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JUL 28 2017

J. [Signature]
CLERK DISTRICT COURT

SECOND JUDICIAL DISTRICT
STATE OF NEW MEXICO
COUNTY OF BERNALILLO

STATE OF NEW MEXICO,

Plaintiff.

vs.

JAMES W. LOGAN,
DOB: XX/XX/1948
SSN: XXX-XX-6586

Defendant.

No: **D 0202 GR 2017002557**

Judge: **BRETT R. LOVELESS**

CHARGES: Tax Fraud, Attempt to Evade or Defeat Tax, Conspiracy to Commit Tax Fraud, Conspiracy to Commit Fraud, Acting as an Unlicensed Investment Adviser, Money Laundering, Attempt to Commit Larceny, Fraud

GRAND JURY INDICTMENT

THE GRAND JURY CHARGES:

TB
COUNT 1: TAX FRAUD (OVER \$500) (5265), in that on or about 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 \$2500) (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: ATTEMPT TO EVADE OR DEFEAT TAX (1941), in that on or about the 25th day of April, 2013, in Bernalillo County, New Mexico, the above-named defendant did willfully attempt to evade or defeat any tax or the payment thereof, contrary to Section 7-1-72, NMSA 1978.

TB
COUNT 4: ATTEMPT TO EVADE OR DEFEAT TAX (1941), in that on or about the 25th day of October, 2013, in Bernalillo County, New Mexico, the above-named defendant did willfully

attempt to evade or defeat any tax or the payment thereof, contrary to Section 7-1-72, NMSA 1978.

TB
COUNT 5: ATTEMPT TO EVADE OR DEFEAT TAX (1941), in that on or about the 25th day of November, 2013, in Bernalillo County, New Mexico, the above-named defendant did willfully attempt to evade or defeat any tax or the payment thereof, contrary to Section 7-1-72, NMSA 1978.

TB
COUNT 6: ATTEMPT TO EVADE OR DEFEAT TAX (1941), in that on or about the 25th day of January, 2014, in Bernalillo County, New Mexico, the above-named defendant did willfully attempt to evade or defeat any tax or the payment thereof, contrary to Section 7-1-72, NMSA 1978.

TB
COUNT 7: ATTEMPT TO EVADE OR DEFEAT TAX (1941), in that on or about 25th day of February, 2014, in Bernalillo County, New Mexico, the above-named defendant did willfully attempt to evade or defeat any tax or the payment thereof, contrary to Section 7-1-72, NMSA 1978.

TB
COUNT 8: ATTEMPT TO EVADE OR DEFEAT TAX (1941), in that on or about the 25th day of March, 2014, in Bernalillo County, New Mexico, the above-named defendant did willfully attempt to evade or defeat any tax or the payment thereof, contrary to Section 7-1-72, NMSA 1978.

TB
COUNT 9: ATTEMPT TO EVADE OR DEFEAT TAX (1941), in that on or about the 25th day of April, 2014, in Bernalillo County, New Mexico, the above-named defendant did willfully attempt to evade or defeat any tax or the payment thereof, contrary to Section 7-1-72, NMSA 1978.

TB
COUNT 10: ATTEMPT TO EVADE OR DEFEAT TAX (1941), in that on or about the 25th day of May, 2014, in Bernalillo County, New Mexico, the above-named defendant did willfully attempt to evade or defeat any tax or the payment thereof, contrary to Section 7-1-72, NMSA 1978.

TB
COUNT 11: ATTEMPT TO EVADE OR DEFEAT TAX (1941), in that on or about the 25th day of June, 2014, in Bernalillo County, New Mexico, the above-named defendant did willfully attempt to evade or defeat any tax or the payment thereof, contrary to Section 7-1-72, NMSA 1978.

TB
COUNT 12: ATTEMPT TO EVADE OR DEFEAT TAX (1941), in that on or about the 25th day of July, 2014, in Bernalillo County, New Mexico, the above-named defendant did willfully attempt to evade or defeat any tax or the payment thereof, contrary to Section 7-1-72, NMSA 1978.

TB
COUNT 13: ATTEMPT TO EVADE OR DEFEAT TAX (1941), in that on or about the 25th day of August, 2014, in Bernalillo County, New Mexico, the above-named defendant did willfully attempt to evade or defeat any tax or the payment thereof, contrary to Section 7-1-72, NMSA 1978.

