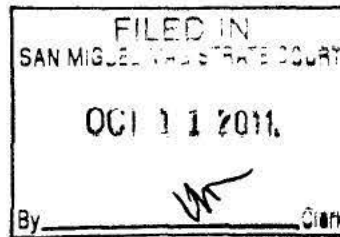


[5-302, 6-202, 7-202]

STATE OF NEW MEXICO
IN THE MAGISTRATE COURT

COUNTY OF SAN MIGUEL

State of New Mexico



No. M-48-FR-201000068

v.

RYAN GARCIA, Defendant

BIND-OVER ORDER

I hereby ORDER that the defendant(s) (is) (are) bound over for trial in the district court on the:

(please check appropriate box)

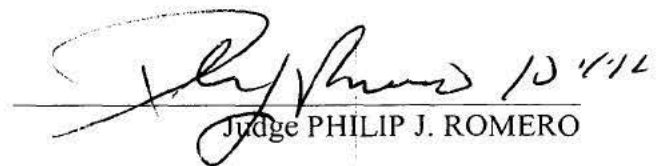
- ☒ [X] offenses charged in the complaint.
☐ [] offenses charged in the complaint and the following additional offenses: (Here set forth the common name of the additional offenses and, if applicable, a specific section of the New Mexico statutes which defines the offenses.)
☐ [] following offenses: .

(check one)

- ☒ [X] A preliminary examination on the offenses set forth in the complaint was waived.
☐ [] A preliminary examination was held on the offenses set forth in the complaint.

I find that there is probable cause to believe that the above offenses have been committed and that the defendant committed them.

Dated: October 7, 2011.


Judge PHILIP J. ROMERO

ATTORNEY FOR DEFENDANT - ANNA ARAGON

(Attach copy of complaint, any warrants issued, appearance bond or bail bond, and order specifying conditions of release.)

Distribution Instructions

1 copy - Court 1 copy - District Court 1 copy - AOC

Criminal Form 9-207

✓

STATE OF NEW MEXICO
COUNTY OF SAN MIGUEL
FOURTH JUDICIAL DISTRICT

No. D-412-CH-2011-225
Matthew J. Sandoval

Judge: _____

Magistrate Court No.: M-48-FR-201000068

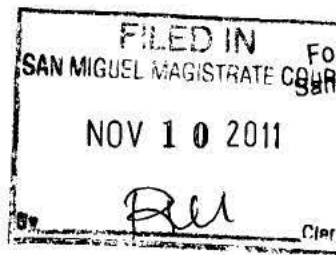
STATE OF NEW MEXICO,

Plaintiff,

vs.

RYAN GARCIA,
[REDACTED]

Defendant.



ENDORSED
Fourth Judicial District Court
San Miguel, Mora & Guadalupe
OCT 27 2011
Fred A. Sena
BAS
Deputy Clerk

CHARGES: Second Degree Murder (**Charge Code: 0004**), Aggravated Battery Against a Household Member (**Charge Code: 2112**), Aggravated Battery Against a Household Member (**Charge Code: 2112**)

CRIMINAL INFORMATION

The District Attorney of San Miguel County, State of New Mexico, states that on or about the dates listed below, the above-named Defendant did commit the crime(s) of:

COUNT1:

Second Degree Murder, on or about February 16, 2010, in San Miguel County, New Mexico, the above-named defendant did kill another human being, Margaret Garcia, and the defendant knew that his acts created a strong probability of death or great bodily harm to Margaret Garcia, and that the defendant did not act as a result of sufficient provocation, a **Second Degree Felony resulting in the Death of a Human Being, contrary to Section 30-2-1(B), NMSA 1978.**

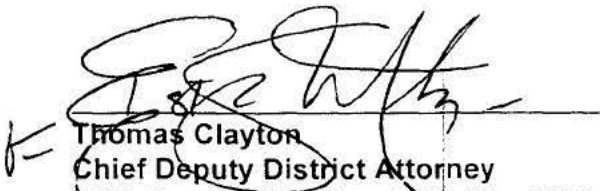
COUNT 2:

Aggravated Battery Against a Household Member, on or about February 16, 2010, in San Miguel County, New Mexico, the above-named defendant did touch or apply force to Ralph Garcia, a household member of the defendant, intending to injure that person or another, and caused great bodily harm to Ralph Garcia and acted in a way that would likely result in death or great bodily harm to Ralph Garcia, **a Third Degree Felony, contrary to Section 30-03-16(C), NMSA 1978.**

