

State of New Mexico

v.

DAVID ROBERT CANDELARIA

CASE DETAIL

CASE #	CURRENT JUDGE	FILING DATE	COURT
D-202-CR-201302884	Flores, Jacqueline	06/18/2013	ALBUQUERQUE District

PARTIES TO THIS CASE

PARTY TYPE	PARTY DESCRIPTION	PARTY #	PARTY NAME
D	Defendant	1	CANDELARIA DAVID ROBERT
	ATTORNEY: CHAVEZ RANDY M. ATTORNEY: BAUR BENNETT J.		
P	Plaintiff	1	STATE OF NEW MEXICO
	ATTORNEY: MARSHALL NICHOLAS J.		

CRIMINAL CHARGE DETAIL

PARTY	COUNT	SEQ #	STATUTE	CHARGE	CLASS	CHARGE DATE	CIT #	PLEA	DISPOSITION	DISP DATE
D 1	1	2	30-2-1(A)(1)	First Degree Murder (Willful & Deliberate)	FC	05/31/2013			Acquittal - Jury	10/06/2015
D 1	1	3	30-2-1(A)(3)	First Degree Murder (Depraved Mind)	FC	05/31/2013			Conviction - Jury Trial	10/06/2015
D 1	2	1	30-06-01(D)	Intentional Abuse of a Child (Age 12-18) (Results in Death)	F1	05/31/2013				
D 1	2	3	30-03-08(B)	Shooting At or From a Motor Vehicle (Great Bodily Harm)	F2	05/31/2013			Conviction - Jury Trial	10/06/2015
D 1	3	3	30-03-08(B)	Shooting At or From a Motor Vehicle (No Great Bodily Harm)	F4	05/31/2013			Conviction - Jury Trial	10/06/2015
D 1	6	3	30-03-02(A)	Aggravated Assault (Deadly Weapon)	F4	05/31/2013			Conviction - Jury Trial	10/06/2015
D 1	7	3	30-22-05	Conspiracy to Commit Tampering with Evidence (Third, Fourth or Indeterminate Degree Felony)	F4	05/31/2013			Acquittal - Jury	10/06/2015
D 1	9	3	30-22-05	Tampering with Evidence (Highest Crime a Third, Fourth or Indeterminate Degree Felony)	F4	05/31/2013			Acquittal - Bench Trial	10/06/2015
D 1	11	3	30-07-02.1	Unlawful Carrying of a Deadly Weapon on School Premises	F4	05/31/2013			Acquittal - Bench Trial	10/06/2015
D 1	12	3	30-07-02.1	Conspiracy to Commit Unlawful Carrying of a Deadly Weapon on School Premises	F4	05/31/2013			Acquittal - Bench Trial	10/06/2015
D 1	13	1	30-07-16	Possession of a Firearm or Destructive Device by a Felon	F4	05/31/2013				

HEARINGS FOR THIS CASE

HEARING DATE	HEARING TIME	HEARING TYPE	HEARING JUDGE	COURT	COURT ROOM
11/19/2015	1:30 PM	SENTENCING HEARING	Flores, Jacqueline	ALBUQUERQUE	Courtroom 420

