



### **PARTIES, JURISDICTION AND VENUE**

1. Petitioner is the State of Utah, by and through the Utah Attorney General's Office.
2. Petitioner is charged with the enforcement of Utah's Criminal Code pursuant to Utah Code Ann. § 67-5-1 and performed an investigation pursuant to Utah Code Ann. § 77-22-2 with respect to various pawn shops in Salt Lake County and Utah County.
3. On June 19, 2018, pursuant to warrants issued by the Third District Court, Special Agents of the Utah Attorney General's Office seized twenty-four thousand two hundred and thirty-three dollars and twenty cents in US currency in America First Credit Union account ending in 873-4, as referenced in the caption.
4. On June 19, 2018, pursuant to warrants issued by the Third District Court, Special Agents of the Utah Attorney General's Office seized twenty-five dollars in US currency in America First Credit Union account ending in 8718, as referenced in the caption.
5. On June 19, 2018, pursuant to warrants issued by the Third District Court, Special Agents of the Utah Attorney General's Office seized one thousand sixty-two dollars and fifty-eight cents in US currency from the Paypal account ending in 0001 (also used by Xtreme Pawn), as referenced in the caption.
6. On June 19, 2018, pursuant to warrants issued by the Third District Court, Special Agents of the Utah Attorney General's Office seized six thousand, seven hundred and twenty-six dollars and sixty-nine cents in US currency from the Paypal account ending in 1013.

7. On June 19, 2018, pursuant to warrants issued by the Third District Court, Special Agents of the Utah Attorney General's Office, with the help of local law enforcement, searched the premises of Sportsman's Fast Cash, a dba of Rocky Mountain Utah, Inc. (technically registered as "Sportsmans Fastcash at the Utah Department of Commerce, but actually operating under the "Sportsman's Fast Cash" name, and hereinafter collectively referred to as "Sportsman's Fast Cash"), located at 3930 S Redwood Rd, West Valley, Utah and 4081 South State Street, Salt Lake City, Utah 84107. Investigators seized five thousand nine hundred and ninety-three dollars in US currency from the till at the West Valley location, twenty-three thousand four hundred fifty-five and eighty-one cents in US currency from the till and seven hundred thirty-four dollars and twenty-five cents in checks from the Millcreek location, and also seized the personal property listed in Exhibit A, as referenced in the caption.
8. Warrants seizing this property were served on June 19, 2018 at 3930 S Redwood Rd, West Valley, Utah and 4081 South State Street, Salt Lake City, Utah 84107.
9. Defendants "Twenty-four thousand two hundred and thirty-three dollars and twenty cents in US currency in America First Credit Union account ending in 873-4; Twenty-five dollars in US currency in America First Credit Union account ending in 8718; One thousand sixty-two dollars and 58 cents in US currency from Paypal account ending in 0001 (also used by Xtreme Pawn); Six thousand, seven hundred and twenty-six dollars and sixty-nine cents in US currency from Paypal account ending in 1013; Five thousand nine hundred and ninety-three dollars in US currency from till; Twenty-three thousand four hundred fifty-five and eighty-one cents in US currency from till; Seven hundred

thirty-four dollars and twenty-five cents in checks; and all property set out in the inventory attached hereto as Exhibit A. All property set out in the inventory attached hereto as Exhibit A” are property and currency seized from the business premises of 3400 S Redwood Rd, West Valley, Utah and 4081 South State Street, Salt Lake City, Utah 84107.

