

TERRY GODDARD
Attorney General
Firm Bar No. 14000

MICHAEL A. FLYNN
State Bar No. 015733
Assistant Attorney General
1275 West Washington Street
Phoenix, Arizona 85007-2926
Telephone 602-542-3881
crmfraud@azag.gov

Attorneys for Plaintiff

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA**

STATE OF ARIZONA,
Plaintiff,

v.

LESLIE SPENCER MERKSKY,
Defendant.

Case No: CR2010-005716-001 DT

67 SGJ 6

INDICTMENT

CHARGING VIOLATIONS OF:

COUNT 1: FRAUDULENT SCHEMES AND ARTIFICES, a Class 2 Felony, in violation of A.R.S. § 13-2310;

COUNTS 2, 3, 6, 9, 10, 13, 14, 15, 18, 19, 22, 23, 24, 25, 28, 29, 30, 31, 32, 35, 36, 37, 38, 39, 40, 41, 44, 45, 48 and 49: FORGERY, Class 4 Felonies, in violation of A.R.S. § 13-2002;

COUNT 42: THEFT, a Class 2 Felony, in violation of A.R.S. § 13-1802(A)(1);

COUNTS 4, 7, 11, 16, 20, 26, 33, 46 and 50: THEFT, Class 3 Felonies, in violation of A.R.S. § 13-1802(A)(1);

COUNTS 5, 8, 12, 17, 21, 27, 34, 43, 47 AND 51: AGGRAVATED TAKING IDENTITY OF ANOTHER PERSON, Class 3 Felonies, in violation of A.R.S. § 13-2009

The Arizona State Grand Jury accuses LESLIE SPENCER MERKSKY, charging on this 7th day of June 2010 that in or from MARICOPA County, Arizona:

**COUNT 1
(FRAUDULENT SCHEMES AND ARTIFICES)**

During a period of time beginning on or about March 19, 2008, and ending on or about May 29, 2009, **LESLIE SPENCER MERSKY**, pursuant to a scheme or artifice to defraud, knowingly obtained a benefit from USAA Bank and/or MasterCard and/or Discover Card and/or American Express and/or Chase Bank and/or Visa and/or Bank of America and/or each of the individuals identified in Counts 2 – 51 by means of false or fraudulent pretenses, representations, promises or material omissions, and the benefit so obtained exceeded \$100,000 in value, in violation of A.R.S. §§13-2310, 13-2301, 13-301, 13-302, 13-303, 13-304, 13-305, 13-306, 13-610, 13-701, 13-702, 13-702.01 and 13-801.

This conduct occurred when Defendant, acting as an owner and a high managerial agent of a telemarketing enterprise known as Bankcard Empire and related business entities (“BCE”), caused BCE to steal money from some customers who disputed or canceled BCE charges on the customers’ credit cards.

Defendant committed these forgeries thefts and aggravated identity thefts by means of the following scheme: When BCE sent material to a customer, the customer was asked to sign a receipt for it; this receipt was not an authorization for BCE to charge the customer’s credit card for marketing or advertising materials. If an authorization to charge an account was involved it was only for the initial purchase of the business opportunity package that cost \$195 - \$495. When some customers later disputed or canceled BCE charges on the customers’ credit cards, BCE employees, at Defendant’s direction, physically or electronically cut the customer’s signature from that receipt (or from some other routine record that contained the customer’s signature, such as an IRS Form 1099). Then, at Defendant’s direction and without authorization from the customer, BCE employees pasted the customer’s lifted signature into new documents that purportedly showed that the customer had authorized BCE to place those disputed charges on the customer’s credit card. BCE then sent those forged documents to banks or credit card processors to support BCE’s false claim that the customer had authorized the charges. The intended and actual result of this deception was that the bank or credit card processor would

believe BCE's false claim, would reject the customer's protest, and would leave those charges on the customer's credit card.

COUNT 2
(FORGERY)

On or about March 19, 2008, **LESLIE SPENCER MERSKY**, with intent to defraud, falsely made, completed or altered a USAA Bank credit card authorization form in the name of Katrina Lindley in the amount of \$2,100, a written instrument, in violation of A.R.S. §§ 13-2002(A)(1), 13-2001, 13-701, 13-301, 13-302, 13-303, 13-304, 13-702, 13-702.01, and 13-801.

