

INDICTMENT

Conspiracy §97-1-1 - 3 Counts  
Embezzlement; Fraud committed  
in Public Office §97-11-31  
Fraudulent Statements §97-7-10

CIRCUIT COURT NO. 20-49-AHW

THE STATE OF MISSISSIPPI

**FILED**

Circuit Court

FIRST DISTRICT, HINDS COUNTY

FEB 04 2020

January Term, A.D., 2020

ZACK WALLACE, CIRCUIT CLERK

First Judicial District

BY \_\_\_\_\_ D.C. of Hinds County

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

John Davis

while acting in concert and/or aiding, assisting or encouraging another or others,  
to-wit: Brett Dibiase, Gregory Latimer Smith, Nancy Whitten New and others known and  
unknown to the grand jury

In said District, County and State

COUNT I

on, about and between the 11<sup>th</sup> day of February, 2019 and the 11<sup>th</sup> day of July 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 [REDACTED] did willfully, unlawfully, and feloniously entered into a conspiracy with Nancy Whitten New, and others known and unknown to the grand jury, to commit the crime of embezzlement in violation of §97-23-19, To-wit: John Davis, all while acting as the Executive Director of the Mississippi Department of Human Services, conspired with Nancy Whitten New, the Executive Director of the Mississippi Community Education Center, a private non-profit entity responsible for distributing public grant funds received from the State of Mississippi, and others known and unknown to the grand jury, to convert funds owned by the Mississippi Community Education Center, to the benefit of Brett Dibiase, by conspiring to transfer funds owned by the Mississippi Community Education Center, from their bank account, Regions Bank Account Number [REDACTED] in a series of multiple transaction, into bank accounts owned by Rise in Malibu, a drug treatment clinic located in Malibu, California, which transferred funds were used to pay for Brett Dibiase's inpatient drug treatment at Rise in Malibu, California, all occurring within the jurisdiction of this court and in violation of Section 97-1-1 and Section 97-23-19, Mississippi Code Annotated (1972, as amended);

COUNT II

on, about and between the 11<sup>th</sup> day of February, 2019 and the 11<sup>th</sup> day of July 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 [REDACTED] did willfully, unlawfully, and feloniously entered into a conspiracy with Nancy Whitten New, and others known and unknown to the grand jury, to commit the crime of Mail Fraud in violation of §97-19-83, To-wit: John Davis, all while acting as the Executive Director of the Mississippi Department of Human Services, conspired with Nancy Whitten New, the Executive Director of the Mississippi Community Education Center, a private non-profit entity responsible for distributing public grant funds received from the State of Mississippi, and others known and unknown to the grand jury, devised or intended to devise a scheme or artifice to defraud the Mississippi Community Education Center, and to obtain money, property or services for Brett Dibiase, from Rise in Malibu, a drug treatment clinic located in Malibu, California, by means of a false or fraudulent pretenses, represented or promised, for the purpose of executing such scheme or artifice or attempting so to do, conspired to transmit or caused to be transmitted by mail, telephone, newspaper, radio, television, wire, electromagnetic waves, microwaves, or other means of communication or by person, any writings, signs, signals, pictures, sounds, data, or other matter across state jurisdictional lines, all occurring within the jurisdiction of this court and in violation of Section 97-19-83, Mississippi Code Annotated (1972, as amended);

### COUNT III

based upon a series of acts connected together and constituting parts of a common scheme and plan, said John Davis, being a male human being above the age of eighteen (18) years, whose date of birth is [REDACTED] did, on or about and between the 1<sup>st</sup> day of November, 2018, and the 22<sup>nd</sup> day of February, 2019, willfully, unlawfully, and feloniously entered into a conspiracy with Brett Dibiase, Gregory Latimer Smith, and others known and unknown to the grand jury, to commit the crime of embezzlement; fraud committed in public office in violation of §97-11-31 To-wit: John Davis, all while acting as the Executive Director of the Mississippi Department of Human Services, conspired with Brett Dibiase, Gregory Latimer Smith, 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 invoice 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 97-11-31, Mississippi Code Annotated (1972, as amended);

### COUNT IV

based upon a series of acts connected together and constituting parts of a common scheme and plan, said John Davis, being a male human being above the age of eighteen (18) years, whose date of birth is [REDACTED] did, on or about and between the 1<sup>st</sup> day of November, 2018, and the 22<sup>nd</sup> day of February, 2019 willfully, unlawfully, and feloniously, all while acting as the Executive Director of the Mississippi Department of Human Services, while acting in concert and/or aiding, and assisting Brett Dibiase, Gregory Latimer Smith, and others known and unknown

to the grand jury, perpetrated a fraud upon 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 97-11-31, Mississippi Code Annotated (1972, as amended); and,

#### COUNT V

based upon a series of acts connected together and constituting parts of a common scheme and plan, John Davis, being a male human being above the age of eighteen (18) years, whose date of birth is [REDACTED] did, on or about and between the 1<sup>st</sup> day of November, 2018, and the 22<sup>nd</sup> 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: John Davis, all while acting as the Executive Director of the Mississippi Department of Human Services, while acting in concert and/or aiding, and assisting Brett Dibiase, Gregory Latimer Smith 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 nnotated (1972, as amended).

All of the above, Count I, Count II, Count III, Count IV and Count V 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

## DISTRICT ATTORNEY MAIN DISPLAY

DAMAIN-612

JUDICIAL DISTRICT 1

DATE RECV 2-04-2020 REVIEW BY JM CONTROL NO 44121 BOOK NUMBER \_\_\_\_\_  
ORIG CASE NUMBER 25-19-9390 ORIG AGENCY MSAO ORIG DIV \_\_\_\_\_

NAME DAVIS JOHNNY GERALD \_\_\_\_\_

R/S W/M SSN [REDACTED]  
MORE AKA EXIST N

AKA

DOB1 [REDACTED] DOB2 - - -

DOB3 - - -

PHONE1 - - - PHONE2 - - -

PHONE3 - - -

ADDRESS [REDACTED] CITY STATE BROOKHAVEN MS

ZIP - - - OFFENSE DATE 2-11-2019 ARREST DATE - - - HABITUAL -

TO GRAND JURY TERM - - - SESSION - - -

OTHER CASES \_\_\_\_\_

MORE EXIST N

CO DEFENDANTS \_\_\_\_\_

MORE EXIST N

VICTIMS \_\_\_\_\_

MORE EXIST N

WITNESSES \_\_\_\_\_

MORE EXIST N

FAMILY \_\_\_\_\_

MORE EXIST N

VAC \_\_\_\_\_

ADD MORE JAIL CIRCUIT COURT COUNTY COURT COURT ADMIN  
TRANSMIT-NEXT SCREEN, FUNCTION 2-MORE, FUNCTION 1-MENU

20-49-AHW

INDICTMENT

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

CIRCUIT COURT NO. **20-50-776**

THE STATE OF MISSISSIPPI

**FILED**

Circuit Court

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

**ZACK WALLACE, CIRCUIT CLERK**

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

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 1<sup>st</sup> day of November, 2018, and the 22<sup>nd</sup> 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 [REDACTED] 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 [REDACTED], did, on or about and between the 1<sup>st</sup> day of November, 2018, and the 22<sup>nd</sup> 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

