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SECOND JUDICIAL DISTRICT COURT
COUNTY OF BERNALILLO
STATE OF NEW MEXICO

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CLERK OF DISTRICT COURT

2009 AUG 19 PM 3:07

STATE OF NEW MEXICO
Plaintiff,

NEIL C. CANDELARIA

Juanita...

vs.

No. D0202CR200900

REBECCA VIGIL-GIRON,
Defendant,

CR 2009 04022

CHARGES: FRAUD (OVER \$20,000) (4 COUNTS), OR, IN THE ALTERNATIVE, EMBEZZLEMENT (OVER \$20,000) (4 COUNTS); MONEY LAUNDERING (OVER \$100,000) (11 COUNTS); MONEY LAUNDERING (OVER \$20,000) (5 COUNTS); TAX FRAUD (8 COUNTS); ATTEMPTS TO EVADE OR DEFEAT TAX (13 COUNTS); MAKING/PERMITTING FALSE PUBLIC VOUCHER (4 COUNTS); SOLICITING/RECEIVING ILLEGAL KICKBACK; OFFERING/PAYING ILLEGAL KICKBACK; TAMPERING WITH EVIDENCE (2 COUNTS); CONSPIRACY

GRAND JURY INDICTMENT

The Grand Jury of Bernalillo County, State of New Mexico, accuses the above-named Defendant of the following crimes:

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

That on or between August 25, 2004 and September 29, 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 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 between August 25, 2004 and September 29, 2004, in New Mexico, the above-named defendant did embezzle or convert to defendant's own purpose money in excess of \$20,000 which belonged to the State of New Mexico 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.: MAKING OR PERMITTING FALSE PUBLIC VOUCHER.

That on or about September 10, 2004, in New Mexico, the above named knowingly, intentionally or willfully made, caused to be made, or permitted to be made, a false material statement upon any public voucher, or invoice supporting a public voucher, with intent that the voucher or invoice be relied upon for the expenditure of public money, contrary to §30-23-3, NMSA 1978 and 30-1-13, NMSA 1978.

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

That on or between September 29, 2004 and October 5, 2004, in New Mexico, the above named defendant did knowingly conduct, structure, engage in or participate in a financial transaction, to wit: depositing voucher number [REDACTED] 009, in the amount of \$2,000,000, drawn on the treasury of the State of New Mexico, into Armando Gutierrez's Wells Fargo bank account, account number [REDACTED] 918, which voucher 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 \$100,000).

That on or between October 1, 2004 and October 7, 2004, in New Mexico, the above named defendant did knowingly conduct, structure, engage in or participate in a financial transaction, to wit: depositing check number 6850 in the amount of \$140,000, drawn on Armando Gutierrez's Wells Fargo bank account, account number [REDACTED] 918, into Joseph and Elizabeth Kupfer's 1st Community Bank account, account number [REDACTED] 148, 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 5.: MONEY LAUNDERING (OVER \$100,000).

That on or about October 19, 2004, in New Mexico, the above named defendant did knowingly conduct, structure, engage in or participate in a financial transaction, to wit: an electronic transfer of funds in the amount of \$1,000,000 from Armando Gutierrez's Wells Fargo bank account, account number [REDACTED] 918 into Armando Gutierrez's Wells Fargo bank account, account number [REDACTED] 313, which funds 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 6.: MONEY LAUNDERING (OVER \$20,000).

That on or between January 18, 2005 and January 31, 2005, in New Mexico, the above named defendant did knowingly conduct, structure, engage in or participate in a financial transaction, to wit: depositing check number 7069 in the amount of \$30,000, drawn on Armando Gutierrez's Wells Fargo bank account, account number [REDACTED] 918, into Joseph and Elizabeth Kupfer's 1st Community Bank account, account number [REDACTED] 148, 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 \$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 7.: ATTEMPTS TO EVADE OR DEFEAT TAX.

That on or about April 15, 2005, in New Mexico, the above named defendant

willfully attempted to evade or defeat any tax or the payment thereof, by willfully failing to file a New Mexico state personal income tax return for Armando Gutierrez for 2004 and pay the proper taxes thereon, contrary to §7-1-72, NMSA 1978 and 30-1-13, NMSA 1978.

COUNT 8.: ATTEMPTS TO EVADE OR DEFEAT TAX.