COUNT 3
(FORGERY)

On or about March 19, 2008, **LESLIE SPENCER MERSKY**, with intent to defraud, falsely made, completed or altered a USAA Bank credit card authorization form in the name of Katrina Lindley in the amount of \$4,900, a written instrument, in violation of A.R.S. §§ 13-2002(A)(1), 13-2001, 13-701, 13-301, 13-302, 13-303, 13-304, 13-702, 13-702.01, and 13-801.

COUNT 4
(THEFT)

On or about March 19, 2008, **LESLIE SPENCER MERSKY** knowingly controlled Katrina Lindley's funds from USAA Bank Credit Card Account, of a value of \$3,000 or more but less than \$25,000, with the intent to deprive Katrina Lindley of such property, in violation of A.R.S. §§ 13-1802(A)(1), 13-1801, 13-301, 13-302, 13-303, 13-304, 13-305, 13-306, 13-701, 13-702, 13-702.01, and 13-801.

COUNT 5
(AGGRAVATED TAKING IDENTITY OF ANOTHER PERSON)

On or about March 19, 2008, **LESLIE SPENCER MERSKY**, with the intent to obtain, use, sell or transfer the identity of another person for any unlawful purpose, knowingly took, used, sold or transferred any personal identifying information of another person, namely the signature of Katrina Lindley, without that person's consent, and caused an economic loss of at least \$3,000 in violation of A.R.S. §§ 13-2009(A)(2), 13-2001, 13-301, 13-302, 13-303, 13-304, 13-305, 13-306, 13-701, 13-702, 13-702.01, and 13-801.

COUNT 6
(FORGERY)

On or about August 13, 2008, **LESLIE SPENCER MERSKY**, with intent to defraud, falsely made, completed or altered a Mastercard credit card charge authorization form in the amount of \$3,420 in the name of Elizabeth Kellett , a written instrument, in violation of A.R.S. §§ 13-2002(A)(1), 13-2001, 13-701, 13-301, 13-302, 13-303, 13-304, 13-702, 13-702.01, and 13-801.

COUNT 7
(THEFT)

On or about August 13, 2008, **LESLIE SPENCER MERSKY** knowingly controlled Elizabeth Kellett's funds from her Mastercard Account, of a value of \$3,000 or more but less than \$25,000, with the intent to deprive Elizabeth Kellett of such property, in violation of A.R.S. §§ 13-1802(A)(1), 13-1801, 13-301, 13-302, 13-303, 13-304, 13-305, 13-306, 13-701, 13-702, 13-702.01, and 13-801.

COUNT 8
(AGGRAVATED TAKING IDENTITY OF ANOTHER PERSON)

On or about August 13, 2008, **LESLIE SPENCER MERSKY**, with the intent to obtain, use, sell or transfer the identity of another person for any unlawful purpose, knowingly took, used, sold or transferred any personal identifying information of another person, namely the

signature of Elizabeth Kellett, without that person's consent, and caused an economic loss of at least \$3,000 in violation of A.R.S. §§ 13-2009(A)(2), 13-2001, 13-301, 13-302, 13-303, 13-304, 13-305, 13-306, 13-701, 13-702, 13-702.01, and 13-801.

COUNT 9

(FORGERY)

On or about January 13, 2009, **LESLIE SPENCER MERSKY**, with intent to defraud, falsely made, completed or altered a Discover Card credit card charge authorization form in the name of Eric Trudell in the amount of \$6,000, a written instrument, in violation of A.R.S. §§ 13-2002(A)(1), 13-2001, 13-701, 13-301, 13-302, 13-303, 13-304, 13-701, 13-702, and 13-801.

COUNT 10

(FORGERY)

On or about January 13, 2009, **LESLIE SPENCER MERSKY**, with intent to defraud, falsely made, completed or altered an American Express Card charge authorization form in the name of Eric Trudell in the amount of \$9,000, a written instrument, in violation of A.R.S. §§ 13-2002(A)(1), 13-2001, 13-701, 13-301, 13-302, 13-303, 13-304, 13-701, 13-702, and 13-801.

