



CRIMINAL COMPLAINT

FILED IN
APR 07 2022
MAGISTRATE COURT
EDDY COUNTY DIV. I & II

STATE OF NEW MEXICO

CASE # 2022-10036

EDDY COUNTY
CARLSBAD CITY
IN THE MAGISTRATE COURT



ORIGINAL

-- VS --

STN #: _____
Arrest Date: _____
Driver Lic.#: 1201
Citation #: _____
Arrest #: _____
Docket #: M-T-FR-2022-170
Date Filed: 04/07/2022

Name: GREEN JON
Address: 1407 TOKAY
City/Zip: CARLSBAD NM 88220
D.O.B.: 1958
S.S.N.: _____
Height: 6' 00" Weight: 200 lbs
Hair: Gray or Partially Gray - GRY
Eyes: Blue - BLU

The undersigned, under penalty of perjury, complains and says that on or about 04/04/2022, in the County/City of CARLSBAD, State of New Mexico, the above named Defendant(s) did:

Contrary to Section 30-16-03(B) NMSA 1978.
Charge Code 1056

CRIME: NON-RESIDENTIAL BURGLARY
(Common name of Offense or Offenses)

Contrary to Section 30-16-01 NMSA 1978.
Charge Code 4524

CRIME: LARCENY (OVER \$500)
(Common name of Offense or Offenses)

Contrary to Section 30-16-06 NMSA 1978.
Charge Code 4529

CRIME: FRAUD (OVER \$250)
(Common name of Offense or Offenses)

Contrary to Section 30-16-06 NMSA 1978.
Charge Code 4529

CRIME: FRAUD (OVER \$250)
(Common name of Offense or Offenses)

Contrary to Section 30-16-10(A)(1) NMSA 1978.
Charge Code 4560

CRIME: FORGERY (MAKE OR ALTER) (OVER \$2,500)
(Common name of Offense or Offenses)

Contrary to Section 30-16-10(A)(1) NMSA 1978.
Charge Code 4560

CRIME: FORGERY (MAKE OR ALTER) (OVER \$2,500)
(Common name of Offense or Offenses)

Contrary to Section 30-16-10(A)(1) NMSA 1978.
Charge Code 4564

CRIME: FORGERY (MAKE OR ALTER)(OVER \$20,000)
(Common name of Offense or Offenses)

Contrary to Section 30-16-10(A)(2) NMSA 1978.
Charge Code 4572

CRIME: FORGERY (ISSUE OR TRANSFER) (OVER \$2,500 BUT NOT MORE THAN \$20,000)

(Common name of Offense or Offenses)

Contrary to Section 30-16-10(A)(2)

NMSA 1978.

Charge Code 4572

CRIME: FORGERY (ISSUE OR TRANSFER) (OVER \$2,500 BUT NOT MORE THAN \$20,000)

(Common name of Offense or Offenses)

Contrary to Section 30-16-10(A)(2)

NMSA 1978.

Charge Code 4577

CRIME: ATTEMPT TO COMMIT A FELONY, TO WIT: FORGERY (ISSUE OR TRANSFER) (OVER \$20,000)

(Common name of Offense or Offenses)

Contrary to Section 30-22-01(D)

NMSA 1978.

Charge Code 1550

CRIME: RESISTING, EVADING OR OBSTRUCTING AN OFFICER

(Common name of Offense or Offenses)

Contrary to Section 30-22-03

NMSA 1978.

Charge Code 1552

CRIME: CONCEALING IDENTITY

(Common name of Offense or Offenses)

....DID WITHOUT AUTHORIZATION ENTER A [OFFICE BUILDING BEING LEASED BY DR. KIM LARK LOCATED AT 2402 W. PIERCE STE 4A] BELONGING TO [KIM LARK], OR ANOTHER, WITH THE INTENT TO COMMIT A FELONY OR THEFT THEREIN, CONTRARY TO NMSA 1978, 30-16-03(B). (A 4TH DEGREE FELONY).