10/07/2015	9:00 AM	JURY TRIAL	Flores, Jacqueline	ALBUQUERQUE	Courtroom 420
10/06/2015	9:00 AM	JURY TRIAL	Flores, Jacqueline	ALBUQUERQUE	Courtroom 420
10/05/2015	9:00 AM	JURY TRIAL	Flores, Jacqueline	ALBUQUERQUE	Courtroom 420
10/02/2015	9:00 AM	JURY TRIAL	Flores, Jacqueline	ALBUQUERQUE	Courtroom 420
10/01/2015	9:00 AM	JURY TRIAL	Flores, Jacqueline	ALBUQUERQUE	Courtroom 420
09/30/2015	9:00 AM	JURY TRIAL	Flores, Jacqueline	ALBUQUERQUE	Courtroom 338
09/29/2015	9:00 AM	JURY TRIAL	Flores, Jacqueline	ALBUQUERQUE	Courtroom 338
09/28/2015	9:00 AM	JURY TRIAL	Flores, Jacqueline	ALBUQUERQUE	Courtroom 338
09/17/2015	1:30 PM	MOTION HEARING	Flores, Jacqueline	ALBUQUERQUE	Courtroom 420
03/26/2015	9:00 AM	SCHEDULING CONFERENCE	Flores, Jacqueline	ALBUQUERQUE	Courtroom 420
06/19/2014	1:30 PM	PRE-TRIAL CONFERENCE	Zamora, Briana H.	ALBUQUERQUE	Second Judicial District Court
04/22/2014	8:45 AM	STATUS HEARING/ CONFERENCE	Zamora, Briana H.	ALBUQUERQUE	Second Judicial District Court
02/20/2014	8:45 AM	STATUS HEARING/ CONFERENCE	Zamora, Briana H.	ALBUQUERQUE	Second Judicial District Court
01/23/2014	2:00 PM	PRE-TRIAL CONFERENCE	Zamora, Briana H.	ALBUQUERQUE	Second Judicial District Court
11/21/2013	2:00 PM	PRE-TRIAL CONFERENCE	Zamora, Briana H.	ALBUQUERQUE	Second Judicial District Court
08/29/2013	2:00 PM	PRE-TRIAL CONFERENCE	Zamora, Briana H.	ALBUQUERQUE	Second Judicial District Court
06/28/2013	8:30 AM	ARRAIGNMENT	Flores, Jacqueline	ALBUQUERQUE	Courtroom 606

REGISTER OF ACTIONS ACTIVITY

EVENT DATE	EVENT DESCRIPTION	EVENT RESULT	PARTY TYPE	PARTY #	AMOUNT
12/29/2016	EXHIBIT RELEASE				
08/22/2016	JUDGMENT AND ORDER ORDER REAFFIRMING JUDGEMENT AND SENTENCE AND CLARIFYING PRE-SENTENCE AND POST-SENTENCE CONFINEMENT CREDIT; IT IS ORDERED THAT THE DEFENDANT SHALL RECEIVE 893 DAYS PRE-SENTENCE CONFINEMENT TIME AND POST-SENTENCE CONFINEMENT TIME AS PROVIDED FOR IN THE JUDGMENT AND SENTENCE FILED 3-8-16				
08/09/2016	NTC: OF NON-AVAILABILITY		P	1	
08/04/2016	TRANSMISSION OF PROCEEDINGS/ SUPREME COURT/ COURT OF APPEALS				
07/21/2016	NTC: OF HEARING				
07/21/2016	MTN: MOTION FOR PRE-SENTENCE CONFINEMENT CREDIT		D	1	
07/19/2016	NTC: NOTICE FILING TRANSCRIPT OF PROCEEDINGS				
06/13/2016	CERTIFICATE OF SATISFACTORY ARRANGEMENTS				
06/09/2016	EXHIBIT RELEASE				
06/01/2016	TRANSCRIPT DESIGNATION				
05/24/2016	APPEAL GENERAL CALENDAR NOTICE OF FILING OF RECORD PROPER				
05/19/2016	TRANSMISSION OF RECORD PROPER				
05/17/2016	NTC: NOTICE COMPLETION AND TRANSMISSION OF RECORD PROPER				
05/12/2016	STATEMENT OF ISSUES /SUPREME COURT				
04/07/2016	NTC: OF APPEAL TO COURT OF APPEALS/ SUPREME COURT				
04/07/2016	ORD: OF APPOINTMENT OF COUNSEL AND FOR FREE PROCESS; B. BAUR, ACTING CHIEF PUBLIC DEFENDER, APPOINTED COUNSEL ON APPEAL;		D	1	
03/09/2016	NTC: ENTRY OF JUDGMENT FILED 3-8-16				
03/08/2016	CLS: JUDGMENT/ SENTENCE/ COMMITMENT SENTENCED TO LIFE IMPRISONMENT PLUS 9 YRS, TO BE SERVED AT DOC; 893 DAYS PRE-SENT CREDIT; 5 YRS PAROLE WITH CONDITIONS; PAY FEES				