10. Sportsman’s Fast Cash was notified of the intent to forfeit by certified mail on July 19, 2018, according to Notice of Forfeiture.
11. The following business entities may have an interest in the subject property sought to be forfeited and were duly served with notice of intent to forfeit on or about July 19, 2018:
  - a. Home Depot Group U.S.A., Inc., a corporation organized under the laws of the State of Delaware (hereinafter “Home Depot”) with its principal place of business in Atlanta, Georgia;
  - b. Lowe’s Companies, Inc., a corporation organized under the laws of the State of North Carolina and operating under the dba of Lowe’s Home Improvement (hereinafter “Lowe’s”) with its principal place of business in Mooresville, North Carolina;
  - c. Cabela’s, Inc., a corporation organized under the laws of Delaware and operating under the dba of Cabela’s (hereinafter “Cabela’s”) with its principal place of business in Sidney, Nebraska;
  - d. Dick’s Sporting Goods, Inc., a corporation organized under the laws of Delaware and operating under the dba of Dick’s Sporting Goods (hereinafter “Dick’s”) with its principal place of business in Coraopolis, Pennsylvania;

- e. Target Corporation, a corporation organized under the laws of Minnesota and operating under the dba of Target (hereinafter “Target”) with its principal place of business in Minneapolis, Minnesota;
- f. Walmart Stores, Inc., a corporation organized under the laws of Delaware and operating under the dba of Wal-Mart (hereinafter “Wal-Mart”) with its principal place of business is Bentonville, Arkansas;
- g. Shopko Stores Operating Co., LLC, a limited liability company organized under the laws of Delaware and operating under the dba of Shopko (hereinafter “Shopko”) with its principal place of business is Green Bay, Wisconsin;
- h. Harbor Freight Tools USA, Inc., a corporation organized under the laws of California and operating under the dba of Harbor Freight Tools (hereinafter “Harbor Freight”) with its principal place of business is Calabasas, California;
- i. Kroger Co. is a corporation organized under the laws of Ohio and operating under the dba of Smith’s Food and Drug Center (hereinafter “Smith’s”) with its principal place of business is in Cincinnati, Ohio;
- j. Guitar Center, Inc., a corporation organized under the law of Delaware and operating under the dba of Guitar Center (hereinafter “Guitar Center”) with its principal place of business is in Westlake Village, California; and
- k. CVS Caremark Corporation, a corporation organized under the law of Delaware and operating under the dba of CVS Pharmacy (hereinafter “CVS”) with its principal place of business is in Woonsocket, Rhode Island; and

- l. Sportsman’s Warehouse Holdings, Inc., a corporation organized under the law Delaware and operating under the dba of Sportsman’s Warehouse (hereinafter “Sportsman’s Warehouse”) with its principal place of business is in Midvale, UT.
  - m. Genuine Parts Company, a corporation organized under the laws of Georgia and operating under the d.b.a. of Napa Auto Parts of Midvale, Napa Auto Parts of Salt Lake City, Napa Auto Parts of Ogden, and Napa Auto Parts of Kearns (collectively hereinafter “Napa Auto Parts”), with its principal place of business in Atlanta, Georgia, may have an interest in the subject property sought to be forfeited and was duly served with notice of intent to forfeit on or about August 23, 2018.
12. The principal places of business for Sportsman’s Fast Cash is 3930 S Redwood Rd, West Valley, Utah and 4081 South State Street, Salt Lake City, Utah 84107. In addition, the seized property is within the boundary of Salt Lake County. Accordingly, venue is proper with the above court pursuant to Utah Code Ann. §§ 78B-3-305, 307.
13. This is an *in rem* action for forfeiture of property pursuant to Utah Code Ann. § 24-4-401 and jurisdiction is proper with the above entitled court pursuant to Utah Code Ann. § 78A-5-102.

### **NATURE OF THE CASE AND RELEVANT FACTS**

#### *Basic Information and Legal Grounds*

14. Sportsman’s Fast Cash operates from two locations:
  - a. Sportsman’s Fast Cash located at 4081 S. State St. in Salt Lake City, UT; and
  - b. Sportsman’s Fast Cash located at 3930 S. Redwood Rd. in West Valley City, UT.

