

JUN 05 2018 2:00 PM

*J. Cal*  
CLERK DISTRICT COURT

STATE OF NEW MEXICO  
COUNTY OF BERNALILLO  
SECOND JUDICIAL DISTRICT COURT

STATE OF NEW MEXICO,  
Plaintiff,

CR#: 2017-398  
DA#: 2017-352-1

vs.

*Daryl Albert*  
Defendant.



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

JACQUELINE D. FLORES

THIS MATTER having come before the Honorable Jacqueline D. Flores, Judge District Court on 8 May, 20 18, for sentencing, the State appearing and being represented by Michael Brien and the Defendant appearing in person and represented by counsel of record, Christopher Knight and the Defendant having been convicted on 27 March, 20 18, 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

and is hereby sentenced to the custody of the:

- Bernalillo County Metropolitan Detention Center
- New Mexico Department of Corrections

for the following terms of imprisonment:

Case Number: [CR#]

2017-398

Case Number 2017-398	Statute Number	Class PM/MF4/ F3/F2/F1	State Tracking Number	Date Of Offense	Serious Violent Offense Y/N*	Charging Document (Circle One)	
Count Number 1	30-2-3	F3 resulting in death		17 Jan 2017	Y	Indictment Information	
Offense Name Voluntary manslaughter (ladder included)	<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)	Parole (Circle)
	Years	Months	Days			FA O H HO Y N	
	6					Years 1	Years 2
Case Number	Statute Number	Class PM/MF4/ F3/F2/F1	State Tracking Number	Date Of Offense	Serious Violent Offense Y/N*	Charging Document (Circle One)	
Count						Indictment Information	
Offense Name	<input type="checkbox"/> Conditional Discharge - STOP <input type="checkbox"/> Deferred Sentence - STOP <input type="checkbox"/> Sentence - Enter Sentence Data Below			Concurrent to Counts	Consec- utive to Counts	Enhancement Code (Circle)	Parole (Circle)
	Years	Months	Days			FA O H HO Y N	
						Years	Years
Case Number	Statute Number	Class PM/MF4/ F3/F2/F1	State Tracking Number	Date Of Offense	Serious Violent Offense Y/N*	Charging Document (Circle One)	
Count						Indictment Information	
Offense Name	<input type="checkbox"/> Conditional Discharge - STOP <input type="checkbox"/> Deferred Sentence - STOP <input type="checkbox"/> Sentence - Enter Sentence Data Below			Concurrent to Counts	Consec- utive to Counts	Enhancement Code (Circle)	Parole (Circle)
	Years	Months	Days			FA O H HO Y N	
						Years	Years

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.

Case Number: 2017 - 398

Case Number:

Case Number	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						Indictment Information	
Offense Name	<input type="checkbox"/> Conditional Discharge - STOP <input type="checkbox"/> Deferred Sentence - STOP <input type="checkbox"/> Sentence - Enter Sentence Data Below			Concurrent to Counts	Consec- utive to Counts	Enhancement Code (Circle)	Parole (Circle)
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	Years	Months	Days			F O H HO	Y N
						Years	Years
Case Number	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		[Cl. 6 Degree Offense]		[Cl. 6 DOI]		Indictment Information	
Offense Name	<input type="checkbox"/> Conditional Discharge - STOP <input type="checkbox"/> Deferred Sentence - STOP <input type="checkbox"/> Sentence - Enter Sentence Data Below			Concurrent to Counts	Consec- utive to Counts	Enhancement Code (Circle)	Parole (Circle)
	Years	Months	Days			F O H HO	Y N
						Years	Years

Enhancements: F = 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 7 years, (Seven) months, not 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

5 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 2 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 parole for 2 year(s) after release and be required to pay parole costs. (2 years for 2nd or 3rd degree felony, 1 year for 4th degree felony)

**PROBATION**

Probation. Probation term of 2 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; \_\_\_\_\_

- \_\_\_\_\_ 1<sup>st</sup> DWI 24 hours;
- \_\_\_\_\_ 2<sup>nd</sup> DWI 48 hours;
- \_\_\_\_\_ 3<sup>rd</sup> 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 \$ \_\_\_\_\_

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: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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:

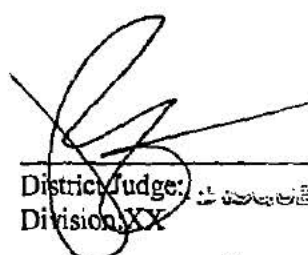
- DWI--Alcohol/Drugs Fee of \$85. Sect. 31-12-7A
- Comprehensive Community Corrections Fee of \$75. Sect. 31-12-7B
- Controlled Substance Fee \$75. Sect. 31-12-8
- DNA Fee of \$100 and provide DNA sample as directed. Sect. 29-16-11 & Sect. 29-3-10
- Domestic Violence Fund Fee of \$5.00 Sect. 31-12-11A
- Crime Victims Reparation Fee (Felony) of \$75.00 2015 Laws, ch. 10, §3
- Crime Victims Reparation Fee (Misdemeanor) of \$50.00 2015 Laws, ch. 10, §3
- \$500 DWI 2<sup>nd</sup> Offense     \$750 DWI 3<sup>rd</sup> Offense

**PRE-SENTENCE CONFINEMENT CREDIT**

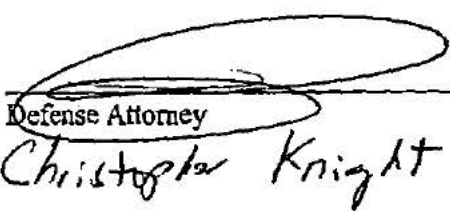
Defendant, if imprisoned at any time pursuant to the above conviction(s) shall be given credit for presentence confinement in the amount of ~~545~~ <sup>504</sup> days as of this date, and post sentence confinement credit until transported to the Department of Corrections shall also be awarded.

**DISMISSAL OF REMAINING CHARGES**

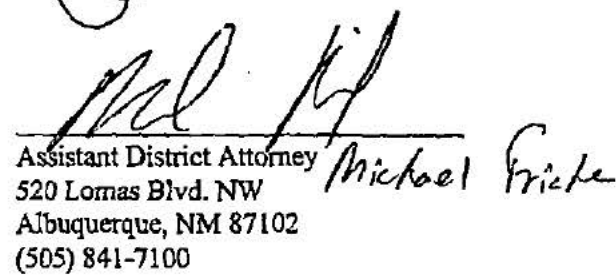
Counts 2 of CR 2017-398 will be dismissed.



District Judge: **ROSALIND D. FLORES**  
Division XX



Defense Attorney  
**Christopher Knight**



Assistant District Attorney **Michael Fricke**  
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