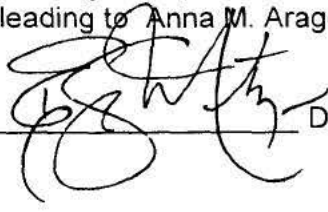
COUNT 3:

Aggravated Battery Against a Household Member, on or about February 16, 2010, in San Miguel County, New Mexico, the above-named defendant did touch or apply force to Robert Garcia, a household member of the defendant, intending to injure that person or another, and caused great bodily harm to Robert Garcia and acted in a way that would likely result in death or great bodily harm to Robert Garcia, **a Third Degree Felony, contrary to Section 30-03-16(C), NMSA 1978.**

The Defendant waived preliminary hearing and or presentation to grand jury.


Thomas Clayton
Chief Deputy District Attorney
1800 New Mexico Ave. P.O. Box 2025
Las Vegas, NM 87701
505-425-6746

CERTIFICATE OF SERVICE: I hereby certify that I faxed\mailed\hand-delivered a true and correct copy of the foregoing pleading to Anna M. Aragon 1618 Seventh Street Las Vegas, NM 87701.

For the State of New Mexico: 

Dated: 10/27/11

IN THE MAGISTRATE COURT
COUNTY OF SAN MIGUEL
STATE OF NEW MEXICO

M-48-FR-0201000068

STATE OF NEW MEXICO,
Plaintiff,

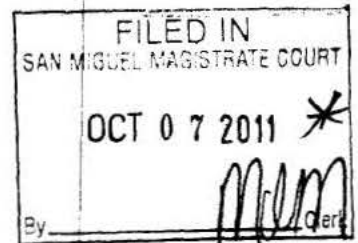
VS.

RYAN GARCIA,
Defendant.

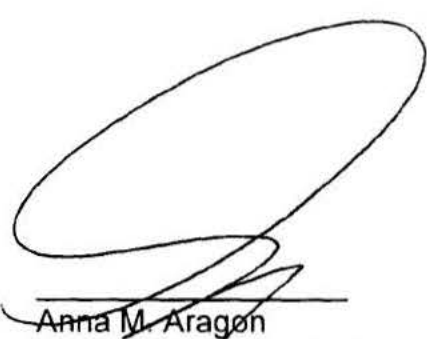
WAIVER OF PRELIMINARY HEARING

I have been informed of the criminal charges against me, and of my right to have a Preliminary Hearing.

I do hereby freely and voluntarily waive my right to a Preliminary Hearing.




Ryan Garcia, Defendant


Anna M. Aragon
Attorney for Defendant
1618 Seventh Street
Las Vegas, NM 87701

IN THE MAGISTRATE COURT
COUNTY OF SAN MIGUEL
STATE OF NEW MEXICO

FILED IN	
SAN MIGUEL MAGISTRATE COURT	
FEB 26 2010	
By <u>[Signature]</u>	Clerk

No. 2010 0008-01

STATE OF NEW MEXICO,
Plaintiff,

vs.

RYAN GARCIA, ⁶¹⁷⁴⁹



Las Vegas, N.M.,
Defendant.

CRIMINAL COMPLAINT

CRIMES: HOMICIDE (Second Degree), and Aggravated Battery on a Household Member (2 counts).

The undersigned, being duly sworn, upon oath, complains and says that on or about the dates set forth below, in San Miguel County, State of New Mexico, the above-named defendant did:

COUNT I

Commit the offense of **HOMICIDE (Second Degree)**, in that on or about the 16th day of February 2010, in San Miguel County, State of New Mexico, the above-named defendant did kill another human being, **Margaret Garcia**, and knew that his acts created a strong probability of death or great bodily harm to Margaret Garcia, and that defendant did not act as a result of sufficient provocation, contrary to § 30-2-1 (B), NMSA 1978, a **Second Degree Felony**.

COUNT II

Commit the offense of **AGGRAVATED BATTERY AGAINST A HOUSEHOLD MEMBER**, in that on or about the 16th day of February 2010, in San Miguel County, State of New Mexico, the above-named defendant did unlawfully touch or apply force to the person of **Ralph Garcia**, with intent to injury said person, and did

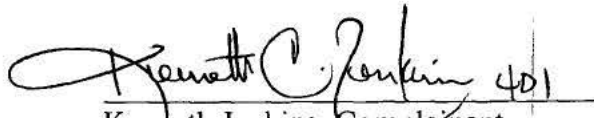
so with a deadly weapon, to wit: a metal pipe, and did so in a manner whereby great bodily harm or death could be inflicted, contrary to § 30-3-16 (C), NMSA 1978, a **Third Degree Felony**.


