

1 **IND**  
ADAM PAUL LAXALT  
2 Attorney General  
Michael C. Kovac, Bar No. 11177  
3 Senior Deputy Attorney General  
Raya M. Swift, Bar No. 11108  
4 Senior Deputy Attorney General  
Office of the Attorney General  
5 555 E. Washington Ave., Ste. 3900  
Las Vegas, Nevada 89101-1068  
6 P: (702) 486-3420  
F: (702) 486-0660  
7 mkovac@ag.nv.gov  
*Attorneys for the State of Nevada*

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

JUN 14 2017

BY, \_\_\_\_\_  
PHYLLIS IRBY, DEPUTY

8  
9 **DISTRICT COURT**  
10 **CLARK COUNTY, NEVADA**

11 STATE OF NEVADA,

12 Plaintiff,

13 v.

14 DAVID A. THOMAS ID#1870907,

15 Defendant(s).

Case No.: C-17-324274-1

Dept. No.: I

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17 **INDICTMENT**

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19 The above named defendant(s), DAVID A. THOMAS ID#1870907, is accused by the Clark  
20 County Grand Jury of the crimes(s) of:

- 21 • THEFT IN THE AMOUNT OF \$3,500 OR MORE, a category "B" felony, in violation of NRS  
22 205.0832 (four counts); and  
23 • MULTIPLE TRANSACTIONS INVOLVING FRAUD OR DECEIT IN COURSE OF  
24 ENTERPRISE OR OCCUPATION, a category "B" felony, in violation of NRS 205.377 (one  
25 count),

26 in Clark County, State of Nevada as follows:

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1 **COUNT 1**  
2 **THEFT IN THE AMOUNT OF \$3,500 OR MORE**  
3 **Category "B" Felony - NRS 205.0832**

4 That the Defendant, DAVID A. THOMAS ID#1870907, in the County of Clark, State of Nevada,  
5 did without lawful authority knowingly obtain property or services of another person by a material  
6 misrepresentation with intent to deprive that person of the property or services, and the value of said  
7 property was \$3,500 or more, to wit:

8 On or about May 4, 2015 through October 1, 2015, Defendant, without lawful authority and  
9 knowingly, obtained \$3,500 or more from Rogelio Valenzuela Garcia and Rosario Aguilar Leyva by  
10 falsely informing them that:

- 11 • he was a former FBI agent; and/or
- 12 • he would provide them with immigration services by which they would have permanent legal  
13 resident status in the United States,

14 with the intent to deprive Valenzuela Garcia and Valenzuela of said money.

15 All of which constitutes the crime of THEFT IN THE AMOUNT OF \$3,500 OR MORE, a  
16 category "B" felony, in violation NRS 205.0832.

17 **COUNT 2**  
18 **THEFT IN THE AMOUNT OF \$3,500 OR MORE**  
19 **Category "B" Felony - NRS 205.0832**

20 That the Defendant, DAVID A. THOMAS ID#1870907, in the County of Clark, State of Nevada,  
21 did without lawful authority knowingly obtain property or services of another person by a material  
22 misrepresentation with intent to deprive that person of the property or services, and the value of said  
23 property was \$3,500 or more, to wit:

24 On or about August 6, 2014 through February 28, 2016, Defendant, without lawful authority and  
25 knowingly, obtained \$3,500 or more from Sergio Ramirez Trinidad by falsely informing him that:

- 26 • he was a former FBI agent; and/or
- 27 • he would obtain for Ramirez Trinidad legal resident status in the United States, as well as a driver  
28 license,

with the intent to deprive Ramirez Trinidad of said money.

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1 All of which constitutes the crime of THEFT IN THE AMOUNT OF \$3,500 OR MORE, a  
2 category "B" felony, in violation NRS 205.0832.

3 **COUNT 3**  
4 **THEFT IN THE AMOUNT OF \$3,500 OR MORE**  
5 **Category "B" Felony - NRS 205.0832**

6 That the Defendant, DAVID A. THOMAS ID#1870907, in the County of Clark, State of Nevada,  
7 did without lawful authority knowingly obtain property or services of another person by a material  
8 misrepresentation with intent to deprive that person of the property or services, and the value of said  
9 property was \$3,500 or more, to wit:

10 On or about January 30, 2015 through June 17, 2015, Defendant, without lawful authority and  
11 knowingly, obtained \$3,500 or more from Raul Saenz Lara by falsely informing him that:

- 12 • he was a former FBI agent; and/or
- 13 • he would provide Raul Saenz Lara with immigration services by which Raul Saenz Lara's son  
14 would have permanent legal resident status in the United States,

15 with the intent to deprive Saenz Lara of said money.