15. Sportsmans Fastcash is a dba of Rocky Mountain Utah, Inc., according to Utah Department of Commerce, Division of Corporation records.
16. Rocky Mountain Utah, Inc., (entity number C8877-1994) is a domestic corporation registered June 13, 1994 with the Nevada Secretary of State with an address listed of 5675 South Valley View Boulevard, Las Vegas, Nevada, according to Nevada Department of State records.
17. Carl E. Kingston is Sportsman's Fast Cash's registered principal, according to Utah Department of Commerce, Division of Corporation records.
18. A.W. Jenkins is listed as Rocky Mountain Enterprises, Inc.'s President and Director, according to Utah Department of Commerce, Division of Corporation records.
19. C.A. Livingston is listed as Rocky Mountain Utah, Inc.'s Secretary and Treasurer, and Director according to Utah Department of Commerce, Division of Corporation records.
20. On October 8, 1998, Sportsman's Fast Cash registered with the state of Utah as a DBA of Rocky Mountain Utah, Inc., according to Utah Department of Commerce, Division of Corporation records.
21. Pawnshops and Secondhand Dealers are regulated by the State of Utah under the Pawnshop and Secondhand Merchandise Transaction Information Act (Utah Code Ann. § 13-32a-101 et seq.).
22. Under this act, pawnshops and secondhand dealers are defined and their activities when purchasing items from individuals, or loaning money to individuals based on property pledged to them as collateral are regulated.

23. Sportsman's Fast Cash is a pawnshop operated by a pawnbroker according to the definitions provided in Utah Code Ann. § 13-32a-101.
24. A person commits theft if he receives, retains, or disposes of the property of another knowing that it has been stolen, or believing that it probably has been stolen, or who conceals, sells, withholds or aids in concealing, selling, or withholding the property from the owner, knowing the property to be stolen, intending to deprive the owner of it. Utah Code Ann. § 76-6-408(1).
25. Knowledge or belief is presumed in the case of an actor who:
- a. is found in possession or control of other property stolen on a separate occasion;
  - b. has received other stolen property within the year preceding the receiving offense charged;
  - c. or is a pawnbroker or person who has or operates a business dealing in or collecting used or secondhand merchandise or personal property, or an agent, employee, or representative of a pawnbroker or person who buys, receives, or obtains property and fails to require the seller or person delivering the property to:
    - i. certify, in writing, that he has the legal rights to sell the property;
    - ii. provide a legible print, preferably the right thumb, at the bottom of the certificate next to his signature; and
    - iii. provide at least one positive form of identification. Utah Code Ann. § 76-6-408(2).
26. A person commits the offense of money laundering who: (a) transports, receives, or acquires the property which is in fact proceeds of the specified unlawful activity,



knowing that the property involved represents the proceeds of some form of unlawful activity; (b) makes proceeds of unlawful activity available to another by transaction, transportation, or other means, knowing that the proceeds are intended to be used for the purpose of continuing or furthering the commission of specified unlawful activity; (c) conducts a transaction knowing the property involved in the transaction represents the proceeds of some form of unlawful activity with the intent: (i) to promote the unlawful activity; (ii) to conceal or disguise the nature, location, source, ownership, or control of the property; or (iii) to avoid a transaction reporting requirement under this chapter or under federal law; or (d) knowingly accepts or receives property which is represented to be proceeds of unlawful activity. Property that has been used to facilitate the commission of a federal or state criminal offense and any proceeds of criminal activity is subject to forfeiture. Utah Code Ann. § 24-4-102(1).

*Sportsman's Fast Cash's History of Receiving Stolen Property*

27. Sportsman's Fast Cash has a history of receiving stolen property, including, but not limited to, the following incidents:

- a. Receiving a stolen saw and compressor, according to Unified Police Department Report #2017-68380 (4/25/2017);
- b. Receiving a stolen trailer, according to Unified Police Department Report #2017-144507 (6/07/2017);
- c. Receiving a stolen Shandaiwa weedeater and Shandaiwa edger, according to Unified Police Department Report # 2016-53199 (1/27/16);