COUNT 11

(THEFT)

On or about January 13, 2009, **LESLIE SPENCER MERSKY** knowingly controlled Eric Trudell's funds from his Discover Card Account, of a value of \$3,000 or more but less than \$25,000, with the intent to deprive Eric Trudell of such property, in violation of A.R.S. §§ 13-

1802(A)(1), 13-1801, 13-301, 13-302, 13-303, 13-304, 13-305, 13-306, 13-701, 13-702, 13-702.01, and 13-801.

COUNT 12

(AGGRAVATED TAKING IDENTITY OF ANOTHER PERSON)

On or about January 13, 2009, **LESLIE SPENCER MERSKY**, with the intent to obtain, use, sell or transfer the identity of another person for any unlawful purpose, knowingly took, used, sold or transferred any personal identifying information of another person, namely the signature of Eric Trudell , without that person's consent, and caused an economic loss of at least \$3,000 in violation of A.R.S. §§ 13-2009(A)(2), 13-2001, 13-301, 13-302, 13-303, 13-304, 13-305, 13-306, 13-701, 13-702, 13-702.01, and 13-801.

COUNT 13

(FORGERY)

On or about January 14, 2009, **LESLIE SPENCER MERSKY**, with intent to defraud, falsely made, completed or altered a Visa credit card (last 4 digits: 5495) charge authorization form in the name of Ruth Wittman in the amount of \$5,000, a written instrument, in violation of A.R.S. §§ 13-2002(A)(1), 13-2001, 13-701, 13-301, 13-302, 13-303, 13-304, 13-701, 13-702, and 13-801.

COUNT 14

(FORGERY)

On or about January 14, 2009, **LESLIE SPENCER MERSKY**, with intent to defraud, falsely made, completed or altered a Visa credit card (last 4 digits: 5495) charge authorization form in the name of Ruth Wittman in the amount of \$5,000, a written instrument, in violation of

A.R.S. §§ 13-2002(A)(1), 13-2001, 13-701, 13-301, 13-302, 13-303, 13-304, 13-701, 13-702, and 13-801.

COUNT 15
(FORGERY)

On or about January 14, 2009, **LESLIE SPENCER MERSKY**, with intent to defraud, falsely made, completed or altered a Visa credit card (last 4 digits: 5495) charge authorization form in the name of Ruth Wittman in the amount of \$5,000, a written instrument, in violation of A.R.S. §§ 13-2002(A)(1), 13-2001, 13-701, 13-301, 13-302, 13-303, 13-304, 13-701, 13-702, and 13-801.

COUNT 16
(THEFT)

On or about January 14, 2009, **LESLIE SPENCER MERSKY** knowingly controlled Ruth Wittman's funds from her Visa Credit Card Account, of a value of \$3,000 or more but less than \$25,000, with the intent to deprive Ruth Wittman of such property, in violation of A.R.S. §§ 13-1802(A)(1), 13-1801, 13-301, 13-302, 13-303, 13-304, 13-305, 13-306, 13-701, 13-702, 13-702.01, and 13-801.

COUNT 17
(AGGRAVATED TAKING IDENTITY OF ANOTHER PERSON)

On or about January 14, 2009, **LESLIE SPENCER MERSKY**, with the intent to obtain, use, sell or transfer the identity of another person for any unlawful purpose, knowingly took, used, sold or transferred any personal identifying information of another person, namely the signature of Ruth Wittman, without that person's consent, and caused an economic loss of at

least \$3,000 in violation of A.R.S. §§ 13-2009(A)(2), 13-2001, 13-301, 13-302, 13-303, 13-304, 13-305, 13-306, 13-701, 13-702, 13-702.01, and 13-801.

COUNT 18
(FORGERY)

On or about January 27, 2009, **LESLIE SPENCER MERSKY**, with intent to defraud, falsely made, completed or altered a Chase Bank credit card (last 4 digits: 4176) charge authorization form in the amount of \$4,995 in the name of Lois Mix, a written instrument, in violation of A.R.S. §§ 13-2002(A)(1), 13-2001, 13-701, 13-301, 13-302, 13-303, 13-304, 13-701, 13-702, and 13-801.

