

**FILED**

UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

FEB 08 2012

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UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 **JOLENE CALDERON,** )  
 )  
 Defendant. )

**MATTHEW J. DYKMAN**  
CLERK  
CRIMINAL NO. 12-265  
Counts 1 - 82: 18 U.S.C. § 1344(2):  
Bank Fraud;  
Counts 83 - 87: 18 U.S.C. § 669:  
Theft or Embezzlement in  
Connection with Health Care.

INDICTMENT

The Grand Jury charges:

Counts 1 - 82

1. From in or about October 2008, through in or about May 2010, in Bernalillo County, in the District of New Mexico, defendant **JOLENE CALDERON** devised a scheme and artifice to obtain moneys, funds, credits, assets, securities, and other property owned by and under the custody and control of a financial institution, that being the New Mexico Educators Federal Credit Union, a credit union with accounts insured by the National Credit Union Share Insurance Fund, by means of materially false and fraudulent pretenses, representations, and promises.

2. It was part of the scheme and artifice that defendant **JOLENE CALDERON**, as Treasurer of the Presbyterian Employees Goodwill Group (PEGG), would write checks on the PEGG account to herself, forging the signatures of the authorized account signers to make it appear that the checks had been approved by the required signers. It was further part of the scheme and artifice that **JOLENE CALDERON** would sometimes make false entries on the

PEGG check register that made it appear that the checks had been written for legitimate PEGG purposes to other parties.

3. On or about the following dates, as set forth below, defendant **JOLENE CALDERON** executed and attempted to execute the scheme and artifice described above, by depositing the following numbered PEGG checks in the following amounts into her own accounts or into accounts that she controlled:

<u>Count</u>	<u>Date</u>	<u>Check #</u>	<u>Payee</u>	<u>Amount</u>
Count 1	November 4, 2008	789	Jolene Calderon	\$1,022.49
Count 2	November 6, 2008	796	Jolene Calderon	\$2,026.69
Count 3	November 12, 2008	799	Jolene Calderon	\$2,150.00
Count 4	November 21, 2008	802	Jolene Calderon	\$2,039.06
Count 5	December 15, 2008	803	Jolene Calderon	\$2,300.00
Count 6	January 9, 2009	805	Jolene Calderon	\$2,300.00
Count 7	January 23, 2009	808	Jolene Calderon	\$1,960.00
Count 8	February 3, 2009	812	Jolene Calderon	\$2,042.00
Count 9	February 9, 2009	815	Jolene Calderon	\$750.00
Count 10	February 23, 2009	816	Jolene Calderon	\$1,300.00
Count 11	March 10, 2009	819	Jolene Calderon	\$2,307.19
Count 12	March 20, 2009	821	Jolene Calderon	\$56.00
Count 13	March 20, 2009	822	Jolene Calderon	\$527.05
Count 14	March 26, 2009	823	Jolene Calderon	\$476.09
Count 15	April 21, 2009	764	Jolene Calderon	\$1,132.05

Count 16	April 21, 2009	826	Jolene Calderon	\$917.95
Count 17	April 29, 2009	830	Jolene Calderon	\$721.09
Count 18	May 26, 2009	831	Jolene Calderon	\$1,708.53
Count 19	May 26, 2009	833	Jolene Calderon	\$1,091.47
Count 20	June 19, 2009	836	Jolene Calderon	\$890.42
Count 21	June 22, 2009	837	Jolene Calderon	\$1,000.00
Count 22	June 26, 2009	838	Jolene Calderon	\$1,818.93
Count 23	June 26, 2009	840	Jolene Calderon	\$1,309.75
Count 24	June 26, 2009	841	Jolene Calderon	\$501.00
Count 25	June 29, 2009	842	Jolene Calderon	\$500.00
Count 26	July 7, 2009	845	Jolene Calderon	\$1,139.07
Count 27	July 7, 2009	846	Jolene Calderon	\$563.41
Count 28	July 10, 2009	847	Jolene Calderon	\$865.29
Count 29	July 10, 2009	848	Jolene Calderon	\$1,104.00
Count 30	July 22, 2009	853	Jolene Calderon	\$765.01
Count 31	July 22, 2009	854	Jolene Calderon	\$974.29
Count 32	August 5, 2009	850	Jolene Calderon	\$998.24
Count 33	August 10, 2009	864	Jolene Calderon	\$425.00
Count 34	August 12, 2009	865	Valley Vikings East Fresh	\$321.07
Count 35	August 12, 2009	867	Jolene Calderon	\$579.29
Count 36	August 14, 2009	866	Jolene Calderon	\$789.01
Count 37	August 18, 2009	868	Jolene Calderon	\$721.89

Count 38	August 18, 2009	872	Jolene Calderon	\$864.19
Count 39	August 21, 2009	869	Jolene Calderon	\$639.04
Count 40	September 8, 2009	875	Jolene Calderon	\$679.34
Count 41	September 14, 2009	876	Jolene Calderon	\$742.93
Count 42	September 14, 2009	877	Jolene Calderon	\$991.09
Count 43	September 16, 2009	878	Jolene Calderon	\$809.24
Count 44	September 23, 2009	879	Jolene Calderon	\$771.69
Count 45	October 1, 2009	882	Jolene Calderon	\$689.07
Count 46	October 5, 2009	886	Jolene Calderon	\$865.04
Count 47	October 14, 2009	887	Jolene Calderon	\$997.09
Count 48	October 15, 2009	890	Jolene Calderon	\$659.73
Count 49	October 28, 2009	885	Jolene Calderon	\$400.00
Count 50	November 16, 2009	894	Jolene Calderon	\$250.00
Count 51	November 24, 2009	902	Jolene Calderon	\$297.84
Count 52	November 27, 2009	904	Jolene Calderon	\$611.24
Count 53	December 23, 2009	907	Jolene Calderon	\$449.01
Count 54	January 20, 2010	910	Jolene Calderon	\$847.89
Count 55	January 20, 2010	911	Jolene Calderon	\$669.13
Count 56	January 26, 2010	912	Jolene Calderon	\$301.45
Count 57	January 26, 2010	915	Jolene Calderon	\$379.06
Count 58	February 1, 2010	914	Jolene Calderon	\$465.87
Count 59	February 1, 2010	919	Jolene Calderon	\$749.86

