

INDICTMENT

**Embezzlement 97-11-25 (x8)
Fraudulent misuse of public funds 97-7-10
Limitation of corporate donation 97-13-15**

CIRCUIT COURT NO. 16-110-JAW

**THE STATE OF MISSISSIPPI
FIRST DISTRICT, HINDS COUNTY**

**Circuit Court
January Term, A.D., 2016
First Judicial District of
Hinds County.**

The Grand Jurors for the State of Mississippi, taken from the body of good and lawful persons of Hinds County, in the State of Mississippi, elected, impaneled, 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 oaths present: That in said District, County and State,

Benjamin Wade Allen III

COUNT I

While acting in concert with and or aiding abetting or encouraging another or others, on about March 27, 2010,

Benjamin Wade Allen III being a person undertaking to act for others and intrusted by them with business of any kind or money did willfully, unlawfully and feloniously convert to his own use any money or other valuable thing to wit a 1989 Chevrolet pickup truck valued at \$3,500 before his conversion being the lawful property of Downtown Jackson Partners, a nonprofit corporation, which came into his possession by virtue of his employment at Downtown Jackson Partners, a nonprofit corporation, and which thing he did not return to Downtown Jackson Partners in violation of Miss. Code Ann. 97-11-25;

COUNT II

While acting in concert with and or aiding abetting or encouraging another or others, on about March 27, 2010 to December 31, 2012,

Benjamin Wade Allen III being a person undertaking to act for others and intrusted by them with business of any kind or money did willfully, unlawfully and feloniously convert to his own use any money or other valuable thing to wit \$ 2,724.76 for repairs to the embezzled 1989 Chevrolet pickup truck listed in count one said \$ 2,724.76 being the lawful property of Downtown Jackson Partners, a nonprofit corporation, which lawful currency came into his possession by virtue of his employment at Downtown Jackson Partners, a nonprofit corporation and which monies he did not return to Downtown Jackson Partners in violation of Miss. Code Ann. 97-11-25;

FILED

FEB 26 2016

ZACK WALLACE, CIRCUIT CLERK

BY _____ D.C.

COUNT III

While acting in concert with and or aiding abetting or encouraging another or others, on about March 27, 2010 to December 31, 2012,

Benjamin Wade Allen III being a person undertaking to act for others and intrusted by them with business of any kind or money did willfully, unlawfully and feloniously convert to his own use any money or other valuable thing to wit \$1,810.21 for insurance and tag registration costs to the embezzled 1989 Chevrolet pickup truck listed in count one said \$1,810.21 being the lawful property of Downtown Jackson Partners, a nonprofit corporation, which lawful currency came into his possession by virtue of his employment at Downtown Jackson Partners, a nonprofit corporation, and which monies he did not return to Downtown Jackson Partners in violation of Miss. Code Ann. 97-11-25;

COUNT IV

While acting in concert with and or aiding abetting or encouraging another or others, on about September 1, 2010 to January 31, 2014,

Benjamin Wade Allen III being a person undertaking to act for others and intrusted by them with business of any kind or money did willfully, unlawfully and feloniously convert to his own use any money or other valuable thing to wit a\$1,738.37 for payment of Benjamin Wade Allen III and Susan Allen's personal cell phone bill said \$1,738.37 being the lawful property of Downtown Jackson Partners, a nonprofit corporation, which lawful currency came into his possession by virtue of his employment at Downtown Jackson Partners, a nonprofit corporation, and which monies he did not return to Downtown Jackson Partners in violation of Miss. Code Ann. 97-11-25;

COUNT V

While acting in concert with and or aiding abetting or encouraging another or others, on about November 1, 2009 to May 30, 2011,

Benjamin Wade Allen III being a person undertaking to act for others and intrusted by them with business of any kind or money did willfully, unlawfully and feloniously convert to his own use any money or other valuable thing to wit \$6,620.97 for payment of Benjamin Wade Allen III's personal AAA Financial Credit Card bill said \$6,620.97 being the lawful property of Downtown Jackson Partners, a nonprofit corporation, which lawful currency came into his possession by virtue of his employment at Downtown Jackson Partners, a nonprofit corporation, and which monies he did not return to Downtown Jackson Partners in violation of Miss. Code Ann. 97-11-25;

COUNT VI

While acting in concert with and or aiding abetting or encouraging another or others, on about August 1, 2010 to July 31, 2014,

