STATE OF MINNESOTA DISTRICT COURT

COUNTY OF RAMSEY SECOND JUDICIAL DISTRICT

COURT FILE NO.: _____
PROSECUTOR FILE NO.: **2117030**

State of Minnesota,

Plaintiff,

v.
Burnell Franklin
(DOB: 12/25/1946)
2235 Glenridge Ave.
St. Paul, MN 55433,

Defendant.

FELONY
CRIMINAL COMPLAINT
☒ **Summons** ☐ **Warrant**
☐ **Order of Detention**

☐ **Amended**
☐ **Certified Juvenile**
☐ **EJJ**

Co-Defendant(s): Terrence Arthur Price Co. Atty. File No.: 2117028

The Complainant, being duly sworn, makes complaint to the above-named Court and states that there is probable cause to believe that the Defendant committed the following offense(s):

COUNT 1

On or about the 22nd day of March, 2010 to the 11th day of May, 2010, in Ramsey County, Minnesota, the defendant, **BURNELL FRANKLIN**, aiding and abetting and being aided and abetted by another, did unlawfully with intent to defraud for the purpose of depriving another of property or for pecuniary gain, cause to be presented information containing a false representation as to any material fact or conceals a material fact concerning a claim under an insurance policy for payment or benefit of more than $5,000.

Said acts constituting the offense of **Insurance Fraud** in violation of MN Statute: §609.611.1(a); 609.611.3; 609.52.3(2); 609.05.1
Maximum Sentence: 10 years or $20,000 fine, or both.

COUNT 2

On or about the 22nd day of March, 2010 to the 11th day of May, 2010, in Ramsey County, Minnesota, the defendant, **BURNELL FRANKLIN**, aiding and abetting and being aided and abetted by another, did unlawfully obtain for the defendant or another the possession, custody, or title to property of or performance of services by another person of a value more than $5,000 by intentionally deceiving the victim with a false

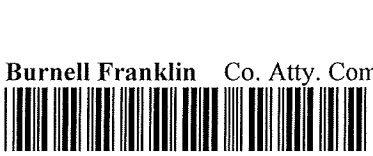
representation which was known to be false, made with intent to defraud, and which did defraud the person to whom it is made.

Said acts constituting the offense of **Theft by False Representation** in violation of MN Statute: §609.52.2(3); 609.52.3(2); 609.05.1
Maximum Sentence: 10 years or $20,000 fine, or both.

COUNT 3

On or about the 11th day of May, 2010, in Ramsey County, Minnesota, the defendant, **BURNELL FRANKLIN**, did unlawfully knowing or having reason to know the property was stolen, receive, possess, buy, transfer or conceal stolen property of a value more than $5,000.

Said acts constituting the offense of **Receiving Stolen Property** in violation of MN Statute: §609.53.1; 609.52.3(2)
Maximum Sentence: 10 years or $20,000 fine, or both.



STATEMENT OF PROBABLE CAUSE

The Complainant states that the following facts establish probable cause:

Your complainant is a sworn peace officer and detective with the Minnesota Department of Commerce – Division of Insurance Fraud Prevention and bases this complaint on the investigation performed by American Family Life Assurance Company (Aflac), bank records, witness statements and his own investigation:

In May of 2011, Aflac began investigating a number of insurance claims in Minnesota that closely resembled fraudulent claims filed by insurance fraud rings in other parts of the United States. Two such claims had purportedly been filed by **TERRANCE ARTHUR PRICE (D.O.B. 7/10/1975)** and his mother, **BURNELL FRANKLIN (D.O.B. 12/25/1946)**. Aflac had sent checks for approximately $10,000 to each defendant after receiving claims that they had sustained burns during household accidents that were so serious as to require hospitalization. The medical records submitted with these insurance claims had been completely fabricated, and the treating physician listed on the medical records had not seen either defendant for treatment.

On January 11, 2010, PRICE applied for an Accidental Death and Dismemberment (AD&D) policy with Aflac at a location in St. Paul, Ramsey County. Someone filed a claim against the policy on PRICE's behalf on March 14, 2010. The claim indicated that PRICE injured himself while lighting the pilot light on a water heater, setting his clothes on fire. The claim also indicated that PRICE had to be hospitalized at Mercy Hospital in Coon Rapids, MN from March 10, 2010 to March 13, 2010.

Attached to the claim form were what purported to be medical records from Mercy Hospital. These records indicated that PRICE's treating physician was A.M.F. and that PRICE had sustained third degree burns covering 176 square centimeters on his torso and an 18 inch laceration on his leg that required 20 sutures to close.

