

STATE OF MAINE
ANDROSCOGGIN, SS.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO.

STATE OF MAINE,)	
)	
Plaintiff)	
)	
v.)	INDICTMENT FOR ONE COUNT
)	THEFT BY DECEPTION (CLASS B)
JUSTIN A. MERRILL and)	17-A M.R.S.A. § 354 AND FOUR
)	COUNTS DECEPTIVE BUSINESS
MASS MARKETING MANAGEMENT,)	PRACTICES (CLASS D)
INC., a/k/a MAINE MARKETING)	17-A M.R.S.A. § 901
MANAGEMENT, INC., a/k/a MMM,)	
INC., a/k/a MMM,)	
)	
Defendants)	

COUNT I

From on or about October 3, 1983 until on or about April 27, 1984, in the Counties of Androscoggin and Kennebec, State of Maine, Justin A. Merrill and Mass Marketing Management, Inc., a/k/a Maine Marketing Management, Inc., a/k/a MMM, Inc., a/k/a MMM, did commit theft pursuant to one scheme or course of conduct by obtaining or exercising control over the property of the persons listed in Appendices A and B, in the amounts set forth in said Appendices, such property consisting of money of a value in excess of \$5,000, with the intent to deprive the persons listed in Appendices A and B thereof, as a result of deception, in that Justin A. Merrill and Mass Marketing Management, Inc., a/k/a Maine Marketing Management, Inc., a/k/a MMM, Inc., a/k/a MMM, did intentionally create or

reinforce the impression that, upon payment to Defendants of the agreed upon sums set forth in Appendices A and B by the persons listed therein, the Defendants would mail or deliver to members of the public between 10,000 and 50,000 telephone covers containing advertisements for the persons listed in Appendices A and B, which impression was false and which Defendants did not believe to be true, in that Defendants mailed or delivered less than 5,000 vinyl telephone covers containing advertisements for the persons listed in Appendix A and less than 5,000 vinyl telephone covers containing advertisements for the persons listed in Appendix B, all in violation of 17-A M.R.S.A. §§ 352(5)(E), 354 (1) and (2)(A), and 362(1) and (2)(A) (1983).

COUNT II

On or about March 23, 1984, in the County of Androscoggin, State of Maine, in the course of engaging in a business, Justin A. Merrill and Mass Marketing Management, Inc., a/k/a Maine Marketing Management, Inc., a/k/a MMM, Inc., a/k/a MMM, intentionally delivered less than the represented quantity of a commodity or service, in that Justin A. Merrill and Mass Marketing Management, Inc., a/k/a Maine Marketing Management, Inc., a/k/a MMM, Inc., a/k/a MMM, did intentionally mail or deliver to members of the public fewer vinyl telephone directory

covers containing the advertisement of Linda Litchfield, d/b/a Kozy Korner Kustom Knitting than the number previously represented to Linda Litchfield, d/b/a Kozy Korner Kustom Knitting in violation of 17-A M.R.S.A. § 901(1)(B) (1983).

COUNT III

On or about March 23, 1984, in the County of Androscoggin, State of Maine, in the course of engaging in a business, Justin A. Merrill and Mass Marketing Management, Inc., a/k/a Maine Marketing Management, Inc., a/k/a MMM, Inc., a/k/a MMM, intentionally delivered less than the represented quantity of a commodity or service, in that Justin A. Merrill and Mass Marketing Management, Inc., a/k/a Maine Marketing Management, Inc., a/k/a MMM, Inc., a/k/a MMM, did intentionally mail or deliver to members of the public fewer vinyl telephone directory covers containing the advertisement of Gerald and Jill Chenard, d/b/a Chenard's Building and Remodeling than the number previously represented to Gerald and Jill Chenard, d/b/a Chenard's Building and Remodeling in violation of 17-A M.R.S.A. § 901(1)(B) (1983).

COUNT IV

On or about March 23, 1984, in the County of Androscoggin, State of Maine, in the course of engaging in a business, Justin A. Merrill and Mass Marketing Management, Inc., a/k/a Maine Marketing Management, Inc., a/k/a MMM, Inc., a/k/a MMM,

intentionally delivered less than the represented quantity of a commodity or service, in that Justin A. Merrill and Mass Marketing Management, Inc., a/k/a Maine Marketing Management, Inc., a/k/a MMM, Inc., a/k/a MMM, did intentionally mail or deliver to members of the public fewer vinyl telephone directory covers containing the advertisement of Isabelle Thomas, d/b/a Royal Curtain Decorating Service than the number previously represented to Isabella Thomas, d/b/a Royal Curtain Decorating Service in violation of 17-A M.R.S.A. § 901(1)(B) (1983).

COUNT V

On or about March 23, 1984, in the County of Androscoggin, State of Maine, in the course of engaging in a business, Justin A. Merrill and Mass Marketing Management, Inc., a/k/a Maine Marketing Management, Inc., a/k/a MMM, Inc., a/k/a MMM, intentionally delivered less than the represented quantity of a commodity or service, in that Justin A. Merrill and Mass Marketing Management, Inc., a/k/a Maine Marketing Management, Inc., a/k/a MMM, Inc., a/k/a MMM, did intentionally mail or deliver to members of the public fewer vinyl telephone directory covers containing the advertisement of Donald and Denise Morin, d/b/a Don's Light Trucking than the number previously represented to Donald and Denise Morin, d/b/a Don's Light Trucking in violation of 17-A M.R.S.A. § 901(1)(B) (1983).

