

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

APR 25 2024

MITCHELL R. ELFERS
CLERK

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FRANK JOE HERNANDEZ and
EVA ANN HERNANDEZ,

Defendants.

CRIMINAL NO. 24CR545-DHU

Count 1: 18 U.S.C. §§ 1152 and 371:
Conspiracy to Commit Larceny Over
\$1,000;

Count 2: 18 U.S.C §§ 1152 and 661:
Larceny Over \$1,000; 18 U.S.C § 2:
Aiding and Abetting.

INDICTMENT

The Grand Jury charges:

Count 1

1. On or about February 4, 2023, in Indian Country, in Valencia County, in the District of New Mexico, the defendants, **FRANK JOE HERNANDEZ** and **EVA ANN HERNANDEZ**, non-Indians, knowingly, unlawfully, and willfully combined, conspired, confederated, agreed, and acted interdependently with one another and with others unknown to the Grand Jury to commit larceny over \$1,000 against Chical Haystack, Inc., a business owned by Jane Doe, an Indian, contrary to 18 U.S.C §§ 1152 and 661.

Manner and Means

2. The manner and means by which the defendants, **FRANK JOE HERNANDEZ** and **EVA ANN HERNANDEZ**, sought to accomplish the objectives of the conspiracy included, among other things, the following:

- a. Driving together to Chical Haystack;
- b. Entering Chical Haystack together;

c. Maintaining different roles once inside Chical Haystack in order to accomplish the goal of stealing money from Chical Haystack; and

d. Departing together from Chical Haystack.

Overt Acts

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

a. On or about February 4, 2023, **FRANK JOE HERNANDEZ** and **EVA ANN HERNANDEZ** traveled together to Chical Haystack in the same white van;

b. On or about February 4, 2023, **FRANK JOE HERNANDEZ** and **EVA ANN HERNANDEZ** reversed their van into a parking spot in the Chical Haystack parking lot in order to depart more quickly;

c. On or about February 4, 2023, **FRANK JOE HERNANDEZ** and **EVA ANN HERNANDEZ** entered Chical Haystack together;

d. On or about February 4, 2023, **EVA ANN HERNANDEZ** walked to the front cash registers of Chical Haystack and remained near there to be a lookout;

e. On or about February 4, 2023, **FRANK JOE HERNANDEZ** walked to the business office located inside Chical Haystack and stole U.S. currency and checks totaling approximately \$10,410.30; and

f. On or about February 4, 2023, **FRANK JOE HERNANDEZ** and **EVA ANN HERNANDEZ** left Chical Haystack together with the aforementioned U.S. currency and checks and departed together in the same white van.

In violation of 18 U.S.C. §§ 1152 and 371.


Count 2

On or about February 4, 2023, in Indian Country, in Valencia County, in the District of New Mexico, the defendants, **FRANK JOE HERNANDEZ** and **EVA ANN HERNANDEZ**, non-Indians, did take and carry away, with intent to steal and purloin, property of Chical Haystack, Inc., a business owned by Jane Doe, an Indian, that had a value exceeding \$1,000.00.

In violation of 18 U.S.C. §§ 1152, 661, and 2.

A TRUE BILL:

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FOREPERSON OF THE GRAND JURY


Assistant United States Attorney