

State of New Mexico
Fifth Judicial District Court
County of Eddy
State of New Mexico

v.
BOBBY P SMITH

EDDY COUNTY NM
FILED IN MY OFFICE

2019 MAY -6 PM 3:28

No. D-503-CR-2015-00445

JUDGMENT & SENTENCE

This case came before the court on May 06, 2019. The defendant appeared with counsel Gary C. Mitchell. The State was represented by Robert P. Perozynski II.

Manner of Disposition: No Contest Plea

Count: #1: Adjudicated As: 30-2-1(B)-Second Degree Murder, 2nd Degree Felony

[Original Charge: 30-2-1(A)(1)-First Degree Murder (Willful & Deliberate) : Amended Complaint]

Date of Offense: January 29, 2012

Date Convicted: May 6, 2019

Defendant Pled: No Contest

It is adjudged that defendant is Guilty.

The defendant is sentenced to:

Confinement: Serve at New Mexico Department of Corrections for 15 Year(s); This sentence shall be enhanced by 1 Year(s), pursuant to the habitual offender statute, §31-18-17, NMSA 1978; This sentence shall be enhanced by 1 Year(s), pursuant to the firearm enhancement statute, §31-18-16, NMSA 1978; with 4 Year(s) suspended; Serious Violent Offense; Justification: Mandatory followed by 2 Year(s) parole; Supervised probation for 4 Year(s) with the Adult Probation & Parole;
Fine: \$12,500.00 Suspended: \$12,500.00 Total: \$0.00
Fees: \$180.00

Count: #2: 30-3-8(B)-Shooting At or From a Motor Vehicle (Great Bodily Harm), 2nd Degree Felony
Defendant Pled:

It is adjudged that defendant is Not Guilty/charge is Dismissed.

Count: #3: 30-22-5-Tampering with Evidence (Highest Crime a Capital, First or Second Degree Felony), 3rd Degree Felony

Date of Offense: January 29, 2012

Date Convicted: May 6, 2019

Defendant Pled: No Contest

It is adjudged that defendant is Guilty.

The defendant is sentenced to:

Confinement: Serve at New Mexico Department of Corrections for 3 Year(s); This sentence shall be enhanced by 1 Year(s), pursuant to the habitual offender statute, §31-18-17, NMSA 1978; leaving 4 Year(s) to serve. Followed by 2 Year(s) parole;

Concurrent with count(s) 1

Fine: \$5,000.00 Suspended: \$5,000.00 Total: \$0.00

Fees: \$80.00

Distribution 1 copy - Court 1 copy - Defendant 1 copy - Prosecution 1 copy - Sheriff

Court Information

Fifth Judicial District Court

Address: 102 North Canal, Suite 240

Carlsbad NM 88220

Phone 575-885-4740 Fax 575-887-7095 web site: www.nmcourts.gov

D-503-CR-2015-00445 BOBBY P SMITH

ver: 5/22/14

XCDA, Def, CA, DPS

XCDA

Count: #4: 30-16-11-Receiving Stolen Property - Receive (Firearm), 4th Degree Felony

Date of Offense: January 29, 2012

Date Convicted: May 6, 2019

Defendant Pled: No Contest

It is adjudged that defendant is Guilty.

The defendant is sentenced to:

Confinement: Serve at New Mexico Department of Corrections for 1 Year(s) 6 Month(s); This sentence shall be enhanced by 1 Year(s), pursuant to the habitual offender statute, §31-18-17, NMSA 1978;

Followed by 1 Year(s) parole;

Concurrent with count(s) 1

Fine: \$5,000.00 Suspended: \$5,000.00 Total: \$0.00

Fees: \$80.00

Probation Conditions:

Shall comply with the standard conditions of probation

Total Confinement Term: 13 Year(s)

Pre-sentence confinement credit in the amount of 7 Year(s), 3 Month(s) and 7 Day(s) is awarded as of this date.

Total Probation Term: 4 Year(s)

Total Probation Supervised: 4 Year(s)

Total Fine: \$0.00

Total Fees: \$340.00

Itemized Fees: \$100.00 DNA Identification Fee; \$15.00 Domestic Violence Treatment Fee; \$225.00 Crime Victims Reparation Fee

Total Due: \$340.00

YOU MAY APPEAL THIS JUDGMENT AND SENTENCE TO THE COURT OF APPEALS BY FILING A NOTICE OF APPEAL WITHIN THIRTY (30) DAYS FROM THE DATE OF ENTRY OF THIS JUDGMENT AND SENTENCE. IF YOU ARE UNABLE TO PAY THE COSTS OF AN APPEAL, YOU HAVE THE RIGHT TO PROCEED WITH AN APPEAL AT THE STATE'S EXPENSE AND AT NO COST TO YOU.

IT IS THEREFORE ORDERED that the Administrator of the Eddy County Detention Center take the defendant into custody and transport the defendant to the New Mexico Department of Corrections where he or she is to be confined for the above term.


Jane Shuler-Gray, Judge

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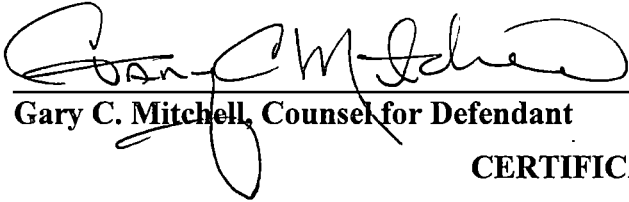
D-503-CR-2015-00445 BOBBY P SMITH

ver:5/22/14

APPROVED BY:

 STP

Robert P. Perozynski II , Counsel for Plaintiff



Gary C. Mitchell, Counsel for Defendant

CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing was served on 5.6.19 to :

Robert P. Perozynski II

102 N Canal ST STE 200
Carlsbad, NM 88220

Gary C. Mitchell

P.O. Box 2460
Ruidoso, NM 88355-2460

 , Clerk

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