## DISTRICT ATTORNEY MAIN DISPLAY

JUDICIAL DISTRICT 1

DAMAIN-612

DATE RECV 2-04-2020 REVIEW BY JM CONTROL NO 44123 BOOK NUMBER  
ORIG CASE NUMBER 25-19-9390 ORIG AGENCY MSAO ORIG DIV

NAME DIBIASE BRETT DALE R/S W/M SSN  
AKA  
DOB1 DOB2 DOB3  
PHONE1 PHONE2 PHONE3  
ADDRESS CITY STATE CLINTON MS  
ZIP OFFENSE DATE 11-01-2018 ARREST DATE HABITUAL  
TO GRAND JURY TERM SESSION

OTHER CASES MORE EXIST N  
CO DEFENDANTS MORE EXIST N  
VICTIMS MORE EXIST N  
WITNESSES MORE EXIST N  
FAMILY MORE EXIST N  
VAC MORE EXIST N

ADD MORE JAIL CIRCUIT COURT COUNTY COURT COURT ADMIN  
TRANSMIT-NEXT SCREEN, FUNCTION 2-MORE, FUNCTION 1-MENU

20-50-TTG

**INDICTMENT**Conspiracy §97-1-1  
Fraudulent Statements §97-23-19(d)CIRCUIT COURT NO. 20-51 AHW**FILED**

THE STATE OF MISSISSIPPI

Circuit Court

**FEB 04 2020**

FIRST DISTRICT, HINDS COUNTY

**ZACK WALLACE, CIRCUIT CLERK**

January Term, A.D., 2020

First Judicial District

BY \_\_\_\_\_ D.C.

of Hinds County

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

**Ann McGrew**

while acting in concert and/or aiding, assisting or encouraging another or others,  
to-wit: Nancy Whitten New, Zachery Whitten New and others known and unknown to the  
grand jury

In said District, County and State

**COUNT I**

on, about and between the 20<sup>th</sup> day September 2018 and the 20<sup>th</sup> day of October 2019, in the county aforesaid and within the jurisdiction of this Court, the said defendant being a female human being above the age of eighteen (18) years, whose date of birth is [REDACTED] did willfully, unlawfully, and feloniously entered into a conspiracy with Nancy Whitten New, Zachery Whitten and others known and unknown to the grand jury, to commit the crime of embezzlement in violation of §97-23-19, To-wit: Ann McGrew conspired with Nancy Whitten New, New, Zachery Whitten New and others known and unknown to the grand jury, to convert funds received by the Mississippi Community Education Center, a private non-profit entity responsible for distributing public grant funds received from the State of Mississippi by transferring funds owned by the Mississippi Community Education Center, from a bank account owned by the Mississippi Community Education Center, through a series of multiple transaction, into bank accounts owned by New Learning, Inc, a private for profit company owned by Nancy Whitten New and Zachery Whitten New, all occurring within the jurisdiction of this court and in violation of Section 97-1-1 and Section 97-23-19, Mississippi Code Annotated (1972, as amended); and

**COUNT II**

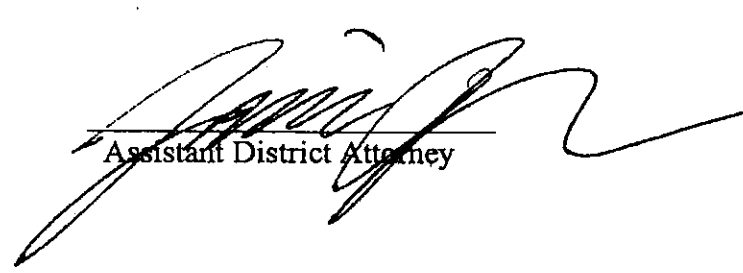
based upon a series of acts connected together and constituting parts of a common scheme and plan, said Ann McGrew, being a female human being above the age of eighteen (18) years, whose date of birth is [REDACTED] did, on or about and between the 20<sup>th</sup> day of September 2018 and the 20<sup>th</sup> day of October 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: Ann McGrew, while acting in concert and/or aiding, and assisting Nancy Whitten New, Zachery Whitten New and others known and unknown to the grand jury, falsified documents, invoices, books, reports, ledgers, and accountings of the Mississippi Community Education Center, a private non-profit entity responsible for distributing public grant funds received from the State of Mississippi, at a time when she was the financial book keeper of the Mississippi Community Education Center, to conceal that Nancy Whitten New and Zachery Whitten New had embezzled in excess of two million dollars, \$2,000,000.00, from the Mississippi Community Education Center and converted such funds to their own use, 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

## DISTRICT ATTORNEY MAIN DISPLAY

JUDICIAL DISTRICT 1

DAMAIN-612

DATE RECV 2-04-2020 REVIEW BY JM CONTROL NO 44124 BOOK NUMBER  
ORIG CASE NUMBER 25-19-9464 ORIG AGENCY MSAO ORIG DIV

NAME MCGREW ANNE

R/S W/F SSN

AKA

MORE AKA EXIST N

DOB1

DOB2

DOB3

PHONE1

PHONE2

PHONE3

ADDRESS

CITY STATE JACKSON MS

ZIP

OFFENSE DATE 9-20-2018

ARREST DATE

HABITUAL

TO GRAND JURY

TERM

SESSION

OTHER CASES

MORE EXIST N

CO DEFENDANTS

MORE EXIST N

VICTIMS

MORE EXIST N

WITNESSES

MORE EXIST N

FAMILY

MORE EXIST N

VAC

ADD MORE JAIL CIRCUIT COURT COUNTY COURT COURT ADMIN  
TRANSMIT-NEXT SCREEN, FUNCTION 2-MORE, FUNCTION 1-MENU

20-51 AHW

**INDICTMENT**

Conspiracy §97-1-1  
Embezzlement §97-23-19(d)  
Fraudulent Statements §97-23-19(d)

CIRCUIT COURT NO. **20-52-EFP**

THE STATE OF MISSISSIPPI

**FILED**

Circuit Court

FIRST DISTRICT, HINDS COUNTY

**FEB 04 2020**

**ZACK WALLACE, CIRCUIT CLERK**

January Term, A.D., 2020

First Judicial District

BY \_\_\_\_\_ D. Co of Hinds County

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

Nancy Whitten New

while acting in concert and/or aiding, assisting or encouraging another or others,  
to-wit: Zachery Witten New, Ann McGrew and others known and unknown to the grand jury

In said District, County and State

**COUNT I**

on, about and between the 20<sup>th</sup> day of September 2018 and the 20<sup>th</sup> day of October 2019, in the county aforesaid and within the jurisdiction of this Court, the said defendant being a female human being above the age of eighteen (18) years, whose date of birth is [REDACTED] did willfully, unlawfully, and feloniously entered into a conspiracy with Zachery Whitten New, Ann McGrew and others known and unknown to the grand jury, to commit the crime of embezzlement in violation of §97-23-19, To-wit: Nancy Whitten New conspired with Zachery Whitten New, Ann McGrew and others known and unknown to the grand jury, to convert funds received by the Mississippi Community Education Center, a private non-profit entity responsible for distributing public grant funds received from the State of Mississippi by transferring funds owned by the Mississippi Community Education Center, from a bank account owned by the Mississippi Community Education Center, through a series of multiple transaction, into bank accounts owned by New Learning, Inc, a private for profit company owned by Nancy Whitten New and Zachery Whitten New, all occurring within the jurisdiction of this court and in violation of Section 97-1-1 and Section 97-23-19, Mississippi Code Annotated (1972, as amended);

**COUNT II**

based upon a series of acts connected together and constituting parts of a common scheme and plan, said Nancy Whitten New, being a female human being above the age of eighteen (18) years, whose date of birth is [REDACTED] did, on or about and between the 20<sup>th</sup> day of September 2018 and the 20<sup>th</sup> day of October 2019, willfully, unlawfully, and feloniously embezzle, fraudulently secrete, conceal, or convert to her own use, or make way with, or secrete with intent to embezzle or convert to her own use, United States Funds, money, in a value in excess of