As a result of these claims, Aflac sent a check for $10,520 to PRICE's St. Paul address on March 18, 2010. PRICE then cashed the check on March 23, 2010 at a TCF Bank in Maplewood, Ramsey County.

On March 22, 2010, FRANKLIN applied for an AD&D policy with Aflac at a location in St. Paul. Someone filed a claim against the policy on FRANKLIN's behalf on April 30, 2010. The claim indicated that FRANKLIN injured herself while cooking at her St. Paul home. The claim also indicated that FRANKLIN had to be hospitalized at Mercy Hospital in Coon Rapids, MN from April 27, 2010 to April 30, 2010.

Attached to the claim form were what purported to be medical records from Mercy Hospital. Like PRICE's records, these indicated that A.M.F. was the treating physician and that FRANKLIN had sustained third degree burns covering 250 square centimeters of her body, requiring skin grafts.

As a result of these claims, Aflace sent a check for $9,920 to FRANKLIN's St. Paul address on May 6, 2010. FRANKLIN cashed the check at a TCF Bank in Maplewood, Ramsey County on May 11, 2010.

This investigator contacted A.M.F., a doctor at Mercy Hospital, and questioned him about these claims. After reviewing the medical records submitted on behalf of PRICE and FRANKLIN, A.M.F. stated that these were not records from Mercy Hospital, the signature on the records was not his and that neither defendant had been a patient of his during the claimed time periods.

This investigator also spoke with both PRICE and FRANKLIN during the course of this investigation. On June 29, 2012, this investigator spoke with PRICE at the Rush City Correctional Facility in Rush City, MN. PRICE waived his Miranda rights and agreed to answer questions. PRICE said that he had talked to a woman named Dannisha at a birthday party in July 2009. Dannisha had driven to the party in a nice van and had told PRICE that all he had to do to get some money was to apply for an insurance policy, pay the premium for a few months and that he would then get a check in the mail.

PRICE admitted to applying for the insurance policy with Aflac and paying the premium for a few months, but he said that he did not send in the insurance claim or false hospital records. A comparison of PRICE's signature on the application form and the claim form appear to be different. PRICE also admitted that he had no burn injuries to his torso or laceration to his leg. PRICE admitted getting a check for $10,520 from Aflac and cashing it. After cashing the check, PRICE kept $5,000 and gave the rest to his mother, FRANKLIN, who was going to meet another person who helped set up this insurance scheme.

On June 29, 2012, this investigator spoke with FRANKLIN at her residence in St. Paul. FRANKLIN stated that PRICE had called her after making a statement to this investigator, so she knew about the investigation. FRANKLIN agreed to discuss the matter and confirmed much of what PRICE had earlier admitted to. FRANKLIN knew that a woman named Dannisha had approached PRICE about making some money and decided to try it herself. FRANKLIN said that the arrangement consisted of taking out an insurance policy and then waiting for someone else to put in a claim.

FRANKLIN admitted to applying for the insurance policy with Aflac and identified her signature, but she stated that she did not send in the insurance claim or false hospital records. When asked how the arrangement worked, FRANKLIN admitted that someone else submitted the false claim and that FRANKLIN was to forward a percentage of the insurance payout to the person who submitted the false claim. In this instance, FRANKLIN stated that she forwarded between $5,000 and $6,000 to the other person and kept the rest for herself. FRANKLIN also admitted to meeting with this other person and delivering a portion of the money that her son, PRICE, had obtained by participating in the same scheme.

Complainant requests that Defendant, subject to bail or conditions of release, be:
(1) arrested or that other lawful steps be taken to obtain Defendant's appearance in court; or
(2) detained, if already in custody, pending further proceedings; and that said Defendant otherwise be dealt with according to law.

COMPLAINANT'S NAME: **COMPLAINANT'S SIGNATURE:**

John Billington _____

Subscribed and sworn to before the undersigned this _____ day of _____, 20_____.

NAME/TITLE: **SIGNATURE:**

_____ _____

Being authorized to prosecute the offenses charged, I approve this complaint.

Date: 11/26/2012 **PROSECUTING ATTORNEY'S SIGNATURE:**

_____

Name: John Ristad
Assistant Ramsey County Attorney
50 West Kellogg Blvd, #315
St. Paul, MN 55102
651-266-3222/jh
Attorney Registration #387580

FINDING OF PROBABLE CAUSE

From the above sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant's arrest or other lawful steps be taken to obtain Defendant's appearance in court, or Defendant's detention, if already in custody, pending further proceedings. Defendant is therefore charged with the above-stated offense.