....DID STEAL PROPERTY, TO-WIT:[APPLE 10.2 IPAD GOLD IN COLOR WITH THE NAME KIM LARK ENGRAVED], BELONGING TO [KIM LARK], OR ANOTHER, AND THE VALUE OF THE PROPERTY STOLEN WAS OVER FIVE HUNDRED DOLLARS (\$500) BUT NOT MORE THAN TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500), CONTRARY TO NMSA 1978, 30-16-01(D). (A 4TH DEGREE FELONY).

....DID INTENTIONALLY MISAPPROPRIATE OR TAKE ANYTHING OF VALUE, TO WIT: [\$500.00 IN US CURRENCY], BELONGING TO [KIM LARK], OR ANOTHER, BY MEANS OF FRAUDULENT CONDUCT, PRACTICES OR REPRESENTATIONS AND THE VALUE OF THE PROPERTY MISAPPROPRIATED OR TAKEN WAS OVER TWO HUNDRED FIFTY DOLLARS (\$250) BUT NOT MORE THAN FIVE HUNDRED FIFTY DOLLARS (\$500), CONTRARY TO NMSA 1978, 30-16-06. (A MISDEMEANOR).

....DID INTENTIONALLY MISAPPROPRIATE OR TAKE ANYTHING OF VALUE, TO WIT: [\$500.00 IN US CURRENCY], BELONGING TO [KIM LARK], OR ANOTHER, BY MEANS OF FRAUDULENT CONDUCT, PRACTICES OR REPRESENTATIONS AND THE VALUE OF THE PROPERTY MISAPPROPRIATED OR TAKEN WAS OVER TWO HUNDRED FIFTY DOLLARS (\$250) BUT NOT MORE THAN FIVE HUNDRED FIFTY DOLLARS (\$500), CONTRARY TO NMSA 1978, 30-16-06. (A MISDEMEANOR).

....DID FALSELY MAKE OR ALTER A SIGNATURE TO, OR ANY PART OF [CHECK #4422 BELONGING TO KIM LARK FROM CARLSBAD NATIONAL BANK], A WRITING PURPORTING TO HAVE LEGAL EFFICACY, WITH INTENT TO INJURE OR DEFRAUD [KIM LARK], OR ANOTHER, AND THE DAMAGE IS OVER TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500), BUT NOT MORE THAN \$20,000, CONTRARY TO NMSA 1978, 30-16-10(A). (A 3RD DEGREE FELONY).

....DID FALSELY MAKE OR ALTER A SIGNATURE TO, OR ANY PART OF [CHECK #006408 BELONGING TO KIM LARK FROM CARLSBAD NATIONAL BANK], A WRITING PURPORTING TO HAVE LEGAL EFFICACY, WITH INTENT TO INJURE OR DEFRAUD [KIM LARK], OR ANOTHER, AND THE DAMAGE IS OVER TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500), BUT NOT MORE THAN \$20,000, CONTRARY TO NMSA 1978, 30-16-10(A). (A 3RD DEGREE FELONY).

....DID FALSELY MAKE OR ALTER A SIGNATURE TO, OR ANY PART OF [CHECK #4423 BELONGING TO KIM LARK FROM CARLSBAD NATIONAL BANK], A WRITING PURPORTING TO HAVE LEGAL EFFICACY, WITH INTENT TO INJURE OR DEFRAUD [KIM LARK], OR ANOTHER, AND THE DAMAGE IS OVER TWENTY THOUSAND DOLLARS (\$20,000), CONTRARY TO NMSA 1978, 30-16-10(A). (A 2ND DEGREE FELONY).

....DID KNOWINGLY ISSUE OR TRANSFER A FORGED WRITING, TO WIT: [CHECK #4422 BELONGING TO KIM LARK FROM CARLSBAD NATIONAL BANK], WITH INTENT TO INJURE OR DEFRAUD [KIM LARK], OR ANOTHER, AND THE DAMAGE IS OVER TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500), BUT NOT MORE THAN TWENTY THOUSAND DOLLARS (\$20,000), CONTRARY TO NMSA 1978, 30-16-10(B). (A 4TH DEGREE FELONY).

