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FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

MAR 16 2017

BY:
"ojj.CE; MARIE R. OME'A" oepUTY

7 Attorneys for the State of Nevada

8 DISTRICT COURT

9 CLARK COUNTY, NEVADA

10 STATE OF NEVADA,

Case No.: C-17-322030-2

11 Plaintiff,

Dept. No.: II

12 v.

13 JOHN LUBERA, a.k.a. MICHELE
14 CALZARETTA, a.k.a. THOMAS SPRING,
15 a.k.a. BERNARD KOONER, a.k.a. JOHN
16 CUTLER, ID #; AND

17 JOSEPH LUBERA, a.k.a. JOHN LEE, a.k.a.
18 ANTHONY AMATULLI, a.k.a. PAUL
19 REDICK,

Defendant.

19 INDICTMENT

20 The above named defendant, JOHN LUBERA, a.k.a. MICHELE CALZARETTA, a.k.a.
21 THOMAS SPRING, a.k.a. BERNARD KOONER, a.k.a. JOHN CUTLER, is accused by the Clark
22 County Grand Jury of the crimes(s) of four (4) counts of THEFT IN THE AMOUNT OF \$650 OR
23 MORE, a category "C" felony in violation of NRS 205.0832, and one (1) count of MULTIPLE
24 TRANSACTIONS OF FRAUD AND DECEIT IN COURSE OF ENTERPRISE OR OCCUPATION, a
25 category "B" felony in violation of NRS 205.377.

26 The above named defendant, JOSEPH LUBERA, a.k.a. JOHN LEE, a.k.a. ANTHONY
27 AMATULLI, a.k.a. PAUL REDICK, is accused by the Clark County Grand Jury of the crimes(s) of
28 one (1) count of THEFT IN THE AMOUNT OF \$650 OR MORE, COMMITTED AGAINST A

1 PERSON 60 YEARS OF AGE OR OLDER, a category "C" felony, in violation of NRS 205.0832 and
2 NRS 193.167, two (2) counts of THEFT IN THE AMOUNT OF \$650.00 OR MORE, a category "C"
3 felony in violation of NRS 205.0832, and one (1) count of MULTIPLE TRANSACTIONS OF FRAUD
4 AND DECEIT IN COURSE OF ENTERPRISE OR OCCUPATION, a category "B" felony in violation
5 of NRS 205.377.

6 All of the above referenced crimes occurred in Clark County, State of Nevada as follows:

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COUNT 1
THEFT IN THE AMOUNT OF \$650.00 OR MORE
CATEGORY "C" FELONY - NRS 205.0832

9 That the Defendant, JOHN LUBERA, in the County of Clark, State of Nevada, by virtue of his
10 own actions or by the actions of his agents or employees, without lawful authority, did knowingly:
11 control property of another person with the intent to deprive that person of the property; and/or convert,
12 make an unauthorized transfer of an interest in, or without authorization control property of another
13 person, or use the services or property of another person entrusted to him or placed in his possession for
14 a limited, authorized period of determined or prescribed duration or for a limited use; and/or obtain
15 property or services of another person by a material misrepresentation with intent to deprive that person
16 of the property or services; and/or control property of another person knowing or having reason to
17 know that the property was stolen, and the value of said property was \$650.00 or more, to wit:

18 On or about January 9, 2014, JOHN LUBERA, using the alias of Michele Calzaretta and eBay
19 username "msmichele814", knowingly misrepresented on eBay that he would sell and deliver a camera
20 and lens kit for a purchase price of \$650 or more. Lance Bowling paid JOHN LUBERA \$650 or more
21 for said camera and lens kit through PayPal. However, JOHN LUBERA neither delivered said camera
22 and lens kit nor refunded the payment, instead sending Lance Bowling a cell phone charger; and/or,

23 On or about January 21, 2014, JOHN LUBERA took possession and control of \$650 or more of
24 Lance Bowling's money while knowing or having reason to know it was stolen.