\$25,000.00, which United States Funds came into her possession and/or had been entrusted to Nancy Whitten New by virtue of her office, position, place, or employment, either in mass or otherwise, To-wit: Nancy Whitten New, while acting in concert and/or aiding, and assisting Zachary Whitten New, while serving as the Executive Director of the Mississippi Community Education Center, a private non-profit entity responsible for distributing public grant funds received from the State of Mississippi, transferred funds, in excess of two million dollars, \$2,000,000.00, the property of the Mississippi Community Education Center, from a bank account owned by the Mississippi Community Education Center, through a series of multiple transaction, into bank accounts owned by New Learning, Inc, a private for profit company owned by Nancy Whitten New and Zachary Whitten New and thus converting such monies to her own use, all occurring within the jurisdiction of this court and in violation of Section 97-23-19 (d), Mississippi Code Annotated (1972, as amended); and

### COUNT III

based upon a series of acts connected together and constituting parts of a common scheme and plan, said Nancy Whitten New, being a female human being above the age of eighteen (18) years, whose date of birth is [REDACTED] did, on or about and between the 20<sup>th</sup> day of September 2018 and the 20<sup>th</sup> day of October 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: Nancy Whitten New, while acting in concert and/or aiding, and assisting Zachary Whitten New, Ann McGrew and others known and unknown to the grand jury, falsified documents, invoices, books, reports, ledgers, and accountings of the Mississippi Community Education Center, a private non-profit entity responsible for distributing public grant funds received from the State of Mississippi, at a time when she was in the position of Executive Director of the Mississippi Community Education Center, to conceal that she had embezzled in excess of two million dollars, \$2,000,000.00, from the Mississippi Community Education Center and converted such funds to her own use, 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, Count II and Count III 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

## DISTRICT ATTORNEY MAIN DISPLAY

DAMAIN-612

JUDICIAL DISTRICT 1  
DATE RECV 2-04-2020 REVIEW BY JM CONTROL NO 44118 BOOK NUMBER -  
ORIG CASE NUMBER 25-19-9464 ORIG AGENCY MSAO ORIG DIV

NAME NEW NANCY WHITTEN R/S W/M SSN  
AKA MORE AKA EXIST N  
DOB1 DOB2 DOB3  
PHONE1 PHONE2 PHONE3  
ADDRESS CITY STATE RIDGELAND MS  
ZIP OFFENSE DATE 9-20-2018 ARREST DATE HABITUAL  
TO GRAND JURY TERM SESSION

OTHER CASES MORE EXIST N  
CO DEFENDANTS MORE EXIST N  
VICTIMS MORE EXIST N  
WITNESSES MORE EXIST N  
FAMILY MORE EXIST N  
VAC

ADD MORE JAIL CIRCUIT COURT COUNTY COURT COURT ADMIN  
TRANSMIT-NEXT SCREEN, FUNCTION 2-MORE, FUNCTION 1-MENU

20-52-EFP

**INDICTMENT**

Conspiracy §97-1-1 - 2 Counts  
Embezzlement §97-23-19(d) - 6 Counts  
Mail Fraud §97-19-83  
Fraudulent Statements §97-23-19(d)

CIRCUIT COURT NO. 20-53-WLK

THE STATE OF MISSISSIPPI

**FILED**

Circuit Court

FIRST DISTRICT, HINDS COUNTY

**FEB 04 2020****ZACK WALLACE, CIRCUIT CLERK**

January Term, A.D., 2020

First Judicial District

of Hinds County

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

Nancy Whitten New

while acting in concert and/or aiding, assisting or encouraging another or others,  
to-wit: Zachery Whitten New, and others known and unknown to the grand jury

In said District, County and State

**COUNT I**

on, about and between the 18<sup>th</sup> day of January, 2019 and the 7<sup>th</sup> day of October 2019, in the county aforesaid and within the jurisdiction of this Court, the said defendant being a female human being above the age of eighteen (18) years, whose date of birth is [REDACTED] did willfully, unlawfully, and feloniously entered into a conspiracy with Zachery Whitten New, and others known and unknown to the grand jury, to commit the crime of embezzlement in violation of §97-23-19, To-wit: Nancy Whitten New conspired with Zachery Whitten New, and others known and unknown to the grand jury, to convert funds received by the Mississippi Community Education Center, a private non-profit entity responsible for distributing public grant funds received from the State of Mississippi by transferring funds owned by the Mississippi Community Education Center, from their bank account, Regions Bank Account Number [REDACTED] through a series of multiple transaction, into bank accounts owned by Prevacus, Suntrust Bank Account Number [REDACTED], and PresolMD, Suntrust Bank Account Number [REDACTED] Florida based biomedical companies, which transferred funds were used to purchase investment interests in Prevacus and PresolMD which investment interests were owned by Nancy Whitten New and Zachery Whitten New, all occurring within the jurisdiction of this court and in violation of Section 97-1-1 and Section 97-23-19, Mississippi Code Annotated (1972, as amended);

**COUNT II**

based upon a series of acts connected together and constituting parts of a common scheme and plan, said Nancy Whitten New, being a female human being above the age of eighteen (18) years, whose date of birth is [REDACTED] did, on, about and between the 18<sup>th</sup> day of January,

2019 and the 7<sup>th</sup> day of October 2019, in the county aforesaid and within the jurisdiction of this Court, willfully, unlawfully, and feloniously entered into a conspiracy with Zachery Whitten New, and others known and unknown to the grand jury, to commit the crime of Mail Fraud in violation of §97-19-83, To-wit: Nancy Whitten New, all while acting as the Executive Director of the Mississippi Community Education Center, a private non-profit entity responsible for distributing public grant funds received from the State of Mississippi, conspired with Zachery Whitten New, the Assistant Executive Director of the Mississippi Community Education Center, and others known and unknown to the grand jury, to devise or intend to devise a scheme or artifice to defraud the Mississippi Community Education Center, by transferring funds owned by the Mississippi Community Education Center, from their bank account, Regions Bank Account Number [REDACTED] through a series of multiple transaction, into bank accounts owned by Prevacus, Suntrust Bank Account Number [REDACTED] and PresolMD, Suntrust Bank Account Number [REDACTED]. Florida based biomedical companies, which transferred funds were used to purchase investment interests in Prevacous and PresolMD which investment interests were owned by Nancy Whitten New and Zachery Whitten New, by means of a false or fraudulent pretenses, represented or promised, for the purpose of executing such scheme or artifice or attempting so to do, conspired to transmit or caused to be transmitted by mail, telephone, newspaper, radio, television, wire, electromagnetic waves, microwaves, or other means of communication or by person, any writings, signs, signals, pictures, sounds, data, or other matter across state jurisdictional lines, all occurring within the jurisdiction of this court and in violation of Section 97-1-1 and Section 97-19-83, Mississippi Code Annotated (1972, as amended);