....DID KNOWINGLY ISSUE OR TRANSFER A FORGED WRITING, TO WIT: [CHECK #006408 BELONGING TO KIM LARK FROM CARLSBAD NATIONAL BANK], WITH INTENT TO INJURE OR DEFRAUD [KIM LARK], OR ANOTHER, AND THE DAMAGE IS OVER TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500), BUT NOT MORE THAN TWENTY THOUSAND DOLLARS (\$20,000), CONTRARY TO NMSA 1978, 30-16-10(B). (A 4TH DEGREE FELONY).

(ATTEMPTED) ISSUE OR TRANSFER A FORGED WRITING, TO WIT: [CHECK #4422 BELONGING TO KIM LARK FROM CARLSBAD NATIONAL BANK], WITH INTENT TO INJURE OR DEFRAUD [KIM LARK], OR ANOTHER, AND THE DAMAGE IS OVER TWENTY THOUSAND DOLLARS (\$20,000), CONTRARY TO NMSA 1978, 30-16-10(B). (A 2ND DEGREE FELONY).

....DID RESIST OR ABUSE [OFFICER JUDY BRAKEMAN], A JUDGE, MAGISTRATE OR PEACE OFFICER IN THE LAWFUL DISCHARGE OF HIS DUTIES, CONTRARY TO NMSA 1978, 30-22-1(D). (A MISDEMEANOR).

....DID CONCEAL HIS TRUE NAME OR IDENTITY WITH THE INTENT TO OBSTRUCT THE DUE EXECUTION OF THE LAW OR TO INTIMIDATE, HINDER OR INTERRUPT A PUBLIC OFFICER OR OTHER PERSON IN A LEGAL PERFORMANCE OF HIS DUTY OR THE EXERCISE OF HIS RIGHTS UNDER THE LAWS OF THE UNITED STATES OR OF THE STATE OF NEW MEXICO, CONTRARY TO NMSA 1978, 30-22-03. (A PETTY MISDEMEANOR).

ON 04/05/22 DET. DEVLIN WAS ASSIGNED CASE #2022-10036 WHICH WAS INITIATED BY OFFICER BRAKEMAN ON 04/04/22 IN REFERENCE TO FORGERY, FRAUD, CONCEALING IDENTITY, AND RESISTING-OBSTRUCTING AN OFFICER.

UPON REVIEW OF THE INITIAL REPORT DET. DEVLIN LEARNED THAT ON 04/04/22 AT APPROXIMATELY 1225 HOURS OFC. BRAKEMAN WAS DISPATCHED TO THE CARLSBAD NATIONAL BANK BRANCH LOCATED AT 3618 NATIONAL PARKS HIGHWAY IN REFERENCE TO FRAUD. DISPATCH ADVISED THAT THE REPORTING PERSON WAS A BANK EMPLOYEE WHO ADVISED THAT A MALE IDENTIFIED AS JON GREEN WAS AT THE BANK TRYING TO CASH A FRAUDULENT CHECK. DURING THAT TIME JON'S NEWLY EX-HUSBAND IDENTIFIED AS KIM LARK CALLED THE EDDY COUNTY SHERIFF'S DEPT. IN REFERENCE TO JON STEALING HER PAYCHECK. THE CALL WAS ULTIMATELY TRANSFERRED TO THE POLICE DEPT. OFC. BRAKEMAN ARRIVED AND MET WITH JON WHO INITIALLY IDENTIFIED HIMSELF AS THEODORE MAHER WHEN ASKED WHAT HIS NAME WAS BY OFC. BRAKEMAN. HE FIRST TOLD OFC. BRAKEMAN THAT THE BANK TELLER HAD HIS DRIVER'S LICENSE. JON THEN REMOVED A GOVERNMENT IDENTIFICATION CARD FROM HIS WALLET AND PRESENTED IT TO BRAKEMAN WHICH IDENTIFIED JON AS THEODORE. A FEW MOMENTS LATER BRAKEMAN RECEIVED JON'S TEXAS DRIVER'S LICENSE FROM THE BANK TELLER WHICH IDENTIFIED JON AS JON GREEN. OFC. BRAKEMAN ASKED JON WHY HE LIED TO HER AND HE STATED THAT HE DIDN'T LIE AND THAT A

