

**ORIGINAL**

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

FEB 14 2018

BY   
DULCE MARIE ROMEA, DEPUTY

DISTRICT COURT  
CLARK COUNTY, NEVADA

12 THE STATE OF NEVADA,  
13 Plaintiff,

CASE NO: C-18-329886-1

14 -vs-

DEPT NO: X

15 JAMES MELTON, #1110993  
16 APRIL PARKS, #1571645  
17 MARK SIMMONS, #7040739  
18 NOEL PALMER SIMPSON, #7040248

INDICTMENT

Defendants.

19 STATE OF NEVADA )  
20 COUNTY OF CLARK ) ss.

21 The Defendants above named, JAMES MELTON, APRIL PARKS, MARK  
22 SIMMONS, and NOEL PALMER SIMPSON, are accused by the Clark County Grand Jury of  
23 the crimes of THEFT (Category B Felony - NRS 205.0832, 205.0835.4 - NOC 55991); THEFT  
24 (Category C Felony - NRS 205.0832, 205.0835.3 - NOC 55989); EXPLOITATION OF AN  
25 OLDER OR VULNERABLE PERSON (Category B Felony - NRS 200.5092, 200.5099 -  
26 NOC 50304); OFFERING FALSE INSTRUMENT FOR FILING OR RECORD (Category C  
27 Felony - NRS 239.330 - NOC 52399); PERJURY (Category D Felony - NRS 199.145 - NOC  
28 52971), and GRAND LARCENY AUTO (Category C Felony - NRS 205.228 - NOC 56011),

1 committed at and within the County of Clark, State of Nevada, on or between December 24,  
2 2010 and May 30, 2017, as follows:

3 COUNT 1- EXPLOITATION OF AN OLDER OR VULNERABLE PERSON

4 Defendants JAMES MELTON, APRIL PARKS, NOEL PALMER SIMPSON, and  
5 MARK SIMMONS did on or between December 24, 2010 and May 30, 2017 willfully,  
6 unlawfully and feloniously exploit an older and/or vulnerable person, to wit: JEROME  
7 FLAHERTY who was approximately 84 years old and/or BEVERLEY FLAHERTY who was  
8 approximately 87 was suffering from dementia and/or diminished capacity, by defendant,  
9 having the trust or confidence of JEROME FLAHERTY and/or BEVERLEY FLAHERTY or  
10 by use of a power of attorney or guardianship, obtain control, through deception, intimidation  
11 or undue influence, over JEROME FLAHERTY and/or BEVERLEY FLAHERTY'S money,  
12 assets or property and/or by converting JEROME and/or BEVERLEY FLAHERTY'S money,  
13 assets or property, defendant intending to permanently deprive JEROME and/or BEVERLEY  
14 FLAHERTY of the ownership, use, benefit or possession of their money, assets or property  
15 having an value of more than \$5,000.00, by exploiting JEROME FLAHERTY and/or  
16 BEVERLEY FLAHERTY in the amount of approximately \$708,171.43. Defendants are  
17 criminally liable under one or more of the following principles of criminal liability, to wit: (1)  
18 by directly committing this crime; and/or (2) by aiding or abetting in the commission of this  
19 crime, with the intent that this crime be committed, by providing counsel and/or  
20 encouragement and by entering into a course of conduct whereby APRIL PARKS and JAMES  
21 MELTON acted as a professional and nationally certified guardian and successor trustee for  
22 BEVERLEY FLAHERTY, and for BEVERLEY FLAHERTY's family trust, and in their role  
23 as a guardian and successor trustee facilitated actions that were not in the best interest of  
24 BEVERLEY FLAHERTY or her trust; and whereby MARK SIMMONS, falsely claimed in  
25 court filings that he provided BEVERLEY FLAHERTY with the mandatory admonishment  
26 of her legal right to attend the guardianship court hearing and be represented by an attorney,  
27 and failed to disclose in the admonishment to the guardianship court that MARK SIMMONS  
28 had a financial interest in the guardianship, which admonishment was instrumental in

