

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

NOV 05 2018

BY, TERI BERKSHIRE DEPUTY

1 **AIND**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 JAY P. RAMAN
6 Chief Deputy District Attorney
7 Nevada Bar #010193
8 ADAM P. LAXALT
9 Nevada Attorney General
10 Nevada Bar #012426
11 DANIEL E. WESTMEYER
12 Senior Deputy Attorney General
13 Nevada Bar #010273
14 200 Lewis Avenue
15 Las Vegas, NV 89155-2212
16 (702) 671-2500
17 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

12 THE STATE OF NEVADA,
13 Plaintiff,
14 -vs-
15 MARK SIMMONS,
16 Defendant.

CASE NO. C-18-329886-3
DEPT NO. X

AMENDED
INDICTMENT

18 STATE OF NEVADA)
19 COUNTY OF CLARK) ss:

20 The Defendant(s) above named, MARK SIMMONS, is accused by the Clark County
21 Grand Jury of the crime of **EXPLOITATION OF AN OLDER/VULNERABLE PERSON**
22 **(Category B Felony - NRS 200.5092, 200.5099 - NOC 50304)**, committed at and within the
23 County of Clark, State of Nevada, on or between December 24, 2010 and May 30, 2017, as
24 follows: Defendant did willfully, unlawfully and feloniously exploit an older and/or vulnerable
25 person, to wit: JEROME FLAHERTY who was approximately 84 years old and/or
26 BEVERLEY FLAHERTY who was approximately 87 was suffering from dementia and/or
27 diminished capacity, by defendant, having the trust or confidence of JEROME FLAHERTY
28 and/or BEVERLEY FLAHERTY or by use of a power of attorney or guardianship, obtain

1 control, through deception, intimidation or undue influence, over JEROME FLAHERTY
2 and/or BEVERLEY FLAHERTY'S money, assets or property and/or by converting JEROME
3 and/or BEVERLEY FLAHERTY'S money, assets or property, defendant intending to
4 permanently deprive JEROME and/or BEVERLEY FLAHERTY of the ownership, use,
5 benefit or possession of their money, assets or property having an value of more than
6 \$5,000.00, by exploiting JEROME FLAHERTY and/or BEVERLEY FLAHERTY in the
7 amount of approximately \$708,171.43. Defendants are criminally liable under one or more of
8 the following principles of criminal liability, to wit: (1) by directly committing this crime;
9 and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime
10 be committed, by providing counsel and/or encouragement and by entering into a course of
11 conduct whereby APRIL PARKS and JAMES MELTON acted as a professional and
12 nationally certified guardian and successor trustee for BEVERLEY FLAHERTY, and for
13 BEVERLEY FLAHERTY's family trust, and in their role as a guardian and successor trustee
14 facilitated actions that were not in the best interest of BEVERLEY FLAHERTY or her trust;
15 and whereby MARK SIMMONS, falsely claimed in court filings that he provided
16 BEVERLEY FLAHERTY with the mandatory admonishment of her legal right to attend the
17 guardianship court hearing and be represented by an attorney, and failed to disclose in the
18 admonishment to the guardianship court that MARK SIMMONS had a financial interest in the
19 guardianship, which admonishment was instrumental in obtaining said guardianship; and
20 whereby attorney NOEL PALMER SIMPSON filed false or misleading documents with the
21 guardianship court, in order to obtain said guardianship over BEVERLEY FLAHERTY, and
22 additional court appointments as co-successor trustee and beneficiary of her family trust,
23 knowing that said appointments were not in the best interest of BEVERLEY FLAHERTY,
24 and/or failing to disclose that BEVERLEY FLAHERTY was deceased, which omission was
25 used in order to obtain court approval to change her family trust beneficiary, where said court
26 documents were instrumental in obtaining said court approval; and whereby JAMES
27 MELTON directed said Defendants to perform said activities for the purpose of obtaining
28 guardianship over BEVERLEY FLAHERTY and/or for the purpose of obtaining control of

1 the assets of JEROME FLAHERTY and/or BEVERLEY FLAHERTY; and/or (3) pursuant to
2 a conspiracy to commit this crime, with the intent that the crime be committed.

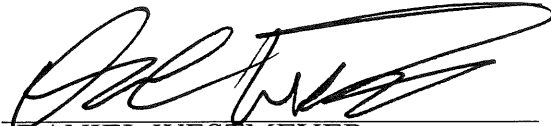
3 STEVEN B. WOLFSON
4 Clark County District Attorney
5 Nevada Bar #001565

6 BY



7 JAY P. RAMAN
8 Chief Deputy District Attorney
9 Nevada Bar #010193

10 ADAM P. LAXALT
11 Nevada Attorney General
12 Nevada Bar #012426



13 DANIEL WESTMEYER
14 Senior Deputy Attorney General
15 Nevada Bar #010273

16
17
18
19
20
21
22
23
24
25
26
27 17AGJ103C/mc/EAU
28 LVMPD EV#1508192043
(TK)