

INDICTMENT

Conspiracy Embezzlement §97-1-1 1 Count
Conspiracy Mail Fraud §97-1-1 4 Counts
Conspiracy Bribery §97-1-1 1 Count
Bribery §97-1-1-53 9 Counts
Conspiracy Fraud §97-1-1 2 Counts
Fraudulent Statements §97-7-10 3 Counts

CIRCUIT COURT NO. 22-238 - AHW

THE STATE OF MISSISSIPPI

Circuit Court

FIRST DISTRICT, HINDS COUNTY

October Term, A.D., 2021
First Judicial District
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, Latimer Smith, Nancy Whitten New, Zachary New, Brian Jeff Smith
and Twyla Leigh Smith and others known and unknown to the grand jury

In said District, County and State

COUNT I

on, about and between the 11th day of February, 2019 and the 11th 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 , did willfully, unlawfully, and feloniously entered into a conspiracy with Nancy Whitten New, Zachary 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, Zachary New Assistant Executive Director of the Mississippi Community Education Center 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 *****7729, 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

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 , did, on and about the 11th day of February, 2019, in the county aforesaid and within the jurisdiction of this Court, willfully, unlawfully, and feloniously entered into a conspiracy with Nancy Whitten New, Zachary 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, Zachary New 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, and to obtain money, property or services 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, transmitted or cause to be transmitted \$40,000.00 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, of limited purpose grant funds entrusted to Mississippi Community Education Center by the Mississippi Department of Human Services from a bank account controlled by Nancy New and Zachary New, being Regions Bank Account Number *****7729, into a bank account owned by Rise In Malibu, Wells Fargo Bank NA, (San Francisco, California) Bank Account Number *****0248, for the purpose of executing a scheme or artifice or attempting so to do, by means of false or fraudulent pretenses, representations or promises to defraud the State of Mississippi by false claims for limited purpose public grant funds and the concealment of and the unlawful and fraudulent diversion of limited, purpose public grant funds to Rise In Malibu, a company known to be ineligible to receive such grant funds and the transfer was for the wrongful, criminally fraudulent and unlawful purposes of using the said limited purpose grant funds for the extinguishment of the personal debt John Davis, owed by him to Rise In Malibu for treatment services contracted for and/or provided to Brett Dibiase, 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); and,

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 , did, on and about the 8th day of March, 2019, in the county aforesaid and within the jurisdiction of this Court, willfully, unlawfully, and feloniously entered into a conspiracy with Nancy Whitten New, Zachary 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, Zachary

New 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, and to obtain money, property or services 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, transmitted or cause to be transmitted \$40,000.00 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, of limited purpose grant funds entrusted to Mississippi Community Education Center by the Mississippi Department of Human Services from a bank account controlled by Nancy New and Zachary New, being Regions Bank Account Number *****7729, into a bank account owned by Rise In Malibu, Wells Fargo Bank NA, (San Francisco, California) Bank Account Number *****0248, for the purpose of executing a scheme or artifice or attempting so to do, by means of false or fraudulent pretenses, representations or promises to defraud the State of Mississippi by false claims for limited purpose public grant funds and the concealment of and the unlawful and fraudulent diversion of limited, purpose public grant funds to Rise In Malibu, a company known to be ineligible to receive such grant funds and the transfer was for the wrongful, criminally fraudulent and unlawful purposes of using the said limited purpose grant funds for the extinguishment of the personal debt John Davis, owed by him to Rise In Malibu for treatment services contracted for and/or provided to Brett Dibiasse, 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); and,

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 , did, on and about the the 8th day of April, 2019, in the county aforesaid and within the jurisdiction of this Court, willfully, unlawfully, and feloniously entered into a conspiracy with Nancy Whitten New, Zachary 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, Zachary New 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, and to obtain money, property or services 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, transmitted or cause to be transmitted \$40,000.00 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, of limited purpose grant funds entrusted to Mississippi Community Education Center by the Mississippi Department of Human Services from a bank account controlled by Nancy New and Zachary New, being Regions Bank Account Number *****7729, into a bank

account owned by Rise In Malibu, Wells Fargo Bank NA, (San Francisco, California) Bank Account Number *****0248, for the purpose of executing a scheme or artifice or attempting so to do, by means of false or fraudulent pretenses, representations or promises to defraud the State of Mississippi by false claims for limited purpose public grant funds and the concealment of and the unlawful and fraudulent diversion of limited, purpose public grant funds to Rise In Malibu, a company known to be ineligible to receive such grant funds and the transfer was for the wrongful, criminally fraudulent and unlawful purposes of using the said limited purpose grant funds for the extinguishment of the personal debt John Davis, owed by him to Rise In Malibu for treatment services contracted for and/or provided to Brett Dibiase, 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); and,

