

DISTRICT COURT, EL PASO COUNTY, COLORADO

Case No. 93CR0520

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AMENDED INFORMATION

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THE PEOPLE OF THE STATE OF COLORADO,

Plaintiff,

v.

EDWARD IVAN MCGHEE, a/k/a DARYL WOODS;  
JAMES L. UPSHUR, JR. a/k/a RAYMOND D. WILLIAMS, JR.;  
CHRIS CHILDS a/k/a KENNETH GREEN a/k/a CHRIS JOHNSON;  
JAMES D. WILLIAMS a/k/a SAMUEL McCLANE;  
VINCENTE RAFAEL PIERRE,  
CURTIS BAYLOR; and  
EDWARD NICHOLAS LAURENT FLINTON, a/k/a EDWARD SOLOMAN KATZ,  
a/k/a WILLIAM ALFRED LEMAY,

Defendants.

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- 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. -- CLASS 2 FELONY)
- COUNT TWO: VIOLATION OF THE COLORADO ORGANIZED CRIME CONTROL ACT -- (UNLAWFUL ACQUISITION OF REAL PROPERTY WITH PROCEEDS OF RACKETEERING ACTIVITY, § 18-17-104(1)(a), C.R.S. -- CLASS 2 FELONY)
- COUNT THREE: VIOLATION OF THE COLORADO ORGANIZED CRIME CONTROL ACT -- (CONSPIRACY TO VIOLATE PROVISIONS OF THE COLORADO ORGANIZED CRIME CONTROL ACT, § 18-17-104(4), C.R.S. -- CLASS 2 FELONY)
- COUNT FOUR: THEFT TEN THOUSAND DOLLARS OR MORE, § 18-4-401, C.R.S. -- (CLASS 3 FELONY)

COUNT FIVE: SECOND DEGREE FORGERY, § 18-5-103(1)(a) --  
(CLASS 4 FELONY)

COUNT SIX: SECOND DEGREE FORGERY, § 18-5-103(1)(a),  
C.R.S. -- (CLASS 4 FELONY)

COUNT SEVEN: SECOND DEGREE FORGERY, § 18-5-103(1)(a),  
C.R.S. -- (CLASS 4 FELONY)

COUNT EIGHT: SECOND DEGREE FORGERY, § 18-5-103(1)(a),  
C.R.S. -- (CLASS 4 FELONY)

COUNT NINE: SECOND DEGREE FORGERY, § 18-5-103(1)(a),  
C.R.S. -- (CLASS 4 FELONY)

COUNT TEN: SECOND DEGREE FORGERY, § 18-5-103(1)(a),  
C.R.S. -- (CLASS 4 FELONY)

COUNT ELEVEN: THEFT OF RENTAL PROPERTY, § 184-402(1)(b),  
C.R.S. -- (CLASS 5 FELONY)

COUNT TWELVE: THEFT OF RENTAL PROPERTY, § 18-4-402(1)(b),  
C.R.S. -- (CLASS 5 FELONY)

COUNT THIRTEEN: THEFT OF RENTAL PROPERTY, § 18-4-402(1)(b),  
C.R.S. -- (CLASS 5 FELONY)

COUNT FOURTEEN: CONSPIRACY TO COMMIT FIRST DEGREE MURDER,  
§ 18-2-201, C.R.S. -- (CLASS 2 FELONY)

COUNT ONE

The People of the State of Colorado, by and through Gale A. Norton, Attorney General of the State of Colorado, informs the court that on or between October 1, 1985 and December 31, 1991, in the Counties of Denver and El Paso and triable in El Paso County, State of Colorado, Edward Ivan McGhee, a/k/a Daryl Woods, James L. Upshur Jr. a/k/a Raymond D. Williams, Jr., Chris Childs a/k/a Kenneth Green a/k/a Chris Johnson, James D. Williams a/k/a Samuel McClane, Vincente Rafael Pierre, Curtis Baylor and Edward Nicolas Laurent Flinton a/k/a Edward Solomon Katz a/k/a William Alfred Lemay, while employed by and associated with an enterprise, known as the FUORA, did unlawfully, feloniously and knowingly conduct and participate directly and indirectly in the enterprise through a pattern of racketeering activity, including at least two acts defined as racketeering activity in § 18-17-103(5), C.R.S., which were related to the conduct of the enterprise, to wit:

A. Pursuant to § 18-17-103(5)(a), C.R.S., conduct defined as racketeering activity under 18 U.S.C. § 1961(1), to wit: acts of mail fraud as defined in 18 U.S.C. § 1341, and as set forth below.

