

ENDORSED  
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SECOND JUDICIAL DISTRICT COURT  
COUNTY OF BERNALILLO  
STATE OF NEW MEXICO

DEC 05 2008

BOB SCHWARTZ

*Juanita M. Swann*  
CLERK DISTRICT COURT

STATE OF NEW MEXICO,

Plaintiff,

vs.

No.: D 0202 CR 08 - 06010  
AG#:1317

KATHERINE VIDAURRI,  
aka. KATHERINE PULLIAM, KATHERINE PADILLA  
DOB: 10/21/1958  
ADDRESS: \_\_\_\_\_

Defendant.

CRIMES CHARGED

FRAUD ; (UNLAWFUL MORTGAGE COMPANY AND LOAN BROKERS ACT) (2 COUNTS); FORGERY (5 COUNTS); RACKETEERING (1 COUNT); CONSPIRACY TO COMMIT RACKETEERING (1 COUNT)

GRAND JURY INDICTMENT

**COUNT 1: FRAUD (UNLAWFUL MORTGAGE COMPANY AND LOAN BROKERS ACT)**

That on or between December 1, 2005 and March 31, 2006 in Bernalillo County, New Mexico, the above-named defendant employed a device, scheme or artifice; or engaged in an act, practice or course of business which operated as a fraud or deceit upon - National City and successors and/or William Keefe, contrary to §58-21-21, NMSA 1978, as amended.

**COUNT 2: FORGERY**

That on or between December 1, 2005 and March 31, 2006, in Bernalillo County, New Mexico, the above-named defendant made up, by preparing or arranging for the preparation of a false appraisal and changed a genuine letter so that its effect was different from the original, with the intent to injure or deceive or cheat National City and successors and/or William Keefe, contrary to § 30-16-10, NMSA 1978, as amended.

**COUNT 3: FORGERY**

That on or about November 1, 2006, in Bernalillo County, New Mexico, the above-named defendant made up, by preparing or arranging for the preparation of a false appraisal and by making a false signature, with the intent to injure or deceive or cheat Guaranty Bank and successors and/or Jed Jones, contrary to § 30-16-10, NMSA 1978, as amended.

**COUNT 4: FRAUD (UNLAWFUL MORTGAGE COMPANY AND LOAN BROKERS ACT)**

That on or between February 1, 2005 and March 31, 2006 in Bernalillo County, New Mexico, the above-named defendant employed a device, scheme or artifice; or engaged in an act, practice or course of business which operated as a fraud or deceit upon – National City or successor and/or Richard Sinowitz, contrary to §58-21-21, NMSA 1978, as amended.

**COUNT 5: FORGERY**

That on or between February 1, 2005 and March 30, 2006, in Bernalillo County, New Mexico, the above-named defendant made up , by preparing or arranging for the preparation of a false appraisal and made a false signature, with the intent to injure or deceive or cheat National City and successors and/or Richard Sinowitz contrary to § 30-16-10, NMSA 1978, as amended.

**COUNT 6: FORGERY**

That on or about March 9, 2006, in Bernalillo County, New Mexico, the above-named defendant made up, by preparing or arranging for the preparation of a false appraisal and made a false signature, with the intent to injure or deceive or cheat National City and successors and/or Richard Sinowitz, contrary to § 30-16-10, NMSA 1978, as amended.

**COUNT 7: FORGERY**

That on or about February 28, 2006, in Bernalillo County, New Mexico, the above-named defendant made up, by preparing or arranging for the preparation of a false appraisal and made a false signature, with the intent to injure or deceive or cheat National City and successors and/or Richard Sinowitz, contrary to § 30-16-10, NMSA 1978, as amended.

**COUNT 8: RACKETEERING**

That on or about December 1, 2005 to November 1, 2006, in Bernalillo County, New Mexico, the above-named defendant conducted or participated, directly or indirectly, in the conduct of the enterprise's affairs by engaging in a pattern of practice of racketeering activity, contrary to § 30-42-4(C), NMSA 1978, as amended.

**COUNT 9: CONSPIRACY TO COMMIT RACKETEERING**


That on or about December 1, 2005 to November 1, 2006, in Bernalillo County, New Mexico, the above-named defendant and another person by words or acts agreed together to commit racketeering, contrary to § 30-28-2 and 30-42-4(D).

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

Judy Scott  
Richard Sinowitz  
William Keefe  
Jed Jones

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

APPROVED:

  
Shannon Murdock  
Assistant Attorney General

  
Foreperson  
12-5-08

## GRAND JURY INDICTMENT

### PENALTIES

Count 8: 2<sup>nd</sup> degree felony

Counts 2, 3, 5, 6, 7, 9: 3<sup>rd</sup> degree felony

Counts 1, 4: 4<sup>th</sup> degree felony

**4th Degree Felony:** Basic sentence of 18 months but not less than 1 year nor more than 2 years imprisonment and not more than \$5,000 fine.

**3rd Degree Felony:** Basic sentence of 3 years but not less than 2 years nor more than 4 years imprisonment and not more than \$5,000 fine.

**2nd Degree Felony:** Basic sentence of 9 years but not less than 6 years nor more than 12 years imprisonment and not more than \$10,000 fine. Whoever commit sexual penetration in the 2<sup>nd</sup> degree when the victim is a child who is thirteen to eighteen years of age is guilty of a 2<sup>nd</sup> degree felony for a sexual offense against a child and notwithstanding the provision of section 31-18-15 NMSA 1978, shall be sentenced to a minimum term of imprisonment of 3 years, which shall not be suspended or deferred.

**1st Degree Felony:** Basic sentence of 18 years but not less than 12 years nor more than 24 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 OLD AGE & HANDICAPPED ENHANCEMENT (OAE or HE)** Basic sentence of imprisonment is increased by one (1) year, unless great bodily harm is inflicted, or a deadly weapon is used, 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. **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 Offense): A 4<sup>th</sup> degree, basic sentence of 18 months and not more than \$5,000 fine, including a mandatory jail term of not less than 6 months.

(5th Offense): A 4<sup>th</sup> degree, basic sentence of 2 years and not more than \$5,000 fine, including a mandatory jail term of not less than one year.

(6th Offense): A 3<sup>rd</sup> degree, basic sentence of 30 months, and not more than \$5,000 fine, including a mandatory jail term of not less than 18 months.

(7th or subsequent): A third degree, basic sentence of 3 years and not more than \$5,000 fine, including a mandatory jail term of two 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:** A Misdemeanor, a basic sentence of 364, mandatory 7 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 five days to ninety days imprisonment, and/or \$25 to \$100 fine. Upon a second or subsequent conviction, basic sentence of ten days to six 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.

**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.

### OPEN CHARGE OF MURDER

**Penalty for FIRST DEGREE MURDER (Willful and Deliberate) or (Depraved Mind)**

**CAPITAL FELONY:** Death or Life Imprisonment

**SECOND DEGREE MURDER:** Basic sentence of 15 years but not less than 10 years nor more than 20 years imprisonment and not more than \$12,500 fine.

**VOLUNTARY MANSLAUGHTER:** Basic sentence of 6 years but not less than 4 years nor more than 8 years imprisonment and not more than \$15,000 fine.

**INVOLUNTARY MANSLAUGHTER:** 4th Degree Felony: Basic sentence of 18 months but not less than 1 year nor more than 2 years imprisonment and not more than \$5,000 fine.

**Penalty for FIRST DEGREE MURDER (Felony Murder):**

**CAPITAL FELONY:** Death or Life Imprisonment