- d. Receiving a stolen trailer, according to Unified Police Department Report # 2016-115373 (04/2016);
- e. Receiving a stolen bicycle, according to Unified Police Department Report # 2013-147276 (08/10/2013);
- f. Receiving 9 different power tools, according to Unified Police Department Report #2013-9520 (11/07/2012);
- g. Receiving a stolen camera, according to Unified Police Department Report #2011-97105 (09/08/11);
- h. Receiving a stolen bicycle, according to West Valley City Police Department Report #17I019119 (09/2017);
- i. Receiving a stolen Predator 61169 Generator, according to West Valley City Police Department Report #16I031318 (06/25/2016);
- j. Receiving a stolen generator, according to West Valley City Police Department Report #14I045627 (11/11/2013);
- k. Receiving stolen Taylormade golf clubs, according to West Valley City Police Department Report #13I025784 (02/07/2013);
- l. Receiving a stolen Snapper P216518B Lawnmower, according to Pleasant Grove Police Department Report #06PG05332 (05/12/2013).

*Suspicious Sales of New Products on eBay*

28. eBay.com is an online “commerce platform” that provides individuals and companies an internet-based marketplace to sell goods and services.

29. eBay employs several investigators to monitor their website for criminal activity, according to a report obtained from eBay.
30. PayPal is a service utilized to receive and make payments for purchases through the eBay platform.
31. When a company selling on eBay is identified as a second-hand dealer or pawn shop selling a significant volume of product, and they list over ten percent of their products as new, eBay investigators may monitor their activity and report it to law enforcement.
32. Sportsman's Fast Cash advertises on their own website that they sell products on eBay.com and their website includes a link to an eBay.com account, using user name Sportsman's Fast Cashfastcash1, according to <https://www.Sportsman's Fast Cashpawn.com/>.
33. Sportsman's Fastcash utilized a PayPal account ending in 0001 (also used by Xtreme Pawn) to transact and receive proceeds for business conducted through eBay.
34. eBay investigators identified three additional user names associated with Sportsman's Fast Cash: Dnhfirstchoice, Sportsman's Fast Cash-pawn, and Bestdiscountsrus, according to a report obtained by eBay.
35. Sportsman's Fast Cash's eBay accounts produced a total of \$367,622.79 in sales from January 1, 2015 to May 28, 2018, according to a report by obtained by eBay.
36. Sportsman's Fast Cash's "new-in-the-box" sales accounted for eighty-two percent, or \$300,713.24, of Sportsman's Fast Cash's eBay sales from January 1, 2015 to May 28, 2018, according to a report obtained from eBay.

*Suspicious In-Store Transactions*

37. According to the Statewide Central Pawn Database (hereinafter “pawn database”), the following individuals were found to regularly conduct suspicious transactions at Sportsman’s Fast Cash:

a. Jessica Lovato:

- i. Lovato has an extensive history of selling/pawning items to various pawn shops within the state of Utah.
- ii. Lovato’s criminal history includes two convictions for retail theft, according to Utah Criminal Justice Information System records.
- iii. Lovato has not reported any employment since 2016, according to the Department of Workforce Services.
- iv. From January 5, 2017 to April 27, 2018, Lovato sold or pawned a total of 153 items, according to the pawn database.
  1. Lovato sold or pawned 108 items to Sportsman’s Fast Cash in Millcreek, according to the pawn database.
  2. Lovato sold or pawned 18 items to Sportsman’s Fast Cash in West Valley, according to the pawn database.
  3. Lovato sold or pawned only 27 items to other pawn shops that are not directly related to Sportsman’s Fast Cash, according to the pawn database.
- v. Nearly all items Lovato sold or pawned were “in store credit” cards, according to the pawn database.

