

STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT COURT

RSO

FILED
FIRST JUDICIAL
DISTRICT COURT

2017 JUN 16 AM 11:30

STATE OF NEW MEXICO,

Plaintiff,

v.

PHIL A. GRIEGO,

No. D101CR2017-00481
NMOAG No. 201604-00296

Defendant.

T. GLENN ELLINGTON

CRIMES CHARGED

PERJURY (13 COUNTS); FRAUD (1 COUNT); EMBEZZLEMENT (5 COUNTS);
FILING A FALSE OR INCOMPLETE CAMPAIGN REPORT (2 COUNTS) and
LIMITATION ON CAMPAIGN FUNDS EXPENDITURES (1 COUNT)

GRAND JURY INDICTMENT

THE GRAND JURY CHARGES:

COUNT 1

PERJURY (2049), in that on or about July 5, 2012, in Santa Fe County, New Mexico, the above-named defendant did make a false statement under oath or affirmation in his Senatorial Campaign's 2012 Fourth Primary Report, which was material to the issue or matter involved in the course of a judicial, administrative, legislative, or other official proceeding, and the defendant knew such statement to be untrue, a fourth-degree felony, contrary to Section 30-25-1, NMSA 1978.

COUNT 2

4530
FRAUD (OVER \$500) (557), in that on or about June 21, 2012, the above-named defendant did by words or conduct misrepresent a fact intending to deceive or cheat his Senatorial Campaign Account, Contributors, or another, and because of the Senatorial Campaign Account's, Contributors', or another's reliance on the promise or misrepresentation, the defendant obtained \$2,000.00, a fourth-degree felony, contrary to Section 30-16-6, NMSA 1978.

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COUNT 3

EMBEZZLEMENT(OVER \$500) (0604), in that on or about June 21, 2012, in Santa Fe County, New Mexico, the above-named defendant did convert to his own use \$2,000 with which his Senatorial Campaign Account had entrusted him, with the intent to fraudulently deprive the owner of the property, a fourth-degree felony, contrary to Section 30-16-8, NMSA 1978.

COUNT 4

PERJURY (2049), in that on or about September 11, 2012, in Santa Fe County, New Mexico, the above-named defendant did make a false statement under oath or affirmation in his Senatorial Campaign's 2012 First General Report, which was material to the issue or matter involved in the course of a judicial, administrative, legislative, or other official proceeding, and the defendant knew such statement to be untrue, a fourth-degree felony, contrary to Section 30-25-1, NMSA 1978.

COUNT 5

PERJURY (2049), in that on or about October 8, 2012, in Santa Fe County, New Mexico, the above-named defendant did make a false statement under oath or affirmation in his Senatorial Campaign's 2012 Second General Report, which was material to the issue or matter involved in the course of a judicial, administrative, legislative, or other official proceeding, and the defendant knew such statement to be untrue, a fourth-degree felony, contrary to Section 30-25-1, NMSA 1978.

COUNT 6

PERJURY (2049), in that on or about November 1, 2012, in Santa Fe County, New Mexico, the above-named defendant did make a false statement under oath or affirmation in his Senatorial Campaign's 2012 Third General Report, which was material to the issue or matter involved in the course of a judicial, administrative, legislative, or other official proceeding, and the defendant knew such statement to be untrue, a fourth-degree felony, contrary to Section 30-25-1, NMSA 1978.

COUNT 7

PERJURY (2049), in that on or about December 6, 2012, in Santa Fe County, New Mexico, the above-named defendant did make a false statement under oath or affirmation in his Senatorial Campaign's 2012 Fourth General Report, which was material to the issue or matter involved in the course of a judicial, administrative, legislative, or other official proceeding, and the defendant knew such statement to be untrue, a fourth-degree felony, contrary to Section 30-25-1, NMSA 1978.

