

**GENERAL BILL OF INDICTMENT**

No. 18CR02135 -

**JFL004**

**Floyd Superior Court**

**September Term, 2018**

**FILED IN OFFICE**

16WR01391A, B, C, D, E, G, H, I, J, K, L, M, N, O

**WITNESSES:**

Jeff Jones, FCPD

Chief Mark Wallace, FCPD

OCT 01 2018

*Karen Warren*  
CLERK

**THE STATE OF GEORGIA**

**V.**

- (A) **ROBERT MITCHELL ANDERSON** OTN # 88404439572 (Counts 1-4, 5)
- (B) **HARRY ANTHONY BAILEY** OTN # 88404439874 (Counts 1-4, 6, 7)
- (C) **RUSSELL DAVID BURKHALTER** OTN # 88404439421 (Counts 1-4, 8, 9)
- (D) **DAVID GARY ENGLISH** OTN # 88409284983 (Counts 1-4, 10-13, 38)
- (E) **RODNEY DON HOLDER** OTN # 88409284563 (Counts 1-4, 10, 14, 38)
- (F) **DERRY SCOTT RICHARDSON** OTN # 88404439863 (Counts 1-6, 8, 10-18, 28)
- (G) **DWAYNE LEE RICHARDSON** OTN # 88404439686 (Counts 1-4, 19, 20)
- (H) **JIMMY BAIGEY RICHARDSON** OTN # 88404439583 (Counts 1-4, 21-23)
- (I) **LISA MICHELLE RICHARDSON** OTN # 88404441871 (Counts 1-4, 24-26)
- (J) **CHARLES RAIDEN SHERMAN** OTN # 88409286346 (Counts 1-4, 27)
- (K) **SAMUEL MAX TUCKER** OTN # 88404439060 (Counts 1-4, 28, 29)
- (L) **ROBERT CHAD WATSON** OTN # 88404440121 (Counts 1-4, 30, 31)
- (M) **SAMUEL SPREWELL** (Counts 1-4, 32-35)
- (N) **JAMES DAVID FIELDER** (Counts 1-4, 36, 37)

**OFFENSE(S)**

**Ct. 1: Violation of Racketeer Influenced and Corrupt Organizations Act  
Acquiring Money Through a Pattern of Racketeering Activity**  
**Ct. 2: Violation of Racketeer Influenced and Corrupt Organizations Act  
Participating in an Enterprise Through a Pattern of Racketeering Activity**  
**Ct. 3: Violation of Racketeer Influenced and Corrupt Organizations Act  
Conspiracy to Acquire Money Through a Pattern of Racketeering Activity**  
**Ct. 4: Violation of Racketeer Influenced and Corrupt Organizations Act  
Conspiracy to Participate in an Enterprise Through a Pattern of Racketeering Activity**  
**Ct. 5,6,8,10,14,15,27,28,31,34,35: Theft by Taking**  
**Ct. 7,9,11,12,13,16,17,19,21,24,26,29,30,36: Money Laundering**  
**Ct. 18,32,33,38: Bribery**  
**Ct. 20,22,25,37: Theft by Receiving**  
**Ct. 23: Structuring**

True Bill

BILL

Date OCT 1, 20 18

John H. Harner

Grand Jury Foreperson

Delivered in open Court by:

Ronald K. Mori

Grand Jury Bailiff

**LEIGH E. PATTERSON,  
District Attorney, Rome Judicial Circuit**

The Defendant herein waives copy of  
indictment, list of witnesses, formal  
arraignment and pleads \_\_\_\_\_ Guilty.

Defendant

Attorney for Defendant

The Defendant herein waives copy of  
indictment, list of witnesses, formal  
arraignment and pleads \_\_\_\_\_ Guilty.