1. On or between October 22, 1985 and September 30, 1987, Edward Ivan McGhee a/k/a Daryl Woods, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money by means of false and fraudulent pretenses, representations, and promises, for the purpose of executing such scheme and artifice and attempting to do so, took and received from a post office, an authorized depository for mail matter, and the Postal Service, thirty three envelopes with checks or warrants enclosed from the State Compensation Insurance Fund and the State Compensation Insurance Authority for a total sum of thirty-six thousand forty five dollars and seventy one cents (\$36,045.71), made payable to Daryl Woods, and knowingly caused such matter and things to be delivered by mail according to the directions thereon and at the place at which it was directed to be delivered by the person to which it was addressed.

2. On or between October 17, 1986 and April 30, 1987, Edward Ivan McGhee a/k/a Daryl Wood, and using the name of Vincente Rafael Pierre having devised and intending to devise a scheme and artifice to defraud, and for obtaining money by means of false and fraudulent pretenses, representations, and promises, for the purpose of executing such scheme and artifice and attempting to do so, took and received from a post office, an

authorized depository for mail matter, and the Postal Service, twelve envelopes with checks or warrants enclosed from the State Compensation Insurance Fund for a total sum of seven thousand seven hundred fourteen dollars and twenty nine cents (\$7,714.29), made payable to Vincente Rafael Pierre, and knowingly caused such matter and things to be delivered by mail according to the directions thereon and at the place at which it was directed to be delivered by the person to which it was addressed.

3. On or between February 8, 1986 and June 15, 1988, James L. Upshur Jr. a/k/a Raymond D. Williams, Jr., having devised and intending to devise a scheme and artifice to defraud, and for obtaining money by means of false and fraudulent pretenses, representations, and promises, for the purpose of executing such scheme and artifice and attempting to do so, took and received from a post office, an authorized depository for mail matter, and the Postal Service, fifty one envelopes with checks or warrants enclosed from the State Compensation Insurance Fund for a total sum of sixty one thousand seven hundred fifteen dollars and sixty four cents (\$61,715.64), made payable to Raymond D. Williams, Jr., and knowingly caused such matter and things to be delivered by mail according to the directions thereon and at the place at which it was directed to be delivered by the person to which it was addressed.

4. On or between March 27, 1988 and January 15, 1992, James L. Upshur Jr. a/k/a Raymond D. Williams, Jr., having devised and intending to devise a scheme and artifice to defraud, and for obtaining money by means of false and fraudulent pretenses, representations, and promises, for the purpose of executing such scheme and artifice and attempting to do so, took and received from a post office, an authorized depository for mail matter, and the Postal Service, ninety seven envelopes with checks or warrants enclosed from the State Compensation Insurance Fund for a total sum of one hundred seven thousand four hundred fifty three dollars and eleven cents (\$107,453.11), made payable to James L. Upshur Jr., and knowingly caused such matter and things to be delivered by mail according to the directions thereon and at the place at which it was directed to be delivered by the person to which it was addressed.

5. On or between March 20, 1986 and April 30, 1988, Chris Childs a/k/a Kenneth Green a/k/a Chris Johnson, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money by means of false and fraudulent pretenses, representations, and promises, for the purpose of executing such scheme and artifice and attempting to do so, took and received from a post office, an authorized depository for

mail matter, and the Postal Service, forty six envelopes with checks or warrants enclosed from the State Compensation Insurance Fund for a total sum of fifty three thousand seven hundred three dollars and fifty cents (\$53,703.50), made payable to Kenneth Green, and knowingly caused such matter and things to be delivered by mail according to the directions thereon and at the place at which it was directed to be delivered by the person to which it was addressed.

6. On or between September 19, 1984 and December 31, 1989, Chris Childs a/k/a Kenneth Green a/k/a Chris Johnson, Curtis Baylor, and Edward Nicolas Laurent Flinton a/k/a Edward Soloman Katz a/k/a William Alfred Lemay, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money by means of false and fraudulent pretenses, representations, and promises, for the purpose of executing such scheme and artifice and attempting to do so, took and received from a post office, an authorized depository for mail matter, and the Postal Service, forty six envelopes with checks or warrants enclosed from the State Compensation Insurance Fund for a total sum of seventy thousand three hundred thirty-eight dollars (\$70,338.00), made payable to Chris Johnson, and knowingly caused such matter and things to be delivered by mail according to the directions thereon and at the place at which it was directed to be delivered by the person to which it was addressed.