25 All of which constitutes the crime of THEFT IN THE AMOUNT OF \$650.00 OR MORE, a
26 category "C" felony, in violation NRS 205.0832, and a technological crime as defined by NRS
27 205A.030.

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COUNT 2
THEFT IN THE AMOUNT OF \$650.00 OR MORE
CATEGORY "C" FELONY - NRS 205.0832

That the Defendant, JOHN LUBERA, in the County of Clark, State of Nevada, by virtue of his own actions or by the actions of his agents or employees, without lawful authority, did knowingly: control property of another person with the intent to deprive that person of the property; and/or convert, make an unauthorized transfer of an interest in, or without authorization control property of another person, or use the services or property of another person entrusted to him or placed in his possession for a limited, authorized period of determined or prescribed duration or for a limited use; and/or obtain property or services of another person by a material misrepresentation with intent to deprive that person of the property or services; and/or control property of another person knowing or having reason to know that the property was stolen, and the value of said property was \$650.00 or more, to wit:

On or about March 4, 2014, JOHN LUBERA, using the alias of Thomas Spring and eBay username "sprithom", knowingly misrepresented on eBay that he would sell and deliver a flute and flute case for a purchase price of \$650 or more. Roberto Triorco Unanue paid JOHN LUBERA \$650 or more for said flute and flute case through PayPal. However, JOHN LUBERA neither delivered said flute and flute case nor refunded the payment, instead sending Roberto Triorco Unanue a cell phone user manual; and/or,

On or about March 10, 2014, JOHN LUBERA took possession and control of \$650 or more of Roberto Triorco Unanue' s money while knowing or having reason to know it was stolen.

All of which constitutes the crime of THEFT IN THE AMOUNT OF \$650.00 OR MORE, a category "C" felony, in violation NRS 205.0832, and a technological crime as defined by NRS 205A.030.

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COUNT 3
THEFT IN THE AMOUNT OF \$650.00 OR MORE
CATEGORY "C" FELONY - NRS 205.0832

That the Defendant, JOHN LUBERA, in the County of Clark, State of Nevada, by virtue of his own actions or by the actions of his agents or employees, without lawful authority, did knowingly: control property of another person with the intent to deprive that person of the property; and/or convert, make an unauthorized transfer of an interest in, or without authorization control property of another

1 person, or use the services or property of another person entrusted to him or placed in his possession for
2 a limited, authorized period of determined or prescribed duration or for a limited use; and/or obtain
3 property or services of another person by a material misrepresentation with intent to deprive that person
4 of the property or services; and/or control property of another person knowing or having reason to
5 know that the property was stolen, and the value of said property was \$650.00 or more, to wit:

6 On or about December 28, 2013, JOHN LUBERA, using the alias of Bernard Kooner and eBay
7 username "loonexan", knowingly misrepresented on eBay that he would sell and deliver an Apple Mac
8 Pro for a purchase price of \$650 or more. Patrick Boemer paid JOHN LUBERA \$650 or more for said
9 Apple Mac Pro through PayPal. However, JOHN LUBERA neither delivered said Apple Mac Pro nor
10 refunded the payment, instead sending Patrick Boemer a cell phone cover and/or cellphone charger;
11 and/or,

12 On or about January 6, 2014, JOHN LUBERA took possession and control of \$650 or more of
13 Patrick Boemer's money while knowing or having reason to know it was stolen.

14 All of which constitutes the crime of THEFT IN THE AMOUNT OF \$650.00 OR MORE, a
15 category "C" felony, in violation NRS 205.0832, and is a technological crime as defined by NRS
16 205A.030.