That on or about April 15, 2005, in New Mexico, the above named defendant willfully attempted to evade or defeat any tax or the payment thereof, by willfully failing to file a New Mexico state personal income tax return for Elizabeth and Joseph Kupfer for 2004 and pay the proper taxes thereon, contrary to §7-1-72, NMSA 1978 and 30-1-13, NMSA 1978.

COUNT 9.: FRAUD (OVER \$20,000).

That on or between July 15, 2005 and July 22, 2005, 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 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 9.: EMBEZZLEMENT (OVER \$20,000)

That on or between July 15, 2005 and July 22, 2005, in New Mexico, the above-named defendant did embezzle or convert to defendant's own purpose money in excess of \$20,000 which belonged to the State of New Mexico 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 Section 30-16-8, NMSA 1978 and 30-1-13, NMSA 1978.

COUNT 10.: MAKING OR PERMITTING FALSE PUBLIC VOUCHER.

That on or about July 15, 2005, in New Mexico, the above named knowingly, intentionally or willfully made, caused to be made, or permitted to be made, a false material statement upon any public voucher, or invoice supporting a public voucher, with intent that the voucher or invoice be relied upon for the expenditure of public money, contrary to §30-23-3, NMSA 1978 and 30-1-13, NMSA 1978.

COUNT 11.: MONEY LAUNDERING (OVER \$100,000).

That on or between July 22, 2005 and July 27, 2005, in New Mexico, the above named defendant did knowingly conduct, structure, engage in or participate in a financial transaction, to wit: depositing voucher number [REDACTED] 002, in the amount of \$2,000,000, drawn on the treasury of the State of New Mexico, into Armando Gutierrez's Wells Fargo bank account, account number [REDACTED] 918, which voucher 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 12.: MONEY LAUNDERING (OVER \$100,000).

That on or between July 27, 2005 and July 29, 2005, in New Mexico, the above named defendant did knowingly conduct, structure, engage in or participate in a financial transaction, to wit: depositing check number 7130 in the amount of \$140,000, drawn on Armando Gutierrez's Wells Fargo bank account, account number [REDACTED] 918, into Joseph and Elizabeth Kupfer's 1st Community Bank account, account number [REDACTED] 612, 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 13.: TAX FRAUD.

That on or about August 15, 2005, in New Mexico, the above named defendant filed a New Mexico Gross Receipts Tax return electronically, knowing the information in the return was not true and correct as to every material matter, to wit: reporting taxable gross receipts for the month of October, 2004, in the amount of \$4,959.13, when the true and correct amount was in excess of that, contrary to §7-1-73, NMSA 1978 and 30-1-13, NMSA 1978.

COUNT 14.: ATTEMPTS TO EVADE OR DEFEAT TAX.

That on or about August 15, 2005, in New Mexico, the above named defendant willfully attempted to evade or defeat any tax or the payment thereof, by willfully filing a false New Mexico Gross Receipts Tax return for the month of October, 2004 and failing to pay the proper taxes thereon, contrary to §7-1-72, NMSA 1978 and 30-1-13, NMSA 1978.

COUNT 15.: TAX FRAUD.

That on or about August 15, 2005, in New Mexico, the above named defendant filed a New Mexico Gross Receipts Tax return electronically, knowing the information in the return was not true and correct as to every material matter, to wit: reporting taxable gross receipts for the month of July, 2005, in the amount of \$8,987.81, when the true and correct amount was in excess of that, contrary to §7-1-73, NMSA 1978 and 30-1-13, NMSA 1978.

COUNT 16.: ATTEMPTS TO EVADE OR DEFEAT TAX.

That on or about August 15, 2005, in New Mexico, the above named defendant willfully attempted to evade or defeat any tax or the payment thereof, by willfully filing a false New Mexico Gross Receipts Tax return for the month of July, 2005 and failing to pay the proper taxes thereon, contrary to §7-1-72, NMSA 1978 and 30-1-13, NMSA 1978.

COUNT 17.: MONEY LAUNDERING (OVER \$100,000).

That on or about August 26, 2005, in New Mexico, the above named defendant did knowingly conduct, structure, engage in or participate in a financial transaction, to wit: an electronic transfer of funds in the amount of \$1,500,000 from Armando Gutierrez's Wells Fargo bank account, account number [REDACTED] 918 into Armando Gutierrez's Wells Fargo bank account, account number [REDACTED] 313, which funds 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 18.: TAX FRAUD.