JUDGE GRANTED HIM A NAME CHANGE DUE TO HIS MILITARY BACKGROUND. BRAKEMAN REQUESTED SHE SPEAK WITH JON OUTSIDE AT WHICH TIME HE BEGAN TO WALK OUT THE FRONT DOOR. ONCE OUTSIDE JON CONTINUED TO WALK AWAY FROM OFC. BRAKEMAN AS SHE CONTINUED TRYING TO SPEAK WITH HIM. JON THEN STARTED TO REACH FOR HIS VEHICLE DOOR HANDLE BEFORE OFC. BRAKEMAN GRABBED HIS ARMS AT WHICH TIME JON YANKED HIS ARMS AWAY FROM HER AS HE OPENED HIS VEHICLE DOOR AND GOT IN. OFC. BRAKEMAN THEN UPHOLSTERED HER TASER AND ADVISED JON THAT HE WAS GOING TO BE TASED. OFC. BRAKEMAN ADVISES THAT JON MUST HAVE PLACED HIS VEHICLE INTO REVERSE AT ABOUT THE SAME TIME SHE DEPLOYED HER TASER WHICH CONNECTED TO JON'S LOWER ABDOMEN. JON THEN PRESSED THE GAS PEDAL CAUSING THE VEHICLE TO ACCELERATE AND SPIN OUT IN THE PARKING LOT AS THE VEHICLE DROVE OVER MULTIPLE CURBS AND NEARLY HITTING A LIGHT POLE BEFORE JON THE RECKLESSLY FLED THE SCENE NORTH ON NATIONAL PARKS HIGHWAY. OFC. BRAKEMAN WAS ABLE TO OBTAIN THE LICENSE PLATE NUMBER OF JON'S VEHICLE WHICH WAS VD1L9Y. DET. DEVLIN IS UNSURE WHAT STATE THE LICENSE PLATE WAS REGISTERED IN BUT BRAKEMAN ADVISES THAT THE VEHICLE WAS A RED PASSENGER VEHICLE.

