

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

PEOPLE OF THE VIRGIN ISLANDS)
)
) Plaintiff)
)
) v.)
)
) ALRIC V. SIMMONDS)
)
) Defendant)
)

CRIMINAL No. /07
T14 VIC 1662(1)
T14 VIC 1083(1)
T14 VIC 895(a)

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SUPERIOR COURT
DIVISION OF ST. THOMAS AND ST. JOHN

INFORMATION

The Government of The Virgin Islands Charges That:

COUNT ONE

On or about June 6, 2007, in St. Thomas, Virgin Islands, ALRIC SIMMONDS being a public officer or person charged with the receipts, safekeeping, transfer, or disbursement of public monies, did appropriate a portion thereof to his own use or the use of another without authority of law in that while being the Deputy Chief of Staff to the Governor of the Virgin Islands, and certifying officer for the Office of the Governor, Defendant unlawfully issued a Government of the Virgin Islands Bureau of Economic Research check in the amount of \$6,000.00, made payable to Gemini Design, Inc., for the design and construction of cabinets for Defendant's private home, in violation of **T14 VIC 1662(1) EMBEZZLEMENT OR FALSIFICATION OF PUBLIC ACCOUNTS.**

COUNT TWO

On or about March 11, 2006 through June 8, 2006, in St. Thomas, Virgin Islands, ALRIC SIMMONDS being a public officer or person charged with the receipts, safekeeping, transfer, or disbursement of public monies, did appropriate a portion thereof to his own use or the use of another without authority of law in that while being the Deputy Chief of Staff to the Governor of the Virgin Islands, and certifying officer for the Office of the Governor, Defendant unlawfully issued Government of the Virgin Islands Bureau of Economic Research checks totaling over \$8,000.00, made payable to V.I. Granite and Marble, for the custom building and design of granite counter tops for Defendant's private home, in violation of **T14 VIC 1662(1) EMBEZZLEMENT OR FALSIFICATION OF PUBLIC ACCOUNTS.**

COUNT THREE

On or about June 24, 2005 through August 14, 2006, in St. Thomas, Virgin Islands, ALRIC SIMMONDS being a public officer or person charged with the receipts, safekeeping, transfer, or disbursement of public monies, did appropriate a portion thereof to his own use or the use of another without authority of law in that while being the Deputy Chief of Staff to the Governor of the Virgin Islands, and certifying officer for the Office of the Governor, Defendant unlawfully issued Government of the Virgin Islands Bureau of Economic Research checks totaling over \$46,000.00, made payable to Jennifer Santana for the purchase of lottery tickets or other unauthorized purposes, in

violation of **T14 VIC 1662(1) EMBEZZLEMENT OR FALSIFICATION OF PUBLIC ACCOUNTS.**

COUNT FOUR

On or about February 26, 2005 through June 15, 2006, in St. Thomas, Virgin Islands, ALRIC SIMMONDS being a public officer or person charged with the receipts, safekeeping, transfer, or disbursement of public monies, did appropriate a portion thereof to his own use or the use of another without authority of law in that while being the Deputy Chief of Staff to the Governor of the Virgin Islands, and certifying officer for the Office of the Governor, Defendant unlawfully issued Government of the Virgin Islands Bureau of Economic Research checks totaling over \$19,000.00, made payable to Francisca Santana for the purchase of lottery tickets or other unauthorized purposes, in violation of **T14 VIC 1662(1) EMBEZZLEMENT OR FALSIFICATION OF PUBLIC ACCOUNTS.**

COUNT FIVE

On or about June 23, 2006, in St. Thomas, Virgin Islands, ALRIC SIMMONDS being a public officer or person charged with the receipts, safekeeping, transfer, or disbursement of public monies, did appropriate a portion thereof to his own use or the use of another without authority of law in that while being the Deputy Chief of Staff to the Governor of the Virgin Islands, and certifying officer for the Office of the Governor, Defendant unlawfully issued a Government of the Virgin Islands Bureau of Economic Research check in the amount of \$2,200.00, made payable to James Henderson, for the

installation of cabinets for Defendant's private home, in violation of **T14 VIC 1662(1) EMBEZZLEMENT OR FALSIFICATION OF PUBLIC ACCOUNTS.**

COUNT SIX

On or about December 1, 2003 through March 12, 2006, in St. Thomas, Virgin Islands, ALRIC SIMMONDS being a public officer or person charged with the receipts, safekeeping, transfer, or disbursement of public monies, did appropriate a portion thereof to his own use or the use of another without authority of law in that while being the Deputy Chief of Staff to the Governor of the Virgin Islands, and certifying officer for the Office of the Governor, Defendant unlawfully issued Government of the Virgin Islands Bureau of Economic Research checks totaling over \$8,000.00, made payable to Discount Travel for the purchase of Airline tickets for Defendant's personal travel, in violation of **T14 VIC 1662(1) EMBEZZLEMENT OR FALSIFICATION OF PUBLIC ACCOUNTS.**

