

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. **20-55-TTG**

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

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 18th day of January, 2019 and the 7th 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 February 7, 1983, 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 0035997729, through a series of multiple transaction, into bank accounts owned by Prevacus, Suntrust Bank Account Number 1000225647709, and PresolMD, Suntrust Bank Account Number 100026094924, 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 February 7, 1983, did, on or about the 18th day of January, 2019 and the 7th 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 0035997729, through a series of multiple transaction, into bank accounts owned by Prevacus, Suntrust Bank Account Number 1000225647709, and PresolMD, Suntrust Bank Account Number 100026094924, 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 February 7, 1983, did, on or about the 18th 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 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 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 February 7, 1983, did, on or about the 8th 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 February 7, 1983, did, on or about the 10th 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 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 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 February 7, 1983, did, on or about the 16th 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 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 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 February 7, 1983, did, on or about the 24th 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 0035997729, to a bank account owned by PresolMD, Suntrust Bank Account Number 10002609424, 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 February 7, 1983, did, on or about the 7th 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 0035997729, to a bank account owned by PresolMD, Suntrust Bank Account Number 1000225647709, 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 February 7, 1983, did, on or about the 18th day of January, 2019 and the 7th 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 0035997729, through a series of multiple transaction, into bank accounts owned by Prevacus, Suntrust Bank Account Number 1000225647709, and PresolMD, Suntrust Bank Account Number 100026094924, 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 February 7, 1983, did, on or about and between 18th day of January, 2019 and the 7th 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