

THIRTEENTH JUDICIAL DISTRICT COURT  
COUNTY OF SANDOVAL  
STATE OF NEW MEXICO

D-1329-CR-2017-00105  
DA# SV 17 0329

FILED IN MY OFFICE  
DISTRICT COURT CLERK  
17 DEC 15 PM 2:51  
BY \_\_\_\_\_ DEPUTY

STATE OF NEW MEXICO,  
Plaintiff,

vs

**LUKE GRIFFIN**  
[REDACTED]

Defendant

- JUDGMENT, SENTENCE, AND COMMITMENT
- JUDGMENT, SENTENCE, AND ORDER PARTIALLY SUSPENDING SENTENCE
- JUDGMENT, SENTENCE, AND ORDER SUSPENDING SENTENCE
- CONDITIONAL DISCHARGE
- ORDER DEFERRING SENTENCE

THIS MATTER having come before the Honorable Louis P McDonald, District Court Judge on December 15, 2017 for sentencing, the State appearing and being represented by Assistant District Attorney Mathew Wadsworth and the Defendant appearing in person and represented by counsel of record, Thomas Clark, and the Defendant having been convicted on December 11, 2017 of the following crimes pursuant to

- Guilty Plea(s)       Guilty Plea Pursuant to North Carolina v Alford
- No Contest Plea(s)       Verdict(s)

**is hereby sentenced as follows**

- to the custody of the
  - Sandoval County Detention Center       New Mexico Corrections Department
- [not appropriate for cases where conditional discharge is authorized or sentence is deferred]

for the following terms of imprisonment

Case Number D-1329-CR-2017-00105	Statute Number	Class PM/M/ F4/F3/ F2/F1	State Tracking Number	Date Of Offense	Serious Violent Offense Y/N*	Charging Document (Circle One)	
Count 1	§66-8-101(C)	F2 resulting in death	7108	2/24/17	N	Indictment	
Offense Name <b>Homicide by Vehicle (Driving while under the Influence of Intoxicating Liquor or Any Drug)</b>	<input type="checkbox"/> Conditional Discharge –STOP <input type="checkbox"/> Deferred Sentence – STOP <input checked="" type="checkbox"/> Sentence – Enter Sentence Data Below			Concurrently to Counts(s)	Consecu tively to Count(s)	Enhancement Code (Circle)	Parole (Circle)
	Years	Months	Days			F O H HO	Y N
	15					<b>ALL</b>	Years
Case Number D-1329-CR-2017-00105	Statute Number	Class PM/M/ F4/F3/ F2/F1	State Tracking Number	Date Of Offense	Serious Violent Offense Y/N*	Charging Document (Circle One)	
Count 2	§66-8-101(E)	F3	1462	2/24/17	N	Indictment	
Offense Name <b>Great Bodily Harm by Vehicle (Driving while under the Influence of Intoxicating Liquor or Any Drug)</b>	<input type="checkbox"/> Conditional Discharge –STOP <input type="checkbox"/> Deferred Sentence – STOP <input checked="" type="checkbox"/> Sentence – Enter Sentence Data Below			Concurrently to Counts(s)	Consecu tively to Count(s)	Enhancement Code (Circle)	Parole (Circle)
	Years	Months	Days			F O H HO	Y N
	3					<b>ALL</b>	Years
Case Number D-1329-CR-2017-00105	Statute Number	Class PM/M/ F4/F3/ F2/F1	State Tracking Number	Date Of Offense	Serious Violent Offense Y/N*	Charging Document (Circle One)	
Count 3	§66-8-101(E)	F3	1462	2/24/17	N	Indictment	
Offense Name <b>Great Bodily Harm by Vehicle (Driving while under the Influence of Intoxicating Liquor or Any Drug)</b>	<input type="checkbox"/> Conditional Discharge –STOP <input type="checkbox"/> Deferred Sentence – STOP <input checked="" type="checkbox"/> Sentence – Enter Sentence Data Below			Concurrently to Counts(s)	Consecu tively to Count(s)	Enhancement Code (Circle)	Parole (Circle)
	Years	Months	Days			F O H HO	Y N
	3					<b>ALL</b>	Years

