

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

STATE OF NEW MEXICO ex rel KENNETH GOMEZ,

Plaintiffs,

vs.

1:10-cv-594 JAP/LFG

ELEVENTH JUDICIAL DISTRICT COURT,

Defendant.

**REPLY TO DEFENDANT'S RESPONSE TO
MOTION TO VACATE ATTORNEY-CLIENT PRIVILEGE**

The Defendant District Court, by and through counsels, has not addressed the uncontroverted legal fact presented by Plaintiffs in their complaint, Doc. No. 10-1: *There are no persons anywhere within the State of New Mexico lawfully holding positions as state public officers.*

(a) NMSA 1978 Sections 10-2-14 to 16 provide the means for one state agency to launder public money derived from all other state public agencies throughout the State of New Mexico by placing the money collected for liability coverage purposes into an account of another state agency for later transfer to yet another account; the laundering, when accomplished, is used to deny the powers of Article VI, Clause 3, Constitution of the United States, Article XXII, Section 19, Constitution of the State of New Mexico, and the authorities of NMSA 1978 Sections 10-2-5, 6, 7, and 9. Therefore said Sections 10-2-14 to 16 are hereby constitutionally challenged under authority of Rule 5.1, Fed.R.Civ.P. and service shall thereby be made simultaneously on the Office of the New Mexico Attorney General, though vacant.

(b) An example of the laundering process has occurred, in the instant case, when the "Representative of the attorney", the Risk Management Division of the General Services

Department, State of New Mexico employed **ROBLES, RAEL, & ANAYA, P.C.** and Luis Robles to provide legal services for the Defendant District Court; they were employed using funds acquired under said Sections 10-2-14 to 16 only for liability coverage of "public employees" which includes state public officers, when the Defendant District Court is not a public employee and no state public employees are defendants, and when: *There are no persons anywhere within the State of New Mexico lawfully holding positions as state public officers.*

(c) Accordingly, the Defendant District Court is actively harboring persons who overtly deny the power of Article VI, Clause 3, Constitution of the United States, Article XXII, Section 19, Constitution of the State of New Mexico, and defy the authority of NMSA 1978 §§ 10-2-5, 6, 7, and 9, an unconstitutional activity. The Defendant District Court is therefore actively engaged in criminal activity denying the power of both constitutions and the authority of the state statutes giving those powers effect with illicitly employed legal counsel using laundered public funds acquired for the liability coverage of "state public employees" only.

In addition, **ROBLES, RAEL, & ANAYA, P.C.** and Luis Robles, employed to provide legal counsel for the Defendant District Court, have knowingly and willingly communicated with the Court by means of the mail and commercial wire services in violation of 18 U.S.C. §§ 1341 and 1343; they did so in furtherance of the criminal activity of their client, the Defendant District Court; they did so under client privilege conditions excepted by New Mexico Rules of Evidence, NMRA 11-503D(1) to (5) and Federal Rules of Evidence 501¹.

There exists the high probability that the conflation of the attorney-client privilege together with the use of illicit public funds, and with all other contributing participants

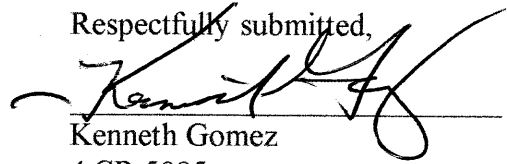
¹ Under the crime-fraud exception to the attorney-client privilege, the privilege can be overcome where communication or work product is intended to further continuing or future criminal or fraudulent activity. The government bears the burden of establishing a prima facie case that the attorney-client relationship was intended to further criminal or fraudulent activity. *In re Grand Jury Subpoena*, 419 F.3d 329 (5th Cir. 2005).

supporting the Defendant District Court did so via mail and wire fraud with the Court Clerk which is prohibited by the New Mexico Racketeering Act as addressed in *State v. Rael*.²

In view of the foregoing, Plaintiffs have prepared a Memorandum Opinion and Order attached hereto for the Court's consideration when it acquires competent jurisdiction.

WHEREFORE, Plaintiffs pray the Court will GRANT their Motion to Vacate Attorney-Client Privilege.

Respectfully submitted,

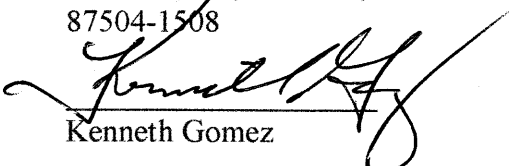


Kenneth Gomez
4 CR 5095
Bloomfield, New Mexico 87413
klpope2003@yahoo.com
(505)330-1239

I hereby certify that on this 2nd day of August 2010, the foregoing was electronically served through the CM/ECF system to the following:

Luis Robles
Attorney for Defendant
500 Marquette Ave., NW, Suite 700
Albuquerque, New Mexico 87102
(505) 242-2228
(505) 242-1106 (facsimile)
Luis@roblesrael.com

and by U.S. Mail, first class, postage prepaid, to the *vacant* Office of the New Mexico Attorney General, P. O. Drawer 1508, Santa Fe, New Mexico 87504-1508



Kenneth Gomez

² {10} [The State must prove the following elements to establish the existence of an racketeering enterprise]: (1) a common purpose among the participants, (2) organization, and (3) continuity. Sporadic, temporary criminal alliances do not constitute an enterprise within the meaning of the act. *State v. Rael*, 981 P.2d 280.