

THIRTEENTH JUDICIAL DISTRICT COURT  
COUNTY OF SANDOVAL  
STATE OF NEW MEXICO

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

STATE OF NEW MEXICO,  
Plaintiff,  
vs

LUKE GRIFFIN,  
[REDACTED]  
Defendant,

FILED IN MY OFFICE  
DISTRICT COURT CLERK

17 DEC 11 AM 11:46

CLERK OF DISTRICT COURT

BY \_\_\_\_\_ DEPUTY

**PLEA AND DISPOSITION AGREEMENT**

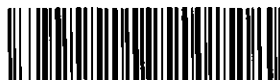
The State of New Mexico and the defendant agree to this disposition of the above listed cause number

**PLEA**

**CHARGES** The defendant agrees to plead guilty to the following offenses

- 1 HOMICIDE BY VEHICLE (DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR ANY DRUG) (7108), on or about February 24<sup>th</sup>, 2017, the above-named defendant did cause the death of Corrina Vaden while he was operating a motor vehicle under the influence of alcohol, a second degree felony offense resulting in the death of a human being, as charged in Count One (1) of Indictment CR-2017-00105, contrary to NMSA 1978 §66-8-101(C)
- 2 GREAT BODILY HARM BY VEHICLE (DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR ANY DRUG) (1462), on or about February 24<sup>th</sup>, 2017, the above-named defendant did cause great bodily injury to Kimberly Butcher while he was operating a motor vehicle under the influence of alcohol, a third degree felony offense, an optional serious violent offense, as charged in Count Two (2) of Indictment CR-2017-00105, contrary to NMSA 1978 §66-8-101(E)
- 3 GREAT BODILY HARM BY VEHICLE (DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR ANY DRUG) (1462), on or about February 24<sup>th</sup>, 2017,

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the above-named defendant did cause great bodily injury to Elizabeth Rotter while he was operating a motor vehicle under the influence of alcohol, a third degree felony offense, an optional serious violent offense, as charged in Count Three (3) of Indictment CR-2017-00105, contrary to NMSA 1978 §66-8-101(E)

### TERMS

This agreement is made according to the following conditions

SENTENCING AGREEMENT The parties agree that the sentences for each count in this case shall be run consecutively with one another for a total jurisdiction of twenty one (21) years. The parties agree that this sentence shall not be classified as a serious violent offense for purposes of earned meritorious deductions as defined in §33-2-34, NMSA 1978. At initial sentencing only, the parties agree that Defendant shall be sentenced to serve nine (9) years and 122 days in the Department of Corrections. Defendant shall receive credit for 122 days of pre-sentence confinement, and he agrees that he is not eligible for more than 122 days of pre-sentence confinement credit. The balance of the sentence shall be suspended, and Defendant shall be placed on supervised probation for five (5) years after his release from the Department of Corrections. Special conditions of probation shall include

- 1 Defendant shall complete all counseling, community service, and other requirements for a first offense DUI conviction pursuant to NMSA §66-8-102,
- 2 Defendant shall participate in a drug and/or alcohol treatment program approved by the probation authorities,
- 3 Defendant shall not consume alcohol or any illegal drugs while he is on probation, and he shall be subject to random testing,
- 4 Defendant shall not obtain or possess a driver's license, and he shall not operate any motor vehicle while he is on probation,
- 5 Defendant shall not have any direct or indirect contact with any of the victims of his crimes or their families,
- 6 Defendant shall pay all restitution owed to the victims of his crimes in an amount to be determined by the probation authorities

PENALTIES The maximum penalties for these crimes are

- 1 HOMICIDE BY VEHICLE (DRIVING WHILE UNDER THE INFLUENCE OF INTOXIATING LIQUOR OR ANY DRUG) (7108), a second degree felony offense resulting in the death of a human being, an optional serious violent offense, with a basic sentence of fifteen (15) years imprisonment and a fine up to \$12,500
- 2 GREAT BODILY HARM BY VEHICLE (DRIVING WHILE UNDER THE INFLUENCE OF INTOXIATING LIQUOR OR ANY DRUG) (1462), a third degree felony offense, an optional serious violent offense, with a basic sentence of three (3) years imprisonment and a fine up to \$10,000

The sentence for any felony offense may be increased by up to one third of the basic sentence if the Court finds aggravating factors, or decreased by up to one third of the basic sentence if the Court finds mitigating factors

POTENTIAL INCARCERATION If the court accepts this agreement, at initial sentencing the Defendant shall be sentenced to serve nine (9) years in the Department of Corrections beginning on the date of sentencing Defendant shall be placed on a two (2) year period of parole upon his release from the Department of Corrections, and he shall be required to pay parole costs Defendant shall be placed on a five (5) year period of supervised probation upon his release from the Department of Corrections, to run concurrent with the parole period If Defendant violates his probation or parole at any time, he may be incarcerated for the balance of the sentence, up to twenty one (21) years

FINES AND FEES Defendant shall be required to pay

- 1 The \$100 DNA fee and provide a DNA sample, pursuant to NMSA 1978 §29-16-11,
- 2 The \$5 domestic violence offender treatment fee, pursuant to NMSA 1978 §31-12-11,
- 3 The \$75 crime victims reparation fee, pursuant to NMSA 1978 §31-12-13,
- 4 The \$75 controlled substances fee, NMSA 1978 §31-12-8,
- 5 Defendant may be required to pay a fine of up to \$17,500

RESTITUTION Restitution will be ordered in accordance with Section 31-17-1 The Defendant, in cooperation with the probation office, will prepare a restitution plan to be incorporated into the court's sentence The Defendant agrees to make restitution on all charges

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arising out of these DA files even if those charges are dismissed or not filed because of this agreement. The Defendant agrees not to discharge the restitution obligation in bankruptcy.