COUNT V

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 _____, did, on and about the 16th day of June, 2019, in the county aforesaid and within the jurisdiction of this Court, willfully, unlawfully, and feloniously entered into a conspiracy with Nancy Whitten New, Zachary 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, Zachary New 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, and to obtain money, property or services 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, transmitted or caused to be transmitted \$40,000.00 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, of limited purpose grant funds entrusted to Mississippi Community Education Center by the Mississippi Department of Human Services from a bank account controlled by Nancy New and Zachary New, being Regions Bank Account Number *****7729, into a bank account owned by Rise In Malibu, Wells Fargo Bank NA, (San Francisco, California) Bank Account Number *****0248, for the purpose of executing a scheme or artifice or attempting so to do, by means of false or fraudulent pretenses, representations or promises to defraud the State of Mississippi by false claims for limited purpose public grant funds and the concealment of and the unlawful and fraudulent diversion of limited, purpose public grant funds to Rise In Malibu, a company known to be ineligible to receive such grant funds and the transfer was for the wrongful, criminally fraudulent and unlawful purposes of using the said limited purpose grant funds for the extinguishment of the personal debt John Davis, owed by him to Rise In Malibu for treatment services contracted for and/or provided to Brett Dibiase, 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); and,

COUNT VI

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 _____, did, on, about and between the 11th day of February, 2019, and the 16th day of June, 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 March 2, 1968, did willfully, unlawfully, and feloniously entered into a conspiracy with Nancy Whitten New, Zachary New and others known and unknown to the grand jury, to commit the crime of bribery in violation of §97-11-053, 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, Zachary New Assistant Executive Director of the Mississippi Community Education Center and others known and unknown to the grand jury, during and after the time when the Mississippi Department of Human Services had entrusted limited purpose public TANF grant funds to Mississippi Community Education Center, accepted directly or indirectly an offer or promise, or agreed to receive, property, or other tangible or intangible things of value and for the inducement or incentive for the accomplishment of any official act or purpose involving public funds or public trust, namely awarding a contract and contract modifications by the Mississippi Department of Human Services to the Mississippi Community Education Center, which contract and contract modifications increased the limited purpose grant funds under the control of Nancy New and Zachary New, including but not limited to those limited purpose public grant funds fraudulently obtained and transferred by Nancy New and Zachary New to New Learning Resources Inc., and to Prevacus Inc., and to PresolMD, all occurring within the jurisdiction of this court and in violation of Section 97-1-1 and Section 97-11-53, Mississippi Code Annotated (1972, as amended); and,

COUNT VII

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 _____, did, on and about the 11th day of February, 2019, in the county aforesaid and within the jurisdiction of this Court, willfully, unlawfully, and feloniously accepted directly or indirectly an offer or promise to receive, as a public official as defined by Miss. Code §97-11-53, money, property, or other tangible or intangible thing of value as a bribe or an inducement or incentive for the awarding or refusal to award a contract or contract modifications by an entity referred to in Miss. Code §97-11-53(2-b)(i) through (v) or as an inducement or incentive for the accomplishment of any official act or purpose involving public funds or public trust. To-wit: John Davis all while acting as the Executive Director of the Mississippi Department of Human Services, and while acting in concert and/or aiding, assisting or encouraging 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, Zachary New Assistant Executive Director of the Mississippi Community Education Center and others known and unknown to the grand jury, during and after the time when the Mississippi Department of Human Services had entrusted limited purpose public TANF grant funds to Mississippi Community

