

STATE OF NEW MEXICO
COUNTY OF CATRON
SEVENTH JUDICIAL DISTRICT COURT

STATE OF NEW MEXICO,
Plaintiff,

vs.

IAN A. FLETCHER,
Defendant.

D-728-CR-2022-00011
Murphy, Mercedes C.

NO.
AG#202112-00086

CRIMINAL INFORMATION

ANDREW COFFING and MARK PROBASCO, Assistant Attorneys General for the State of New Mexico, accuses Ian A. Fletcher as follows:

Count 1: EMBEZZLEMENT (0605)

That on or between October 16, 2018 and September 27, 2019 in the County of Catron, State of New Mexico, the above named defendant did convert to his own use United States Department of Agriculture reimbursement money, which had a market value of \$39,400.00, and with which defendant had been entrusted, with intent at the time of conversion to fraudulently deprive the owner of their property, a second degree felony, contrary to NMSA 1978, Section 30-16-8 (1987, amended 2007).

Count 2: MONEY LAUNDERING (over \$10,000 under \$50,000)(2585)

That on or between November 30, 2018 and February 8, 2019 in the County of Catron, State of New Mexico, the above-named defendant did conduct, structure, engage in or participate in a financial transaction that involved property that was the proceeds of an 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 OR conduct, structure, engage in or participate in a financial transaction that involved property that was the proceeds of an unlawful activity for the purpose of committing or furthering the commission of any other specified unlawful activity OR transport property that was the proceeds of an unlawful activity with the intent to further a specified unlawful activity, knowing that the transport was designed, in whole or in part, to conceal or disguise the nature, location, source, ownership or control of the monetary instrument or to avoid a transaction reporting requirement under state or federal law OR make property that was the proceeds of an unlawful activity available to another person by means of a financial transaction or by transporting the property, when the defendant knew that the property was intended for use by the other person to commit or further the commission of a specified unlawful activity and the illegal financial transaction involved over ten thousand dollars (\$10,000) but not more than fifty thousand dollars (\$50,000), a fourth degree felony, contrary to Section 30-51-04, NMSA 1978.

Count 3: EMBEZZLEMENT

That on or between June 8, 2018 and July 26, 2021, in the County of Catron, State of New Mexico, the above-named defendant, the county sheriff and a county officer, willfully failed to account for and pay over as required by law \$2,761.44 in fees, commissions, mileage, per diem or moneys earned by him between May 20, 2018 and June 2, 2018, which had come into his hands by virtue of his office, a special penalty felony, contrary to NMSA 1978, Sections 4-44-32.

Count 4: EMBEZZLEMENT

That on or between June 22, 2022 and July 26, 2021, in the County of Catron, State of New Mexico, the above-named defendant, the county sheriff and a county officer, willfully failed to account for and pay over as required by law \$1,223.82 in fees, commissions, mileage, per diem or moneys earned by him between June 3, 2018 and June 16, 2018, which had come into his hands by virtue of his office, a special penalty felony, contrary to NMSA 1978, Sections 4-44-32.

Count 5: EMBEZZLEMENT

That on or between July 6, 2022 and July 26, 2021, in the County of Catron, State of New Mexico, the above-named defendant, the county sheriff and a county officer, willfully failed to account for and pay over as required by law \$439.32 in fees, commissions, mileage, per diem or moneys earned by him between June 17, 2018 and June 30, 2018, which had come into his hands by virtue of his office, a special penalty felony, contrary to NMSA 1978, Sections 4-44-32.

Count 6: EMBEZZLEMENT

That on or between November 20, 2020 and July 26, 2021, in the County of Catron, State of New Mexico, the above-named defendant, the county sheriff and a county officer, willfully failed to account for and pay over as required by law \$925.80 in fees, commissions, mileage, per diem or moneys earned by him between November 1, 2020 and November 14, 2020, which had come into his hands by virtue of his office, a special penalty felony, contrary to NMSA 1978, Sections 4-44-32.

Count 7: EMBEZZLEMENT

That on or between December 4, 2020 and July 26, 2021, in the County of Catron, State of New Mexico, the above-named defendant, the county sheriff and a county officer, willfully failed to account for and pay over as required by law \$771.50 in fees, commissions, mileage, per diem or moneys earned by him between November 15, 2020 and November 28, 2020, which had come into his hands by virtue of his office, a special penalty felony, contrary to NMSA 1978, Sections 4-44-32.