CAP. Any "cap" or other limitation on incarceration shall be a limitation on imprisonment only at initial sentencing. If the defendant violates any condition of parole or probation, the court may sentence defendant to imprisonment without considering the limitation.

CHARGES TO BE DISMISSED. All remaining Counts of Indictment CR-2017-00105 shall be dismissed.

UNDISCLOSED PRIOR CONVICTIONS. The state may bring habitual offender proceedings, as provided by law, based on any convictions not admitted in this plea. The state may also choose to withdraw this plea agreement if it discovers any such convictions.

### STIPULATIONS

TIME LIMITS. By entering this agreement with the State, the defendant waives defendant's rights under the rules governing time of commencement of trial until the agreement is either accepted or rejected by the court.

WAIVER OF DEFENSES AND APPEAL. Unless this plea is rejected or withdrawn, the defendant gives up all motions, defenses, objections, or requests which defendant has made or could make concerning the Court's entry of judgment against the defendant if that judgment is consistent with this agreement. The defendant specifically waives defendant's right to appeal as long as the court's sentence is imposed according to the terms of this agreement.

REJECTION OF PLEA. If the Court finds the provisions of this agreement unacceptable, after reviewing it and any pre-sentence report, 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 proceeding shall be admissible against the defendant in any criminal proceedings.

IMMIGRATION OR NATURALIZATION STATUS. I understand that if I am not a United States Citizen, entry of this plea agreement may have an effect on my immigration or naturalization status. I acknowledge that my attorney has advised me of the specific immigration consequences I face as a result of this plea agreement.

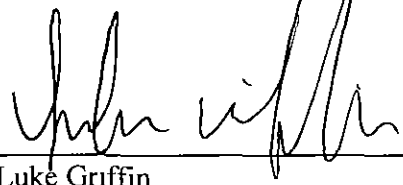
I have read and I understand this agreement. I have discussed the case and my constitutional rights with my lawyer. I understand that when I plead guilty I give up the following rights: my right to a trial by jury, my right to confront, cross-examine, and compel the attendance of witnesses, my privilege against self-incrimination, and my right to appeal.

I agree that the State may either withdraw this plea agreement OR leave the plea in place but void any sentencing agreement, including any cap on incarceration, if I

1. violate any laws while pending sentencing, OR
2. violate any condition of release, OR
3. fail to appear for the pre-sentence report interview as scheduled, OR
4. fail to appear for a scheduled court hearing, including but not limited to a sentencing hearing, OR
5. fail to turn myself in to begin serving any court ordered period of incarceration.

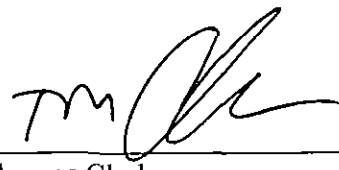
I agree to enter my plea according to the terms and conditions set forth in this agreement. I understand that if the court grants me probation, a suspended sentence, a deferred sentence or a conditional discharge, the terms and conditions of the sentence are subject to modification if I violate any of the terms or conditions imposed.

12/11/17  
Date

  
\_\_\_\_\_  
Luke Griffin  
Defendant


I have discussed this case with my client in detail and have advised my client of his constitutional rights and all possible defenses. I believe that the plea and disposition set forth herein are appropriate under the facts of this case. I agree with the plea outlined in this agreement and its terms and conditions.

12/11/17  
DATE

  
\_\_\_\_\_  
Thomas Clark  
Defense Counsel

I have reviewed this matter and agree that the plea and disposition are appropriate and are in the interest of justice

12/17/17  
DATE

  
\_\_\_\_\_  
Mathew Wadsworth  
Assistant District Attorney

#### DISTRICT COURT APPROVAL

The defendant personally appeared before me, and I have concluded as follows


- 1 That the defendant understands the charges set forth in the Indictment and/or Information,
- 2 That the defendant understands the range of possible sentences for the offenses charged, from probation to the maximum period of incarceration allowed under this agreement,
- 3 That the defendant understands the following constitutional rights which he gives up by pleading guilty
  - a The right to trial by jury,
  - 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 him and to cross-examine them as to the truthfulness of their testimony,
  - d The right to present evidence on his 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,
  - f The right to appeal the judgment of this Court,
- 4 That the defendant wished to give up the constitutional rights of which he has been advised,
- 5 That there exists a basis in fact for believing the defendant is guilty of committing 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 what is contained in the 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 his immigration or naturalization status, and that the defendant has been advised by counsel of the specific immigration consequences of the plea

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

Approved

12/11/2017  
DATE

  
LOUIS P. MCDONALD  
DISTRICT COURT JUDGE