



**COUNT 9: CRIMINAL IMPERSONATION, C.R.S. 18-5-113(1)(b)(II) (F6){1011F}**

**COUNT 10: UNEMPLOYMENT-FALSE STATEMENT, C.R.S. 8-81-101(1)(a)  
(M){47041}**

Joshua Lee Vogel, District Attorney for the Fifteenth Judicial District, of the State of Colorado, in the name and by the authority of the People of the State of Colorado, informs the court of the following offenses committed, or triable, in the County of Prowers:

**COUNT 1-THEFT (F4)**

Between and including April 29, 2020 and October 29, 2020, within the State of Colorado, Brian Lee Lucero unlawfully, feloniously, and knowingly obtained or exercised control over a thing of value, namely: money, of the Colorado Department of Labor and Employment (CDLE) twice or more within a period of six months, with an aggregate value of twenty thousand dollars or more but less than one hundred thousand dollars, without authorization, or by threat or deception, and intended to deprive the victim permanently of its use or benefit; in violation of section 18-4-401(1)(a),(2)(h), C.R.S.

**COUNT 2-IDENTITY THEFT (F4)**

Between and including April 20, 2020 and November 10, 2020, within the State of Colorado, Brian Lee Lucero unlawfully, feloniously, and knowingly used the personal identifying information, financial identifying information, or financial device of Kenneth Tutsch without permission or lawful authority with the intent to obtain cash, credit, property, services, or any other thing of value or to make a financial payment; in violation of section 18-5-902(1)(a), C.R.S.

**COUNT 3-THEFT (F4)**

Between and including November 1, 2020 and March 30, 2021, within the State of Colorado, Brian Lee Lucero unlawfully, feloniously, and knowingly obtained or exercised control over a thing of value, namely: money, of the Colorado Department of Labor and Employment (CDLE) twice or more within a period of six months, with an aggregate value of twenty thousand dollars or more but less than one hundred thousand dollars, without authorization, or by threat or deception, and intended to deprive the victim permanently of its use or benefit; in violation of section 18-4-401(1)(a),(2)(h), C.R.S.

**COUNT 4-CYBERCRIME (F4)**

Between and including April 20, 2020 and March 30, 2021, within the State of Colorado, Brian Lee Lucero unlawfully, feloniously, and knowingly accessed a computer, computer network, or computer system, or any part thereof to commit theft, and the loss, damage, value of services, or thing of value taken, or cost of restoration or repair was twenty thousand dollars or more but less than one hundred thousand dollars; in violation of section 18-5.5-102(1)(d),(3)(a)(VII), C.R.S.

**COUNT 5-ATTEMPT TO INFLUENCE A PUBLIC SERVANT (F4)**

Between and including April 20, 2020 and April 20, 2021, within the State of Colorado, Brian Lee Lucero unlawfully and feloniously attempted to influence CDLE Executive Director Joseph Barela and/or his employees and designees, a public servant, by means of deceit, with the intent thereby to alter or affect the public servant's decision, vote, opinion, or action concerning a matter which was to be considered or performed by the public servant or the agency or body of which the public servant was a member; in violation of section 18-8-306, C.R.S.

**COUNT 6-FORGERY (F5)**

On or about April 21, 2020, within the State of Colorado, Brian Lee Lucero with the intent to defraud the Colorado Department of Labor and Employment (CDLE), unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: an altered tax document related to Kenneth Tutsch; in violation of section 18-5-102(1)(c), C.R.S.

**COUNT 7-FORGERY (F5)**

On or about April 22, 2020, within the State of Colorado, Brian Lee Lucero with the intent to defraud the Colorado Department of Labor and Employment (CDLE), unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: an altered tax document related to Brian Lee Lucero; in violation of section 18-5-102(1)(c), C.R.S.

**COUNT 8-FILING A FALSE TAX RETURN (F5)**

On or about February 15, 2021, within the State of Colorado, Brian Lee Lucero unlawfully, feloniously, and willfully made and subscribed a return, statement, or other document, which contained or was verified by a written declaration that it was made under the penalties of perjury, and which the defendant did not believe to be true and correct as to every material matter; in violation of section 39-21-118(4), C.R.S.

**COUNT 9-CRIMINAL IMPERSONATION (F6)**

Between and including April 20, 2020 and November 10, 2020, within the State of Colorado, Brian Lee Lucero unlawfully, feloniously, and knowingly assumed a false or fictitious identity or capacity, legal or other, namely: Kenneth Tutsch, and in such identity or capacity performed an act with intent to unlawfully gain a benefit for himself or another or to injure or defraud another; in violation of section 18-5-113(1)(b)(II), C.R.S.

**COUNT 10-UNEMPLOYMENT-FALSE STATEMENT (M)**

Between and including April 20, 2020 and April 20, 2021, within the State of Colorado, Brian Lee Lucero unlawfully made a false statement or representation of a material fact knowing it to be false, or knowingly failed to disclose a material fact, with the intent to defraud, by obtaining or increasing any benefit either for himself or for any other person, under articles 70 to 82 of title 8 of the Colorado Revised Statutes or under an employment security law of any other state, of the federal government, or of a foreign government; in violation of section 8-81-101(1)(a), C.R.S.

All offenses against the peace and dignity of the people of the State of Colorado.

Joshua Lee Vogel  
District Attorney, #: 43696

By: /s/ Joshua Lee Vogel Date: 2/25/2022  
Joshua Lee Vogel #: 43696  
District Attorney