

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

FILED  
U.S. DISTRICT COURT  
DISTRICT OF NEW MEXICO  
2012 MAY 16 PM 5:15  
CLERK-LAS CRUCES

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**DONNA L. ROACH,**  
**KELLY D. ROACH,** and  
**MICHAEL G. PATTERSON,**

Defendants.

)  
)  
) CRIMINAL NO. 12-1156 JB  
)  
) Count 1: 18 U.S.C. § 1349: Wire Fraud  
) Conspiracy;  
)  
) Counts 2-40: 18 U.S.C. § 1343: Wire  
) Fraud;  
)  
) Count 41: 18 U.S.C. § 1956(h): Money  
) Laundering Conspiracy; and  
)  
) Counts 42-68: 18 U.S.C. § 1957: Money  
) Laundering.

INDICTMENT

The Grand Jury charges:

At all times relevant to this Indictment:

Introduction

1. Sundance Services, Inc. ("Sundance") was an oilfield waste disposal company located in Eunice, New Mexico.

2. Sundance employed local residents who were responsible for Sundance's day-to-day operations. From on or about 1998 to 2008, Sundance employed **DONNA ROACH, KELLY ROACH** and **MICHAEL PATTERSON**, the defendants, in positions of authority. The defendants used their positions at Sundance to embezzle over \$1,000,000.00 from Sundance. The defendants also engaged in monetary transactions involving the proceeds of their embezzlement.

The Defendants

3. **DONNA ROACH** was employed by Sundance from on or about 1996 through 2008. From on or about 1998 to 2008, she served as President of Sundance. As Sundance's President, **DONNA ROACH** was entrusted with the authority to sign checks on Sundance's accounts and had responsibility for payroll, bookkeeping, accounting, and human resources for Sundance.

4. **KELLY ROACH, DONNA ROACH's** husband, also was employed by Sundance. From on or about 1998 to 2008, he served as Sundance's Plant Manager.

5. **MICHAEL PATTERSON** also was employed by Sundance. From on or about 1996 to 2010, he served as Sundance's Sales Manager.

The Criminal Scheme

6. During the relevant time period, 2005 to 2008, the defendants were actively involved in the management of Sundance and were, at times, the only United States-based management-level employees for Sundance.

7. Sundance had been formed in 1995. In 1998, Sundance's current owner agreed to fund and help manage Sundance. In 2007, Sundance's current owner purchased full ownership of Sundance. During much of the relevant time period, 2005 to 2008, Sundance's current owner was living abroad and was not actively involved in the day-to-day operations of Sundance.

8. As part of her position with Sundance, **DONNA ROACH** had sole responsibility for payroll, bookkeeping, accounting, and human resources. This authority allowed her to, among other things, sign payroll checks, enter contracts on behalf of Sundance, make payments on behalf Sundance, withdraw money from Sundance's accounts, and charge business expenses to Sundance credit cards issued in her name.

9. Beginning at least as early as 2005, **DONNA ROACH**, acting in concert with **KELLY ROACH** and **MICHAEL PATTERSON**, began using her authority in furtherance of the defendants' criminal scheme to defraud Sundance by stealing and embezzling Sundance funds for the defendants' personal use.

10. The defendants' criminal scheme to defraud and to obtain money and property by means of false and fraudulent pretenses, representations and promises was executed in at least four ways.

11. One way that the defendants' scheme defrauded Sundance involved the creation and use, by **DONNA ROACH** and **MICHAEL PATTERSON**, of a fictitious entity named A.R. Construction. Using a bank account opened by Armando Ramos and **MICHAEL PATTERSON** on October 19, 2005 at Lea Community Federal Credit Union, **DONNA ROACH** and **MICHAEL PATTERSON** defrauded Sundance of approximately \$752,689. **DONNA ROACH** was listed as beneficiary on this account, and **MICHAEL PATTERSON** was a joint owner on the account.

12. To that end, at least 47 fraudulent invoices were created purportedly on behalf of A.R. Construction requesting payment from Sundance for fictitious services by A.R. Construction for Sundance. **DONNA ROACH** issued checks that purportedly were for payment for the fictitious services, payable to "Armondo Ramos," often noting on the memo line "Armondo Ramos DBA AR CONSTRUCTION." These checks were drawn on a Sundance corporate bank account. **MICHAEL PATTERSON** deposited the checks into the Armando Ramos ("AR") account at Lea Community Federal Credit Union.

13. **MICHAEL PATTERSON** then withdrew or used the money from Sundance that had been deposited into the AR account, often by conducting monetary transactions in amounts exceeding \$10,000.

14. A second way that the defendants' scheme defrauded Sundance involved **DONNA ROACH** issuing and signing unauthorized checks from Sundance accounts in the form of unauthorized paychecks and bonus checks payable to **DONNA ROACH, KELLY ROACH,** and **MICHAEL PATTERSON.**

15. These checks, drawn on Sundance's corporate accounts, were issued without authority and were issued in addition to the defendants' authorized salaries and bonuses.