1 obtaining said guardianship; and whereby attorney NOEL PALMER SIMPSON filed false or  
2 misleading documents with the guardianship court, in order to obtain said guardianship over  
3 BEVERLEY FLAHERTY, and additional court appointments as co-successor trustee and  
4 beneficiary of her family trust, knowing that said appointments were not in the best interest of  
5 BEVERLEY FLAHERTY, and/or failing to disclose that BEVERLEY FLAHERTY was  
6 deceased, which omission was used in order to obtain court approval to change her family trust  
7 beneficiary, where said court documents were instrumental in obtaining said court approval;  
8 and whereby JAMES MELTON directed said Defendants to perform said activities for the  
9 purpose of obtaining guardianship over BEVERLEY FLAHERTY and/or for the purpose of  
10 obtaining control of the assets of JEROME FLAHERTY and/or BEVERLEY FLAHERTY;  
11 and/or (3) pursuant to a conspiracy to commit this crime, with the intent that the crime be  
12 committed.

13 COUNT 2 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

14 Defendants JAMES MELTON, APRIL PARKS, NOEL PALMER SIMPSON, and  
15 MARK SIMMONS did on or between January 25, 2011 and February 16, 2011, willfully,  
16 unlawfully, knowingly, and feloniously, procure or offer a false or forged instrument to be  
17 filed, registered or recorded at Clark County District Court, to wit: a Petition for Appointment  
18 of Temporary and General Co-Guardians of Person and Estate in the guardianship case of  
19 BEVERLEY FLAHERTY G-11-035592-A, which instrument, if genuine, might be filed,  
20 registered, or recorded in a public office under any law of the State of Nevada. Defendants  
21 are criminally liable under one or more of the following principles of criminal liability, to wit:  
22 (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of  
23 this crime, with the intent that this crime be committed, by providing counsel and/or  
24 encouragement and by entering into a course of conduct whereby JAMES MELTON sought  
25 guardianship of BEVERLEY FLAHERTY, without providing required notice to interested  
26 parties and failing to disclose his own financial interest in the proposed guardianship; and  
27 whereby APRIL PARKS acted as a professional and nationally certified co-guardian and co-  
28 successor trustee with JAMES MELTON for BEVERLEY FLAHERTY, and offered for filing

1 a Petition for Appointment of Temporary and General Co-Guardians of Person and Estate in  
2 the guardianship case of BEVERLEY FLAHERTY G-11-035592-A; and whereby attorney  
3 NOEL PALMER SIMPSON authored the same Petition for Appointment of Temporary and  
4 General Co-Guardians of Person and Estate in the guardianship case of BEVERLEY  
5 FLAHERTY G-11-035592-A, knowing that APRIL PARKS and/or JAMES MELTON would  
6 file said petition, knowing that said Petition contained false or misleading information; and  
7 whereby MARK SIMMONS, also a nationally certified professional guardian, claimed in  
8 court filings that he provided BEVERLEY FLAHERTY with the mandatory admonishment  
9 of her legal right to attend the guardianship court hearing and be represented by an attorney,  
10 and failed to disclose in the admonishment to the guardianship court that MARK SIMMONS  
11 had a financial interest in the guardianship, which admonishment was instrumental in  
12 obtaining said guardianship; and/or (3) pursuant to a conspiracy to commit this crime, with  
13 the intent that the crime be committed.

14 COUNT 3 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

15 Defendants JAMES MELTON, APRIL PARKS, and NOEL PALMER SIMPSON did  
16 on or about August 17, 2011, willfully, unlawfully, knowingly, and feloniously, procure or  
17 offer a false or forged instrument to be filed, registered or recorded at Clark County District  
18 Court, to wit: Order Approving Petition to Change Beneficiary of the Jerome T. Flaherty and  
19 Beverley J. Flaherty Family Trust in the guardianship case of BEVERLEY FLAHERTY G-  
20 11-035592-A, in which Order Defendants infer that at the time of the filing of the order  
21 BEVERLEY FLAHERTY was still alive and in need of a beneficiary change, knowing this to  
22 be false, BEVERLEY FLAHERTY having died on July 29, 2011, as Defendants well knew;  
23 which instrument, if genuine, might be filed, registered, or recorded in a public office under  
24 any law of the State of Nevada. Defendants are criminally liable under one or more of the  
25 following principles of criminal liability, to wit: (1) by directly committing this crime; and/or  
26 (2) by aiding or abetting in the commission of this crime, with the intent that this crime be  
27 committed, by providing counsel and/or encouragement and by entering into a course of  
28 conduct whereby JAMES MELTON sought trust beneficiary status of BEVERLEY