OFC. BRAKEMAN THEN MET WITH A BANK EMPLOYEE IDENTIFIED AS JACLYN FIERRO WHO OBTAINED COPIES OF THE FRAUDULENT DOCUMENTS FOR HER. JACLYN ADVISED THAT JON WAS ATTEMPTING TO WITHDRAW \$9,900.00 IN CASH AND \$44,000.00 ON A CASHIER'S CHECK. OFC. BRAKEMAN THEN MADE CONTACT WITH DR. KIM LARK AT HER OFFICE LOCATED AT 2402 W. PEIRCE. SHE ADVISED THAT ON FRIDAY 04/04/22, SHE WENT TO DISTRICT COURT AND FILLED OUT A RESTRAINING ORDER AGAINST JON. LARK ADVISED THAT AS FAR AS SHE KNEW THE SHERIFF'S DEPT. HAD BEEN UNABLE TO LOCATE JON TO SERVE THE PROTECTION ORDER. SHE SAID THAT SHE WAS INITIALLY ABLE TO TRACK JON'S LOCATION USING AN APP BUT HAS SINCE LOST THE CAPABILITY AND SAID THAT SHE BELIEVES THAT JON HAS SINCE BEEN STAYING AT HOTELS AND OTHER PLACES TO AVOID BEING CONTACTED. LARK ADVISED THAT WHEN SHE WENT INTO HER OFFICE SHE LOOKED IN HER DESK DRAWER AND NOTICED THAT HER PAYCHECK WAS NOT THERE. SHE SAID THAT SHE ALSO CHECKED THE AREA BEHIND THE DESK DRAWER IN HOPES THAT THE CHECK MAY HAVE FELL BEHIND THE DRAWER BUT IT WAS NOT THERE. LARK ADVISED THAT JON KNEW HER OFFICE DOOR CODE WHICH IS HOW HE WAS ABLE TO MAKE ENTRY. SHE SAID THAT SHE HAS SINCE CHANGED THE DOOR CODE AND OFFICE LOCKS JUST IN CASE JON HAD A KEY. LARK ADVISED THAT HER CHECKBOOK AND SILVER IPAD WAS ALSO MISSING. SHE SAID THAT JON TOOK HER CHECK AND DEPOSITED IT INTO THE NORTH BANK BRANCH LOCATION AND THEN WITHDREW \$500.00. SHE SAID THAT JON WOULD OFTEN DEPOSIT AND THEN WITHDRAW THE \$500.00 FOR HER DUE TO HER SCHEDULE AND THE BANK HOURS WERE CONFLICTING AND SHE WAS OFTEN UNABLE TO GET TO THE BANK WHILE THEY WERE OPEN. LARK ADVISED THAT DUE TO RECENT EVENTS INVOLVING JON IN REFERENCE TO THEIR RELATIONSHIP, JON WAS NOT AUTHORIZED TO HAVE TAKEN POSSESSION OF HER CHECK OR MAKE ANY DEPOSITS OR WITHDRAWALS. SHE SAID THAT WHILE AT THE BANK JON WAS ABLE TO TRANSFER \$17,000.00 FROM HER SAVINGS INTO HER CHECKING WITHOUT AUTHORIZATION. LARK ADVISED THAT SHE WAS CONTACTED BY THE SOUTH BANK BRANCH WHO ADVISED HER THAT JON WAS ATTEMPTING TO WITHDRAW \$44,000.00 AND SAID THAT ALL OF THE TRANSACTIONS HAD BEEN REVERSED AND WERE NOT COMPLETED AND HER ACCOUNTS HAVE SINCE BEEN PUT ON HOLD. WHEN ASKED ABOUT WHAT VEHICLE JON MAY BE DRIVING, LARK ADVISED THAT HE SUPPOSEDLY RECENTLY WENT TO MEXICO AND HIS VEHICLE WAS STOLEN SO HE WAS PROBABLY DRIVING A RENTAL CAR WHICH SHE ASSUMES WAS OUT OF EL PASO. WHEN ASKED ABOUT THE NAME THEODORE MAHER, LARK SHOWED OFC. BRAKEMAN PICTURES OF TWO SOCIAL SECURITY CARDS, ONE BELONGING TO JON [REDACTED] AND THE OTHER ONE BELONGING TO THEODORE [REDACTED]. SHE ADVISED THAT A JUDGE GRANTED JON THE ABILITY TO CHANGE HIS NAME AFTER HE GOT OUT OF THE SERVICE. LARK ALSO ADVISED THAT A 9MM HANDGUN WAS STOLEN BY JON AND THAT SHE WAS UNSURE IF HE HAD BEEN TO THEIR HOME AND TAKEN MORE FIREARMS. THE MAKE AND SERIAL NUMBER WERE UNKNOWN AT THE TIME OF THE INITIAL REPORT.