Defendant

Attorney for Defendant

WE, THE JURY, FIND THE DEFENDANT(S)

This \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

Foreperson

# General Bill of Indictment

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# **General Bill of Indictment**

## **GEORGIA, FLOYD COUNTY IN THE SUPERIOR COURT OF SAID COUNTY**

*The Grand Jurors selected, chosen and sworn for the County aforesaid, to-wit:*

John Garner, Foreperson

Malcom Earle, Vice Foreperson

Tracey Stephens, Clerk

Rhonda Grier, Asst. Clerk

Jessica Rich

David Kochanski

Joshua Agan

Abbie Crabtree

Jennifer Tallman

Tammy Walters

Julie Bartlett

Donna Vasser

John Greear

Marnie Young

Sandra Johnson

Tina Boyd

Howard Fleming

Roxanne Willingham

James Sullins

Vanessa Stallings

Verlon Shirley

Brenda Brownlow

Rita Poole

### **INTRODUCTION**

In his role as facilities director for the Floyd County Board of Education, Derry Scott Richardson conspired with fellow BOE employees and employees of construction and maintenance companies to produce completely fraudulent invoices or inflated invoices for construction and maintenance projects. As a result of this scheme Derry Richardson and others stole \$6,331,135.00 from the Floyd County Board of Education, money that was intended for the benefit of the children of the Floyd County Schools.

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## Count 1

The Grand Jurors aforesaid in the name and behalf of the citizens of Georgia charge and accuse ROBERT MITCHELL ANDERSON, HARRY ANTHONY BAILEY, RUSSELL DAVID BURKHALTER, DAVID GARY ENGLISH, RODNEY DON HOLDER, DERRY SCOTT RICHARDSON, DWAYNE LEE RICHARDSON, JIMMY BAIGEY RICHARDSON, LISA MICHELLE RICHARDSON, CHARLES RAIDEN SHERMAN, SAMUEL MAX TUCKER, ROBERT CHAD WATSON, JAMES DAVID FIELDER and SAM SPREWELL with the offense of VIOLATION OF RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT~ ACQUIRING MONEY THROUGH A PATTERN OF RACKETEERING ACTIVITY, O.C.G.A. 16-14-4(a), for that the said accused between the 16<sup>th</sup> day of July 2007 and 13<sup>th</sup> day of March, 2015, did unlawfully acquire, directly and indirectly, money through the pattern of racketeering activity as more particularly described throughout this indictment and as predicate acts 1-1638 listed below and incorporated herein by reference, said actions which were unknown to the victim prior to October 8<sup>th</sup>, 2014, contrary to the laws of this State, the good order, peace and dignity thereof.

## The RICO Conspirators

### Derry Scott Richardson

Derry Richardson began his employment with Floyd County Board of Education (FCBOE) in February 2005 as the Assistant Facility Director. In 2007, Richardson was promoted to the position of Facilities Director with an average yearly gross income of \$80,314.00. Prior to Richardson's employment with the FCBOE, he was employed with **Johnson Controls Inc. (JCI)** from 1997 until 2005, where he ultimately held the position as a Project Manager. While employed with **JCI**, Richardson acted as the project manager for several FCBOE projects, to include: Alto Park School, Cave Spring School, and Garden Lakes Elementary School. Derry Richardson, who was the leader and mastermind of the scheme, is responsible for unlawfully taking and orchestrating the theft of \$6,331,135.00.

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### Robert "Chad" Watson

Chad Watson is a former employee of the FCOBE and began his employment in 2004 as a part-time employee. He later received full time status on March 1, 2009 as a Maintenance Operations Coordinator and was responsible for reconciling the E-SPLOST for balancing purposes. Watson's direct supervisor was Derry Richardson. Watson was allowed to resign on April 9, 2015. Chad Watson's profit from the scheme totals \$36,904.17.

### Lisa Michelle Richardson

Lisa Richardson is Derry Richardson's spouse and they have been married for over 17 years. During the time of the scheme, Lisa Richardson was employed with the Town of Trion. She began her career as a part-time employee in 2010, later to be moved into a full-time position in 2012. Lisa Richardson's average gross income with the Town of Trion was \$22,375.00. Lisa Richardson is responsible for the wrongful acquisition and benefit of \$1,193,310.30.

