

FILED
FIRST JUDICIAL
DISTRICT COURT
2018 NOV -6 PM 3:23

STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT

STATE OF NEW MEXICO,

Plaintiff,

vs.

MATTHEW M RODRIGUEZ,

Defendant.

No. D-0101-CR-2017-00311

Judge T. Glenn Ellington

JUDGMENT AND ORDER PARTIALLY SUSPENDING SENTENCE

THIS MATTER came before the Court for sentencing on October 22, 2018. The State of New Mexico was represented by Johnn Osborn, Deputy District Attorney. The Defendant was present and represented by counsel, Anne Keener for Robert R Work.

The Defendant was convicted on October 22, 2018, pursuant to a guilty plea accepted and recorded by the Court, of the offense of Second Degree Murder, (0004), a second degree felony resulting in the death of a human being, contrary to §30-02-01(B), NMSA 1978, occurring on or about March 25, 2017, as charged as an included offense in Count 1 of the Grand Jury Indictment.

The Defendant is hereby found and adjudged guilty and convicted of this crime.

IT IS THE JUDGMENT AND SENTENCE OF THE COURT that the Defendant be committed to the custody of the New Mexico Corrections Department where the Defendant shall serve:

Count 1: **Second Degree Murder**, a term of fifteen (15) years, followed by two (2) years parole. This offense is classified as a serious violent offense pursuant to §33-2-34, NMSA 1978, and

therefore, the Defendant's meritorious deductions shall not exceed a maximum of four (4) days per month of time served.

IT IS THEREFORE ORDERED that the Defendant shall serve ten (10) years of this sentence in the custody of the New Mexico Corrections Department to be followed by a term of two (2) years on parole under the supervision of the Probation and Parole Division of the New Mexico Corrections Department. The remainder of the Defendant's sentence, which is five (5) years, shall be suspended. Upon completion of this term of imprisonment and release from custody, the Defendant shall be placed on supervised probation for a period of five (5) years under the supervision of the Probation and Parole Division of the New Mexico Corrections Department, which shall run concurrent with the parole term imposed above.

IT IS FURTHER ORDERED that Defendant shall be housed in an appropriate Mental Health Unit where Defendant's medical regimen can be fulfilled by the New Mexico Department of Corrections. In other words, Defendant shall receive required medication and mental health treatment while housed at NMDOC.

IT IS THEREFORE ORDERED that the Santa Fe County Sheriff's Office take the Defendant into custody and arrange to transport the Defendant to the New Mexico Corrections Department where he is to be confined for the above term.

The Defendant shall receive pre-sentence confinement credit from March 25, 2017, through October 22, 2018, for a total of five hundred and seventy-six (576) days. The Defendant shall further receive credit for such post-sentence confinement served by the Defendant prior to the Defendant's transfer to the New Mexico Corrections Department.

IT IS FURTHER ORDERED that, as a condition of probation, the Defendant shall be placed on an appropriate level of supervision as directed by the Probation and Parole Division of the New Mexico Corrections Department and comply with the standard conditions of probation for that level of supervision and the following special conditions:

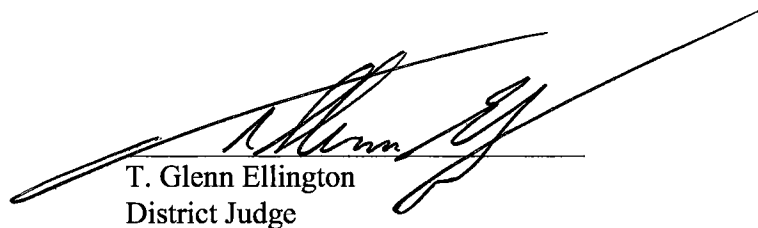
1. The Defendant shall not consume or possess alcoholic beverages.
2. The Defendant shall not enter or frequent establishments where the primary purpose is the sale of alcohol.
3. The Defendant shall not use or possess any controlled substance except as may be prescribed to the Defendant by a licensed physician.
4. The Defendant shall not possess any weapons.
5. The Defendant shall submit to random urinalysis or breath tests or both.
6. The Defendant shall enter into, actively participate in and successfully complete the Community Corrections Program or Intensive Supervision Program as directed by the Probation and Parole Division of the New Mexico Corrections Department. The Defendant shall remain on regular probation supervision until the Defendant commences the Community Corrections Program or Intensive Supervision Program and upon successful completion of said program.
7. The Defendant shall maintain his medical regimen to include compliance with his medication.