7. On or between May 10, 1988 and March 15, 1990, James D. Williams a/k/a Samuel McClane, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money by means of false and fraudulent pretenses, representations, and promises, for the purpose of executing such scheme and artifice and attempting to do so, took and received from a post office, an authorized depository for mail matter, and the Postal Service, three envelopes with checks or warrants enclosed from the State Compensation Insurance Fund and the Colorado Compensation Insurance authority for a total sum of eighteen thousand four hundred seventy six dollars and sixteen cents (\$18,476.16), made payable to Samuel McClane, and knowingly caused such matter and things to be delivered by mail according to the directions thereon and at the place at which it was directed to be delivered by the person to which it was addressed.

B. Pursuant to § 18-17-103(5)(b)(II), C.R.S., conduct defined as racketeering activity, to wit: acts of theft as defined in § 18-4-401, C.R.S., and as set forth below.

1. That on or between October 22, 1985 and September 30, 1987, Edward Ivan McGhee a/k/a Daryl Woods, did

unlawfully, feloniously and knowingly commit the crime of theft by unlawfully taking a thing of value, to wit: money in the form of state checks or warrants with a value of ten thousand dollars or more from the State Compensation Insurance Fund also known as the State Compensation Insurance Authority.

2. That on or between October 17, 1986 and April 30, 1987, Edward Ivan McGhee a/k/a Daryl Wood, did unlawfully, feloniously and knowingly commit the crime of theft by unlawfully taking a thing of value, to wit: money in the form of state checks or warrants with a value of three hundred dollars or more but less than ten thousand dollars from the State Compensation Insurance Fund.

3. That on or between February 8, 1986 and June 15, 1988, James L. Upshur Jr. a/k/a Raymond D. Williams, did unlawfully, feloniously and knowingly commit the crime of theft by unlawfully taking a thing of value, to wit: money in the form of state checks or warrants with a value of ten thousand dollars or more from the State Compensation Insurance Fund also known as the State Compensation Insurance Authority.

4. That on or between March 20, 1986 and April 30, 1988, Kenneth Green a/k/a Chris Childs a/k/a Chris Johnson, did unlawfully, feloniously and knowingly commit the crime of theft by unlawfully taking a thing of value, to wit: money in the form of state checks or warrants with a value of ten thousand dollars or more from the State Compensation Insurance Fund also known as the State Compensation Insurance Authority.

5. That on or between July 11, 1988 and September 30, 1989, James D. Williams a/k/a Samuel McClane, did unlawfully, feloniously and knowingly commit the crime of theft by unlawfully taking a thing of value, to wit: money in the form of state checks or warrants with a value of ten thousand dollars or more from the State Compensation Insurance Authority.

C. Additional acts of theft as defined in § 18-4-401, C.R.S., and as are set forth in count four, which is hereby incorporated by reference in this first count.

D. Pursuant to § 18-17-103(5)(b)(IV), C.R.S., conduct defined as racketeering activity, to wit: second degree forgery as defined in § 18-5-103, C.R.S. and as are set forth in counts 4 through 7 which is hereby incorporated by reference in this first count.

E. Pursuant to § 18-17-103(5)(b)(II) conduct de-

fined as racketeering activity, to wit: acts of theft of rental property as defined in § 18-4-402(1)(b), C.R.S. and as set forth in Counts Ten, Eleven, Twelve and Thirteen herein.

F. Pursuant to § 18-17-103(5)(b)(XII) conduct defined as racketeering activity, to wit acts fraud upon the department of revenue as defined in § 39-21-118, C.R.S. and as set forth below:

1. On or about April 15, 1987, Edward Ivan McGhee a/k/a Daryl Woods, a person required under a title administered by the Colorado Department of Revenue, to wit: title 39, C.R.S., to file a return, to wit: a Colorado state individual income tax return, willfully failed to file such a return for the tax year 1986, in violation of § 39-21-118(3), C.R.S. (1991 Supp.) (Failure to File a Colorado State Income Tax Return for 1986 -- unclassified misdemeanor).

2. On or about April 15, 1988, Edward Ivan McGhee a/k/a Daryl Woods, a person required under a title administered by the Colorado Department of Revenue, to wit: title 39, C.R.S., to file a return, to wit: a Colorado state individual income tax return, willfully failed to file such a return for the tax year 1987, in violation of § 39-21-118(3), C.R.S. (1991 Supp.) (Failure to File a Colorado State Income Tax Return for 1987 -- unclassified misdemeanor).

