

REINDICT

15-CR-1591

SID NO.: 10181299

INCIDENT NO. 1505131514

FBI NO.:

DPS NO.: TX 04911261

D.O.B.: 01/23/1937

DATE OF ARREST:

ARRESTING AGENCY:

BOND: \$25,000.00 By: _____

NO. 15-CR-1591-H

COURT: 347-H

THE STATE OF TEXAS VS. NICHOLAS BARATOFF

COUNTS ONE AND TWO:

CHARGE: MISAPPLICATION OF FIDUCIARY PROPERTY

STATUTE: TEXAS PENAL CODE SECTION 32.45

DEGREE: FIRST DEGREE FELONY

COUNT THREE:

CHARGE: THEFT

STATUTE: TEXAS PENAL CODE SECTION 31.03

DEGREE: FIRST DEGREE FELONY

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

The duly organized Grand Jury of Nueces County, Texas, presents in the District Court of Nueces County, Texas, that

COUNT ONE

NICHOLAS BARATOFF, defendant

in Nueces County, Texas, did then and there, pursuant to one scheme or continuing course of conduct that began on or about MAY 28, 2008, and continued until on or about APRIL 31, 2015, intentionally, knowingly, or recklessly misapply property, to-wit: UNITED STATES CURRENCY,

of the value of \$200,000 or more, that the said NICHOLAS BARATOFF held as a fiduciary, or as a person acting in a fiduciary capacity, but not as a commercial bailee, contrary to an agreement under which the said NICHOLAS BARATOFF held the property, and in a manner that involved substantial risk of loss of the property to BESSIE MAE NICHOLS, the owner of said property, and the person for whose benefit the property was held, by DEALING WITH THE PROPERTY CONTRARY TO AN AGREEMENT, titled "AGREEMENT," DATED APRIL 18, 2008,

COUNT TWO

NICHOLAS BARATOFF, defendant

in Nueces County, Texas, did then and there, pursuant to one scheme or continuing course of conduct that began on or about JUNE 6, 2008, and continued until on or about APRIL 31, 2015, intentionally, knowingly, or recklessly misapply property, to-wit: UNITED STATES CURRENCY, of the value of \$200,000 or more, that the said NICHOLAS BARATOFF held as a fiduciary, or as a person acting in a fiduciary capacity, but not as a commercial bailee, contrary to an agreement under which the said NICHOLAS BARATOFF held the property, and in a manner that involved substantial risk of loss of the property to BESSIE MAE NICHOLS, the owner of said property, and the person for whose benefit the property was held, by DEALING WITH THE PROPERTY CONTRARY TO AN AGREEMENT, titled "SUBSCRIPTION AGREEMENT," DATED JUNE 6, 2008,

COUNT THREE

NICHOLAS BARATOFF, defendant,

in Nueces County, Texas, did then and there, did then and there pursuant to one scheme or continuing course of conduct, that began on or about MAY 28, 2008, and continued until on or about APRIL 31, 2015, unlawfully appropriate, by acquiring or otherwise exercising control over,

property, to wit: UNITED STATES CURRENCY, from BESSIE MAE NICHOLS, the owner thereof, without the effective consent of the owner, namely, by DECEPTION, and with intent to deprive the owner of the property, and the aggregate value of the property obtained was \$200,000 or more,

against the peace and dignity of the State.


FOREMAN OF THE GRAND JURY

CHIEF CLERK
M. C. HALL