16. **DONNA ROACH** attempted to conceal this activity by notating the unauthorized paychecks with pay periods— pay periods for which the defendants already had been properly paid—in order to make them look like legitimate payroll checks. The accountant who prepared Sundance's tax returns relied on the appearance that these were authorized salary and bonus payments. This resulted in significant inaccuracies in the Sundance tax returns, which were not discovered until the defendants' fraud was discovered.

17. These unauthorized checks were deposited by the defendants into their personal bank accounts. **DONNA ROACH** and **KELLY ROACH** deposited many of their unauthorized checks into their joint account at Lea Community Federal Credit Union. **MICHAEL PATTERSON** deposited many of his unauthorized checks into the account in his name at Lea County State Bank.

18. After doing so, each of the defendants knowingly conducted monetary transactions in amounts exceeding \$10,000 using the proceeds derived from their scheme.

19. A third way that the defendants' scheme defrauded Sundance involved **DONNA ROACH's** and **KELLY ROACH's** unauthorized use of Sundance's credit cards for personal, non-business expenses.

20. This use included, but was not limited to, **DONNA ROACH's** and **KELLY ROACH's** use of Sundance's credit cards to pay for personal vacations, furniture and elective surgery for **DONNA ROACH**.

21. Though **DONNA ROACH** and **KELLY ROACH** knew that these were not business expenses, they nonetheless used Sundance's credit cards to pay for them. Many of these transactions were coded in Sundance's Quickbooks software with terms making them appear to be legitimate, such as "Cotswold," "Travel and Entertainment," and "Repair and Maintenance – Other." They later paid the outstanding Sundance credit card balances using Sundance funds.

22. A fourth way that the defendants' scheme defrauded Sundance was by making payments from Sundance accounts, by check or wire transfer, to third parties for the defendants' personal expenses. For example, **DONNA ROACH** issued and signed numerous checks from a Sundance bank account at Wells Fargo Bank to pay for the construction of the personal residence of **DONNA ROACH** and **KELLY ROACH**.

Count 1

Paragraphs 1 through 22 of the Indictment are incorporated as though set forth herein.

Beginning on a date unknown to the Grand Jury, and continuing to and including 2008, in the District of New Mexico and elsewhere, the defendants, **DONNA ROACH**, **KELLY ROACH** and **MICHAEL PATTERSON**, knowingly did conspire and agree with each other, and with other

persons known and unknown to the Grand Jury, to commit the following offense against the United States: wire fraud, in violation 18 U.S.C. § 1343.

It was part of the conspiracy that the defendants, **DONNA ROACH**, **KELLY ROACH** and **MICHAEL PATTERSON**, devised the aforementioned scheme to defraud and to obtain money and property by means of false and fraudulent pretenses, representations and promises in which it was reasonably foreseeable that wire communications would be used.

Overt Acts

In furtherance of the conspiracy and to effect its objects, the following overt acts, among others, were committed in the District of New Mexico, and elsewhere:

Overt Act One

On or about May 2, 2005, **DONNA ROACH** underwent elective surgery at a cost of \$3,950.00 and charged that expense to Sundance's Capital One Visa credit card.

Overt Act Two

On or about May 24, 2005, **DONNA ROACH** sent an email to the wife of Sundance's current owner falsely stating that **DONNA ROACH** paid for the above-referenced May 2, 2005 elective surgery with funds from the sale of a restaurant.

Overt Act Three

On or about October 19, 2005, **MICHAEL PATTERSON** assisted in opening the AR bank account at Lea Community Federal Credit Union. **MICHAEL PATTERSON** was a joint owner on the account, and **DONNA ROACH** was the beneficiary on this account.

Overt Act Four

On or about January 17, 2006, **MICHAEL PATTERSON** deposited a check issued and signed by **DONNA ROACH** from Sundance's Bank of America account in the amount of \$28,912 into the AR account at Lea Community Federal Credit Union.

Overt Act Five

On or about December 21, 2006, **DONNA ROACH** and **KELLY ROACH** signed a loan application with Lea Community Federal Credit Union for a loan in the amount of \$31,364.07 for the purchase of a 2007 Chevrolet Silverado, with such loan application reflecting that **DONNA ROACH** and **KELLY ROACH** had start dates at Sundance of "01/93" and "01/97" respectively, that they each had a gross monthly income of \$5,230.84, and in handwritten notes under the Loan Officer Comments section that they "own their business but on salary."

Overt Act Six

On or about April 12, 2007, **MICHAEL PATTERSON** deposited check 1027 issued and signed by **DONNA ROACH** from Sundance's Wells Fargo account in the amount of \$88,934.00 into the AR account at Lea Community Federal Credit Union.

