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T002-2012-000279
7 DPS #2012-041386

8
9 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
10 **IN AND FOR THE COUNTY OF PIMA**

11 STATE OF ARIZONA,

12 Plaintiff,

13 v.

14 **RENE JOE ARBIZO (001)**

15 *All Counts*

16 **GENE CARLO GARCIA (002)**

17 *All Counts*

18 **LILLIAN CAMPOS (003)**

19 *All Counts*

20 **AVELINO RUBAL (004)**

21 *All Counts*

22 **ROBERT ELKINS (005)**

23 *All Counts*

24 **CALEB ELKINS (006)**

25 *Counts 1-4, 8*

26 **QUENTIN ELKINS (007)**

27 *Counts 1-4, 8*
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Case No:

240-GJ-1427

INDICTMENT

CHARGING VIOLATIONS OF:

COUNT 1: ILLEGALLY CONDUCTING AN ENTERPRISE, a Class 3 Felony, in violation of A.R.S. § 13-2312(B).

COUNT 2: CONSPIRACY, a Class 2 Felony, in violation of A.R.S. § 13-1003.

COUNT 3: MONEY LAUNDERING, a Class 3 Felony in violation of A.R.S. §§ 13-2317(B)(1), (2) and (3).

COUNT 4: FRAUDULENT SCHEMES AND ARTIFICES, a Class 2 Felony, in violation of A.R.S. § 13-2310.

COUNTS 5-10: THEFT, a Class 2 Felony, in violation of A.R.S. § 13-1802(A)(1).

1 **ANGELA RUBAL (008)**
Counts 1-4, 8

2 **FRANK GARCIA DUARTE (009)**
Counts 1-5

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4 **TODD KENNEDY (010)**
Counts 1-4, 8

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6 **WILLIAM STEVENS (011)**
Counts 1-4, 8

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8 **ALLEN NICHOLS (012)**
Counts 1-4, 8

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10 **CHUN CHEN PEDROZA (013)**
Counts 1-8

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12 **JOANNE HU (014)**
Counts 1-8

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14 **CHIHCHAN LIN (015)**
Counts 1-8

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16 **MARCOS GALLEGO (016)**
Counts 1-4, 9, 10

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18 **JESUS MARIANO LUNA VAZQUEZ (017)**
Counts 1-4, 9, 10

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20 **LOUIS ERNESTO GALLEGO (018)**
Counts 1-4, 9, 10

21 **Defendants.**

22 The grand jurors of the Pima County, in the State of Arizona, in the name of the State, and
23 by its authority, accuse and charge that in Pima County:

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COUNT 1
ILLEGALLY CONDUCTING AN ENTERPRISE, A CLASS 3 FELONY

From on or about January 1, 2007 and continuing through to on or about December 31, 2012, **RENE JOE ARBIZO (001), GENE CARLO GARCIA (002), LILLIAN CAMPOS (003), AVELINO RUBAL (004), ROBERT ELKINS (005), CALEB ELKINS (006), QUENTIN ELKINS (007), ANGELA RUBAL (008), FRANK GARCIA DUARTE (009), TODD KENNEDY (010), WILLIAM STEVENS (011), ALLEN NICHOLS (012) CHUN CHEN PEDROZA (013), JOANNE HU (014), CHIHCHAN LIN (015), MARCOS GALLEGGO (016), JESUS MARIANO LUNA VAZQUEZ (017), LOUIS ERNESTO GALLEGGO (018)** defendants herein, employed by or associated with an enterprise, did knowingly conduct such enterprise's affairs through racketeering or did knowingly participate directly or indirectly in the conduct of the enterprise which they knew was being conducted through racketeering.

