

**IN THE THIRD JUDICIAL DISTRICT COURT
DONA ANA COUNTY
STATE OF NEW MEXICO**

NO. _____

STATE OF NEW MEXICO

v.

DIAZ, Luis Rene

DOB: [REDACTED]

SOC: [REDACTED]
[REDACTED]

EL PASO, TEXAS [REDACTED]

WARRANT FOR ARREST

CRIMINAL COMPLAINT

**CRIME: Extortion, Conspiracy to Commit Extortion, Fraud (Over \$2500),
Conspiracy to Commit Fraud (Over \$2500), Making or Permitting a False Public
Voucher, and Conspiracy to Commit Making or Permitting a False Public Voucher**

The undersigned, under penalty of perjury complains and says that in the County
of Dona Ana, State of New Mexico, the above named defendant did:

COUNT 1

Extortion. On or between February 6, 2012 and February 16, 2012 the Defendant
communicated or transmitted a threat to expose, or impute to Gerardo Hernandez any
deformity or disgrace by any means whatsoever with the intent thereby to wrongfully
obtain anything of value or to wrongfully compel the person threatened to do or refrain
from doing any act against his will in violation of NMSA 1978 §30-16-9(C); a third
degree felony;

COUNT 2

Conspiracy to Commit Extortion. On or between February 6, 2012 and February 16,
2012 the Defendant did knowingly combine with another to commit Extortion, a felony,
in violation of NMSA 1978 §30-28-2 and §30-16-9(C), a fourth degree felony;

COUNT 3

Fraud (Over \$2500) on or between February 6, 2012 and February 16, 2012, in Dona Ana County, New Mexico, the above-named defendant, by words or conduct misrepresented a fact intending to deceive or cheat the City of Sunland Park, and because of the City of Sunland Park's reliance on the misrepresentation, the defendant obtained a cash payment of more than \$2,500.00 and/or services and goods valued at more than \$2,500.00, a third degree felony, contrary to NMSA 1978 Sections 30-16-6(D) and 30-1-13.

COUNT 4

Conspiracy to Commit Fraud (Over \$2,500), in that on or between February 6, 2012 and February 16, 2012, in Dona Ana County, New Mexico, the above-named defendant did combine with another, for the purpose of committing a felony, to wit: Fraud (Over \$2,500) in reference to the per diem and expenses associated with the Border Legislative Conference in Saltillo, Coahuila de Zaragoza, Mexico, a fourth degree felony, contrary to NMSA 1978 Sections 30-38-2 and 30-16-6((D).

COUNT 5

Marking or Permitting False Public Vouchers, on or between February 6, 2012 and February 16, 2012, in Dona Ana County, New Mexico, the above-named defendant did knowingly, intentionally or willfully made, caused to be made or permitted to be made, a false material statement upon any public voucher, or invoice supporting a public voucher, to wit: Diaz Consultants, invoice number 1004, dated February 6, 2012, for "Analysis 32.5 hours", intended that the voucher or invoice be relied upon for the expenditure or public money, a fourth degree felony, contrary to NMSA 1978 Sections 30-23-3 and 30-1-13.

COUNT 6

Conspiracy to Commit Making or Permitting False Public Vouchers, in that on or between February 6, 2012 and February 16, 2012, in Dona Ana County, New Mexico, the above-named defendant did combine with another, for the purpose of committing a felony, to wit: Making or Permitting False Public Vouchers in reference to an invoice submitted in connection to "Analysis 32.5 hours", a fourth degree felony, contrary to NMSA 1978 Sections 30-38-2 and 30-23-3.

**SEE ATTACHED STATEMENT OF FACTS INCORPORATED HEREIN BY
REFERENCE**

I SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT THE FACTS SET
FORTH ABOVE ARE TRUE TO THE BEST OF MY INFORMATION AND BELIEF.
I UNDERSTAND THAT IT IS A CRIMINAL OFFENSE SUBJECT TO THE
PENALTY OF IMPRISONMENT TO MAKE A FALSE STATEMENT IN A
CRIMINAL COMPLAINT.

approved by ^{ADP} Steve Bloutenship

If Probable Cause Determination Required:

Probable Cause Found X; Not Found

(If not found, complaint dismissed & defendant released)