Education Center, accepted directly or indirectly an offer or promise, or agreed to receive, property, or other tangible or intangible things of value and for the inducement or incentive for the accomplishment of any official act or purpose involving public funds or public trust, namely a payment of \$40,000.00, of limited purpose TANF grant funds toward the extinguishment of the personal debt of John Davis to Rise in Malibu made as an inducement or incentive of awarding a contract modification by the Mississippi Department of Human Services on or about June 13, 2019, which increased the limited purpose grant funds under the control of Nancy Whitten New and Zachary New by \$7,600,000.00 and as an inducement or incentive for the accomplishment of any official act or purpose involving public funds or public trust, namely the subsequent transfers on and after February 11, 2019 of limited purpose public grant TANF funds to the Mississippi Community Education Center, under the control of Nancy Whitten New and Zachary New, from the Mississippi Department of Human Services, including but not limited to those limited purpose public grant funds fraudulently obtained and transferred by Nancy New and Zachary New to New Learning Resources Inc., and to Prevacus Inc., and to PresolMD, all occurring within the jurisdiction of this court and in violation of Section 97-11-53, Mississippi Code Annotated (1972, as amended); and,

COUNT VIII

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 , did, on and about the 7th day of March, 2019, in the county aforesaid and within the jurisdiction of this Court, willfully, unlawfully, and feloniously accepted directly or indirectly an offer or promise to receive, as a public official as defined by Miss. Code §97-11-53, money, property, or other tangible or intangible thing of value as a bribe or an inducement or incentive for the awarding or refusal to award a contract or contract modifications by an entity referred to in Miss. Code §97-11-53(2-b)(i) through (v) or as an inducement or incentive for the accomplishment of any official act or purpose involving public funds or public trust. To-wit: John Davis all while acting as the Executive Director of the Mississippi Department of Human Services, and while acting in concert and/or aiding, assisting or encouraging 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, Zachary New Assistant Executive Director of the Mississippi Community Education Center and others known and unknown to the grand jury, during and after the time when the Mississippi Department of Human Services had entrusted limited purpose public TANF grant funds to Mississippi Community Education Center, accepted directly or indirectly an offer or promise, or agreed to receive, property, or other tangible or intangible things of value and for the inducement or incentive for the accomplishment of any official act or purpose involving public funds or public trust, namely a payment of \$40,000.00, of limited purpose TANF grant funds toward the extinguishment of the personal debt of John Davis to Rise in Malibu made as an inducement or incentive of awarding a contract modification by the Mississippi Department of Human Services on or about June 13, 2019, which increased the limited purpose grant funds under the control of Nancy Whitten New and Zachary New by \$7,600,000.00 and as an inducement or incentive for the accomplishment of any official act or purpose involving public funds or public trust, namely the subsequent transfers on and after March 7, 2019 of limited purpose public grant TANF funds to the Mississippi Community Education Center, under the control of Nancy Whitten New and Zachary New, from the Mississippi

Department of Human Services, including but not limited to those limited purpose public grant funds fraudulently obtained and transferred by Nancy New and Zachary New to New Learning Resources Inc., and to Prevacus Inc., and to PresolMD, all occurring within the jurisdiction of this court and in violation of Section 97-11-53, Mississippi Code Annotated (1972, as amended); and,

COUNT IX

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 , did, on and about the 8th day of April, 2019, in the county aforesaid and within the jurisdiction of this Court, willfully, unlawfully, and feloniously accepted directly or indirectly an offer or promise to receive, as a public official as defined by Miss. Code §97-11-53, money, property, or other tangible or intangible thing of value as a bribe or an inducement or incentive for the awarding or refusal to award a contract or contract modifications by an entity referred to in Miss. Code §97-11-53(2-b)(i) through (v) or as an inducement or incentive for the accomplishment of any official act or purpose involving public funds or public trust. To-wit: John Davis all while acting as the Executive Director of the Mississippi Department of Human Services, and while acting in concert and/or aiding, assisting or encouraging 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, Zachary New Assistant Executive Director of the Mississippi Community Education Center and others known and unknown to the grand jury, during and after the time when the Mississippi Department of Human Services had entrusted limited purpose public TANF grant funds to Mississippi Community Education Center, accepted directly or indirectly an offer or promise, or agreed to receive, property, or other tangible or intangible things of value and for the inducement or incentive for the accomplishment of any official act or purpose involving public funds or public trust, namely a payment of \$40,000.00, of limited purpose TANF grant funds toward the extinguishment of the personal debt of John Davis to Rise in Malibu made as an inducement or incentive of awarding a contract modification by the Mississippi Department of Human Services on or about June 13, 2019, which increased the limited purpose grant funds under the control of Nancy Whitten New and Zachary New by \$7,600,000.00 and as an inducement or incentive for the accomplishment of any official act or purpose involving public funds or public trust, namely the subsequent transfers on and after April 8, 2019 of limited purpose public grant TANF funds to the Mississippi Community Education Center, under the control of Nancy Whitten New and Zachary New, from the Mississippi Department of Human Services, including but not limited to those limited purpose public grant funds fraudulently obtained and transferred by Nancy New and Zachary New to New Learning Resources Inc., and to Prevacus Inc., and to PresolMD, all occurring within the jurisdiction of this court and in violation of Section 97-11-53, 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 John Davis, being a male human being above the age of eighteen (18) years, whose date of birth is , did, on and about the 13th day of June, 2019, in the county aforesaid and within the jurisdiction of this Court, willfully, unlawfully, and feloniously accepted directly or