### COUNT III

based upon a series of acts connected together and constituting parts of a common scheme and plan, said Nancy Whitten New, being a female human being above the age of eighteen (18) years, whose date of birth is [REDACTED] did, on or about the 18<sup>th</sup> day of January, 2019, willfully, unlawfully, and feloniously embezzle, fraudulently secrete, conceal, or convert to her own use, or make way with, or secrete with intent to embezzle or convert to her own use, United States Funds, money, in a value in excess of \$25,000.00, which United States Funds came into her possession and/or had been entrusted to Nancy Whitten New by virtue of her office, position, place, or employment, either in mass or otherwise, To-wit: Nancy Whitten New, while acting in concert and/or aiding, and assisting Zachary Whitten New, while serving as the Executive Director of the Mississippi Community Education Center, a private non-profit entity responsible for distributing public grant funds received from the State of Mississippi, transferred seven hundred and fifty thousand dollars, \$750,000.00, via check, check number 8307, the property of the Mississippi Community Education Center, from their bank account, Regions Bank Account Number [REDACTED] to a bank account owned by Prevacus, Suntrust Bank Account Number [REDACTED], a Florida based biomedical company, which transferred funds were used to purchase an investment interest in Prevacous which investment interest was owned by Nancy Whitten New and Zachery Whitten New, all occurring within the jurisdiction of this court and in violation of Section 97-23-19(d), Mississippi Code Annotated (1972, as amended);

COUNT IV

based upon a series of acts connected together and constituting parts of a common scheme and plan, said Nancy Whitten New, being a female human being above the age of eighteen (18) years, whose date of birth is [REDACTED] did, on or about the 8<sup>th</sup> day of April, 2019, willfully, unlawfully, and feloniously embezzle, fraudulently secrete, conceal, or convert to her own use, or make way with, or secrete with intent to embezzle or convert to her own use, United States Funds, money, in a value in excess of \$25,000.00, which United States Funds came into her possession and/or had been entrusted to Nancy Whitten New by virtue of her office, position, place, or employment, either in mass or otherwise, To-wit: Nancy Whitten New, while acting in concert and/or aiding, and assisting Zachary Whitten New, while serving as the Executive Director of the Mississippi Community Education Center, a private non-profit entity responsible for distributing public grant funds received from the State of Mississippi, transferred five hundred thousand dollars, \$500,000.00, via wire, the property of the Mississippi Community Education Center, from their bank account, Regions Bank Account Number [REDACTED], to a bank account owned by Prevacus, Suntrust Bank Account Number [REDACTED], a Florida based biomedical company, which transferred funds were used to purchase an investment interest in Prevacous which investment interest was owned by Nancy Whitten New and Zachery Whitten New, all occurring within the jurisdiction of this court and in violation of Section 97-23-19(d), Mississippi Code Annotated (1972, as amended);

COUNT V

based upon a series of acts connected together and constituting parts of a common scheme and plan, said Nancy Whitten New, being a female human being above the age of eighteen (18) years, whose date of birth is [REDACTED] did, on or about the 10<sup>th</sup> day of May, 2019, willfully, unlawfully, and feloniously embezzle, fraudulently secrete, conceal, or convert to her own use, or make way with, or secrete with intent to embezzle or convert to her own use, United States Funds, money, in a value in excess of \$25,000.00, which United States Funds came into her possession and/or had been entrusted to Nancy Whitten New by virtue of her office, position, place, or employment, either in mass or otherwise, To-wit: Nancy Whitten New, while acting in concert and/or aiding, and assisting Zachary Whitten New, while serving as the Executive Director of the Mississippi Community Education Center, a private non-profit entity responsible for distributing public grant funds received from the State of Mississippi, transferred two hundred and fifty thousand dollars, \$250,000.00, via wire, the property of the Mississippi Community Education Center, from their bank account, Regions Bank Account Number [REDACTED], to a bank account owned by Prevacus, Suntrust Bank Account Number [REDACTED], a Florida based biomedical company, which transferred funds were used to purchase an investment interest in Prevacous which investment interest was owned by Nancy Whitten New and Zachery Whitten New, all occurring within the jurisdiction of this court and in violation of Section 97-23-19(d), Mississippi Code Annotated (1972, as amended);

COUNT VI

based upon a series of acts connected together and constituting parts of a common scheme and plan, said Nancy Whitten New, being a female human being above the age of eighteen (18)

years, whose date of birth is [REDACTED] did, on or about the 16<sup>th</sup> day of July, 2019, willfully, unlawfully, and feloniously embezzle, fraudulently secrete, conceal, or convert to her own use, or make way with, or secrete with intent to embezzle or convert to her own use, United States Funds, money, in a value in excess of \$25,000.00, which United States Funds came into her possession and/or had been entrusted to Nancy Whitten New by virtue of her office, position, place, or employment, either in mass or otherwise, To-wit: Nancy Whitten New, while acting in concert and/or aiding, and assisting Zachary Whitten New, while serving as the Executive Director of the Mississippi Community Education Center, a private non-profit entity responsible for distributing public grant funds received from the State of Mississippi, transferred four hundred thousand dollars, \$400,000.00, via wire, the property of the Mississippi Community Education Center, from their bank account, Regions Bank Account Number [REDACTED] to a bank account owned by Prevacus, Suntrust Bank Account Number [REDACTED] a Florida based biomedical company, which transferred funds were used to purchase an investment interest in Prevacous which investment interest was owned by Nancy Whitten New and Zachery Whitten New, all occurring within the jurisdiction of this court and in violation of Section 97-23-19(d), Mississippi Code Annotated (1972, as amended);

#### COUNT VII

based upon a series of acts connected together and constituting parts of a common scheme and plan, said Nancy Whitten New, being a female human being above the age of eighteen (18) years, whose date of birth is [REDACTED] did, on or about the 24<sup>th</sup> day of September, 2019, willfully, unlawfully, and feloniously embezzle, fraudulently secrete, conceal, or convert to her own use, or make way with, or secrete with intent to embezzle or convert to her own use, United States Funds, money, in a value in excess of \$25,000.00, which United States Funds came into her possession and/or had been entrusted to Nancy Whitten New by virtue of her office, position, place, or employment, either in mass or otherwise, To-wit: Nancy Whitten New, while acting in concert and/or aiding, and assisting Zachary Whitten New, while serving as the Executive Director of the Mississippi Community Education Center, a private non-profit entity responsible for distributing public grant funds received from the State of Mississippi, transferred one hundred thousand dollars, \$100,000.00, via wire, the property of the Mississippi Community Education Center, from their bank account, Regions Bank Account Number [REDACTED] to a bank account owned by PresolMD, Suntrust Bank Account Number [REDACTED] a Florida based biomedical company, which transferred funds were used to purchase an investment interest in PresolMD which investment interest was owned by Nancy Whitten New and Zachery Whitten New, all occurring within the jurisdiction of this court and in violation of Section 97-23-19(d), Mississippi Code Annotated (1972, as amended);

#### COUNT VIII

based upon a series of acts connected together and constituting parts of a common scheme and plan, said Nancy Whitten New, being a female human being above the age of eighteen (18) years, whose date of birth is [REDACTED] did, on or about the 7<sup>th</sup> day of October, 2019, willfully, unlawfully, and feloniously embezzle, fraudulently secrete, conceal, or convert to her own use, or make way with, or secrete with intent to embezzle or convert to her own use, United States Funds, money, in a value in excess of \$25,000.00, which United States Funds came into her possession

and/or had been entrusted to Nancy Whitten New by virtue of her office, position, place, or employment, either in mass or otherwise, To-wit: Nancy Whitten New, while acting in concert and/or aiding, and assisting Zachary Whitten New, while serving as the Executive Director of the Mississippi Community Education Center, a private non-profit entity responsible for distributing public grant funds received from the State of Mississippi, transferred one hundred thousand dollars, \$1500,000.00, via wire, the property of the Mississippi Community Education Center, from their bank account, Regions Bank Account Number [REDACTED] to a bank account owned by PresolMD, Suntrust Bank Account Number [REDACTED], a Florida based biomedical company, which transferred funds were used to purchase an investment interest in PresolMD which investment interest was owned by Nancy Whitten New and Zachary Whitten New, all occurring within the jurisdiction of this court and in violation of Section 97-23-19(d), Mississippi Code Annotated (1972, as amended);

