

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 4 7
AGO #747-037PC

Juanita M. Duran

AND

No. CR 2009 0 2 9 4 8
AGO #747-037PC

AND

No. CR 2009 0 2 9 4 9
AGO # 747-037PC

STATE OF NEW MEXICO,

Plaintiff,

CHARLES W. BROWN

-vs-

VINCENT "SMILEY" GALLEGOS,
DENNIS M. KENNEDY, AND
DAVID HERNANDEZ,

h. ce

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
NO: GR 200902947
AGO#: 747-037PC
STN:

FILED
SECOND JUDICIAL DISTRICT

2009 JUN 19 AM 10:46

Juanita McQuinn

STATE OF NEW MEXICO,
Plaintiff,
vs.

CHARLES W. BROWN

VINCENT "SMILEY" GALLEGOS,
Defendant.

INDICTMENT PRESENTATION ORDER

This matter having come before the Court and the State being presented by the Attorney General's Office with an Indictment against the Defendant returned by the Bernalillo County Grand Jury: And the court having reviewed the matter;

IT IS HEREBY ORDERED the following be done:

ARM SEND NOTICE TO ATTORNEY AND DEFENDANT TO APPEAR FOR
ARRAIGNMENT AND (1.) *ARM* BOND WILL BE SET AT ARRAIGNMENT OR
(2.) _____ THE PREVIOUSLY POSTED BOND OF _____
SHALL CONTINUE UNTIL FURTHER ORDER OF THE
COURT.

_____ ISSUE BENCH WARRANT FOR DEFENDANT'S ARREST:

Defendant to be held without bond.

Bond to be in the amount of: _____.

Cash or Surety

10% to Court Option

Property Allowed.

Additional conditions of release pending arraignment shall be:

1. Not to leave Bernalillo County.
2. List full correct address, phone numbers and date of birth on the Conditions of Release form.
3. Keep attorney informed of Defendant's whereabouts and report any changes in home or work address.
4. Report in person once a week to the office of attorney, who will immediately report to the Court any failure of the Defendant to make such weekly contact.
5. Other Conditions _____

IN JAIL

Must Spatmuel
DISTRICT JUDGE

CATEGORY 1 2 3 4

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 4 7
AGO#:747-037PC

Juanita M. Duran

STATE OF NEW MEXICO,

Plaintiff,

vs.

CHARLES W. BROWN

VINCENT "SMILEY" GALLEGOS,

Defendant.

CRIMES CHARGED

FRAUD (OVER \$20,000), OR, IN THE ALTERNATIVE,
EMBEZZLEMENT (OVER \$20,000); FRAUDULENT PRACTICES,
SALE OF SECURITIES; MONEY LAUNDERING (OVER \$100,000) (4
COUNTS); CONSPIRACY.

GRAND JURY INDICTMENT

THE GRAND JURY CHARGES:

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

That on or about December 16, 2004, 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 and 30-1-13, NMSA 1978.

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

That on or between December 16, 2004 and January 11, 2005, in New Mexico, the above-named defendant did embezzle or convert to defendant's own purpose \$300,000.00, 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 and 30-1-13, NMSA 1978.

COUNT 2.: FRAUDULENT PRACTICES, SALE OF SECURITIES

That on or between November, 2004 and January, 2005, in New Mexico, the above-named defendant offered to sell or sold a security; in connection with the offer to sell or sale, defendant purposely and directly or indirectly used a plan or scheme to deceive or cheat others; OR made an untrue statement of fact that under the circumstances would have been important or significant to the investment decision of a reasonable person; OR omitted a fact that under the circumstances would have been misleading to the investment decision of a reasonable person; OR engaged in an act, practice or course of business which would cheat or operate as a fraud or deceit upon a reasonable person, contrary to §§58-13B-30 and 30-1-13, NMSA 1978.

