


STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

STATE OF NEW MEXICO,
Plaintiff,

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

vs.

DARRIUS DAVON VALLES,
Defendant.


FBI# 491262ED5

- CONDITIONAL DISCHARGE**
- ORDER DEFERRING SENTENCE**
- JUDGMENT, SENTENCE AND -**
 - FULLY SUSPENDED SENTENCE**
 - PARTIALLY SUSPENDED SENTENCE**
 - COMMITMENT TO THE METROPOLITAN DETENTION CENTER**
 - COMMITMENT TO THE N.M. DEPARTMENT OF CORRECTIONS**

THIS MATTER having come before the Honorable BRETT R. LOVELESS, Judge District Court on June 16, 2017, for sentencing, the State appearing and being represented by LES ROMAINE and the Defendant appearing in person and represented by counsel of record, THOMAS CLARK, and the Defendant having been convicted on June 14, 2017, of the following crimes pursuant to:

- Guilty Plea(s)**
 - Guilty Plea Pursuant to North Carolina v. Alford**
 - No Contest Plea(s)**
 - Verdict(s)**
 - Provisional Plea of Guilty subject to a Conditional Discharge**

Case Number 2016-00789	Statute Number	Class PM/M/F4/ F3/F2/F1	State Tracking Number	Date Of Offense	Serious Violent Offense Y/N*	Charging Document (Circle One)	
Count Number 1	30-2-1(B) and 31- 18-16	F2		January 15, 2016	Y	Indictment Information	
Offense Name SECOND DEGREE MURDER (FIREARM ENHANCEMENT) (RESULTING IN THE DEATH OF A HUMAN BEING)	<input type="checkbox"/> Conditional Discharge - STOP <input type="checkbox"/> Deferred Sentence - STOP <input checked="" type="checkbox"/> Sentence - Enter Sentence Data Below			Concurrent to Counts	Consec- utive to Counts	Enhancement Code (Circle) FA O H HO	Parole (Circle) Y N
	Years	Months	Days				
	15						
				3, 5		Years 1	Years 2
Case Number 2016-00789	Statute Number	Class PM/M/F4/ F3/F2/F1	State Tracking Number	Date Of Offense	Serious Violent Offense Y/N*	Charging Document (Circle One)	
Count 3	30-22-5	F3		January 15, 2016	N	Indictment Information	
Offense Name TAMPERING WITH EVIDENCE	<input type="checkbox"/> Conditional Discharge - STOP <input type="checkbox"/> Deferred Sentence - STOP <input checked="" type="checkbox"/> Sentence - Enter Sentence Data Below			Concurrent to Counts	Consec- utive to Counts	Enhancement Code (Circle) FA O H HO	Parole (Circle) Y N
	Years	Months	Days				
	3						
				1,5		Years	Years 2
Case Number 2016-00789	Statute Number	Class PM/M/F4/ F3/F2/F1	State Tracking Number	Date Of Offense	Serious Violent Offense Y/N	Charging Document (Circle One)	
Count 5		F4		January 15, 2016	N	Indictment Information	
Offense Name ESCAPE FROM A COMMUNITY CUSTODY PROGRAM	<input type="checkbox"/> Conditional Discharge - STOP <input type="checkbox"/> Deferred Sentence - STOP <input checked="" type="checkbox"/> Sentence - Enter Sentence Data Below			Concurrent to Counts	Consec- utive to Counts	Enhancement Code (Circle) FA O H HO	Parole (Circle) Y N
	Years	Months	Days				
		18					
				1,3		Years	Years 1

Enhancements: FA = Firearm, O = Old Age, H = Handicap, HO = Habitual Offender

* Applies to crimes committed after July 1, 1999. See below for any special enumerations required for this status.

SENTENCE SPECIFICS:

Enumeration of Discretionary Special Violent Offender or Aggravation Findings for Count(s) _____.

Total Sentence of 16 years, _____ months, _____ days.

Consecutive to the sentence imposed in Case Number

Concurrent to the sentence imposed in Case Number

Actual Term of Incarceration. Defendant is to be incarcerated for

7 years, _____ months, _____ days in

New Mexico Corrections Department

Metropolitan Detention Center

MDC Good Time Authorized Not authorized

Community Custody Program (CCP) Authorized Ordered

SENTENCE FORM

Suspended Sentence 9 years, _____ months, _____ days of the total sentence is suspended.

Deferred Sentence Sentence is deferred for _____ years, _____ months _____ days.