TB
COUNT 14: ATTEMPT TO EVADE OR DEFEAT TAX (1941), in that on or about the 25th day of September, 2014, in Bernalillo County, New Mexico, the above-named defendant did willfully attempt to evade or defeat any tax or the payment thereof, contrary to Section 7-1-72, NMSA 1978.

TB
COUNT 15: ATTEMPT TO EVADE OR DEFEAT TAX (1941), in that on or about the 25th day of October, 2014, in Bernalillo County, New Mexico, the above-named defendant did willfully

attempt to evade or defeat any tax or the payment thereof, contrary to Section 7-1-72, NMSA 1978.

TB
COUNT 16: ATTEMPT TO EVADE OR DEFEAT TAX (1941), in that on or about the 25th day of November, 2014, in Bernalillo County, New Mexico, the above-named defendant did willfully attempt to evade or defeat any tax or the payment thereof, contrary to Section 7-1-72, NMSA 1978.

TB
COUNT 17: ATTEMPT TO EVADE OR DEFEAT TAX (1941), in that on or about the 26th day of December, 2014, in Bernalillo County, New Mexico, the above-named defendant did willfully attempt to evade or defeat any tax or the payment thereof, contrary to Section 7-1-72, NMSA 1978.

TB
COUNT 18: ATTEMPT TO EVADE OR DEFEAT TAX (1941), in that on or about the 25th day of January, 2015, in Bernalillo County, New Mexico, the above-named defendant did willfully attempt to evade or defeat any tax or the payment thereof, contrary to Section 7-1-72, NMSA 1978.

TB
COUNT 19: CONSPIRACY TO COMMIT TAX FRAUD (OVER \$500) (5267), in that on or about the 15th day of October, 2014, the above named defendant and Claire 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 20: 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 Claire 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 21: 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 Claire 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 22: ACTING AS AN UNLICENSED INVESTMENT ADVISER (7139), in that on or about June 23, 2014, in Bernalillo County, New Mexico, the above-named defendant did counsel Shirley Cashwell, or another, as to the advisability of investing in, purchasing or selling securities, did so for compensation, and was not registered as an investment adviser, or exempt from such registration pursuant to the New Mexico Uniform Securities Act and contrary to Section 58-13C-403(A) and 58-13C-102(P), NMSA 1978.

TB
COUNT 23: MONEY LAUNDERING (OVER \$10,000) (2585), in that on or about January 12, 2015, in Bernalillo County, New Mexico, the above-named defendant did engage or participate in a financial transaction involving property he knew represented proceeds of a specified unlawful activity, 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 property or to avoid a transaction reporting requirement under state or federal law, and the illegal financial transaction involved over \$10,000 but not more than \$50,000, contrary to Section 30-51-4(A)(1) and 30-51-4(B)(3), NMSA

1978.

TB
COUNT 24: ATTEMPT TO COMMIT LARCENY (OVER \$20,000) (1034), in that on or about the 8th day of October, 2014, in Bernalillo County, New Mexico, the above-named defendant did attempt to commit a felony, to wit: Larceny (Over \$20,000), and began to do an act which constituted a substantial part of the said felony, but failed to commit the said felony, contrary to Sections 30-16-1(F) and 30-28-1, NMSA 1978.

TB
COUNT 25: FRAUD (OVER \$2,500) (0558), in that on or about the 14th day of November, 2013, in Bernalillo County, New Mexico, the above-named defendant did by words or conduct misrepresent a fact intending to deceive or cheat Jonathan Cashwell, or another, and because of Jonathan Cashwell's reliance on the misrepresentation, the defendant obtained over \$2,500, contrary to Section 30-16-6(E), NMSA 1978.

TB
COUNT 26: FRAUD (OVER \$2,500) (0558), in that on or about the 18th day of September, 2013, 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 27: FRAUD (OVER \$500) (4530), in that on or about the 30th day of September, 2013, 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 \$500, contrary to Section 30-16-6(D), NMSA 1978.