COUNT SEVEN

On or about December 1, 2003 through June 30, 2006, in St. Thomas, Virgin Islands, ALRIC SIMMONDS did steal the personal property of another, to wit: the Government of the Virgin Islands, with the intent of permanently depriving the owner thereof by *issuing numerous government checks valued at over one hundred dollars* to persons or businesses for the purchase of personal items or services, to wit: Gemini Designs, Discount Travel, V.I. Granite and Marble, Jenefer Santana, Francisca Santana, Jose Cleto, James Henderson, Bank of America, La Casita, and Bank of America, in violation of **T14 VIC 1081(a) and 1083(1) GRAND LARCENY.**


COUNT EIGHT

On or about the period between January 1, 2005 through June 30, 2005, in St. Thomas, Virgin Islands, ALRIC SIMMONDS, did embezzle, steal, purloin or knowingly convert to his own use or the use of another, money or thing of value of the United States Virgin Islands or any department or agency thereof, by unlawfully using government funds for the payment of items and services for his own personal enrichment from Gemini Designs, Discount Travel, V.I. Granite and Marble, Jenefer Santana, Francisca Santana, Jose Cleto, James Henderson, Bank of America, La Casita, and Bank of America in violation of **T14 V.I.C. 895(a) CONVERSION OF GOVERNMENT PROPERTY.**

Respectfully Submitted,

VINCENT FRAZER, ESQUIRE
Attorney General

DATED: November 9, 2007

BY: 
Denise George-Counts, Esq.
Assistant Attorney General

AFFIDAVIT OF NICHOLAS PERU

Being over the age of 18 years old and duly sworn, I, Nicholas Peru state:

- 1) That, I am employed as a Special Investigator with the Office of the Virgin Islands Inspector General (OVIIG) and have so been from August 2002.
- 2) That, prior to August 2002, I was employed from 1992 with the Virgin Islands Department of Justice, Office of the Attorney General (DOJ) in the capacity of Special Agent conducting criminal and civil investigations. From 1999 to August 2002, I was the sole investigator assigned to the Government Fraud and Corruption Task Force formed between the DOJ and the OVIIG.
- 3) That, the OVIIG received information that suggested suspicious activities being conducted by Alric Valdemer Simmonds (SIMMONDS); namely, large checks being cashed by SIMMONDS from a Government account.
- 4) That, SIMMONDS was employed by the Government of the Virgin Islands (GVI) on June 21, 1999 as the Deputy Chief of Staff to Governor Charles W. Turnbull at a salary of \$64,000.00. He retired effective October 6, 2006 at a salary of \$80,000.00 in the same position. SIMMONDS was a Certifying Officer for the Office of the Governor and the Governor's liaison to the Bureau of Economic Research (BER).
- 5) That, within the period of November 14, 2002 through August 17, 2006, SIMMONDS caused numerous government checks to be made payable to the Office of the Governor which he consistently deposited into the BER account. The total amount of funds deposited by way of government checks is \$1,633,810.00. Investigation reveals that all such funds deposited into the BER account belonged to the GVI.
- 6) That, based on an investigation conducted into the activities on the BER account, SIMMONDS was arrested on April 2, 2007 on charges of conversion, embezzlement and false claims upon the government. SIMMONDS was again arrested on June 5, 2007 on charges of embezzlement, conversion, false claims upon the government and conspiracy.
- 7) That, the investigation into the activities of SIMMONDS continued past both his arrests. The continuing investigation revealed that in addition to the foregoing schemes, SIMMONDS also wrote several checks from the BER account payable to third parties for services and items for this personal enrichment to wit:
 - **Payments to Gemini Design, Inc. totaling \$6,000.00**
 - **Payments to V.I. Granite & Marble totaling \$8,382.00**

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- **Payments to Jennifer Santana totaling \$46,316.00**
- **Payments to Francisca Santana totaling \$19,110.00**
- **Payments to Jose Cleto totaling \$12,700.00**
- **Payment to James Henderson in the amount of \$2,200.00**
- **Payment to Bank of America in the amount of \$4,500.00**
- **Payments to Discount Travel totaling \$8,477.70**
- **Payment to La Casita in the amount of \$1,500.00**

8) **Gemini Design, Inc.**

That, on or about January 30, 2006, SIMMONDS contracted with Gemini Design, Inc. (GEMINI) of St. Croix to design and build various cabinets in St. Croix and ship those cabinets to his private residence located at Palm Gardens, St. Thomas. SIMMONDS wrote check number 1398 dated June 5, 2006 in the amount of \$6,000.00 from the BER account payable to GEMINI for the purchase of said cabinets.