1 FLAHERTY, despite knowing that the same BEVERLEY FLAHERTY was already deceased  
2 when said Order approving Petition to Change Beneficiary was obtained from the court; and  
3 whereby APRIL PARKS acted as a professional and nationally certified guardian and co-  
4 successor trustee for BEVERLEY FLAHERTY, and offered for filing a Petition to Change  
5 Beneficiary of the Jerome T. Flaherty and Beverley J. Flaherty Family Trust in the  
6 guardianship case of BEVERLEY FLAHERTY G-11-035592-A, knowing said BEVERLEY  
7 FLAHERTY to be deceased; and whereby attorney NOEL PALMER SIMPSON authored the  
8 same Petition to Change Beneficiary of the Jerome T. Flaherty and Beverley J. Flaherty Family  
9 Trust in the guardianship case of BEVERLEY FLAHERTY G-11-035592-A, knowing that  
10 APRIL PARKS and/or JAMES MELTON would file said petition without providing notice to  
11 interested parties and knowing that said BEVERLEY FLAHERTY was deceased; and  
12 whereby MARK SIMMONS, also a professional nationally certified guardian, falsely claimed  
13 in court filings that he provided BEVERLEY FLAHERTY with the mandatory admonishment  
14 of her legal right to attend the guardianship court hearing and be represented by an attorney,  
15 and/or (3) pursuant to a conspiracy to commit this crime, with the intent that the crime be  
16 committed.

17 COUNT 4 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

18 Defendants JAMES MELTON, APRIL PARKS, and NOEL PALMER SIMPSON, did  
19 on or about November 14, 2011, willfully, unlawfully, knowingly, and feloniously, procure or  
20 offer a false or forged instrument to be filed, registered or recorded at Clark County District  
21 Court, to wit: an Amended Order to Change Beneficiary of the Jerome T. Flaherty and  
22 Beverley J. Flaherty Family Trust in the guardianship case of BEVERLEY FLAHERTY G-  
23 11-035592-A, in which Petition Defendants implies that BEVERLEY FLAHERTY is alive  
24 and JAMES MELTON was recently appointed by the guardianship court as her trust  
25 beneficiary, and/or implied that the true beneficiaries had been notified as required, knowing  
26 these to be false; which instrument, if genuine, might be filed, registered, or recorded in a  
27 public office under any law of the State of Nevada. Defendants are criminally liable under  
28 one or more of the following principles of criminal liability, to wit: (1) by directly committing

1 this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that  
2 this crime be committed, by providing counsel and/or encouragement and by entering into a  
3 course of conduct whereby JAMES MELTON sought an additional court order subsequent to  
4 his co-guardianship and co-successor trustee appointments to approve the change of  
5 BEVERLEY FLAHERTY's beneficiary of a non-trust asset IRA owned by JEROME  
6 FLAHERTY, which BEVERLEY FLAHERTY inherited upon his death, despite knowing that  
7 the same BEVERLEY FLAHERTY was deceased; and whereby APRIL PARKS acted as a  
8 professional and nationally certified guardian co-successor trustee for BEVERLEY  
9 FLAHERTY, and offered for filing an Amended Order to Change Beneficiary of the Jerome  
10 T. Flaherty and Beverley J. Flaherty Family Trust in the guardianship case of BEVERLEY  
11 FLAHERTY G-11-035592-A, knowing said BEVERLEY FLAHERTY to be deceased; and  
12 whereby attorney NOEL PALMER SIMPSON authored the same Amended Order to Change  
13 Beneficiary of the Jerome T. Flaherty and Beverley J. Flaherty Family Trust in the  
14 guardianship case of BEVERLEY FLAHERTY G-11-035592-A, knowing that APRIL  
15 PARKS and/or JAMES MELTON would file said petition without providing notice to  
16 interested parties and knowing that said BEVERLEY FLAHERTY was deceased, and failed  
17 to disclose that BEVERLEY FLAHERTY was deceased; and/or (3) pursuant to a conspiracy  
18 to commit this crime, with the intent that the crime be committed.

