

JUL 28 2017

J. Cant
CLERK DISTRICT COURT

SECOND JUDICIAL DISTRICT
STATE OF NEW MEXICO
COUNTY OF BERNALILLO

STATE OF NEW MEXICO,

Plaintiff.

vs.

CLAIRE E. LOGAN,
DOB: XX/XX1950
SSN: XXX-XX-8006

Defendant.

NO. 0202 CR 2017002556

Judge: BRETT R. LOVELESS

CHARGES: Tax Fraud, Conspiracy to Commit Tax Fraud, Conspiracy to Commit Fraud,
Fraud

GRAND JURY INDICTMENT

THE GRAND JURY CHARGES:

TB

COUNT 1: TAX FRAUD (OVER \$500) (5265), in that on or about the 15th day of October, 2014, in Bernalillo County, New Mexico, the above-named defendant did willfully make and subscribe a return containing a written declaration that it was true and correct as to every material matter and which defendant did not believe was true and correct as to every material matter, and the amount of tax owed was over \$500 but not more than \$2,500, contrary to Sections 7-1-73(A)(1) and 7-1-73(D), NMSA 1978.

TB

COUNT 2: TAX FRAUD (OVER \$2,500) (5269), in that on or about the 8th day of October, 2015, in Bernalillo County, New Mexico, the above-named defendant did willfully make and subscribe a return containing a written declaration that it was true and correct as to every material matter and which defendant did not believe was true and correct as to every material matter, and the amount of tax owed was over \$2,500 but not more than \$20,000, contrary to Sections 7-1-73(A)(1) and 7-1-73(E), NMSA 1978.

TB

COUNT 3: CONSPIRACY TO COMMIT TAX FRAUD (OVER \$500) (5267), in that on or about the 15th day of October, 2014, the above named defendant and James Logan did by words or acts agree together to commit Tax Fraud (Over \$500) contrary to Sections 7-1-73 and 30-28-2, NMSA 1978.

TB

COUNT 4: CONSPIRACY TO COMMIT TAX FRAUD (OVER \$2,500) (5271), in that on or about the 8th day of October, 2015, the above named defendant and James Logan did by words or acts agree together to commit Tax Fraud (Over \$2,500) contrary to Sections 7-1-73 and 30-28-

2, NMSA 1978.

TB
COUNT 5: CONSPIRACY TO COMMIT FRAUD (EXCEEDS \$20,000) (0565), in that on, or about or between the 18th day of September, 2013 and the 1st day of March, 2016, in Bernalillo County, New Mexico, the above-named defendant and James Logan did by words or acts agree together to commit Fraud (Exceeds \$20,000), contrary to Sections 30-16-6(F) and 30-28-2, NMSA 1978.

TB
COUNT 6: FRAUD (OVER \$2,500) (0558), in that on or about the 11th day of August, 2014, in Bernalillo County, New Mexico, the above-named defendant did by words or conduct misrepresent a fact intending to deceive or cheat Shirley Cashwell, or another, and because of Shirley Cashwell's reliance on the misrepresentation, the defendant obtained over \$2,500, contrary to Section 30-16-6(E), NMSA 1978.

TB
COUNT 7: FRAUD (OVER \$2,500) (0558), in that on or about the 16th day of October, 2014, in Bernalillo County, New Mexico, the above-named defendant did by words or conduct misrepresent a fact intending to deceive or cheat Shirley Cashwell, or another, and because of Shirley Cashwell's reliance on the misrepresentation, the defendant obtained over \$2,500, contrary to Section 30-16-6(E), NMSA 1978.

TB
COUNT 8: FRAUD (OVER \$2,500) (0558), in that on or about the 4th day of November, 2014, in Bernalillo County, New Mexico, the above-named defendant did by words or conduct misrepresent a fact intending to deceive or cheat Shirley Cashwell, or another, and because of Shirley Cashwell's reliance on the misrepresentation, the defendant obtained over \$2,500, contrary to Section 30-16-6(E), NMSA 1978.

