

STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT

FILED
FIRST JUDICIAL
DISTRICT COURT
2019 APR 25 AM 8:25
MM

STATE OF NEW MEXICO,

Plaintiff,

vs.

KASEY D. WEAVER,

Defendant.

No. D-0101-CR-2017-00480

Judge Mary Marlowe Sommer

JUDGMENT AND SENTENCE AND ORDER TO TRANSPORT

THIS MATTER came before the Court for sentencing on April 10, 2019. The State of New Mexico was represented by Blake F. Nichols and Todd J. Bullion, Deputy District Attorneys. Defendant was present and represented by counsel, Jennifer J. Burrill.

Defendant was convicted on November 19, 2018, pursuant to a jury finding of guilt 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 second degree felony resulting in the death of a human being, contrary to §66-08-101(A), NMSA 1978, occurring on or about April 16, 2017, as charged in Count 1 of the Grand Jury Indictment.

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

IT IS THE JUDGMENT AND SENTENCE OF THE COURT that Defendant be committed to the custody of the New Mexico Corrections Department where Defendant shall serve:

Count 1: **Homicide by Vehicle (Driving While Under the Influence of Intoxicating Liquor or Any Drug)**, a term of fifteen (15) years, followed by two (2) years parole.

IT IS FURTHER ORDERED that Defendant shall serve eight (8) years in the custody of the New Mexico Corrections Department, less presentence confinement credit outlined below.

Following this period of incarceration with the New Mexico Corrections Department, the balance of seven (7) years shall be suspended and served on five (5) years of supervised probation under the supervision of the Probation and Parole Division of the New Mexico Corrections Department. This period of probation shall be served concurrently to Defendant's two (2) years of parole.

IT IS FURTHER ORDERED that Defendant shall receive presentence confinement credit of 643 days as follows: 1 day of incarceration from date of initial arrest on April 16, 2017 until release on interim conditions of release set by Santa Fe Magistrate Court on April 17, 23017; 500 days on Electronic Monitoring from date of arraignment in District Court on July 7, 2017, until remand into custody following guilty verdict on November 19, 2018; 142 days from remand into custody following guilty verdict on November 19, 2018, until date of final sentencing on April 10, 2019.

IT IS FURTHER ORDERED that, while in the custody of the New Mexico Corrections Department, Defendant shall comply with psychiatric treatment and medication management.

IT IS FURTHER ORDERED that, while in the custody of the New Mexico Corrections Department, Defendant shall participate in and complete the Residential Drug Abuse Treatment Program.

IT IS FURTHER ORDERED that Defendant shall pay a \$85.00 DWI Laboratory Fee and a \$75.00 DWI Prevention Fee, pursuant to §31-12-7, NMSA 1978.


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

IT IS FURTHER ORDERED that, as to Count 1, Defendant shall pay a \$20.00 Corrections Fee, a \$10.00 Court Automation Fee, a \$3.00 Traffic Safety Fee, a \$3.00 Judicial Education Fee, a \$5.00 Jury and Witness Fee, a \$1.00 Juvenile Adjudication Fee, \$5.00 Brain Injury Services Fee, a \$10.00 Court Facilities Fee and a \$4.00 Magistrate Courts Operations Fee for a total of \$61.00, pursuant to §66-8-116.3, NMSA 1978.

IT IS FURTHER ORDERED that 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 Santa Fe County Sheriff's Department is hereby commanded to take the above-named Defendant into custody and deliver her, together with this commitment, to the custody of the Western New Mexico Correctional Facility in Grants, New Mexico, which is commanded to receive her and keep her for the above period of time.

Defendant is advised by the Court of Defendant's right to appeal the judgment and order of this Court. If Defendant is unable to pay the costs of an appeal, 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.



Mary Marlowe Sommer
District Judge



SUBMITTED & APPROVED BY:

Blake F. Nichols
Deputy District Attorney
327 Sandoval Street
Santa Fe, NM 87501

APPROVED BY:

Approved via email 4-22-2019

Jennifer J. Burrill
Defense Counsel

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