ON 04/06/22 DET. DEVLIN PROCEEDED TO 2402 W. PIERCE SUITE 4A TO MEET WITH KIM AT HER DOCTOR'S OFFICE. DET. DEVLIN LEARNED THAT SHE HAS BEEN WITH JON FOR ABOUT FIVE YEARS AND THAT THEY BOTH HAVE SEPARATE ACCOUNTS AT CARLSBAD NATIONAL BANK. SHE SAID THAT JON DID AND DOES NOT HAVE AUTHORIZATION TO ACCESS ANY OF HER ACCOUNTS AND THAT SHE KEPT HER CHECK BOOKS AND ACCOUNT INFORMATION AT HER OFFICE. KIM STATED THAT SHE RECENTLY NOTICED JON DISPLAYING ODD BEHAVIOR AND ABNORMAL BEHAVIOR THAT CONCERNED HER. SHE SAID THAT SHE HAD ALREADY SUSPECTED THAT JON WAS INVOLVED WITH SUBSTANCES AND SAID THEIR RELATIONSHIP REACHED A POINT WHERE SHE WAS AFRAID OF HIM DUE TO HIS ODD BEHAVIOR. KIM ADVISED THAT SHE OBTAINED A RESTRAINING ORDER ON 04/04/22 BUT THE SHERIFF'S DEPT. WAS UNABLE TO LOCATE JON TO SERVE HIM WITH THE ORDER. SHE SAID PRIOR TO THAT SHE INFORMED JON THAT SHE WAS GOING TO GET A RESTRAINING ORDER. KIM STATED THAT JON LEFT AND SUPPOSEDLY WENT TO MEXICO AND SHE LATER LEARNED THAT HE SAID THAT WHILE THERE, HIS VEHICLE WAS STOLEN AT WHICH TIME HE RENTED AN UNKNOWN MAKE OR MODEL VEHICLE POSSIBLY FROM EL PASO. SHE SAID THAT HER OFFICE HOURS ARE MONDAY THROUGH THURSDAY AND THAT SHE IS CLOSED ON FRIDAYS. KIM STATED THAT WHEN SHE ARRIVED AT HER OFFICE ON MONDAY MORNING SHE DECIDED TO SHE DISCOVERED HER PAYCHECK AND CHECKBOOKS MISSING OUT OF HER DESK DRAWER AND LATER DISCOVERED HER IPAD MISSING. KIM STATED THAT SHE IMMEDIATELY SUSPECTED JON BECAUSE HE KNEW THE CODE TO GAIN ENTRY INTO THE OFFICE USING THE OUTSIDE ENTRANCE DOOR WHICH IS ACCESSED USING A KEYPAD. SHE SAID THAT SHE ALSO SUSPECTED JON BECAUSE ALL OF HER EMPLOYEES PAY CHECKS WERE STILL IN THE DRAWER AND ONLY HER CHECK AND CHECK BOOKS WERE GONE. KIM STATED THAT WHEN SHE FIRST ARRIVED AND NOTICED HER PAYCHECK MISSING, SHE DID NOT REALIZE THE CHECKBOOKS AND IPAD WERE GONE SO SHE SPENT A LITTLE BIT OF TIME LOOKING AROUND FOR HER PAYCHECK AND DID NOT IMMEDIATELY CALL THE POLICE UNTIL SHE LATER NOTICED THE CHECKBOOKS AND IPAD GONE. SHE SAID THAT DURING THAT TIME SHE RECEIVED A PHONE CALL FROM THE BANK ADVISING HER THAT JON WAS ATTEMPTING TO CASH ONE OF HER CHECKS AT WHICH TIME SHE THEN CALLED THE POLICE WHO HAD ALSO ALREADY BEEN CALLED BY THE BANK PERSONNEL. WHEN ASKED ABOUT THE STOLEN FIREARM AND IPAD, KIM ADVISED THAT SHE IS NOT SURE AT THIS TIME IF THE HANDGUN HAS BEEN STOLEN BUT HAS NOT YET BEEN ABLE TO LOCATE IT. SHE SAID THAT THE HANDGUN WAS AT HER HOME AND SHE WOULD ATTEMPT TO LOCATE IT. SHE SAID THAT THE CHECKS AND IPAD WERE TAKEN FROM HER OFFICE AND THAT THE IPAD WAS A 10.2 AND GOLD IN COLOR WHICH WAS VALUED AT \$1,200.00. KIM STATED THAT SHE BELIEVES THAT SHE HAD HER NAME ENGRAVED ON THE IPAD WHEN SHE BOUGHT IT BUT WASN'T CERTAIN. KIM STATED THAT ALL OF THE CHECKS TAKEN AND CONTAINED IN HER CHECK BOOK TO INCLUDE HER PAYCHECK WERE NOT SIGNED. SHE SAID THAT ALL OF THE CHECKS TAKEN WERE BLANK EXCEPT FOR HER PAYCHECK WHICH HAD TYPED ENTRIES LISTING PAY TO THE ORDER OF AND THE AMOUNT. KIM STATED THAT SHE HAS SINCE LEARNED THAT JON MADE SEVERAL TRANSACTIONS USING MULTIPLE CHECKS HE STOLE FROM HER OFFICE AND LEARNED THAT THERE WERE DEPOSITS MADE AND MONEY KEPT BY JON WHO LATER IN THE DAY ON 04/04/22 WENT TO THE SOUTH BANK BRANCH AND ATTEMPTED TO CASH ONE OF HER CHECKS IN THE AMOUNT OF \$44,000.00 WHICH RESULTED IN THE POLICE BEING CALLED. AFTER GOING TO THE BANK DET. DEVLIN OBTAINED COPIES OF ALL OF THE FRAUDULENT TRANSACTIONS AND CHECKS WHICH WILL BE LISTED BELOW.