### Dwayne Eugene Richardson

Dwayne Richardson is Derry Richardson's brother and shares ownership of *Henderson Realty* with his wife, Joey Richardson. *Henderson Realty* is located in Summerville, GA. The former owners of *Henderson Realty* are Joey Richardson's parents, Hugh and Margret Henderson. Dwayne Richardson's profit in the theft scheme totals \$91,389.51.

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### Jimmy Bailey Richardson

Jimmy Richardson is Derry Richardson's father, who resides in Summerville, GA with his wife Sherry. Jimmy Richardson is a retired truck driver. Jimmy Richardson's profit in the theft scheme totals \$185,981.40.

### Russell David Burkhalter / T&R Electric

Russell Burkhalter is a certified electrician and the owner of *T&R Electric, Inc.* based out of Rome, GA. In 2004 Russell Burkhalter began subcontracting with the FCBOE to conduct electrical work. In 2005, Burkhalter terminated his employment with the FCBOE only to return in 2009. During this time period, *T&R Electric's* total income from the FCBOE totaled \$1,272,954.00, with \$887,808.00 of this amount invoiced between 2011 and April 2015. Russell Burkhalter's profit in the theft scheme totals \$142,550.46.

### Samuel M. Tucker/ SMT Metal Fabrication

Sam Tucker, doing business as *SMT Metal Fabrication* is based out of Rome, GA and has subcontracted for the FCBOE since 2005. During Tucker's tenure, he worked as a subcontractor directly under Jack Gresham and Derry Richardson. In part, Sam Tucker invoiced the FCBOE for the construction and installation of awnings and ladders, concrete projects and landscape projects (bobcat work). During this time period, Sam Tucker's total income from the FCBOE was \$1,272,954.00. \$887,908.00 of this total was invoiced between 2011 and April 2015. Samuel Tucker is responsible for unlawfully taking \$568,289.25 of FCBOE funds.



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### Charles "Raiden" Sherman

Raiden Sherman began his employment with *City Electric Supply* in 2000 as the Store Manager in Dalton, GA. In 2002, Raiden Sherman transferred to Rome, GA as a Store Manager after *City Electric Supply* opened a new store. Raiden Sherman held a Store Manager position until his retirement in 2014, when he began serving as a consultant for *City Electric Supply* Company. The FCBOE began purchasing from *City Electric Supply* in 2004 with purchases totaling \$3,691,450.00. \$2,486,231.00 of these purchases were invoiced between 2011 and April 2015. Raiden Sherman unlawfully profited his sales commission from the theft scheme.

### Robert Mitchell "Mitch" Anderson

Mitch Anderson began his employment with *City Electric Supply* in 2002. He was later promoted to store manager in 2014 after the former manager Raiden Sherman retired and became a consultant. Mitch Anderson profited \$24,318.00 from the theft scheme. The majority of this amount was commission earned from fraudulent sales, with \$7,318 unlawfully taken from the FCBOE.

### Harry Anthony Bailey

Harry Bailey was part owner of *Romcom Inc.*, based out of Rome, GA before the business closed and was sold to James Davidson. The sale of the business occurred after the scheme was discovered. *Romcom's* business primarily consisted of selling electrical components. *Romcom* began doing business with the FCBOE in 1991 and ended April 2015. The total sales for this time period totaled \$2,023,107.00 with \$1,001,538.00 of the sales invoiced between 2011 and April 2015. *Romcom* profited \$42,943.47 from the theft scheme.

### William "Gregory" McCary

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Greg McCary was a 20-year employee of the FCBOE, where he held the position of a Maintenance Technician. McCary's primary responsibility was low voltage and he worked under the direct supervision of Derry Richardson. Greg McCary was an avid photographer and owned a photography business, in which he advertised on the internet. Greg McCary died during the investigation. Greg McCary profited \$87,225.01 from the theft scheme.

