

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

STATE OF OKLAHOMA,)
)
 Plaintiff,)
)
 vs.)
)
 DAVID DUANE EDINBURGH,)
 DOB 01/09/1952 SSN: [REDACTED])
)
 and,)
)
 LATISHA RAYE REID,)
 DOB 02/04/1969 SSN [REDACTED])
 Defendants)

Case No. CF-2011-5249

FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA.

SEP 23 2011

PATRICIA PRESLEY, COURT CLERK
by _____
Deputy

INDICTMENT

- FOR: Count 1: VIOLATION OF THE COMPUTER CRIMES ACT, 21 O.S., § 1953(A)(2)**
- Count 2: FORGERY IN THE SECOND DEGREE, 21 O.S., § 1585(1)**
- Count 3: FORGERY IN THE FIRST DEGREE, 21 O.S., § 1561(2nd)**
- Count 4: OBTAINING MONEY BY FALSE PRETENSES (EXCEEDING \$1,000.00), 21 O.S., § 1541.2**
- Count 5: CONSPIRACY TO DEFRAUD THE STATE, 21 O.S., § 421**

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF OKLAHOMA:

By the order of the Supreme Court of Oklahoma, the Thirteenth Multicounty Grand Jury was convened with its principal site to be in Oklahoma City, Oklahoma County, Oklahoma, to serve from February 22, 2011 until August 22, 2012 or until the designated presiding judge determines the Thirteenth Multicounty Grand Jury has reached reasonable completion of its investigations, but in any event, no more than twenty-four (24) months from the commencement of its term. That the said Multicounty Grand Jury of the State of Oklahoma, being composed of good and lawful men and woman, legally drawn and summons according to law and then and there examined, impaneled, sworn and charged according to law to diligently inquire into and true presentment make of all public offenses against the State of Oklahoma committed and triable within the State of Oklahoma,

upon their oath and in the name and by the authority of the State of Oklahoma, do present and find that:

COUNT 1: VIOLATION OF COMPUTER CRIMES ACT

On a date prior but proximate to the 10th day of October, 2010, A.D., the crime of **Violation of the Computer Crimes Act** was committed in Oklahoma County, Oklahoma by the defendants, **DAVID DUANE EDINBURGH** and **LATISHA RAYE REID**. That is to say that then and there, the said Defendants did knowingly, willfully, fraudulently and feloniously use a computer and computer network for the purpose of devising or executing a scheme or artifice with the intent to defraud and/or for the purpose of controlling or obtaining money, or other thing of value, by means of a false or fraudulent pretense or representation. That is to further state that defendant **LATISHA RAYE REID** was employed as Internal Auditor for the Office of Treasurer, State of Oklahoma, and as such was assigned the use of a State-owned computer and the State-owned computer network of said State Office. That the Office of Treasurer, State of Oklahoma, did then and there, administer the Unclaimed Property Fund consisting of monies received by said Office from various sources according to law to be held in trust for the true owners of such monies pending location and notification of the true owners of said monies. That as Internal Auditor for the Office of Treasurer, State of Oklahoma, Defendant did then and there have access and was privy by way of the said Office's computer network to the computer records of the Unclaimed Property Fund of said Office showing the actual amounts held in trust for the true owners; such amount information being held by said Office as confidential and not public information, and therefore unavailable to members the public. That as Internal Auditor for said State Office, Defendant was privy to the internal controls of the Office regarding claims made by persons to obtain such funds held in trust and to the increasing levels of proof required by said State Office to document a claim of ownership for such

property. That as Internal Auditor for the Office of Treasurer, State of Oklahoma, Defendant did then and there have the ability by way of the State-owned computer assigned to her and the said Office's computer network to sort the computer records of the Unclaimed Property Fund of said Office to discover unclaimed property held by the said Office that had been held for a long duration without the receipt of claims and to discover unclaimed amounts that would not require the highest level of proof or official scrutiny of claims. That the defendant **LATISHA RAYE REID** used said computer and computer network to obtain information by which her codefendant **DAVID DUANE EDINBURGH** could make a false and fraudulent claim for monies held by the Office of Treasurer, State of Oklahoma, in trust for Mary Katherine Stapp, a deceased person, all of said acts being contrary to the provisions of Section 1953(A)(2) of Title 21 of the Oklahoma Statutes and against the Peace and Dignity of the State of Oklahoma.