19 COUNT 5 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

20 Defendants JAMES MELTON, APRIL PARKS, and NOEL PALMER SIMPSON, did  
21 on or about December 8, 2011, willfully, unlawfully, knowingly, and feloniously, procure or  
22 offer a false or forged instrument to be filed, registered or recorded at Clark County District  
23 Court, to wit: an Ex Parte Order Granting Petition to Change Trusteed IRA Beneficiary Trust  
24 Designation Election Form in the guardianship case of BEVERLEY FLAHERTY G-11-  
25 035592-A, in which Petition Defendants imply that BEVERLEY FLAHERTY is alive and in  
26 need of a beneficiary change, knowing this to be false; which instrument, if genuine, might be  
27 filed, registered, or recorded in a public office under any law of the State of Nevada.  
28 Defendants are criminally liable under one or more of the following principles of criminal

1 liability, to wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the  
2 commission of this crime, with the intent that this crime be committed, by providing counsel  
3 and/or encouragement and by entering into a course of conduct whereby JAMES MELTON  
4 sought to change the beneficiary of BEVERLEY FLAHERTY's non-trust asset IRA and  
5 replace the beneficiary with himself while acting as co-guardian and co-successor trustee of  
6 the family trust of BEVERLEY FLAHERTY, despite knowing that the BEVERLEY  
7 FLAHERTY was deceased; and whereby APRIL PARKS acted as professional and nationally  
8 certified co-guardian and co-trustee for BEVERLEY FLAHERTY, and offered for filing an  
9 Ex Parte Order Granting Petition to Change Trusteed IRA Beneficiary Trust Designation  
10 Election Form in the guardianship case of BEVERLEY FLAHERTY G-11-035592-A,  
11 knowing that no true emergency existed that would require the filing of an "ex parte" petition,  
12 as the said BEVERLEY FLAHERTY was deceased; and whereby attorney NOEL PALMER  
13 SIMPSON authored the same Ex Parte Order Granting Petition to Change Trusteed IRA  
14 Beneficiary Trust Designation Election Form in the guardianship case of BEVERLEY  
15 FLAHERTY G-11-035592-A, knowing that APRIL PARKS and/or JAMES MELTON would  
16 file said petition without providing notice to interested parties and knowing that said  
17 BEVERLEY FLAHERTY was deceased, and failed to disclose to the court that BEVERLEY  
18 FLAHERTY was deceased; and/or (3) pursuant to a conspiracy to commit this crime, with the  
19 intent that the crime be committed.

20 COUNT 6 - THEFT

21 Defendant JAMES MELTON, in his capacity as the co-guardian of the estate of  
22 BEVERLEY FLAHERTY and co-successor trustee of BEVERLEY FLAHERTY's family  
23 trust, did on or between December 31, 2011, and May 30, 2017 willfully, knowingly,  
24 feloniously, and without lawful authority, obtain lawful money of the United States in the  
25 amount of \$3,500.00 or more, belonging to the estate of BEVERLEY FLAHERTY, by a  
26 material misrepresentation with intent to deprive those persons of the property, in the  
27 following manner, to wit: by JAMES MELTON exceeding his authority as co-guardian and  
28 co-successor trustee of BEVERLEY FLAHERTY and causing JAMES MELTON to be named

1 through an order obtained from the guardianship court as the new beneficiary of BEVERLEY  
2 FLAHERTY's inheritance following the death of JEROME FLAHERTY; and/or by causing  
3 JAMES MELTON to benefit from JEROME FLAHERTY's individual retirement account  
4 through the use of deception, by failing to advise the court that BEVERLEY FLAHERTY was  
5 deceased at the time, as JAMES MELTON well knew. Through the use of this  
6 misrepresentation, JAMES MELTON obtained and cashed a check for approximately  
7 \$11,802.81 issued by Merrill Lynch Trust Company, drawn on the Jerome T. Flaherty Trusteed  
8 IRA account, with account number ending in 0162.