### David Gary English / Southeastern Security Professionals, LLC

David English is part owner of *Southeastern Security Professionals* LLC (*SSP*), located in Norcross, GA. David English shares *SSP* ownership with Chao Chen and Spencer Rundell. *SSP*'s primary business consist of low-voltage integration, to specifically include: fire alarms, security systems, and CCTV. *SSP* has served as a subcontractor for *JCI* on FCBOE projects and has also subcontracted directly for the FCBOE. While subcontracting under *JCI* for FCBOE projects, *SSP* received \$186,900.00. This will include payment from a low-voltage project at the Model High School that occurred between September 2009 and October 2010. The *SSP* cost for the Model High Project totaled \$122,650.00. While subbing directly under FCBOE, *SSP* was paid \$36,477.00 in advance on November 25, 2014 for an access control project at the new Coosa High School. This project was never executed and after a demand from the FCBOE, *SSP* returned the money. David English and *SSP* profited a minimum of \$64,250.00 from the theft scheme.

### Rodney Don Holder

Rodney Holder began his employment with *JCI* in 2007, where he was ultimately assigned the position of *JCI*'s Fire and Security Branch Account Executive Manager. Holder sold projects to customers of *JCI* that comprised of Fire alarms and close-circuit TV (CCTV). FCBOE was one of Holder's largest accounts, in which he contracted numerous projects. On January 16, 2015, just prior to the discovery of the scheme, Holder abruptly resigned from *JCI* and gained employment with *Southeastern Security Professionals* as the Vice President of Business Development,

overseeing sales. In addition to obtaining sales commission from *JCI*, Rodney Holder profited two all-terrain vehicles and money from the theft scheme.

**David Fielder**

David Fielder is a former employee of *JCI* and held the position of Regional Installation Manager for major projects. Fielder's position was several levels above a Project Manager. Fielder began his employment with *JCI* in the mid-80s, after being hired by Don Bevill. Fielder resigned from *JCI* in 2014, after being transferred to Hawaii. David Fielder was responsible for several FCBOE projects, such as Armuchee High School roofing, Pepperell High School and Model High School, etc. David Fielder is currently employed in Washington State with an unrelated company. David Fielder profited \$45,689.50 from the theft scheme.

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### Other Involved Parties

#### Johnson Controls Incorporation

*Johnson Controls Incorporation (JCI)* is global company based out of Milwaukee, WI and serves a wide range of customers in more than 150 countries. *JCI*'s primary scope of work consist of HVAC Controls, HVAC Equipment, Security and Fire Safety, Refrigeration, and Batteries with yearly sales that exceed 30 billion-dollars. *JCI* has a branch office in Roswell, GA that once served the FCBOE. The Roswell Branch Office consist of three divisions: HVAC, Fire and Security, and Services. *JCI* began conducting business with the FCBOE in 2000 and has invoiced a total of \$10,537,587.00 for school projects. In part, *JCI* would contract out a number of the FCBOE projects to other businesses or subcontractors to have the work executed. In addition, *JCI* would serve as a subcontractor for other general contractors that were working for the FCBOE. In fact, *JCI* subcontracted under the direction of *Ra-Lin* and *Central Electric* for FCBOE projects.

#### Don Bevill

Don Bevill is a former *JCI* employee and after his retirement he was rehired by *JCI* as a consultant and mentor for Derry Richardson. Don Bevill was also the owner of *Footprints of Life, Inc.* and while working for *JCI* as a consultant he also served as a *JCI* subcontractor for the Garden Lakes School, Alto Park School and Cave Spring School. FCBOE records revealed Foot Prints of Life contracted directly with the FCBOE for projects totaling at least \$593,000.00.

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### Steven Bevill

Steven Bevill served as a subcontractor for *JCI* on numerous FCBOE low-voltage projects and began subcontracting for *JCI* in February 2003. Additionally, Bevill has subcontracted directly for the FCBOE on many other projects, beginning in September 2004. Steven Bevill's connection to *JCI* was through his father, Don Bevill, who is a former *JCI* Project Manager and Consultant. Steve Bevill wasn't insured, bonded or licensed to do any HVAC, electrical, or low voltage work.