Date: April 30, 2012

Judge Jacinto Paton

JUDGE

Ricky Herrera, NMSP
Agent NMSP
Approved / Title

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DOB: [REDACTED]

SOC: [REDACTED]

[REDACTED]
EL PASO, TEXAS, [REDACTED]
WARRANT FOR ARREST

AFFIDAVIT FOR ARREST WARRANT

The undersigned, being duly sworn, on his oath, states that he has reason to believe that on or about the 6th-16th day of February, 2012, in the COUNTY of Dona Ana, State of

New Mexico, the above-named defendant(s) did commit the crime of **Extortion, Conspiracy to Commit Extortion, Fraud (Over \$2500), Conspiracy to Commit Fraud (Over \$2500), Making or Permitting a False Public Voucher, and Conspiracy to Commit Making or Permitting a False Public Voucher**, contrary to law of the State of New Mexico.

The undersigned further states the following facts on oath to establish probable cause to believe that the above-named defendant(s) committed the crime charged:

The Affiant, Ricky Herrera, is a full time salaried law enforcement officer who has been employed by the New Mexico State Police for a period of approximately six (6) years. Affiant has received specialized training in criminal investigations through the New Mexico Law Enforcement Academy, the New Mexico State Police Academy. Affiant has received training in the investigation of various criminal activities. Affiant has conducted numerous criminal investigations that led to the arrest and conviction of persons in violation of New Mexico State Statutes.

As part of an ongoing investigation involving the City of Sunland Park the Affiant learned the following.

On March 6, 2012 Jaime Aguilera was interviewed at the Third Judicial District Attorney's Office in the presence of his attorney, Herman Ortiz. Also present was New Mexico State Police Agent Charles Boylston, Third Judicial District Attorney's Investigator Ricky Madrid, and Assistant District Attorney Steve Blankenship.

The Affiant learned that during the interview on March 6, 2012 that Jamie Aguilera advised Agent Boylston that Daniel Salinas had hired a lobbyist by the name of Rene

Diaz in order to assist with the legislature. The Affiant later identified Rene Diaz as Luis Rene Diaz (hereafter referred to as Rene Diaz).

On March 7, 2012 Inv. Madrid, Agent Boylston, and ADA Blankenship continued interviewing Jaime Aguilera. During this interview Jaime Aguilera stated that Daniel Salinas had asked him to ask some individuals for campaign contributions. Jamie Aguilera stated he approached Jorge Angulo because he knew him and felt comfortable asking him for money, but he didn't feel comfortable asking any other people so he didn't. ADA Blankenship asked Jaime Aguilera if he knew of any other campaign contributions that Daniel Salinas received and didn't use towards his campaign. Jaime Aguilera stated he believed Rene Diaz gave him a contribution that was used to pay Jose "Pepe" Reyes for the extortion video. Jaime Aguilera stated Jose Reyes was pressuring Daniel Salinas to pay for the video. Jaime Aguilera stated that either he or Daniel Salinas asked Rene Diaz for "campaign contributions". Jamie Aguilera stated Rene Diaz then contacted him and handed him an envelope with money. Jaime Aguilera stated he then gave Daniel Salinas the envelope. ADA Blankenship asked Jamie Aguilera if Rene Diaz gave Daniel Salinas as much money as Jorge Angulo gave him. Jaime Aguilera stated Daniel Salinas needed \$2,000- \$3,000 to pay Jose Reyes, so he must have only gotten between \$2,000- \$3,000.

On April 25, 2012 Inv. Madrid, personnel with the New Mexico State Auditors Office, ADA Blankenship, and the Affiant interviewed Jaime Aguilera once again at the Third Judicial District Attorney's office in Las Cruces, NM. Jaime Aguilera's attorney, Herman Ortiz, was aware of the meeting and allowed us to interview Jaime Aguilera.

