

Judge Aragon

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**FOURTH JUDICIAL DISTRICT
STATE OF NEW MEXICO
COUNTY OF SAN MIGUEL**

**STATE OF NEW MEXICO,
PLAINTIFF,**

NO. D-412-CR-2011-00225

VS

**RYAN DAVID GARCIA
DEFENDANT.**

**NOTICE OF FILING OF
PROBATION VIOLATION REPORT**

**TO: The Honorable ABIGAIL ARAGON
THOMAS CLAYTON, District Attorney
ANNA ARAGON, Attorney of Record**

Pursuant to S.C.R.A. 5-805(E), attached hereto as Exhibit A is a summary report describing the essential facts of the probationer's violation(s).

CERTIFICATE OF SERVICE

I hereby certify that a copy of the report was served on the probationer and mailed/hand-delivered/placed in bin of probationer's attorney of record on the 26 day of JULY 2017 at 13:36 pm.

Milton Sanchez
ADULT PROBATION AND PAROLE OFFICER



**STATE OF NEW MEXICO CORRECTIONS DEPARTMENT
PROBATION AND PAROLE DIVISION**

Report of Violation (Probation)

Date: 07/17/2017

To: THE HONORABLE ABIGAIL ARAGON
DISTRICT ATTORNEY'S OFFICE

From: REGION II SP OP

District: ABQ INTEN SUPERVISION 2

Officer: EDMUND VIGIL

Re: GARCIA, RYAN DAVID

Cause #: D-412-CR-201100225

Sentenced: 07/09/2012

Sentence: 1 year(s), 11 month(s), 29 day(s)

Crime: AGGRAV BATTERY AGAINST HOUSEHOLD MEMBR, VOLUNTARY MANSLAUGHTER

Probation begins: 01/21/2017

Expiration Date: 01/20/2019

Date Arrested: 7/7/2017

Date Absconded: N/A

Delinquency Began: 7/7/2017

Arresting Agency: BCSO

Officers: Deputy Linker

Where In Custody: MDC

Charge: Assault & Concealing Identity

Dual Supervision: Yes No

Interpreter required: _____

(1) Details of Violation:

(2) Supporting Evidence:

(3) Probationer's Version:

(4) Previous Preliminary Reports or Arrests:

(5) Adjustments:

a.) Social and Environmental:

b.) Financial:

c.) Health:

d.) Employment:

e.) Emotional:

Name: GARCIA, RYAN DAVID
Cause #: D-412-CR-201100225

Details of Violation

GARCIA, RYAN DAVID, D-412-CR-201100225, has violated the following conditions of his/her Order of Probation:

1. **STANDARD CONDITION 2-REPORTING** I will report to my Probation/Parole Officer as often as required and will submit completed and truthful written reports as required by my Probation/Parole Officer. All communication with my Probation/Parole Officer will be truthful and accurate and I will promptly reply to any correspondence or communication I may receive from the Probation Office.

SUPPORTING EVIDENCE: On July 7, 2017 BCSO Deputy Linker was dispatched to 320 Wayne NW in reference to a possible vandalism. Upon arrival, Deputy Linker made contact with the calling party who stated she arrived home and observed a Hispanic male, wearing dark clothing and gloves appear from behind her residence. As he saw her he took off walking east on Wayne. The calling party caught up with the individual and asked him what he was doing. The individual began to cuss at the calling party and proceeded to tell her that he was "robbing my house". He then stated that he was going to grab the caller out of her car and hurt her. The caller stated that at this time she felt in fear that she was going to receive an immediate battery.

Deputies were able to locate the subject at the intersection of Ranchitos and 2nd street. The subject was compliant with Deputies but refused to answer any questions. The subject was read his constitutional rights and still refused to answer any questions or provide his name and date of birth. Due to this he was transported to the APD identification unit to be finger printed. After being finger printed he still was unable to be identified. Deputy Linker then proceeded to contact the Probation and Parole Department and provided them with the number on his ankle monitor. State Parole was able to provide the subject's name and he was identified as Ryan Garcia. The tattoo on his upper right shoulder also played a part in the identification process.

Due to Ryan intentionally concealing his identity by not providing it to law enforcement officers during an investigation and posing a threat of force to a calling party, Ryan was arrested and charged with assault and concealing identity.

2. **STANDARD CONDITION 5-SUPV LEVEL** I will follow all orders and instructions of my Probation/Parole Officer including actively participating in and successfully completing any level of supervision and/or treatment program, which may include Community Corrections, ISP, Elec Monitoring or other supervision/treatment program, as deemed appropriate by the Probation/Parole Officer.

SUPPORTING EVIDENCE: By having new charges pending Mr. Garcia has failed to complete The Intensive Supervision Program

3. **STANDARD CONDITION 9-DRUGS** I will not buy, sell, consume, possess or distribute any controlled substances or illegal synthetic substances except those legally prescribed for my use by a State Certified Medical Doctor. I will also provide urine or breath test specimens for laboratory analysis upon request of the Probation and Parole division.

SUPPORTING EVIDENCE: Mr. Garcia was instructed verbally and in writing that he was to contact the Cordant Drug test line everyday Monday through Friday. Since Mr. Garcia's release on May, 2016 he has contacted the number a total of 3 times. Mr. Garcia was reminded on numerous occasions that he needed to call in daily and failed to comply.

Probationer's Version

Mr. Garcia will be granted the opportunity to respond to his allegations at his scheduled hearing.

Previous Preliminary Reports or Arrests

NONE

Name: GARCIA, RYAN DAVID
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Adjustment

Mr. Garcia was paroled on May 18, 2017 and in that time he was reporting as instructed, he was seeking employment, and he was awaiting counseling. Mr. Garcia began his parole term in high hopes of completing his parole term successfully and moving forward with his life. Mr. Garcia moved in with his mother after a month at Hoffman Hall because he was discharged from the program for not having money to pay his rent. Mr. Garcia doesn't seem to have the mental capacity to perform as a functioning member of society at this time and should be recommended for a diagnostic while he is incarcerated.

Recommendation

It is respectfully recommended that a No Bond Bench Warrant be issued to replace the Departmental Arrest and Hold and the District Attorney's Office file a Motion to Revoke Probation. If found to be in violation of his conditions of his Probation, it is recommended that Mr. Garcia's Probation be revoked and he be sentenced to the custody of the New Mexico Correction Department where he will finish his Probation.

Respectfully submitted,

Approved,


EDMUND VIGIL

Probation-Parole Officer

ABQ INTEN SUPERVISION 2 REGION II SP OP


JOSHUA GIACCI

Supervisor

ABQ INTEN SUPERVISION 2 REGION II SP OP

cc: File

Name: GARCIA, RYAN DAVID
Cause #: D-412-CR-201100225

Served on Defendant on JULY 26, 2017 at 1:336 AM/PM by (D)

Probation/Parole Officer or Designee: MILTON SANCHEZ

PPO or Designee Signature: [Signature] Phone # [REDACTED]

Defendant's Signature [Signature]

XC: Defendant's Attorney of Record
GARCIA, RYAN DAVID, 491384