9 COUNT 7 - EXPLOITATION OF AN OLDER/VULNERABLE PERSON

10 Defendant JAMES MELTON did on or between December 27, 2010, and December  
11 30, 2010 willfully, unlawfully and feloniously exploit an older and/or vulnerable person, to  
12 wit: JEROME FLAHERTY who was approximately 84 years old and/or BEVERLEY  
13 FLAHERTY who was approximately 87 was suffering from dementia and/or diminished  
14 capacity, by defendant, having the trust or confidence of JEROME FLAHERTY and/or  
15 BEVERLEY FLAHERTY or by use of a power of attorney or guardianship, obtain control,  
16 through deception, intimidation or undue influence, over JEROME FLAHERTY and/or  
17 BEVERLEY FLAHERTY'S money, assets or property and/or by converting JEROME  
18 FLAHERTY and/or BEVERLEY FLAHERTY'S money, assets or property, defendant  
19 intending to permanently deprive JEROME FLAHERTY and/or BEVERLEY FLAHERTY of  
20 the ownership, use, benefit or possession of their money, assets or property having an value of  
21 more than \$250.00, by while acting as their mutual and informal caregivers where he exerted  
22 authority of their medical and financial decisions while lacking the proper legal authority to  
23 do so, by purchasing a pre-planned cremation funeral policy for himself from the family trust  
24 account of said JEROME FLAHERTY and/or BEVERLEY FLAHERTY, thereby exploiting  
25 JEROME FLAHERTY and/or BEVERLEY FLAHERTY in the amount of approximately  
26 \$1,578.74.

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1 COUNT 8 – GRAND LARCENY AUTO

2 Defendant JAMES MELTON did on or between January 20, 2012, and May 30, 2017,  
3 while acting in his capacity of court-appointed co-guardian of the estate and co-successor  
4 trustee of BEVERLEY FLAHERTY, and her family trust, willfully, intentionally, feloniously,  
5 and without lawful authority, with intent to deprive the owner permanently thereof, steal, take  
6 and carry away, drive away, or otherwise remove a motor vehicle owned by another person,  
7 to-wit: a 1999 Ford Explorer bearing VIN # 1FMZU32X2XZA86534, lawfully belonging to  
8 the estate of JEROME FLAHERTY and/or BEVERLEY FLAHERTY, by transferring title to  
9 said vehicle first to himself and then to a family member, in violation of court order, and while  
10 also failing to inform the guardianship and probate courts of the existence of this vehicle.

11 COUNT 9 - THEFT

12 Defendant JAMES MELTON did on or between February 11, 2012, and May 30, 2017,  
13 in his capacity as court appointed co-guardian of the estate and co-successor trustee of  
14 BEVERLEY FLAHERTY and her family trust; willfully, knowingly, feloniously, and without  
15 lawful authority, convert, make an unauthorized transfer of an interest in, or without  
16 authorization control property, having a value of \$650.00, or more, belonging to BEVERLEY  
17 FLAHERTY and/or the estate of Beverley Flaherty, in the following manner, to wit: by  
18 misrepresenting that he was entitled to annuity funds in the amount of approximately  
19 \$2,187.50 from the Disabled American Veterans Charitable Service Trust, knowing this to be  
20 false, by depositing a check payable to the Estate of Beverley Flaherty into his own One  
21 Nevada Credit Union account, and by failing to inform the guardianship and probate courts of  
22 receipt of said funds, with the intent to deprive BEVERLEY FLAHERTY and/or the estate of  
23 Beverley Flaherty, of control of this property, said property having a value of approximately  
24 \$2,187.50.

