

STATE OF NEW MEXICO
COUNTY OF LINCOLN
TWELFTH JUDICIAL DISTRICT

CAUSE NO. D-1226-CR-201700064
DIVISION III

STATE OF NEW MEXICO,

Plaintiff,

vs.

ANDREW P. MAGILL,

Defendant.

STIPULATION OF FACTS

The State of New Mexico and the Defendant enter the following stipulated facts:

1. On or about April 1, 2017, the Defendant entered the Coe Ranch property located in Glencoe, New Mexico.
2. Mary Ann Moorehouse was a caretaker of the Coe Ranch, and she observed the Defendant on the property. She went to investigate why he was on the property. The Defendant had never met Mary Ann Moorehouse before this interaction.
3. Ms. Moorehouse offered to help the Defendant by calling someone who could come and get him.
4. The Defendant provided Ms. Moorehouse with a false phone number for his father.
5. The Defendant then knocked Mary Ann Moorehouse to the ground, grabbed an axe that was on a nearby work truck and began striking Ms. Moorehouse with the intent to kill her.
6. That the Defendant struck Mary Ann Moorehouse at least four times to the neck, head and right shoulder. The injuries caused a near decapitation.
7. That Mary Ann Moorehouse suffered the following physical injuries as a result of the Defendant's attack:
 - I. Three chop wounds of head and neck

- A. Chop wound of right side of head
 - 1. Fracture of right occipital skull.
 - 2. Injury and exposure of brain.
- B. Chop wound of back of head and upper neck.
 - 1. Exposure of oral cavity and spinal cord.
 - 2. Fractures of base of skull, bilateral mandible, transection of the upper cervical spinal column.
 - 3. Pulpification of occipital lobes, cerebellum, and brainstem.
- C. Horizontal chop wound of right posterior neck.
 - 1. Injury to subcutaneous tissue.

II. Chop wound of right shoulder

- A. Right scapula fracture

III. Blunt trauma

- A. Abrasions, contusions, and lacerations, left face
- B. Abrasions, left arm and fingers
- C. Fracture, left clavicle
- D. Fractures, left 1st through 5th lateral and 2nd through 4th anterior ribs

8. That Mary Ann Moorehouse died as a result of chop wounds of the head and neck.
9. The defendant knew striking Ms. Moorehouse with an axe multiple times created a strong probability that she would be killed.
10. The Defendant then fled the Coe Ranch and hitchhiked into Ruidoso Downs, New Mexico.
11. The Defendant went into the Ruidoso Downs Police Department and told officers that he had just cut a woman's head off with an axe.
12. The officers transported the Defendant to the Lincoln County Medical Center (LCMC) located in Ruidoso, New Mexico.
13. Once Ms. Moorehouse's remains were discovered by the Lincoln County Sheriff's Office, deputies and investigators with the District Attorney's Office went to LCMC to secure the Defendant.

14. Deputy Jason Green was employed by the Lincoln County Sheriff's Office at the time and he was on duty and performing his duties as a police officer when he went to LCMC. Deputy Green was a peace officer as defined by New Mexico law.
15. Officer Bryce Bailey was employed by the Ruidoso Downs Police Department at the time and he was on duty and performing his duties as a police officer when he went to LCMC. Officer Bailey was a peace officer as defined by New Mexico law.
16. When Deputy Green arrived to the hospital, he was advised by medical staff that the Defendant was going to be transferred to a different hospital. Deputy Jason Green was directed by the District Attorney's Office to not let the Defendant leave the county.
17. Deputy Green met with other law enforcement officers in the ER wing of LCMC near the Defendant's room, and the Defendant began yelling that officers were talking about him.
18. The Defendant then jumped off his hospital bed and attacked officers.
19. The Defendant was able to gain control of Deputy Green's firearm. The Defendant took possession of the firearm.
20. The Defendant is a convicted felon having been convicted of Trafficking (By Distribution) on May 3, 2010, for an offense occurring on or about September 8, 2009, as charged in Cause No. D-504-CR-200900501, in the Fifth Judicial District, Chaves County, New Mexico. The Defendant was sentenced to nine (9) years of imprisonment for his conviction.
21. Less than ten years has passed since the Defendant was convicted of Trafficking.
22. The Defendant used the firearm to shoot Deputy Green.
23. The Defendant knew that Deputy Green was a peace officer.
24. The Defendant's actions caused Deputy Green to believe the Defendant was going to intrude on his personal safety.
25. A reasonable person in the same circumstances as Deputy Green would have had the same belief.
26. The Defendant intended to kill Deputy Green.
27. The Defendant attempted to commit the crime of battery against Officer Bailey by attempting to fire the firearm multiple times toward Officer Bailey.