Overt Act Seven

On or about May 19, 2007, **DONNA ROACH** purchased tickets to a Def Leppard concert with the Sundance Capital One Visa credit card and coded the transaction in Sundance QuickBooks software as "Cotswold" expense.

Overt Act Eight

On or about July 19, 2007, **DONNA ROACH** purchased a Disney vacation with the Sundance Capital One Visa credit card and coded the transaction in Sundance QuickBooks software as "Cotswold" expense.

Overt Act Nine

On or about August 3, 2007, **DONNA ROACH** issued and signed check number 1033 from Sundance's Wells Fargo account for the amount of \$80,000.00 payable to 2H Construction for the construction of the personal residence of **DONNA ROACH** and **KELLY ROACH**, located at 1604 E. Leavell, Eunice, New Mexico.

Overt Act Ten

On or about August 23, 2007, **DONNA ROACH** issued and signed check number 3079 for \$42,948.40, payable to **KELLY ROACH**, from Sundance's Bank of America account, notated with Pay Period 07/18/2007 - 07/31/2007, which then was deposited into the **ROACHES'** account at Lea Community Federal Credit Union.

Overt Act Eleven

On or about August 23, 2007, **DONNA ROACH** issued and signed check number 3081 for \$41,950.08, payable to **DONNA ROACH**, from Sundance's Bank of America account, notated with Pay Period 07/18/2007 - 07/31/2007, which then was deposited into the **ROACHES'** account at Lea Community Federal Credit Union.

Overt Act Twelve

On or about October 2007, **DONNA ROACH** told Sundance's current owner that she had never gotten a raise from her original \$30,000 annual salary and \$25,000 annual bonus, when in fact



at that time she was paying herself from Sundance funds an unauthorized salary and bonus well in excess of these amounts, which prompted Sundance's current owner to raise her annual salary to \$60,000 and raise her annual bonus to \$50,000.

Overt Act Thirteen

On or about December 21, 2007, **DONNA ROACH** issued and signed check number 1092, payable to **DONNA ROACH**, for \$175,399.08 from Sundance's Wells Fargo account, notated with Pay Period 12/07/2007 - 12/20/2007, which then was deposited into the **ROACHES'** Lea Community Federal Credit Union account (the pre-tax total for the bonus was \$300,000.00, of which only \$50,000.00 was authorized).

Overt Act Fourteen

On or about December 21, 2007, **DONNA ROACH** issued and signed check number 1093, payable to **KELLY ROACH**, for \$175,399.08 from Sundance's Wells Fargo account, notated with Pay Period 12/07/2007 - 12/20/2007, which was then deposited into the **ROACHES'** Lea Community Federal Credit Union account (the pre-tax total for the bonus was \$300,000.00, of which only \$50,000.00 was authorized).

Overt Act Fifteen

On or about December 21, 2007, **DONNA ROACH** issued and signed check number 1089 for \$42,202.16, payable to **MICHAEL PATTERSON**, from Sundance's Wells Fargo account (the pre-tax total for this bonus was \$75,000.00, of which only \$50,000.00 was authorized).

Overt Act Sixteen

In or about February 2008, **DONNA ROACH** told Sundance's current owner at a meeting in Dallas, Texas that she would quit working at Sundance unless she could buy one-half of Sundance for \$750,000, the money for which she falsely claimed to have from investing her father's insurance policy proceeds.

Overt Act Seventeen

In or about April 2008, it was falsely represented to Shell Global Solutions that the defendants owned 29% of Sundance, specifically, that **KELLY ROACH** and **DONNA ROACH** owned 19% and **MICHAEL PATTERSON** owned 10%.

Overt Act Eighteen

On or about July 30, 2008, **DONNA ROACH** provided a Sundance sales report containing false information to Sundance's current owner. Thereafter, **DONNA ROACH** faxed additional false sales reports to Sundance's current owner up until the time she quit working at Sundance in or about September 2008.

In violation of 18 U.S.C. § 1349.

Counts 2 - 40

Paragraphs 1 through 22 of the Indictment are incorporated as though set forth herein.

For the purpose of executing the scheme and artifice described herein to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, promises, and omissions, on or about the dates set forth below, in the District of New Mexico and elsewhere, the defendants, **DONNA ROACH**, **KELLY ROACH** and **MICHAEL PATTERSON**,

knowingly and fraudulently transmitted and caused to be transmitted in interstate commerce, by means of wire communications, certain writings, signs, signals, and sounds, as follows:

