRUE BILL

A NO TRUE BILL

FOREPERSON

AS TO COUNT TEN
A TRUE BILL

A NO TRUE BILL

FOREPERSON

AS TO COUNT ELEVEN
A TRUE BILL

A NO TRUE BILL

FOREPERSON

AS TO COUNT TWELVE
A TRUE BILL

A NO TRUE BILL

FOREPERSON

AS TO COUNT THIRTEEN
A TRUE BILL

A NO TRUE BILL

FOREPERSON

AS TO COUNT FOURTEEN
A TRUE BILL

A NO TRUE BILL

FOREPERSON

AS TO COUNT FIFTEEN
A TRUE BILL

A NO TRUE BILL

FOREPERSON

AS TO COUNT SIXTEEN
A TRUE BILL

A NO TRUE BILL

FOREPERSON

AS TO COUNT SEVENTEEN
A TRUE BILL

A NO TRUE BILL

FOREPERSON

AS TO COUNT EIGHTEEN
A TRUE BILL

A NO TRUE BILL

FOREPERSON

AS TO COUNT NINETEEN
A TRUE BILL

A NO TRUE BILL

FOREPERSON

AS TO COUNT TWENTY
A TRUE BILL

A NO TRUE BILL

FOREPERSON

AS TO COUNT TWENTY-ONE
A TRUE BILL

A NO TRUE BILL

FOREPERSON

AS TO COUNT TWENTY-TWO
A TRUE BILL

A NO TRUE BILL

FOREPERSON

AS TO COUNT TWENTY-THREE
A TRUE BILL

A NO TRUE BILL

FOREPERSON

AS TO COUNT TWENTY-FOUR
A TRUE BILL

A NO TRUE BILL

FOREPERSON

The following Counts Twenty-Five through Thirty only apply to the alleged sentence enhancing counts which are applicable to Ismael Lopez. If the Grand Jury does not independently determine the existence of probable cause showing that Ismael Lopez committed one or more of the alleged substantive counts set forth in Counts One through Twenty-Four, then do not complete the following section.

AS TO COUNT TWENTY-FIVE
A TRUE BILL

A NO TRUE BILL

FOREPERSON

AS TO COUNT TWENTY-SIX
A TRUE BILL

A NO TRUE BILL

FOREPERSON

AS TO COUNT TWENTY-SEVEN
A TRUE BILL

A NO TRUE BILL

FOREPERSON

AS TO COUNT TWENTY-EIGHT
A TRUE BILL

A NO TRUE BILL

FOREPERSON

AS TO COUNT TWENTY-NINE
A TRUE BILL

A NO TRUE BILL

FOREPERSON

AS TO COUNT THIRTY
A TRUE BILL

A NO TRUE BILL

FOREPERSON

Pursuant to an Order issued by the Presiding Judge of the State Grand Jury and the Chief Judge of the Second Judicial District these signature pages are sealed until further order of that Court.