That on or about January 15, 2006, in New Mexico, the above named defendant wilfully made and subscribed a return, statement, or other document that contains or is verified by a written declaration that it is true and correct as to every material matter, to wit: a New Mexico Gross Receipts Tax return for the period 7/1/04 through 12/31/04, when defendant did not believe it to be true and correct as to every material matter, to wit: reporting taxable gross receipts in the amount of \$1,089.45, when the true and correct amount was in excess of that, contrary to §7-1-73, NMSA 1978 and 30-1-13, NMSA 1978.

COUNT 19.: ATTEMPTS TO EVADE OR DEFEAT TAX.

That on or about January 15, 2006, in New Mexico, the above named defendant willfully attempted to evade or defeat any tax or the payment thereof, by willfully filing a false New Mexico Gross Receipts Tax return for the period 7/1/04 through 12/31/04 and failing to pay the proper taxes thereon, contrary to §7-1-72, NMSA 1978 and 30-1-13, NMSA 1978.

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

That on or between January 23, 2006 and January 27, 2006, in New Mexico, the above named defendant did knowingly conduct, structure, engage in or participate in a financial transaction, to wit: depositing check number 7179 in the amount of \$30,000, drawn on Armando Gutierrez's Wells Fargo bank account, account number [REDACTED] 918, into Joseph and Elizabeth Kupfer's 1st Community Bank account, account number 1317148, 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 \$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 21.: ATTEMPTS TO EVADE OR DEFEAT TAX.

That on or about April 15, 2006, in New Mexico, the above named defendant willfully attempted to evade or defeat any tax or the payment thereof, by willfully failing to file a New Mexico state personal income tax return for Elizabeth and Joseph Kupfer for 2005 and pay the proper taxes thereon, contrary to §7-1-72, NMSA 1978 and 30-1-13, NMSA 1978.

COUNT 22.: ATTEMPTS TO EVADE OR DEFEAT TAX.

That on or about April 15, 2006, in New Mexico, the above named defendant willfully attempted to evade or defeat any tax or the payment thereof, by willfully failing to file a New Mexico state personal income tax return for Armando Gutierrez for 2005 and pay the proper taxes thereon, contrary to §7-1-72, NMSA 1978 and 30-1-13, NMSA 1978.

COUNT 23.: FRAUD (OVER \$20,000).

That on or between May 10, 2006 and May 26, 2006, 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 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 23.: EMBEZZLEMENT (OVER \$20,000)

That on or between May 10, 2006 and May 26, 2006, in New Mexico, the above-named defendant did embezzle or convert to defendant's own purpose money in excess of \$20,000 which belonged to the State of New Mexico 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 Section 30-16-8, NMSA 1978 and 30-1-13, NMSA 1978.

COUNT 24.: MAKING OR PERMITTING FALSE PUBLIC VOUCHER.

That on or between May 10, 2006 and May 26, 2006, in New Mexico, the above named knowingly, intentionally or willfully made, caused to be made, or

permitted to be made, a false material statement upon any public voucher, or invoice supporting a public voucher, with intent that the voucher or invoice be relied upon for the expenditure of public money, contrary to §30-23-3, NMSA 1978 and 30-1-13, NMSA 1978.

COUNT 25.: MONEY LAUNDERING (OVER \$100,000).

That on or between May 26, 2006 and May 31, 2006, in New Mexico, the above named defendant did knowingly conduct, structure, engage in or participate in a financial transaction, to wit: depositing voucher number [REDACTED] 153, in the amount of \$1,712,000, drawn on the treasury of the State of New Mexico, into Armando Gutierrez's Wells Fargo bank account, account number [REDACTED] 918, which voucher 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 26.: MONEY LAUNDERING (OVER \$100,000).

That on or between May 30, 2006 and June 2, 2006, in New Mexico, the above named defendant did knowingly conduct, structure, engage in or participate in a financial transaction, to wit: depositing check number 7225 in the amount of \$139,770 drawn on Armando Gutierrez's Wells Fargo bank account, account number [REDACTED] 918, into Joseph and Elizabeth Kupfer's 1st Community Bank account, account number [REDACTED] 148, 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 27.: MONEY LAUNDERING (OVER \$100,000).

That on or between June 2, 2006 and June 5, 2006, in New Mexico, the above

named defendant did knowingly conduct, structure, engage in or participate in a financial transaction, to wit: an electronic transfer of funds in the amount of \$1,000,000 from Armando Gutierrez's Wells Fargo bank account, account number [REDACTED] 918 into Armando Gutierrez's Wells Fargo bank account, account number [REDACTED] 313, which funds 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 28.: TAX FRAUD.