Benjamin Wade Allen III being a person undertaking to act for others and intrusted by them with business of any kind or money did willfully, unlawfully and feloniously convert to his own use any money or other valuable thing to wit \$38,372.99 for payment of Benjamin Wade Allen III's personal Capital one Credit Card bill said \$38,372.99 being the lawful property of Downtown Jackson Partners, a nonprofit corporation, which lawful currency came into his possession by virtue of his employment at Downtown Jackson Partners, a nonprofit corporation, and which monies he did not return to Downtown Jackson Partners in violation of Miss. Code Ann. 97-11-25;

COUNT VII

While acting in concert with and or aiding abetting or encouraging another or others, on about April 16, 2014 to June 21, 2014,

Benjamin Wade Allen III being a person undertaking to act for others and intrusted by them with business of any kind or money did willfully, unlawfully and feloniously convert to his own use any money or other valuable thing to wit approximately \$86,000 for payment to Tony Yarber's Inauguration Gala said approximately \$86,000 being the lawful property of Downtown Jackson Partners, a nonprofit corporation, which lawful currency came into his possession by virtue of his employment at Downtown Jackson Partners, a nonprofit corporation, and which monies he did not return to Downtown Jackson Partners in violation of Miss. Code Ann. 97-11-25;

COUNT VIII

While acting in concert with and or aiding abetting or encouraging another or others, on about December 1, 2010 to December 31, 2014,

Benjamin Wade Allen III being a person undertaking to act for others and intrusted by them with business of any kind or money did willfully, unlawfully and feloniously convert to his own use any money or other valuable thing to wit \$40,136.55 for payment of improperly authorized donations and sponsorships said \$40,136.55 being the lawful property of Downtown Jackson Partners, a nonprofit corporation, which lawful currency came into his possession by virtue of his employment at Downtown Jackson Partners, a nonprofit corporation, and which monies he did not return to Downtown Jackson Partners in violation of Miss. Code Ann. 97-11-25;

COUNT IX

While acting in concert with and or aiding abetting or encouraging another or others, on about March 1, 2009 to November 31, 2011,

Benjamin Wade Allen III with intent to defraud the state or any department, agency, office, board, commission, county, municipality or other subdivision of state or local government, knowingly and willfully falsifies, conceals or covers up by trick, scheme or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement did represent that said funds would be used for a fraudulent Business Incubator Program in the amount of \$65,745.24 in violation of Miss. Code Ann. 97-7-10;

COUNT X

While acting in concert with and or aiding abetting or encouraging another or others, on about April 16, 2014 to June 21, 2014,

Benjamin Wade Allen III acting on behalf of Downtown Jackson Partners, a nonprofit corporation, as an agent or employee for said corporation did give, donate, appropriate or furnish directly or indirectly, any money, security, funds or property of said corporation, incorporated company or incorporated to wit approximately \$86,000 an amount in excess of \$1,000, of Lawful United States Currency per calendar year for the purpose of aiding any political party or any candidate for any public office, or any candidate for any nomination for any public office of any political party or , to any committee or person as a contribution to the expense of any political party or any candidate, representative or committee of any political party or candidate for nomination by any political party, or any committee or other person acting in behalf of such candidate. to wit: Tony Yarber's Inauguration Gala;

In violation of Miss. Code Ann. 97-13-15,

contrary to the form of the statute in such cases made and provided, and against the peace and dignity of the State of Mississippi.


Grand Jury Foreman


Asst. District Attorney

FILED

FEB 26 2016

ZACK WALLACE, CIRCUIT CLERK

BY _____ D.C.

IN THE CIRCUIT COURT OF HINDS COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT

STATE OF MISSISSIPPI

FILED

PLAINTIFF

V.

MAR 08 2016

CAUSE NO. 16-0110

ZACK WALLACE, CIRCUIT CLERK

BENJAMIN W. ALLEN, III
DEFENDANT

BY _____ D.C.

ORDER SETTING BOND

THIS DAY, THIS CAUSE came before the Court on the *ore tenus* motion of the Defendant, Benjamin W. Allen, III, by and through counsel in the above-styled and referenced matter, for the setting of bond on the above styled and numbered indictment, counts 1-10. Having thoroughly considered the accused's motion and the fact the accused is not a risk of flight or danger to the community, the Court finds bond should be granted.


IT IS, THEREFORE, ORDERED AND ADJUDGED that bond for the above charge(s) is hereby set in the amount of \$(50,000.00) Fifty Thousand Dollars.

SO ORDERED AND ADJUDGED, THIS the 8 day of March, 2016.



CIRCUIT COURT JUDGE

PREPARED:


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ATTORNEY FOR STATE