Count	Date	Amount	Defendant(s)	Description
2	5/17/2007	\$87,608.00	Donna Roach Michael Patterson	Donna Roach signed check 1029 from Sundance's Wells Fargo ("WF") account payable to Armando Ramos ("AR") in the amount of \$87,608.00 and Patterson deposited the check into the AR account at Lea Community Federal Credit Union ("LCFCU")
3	5/19/2007	\$ 861.30	Donna Roach	Donna Roach purchased concert tickets to Def Leppard with Sundance's Capital One Visa credit card and coded in Sundance QuickBooks software as "Cotswold" expense
4	6/12/2007	\$67,948.00	Donna Roach Michael Patterson	Donna Roach signed check 1031 from Sundance's WF account payable to AR in the amount of \$67,948.00 and Patterson deposited the check into the AR LCFCU account
5	6/19/2007	\$ 720.00	Donna Roach	Donna Roach purchased a Carnival shore excursion with Sundance's Chase Mastercard credit card and coded in Sundance QuickBooks software as "Cotswold" expense
6	6/19/2007	\$ 360.00	Donna Roach	Donna Roach purchased a Carnival shore excursion with Sundance's Chase Mastercard credit card and coded in Sundance QuickBooks software as "Cotswold" expense
7	7/8/2007	\$ 3,531.99	Donna Roach	Donna Roach purchased a Carnival Conquest vacation with Sundance's Chase Mastercard credit card and coded in Sundance QuickBooks software as "Cotswold" expense
8	7/19/2007	\$ 2,382.50	Donna Roach	Donna Roach purchased a Disney vacation with Sundance's Capital One Visa credit card and coded in Sundance QuickBooks software as "Cotswold" expense
9	8/3/2007	\$80,000.00	Donna Roach	Donna Roach signed check 1033 from Sundance's WF account in the amount of \$80,000.00 payable to 2H Construction for construction of Roaches' personal residence
10	8/23/2007	\$41,950.08	Donna Roach	Donna Roach signed check 3081 payable to Donna L. Roach in the amount of \$41,950.08 from Sundance's Bank of America ("BOA") account and deposited into the Roaches' LCFCU account, check notated Pay Period 7/18/07 - 7/31/07

Count	Date	Amount	Defendant(s)	Description
11	8/23/2007	\$42,948.40	Donna Roach Kelly Roach	Donna Roach signed check 3079 payable to Kelly D. Roach, which was endorsed by Kelly Roach, in the amount of \$42,948.40 from Sundance's BOA account and deposited into the Roaches' LCFCU account, check notated Pay Period 7/18/07 - 7/31/07
12	8/23/2007	\$25,435.16	Donna Roach Michael Patterson	Donna Roach signed check 3078 payable to Michael G. Patterson in the amount of \$25,435.16 from Sundance's BOA account and Patterson deposited at Lea County State Bank
13	9/13/2007	\$80,000.00	Donna Roach	Donna Roach signed check 1034 from Sundance's WF account in the amount of \$80,000.00 payable to 2H Construction for construction of Roaches' personal residence
14	10/19/2007	\$ 1,251.00	Donna Roach	Donna Roach purchased items at Bella Interior and Lights with Sundance's Capital One Visa credit card and coded in Sundance QuickBooks software as "Travel & Ent" expense
15	10/29/2007	\$ 2,231.03	Donna Roach	Donna Roach purchased items at Dillard's with Sundance's Chase Mastercard credit card and coded in Sundance QuickBooks software as "Travel & Ent" expense
16	11/8/2007	\$ 1,015.92	Donna Roach	Donna Roach purchased items at Pottery Barn Teen Home Furnishings with Sundance's Capital One Visa credit card and coded in Sundance QuickBooks software as "Travel & Ent" expense
17	11/9/2007	\$ 1,432.78	Donna Roach	Donna Roach purchased items at Lowe's Home Improvement Store with Sundance's Chase Mastercard credit card and coded in Sundance QuickBooks software as "Travel & Ent" expense
18	11/9/2007	\$60,519.06	Donna Roach	Donna Roach signed check 3369 payable to Donna L. Roach in the amount of \$60,519.06 from Sundance's BOA account and deposited into the Roaches' LCFCU account, check notated Pay Period 10/22/07 - 11/4/07
19	11/9/2007	\$60,653.38	Kelly Roach	Donna Roach signed check 3370 payable to Kelly D. Roach and endorsed by Kelly Roach in the amount of \$60,653.38 from Sundance's BOA account and deposited into the Roaches' LCFCU account, check notated Pay Period 10/22/07 - 11/4/07
20	12/2/2007	\$ 552.41	Donna Roach	Donna Roach purchased Van Halen concert tickets with Sundance's Capital One Visa credit card and coded in Sundance QuickBooks software as "Travel & Ent" expense