indirectly an offer or promise to receive, as a public official as defined by Miss. Code §97-11-53, money, property, or other tangible or intangible thing of value as a bribe or an inducement or incentive for the awarding or refusal to award a contract or contract modifications by an entity referred to in Miss. Code §97-11-53(2-b)(i) through (v) or as an inducement or incentive for the accomplishment of any official act or purpose involving public funds or public trust. To-wit: John Davis all while acting as the Executive Director of the Mississippi Department of Human Services, and while acting in concert and/or aiding, assisting or encouraging 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, Zachary New Assistant Executive Director of the Mississippi Community Education Center and others known and unknown to the grand jury, during and after the time when the Mississippi Department of Human Services had entrusted limited purpose public TANF grant funds to Mississippi Community Education Center, accepted directly or indirectly an offer or promise, or agreed to receive, property, or other tangible or intangible things of value and for the inducement or incentive for the accomplishment of any official act or purpose involving public funds or public trust, namely a payment of \$40,000.00, of limited purpose TANF grant funds toward the extinguishment of the personal debt of John Davis to Rise in Malibu made as an inducement or incentive of awarding a contract modification by the Mississippi Department of Human Services on or about June 13, 2019, which increased the limited purpose grant funds under the control of Nancy Whitten New and Zachary New by \$7,600,000.00 and as an inducement or incentive for the accomplishment of any official act or purpose involving public funds or public trust, namely the subsequent transfers on and after March 7, 2019 of limited purpose public grant TANF funds to the Mississippi Community Education Center, under the control of Nancy Whitten New and Zachary New, from the Mississippi Department of Human Services, including but not limited to those limited purpose public grant funds fraudulently obtained and transferred by Nancy New and Zachary New to New Learning Resources Inc., and to Prevacus Inc., and to PresolMD, all occurring within the jurisdiction of this court and in violation of Section 97-11-53, Mississippi Code Annotated (1972, as amended); and,

COUNT XI

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 , did, on and about the 23rd day of February, 2019, in the county aforesaid and within the jurisdiction of this Court, willfully, unlawfully, and feloniously accepted directly or indirectly an offer or promise to receive, as a public official as defined by Miss. Code §97-11-53, money, property, or other tangible or intangible thing of value as a bribe or an inducement or incentive for the awarding or refusal to award a contract or contract modifications by an entity referred to in Miss. Code §97-11-53(2-b)(i) through (v) or as an inducement or incentive for the accomplishment of any official act or purpose involving public funds or public trust. To-wit: John Davis all while acting as the Executive Director of the Mississippi Department of Human Services, and while acting in concert and/or aiding, assisting or encouraging 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, Zachary New Assistant Executive Director of the Mississippi Community Education Center and others known and unknown to the grand jury, during and after the time when the Mississippi Department of Human

Services had entrusted limited purpose public TANF grant funds to Mississippi Community Education Center, accepted directly or indirectly an offer or promise, or agreed to receive, property, or other tangible or intangible things of value and for the inducement or incentive for the accomplishment of any official act or purpose involving public funds or public trust, namely a payment in Hinds County, Mississippi of at least \$790.00 for a luxury Hotel Suite at the Four Seasons Hotel in California used by John Davis made as an inducement or incentive of awarding a contract modification by the Mississippi Department of Human Services on or about June 13, 2019, which increased the limited purpose grant funds under the control of Nancy Whitten New and Zachary New by \$7,600,000.00 and as an inducement or incentive for the accomplishment of any official act or purpose involving public funds or public trust, namely the subsequent transfers on and after March 7, 2019 of limited purpose public grant TANF funds to the Mississippi Community Education Center, under the control of Nancy Whitten New and Zachary New, from the Mississippi Department of Human Services, including but not limited to those limited purpose public grant funds fraudulently obtained and transferred by Nancy New and Zachary New to New Learning Resources Inc., and to Prevacus Inc., and to PresolMD, all occurring within the jurisdiction of this court and in violation of Section 97-11-53, Mississippi Code Annotated (1972, as amended); and,