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COUNT 8

PERJURY (2049), in that on or about April 8, 2013, in Santa Fe County, New Mexico, the above-named defendant did make a false statement under oath or affirmation in his Senatorial Campaign's 2013 First Biannual Report, which was material to the issue or matter involved in the course of a judicial, administrative, legislative, or other official proceeding, and the defendant knew such statement to be untrue, a fourth-degree felony, contrary to Section 30-25-1, NMSA 1978.

COUNT 9

PERJURY (2049), in that on or about October 18, 2013, in Santa Fe County, New Mexico, the above-named defendant did make a false statement under oath or affirmation in his Senatorial Campaign's 2013 Second Biannual Report, which was material to the issue or matter involved in the course of a judicial, administrative, legislative, or other official proceeding, and the defendant knew such statement to be untrue, a fourth-degree felony, contrary to Section 30-25-1, NMSA 1978.

COUNT 10

PERJURY (2049), in that on or about April 14, 2014, in Santa Fe County, New Mexico, the above-named defendant did make a false statement under oath or affirmation in his Senatorial Campaign's 2014 First Biannual Report, which was material to the issue or matter involved in the course of a judicial, administrative, legislative, or other official proceeding, and the defendant knew such statement to be untrue, a fourth-degree felony, contrary to Section 30-25-1, NMSA 1978.

COUNT 11

PERJURY (2049), in that on or about October 14, 2014, in Santa Fe County, New Mexico, the above-named defendant did make a false statement under oath or affirmation in his Senatorial Campaign's 2014 Second Biannual Report, which was material to the issue or matter involved in the course of a judicial, administrative, legislative, or other official proceeding, and the defendant knew such statement to be untrue, a fourth-degree felony, contrary to Section 30-25-1, NMSA 1978.

COUNT 12

PERJURY (2049), in that on or about October 13, 2015, in Santa Fe County, New Mexico, the above-named defendant did make a false statement under oath or affirmation in his Senatorial Campaign's 2015 Second Biannual Report, which was material to the issue or matter involved in the course of a judicial, administrative, legislative, or other official proceeding, and the defendant knew such statement to be untrue, a fourth-degree felony, contrary to Section 30-25-1, NMSA 1978.

COUNT 13

FILING A FALSE OR INCOMPLETE CAMPAIGN REPORT (7000), in that on or about October 13, 2015, in Santa Fe County, New Mexico, the above-named defendant did knowingly and willfully file a false or intentionally incomplete 2015 Second Biannual report of expenditures and contributions, a misdemeanor, contrary to Section 1-19-35, NMSA 1978.

COUNT 14

LIMITATION ON CAMPAIGN FUNDS EXPENDITURES (2049), in that on or about August 19, 2015, in Santa Fe County, New Mexico, the above-named defendant did knowingly and willfully make an expenditure of his Senatorial Campaign's funds for an unauthorized purpose at Alex Safety Lane, a misdemeanor, contrary to Section 1-19-29.1, NMSA 1978.

COUNT 15

PERJURY (2049), in that on or about April 11, 2016, in Santa Fe County, New Mexico, the above-named defendant did make a false statement under oath or affirmation in his Senatorial Campaign's 2016 First Biannual Report, which was material to the issue or matter involved in the course of a judicial, administrative, legislative, or other official proceeding, and the defendant knew such statement to be untrue, a fourth-degree felony, contrary to Section 30-25-1, NMSA 1978.

COUNT 16

FILING A FALSE OR INCOMPLETE CAMPAIGN REPORT (7000), in that on or about April 11, 2016, in Santa Fe County, New Mexico, the above-named defendant did knowingly and willfully file a false or intentionally incomplete 2016 First Biannual report of expenditures and contributions, a misdemeanor, contrary to Section 1-19-35, NMSA 1978.

COUNT 17

PERJURY (2049), in that on or about October 3, 2013, in Santa Fe County, New Mexico, the above-named defendant did make a false statement under oath or affirmation in his Advance New Mexico's 2013 Second Biannual Report, which was material to the issue or matter involved in the course of a judicial, administrative, legislative, or other official proceeding, and the defendant knew such statement to be untrue, a fourth-degree felony, contrary to Section 30-25-1, NMSA 1978.