COUNT III

Commit the offense of **AGGRAVATED BATTERY AGAINST A HOUSEHOLD MEMBER**, in that on or about the 16th day of February 2010, in San Miguel County, State of New Mexico, the above-named defendant did unlawfully touch or apply force to the person of **Robert Garcia**, with intent to injury said person, and did so with such force that caused Robert Garcia to sustain an internal injury, and did so in a manner whereby great bodily harm or death could be inflicted, contrary to § 30-3-16 (C), NMSA 1978, a **Third Degree Felony**.

I DO SOLEMNLY DECLARE AND AFFIRM UNDER PENALTY OF PERJURY THAT THE MATTER AND FACTS SET FORTH ABOVE ARE TRUE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF. I UNDERSTAND THAT IT IS A CRIMINAL OFFENSE SUBJECT TO THE PENALTY OF IMPRISONMENT TO MAKE A FALSE STATEMENT IN A CRIMINAL COMPLAINT.

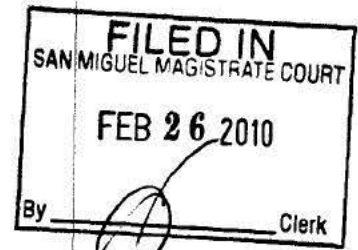
Feb 26, 2010
Date


Kenneth Jenkins, Complainant
Las Vegas City Police Department
Investigator

 Feb 26, 2010.
Approved by:
Thomas Clayton, Prosecutor

**IN THE MAGISTRATE COURT
STATE OF NEW MEXICO
SAN MIGUEL COUNTY**

**STATE OF NEW MEXICO,
PLAINTIFF,**



NO.

DATE FILED

2010 006801

VS

NAME: Ryan Garcia

Case # 10-364

ADD:

Las Vegas, New Mexico, 87701

AFFIDAVIT FOR ARREST WARRANT

The undersigned being duly sworn, on his oath states that he has reason to believe that on the 16th day of February 2010, in the county of San Miguel, State of New Mexico, the above-named Defendant did commit the crime (s) of:

Murder (second degree)

Aggravated battery upon a household member (2 counts)

The undersigned further states the following facts on oath to establish probable cause to believe that the above-named defendant committed the crime charged: (include facts in support of the credibility of any hearsay relied upon).

On February 16, 2010 at approximately 4:30pm Officers of the Las Vegas Police Department responded to a call for service at [REDACTED] regarding a domestic disturbance. Upon officers arrival contact was made with two individuals on the ground in the front yard area. A Ms. Margaret Garcia who was lying on the ground in the front yard. And a Mr. Robert Garcia who was lying on the ground on the porch. During the officers observation they observed blood on the face of both Mr. Robert Garcia and Margaret Garcia, also their faces appeared bruised and swollen. Officer also came in contact with a Mr. Ralph Garcia who was seen outside the front yard area holding a large pipe in his hands. Mr. Ralph Garcia was detained until further investigation. While on the scene Officers were informed of another male subject in the home. At this time, Mr. Ryan Garcia exited the home. Mr. Ryan Garcia was detained until further investigation.

While at the scene, through brief interviews of victims and witnesses, it was discovered that Ryan was the aggressor in the disturbance. It was found that Ryan was the person to inflict injury to Mr. Robert Garcia, Margaret Garcia and Ralph Garcia. Through these interviews it was discovered that Ryan was upset because he was not allowed to open a package left at the home by the mailman for the neighbors. It was discovered that Ryan became enraged and

began to punch his uncle Robert in the face. Ryan then turned to his grandmother Margaret and began punching her in the face. Ryan then grabs his grandmother and throws her out the front doors. Ms. Margaret Garcia is said to have fallen off of the porch head first, onto the cement. It is said Ryan then grabbed his uncle Robert, dragged him outside onto the porch and began punching and kicking him. Ryan then turned to his grandmother Margaret and began punching and kicking her as she lay on the ground. At this time, Ryan's father a Mr. Ralph Garcia arrives at the home from going to the store. It is said Ryan throws a glass bowl at him striking him in the face. Ryan then grabs a metal pipe and began striking his father with it. During a struggle, Mr. Ralph Garcia is able to take the pipe away from Ryan. As Officers arrived, subjects were detained and victims treated. Mr. Robert Garcia and Margaret Garcia were transported to the Alta Vista Regional Hospital for their injuries.