3. On or about April 15, 1987, James Lincoln Upshur Jr. a/k/a James L. Upshur Jr. a/k/a Raymond D. Williams, a person required under a title administered by the Colorado Department of Revenue, to wit: title 39, C.R.S., to file a return, to wit: a Colorado state individual income tax return, willfully failed to file such a return for the tax year 1986, in violation of § 39-21-118(3), C.R.S. (1991 Supp.) (Failure to File a Colorado State Income Tax Return for 1986 -- unclassified misdemeanor).

4. On or about April 15, 1988, James Lincoln Upshur Jr. a/k/a James L. Upshur Jr. a/k/a Raymond D. Williams, a person required under a title administered by the Colorado Department of Revenue, to wit: title 39, C.R.S., to file a return, to wit: a Colorado state individual income tax return, willfully failed to file such a return for the tax year 1987, in violation of § 39-21-118(3), C.R.S. (1991 Supp.) (Failure to File a Colorado State Income Tax Return for 1987 -- unclassified misdemeanor).

5. On or about April 17, 1989, James Lincoln Upshur Jr. a/k/a James L. Upshur Jr. a/k/a Raymond D. Williams, a person required under a title administered by the Colorado De-

partment of Revenue, to wit: title 39, C.R.S., to file a return, to wit: a Colorado state individual income tax return, willfully failed to file such a return for the tax year 1988, in violation of § 39-21-118(3), C.R.S. (1991 Supp.) (Failure to File a Colorado State Income Tax Return for 1988 -- unclassified misdemeanor).

6. On or about April 16, 1990, James Lincoln Upshur Jr. a/k/a James L. Upshur Jr. a/k/a Raymond D. Williams, a person required under a title administered by the Colorado Department of Revenue, to wit: title 39, C.R.S., to file a return, to wit: a Colorado state individual income tax return, willfully failed to file such a return for the tax year 1989, in violation of § 39-21-118(3), C.R.S. (1991 Supp.) (Failure to File a Colorado State Income Tax Return for 1989 -- unclassified misdemeanor).

7. On or about April 15, 1991, James Lincoln Upshur Jr. a/k/a James L. Upshur Jr. a/k/a Raymond D. Williams, a person required under a title administered by the Colorado Department of Revenue, to wit: title 39, C.R.S., to file a return, to wit: a Colorado state individual income tax return, willfully failed to file such a return for the tax year 1990, in violation of § 39-21-118(3), C.R.S. (1991 Supp.) (Failure to File a Colorado State Income Tax Return for 1990 -- unclassified misdemeanor).

8. On or about April 15, 1992, James Lincoln Upshur Jr. a/k/a James L. Upshur Jr. a/k/a Raymond D. Williams, a person required under a title administered by the Colorado Department of Revenue, to wit: title 39, C.R.S., to file a return, to wit: a Colorado state individual income tax return, willfully failed to file such a return for the tax year 1991, in violation of § 39-21-118(3), C.R.S. (1991 Supp.) (Failure to File a Colorado State Income Tax Return for 1991 -- unclassified misdemeanor).

9. On or about April 15, 1986, Chris Childs a/k/a Chris Johnson a/k/a Kenneth Green, a person required under a title administered by the Colorado Department of Revenue, to wit: title 39, C.R.S., to file a return, to wit: a Colorado state individual income tax return, willfully failed to file such a return for the tax year 1985, in violation of § 39-21-118(3), C.R.S. (1991 Supp.) (Failure to File a Colorado State Income Tax Return for 1985 -- unclassified misdemeanor).

10. On or about April 15, 1987, Chris Childs a/k/a Chris Johnson a/k/a Kenneth Green, a person required under a title administered by the Colorado Department of Revenue, to wit: title 39, C.R.S., to file a return, to wit: a Colorado state individual income tax return, willfully failed to file such a return for the tax year 1986, in violation of § 39-21-118(3),



C.R.S. (1991 Supp.) (Failure to File a Colorado State Income Tax Return for 1986 -- unclassified misdemeanor).