28. When the Defendant attempted to fire the firearm additional times, the firearm jammed with the web of Deputy Green's hand getting stuck in the slide of the firearm preventing another round from being chambered. The Defendant continued to pull the trigger.
29. The Defendant knew that Officer Bailey was a peace officer.
30. The Defendant's actions caused Officer Bailey to believe the Defendant was going to intrude on his personal safety.
31. A reasonable person in the same circumstances as Officer Bailey would have had the same belief.
32. The Defendant intended to kill Officer Bailey.
33. The Defendant was sane at the time he committed the above-referenced actions.
34. All events occurred in Lincoln County, New Mexico, on or about April 1, 2017.
35. The Defendant stipulates that the following aggravating factors are present:
 - a. **Lack of Remorse.** The Defendant has not expressed remorse related to killing Mary Ann Moorehouse or shooting Deputy Jason Green. According to his interview with Dr. Michael Welner, the Defendant reported that his greatest regret about this incident is his unavailability to his daughter because of his incarceration. The State has reviewed hundreds of hours of jail phone recordings and the Defendant has never expressed remorse for his crimes. When asked about significant painful experiences in his life, he did not mention these crimes as being among them. In his interview with Dr. Noah Kaufman, he could not remember Ms. Moorehouse's name and stated, "I was just really scared and desperate to end what I was going through. And I hoped she would have comforted me. But she didn't. She was kind of standoffish and weird."
 - b. **The brutal nature of the crime.** The Defendant nearly decapitated Mary Ann Moorehouse striking her multiple times with an axe. Before striking her with the axe, the Defendant committed multiple batteries against her. The Defendant disarmed a peace officer in a crowded Emergency Room and fired the weapon and continued to pull the trigger multiple times endangering dozens of people.
 - c. **Future Dangerousness:** The Defendant poses a future danger to the community

should he be released.


- d. **Prior rehabilitative efforts have been unsuccessful.** The Defendant has been given multiple opportunities to go through drug and substance abuse treatment and rehabilitation. Despite completing Drug Court and in-patient drug rehabilitation, the Defendant has continued drug use and dangerous behavior.
- e. **Impact on the Jason Green and Mary Ann Moorehouse's family:** Deputy Jason Green suffered career ending injuries in the attack. Ms. Moorhouse's parents were not in good health when she was murdered. Her mother suffers from short-term memory loss so she cannot remember what happened to her daughter. Each time she forgets what happened to her daughter, her family has to tell her what happened and she has to relive learning about her daughter's horrific death as if she was hearing it for the first time.

I have read the above-stated facts and stipulate and agree that these facts are true and correct to the best of my knowledge and belief.

5-22-19
Date

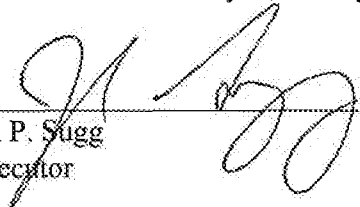

Andrew P. Magill

I have reviewed the evidence in this case and I agree that the above-stated facts are true and correct to the best of my knowledge.


Raymond G. Conley
Defense Counsel

5-22-19
Date

I have reviewed the evidence in this case and I agree that the above-stated facts are true and correct to the best of my knowledge.


John P. Sugg
Prosecutor

5/22/19
Date