### COUNT IX

based upon a series of acts connected together and constituting parts of a common scheme and plan, said Nancy Whitten New, being a female human being above the age of eighteen (18) years, whose date of birth is [REDACTED] did, on, about and between the 18<sup>th</sup> day of January, 2019 and the 7<sup>th</sup> day of October 2019, in the county aforesaid and within the jurisdiction of this Court, willfully, unlawfully, and feloniously all while acting as the Executive Director of the Mississippi Community Education Center, a private non-profit entity responsible for distributing public grant funds received from the State of Mississippi, while acting in concert and/or aiding, and assisting Zachary Whitten New, the Assistant Executive Director of the Mississippi Community Education Center, and others known and unknown to the grand jury, devised or intended to devise a scheme or artifice to defraud the Mississippi Community Education Center, by transferring funds owned by the Mississippi Community Education Center, from their bank account, Regions Bank Account Number [REDACTED], through a series of multiple transaction, into bank accounts owned by Prevacus, Suntrust Bank Account Number [REDACTED] and PresolMD, Suntrust Bank Account Number [REDACTED], Florida based biomedical companies, which transferred funds were used to purchase investment interests in Prevacus and PresolMD which investment interests were owned by Nancy Whitten New and Zachary Whitten New, by means of a false or fraudulent pretenses, represented or promised, for the purpose of executing such scheme or artifice or attempting so to do, transmitted or caused to be transmitted by mail, telephone, newspaper, radio, television, wire, electromagnetic waves, microwaves, or other means of communication or by person, any writings, signs, signals, pictures, sounds, data, or other matter across state jurisdictional lines, all occurring within the jurisdiction of this court and in violation of Section 97-19-83, Mississippi Code Annotated (1972, as amended);

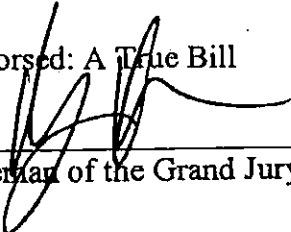
### COUNT X

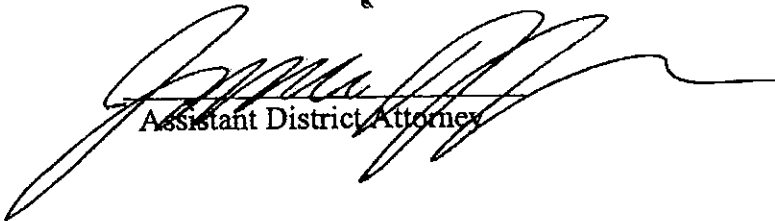
based upon a series of acts connected together and constituting parts of a common scheme and plan, said Nancy Whitten New, being a female human being above the age of eighteen (18) years, whose date of birth is [REDACTED] did, on or about and between 18<sup>th</sup> day of January, 2019 and the 7<sup>th</sup> day of October 2019, willfully, unlawfully, and feloniously with the 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: Nancy Whitten New, while acting in concert and/or aiding, and assisting Zachery Whitten New, and others known and unknown to the grand jury, falsified documents, invoices, books, reports, ledgers, and accountings of the Mississippi Community Education Center, a private non-profit entity responsible for distributing public grant funds received from the State of Mississippi, at a time when she was in the position of Executive Director of the Mississippi Community Education Center, to conceal that she had embezzled 2.15 million dollars, from the Mississippi Community Education Center which embezzled funds were used to purchase investment interests in Prevacous and PresolMD, Florida based biomedical companies, which investment interests were owned by Nancy Whitten New and Zachery Whitten New, 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, Count II, Count III, Count IV, Count V, Count VI, Count VII, Count VIII, Count IX and Count X 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

## DISTRICT ATTORNEY MAIN DISPLAY

JUDICIAL DISTRICT 1

DAMAIN-612

DATE RECV 2-04-2020 REVIEW BY JM CONTROL NO 44126 BOOK NUMBER -  
ORIG CASE NUMBER 25-19-9464 ORIG AGENCY MSAO ORIG DIV

NAME NEW NANCY WHITTEN R/S W/F SSN [REDACTED]  
AKA MORE AKA EXIST N  
DOB1 [REDACTED] DOB2 - - - DOB3 - - -  
PHONE1 - - - PHONE2 - - - PHONE3 - - -  
ADDRESS [REDACTED] CITY STATE RIDGELAND MS  
ZIP [REDACTED] OFFENSE DATE 1-18-2019 ARREST DATE - - - HABITUAL -  
TO GRAND JURY TERM - - - SESSION - - -

OTHER CASES MORE EXIST N  
CO DEFENDANTS MORE EXIST N  
VICTIMS MORE EXIST N  
WITNESSES MORE EXIST N  
FAMILY MORE EXIST N  
VAC

ADD MORE JAIL CIRCUIT COURT COUNTY COURT COURT ADMIN  
TRANSMIT-NEXT SCREEN, FUNCTION 2-MORE, FUNCTION 1-MENU

20-53-WLK

INDICTMENT

Conspiracy §97-1-1  
Embezzlement; Fraud committed  
in Public Office §97-11-31  
Fraudulent Statements §97-7-10

CIRCUIT COURT NO. 20-54W/K

THE STATE OF MISSISSIPPI

**FILED**

Circuit Court

FIRST DISTRICT, HINDS COUNTY

**FEB 04 2020**

January Term, A.D., 2020

**ZACK WALLACE, CIRCUIT CLERK**

First Judicial District

BY \_\_\_\_\_ D.C.

of Hinds County

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

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

In said District, County and State

COUNT I

on, about and between the 1<sup>st</sup> day of November, 2018, and the 22<sup>nd</sup> 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 [REDACTED] did willfully, unlawfully, and feloniously entered into a conspiracy with Brett Dibiase, John Davis, and others known and unknown to the grand jury, to commit the crime of embezzlement; fraud committed in public office in violation of §97-11-31 To-wit: Latimer Smith, all while serving as an employee of the Mississippi Department of Human Services, conspired with Brett Dibiase, 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 97-11-31, Mississippi Code Annotated (1972, as amended);

COUNT II

based upon a series of acts connected together and constituting parts of a common scheme and plan, said Gregory Latimer Smith, being a male human being above the age of eighteen (18) years, whose date of birth is [REDACTED] did, on or about and between the 1<sup>st</sup> day of November,

2018, and the 22<sup>nd</sup> day of February, 2019, willfully, unlawfully, and feloniously, while acting in concert and/or aiding, and assisting Brett Dibiase, John Davis, Executive Director of the Mississippi Department of Human Services, and others known and unknown to the grand jury, perpetrated a fraud upon 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 97-11-31, Mississippi Code Annotated (1972, as amended);

### COUNT III

based upon a series of acts connected together and constituting parts of a common scheme and plan, Gregory Latimer Smith, being a male human being above the age of eighteen (18) years, whose date of birth is [REDACTED], did, on or about and between the 1<sup>st</sup> day of November, 2018, and the 22<sup>nd</sup> 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: Latimer Smith, all while acting as an employee of the Mississippi Department of Human Services, while acting in concert and/or aiding, and assisting Brett Dibiase, 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, Count II, and Count III, 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