11. On or about April 15, 1988, Chris Childs a/k/a Chris Johnson a/k/a Kenneth Green, a person required under a title administered by the Colorado Department of Revenue, to wit: title 39, C.R.S., to file a return, to wit: a Colorado state individual income tax return, willfully failed to file such a return for the tax year 1987, in violation of § 39-21-118(3), C.R.S. (1991 Supp.) (Failure to File a Colorado State Income Tax Return for 1987 -- unclassified misdemeanor),

12. On or about April 17, 1989, Chris Childs a/k/a Chris Johnson a/k/a Kenneth Green, a person required under a title administered by the Colorado Department of Revenue, to wit: title 39, C.R.S., to file a return, to wit: a Colorado state individual income tax return, willfully failed to file such a return for the tax year 1988, in violation of § 39-21-118(3), C.R.S. (1991 Supp.) (Failure to File a Colorado State Income Tax Return for 1988 -- unclassified misdemeanor).

13. On or about April 16, 1990, Chris Childs a/k/a Chris Johnson a/k/a Kenneth Green, a person required under a title administered by the Colorado Department of Revenue, to wit: title 39, C.R.S., to file a return, to wit: a Colorado state individual income tax return, willfully failed to file such a return for the tax year 1989, in violation of § 39-21-118(3), C.R.S. (1991 Supp.) (Failure to File a Colorado State Income Tax Return for 1989 -- unclassified misdemeanor).

14. On or about April 15, 1991, James Donald William a/k/a Samuel McClane, person required under a title administered by the Colorado Department of Revenue, to wit: title 39, C.R.S., to file a return, to wit: a Colorado state individual income tax return, willfully failed to file such a return for the tax year 1990, in violation of § 39-21-118(3), C.R.S. (1991 Supp.) (Failure to File a Colorado State Income Tax Return for 1990 -- unclassified misdemeanor).

In violation of § 18-17-104(1)(a), C.R.S. (violation of the Colorado Organized Crime Control Act, conducting an enterprise through a pattern of racketeering activity -- Class 2 felony) and against the peace and dignity of the People of the State of Colorado.

COUNT TWO

As a second and further count, Gale A. Norton, the Attorney General aforesaid, in the name and by the authority of the People of the State of Colorado further informs the court that on or between October 1, 1985 and December 1, 1992 in the Counties of Denver, Chaffee and El Paso and triable in El Paso County, State of Colorado, Edward Ivan McGhee, a/k/a Daryl Woods, James L. Upshur Jr. a/k/a Raymond D. Williams, Jr., Chris Childs a/k/a Kenneth Green a/k/a Chris Johnson, James D. Williams a/k/a Samuel McClane and Vincente Rafael Pierre knowingly received proceeds derived, directly and indirectly from a pattern of racketeering activity and used and invested a part of such proceeds in the acquisition of any title right interest and equity in real property to wit:

A. The pattern of racketeering activity set forth in Count One, subsections A, B, C, D and E is hereby incorporated by reference in this Count Two.

B. That some proceeds, in the form of money, of the pattern of racketeering activity as described and incorporated in subsection A of this count were knowingly directly and indirectly invested in the acquisition of title to and right, interest and equity in real property to wit: the land, structures and property interests running with the real property known as 31755 Highway 24 and 285 Chaffee County, Colorado, the location of which is further described in Chaffee County, Colorado warranty Deed No. 246515.

In violation of § 18-17-104(1)(a), C.R.S., (violation of the Colorado Organized Crime Control Act -- Investing Proceeds Gained Through a Pattern of Racketeering Activity in Real Property -- Class 2 felony) and against the peace and dignity of the People of the State of Colorado.

COUNT THREE

As a third and further count, Gale A. Norton, the Attorney General aforesaid, in the name and by the authority of the People of the State of Colorado further informs the court that on or between September 1, 1984 and January 31, 1992 in the counties of Denver, Chaffee and El Paso and triable in El Paso County, State of Colorado, Edward Ivan McGhee a/k/a Daryl Woods, James L. Upshur Jr. a/k/a Raymond D. Williams Jr., Chris Childs a/k/a Kenneth Green a/k/a Chris Johnson, James D. Williams a/k/a Samuel McClane, Vincente Rafael Pierre, Curtis Baylor and Edward Nicolas Laurent Flinton a/k/a Edward Soloman Katz a/k/a William Alfred Lemay, conspired and endeavored to violate the provisions of the Colorado Organized Crime Control Act as said provisions are set forth in § 18-17-104(1)(a) and § 18-17-104(3), C.R.S. in that said defendants conspired and endeavored to receive proceeds from a pattern of racketeering activity, directly and indirectly, and used or invested a part of said proceeds in acquiring title, right, interest and equity in real property. Said defendants further conspired and endeavored to knowingly conduct or participate directly, or indirectly in an enterprise through a pattern of racketeering activity while employed by and associated with said enterprise.