Count 8: EMBEZZLEMENT

That on or between December 18, 2020 and July 26, 2021, in the County of Catron, State of New Mexico, the above-named defendant, the county sheriff and a county officer, willfully failed to account for and pay over as required by law \$308.60 in fees, commissions, mileage, per diem or moneys earned by him between November 29, 2020 and December 12, 2020, which had come into his hands by virtue of his office, a special penalty felony, contrary to NMSA 1978, Sections 4-44-32.

Count 9: ENGAGING IN OFFICIAL ACT FOR PERSONAL FINANCIAL GAIN (3222)

That on or between October 16, 2018 and November 30, 2018 in the County of Catron, State of New Mexico, the above named defendant, a public officer or employee, took official acts for the primary purpose of directly enhancing his financial interest or financial position by directly diverting public money from the lawful possession of the Catron County Treasurer, endorsing and providing an invoice for reimbursement to the United States Department of Agriculture, a fourth-degree felony contrary to NMSA 1978 §10-16-4(A).

Count 10: Misuse of Public Money (7580)

That on or between November 30, 2018 and September 27, 2019 in Catron County, New Mexico, the defendant was a public officer, and used public money for purposes not authorized by law, a felony contrary to N.M. Const. art VIII, Section 4.

The names of the witnesses upon whose testimony this Criminal Information is based are as follows: NMAG Special Agent Gregory Buhl; Financial Auditor and Certified Fraud Examiner Vadim Witt, and County Treasurer Joyce Laney.

HECTOR BALDERAS
New Mexico Attorney General

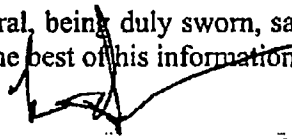


ANDREW COFFING
MARK PROBASCO
Assistant Attorneys General

STATE OF NEW MEXICO)
)
COUNTY OF BERNALILLO)

VERIFICATION

Andrew Coffing, Assistant Attorney General, being duly sworn, say that the facts stated in the foregoing Criminal Information are true to the best of his information and belief.



MARK PROBASCO
Assistant Attorney General

SUBSCRIBED AND SWORN before me
this 8th day of December 2022



NOTARY PUBLIC

My Commission expires:
7/29/2024

STATE OF NEW MEXICO
NOTARY PUBLIC
FRANCES M. GALLEGOS
Commission Number 1015191
My Commission Expires 7/29/2024

CASE INFORMATION

AG FILE#: NMAGO 202112-00086

MET.CT.#:

LEA/RPT#:

AG: Mark Probasco and Andrew Coffing

Def DOB: [REDACTED] 1972

Def SSN: [REDACTED] 0121

Def Race: White Sex: Male

Def Eyes: Brown Hair: Grey

Def Height: 6'00' Weight: 280

Def Address 1105 Ocotillo Canyon Drive, Carlsbad, NM 88220 and/or
2921 Piedras Road, Carlsbad, NM 88220

DEF.ATTY:

PENALTIES

Count 1 EMBEZZLEMENT (0605) 2nd Degree Felony: Basic sentence of 9 years imprisonment and not more than \$10,000 fine.

Count 2 MONEY LAUNDERING (2585) 2nd Degree Felony: Basic sentence of 9 years imprisonment and not more than \$10,000 fine.

Count 3-8 EMBEZZLEMENT a special statutory felony: Basic sentence of not more than five years and a fine of not more than \$5,000.

Count 9 OFFICIAL ACT FOR PERSONAL FINANCIAL INTEREST (3222) 4th Degree Felony: Basic sentence of 18 months imprisonment and not more than \$5,000 fine.

Count 10 MISUSE OF PUBLIC MONEY (7580) 4th Degree Felony: Basic sentence of 18 months imprisonment and not more than \$5,000 fine, additional penalty of disqualification from public office.

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 or Subsequent): Basic sentence of 36 months and not more than \$5,000 fine, including a mandatory imprisonment term of not less than 24 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, to be followed by a minimum five year parole term upon release.

SECOND DEGREE MURDER: Basic sentence of 15 years imprisonment and not more than \$12,500 fine, to be followed by a two year parole term.

VOLUNTARY MANSLAUGHTER: Basic sentence of 6 years imprisonment and not more than \$15,000 fine, to be followed by a two year parole term.

INVOLUNTARY MANSLAUGHTER: 4th Degree Felony: Basic sentence of 18 months imprisonment and not more than \$5,000 fine, to be followed by a one year parole.

Penalty for FIRST DEGREE MURDER (Felony Murder):

CAPITAL FELONY: Life Imprisonment, to be followed by a minimum five year parole term upon release.