## DISTRICT ATTORNEY MAIN DISPLAY

JUDICIAL DISTRICT 1

DAMAIN-612

DATE RECV 2-04-2020 REVIEW BY JM CONTROL NO 44122 BOOK NUMBER  
ORIG CASE NUMBER 25-19-9390 ORIG AGENCY MSAO ORIG DIV

NAME SMITH GREGORY LATIMER

R/S W/M SSN  
MORE AKA EXIST N

AKA

DOB1 DOB2

DOB3

PHONE1 PHONE2

PHONE3

ADDRESS

CITY STATE JACKSON MS

ZIP OFFENSE DATE 11-01-2018

ARREST DATE HABITUAL

TO GRAND JURY TERM

SESSION

OTHER CASES

MORE EXIST N

CO DEFENDANTS

MORE EXIST N

VICTIMS

MORE EXIST N

WITNESSES

MORE EXIST N

FAMILY

MORE EXIST N

VAC

ADD MORE JAIL CIRCUIT COURT COUNTY COURT COURT ADMIN  
TRANSMIT-NEXT SCREEN, FUNCTION 2-MORE, FUNCTION 1-MENU

20-54 w/k

INDICTMENT

Conspiracy §97-1-1 - 2 Counts  
Embezzlement §97-23-19(d) - 6 Counts  
Mail Fraud §97-19-83  
Fraudulent Statements §97-23-19(d)

44/20  
CIRCUIT COURT NO. 20-55-TTC

THE STATE OF MISSISSIPPI

**FILED**

Circuit Court

FIRST DISTRICT, HINDS COUNTY

FEB 04 2020

ZACK WALLACE, CIRCUIT CLERK

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

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

Zachery Whitten New  
while acting in concert and/or aiding, assisting or encouraging another or others,  
to-wit: Nancy Whitten New, and others known and unknown to the grand jury

In said District, County and State

COUNT I

on, about and between the 18<sup>th</sup> day of January, 2019 and the 7<sup>th</sup> day of October 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 [REDACTED], did willfully, unlawfully, and feloniously entered into a conspiracy with Nancy Whitten New, and others known and unknown to the grand jury, to commit the crime of embezzlement in violation of §97-23-19, To-wit: Zachery Whitten New, all while acting as the Assistant Executive Director of the Mississippi Community Education Center, a private non-profit entity responsible for distributing public grant funds received from the State of Mississippi, conspired with Nancy Whitten New the Executive Director of the Mississippi Community Education Center and others known and unknown to the grand jury, to convert funds received by the Mississippi Community Education Center, a private non-profit entity responsible for distributing public grant funds received from the State of Mississippi, by transferring funds owned by the Mississippi Community Education Center, from their bank account, Regions Bank Account Number [REDACTED], through a series of multiple transaction, into bank accounts owned by Prevacus, Suntrust Bank Account Number [REDACTED] and PresolMD, Suntrust Bank Account Number [REDACTED] Florida based biomedical companies, which transferred funds were used to purchase investment interests in Prevacous and PresolMD which investment interests were owned by Nancy Whitten New and Zachery Whitten New, all occurring within the jurisdiction of this court and in violation of Section 97-1-1 and Section 97-23-19, Mississippi Code Annotated (1972, as amended);

COUNT II

based upon a series of acts connected together and constituting parts of a common scheme and plan, said Zachery Whitten New, being a male human being above the age of eighteen (18) years, whose date of birth is [REDACTED], did, on or about the 18<sup>th</sup> day of January, 2019 and the 7<sup>th</sup> day of October, in the county aforesaid and within the jurisdiction of this Court, willfully, unlawfully, and feloniously entered into a conspiracy with Nancy Whitten New, and others known and unknown to the grand jury, to commit the crime of Mail Fraud in violation of §97-19-83, To-wit: Zachery Whitten New, all while acting as the Assistant Executive Director of the Mississippi Community Education Center, a private non-profit entity responsible for distributing public grant funds received from the State of Mississippi, conspired with Nancy Whitten New, the Executive Director of the Mississippi Community Education Center, and others known and unknown to the grand jury, to devise or intend to devise a scheme or artifice to defraud the Mississippi Community Education Center, by transferring funds owned by the Mississippi Community Education Center, from their bank account, Regions Bank Account Number [REDACTED], through a series of multiple transaction, into bank accounts owned by Prevacus, Suntrust Bank Account Number [REDACTED], and PresolMD, Suntrust Bank Account Number [REDACTED]. Florida based biomedical companies, which transferred funds were used to purchase investment interests in Prevacous and PresolMD which investment interests were owned by Nancy Whitten New and Zachery Whitten New, by means of a false or fraudulent pretenses, represented or promised, for the purpose of executing such scheme or artifice or attempting so to do, conspired to transmit or caused to be transmitted by mail, telephone, newspaper, radio, television, wire, electromagnetic waves, microwaves, or other means of communication or by person, any writings, signs, signals, pictures, sounds, data, or other matter across state jurisdictional lines, all occurring within the jurisdiction of this court and in violation of Section 97-1-1 and Section 97-19-83, Mississippi Code Annotated (1972, as amended);

COUNT III

based upon a series of acts connected together and constituting parts of a common scheme and plan, said Zachery Whitten New, being a male human being above the age of eighteen (18) years, whose date of birth is [REDACTED], did, on or about the 18<sup>th</sup> day of January, 2019, willfully, unlawfully, and feloniously embezzle, fraudulently secrete, conceal, or convert to his own use, or make way with, or secrete with intent to embezzle or convert to his own use, United States Funds, money, in a value in excess of \$25,000.00, which United States Funds came into his possession and/or had been entrusted to Zachery Whitten New by virtue of his office, position, place, or employment, either in mass or otherwise, To-wit: Zachery Whitten New, while acting in concert and/or aiding, and assisting Nancy Whitten New, while serving as the Assistant Executive Director of the Mississippi Community Education Center, a private non-profit entity responsible for distributing public grant funds received from the State of Mississippi, transferred seven hundred and fifty thousand dollars, \$750,000.00, via check, check number 8307, the property of the Mississippi Community Education Center, from their bank account, Regions Bank Account Number [REDACTED], to a bank account owned by Prevacus, Suntrust Bank Account Number [REDACTED], a Florida based biomedical company, which transferred funds were used to purchase an investment interest in Prevacous which investment interest was owned by Nancy

Whitten New and Zachery Whitten New, all occurring within the jurisdiction of this court and in violation of Section 97-23-19(d), Mississippi Code Annotated (1972, as amended);

#### COUNT IV

based upon a series of acts connected together and constituting parts of a common scheme and plan, said Zachery Whitten New, being a male human being above the age of eighteen (18) years, whose date of birth is [REDACTED], did, on or about the 8<sup>th</sup> day of April, 2019, willfully, unlawfully, and feloniously embezzle, fraudulently secrete, conceal, or convert to his own use, or make way with, or secrete with intent to embezzle or convert to his own use, United States Funds, money, in a value in excess of \$25,000.00, which United States Funds came into his possession and/or had been entrusted to Zachery Whitten New by virtue of his office, position, place, or employment, either in mass or otherwise, To-wit: Zachery Whitten New, while acting in concert and/or aiding, and assisting Nancy Whitten New, while serving as the Assistant Executive Director of the Mississippi Community Education Center, a private non-profit entity responsible for distributing public grant funds received from the State of Mississippi, transferred five hundred thousand dollars, \$500,000.00, via wire, the property of the Mississippi Community Education Center, from their bank account, Regions Bank Account Number 0035997729, to a bank account owned by Prevacus, Suntrust Bank Account Number 1000225647709, a Florida based biomedical company, which transferred funds were used to purchase an investment interest in Prevacous which investment interest was owned by Nancy Whitten New and Zachery Whitten New, all occurring within the jurisdiction of this court and in violation of Section 97-23-19(d), Mississippi Code Annotated (1972, as amended);