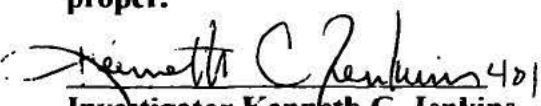
Shortly after being transported to the Alta Vista Regional Hospital, Ms. Margaret Garcia was airlifted to University of New Mexico Hospital in Albuquerque New Mexico. While there Ms. Margaret Garcia's condition worsened.

Also transported to University of New Mexico Hospital days later was Robert Garcia.

On February 19, 2010 I received information that Ms. Margaret Garcia succumbed from her injuries, inflicted by her grandson Ryan Garcia during the incident on February 16, 2010. Ms. Garcia was pronounced dead at 7:53am on February 19, 2010.

Mr. Robert Garcia was released from University of New Mexico Hospital in the evening of February 19, 2010.

WHEREFORE, Affiant prays that this court immediately issue an Arrest Warrant for the above-named Defendant and for such further relief as this Court deems just and proper.


Investigator Kenneth C. Jenkins
Las Vegas Police Department
Affiant

02-26-10


Subscribed and sworn to me before this 26th day of Feb., 2010.



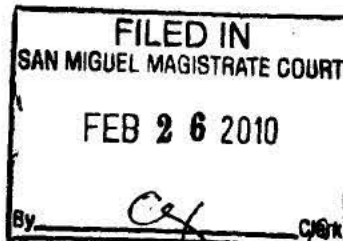
Judge or Notary Public

My Commission Expires:

APPROVED:

 2/26/10

IN THE MAGISTRATE COURT
FOURTH JUDICIAL DISTRICT
COUNTY OF SAN MIGUEL
STATE OF NEW MEXICO



STATE OF NEW MEXICO,

Plaintiff,

vs.

Ryan Garcia
Defendant.

No. HR 2010-68-01

ORDER OF APPOINTMENT

This matter having come before the Court and the court being advised in the premises;

THE COURT FINDS THAT:

- ☒ 1. The defendant is incarcerated.
☐ 2. The defendant is not incarcerated.

THE COURT FURTHER FINDS THAT:

- ☒ 1. The defendant is indigent and is unable to obtain counsel.
☐ 2. The defendant is not indigent but is unable to obtain counsel.

IT IS THEREFORE ORDERED THAT:

- ☐ 1. The Public Defender Department is hereby appointed to represent the defendant in the above-entitled cause.
☒ 2. Silva & Egrano, an attorney on contract with the Public Defender, shall represent the defendant in the above-entitled case.
☐ 3. The defendant shall reimburse the State of New Mexico in an amount of no less than _____ for legal representation and related expenses.

IT IS FURTHER ORDERED THAT:

- ☐ 1. The Application Fee is waived.
☒ 2. The Application Fee is required.

Ch Ky
MAGISTRATE JUDGE / DISTRICT JUDGE

IN THE MAGISTRATE COURT
COUNTY OF SAN MIGUEL
STATE OF NEW MEXICO

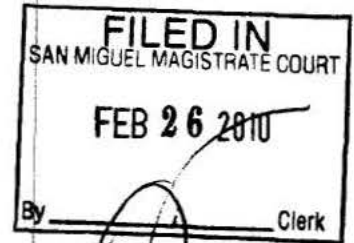
State of New Mexico,
Plaintiff.

vs.

NAME: Ryan Garcia

[REDACTED]
[REDACTED]
[REDACTED]

Las Vegas, New Mexico, 87701



No.

182010 00068-01

Case # 10-364

WARRANT FOR ARREST

THE STATE OF NEW MEXICO
TO ANY OFFICER AUTHORIZED TO EXECUTE THIS WARRANT

BASED ON A FINDING OF PROBABLE CAUSE, YOU ARE HEREBY
COMMANDED to arrest the above named defendant and bring the Defendant without
unnecessary delay before me to answer the charges of:

Murder second degree Aggravated battery on a household member (2counts)

- ☒ in any jurisdiction
☒ anywhere in this state;
☒ anywhere in this county;
☒ anywhere in this city;

The person obtaining this warrant shall cause it to be entered into a law enforcement information
system:

- ☒ maintained by the Las Vegas Police Department.
☐

Dated this 26th day of Feb., 2010.

Bond: 250,000.00


MAGISTRATE JUDGE

RETURN WHEN DEFENDANT IS FOUND

I arrested the above named Defendant on the 26th day of February, 2010
and served a copy of this warrant on the 26th day of February, 2010.


Signature/Title