b. Kelly Nulph

- i. Nulph's criminal history includes four convictions for retail theft as well as convictions for forged or altered prescriptions and possession and use of dangerous drugs, according to Utah Criminal Justice Information System Records.
- ii. Nulph has not reported any employment since 2016, according to the Department of Workforce Services.
- iii. From January 19, 2017 to January 24, 2018, Nulph sold or pawned a total of 158 items, according to the pawn database.
  1. Nulph sold or pawned 149 items to Sportsman's Fastcash in Millcreek, according to the pawn database.
  2. Nulph sold or pawned only 9 items to other pawn shops that are not directly related to Sportsman's Fast Cash, according to the pawn database.
- iv. Most of the items Nulph sold or pawned were tools and batteries, according to the pawn database.

c. Mohamad Murad:

- i. Murad's criminal history includes arrest for burglary and mail theft, but he has no convictions on record, according to Utah Criminal Justice Information System records.

- ii. Murad reported \$494.00 for the third quarter of 2017 and no work history was reported for the last quarter of 2017 or the first quarter of 2018, according to the Department of Workforce Services.
- iii. From January 2, 2017 to May 8, 2018, Murad sold or pawned a total of 393 items.
  1. Murad sold or pawned 134 items to Sportsman's Fast Cash in Millcreek, according to the pawn database.

*Undercover Sales of "New-in-the-Box" Product*

38. From 3/8/2018 to 6/6/2018, undercover (hereinafter "UC") investigators with the Utah Attorney General's Office conducted thirteen (13) successful sales transactions of "new-in-the-box" items with Sportsman's Fast Cash.

- a. On March 8, 2018, a UC sold two (2) identical new-in-the-box Dremell accessory kits to Sportsman's Fast Cash in West Valley.
  - i. The UC entered Sportsman's Fast Cash at 3930 S Redwood Road, contacted the store clerks, presented the two (2) new accessory kits, and offered the kits up for sale.
  - ii. The clerk completed the paper work and gave the UC \$5.00 per kit.
  - iii. Each accessory kit is sold at Home Depot for approximately \$19.97, according to <https://www.homedepot.com>.
  - iv. Sportsmans Fastcash probably knew the property was stolen because it was new and therefore able to be returned to the retailer but was pawned for a fraction of its retail price.

- v. The incident was recorded with both a visual and audio recording.
  - vi. The clerk did not ask the UC how the accessory kits were acquired.
  - vii. The clerk did not ask the UC for a receipt or proof of purchase.
  - viii. The clerk did not ask the UC for an explanation for why the accessory kits were unused.
  - ix. The clerk did not ask the UC for an explanation for why multiple new-in-the-box accessory kits were being sold at the same time.
- b. On March 15, 2018, an investigator sold two (2) identical new-in-the-box Milwaukee M18 18 Volt Milwaukee Batteries to Sportsman's Fast Cash in West Valley.
- i. The UC entered Sportsman's Fast Cash at 3930 S Redwood Road, contacted the store clerks, presented the two (2) new batteries, and offered the drill bits up for sale.
  - ii. The UC presented a driver's license which listed his residence as the local homeless shelter located at 210 S Rio Grande Street.
  - iii. The clerk completed the paper work and gave the UC \$25.00 for both batteries.
  - iv. Each battery is sold at Home Depot for approximately \$79.00, according to <https://www.homedepot.com>.
  - v. Sportsmans Fastcash probably knew the property was stolen because it was new and therefore able to be returned to the retailer but was pawned for a fraction of its retail price.

- vi. The clerk did not ask the UC how the batteries were acquired.
  - vii. The clerk did not ask the UC for a receipt or proof of purchase.
  - viii. The clerk did not ask the UC for an explanation for why the batteries were unused.
  - ix. The clerk did not ask the UC for an explanation for why multiple new-in-the-box batteries were being sold at the same time.
- c. On April 18, 2018, an UC sold one (1) new-in-the-box Milwaukee M18 Fuel Combo Kit to Sportsman's Fast Cash in West Valley.
- i. The UC entered Sportsman's Fast Cash at 3930 Redwood road, contacted the store clerks, presented the combo kit, and offered the combo kit up for sale.
  - ii. The combo kit had an anti-theft device known as a "CableLok" securing the plastic carrying case closed.
  - iii. The clerk removed the "CableLok" and continued with the transaction.
  - iv. The UC presented a driver's license which listed his residence as the local homeless shelter located at 210 S Rio Grande Street.
  - v. The clerk completed the paper work and gave the investigator \$85.00 for the combo kit.
  - vi. The combo kit is sold at Home Depot for approximately \$430.00, according to <https://www.homedepot.com>.