DATED:

A TRUE BILL.

FOREMAN

APPENDIX A

<u>Person</u>	<u>Value of Property</u>
Jacques Cyr d/b/a J. C. Roofing & Chimney Co.	\$300
Linda Litchfield and Julie Vallee d/b/a Kozy Korner Kustom Knitting	\$200
✓ Gerald and Jill Chenard d/b/a Chenard's Building and Remodeling	\$300
✓ Donald J. Morin d/b/a Don's Light Trucking	\$200
Isabelle M. Thomas d/b/a Royal Curtain Decorating Service	\$150
✓ J. L. Hayes & Co., Inc.	\$150
✓ Robert Hayes d/b/a Gilmour's Paint and Paper	\$150
✓ Richard Blais d/b/a Video Center Rentals	\$300
✓ The Hairem, Inc.	\$300
✓ Charles Newbury, d/b/a D & J Tire Service	\$300
✓ Pendragon Enterprises, Inc.	\$300
✓ Mark Tremblay d/b/a The Carpet Clinic	\$150
✓ Ernest Levasseur d/b/a Randy's Used Auto Parts	\$300
✓ Frank Ozella Motor Sales, Inc.	\$300
Alfred C. Blake, Sr. d/b/a American Home Center	\$350
✓ Suzanne Beaudoin d/b/a Graphic Designs	<u>\$300</u>
	\$4,050

APPENDIX B

<u>Person</u>	<u>Value of Property</u>
Glen Allen d/b/a Installation Engineering	\$300
✓ Kenneth Martin d/b/a Major Appliance Service	\$340
✓ John Clark d/b/a Clark's Sunoco	\$300
✓ Wayne Michaud d/b/a Rainbow International Carpet Dying and Cleaning Co.	\$300
✓ Michael Gray d/b/a New England Pool Supply	\$390
✓ On Top, Inc.	<u>\$390</u>
	\$2,020

STATE OF MAINE
SUMBERLAND, SS.

SUPERIOR COURT
CRIMINAL ACTION
DOCKET NO.

STATE OF MAINE)	
)	
v.)	INDICTMENT FOR ONE COUNT
)	THEFT BY DECEPTION (Class C)
JUSTIN A. MERRILL, a/k/a)	17-A M.R.S.A. § 354
WILLIAM S. FRENCH and)	
MASS MARKETING MANAGEMENT,)	
INC., a/k/a MAINE MARKETING)	
MANAGEMENT, INC., a/k/a)	
MMM, INC., a/k/a MMM,)	
)	
Defendants)	

COUNT I

From on or about February 1, 1985 until on or about August 31, 1985, in the County of Cumberland, State of Maine, Justin A. Merrill, a/k/a William S. French and Mass Marketing Management, Inc., a/k/a Maine Marketing Management, Inc., a/k/a MMM, Inc., a/k/a MMM, did commit theft pursuant to one scheme or course of conduct by obtaining or exercising control over the property of the persons listed in Appendix A, which Appendix is attached hereto and incorporated in and made part of Count I, in the amount set forth in said Appendix, such property consisting of money of a value in excess of \$1,000, with the intent to deprive the persons listed in Appendix A thereof, as a result of deception, in that Justin A. Merrill,

a/k/a William S. French and Mass Marketing Management, Inc.,
a/k/a Maine Marketing Management, Inc., a/k/a MMM, Inc., a/k/a
MMM, did intentionally create or reinforce the impression that,
upon payment to Defendants of the agreed upon sums set forth in
Appendix A by the persons listed therein, the Defendants would
mail or deliver to members of the public between 10,000 and
86,276 telephone covers containing advertisements for the
persons listed in Appendix A, which impression was false and
which Defendants did not believe to be true, all in violation
of 17-A M.R.S.A. §§ 352(5)(E), 354(1) and (2)(A), 362(1) and
(3)(A), and 1153 (1983 and Supp. 1985).

DATED:

A True Bill,

FOREMAN

APPENDIX A

<u>Person</u>	<u>Value of Property</u>
Reception Unlimited, Inc.	\$375.00
Dana Lampron, d/b/a Lampron's Auto Body	430.00
Brenda Pelletier, d/b/a Custom Photography by Brenda	250.00
Charles A. Fortin, d/b/a Fortin's Custom Cabinet Fronts	400.00
Jerrold H. Bradley, d/b/a J & K Home Improvements	300.00
Karen Nason, d/b/a Fran-A-Gram	300.00
Sharon Waltz, d/b/a Maynard W. Waltz Co.	450.00
Burr Distributors, Inc.	300.00
Mercy Hospital	800.00
Von Herten's Auto Body, Inc.	375.00
David Walton, d/b/a Plasticraft	150.00

4130.00