During this interview Jaime Aguilera was asked about Rene Diaz's hiring. Jaime Aguilera stated Rene Diaz was referred to Daniel Salinas. Rene Diaz was a political consultant who supposedly knew a lot of high ranking politicians at the State level, which would assist the city with funding. Jaime Aguilera stated Daniel Salinas asked him to hire Rene Diaz, but Daniel Salinas told him to skip the RFP process because he didn't want to explain to the public why Rene Diaz was being hired. The RFP (also known as a request for proposal) is not required for contracts less than \$20,000. A contract was reached with Rene Diaz shortly after Mayor Martin Resendiz failed to continue his duties as maory and Daniel Salinas assumed those responsibilities. Daniel Salinas told Jaime Aguilera to hire Rene Diaz at a level under the amount that would require an RFP. ADA Blankenship asked Jamie Aguilera what services Rene Diaz provided the city. Jaime Aguilera stated Rene Diaz never provided any service to the city. ADA Blankenship asked Jaime Aguilera if Rene Diaz ever submitted documentation to the city indicating what type of work he was doing. Jamie Aguilera stated Rene Diaz had submitted billings, but that he did not provide anything of value to the city for those bills. Jaime Aguilera stated he approved them because Daniel Salinas asked him to approve them.

ADA Blankenship asked Jaime Aguilera if Rene Diaz gave Daniel Salinas any campaign contributions. Jaime Aguilera stated there were no contributions but, rather, "there was money under the table" from Rene Diaz to Daniel Salinas. ADA Blankenship asked Jaime Aguilera to give us more details on the money exchanged between Rene Diaz and

Daniel Salinas. Jaime Aguilera stated Rene Diaz gave him an envelope with money that Daniel Salinas had asked him for in order to pay Jose Reyes for filming the extortion video. ADA Blankenship asked Jaime Aguilera how much money was in the envelope. Jaime Aguilera stated he thought it was \$3000. Inv. Madrid asked Jaime Aguilera if Rene Diaz knew what that money was for. Jaime Aguilera stated yes, he was told it was for a video. Inv. Madrid asked Jaime Aguilera who told Rene Diaz what the money was for and Jaime Aguilera stated that both he and Daniel Salinas told Rene Diaz it was for paying a private investigator (Jose Reyes) that had come up with a video and that they needed to pay the private investigation. Rene Diaz told them he didn't have the money, but he would come up with it. Jaime Aguilera stated Rene Diaz then submitted a request for payment of services and two days later Rene Diaz gave the money to Daniel Salinas to pay Jose Reyes. Inv. Madrid asked Jaime if the payment request submitted by Rene Diaz was for \$3,000. Jaime Aguilera stated he thought the amount of the invoice was for approximately \$4,999 or something like that, but that it was under \$5,000. Inv. Madrid asked Jaime Aguilera if he remembered the date this all happened. Jaime Aguilera stated that approximately four days before the extortion (February 16, 2012) Rene Diaz requested the payment for services and two days (February 14, 2012) before the extortion Rene Diaz gave Daniel Salinas \$3,000.

The Affiant asked Jaime Aguilera why it was important to be under \$5,000. Jaime Aguilera stated if it was over \$5,000 dollars it has to go through city council. Inv. Madrid asked Jaime Aguilera if Daniel Salinas knew that Rene Diaz was going to make a payment request to the city. Jaime Aguilera stated Rene Diaz told Daniel Salinas he was going to have to bill the city and Daniel Salinas told him it was fine. The State Auditors asked if he knew of any other similar transactions. Jaime Aguilera stated Rene Diaz had billed the city previously, but he did not know what the money was used for. Jaime Aguilera stated that he was told by Daniel Salinas "on occasion he's (Rene Diaz) buying dinner and he certainly has charged us enough for it". Inv. Madrid asked Jaime Aguilera to elaborate more on the dinners and drinks he mentioned Rene Diaz had bought earlier in the interview. Jaime Aguilera stated most of the time they had dinner at Montana's Steak house. Jaime Aguilera stated Rene Diaz must have known the owner because on a couple of occasions Rene Diaz never showed up the owner advised them Rene Diaz was taking care of the tab. Inv. Madrid asked Jaime Aguilera how many times did these dinners occur. Jaime Aguilera stated approximately three to five times. Inv. Madrid asked Jaime Aguilera who was present at the dinners. Jaime Aguilera stated sometimes it was people involved in the campaign, Father for the church, Christian Lira, Jessica Avila, Angelica Marquez, and spouses. Inv. Madrid asked Jaime Aguilera if he knew how much the tabs were. Jaime Aguilera stated he did not, but he estimated it was around \$50 per person and there were always six to ten people there. Inv. Madrid asked if it could be matched with invoices billed to the city. Jaime Aguilera stated no, he just knew it was coming from the bills Rene Diaz was submitting because of what Daniel Salinas told him. I asked Jaime Aguilera if anyone else knew where the money was coming from. Jaime Aguilera stated no.