TB
COUNT 9: FRAUD (OVER \$2,500) (0558), in that on or about the 2nd day of December, 2014, in Bernalillo County, New Mexico, the above-named defendant did by words or conduct misrepresent a fact intending to deceive or cheat Shirley Cashwell, or another, and because of Shirley Cashwell's reliance on the misrepresentation, the defendant obtained over \$2,500, contrary to Section 30-16-6(E), NMSA 1978.

TB
COUNT 10: FRAUD (OVER \$2,500) (0558), in that on or about the 8th day of December, 2014, in Bernalillo County, New Mexico, the above-named defendant did by words or conduct misrepresent a fact intending to deceive or cheat Shirley Cashwell, or another, and because of Shirley Cashwell's reliance on the misrepresentation, the defendant obtained over \$2,500, contrary to Section 30-16-6(E), NMSA 1978.

TB
COUNT 11: FRAUD (OVER \$2,500) (0558), in that on or about the 30th day of December, 2014, in Bernalillo County, New Mexico, the above-named defendant did by words or conduct misrepresent a fact intending to deceive or cheat Shirley Cashwell, or another, and because of Shirley Cashwell's reliance on the misrepresentation, the defendant obtained over \$2,500, contrary to Section 30-16-6(E), NMSA 1978.

TB
COUNT 12: FRAUD (OVER \$2,500) (0558), in that on or about the 11th day of February, 2015, in Bernalillo County, New Mexico, the above-named defendant did by words or conduct

misrepresent a fact intending to deceive or cheat Shirley Cashwell, or another, and because of Shirley Cashwell's reliance on the misrepresentation, the defendant obtained over \$2,500, contrary to Section 30-16-6(E), NMSA 1978.

TB
COUNT 13: FRAUD (OVER \$2,500) (0558), in that on or about the 26th day of February, 2015, in Bernalillo County, New Mexico, the above-named defendant did by words or conduct misrepresent a fact intending to deceive or cheat Shirley Cashwell, or another, and because of Shirley Cashwell's reliance on the misrepresentation, the defendant obtained over \$2,500, contrary to Section 30-16-6(E), NMSA 1978.

TB
COUNT 14: FRAUD (OVER \$2,500) (0558), in that on or about the 24th day of March, 2015, in Bernalillo County, New Mexico, the above-named defendant did by words or conduct misrepresent a fact intending to deceive or cheat Shirley Cashwell, or another, and because of Shirley Cashwell's reliance on the misrepresentation, the defendant obtained over \$2,500, contrary to Section 30-16-6(E), NMSA 1978.

TB
COUNT 15: FRAUD (OVER \$2,500) (0558), in that on or about the 13th day of July, 2015, in Bernalillo County, New Mexico, the above-named defendant did by words or conduct misrepresent a fact intending to deceive or cheat Shirley Cashwell, or another, and because of Shirley Cashwell's reliance on the misrepresentation, the defendant obtained over \$2,500, contrary to Section 30-16-6(E), NMSA 1978.

TB
COUNT 16: FRAUD (OVER \$2,500) (0558), in that on or about the 9th day of August, 2015, in Bernalillo County, New Mexico, the above-named defendant did by words or conduct misrepresent a fact intending to deceive or cheat Shirley Cashwell, or another, and because of Shirley Cashwell's reliance on the misrepresentation, the defendant obtained over \$2,500, contrary to Section 30-16-6(E), NMSA 1978.

TB
COUNT 17: FRAUD (OVER \$2,500) (0558), in that on or about the 4th day of October, 2015, in Bernalillo County, New Mexico, the above-named defendant did by words or conduct misrepresent a fact intending to deceive or cheat Shirley Cashwell, or another, and because of Shirley Cashwell's reliance on the misrepresentation, the defendant obtained over \$2,500, contrary to Section 30-16-6(E), NMSA 1978.

