

THIRTEENTH JUDICIAL DISTRICT COURT  
COUNTY OF SANDOVAL  
STATE OF NEW MEXICO

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DISTRICT COURT CLERK

PM

2019 SEP 19 PM 1:39

STATE OF NEW MEXICO,

Plaintiff,

vs.

NO: D-1329-CR-201700170  
DA# SV 17 0637(A)2  
STATE #: Not Available

JACOB CASE JOHNSON



Defendant.

Defendant Address:  
949 N. Highway 313,  
Bernalillo, NM, 87004

- AMENDED JUDGMENT, SENTENCE, AND COMMITMENT
- JUDGMENT, SENTENCE, AND ORDER PARTIALLY SUSPENDING SENTENCE
- JUDGMENT, SENTENCE, AND ORDER SUSPENDING SENTENCE
- CONDITIONAL DISCHARGE
- ORDER DEFERRING SENTENCE

THIS MATTER having come before the Honorable **Cindy M. Mercer**, District Court Judge on May 10, 2019 for sentencing, the State appearing and being represented by Assistant District Attorney **Ashley Raymore-Cloud** and the Defendant appearing in person and represented by counsel of record, **Marie Legrand Miller**, and the Defendant having been convicted on March 8, 2019 of the following crimes pursuant to:

- Guilty Plea(s)       Guilty Plea Pursuant to North Carolina v. Alford
- No Contest Plea(s)       Verdict(s)      is hereby sentenced as follows:

to the custody of the:

- Sandoval County Detention Center       New Mexico Corrections Department
- [not appropriate for cases where conditional discharge is authorized or sentence is deferred]

for the following terms of imprisonment:

Case Number D-1329-CR-201700170	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 1 (Lesser Included)	§ 30-2-1(B)	F2		05-04-17	Y	<u>Indictment</u> Information	
Offense Name Murder in the Second Degree	<input type="checkbox"/> Conditional Discharge -STOP <input type="checkbox"/> Deferred Sentence - STOP <input checked="" type="checkbox"/> Sentence - Enter Sentence Data Below			Concurrently to Counts(s)	Consecu- tively to Count(s)	Enhancement Code (Circle) F O H HO	Parole (Circle) Y N
	Years	Months	Days				
	15						
						Years	Years 2
Case Number D-1329-CR-201700170	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 2	§ 30-2-1(A) & 30-2B-2	F2		05-04-17	N	<u>Indictment</u> Information	
Offense Name Conspiracy to Commit Murder in the First Degree	<input type="checkbox"/> Conditional Discharge -STOP <input type="checkbox"/> Deferred Sentence - STOP <input checked="" type="checkbox"/> Sentence - Enter Sentence Data Below			Concurrently to Counts(s)	Consecu- tively to Count(s) 1	Enhancement Code (Circle) F O H HO	Parole (Circle) Y N
	Years	Months	Days				
	9						
						Years	Years
Case Number D-1329-CR-201700170	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		05-04-17	N	<u>Indictment</u> 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			Concurrently to Counts(s)	Consecu- tively to Count(s) 2	Enhancement Code (Circle) F O H HO	Parole (Circle) Y N
	Years	Months	Days				
	3						
						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.

Case Number <b>D-1329-CR-201700170</b>	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 4	§ 30-22-5	F3		05-04-17	N	<b>Indictment</b> 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			Concurrently to Counts(s)	Consecu- tively to Count(s)	Enhancement Code (Circle) F O H HO	Parole (Circle) Y N
	Years	Months	Days				
	3						
3					3	Years	Years
Case Number <b>D-1329-CR-201700170</b>	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	§ 30-22-5	F3		05-04-17	N	<b>Indictment</b> 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			Concurrently to Count(s)	Consecu- tively to Count(s)	Enhancement Code (Circle) F O H HO	Parole (Circle) Y N
	Years	Months	Days				
	3						
3					4	Years	Years
Case Number <b>D-1329-CR-201700170</b>	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 1	§ 30-22-5	F3		05-04-17	N	<b>Indictment</b> <b>Information</b>	
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			Concurrently to Counts(s)	Consecu- tively to Count(s)	Enhancement Code (Circle) F O H HO	Parole (Circle) Y N
	Years	Months	Days				
	3						
3					5	Years	Years

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

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Case Number <b>D-1329-CR-201700170</b>	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 2	§ 30-22-5	F3		05-04-17	N	Indictment <u>Information</u>
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			Concurrently to Count(s)	Consecu- tively to Count(s)	Enhancement Code (Circle) F O H HO Parole (Circle) Y N
	Years	Months	Days			
	3				1	Years Years
Case Number <b>D-1329-CR-201700170</b>	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		05-04-17	N	Indictment <u>Information</u>
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			Concurrently to Count(s)	Consecu- tively to Count(s)	Enhancement Code (Circle) F O H HO Parole (Circle) Y N
	Years	Months	Days			
	3				2	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	§					Indictment Information
Offense Name	<input type="checkbox"/> Conditional Discharge -STOP <input type="checkbox"/> Deferred Sentence - STOP <input type="checkbox"/> Sentence - Enter Sentence Data Below			Concurrently to Count(s)	Consecu- tively to Count(s)	Enhancement Code (Circle) F O H HO Parole (Circle) Y N
	Years	Months	Days			
						Years Years