Conditional Discharge. Without adjudication of guilt, further proceedings are deferred for _____ years, _____ months, _____ days pursuant to:

NMSA §31-20-13

NMSA §30-31-28 (Controlled Substances Act)

PAROLE

Defendant, if imprisoned at any time in the New Mexico Corrections Department, shall be placed on a **parole** period as required by law pursuant NMSA §31-20-13 1978.

PROBATION

Probation. Probation term of 5 years, _____ months _____ days

Supervised

Unsupervised

No Probation.

PROBATION CONDITIONS:

In addition to all standard conditions of probation

Defendant Shall Obtain and Maintain Full-time Employment (30 hours/week or more), or full-time education, or a combination of employment and education.

Defendant Shall Enter, Attend, and Successfully Complete Counseling/Treatment Program(s) as required by the plea and disposition agreement and/or as recommended by probation authorities. These may include but are not limited to

- Alcohol/Substance Abuse Treatment
- Anger/Conflict Management
- Domestic Violence Counseling
- Victim Impact Program
- DWI First Offenders Program through the

METROPOLITAN COURT

Defendant Shall Not Have or Use Any Illegal Drugs Nor Alcoholic Beverages nor enter or remain in any tavern, bar, or lounge.

Random Urinalysis

Defendant Shall Perform Community Service in a program/facility approved by probation authority. The following are mandatory; _____

- _____ 1st DWI 24 hours;
- _____ 2nd DWI 48 hours;
- _____ 3rd DWI 96 hours

Defendant Shall Not Drive Without a Valid New Mexico Driver's License and Insurance.

Alcohol Screening Is Ordered 66-8-102E & K

Defendant Shall Install an Interlock Device In Every Vehicle To Which Defendant Has Access

Defendant Shall Pay Restitution

in the amount of \$ 8,787.00 *QW*

OR

as determined by probation authorities

Defendant Shall Not Have Contact or Association with Any Street Gangs or their members.

Defendant Shall Not Have Contact or Association with Co-Defendants _____

Defendant Shall Not Have Contact with Victim(s) or Family(ies) of Victim(s). The defendant shall not contact in person, by phone, or through anyone other than the defendant's probation officer or attorney any of the following persons or their families: _____

Defendant Shall Not Go to or Within _____
_____ of above named persons or their families residences or work places.

Defendant Shall Not Go to or Remain in Any of the Following Areas or neighborhoods except when physically accompanied by a police or probation officer: _____

Defendant Shall Register as a Sex Offender pursuant to section NMSA 1978 §29-11A-1, *et seq.*, as amended.

Crime stopper Donation of \$ _____.

Defendant Shall Not Possess Weapons

STEPS Program

Special Conditions of probation as Follows: while in custody defendant to enter RDAP, Moral Recognition Therapy, Inmate Literacy Program

PROBATION COSTS:

- Probation Costs shall be waived.
- Probation Costs shall be determined by the probation office based on ability to pay.
- Defendant shall pay \$ _____ per month.
- Probation costs shall be waived for any month that the defendant is paying for:
 - Treatment
 - Restitution
 - Counseling
 - Other

FEES & FINES

Defendant must pay the following:


- DWI--Alcohol/Drugs Fee of \$85. Sec. 31-12-7A
- Comprehensive Community Corrections Fee of \$75. Sec. 31-12-7B
- Controlled Substance Fee \$75. Sec. 31-12-8
- DNA Fee of \$100 and provide DNA sample as directed. Sec. 29-16-11 & Sect. 29-3-10
- Domestic Violence Fund Fee of \$5.00 Sec. 31-12-11A
- \$500 DWI 2nd Offense \$750 DWI 3rd Offense
- Victim's of Crime Reparations Fund \$75.00
- _____

PRE-SENTENCE CONFINEMENT CREDIT

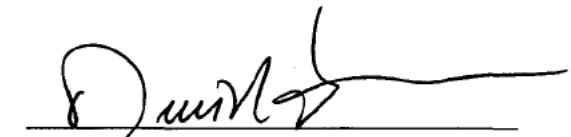
Pre-sentence confinement credit in the amount of 473 days is awarded as of this date and post-sentence confinement credit until transported to the Corrections is also awarded.

DISMISSAL OF REMAINING CHARGES

- ALL REMAINING COUNTS of CR 2016-00789 will be dismissed.



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District Judge: BRETT R. LOVELESS
 Division: III



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