TB
COUNT 18: FRAUD (OVER \$2,500) (0558), in that on or about the 11th day of November, 2015, in Bernalillo County, New Mexico, the above-named defendant did by words or conduct misrepresent a fact intending to deceive or cheat Shirley Cashwell, or another, and because of Shirley Cashwell's reliance on the misrepresentation, the defendant obtained over \$2,500, contrary to Section 30-16-6(E), NMSA 1978.

TB
COUNT 19: FRAUD (OVER \$2,500) (0558), in that on or about the 16th day of December, 2015, in Bernalillo County, New Mexico, the above-named defendant did by words or conduct misrepresent a fact intending to deceive or cheat Shirley Cashwell, or another, and because of Shirley Cashwell's reliance on the misrepresentation, the defendant obtained over \$2,500, contrary to Section 30-16-6(E), NMSA 1978.

OR IN THE ALTERNATIVE TO COUNTS 6 – 19:

COUNT 6: FRAUD (EXCEEDS \$20,000) (0556), in that on, or about or between the 11th day of August, 2014 and the 16th day of December, 2015, in Bernalillo County, New Mexico, the above-named defendant did by words or conduct misrepresent a fact intending to deceive or cheat Shirley Cashwell, or another, and because of Shirley Cashwell's reliance on the misrepresentation, the defendant obtained over \$20,000, contrary to Section 30-16-6(F), NMSA 1978.

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

Gregory Stover
Teresa DeMenge
Chad Hoffman

I hereby certify that the foregoing is a TRUE bill.

Rockelle Myers
Foreperson

July 27 2017
Date

APPROVED:

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

CASE INFORMATION

NMRLD #: 15-12-0005

PROSECUTOR: BENJAMIN R. SCHROPE

CLAIRE E. LOGAN

DOB: XX/XX1950

SS#: XXX-XX-8006

ADD: 12356 Claremont Ave., NE
Albuquerque, NM 87112-2058

DEF. ATTY:

Mark Baker

Peifer, Hanson & Mullins, P.A.

20 First Place Ctr., NW #725

Albuquerque, NM 87102

CASE INFORMATION

CLAIRE E. LOGAN

RLD 3: 15-12-0005

ADA BENJAMIN R. SCHROPE

DOB: 02/09/1950

SS#: 387-56-8006

ADD: 12356 CLAREMONT AVE., NE,
ABQ, NM 87112-2058

DEF. ATTY.: MARK BAKER,ESQ.

PHYSICAL DESCRIPTION OF DEFENDANT:

FEMALE

HEIGHT: 5'3"

WEIGHT: 106 lbs.

RACE: WHITE

EYE COLOR: BROWN

HAIR COLOR: BROWN

SNM VS. CLAIRE E. LOGAN

PENALTIES

Count 1: Tax Fraud (over \$500) (5265), a fourth degree felony with a basic sentence of eighteen months imprisonment and a fine of not more than a \$5,000 fine, followed by one year parole.

Count 2: Tax Fraud (over \$2,500) (5269) a third degree felony with a basic sentence of three years imprisonment and not more than a \$5,000 fine, followed by two years parole.

Count 3: Conspiracy to Commit Fraud (over \$500) (5267) a fourth degree felony with a basic sentence of eighteen months imprisonment and a fine of not more than \$5,000, followed by one year parole.

Count 4: Conspiracy to Commit Tax Fraud (over \$2,500) (5271) a fourth degree felony with a basic sentence of eighteen months imprisonment and a fine of not more than \$5,000, followed by one year parole.

Count 5: Conspiracy to Commit Fraud (Exceeds \$20,000) (0565) a third degree felony with a basic sentence of three years imprisonment and not more than a \$5,000 fine, followed by two years parole.

Count 6: Fraud (Over \$2,500) (0558) a third degree felony with a basic sentence of three years imprisonment and not more than a \$5,000 fine, followed by two years parole.

Count 7: Fraud (Over \$2,500) (0558) a third degree felony with a basic sentence of three years imprisonment and not more than a \$5,000 fine, followed by two years parole.

Count 8: Fraud (Over \$2,500) (0558) a third degree felony with a basic sentence of three years imprisonment and not more than a \$5,000 fine, followed by two years parole.

