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DISTRICT COURT
DOÑA ANA COUNTY, N.M.

STATE OF NEW MEXICO
COUNTY OF DOÑA ANA
THIRD JUDICIAL DISTRICT

STATE OF NEW MEXICO,

Plaintiff,

vs.

DANIEL HOOD,

Defendant.

No. D-307-CR-201500523

Judge Fernando R. Macías

**JUDGMENT, ORDER AND COMMITMENT
TO THE CORRECTIONS DEPARTMENT**

THIS MATTER came before the Court for sentencing on January 18, 2017. The State of New Mexico was represented by Keythan F. Park, Senior Trial Prosecutor. The Defendant was present and represented by counsel, Todd A. Holmes.

The Defendant was convicted on January 18, 2017, pursuant to a guilty plea accepted and recorded by the Court, of the offenses of Second Degree Murder, (0004), a second-degree felony resulting in the death of a human being, contrary to §30-2-1(B), NMSA 1978, occurring on or about April 27, 2015, as charged as an included offense in Count 1 of the Grand Jury Indictment; and Possession of a Deadly Weapon or Explosive by a Prisoner, (1603), a second-degree felony, contrary to §30-22-16, NMSA 1978, occurring on or about April 27, 2015, as charged in Count 2 of the Grand Jury Indictment.

The Defendant is hereby found and adjudged guilty and convicted of these crimes.

IT IS THE JUDGMENT AND SENTENCE OF THE COURT that the Defendant be committed to the custody of the New Mexico Corrections Department where the Defendant shall serve:

Count 1: **Second Degree Murder, (0004)**, a term of fifteen (15) years, followed by two (2) years parole. This offense is classified as a serious violent offense pursuant to §33-2-34, NMSA 1978, and therefore, the Defendant's meritorious deductions shall not exceed a maximum of four (4) days per month of time served.

Count 2: **Possession of a Deadly Weapon or Explosive by a Prisoner (1603)**, a term of nine (9) years, followed by two (2) years parole.

The sentences imposed above shall be served concurrently.

Therefore, the Court sentences the Defendant to a total term of fifteen (15) years in the custody of the New Mexico Corrections Department to be followed by two (2) years on parole.

The sentence imposed in this case shall be served consecutively to the sentence imposed in Cause No. KX97000187, Kandiyohi County, Minnesota.

IT IS, THEREFORE, ORDERED that the Administrator of the Dona Ana County Detention Center take the Defendant into custody and arrange to transport the Defendant to the New Mexico Corrections Department where the Defendant is to be confined for the above term.

The Defendant is not entitled to receive pre-sentence confinement credit in this matter because this case is running consecutively to Cause No. KX97000187 pursuant to §31-18-21, NMSA 1978, as indicated above, and the Defendant is currently receiving credit for time served in that case.

IT IS FURTHER ORDERED that, as to Counts 1 and 2, the Defendant shall pay a \$5.00 Domestic Violence Treatment Fee, for a total of \$10.00, to the Probation and Parole Division of the New Mexico Corrections Department by money order or cashier's check, made payable to the Third Judicial District Court.

IT IS FURTHER ORDERED that, as to Counts 1 and 2, the Defendant shall pay a \$75.00 Crime Victims Reparation Fee, for a total of \$150.00, to the Probation and Parole Division of the New Mexico Corrections Department by money order or cashier's check, made payable to the Third Judicial District Court, pursuant to NMSA 1978, §31-12-13, (2015).

IT IS FURTHER ORDERED that the Defendant shall provide a sample of biological material sufficient for DNA testing and shall pay a fee of \$100.00 for the combined DNA Index System (CODIS) to the Probation and Parole Division of the New Mexico Corrections Department, pursuant to the DNA Identification Act, §29-16-1, et. seq., NMSA 1978.

The Defendant is advised by the Court of Defendant's right to appeal the judgment and order of this Court. If the Defendant is unable to pay the costs of an appeal, the Defendant has a right to proceed with an appeal at the State's expense and at no cost to Defendant. Further, if any appeal is to be taken, it must be filed within thirty (30) days of the date of the filing of this Judgment and Sentence.



Fernando R. Macías
District Judge