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THIRTEENTH JUDICIAL DISTRICT COURT  
STATE OF NEW MEXICO  
COUNTY OF SANDOVAL

2018 FEB -1 PM 4:40

CHRISTAL R. BRADY

STATE OF NEW MEXICO,  
Plaintiff,  
vs.

BY DEPUTY  
No.: 01329 CR 2018 63  
DA#: SV 17 2539  
Judge:

**KIMSEY D BARBOAN,**  
Defendant.

Judge McDonald



**CHARGES: Second Degree Murder, Tampering with Evidence (Capital Crime or First or Second Degree Felony), Unlawful Taking of a Motor Vehicle, Driving While Under the Influence of Intoxicating Liquor or Drugs, Driving While License Revoked -DWI Related, Open Container (Possession)**

**GRAND JURY INDICTMENT**

THE GRAND JURY CHARGES:

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

On or about December 16, 2017, in Sandoval County, New Mexico, the above-named defendant did murder Anthony Martinez, and acted without sufficient provocation, and he 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  
Unlawful Taking of a Motor Vehicle (5140)**

On or about December 16, 2017, in Sandoval County, New Mexico, the above-named defendant did take a motor vehicle intentionally and without consent of the owner, Anthony Martinez, a Fourth Degree felony, contrary to Section 30-16D-1, NMSA 1978.

**Count 3  
Tampering with Evidence (Capital Crime or First or Second Degree Felony), (4230)**

On or about December 16, 2017, the above-named defendant did hide or place a baseball bat

with the intent to prevent the apprehension, prosecution or conviction of himself, and the highest crime was a capital crime, a first or second degree felony, a third degree felony, contrary to Section 30-22-5, NMSA 1978.

**Count 4**

**Driving While Under the Influence of Intoxicating Liquor or Drugs, (4197)**

On or about December 16, 2017, the above-named defendant operated a motor vehicle under the influence of intoxicating liquor or drugs and the defendant refused to submit to chemical testing, a Motor Vehicle Code misdemeanor, contrary to NMSA 1978, Section 66-8-102(D)(3) (2016).

**Count 5**

**Driving While License Revoked -DWI Related, (6526)**

On or about December 16, 2017, the above-named defendant did drive a motor vehicle on a public highway of this state at a time when the person's privilege to do so was revoked and knew or should have known that the person's license was revoked, and such revocation was due to a charge of Driving While Under the Influence or a violation of the Implied Consent Act, a misdemeanor, contrary to Section 66-5-39.1, NMSA 1978.

**Count 6**


**Open Container (Possession), (1224)**

On or about December 16, 2017, the above-named defendant did knowingly have an alcoholic beverage in his possession on his person, while in a motor vehicle upon any public highway within this state, a penalty assessment misdemeanor, contrary to Section 66-8-138 and Section 66-8-139, NMSA 1978.

The names of the witnesses upon whose testimony this Indictment is based are:

Marcus Lopez, Darrell Blackhorse and Robert Strand

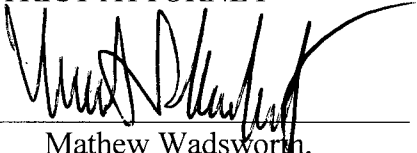
I hereby certify that the foregoing instrument is a TRUE Bill as to the counts listed above.

  
2-1-18

DATE

APPROVED:  
LEMUEL L. MARTINEZ  
DISTRICT ATTORNEY

By: \_\_\_\_\_

A handwritten signature in black ink, appearing to read 'Mathew Wadsworth', written over a horizontal line.

Mathew Wadsworth,  
Assistant District Attorney  
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