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

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**Total: 42 years with:**

**Aggravation/Mitigation.** The sentence for ALL COUNTS is:  Aggravated  Mitigated for 14 years.

**Enumeration of Discretionary Special Violent Offender Findings.** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Total Term.**

The total term of imprisonment to be served is: 28 years \_\_\_\_\_ months \_\_\_\_\_ days of which:

**Suspended Sentence:** \_\_\_\_\_ years \_\_\_\_\_ months \_\_\_\_\_ days of aforesaid sentence is suspended in its entirety.

**Partially Suspended Sentence:** \_\_\_\_\_ years \_\_\_\_\_ months \_\_\_\_\_ days of aforesaid sentence is suspended;

and the remaining

**Actual Term:** 28 years \_\_\_\_\_ months \_\_\_\_\_ days of the aforesaid term shall be the actual term of imprisonment to be served:

**Consecutively** to the sentence imposed in Case Number \_\_\_\_\_

**Concurrently** to the sentence imposed in Case Number \_\_\_\_\_

**Sentence of imprisonment** may be served in the Sandoval County Detention Center:

- Straight Time                       Subject to Good Time
- CCP Authorized                       CCP Ordered

**RDAP** is recommended, along with any other substance abuse treatment and mental health counseling deemed appropriate by the Department of Corrections.

**Education** It is recommended that Defendant be housed in Department of Corrections facilities that will allow him the best opportunities to continue his formal education.

**Restitution.** See probation section for details. The court authorizes the Department Of Corrections through its case workers to withhold \_\_\_\_\_% of inmates income while incarcerated.

**Pre-sentence Confinement Credit.** Pre-sentence confinement credit in the amount of 749 days is awarded as of this date and post-sentence confinement credit until transported to the Department of Corrections shall also be awarded.

**Parole.** Defendant, if imprisoned at any time pursuant to the above conviction in a facility designated by the Department of Corrections shall be placed on parole for 2 year(s) after release and be required to pay parole costs. (1 year for F4; 2 years for F3, F2 and F1).

**Deferred Sentence.**

It is ordered that imposition of sentence be deferred for \_\_\_\_\_ years \_\_\_\_\_ months \_\_\_\_\_ days on condition that the Defendant be placed on probation.

**Conditional Discharge.** It is hereby ordered that, without adjudication of guilt, further proceedings be deferred for \_\_\_\_\_ years \_\_\_\_\_ months \_\_\_\_\_ days, pursuant to

NMSA §31-20-13 (cum. Supp. 1996), **OR**

NMSA §30-31-28 (cum. Supp. 1996) (Controlled Substances Act) and the Defendant be placed on probation.

**Probation.** Defendant is placed on  **Supervised**  **Unsupervised** probation for a term of:

\_\_\_\_\_ years \_\_\_\_\_ months \_\_\_\_\_ days.  Probation officer may request early termination of probation if appropriate.

Probation may be transferred to  \_\_\_\_\_ County, New Mexico.

the State(s) of \_\_\_\_\_.

**No Probation.** Sentence mitigated without further condition.

**FEES AND FINES:**

Defendant must pay the following:

For Any Offense:

\$5 Domestic Violence Treatment Fee

For Any Felony:

\$100 DNA Identity Fee  Provide DNA sample by \_\_\_\_\_

For Felony or Misdemeanor DWI:

\$65 DWI Lab fee

\$76 DWI Prevention Fee

FINE of \$ \_\_\_\_\_

Misdemeanor DWI Mandatory Traffic Fees:

\$20 Corrections Fee

\$10 Court Automation Fee

\$8 Traffic safety fee

\$2 Judicial Education Fee

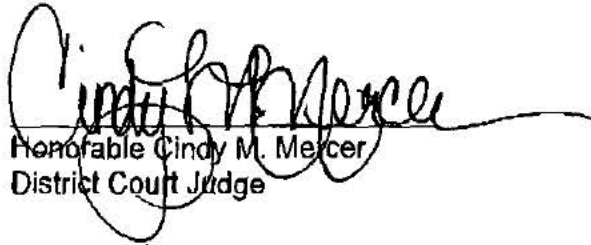
\$6 Brain Injury Fee

\$10 Court Facilities Fee


Controlled Substances Act 30-31-1:

\$76 Crime Drug Lab Fee

**DISMISSAL OF REMAINING CHARGES: Pursuant to the Plea and Disposition Agreement, the balance of D-1329-CR-2017-00170 is hereby dismissed.**

  
Honorable Cindy M. Mercer  
District Court Judge

NOTED, and ALL OBJECTIONS PRESERVED:

  
Ashley Reymore-Cloud  
Counsel for The State of New Mexico  
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Approved via e-mail on 08/07/19  
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