The enterprise was a group of persons associated in fact, including but not limited to, **RENE JOE ARBIZO (001), GENE CARLO GARCIA (002), LILLIAN CAMPOS (003), AVELINO RUBAL (004), ROBERT ELKINS (005), CALEB ELKINS (006), QUENTIN ELKINS (007), ANGELA RUBAL (008), FRANK GARCIA DUARTE (009), TODD KENNEDY (010), WILLIAM STEVENS (011), ALLEN NICHOLS (012) CHUN CHEN PEDROZA (013), JOANNE HU (014), CHIHCHAN LIN (015), MARCOS GALLEGGO (016), JESUS MARIANO LUNA VAZQUEZ (017), LOUIS ERNESTO GALLEGGO (018).**

The racketeering included:

- 1) **MONEY LAUNDERING** in violation of A.R.S. § 13-2317;
- 2) **FRAUDULENT SCHEMES AND ARTIFICES**, in violation of A.R.S. §13-2310; and
- 3) **THEFT** in violation of A.R.S. §13-1802.

but is not limited to, the acts of racketeering described in Counts 2-10 of this Indictment (which are incorporated herein by reference as if set forth in full), in violation of A.R.S. §§ 13-2312(B), 13-2301(D)(4)(b)(v), (xx), and (xxvi), 13-2301, 13-301, 13-302, 13-303, 13-304, 13-701, 13-702, 13-703, 13-801, 13-811, 13-2313, and 13-2314.

COUNT 2
CONSPIRACY, A CLASS 2 FELONY

From on or about January 1, 2007 and continuing through to on or about December 31, 2012, **RENE JOE ARBIZO (001), GENE CARLO GARCIA (002), LILLIAN CAMPOS (003), AVELINO RUBAL (004), ROBERT ELKINS (005), CALEB ELKINS (006), QUENTIN ELKINS (007), ANGELA RUBAL (008), FRANK GARCIA DUARTE (009),**

1 **TODD KENNEDY (010), WILLIAM STEVENS (011), ALLEN NICHOLS (012) CHUN**
2 **CHEN PEDROZA (013), JOANNE HU (014), CHIHCHAN LIN (015), MARCOS**
3 **GALLEGO (016), JESUS MARIANO LUNA VAZQUEZ (017), LOUIS ERNESTO**
4 **GALLEGO (018)**, defendants herein, with the intent to promote or aid in the commission of an
5 offense, agreed with one or more persons, both known and unknown to the Pima County Grand
6 Jury, that at least one of them or another person would engage in conduct constituting the offenses,
7 in particular:

- 8 1) **MONEY LAUNDERING** in violation of A.R.S. § 13-2317,
- 9 2) **FRAUDULENT SCHEMES AND ARTIFICES**, in violation of A.R.S. §13-2310;
10 and
- 11 3) **THEFT** in violation of A.R.S. §13-1802.

12 In furtherance of this conspiracy and to effect the foregoing objects thereof, the co-
13 defendants and their co-conspirators did commit numerous overt acts, including but not limited to:
14 the overt acts described in Counts 1 and 3-10 of this Indictment (which are incorporated herein by
15 reference as if set forth in full), in violation of A.R.S. §§ 13-1003, 13-2317, 13-2310, 13-1802, 13-
16 301, 13-302, 13-303, 13-304, 13-701, 13-702, 13-703, 13-801, 13-811, 13-2313, and 13-2314.

