

FOURTH JUDICIAL DISTRICT COURT
COUNTY OF SAN MIGUEL
STATE OF NEW MEXICO

4TH JUDICIAL DISTRICT COURT
SAN MIGUEL, MORA & GUADALUPE
FILED IN MY OFFICE

2012 MAR 20 AM 10:46

FRED A. SENA
DISTRICT COURT CLERK

NO. D-412-CR-0201100225

STATE OF NEW MEXICO
PLAINTIFF,
VS..

RYAN GARCIA,

ADD: [REDACTED], LVNM

ORIGINATING AGENCY: LVPD
INCIDENT DATE: FEBRUARY 16, 2010
ARREST DATE: FEBRUARY 16, 2010
DEFENDANT.

PLEA AND DISPOSITION AGREEMENT

The State of New Mexico and the defendant hereby agree to the following disposition of this case:

Plea: The defendant agrees to plead guilty to the following offense:

COUNT I (AS AMENDED) - VOLUNTARY MANSLAUGHTER (0005), A THIRD DEGREE FELONY, CONTRARY TO §30-02-03(A), NMSA 1978, AS AMENDED and COUNT III - AGGRAVATED BATTERY AGAINST A HOUSEHOLD MEMBER (2112), A THIRD DEGREE FELONY, CONTRARY TO §30-03-16(C), NMSA 1978, AS AMENDED. SAID OFFENSES OCCURRING ON THE 16TH DAY OF FEBRUARY, 2010.

Terms: This agreement is made subject to the following conditions:

1. **Agreement as to sentence.** That the following disposition will be made of the charges:

COUNT I - THE DEFENDANT SHALL BE SENTENCED TO THE NEW MEXICO DEPARTMENT OF CORRECTIONS FOR A PERIOD OF SIX (6) YEARS.

COUNT III - THE DEFENDANT SHALL BE SENTENCED TO THE NEW MEXICO DEPARTMENT OF CORRECTIONS FOR A PERIOD OF THREE (3) YEARS.

THE RANGE OF THE SENTENCE SHALL BE A MINIMUM OF SIX (6) YEARS AND A MAXIMUM OF NINE (9) YEARS IN THE COURT'S DISCRETION, INCLUDING WHETHER THE SENTENCES SHALL RUN CONCURRENT OR CONSECUTIVE TO EACH OTHER.

THE PARTIES *strongly* RECOMMEND TO THE DEPARTMENT OF CORRECTIONS THAT THE DEFENDANT RECEIVE SUCH MENTAL HEALTH EVALUATION AND CARE AS DEEMED APPROPRIATE.

TAC

THE DEFENDANT SHALL RECEIVE PRE-SENTENCE CONFINEMENT CREDIT AS PROVIDED BY LAW.

2. **Additional Charges.** The following charges will be dismissed, or if not yet filed, shall not be brought against the defendant:

COUNT II - AGGRAVATED BATTERY AGAINST A HOUSEHOLD MEMBER, CONTRARY TO §30-03-16(C), A THIRD DEGREE FELONY, SHALL BE DISMISSED WITH PREJUDICE.

3. **Restitution. NO RESTITUTION IN THIS CASE.**

4. **Effect on charging document.** That this agreement, unless rejected or withdrawn serves to amend the complaint, indictment, or information to charge the offense to which the defendant pleads, without the filing of any additional pleading. If the plea is rejected or withdrawn, the original charges are automatically reinstated.

5. **Waiver of defenses and appeal.** Unless this plea is rejected or withdrawn, the defendant gives up any and all motions, defenses, objections or requests which the defendant has made or raised, or could assert hereafter, to the court's entry of judgment and imposition of a sentence consistent with this agreement. The defendant waives the right to appeal the conviction that results from the entry of this plea agreement.

6. **Withdrawal permitted if agreement rejected.** If after reviewing this agreement and any pre-sentence report the court concludes that any of its provisions are unacceptable, the court will allow the withdrawal of the plea, and this agreement will be void. If the plea is withdrawn, neither the plea nor any statements arising out of the plea proceedings shall be admissible as evidence against the defendant in any criminal proceedings.

I understand that entry of this plea agreement may have an effect upon my immigration or naturalization status, and I acknowledge that, if I am represented by an attorney, my attorney has advised me of the immigration consequences of this plea agreement.