Count	Date	Amount	Defendant(s)	Description
21	12/6/2007	\$ 50,000.00	Donna Roach	Donna Roach signed check 1042 from Sundance's WF account in the amount of \$50,000.00 to 2H Construction for construction of Roaches' personal residence
22	12/11/2007	\$ 905.00	Michael Patterson	Michael Patterson used Sundance's Chase Mastercard credit card at Chili's Restaurant, which was coded in Sundance QuickBooks software as "Travel & Ent" expense
23	12/21/2007	\$ 42,202.16	Donna Roach Michael Patterson	Donna Roach signed check 1089 payable to Michael G. Patterson in the amount of \$42,202.16 from Sundance's WF account (the pre-tax total for the bonus was \$75,000.00, of which only \$50,000.00 was authorized )
24	12/21/2007	\$175,399.08	Donna Roach	Donna Roach signed check 1092 payable to Donna L. Roach in the amount of \$175,399.08 from Sundance's WF account and deposited into the Roaches' LCFCU account (the pre-tax total for the bonus was \$300,000.00, of which only \$50,000.00 was authorized), check notated Pay Period 12/7/07 - 12/20/07
25	12/21/2007	\$175,399.08	Donna Roach Kelly Roach	Donna Roach signed check 1093 payable to Kelly D. Roach and endorsed by Kelly Roach in the amount of \$175,399.08 from Sundance's WF account deposited into the Roaches' LCFCU account (the pre-tax total for the bonus was \$300,000.00, of which only \$50,000.00 was authorized ), check notated Pay Period 12/7/07 - 12/20/07
26	2/21/2008	\$ 1,964.90	Donna Roach	Donna Roach purchased items at MRK Boston Proper, a Women's Clothing Store, with Sundance's Capital One Visa credit card and coded in Sundance QuickBooks software as "Cotswold" expense
27	3/12/2008	\$ 773.72	Donna Roach	Donna Roach purchased items at Harley Davidson Legacy in Odessa Texas with Sundance's Capital One Visa credit card and coded in Sundance QuickBooks software as "Repair & Maintenance-Other" expense
28	3/26/2008	\$ 595.35	Kelly Roach	Kelly Roach purchased items at Masters Golf Shop, LLC in Midland, Texas with Sundance's Chase Mastercard credit card, which was coded in Sundance QuickBooks software as "Travel & Ent" expense
29	4/1/2008	\$ 408.54	Donna Roach	Donna Roach purchased items at Harley Davidson Legacy in Odessa, Texas with Sundance's Capital One Visa credit card and coded in Sundance QuickBooks software as "Repair & Maintenance-Other" expense

Count	Date	Amount	Defendant(s)	Description
30	4/7/2008	\$ 4,018.62	Donna Roach	Donna Roach purchased Funjet Vacation with Sundance's Capital One Visa credit card and coded in Sundance QuickBooks software as "Repair & Maintenance-Other" expense
31	4/21/2008	\$ 5,184.00	Donna Roach	Donna Roach purchased Funjet Vacation with Sundance's Capital One Visa credit card and coded in Sundance QuickBooks software as "Repair & Maintenance-Other" expense
32	5/20/2008	\$ 37,110.04	Donna Roach	Donna Roach signed check 1141 from Sundance's WF account in the amount of \$37,110.04 to 2H Construction for construction of Roaches' personal residence
33	5/20/2008	\$ 10,000.00	Donna Roach	Donna Roach signed check 1142 from Sundance's WF account in the amount of \$10,000.00 to 2H Construction for construction of Roaches' personal residence
34	5/20/2008	\$ 1,020.00	Donna Roach	Donna Roach purchased items at Choice Furniture in Hobbs, NM with Sundance's Chase Mastercard credit card and coded in Sundance QuickBooks software as "Repair & Maintenance-Other" expense
35	5/26/2008	\$ 4,832.13	Donna Roach	Donna Roach purchased Funjet Vacation with Sundance's Capital One Visa credit card and coded in Sundance QuickBooks software as "Repair & Maintenance-Other" expense
36	5/29/2008	\$ 1,808.00	Donna Roach	Donna Roach purchased Funjet Vacation with Sundance's Capital One Visa credit card. Expense was paid out of personal bank account of Sundance's current owner.
37	7/3/2008	\$59,243.93	Donna Roach	Donna Roach signed check payable to Donna Roach in the amount of \$59,243.93 from Sundance's BOA account that was deposited into Roaches' LCFCU account (pre-tax bonus of \$100,000 with only \$50,000.00 authorized), check notated Pay Period 06/30/08 - 06/30/08
38	7/3/2008	\$59,196.45	Donna Roach Kelly Roach	Donna Roach signed check payable to Kelly Roach in the amount of \$59,196.45 from Sundance's BOA account that was deposited into Roaches' LCFCU account (pre-tax bonus of \$100,000 with only \$50,000.00 authorized), check notated Pay Period 6/30/08 - 7/13/08
39	8/4/2008	\$ 4,000.00	Donna Roach	Donna Roach purchased items at The Home Depot Home Improvement Store with Sundance's Chase Mastercard credit card

Count	Date	Amount	Defendant(s)	Description
40	8/12/2008	\$48,102.08	Donna Roach Kelly Roach	Donna Roach made wire transfer from Sundance's BOA account to pay off Kelly Roach's Countrywide loan secured by real property at 604 Avenue J in the amount of \$48,102.08
	<b>TOTAL:</b>	<b>\$1,243,653.09</b>		

In violation of 18 U.S.C. §§ 1343 and 2.

