

SECOND JUDICIAL DISTRICT COURT
COUNTY OF BERNALILLO
STATE OF NEW MEXICO

CR # 2016-00789
DA # 2016-01172-1

STATE OF NEW MEXICO,

Plaintiff,

vs.

DARRIUS DAVON VALLES,



FBI# 491262ED5

Defendant.

PLEA AND DISPOSITION AGREEMENT

The State of New Mexico and the Defendant agree to this disposition of this cause number:

PLEA

CHARGES: The Defendant agrees to plead GUILTY to these crimes:

1. SECOND DEGREE MURDER (FIREARM ENHANCEMENT), a 2nd degree serious violent felony offense, resulting in the death of a human being, occurring on or about January 15, 2016, as an included offense as charged in Count 1 of Indictment CR 2016-00789;

2. TAMPERING WITH EVIDENCE, a 3rd degree felony offense occurring on or about January 15, 2016, as charged in Count 3 of Indictment CR 2016-00789;

3. ESCAPE FROM A COMMUNITY CUSTODY PROGRAM, a 4th degree felony offense occurring on or about January 15, 2016, as charged in Count^s of Indictment CR 2016-00789. *gh*

TERMS

This agreement is made according to the following conditions:

SENTENCING AGREEMENT: The sentences shall be served concurrently to each other for a total exposure of sixteen (16) years jurisdiction. The defendant agrees to serve seven (7) years in the New Mexico Department of Corrections with the remaining nine (9) years suspended and the defendant shall be placed on five (5) years of supervised probation at initial sentencing only. There are no other agreements to sentence.

Any sentencing agreement is specifically conditioned on the Defendant appearing for sentencing; on the Defendant not violating any conditions of release while pending sentencing; not violating any Federal, State, or Local laws while pending sentencing; on the Defendant complying with any court orders; and on the Defendant appearing for the Pre-Sentence Report interview (if applicable) and/or 60-day diagnostic evaluation interview (if applicable). If the Defendant violates any of these conditions, the State reserves the right to void the sentencing agreement.

PENALTIES: The maximum penalties for these crimes are:

1. SECOND DEGREE MURDER (FIREARM ENHANCEMENT), a 2nd Degree Felony: Basic Sentence of 15 years imprisonment, a 1 year firearm enhancement, not more than a \$21,500 fine, followed by a two year parole term.

2. TAMPERING WITH EVIDENCE, a 3rd Degree Felony: Basic Sentence of up to 3 years imprisonment and not more than a \$5,000 fine, followed by a two year parole term.

3. ESCAPE FROM A COMMUNITY CUSTODY PROGRAM, a 4th Degree Felony: Basic Sentence of up to 18 months imprisonment and not more than a \$5,000 fine, followed by a one year parole term.

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

INCARCERATION: If the Court accepts this agreement, the Defendant may be ordered to serve a period of incarceration and/or probation at initial sentencing. If the probation imposed is later violated, the Defendant may be incarcerated for the balance of the sentence, as well as the filing and pursuit of further habitual offender proceedings.

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

CAP: Any “cap” or other limitation on incarceration shall be a limitation on imprisonment only at initial sentencing. **If Defendant violates any condition of release prior to sentencing on**

this matter, or, subsequent to sentencing, violates any condition of parole or probation, the Court may sentence Defendant to imprisonment without considering the limitation.

CHARGES TO BE DISMISSED: The following charges will be dismissed or will not be filed: **ALL REMAINING COUNTS of CR 2016-00789.** The State will not bring additional habitual offender proceedings against the Defendant except as outlined below in the sections labeled "Undisclosed Prior Convictions" and "Habitual Offender Proceedings."

RESTITUTION: Restitution will be ordered in accordance with § 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 payments on all charges 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.

UNDISCLOSED PRIOR CONVICTIONS: The State may bring additional 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.

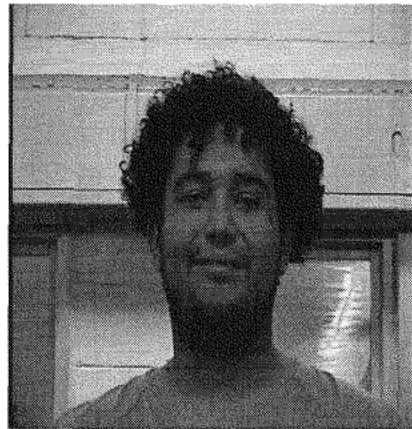
REJECTION OF PLEA: If the Court finds the provisions of this agreement unacceptable, after reviewing it and any pre-sentence report, the Court will allow the withdrawal of the plea, and this agreement will be void. If the plea is withdrawn, neither the plea nor any statements arising out of the plea proceeding shall be admissible against the Defendant in any criminal proceedings.

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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 United States citizen, this plea will effect my immigration and/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 understand that by admitting my identity on the prior conviction or convictions, I give up my privilege against self-incrimination if additional habitual offender proceedings are filed in this case under this agreement. I understand that when I admit the validity of the prior convictions I give up my right to collaterally attack these convictions in any additional habitual offender proceedings which are filed under this agreement.

I agree to enter my plea, and I admit that I am the person previously convicted of felonies as indicated above and 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. Further, the defendant agrees that the photograph above the signature line is in fact him.




6/13/17
DATE

D. V.
DARRIUS DAVON VALLES
DEFENDANT

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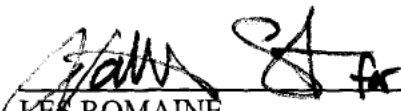
I have discussed this case with my client in detail and have advised the Defendant of Defendant's constitutional rights and all possible defenses. I believe that the plea and disposition set forth herein are appropriate under the facts of this case. I agree with the plea outlined in this agreement and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

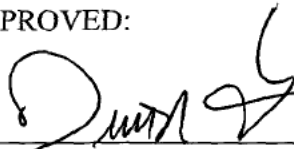
6/13/17
DATE


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.

6/14/17
DATE


LES ROMAINE
PROSECUTOR

APPROVED:

BRETT R. LOVELESS
DISTRICT JUDGE