DET. DEVLIN THEN PROCEEDED TO THE CARLSBAD NATIONAL BANK MAIN BRANCH LOCATED AT 202 W. STEVENS AND MET WITH MYA HERNANDEZ WHO IS AN ACCOUNT MANAGEMENT RETURN SPECIALIST. DET. DEVLIN LEARNED THAT PRIOR TO THE LAST INCIDENT ON 04/04/22 INVOLVING JON ATTEMPTING TO CASH ONE OF KIM'S CHECKS IN THE AMOUNT OF \$44,000.00, HE CONDUCTED SEVERAL OTHER TRANSACTIONS WHICH HE WAS NOT AUTHORIZED TO DO. DET. DEVLIN LEARNED THAT ON SATURDAY 04/02/22 JON CAME TO THE MAIN BANK BRANCH ON STEVENS WITH CHECK #4422 FROM KIM'S PERSONAL ACCOUNT AND WAS FILLED OUT IN THE AMOUNT OF \$12,500.00 AND MADE PAYABLE TO JON GREEN. JON DEPOSITED \$12,000.00 INTO A CHECKING ACCOUNT AND REQUESTED AND OBTAINED \$500.00 IN CASH FROM THE TRANSACTION. ON THE MORNING OF 04/04/22 JON CAME TO THE NORTH CARLSBAD NATIONAL BANK BRANCH LOCATED ON 1509 W. PEIRCE WITH KIM'S TYPED OUT PAYCHECK IN THE AMOUNT OF \$5,500.00. JON SIGNED KIM'S NAME AS THE AUTHORIZED SIGNATURE AND THEN AGAIN SIGNED HER NAME ON THE BACK OF THE CHECK BEFORE HE THEN DEPOSITED \$5,000.00 INTO THE CHECKING ACCOUNT AND REQUESTED AND OBTAINED ANOTHER \$500.00 IN CASH. HE THEN LATER RETURNED TO THE SAME BANK BRANCH AND TRANSFERRED \$17,000.00 FROM KIM'S SAVINGS ACCOUNT INTO HER CHECKING ACCOUNT WHICH HE WAS NOT AUTHORIZED TO DO. ON THE AFTERNOON OF THE SAME DAY (04/04/22), JON PROCEEDED TO THE SOUTH BANK BRANCH LOCATED AT 3518 NATIONAL PARKS HIGHWAY WHERE HE WENT INTO THE BANK AND ATTEMPTED TO CASH ANOTHER ONE OF KIM'S CHECKS (CHECK #4423) FROM HER PERSONAL ACCOUNT. THE CHECK WAS MADE PAYABLE TO JON GREEN IN THE AMOUNT OF \$44,000.00 AND JON HAD SIGNED KIM'S NAME ON THE BOTTOM OF THE CHECK. AT THAT TIME BANK PERSONNEL CALLED KIM AND THE POLICE DEPT. WHICH LED TO OFFICER BRAKEMAN RESPONDING WHICH IS DETAILED AT THE BEGINNING OF THIS REPORT.