Steven Bevill was paid \$3,365,633.00 while subcontracting for *JCI* on FCBOE projects, and received an additional \$1,564,188.73 for work that he was contracted to perform directly for the FCBOE, work which he never intended to complete, and money which was wrongfully received.

### Kristopher Hays

Kristopher Hays is an employee for *Moriah* Services, who's business primarily consists of landscape and custodial services. *Moriah* Services and Kris Hays had been conducting work for the FCBOE since 2010 and have invoiced for projects totaling \$1,954,412.72. Hays profited \$20,255 from the scheme, however, he returned \$49,683.00 in property. The property surrendered includes Hays' profit from the scheme and gifts he received from Derry Richardson, in which there was no mark up on *Moriah*'s invoices; however, there is a possibility the merchandise came from others through the scheme without Hays' knowledge. In addition to Hays' reimbursement, he also cooperated with the investigation and provided a 26-page spreadsheet and a 450+ page report detailing the involvement of Derry Richardson and Chad Watson and other coconspirators.

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### Jack Gresham

Jack Gresham is the former FCBOE Maintenance Director, who hired Derry Richardson as his assistant. Jack Gresham was also part owner of *Facility Management Solutions, Inc.*, in which he subcontracted under *JCI* on Atlanta projects, specifically the *CDC*. Jack Gresham and Derry Richardson shared a close friendship and once Jack Gresham retired, Derry Richardson was promoted into his position.

### Floyd County School District / Floyd County Board of Education

The Floyd County School District and the Floyd County Board of Education are the victims in the theft scheme, which took a loss of \$6,334,135.00. The school district has approximately 10,000 students who are educated in 19 different schools. In addition, there is a central office and warehouse.

### The scheme

The mission of the Floyd County Board of Education is to educate the children of Floyd County. In order to accomplish this purpose, among other things, the school system builds, operates, and maintains buildings, as well as an automotive fleet. The money to operate these assets comes from several sources including, but not limited to: Special Purpose Local Option Sales Taxes (SPLOST), Floyd County, the State of Georgia, and the Federal government. These revenue sources aggregate to hundreds of millions of dollars.

As the most senior member of the Floyd County Board of Education Maintenance Department, Derry Richardson was a fiduciary of this public money. In fact, Derry Richardson was in control of a General Maintenance budget exceeding \$8,000,000.00. In addition, Richardson was in part, the overseer of 100 + million dollars of SPLOST money. Statutes exist at the county, state, and federal levels governing how the money given to FCBOE is to be spent and how it is not

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to be spent. These laws ensure that the public is getting the best value for its tax money and prevent fraud, waste, and misuse.

At the federal level, for example, 18 U.S.C. 666 prohibits, in pertinent part, employees and managers of political subdivision that receives, in any one-year period, benefits in excess of \$10,000.00 of federal funds from embezzling, stealing, obtaining by fraud, or converting to their own use property that is valued at Five Thousand dollars (\$5,000.00) or more. Since FCBOE receives in excess of Ten Thousand dollars (\$10,000.00) of federal funds each year, its managers and employees are prohibited from engaging in those illegal activities. That law prohibits fraud of any sort which exceeds Five Thousand dollars (\$5,000.00), regardless of whether that fraud is directly linked to the federal funds received.

18 U.S.C. 666 further prohibits these same personnel from "agreeing to corruptly solicit or accept anything of value from any person, intending to be influenced or rewarded in connection with any business, transaction, or series of transactions of such organization, government, or agency involving anything of value of \$5,000.00 or more" ... As such, the role of fiduciary is expanded to govern, not just the handling of money, but also the solicitation and receipt of gifts.