TB
COUNT 28: FRAUD (OVER \$2,500) (0558), in that on or about the 3rd day of October, 2013, 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 29: FRAUD (OVER \$500) (4530), in that on or about the 9th day of October, 2013, 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 \$500, contrary to Section 30-16-6(D), NMSA 1978.

TB
COUNT 30: FRAUD (OVER \$2,500) (0558), in that on or about the 15th day of October, 2013, 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 31: FRAUD (OVER \$2,500) (0558), in that on or about the 28th day of October, 2013, 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 32: FRAUD (OVER \$2,500) (0558), in that on or about the 31st day of December, 2013, 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 33: FRAUD (OVER \$2,500) (0558), in that on or about the 20th day of January, 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 34: FRAUD (OVER \$2,500) (0558), in that on or about the 7th day of February, 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 35: FRAUD (OVER \$2,500) (0558), in that on or about the 7th day of February, 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 36: FRAUD (OVER \$2,500) (0558), in that on or about the 6th day of March, 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 37: FRAUD (OVER \$2,500) (0558), in that on or about the 1st day of April, 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 38: FRAUD (OVER \$2,500) (0558), in that on or about the 6th day of May, 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 39: FRAUD (OVER \$2,500) (0558), in that on or about the 6th day of May, 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 40: FRAUD (EXCEEDS \$20,000) (0556), in that on or about the 21st day of May, 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 \$20,000, contrary to Section 30-16-6(F), NMSA 1978.

TB

COUNT 41: FRAUD (EXCEEDS \$20,000) (0556), in that on or about the 24th day of June, 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 promise or misrepresentation, the defendant obtained over \$20,000, contrary to Section 30-16-6(F), NMSA 1978.

TB

COUNT 42: FRAUD (OVER \$2,500) (0558), in that on or about the 15th day of July, 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 43: FRAUD (OVER \$2,500) (0558), in that on or about the 30th day of July, 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 44: FRAUD (OVER \$2,500) (0558), in that on or about the 22nd 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 45: FRAUD (OVER \$2,500) (0558), in that on or about the 16th 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 46: FRAUD (OVER \$2,500) (0558), in that on or about the 2nd 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.

to Section 30-16-6(E), NMSA 1978.

TB

COUNT 47: FRAUD (OVER \$2,500) (0558), in that on or about the 15th 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 48: 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 49: FRAUD (OVER \$2,500) (0558), in that on or about the 14th 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 50: FRAUD (OVER \$2,500) (0558), in that on or about the 11th day of January, 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 51: FRAUD (OVER \$2,500) (0558), in that on or about the 30th day of January, 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 52: FRAUD (OVER \$2,500) (0558), in that on or about the 24th 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 53: FRAUD (OVER \$2,500) (0558), in that on or about the 6th 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 54: FRAUD (OVER \$2,500) (0558), in that on or about the 12th day of April, 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 55: FRAUD (OVER \$2,500) (0558), in that on or about the 12th day of April, 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 56: FRAUD (OVER \$2,500) (0558), in that on or about the 1st day of May, 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 57: FRAUD (OVER \$2,500) (0558), in that on or about the 5th day of May, 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 58: FRAUD (OVER \$2,500) (0558), in that on or about the 15th day of May, 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 59: FRAUD (OVER \$2,500) (0558), in that on or about the 3rd day of June, 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 60: FRAUD (OVER \$2,500) (0558), in that on or about the 13th day of June, 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 61: FRAUD (OVER \$2,500) (0558), in that on or about the 16th day of June, 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 62: FRAUD (OVER \$2,500) (0558)**, in that on or about the 1st 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 63: 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 64: FRAUD (OVER \$2,500) (0558)**, in that on or about the 22nd 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 65: FRAUD (OVER \$2,500) (0558)**, in that on or about the 18th 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 66: FRAUD (OVER \$2,500) (0558)**, in that on or about the 22nd 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 67: FRAUD (OVER \$500) (4530)**, in that on or about the 14th day of September, 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 \$500, contrary to Section 30-16-6(D), NMSA 1978.

TB **COUNT 68: FRAUD (OVER \$2,500) (0558)**, in that on or about the 14th day of September, 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 69: 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.

to Section 30-16-6(E), NMSA 1978.

