

SECOND JUDICIAL DISTRICT COURT  
COUNTY OF BERNALILLO  
STATE OF NEW MEXICO

FILED  
SECOND JUDICIAL DISTRICT

2009 JUN 19 AM 10:46

No. CR 2009 0 2 9 5 0  
AGO #747-037PC

*Juanita M. Duran*

AND

No. CR 2009 0 2 9 5 1  
AGO #747-037PC

AND

No. CR 2009 0 2 9 5 2  
AGO # 747-037PC

STATE OF NEW MEXICO,

Plaintiff,

NEIL C. CANDELARIA

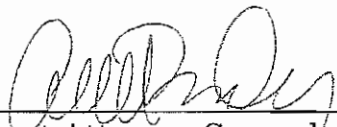
-vs-

VINCENT "SMILEY" GALLEGOS,  
DENNIS M. KENNEDY, AND  
ROBERT STRUMOR,

Defendants.

**STATEMENT OF JOINDER**

COMES NOW the State of New Mexico and pursuant to Rule 5-203, NMRA, files this Statement contemporaneously with the Indictments, joining these cases for all further proceedings.

  
\_\_\_\_\_  
Assistant Attorney General  
111 Lomas Blvd., N.W. #300  
Albuquerque, New Mexico 87102  
Telephone: (505) [REDACTED]



SECOND JUDICIAL DISTRICT COURT  
COUNTY OF BERNALILLO  
STATE OF NEW MEXICO

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SECOND JUDICIAL DISTRICT

2009 JUN 19 AM 10:46

No. **CR 2009 0 2 9 5 0**  
AGO#:747-037PC

*Juanita M. Duran*

STATE OF NEW MEXICO,

NEIL C. CANDELARIA

Plaintiff,

vs.

VINCENT "SMILEY" GALLEGOS,

Defendant.

**CRIMES CHARGED**

FRAUD (OVER \$20,000), OR, IN THE ALTERNATIVE, EMBEZZLEMENT (OVER \$20,000); MONEY LAUNDERING (OVER \$100,000) (2 COUNTS); MONEY LAUNDERING (OVER \$20,000); CONSPIRACY.

**GRAND JURY INDICTMENT**

THE GRAND JURY CHARGES:

COUNT 1: FRAUD (OVER \$20,000).

That on or about July 29, 2003, in New Mexico, the above-named defendant did intentionally misappropriate or take money in excess of \$20,000 belonging to the State of New Mexico and/or the Bank of Albuquerque and/or another, by means of fraudulent conduct, practices or representations, contrary to §30-16-6, NMSA 1978 and §30-1-13, NMSA 1978.

ALTERNATIVE TO COUNT 1: EMBEZZLEMENT (OVER \$20,000)

That on or about July 29, 2003, in New Mexico, the above-named defendant did embezzle or convert to defendant's own purpose \$343,000.00, which belonged to the State of New Mexico and/or the Bank of Albuquerque and/or another, and with which defendant had been entrusted, with fraudulent intent at the time of conversion to deprive the owner of the property, contrary to §30-16-8, NMSA 1978

and §30-1-13, NMSA 1978.

COUNT 2: MONEY LAUNDERING (OVER \$100,000).

That on or about July 30, 2003, in New Mexico, the above named defendant did knowingly conduct, structure, engage in or participate in a financial transaction, to wit: a wire transfer of funds in the amount of \$596,800.00 from the Bank of Oklahoma into Region III Housing Authority NM, Inc's First State Bank account # [REDACTED] 10, which wire transfer involved the proceeds of a specified unlawful activity, that is fraud (over \$20,000) or, in the alternative embezzlement (over \$20,000), designed, in whole or in part, to conceal or disguise the nature, location, source, ownership, or control of the proceeds of said specified unlawful activity and that the property involved in the financial transaction had a value of \$100,000 or more and represented the proceeds of the specified unlawful activity, contrary to §30-51-4, NMSA 1978 and §30-1-13, NMSA 1978.