At the State level, examples of statutes that prevent the misuse of public funds are the Competitive Award Statutes, O.C.G.A 36-91-21. One purpose of competitive award statutes is to ensure all contractors an equal opportunity to bid or make an offer on school projects so that friends, family members of governmental agents, and others do not have an unfair advantage in the process. O.C.G.A 36-91-21 (f) specifically prohibits any member of a governmental entity who issues a public works construction contract, from receiving, either directly or indirectly, any part of the pay or profit arising of any such contract.

***Richardson's scheme to defraud the school system originated while he was employed with JCI that ultimately led to his decision to seek and gain employment with the FCBOE for the sole purpose of committing a multimillion-dollar theft. Richardson used his former connections with JCI management and others to commit such acts. To further an additional***

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*scheme, Richardson manipulated local contractors into joining him into unlawfully taking money from the FCBOE.*

As part of both schemes, numerous invoices were produced for projects that were never done or the cost was grossly inflated. After the FCBOE paid the invoices, the sub-contractors and others involved would keep a portion of the illegal funds, and the remaining monies would be funneled back to Derry and Lisa Richardson by means of gifts, credit card payments, cash payments, or funds laundered through numerous bank accounts. A portion of this money would then be used for Derry and Lisa Richardson's benefit. For example, a huge portion of the stolen funds were used to purchase vacations, vehicles, firearms, out of town trips, land, new home construction, expensive furniture, and expensive appliances, etc. A rather extreme money laundering scheme was used to conceal the theft and disguise the money's origin. In order to carry out his scheme, Richardson even recruited his own family members to either open shell accounts or use their existing accounts to launder the stolen money.

As the main conduit to funnel the illegal proceeds, Richardson would use Steve Bevill to shift the money from fraudulent invoices back to him. Since Richardson had the connections with *JCI* management and upon his request, *JCI* would hire Steve Bevill as a sub-contractor for all FCBOE projects that were contracted between *JCI* and FCBOE. Even though management from *JCI* says Bevill was vetted, it was discovered that Bevill was contracted by *JCI* without having the necessary license to do such work, for example, low-voltage and HVAC.

The majority of the theft was from SPLOST money intended to be used for special projects within the school system. Significantly and as part of his scheme to steal SPLOST money and as a means to deflect attention, Derry Richardson instructed a number of his coconspirators to contribute to the *Rome/Floyd Citizens for Better Education*. *Rome/Floyd Citizens for Better Education* is an independent committee that encourages citizens to vote for Education Local Option Sales Tax (ELOST) extensions. 2013 records reveal the following coconspirators and others involved donated to this organization in efforts to increase the SPLOST and ELOST money available to them to appropriate to their own use as part of this ongoing criminal scheme:



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1. *Southeastern Security Professionals* \$1,000.00
2. *SMT* (Sam Tucker) \$1,000.00
3. Kris Hays \$1,000.00
4. *City Electric* \$1,000.00
5. *Kadima* \$500.00
6. *Ra-Lin* \$1000.00
7. *T&R Electric* (Russell Burkhalter) \$500.00

### The Enterprise

The Floyd County Board of Education is a governmental entity established and formed under the laws of the State of Georgia. FCBOE constitutes an "enterprise" as defined by O.C.G.A. § 16-4-3 (6).

### Count 2

And the Grand Jurors aforesaid in the name and behalf of the citizens of the State of Georgia further charge and accuse ROBERT MITCHELL ANDERSON, HARRY ANTHONY BAILEY, RUSSELL DAVID BURKHALTER, DAVID GARY ENGLISH, RODNEY DON HOLDER, DERRY SCOTT RICHARDSON, DWAYNE LEE RICHARDSON, JIMMY BAIGEY RICHARDSON, LISA MICHELLE RICHARDSON, CHARLES RAIDEN SHERMAN, SAMUEL MAX TUCKER, ROBERT CHAD WATSON, JAMES DAVID FIELDER and SAMUEL SPREWELL with the offense of VIOLATION OF RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT~ PARTICIPATING IN AN ENTERPRISE THROUGH A PATTERN OF RACKETEERING ACTIVITY, O.C.G.A. 16-14-4(b), for that the said accused between the 12<sup>th</sup> day of July 2007 and 13<sup>th</sup> day of March, 2015, did conduct and participate in the enterprise alleged above through a pattern of racketeering activity alleged in Count 1 and as more particularly described throughout this indictment, and as predicate acts 1-1,638 and incorporated herein by reference, said actions which were unknown to the victim prior to October 8<sup>th</sup>, 2014, contrary to the laws of this State, the good order, peace and dignity thereof.