17 **COUNT 3**
18 **MONEY LAUNDERING, A CLASS 3 FELONY**

19 From on or about January 1, 2007 and continuing through on or about December 31,
20 2012, **RENE JOE ARBIZO (001), GENE CARLO GARCIA (002), LILLIAN**
21 **CAMPOS (003), AVELINO RUBAL (004), ROBERT ELKINS (005), CALEB**
22 **ELKINS (006), QUENTIN ELKINS (007), ANGELA RUBAL (008), FRANK**
23 **GARCIA DUARTE (009), TODD KENNEDY (010), WILLIAM STEVENS (011),**
24 **ALLEN NICHOLS (012) CHUN CHEN PEDROZA (013), JOANNE HU (014),**
25 **CHIHCHAN LIN (015), MARCOS GALLEGO (016), JESUS MARIANO LUNA**
26 **VAZQUEZ (017), LOUIS ERNESTO GALLEGO (018)**, defendants herein, acquired or
27 maintained an interest in, transacted, transferred, transported, received or concealed the existence
28 or nature of racketeering proceeds, knowing or having reason to know that the money was the
proceeds of an offense; and/or made property available to another by transaction, transportation or
otherwise knowing that it is intended to be used to facilitate racketeering; and/or conducted a
transaction knowing or having reason to know that the property involved is the proceeds of an
offense and with the intent to conceal or disguise the nature, location, source, ownership or control
of the property or the intent to facilitate racketeering, in violation of A.R.S. §§ 13-2317(B)(1), (2)
and/or (3), 13-2301, 13-301, 13-302, 13-303, 13-304, 13-701, 13-702, 13-703, 13-801, 13-811,
13-2313, and 13-2314.

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COUNT 4
FRAUDULENT SCHEMES AND ARTIFICES, A CLASS 2 FELONY

From on or about January 1, 2007 and continuing through on or about December 31, 2012, **RENE JOE ARBIZO (001), GENE CARLO GARCIA (002), LILLIAN CAMPOS (003), AVELINO RUBAL (004), ROBERT ELKINS (005), CALEB ELKINS (006), QUENTIN ELKINS (007), ANGELA RUBAL (008), FRANK GARCIA DUARTE (009), TODD KENNEDY (010), WILLIAM STEVENS (011), ALLEN NICHOLS (012) CHUN CHEN PEDROZA (013), JOANNE HU (014), CHIHCHAN LIN (015), MARCOS GALLEGO (016), JESUS MARIANO LUNA VAZQUEZ (017), LOUIS ERNESTO GALLEGO (018)**, defendants herein, knowingly obtained any benefit, to wit: over \$100,000 in copper, from ASARCO, LLC., and/or ASARCO Grupo Mexico, by means of false or fraudulent pretenses, representations, promises or material omissions, in violation of A.R.S. §§ 13-2310(A) and (C), 13-2301, 13-301, 13-302, 13-303, 13-304, 13-701, 13-702, 13-703, 13-801, 13-811, 13-2313 and 13-2314.

COUNT 5
THEFT, A CLASS 2 FELONY

From on or about January 1, 2009 and continuing through on or about December 31, 2009, **RENE JOE ARBIZO (001), GENE CARLO GARCIA (002), LILLIAN CAMPOS (003), AVELINO RUBAL (004), ROBERT ELKINS (005), FRANK GARCIA DUARTE (009), CHUN CHEN PEDROZA (013), JOANNE HU (014), CHIHCHAN LIN (015)**, defendants herein, knowingly controlled property of ASARCO Mining with the intent to deprive ASARCO, LLC., and/or ASARCO Grupo Mexico of such property, to wit: copper with a total value greater than \$100,000, in violation of A.R.S. §§ 13-1802(A)(1) and (H), 13-301, 13-302, 13-303, 13-304, 13-701, 13-702, 13-703, 13-801, 13-811, 13-2313 and 13-2314.

COUNT 6
THEFT, A CLASS 2 FELONY

From on or about January 1, 2010 and continuing through on or about December 31, 2010, **RENE JOE ARBIZO (001), GENE CARLO GARCIA (002), LILLIAN CAMPOS (003), AVELINO RUBAL (004), ROBERT ELKINS (005), CHUN CHEN PEDROZA (013), JOANNE HU (014), CHIHCHAN LIN (015)**, defendants herein, knowingly controlled property of ASARCO, LLC., and/or ASARCO Grupo Mexico with the intent to deprive ASARCO Mining of such property, to wit: copper with a total value greater than \$100,000, in violation of A.R.S. §§ 13-1802(A)(1) and (H), 13-301, 13-302, 13-303, 13-304, 13-701, 13-702, 13-703, 13-801, 13-811, 13-2313 and 13-2314.