COUNT 19
(FORGERY)

On or about January 27, 2009, **LESLIE SPENCER MERSKY**, with intent to defraud, falsely made, completed or altered a Chase Bank credit card (last 4 digits: 4176) charge authorization form in the amount of \$4,995 in the name of Lois Mix, a written instrument, in violation of A.R.S. §§ 13-2002(A)(1), 13-2001, 13-701, 13-301, 13-302, 13-303, 13-304, 13-701, 13-702, and 13-801.

COUNT 20
(THEFT)

On or about January 27, 2009, **LESLIE SPENCER MERSKY** knowingly controlled Lois Mix's funds from her Chase Bank Credit Card Account, of a value of \$3,000 or more but less than \$25,000, with the intent to deprive Lois Mix of such property, in violation of A.R.S. §§

13-1802(A)(1), 13-1801, 13-301, 13-302, 13-303, 13-304, 13-305, 13-306, 13-701, 13-702, 13-702.01, and 13-801.

COUNT 21

(AGGRAVATED TAKING IDENTITY OF ANOTHER PERSON)

On or about January 27, 2009, **LESLIE SPENCER MERSKY**, with the intent to obtain, use, sell or transfer the identity of another person for any unlawful purpose, knowingly took, used, sold or transferred any personal identifying information of another person, namely the signature of Lois Mix, without that person's consent, and caused an economic loss of at least 3,000 in violation of A.R.S. §§ 13-2009(A)(2), 13-2001, 13-301, 13-302, 13-303, 13-304, 13-305, 13-306, 13-701, 13-702, 13-702.01, and 13-801.

COUNT 22

(FORGERY)

On or about February 4, 2009, **LESLIE SPENCER MERSKY**, with intent to defraud, falsely made, completed or altered a MasterCard (last 4 digits: 2790) credit card charge authorization form in the name of Steve Davis in the amount of \$5,000, a written instrument, in violation of A.R.S. §§ 13-2002(A)(1), 13-2001, 13-701, 13-301, 13-302, 13-303, 13-304, 13-701, 13-702, and 13-801.

COUNT 23

(FORGERY)

On or about February 4, 2009, **LESLIE SPENCER MERSKY**, with intent to defraud, falsely made, completed or altered a MasterCard (last 4 digits: 2790) credit card charge authorization form in the name of Steve Davis in the amount of \$4,000, a written instrument, in

violation of A.R.S. §§ 13-2002(A)(1), 13-2001, 13-701, 13-301, 13-302, 13-303, 13-304, 13-701, 13-702, and 13-801.

COUNT 24
(FORGERY)

On or about February 4, 2009, **LESLIE SPENCER MERSKY**, with intent to defraud, falsely made, completed or altered a MasterCard (last 4 digits: 2626) credit card charge authorization form in the name of Steve Davis in the amount of \$5,000, a written instrument, in violation of A.R.S. §§ 13-2002(A)(1), 13-2001, 13-701, 13-301, 13-302, 13-303, 13-304, 13-701, 13-702, and 13-801.

COUNT 25
(FORGERY)

On or about February 4, 2009, **LESLIE SPENCER MERSKY**, with intent to defraud, falsely made, completed or altered a MasterCard (last 4 digits: 2626) credit card charge authorization form in the name of Steve Davis in the amount of \$1,000, a written instrument, in violation of A.R.S. §§ 13-2002(A)(1), 13-2001, 13-701, 13-301, 13-302, 13-303, 13-304, 13-701, 13-702, and 13-801.

COUNT 26
(THEFT)

On or about February 4, 2009 through February 5, 2009, **LESLIE SPENCER MERSKY** knowingly controlled Steve Davis' funds from his credit card account, of a value of \$3,000 or more but less than \$25,000, with the intent to deprive Steve Davis of such property, in

violation of A.R.S. §§ 13-1802(A)(1), 13-1801, 13-301, 13-302, 13-303, 13-304, 13-305, 13-306, 13-701, 13-702, 13-702.01, and 13-801.

COUNT 27

(AGGRAVATED TAKING IDENTITY OF ANOTHER PERSON)

On or about February 4, 2009, **LESLIE SPENCER MERSKY**, with the intent to obtain, use, sell or transfer the identity of another person for any unlawful purpose, knowingly took, used, sold or transferred any personal identifying information of another person, namely the signature of Steve Davis , without that person's consent, and caused an economic loss of at least \$3,000 in violation of A.R.S. §§ 13-2009(A)(2), 13-2001, 13-301, 13-302, 13-303, 13-304, 13-305, 13-306, 13-701, 13-702, 13-702.01, and 13-801.

