

ENDORSED
First Judicial District Court

OCT - 2 2015

Santa Fe, Rio Arriba &
Los Alamos Counties
PO Box 2268
Santa Fe, NM 87504-2268

STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT COURT

CR No. D-101-CR-2015-00478
AGO: 201407-00053

STATE OF NEW MEXICO,

Plaintiff,

vs.

DIANNA J. DURAN,

Defendant.

NOTICE OF STATE'S INTENT TO INTRODUCE EVIDENCE

The State of New Mexico, by and through its Assistant Attorneys General, Clara Moran, Joseph Spindle, and Zachary Jones, hereby notifies the Court and counsel for the defense of its intent to introduce evidence to establish facts of consequence as well as Defendant's motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake or lack of accident and for its notice states:

1. The defendant was charged by information on August 28, 2015, of sixty four counts relating to embezzlement of funds during her 2010 and 2014 campaigns to be elected as New Mexico Secretary of State. The State intends on introducing evidence of Defendant's conduct during both the 2010 and 2014 campaigns regarding misrepresented finances, embezzled funds and fraudulent documentation.
2. In 2010 Dianna J. Duran listed Don Kidd as her campaign treasurer listing personal identifying information such as his phone number and mailing address on a campaign finance report. Kidd did not act in the capacity of campaign treasurer for Duran as reported by Duran according to statements obtained by OAG agents.

3. The State intends on introducing evidence that Defendant misrepresented her finances in tax returns annually from 2010 through 2013.
4. Upon information and belief, Ms. Duran requested and obtained an extension of time to October 15, 2015, in which to file her tax returns for 2014. Should the State discover any material misrepresentations in the above-referenced tax returns, it intends on introducing it into evidence.
5. In 2010, there were more than 100 transactions that appear in Dianna J. Duran's campaign accounts that were not reported by her as campaign expenditures in any campaign reports. These included transactions at casinos, restaurants, gas stations and jewelry stores and cash withdrawals at ATM machines.
6. In 2010, Dianna J. Duran deposited several checks into her personal joint checking account "FNB 8306" shared with her husband Roseleo Barazza, that have indicia of campaign donations which were not reported in her filed campaign reports.
7. On August 16, 2010, Dianna J. Duran deposited a \$500 check into her "FNB 8306" personal bank account from Brian K. or Linda Henkel Moore that had "Secretary of State!" written on the memo line.
8. The State intends on introducing the above referenced allegations to prove facts of consequence of the charges as well as motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake or lack of accident as permitted by Rule 11-401 NMRA and Rule 11-404(B) NMRA.

Respectfully submitted,



Joseph M. Spindle
ASSISTANT ATTORNEY GENERAL

I certify that a true and correct copy of this motion was faxed to defense counsel on the 2nd day
of October, 2015.



Joseph M. Spindle
ASSISTANT ATTORNEY GENERAL