COUNT XII

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 _____, did, on and about the 20th day of February, 2019, in the county aforesaid and within the jurisdiction of this Court, willfully, unlawfully, and feloniously accepted directly or indirectly an offer or promise to receive, as a public official as defined by Miss. Code §97-11-53, money, property, or other tangible or intangible thing of value as a bribe or an inducement or incentive for the awarding or refusal to award a contract or contract modifications by an entity referred to in Miss. Code §97-11-53(2-b)(i) through (v) or as an inducement or incentive for the accomplishment of any official act or purpose involving public funds or public trust. To-wit: John Davis all while acting as the Executive Director of the Mississippi Department of Human Services, and while acting in concert and/or aiding, assisting or encouraging 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, Zachary New Assistant Executive Director of the Mississippi Community Education Center and others known and unknown to the grand jury, during and after the time when the Mississippi Department of Human Services had entrusted limited purpose public TANF grant funds to Mississippi Community Education Center, accepted directly or indirectly an offer or promise, or agreed to receive, property, or other tangible or intangible things of value and for the inducement or incentive for the accomplishment of any official act or purpose involving public funds or public trust, namely a payment in Hinds County, Mississippi of at least \$1,107.75 for a First Class Ticket for a flight to and from California used by John Davis made as an inducement or incentive of awarding a contract modification by the Mississippi Department of Human Services on or about June 13, 2019, which increased the limited purpose grant funds under the control of Nancy Whitten New and Zachary New by \$7,600,000.00 and as an inducement or incentive for the accomplishment of any official act or purpose involving public funds or public trust, namely the subsequent transfers on and after March 7, 2019 of limited purpose public grant TANF funds to the Mississippi Community Education

Center, under the control of Nancy Whitten New and Zachary New, from the Mississippi Department of Human Services, including but not limited to those limited purpose public grant funds fraudulently obtained and transferred by Nancy New and Zachary New to New Learning Resources Inc., and to Prevacus Inc., and to PresolMD, all occurring within the jurisdiction of this court and in violation of Section 97-11-53, Mississippi Code Annotated (1972, as amended); and,

COUNT XIII

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 , did, on and about the 20th day of February, 2019, in the county aforesaid and within the jurisdiction of this Court, willfully, unlawfully, and feloniously accepted directly or indirectly an offer or promise to receive, as a public official as defined by Miss. Code §97-11-53, money, property, or other tangible or intangible thing of value as a bribe or an inducement or incentive for the awarding or refusal to award a contract or contract modifications by an entity referred to in Miss. Code §97-11-53(2-b)(i) through (v) or as an inducement or incentive for the accomplishment of any official act or purpose involving public funds or public trust. To-wit: John Davis all while acting as the Executive Director of the Mississippi Department of Human Services, and while acting in concert and/or aiding, assisting or encouraging 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, Zachary New Assistant Executive Director of the Mississippi Community Education Center and others known and unknown to the grand jury, during and after the time when the Mississippi Department of Human Services had entrusted limited purpose public TANF grant funds to Mississippi Community Education Center, accepted directly or indirectly an offer or promise, or agreed to receive, property, or other tangible or intangible things of value and for the inducement or incentive for the accomplishment of any official act or purpose involving public funds or public trust, namely a payment in Hinds County, Mississippi of at least \$1,107.75 for a First Class Ticket for a flight to and from California used by John Davis made as an inducement or incentive of awarding a contract modification by the Mississippi Department of Human Services on or about June 13, 2019, which increased the limited purpose grant funds under the control of Nancy Whitten New and Zachary New by \$7,600,000.00 and as an inducement or incentive for the accomplishment of any official act or purpose involving public funds or public trust, namely the subsequent transfers on and after March 7, 2019 of limited purpose public grant TANF funds to the Mississippi Community Education Center, under the control of Nancy Whitten New and Zachary New, from the Mississippi Department of Human Services, including but not limited to those limited purpose public grant funds fraudulently obtained and transferred by Nancy New and Zachary New to New Learning Resources Inc., and to Prevacus Inc., and to PresolMD, all occurring within the jurisdiction of this court and in violation of Section 97-11-53, Mississippi Code Annotated (1972, as amended); and,