☒ SUMMONS

THEREFORE YOU, THE ABOVE-NAMED DEFENDANT, ARE HEREBY SUMMONED to appear on the **14th day of December, 2012 at 1:20 PM** before the above-named court at **Ramsey County Law Enforcement Center, 425 Grove Street, St. Paul, MN 55101** to answer this complaint.
IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

☐ WARRANT

☐ ***Execute in MN Only*** ☐ ***Execute Nationwide*** ☐ ***Execute in Border States***

To the Sheriff of the above-named county; or other person authorized to execute this warrant: I hereby order, in the name of the State of Minnesota, that the above-named Defendant be apprehended and arrested without delay and brought promptly before the above-named court (if in session), and if not, before a Judge or Judicial Officer of such court without unnecessary delay, and in any event not later than 36 hours after the arrest or as soon as such Judge or Judicial Officer is available to be dealt with according to law.

☐ ORDER OF DETENTION

Since the above-named Defendant is already in custody, I hereby order, subject to bail or conditions of release, that the above-named Defendant continue to be detained pending further proceedings.

Bail:
Conditions of Release:

This complaint, duly subscribed and sworn to, is issued by the undersigned Judicial Officer this _____ day of _____, 20_____.

JUDICIAL OFFICER:
NAME:
TITLE:

SIGNATURE:

_____

Sworn testimony has been given before the Judicial Officer by the following witnesses:

COUNTY OF RAMSEY
STATE OF MINNESOTA

STATE OF MINNESOTA

Plaintiff,

vs.

BURNELL FRANKLIN

Defendant.

Clerk's Signature or File Stamp:

RETURN OF SERVICE
I hereby Certify and Return that I have served a copy of this COMPLAINT upon the Defendant herein named.

Signature of Authorized Service Agent:

_____

FINDINGS OF FACT

Probable cause found that defendant committed the offenses charged.

Ordered defendant's motion to dismiss denied.

Plea of not guilty to all counts entered.

Trial and hearing on all issues set.

Dated: _____

_____
JUDGE OF DISTRICT COURT

DEFENDANT DATA / CHARGE SHEET – ATTACHMENT A

DEFENDANT NAME: BURNELL FRANKLIN **DOB: 12/25/1946**

Defendant alias name(s): Alias DOB(s):

Defendant last known address: 2235 Glenridge Ave.
St. Paul, MN 55433

State ID:
Fingerprint ID:
FBI ID:
St. Paul PD ID:
Offender ID:

OTHER DEFENDANT / CASE IDENTIFIERS:

Fingerprinted? ☐ No ☐ Yes

Handgun permit? ☐ No ☐ Yes (Issuing Agency:)

Location of violation:

IF DRIVING OFFENSE:

Driver's License Number: Issuing State:

License Plate Number: Issuing State:

Accident Type: *check all that apply* ☐ No injury/no damage ☐ Property Damage ☐ Personal Injury ☐ Fatality

Blood Alcohol Concentration (BAC):

FELONY SUMMONS COMPLAINT

CT NO	OFFENSE DATE	STATUTE TYPE	STATUTE NBR	STATUTE DESCRIPTION	OFFENSE LEVEL	MOC	GOC	AGENCY ORI CN NBR FUNCTION
1	03/22/2010 to 05/11/2010	Charge	609.611.1(a)	Insurance Fraud-Present False Representation/Conceals Facts	F	U168G	X	MN Dept. of Commerce - Insurance Fraud ORI - MN062095Y CN - 11000594 Charging
		Definition	609.611.3	Ins Fraud-Sentence				
		Penalty	609.52.3(2)	Theft-Value over $5,000 or Trade Secret, Explosive, Controlled Substance I or II				
		Definition	609.05.1	Liability for Crimes of Another-Intentional				
2	03/22/2010 to 05/11/2010	Charge	609.52.2(3)	Theft-False Representation	F	U105G	X	MN Dept. of Commerce - Insurance Fraud ORI - MN062095Y CN - 11000594 Charging
		Penalty	609.52.3(2)	Theft-Value over $5,000 or Trade Secret, Explosive, Controlled Substance I or II				
		Definition	609.05.1	Liability for Crimes of Another-Intentional				
3	05/11/2010	Charge	609.53.1	Receiving Stolen Property	F	Q119C	N	MN Dept. of Commerce - Insurance Fraud ORI - MN062095Y CN - 11000594 Charging
		Penalty	609.52.3(2)	Theft-Value over $5,000 or Trade Secret, Explosive, Controlled Substance I or II				