Overt acts in furtherance of said conspiracy and endeavor are as follows:

A. That between November 11, 1983 and August 1, 1984, James D. Williams a/k/a Samuel McClane, Curtis Baylor and Edward Nicolas Laurent Flinton a/k/a Edward Soloman Katz a/k/a William Alfred Lemay, with the intent to promote and facilitate the commission of the crime of first degree arson as defined in § 18-4-102(1), C.R.S. did unlawfully and feloniously agree with each other, and with a person or persons to the attorney general unknown that one or more of them would engage in conduct which constitutes said crime and an attempt to commit said crime and did agree to aid such other person or persons in the planning and commission and attempted commission of said crime and an overt act in pursuance of such conspiracy was committed by one or more of said conspirators in violation of § 18-2-201, C.R.S. (Conspiracy).

Further overt acts committed in pursuance of this conspiracy are follows:

1. Written plans and notes were made concerning the building targeted for the arson as well as its

inhabitants and the activities in the neighborhood.

2. Photographs of the building targeted for the arson were made to facilitate the commission of the arson.

3. On August 1, 1984 the planned arson was carried out in accordance with the aforementioned plans and agreement.

B. Those activities set forth in Count One of this indictment including that conduct specified in subsections A, B, C, D and E of Count One which are hereby incorporated by reference in this third count.

C. Those activities set forth in Count Two of this indictment including the acts specified in subsection B of Count Two which are hereby incorporated by reference in this third count.

D. Those activities set forth in counts Four, Five, Six, Seven, Eight, Nine, Ten, Eleven, Twelve, Thirteen and Fourteen of this indictment which are hereby incorporated by reference in this third count.

In violation of § 18-17-104(4), C.R.S. (conspiracy to violate the provisions of the Colorado Organized Crime Control Act -- Class 2 felony) and against the peace and dignity of the People of the State of Colorado.

COUNT FOUR

As a fourth and further count, Gale A. Norton, the Attorney General aforesaid, in the name and by the authority of the People of the State of Colorado further informs the court that on or between October 1, 1989 and January 6, 1992, James L. Upshur Jr. a/k/a Raymond D. Williams, did unlawfully, feloniously and knowingly commit the crime of theft by unlawfully taking a thing of value, to wit: money in the form of state checks or warrants with a value of ten thousand dollars or more than the State Compensation Insurance Fund also known as the State Compensation Insurance Authority in violation of § 18-4-401, C.R.S. (theft -- Class 3 felony) and against the peace and dignity of the People of the State of Colorado.

COUNT FIVE

As a fifth and further count, Gale A. Norton, the Attorney General aforesaid, in the name and by the authority of the People of the State of Colorado further informs the court that or between November 15, 1986 and April 20, 1987, Edward Ivan McGhee a/k/a Daryl Woods, with the intent to defraud Colorado State Compensation Insurance Fund did unlawfully, feloniously and falsely make, complete, alter and utter written instruments which were and which purported to be and which were calculated to, become and to represent if completed the checks or warrants of the Colorado State Compensation Insurance Fund which documents did and may evidence, create, transfer, terminate and otherwise affect a legal right, interest, obligation and status in violation of § 18-5-103(1)(a), C.R.S. (Second Degree Forgery -- Class 4 felony) and against the peace and dignity of the People of the State of Colorado.

COUNT SIX

As a sixth and further count, Gale A. Norton, the Attorney General aforesaid, in the name and by the authority of the People of the State of Colorado further informs the court that or between February 8, 1986 and June 1, 1988 James L. Upshur Jr. a/k/a Raymond D. Williams Jr. with the intent to defraud the Colorado State Compensation Insurance Fund and the Colorado State Compensation Insurance Authority did unlawfully, feloniously and falsely make, complete, alter and utter written instruments which were and which purported to be and which were calculated to become and to represent if completed the checks or warrants of the Colorado State Compensation Insurance Fund and the Colorado State Compensation Insurance Authority which documents did and may evidence, create, transfer, terminate and otherwise affect a legal right, interest, obligation and status in violation of §18-5-103(1)(a), C.R.S. (Second Degree Forgery -- Class 4 felony) and against the peace and dignity of the People of the State of Colorado.