25 COUNT 10 - THEFT

26 Defendant NOEL PALMER SIMPSON did on or about September 7, 2011, willfully,  
27 knowingly, feloniously, and without lawful authority, convert, make an unauthorized transfer  
28 of an interest in, or without authorization control property, having a value of \$250.00, or more,

1 belonging to BEVERLEY FLAHERTY and/or the estate of Beverley Flaherty and/or  
2 Northwestern Health Sciences University, in the following manner, to wit: by misrepresenting  
3 that she was entitled to legal fees in the amount of approximately \$1,260.00, knowing this to  
4 be false, by depositing a check from the family trust checking account of BEVERLEY  
5 FLAHERTY into her business account, despite failing to perform any legal work, with the  
6 intent to deprive BEVERLEY FLAHERTY and/or the estate of Beverley Flaherty and/or  
7 Northwestern Health Sciences University, of control of this property, said property having a  
8 value of approximately \$1,260.00.

9 COUNT 11 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

10 Defendants APRIL PARKS, NOEL PALMER SIMPSON, and MARK SIMMONS did  
11 on or about February 15, 2011, willfully, unlawfully, knowingly, and feloniously, procure or  
12 offer a false or forged instrument to be filed, registered or recorded at Clark County District  
13 Court, to wit: a Certificate of Mark Simmons in the guardianship case of BEVERLEY  
14 FLAHERTY G-11-035592-A, in which document Defendants claim that MARK SIMMONS,  
15 admonished BEVERLEY FLAHERTY of her rights regarding an upcoming guardianship  
16 hearing, and implies that MARK SIMMONS had no financial interest in the guardianship,  
17 knowing these to be false; which instrument, if genuine, might be filed, registered, or recorded  
18 in a public office under any law of the State of Nevada. Defendants are criminally liable under  
19 one or more of the following principles of criminal liability, to wit: (1) by directly committing  
20 this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that  
21 this crime be committed, by providing counsel and/or encouragement and by entering into a  
22 course of conduct whereby APRIL PARKS acted as a professional and nationally certified co-  
23 temporary guardian for BEVERLEY FLAHERTY with JAMES MELTON, and offered for  
24 filing a Certificate of Mark Simmons in the guardianship case of BEVERLEY FLAHERTY  
25 G-11-035592-A, knowing said document to be false and/or misleading; and whereby NOEL  
26 PALMER SIMPSON filed the same Certificate of Mark Simmons in the guardianship case of  
27 BEVERLEY FLAHERTY G-11-035592-A in open court, knowing said document to be false  
28 and/or misleading; and whereby MARK SIMMONS claimed in court filings that he provided

1 BEVERLEY FLAHERTY with the mandatory admonishment of her legal right to attend the  
2 guardianship court hearing and be represented by an attorney, and failed to disclose in the  
3 admonishment to the guardianship court that MARK SIMMONS had a financial interest in the  
4 guardianship, which admonishment was instrumental in obtaining said guardianship; and/or  
5 (3) pursuant to a conspiracy to commit this crime, with the intent that the crime be committed.

6 COUNT 12 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

7 Defendants JAMES MELTON and NOEL PALMER SIMPSON did on or about  
8 February 17, 2012, willfully, unlawfully, knowingly, and feloniously, procure or offer a false  
9 or forged instrument to be filed, registered or recorded at Clark County District Court, to wit:  
10 an Objection to Petition for Relief from Orders and Petition to Dismiss in the guardianship  
11 case of BEVERLEY FLAHERTY G-11-035592-A, in which document Defendants claim that  
12 they had no knowledge prior to obtaining the beneficiary change on the IRA that the trust and  
13 trustee IRA were two separate assets, Defendants are criminally liable under one or more of  
14 the following principles of criminal liability, to wit: (1) by directly committing this crime;  
15 and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime  
16 be committed, by providing counsel and/or encouragement and by entering into a course of  
17 conduct whereby attorney NOEL PALMER SIMPSON filed the same Objection to Petition  
18 for Relief from Orders and Petition to Dismiss in the guardianship case of BEVERLEY  
19 FLAHERTY G-11-035592-A, knowing said document to be false and/or misleading; and  
20 whereby JAMES MELTON, in his capacity as court appointed guardian of the estate and co-  
21 successor trustee of BEVERLEY FLAHERTY and her family trust, verified the statements  
22 contained in the same Objection to Petition for Relief from Orders and Petition to Dismiss in  
23 the guardianship case of BEVERLEY FLAHERTY G-11-035592-A, knowing said document  
24 to be false and/or misleading; and/or (3) pursuant to a conspiracy to commit this crime, with  
25 the intent that the crime be committed.