KIM ADVISED DET. DEVLIN THAT ALL OF THE CHECKS JON USED AND HAD IN HIS POSSESSION WERE STOLEN OUT OF HER OFFICE AND JON WAS NOT AUTHORIZED TO CONDUCT ANY TRANSACTIONS INVOLVING ANY OF HER ACCOUNTS AND DID NOT HAVE PERMISSION TO ENTER HER OFFICE. SHE ADVISED THAT SHE HAD TOLD JON PRIOR TO HIS UNAUTHORIZED ENTRY INTO HER OFFICE THAT SHE WAS GOING TO OBTAIN A RESTRAINING ORDER. KIM LATER ADVISED DET. DEVLIN THAT SHE HAD PREVIOUSLY PINGED HER IPAD AND RECEIVED A NOTIFICATION THAT HER IPAD LOCATION WAS NEAR 12236 MONTANA AVE IN EL PASO TX 79936. SHE SAID THAT THE IPAD HAS SINCE BEEN TURNED OFF AND SHE IS UNABLE TO OBTAIN AN UPDATED LOCATION. IT IS SUSPECTED THAT JON MAY HAVE SOLD THE IPAD DURING HIS TRIP TO EL PASO AFTER THE BURGLARY. DET. DEVLIN SUSPECTS THAT IF JON WAS ADVISED BY KIM THAT SHE WAS GOING TO OBTAIN A RESTRAINING ORDER ON HIM ON THE MORNING OF 04/01/22 AND SINCE KIM'S OFFICE IS CLOSED ON FRIDAYS (04/01/22) JON MAY HAVE MADE ENTRY INTO HER OFFICE ON THAT DAY. THIS WOULD EXPLAIN WHY THE IPAD WOULD NOW BE IN EL PASO AND HOW HE ALREADY HAD KIM'S CHECKS ON THE FOLLOWING MORNING WHEN HE CONDUCTED THE FIRST FRAUDULENT TRANSACTION AT CARLSBAD NATIONAL BANK AFTER ARRIVING BACK FROM MEXICO WHERE HE ADVISED HE WAS ON THE DAY PRIOR. COPIES OF ALL OF THE DOCUMENTS OBTAINED TO INCLUDE THE CHECKS AND BANK ACCOUNT STATEMENTS WILL ALSO BE SUBMITTED WITH DET. DEVLIN'S SUPPLEMENT.

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 FALSE STATEMENT IN A CRIMINAL COMPLAINT.

Complainant *James Devlin*
Name DEVLIN, JAMES
Title(if any) 6810
Agency(if any) CARLSBAD POLICE DEPARTMENT

This complaint may not be filed without the prior payment of a filing fee, unless approved by the District Attorney or a law enforcement officer authorized to serve an Arrest or Search Warrant. Approval of the district attorney or a law enforcement officer is not otherwise required.

Approved *J. Hunter Spindle*
Senior Trial Prosecutor

DISTRICT ATTORNEY OR LAW ENFORCEMENT OFFICER

[As amended, approved by the Supreme Court of New Mexico, effective September 1, 1990; April 1, 1991; November 1, 1991.]

If Probable Cause Determination required:

- Probable Cause Found
 Probable Cause Not Found, and Defendant Released from Custody

[Signature]
Judge

4-9-2022
Date

Magistrate Judge
Time

[As amended, effective September 1, 1990; April 1, 1991; November 1, 1991; as amended by Supreme Court Order No.13-8300-020, effective for all cases pending or filed on or after December 31, 2013.]