That on or about August 18, 2006, in New Mexico, the above named defendant filed a New Mexico Gross Receipts Tax return electronically, knowing the information in the return was not true and correct as to every material matter, to wit: reporting taxable gross receipts for the month of June, 2006, in the amount of \$6,175.00, when the true and correct amount was in excess of that, contrary to §7-1-73, NMSA 1978 and 30-1-13, NMSA 1978.

COUNT 29.: ATTEMPTS TO EVADE OR DEFEAT TAX.

That on or about August 18, 2006, in New Mexico, the above named defendant willfully attempted to evade or defeat any tax or the payment thereof, by willfully filing a false New Mexico Gross Receipts Tax return for the month of June, 2006 and failing to pay the proper taxes thereon, contrary to §7-1-72, NMSA 1978 and 30-1-13, NMSA 1978.

COUNT 30.: MONEY LAUNDERING (OVER \$20,000).

That on or between August 22, 2006 and August 23, 2006, in New Mexico, the above named defendant did knowingly conduct, structure, engage in or participate in a financial transaction, to wit: depositing check number 7280 in the amount of \$30,000, drawn on Armando Gutierrez's Wells Fargo bank account, account number [REDACTED] 918, into Joseph and Elizabeth Kupfer's 1st Community Bank account, account number [REDACTED] 148, 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 \$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 31.: FRAUD (OVER \$20,000).

That on or between August 23, 2006 and October 20, 2006, 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 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 31.: EMBEZZLEMENT (OVER \$20,000)

That on or between August 23, 2006 and October 20, 2006, in New Mexico, the above-named defendant did embezzle or convert to defendant's own purpose money in excess of \$20,000 which belonged to the State of New Mexico 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 Section 30-16-8, NMSA 1978 and 30-1-13, NMSA 1978.

COUNT 32.: MAKING OR PERMITTING FALSE PUBLIC VOUCHER.

That on or about October 10, 2006, in New Mexico, the above named knowingly, intentionally or willfully made, caused to be made, or permitted to be made, a false material statement upon any public voucher, or invoice supporting a public voucher, with intent that the voucher or invoice be relied upon for the expenditure of public money, contrary to §30-23-3, NMSA 1978 and 30-1-13, NMSA 1978.

COUNT 33.: MONEY LAUNDERING (OVER \$20,000).

That on or between September 5, 2006 and September 6, 2006, in New Mexico, the above named defendant did knowingly conduct, structure, engage in or participate in a financial transaction, to wit: depositing check number 7287 in the amount of \$50,000, drawn on Armando Gutierrez's Wells Fargo bank account,

account number [REDACTED] 918, into Joseph and Elizabeth Kupfer's 1st Community Bank account, account number [REDACTED] 148, 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 \$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 34.: MONEY LAUNDERING (OVER \$20,000).

That on or between October 10, 2006 and October 20, 2006, in New Mexico, the above named defendant did knowingly conduct, structure, engage in or participate in a financial transaction, to wit: depositing check number 7315 in the amount of \$50,000, drawn on Armando Gutierrez's Wells Fargo bank account, account number [REDACTED] 918, into Joseph and Elizabeth Kupfer's 1st Community Bank account, account number [REDACTED] 148, 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 \$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 35.: MONEY LAUNDERING (OVER \$100,000).

That on or between October 20, 2006 and October 30, 2006, in New Mexico, the above named defendant did knowingly conduct, structure, engage in or participate in a financial transaction, to wit: depositing a voucher in the amount of \$186,750, drawn on the treasury of the State of New Mexico, into Armando Gutierrez's Wells Fargo bank account, account number [REDACTED] 918, which voucher 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 36.: MONEY LAUNDERING (OVER \$100,000).

That on or between November 13, 2006 and November 17, 2006, in New Mexico, the above named defendant did knowingly conduct, structure, engage in or participate in a financial transaction, to wit: depositing check number 7357 in the amount of \$136,605 drawn on Armando Gutierrez's Wells Fargo bank account, account number [REDACTED] 918, into Joseph and Elizabeth Kupfer's 1st Community Bank account, account number [REDACTED] 148, 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 37.: SOLICITING OR RECEIVING ILLEGAL KICKBACK.