26 COUNT 13 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

27 Defendants JAMES MELTON and NOEL PALMER SIMPSON did on or about  
28 August 24, 2012, willfully, unlawfully, knowingly, and feloniously, procure or offer a false or

1 forged instrument to be filed, registered or recorded at Clark County District Court, to wit: an  
2 Objection to Commissioner's Report and Recommendations in the guardianship case of  
3 BEVERLEY FLAHERTY G-11-035592-A, in which document Defendants claim that they  
4 were not aware that BEVERLEY FLAHERTY was deceased prior to August 17, 2011, and on  
5 that date caused an order to be filed approving their petition to change the family trust  
6 beneficiary to JAMES MELTON, knowing this to be false; which instrument, if genuine,  
7 might be filed, registered, or recorded in a public office under any law of the State of Nevada.  
8 Defendants are criminally liable under one or more of the following principles of criminal  
9 liability, to wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the  
10 commission of this crime, with the intent that this crime be committed, by providing counsel  
11 and/or encouragement and by entering into a course of conduct whereby attorney NOEL  
12 PALMER SIMPSON filed the same Objection to Commissioner's Report and  
13 Recommendations in the guardianship case of BEVERLEY FLAHERTY G-11-035592-A,  
14 knowing said document to be false and/or misleading; and whereby JAMES MELTON, in his  
15 capacity as court appointed guardian of the estate and co-successor trustee of BEVERLEY  
16 FLAHERTY and her family trust, verified the statements contained in the same Objection to  
17 Commissioner's Report and Recommendations in the guardianship case of BEVERLEY  
18 FLAHERTY G-11-035592-A, knowing said document to be false and/or misleading; and/or  
19 (3) pursuant to a conspiracy to commit this crime, with the intent that the crime be committed.

20 COUNT 14 - OFFERING FALSE INSTRUMENT FOR FILING OR RECORD

21 Defendants JAMES MELTON, APRIL PARKS, and NOEL PALMER SIMPSON, and  
22 did on or about April 15, 2011, willfully, unlawfully, knowingly, and feloniously, procure or  
23 offer a false or forged instrument to be filed, registered or recorded at Clark County District  
24 Court, to wit: Order Granting Jurisdiction Over Revocable Trust and Appointing Successor  
25 Trustee in the guardianship case of BEVERLEY FLAHERTY G-11-035592-A, in which  
26 Order Defendants claim that at the time of the filing of the Order that BEVERLEY  
27 FLAHERTY's nominated successor trustee, Bank of America, had resigned its nomination set  
28 forth in her estate planning documents, and that it was in BEVERLEY FLAHERTY's interest

1 for JAMES MELTON and APRIL PARKS to be appointed as her successor trustees; which  
2 instrument, if genuine, might be filed, registered, or recorded in a public office under any law  
3 of the State of Nevada. Defendants are criminally liable under one or more of the following  
4 principles of criminal liability, to wit: (1) by directly committing this crime; and/or (2) by  
5 aiding or abetting in the commission of this crime, with the intent that this crime be committed,  
6 by providing counsel and/or encouragement and by entering into a course of conduct whereby  
7 JAMES MELTON and APRIL PARKS sought status as co-trustees of a trust owned by  
8 BEVERLEY FLAHERTY, despite knowing when said order was filed that BEVERLEY  
9 FLAHERTY had an existing nominated successor trustee and failing to provide notice to said  
10 successor trustee; and whereby APRIL PARKS acted as a professional and nationally certified  
11 guardian and co-successor trustee for BEVERLEY FLAHERTY, and offered for filing an  
12 Order Granting Jurisdiction Over Revocable Trust and Appointing Successor Trustee of the  
13 Jerome T. Flaherty and Beverley J. Flaherty Family Trust in the guardianship case of  
14 BEVERLEY FLAHERTY G-11-035592-A, despite knowing that there was a successor  
15 trustee; and whereby attorney NOEL PALMER SIMPSON authored the same Order Granting  
16 Jurisdiction Over Revocable Trust and Appointing Successor Trustee of the Jerome T. Flaherty  
17 and Beverley J. Flaherty Family Trust in the guardianship case of BEVERLEY FLAHERTY  
18 G-11-035592-A, knowing that APRIL PARKS and/or JAMES MELTON would file said  
19 petition, and knowing that the successor trustee had already notified APRIL PARKS and  
20 NOEL PALMER SIMPSON, and failing to provide notice of said order to interested parties;  
21 and/or (3) pursuant to a conspiracy to commit this crime, with the intent that the crime be  
22 committed.

