

STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT

FILED
FIRST JUDICIAL
DISTRICT COURT

2018 AUG -9 PM 12: 25

STATE OF NEW MEXICO,

Plaintiff,

vs.

DOMINIC FRIEDLEIN,

Defendant.

No. D-0101-CR-2017-00354

Judge T. Glenn Ellington

JUDGMENT AND ORDER PARTIALLY SUSPENDING SENTENCE

THIS MATTER came before the Court for sentencing on April 18, 2018. The State of New Mexico was represented by John Osborn, Deputy District Attorney. The Defendant was present and represented by counsel, Roderick T. Frechette.

The Defendant was convicted on December 12, 2017, pursuant to a guilty plea accepted and recorded by the Court, of the offense of Homicide by Vehicle (Driving While Under the Influence of Intoxicating Liquor or Any Drug), (7108), a special penalty second degree felony resulting in the death of a human being, contrary to §66-08-101(A), NMSA 1978, occurring on or about April 09, 2017, as charged in Count 1 of the Grand Jury Indictment, which carries a total sentence of fifteen (15) years.

The Defendant is hereby found and adjudged guilty and convicted of this crime.

IT IS THE JUDGMENT AND SENTENCE OF THE COURT that the Defendant shall serve:

Count 1: **Homicide by Vehicle (Driving While Under the Influence of Intoxicating Liquor or Any Drug)**, fifteen (15) years, of which all but three (3) years is suspended, as explained:
1) after imposing three hundred and seventy (374) days of pre-sentence confinement that Defendant

served while on Electronic Monitoring during the pendency of this case; 2) starting from April 18, 2018, Defendant shall serve an additional term of three hundred and fifty-four (354) days in Santa Fe Adult Detention Center without Earned Meritorious Deductions; 3) after which Defendant shall be placed on Electronic Monitoring for an additional three hundred and sixty-five (365) days, for a total of three (3) years, but with only three hundred and fifty-four (354) days in the confines of the Santa Fe Adult Detention Center.

IT IS THEREFORE ORDERED that the Defendant shall serve a total of three (3) years of this sentence in the custody of the Santa Fe Adult Detention Facility. In another explanation of the sentence, 1) Defendant shall be awarded pre-sentence confinement time of three hundred and seventy-four (374) days; 2) Defendant shall be ordered to serve three hundred and fifty-four (354) days while in the confines of Santa Fe Adult Detention Center, after which 3) Defendant shall be placed on Electronic Monitoring for one (1) year - for a total of three (3) years. The remainder of the Defendant's sentence, which is twelve (12) years, shall be suspended on the condition of supervised probation. Upon completion of this term of imprisonment and release from custody, which includes Electronic Monitoring, the Defendant shall be placed on supervised probation for a period of five (5) years under the supervision of the Probation and Parole Division of the New Mexico Corrections Department.

IT IS THEREFORE ORDERED that the Administrator of the Santa Fe County Detention Center take the Defendant into custody and confine him for three hundred and fifty-four (354) days beginning April 18, 2018. Defendant shall not be eligible for Earned Meritorious Deductions.

The Defendant shall receive pre-sentence confinement credit from April 10, 2017, through April 18, 2018. The Defendant shall further receive credit for such post-sentence confinement served until this Judgment and Sentence is filed.

IT IS FURTHER ORDERED that as a condition of Electronic Monitoring, the Defendant shall be placed on an appropriate level of supervision as directed by the Santa Fe Adult Detention Facility and comply with the standard conditions of Electronic Monitoring for that level of supervision and the following special conditions:

1. The Defendant shall be allowed to work during the Electronic Monitoring sentence, with a curfew of 6.30 p.m. to 6.30 a.m. The only exception to this curfew shall be to allow Defendant to participate in Community Groups if speaking and/or volunteering.

IT IS FURTHER ORDERED that, as a condition of probation, the Defendant shall be placed on an appropriate level of supervision as directed by the Probation and Parole Division of the New Mexico Corrections Department and comply with the standard conditions of probation for that level of supervision and the following special conditions:

1. The Defendant shall not consume or possess alcoholic beverages.
2. The Defendant shall not enter or frequent establishments where the primary purpose is the sale of alcohol.
3. The Defendant shall not use or possess any controlled substance except as may be prescribed to the Defendant by a licensed physician.
4. The Defendant shall not possess any weapons.

5. The Defendant shall maintain employment or enrollment in school or a combination thereof.

6. The Defendant shall not violate any of the laws or ordinances of the State of New Mexico or any county or municipality thereof or any law or ordinance of the United States or of any of the Several States, federal or of any Indian Tribe.

7. The Defendant shall comply with any other reasonable condition specified by the Probation and Parole Division of the New Mexico Corrections Department.

8. The Defendant shall submit to random urinalysis or breath tests or both.

9. The Defendant shall perform one-thousand (1000) hours of community service.

10. The Defendant shall continue with Counseling and Treatment.

11. The Defendant shall participate in and complete an alcohol or substance abuse screening program and, if necessary, successfully complete alcohol or substance abuse counseling.

12. The Defendant shall participate in Teen Court as part of Community Service.

13. The Defendant shall pay restitution according to a restitution plan which shall be developed by and paid through the Probation and Parole Division of the New Mexico Corrections Department in cooperation with the Defendant and paid through the Clerk of the District Court, which shall be disbursed by the Clerk of the District Court.