COUNT 3: MONEY LAUNDERING (OVER \$100,000)

That on or about August 5, 2003, in New Mexico, the above named defendant did knowingly conduct, structure, engage in or participate in a financial transaction, to wit: transferring, delivering, or depositing check #2242, payable to Housing Enterprises, Inc., drawn on Region III Housing Authority NM, Inc's First State Bank account # [REDACTED] 10 and in the amount of \$253,800.00, into Housing Enterprises, Inc's First State Bank account # [REDACTED] 42, which check involved the proceeds of a specified unlawful activity, that is fraud (over \$20,000) or, in the alternative embezzlement (over \$20,000), designed, in whole or in part, to conceal or disguise the nature, location, source, ownership, or control of the proceeds of said specified unlawful activity and that the property involved in the financial transaction had a value of \$100,000 or more and represented the proceeds of the specified unlawful activity, contrary to §30-51-4, NMSA 1978 and §30-1-13, NMSA 1978.

COUNT 4: MONEY LAUNDERING (OVER \$20,000)

That on or about November 24, 2004, in New Mexico, the above named defendant did knowingly conduct, structure, engage in or participate in a financial transaction, to wit: transferring or delivering check #2091, drawn on Housing Enterprises, Inc's, First State Bank account # [REDACTED] 42 and in the amount of

\$20,525.14, which check involved the proceeds of a specified unlawful activity, that is fraud (over \$20,000) or, in the alternative embezzlement (over \$20,000), designed, in whole or in part, to conceal or disguise the nature, location, source, ownership, or control of the proceeds of said specified unlawful activity and that the property involved in the financial transaction knew that the property involved in the financial transaction had a value of \$20,000 or more and represented the proceeds of the specified unlawful activity, contrary to §30-51-4, NMSA 1978 and §30-1-13, NMSA 1978.

COUNT 5: CONSPIRACY TO COMMIT FRAUD (OVER \$20,000) (OR, IN THE ALTERNATIVE EMBEZZLEMENT (OVER \$20,000)) AND/OR MONEY LAUNDERING (OVER \$100,000) AND/OR MONEY LAUNDERING (OVER \$20,000)

That on or between July, 2003 and November, 2004, in New Mexico, the above named defendant and another, by words or acts agreed together to commit: fraud (over \$20,000) (or, in the alternative embezzlement (over \$20,000)) and/or money laundering (over \$100,000) and/or money laundering (over \$20,000)

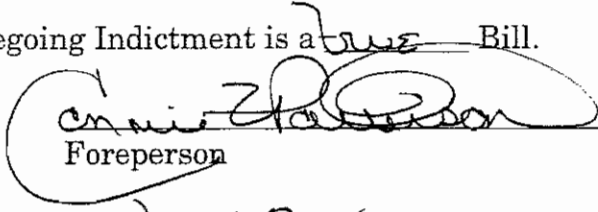
and they intended to commit: fraud (over \$20,000) (or, in the alternative embezzlement (over \$20,000)) and/or money laundering (over \$100,000) and/or money laundering (over \$20,000)

contrary to §30-28-2, §30-16-6, §30-16-8, and §30-51-4, NMSA 1978.

The names of the witnesses upon whose testimony this Indictment is based are as follows:

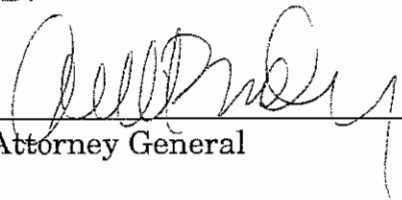
- |                |                |               |
|----------------|----------------|---------------|
| Stan Gloria    | Dan Rudolph    | Jack Emmons   |
| Robert Jacksha | Delores Molina | Richard Gomez |
| Donald Fennema | Joe Bigley     |               |
| Bryan Otero    | Martha Mendoza |               |
| Georgie Ortiz  | Morrow Hall    |               |
| Lawrence Rael  | James Raia     |               |
| Dewey Cave     | U. Chan Kim    |               |

I hereby certify that the foregoing Indictment is a ~~true~~ Bill.