COUNT SEVEN

As a seventh and further count, Gale A. Norton, the Attorney General aforesaid, in the name and by the authority of the People of the State of Colorado further informs the court that or between March 20, 1986 and March 24, 1988 Chris Childs a/k/a Kenneth Green a/k/a Chris Johnson with the intent to defraud the Colorado State Compensation Insurance Fund and the Colorado State Compensation Insurance Authority did unlawfully, feloniously and falsely make, complete, alter and utter written instruments which were and which purported to be and which were calculated to become and to represent if completed the checks or warrants of the Colorado State Compensation Insurance Fund and the Colorado State Compensation Insurance Authority which documents did and may evidence, create, transfer, terminate and otherwise affect a legal right, interest, obligation and status in violation of § 18-5-103(1)(a), C.R.S. (Second Degree Forgery -- Class 4 felony) and against the peace and dignity of the People of the State of Colorado.



COUNT EIGHT

As a eighth and further count, Gale A. Norton, the Attorney General aforesaid, in the name and by the authority of the People of the State of Colorado further informs the court that or between July 7, 1987 and January 6, 1992 James D. Williams a/k/a Samuel McClane did with the intent to defraud the Colorado State Compensation Insurance Authority and the Colorado Compensation Insurance Authority did unlawfully, feloniously and falsely make, complete, alter and utter written instruments which were and purported to be and which were calculated to become and to represent if completed the checks or warrants of the Colorado State Compensation Insurance Authority and the Colorado Compensation Insurance Authority which documents did and may evidence, create, transfer, terminate and otherwise affect a legal right, interest, obligation and status in violation of § 18-5-103(1)(a), C.R.S. (Second Degree Forgery -- Class 5 felony) and against the peace and dignity of the People of the State of Colorado.

COUNT NINE

As a ninth and further count, Gale A. Norton, the Attorney General aforesaid, in the name and by the authority of the People of the State of Colorado further informs the court that or between November 1, 1986 and April 20, 1987 Vincente Rafael Pierre with the intent to defraud the Colorado State Compensation Insurance Fund did unlawfully, feloniously and falsely make, complete, alter and utter written instruments which were and which purported to be and which were calculated to become and to represent if completed the checks or warrants of the Colorado State Compensation Insurance Fund which documents did and may evidence, create, transfer, terminate and otherwise affect a legal right, interest, obligation and status in violation of § 18-5-103(1)(a), C.R.S. (Second Degree Forgery -- Class 4 felony) and against the peace and dignity of the People of the State of Colorado.

COUNT TEN

As a tenth and further count, Gale A. Norton, the Attorney General aforesaid, in the name and by the authority of the People of the State of Colorado further informs the court that or between January 19, 1991 and January 25, 1991 in and triable in the County of El Paso, State of Colorado, Edward Ivan McGhee a/k/a Daryl Woods having lawfully obtained possession for temporary use of a Honda EB4000 Gas generator, inventory number 2935 and a Emglo Gas Air Compressor, serial number 030890011, the personal property of Center Rental, Sales and Services which property was available only for hire did unlawfully, feloniously and knowingly fail to reveal the whereabouts of and return said property to said victim and his representative and to the person from whom the defendant received said property within seventy-two hours after the time the defendant agreed to return said property, said property being of the value of three hundred dollars or more but less than ten thousand dollars in violation of § 18-4-402(1)(b), C.R.S. (Theft of Rental Property -- Class 5 felony) and against the peace and dignity of the People of the State of Colorado).

COUNT ELEVEN

As an eleventh and further count, Gale A. Norton, the Attorney General aforesaid, in the name and by the authority of the People of the State of Colorado further informs the court that or between January 19, 1991 and January 25, 1991 in and triable in the County of El Paso, State of Colorado, Chris Childs a/k/a Kenneth Green a/k/a Chris Johnson having lawfully obtained possession for temporary use of a Harper Air Chipping Hammer, model 4173, serial number 706049, and Chisels, the personal property of Wagner Rents, which property was available only for hire, did unlawfully, feloniously and knowingly fails to reveal the whereabouts of and return said property to said victim and his representative and to the person from whom the defendant received said property within seventy-two hours after the time the defendant agreed to return said property, said property being of the value of three hundred dollars or more but less than ten thousand dollars, in violation of § 18-4-402(1)(b), C.R.S. (Theft of Rental Property -- Class 5 felony) and against the peace and dignity of the People of the State of Colorado.

