

INDICTMENT

Conspiracy §97-1-1
Fraudulent Statements §97-7-10

CIRCUIT COURT NO. 20-50-TTB

THE STATE OF MISSISSIPPI

FILED

Circuit Court

FIRST DISTRICT, HINDS COUNTY **FEB 04 2020**

January Term, A.D., 2020
First Judicial District
of Hinds County

ZACK WALLACE, CIRCUIT CLERK

BY _____ D.C.

The Grand Jurors of the State of Mississippi, taken from the body of good and lawful persons of the First Judicial District of Hinds County, in the State of Mississippi, elected, impanelled, sworn and charged to inquire in and for said District, County and State aforesaid, in the name and by the authority of the State of Mississippi, upon their oath present: That

Brett Dibiase

while acting in concert and/or aiding, assisting or encouraging another or others,
to-wit: Latimer Smith, John Davis, and others known and unknown to the grand jury

In said District, County and State

COUNT I

on, about and between the 1st day of November, 2018, and the 22nd day of February, 2019, in the county aforesaid and within the jurisdiction of this Court, the said defendant being a male human being above the age of eighteen (18) years, whose date of birth is March 16, 1983, did willfully, unlawfully, and feloniously entered into a conspiracy with Latimer Smith, John Davis, and others known and unknown to the grand jury, to commit the crime of embezzlement in violation of §97-23-19(d) To-wit: Brett Dibiase, conspired with Latimer Smith, John Davis, Executive Director of the Mississippi Department of Human Services, and others known and unknown to the grand jury, to defraud the Mississippi Department of Human Services, a department of the State of Mississippi, to obtain forty-eight thousand dollars, \$48,000.00 in payment from the public funds of the State of Mississippi, to be paid to Brett Dibiase, doing business as Restore2, LLC, utilizing a series of false and fraudulent claims, for the payment of a professional services contract between Brett Dibiase, doing business as Restore2, LLC, and the Mississippi Department of Human Services, knowing that Brett Dibiase failed to satisfy the requirements of the professional service agreement and that the invoices submitted by Brett Dibiase, doing business as Restore2, LLC, were false, fraudulent and untrue, all occurring within the jurisdiction of this court and in violation of Section 97-1-1 and Section §97-23-19(d), Mississippi Code Annotated (1972, as amended); and,

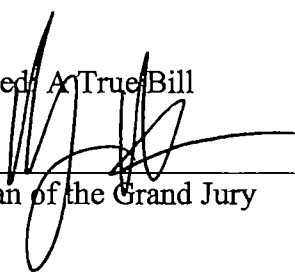
COUNT II

based upon a series of acts connected together and constituting parts of a common scheme and plan, said Brett Dibiase, being a male human being above the age of eighteen (18) years, whose date of birth is March 16, 1983, did, on or about and between the 1st day of November, 2018, and the 22nd day of February, 2019, willfully, unlawfully, and feloniously, with intent to defraud the

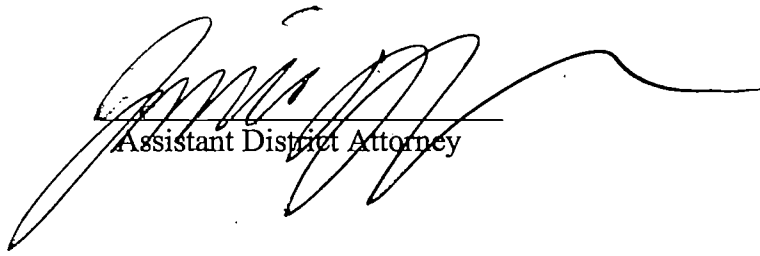
State of Mississippi or any department, agency, office, board, commission, county, municipality or other subdivision of the state or local government, knowingly and willfully falsified, concealed or covered up by trick, scheme or device, a material fact, or made a false, fictitious and fraudulent statements or representations, or made or used any false writing or document knowing that the same contained false, fictitious and fraudulent statements or entries, To-wit: Brett Dibiase, while acting in concert and/or aiding, and assisting Latimer Smith, John Davis, the Executive Director of the Mississippi Department of Human Services, and others known and unknown to the grand jury, falsified documents, invoices, books, reports, ledgers, and concealed and covered up by trick that Brett Dibiase, doing business as Restore2, LLC, failed to complete the requirements of his professional service agreement with the Mississippi Department of Human Services and that the invoices submitted to the Mississippi Department of Human Services reflecting the same were false, fraudulent and untrue all for the purpose of defrauding the Mississippi State Department of Human Services into paying Brett Dibiase, doing business as Restore2, LLC, forty-eight thousand dollars, \$48,000.00 in payment from the public funds of the State of Mississippi, for work that Brett Dibiase, doing business as Restore2, LLC, failed to do, all occurring within the jurisdiction of this court and in violation of Section 97-7-10, Mississippi Code Annotated (1972, as amended).

All of the above, Count I, and Count II, being contrary to the form of the statute in such cases made and provided, and against the peace and dignity of the State of Mississippi.

Endorsed: A True Bill



Foreman of the Grand Jury



Assistant District Attorney