17 COUNT 4
18 THEFT IN THE AMOUNT OF \$650.00 OR MORE
19 CATEGORY "C" FELONY - NRS 205.0832

20 That the Defendant, JOHN LUBERA, in the County of Clark, State of Nevada, by virtue of his
21 own actions or by the actions of his agents or employees, without lawful authority, did knowingly:
22 control property of another person with the intent to deprive that person of the property; and/or convert,
23 make an unauthorized transfer of an interest in, or without authorization control property of another
24 person, or use the services or property of another person entrusted to him or placed in his possession for
25 a limited, authorized period of determined or prescribed duration or for a limited use; and/or obtain
26 property or services of another person by a material misrepresentation with intent to deprive that person
27 of the property or services; and/or control property of another person knowing or having reason to
28 know that the property was stolen, and the value of said property was \$650.00 or more, to wit:

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1 On or about May 12, 2014, JOHN LUBERA, using the alias of John Cutler and eBay username
2 "shortshift75", knowingly misrepresented on eBay that he would sell and deliver a camera with flash
3 device and camera lens kit for a purchase price of \$650 or more. Bryan Kolasinski paid JOHN
4 LUBERA \$650 or more for said camera with flash device and camera lens kit through PayPal.
5 However, JOHN LUBERA neither delivered said camera with flash device and camera lens kit nor
6 refunded the payment, instead sending Bryan Kolasinski a cell phone cover and/or a plug-in hearing
7 device; and/or,

8 On or about May 19, 2014, JOHN LUBERA took possession and control of \$650 or more of
9 Bryan Kolasinski's money while knowing or having reason to know it was stolen.

10 All of which constitutes the crime of THEFT IN THE AMOUNT OF \$650.00 OR MORE, a
11 category "C" felony, in violation NRS 205.0832, and a technological crime as defined by NRS
12 205A.030.

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COUNT 5
MULTIPLE TRANSACTIONS INVOLVING FRAUD OR DECEIT
IN COURSE OF ENTERPRISE OR OCCUPATION
Category "B" Felony - NRS 205377

16 That the Defendant, JOHN LUBERA, in the County of Clark, State of Nevada, either by virtue
17 of their own actions or by the actions of their agents or employees, in the course of an enterprise or
18 occupation, knowingly and with the intent to defraud, engaged in an act, practice or course of business,
19 or employed a device scheme or artifice which operated or would have operated as a fraud or deceit
20 upon a person by means of a false representation or omission of a material fact that: he knew to be false
21 or omitted; that he intended another to rely on; and which resulted in a loss to a person who relied on
22 the false representation or omission, in at least two transactions having the same or similar pattern,
23 intents, results, accomplices, victims or methods of commission, or which were otherwise interrelated
24 by distinguishing characteristics and were not isolated incidents within 4 years and in which the
25 aggregate loss or intended loss was more than \$650, to wit:

26 As set forth in Count One through Four, which are hereby incorporated by reference as though
27 fully set forth herein, JOHN LUBERA, either by virtue of his actions or his agents or employees,
28 knowingly and intentionally defrauded individuals in two or more transactions as set forth more fully in

1 those counts from between October 1, 2013 and May 31, 2014. As stated in Counts One through Four,
2 JOHN LUBERA, in the course of an enterprise or occupation, utilizing a series of aliases, knowingly,
3 and with the intent to deprive another of their property, advertised the sale of multiple items on eBay.
4 Victims, LANCE BOWLING, ROBERTO TRIORCO UNANUE, PATRICK BOEMER, and BRYAN
5 KOLASINSKI, relied upon these misrepresentations of sale and paid for their respective items, and
6 their shipping costs, but never received said items. Such resulted in the victims' aggregate loss of
7 \$9,733.58.

8 All of which constitutes the crime of MULTIPLE TRANSACTIONS INVOLVING FRAUD
9 OR DECEIT IN COURSE OF ENTERPRISE OR OCCUPATION, a category "B" felony in violation
10 of NRS 205.377.

