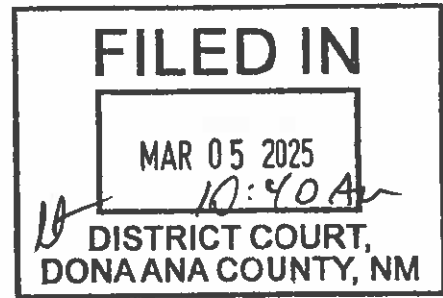


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STATE OF NEW MEXICO
COUNTY OF DOÑA ANA
THIRD JUDICIAL DISTRICT COURT

STATE OF NEW MEXICO,
Plaintiff,

No. D-307-2025- 196

vs.

NANCY MARSHALL,
Defendant.

Douglas R. Driggers

DOB: 05-16-1966
SSN: 461-51-3511
ADD: 1911 TRAILS END ROAD, LAS CRUCES, NM 88007

GRAND JURY INDICTMENT

CRIMES CHARGED: FRAUD (Over \$20,000) (1 Count)
MEDICAID FRAUD (Fraudulent Representation) (8 Counts)
MEDICAID FRAUD (Substantially Inadequate) (1 Count)
FALSIFICATION OF DOCUMENTS (6 Counts)
THEFT OF IDENTITY (2 Counts)

GRAND JURY CHARGES

Count 1: Fraud (over \$20,000) (0556)

On or between March 6, 2020 and December 31, 2022, the above-named defendant, by any words or conduct misrepresented a fact to the State of New Mexico intending to deceive or cheat the State of New Mexico and because of the misrepresentation and the State of New Mexico's reliance on it, the defendant obtained money which had a market value over \$20,000 and belonged to someone other than the defendant, a second degree felony, contrary to NMSA 1978, Section 30-16-6(1987, amended 2006).

Count 2: Medicaid Fraud (Fraudulent Representation) (value more than \$20,000) (6142)

On or between March 6, 2020 and December 31, 2022, the above-named defendant did execute or conspire to execute a plan or action to obtain by means of false or fraudulent representation or promise anything of value in connection with the delivery of or payment for health care benefits that are in whole or in part paid for or reimbursed or subsidized by a state or federally funded or mandated managed health care plan, including representations or statements of financial information, enrollment claims, demographic statistics, encounter data, health services available or rendered and the qualifications of person rendering health care or ancillary services, a second degree felony, contrary to NMSA 1978, Section 30-44-7(A)(4)(b).

Alternative to Count 2: Fraud (over \$20,000) (0556)

On or between March 6, 2020 and December 31, 2022, the above-named defendant, by any words or conduct misrepresented a fact to the State of New Mexico intending to deceive or cheat the State of New Mexico and because of the misrepresentation and the State of New Mexico's reliance on it, the defendant obtained money which had a market value over \$20,000 and belonged to someone other than the defendant, a second degree felony, contrary to NMSA 1978, Section 30-16-6(1987, amended 2006).

Count 3: Medicaid Fraud (Fraudulent Representation) (value more than \$20,000) (6142)

On or between March 6, 2020 and December 31, 2022, the above-named defendant did execute or conspire to execute a plan or action to obtain by means of false or fraudulent representation or promise anything of value in connection with the delivery of or payment for health care benefits that are in whole or in part paid for or reimbursed or subsidized by a state or federally funded or mandated managed health care plan, including representations or statements of financial information, enrollment claims, demographic statistics, encounter data, health services available or rendered and the qualifications of person rendering health care or ancillary services, a second degree felony, contrary to NMSA 1978, Section 30-44-7(A)(4)(b).

Alternative to Count 3: Fraud (over \$20,000) (0556)

On or between March 6, 2020 and December 31, 2022, the above-named defendant, by any words or conduct misrepresented a fact to the State of New Mexico intending to deceive or cheat the State of New Mexico and because of the misrepresentation and the State of New Mexico's reliance on it, the defendant obtained money which had a market value over \$20,000 and belonged to someone other than the defendant, a second degree felony, contrary to NMSA 1978, Section 30-16-6(1987, amended 2006).