On April 27, 2012 The Affiant reviewed Diaz Consultant's invoices and found and invoice # 1004 from Diaz Consultants to the City of Sunland Park, which is the payment

request Jaime Aguilera referenced above involving the \$3,000 payment for the extortion video. The invoice was dated for February 6, 2012 and it was for the amount of \$4,998.75. The description of the work done stated "01/06/2012-01/24/2012 Analysis 32.25 hrs". Check # 000206 was issued to Diaz Consultants by the City of Sunland Park on February 13, 2012 for the amount of \$4,998.75.

Affiant believes that probable cause exists for the arrest of the defendant.

Agent Ricky Herrera NMSP

(print/type) Affiant's Name

Signature of Affiant

Official Title (if any)

Judge, Magistrate, Notary or other
Officer Authorized to Administer Oaths

Approved by SDA Steve Blankenship

Subscribed and sworn to
before me in the above-named
(county) (city) of the State
of New Mexico this _____
day of _____, _____.

NOTE: Article II, Section 10 of the New Mexico Constitution provides that an Arrest Warrant may issue on a sworn written statement of facts showing probable cause. This Affidavit is to be used only when the Complaint does not set forth sufficient facts to establish probable cause.

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[REDACTED]
EL PASO, TEXAS [REDACTED]

WARRANT FOR ARREST

THE STATE OF NEW MEXICO TO ANY OFFICER AUTHORIZED TO EXECUTE
THIS WARRANT¹:

BASED ON A FINDING OF PROBABLE CAUSE, YOU ARE COMMANDED to
arrest the above-named defendant and bring the defendant without unnecessary delay
before this court² : to answer the charge of *(here state common name and description of
offense charged)*:

COUNT 1- Extortion,

COUNT 2- Conspiracy to Commit Extortion

COUNT 3- Fraud (Over \$2500)

COUNT 4- Conspiracy to Commit Fraud (Over \$2500)

COUNT 5- Permitting a False Public Voucher

COUNT 6- Conspiracy to Commit Permitting a False Public Voucher

contrary to Section(s) 30-16-9(C), 30-16-6(D), 30-23-3, 30-1-13, 3-28-2 NMSA 1978.

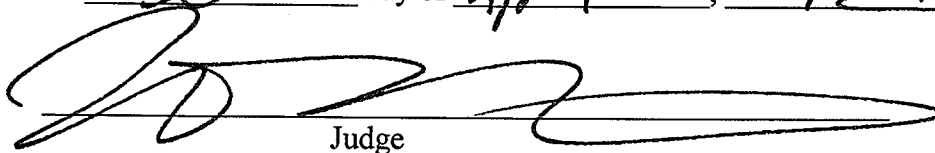
THIS WARRANT MAY BE EXECUTED:

- ☒ in any jurisdiction;
☐ anywhere in this state;
☐ anywhere in this county;
☐ anywhere in this city.

The person obtaining this warrant shall cause it to be entered into a law enforcement information system³ :

- ☐ maintained by the state police.
☐ (identify other law enforcement information system).

Dated this 30th day of April, 2012.


Judge

50,000 secured Bond.

RETURN WHERE DEFENDANT IS FOUND

I arrested the above-named defendant on the _____ day of _____,
_____ and served a copy of this warrant on the _____ day of _____,
_____ and caused this warrant to be removed from the warrant information system identified in this warrant.

Signature

Title

USE NOTES

1. *An arrest warrant may be directed to a full-time salaried state or county law enforcement officer, a municipal police officer, a campus security officer, or an Indian tribal or pueblo law enforcement officer.*
2. *If the judge is unavailable, defendant must be brought before designee for setting of conditions of release. A defendant accused of a bailable offense may not be held without the setting of conditions of release. (Rules 6-401 NMRA, 8-401 NMRA.)*
3. *All district court, metropolitan court and magistrate court felony, misdemeanor and driving while under the influence of intoxicating liquor or drugs warrants must be entered into a law enforcement information system.*

[As amended, effective July 1, 1999; March 1, 2000.]