- vii. Sportsmans Fastcash probably knew the property was stolen because it was new and therefore able to be returned to the retailer but was pawned for a fraction of its retail price.
  - viii. The clerk did not ask the UC why the “CableLok” was still on the packaging.
  - ix. The clerk did not ask the UC how the combo kit was acquired.
  - x. The clerk did not ask the UC for a receipt or proof of purchase.
  - xi. The clerk did not ask the UC for an explanation for why the combo kit was unused.
- d. On March 21, 2018, an UC sold two (2) new-in-the-box same model Nest Thermostats to Sportsman’s Fast Cash in West Valley.
- i. The UC entered Sportsman’s Fast Cash at 3930 Redwood road, contacted the store clerks, presented the two (2) new thermostats, and offered the thermostats up for sale.
  - ii. The UC presented a driver’s license which listed his residence as the local homeless shelter located at 210 S Rio Grande Street.
  - iii. The clerk completed the paper work and gave the UC \$50.00 per thermostat.
  - iv. Each thermostat is sold at Home Depot for approximately \$249.00, according to <https://www.homedepot.com>.
  - v. Sportsmans Fastcash probably knew the property was stolen because it was new and therefore able to be returned to the retailer but was pawned for a fraction of its retail price.

- vi. The clerk did not ask the UC how the thermostats were acquired.
  - vii. The clerk did not ask the UC for a receipt or proof of purchase.
  - viii. The clerk did not ask the UC for an explanation for why the thermostats were unused.
  - ix. The clerk did not ask the UC for an explanation for why multiple new-in-the-box thermostats were being sold at the same time.
  - x. The clerk did not ask the UC for proof of legal ownership, receipts, or how he had acquired the property.
- e. On May 31, 2018, an UC sold two (2) same model new-in-the-box Dewalt Drill combo packs to Sportsman's Fast Cash in Millcreek.
- i. The investigator entered Sportsman's Fast Cash at 4081 S State Street, contacted the store clerks, presented the two (2) new drill combo packs, and offered the drills up for sale.
  - ii. The UC presented a driver's license which listed her residence as the local homeless shelter located at 210 S Rio Grande Street.
  - iii. The clerk completed the paper work and gave the UC \$90.00 per drill combo kit.
  - iv. Each combo kit is sold at Home Depot for approximately \$179.00, according to <https://www.homedepot.com>.
  - v. The incident was recorded with both a visual and audio recording.
  - vi. The clerk did not ask the UC how the combo packs were acquired.
  - vii. The clerk did not ask the UC for a receipt or proof of purchase.

- viii. The clerk did not ask the UC for an explanation for why the combo packs were unused.
  - ix. The clerk did not ask the UC for an explanation for why multiple new-in-the-box combo packs were being sold at the same time.
- f. Also on May 31, 2018, the same UC returned and sold four (4) same model new-in-the-box Dewalt Battery packs to Sportsman's Fast Cash in Millcreek.
- i. The UC entered Sportsman's Fast Cash at 4081 S State Street, contacted the store clerk, presented the new batteries, and offered them up for sale.
  - ii. The UC presented a driver's license which listed his residence as the local homeless shelter located at 210 S Rio Grande Street, according to his report.
  - iii. The clerk completed the paper work and gave the UC \$20.00 per battery pack.
  - iv. Each battery pack is sold at Home Depot for approximately \$99.00 according to <https://www.homedepot.com>.
  - v. Sportsmans Fastcash probably knew the property was stolen because it was new and therefore able to be returned to the retailer but was pawned for a fraction of its retail price.
  - vi. The clerk did not ask the UC how the battery packs were acquired.
  - vii. The clerk did not require the UC to present a receipt or proof of purchase.
  - viii. The clerk did not ask the UC to explain why the battery packs were unused.

