

THIRTEENTH JUDICIAL DISTRICT COURT
STATE OF NEW MEXICO
COUNTY OF SANDOVAL

FILED IN MY OFFICE
DISTRICT COURT CLERK
2017 APR 21 AM 9:45
CHRISTAL R BRADFORD

STATE OF NEW MEXICO,
Plaintiff,
vs

BY _____ DEPUTY
No D1329CR 2017 - 155
DA# SV 17 0590
Judge: Judge McDonald

JOSEPH GABRIEL VARGAS,
aka Joseph Vargas
Defendant



CHARGES Second Degree Murder, Aggravated Battery (Great Bodily Harm) or in the Alternative Aggravated Battery (Deadly Weapon), Tampering with Evidence (Capital Crime or First or Second Degree Felony), Tampering with Evidence (Capital Crime or First or Second Degree Felony), Tampering with Evidence (Capital Crime or First or Second Degree Felony), Tampering with Evidence (Capital Crime or First or Second Degree Felony)

GRAND JURY INDICTMENT

THE GRAND JURY CHARGES

**Count 1
Second Degree Murder, (0004)**

On or about March 31, 2017, the above-named defendant did murder Kenneth Torres, and acted without sufficient provocation, and knew that his acts created a strong probability of death or great bodily harm, a second degree felony resulting in the death of a human being, contrary to §30-2-1(B), NMSA 1978

**Count 2
Aggravated Battery (Great Bodily Harm), (0071)**

On or about March 31, 2017, the above-named defendant did touch or apply force to Julian Torres, intending to injure that person or another, and caused great bodily harm to Julian Torres, a third degree felony, contrary to §30-03-05(A) & (C), NMSA 1978

Or in the Alternative

Count 2

Aggravated Battery (Deadly Weapon), (0070)

On or about March 31, 2017, the above-named defendant did touch or apply force to Julian Torres, with a knife, a deadly weapon, and the defendant intended to injure Julian Torres or another, a third degree felony, contrary to §30-3-5(A) & (C), NMSA 1978

Count 3

Tampering with Evidence (Capital Crime or First or Second Degree Felony), (4230)

On or about March 31, 2017 above-named defendant did destroy, hide, or place a knife with the intent to prevent the apprehension, prosecution or conviction of himself and the highest crime was a capital crime or a first or second degree felony, a third degree felony, contrary to §30-22-5, NMSA 1978

Count 4

Tampering with Evidence (Capital Crime or First or Second Degree Felony), (4230)

On or about March 31, 2017 above-named defendant did destroy, hide, or place a 9mm handgun with the intent to prevent the apprehension, prosecution or conviction of himself and the highest crime was a capital crime or a first or second degree felony, a third degree felony, contrary to §30-22-5, NMSA 1978

Count 5

Tampering with Evidence (Capital Crime or First or Second Degree Felony), (4230)

On or about March 31, 2017 above-named defendant did hide or place a silver 2004 Cadillac with the intent to prevent the apprehension, prosecution or conviction of himself and the highest crime was a capital crime or a first or second degree felony, a third degree felony, contrary to §30-22-5, NMSA 1978

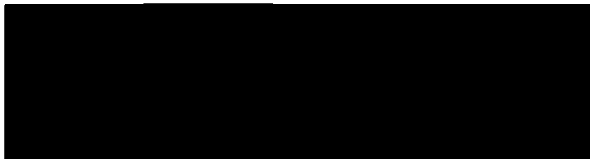
Count 6

Tampering with Evidence (Capital Crime or First or Second Degree Felony), (4230)

On or about March 31, 2017 above-named defendant did destroy or change the interior of a silver 2004 Cadillac with the intent to prevent the apprehension, prosecution or conviction of himself and the highest crime was a capital crime or a first or second degree felony, a third degree felony, contrary to §30-22-5, NMSA 1978

The names of the witnesses upon whose testimony this Indictment is based are
Brian Rees, Gregory Herrera, Carlos Railey, and Shawn Ginn

I hereby certify that the foregoing instrument is a True Bill as to the counts listed above



20 April 2017
DATE

APPROVED
LEMUEL L. MARTINEZ
DISTRICT ATTORNEY

By Sonya Duke for

Andoni Garrote,
Assistant District Attorney
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