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### Count 3

And the Grand Jurors aforesaid in the name and behalf of the citizens of the State of Georgia further charge and accuse ROBERT MITCHELL ANDERSON, HARRY ANTHONY BAILEY, RUSSELL DAVID BURKHALTER, DAVID GARY ENGLISH, RODNEY DON HOLDER, DERRY SCOTT RICHARDSON, DWAYNE LEE RICHARDSON, JIMMY BAIGEY RICHARDSON, LISA MICHELLE RICHARDSON, CHARLES RAIDEN SHERMAN, SAMUEL MAX TUCKER, ROBERT CHAD WATSON, JAMES DAVID FIELDER and SAMUEL SPREWELL with the offense of VIOLATION OF RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT~ CONSPIRACY TO ACQUIRE PROPERTY THROUGH A PATTERN OF RACKETEERING ACTIVITY, O.C.G.A. 16-14-4(c), for that the said accused between the 12<sup>th</sup> day of July 2007 and 13<sup>th</sup> day of March, 2015, did unlawfully conspire and endeavor to acquire and maintain, directly and indirectly, and interest in and control money and personal property, through a pattern of racketeering activity alleged in Count 1 and as more particularly described throughout this indictment, and as predicate acts 1-1,638 and incorporated herein by reference; said actions which were unknown to the victim prior to October 8<sup>th</sup>, 2014, contrary to the laws of this State, the good order, peace and dignity thereof.

### Count 4

And the Grand Jurors aforesaid in the name and behalf of the citizens of the State of Georgia further charge and accuse ROBERT MITCHELL ANDERSON, HARRY ANTHONY BAILEY, RUSSELL DAVID BURKHALTER, DAVID GARY ENGLISH, RODNEY DON HOLDER, DERRY SCOTT RICHARDSON, DWAYNE LEE RICHARDSON, JIMMY BAIGEY RICHARDSON, LISA MICHELLE RICHARDSON, CHARLES RAIDEN SHERMAN, SAMUEL MAX TUCKER, ROBERT CHAD WATSON, JAMES DAVID FIELDER and SAMUEL SPREWELL with the offense of VIOLATION OF RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT~ CONSPIRACY TO CONDUCT AND PARTICIPATE IN AN ENTERPRISE THROUGH A PATTERN OF RACKETEERING ACTIVITY, O.C.G.A. 16-14-4(c), for that the said accused between the 12<sup>th</sup> day of July 2007 and 13<sup>th</sup> day of March, 2015, did unlawfully conspire and endeavor to participate in an enterprise, to wit: the Floyd County Board of Education, through the pattern of racketeering activity alleged in Count I and as more particularly described throughout this indictment as predicate acts 1-1,638 and incorporated herein by reference, said actions which were unknown to the victim prior to October 8<sup>th</sup>, 2014, contrary to the laws of this State, the good order, peace and dignity thereof.

# General Bill of Indictment

## Count 5

And the Grand Jurors aforesaid in the name and behalf of the citizens of the State of Georgia further charge and accuse ROBERT MITCHELL ANDERSON and DERRY SCOTT RICHARDSON with the offense of THEFT BY TAKING (O.C.G.A. 16-8-2) for that the said accused, at points and times different than alleged in other parts in this indictment, between the 24<sup>th</sup> day of January, 2012 and 22<sup>nd</sup> day of December, 2014, did on the dates and in the amounts listed below, and incorporated herein by reference, unlawfully take money, the property of the Floyd County Board of Education, with an aggravate value of more than twenty-five thousand dollars (\$25,000) with intent to deprive said owner of said property, said actions which were unknown to the victim prior to October 8<sup>th</sup>, 2014, contrary to the laws of this State, the good order, peace and dignity thereof.