16 All of which constitutes the crime of THEFT IN THE AMOUNT OF \$3,500 OR MORE, a  
17 category "B" felony, in violation NRS 205.0832.

18 **COUNT 4**  
19 **THEFT IN THE AMOUNT OF \$3,500 OR MORE**  
20 **Category "B" Felony - NRS 205.0832**

21 That the Defendant, DAVID A. THOMAS ID#1870907, in the County of Clark, State of Nevada,  
22 did without lawful authority knowingly obtain property or services of another person by a material  
23 misrepresentation with intent to deprive that person of the property or services, and the value of said  
24 property was \$3,500 or more, to wit:

25 On or about January 30, 2015 through June 17, 2015, Defendant, without lawful authority and  
26 knowingly, obtained \$3,500 or more from Raul Omar Saenz-Alvarez by falsely informing him that:

- 27 • he was a former FBI agent; and/or
- 28 • he would provide him with immigration services by which he would have permanent legal resident  
status in the United States,

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1 with the intent to deprive Saenz-Alvarez of said money.

2 All of which constitutes the crime of THEFT IN THE AMOUNT OF \$3,500 OR MORE, a  
3 category "B" felony, in violation NRS 205.0832.

4 **COUNT 5**  
5 **MULTIPLE TRANSACTIONS INVOLVING FRAUD OR DECEIT IN COURSE OF**  
6 **ENTERPRISE OR OCCUPATION**  
7 **Category "B" Felony - NRS 205.377**

8 That the Defendant(s), DAVID A. THOMAS ID#1870907, in the County of Clark, State of  
9 Nevada, did, in the course of an enterprise or occupation, knowingly and with the intent to defraud,  
10 engaged in an act, practice or course of business or employed a device, scheme or artifice which operated  
11 or would have operated as a fraud or deceit upon a person by means of a false representation or omission  
12 of a material fact that: (a) the person knew to be false or omitted; (b) the person intended another to rely  
13 on; and (c) resulted in a loss to any person who relied on the false representation or omission, in at least  
14 two transactions that had the same or similar pattern, intents, results, accomplices, victims or methods of  
15 commission, or were otherwise interrelated by distinguishing characteristics and were not isolated  
16 incidents within 4 years and in which the aggregate loss or intended loss was more than \$650, to wit:

17 On or about August 6, 2014 through February 28, 2016, in and through the course of an enterprise  
18 doing business as Can You Hear Me Crying, Defendant knowingly and with the intent to defraud, obtained  
19 thousands of dollars from Rogelio Valenzuela Garcia, Rosario Aguilar Leyva, Sergio Ramirez Trinidad,  
20 Raul Saenz Lara, and Raul Omar Saenz-Alvarez by means of knowingly and falsely representing to said  
21 individuals that Defendant was a former FBI agent and/or that he would provide them with immigration  
22 services, resulting in a loss of more than \$650. The allegations contained in counts one through four are  
23 hereby repeated and incorporated herein as if fully set forth in this count.

24 All of which constitutes the crime of MULTIPLE TRANSACTIONS INVOLVE FRAUD OR  
25 DECEIT IN COURSE OF ENTERPRISE OR OCCUPATION, a category "B" felony, in violation NRS  
26 205.377.

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

3 DATED this 13<sup>th</sup> day of June, 2017.

4 SUBMITTED BY

5 ADAM PAUL LAXALT  
6 Attorney General

7 By: *Michael C. Kovac* # 11108  
8 Michael C. Kovac, Bar No. 11177  
9 Senior Deputy Attorney General  
10 *Attorneys for the State of Nevada*

11 ENDORSEMENT: A True Bill

12 By: *Sandra Moore*  
13 Foreperson, Clark County Grand Jury  
14 GJ#17AGJ002X  
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**WITNESS LIST**

1. Rosario Aguilar Leyva
2. Sergio Ramirez Trinidad
3. Raul Saenz Lara
4. Raul Omar Saenz-Alvarez