Count 41

Paragraphs 1 through 22 of the Indictment are incorporated as though set forth herein.

From on or about 2006 through 2011, in the District of New Mexico and elsewhere, the defendants, **DONNA ROACH, KELLY ROACH** and **MICHAEL PATTERSON**, knowingly did combine, conspire, and agree with each other and with other persons known and unknown to the Grand Jury to commit the following offense against the United States: Engage in Monetary Transactions in Criminally Derived Property, contrary to 18 U.S.C. § 1957.

Overt Acts

In furtherance of the conspiracy and to effect its objects, the following overt acts, among others, were committed in the District of New Mexico and elsewhere:

Overt Act One

On or about May 18, 2007, **MICHAEL PATTERSON** issued a check in the amount of \$25,000.00 from the AR account at Lea Community Federal Credit Union and deposited it at Pioneer Bank.





Overt Act Two

On or about May 18, 2007, **MICHAEL PATTERSON** issued a check in the amount of \$38,000.00 from the AR account at Lea Community Federal Credit Union account and deposited it at Lea County State Bank.

Overt Act Three

On or about October 31, 2007, **DONNA ROACH** issued check number 127646 in the amount of \$80,000.00 payable to 2H Construction from the **ROACHES'** account at Lea Community Federal Credit Union.

Overt Act Four

On or about November 13, 2007, **MICHAEL PATTERSON** had cashier's check number 66730 in the amount of \$20,000 payable to **DONNA ROACH** issued from the Pioneer Bank account, which **DONNA ROACH** then deposited into the **ROACHES'** account at Wells Fargo.

Overt Act Five

On or about February 13, 2008, **DONNA ROACH** issued check number 5569 in the amount of \$26,250.00 from the **ROACHES'** account at Wells Fargo, payable to Tripps Harley Davidson, for the purchase of a 2008 Harley Davidson Fatboy motorcycle.

Overt Act Six

On or about February 15, 2008, **DONNA ROACH** deposited cashier's check 128481 payable to **DONNA ROACH** in the amount of \$26,500, which had been obtained from the **ROACH's** account at Lea Community Federal Credit Union, into the **ROACHES'** account at Wells Fargo.

Overt Act Seven

On or about April 28, 2008, **DONNA ROACH** issued check number 29084 in the amount of \$72,603.85 from the **ROACHES'** account at Lea Community Federal Credit Union, payable to United RV Sales, for the purchase of a 2008 Forest River Georgetown recreational vehicle.

Overt Act Eight

On or about November 20, 2008, a \$250,000.00 bank check from the **ROACHES'** account at Lea Community Federal Credit Union was used to open an account at Southwest Bank.

Overt Act Nine

On or about November 20, 2008, a \$250,000.00 bank check from the **ROACHES'** account at Lea Community Federal Credit Union was used to open an account at American State Bank.

Overt Act Ten

On or about December 23, 2008, a bank check in the amount of \$50,157.00 obtained from the **ROACHES'** account at Lea Community Federal Credit Union was provided to Enchanted Ice and Water Products as a full deposit on an ice unit.

Overt Act Eleven

On or about December 26, 2008, **DONNA ROACH** and **KELLY ROACH** purchased a 2007 Chevrolet Avalanche vehicle by obtaining a cashier's check in the amount of \$27,498.94 from their joint account at Southwest Bank.

Overt Act Twelve

On or about January 26, 2009, **DONNA ROACH** signed for a cashier's check that notated **KELLY ROACH** as the purchaser in the amount of \$69,327.49 from Southwest Bank payable to Enchanted Ice and Water Products for the balance due on the above-referenced ice unit.



Overt Act Thirteen

On or about August 25, 2009, a cashier's check in amount of \$30,000 issued from the **ROACHES'** account at American State Bank account, payable to and endorsed by **KELLY ROACH**, was deposited into the **ROACHES'** account at Lea Community Federal Credit Union account.

Overt Act Fourteen

On or about March 7, 2011, **KELLY ROACH** purchased a 2011 KZ Sportsmen Recreational Vehicle by trading in the above-referenced 2008 Forest River Georgetown recreational vehicle and obtaining a check from United RV Sales in the amount of \$36,000.00, which then was deposited in the **ROACHES'** account at Lea Community Federal Credit Union.

Overt Act Fifteen

On or about July 11, 2011, **DONNA ROACH** purchased a 2011 Chevrolet Camaro SS Convertible for \$45,170.00 by trading in the above-referenced 2007 Chevrolet Avalanche, paying cash of \$2,000.00, and financing the balance of \$31,435.96 through Ally Financial.

In violation of 18 U.S.C. § 1956(h).

Counts 42 - 68

Paragraphs 1 through 22 of the Indictment are incorporated as though set forth herein.