  
Foreperson

6-18-09  
Date

APPROVED:

  
Assistant Attorney General

CASE INFORMATION

AGO FILE#: 747-037PC  
MAG.CT.#: CR  
LEA/RPT#:  
AAG: Ann Badway  
Chris Lackmann

DOB: [REDACTED]  
SS#: [REDACTED]  
[REDACTED]  
Albuquerque, NM [REDACTED]  
Height: 5'07"  
Weight: 210  
Race: Hispanic  
Eye: BRO  
Hair: BRO  
DEF.ATTY: Paul Kennedy  
Mary Han

ARR.# & Date:

PENALTIES

COUNTS 1, 2, & 3, 2<sup>nd</sup> DEGREE FELONY

COUNT 5, 3<sup>rd</sup> DEGREE FELONY

COUNT 4, 4<sup>th</sup> DEGREE FELONY

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4th Degree Felony: Basic sentence of 18 months but not less than 1 year nor more than 2 years imprisonment and not more than \$5,000 fine.

3rd Degree Felony: Basic sentence of 3 years but not less than 2 years nor more than 4 years imprisonment and not more than \$5,000 fine.

2nd Degree Felony: Basic sentence of 9 years but not less than 6 years nor more than 12 years imprisonment and not more than \$10,000 fine.

1st Degree Felony: Basic sentence of 18 years but not less than 12 years nor more than 24 years imprisonment and not more than \$15,000 fine.

USE OF FIREARM ALTERATION TO BASIC SENTENCE: Basic sentence of imprisonment increased by 1 year for first offense in which a firearm is used and 3 years for subsequent offenses in which a firearm is used.

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Special Penalty: (Fraud By Worthless Check) One (1) year imprisonment and/or \$1000 fine.

Special Penalty: (Receiving or Transferring a Stolen Vehicle (Possession) only) Basic sentence of one year and/or \$5,000 fine.

Misdemeanor: Less than 1 year in the County Jail and/or not more than \$1,000 fine.

Petty Misdemeanor: Not more than 6 months in the County Jail and/or not more than \$500 fine.

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Penalty for Driving While Under the Influence, Felony Offense :(4th or Subsequent Offense): Basic sentence of 18 months and not more than \$5,000 fine, including a mandatory jail term of not less than 6 months.

Penalty for Driving While License Suspended or Revoked : Traffic Code Misdemeanor, Special Penalty: not less than 4 days nor more than 364 days and fine up to \$1,000 (non-DWI related suspension/revocation); or not less than 7 consecutive days imprisonment and mandatory fine not less than \$300 nor more than \$1,000 (DWI revocation).

Penalty for Traffic Code Misdemeanor : fine of not more than \$300 or imprisonment for not more than 90 days or both.

Penalty Assessment Misdemeanor : See Schedule in Traffic Code, Section 66-8-116.

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2nd Degree Felony Resulting in the Death of a Human Being : Basic sentence of 15 years but not less than 10 years nor more than 20 years imprisonment and not more than \$12,500 fine.

3rd Degree Felony Resulting in the Death of a Human Being : Basic sentence of 6 years but not less than 4 years nor more than 8 years imprisonment and not more than \$15,000 fine.

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OPEN CHARGE OF MURDER

Penalty for FIRST DEGREE MURDER (Willful and Deliberate) or (Depraved Mind)

CAPITAL FELONY: Death or Life Imprisonment

SECOND DEGREE MURDER: Basic sentence of 15 years but not less than 10 years nor more than 20 years imprisonment and not more than \$12,500 fine.

VOLUNTARY MANSLAUGHTER: Basic sentence of 6 years but not less than 4 years nor more than 8 years imprisonment and not more than \$15,000 fine.

INVOLUNTARY MANSLAUGHTER: 4th Degree Felony: Basic sentence of 18 months but not less than 1 year nor more than 2 years imprisonment and not more than \$5,000 fine.

Penalty for FIRST DEGREE MURDER (Felony Murder):

CAPITAL FELONY: Death or Life Imprisonment

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