

SECOND JUDICIAL DISTRICT COURT  
STATE OF NEW MEXICO  
COUNTY OF BERNALILLO

ENDORSED  
FILED IN MY OFFICE THIS

JUL 14 2017

D 0202 CR 2017 No. 2424

*J. Campbell*  
CLERK DISTRICT COURT

STATE OF NEW MEXICO,

Judge:

Plaintiff.

STAN WHITAKER

vs.

GREGORY T. CASTANEDA,  
DOB: XX/XX/1969  
SSN: XXX-XX-8936

Defendant.

CHARGES: Fraud, Embezzlement

GRAND JURY INDICTMENT

THE GRAND JURY CHARGES:

COUNT 1: FRAUD (EXCEEDS \$20,000) (0556), in that on, or about or between the 23<sup>rd</sup> day of March, 2012 and the 5<sup>th</sup> day of April, 2012, in Bernalillo County, New Mexico, the above-named defendant did by words or conduct make a promise he had no intention of keeping and/or misrepresented a fact to Louis Peralta, with the intention to deceive or cheat Louis Peralta, or another, and because of Louis Peralta's reliance on the promise and/or misrepresentation, the defendant obtained over \$20,000, contrary to Section 30-16-6(F), NMSA 1978.

TB  
JA

OR IN THE ALTERNATIVE:

COUNT 1: EMBEZZLEMENT (EXCEEDS \$20,000) (0605), in that on, or about or between the 5<sup>th</sup> day of April, 2012 and the 10<sup>th</sup> day of August, 2012, in Bernalillo County, New Mexico, the above-named defendant did convert to his own use money exceeding \$20,000, and with which defendant had been entrusted, with intent at the time of the said conversion to fraudulently deprive the owner of his property, contrary to Section 30-16-8(F), NMSA 1978.

TB  
JA

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

Carolyn L. Hernandez  
Darla Brewer  
Louis Peralta

I hereby certify that the foregoing is a true bill.

Lidia Hernandez  
Foreperson

7/13/17  
Date

APPROVED:



Benjamin R. Schrope  
Senior Prosecuting Attorney  
Securities Division  
New Mexico Regulation and Licensing Department

**CASE INFORMATION**

NM RLD SECURITIES DIVISION CASE #: 14-07-0002

MET.CT.#: N/A

LEA/RPT#: N/A

DDA: GREGORY T. CASTANEDA

DOB: 01-02-1969

SS#: 585-53-8936

ADD: 3508 GREYSTONE RIDGE DR., SE, RIO RANCHO, NM 87124-1455

BOOKING/ARREST DATE: N/A

BOOKING/ARREST#: N/A

STN:

DEF.ATTY: N/A

**PHYSICAL DESCRIPTION OF DEFENDANT:**

HEIGHT: 5'7"

WEIGHT: 210 LBS

RACE: WHITE

EYE COLOR: BROWN

HAIR COLOR: BROWN

OTHER: MALE

**PENALTIES**

Count 1: **FRAUD (EXCEEDS \$20,000) (0556)**, a third degree felony with a basic sentence of three (3) years and a fine of \$5,000, followed by one year parole.

**OR IN THE ALTERNATIVE**

Count 1: **EMBEZZLEMENT (EXCEEDS \$20,000) (0605)**, a third degree felony with a basic sentence of three (3) years and a fine of \$5,000, followed by one year parole.

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**4th Degree Felony:** Basic sentence of 18 months imprisonment and not more than \$5,000 fine.

**3rd Degree Felony:** Basic sentence of 3 years imprisonment and not more than \$5,000 fine.

**2nd Degree Felony:** Basic sentence of 9 years imprisonment and not more than \$10,000 fine.

**1st Degree Felony:** Basic sentence of 18 years imprisonment and not more than \$15,000 fine.

**USE OF FIREARM ALTERATION TO BASIC SENTENCE (FE):** 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.

**USE OF HATE CRIME ENHANCEMENT:** Basic sentence of imprisonment is increased by one (1) year, unless second offense, then the basic sentence is increased by two (2) years.

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**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): Basic sentence of 18 months and not more than \$5,000 fine, including a mandatory imprisonment term of not less than 6 months;

(5th): Basic sentence of 24 months and not more than \$5,000 fine, including a mandatory imprisonment term of not less than 12 months;

(6th): Basic sentence of 30 months and not more than \$5,000 fine, including a mandatory imprisonment term of not less than 18 months;

(7<sup>th</sup>): Basic sentence of 36 months and not more than \$5,000 fine, including a mandatory imprisonment term of not less than 24 months;

(8<sup>th</sup> or Subsequent): Basic sentence of 12 years and not more than \$10,000 fine, including a mandatory imprisonment term of not less than 10 years

**Penalty for Driving While Under the Influence - Misdemeanor:** If 1st Offense, basic sentence is maximum 90 days jail and \$500 fine, and if aggravated an additional 48 hours jail time; if 2nd Offense, basic sentence is mandatory 72 hours in jail and \$500 fine to maximum of 364 days and \$1,000 fine, and if aggravated an additional 96 hours jail time; if 3rd Offense, basic sentence is a mandatory 30 days in jail and \$750 fine to maximum of 364 days and \$1,000 fine, and if aggravated an additional mandatory 60 days jail time.

**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 Reckless Driving:** Upon first conviction, basic sentence of 5 days to 90 days imprisonment, and/or \$25 to \$100 fine. Upon a second or subsequent conviction, basic sentence of 10 days to 6 months imprisonment, and/or \$50 to \$1,000 fine.

**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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**1st Degree Felony for Child Abuse (Intentionally Caused) (Resulting in Death) (Child Under 12):** Life imprisonment.

**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.

**2nd Degree Felony, Sexual Offense Against A Child:** Basic sentence of 15 years imprisonment and not more than \$12,500 fine.

**3rd Degree Felony, Sexual Offense Against A Child:** Basic sentence of 6 years imprisonment and not more than \$5,000 fine.

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**OPEN CHARGE OF MURDER**

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

**CAPITAL FELONY:** Life Imprisonment

**SECOND DEGREE MURDER:** Basic sentence of 15 years imprisonment and not more than \$12,500 fine.

**VOLUNTARY MANSLAUGHTER:** Basic sentence of 6 years imprisonment and not more than \$15,000 fine.

**INVOLUNTARY MANSLAUGHTER:** 4th Degree Felony: Basic sentence of 18 months imprisonment and not more than \$5,000 fine.

**Penalty for FIRST DEGREE MURDER (Felony Murder):**

**CAPITAL FELONY:** Life Imprisonment