Count 60	February 4, 2010	918	Jolene Calderon	\$526.74
Count 61	February 22, 2010	922	Jolene Calderon	\$679.05
Count 62	February 23, 2010	923	Jolene Calderon	\$986.01
Count 63	February 26, 2010	752	Jolene Calderon	\$501.86
Count 64	February 26, 2010	753	Jolene Calderon	\$686.87
Count 65	March 11, 2010	755	Jolene Calderon	\$936.95
Count 66	March 18, 2010	760	Jolene Calderon	\$699.17
Count 67	April 1, 2010	762	Jolene Calderon	\$594.22
Count 68	April 7, 2010	763	Jolene Calderon	\$991.96
Count 69	April 7, 2010	765	Jolene Calderon	\$1,031.36
Count 70	April 12, 2010	771	NM Sol	\$521.13
Count 71	April 12, 2010	772	Jolene Calderon	\$903.29
Count 72	April 27, 2010	775	Jolene Calderon	\$1,132.69
Count 73	April 29, 2010	926	Jolene Calderon	\$1,521.85
Count 74	May 6, 2010	928	Jolene Calderon	\$1,575.61
Count 75	May 10, 2010	929	NM Sol	\$2,800.00
Count 76	May 14, 2010	930	NM Sol	\$2,662.79
Count 77	May 19, 2010	931	Jolene Calderon	\$1,627.24
Count 78	May 19, 2010	932	Jolene Calderon	\$1,991.76
Count 79	May 21, 2010	935	Jolene Calderon	\$1,726.05
Count 80	May 27, 2010	936	Jolene Calderon	\$1,567.04
Count 81	May 27, 2010	937	Jolene Calderon	\$1,857.99

Count 82	June 7, 2010	938	Jolene Calderon	\$2,256.09
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In violation of 18 U.S.C. § 1344(2).

Counts 83-85

On or about the dates below, in Bernalillo County, in the District of New Mexico, defendant **JOLENE CALDERON** knowingly and willfully embezzled, stole, otherwise without lawful authority converted to the use of a person not the rightful owner, and intentionally misapplied the moneys, funds, and other assets of a health care benefit program, to wit:

Count 83	February 18, 2010	Defendant <b>JOLENE CALDERON</b> deposited a check in the amount of \$2,574.88 written to Presbyterian Healthcare Services, a healthcare benefit program, into the account of PHP E.G.G. Committee.
Count 84	March 10, 2010	Defendant <b>JOLENE CALDERON</b> deposited a check in the amount of \$1,194.97 written to Presbyterian Healthcare Services, a healthcare benefit program, into the account of PHP E.G.G. Committee.
Count 85	March 17, 2010	Defendant <b>JOLENE CALDERON</b> deposited a check in the amount of \$478.60 written to Presbyterian Healthcare Services, a healthcare benefit program, into the account of PHP E.G.G. Committee.
Count 86	April 5, 2010	Defendant <b>JOLENE CALDERON</b> deposited a check in the amount of \$12,830.96 written to Presbyterian Healthcare Services, a healthcare benefit program, into the account of PHP E.G.G. Committee.
Count 87	May 5, 2010	Defendant <b>JOLENE CALDERON</b> deposited a check in the amount of \$14,788.42 written to Presbyterian Healthcare Services, a healthcare benefit program, into the account of PHP E.G.G. Committee.

In violation of 18 U.S.C. § 669.

FORFEITURE ALLEGATION

Counts 1 through 87 of this Indictment are incorporated as part of this section of the

indictment as if fully re-alleged herein for the purpose of alleging forfeiture to the United States pursuant to 18 U.S.C. § 982(a)(2) and 18 U.S.C. § 982(a)(7).

Upon conviction of any offense in violation of 18 U.S.C. § 1344, the defendant, **JOLENE CALDERON**, shall forfeit to the United States pursuant to 18 U.S.C. § 982(a)(2) all property constituting, or derived from, proceeds obtained directly or indirectly, as the result of such violation.

Upon conviction of any offense in violation of 18 U.S.C. § 669, the defendant, **JOLENE CALDERON**, shall forfeit to the United States pursuant to 18 U.S.C. § 982(a)(7) all property, real or personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of the offense.

The property to be forfeited to the United States includes but is not limited to the following:

1. MONEY JUDGMENT

A sum of money equal to at least \$86,000.85 in U.S. currency, including any interest accruing to the date of the judgment, representing the amount of money constituting or derived from proceeds of the offense.

2. SUBSTITUTE ASSETS

If any of the above-described forfeitable property, as a result of any act or omission of the Defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value;

(e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), 18 U.S.C. § 982(b) and 28 U.S.C. § 2461(c), to seek forfeiture of any other property of the Defendant up to the value of the forfeitable property described above.

A TRUE BILL:

\_\_\_\_\_  
/s

FOREPERSON OF THE GRAND JURY

\_\_\_\_\_  
Assistant United States Attorney



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