23 COUNT 15 - PERJURY

24 Defendants JAMES MELTON and APRIL PARKS did on or about January 25, 2011,  
25 willfully make a false statement in a declaration made under penalty of perjury, to wit: by  
26 offering for filing with the Clark County District Court, under penalty of perjury, a Petition  
27 for Appointment of Temporary and General Co-Guardians of Person and Estate in the  
28 guardianship case of BEVERLEY FLAHERTY G-11-035592-A, in which Petition

1 Defendants claim that BEVERLEY FLAHERTY is in need of emergency guardianship and/or  
2 that Defendants had provided notice to interested persons, knowing these statements to be  
3 false, which statements were material to the filing in question.

4 COUNT 16 - PERJURY

5 Defendant JAMES MELTON did on or about February 17, 2012, willfully make a false  
6 statement in a declaration made under penalty of perjury, to wit: by offering for filing with the  
7 Clark County District Court, under penalty of perjury, an Objection to Petition for Relief from  
8 Orders and Petition to Dismiss in the guardianship case of BEVERLEY FLAHERTY G-11-  
9 035592-A, in which document Defendant claims that he had no knowledge prior to obtaining  
10 the beneficiary change on the IRA that the trust and trustee IRA were two separate assets,  
11 knowing this to be false, which statement was material to the filing in question.

12 COUNT 17 - PERJURY

13 Defendant NOEL PALMER SIMPSON did on or about August 24, 2012, willfully  
14 make a false statement in a declaration made under penalty of perjury, to wit: by offering for  
15 filing with the Clark County District Court, under penalty of perjury, an Objection to  
16 Commissioner's Report and Recommendations in the guardianship case of BEVERLEY

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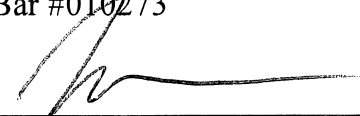
28 //

1 FLAHERTY G-11-035592-A, in which document Defendant claims that she had no  
2 knowledge that BEVERLEY FLAHERTY was deceased prior to August 17, 2011, knowing  
3 this to be false, which statement was material to the filing in question.

4 DATED this 13 day of February, 2018.

5 STEVEN B. WOLFSON  
6 Clark County District Attorney  
7 Nevada Bar #001565  
8 DANIEL E. WESTMEYER  
9 Nevada Attorney General  
10 Nevada Bar #010273

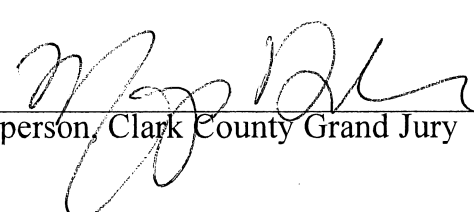
11 BY

  
12 JAY P. RAMAN  
13 Chief Deputy District Attorney  
14 Nevada Bar #010193

15 BY

  
16 DANIEL E. WESTMEYER  
17 Senior Deputy Attorney General  
18 Nevada Bar #010273

19 ENDORSEMENT: A True Bill

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21 \_\_\_\_\_  
22 Foreperson, Clark County Grand Jury  
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