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

That on or about December 22, 2004, 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 \$300,000 from the Bank of Oklahoma into 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), knowing that the financial transaction was 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 while conducting or participating in such financial transaction, [REDACTED] knew that the property involved in the financial transaction represented the proceeds of the specified unlawful activity, contrary to §§30-51-4 and 30-1-13, NMSA 1978.

COUNT 4.: MONEY LAUNDERING (OVER \$100,000)

That on or about January 10, 2005, 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 #4406, payable to Housing Enterprises, Inc., drawn on First State Bank account # [REDACTED] 10 and in the amount of \$300,000.00, into 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), knowing that the financial

transaction was 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 while conducting or participating in such financial transaction, knew that the property involved in the financial transaction represented the proceeds of the specified unlawful activity, contrary to §§30-51-4 and 30-1-13, NMSA 1978.

COUNT 5.: MONEY LAUNDERING (OVER \$100,000)

That on or about January 10, 2005, in New Mexico, the above named defendant did knowingly conduct, structure, engage in or participate in a financial transaction, to wit: purchasing First State Bank cashier's check #458381970, in the amount of \$300,000.00, with check #2180, drawn on 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), knowing that the financial transaction was 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 while conducting or participating in such financial transaction, knew that the property involved in the financial transaction represented the proceeds of the specified unlawful activity, contrary to §§30-51-4 and 30-1-13, NMSA 1978.

COUNT 6.: MONEY LAUNDERING (OVER \$100,000)

That on or about January 13, 2005, in New Mexico, the above named defendant did knowingly conduct, structure, engage in or participate in a financial transaction, to wit: delivering First State Bank cashier's check #458381970, in the amount of \$300,000.00, to U.S. Title Company, which check involved the proceeds of a specified unlawful activity, that is fraud (over \$20,000) or, in the alternative embezzlement (over \$20,000), knowing that the financial transaction was 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 while conducting or participating in such financial transaction, knew that the property involved in the financial transaction represented the proceeds of the specified unlawful activity, contrary to §§30-51-4 and 30-1-13, NMSA 1978.

COUNT 7.: CONSPIRACY TO COMMIT FRAUD (OVER \$20,000), OR, IN THE ALTERNATIVE, EMBEZZLEMENT (OVER \$20,000); FRAUDULENT PRACTICES, SALE OF SECURITIES; MONEY LAUNDERING (OVER \$100,000)

That on or between November, 2004 and August, 2006, 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 fraudulent practices, sale of securities, and/or money laundering (over \$100,000)

and they intended to commit fraud (over \$20,000) (or, in the alternative embezzlement (over \$20,000)), and/or fraudulent practices, sale of securities, and/or money laundering (over \$100,000)

contrary to §§30-28-2, 30-16-6, 30-16-8, §58-13B-30, and 30-51-4, NMSA 1978.

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

Michael Valdez
Richard Gomez
Stan Gloria
Robert Jacksha
Donald Fennema
Bryan Otero
Georgie Ortiz
Jim Raia
Lawrence Rael
Dewey Cave
Dan Rudolph
Delores Molina
J. Morrow Hall
U. Chan Kim
Jack Emmons
Dennis Kennedy

I hereby certify that the foregoing Indictment is a True Bill.

Christina Ouzg
Foreperson

6-8-09
Date

APPROVED:

[Signature]
Assistant Attorney General

CASE INFORMATION

AGO FILE#: 747-037PC
MAG.CT.#: CR
LEA/RPT#:
AAG: ANN BADWAY
CHRIS LACKMANN

DOB: [REDACTED] 1952
SS#: [REDACTED]
[REDACTED]
Albuquerque, NM [REDACTED]
Height: 5'07"
Weight: 210
Race: Hispanic
Eye: BRO
Hair: BRO
DEF.ATTY: Paul Kennedy

ARR.# & Date:

PENALTIES

COUNTS 1, 3, 4, 5, & 6, 2nd DEGREE FELONY
COUNTS 2 & 7, 3rd DEGREE FELONY

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.

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.

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.

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.

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