***ORIGINAL COUNT 2 OF INDICTMENT (ABUSE OF A CHILD) AND ORIGINAL COUNT 14 (POSSESSION OF A FIREARM), RENUMBERED TO

COUNT 13, WERE NOT DISPOSED OF AS THEY ARE NOT INDICATED ON RECORD OF TRIAL OR J&S***

11/17/2015 NTC: Hearing / Sentencing
10/08/2015 EXHIBIT RECEIPT
10/08/2015 ORD: CONDITIONS OF
RELEASE
NO BOND HOLD; NO CCP
10/08/2015 ORD: Order Remanding
Defendant to Custody
REMANDED TO MDC; NO BOND HOLD PENIGN HEARING
10/07/2015 SPECIAL VERDICT
FIREARM USED IN COMMISSION COUNT 5 (YES)
10/07/2015 SPECIAL VERDICT
FIREARM USED IN COMMISSION COUNT 6 (YES)
10/07/2015 SPECIAL VERDICT
FIREARM USED IN COMMISSION ALTERNATIVE TO COUNT 1 (YES)
10/07/2015 VERDICT GUILTY
COUNT 6
10/07/2015 VERDICT GUILTY
ALTERNATIVE COUNT 1
10/07/2015 VERDICT NOT GUILTY
COUNT 1
10/07/2015 VERDICT NOT GUILTY
COUNT 7
10/07/2015 VERDICT GUILTY
COUNT 4
10/07/2015 VERDICT GUILTY
COUNT 2
10/07/2015 LIST
PARTY LIST
10/07/2015 RECORD OF TRIAL
10/07/2015 MISCELLANEOUS ENTRY
UNSIGNED VERDICT FORMS
10/07/2015 JURY INSTRUCTIONS
10/07/2015 VERDICT GUILTY
COUNT 3
10/07/2015 VERDICT GUILTY
COUNT 5
10/07/2015 SPECIAL VERDICT
FIREARM USED IN COMMISSION COUNT 4 (YES)
09/28/2015 WITNESS LIST
ADDENDUM
09/14/2015 NTC: NOTICE
OF MOTION HEARING
09/08/2015 WITNESS LIST
09/08/2015 RESPONSE D 1
DEFENDANT'S RESPONSE TO STATE'S NOTICE OF INTENT TO USE 404(B) EVIDENCE
09/08/2015 MTN: MOTION D 1
FOR SEVERENCE
08/18/2015 NTC: NOTICE
OF STATEMENT BY DR STEVEN WEISS
08/18/2015 NTC: NOTICE
OF STATEMENT BY DR MICHAEL TIMOTHY NELSON
08/14/2015 ORD: TO TRANSPORT
RE: WITNESS, T.G.F: FOR PRETRIAL ON AUGUST 19 2015
08/05/2015 NTC: NOTICE
OF STATEMENT BY RICHARD TURRIETA SR
08/05/2015 NTC: NOTICE
OF STATEMENT BY RICHARD TURIETTA JR
08/05/2015 NTC: NOTICE
OF STATEMENT BY TROY GAVIN FONTENELLE
07/31/2015 RESPONSE P 1
TO MOTION TO DISMISS OR IN THE ALTERNATIVE MOTION TO SECURE A MATERIAL WITNESS WARRANT AND NOTICE OF UNABAILABILITY
07/30/2015 ORD: Denying Extension of