I understand that an entry of a plea for a crime of domestic violence or felony will affect my constitutional right to bear arms, including shipping, receiving, possessing, or owning any firearm or ammunition, all of which are crimes punishable under federal law for a person convicted of domestic violence.

~~I understand that entry of this plea agreement may require me to register as a sex offender under the Sex Offender Registration and Notification Act and I acknowledge that, if I am represented by an attorney, my attorney has advised me of the requirement to register.~~

I have read and understand the above. I have discussed the case and my constitutional rights with my lawyer. I understand that by pleading guilty I will be giving up my right to a trial by jury, to confront, cross-examine and compel the attendance of witnesses and my privilege against self-incrimination.

I understand that if the court grants me probation, a suspended sentence, a deferred sentence or a conditional discharge, the terms and conditions thereof are subject to modification in the event that I violate any of the terms and conditions imposed.

3/19/12
DATE

Ryan Garcia
DEFENDANT

DEFENSE COUNSEL REVIEW

I have reviewed the plea and disposition agreement with my client. I have discussed this case with my client and I have advised my client of my client's constitutional rights and possible defenses.

[Signature]
DEFENSE COUNSEL

3/19/12
DATE

PROSECUTOR REVIEW

I have reviewed and approve this plea and disposition agreement and find that it is appropriate and consistent with the best interests of justice.

[Signature]
PROSECUTOR

3/19/12
DATE

DISTRICT COURT APPROVAL

The defendant personally appearing before me and I have concluded as follows:

1. That the defendant understands the charges set forth in the (information).
2. That the defendant understands the range of possible sentences for the offenses charged, from probation to a maximum of:

COUNT I - SIX (6) YEARS IMPRISONMENT AND/OR A FIVE THOUSAND DOLLAR (\$5,000) FINE, OR BOTH, PLUS A TWO (2) YEAR MANDATORY PAROLE PERIOD.

COUNT III - THREE (3) YEARS IMPRISONMENT AND/OR A FIVE THOUSAND DOLLAR (\$5,000) FINE, OR BOTH, PLUS A TWO (2) YEAR MANDATORY PAROLE PERIOD.

3. That the defendant understands the following constitutional rights which the defendant gives up by pleading guilty:

~~a) The right to trial by jury, if any;~~

~~b) The right to the assistance of an attorney at trial, and to an appointed attorney, to be furnished free of charge, if the defendant cannot afford one;~~

~~c) The right to confront the witnesses against the defendant and to cross-examine them as to the truthfulness of their testimony.~~

~~d) The right to present evidence on the defendant's own behalf, and to have the state compel witnesses of the defendant's choosing to appear and testify.~~

~~e) The right to remain silent and to be presumed innocent until proven guilty beyond a reasonable doubt.~~

4. That the defendant wishes to give up the constitutional rights of which the defendant has been advised.

5. That there exists a basis in fact for believing the defendant is guilty the offenses charged and that an independent record for such factual basis has been made.

6. That the defendant and the prosecutor have entered into a plea agreement and that the defendant understands and consents to its terms.

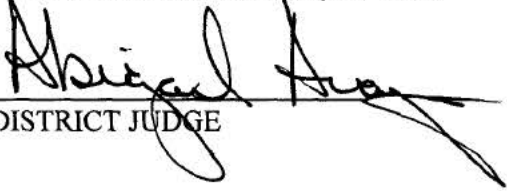
7. That the plea is voluntary and not the result of force, threats or promises other than a plea agreement.

8. That under the circumstances, it is reasonable that the defendant plead guilty.

9. That the defendant understands that a conviction may have an effect upon the defendant's immigration or naturalization status and that, if the defendant is represented by counsel, the defendant has been advised by counsel of the immigration consequences of the plea.

~~10. That the defendant understands that a conviction may require the defendant to register as a sex offender under the Sex Offender Registration and Notification Act and that if the defendant is represented by counsel, the defendant has been advised by counsel of the requirement to register.~~

On the basis of these findings, I conclude that the defendant knowingly, voluntarily and intelligently pleads guilty to the above charges and accepts such plea. These findings shall be made a part of the record in the above-styled case.


DISTRICT JUDGE

3/19/12
DATE