Predicate Act #	Date	FCBOE Check #	City Electric Invoice #	Theft Amount
1	7/13/12	501657	RME/084062	\$2,424
2	9/7/12	501735	RME/086029	\$1,256
3	6/14/12	181811	RME/083066	\$747
4	6/20/12	501563	RME/083251	\$318
5	12/22/14	400158	RME/116560	\$7,250.00
6	12/22/14	400158	RME/116486	\$894.00
7	10/25/14	191538	RME/114171	\$15,039.00
8	8/1/14	400097	RME/110706	\$466.65
9	8/1/14	400097	RME/110705	\$1,948.28
10	9/15/14	400076	RME/111451	\$123.00
11	9/15/14	400076	RME/111135	\$334.00
12	9/15/14	400076	RME/111751	\$14,752.00
13	9/7/12	501735	RME/086029	\$1,256.21
14	7/25/13	186197	RME/097139	\$111.25
15	6/28/13	502027	RME/095690	\$574.00
16	1/24/13	501928	RME/090732	\$853.57
17	1/25/13	501928	RME/090809	\$182.85
18	11/6/12	501817	RME/088185	\$1,494.00
19	6/19/14	502208	RME/108931	\$1,605.00
20	1/24/12	501383	RME/078293	\$1,034.00
			<b>Total:</b>	\$52,663.02

# General Bill of Indictment

## Count 6

And the Grand Jurors aforesaid in the name and behalf of the citizens of the State of Georgia further charge and accuse HARRY ANTHONY BAILEY and DERRY SCOTT RICHARDSON with the offense of THEFT BY TAKING (O.C.G.A. 16-8-2) for that the said accused, at points and times different than alleged in other parts in this indictment, between the 4<sup>th</sup> day of November, 2009 and 29<sup>th</sup> day of October, 2014, did on the dates and in the amounts listed below, and incorporated herein by reference, unlawfully take money, the property of the Floyd County Board of Education, with an aggregate value of more than twenty-five thousand dollars (\$25,000) with intent to deprive said owner of said property, by concealing the identity of items submitted on fraudulent invoices to the Floyd County Board of Education under the direction of DERRY SCOTT RICHARDSON and WILLIAM GREG MCCARY, said actions which were unknown to the victim prior to October 8<sup>th</sup>, 2014, contrary to the laws of this State, the good order, peace and dignity thereof.

PA #	Date	Purchased from	Amount
21	11/4/09	Amazon	\$234.99
22	11/18/09	Amazon	\$7.93
23	11/18/09	Amazon	\$187.99
24	12/9/09	Amazon	\$363.98
25	2/1/10	Amazon	\$163.17
26	2/9/2010	Sears Holding Corporation	\$210.73
27	2/24/2010	SONY ELECTRONIX661-2579993CA	\$146.25
28	2/25/2010	RITZCAMERA.COM877-6900099CA	\$444.00
29	6/29/10	Amazon	\$23.00
30	6/29/10	Amazon	\$529.99
31	7/24/2010	ETRAILER800-298-8924MO	\$181.95
32	8/3/10	Amazon	\$63.00
33	8/20/10	Amazon	\$529.99
34	9/15/10	Amazon	\$449.00
35	9/17/10	Amazon	\$344.49
36	9/22/10	Amazon	\$449.00
37	10/12/10	Amazon	\$164.45
38	10/21/2010	J&R SOUND/MAILORDER800-426-6027NY	\$1,499.00
39	11/9/2010	ADORAMA INC212-7410401 NY	\$1,699.99
40	12/6/10	Amazon	\$139.00