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COUNT 7
THEFT, A CLASS 2 FELONY

From on or about January 1, 2011 and continuing through on or about December 31, 2011, **RENE JOE ARBIZO (001), GENE CARLO GARCIA (002), LILLIAN CAMPOS (003), AVELINO RUBAL (004), ROBERT ELKINS (005), CHUN CHEN PEDROZA (013), JOANNE HU (014), CHIHCHAN LIN (015)**, defendants herein, knowingly controlled property of ASARCO, LLC., and/or ASARCO Grupo Mexico with the intent to deprive ASARCO Mining of such property, to wit: copper with a total value greater than \$100,000, in violation of A.R.S. §§ 13-1802(A)(1) and (H), 13-301, 13-302, 13-303, 13-304, 13-701, 13-702, 13-703, 13-801, 13-811, 13-2313 and 13-2314.

COUNT 8
THEFT, A CLASS 2 FELONY

From on or about January 1, 2012 and continuing through on or about December 31, 2012, **RENE JOE ARBIZO (001), GENE CARLO GARCIA (002), LILLIAN CAMPOS (003), AVELINO RUBAL (004), ROBERT ELKINS (005), CALEB ELKINS (006), QUENTIN ELKINS (007), ANGELA RUBAL (008), TODD KENNEDY (010), WILLIAM STEVENS (011), ALLEN NICHOLS (012), CHUN CHEN PEDROZA (013), JOANNE HU (014), CHIHCHAN LIN (015)**, defendants herein, knowingly controlled property of ASARCO, LLC., and/or ASARCO Grupo Mexico with the intent to deprive ASARCO Mining of such property, to wit: copper with a total value greater than \$100,000, in violation of A.R.S. §§ 13-1802(A)(1) and (H), 13-301, 13-302, 13-303, 13-304, 13-701, 13-702, 13-703, 13-801, 13-811, 13-2313 and 13-2314.

COUNT 9
THEFT, A CLASS 2 FELONY

On or about January 1, 2007 and continuing through on or about December 31, 2007, **RENE JOE ARBIZO (001), GENE CARLO GARCIA (002), LILLIAN CAMPOS (003), AVELINO RUBAL (004), ROBERT ELKINS (005), MARCOS GALLEGGO (016), JESUS MARIANO LUNA VAZQUEZ (017), LOUIS ERNESTO GALLEGGO (018)**, defendants herein, knowingly controlled property of ASARCO, LLC., and/or ASARCO Grupo Mexico with the intent to deprive ASARCO Mining of such property, to wit: copper with a total value greater than \$100,000, in violation of A.R.S. §§ 13-1802(A)(1) and (H), 13-301, 13-302, 13-303, 13-304, 13-701, 13-702, 13-703, 13-801, 13-811, 13-2313 and 13-2314.

COUNT 10
THEFT, A CLASS 2 FELONY

On or about January 1, 2008 and continuing through on or about December 31, 2008, **RENE JOE ARBIZO (001), GENE CARLO GARCIA (002), LILLIAN CAMPOS (003), AVELINO RUBAL (004), ROBERT ELKINS (005), MARCOS GALLEGGO (016), JESUS MARIANO LUNA VAZQUEZ (017), LOUIS ERNESTO GALLEGGO (018)** defendants herein,

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knowingly controlled property of ASARCO, LLC., and/or ASARCO Grupo Mexico with the intent to deprive ASARCO Mining of such property, to wit: copper with a total value greater than \$100,000, in violation of A.R.S. §§ 13-1802(A)(1) and (H), 13-301, 13-302, 13-303, 13-304, 13-701, 13-702, 13-703, 13-801, 13-811, 13-2313 and 13-2314.

BARBARA LaWALL
PIMA COUNTY ATTORNEY

By: _____
Mike Jette
Assistant Attorney General

By: _____
FOREPERSON OF THE GRAND JURY

Dated _____