COUNT 2: FORGERY IN THE SECOND DEGREE

On an unknown date, but being on or about the 10th day of October, 2010, A.D., the crime of **Forgery in the Second Degree** was committed in Oklahoma County, Oklahoma by the defendants, **DAVID DUANE EDINBURGH** and **LATISHA RAYE REID**. That is to say that on or about the above date and within the aforesaid County and State, the said Defendants, then and there, with intent to defraud, did willfully, knowingly, fraudulently, and feloniously forge and counterfeit an *Order Allowing Final Account, Determination of Heirs and Final Decree of Distribution and Discharge*, purporting to be filed in the District Court of Tulsa County, Oklahoma in the case of Matter of Mary Katherine Stapp, Deceased, Case No. PB-2002-67, the same purporting to be Court proceedings in said case, with knowledge that the same was false, forged and counterfeit, with the intention of uttering and publishing the same in support of a claim of property of the value of Nine Thousand, Nine Hundred One Dollars and Ninety-nine Cents (\$9,901.99) then

and there held by the Office of State Treasurer of the State of Oklahoma believed to belong to Mary Katherine Stapp, a deceased person, all of said acts being contrary to the provisions of Section 1585(1) of Title 21 of the Oklahoma Statutes and against the Peace and Dignity of the State of Oklahoma.

COUNT 3: FORGERY IN THE FIRST DEGREE

On an unknown date, but being on or about the 10th day of October, 2010, A.D., the crime of **Forgery in the First Degree** was committed in Oklahoma County, Oklahoma by the defendants, **DAVID DUANE EDINBURGH** and **LATISHA RAYE REID**. That is to say that on or about the above date and within the aforesaid County and State, the said Defendants, then and there, with intent to defraud, did willfully, knowingly, fraudulently, and feloniously forge and counterfeit an official *Certificate of Death* purporting to be filed with the Department of Health, State of Oklahoma, in regard to Mary Katherine Stapp, date of birth, August 22, 1918 and date of death January 18, 2002, the same being a certificate which by law may be recorded or given in evidence or purportedly been made by an officer duly authorized to make such a certificate, with knowledge that the said *Certificate of Death* was false, forged and counterfeit, with the intention of uttering and publishing the same in support of a claim of property of the value of Nine Thousand, Nine Hundred One Dollars and Ninety-nine Cents (\$9,901.99) then and there held by the Office of State Treasurer of the State of Oklahoma believed to belong to Mary Katherine Stapp, a deceased person, all of said acts being contrary to the provisions of Section 1561(2nd) of Title 21 of the Oklahoma Statutes and against the Peace and Dignity of the State of Oklahoma.

COUNT 4: OBTAINING MONEY BY FALSE PRETENSES (EXCEEDING \$1,000.00)

On or about the 24th day of August, 2010, A.D., the crime of **Obtaining Money by False Pretenses** was committed in Oklahoma County, Oklahoma by the defendants, **DAVID DUANE**

EDINBURGH and **LATISHA RAYE REID**. That is to say that on or about the above date and within the aforesaid County and State, the said Defendants, then and there, did knowingly, willfully, fraudulently and feloniously obtain Nine Thousand, Nine Hundred One Dollars and Ninety-nine Cents (\$9,901.99), good and lawful money of the United States, by falsely representing to the Office of State Treasurer of the State of Oklahoma that **DAVID DUANE EDINBURGH** was sole heir of Mary Katherine Stapp, and therefore entitled to claim the aforesaid sum held in trust for said Mary Katherine Stapp by the State of Oklahoma in the Unclaimed Property Fund administered by the said State Office, by providing said State agency certain false documentation in the form of a false, forged and counterfeited *Certificate of Death* of Mary Katherine Stapp and by providing a false, forged and counterfeited *Order Allowing Final Account, Determination of Heirs and Final Decree of Distribution and Discharge*, purporting to be filed in the District Court of Tulsa County, Oklahoma in the case of *Matter of Mary Katherine Stapp, Deceased*, Case No. PB-2002-67, all of which was known by said defendants to be false, and with intent to beat, cheat and defraud the Office of State Treasurer of the State of Oklahoma and the lawful heirs of said Mary Katherine Stapp of said money, all of said acts being contrary to the provisions of Sections 1541.1 and 1541.2 of Title 21 of the Oklahoma Statutes and against the Peace and Dignity of the State of Oklahoma.