COUNT 28

(FORGERY)

On or about February 23, 2009, **LESLIE SPENCER MERSKY**, with intent to defraud, falsely made, completed or altered a Visa credit card charge authorization form in the name of Maibritt Fornecker in the amount of \$5,000, a written instrument, in violation of A.R.S. §§ 13-2002(A)(1), 13-2001, 13-701, 13-301, 13-302, 13-303, 13-304, 13-701, 13-702, and 13-801.

COUNT 29

(FORGERY)

On or about February 23, 2009, **LESLIE SPENCER MERSKY**, with intent to defraud, falsely made, completed or altered a Visa credit card (last 4 digits: 2173) charge authorization form in the name of Maibritt Fornecker in the amount of \$5,000, a written instrument, in

violation of A.R.S. §§ 13-2002(A)(1), 13-2001, 13-701, 13-301, 13-302, 13-303, 13-304, 13-701, 13-702, and 13-801.

COUNT 30
(FORGERY)

On or about February 23, 2009, **LESLIE SPENCER MERSKY**, with intent to defraud, falsely made, completed or altered a Chase credit card (last 4 digits: 9816) charge authorization form in the name of Maibritt Fornecker in the amount of \$4,000, a written instrument, in violation of A.R.S. §§ 13-2002(A)(1), 13-2001, 13-701, 13-301, 13-302, 13-303, 13-304, 13-701, 13-702, and 13-801.

COUNT 31
(FORGERY)

On or about February 23, 2009, **LESLIE SPENCER MERSKY**, with intent to defraud, falsely made, completed or altered a Chase credit card (last 4 digits: 9816) charge authorization form in the name of Maibritt Fornecker in the amount of \$4,000, a written instrument, in violation of A.R.S. §§ 13-2002(A)(1), 13-2001, 13-701, 13-301, 13-302, 13-303, 13-304, 13-701, 13-702, and 13-801.

COUNT 32
(FORGERY)

On or about February 23, 2009, **LESLIE SPENCER MERSKY**, with intent to defraud, falsely made, completed or altered a Visa credit card (last 4 digits: 2173) charge authorization form in the name of Maibritt Fornecker in the amount of \$2,000, a written instrument, in

violation of A.R.S. §§ 13-2002(A)(1), 13-2001, 13-701, 13-301, 13-302, 13-303, 13-304, 13-701, 13-702, and 13-801.

COUNT 33

(THEFT)

On or about February 23, 2009, **LESLIE SPENCER MERSKY** knowingly controlled Maibritt Fornecker's funds from her Visa Credit Card Account, of a value of \$3,000 or more but less than \$25,000, with the intent to deprive Maibritt Fornecker of such property, in violation of A.R.S. §§ 13-1802(A)(1), 13-1801, 13-301, 13-302, 13-303, 13-304, 13-305, 13-306, 13-701, 13-702, 13-702.01, and 13-801.

COUNT 34

(AGGRAVATED TAKING IDENTITY OF ANOTHER PERSON)

On or about February 23, 2009, **LESLIE SPENCER MERSKY**, with the intent to obtain, use, sell or transfer the identity of another person for any unlawful purpose, knowingly took, used, sold or transferred any personal identifying information of another person, namely the signature of Maibritt Fornecker, without that person's consent, and caused an economic loss of at least \$3,000 in violation of A.R.S. §§ 13-2009(A)(2), 13-2001, 13-301, 13-302, 13-303, 13-304, 13-305, 13-306, 13-701, 13-702, 13-702.01, and 13-801.

COUNT 35

(FORGERY)

On or about March 17, 2009, **LESLIE SPENCER MERSKY**, with intent to defraud, falsely made, completed or altered a MasterCard (last 4 digits: 8739) credit card authorization form in the name of Earnest Horton in the amount of \$8,500, a written instrument, in violation

of A.R.S. §§ 13-2002(A)(1), 13-2001, 13-701, 13-301, 13-302, 13-303, 13-304, 13-701, 13-702, and 13-801.