That on or between August, 2004 and November, 2006, in New Mexico, the above named defendant knowingly solicited or received remuneration in the form of a kickback, bribe, or rebate, directly or indirectly, overtly or covertly, in cash or in kind, from a person: in return for referring an individual to that person for the furnishing or arranging for the furnishing of any item or service for which payment may be made in whole or in part with public money; or in return for purchasing, leasing, ordering, or arranging for or recommending purchasing, leasing, or ordering any goods, facilities, services, or items for which payment may be made in whole or in part with public money, contrary to §30-41-1, NMSA 1978 and 30-1-13, NMSA 1978.

COUNT 38.: OFFERING OR PAYING ILLEGAL KICKBACKS.

That on or between August, 2004 and November, 2006, in New Mexico, the above named defendant knowingly offered or paid any remuneration in the form of any kickback, bribe, or rebate, directly or indirectly, overtly or covertly, in cash or in kind, to any person to induce such person: to refer an individual to a person for the furnishing or arranging for the furnishing of any item or service for which payment may be made in whole or in part with public money; or to purchase, lease, order, or arrange for or recommend purchasing, leasing, or ordering any goods, facilities, services, or items for which payment may be made in whole or in part with public money, contrary to §30-41-2, NMSA 1978 and 30-1-13, NMSA 1978.

COUNT 39.: TAX FRAUD.

That on or about December 19, 2006, in New Mexico, the above named defendant filed a New Mexico Gross Receipts Tax return electronically, knowing the information in the return was not true and correct as to every material matter, to wit: reporting taxable gross receipts for the month of August, 2006, in the amount of \$14,229.47, when the true and correct amount was in excess of that, contrary to §7-1-73, NMSA 1978 and 30-1-13, NMSA 1978.

COUNT 40.: ATTEMPTS TO EVADE OR DEFEAT TAX.

That on or about December 19, 2006, in New Mexico, the above named defendant willfully attempted to evade or defeat any tax or the payment thereof, by willfully filing a false New Mexico Gross Receipts Tax return for the month of August, 2006 and failing to pay the proper taxes thereon, contrary to §7-1-72, NMSA 1978 and 30-1-13, NMSA 1978.

COUNT 41.: TAX FRAUD.

That on or about December 19, 2006, in New Mexico, the above named defendant filed a New Mexico Gross Receipts Tax return electronically, knowing the information in the return was not true and correct as to every material matter, to wit: reporting taxable gross receipts for the month of September, 2006, in the amount of \$8,842.09, when the true and correct amount was in excess of that, contrary to §7-1-73, NMSA 1978 and 30-1-13, NMSA 1978.

COUNT 42.: ATTEMPTS TO EVADE OR DEFEAT TAX.

That on or about December 19, 2006, in New Mexico, the above named defendant willfully attempted to evade or defeat any tax or the payment thereof, by willfully filing a false New Mexico Gross Receipts Tax return for the month of September, 2006 and failing to pay the proper taxes thereon, contrary to §7-1-72, NMSA 1978 and 30-1-13, NMSA 1978.

COUNT 43.: TAX FRAUD.

That on or about December 19, 2006, in New Mexico, the above named defendant filed a New Mexico Gross Receipts Tax return electronically, knowing the information in the return was not true and correct as to every material matter, to wit: reporting taxable gross receipts for the month of October, 2006, in the amount of \$8,896.66, when the true and correct amount was in excess of that, contrary to §7-1-73, NMSA 1978 and 30-1-13, NMSA 1978.

COUNT 44.: ATTEMPTS TO EVADE OR DEFEAT TAX.

That on or about December 19, 2006, in New Mexico, the above named defendant willfully attempted to evade or defeat any tax or the payment thereof, by willfully filing a false New Mexico Gross Receipts Tax return for the month of October, 2006 and failing to pay the proper taxes thereon, contrary to §7-1-72, NMSA 1978 and 30-1-13, NMSA 1978.

COUNT 45.: TAX FRAUD.

That on or about December 19, 2006, in New Mexico, the above named defendant filed a New Mexico Gross Receipts Tax return electronically, knowing the information in the return was not true and correct as to every material matter, to wit: reporting taxable gross receipts for the month of November, 2006, in the amount of \$26,767.70, when the true and correct amount was in excess of that, contrary to §7-1-73, NMSA 1978 and 30-1-13, NMSA 1978.

COUNT 46.: ATTEMPTS TO EVADE OR DEFEAT TAX.

That on or about December 19, 2006, in New Mexico, the above named defendant willfully attempted to evade or defeat any tax or the payment thereof, by willfully filing a false New Mexico Gross Receipts Tax return for the month of November, 2006 and failing to pay the proper taxes thereon, contrary to §7-1-72, NMSA 1978 and 30-1-13, NMSA 1978.