COUNT 5: CONSPIRACY TO DEFRAUD THE STATE OF OKLAHOMA

On an unknown date but including the 10th day of October, 2010, A.D., through an unknown date, but including the 5th day of January, 2011, A.D., the crime of **Conspiracy to Defraud the State of Oklahoma** was committed in Oklahoma County, Oklahoma by the defendants, **DAVID DUANE EDINBURGH** and **LATISHA RAYE REID**. That is to say that within the time period set forth herein and within the aforesaid County and State, the aforesaid defendant **LATISHA RAYE REID** was employed as Internal Auditor for the Office of Treasurer, State of Oklahoma, and,

as such, was empowered to alter and change computer records of the said Office of Treasurer, and was also possessed of knowledge of the internal procedures for evaluating and approving claims made by persons for property held in trust by the said Office of Treasurer in the Unclaimed Property Fund administered by said State agency; that the said Defendants, then and there, did knowingly, willfully, fraudulently and feloniously conspire and agree to fraudulently claim certain property then held by the Office of Treasurer, State of Oklahoma in the Unclaimed Property Fund of said State Office by falsifying State records and by submitting false, counterfeited and fraudulent proof in support of a claim for certain property held in the aforesaid State Fund in order to deceive the personnel of the Office of Treasurer, State of Oklahoma, to pay over the value of said property held in trust by said Office of Treasurer for which said defendants had no actual claim in law or fact and thereby impair, obstruct or defeat the lawful function of the Office of Treasurer in the proper administration of property entrusted to it in the Unclaimed Property Fund . Pursuant to this illegal agreement, the following overt acts were committed:

A. Defendant **LATISHA RAYE REID** used her personal computer to counterfeit a *Certificate of Death* for Mary Katherine Stapp;

C. Defendant **LATISHA RAYE REID** used her personal computer to counterfeit an *Order Allowing Final Account, Determination of Heirs and Final Decree of Distribution and Discharge*, purporting to be filed in the District Court of Tulsa County, Oklahoma in the case of *Matter of Mary Katherine Stapp, Deceased*, Case No. PB-2002-67;

D. On or about October 20, 2010, Defendant **DAVID DUANE EDINBURGH** created a false "Inquiry Form" of the Office of State Treasurer, State of Oklahoma, to claim property of the value of Nine Thousand, Nine Hundred One Dollars and Ninety-nine Cents (\$9,901.99) then and there held by the Office of State Treasurer of the State of Oklahoma believed to belong to Mary

Katherine Stapp, and signed the same as claimant;

E. On or about October 20, 2010, the forged "Inquiry Form" was mailed by the Defendants to the Office of Treasurer, State of Oklahoma, Unclaimed Property Division and supported the "Inquiry Form" with the photocopy of DAVID DUANE EDINBURGH's Driver's License, Social Security Card, counterfeited *Certificate of Death* and counterfeited *Order Allowing Final Account, Determination of Heirs and Final Decree of Distribution and Discharge* for Mary Katherine Stapp;

F. On or about March 11, 2011, Defendant DAVID DUANE EDINBURGH caused the payment Warrant issued in the amount of Nine Thousand, Nine Hundred One Dollars and Ninety-nine Cents (\$9,901.99) in settlement of Defendant DAVID DUANE EDINBURGH's claim to be deposited to the bank account of Defendant DAVID DUANE EDINBURGH;

G. On or about March 15, 2011, Defendant DAVID DUANE EDINBURGH withdrew the sum of Nine Thousand, Five Hundred Dollars (\$9,500.00) from the account of Defendant DAVID DUANE EDINBURGH and received the same in good and lawful money of the United States; all of said acts being contrary to the provisions of Section 424 of Title 21 of the Oklahoma Statutes and against the Peace and Dignity of the State of Oklahoma.

TRUE BILL (X)

NO BILL ()

William J. Tucker

FOREMAN
OKLAHOMA MULTICOUNTY GRAND JURY

Penalties:

Violation of Computer Crimes Act, 21 O.S. 2001, § 1953, 1955(A), Imprisonment for not more than ten (10) years imprisonment and/or a fine of not less than \$5,000.00 nor more than \$100,000.00.

Forgery in the Second Degree, 21 O.S., § 1585: Imprisonment for not more than seven (7) years and a fine of not to exceed Ten Thousand Dollars (\$10,000.00).

Forgery in the First Degree, 21 O.S., § 1561(2nd): Imprisonment for not less than seven (7) years nor more than twenty (20) years, and a fine of not to exceed Ten Thousand Dollars (\$10,000.00).

Obtaining Money by False Pretenses (Exceeding \$1,000.00), 21 O.S., §§ 11541.1 & 1541.2: Imprisonment for not more than ten (10) years and/or a fine not to exceed Five Thousand Dollars (\$5,000.00).

Conspiracy to Defraud the State of Oklahoma, 21 O.S., 424: Imprisonment not to exceed ten (10) years and/or a fine not to exceed Twenty-five Thousand Dollars (\$25,000.00).