TB **COUNT 70: FRAUD (OVER \$2,500) (0558)**, in that on or about the 19th 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 71: FRAUD (OVER \$2,500) (0558)**, in that on or about the 1st 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 72: FRAUD (OVER \$2,500) (0558)**, in that on or about the 2nd 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.

TB **COUNT 73: FRAUD (OVER \$2,500) (0558)**, in that on or about the 8th 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.

TB **COUNT 74: 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.

TB **COUNT 75: FRAUD (OVER \$2,500) (0558)**, in that on or about the 7th day of January, 2016, 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 76: FRAUD (OVER \$2,500) (0558)**, in that on or about the 28th day of January, 2016, 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 77: FRAUD (OVER \$2,500) (0558)**, in that on or about the 7th day of February, 2016, 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 78: FRAUD (OVER \$2,500) (0558), in that on or about the 1st day of March, 2016, 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 26 THROUGH 78:

TB

COUNT 26: FRAUD (EXCEEDS \$20,000) (0556), 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 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.

Rochelle 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

JAMES W. LOGAN

DOB: XX/XX 1948

SSN: XXX-XX-6586

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

DEF. ATTY:

Zachary Ives

Molly Schmidt Nowara

Garcia Ives Nowara, LLC

924 2nd St., NW Ste. A

Albuquerque, NM 87102

CASE INFORMATION

JAMES W. LOGAN

RLD FILE #: 15-12-0005

ADA BENJAMIN R. SCHROPE

DOB: 07/03/1948

SS#: 442-48-6586

ADD: 12356 CLAREMONT AVE., NE

ABQ, NM 87112-2058

DEF. ATTY. ZACHARY IVES, MOLLY SCHMIDT NOWARA

PHYSICAL DESCRIPTION OF DEFENDANT:

MALE

HEIGHT: 5'8"

WEIGHT: 180 lbs

RACE: WHITE

EYE COLOR: HAZEL

HAIR COLOR: BROWN

SNM VS. JAMES W. LOGAN

PENALTIES

Count 1: Tax Fraud (over \$500) (5265), a fourth degree felony with a basic sentence of eighteen months imprisonment and not more than a fine of \$5,000, 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: Attempt to Evade or Defeat Tax (1941) 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: Attempt to Evade or Defeat Tax (1941) 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: Attempt to Evade or Defeat Tax (1941) 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 6: Attempt to Evade or Defeat Tax (1941) 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 7: Attempt to Evade or Defeat Tax (1941) 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 8: Attempt to Evade or Defeat Tax (1941) 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 9: Attempt to Evade or Defeat Tax (1941) 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 10: Attempt to Evade or Defeat Tax (1941) 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 11: Attempt to Evade or Defeat Tax (1941) 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 12: Attempt to Evade or Defeat Tax (1941) 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 13: Attempt to Evade or Defeat Tax (1941) 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 14: Attempt to Evade or Defeat Tax (1941) 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 15: Attempt to Evade or Defeat Tax (1941) 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 16: Attempt to Evade or Defeat Tax (1941) 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 17: Attempt to Evade or Defeat Tax (1941) 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 18: Attempt to Evade or Defeat Tax (1941) 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 19: Conspiracy to Commit Tax 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 20: Conspiracy to Commit Tax Fraud (over \$2,500) (5271) a fourth degree felony with a basic sentence of eighteen months and a fine of not more than \$5,000, followed by one year parole.

Count 21: 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 22: Acting as an Unlicensed Investment Adviser (7139) 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 23: Money Laundering (over \$10,000) (2585) 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 24: Attempt to Commit Larceny (over \$20,000) (1034) 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 25: 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 26: 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 27: Fraud (over \$500) (4530) 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 28: 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 29: Fraud (over \$500) (4530) 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 64: 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 65: 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 66: 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 67: Fraud (Over \$500) (4530) a fourth degree felony with a basic sentence of eighteen months imprisonment and not more than a \$5,000 fine, followed by one years parole.

Count 68: 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 69: 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 70: 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 71: 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 72: 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 73: 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 74: 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 75: 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 76: 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 77: 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 78: 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 counts 26 through 78: Fraud (over \$20,000) (0556) a second degree felony with a basic sentence of nine years and not more than a \$10,000 fine, followed by two years 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