Count 4: Medicaid Fraud (Substantially Inadequate) (value more than \$20,000) (6086)

On or between March 6, 2020 and December 31, 2022, the above-named defendant knowingly provided a claim for treatment that was substantially inadequate when compared to generally recognized standards within the discipline or industry to a state or federally mandated managed health care plan and intended the state or federally mandated managed health care plan to rely on the claim for the expenditure of public money and the value of the benefit, treatment, services or goods improperly provided was more than \$20,000, a second degree felony, contrary to NMSA 1978, Section 30-44-7A(2)(b)(2003).

Alternative to Count 4: Fraud (over \$20,000) (0556)

On or between March 6, 2020 and December 31, 2022, the above-named defendant, by any words or conduct misrepresented a fact to the State of New Mexico intending to deceive or cheat the State of New Mexico and because of the misrepresentation and the State of New Mexico's reliance on it, the defendant obtained money which had a market value over \$20,000 and belonged to someone other than the defendant, a second degree felony, contrary to NMSA 1978, Section 30-16-6(1987, amended 2006).

Count 5: Medicaid Fraud (Fraudulent Representation) (value more than \$20,000) (6142)

On or between March 6, 2020 and December 31, 2022, the above-named defendant did execute or conspire to execute a plan or action to obtain by means of false or fraudulent representation or promise anything of value in connection with the delivery of or payment for health care benefits that are in whole or in part paid for or reimbursed or subsidized by a state or federally funded or mandated managed health care plan, including representations or statements of financial

information, enrollment claims, demographic statistics, encounter data, health services available or rendered and the qualifications of person rendering health care or ancillary services, a second degree felony, contrary to NMSA 1978, Section 30-44-7(A)(4)(b).

Alternative to Count 5: Fraud (over \$20,000) (0556)

On or between March 6, 2020 and December 31, 2022, the above-named defendant, by any words or conduct misrepresented a fact to the State of New Mexico intending to deceive or cheat the State of New Mexico and because of the misrepresentation and the State of New Mexico's reliance on it, the defendant obtained money which had a market value over \$20,000 and belonged to someone other than the defendant, a second degree felony, contrary to NMSA 1978, Section 30-16-6(1987, amended 2006).

Count 6: Medicaid Fraud (Fraudulent Representation) (value more than \$20,000) (6142)

On or between March 6, 2020 and December 31, 2022, the above-named defendant did execute or conspire to execute a plan or action to obtain by means of false or fraudulent representation or promise anything of value in connection with the delivery of or payment for health care benefits that are in whole or in part paid for or reimbursed or subsidized by a state or federally funded or mandated managed health care plan, including representations or statements of financial information, enrollment claims, demographic statistics, encounter data, health services available or rendered and the qualifications of person rendering health care or ancillary services, a second degree felony, contrary to NMSA 1978, Section 30-44-7(A)(4)(b).

Alternative to Count 6: Fraud (over \$20,000) (0556)

On or between March 6, 2020 and December 31, 2022, the above-named defendant, by any words or conduct misrepresented a fact to the State of New Mexico intending to deceive or cheat the State of New Mexico and because of the misrepresentation and the State of New Mexico's reliance on it, the defendant obtained money which had a market value over \$20,000 and belonged to someone other than the defendant, a second degree felony, contrary, to NMSA 1978, Section 30-16-6(1987, amended 2006).

Count 7: Medicaid Fraud (Fraudulent Representation) (value more than \$20,000) (6142)

On or between March 6, 2020 and December 31, 2022, the above-named defendant did execute or conspire to execute a plan or action to obtain by means of false or fraudulent representation or promise anything of value in connection with the delivery of or payment for health care benefits that are in whole or in part paid for or reimbursed or subsidized by a state or federally funded or mandated managed health care plan, including representations or statements of financial information, enrollment claims, demographic statistics, encounter data, health services available or rendered and the qualifications of person rendering health care or ancillary services, a second degree felony, contrary to NMSA 1978, Section 30-44-7(A)(4)(b).