On or about the dates set forth below, in the District of New Mexico and elsewhere, the defendants, **DONNA ROACH**, **KELLY ROACH** and **MICHAEL PATTERSON**, knowingly engaged and attempted to engage in the following monetary transactions by, through and to financial institutions, affecting interstate and foreign commerce, in criminally derived property of a value greater than \$10,000, such property having been derived from a specified unlawful activity, specifically, wire fraud:

Count	Date	Amount	Defendant	Description
42	5/18/2007	\$25,000.00	Michael Patterson	Patterson wrote a check in the amount of \$25,000.00 from AR's LCFCU account and deposited it at Pioneer Bank
43	5/18/2007	\$38,000.00	Michael Patterson	Patterson wrote a check in the amount of \$38,000.00 from AR's LCFCU account and deposited it to Lea County State Bank
44	7/12/2007	\$24,000.00	Michael Patterson	Patterson wrote a check in the amount of \$24,000.00 from AR's LCFCU account and deposited it at WF
45	7/24/2007	\$12,000.00	Michael Patterson	Patterson wrote a check in the amount of \$12,000.00 from AR's LCFCU account and deposited it at Pioneer Bank
46	10/31/2007	\$ 80,000.00	Donna Roach	Donna Roach issued check 127646 in the amount of \$80,000 from the Roaches' LCFCU account payable to 2H Construction
47	11/13/2007	\$ 20,000.00	Donna Roach Michael Patterson	Patterson had cashier's check 66730 issued from the Pioneer Bank account in the amount of \$20,000 payable to Donna Roach, which Donna Roach deposited into the Roaches' WF account
48	1/30/2008	\$ 40,736.15	Michael Patterson Donna Roach	Patterson had cashier's check 667522 issued from the Pioneer Bank account in the amount of \$40,736.15 payable to a relative of Donna Roach
49	2/13/2008	\$ 26,250.00	Donna Roach	Donna Roach signed check 5569 in the amount of \$26,250 from the Roaches' WF account payable to Tripps Harley Davidson for purchase of 2008 Harley Davidson motorcycle referencing "08 Fatboy" in the memo line
50	2/15/2008	\$ 26,500.00	Donna Roach	Obtained cashier's check 128481 in the amount of \$26,500 issued from the Roaches' LCFCU account payable to Donna Roach, which she deposited into the Roaches' WF account
51	4/26/2008	\$ 72,603.85	Donna Roach	Donna Roach signed check 129084 from the Roaches' LCFCU account payable to United RV Sales in the amount of \$72,603.85 for purchase of a 2008 Forest River Georgetown 350DSS Recreation Vehicle (which was later traded for a K-Z Sportsmen RV)
52	10/31/2008	\$20,000.00	Donna Roach	Obtained check 131401 from the Roaches' LCFCU account deposited in Roaches' WF account

Count	Date	Amount	Defendant	Description
53	11/20/2008	\$250,000.00	Donna Roach	Obtained bank check 131590 in the amount of \$250,000.00 payable to Donna Roach from the Roaches' LCFCU account and deposited into the Roaches' Southwest Bank account
54	11/20/2008	\$250,000.00	Donna Roach	Obtained bank check 131591 in the amount of \$250,000.00 payable to Donna Roach from the Roaches' LCFCU account and deposited into the Roaches' American State Bank account.
55	12/4/2008	\$20,972.00	Kelly Roach	Payment from Roaches' LCFCU account to LCFCU in amount of \$20,972 to pay loan balance for 2007 Chevrolet Silverado
56	12/10/2008	\$ 26,737.70	Donna Roach	Donna Roach obtained Cashier's Check 131745 from the Roaches' LCFCU account for \$26,737.70 payable to Elliott & Waldron for the purchase of 1001 Texas Avenue in Eunice, NM
57	12/23/2008	\$ 50,157.00	Donna Roach	Cashier's Check 131872 from the Roaches' LCFCU account in the amount of \$50,157.00 payable to Enchanted Ice and Water Products for partial payment for an ice machine
58	12/29/2008	\$27,498.54	Donna Roach	Donna Roach signed for cashier's check 73517 notating Kelly Roach as purchaser from the Roaches' Southwest Bank account payable to Wheel Smart in the amount of \$27,498.94 for the purchase of a 2007 Chevrolet Avalanche (which was later traded for a 2011 Camaro)
59	1/26/2009	\$69,327.49	Donna Roach	Donna Roach signed for cashier's check 73616 notating Kelly Roach as purchaser from the Roaches' Southwest Bank account payable to Enchanted Ice and Water Products in the amount of \$69,327.49 for partial payment for an ice machine
60	2/9/2009	\$60,000.00	Donna Roach	Cashier's check issued from the Roaches' Southwest Bank account payable to Donna Roach and deposited into the Roaches' LCFCU account
61	7/1/2009	\$13,000.00	Donna Roach	Check issued from the Roaches' Southwest Bank account payable to Donna Roach and deposited into the Roaches' LCFCU account
62	8/25/2009	\$30,000.00	Kelly Roach	Cashier's check 0009272 issued from the Roaches' American State Bank account payable to and endorsed by Kelly D. Roach in the amount of \$30,000.00 that was deposited into the Roaches' LCFCU account