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COUNT 6
THEFT IN THE AMOUNT OF \$650.00 OR MORE AGAINST
A PERSON 60 YEARS OF AGE OR OLDER
CATEGORY "C" FELONY - NRS 205.0832, NRS 193.167

14 That the Defendant, JOSEPH LUBERA, in the County of Clark, State of Nevada, by virtue of
15 his own actions or by the actions of his agents or employees, without lawful authority, did knowingly:
16 control property of another person with the intent to deprive that person of the property; and/or convert,
17 make an unauthorized transfer of an interest in, or without authorization control property of another
18 person, or use the services or property of another person entrusted to him or placed in his possession for
19 a limited, authorized period of determined or prescribed duration or for a limited use; and/or obtain
20 property or services of another person by a material misrepresentation with intent to deprive that person
21 of the property or services; and/or control property of another person knowing or having reason to
22 know that the property was stolen, and the value of said property was \$650.00 or more and the victim
23 being 60 years of age or older, to wit:

24 On or about February 1, 2014, JOSEPH LUBERA, using the alias John Lee and eBay username
25 "johlee9", knowingly misrepresented on eBay that he would sell and deliver a metal detector for a
26 purchase price of \$650 or more. Michael West paid JOSEPH LUBERA \$650 or more for said metal
27 detector through PayPal. However, JOSEPH LUBERA neither delivered said metal detector nor

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1 refunded the payment, instead sending Michael West two stereo/video cords, thirty-five cents in
2 change, and an empty "Altoids" tin; and/or,

3 Between February 9, 2014 and February 13, 2014, JOSPEH LUBERA took possession and
4 control of \$650 or more of Michael West's money while knowing or having reason to know it was
5 stolen.

6 All of which constitutes the crime of THEFT IN THE AMOUNT OF \$650.00 OR MORE,
7 COMMITTED AGAINST A PERSON 60 YEARS OF AGE OR OLDER, a category "C" felony, in
8 violation NRS 205.0832 and NRS 193.167, and a technological crime as defined by NRS 205A.030.

9 COUNT 7
10 THEFT IN THE AMOUNT OF \$650.00 OR MORE
11 CATEGORY "C" FELONY -NRS 205.0832

12 That the Defendant, JOSEPH LUBERA, in the County of Clark, State of Nevada, by virtue of
13 his own actions or by the actions of his agents or employees, without lawful authority, did knowingly:
14 control property of another person with the intent to deprive that person of the property; and/or convert,
15 make an unauthorized transfer of an interest in, or without authorization control property of another
16 person, or use the services or property of another person entrusted to him or placed in his possession for
17 a limited, authorized period of determined or prescribed duration or for a limited use; and/or obtain
18 property or services of another person by a material misrepresentation with intent to deprive that person
19 of the property or services; and/or control property of another person knowing or having reason to
20 know that the property was stolen, and the value of said property was \$650.00 or more, to wit:

21 On or about October 21, 2013, JOSEPH LUBERA, using the alias Anthony Amatulli and eBay
22 username "landercap51", knowingly misrepresented on eBay that he would sell and deliver an Apple
23 Mac Pro for a purchase price of \$650 or more. Lincoln Sevier paid JOSEPH LUBERA \$650 or more
24 for said Apple Mac Pro through PayPal. However, JOSEPH LUBERA neither delivered said Apple
25 Mac Pro nor refunded the payment, instead sending Lincoln Sevier an ear bud and/or charging cable;
26 and/or

27 On or about November 1, 2013, JOSPEH LUBERA took possession and control of \$650 or more
28 of Lincoln Sevier's money while knowing or having reason to know it was stolen.

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1 All of which constitutes the crime of THEFT IN THE AMOUNT OF \$650.00 OR MORE, a
2 category "C" felony, in violation NRS 205.0832, and is a technological crime as defined by NRS
3 205A.030.