#### COUNT V

based upon a series of acts connected together and constituting parts of a common scheme and plan, said Zachery Whitten New, being a male human being above the age of eighteen (18) years, whose date of birth is [REDACTED], did, on or about the 10<sup>th</sup> day of May, 2019, willfully, unlawfully, and feloniously embezzle, fraudulently secrete, conceal, or convert to his own use, or make way with, or secrete with intent to embezzle or convert to his own use, United States Funds, money, in a value in excess of \$25,000.00, which United States Funds came into his possession and/or had been entrusted to Zachery Whitten New by virtue of his office, position, place, or employment, either in mass or otherwise, To-wit: Zachery Whitten New, while acting in concert and/or aiding, and assisting Nancy Whitten New, while serving as the Assistant Executive Director of the Mississippi Community Education Center, a private non-profit entity responsible for distributing public grant funds received from the State of Mississippi, transferred two hundred and fifty thousand dollars, \$250,000.00, via wire, the property of the Mississippi Community Education Center, from their bank account, Regions Bank Account Number [REDACTED], to a bank account owned by Prevacus, Suntrust Bank Account Number [REDACTED], a Florida based biomedical company, which transferred funds were used to purchase an investment interest in Prevacous which investment interest was owned by Nancy Whitten New and Zachery Whitten New, all occurring within the jurisdiction of this court and in violation of Section 97-23-19(d), Mississippi Code Annotated (1972, as amended);

COUNT VI

based upon a series of acts connected together and constituting parts of a common scheme and plan, said Zachery Whitten New, being a male human being above the age of eighteen (18) years, whose date of birth is [REDACTED], did, on or about the 16<sup>th</sup> day of July, 2019, willfully, unlawfully, and feloniously embezzle, fraudulently secrete, conceal, or convert to his own use, or make way with, or secrete with intent to embezzle or convert to his own use, United States Funds, money, in a value in excess of \$25,000.00, which United States Funds came into his possession and/or had been entrusted to Zachery Whitten New by virtue of his office, position, place, or employment, either in mass or otherwise, To-wit: Zachery Whitten New, while acting in concert and/or aiding, and assisting Nancy Whitten New, while serving as the Assistant Executive Director of the Mississippi Community Education Center, a private non-profit entity responsible for distributing public grant funds received from the State of Mississippi, transferred four hundred thousand dollars, \$400,000.00, via wire, the property of the Mississippi Community Education Center, from their bank account, Regions Bank Account Number [REDACTED], to a bank account owned by Prevacus, Suntrust Bank Account Number [REDACTED], a Florida based biomedical company, which transferred funds were used to purchase an investment interest in Prevacus which investment interest was owned by Nancy Whitten New and Zachery Whitten New, all occurring within the jurisdiction of this court and in violation of Section 97-23-19(d), Mississippi Code Annotated (1972, as amended);

COUNT VII

based upon a series of acts connected together and constituting parts of a common scheme and plan, said Zachery Whitten New, being a male human being above the age of eighteen (18) years, whose date of birth is [REDACTED], did, on or about the 24<sup>th</sup> day of September, 2019, willfully, unlawfully, and feloniously embezzle, fraudulently secrete, conceal, or convert to his own use, or make way with, or secrete with intent to embezzle or convert to his own use, United States Funds, money, in a value in excess of \$25,000.00, which United States Funds came into his possession and/or had been entrusted to Zachery Whitten New by virtue of his office, position, place, or employment, either in mass or otherwise, To-wit: Zachery Whitten New, while acting in concert and/or aiding, and assisting Nancy Whitten New, while serving as the Assistant Executive Director of the Mississippi Community Education Center, a private non-profit entity responsible for distributing public grant funds received from the State of Mississippi, transferred one hundred thousand dollars, \$100,000.00, via wire, the property of the Mississippi Community Education Center, from their bank account, Regions Bank Account Number [REDACTED], to a bank account owned by PresolMD, Suntrust Bank Account Number [REDACTED], a Florida based biomedical company, which transferred funds were used to purchase an investment interest in PresolMD which investment interest was owned by Nancy Whitten New and Zachery Whitten New, all occurring within the jurisdiction of this court and in violation of Section 97-23-19(d), Mississippi Code Annotated (1972, as amended);

COUNT VIII

based upon a series of acts connected together and constituting parts of a common scheme and plan, said Zachery Whitten New, being a male human being above the age of eighteen (18)

years, whose date of birth is [REDACTED] did, on or about the 7<sup>th</sup> day of October, 2019, willfully, unlawfully, and feloniously embezzle, fraudulently secrete, conceal, or convert to his own use, or make way with, or secrete with intent to embezzle or convert to his own use, United States Funds, money, in a value in excess of \$25,000.00, which United States Funds came into his possession and/or had been entrusted to Zachery Whitten New by virtue of his office, position, place, or employment, either in mass or otherwise, To-wit: Zachery Whitten New, while acting in concert and/or aiding, and assisting Nancy Whitten New, while serving as the Assistant Executive Director of the Mississippi Community Education Center, a private non-profit entity responsible for distributing public grant funds received from the State of Mississippi, transferred one hundred thousand dollars, \$150,000.00, via wire, the property of the Mississippi Community Education Center, from their bank account, Regions Bank Account Number [REDACTED] to a bank account owned by PresolMD, Suntrust Bank Account Number [REDACTED] a Florida based biomedical company, which transferred funds were used to purchase an investment interest in PresolMD which investment interest was owned by Nancy Whitten New and Zachery Whitten New, all occurring within the jurisdiction of this court and in violation of Section 97-23-19(d), Mississippi Code Annotated (1972, as amended);

#### COUNT IX

based upon a series of acts connected together and constituting parts of a common scheme and plan, said Zachery Whitten New, being a male human being above the age of eighteen (18) years, whose date of birth is [REDACTED], did, on or about the 18<sup>th</sup> day of January, 2019 and the 7<sup>th</sup> day of October, 2019, in the county aforesaid and within the jurisdiction of this Court, willfully, unlawfully, and feloniously, all while acting as the Assistant Executive Director of the Mississippi Community Education Center, a private non-profit entity responsible for distributing public grant funds received from the State of Mississippi, while acting in concert and/or aiding, and assisting Nancy Whitten New, the Executive Director of the Mississippi Community Education Center, and others known and unknown to the grand jury, devised or intended to devise a scheme or artifice to defraud the Mississippi Community Education Center, by transferring funds owned by the Mississippi Community Education Center, from their bank account, Regions Bank Account Number [REDACTED] through a series of multiple transaction, into bank accounts owned by Prevacus, Suntrust Bank Account Number [REDACTED] and PresolMD, Suntrust Bank Account Number [REDACTED] Florida based biomedical companies, which transferred funds were used to purchase investment interests in Prevacous and PresolMD which investment interests were owned by Nancy Whitten New and Zachery Whitten New, by means of a false or fraudulent pretenses, represented or promised, for the purpose of executing such scheme or artifice or attempting so to do, transmitted or caused to be transmitted by mail, telephone, newspaper, radio, television, wire, electromagnetic waves, microwaves, or other means of communication or by person, any writings, signs, signals, pictures, sounds, data, or other matter across state jurisdictional lines, all occurring within the jurisdiction of this court and in violation of Section 97-19-83, Mississippi Code Annotated (1972, as amended); and,