COUNT 18

PERJURY (2049), in that on or about February 2, 2015, in Santa Fe County, New Mexico, the above-named defendant did make a false statement under oath or affirmation in his 2015 Financial Disclosure Form by failing to report income over \$5000, which was material to the issue or matter involved in the course of a judicial, administrative, legislative, or other official proceeding, and the defendant knew such statement to be untrue, a fourth-degree felony, contrary to Section 30-25-1, NMSA 1978.

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COUNT 19

EMBEZZLEMENT(OVER \$500) (0604), in that on or about July 23, 2013, in Santa Fe County, New Mexico, the above-named defendant did convert to his own use \$850 with which his Senatorial Campaign had entrusted him, with the intent to fraudulently deprive the owner of the property, a fourth-degree felony, contrary to Section 30-16-8, NMSA 1978.

COUNT 20

EMBEZZLEMENT(OVER \$500) (0604), in that on or about November 8, 2013, in Santa Fe County, New Mexico, the above-named defendant did convert to his own use \$1,500 with which his Senatorial Campaign Account had entrusted him, with the intent to fraudulently deprive the owner of the property, a fourth-degree felony, contrary to Section 30-16-8, NMSA 1978.

COUNT 21

EMBEZZLEMENT (OVER \$500) (0604), in that on or between March 31, 2014 and April 28, 2014, in Santa Fe County, New Mexico, the above-named defendant did convert to his own use \$2,000 with which NM Optometric PAC had entrusted him, with the intent to fraudulently deprive the owner of the property, a fourth-degree felony, contrary to Section 30-16-8, NMSA 1978.

COUNT²²~~23~~

EMBEZZLEMENT(OVER \$2500) (0607), in that on or about June 2, 2014, in Santa Fe County, New Mexico, the above-named defendant did convert to his own use \$2,787.55 with which his Advance New Mexico PAC had entrusted him, with the intent to fraudulently deprive the owner of the property, a third-degree felony, contrary to Section 30-16-8, NMSA 1978.

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

SA Jennifer Weber

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

APPROVED:

Sam G. J.

Foreman

Clara Moran

CLARA MORAN

Assistant Attorney General

6-15-17

Date

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CASE INFORMATION

AG File# 201604-00296
MET.CT.#: N/A
LEA/RPT#: N/A
AAG:N/A
DOB: 8-5-1948
SS#:585-18-7956
ADD: PO Box 10, San Jose, NM 87565

BOOKING/ARREST DATE: N/A
BOOKING/ARREST#: N/A
DEF.ATTY: Tom Clark

PHYSICAL DESCRIPTION OF DEFENDANT:

Height:
Weight:
Race:
Eye Color:
Hair Color:
Other: N/A

CM initials here

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PENALTIES

COUNT 1: 4th Degree Felony: Basic sentence of 18 months imprisonment and not more than \$5,000 fine.
COUNT 2: 4th Degree Felony: Basic sentence of 18 months imprisonment and not more than \$5,000 fine.
COUNT 3: 4th Degree Felony: Basic sentence of 18 months imprisonment and not more than \$5,000 fine.
COUNT 4-12: 4th Degree Felony: Basic sentence of 18 months imprisonment and not more than \$5,000 fine.
COUNT 13: Misdemeanor: Less than 1 year in the County Jail and/or not more than \$1,000 fine.
COUNT 14: Misdemeanor: Less than 1 year in the County Jail and/or not more than \$1,000 fine.
COUNT 15: 4th Degree Felony: Basic sentence of 18 months imprisonment and not more than \$5,000 fine.
COUNT 16: Misdemeanor: Less than 1 year in the County Jail and/or not more than \$1,000 fine.
COUNT 17-21: 4th Degree Felony: Basic sentence of 18 months imprisonment and not more than \$5,000 fine.
COUNT 22: 3rd Degree Felony: Basic sentence of 3 years imprisonment and not more than \$5,000 fine.

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 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 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.