Dates in Scheduling Order

ORDER DENYING MOTION TO EXTEND DATES IN SCHEDULING ORDER

07/24/2015	NTC: OF INTENT		
	BY STATE TO USE 404-B EVIDENCE		
07/24/2015	MTN: TO DISMISS	D	1
	OR IN THE ALTERNATIVE MOTION TO SECURE A MATERIAL WITNESS WARRANT		
07/17/2015	MTN: MOTION	D	1
	STIPULATED; FOR EXTENSION OF TIME TO INTERVIEW WITNESSES		
04/28/2015	NTC: NOTICE		
04/28/2015	NTC: OF JURY TRIAL		
04/17/2015	NTC: NOTICE		
	OF STATEMENT BY DAVID CANDELARIA JR ON 4-28-15		
04/16/2015	NTC: NOTICE		
	OF STATEMENT BY JANICE BLEVINS ON 4-22-15		
03/27/2015	NTC: NOTICE		
	OF STATEMENT BY JANICE BLEVINS ON 4-16-15		
03/26/2015	SCHEDULING ORDER	P	1
03/16/2015	NTC: NOTICE		
03/16/2015	NTC: NOTICE		
	OF STATEMENT BY LOGAN FONTANELLE ON 3-25-15		
03/16/2015	NTC: NOTICE		
	OF STATEMENT BY JANICE BLEVINS ON 3-25-15		
03/16/2015	NTC: NOTICE		
	OF STATEMENT BY TROY FONTANELLE JR ON 3-25-15		
03/12/2015	NTC: NOTICE		
	OF STATEMENT BY SUSIE CHAVEZ ON 3-25-15		
03/12/2015	NTC: NOTICE		
	OF STATEMENT BY ANTONIO CHAVEZ ON 3-25-15		
03/04/2015	NTC: NOTICE		
	OF STATEMENT BY CELINA GOMEZ ON 3-19-15		
03/04/2015	NTC: NOTICE		
	OF STATEMENT BY CSARLOS SALAZAR ON 3-19-15		
03/04/2015	NTC: NOTICE		
	OF STATEMENT BY MELISSA CARMICHAEL ON 3-19-15		
03/02/2015	NTC: NOTICE		
	OF STATEMENT BY LIEUTENANT CARLOS ROMERO ON 3-18-15		
02/04/2015	NTC: NOTICE		
	OF STATEMENT FOR ROBERT TURRIETA JR		
02/04/2015	NTC: NOTICE		
	OF STATEMENT FOR MONIQUE CANDELARIA		
02/04/2015	NTC: NOTICE		
	OF STATEMENT FOR DENISE CANDELARIA		
02/04/2015	NTC: NOTICE		
	OF STATEMENT FOR ADAM VIGIL		
02/04/2015	NTC: NOTICE		
	OF STATEMENT FOR CARLA CASTILLO		
02/04/2015	NTC: NOTICE		
	OF STATEMENT FOR ROBERT TURRIETA SR		
02/04/2015	NTC: NOTICE		
	OF STATEMENT FOR BARBARA CANDELARIA		
02/04/2015	NTC: NOTICE		
	OF STATEMENT FOR RUDY CHAVEZ-MONTOYA		
02/02/2015	MISCELLANEOUS ENTRY		
	Reassigned pursuant to LR2-400.		
01/28/2015	WITNESS LIST	P	1
	ADDENDUM TO NOTICE OF INTENT TO CALL WITNESSES		
01/28/2015	MISCELLANEOUS ENTRY	P	1
	STATES STATUS OF THE CASE		
01/28/2015	MTN: MOTION	P	1
	STATE'S MOTION TO PROTECT THE IDENTITY OF CHILD WITNESSES AND FAMILY		
01/27/2015	WITNESS LIST	P	1
	ADDENDUM TO NOTICE OF INTENT TO CALL WITNESSES		
09/30/2014	NTC: NOTICE	P	1