Enhancements F = Firearm, O = Old Age, H = Handicap, HO = Habitual Offender

\* Applies to crimes committed after July 1, 1999 See below for any special enumerations required for this status

**Aggravation/Mitigation** The sentence for count(s) \_\_\_\_\_ is  Aggravated  Mitigated for \_\_\_\_\_ years

**Enumeration of Discretionary Special Violent Offender Findings**

**Total Term**

The total term of imprisonment to be served is 21 years \_\_\_\_\_ months \_\_\_\_\_ days of which

**Suspended Sentence** \_\_\_\_\_ years \_\_\_\_\_ months \_\_\_\_\_ days of aforesaid sentence is suspended in its entirety

**Partially Suspended Sentence** 11 years \_\_\_\_\_ months 243 days of aforesaid sentence is suspended,

and the remaining

**Actual Term** 9 years \_\_\_\_\_ months 122 days of the aforesaid term shall be the actual term of imprisonment to be served

**Consecutively** to the sentence imposed in Case Number \_\_\_\_\_

**Concurrently** to the sentence imposed in Case Number \_\_\_\_\_

**Sentence of imprisonment** may be served in the Sandoval County Detention Center

Straight Time

Subject to Good Time

CCP Authorized

CCP Ordered

**Therapeutic Communities** *RDAP* is recommended while in the Department of Corrections

**Defendant shall register as a sex offender** pursuant to Section 29-11A-1 et seq , as amended

**Restitution** See probation section for details The court authorizes the Department Of Corrections through its case workers to withhold \_\_\_\_\_% of inmates income while incarcerated

**Pre-sentence Confinement Credit** Pre-sentence confinement credit in the amount of 122 days is awarded as of this date and post-sentence confinement credit until transported to the Department of Corrections shall also be awarded

**Parole** Defendant, if imprisoned at any time pursuant to the above conviction in a facility designated by the Department of Corrections shall be placed on parole for 2 year(s) after release and be required to pay parole costs (1 year for F4, 2 years for F3, F2 and F1)

**Deferred Sentence**

It is ordered that imposition of sentence be deferred for \_\_\_\_\_ years \_\_\_\_\_ months \_\_\_\_\_ days on condition that the Defendant be placed on probation

**Conditional Discharge** It is hereby ordered that, without adjudication of guilt, further proceedings be deferred for \_\_\_\_\_ years \_\_\_\_\_ months \_\_\_\_\_ days, pursuant to

NMSA §31-20-13 (cum Supp 1996), **OR**

NMSA §30-31-28 (cum Supp 1996) (Controlled Substances Act) and the Defendant be placed on probation

**Probation** Defendant is placed on  **Supervised**  **Unsupervised** probation for a term of \_\_\_\_\_ years \_\_\_\_\_ months \_\_\_\_\_ days  Probation officer may request early termination of probation if appropriate  
*to begin upon release from the Department of Corrections*

Probation may be transferred to  \_\_\_\_\_ County, New Mexico  
 the State(s) of \_\_\_\_\_

**No Probation Suspended without further condition**

### PROBATION CONDITIONS

IN ADDITION TO ALL STANDARD CONDITIONS OF PROBATION UNLESS UNSUPERVISED

**Defendant Shall Obtain and Maintain Full-time Employment** (30 hours/week or more), or full-time education (at least 14 semester or trimester hours at an accredited college, university, or technical-vocational institute, or full-time high school or GED studies, or DVR program), or a combination of employment and education

**Defendant Shall Enter, Attend, and Successfully Complete Counseling/Treatment Program(s)** as required by the plea and disposition agreement and/or as recommended by probation authorities These may include but are not limited to

Sandoval County DWI  1st  Multiple Offender Program  
 Victim Impact Program  Sandoval County Drug Ct  
 Alcohol/Substance Abuse Treatment  
 PB&J **OR**  La Buena Vida Parenting Classes  
 Anger/Conflict Management  DV Counseling