COUNT 47.: TAMPERING WITH EVIDENCE

That on or between August, 2004 and April, 2007, in New Mexico, the

above-named defendant fabricated a letter appearing to be dated "August 26, 2004" with intent to prevent the apprehension, prosecution, or conviction of defendant or another, contrary to §30-22-5, NMSA 1978 and 30-1-13, NMSA 1978.

COUNT 48.: TAMPERING WITH EVIDENCE

That on or between September, 2004 and April, 2007, in New Mexico, the above-named defendant fabricated a Memorandum appearing to be dated "September 2, 2004" with intent to prevent the apprehension, prosecution, or conviction of defendant or another, contrary to §30-22-5, NMSA 1978 and 30-1-13, NMSA 1978.

COUNT 49.: ATTEMPTS TO EVADE OR DEFEAT TAX.

That on or about April 15, 2007, in New Mexico, the above named defendant willfully attempted to evade or defeat any tax or the payment thereof, by willfully failing to file a New Mexico state personal income tax return for Armando Gutierrez for 2006 and pay the proper taxes thereon, contrary to §7-1-72, NMSA 1978 and 30-1-13, NMSA 1978.

COUNT 50.: 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) AND/OR TAX FRAUD AND/OR ATTEMPTS TO EVADE OR DEFEAT TAX AND/OR MAKING/PERMITTING FALSE PUBLIC VOUCHER AND/OR SOLICITING/RECEIVING ILLEGAL KICKBACK AND/OR OFFERING/PAYING ILLEGAL KICKBACK.

That on or between August, 2004 and April, 2007, 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/or
- tax fraud, and/or
- attempts to evade or defeat tax, and/or
- making/permitting false public voucher, and/or
- soliciting/receiving illegal kickback, and/or
- offering/paying illegal kickback, and/or
- tampering with evidence, .

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), and/or
- tax fraud, and/or
- attempts to evade or defeat tax, and/or
- making/permitting false public voucher, and/or
- soliciting/receiving illegal kickback, and/or
- offering/paying illegal kickback, and/or
- tampering with evidence,


contrary to §§30-28-2, 30-16-6, 30-16-8, 30-23-3, 30-51-4, 7-1-73, 7-1-72, 30-41-1, 30-41-2, and/or 30-22-5, NMSA 1978.

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

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

Rebecca Vigil-Giron

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

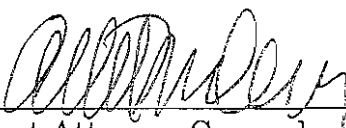


Foreperson

8/19/09

Date

APPROVED:



Assistant Attorney General

PENALTIES

COUNTS 1 & Alternative, 3, 4, 5, 9 & Alternative, 11, 12, 17, 18, 23 & Alternative, 25, 26, 27, 31 & Alternative, 35 & 36: 2nd DEGREE FELONY
COUNTS 13, 15, 28, 39, 41, 43, 45, 50: 3rd DEGREE FELONY
COUNTS 2, 6, 10, 20, 24, 30, 32, 33, 34, 37, 38, 47, 48: 4th DEGREE FELONY
Counts 7, 8, 14, 16, 19, 21, 22, 29, 40, 42, 44, 46, 49: Special Penalty 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 Felony: One (1) year imprisonment and/or \$1000 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

SECOND JUDICIAL DISTRICT COURT
COUNTY OF BERNALILLO
STATE OF NEW MEXICO

FILED
SECOND JUDICIAL DISTRICT COURT
2009 AUG 19 PM 3:07

NO: _____
AGO#: 754-067PC-4
STN: _____

CR 2009 0 4 0 2 2

Jonathan M. Giron

STATE OF NEW MEXICO,
Plaintiff,

vs.

REBECCA VIGIL-GIRON,
Defendant.

NEIL C. CANDELARIA

INDICTMENT PRESENTATION ORDER

DOB: [REDACTED] 1954
SS#: [REDACTED]
Height: 4'11"
Weight: 110
Race: hispanic
Eye: brown
Hair: brown

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:
AS M SEND NOTICE TO ATTORNEY AND DEFENDANT TO APPEAR FOR ARRAIGNMENT AND (1) *AS M* 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

Jonathan M. Giron
DISTRICT JUDGE

CATEGORY 1 (2) 3 4