

SECOND JUDICIAL DISTRICT COURT
STATE OF NEW MEXICO
COUNTY OF BERNALILLO

D 0202 OR 2017 2423
No.

ENDORSED
FILED IN MY OFFICE THIS

JUL 14 2017

J. Carl
CLERK DISTRICT COURT

STATE OF NEW MEXICO,

Judge:

Plaintiff.

CINDY LEOS

vs.

RANDOLPH VELARDE AKA RANDY VELARDE
DOB: XX/XX/1971
SSN: XXX-XX-0907

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 23rd day of March, 2012 and the 5th 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 5th day of April, 2012 and the 10th 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.

Lydie 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: RANDOLPH VELARDE, AKA RANDY VELARDE
DOB: 06-22-1971
SS#: 585-53-8936
ADD: 9200 EAGLE ROCK AVE, NE, ALBUQUERQUE, NM 87122

BOOKING/ARREST DATE: N/A
BOOKING/ARREST#: N/A
STN:
DEF.ATTY: SANTIAGO JUAREZ

PHYSICAL DESCRIPTION OF DEFENDANT:

HEIGHT: 5'04"
WEIGHT: 132 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.

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.

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): 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;

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

(8th 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.

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.

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