COUNT TWELVE

As a twelfth and further count, Gale A. Norton, the Attorney General aforesaid, in the name and by the authority of the People of the State of Colorado further informs the court that on or between January 23, 1991 and January 26, 1991 in and to be tried in the County of El Paso, State of Colorado, Chris Childs a/k/a Kenneth Green a/k/a Chris Johnson, having lawfully obtained possession for temporary use of a Bosch chisel hammer with five steel bits, the personal property of Action Rental, Inc. which property was available only for hire did unlawfully, feloniously and knowingly fail to reveal the whereabouts of and return said property to said victim and his representative and to the person from whom the defendant received said property within seventy-two hours after the time the defendant agreed to return said property, said property being of the value of three hundred dollars or more but less than ten thousand dollars in violation of § 18-4-402(1)(b), C.R.S. (Theft of Rental Property -- Class 5 felony) and against the peace and dignity of the People of the State of Colorado).

COUNT THIRTEEN

As a thirteenth and further count, Gale A. Norton, the Attorney General aforesaid, in the name and by the authority of the People of the State of Colorado further informs the court that or between January 20, 1991 and January 25, 1991 in and triable in the County of El Paso, State of Colorado, Edward Ivan McGhee a/k/a Daryl Woods having lawfully obtained possession for temporary use of a Stow three inch pump with suction and discharge hoses, the personal property of AAa Rental Company, which property was available only for hire, did unlawfully, feloniously and knowingly fails to reveal the whereabouts of and return said property to said victim and his representative and to the person from whom the defendant received said property within seventy-two hours after the time the defendant agreed to return said property, said property being of the value of three hundred dollars or more but less than ten thousand dollars, in violation of § 18-4-402(1)(b), C.R.S. (Theft of Rental Property -- Class 5 felony) and against the peace and dignity of the People of the State of Colorado.

COUNT FOURTEEN

As a fourteenth and final count, Gale A. Norton, the Attorney General aforesaid, in the name and by the authority of the People of the State of Colorado further informs the court that on or between September 1, 1984 and January 30, 1990, in the State of Colorado, James D. Williams a/k/a Samuel McClane, and Edward Nicolas Laurent Flinton a/k/a Edward Soloman Katz a/k/a William Alfred Lemay with the intent to promote and facilitate the commission of the crime of murder in the first degree as defined in § 18-3-102(1)(a), C.R.S., did unlawfully and feloniously agree with each other, and with a person or persons to the attorney general unknown that one or more of them would engage in conduct which constitutes said crime and an attempt to commit said crime and did agree to aid such other person or persons in the planning and commission and attempted commission of said crime and an overt act in pursuance of such conspiracy was committed by one or more of said conspirators in violation of § 18-2-201, C.R.S. (Conspiracy -- Class 2 Felony) and against the peace and dignity of the People of the State of Colorado.

Further overt acts committed in pursuance of this conspiracy are follows:

1. Written plans detailing the results of on-scene surveillance of the intended victim were created.
2. Photographs of the interior and exterior of the site of the planned murder were taken and collected.
3. Detailed written contingency plans discussing various methods of murder to be employed and developed.
4. On January 30, 1990, the victim described in the aforementioned written plans was murdered, in accordance with the plan, by being stabbed to death, one of the methods discussed in the plan.

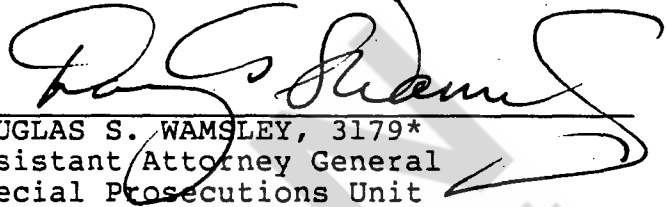
GALE A. NORTON  
Attorney General

RAYMOND T. SLAUGHTER  
Chief Deputy Attorney General

TIMOTHY M. TYMKOVICH  
Solicitor General

JOHN DANIEL DAILEY  
Deputy Attorney General

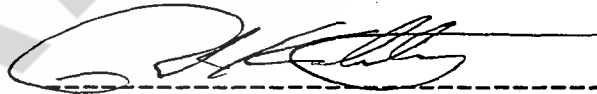
TERRENCE A. GILLESPIE  
First Assistant Attorney General

  
DOUGLAS S. WAMSLEY, 3179\*  
Assistant Attorney General  
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\*Counsel of Record  
AG Alpha No. LW WK EAAVV  
AG File No. ESP9300046

To my personal knowledge the offenses charged in the fore-  
going criminal information were committed.

  
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Subscribed and sworn to before me in the County of  
Denver, State of Colorado, this 5<sup>th</sup> day of  
March 1993.

M. Kathleen Adams  
NOTARY PUBLIC

My Commission expires:

1-25-94