COUNT XIV

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 , did, on and about the 11th day of February, 2019, in the county aforesaid

and within the jurisdiction of this Court, four days after Brian Jeff Smith received \$365,000.00 in limited purpose TANF funds from the Mississippi Community Education Center, willfully, unlawfully, and feloniously accepted directly or indirectly an offer or promise to receive, as a public official as defined by Miss. Code §97-11-53, money, property, or other tangible or intangible thing of value as a bribe or an inducement or incentive for the awarding or refusal to award a contract or contract modifications by an entity referred to in Miss. Code §97-11-53(2-b)(i) through (v) or as an inducement or incentive for the accomplishment of any official act or purpose involving public funds or public trust. To-wit: John Davis all while acting as the Executive Director of the Mississippi Department of Human Services, and while acting in concert and/or aiding, assisting or encouraging 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, Zachary New Assistant Executive Director of the Mississippi Community Education Center, Brian Jeff Smith and others known and unknown to the grand jury, during and after the time when the Mississippi Department of Human Services had entrusted limited purpose public TANF grant funds to Mississippi Community Education Center, accepted directly or indirectly an offer or promise, or agreed to receive, property, or other tangible or intangible things of value and for the inducement or incentive for the accomplishment of any official act or purpose involving public funds or public trust, namely a payment of \$5,000.00 from Brian Jeff Smith to John Davis as an inducement or incentive for awarding a contract modification by the Mississippi Department of Human Services on or about June 13, 2019, which increased the limited purpose grant funds under the control of Nancy New and Zachary New and Zachary New by \$7,600,000.00 and as an inducement or incentive for the accomplishment of any official act or purpose involving public funds or public trust, namely the continued and subsequent the concealment of the illegal receipt of limited purpose TANF funds by Brian Jeff Smith and Twyla Leigh Smith and additionally an inducement or incentive for transfers of limited purpose public grant TANF funds to Mississippi Community Education Center, under the control of Nancy New and Zachary New, from the Mississippi Department of Human Services, including but not limited to those limited purpose public TANF grant funds fraudulently obtained, retained and/or transferred by Nancy New and Zachary New to Brian Jeff Smith, Transformational Ventures LLC and JTS Enterprises, LLC, all occurring within the jurisdiction of this court and in violation of Section 97-11-53, Mississippi Code Annotated (1972, as amended); and,

COUNT XV

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 _____, did, on and about the 11th day of July, 2019, in the county aforesaid and within the jurisdiction of this Court, willfully, unlawfully, and feloniously accepted directly or indirectly an offer or promise to receive, as a public official as defined by Miss. Code §97-11-53, money, property, or other tangible or intangible thing of value as a bribe or an inducement or incentive for the awarding or refusal to award a contract or contract modifications by an entity referred to in Miss. Code §97-11-53(2-b)(i) through (v) or as an inducement or incentive for the accomplishment of any official act or purpose involving public funds or public trust. To-wit: John Davis all while acting as the Executive Director of the Mississippi Department of Human Services, and while acting in concert and/or aiding, assisting or encouraging 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, Zachary New Assistant Executive Director of the Mississippi Community Education Center, Brian Jeff Smith and others known and unknown to the grand jury, did directly or indirectly accept, receive, offer to receive or agree to receive money, property, or other tangible or intangible thing of value, namely payment from Brian Jeff Smith and Twyla Leigh Smith of \$6,000.00 to as an inducement or incentive for the accomplishment of any official act or purpose involving public funds or public trust, namely the continued and subsequent concealment of the illegal receipt of limited purpose TANF funds by Brian Jeff Smith and Twyla Leigh Smith and additionally an inducement or incentive for transfers of limited purpose public grant TANF funds to Mississippi Community Education Center, under the control of Nancy New and Zachary New, from the Mississippi Department of Human Services, including but not limited to those limited purpose public TANF grant funds fraudulently obtained, retained and/or transferred by Nancy New and Zachary New to Brian Jeff Smith, Transformational Ventures LLC and JTS Enterprises, LLC, all occurring within the jurisdiction of this court and in violation of Section 97-11-53, Mississippi Code Annotated (1972, as amended); and,