39. In April 2018, sworn police officers acting at the request of the Utah Attorney General's Office conducted six (6) successful transactions of "new-in-the-box" items with Sportsman's Fast Cash.

- i. On April 27, 2018 an UC sold one (1) "new-in-the-box" Makita drill set and three (3) identical Rigid 4.0AH battery packs to Sportsman's Fast Cash.
- ii. The UC entered Sportsman's Fast Cash, contacted the store clerks, presented the drill set and three (3) of the battery packs, and offered the items up for sale.
- iii. The clerk completed the paper work and gave the investigator a total of \$110.00 for the drill and the batteries.
- iv. The Makita drill set is sold at Home Depot for approximately \$199.00, according to <https://www.homedepot.com>.
- v. The battery packs are sold at Home Depot for approximately \$35.00-\$50.00 each, according to <https://www.homedepot.com>.
- vi. Sportsmans Fastcash probably knew the property was stolen because it was new and therefore able to be returned to the retailer but was pawned for a fraction of its retail price.
- vii. During the transaction, the clerk explained to the investigator what brands the UC would get paid more for.
- viii. After the transaction, the UC informed the clerk that there were more batteries in the UC's van and asked if the clerk was interested.
- ix. The clerk said he would buy more batteries.

- x. The UC left the store, returned with two (2) more batteries, presented the batteries to the clerk, and offered the batteries up for sale.
- xi. The clerk generated a pawn ticket and gave the UC a total of \$100.00 for the two (2) batteries.
- xii. The clerk did not ask the UC to explain the absence of a receipt or proof of purchase.
- xiii. The clerk did not ask the UC for an explanation for why the batteries were unused.
- xiv. The clerk did not ask the UC to explain why a new drill set and multiple new battery packs were being sold at the same time.
- xv. The clerk did not ask the investigator to explain how the investigator had access so many unused batteries.

40. In total, Sportsman's Fast Cash purchased twenty-five (25) "new-in-the-box" products from UC investigators over time period of approximately three (3) months.

*Seizure of Defendant Property*

41. On June 18, 2018, warrants were signed for the search and seizure of all "new-in-the-box" items from Sportsman's Fast Cash's premises and seizure of all funds in all bank accounts associated with Sportsman's Fast Cash, according to the Utah Court Xchange System.

42. On June 19, 2018, investigators with the AG's office seized defendants "Twenty-four thousand two hundred and thirty-three dollars and twenty cents in US currency in America First Credit Union account ending in 873-4; Twenty-five dollars in US currency

in America First Credit Union account ending in 8718; One thousand sixty-two dollars and 58 cents in US currency from Paypal account ending in 0001 (also used by Xtreme Pawn); Six thousand, seven hundred and twenty-six dollars and sixty-nine cents in US currency from Paypal account ending in 1013; Five thousand nine hundred and ninety-three dollars in US currency from till; Twenty-three thousand four hundred fifty-five and eighty-one cents in US currency from till; Seven hundred thirty-four dollars and twenty-five cents in checks; and All property set out in the inventory attached hereto as Exhibit A.”

43. A person commits theft if he receives, retains, or disposes of the property of another knowing that it has been stolen, or believing that it probably has been stolen, or who conceals, sells, withholds or aids in concealing, selling, or withholding the property from the owner, knowing the property to be stolen, intending to deprive the owner of it.

Utah Code Ann § 76-6-408(1).

a. Sportsman’s Fast Cash is presumed to have knowledge or belief that the property received was stolen, according to Utah Code Ann. § 76-6-408(2).

i. Knowledge or belief that property is stolen may be presumed in the case of an actor who is found in possession or control of other property stolen on a separate occasion. *See id.*

ii. Sportsman’s Fast Cash was found in possession or control of other property stolen on a separate occasion. *See supra*, ¶30.

b. Sportsman’s Fast Cash is presumed to have knowledge or belief that the property received was stolen, according to Utah Code Ann. § 76-6-408(2).