09/30/2014 OF STATEMENT BY LT. K. OVERMYER ON 10-15-14
NTC: NOTICE

09/30/2014 OF STATEMENT BY CARLOS ROMERO AFD ON 10-15-14 @ 2:30PM
NTC: NOTICE P 1

09/30/2014 OF STATEMENT BY ADEN HEYMAN ON 10-16-14
NTC: NOTICE

09/30/2014 OF STATEMENT BY MATT MCKAY AFD ON 10-16-14 @ 10:30AM
NTC: NOTICE P 1

09/30/2014 OF STATEMENT BY CAPTAIN STEVE KEFFER ON 10-16-14
NTC: NOTICE

08/12/2014 OF STATEMENT BY DR. JOHN MELIA ON 10-16-14 @ 11:15AM
WITNESS LIST

06/24/2014 ADDENDUM NOTICE OF INTENT TO CALL WITNESSES
WITNESS LIST P 1

06/20/2014 ADDENDUM NOTICE OF INTENT TO CALL WITNESSES
NTC: NOTICE D 1

06/20/2014 OF DOCKET CALL SET FOR 1-20-15 @ 1:30PM JUDGE ZAMORA
NTC: OF JURY TRIAL D 1

06/11/2014 SET FOR 2-2-15 @ 9:00AM JUDGE ZAMORA
NTC: PRE-TRIAL P 1

02/21/2014 CONFERENCE
ON 6-19-14 AT 130PM BEFORE JUDGE B. ZAMORA
NTC: STATUS HEARING P 1

01/29/2014 CONFERENCE. SET FOR 04/22/14 AT 8:45 AM BEFORE JUDGE ZAMORA
NTC: STATUS HEARING D 1

01/09/2014 SET FOR 2-20-14 @ 8:45AM JUDGE ZAMORA
NTC: PRE-TRIAL P 1

11/22/2013 CONFERENCE
ON 1-23-14 AT 2PM BEFORE JUDGE B. ZAMORA
ORD: TO TRANSPORT
12/05/2013 @ 9:00 AM BEFORE JUDGE ZAMORA; FROM BERNALILLO COUNTY METROPOLITAN DETENTION CENTER, TO DR. ERIC WESTFRIED,
PH.D.

11/12/2013 NTC: PRE-TRIAL P 1

10/22/2013 CONFERENCE
ON 11-21-13 AT 2PM BEFORE JUDGE B. ZAMORA
WITNESS LIST

08/28/2013 ADDENDUM TO NOTICE OF INTENT TO CALL WITNESSES
ORD: ORDER P 1

08/19/2013 TO PRODUCE RECORDS AND OR TO DISCLOSE OTHER PROTECTED HEALTH INFORMATION; 13-2885
NTC: PRE-TRIAL D 1

08/14/2013 CONFERENCE
SET FOR 8-29-13 @ 2:00PM BEFORE JUDGE ZAMORA
REPORT

08/13/2013 PTS ELIGIBILITY DETERMINATION - DEFENDANT DOES NOT MEET PTS CRITERIA; CANNOT POST BOND
ENTRY OF APPEARANCE P 1

08/13/2013 CERTIFICATE OF
DISCLOSURE OF
INFORMATION

08/13/2013 DEMAND FOR NOTICE P 1

08/13/2013 OF INTENTION TO CLAIM ALIBI AND/OR ENTRAPMENT
WITNESS LIST P 1

08/13/2013 NOTICE OF INTENT TO CALL WITNESSES
DISCLOSURE REQUEST P 1

07/31/2013 MTN: MOTION
FOR EXTENSION OF TIME OF FILE MOTIONS

07/31/2013 ENTRY OF APPEARANCE D 1

06/28/2013 AND REQUEST FOR DISCOVERY
ORD: CONDITIONS OF
RELEASE

06/28/2013 BOND SET AT \$1,000,000 CASH ONLY
NOT GUILTY PLEA
@ ARRAIGNMENT; BOND OF \$1,000,000.00 CASH ONLY CONTINUED W/ PTS PER JUDGE FLORES

06/19/2013 NTC: OF ARRAIGNMENT P 1

06/19/2013 SET FOR 6-28-13 @8:30AM BEFORE JUDGE FLORES
WAR: WARRANT CANCELED D 1
CANCELLATION OF WARRANT ISSUED ON 6-18-13; ARRESTED BY APD ON 6-18-13

06/18/2013 NTC: VICTIMS CRIME ACT

06/18/2013 WAR: BENCH WARRANT D 1
ISSUED
GJI BW ON CANDELARIA FOR \$1,000,000 CASH ONLY

06/18/2013 ORD: PRESENTATION
ORDER
ISSUE GJI BW ON CANDELARIA FOR \$1,000,000 CASH ONLY, CATEGORY 1, IN JAIL

06/18/2013 OPN: GRAND JURY
INDICTMENT
DA #2013-03428-1; MET CT #CR 9321-13

06/18/2013 STATEMENT OF JOINDER
CANDELARIA; CR 2013-2885 DAVID CANDELARIA

06/17/2013 TAP: GRAND JURY
ROOM 304: 09-20-23 - 10-04-50 / 10-18-20 - 10-20-56 / 10-21-01 - 10-27-59

JUDGE ASSIGNMENT HISTORY

ASSIGNMENT DATE	JUDGE NAME	SEQ #	ASSIGNMENT EVENT DESCRIPTION
06/18/2013	Zamora, Briana H.	1	INITIAL ASSIGNMENT
02/02/2015	Flores, Jacqueline	2	Administrative Assignment