Alternative to Count 7: Fraud (over \$20,000) (0556)

On or between March 6, 2020 and December 31, 2022, the above-named defendant, by any words or conduct misrepresented a fact to the State of New Mexico intending to deceive or cheat the State of New Mexico and because of the misrepresentation and the State of New Mexico's reliance on it, the defendant obtained money which had a market value over \$20,000 and belonged to someone other than the defendant, a second degree felony, contrary to NMSA 1978, Section 30-16-6(1987, amended 2006).

Count 8: Medicaid Fraud (Fraudulent Representation) (\$2,500-\$19,999) (6138)

On or between March 6, 2020 and December 31, 2022, the above-named defendant executed a plan or action to obtain by false or fraudulent representation or promise, anything of value, in connection with the delivery of or payment for health care benefits that were in whole or in part, paid for or reimbursed or subsidized by a state or federally funded or mandated managed health care plan and the value of the benefit, treatment, services or goods improperly provided was over \$2,500, a third degree felony, contrary to NMSA 1978, Section 30-44-7(4)(b)(2003).

Alternative to Count 8: Fraud (over \$2,500) (0558)

On or between March 6, 2020 and December 31, 2022, the above-named defendant, by any words or conduct misrepresented a fact to the State of New Mexico intending to deceive or cheat the State of New Mexico and because of the misrepresentation and the State of New Mexico's reliance on it, the defendant obtained money which had a market value over \$2,500 and belonged to someone other than the defendant, a third degree felony, contrary to NMSA 1978, Section 30-16-6(1987, amended 2006).

Count 9: Medicaid Fraud (Fraudulent Representation) (\$2,500-\$19,999) (6138)

On or between March 6, 2020 and December 31, 2022, the above-named defendant executed a plan or action to obtain by false or fraudulent representation or promise, anything of value, in connection with the delivery of or payment for health care benefits that were in whole or in part, paid for or reimbursed or subsidized by a state or federally funded or mandated managed health care plan and the value of the benefit, treatment, services or goods improperly provided was over \$2,500, a third degree felony, contrary to NMSA 1978, Section 30-44-7(4)(b)(2003).

Alternative to Count 9: Fraud (over \$2,500) (0558)

On or between March 6, 2020 and December 31, 2022, the above-named defendant, by any words or conduct misrepresented a fact to the State of New Mexico intending to deceive or cheat the State of New Mexico and because of the misrepresentation and the State of New Mexico's reliance on it, the defendant obtained money which had a market value over \$2,500 and belonged to someone other than the defendant, a third degree felony, contrary to NMSA 1978, Section 30-16-6(1987, amended 2006).

Count 10: Medicaid Fraud (Fraudulent Representation) (\$250 - \$2,499) (6134)

On or between March 6, 2020 and December 31, 2022, the above-named defendant executed a plan or action to obtain by false or fraudulent representation or promise, anything of value, in connection with the delivery of or payment for health care benefits that were in whole or in part, paid for or reimbursed or subsidized by a state or federally funded or mandated managed health care plan and the value of the benefit, treatment, services or goods improperly provided was over \$250, a fourth degree felony, contrary to NMSA 1978, Section 30-44-7(4)(b)(2003).

Alternative to Count 10: Fraud (over \$500) (0557)

On or between March 6, 2020 and December 31, 2022, the above-named defendant, by any words or conduct misrepresented a fact to the State of New Mexico intending to deceive or cheat the State of New Mexico and because of the misrepresentation and the State of New Mexico's reliance on it, the defendant obtained money which had a market value over \$500 and belonged to someone other than the defendant, a fourth degree felony, contrary to NMSA 1978, Section 30-16-6(1987, amended 2006).

Count 11: Falsification of Medicaid Documents (Failing to Include Material Fact) (3507)

On or between October 3, 2021 and December 31, 2021, the above-named defendant knowingly made or caused to be made a misrepresentation of a material fact required to be furnished under the medical assistance program in any record required to be retained in connection with the medical assistance program, a fourth degree felony, contrary to NMSA 1978, Section 30-44-4 (1989).