IT IS FURTHER ORDERED that the remaining counts of the Grand Jury Indictment are dismissed pursuant to the Plea and Disposition Agreement.

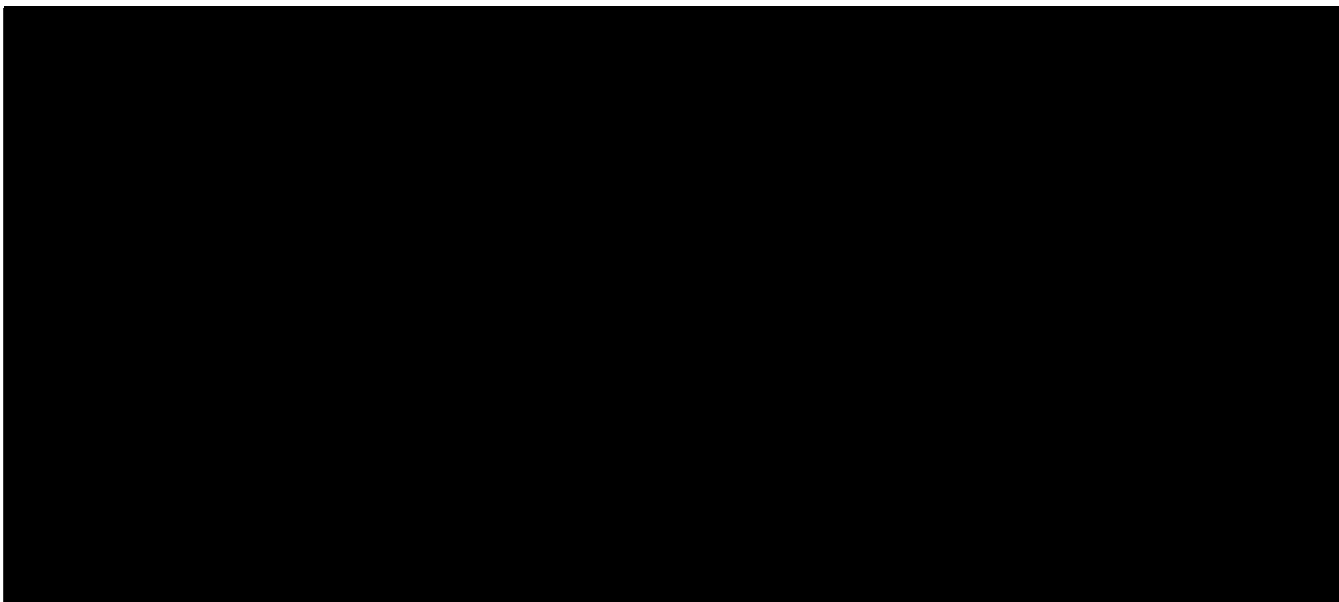
IT IS FURTHER ORDERED that the Defendant shall pay a \$5.00 Domestic Violence Treatment Fee.

IT IS FURTHER ORDERED that the Defendant shall provide a sample of biological material sufficient for DNA testing and shall pay a fee of \$100.00 for the combined DNA Index System (CODIS) to the Probation and Parole Division of the New Mexico Corrections Department, pursuant to the DNA Identification Act, §29-16-1 et seq., NMSA 1978.

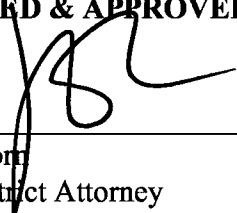
The Defendant is advised by the Court of Defendant's right to appeal the judgment and order of this Court. If the Defendant is unable to pay the costs of an appeal, the Defendant has a right to proceed with an appeal at the State's expense and at no cost to Defendant. Further, if any appeal is to be taken, it must be filed within thirty (30) days of the date of the filing of this Judgment and Sentence.



T. Glenn Ellington
District Judge



SUBMITTED & APPROVED BY:



John Osborn
Deputy District Attorney
PO Box 2041
Santa Fe, NM 87504
505-827-5000

APPROVED BY:

By Email - Anne Keener

Robert R Work and/or Anne Keener
Defense Counsel

10/29/18 @ 4:02pm

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