Count 9: Fraud (Over \$2,500) (0558) a third degree felony with a basic sentence of three years imprisonment and not more than a \$5,000 fine, followed by two years parole.

Count 10: Fraud (Over \$2,500) (0558) a third degree felony with a basic sentence of three years imprisonment and not more than a \$5,000 fine, followed by two years parole.

Count 11: Fraud (Over \$2,500) (0558) a third degree felony with a basic sentence of three years imprisonment and not more than a \$5,000 fine, followed by two years parole.

Count 12: Fraud (Over \$2,500) (0558) a third degree felony with a basic sentence of three years imprisonment and not more than a \$5,000 fine, followed by two years parole.

Count 13: Fraud (Over \$2,500) (0558) a third degree felony with a basic sentence of three years imprisonment and not more than a \$5,000 fine, followed by two years parole.

Count 14: Fraud (Over \$2,500) (0558) a third degree felony with a basic sentence of three years imprisonment and not more than a \$5,000 fine, followed by two years parole.

Count 15: Fraud (Over \$2,500) (0558) a third degree felony with a basic sentence of three years imprisonment and not more than a \$5,000 fine, followed by two years parole.

Count 16: Fraud (Over \$2,500) (0558) a third degree felony with a basic sentence of three years imprisonment and not more than a \$5,000 fine, followed by two years parole.

Count 17: Fraud (Over \$2,500) (0558) a third degree felony with a basic sentence of three years imprisonment and not more than a \$5,000 fine, followed by two years parole.

Count 18: Fraud (Over \$2,500) (0558) a third degree felony with a basic sentence of three years imprisonment and not more than a \$5,000 fine, followed by two years parole.

Count 19: Fraud (Over \$2,500) (0558) a third degree felony with a basic sentence of three years imprisonment and not more than a \$5,000 fine, followed by two years parole.

Or in the Alternative to Count 6 through 19: Fraud (over \$20,000) (0556) a second degree felony with a basic sentence of nine years imprisonment and not more than a \$10,000 fine, followed by two years

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

GRAND JURY INDICTMENT PRESENTMENT FORM

SECOND JUDICIAL DISTRICT
STATE OF NEW MEXICO
COUNTY OF BERNALILLO

D-0202 CR 2017002556

BRETT R. LOVELESS

STATE OF NEW MEXICO,

Plaintiff,

D-0202-CR-2017

vs.

CLAIRE E. LOGAN,

Defendant.

CRIMES CHARGED

TAX FRAUD (5265)(5269), CONSPIRACY TO COMMIT TAX FRAUD (5267)(5271),
CONSPIRACY TO COMMIT FRAUD (0565), FRAUD (0558)(0556).

REQUEST FOR CONDITIONS OF RELEASE

- Target Not Represented
- Target Represented by Public Defender Private Atty. Mark Baker
- Any Specific Request by Target's Atty. _____
- The Target has not been previously arrested on these charges.
- Notice Requested
- Warrant Requested
- Reason Warrant Requested
- Transient Target Letter Returned
- Target in Custody on This or Other Case
- Target Has _____ Prior Felony Convictions
- Target Has _____ Other Pending Felony Cases
- Other Justification for Request _____

-
- Amount of Bond: \$ _____ Cash/Surety Previously Posted on _____
- Cash Only Previously Posted on _____
- Continue Metro District Court Bond, Set in Amount of \$ _____
- Increase Bond To \$** _____
- No Previous Bond

If Target Has Posted Bond and an Increase is Requested, Give Justification:

Extradition Category: Extradite from:

- | | |
|--|--|
| <input type="checkbox"/> 1. Anywhere | <input type="checkbox"/> 2. Continental U.S., Only |
| <input checked="" type="checkbox"/> 3. TX, CO, AZ, or CA, Only | <input type="checkbox"/> 4. Within NM Only |


Assistant District Attorney

If defendant has no address or target letter has been returned, ask Court to issue a Bench Warrant with a reasonable bond.