Count	Date	Amount	Defendant	Description
63	9/29/2009	\$15,000.00	Donna Roach	Cashier's check 0010023 issued from the Roaches' American State Bank account payable to and endorsed by Donna L. Roach in the amount of \$15,000.00 that was deposited into the Roaches' LCFCU account
64	11/4/2009	\$29,000.00	Kelly Roach	Wire transfer by Kelly Roach in the amount of \$29,000.00 from the Roaches' American State Bank account to the Roaches' LCFCU account
65	2/9/2010	\$14,000.00	Donna Roach	Cashier's check issued from the Roaches' American State Bank account and deposited into the Roaches' LCFCU account
66	3/1/2010	\$50,000.00	Kelly Roach	Wire transfer by Kelly Roach in the amount of \$50,000.00 from the Roaches' American State Bank account to the Roaches' LCFCU account
67	7/12/2010	\$35,000.00	Kelly Roach	Wire transfer from the Roaches' American State Bank account to the Roaches' LCFCU account
68	3/7/2011	\$36,000.00	Kelly Roach	Purchased 2011 Sportsmen RV by trading 2008 Forest River Georgetown RV and obtaining a check from United RV Sales in amount of \$36,000.00, which was deposited in Roaches' LCFCU account
	<b>TOTAL:</b>	<b>\$1,361,782.73</b>		

In violation of 18 U.S.C. §§ 1957 and 2.

#### Forfeiture Allegation

Counts 1 through 68 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)(1) and (a)(2), 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461.

Upon conviction of any offense in violation of 18 U.S.C. § 1343, the defendants, **DONNA ROACH, KELLY ROACH** and **MICHAEL PATTERSON**, shall forfeit to the United States pursuant to 18 U.S.C. § 982(a)(2) any property constituting, or derived from, proceeds obtained directly or indirectly, as the result of such violation(s). Upon conviction of any offense in violation of 18

U.S.C. § 1343 or § 1349, the defendants, **DONNA ROACH, KELLY ROACH and MICHAEL PATTERSON**, shall forfeit to the United States pursuant to 18 U.S.C. §981(a)(1)(C) and 28 U.S.C. § 2461 any property, real or personal, which constitutes or is derived from proceeds traceable to such violations, or a conspiracy to commit such offense.

Upon conviction of any offense in violation of 18 U.S.C. §§ 1956 or 1957, the defendants, **DONNA ROACH, KELLY ROACH and MICHAEL PATTERSON**, shall forfeit to the United States pursuant to 18 U.S.C. § 982(a)(1) any property, real or personal, involved in such offense, or any property traceable to such property.

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

**REAL PROPERTY**

1001 Texas Avenue, Eunice, New Mexico 88231, described as Lots 1, 2, and 3, Block 2, South Eunice Addition to the City of Eunice, Lea County, New Mexico, according to the plat of record in the office of the county records of Lea County, New Mexico, in Book 1612, page 159;

**PERSONAL PROPERTY**

**Ice Machine**

Enchanted Ice and Water Products Ice/Water Unit (Serial Number 29-0016);

**Vehicles**

- a. 2011 K-Z Sportsmen S242SBH Show Stopper Recreational Vehicle, VIN: 4EZTS2421B5017473; NM Plate 25924RVB;
- b. 2007 Chevrolet Silverado 1500 4WD (blue,; VIN: 2GCEK13M17153587; NM Plate CYN084;
- c. 2011 Chevrolet Camaro SS Convertible, VIN: 2G1FK3DJ1B9175819; NM Plate MAN102; and



- d. 2008 Harley Davidson Fatboy Motorcycle,  
VIN: 1HD1BX5128Y024935; NM Plate P78647X.

MONEY JUDGMENT

A sum of money equal to at least \$1,243,653.09 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.

SUBSTITUTE ASSETS

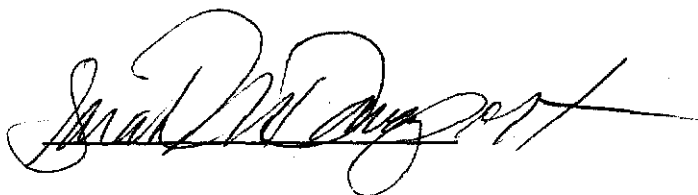
If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- (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 Defendants up to the value of the forfeitable property described above.

A TRUE BILL:

181  
FOREPERSON OF THE GRAND JURY



Assistant United States Attorney  
*SHD* 05/16/12 11:11am