COUNT XVI

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 , did, on or about and between the 1st day of November, 2018, and the 22nd day of February, 2019, willfully, unlawfully, and feloniously with the intent to defraud the State of Mississippi, or any department, agency, office, or other subdivision of the state or local government, entered into an agreement, combination or conspiracy with Brett Dibiase, Latimer Smith, and others known and unknown to the grand jury to defraud the State of Mississippi, or any department or political subdivision thereof, by obtaining or aiding to obtain the payment or allowance from the public funds of the state, or of any department or political subdivision thereof, any false or fraudulent claim in violation of §97-7-10; To-wit: John Davis, all while acting as the Executive Director of the Mississippi Department of Human Services, conspired with Brett Dibiase, 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 97-7-10, Mississippi Code Annotated (1972, as amended);

COUNT XVII

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 , did, on or about and between the 1st day of November, 2018, and the 22nd 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, 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 97-7-10, Mississippi Code Annotated (1972, as amended); and,

COUNT XVIII

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 , did, on or about and between the 1st February, 2017 and the 1st day of March, 2017, willfully, unlawfully, and feloniously with the intent to defraud the State of Mississippi, or any department, agency, office, or other subdivision of the state or local government, entered into an agreement, combination or conspiracy with Brett Dibiase, and others known and unknown to the grand jury to defraud the State of Mississippi, or any department or political subdivision thereof, by obtaining or aiding to obtain the payment or allowance from the public funds of the state, or of any department or political subdivision thereof, any false or fraudulent claim in violation of §97-7-10; To-wit: John Davis, all while acting as the Executive Director of the Mississippi Department of Human Services, conspired with Brett Dibiase, and others known and unknown to the grand jury, conspired to defraud the Mississippi Department of Human Services, a department of the State of Mississippi, by willfully falsifying Brett Dibiase's application for employment with the Mississippi Department of Human Services to falsely show that Brett Dibiase had obtained a college degree and concealed and covers up by trick, scheme or device that Brett Dibiase had never received a college degree in order to deceive the Mississippi Department of Human into hiring Brett Dibiase for an employment position he was not qualified for and to increase Brett Dibiase's salary with the Mississippi Department of Human Services knowing that Brett Dibiase's employment application was false, fraudulent and untrue, all occurring within the jurisdiction of this court and in violation of Section 97-1-1 and Section 97-7-10, Mississippi Code Annotated (1972, as amended);

COUNT XIX

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 , did, on or about and between the 1st February, 2017 and the 1st day of March, 2017, willfully, unlawfully, and feloniously with the intent to defraud the State of

Mississippi, or any department, agency, office, or other subdivision of the state or local government, entered into an agreement, combination or conspiracy with Brett Dibiase, and others known and unknown to the grand jury to defraud the State of Mississippi, or any department or political subdivision thereof, by knowingly, concealing and covering up by trick, scheme or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry to perpetrated a fraud upon the Mississippi Department of Human Services, a department of the State of Mississippi; To-wit: John Davis, all while acting as the Executive Director of the Mississippi Department of Human Services, conspired with Brett Dibiase, and others known and unknown to the grand jury, to defraud the Mississippi Department of Human Services, a department of the State of Mississippi, by willfully falsifying Brett Dibiase's application for employment with the Mississippi Department of Human Services to falsely show that Brett Dibiase had obtained a college degree and concealed and covered up by trick, scheme or device that Brett Dibiase had never received a college degree in order to deceive the Mississippi Department of Human into hiring Brett Dibiase for an employment position he was not qualified for and to increase Brett Dibiase's salary with the Mississippi Department of Human Services knowing that Brett Dibiase's employment application was false, fraudulent and untrue, all occurring within the jurisdiction of this court and in violation of Section 97-7-10, Mississippi Code Annotated (1972, as amended);