12. The Defendant shall attend and successfully complete a Victim Impact Panel and pay all fees in connection with the Victim Impact Panel. Defendant shall also speak at Victim Impact Panels as part of community service.

13. The Defendant shall participate in Youth Groups as part of Community Service.

14. Defendant shall install and maintain an ignition interlock device on any vehicle he drives.

15. If there are no violations after three (3) years, Defendant's probation may transfer to unsupervised probation.

IT IS FURTHER ORDERED that the remaining counts of the Grand Jury Indictment are dismissed pursuant to the Plea and Disposition Agreement.

IT IS FURTHER ORDERED that the Defendant shall pay a \$5.00 Domestic Violence Treatment Fee.

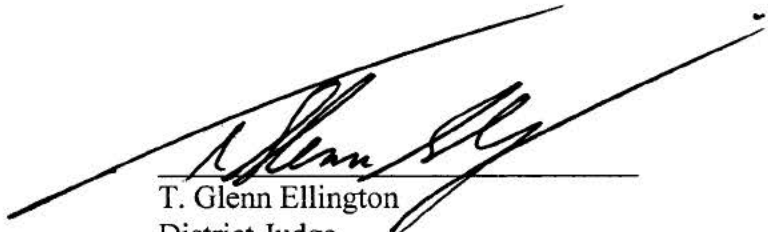
IT IS FURTHER ORDERED that the Defendant shall provide a sample of biological material sufficient for DNA testing and shall pay a fee of \$100.00 for the combined DNA Index System (CODIS) to the Probation and Parole Division of the New Mexico Corrections Department, pursuant to the DNA Identification Act, §29-16-1 et seq., NMSA 1978.

IT IS FURTHER ORDERED that the Defendant shall pay a \$75 fee, for each felony count in this Judgment and Sentence, to assist in funding the New Mexico Crime Victims' Reparation Commission, for a total of \$75, pursuant to NMSA § 31-12-13(A)(1).

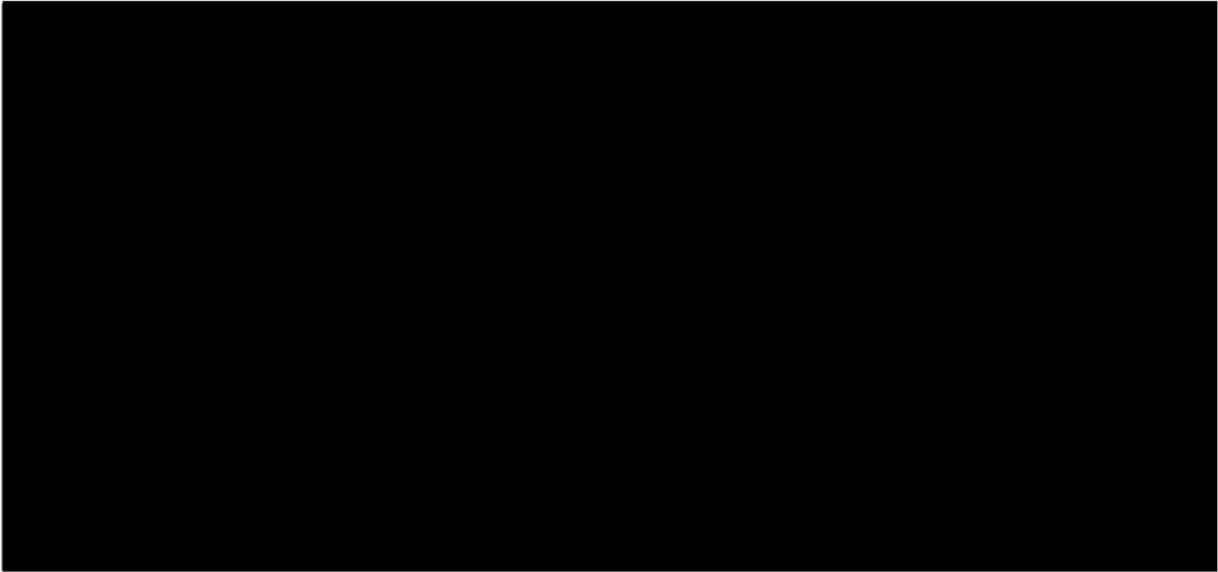
IT IS FURTHER ORDERED that the Defendant shall pay an \$85 fee to defray the costs of chemical and other tests and \$75 fee to fund comprehensive community programs for the prevention of DWI and other traffic safety programs, pursuant to NMSA § 31-12-7.

IT IS FURTHER ORDERED that the Defendant is forever prohibited from owning a firearm.

The Defendant is advised by the Court of Defendant's right to appeal the judgment and order of this Court. If the Defendant is unable to pay the costs of an appeal, the Defendant has a right to proceed with an appeal at the State's expense and at no cost to Defendant. Further, if any appeal is to be taken, it must be filed within thirty (30) days of the date of the filing of this Judgment and Sentence.



T. Glenn Ellington
District Judge



SUBMITTED & APPROVED BY:



Johnn Osborn
Deputy District Attorney
PO Box 2041
Santa Fe, NM 87504
505-827-5000

APPROVED BY:

Via telephone 8/3/18

Roderick T. Frechette
Defense Counsel

SF 17-0838