COUNT 36

(FORGERY)

On or about March 17, 2009, **LESLIE SPENCER MERSKY**, with intent to defraud, falsely made, completed or altered a Visa Card (last 4 digits: 8309) credit card authorization form in the name of Earnest Horton in the amount of \$10,000, a written instrument, in violation of A.R.S. §§ 13-2002(A)(1), 13-2001, 13-701, 13-301, 13-302, 13-303, 13-304, 13-701, 13-702, and 13-801.

COUNT 37

(FORGERY)

On or about March 17, 2009, **LESLIE SPENCER MERSKY**, with intent to defraud, falsely made, completed or altered a Discover Card (last 4 digits: 0664) credit card authorization form in the name of Earnest Horton in the amount of \$6,500, a written instrument, in violation of A.R.S. §§ 13-2002(A)(1), 13-2001, 13-701, 13-301, 13-302, 13-303, 13-304, 13-701, 13-702, and 13-801.

COUNT 38

(FORGERY)

On or about March 17, 2009, **LESLIE SPENCER MERSKY**, with intent to defraud, falsely made, completed or altered a MasterCard (last 4 digits: 9940) credit card authorization

form in the name of Earnest Horton in the amount of \$10,000, in violation of A.R.S. §§ 13-2002(A)(1), 13-2001, 13-701, 13-301, 13-302, 13-303, 13-304, 13-701, 13-702, and 13-801.

COUNT 39

(FORGERY)

On or about March 17, 2009, **LESLIE SPENCER MERSKY**, with intent to defraud, falsely made, completed or altered a MasterCard (last 4 digits: 9940) credit card authorization form in the name of Earnest Horton in the amount of \$10,000, in violation of A.R.S. §§ 13-2002(A)(1), 13-2001, 13-701, 13-301, 13-302, 13-303, 13-304, 13-701, 13-702, and 13-801.

COUNT 40

(FORGERY)

On or about March 17, 2009, **LESLIE SPENCER MERSKY**, with intent to defraud, falsely made, completed or altered a MasterCard (last 4 digits: 9940) credit card authorization form in the name of Earnest Horton in the amount of \$1,000, a written instrument, in violation of A.R.S. §§ 13-2002(A)(1), 13-2001, 13-701, 13-301, 13-302, 13-303, 13-304, 13-701, 13-702, and 13-801.

COUNT 41

(FORGERY)

On or about May 29, 2009, **LESLIE SPENCER MERSKY**, with intent to defraud, falsely made, completed or altered a Discover Card (last 4 digits: 6595) credit authorization form in the name of Earnest Horton in the amount of \$7,000, a written instrument, in violation of A.R.S. §§ 13-2002(A)(1), 13-2001, 13-701, 13-301, 13-302, 13-303, 13-304, 13-701, 13-702, and 13-801.

COUNT 42

(THEFT)

On or about March 17, 2009 through May 29, 2009, **LESLIE SPENCER MERSKY** knowingly controlled Earnest Horton's funds from his Mastercard and/or Visa and/or Discover Credit Card Account, of a value of \$25,000 or more but less than \$100,000, with the intent to deprive Earnest Horton of such property, in violation of A.R.S. §§ 13-1802(A)(1), 13-1801, 13-301, 13-302, 13-303, 13-304, 13-305, 13-306, 13-701, 13-702, 13-702.01, and 13-801.

COUNT 43

(AGGRAVATED TAKING IDENTITY OF ANOTHER PERSON)

On or about March 17, 2009, **LESLIE SPENCER MERSKY**, with the intent to obtain, use, sell or transfer the identity of another person for any unlawful purpose, knowingly took, used, sold or transferred any personal identifying information of another person, namely the signature of Earnest Horton, without that person's consent, and caused an economic loss of at least \$3,000 in violation of A.R.S. §§ 13-2009(A)(2), 13-2001, 13-301, 13-302, 13-303, 13-304, 13-305, 13-306, 13-701, 13-702, 13-702.01, and 13-801.

COUNT 44

(FORGERY)

On or about March 24, 2009, **LESLIE SPENCER MERSKY**, with intent to defraud, falsely made, completed or altered a MasterCard credit card (last 4 digits: 7394) charge authorization form in the name of Dawn Bodnar in the amount of \$10,000, a written instrument, in violation of A.R.S. §§ 13-2002(A)(1), 13-2001, 13-701, 13-301, 13-302, 13-303, 13-304, 13-701, 13-702, and 13-801.