4 **COUNT S**
5 **THEFT IN THE AMOUNT OF \$650.00 OR MORE**
6 **CATEGORY "C" FELONY - NRS 205.0832**

7 That the Defendant, JOSEPH LUBERA, in the County of Clark, State of Nevada, by virtue of
8 his own actions or by the actions of his agents or employees, without lawful authority, did knowingly:
9 control property of another person with the intent to deprive that person of the property; and/or convert,
10 make an unauthorized transfer of an interest in, or without authorization control property of another
11 person, or use the services or property of another person entrusted to him or placed in his possession for
12 a limited, authorized period of determined or prescribed duration or for a limited use; and/or obtain
13 property or services of another person by a material misrepresentation with intent to deprive that person
14 of the property or services; and/or control property of another person knowing or having reason to
15 know that the property was stolen, and the value of said property was \$650.00 or more, to wit:

16 On or about March 23, 2014, JOSEPH LUBERA, using the alias Paul Redick and eBay
17 username "redpu:ff 88", knowingly misrepresented on eBay that he would sell and deliver an Apple
18 Computer for a purchase price of \$650 or more. Sonia Mariona paid JOSEPH LUBERA \$650 or more
19 for said Apple Mac through PayPal. However, JOSEPH LUBERA neither delivered said Apple Mac
20 nor refunded the payment, instead sending Sonia Mariona a music cd; and/or

21 On or about March 31, 2014, JOSPEH LUBERA took possession and control of \$650 or more
22 of Sonia Mariona's money while knowing or having reason to know it was stolen

23 All of which constitutes the crime of THEFT IN THE AMOUNT OF \$650.00 OR MORE, a
24 category "C" felony, in violation NRS 205.0832, and is a technological crime as defined by NRS
25 205A.030.

26 *Ill*

27 *Ill*

28 *Ill*

COUNT 9
MULTIPLE TRANSACTIONS INVOLVING FRAUD OR DECEIT
INCOURSE OF ENTERPRISE OR OCCUPATION
Category "B" Felony - NRS 205.377

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That the Defendant, JOSEPH LUBERA, in the County of Clark, State of Nevada, either by virtue of their own actions or by the actions of their agents or employees, in the course of an enterprise or occupation, knowingly and with the intent to defraud, engaged in an act, practice or course of business, or employed a device scheme or artifice which operated or would have operated as a fraud or deceit upon a person by means of a false representation or omission of a material fact that: he knew to be false or omitted; that he intended another to rely on; and which resulted in a loss to a person who relied on the false representation or omission, in at least two transactions having the same or similar pattern, intents, results, accomplices, victims or methods of commission, or which were otherwise interrelated by distinguishing characteristics and were not isolated incidents within 4 years and in which the aggregate loss or intended loss was more than \$650, to wit:

As set forth in Count Six through Eight, which are hereby incorporated by reference as though fully set forth herein, JOSEPH LUBERA, either by virtue of his actions or his agents or employees, knowingly and intentionally defrauded individuals in two or more transactions as set forth more fully in those counts from between October 1, 2013 through May 31, 2014. As stated in Counts Six through Eight, JOSEPH LUBERA, in the course of an enterprise or occupation, utilizing a series of aliases, knowingly, and with the intent to deprive another of their property, advertised the sale of multiple items on eBay. Victims, MICHAEL WEST, who is 60 years of age or older, LINCOLN SEVIER, and SONIA MARIONA, relied upon these misrepresentations of sale and paid for their respective items, and their shipping costs, but never received said items. Such resulted in the victims' aggregate loss of \$7,875.64.

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1 All of which constitutes the crime of MULTIPLE TRANSACTIONS INVOLVING FRAUD
2 OR DECEIT IN COURSE OF ENTERPRISE OR OCCUPATION, a category "B" felony in violation
3 of NRS 205.377.

4 All of which is contrary to the form, force and effect of the statutes in such cases made and
5 provided, and against the peace and dignity of the state of Nevada.


6 DATED this *It*, day of *Illa nit* ' 2017.

7 SUBMITTED BY

8 ADAM PAUL LAXALT
9 Atto JMI

10 i a 1 etmer
11 Deputy Attorney General
12 Nevada Bar No. 10873
Attorneys for the State of Nevada

13 ENDORSEMENT: A True Bill

14 By: 
15 oreperson, Clark County Grand Jury
16 GJ# **tGATeSS4-1**
17 **/, 8r;.J"dS84**