

STATEMENT OF U.S. ATTORNEY GREG FOURATT on the Sentencing of Toby Martinez

From 1999-2005, Toby Martinez and his cohorts conspired to steal, planned to steal, and then stole nearly \$4.4 million from New Mexico's taxpayers during the construction of the Metro Courthouse. As the Administrator at the Metro Court – the highest-ranking non-judicial position – he was the ultimate insider with all the necessary access and authority that the scheme needed to succeed. There was no one better positioned than Mr. Martinez to engineer the scheme to defraud the taxpayers. Indeed, without him, there would have been no theft at all.

Fortunately for the citizens of New Mexico, however, Mr. Martinez made the right decision in December 2005 when he was approached by the FBI. He soon gave a complete confession and turned the FBI on to the fraud that also had occurred in the architectural services contract of the courthouse construction. At that point, the FBI had no idea about that portion of the fraud and were focused instead on the fraud that occurred in the audiovisual services contract. Mr. Martinez's cooperation led the FBI directly to architect Marc Schiff and former mayor Ken Schultz who soon thereafter admitted their involvement and pleaded guilty.

Perhaps even more important, Mr. Martinez's guilty plea and agreement to provide truthful testimony led directly to the guilty plea of Manny Aragon, whose conviction and prison sentence are perhaps the most important results to issue from a federal courthouse in New Mexico in generations. That Mr. Aragon – of all people – would abandon his defense, plead guilty, and go to prison rather than endure Mr. Martinez taking the witness stand speaks volumes about the truth and potency of Martinez's expected testimony.

Today, Mr. Martinez received his measure of justice. The United States requested leniency for Mr. Martinez based on his cooperation, and leniency he received. In crafting the sentence, Judge Johnson weighed the breadth and severity of Mr. Martinez's wrongdoing and then factored in the quality and quantity of his assistance to the United States in the investigation and prosecution of his confederates. The 67-month prison sentence Mr. Martinez received today, while appropriately stiff, represents an enormous reduction from the nearly 20-year sentence he potentially would have faced had he been convicted at trial.