9) **V.I. Granite & Marble**

That, on or about February 6, 2006, V.I. Granite and Marble (VIGM) provided an estimate to custom build and install granite counter tops for SIMMONDS' newly designed cabinets. VIGM depended on the drawings /designs created by GEMINI to estimate the job.

SIMMONDS wrote the following checks from the BER account to VIGM

Date	Check #	Amount
March 11, 2006	1389	\$2,000.00
June 6, 2006	1404	\$3,000.00
June 8, 2006	1415	<u>\$3,382.00</u>
TOTAL TO VIGM		\$8,382.00

10) **Jennifer Santana**

That, between June 24, 2005 and August 14, 2006, SIMMONDS wrote fourteen (14) checks from the BER account totaling \$46,316.00 to an individual named Jennifer Santana (J. SANTANA). J. Santana informed affiant that she is a lottery dealer who sold both Virgin Islands and Puerto Rico lottery tickets (TICKETS). She stated that she knew SIMMONDS, however she never had a personal or business relationship with him. She did however have a business relation with Ysabel Marillo (MARILLO) who she described as a friend of SIMMONDS.

J.SANTANA supplied TICKETS to MARILLO and MARILLO used checks written on the BER account to pay for TICKETS. J. SANTANA was surprised to learn that there were fourteen (14) checks made payable to her from a government account. She was shown the fourteen (14) checks as detailed hereunder:

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RE: ALRIC V. SIMMONDS

	Date	Ck #	Payee	Amount	Memo
1	06/24/05	1302	Jennifer Santana	6,000.00	
2	11/25/05	1326	Jennifer Santana	2,400.00	
3	12/13/05	1345	Jennifer Santana	1,575.00	
4	01/30/06	1369	Jennifer Santana	1,175.00	
5	02/06/06	1376	Jennifer Santana	2,300.00	Removal of Debris
6	03/13/06	1382	Jennifer Santana	4,500.00	(Illegible)
7	06/03/06	1392	Jennifer Santana	8,837.00	Services (illegible)
8	06/07/06	1400	Jennifer Santana	5,837.00	
9	06/20/06	1423	Jennifer Santana	1,674.00	
10	06/29/06	1434	Jennifer Santana	2,174.00	
11	07/08/06	1444	Jennifer Santana	1,600.00	
12	07/22/06	1450	Jennifer Santana	3,144.00	
13	08/07/06	1603	Jennifer Santana	3,300.00	Isabel
14	08/14/06	1612	Jennifer Santana	1,800.00	
			Jennifer Santana Total	\$46,316.00	

She stated that check number 1302 dated June 24, 2005 in the amount of \$6,000.00 was for payment of TICKETS owed by MARILLO. Of the other thirteen (13) checks, only check numbers 1382 and 1392 were signed or endorsed by J. SANTANA. Check number 1603 dated August 7, 2006 in the amount of \$3,300.00, she recalled was given to her son by MARILLO while she was on vacation and he wrote in her account number and deposited that check into her account. When shown check number 1376 dated February 6, 2006 in the amount of \$2,300.00, with the memo notation Removal of Debris, J. SANTANA did not know what that meant. She stated that she never did any work for the Government. Of all fourteen (14) checks, J. SANTANA stated that she knew of only four (4). Of all fourteen (14) checks, only check number 1603 was deposited into her account, all others were deposited into the account of the Puerto Rico lottery dealer who supplies the tickets.

11) **Francisca Santana**

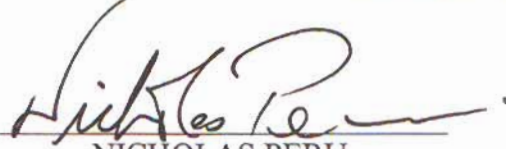
That, between February 26, 2005 and June 15, 2006, SIMMONDS wrote six (6) checks from the BER account totaling \$19,110.00 to an individual named Francisca Santana (F. SANTANA). She was interviewed on August 22, 2007 and shown those checks as detailed hereunder:

There is no telephone listing, nor is there any business license for La Casita in the Virgin Islands. There is however a business named La Casita in Nassau which at that time sold clothing and furniture.

That, based on the foregoing, affiant believes that there exists probable cause to Arrest **ALRIC V. SIMMONDS** and charge him with the following violations of law:

- Embezzlement or falsification of public accounts in violation of T 14 VIC § 1662 (1)
- Conversion of government property in violation of T 14 VIC § 895 (a)
- Grand larceny in violation of T 14 VIC § 1083 (1)

FURTHER AFFIANT SAYETH NOT

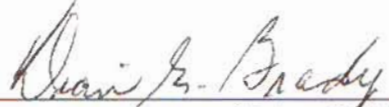


NICHOLAS PERU

11/9/07

DATE

Subscribed and Sworn to this 9th day of November, 2007.



Notary Public