COUNT XX

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 , did, on or about and between the 1st day of November, 2018, and the 22nd 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, 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, Latimer Smith and others known and unknown to the grand jury, 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 Count V, Count VI, Count VII, Count VIII, Count IX, Count X, Count XI, Count XII, Count XIII; Count XIV, Count XV, Count XVI, Count XVII, Count XVIII, Count XIX and Count XX 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

Mississippi Electronic Courts
Seventh Circuit Court District (Hinds Circuit Court - Jackson)
CRIMINAL DOCKET FOR CASE #: 25CI1:22-cr-00238-AHW-1

Case title: State of Mississippi v. DAVIS

Date Filed: 03/25/2022

Assigned to: Adrienne Wooten

Defendant (1)

JOHN DAVIS
502 CHARLES ST
BROOKHAVEN, MS

represented by **Merrida P Coxwell, Jr**
Coxwell & Associates, PLLC
Post Office Box 1337
JACKSON, MS 39215
601-948-1600
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ATTORNEY TO BE NOTICED

View Bond Info

Upcoming Settings:
None Found

Charles Richard Mullins
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Post Office Box 1337
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ATTORNEY TO BE NOTICED

Counts

- (1-5) - 97-1-1.F - Crimes: Conspiracy
Offense Date: None Found
- (6-15) - 97-11-53.F - Bribery of/Acceptance
by Public Official: Purchase, Contract or
Action
Offense Date: None Found
- (16) - 97-1-1.F - Crimes: Conspiracy
Offense Date: None Found
- (17) - 97-7-10.F - Crimes Against Gov't:
Making false statement or representation to
defraud government
Offense Date: None Found
- (18) - 97-1-1.F - Crimes: Conspiracy
Offense Date: None Found
- (19-20) - 97-7-10.F - Crimes Against Gov't:
Making false statement or representation to
defraud government
Offense Date: None Found

Count Action

Plaintiff**State of Mississippi**represented by **Jody E Owens, II**

Hinds County District Attorney's Office
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Date Filed	#	Docket Text
03/29/2022	<u>2</u>	CAPIAS ISSUED as to JOHN DAVIS. (LFM) (Entered: 03/29/2022)
04/08/2022	<u>3</u>	INDICTMENT by State of Mississippi as to JOHN DAVIS (LJC) (Entered: 04/08/2022)
04/08/2022	<u>4</u>	ORDER REMOVING ANKLE MONITOR as to JOHN DAVIS. Signed by Adrienne Wooten on 4/8/22. (LJC) (Entered: 04/08/2022)
04/08/2022	<u>5</u>	ORDER EXTENDING THE COURT'S SUPPRESSION ORDER LIMITING PRE-TRIAL PUBLICITY as to JOHN DAVIS. Signed by Adrienne Wooten on 4/8/2022. (LJC) (Entered: 04/08/2022)
04/12/2022	<u>6</u>	ARRAIGNMENT & TRIAL ORDER as to JOHN DAVIS. Signed by Adrienne Wooten on 4/8/22. (KB) (Entered: 04/12/2022)
04/18/2022	<u>7</u>	Capias Returned Executed as to JOHN DAVIS. Capias Served on 4/14/2022 as to JOHN DAVIS. (LFM) (Entered: 04/18/2022)

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

STATE OF MISSISSIPPI

PLAINTIFF

VS.

CAUSE NO. 22-238

JOHN DAVIS

DEFENDANT

ORDER REMOVING ANKLE MONITOR

THIS MATTER came before the Court on motion *ore tenus* by the Defendant, John Davis, requesting to have the Defendant's ankle monitor removed. Mr. Davis was also required to not leave his house except for going to work, church, meetings with his attorneys, or run any other errands necessary for daily life. The Defendant was also given a 10 p.m. curfew. Having considered the matter, the Court finds that there is no longer a need for Defendant to wear an ankle monitor and the same shall be removed. The Court will also remove the restrictions on when the Defendant may leave his house, where he can go, and his 10 p.m. curfew.

IT IS, THEREFORE, ORDERED that Defendant will no longer be required to wear an ankle monitor and report to the monitoring company. Further the restrictions on when Mr. Davis may leave his home, where he can go, and his 10 p.m. curfew are also lifted. All other bond conditions will remain the same as set forth in *State of Mississippi v. John Davis*, Cause No. 20-cr-00049, Dkt. 6.

SO ORDERED this the 8th day of April, 2022.



CIRCUIT COURT JUDGE