#### COUNT X

based upon a series of acts connected together and constituting parts of a common scheme and plan, said Zachery Whitten New, being a male human being above the age of eighteen (18)

years, whose date of birth is [REDACTED], did, on or about and between 18<sup>th</sup> day of January, 2019 and the 7<sup>th</sup> day of October 2019, willfully, unlawfully, and feloniously with the 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: Zachery Whitten New, while acting in concert and/or aiding, and assisting Nancy Whitten New, and others known and unknown to the grand jury, falsified documents, invoices, books, reports, ledgers, and accountings of the Mississippi Community Education Center, a private non-profit entity responsible for distributing public grant funds received from the State of Mississippi, at a time when he was in the position of Assistant Executive Director of the Mississippi Community Education Center, to conceal that he had embezzled 2.15 million dollars, from the Mississippi Community Education Center which embezzled funds were used to purchase investment interests in Prevacous and PresolMD, Florida based biomedical companies, which investment interests were owned by Nancy Whitten New and Zachery Whitten New, 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, Count II, Count III, Count IV, Count V, Count VI, Count VII, Count VIII, Count IX and Count X 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

## DISTRICT ATTORNEY MAIN DISPLAY

JUDICIAL DISTRICT 1  
DATE RECV 2-04-2020 REVIEW BY JM CONTROL NO 44120 BOOK NUMBER  
ORIG CASE NUMBER 25-19-9464 ORIG AGENCY MSAO ORIG DIV

DAMAIN-612

NAME NEW\_ZACHARY\_WHITTEN R/S W/M SSN  
AKA MORE AKA EXIST N  
DOB1 DOB2 DOB3  
PHONE1 PHONE2 PHONE3  
ADDRESS CITY STATE RIDGELAND MS  
ZIP OFFENSE DATE 1-18-2019 ARREST DATE HABITUAL  
TO GRAND JURY TERM SESSION

OTHER CASES MORE EXIST N  
CO DEFENDANTS MORE EXIST N  
VICTIMS MORE EXIST N  
WITNESSES MORE EXIST N  
FAMILY MORE EXIST N  
VAC

ADD MORE JAIL CIRCUIT COURT COUNTY COURT COURT ADMIN  
TRANSMIT-NEXT SCREEN, FUNCTION 2-MORE, FUNCTION 1-MENU

20-55-776

INDICTMENT

Conspiracy §97-1-1  
Embezzlement §97-23-19(d)  
Fraudulent Statements §97-23-19(d)

CIRCUIT COURT NO. 20-56 TTG

**FILED**

THE STATE OF MISSISSIPPI

**FEB 04 2020**

Circuit Court

FIRST DISTRICT, HINDS COUNTY

**ZACK WALLACE, CIRCUIT CLERK**

January Term, A.D., 2020

First Judicial District  
of Hinds County

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

Zachery Whitten New

while acting in concert and/or aiding, assisting or encouraging another or others,  
to-wit: Nancy Whitten New, Ann McGrew and others known and unknown to the grand jury

In said District, County and State

COUNT I

on, about and between the 20<sup>th</sup> day September 2018 and the 20<sup>th</sup> day of October 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 [REDACTED] did willfully, unlawfully, and feloniously entered into a conspiracy with Nancy Whitten New, Ann McGrew and others known and unknown to the grand jury, to commit the crime of embezzlement in violation of §97-23-19, To-wit: Zachery Whitten New conspired with Nancy Whitten New, Ann McGrew and others known and unknown to the grand jury, to convert funds received by the Mississippi Community Education Center, a private non-profit entity responsible for distributing public grant funds received from the State of Mississippi by transferring funds owned by the Mississippi Community Education Center, from a bank account owned by the Mississippi Community Education Center, through a series of multiple transaction, into bank accounts owned by New Learning, Inc, a private for profit company owned by Nancy Whitten New and Zachery Whitten New, all occurring within the jurisdiction of this court and in violation of Section 97-1-1 and Section 97-23-19, Mississippi Code Annotated (1972, as amended);

COUNT II

based upon a series of acts connected together and constituting parts of a common scheme and plan, said Zachery Whitten New, being a male human being above the age of eighteen (18) years, whose date of birth is [REDACTED], did, on or about and between the 20<sup>th</sup> day of September 2018 and the 20<sup>th</sup> day of October 2019, willfully, unlawfully, and feloniously embezzle, fraudulently secrete, conceal, or convert to his own use, or make away with, or secrete with intent to embezzle or convert to his own use, United States Funds, money, in a value in excess of

\$25,000.00 which United States Funds came into his possession and/or had been entrusted to Zachary Whitten New by virtue of his office, position, place, or employment, either in mass or otherwise, To-wit: Zachary Whitten New, while acting in concert and/or aiding, and assisting Nancy Whitten New, while serving as the Assistant Executive Director of the Mississippi Community Education Center, a private non-profit entity responsible for distributing public grant funds received from the State of Mississippi, transferred funds, in excess of two million dollars, \$2,000,000.00, the property of the Mississippi Community Education Center, from a bank account owned by the Mississippi Community Education Center, through a series of multiple transaction, into bank accounts owned by New Learning, Inc, a private for profit company owned by Nancy Whitten New and Zachary Whitten New and thus converting such monies to his own use, all occurring within the jurisdiction of this court and in violation of Section 97-23-19 (d), Mississippi Code Annotated (1972, as amended); and

### COUNT III

based upon a series of acts connected together and constituting parts of a common scheme and plan, said Zachary Whitten New, being a male human being above the age of eighteen (18) years, whose date of birth is [REDACTED] did, on or about and between the 20<sup>th</sup> day of September 2018 and the 20<sup>th</sup> day of October 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: Zachary Whitten New, while acting in concert and/or aiding, and assisting Nancy Whitten New, Ann McGrew and others known and unknown to the grand jury, falsified documents, invoices, books, reports, ledgers, and accountings of the Mississippi Community Education Center, a private non-profit entity responsible for distributing public grant funds received from the State of Mississippi, at a time when he was in the position of Assistant Executive Director of the Mississippi Community Education Center, to conceal that he had embezzled in excess of two million dollars, \$2,000,000.00, from the Mississippi Community Education Center and converted such funds to his own use, 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, Count II and Count III 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

## DISTRICT ATTORNEY MAIN DISPLAY

DAMAIN-612

JUDICIAL DISTRICT 1  
DATE RECV 2-04-2020 REVIEW BY JM CONTROL NO 44119 BOOK NUMBER -  
ORIG CASE NUMBER 25-19-9464 ORIG AGENCY MSAO ORIG DIV

NAME NEW\_ZACHARY\_WHITTEN R/S W/M SSN  
AKA MORE AKA EXIST N  
DOB1 DOB2 DOB3  
PHONE1 PHONE2 PHONE3  
ADDRESS CITY STATE RIDGELAND MS  
ZIP OFFENSE DATE 9-20-2018 ARREST DATE HABITUAL  
TO GRAND JURY TERM SESSION

OTHER CASES MORE EXIST N  
CO DEFENDANTS MORE EXIST N  
VICTIMS MORE EXIST N  
WITNESSES MORE EXIST N  
FAMILY MORE EXIST N  
VAC

ADD MORE JAIL CIRCUIT COURT COUNTY COURT COURT ADMIN  
TRANSMIT-NEXT SCREEN, FUNCTION 2-MORE, FUNCTION 1-MENU

20-56TTG