

SECOND JUDICIAL DISTRICT COURT
COUNTY OF BERNALILLO
STATE OF NEW MEXICO

CR No. D-202-CR-201701879
DA File #: 2017-02728-1

STATE OF NEW MEXICO,

Plaintiff,

vs.

CHRISTOPHER PINO,
[REDACTED]
[REDACTED]

Defendant.

PLEA AND DISPOSITION AGREEMENT

The State of New Mexico and the defendant agree to this disposition of this cause number(s):

PLEA *NO contest* *AK DW*

CHARGES: The defendant agrees to plead ~~guilty~~ to this crime:

1. VOLUNTARY MANSLAUGHTER (0005), a third degree felony offense resulting in the death of a human being, and a serious violent offense under §33-2-34, NMSA 1978, occurring on or about April 30, 2017, as charged in a lesser included offense of Count 1 of Indictment D-202-CR-201701879, contrary to §30-02-03 (A), NMSA 1978.

TERMS

This agreement is made according to the following conditions:

SENTENCING AGREEMENT: There are no agreements as to sentencing.

Any sentencing agreement is specifically conditioned on the defendant not violating any conditions of release while pending sentencing, not violating any Federal, State or Local laws while pending sentencing, and on the defendant appearing for the PSR interview (if applicable) and for sentencing.

PENALTIES: The maximum penalty for this crime is:

1. VOLUNTARY MANSLAUGHTER(0005), a third (3rd) degree felony offense with a basic sentence of six (6) years and a fine of up to \$5000, followed by a two (2) year parole term.

Any basic sentence for a felony may be altered up to one third for aggravating or mitigating circumstances.

POTENTIAL INCARCERATION: If the court accepts this agreement, the defendant may be incarcerated up to six (6) years, may also be placed probation for up to five (5) years. If the defendant later violates that probation, defendant may be incarcerated for the balance of the sentence.

If the defendant is incarcerated on a “serious violent offense” pursuant to 33-2-34, NMSA 1978, as amended, then the provisions of that statute as to earned meritorious deductions will apply.

CHARGES TO BE DISMISSED: Counts 2, 3, 4 and 5 of Indictment D-202-CR-201701879

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.

I have read and I understand this agreement. My lawyer has informed me of the specific immigration consequences I face as a result of this plea agreement, and I understand that if I am not a U.S. citizen, this plea agreement will affect my immigration or naturalization status. 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, and my privilege against self-incrimination.

I agree that the State may void any sentencing agreement, including any cap on incarceration, OR the state may withdraw this plea agreement if I:

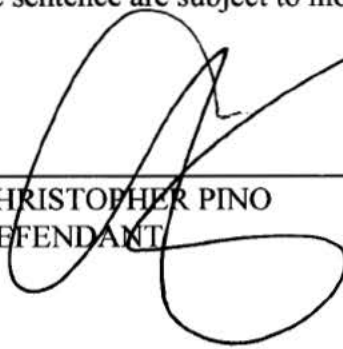
- 1) violate any laws while pending sentencing; OR
- 2) violate any condition of release; OR
- 3) fail to appear for the pre-sentence report interview as scheduled; OR
- 4) fail to appear for a scheduled court hearing, including but not limited to a sentencing hearing; OR
- 5) fail to turn myself in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

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.

DATE

6/5/18

CHRISTOPHER PINO
DEFENDANT

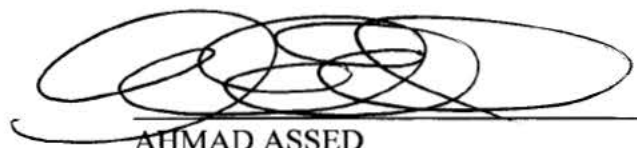


I have discussed this case with my client in detail and have advised the defendant of defendant's constitutional rights and all possible defenses. I believe that the plea and disposition set forth herein are appropriate under the facts of this case. I agree with the plea outlined in this agreement and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

DATE

6/5/18

AHMAD ASSED
DEFENSE COUNSEL



STATE VS. CHRISTOPHER PINO
PLEA AND DISPOSITION AGREEMENT.

Page 4

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

6-5-18

DATE



DAVID L. WAYMIRE
PROSECUTOR

APPROVED:



CRISTINA JARAMILLO
DISTRICT JUDGE

rm