WITNESSES (Before the Grand Jury):

Tommy Johnson, OSBI, 6600 N. Harvey Place, Suite 300, Oklahoma City, OK
Rachel Thompson, OSBI, Computer Crimes Forensic Unit, Univ. Cent. Okla., Campus Box 83,
Edmond OK 73034
Sue MacHugh, Investment Officer, Office of State Treasurer, 2401 N.W. 23rd, Street, Suite 42,
Oklahoma City, OK
Kathy Janes, Director, Unclaimed Property Division, Office of State Treasurer, 2401 N.W. 23rd,
Street, Suite 42, Oklahoma City, OK
Susan Nicewander, CPA, Dep. Treasurer, Office of State Treasurer, 217 State Capitol Building,
2300 N. Lincoln, Oklahoma City, OK
Elizabeth J. Branham, Unclaimed Property Division, Office of State Treasurer, 2401 N.W.
23rd, Street, Suite 42, Oklahoma City, OK
Natalie Garcia, Unclaimed Property Division, Office of State Treasurer, 2401 N.W. 23rd, Street,
Suite 42, Oklahoma City, OK
Mike Bransby, Unclaimed Property Division, Office of State Treasurer, 2401 N.W. 23rd, Street,
Suite 42, Oklahoma City, OK
Richard (Rick) Young, Unclaimed Property Division, Office of State Treasurer, 2401 N.W. 23rd,
Street, Suite 42, Oklahoma City, OK
Paula Thaxton, Unclaimed Property Division, Office of State Treasurer, 2401 N.W. 23rd, Street,
Suite 42, Oklahoma City, OK
John Schlichting, Office of State Finance, 122 State Capitol Building, 2300 N. Lincoln,
Oklahoma City, OK
Paul Poputa-Clean, Office of State Finance, 122 State Capitol Building, 2300 N. Lincoln,
Oklahoma City, OK
Ginger Michelle Bobala, Chase Bank, 7400 S. Pennsylvania, Oklahoma City, OK
Mitchell Rozin, Esq., 4045 N.W. 64th Street, Suite 510, Oklahoma City, OK
Doug Stoy, c/o Tommy Johnson, OSBI, 6600 N. Harvey Place, Suite 300, Oklahoma City, OK
Clint Stoy, c/o Tommy Johnson, OSBI, 6600 N. Harvey Place, Suite 300, Oklahoma City, OK
Billy Ruth Bright, 1029 S.W. 48th Street, Oklahoma City, OK
Steve Sullivan, 7124 S. Danner Drive, Oklahoma City, OK
David Duane Edinburgh, 3901 S. Choctaw Road, Choctaw, OK
Shelly Stejskal, 1029 S.W. 48th Street, Oklahoma City, OK
Rusty Lee Talley, 2001 S. MacArthur, Lot # 77, Oklahoma City, OK
Gena Wilson (Sullivan), 7124 S. Danner Drive, Oklahoma City, OK
Billy Jack Wilson, 6404 N. Peniel Ave, Apt. #5, Oklahoma City, OK
LaTisha Reid, 1321 S.W. 126th Place, Oklahoma City, OK

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STATE OF OKLAHOMA,)
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 Plaintiff,)
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 DAVID DUANE EDINBURGH,)
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 Defendant.)

PATRICIA PRESLEY, COURT CLERK
by _____
Deputy

Case No. CF-2011-5249

PAGE 2 INDICTMENT

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF OKLAHOMA:

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- Count 1: VIOLATION OF THE COMPUTER CRIMES ACT, 21 O.S., § 1953(A)(2)**
- Count 2: FORGERY IN THE SECOND DEGREE, 21 O.S., § 1585(1)**
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Count 5: CONSPIRACY TO DEFRAUD THE STATE, 21 O.S., § 421

as charged in the *Indictment* were committed by the defendant, **DAVID DUANE EDINBURGH**, after having been convicted of the following crime punishable by imprisonment in the State penitentiary:

Murder in the First Degree, on the 22nd day of January, 1991 in the District Court for the County of Canadian County, State of Oklahoma, Case Number CF-1990-212.

TRUE BILL (X)

NO BILL ()

William J. Tuelen

FOREMAN
OKLAHOMA MULTICOUNTY GRAND JURY

Range of Punishment: **Count 1:** Minimum of Two (2) years imprisonment, but not exceeding Life Imprisonment; **Counts 2-5,** Minimum of Two (2) years imprisonment, but not exceeding Life Imprisonment [each Count]; **Count 6** [not applicable]; 21 O.S. Supp. 2002, §51.1.