Count 12: Falsification of Medicaid Documents (Failing to Include Material Fact) (3507)

On or between February 1, 2022 and February 28, 2022, the above-named defendant knowingly made or caused to be made a misrepresentation of a material fact required to be furnished under the medical assistance program in any record required to be retained in connection with the medical assistance program, a fourth degree felony, contrary to NMSA 1978, Section 30-44-4 (1989).

Count 13: Falsification of Medicaid Documents (Failing to Include Material Fact) (3507)

On or between July 27, 2022 and December 31, 2022, the above-named defendant knowingly made or caused to be made a misrepresentation of a material fact required to be furnished under the medical assistance program in any record required to be retained in connection with the medical assistance program, a fourth degree felony, contrary to NMSA 1978, Section 30-44-4 (1989).

Count 14: Falsification of Medicaid Documents (Failing to Include Material Fact) (3507)

On or between May 31, 2021 and November 8, 2021, the above-named defendant knowingly made or caused to be made a misrepresentation of a material fact required to be furnished under the medical assistance program in any record required to be retained in connection with the medical assistance program,, a fourth degree felony, contrary to NMSA 1978, Section 30-44-4(1989).

Count 15: Falsification of Medicaid Documents (Failing to Include Material Fact) (3507)

On or between June 15, 2021 and February 17, 2022, the above-named defendant knowingly made or caused to be made a misrepresentation of a material fact required to be furnished under the medical assistance program in any record required to be retained in connection with the medical assistance program, a fourth degree felony, contrary to NMSA 1978, Section 30-44-4(1989).

Count 16: Falsification of Medicaid Documents (Failing to Include Material Fact) (3507)

On or between October 1, 2021 and January 31, 2022, the above-named defendant knowingly made or caused to be made a misrepresentation of a material fact required to be furnished under the medical assistance program in any record required to be retained in connection with the medical assistance program, a fourth degree felony, contrary to NMSA 1978, Section 30-44-4(1989).

Count 17: Theft of Identity (6785)

On or between March 6, 2020 and January 9, 2021, the above-named defendant willfully obtained, recorded or transferred personal identifying information of Kathleen Hollett without the authorization or consent of Kathleen Hollett and with the intent to defraud Kathleen Hollett

or another or sell or distribute the information to another for an illegal purpose, a fourth degree felony, contrary to NMSA 1978, Section 30-26-24.1(A)(2009).

Count 18: Theft of Identity (6785)

On or between March 16, 2021 and July 22, 2022, the above named defendant willfully obtained, recorded or transferred personal identifying information of Lisa Y. Gomez without the authorization or consent of Lisa Y. Gomez and with the intent to defraud Lisa Y. Gomez or another or sell or distribute the information to another for an illegal purpose, a fourth degree felony, contrary to NMSA 1978, Section 30-26-24.1(A)(2009).

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

Jessica Carabajal, Special Agent, State of New Mexico Department of Justice
Kelly Sweetser, Forensic Auditor, State of New Mexico Department of Justice

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

AW
FOREPERSON
Dated: 5 March '25

APPROVED:



Nia Rucker, Attorney at Law
Assistant Attorney General
Bar# 126399
Medicaid Fraud and Elder Abuse
New Mexico Department of Justice

CASE INFORMATION

NMDOJ FILE #: 202106-00069
MET. CT. #:
LEA/RPT #: NMDOJ 202106-00069
AAG: Nia Rucker
1175 Commerce Drive
Las Cruces, NM 88011

DOB: 05-16-1966
SSN: 461-51-3511
DL#: NMDL 501039616
ADD: 1911 Trails End Road
Las Cruces, NM 88007

BOOKING/ARREST DATE:
BOOKING/ARREST#:
STN:
DEF. ATTY: Michael L. Stout
910 Lake Tahoe Street
Las Cruces, NM 88007

PHYSICAL DESCRIPTION OF DEFENDANT:

Height: 5'05"
Weight: 125 lbs.
Eye Color: Hazel

PENALTIES

Counts 1-7: 2nd Degree Felonies

Counts 8-9: 3rd Degree Felonies
Counts 10-18: 4th Degree Felonies

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 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 4th 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 4th 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 3rd 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