

NEWS RELEASE

Luther Strange

Alabama Attorney General



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For More Information, contact:

Joy Patterson (334) 242-7491
Suzanne Webb (334) 242-7351

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AG ANNOUNCES SENTENCING IN CASE THAT CAME TO TRIAL AS RESULT OF APPEAL THAT SET LEGAL PRECEDENT

(MONTGOMERY) – Attorney General Luther Strange announced the sentencing today of defendants in a case that finally was brought to trial as the result of an appeal by the Attorney General’s Office that set an important legal precedent for prosecutions involving theft of funds.

Just as the case initially was going to trial in September of 2008, it was dismissed because the indictment referred to theft of specific monetary amounts but did not state whether the money stolen was received in the form of U.S. currency, checks, or credit or debit card transactions. The Attorney General’s Office successfully argued that the form of transaction or the currency was not necessary to properly identify the amount that had been stolen. The Alabama Supreme Court agreed and the case came to trial this January.

Following a week-long trial that began on January 23, 2012, Mitchell and Michelle Roffler were found guilty by a jury in Mobile County Circuit Court of second-degree theft. Today, each was sentenced to ten years imprisonment, which was suspended, ordered to serve five years of supervised probation and 240 hours of community service, and to pay restitution as well as court costs. Mitchell Roffler, 36, and Michelle Roffler, 33, are of Mobile.

The Attorney General’s Office presented evidence regarding the Rofflers’ ownership and operation of Gulf Coast Furniture Distributors, in which they accepted payments from numerous customers who received neither the merchandise nor refunds. Following the businesses failure to pay taxes, it was closed and the Rofflers could not be located. An investigation by the Attorney General’s Office resulted in criminal charges, throughout which the Rofflers maintained their refusal to compensate their customers.

“With the intent to deprive victims of hard-earned money, the defendants operated a business in a manner that led to the theft of the funds in this case. They took money from people, many of whom were saving and making layaway payments to be able to buy furniture, and then disappeared and kept the money,” said Attorney General Strange. “The manner in which these payments were made – by cash, check, credit or debit card – is irrelevant to the fact that the Rofflers took this money from their victims.”



501 Washington Avenue • Montgomery, AL 36104 • (334) 242-7300
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In its December 22, 2010, order that allowed the case to proceed, the Alabama Supreme Court explained why the Attorney General's indictment was sufficient in noting the monetary amounts stolen but not specifying U.S. currency or the form of the financial transaction:

"We granted the State's petition for a writ of certiorari to determine an issue of first impression: whether in the 21st century an indictment that charges theft of funds in a certain dollar amount, in violation of § 13A-8-3, Ala. Code 1975, but does not designate the medium of exchange of those funds is legally sufficient.....

In this case, the indictments charging the Rofflers with theft were sufficient (1) to identify the charge -- theft of a certain monetary amount from an identified individual, (2) to enable the Rofflers to prepare their defense, (3) to protect them against the possibility of being twice put in jeopardy for the same offense, and (4) to enable the court, after conviction, to pronounce judgment. Designation of the monetary amount allegedly taken and from whom it was taken placed the Rofflers on notice as to the exact charge so that they could prepare a knowing and adequate defense."

Attorney General Strange commended those involved in bringing this case to a successful conclusion, noting in particular the diligence and dedicated work of Assistant Attorneys General Stephanie Billingslea and Bill Lisenby and Paralegal Lori Arnold of his Public Corruption and White Collar Crime Division, Assistant Attorney General Steve Dodd of his Criminal Appeals Division, and Special Agents of the Attorney General's Investigations Division.