COUNT 45

(FORGERY)

On or about March 24, 2009, **LESLIE SPENCER MERSKY**, with intent to defraud, falsely made, completed or altered a MasterCard credit card (last 4 digits: 7394) authorization form in the name of Dawn Bodnar in the amount of \$5,000, a written instrument, in violation of

A.R.S. §§ 13-2002(A)(1), 13-2001, 13-701, 13-301, 13-302, 13-303, 13-304, 13-701, 13-702, and 13-801.

COUNT 46

(THEFT)

On or about March 24, 2009, **LESLIE SPENCER MERSKY** knowingly controlled Dawn Bodnar's funds from her MasterCard Credit Card Account, of a value of \$3,000 or more but less than \$25,000, with the intent to deprive Dawn Bodnar of such property, in violation of A.R.S. §§ 13-1802(A)(1), 13-1801, 13-301, 13-302, 13-303, 13-304, 13-305, 13-306, 13-701, 13-702, 13-702.01, and 13-801.

COUNT 47

(AGGRAVATED TAKING IDENTITY OF ANOTHER PERSON)

On or about March 24, 2009, **LESLIE SPENCER MERSKY**, with the intent to obtain, use, sell or transfer the identity of another person for any unlawful purpose, knowingly took, used, sold or transferred any personal identifying information of another person, namely the signature of Dawn Bodnar, without that person's consent, and caused an economic loss of at least \$3,000 in violation of A.R.S. §§ 13-2009(A)(2), 13-2001, 13-301, 13-302, 13-303, 13-304, 13-305, 13-306, 13-701, 13-702, 13-702.01, and 13-801.

COUNT 48

(FORGERY)

On or about April 22, 2009, **LESLIE SPENCER MERSKY**, with intent to defraud, falsely made, completed or altered an American Express Card (last 4 digits: 3000) charge authorization form in the amount of \$4,500 in the name of Josephine Ciaverdell, a written

instrument, in violation of A.R.S. §§ 13-2002(A)(1), 13-2001, 13-701, 13-301, 13-302, 13-303, 13-304, 13-701, 13-702, and 13-801.

COUNT 49
(FORGERY)

On or about April 22, 2009, **LESLIE SPENCER MERSKY**, with intent to defraud, falsely made, completed or altered a Bank of America credit card (last 4 digits: 1652) charge authorization form in the amount of \$5,000 in the name of Josephine Ciaverdell, a written instrument, in violation of A.R.S. §§ 13-2002(A)(1), 13-2001, 13-701, 13-301, 13-302, 13-303, 13-304, 13-701, 13-702, and 13-801.

COUNT 50
(THEFT)

On or about April 22, 2009, **LESLIE SPENCER MERSKY** knowingly controlled Josephine Ciaverdell's funds from his American Express and/or Bank of America Credit Card Account, of a value of \$3,000 or more but less than \$25,000, with the intent to deprive Josephine Ciaverdell of such property, in violation of A.R.S. §§ 13-1802(A)(1), 13-1801, 13-301, 13-302, 13-303, 13-304, 13-305, 13-306, 13-701, 13-702, 13-702.01, and 13-801.

COUNT 51
(AGGRAVATED TAKING IDENTITY OF ANOTHER PERSON)

On or about April 22, 2009, **LESLIE SPENCER MERSKY**, with the intent to obtain, use, sell or transfer the identity of another person for any unlawful purpose, knowingly took, used, sold or transferred any personal identifying information of another person, namely the signature of Josephine Ciaverdell, without that person's consent, and caused an economic loss

of at least \$3,000 in violation of A.R.S. §§ 13-2009(A)(2), 13-2001, 13-301, 13-302, 13-303, 13-304, 13-305, 13-306, 13-701, 13-702, 13-702.01, and 13-801.

Pursuant to A.R.S. § 21-425, the State Grand Jurors find that the offenses described above were committed in MARICOPA County, Arizona.

(A "True Bill")

TERRY GODDARD
ATTORNEY GENERAL
STATE OF ARIZONA

Dated: _____

MICHAEL A. FLYNN
Assistant Attorney General

Foreperson of the State Grand Jury

PHX-#835656-v2-MERSKY INDICTMENT