

THIRTEENTH JUDICIAL DISTRICT COURT
COUNTY OF SANDOVAL
STATE OF NEW MEXICO

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DISTRICT COURT CLERK

2018 MAY 23 PM 2:25

CHRISTAL R. BRADFORD

CR No. D-1329-CR-201700155
DA File No. SV-17-0590 DEPUTY

STATE OF NEW MEXICO,
Plaintiff,
vs.

JOSEPH GABRIEL VARGAS,
[REDACTED]
[REDACTED]
Defendant.

- ☐ JUDGMENT, SENTENCE, AND COMMITMENT (SCDC)
- ☐ JUDGMENT, SENTENCE, AND COMMITMENT (DOC)
- ☒ 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 GEORGE P. EICHWALD, District Court Judge, on May 23rd, 2018, for sentencing, the State appearing and being represented by ANDONI GARROTE and the Defendant appearing in person and represented by counsel of record, STEPHEN TAYLOR, and the Defendant having been convicted on May 23rd, 2018, of the following crimes pursuant to:

- ☒ Guilty Plea(s)
- ☐ Guilty Plea Pursuant to North Carolina v. Alford
- ☐ No Contest Plea(s)
- ☐ Verdict(s),

and is hereby sentenced to the custody of the:

- ☐ Sandoval County Detention Center
- ☒ New Mexico Department of Corrections

for the following terms of imprisonment:

Case Number D-1329-CR-201700155	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 ONE	§30-2-1(B)	F2		March 31, 2017	<u>Y</u> /N	Indictment Information	
Offense Name SECOND DEGREE MURDER [0004]	<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) F O H HO	Parole (Circle) <u>Y</u> N
	Years	Months	Days				
	15						
				2		Years	Years 2

Case Number D-1329-CR-201700155	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 TWO	§30-3-5(C)	F3		March 31, 2017	<u>Y</u> /N	Indictment Information	
Offense Name AGGRAVATED BATTERY (GREAT BODILY HARM) [0071]	<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) F O H HO	Parole (Circle) <u>Y</u> N
	Years	Months	Days				
	3						
				1		Years	Years 2

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					Y / N	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) F O H HO	Parole (Circle) Y N
	Years	Months	Days				

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.

☐ **Aggravation/Mitigation.** The sentence for count(s) _____ is ☐ Aggravated ☐ Mitigated for _____ years.

☐ **Enumeration of Discretionary Special Violent Offender Findings.** _____

☒ **Total Sentence.** 15 years, _____ months, _____ days.

☒ **Suspended Sentence.** 7 years, _____ months, _____ days of this sentence is suspended.

☒ **Actual Term.** The actual term to be served is: 8 years, _____ months, _____ days imprisonment.

☐ Consecutive to the sentence imposed in Case Number _____.

☐ Concurrent to the sentence imposed in Case Number _____.

☐ **Community Custody Program (CCP).** Confinement in CCP for a term of _____ months, _____ days is:

☐ Not Authorized

☐ Authorized

☐ Ordered

☒ **Presentence 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 413 days as of this date, and postsentence confinement credit until transported to the Department of Corrections shall also be awarded.

☒ **Parole.** Defendant, if imprisoned at any time in the New Mexico Department of Corrections, shall be placed on parole for 2 year(s) after release and be required to pay parole costs.

☐ **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)

☒ **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:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Alcohol/Substance Abuse Treatment | <input type="checkbox"/> Anger/Conflict Management |
| <input type="checkbox"/> Domestic Violence Counseling | <input type="checkbox"/> Victim Impact Program. |
| <input type="checkbox"/> DWI First Offenders Program | |

☒ **Alcohol Screening is Ordered** [§66-08-102(e) & (k)]

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

☐ **Defendant Shall Pay Restitution**

☐ in the amount of \$ _____

OR

☐ As determined by the probation authorities

☐ **Defendant Shall Perform _____ Hours of 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 Have No Contact with the Co-Defendants.**

☒ **Defendant Shall Not Possess Weapons**

☐ **The Court Recommends Therapeutic Communities** while the Defendant is incarcerated in the NM Department of Corrections.

☒ **Terms and Conditions of Probation are Left to the Discretion of the Probation Department.**

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

☒ **Random Urinalysis**

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

☐ **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 Not Drive Without a Valid New Mexico Driver's License.**

☐ **Defendant Shall Not Drive Without an Ignition Interlock Device.**

☐ **STEPS Program.**

☐ **Defendant Must Report to the Probation Department** within _____ hours/days of sentencing.

Special Conditions of probation as follows: _____

PROBATION COSTS:

- ☒ Probation Costs shall be waived. *for initial 2 years*
- ☐ Defendant shall pay \$ _____ per month.
- ☐ Probation Costs shall be paid in an amount to be determined by probation authorities.

Probation costs shall be waived for any month that the defendant is paying for:

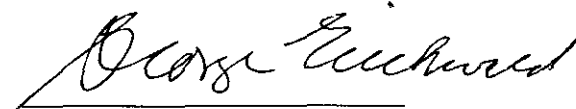
- ☐ Treatment
- ☐ Restitution
- ☐ Counseling
- ☐ Education
- ☐ Other: _____

FEES:

Defendant must pay the following:

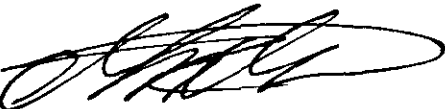
- ☒ Crime Victim's Reparation Fee of \$75.
- ☐ DWI Lab Fee of \$85.
- ☒ Crime Lab Drug Fee of \$75.
- ☒ DNA Fee of \$100 and provide sample as directed.
- ☐ Domestic Violence Fee of \$5.
- ☐ Crimestoppers Donation of \$ _____.
- ☐ _____

☒ **DISMISSAL OF REMAINING CHARGES:** Pursuant to the Plea and Disposition Agreement, the remainder of counts of D-1329-CR-201700155 are hereby dismissed.




GEORGE P. EICHWALD
District Court Judge

APPROVED:



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