- i. Knowledge or belief that property is stolen may be presumed in the case of an actor who has received other stolen property within the year preceding the receiving offense charged. *See id.*
  - ii. Sportsman's Fast Cash has received other stolen property within the year preceding the receiving offense charged. *See supra*, ¶30.
  - c. Sportsman's Fast Cash knew or should have known that the "new-in-the-box" property sold by UCs was stolen.
  - d. That the principals of Sportsman's fast Cash are using said d/b/a and/or Rocky Mountain Utah Inc. as an enterprise for the purpose of deriving proceeds through a pattern or unlawful activity, including but not limited to, receiving stolen property as aforementioned, and that the subject property is the proceeds of said unlawful activity used to further operate the enterprise, in violation of Utah Code Ann. § 76-10-1603, a second degree felony (which is further subject to enhancement pursuant to Utah Code Ann. § 76-3-203.1 to a first degree felony).
  - e. That the subject cash and bank account funds/proceeds of the business activity have been knowingly received as the proceeds of illegal activity in violation of Utah Code Ann. § 76-10-1903.
44. The seized property sought to be forfeited herein is property that has been used to facilitate the commission of a state criminal offense and as such is subject to forfeiture pursuant to Utah Code Ann. § 24-4-102.

WHEREFORE, Plaintiff prays for Judgement as follows:

1. Forfeiture of “Twenty-four thousand two hundred and thirty-three dollars and twenty cents in US currency in America First Credit Union account ending in 873-4; Twenty-five dollars in US currency in America First Credit Union account ending in 8718; One thousand sixty-two dollars and 58 cents in US currency from Paypal account ending in 0001 (also used by Xtreme Pawn); Six thousand, seven hundred and twenty-six dollars and sixty-nine cents in US currency from Paypal account ending in 1013; Five thousand nine hundred and ninety-three dollars in US currency from till; Twenty-three thousand four hundred fifty-five and eighty-one cents in US currency from till; Seven hundred thirty-four dollars and twenty-five cents in checks; and All property set out in the inventory attached hereto as Exhibit A” for disposition and allocation pursuant to Utah Code Ann. § 24-4-115; and
2. If this action is contested, awarding to the State its costs and attorney’s fees pursuant to Utah Code Ann. § 78B-5-825 to the extent any claim or defense is proven to have been made or presented in bad faith; and
3. For such other and further relief as may be appropriate.

DATED this 31<sup>st</sup> day of August, 2018.

SEAN D. REYES  
Utah Attorney General

/s/ Steven A. Wuthrich  
STEVEN A. WUTHRICH  
JANISE K. MACANAS  
Assistant Attorney General



**VERIFICATION**

STATE OF UTAH            )  
                                          :SS  
COUNTY OF SALT LAKE)

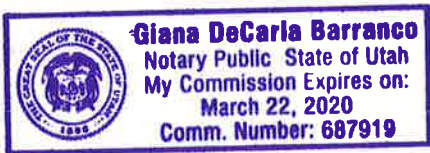
James Russell, first being duly sworn, states as follows:

1. I am a Special Agent for the Investigation Division of the Utah Attorney General’s Office and have been assigned to work on this case involving Sportsman’s Fast Cash, a dba of Rocky Mountain Utah, Inc., a Utah corporation.
  
2. I have read the foregoing Complaint for Forfeiture and the allegations of fact contained therein are true and correct to the best of my knowledge, information and belief.

DATED this 30<sup>th</sup> day of August, 2018.

  
\_\_\_\_\_  
SPECIAL AGENT JAMES RUSSELL

Subscribed and sworn to before me this 30 day of August, 2018.



  
\_\_\_\_\_  
NOTARY PUBLIC