**Defendant Shall Pay Restitution** as required by the plea and disposition agreement

in the amount of \$ \_\_\_\_\_  
**OR**

to be determined by the probation authority in a payment plan chosen or approved by the probation authority

**Defendant's License Shall be Revoked for \_\_\_\_\_ and he/she Shall Not Drive Without a Valid New Mexico Driver's License**

**Defendant shall not drive any vehicle for \_\_\_\_\_ years unless it has a functioning ignition interlock device**

**Defendant Shall Perform 24 Hours of Community Service** in a program/facility approved by probation authority

**Defendant Shall be Subject to Random Urinalysis**

**Defendant Shall Not Have or Use Any  Firearms  Alcoholic Beverages  Illegal Drugs**

**Defendant Shall Not Enter or Remain in Any Tavern, Bar, or Lounge**

**Defendant Shall Make a Donation of \$ \_\_\_\_\_ To \_\_\_\_\_**

**Defendant Shall Register as a Sex Offender** pursuant to section NMSA 1978 §29-11A-1, et seq, as amended

**Defendant shall provide for the financial support of legal dependents**

**Defendant Shall Not Have Contact or Association with Any Street Gangs** or their members

**Defendant Shall Not Go to or Remain in Any of the Following Areas** or neighborhoods except when physically accompanied by a police or probation officer

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Defendant Shall Not Have Contact with Victim(s) or Family(ies) of Victim(s)** The defendant shall not contact in person, by phone, or through anyone other than the defendant's probation officer or attorney any of the following persons or their families Kym Butcher, Elizabeth Rotter, family of Corrina Vaden

**Defendant shall be subject to the STEPS program**

**Special Conditions of probation as follows**

**Defendant Shall Not Go to or Within \_\_\_\_\_ Of** above named persons or their families residences or work places

Defendant shall not obtain or possess a driver's license, and he shall not operate any motor vehicle while he is on probation

### PROBATION COSTS

Probation costs are hereby waived following an evidentiary hearing at which the Court has determined that the imposition of such costs would pose a financial hardship on the Defendant

Defendant shall pay monthly probation costs in an amount to be determined by the Probation and Parole Division of the Corrections Department At the discretion of the Probation and Parole Division of the Corrections Department, probation costs may be waived for any month that defendant is paying for

Treatment  Restitution  Counseling

### FEES AND FINES

Defendant must pay the following

#### **For Any Offense**

- \$5 Domestic Violence Treatment Fee
- \$75 // \$50 Crime Victims Reparation Commission Fee
- FINE of \$ \_\_\_\_\_

#### **For Any Felony**

- \$100 DNA Identity Fee  Provide DNA sample by \_\_\_\_\_

#### **For Felony or Misdemeanor DWI**

- \$65 DWI Lab fee
- \$75 DWI Prevention Fee

#### **Misdemeanor DWI Mandatory Traffic Fees**

- \$20 Corrections Fee
- \$10 Court Automation Fee
- \$3 traffic safety fee
- \$2 Judicial Education Fee
- \$5 Brain Injury Fee
- \$10 Court Facilities Fee

#### **Controlled Substances Act 30-31-1**

- \$75 Crime Drug Lab Fee

Defendant is referred to the Sandoval County DWI Program


Defendant shall report to SCDC on \_\_\_\_\_ to begin his/her jail sentence

DISMISSAL OF REMAINING CHARGES Pursuant to the Plea and Disposition Agreement, count(s) All Remaining in CR- 2017-00105 [and] count(s) All in CR- \_\_\_\_\_ [is][are] hereby dismissed

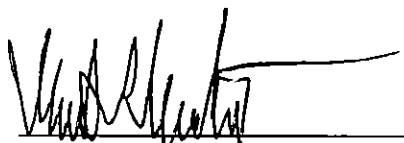
DISMISSAL OF CHARGES that could have been brought in \_\_\_\_\_


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The bond shall be released to \_\_\_\_\_ upon proper identification

  
Signature  
District Judge – Division

NOTED, and ALL OBJECTIONS PRESERVED

  
Mathew Wadsworth  
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Counsel for Defendant  
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